



# Georgia Office of the Child Advocate for the Protection of Children

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# Annual Report Calendar Year 2016





# 2016 OCA Advisory Board Members

**Render Heard**, Tifton Judicial Circuit (Juvenile Court Judge)

**Laura Eubanks**, Gwinnett County Public Schools  
(Social Worker)

**Lisa Rambo**, Southwestern Judicial Circuit Judge  
(Juvenile Court Judge)

**Jose Rodriguez**, WellStar Kennestone Pediatric Associates  
(Pediatrician)

**Brad Ray**, Executive Director CASA (Court Appointed  
Special Advocates)

## Mission

*The mission [of the Georgia Office of the Child Advocate (OCA)] is to protect the children of the State of Georgia and to assist and restore the security of children whose well-being is threatened by providing independent oversight of persons, organizations, and agencies responsible for providing services to or caring for children who are victims of child abuse and neglect or whose domestic situation requires intervention by the state. O.C.G.A. Section 15-11-740 (b)*



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## OFFICE OF THE CHILD ADVOCATE FOR THE PROTECTION OF CHILDREN

**Nathan Deal**  
Governor

**Ashley Willcott, J.D., CWLS**  
Director

Dear Governor Deal, Legislative Leaders, and Citizens of the State of Georgia,

I am pleased to submit the 2016 Annual Report of the Office of the Child Advocate (OCA).

In 2000, Governor Roy Barnes implemented legislation as part of Georgia's strong initiative to enhance the protection afforded to our state's at-risk children. The legislation was designed to establish greater accountability for the Division of Family and Children Services (DFCS).

OCA serves as an independent oversight agency for DFCS and other organizations responsible for providing services and support for children who are victims of child abuse, neglect, or whose domestic situations require intervention by the state.

Since being granted this authority, OCA has worked diligently to ensure that all of our endeavors, influence, and intervention uphold the standard of the legislative mandates for this office. OCA staff thoroughly investigates cases to ensure children are protected; determine violations of law, policy or bad practice; identify systemic trends and needs; make recommendations to improve the individual case outcomes and the child welfare system; train and educate protocol committee members, attorney guardians ad litem, stakeholders and the public; and serve on numerous committees and panels. The completion of fourteen (14) state-wide audits of DFCS in 2016 have provided further insight into the issues that negatively impact the child welfare system, as well as the issues that affect the employees held responsible for upholding that agency's mission. Our research and recommendations seek to improve both of these areas and drive systematic change.

OCA consistently encourages the system to improve by providing tools for personal growth through our trainings offered for both lawyers and non-lawyers which focus on their respective roles in protecting children. OCA has developed significant working relationships with DFCS, the Georgia Bureau of Investigation, the Georgia Department of Juvenile Justice, as well as many other state agencies and organizations. Through ensuring clear and open lines of communication around the strengths and opportunities identified by OCA in its' work, solid relationships have positively impacted the quality of service, case progress, systemic changes, and ultimately the lives of children.

The close of this year ends my three year appointment, which I have been honored to serve at the pleasure of Gov. Nathan Deal. The volume and quality of work produced; the strength of advocacy by OCA; and the identification of trends, needs, and growth provide a strong foundation on which OCA can continue to build. I am grateful to the Governor's office, OCA staff, Advisory Board, and the many stakeholders in the child welfare system who are committed to serve the children of the State of Georgia. I hope that this report will not only provide important information about our findings and solutions, but will also empower you to protect children in what you do and help you understand the significant role this office plays in the protection of children.

Best,

Ashley Willcott,  
O.C.A Director 2013-2016

*AN EQUAL OPPORTUNITY EMPLOYER*



# OCA Legislative Mandates and Outcomes

OCA's involvement in the lives of children is made possible by the "Georgia Child Advocate for the Protection of Children Act." The rights, powers, and duties of the Child Advocate are set forth in O.C.G.A. §§15-11-170 through 15-11-177. A complete version of the Act is included in this report as Appendix A. The most notable OCA powers and duties, along with how they were met and delivered on-going in 2016, are described on the following pages. A Strategic Plan was developed in conjunction with the OCA Advisory Board to ensure our mission and mandates were achieved. A complete copy of the 2016 Strategic Plan is attached hereto as Appendix B.



# Independent Oversight of Agencies: Complaints, Investigations and Results

A key legislative mandate of OCA is to provide independent oversight of agencies responsible for providing services to abused and neglected children, or those whose domestic situation requires intervention by the State.

O.C.G.A. § 15-11-740(b). This includes investigating and seeking the resolution of complaints by or on behalf of children concerning agency actions, and providing periodic reports to the Governor and General Assembly.

OCA believes that child welfare agencies responsible for serving abused and neglected children are the “experts” in this field, especially the Division of Family and Children services (DFCS) case managers who are required by law to investigate and provide services. As a result of the work of DFCS, thousands of children are protected from abuse and neglect each year.

However, OCA specifically acknowledges the inherent challenges for DFCS of high caseloads, inexperienced social workers, and turnover in excess of 30%. Further, every large system operated by humans has flaws, and Georgia’s DFCS is no exception. These factors make consistently good practice very difficult to achieve.

Georgia needed an independent agency to provide oversight, identify systemic flaws, and help improve the child welfare system. Thus, in the year 2000, OCA was created to help minimize and remedy these flaws.

The focus of OCA is not only on identifying these flaws, but on preventing them by raising the bar for practice. OCA works with DFCS and other child protection entities to hold everyone to the highest standards. In 2016, traction gained to prompt positive systemic changes and results due to the investigators’ identified opportunities and recommendations for change.

## Local Division of Family and Children Services County Audits

The Office of the Child Advocate’s mission is to protect the children of the State of Georgia and to assist and restore the security of children whose well-being is threatened. This mission includes identifying patterns of treatment and services for children and making recommendations for necessary policy implications, legislative changes, and systematic improvements.

To that end, the Office of the Child Advocate conducted a state-wide audit of the Division of Family and Children Services (DFCS) child abuse and neglect cases to assess any systemic strengths and barriers faced by local county Department offices and workers to effectively provide services to families and protect children. OCA randomly selected one county in each of DFCS’ fourteen (14) regions to audit. One county in each region was selected in order to ensure a state-wide, objective audit. Of the sixteen cases selected for review in each county, four were Family Preservation, four were Family Support, four were Investigations, and four were Foster Care cases. The investigators randomly selected the cases through SHINES and reviewed each case in SHINES, reviewed on-site records, and interviewed available case workers. If the case worker was not interviewed, it was only due to them being unavailable because of job responsibilities such as being in court, emergencies in the field, or on approved leave. The investigators also interviewed supervisors when case workers were not available and when the case workers asked for the supervisor’s participation. These audits were unannounced with one day notice to local and state DFCS officials. Audits included fourteen counties in Georgia: Coweta, Muscogee, Clayton, Laurens, Baldwin, Richmond, Clarke, Walker, Floyd, DeKalb, Forsyth, Glynn, Tift, and Dougherty. Individual county audits are available upon request.



Based on the audit in these regions, the OCA investigators confirmed identified systematic issues across all offices in the State of Georgia that need further improvement. Inadequate documentation was found in every county audited, often in multiple cases within each county. In addition, in some cases there are gaps in the documentation and services provided. In a number of cases, the OCA investigator was unable to determine if case workers had completed certain aspects of the case due to lack of documentation or minimal information included in the documentation. In almost every county audited, there appeared to be an issue with HIPAA policy not being uploaded into the case in the DFCS internal case file system, SHINES. The absence of HIPAA documentation suggests that HIPAA was not discussed with or explained to the client.

Both high caseloads and high turnover were occurring in almost all of the Counties during the review period. Many caseworkers and supervisors interviewed by OCA investigators stated the number of cases they had were high or extremely high, and the supervisors are not only monitoring these caseworkers but are also having to work caseloads themselves. One reason these supervisors are having to work cases as well as monitor caseworker's correlates to another issue raised during the audits which is the turnover rate of caseworkers in every office is high. This high turnover rate is leading to caseworkers having to work in multiple divisions within the local DFCS offices as well as caseworkers having to work on weekends, during the evenings and at night. In multiple counties, caseworkers report that they have to work in more than one county given lack of staff in other counties.

Of note is the high increase in the number of reports of child abuse and neglect to DFCS as well as the number of children coming into the custody of the State. These increases cause higher caseloads which increases the demands on our current child welfare system. Many caseworkers also felt that the training received was not adequate in order to properly do their job. Many of the caseworkers interviewed also believe that the management of DFCS' services is focused on the numbers and closure of cases. This could be an education/training issue. Also identified during the audit as a systemic barrier were a lack of available local foster homes to place children, and a lack of services in the immediate geographical area available to provide for children and families in need. It should be noted that an identified strength included support from caseworker supervisors, good county director leadership and working as a team comprised of dedicated people. In addition, other strengths noted were referrals being dispositioned correctly in a majority of cases reviewed, response times were generally met within policy guidelines, and for the majority of cases reviewed, and present or impending dangers were addressed promptly when identified.

In response to the common themes identified in the audit reports, the following activities are currently underway within DFCS: reducing caseloads and hiring additional staff - including supervisory staff to support the frontline; implementation of the Initial Safety Assessment; implementation of Solution Based Casework (training has been initiated in the Metro Atlanta District and will be completed statewide by April 2018); weekly statewide cadence calls; monthly targeted County Director case reviews; increased focus on the fundamentals (response times, CPS and FSS timeliness, ECEM, EPEM, staffings, etc.); regional case management summits; additional emphasis on supervisory staffings; increased training (quantity and quality); The Federal Child and Family Services Review (CFSR) Program Improvement Plan (PIP) – which will specifically address many of the programmatic themes identified; and district-level plans that will include specific strategies to address the identified themes from the OCA audit.



## Complaints, Investigations, and Results

When allegations of bad practice, mistakes, or violations of policy or law arise, OCA carries out its mandate to investigate the allegations, resolve any continuing violations and hold the system accountable. Georgia law requires OCA to “identify, receive, investigate, and seek the resolution or referral of complaints made by or on behalf of children concerning any act, omission to act, practice, policy, or procedure of an agency or any contractor or agent thereof that may adversely affect the health, safety, or welfare of the children.” O.C.G.A. § 15-11-743(1).

At the core of OCA work is accepting and screening referrals, conducting investigations when indicated, and staffing cases with DFCS. In 2016, OCA received a total of 516 complaints, a decrease in comparison to the 675 referrals received in 2015. Given the volume and types of complaints, they are divided into four types of cases: Assistance Cases (27 opened); Investigations (101 cases opened); Governor’s Letters (269 cases opened); Child Death and Serious Injury Cases (118 cases opened) Governor’s to Investigation (1 case opened).

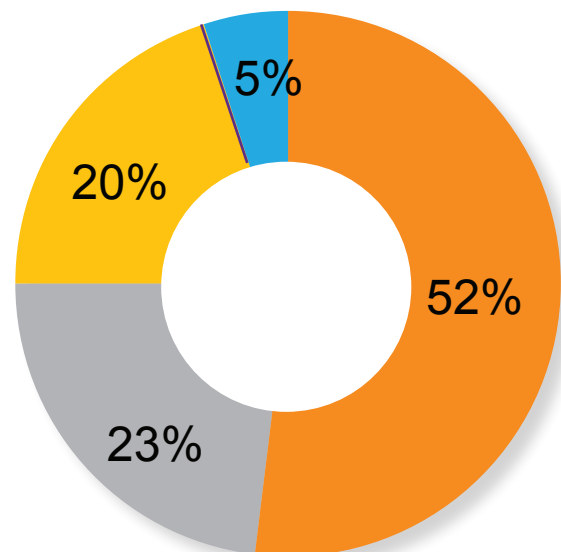
408 cases were closed by OCA in 2016. Of the closed cases, 52 cases resulted in a finding of Bad Practice, 26 cases in a finding of a Violation of Policy and 1 case in a Violation of the Law. OCA discovered the main areas of concern in the cases involving a violation of law or policy were safety resource violations, investigative procedure, and response time/intervention delay.

Please note that all of the data reflected in this report only includes the cases opened and closed from January 1, 2016 through November 30, 2016. It does not include Dec. 2016 data given the need to complete the report by end of year.

### 516 Cases Opened in 2016

\*Cases opened from January 1, 2016 – November 30, 2016

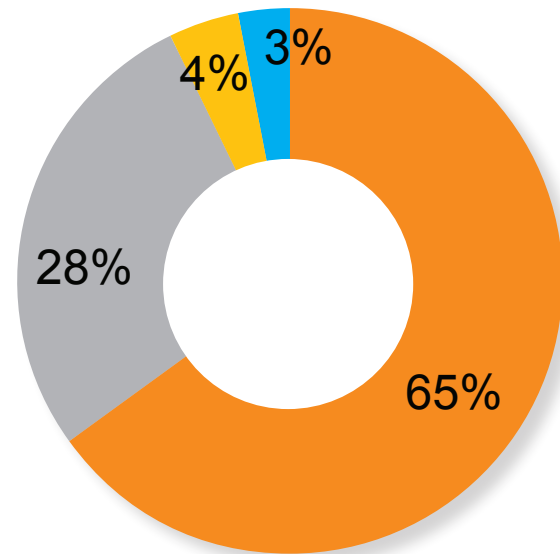
- Assistance Cases
- Governor’s Letters
- Death & Serious Injury
- Investigations
- Governor’s Letter to Investigation (0%)



## 408 Cases Closed in 2016

\*Cases closed from January 1, 2016 – November 30, 2016

- Assistance Cases
- Governor's Letters
- Death & Serious Injury
- Investigations



### Assistance Cases

Assistance cases stem from direct constituent contact with OCA. The issues to be resolved in these cases are usually less complex than investigations and they can typically be resolved with a lesser amount of OCA intervention. The cases reviewed are typically DFCS investigations. Assistance cases are also used to resolve matters involving DFCS benefits such as Childcare and Parent Services (CAPS), food stamps and Medicaid.

Of the 516 complaints received in 2016, 27 cases or 5 % were assistance cases. During the calendar year, 11 Assistance cases were closed. 9 of the cases closed resulted in a finding of Bad Practice. The most common issues seen were poor documentation, delay in the investigation process, and services not being provided in a timely manner.

### Investigations

Investigations stem from direct constituent contact with OCA. These cases contain complex problems with DFCS cases that may require a great amount of OCA staff intervention to resolve. They are mostly foster care and family preservation cases.

Of the 516 complaints received in 2016, 101 cases or 20% were Investigations. During the calendar year, 18 Investigations were closed. 6 of the cases closed resulted in a finding of Bad Practice. The most common issues seen were poor communication between the client and DFCS, an insufficient investigation, delay in case progression, and services and assessments not being provided in a timely manner.

### Governor's Letters

Governor's Letters cases stem from contact from the Governor's office. When a constituent contacts the Governor's office with a child welfare related issue, the Governor's Office notifies OCA and a unit within the DFCS State office dedicated to resolving these matters. OCA monitors the response of this unit with the State DFCS office to ensure that the matter was appropriately resolved. If the matter was not appropriately resolved, OCA may elect to assign the matter for an OCA investigation.



Of the 516 complaints received in 2016, 269 cases or 52% were Governor's letters. During the calendar year, 265 Governor's Letters cases were closed. 4 of the cases closed resulted in a finding of Bad Practice. The most common issues seen were services not being provided timely, poor documentation, and issues with communication between the client and DFCS.

## Death and Serious Injury Cases

Death and Serious Injury cases stem from deaths and injuries suffered by children whose family has prior DFCS involvement. OCA is alerted of these deaths and injuries by the DFCS' state office. These cases are reviewed with multiple goals which include: ensuring the present safety of any surviving siblings; ensuring that DFCS has an appropriate plan of action to investigate the circumstances of the death or injury; and reviewing the prior history to determine if any mistakes were made by DFCS staff and if there is evidence of any systemic problems.

A telephonic staffing which involves DFCS, OCA and other partners is part of the process for these cases.

Of the 516 complaints received in 2016, 118 cases or 23% were death and serious injury cases. During the calendar year, 114 Death and Serious Injury cases were closed. In 71 of the Death cases, there was no follow up provided to OCA regarding next steps. In 6 of the Death cases, there were findings of bad practices such as services not being provided to the family, issues with communication between DFCS staff, failure to protect youth (surviving and deceased) based on previous history, delay in case progression, and insufficient case investigation and case closure. It should be noted that the State DFCS Director chose to engage OCA to lead these telephonic staffings to improve the process.

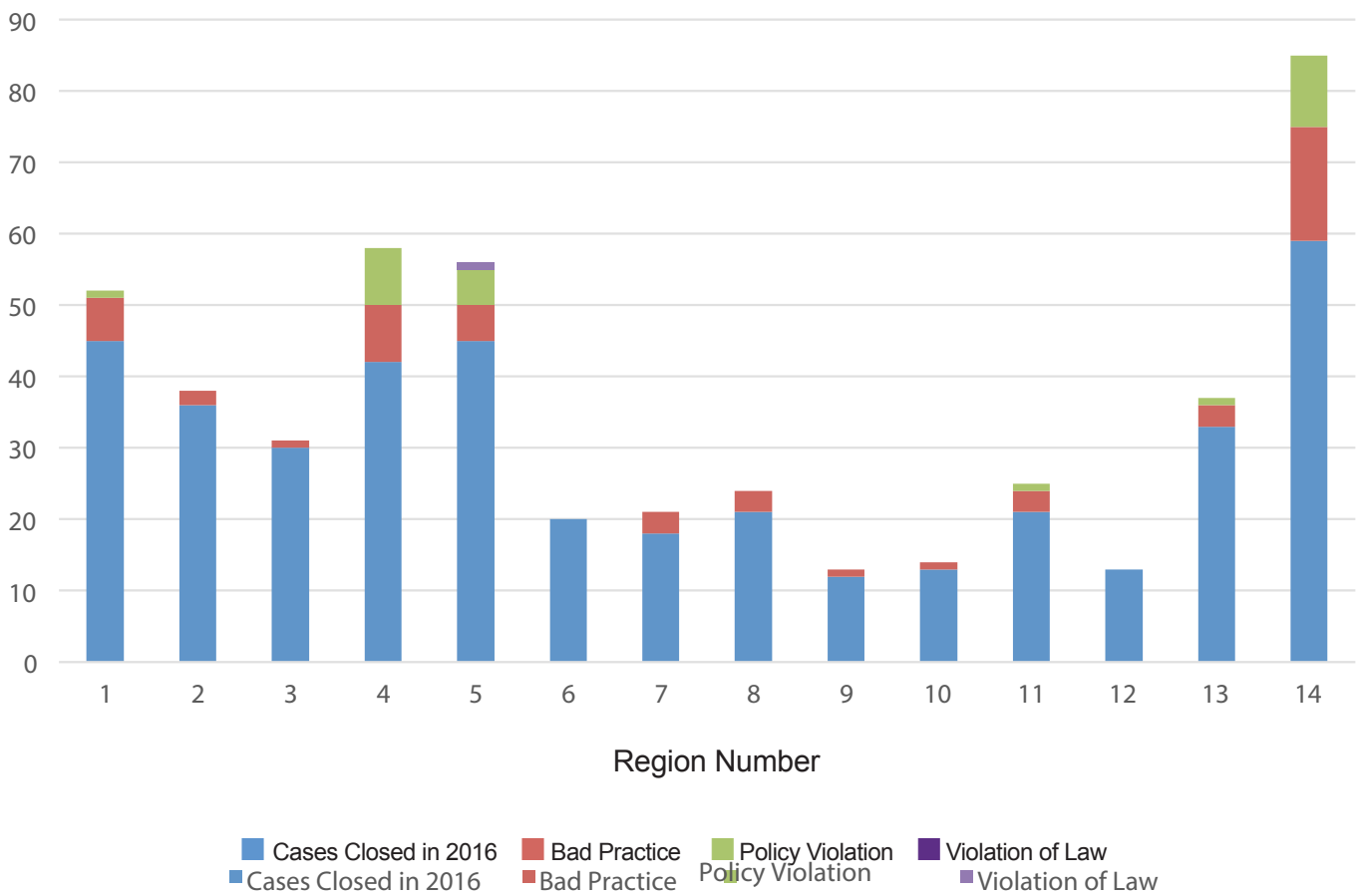
## Geographic Breakdown

OCA went one step further and broke the cases down by DFCS regions to see if there were any patterns or trends both regionally and within each county for 2016. Overall the results were fairly consistent within each region. A copy of the State of Georgia map color coded with DFCS regions, Judicial Circuits and Counties is included in this report as Appendix C.

- In Region 1, 45 cases were closed. Of those cases, there was a finding of bad practice in 6 cases and a finding of violation of policy in 1 case.
- In Region 2, 36 cases were closed. Of those cases, there was a finding of bad practice in 2 cases and a finding of violation of policy in 0 cases.
- In Region 3, 30 cases were closed. Of those cases, there was a finding of bad practice in 1 case and a finding of violation of policy in 0 cases.
- In Region 4, 42 cases were closed. Of those cases, there was a finding of bad practice in 8 cases and a finding of violation of policy in 8 cases.
- In Region 5, 45 cases were closed. Of those cases, there was a finding of bad practice in 5 cases, a finding of violation of policy in 5 cases and a finding of violation of law in 1 case.
- In Region 6, 20 cases were closed. Of those cases, there was a finding of bad practice in 0 cases, and a finding of violation of policy in 0 cases.
- In Region 7, 18 cases were closed. Of those cases, there was a finding of bad practice in 3 cases, and a finding of violation of policy in 0 cases.
- In Region 8, 21 cases were closed. Of those cases, there was a finding of bad practice in 3 cases, and a finding of policy violation in 0 cases.

- In Region 9, 12 cases were closed. Of those cases, there was a finding of bad practice in 1 case, and a finding of violation of policy in 0 cases.
- In Region 10, 13 cases were closed. Of those cases, there was a finding of bad practice in 1 case and a finding of violation of policy in 0 cases.
- In Region 11, 21 cases were closed. Of those cases, there was a finding of bad practice in 3 cases, and a finding of violation of policy in 1 case.
- In Region 12, 13 cases were closed. Of those cases, there was a finding of bad practice in 0 cases, and a finding of violation of policy in 0 cases.
- In Region 13, 33 cases were closed. Of those cases, there was a finding of bad practice in 3 cases and a finding of violation of policy in 1 case.
- In Region 14, 59 cases were closed. Of those cases, there was a finding of bad practice in 16 cases and a finding of violation of policy in 10 cases.

## Cases by Region





# Train County Protocol Committees: Child Abuse Protocol Project

Pursuant to O.C.G.A. § 19-15-2, each county is required to establish a Protocol for the investigation and prosecution of alleged cases of child abuse as well as a written sexual abuse and sexual exploitation protocol.

## **The Protocol:**

- Ensures coordination and cooperation among all agencies involved in a child abuse case;
- Increases the efficiency of all agencies handling such cases;
- Minimizes the stress created for the allegedly abused child by the legal and investigatory process;
- Ensures that more effective treatment is provided for the perpetrator, the family, and the child, including counseling. O.C.G.A. § 19-15-2(f).

Statutorily required local Protocol committees develop and implement local Protocols. O.C.G.A. § 19-15-2(b). The committees must meet at least twice a year to evaluate the effectiveness of the Protocol, modify and update the Protocol if needed, and prepare an annual report. A Protocol Committee's "report shall evaluate the extent to which investigations of child abuse during the 12 months prior to the report have complied with the Protocols of the Protocol Committee, recommend measures to improve compliance, and describe which measures taken within the county to prevent child abuse have been successful." O.C.G.A. § 19-15-2 (i). The Protocol Committee is also responsible for developing a sexual abuse and sexual exploitation Protocol. O.C.G.A. § 19-15-2 (k). Protocol Committee members are mandated under O.C.G.A. §19-15-2(c)(1) and include representatives designated from local agencies and stakeholders.

OCA is proud to announce its' leadership role as the recipient of a Children's Justice Act grant to improve the multidisciplinary investigation and prosecution of cases of child abuse and neglect, and exploitation which has increased the number of counties who have protocols in place. To accomplish this goal, OCA maintained both a Statewide Model Protocol and Minimum Standards Protocol for the Multidisciplinary Investigation and Prosecution of child abuse, neglect and sexual exploitation cases.

The Protocol outlines the multi-disciplinary approach used to investigate and prosecute alleged cases of child emotional, physical and sexual abuse and sexual exploitation as well as procedures to be used when child abuse occurs in a household where there is domestic violence.

OCA views the Protocol as the foundation for effective multi-disciplinary investigation and prosecution of child abuse, neglect and sexual exploitation. This grant year was spent engaging major stakeholders and partners statewide to be a part of a collaborative effort to update the Protocol. This in turn increased the ownership in and level of understanding of the Protocol itself, the coordinated effort of all multidiscipline involved and how it can be utilized by all frontline responders to effectuate a coordinated response to child abuse investigations and prosecutions. Through trainings, OCA also provided needed Protocol implementation training to front line responders with an increased focus on minimizing trauma to the child during the legal and investigatory process. Trainings also provided a venue for discovering, discussing and resolving issues confronting multidisciplinary responders. Several trends in obstacles to successful implementation have been identified and steps have been taken to address those obstacles.

