

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

2012-2013 Annual Report



Prepared by the Administrative Office of the Courts
Courts Services Division
Office of Children, Families and the Courts

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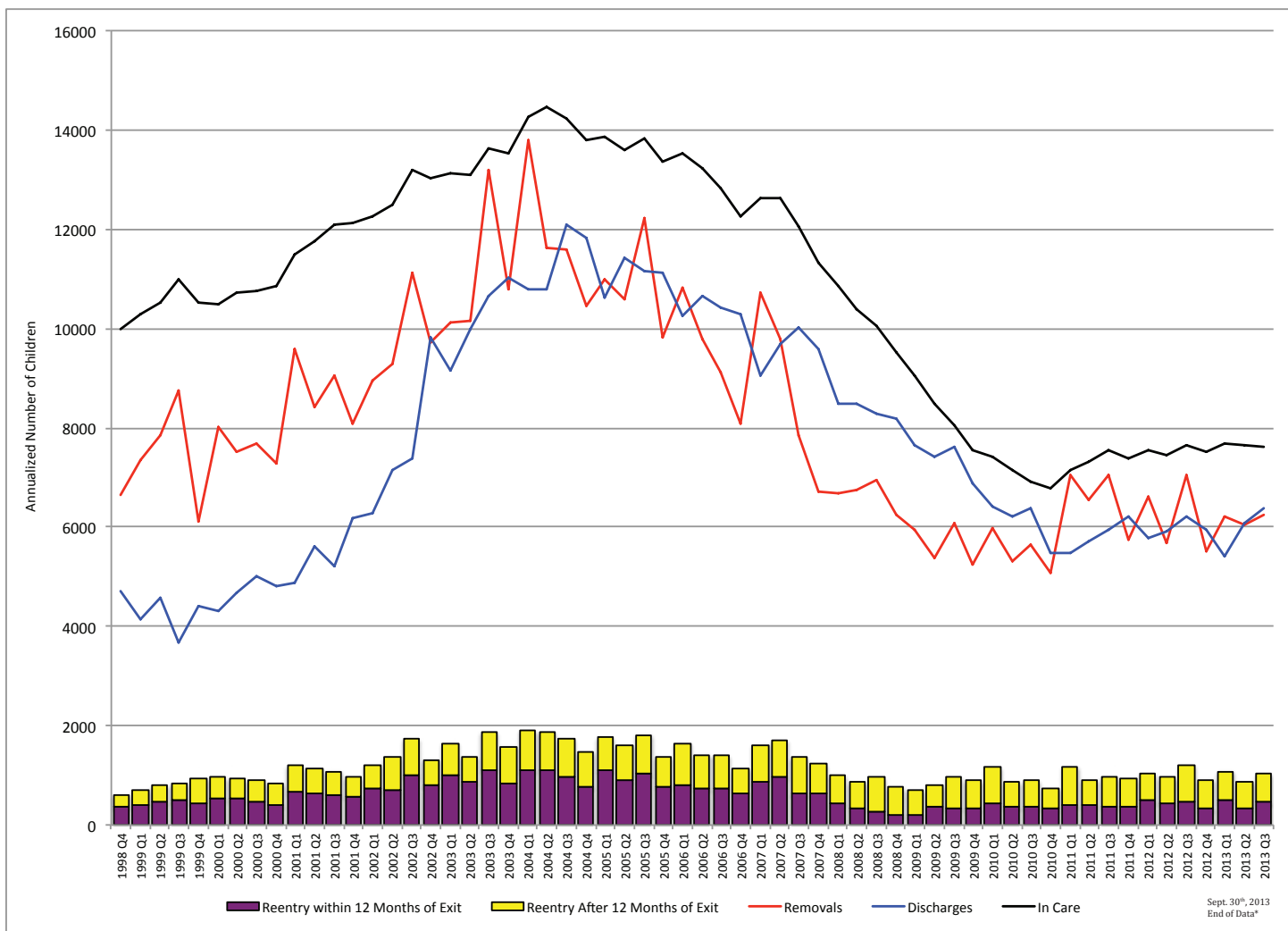
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THE STATE OF CHILD WELFARE

In 2012 and 2013, the number of children in foster care in Georgia remained relatively stable, with only a minor overall increase. As reflected in the chart below, there were just over 7500 children in care on September 30, 2013, similar to the number in care at the beginning of 2012. It is worth noting that there were nearly 15,000 children in care almost a decade ago, and child welfare professionals continue to explore and understand the complex nature of Georgia’s foster care dynamics.



