



Georgia Office of the Child Advocate for the Protection of Children
2020 Annual Report



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Annual Report 2020



2020 OCA Advisory Board Members

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OCA's Mission

In 2000, the state legislature created the Georgia Office of the Child Advocate for the Protection of Children (OCA) 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.”¹ As an ombudsman and oversight agency, OCA’s mission is to work with private and public partners to improve Georgia’s child welfare system by monitoring child welfare policy and practice; respond quickly and appropriately to concerns about the system; and make recommendations and advocate for changes that will improve our state’s ability to protect and care for children who have suffered maltreatment and who are at risk of abuse or neglect.

**Monitor child welfare
policy and practice**

**Respond quickly and
appropriately to concerns about
the system**

**Recommend and advocate for changes that will improve
our state’s ability to protect and care for children
who have suffered or are at risk of abuse or neglect**

OCA’s work also involves investigating and responding to complaints regarding children who are, or whose families have been, the subject of a DFCS report within the prior five years.² With that, OCA prioritizes concerns from parents, children, relatives, foster parents, and child welfare professionals regarding the way DFCS or its contractors handled a child protection case. OCA uses these complaints and the resulting investigations to address the issue that may have arisen and to identify trends within the child protection system.

Additionally, OCA oversees statewide the creation and implementation of local child abuse protocols, which are legislatively mandated to ensure the appropriate multidisciplinary investigation and handling of child abuse cases, especially those involving sexual and serious physical abuse. In addition to training, OCA develops and provides a statewide model child abuse protocol which is updated as needed. OCA also approves certification training for guardians *ad litem* who advocate for the best interests of children in juvenile court.³

OCA proactively engages in projects designed to improve child safety, the child protection process, and outcomes for Georgia’s children and families.⁴ For example, the OCA director serves on the Statewide Child Fatality Review Committee which is tasked with studying and finding ways to reduce the deaths of Georgia’s children.⁵ Moreover, the deputy director and an investigator serve on the Statewide Human Trafficking Task Force in various groups.

¹ O.C.G.A. § 15-11-740(b)

² O.C.G.A. §§ 15-11-741, 15-11-742

³ O.C.G.A. § 15-11-104(f)

⁴ O.C.G.A. § 15-11-743

⁵ O.C.G.A. § 19-15-4



2020 Staff Changes at OCA

OCA welcomed two new staff members in the calendar year. Julia Presuel and Zonia Russell joined OCA as investigators. Eboni Woodbury, one of our investigators, accepted a position with the Children's Healthcare of Atlanta. Megan Kade, our office administrator, accepted a position with Community Foundation for Greater Atlanta. The duties of the office administrator have been merged with those of the director and deputy director.

Investigations and Audits: Responding to Complaints and Concerns

OCA receives concerns and complaints from the public in various ways, including those from judges, legislators, and agency officials who have concerns about a case or who are reaching out on behalf of a child or constituent. Concerns and complaints may be submitted to OCA by telephone at (404) 656-4200 or through the online complaint form at <https://oca.georgia.gov/webform/request-oca-assistance-or-investigation>. OCA also receives notice of letters, emails, and calls that are originally submitted to the Governor's office, which are most often handled by the internal constituent services staff at DFCS. OCA also investigates those concerns as necessary.

Between January 2020 and December 2020, a total of 403 cases came to OCA's attention. Of these, 152 required further involvement from OCA. OCA responds to complaints needing further involvement by investigating, providing a constituent with information and assistance, or by reviewing the case to ensure the safety of the child(ren). In its review of complaints and cases, OCA determines whether there were problems in the implementation of child protection policy or errors in practice. Of the 152 cases requiring further involvement from OCA in 2020, policy violations were noted in 17% of cases and child welfare practice deficiencies in 22% of the cases. The leading issues identified included problems in providing adequate assessment of a child or family's situation and problems in providing adequate services to families. The most common complaints received involved a child's safety, custody or visitation, interactions with DFCS staff, and child placement.

