

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

ANNUAL REPORT FOR 2007

*The Supreme Court of Georgia
Administrative Office of the Courts
Committee on Justice for Children
Annual Report for 2007*

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INTRODUCTION

In 2007, there were more than 12,000 children in the care of the Georgia Division of Family and Children Services (DFCS).¹ For each of those individual children, the impact of their interaction with the court system can be immense. It is the members of the judiciary who will ultimately decide if they go home, if they are placed in foster care or even if the parental rights of their parents will be terminated.

Furthermore, these children are some of our most vulnerable. They have a high incidence of chronic medical problems and extraordinarily high rates of moderate to severe mental health problems.² They are failing miserably in school when compared to their peers who are not involved with the judicial system. The court-involved youth are twice as likely to repeat a grade, they score 15 to 20 points lower on standardized tests and large numbers will never graduate from high school.³

The impact on society is tremendous as well. We know that maltreated children are significantly more likely than non-maltreated children to become involved in delinquent or criminal behavior; that the prevalence of childhood abuse or neglect among delinquent and criminal populations is substantially greater than that in the general population and that delinquent youth with a history of abuse and neglect are at higher risk of continuing their delinquent behavior than delinquents without such a history.⁴

Research shows us that even once they reach adulthood, children who have experience with the judicial system confront consequences that last a lifetime. A significant number

¹ On September 30, 2007 there were 12,468 children in care in the state of Georgia. See Georgia's statewide data submission from the DFCS Evaluation and Reporting Section to the Adoption and Foster Care Analysis and Reporting System (AFCARS), Federal DHHS ACF. Available at: http://www.fosteringcourtimprovement.org/ga/County/incare_summary.html.

² Simms, M.D., Dubowitz, H. & Szilagyi, M.A. (2000). Health care needs of children in the foster care system. *Pediatrics*, 106(4), 909-918; Powers, D. (1989). Some common medical problems of children in residential care and treatment. *Residential Treatment for Children and Youth*, 6(3), 57-77; Heflinger, C.A. & Simpkins, C.G. (2002). The clinical status of children in state custody. In N.S. Le Prohn, K.M. Wetherbee, E.R. Lamont, T.M. Achenback, & P.J. Pecora (Eds.), *Assessing youth behavior: Using the Child Behavior Checklist in family and children's services* (pp. 53-67). Washington, DC: Child Welfare League of America Press; Haflon, N. & Klee, L. (1991). Health and development services for children with multiple needs: The child in foster care. *Yale Law and Policy Review*, 9(1), 71-96; Klee, L. & Haflon, N. (1987). Mental health care for foster children in California. *Child Abuse and Neglect*, 11(1), 63-74; Wattenberg, E. (2002). *Debating the options for adolescents at risk: Can we safeguard the interests of endangered adolescents?* St. Paul, MN: University of Minnesota; McMillen, J.C. & Tucker, J. (1999). The status of older adolescents at exit from out-of-home care. *Child Welfare*, 78(3), 339-360.

³ Burley, M. & Halpern, M. (2001). *Educational attainment of foster youth: Achievement and graduation outcomes for children in state care*. Olympia: Washington State Institute; McMillen, C., Auslander, W., Elze, D., White, T., & Thompson, R. (2003). Educational experiences and aspirations of older youth in the foster care system. *Child Welfare*, 82(4), 475-495; Mech, E.V. (1994). Foster youths in transition: Research perspectives on preparation for independent living. *Child Welfare*, 73(5), 603; Hair, E.C., Jager, J. & Garrett, S.B. (2002). *Helping teens develop healthy social skills and relationships: What the research shows about navigating adolescence*. Washington DC: Child Trends.

⁴ Wiebush, R., Freitag, R., & Baird, C. (2001). *Preventing Delinquency Through Improved Child Protection Services*. Office of Juvenile Justice and Delinquency Prevention: Juvenile Justice Bulletin July, 2001.

of these youth will face unemployment and even those who do find jobs are frequently underemployed, with studies showing they often earn less than the wages of a full-time worker receiving minimum wage.⁵ It is no surprise that these youth face a higher risk of poverty – leaving large numbers facing serious financial problems including being unable to pay for food, being reliant on public aid, experiencing homelessness or resorting to illegal acts such as stealing, prostitution or selling drugs in order to meet their basic needs.⁶