OCA conducted 25 Protocol presentations to stakeholders and partners throughout the State as well as conducted 14 Protocol committee workshops and multidisciplinary front-line responder trainings reaching over 1800 participants throughout the State providing valuable information about legislative, policy and best practice changes needed to improve the multi-disciplinary process. The Protocol foundation across the state is much stronger now than a year ago, and continues to grow stronger each month. Training and other education efforts have led to a widespread understanding of the benefits of the Protocol and how Protocols are implemented. A complete version of the Federal Fiscal Year 2016 CJA Final Report is included in this report as Appendix D.

## Train Guardians Ad Litem (GAL): Statewide Trainings, Peer Review Project

For the second year in Georgia, children are ensured of legal representation during all stages of dependency and termination of parental rights proceedings. Pursuant to O.C.G.A. § 15-11-1, part of the goal of the Juvenile Code is to “guarantee due process of law, as required by the Constitutions of the United States and the State of Georgia, through which every child and his or her parents and all other interested parties are assured fair hearings at which legal rights are recognized and enforced.” O.C.G.A. § 15-11-1. The federal Child Abuse Prevention and Treatment Act (CAPTA) requires the appointment of an attorney or Court Appointed Special Advocate (CASA) to serve as the child’s GAL in all stages of a judicial proceeding.

CAPTA also requires that before a person can be appointed as a GAL, he or she must receive training appropriate to the role as GAL. The state is to provide: (xiii) provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings— (I) to obtain first-hand, a clear understanding of the situation and needs of the child; and (II) to make recommendations to the court concerning the best interests of the child. 42 USC 5106a(b)(2).

OCA is charged with administering or approving the pre-appointment training for GALs in Georgia. O.C.G.A. § 15-11-104.

## CJA Grant for Online CLE Training for Attorney Guardians Ad Litem

OCA created online CLE training for Attorney Guardians ad litem to provide a broad overview of the rights, duties and responsibilities of Attorney Guardians ad Litem under Federal and State law. The goal of the course is to provide a basic understanding of what the law requires of an Attorney Guardian ad Litem and to provide instruction on best practices. Information is provided on scenarios and topics that Attorney Guardians ad Litem are likely to encounter while working on cases for which they are appointed. The online CLE training is expected to be completed by the end of the calendar year of 2016 and is expected to begin the first of January, 2017.



## CAPTA Peer Review Project

Pursuant to an awarded contract between the State of Georgia Department of Human Services (“DHS”) and OCA, a team of Child Welfare Law Specialists conducted the fourth year of the Peer Review Project in Georgia’s Juvenile Courts. DHS continued to support the Project and its goal of providing continuous quality improvement in the legal representation and advocacy of children in Georgia’s dependency cases pursuant to the State Bar’s ethics and professionalism rules for children’s attorneys, the State’s new Juvenile Code and guidelines outlined in the Child Abuse Prevention and Treatment Act. For the third year in Georgia, children are statutorily ensured of legal representation during all stages of dependency and termination of parental rights proceedings.

During the grant period, the Peer Review team reviewed initial and ongoing qualification standards for child’s attorney and Guardian ad Litem appointments, reviewed Guardian ad Litem appointment orders, conducted courtroom observations to assess the representation and advocacy provided, and utilized the courtroom observations to identify continuing legal education training needs for children’s attorneys and Guardians ad Litem. The Peer Review team additionally prepared a Resource List for child welfare attorneys and attorneys Guardian ad Litem, to be distributed by the respective Juvenile Court judges to the attorneys practicing in their courtrooms. A complete version of the Peer Review Project Annual Grant Report is included in this report as Appendix E.

Based upon the statewide training needs identified, OCA provided attorney GAL training throughout the State to meet those needs in compliance with OCGA as listed below.

## State-wide Training

OCA offered and provided attorney GAL trainings through the Peer Review Project and the Georgia Association of Counsel for Children (“GACC”). It is important to note that by housing the Peer Review Project in OCA, it enables OCA to offer the legislatively mandated attorney GAL training statewide in non-metro locations as identified as need-based by the Peer Review team. OCA approved and sponsored the remainder of the attorney GAL trainings.

In 2016 OCA has ensured the requisite training of at least an additional 200 attorney GALs who have now completed their pre-appointment training to serve as an attorney GAL in Georgia. OCA conducted multiple trainings for attorneys state-wide throughout 2016 including the following locations: Atlanta, Savannah, Cherokee County, Richmond County, Banks County, Dawson County, Forsyth County, Franklin County, Habersham County, Hall County, Hart County, Lumpkin County, Rabun County, Stephens County, Towns County, Union County, White County, Bartow County, Douglas County, Floyd County, Haralson County, Paulding County, and Polk County. In addition, OCA conducted two CLE all day Child Welfare trainings at the State Bar that were also broadcasted live.



## Issue Reports and Implement Recommendations: Leadership and Education

OCA shall “provide periodic reports on the work of the office . . ., including but not limited to an annual written report for the Governor and the General Assembly and other persons, agencies, and organizations deemed appropriate. Such reports shall include recommendations for changes in policies and procedures to improve the health, safety, and welfare of children and shall be made expeditiously in order to timely influence public policy.” O.C.G.A. § 15-11-743(4).

In addition to issuing reports and recommendations, OCA is empowered “to engage in programs of public education and legislative advocacy concerning the needs of children requiring the intervention, protection, and supervision of courts and state and county agencies.” O.C.G.A. § 15-11-744(7). To this end, OCA participates in and serves on numerous committees and panels, as well as participates in educational summits and audits.

### National Ombudsman Collaborative

Many states established similar ombudsman offices prior to OCA’s inception in 2000, and many states have followed suit. Some, like Georgia, have independent and autonomous offices that are designed to have oversight specific to child welfare. A few operate within the child welfare agency of which they oversee, while others are hybrid offices that work within, but independent from, these agencies.

In order to improve Georgia’s child welfare system, OCA created a forum for Ombudsman offices nationally to communicate, including analyzing the current practice and policies of state agencies whose work impacts the lives of children and families. This national collaborative of over 20 offices allows OCA to broaden our resources in order to better educate and elevate systems to protect our nation’s children.

The collaborative group held quarterly calls to network and create connections among the national offices. As a result of this group’s efforts, there is now a current list of Children’s Ombudsman that is housed on the American Bar Association’s website. In addition, the American Bar Association’s Children’s Ombudsman page also includes resources and webinars to help others understand the program, the work they do, and locate these offices. Moving forward, the collaborative was encouraged to join the United States Ombudsman Association and the Children and Families Chapter. Conference calls will continue to be conducted as requested by members of the collaborative.

### Committees and Panels

During 2016, OCA educated policy makers, legislators, lawyers, service providers, child advocacy groups, and citizens on the strengths and needs of families involved with the child welfare system and how best to serve those families. OCA is honored to have an active role in the following organizations and the opportunity in 2016 to present at events and meetings hosted by the following:

- Adoptive and Foster Parent Association of Georgia Conference 2016 Keynote Speaker
- Attend local Court hearings and mediations
- Barton Child Law and Policy Center Advisory Board



- Barton Child Law and Policy Center Child Welfare Legal Academy Speaker
- Georgia Court Appointed Special Advocates (CASA) day at the Capitol 2016
- Child Advocacy Centers-Executive Director Quarterly Meeting
- Child Fatality Review Panel
- Child Fatality Review Safe Sleep Training Symposium
- Child Welfare ICLEs
- Child Welfare Reform Council
- Children's Healthcare of Atlanta mini-conference
- Children's Healthcare of Atlanta CSEC-Multi-Disciplinary Teams Confidentiality
- Council of Juvenile Court Judges, full Council meeting
- CASA Director's meeting
- Criminal Justice Coordinating Council, full Council meeting
- Criminal Justice Coordinating Council Sexual Assault Response Team State Expert Committee
- Department of Family and Children Services Collaborative Partners Meeting
- Department of Family and Children Services Regional Partners Meeting
- Department of Family and Children Services, Office of the Child Advocate and Criminal Justice Coordinating Council Human Trafficking Symposium
- District Attorneys meeting
- First Lady's Children's Cabinet
- Georgia Association of Counsel for Children
- Georgia CASA Conference
- Georgia Conference on Children and Families Planning Committee
- GBI in-service child abuse training
- Multiple media interviews
- Prosecuting Attorneys Council Family Violence & CSEC training for Law Enforcement, Elbert County
- Southwest Judicial Circuit Symposium
- Special Assistant Attorney General Conference
- Statewide Inter-Agency CHINS Council
- Supreme Court of Georgia Committee on Justice for Children
- Supreme Court Raise Your Bar Conference
- Trauma Summit
- Voices for Georgia's Children Children's Mental Health Day Panel

## Protection of Children: Special Projects

In all that it does, OCA strives to enhance the child welfare system so children are better protected and have better outcomes because of the system's intervention in their lives. To this end, OCA collaborates with other child-serving organizations on special projects that will improve outcomes for children. Several projects initiated by OCA in 2016 to ensure the protection of children are described in this section.

### Cold Case Project

OCA and the Supreme Court of Georgia's Committee on Justice for Children, in collaboration with DFCS is pleased to announce the joint Executive and Judicial continuation of the Cold Case Project ("CCP").

The CCP has existed for seven years, and is a quality assurance program that uses a predictive statistical model to create a statewide list of children who are most likely to age out of foster care without permanency. Guided by the list of "cold case" children, expert reviewers read the children's case files, write up summaries with recommendations for further action, and participate in permanency roundtable meetings with the ultimate goal of being able to provide assistance and tools to break through barriers, provide resources and provide tools to move cases forward.

The cold case list is distributed periodically to DFCS staff to see if any changes in the local cases have occurred. In addition, a Permanency Roundtable Plus is scheduled which brings those who touch the child's life, and the child, to the table to find creative solutions to help move the child towards a safe, permanent home.

OCA received CAPTA funding through DFCS to help children who have been in foster care for two or more years be placed in permanent homes. As of November 30, 2016, 313 cold cases were reviewed. The number of files reviewed far exceeds the number provided for in the contract which shows great progress to serve some of Georgia's most vulnerable children. The CCP then participated in 192 Permanency Round Table Pluses. In order to ensure next steps were met and the children's needs remained the focus of the team, the CCP conducted 295 follow up telephonic Permanency Round Table Pluses. The CCP conducted 12 Cold Case Fellow bi-monthly in service telephonic trainings, and presented the project at the Georgia CASA Conference and the National Association of Council for Children Conference. The CCP also held 2 Cold Case Fellow and Cold Case Coaching Team Trainings at the State Bar of Georgia, 22 CCP phone trainings, presented at NACC, GALAA, and J4C, presented at Lead FPS meeting for DFCS, CWLS meeting, Sanctuary Training, CIP meeting, Educational Voucher Training, and Adoption Conference. For more details, please refer to the previous Annual Reports for the Cold Case Project which can be accessed online at the Administrative Office of the Courts Office of Children, Families, and the Courts website at [www.georgiacourts.org](http://www.georgiacourts.org). The 2016 Cold Case Project Annual Report is expected to be available online after June 1, 2017.



## Appleseed School Tribunal Attorney Project

OCA collaborates with Fulton County DFCS and the Georgia Appleseed Center for Law & Justice's Young Professionals Council ("YPC") to help children in foster care remain in school despite disciplinary problems. The pilot project provides trained volunteer lawyers to represent students in DFCS care and custody in school disciplinary administrative hearings ("tribunals").

This pilot project was created because disruptions in school stability for youth in foster care can have cascading and devastating results. Youth in foster care who are suspended or expelled from school may exhibit destructive behavior in their foster home or other placement and may even be forced to leave the placement and/or the school. School stability is directly related to placement stability and permanency. When a student faces a proposed suspension from school for greater than ten days, the law requires that the student be afforded a tribunal hearing before such disciplinary action may be imposed. The student has the right to have a lawyer, but there is no right for indigent children to have appointed counsel. As a result, students most often are assisted in these proceedings by their parents. Foster children, however, often appear at tribunals without any adult advocate at all. The pilot project was designed to address this challenge.

The results of the Fulton County pilot project have been very encouraging. Nearly 100 lawyers have volunteered to take on these cases. In a substantial majority of cases, the outcome was significantly more appropriate for the child than would have been the case had the child not been represented by counsel. In 2016, a total of 19 requests were processed. Of those 19 requests, 11 received pro bono attorneys.

## Third Level Foster Parent Grievance (formal mediation)

The Foster Parent Bill of Rights allows foster parents to file a grievance if they believe DFCS has violated any provisions of the Bill of Rights. The grievance procedure includes an appeal to OCA if the grievance cannot be resolved satisfactorily (the appeal to OCA is the third level of appeals for the foster parent).

In 2014, OCA implemented a third level Foster Parent Grievance Procedure in which a trained mediator with experience in child welfare is hired to mediate third level grievances to reach an outcome agreeable to all parties. This OCA initiative formalizes the prior process in which a meeting with all parties was held, and there was a review of the facts by OCA. The new process adds weight and opportunity for all parties to be heard, and allows all identified issues to be sufficiently and appropriately addressed.

In 2016, there were no third level foster parent grievances filed with OCA.

## Medically Fragile Children Pilot Project

OCA, Childkind, Inc., the Georgia Advocacy Office, DBHDD, DCH and DFCS are developing comprehensive child-specific permanency plans for children in foster care who have severe medical needs. This initiative is designed to fill the gap that currently exists in ensuring services are available to meet these children's needs over time. The goal is to identify trends and barriers, assess and overcome barriers for each child, and propose a plan for achieving permanency for children with severe medical needs.

Since 2014, the partners have extensively reviewed the cases of nine children with significant medical needs that will continue into adulthood. The OCA 2015 Annual Report includes a number of recommendations for handling cases of medically fragile children. Through continued work in 2016, additional strategies have been identified to address barriers to permanency.

To ensure true permanency for medically fragile children, permanency options must be evaluated with an emphasis on services available to meet the child's needs into adulthood. When reunification is not possible, the priority for pursuing adoption over other permanency options makes sense for most children. But it is not always the best option for severely medically fragile children. These children will need caregivers beyond their childhood, and caregivers risk losing many of the supports once the child becomes an adult. In some cases, the best option may be to pursue guardianship with a person, such as a relative, and then assign the child a host home. This ensures that older children can remain in the same home with supports throughout their lives.

Whether the permanency plan is adoption or guardianship, it will be imperative that the child have an approved NOW Waiver or COMP Waiver in place prior to finalization to ensure services will be available to support the child in the family. These waivers stay with the child beyond age 21, when other funding options do not. This requirement could be included in a court order or as part of the permanency plan approved by the court.

In order for these permanency plans to be possible, there are several policy changes that should be considered. These include: DFCS should revisit its policy that does not permit additional foster children in a host home; DBHDD should consider instituting a preference for foster children on the waitlist for waivers; DFCS should also consider appointing a liaison to oversee permanency planning for this group of children; and caregivers should have access to legal advice to assist with services for the child. It is not realistic to expect every caregiver to understand the intricacies of the services that are available to a child over the course of their lives.

OCA is grateful to ChildKind, Inc. and the other agencies that have participated in this pilot project, and looks forward to continued progress on behalf of the medically fragile children in need of permanent homes. OCA is committed to ensuring services are available to meet these children's needs over time.



## Foster Care Education

Since the creation of the Fostering Connections Act (FCA), Georgia has done much to address the educational outcomes for school aged children in foster care. In 2016, the OCA Education Stability Unit (ESU) engaged on several different levels working to improve educational outcomes for students in foster care. On the statewide level, the ESU engaged stakeholders from the Georgia Department of Education, the Department of Human Services, the Georgia Council of Juvenile Court Judges and national experts advocating for full and immediate implementation of the new amendments to the Elementary Secondary Education Act – deemed the Every Student Succeeds Act (ESSA). Funding for this project was made possible by the Administrative Office of the Courts.

Likewise, on the local level, the ESU provided individual and ad hoc consulting for stakeholders in the field working with students in foster care. The ESU worked closely with the Cold Case Project to address the unmet educational needs of students served by the project. In addition, the ESU consulted on questions about educational laws, rules and policies for stakeholders directed to the office.

The combination of direct service with statewide advocacy provided the ESU with an informed perspective to push ahead the most important aspects of ESSA. In less than a year, the ESU developed policy, established partnerships and advocated for strong and specific state initiatives as part of the federal changes required by ESSA.

Of the eight objectives identified in the work plan, the ESU has made progress on all eight, including the following: has effectively pursued statewide data sharing between the Georgia Department of Education and DCFS; engaged on both state and local levels to advocate for memorandum of agreements between the educational and child welfare agencies; proposed that every child should be referred to EPAC upon entry into care; created a preliminary agenda for training DCFS personnel on education issues, and specifically on the new ESSA requirements that will impact decision making for caseworkers; provided the training on behalf of the OCA in February 2016 as requested by Justice 4 Children; conducted a three-part training program on special education laws and rules for a metropolitan child advocacy office; participated in several other trainings statewide; continues to press for the development of the Foster Care Education Hotline; has publicly spoken on the needs for increased court involvement in FCA/ESSA and reached out to specific members of the juvenile court judges' community to discuss potential measures; and moved forward on the recommendation to create a statewide IDEA Parent policy

The ESU is established in the child welfare community as a dependable resource for stakeholders presented with education related issues for children in care. The ESU has also been identified as a source for technical and informational support regarding policy considerations in education, child welfare programming and children's mental health. The ESU expects continued progress into 2017 and foresees continued involvement in many of the on-going educational issues that affect outcomes for students in foster care.



# Conclusions and Recommendations

Recommendations for changes in policies and procedures to improve the health, safety, and welfare of children as a result of the work completed by OCA in 2016



- 1.** 1. Given the continued increase in the number of complaints received by DFCS, and the continued increase in the number of children entering foster care, additional DFCS case managers are needed in order for the child welfare system to improve. As such, DFCS should hire additional case managers and other staff to assist in lowering caseloads. Improvements should be made to the hiring process in that DFCS should use assessment tools during the hiring process to assist in selection. While increased funding and the Governor's commitment to children has enable DFCS to hire additional case managers, efforts must be made to hire qualified applicants with efforts to retain a quality work force. DFCS should permit counties to immediately replace those case managers who vacate their positions without delay. Reducing the caseload is imperative to ensure the supervisors and local county directors do not carry a caseload and can supervise and lead.
- 2.** Increase the starting salary for case managers to meet the competitive market rate.
- 3.** Increase the number of quality service and treatment providers statewide and improve the administrative process for providers.
- 4.** Institute a mentoring program within local offices for case manager support. It is essential that DFCS hire and train supervisors and mentors who can spend quality time with case managers, provide feedback, model and coach staff. Having a system of support for the frontline workforce will increase the confidence and stability required to meet the current demand for social services. This front line supervision of case managers should also focus to drill down on better communication, documentation and adherence to DFCS policies, the overall result being best social work practices.
- 5.** Focus and develop continued supervisor training and enrichment programs.
- 6.** Expand marketing strategies to brand DFCS case managers as "heroes."
- 7.** Modernize the deployment and content of foster parent training to adequately prepare prospective foster parents for the challenges of parenting a child in foster care.
- 8.** Increase support to local level DFCS offices. To that end, the Department needs to focus on the work being done by each local DFCS office and the needs of each local DFCS office given the needs vary county to county. All aspects should be explored given that the courts operate differently, the resources in each county differ, the stakeholder relationships differ, and the types of crimes and family demographics vary by county.
- 9.** It is imperative that every county have an updated mandated Protocol on which front line case managers and supervisors have been trained. Further that the statutorily required Annual Report be completed which helps Protocol Committees at the local level focus on continuous improvement of the investigation and prosecution process.
- 10.** The use of education data in child welfare practice should be improved to make it easier for front line workers to retrieve education data and input the data into the appropriate DFCS forms.
- 11.** Statewide and local memorandums of agreement between the child welfare systems and local school districts shall be utilized to monitor and ensure implementation of FCA requirements.
- 12.** State and local education stability panels should be created to address existing and developing challenges to the process of foster care education and offer support for team members working on unique or exceptionally challenging school cases.
- 13.** All severely medically fragile children in state custody should have case management and permanency planning services provided by an agency, public or private, with experienced medical and social services staff conversant in the short and long-term needs (financial and legal) of this population and their families.





# Appendices



# Appendix A: Georgia Child Advocate for the Protection of Children Act

## **O.C.G.A. §15-11-740.**

- (a) This article shall be known and may be cited as the “Georgia Child Advocate for the Protection of Children Act.”
- (b) In keeping with this article’s purpose of assisting, protecting, and restoring the security of children whose well-being is threatened, it is the intent of the General Assembly that the mission of protection of the children of this state should have the greatest legislative and executive priority. Recognizing that the needs of children must be attended to in a timely manner and that more aggressive action should be taken to protect children from abuse and neglect, the General Assembly creates the Office of the Child Advocate for the Protection of Children to provide independent oversight of persons, organizations, and agencies responsible for providing services to or caring for children who are victims of child abuse and neglect or whose domestic situation requires intervention by the state. The Office of the Child Advocate for the Protection of Children will provide children with an avenue through which to seek relief when their rights are violated by state officials and agents entrusted with their protection and care.

## **O.C.G.A. §15-11-741.**

As used in this article, the term:

- (1) “Advocate” or “child advocate” means the Child Advocate for the Protection of Children established under Code Section 15-11-742.
- (2) “Agency” shall have the same meaning and application as provided for in paragraph (1) of subsection (a) of Code Section 50-14-1.
- (3) “Child” or “children” means an individual receiving protective services from DFCS, for whom DFCS has an open case file, or who has been, or whose siblings, parents, or other caretakers have been, the subject of a report to DFCS within the previous five years.

## **O.C.G.A. §15-11-742.**

- (a) There is created the Office of the Child Advocate for the Protection of Children. The Governor, by executive order, shall create a nominating committee which shall consider nominees for the position of the advocate and shall make a recommendation to the Governor. Such person shall have knowledge of the child welfare system, the juvenile justice system, and the legal system and shall be qualified by training and experience to perform the duties of the office as set forth in this article.
- (b) The advocate shall be appointed by the Governor from a list of at least three names submitted by the nominating committee for a term of three years and until his or her successor is appointed and qualified and may be reappointed. The salary of the advocate shall not be less than \$60,000.00 per year, shall be fixed by the Governor, and shall come from funds appropriated for the purposes of the advocate.
- (c) The Office of the Child Advocate for the Protection of Children shall be assigned to the Office of Planning and Budget for administrative purposes only, as described in Code Section 50-4-3.
- (d) The advocate may appoint such staff as may be deemed necessary to effectively fulfill the purposes of this article, within the limitations of the funds available for the purposes of the advocate. The duties of the staff may include the duties and powers of the advocate if performed under the direction of the advocate. The advocate

and his or her staff shall receive such reimbursement for travel and other expenses as is normally allowed to state employees from funds appropriated for the purposes of the advocate.

(e) The advocate shall have the authority to contract with experts in fields including but not limited to medicine, psychology, education, child development, juvenile justice, mental health, and child welfare as needed to support the work of the advocate, utilizing funds appropriated for the purposes of the advocate.

(f) Notwithstanding any other provision of state law, the advocate shall act independently of any state official, department, or agency in the performance of his or her duties.

(g) The advocate or his or her designee shall be a member of the Georgia Child Fatality Review Panel.

### **O.C.G.A. §15-11-743.**

The advocate shall perform the following duties:

- (1) Identify, receive, investigate, and seek the resolution or referral of complaints made by or on behalf of children concerning any act, omission to act, practice, policy, or procedure of an agency or any contractor or agent thereof that may adversely affect the health, safety, or welfare of the children;
- (2) Refer complaints involving abused children to appropriate regulatory and law enforcement agencies;
- (3) Report the death of any child to the chairperson of the review committee, as such term is defined in Code Section 19-15-1, for the county in which such child resided at the time of death, unless the advocate has knowledge that such death has been reported by the county medical examiner or coroner, pursuant to Code Section 19-15-3, and to provide such committee access to any records of the advocate relating to such child;
- (4) Provide periodic reports on the work of the Office of the Child Advocate for the Protection of Children, including but not limited to an annual written report for the Governor and the General Assembly and other persons, agencies, and organizations deemed appropriate. Such reports shall include recommendations for changes in policies and procedures to improve the health, safety, and welfare of children and shall be made expeditiously in order to timely influence public policy;
- (5) Establish policies and procedures necessary for the Office of the Child Advocate for the Protection of Children to accomplish the purposes of this article, including without limitation providing DFCS with a form of notice of availability of the Office of the Child Advocate for the Protection of Children. Such notice shall be posted prominently, by DFCS, in DFCS offices and in facilities receiving public moneys for the care and placement of children and shall include information describing the Office of the Child Advocate for the Protection of Children and procedures for contacting such office; and
- (6) Convene quarterly meetings with organizations, agencies, and individuals who work in the area of child protection to seek opportunities to collaborate and improve the status of children in Georgia.