**FIGURE 1 - FOSTER CARE DYNAMICS
COURTESY OF FOSTERING COURT IMPROVEMENT**

While the number of children in foster care remained relatively stable, the number of children experiencing repeat maltreatment – one of our system’s most reliable safety measures – increased during the 2012-2013 reporting period. Of the nearly 20,000 children that were the subject of a substantiated abuse or neglect report between June 2012 and May 2013, 4.5% were experienced a subsequent victimization during the next six months. Moreover, of the more than 27,000 children that were referred to family support services (non-investigative track) during the same time period, 5.9% were victimized during the next six months. Although considerably lower than a decade ago, both of these numbers are on the rise, as the chart on page two reflects.

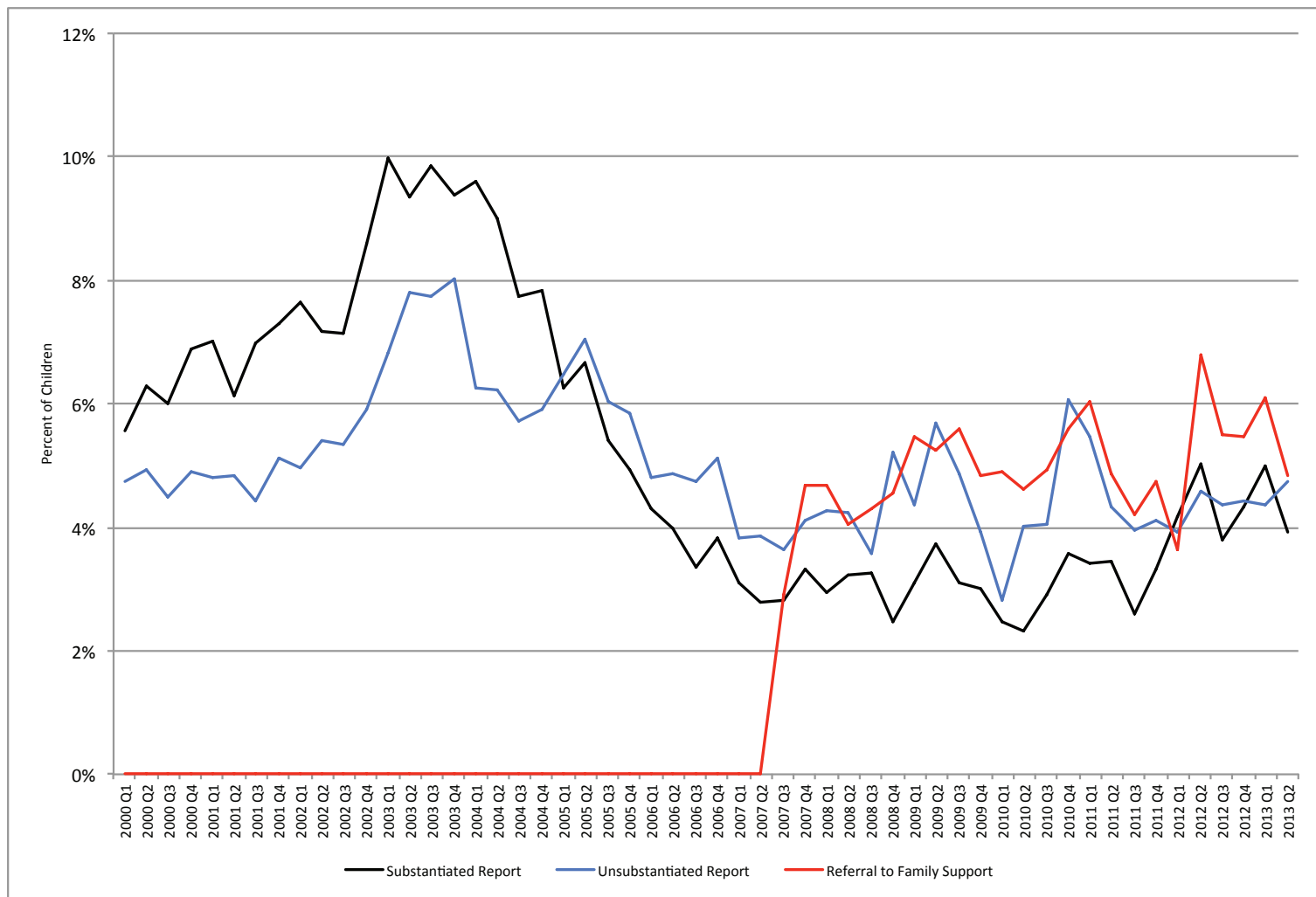


FIGURE 2 – SUBSTANTIATED REPORT WITHIN SIX MONTHS OF PREVIOUS ACCEPTED INTAKE BY INITIAL DISPOSITION TYPE, COURTESY OF FOSTERING COURT IMPROVEMENT

It remains true that most children involved with our child welfare agency remain protected from ongoing abuse and neglect. Yet the standard for child safety is demanding, rightfully so. Accordingly, our programmatic efforts should be evidence based and narrowly tailored to ensure that the percent of children that are the subject of multiple and repeated reports of abuse and neglect is as close to zero as possible.

A bottom line for our juvenile courts is that children should remain in their home whenever that can be safely achieved. Or rather, removals should be reserved for only those cases where it would be contrary to the welfare of the child to remain in the home, despite the agency having made reasonable efforts to prevent a removal. The involuntary separation of a child from their caretaker is a constitutional issue, recognized by our state and federal courts as one of the most severe intrusions into the private life of citizens. As the chart on page three reflects, the average monthly removal rate across Georgia’s 49 judicial circuits varies by a factor of eleven.