In addition to complaints received, OCA reviews critical incidents, inclusive of deaths, near fatalities, and serious injuries occurring to children whose family had involvement with DFCS. OCA continued to partner with DFCS to implement a new review process for these critical incidents based on safety science. This new review process is focused on understanding the circumstances of the death, near fatality, or serious injury, as well as interventions or missed opportunities that may have prevented the death, near fatality, or serious injury. Interventions or missed opportunities are not limited to DFCS involvement, but rather encompass the larger system of child and family serving entities that may have been involved in a family's situation. The initial phase of the process involves individual case reviews and debriefings – individual interviews with staff involved in the case. During 2020, more than 80 reviews were conducted, which involved more than 400 individual interviews. The next phase of the process has not yet been implemented but involves a state level review of the systemic factors that may have been relevant to the critical incident. While full and comprehensive data and analysis cannot be identified until all parts of the process have been implemented, initial information from the individual case reviews and debriefings suggest several areas for further focus and systemic improvement. These include: assessing and continually monitoring potential substance use and/or mental health concerns; engaging fathers, domestic partners, non-caregiving adults, and/or other relevant partners; and closing cases



safely and appropriately upon completion of all tasks that are relevant to safety considerations.

Investigation Highlights: Making Positive Impacts

OCA's investigative team is composed of individuals who make a difference not only in their investigations, but in their words, diligence, and support of those who they work with and advocate for. Our investigators continue to make a meaningful and positive impact as a critical part of their complex investigative work. Below are a few examples of how our investigators have made a difference and continue to support better outcomes for children, families, and communities across the state:

"In reflection of this past year, I believe when faced with adversity we become more innovative which results in great work! As part of the OCA team, I had the pleasure of assisting in reunifying not one but two families this year, one out of state and one within Georgia. This is not always easy however, with a great deal of perseverance and determination we became successful together and I felt honored to have been part of this effort for Georgia's children. I was also able to collaborate with our partners in bringing support to the DFCS frontline field staff across the state regarding our child deaths while working together to assess and analyze these difficult cases within a safety culture. Our work is challenging but our passion unites us and it is a privilege to serve Georgia's families." – Senior Investigator Renee Moore.

"I believe when faced with adversity we become more innovative which results in great work!"

"The OCA reporter has a relative in foster care in another state. The reporter shares a strong bond with this child and has been going through the ICPC process, coordinating between state and local representatives in Georgia and the other state. The reporter contacted OCA due to a hold up in the paperwork. OCA contacted GA ICPC representatives and obtained a list of the missing documents. The reporter was able to go to her county courthouse and fax the papers to the case worker in the other state and OCA. The other state's case worker was unable to receive the faxed documents due to working remotely. Thanks to the diligence of the reporter, electronic copies of the documents were sent to OCA's reporter who passed them on to the social worker in the other state. Although OCA played a small part in this case, it is impossible not to be touched and encouraged by the reporter's obvious love of this child, her willingness to follow through on each task, and her overall poise and good humor as she moves through the ICPC process." – Investigator Julia Presuel.

"[T]he case was administratively re-opened to ensure that this family is thoroughly assessed and obtain services for any identified needs."

"In June 2020, OCA received a constituent complaint with concerns that services were not provided. The reporter was concerned that a 16 year old male was engaging in self-harming behaviors



(cutting) and did not receive any services. The child told the reporter that a lady from DFCS talked to him and said she would get him some help, but no one ever came back. (The DFCS record showed pictures of healing cut marks that were observed on the child by the DFCS case manager). The case was opened for Family Support Services, a safety plan was implemented in February 2020, a referral was sent for a psychological for the male child, but the case closed in March 2020 with no follow-up with the family to confirm that services started. Additionally, the parent was never seen or assessed by DFCS, though there were concerns of possible substance use. It was further discovered that the parent worked away from home during the week and a grandparent was the primary caretaker of the children during the week. There was also no further contact made with either child or parent prior to the case closing. Due to the level of possible safety concerns, I reached out to the County Director via telephone. She had a Field Program Specialist review the case and that FPS found the same concerns that I did. As a result, the case was administratively re-opened to ensure that this family is thoroughly assessed and obtain services for any identified needs.” – Investigator Zonia Russell.

“It is believed that the family that the child had lived with prior, will be able to remain a part of his life. The result better ensures his safety while preserving a potentially life long bond.”