### **O.C.G.A. §15-11-744.**

(a) The advocate shall have the following rights and powers:

- (1) To communicate privately, by mail or orally, with any child and with each child's parent, guardian, or legal custodian;
- (2) To have access to all records and files of DFCS concerning or relating to a child, and to have access, including the right to inspect, copy, and subpoena records held by clerks of the various courts, law



enforcement agencies, service providers, including medical and mental health, and institutions, public or private, with whom a particular child has been either voluntarily or otherwise placed for care or from whom the child has received treatment within this state. To the extent any such information provides the names and addresses of individuals who are the subject of any confidential proceeding or statutory confidentiality provisions, such names and addresses or related information that has the effect of identifying such individuals shall not be released to the public without the consent of such individuals. The Office of the Child Advocate for the Protection of Children shall be bound by all confidentiality safeguards provided in Code Sections 49-5-40 and 49-5-44. Anyone wishing to obtain records held by the Office of the Child Advocate shall petition the original agency of record where such records exist;

(3) To enter and inspect any and all institutions, facilities, and residences, public and private, where a child has been placed by a court or DFCS and is currently residing. Upon entering such a place, the advocate shall notify the administrator or, in the absence of the administrator, the person in charge of the facility, before speaking to any children. After notifying the administrator or the person in charge of the facility, the advocate may communicate privately and confidentially with children in the facility, individually or in groups, or the advocate may inspect the physical plant. To the extent possible, entry and investigation provided by this Code section shall be conducted in a manner which will not significantly disrupt the provision of services to children;

(4) To apply to the Governor to bring legal action in the nature of a writ of mandamus or application for injunction pursuant to Code Section 45-15-18 to require an agency to take or refrain from taking any action required or prohibited by law involving the protection of children;

(5) To apply for and accept grants, gifts, and bequests of funds from other states, federal and interstate agencies, independent authorities, private firms, individuals, and foundations for the purpose of carrying out the lawful responsibilities of the Office of the Child Advocate for the Protection of Children;

(6) When less formal means of resolution do not achieve appropriate results, to pursue remedies provided by this article on behalf of children for the purpose of effectively carrying out the provisions of this article; and

(7) To engage in programs of public education and legislative advocacy concerning the needs of children requiring the intervention, protection, and supervision of courts and state and county agencies.

(b) (1) Upon issuance by the advocate of a subpoena in accordance with this article for law enforcement investigative records concerning an ongoing investigation, the subpoenaed party may move a court with appropriate jurisdiction to quash such subpoena.

(2) The court shall order a hearing on the motion to quash within five days of the filing of the motion to quash, and the hearing may be continued for good cause shown by any party or by the court on its own motion. Subject to any right to an open hearing in contempt proceedings, such hearing shall be closed to the extent necessary to prevent disclosure of the identity of a confidential source; disclosure of confidential investigative or prosecution material which would endanger the life or physical safety of any person or persons; or disclosure of the existence of confidential surveillance, investigation, or grand jury materials or testimony in an ongoing criminal investigation or prosecution. Records, motions, and orders relating to a motion to quash shall be kept sealed by the court to the extent and for the time necessary to prevent public disclosure of such matters, materials, evidence, or testimony.

(c) The court shall, at or before the time specified in the subpoena for compliance therewith, enter an order:

(1) Enforcing the subpoena as issued;

(2) Quashing or modifying the subpoena if it is unreasonable and oppressive; or

(3) Conditioning enforcement of the subpoena on the advocate maintaining confidential any evidence, testimony, or other information obtained from law enforcement or prosecution sources pursuant to the subpoena until the time the criminal investigation and prosecution are concluded. Unless otherwise ordered by the court, an investigation or prosecution shall be deemed to be concluded when the information becomes subject to public inspection pursuant to Code Section 50-18-72. The court shall include in its order written findings of fact and conclusions of law.

**O.C.G.A. §15-11-745.**

(a) No person shall discriminate or retaliate in any manner against any child, parent, guardian, or legal custodian of a child, employee of a facility, agency, institution or other type of provider, or any other person because of the making of a complaint or providing of information in good faith to the advocate or willfully interfere with the advocate in the performance of his or her official duties.

(b) Any person violating subsection (a) of this Code section shall be guilty of a misdemeanor.

**O.C.G.A. §15-11-746.**

The advocate shall be authorized to request an investigation by the Georgia Bureau of Investigation of any complaint of criminal misconduct involving a child.

**O.C.G.A. §15-11-747.**

(a) There is established a Child Advocate Advisory Committee. The advisory committee shall consist of:

- (1) One representative of a not for profit children's agency appointed by the Governor;
- (2) One representative of a for profit children's agency appointed by the Lieutenant Governor;
- (3) One pediatrician appointed by the Speaker of the House of Representatives;
- (4) One social worker with experience and knowledge of child protective services who is not employed by the state appointed by the Governor;
- (5) One psychologist appointed by the Lieutenant Governor;
- (6) One attorney from the Children and the Courts Committee of the State Bar of Georgia appointed by the Speaker of the House of Representatives; and
- (7) One juvenile court judge appointed by the Chief Justice of the Supreme Court.

Each member of the advisory committee shall serve a two-year term and until the appointment and qualification of such member's successor. Appointments to fill vacancies in such offices shall be filled in the same manner as the original appointment.

(b) The advisory committee shall meet a minimum of three times a year with the advocate and his or her staff to review and assess the following:

- (1) Patterns of treatment and service for children;
- (2) Policy implications; and
- (3) Necessary systemic improvements.

The advisory committee shall also provide for an annual evaluation of the effectiveness of the Office of the Child Advocate for the Protection of Children.



## Appendix B: OCA 2016 Strategic Plan

### Mission

The mission of the Georgia Office of the Child Advocate (OCA) comes directly from O.C.G.A. § 15-11-740(b), the first section of the “Georgia Child Advocate for the Protection of Children Act.” The mission is to protect the children of the State of Georgia and to assist and restore the security of children whose well-being is threatened by providing independent oversight of persons, organizations, and agencies responsible for providing services to or caring for children who are victims of child abuse and neglect or whose domestic situation requires intervention by the state.

### Vision

Our vision for OCA is that it will be a secure, trustworthy, reliable place for those in government and the private sector to turn to in order to ensure the protection of children of our state through individual grievance redress and systemic improvements in the education of foster children, provision of medical care and services, stable families, permanency for children, multi-agency protocol implementation and training.

### Core Values

Our current mission highlights our focus on getting results for individual children as well as addressing systemic issues while exhibiting professionalism by responding to referrals in a timely and compassionate manner. OCA values education as well as legislative and policy advocacy, and acts as an efficient, trustworthy steward of the public funds and grants in its day to day activities.

### Challenges

OCA consistently conducts business in a manner that works to achieve the vision of the agency. However, the agency is confronted with frequent challenges that impede the investigators and the leadership from conducting business of the optimum quality to improve the lives of children within the child welfare system. Many of the challenges that OCA experiences regularly are a result of difficulties that DFCS experiences as a result of their high turnover rate, staffing levels, the volume of work, and the state DFCS data system, SHINES. These factors impact OCA as an oversight agency because it increases the amount of investigative work that is referred to our agency, and increases the amount of time it takes to complete a thorough investigation.

Additionally, while OCA has consistently delivered positive results from its investigative procedures and shown evidence of effective change, the budget given to the agency is not optimal for meeting the expectations set by legislative mandates. As a result, OCA has found it necessary to apply for grants and other means of funding to complete independent projects in order to meet these mandates. As an example, the Georgia Protocol Committee trainings required by Georgia Law have resulted in the need for a large amount of time and resources to be dedicated to the implementation of this project. As a result, OCA must exhaust its resources in order to meet the expectations of this mandate while consistently handling the large case load that continues to grow daily. OCA has considered each of these challenges in the drafting of the FY 2016 Strategic Plan, and the goals and measurable objectives, along with the workforce strategies that follow, are an attempt to meet the burden of each of these challenges. We hope that this assessment of challenges will be considered alongside the reports and data collected by OCA over the course of this year in order to advocate for improvements in the future.

## Workforce Strategies

In light of the challenges outlined above, OCA has created a plan for workforce strategies that we will implement to ensure that the agency is equipped to carry out its mission and strategic goals listed below. OCA has created a budget that will allow us to hire an additional investigator for FY2016. An additional investigator will allow OCA to meet the timely response policy by lessening the case load per investigator. Additionally, OCA has initiated collaboration with intern programs from state and private groups in order to hire students interested in the child welfare system who can assist in the daily needs of the office. In recent years, OCA leadership has acknowledged that the most effective actions for implementing change and closing cases in a timely manner has been through a “boots-on-the-ground” policy.

Thus, the agency makes use of a teleworking policy that allows investigators and agency leadership to conduct business while allowing them to attend pertinent meetings with local DFCS or other state boards and maintaining a proper work-life balance. All employees are invited to continuing education opportunities such as stakeholder meetings, collaborative agency workgroups, and legislative meetings. Employees are encouraged to engage in some of these activities in order to advance their knowledge of the child welfare system. However, OCA is also aware that challenges, such as the small number of employees within the office and the high volume of cases, require a sensitive balance for each OCA employee. These workforce strategies are addressed in the goals and measurable objectives outlined below, and each strategy is intended to meet the burden of the challenges faced by the agency as a result of the current structure.

## Goals & Objectives

### Goal 1 (G1)

Increase awareness and understanding of child welfare policies, practices, and outcomes throughout Georgia.

#### *Measurable Objective 1 (G1-M1)*

Maintain and update the statewide Model Protocol on a quarterly basis to reflect all legislative updates, the new Juvenile Code, current DFCS policy, and other relevant policy that reflects best practice.

#### *Measurable Objective 2 (G1-M2)*

Provide protocol committee training to 159 counties by June 30, 2016 to assist committees in updating their local Protocols and facilitate the implementation of the protocols mandates.

#### *Measurable Objective 3 (G1-M3)*

Follow up with county protocol committees to ensure the 159 counties have updated local protocols by June 30, 2016.

#### *Measurable Objective 4 (G1-M4)*

Conduct training evaluations for every county following the protocol committee training. Compile all data from evaluations quarterly to assess whether they reflect that the goals for the trainings were met and maintain the data for use in the annual report.



### *Strategy for Goal 1*

In an effort to meet the State Strategic Plan goal of promoting safe communities and stable families where children thrive, OCA strives to offer quality supportive training and assistance to practitioners and policymakers in the child welfare system across the state. The legislative mandate requiring OCA to provide appropriate training to member of each protocol committee (O.C.G.A. § 19-15-2 j) is one of the agencies top priorities, a fact that is evident in the measurables of the 2016 Strategic Plan. Additionally, OCA's commitment to promoting evidence-based strategies for child maltreatment and child fatality preventions is incorporated into the strategic plan. By committing to conducting evaluations, OCA is able to create reports that can be provided to legislative leaders, policymakers, and other stakeholders in order to ensure that the most up-to-date and relevant research is considered in our attempts to improve practice within the child welfare system of Georgia.

### **Goal 2 (G2)**

Develop and maintain collaborative relationships with public and private agencies, lawyers, and judges to improve outcomes for children and families involved with the child welfare and juvenile justice systems.

#### *Measurable Objective 1 (G2-M1)*

Utilize advisory board's expertise in the implementation of the strategic plan and the mission of OCA through facilitation of quarterly meetings (4), advisement, and through their service as expert speakers on behalf of OCA.

#### *Measurable Objective (G2-M2)*

Facilitate initial contact for the national collaboration of children's ombudsman agencies across the nation by December 2015 in order to widen Georgia's access to resources that will assist OCA and other relevant child advocacy agencies in bettering the lives of children in our state.

#### *Measurable Objective (G2-M3)*

Facilitate and mediate all Child Death Serious Injury reviews staffed by state and local DFCS that are referred to OCA during FY2016. Implement an agency policy that requires OCA staff to distribute a summary of the CDSI Review discussion and next steps within 24 hours of the completion of the staffing, and follow up as needed within 90 days with exceptions made at the Director's discretion. This progress is to be reviewed quarterly during employee evaluations and during the drafting process for each quarterly report.

#### *Measurable Objective (G2-M4)*

Work with the Emory Law Barton Clinic as well as the Governor's Intern Program to hire students interested in child welfare to assist with various projects conducted by OCA. This hiring process is to be conducted three times a year with deadlines to be decided by the policies set by each intern program.

### *Strategy for Goal 2*

By enlisting community support and creating public-private partnerships, OCA can leverage all available resources to protect and improve the lives of children. OCA coordinates inter-agency teams to review cases of child deaths and serious injuries toward the goals of identifying trends, compiling resources, evaluating the quality of state intervention and promoting local strategies for prevention. Furthermore, OCA facilitates educational opportunities through internships to assist in meeting the challenges of a large work load in order to achieve



its goals and increasing its networking capacity. By working collaboratively with agencies, we will enhance the service—delivery system for Georgia’s children. This agency wishes to be proactive in promoting the vision in both traditional and non-traditional forums. Overall, OCA seeks to maximize the expertise and resources at its disposal in order to better position itself to serve the children of Georgia.

### **Goal 3 (G3)**

Promote OCAs reputation as the independent agency that ensures the safety of children in the custody and control of the state and increase visibility in order to promote the mission.

#### *Measurable Objective 1 (G3-M1)*

Create an annual report to be released by December 31, 2016 in order to inform the Governor, legislative leaders, and constituents of Georgia of the projects and progress of OCA.

#### *Measurable Objective 2 (G3-M2)*

Create quarterly reports that outline detailed data regarding case closure, complaints received by OCA intake, and other relevant statistics, and make recommendations to the Governor, DFCS leadership, legislative leaders, and others based on identified trends in the Georgia child welfare system.

#### *Measurable Objective (G3-M3)*

Implement agency policy that requires all OCA staff to engage in some form of continuing education, stakeholder meetings, collaborative agency work groups, and legislative meetings in order to promote and recommend legislative policy based on their knowledge as a child welfare investigator and specialist.

#### *Measurable Objective (G3-M4)*

Draft and promote legislation to be submitted to Child Welfare Reform Council, Georgia General Assembly, relevant legislative committees, and other appropriate stakeholders during the 2016 Legislative Session.

#### *Strategy for Goal 3*

As an oversight agency, OCA is uniquely positioned to conduct research and compile evidence in an unbiased manner and offer a very different set of expertise for consideration by policymakers and agency leaders in Georgia. OCA is committed to continued education of its staff and leadership as a means of advancing the mission of the Agency as a whole. By consistently attending meetings and seeking opportunities for cross-agency collaboration, OCA has a greater capacity to implement change through external reform efforts, policy development, and is better capable of improving the Child Welfare System. The more educated the child-welfare community, the more positive outcomes Georgia achieves on behalf of children.

### **Goal 4 (G4)**

Investigate individual cases referred to OCA – jurisdiction over allegations of child abuse or neglect and DFCS involvement in the last five years.

#### *Measureable Objective 1 (G4-M1)*

Utilize data and recommendations to improve outcomes in 10% of cases investigated by June 30, 2016.



*Measurable Objective 2 (G4-M2)*

Implement agency policy that requires initial response to be made by investigators within 24 hours following reported concerns regarding the state's child welfare system in 100% of cases.

*Measurable Objective 3 (G4-M3)*

Implementing agency policy that requires case closure within 90 days of initial response by an investigator in all cases, with exceptions made only as necessary at the Director's approval.

*Strategy for Goal 4*

OCA has shaped the internal policies regarding investigations in a manner that ensures a timely and consistent centralized intake in order to separate assistance cases and cases that meet the criteria for investigations. The more consistent the investigation of cases by OCA, the more positive outcomes we can anticipate for Georgia's children.

**Goal 5 (G5)**

Utilize individual projects and audits of systemic issues to positively affect welfare of children in foster care and identify legislative needs.

*Measurable Objective (G5-M1)*

Review 200 cases of children in foster care for 2 or more years through the Cold Case Project and participate in the corresponding Permanency Round Table Plus by December 31, 2016.

*Measurable Objective (G5-M2)*

Move 25% of the children involved in the PRTPlus reviews to achieving legal permanency by December 31, 2016.

*Measurable Objective (G5-M3)*

Assist the courts in assessing the program services of at least ten (10) Georgia DHS – DFCS county offices as a part of the Peer Review Project by June 30, 2016.

*Measurable Objective (G5-M4)*

Provide orientation for the personnel selected as peer reviewers through the Peer Review project by December 1, 2016.

*Measurable Objective (G5-M5)*

Observe Guardians ad Litem in court in at least 10 counties and submit a minimum of ten reports per county and observation by June 30, 2016 in order to submit a final report to the relevant parties involved in the Peer Review Project.

*Measurable Objective (G5-M6)*

Identify at least 80 emancipated foster youth for the Verizon Wireless Lifeline Project and assist in facilitating the donation of cell phones for youth as a lifeline.

*Measurable Objective (G5-M7)*

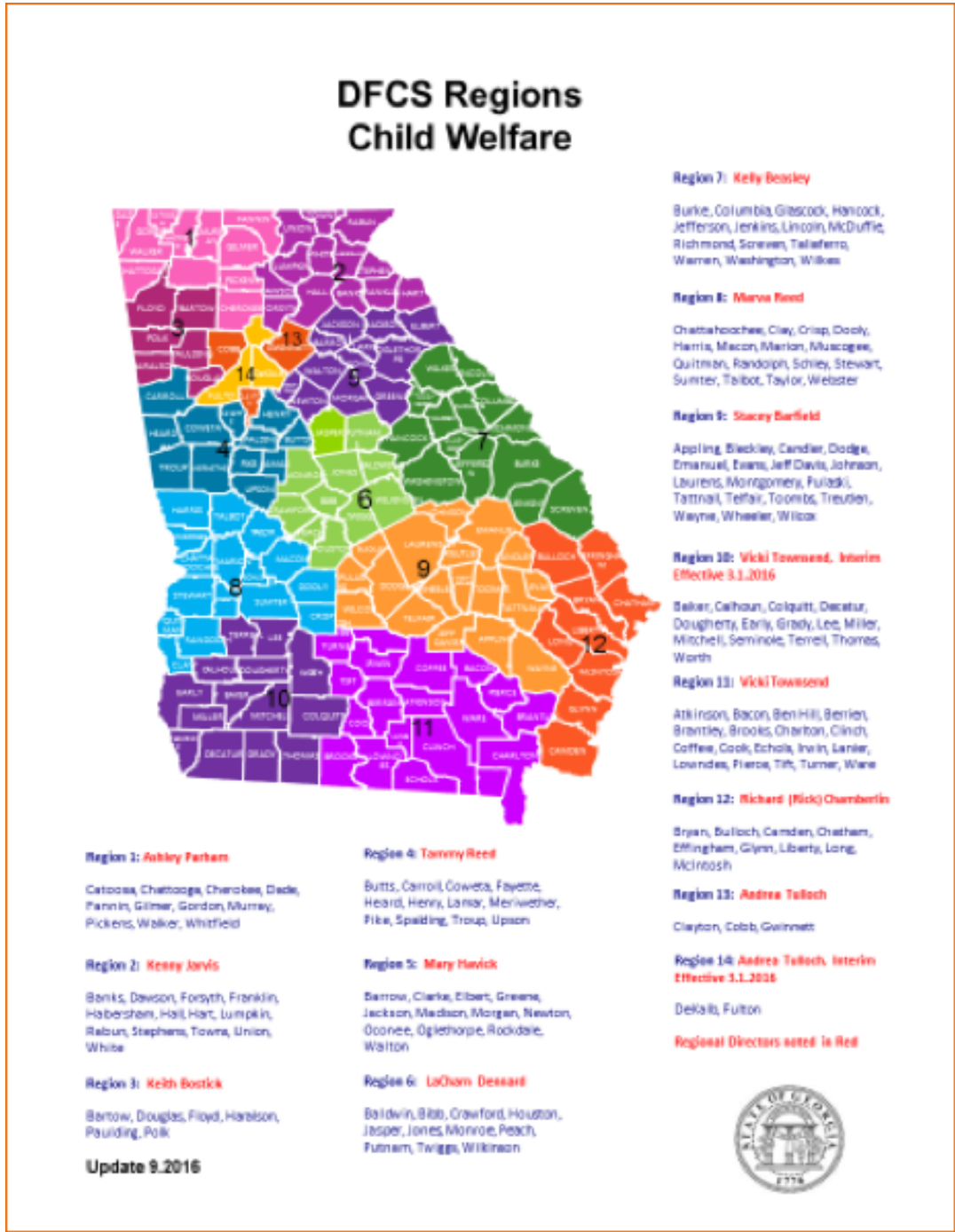
Compile data from at least 80 surveys taken by youth involved in the Verizon Wireless Lifeline Project in order to create a comprehensive report identifying the potential benefits or effects of the lifeline services by June 30, 2016.

*Strategy for Goal 5*

OCA has consistently applied for grants in an effort to fund independent projects such as the Cold Case project, the Peer Review project, and the Verizon Wireless Lifeline project. Each of these assists OCA in meeting the legislative mandates set by the Georgia Code such as providing oversight to agencies, training GALs, and offering opportunities to gather evidence for periodic reports that include recommendations to policymakers and DFCS leaders. The goal for these projects is to serve the needs of Georgia's youth, whether through the provision of cell phones for professional development or the commitment to finding legal permanency for children lost in the system. OCA has found that by meeting the needs of the Child Welfare System at the frontlines, we can often prevent further need for intervention or investigation in the future. In this way, these projects act as a proactive means of achieving the OCA mission as well as our State goal of promoting safe communities and stable families where children thrive.



# Appendix C: The State of Georgia Map color coded with DFCS Regions, Judicial Circuits and Counties



# Appendix D: Federal Fiscal Year 2016 CJA Final Report

## 2016 Child Abuse Protocol Project

### Project Overview - Summary Description of Project

The Office of the Child Advocate (OCA) was selected by the Georgia Department of Human Services (DHS) Division of Family and Children Services (DFCS) Children's Justice Act Task Force for a FFY2016 Children's Justice Act Grant to improve the multidisciplinary investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation in a manner that limits additional trauma to the child victim.

To accomplish this goal, three objectives were set out related to local written child abuse and sexual abuse and sexual exploitation protocols (Protocols) as mandated by O.C.G.A. §19-15-2 while incorporating CJA recommendations for each objective:

1. Ensure that state and local Protocols are up to date and in compliance with current laws, DFCS policy and best practices through a collaborative effort that engages and involves state and local multidisciplinary stakeholders and partners.
2. Increase Protocol implementation through multidisciplinary front line responder training to improve the process and consistency of the multi-disciplinary response to child abuse, neglect and sexual exploitation investigations and prosecutions while limiting trauma to the child.
3. Increase Protocol awareness through State and local presentations targeting stakeholders and partners that contribute to and affect the multidisciplinary investigation and prosecution of child abuse, neglect and sexual exploitation.

The Protocol outlines the multi-disciplinary approach used to investigate and prosecute alleged cases of child neglect, physical and sexual abuse and sexual exploitation as well as procedures to be used when child abuse occurs in a household where there is domestic violence.

The mandated purpose and ultimate goal of the Protocol is to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases and to minimize the stress created for the allegedly abused child by the legal and investigatory process. O.C.G.A. §19-15-2 (f). The work done in this project helps Georgia achieve this goal at the state and local levels.

OCA maintains a Model Protocol to assist local Protocol Committees in the development and update of their own local protocols. The Protocol is a living document that is revised and improved on a regular basis, such as when new laws are passed, new policies are implemented by state and local agencies, and best practices have changed. The revisions are color-coded to reflect the changes and revision dates are posted with each new Protocol release on OCA's website. The Protocol is posted in WORD format for ease of use by the local counties and/or judicial circuits.



Training of multidisciplinary front line responders helps implement the local Protocol to improve the process and enhance the quality, consistency and coordination of the multi-disciplinary response for handling child abuse, neglect and sexual exploitation cases as well as children with special needs. Special needs of children with developmental disabilities and fetal alcohol spectrum disorder are highlighted throughout the Protocol and during Protocol training.

### **Project Details: Goals & Objectives**

The goal of the project is to improve the investigation and prosecution of cases of child abuse which includes neglect, physical and sexual abuse, child endangerment and sexual exploitation. This aligns with the legislatively mandated goal of the Protocol for effective, collaborative multi-agency response in child abuse investigations and prosecutions at the local level. The goal of this project is to have statewide collaboration in updating the Model Protocol for use by local Protocol Committees in updating their local Protocol to provide sound direction to frontline responders in the procedures, policies and best practices involved in the investigation and prosecution of child abuse cases.

