

**THE SUPREME COURT OF GEORGIA
COMMITTEE ON JUSTICE FOR CHILDREN**

ADMINISTRATIVE OFFICE OF THE COURTS

2011 ANNUAL REPORT

THE STATE OF CHILD WELFARE

In 2011, our foster care population began to rise for the first time since 2007. As Figure 1 shows, this was driven largely by a dramatic increase in removals (red line) during the first quarter of 2011.

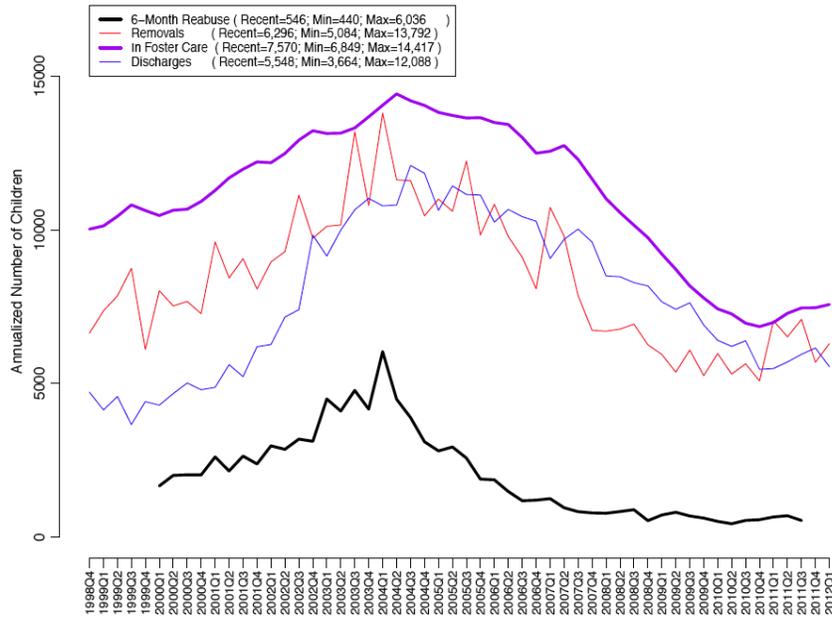


FIGURE 1 – DFCS FOSTER CARE DYNAMICS
COURTESY OF FOSTERING COURT IMPROVEMENT

In fact, between 2007 and 2010 Georgia led the nation in reducing its foster care population.

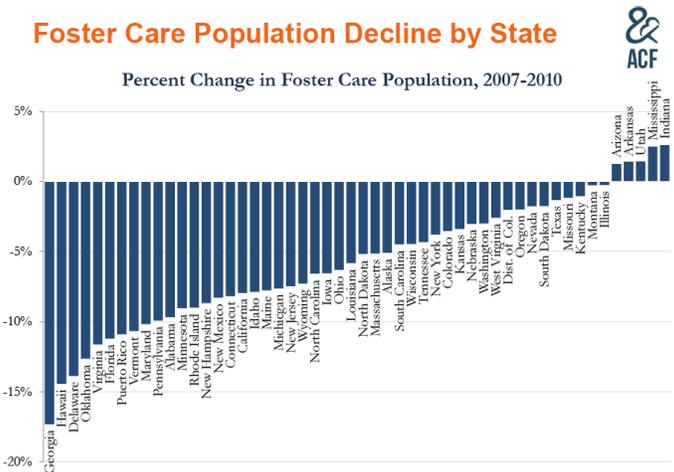


FIGURE 2 – NATIONAL FOSTER CARE POPULATION DECLINE, BY STATE
COURTESY OF U.S. DEPT. OF HEALTH & HUMAN SRVCS.

A reduction in a foster care population of this magnitude often raises more questions than it answers. Above all other priorities, children must be protected from abuse and neglect. While there are many measures of safety, the staff and Committee on Justice for Children (J4C) has continued to monitor the 6 month recurrence of maltreatment rate to better inform the conversation surrounding the unprecedented decrease in Georgia's foster care population. As can be seen in Figure 1, that recurrence rate continues to hover around 3% statewide. By that measure and other safety measures, Georgia's child welfare system continues to show better safety numbers than most other child welfare systems in the nation. These measures also demonstrate a safer child welfare system for children today compared to 2005 when Georgia's foster care population was much higher.

