

FROM THE CHIEF

Tim Armstead

Chief Justice
The West Virginia Supreme Court



WE NEED YOU TO BE GUARDIANS AD LITEM

Over the past decade, West Virginia has experienced an exponential increase in the number of child abuse and neglect cases. Concurrently, there has been an alarming decrease in the number of attorneys performing guardian ad litem (GAL) services in child abuse and neglect cases. Since joining the Supreme Court of Appeals of West Virginia, I, along with several judges and court staff, have been dedicated to exploring solutions to this critical issue. As the current chief justice, I am asking all practicing attorneys to join me in this commitment.

There are approximately 165 attorneys in our state who are trained and permitted to accept appointments as GALs or respondent parent attorneys. This number is a significant decrease from more than 400 attorneys just a few years ago. This total represents less than 4% of the 4,464 active attorneys in West

Virginia. Because of their other caseload, the 165 attorneys who do this type of work accept varying numbers of abuse and neglect appointments.

At the same time, the number of children entering the foster care system is increasing. Preliminary court data indicates that in 2023 there were nearly 5,300 new abuse and neglect petitions filed in West Virginia. These cases are increasingly complex and take more time from the limited pool of available attorneys.

In addition, at a minimum, abuse and neglect cases require two appointed attorneys: one to represent the child and one to represent a respondent parent. However, many cases involve more than one respondent parent. Because each parent is afforded individual representation, the shortage of qualified attorneys is compounded.

With the support of the Supreme Court of Appeals of West Virginia

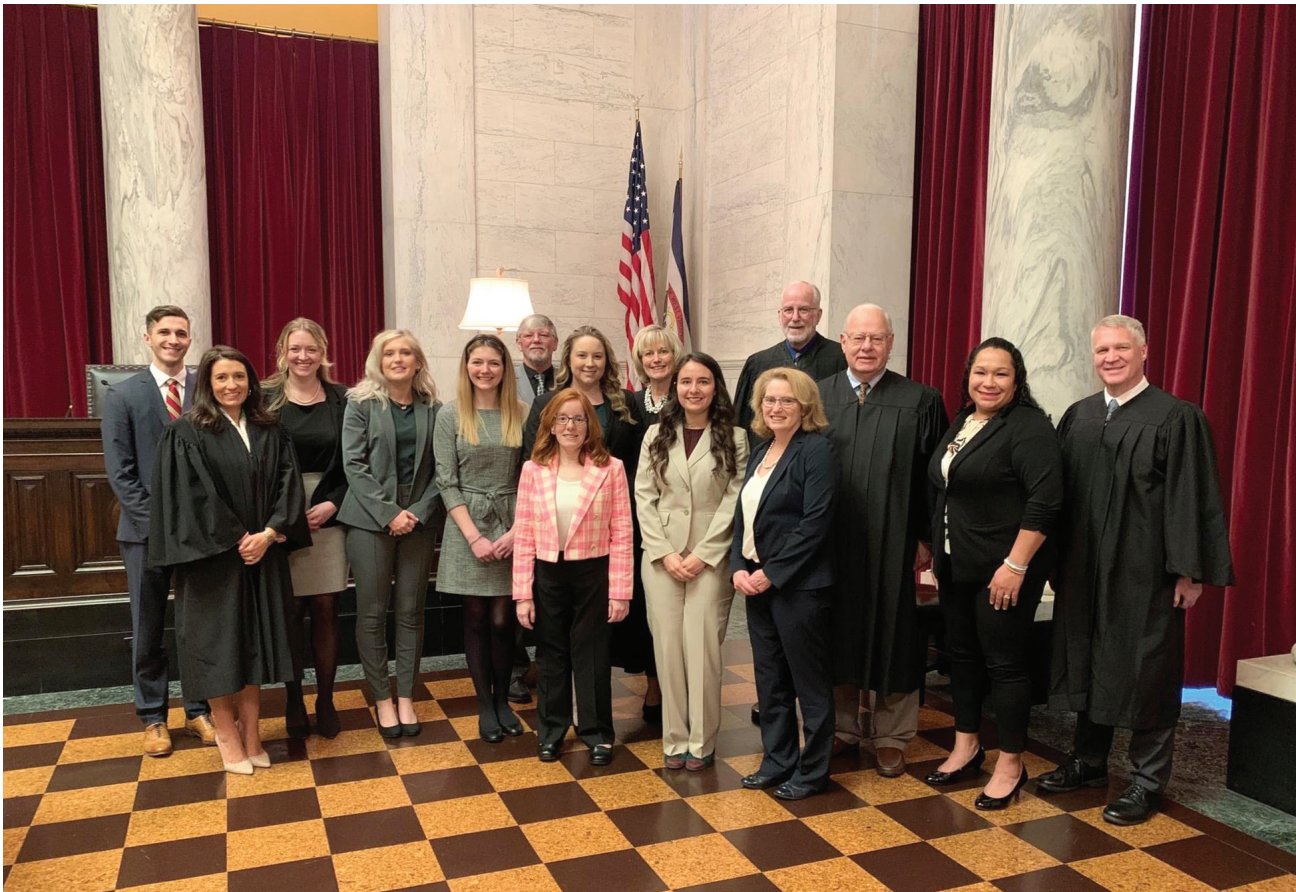
(Supreme Court), the West Virginia Court Improvement Program (CIP)¹ Board has been working to attract and retain more qualified and trained guardians ad litem.

