



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

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# Annual Report Calendar Year 2015





# 2015 OCA Advisory Board Members

**David Crooke**, CarePartners of Georgia (For Profit Childrens Agency)

**Dr. Allison Doerr**, Northstar Educational and Therapeutic Services (Psychologist)

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

**Amy Howell**, Georgia Department of Behavioral Health and Developmental Disabilities (Attorney)

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

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

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



## 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 Annual Report of the Office of the Child Advocate for the Protection of Children (OCA) for calendar year 2015.

In 2000, Governor Roy Barnes introduced legislation designed to improve the state's child protective services and to bring more accountability at the Department of Family and Children services ("DFCS"). The enabling legislation for the OCA was passed by the Legislature and signed by the Governor as part of Georgia's strong initiative to enhance the protections afforded to our state's at-risk children. The OCA is in part given independent oversight of DFCS and others responsible for providing services to or caring for children who are victims of child abuse or neglect, or whose domestic situation requires intervention by the state.

We work hard to ensure that the vision, work and projects of OCA meet the legislative mandates for this office. OCA staff investigate 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. As a whole we push the system to improve and do better, and train both lawyers and non-lawyers on their respective roles in protecting children. OCA is honored to receive funding for special projects to address specific needs of children in foster care including the Cold Case Project with the Supreme Court of Georgia Administrative Office of the Courts.

OCA has developed strong, positive working relationships with the Department of Family and Children Services (DFCS) and other agencies and organizations which touch the lives of children, ensuring clear and open lines of communication around strengths and opportunities identified by OCA in its' work.

I am grateful to the OCA staff, Advisory Board and the many stakeholders of 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, Director

*AN EQUAL OPPORTUNITY EMPLOYER*



## 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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# 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 2015, are described on the following pages.

# 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 2015, traction gained to prompt positive systemic changes and results due to the investigators’ identified opportunities and recommendations for change.

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).

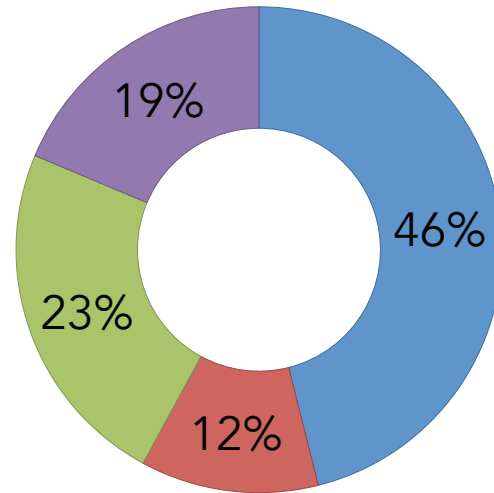
At the core of OCA work is accepting and screening referrals, conducting investigations when indicated, and staffing cases with DFCS. In 2015, OCA received a total of 675 complaints, a 19% increase over the 567 referrals received in 2014. Given the volume and types of complaints, they are divided into four types of cases: Assistance Cases (80 cases opened); Investigations (158 cases opened); Governor’s Letters (311 cases opened); Child Death and Serious Injury Cases (126 cases opened).

434 cases were closed by OCA in 2015. Of the closed cases, 111 cases or 25% resulted in a finding of Bad Practice and 18 cases or 4% resulted in a finding of a Violation of Law (1 case) or a Violation of Policy (17 cases). OCA discovered the main areas of concern in the cases involving a violation of law or policy were safety resource violations and not following proper procedure for the Interstate Compact on the Placement of Children (ICPC).



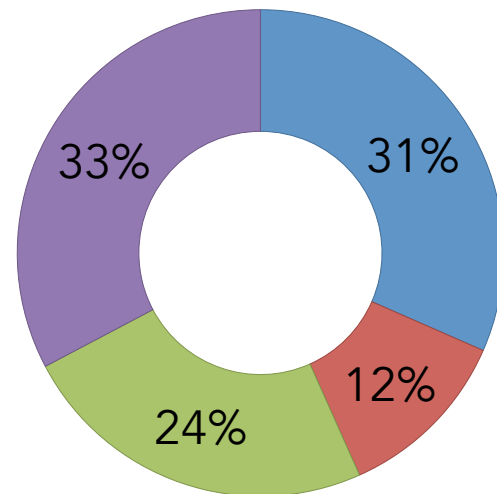
## 675 Cases Opened in 2015

- Governor's Letter
- Assistance Cases
- Investigations
- Death and Serious Injury Cases



## 434 Cases Closed in 2015\*

- Governor's Letter
- Assistance Cases
- Investigations
- Death and Serious Injury Cases



\*Note that cases closed in 434 may have been opened prior to calendar year 2015, and not all cases opened in calendar year 2015 were closed in 2015

## 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 675 complaints received in 2015, 80 cases or 12% were assistance cases. During the calendar year, 51 Assistance cases were closed. 16 of the cases closed resulted in a finding of Bad Practice. The most common issues seen were insufficient investigations, poor documentation, 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 675 complaints received in 2015, 158 cases or 23% were investigations. During the calendar year, 104 Investigations were closed. 22 of the cases closed resulted in a finding of Bad Practice. The most common issues seen were poor documentation, poor communication between the client and DFCS, insufficient investigation, and services and assessments not being provided in a timely manner.

In reviewing these cases, OCA discovered there were several cases in which safety resources were being utilized by DFCS for more than the 45 day time frame allowed by DFCS policy. In one case the safety resource was utilized for over 11 months. As a result, the State DFCS Director made a determination that DFCS was to take any cases involving a safety resource older than 45 days to Juvenile Court for review and request a Protective Order effective October 1, 2015 and from that date forward.

## 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 675 complaints received in 2015, 311 cases or 46% were Governor's letters. During the calendar year, 137 Governor's Letters cases were closed. 6 of those cases closed resulted in a finding of Bad Practice. The most common issues seen were services not being provided timely, failure to investigate a referral, 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 675 complaints received in 2015, 126 cases or 19% were death and serious injury cases. During the calendar year, 146 Death and Serious Injury cases were closed. 68 of those cases closed resulted in a finding of Bad Practice. In 45 of the Death cases, there was no follow up provided to OCA on the next steps. In 18 of the Death cases, there

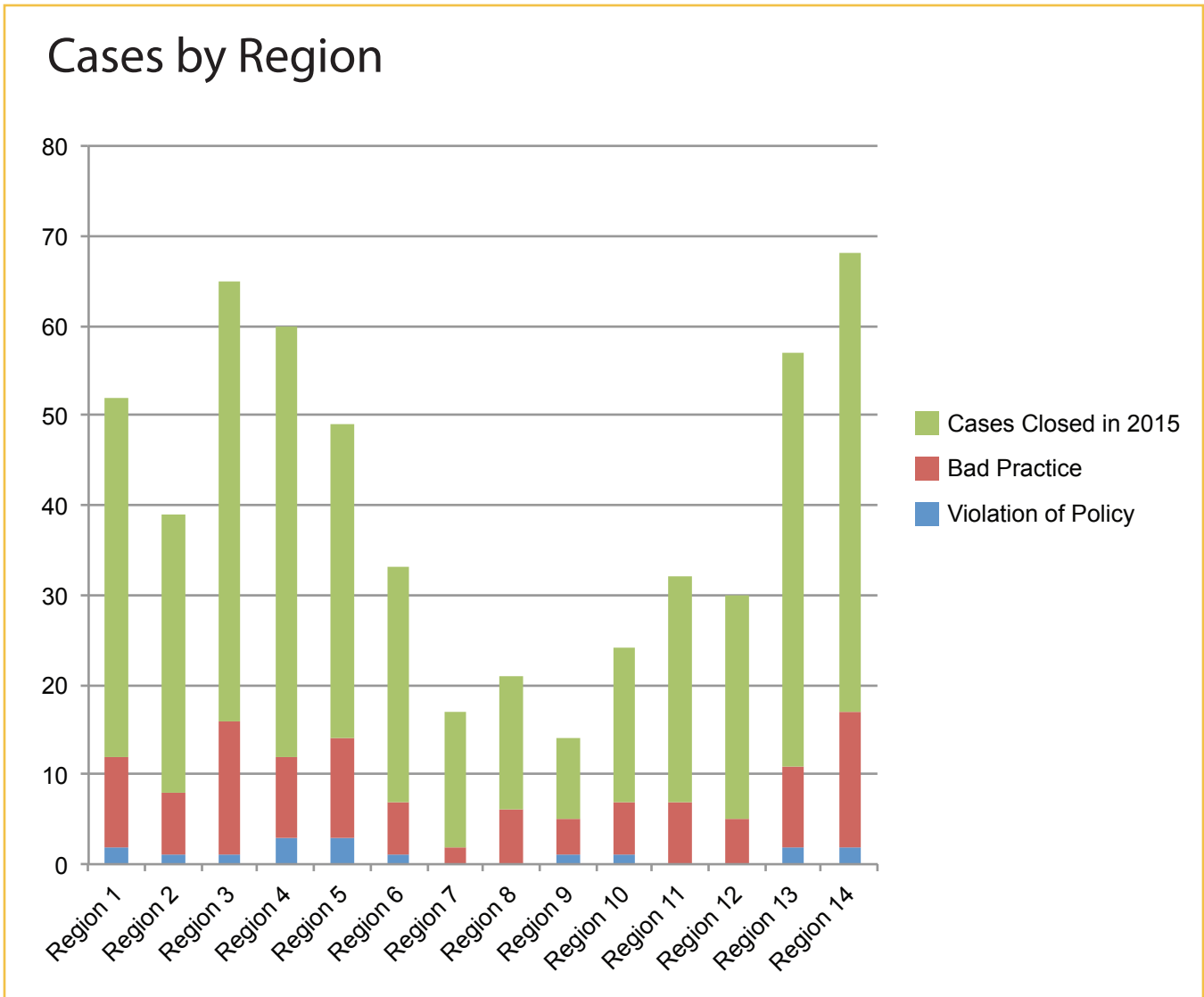


was no follow up provided to OCA on the next steps and other bad practices such as services not being provided to the family; services not being provided in a timely manner; issues with communication between the client and DFCS both before and after the death of the child, and failure to protect youth (surviving and deceased) based on previous history. 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 2015. Overall the results were fairly consistent within each region.

- **In Region 1**, 40 cases were closed. Of those cases, there was a finding of bad practice in 10 cases and a finding of violation of policy in 2 cases.
- **In Region 2**, 31 cases were closed. Of those cases, there was a finding of bad practice in 7 cases and a finding of violation of policy in 1 case.
- **In Region 3**, 49 cases were closed. Of those cases, there was a finding of bad practice in 15 cases and a finding of violation of policy in 1 case.
- **In Region 4**, 48 cases were closed. Of those cases, there was a finding of bad practice in 9 cases and a finding of violation of policy in 3 cases.
- **In Region 5**, 35 cases were closed. Of those cases, there was a finding of bad practice in 11 cases and a finding of violation of policy in 3 cases.
- **In Region 6**, 26 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 7**, 15 cases were closed. Of those cases, there was a finding of bad practice in 2 cases.
- **In Region 8**, 15 cases were closed. Of those cases, there was a finding of bad practice in 6 cases.
- **In Region 9**, 9 cases were closed. Of those cases, there was a finding of bad practice in 4 cases, a finding of violation of policy in 1 case, and a finding of violation of law in 1 case.
- **In Region 10**, 17 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 11**, 25 cases were closed. Of those cases, there was a finding of bad practice in 7 cases.
- **In Region 12**, 25 cases were closed. Of those cases, there was a finding of bad practice in 5 cases.
- **In Region 13**, 46 cases were closed. Of those cases, there was a finding of bad practice in 9 cases and a finding of violation of policy in 2 cases.
- **In Region 14**, 51 cases were closed. Of those cases, there was a finding of bad practice in 15 cases and a finding of violation of policy in 2 cases.



## 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 ensured that the Statewide Model Protocol was up to date with current laws, in compliance with DFCS policy and adhered to best practices. The Protocol could then be used to assist local Protocol Committees in the development and update of their own local protocols.

OCA also conducted 18 Protocol presentations to stakeholders and partners throughout the State as well as conducted over 28 Protocol committee workshops and multidisciplinary front-line responder trainings reaching 1094 participants in 89 counties comprising 24 circuits.

The Protocol Committee workshop addresses the committee's mandated responsibilities and duties, includes review and revision of their own local protocol as well as preparation of the Annual report. The workshop improves Protocol Committee participation and compliance regarding operations and reporting. Training of Protocol Committee members helps them develop and update their local Protocols, and understand legislative policy and best practice changes that have occurred since they last revised their local Protocols.

The multi-disciplinary front-line responder training helped implement the local Protocol to improve the process and enhance the quality, consistency and coordination of the multi-disciplinary response in handling child abuse, neglect and sexual exploitation cases.

As a result of these combined efforts a **242% increase** in the number of counties with current, complete Protocols was achieved for the State of Georgia.

A complete version of the Federal Fiscal Year 2015 CJA Final Report is included in this report as Appendix B.

## 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 new 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.

### CAPTA Peer Review Project

OCA received CAPTA funding through DFCS to improve the quality of legal representation of children in dependency cases. OCA led a team of Child Welfare Law Specialists who conducted peer reviews in juvenile courts with the goal of providing continuous quality improvement in the legal representation and advocacy of children in Georgia’s dependency cases pursuant to the State’s new Juvenile Code and guidelines outlined in CAPTA.

The Peer Review team reviewed initial and ongoing qualification standards for child’s attorney and GAL appointments, reviewed GAL 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 GALs. The Peer Review team additionally prepared a Resource List for child welfare attorneys, to be distributed by the respective Juvenile Court judges to those attorneys practicing in their courtrooms. A complete version of the Peer Review Project Annual Grant Report is included in this report as Appendix C.

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 2015 OCA has ensured the requisite training of at least an additional **360 attorney GALs** who have now completed their pre-appointment training to serve as an attorney GAL in Georgia. The trainings have been offered state-wide in partnership with additional entities as listed below.

- **A Comprehensive Approach to Serving as Juvenile Court GALs**  
March 25, 2015 (Atlanta) – 111 attendees
- **ICLE Child Welfare Attorney Training**  
April 10, 2015 (Atlanta) – at least 50 attendees
- **GACC Juvenile Code Training**  
June 26, 2015 (Savannah) – 21 attendees
- **GACC Juvenile Code Training**  
July 17, 2015 (Tifton) -12 attendees
- **GACC Juvenile Code Training**  
July 31, 2015 (Albany) – 15 attendees
- **GACC GA Conference on Children and Families (GCCF)**  
October 21-23, 2015 (Atlanta) – at least 34 attendees
- **ICLE Child Welfare Attorney Training**  
November 6, 2015 (Atlanta) – 76 attendees
- **Peer Review Project: Advanced CLE for Children’s Attorneys and Attorney GALs**  
November 20, 2015 (Savannah) – 21 attendees
- **Peer Review Project: CLE for Children’s Attorneys and Attorney GALs**  
December 4, 2015 (Forsyth) – 20 attendees

## 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.

## Interstate Compact for the Placement of Children (ICPC) Audit

Delays in the placement of children through ICPC interrupts the welfare and protection of children. OCA sought to conduct an audit of the paper files located in the Georgia ICPC office to assist in improving and achieving permanency for children. A complete version of the Georgia ICPC Audit Summary is included in this report as Appendix D.

The audit performed was to determine if Georgia is compliant with the regulations established according to ICPC and to ensure that children achieve permanency in a suitable environment within an appropriate time frame.

The information collected indicated five (5) main areas during an ICPC request that cause significant delays in the placement of children. These areas are:

- Staff limitations;
- Other State’s policies;
- Families involved in the evaluations;
- Lack of ICPC procedural regulations; and
- Lack of a central computer program.

OCA is committed to finding ways to address and minimize the causes of delays in placement of children through ICPC to help achieve permanency for children. The resulting recommendations by OCA are found below.

## Foster Care Recruitment Videos

OCA looked at the counties with the highest need for foster homes. OCA then worked with the Supreme Court Committee on Justice for Children, Governor Deal, and Presiding Justice P. Harris Hines to create a video for the state initiative “Georgia Fosters and Adopts” that promotes and recruits foster and adoptive homes in those targeted locations. The videos can be viewed at:

### **Bibb**

<http://tinyurl.com/p3j5tbq>

### **Gwinnett**

<http://tinyurl.com/orkbvu7>

### **Fulton**

<http://tinyurl.com/oymohmz>

### **Ocmulgee Judicial Circuit**

<http://tinyurl.com/obxk2uv>



## National Ombudsman Collaborative

Many states have 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.

## Committees and Panels

During 2015, 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.

To this end, OCA created a diagram that depicts all of the Child Welfare Agencies in the state of Georgia for the purpose of outlining the work each does. A copy of this diagram is included in this report as Appendix E.

OCA is honored to have an active role in the following organizations and the opportunity in 2015 to present at events and meetings hosted by the following:

- Adoptive and Foster Parent Association of Georgia Conference 2015 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 2015
- 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 2015 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 six 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. In 2015, 208 cold cases were reviewed. As a result, 81 follow-up calls were made and 108 Permanency Roundtable Pluses were held. During the calendar year, more than 25% of the cold cases achieved permanency as a result of this project. 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 2015 Cold Case Project Annual Report is expected to be available online after June 1, 2016.

### Verizon Life Line Project for Youth Aging Out of Care

OCA identified 24 foster youth eligible for a pre-paid mobile phone for six months for use to facilitate transition into adulthood. Studies show that youth who age out of care without legal permanency are more likely to be unemployed, homeless, and involved in the criminal justice system than their peers. Further, studies show these youth are less likely to complete post-secondary education. OCA sought to connect these at-risk young adults with services and support by providing pre-paid cell phones.

The data revealed that 100% of the participants reported living in a safe residence but 56.3% reported actively seeking new housing. 93.8% of participants reported using their cell phone to contact a relative. Approximately 88% of participants reported using their cell phone to contact a DFCS representative. Approximately 42% of youth reported accessing financial services from DFCS, 33% reported accessing educational services and 25% reported accessing transitional services from DFCS, which may include help with housing, food or transportation.

Overall, youth reported using the cell phone for contacting adult supporters, especially doctors and life coaches with 50% of youth reporting using the phone to contact a doctor and 50% of youth reporting using the cell phone for calls with a life coach. Several youth sought information about IDA bank accounts and health insurance available to emancipated youth. OCA fulfilled these requests by connecting the youth to appropriate people and services.

### 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, this project will expand to the metro Atlanta area.

## 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 2015, there was only one third level foster parent grievance filed with OCA and mediated. The mediation resulted in an agreement by the parties.

## Medically Fragile Children Pilot Project

OCA, Childkind, Inc., 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.

To this end, OCA: 1) Created a proposed adoptive plan for this specific population which assesses the child's needs over the course of their life as they age, a caregiver's capacity over time, and support services over time; 2) Reviewed each of the nine identified cases; 3) Developed a task force to meet regarding the permanency plan for each of these nine cases; 4) Ensured the task force held a Medically Fragile Permanency Roundtable Plus to identify the best plan for these children given their specific needs; and 5) Developed a summary of all nine cases to identify trends and to assist the task force in developing a best practice protocol or plan for children with these specific needs.

Upon review of the nine identified cases, some trends or issues were discovered. For several of the children, their current foster parents are willing to adopt them, but the main stumbling block appears to be funding problems. Ideally, most if not all of these children need a short-term disability waiver. This is a process, and the funding is not always available. Medicaid waivers must be in place before custody changes hands. In addition, for many of these children the best option for permanency is an Another Planned Permanent Living Arrangement whereby there is a host home with a guardian rather than adoption so as to ensure continuing long-term medical care into and throughout adulthood.

OCA is committed to ensuring services are available to meet these children's needs over time.



## Foster Care Education

OCA, through a Court Improvement grant from the Supreme Court of Georgia Committee on Justice for Children, retained an education law expert to investigate and report on the status of education for children in the child welfare system and the effectiveness of the state's implementation of the federal Fostering Connections Act (FCA). A complete version of the Foster Care Education Investigation Report is included in this report as Appendix F.

Over twelve months, OCA conducted an investigation into the underlying reasons for Georgia's poor educational outcomes for children in foster care. The investigation included national and state research, a statewide survey of stakeholders, individual interviews, random and intensive data review, court observations, and state and local policy reviews. The purpose of the investigation was to determine the most prevalent and recurring issues related to the education of children in Georgia's foster care system.

Georgia, consistent with national trends, maintains a system to address school stability for children in care, however, the lack of accountability, failure to maintain effective collaboration and lack of training for critical stakeholders prevents positive outcomes. Georgia stakeholders report on-going challenges to improving educational outcomes for foster care students.

Fortunately, since the creation of the FCA, Georgia has done much to address the educational outcomes for school aged children in foster care. While much has been accomplished, much remains to be done. OCA is optimistic that Georgia child welfare and education systems can build on its past successes. In 2016, this grant is continuing and will allow OCA to remain committed to the improvement of educational outcomes for children in foster care and discover a pathway to real educational stability for this most vulnerable population.



# 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 2015



- 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. 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.** Local DFCS offices, as a standard operating procedure, should staff their cases with the Special Assistant Attorney General prior to closing them in all cases to ensure they have handled the case appropriately from a legal standpoint.
- 10.** 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.
- 11.** The DFCS Georgia ICPC office should follow all recommendations of OCA as listed in the Recommendations section of the ICPC Audit attached hereto as Appendix D which specifically addresses how requests are taken, received, distributed, and handled internally and training and regulations followed.
- 12.** The Department and service providers need to focus on the tools youth need at their disposal if they are aging out of care such as a cell phone with information on how to access employment assistance, educational assistance, transitional services, housing, food or transportation, health insurance and medical services.
- 13.** Continuation of the Cold Case Project as a collaborative between OCA, the Supreme Court, and DFCS.

- 14.** 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.
- 15.** 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.
- 16.** 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.
- 17.** To meet the educational needs of foster children, the EPAC capture rate would need to be increased to 100%.
- 18.** To meet the educational needs of foster children, DFCS should develop a specific intensive and broad training curriculum to address the many laws, rules, and regulations that impact students in foster care.
- 19.** To meet the educational needs of foster children, the Court should increase its oversight of FCA procedures including: appoint a school stability liaison from Court to bridge the gap between the juvenile court and the local school district; implement court based procedural enhancements such as standing orders; raise education related questions at every hearing for school aged youth in foster care; and identify and appoint an “IDEA Parent” for foster children that are receiving special educational services.
- 20.** 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.
- 21.** For foster placement and adoption matching, kinship care or family reunification, every severely medically fragile child should have: an assessment of the child’s diagnoses provided by or reviewed by his/her attending physician; a complete list and description of the child’s daily prescriptive regimens of care; a list of requisite medical equipment and supplies; an assessment of the experience and care skills of the parent, including a recommendation for any training necessary to comply with the child’s daily care regimen; an evaluation of the available support services; and for school aged children, an accurate IEP.
- 22.** Permanency planning for severely medically fragile children should include input from as many of his/her providers as possible and must include: an analysis of the child’s long-term prognoses, including dependency status after age 21; a description of the support services needed beyond age 21; an analysis of financial resources necessary to support permanency for the life of the child; an insurance assessment; a disclosure to the family that accurately represents long-term service disruption risk and the costs associated with the transition to Medicaid services; and long-term IEP planning requirements.
- 23.** In all reunification cases, the severely medically fragile child’s parents should receive in-home medical care training, diagnosis instruction, family care planning, advocacy services, medically-based parent education, long-term planning and other such services for three to six months following reunification. In all kinship care cases, the severely medically fragile child’s grandparents or other relatives should receive the same services listed above.
- 24.** A permanency plan for a severely medically fragile child that targets adoption should include provisions for the continuity of services through the life of the child. A financial impact analysis of the transition from EPSDT services to adult services and the loss of the adoption supplements should be provided.
- 25.** Continuation of the Governor’s Child Welfare Reform Council.



## Meet OCA

OCA is proud of its' work accomplish by a group of dedicated, committed staff to issues of child welfare in the State of Georgia.

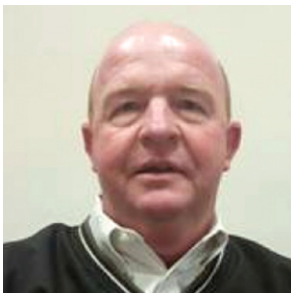




**Vickie M. White** has worked for The State Office of Child Advocate for over twelve years. She received a vocal performance scholarship to Atlanta Christian College where she majored in Human Relations with an emphasis in Social work. After college she became a social worker for Bibb County DFCS. Two years ago after completing IMPACT classes she became a foster parent and later adopted a sibling group of three this past July. In her new role as mom she enjoys being a part of her children's sporting events, school activities and volunteers with children's church at her local church.

**“I have been with OCA since June 2003. In that time I have worked as the Information and Referral Specialist and also in my current placement as Investigator. During these twelve years I have seen the office take on many tasks to help improve the protection of children. I am honored to be a part of these sometimes eye opening experiences. Some of which include auditing several DFCS offices around the state, being a mediator between foster parents and DFCS, visiting group homes, daycares and DJJ facilities. Recently we have been asked to take on becoming the mediator for the Child Death Serious Injury Near Fatality staffing's for all 159 counties. Employees of OCA sit on many different committees around the state to share our expertise and passion for children. OCA was created to be an oversight for DFCS to protect the children of Georgia and I am thankful to say this agency has never lost sight of that mission.”**

*~Vicki M. White, OCA Investigator*



**Chuck Pittman** has worked with the State of Georgia for over twenty-five years. He is a graduate of Georgia College with a Bachelor's degree in Business Administration with a major in Management. After graduation, he worked with the Department of Juvenile Justice before joining the Office of the Child Advocate eight years ago. He is a certified volunteer firefighter and first responder. He is involved with Communities in Schools and Family Connections in his home town. He is also a member of the State of Georgia Human Trafficking Task Force. He resides in Dodge County Ga. and is a member of the Gresston Baptist Church.

