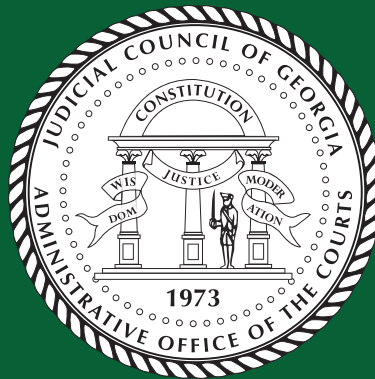


The Supreme Court of Georgia
Committee on Justice for Children
Administrative Office of the Courts

FY 2015 Annual Report



Prepared by the Judicial Council/Administrative Office of the Courts
Communications, Children, Families, and the Courts Division

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**PART I:
THE STATE OF CHILD WELFARE IN GEORGIA**

Georgia had nearly 12,000 children in foster care in the final quarter of 2015. These numbers represent the current peak in a sharp rise in Georgia’s foster-care numbers that began in late 2010: there was a 61% increase in the number of children in care from December 2010 to September 2015. Figure 1 illustrates the current numbers and situates them within a larger framework reaching back to 1998. The black line indicates the number of children in foster care; the red line shows the removals to foster care, and the turquoise line shows discharges from foster care. To compare with the end of 2014: there were approximately 9,232 children in foster care at the end of 2014, and that number had risen to just over 10,700 by the end of 2015 (a 16% increase); removals rose from 7,408 to nearly 9,000 in the same period (a 21% increase); and discharges went from 5,820 to just over 7,000 (a 20% increase).

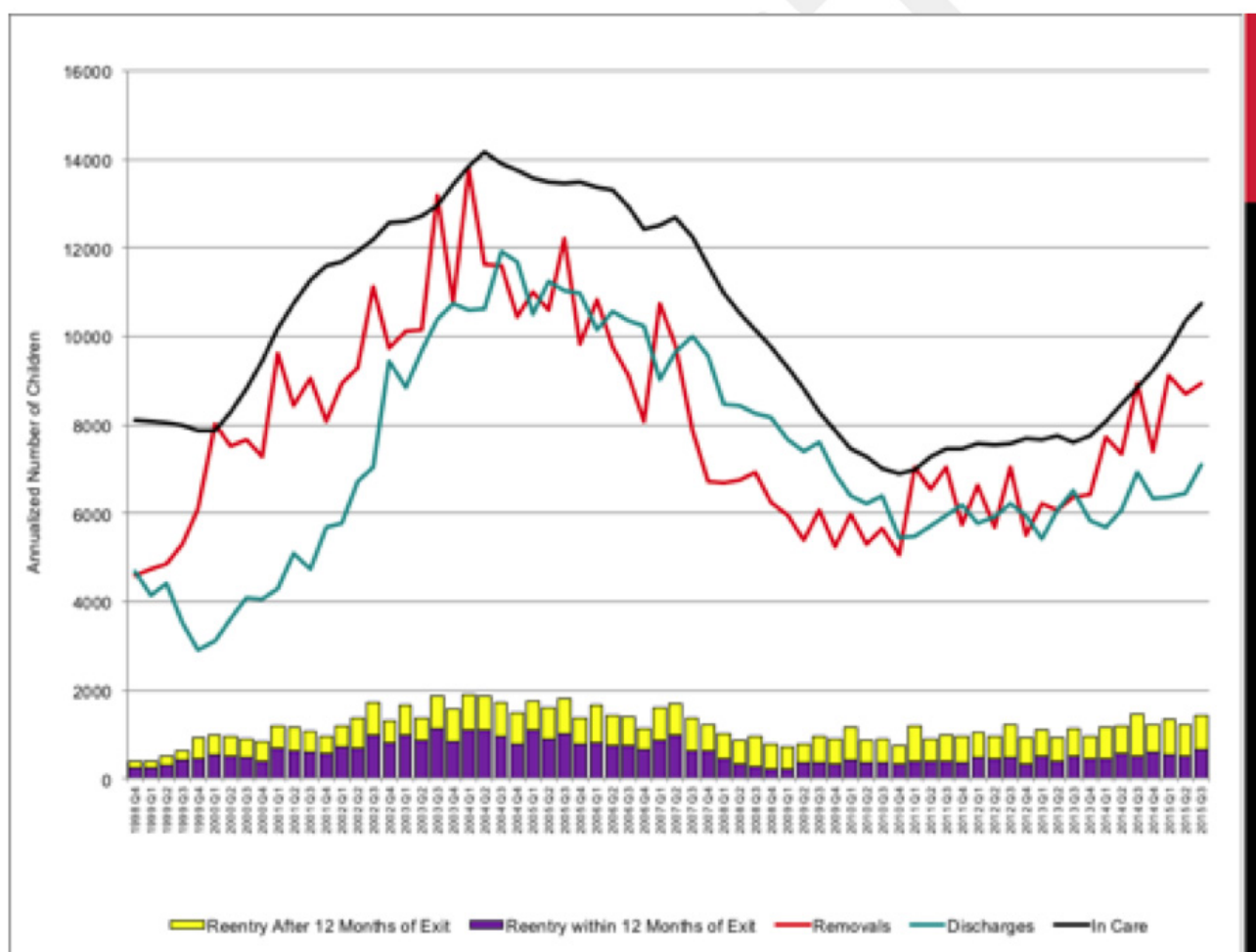


Figure 1 - Statewide Foster Care Dynamics (Dec. 1998 - Oct. 2015) – Courtesy of Fostering Court Improvement

There has been an accompanying rise in the number of reports of child abuse and neglect made to the Georgia Department of Family and Children Services (DFCS) (Figure 2, red and blue), and in the provision of family support services by DFCS (yellow). Although DFCS is fielding more reports, the levels of substantiated reports (blue) have remained fairly constant through the end of 2014 (our latest data).

