

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

***ANNUAL REPORT***

***2001***

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## INTRODUCTION

In accordance with my statutory responsibility as the Child Advocate for the Protection of Children, I respectfully submit this first annual report reviewing the period from October 1, 2000 to November 30, 2001.

## HISTORY

During recent years the Georgia Department of Family and Children Services ("DFCS") has come under intense scrutiny concerning inadequate and untimely responses to cases of abuse and neglect of children in Georgia. Several of these cases resulted in fatalities and eventual prosecution of either foster or natural parents. Media coverage intensified the growing concern of Georgia's citizenry and in late 1999 Georgia received national exposure in a segment of 60 Minutes that highlighted failures within the protective services system in the state. The focus of the 60 Minutes segment was on the death of Terrell Peterson, a five-year-old Atlanta youth who died of severe abuse despite repeated warnings from medical personnel to DFCS that he was in extreme danger.

In the first quarter of 2000, Governor Roy Barnes ordered the Georgia Bureau of Investigation to investigate the deaths of thirteen children that occurred under suspicious circumstances. Also during the 2000 session of the Georgia General Assembly, the Governor introduced legislation designed to improve the state's child protective services and to bring more accountability at DFCS. The enabling legislation for the Office of the Child Advocate for the Protection of Children ("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. With the creation of the OCA, Georgia became the twelfth state to open an independent ombudsman office designed to protect the rights of children in state care and to monitor the agencies charged with protecting our children. The OCA is 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.

The rights, powers, and duties of the Child Advocate are set forth in O.C.G.A. §§ 15-11-170 through 15-11-177 and a complete version has been included in this report as Appendix A. Most notable of the powers and duties are those to:

- 1) Investigate and seek the resolution of complaints made by persons where it appears that the health, safety, or welfare of a child has been adversely affected;
- 2) Communicate privately with any child and with the child's parents or guardian;
- 3) Have access to all records and files of DFCS concerning or relating to a child;
- 4) Inspect, copy and subpoena records held by clerks of the various courts, law enforcement agencies, service providers, including medical and mental health, and placement providers;
- 5) Review the facilities and procedures of any institution or residence, public and private, where a child has been placed by DFCS or a court and is currently residing;
- 6) 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.

Pursuant to the requirements set forth in the OCA statute, notice of the availability of the OCA was sent to both the Department of Human Resources and DFCS. In addition to the mandated notices, the OCA sent letters noticing the availability and jurisdiction of the office to the persons, agencies and organizations listed in Appendix B in order to expand knowledge of the OCA.

The primary purpose of this office is to monitor and oversee DFCS' operations at both the state and local levels. It is the mission of the OCA to ensure the adequate protection of Georgia's children and to provide for an enhancement of the existing protective services offered through DFCS. We will always advocate strongly for those changes needed to enhance the protection of our children and we will strive to support communities in meeting the growing needs of abused and neglected children.

With the dawn of the new millennium we have an opportunity for all of Georgia's citizens to advocate for the children who need them. Together we can make a difference

and the OCA will work to coordinate the actions of those seeking positive change within the protective services system. I look forward to working with the people, organizations and agencies that share the common goal of ensuring that our children are safe and free from abuse and neglect.

## **MISSION**

The Office of the Child Advocate will promote the enhancement of the State's existing protective services system to insure that our children are secure and free from abuse and neglect.

To achieve this mission, the OCA will have three primary functions.

1. Through investigation, we will provide independent oversight of those responsible for providing services to children who are victims of abuse and neglect in order to insure that the best interests of our children are met.

2. Through advocacy, we will seek needed changes in the laws affecting children and promote positive revisions in the system's policies and procedures.

3. Through education, we will promote better training of caseworkers and service providers and more awareness about the issues surrounding the protective services system.

We have identified the following goals with each of the primary functions.

### Investigative Goals

To establish a comprehensive data management system for the office, including a web based case tracking system. In order to effectively investigate complaints and identify needed systemic changes, a computer based tracking system must be created and utilized to promote the enhancement of child protective services in Georgia.

To identify service delivery deficiencies within Georgia's child protective services system and develop recommendations for comprehensive improvements.

To intervene in specific child abuse and neglect cases in order to ensure effective and prompt action by DFCS.

To prevent the placement or retention of children under the custody of DFCS in dangerous environments.

### Advocacy Goals

To identify and advocate for needed changes in the laws that affect our children.

To promote the development of more and better resources for those children that are deemed to be especially high risk for DFCS.

To contract with medical, mental health and other professionals to provide services regarding specific cases as needed.

To expand the availability of placement resources for Georgia's abused and neglected children and to reduce overcrowding in Georgia's foster homes.