**“For the past 7 years I have been employed as an Investigator with the State Office of the Child Advocate. When created, OCA was given the mission to provide oversight of the Department of Family and Children Services and advocate for the best interest of children in Georgia. During my time with OCA, my coworkers and I have been able to assist hundreds of citizens with issues and concerns regarding DFCS and other child care agencies. These issues have ranged from safety and abuse issues to the receipt of Medicaid and other financial benefits. The success we have had resolving issues and protecting children has to be contributed to the positive working relationships we have developed and enjoy with DFCS and other agencies. I am very proud of the work we have been able to do for children in Georgia and look forward to improving on our success in the future.”**

*~Chuck Pittman, OCA Investigator*

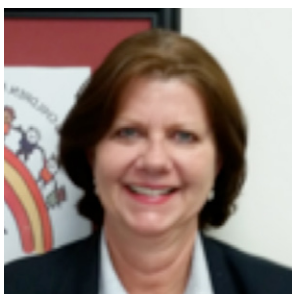


**Ryan Sanford** has worked for the Office of the Child Advocate for three years. Ryan is a compliance investigator and is responsible for the intake and assignment of investigation cases for the office. Ryan is also involved in the development of Guardian ad Litem training and regularly attends Kenny A meetings on behalf of the office. Ryan is a native of Jamaica and has been a Georgia resident for five years. Ryan earned a Bachelor's Degree in Political Science from the University of Florida and a Juris Doctorate from Florida State University.

**“I spend the majority of my time working in the area of investigations. Through rich conversations with constituents, and through examining DFCS records, I am able to identify potential problems and the level of involvement that would likely be needed to confirm the existence of the problems and assist DFCS with developing effective solutions to those problems. The cases that need the greatest level of involvement are assigned to the other investigators in the office.**

I have been able to ensure that children are reunited with families where they may have languished in foster care had I not been allowed to intervene... I try to help constituents understand why a particular result occurred in their case by using general examples of situations similar to theirs and how DFCS would react and why they would react in those ways. I also provide constituents information on DFCS policy. My job enables me to protect children by working with individual DFCS staff members to ensure that they use effective strategies to ensure the best outcomes for the children involved. I am also working towards the goal of furthering OCA's mission of providing GAL training across the state by helping to develop a training curriculum that will be delivered electronically and made available to all GALs interested in serving in Juvenile court. With the Governor's renewed financial commitment to DFCS, there is an opportunity for our Child Welfare System to make positive changes as long as the resources are skillfully implemented in the right areas and as long as effective executive leadership is maintained by DFCS.”

*~Ryan Sanford, OCA Investigator*



**Renee Moore** has worked on behalf of children for over fourteen years. She attended Gordon College where she participated in community outreach programs serving children. Renee worked for DFCS in Georgia for over 13 years in various capacities including at the local level and as a State DFCS special investigator.

**“I recently joined the Office of the Child Advocate on October 15th, 2015 and currently serve in the role of investigator. Prior to my joining OCA I began working for the Department of Family and Children Services in 2002 working in several program areas then moved into investigations. After several years at the local level I joined the State Special Investigations Unit as a special investigator. I wanted to join OCA to gain a different perspective regarding the work we do and hopefully bring my experience as an investigator to assist in identifying barriers and or challenges within our child welfare system. I attended Gordon College and have volunteered through community outreach to bring the arts to local schools and participate in Project Christmas Child each year. I currently reside in Spalding County and attend New Salem Baptist Church.”**

*~Renee Moore, Investigator*



**Ashley Willcott** is a Certified Child Welfare Law Specialist who has served as an attorney in various capacities in juvenile courts since 1992. She is a 1989 graduate of Newcomb College, Tulane University with a degree in Psychology and English. She earned a Juris Doctorate from Emory University School of Law in 1992 and began practicing law with a small firm including representing parents in dependency cases and children in delinquency cases. She was then hired as corporate counsel, during which time she continued to handle court-appointed juvenile court cases. Ashley was later appointed first as Fulton County Juvenile Court Judge Pro Tem, and then as DeKalb County Juvenile Court Judge Pro Tem. She had her own private practice and was a Special Assistant Attorney General representing the Department of Human Resources, Rockdale and Dawson County Department of Family and Children Services, and Georgia Supreme Court Justice for Children Committee's Cold Case Project lead. She was appointed by Governor Deal on February 1, 2014 as Executive Director of the Office of the Child Advocate for the Protection of Children. Ashley is a native of Houston, Texas now living in Dunwoody, Georgia with her husband and three children.

She is a member of the First Lady's Children's Cabinet; the Child Welfare Reform Council; the Child Fatality Review Panel; and the Supreme Court Justice for Children Committee's Court Improvement Project.

**"I am honored to have been appointed by Governor Deal as the Director of the Office of the Child Advocate. It is an amazing opportunity to impact child welfare laws, policies and practice and the protection of children state-wide. As an oversight agency we strive to raise the bar with compassion, empathy, professionalism and respect."**

*~Ashely Willcot, J.D., CWLS, Director, OCA*



**Jodi Ann Spiegel** is the Deputy Director of The Office of the Child Advocate. She graduated from Emory University School of Law in 1992. Her work in Juvenile law began early in her career as an intern for the Dekalb County Juvenile Court and then as a court appointed attorney for both Dekalb and Fulton Juvenile Court representing juveniles in delinquent cases and parents in deprived (now dependency) cases. After 14 years of private practice work, she went on to become an Assistant District Attorney prosecuting felony cases including crimes against children. She worked closely with law enforcement, the local child advocacy center, DFCS and was a member of the Multi-disciplinary task force, Domestic Violence Task Force and on the Board of Directors of the Crisis Shelter. She served as an Assistant Attorney General before working with The Office of the Child Advocate.

**"As Deputy Director, I oversee the Statewide Protocol for the Multidisciplinary Investigation and Prosecution of Child Abuse and Sexual Exploitation and conduct statewide Protocol training for mandated Protocol Committee Members and front-line responders. This gives me the opportunity to collaborate with multiple agencies, organizations and project teams involved in child welfare and provide legal guidance on the Protocol and child welfare laws and legislation. It is such crucial work to increase awareness and educate members of the importance of each member's respective role within the multidisciplinary response for effective handling of child abuse cases, which in turn ensures the protection of children and the prosecution of those responsible for the abuse of children."**

*~Jodie Ann Spiegel, Deputy Director, OCA*



# 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:

## Federal Fiscal Year 2015 CJA Final Report

### 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 FFY2015 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. To accomplish this goal, three objectives were set out related to local written child abuse and sexual abuse and sexual exploitation protocols (Protocols) which are mandated by O.C.G.A. §19-15-2:

1. Ensure that state and local Protocols are
  - a. up to date and in compliance with current laws, DFCS policy and best practices
  - b. effective in improving the process and consistency of multi-disciplinary response to child abuse, neglect and sexual exploitation investigations and prosecutions
  - c. communicated to community partners through Protocol trainings and presentations
2. Improve compliance by Protocol Committees regarding operations and reporting
3. Address specific issues identified through Protocol data collection and Protocol review evaluation, trainings, post-training evaluations as well as Annual Report collection, review and evaluation.

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. Although not statutorily mandated, the Protocol also addresses cases involving children with disabilities.

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 revision dates are posted with each new Protocol release.

Training of Protocol Committee members helps them develop and update their local Protocols and understand legislative policy and best practice changes that have occurred since they last revised their local Protocols. Training of multidisciplinary front line responders helps implement the local Protocol to improve the process and enhances the quality, consistency and coordination of the multi-disciplinary response for handling child abuse, neglect and sexual exploitation cases as well as children with disabilities.

#### Project Goals & Objectives

The goal of the project is to improve the investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation. This aligns with the legislatively mandate 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 local Protocols developed, updated, implemented and utilized in every county in



Georgia. Having updated Protocols and receiving annual training helps county Protocol Committees better carry out their statutory responsibilities to develop and implement the local Protocol. Training also assists Protocol Committees in preparing the annual report which can be used as a tool to improve the process, consistency and quality of multi-disciplinary collaboration in their response to child abuse investigations and prosecutions.

This project is designed to achieve three objectives:

1. Ensure that state and local Protocols are
  - a. up to date
  - b. in compliance with current laws
  - c. effective in improving the process and consistency of multi-disciplinary collaboration and response to child abuse investigations and prosecutions
  - d. communicated to community partners through Protocol training and presentations.
2. Improve compliance by Protocol committees regarding operations and reporting.
3. Address specific issues identified through Protocol review, evaluation, trainings, post-training evaluations as well as Annual Report collection, review and evaluation.

Activities accomplished through this project include

- improved county compliance with O.C.G.A. § 19-15-2
- collection of data on the use and operations of county Protocol Committees
- identification of issues involving the multi-agency response in child abuse investigations and prosecution at the local level

### Stakeholders & Target Audience

The target audiences include members of the Protocol Committees and their supporting state level organizations and agencies. 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 (DA); Chief Magistrate; Juvenile Court Judge; County Board of Education, county mental health organization; Chief of Police in counties which have a county policy department; Chief of Police of the largest municipality in the county; county public health department, which shall designate a physician to serve on the Protocol Committee; 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, the local Children's Advocacy Center (CAC), Medical Providers, preferably with child maltreatment expertise, local police departments, Court Appointed Special Advocate (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) as well as Georgia Cares.

All Stakeholders benefit from more effective collaboration due to their involvement in the multiagency response of child abuse investigations and prosecution. The members also benefit from learning how to better utilize the

- Protocol in contributing to the multiagency response.
- Annual report as a tool to address issues upon which they can improve.

## Deliverables

Activities completed during FFY 2015 included the following.

### *Revision of the Statewide Model Protocol*

In FFY 2015 the Model Protocol was modified throughout the year based on changes in the law, changes in agency policies, best practices, and input from Protocol Committee members. For example, the Model Protocol was updated in December 2014 to include

- newly implemented DFCS Centralized Intake web-based reporting
- new best practices for forensic interviewing (including subsequent and multisession interviews)
- CSEC investigation procedures for law enforcement developed by the Law Enforcement and Prosecution Workgroup of the CJCC CSEC Taskforce
- substantive changes to the prosecution section covering charging decisions, child hearsay, child testimony and victim assistance
- inclusion of new partners including the Department of Early Care and Learning (DECAL)
- additional information about how to best respond to children in households where there is domestic violence
- information about how to best respond to abuse and neglect situations involving children with disabilities.

In addition, after the legislative session, the Minimum Standards Protocol was updated to include

- new Safe Harbor laws
- changes to the mandated reporter law.

These and other changes such as the addition of information on trauma illustrate how the Protocol has progressed from a baseline tool of how to report, where to report, and why a child should be interviewed by trained forensic interviewers, to a guiding document providing users with a broader understanding and appreciation of the complex role of trauma, trauma-informed systems and responses, special populations including child victims with disabilities, and the dynamics involved with sexually exploited children.

The Protocol will continued to be updated at least annually and more often as needed due to any changes in federal and state law, relevant child welfare policy, best practices and collaborative partner suggestions. The revision date will be included with each Protocol update.

Regularly revising the Model Protocol helps OCA achieve the objective of ensuring that state and local Protocols are up to date, in compliance with current laws, effective in improving the process and consistency of multi-disciplinary collaboration and response to child abuse investigations and prosecutions, and communicated to community partners through Protocol training. Revisions of the Model Protocol also provide an avenue for achieving the objective of addressing specific issues identified through Protocol data collection and Protocol review and evaluation.

### *Protocol Document Awareness through Presentations and Dissemination*

Raising awareness about the existence of Protocol requirements and disseminating the Protocol document help OCA achieve the project objectives because the more people who know about the Protocol and the requirements of local communities related to the Protocol, the more likely it is that local Protocols will be created and/or



updated. More information, combined with training and technical support, leads to greater 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 are affecting the consistency, coordination and effectiveness of the multi-disciplinary response to child abuse and neglect.

Collaborative partner trainings, meetings and events are excellent ways to reach audiences including and beyond Protocol Committee members. Each participant in the respective presentations and trainings receives a copy of the statewide Model Protocol to bring back to the local level to increase awareness of the Protocol, the updated revisions, and the need to have a protocol committee.

In FFY 2015, OCA reached more than 1200 individuals across Georgia through state and local presentations, meetings and training events hosted by organizations other than OCA; OCA was an invited speaker at these events. Hundreds more individuals received information about the Protocol at Collaborative partner events and trainings at which OCA was not a host, presenter or participant.

OCA's participation in the events listed below range from participating in meetings that addressed portions of the Protocol to providing specific training related to the Protocol. Several meetings/events led to local Protocol training and/or the development or updates of local Protocols.

### State level Protocol presentations

1. District Attorney meeting  
Date: October 3, 2014  
Location: Stockbridge, Georgia  
Attendees: 31 people  
Purpose: Discuss Statewide Protocol, Statewide Minimum Standards Protocol, share information about training available through OCA.
2. Children's Healthcare of Atlanta mini-conference on child abuse and neglect  
Date: October 9, 2014  
Location: Atlanta, Georgia  
Attendees: 80 people (school social workers, private therapists, law enforcement and a DA investigator)  
Purpose: Provide training session on the Protocol.
3. Criminal Justice Coordinating Council (CJCC)  
CSEC Task Force-Work Group #7 (Law Enforcement and Prosecution)  
Date: October 20, 2014  
Location: Atlanta, Georgia  
Attendees: 5 people (GBI, GPSTC, CJCC, AG Human Trafficking Prosecutor, web developer)  
Purpose: Discuss law enforcement CSEC investigative protocol being developing for inclusion in the Statewide Protocol.
4. Children's Healthcare of Atlanta CSEC-MDT  
Date: October 23, 2014  
Location: Atlanta, Georgia  
Attendees: 23 (DFCS, DJJ, CHOA, GA CARES, Law Enforcement)  
Purpose: Provide training on confidentiality protections of the Protocol Committee.

5. Sheriff's Association  
Date: January 27, 2015  
Location: Atlanta, Georgia  
Attendees: 110 Sheriffs  
Purpose: The presentation was conducted to increase the Sheriffs awareness of the Protocol, their responsibilities as mandated members, areas involving law enforcement response and investigation including joint investigations with DFCS, cross reporting, special considerations with CSEC investigations and available resources.
6. Medical and Mental Health Summit  
Date: February 25, 2015  
Location: Macon, Georgia  
Attendees: 100 (Child Advocacy Centers, Forensic Interviewer, Mental Health Professionals and Medical Providers)  
Purpose: Training presentation addressing the Protocol, the use of Experts, and the Medical Hearsay exception in child abuse cases and trial. Child Hearsay and the Medical Hearsay Exception were outlined along with legal definitions and case law examples. The Presentation also pointed out how Expert opinion testimony helps educate juries in areas such as the process of disclosure, delayed disclosure and recantation.
7. Child Abuse Prevention Symposium  
Date: April 15, 2015  
Location: Macon, Georgia  
Attendees: 100 (Law Enforcement, CAC, DFCS, Schools and DJJ)  
Purpose: Conducted a Protocol presentation workshop at the Child Abuse Prevention Symposium
8. Georgia Public Safety Training Center - Child Abuse Investigation Course  
Date: April 23, 2015  
Location: Forsyth, Georgia  
Attendees: 60 (Law Enforcement)  
Purpose: Provide training on the Protocol, its importance in multi-disciplinary investigations and prosecutions, the importance of working with DFCS, and issues related to trials.
9. Prosecuting Attorneys Council (PAC) -Victim Advocate Conference  
Date: April 30, 2015  
Location: Blairsville, Georgia  
Attendees: 200 (District Attorney Office Victim Advocates)  
Purpose: Protocol presentation on the Protocol and the importance of an updated Protocol in each county/ circuit and also on the Victim Advocate's role during the investigatory and legal process and at trial.
10. Children Advocacy Centers of Georgia quarterly membership meeting  
Date: July 17, 2015  
Location: Jekyll Island, Georgia  
Attendees: 100 CAC directors  
Purpose: Presentation about Protocol, discussion about implementing Protocols, presentation on new laws.
11. Prosecuting Attorneys Council District Attorneys breakfast meeting  
Date: July 20, 2015  
Location: Jeckyll Island, Georgia  
Attendees: 60



Purpose: Discuss importance of partnerships with DAs and PAC regarding developing and implementing Protocols and Protocol training.

### 12. Coroner's Meeting

Date: September 11, 2015

Location: Macon, Georgia

Attendees: 60 Coroners

Purpose: Presentation about coroner's role as a mandated member of the Protocol Committee, the importance of their role in reporting to DFCS as well as their contribution to investigations which include providing photos documenting scenes. The presentation included an overview of the Protocol law, Protocol Member responsibilities and the Annual Report.

### 13. Human Trafficking Symposium

Date: September 25, 2015

Location: Stone Mountain, Georgia

Attendees: 200+ (DFCS, Child Advocacy Centers, Law Enforcement, Mental Health and Medical)

Purpose: Presentation about how all disciplines are involved in and are integral to identifying, reporting and responding to sexually exploited children and investing and prosecuting perpetrators, and how the Protocol outlines in detail the procedures used in the above situations. The presentation also covered the new Safe Harbor legislation involving the affirmative defense for the child victim, additional forfeiture provisions, the Fund and service plan requirements.

## Local level Protocol presentations

### 1. Fulton DFCS and Roswell School Meeting

Date: October 10, 2014

Location: Atlanta, Georgia

Attendees: 20 attendees

Purpose: OCA moderated a discussion among DFCS and school social workers about DFCS communication with schools around DFCS responsiveness and communication of Shelter Care Orders for child placement. The Protocol was discussed, emphasizing the importance of both disciplines in the multidisciplinary response and how to provide resolution of the current roadblocks.

### 2. Elbert PAC Family Violence and CSEC training for Law Enforcement

Date: October 17, 2014

Location: Elbert, Georgia

Attendees: 40 attendees

Purpose: OCA presented how the Protocol outlines the investigatory procedures for law enforcement response to a child involved in a Domestic Violence call as well as CSEC response and resources.

### 3. Catoosa County multi-agency meeting

Date: October 22, 2014

Location: Catoosa County, Ringgold Georgia

Attendees: 20 attendees

Purpose: OCA participated in a meeting with DFCS and Law Enforcement involving DFCS records release during pending investigations and DFCS availability and response, and how these concerns could be addressed through the creation and/or use of an updated Protocol.

4. Troup County Protocol Presentation

Date: April 21, 2015

Location: LaGrange, Georgia

Attendees: 20 attendees

Purpose: OCA presented at Troup County's Trauma Informed Court Project workshop highlighting additional trauma awareness information that would be included in the Protocol and Protocol trainings.

5. Appalachian Children's Center (ACC) annual telethon

Date: April 30, 2015

Location: Ellijay, Georgia

Attendees: (Live ETC telecast)

Purpose: OCA participated in a TV interview about the Protocol and the role of the ACC in multi-disciplinary child abuse investigations.

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. For example, the meeting with Fulton and Roswell schools resulted in changes to their local Protocol, and the meeting in Troup County about trauma also resulted in changes to the Protocol. The meeting in Catoosa County spurred interest in updating the Protocol and bringing Protocol training to that circuit. The meeting with District Attorneys resulted in two DA's requesting an electronic version of the Minimum Standards Protocol that they could use to develop their local protocol, and three DAs requesting assistance in developing local Protocols. The Sheriff's training and the Prosecuting Attorneys Council meeting resulted in Protocol workshop and training requests.

## Protocol Training

In FFY 2015, OCA reached 1094 participants in 89 counties and 24 different circuits through 28 local Protocol trainings. Although OCA is legislatively mandated to train "new" Protocol Committee members and the CJA FFY 2015 grant proposal distinguished between training for "new" and "existing" Protocol Committee members, during FFY2015 all Protocol Committee members, regardless of when they were appointed to their Committees, were invited to participate in Protocol trainings.

It became apparent through the very first scheduled training that counties (who actually coordinate the local training, send out invites, maintain the RSVP list and secure the training site) included front-line responders who are essential for effective Protocol implementation. Thus, OCA created two types of trainings: (1) a Protocol Committee Only workshop consisting of 10-20 Protocol Committee members solely focusing on developing and/or updating the current local Protocol and (2) a combined multi-disciplinary Protocol Committee and front line responder training for effective Protocol implementation. Both training programs utilize a power point presentation, interactive format and post-training evaluations.

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

- developing a local protocol for the investigation and prosecution of alleged cases of child abuse
- developing a written sexual abuse and sexual exploitation protocol
- 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
  - describe which measures taken to prevent child abuse have been successful

After this introduction, the workshop focuses on the actual current local Protocol and utilizes the Statewide Model Protocol to highlight what has changed in law, DFCS policy and best practices and therefore needs to be added to or changed in the local Protocol.

The agenda for front-line responder Protocol implementation training further includes all facets of the multidisciplinary response including but not limited to the following:

- Mandated Reporting Law and legislative updates as well as the Designated Delegate's role and duty
- DFCS reporting options and response times
- When Law Enforcement will accompany DFCS
- Joint DFCS and Law Enforcement Investigations and the importance of Cross Reporting
- How to respond to children at domestic violence calls and children with disabilities
- Child Sexual Exploitation: indicators, awareness, response, investigation and resources
- Child Advocacy Center: Forensic Interviews
- Obtainment and payment of the Forensic Medical Exam
- Multidisciplinary Team meetings (MDT)
- Expert testimony of the medical and mental health provider and forensic interviewer
- Treatment and counseling including Trauma Focused Cognitive Behavior Therapy
- Prosecution: Charging decisions, elements of the crime, child hearsay and child testimony
- 2015 Legislative Changes (Mandated Reporting Law, Safe Harbor Legislation and Central Child Abuse Registry)

OCA also emphasizes the multidisciplinary approach through presentations to other groups including the CAC directors (on forensic interviews), mental health providers (on counseling) and prosecutors (on charging decisions, evidence and trial).

OCA also highlights state level collaboration by inviting State level partners as special guest speakers to the local protocol trainings. Some guest speakers have included:

- Dr. Jordan Greenbaum, on the Forensic Medical Exam
- DECAL on investigations involving child abuse in child care facilities
- GBI Child Abuse Specialists on how they can assist local law enforcement and DA offices in child abuse investigations
- GA Cares on services provided including assessment, case management and placement of children involved in Domestic Minor Sex Trafficking



- Attorney General Human Trafficking Prosecutor on law enforcement training and prosecutorial assistance in CSEC cases
- DFCS Centralized Intake Administrator on the centralized intake process and changes

*Note: During the month of June, the Protocol training also included participant completion of the Protocol Committee Annual Report, due on July 1 each year. Participant response indicated that most front-line responders had never seen or did not know what was included in their local Protocol making it difficult to respond to the Annual Report questions.*

The Protocol Trainings that occurred in 2015 are listed in the chart below which shows who was invited to the training (county, circuit, or a mix), how many people attended the training, and how many of the 159 counties and 49 circuits were reached through training.

## FFY 2015 Training Totals

LOCATION	DATE	# ATTENDEES	# COUNTIES	CIRCUITS
Cherokee County	10/7/2014	25	1	1
Cordele Circuit: Dooley, Crisp	11/4/2014	16	2	1
Cordele Circuit: Ben Hill, Wilcox	11/5/2014	14	2	0
Chattahoochee Circuit	11/12/2014	20	6	1
Pautala Circuit	11/21/2014	50	7	1
Fulton County	12/4/2014	30	1	1
Bibb County (Macon Circuit)	12/15/2014	24	1	1
Ocmulgee & Dublin Circuits	12/16/2015	52	12	2
Oconee Circuit	1/22/2015	45	6	1
Dougherty Circuit	1/23/2015	36	1	1
Middle Circuit	2/20/2015	50	5	1
Peach & Crawford Counties	2/23/2015	46	2	1
White & Lumpkin Counties	3/9/2015	40	2	1
Truetlen & Johnson Counties	3/16/2015	24	0	0
Augusta Circuit	3/25/2015	55	3	1
Alapaha Circuit	3/27/2015	37	5	1
Southwest Circuit	5/5/2015	80	6	1
Tifton Circuit	5/20/2015	40	4	1
Paulding County	6/5/2015	51	1	1
Southern Circuit	6/11/2015	68	5	1
Floyd Judicial Circuit	6/18/2015	37	1	1
Houston Judicial Circuit	6/23/2015	43	1	1
Meriwether County	6/25/2015	44	1	1
Banks County	7/10/2015	22	1	1
Lookout Mountain Judicial Circuit	7/30/2015	29	4	1
Union & Towns (Enotah Circuit)	8/11/2015	37	2	1
Towaliga Circuit	8/17/2015	29	3	1
Griffin Circuit	9/14/2015	50	4	1
<b>Total</b>		<b>1094</b>	<b>89</b>	<b>27</b>



Providing training in as many counties and circuits as possible helps OCA achieve the project objective of ensuring that state and local Protocols are up to date, in compliance with current laws, effective in improving the process and consistency of multi-disciplinary collaboration and response to child abuse investigations and prosecutions, and communicated to community partners, by bringing all the people involved in multi-disciplinary child abuse investigations and prosecutions together to learn the same information. The information provided to them is current, incorporating the most recent changes to laws, policies and best practices. Along with information, technical assistance is offered to help attendees update their local Protocols and prepare annual reports.

Training also helps achieve the objective of improving Protocol Committee compliance with Protocol law because committee members learn the statutory requirements and they are provided with avenues such as the Annual Report to report about their activities. OCA offers technical assistance to help committees comply with the mandates. Additionally, relationships developed between Protocol Committee members and OCA enhance the level of motivation at the local level to comply with Protocol mandates which further helps OCA achieve its Protocol project goals.

Finally, training helps achieve the objective of addressing specific issues identified through Protocol data collection and Protocol review and evaluation. At the local trainings, conversations often occur about what is working well with the multidisciplinary approach, where opportunities for improvements exist and potential resolutions to identified problems.

### ***Protocol Committee Process Improvement***

The ultimate goal of OCA's Protocol work is to achieve the mandated purpose of the Protocol, which 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).