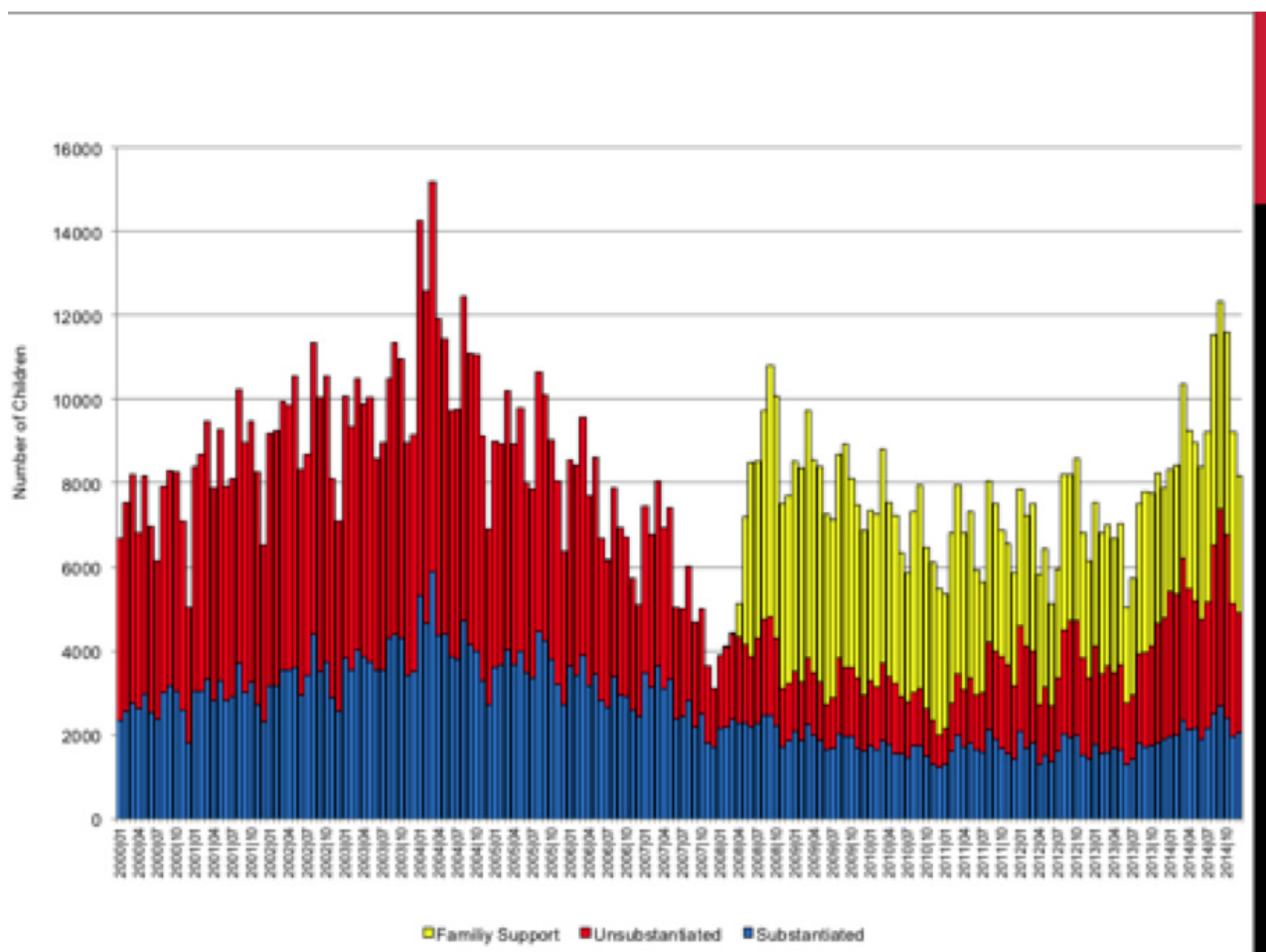


Figure 2 - Statewide CPS Dynamics (Jan. 2000 - Oct. 2014) – Courtesy of Fostering Court Improvement

One of the most reliable indicators of child safety is the number of children who experience abuse or neglect within six months of a prior report. This indicator has been steadily rising since early 2012 (Figure 3). In January 2014, 5.3% of children with a prior substantiated report were re-victimized within six months. By March 2015, that number had risen to 6.8%. In the same period, the percentage of children with an initially unsubstantiated report who were victimized within six months rose from 5.3% to 6.4%. Perhaps of greatest concern is the fact that the percentage of children who were victimized within six months of an initial family support case rose from 6.1% in early 2014 to 7% by March 2015: these are cases in which there was some form of active oversight from DFCS. Overall recurrence rates are rising for all children who have been the subjects of child abuse and neglect reports.