### Educational Goals

To promote programs that heighten community awareness about child abuse and neglect.

To promote the development of a statewide multi-disciplinary approach to the investigation and prosecution of child maltreatment.

To promote appropriate partnerships between DFCS and other public and private agencies dedicated to the prevention of child abuse and neglect and the treatment of its victims.

To promote better understanding of the policies and procedures of DFCS by those entities that most directly impact the health and welfare of Georgia's children, including the courts, law enforcement, Special Assistant Attorneys General ("SAAG"), Court Appointed Special Advocates ("CASA") and attorney guardians ad litem ("GAL").

To promote more in-depth training for caseworkers regarding the legal system and the caseworkers' responsibilities to the courts.

## STAFF

**DeAlvah Hill Simms** is the Child Advocate. Ms. Simms is an attorney with over thirteen years of experience. She taught middle and high school prior to attending law school. As an Assistant District Attorney in the Macon Judicial Circuit, she prosecuted crimes against children until 1997 when she left the DA's office to become the Director of Crescent House, a children's advocacy center and member of Children's Advocacy Centers of Georgia, Inc. ("CACs"). Ms. Simms had returned to prosecution in the Towaliga Judicial Circuit when she was appointed by Governor Roy Barnes to become Georgia's first Child Advocate for the Protection of Children. Ms. Simms has served on the Board of Directors for CACs, Heart of Georgia Council on Child Abuse, Macon -Bibb County Family Connection, the Children's Hospital Board for the Medical Center of Central Georgia, the Advisory Committee to Middle Georgia CASA, and the Board of Trustees for the Georgia Children's Museum. Ms. Simms is a member of the American Professional Society on the Abuse of Children ("APSAC"), the Child Welfare League of America ("CWLA") and the United States Ombudsman Association.

**Tammy Varnadore Taylor** is the Assistant Child Advocate. She has a dual graduate degree in Industrial/Organizational Psychology and Clinical Psychology from Valdosta State University and currently is a Licensed Professional Counselor in Georgia. Ms. Taylor has been instrumental in developing the policies of the OCA and manages the day-to-day operations. Ms. Taylor has coordinated and supervised the investigative unit of the office during the first year of operations and has presented at many training conferences this year. She has extensive experience as a professional trainer, providing supervision and coordination of the training staff while at the Georgia Academy. Ms. Taylor served as the coordinator of services to severely emotionally disturbed children while employed at River Edge Behavioral Health Center. Since 1984, she has provided psychotherapeutic services to children and families. Ms. Taylor has been involved with Georgia's Family Connection Collaborative initiative at the local, regional and state levels since its inception.

**Russell A. Lewis, Sr.** is the Chief Investigator for the office. Prior to joining the office, Mr. Lewis had over twenty years experience in law enforcement where he was honored on numerous occasions both by law enforcement and community groups. Most notably, Mr. Lewis was awarded the Purple Heart by the City of Macon and was recognized for bravery, courage and dedication in the line of duty by the Georgia State Ladies' F.O.P. The American Law Enforcement Officers' Association awarded the Legion of Honor Award to him also. Mr. Lewis won the Academic Excellence Award for criminal investigations. Mr. Lewis led the investigative unit of the office in this first year of operations and has served as the liaison with the State Division of Family and Children Services' fatality and serious injury review team.

**Janice Spradley** is also in the investigative unit of the office. Ms. Spradley is a veteran child protective services investigator with 13 years of experience with the Department of Family and Children Services. She was assigned for four years to be in-house at a children's advocacy center where she coordinated the multi-disciplinary team and conducted forensic interviews of children suspected of having been sexually abused. Ms. Spradley has conducted in excess of 300 forensic interviews. Ms. Spradley has served on the Bibb County Child Abuse Task Force, Bibb County multi-disciplinary team and the Heart of Georgia Council on Child Abuse.

**Sandra Darby** is the office's full-time Administrative Assistant. She serves as the office manager and administrative assistant to the Child Advocate. Ms. Darby has played a vital role in the start up of the investigative unit by serving as the intake person on all of the incoming telephone complaints and also screening for immediate response. She attended Brewton Parker College and comes to the office with over twenty years of experience as an executive assistant, investigative assistant, supervisor, system administrator and adjunct instructor. Ms. Darby is active in various community and professional organizations serving in positions of leadership.

**Tim Chatman** is the Child Abuse Specialist with the Georgia Bureau of Investigations who is assigned to the office. Agent Chatman has seventeen years of law enforcement experience with special training in the investigation of crimes against children and child death and abduction investigations. Agent Chatman was a member of the GBI Child Abuse Task Force established by the Governor in 2000 and he was assigned the investigation of the Terrell Peterson case.