During 2011, J4C continued to examine fidelity to our child welfare legal framework, legislative priorities, and strategic plan through data analysis and continuous quality improvement. These efforts are reflected in our ongoing Strategic Priorities: (1) Improving the Quality of Representation for all Parties; (2) Improving the Appellate Process; (3) Developing, Reporting, and Actively Using Data Measures for Courts; (4) Increasing Placement Stability for Children in Foster Care; (5) Family Preservation; (6) Finding Permanency for Children Most Likely to Age out of Care; (7) Streamlining the ICPC Process; (8) Ensuring Foster Parents Receive the Opportunity to be Heard in Judicial Proceedings; and (9) Improving Title IV-E Reimbursement Rates. They are also reflected in our other Major Activities: the Cold Case Project, the Conditioned for Success Project, and our National Quality Improvement Center on the Representation of Children in the Child Welfare System project.

Each of our 2011 Strategic Priorities and Major Activities are summarized in this annual report. In late 2011, a new federal Court Improvement Program grant (the main grant that funds J4C work) was passed by Congress and signed by the President. As part of that new grant, a new strategic plan was prepared and submitted as part of the 2012 grant application. Some of these 2011 priorities were reassessed as achieved or the goals were changed. New priorities were also set for 2012. We welcome feedback on how J4C can continue to serve the juvenile courts and improve permanency, safety, and the well-being of children and families involved in Georgia's child welfare system.

STRATEGIC PRIORITIES

The Supreme Court of Georgia Committee on Justice for Children (J4C) was created in 1995 to assess and improve court proceedings involving abused and neglected children.

J4C is a part of the Federal Court Improvement Program, originally authorized as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993. All 50 states participate in CIP which provides funds to the highest court in the state to improve the court process as it relates to the safety, well-being and permanence of children in foster care.

With direction from the J4C Committee, from our federal grant guidelines, and in collaboration with community partners, J4C continued working on the nine Strategic Priorities during 2011: (1) Improving the Quality of Representation for all Parties; (2) Improving the Appellate Process; (3) Developing, Reporting, and Actively Using Data Measures for Courts; (4) Increasing Placement Stability for Children in Foster Care; (5) Family Preservation; (6) Finding Permanency for Children Most Likely to Age out of Care; (7) Streamlining the ICPC Process;

(8) Ensuring Foster Parents Receive the Opportunity to be Heard in Judicial Proceedings; and (9) Improving Title IV-E Reimbursement Rates. Each goal is discussed below.

The mission of J4C is to improve the legal and court process of court-involved children in civil child abuse and neglect proceedings.

1. IMPROVING LEGAL REPRESENTATION

A long-standing priority of J4C has been improving both the quantity and quality of

legal representation for all parties in deprivation matters by: 1) establishing standards of practice; 2) ensuring attorney access to high-quality training; and 3) developing a quality assurance program.

Standards of Practice. With financial support and technical assistance from J4C, the Georgia Public Defender Standards Council (GPDSC) built on their established standards for parent representation through improved communication and knowledge building expertise. Georgia Parent Attorney Advocacy Committee (GPAAC) holds monthly meetings and offers comprehensive trainings throughout the year. With regard to establishing standards for child representation, there have been two major events in 2011. First, the State Bar of

Georgia issued an advisory opinion in 2010 regarding the potential conflict between a child's expressed legal interests and what the attorney considered to be in the child's best interests. In January of 2012, the Supreme Court of Georgia approved the advisory opinion. Also in 2011, Georgia was selected as one of two national demonstration sites to study the effects of implementing a child-centered model of representation (described later in this report).

