

Office of the Child Advocate 2009 Annual Report



Melissa D. Carter, Director

478-757-2661 or 1-800-254-2064

www.oca.georgia.gov



3312 Northside Drive
Suite D-250
Macon, Georgia 31210

478-757-2661
478-757-2666 (fax)
www.oca.georgia.gov

55 Park Place, NE
Suite 410
Atlanta, Georgia 30303

404-656-4200
404-656-5200 (fax)
www.gacfr.oca.georgia.gov

Office of the Child Advocate

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March 1, 2010

Honorable Sonny Perdue
Governor, State of Georgia
203 State Capitol
Atlanta, GA 30334

Honorable Casey Cagle
Lieutenant Governor
240 State Capitol
Atlanta, GA 30334

Honorable David Ralston
Speaker of the House
332 State Capitol
Atlanta, GA 30334

Dear Governor Perdue, Lt. Governor Cagle, and Speaker Ralston:

Enclosed is the annual report of the Office of the Child Advocate required by OCGA § 15-11-174 (5) covering our activities for calendar year 2009 and providing our legislative and policy recommendations for 2010.

As you know, our small agency is tasked with the considerable mandate to ensure Georgia's children are protected by providing independent oversight of our state child welfare system. We believe it is our privilege and responsibility to help ensure our state addresses the individual needs of at-risk children and troubled families in a decent, just, and fair manner. Likewise, we endeavor to contribute positively to improving the overall health and performance of our state child welfare system.

In the attached report you will find that we are generally pleased with the direction of our state's child welfare system as it sustains its efforts to keep children safely with their families and avoid removing them needlessly to foster care. We do, however, recommend changes that our General Assembly and child welfare agencies should implement. We believe these recommendations will improve the public's confidence in our child protection system and will promote the goal of addressing each child's individual best interests.

We also provide information in this report regarding our general operations including our traditional child welfare case investigations, child welfare policy development and legislative advocacy, education and training. Additionally, we are proud to report on the continued integration of child fatality and injury review and prevention activities into our core functions.

On behalf of my staff and myself, I want to thank you all for the opportunity to serve and for your leadership on behalf of the children and families of our great state.

Best Regards,

Melissa D. Carter, Esq.

The Honorable Sonny Perdue
Governor of Georgia
203 State Capitol
Atlanta, Georgia 30334

Dear Governor Perdue:

On behalf of the Advisory Board of the Office of the Child Advocate (OCA), I would like to commend OCA's efforts during 2009 and offer our support for the service and commitment of the employees dedicated to its vision. We are especially proud of their ability to provide consistent emphasis on their core mission during these trying economic times, including the most important indicators of the health of our child welfare system in Georgia. They have shown great empathy and thorough analysis of the tragic deaths of children this past year and their research of, focus on and advocacy for system changes will improve the safety of our children and consistency of procedures across the state.

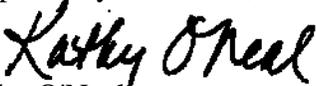
As has been true from its inception, OCA has more than accomplished its statutory responsibilities. They not only receive, resolve and refer individual complaints made regarding abused or neglected children, but offer thoughtful, data-based recommendations for ways to identify and institutionalize 'best practices' in the overall child welfare system.

In addition to their ongoing core and associated activities, OCA provided training around the state to educate professionals, encourage collaboration among stakeholders and offer expertise to mandated reporters and others who give abused children a voice. These opportunities included the *Justice for Children* Summits, the *Finding Words* program and the *School Abuse Working Group project*.

Through OCA's consistent and persistent proactive philosophy, they have been instrumental in educating lawmakers and providers. Their efforts have resulted in many positive changes in legislative and organizational policy. OCA's Initiatives and recommendations are thoughtful, timely and based on strong research, both by their staff and experts in the field. We encourage continued consideration of their suggestions by the legislature and relevant state agencies.

We look forward to working with and supporting the newly appointed leadership of OCA and feel confident in the continued efforts to work towards providing a better future for all of Georgia's children.

Respectfully submitted,



Kathy O'Neal
Chairperson
Office of Child Advocate Advisory Board

Introduction

In 2010, Georgia's Office of the Child Advocate for the Protection of Children (OCA) begins its 10th year of service to the at-risk children and troubled families of the state and the public and private stakeholders of our child welfare system. We commemorate this 10th anniversary by first reflecting on our activities of 2009 and the implementation status of our previous year's recommendations. This report will then present our recommendations to enhance the state's child protection mechanisms and further improve the safety, permanency, and well-being outcomes for Georgia's children in the future.

Despite continued budget reductions necessitated by an ongoing recession, OCA continued in 2009 to provide to families, youth, policymakers and professionals from diverse disciplines the assistance, research, and advocacy needed to improve our state's child welfare policies and practices. We maintain our mission focus for OCA to work steadily, proactively and in partnership to improve the way our state responds to families in need.

With that objective in mind, we present OCA's annual report, prepared pursuant to our legislative mandate.¹ In it you will find our account of how the system is functioning, a description of the work we are doing as an agency, and our perspective on priorities for the coming year.

