



Georgia Office of the Child Advocate for the Protection of Children
2019 Annual Report



Georgia Office of the Child Advocate for the Protection of Children

Annual Report 2019



2019 OCA Advisory Board Members

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Laura Eubanks, Gwinnett County Public Schools (Social Worker)

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

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(Court Appointed Special Advocates)



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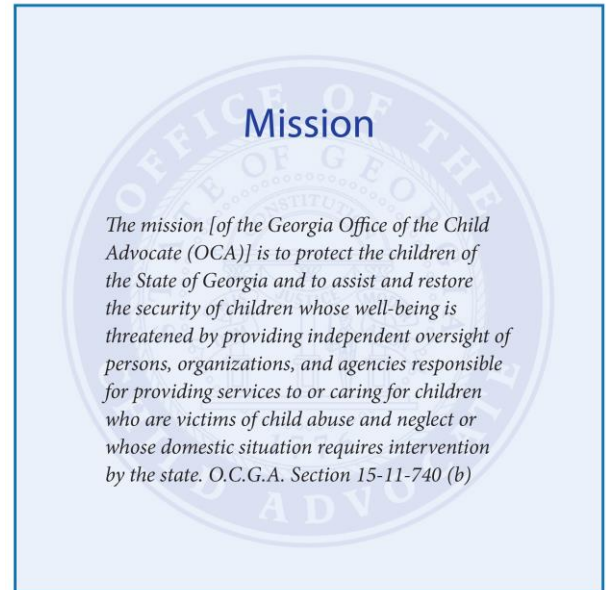


OCA's Mission

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).



2019 Staff Changes at OCA

Governor Kemp appointed Rachel Davidson as the Director of the Office of the Child Advocate (OCA) in February 2019. At the time of appointment, Rachel had been serving as OCA’s Interim Director. Prior to that, she served as OCA’s Deputy Director while Tom Rawlings was the Director. Rachel is a skilled child welfare attorney who, prior to her time with OCA, 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.



Davidson

We were able to welcome two new staff members in 2019. Jansen Head joined the office as the Deputy Director. Megan Kade joined the office as the Office Administrator after our previous Office Administrator, Diana Summers, accepted a position with Rockdale County Juvenile Court.



Head

Beth Smith, one of our investigators, accepted a position with the Family Treatment Court in the Ocmulgee Judicial Circuit. We are entering 2020 with the opportunity to fill this investigator role with another experienced and passionate advocate.

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.

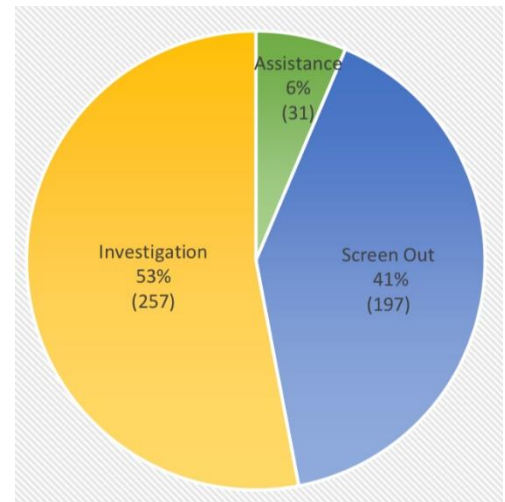


Figure 1: Disposition of complaints received (excluding “Governor’s Letters” and “CDNFSIs”) from January 2019 through December 2019, by number and percentage (Total: 485)

Between January 2019 and December 2019, a total of 594 cases⁶ came to OCA’s attention. Of these, 288 required further involvement from OCA in the form of assistance or investigation (see figure 1).