The project objectives incorporated the CJA recommendations including:

1. Updating the Protocol to reference the appropriate definition(s) in O.C.G.A. §15-11-2 (Juvenile Code);
2. To mandate a multidisciplinary response to child abuse allegations;
3. To require consistent participation (particularly by DFCS and local prosecutors/district attorneys) on child abuse protocol committees (CAPCs) and related multi-disciplinary teams (MDTs) and;
4. To mandate adherence to local child abuse protocols.

The only recommendation that could not be carried out in the Protocol was to require that CAPCs meet monthly as O.C.G.A. §19-15-2(g) statutorily prescribes that CAPC meet at least twice annually for the purpose of evaluating the effectiveness of the protocol and modifying and updating the same. This project is designed to achieve three objectives which incorporate the above referenced CJA recommendations:

1. Ensure that state and local Protocols are up to date and in compliance with current laws, DFCS policy and best practices through a collaborative effort that engages and involves state and local multidisciplinary stakeholders and partners. Best practices include a multidisciplinary response to child abuse allegations, consistent participation (particularly by DFCS, law enforcement and district attorneys) on both the child abuse protocol committees (CAPCs) and related multi-disciplinary teams (MDTs) and an adherence to local child abuse protocols.
2. Increase Protocol implementation through multidisciplinary front line responder training to improve the process and consistency of the multi-disciplinary response to child abuse, neglect and sexual exploitation investigations and prosecutions.
3. Increase Protocol awareness through State and local presentations targeting stakeholders and partners that contribute to and affect the multidisciplinary investigation and prosecution of child abuse, neglect and sexual exploitation.

The target audiences include Protocol Committee members, their supporting state level organizations and agencies, front line responders and service providers. Protocol Committee membership required under O.C.G.A. § 19-15-2 (c) (1) includes representatives designated from both circuit and county levels including the Sheriff; DFCS; District Attorney; Chief Magistrate; Juvenile Court Judge; County Board of Education, county mental health organization; Chief of Police in counties which have a county police department; Chief of Police of the largest municipality in the county; county public health department, the local Child Advocacy Center; the local Sexual Assault Center; and the coroner or county medical examiner. In addition, the law requires that the chief superior court judge designate a representative from a local citizen or advocacy group which focuses on child abuse awareness and prevention. These members can include, but are not limited to, Medical Providers, preferably with child maltreatment expertise, local police departments and Court Appointed Special Advocates (CASA).

Other members integral to better address the complex issue of commercial sexual exploitation of children (CSEC), include the CSEC Multi-Disciplinary Team (MDT) headed by members of CHOA (Children's Healthcare of Atlanta), Georgia Cares and the Criminal Justice Coordinating Council's Human Trafficking Taskforce.

All Stakeholders benefit from more effective collaboration due to their involvement in the multiagency response of child abuse investigations and prosecution. Frontline responders benefit from learning how to better utilize the Protocol in contributing to the multidisciplinary response.

## **Deliverables**

*Activities accomplished through this project include:*

- Hosting a Protocol Summit in partnership with DFCS to engage State and local level stakeholder and partner collaboration in revising the 2016 Statewide Model Protocol. The Summit attendees provided the critical updates on legislative, policy and best practice changes for the 2016 Statewide Model Protocol and Statewide Minimum Standards Protocol.
- Providing Protocol implementation training across the State for local level multidisciplinary frontline responders to ensure they are aware of and understand Protocol procedure for effective multidisciplinary investigation and prosecution of child abuse cases while limiting additional trauma to the child victim. Training highlights how each discipline contributes to the process and how their respective roles affect each other and ultimately the child. Training ensures the Protocol goal and purpose of effective collaborative multi-agency response in child abuse investigation and prosecution while minimizing stress created on the abused child are met. (O.C.G.A. §19-15-2)
- Having post-training evaluations completed in order to ensure the training provided frontline responders with appropriate knowledge of the Protocol, procedures, their role in the multidisciplinary response, other multidisciplinary team members' role in the response as well as the corresponding reasons each step in the investigatory process is undertaken culminating in effective investigations and prosecutions.
- Conducting presentations throughout the State to increase State and local level Protocol awareness amongst various disciplines which contribute to and affect the multidisciplinary response.

Activities completed during FFY 2016 and in alignment with CJA Protocol recommendations included the following:



### *Protocol Summit: Revision of the Statewide Model Protocol*

On September 9, 2016 in Atlanta, GA, OCA, in partnership with DFCS, hosted a Protocol Summit that included State Agencies, stakeholders, partners, frontline responders and service providers from both State and local levels across the State. The Summit provided a collaborative process to update the 2016 Statewide Model Protocol and was attended by 105 participants including but not limited to:

- Division of Family and Children Services (DFCS)
- Attorney General's Office (AG)
- Child Advocacy Centers of Georgia
- Local Child Advocacy Centers throughout
- Dr. Messner, Children's Health Organization of Atlanta, Stephanie Blank Center for Safe & Healthy Children
- CJCC Human Trafficking Taskforce
- CJCC SART Core Members & Expert Committee
- Sexual Assault Centers throughout the State
- Prosecuting Attorney's Council (PAC)
- District Attorney Offices
- Heather Stockdale, Georgia Cares
- Department of Juvenile Justice (DJJ)
- Department of Public Health (DPH)
- Department of Education (DOE)
- Georgia Department of Early Care and Learning (DECAL)
- GBI, Child Abuse Specialist Agents
- GBI, Child Exploitation & Computer Crimes Unit
- Local Law Enforcement agencies throughout the State
- Georgian Public Safety Training Center (GPSTC)
- Barton Center of Law
- Rachelle Carnesale, Chief Assistant District Attorney, Blue Ridge Judicial Circuit
- Judge Render Heard, Juvenile Court Judge, Tift Judicial Circuit
- Angela Tyner, J.D., Director, Advocacy & Program Dev., Court Appointed Special Advocates
- Jennifer Bartl, Wellspring Living, TF-CBT



- Julia Neighbors, Director, Prevent Child Abuse of Georgia
- Tiffany Sawyer, Prevention Director, Georgia Center for Child Advocacy
- Donnie Winokur, Fetal Alcohol Spectrum Disorder (FASD)
- Debi Taylor, Spirit of Autism

All of the above agencies and individuals who participated in the 2016 Protocol Summit and took part in the collaborative update of the Statewide Model Protocol were acknowledged in the new cover of both the revised 2016 Statewide Model Protocol and 2016 Minimum Standards Protocol. The Summit was organized into a morning and afternoon session. The morning session consisted of State Agency, Stakeholder, Partner and frontline responder speakers who addressed topics affecting their respective agencies, their involvement in the multidisciplinary response, new updates, changes to and/or issues confronting their agencies that play a role in and ultimately affect the multidisciplinary response. The speakers, their respective agencies and their presentation topics included:

*State Agency Speakers*

- Director Bobby Cagle, DFCS – Blue Print for Change: Solutions Based Case Management
- Attorney General Sam Olens, AG – Human Trafficking Efforts
- Director Jay Neal, CJCC – Human Trafficking Taskforce and SART Expert Committee
- Chuck Spahos, PAC – New legislation on accessing the Forensic Interview
- Assistant Deputy Commissioner Margaret Cawood & Latera Davis, Director Victim Services, DJJ - CSEC services and Victim approach
- Deputy Director Rusty Andrews, GBI and Brian Johnston, Computer Crimes & Sexual Exploitation Unit

*Stakeholder Speakers*

- Andrew Agaston, CEO and General Legal Counsel, Child Advocacy Centers of Georgia, CAC Standards
- Ann Burgess-The Dual Center
- Dr. Messner, Director Medical Services, CHOA, the Forensic Medical
- Heather Stockdale, GA Cares, Georgia's sexually exploited children: Assessment, placement and coordinated care
- Sgt. Kelli Tonnelli, Gwinnett County Sheriff's Department Multidisciplinary cooperation between Law Enforcement, Schools and DFCS
- Rachelle Carnesale, Chief Assistant District Attorney, Blue Ridge Judicial Circuit Understanding & Responding to Children w/Disabilities
- Julia Neighbors, Director, Prevent Child Abuse of Georgia
- Tiffany Sawyer, Prevention Director, Georgia Center for Child Advocacy Prevention Efforts across the State
- Myrel A. Seigler, Ed.D., DOE, Program Manager, School Counseling/School Social Work, Reporting & Response of Child Abuse occurring within the School System



The Summit allowed productive dialog on issues identified and occurring within the multidiscipline response such as the inability of law enforcement to obtain DFCS records, schools conducting their own internal investigations in cases involving child abuse in the school setting instead of reporting to DFCS and/or law enforcement and the need for better training for frontline responders in how to recognize and work with children with disabilities. Interagency networking was also a very beneficial aspect of the Summit. The afternoon session consisted of group break-out tables where each multidiscipline reviewed and worked on their respective portion of the Protocol culminating in the completion of a group recommendation Protocol revision form. The form also included a contact person to send post-summit Protocol revisions to for review. Group breakout tables included:

1. DFCS (Policy Compliance)
2. Schools (Mandated Reporting, Response of Child Abuse Occurring Within The School)
3. Forensic Interview
4. Forensic Medical
5. Sexual Assault Response Team (SART) (Sexual Assault Examinations)
6. District Attorney (DA)-Prosecution Section
7. District Attorney-Victim Advocates (Victim Advocacy and Crime Victim Bill of Rights)
8. Prevention
9. Investigative Resources - GBI Child Abuse Specialist Agents and Georgia Department of Early Care And Learning (DECAL)
10. Mental Health/Counseling (Trauma Focused Cognitive Behavioral Therapy-TF-CBT)
11. Commercial Sexual Exploitation Of Children (CSEC) / Domestic Minor Sex Trafficking (DMST)
12. Domestic Violence (Responding To Children In Homes with Domestic Violence)
13. Public Health
14. Juvenile Court and Court Appointed Special Advocates
15. Developmental Disabilities (Special Needs considerations during investigations)
16. Law Enforcement (Joint Work Efforts with DFCS & Accompanying DFCS)
17. Legislation (OCA, DFCS, Barton Center, CACGA and PAC)
18. Law Enforcement (Basic Response & Cross Reporting)

The attendees took their contributions seriously and provided excellent recommendations for additions and changes to the Protocol. OCA utilized the recommendations to revise the 2016 Statewide Model & Minimum Standards Protocols. The revisions were then sent to the designated representative of each table for comment prior to finalizing and publishing the revisions in the 2016 Statewide Model and Minimum Standard Protocols.

Post-summit Protocol work included correspondence with various designated table heads to obtain further revisions and additions to include in the Protocol. Contributors from the respective tables and those who performed post-summit work on revising pertinent protocol sections include but are not limited to the following:

1. Dr. Messner, Medical Director, Children’s Health Organization of Atlanta (CHOA) on the Forensic Medical section,
2. Michelle Anderson, CJCC Human Trafficking Taskforce on the CSEC/DMST section
3. DFCS for policy compliance and procedural changes
4. Jenifer Bartl on the Behavioral Health Section to include Trauma Focused – Cognitive Behavior Therapy (TFCBT);
5. Amy Hutsell, CJCC SART Expert Committee met with the SART Core Members on revisions made to the SART section of the Protocol utilizing Summit recommendations for further review and input;
6. Angela Tyner on the Juvenile Court and CASA section;
7. Judge Render Heard, Juvenile Judge Tift County on the Juvenile Court Section and the addition of the Probate Court in guardianship matters;
8. Latera Davis on DJJ reporting section;
9. Sharla Jackson with PAC on the Domestic Violence with children section and included not allowing children to act as interpreters at the scene;
10. Department of Public Health added seatbelt law when transporting a child;
11. Amy Ecronopolis, Director of the Anna Crawford Child Advocacy Center provided revisions to the Forensic Interview Section;
12. Nancy Chandler included multidisciplinary language, stronger language for participation of DFCS and law enforcement at the Multidisciplinary Team meetings and the requirement that the referring agency of a forensic interview must attend the forensic interview;
13. DECAL included jurisdiction and investigation language for unlicensed as well as licenses child care agencies;
14. Julia Neighbors and Tiffany Sawyer developed a new Prevention section;
15. Fulton County District Attorney’s Office provided changes to the prosecution section and;
16. Rachelle Carnesale, Chief Assistant District Attorney, Blue Ridge Judicial Circuit, provided contributions for the Children with Special Needs and Disabilities section.

***The Revised 2016 Statewide Model Protocol***

In addition to the CJA recommendations, revisions to the Protocol were made from collaborative multidisciplinary stakeholder and partner contributions from the Summit as well as post-Summit work and correspondence culminating in a revised Statewide Model and Minimum Standards Protocol reflecting legislative, policy and best practices changes.



The 2016 Statewide Model protocol was updated to include all CJA recommendations. The Protocol now provides a:

- Reference of the appropriate definitions in O.C.G.A. §15-11-2 (Juvenile Code)
- Mandate for a multidisciplinary response to child abuse allegations
- Requirement for consistent participation (particularly by DFCS and local prosecutors/district attorneys) on both child abuse protocol committees and related multi-disciplinary teams (MDTs), and Mandate to adhere to local child abuse protocols.

The 2016 Statewide Model protocol was updated to include Summit recommendations on law, policy and best practices, such as:

- Utilizing the sexual assault center (SAC) as a local community resource for the sexual assault examination;
- Inclusion of victim advocacy at the SAC and during the sexual assault exam;
- Inclusion of seatbelt law while transporting children;
- Inclusion of the Probate court for guardianships as part of the judicial process in dependency cases;
- Inclusion of 'unlicensed' child care facility within the jurisdiction of the Department of Early Care and Learning (DECAL)
- Additional information on how to best respond to children in households where there is domestic violence, such as never using the child as an interpreter;
- DFCS new response time and case track assignment procedure as well as email contact information changes;
- Reordering the Juvenile Court Section as well as adding in a section on TPR and Foster Care;
- Additional information about how to best respond to abuse and neglect situations involving children with disabilities and; change of the title 'Mental Health' to "Behavioral Health".

Legislative Updates to the 2016 Statewide Model protocol were included in the Statewide Model Protocol distributed to all Summit attendees. A highlight of the legislative updates includes:

- The new definition of sexual servitude in the trafficking statute
- New legislation on accessing the forensic interview documents and video recordings
- Changes to the definition of child abuse under mandated reporter law to include child endangerment
- Protocol Committee member changes to include two (2) new mandated Protocol Committee members: the local Child Advocacy Center and the Sexual Assault Center
- The ability for Protocol Committees to elect to have a circuit-wide, rather than a county-wide, protocol committee in those circuits with more than one county
- The new filing date of September 1st of each year for local updated protocols
- The change of agency from Child Fatality Review (CFR) to OCA to file the updated protocols and annual reports

## Project Evaluation

### *Protocol Summit*

A Summit Evaluation, conducted on Survey Monkey, was sent to 95 recipients and 28 responses were received as noted below. (The ten people that were not sent surveys included Speakers who left after their respective presentation and did not attend the afternoon session.) The goal of this project is to have statewide collaboration in updating the Model Protocol for use by local Protocol Committees in updating their local Protocol to provide sound direction to frontline responders in the procedures, policies and best practices involved in the investigation and prosecution of child abuse cases was absolutely accomplished as evidenced by the 100% responses below. Updating the Protocol and use of it by local Protocol Committees will necessarily improve the investigation and prosecution of cases of child abuse which includes neglect, physical and sexual abuse, child endangerment and sexual exploitation.

### *Survey Monkey Summit Evaluations:*

#### **1. How would you rate the usefulness of the content/information offered by the morning presenters?**

**Exceptional** – 7 / 25%

**Excellent** – 14 / 50%

**Good** – 7 / 25%

**Adequate** - 0

**Poor** – 0

**Comments:** All information was useful and purposeful to the work

#### **2. Did you feel the afternoon breakout groups provided an effective way to revise the Statewide Model Protocol?**

**Yes:** 25 / 100%

**No:** 0

**Skipped Question:** 3 (1-“had to leave before breakout session”, 1-“didn’t attend” and 1-no comment)

#### **Comments:**

- Also enjoyed getting to meet partners in the field
- I would have liked to have had an opportunity to review the protocol with proposed edits prior to the symposium. It was difficult to follow along with the other groups’ revisions since I was not as familiar with their sections.
- Only we didn’t have all the resources needed to make the necessary edits.

#### **3. Did you feel you were able to contribute to the Protocol revisions?**

**Yes:** 25 / 100%

**No:** 0

**Skipped Question:** 2 (1-“had to leave before breakout session” and 1-“wasn’t able to participate”)



**4. Did the Summit accomplish the goal of including all multi-disciplines in revising the State Model Protocol from your perspective?**

**Yes:** 28 / 100%

**No:** 0

**Comments:** I think we would have benefited from having more treatment providers in the meeting.

**5. Did the Summit meet or exceed your expectations?**

**Met Expectations:** 13 / 46.43%

**Exceeded Expectations:** 15 / 53.57%

**Did not meet expectations:** 0

**Comments:** None

**6. Was the Summit useful to you?**

**Yes:** 27 / 100%

**No:** 0

**Skipped Question:** 1

**Comments:** None

**7. Would you be interested in attending a future Summit?**

**Yes:** 28 / 100%

**No:** 0

**Comments:** I enjoyed getting updates from the different disciplines. Great opportunity to access new resources and make new contacts.

**8. Would there be anything you would change about the Summit?**

**Yes:** 10 / 38.46%

**No:** 16 / 61.64%

**Skipped Question:** 2

**Comments:**

- The overviews in the morning were good but I felt most people already had the info. Next time we could move more quickly
- Attempt to provide some feedback across disciplines for summit protocol. In other words, maybe have some cross-discipline groups who may be able to give feedback as to how one portion of the protocol may affect other disciplines not directly involved
- More field staff
- Presenters to share how their work applies or assisted with the development of the protocol
- Better time management

The result of the Protocol Summit was a collaborative revision and completion of the 2016 Statewide Model Protocol and Minimum Standards Protocol, an opportunity for all disciplines to hear from each other, to learn

about additional resources and to address resolutions of pending issues hampering the multidisciplinary response.

### *Communicating Protocol Updates: Distribution of the 2016 Statewide Model Protocol*

OCA published the revised 2016 Statewide Model Protocol and Minimum Standards Protocol on their website, emailed it to all Summit attendees and thanked them for their time, enthusiasm and work on the Protocol as well distributed the Protocol to every local protocol committee member who was instrumental in coordinating previous OCA conducted local Protocol trainings.

The Protocol will continue to be collaboratively updated through a yearly mini-Summit utilizing the format of the afternoon session from this year's Summit as described above in completing Protocol revisions. The revisions will continue to reflect changes in state law, relevant child welfare policy, best practices as well as suggestions made by Protocol training participants. The changes will be color coded and a revision date will be included with each Protocol update.

Collaboratively revising the State Model Protocol provides an avenue for multidisciplinary input to ensure OCA achieves the objective that state and local Protocols are up to date, in compliance with current laws, effective in improving the process and consistency of the multi-disciplinary response to child abuse investigations and prosecutions which in turn is communicated to community partners through website posting, email distribution, presentations and local level multidisciplinary frontline responder Protocol training.

### *Protocol Awareness through Presentations*

Raising awareness about the Protocol and disseminating the Protocol document help achieve project objectives because the more stakeholders, partners, frontline responders and service providers who know about the Protocol and the requirements of local communities related to the Protocol, the more likely that local Protocols will be created and updated in compliance with the requirements of O.C.G.A. § 19-15-2. Also, as communities begin talking about the Protocol, issues and/or barriers are often identified that affect the consistency, coordination and effectiveness of the multi-disciplinary response to child abuse and neglect leading to sound resolution.

Stakeholder and collaborative partner conferences, summits, trainings, meetings and other events are excellent ways to reach audiences including Protocol Committee members, frontline responders and service providers. Each presentation attendee received a copy of the Statewide Model Protocol to bring back to their local levels to increase awareness of the Protocol, the updated revisions, and the need to have an active protocol committee.

In FFY 2016, OCA reached more than 1278 individuals across Georgia through twenty-five (25) state and local presentations at conferences, summits, symposiums and training events hosted by organizations other than OCA.

OCA presented at meetings that addressed certain portions of the Protocol while also providing training related to the Protocol in general, the Protocol Committee composition, duties and responsibilities. All attendees received a copy of the Statewide Model Protocol or the Minimum Standards Protocol. All presentations also included legislative, policy and best practice updates. Several presentations led to further inquiries to OCA on multidisciplinary practices, dispute and issue resolution on local Protocol development and updates and frontline responder Protocol trainings.



*Protocol presentations were conducted for:*

- 1) GPSTC - Coroner In-Service Training
- 2) GPSTC - Child Abuse Investigation Training
- 3) District Attorneys Quarterly meeting
- 4) Prosecuting Attorneys Council - Domestic Violence, Parole Board and Law Enforcement trainings
- 5) Criminal Justice Coordinating Council (CJCC) Quarterly Human Trafficking Task Force Meeting
- 6) Medical and Mental Health Summit
- 7) Child Advocacy Symposium-Child Abuse Conference
- 8) Municipal Association
- 9) Rotary Club
- 10) Juvenile Bar
- 11) Special Assistant Attorney General (SAAG) conference/training
- 12) Coroner's Conference
- 13) Attorney General's Office Human Trafficking Symposium (held in Savannah, GA)
- 14) Fulton Coalition to End Sexual Exploitation
- 15) DFCS Centralized Intake Supervisors
- 16) Lutheran Church in partnership with Blue Ridge Judicial Circuit DA Office
- 17) School Social Workers and Counselors, encompassing 8 different counties

OCA's participation in these events resulted in increased awareness about the Protocol among a variety of audiences, and enhanced partnerships and commitments to make the Protocol a central part of interdisciplinary work at the local level.

*Multidisciplinary Frontline Responder Protocol Implementation Training*

In FFY 2016, OCA reached 593 participants in 22 counties and 10 different circuits through 14 Protocol trainings. The CJA FFY 2016 grant provided for continued Protocol training of multidisciplinary front line responders emphasizing the multidisciplinary response of investigations and prosecutions of child abuse, neglect, sexual abuse and sexual exploitation, each agency's role and contribution to the response and how each agency affects the other agencies.

The four (4) hour training programs utilize a power point presentation, includes state and local agencies speakers, stresses the importance of the multidisciplinary response, provides state and local resources, encourages an interactive format and concludes with post-training evaluations.

The training was conducted by the Deputy Director of the Office of the Child Advocate who has both a law degree and a Master degree in Educational Psychology. She was formerly an Assistant District Attorney working child sexual abuse and child endangerment cases. She worked closely with law enforcement, DFCS and Child Advocacy Center forensic interviewers in these cases as well as participated at the local Multidisciplinary Team (MDT) attending monthly meetings representing the District Attorney's Office. She has conducted numerous presentations and trainings throughout the State on the Protocol, commercial sexual exploitation of children, abusive head injury and co-sleeping investigations and prosecutions.



The multidisciplinary frontline Protocol implementation training starts out with Protocol law, the mandated goal, purpose and mission of the Protocol and the Protocol Committee's mandated responsibilities as outlined in O.C.G.A § 19-15-2 which include:

- Developing a local protocol for the investigation and prosecution of alleged cases of child abuse, sexual abuse and sexual exploitation
- Ensuring written protocol procedures are followed by all agencies
- Meeting at least twice annually for the purpose of evaluating the effectiveness of the protocol and modifying and updating the Protocol
- Having new member training within 12 months of their appointment provided by OCA
- Preparing an Annual Report due the first day of July each year which requires the Committee to evaluate the extent to which investigations of child abuse during the 12 months prior to the report have complied with the protocols of the protocol committee, recommend measures to improve compliance and describe which measures taken to prevent child abuse have been successful

After this introduction, the front-line responder Protocol implementation training includes all facets of the multidisciplinary response such as:

- Mandated Reporting Law to include child endangerment to the definition of child abuse
- DFCS reporting options
- DFCS policy and procedural changes to response times and case track assignments
- Situations which Law Enforcement accompanies DFCS
- Joint DFCS and Law Enforcement Investigations and the importance of Cross Reporting
- Trauma informed responses and how to reduce secondary trauma to the child during the investigatory and prosecutorial process
- How to respond to children in homes with domestic violence
- Best practices for responding to children with disabilities
- Commercial Sexual Exploitation of Children / Domestic Minor Sex Trafficking: indicators, awareness, response, investigation procedures and state and local resources
- Child Advocacy Center: Forensic Interview referrals and required attendance by the referring agency
- Obtainment of the Forensic Medical Exam at both the Child Advocacy Center and Sexual Assault Center
- Payment of the Forensic Medical Exam by the CJCC Victim Compensation Fund
- The reason for and importance of participation at the Multidisciplinary Team meetings
- Expert testimony of the medical and mental health provider
- Treatment and counseling including Trauma Focused Cognitive Behavior Therapy
- Prosecution: Charging decisions, elements of the crime, child hearsay and child testimony
- 2016 Legislative Changes: Protocol Law, Mandated Reporting Law, Accessing the Forensic Interview, Safe Harbor Legislation, the Central Child Abuse Registry and various legal definitions



The Protocol Trainings that occurred in 2016 are listed in the chart below which shows the date of each training; the composition of the training whether by county, circuit, or a mix; how many people attended the training; and how many counties and circuits were reached through training.