I. The State of Child Welfare: A 2009 Retrospective and a Look Forward to 2010

A. Indicators of System Health – Safety

In many ways, 2009 saw continuing improvements in our state's system for protecting and serving abused, neglected, and at-risk children and their families. As the state endeavors to safely reduce our foster care population, the child maltreatment recurrence rate continued to signal that we are moving in the right direction. That measure, regarded as one of the chief measures of our ability to prevent the re-abuse of children, reflects the percent of children who have a subsequent substantiated report of maltreatment within six months of an initial substantiated report. The low recurrence rate is a reflection of our system's success at achieving the critical balance between preserving families and ensuring children are protected from further maltreatment by removing them from parental custody.

Georgia's removal rate in 2009 dropped to 1.8 children per 10,000 in the population. That reduction coincided with a similar reduction in the state's foster care population. As of September 30, 2009 there were only 8,144 children in foster care in Georgia, a decline from 10,016 in 2008. Taken together, these statistics support the conclusion that the state is removing fewer children into formal foster care and endeavoring to achieve timely permanency for those children who are in foster care. At the same time, the state's official rate of "recurrence of maltreatment" remained below 3%, an indication of the ability of the Division of Family and Children Services (DFCS) to successfully address child abuse and neglect and ensure a child's future safety from further maltreatment.

B. Indicators of System Health – Permanency

To accurately claim a safe reduction of the foster care population requires controlling for safety to reduce unnecessary removals into foster care on the front end while concurrently moving children who are in foster care to true permanency. Using Georgia DFCS data reported through the federal Adoption and Foster Care Analysis and Reporting System (AFCARS), we can monitor our performance at achieving timely permanency for children otherwise living in the temporary conditions of foster care.

During the period from October 2008 through September 2009, 41% of children in foster care were reunified with their parents. Another 22% of children in care were discharged to relative custody arrangements; 8% were discharged to guardianships, and 17% were adopted. That translates to 88% of children in foster care achieving positive permanency outcomes. And, by all measurable indications, those efforts to achieve permanency are lasting. The state's rate of re-entry is just 4.2%. That is, only approximately 4% of discharges in the previous year re-entered foster care within 12 months, as compared with the national median of 15%.

¹ O.C.G.A. § 15-11-173(5) (2009).

Now, knowing that the transitory nature of foster care is not conducive to a child's development, we turn to the question of timeliness. Of the children reunified during October 2008 to September 2009, the median length of stay in care from the date of removal to reunification was 8.1 months, well within the 12 months dictated by law to achieve permanency. Sixty-six percent of reunified children were back home within 12 months. Those children who were ultimately adopted experienced a median length of stay in foster care of 32.1 months, and 78% of them were adopted within 48 months from removal.

While we celebrate these system successes, OCA remains mindful of the children who did not exit foster care in a positive direction. According to AFCARS data, 740 children exited care as a result of aging-out/emancipation, running away, death, or other unknown reasons. OCA is committed to working with DFCS and inspiring advocacy groups such as the EmpowerMENT Group of foster care alumni to further reduce the number of children experiencing these poor outcomes or, at a minimum, to ensure youth aging-out of care are connected to people and resources that will support them in their transition to adulthood.

Permanency Roundtables

Within DFCS the year saw the implementation of "permanency roundtables" conducted with the assistance of Casey Family Programs as one back-end strategy for safely reducing the foster care population and situating children with permanent loving families. At these "roundtables," case managers, supervisors, and permanency experts work together to determine how best to find permanent homes for the children who have been in foster care for the longest periods by considering -- in light of the full context and history of the case -- which strategies have been tried before, which should be tried again, and which new strategies are available for consideration.

As reported to OCA by DFCS, permanency roundtables were implemented statewide in 2009 and nearly 3,000 analyses of children in foster care through the Roundtable process have occurred. As a result of this new practice, 451 children who were otherwise languishing in care have achieved permanency through reunification, adoption, relative custody, and guardianships. Another 2,425 cases are being monitored for progress more closely and actively. In 2010, DFCS plans to expand this concept to children who remain at home with DFCS involvement through "family preservation" cases.

The Cold Case Project

Achieving permanency for children is an area of shared responsibility between judicial and executive branch components of the state child welfare system. Addressing legal barriers to timely permanency, the Supreme Court's Committee on Justice for Children and OCA partnered with DFCS to institute the "cold case project." This initiative hired experienced child welfare attorneys as Supreme Court fellows to review DFCS files of children who, based on a predictive model, were identified as languishing in foster care.

As of this report, the team of attorneys has reviewed a broad-based sample of 217 cases from 45 counties representing all regions of the state. The findings from these cases have given rise to hypotheses as to why this particular subgroup of foster children experiences lags in finding permanent families and some practical solutions to eliminate the barriers to finding permanency quickly for these children. Among the trends identified, the fellows have documented in many cases a failure of DFCS case managers to conduct an extensive, diligent search for relatives as required by law; failure to consistently and effectively engage children and youth in their permanency planning; failure to connect children who are severely traumatized due to abuse to comprehensive services they need early; and a lack of legal representation for children to protect their rights and ensure their needs are met.

After the project is completed and at least 200 cases are reviewed, the Committee on Justice for Children will publish its findings and recommendations. OCA commits to working with the Committee on Justice for Children and other close partners to implement best practices that will result in fewer "stale" cases.