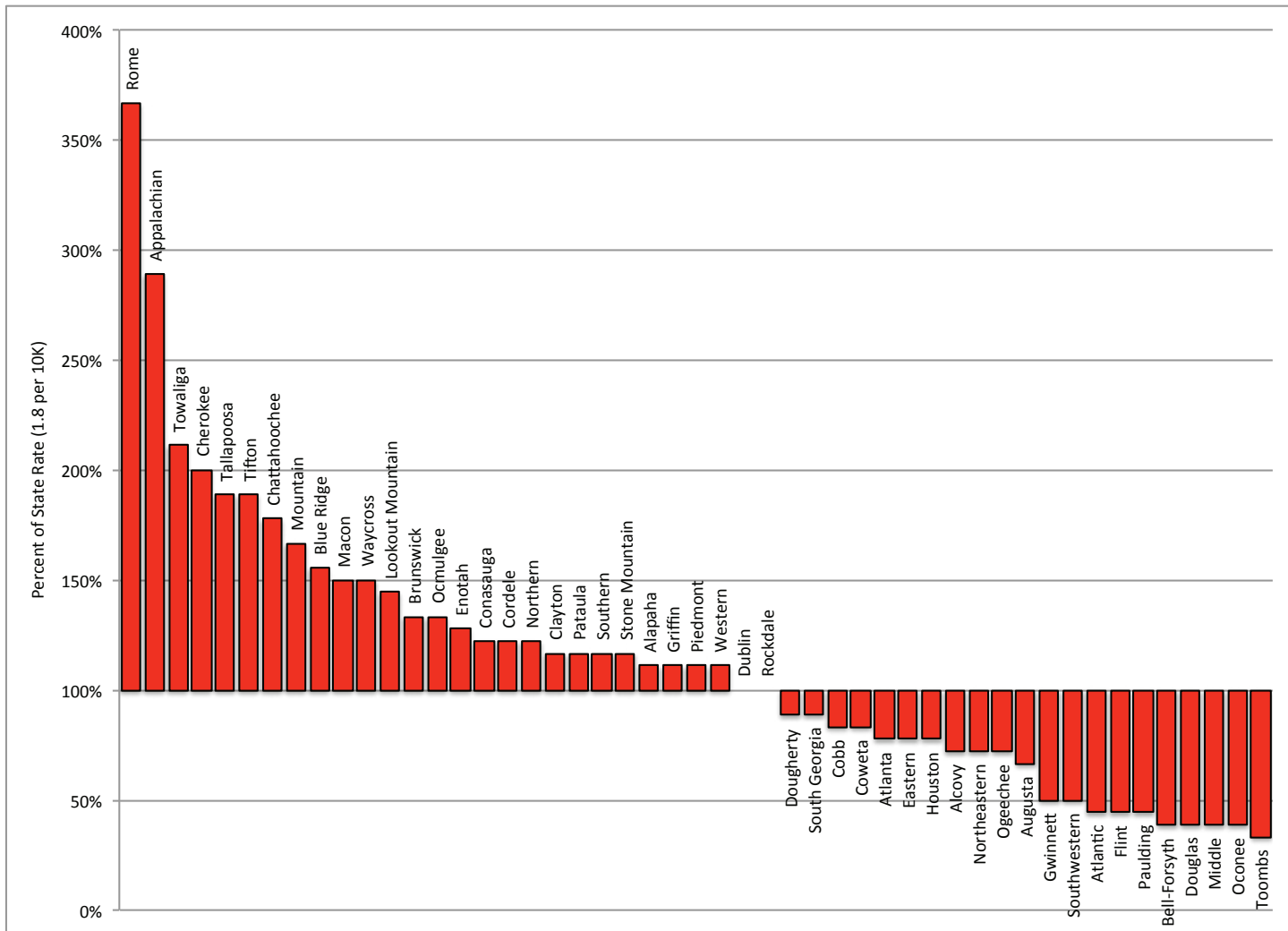


FIGURE 3 - 2013 FFY AVERAGE MONTHLY REMOVALS PER 10,000 CHILDREN BY JUDICIAL CIRCUIT, COURTESY OF FOSTERING COURT IMPROVEMENT

While the legal implications of the removal of a child from their caretaker, even temporarily, are central to the mission and function of Georgia’s juvenile courts in promoting justice for children and families, research has also demonstrated the social implications of removing children. Removals, even from an unsafe home, can traumatize children and can have lasting effects on their well-being. This research bolsters child welfare’s national priority of family preservation, with foster care to be only a last resort when all other options are exhausted. The following chart shows the percentage of children that were reunified within 72 hours of removal, based on all reunifications finalized during the 2013 FFY, for selected judicial circuits.

