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## The Intersection of Child Welfare and Disability Law

It takes a village



By Rachel Davidson
OCA Interim Director

Who makes up your village? Among others, my village con-

sists of family, friends, and neighbors that help support me in my efforts to raise my children to be happy, healthy, and safe. Most parents I know rely on a small army of support to ensure their children are well cared for. Why should it be any different for parents with disabilities?

See Disability, page 4

Parents involved in dependency proceedings often face an expectation that they are to parent their child independently. Parents with disabilities in the same position often encounter additional

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Judge Michael Key and Rachel Davidson present on the intersection of child welfare and disability law at the 2018 NCJFCJ Conference

## Striving for Excellence

The Multi-Disciplinary Child Abuse and Neglect Institute (MDCANI) is a program of the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Georgia Supreme Court Committee on Justice for Children (J4C). The program is broken into four parts and consists of intensive trainings and discussions with a multi-disciplinary audience involving juvenile court judges, court staff, DFCS staff, lawyers, CASAs, law enforcement, and other professionals involved in child abuse and neglect proceedings.

This program began two years ago with a focus on courts from 14 jurisdictions involved in the Court Improvement Initiative (CII). In Part One, each of the CII core teams came together for an initial training focused on child abuse and neglect cases for about the first 75 days of a case – from the removal decision through the Initial Review Hearing.

We are currently in Part Two, which continues to focus on the initial stages of a dependency case but is specialized for individual jurisdictions. In addition to discussing the specifics OCA's monthly platform for the unedited voices of young people who have been in care....

## Youth Voice

By Nyeelah Inniss

"Judge Cassandra Kirk was my child attorney when I was around 12 years old in the foster care system. She impacted my life in so many ways and I am happy that I finally was able to thank her in person at the nsoro Educational Foundation Sunset Sip and Paint event. Judge Kirk made sure my needs were met from making sure I had SAT/ACT prep material to prepare me for college to ensuring placement stability. The moment I will never forget is when I thought I was going to a doctor's appointment but I was actually being moved to another placement. Instead of acting out of hurt and anger, I decided to call my child attorney, Judge Kirk. Immediately, I had an explanation of why and where I was moving to and an emergency court hearing was placed to discuss me moving into a more suitable placement that met my needs. As a foster care advocate now, I know that law states that when a young person is moved all persons on the case plan must be given a 5 day written notice of the youth's

See <u>Voice</u>, page 5

See MDCANI, page 3



# AdvOCAcy Your child welfare update

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## Taking a Time Out

OCA staff recently took a short time out for professional development, team bonding, and self care.

To effectively take care of others, you must first take care of yourself. Like so many of you, our staff regularly encounters difficult cases and works hard to protect children. Child welfare professionals are prone to enduring secondary trauma, meaning we must take great care to maintain our health.

At OCA's staff retreat, we aimed to maintain our health through learning self-care techniques, such as:

- Yoga
- Meditation
- Journaling
- Essential oils
- Deep breathing
- Alternate nostril-breathing (It's a thing!)

#### Did You Know?

The Field Fiscal Services website maintains manuals that outline rates for the needs of children in foster care, to include per diems, clothing allowances, and adoption assistance rates. Learn more here: http://

ffs.dhs.ga.gov/ffs/manuals/costar/index.php.

EmpowerMEnt staff and advocates are pictured here with OCA staff debriefing an activity called "Resource Roundup" - a very powerful way to understand what a child's experiences in foster care may be like.

Many thanks to EmpowerMEnt for taking the time to share your insights and perspectives with us!

Other highlights of our "time out" include:

- Putting together back-to-school care packages for a group of teenage girls in care.
- Gaining a new perspective on the experiences of youth in foster care.
- Having a creative outlet to share how the work we do brings meaning to our lives.
- Clarifying our understanding of DFCS policies.
- Learning about "Just Culture".

We hope all of you are carving out the time to take care of yourselves.

#### Looking for a Way to Help?

As of July 18, 2018, the GBI's Child Fatality Review Unit received 23 cases of suicide related deaths of children under the age of 18. There have been more than 1,000 suicide related admissions of children to Georgia hospitals in the past year.

GBI recently released a PSA to raise awareness of youth suicide and help parents and adult supporters recognize warning signs and respond appropriately to a child in crisis.

Watch — and share — the PSA here.

Individuals who exhibit signs of suicide, or identify signs of suicide in others, can call the Georgia Crisis and Access Line at 1-800-715-4225, 24/7 or visit <a href="https://www.mygcal.com">www.mygcal.com</a> for assistance.