Legislating Permanency

Permanency is also at the core of a landmark federal law that took effect in 2008. The Fostering Connections to Success and Increasing Adoptions Act of 2008 mandates, among other reforms, educational stability for youth in foster care, continuity of health care, greater agency planning for and court oversight of independent living services for older children, and comprehensive searches for relatives earlier in the case. In 2009, OCA assisted in implementing this new federal mandate by advocating for the passage of House Bill 254 (Act 37), sponsored

by Representative Allen Peake, which expedited and expanded the legal requirements requiring a diligent search for relatives of children who come into foster care. The bill also changed the termination of parental rights law to ensure that children would be placed after termination in the permanent placement that was in line with their best interests. While the measure passed both chambers of the General Assembly overwhelmingly and was quickly signed into law by Governor Perdue, an internal ruling by legislative counsel resulted in its partial repeal due to conflicts with provisions of House Bill 228, the bill designed to reorganize the Department of Human Resources. OCA will work to have the measure fully restored as part of a technical revisions bill that will be considered by the General Assembly during the 2010 session.²

Additionally, OCA worked closely with DFCS administrators and staff to understand the full scope of the federal Fostering Connections Act, educate stakeholders, and develop plans for implementation. Most of the reforms can be implemented through changes in DFCS policy and practice, but a handful must be enacted through state legislation in order to achieve compliance. Those provisions were introduced for consideration this session in the form of House Bill 1085, sponsored by Representative Katie Dempsey. OCA supports HB 1085 unequivocally and will work closely with the bill sponsor, DFCS and other supportive partners to ensure its passage.

Other changes in law and regulations during 2009 will help promote adoptions of children from foster care, especially children with special needs. House Bill 237 (Act 34), promoted by DFCS with OCA support, brought our state laws into compliance with federal laws governing the federal Adoption Assistance Program. The bill allows any child who qualifies for special needs adoption assistance to receive assistance designed to meet their individual needs. It also changed state law to allow for commencement of payment of adoption assistance subsidies as soon as the child is placed for adoption.

Also, after extensive public debate on a number of proposals, the Department of Human Services Board agreed in late 2009 to change the state's definition of "special needs" for purposing of determining a child's eligibility for adoption assistance. The new rules revise the eligibility criteria in ways that will expand the number of children who will be eligible to receive adoption assistance subsidies, thereby encouraging the adoption of special needs children by minimizing the financial obstacles for pre-adoptive families.

C. Indicators of System Health – External Evaluations: CFSR/PIP and Kenny A.

The state's second round of the federal Child and Family Services Review (CFSR) was conducted by the Children's Bureau of the Department of Health and Human Services in 2007. The CFSR is the mechanism by which states are assessed for substantial conformity with certain federal requirements for child protection, foster care, adoption, family preservation and support, and independent living services. Georgia's Program Improvement Plan (PIP), designed to respond to deficiencies identified by the CFSR, received federal approval and became effective September 1, 2008. Presently, the PIP persists as an external factor exerting pressure on the state child welfare system and influencing priorities for policy and practice.

That PIP outlines strategies for more effectively engaging families, improving safety and permanency outcomes, and expanding the child welfare service array. OCA supports and commends DFCS' efforts to improve in these areas and is a collaborative partner on several CFSR/PIP-driven initiatives. As of January 11, 2010, representing the fifth reporting quarter, the state has only two remaining statewide items yet to accomplish, and the agency's renewed focus on safety and permanency is evident.

To the extent possible the goals of the PIP are aligned with the strategies and outcomes measured as part of the consent decree entered in the *Kenny A. v. Perdue* class action lawsuit brought by Children's Rights, Inc. against the state in 2005. The state is still operating under the settlement agreement which requires by its terms and conditions that the state achieves and sustains 31 outcomes as well as maintains certain practice standards with respect to the children in the custody of DFCS in DeKalb and Fulton Counties.

The recently released Period VII Monitoring Report, covering the period from January 1 to June 30, 2009, concludes that the state has continued to make or maintain progress in a number of outcome areas and process requirements. Specifically, findings in the areas of safety further demonstrate that the majority of investigations

² This bill has been introduced as Senate Bill 375, sponsored by Senator Renee Unterman.

are being commenced and completed timely and involve appropriate contacts with victims, that foster homes are not engaging in corporal punishment, that siblings are being placed together and within close proximity to their homes, and that parent-child visitation is occurring regularly in reunification cases. With regard to permanency, data indicates that children are achieving timely permanency and moreover, the re-entry rate is low indicating that children are not having frequent foster care episodes. The report also documents, however, that the rate of maltreatment in care has increased, performance on diligent searches for relatives has declined, and achieving permanency for children in foster care more than 12 months remains challenging. OCA will monitor these aspects of policy and practice and work closely with DFCS in the agency's efforts to make measurable improvements.

D. Indicators of System Health -- Other Legislative Advances

Public Disclosure on Child Maltreatment Cases Resulting in a "Near-Fatality"

The 2009 Legislative session witnesses several improvements and ideas to improve our state's child welfare system. One of the successes for OCA's legislative advocacy came with the passage and signing of Senate Bill 79 (Act 16), which promotes transparency in child welfare matters. The new law modifies our state's statutes on the confidentiality of child abuse records and brings state law into compliance with the child abuse record disclosure provisions of the federal Child Abuse Prevention and Treatment Act (CAPTA). The bill amends O.C.G.A. Title 49 related to child abuse and deprivation records to allow limited access to records and information involving the "near fatality" of a child. "Near fatality" equates to a serious or critical condition. The records are limited to a disclosure of the available facts and findings, and identifying information will be redacted. Upon the release of documents relating to a child fatality or near fatality, the Department of Human Services is allowed to comment publicly on the case. The law took effect this past July.