OCA uses several approaches and types of information to assess how well the mandated purpose of the Protocol is being achieved, including:

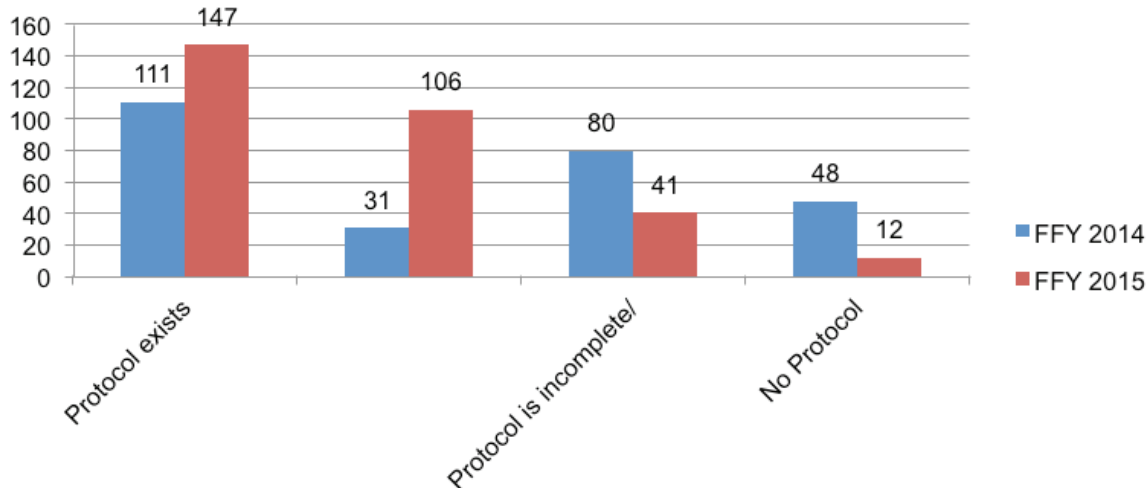
- number of counties with protocols and status of those protocols (whether they are current and complete)
- evaluation of every training by attendees
- discussion occurring at trainings about concerns and barriers that hinder the multi-disciplinary process
- Protocol Committee Annual Reports

OCA studies this information to identify trends in what is working well and what improvements are needed at the local and state level. This information informs the design and content of trainings and also informs OCA's overall work related to the Protocol, including Model Protocol updates, data collection, and partner relationships.

### **Protocol Compliance**

As of September 30, 2015, the last month of FFY 2015, 147 counties in Georgia had Protocols and 106 of those Protocols were current and complete. Only 12 counties remain without Protocols. The charts below show the changes in Protocol compliance over FFY 2015 by number of counties in each category. Numbers used for FFY 2014 are the totals as of September 30, 2014 and numbers used for FFY 2015 are totals as of September 30, 2015.

## County Protocol Compliance



In grant year FFY2015, OCA saw a 32% increase in the number of counties with a Protocol and a 242% increase in the number of counties with current, complete Protocols. The number of counties with incomplete and/or outdated Protocols decreased by 49% and the number of counties without Protocols decreased by 75%.

### ***Protocol Training Evaluation Information***

All of OCA's proposed training deliverables are evaluated formally and informally by various qualitative and quantitative 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 still have no Protocol or an outdated Protocol. The quality of the training is reflected by the post-training evaluations and completion of updated local protocols. The Deputy Director collects data and tracks the number of Protocol Committee workshops, multi-disciplinary front line responder Protocol implementation training, attendees and resulting local level protocol compliance efforts.

Additionally, as a formal qualitative measure, 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 is the number of participants who attend the training.

Further, OCA tracks and strategically targets areas of the state that have not previously been represented by local Protocol Committees and those areas that need special assistance with Protocol updates. OCA maintains a database containing information regarding all training and tracks changes in the number of counties and circuits with complete and current Protocols.

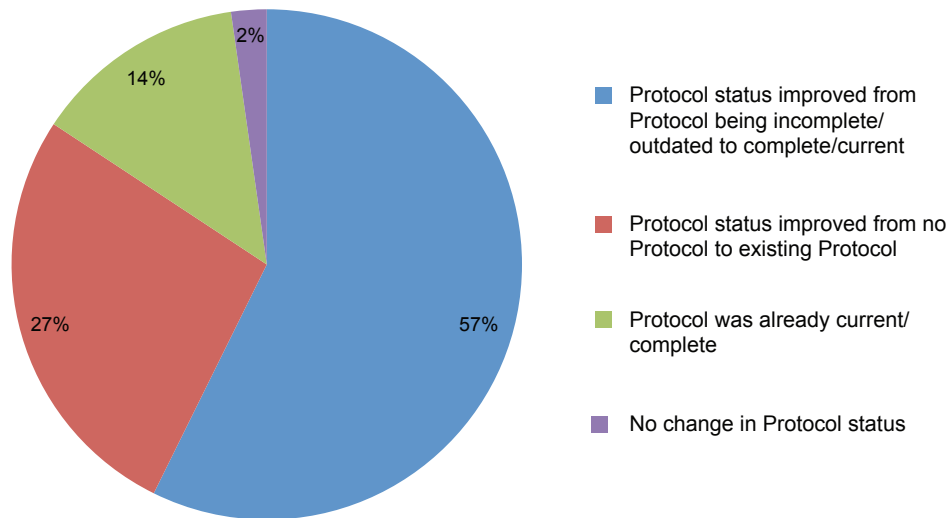
In FFY2015, OCA conducted training in 89 counties with the following impact on Protocol compliance:

- 75 out of 89 (84%) trainings resulted in a positive change in Protocol status (either from not having a Protocol at all to having one, or from having an outdated and/or incomplete Protocol to having a current, complete Protocol).



- 12 out of 89 (14%) trainings occurred in counties that already had current, complete Protocols so there was not room for positive change in Protocol status but there was positive change in the multidisciplinary communication and response as noted in the evaluations below.
- 2 (2%) trainings did not result in any changes in the Protocol status in those counties. One of those counties still has no Protocol and one has an incomplete and/or outdated Protocol.

## Results of FFY 2015 training in 89 countries



Local level training was developed and successfully conducted with evaluation forms showing achievement of the ultimate goal of effective collaborative multiagency response by ensuring coordination and cooperation between all agencies. 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/prosecutions
- local and state level resources available
- requirements of mandated reporters
- changes to mandated reporter laws
- changes to DFCS intake process (centralized intake)
- components of a current, complete protocol
- better understanding of the overall process involved in child abuse cases
- need for sexual abuse Protocol and sexual exploitation Protocol and what should be included in it
- information and resources related to commercial sexual exploitation of children
- trauma-informed approach
- new legislation including Safe Harbor as well as the Central Child Abuse registry

Participants consistently said the trainings helped raise awareness about who needs to be involved in the Protocol Committee and provided information and strategies to improve communication among everyone involved in the multi-disciplinary investigations.

### ***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 other issues.

**School Issues:** A concern that has arisen consistently for years and is regularly addressed by OCA involves the school appointment of a designated delegate responsible for reporting child abuse or neglect (as required under mandated reporter law). Teachers often do not know whether they can report directly to DFCS or whether they need to go through a designated delegate for the school. Moreover, designated delegates often engage in some level of investigation and/or screening to determine whether a report should be made to DFCS. If the case is reported to DFCS, problems may occur if the school has already interviewed the child before DFCS or law enforcement receives the report. Whenever the issue of how schools report arises, OCA informs school leaders and employees that the “designated delegate” is mandated to report (not investigate) and DFCS has the ultimate responsibility to assess and investigate those cases to determine what should and should not be screen out.

Another barrier involves poor communication. In some counties, DFCS did not communicate with the schools about changes in Shelter Care Orders, which directly affected to whom schools could release children. In one county, this issue was resolved through an OCA mediated discussion among the local county DFCS and schools that were involved.

Lastly, schools repeatedly voice their inability to receive confirmation of reports made (which has been taken care of through DFCS’s new web-based reporting and by House Bill 177).

**DFCS Response Issues:** DFCS Centralized Intake system prohibited local DFCS offices from being contacted directly. A report would have to go through Centralized Intake, which would then report it to the local DFCS county office. This process caused problems in exigent circumstances that required an immediate DFCS response, such as during law enforcement arrest of a care taker with a child(ren) present or during school hours when a mandated reporter did not feel a child should be sent home after school. Although State level DFCS responded to this issue and made appropriate policy changes allowing schools, law enforcement and hospitals to contact local DFCS directly, this policy change was not implemented at various local level offices. Once implemented, problems continued to exist in being able to reach local DFCS directors and case workers.

The local Protocol trainings provided a neutral venue for identifying and resolving these response issues that negatively impacted the multidisciplinary response in the investigation and prosecution of child abuse. Sometimes the resolution was as straightforward as explaining the DFCS Policy change, having local DFCS provide names and cell phone numbers for case workers and directors or creating a system where 911 dispatch was provided a monthly or weekly on-call caseworker list so that agencies could reach local DFCS directly instead of waiting for centralized intake to inform the local level about a report (a process that at times left children sitting at a police station or at school for hours).

Protocol training was the first of many steps to improve the multi-disciplinary process. Agencies were not aware that State DFCS policy allowed local DFCS offices to be contacted about cases screened out by centralized intake and which the local mandated reporter believed should be opened and/or required an investigation. Cross reporting issues were also addressed so law enforcement understood the importance of contacting DFCS whenever a child was involved and DFCS understood the importance of contacting law enforcement if a potential crime



was committed outside the child's home. Conversations about these issues led to an increased understanding of cross reporting issues, safety assessments and criminal investigations affecting the response of those involved and improving communication and coordination.

**Other Issues:** The "other" category of concerns included local resources such as the Child Advocacy Center ("CAC") hours of operation, ability to contact the CAC after hours, services offered such as the Forensic Interview and the Forensic Medical. Protocol training stressed the importance of having the forensic interview conducted in a child friendly environment, by trained forensic interviewers who could later provide expert testimony on the interview process and expert opinion on the many facets of disclosure including delayed disclosure and recantation.

Where to bring the child for a forensic medical examination has become a critical issue in communities which have both a CAC and a hospital that can perform the sexual assault exam. The CAC offers forensic medical examinations conducted by either a pediatric doctor or a Sexual Assault Nurse Examiner (SANE) in a child friendly environment with the continuity of services such as the forensic interview and counseling. Whereas hospitals have SANEs who perform sexual assault exams primarily for rape kit evidence collection. This issue encompasses logistical concerns such as the proximity of the CAC and other medical facilities and the CAC availability in acute cases. An additional complication is that SANEs are trained and have historically conducted sexual assault examinations on post menses children, which can include children as young as 10 years old.

## Annual Reports

**As of September 30, 2015, OCA had received 18 Annual Reports from Protocol Committees representing 37 of 159 counties (23%).** O.C.G.A. § 19-15-2 (i) requires each Protocol Committee to issue an annual report not later than July 1 of each year. Because so many counties did not even have protocols when OCA began its Protocol work, OCA's initial focus has been on raising awareness about the Protocol and getting every county to develop or update the local Protocol.

The Annual Reports that have been received by OCA identify issues that hinder the effective and efficient investigation and prosecution of child abuse as delineated below.

The Annual Report asked the following three (3) questions:

**1. Evaluate the extent which the child abuse investigations during the 12 months prior to the report have complied with the CAP.**

The questions ask about general compliance rather than specific information or case specific examples so answers are typically generic, such as: "Investigations have complied with the Protocol".

**Some counties, however, did disclose compliance issues which included:**

- investigation involving child abuse in the school setting
- difficulties with getting full cooperation and statements from school administrators.
- law enforcement not contacting the Child Advocacy Center to conduct the forensic interview, conducting interviews themselves and not scheduling a forensic medical when other team members recommended it be done.

**2. Recommend Measures to improve compliance: Four Annual reports stated “none”.**

- Redevelop the existing section of the Protocol regarding allegations of child abuse within the school system. Address the step by step process of how this type of incident must be handled to ensure the safety of all children within the school system.
- Train Patrol officers on Protocol to reduce multiple interviews and further trauma to victim.
- Improve DFCS Centralized Intake
- Get Mandated Members to the committee meetings
- After hour pediatric exams take place at a location closer than CHOA
- Annual refresher on CAP
- Keep Protocol updated
- Adopted or revised local Protocol to comply with Statewide Model Protocol
- Protocol training by OCA
- Local DFCS caseworker numbers given to law enforcement and provided dispatch with on call worker contact information and after-hours numbers so law enforcement can request assistance from department

**“Describe which measures taken in the county to prevent child abuse have been successful”**

Answers included:

- Darkness to Light program
- Stewards of Children
- Trained forensic interviewer in county
- Child Abuse Symposium
- Protocol and other trainings
- Better access to SANE nurse

One of the next steps of the Protocol work is raising awareness about the benefits of the Annual Report in assessing how child abuse investigations complied with the Protocol. Such assessments can help Committees develop specific and meaningful measures to improve compliance.

The Annual report can then be used as a tool for continuous quality improvement of the multi-disciplinary investigation process. Another future step is for OCA to encourage every Protocol Committee to submit it on time.

**Award Expenditures**

The contract amount was \$56,425.00 of which \$54,639.71 was utilized leaving \$1,785.29 remaining. During the course of this contract OCA was able to achieve all goals: update the statewide Model Protocol, develop a Minimum Standards Protocol, distribute the Protocol statewide through state level presentations and collaborative partner trainings and conduct 28 local Protocol committee training and multi-disciplinary agency trainings reaching over 1000 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 rebuilding that foundation across the state to increase awareness about the Protocol, support Protocol Committees and to improve the coordination of child abuse investigations while minimizing trauma to children through the legal and investigatory process. Protocol training helped change attitudes from “child sexual exploitation does not happen here” to “it could happen in our county and we want to know how to identify it and respond appropriately”. It also helped change behaviors such as law enforcement bringing a child to a Child Advocacy Center for a forensic interview rather than conducting interviews themselves at a police station and county DFCS workers providing contact numbers to reach them during exigent situations or after hours.

The Protocol foundation across the state is much stronger now than a year ago, and continues to grow stronger each month. As of September 30, 2015, 92% of counties had a Protocol. At the beginning of the grant year only 70% of counties had a Protocol. Over the grant year, the number of counties with no Protocol at all was reduced by 75% (from 48 counties without Protocols to 12).

In FFY2015, OCA provided 28 local Protocol trainings, reaching 1094 participants in 89 counties. For 84% of those counties, the training resulted in the creation of a Protocol or in the updating of the existing Protocol. In the 14% of the counties which already had current Protocols, the training improved the multi-disciplinary process and provided valuable information about changes in laws and policies.

In addition to the local Protocol trainings, OCA reached many stakeholders through partner organization trainings and meetings. Sharing information about the Protocol and multi-disciplinary investigations through these multiple avenues has resulted in increased awareness across a broad spectrum of system participants. It has motivated partners such as DFCS, DA offices and CACs to take the lead on coordinating OCA Protocol training to develop or improve local Protocols and reach front line responders. In addition, OCA relationships with DFCS, District Attorneys, and CAC Directors have led to changes even when OCA did not provide an actual training, as can be seen in counties where a positive change occurred in the Protocol status but no training was provided.

Training and other education efforts have led to a widespread understanding of the benefits of the Protocol. Circuits and counties without Protocols consistently report increased problems with multiagency cooperation, illustrating the importance of the Protocol in ensuring efficient and effective multi-disciplinary approach. The overwhelmingly number of counties without Protocols in FFY2014 wanted to develop a Protocol in the near future. Over grant year FFY 2015, 36 counties that did not have Protocols created them. Even counties that had previously expressed a preference for the continued use of “Interagency Agreements” (IA) or “Memorandum of Understanding” (MOU) instead of creating a Protocol have changed their approach. Only one circuit in Georgia, consisting of six counties, still uses the IA/MOU. The other seven counties that previously used a MOU or IA now have Protocols.

OCA has learned much about how Protocol Committees are implementing the Protocols and what is working and not working at local levels. Several trends in obstacles to successful implementation have been identified and steps have been taken to address those obstacles. More work is needed, though. A significant need related to the Protocol 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. Right now, issues arise, and if the Protocol Committees are not meeting regularly and/or are not using those meetings for problem-solving,



there is often no forum to address the issues until a Protocol training occurs. At that point, the issues have become barriers. Completion of the Annual Report provides at least an annual opportunity for each Committee to assess compliance with the Protocol and identify improvements that can be made.

**In FFY 2015, Protocol Committees in 37 counties (23% of Georgia's counties) turned in an Annual Report.**

**The report asks Committees to:**

- Evaluate the extent to which child abuse investigations during the 12 months prior to the report have complied with the child abuse protocol
- Recommend measure to improve compliance
- Describe which measures taken within the county to prevent child abuse have been successful.

In FFY 2016, OCA will make additional efforts to educate stakeholders about the Annual Report as a tool for continuous quality improvement.

In FFY 2016 OCA will also work to meet training needs identified by participants in the Protocol trainings. As part of the training evaluation process, attendees are asked to identify additional training topics they feel would be beneficial. OCA will work with partners around the state to ensure that front-line workers investigating child abuse have all the information they need to protect children. In addition to expanding the content of trainings, OCA will work with partners to expand the range of attendees at trainings because over time, OCA has learned that training around Protocol implementation is valuable to and desired by all partners working on multi-disciplinary investigations.



# Appendix C:

## Georgia CAPTA Annual Grant Report

### Peer Review Project, Office of the Child Advocate

September 30, 2015

Stephany L. Zaic, Child Welfare Law Specialist, Peer Review Project Lead

#### Introduction

Pursuant to the December 16, 2014 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 third 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’s new Juvenile Code and pursuant to guidelines outlined in the Child Abuse Prevention and Treatment Act. 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 new 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 the new 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.

The 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, 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, 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, Laurie-Ann Fallon, Kristi Lovelace, Faye McCord, Jane Okrasinski, James Rodatus, Rosalind Watkins and Stephany Zaic, with advisory support from Michelle Barclay, Rachel Davidson, Angela Tyner and Ashley Wilcott.

#### Selection of Participating Juvenile Courts

The Peer Review team conducted observations in the Juvenile Courts that were initially identified by DHS and 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 2013 through September 2014, 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. Appling County: For the time period in question, Appling County was ranked the 37th highest in the State for re-entries into foster care, and 26th highest in the State for re-entries into foster care within twelve months of previous discharge. Appling County was also ranked the 9th highest in the State for children in care on September 30, 2014 with long-term foster care as the child's permanency plan goal.
2. Bleckley County: For the time period in question, Bleckley County was ranked the 17th highest in the State for re-entries into foster care, and 11th highest in the State for re-entries into foster care within twelve months of previous discharge. Bleckley County was also ranked the 9th highest in the State for children in care on September 30, 2014 with long-term foster care as the child's permanency plan goal.
3. Bryan County: For the time period in question, Bryan County had a 50% rate of discharge within one month of removal—the fourteenth and a half highest rate in the State. Bryan County was also ranked the 21<sup>st</sup> highest in the State for children in care on September 30, 2014 with long-term foster care as the child's permanency plan goal, and the 12<sup>th</sup> highest ranking for the median length of stay for children in care on September 30, 2014 (27.5 months).
4. Chatham County: For the time period in question, Chatham County had a 26% rate of discharge within one month of removal—the thirty-ninth and a half highest rate in the State. Chatham County was also ranked the 39<sup>th</sup> highest in the State for children in care over twenty-four months on September 30, 2014, and the 11<sup>th</sup> highest for children in care discharged as runaways under 18 years of age on the same date.
5. Cherokee County: For the time period in question, Cherokee County was ranked the 29<sup>th</sup> highest in the State for re-entries into foster care. Cherokee County was also ranked 33<sup>rd</sup> highest in the State for placement moves away from permanency.
6. Clayton County: For the time period in question, Clayton County had a 29% rate of discharge within one month of removal—the 33<sup>rd</sup> highest rate in the State. Clayton County had a 10% rate of children in care experiencing more than three placements in less than six months—the thirty-first and a half highest rate in the State. This county also had the 8<sup>th</sup> and a half highest rate for children in care discharged as runaways under 18 years of age on September 30, 2014.
7. Cobb County: For the time period in question, Cobb County had a 53% rate of discharge within one month of removal—the 13<sup>th</sup> highest rate in the State. Cobb County had a 9% rate of children in care experiencing more than three placements in less than six months—the 44<sup>th</sup> highest rate in the State. This county also had the 3<sup>rd</sup> highest rate for children in care discharged as runaways under 18 years of age on September 30, 2014.
8. Crawford County: For the time period in question, Crawford County had the 3<sup>rd</sup> highest rate in the State for children in care in congregate settings on September 30, 2014. Crawford County was also ranked the 21<sup>st</sup> highest in the State for children in care on September 30, 2014 with long-term foster care as the child's permanency plan goal.
9. Dade County: For the time period in question, Dade County had a 47% rate of discharge within one month of removal—the 16<sup>th</sup> highest rate in the State.



10. DeKalb County: For the time period in question, DeKalb County was ranked the 33<sup>rd</sup> highest in the State for re-entries into foster care within twelve months of previous discharge, as well as the 2<sup>nd</sup> highest rate for children in care discharged as runaways under 18 years of age on September 30, 2014. DeKalb County had a 27% rate of discharge within one month of removal—the thirty-sixth and a half highest rate in the State. This county also had a 10% rate of children in care experiencing more than three placements in less than six months—the thirty-first and a half highest rate in the State.
11. Dougherty County: For the time period in question, Dougherty County was ranked the 38<sup>th</sup> highest in the State for re-entries into foster care, and 43<sup>rd</sup> highest in the State for re-entries into foster care within twelve months of previous discharge. Dougherty County also had a 24% rate of discharge within one month of removal—the forty-third and a half highest rate in the State.
12. Evans County: For the time period in question, Evans County had a 75% rate of discharge within one month of removal—the 12<sup>th</sup> highest rate in the State. Evans County also had the 22<sup>nd</sup> highest ranking for the median length of stay for children in care on September 30, 2013 (22.4 months), and the 9<sup>th</sup> highest ranking for the median length of stay for children in care on September 30, 2014 (34.4 months).
13. Forsyth County: For the time period in question, Forsyth County had a 38% rate of discharge within one month of removal—the eighteenth and a half highest rate in the State. Forsyth County also had the 4<sup>th</sup> highest rate for children in care discharged as runaways under 18 years of age on September 30, 2014.
14. Franklin County: For the time period in question, Franklin County had a 36% rate of discharge within one month of removal—the 20<sup>th</sup> highest rate in the State. Franklin County had a 10% rate of children in care experiencing more than three placements in less than six months—the thirty-first and a half highest rate in the State. This county also ranked 40<sup>th</sup> in the State for placement moves away from permanency.
15. Gwinnett County: For the time period in question, Gwinnett County had the 1<sup>st</sup> highest rate in the State for children in care discharged as runaways under 18 years of age on September 30, 2014.
16. Lanier County: For the time period in question, Lanier County had the 1<sup>st</sup> highest rate in the State for children in care in congregate settings on September 30, 2014. Lanier County also ranked 29<sup>th</sup> in the State for placement moves away from permanency.
17. Madison County: For the time period in question, Madison County had a 30% rate of discharge within one month of removal—the 30<sup>th</sup> highest ranking in the State. Madison County also had a 50% rate of reunification within 72 hours of removal—the thirty-sixth and a half highest ranking in the State.
18. McIntosh County: For the time period in question, McIntosh County had the 34<sup>th</sup> highest rate in the State for children in care in congregate settings on September 30, 2014. McIntosh County also had the twenty-seventh and a half highest ranking in the State for placement moves away from permanency, and the 23<sup>rd</sup> highest ranking for the median length of stay for children in care.
19. Mitchell County: For the time period in question, Mitchell County was ranked the 22<sup>nd</sup> highest in the State for re-entries into foster care. Mitchell County was also ranked the 18<sup>th</sup> highest in the State for children in care on September 30, 2014 with long-term foster care as the child's permanency plan goal.
20. Putnam County: For the time period in question, Putnam County was ranked the twenty-eighth and a half highest in the State for children in care on September 30, 2014 with long-term foster care as the child's permanency plan goal. Putnam County also had a 60% rate of reunification within 72 hours of removal—the thirty-fifth highest ranking in the State.

21. Telfair County: For the time period in question, Telfair County had a 21% rate of children in care experiencing more than three placements in less than six months—the 9<sup>th</sup> highest rate in the State. Telfair County was also ranked 22<sup>nd</sup> highest in the State for placement moves away from permanency; 9<sup>th</sup> highest in the State for children in care on September 30, 2014 with long-term foster care as the child’s permanency plan goal; 11<sup>th</sup> highest in the State for the median length of stay for children in care on September 30, 2013 (38.1 months); and 13<sup>th</sup> highest in the State for the median length of stay for children in care on September 30, 2014 (25.9 months).
22. Terrell County: For the time period in question, Terrell County ranked twenty-seventh and a half highest in the State for lateral placement moves. Terrell County also had a 50% rate of reunification within 72 hours of removal—the thirty-sixth and a half highest ranking in the State.
23. Tift County: For the time period in question, Tift County had the 15<sup>th</sup> highest rate in the State for children in care in congregate settings on September 30, 2014. Tift County was also ranked 23<sup>rd</sup> highest in the State for placement moves away from permanency, and the county was ranked twenty-fourth and a half highest for children in care over 24 months on September 30, 2014.
24. Turner County: For the time period in question, Turner County was ranked the 14<sup>th</sup> highest in the State for re-entries into foster care within twelve months of previous discharge. Turner County also had the 4<sup>th</sup> highest rate in the State for children in care in congregate settings on September 30, 2014, and the thirty-eighth highest ranking in the State for children in care on September 30, 2014 with long-term foster care as the child’s permanency plan goal.
25. Wilcox County: For the time period in question, Wilcox County was ranked the fourteenth and a half highest in the State for discharges of children within one month of removal. Wilcox County also had the 10<sup>th</sup> highest ranking for the median length of stay for children in care on September 30, 2013 (39.5 months); and the 6<sup>th</sup> highest ranking for the median length of stay for children in care on September 30, 2014 (51.5 months).