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## MDCANI, cont'd

of the different initial hearings, the attendees also receive an overview of the federal child welfare framework to include the Indian Child Welfare Act (ICWA), a data analysis

of their jurisdiction, and a discussion about reasonable efforts, as well as relative searches and notice to foster parents and caregivers. By the end of September 2018, Part Two will have been completed in 17 counties comprising 1/3 of Georgia's population.

Parts Three and Four will be similar to Parts One and Two respectively, but will focus on the proceedings following the Initial Review Hearing through to case closure.

MDCANI provides jurisdictions an opportunity to have open discussions on law, policy, and practice while exploring perceptions of and responses to difficult situations. Through this program, Georgia will continue to encourage highly trained, motivated, and talented child welfare professionals to collaborate while effectively improving the child welfare system. For more information or to bring MDCANI to your jurisdiction, please contact Jerry Bruce at jerry.bruce@georgiacourts.gov.







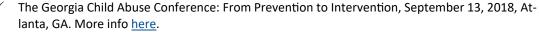
MDCANI faculty with judges from Cobb and Douglas counties.

Laurie-Ann Fallon presents on ICWA at MDCANI for DeKalb and Fulton counties.

Attendees at MDCANI for Newton, Rockdale, and Walton counties.







**Upcoming Events:** 

- Training on Fetal Alcohol Spectrum Disorders, September 18, 2018, Atlanta, GA. More info here.
- The 2020 Census: Implications for Georgia's Children and Families, September 24, 2018, Atlanta, GA. More info here.
- Georgia Conference on Children and Families, October 17-19, 2018, Augusta, GA. More info here.
- The Summit: Georgia's Child Welfare Conference, December 3-5, 2018, Atlanta, GA. More info here.







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## Disability, continued...

requirements and obstacles due to

bias and erroneous assumptions. This can be impacted by evaluations and assessments conducted by individuals without specialized knowledge or without taking into account the possible need for accommodations, which may lead to improper conclusions.

Collectively, the Americans with Disability Act (ADA) and Section 504 of the Rehabilitation Act prohibit public and private entities from discriminating against people with disabilities and ensure equal opportunity to participate in and benefit from a wide range of services and programs. This includes the state's child welfare agency, including entities that the agency contracts with, as well as dependency proceedings.

When a parent with a disability is involved with the dependency process, reasonable accommodations may be required to ensure these parents are granted opportunities equal to those extended to parents without disabilities. A reasonable accommodation may include providing a parent with parenting classes in the home, adaptive equipment such as an adaptive crib, or specialized transportation. It may also mean allowing a parent

See <u>Disability</u>, page 6

### **Volunteer View**

Shivani Patel is a CASA Volunteer with Athens-Oconee CASA. She is also a law student at UGA. Shivani has wanted to be a lawyer since she was young. Serving as a CASA has helped Shivani learn how to conduct herself in a courtroom. Of her experience with CASA thus far, Shivani says:

"I underwent training in Oconee County last fall and now I work with a family who has two children in care. This position has served as an incredible medium through which I have been introduced to the foster care system and I feel like I have a better knowledge of what dependent children go through. I really enjoy helping the kids, and by getting to know them and learn about their experiences and concerns, I feel more equipped to serve as their advocate."

## #TheWednesdayWhy: Why does it help to imagine the possibilities?

"A young African-American mother with quadriplegia had had her baby removed at birth after testing had shown prenatal substance abuse. The social worker described the mother as forming no relationship to her baby despite weekly visitation. She thought the mother was psychologically incapable of forming a relationship with her child. In the six months since the baby had been born the mother had been provided no assistance in order to make it possible for her to hold or care for her baby in any way. Everyone, including the mother, just assumed this was impossible. The able-bodied grandmother did the care or left the baby in a playpen during the visits. During the first visit I saw a depressed mother who indeed appeared estranged from and disinterested in her baby. But when I showed her videotapes of parents with disabilities and their babies—images of possibilities—she asked if I could help her hold and feed her baby. So in the second visit, with a variety of front packs and pillows, she was able to hold her baby for the first time. She tenderly nuzzled and murmured to her, caressing with her lips, greeting her baby for the first time as mothers do immediately after giving birth."





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#### nsoro Scholars

These 5 shining stars are just a few of the young people who received a scholarship from the nsoro Foundation to further their education. As summer interns with nsoro, they are already well on their way to doing great things!

### Voice, continued...

youth's removal. That is so powerful for me because even

at the time I didn't know the law or my rights but Judge Kirk did and held people accountable for making sure my rights weren't violated. Now working with young people in the foster care system, I realized my court experience was one in a million. Having someone fight for me as my child attorney did isn't always the case for young people in foster care. Judge Kirk is the reason that I found my voice. She is the reason why I fight so hard for my brothers and sisters in the foster care system. I am truly thankful for

Judge Kirk and her efforts to ensure my success within and beyond the foster care system."