Public Access to Deprivation Proceedings in Juvenile Court

Another 2009 bill intended to inject greater transparency is Senate Bill 207 (Act 67), which took effect January 1, 2010. The new law amends O.C.G.A. § 15-11-78 to allow the general public to attend juvenile court child abuse and neglect proceedings, unless the court closes the proceedings upon a finding on the record and a signed order as to the reasons for closing the hearing. Grounds for closing a hearing include a finding that (1) the proceeding involves allegations of a sexual offense, (2) closing the proceeding is in the best interest of the child, considering the child's age, the nature of the allegations, and any potential effect of publicity on achieving reunification of the family, or (3) closing the proceeding is necessary to protect the privacy of a child, caretaker, or victim of domestic violence. The court may close a proceeding or refuse to admit any person to a hearing upon its own motion or a motion of any party, including the child. Additionally, the court may refuse to admit any person to a hearing upon making a finding on the record that the person's presence would be detrimental to the best interest of the child, impair the fact-finding process, or otherwise be contrary to the interest of justice. The court may order the media not to release any identifying information regarding the child, the child's family, or foster parents or caregivers and directs that any requests for installation of electronic recording equipment be made to the court two days in advance of the hearing. Juvenile court records remain sealed, and the bill does not make changes to current law regarding access to delinquency proceedings.

The new law also includes a provision requiring state and county agencies, including DHS, public schools, and law enforcement units, to exchange information about a child that may assist with the assessment, treatment, intervention or rehabilitation of the child, if such information is not already made confidential under law.

Victimization of Children

Other changes to the law of note during 2009 revolved around obtaining treatment for child victims of commercial sexual exploitation and trafficking. The passage of Senate Bill 69 (Act 151) into law requires professionals such as police officers, school counselors, doctors, and psychologists to report to DFCS whenever they have reasonable cause to believe a child is being sexually exploited. Prior law made such reporting mandatory only when a parent or caretaker was the offender. In practical terms, this change frees these professionals to report commercial sexual exploitation whenever they encounter it without fear of legal reprisal. Additionally, Senate Bill 172 expanded the uses of the Crime Victims' Emergency Fund to include providing assistance and counseling to child victims and others who have suffered severe mental trauma as determined by a licensed provider. It represents an improvement over current law which requires a physical injury.

E. Challenges Ahead

In a complex human services-delivery system, challenges will always exist. Individualized solutions and justice can be inadvertently yet easily compromised as we focus on improvement in overall systemic trends. As part of our ongoing duty to recommend necessary improvements in child welfare practice and policy, OCA in 2009 undertook several extensive studies for a better gauge of system performance in critical areas. Those studies grew out of OCA's regular monitoring of the system and track some of the recommendations we submitted in our 2008 annual report. Notably, our ability to monitor system performance and closely examine the impact of policy on practice has been made somewhat easier by the full adoption of the SHINES automated child welfare information system across the state. With such access we are now enabled to quickly pull information about a child's case via this web-based system and more quickly respond to issues and incidents that arise.

Safety Resources and Temporary Guardianships

One of OCA's studies grew out of concerns reported to us over the use of "safety resource" placements and temporary probate court guardianships. In a July 2009 report, OCA examined how DFCS is using both of these tools in its response to families that are experiencing abuse and neglect issues. When the agency is investigating an allegation of abuse or finds abuse has occurred it may ask the parent to place the child voluntarily in a "safety resource" with a friend or relative until the parent has addressed the issues at hand. Sometimes, if the problems go on too long without resolution, the agency will suggest the family go to probate court and place temporary guardianship with that friend or relative. Often these practices are used in lieu of taking the family's case to juvenile court where timelines are expedited, mandates are weightier and oversight is greater.

To follow up on our 2008 recommendation to impose limits on the use of safety plans and safety resources, OCA performed a statewide examination of these practices by reviewing over 400 cases in which children had been placed out of their homes in safety resources for more than 90 days. The reviewers then randomly selected 20 of those cases and performed an in-depth study of DFCS' involvement with the family. OCA's study concluded that, while the use of safety resources and temporary guardianships are a valuable tool in appropriate circumstances, they too often are loosely regulated and used improperly. Sometimes parents do not understand that these placements are "voluntary," sometimes the placement resources do not receive the support they need to provide for the care and protection of the child, and sometimes children remain out of their homes – even in a different school in a different city -- for extended months or even years while the parent works a case plan designed to reunite the family. We firmly concluded that some cases would be more properly handled as a juvenile court deprivation matter rather than trying to address the family's needs without that court's oversight. Were these matters taken to juvenile court instead, the parents would have the right to legal assistance; the court could provide supervision of the case and adhere to strict timelines for achieving permanency; and the child would have an attorney, guardian *ad litem*, or Court Appointed Special Advocate (CASA) to speak for him or her.

In our 2008 Annual Report, we recommended that DFCS revise its "safety resource" policies and practices as follows:

- ♦ Children should not remain in a safety resource beyond 30 days without court intervention, and the use of "informal" safety resource placements should be limited to the period of an investigation.
- ♦ If an investigation is substantiated and the child cannot safely return home, the Department should be required to seek court authorization to legally place temporary custody of the child.
- ♦ Children should not be placed out of their home counties absent special circumstances; and
- ♦ The Department should guarantee that children in safety resources may continue in their current schools; if a change in school is required, the Department should have the responsibility for enrolling the child immediately;
- ♦ The Department should have the responsibility for providing regular visitation, supervised by the Department if necessary, between parent and child; and
- ♦ The Department should have the responsibility for ascertaining that both parent and safety resource understand that the use of a safety resource is purely voluntary and should provide procedures to give unsatisfied parties access to the juvenile court process.