The OCA was established with four state-funded positions: the Child Advocate, the Assistant Child Advocate, the Chief Investigator and the Administrative Assistant. The investigative position held by Ms. Spradley and the GBI child abuse specialist are funded through a sub-grant award by the Children and Youth Coordinating Council ("CYCC") of a grant under the Juvenile Justice and Delinquency Prevention Act of 1974. The OCA will have one additional employee starting in December as the Victim Advocate Program Manager and this position will be funded through the Criminal Justice Coordinating Council's ("CJCC") 2001 Victims of Crime Act Grant Program.

The OCA has also enjoyed the services of six students made possible through the Governor's Intern Program, the Barton Child Law and Policy Clinic at Emory University, the Child Advocacy Project of Central Georgia CASA and Mercer University School of Law and the CYCC grant. They include Rebecca McCurdy of Notre Dame Law School, Carolina Watts of Pepperdine University School of Law, Lori McDowell and Darlene Mann of Walter F. George School of Law at Mercer University, Erin Cawthon of Mercer University and Bridgette Ward of Kennesaw State University. We offer our sincere gratitude to each of these programs and schools for providing these interns to work with the office.

## **ADVISORY COMMITTEE**

The OCA is fortunate to have an advisory committee of seven individuals dedicated to helping fulfill the mission of protecting our children. The members include:

- Allyson Anderson, an attorney and Director of Advocacy for Georgia CASA, was appointed by Governor Barnes and she serves as the chair of the committee.
- Dr. Alma Noble is the Director of Baby World Daycare Center in Albany and was appointed by Lt. Governor Mark Taylor.
- Dr. Joy Maxey is a practicing pediatrician in Atlanta and was appointed by the Speaker of the House of Representatives, the Honorable Tom Murphy.
- Susan Krysalika is a pediatric social worker at the Medical Center of Central Georgia and was appointed by Governor Barnes.
- Dr. John Adams is a practicing psychologist in Statesboro and was appointed by Lt. Governor Taylor.
- J. Branson Parker is a practicing attorney in Athens and was appointed by Speaker Murphy.
- Judge Tracy Graham is the juvenile court judge in Clayton County and she was appointed by Chief Justice Robert Benham.

## INVESTIGATIVE FINDINGS

The OCA has opened 611 cases from 111 different counties since January of 2001. The following table contains a breakdown by county and number of cases per county.

Appling – 3	Dawson – 3	Jasper – 3	Rabun – 4
Baker – 1	Decatur – 1	Jeff Davis – 2	Randolph – 1
Baldwin – 3	DeKalb – 14	Jones – 4	Richmond – 21
Banks - 2	Dodge – 3	Lamar – 3	Rockdale –6
Barrow – 11	Dougherty – 7	Laurens – 2	Spalding – 12
Bartow – 6	Douglas – 8	Lee – 1	Stephens – 4
Berrien – 2	Early – 3	Liberty – 7	Sumter – 5
Bibb – 39	Emanuel – 4	Lincoln – 3	Taylor – 1
Brantley –3	Evans – 1	Long – 2	Telfair – 3
Brooks – 2	Fannin – 3	Lowndes – 8	Terrell – 1
Bryan – 1	Fayette – 6	Lumpkin – 12	Thomas – 4
Burke – 1	Floyd – 8	Macon – 1	Toombs – 1
Camden – 2	Forsyth – 5	Madison – 1	Towns – 3
Candler – 1	Franklin – 5	McDuffie – 5	Troup – 1
Carroll – 8	Fulton – 43	McIntosh – 3	Twiggs – 4
Catoosa – 1	Gilmer – 3	Meriwether – 3	Union –13
Charlton – 2	Glynn – 6	Miller – 1	Upson – 3
Chatham – 9	Grady – 2	Monroe – 1	Walker – 4
Cherokee – 11	Gwinnett – 32	Montgomery – 1	Walton – 1
Clarke – 3	Habersham – 4	Murray – 5	Ware – 2
Clayton – 17	Hall – 10	Muscogee – 10	Washington – 3
Clinch – 1	Hancock – 1	Newton – 4	Wayne – 1
Cobb – 19	Haralson – 1	Paulding – 12	White – 1
Colquitt – 1	Harris – 1	Peach – 4	Whitfield – 3
Columbia – 2	Hart – 2	Pickens – 4	Wilkinson – 2
Cook – 1	Henry - 16	Pike – 5	Worth – 3
Coweta – 19	Houston – 15	Polk – 7	
Crawford – 2	Irwin – 3	Putnam – 2	

The lack of consistency in the counties’ application of DFCS’ policies and procedures was apparent throughout the investigative process. DFCS must institute stronger training measures to ensure better consistency in the practice from county to

county. Many common problems have come to the attention of the OCA through the investigations of these cases and they are discussed below. The order in which these issues are discussed in no way reflects that one is more serious than the others. Each of these problems presents a serious impediment to securing the well-being of Georgia's children and must be addressed before significant positive improvement in the child welfare system will be forthcoming. Appropriate funding to develop the necessary resources for DFCS to be successful is an absolute must.