Of the above listed counties, all of the counties except the Cobb County Juvenile Court invited the Peer Review team to observe and provide support to the Guardians ad Litem and the children’s attorneys. Due to the Courts’ calendars, the team was unable to observe Dougherty and Terrell Juvenile Courts. The Cobb County Juvenile Court was unable to participate in the Peer Review Project during the current grant cycle.

The above statistics identify issues that our 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 experiencing the trauma of removal followed by a quick return to the custody of the parent, guardian or custodian. The above statistics also highlight two of the crucial goals of Georgia’s child welfare system: the achievement of stable foster care experiences with the elimination of foster care drift, and effective permanency for dependent children accomplished through stable returns to parental custody, permanent guardianship or stable adoptions. The specific facts of a case may make some of the events underlying the above-statistics entirely appropriate (e.g., the placement move away from permanency for a child experiencing a mental health emergency who moves to a psychiatric hospital admission and subsequently to a psychiatric residential treatment facility). The goal of the Peer Review Project is to ensure that children’s attorneys and 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 and the issues addressed in the child’s specific case.



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

In preparation for performing the courtroom observations, the Peer Review team modified the evaluation tool utilized during the 2013-2014 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 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 a thorough and 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, children'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 children'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).

The challenges faced by child's attorneys in Georgia include the mode by which this communication and consultation occurs (i.e., in person versus by telephone or via Skype or similar technology) as potentially constrained by the fee paid to the child's attorney. These attorneys are also challenged by the act of accurately communicating with children regarding legal proceedings. Child's attorneys are further challenged by the ongoing lack of clarity by many involved in the dependency process regarding the distinctions between child's attorneys and attorney Guardians ad Litem, as well as the difficulties inherent in providing dual role representation. The goal of the Peer Review Project and every member of its team is to assist and support child's attorneys and attorneys Guardians ad Litem in the quality improvement of their practice.

### **Court Observations: Appling County**

Peer Review team member Rachel Davidson observed Appling County Juvenile Court on August 12, 2015. The Court has a limited amount of attorneys to represent children; these same attorneys may also represent parents in other cases as well as represent parties in other counties within the judicial circuit. The Court would welcome additional attorneys but understands the issues associated with rural counties and lawyers being able to better provide for themselves in other areas of the law. The two attorneys observed exhibited knowledge of their cases and dependency proceedings. Although the courtroom had tables with microphones for the parties, all parties gathered near the bench for all proceedings. The acoustics in the courtroom were such that one would need to be extremely close to be able to hear. The Court does not utilize the tables and microphones in an attempt to maintain privacy. This process lent itself to a lot of confusion among the parties, as well as parties talking out of order and over each other.

In re K.B.: This case was before the Court for a Judicial Review Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. He asked appropriate questions, presented pertinent information about the



child to the Court, and requested that the Court speak with the child in chambers. Although there was no CASA assigned to the case due to not having a CASA volunteer available for this child, a CASA representative and the child's attorney accompanied the child during the child's conversation with the judge. The child's attorney exhibited familiarity and knowledge about the child and her family.

In re C.C. and S.W.: This case was before the Court for a Judicial Review Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem. He asked appropriate questions, called a witness, presented pertinent information about the children to the Court, and presented oral argument regarding the children's best interests. The children's attorney/attorney Guardian ad Litem exhibited knowledge of the children and their safety through questions regarding the parents' dependency and case plan compliance issues. Although he did not cite O.C.G.A. § 15-11-26, he advocated for the children's best interests throughout the hearing.

In re B.C., L.C., L.R.C., and D.C.: This case was before the Court for a Judicial Review Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem. The children's attorney exhibited knowledge of the children and advocated for their best interests by agreeing with the CASA's recommendations. Of concern on this case is the appearance that proper legal procedures and due process were not adhered to; in particular, when the Court was reminded the children's aunt had temporary custody of the children, he asked the aunt whether she wanted permanent custody and immediately "granted" her permanent custody. In addition to permanent custody no longer being a legal permanency plan option, there were no motions, no evidence, and no objections offered by any party.

In re J.F.: This case was before the Court for a Judicial Review Hearing. Neither the mother nor the child were present. The child's attorney was present and represented the child in a dual role as an attorney Guardian ad Litem. The child was on runaway status and would turn 18 on September 3, 2015. The hearing was continued until September 9, 2015. The child's attorney did not comment.

Although the attorneys observed have been practicing child welfare for a significant period of time, the Court is open to any training that may enhance the attorneys' knowledge. The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Appling County Juvenile Court in dependency and termination of parental rights cases. The training session will include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, creating a record, and preserving issues for appeal.

### **Court Observations: Bleckley County**

Peer Review team member Rosalind Watkins observed Bleckley County Juvenile Court on July 23, 2015. Ms. Watkins noted the cases were handled in a consistent manner, and she was pleased with the legal representation children receive in Bleckley County. The children's attorney/attorney Guardian ad Litem is employed by the Public Defender's Office, and the lay Guardian ad Litem role is handled by the local CASA program. Bleckley County is struggling with a shortage of attorneys to handle the Juvenile Court work, and the Court is experiencing many continuances due to the attorneys having legal conflicts in other Courts that take precedence over Juvenile Court hearings.

1. In re L.B. and L.B.: This case was before the Court for an Initial Judicial Review Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem, and he asked appropriate questions, presented to the Court pertinent information about the children, and presented oral argument regarding the children's position. The children's attorney/attorney Guardian ad Litem exhibited knowledge of the



children's safety through questions regarding the parents' dependency and case plan compliance issues. He thoroughly addressed the children's interests and best interests during the hearing.

2. In re X.R.: This case was before the Court for an Adoption Status Review Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem, and she communicated knowledge of the child's needs through her explanation of the child's condition, needs and current status. She appeared to be well-prepared for the hearing, as exhibited by her questions and the information she presented to the Court. The child's attorney/attorney Guardian ad Litem clearly articulated the medical needs of the child, the specific concerns of the child and the recommended permanency plan for the child.
3. In re C.L. and T.C.L.: This case was before the Court for an Initial Judicial Review Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem, and he demonstrated compliance with the best interests' requirements of O.C.G.A. § 15-11-26. He appeared prepared for the hearing and showed an understanding of the children's needs through his questions and presentation of the children's position. The children's attorney/attorney Guardian ad Litem was familiar with the history of the case, and he exhibited knowledge of the therapeutic needs of the oldest child through his cross-examination of a witness.

While Ms. Watkins did not observe any training needs for the children's attorney and CASA who appeared before the Court on the date of the observation, the Peer Review team is available to provide training if the Court is successful in identifying additional attorneys who are interested in a child welfare practice.

### **Court Observations: Bryan County**

Peer Review team member Laurie-Ann Fallon observed Bryan County Juvenile Court on August 6, 2015. The Court appoints children's attorneys in the dual role as attorney Guardians ad Litem, and these attorneys make their best efforts to travel to meet with the children in their placements. Older children are regularly transported to Court for their hearings.

1. In re K.A.M. and K.C.: 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. She did not appear for the hearing, and her written report was provided to the parties and submitted into evidence during the hearing.

The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Bryan County Juvenile Court in dependency and termination of parental rights cases. The training session will include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, creating a record, and preserving issues for appeal.

### **Court Observations: Chatham County**

Peer Review team members Gerald Bruce and Stephany Zaic observed Chatham County Juvenile Court on August 27, 2015. Chatham County's child welfare process is challenged both by the number of children in care placed outside the county and by a high rate of turnover in DFCS Case Managers, resulting in a staff of Case Managers with little experience. The Chatham County Juvenile Court appoints an attorney to represent children as soon as the children's dependency case is filed. The lay Guardian ad Litem may be appointed after the Preliminary Protective Hearing ("PPH"), but the Court ensures that at least an attorney Guardian ad Litem advocates for the children's best interest at the PPH. The lay GALs regularly present written reports to the Court, although it was unclear how the GAL reports were submitted into evidence.



1. In re D.G.: This case was before the Court for a Permanency Hearing. The child's attorney and the child's attorney Guardian ad Litem were appointed separately. The child attended the hearing and sat next to the child's attorney during the hearing. Both attorneys appeared prepared for the hearing. The child's attorney exhibited a first-hand knowledge of the child's needs, describing to the Court the child's behavioral needs and medication issues. The GAL also exhibited a first-hand knowledge of the child's needs, describing to the Court the child's mental health needs. Both attorneys advocated for expedited permanency for the child. The GAL advocated for the child's best interests, requesting the provision of ILP services and tutoring services rather than the child being allowed to participate in a GED program.
2. In re J.B.: This case was before the Court for a Permanency Hearing. The child's attorney was appointed in the dual role as an attorney Guardian ad Litem. The hearing was continued due to the child's attorney/attorney Guardian ad Litem's leave of absence.
3. In re E.L., X.L. and T.P.: This case was before the Court for a Preliminary Protective Hearing. The children's attorney and the children's attorney Guardian ad Litem were appointed separately. The children's attorney had requested that the older children attend the hearing, but they were not transported to Court for the hearing due to a miscommunication. The children's attorney waived the presence of the younger child at the hearing. The children's attorney and the attorney GAL announced their agreement with the Department's proposed consent. Two of the children were placed with one relative, and the third child was placed with a different relative. The children's attorney addressed the appropriateness of the children's placements.
4. In re T.W.: This case was before the Court for a Disposition Hearing. The child's attorney and the child's lay Guardian ad Litem were appointed separately. The child's attorney waived the child's presence at the hearing. The GAL stipulated to the facts presented by the Department, and the child's attorney announced the child's agreement with the stipulated facts. The GAL advocated for expedited permanency by requesting a non-reunification permanency plan.
5. In re F.J. and C.J.: This case was 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 parties announced a proposed adjudicatory consent. The children's attorney/attorney Guardian ad Litem spoke extensively regarding the mother's efforts to address the children's dependency, but he did not mention the child in his oral argument. The children's attorney/attorney GAL did not reference the best interests factors as outlined in O.C.G.A. § 15-11-26, and he did not submit a written report into evidence.

The Peer Review Project has offered to provide an advanced Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Chatham County Juvenile Court in dependency and termination of parental rights cases. The training session will include how to write a GAL report and production of the report in Court, stabilizing placements, advocacy in the context of concurrent permanency plans, issues impacting older youth in foster care, and achieving stable returns. This training will be provided electronically to all Courts participating in the Peer Review Project.

### **Court Observations: Cherokee County**

Peer Review team member Kristi Lovelace observed Cherokee County Juvenile Court on August 24, 2015. In order to be added to the Court's appointment list for children's attorneys and attorneys Guardian ad Litem, the Court requires attorneys to complete the attorney Guardian ad Litem training approved by the Office of the Child Advocate, as well as to submit a letter of interest. Children's attorneys serve in the dual role as attorney Guardians ad Litem unless a conflict arises. If a child wishes to present evidence during a hearing, the Court ensures the child is appointed an attorney separate from the GAL.

1. In re A.G. and B.G.: This case was before the Court for an Adjudicatory Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem. The parties submitted a proposed consent to the Court. The children's attorney/attorney GAL reviewed the proposed order in advance and acknowledged her signed consent.
2. In re B.D. and R.D.: This case was before the Court for a Judicial Review Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem. The children's attorney waived the children's presence for the hearing. He participated in the parties' negotiation of the content of the Department's proffer, and he additionally made his own statement to the Court as the attorney Guardian ad Litem. He commended the parents for their case plan progress and cautioned them to view the hearing as a milestone, as opposed to the finish line.
3. In re B.G.H.: This case was before the Court for an Emergency Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. The child's attorney waived the child's presence for the hearing. The child's attorney/attorney GAL referenced concerns from the prior week's delinquency hearing. He argued strongly for efforts to be made to locate the child, given that the mother had incentive to run and the child was very protective of his mother. The child's attorney/attorney GAL presented the child's position independently from that of the parents' or the Department's position.
4. In re B.H.H.: This case was before the Court for a Judicial Review Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. This hearing was continued due to the leave of absence of the father's attorney.
5. In re B.L.: This case was before the Court for a Permanency Placement Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. The child's attorney waived the child's presence for the hearing. The child's attorney/attorney GAL presented oral argument that demonstrated her knowledge of the case history, child safety issues and the family's needs. She advocated for permanency for the child, providing the Court with a detailed recommendation.
6. In re C.C.: The type of hearing was unclear to the observer. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. She reported to the Court how the child was doing, expressed frustration with the delay in achieving permanency for the child, and she was knowledgeable about the case history.
7. In re C.S. and A.W.: This case was before the Court for a Permanency Hearing. The parties consented to a proposed protective order, and the Guardian ad Litem affirmed her consent to the proposal. She commended the mother for her case plan progress and noted the child C.S. was a handful. The Guardian ad Litem described the children's needs in detail, and her oral report exhibited her knowledge of the family's needs and the case history.
8. In re E.N.M.: This case was before the Court for a Judicial Review Hearing. All parties except the child reported to the Court that they agreed with a proposed legal action. The child did not consent to the proposed protective order. The attorney Guardian ad Litem, identifying herself as the child's attorney, expressed some reservations about the proposed protective order and requested reassurance that the father was prepared to properly supervise his daughter. The attorney Guardian ad Litem reported to the Court that she had explained the legal options to the child, and that the child did not want to comply with the proposed protective order, but that the child could or would comply. The attorney Guardian ad Litem recommended a delayed placement of the child in the father's home, and her report exhibited her knowledge of the case history, family needs and the child's needs.



9. In re F.T.G.: The type of hearing was unclear to the observer. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. The child's attorney waived the child's presence for the hearing, as the child was recently released from the hospital. The child's attorney/attorney GAL presented oral argument that exhibited her knowledge of the case history, child safety issues and the family's needs. She described in detail the child's needs, and she expressed to the Court her reasons for agreeing to the proposed stipulation.
10. In re J.E. and L.E.: This case was before the Court for an Adjudicatory Hearing as to the Father. The children's attorney appeared in the dual role as an attorney Guardian ad Litem. The children's attorney/attorney GAL was not present during the hearing, but she was present in Court earlier in the day. She waived the children's presence and agreed to the proposed order on the children's behalf.
11. In re J.P.: This case was before the Court for an Emergency Review Hearing of a Protective Order. The child's attorney appeared in the dual role as an attorney Guardian ad Litem, and the child was present for the hearing and sat with her attorney during the hearing. The parties consented to a proposed modification of the protective order. The child's attorney did not appear to provide client-directed representation and she did not present the child's position during the hearing. The child's attorney met with the child prior to the hearing, but her role in the hearing appeared to be one of solely the attorney Guardian ad Litem.
12. In re J.W.P., B.T.V. and M.V.: This case was before the Court for a Judicial Review Hearing. The attorney Guardian ad Litem provided an oral report to the Court, during which she exhibited knowledge of the family's needs, the children's needs and child safety issues.
13. In re K.S.: This case was before the Court for a Preliminary Protective Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. The child's attorney made an oral argument that Department custody was the next proper legal step, and he asked the child not to run away. The child's attorney appeared to be knowledgeable about the case history and the needs of the family.
14. In re M.C.: This case was before the Court for an Adjudicatory Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem, and she waived the child's presence at the hearing. The child's attorney/attorney GAL agreed to the proposed consent for the adjudication, and she recommended continued supervised visits in the child's best interests.
15. In re R.H.: This case was before the Court for an Adjudicatory Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem, and the child sat next to her during the hearing. The child's attorney stated to the Court that the child was in agreement with the proposed consent. The Court also provided the child with an opportunity to speak with the Court.
16. In re S.E.G.: This case was before the Court for a Preliminary Protective Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem, and the child was present for the hearing. The child was a dual youth, participating in dependency and delinquency cases. The child's attorney/attorney GAL appeared to have communicated with the child before the hearing. She stated that the child wished to return home, but that they have come to an agreement. The child shook her head. The child's attorney/attorney GAL then stated that the child wishes to return home, but the attorney's GAL recommendation was in support of the mother's consent to adjudication and the child remaining in the Department's temporary custody. The Court instructed the child's attorney/attorney GAL to advise the Court if a conflict arose. The child's attorney did not present any evidence, witness testimony or make an oral argument in support of the child's position.

17. In re Z.L. and G.T.: This case was before the Court for an Adjudicatory Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem, and the children were present for the hearing. The children's attorney/attorney GAL reported to the Court that he was in agreement with the Department's proposed consent and with the children's placement. The children's attorney appeared to have communicated with the children prior to the hearing, and he exhibited knowledge of the family's needs and expressed the children's placement wishes to the Court.

The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Cherokee County Juvenile Court in dependency and termination of parental rights cases. The training session will include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, best interest assessments, creating a record, and preserving issues for appeal.

### **Court Observations: Clayton County**

Peer Review team members Laurie-Ann Fallon and Rosalind Watkins observed Clayton County Juvenile Court on July 20, 2015. The Clayton County Juvenile Court appoints CASAs as the GAL on all dependency cases, and the CASAs submit a written report the Court and the parties prior to each hearing. The CASAs usually meet with the children in their placements, and the children's attorneys regularly meet with children at the courthouse or communicate with the children by telephone. All children in dependency cases are transported to Court for the adjudicatory hearings. Children ages fourteen and older attend all hearings on their cases, unless the children request not to attend or the children have another matter, in which case their appearance is waived. Younger children are regularly in the courthouse while their hearings are being conducted, but they do not usually sit in the courtroom during the hearing. These general rules of the children's attorneys are subject to change based upon the issues to be addressed at the hearing.

1. In re K.S. and R.S.: This case was before the Court for a Show Cause Hearing. The children's attorney and the children's lay Guardian ad Litem were appointed separately. A full hearing was not conducted on this case because the mother chose to have the children reside with their father in another county rather than proceed with the hearing. Prior to the mother's announced decision, the children's attorney had the opportunity to argue the children's position to the Court. The GAL additionally had the opportunity to speak with the children prior to the dismissal of the case.
2. In re R.S. and S.S.: This case was before the Court for a Disposition Hearing. On behalf of the children, their attorney argued for the children to be returned to their mother's custody. The children's attorney provided client-directed legal representation and advocated for the children's wishes during the hearing. The children were also given the opportunity to speak with the judge. The CASA supervisor appeared on behalf of the assigned CASA, appointed as the lay Guardian ad Litem. While agreeing to the return of the children to the mother's custody, the CASA supervisor advocated for the children's safety by recommending that the mother be required to participate in random drug screens. Both the children's attorney and the CASA supervisor appeared knowledgeable about the facts of the case.

### **Court Observations: Crawford County**

Peer Review team members Gerald Bruce and Rosalind Watkins observed Crawford County Juvenile Court on July 2, 2015. The observers noted that the child's attorney/attorney Guardian ad Litem consistently did not present a factual basis for her GAL recommendations, and she did not reference the best interests factors of O.C.G.A. § 15-11-26 in at least summary form. Rather than providing a specific recommendation or making a statement



regarding the child's position, the child's attorney/attorney Guardian ad Litem instead regularly stated that she agreed with the Department.

1. In re J.G. and J.C.A.: This case was before the Court for the first Permanency Hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem, and she did not play an active role in the hearing. She made a statement regarding the children's position, but it was unclear whether her recommendation as attorney GAL was based upon the best interests factors of O.C.G.A. § 15-11-26. It was unclear whether she had a first-hand understanding of the children's needs, and she made no statements and presented no evidence regarding the children's needs or how they were doing. The children's attorney/attorney GAL asked a question regarding the children's reaction to visitation, and she asked questions regarding the mother's housing and substance abuse issues. She did not demonstrate knowledge of the children's safety issues or demonstrate knowledge of the children's mental health, medical, developmental and educational issues.
2. In re L.F-R.: This case was before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem, and she did not play an active role in the hearing. She asked a few questions during the hearing regarding placement issues. The father requested additional visits, and the child's attorney/attorney GAL did not state a position regarding the visitation request. From her level of involvement in the hearing, it was unclear whether the child's attorney/attorney GAL had a first-hand understanding of the child's needs. She did not demonstrate knowledge of the child's safety issues, the family's needs or the child's mental health, medical, developmental and educational issues.
3. In re K.J.: This case was before the Court for an Adjudicatory Hearing and Disposition Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem, and she did not play an active role in the hearing. She asked questions during the hearing regarding the appropriateness of the child's caretakers, and she made an oral argument regarding the needs of the mother. The child's attorney/attorney Guardian ad Litem did not address the needs or condition of the child, including the medical needs of the child due to the ingestion of Cocaine. It was unclear whether the child's attorney/attorney GAL's recommendation was based upon the best interests assessment criteria of O.C.G.A. § 15-11-26.
4. In re K.N. and L.N.: This case was before the Court for an Adjudicatory Hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. She asked appropriate questions, although the parties announced a proposed consent to the adjudication. She did not provide a summary as to why her GAL recommendation was in the best interests of the children, and it was unclear whether her GAL recommendation was based upon the best interests assessment criteria of O.C.G.A. § 15-11-26.
5. In re D.R.: This case was before the Court for an Adjudicatory Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The parties announced a proposed consent to the adjudication. The child's attorney/attorney Guardian ad Litem did not provide a summary or otherwise make a statement as to why she was in agreement with the parents' stipulation, and she did not make a statement as to how a stipulation from the child corresponded with the child's best interests. The child is medically fragile, and the child's attorney/attorney Guardian ad Litem provided no information to the Court regarding the child's diagnosis, treatment, placement or well-being.
6. In re C.E.T.: This case was before the Court for an Adjudicatory Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem, and she did not play an active role in the adjudicatory hearing. She appeared to know the facts of the case, but she did not take any action as a result of this knowledge. The child's attorney/attorney Guardian ad Litem did not cross-examine the witness. She did not provide a summary or otherwise make a statement as to why a particular position was in the child's best interest.

The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Crawford County Juvenile Court in dependency and termination of parental rights cases. The training session would include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, creating a record, and preserving issues for appeal.

### **Court Observations: Dade County**

Peer Review team member Stephany Zaic observed Dade County Juvenile Court on July 27, 2015. Dade County Juvenile Court is currently in a period of transition. Judge Bryant Henry, the Juvenile Court judge for eighteen years, retired on July 1, 2015 and became a Senior Judge. Judge Steven Ellis, a DFCS Special Assistant Attorney General ("SAAG") for fourteen years, became the Juvenile Court judge on July 1, 2015. The Circuit's CASA program is in the process of being re-built. An Executive Director for the CASA program assumed employment in August 2015, and several CASA volunteers have been identified. It was apparent from my observations that the transition is going very smoothly. The judges are working cooperatively to handle the Court's calendar, with Judge Bryant remaining available throughout the Court's calendar to hear the conflict cases.

The Circuit is challenged by the limited number of local practicing Juvenile Court attorneys. Dade County currently has five attorneys appearing on dependency actions, including two SAAGs. In the event of a conflict, the Court seeks assistance from the surrounding Circuits to ensure representation for the parents and children involved in Dade County Juvenile Court actions. The Court appoints a child's attorney and a Guardian ad Litem as soon as a child is placed in DFCS' protective custody or a non-emergency petition is filed, and the appointment is often dual role. The child's attorney and GAL appear at all hearings from the Preliminary Protective Hearing forward. The Court regularly appoints the child's attorney in the dual role as an attorney Guardian ad Litem, and the attorney appearing in that role on the observation date did an excellent job expressing the children's needs, along with their wellbeing and welfare issues, to the Court.

1. In re T.D., H.D. and J.D.: This case was before the Court for a Permanency Hearing and a Permanent Guardianship Hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. The children were present and they talked with the children's attorney/attorney Guardian ad Litem prior to the hearing. It was clear from the children's behavior that they were familiar with their attorney. Prior to the hearing, the children's attorney/attorney Guardian ad Litem discussed with the other attorneys facts regarding the grandmother's competency issues. During the hearing, the children's attorney/attorney Guardian ad Litem properly sought the safeguard of the grandmother's Due Process rights through the appointment of an attorney and an attorney GAL for the grandmother, along with a continuance until this representation could be secured.
2. In re S.C. and M.C.: This case was before the Court for a Judicial Review, Hearing on the mother's Motion to Dismiss and Permanency Hearing, the latter of which was continued. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. The children were present and they talked with the children's attorney/attorney Guardian ad Litem prior to the hearing. The children's attorney/attorney GAL played an active role in the hearing, questioning the visitation transporter, cross-examining the mother, participating in a Bench conference, and making an oral argument in support of the children's position. His knowledge of the extensive case history was clear from his questioning of witnesses, as well as from his oral argument. The Court Appointed Special Advocate assigned to the case submitted a written report. The observer was unable to review the report.
3. In re B.D.: This case was before the Court for a Status Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was present and she talked with the child's attorney/



attorney Guardian ad Litem prior to the hearing. The purpose of the hearing was to submit into evidence proof of service on the mother, and the child's attorney/attorney Guardian ad Litem did not object to the proof of service being submitted to the Court. Following the hearing, the child's attorney/attorney Guardian ad Litem discussed the legitimation order with the child's grandmother and the grandmother's attorney.

4. In re H.M.: This case was before the Court for an Adjudicatory Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was present and he talked with the child's attorney/attorney Guardian ad Litem prior to the hearing. Given the child's tender age, the child's attorney/attorney GAL waived the child's presence in the courtroom for the hearing. The child remained in the family seating area across from the courtroom during the hearing and was available to the child's attorney if the need arose. The child's attorney/attorney GAL made clear to the Court that the child was confused, and his wishes were unclear. The child's attorney/attorney GAL also made clear his recommendations as GAL, arguing for the child to reside with the father in the child's best interests.
5. In re S.P.: This case was before the Court for a Permanency Hearing, Motion for Non-Reunification as to the Father and a Hearing on the Motion to Withdraw by the father's attorney. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was present and he talked with the child's attorney/attorney Guardian ad Litem prior to the hearing. Given the child's tender age, the child's attorney/attorney GAL waived the child's presence in the courtroom for the hearing. The child remained in the family seating area across from the courtroom during the hearing and was available to the child's attorney if the need arose. The child's attorney/attorney GAL cross-examined the foster father regarding the history and frequency of phone contact between the father and the child, the promises made by the father to the child that were not kept, and contact between the mother and the foster parents. He also cross-examined the child's therapist regarding the length of the therapeutic relationship and the child's mental health issues. During his closing argument, the child's attorney/attorney GAL addressed the father's apparent mental health issues, argued why it would be dangerous for the child to reside with the father, and emphasized the harm to the child caused by contact with the father. The child's attorney/attorney GAL argued for the permanency plan of termination of parental rights and adoption, and he emphasized the child's need for permanency.
6. In re S.K.: This case was before the Court for a Preliminary Protective Hearing as to the Putative Father. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. He did not ask any questions of the Department's Case Manager, and he stated that he was in agreement with the Department's position.