Training. J4C hosts biannual child welfare attorney trainings at the State Bar and partners with other agencies to host trainings such as GPDSC's parent attorney trainings and Atlanta Volunteer Lawyers Foundation's Professional Series on Critical Issues Facing Special Needs and At-Risk Children. In 2011, J4C continued its partnership with the Barton Child Law and Policy Center to provide the Georgia Child Welfare Legal Academy (CWLA), a monthly workshop hosted at Emory University School of Law. In 2011, nine workshops were lead by various national and local child welfare experts covering the following topics: finding permanency for older youth, HIPPA, collateral consequences of our criminal justice system, special education law, undocumented children, pregnancy prevention, ICWA, reinstatement of parental rights, and concurrent planning. Videos of the presentations are archived online. Visit www.bartoncenter.net for more info. This year, J4C was one of several sponsors the statewide Youth Law Conference, which was aligned with the statewide SAAG training. On the first day, SAAG attorneys participated in a dual-track workshop that

enabled them to attend training with child and parent attorneys.

J4C provides scholarships for attorneys and judges to attend national conferences, including the National Council of Juvenile and Family Court Judges' annual conference as well as the Child Abuse and Neglect Institute; and the National Association of Counsel for Children's annual conference. Additionally, J4C hosted the 2nd Annual Child Welfare Attorney Trial Techniques Training at the John Marshall School of Law, attended by 25 attorneys. The training was sponsored by J4C, GACC, the Barton Center, GPDSC, and the Institute of Continuing Legal Education. Finally, J4C partnered with GACC to sponsor the second class of Georgia attorneys to apply for certification from NACC as a Child Welfare Law Specialist in 2011. At the 2011 Youth Law Conference, Justice Hines recognized Georgia's second class of 11 Child Welfare Law Specialists as certified experts in child welfare law.

2. DEVELOPING, REPORTING, & USING DATA MEASURES FOR COURTS

Data are used by J4C to monitor the safety, permanency and well-being of children in state custody. For several years, J4C has partnered with Fostering Court Improvement (FCI) to provide more than 100 child welfare data measures to stakeholders. In partnership with DFCS, these measures – broken down by county, DFCS region, judicial circuit and judicial district – are publicly available at:

www.fosteringcourtimprovement.org/ga

- **J4C Summits.** J4C first began working with Georgia juvenile court judges to

convene Justice for Children summits in 2007. By the end of 2011, 52 judicial summits have been held, reaching 143 counties. See Figure 2-A. This past year, a total of 10 J4C summits were held in local communities, reaching 30 counties. When a jurisdiction hosts a summit, a large portion of the day is devoted to an in-depth explanation of the most relevant local data. Attendees are later encouraged to create action plans to improve outcomes for youth in care, and to evaluate those plans by monitoring the publicly available foster care data.

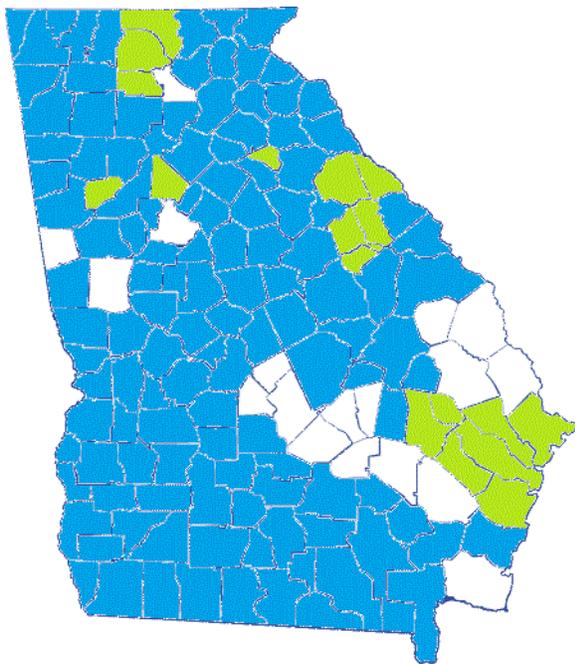


FIGURE 2-A: LOCATION OF SUMMITS HELD

In 2011, J4C continued circling back to communities that previously held a J4C summit and working with the judges to host a follow-up Permanency, Safety and Well-Being (PSWB) Workshop. The workshops mirror the substantive curriculum of the J4C summits: a localized data presentation, a legal discussion

regarding permanency, and a youth engagement presentation from Georgia EmpowerMENT. However, the agenda is condensed to a half day and ends with a working lunch to discuss progress on the action plans developed at the original J4C summit. The PSWB Workshops further our commitment to bringing resources and training to the local communities. In Figure 2-A, the counties in light-blue have hosted a J4C Summit, while the counties in light green have hosted both a J4C Summit and PSWB Workshop.