To that end, we created and submitted to the agency a template for a written notice to parents advising them of their rights, confirming their understanding, and obtaining their informed consent to a safety resource

placement. To our knowledge, that form has not been adopted nor have any practices or policies been changed to conform to the above recommendations. Thus, we remain firm in our recommendation for DFCS to tighten up policy and practice to ensure that the rights of these parents and children are observed and to limit the use of these practices to short-term solutions. Similarly, we also recommend the agency provide better guidance to social workers as to when they should invoke the assistance of the juvenile court. Immediately prior to the release of this report, DFCS leadership, in response to concerns expressed by OCA and members of the judiciary, has confirmed their willingness to make policy changes to assure that temporary guardianships are used only in cases where such action is most appropriate.

As OCA's report on safety resources was being readied for publication, a tragic incident in Jackson County highlighted the need for DFCS to regulate carefully the placement of children through probate court temporary guardianships. Six-year-old Michael Levigne was shot and killed by his grandfather, apparently following an argument over a watermelon. OCA reviews and press coverage demonstrated that Michael and his family had previously been involved with DFCS and that the agency allowed the child to be placed with these grandparents through a probate court voluntary guardianship order despite DFCS findings that there were too many "red flags" in the grandparents' background. The tragedy served as an unfortunate reminder that even if the agency is merely "allowing" a parent to make a voluntary placement of a child who has been abused or neglected, DFCS must take steps to make sure that voluntary placement is safe, appropriate, and in the child's best interests.

Ensuring Thorough Assessments and Investigations

OCA's second significant report of the year followed an OCA inquiry into the death of Bryan Moreno, an autistic six-year old boy in Forsyth County who was beaten to death. Police allege the offender was Eder Acosta, his mother's boyfriend. OCA determined that DFCS had been involved with the family due to allegations regarding Bryan or his sibling on three occasions prior to the child's death and suggested that the agency had not placed sufficient focus on ensuring the reports about Bryan's family were taken seriously and investigated thoroughly.

Following up on Bryan's death, OCA conducted a more thorough analysis of how DFCS manages its caseloads. OCA evaluated approximately 50 cases of abusive or neglectful death and serious injuries to children that occurred between July and October 2009 and that involved families who had prior involvement with DFCS. From that analysis, OCA drew the following conclusions:

- ♦ First, that the study of these serious injury and death cases indicates DFCS often has multiple involvements with these families prior to the child's suffering a serious incident of abuse or neglect. That study suggests that DFCS needs to find better interventions that will cut down on the number of "repeat" DFCS involvements with these families.
- ♦ Second, that some of the lack of appropriate agency response to earlier complaints of abuse or neglect may have resulted from a lack of consistent agency policy on how to address child maltreatment complaints. In the past two years, the number of child protective services cases open at any given time has been cut in half, and during that same time the number of cases receiving only a "diversion" response has increased. Over half of all reports of child abuse and neglect are now met with a "diversion" response, meaning that DFCS assesses a family and, when appropriate, refers to community services and supports rather than opening a CPS case. Unfortunately, the criteria for the types of cases meriting such a low-level response vary widely among counties and regions, giving rise to inconsistent and at times, arbitrary case management decisions.
- ♦ Third, that while DFCS is doing a commendable job of measuring outcomes for children whose cases are handled formally within the system, such as with a response of foster care or family preservation, good measures are not yet in place to determine qualitatively how effectively the agency carries out its investigations and "alternative responses" such as Diversion (or Family Support). That is, our safety data measures such as the rate of repeat maltreatment are defined too narrowly to account for the impact of alternative safety responses such as diversion or safety resource practices.

From these conclusions, OCA recommends the need for more robust safety data. Specifically, we invite DFCS to expand its outcome measures to more thoroughly determine the quality of its investigations, that it put into place nationally-accepted models of "alternative response" or Diversion, and that it pay more attention to the

interplay of domestic violence, substance abuse, and child maltreatment in families with young children. These recommendations can be found in OCA's report available on our website at www.oca.ga.gov.

The agency has responded positively to many of OCA's recommendations and has contracted with a well-regarded consultant to create a more consistent, thorough policy for responding to reports of child maltreatment that may be considered inappropriate for a full investigation. It is expected that by early 2010, the agency will develop and begin implementing recommendations for further development of diversion into a more dynamic differential response system, including: primary prevention, referral to community-based services for reports not constituting maltreatment, assessment response for minor neglect allegations, forensic response for allegations of serious neglect and abuse cases, and after-care services.

Relationships with Providers: Privatization, Performance-Based Contracting, and Administrative Review Procedures

In 2009, OCA continued its role of assisting those who work with and interact with the state's child welfare system. One significant development expected to be implemented in 2010 is the introduction of a more consistent, outcome-based approach to engaging the many private and nonprofit providers on whom the agency relies. Beginning in 2009 and 2010, DFCS is exploring two key strategies that will help ensure there is good guidance for social workers making decisions concerning the proper placement for a child.