“I was able to positively affect the life of a child who lost his parents. The child was in foster care, his parents had passed away and there were multiple families who were interested in providing a permanent home. A concern had been shared with OCA that the Division favored a family who had a profile containing safety concerns for the child. The main concern was that the Division's support for this family would make it difficult to secure a safe and appropriate permanent home for the child. After reviewing the matter and observing the safety concern, I met with Division staff responsible for the case and we engaged in multiple discussions. We discussed the concerns and agreed on reasonable measures to reduce/eliminate the causes for concern. After the Division exhausted the measures we agreed on, the safety concerns could not be resolved. It was determined that the Division could no longer support that family as the child's permanent home. A different family was ultimately granted temporary custody of the child for the purpose of adoption. It is believed that the family that the child had lived with prior, will be able to remain a part of his life. The result better ensures his safety while preserving a potentially life long bond.” – Investigator Ryan Sanford.

“This past year has been very challenging and uncertain for just about everyone. With a focus on the global pandemic, a lot of families have unfortunately experienced some form of hardship or inadvertent systemic neglect. Despite the challenges of the pandemic, I am grateful to have still been in a position to support families in need of advocacy. Like myself, many of us look forward to reading or hearing about successful permanency stories. With a pause in the typical permanency proceedings, many caregivers and children lost hope as they doubtfully anticipated being reunified with their loved



ones. There is an old proverb saying that goes something like, ‘delayed but not denied’, to be delayed in this sense is the epitome of resiliency and faith.

“The success of this reunification case was merely an instance of empowering a client with knowledge, confidence, resources, and the capacity to self-advocate.”

With so much delay in 2020, I honestly could not have imagined I’d be able to have such an affirmative impact on a single father attempting to reunify with his two young children. Given the family dynamics, the added barriers of housing, employment security, and childcare, this case had been prolonged and idle. Despite the case stagnation, this father remained untiring and consistent with his efforts. I recognized his determination and efforts early on and was able to provide a sense of hopefulness, support, and assurance. To hear the sorrow and distress in a client’s voice later evolve into an optimistic and joyful tone is truly a powerful and tremendous feeling. The success of this reunification case was merely an instance of empowering a client with knowledge, confidence, resources, and the capacity to self-advocate. With all of the tools mentioned above, over the course of 3 months this client achieved consistent weekly visitation with his children, which led to unsupervised/overnight visits, resulting in a successful reunification - a week before Christmas! With consideration to this family, I’d have to agree that gifts from the heart are the best gifts above all!” – Investigator Shantelle Whitehead.

Education and Advocacy

One of OCA’s statutory responsibilities is “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.”⁶ As a small ombudsman agency, OCA cannot (and should not) attempt to involve itself in every aspect of Georgia’s child protection and child welfare system. Rather, we must prioritize efforts that we believe will have the greatest impact to improve the system, its efficiency, and the outcomes for children and families. In 2020, the office continued a number of educational and advocacy-related efforts which could maximize our collective expertise to improve outcomes for vulnerable children in the child welfare system and which involved working diligently across disciplines and agencies to improve laws, policies, and practices within Georgia’s child protection system. These include:

Guardian ad Litem Online Training

In 2017, OCA made available an online guardian ad litem pre-appointment training that meets the requirements of O.C.G.A. § 15-11-104(f) and CAPTA Section 106. This training continues to be available and can be found at:

https://www.prosolutionstraining.com/store/product/?tProductVersion_id=1257. 6.5 CLE hours are available to attorneys who complete this training. During calendar year 2020, 33 people completed this training.

⁶ O.C.G.A. § 15-11-744(a)(7)



Child Abuse Protocol Training and Development

Georgia law requires each county to establish a protocol for the investigation and prosecution of cases of alleged child abuse.⁷ Additionally, each county is required to establish a protocol committee, which is charged with developing local protocols for the investigation and prosecution of cases of alleged child abuse.⁸ OCA receives copies of the county protocols, along with any updates to those protocols, as well as annual county reports. On an ongoing basis, OCA also provides training relevant to the protocol and protocol committees throughout the state.

The Child Abuse Protocol (CAP) serves as the foundation for effective multi-disciplinary investigation and prosecution of child abuse, neglect and sexual exploitation. OCA previously developed a statewide model CAP for use by each county for their local protocol. In conjunction with partners, the model protocol is reviewed and revised as necessary.

OCA continues to revise and update the model protocol to be used as a resource by local child abuse protocol committees. The most recent version of the model protocol can be accessed here: <https://oca.georgia.gov/protocols-resources/statewide-model-child-abuse-protocol>. OCA will continue to work with many partners including the state's prosecutors, Child Advocacy Centers, Prevent Child Abuse Georgia, DFCS, Law Enforcement, GBI, and medical professionals to improve the Statewide Model Child Abuse Protocol as needed.