1. Case Management - Georgia DFCS is operating in crisis mode. The need to lower caseloads among the caseworkers is paramount. All professionals know that there is a direct link between workloads and the resulting safety of children. DFCS has the major role in child protection and an adequate and well-trained workforce is the critical component in increasing the safety and well-being of children in Georgia. Caseworkers appear to have a lack of understanding of basic social work principles, which results in a myriad of problems impacting the level of success achieved by families. Caseloads must be brought into compliance with the standards set by the Child Welfare League of America.<sup>1</sup> The turnover rate at DFCS is extremely high and this creates even higher caseloads among those remaining with the department. The pervasive problem with these high caseloads has led to many regular policy violations within the department. The lack of true supervision was evidenced in numerous cases. Very little evidence exists to suggest supervisors were involved in case assessment and determinations. The need for direct supervision is great due to the high turnover within the department. There was very little information in case files to indicate that mandated visits with family and children were substantive, and related to the issues for which the case had been opened. Families seldom are truly involved in the development of their own case plans. Caseworkers fail to review previous case histories that can often provide very valuable insight into the families and

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<sup>1</sup> The Child Welfare League of America sets 17 as the maximum caseload to ensure proper case management and provision of services.

children with whom the worker has to interact. Cases are closed routinely without thoroughly evaluating risk or safety. In particular the OCA noted that cases involving a substance abusing parent were often closed prematurely and without appropriate supports in place to foster success in staying substance free. All of these problems combine to create a system of case management that does not ensure the safety of children.

2. Mental Health - There is little that is more clear than the fact that mental health resources are critically deficient for Georgia's abused and neglected children and their families who so often are in dire need of help. In many cases, assessments were conducted and the information and recommendations in the assessments were used to develop case plans for the children and families. Far too often the OCA discovered a complete breakdown in the provision of mental health services as set forth in the case plan. The failure to provide mental health services resulted largely from the overwhelming caseloads or from the fact that the services simply were not available in the community. Another problem evidenced in the investigative findings was that providers were often relegated to recommending what was available and not what the child or family actually needed. When services to meet the true needs are not recommended simply because they do not exist, the problem of a deficient system is whitewashed and the gaps in mental health services are never identified. When the mental health needs of these children are not met, the likelihood of placement disruption increases significantly. Children in Georgia continue to experience numerous moves while in placement. Additionally, the likelihood of further mental deterioration exists. More and more of the state's children enter juvenile detention because of the state's failure to address their mental health issues when first identified.
3. Placement - The lack of appropriate placement resources is among the most serious of issues plaguing DFCS.

a.) The state does not have enough foster homes. Many of those they do have are significantly overcrowded due to the practice of counties obtaining waivers on the limits set for the approved number of children in the homes. Overcrowding of foster homes has resulted in several serious problems. Relationships between foster parents and DFCS are not maintained at a partnership level. Many homes have voluntarily closed or have been closed because of the breakdown in communications. Foster parents are no more able to handle the overcrowding of their homes than caseworkers are able to handle the overwhelming caseloads. The overcrowding in the homes has resulted in the placement of children that should not be placed together, often times creating a danger to all persons living in the home.

b.) The increased demand for therapeutic group home placements and the lack of sufficient funding to meet the need is apparent. In many cases investigated by this office, children were in basic level foster care when it was obvious from just a file review that a higher level of care was indicated. Unfortunately for many of these children, they suffered due to escalating mental health problems while awaiting proper placement. The resulting costs to the state were far higher than they would have been if the state had addressed the issues upon the child's entry into care. The state must look at the true and exhibited need for these resources as reflected by usage in prior years.

4. Medical and Dental Health - While medical and dental screenings and assessments appear to have been completed in most cases, follow through with treatment recommendations was troubling in enough cases to warrant discussion. The cases exhibiting problems in follow-up medical treatment were so severe and detrimental that the children will suffer resulting lifelong complications. DFCS must place high priority on the physical health of the state's children and ensure a comprehensive, multi-disciplinary health, mental health and developmental assessment within one month of a child's placement. Ongoing primary and preventative health care services are

absolutely a must and should include reassessments at a minimum of every six months. All records should be maintained in the case file.