## **Provider Perspective**

"This may seem very minute but one of the greatest feelings I get is when I hand a young person the keys to their apartment. For most young people in foster care they don't receive

keys to the front door of their foster or group home so as they prepare for independence giving them keys provides a sense of belonging and a place to call home. When they move in I also tell them 'welcome home' because I want them to make it their home." ~ Ebony Harris, Youth Empowerment Success Services

Questions about the Chafee Independent Living Program (ILP)? Youth in care and adult supporters can learn more about the benefits this program provides to teenagers and young adults with experience in foster care. Click here for more.







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## Spotlight on Judge Michael Key and Judge Peggy Walker

The Supreme Court of Georgia recently honored two deserving juvenile court judges with one of the most prestigious awards granted by the state's highest court. Chief Justice P. Harris Hines and Justice David E. Nahmias presented the "Amicus Curiae", or "friend of the court", award to Judge Michael Key of Troup County and Judge Peggy Walker of Douglas County. This award recognizes judges, attorneys, and others who have provided exceptional service and leadership to Georgia's judiciary.



Chief Justice Hines and Justice Nahmias bestow the Amicus Curiae Award upon Judge Key on August 2, 2018. When honoring Judge Key, Justice Hines observed that he would "grace any bench that he sat upon".

Of Judge Walker, Justice Hines noted, "Her optimism, and her expertise in determining the best interests of children in sometimes horrific circumstances, inspires us all."

Congratulations to both Judge Key and Judge Walker for receiving such meaningful awards! Many thanks to both of these dedicated and well-deserving judges for their tireless efforts on behalf of children and families.



Chief Justice Hines and Justice Nahmias present the Amicus Curiae Award to Judge Walker on August 10, 2018.

## **Leadership Changes**

Effective August 1, 2018, Rachel Davidson is serving as OCA's Interim Director and Tom Rawlings is serving as the Interim Director for the Georgia Division of Family and Children Services. For more information, see the press release here. View Interim Director Rawlings message from his first day with DFCS here.

Of the appointment, Rachel says, "I am honored to serve as the Interim Director of OCA under the impeccable leadership of Governor Nathan Deal. I look forward to continuing the good work of my predecessor Tom Rawlings and working collaboratively with DFCS through our ongoing efforts to support and strengthen Georgia's child welfare system."

## Disability, continued...

To rely on family or informal support networks. Such parental sup-

ports should be designed on an individualized basis to help individuals with disabilities fill their gaps in parenting competencies and environmental demands related to parenting.

In 2015, the U.S. Department of Justice and the U.S. Department of Health and Human Services completed their joint investigation of a complaint alleging civil rights violations by the Massachusetts Department of Children and Families (DCF) against a young mother with a developmental disability. The investigation concluded DCF violated both the ADA and Section 504. In this case, the child was removed from the mother two days after the child's birth while still at the hospital due to concerns the mother was unable to adequately care for the child on her own due to her "mental retardation". The mother resided with her parents who did not have any disabilities and the child's grandmother made arrangements to help care for the child. In addition to DCF having made generalized assumptions about the mother without taking into account her individualized needs, the investigation also revealed that DCF denied this mother opportunities to benefit from supports and services numerous times, including her existing family supports.

The notion that a parent with a disability has to be fully self-reliant to keep their children creates a higher standard than for the rest of us who routinely rely on others to help us care for our children. Empowering parents to establish and maintain a healthy and safe "village" of support helps them provide better care for their children.



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## **Kudos**

In case you missed it, three deserving child welfare professionals recently received

awards for great work.

Presented by the State Bar of Georgia's Child Advocacy Section, Judge Gregory Price of Floyd County received the 2018 Willie J. Lovett Award. Click here for the video.

Christopher Hempfling, SAAG in Rockdale County, received the Chief Justice Hines Child Advocacy Award for the Attorney of the Year. Click here to see why he deserved it.

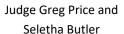
Demetria Campbell received the Chief Justice Hines Child Advocacy Award for the Case Manager of the Year. Click <u>here</u> to see why she deserved it.

The Chief Justice Hines Child Advocacy
Awards are sponsored by the Justice for Children Committee of the Georgia Supreme
Court and the Office of the Child Advocate.
Click <a href="here">here</a> to see the video of the awards
presentation. Click <a href="here">here</a> for the press release.

These awards were presented at the State Bar of Georgia's annual meeting.









From left: Cynthia Clanton, Demetria Campbell, Justice Nahmias, & Christopher Hempfling

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