- **Data Updates.** Annual data update letters are sent to judges that have hosted a summit. The letters highlight emerging trends, with particular emphasis on the areas selected in the action plan.
- **Stakeholder Meetings.** J4C provides funding to counties to come together regularly (monthly, quarterly, etc) to discuss local issues related to child welfare. J4C is occasionally called upon to present data updates or provide other substantive trainings at these meetings. J4C sponsored over 100 such meetings in 2011.

3. IMPROVING THE APPELLATE PROCESS

J4C continues to monitor the implementation of HB 369, which changed the appellate process for TPR appeals from direct to discretionary.

The data show the discretionary application process has greatly reduced the time from filing an appeal to final disposition. However, a new delay in finalizing the TPR

process has manifested – the production of transcripts. J4C met with the Georgia Court Reporter Association to discuss a rule of no more than 30 days for a transcript requested for an appeal in a deprivation case.

J4C continues to publish a quarterly appellate law summary of child welfare appeals in Georgia. The summaries are posted on our website, and members of the Georgia Association of Counsel for Children receive these updates electronically.

4. IMPROVING PLACEMENT STABILITY

The Child and Family Services Review (“CFSR”) is the federal government’s program for assessing the performance of a state’s child welfare community with regard to achieving positive outcomes for children and families. The CFSR is implemented by the Children’s Bureau, an arm of the U.S. Dept. of Health and Human Services. Placement Stability is one of the four measures to evaluate permanency. Figure 4-A demonstrates Georgia’s performance on the CFSR permanency composites from 2000 through 2011. While Georgia has historically experienced continued decline on conformity with national placement stability standards, we have demonstrated improved performance over the past two years.

J4C continues to provide placement stability training at stakeholder trainings and conferences and has contracted with a local attorney to develop and deliver a standard presentation specifically on placement stability. During 2011, J4C staff presented on placement stability at the Council of Juvenile Court Judges Annual Conference in Athens, GA, and the National Council of

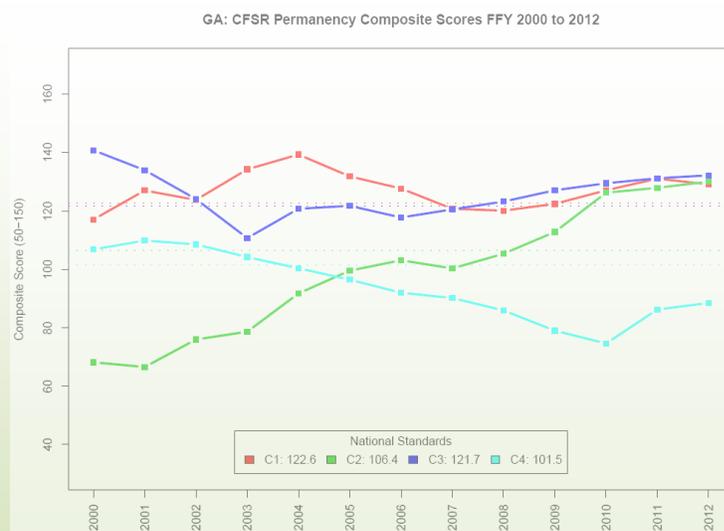


FIGURE 4-A: GEORGIA’S PERMANENCY COMPOSITE SCORES COURTESY OF FOSTERING COURT IMPROVEMENT

Family and Juvenile Court Judges Annual Conference in New York, NY.

5. FAMILY PRESERVATION

The Family Preservation priority revolves around the core value that children do best in their own home, provided they can remain there safely. In 2011, J4C continued to utilize the *Child Welfare Doppler Radar* to examine the dynamics connected to child safety and GA’s family preservation efforts.