Multi-Disciplinary Child Abuse and Neglect Institute (MDCANI)

Georgia created the Multi-Disciplinary Child Abuse and Neglect Institute (MDCANI) based on a national program run by the National Council of Juvenile and Family Court Judges (NCJFCJ). This institute consists of intensive trainings and discussions with jurisdiction-wide multi-disciplinary audiences involved in child abuse and neglect proceedings. The second portion of MDCANI, focused on permanency, began during 2019. As part of this focus on permanency, a panel of youth shares their experiences with permanency, what it means to them, and their thoughts on how child welfare professionals can better engage youth and support them towards achieving permanency. OCA's Director, Rachel Davidson, continues to serve as MDCANI faculty and moderates the youth panel. During 2020, MDCANI trainings were put on a hold due to the COVID-19 pandemic; however, the faculty made plans for offering both the first and second portions of this program starting again in 2021.

The Summit: Georgia's Child Welfare Conference

For the first time, The Summit: Georgia's Annual Child Welfare Conference hosted hundreds of attendees through a virtual hub. While presenters gave live presentations at The Hotel at Avalon in Alpharetta, virtual participants could view and engage in the workshops in real time. OCA hosted this hybrid conference in conjunction with its partners: the Supreme Court of Georgia's Committee on Justice

⁷ O.C.G.A. § 19-15-2(a)

⁸ O.C.G.A. § 19-15-2(b)(2)



for Children, the Georgia Division of Family and Children Services, and the Georgia Court Appointed Special Advocates. In the virtual hub, attendees and presenters were able to connect with each other, discuss challenges in our practice, highlight breakthroughs, learn from one another, and affirm our commitment to this challenging but critically important work. The Summit featured videos highlighting the experiences and successes of those involved with the Cold Case Project, youth and parent advocacy, kinship caregivers, and case workers. The videos can be accessed on OCA’s YouTube page [here](#).

DFCS Director Tom Rawlings kicked off the Summit with welcome videos from Governor Brian P. Kemp, First Lady Marty Kemp, and Attorney General Chris Carr who have been strong advocates for children and families involved in the child welfare system and consistent supporters of the professionals who play important roles in those families’ journeys to permanency.



**Governor Brian Kemp and
First Lady Marty Kemp**



Dr. Phyllis Holditch Niolon

Dr. Phyllis Holditch Niolon was the keynote speaker in the opening plenary session. She is a senior scientist with the Division of Violence Prevention of the National Center for Injury Prevention and Control Centers for Disease Control and Prevention. Dr. Niolon focused on adverse childhood experiences (commonly referred to as “ACEs”) and how ACEs can impact outcomes later in a person’s life. Dr. Niolon gave an expansive view of ACEs to include experience with discrimination, bullying or peer violence, teen dating violence, housing insecurity or homelessness, food insecurity, living in extreme poverty, and witnessing violence in the community.

On the second day of the Summit, OCA Director Rachel Davidson introduced Lieutenant Governor Geoff Duncan as a guest speaker who has been a strong advocate for youth in foster care, especially older youth and making sure they are getting the support they need during the pandemic and beyond. Lt. Governor Duncan and his team has also worked diligently on listening and addressing the challenges faced in the work of the child welfare community, particularly those related to mental health. Lt. Governor Duncan: “I want to personally thank you, on behalf of myself, my family, the senate, and the State of Georgia for your work—your tireless commitment to making a difference in these communities.” In addition, Georgia CASA Executive Director Jen King led a discussion with a panel of family members who were/are involved with DFCS to achieve permanency for youth in foster care. One of the families was recently featured by the Atlanta Journal Constitution—read more about the youth’s adoption experience [here](#).