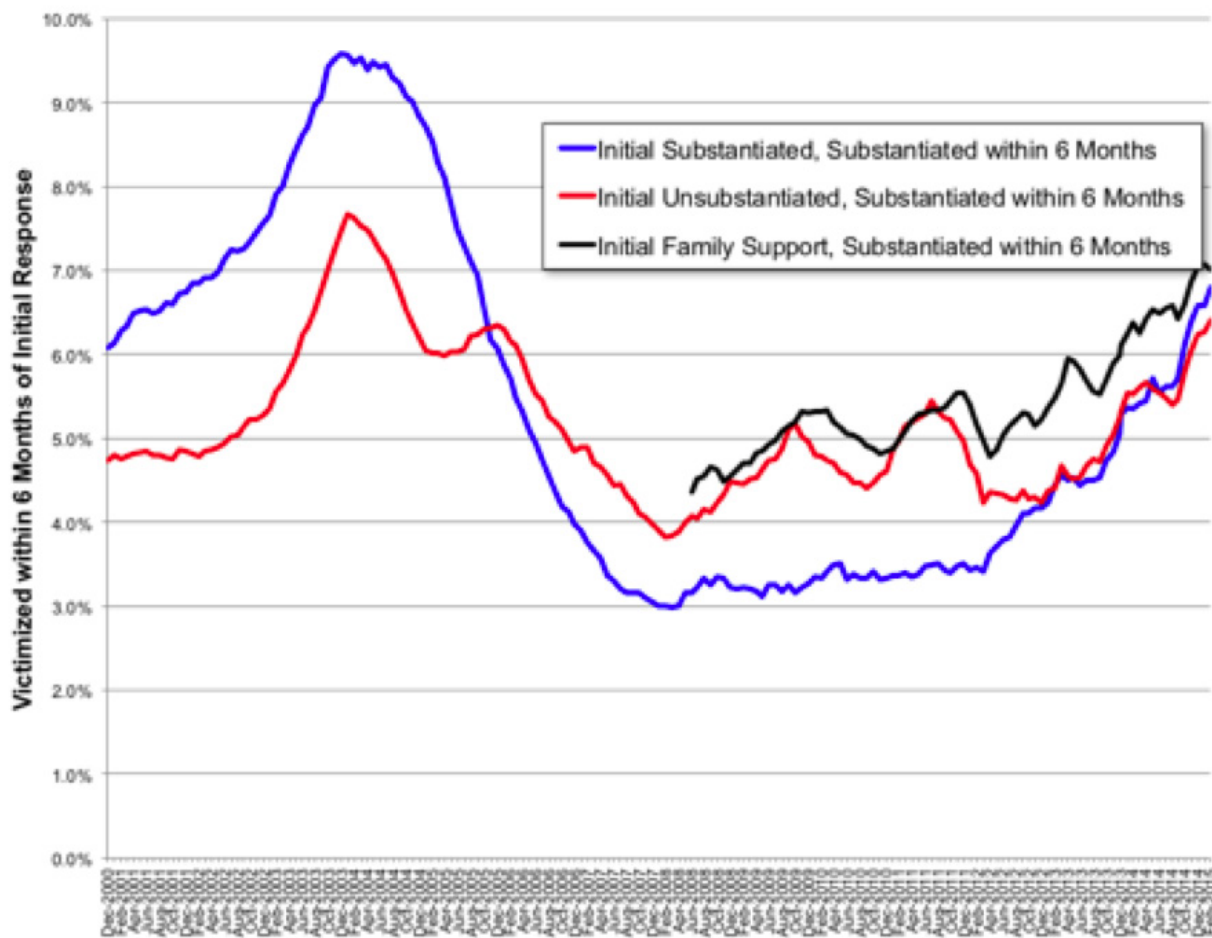


Figure 3 - Children Victimized Within 6 Months of a Previous Intake (Dec. 2000 - Mar. 2015) – Courtesy of Fostering Court Improvement

The rise in removals and in the recurrence of victimization warrants a closer look at the way in which children are removed from their parents or legal custodians in Georgia. Removals to foster care in Georgia fall within the jurisdiction of the state's Juvenile Courts.

Because removal from a parent is one of the most drastic forms of government intervention in the private lives of citizens, it must be reserved for those cases where (1) remaining in the home is contrary to the welfare of the child and (2) DFCS has made reasonable efforts to prevent the removal. In fact, these two criteria are precisely those required by state and federal law. With uniform criteria for removal, we might expect a fair degree of consistency in removal rates across the state once population differences have been accounted for.

Also, because of the sharp increase in removals and in re-victimization, we might expect that this rise would be generally reflected across Georgia's judicial circuits, but in fact, as a function of the state average rate of removals, there are wide disparities in removal rates across the state. (Figure 4).

