



Georgia Office of the
Child Advocate for the
Protection of Children

Annual Report

2018



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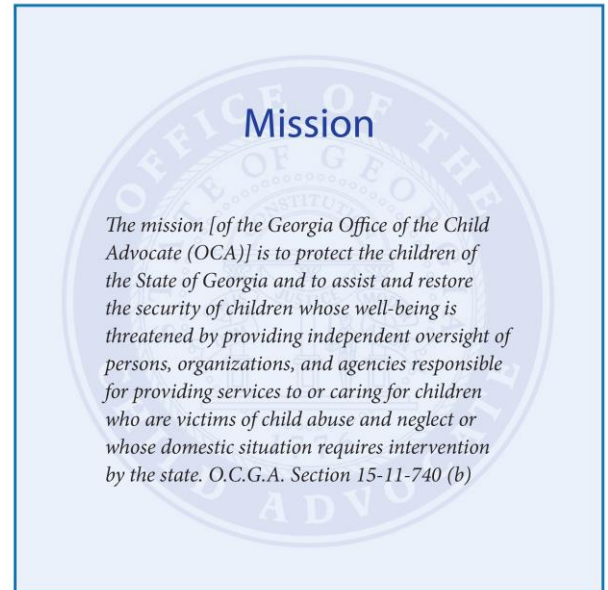


OCA's Mission

When the Legislature created this office in 2000, it intended the office to serve as an independent ombudsman for Georgia's child protection system. "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," the legislators declared. Thus, the agency's primary mission is "to protect the children of the State of Georgia and to assist and restore the security of children whose well-being is threatened by providing independent oversight of persons, organizations, and agencies responsible for providing services to or caring for children who are victims of child abuse and neglect or whose domestic situation requires intervention by the State."¹

The statutes creating OCA envisioned that the bulk of the work would involve investigating and responding to complaints regarding children who are, or whose families have been, the subject of a DFCS report within the prior five years.² Therefore, OCA prioritizes concerns lodged by parents, children, relatives, foster parents, and child welfare professionals regarding the way the agency or its contractors have handled a child protection case. OCA uses these complaints and the resulting investigations not only to address the issue that may have arisen but also to identify trends within the child protection system. Then, carrying out the other main statutory mandates to collaborate with the child welfare community and to recommend changes in practice, OCA proactively engages in projects designed to improve child safety, the child protection process, and outcomes for Georgia's abused and neglected children.³

Additionally, the General Assembly has entrusted to this agency a number of other statutorily-mandated roles. OCA oversees statewide the creation and implementation of local child abuse protocols, which are legislatively mandated to ensure the appropriate multidisciplinary investigation and handling of child abuse cases, especially those involving sexual and serious physical abuse. OCA is also charged with training those local teams; OCA developed a statewide model child abuse protocol and updates it when necessary. The State Child Advocate serves as a member of the Statewide Child Fatality Review Committee, which is itself tasked with studying and finding ways to reduce the deaths of Georgia's children.⁴ Guardians *ad litem* who safeguard the best interests of children in juvenile court must be certified through training approved by the Office of the Child Advocate.⁵



¹ OCGA § 15-11-740 (b). The Act establishing OCA is in Appendix A.

² OCGA §§ 15-11-741, 15-11-742.

³ OCGA § 15-11-743.

⁴ OCGA § 19-15-4; for more information on the Child Fatality Review Committee.

⁵ OCGA § 15-11-104 (f).



2018 Staff Changes at OCA

2018 brought a few administrative changes for OCA. Two of OCA’s most experienced investigators began new adventures; Chuck Pittman went on to enjoy retirement and Vickie White accepted an opportunity as a victim advocate. To fill their positions, OCA hired Beth Smith and Eboni Woodbury as investigators and Renee Moore was promoted to Senior Investigator.