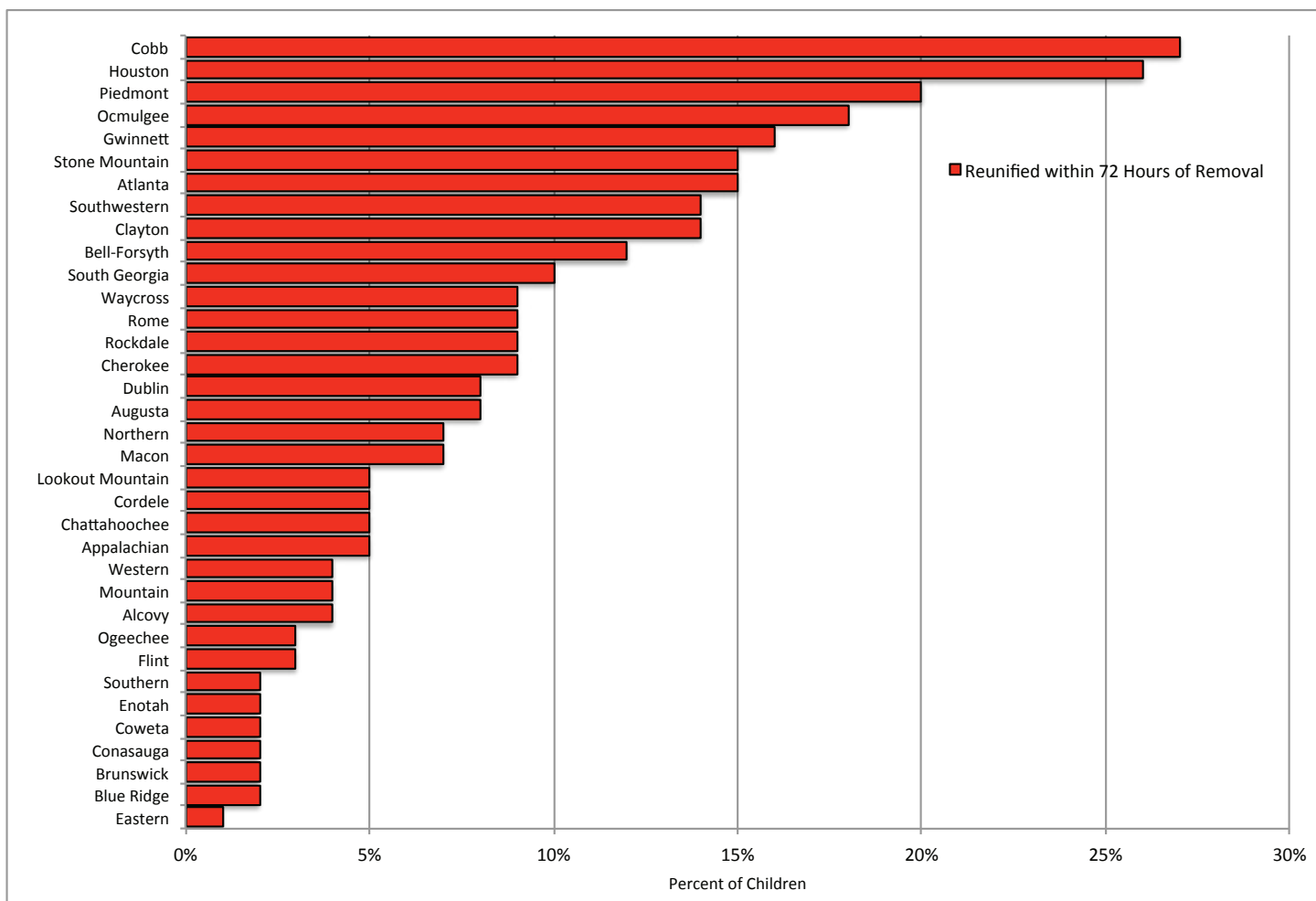


FIGURE 4 – 2013 FFY PERCENT OF CHILDREN REUNIFIED WITHIN 72 HOURS OF REMOVAL BY JUDICIAL CIRCUIT, COURTESY OF FOSTERING COURT IMPROVEMENT

These children, who spent less than three days in care before returning to their original home, may represent our most promising opportunity for the courts to contribute to strengthening our family preservation efforts and improving child well-being.

During 2012 and 2013, the Supreme Court of Georgia Committee on Justice for Children devoted resources to strengthening existing programs and developing new programs in line with our strategic plan, which includes eight areas of priority: (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) Promoting Family Preservation; (5) Finding Permanency for Children Most Likely to Age out of Care; (6) Streamlining the ICPC Process; (7) Ensuring Foster Parents Receive Notice of and Have the Opportunity to be Heard in Judicial Proceedings; and (8) Improving Title IV-E Reimbursement Rates. These priorities are reflected in major projects such as the Cold Case Project, our participation in the National Quality Improvement Center on the Representation of Children in the Child Welfare System project, enhancements to our Court Process Reporting System, and many others discussed in this report.

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.

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. The 48 states, 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 the safety, well-being and permanence of children in foster care.

With direction from the J4C Committee, administrative requirements of our federal grant, and in collaboration with community partners, J4C continued working on the nine priorities in our strategic plan during 2012 and 2013: (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) Promoting Family Preservation; (6) Finding Permanency for Children Most Likely to Age out of Care; (7) Streamlining the ICPC Process; (8) Ensuring Foster Parents Receive Notice of and Have the Opportunity to be Heard in Judicial Proceedings; and (9) Improving Title IV-E Reimbursement Rates.