Societal trends carried from the 1990s into the new millennium – a mobile population, increasingly complex family situations, single parent homes, decreased supervision of children, parents who are less available to their children, reduction in public benefits, substance abuse including the spread of methamphetamine and increasing incidence of serious mental health issues in younger youth – have created significant challenges for the judiciary. Judges are on the front-line, dealing with some of society’s most difficult problems.⁷

These dynamics have resulted in judicial system challenges such as burgeoning child welfare roles, high case worker turnover, insufficient resources and a lack of uniformity in court practice and decision-making from jurisdiction to jurisdiction.⁸

Children come before courts for protection from further harm, for guidance on the path to self-sufficiency and productive adulthood and for timely decision-making for their future. Judges are the gatekeepers of our state's foster care system and must ultimately decide whether children in crisis will be separated from their families or if they can safely remain in their homes and communities. Today, the issues coming before the courts are more complex, requiring more hearings and more people than ever before. To perform their expanded oversight role, courts need a clear vision of court procedures and research-based best practices to ensure justice for children.

It is the goal of the Supreme Court Committee on Justice for Children to assist all of Georgia’s juvenile courts in their efforts to improve the outcomes of civil child abuse and neglect cases.

⁵ Courtney, M.E., Pilavin, I., Grogan-Kaylor, A., & Nesmith, A. (2001). Foster youth transitions to adulthood: A longitudinal view of youth leaving care. *Child Welfare*, 80(6), 690-701; Goerge, R.M., (2002) *Employment outcomes for youth aging out of foster care*. Chicago: The Chapin Hall Center for Children, University of Chicago; McMillen, J.C. & Tucker, J. (1999). The status of older adolescents at exit from out-of-home care. *Child Welfare*, 78(3), 339-360; Dworsky A. & Courtney, M. (2000). Self-sufficiency of former foster youth in Wisconsin: Analysis of unemployment insurance wage data and public assistance data. Available at: <http://www.aspe.hhs.gov/hsp/fosteryouthW100>.

⁶ Courtney, M.E., Pilavin, I., Grogan-Kaylor, A., & Nesmith, A. (2001). Foster youth transitions to adulthood: A longitudinal view of youth leaving care. *Child Welfare*, 80(6), 690-701; Barth, R.P. (1990). On their own: The experiences of youth after foster care. *Child and Adolescent Social Work Journal*, 7(5), 419-440.

⁷ *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases*. (2005) at 14. National Council of Juvenile and Family Court Judges.

⁸ *Id.*

COMMITTEE MEMBERS

Justice P. Harris Hines (Chair), Supreme Court of Georgia
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Judge James Morris, Senior Judge of the Courts of Georgia
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Judge Tom Rawlings, Director Office of the Child Advocate
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Judge Peggy Walker, Juvenile Court Douglas Judicial Circuit
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Judge Deborah Edwards, Treasurer, Council of Juvenile Court Judges
Judge Steven H. Andrews, Immediate Past President, Council of Juvenile Court Judges
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Judge Lisa C. Jones – District 3
[NOTE: District 4 Judge is a member of the Committee]
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NOTE: During 2007 both Melissa Carter and Lori Bramlett were also on staff with the Committee on Justice for Children but they have since moved on to other positions.

BACKGROUND

The Supreme Court of Georgia Committee on Justice for Children (formerly known as the Child Placement Project) was created in 1995 to assess and improve court proceedings involving abused and neglected children in our courts. The Committee on Justice for Children (J4C) is supported by the Georgia Administrative Office of the Courts and funded by federal Court Improvement Project (CIP) grant funds from the US Department of Health and Human Services, Administration on Children and Families, Children's Bureau.

Each recipient state of CIP funds is required to complete an assessment of court improvement progress periodically, to make recommendations to improve the court system and implement the recommended improvements. The first assessment was conducted in 1995-1996 and set goals related to record keeping and court management, development of standards of practice, education of juvenile court stakeholders, access to

representation and increases in state funding for juvenile courts. To see a copy of the *1996 Final Report*, go to <http://www.georgiacourts.org/agencies/cpp/finalrep.html>.