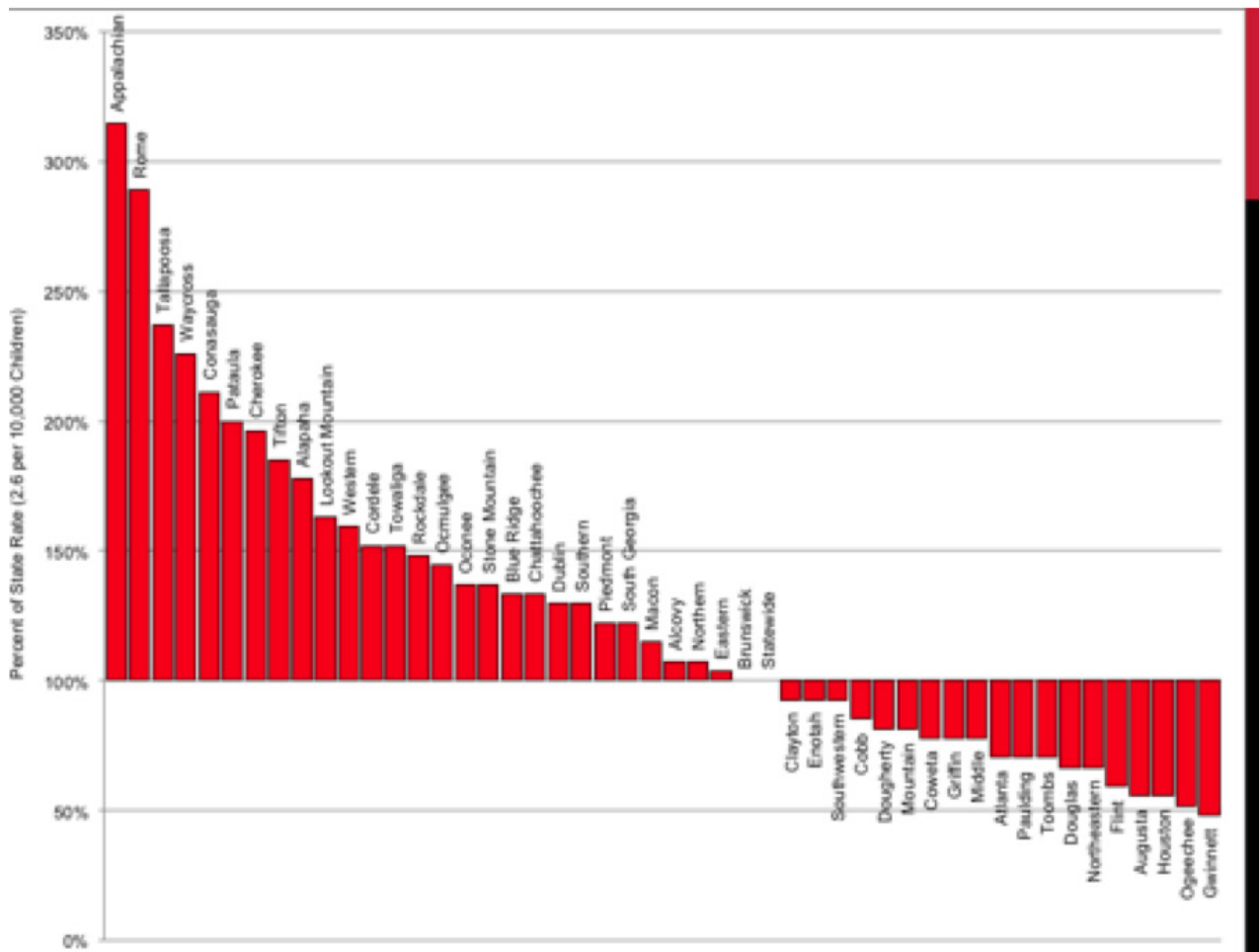


Figure 4 - 2015 Average Monthly Removals Per 1,000 Children - Courtesy of Fostering Court Improvement

One striking fact about Figure 4 is the fairly equal distribution on both sides of the state average of rural and urban counties: no one measure of population or location explains the discrepancies in removals.

These data should be seen as an invitation to look more closely at how the removal criteria are implemented in local courts, and to work to provide a uniform experience of justice across the state for those whose families become involved with our Juvenile Courts.

Removals, even from an unsafe home, can traumatize children, and one of the measures of our commitment to safe and stable families in Georgia is the time to permanency. Georgia’s Juvenile Code recognizes three types of permanent placements for children: reunification with parent(s), permanent guardianship, and adoption (O.C.G.A. §15-11-2(54)). Permanent placement usually ends (or greatly reduces) the court’s involvement in the life of children so placed, and provides the stability children require in order to flourish. It is clear, then, that movement to permanency should be a priority for our Juvenile Courts, and Figure 5 demonstrates that the courts have worked hard do justice to this priority.