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

Standards of Practice. With 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 (PAAC) holds monthly meetings and offers comprehensive trainings throughout the year. With regard to standards for child representation, there have been three major events during this reporting period. First, in January of 2012, the Supreme Court of Georgia issued a ruling adopting a State Bar of Georgia advisory opinion regarding the potential conflict between a child's expressed legal interests and what the attorney may consider to be in the child's best interests. Additionally, Georgia's appel-

late courts issued numerous opinions relating to the role of an attorney in child welfare cases. By continuing to elevate these important issues to the level of our appellate courts, Georgia will benefit from increasing clarity over the responsibilities and duties of a child attorney.

Third, a new juvenile code passed in Georgia during 2013, effective on January 1, 2014, which now clearly requires legal representation for children in dependency and children in need of services cases. During 2012 and 2013, Georgia continued to participate as one of two sites selected by the National Quality Improvement Center on the Representation of Children to study the effects of implementing a child-centered model of representation (discussed later in this report). Participation in this program has provided additional funding, training, and support to attorneys representing children in their local communities.

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 2012-2013, 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 2012-2013, sixteen workshops were lead by various national and local child welfare experts covering the following topics: accountability courts for child welfare, educational issues for children in care, the Cold Case Project, the well-being of children in foster care, open adoptions, and various topics related to the General Assembly's enactment of the new juvenile code. Videos of the presentations are archived online. Visit www.bartoncenter.net for more info. Additionally, J4C again participated as one of several sponsors of the statewide Youth Law Conference, and supported the Georgia Association of Counsel for Children's co-hosting of the National Association of Counsel for Children's annual conference held in Atlanta, GA. Also, J4C partnered with the National Council of Juvenile and Family Court Judges to support the return of the Child Abuse and Neglect Institute to Atlanta in 2013.

J4C provides scholarships for attorneys and judges to attend national conferences, including the National Council of Juvenile and Family Court Judges' annual conference, the Child Abuse and Neglect Institute; the National Association of Counsel for Children's annual conference, and the American Bar Association's Child and Parent Attorney conferences.

J4C continues to partner with the Georgia Association of Counsel for Children (GACC) to sponsor and support attorneys who apply for certification from the National Association of Counsel for Children as Child Welfare Law Specialists (CWLS). Georgia currently has 41 CWLS, with many preparing to take the exam in 2014. Georgia's current CWLS include both practicing attorneys and active juvenile court judges.

Finally, J4C co-sponsored and attended a regional meeting in Raleigh, NC hosted by the American Bar

Association's Center on Children and the Law, focused on how the courts can support and promote quality representation for parents in child welfare cases. At this training, representatives from J4C developed an action plan to increase the number of parent attorneys certified as child welfare law specialist across the state with an emphasis on building experts in rural jurisdictions.

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

J4C uses data to inform the legal side of the child welfare system on safety, permanency and well-being of children in state custody. Georgia is an ongoing participant in the Fostering Court Improvement (FCI) project, which provides more than 100 child welfare measures at the local level for stakeholders to monitor. 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 began working with Georgia juvenile court judges to convene Justice for Children summits in 2007. By the beginning of 2012, J4C had held over 50 judicial summits, covering every judicial circuit. In 2012-2013, J4C hosted judicial summits in communities based on where the data identified certain challenges. Originally, the summits included an in-depth explanation of the most relevant local data, an overview of the legal framework governing permanency, and a youth-engagement panel. In 2012, 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 2013, we partnered with EmpowerMent (an advocacy group made up for current and former foster youth under contract to J4C) to provide follow-up mini-summits on involving youth in the court process and identifying educational barriers facing youth in care. We also delivered similar content to youth currently in care in various youth summits across the state.

- **Data Updates.** J4C continues to publish and deliver data letters annually to Georgia's juvenile

courts, and present data updates bi-annually to the courts participating in the Court Improvement Initiative. The letters and updates include statewide and local measures central to the courts role in ensuring justice for and promoting the permanency, safety, and well-being of children involved in child welfare proceedings. These letters and updates also highlight statewide and local noteworthy trends.

