

DPA Thoughts on DPA Involvement in GAL Reform

Possible Pros:

- Established statewide provider of legal services with client-centered focus.
- Existing Conflict and Contracts Division could be expanded to integrate private attorney conflict cases with non-defender appointments.

Possible Cons:

- Conflicts of interest, both locally and systematic.
- Starvation of two systems (indigent defense and GAL) if not adequately funded or managed.

Conditions Necessary for Success:

- Adequate funding to address all needs: Legal services, Programmatic, Administrative, Case Management, Training.
- Clear statutory definition of DPA's role and the Executive Branch interplay with Judicial Branch.

Open Questions

- Would DPA be asked just to improve administration of current system or to reform the system through changes?
- Is a solution being sought for all GAL appointments or just those in specific cases (D.N.A., Guardianship, etc.)?

Three Possible Models

Small* – DPA assumes responsibility for oversight of current system and training of GALs. No structural changes to the system and no local DPA involvement, only statewide oversight and administration.

Medium – The “small” model, plus DPA would take responsibility for building, maintaining, and monitoring GAL panels in all jurisdictions, including full-time salaried attorneys in areas where workloads are sufficient to make this the more cost-effective approach.

Large – The “medium” model, plus DPA would be given authority and funding to reform the system, through improved services for those appointed a GAL, including investigative and support services. DPA's GALs would not simply be meeting a statutory requirement but would be equipped to improve outcomes and be a partner with others trying to solve problems that led to the court involvement.

*Small is not small and would require a substantial investment. The word Small is used only to reflect its scope and cost relative to the other two models.