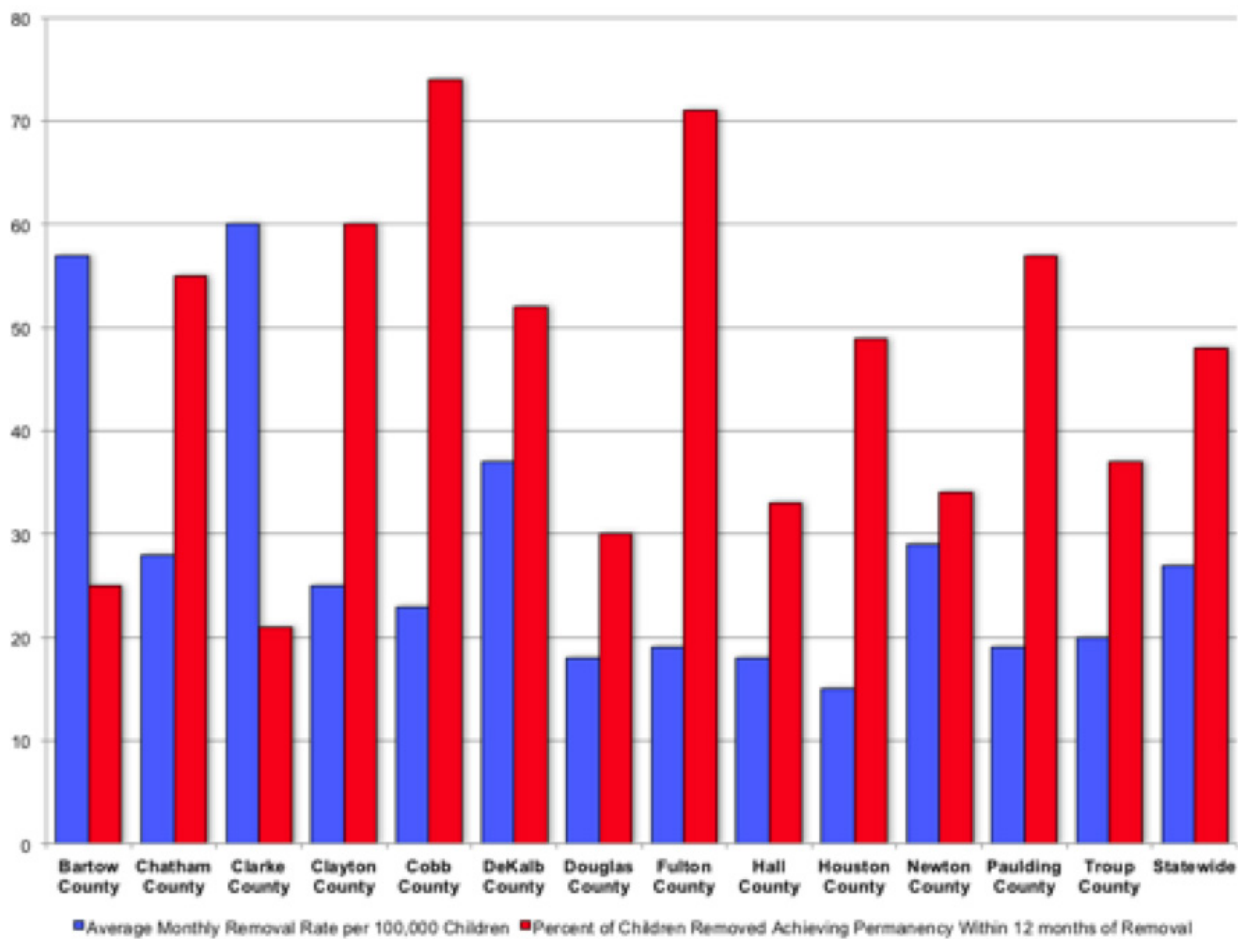


Figure 5 - 12-Month Permanency Data - Courtesy of Fostering Court Improvement

These issues frame the work done by the Supreme Court of Georgia Committee on Justice for Children. In order better to focus on aspects of child welfare which underlie the broader issues revealed by a data overview, the Committee prepares a strategic plan each year. Our strategic plan for 2015 outlined nine priority areas, which provide the detailed roadmap for our work:

1. Providing child welfare outcome and process measures (both periodic and real time analysis) for our state courts
2. Improving legal representation for all parties in child welfare cases
3. Improving generalized child welfare education
4. Ensuring foster parents' right to notice and to be heard in court
5. Recognizing a child's right to be treated as a legal party and to participate as such in their own case
6. Improving ICPC
7. Improving for Title IV-E compliance
8. Tribal Outreach

J4C welcomes feedback on how the federal Court Improvement Grant funds can best support Georgia's juvenile courts to improve justice for and promote the permanency, safety, and the well-being of children and families involved in Georgia's child welfare system.

PART 2: STRATEGIC PRIORITIES

The Supreme Court of Georgia Committee on Justice for Children (J4C) was created in 1995 to improve justice for children and families involved in civil child abuse and neglect proceedings in Georgia. J4C is part of the federal Court Improvement Program (CIP), originally authorized as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993. Forty-eight states, the District of Columbia, and Puerto Rico participate in CIP, which provides funds to the highest court in the jurisdiction for the purpose of improving the court process as it relates to safety, well-being, and permanency for children in foster care.

J4C receives advice and direction from a 31-member committee, comprised of judges, legislators, attorneys, DFCS staff, medical professionals, and other stakeholders working in child welfare. With direction from the Committee, pursuant to federal statutory and funding requirements, and in collaboration with community partners, J4C continued working on the eight priorities in our strategic plan during 2015:

1. Providing child welfare outcome and process measures (both periodic and real time analysis) for our state courts
2. Improving legal representation for all parties in child welfare cases
3. Improving generalized child welfare education
4. Ensuring foster parents' right to notice and to be heard in court
5. Recognizing a child's right to be treated as a legal party and to participate as such in their own case
6. Improving ICPC
7. Improving for Title IV-E compliance
8. Tribal Outreach

Each of these priorities is discussed below.

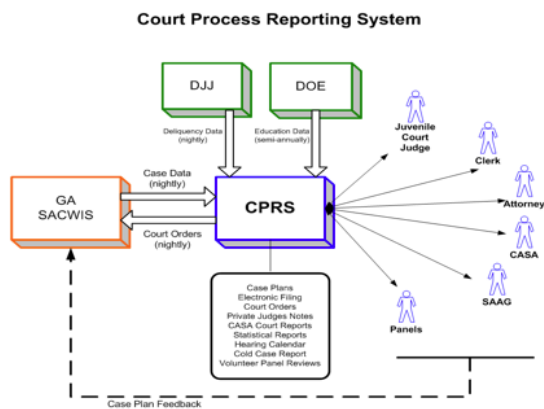
1. Providing child welfare outcome and process measures (both periodic and real time analysis) for our state courts.