Over the past eleven years, much progress has been made in Georgia's juvenile courts. There is now state funding for juvenile court judges' salaries, there has been an increasing standardization of record keeping and court management including the use of model orders by many courts, aspirational guidelines were developed for many of the juvenile court participants, a court improvement initiative was begun to foster development of best practices and there has been a general increase in interest and commitment to Georgia's juvenile courts. Still, we have a long way to go. Some of our goals have needed refinement as we have advanced towards their completion and other new goals have shown themselves to be equally worthy. At the direction of our J4C Advisory Committee, we are focusing our efforts on the following five goals:

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 with a special focus on children ages zero to three

We hope that this annual report will provide insight into the past year's work but also into our plans for the future. Feedback is always welcome.

GOALS & PLANS

1. IMPROVING LEGAL REPRESENTATION

In order to improve legal representation, the J4C Committee set the following priorities:

1. *Establish standards of practice for all attorneys practicing in juvenile court.*
2. *Ensure attorney access to high-quality training that aligns with the above mentioned standards.*
3. *Develop a method for providing quality assurance.*

Progress:

The J4C Committee established aspirational guidelines for all attorneys working in deprivation cases within Georgia's Juvenile Courts years ago. For this past year, we have been working to move those guidelines to standards at least for the attorneys representing parents and children. The Committee has financed the writing of draft standards by two separate organizations: the Georgia Public Defender Standards Council (GPDSC) regarding attorneys for parents and the Georgia Association of Council for Children (GACC) regarding attorneys for children. Both of these organizations have published their draft standards (based closely on American Bar Association (ABA) standards addressing parent and child attorney representation) on their respective websites and have invited comments and questions. The task for 2008 is decide whether these standards should be adopted by legislation or court rule and then to initiate the selected process. In

addition, multiple legal trainings have been provided both jointly and separately for all attorneys working in child deprivation cases. Finally, a quality assurance (QA) program evaluating some basic attorney performance has been launched under the direct guidance of J4C.

Additional Information:

- Draft parent attorney standards available at <http://parentattorney.org/index.php/standards/>
- Draft child attorney standards available at <http://gaccchildlaw.org/standards.html>
- List of legal trainings available at <http://www.websitetoolbox.com/mb/justiceforchildren>

2. ESTABLISHING DATA MEASURES FOR JUVENILE COURTS

For civil child abuse and neglect cases, state and federal law establish three goals for child welfare systems, namely that they shall operate to ensure that children: 1) are safe, 2) achieve timely permanency and 3) have their well-being needs met. All systems need measurements to ensure the end goal or product is being accomplished. In order to establish outcome measures and thereby improve health, safety and well-being for children, the J4C Committee set the following priorities:

- 1. Establish a standard set of data measures in consultation with federal, state and local leaders.***
- 2. Facilitate local J4C summits at the county and circuit level around court measures.***

The J4C works closely with Fostering Court Improvement to provide agency data on safety and permanency for all children in foster care on a local county or judicial circuit level. Over the past year, the J4C has refined the available data so as to highlight the most relevant and useful information for our courts so that these measures become catalysts for change. This data is published on an open website and is updated every six months per our agreement with DFCS.

While all of Georgia's juvenile courts are provided with some state funding and while they all operate under the same laws and court rules, the reality is that Georgians believe strongly in the premise of local control when it comes to government operations. As a result, while there are plenty of similarities, there are also plenty of differences from county to county and circuit to circuit. In order to recognize the reality of court diversity while still ensuring adherence to basic child welfare law and practice, J4C is hosting summits at county and circuit levels. These summits have many goals, including serving as a vehicle for sharing individual county and circuit data and helping juvenile court stakeholders understand the power in this data. Working with court measures at the local and regional level with all the stakeholders instead of a selected few attending a state conference can be the most effective way to get the most "buy-in" for using the data measures as a basis for needed reforms and resources. For more information on J4C summits, please see the section, *Key Strategies – J4C Summits* starting on page 10.

3. EXPEDITING APPEALS OF TERMINATIONS OF PARENTAL RIGHTS (TPRS)

“Timeliness is a consideration in the resolution of all court disputes, but it is particularly important when children are involved and forced to remain in unstable, and perhaps violent, situations.”⁹ When parent-child relationships remain in legal limbo, parents are unable to provide security and stability for a developing child.¹⁰ The harm caused by such insecurity and lack of permanency is further exacerbated when a child forms new bonds with a foster/adoptive family and is later removed from the care of those parental figures. Under such circumstances, a child’s “emotional attachments become increasingly shallow and indiscriminate.”¹¹ The legal bond of adoption can provide permanency to a child and help to remedy the lack of connection. However, when a termination of parental rights order is appealed, the child and all others involved with the case essentially have their lives put on hold. No adoptions can go forward until the appeal is resolved and the chance of disruption of a placement in a pre-adoptive home is greater than in one where the adoption has been legalized. Georgia’s data shows children are left in unstable placements due to both delays in preparation of the record and delays once the appeal has been docketed. From 2003 to 2006, about one-fifth of the children whose TPR cases were appealed were left in limbo for more than a year.¹²