First, Governor Perdue has asked the agency to begin focusing on the use of private providers for those children who need more intensive therapy and care. These private providers are often better-equipped and trained to provide the more significant behavioral health therapies and care needed by children who are suffering severe mental health issues as a result of abuse and neglect. At the same time, the Governor has asked the agency to initiate methods to better screen cases so that children without such intense needs can be placed in appropriate DFCS or public foster care homes.

Second, the agency in 2009 began working with private providers such as Child Placing Agencies (CPAs) and Child Caring Institutions (CCIs) to implement "performance-based" contracting, through which these providers will be compensated and incented not merely for bed space and basic care but for improving the child's well-being and assisting the child in moving toward a permanent, safe, and secure home.

Another issue that OCA addressed in 2009 was the treatment of individuals, often foster families, who were accused of maltreatment against a child. In its role leading the State Mediation Panel for foster parents who file grievances under the Foster Parent Bill of Rights, OCA learned of several cases in which the due process rights of foster parents appeared to have been violated. In one of these cases, for example, the agency failed to disclose a child's severe sexual abuse trauma to her foster parent. Within a week, the child claimed the foster father had touched her inappropriately. Based on little more than the child's allegations, the agency closed the foster home and *substantiated abuse* against the foster father. This finding would follow him permanently despite the fact that no judge or law enforcement agency had concurred with the agency's determination. Most unfortunately, DFCS did not have in place and appropriate procedure and policy whereby the foster parent could appeal the agency's determination to an independent fact-finder.

In October 2009, following a great deal of negotiation between OCA and DFCS, the agency put into place a system through which a parent or caretaker who has been the subject of an agency determination of child maltreatment can appeal that finding to an independent reviewer. This process is especially important to assure the due process rights of foster parents and others when there is neither law enforcement nor court involvement in the case. While OCA believes the process remains weaker than many would desire, having this policy in place gives those who care for children and those who are targets of agency intervention the basic fairness and due process that is the right of all citizens of Georgia. OCA has posted these new policies and processes online at www.oca.ga.gov.

F. Balancing Act

In sum, Georgia's child welfare system continues to be a work in progress, with incremental improvements made each year. OCA commends DFCS for its efforts to ensure timely permanency for children in foster care, to explore alternatives to the trauma and disruption of foster care, to improve its relations with and the performance of its providers, and for its commitment to becoming a more transparent and collaborative agency. OCA supports the agency's continued strides to take a consistent, balanced approach that ensures the safety of

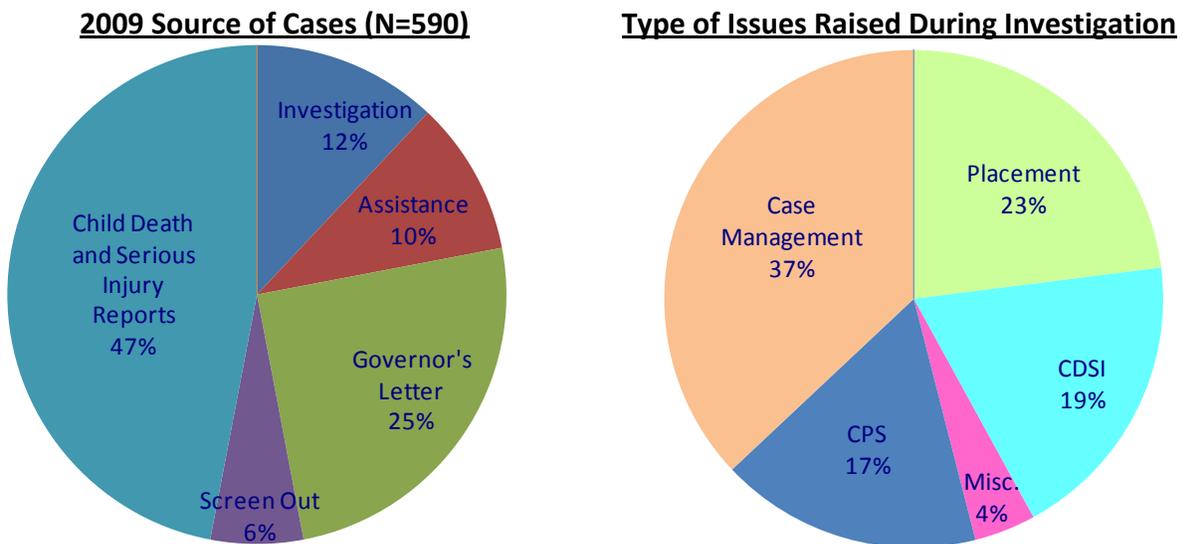
abused children while keeping children in their own homes when possible. While moving down that path, OCA encourages the agency to institute policies and practices that honor the due process rights of both children and their parents, toward the creation of a stronger child welfare system that will have the public's full respect and confidence.

II. OCA's Work in 2009

2009 was a year of challenges and successes at OCA as the agency faced continuing budget cuts in excess of 15%, necessitating cutbacks in both personnel and service levels. Nonetheless, through strategic partnerships and responsible budgeting, the agency was able to fulfill our long-standing commitments to case investigation, education, and advocacy.

Child Welfare Analysis

OCA's child welfare analysis team in 2009 continued its core work despite personnel and budget cuts. The child welfare analysis team responded to many complaints and concerns from the public, providers, parents, relatives, and foster parents while also focusing on serious cases of child abuse and neglect reported to DFCS as "Child Death and Serious Injury (CDSI)" reports. Of course, none of OCA's reports could have been accomplished without the research and evaluation of this division of our team. Thanks to its ability to access the fully-implemented SHINES data system, the child welfare analysis team was able to do much of its work without having to incur the costs associated with subpoenaing county records or traveling to the field. In many cases, matters could be investigated and resolved by accessing the SHINES records and contacting involved parties by phone and email. Charts showing the types of matters the child welfare analysis team dealt with during the year are reflected below.