Davidson

Additionally, Tom Rawlings left OCA as Director to become the Interim Director of the Georgia Division of Family and Children Services (DFCS) on August 1, 2018 following the departure of then-DFCS Director Ginger Pryor. With Tom’s departure from OCA, Governor Deal appointed OCA’s then Deputy Director, Rachel Davidson, as Interim Director for OCA. Rachel Davidson is a skilled child welfare attorney who previously represented children in dependency proceedings and served in critical roles at the State Division of Family and Children Services, including a position as liaison between the agency and the juvenile courts.



Rawlings

Diana Summers, with her expertise in administration, grants, and data management and analysis, continues to serve as the agency’s administrator. Ryan Sanford and Shantelle Whitehead continue to serve as experienced investigators.

Investigations and Audits: Responding to Complaints and Concerns

Concerns and complaints from the public come to OCA in a number of ways. The public may call OCA at (404) 656-4200 to file a complaint or file a complaint through the online complaint form at <https://oca.georgia.gov/webform/request-oca-assistance-or-investigation>. Additionally, OCA receives calls from judges, legislators, and agency officials who have concerns about a case or who call on behalf of a child or constituent. This agency is also notified of letters, emails, and calls that the Governor’s office receives and that are most often handled by DFCS’ internal constituent services staff. Should these concerns not be resolved within DFCS, OCA will complete an investigation related to the concern as necessary.

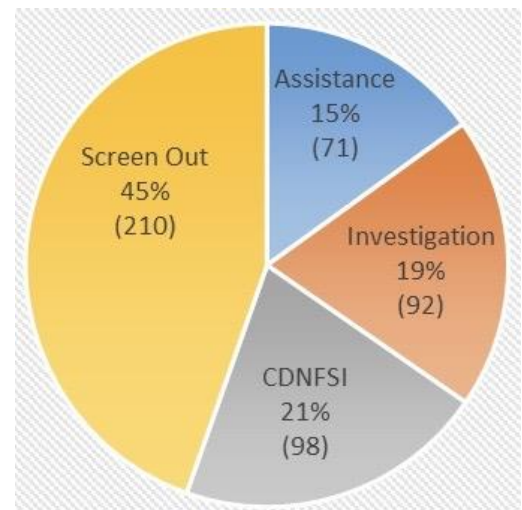


Figure 1: Types of cases opened (excluding “Governor’s Letters” from January 2018 through December 2018, by number and percentage (Total: 471)

Between January 2018 and December 2018, a total of 644 cases⁶ came to OCA’s attention. Of these, 261 required further involvement from OCA in the form of assistance, investigation, or a review of a child death, near fatality or serious injury (CDNFSI) (see figure 1). Many of the cases that were opened (98, or 21%) involved situations in which OCA reviewed a death, near fatality, or serious injury

⁶ This total includes cases received through the Governor’s Office, referred to as “Governor’s Letters”. During calendar year 2018, OCA received 175 Governor’s Letters.



that occurred to a child whose family had involvement with DFCS within the five years prior to the significant incident. We review these cases to determine whether the agency's prior involvement with the family was sufficient and whether the agency could reasonably have taken measures to prevent a subsequent incident of abuse or neglect. For several years, OCA has led and facilitated the group of DFCS staff, service providers, and other professionals who review these cases. In the majority of these serious incidents, we find the child's death or injury to be unrelated to the family's prior involvement with the child protection agency. For example, DFCS may become involved with the family of a medically fragile newborn not due to allegations of abuse or neglect but rather because the family needs additional support to care for that child. If the child later dies from the medical condition, the case is one that DFCS and OCA will consider for possible review.

During 2018, OCA responded to a number of complaints by investigating, providing a constituent with information and assistance, or by reviewing the case to ensure the safety of the child(ren). In its review of complaints and cases, OCA determines whether there were problems in the implementation of child protection policy or errors in practice. Of the 261 cases requiring further involvement in 2018, policy violations were noted in 24% of cases and child welfare practice deficiencies in 36%; both policy violations and child welfare practice deficiencies were noted in 20% of the cases. The leading issues identified included problems in providing adequate assessment of a child or family's situation and problems in providing adequate services to families. The most common complaints received involved concerns pertaining to a child's safety, custody or visitation, interactions with DFCS staff, and child placement.