The J4C Committee was instrumental in getting a law passed (Act 264) during the 2007 legislative session to change the appellate process for TPR appeals from direct appeal to discretionary appeal.¹³ Discretionary appeals require an application for appeal to be filed with the appellate court within 30 days from the entry of the lower court’s order. The opposing party then has up to 10 days to respond and the appellate court has another 30 days to determine if the application will be accepted or denied, for a total of 70 days in process. Cases that are accepted begin the normal appellate process and will not see any time savings under the new law. In fact, they could experience slightly longer times due to the added application process. Historically, however, many TPR appeals in Georgia have rested on the sole claim of insufficiency of the evidence. Given that Georgia’s appellate court uses a high standard of review that gives deference to the trial court, few such challenges are successful. It was the intent of HB 369 (now Act 264) that those cases that lack merit will have their application for appeal denied and will reach resolution much more quickly than in the past. In the end, for those cases that are not

⁹ Keith, A.L. & Flango, C.R. (2002). *Expediting Dependency Appeals: Strategies to Reduce Delay*. At p. 1. State Justice Institute and National Center for State Courts.

¹⁰ Gordon, R.M., *Drifting Through Byzantium: The Promise and Failure of the Adoption and Safe Families Act of 1997*, 83 Minn. L. Rev. 637, 655 (1999); Eisen, C.R. Using a “Brief Case Plan” Method to Reconcile Kinship Rights and the Best Interests of the Child When an Unwed Father Contests a Mother’s Decision to Place an Infant for Adoption, 23 Nova L. Rev. 339, 356 (1998).

¹¹ Goldstein, J., et. al., *The Best Interests of the Child: The Least Detrimental Alternative* 6 (1996) at 19.

¹² Calculations are based on data provided by the Georgia Appellate Courts for all cases reported between 01/01/2003 and 12/31/2006. The time measured is from Notice of Appeal to Final Judgment.

¹³ Act 264 is an expansive Act creating significant change to Georgia’s domestic relations practice, predominantly with regards to child custody. Most of the Act is inapplicable to child abuse and neglect cases. The applicable statutory change is the addition of TPR appeals to the list of discretionary appeals. See O.C.G.A. §5-6-35(a)(12).

accepted, the TPR is final a maximum of 70 days after the trial court order. In 2006, prior to implementation of HB (369), the average time from notice to final judgment was 303 days.¹⁴

We believe this change will shorten the current time frames for TPR appeals and J4C will be measuring this effect. In addition, we will be working on reducing or eliminating identified delays from the trial court such as transcript preparation, extensions, docketing and filing problems. However, less than 10% of all TPRs in Georgia are appealed, so these efforts are unlikely to have a large impact on the state's performance in moving a case from TPR to adoption.

4. INCREASING PLACEMENT STABILITY

Frequent moves can have a negative impact on a child's educational, health and social development. In 2007, the committee on Justice for Children was instrumental in getting a law passed (Act 325) during the legislative session to ensure notice to all parties and the court about impending placement changes of children in foster care. The purpose of this notice is to allow an opportunity for all parties to raise an objection to the placement change as well as to seek review of reasonable efforts to prevent multiple unnecessary placement changes. In addition, J4C, in partnership with DFCS and other contributors, wrote an implementation guide for Act 325 and published it to the J4C website.¹⁵ We have data from state DFCS which shows that placement stability has been improving for the past few years and the CFSR showed that Georgia met the federal standard on its measure related to placement stability..

5. FAMILY PRESERVATION

This is the newest area of work for J4C and thus exploration of best practices continues. As we strive to prevent unnecessary removals, J4C will:

Study existing research on successful prevention programs.

Existing public health research supports the efficacy of home visitation programs that require fidelity to specific teaching models for parenting, focusing on bonding, health and safety of a child. Some of these programs are done by nurses and others by specially trained practitioners. We need to educate ourselves about this work and support its expansion across Georgia.

Exploring the judiciary's role in preventing unnecessary removals.