One notable case of DFCS' failure to ensure the medical well-being of a child in the State's care resulted in substantial hearing loss by the child. The child has been in the custody of DFCS for over six years and to this date has not achieved permanency. The child was sent by DFCS to a residential facility to have a medication assessment. He was taking a large number of psychotropic medications and concerns had been raised about the possibility of resulting liver and kidney problems. Immediately upon conducting the medical assessment, the psychiatrist at the residential facility identified a chronic ear infection and the child was referred to a specialist. Out of all of the medications that the child was taking, not one of them was an antibiotic to treat an infection. The medical specialist indicated that the ear infection was of substantial duration, probably close to two years and the child had lost significant hearing ability. The child was also at imminent risk of meningitis due to the severity of the internal ear infection. Surgery was recommended and even in the face of such a tragedy, it took several days and over twenty phone calls to the local DFCS attempting to get the necessary consents for the surgery. The child had sustained so much damage to the nerves in his ear that he mercifully no longer felt the severe pain, which likely contributed to the accumulation of unnecessary medication. The first surgery to clear up the problems with the infection has now been completed and another to rebuild the structures damaged and destroyed in the ear is scheduled for the upcoming summer. The OCA will continue to advocate for the provision of appropriate medical care for this child and for his continued placement in this residential facility, a member of the Georgia Association of Homes and Services for Children.

5. Attorney Guardians ad litem - The OCA identified issues regarding the representation of attorney guardians ad litem in a number of judicial circuits. The children involved in deprivation proceedings should have knowledgeable and trained attorneys to ensure their rights are protected. Georgia is failing in this obligation. Our investigations indicated that attorney GALs are often appointed just prior to the hearings and often do not meet with the child or the child's caseworker, family or other witnesses before court. This practice is unacceptable. Advocacy on behalf of a child necessitates knowledge of the juvenile court system and the circumstances on which the petitions of deprivation are based. Adequate preparation for the court proceedings is a must and it involves more than sitting with the child at a table in the courtroom.

6. Special Assistant Attorneys General - The county DFCS offices are penalized for failure to comply with state and federal regulations as a direct result of decisions made and documents prepared by the Courts and SAAGs. Many counties have difficulty in obtaining timely court orders with wording that satisfies all state and federal requirements. Before beginning practice in this area, specialized training on DFCS policy and procedure should be mandatory. Many of the SAAGs are unfamiliar with the basic policies of the department. DFCS caseworkers and SAAGs need more training to assure that legal documents meet federal and state requirements and that children are not languishing in the system because of avoidable delays.

### **EMERGENCY SHELTER INVESTIGATIONS**

The OCA conducted extensive investigations of the two publicly operated emergency shelters for children located in Fulton and DeKalb counties. The full investigative reports can be found on the OCA website at [www.gachildadvocate.org](http://www.gachildadvocate.org). Each of these investigations was initiated because of violent altercations on the shelter premises. The investigations were time consuming and exhaustive and valuable insight into publicly operated placement facilities was gained. Of primary concern in both shelter investigations is the lack of any regulatory oversight of the facility by the Office of Regulatory Services – Child Care Licensing Section (“ORS”). The resulting problems from this lack of oversight are discussed in each investigative report. The conclusion of the OCA is that these facilities are sub-standard, and if owned and operated by a private provider, they would never pass inspection and would never be licensed to care for children. The state cannot continue to hold itself to a standard lower than that to which it holds private providers. The shelters continue to be plagued with many of the same problems noted in the investigative reports. Indeed, the DeKalb shelter had another violent altercation between residents in November and the staff remains afraid of the resident population. Despite the office's efforts and recommendations, most of these problems continue to exist, thus exhibiting the need for the OCA to have the independent

authority to initiate suit on behalf of the abused and neglected children in the state of Georgia.

Of huge concern during both investigations was the failure to comply with the requirement of completing a criminal records check on persons prior to employment. This practice is wholly unacceptable. The safety and well-being of our children is threatened significantly when the staff working with them are not suitable for such a job. In fact, more than one employee was found to have a criminal record that, at the very least, made employment questionable.

### **TRAINING AND COMMUNITY EDUCATION**

Specialized training and education of all those working in child protection and deprivation are necessary. The OCA participated in numerous training conferences throughout the year in order to promote a well-trained workforce across the various disciplines. Presentations conducted by the OCA are listed in Appendix C. Further training initiatives are needed to address specific concerns outlined in the investigative findings of this report. Cross-training is a positive way of meeting the educational needs of the various disciplines and encouraging communication. A few topics for inclusion in future training are DFCS policies and procedures, child development, medical and psychological aspects of child abuse and neglect, family dynamics and legal issues in deprivation proceedings.