Lt. Gov. Geoff Duncan

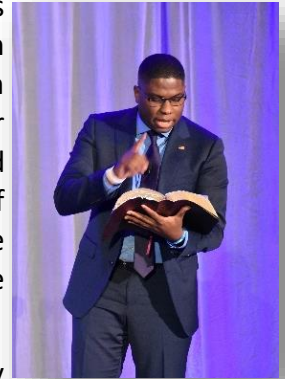


**Georgia CASA Executive Director Jen King
leading discussion on permanency and
achieving positive outcomes.**



**Georgia Supreme Court
Presiding Justice David
E. Nahmias**

During the closing plenary session, CIP Director Jerry Bruce introduced Presiding Justice David E. Nahmias of the Supreme Court of Georgia who reminded each individual in child welfare that the work they do is meaningful and gives hope to children and families that need it the most. Justice Nahmias highlighted that the number of youth in foster care went from about 15,000 to about 12,000 and that fifty percent of youth entering foster care are being reunified with their families or caregivers within 12 months. Justice Nahmias also highlighted President Trump's executive order that was issued in June of 2020 that gave directives to further support youth in foster care and enhance services needed even more so during the pandemic.



**National Youth
Advocate and Policy
Strategist
Adrian McLemore**

Justice Nahmias introduced Adrian McLemore who is an advocate and policy strategist to improve experiences and outcomes for youth in foster care throughout the nation. With his lived experience and humility, Adrian shared his experience leading to, during, and following foster care. We have featured Adrian's plenary session in the Youth Voice feature of the November 2020 newsletter to highlight a few points Adrian emphasized. Visit this link <https://oca.georgia.gov/document/newsletter/november-2020-newsletter/download> to read more.

In total, The Summit hosted – virtually and in person – 582 participants including attorneys, judges, policy advocates, educators/school staff, DFCS staff, court staff, providers, legal professionals, and medical/health professionals. The Summit brought together these stakeholders from diverse fields to discuss challenges in our practice, to highlight breakthroughs, to learn from one another, and to affirm our commitment to this challenging but critically important work.

In addition to attendance being multi-disciplinary in nature, the training agenda included many sessions that involved multi-disciplinary presentations. Workshop offerings included a wide range of topics, such as "Georgia Case Law Update", "Evidence", "Children Rights", "Medicaid and Waiver Programs for Children and Youth with Disabilities", "Trafficking & Youth: A Continuum of Care", "Improving System Collaboration with Dually Involved Youth", "Best Interests Advocacy", and more.

In addition to providing training, The Summit provided motivation and reinforcement for those who are doing the difficult work of protecting children night and day. OCA believes this sort of multi-disciplinary training, in which front-line workers get to spend time networking and sharing with each other and state level stakeholders, is an excellent way to improve our state's system. In fact, many of the evaluations included comments about the valuable information and insight attendees received, as well as the opportunity to meet and converse with others involved in this work.

OCA is looking forward to co-hosting another successful event in 2021 to once again elevate our collective work in the child welfare system!



Newsletter

OCA continues to publish its monthly newsletter titled “AdvOCAcy: Your Child Welfare Update” which contains several components: educational and informational material pertaining to a variety of topics of interest to child welfare professionals; youth voice – something written by a youth with lived experience in the foster care system that they would like to share with child welfare professionals; and upcoming events.

All newsletters can be found on OCA’s website here: <https://oca.georgia.gov/newsletters-reports/newsletters>. Interested readers can sign up to receive our monthly newsletters via email by adding their contact information here: <https://georgia.us17.list-manage.com/subscribe?u=d35b2c2c5a30bde2f9365702d&id=c64c59f879>.

OCA Notice

Pursuant to O.C.G.A. § 15-11-743(5), OCA developed a notice describing OCA and procedures for contacting OCA.⁹ This notice remains available for further distribution to DFCS offices, placements, and juvenile courts as needed.

Youth Engagement

OCA supports youth in foster care having their voices heard and being treated with respect. When we hear directly from the people our system is designed to serve, we can learn what needs improvement and how we can best implement such improvements. Throughout 2020, OCA engaged with and supported youth in a variety of ways to include: assisting the initiation and implementation of a youth advisory board for DFCS; incorporating youth voice into the monthly newsletter; and engaging young adults with lived experience as participants in The Summit. These opportunities and others help us learn about children’s experiences in foster care and hear their ideas for systemic improvements while also helping them feel heard and valued.

The Cold Case Project

OCA collaborates with the Supreme Court of Georgia’s Committee on Justice for Children and DFCS to review and resolve some of the most difficult cases in our child welfare system: those in which children have lingered in foster care for long periods of time without returning to a safe home or finding a safe, stable, permanent family.