¹⁴ Calculations are based on data provided by the Georgia Appellate Courts for all cases reported for calendar year 2006. The time measured is from Notice of Appeal to Final Judgment.

¹⁵ See <http://www.websitetoolbox.com/tool/post/justiceforchildren/vpost?id=2018150>.

Removal rates vary widely from county to county. This data needs to be examined and courts that are successfully avoiding unnecessary removals need to be studied. The most promising tactics should be shared across the state. Currently, presentation of removal rate data is included at every summit. For the counties with high removal rates, there is also discussion of the trauma caused by unnecessary removals, brainstorming on how to reduce the rate and encouragement to include such strategies in their action plans. J4C supported the Emory University Law School Barton Child Law and Policy Clinic's application to write a legal guide for family preservation. A product is due in October of 2008.

KEY STRATEGIES

JUSTICE FOR CHILDREN (J4C) SUMMITS

The successful launch of J4C summits, and the refinement of the summit process, is perhaps the most important accomplishment of the 2007 calendar year. The Committee on Justice for Children has partnered with the Office of the Child Advocate (OCA) and the DFCS to create full-day mini-summits that will eventually reach every judicial circuit in the state.

Each summit is a day-long training at which J4C, OCA and DFCS staff present substantive trainings, review court and agency outcome data and performance trends and facilitate the development of local multidisciplinary action plans. The curriculum of the summits is modeled after similar training initiatives being conducted in other states and at the national level. Within the framework of a uniform curriculum, the specific training content of each summit is tailored to meet the needs of the individual circuit. Summits include opening remarks from Supreme Court of Georgia Chief Justice Leah Ward Sears as well as Supreme Court Justice P. Harris Hines, who chairs the Committee on Justice for Children. Participants are shown a motivational video and are presented with a substantive training on issues related to permanency for children. Local AFCARS data are reviewed with each court and followed by a facilitated discussion of the locality's positive performance trends and areas of challenge.

Summits are structured to be interactive. The goal is for participants to become actively engaged in the discussion and to learn not only about the substance matter of the summit but also to learn about and forge stronger connections with the other stakeholders who are present. This is accomplished through various exercises in which participants share their views on the strengths and challenges of their particular court and actively explore the data that are presented. Building on the day's discussions, the groups develop action plans to guide their improvement efforts. J4C staff will conduct periodic follow-up with the counties based on the action plans and updated AFCARS data.

Additional information including a sample agenda, PowerPoint handouts, sample action plans and even video clips is available on the J4C web bulletin board at <http://www.websitetoolbox.com/tool/post/justiceforchildren/vpost?id=2359545>.

The inaugural J4C summit was held on February 23, 2007. During calendar year 2007, there were a total of 12 summits which reached stakeholders in 30 counties. J4C intends to conduct a Justice for Children summit in each judicial circuit across the state before the expiration of the federal Court Improvement Program grant in 2012. Interested jurisdictions should contact J4C to schedule a summit.

2007 COMPLETED SUMMITS

- ❖ Appalachian Circuit February 23, 2007
 - Fannin, Gilmer & Pickens Counties
- ❖ Toombs Circuit March 21, 2007
 - Glascock, Lincoln, McDuffie, Taliaferro, Warren and Wilkes Counties
- ❖ Eastern Circuit March 27, 2007
 - Chatham County
- ❖ Paulding Circuit April 9, 2007
 - Paulding County
- ❖ Stone Mountain Circuit April 24, 2007
 - DeKalb County
- ❖ Western Circuit June 21, 2007
 - Clarke and Oconee Counties
- ❖ Ocmulgee Circuit August 7, 2007
 - Baldwin, Greene, Hancock, Jasper, Jones, Morgan, Putnam, Wilkinson
- ❖ Houston Circuit August 24, 2007
 - Houston County
- ❖ Brunswick Circuit September 7, 2007
 - Glynn County
- ❖ Blue Ridge Circuit September 24, 2007
 - Cherokee County
- ❖ Bartow Circuit October 26, 2007
 - Bartow County
- ❖ Dublin Circuit December 7, 2007
 - Johnson, Laurens, Treutlen and Twiggs Counties

2008 SCHEDULED SUMMITS

- ❖ Alcovy Circuit January 10, 2008
 - Newton County
- ❖ Douglas Circuit February 12, 2008
 - Douglas County
- ❖ Clayton Circuit April 23, 2008
 - Clayton County
- ❖ Cordele Circuit May 16, 2008
 - Ben Hill, Crisp, Dooly and Wilcox Counties
- ❖ Tallapoosa Circuit May 23, 2008
 - Haralson and Polk Counties