Access to real time and summary analyzed data allows evaluation of the information needed to make improved decisions from the bench and to be able to evaluate the status of our child welfare system systemically and comparatively to the state medians and to surrounding courts. Almost all data provided to the court is coming from the executive branch's SHINES system, with additional court reports and orders being uploaded into both court and agency systems.

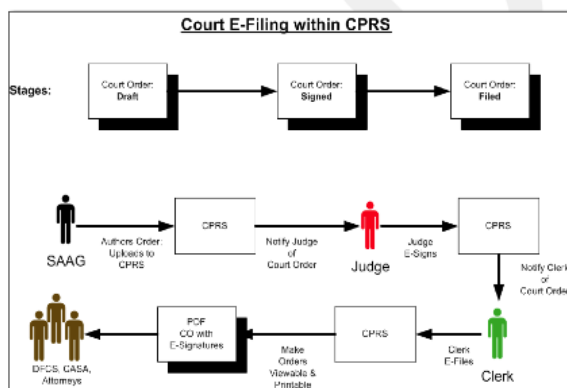
❖ **Court Process Reporting System (CPRS):** The Court Process Reporting System (CPRS) is a secure, web based system that provides child-specific case plan information to juvenile court stakeholders. CPRS interfaces with SHINES, and downloads updated case plan data on a nightly basis.

J4C continues to see increased usage and access to CPRS. CASA programs, currently CPRS' largest user base, continue to be key partners for improving CPRS data quality.

New enhancements continued to be released in 2015. Most noteworthy, J4C entered into an agreement in 2014 with the Department of Juvenile Justice to download DJJ data. In 2015, J4C fully integrated this data for stakeholder access, and continued to download educational data pursuant to an agreement with the Department of Education.



J4C continues to partner with DFCS and the juvenile court clerks to electronically and automatically transmit court orders from CPRS to SHINES. Significantly, 2015 saw the expansion of a pilot program to allow uploading, e-signature, and e-filing of court orders. Many juvenile court clerks are also manually uploading orders into CPRS, which automatically transfers them to SHINES, eliminating the need for DFCS staff to request paper copies or manually enter them in SHINES.



J4C has provided assistance to courts needing help with uploading past orders, and has provided electronic equipment, computers, and training to courts and stakeholders. We have also added enhancements for citizen panel use, and support for CHINS cases.

For more information, visit www.gacprs.org.

❖ **Court Improvement Initiative:** The Court Improvement Initiative (CII) is modeled after the National Council of Juvenile and Family Court Judges' Model Courts Program. Judges from seventeen jurisdictions across the state voluntari-

ly joined CII to improve how courts handle child abuse and neglect cases. CII courts gather twice a year to share practices, attend workshops on emerging best practices, and develop protocols or standards for CII courts to initiate in their jurisdictions.

The semiannual CII meetings provide a forum for vigorous discussion and shared learning. Each participating court reports on their jurisdiction's ongoing improvement efforts.

The Court Improvement Initiative provides stakeholder meetings in the participating jurisdictions to review compliance with best practices in child welfare cases. The National Council of Juvenile and Family Court Judges produces a County Practice Guide (CPG) of best practices, and in 2015 J4C hired national experts to tailor the CPG to Georgia's new Juvenile Code, and tested the CPG in two jurisdictions before taking it to the wider participants. Local CPG trainings are ongoing.

The continual review of child welfare data such as that provided in Part 1 of this report is an important aspect of CII, giving judges insights into broader trends statewide and informing judicial decision-making.

CII PARTICIPATING JURISDICTIONS

- Appalachian Circuit
- Atlanta Judicial Circuit
- Bartow County
- Clayton County
- Chatham County
- Cobb County
- Douglas County
- Eastern Judicial Circuit
- Hall County
- Houston County
- Newton County
- Paulding County
- Stone Mountain Judicial Circuit
- Toombs Judicial Circuit
- Troup County
- Western Judicial Circuit

❖ **J4C Summits:** J4C began working with Georgia juvenile court judges to convene Justice for Children summits in 2007. By 2013, J4C had held over 80 judicial summits, covering all 49 judicial circuits. In 2014, J4C continued to return to communities to host follow-up summits where the data identified certain challenges. The summits originally included an in-depth exploration of the most relevant local data, an overview of the legal framework governing permanency, and a youth-engagement panel. In 2013, the agenda was modified to include a presentation on well-being and the legal requirements of reasonable efforts, preserving on the agenda the local data presentation. In 2015, six summits were held.

❖ **Improving the Appellate Process for Child Welfare Cases:** Analyzing appellate data helps ensure a more uniform appellate practice in dependency matters. J4C enabled attorneys with the State Bar to conduct a time study of appellate cases, which was completed in 2015 and presented as a class to Georgia child welfare attorneys. Case-law updates have also been provided to practitioners through the Georgia Association of Counsel for Children, which is supported by our CIP grant funds.

❖ **Cold Case Project:** This project is partially supported by CIP grant funds provided by J4C, and is run by the Office of the Child Advocate. Analysis of data for children in Georgia’s foster-care system using a predictive model run twice a year identifies “cold cases”: children who are stuck in foster care and are not progressing toward permanency. These cases are staffed intensively by permanency teams made up of DFCS, child attorneys, CASAs, service providers, and Cold Case Fellows (attorneys with expertise in child-welfare cases), in an attempt to overcome obstacles to permanency. In 2015, state funding was secured for half of the Cold Case Project budget with plans a request for full funding in 2016

❖ **Mediation in Child Welfare Cases:** Mediation has been shown to decrease time to permanency for children in Juvenile Court. J4C has provided training for mediations, and supports a program to provide trained mediators to courts. In 2015 J4C continued to provide training and support for mediation programs.