## FFY 2016 Training Totals

LOCATION	DATE	# ATTENDEES	# COUNTIES	CIRCUITS
Flynt Judicial Circuit (Henry County)	3/4/2016	43	1	1
*Dougherty Judicial Circuit(through a Child Abuse Symposium)	4/14/2016	210	1	1
GPSTC, Child Abuse Investigation	4/19/2016	50	0	0
Douglas Judicial Circuit (Douglas Co.)	5/24/2016	22	1	1
*Cordele Judicial Circuit	6/7/2016	22	4	1
GPSTC, Coroners In-service training	8/10/2016	36	0	0
GPSTC, Child Abuse Investigation	9/7/2016	27	0	0
Gwinnett Judicial Circuit	9/8/2016	44	1	1
Lookout Mountain Judicial Circuit	9/14/2016	27	3	1
Lamar County	10/22/2015	26	1	1
Waycross Judicial Circuit	10/27/2015	37	6	1
Gordon County	11/10/2015	20	1	1
Consuaga Judicial Circuit	12/4/2015	56	3	1
<b>Total</b>		<b>593</b>	<b>22</b>	<b>10</b>

Providing training in as many counties and circuits that did not benefit from training in the prior year helped reach many frontline responders in an effort to improve the process and consistency of the multi-disciplinary response to child abuse investigations and prosecutions. Fourteen (14) of the twenty-two (22) counties and seven (7) of the ten (10) circuits reached this year had not had prior Protocol training. Multidisciplinary front line responder training also helps achieve the objective of addressing specific issues identified at the training and local level resolution to enhance the multidisciplinary response. Conversations often occur about what is working well with the coordinated multidisciplinary response, where opportunities for improvements exist and potential resolutions to identified problems.

Additionally, frontline responder Protocol training was conducted at GPSTC’s Child Abuse Investigation course to reach law enforcement, a critical multidisciplinary team member, throughout various parts of the State. Law enforcement, who were already part of specialized child abuse investigative teams, had heard of and utilized the Child Abuse Protocol. However, those new to child abuse investigations had never heard of the Protocol, worked with children, nor worked with the other multidisciplinary team members such as DFCS, the schools or the child advocacy centers. They were very appreciative of learning proper procedures, policy, legislation and best practices in handling child abuse cases. They were also interested in obtaining their local Protocol to enhance their knowledge of and contribution to the multidisciplinary response. Frontline responder Protocol training was also conducted at GPSTC’s Coroner In-service training to reach county elected Coroners on their responsibilities as Protocol Committee Members and their contribution to the frontline multidisciplinary response. With the

legislatively added category of ‘child endangerment’ to the definition of child abuse for Mandated reporting, Coroners are taught to be aware of situations that are endangering children during their death investigations and how to utilize DFCS and law enforcement resources as well as their contribution to the multidisciplinary response. Being active members of the Child Fatality Review Committees, Coroners often see the overlap of children and families involved in child abuse cases and have an opportunity to utilize that knowledge and exposure for the multidisciplinary response to investigations as well.

Frontline responder Protocol training enhances an understanding of each discipline’s role as well as the other multi-disciplines involved to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases and to minimize the stress created for the allegedly abused child by the legal and investigatory process. O.C.G.A. § 19-15-2 (f).

### *Project/Protocol Training Evaluations*

All of OCA’s proposed training deliverables are evaluated formally and informally by various measures. Each program is assessed informally on an ongoing basis by evaluating the continuing demand for presentations and training as well as the continued progress of reaching counties that had no prior training. The quality of the training is reflected by the post-training evaluations. Participants complete an evaluation at the conclusion of each training critiquing the subject matter, the effect the training will have on the multidisciplinary response, as well as the instructors’ knowledge and presentation of the material.

The objective quantitative measure of success was thought to be the number of participants who attend the training. This may be true for scheduled trainings but not for initial training requests. Requests for training usually come from two (2) extremes: those counties or circuits that have multidisciplinary response issues which prevent or inhibit effective collaborative response or those that are in complete compliance and want to continue those efforts. Other trainings are scheduled through contact initiated by OCA and through contact initiated by Protocol presentation attendees.

Local level training was developed and successfully conducted with evaluation forms showing an increased knowledge of legislative, policy and best practice updates and achievement of the ultimate goal of effective collaborative multiagency response to child abuse investigations by ensuring coordination and cooperation between all agencies while reducing trauma to the child. Consistently across all trainings, attendees listed the following as important new information gained from the training:

- Roles and responsibilities of the agencies involved in child abuse investigations and prosecutions
- Local and state level resources
- Requirements of mandated reporters
- Changes to mandated reporter laws
- Changes to Protocol law
- Changes to definition of sexual servitude
- Changes to DFCS intake process, response time and case track assignments
- Components of a current, complete protocol
- Better understanding of the overall process involved in child abuse cases
- Information and resources related to commercial sexual exploitation of children



- Trauma-informed approach and how to reduce the secondary stress of the legal and investigatory process on children
- Trauma focused–cognitive behavioral therapy (TF-CBT)

Participants consistently said the trainings helped raise awareness about the Protocol, what changes were needed in their local protocol and provided information and strategies to improve communication among everyone involved in the multi-disciplinary response.

### Concerns Identified Through Discussions at Local Trainings

Concerns and barriers identified at local Protocol trainings and other meetings are grouped below as school issues, DFCS response issues and Child Advocacy Center issues.

**School Issues:** While last year's concern around the schools' appointment of and use of a 'designated delegate' as required under mandated reporting law to report, rather than investigate, child abuse or neglect seems to be resolved (as indicated by all school attendees knowing who the 'designated delegate' is and their required duty to report), this year's concern was schools failing to report to DFCS or law enforcement when child abuse occurs in the school setting, interviewing the child victim or witness, not allowing DFCS or law enforcement to interview children in the school or calling parents prior to the interview(s) during the pendency of a criminal or CPS investigation. The lack of school reporting, not allowing DFCS &/or law enforcement into the school to speak with the child and/or other necessary witnesses, not allowing DFCS or law enforcement to speak to the child without advising the parent(s) first, have been topics of great concern. Some schools prefer to conduct their own investigations in order to keep it in-house to prevent the community from learning about the incident with the concern focused on parental relations and the administrative procedures requirement for teacher termination rather than the neglected or abused child's welfare, maintaining the integrity of an investigation or cooperating with the multidisciplinary investigatory process.

**DFCS Response Issues:** Last year's issues and concerns surrounding DFCS Centralized Intake system have been addressed and remedied by DFCS. New policy was enacted allowing the schools and law enforcement to contact local DFCS offices directly in exigent situations. This helped to alleviate problems of not being able to reach local DFCS directors, supervisors and/or case managers in situations requiring immediate attention and/or a child's removal.

Another issue involving the screen-out of cases involving commercial sexually exploited children was resolved by a policy change mandating these cases be assigned to investigation.

This year's concerns involve information sharing between DFCS and law enforcement which has been expressed by various law enforcement communities and is currently being addressed by state level DFCS.

**Child Advocacy Center (CAC):** The biggest response issue that was resolved from last year was the ability to contact the CAC after hours to obtain a Forensic Medical Examination. The issue of where to bring the child for a forensic medical examination was primarily between the CAC and hospital(s) which both offered a SANE to perform the examination. This year, the same issue focused on whether to bring the child to the CAC or Sexual Assault Center. The Sexual Assault Center (SAC) was added this year as a mandated member to the Protocol Committee. As a new Protocol Committee member, the SAC wants to be utilized as a local resource for the Sexual Assault Medical Forensic Examination. As a result of the Summit, protocol trainings and OCA's membership and participation on the CJCC SART Expert Committee, the CAC and SAC have committed to working together to provide needed local resources for the sexually abused or sexually assaulted child.

## Accomplishments

### *The Summit: Revised 2016 Statewide Model Protocol*

The Protocol Summit reformed how the Statewide Model Protocol and Minimum Standards Protocol is revised and utilized throughout the State. The 2016 revised Statewide Model Protocol is now a comprehensive document detailing the procedures to be used in the investigation of child abuse, sexual abuse and sexual exploitation developed through collaborative multidisciplinary stakeholder and partner input and contributions. The Summit evaluation responses reflect an overwhelming desire to be included in a yearly Protocol Revision Summit. The ownership of the Statewide Model Protocol was gained through the Summit and increased participation is already shown by a newly created DFCS policy requiring local and state level DFCS to comply with Protocol law by having a local protocol, modifying it to keep it up to date with legislative, policy and best practice changes and to attend and be an active member of the Protocol Committee. The Summit also included state level stakeholders, such as the Department of Public Health, whom had never been involved in the Protocol before but which contributed to this year's revisions and want to be included in future Summits.

### *Protocol Presentations*

The reach of multidisciplinary partners through presentations ultimately improves the investigations of child abuse cases. Whether through conferences that reach a wide array of responders such as law enforcement, DFCS case workers, Child Advocacy Centers or a specific group such as Coroners, the result is the increased knowledge of the role each discipline plays and the contributions they can make to improve the handling of child abuse cases. While responding to death cases, Coroners are trained to be more aware of a child's presence, the conditions of the house, potential safety issues and their mandated duty to contact DFCS. Law enforcement new to child abuse investigations now understand they are part of a bigger team, the other multidisciplinary members involved, their own role and protocol investigatory procedure requirements.

### *Multidisciplinary Frontline Responder Protocol Implementation Training*

Local Protocol trainings not only bring multidisciplinary front line responders the critical changes to legislative, policy and best practice updates, local and state resources, help in improving investigations of child abuse cases involving child victims of physical, and sexual abuse and sexual exploitation but it also increases the awareness and considerations of how to reduce trauma to the child through the legal and investigatory process.

This year's legislative changes included the definition of 'child endangerment' to the definition of child abuse for mandated reporting. Many cases involving endangered children were going unreported. This was especially true for children involved in homes with domestic violence. Instead of contacting DFCS for safety assessments to protect the child, law enforcement would bring the child to another relative's house for the night only for that child to be returned to the home the next day. Many frontline responders were unaware of these legislative changes until the training. They now know they have a duty to report to DFCS any child who is in a home and sees, hears or witnesses domestic violence, a child who is present at a meth lab, a child who is in a car being with someone driving while under the influence or a child who suffers from prenatal abuse because of exposure to severe alcohol use or the use of unlawful controlled substances.

In circuits or counties that have not yet handled cases involving child victims of sexual exploitation, they learn the indicators and risk factors to better identify these victims, the multidisciplinary partners that need to be called such as GA Cares for assessment, coordinated care and placement. The available resources such as the Attorney



General's Human Trafficking prosecutor to help with search warrants, indictments or further training. The mandated report to DFCS and the required steps DFCS must take including a home assessment to ensure that the parents or care givers are not the child's trafficker, the need for forensic medical examination for the child's physical wellbeing and a forensic interview. The training participants also learn about the victimization of these children and the dynamic involved with their traffickers. They learn about the multijurisdictional issues in these cases that can include intrastate and interstate trafficking potentially involving both federal-state agencies and the importance of contacting the GBI Computer Crimes and Sexual Exploitation Unit which is better equipped to handle the multijurisdictional issues involved in some of the cases.

Training also helps improve the handling of cases involving children with disabilities. Participants are taught about the disproportionate victimizations of these children and how to better respond to these child victims. They learn to appreciate rather than discount a child with a disability, how to try to assure them that they are there to help and the child is not in trouble nor did anything wrong and if they do not feel confident or equipped to help a special needs child then at minimum they should bring the child to a Child Advocacy Center where trained forensic interviewers are available to provide specialized interviews for these children.

All Protocol trainings include how to reduce stress by the legal and investigatory process and minimize trauma to the child victim. They are given examples of secondary traumatic stress such which involves every multidisciplinary member such as DFCS coming to school to talk to the child, DFCS removing the child from the home and placing him or her in foster care, law enforcement arresting a parent in front of child and a child testifying in court to name a few. Training encourages removing a child from a situation to avoid further traumatization as well as the services provided by victim advocates during the prosecution phase and at trial. A shared meaning of trauma, the implications for a

child victim or child witness, the meaning of child traumatic stress versus Post Traumatic Stress Disorder and available trauma focused counseling and treatments such as Trauma Focused Cognitive Behavioral Therapy (TF-CBT), what it is and why it works.

The training also provides a great avenue and neutral venue for identifying and resolving local level issues and State systemic issues that negatively impacted the multidisciplinary response in the investigation and prosecution of child abuse. Conversations about these various issues led to an increased understanding of the importance of cross reporting, safety assessments and investigations affecting the response of those involved and improving communication and coordination.

### **Award Expenditures**

The contract amount was utilized. During the course of this contract OCA was able to achieve all goals: update the statewide Model Protocol and Minimum Standards Protocol through a statewide collaborative effort; communicate those changes through the OCA website posting; communication with Summit attendees and distributions at presentations; increase Protocol awareness through state and local level presentations; and conduct 14 multidisciplinary front line responder protocol trainings reaching in total over 1800 participants throughout the State.

## Conclusion

OCA views the Protocol as the foundation for effective multi-disciplinary investigation and prosecution of child abuse, neglect and sexual exploitation. This grant year was spent engaging major stakeholders and partners statewide to be a part of a collaborative effort to update the Protocol. This in turn increased the ownership in and level of understanding of the Protocol itself, the coordinate effort of all multidiscipline involved and how it can be utilized by all frontline responders to effectuate a coordinated response to child abuse investigations and prosecutions. Through trainings, OCA also provided needed Protocol implementation training to front line responders with an increased focus on minimizing trauma to the child during the legal and investigatory process. Trainings also provided a venue for discovering, discussing and resolving issues confronting multidisciplinary responders. Several trends in obstacles to successful implementation have been identified and steps have been taken to address those obstacles.

The Protocol foundation across the state is much stronger now than a year ago, and continues to grow stronger each month. In FFY2016, OCA conducted 25 presentations and 14 Protocol trainings, reaching over 1800 participants throughout the State providing valuable information about legislative, policy and best practice changes needed to improve the multi-disciplinary process.

Training and other education efforts have led to a widespread understanding of the benefits of the Protocol and how Protocols are implemented. When issues arise between committee members, OCA is contacted to moderate discussions to enhance resolution. However, more work in this area is needed. A significant need related to the Protocol and the Protocol Committee process is the completion of the statutorily required Annual Report. That report helps Protocol Committees at the local level focus on continuous improvement of the investigation and prosecution process.

In FFY 2016, Protocol Committees in 11 circuits and 37 counties (23% of the 159 counties and 22% of the 49 Judicial Circuits) turned in an Annual Report. In FFY 2017, OCA will increase its efforts to educate stakeholders about the Annual Report as a tool for continuous quality improvement.

In FFY 2017 OCA will also work to meet training needs identified by participants in the multidisciplinary front line responder Protocol trainings. As part of the training evaluation process, attendees are asked to identify additional training topics they felt would be beneficial. Many responded that they would like more information on child on child cases. OCA will work with stakeholders and partners around the state to ensure that front-line workers investigating child abuse have this additional information. In addition to expanding the content of trainings, OCA will work with partners to expand the range of attendees at trainings as OCA has learned that Protocol implementation training is valuable to and desired by all partners working on multi-disciplinary investigations.



# Appendix E: Georgia CAPTA Annual Grant Report

## Peer Review Project, Office of the Child Advocate

### Introduction

Pursuant to an awarded contract between the State of Georgia Department of Human Services (“DHS”) and the Georgia Office of the Child Advocate (“OCA”), a team of Child Welfare Law Specialists conducted the fourth year of the Peer Review Project in Georgia’s Juvenile Courts. DHS continued to support the Project and its goal of providing continuous quality improvement in the legal representation and advocacy of children in Georgia’s dependency cases pursuant to the State Bar’s ethics and professionalism rules for children’s attorneys, the State’s new Juvenile Code and guidelines outlined in the Child Abuse Prevention and Treatment Act. For the third year in Georgia, children are statutorily ensured of legal representation during all stages of dependency and termination of parental rights proceedings. One of the stated goals of the Juvenile Code is to “guarantee due process of law, as required by the Constitutions of the United States and the State of Georgia, through which every child and his or her parents and all other interested parties are assured fair hearings at which legal rights are recognized and enforced.” O.C.G.A. § 15-11-1.

Under Georgia’s Juvenile Code, children in dependency and termination of parental rights actions have the benefit of legal counsel representing the child’s position, as well as a Guardian ad Litem (“GAL”) advocating for the child’s best interests. Pursuant to O.C.G.A. § 15-11-103, a child involved in any proceeding under the Code’s Dependency Article has the right to legal counsel “at all stages of the proceedings.” O.C.G.A. § 15-11-103(a). Appointment of legal counsel for the child must occur “before the first court hearing that may substantially affect the interests of the child.” O.C.G.A. § 15-11-103(b). In other words, children involved in proceedings under the Dependency Article must be provided legal counsel from proceedings held pursuant to O.C.G.A. § 15-11-101 and preliminary protective hearings through the conclusion of the dependency action and any subsequent appeals. The Code’s Termination of Parental Rights Article includes the same statutory language regarding the appointment of legal counsel for children involved “at all stages of the proceedings” under the Termination Article. O.C.G.A. § 15-11-262(a). The statutory language in the Juvenile Code is not quite as clear regarding the appointment of Guardians ad Litem. Pursuant to O.C.G.A. § 15-11-104, alleged dependent children shall be appointed a Guardian ad Litem. O.C.G.A. § 15-11-104(a). As a result of this language, Juvenile Courts are not required to appoint Guardians ad Litem for children appearing in hearings pursuant to O.C.G.A. § 15-11-101.

Courts are required to appoint Guardians ad Litem for children appearing in preliminary protective hearings through the conclusion of the dependency action and any subsequent appeals. The Code’s Termination of Parental Rights Article includes the same statutory language regarding the appointment of Guardians ad Litem for children involved in a termination proceeding. O.C.G.A. § 15-11-262(d). During the grant period, the Peer Review team reviewed initial and ongoing qualification standards for child’s attorney and Guardian ad Litem appointments, reviewed Guardian ad Litem appointment orders, conducted courtroom observations to assess the representation and advocacy provided, and utilized the courtroom observations to identify continuing legal education training needs for children’s attorneys and Guardians ad Litem. The Peer Review team additionally prepared a Resource List for child welfare attorneys and attorneys Guardian ad Litem, to be distributed by the respective Juvenile Court judges to the attorneys practicing in their courtrooms.



The Resource List includes relevant information and training available from the Georgia Office of the Child Advocate, Georgia Division of Family and Children Services, Judicial Council of Georgia's Administrative Office of the Courts: Committee on Justice for Children, Georgia's Council of Juvenile Court Judges, Emory University's Barton Child Law and Policy Center, Georgia ICLE, State Bar of Georgia's Child Protection and Advocacy Section, National Council of Juvenile and Family Court Judges, Georgia Association of Counsel for Children, National Association of Counsel for Children, Parent Attorney Advocacy Committee, and the American Bar Association's Center on Children and the Law. A copy of the Resource List is attached as Exhibit 1. The team was composed of Gerald Bruce, Rosalind Watkins, Laurie-Ann Fallon, Kristi Lovelace, Faye McCord, Jane Okrasinski, James Patterson, and Stephany Zaic, with advisory support from Michelle Barclay, Rachel Davidson and Ashley Wilcott.

### *Selection of Participating Juvenile Courts*

The Peer Review team conducted observations in the Juvenile Courts that were initially identified by OCA and subsequently approved by the respective Juvenile Court judges. Through a review of Georgia's Fostering Court Improvement statistics for the time period of October 2014 through September 2015, counties struggling with foster care re-entry, permanency and placement issues were identified for participation in the Peer Review Project. (The Fostering Court Improvement statistics involve rankings based upon the respective county's population size.) The following counties were chosen to be included in the Peer Review Project as a result of the referenced statistics:

- 1) Baldwin County: For the time period in question, Baldwin County ranked 31st in the State for the average monthly removals to foster care and total removals to foster care, and the county ranked 34th in the State for reentries into foster care within 12 months of previous discharge. Baldwin County ranked thirteenth and a half highest in the State for children discharged within one month of removal.
- 2) Barrow County: For the time period in question, Barrow County ranked thirty-fifth and a half highest in the State for reentries into foster care, and 19th in the State for reentries into foster care within 12 months of previous discharge. Barrow County ranked thirty-second and a half highest in the State for children reunified within 72 hours.
- 3) Brooks County: For the time period in question, Brooks County ranked 20th highest in the State for reentries into foster care, 8th in the State for reentries into foster care within 12 months of previous discharge, 18th in the State for average daily children in care, twenty-second and a half highest in the State for children in care on September 30, 2014, and twenty-eighth and a half highest in the State for children in care on September 30, 2015. Brooks County ranked 20th highest in the State for placement moves during the first 12 months in care, and 27th highest in the State for lateral placement moves.
- 4) Candler County: For the time period in question, Candler County ranked 5th in the State for children discharged within one month of removal, 31st in the State for children in congregate settings on September 30, 2015, and sixth and a half highest in the State for lateral placement moves. Candler County ranked twenty-seventh and a half in the State for a long-term foster care permanency plan for children in care on September 30, 2015.
- 5) Crawford County: For the time period in question, Crawford County ranked 4th in the State for average monthly removals to foster care, and the county ranked 1st in the State for average daily children in care, children in care on September 30, 2014 and children in care on September 30, 2015. Crawford County ranked 1st in the State for total days children spent in foster care and total days children spent out of home during October 2014 through September 2015, 14th in the State for children in congregate settings on September 30, 2015, twenty-seventh and a half in the State for a long-term foster care permanency plan for children in care on September 30, 2015, and 2nd in the State for non-permanent discharges.



- 6) Douglas County: For the time period in question, Douglas County ranked thirty-first and a half highest in the State for reentries into foster care, and thirty-first and a half in the State for children victimized in care during February 2014 through January 2015 by foster parent or facility staff. Douglas County ranked 27th in the State for children discharged as runaways under 18 years of age on September 30, 2015.
- 7) Echols County: For the time period in question, Echols County ranked 25th in the State for average daily children in care, 4th in the State for total out of home placement days on September 30, 2015, and 24th in the State for total days children spent in foster care and total days children spent out of home during October 2014 through September 2015. Echols County ranked seventeenth and a half highest in the State for lateral placement moves, and 5th in the State for in care over twenty-four months on September 30, 2015.
- 8) Glascock County: For the time period in question, Glascock County ranked 16th in the State for children discharged within one month of removal, and 21st in the State for children reunified within 72 hours.
- 9) Gordon County: For the time period in question, Gordon County ranked 10th highest in the State for reentries into foster care, 11th in the State for reentries into foster care within 12 months of previous discharge, and nineteenth and a half highest in the State for children discharged within one month of removal. Gordon County ranked 36th in the State for children reunified within 72 hours.
- 10) Hart County: For the time period in question, Hart County ranked 5th highest in the State for reentries into foster care, ninth and a half highest in the State for reentries into foster care within 12 months of previous discharge, and 18th in the State for children discharged for emancipation. Hart County ranked 24th in the State for median length of stay in foster care (23.8 months), and sixth and a half in the State for non-permanent discharges.
- 11) Heard County: For the time period in question, Heard County ranked 16th in the State for children discharged within one month of removal, 22nd in the State for children in congregate settings on September 30, 2015, and seventeenth and a half highest in the State for lateral placement moves. Heard County ranked 22nd in the State for children discharged for emancipation, and 13th in the State for non-permanent discharges.
- 12) Irwin County: For the time period in question, Irwin County ranked 1st in the State for average monthly removals to foster care, 6th in the State for average daily children in care, eleventh and a half highest in the State for children in care on September 30, 2014, and 4th highest in the State for children in care on September 30, 2015. Irwin County ranked 2nd in the State for children in congregate settings on September 30, 2015, 29th highest in the State for lateral placement moves, and 5th in the State for non-permanent discharges.
- 13) Johnson County: For the time period in question, Johnson County ranked 13th highest in the State for reentries into foster care, and 5th in the State for reentries into foster care within 12 months of previous discharge.
- 14) Laurens County: For the time period in question, Laurens County ranked twenty-seventh and a half highest in the State for long-term foster care as the permanency plan goal on September 30, 2015, and 34th in the State for children discharged for emancipation. Laurens County ranked twentieth and a half highest in the State for non-permanent discharges.
- 15) Montgomery County: For the time period in question, Montgomery County ranked 7th highest in the State for reentries into foster care, and 3rd in the State for reentries into foster care within 12 months of previous discharge. Montgomery County had a median length of stay of 4.8 months for children in care on September 30, 2015.