- ❖ Atlantic Circuit June 20, 2008
 - Bryan, Evans, Liberty, Long, McIntosh and Tattnall Counties
- ❖ Cherokee Circuit August 22, 2008
 - Gordon County
- ❖ Northeastern Circuit October 9, 2008
 - Hall County
- ❖ Coweta Circuit October 22, 2008
 - Troup County

CONFERENCES AND TRAINING

J4C recognizes that education and training are critical strategies to increase awareness of the issues we are tackling and promote improvement in practices of juvenile courts across the state. Thus, promoting cross-training and multidisciplinary learning is a key strategy that intersects with all of the projects, goals and plans of the office.

In an effort to develop a pool of experts in Georgia, we promote state and national conferences and provide financial support for attendance by juvenile court judges and members of the J4C Committee. J4C staff and Committee members regularly respond to requests to present at local and statewide conferences and trainings to share knowledge and expertise in a number of areas. Additionally, J4C resources are available to support targeted improvement efforts of local courts. We reimburse the cost of meals to promote attendance at regularly held stakeholder meetings or trainings hosted by local courts and are available to present substantive trainings on topics selected by the local juvenile court judge.

Additionally, J4C hosts two child welfare attorney trainings annually at the State Bar and partners with other agencies to host trainings, such as GPDSC's parent attorney trainings, OCA's annual Child Advocate Conference, GAHSC's annual Child Placement Conference, and Georgia CASA's annual conference. At the state and local level, we assist in identifying national and state experts on various topics to involve in educational opportunities. J4C funds also support videotaping or offering live webcasts of various training opportunities. In 2007, J4C put special emphasis on expanding our library of webcasts. Links to some of the webcasts can be found at the bottom of the J4C home page <http://www.georgiacourts.org/agencies/cpp/>.

Also, J4C resources are leveraged to launch projects initiating with the Court Improvement Initiative (CII) (see below) and to support projects originating with the Council of Juvenile Court Judges' (CJ CJ) Permanency Planning Committee. In 2007 for example, the Visitation Protocol developed as a CII project was the focus of several trainings, and similarly, J4C staff and resources assisted with a judicial workshop convened to revise the citizen panel review process in the state.

COURT IMPROVEMENT INITIATIVE

CII-Deprivation

The Administrative Office of the Courts (AOC) administers the Georgia Court Improvement Initiative, a joint project of the Council of Juvenile Court Judges of Georgia (CJ CJ) and J4C. It is a part of a nationwide effort to improve how courts handle child abuse and neglect cases. CII courts come together to share practices, documents and ideas with their peers who are all devoting time and energy to doing the best job possible in the always challenging field of child welfare. Judges are often isolated in their individual courts and the CII provides a forum for vigorous discussion and shared learning. Participating courts gather together twice each year to report on their improvement efforts and to discuss important practice issues. For 2007, twelve sites participated in the project. They were:

Participating Location	Lead Judge
Appalachian Circuit	John Worcester-Holland
Bartow County	Velma Tilley
Clayton County	K. Van Banke
Chatham County	John Beam
Cobb County	Gregory Poole
DeKalb County	Desiree Peagler
Douglas County	Peggy Walker
Fulton County	Belinda Edwards
Hall County	Cliff Joliff (chair)
Houston County	Deborah Edwards
Paulding County	Sandra Miller
Troup County	R. Michael Key

Recently, the participating courts decided to merge the work of the CII into the Measures for Courts (M4C) project, the goal being to use regular measurement and outcome data to direct their work and to ensure practice change actually leads to positive outcomes for children and families. Beth Locker, who is the Deputy Project Director, assumed supervisory responsibility for the CII project in 2007. Also in 2007, the CII-Deprivation project welcomed on board two new counties: Chatham County (led by Judge John Beam) and Douglas County (led by Judge Peggy Walker).

CII-Delinquency

In addition to the CII work focused on child abuse and neglect matters, the J4C has recently lent support to a CJ CJ Delinquency subcommittee to help them launch a delinquency focused CII project. Work is currently underway to create *Guidelines for Georgia Courts in Delinquency Cases*. This work is being spearheaded by Judges Patricia Stone (Chatham County) and Steve Teske (Clayton County).