The Supreme Court offers free virtual training to become a GAL.² This eight-hour training is required for an attorney to be placed on the Child Abuse and Neglect Register. The training is approved for CLE credits. After being placed on the register, a GAL can accept appointments from a circuit judge.

In addition, the CIP offers free monthly virtual lunch-and-learn opportunities that provide CLE credits. The topics are relevant to the issues that child abuse and neglect attorneys encounter in their work. The CIP also facilitates in-person meetings with circuit court judges and stakeholders to discuss and resolve local challenges and issues.

Court staff from the Division of

THE WEST VIRGINIA SUPREME COURT



As a part of the “Child Protection and the Law” class offered at the WVU College of Law, students visited the West Virginia Supreme Court.

Children’s Services support the CIP and maintain open communication with stakeholders and other branches of government to address this statewide challenge. As chief justice, I am committed to addressing the need to attract and retain attorneys who are willing to serve as GALs.

In response to this urgent need, I have been engaged in discussions in the past few months with circuit court judges, practicing GALs and representatives from the State Bar, the WVU College of Law, Public Defender Services, the West Virginia Legislature and staff of the Division of Children’s Services. These discussions have resulted in several productive and creative recommendations to encourage attorneys to serve as GALs and to provide increased accountability and systemic improvements. These discussions and the development of proactive initiatives will continue through 2024.

The CIP, in conjunction with attorneys Teresa Lyons and Kristen Antolini, have developed a strong partnership with the College of Law to train the next generation of attorneys who are prepared to accept child abuse and neglect appointments immediately upon becoming

members of the State Bar. A spring semester externship allows three law students to observe child abuse and neglect court hearings and to accompany Ms. Lyons and Ms. Antolini on visits to homes, foster care placements and juvenile facilities. The externs also assist in drafting briefs and attend treatment team meetings.

During the spring college semester, the CIP funds a three-hour course on “Child Protection and the Law,” which focuses on court proceedings, statutes, rules and case law. Ms. Lyons teaches the class. The class has been offered for more than a decade, and 21 students are enrolled in the course this semester.

“To be able to spend 100 hours working with judges, lawyers, respondents and respondent attorneys really has been the experience of a lifetime,” 2023 extern Carrie Miller said in an interview for a CIP video promoting the externship. “It showed me how amazing the system can be when you have passionate, committed advocates who are advocating for these children.”

Each fall, the CIP also holds a seminar at the law school regarding abuse and neglect practice. A panel of



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professionals, including a circuit court judge, a prosecuting attorney and appointed attorneys, speak with law students about entering this field of work. Last fall, more than 70 students attended, making it one of the largest student events of the year.

Work related to advocacy in abuse and neglect cases is challenging and emotionally demanding. However, attorneys who practice child abuse and neglect law also often report it is extremely rewarding.

“This is absolutely my favorite part of my law practice. Being able to help the kids and the parents is the most rewarding thing I get to do,” said Huntington attorney Sara Chapman, who was interviewed as part of a CIP project. “We get to be a part of helping families. It’s such important work.”

Ms. Chapman said being a GAL and respondent attorney has also given her a lot of courtroom experience, which she thinks has made her a better attorney.

“The content of what you are dealing with sometimes

is hard but seeing the children is always the bright spot of my day,” she said.

The Supreme Court and CIP are constantly exploring ways to encourage attorneys to become involved in these important matters, and I invite your input and suggestions.

As advocates and leaders within your communities, I encourage you, as members of the State Bar, to obtain the training and accept appointments to assist in addressing the child welfare crisis that is impacting our state and judiciary. With your help, at the end of my term as chief justice, I hope we can see a significant increase in the number of active attorneys registered as GALs. **WV**

Endnotes

1. The CIP is supported by federal grant funds from the Department of Health and Human Services and the Administration for Children and Families.
2. Contact Stacie Mullins (Stacie.Mullins@courtswv.gov) or Kandi Greter (Kandi.Greter@courtswv.gov) with the Supreme Court’s Division of Children’s Services for more information regarding the GAL training.