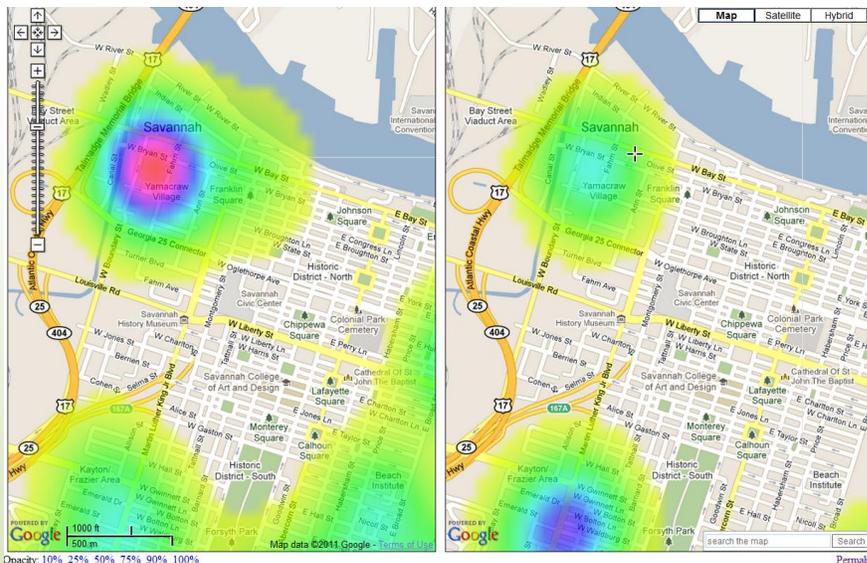
The Child Welfare Doppler Radar displays the intensity of CPS activity in an area. For example, by examining the Savannah Doppler map, displayed in Figure 5-A, one can identify the heavy concentration of CPS investigations (the left map) that take place in Yamacraw Village. This public housing project appears to take up a significant amount of the CPS resources in Chatham County DFCS.

However, the right map demonstrates the intensity, or lack thereof, of cases diverted from an investigation. This suggests children

living in Yamacraw Village are much more likely to be the subject of a CPS investigation than they are to receive up-front family support services.

The Cold Case Project was designed to improve permanency for Georgia’s most vulnerable youth – those most likely to emancipate from foster care without permanency. In 2009,

J4C launched a project in partnership with DFCS. The project was implemented with the assistance of a research firm and was used to review individual cases and identify systemic problems leading to poor outcomes for youth in foster care. At the end of the project, 214 cold cases had been reviewed, and the



**FIGURE 5-A: CHILD WELFARE DOPPLER MAP OF SAVANNAH, GA
COURTESY OF FOSTERING COURT IMPROVEMENT**

CPS dynamics are complex. It is not simply family dynamics that contribute to assessing risk. Rather, there are often external factors – e.g., environmental risks – that influence whether a child may remain safely in their home. Nonetheless, Yamacraw Village represents a perfect storm of the implications of system failure. It may be one of the more dangerous places in Savannah for children to live - yet we place family after family there. Yamacraw is representative of a problem our broader social service systems must address, rather than endure.

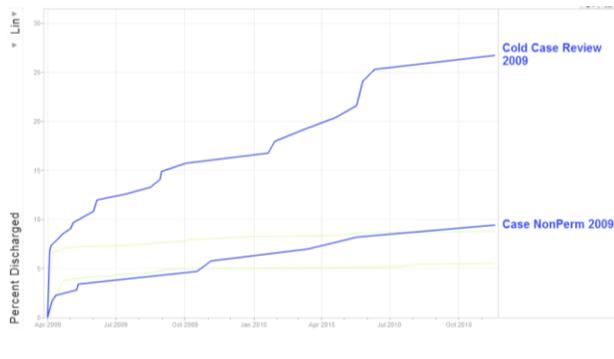
Georgia Cold Case Project Report was published, including a list of recommendations to help find permanency for these vulnerable children. An electronic version of the final report is available on our website.

Since the end of the original project, Casey Family Programs has provided additional funding to continue the project. New fellows have been hired and trained, and the project is operating inside DFCS in full consultation with J4C.

In 2011, J4C staff analyzed the original 2009 Cold Case files to see how many children on the original review list had achieved

6. FINDING PERMANENCY FOR CHILDREN IN LONG TERM FOSTER CARE

permanency. A comparison group was statistically created, and 18 months after the initial review, more than 25% of the children originally reviewed under the Cold Case Project had achieved permanency, compared to less than 10% in the comparison group. These results supported the Cold Case project continuing into 2012.