The OCA has been an active participant in The Child Placement Conference, the largest annual cross-training conference offered in Georgia. The hosts of this conference have been DFCS, the Georgia Association of Homes and Services for Children ("GAHSC") and the Supreme Court's Child Placement Project. Most recently, the Department of Juvenile Justice ("DJJ") became a partner for this conference. The OCA was an active participant in suggesting workshops for the year 2001. The attendees of this conference include DFCS caseworkers who handle placement and foster care, DJJ caseworkers who handle joint commitment, group home staff and caseworkers, attorneys and judges who work in juvenile courts, CASAs, citizen panel review staff and volunteers and others working in the area of foster care and placement. In 2000, with

900 people in attendance, the Child Advocate introduced the newly created office and in 2001, the OCA participated in two workshops entitled What Exactly is The Office of the Child Advocate? and Georgia's Child and Family Services Federal Review: "Where Do We Go From Here?"

The overall evaluations from the Child Placement Conference over the past two years show consistently high marks and the workshops are well-attended. Because of the successful reputation of this conference and because of the high attendance, the OCA plans to become a host and to become more involved in the curriculum development for the 2002 conference. By doing this, the OCA can focus the conference workshops on the greatest practice deficiencies emerging in the OCA's data. The OCA has already approached the conference planners with a proposal for the OCA's involvement in the 2002 conference and it was well received. The OCA highly recommends The Child Placement Conference for all people working in or connected to the child welfare system.

### **MONITORING TO BRING POSITIVE CHANGE**

During the first year of operations, the OCA also has monitored DFCS through participation in various initiatives and membership on certain important committees. The committees are listed in Appendix D. In order to make recommendations to correct the identified practice deficiencies, the OCA must be aware at all times of the changes envisioned by DFCS. Currently, DFCS is involved in a number of initiatives designed to enhance the practice within the department. The OCA has worked with these committees to promote the best plans possible for Georgia's children.

1. SACWIS - DFCS is working with the Georgia Technology Authority ("GTA") to build a Statewide Automated Child Welfare Information System ("SACWIS"). SACWIS should be designed to support national best practice standards in child welfare and, when the system is complete, the automated case management tool will enable DFCS to provide more effective and efficient services to families and children. The system is also designed to ensure compliance with all federal reporting requirements. The OCA is participating in this effort with DFCS and GTA in order to ensure that the

final SACWIS product actually improves the quality of services to children and families and that the implementation of the system helps workers in completing the requirements of their jobs. The Office of the Child Advocate will continue to monitor this effort until a final, useable product is implemented.

2. Federal Review - DFCS participated in the Family and Children Services Federal Review during the summer of 2001. The Child Advocate served on the Child Welfare Advisory Committee which was established to help DFCS prepare for the Federal Review. Three counties participated in the review. Fulton County was mandated to participate because it is the largest and most populous county in Georgia. Carroll and Toombs Counties were chosen by the committee based on mean scores from a compilation of data. The Child Advocate also served as a member of the Federal Review team assigned to Fulton County. The Federal Review is designed to evaluate how well Georgia is performing in protecting and providing for our children. Georgia did not do well in the review and DFCS must develop a Program Improvement Plan ("PIP") to address each of the practice deficiencies identified through the review process. The report from the Federal Review can be found at the website of the Barton Child Law and Policy Clinic at Emory University at [www.childwelfare.net](http://www.childwelfare.net). The Federal Review noted many of the same problems identified in the investigations of this office and outlined in this report. The common theme throughout the report is that Georgia is seriously lacking in resources to support children and families identified as "at risk".

3. Safe Futures for Georgia's Children: A Comprehensive Plan for Child Welfare Reform - The OCA has participated in this DFCS initiative in order to monitor the long term plan development of the Division and to ensure that the practice deficiencies identified in OCA investigations are addressed. As noted earlier, the investigative findings of this office have paralleled the deficiencies noted in the Federal Review. The Safe Futures initiative includes the development of county level prevention and early intervention strategies that are vital in the continuum of protective services necessary for Georgia's children. The OCA will continue to participate in this reform measure in order to promote the development of an accountable child welfare system.

## GRANTS AND NEW INITIATIVES

1. Victim Advocacy - In October of 2001, the OCA secured a federal Victims of Crime Act ("VOCA") grant through the CJCC to begin a victim advocacy program. As noted above the Victim Advocacy Program Manager will begin on December 17, 2001. Through the addition of this program, the office will represent children in state care in accessing victim compensation funds and appropriate services. We will assist children who are involved simultaneously in child welfare, law enforcement and the various court systems to ensure the protection of the child victim's rights. We look forward to providing this new service and offer our thanks to the CJCC for such a generous grant award.