The “Cold Case” Project (“CCP”) – so named because it addresses children whose search for permanent, safe, stable families has grown “cold” and whose cases need an injection of new heat and energy – is driven by a software algorithm that mines DFCS’ database to find those children who are likely to age out of the system without permanency. CCP fellows – experienced child welfare attorneys – then review the cases, schedule meetings or permanency roundtables with all DFCS staff, attorneys, therapists and the children and families involved, and explore ways to ensure that children do not age

⁹ See Appendix B for the notice.



out of foster care without a permanent family setting.

The project is led by Ashley Willcott, and this year's fellows included Lynn Barmore, Mary Hermann, Kristi Lovelace, Kris-Ann Poe, Amanda Smith, Leslie Stewart, Vicki Townsend, and Vicky Wallace. In 2020, CCP staff and fellows conducted 210 staffings known as a "Permanency Roundtable Plus", or "PRTPlus", 729 follow-ups, and 291 reviews. This work has been found to substantially increase positive outcomes for children. Annual reports for the Cold Case Project are available online through the Justice for Children Committee of the Supreme Court of Georgia.

In 2020, the Cold Case Project teamed up with partners for a pilot on language literacy. This effort helps stakeholders understand that children in foster care may have limited communication skills due to trauma they have endured and provides stakeholders opportunities to engage with children more effectively upon becoming aware of that child's particular needs.

Promoting Reasonable Efforts (PRE) and Placement Assistance Utilizing Stability Exploration (PAUSE)

During 2020, OCA continued to work with DFCS on the "Promoting Reasonable Efforts (PRE)" Project statewide. This project is an effort to prevent the unnecessary removal of a child from his home, with the intent being to review a case at the front door to determine what reasonable efforts have been made to prevent the removal of a child from his parent(s) and to identify whether any additional efforts can be made to prevent such a removal.

Following a PRE Team consultation, DFCS may seek a removal order or pursue alternative steps identified to ensure a child's safety without seeking a removal to foster care. Alternative steps may include housing assistance, involving kinship caregivers or supporters, family preservation services, other community support resources, or pursuing a non-emergency dependency petition while the child remains in the home.

The PRE Project has helped stem the tide of entries into foster care when it is safe and otherwise unwarranted. It has also resulted in a more thorough assessment prior to seeking a PRE team consultation, a more thorough assessment of reasonable efforts to prevent a removal, and more comprehensive information provided to the juvenile court when seeking a removal.

During 2020, a new and related effort known as PAUSE was implemented. PAUSE is similar to PRE but is focused on preventing unnecessary placement changes by focusing on services that can support stability and reasonable efforts to achieve permanency. This happens in a similar fashion to the PRE consultations and can ensure everyone's voice, including the child's, is heard and considered when it comes to the child's needs and preferences for placement and permanency. If a placement move does occur, the notice of placement change must be provided to the court and all parties pursuant to O.C.G.A. § 15-11-215.

Quality Legal Representation

In December 2018, the federal Department of Health and Human Services (HHS) amended



guidance to one of their policies indicating that Title IV-E funding, the federal entitlement program for child welfare services, can now be used to pay for legal support to children and parents who are involved with the child welfare system. Prior to this change, this funding was limited to legal support to the child welfare agency.

In partnership with Georgia's Court Improvement Program (CIP), OCA supported the initiation of a pilot project to implement a structure to utilize IV-E funding to support quality legal representation for children in foster care. This project is expected to officially begin in 2021.

Recommendations for 2021

OCA has, in its partnership for child protection, offered throughout the year policy and practice recommendations to DFCS when identifying opportunities for improvement. OCA's recommendations for 2021 for the State of Georgia – including DFCS, courts, and other child-serving agencies – remain largely the same as recommendations made for 2020. While progress has been made in these areas, further improvements continue to be necessary. These recommendations include:

1. Child Safety

Child safety continues to remain a top priority as well as an area OCA continues to receive complaints about and identifies concerns with. The COVID-19 pandemic led to additional concerns for children's safety due to the isolation brought by quarantine efforts. While some COVID-related policies and practices remain in effect, the child welfare system can ensure adequate and appropriate safety assessments at any and all stages of a case, thorough communication with all relevant individuals and entities, and individuals not only receive referrals for services but are also provided these services.