7. IMPROVING ICPC

The purpose of the Interstate Compact for the Placement of Children (ICPC) project is to ensure the safety and well being of children who are placed across state lines. Georgia law requires a handful of procedural safeguards to effectuate that goal, but these procedures often result in lengthy delays and limited accountability in the judiciary. In 2008, J4C contracted with part-time Judge Britt Hammond of the Toombs Judicial Circuit Juvenile Court to undertake the challenge of improving the ICPC process.

During 2011, Judge Hammond continued to work on behalf of J4C to establish border agreements between neighboring states, including Tennessee, Alabama, North Carolina and Florida. As those agreements are finalized, the ICPC process is streamlined and delay is minimized.

8. FOSTER PARENTS' NOTICE & RIGHT TO BE HEARD PROJECT

Foster parents play a vital role in caring for children in state custody. Improving the knowledge on the law regarding notice and opportunity to be heard for foster parents is part of an on-going, statewide training effort to improve the court process for children in care. Judge Britt Hammond also works with the Adoption and Foster Parent Association of Georgia (AFPAG) to coordinate trainings entitled, "Right to be Heard" around the state. The presentation is given to foster parents to inform them of their rights under the law as well as provide tips for presenting information in court. During 2011, with the support of J4C, Judge Hammond held 13 'Right to be Heard' trainings, reaching over 212 foster parents in more than 25 counties. The trainings are targeted on the weekends during the academic school year, and childcare is provided to encourage foster parents to attend.

9. THE TITLE IV-E PROJECT

J4C continues the Title IV-E Project to improving 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. This provides a much needed feedback loop to the field.

MAJOR ACTIVITIES

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 locations across the state voluntarily joined

CII PARTICIPATING LOCATIONS

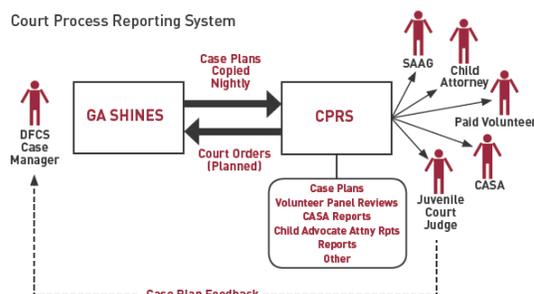
Appalachian Circuit
 Atlanta Judicial Circuit
 Bartow County
 Clayton County
 Chatham County
 Cobb County
 Douglas County
 Eastern Judicial Circuit
 Enotah Judicial Circuit
 Hall County
 Houston County
 Newton County
 Paulding County
 Stone Mountain Judicial Circuit
 Toombs Judicial Circuit
 Troup County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

CII to improve how courts handle child abuse and neglect cases. CII courts gather to share practices, attend workshops on emerging best practices, and develop protocols or standards for CII courts to initiate in their jurisdictions. The semi-annual CII meetings provide a forum for vigorous discussion and shared learning. Each participating court reports on their own

improvement efforts. In 2011, CII met in Athens and Savannah for the bi-annual meetings.

COURT PROCESS REPORTING SYSTEM

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. J4C continues to provide equipment to juvenile court stakeholders to ensure timely access to CPRS and provides new and ongoing trainings around the state.

Many new enhancements were released in 2011. During 2011, J4C worked closely with DFCS to automatically transmit court orders from CPRS to SHINES. Many juvenile court clerks are uploading orders into CPRS, and the new enhancements will automatically transfer those to SHINES, eliminating the need for DFCS staff to request paper copies or retrieve copies from CPRS.

LAW SCHOOL NETWORK

The Law School Network is a new tool developed to reach out to students in Georgia's five law schools. By accessing the Law School Network web site, students can have information at their fingertips about internship, externship, fellowship and employment opportunities; student loan forgiveness; CLE opportunities related to child welfare law; and relevant articles.

The Law School Network website is: w2.georgiacourts.org/j4clawschoolnetwork.

J4C staff made presentations at John Marshall Law School and Mercer Law School in 2011 to discuss opportunities in child welfare law. Additionally, J4C staff made a presentation to the child welfare class at Georgia State University College of Law and Emory University School of Law.