Examples of Positive Outcomes Due to OCA Intervention

Ensuring appropriate assessments:

OCA received a call from a mother who expressed concerns about possible physical abuse by the child's father. She had previously contacted DFCS and law enforcement but was not satisfied with the response. An OCA Investigator identified material deficiencies in DFCS' initial response, including: while DFCS made contact with the father, the agency did not appear to effectively engage him or request a drug screen following allegations of drug use; DFCS closed the case without visiting his home; there was no documentation to support DFCS' engaging personal collaterals who could provide information on the father and his parenting; medical records did not appear to be reviewed during the case; and DFCS appeared to rely on the opinion of daycare staff as to possible causes of bruises as opposed to the opinion of a medical professional. The investigator then contacted the County Director and outlined the noted deficiencies. The case was reopened to address the deficiencies. Says the investigator, "As a result of OCA's involvement in this case, the quality of the investigation was ultimately improved to ensure appropriate assessment of the abuse allegations and the child's safety."

Maintaining connections with relatives:

A grandparent's home had been approved for placement in another state via the Interstate Compact for the Placement of Children (ICPC). However, DFCS and the juvenile court in Georgia decided not to pursue this placement due to a vague statement by the grandparent during the



home assessment. Neither DFCS nor the juvenile court sought clarification or additional information regarding this statement. The OCA Investigator sought out the clarification necessary to alleviate the concerns associated with the vague statement. As a result, the grandfather was fairly reassessed and visited with his grandchildren. While DFCS ultimately had other concerns that prevented the children from being placed with their grandfather, the more thorough assessment allowed DFCS to make a truly informed decision as to placement. The investigator says, “OCA’s intervention in this case also meant that a grandparent was able to maintain a connection with his grandchildren.”

Resolving financial coverage of an unusual expense:

A foster parent had issues obtaining assistance for an unusual expense. The OCA Investigator coordinated with the private Child Placing Agency (CPA) as well as DFCS to ensure both entities worked together to address the issue associated with the unusual expense. The foster parent struggled for two months with attempting to resolve this issue; it was resolved within 2 ½ weeks of OCA being notified. Says the OCA investigator: “I do not believe any action would have been completed on the situation if OCA had not been involved. The County Director was very thankful for OCA’s help. She had tried addressing the situation with DFCS and with [the CPA].”

Collaborating for improvements:

OCA and DFCS work collaboratively with the county to identify barriers and issues associated with cases involving child deaths. During a staffing of a child death, the OCA Investigator decided to rephrase a question she typically asks; she approached the county by asking what they would have done differently in looking back at the case. The county staff was very transparent and honest, identifying multiple things they plan to now do differently, including: providing more detail when documenting supervisory staffings; implementing services earlier; and ensuring all photographs taken are uploaded into their SACWIS system. Says the investigator, “This felt like an awesome example of collaboration between the field, state office, and OCA and how we are all consistently looking to improve upon work.”

Ensuring reasonable efforts and promoting reunification:

A sibling group entered foster care due to inadequate supervision when the children were brought to law enforcement by an unknown male. During the course of OCA’s investigation, the OCA Investigator identified aspects of the investigation that appeared to be inconclusive or lack reasonable efforts by DFCS including: 1) contacting collaterals; 2) reviewing the family’s CPS history; 3) creating a case plan addressing the mother’s substance use; and 4) ensuring regular visitations between the mother and children. During the course of several months, the mother made efforts to address the concerns related to inadequate supervision and substance use. Ultimately, the children were able to return home to her with a protective order in place. The investigator says, “If OCA had not intervened, I believe the children would still be in care.”