In addition to complaints received, OCA also reviews deaths, near fatalities, and serious injuries occurring to children whose family had involvement with DFCS. During 2019, OCA worked with DFCS to transition to a new review process based on safety science. This new review

⁶ This total includes cases received through the Governor’s Office, referred to as “Governor’s Letters”, which may or may not result in an investigation. During calendar year 2019, OCA received at least 109 Governor’s Letters.



process is focused on understanding the circumstances of the death, near fatality, or serious injury, as well as interventions or missed opportunities that may have prevented the death, near fatality, or serious injury. Interventions or missed opportunities are not limited to DFCS involvement, but rather encompass the larger system of child and family serving entities that may have been involved in a family's situation. As this process is still in the development phase, data for these reviews is not yet available.

During 2019, 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 257 cases treated as investigations in 2019, policy violations were noted in 20% of cases and child welfare practice deficiencies in 25% 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.

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 2019, the office continued or 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 2019, 36 people completed 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

⁷ O.C.G.A. § 15-11-744(a)(7).

⁸ O.C.G.A. § 19-15-2(a).



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.

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.

Based on input received in 2018 and 2019, OCA continues to revise and update the model protocol to be used as a resource by local child abuse protocol committees. OCA will continue to work with many partners including the state’s prosecutors, Child Advocacy Centers, Prevent Child Abuse Georgia, DFCS, Law Enforcement, GBI, and medical professionals to improve the Statewide Model Child Abuse Protocol as needed.

Multi-Disciplinary Child Abuse and Neglect Institute (MDCANI)

Georgia created the Multi-Disciplinary Child Abuse and Neglect Institute (MDCANI) based on a national program run by the National Council of Juvenile and Family Court Judges (NCJFCJ). This institute consists of intensive trainings and discussions with jurisdiction-wide multi-disciplinary audiences involved in child abuse and neglect proceedings. The second portion of MDCANI, focused on permanency, began during 2019. As part of this focus on permanency, a panel of youth shares their experiences with permanency, what it means to them, and their thoughts on how child welfare professionals can better engage youth and support them towards achieving permanency. OCA’s Director, Rachel Davidson, continues to serve as MDCANI faculty and moderates the youth panel discussion.



MDCANI’s First Youth Panel in August 2019

The Summit: Georgia’s Child Welfare Conference

For Georgia’s third 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 November 13-15, 2019. Held at The Hotel at Avalon in Alpharetta, the conference was attended by 635 child welfare professionals including front-line case managers, juvenile court judges, attorneys, providers, law enforcement, and medical personnel from all around Georgia. This year’s conference brought together these stakeholders from diverse fields to discuss challenges in our practice, to highlight breakthroughs, to learn from one another, and to affirm our commitment to this challenging but critically important work.

In addition to attendance being multi-disciplinary in nature, the training agenda included many sessions that involved multi-disciplinary presentations. Workshop offerings included a wide range of topics, such as “The Art of Engaging Families in Child Welfare Cases”, “Human Trafficking for Child Welfare Professionals”, “2019 Case Law Review”, “Youth Suicide in

⁹ O.C.G.A. § 19-15-2(b)(2).



Georgia”, “Understanding Substance Use Disorder”, “Father Engagement”, “Plans of Safe Care”, and much more.

The plenary sessions involved a welcome from Georgia Supreme Court Presiding Justice David E. Nahmias with a focus on the concept of prevention and the significant opportunities that the federal Family First Prevention Services Act could bring to our state in preventing child abuse and neglect; an interactive session by Judge Scott Bernstein of the Eleventh Judicial Circuit of Florida focused on implicit bias in practice; an inspiring message from Professor Carol Campbell Edwards of FSU’s College of Social Work focused on helping attendees increase the professional and personal quality of life by sharing tools to build hope and resilience while coping with challenges such as compassion fatigue and high turnover; and a message from Dr. Jerry Milner, Associate Commissioner of the U.S. Children’s Bureau encouraging attendees to imagine a more prevention-focused child welfare system that operates to treat causes as opposed to effects; he then moderated a panel discussion with youth, a parent, and the case worker that supported the parent toward reunification with her child.