2. Finding Words - The National Center for the Prosecution of Child Abuse and CornerHouse Children's Advocacy Center have developed a model multi-disciplinary forensic interviewing course entitled *Finding Words*. Because of the extremely long waiting list that has occurred each time the course has been offered, the National Center and CornerHouse decided to offer the training through approved states in a program called Half a Nation By 2010. The OCA, DFCS and CACs collaborated and applied for the contract to bring *Finding Words* to Georgia. The OCA was the lead agency and wrote the application package. We are pleased that Georgia was one of the six states chosen and the *Finding Words* initiative will begin in 2002. Faculty from the National Center and CornerHouse will teach the first of three weeks and then the Georgia faculty identified in the application will teach the remaining two week-long sessions. At the close of the three weeklong training sessions Georgia will have 24 multi-disciplinary teams trained and prepared to conduct forensic interviews of children and will have faculty trained and certified to teach the rest of the state. In 2002 OCA will work collaboratively with both DFCS and CACs to build more multi-disciplinary teams to prepare for launching *Finding Words* in 2003.

## RECOMMENDATIONS

The Office of the Child Advocate recommends that Georgia DFCS place gaining full accreditation with the Council on Accreditation for Children and Family Services as a top priority of the agency. This will require DFCS to provide services and case management that meet the highest national standards in child welfare. Devotion and a strong financial commitment to this goal from our lawmakers will be necessary, but Georgia can and should do better in meeting the needs of the children and families involved with state's child welfare system. Georgia cannot continue to rank at the bottom nationally on children's issues and we should be ashamed that we have remained there for so long.

With the events of September 11 and the resulting economic decline, the numbers of children needing services is continuing to increase. We will not soon see a decline in the numbers of children involved with DFCS. Knowing this to be true, Georgia must plan accordingly. Georgia must devote the financial resources necessary to reduce the caseloads of workers to comply with the standards of the Child Welfare League of America. DFCS desperately needs more caseworkers. This is the only way caseworkers will ever be able to do the job that is required of them to adequately meet the needs of the families and children that depend on DFCS. Supervisors need specific training in how to manage staff and should be required to have advanced level social work degrees or appropriate experience to offset the lack of formal education.

Georgia must commit to building a mental health system that prioritizes services to our state's families and children most in need. Children in the custody of DFCS should have priority within the state's mental health system. The state must provide adequate funding to meet the needs of the children with intensive therapeutic needs. We cannot continue to place children in basic level care simply because we have "run out of money".

Appropriate placement for the children in the custody of the state is a must. The state cannot continue to hold publicly operated facilities to a lesser standard than that to which it holds private providers. The same concerns raised with the emergency shelters are evident in the DFCS foster homes where waivers have been utilized to place more children than the homes are approved to keep. These practices must cease immediately

and recruitment efforts to build the foster home resources need to be strengthened. No one should be allowed the responsibility to operate such a facility until a complete and thorough background check has been conducted and the results received in writing.

Georgia must develop an adequately funded continuum of care for the families and children identified as "at risk." Prevention, intervention and treatment are all necessary components of a good child welfare system. To prevent abuse and neglect of our children and their progression toward juvenile delinquency, we must intervene early with families identified as "at risk." Adequate funding for prevention programs is essential and we will continue to focus attention on this need.

The OCA has requested funding to provide intensive workshop training for GALs. OCA investigations have shown a great need for specialized training in this area. The OCA also recommends that in counties where CASA programs are active, CASA and GALs could make an excellent team to ensure the best interests of the child are protected.

The Office of the Child Advocate will continue its mission and statutory mandate to provide oversight of the state's protective services. The demands on the office in this first year of operation have been great and it is hoped that the office will receive sufficient funding and support to meet the needs of the children we represent.

In conclusion, the office would like to thank the Governor and the Legislature for the Child Welfare Initiative funded and passed in the 2001 legislative session. We respectfully request that the commitment to the well-being of Georgia's children continue with appropriations necessary to meet the needs as set forth in this report.

## APPENDIX A

### CHILD ADVOCATE FOR THE PROTECTION OF CHILDREN

Effective date. - This article became effective April 6, 2000.

15-11-170

(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.

15-11-171

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 15-11-172.
- (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 the division, for whom the division has an open case file, or who has been, or whose siblings, parents, or other caretakers have been the subject of a report to the division within the previous five years.
- (4) "Department" means the Department of Human Resources.
- (5) "Division" means the Division of Family and Children Services of the Department of Human Resources.

15-11-172.