Education and Advocacy

One of OCA’s statutory responsibilities is “to engage in programs of public education and legislative advocacy concerning the needs of children requiring the intervention, protection, and



supervision of courts and state and county agencies.”⁷ As a small ombudsman agency, OCA cannot (and should not) attempt to involve itself in every aspect of Georgia’s child protection and child welfare system. Rather, we must prioritize efforts that we believe will have the greatest impact to improve the system, its efficiency, and its effectiveness. In 2018, the office continued or began a number of educational and advocacy-related projects which could maximize our collective expertise to improve outcomes for vulnerable children in the child welfare system and which involved working diligently across disciplines and agencies to improve laws, policies, and practices within Georgia’s child protection system. These include:

Guardian ad Litem Online Training

In 2017, OCA made available an online guardian ad litem pre-appointment training that meets the requirements of O.C.G.A. § 15-11-104(f) and CAPTA Section 106. This training continues to be available and can be found at: https://www.prosolutionstraining.com/store/product/?tProductVersion_id=1257. 6.5 CLE hours are available to attorneys who complete this training. During calendar year 2018, 36 people completed this training. In 2019, OCA plans to update the legislative and case law update component of this training.

Child Abuse Protocol Training and Development

Georgia law requires each county to establish a protocol for the investigation and prosecution of alleged cases of child abuse.⁸ Additionally, each county is required to establish a protocol committee, which is charged with developing local protocols for the investigation and prosecution of cases of alleged child abuse.⁹ OCA receives copies of the county protocols, along with any updates to those protocols, as well as annual county reports. On an ongoing basis, OCA also provides training relevant to the protocol and protocol committees throughout the state.



Ashley Willcott leads the 2018 Child Abuse Protocol Mini-Summit

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

On December 3, 2018, OCA hosted a “mini-summit” of child welfare professionals and stakeholders to receive feedback and input on the current statewide protocol. Based on this input, OCA will revise and update the model protocol in 2019 such that it will be more user-friendly and less cumbersome. As it is updated, the statewide model protocol will be shared with each jurisdiction, as well as stakeholders, and will also be posted on the OCA website as a reference resource. Jurisdictions may use this as a tool when updating their jurisdiction-specific protocols.

OCA will continue to work with many partners including the state’s prosecutors, Child

⁷ O.C.G.A. § 15-11-744(a)(7).

⁸ O.C.G.A. § 19-15-2(a).

⁹ O.C.G.A. § 19-15-2(b)(2).



Advocacy Centers, Prevent Child Abuse Georgia, DFCS, Law Enforcement, GBI, and medical professionals to improve the Statewide Child Abuse Protocol.

Multi-Disciplinary Child Abuse and Neglect Institute (MDCANI)

Georgia created the Multi-Disciplinary Child Abuse and Neglect Institute (MDCANI) based on a national program run by the National Council of Juvenile and Family Court Judges (NCJFCJ). This institute consists of intensive trainings and discussions with jurisdiction-wide multi-disciplinary audiences involved in child abuse and neglect proceedings. OCA’s Interim Director, Rachel Davidson, joined the MDCANI faculty in 2018.



MDCANI Faculty and Juvenile Court Judges at the Cobb-Douglas MDCANI in April 2018

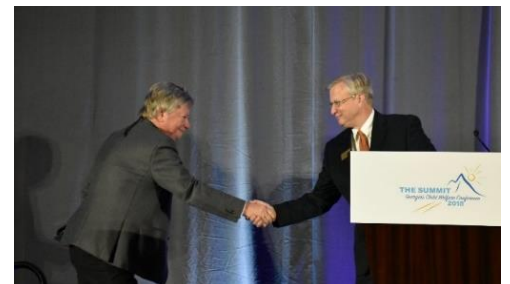


Giovan Bazan, a young man with lived foster care experience, addresses The Summit attendees

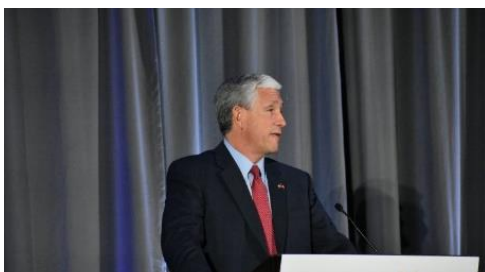
The Summit: Georgia’s Child Welfare Conference