- 16) Pulaski County: For the time period in question, Pulaski County ranked 13th highest in the State for reentries into foster care, and had a median length of stay of 1.9 months for children in care on September 30, 2015.
- 17) Rabun County: For the time period in question, Rabun County ranked 26th in the State for children discharged within one month of removal, and 29th in the State for children in congregate settings on September 30, 2015. Rabun County ranked 25th in the State for children reunified within 72 hours.
- 18) Screven County: For the time period in question, Screven County ranked seventh and a half highest in the State for children discharged within one month of removal, 20th in the State for children discharged for emancipation, and twenty-eighth and a half highest in the State for children reunified within 72 hours. Screven County ranked 22nd in the State for non-permanent discharges.
- 19) Seminole County: For the time period in question, Seminole County ranked 37th in the State for children discharged within one month of removal, 1st in the State for children in ILP on the last day in care, and twenty-fourth and a half highest in the State for placement moves during the first 12 months in care. Seminole County ranked twentieth and a half in the State for a long-term foster care permanency plan for children in care on September 30, 2015, and 31st in the State for non-permanent discharges.
- 20) Spalding County: For the time period in question, Spalding County ranked 39th in the State for children in congregate settings on September 30, 2015, and twelfth and a half in the State for a long-term foster care permanency plan for children in care on September 30, 2015. Spalding County ranked 11th in the State for children discharged as runaways under 18 years of age on September 30, 2015.
- 21) Stewart County: For the time period in question, Stewart County ranked 13th highest in the State for reentries into foster care, and 1st in the State for children in congregate settings on September 30, 2015.
- 22) Twiggs County: For the time period in question, Twiggs County ranked 28th in the State for average daily children in care, 5th in the State for total out of home placement days on September 30, 2015, 27th in the State for total days children spent in foster care and total days children spent out of home during October 2014 through September 2015, and 19th in the State for children in congregate settings on September 30, 2015. Twiggs County ranked 14th in the State for placement moves away from permanency, sixth and a half in the State for a long-term foster care permanency plan for children in care on September 30, 2015, 8th in the State for in care over twenty-four months on September 30, 2015, and seventeenth and a half in the State for non-permanent discharges.
- 23) Ware County: For the time period in question, Ware County ranked 12th in the State for average daily children in care, 6th in the State for total out of home placement days on September 30, 2015, 12th in the State for total days children spent in foster care and total days children spent out of home during October 2014 through September 2015, and 8th in the State for children in congregate settings on September 30, 2015. Ware County ranked thirty-eighth and a half highest in the State for lateral placement moves, and sixteenth and a half in the State for in care over twenty-four months on September 30, 2015. The county ranked 126th in the State for children in non-relative care for over twenty-four months with both TPRs on September 30, 2015, but nineteenth and a half in the State for children in non-relative care for over twenty-four months on September 30, 2015.



24) Whitfield County: For the time period in question, Whitfield County ranked 11th in the State for children in congregate settings on September 30, 2015, and thirty-seventh and a half in the State for non-permanent discharges. Whitfield County ranked 30th in the State for children victimized in care during February 2014 through January 2015 by foster parent or facility staff.

25) Wilkes County: For the time period in question, Wilkes County ranked 3rd highest in the State for reentries into foster care, and 5th highest in the State for placement moves during the first 12 months in care. Wilkes County had a median length of stay of 0.5 months for children in care on September 30, 2015.

Of the above listed counties, the Peer Review team was unable to schedule courtroom observations in Echols, Glascock, Irwin, Johnson, Laurens, Pulaski and Wilkes Counties during the current grant cycle.

The above statistics identify issues that Georgia's child welfare system is facing statewide: children experiencing lengthy stays in foster care before achieving permanency; children residing in institutional placements as opposed to family foster homes or relative placements; and children leaving foster care without achieving permanency. Over one thousand children per year re-enter Georgia's foster care system, and over one thousand seven hundred children are placed in congregate care on their last day in foster care. The goal of the Peer Review team is to ensure that child's attorneys and attorney Guardians ad Litem have the necessary tools to provide effective legal representation and best interest advocacy in the context of the issues facing their respective counties or judicial Circuits, as well as the issues involved in the child's specific case.

### **Improvement of the Evaluation Tool and Standards of Practice for Attorneys Representing Children and for attorney Guardians ad Litem**

In preparation for performing the courtroom observations, the Peer Review team modified the evaluation tool utilized during the 2014-2015 grant cycle. A copy of the evaluation tool is attached as Exhibit 2. The team also conducted a training session in preparation for the observations of attorney Guardians ad Litem ("GAL") and children's attorneys. Under Georgia's Juvenile Code, GALs are required to advocate for the best interests of children in dependency and termination of parental rights proceedings. GALs conduct an independent investigation in order to determine what is in a child's best interest. O.C.G.A. § 15-11-105(c)(3). This investigation includes an assessment of the following factors:

- (1) The physical safety and welfare of such child, including food, shelter, health, and clothing;
- (2) The mental and physical health of all individuals involved;
- (3) Evidence of domestic violence in any current, past, or considered home for such child;
- (4) Such child's background and ties, including familial, cultural, and religious;
- (5) Such child's sense of attachments, including his or her sense of security and familiarity and continuity of affection for the child;
- (6) The least disruptive placement alternative for such child;
- (7) The child's wishes and long-term goals;
- (8) The child's community ties, including church, school, and friends;
- (9) The child's need for permanence, including his or her need for stability and continuity of relationships with a parent, siblings, and other relatives;

- (10) The uniqueness of every family and child;
- (11) The risks attendant to entering and being in substitute care;
- (12) The preferences of the persons available to care for such child; and
- (13) Any other factors considered by the guardian ad litem to be relevant and proper to his or her determination.”  
O.C.G.A. § 15-11-105(b).

The Juvenile Code enumerates numerous obligations of the GAL, including contacting the child before and after any placement changes and meeting with the child before every hearing held in the Juvenile Court action. O.C.G.A. § 15-11-105(c)(1), (c)(11) and (c)(12). “Unless a child’s circumstances render the following duties and responsibilities unreasonable,” GALs are statutorily required to “[p]rovide written reports to the court and the parties on the child’s best interests, including, but not limited to, recommendations regarding placement of such child, updates on such child’s adjustment to placement, DFCS’s and respondent’s compliance with prior court orders and treatment plans, such child’s degree of participation during visitations, and any other recommendations based on the best interests of the child.” O.C.G.A. § 15-11-105(c)(15).

Under Georgia’s Juvenile Code, children’s attorneys owe the same duties of competent representation, confidentiality and loyalty to child clients as are owed to adult clients. A “child’s attorney owes to a child the duties imposed by the law of this state in an attorney-client relationship.” O.C.G.A. § 15-11-262(c); See 15-11-103(c). Thus, all obligations owed by an attorney to a client under the State Bar of Georgia’s Rules of Professional Conduct are owed by an attorney representing a child in dependency and termination of parental rights proceedings. “Competent representation” under the Rules of Professional Conduct “means that a lawyer shall not handle a matter which the lawyer knows or should know to be beyond the lawyer’s level of competence...Competence requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” State Bar of Georgia’s Rules of Professional Conduct, Rule 1.1. The State Bar Rules also require that communication between the child’s attorney and the child includes the duty to “reasonably consult with the client about the means by which the client’s objectives are to be accomplished” and to “keep the client reasonably informed about the status of the matter.” State Bar of Georgia’s Rules of Professional Conduct, Rule 1.4. This communication is “necessary for the client effectively to participate in the representation.” State Bar of Georgia’s Rules of Professional Conduct, Rule 1.4.

In addition to the Rules of Professional Conduct, child’s attorneys may seek guidance in the American Bar Association’s Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases. The Standards for child’s attorneys address the basic obligations of a child’s attorney, actions to be taken during representation, the handling of hearings and post-hearing issues, appeals and the role of Juvenile Courts in relation to children’s attorneys. “These Standards apply only to lawyers and take the position that although a lawyer may accept appointment in the dual capacity of a ‘lawyer/guardian ad litem,’ the lawyer’s primary duty must still be focused on the protection of the legal rights of the child client. The lawyer/guardian ad litem should therefore perform all the functions of a ‘child’s attorney,’ except as otherwise noted” in the Standards of Practice. [American Bar Association’s Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, Preface.](#) The ABA’s Standards of Practice may be found at the web site: [http://www.americanbar.org/groups/child\\_law/tools\\_to\\_use.html](http://www.americanbar.org/groups/child_law/tools_to_use.html).



Since the Juvenile Code became law in the year 2014, Georgia's child's attorneys face the practical difficulties involved with complying with the above requirements and guidelines while being paid an hourly rate significantly lower than that paid for work in many other legal fields in the State. Child's attorneys across Georgia also continue to be challenged by the requirement to explain the juvenile legal system to children and accurately communicate with those children regarding the legal proceedings in their dependency and termination cases. These challenges are impacted not only by the age of the children involved and their resulting cognitive abilities, but also by the mental health and developmental issues faced by the children involved. These challenges are compounded by the investment of time required to develop a trust relationship with the child before the child will sufficiently open up to the attorney and share confidential information. Child's attorneys must develop the skill set to maintain a professional relationship with their child clients, as opposed to becoming surrogate parents or friends. Child's attorneys are further challenged by the need to advise their child clients regarding safety and welfare issues, while not presenting the information in such a way that the child clients feel compelled to adopt the viewpoints of their attorneys. The goal of the Peer Review Project and every member of its team is to assist and support child's attorneys and attorney Guardians ad Litem in the quality improvement of their practice.

### **Court Observations: Baldwin County**

Peer Review team members Jane Okrasinski and Stephany Zaic observed Baldwin County Juvenile Court on April 7, 2016. The Baldwin County Juvenile Court frequently appoints child's attorneys in the dual role as attorney Guardians ad Litem ("attorney GALs"). Although the judicial circuit has a strong Court Appointed Special Advocate program, the CASAs do not drive to distant placements. Thus the foster care children's placements out of county play a significant role in the dual role appointment. The Court requires attorney GALs to complete the child welfare CLE before being appointed as a GAL, and the Court does not require ongoing training in order for attorneys to remain on the appointment list.

- 1) In re C.B., T.B. and L.B.: This case came before the Court for a hearing on a Motion to Amend Disposition. The Court separately appointed a children's attorney and an attorney Guardian ad Litem on this case. The parties to the case announced a proposed consent to the Court. The GAL did not present a written report to the Court during the hearing.
- 2) In re R.B., A.B., A.B. and A.D.: This case came before the Court for an Initial Judicial Review Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem, and the CASA program had assigned a volunteer CASA to the case. The children were present and briefly appeared during the hearing. Given their tender age, the children's attorney waived their presence in the courtroom, and the children were permitted to stay in the hallway during the remainder of the hearing. The children's attorney/attorney GAL exhibited knowledge of the children's needs and hearing preparation through communication with the children's teachers and counselors. The children's attorney objected during the hearing regarding the lack of notice of the children's change of placement prior to the hearing. During the hearing, the children's attorney advocated for their educational needs and expressed concern regarding the mother exercising visitation with the children outside of the Court-ordered visitation plan, as one of the adjudicated dependency grounds was physical abuse of the children.
- 3) In re M.H. and H.D.: This case came before the Court for a hearing on a Motion to Close a Court-Ordered Case Plan. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. During the hearing, the children's attorney stated to the Court that she had previously spoken with the oldest child regarding the

child's wishes. The children were placed separately, and their attorney advocated for the children to be placed together. The children's attorney also stated that, if the mother had indeed completed her case plan, then the children had no objection to the case being closed.

- 4) In re P.H. and P.H.: This case came before the Court for a preliminary protective hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. The children were present for the hearing. The children's attorney announced the children's consent to the maternal grandmother supervising the children's visitation with their mother, based upon the appropriateness of supervision given the mother's substance abuse issues.
- 5) In re T.H., P.S. and L.S.: This case came before the Court for a preliminary protective hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. Two of the children remained in the hospital and were thus not present for the hearing. The children's attorney stipulated to the proposed written consent order and announced the children's consent to the children's visitation with the parents being supervised, given the parents' substance abuse issues.
- 6) In re V.M.: This case came before the Court for an Adjudicatory Hearing as to the mother. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. At the beginning of the hearing, the child's attorney announced the waiver of the child's presence, given the child's tender age of one month. The child's attorney conducted a direct examination of the Department's case manager regarding how the child's wellbeing, medical care, special needs and the location of the child's foster placement. The child's attorney stipulated to the proposed adjudicatory consent as to the mother, as well as the Department's reasonable efforts. She advocated for the child to remain in the current placement and to receive proper medical care.
- 7) In re A.W.: This case came before the Court for an Initial Judicial Review Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem, and the CASA program had assigned a volunteer CASA to the case. The child's attorney had clearly prepared for the hearing, based upon the attorney's cross examination of the Department's case manager regarding counseling issues. The attorney expressed the child's desire to return home, but did not present an oral best interests assessment or a written report during the hearing in the GAL role.

### **Court Observations: Barrow County**

Peer Review team member Rosalind Watkins observed Barrow County Juvenile Court on April 20, 2016. Barrow County is experiencing a shortage of attorneys willing to practice Juvenile Law, and an attorney from the Public Defender's Office represents the children in dependency and termination cases. The County employs two full-time and one part-time attorney Guardians ad Litem, and the County also has a strong CASA program.

- 1) In re A.W. and J.W.: This case came before the Court for a Permanency Hearing. The Court separately appointed a children's attorney and an attorney Guardian ad Litem on this case. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney advocated for the children's position during the hearing and appeared prepared for the hearing.
- 2) In re B.C.: This case came before the Court for a Status Review of an Adjudicatory Hearing. The Court separately appointed a child's attorney and an attorney Guardian ad Litem on this case. The child was not present for the hearing, and no reason was provided by the child's attorney. Given that the hearing was a Status Review, there was no opportunity for the child's attorney to exhibit knowledge of the case, case preparation, or advocacy on behalf of the child.



- 3) In re E.B.: This case came before the Court for a Permanency Hearing. The Court separately appointed a child's attorney and an attorney Guardian ad Litem on this case. The GAL waived his appearance at the hearing, and it was announced that the GAL would review the proposed agreement and respond at a later date. The child was present for the hearing, and the child's attorney consulted with the child during the hearing. The attorney was clearly knowledgeable about the child's case and advocated for the child's position independent of the parents, the Department and the GAL. The child's attorney advocated for expedited permanency for the child and appeared knowledgeable of the child's needs and the family's dynamics.
- 4) In re H.G.: This case came before the Court for a Status Review of an Initial Judicial Review Hearing. The child was appointed an attorney and a CASA as lay GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. The Department announced the parents' surrender of parental rights and the expiration of the ten-day withdrawal time period. Given that the hearing was a Status Review, there was no opportunity for the child's attorney to exhibit knowledge of the case, case preparation, or advocacy on behalf of the child.
- 5) In re J.L.: This case came before the Court for a Status Review of a Permanency Hearing. The child was appointed an attorney and a CASA as lay GAL. The child was not present for the hearing due to milestone testing. Given that the hearing was a Status Review, there was no opportunity for the child's attorney to exhibit knowledge of the case, case preparation, or advocacy on behalf of the child.
- 6) In re M.T.S.: This case came before the Court for a Status Review of an Adjudicatory Hearing as to the father. The Court separately appointed a child's attorney and an attorney Guardian ad Litem on this case. The child was not present for the hearing, and no reason was provided by the child's attorney. Given that the hearing was a Status Review, there was no opportunity for the child's attorney to exhibit knowledge of the case, case preparation, or advocacy on behalf of the child.
- 7) In re P.A.: This case came before the Court for a Status Review of an Adjudicatory Hearing. The Court separately appointed a child's attorney and an attorney Guardian ad Litem on this case. The child was present for the hearing. Given that the hearing was a Status Review, there was no opportunity for the child's attorney to exhibit knowledge of the case, case preparation, or advocacy on behalf of the child.
- 8) In re P.L.: This case came before the Court for a Status Review of a Post-TPR Review Hearing. The child was represented by an attorney, but neither a lay nor attorney GAL was appointed to advocate for the child's best interests. The child was not present, and no reason was provided by the child's attorney. During the hearing, the child's attorney stated to the Court that she would refer the potential adoptive placement to an attorney who could possibly handle the legal work for the adoption at a discount.
- 9) In re S.M. and J.M.: This case came before the Court for a Permanency Hearing. The Court separately appointed a children's attorney and an attorney Guardian ad Litem on this case. The children were not present for the hearing. The children are very young and currently placed in the State of North Carolina. The children's placement was unsure if the children needed to attend the hearing.

The Department announced the intention to submit a new permanency plan to the Court. The hearing was continued in order to provide the parents with notice of the proposed new permanency plan.

- 10) In re T.S., A.K. and M.K.: This case came before the Court for an Adjudicatory Hearing and a Status Review of a Disposition Hearing. The Court separately appointed a children's attorney and an attorney Guardian ad Litem on this case. The children were not present for the hearing, and no reason was provided by the child's attorney. The parties announced a join proposed consent as to the adjudication of the mother. The remainder of the hearing was continued.



## Court Observations: Brooks County

Peer Review team members Jane Okrasinski and Rosalind Watkins observed Brooks County Juvenile Court on March 16, 2016. The Court consistently appoints the child's attorney in the dual role as attorney Guardian ad Litem. However, it was deeply concerning to the observers that the attorney GAL in each hearing did not believe that she had been appointed as the children's attorney. As a result, it did not appear that the children had proper legal advocacy.

- 1) In re A.D.: This case came before the Court for a Permanency Hearing. The Court appointed the child's attorney in the dual role as attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. It was evident from the hearing that the child's attorney prepared for the hearing and presented the child's position independent of the Department and the parents. In her role as GAL, the attorney provided oral recommendations to the Court, but did not submit a written report into evidence.
- 2) In re C.P. and J.P.: This case came before the Court for a Permanency Hearing. The Court appointed the children's attorney in the dual role as attorney GAL, but the attorney believed that she was solely appointed as attorney GAL. The children were not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the children's attorney cross examined witnesses, but she did not advocate for expedited permanency for the children or address possible options to address the children's educational issues. In her role as GAL, the attorney provided oral recommendations to the Court, but did not submit a written report into evidence.
- 3) In re D.B. and B.B.: This case came before the Court for a Judicial Review Hearing. The Court appointed the children's attorney in the dual role as attorney GAL, but the attorney believed that she was solely appointed as attorney GAL. The children were not present for the hearing, and no reason was provided by the child's attorney. The parties stipulated to a proposed consent order.
- 4) In re K.E.: This case came before the Court for a Judicial Review Hearing. The Court appointed the child's attorney in the dual role as attorney GAL, but the attorney believed that she was solely appointed as attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. It did not appear during the hearing that the child's hearing was knowledgeable about child safety issues. The child was placed in the father's home pursuant to a Protective Order, and the father was required to remediate his substance abuse issues. Evidence was presented during the hearing that the father had tested positive on a drug screen, and the child's attorney/GAL did not pose any questions or submit evidence regarding the father's substance abuse issues or the child's safety in the home.
- 5) In re T.D.: This case came before the Court for a hearing on the Motion for Non-Reunification. The Court appointed the child's attorney in the dual role as attorney GAL, but the attorney believed that she was solely appointed as attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. It did not appear from the hearing that the child's attorney prepared for the hearing. She asked one question of a witness during the hearing, and she did not advocate for expedited permanency for the child. In her role as GAL, the attorney provided oral recommendations to the Court, but did not submit a written report into evidence.
- 6) In re T.G. and T.G.: This case came before the Court for a hearing on the Motion for Non-Reunification. The Court appointed the children's attorney in the dual role as attorney GAL, but the attorney believed that she was solely appointed as attorney GAL. The children were not present for the hearing, and no reason was provided



by the child's attorney. The attorney GAL was not an active participant in the hearing. She was unclear of who resided in the household with the children, she did not pose any questions during the hearing regarding child services, the children's educational or basic welfare needs, and she did not appear to be prepared for the hearing. In her role as attorney GAL, she provided oral recommendations to the Court, but did not submit a written report into evidence.

- 7) In re Z.D.: This case came before the Court for an Adoption Status Review Hearing. The Court appointed the child's attorney in the dual role as attorney GAL, but the attorney believed that she was solely appointed as attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney did not appear to be prepared for the hearing. She cross examined the Department's supervisor regarding the adoption subsidy as compared to the foster care subsidy. However, the child's attorney/ attorney GAL did not appear to effectively advocate for the child's special needs during the hearing.

### **Court Observations: Candler County**

Peer Review team member Jane Okrasinski observed Candler County Juvenile Court on April 12, 2016. The Court regularly appoints the child's attorney in the dual role as an attorney Guardian ad Litem. The observer noted, however, that the attorney emphasized the GAL role and did not place much importance on the role of child's attorney.

1) In re M children: This case came before the Court for a Disposition Hearing as to the mother. The Court appointed the children's attorney in the dual role as attorney Guardian ad Litem, and the Court appointed a CASA to the case at the end of the hearing. The children were present for the hearing and stood near the children's attorney throughout the hearing. The children's attorney requested that the children's contact with the parents be supervised, stating that she had concerns about what may or may not be being said to the children during visitation. The parties requested a continuance of the hearing, and the children's attorney requested that the hearing be rescheduled to be held after school hours.

2) In re C.P., P.P., P.P. and P.P.: This case came before the Court for a Judicial Review Hearing. The Court appointed the children's attorney in the dual role as the attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The Court continued the hearing to allow the newly appointed parent attorneys the opportunity to prepare for the hearing.

3) In re Q.M.: This case came before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The child was not present for the hearing, and no reason was provided by the child's attorney. However, it was evident from the hearing that the child has severe mental health and behavioral issues. The child's attorney, in her role as attorney GAL, made recommendations to the Court during the hearing, but did not submit a written report into evidence. The CASA submitted a written report into evidence.

4) In re W.H. and K.W.: This case came before the Court for a Judicial Review Hearing. The children's attorney was appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The children were not present for the hearing, and a reason for their absence was provided on the record by the children's attorney. The mother's attorney was newly appointed, and the attorney requested a continuance in order to prepare for the hearing. The children's attorney did not object to the continuance.

## Court Observations: Crawford County

Peer Review team member Rosalind Watkins observed Crawford County Juvenile Court on April 21, 2016. In the hearings observed by Ms. Watkins, none of the children were represented by an attorney. The children's participation during hearings is based upon the discretion of the attorney Guardian ad Litem and not based upon the legal advice of a children's attorney and a client-based decision. The children's attorney GAL actively participated in the hearings, but did not address the statutory best interest prongs through an oral or written report.

- 1) In re A.W.: This case came before the Court for an Initial Judicial Review Hearing. The child had an appointed attorney GAL and an assigned CASA, but the child did not have legal representation from a child's attorney during the hearing. The child was not present for the hearing, and no reason was provided by the child's attorney. The attorney GAL reported to the Court that this child was the mother's fifth child in care. The GAL requested closer monitoring of the mother's progress on her case plan. The attorney GAL made recommendations to the Court during the hearing, but did not submit a written report into evidence. The CASA submitted a written report into evidence.
- 2) In re C.T.C.: This case came before the Court for a Termination of Parental Rights Status Review Hearing. An attorney GAL advocated for the child's best interests, but the child did not have legal representation from a child's attorney during the hearing. The child was not present for the hearing, and no reason was provided by the child's attorney. The Department had not been able to obtain personal service of the termination of parental rights petition on the parents yet. The father was appointed legal counsel, and the hearing was continued.
- 3) In re D.R.: This case came before the Court for a Report Back Hearing. An attorney GAL advocated for the child's best interests, but the child did not have legal representation from a child's attorney during the hearing. The child was present for the hearing. The attorney GAL participated during the hearing, posing questions about visitation, the parents' attendance at the child's medical appointments the child's care. The attorney GAL made recommendations to the Court during the hearing, but did not submit a written report into evidence.
- 4) In re J.G. and E.G.: This case came before the Court for a Permanency Hearing. The children had an appointed attorney GAL and an assigned CASA, but the children did not have legal representation from a children's attorney during the hearing. The children were present and provided with the opportunity to speak during the hearing. The attorney GAL participated during the hearing, questioning the Department's case manager and presenting recommendations to the Court. The attorney GAL did not submit a written report to the Court, but the CASA did so.
- 5) In re J.H. and I.D.: This case came before the Court for a Permanency Hearing. The children had an appointed attorney GAL and an assigned CASA, but the children did not have legal representation from a children's attorney during the hearing. The children were not present for the hearing, and no reason was provided by the child's attorney. It was evident from the hearing that the attorney GAL prepared for the hearing and was knowledgeable about the case history, the family's dynamics and child safety issues. The attorney GAL made efforts during the hearing to promote expedited permanency for the children. The attorney GAL made recommendations to the Court during the hearing, but did not submit a written report into evidence. The CASA submitted a written report into evidence.
- 6) In re R.O., G.O. and C.O.: This case came before the Court pursuant to a Motion for Return of Custody to the mother. An attorney GAL advocated for the children's best interests, but the children did not have legal representation from a children's attorney during the hearing. The children were not present for the hearing, and the statement was made that the children needed to attend school. During the hearing, the attorney GAL



stated her recommendation to the Court regarding the Motion for Return of Custody and clearly made efforts to expedite the children's permanency. However, the GAL's argument was based solely upon the mother's progress on her reunification case plan and did not address the statutory best interest prongs. The GAL did not submit a written report into evidence.