(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 an ex officio member of the State-wide Child Abuse Prevention Panel.

15-11-173

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 child fatality review subcommittee of 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 subcommittee 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 the division 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 the division, in division 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 that 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.

15-11-174

(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 or guardian;

(2) To have access to all records and files of the division 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 the 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 which has the effect of identifying such individuals shall not be released to the public without the consent of such individuals;

(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 the division 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 said subpoena.

(2) The court shall order a hearing on the motion to quash within 5 days of the filing of the motion to quash, which 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.

#### Annotations

The 2001 amendment, effective July 1, 2001, designated the existing provisions of this Code section as subsection (a) and added subsections (b) and (c).

15-11-175. Penalty provision.

(a) No person shall discriminate or retaliate in any manner against any child, parent or guardian 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.

15-11-176

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

15-11-177

(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 President of the Senate;
- (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 President of the Senate;
- (6) One attorney appointed by the Speaker of the House of Representatives from the Children and the Courts Committee of the State Bar of Georgia; and
- (7) One juvenile court judge appointed by the Chief Justice of the Supreme Court of Georgia.

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**

### NOTIFICATION LETTERS

Governor Roy E. Barnes  
Georgia House of Representatives  
Georgia Senate  
Department of Human Resources  
State Division of Family and Children Services  
159 DFCS' County Directors  
Superior Court Judges  
State Court Judges  
Juvenile Court Judges  
District Attorneys  
Child Protective Services Task Force  
Georgia Sheriff's Association and all of the sheriffs  
Georgia Chiefs of Police Association and all Chiefs of Police  
Children's Advocacy Centers of Georgia and all of its' members  
Georgia CASA and all of the local CASA organizations  
Prevent Child Abuse Georgia and all of the local chapters  
Georgia Foster Parents Association  
Family Connections collaboratives  
United Way  
Hospitals throughout Georgia  
Pediatricians in Georgia

## APPENDIX C

### PRESENTATIONS

Division of Family and Children Services (DFCS):

- Child Protective Services Advanced Investigative Skills Training
- Social Services Supervisor's Conference
- Spring Managers Conference
- Area VI Director's Meeting
- Area XI Social Services Day: A Journey to Excellence
- Johnson County DFCS
- Peach County DFCS
- Foster Parent Recruitment Gala
- Georgia Statewide Child Protective Services Advisory Panel

Georgia County Welfare Association's 33<sup>rd</sup> Annual Meeting

Family Connection Initiatives:

- Lowndes/Valdosta Commission for Children and Youth Annual Meeting/Community Forum
- Candler County Annual Community Luncheon
- Bibb County Legislative Breakfast
- Chandler County Family Connection Annual Community Luncheon

Cobb County Coalition for Child Abuse Prevention Conference

Annual Juvenile Law Conference

Ga. Indigent Defense Council

State Bar of Georgia Juvenile Law Training

Prevent Child Abuse Georgia (formerly Georgia Council on Child Abuse, Inc.) Annual Training Conference-2000 & 2001

Georgia Association of Independent Juvenile Courts

Council of Juvenile Court Judges

- Annual Fall Seminar
- Annual Spring Seminar

Bibb County Juvenile Court Retreat  
Families First Conference

Safepath Children's Advocacy Center's 6<sup>th</sup> Annual Basic Training  
Children's Advocacy Centers of Georgia, Inc. Quarterly Meeting  
Annual Meeting of the Children's Tree House Child Advocacy Center  
Rainbow House Children's Advocacy Center  
Kennesaw State University  
Family Health Center at the Medical Center of Central Georgia  
District Attorney's Association Spring Meeting  
Georgia Crime Prevention Association Meeting  
St. Joseph's Hospital  
Cordele Lions Club  
Georgia CASA's 9<sup>th</sup> Annual Conference-2000 & 2001  
Laurens County Court-Appointed Special Advocates  
Annual Child Placement Conference, 2000 & 2001  
Georgia Bureau of Investigation's special trainings  
Atlanta Junior League  
Annual SAAG Conference 2000  
Child Placement Retreats: What you need to know about the Federal Review  
2000 Rally For Children  
2001 Session of the General Assembly: Testified at numerous committee meetings and hearings  
Children's Healthcare of Atlanta  
Macon 2000 Child Advocacy Network

**APPENDIX D**

COMMITTEES

Federal Statewide Automated Child Welfare Information System (SACWIS)

State DFCS Death and Injury Review Committee

? Child Abuse Coalition

? Federal Review

Child Welfare Advisory Committee

Georgia Federal Review Team

Program Improvement Planning Committee

? State Child Fatality Review Panel

DFCS/DJJ Detention Issue

Safe Futures Collaborative