ILP SUMMITS

EmpowerMENT is an organization of former and current foster youth in the state of Georgia who understand the need for change in the foster care system. To that end, EmpowerMENT sends members to speak to Judges, Attorneys, CASAs, and stakeholder groups to help them understand what it means to grow up in foster care. In 2010, EmpowerMENT began holding ILP (Independent Living Program) Summits throughout the State, with the goal of providing vitally important information (for example, "22 Things You Should Do Before You Leave Foster Care") to youth ages 14 and up who are currently in foster care. These ILP Summits have been well received, and participation by the teens in attendance

is very high. Nine ILP Summits were held in 2011.



QUALITY IMPROVEMENT PROJECT ON THE REPRESENTATION OF CHILDREN IN THE CHILD WELFARE SYSTEM

Georgia has been selected as one of two states to act as a research and demonstration site for the National Quality Improvement Center for the Representation of Children in the Child Welfare System at the University of Michigan Law School. Chapin Hall at the University of Chicago serves as the scientific evaluation partner in this project. This study seeks to measure the effectiveness of QIC Best Practice Model of Representation for child representative in deprivation cases. There are 126 attorneys participating in this study throughout the state. Half of the attorney serve as treatment attorneys who have been trained in the QIC Best Practice Model(Model). The other attorneys serve as control group who represent children without specialized training in the Model.

J4C partners with the Barton Child Law and Policy Center at Emory University and the Georgia Association of Counsel for Children for this study. Barton Center trains attorneys and monitors ongoing fidelity to the Model while GACC serves as coach for individual attorney consultation. This four year study will conclude in June of 2015. The QIC-ChildRep website is: www.improvechildrep.org

2011 COMMITTEE MEMBERS

- Justice P. Harris Hines (Chair), *Supreme Court of Georgia*
- Samuel S. Olens, *Attorney General*
- Judge Bill Hamrick, *Superior Court of Coweta Judicial Circuit*
- State Representative Mary Margaret Oliver
- Judge J. Lane Bearden, *Juvenile Court of Cherokee Judicial Circuit*
- Judge Jason Deal, *Superior Court of the Northeastern Judicial Circuit*
- Judge Deborah Edwards, *Juvenile Court of Houston Judicial Circuit*
- Judge Michael Key, *Juvenile Court of Coweta Judicial Circuit*
- Judge Robin Shearer, *Juvenile Court Western Judicial Circuit*
- Judge Gregory Poole, *Juvenile Court Cobb Judicial Circuit*
- Judge Velma Tilley, *Juvenile Court Cherokee Judicial Circuit*
- Ms. Katie Jo Ballard, *Executive Director of the Governor's Office for Children and Families*
- Ms. Tonya Boga, Esq., *Director of the Office of the Child Advocate*
- Mr. Bradley Bryant, Esq., *Georgia Department of Education*
- Mr. Ross King, *Executive Director of the Association of County Commissioners of Georgia*
- Mr. Duaine Hathaway, *Executive Director of Georgia CASA*
- Ms. Lisa Lariscy, *DFCS Judicial Liaison*
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- Ms. Kathleen Dumitrescu, Esq., *Atlanta Volunteer Lawyers Foundation*
- Dr. Betsy Bockman, *Principal at Coan Middle School of Atlanta Public Schools*
- Dr. Brent Wilson, *Child Psychiatrist*
- Ms. Diana Rugh Johnson, Esq., *Parent Attorney*
- Ms. Kate Cantrell, *Director of Youth Villages in Georgia and Florida*
- Mr. Mason McFalls, *Morgan Stanley Smith Barney and former Georgia foster youth*
- Mr. Ron Scroggy, *Division of Family and Children Services, Director*

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- Professor Alex Scherr, Esq., *University of Georgia School of Law*
- Professor Melissa Carter, Esq., *Director of the Barton Child Law and Policy Clinic at Emory University*
- Professor Renata Turner, Esq., *Director of Pro Bono Outreach and Externships at John Marshall Law School*
- Professor Timothy Floyd, Esq., *Director of Law and Public Service Program at Mercer University School of Law*
- Ms. Stephanie Mason, Esq., *Co-Chair of the Juvenile Law Committee of the State Bar of Georgia*

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