



May 9, 2018

No Lawyer Jokes, Please!

Good Special Assistant Attorneys General critical to good outcomes for children

By Christopher Hempfling, CWLS
SAAG, Rockdale County DFCS

There are many participants in a dependency hearing. Parents are parties and they're represented by their attorneys. The child, also a party, is represented by their attorney and guardian ad litem. In most jurisdictions, CASA will also have an advocate present. The Department will have a case manager present, who is represented by a Special Assistant Attorney General or better known as a SAAG. Lastly, add in the judge, foster parents, relatives, and friends and the courtroom can fill-up quickly. Each participant

plays a vital role in these proceedings, but the importance of SAAGs in all elements of their representation of the Department is often an overlooked element of successful family preservation and reunification.

SAAGs are private attorneys appointed by the Attorney General to represent various State agencies. There are over 100 appointed SAAGs representing the Department of Family and Children



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Services, and in many instances the appointed SAAG will employ an associate to assist in their representation of the Department. Each DFCS SAAG is a subject matter expert in the area of dependency law. Many SAAGs have also earned the Child Welfare Law Specialist certification, which further heightens their level of expertise in this field.

In 2016, the Department of Family and Children Services introduced a new practice model called Solution Based Casework (SBC). This evidence-informed practice model, among several other objectives, is aimed at prioritizing family partnerships, focusing on pragmatic solutions to everyday life problems, and helping families document and celebrate success. SAAGs can play an important role

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Focus on the Field

Clarke DFCS staff smooth transitions for children

By Matthew Lovinggood, Foster Care Unit Supervisor

DFCS in Clarke County serves close to 280 children in foster care, regularly seeking custody of approximately 20 children monthly. As one effort to effectively manage the sheer numbers of children entering foster care while ensuring foster care cases are set up with the truest sense of urgency, Clarke County utilizes a foster care intake unit. To put it simply, this unit is tasked with expeditiously setting up the case in the system, initiating services for every child and

family that comes into foster care in Clarke County with the mindset of "Why can't this child go home today?". I supervise that unit. About two months ago, my County Director gave me a copy of a book, The Neglected Transition, and told me to read it. She said that it focused on the transition of children leaving their homes and



Matthew and his family

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OCA's monthly platform for the unedited voices of young people who have been in care....

Youth Voice

By Marsie-Rose Liot Cohen

When asked to describe my life, I tend to compare myself with that of the butterfly. Just like the young caterpillar roams and struggles and grows until ready for the metamorphosis, so have I. I used to say that I am a butterfly, but I am neither butterfly nor caterpillar. I am in metamorphosis and in this strange state of existence, I have learned much about myself... the good and the bad.

Rosie Lee Marsingill joined the world in November. Born in the fall, the mere larva was destined to reap the fruit of her trials after they were all done. Young, innocent and bright, this caterpillar would wonder on everything she came across. Always wanting to know more, do more, be MORE. She was ever ready to become the butterfly she was destined to be.

After already experiencing some rather scary insects and harsh weather, the young caterpillar sought

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***Editorial: Children
should be seen
and heard.***

*By Rachel Davidson,
OCA Deputy Director*

Through our joint Peer Review Project with the Committee on Justice for Children, we at OCA have observed a lack of consistency throughout the state as it relates to the quality of representation for children in care. As one peer reviewer summed up: "Many child attorneys continue to view their role largely as responsive to the information presented by the SAAG and parent attorneys as opposed to a role in which the child's attorney actively gathers and presents to the court evidence and witness testimony in support of the child's position, participates in a thorough cross examination of witnesses, seeks to obtain rulings on the child's position and to expedite permanency for the child through a motions practice, and presents oral and closing arguments in support of the minor client's position."

WHY?

Why are behavioral health services important for children in foster care?

DFCS often encounters children who have experienced trauma and toxic levels of stress. Additional trauma is typically incurred when a child is removed from the home due to abuse or neglect. Untreated trauma and mental health disorders can lead to a number of negative outcomes, including drug use, prison, and suicide.

A 2005 study showed that former foster children are almost twice as likely to suffer from PTSD as US war veterans, with one in four alumni of the foster care system having experienced PTSD within the past 12 months and more than half experiencing at least one mental health

problem such as depression, social phobia, or panic disorder.

It "May" be a coincidence that National Foster Care Month and National Mental Health Month are celebrated at the same time, but those working in either system can easily understand the crossover and the importance of ensuring appropriate mental health resources are available — especially for children in foster care.