### **Court Observations: DeKalb County**

Peer Review team member Rosalind Watkins observed DeKalb County Juvenile Court on August 17, 2015. DeKalb County Juvenile Court utilizes both dual role and separate appointments for children's attorneys and Guardians ad Litem. Ms. Watkins observed that the children's attorneys and attorney GALs were properly prepared for the hearings. They played active roles in the hearings, submitting evidence, participating in cross-examination of witnesses and presenting client-directed oral argument.

1. In re A.S. and K.H.: This case was before the Court for an Adjudicatory Hearing. The children's attorney and the children's lay Guardian ad Litem were appointed separately. The Guardian ad Litem interviewed the children thoroughly prior to the hearing. She reported to the Court the details of her interview with the children, and the GAL argued for the family to continue being monitored by the Court, based upon the physical abuse allegations asserted at the beginning of the case.



2. In re J.K.K.: This case was before the Court for a Post 18 Judicial Review Hearing. The child's attorney and the child's lay Guardian ad Litem were appointed separately. The child was present for the hearing, and it was evident that the child's attorney had prepared for the hearing. The Guardian ad Litem discussed the child's strengths and weaknesses, and she was knowledgeable about the child's therapeutic needs, educational needs and goals for the future. During the oral report, the GAL reported to the Court on all areas of the child's life and addressed the child's needs.
3. In re K.W. and S.W.: This case was before the Court for a Judicial Review Hearing. The children's attorney appeared in the dual role as an attorney Guardian ad Litem. It was evident through her questioning of witnesses that the children's attorney/attorney Guardian ad Litem was prepared for the hearing. The children's attorney argued in opposition to the case being closed--the Department had not provided all of the necessary services to the family. During her cross-examination of witnesses, the children's attorney was direct and thorough in her examination. She exhibited first-hand knowledge of the children's needs, including one of the children's diagnosis and the related services. The children's attorney asked questions regarding services needed by the children and the mother's ability to meet the children's needs, given the mother's mental health needs. The advocacy provided by the children's attorney resulted in a no reasonable efforts finding by the Court.
4. In re M.A.S.: This case was before the Court for a Disposition Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. The child's attorney demonstrated through his questions and oral argument that he was prepared for the hearing and possessed first-hand knowledge of the child's needs. He presented oral argument on permanency for the child. The hearing was re-set in order for the child's attorney/attorney GAL to see the baby's rash and to consider the grandmother's home as a possible relative placement.
5. In re M.L.M.: This case was before the Court for an Adjudicatory Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. She was properly prepared for and played an active role in the hearing, as shown by her questioning of witnesses, oral argument, oral GAL report and Bench brief. The child's attorney was clear and effective in her representation of the child. She demonstrated knowledge of child safety issues during her argument regarding the significant risk of harm to the child if he were to be returned to his home country of Guatemala. The child's attorney/attorney GAL discussed the importance of the child's educational needs, and she was specific in her oral argument regarding the grounds of the child's dependency.

### **Court Observations: Evans County**

Peer Review team members Kristi Lovelace and Jane Okrasinski observed Evans County Juvenile Court on August 13, 2015. The Evans County Juvenile Court utilizes a mix of dual role and CASA appointments for Guardians ad Litem in dependency cases. The Court maintains an appointment list for the children's attorneys and attorney Guardians ad Litem. At this time, Judge Brinson is not utilizing training requirements for attorneys to be added onto and to remain on the appointment list because of the lack of funding for the relevant child welfare training, along with the lack of training readily available to the local attorneys.

1. In re A.D.D.: This case is before the Court for a final Termination of Parental Rights Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. The hearing was continued following the mother's application for the reappointment of counsel.
2. In re J.J.: This case is before the Court for a Judicial Review Hearing. The child's attorney appeared in the dual role as an attorney Guardian ad Litem. She played an active role in the hearing, questioning



the witnesses and reporting to the Court about the child's needs. The child's attorney/attorney Guardian ad Litem was knowledgeable about child safety issues and the family's needs, as evident through her description to the Court about the effects of domestic violence on the child. During the hearing, she also referenced a written report that she submitted to the parties prior to the hearing.

3. In re K.E., K.E., N.E., N.P. and J.P.: This case is before the Court for a Judicial Review Hearing. The children's attorney was appointed at the beginning of the hearing, and she was appointed in the dual role as an attorney Guardian ad Litem. She did not request a continuance in order to meet with her clients and prepare them for the hearing or to conduct a best interest assessment. The children were not present for the hearing. The children's attorney cross-examined the Department's Case Manager regarding the children's ages, placement and needs.
4. In re L.L. and H.L.: This case is before the Court for the closing arguments of a Termination of Parental Rights Trial. The children's attorney appeared in the dual role as an attorney Guardian ad Litem. She waived the children's presence, and she stated that the children did not wish to attend the hearing. In preparation for the hearing and in order to conduct a best interest assessment, the children's attorney/attorney Guardian ad Litem reviewed three binders of documents, conducted an independent investigation, and conducted multiple extensive visits with the children at various locations. She presented a strong oral argument on behalf of the children, and she provided effective client-directed representation for the children. The children's attorney/attorney Guardian ad Litem referenced the most relevant best interest factors during her closing argument. Her closing argument was detailed and compelling, and her argument included Juvenile Code citations, case history and the children's specific requests.

The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Evans County Juvenile Court in dependency and termination of parental rights cases. The training session will include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, creating a record, and preserving issues for appeal.

### **Court Observations: Forsyth County**

Peer Review team members Gerald Bruce and Jane Okrasinski observed Forsyth County Juvenile Court on September 15, 2015. The observers were impressed with the amount of community resources the Court has pulled together to support the children and families of Forsyth County. The Court regularly appoints child's attorneys in the dual role as attorney Guardians ad Litem, unless a conflict arises. The Court requires pre-appointment training in order for attorneys to be placed on the Court's appointment list, and the Court provides in-house ongoing training to the attorneys. Forsyth County is in the process of forming a Juvenile Bar Association. Court Appointed Special Advocates are additionally appointed as the lay Guardians ad Litem on most cases. The observers noted that the CASAs submitted a written report to the Court and the parties prior to the hearing. The CASAs' written reports were not mentioned during the hearings, and only one assigned CASA spoke and played an active role in one of the observed hearings.

1. In re E.M.: This case was before the Court for an Extended Custody Review Hearing. The Court's calendar identified the child's attorney as being appointed in the dual role as attorney Guardian ad Litem. However, no one appeared during the hearing on the child's behalf as the child's attorney or the Guardian ad Litem. The child was not present during the hearing, and the child's presence was not waived by his attorney. A significant portion of the evidence presented during the hearing was based upon what the child had or had not reported, with conflicting testimony presented to the Court about the child being afraid at the custodian's home versus the child being afraid of the mother. The observers noted that the child's

appearance at the hearing, along with his legal representation and his best interest advocacy, would likely have been helpful in resolving the conflicting evidence. The child's position was not clear during the hearing.

2. In re A.M.: This case was before the Court for an Adoption Efforts Review Hearing. The Court's calendar did not identify a child's attorney or Guardian ad Litem appointed for the child, and neither appeared for the hearing. The child was placed in the custody of WinShape Homes about ten years ago, and the child appeared in the hearing accompanied only by the WinShape Homes house parent. Under the Juvenile Code, the child had a right to legal counsel and to best interest advocacy by a Guardian ad Litem. These were not provided during the observed hearing.
3. In re A.M.: This case was before the Court for a Judicial Review of a Protective Order. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child's attorney/attorney Guardian ad Litem argued that a particular disposition would be in the child's best interest, but she did not state why or how she reached this conclusion. It was difficult to determine if the attorney was providing client-directed representation, and if she had conducted a GAL assessment in compliance with O.C.G.A. § 15-11-26.
4. In re A.S.: This case was before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. During the hearing, the child was very effectively represented by legal counsel. The child's attorney/attorney Guardian ad Litem presented evidence about the mother's transition out of jail and back into the child's life, with a focus on visitation details. The mother remained incarcerated and unrepresented at the time of this hearing, and the child's attorney did not address the mother's right to counsel for this hearing. (The mother waived her right to counsel at a previous hearing, but there was no statement on the record during this hearing as to whether she waived her right to counsel for this hearing.) The child's attorney/attorney Guardian ad Litem did not reference any of the best interest criteria under O.C.G.A. § 15-11-26.
5. In re A.S.: This case was before the Court for an Adjudicatory Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was present in the courthouse at the time of the hearing, and the child's attorney/attorney Guardian ad Litem communicated with the child before announcing that the child waived the right to be in the courtroom during the hearing. The parties stipulated to dependency. The child's attorney/attorney GAL addressed a couple of the best interest criteria under O.C.G.A. § 15-11-26. A more complete GAL presentation would address the majority of the best interest factors as the factual basis for the GAL's recommendations.
6. In re N.B.W.: This case was before the Court for an Adoption Efforts Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child's lay Guardian ad Litem/CASA played an active role in this case. The child has extreme special needs, and the child's CASA is the child's educational surrogate, working directly with the child's school on the child's behalf. During the hearing, the CASA demonstrated knowledge of the case history, the child's needs and the child's medical diagnoses. Likewise, the child's attorney/attorney Guardian ad Litem demonstrated knowledge of the case history and the child's needs. The attorney was publically very supportive of the child. The child's attorney/attorney Guardian ad Litem did not reference any of the best interest criteria under O.C.G.A. § 15-11-26.
7. In re K.Y.: This case was before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was not present for the hearing, and the child's presence was not waived by his attorney. The child's attorney/attorney Guardian ad Litem did not reference any of the best interest criteria under O.C.G.A. § 15-11-26.



8. In re A.S.: This case was before the Court for a Judicial Review Hearing. The child's attorney was initially appointed in the dual role as attorney Guardian ad Litem. The attorney notified the Court that she had been the child's attorney Guardian ad Litem in the past and she previously made recommendations that were not in line with the child's wishes. The Court appointed separate counsel as the child's attorney. While the Court and the parties waited for the child's newly appointed attorney to arrive, the Court addressed the child regarding his younger brother and admonished the child to behave. The child's attorney Guardian ad Litem did not object.

The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Forsyth County Juvenile Court in dependency and termination of parental rights cases. The training session will include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, best interest assessments, creating a record, and preserving issues for appeal.

### **Court Observations: Franklin County**

Peer Review team members Laurie-Ann Fallon and Jane Okrasinski observed Franklin County Juvenile Court on August 10, 2015. The Franklin County Juvenile Court utilizes a mix of dual role appointments for termination of parental rights cases and CASAs for lay Guardian ad Litem appointments. The Court maintains an appointment list for the children's attorneys and attorney Guardians ad Litem. In order to avoid limiting the pool of available attorneys on the list, the Court does not have training requirements prior to attorneys being added to the appointment list. The Court appoints children's attorneys following the Preliminary Protective Hearing. The CASAs regularly submit a written GAL report, and the attorney GALs usually do not do so.

1. In re A.M.T.: This case was before the Court pursuant to a Petition for Termination of the Probate Court Guardianship. The child was not appointed a Guardian ad Litem.
2. In re J.R.: This case was before the Court for a Permanency Hearing. The child's attorney and the child's lay Guardian ad Litem were appointed separately. The child's attorney did not appear for the hearing, and the child's attorney waived the child's presence in advance of the hearing. The child's attorney stipulated to the Department's Court Summary findings in advance of the hearing. It was unclear to the observers whether the child's attorney ensured the Department's compliance with the new APPLA requirements as provided under O.C.G.A. § 15-11-201(b)(14). The Guardian ad Litem submitted a written report to the parties in advance of the hearing, and the report was submitted into evidence during the hearing.

### **Court Observations: Gwinnett County**

Peer Review team member Kristi Lovelace observed Gwinnett County Juvenile Court on August 20, 2015. The Juvenile Court has a Guardian ad Litem Unit comprised of staff attorneys who are appointed to advocate for children's best interests in dependency cases. The Court requires these attorneys to be Child Welfare Law Specialists certified by the National Association of Counsel for Children or to become one once eligible. While not required by the Court, the attorney GALs additionally choose to concentrate their continuing legal education in child welfare subjects. The attorney GALs regularly meet with children prior to Preliminary Protective Hearings, Adjudications and often prior to Disposition Hearings. The attorneys also meet with children in the Guardian ad Litem Unit's office and at the children's schools, and they conduct telephone calls with the older children.

1. In re K.J.: This case was before the Court for an Initial Judicial Review Hearing. The hearing was continued due to the family's medical issue.

2. In re H.C.: This case was before the Court for a Judicial Review Hearing. The Department presented evidence on the mother's case plan progress, and the Court ordered that the case would be closed if the mother's hair screen results were negative.
3. In re M.K.: This case was before the Court for a Judicial Review Hearing. The mother's attorney was recently appointed, and the father waived counsel. The parties participated in a pre-trial conference.
4. In re D.C.: This case was before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. She played an active role in the hearing, and it was evident that she was prepared for the hearing. The child's attorney/attorney GAL cross-examined witnesses regarding the child's medical and mental health needs, and she advocated for expedited permanency for the child. The child's attorney/attorney GAL demonstrated her knowledge of the case history and her first-hand understanding of the child's needs.
5. In re M.S.: This case was before the Court for an Initial Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was present in the courthouse, but she did not want to be in the courtroom. Based upon her communication with her client and the child's therapist, the child's attorney/attorney GAL supported the other parties' joint request that the mother's visitation plan be modified to allow for unsupervised daytime visits. The child's attorney/attorney GAL reported to the Court regarding the child's progress in therapy, included details of the case history in her report, and she effectively advocated for the child's wishes.
6. In re C.M.: This case was before the Court for a Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. She played an active role in the case, cross-examining the Department's Case Manager regarding the case plan, services and progress. She also cross-examined the parent aide regarding visitation, and she called the mother as a witness. The child's attorney/attorney GAL objected to hearsay and demonstrated knowledge of child safety issues by addressing the mother's fiancé's mental health diagnosis and the household composition.
7. In re J.O., J.O., J.A. and J.A.: This case was before the Court for an Initial Judicial Review Hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. During the hearing, the children's attorney/attorney GAL exhibited knowledge of the case history and the children's needs, reporting to the Court regarding the children's placement and visitation wishes.
8. In re L.T.: This case was before the Court for a Disposition Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. During the hearing, she requested a copy of the mother's psychological evaluation and she demonstrated knowledge of the case history through her statements about placement stability. The hearing was continued, as the mother's attorney Guardian ad Litem had recently returned from a leave of absence and had not had an opportunity to speak with the mother prior to the hearing.

### **Court Observations: Lanier County**

Peer Review team members Laurie-Ann Fallon and Jane Okrasinski observed Lanier County Juvenile Court on September 10, 2015. The Court has a limited pool of attorneys in the Circuit from which to appoint child's attorneys and attorney Guardians ad Litem. The Court regularly appoints child's attorneys in the dual role as attorney Guardians ad Litem, unless a conflict arises. The Circuit's CASAs are also appointed and utilized when possible as the lay GAL or in addition to the attorney GAL. The CASAs regularly submit written reports, and the attorney GALs normally present oral recommendations to the Court.



1. In re D.S., D.S. and D.S.: This case was before the Court for a Judicial Review Hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. The parents previously surrendered their parental rights, and the Department moved for permanent custody based upon the parents' surrenders. The children's attorney/attorney GAL appeared knowledgeable about the children's needs, and she promoted expedited permanency for the children by advocating for the children's grandmother to be able to adopt them.
2. In re M.N.: This case was before the Court for a Permanency Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The hearing was intended to address the child's transitional issues, as he will soon be turning eighteen years old. During the hearing, the child's attorney/attorney GAL confirmed with the child that he wished to sign himself out of care upon reaching eighteen years, and she also discussed with the child that he had the option of changing his mind and remaining in care. The child's attorney/attorney GAL demonstrated knowledge of the child's needs, and she confirmed the services available for the child upon the child reaching eighteen years.
3. In re P.H., P.H. and T.H.: This case was before the Court for a Preliminary Protective Hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. The Court appointed the children's attorney/attorney GAL at the beginning of the hearing, and she thus had not had an opportunity to conduct a best interest assessment. During the hearing, the attorney cross-examined the Department's Case Manager regarding the care and safety of the children. She also questioned why the children were not placed together.

### Court Observations: Madison County

Peer Review team members Kristi Lovelace and Jane Okrasinski observed Madison County Juvenile Court on August 17, 2015. The Court appoints child's attorneys and separate lay Guardians ad Litem in dependency cases, and child's attorneys in the dual role as attorney Guardians ad Litem along with lay Guardians ad Litem in termination of parental rights cases. The Court maintains an appointment list for the children's attorneys and attorney Guardians ad Litem. At this time, Judge NeSmith is not utilizing training requirements for attorneys to be added onto and to remain on the appointment list because of the lack of funding for the relevant child welfare training, along with the lack of training readily available to the local attorneys.

1. In re J.G., H.G. and C.G.: This case was before the Court for an Adjudicatory and Disposition Hearing. The children's attorney was appointed in the dual role as attorney Guardian ad Litem. The attorney did not appear to be present for the hearing, and there was no announcement regarding the children's attorney/attorney Guardian ad Litem. The local CASA program reported to the Court that a CASA had not been assigned to the case because the children were not in the Department's protective custody. The mother stipulated to dependency, and the children were placed in the physical custody of the paternal grandmother pursuant to a Protective Order.
2. In re L.N. and W.W.: This case was before the Court for an Adjudicatory Hearing. It does not appear that a children's attorney or Guardian ad Litem was appointed in this case. The mother appeared for the hearing, and she waived her right to counsel following a thorough notification from the Court regarding her right to counsel and the benefit of legal counsel. The mother stipulated to dependency, and the children were placed in the custody of the child W.W.'s father pursuant to a Protective Order.
3. In re S.P., C.P. and J.P.: This case was before the Court for an Adjudicatory Hearing. It does not appear that a children's attorney or Guardian ad Litem was appointed in this case, and the children were not

present for the hearing. It did not appear to the observers that a CASA has been assigned to the case. The mother appeared for the hearing, and she stipulated to dependency. The children S.P. and C.P. were placed in the custody of one set of grandparents, and the child J.P. was placed in the custody of the other set of grandparents pursuant to a Protective Order.

4. In re K.A., M.S. and N.S.: The type of hearing was unclear to the observer. It does not appear that a children's attorney or Guardian ad Litem was appointed in this case. It did not appear to the observer that a CASA has been assigned to the case. The mother was not present for the hearing. The Court heard testimony from the Department's Case Manager and from the father of two of the children.
5. In re J.K.: This case was before the Court for a Judicial Review Hearing. The child's attorney and the child's lay Guardian ad Litem were appointed separately. The child's CASA was present and submitted a written report. The CASA appeared to have a first-hand understanding of the child's needs, and the CASA demonstrated knowledge of the case facts and the family's needs. The Department's Case Manager testified that the mother, who did not appear for the hearing, would like to surrender her parental rights. The Case Manager also testified to the bond between the child and the child's placement. The child's attorney did not speak during the hearing.
6. In re S.J.: This case was before the Court for a Hearing on a Motion to Modify Disposition. It does not appear that a child's attorney or Guardian ad Litem was appointed in this case. It did not appear to the observers that a CASA has been assigned to the case. The Department moved for the child to be placed in the custody of the child's placement and for the Department to be relieved of services and released as a party. The mother was present and stipulated to the Department's motion. A home evaluation had not been completed on the home of the child's placement, and the child's placement requested the opportunity to complete the home evaluation process.
7. In re T.A., C.A. and H.B.: This case was before the Court for a Permanency Review Hearing. The children's attorney and the children's lay Guardian ad Litem were appointed separately. The children's CASA was present and submitted a written report. The Department's Case Manager testified that the older children do not want to be pulled out of their extra-curricular activities each week in order to visit with their mother. The children are placed with a relative, and the relative is participating in IMPACT classes in order to become a pre-adoptive home for the children. The children have telephone contact with the two fathers. The children's permanency plan is reunification concurrent with termination of parental rights and adoption. The children's attorney questioned the Case Manager about the children's telephone contact with their mother and the Department's plans to ensure the older children receive counseling. It was unclear from the hearing whether the children had a position on their permanency plan and whether they were in support of reunification, adoption or another permanency plan.
8. In re J.H.: This case was before the Court for a Permanency Hearing. The child's attorney and the child's lay Guardian ad Litem were appointed separately. The child's CASA was present and submitted a written report. The child's permanency plan is reunification concurrent with termination of parental rights and adoption. The hearing on the Department's Petition for Termination of Parental Rights is scheduled to be held in one month. The child's attorney did not speak during the Permanency Hearing.
9. In re H.L., K.L. and D.L.: This case was before the Court for a Permanency Hearing. The children's attorney and the children's lay Guardian ad Litem were appointed separately. The children's CASA was present and submitted a written report. The Department requested the Court order a reunification permanency plan concurrent with termination of parental rights and adoption. The children are placed in two foster



homes, and the Department is seeking a pre-adoptive foster home that will provide a placement for all three children. During the hearing, the children's attorney did not cross-examine the witness, present any evidence or make an oral argument regarding the children's position. It was unclear from the hearing whether the children had a position on their permanency plan and whether they were in support of reunification, adoption or another permanency plan.

10. In re C.M.: This case was before the Court for a Disposition and Initial Judicial Review Hearing. The child's attorney and the child's lay Guardian ad Litem were appointed separately. The child's CASA was present and submitted a written report. The child's attorney was present, and the child's attorney waived the child's presence for the hearing. The Department's Case Manager testified that the child did not wish to be reunified with his mother (his father is deceased). The Case Manager also testified that the child had identified many possible relative or demonstrated commitment placements, but none of those individuals wished to provide a placement for the child. The current placement for the child is a congregate care setting in South Georgia. The child's attorney did not cross-examine the Department's Case Manager. The child's attorney stated to the Court that the child was concerned about his father's money and property. The Department moved for the child's permanency plan to be changed to another planned permanent living arrangement, and the child's attorney did not express the child's position on the motion. Other than seeking information regarding his deceased father's money and property, the child's position during the hearing was unclear.
11. In re A.M., W.M., H.M. and S.M.: This case was before the Court for a Disposition and Initial Judicial Review Hearing. Two of the children were placed in foster homes, and two of the children were placed in congregate care settings. The children's attorney reported to the Court that the children are vocal regarding their opinions, and the children's position about contact and reunification with their mother may be changing from resistance to reception. The Department requested that the Court order a reunification permanency plan concurrent with termination of parental rights and adoption. The children's attorney notified the Court that he would review the proposed case plan with the children and notify the Court and the parties of the children's position.
12. In re E.R., J.R., M.R., S.R. and E.R.: This case was before the Court for a Disposition Hearing. The children were represented by an attorney, and it was unclear from the hearing whether the children were appointed a Guardian ad Litem. The girls were placed with their mother, and the boys were placed with their father, both placements pursuant to a Protective Order. The children's attorney stipulated to the Department's proffer discussed by the attorneys prior to the hearing.

### **Court Observations: McIntosh County**

Peer Review team members Laurie-Ann Fallon and Kristi Lovelace observed McIntosh County Juvenile Court on August 4, 2015. The Court appoints children's attorneys in the dual role as attorney Guardians ad Litem, and these attorneys make their best efforts to travel to meet with the children in their placements. It was the observers' understanding that the local CASA program is not very active, and the volunteer CASAs sometimes appear for hearings. Older children are regularly transported to Court for their hearings.

1. In re E.R.A.: This case was before the Court for a Disposition and Initial Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. She did not ask any questions, present evidence or present the child's position during the hearing. It was unclear whether her GAL report was submitted to the Court during the hearing.



2. In re B.H. and M.H.: This case was before the Court for a hearing on the Motion to Return Custody. The child's attorney was appointed in the dual role as attorney Guardian ad Litem, and she demonstrated knowledge of the case facts and case history, and knowledge of the child's needs and the family's needs. She made an opening argument against the children being returned to the parents' custody. The child's attorney/attorney Guardian ad Litem appeared prepared for the hearing and demonstrated knowledge of child safety issues through her questioning of witnesses. She played an active role in the hearing and made a closing argument.

The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the McIntosh County Juvenile Court in dependency and termination of parental rights cases. The training session will include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, creating a record, and preserving issues for appeal.

### **Court Observations: Mitchell County**

Peer Review team members Gerald Bruce and Faye McCord observed Mitchell County Juvenile Court on July 10, 2015. Mitchell County is experiencing a shortage of Juvenile Court attorneys, but Judge Chew has a standing child's attorney who is appointed in every dependency case in the dual role as attorney Guardian ad Litem. While the Court does not require particular training before attorneys are included on the Court's appointment list, the standing child's attorney regularly attends the Georgia Association of Counsel for Children's Youth Law Conference.

1. In re C.W.: This case was before the Court for a Termination of Parental Rights Trial. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. He played an active role in the hearing, reviewing the file, taking notes during the hearing, reviewing all documents tendered prior to their admission, and questioning witnesses. Throughout the hearing, the child's attorney/attorney GAL advocated for permanency for the child. He demonstrated knowledge of the case facts, the child's needs, the family's dynamics and child safety issues.
2. In re J.G.: This case was before the Court for a Preliminary Protective Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. He appeared to have a first-hand understanding of the child's needs, and he demonstrated knowledge of the child's needs and the family's needs and dynamics. The child's attorney/attorney Guardian ad Litem cross-examined the Department's Case Manager regarding the mother's mental health issues. He also exhibited knowledge of child safety issues, addressing the child's care in the Neonatal Intensive Care Unit and emphasizing the importance of obtaining a home evaluation before placement of the child with an individual who has demonstrated a commitment to the child.