- 7) In re S.T.: This case came before the Court for an Adoption Status Hearing. An attorney GAL advocated for the child's best interests, but the child did not have legal representation from a child's attorney during the hearing. The child was not present for the hearing, and the attorney GAL stated to the Court that the child become upset if he attends hearings. During the hearing, the attorney GAL did not cross examine the Department regarding efforts to find an adoptive resource for the child and did not address how the child was doing. The GAL did not submit a written report into evidence.

### **Court Observations: Douglas County**

Peer Review team members Jane Okrasinski and Rosalind Watkins observed Douglas County Juvenile Court on March 14, 2016. The Court has contracts with four attorneys to handle the legal representation of children in dependency and termination of parental rights cases. The attorneys are frequently appointed in the dual role as attorney Guardians ad Litem. In their role as GALs, the attorneys consistently did not submit a written report to the Court and many did not address the statutory best interest prongs through an oral report to the Court.

- 1) In re S.M.: This case came before the Court for a Disposition Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem, and a CASA was assigned to the case. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney/attorney GAL did not pose any questions or make any recommendations during the hearing. The GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.
- 2) In re J.B.: This case came before the Court for a 75-Day Judicial Review Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem, and a CASA was assigned to the case. The child was present for the hearing. The child's attorney gave a verbal report to the Court. However, in the dual role as GAL, the attorney did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.
- 3) In re C.B., S.B. and J.B.: This case came before the Court for a Permanency Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were present for the hearing. It was evident from the hearing that the children's attorney prepared for the hearing and was knowledgeable about the case history, the children's needs and the family's dynamics. The attorney GAL made recommendations to the Court during the hearing.
- 4) In re C.M. and M.M.: This case came before the Court for a Disposition Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney/attorney GAL did not conduct any direct or cross examination or submit any evidence during the hearing. The attorney GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.
- 5) In re C.P.C., C.C., M.S.C., C.C. and K.S.: This case came before the Court for a Disposition Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing. Although a reason was not provided for the children's absence from the hearing, evidence presented during the hearing included the children's high number of unexcused absences from school. The children's attorney appeared to be prepared for the hearing and advocated for the children's wishes during

the hearing. The children's attorney participated during the hearing, requesting that additional goals be added to the children's case plan and addressing the children's educational needs. The attorney GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.

- 6) In re F.L., K.J., K.J., P.L. and V.L.: This case came before the Court for a Permanency Hearing. The children's attorneys were appointed in the dual role as attorneys Guardian ad Litem. One children's attorney had been appointed to represent four of the children, and one child's attorney had been appointed to represent one of the children. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorneys appeared to be prepared for the hearing and made efforts to expedite the children's permanency.
- 7) In re J.M. and D.R.: This case came before the Court for a Post Permanency Review Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the children's attorney stated that the children were in favor of permanent guardianship. The attorney GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.
- 8) In re K.C. and L.D.: This case came before the Court for a Judicial Review Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney made efforts to expedite the children's permanency, arguing that either the father needed to work on his case plan goals or the mother needed to relocate to another residence without the father. However, the children's attorney/attorney GAL did not submit or solicit any evidence or testimony during the hearing regarding the children's welfare or wellbeing. The attorney GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.
- 9) In re L.B. and C.M.: This case came before the Court for a Judicial Review Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were present for the hearing. The observer was very concerned that the youngest child had been diagnosed with Breath Holding Spells and has two of the four markers for Autism, but the child had not been referred for a Babies Can't Wait evaluation. It appeared during the hearing that the Court had to prompt the parties to ensure the children participated in the appropriate educational and developmental evaluations, as opposed to the children's attorney/attorney GAL advocating for these evaluations. During the hearing, the children's attorney did address the children's decayed teeth, school challenges and inconsistent visitation. The attorney GAL did not submit a written report into evidence.
- 10) In re L.T.: This case came before the Court for a Preliminary Protective Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney/attorney GAL did not actively participate in the hearing or make any recommendations to the Court.
- 11) In re N.M. and N.M.: This case came before the Court for a Preliminary Protective Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney/attorney GAL did not actively participate in the hearing or make any recommendations to the Court.



- 12) In re Q.L.: This case came before the Court for a Dispositional Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney/attorney GAL did not actively participate in the hearing or make any recommendations to the Court. The attorney GAL did not submit a written report into evidence.
- 13) In re Z.C.: This case came before the Court for an Adjudication Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney/attorney GAL did not actively participate in the hearing or make any recommendations to the Court. The attorney GAL did not submit a written report into evidence.
- 14) In re A.C.: This case came before the Court for an Adjudication Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was present for the hearing. The child's attorney argued for the child to have visitation with the parents in order to maintain a parental bond. However, in advance of the hearing, the child's attorney had not obtained a copy of the father's Bond Order issued in the criminal case that was based upon allegations of domestic violence. The attorney GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.
- 15) In re A.C. and A.C.: This case came before the Court for a hearing on the Motion for Non-Reunification. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. It was unclear from the hearing if the children's attorney was prepared for the hearing. She accidentally left her case file in the car, and she was unsure if she had any pertinent information in the file. The children's attorney did not conduct any direct or cross examination of witnesses, and she did not submit any evidence. During the hearing, the children's attorney expressed being unsure of the children's visitation plan, and she stated that the children were in agreement with the Department's request to give the mother another opportunity for reunification services. She also referenced the children's developmental and medical issues. The attorney GAL identified goals to be added to the mother's case plan, but she did not submit a written report into evidence.
- 16) In re A.F.W. and J.W.: This case came before the Court for a Disposition Hearing as to the father. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney/attorney GAL did not actively participate in the hearing or make any recommendations to the Court. The attorney GAL did not submit a written report into evidence.
- 17) In re A.M. and J.W.: This case came before the Court for a Permanency Hearing, and the hearing was continued.
- 18) In re A.V.: This case came before the Court for an Adjudicatory Hearing, and the hearing was continued.
- 19) In re A.W. and K.W.: This case came before the Court for a Judicial Review Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were present for the hearing. The children's attorney appeared knowledgeable during the hearing about the children's medical care and recent activities, as well as the family's dynamics, visitation and the children's needs. The attorney GAL submitted a written report into evidence.
- 20) In re B.D.W.G. and C.M.G.: This case came before the Court for an Adjudicatory Hearing as to the father and a Disposition Hearing as to the mother. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney did not submit evidence or conduct direct or cross examination during the

hearing. It was unclear during the hearing if the children's attorney was knowledgeable about the case history, the children's needs or the family's dynamics. The children's attorney did appear to be knowledgeable regarding the two fathers' histories with their respective children. The attorney GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.

- 21) In re C.A.K. and W.L.K.: This case came before the Court for a Preliminary Protective Hearing. The children were legally represented by a children's attorney, and an attorney GAL advocated for the children's best interests. The children were present for the beginning of the hearing and removed from the courtroom when the witness testimony began. The children's attorney and the attorney GAL did not conduct direct or cross examination during the hearing.
- 22) In re C.M. and M.M.: This case was before the Court for a Limited Adjudicatory Hearing and a Disposition Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney did not submit any evidence or conduct direct or cross examination during the hearing. At the request of the Court, the children's attorney addressed what she would like included in the parents' case plans. The attorney GAL did not submit a written report into evidence and did not address the statutory best interest prongs through an oral or written report.

### Court Observations: Gordon County

Peer Review team member Laurie-Ann Fallon observed Gordon County Juvenile Court on April 13, 2016. For all cases observed by Ms. Fallon, the Court identified the children's advocate only as the attorney Guardian ad Litem. However, it appeared to the observer that the attorney GAL also functioned during the hearings as a children's attorney. Pursuant to the Court's local rule, the attorney GAL and CASA only conduct investigations and provide facts to the Court. Neither advocate provides recommendations to the Court in order to keep the GAL and CASA's relationships with the other parties from becoming antagonistic.

- 1) In re A.T.: This case was before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The six-month old child was not present for the hearing. The Judicial Review Hearing was conducted on an informal basis, with the Special Assistant Attorney General proffering the information for the review, submitting evidence and the Court asking questions. The attorney GAL did not submit a written report into evidence during the hearing, and it was referenced that the GAL had submitted a written report to the Court at the prior hearing.
- 2) In re A.F.: This case was before the Court for an Initial Permanency Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem, and a CASA was assigned to the case. The Judicial Review Hearing was conducted on an informal basis, with the Special Assistant Attorney General proffering the information for the review, submitting evidence and the Court asking questions. The child's attorney expressed concern regarding the differing reports between the foster parents and the parent aide regarding visitation. In the dual role, the attorney GAL provided an oral report, but did not submit a written report into evidence during the hearing. The CASA report was submitted to the Court prior to the hearing.
- 3) In re B.G. f/k/a D.L.: This case was before the Court for a Periodic Permanency Hearing (Post 18). The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was not present for the hearing, and the attorney reported to the Court that the child was afraid she would lose her job if she missed her shift to attend court. The hearing was conducted on an informal basis, with the Special Assistant Attorney



General proffering the information for the review, submitting evidence and the Court asking questions. In the dual role, the attorney GAL did not provide an oral report or submit a written report into evidence. The Court asked the child's attorney to speak with the child and to file a report with the Court regarding the child's wishes to attend the court hearings.

- 4) In re E.G., B.G., M.G. and W.G.: This case was before the Court for an Initial Permanency Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing, and the attorney reported to the Court that the children were not in attendance due to their ages—9, 8, 7 and 3 years old. The hearing was conducted on an informal basis, with the Special Assistant Attorney General proffering the information for the review, submitting evidence and the Court asking questions. The children's attorney addressed the children's placement, child services, and offered the Department assistance with obtaining approval for services from Amerigroup. In the dual role, the attorney GAL did not provide an oral report or submit a written report into evidence.
- 5) In re F.L.B.: This case was before the Court for a hearing on the Petition for Permanent Guardianship. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was present for the hearing, and the child's attorney spoke with the child during the hearing. The child's attorney expressed the child's position that, while her father was unable to care for her, the child had a bond with her father and did not wish to be adopted. The child's attorney also expressed the child's position that she wanted to visit with her parents and she wanted her parents to show up for visitation. In the dual role, the attorney GAL did not provide an oral report that addressed the statutory best interest prongs or submit a written report into evidence.
- 6) In re L.F.: This case was before the Court for a Periodic Permanency Review Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was not present for the hearing, and no reason was provided by the child's attorney. The hearing was conducted on an informal basis, with the Special Assistant Attorney General proffering the information for the review, submitting evidence and the Court asking questions. In the dual role, the attorney GAL did not provide an oral report that addressed the statutory best interest prongs or submit a written report into evidence.
- 7) In re L.W., I.E. and E.E.: This case was before the Court for an Initial Judicial Review Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were not present for the hearing. It was stated during the hearing that one of the children was a baby. The hearing was conducted on an informal basis, with the Special Assistant Attorney General proffering the information for the review, submitting evidence and the Court asking questions. The children's attorney addressed the need to be cautious in assessing the mother's progress, as this case was the second time the children had been placed in foster care. The children's attorney expressed the need for the mother to be in treatment and for visitation issues to be addressed before the children are returned to the mother's custody. The children's attorney exhibited knowledge during the hearing of the children's needs and the family's dynamics. In the dual role, the attorney GAL did not provide an oral report that addressed the statutory best interest prongs or submit a written report into evidence.
- 8) In re M.B., A.W. and M.W.: This case was before the Court for a Judicial Review Hearing. The children's attorney was appointed in the dual role as an attorney Guardian ad Litem. The children were present for the hearing. The Court addressed the children, and they spoke with their attorney during the hearing. The Judicial Review Hearing was conducted on an informal basis, with the Special Assistant Attorney General proffering the information for the review, submitting evidence and the Court asking questions. The children's attorney/ attorney GAL expressed the children's wishes to the Court and expressed the need for caution, as this was the second time the children had been placed in foster care. In the dual role, the attorney GAL did not provide an oral report that addressed the statutory best interest prongs or submit a written report into evidence.



9) In re M.M.: This case was before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child was present for the hearing until his attorney requested that he be excused from the courtroom during the relative custodian's testimony. The hearing was conducted on an informal basis, with the Special Assistant Attorney General proffering the information for the review, submitting evidence and the Court asking questions. Pursuant to the agreement of the parties, the Court spoke with the child in chambers. The child's attorney expressed the child's wishes to have overnight visitation with his mother, and the child's attorney cross examined the relative custodian. The Court suspended the hearing in order for the mother to submit to a random drug screen, following the results of which the Court continued the remainder of the hearing.

### **Court Observations: Hart County**

Peer Review team member Rosalind Watkins observed Hart County Juvenile Court on April 8, 2016. The children's attorneys did not appear to play an active role in the Juvenile Court hearings, and the children's positions were for the most part unclear from the observed hearings.

- 1) In re S.Y.: This case came before the Court for a Post-Termination Review Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The child's attorney waived his presence and the child's presence in advance of the hearing. The Department submitted a written report into evidence in lieu of live testimony, and it was unclear as to whether the child's attorney/attorney GAL had consented to the report. In the dual role, the attorney GAL did not submit a written report into evidence.
- 2) In re C.B., K.B., W.P. and G.P.: This case came before the Court for a Post-18 Judicial Review as to the oldest child and a Permanency Hearing. The children were represented by an attorney, and a CASA was assigned to the case as the children's lay Guardian ad Litem. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney did not play a very active role in the hearing. She asked few questions and presented minimal information regarding the children. The children's attorney did question the Department's case manager regarding the oldest child's desire to remain in school, the oldest child's desire to visit her younger siblings and the Department's intention to file a Petition for Termination of Parental Rights as to the other three children siblings. The children's attorney did not submit any evidence or otherwise elicit testimony regarding the three youngest children. Likewise, the children's attorney did not cross examine the Department's case manager regarding whether sibling visitation has been occurring, the most recent date for sibling visitation, the siblings' relationship, and how termination of parental rights might impact that sibling relationship. The CASA submitted a written report to the Court.
- 3) In re C.D.: This case came before the Court for a Preliminary Protective Hearing. The children were represented by a children's attorney, and they did not have a lay or attorney Guardian ad Litem. The hearing was continued in order for the newly appointed parents' attorney to have time to prepare for the hearing with the parents.
- 4) In re T.H.: This case came before the Court for a Permanency Review Hearing. The child was represented by a child's attorney, and the child's best interests were advocated for by an attorney Guardian ad Litem. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney did not participate in the hearing—there were no questions asked, no evidence submitted, and no argument made. It was not possible to determine the child's position from the hearing. Likewise, the attorney GAL did not participate in the hearing and did not submit oral or written recommendations to the Court.



## Court Observations: Heard County

Peer Review team members Laurie-Ann Fallon and James Patterson observed Heard County Juvenile Court on April 11, 2016. The Court regularly appoints a child's attorney in the dual role as attorney Guardian ad Litem, and the appointed attorney has been appearing before the Court in her GAL role for a lengthy time period.

- 1) In re A.W. and K.W.: This case came before the Court for an Adjudicatory Hearing on a non-emergency petition. The children were represented by an attorney appointed in the dual role as an attorney GAL. The mother applied for a court-appointed attorney, and the hearing was continued in order for the mother to prepare for the hearing with her attorney.
- 2) In re E.P.: This case came before the Court for a Judicial Review Hearing. The child was represented by an attorney appointed in the dual role as an attorney GAL. The child was present for the hearing. The child's attorney had fairly minimal participation in the hearing, only cross examining the Department's case manager regarding the father's drug screens. In the dual role, the attorney GAL did not make any oral recommendations to the Court and did not submit a written report into evidence.
- 3) In re H.D. and S.D.: This case came before the Court for an Adjudicatory Hearing. The children were represented by an attorney appointed in the dual role as an attorney GAL. The Department moved for the dismissal of its Petition, and the children's attorney did not object.
- 4) In re H.L.: This case came before the Court for a private Termination of Parental Rights Hearing incorrectly filed in Juvenile Court. The child was represented by an attorney appointed in the dual role as an attorney GAL. Service had not been perfected on the father, and the hearing was continued.
- 5) In re H.P.: This case came before the Court for a Judicial Review Hearing. The child was represented by an attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and the child's attorney announced that the child's absence was due to the age of the child. The child's attorney participated in the hearing, cross examined the Department's case manager, and appeared to be knowledgeable about the case facts. In the dual role, the attorney GAL did not make any oral recommendations to the Court and did not submit a written report into evidence.
- 6) In re H.Y.: This case came before the Court for a Judicial Review Hearing. The child was represented by an attorney appointed in the dual role as an attorney GAL. The child was present for the hearing and appeared comfortable communicating with the child's attorney during the hearing. The child's attorney cross examined the mother and the Department's case manager, as well as ensured the child had the opportunity to address the Court and state her wishes during the hearing. The child's attorney appeared to be knowledgeable about the child's needs and the family's dynamics. In the dual role, the attorney GAL did not make any oral recommendations to the Court and did not submit a written report into evidence.
- 7) In re L.A.: This case came before the Court for a Judicial Review Hearing. The child was represented by an attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney moved for the child to be placed in the custody of an older sibling. In the dual role, the attorney GAL did not make any oral recommendations to the Court and did not submit a written report into evidence.

- 8) In re M.S.: This case came before the Court for a Judicial Review Hearing. The child was represented by an attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and the child's attorney announced the reason for the child's absence was the child's attendance in school. The child's attorney cross examined the Department's case manager and appeared very knowledgeable about the case, but did not submit any evidence, present any witness testimony or make any argument on the child's behalf.

### **Court Observations: Montgomery County**

Peer Review team members Jane Okrasinski and James Patterson observed Montgomery County Juvenile Court on March 24, 2016. Barring a conflict, the representation of children in Juvenile Court dependency and termination cases is assigned to an Assistant Public Defender. She is also appointed in the dual role as the children's attorney Guardian ad Litem. Children do not usually appear on their dependency and termination cases unless the children's attorney specifically requests their presence. Montgomery County has a strong CASA program, and CASA reports are normally presented to the Court prior to the hearings.

- 1) In re B.F. and M.F.: This case came before the Court for an Adoption Review Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The children were not present for the hearing, and no reason was provided by the child's attorney. It was evident from the hearing that the children's attorney was prepared and knowledgeable about the children's case. The children's attorney submitted into evidence information regarding the next steps needed to complete the children's adoption.
- 2) In re R.A., K.A. and T.A.: This case came before the Court for a Permanency Hearing and a hearing on the Petition for Permanent Guardianship. The children were represented by a children's attorney appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The children's attorney waived the children's presence due to the children's age and attendance in school. It was evident during the hearing that the children's attorney/attorney GAL was prepared for the hearing, given the attorney's visit to the relative placement's home. The children's attorney cross examined the Department's case manager and advocated for permanent guardianship of the children to be awarded to the maternal grandmother. In the dual role, the attorney GAL made oral recommendations to the Court.
- 3) In re D.S.: This case came before the Court for a Permanency Hearing. The child was represented by a child's attorney appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The child was not present for the hearing, and no reason was provided by the child's attorney. The Court continued the hearing due to a pending Petition for Legitimation filed by the biological father and pending DNA test results

### **Court Observations: Rabun County**

Peer Review team member Stephany Zaic observed Rabun County Juvenile Court on April 14, 2016. The Juvenile Court created contract positions for the parents' and children's attorneys, as well as the attorney Guardian ad Litem positions. The Mountain Judicial Circuit has a strong CASA program, and the CASA program's Volunteer Coordinator expressed that there is an excellent relationship between the volunteer CASAs and the children's attorney. The Court appoints both attorney GALs and CASAs in termination of parental rights cases, and the Court alternatively appoints either an attorney GAL and a CASA in most dependency cases. The Juvenile Court normally does not appoint the child's attorney in the dual role as an attorney GAL.



During the Court's calendar on April 14, 2016, Ms. Zaic consistently observed the child's attorney to be prepared for the hearings, file in hand and taking notes during each hearing. The child's attorney also consistently participated in courthouse settlement and pre-hearing party discussions. The observer noted in particular the position of the child's attorney that she always finds it beneficial in each case to visit the child in the child's placement and to meet with the child prior to hearings.

- 1) In re J.M.: This case came before the Court for a Preliminary Protective Hearing. The child was represented by a child's attorney. The Northeast Georgia CASA program announced that a CASA had not been assigned to the case yet. The child was not present, and the child's attorney waived the child's presence on the record. The child's attorney stated to the Court that she had not yet met with the child because she had not received contact information for the child. Expressing agreement with the proposed consent, the child's attorney agreed with the child remaining in the Department's protective custody. The child's attorney clarified to the Court that, while the father has current bond conditions preventing his contact with the child, the step-mother does not. The child's attorney advocated for the child to be able to visit with the step-mother.
- 2) In re G.T., B.T., J.A., B.T., and M.T.: This case came before the Court for a hearing on a Petition for Protective Order as to G.T. and B.T. The children were represented by a children's attorney, and a CASA had not been assigned to the case yet. The children G.T. and B.T. was present for the hearing, and the children's attorney met with G.T. and B.T., along with their caregivers, prior to the hearing. The children's attorney advocated for the Court to issue the requested Protective Order, based upon the mother's un-remediated substance abuse issues and the father's incarceration for immigration issues. The children's attorney requested that the mother provide the temporary custodians with copies of the children's birth certificates, Medicaid cards and anything else needed for the temporary custodians to be able to ensure the children's needs are met.
- 3) In re M.C.: This case came before the Court for an Adjudicatory, Disposition and Initial Judicial Review Hearing. The child was represented by a child's attorney, and a CASA was not yet assigned to the case. The child was not present for the hearing, and the child's attorney notified the Court that the child wishes to be present for future hearings. It was evident from the hearing that the child's attorney had met with the child prior to the hearing and as prepared for the hearing. The child's attorney expressed the child's wishes to remain in his current placement, and she was knowledgeable about the child's mental health issues. She reported to the Court that the child's needs were being met and that the child was visiting with the maternal grandmother.
- 4) In re A.W.: This case came before the Court for a Preliminary Protective Hearing. The child was represented by a child's attorney, and a CASA was not yet assigned to the case. The child was not present for the hearing. The child is currently a runaway, and the Federal Bureau of Investigation is looking for the child, as there are allegations of human trafficking. The judge voluntarily recused himself and followed the statutory procedure of referring the case to the Council of Juvenile Court Judges for the appointment of the replacement judge on the case.
- 5) In re K.R.A.: This case came before the Court for a Judicial Review hearing. The child was represented by a child's attorney, and a CASA was assigned to the case. The child was not present, and the child's attorney waived the child's presence based upon the child's age of seven months. The parties jointly requested a return of custody to the mother pursuant to a Protective Order. The child's attorney was very active in the hearing, cross examining the Department's case manager regarding the child's health status, transitional issues, the relationship between the foster parent and the mother, the child care plan going forward, the mother's housing, the mother's visitation with the child, the mother's preparations for the return of the young child to her care, the child's vaccinations, whether the biological father has provided any financial support or gifts for the child. Through

oral argument, the child's attorney argued for the return of the child to the mother's custody pursuant to a Protective Order. The child's attorney support the biological father's motion for visitation once he is able to pass a random drug screen. The child's attorney clearly stated the position that the mother did what had to be done in the child's best interest, while the biological father continued not to be a party to the case because he had not legitimated the child yet. The CASA submitted a written report into evidence and provided an oral report referencing the existence of a strong parental bond between mother and child and expressing support for the return of the child to the mother's custody pursuant to a Protective Order.

### **Court Observations: Screven County**

Peer Review team members Jane Okrasinski and James Patterson observed Screven County Juvenile Court on April 13, 2016. The Juvenile Court has three attorneys who are regularly appointed as children's attorneys in the dual role as attorney GALs. Children do not usually attend the dependency and termination of parental rights hearings unless their attendance is requested by the Court.