❖ **Improving Educational Outcomes for Children in Foster Care:** In addition to negotiating a data-sharing agreement with the Georgia Department of Education (DOE) to make educational data available in CPRS, J4C provides training on educational issues affecting children in care, and in 2015 provided a grant to allow the Office of the Child Advocate to hire an education attorney.

❖ **Collaboration with DFCS:** The CPRS data-sharing agreement between J4C and DFCS is a landmark in cooperation between agencies in different branches of government, and the atmosphere of collaboration continues with monthly meetings between J4C and DFCS leadership, as well as with J4C participation in Title IV-E exit meetings and the federal Child & Family Service Reviews (CFSR).

2. Improving legal representation for all parties in child welfare cases.

Raising the bar on attorney performance assists the courts with their performance because the judges get better information to make decisions and clients get better representation which protects due process rights. Stakeholder surveys and CIP advisory members have consistently asked for CIP funding to be directed toward supporting and improving the attorney bar.

❖ **Child Welfare Legal Specialist (CWLS) Incentives and Grants:** CWLS attorneys are specially-trained in issues and best practices involved in child welfare cases. The certification is provided by the National Association of Counsel for Children, and involves passing a written examination much like the bar exam.

J4C provides grants to applicants to defray the cost of study for and obtaining the certification, and hosts meetings for Georgia CWLS attorneys. CWLS attorneys are used by J4C to lead a variety of trainings and other projects. In 2015 there were 45 CWLS attorneys in Georgia, with over 30 attorneys slated to take the examination.

❖ **Trial Skills Training:** Effective trial skills are important both for ensuring that the rights of parties are protected in Juvenile Court proceedings, as well as in preventing errors that might delay permanency. J4C organizes trial skills trainings available to attorneys across the state.

❖ **Georgia Association of Counsel for Children:** Georgia's organization for child welfare attorneys provides trainings and conferences to enhance the breadth of knowledge of attorneys practicing in Juvenile Courts. J4C provides a funding grant to GACC, as well as scholarships to help attorneys defray the costs of conference attendance.

❖ **Child Welfare Legal Academy (CWLA):** In partnership with the Barton Center at Emory Law School, J4C provides seminars which address issues in child welfare policy and practice. These seminars are provided to a larger audience via live-stream, and are archived for future access.

❖ **Peer Review Program:** In partnership with the Office of the Child Advocate, J4C provides data analysis which identifies jurisdictions with low permanency outcomes, and helps fund the Peer Review Program, which places attorneys with child-welfare expertise in those jurisdictions as court observers. The peer reviewers concentrate especially upon the performance of attorneys representing children, and upon guardians ad litem, providing information which is put into a final report and presented to each court observed.

❖ **Parent Attorney Advocacy Committee:** This organization, funded by J4C CIP dollars, provides enhanced training for attorneys representing parents in Juvenile Court proceedings.

An annual conference has been held for the past four years, with J4C scholarships helping more attorneys to attend.

❖ **Child Welfare Seminar:** Twice a year, J4C, in conjunction with the Institute of Continuing Legal Education, provides a day-long training on basic aspects of practice for attorneys in Juvenile Court.

3. Improvement for generalized child welfare education:

Child welfare law is statutorily driven and, to a lesser extent, case law is made accessible to the field to provide guidance. In addition, the law changes often both at the federal and state level. Thus, it is helps court improvement work to provide regular, quality training that is tied to the law and standards of practice and that this sort of training becomes institutionalized in our state's child welfare system.

❖ **Judicial Conferences and Training:** Each year, Georgia CIP funds sponsor two judicial conferences, and in 2015 30 scholarships were made available to allow Georgia judges to attend the conference of the National Council of Juvenile and Family Court Judges.

❖ **Child Welfare Legal Tracks at Conferences:** J4C sponsors legal tracks at several conferences each year to ensure that all Juvenile Court stakeholders understand the legal aspects of child welfare cases. In 2015, J4C sponsored legal track speakers at the Georgia CASA conference, the conference of the Adoptive and Foster Parent Association of Georgia, and the national foster parent conference.

❖ **Stakeholder Meetings:** J4C provides support for meetings of Juvenile Court stakeholders in local jurisdictions. These meetings address best practices, data reviews, trainings, and conference re-broadcasts. In 2015, over 40 stakeholder meetings were sponsored by J4C.

❖ **Larger-Scale Stakeholder Trainings:** J4C sponsors a variety of trainings to educate stakeholders regarding issues of importance in child welfare law. In 2015, J4C sponsored complex trauma workshops, and supported the implementation of local trauma-focused court pilot projects.

4. Ensuring foster parents' right to notice and to be heard in court:

The population of foster parents is ever-changing. A small percentage of foster parents stay as foster parents for over 10 years per DFCS data. Many foster parents do adopt the children they foster at some point and often then stop operating as a foster home. Thus, continual training on the law regarding notice and opportunity to be heard is a necessity to keep up with the changing target audience.

❖ **Foster Parent Training:** J4C funds foster parent training both via its legal track at the Georgia foster parent conference, and by contracting with a part-time Juvenile Court judge to provide local trainings to foster parents around the state each month. The trainings are held on weekends during the academic school year and childcare is provided to encourage foster parents to attend.