One of the highlights of The Summit was the presentation of videos. This year’s videos included a focus on partnership parenting, reunification, adoption, and the passion shared by those who do this work. These videos can be viewed on OCA’s YouTube Channel found here: https://www.youtube.com/channel/UCqvcem2OBwAXWkmHp6kyYAg?view_as=subscriber

“Brain breaks” – alternatives to traditional workshops designed to encourage more networking and cultivate habits that contribute to our mental and physical health and resilience – were offered once again this year. Attendees encountered multiple options to promote their own self-care, as well as have a little fun. One such session was a child welfare version of “Jeopardy”, where participants enjoyed challenging their knowledge about child representation!

Introduced this year was the concept of “Courageous Conversations”, a grouping of breakout sessions that involved challenging and thoughtful discussions led by an assortment of juvenile court judges, state agency directors, members of various councils for youth and parents, and advocates in the courtroom and legislative hearings.

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

One way youth were engaged and recognized as part of The Summit was through a Youth Art Contest with the theme “This is ME.” Through art, youth in foster care expressed what makes them who they are, who they are becoming, or who they want to be. The artwork was displayed at The Summit, with awards provided to the winners.

This was the second year a book drive was conducted in conjunction with The Summit. Leading up to The Summit, OCA invited state agencies and attendees to donate new or gently used children’s books to help share the gift of reading with youth in foster care. More than 250



were donated and distributed through DFCS’ Regional Directors to share with children throughout the state.

OCA is looking forward to co-hosting another successful event in 2020 to once again elevate our collective work in the child welfare system!

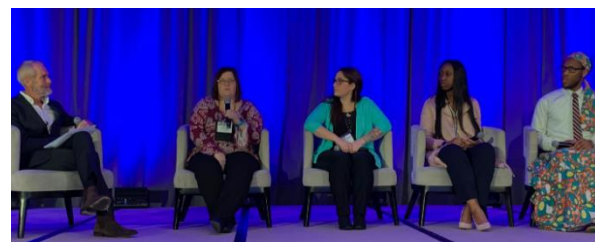
Scenes from the 2019 Summit



Georgia Supreme Court Presiding Justice David E. Nahmias welcomed a room full of attendees to the 2019 Summit



Youth Art Contest 1st Place Piece. The description read: “My work shows me being trapped by 4 things: rules, expectations, love, and family. The family web is slightly torn to represent my distance from family and to show one can never truly be free.”
- J.G. (Age: 17)



Children’s Bureau Associate Commissioner Jerry Milner led a panel discussion



Members of DFCS’ Parent Advisory Council shared their experiences and insights, as well as the goals and priorities they have as Council Members.



Sandy Corbin, David Meyers, and Audrey Brannen led a “Courageous Conversation” titled “Getting to Yes: Sometimes You Need to Lose to Win” involving a frank conversation about power struggles.



Children’s Bureau Associate Commissioner Jerry Milner and his staff had intimate conversations with parents and youth with involvement with the child welfare system.



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



Attendees got creative – and zen-like – with rock painting!



More than 250 books collected to share with children in foster care!



Newsletter

In December 2017, OCA issued our first revised version of the newsletter titled “AdvOCacy: Your Child Welfare Update”. We continue to issue this monthly newsletter, which contains several components: educational and informational material pertaining to a variety of topics of interest to child welfare professionals; youth voice – something written by a youth with lived experience in the foster care system that they would like to share with child welfare professionals; and upcoming events. During 2019, the reader-base increased from a little over 1000 people to more than 1500.

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

OCA 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 Notice

Pursuant to O.C.G.A. § 15-11-743(5), OCA developed a notice describing OCA and procedures for contacting OCA.¹⁰ This notice remains available for further distribution to DFCS offices, placements, and juvenile courts as needed.

Youth Engagement

OCA supports youth in foster care having their voices heard and being treated with respect. When we hear directly from the people our system is designed to serve, we can learn what needs improvement and how we can best implement such improvements. Throughout 2019, OCA engaged with youth in a variety of ways to include: incorporating youth voice into the monthly newsletter; attending the “Teens R 4 Me” 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:

¹⁰ See Appendix B for the notice.