For Georgia’s second annual child protection and welfare conference, “The Summit”, OCA again partnered with DFCS, the Georgia Supreme Court and a number of other partners to host this multidisciplinary gathering on December 3-5, 2018. Held at the Omni CNN Center in Atlanta, the conference was attended by more than 500 child welfare professionals

including front-line case managers, juvenile court judges, attorneys, providers, law enforcement, and medical personnel from all around Georgia. The training agenda for the conference focused on the intersection between law and child welfare practice and featured a number of inspiring speakers.



DFCS Interim Director Tom Rawlings welcomes Professor Jaap Doek to share an international perspective on child protection with The Summit attendees.



Georgia Supreme Court Justice David Nahmias thanked attendees for their hard work and dedication.

One of the highlights of The Summit was the presentation of videos featuring positive outcomes – for a young woman who aged out of Georgia’s foster care system, of Family Treatment Courts, of children reunifying with their father, and of an open adoption.

Another highlight this year was the addition of “Brain Breaks”, which were opportunities for attendees to attend a non-traditional breakout session to engage folks in alternative learning styles and support self-care and mental health. One such session was a child welfare version of “Family Feud”, where participants’ competitive streaks came alive!



A child welfare version of “Family Feud” was one of the “Brain Break” offerings.



Judge Patterson (Cobb County) and Judge Wood (Rockdale County) shared valuable information on representing children in dependency proceedings.

In addition to providing training, The Summit provided motivation and reinforcement for those who are doing the difficult work of protecting children night and day. OCA believes this sort of multi-disciplinary training, in which front-line workers get to spend time networking and sharing with juvenile court judges and attorneys, is an excellent way to improve our state's system. In fact, many of the evaluations included comments about the valuable information and

insight attendees received, as well as the opportunity to meet and converse with others involved in this work.

We are looking forward to co-hosting another successful event in 2019!

Newsletter

This year, OCA celebrated the first full year of the monthly newsletter titled “AdvOCacy: Your Child Welfare Update”. This newsletter is distributed to about 1000 child welfare professionals and stakeholders throughout the state. Each newsletter highlights important subject matter information, notable news and upcoming events, and youth voice – something written by a youth with lived experience in the foster care system that he or she would like to share with child welfare professionals. All newsletters can be found at <https://oca.georgia.gov/newsletters>. New recipients may subscribe to the newsletter via this link: <https://georgia.us17.list-manage.com/subscribe?u=d35b2c2c5a30bde2f9365702d&id=c64c59f879>.

Social Media Presence



The giant child welfare focused word search served as a fun diversion and opportunity for attendees to interact with each other.

October 2018 Newsletter



#TheWednesdayWhy: Why do youth in #fostercare have a grievance process?

Youth in foster care have been brought into foster care due to abuse or neglect and have a right to remain free from further abuse or neglect. In addition to other rights and responsibilities, they also have a right to fair and equitable treatment while their needs are being met.

Youth rights and responsibilities can be found in DFCS Policy 13.7 (www.odis.dhs.ga.gov) and on the ILP website (www.garyse-ilp.org). If those rights are violated, youth have the ability to ensure others are made aware so as to resolve the violation(s).

Youth in foster care may **submit a complaint online** pursuant to the grievance process using either of these links:
<http://www.garyse-ilp.org/know-your-rights>
<http://www.garyse-ilp.org/georgia-division-family-and-children-services-youth-rights-grievance-form>

In addition to the formal grievance process through Georgia's Independent Living Program (ILP), youth may also **contact others** to assist with concerns. Depending on the issue, it may be appropriate for a youth to contact any or all of the following for additional assistance:

- Office of the Child Advocate (www.oca.georgia.gov)
- His or her case manager and anyone in the case manager's supervisory chain
- His or her attorney, guardian ad litem, and/or CASA

If a youth is interested in systemic advocacy efforts, they should contact the Georgia Office of the Child Advocate or Georgia EmpowerMent (www.georgiaempowerment.org).