Prevention and early intervention efforts are important as well. Governor Deal recently signed the FY 2019 budget, which includes funds dedicated to suicide prevention; school-based mental health services;

Many steps can be taken to improve the quality of representation for children in foster care. Child attorneys should consider these recommendations made by the Peer Review Project:

- Ensure you are familiar with both law and policy, educated on child development and appropriate milestones, and are tuned into cultural differences.
- Conduct your own investigation; don't rely solely on DFCS' investigation. The child, school, medical professionals, the placement, therapist, law enforcement, CASA, relatives, and others may all have relevant information to share. If the child identifies someone in particular they would like to live with or visit with and no one knows how to find that person, do your own research to see if you can help find them. Facebook/social media and the internet often result in valuable information.
- Without being redundant or adding unnecessary delay, ensure you advocate for your client's position on the record; address best interest factors; make oral

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and telemedicine services, particularly in rural areas of Georgia. These budget items, along with others, were recommended by the Governor's Commission on Children's Mental Health. These funds will help Georgia make strides in ensuring that children in foster care, and throughout Georgia, have access to appropriate services.

Child Welfare Attorneys have stressful jobs! If you see one of us that needs help, lend a hand!

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Editorial, continued...

- opening and closing arguments; present evidence. File your own motions as necessary.
- Consistently meet with your client in and out of court; communicate accurately regarding the legal proceedings and the purpose of each hearing; solicit the child's wishes; counsel your client; make a determination about the child's pres-

ence; and clearly advocate for the child's position.

Judges also play a key role in improving the quality of representation for children. They can ensure adherence to consistent pre-appointment and ongoing training requirements and minimum standards; offer to speak with children; and ask attorneys when they last spoke with their clients.

Consider the situation from the

child's point of view. Youth in care have necessarily suffered trauma. They are often confused and frustrated about the adults in their life not "clueing them in" to what is happening. And they are anxious about the uncertainty that goes along with that. Justice for our youth demands the same, if not higher, quality of representation as the parties in any other class of court.

Changing Mindsets:

Have you heard any of the following?

- "The child is placed too far away."
- "There's no value in meeting with my child-client."
- "The court doesn't expect me to meet with my child-clients."
- "The child is too young to come to court."
- "The child shouldn't miss school for court."
- "The content of the hearing isn't appropriate for the child to hear."

Let's overcome these barriers:

- Get creative with meeting logistics (i.e. via electronic means or carpool with others who also visit with the child).
- You can learn a lot from a child-client, particularly when you treat them with respect and ask the right questions. Observing and interacting with infants can help you understand if developmental milestones are being met.
- Consider this: If you would not want to go to court for an adult client without having met or spoken with them, why would you want to treat a child-client any differently?
- No child is "too young" – the court can gain a lot of information by observing the child as well as the interactions of the child and others present for the hearing.
- Schedule court hearings in the afternoon; take into account significant events happening at school for the child in an effort to avoid those; minimize major disruptions but allow the child to meaningfully participate.
- Many children are very aware of what is going on with their parents as they have lived through it and often know more than we might like to think.
- Consider this: If you wouldn't normally waive an adult client's presence in court, why should that be a regular practice for child clients?

Resources for Improving Child Representation

- [ABA Child Representation Infographic](#)
- [Online GAL Training](#)
- [Child Welfare Law Specialist Certification \(NACC\)](#)
- [National Council of Juvenile and Family Court Judges' Enhance Resource Guidelines](#)





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SAAGs, continued. . . .

in achieving the goals of SBC.

SAAGs often become acquainted with a family well before any request is made to place a child in the Department's temporary custody. I, like many SAAGs, have seen an increased involvement in family preservation staffings due to the implementation of SBC. Statute requires the Department make reasonable efforts in order to prevent the removal of children. Intentional involvement with a family prior to requesting a removal is an important element of trying to keep children in their homes unless an identified safety risk cannot be remedied. Although SAAGs are not social workers and those decisions are left to our client, often SAAGs have worked within a community for a number of years and have gathered contacts and built relationships that may assist with efforts to prevent the removal of a child. SAAG involvement through family preservation staffings and pre-removal staffings can be helpful in assisting the Department with reducing the number of foster care entries and improving reasonable effort considerations. My county, Rockdale, regularly involves me in these staffings and this involvement has only helped the Department, me, and most importantly the family.