### **Court Observations: Putnam County**

Peer Review team members Gerald Bruce and Rachel Davidson observed Putnam County Juvenile Court on August 17, 2015. Mr. Bruce and Ms. Davidson observed the attorneys appearing before the Putnam County Juvenile Court to be well-trained and attentive to their professional duties. The Court frequently appoints child's attorneys in the dual role as attorney Guardians ad Litem.

1. In re \_\_.H.: This case was before the Court for a Preliminary Protective Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. During the hearing, it was apparent that the child's attorney/attorney Guardian ad Litem was familiar with the facts leading to the child's removal. The attorney was familiar with the relative resource options and argued for a relative placement for the child.



However, the child's attorney/attorney Guardian ad Litem did not provide a written report or a verbal recommendation that addressed the best interests requirements in O.C.G.A. § 15-11-26.

### **Court Observations: Telfair County**

Peer Review team members Kristi Lovelace and Jane Okrasinski observed Telfair County Juvenile Court on July 30, 2015. The Court does not require specific training in order for attorneys to be added to or to remain on the Court's appointment list, but the attorney regularly appointed in the dual role as the child's attorney and the attorney Guardian ad Litem is employed on a full-time basis with the local Public Defender's Office. In addition to providing child legal representation in dependency cases, this attorney regularly provides legal representation for children in delinquency cases. The Court's appointed attorneys on the dependency cases often do not bill Telfair County for their legal work, based upon the understanding that the county has little funding.

1. In re C.P.: This case was before the Court for an Initial Judicial Review Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was also appointed a lay Guardian ad Litem. The child was present, and he sat with the child's attorney during the hearing. The child's attorney/attorney Guardian ad Litem appeared to have established a rapport with the child, and it was clear that the attorney had worked with the other parties in advance of the hearing in order to formulate a plan focusing on the child's best interests. During the hearing, the child's attorney/attorney Guardian ad Litem exhibited knowledge of the case facts, the child's needs and the family's dynamics. The GAL did not provide a written report or a verbal recommendation that addressed the best interests requirements in O.C.G.A. § 15-11-26.
2. In re S.L.R.: This case was before the Court for an Adjudicatory Hearing. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was also appointed a lay Guardian ad Litem. The child was not present for the hearing, and the child's presence was not waived by her attorney on the record. During the hearing, the child's attorney/attorney Guardian ad Litem asked relevant questions of the witnesses, bringing out quite a bit of testimony on cross-examination that had not yet been brought out by the questioning of the other attorneys. She expressed the child's independent position and demonstrated knowledge of child safety issues and the family's needs. The GAL did not provide a written report or a verbal recommendation that addressed the best interests requirements in O.C.G.A. § 15-11-26.
3. In re N.J.D.: This case was before the Court for a Final Hearing on the Petition for Termination of Parental Rights as to the Father. The child's attorney was appointed in the dual role as attorney Guardian ad Litem. The child was also appointed a lay Guardian ad Litem. The child was not present for the hearing, and the child's presence was not waived by her attorney on the record. During the hearing, the child's attorney/attorney Guardian ad Litem stated that he visited the child at home. He submitted into evidence certified copies of the child's hospital records, and he thoroughly cross-examined the Department's witnesses. He demonstrated knowledge of child safety issues and addressed the family's domestic violence issues. The child's attorney/attorney Guardian ad Litem's extensive witness examinations increased the likelihood that the Court's ruling would be upheld if it was appealed. The GAL did not provide a written report or a verbal recommendation that addressed the best interests requirements in O.C.G.A. § 15-11-26.

The Peer Review Project has offered to provide a Guardian ad Litem and child's attorney training to all of the attorneys who appear before the Telfair County Juvenile Court in dependency and termination of parental rights cases. The training session will include the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, creating a record, and preserving issues for appeal.

### **Court Observations: Tift County**

Peer Review team members Laurie-Ann Fallon and Kristi Lovelace observed Tift County Juvenile Court on July 8, 2015. The Court maintains an appointment list for the children's attorneys and attorney Guardians ad Litem. In order to be added to the appointment list, attorneys are required to complete GAL training approved by the Office of the Child Advocate. The attorneys also participate in additional trainings offered in the Circuit. Attorney GALs generally provide oral recommendations during hearings and do not submit written reports to the parties, and CASAs always prepare written reports. Judge Heard enters the CASA reports into the Court's record.

1. In re J.D.: This case was before the Court pursuant to a Motion for Return of Custody. The child's attorney was appointed in the dual role as the child's attorney Guardian ad Litem. During the hearing, the child's attorney/attorney GAL demonstrated knowledge of the child's needs and the case history, as evidenced through his questioning of the witness. He posed questions about the child's services provided at the child's placement and the mother's mental health issues and medication compliance. The child's attorney/attorney GAL presented an oral recommendation to the Court.
2. In re J.M. and A.T.: This case was before the Court for a Judicial Review Hearing. The children's attorney was appointed in the dual role as the children's attorney Guardian ad Litem. She appeared to know the children and she was able to express their wishes to the Court. The children have been residing with a relative placement for an extended time period, and the children's attorney/attorney GAL argued for custody to be awarded to the relatives.
3. In re M.N., A.N. and K.N.: This case was before the Court for a Judicial Review Hearing. The children's attorney and the lay Guardian ad Litem were appointed separately. The children's attorney provided effective client-directed representation. He clarified several points during the hearing, and he ensured the children's wishes and needs were heard. The children's CASA submitted a written report to the Court.
4. In re N.W.: This case was before the Court for a Permanency Hearing. The children's attorney and the lay Guardian ad Litem were appointed separately. The child initially did not agree to a permanent guardianship permanency plan, and she wanted her adult sisters to be evaluated as a possible placement. The adult sisters did not participate in the home evaluation process. The child's attorney took the time to talk with the child and to ensure she understood the impact of her older sisters' decision and to determine her subsequent permanency position. The child's CASA submitted a written report to the Court, and she provided an oral recommendation regarding permanency for the child.
5. In re T.N. and B.N.: This case was before the Court for an Adjudicatory Hearing and Judicial Review Hearing. The children's attorney was appointed in the dual role as the children's attorney Guardian ad Litem. During the hearing, the children's attorney/attorney GAL demonstrated knowledge of the family's needs and dynamics, as evidenced through his questioning of the witness. He posed questions about the mother's progress on her case plan, visitation and how the children are doing in their relative placement with the grandparents. The children's attorney/attorney GAL made efforts to promote permanency for the children by advocating for the children to be adopted by their grandparents.

### **Court Observations: Turner County**

Peer Review team member Rosalind Watkins observed Turner County Juvenile Court on August 13, 2015. The Court utilizes an appointment list for child's attorneys and attorneys Guardian ad Litem. The attorneys are appointed on a rotation basis and they serve in the dual role unless there is a conflict. The child's attorneys meet



with their client at the courthouse a few days prior to a hearing, at a local community center, and at the client's placement. The children's attorneys recently attended a Check List CLE offered by the Georgia Association of Counsel for Children in Tifton, Georgia. Judge Heard is very supportive of the attorneys in his courtroom receiving relevant training. He has identified several attorneys interested in Juvenile Court work, and Judge Heard would like to arrange training for these attorneys on Juvenile Court procedure.

1. In re A.D.: This case was before the Court for an Initial Judicial Review Hearing. The child's attorney was appointed in the dual role as the child's attorney Guardian ad Litem. Ms. Watkins was impressed with the quality of child legal representation and best interest advocacy that was provided during this hearing. The child's attorney/attorney Guardian ad Litem reported to the Court about the child's current needs and the impact of the case history on the child's current behavior. The attorney exhibited knowledge of child safety issues and the family's dynamics, and she promoted expedited permanency for the child through questions about the needed stability of the child's placement.
2. In re C.T., T.T., R.O.S. and J.S.: This case was before the Court for a Preliminary Protective Hearing. The children's attorney was appointed in the dual role as the children's attorney Guardian ad Litem. This hearing was the first appearance on the Preliminary Protective Hearing. The mother qualified for Court-appointed counsel, and the hearing was continued.

While Ms. Watkins did not observe any training needs for the children's attorneys and CASA who appeared before the Court on the date of the observation, the Peer Review team is available to provide training if the Court is successful in identifying additional attorneys who are interested in a child welfare practice.

### **Court Observations: Wilcox County**

Peer Review team members Gerald Bruce and Kristi Lovelace observed Wilcox County Juvenile Court on July 7, 2015. Wilcox County and the Cordele Judicial Circuit are experiencing a shortage of Juvenile Court attorneys, as a result of which children in dependency cases are regularly not appointed an attorney. Judge Pack is making consistent but unsuccessful efforts to address this need in order to ensure children's Due Process rights in her courtroom.

1. In re J.B., K.B. and J.B.: This case was before the Court for a Judicial Review, Non-Reunification and Guardianship Hearing. The children were not represented by an attorney during the hearing. The children's Guardian ad Litem was prepared for the hearing, as shown by her inspection and photographs taken of the proposed relative placement's home. She reported to the Court regarding the results of the intervening Citizen Review Panels, and she was clearly familiar with the family dynamics and the children's needs. The GAL gave an oral report that included a thorough factual and procedural summary of the case.
2. In re A.C., W.C., G.C. and M.C.: This case was before the Court for a Judicial Review Hearing. The children were not represented by an attorney during the hearing, but they were present for the hearing. The children's lay Guardians ad Litem (CASAs) were prepared for the hearing, as shown by their knowledge of the procedural and factual history of the case. The CASAs did not ask the Court to ask any questions of the witness. A written CASA report was not submitted into evidence during the hearing, and the CASAs did not give an oral report. It was thus difficult to determine the CASAs' compliance with O.C.G.A. § 15-11-26.
3. In re C.L., I.L., D.D., D.D. and D.D.: This case was before the Court for a Judicial Review Hearing. The Court continued the hearing because the Department's Case Manager did not appear for the hearing.

In addition to observing the above hearings, Peer Review team member Gerald Bruce conducted a brief file review of the Court's records in the above-referenced cases. The Peer Review Project prepared and provided to Judge Pack a brief legal memo that she can use to facilitate discussions with the local county commissioners and Superior Court judges regarding the legal impact of the shortage of Juvenile Court attorneys. The Peer Review team also offered to assist in efforts to recruit and to provide training for child's attorneys and attorney Guardians ad Litem. The team anticipates that this will be a multi-day CLE offered to the Cordele Judicial Circuit.

## Conclusions and Recommendations

The Peer Review greatly appreciated the opportunity to be of service to Georgia's Juvenile Courts and to our colleagues representing children and/or advocating for their best interest. Similar to the Courts observed during the last grant cycle, 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 do not have pre-appointment or ongoing training standards. Several of the Courts identified a limited pool of attorneys, lack of funding for training and limited access to training as the bars to adopting pre-appointment and ongoing training requirements. Consistency between Juvenile Courts in regards to training requirements 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, as follows:

1. In order to expedite permanency, child's attorneys and attorney Guardians 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 may delay the child's permanency.
2. Child's attorneys and attorney Guardians 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 will be brought before the Court for any type of hearing.
3. Child representation in Georgia in 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 and communicating accurately regarding the legal proceedings, the purpose of each hearing and solicitation of 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.
4. 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 need to be addressed during the attorney GAL's oral presentation as the basis provided for the GAL's recommendations.
5. 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.



The Peer Review team also identified a series of local, regional and statewide training needs for child's attorneys and attorney Guardians ad Litem, as follows:

1. Appling, Bryan, Cherokee, Crawford, Evans, Forsyth, McIntosh, and Telfair were offered a Guardian ad Litem training that addresses the roles and statutory responsibilities of GALs versus children's attorneys, dual role issues, creating a record, and preserving issues for appeal. The offered training qualifies as the required GAL training under O.C.G.A. § 15-11-104.
2. The Peer Review team offered to assist in efforts to recruit and to providing training for child's attorneys and attorney Guardians ad Litem in the Cordele Circuit (including Wilcox County). The offered training is anticipated to be a multi-day CLE.
3. The Peer Review team offered to conduct an advanced GAL and child's attorney training in Chatham County that includes how to write a GAL report and production of the report in Court, stabilizing placements, advocacy in the context of concurrent permanency plans, issues impacting older youth in foster care, and achieving stable returns. The CLE will be broadcast to all counties participating in the Peer Review Project.
4. Based upon the observed statewide training needs, the Peer Review team is submitting a request to Emory University's Barton Child Law and Policy Center to include the following topics in the Georgia Child Welfare Legal Academy presentations:
  - a. Legal representation and best interest advocacy for the educational rights of children in dependency and termination of parental rights cases;
  - b. Legal representation and best interest advocacy for children who runaway while in the Department's temporary or permanent custody and are not located for an extended time period;
  - c. Legal representation and best interest advocacy for children prescribed psychotropic medication;
  - d. Legal representation and best interest advocacy for children who were previously adopted through the Juvenile Court system and are being returned to the State by their adoptive parents; and
  - e. Legal representation and best interest advocacy for delinquent children who are abandoned by their parents, guardians or custodians following the child's release from the Regional Youth Detention Center.
5. Based upon the observed statewide training needs, the Peer Review team is requesting that the ICLE's bi-annual Child Welfare Law CLE be shown by satellite broadcast in the State Bar's regional offices in Savannah and Tifton. The team is also requesting that the CLE include GAL and child's attorney training on the submission of evidence and preserving issues for appeal.

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.

# Appendix D: Georgia Interstate Compact for the Placement of Children (ICPC)

## Audit Summary

August 2015

### Scope

The Georgia Office of the Child Advocate (OCA) sought to conduct an audit of the paper files located in the Georgia ICPC office to assist in improving and achieving permanency for children. OCA believes that delays in the placement of children through the Interstate Compact for the Placement of Children (ICPC) interrupts the welfare and protection of children.

### Purpose

The audit performed is to determine if Georgia is compliant with the regulations established according to ICPC and to ensure that children achieve permanency in a suitable environment within an appropriate time frame. Further, that the cause of delays in the placement of children be assessed, addressed and minimalized.

### Methodology

The auditor, Child Welfare Attorney Melinda Johnson, Rockdale County Juvenile Court Child Advocate, created a checklist which referenced required timeframes of ICPC and Georgia's Department of Family and Children's Services (DFCS) laws and policies. A copy of the checklist is attached hereto as Exhibit "A." Upon completion of the checklist, a list of cases was provided to the auditor that comprised "pending" cases. The auditor was to randomly select twenty (20) files from the list, review the documents, and record the dates of events on the approved checklist. The auditor did not have access to any computer system.

The list was generated by DFCS utilizing the DFCS computer system SHINES and contained approximately two hundred seventy four (274) children with pending cases since 2012. It is unknown how many sibling groupings are actually represented on the list, as the groupings contain siblings with different last names.

The list generated was concerning, initially as the pending cases seemed extremely high. However, the correct amount of pending cases could be significantly lower because children with multiple requests are reported on the same report; and sibling groupings could not be cross referenced to determine actual outstanding pending cases. A further concern arose with the filing of sibling groups contained together in the same family file labeled for reference only under the oldest child's last name. However, sibling groupings can all have different last names. It also creates an additional burden for properly locating files and assessing status of individual children. Therefore, initial random selections of files resulted in the unknown location of the requested file.

As a result of multiple requests with a file, a total of twenty nine (29) audits were completed from the initial twenty (20) randomly selected files. It should be noted the files audited which contained multiple requests, where Georgia was the "sending" State, the additional requests by the local DFCS office often occurred years after the first request.



Of the randomly chosen files, only one (1) file audited involved Georgia as the “receiving” State. Therefore, twenty (28) of the twenty nine (29) audits were files where Georgia was the “sending” State.

The auditor also spoke with Georgia’s ICPC staff and reviewed previous audits, ICPC regulations (Federal and State) and Georgia’s DFCS regulations. It should be noted that DFCS was completely cooperative and engaged in this audit.

The auditor specifically reviewed the Executive Summary prepared by Shelly Cyphers, Director of Office Management, prior to the preparation of this audit. The auditor does not seek to restate the findings of said Executive Summary dated July 2014 as the auditor supports the findings of said audit. A copy of said Executive Summary is attached hereto as Exhibit “B.”

### Conclusions

The information collected indicated five (5) main areas during an ICPC request that cause significant delays in the placement of children. These areas are 1) staff limitations; 2) other State’s policies; 3) the families involved in the evaluations; 4) lack of ICPC procedural regulations; and 5) lack of best system for capturing information and efficient communication.

- 1)** Staff limitations was the largest area that resulted in delays in the placement of children. The limitations of staff involve mainly the inability to timely order an evaluation or home study, inability of a local office to perform a timely home evaluation, inability to provide customer service, and the inability to follow up on a request. The auditor has attached hereto as Exhibit “C” redacted emails to demonstrate the above.
- 2)** Other State’s policies further delays request made by Georgia as the “sending” agency. For example, some States require relatives to attend foster parent classes prior to providing an approval for placement. The classes can delay the placement of a child for a minimum two (2) months up to six (6) months. The auditor has attached hereto as Exhibit “D” redacted emails to demonstrate the above.
- 3)** Families involved in the evaluations are another source of significant delays. Over fifty (50%) percent of the denials reported were due to the failure of the relatives and foster families to respond to the requests of the local DFCS office. The auditor has attached hereto as Exhibit “E” redacted emails to demonstrate the above.
- 4)** Lack of ICPC procedural regulations result in delays of home evaluations and the placement of children. For example, this auditor is unaware of any regulation or policy that dictates a reasonable deadline or an accountability system in place to determine how long the local office is taking to request to the State’s ICPC office. All regulations seem to focus on the process once the initial request has been made to the State office.
- 5)** Finally, there is no central computer program specifically for ICPC. There are two systems currently being used (one for ICPC, one for SHINES) and the two systems do not share all computer data and information. There should be one ICPC system which also tracks cases and allows electronic communication with local DFCS offices and other State ICPC offices. For example, multiple hard copies of an ICPC request are currently required from the local DFCS office making said request.



## Recommendations

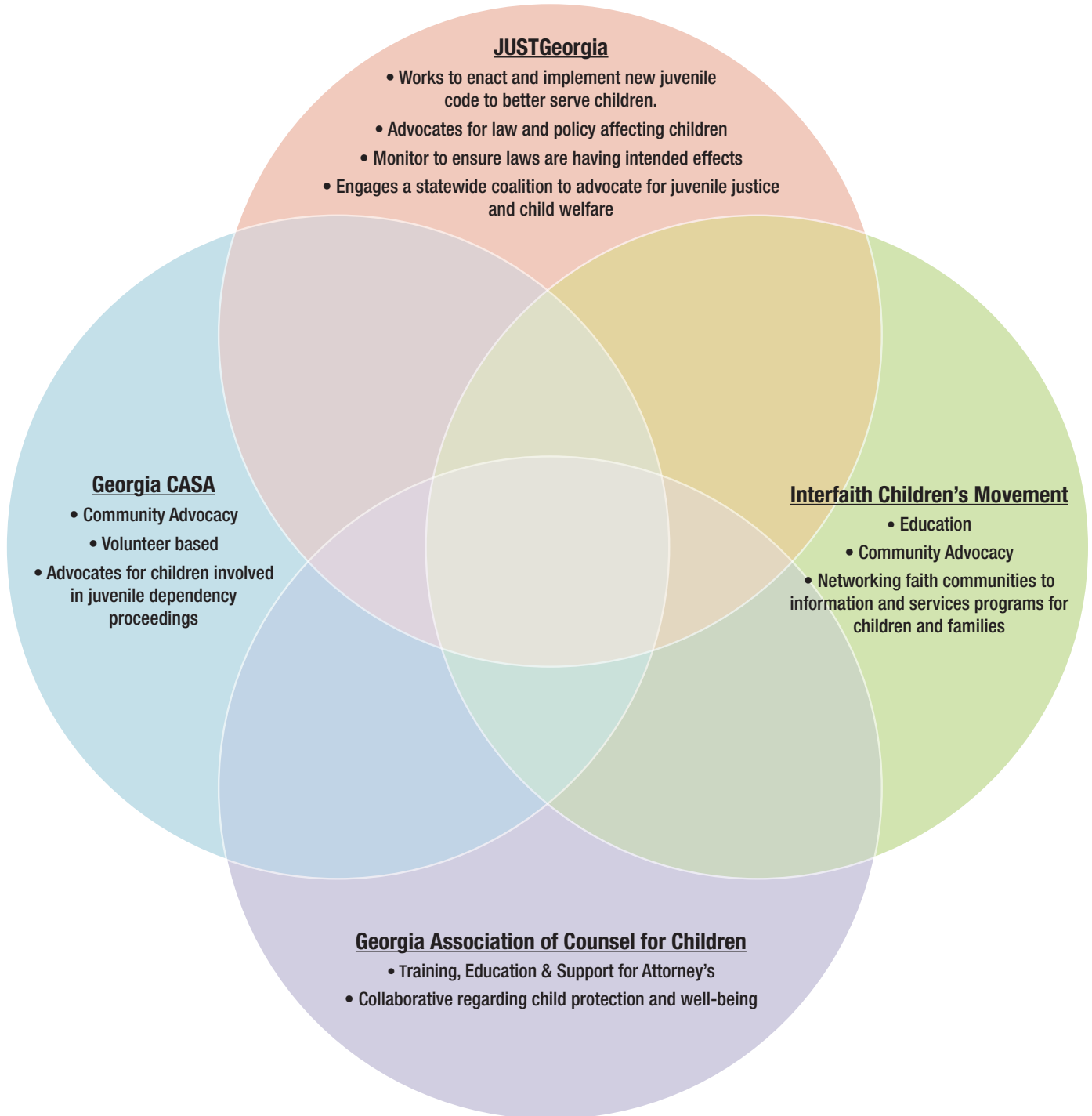
- Georgia ICPC office should source out all home evaluation “receiving” state requests through ICPC.
  - Sourcing the home evaluations would allow for dedicated company to perform the evaluations which would allow the local DFCS offices to focus on providing services to the children and families, currently in care, within their respective counties. Said reduction in requests at the the local office would immediately result in improved customer service.
    - ◆ In the Executive Summary audit referenced above, between July 2013 and May 2014, it was reported that 289 cases of the 744 opened cases entailed Georgia as the “receiving” State.
- Allow for a regional DFCS staff member to be the liaison between the local offices within the respective regions and the State office.
- Allow for a specialist within each local DFCS office to be the sole individual responsible for ICPC requests.
- Implement a policy dictating the time that a local DFCS office has to prepare the ICPC packet once a known relative has been identified or an Order of the Court has been entered.
- Allow local Universities and colleges to implement and teach a DFCS policies course in conjunction with an appropriate degreed program.
  - Because DFCS policies dictate that a case manager must have a four year degree, teaching the material within a college setting would save money in training new employees as the students would pay for the course through their college, receive college credit, but graduate with a certification and the training that the State of Georgia currently requires without the expenditure to the State of Georgia.
- Have a simple follow up system with the State ICPC office for files that are in pending status.
  - According to the data, in the cases that involved a follow up request for status where Georgia was the “sending” State, not only was the response immediate from the “receiving” State as to what (if any) the delays were, but the approval or denial of the potential placement came within an average of fourteen (14) days from the follow up request.
  - Further, in speaking with the ICPC staff, the only “follow up” is primarily focused on the overdue cases and the occasional update request from a local DFCS.
    - ◆ Example: After the project administrator inputs the information for a request to another State, the packet is returned to the file clerk so that a file can then be created. If the file clerk made a copy of the transmittal form and filed the form into a binder with the months labeled on the binder, every month, the file clerk could pull the pending requests and send an email to the respective State office seeking an update to the status of the ICPC request.
- Provide information to the local DFCS offices as to the regulations of every State that may cause a delay in the placement of a child. Ensure electronic communications are allowed between local DFCS offices and State ICPC, as well as between State ICPC and other State’s ICPC.
  - For example, Missouri requires that families, regardless of the type of placement, undergo various classes/training prior to the placement of a child.
- Prepare and maintain a checklist for all documentation that should be in any given file.
  - For example, if a case is missing the 100B, the checklist will indicate such and should provide why the 100B is missing etc.