OCA established and maintains a social media presence through Facebook, Twitter, YouTube, Instagram, and LinkedIn and utilizes these accounts as a means to educate the public about many different topics impacting the child welfare system.

OCA created an installation referred to as “#TheWednesdayWhy” to help people understand the reasons behind certain policies and practices. Additionally, OCA



created another installation known as “#FridayFunny”; this is designed to bring a smile or laugh into someone’s life as this work is difficult and laughter can serve as a positive form of self-care.

OCA Notice

Pursuant to O.C.G.A. § 15-11-743(5), OCA developed a notice describing OCA and procedures for contacting OCA.¹⁰ During 2018, OCA began distributing this updated notice to DFCS offices, Child Placing Agencies (CPAs) and Child Caring Institutions (CCIs), and juvenile courts. OCA will continue to distribute this notice in 2019.

Youth Engagement

OCA supports youth in foster care having their voices heard and being treated with respect. When we hear directly from the people our system is designed to serve, we can learn what needs improvement and how we can best implement such improvements. Throughout 2018, OCA engaged with youth in a variety of ways to include: incorporating youth voice into the monthly newsletter; attending the Teens are 4 Me Conference, a conference designed for teenagers in foster care; presenting on best practices to engage with and support youth in foster care; engaging young adults with lived experience as participants in The Summit; and taking advantage of other opportunities, whether they occurred in a court, placement, or group setting, to speak directly with youth in care of all ages about their experiences in foster care and to hear their ideas regarding systemic improvements.

The Cold Case Project

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

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

The project is led by Ashley Willcott, and this year’s fellows included Kristi Lovelace, Diana Rugh-Johnson, Karlise Grier, Rosalind Zollicoffer, Mary Hermann, Vicky Wallace, Leslie Stewart, and Michelle Vereen.

In 2018, CCP staff and fellows conducted 287 staffings known as a “Permanency Roundtable Plus”, or “PRTPlus”, 630 follow-ups, and 355 reviews. This work has been found to substantially increase positive outcomes for children. The 2017 Cold Case Project Report was issued in 2018, and the 2016 report is available online through the Justice for Children

¹⁰ See Appendix B for the notice.



Committee of the Supreme Court of Georgia.

Minimum Standards for Providers

DFCS establishes minimum standards for the Room, Board, and Watchful Oversight (RBWO) Providers. OCA was part of a team of stakeholders providing invaluable input as DFCS updated these standards. As a result, the standards are now more youth-focused. These standards can be found here:

https://www.gascore.com/documents/FY2019_RBWOMinimumStandards.pdf.

Promoting Reasonable Efforts (PRE) Pilot Project

In an effort to prevent the unnecessary removal of a child from his home, OCA initiated a pilot project with DFCS labeled “Promoting Reasonable Efforts (PRE)”. The intent is to review a case at the front door to determine what reasonable efforts have been made to prevent the removal of a child from his parent(s) and to identify whether any additional efforts can be made to prevent such a removal.

The project is currently being piloted in six out of 14 DFCS regions. During 2018, 129 PRE Team consultations were conducted. As a result of these consultations, 33% of these children did not enter foster care due to alternative steps being identified to ensure their safety. Alternative steps may include housing assistance, involving kinship caregivers or supporters, family preservation services, other community support resources, or pursuing a non-emergency dependency petition while the child remains in the home.

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

Opioid Grant

OCA facilitated the receipt of a federal grant focused on identifying and addressing the needs of mothers and children affected by opioid use and subsequent Neonatal Abstinence Syndrome (NAS) or Fetal Alcohol Syndrome Disorder (FASD). In coordination with OCA and the Administrative Office of the Courts, Douglas County is in the midst of this work to identify practices that will be useful statewide to combat these prevalent issues.