Child Fatality Review

This past year represented the first full calendar year in which OCA provided staff support and coordination to the state Child Fatality Review Panel and its activities. The full annual report of that body is available upon request and will be posted soon to our website. In addition to its regular work, the Child Fatality Review Panel in 2009 maintained its dual role as a state-sanctioned advisory panel to DFCS under the auspices of the Child Abuse Prevention and Treatment Act ("CAPTA"). In fulfillment of this role, the Panel established a committee whose focus is to examine systemic issues impacting the child protection system through the lens of child fatality review and make recommendations to DFCS for process improvement and reform opportunities for the prevention of child maltreatment related fatalities. The work of the Panel's CAPTA committee in 2009 aligned closely with initiatives undertaken by OCA staff, to include support of multi-disciplinary child abuse and child

fatality investigation teams through consultation and training, launching the Child Abuse Training Academy, and evaluating the efficacy of the state's safe haven law.

Model Child Abuse Protocol Update and Revision

With the assistance of federal Children's Justice Act (CJA) funds administered by DFCS, a statewide multi-disciplinary working group was organized by staff and a one-day symposium was held in late 2009. Subject matter experts addressed the group and staff led a discussion about areas of the existing model child abuse protocol that needed to be updated as well as new sections requiring development. As a result, the revised model protocol, which will be disseminated in 2010, will address new subjects such as best practices to be utilized in investigations involving special needs children as victims and in investigations of child sexual exploitation and trafficking. The model was updated to reflect current best standards for investigation throughout and was reorganized to better inform the work of practitioners.

Training Academy

The Training Academy is a new initiative launched by OCA's CFR division which brings together a group of subject matter experts to deliver team-focused trainings on all areas of child maltreatment. The Training Academy offers the unique opportunity for multi-disciplinary child abuse investigation teams to train side-by-side with other local multidisciplinary teams for a true cross-disciplinary experience. Staff developed the curriculum and secured a volunteer faculty core over the course of several months. Funding support for participants was provided through the federal CJA grant funds received by OCA. In 2009, the Training Academy offered one day-long course on Traumatic Brain Injury in the Rome Judicial Circuit and two separate three-day Basic Child Abuse Training courses. Teams from around the state participated in this training, which covered topics including sexual abuse, serious injuries and fatal abuse and neglect; as well as specific training on appropriate interview and investigation protocols for special needs victims. This training offers perspectives from the medical, investigative, child protective services, prosecutorial and prevention fields.

Data Collection Advancements: National Form

In 2010, OCA's CFR Division will utilize a new system for child fatality surveillance and data collection, the National Child Death Review Tool. Transitioning to this form required extensive training for staff and local CFR teams. The staff developed and coordinated the training as well as laying the technological groundwork for this transition. The new tool will facilitate collection of more specific data that will support better trend analysis.

Case Registry Project Grant

Staff applied for a three-year grant from the Centers for Disease Control to participate in a case registry project grant, which will provide funding to improve local reviews and investigations, particularly with respect to scene investigations and history-taking, in cases of sudden and unexpected infant deaths. The results of this project will be utilized for prevention measures as well as continued improvement of local investigations.

Georgia Infant Safe Sleep Coalition

This multi-disciplinary group of professionals was formed in 2007, as a prevention measure to combat the primary preventable cause of death in infants under one year of age, sleep related death. Staff from the CFR Division of OCA has provided leadership from the inception of this group. The Chair and several workgroup leaders are staff members. In 2009, the group was awarded a grant by the CJ SIDS Foundation to support this work.

CFIT Consultations

The Child Fatality Investigation Program of the CFR Division develops, trains and consults with local multi-disciplinary child abuse and death investigation teams. In 2009, the majority of requests for local assistance related to cases involving fatal and near fatal abusive head trauma. The program director arranged and facilitated meetings between local authorities and expert witnesses, recommended investigative steps and provided support to the prosecution in these cases. In the face of emerging controversy in the area of inflicted trauma involving acceleration/deceleration injuries, the program director developed a partnership with experts from Georgia and other states to prepare a medico-legal evaluation of the information in this arena. The results will be presented at the National Shaken Baby Conference in the fall of 2010.

Framework for Childhood Injury Prevention Planning

Staff distributed Georgia's first child injury prevention planning framework, for the purposes of enhancing our

state's ability to collectively address the incidence and prevalence of childhood injuries, by convening a multidisciplinary steering committee to promote the framework through conferences and regional meetings. Other implementation strategies are also being considered and developed, with the goal of ensuring communities, grant administrators, and state policymakers can rely on the Framework as a tool to evaluate local prevention programs.

Education

Justice for Children Summits

In conjunction with the Supreme Court Committee on Justice for Children and DFCS, OCA helped to deliver local Justice for Children Summits in 9 judicial circuits, covering 28 counties. The summits are designed to convene local stakeholders, at the invitation of the juvenile court judge, to think critically about permanency; examine local data on outcome measures related to safety, permanency, and well-being; and facilitate an action plan for improvement.