Unfortunately, in some cases a critical safety concern cannot be resolved and a request for placing the child in the Department's temporary custody must be made. Once a child has been placed in the Department's temporary custody, the SAAG's counsel remains vitally important because no child should spend one more day in foster care than necessary. During dependency hearings the continued focus on SBC objectives should remain at the forefront of all participant's considerations. A SAAG's role in the process often occurs through thorough staffings, frequent contact with their client, and open communication with other dependency stakeholders.

It is the expectation in my county that regular dependency case staffings occur prior to all upcoming hearings. During these meetings, the Department presents an update regarding the parents and child, focusing on efforts towards achieving the identified permanency plan. Often during these staffings, I will incorporate an important element of SBC when questioning the client on specific statutory case planning requirements and wheth-

er the case plan was developed with the full participating of key stakeholders. For SBC to be successful, among several other considerations, case managers must remember that reunification is a partnership that requires full participation of key stakeholders. Based on this philosophy, I continually ask that case plans are created within thirty days of removal and when the case plan is formulated it is done in collaboration with the parents and child.

Another key area of focus during my legal staffings is on the statutory requirement of completing a thorough and timely diligent search and ensuring the Department regularly updates this document. It is well-settled that placing a child in a home of a relative greatly reduces the trauma associated with removing them from their parent's custody. Additionally, placement disruptions are significantly reduced when a child is in the home of a relative. Both of the aforementioned considerations are important in preserving a family in the reunification process.

A final element I include in my staffings is a conversation regarding big picture considerations. I've found that legal staffings are an excellent opportunity to have a discussion with the case manager and their supervisor regarding the overall direction of a case, whether the outcomes and tasks included within the case plan are accomplishing positive behavioral changes, and whether the underlying safety risk has been mitigated. These higher-level discussions that move beyond the nuts and bolts of a case plan are often beneficial in assisting case managers accomplish the philosophy of Solution Based Casework.

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Whether biological, step-, grand-, great-, adoptive,
foster, "part-time," "full-time," "fictive kin," or
"might-as-well-be,"

OCA is

Wishing All Mothers a

Happy Mother's Day



Transitions, continued....

into foster care and that I should read this book to evaluate how we are, or are not, doing things in my unit. I was not expecting the wakeup call that this book turned out to be.

Clarke County DFCS has always worked with the best intentions, but seemed to operate with some ignorance to the perspective of the child entering care. It was not an intentional act, but (as the book states) we neglected this important transition. When a child came into care, the CPS investigator would bring the child from their home and drop them off at the office with their new foster care worker. That foster care worker would try to whisper behind that child's back in order to find placement so as to not remind the child of the current situation. When the placement was found, we were quick to send the child with a parent aide to get transported to their foster home, making the parent aide the third or fourth stranger the child would have

experienced on what is presumably the worst day of their lives. The book discusses these six questions that children entering the foster care system are asking as they transition into the foster care system:

- Why do I have to leave?
- What is foster care?
- Where are you taking me?
- Who are these people?
- How about me?
- When can I go home?

In almost no part of the work we were doing did anything to address these children's needs and questions. As hard as it is to admit, it would almost seem like a burden when the child(ren) were dropped off. We had our day planned, we knew what we were doing and we don't have time for this today. We did a lot of thinking about ourselves but we didn't put the focus on the children and this difficult transition.

Since the time of reading this book there have been a lot of changes made in my unit. Our goal is to not

sit at the office and wait on something to happen. When the CPS worker knows that the removal is going to happen, they reach out to us and we are meeting them in the field. While they are focusing on their investigation we are sitting there with the child. We are processing this change with them (why do I have to leave?), we are discussing the ins and outs of foster care because it is safe to assume that they have a warped sense of the system (What is foster care?) and we are giving the child time to pack up their belongings. Few things are as sad as a child who is scared to death already and then dropped off at an office, tears rolling down their face and everything that they have is in a grocery bag. We eliminate that component now. We are meeting with them and making sure that they have time to get all of their favorite items. We try to give them every opportunity to make sure that they get what they need. There is a community partner that provides personalized

Final Jump [LOVINGGOOD](#), page 6

Lawyers, continued

Judges, attorneys, CASAs, and other professionals work in the field of child welfare for a number of reasons. But a universal reason given by all stakeholders is the desire to help strengthen families while protecting Georgia's vulnerable children and adults. This reason is shared by DFCS professionals and SAAGs and closely aligns with the Department's mission.