- 1) In re A.L. and P.C.: This case came before the Court for an Adjudicatory Hearing as to the father and an Initial Judicial Review Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The children were not present for the hearing, and the children's attorney announced the children were attending school. The children's attorney did not cross examine the witnesses, but spoke about the children during the hearing and addressed how the children were doing in foster care. Emphasizing that the children wish to see their mother, the children's attorney/attorney GAL advocated for visitation provided the mother complies with her case plan. In the dual role, the attorney GAL did not submit a written report into evidence but orally addressed some of the statutory best interest prongs.
- 2) In re E.G., M.G., K.G. and B.G.: This case came before the Court for an Initial Judicial Review Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL. The children were not present for the hearing, and the children's attorney announced the children's presence was waived due to their age. It was evident from the hearing that the children's attorney was knowledgeable about the case history and the children's needs. Based upon the domestic violence that had occurred in the family's home and one child's spiral fracture, the children's attorney advocated for all of the children to participate in bone scans. The children's attorney also advocated for supervised visitation, given the unremediated domestic violence issues. In the dual role, the attorney GAL did not submit a written report into evidence but orally addressed most of the statutory best interest prongs.
- 3) In re Z.G. and A.M.: This case came before the Court for a Judicial Review Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL. The children were not present for the hearing, and the children's attorney announced the children were attending school. The children's attorney actively participated in the hearing, cross examining the Department's case manager. In the dual role, the attorney GAL submitted a written report into evidence and gave an oral report to the Court that addressed all of the statutory best interest prongs.

### **Court Observations: Seminole County**

Peer Review team member Kristi Lovelace observed Seminole County Juvenile Court on April 6, 2016. The local CASA program does not have enough volunteer CASAs to assign to all cases and staff Citizen Review Panels. Thus, the Juvenile Court frequently appoints the child's attorney in the dual role as an attorney Guardian ad Litem. The child's attorney meets with children before almost every hearing, at least once in the child's placement and more



regularly in the child's educational setting (to ensure neutral ground). The child's attorney also observed parent-child visits and attends Citizen Review Panels. The child's attorney expressed that she is able to learn a significant amount of information by attending the Citizen Review Panels, as well as having the opportunity to meet with the children and the parents. Children are transported to court for hearings unless the children are very young or the hearing is held during the child's school day.

- 1) In re X.C.: This case came before the Court for a hearing on a Motion to Terminate Guardianship. The child was represented by a child's attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney actively participated in the hearing, and it was evident from the hearing that the child's attorney was prepared for the hearing. The child's attorney argued in support of the dissolution of the guardianship and for the child to reside with the mother. In the dual role, the attorney GAL orally addressed most of the statutory best interest prongs.
- 2) In re K.K. and T.B.K.: This case came before the Court for a hearing on a Petition for Protective Order. The children were represented by a children's attorney appointed in the dual role as an attorney GAL. The children were not present for the hearing, and no reason was provided by the child's attorney. The children's attorney actively participated in the hearing, cross examining the Department's case manager and encouraging the parents to consider residential treatment. It was evident from the hearing that the children's attorney was knowledgeable about the family's dynamics. In the dual role, the attorney GAL did not submit a written report into evidence but orally addressed most of the statutory best interest prongs.
- 3) In re K.A.B.: This case came before the Court for a Permanency Hearing. The child was represented by a child's attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. The child's attorney actively participated in the hearing. In the dual role, the attorney GAL did not submit a written report into evidence but orally addressed some of the statutory best interest prongs.

### **Court Observations: Spalding County**

Peer Review team member Kristi Lovelace observed Spalding County Juvenile Court on March 23, 2016. The Court appoints the child's attorney in the dual role as an attorney GAL and also appoints a CASA, if one is available. Spalding County lacks a sufficient number of volunteer CASAs to cover the dependency and termination of parental rights cases. The Court thus reserves the appointments of CASAs for the cases in which reunification is unlikely. The Court expects that older children will attend their court hearings, and the attorney GAL automatically has children over the age of fourteen years transported to hearings unless he has advance notice that the child does not wish to attend the hearing or there are logistical transportation issues.

The Spalding County child's attorney aspires to meeting with child clients on a regular basis, but the work load – compensation ratio does not permit this goal. In between hearings, the child's attorney instead visits with the children whom he believes most need to meet with him. The child's attorney regularly reads the file and conducts telephone interviews before hearings.

- 1) In re A.K.: This case came before the Court for a Preliminary Protective Hearing. The child was represented by a child's attorney appointed in the dual role as an attorney GAL. The child was present for the hearing.
- 2) In re D.C. and J.C.: This case came before the Court for an Initial Judicial Review Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL. The children were not present for the hearing, and no reason was provided by the children's attorney. During the hearing, the children's

attorney expressed the children's wishes, cross examined the Department's case manager and made a closing statement. In the dual role, the attorney GAL did not submit a written report into evidence and did not orally address the statutory best interest prongs.

- 3) In re D.F. and T.F.: This case came before the Court for an Adjudicatory Hearing. The child was represented by a child's attorney, and the CASA program did not have a volunteer CASA available to be assigned to the case as the lay GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney expressed the child's agreement with the Department's proffer.
- 4) In re D.H. Jr. and M.G.: This case came before the Court for a Permanency Review Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL. The children were not present for the hearing, and no reason was provided by the children's attorney. It was evident from the hearing that the children's attorney has minimal out-of-court contact with the minor clients. The children's attorney argued against a continuance of the hearing and argued that the children needed permanence, but the Court continued the hearing.
- 5) In re D.L. and L.L.: This case came before the Court for a Judicial Review Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The children were not present for the hearing, and no reason was provided by the children's attorney. During the hearing, the children's attorney submitted evidence into the record and argued in support of a non-reunification permanency plan, based upon the father's reunification with and subsequent return of the children to foster care. The children's attorney argued about the impact of the reunification disruption on the children and referenced the foster parent's previously expressed interest in adopting the children. In the dual role, the attorney GAL submitted a written report into evidence.
- 6) In re J.F.: This case came before the Court for a Preliminary Protective Hearing. The child was represented by a child's attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney cross examined the mother and the Department's case manager, and requested that the mother participate in a hair screen. In the dual role, the attorney GAL did not submit a written report into evidence or orally address any of the statutory best interest prongs.
- 7) In re J.K.: This case came before the Court for a Permanency Review Hearing. The child was represented by a child's attorney appointed in the dual role as an attorney GAL. The child was present for the hearing, but the child did not sit with the child's attorney during the hearing. The child's attorney asked relevant questions during the hearing, requested that the child be allowed to obtain a learner's permit, and cross examined the Department's case manager and the foster parent. In the dual role, the attorney GAL did not submit a written report into evidence or orally address any of the statutory best interest prongs.
- 8) In re M.L.: This case came before the Court for a Permanency Hearing. The child was represented by a child's attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney argued for the case to proceed to termination of parental rights and adoption.
- 9) In re R.S.: This case came before the Court for a Permanency Hearing and a hearing on a Motion to Request Credit Report. The child was represented by a child's attorney appointed in the dual role as an attorney GAL. The child was not present for the hearing, and the child's attorney announced that attending hearings was upsetting to the child due to the child's mental health issues. It was evident from the hearing that the child's attorney had prepared for the hearing, and the child's attorney expressed the child's wishes during the hearing.



The child's attorney was knowledgeable about the child's needs, and the child's attorney identified issues and concerns of the child during the closing argument. In the dual role, the attorney GAL did not submit a written report into evidence or orally address any of the statutory best interest prongs.

- 10) In re V.B., W.T. and V.T.: This case came before the Court for an Adjudicatory Hearing. The children were represented by a children's attorney appointed in the dual role as an attorney GAL. The children were not present for the hearing, and no reason was provided by the children's attorney. During the hearing, the children's attorney cross examined witnesses and requested that the Court issue a Protective Order in addition to awarding temporary custody of the children to the Department. The children's attorney exhibited knowledge of the case facts, state law and the family's dynamics. In the dual role, the attorney GAL did not submit a written report into evidence but orally addressed some of the statutory best interest prongs.

### **Court Observations: Stewart County**

Peer Review team members Kristi Lovelace and James Patterson observed Stewart County Juvenile Court on March 16, 2016. The Court has two primary attorneys on the Court appointment list for the position of children's attorney, as this judicial circuit is experiencing a shortage of attorneys. The children's attorneys are highly dependent upon the volunteer CASAs for meeting with the children and providing that information to the children's attorneys.

- 1) In re J.D. and A.\_\_\_: This case came before the Court for an Adjudicatory Hearing as to the father and a Permanency Hearing. The children were represented by a children's attorney, and a CASA was assigned to the case. The children were not present for the hearing, and the children's attorney announced that the children's presence was waived due to the children's young ages. The children's attorney actively participated in settlement negotiations, examined witnesses during the hearing and objected to hearsay. The children's attorney argued for the father to legitimate the children and argued for the safety of the children, given parental substance abuse issues. The CASA submitted the written GAL report to the Court prior to the hearing.
- 2) In re J.T. and L.D.: This case came before the Court for a Permanency Hearing. The children were represented by a children's attorney, and a CASA was assigned to the case. The children were not present for the hearing, and the children's attorney announced the belief that the children were not present due to their attendance in school. The children's attorney announced the children's agreement with either a permanent guardianship or termination of parental rights and adoption permanency plan. The CASA submitted the written GAL report to the Court prior to the hearing.
- 3) In re B.B.: This case came before the Court for an Initial Judicial Review Hearing. The child was represented by a child's attorney, and a CASA was assigned to the case. The child was not present for the hearing, and no reason was provided by the child's attorney. It was evident from the hearing that the child's attorney had prepared for the hearing, as the child's attorney presented evidence not presented to the Court by other parties. The child's attorney presented the child's position and appeared knowledgeable about the child's needs and the family's dynamics. The CASA submitted the written GAL report to the Court prior to the hearing.
- 4) In re S.T., T.T. A.T., R.T., T.T. and J.T.: This case came before the Court for an Adoption Status Hearing. The children were represented by a children's attorney, and a CASA was assigned to the case. The children were not present for the hearing, and no reason was provided by the children's attorney. During the hearing, the children's attorney did not submit evidence, examine any witnesses on direct or cross, make oral or closing statements, or otherwise express the children's position to the Court. The CASA submitted the written GAL report to the Court prior to the hearing.



5) In re K.M., L.M. and M.B.: This case came before the Court for a Preliminary Protective Hearing and an Initial Judicial Review Hearing. The children were represented by a children's attorney, and a CASA was assigned to the case. The children were not present for the hearing, and the children's attorney waived the children's presence based upon their ages. The children's attorney had been recently appointed to the case, and it was unclear from the hearing whether the attorney had met with his minor clients. The children's attorney did not examine witnesses on direct or cross during the hearing, but did notify the Court of the maternal grandmother's wish to address the Court.

The CASA submitted the written GAL report to the Court prior to the hearing.

6) In re S.C., H.C. and N.C.: This case came before the Court for an Initial Judicial Review Hearing. The children were represented by a children's attorney, and a CASA was assigned to the case. The children were not present for the hearing, and the children's attorney waived the children's presence based upon their ages. The children's attorney did not actively participate in the hearing. The CASA submitted the written GAL report to the Court prior to the hearing.

7) In re S.R.H.: This case came before the Court for a Judicial Review and Permanency Hearing. The child was represented by a child's attorney, and a CASA was assigned to the case. The child was not present for the hearing, and the child's attorney waived the child's presence based upon the child's age. The child's attorney participated in the hearing, addressing the mother's compliance issues with the case plan. The CASA submitted the written GAL report to the Court prior to the hearing.

### **Court Observations: Twiggs County**

Peer Review team members Jane Okrasinski and Rosalind Watkins observed Twiggs County Juvenile Court on March 17, 2016. The children's attorneys appointed by the Juvenile Court were skilled in trial practice. They regularly relied heavily on the volunteer CASAs for information gathering in between hearings due to the financial constraints created by the hourly rate for out-of-court legal work.

1) In re H.R.: This case came before the Court for an Adjudicatory Hearing as to the father and a Judicial Review Hearing as to the mother. The child was represented by a child's attorney, and a CASA was assigned to the case. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney exhibited knowledge about child safety issues and the case history. The child's attorney made efforts to expedite the child's permanency. The CASA submitted the written GAL report to the Court during the hearing.

2) In re J.K., S.K. and A.K.: This case came before the Court for an Initial Judicial Review Hearing. The children were represented by a children's attorney, and a CASA was assigned to the case. The hearing was continued in order to allow the parties the opportunity to review a home evaluation.

3) In re J.W.: This case came before the Court for a Judicial Review Hearing. The child was represented by a child's attorney, and a CASA was assigned to the case. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney played an active role by cross examining the Department's case manager and presenting the child's position. The child's attorney made efforts to expedite permanency for the child. The CASA submitted the written GAL report to the Court during the hearing.



- 4) In re K.W.: This case came before the Court for a Judicial Review Hearing and an Adjudicatory Hearing as to the father. The child was represented by a child's attorney who was appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney actively participated in the hearing, cross examining the Department's case manager, presenting the child's position and making efforts to expedite the child's permanency. The child's attorney exhibited knowledge about the child's needs and the family's dynamics. The CASA submitted the written GAL report to the Court during the hearing.
- 5) In re T.S.: This case came before the Court for an Initial Judicial Review Hearing. The child was represented by a child's attorney who was appointed in the dual role as an attorney GAL, and a CASA was assigned to the case. The child was present for the hearing, but sat next to his CASA during the hearing. When the child wanted to communicate with his attorney, the child spoke with CASA, and the CASA delivered the message to the child's attorney. During the hearing, the child's attorney actively participated in the hearing, cross examining a witness, presenting the child's position and making a closing argument. The child's attorney exhibited knowledge about the child's needs, child safety issues and the family's dynamics. The CASA submitted the written GAL report to the Court during the hearing.

### **Court Observations: Ware County**

Peer Review team member Gerald Bruce observed Ware County Juvenile Court on March 8, 2016. The children's attorneys did not provide active legal representation in their cases and would benefit from additional child legal representation and attorney GAL training.

- 1) In re B.J.: This case came before the Court for a Permanency Hearing. The child was represented by a child's attorney who was appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. The father had obtained a Superior Court Order that granted the father's request to legitimate and obtain custody of the child, and also found that the child was not and had not been dependent, despite the Superior Court's lack of jurisdiction to make such a finding. The Permanency Hearing was thus based solely on legal argument addressing the status of the Juvenile Court case. The child's attorney did not present the child's position during the hearing and appeared to be unfamiliar with the relevant law. The child's attorney did not make an opening or closing argument and appeared not to be familiar with the applicable statutory law.
- 2) In re G.B.: This case came before the Court for a Permanency Hearing. The child was represented by a child's attorney who was appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney repeatedly stated "no objections" and did not actively participate in the hearing. The child's attorney did not present the child's position during the hearing, participate in direct or cross examination of witnesses, present oral or closing argument, or appear knowledgeable about the child's needs or the family's dynamics. In the dual role, the attorney GAL did not submit a written report into evidence and did not orally address any of the statutory best interest prongs.
- 3) In re H.T.: This case came before the Court for a Legitimation and Disposition Hearing. The child was represented by a child's attorney who was appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney did not actively participate in the hearing. The child's attorney did not present the child's position during the hearing, participate in direct or cross examination of witnesses, present oral or closing argument, or

appear knowledgeable about the child's needs or the family's dynamics. The child's attorney did not object to the putative father being required to go forward with the hearing without his right to counsel being addressed initially. Similarly, the child's attorney did not object to the Department's request for a continuance of the Legitimation Hearing based upon lack of service, despite the fact that the Department is not a party to a legitimation action. In the dual role, the attorney GAL did not submit a written report into evidence and did not orally address any of the statutory best interest prongs.

- 4) In re M.M.: This case came before the Court for a Preliminary Protective Hearing. Neither a child's attorney nor a Guardian ad Litem was appointed before the hearing. The child was not present for the hearing, and no reason was provided for the child's absence. The Court appointed a child's attorney in the dual role as attorney Guardian ad Litem following the completion of the hearing.
- 5) In re X.J.E.M.: This case came before the Court for an Adoption Efforts Review Hearing. The child was represented by a child's attorney who was appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney stated "no objection" at the end of the hearing and did not actively participate in the hearing. The Court had terminated parental rights almost one year prior, and the child's attorney was silent throughout the majority of the hearing. The child's attorney did not present the child's position during the hearing, participate in direct or cross examination of witnesses, present oral or closing argument, or appear knowledgeable about the child's needs or the family's dynamics. In the dual role, the attorney GAL did not submit a written report into evidence and did not orally address any of the statutory best interest prongs.
- 6) In re K.L.Y.P. and K.L.P.P.: This case came before the Court for a hearing on the Motion for Reinstatement of Parental Rights. The children were represented by a children's attorney who was appointed in the dual role as an attorney GAL. The children were not present for the hearing, and no reason was provided by the children's attorney. This was particularly difficult to understand, given the purpose of the hearing. During the hearing, the children's attorney did not actively participate in the hearing. The parties consented to the Court ruling on the motion based upon a review of the Court record, and no evidence was presented or argument made. In the dual role, the attorney GAL did not submit a written report into evidence and did not orally address any of the statutory best interest prongs.
- 7) In re S.W.: This case came before the Court for a Permanency Hearing. The child was represented by a child's attorney who was appointed in the dual role as an attorney GAL. The child was not present for the hearing, and no reason was provided by the child's attorney. During the hearing, the child's attorney stated "no objection" at the end of the hearing and did not actively participate in the hearing. The Court changed the child's permanency plan from reunification to one of the non-reunification permanency plans, and the child's attorney did not present the child's position during the hearing, participate in direct or cross examination of witnesses, present oral or closing argument, or appear knowledgeable about the child's needs or the family's dynamics. In the dual role, the attorney GAL did not submit a written report into evidence and did not orally address any of the statutory best interest prongs.
- 8) In re A.D.S., A.T.R. and A.K.R.: This case came before the Court for a hearing on the Petition for Termination of Parental Rights. During the hearing, the children's attorney questioned the Department's witness. However, it did not appear from the cross examination that the children's attorney had any current knowledge of the case status or the putative fathers. The questions posed by the children's attorney were all historical in nature. The children's attorney did not otherwise present any witness testimony or evidence on behalf of the children's position.



- 9) In re A.T.: This case came before the Court for a Preliminary Protective Hearing. Neither a child's attorney nor a Guardian ad Litem was appointed before the hearing. The child was not present for the hearing, and no reason was provided for the child's absence. The Court appointed a child's attorney in the dual role as attorney Guardian ad Litem following the completion of the hearing.
- 10) In re J.A.T.: This case came before the Court for a hearing on a Petition for Protective Order. Neither a child's attorney nor a Guardian ad Litem was appointed before or after the hearing. The child was not present for the hearing, and no reason was provided for the child's absence.
- 11) In re K.T., J.T. and J.T.: This case came before the Court for a hearing on a Petition for Protective Order. Neither a child's attorney nor a Guardian ad Litem was appointed before or after the hearing. The child was not present for the hearing, and no reason was provided for the child's absence.
- 12) In re D.R.W. and J.R.W.: This case came before the Court for a Permanency Hearing. The children were represented by a children's attorney who was appointed in the dual role as an attorney GAL. The children were not present for the hearing, and the children's attorney stated that the children were placed out of state. During the hearing, the children's attorney did not actively participate in the hearing. The children's attorney did not present the children's position during the hearing, participate in direct or cross examination of witnesses, present oral or closing argument, or appear knowledgeable about the children's needs or the family's dynamics. In the dual role, the attorney GAL did not submit a written report into evidence and did not orally address any of the statutory best interest prongs.
- 13) In re E.H.W., D.L.W. and C.D.: This case came before the Court for a Preliminary Protective Hearing. Neither a children's attorney nor a Guardian ad Litem was appointed before the hearing. The children were not present for the hearing, and no reason was provided for the children's absence. The Court appointed a children's attorney in the dual role as attorney Guardian ad Litem following the completion of the hearing.

### **Court Observations: Whitfield County**

Peer Review team member Gerald Bruce observed Whitfield County Juvenile Court on May 11, 2016. Barring a conflict, the Juvenile Court appointed one child's attorney in the dual role as attorney GAL to legally represent and advocate for most of the children involved in dependency and termination of parental rights hearing. This child's attorney has conducted an impressive legal career as a District Attorney for more than twenty years before retiring from that position, and he is now devoting his legal efforts to the advocacy of children.

During the observed hearing, the child's attorney did not sit with the minor clients. The children instead either sat alone at the counsel table or next to their parents, while the child's attorney sat several rows behind in the courtroom. The child's attorney did not cross examine witnesses and normally announced the child's position as "I have no objection to what the Department is proposing." The child's attorney did not appear to be prepared for the hearings or to have met with his minor clients prior to the hearings. The observer noted that the child's attorney appeared to conduct direct examinations of his minor clients in order to learn the information, rather than to present witness testimony to the Court. In the dual role, the attorney GAL did not submit written reports to the Court and did not orally address the statutory best interest prongs.

## Conclusions and Recommendations

The Peer Review Project valued the opportunity to be of service to Georgia's Juvenile Courts and to our colleagues representing children and/or advocating for their best interest in dependency and termination of parental rights cases. Similar to the Courts observed during the last several grant cycles, the requirements or standards for becoming a Court-appointed child's attorney or attorney Guardian ad Litem vary from county to county. The majority of the counties observed during the current grant cycle do not have pre-appointment or ongoing training standards. Consistency between Juvenile Courts in regards to training requirements, as well as a basic level of training required for appointments, would be very helpful in establishing more consistency in the provision of legal representation for children and in the provision of best interest advocacy by attorney Guardians ad Litem.

Through the above observations and communication with the Courts and the attorneys, the Peer Review team identified a series of recommendations for child's attorneys and attorney Guardians ad Litem. Several of these recommendations were identified in the previous grant cycle, and training for Georgia's child's attorneys and attorneys Guardian ad Litem continues to be needed in specific areas, as follows:

- 1) In order to expedite permanency, child's attorneys and attorneys Guardian ad Litem need to ensure that Due Process rights have been protected for each party at each hearing. Any Court ruling that arises from a hearing during which Due Process rights were not protected for every party may be appealable, and the resulting appeal potentially delays the child's permanency.
- 2) Additional training is needed regarding the identification of a legal conflict when an attorney is appointed in the dual role as child's attorney and attorney Guardian ad Litem, as well as the handling of the conflict (i.e., the split of the roles) when it arises. There also appeared to be some confusion between courts and attorneys regarding the role in which the attorney was appointed.
- 3) Child's attorneys and attorneys Guardian ad Litem are strongly encouraged to advocate for the continued provision of legal representation of children in dependency and termination of parental rights cases as long as the child's case is brought before the Court for any type of hearing.
- 4) Child representation in Georgia's dependency and termination of parental rights cases is based upon a client-directed model of representation. To that end, child representation requires meeting with the client, communicating accurately regarding the purpose of each hearing and soliciting the child's wishes prior to each hearing. Decisions regarding attendance of a child at his or her hearing should be made on a case-by-case basis, based upon consultation (to the extent possible given the child's age) between the child and the child's attorney. It is vital to the legal representation of the child that the child's wishes are discerned prior to each hearing, and that the child's attorney advocates distinctly and clearly for the child's position during each hearing, including during the presentation of oral argument. Observers for Peer Review consistently noted that a relatively small number of children are attending their hearings, and many child's attorney's reference time commitment and financial limitations as barriers to meeting with their clients prior to the hearing.



- 5) Linked with the above, Peer Review is recommending statewide training on child development and how to explain the legal process to a child. The client-directed model of representation requires communicating accurately regarding the legal proceedings in which the child is involved. The ability to effectively communicate with a minor client involves an understanding of the impact of the child's age, developmental, mental health and cognitive abilities, as well as cultural competency.
- 6) Many Courts are not requiring attorney Guardians ad Litem to present their reports in written form. To the extent that attorney GALs do not present a written report in compliance with O.C.G.A. § 15-11-26, the best interest criteria must be addressed during the attorney GAL's oral presentation as the basis provided for the GAL's recommendations.
- 7) In order to ensure CAPTA compliance, attorney and lay GALs need to make sure written GAL reports are submitted into evidence during each hearing and are referenced in and attached as an exhibit to the resulting Order.
- 8) Juvenile Court attorneys would benefit from statewide training regarding advanced Indian Child Welfare Act ("ICWA") issues. Attorneys would also benefit from training targeted to the identification of when ICWA applies, how to get in touch with the relevant Native American Tribe or Tribes, and what is required for active efforts.
- 9) Also identified in previous grant cycles, Peer Review observed that Juvenile Court attorneys statewide would benefit from advanced evidentiary skills training. It appears that many child's attorneys continue to view their role largely as responsive to the information presented by the Special Assistant Attorney Generals and the parent attorneys, as opposed to a role in which the child's attorney actively gathers and presents to the court evidence and witness testimony in support of the child's position, participates in a thorough cross examination of witnesses, seeks to obtain rulings on the child's position and to expedite permanency for the child through a motions practice, and presents oral and closing arguments in support of the minor client's position.

The Peer Review team is grateful for the opportunity to support our colleagues in the improvement of client-directed legal representation and best interest advocacy for Georgia's children, and we look forward to continuing in this effort.





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