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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 Lynn Barmore, Mary Hermann, Diana Rugh-Johnson, Kristi Lovelace, Amanda Smith, Leslie Stewart, Vicki Townsend, and Vicky Wallace.

In 2019, CCP staff and fellows conducted 185 staffings known as a “Permanency Roundtable Plus”, or “PRTPlus”, 551 follow-ups, and 265 reviews. This work has been found to substantially increase positive outcomes for children. Annual reports for the Cold Case Project are available online through the Justice for Children Committee of the Supreme Court of Georgia.

Promoting Reasonable Efforts (PRE) Project

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

During 2019, this project went from being piloted in six out of 14 DFCS regions to being piloted in all 14 DFCS regions. Following a PRE Team consultation, DFCS may seek a removal order or pursue alternative steps identified to ensure a child’s safety without seeking a removal to foster care. Alternative steps may include housing assistance, involving kinship caregivers or supporters, family preservation services, other community support resources, or pursuing a non-emergency dependency petition while the child remains in the home.

The PRE 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 prior to seeking a PRE team consultation, a more thorough assessment of reasonable efforts to prevent a removal, and more comprehensive information provided to the juvenile court when seeking a removal.

Quality Legal Representation

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



In partnership with Georgia's Court Improvement Program (CIP), OCA began discussions with two separate jurisdictions regarding the possibility of a pilot project to implement a structure to utilize IV-E funding to support quality legal representation for children in foster care. These discussions are expected to continue into 2020.

Recommendations for 2020

OCA has, in its partnership for child protection, offered throughout the year policy and practice recommendations to DFCS when identifying opportunities for improvement. OCA's recommendations for 2020 for the State of Georgia – including DFCS, courts, and other child-serving agencies – remain largely the same as recommendations made in 2019. While progress has been made in these areas, further improvements continue to be necessary. These recommendations include:

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 continues to observe improvements with DFCS relating to the way the agency recruits, trains, mentors, and retains its workforce. Additionally, the initial implementation of safety science into the child death and serious injury review process is showing promise to continuing to improve the culture and climate of DFCS' 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

The change to the Department of Health and Human Services policy enabling the use of Title IV-E funding to support legal representation for children and parents involved with the child welfare system brings along the opportunity to enhance the quality of this legal advocacy while ultimately improving outcomes. While initial efforts are underway to utilize this funding source, the system, as a whole, should continue to work collaboratively to improve the quality of legal representation for all parties involved in dependency cases.

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.

4. Prevention

In anticipation of and preparation for the implementation of the federal Family First Prevention Services Act, Georgia needs to continue to employ primary, secondary, and tertiary prevention efforts. These efforts are necessarily broader than DFCS' core purpose of intervening when children have been alleged to be abused or neglected and require all partners and stakeholders that are part of the larger child abuse prevention and treatment system to effectuate the continuum of prevention efforts. Initial discussions to update the state's Child Abuse and Neglect Prevention Plan (CANPP) have begun and a revised current plan is expected in 2020. Once it is finalized, the state and individual communities should implement strategies to bolster families and prevent abuse and neglect.

5. Mental Health and Behavioral Health

Children in foster care tend to have endured some form of trauma, leading to an increased risk for mental health concerns. Additionally, there are a fair number of children in foster care with behavioral health needs. Increased resources and services are necessary to adequately serve all children with mental health or behavioral health needs. For children in foster care, placements that operate as therapeutic foster homes can offer a home-like environment with therapeutic supports and should be encouraged and further developed.

Conclusion

OCA continues to look for ways to positively impact our state's system for protecting children. This responsibility is not that of one agency or even of government alone; rather, it requires us to work humbly in partnership with all of those who have made child protection 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.



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

O.C.G.A. §15-11-743.

The advocate shall perform the following duties:

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



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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;



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- (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.



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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

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