❖ **EmpowerMENT Trainings:** EmpowerMENT is an organization founded by former foster youth and supported by J4C. Its main mission is to provide training to foster children on their legal rights and opportunities, but it also trains foster parents to view issues through the eyes of foster children. In 2015, EmpowerMENT held 19 classes around the state.

5. Recognizing a child's right to be treated as a legal party to the case:

Foster children still are not regularly included in their court hearings in every part of the state. The data source is by court observation and by survey. Advocacy for this sort of change is best delivered by the service recipients of foster care (both former and current). These advocates can also help children advocate for themselves and find their voice.

❖ **EmpowerMENT Summits:** EmpowerMENT, supported by J4C funds, provided summits for foster youth in 2015 on the topics of independent living services and of the legal rights of foster youth.

6. Improving the Interstate Compact on the Placement of Children (ICPC):

ICPC governs the placement of children outside of the state in which foster care proceedings are initiated. ICPC has been identified by survey and by focus group as a major cause of delay for a percentage of cases. ICPC is also a source of frustration within the legal community, often because the status of cases and the reasons for delay are so difficult to ascertain.

Since 2012, J4C has contracted with part-time Juvenile Court Judge Britt Hammond to negotiate border agreements with neighboring states to facilitate the placement of children across state lines.

Border agreements have been signed with Tennessee, North Carolina, Florida, South Carolina, and Alabama as a direct result of this effort. Judge Hammond has continued negotiations to enlarge the scope of these agreements, and also meets with DFCS leadership to assist in implementation of national best practices related to ICPC.

Most recently, Judge Hammond has been working at the national level to assist with the development of an ICPC database available to all states to improve the efficiency of ICPC cases. See: <http://tinyurl.com/h5u9vmb>

7. Title IV-E compliance:

J4C continues the Title IV-E Project to improve federal reimbursement rates in Georgia. Lead Judge Britt Hammond receives copies of orders deemed non-compliant by the federal government and contacts each judge to discuss the court order and identify barriers to IV-E compliance.

8. Tribal Outreach:

Georgia has no federally recognized tribes, but does have three state recognized tribes. In addition, federally recognized tribes are in all the border states around Georgia, and members of federally recognized tribes are found in many areas of the state. Children who are either members of or eligible for membership in federally recognized tribes fall under the jurisdiction of the Indian Child Welfare Act, and specialized knowledge in this area is an ongoing need for practitioners and stakeholders.

J4C contracts with part-time Juvenile Court Judge Lisa Mantz to provide training and technical assistance for tribal issues. In 2015, after seeking specialized expertise from the National Resource Center on ICWA improvements in 2014, DFCS (with Georgia CIP support) hosted a meeting with stakeholders and the state recognized tribes of Georgia to continue to establish a relationship and determine how the entities can better coordinate efforts for Indian children and their families.

A follow up meeting was held in May 2015 on the grounds of one of the tribes. J4C has also sponsored trainings on the Indian Child Welfare Act during its attorney and stakeholder trainings.

CURRENT COMMITTEE MEMBERS

- Presiding Justice P. Harris Hines (Chair), Supreme Court of Georgia
- Ms. Katie Jo Ballard, Organizational and Policy Reform Consultant
- Judge Michael Boggs, Court of Appeals of Georgia
- Judge Benjamin Brinson, Juvenile Court Judge of the Atlantic Judicial Circuit
- Mr. W. Bradley Bryant, Esq., Executive Director of Georgia Student Finance Commission
- Ms. Kate Cantrell, Director of Youth Villages in Georgia and Florida
- Bobby Cagle, Director of the Georgia Division of Family and Children Services
- Ms. Lindsay Caulfield, SVP Marketing and Planning at Grady Health System
- Ms. Rachel Davidson, Esq., Georgia Division of Family and Children Services
- Ms. Kathleen Dumitrescu, Esq., Atlanta Volunteer Lawyers Foundation
- Dr. Jordan Greenbaum, Medical Director, Child Protection Center at Children’s Healthcare of Atlanta
- Mr. Duaine Hathaway, Executive Director of Georgia CASA
- Dr. Sharon Hill, Georgia State University, Faculty
- Ms. Sharon Hill, Esq., Executive Director of Georgia Appleseed
- Ms. Elizabeth Imes, Esq., and CASA volunteer
- Ms. Diana Rugh Johnson, Esq., CWLS Child and Parent Attorney
- Judge Michael Key, Juvenile Court of Coweta Judicial Circuit
- Mr. Ross King, Executive Director of the Association of County Commissioners of Georgia
- Dr. Garry McGiboney, Deputy State Superintendent for Policy of the Georgia Department of Education
- Samuel S. Olens, Attorney General of Georgia
- State Representative Mary Margaret Oliver
- Judge Sheri Roberts, Juvenile Court of the Alcovy Judicial Circuit
- Judge Juliette Scales, Juvenile Court of the Atlanta Judicial Circuit
- Judge Philip Spivey, Juvenile Court of the Ocmulgee Judicial Circuit
- Judge John Sumner, Juvenile Court of the Blue Ridge Judicial Circuit
- Judge Velma Tilley, Juvenile Court of the Cherokee Judicial Circuit (Retired)
- Ms. Marie Watson, Special Assistant Attorney General
- State Representative Wendell Willard
- Ms. Ashley Willcott, Esq., CWLS, Director of the Office of the Child Advocate
- Judge James Whitfield, Juvenile Court of Cobb Judicial Circuit
- Mr. Thomas Worthy, Esq. Governmental Affairs at the State Bar of Georgia