Youth Law Conference

With financial resources provided through the Children’s Justice Act, OCA partnered with the Georgia Association of Counsel for Children (GACC) to present its annual conference targeting attorneys, CASAs, and guardians *ad litem* who represent parties in juvenile court deprivation and delinquency proceedings. The conference attracted nearly 200 participants for three days to discuss cutting edge topics in the field of juvenile justice and child welfare, expand their professional networks, and learn from each other.

Finding Words

Since 2003, the Office of the Child Advocate has been Georgia’s home of the “Finding Words” program, a nationally-recognized training through which professionals involved in child sexual abuse investigations learn to interact properly with possible abuse victims, interview them in a neutral and non-leading manner, and present the results of those interviews in Court. This year, led by OCA’s Tammy Mills and an outstanding team of faculty from across the state, OCA trained 100 professionals in forensic interview techniques. Since its inception in 2003, OCA’s Finding Words program has provided this valuable training to 936 professionals from law enforcement, prosecutors’ offices, child protection agencies, and the community of social service providers.

<i>Finding Words Georgia Training Stats</i>	
<i>Discipline</i>	<i># Trained</i>
Child Protective Services	260
Child Advocacy Centers	148
Law Enforcement	384
Prosecutors	61
Other*	83
TOTAL	936

* Other – School Counselors, mentors, nurses, etc.

Seminars, Speeches, Interviews, and Publications

An important role served by OCA is assisting those who want to help our at-risk children understand how they can best serve. In that capacity, OCA staff regularly gave talks across the state to nonprofit child advocacy groups, foster parents, judges, attorneys, volunteers, social workers, youth, law enforcement officials, coroners, medical providers, local Family Connection Partnerships, and others. OCA staff were interviewed on child welfare matters by such diverse media outlets as the Atlanta Journal-Constitution, the Washington Post, and Georgia Public Television. Additionally, OCA issued its own bi-weekly column on child welfare issues that was circulated to many smaller newspapers and sent via email to a wide audience. Longer op-ed pieces this year were published in the Atlanta Journal-Constitution.

Advocacy

As part of its key functions, the Office of the Child Advocate serves as a source of reliable information for legislators who must make tough calls on child welfare budgets and legislation. OCA carried out this duty

proudly in 2009, testifying before numerous legislative committees and providing legislators with timely, researched responses to questions about child welfare law and policies. In 2010, OCA will continue to assist legislators to make good decisions by providing information, explanation, and recommendations as appropriate.

OCA took an active role in assisting the state citizen review panels that advise the Department pursuant to the federal Child Abuse Treatment and Prevention Act. OCA staff participate as members of those panels and combine our research and positional advocacy efforts with those of the panels.

OCA worked closely with "A Future Not A Past," the campaign to end commercial sexual exploitation of children, as the nonprofit went across the state meeting with law enforcement, judges, prosecutors and others to educate the public about the growing problem of child sex trafficking. That work evolved into collaboration among child advocacy groups and state child-serving agencies. OCA worked with the Governor's Office for Children and Families as GOCF began the hard work of coordinating the infrastructure necessary to serve these victimized young girls.

OCA continued to work with providers of services for troubled children so those services will remain accessible and that our network of providers – many of them non-profit initiatives of faith communities – remain a viable and vital part of our child welfare system. OCA will continue to work to bring providers and government agencies together as one team working for Georgia's children.

School Abuse Working Group

The trauma suffered by Stefan Ferrari, a special needs child with autism who attended Atlanta Public Schools, gave rise to another significant undertaking for OCA in 2009. A judge found Stefan was physically abused by employees of the specialized public school he attended. Concerned about the situation, Governor Perdue asked OCA to step in and evaluate how our state and its child protective system address cases of child abuse in the educational system. OCA's report, available online at our website, concluded that a lack of consistency and accountability throughout the various systems with responsibility for schoolchildren may have led to Stefan's injuries. At the Governor's request, OCA provided staff support to a multidisciplinary panel of educators, school system leaders, prosecutors, law enforcement personnel, education and child abuse experts, and parents to develop consistent statewide protocols for addressing reports of abuse by a teacher, school employee, or volunteer against a child within a school system. At the end of 2009, the panel was finalizing its recommendations and is expected to make both legislative and policy recommendations to be implemented in 2010. These recommendations are designed to bring transparency to the process, accountability to the school system, and reassurance to parents who daily entrust their children to our state's public schools. As of the writing of this report, the members of the taskforce are participating in final meetings to secure the approval of each as to the final recommendations of the group. Those recommendations will then be presented to the Governor for his consideration.

III: 2010 - Stability During Transition

At the end of 2009, OCA Director Tom Rawlings announced he was resigning to lead the Guatemala office of a nonprofit fighting child sexual abuse and other injustices.

Melissa Carter assumed the helm as Acting Director while the search for a new agency head proceeded. Subsequently, Melissa was formally appointed as the new Child Advocate on February 12, 2010. During this period of transition, we wish to assure the public, stakeholders of the child welfare system, and state policymakers that all of OCA's resources remain available to assist you. We are committed to fulfilling our mission to ensure the protections of at-risk children and vulnerable families through individual case investigation, consultation and resolution; child fatality review, analysis and reporting; education, and advocacy. As we look ahead to the challenges of 2010, we pledge to effectively partner with DHS-DFCS, other state agencies, non-profit and academic partners, and state policymakers and work diligently to achieve further system improvements. We appreciate and are honored by the opportunity to continue to serve the children and families of this state.