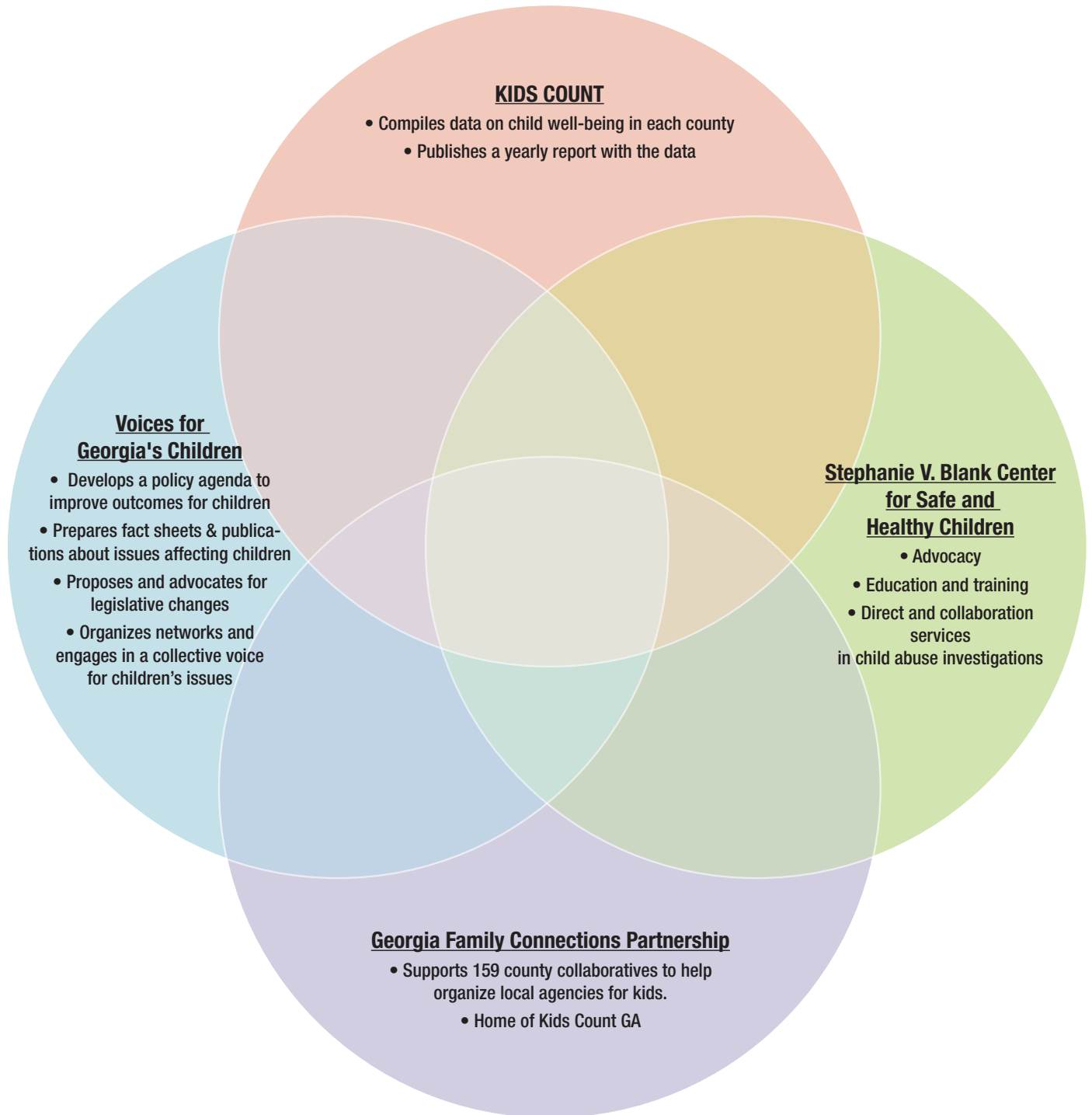


# Appendix E: Georgia Child Welfare Agencies Ven Diagrams











# Appendix F: Foster Care Education Investigation Report

## Searching For Stability: Improving Educational Outcomes For Georgia’s Foster Care Population

December 2015

Craig Goodmark, Georgia Office of Child Advocate

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## EXECUTIVE SUMMARY

### I. OCA'S EDUCATION STABILITY PROGRAM

The Office of the Child Advocate (OCA), through a Court Improvement grant from the Supreme Court of Georgia Committee on Justice for Children, has retained education law expert<sup>1</sup> to investigate and report on the status of education for children in the child welfare system and the effectiveness of the state's implementation of the federal Fostering Connections Act (FCA). For the past year, the OCA Education Expert conducted research, investigations and reviews of the 1) educational experiences for children in Georgia's child welfare system, 2) the manner in which the school issues are being supported by state agencies responsible, and 3) any opportunities that exist to improve the necessary collaboration between DCFS and the local boards of education. Following is a summary of the report prepared by the Education Expert related to education stability for students in Georgia's foster care system.

### II. INVESTIGATION ITEMS

Over twelve months, OCA conducted an investigation into the underlying reasons for Georgia's poor educational outcomes for children in foster care. The investigation included national and state research, statewide survey of stakeholders, individual interviews, random and intensive data review, court observations, and state and local policy reviews. The purpose of the investigation was to determine the most prevalent and recurring issues related to the education of children in Georgia's foster care system.

### III. SUMMARY OF FINDINGS

Georgia, consistent with national trends, maintains a system to address school stability for children in care. However, the lack of accountability, failure to maintain effective collaboration and lack of training for critical stakeholders prevents positive outcomes. Georgia stakeholders report on-going challenges to improving educational outcomes for foster care students including:

- Poor access to educational data and information that undermines the ability to understand and employ for decision-making;
- Lack of collaboration between local school districts and child welfare workers;
- Lack of initial training and on-going support for foster care providers related to education issues creating a vacuum where misinformation and poor understanding of school laws, rules and procedures has developed;
- Lack systemic and on-going support related to education trainings, programming and advocacy;
- Unavailability of quality home placements creates a higher rate of required school transfer in contravention of the FCA;
- Frequent delays in record transfer for students moving between school districts;
- Delayed school enrollment for students transferring between school districts;
- Delayed identification of students suspected of having a disability and in need of special education;

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<sup>1</sup> All documents have been prepared by Craig Goodmark under management of the Office of Child Advocate and the Court Improvement Project in collaboration with the Georgia Supreme Court's Committee on Justice for Children.



- Lack of advocacy for students receiving special education services by foster care parents; and
- Disproportionate school discipline for students in foster care.

#### IV. OCA RECOMMENDATIONS

##### A. INTER-AGENCY COLLABORATION

Improve Use of Education Data in Child Welfare Practice: Moving forward, data summaries should be more prominent in SHINES as well as in the Case Process Report System (CPRS) used by the legal side of the child welfare system (presenting a subset of Shines data). Educational data fields should populate automatically and be updated weekly. Finally, SHINES should push out information to caseworkers' forms automatically to ensure that DCFS have access to real-time education data points regularly. These data systems should be more automated to prevent any greater burden placed on front line workers to retrieve education data and input the data into the appropriate DCFS form.

1. **Create Broader State and Local Memorandum of Agreements:** OCA recommends statewide and local memorandums of agreement between the child welfare systems and local school districts to monitor and ensure implementation of FCA requirements.
2. **Create State and Local Education Stability Panels:** State and local education panels should be convened regularly to address all foster care students within the school district and the state. Required participants on such panels should be the EPAC Education Service Monitor, DCFS case workers, school FCA liaisons (school case manager) and other educational personnel as necessary (i.e. – special education director). The meetings should be used to oversee the FCA required collaborations, address existing and developing challenges to the process and offer support for team members working on unique or exceptionally challenging school cases.

##### B. IMPROVE DHS SUPPORTS FOR EDUCATIONAL STABILITY

1. **Increase EPAC Capture Rate to 100%:** EPAC should assess and consult on every school-aged child in care. Automatic electronic referral to EPAC would eliminate one step in the process and remove the task from the case managers workload.
2. **Support Education Academy Training of Education:** OCA recommends that DCFS should develop a specific intensive and broad training curriculum to address the many laws, rules and regulations that impact students in foster care. Further, OCA recommends that DCFS should require initial and on-going training to both case managers and foster care parents to ensure continuing competency. This training should be repeated no less than every other year to ensure that foster care parents are up to date on latest in school laws, regulations and policies. A foster care parent hotline or web presence should be created (below).
3. **Foster Care Hotline/Web Presence:** OCA recommends the creation, development and maintenance of a foster care education hotline and supporting web presence. The real-time access to information related to education issues will empower foster care parents to advocate for their children.



## C INCREASE COURT OVERSIGHT OF FCA PROCEDURES

**Appoint School Stability Liaison from Court:** OCA recommends that a court-based officer be responsible for monitoring compliance with the FCA. The School Stability liaison would bridge the widening gap between the juvenile court where foster care proceedings are held and the local school district where foster care students are being served.

1. **Court Based Procedural Enhancements:** OCA also recommends that the Court implement minor procedural enhancements such as incorporating any FCA and school regulation deadlines into their standing orders and creating new standing orders that address timely enrollments, proper pre-transfer communication for students leaving their current school district, as well as requiring parties to engage in FCA mandated educational planning meetings. There are several existing opportunities for courts and/or appropriate lawyers to monitor school progress such as CPRS at the state level or parent portal information provided at the local school level. These sources of information need to be coordinated and exchanged to enable effective monitoring of our state's foster children educational outcomes.
2. **Questions from the Bench:** In addition to standing orders, juvenile court judges could raise education related questions at every hearing for school aged youth in foster care.<sup>2</sup>
3. **IDEA Parent:** OCA recommends that Georgia embrace the ABA Best Practices suggestion to identify and appoint an "IDEA Parent" for foster care children that are receiving special education services.

## I. INTRODUCTION AND STATEMENT OF CONCERN

**"Gone are the days that the child welfare system can solely focus on a home placement and not consider that decisions impact on school. We simply must accept that home affects school, school affects home and the two issues are not easily dissected."**<sup>3</sup>

Educational stability for children in foster care affects the overall placement outcome for the child. Both national and state data reflects that children in foster care are more at risk for educational failure than the general student population.<sup>4</sup> This data, showing lower graduation rates, higher drop-out rates, increased discipline and higher incidence of need for specialized services, reflects a critical reality – that educating students in foster care carries unique and specific challenges.<sup>5</sup> These difficulties, namely, frequent and rapid school transfers, the need for close collaboration between child welfare and local school districts and the child's need for specialized instruction to address recent or recurring trauma, raise substantial barriers to securing positive educational outcomes for kids in care.<sup>6</sup>

For the students in foster care, their educational experience is chaotic and disjointed.<sup>7</sup> Many students are moved across the state to accommodate lack of stable foster care placements.<sup>8</sup> Students are moved in and out of school at

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<sup>2</sup> OCA is sensitive to the massive amount of information exchanged during courtroom hearings, however, OCA suggests a five question protocol that ensures not only to keep the judge up to date on educational stability, but also requires the parties to employ and rely upon SLDS data accessible through SHINES. An example of questions from the bench is attached to the full report.

<sup>3</sup> Interview with child advocate attorney from Chatham County.

<sup>4</sup> See generally, National Working Group on Foster Care and Education (January 2014). *Research Highlights on Education and Foster Care – Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care*. Retrieved from <http://www.fostercareandeducation.org/NationalWorkGroup.aspx> (last visited December 10, 2015)

<sup>5</sup> Id.

<sup>6</sup> See generally, McGhee, Eric, *Dare to Care: Part II, Addressing the Needs of Foster Care Students*, Georgia Department of Education, August 15, 2012. (powerpoint presentation on file with OCA).

<sup>7</sup> Id. at 7.

<sup>8</sup> Id at 8. According to the GaDOE, "Only 28% of youth are able to remain in their original school when they enter foster care."

inopportune times, oftentimes missing exams, failing classes and losing school credits.<sup>9</sup> While in school, students have trouble making friends and finding positive social experiences. Further, many students suffering from traumatic incidents have behavioral challenges that affect their school experience. In all, students in foster care must overcome a litany of obstacles eve23ntability Office reported

More than 5 years after its enactment, however, HHS has not yet monitored states' implementation of the act in a systematic way. States reported facing major challenges with meeting requirements for sibling placement, educational stability, and several other provisions in the act. These challenges—some of them longstanding barriers—are complex, and failure to overcome them could hamper progress toward meeting the goals of the Fostering Connections Act.<sup>10</sup>

As predicted, the state's lack of concern for compliance with school stability laws has hampered the improvement of educational outcomes for foster care children in school.<sup>11</sup>

This report, culminating a yearlong investigation into the educational issues for students in Georgia's foster care system: 1) surveys the law and regulations related to school stability for children in care, including the internal operating procedures for DCFS related to education in general; 2) investigates the Georgia landscape with regards to educational outcomes for children in care to identify major areas of concern and remediation; and 3) suggests action items to address the concerns consistent with national trends in educational stability for foster care students.

## II. PROJECT OVERVIEW

The Office of the Child Advocate, through a Court Improvement grant from the Supreme Court of Georgia Committee on Justice for Children, has retained an education law expert<sup>12</sup> to investigate and report on the status of education for children in the child welfare system. For the past year, the OCA Education Expert researched, investigated and reviewed: 1) the educational experiences for children in Georgia's child welfare system, 2) the manner in which the school issues are being supported by state agencies responsible, and 3) any opportunities that exist to improve the necessary collaboration between DCFS and the local boards of education. Following is a summary of the report prepared by the Education Expert related to education stability for students in Georgia's foster care system.

### A. Investigation Items

Over twelve months, OCA conducted an investigation into the underlying reasons for Georgia's poor educational outcomes for children in foster care. The investigation included national and state research, statewide survey of stakeholders, individual interviews, random and intensive data review, court observations, and state and local policy reviews. The purpose of the investigation was to determine the most prevalent and recurring issues related to the education of children in Georgia's foster care system.

### B. Summary Of Findings

Georgia, consistent with national trends, maintains a system to address school stability for children in care, however, the lack of accountability, inability to maintain effective collaboration and lack of training for critical stakeholders limits positive outcomes.

<sup>9</sup> Sustaining Momentum: Improving Educational Stability for Young People in Foster Care, The Annie E. Casey Foundation (2014), p. 5, Retrieved from <http://www.aecf.org/resources/sustaining-momentum/> (last visited December 2015).

<sup>10</sup> U.S. Government Accountability Office. (2014). *HHS needs to improve oversight of Fostering Connections Act implementation*. Washington, DC: U.S. Government Printing Office, p. 25.

<sup>11</sup> See n. 7.

<sup>12</sup> All documents have been prepared by Craig Goodmark under management of the Office of Child Advocate and the Court Improvement Project in collaboration with the Georgia Supreme Court's Committee on Justice for Children.



Georgia stakeholders report on-going challenges to improving educational outcomes for foster care students including:

- Poor access to educational data and information that undermines the ability to understand and employ for decision-making;
- Lack of collaboration between local school districts and child welfare workers;
- Lack of initial training and on-going support for foster care providers related to education issues creates a vacuum where misinformation and poor understanding of school laws, rules and procedures has developed;
- Lack systemic and on-going support related to education trainings, programming and advocacy;
- Unavailability of quality home placements creates a higher rate of required school transfer in contravention of the FCA;
- Frequent delays in record transfer for students moving between school districts;
- Delayed school enrollment for students transferring between school districts;
- Delayed identification of students suspected of having a disability and in need of special education;
- Lack of advocacy for students receiving special education services by foster care parents; and
- Disproportionate school discipline for students in foster care;

### C. Recommendations

OCA recommends that improvements be implemented in the areas of interagency collaboration, DHS systemic support for educational stability and juvenile court oversight of educational stability laws and policies.

OCA recommends that the solid foundation of information sharing between the GaDOE and DHS continue with needed technological and real world improvements. Further, OCA recommends the creation of State and Local Education Stability Panels to facilitate continuing collaboration and clarify existing expectations.

OCA recommends that DHS improve its supports for Educational Stability. First, OCA proposes that EPAC obtain a capture rate of 100% by eliminating the case worker referral practice. For every school-aged child that enters care, EPAC should be required to conduct a preliminary education screen and make an assessment of educational stability. As well, the Education Academy Training of Education should develop a specific intensive and broad training curriculum to address the many laws, rules and regulations that impact students in foster care. As well, OCA recommends that DCFS require initial and on-going training to both case managers and foster care parents to ensure continuing competency. Finally, OCA proposes the creation, development and maintenance of a foster care education hotline and supporting web presence.

With the juvenile court, OCA recommends that a court-based officer, School Stability Liaison, be responsible for monitoring compliance with the FCA. The School Stability liaison would bridge the widening gap between the juvenile court where foster care proceedings are held and the local school district where foster care students are being served. As well, OCA proposes updates to local standing orders that incorporate any FCA and school regulation deadlines. OCA recommends that Georgia embrace the ABA Best Practices suggestion to identify and appoint an “IDEA Parent” for foster care children that are receiving special education services.

## III LAWS AND REGULATIONS AFFECTING CHILDREN IN CARE

The legal framework for a foster care student’s educational experience is not derived from any one statute or rule. Children in foster care that attend school are subject to a web of state and federal laws, regulations and policies. The following section provides an overview of some of the most consequential laws, rules and policies for understanding the education experience for Georgia’s foster care students.

## A. Education Law in Georgia

Georgia's constitution describes education as a "primary obligation."<sup>13</sup> The Georgia constitution provides

The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation. The expense of other public education shall be provided for in such manner and in such amount as may be provided by law.<sup>14</sup>

In Georgia, each child between the ages of 6 and 16 must attend school.<sup>15</sup> "Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction."<sup>16</sup>

When children enter Georgia's foster care system the state assumes responsibility for ensuring that school-aged children are not truant.<sup>17</sup> Once in school, foster care students are required to meet the mandatory minimum requirements established by the Georgia Board of Education, with respect to grade promotions in 3rd, 5th and 8th grade as well as high school graduation.<sup>18</sup>

Foster care students are also subject to school disciplinary laws and regulations. For violations of the school code of conduct that result in suspensions for less than ten days, students are entitled to minimal procedural due process.<sup>19</sup> However, once a child is removed for more than ten days consecutively or cumulatively during the school year, Georgia's Fair Tribunal Act operates to guarantee the student enhanced due process protections, including adequate written notice and a full administrative hearing.<sup>20</sup>

## B. Education and Child Welfare – Fostering Connections Act and State Law and Regulations

In 2008, federal legislation was enacted to improve education related outcomes for children in foster care. The Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351) created the first substantive requirements related to the intersection of child welfare and education. The legislation, according to its sponsors, addressed "shortcomings in the existing foster care system that disconnected foster children from family and school, leaving them ill-prepared to transition out of care at age 18."<sup>21</sup>

With respect to school stability, the FCA requires, inter alia, that 1) each school-age child in foster care is attending school full-time; 2) at each placement determination the appropriateness of the current educational setting is considered; 3) the child welfare and education agencies coordinate to ensure that the child remains in their existing school placement; and 4) if the school placement must change, the agencies provide immediate and appropriate enrollment in a new school, along with the child's educational records.

Finally, the FCA authorizes the use of foster care maintenance payments to cover the cost of reasonable travel for the child to remain in the school in which the child was enrolled at the time of placement.<sup>22</sup>

<sup>13</sup> Ga. Const. Art. VIII, Sect. I, ¶ 1 (1985).

<sup>14</sup> Id.

<sup>15</sup> O.C.G.A. §20-2-690.1 (2015)

<sup>16</sup> Id.

<sup>17</sup> DFCS Policy Manual §10.13, p. 1.

<sup>18</sup> Ga. Comp. R. & Reg. 160-4-2-.11;

<sup>19</sup> *Goss v. Lopez*, 419 U.S. 565 (1975).

<sup>20</sup> O.C.G.A. §20-2-750 *et seq.* For a more complete discussion of school discipline law and procedure, see Georgia Appleseed's *Representing Students in School Tribunals in Georgia*, <https://goo.gl/qdTQ98> (last visited December 2015).

<sup>21</sup> GAO, *Foster Care: HHS Needs to Improve Oversight of Fostering Connections Act Implementation*, GAO-14-347 (Washington D.C.: May 2014), p. 4, n. 9 citing 154 Cong. Rec. 19, 459-61 (2008) (statements of Rep. McDermott and Rep. Weller)

<sup>22</sup> Id. at 4, Table 1.



In Georgia, the FCA assurances have been codified at O.C.G.A. 15-11-58. The law requires that any case plan must contain:

(8) Provisions ensuring the educational stability of the child while in foster care, including:

(A) An assurance that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(B) An assurance that the state agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

(C) If remaining in such school is not in the best interests of the child, an assurance by the Division of Family and Children Services that such division and the local educational agencies have cooperated to assure the immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to such new school;<sup>23</sup>

To implement these requirements, both child welfare and education agencies have updated and created new regulations that provide specific procedures.

The Georgia Department of Education adopted Policy JGEB that requires case management consultation (CMC) anytime a child in foster care requires a new school placement.<sup>24</sup> The rule provides that every school principal must designate a “case manager” as the point of contact for DHR to receive notification of a planned enrollment.<sup>25</sup> The rule also states that

Upon notification that a DHR or DJJ child will be enrolled in a school, the case manager shall consult with the student, Division of Family and Children Services caseworker/DJJ counselor, and the parent/guardian/foster parent within five school days to determine whether transition or other services are necessary for the child. The child should be immediately enrolled in accordance with State Board of Education Rule 160-5-1-.28 Student Enrollment and Withdrawal. (emphasis added)

According to the rule, services include school orientation, peer supports, school academic counseling and incorporation of the states response to intervention (RTI) process to address any existing educational deficiencies.<sup>26</sup> Working in conjunction with that policy are Georgia’s requirements with respect to transferring student records. Policy JR requires that

(a) After receiving a written request for student records from a public or private school, including schools operated by the Department of Juvenile Justice, the local school system or school from which the records are requested shall mail or otherwise deliver within a period of no more than 10 calendar days a copy of all requested student records to the school system or school to which a student has transferred. Additional requirements for transfer of records of students in special education programs are specified in Rules 160-4-7 Special Education.

These two policies working together address both the personal and documentary issues impacted when a foster care student must transfer schools. Consistent with national trends, however, implementation of these rules is not consistent throughout the state.

Similarly, DFCS has promulgated regulatory language and policies that incorporate the mandates of the FCA and state law. DFCS Policy 10.13, updated in October 2015, sets forth specific obligations and responsibilities for the Department with regards to education. The policy unconditionally states that the Department shall “ensure

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<sup>23</sup> O.C.G.A. §15-11-58(b)(8).

<sup>24</sup> Ga. Comp. R. & Regs. 160-4-8-.17(1)(a).

<sup>25</sup> Id. at (2)(a).

<sup>26</sup> Id. at (2)(c).

each child in foster care between five and eighteen years of age is enrolled as a full time elementary or secondary student or has completed secondary school.<sup>27</sup> The policy further requires collaboration between the Department and the school district as well as guarantees automatic referral to the Educational Programming, Assessment and Consultation Section (EPAC).<sup>28</sup>

DFCS policy also states that they will “ensure the educational stability of all children while in foster care, including without exception,

1. Assuring each placement of the child in foster care takes into account the appropriateness of the current educational setting and proximity to the school in which the child is enrolled at the time of the placement or subsequent placement change.”
2. Coordinating with the appropriate LEA to ensure that all children remain in the same school they were attending at the time of removal and at any subsequent placement change. This includes providing transportation to and from the school of origin.<sup>29</sup>
3. Immediately enrolling each child in an appropriate new school and arranging for immediate transfer of the child’s educational records to the new school, when remaining at the same school is not in the best interest of the child. A child must not have a break in school attendance due to entry/re-entry into foster care or a placement move.
4. Exploring all transportation options available to maintain a child in their current school placement (e.g., foster parent, school district, private provider, etc.).<sup>30</sup>

The policy addresses educational records, school absences and support for students seeking high school equivalencies.<sup>31</sup> As well, the policy sets out specific procedures for DFCS personnel to guarantee policy compliance.<sup>32</sup> These general policies focus exclusively on school stability and ensure Georgia’s compliance with the FCA. However, Georgia maintains more specific regulations regarding discreet special populations within the school aged foster care group.

## C Students with Disabilities in Foster Care

In Georgia, over 70% of youth aged 13-17 in foster care have a diagnosed disability.<sup>33</sup> While disaggregated data on the number of foster care students receiving special education has not been reported, front line workers report with frequency their involvement in and lack of understanding of the special education laws.<sup>34</sup> As well, many reported to OCA severe incidents of non-compliance that raised significant concerns to the investigator.

Special education laws, and the related anti-discrimination laws, protect students with disabilities from being excluded from the educational programs that non-disabled students can access as well as ensuring that each student with a disability receives “meaningful educational benefit” from their educational plan.<sup>35</sup> For students in foster care, like all Georgia’s students, the state must ensure that every child with a disability in public school receives a free, appropriate public education.<sup>36</sup> I.D.E.A. provides both procedural and substantive protections for students in foster care and their “parents.”<sup>37</sup> These entitlements ensure that schools not only guarantee access

<sup>27</sup> DFCS Policy §10.13, p. 1.

<sup>28</sup> *Id.*

<sup>29</sup> While transportation, and specifically the costs of the transport, had been a major obstacle to school stability in the years following passage of the FCA, a policy clarification enacted in 2012, made clear that the costs of transport to preserve school stability would be borne by the child welfare agency through use of *UAS Program 518 CODE 56f*.

<sup>30</sup> *Id.* at p. 2.

<sup>31</sup> *Id.* at p. 3.

<sup>32</sup> *Id.* at p. 3-8.

<sup>33</sup> See n. 7, at 7.

<sup>34</sup> A full discussion of educational civil rights laws is not the focus of this report, however, throughout the investigation OCA collected information about the inability of local school districts to comply with I.D.E.A. and guarantee foster care families their federal educational civil rights. These findings resulted in specific recommendations with respect to advocacy for foster care students with disabilities in Section IV, *infra*.

<sup>35</sup> *Board of Education of Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176, 206-07 (1982).

<sup>36</sup> See generally, 20 U.S.C. 1400 et seq, the Individuals with Disabilities Education Act; 34 C.F.R. Chapter 300; Ga. Comp. R. & Reg. §160-4-7-.01-.21.

<sup>37</sup> IDEAs definition of parent is broader than state law and includes not only the biological parent, but also adoptive parent, a legal guardian, an individual with whom the child is living who is acting like the parent, a foster parent, a surrogate parent appointed by a school district or a court, or an individual appointed by a court to make educational decisions on behalf of a child. See 34 C.F.R. §§300.30(a), 303.27(a); Ga. Comp. R & Reg. §160-4-7-.21(31).



for students with disabilities, but also create educational programs for such students that enable them to obtain educational success.<sup>38</sup>

I.D.E.A. requires that school districts: 1) identify students suspected of needing special education; 2) conduct full and individualized evaluations of those students in all areas of suspected disability; 3) determine the eligibility category for students that are disabled and in need of special education; and 4) create an individualized education plan (IEP) to be implemented in the least restrictive environment.<sup>39</sup>

Along with the entitlements provided by the IDEA to students, the families of such students are empowered with full and equal participation in the educational planning process.<sup>40</sup> In addition, procedural protections for parents enable them to review records, provide informed consent to services, obtain written notice of all meetings and receive explanations of all decisions made by the educational planning team.<sup>41</sup> These procedural protections support parents of students with disabilities in the educational planning process and ensure they are not excluded. As well, the parents have a right to disagree with the school and access three distinct dispute resolution procedures created by I.D.E.A.<sup>42</sup>

Educational civil rights laws, like I.D.E.A., as well as Section 504 of the Vocational Rehabilitation Act and the Americans with Disabilities Act, operate to protect students with disabilities from illegal discrimination. These complex federal laws, and Georgia's regulatory implementation of these laws, directly affect many of Georgia's foster care students.