2. Mental Health and Behavioral Health

Children in foster care tend to have endured some form of trauma, leading to an increased risk for mental health concerns. Additionally, there are a fair number of children in foster care with behavioral health or developmental needs. Children in foster care with these needs may become eligible for a waiver through the Department of Behavioral Health and Developmental Disabilities (DBHDD) upon turning 18 to continue receiving necessary services through adulthood. However, OCA continues to encounter situations where these waivers are either not applied for or not provided. Better cross-training and communication between DFCS and DBHDD can help address these situations. OCA also continues to encounter situations where children enter foster care solely due to their mental or behavioral health needs as opposed to safety concerns. Increased resources and services are necessary to adequately serve all children with mental health or behavioral health needs. For children in foster care, placements that operate as therapeutic foster homes can offer a home-like environment with therapeutic supports and should be encouraged and further developed.

3. Quality Legal Representation

The change to the Department of Health and Human Services policy enabling the use of Title IV-E funding to support legal representation for children and parents involved with the child welfare system brings along the opportunity to enhance the quality of this legal advocacy while ultimately improving



outcomes. While initial efforts are underway to utilize this funding source, the system, as a whole, should continue to work collaboratively to improve the quality of legal representation for all parties involved in dependency cases. The development and implementation of standardized expectations for those representing DFCS, children, or parents in dependency cases may help ensure consistency of high quality legal representation throughout the state.

OCA previously identified culture and climate as well as youth and family engagement as areas for improvement. The culture and climate of an agency, as well as an entire system, has a significant impact on the work and the mental health of those working within the system. While OCA has observed some improvements, this is something that requires dedicated and intentional focus. DFCS should continue to listen to their staff and improve the culture and climate within which their workforce operates. One such effort they may undertake is to require all state office staff to shadow someone in the field as a way to bridge any gaps – perceived or actual – between the state office, regional and county leadership, and the frontline. Additionally, other system stakeholders should also assess the current status of their culture and climate and identify and implement opportunities for further improvements including in-field training, supervisor leadership, and mentoring programs.

Engaging youth and families with involvement in the child welfare system can have a tremendous impact to the system, as observed by a number of efforts currently in place. The value added by their involvement can be immeasurable as it has the potential to help practitioners challenge their own biases as well as significantly influence laws, policies, practices, and outcomes. Additionally, the input, insights, and feedback people with lived experience provide help practitioners better understand the barriers clients encounter and practical solutions from which clients and the system can benefit. OCA has participated in and observed a variety of ways in which youth and families have been engaged – both at the case level and the system level. These efforts, inclusive of parent and youth advisory groups and inviting parents and youth to case-specific and statewide meetings, should continue. All those working within the system are encouraged to continue to find ways to engage with youth and families and to ensure their perspectives are incorporated into the work.

Conclusion

OCA continues to look for ways to positively impact our state's system for protecting children. This responsibility is not that of one agency or even of government alone; rather, it requires us to work humbly in partnership with all of those who have made child protection and family well-being the focus of their work. At its core, OCA will continue to partner with other stakeholders to improve the safety, protection, and well-being of children in need.



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.



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(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



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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



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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.



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(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 Notice

Are YOU in foster care or do YOU know someone who is?

Do you have everything you need?	<input type="checkbox"/>	Do you believe a child is being treated unfairly?	<input type="checkbox"/>
Are you treated fairly?	<input type="checkbox"/>	Are you concerned with an action taken by DFCS?	<input type="checkbox"/>
Do you feel like you are being heard?	<input type="checkbox"/>	Do you believe a child in foster care is unsafe?	<input type="checkbox"/>
Are you happy with your school and social life?	<input type="checkbox"/>		
Do you feel safe?	<input type="checkbox"/>		

We may be able to help with these issues and other concerns involving the child welfare system. Please contact us!

Who are we?
The **Office of the Child Advocate** is a state agency that oversees DFCS and acts as an ombudsman.

What is an ombudsman?
Someone that listens and investigates complaints.

What can we do for you?
We can advocate for you, help make your voice heard, and share resources.

Call us: **404-656-4200**

Email us: fiscaladmin@oca.ga.gov

Find us on social media:

- @GeorgiaOfficeoftheChildAdvocate
- @georgia_oca
- @georgia_oca
- @GeorgiaOCA

Visit our website: oca.georgia.gov

It is against the law for anyone to discriminate or retaliate against you for contacting the Office of the Child Advocate.
O.C.G.A. § 15-11-745