Recommendations for 2019

OCA has, in its partnership for child protection, offered throughout the year policy and practice recommendations to DFCS when identifying opportunities for improvement. In addition, OCA recommends for 2019 that the State of Georgia – including DFCS, courts, and other child-serving agencies – focus on the following issues:

1. **Culture and Climate**

The culture and climate of an agency, as well as an entire system, has a significant



impact on the work and the mental health of those working within the system. OCA is pleased with improvements DFCS is implementing in the way the agency recruits, trains, mentors, and retains its workforce. In our opinion, front-line CPS workers who work night and day in dangerous situations deserve the same respect and honor that we accord firefighters, policemen, and other emergency responders. DFCS should continue to focus on improving the culture and climate within which their workforce operates. One such effort they may undertake is to require all state office staff to shadow someone in the field as a way to bridge any gaps – perceived or actual – between the state office and the frontline. Additionally, other system stakeholders should also assess the current status of their culture and climate and identify and implement opportunities for further improvements including in-field training, supervisor leadership, and mentoring programs.

2. Quality Legal Representation

In December 2018, the federal Department of Health and Human Services (HHS) amended guidance to one of their policies indicating that Title IV-E funding, the federal entitlement program for child welfare services, can now be used to pay for legal support to children and parents who are involved with the child welfare system. Prior to this change, this funding was limited to legal support to the child welfare agency.

This change brings along the opportunity to enhance the quality of legal advocacy to parents and children involved within the system while ultimately improving outcomes. The system, as a whole, should work collaboratively to determine how best to utilize this funding source while also improving the quality of legal representation for all parties involved in dependency cases.

3. Youth and Family Engagement

Engaging youth and families with involvement in the child welfare system can have a tremendous impact to the system. Georgia's laws have been improved to ensure youth and families have the ability to participate in dependency proceedings in court related to their individual cases. However, historically, youth and families have not regularly been invited to the table when systemic improvements are being discussed. The value added by their involvement can be immeasurable as it has the potential to help practitioners challenge their own biases as well as significantly influence laws, policies, practices, and outcomes. Additionally, the input, insights, and feedback people with lived experience provide help practitioners better understand the barriers clients encounter and practical solutions from which clients and the system can benefit.

Youth and families have been engaged in several different ways throughout the system already. However, the system can enhance necessary improvements by ensuring the voices of youth and families with lived experience are not only heard, but that they truly have a seat at the table.

Conclusion

OCA continues to look for ways to positively impact our state's system for protecting children. This responsibility is not that of one agency or even of government alone; rather, it



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requires us to work humbly in partnership with all of those who have made child protection the focus of their work. At its core, OCA will continue to partner with other stakeholders to improve the safety and protection of children in need.



Appendices

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

O.C.G.A. §15-11-740.

(a) This article shall be known and may be cited as the “Georgia Child Advocate for the Protection of Children Act.”

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

O.C.G.A. §15-11-741.

As used in this article, the term:

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

O.C.G.A. §15-11-742.

(a) There is created the Office of the Child Advocate for the Protection of Children. The Governor, by executive order, shall create a nominating committee which shall consider nominees for the position of the advocate and shall make a recommendation to the Governor. Such person shall have knowledge of the child welfare system, the juvenile justice system, and the legal system and shall be qualified by training and experience to perform the duties of the office as set forth in this article.

(b) The advocate shall be appointed by the Governor from a list of at least three names submitted by the nominating committee for a term of three years and until his or her successor is appointed and qualified and may be reappointed. The salary of the advocate shall not be less than \$60,000.00 per year, shall be fixed by the Governor, and shall come from funds appropriated for the purposes of the advocate.