Recently, I was sent a letter written by a wonderful young woman who is currently placed in the Department's temporary custody. Her letter helped remind me that we are all working towards the goal of improving the lives of those families we interact with, and she's given me permission to share a portion of it. This youth wrote that "The joy in the eyes of those who have watched me grow and develop, empowers me to know my story impacts the lives of others. It is those who have revealed a reflection of myself with their words, that have helped mold me into a strong young woman." I have served as the SAAG on this young woman's case since she entered foster care and I know she's made a difference in my life, and I hope through my tireless work with the Department I too have made a positive impact on her life, like so many other SAAGs have made on other children throughout the State.



Governor Deal and child advocates celebrate the signing of this session's child welfare legislation!

Lovinggood, continued....

items for the children as well. Hopefully, shortly after entering care, every child new to foster care receives a new duffle bag, pillow case, Bible and bear all embroidered with their name on it. When we leave the home, we are inviting the family to come to the office as well and sit with their children. This goes a long way in the partnership we are trying to establish in making it safe for the parent and child to reunify. Even though DFCS "just blew in" and disrupted their whole process, we are inviting and understanding of the family's situation and demonstrating to them that we do value their family bond. We also try to keep the children involved in the process of looking for a foster home. We aren't taking the first home to become available any longer, but rather making sure that we are finding the best placement available for

their particular needs. While they are at the office we are respecting their ideas and preferences by talking with them, sometimes like they are adults, so that they understand what decisions are being made and why. But at the same time, we are playing tag and racing around the office, etc. because at the end of the day these children are kids who have been removed from everything they know as normal. Instead of a transporter taking the children to their new placement, we now make sure we are taking on the responsibility (Where are you taking me?). Now the child is riding to the 'strangers' house with the person who they have been with all day. There is more time to process, build report and answer questions. Once at the home, we make sure that we engage the foster parents and the child and facilitate the conversations to address the questions that the child has (Who are these people?). We are making sure that before we leave the home, the child is comfortable with their placement and hopefully this isn't as scary as they may have feared (What about me?). The unfortunate fact of this field of work is that the transition is going to happen. Children are going to be neglected and abused and there will always be children who need to be rescued by the foster care system. My goal is, that by focusing on this transition, we are going to eliminate some of the stress and trauma that is caused by this unnatural event and we can redirect that time and energy to making sure we get these children in their forever home as quickly as possible (When can I go home?).



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Voice, continued. . . .

help from the caterpillar protection agency and was placed in a home with other young struggling caterpillars, but even there she didn't feel safe or at home. Back and forth her home went, never stable in any place. Yet, she still looked to books and art and really anything that could capture her attention for solace from reality.

As she continued to grow and learn, she yearned to be with a family again. Years passed and she waited. For the paperwork to finish, for families to notice her, and to feel that warm fuzzy feeling only familial love can bring.

Finally, the great bumble bee who stayed by her side, asked Rosie if she would like to be a part of their family. And so, she found her forever family after 15 years. She was loved. She was safe. But... Rosie had no idea that she still had yet to enter her cocoon.

With her new family, she took a new name. From henceforth, Rosie is known as Marsie-Rose.

Marsie-Rose strived to do her best. She made straight A's, worked hard on her art and was always creating something. However, she suffered from an illness. It would hit her hard in the head and make her body weak, leaving her unable to do the things she loved. Doctor after doctor was unable to help, nothing worked and Marsie grew weary as did her Momma Bee.

Momma Bee fell terribly ill only a year after making Marsie officially a part of their family. Marsie loved her Bee and couldn't see the possibility of ever losing her since she was her FOREVER mother. The little caterpillar couldn't help but blame herself... If only Mom hadn't worried so much about Marsie, her body wouldn't have grown weak.



Illustration by Marsie-Rose to represent a bright but uncertain future with a dark past and clear present.

And then the worst happened. Right after Marsie completed all her mother asked, the bee slipped away. The caterpillar was distraught. What was she to do without her bee? Who would make sure she did the right thing and make sure she kept up with her health?

For awhile, the caterpillar was lost.

Then the metamorphosis began. She rid herself almost entirely of the wretched illness she had suffered from almost daily since young childhood. She worked hard to pay the bills and volunteer when she could. Marsie re-connected with a caterpillar advocacy agency to find her place in the world. She knew she was meant to help the other young insects out there who faced the same trials that she did.

Georgia Office of the Child Advocate for the Protection of Children

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