### D. Information/Record Sharing

For many years, a major impediment to effective child welfare/education coordination existed as an annoying by-product of the confidentiality that exist in both areas. Clearly, information generated by the child welfare agency is confidential and cannot be shared to those without express legal authority to have access. Likewise, educational information generated by school districts is confidential and access is limited by law.

Under the Family Educational Rights and Privacy Act (FERPA) school districts may not release education records without the express written consent of a student's parent.<sup>43</sup> While exceptions to FERPA existed for many years, the procedural hurdles created by the law made information sharing difficult. In 2013, however, the Uninterrupted Scholars Act, amending FERPA, allowed schools to freely share information with child welfare agencies by specifically exempting them from FERPA's confidentiality rules.<sup>44</sup> It is important to note that not all documents in a school are deemed educational records.

## IV INVESTIGATING THE CONCERNS

OCA's year long investigation into challenges impacting educational outcomes for Georgia's foster care youth consisted of three major activities. First, OCA reviewed both the data sharing practice between the DHS and the GaDOE and the impact of existing impediments. Second, OCA collected information from all stakeholders working with students in foster care through anonymous surveys, in person interviews, court watching sessions and record reviews. Third, OCA reviewed and consulted on specific cases where educational stability was being undermined by other challenges in the student's life. Through these events and activities, OCA observed or collected information about the identified concerns. The following section details the investigation process and

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<sup>38</sup> See n. 40.

<sup>39</sup> 20 U.S.C. §1400 *et seq*; 34 C.F.R. Chapter 300 implemented by Georgia through administrative regulations at Ga. Comp. R. & Reg. § 160-4-7-.01 to .25.

<sup>40</sup> *Winkelman v. Parma City School District*, \_\_\_ U.S. \_\_\_ (2007)

<sup>41</sup> 20 U.S.C. §1415; 34 C.F.R. §300.500 *et seq*.

<sup>42</sup> *Id.*

<sup>43</sup> 20 U.S.C § 1232(g)

<sup>44</sup> See The Uninterrupted Scholars Act: How do recent changes to FERPA help child welfare agencies get access to school records?, Foster Care and Education, available at [http://www.fostercareandeducation.org/portals/0/dmx/2013/02/file\\_20130211\\_145758\\_xjnFqt\\_0.pdf](http://www.fostercareandeducation.org/portals/0/dmx/2013/02/file_20130211_145758_xjnFqt_0.pdf).



makes some preliminary findings based upon that investigation.

#### A. Data Sharing between DCFS and GaDOE

Pursuant to Policy 2.1 in DCFS Child Welfare Policy Manual

Georgia's Statewide Automated Child Welfare Information System, also known as Georgia SHINES, is the official comprehensive case management and data collection system for the Georgia Division of Family and Children Services (DFCS). It serves as the legal case record of the State of Georgia's involvement with families and serves a crucial role in informing decision making and supporting caseworkers' interactions with children, youth and families. The data collected in Georgia SHINES is used to enhance program efficiency and improve outcomes for families served while also for federal and state reporting requirements. Additionally, Georgia SHINES facilitates information sharing with other agencies that serve families which enhances cross system collaboration and coordination of services.<sup>45</sup>

Further, the Policy requires that "DFCS staff shall upload all information received ... into the appropriate case stage in Georgia SHINES External Documentation within a maximum of 72 hours of receipt."<sup>46</sup> This specifically includes educational reports.<sup>47</sup>

Since 2010, DCFS has enjoyed a data sharing agreement with the Georgia Department of Education that enables GaDOE Statewide Longitudinal Data Systems (SLDS) data to be transferred into SHINES. As well, GaDOE entered into an agreement with the Committee on Justice for Children to allow access to educational data in the Court Process Reporting System (CPRS).<sup>48</sup> With CPRS possessing educational data, juvenile court judges, court appointed special advocates, and child welfare attorneys could independently review important educational information as part of their everyday workflow.<sup>49</sup> These two important cross-over points for educational data into child welfare practice exhibit how powerful this information can be when it is current and accessible.

DCFS caseworkers can review similar educational data in SHINES. The data is housed within each students file and can be viewed by DCFS case managers and supervisors without obtaining any further permission from school districts. The data consists of important education information such as enrollment history, daily attendance and performance on statewide testing. The information provides a detailed picture of the student's educational performance history and allows the user to make planning recommendations based upon the data.

Within DCFS, the EPAC Program is responsible for uploading SLDS data into SHINES. EPAC protocol requires that upon referral to EPAC, "the EPAC Education Support Monitor (ESM) contacts the SSCM and the placement provider to verify information, schedules an initial assessment, and obtains student records for the case file."<sup>50</sup> The ESM develops the EPAC Education Action Plan (EAP) along with the case manager and will "[A]ccess the Georgia Department of Education's SLDS utilizing each child's Georgia Testing Identification Number (GTID) to:

- Review the information on the student level education access page in SLDS;
- Extract and upload data such as longitudinal attendance and unofficial transcripts into external documents in Georgia SHINES, the Statewide Automated Child Welfare Information System;
- Update the Education Detail Page in Georgia SHINES with current and accurate data."

OCA's review of SHINES educational data consisted of several file audits and interviews with SHINES users. While the power of the data sharing is patent, OCA's audit revealed concerns. First, The SLSD data does not populate for

45 DCFS Child Welfare Policy Manual Policy 2.1, p. 1 (Effective 3/15).

46 Id.

47 Id.

48 See generally, <http://goo.gl/tRmDoQ>. CPRS is a shared database between DCFS and the judicial branch that enables judges in child deprivation cases to have direct access to critical information about the children in their courtrooms.

49 Id. Also, Email from Ms. Michelle Barclay, Committee on Justice for Children, December 31, 2015.

50 DCFS Child Welfare Policy Manual Policy 10.13, p. 4 (Effective 10/15)



every school-aged student in SHINES.<sup>51</sup> Of the multiple data review sessions conducted by OCA, each time data was missing for a school aged student. OCA made inquiries into the reason for such gaps in the data but users could provide no satisfactory explanations.

For those children with educational data populating SHINES, many of the data points were incomplete and out of date. Explanation for this reality was that the technology supporting the connection between SLSD and SHINES is not fully automated and required some manual support.<sup>52</sup> This reality created the risk for human error in the data transfer that explains the errors and omissions.

Likely the most problematic element of the data sharing is the SHINES platform itself. The file management system makes accessing the educational data time consuming and inefficient. Navigation through SHINES is slow. Information is compartmentalized and separated. As well, the SHINES education data did not populate any of the case planning forms or referrals forms used by field or court workers. This alone made the SHINES educational data less valuable and almost unusable for DCFS caseworkers.

These concerns are addressed in OCA's recommendations in section IV.

### **B Stakeholder Feedback**

The second element of the OCA investigation consisted of collecting several forms of feedback from stakeholders in Georgia's child welfare system. OCA surveyed court personnel, interviewed attorneys, case managers and court based volunteers and foster care parents over the past year. OCA provided case consultation to other child welfare workers to facilitate an exchange of information and provide support for those working directly with the school aged foster care children. From the feedback collected, OCA observed the following:

1. Educational stability remains a secondary consideration of stakeholders;
2. Education-related issues for students in foster care are not fully understood by stakeholders;
3. Foster care parents are most responsible and least informed stakeholder with respect to educational stability;
4. Despite the goals of FCA, collaboration with local school districts does not frequently happen; and
5. The requirements of FCA are not being implemented with fidelity in Georgia.

OCA also conducted a statewide survey of juvenile court judges about educational related issues. The judges' feedback reinforced the observations made during court hearings and case consultation. From the survey, the judges reported that DCFS case managers are the person least likely to know about the educational stability of the child. The judges survey revealed that the CASA, child advocate attorney or the foster parent/guardian was the person with information about the child's education.

Also, the survey reflected that school transfers for children in care continue to keep them out of school and create substantial risk of school failure. Given that most children in care change placements more frequently than once per year, children in custody are missing critical days of instruction as a result of school transfers.<sup>53</sup> Finally, school performance (behavior, academics) was the most frequent school issue raised in deprivation hearings, and less than half the judges were aware of the school procedure or personnel which to address these concerns.

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<sup>51</sup> Much of this problem relates to the EPAC programs inability to capture and serve all school aged children in care. According to EPAC data, almost half of all school-aged students in foster care do not receive EPAC services either because lack of referral by case managers or inability of EPAC to respond to referrals in a timely fashion. See n. 3, *infra*.

<sup>52</sup> Statement of Lamar Smith during Education Academy Training, December 16, 2015.

<sup>53</sup> Georgia's study on the connection between attendance and graduation rates reported that 8th grade students that missed between 11 and 14 days of school per year had a graduation rate almost 25 percent less than students with no attendance issue. (Cf. 78% to 54%)

## C Case Consultation and Court Watching

As part of the investigation, an OCA Education Coach provided informational and technical support to the Cold Case Project Team.<sup>54</sup> The Education Coach provided support not only for the CCP Fellows, but also to DCFS case managers, child advocate attorneys and juvenile court judges seeking explanation and understanding of the educational issues impacting the foster care child. As well, the OCA Education Coach provided a complete rewrite of the CCP Child Welfare Trial Notebook education chapter.

In many of the cases, the information provided to the stakeholder allowed planning and placement decisions to move forward. For example, the CCP had been planning for a child in Dekalb County attending school in a residential treatment facility to be reunified with his father in Alabama, however, the educational placement for the child was unclear given the intensive and therapeutic needs the child required. The CCP Team referred the DCFS case manager to the OCA Education Coach for support. The OCA Education Coach explained the complexities of special education law to the case manager as well as the proper procedures for transferring a child with special education needs to another school district (and state). The CCP Team, with the benefit of understanding the special education laws, could move ahead with reunification planning confident that the school placement would not negatively impact the move.

Impressions from the Education Coaching activities focused on severely limited working knowledge most stakeholders had of the education laws, rules and procedures. The most knowledgeable group were juvenile court judges, however, even among that group, they reported need for continuing training and support on education issues. Apart from the judges, the child advocate attorneys, case managers and foster care parents all exhibited very limited understanding of even the most basic FCA school stability concepts such as home school preference or early record transferal notices.<sup>55</sup> Consensus among most of the stakeholders was that support for foster care parents and DCFS case workers would be a good first step towards effective advocacy for school aged foster care children.

Much of the feedback obtained from stakeholders was during several court visits conducted throughout the state. OCA visited several regions during the Fall/Winter of 2015. Courtroom visits were announced and scheduled either directly with the juvenile court judge or the court administrator to ensure the observer would be in attendance for deprivation hearings. Court observers, using a prepared diligence tool, were focused on both the quantitative and qualitative elements of any educational stability discussions. Generally, most discussions about school were anecdotal and non-specific in nature. Unless the present placement issue originated with a school problem, discussions about school were cursory.

In a large metropolitan court, the judge asked, “Is the child going to school?” The DCFS case manager, without reporting on specific attendance numbers, school performance, or any special needs the child may have, responded, “Yes.” The discussion ended and the court moved on to the next issue. In another case, the child was reunified with her mother and the school placement was impacted. There was no consideration regarding whether the child should remain in the current school (as the FCA requires) and even though reunification was imminent, no notice had been sent to the receiving school that the child was enrolling in that day.<sup>56</sup>

In rural counties, school issues are handled more informally and outside the courtroom.<sup>57</sup> Court officers and judges reported that school issues are discussed in only half of the cases they handle. Many reported that the lack of quality foster care placements severely limited the opportunities to keep the child in the current school

54 The Cold Case Project started in 2010 by the Court Improvement Project consists of a team of “four to seven attorney ‘fellows,’ each highly experienced in child welfare cases.” See Rawlins, Tom, *Georgia’s Cold Case Project: Improving Outcomes for Children in Foster Care*, ABA Child Law Practice, Vol. 34, No. 12 (December 2015) (<http://goo.gl/FbKsfB>, last visited December 15, 2015).

55 During interviews with OCA, child advocate attorneys reported an awareness of FCA policies, but confirmed they did not know the specifics of the procedures or how they were made operational. DCFS case managers exhibited the poorest understanding of FCA policies and procedures and even after explanation of FCA rules insisted that they were not required to take such measures. (Note: FCA procedures are clearly outlined in DCFS Child Welfare Policy Manual Section 10.13).

56 This is inconsistent with Georgia regulations. See Ga. Comp. R. & Reg. §160-4-7-.19

57 As a result, much of the information obtained in rural circuits was through interviews before or after court visits.



placement.<sup>58</sup> For many children, quality home placement options are over an hour away from the current school placement and there is no opportunity to honor the school stability preference. Other students, often older and more impacted by school transfers, must leave the rural county (and circuit) to find acceptable home placements.

In addition, and like the urban circuits, the court officers generally do not rely upon the education data in SHINES. Most court officers and judges were aware that the data existed. However, they reported not being able to access the data in a timely or effective way both during and in preparation for court hearings. DCFS case managers and SAAG's provided judges with non-specific and anecdotal information about school. In some hearings observed, there was no educational information available to the court officers and the entire courtroom relied upon unverified accounts from various sources without having the data available to confirm its accuracy.

Finally, during court visits observers noted a pervasive lack of appreciation for the obligations of public schools with respect to students with disabilities. While juvenile court judges knew that students with disabilities were guaranteed special education services, most did not know the specifics of the process for obtaining an evaluation, securing eligibility or advocating for a more appropriate educational placement. Likewise, conversations with DCFS case managers and child advocate attorneys reflected the stakeholders awareness of special education services, but further inquiry exposed not only lack of knowledge about the laws, rules and regulations, but also frustration at the inability to navigate the existing procedures to impact a change in child's educational experience.

## V. RECOMMENDATIONS

### A. Improved Inter-Agency Collaboration

#### 1. Improved Use of Education Data

In 2010, the Georgia Department of Education and Department of Human Services entered into an agreement that allowed DHS to access GaDOE data. Shortly thereafter, GaDOE allowed CPRS to access educational data in a similar fashion.<sup>59</sup> The agreements permitted DHS and the Committee on Justice for Children to access the Statewide Longitudinal Data System (SLDS) and review educational data points for all school aged students in foster care. As a result SHINES and CPRS now contain such educational data and all stakeholders with access to these databases may view the student's educational information, such as enrollment history, academic performance, standardized test scores and basic demographic information.<sup>60</sup>

The access to data is a major step forward for incorporating educational stability into decisions made in child welfare proceedings.<sup>61</sup> However, even with access, stakeholders report they do not often employ the data to make decisions.<sup>62</sup> Further, DCFS' case managers and the EPAC Education Support Monitors do not frequently access the educational data in SHINES as they have to manually populate education data fields in their own workflow and the database does not contain an information bridge.<sup>63</sup> Finally, since the EPAC has only captured less than half of all school aged children in foster care, a substantial number of children have no person specifically considering their educational performance.

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<sup>58</sup> Multiple interviews with OCA investigator and court-based personnel during court watching sessions. (Notes on file with OCA)

<sup>59</sup> See note 54, *infra*.

<sup>60</sup> Importantly, this data is raw and contains no method for disaggregation, however, this will change very soon.

Under the amendments in the reauthorization of the Elementary Secondary Education Act (ESEA), deemed the Every Student Succeeds Act (ESSA) states will be required to disaggregate student performance data for children in foster care. See, <https://goo.gl/QiAzIL>, p. 47-50.

<sup>61</sup> Also, it has been reported that local school districts have granted access via on-line parent portals to local juvenile court judges for children in state custody. This is another example of ad hoc collaboration that exists in Georgia and should be incorporated into a more comprehensive statewide policy regarding information sharing.

<sup>62</sup> Interviews conducted by the author with several child welfare stakeholders including juvenile court judges, child advocate attorneys, DCFS caseworkers and EPAC staff confirmed that the data is available but not often used in the field.

<sup>63</sup> DCFS Policy 10.13 requires the Case Manager to "Extract and upload data such as longitudinal attendance and unofficial transcripts into external documents in Georgia SHINES...and, [U]pdate the Education Detail Page in Georgia SHINES."

Moving forward, education data should be more integrated into SHINES. Educational data fields should populate and update in SHINES automatically. SHINES should not be dependent upon front line workers to manually manipulate data. Also, once the education data is in SHINES, the SHINES database should populate the caseworkers forms automatically to ensure that DCFS staff review education data points regularly. By integrating the education data points into the decision-making tools frequently used by case managers, an easier and more accessible review is allowed. Case managers should not have to create new reports on educational history or progress. This information should appear automatically in existing reports already being used by the case manager.

## 2. Create State and Local Education Stability Panels

OCA recommends a series of statewide and local memorandums of agreement between the child welfare systems and local school districts to monitor and ensure implementation of FCA requirements. Similar to nearby states, these agreements serve as a communication tool between two agencies that have difficulty understanding each others' language.<sup>64</sup> With such agreements, the local child welfare agency and school districts can cut through many of the miscommunications and misunderstandings that result in foster care children being left out of school and at risk for school failure. The memorandums of agreement should include assurances of collaboration as well as promises to discharge the legal obligations of each agency with respect to students in foster care. As well, Georgia should consider adopting specific statewide criteria for determining the educational best interests of the foster care student.<sup>65</sup>

Statewide reporting suggests that despite the requirements of the FCA, neither DCFS nor the local educational agencies have embraced the collaborative spirit of the law. The regulation from the DOE that requires case management for each child in foster care being transferred is not being implemented with consistency.<sup>66</sup> Case planning meetings with both DCFS caseworkers and school personnel required by the regulation are sporadic.

Local education panels should be convened regularly to address all foster care students within the school district.<sup>67</sup> Required participants in this committee should be the EPAC Education Service Monitor, DCFS case workers, school FCA liaisons (school case manager) and other educational personnel as necessary (i.e. – special education director). The meetings should be used to oversee the FCA required collaborations, address existing and developing challenges to the process and offer support for team members working on unique or exceptionally challenging school cases.

### B. Improve DHS Supports for Educational Stability

#### 1. Increase EPAC Capture Rate to 100%

EPAC reports a capture rate of 48%.<sup>68</sup> That means over half of the school-aged children in foster care have not been referred to the program expressly designated for educational assessment and programming. Without EPAC referral, procedures ensuring school stability are not being followed for the foster care student. EPAC should assess and consult on every school-aged child in care to promote and protect school stability.

The current referral process to trigger EPAC involvement is not fully functional. Relying on case managers to trigger EPAC involvement has resulted in a disconnect between EPAC and field workers. Case workers report they have referred cases to EPAC with no response. EPAC reports that not every school-aged child is being referred for assessment. Clearly, the need for improved communication and a more streamlined process to trigger EPAC involvement is required. OCA recommends eliminating the need for a case worker referral. For every school

64 The efforts at implementing the Fostering Connections Act in Texas may be instructive for these efforts. See, <http://texaschildrenscommission.gov/the-texas-blueprint.aspx> (Last visited January 4, 2016).

65 See, *infra*, n. 27.

66 GDOE Rule §160-4-7-.18; OCA Investigator Interviews with Court based personnel.

67 Existing GaDOE rules already require a Case Plan meeting for each individual student in foster care. OCA proposes the creation of local panels to oversee the operation of these meetings, create uniformity in the process and address any unique circumstances that may arise.

68 *Id.* at n. 11.



aged child that enters case, EPAC should be required to conduct a preliminary education screen and make an assessment of educational stability.

## **2 Support Education Academy Training of Education**

OCA observed a limited and often times incorrect understanding of education related problems and the manner by which those problems can be resolved. This information gap has evolved not only into bad field practices but also misinformation regarding school related process and procedure. OCA recommends that DCFS develop a specific intensive and broad training curriculum to address the many laws, rules and regulations that impact students in foster care. Further, OCA recommends that DCFS should require initial and on-going training to both case managers and foster care parents to ensure continuing competency.

Currently, DCFS requires initial training for any person with intentions of becoming a foster care parent. However, the 102 page Handbook for the foster care parent contains less than two pages on school related issues, with many of the most complicated matters, such as special education for students with disabilities, covered by the following sentence:

Problems such as truancy, emotional problems, and special education needs require the involvement of the Case Manager, the foster parent, and the school.<sup>69</sup>

Because school aged foster care children must attend school, this level of support related to school matters is inadequate. School stability must be addressed not only at the time of placement, but each day after that. Foster care parents require adequate training and support to eliminate misunderstandings between the school and foster care home. Foster care parents need to engage in the education of their child. More support will ensure that foster care parents have the tools to navigate complex education systems and procedures should problems arise.

Specific training on education advocacy should be required by DCFS for all foster care parents. This training should be repeated no less than every other year to ensure that foster care parents are up to date on the latest in school laws, regulations and policies. The training should focus on issues such as school enrollment, obtaining school records, school discipline procedures, access to special education and other special circumstances that affect students in foster care.

## **3. Create Foster Care Parent Hotline/Web Presence**

School impacts the daily lives of foster care parents and their children. Oftentimes, problems arise that require immediate explanation and informational support. Foster care parents have little access to such support in any meaningful or practical fashion. For most school problems, solutions that are even one or two days later have already created an out of school situation that negatively impacts school stability.

OCA recommends the creation, development and maintenance of a foster care education hotline and supporting web presence. The real time access to information related to education issues will empower foster care parents to advocate for their children. Education issues vary depending on the strengths and weaknesses of the student. As a result, the limited training time available is insufficient. To accommodate the intensity and broad scope of the information, a statewide hotline is needed where foster care parents can receive informational and technical support regarding whatever specific issue may arise. More informational resources for foster care parents, including web based information about education stability for foster care students will expand the

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<sup>69</sup> See, <http://goo.gl/jtX5Ar> (Last visited January 4, 2016)

### C. Increase Court Oversight of FCA Procedures

Juvenile court judges have several procedural tools at their disposal to ensure continuing and effective collaboration between child welfare workers and the schools. As well, given their role as decision makers and enforcer of legal authority in the counties, the juvenile court judges have the power to compel parties and those working with foster care students to follow through on their legal obligations. Finally, with minor policy changes, the juvenile court could act to ensure that an advocate for the foster care student is available to participate in each and every educational planning meeting. This type of power and oversight is necessary to implement the requirements of the FCA and improve school stability outcomes.

First, OCA recommends that a court-based officer be responsible for monitoring compliance with the FCA. The School Stability liaison would bridge the widening gap between the juvenile court where foster care proceedings are held and the local school district where foster care students are being served. The mission of the liaison would be to oversee full implementation of the FCA at the local level. The School Stability liaison could: 1) collect local data on FCA compliance; 2) report to juvenile court judges on FCA implementation in the county; 3) provide technical and informational support to court-based personnel on education issues that most affect students in foster care; 4) support and train those persons attending school based meetings on behalf of students in foster care. The School Stability liaison will be monitoring the entire county, through aggregated data and individual case reviews, and reporting to the Court about levels of FCA compliance within the deprivation and child welfare system.

OCA also recommends that the Court adopt minor procedural enhancements to ensure that FCA and education stability issues are considered for every school aged child. Juvenile Court judges should incorporate any FCA and school regulation deadlines into their standing orders. Court's could create standing orders that address timely enrollments, proper pre-transfer communication for students leaving their current school district, as well requiring parties to engage in FCA mandated educational planning meetings. In addition to standing orders, juvenile court judges could raise education related questions at every hearing for school aged youth in foster care.<sup>70</sup>

Finally, OCA recommends that Georgia embrace the ABA Best Practices suggestion to identify and appoint an "IDEA Parent" for foster care children that are receiving special education services to eliminate complications that arise when children are removed from the home and placed into the state's custody.<sup>71</sup> The complications are aggravated by the definitional discord between I.D.E.A. and state statutes with respect to the meaning of "parent." Further, because local school districts often fail to recognize their obligations to secure an I.D.E.A. surrogate, foster care children's educational interests may go unheard at the educational planning meetings.

The ABA's recommendation of having the juvenile court judge identify an educational decision maker for a school aged child eliminated the confusion created by I.D.E.A.'s broad definition of "parent." Further, because the juvenile court has the power to review, revise and revoke such authority, accountability for the performance of the IDEA parent is assured. Finally, this suggestion addresses an oft repeated concern of many juvenile court judges that they understand the school problems but do not know who is responsible for raising the issues to the school.

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<sup>70</sup> OCA is sensitive to the massive amount of information exchanged during courtroom hearings, however, OCA suggests a five question protocol that would ensure not only that the judge is kept up to date on educational stability, but also requires the parties to employ and rely upon SLDS data accessible through SHINES.

<sup>71</sup> See, <http://goo.gl/6AvHyb> (last visited January 4, 2016)



## CONCLUSION

Since the creation of the Fostering Connections Act, Georgia has done much to address the educational outcomes for school aged students in foster care. Major advances in legislation and regulatory controls created a system for collaboration and coordination. Information sharing agreements and data sharing have enabled two of the largest systems that impact Georgia's youth to effectively communicate. Finally, Georgia's child welfare system's continuing commitment to improve the educational experience of foster care students is obvious.

And while much has been accomplished, much remains to be done. Georgia needs to build more bridges between the educational and child welfare systems at the state and local level. Like the nation, Georgia needs to create accountability through review of performance data. Georgia should create more support for the front line child welfare workers, the educational liaisons and the foster care parents with consistent training and immediate access to specialized information about educational issues that impact students in foster care.

OCA is optimistic that Georgia child welfare and education systems can build on its past successes. OCA is committed to supporting Georgia's efforts to improve the educational outcomes for children in foster care and discover a pathway to real educational stability for this most vulnerable population.







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