- (c) The Office of the Child Advocate for the Protection of Children shall be assigned to the Office of Planning and Budget for administrative purposes only, as described in Code Section 50-4-3.
- (d) The advocate may appoint such staff as may be deemed necessary to effectively fulfill the purposes of this article, within the limitations of the funds available for the purposes of the advocate. The duties of the staff may include the duties and powers of the advocate if performed under the direction of the advocate. The advocate and his or her staff shall receive such reimbursement for travel and other expenses as is normally allowed to state employees from funds appropriated for the purposes of the advocate.
- (e) The advocate shall have the authority to contract with experts in fields including but not limited to medicine, psychology, education, child development, juvenile justice, mental health, and child welfare as needed to support the work of the advocate, utilizing funds appropriated for the purposes of the advocate.
- (f) Notwithstanding any other provision of state law, the advocate shall act independently of any state official, department, or agency in the performance of his or her duties.
- (g) The advocate or his or her designee shall be a member of the Georgia Child Fatality Review Panel.

O.C.G.A. §15-11-743.

The advocate shall perform the following duties:

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



facilities receiving public moneys for the care and placement of children and shall include information describing the Office of the Child Advocate for the Protection of Children and procedures for contacting such office; and

(6) Convene quarterly meetings with organizations, agencies, and individuals who work in the area of child protection to seek opportunities to collaborate and improve the status of children in Georgia.

O.C.G.A. §15-11-744.

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

(1) To communicate privately, by mail or orally, with any child and with each child's parent, guardian, or legal custodian;

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

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

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

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



- (6) When less formal means of resolution do not achieve appropriate results, to pursue remedies provided by this article on behalf of children for the purpose of effectively carrying out the provisions of this article; and
 - (7) To engage in programs of public education and legislative advocacy concerning the needs of children requiring the intervention, protection, and supervision of courts and state and county agencies.
- (b) (1) Upon issuance by the advocate of a subpoena in accordance with this article for law enforcement investigative records concerning an ongoing investigation, the subpoenaed party may move a court with appropriate jurisdiction to quash such subpoena.
- (2) The court shall order a hearing on the motion to quash within five days of the filing of the motion to quash, and the hearing may be continued for good cause shown by any party or by the court on its own motion. Subject to any right to an open hearing in contempt proceedings, such hearing shall be closed to the extent necessary to prevent disclosure of the identity of a confidential source; disclosure of confidential investigative or prosecution material which would endanger the life or physical safety of any person or persons; or disclosure of the existence of confidential surveillance, investigation, or grand jury materials or testimony in an ongoing criminal investigation or prosecution. Records, motions, and orders relating to a motion to quash shall be kept sealed by the court to the extent and for the time necessary to prevent public disclosure of such matters, materials, evidence, or testimony.
- (c) The court shall, at or before the time specified in the subpoena for compliance therewith, enter an order:
- (1) Enforcing the subpoena as issued;
 - (2) Quashing or modifying the subpoena if it is unreasonable and oppressive; or
 - (3) Conditioning enforcement of the subpoena on the advocate maintaining confidential any evidence, testimony, or other information obtained from law enforcement or prosecution sources pursuant to the subpoena until the time the criminal investigation and prosecution are concluded. Unless otherwise ordered by the court, an investigation or prosecution shall be deemed to be concluded when the information becomes subject to public inspection pursuant to Code Section 50-18-72. The court shall include in its order written findings of fact and conclusions of law.

O.C.G.A. §15-11-745.

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



O.C.G.A. §15-11-746.

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

O.C.G.A. §15-11-747.

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

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

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

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

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

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



Appendix B: OCA Notice

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

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

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

Who are we?

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

What is an ombudsman?

Someone that listens and investigates complaints.

What can we do for you?

We can advocate for you, help make your voice heard, and share resources.

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

Email us: fiscaladmin@oca.ga.gov

Find us on social media:

@GeorgiaOfficeoftheChildAdvocate

@georgia_oca

@georgia_oca

@GeorgiaOCA

Visit our website: oca.georgia.gov

It is against the law for anyone to discriminate or retaliate against you for contacting the Office of the Child Advocate.

O.C.G.A. § 15-11-745



Office of the Child Advocate
For Georgia's Children

7 Martin Luther King, Jr. Dr., Suite 347
Atlanta, GA 30334