- **Stakeholder Meetings.** J4C continues to provide funding to counties to come together regularly (monthly, quarterly, etc) to discuss local issues related to child welfare. J4C is sometimes called upon to present data updates or provide other substantive trainings at these meetings. J4C sponsored over 100 such meetings in both 2012 and 2013.

3. IMPROVING THE APPELLATE PROCESS

J4C publishes quarterly appellate law summaries of child welfare appeals in Georgia. The summaries are posted on the J4C website, and members of the Georgia Association of Counsel for Children and the Parent Attorney Advisory Council receive these updates electronically via a listserve.

5. PROMOTE 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 2012-2013, J4C continued to work with the juvenile courts and DFCS to explore the appropriate role of the legal system in promoting family preservation.

In 2006, DFCS expanded intake to include multiple responses to accepted reports of abuse or neglect. In lieu of the traditional investigative track, certain low risk cases were provided family support services. This contributed to a dramatic reduction of the number of children in foster care, as family preservation efforts began to manifest in lower removal rates and increased discharge rates. J4C, in partnership with DFCS, the Barton Child Law and Policy Center, and the Office of the Child Advocate sponsored a number of convening to explore the court's role in this changing child welfare environment. The exploration of certain practices, such as the use of protective orders

in appropriate CPS cases, will continue.

6. FINDING PERMANENCY FOR CHILDREN IN LONG TERM FOSTER CARE

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 this project in full partnership with DFCS. In 2012 and 2013, the project continued in partnership with DFCS and with financial support and technical assistance from Casey Family Programs. Cold Case Project annual reports are available on the J4C website.

In 2012 and 2013, J4C staff and contractors continued to analyze all of the reviewed case files to assess all efforts to move these children closer to legal permanency. In 2013, J4C launched a "Cold Case Court" in Fulton County. The Cold Case Court is a special docket reserved for cold cases, enabling the legal system to devote additional attention to these children who are least likely to achieve legal permanency.

Data analysis of the 2013 Cold Case Court is still pending and an additional site or sites (likely in a rural community) may be added to replicate Fulton County's Cold Case Court in 2014. An annual report of the Cold Case Project is available on the J4C website.

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 Juvenile Court Judge Britt Hammond of the Toombs Judicial Circuit Juvenile Court to undertake the challenge of improving the ICPC process.

During 2012-2013, Judge Hammond continued to work on behalf of J4C to establish border agreements between neighboring states, including Tennessee,

Alabama, North Carolina, South Carolina, and Florida. After establishing legal agreements, there are on-going progress meetings to discuss any outstanding or emerging issues. Judge Hammond also conducts many statewide and regional trainings relating to ICPC and the use of border agreements to reduce delays in placement of children across state lines.

In 2013, Judge Hammond received a national award recognizing his efforts to improve ICPC, and was selected to serve on the National ICPC Advisory Committee to explore the possibility of developing a national ICPC database.

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

Foster parents play a vital role in caring for children in state custody. Under federal law and regulation, J4C is charged with ensuring foster parents are receiving notice of foster care proceedings involving children in their care, as well as being given the right to be heard at such proceedings. On behalf of J4C, Judge Britt Hammond works with the Adoption and Foster Parent Association of Georgia (AFPAG) and Bethany Christian Services to provide training to

foster parents in Georgia. The training informs foster parents of their rights under the law and also provides tips for testifying and communicating with the juvenile court. During 2012-2013, with the support of J4C, Judge Hammond held 21 'Right to be Heard' trainings, reaching nearly 500 foster parents in more than 50 counties. The trainings are held on weekends during the academic school year and childcare is provided to encourage foster parents to attend. Judge Hammond and J4C staff also published two articles in the *Fostering Families* periodical, and presented two workshops each at the 2012 and 2013 National Foster Parents Association Annual Conference, with Judge Hammond giving the closing keynote in 2012, and the opening keynote in 2013.

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 needed feedback loop to the field.

MAJOR ACTIVITIES

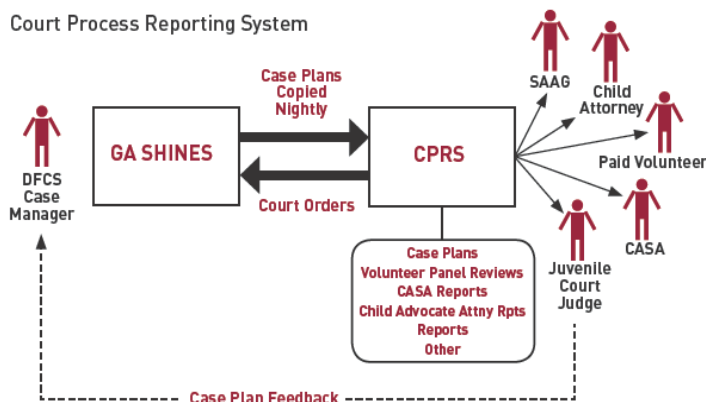
COURT IMPROVEMENT INITIATIVE

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 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 2012-2013, CII met in Hiawassee, Savannah, Rome and LaGrange.

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

Court Process Reporting System



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 2012-2013. Most noteworthy, J4C entered into an agreement with the Department of Education to download education data for children in care. This accomplishment has led to discussions with DJJ and the Governor's office to further explore multi-agency data sharing. CPRS also moved to new servers: a salient development that will enable our data to be more secure.

J4C continues to partner with DFCS and the juvenile court clerks to electronically and automatically transmit court orders from CPRS to SHINES. Many juvenile court clerks are 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 continued to provide statewide training to CPRS users on an as needed basis. In 2013, J4C pulled together a “Super Users” group in Savannah, GA to brainstorm next steps for CPRS. The priorities identified at that meeting included expanding the functionality of the court order interface, capturing information related to the newly created CHINS cases, and expanding data sharing to DJJ and other state child serving agencies.

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 115 attorneys participating in this study throughout the state. Half of the attorneys 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 2015. The QIC-ChildRep website is: www.improvechildrep.org

Current J4C Committee Members

- Presiding Justice P. Harris Hines (Chair), Supreme Court of Georgia
- Samuel S. Olens, Attorney General
- State Representative Mary Margaret Oliver
- State Representative Wendell Willard
- Judge J. Lane Bearden, Juvenile Court of Cherokee Judicial Circuit
- Judge Jason Deal, Superior Court of the Northeastern Judicial Circuit
- Judge Michael Key, Juvenile Court of Coweta Judicial Circuit
- Judge Sheri Roberts, Juvenile Court of the Alcovy Judicial Circuit
- Judge Robin Shearer, Juvenile Court of the Western Judicial Circuit
- Judge Patricia Stone, Juvenile Court of the Eastern Judicial Circuit
- Judge John Sumner, Juvenile Court of the Blue Ridge Judicial Circuit
- Judge Velma Tilley, Juvenile Court of the Cherokee Judicial Circuit
- Dr. Sharon Hill, Director of the Georgia Division of Family and Children Services
- Ms. Katie Jo Ballard, Executive Director of the Governor's Office for Children and Families
- Ms. Ashley Willcott, Director of the Office of the Child Advocate
- Dr. Garry McGiboney, Georgia Department of Education
- Mr. W. Bradley Bryant, 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. Sharon Hill, Esq., Executive Director of Georgia Appleseed
- Ms. Kathleen Dumitrescu, Esq., Atlanta Volunteer Lawyers Foundation
- Dr. Brent Wilson, Child Psychiatrist
- Ms. Diana Rugh Johnson, Esq., Parent Attorney and CWLS
- Ms. Kate Cantrell, Director of Youth Villages in Georgia and Florida
- Ms. Rachel Davidson, Georgia Division of Family and Children Services
- Mr. Thomas Worthy, Director of Governmental Affairs at the State Bar of Georgia

J4C Advisory Members

- Dr. Jordan Greenbaum, Medical Director at the Child Protection Center of Children's Health care of Atlanta
- Professor Bernadette Hartfield, Esq., Georgia State University College of Law
- 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 J4C Staff

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