Judge R. Michael Key serves as the overall Chair of the Court Improvement Initiative for both the deprivation and delinquency projects.

COURT OBSERVATIONS & FILE REVIEWS

Over the past five summers, interns and J4C staff have reviewed child deprivation case files and observed hearings in selected counties to assess the effect of court improvement efforts. The instruments used for assessing the files were developed by the National Council of Juvenile and Family Court Judges and the American Bar Association and modified in accordance with Georgia law. The instruments are located on the website, www.gacourteval.org.

In 2007, three counties agreed to participate in our assessment efforts: Clarke, Camden and Whitfield. The assessments involved pulling 5 to 10 case files at random that were over 2 years old. The court cases were chosen from DFCS AFCARS data. In addition, 3 to 5 court hearings were observed. The purpose of the assessment is to look specifically at timeliness of the hearings, due process issues of notice and representation and to look at uniformity of practice across the state. The assessment usually takes a full day with a report out to the presiding judge at the end of the day.

Strengths noted in all three counties were greatly improved case plans and court orders which were present in every file. Placement stability was noted as a challenge in two of the counties, but there was very good documentation of the placement changes. Inconsistent across all three counties was good documentation of timely relative searches, not clear if child assessment information is being shared with the courts, good documentation of meaningful permanency hearings and finally representation of children still looks very different county to county.

CASE PLAN REPORTING SYSTEM

The Case Plan Reporting System (CPRS) was launched in 2002 as an on-line database collaboration between the courts and DFCS. Both DFCS and court personnel enter case tracking and case planning information directly into CPRS. The on-line database allowed case managers and supervisors to do away with handwritten case plans and move to consistent documentation across all 159 counties. J4C supports CPRS through user training around the state, technical assistance and incorporating user feedback into system updates.

As the state begins the process of migrating the 159 counties to a central, child welfare Statewide Automated Child Welfare Information System (SACWIS),^[1] CPRS is evolving as a court tool with regular information transfers to and from the new SACWIS system. The 2008 plan is for the post-SACWIS CPRS (now renamed the Court Process Report System) to allow juvenile court judges to review, approve or reject the latest case plan, access placement and hearing information and access reports and court orders relevant to a particular child's case. Several county courts will be working with J4C staff on the new CPRS. Progress on this work can be followed on a blog located at gacprs.org

GEORGIA JUVENILE COURTS PROFILE

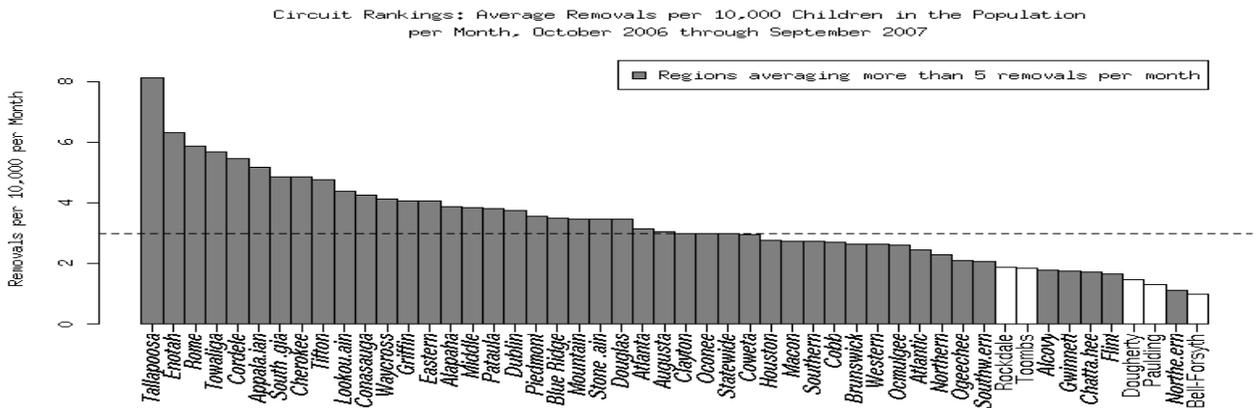
MEASURES FOR COURTS DATA

In collaboration with the DFCS, OCA, and the Georgia State School of Social Work, J4C is able to access data from the Adoption and Foster Care Analysis and Reporting System (AFCARS) for the benefit of the juvenile courts. With this data, the courts can review information on removals, in care population and discharges. The basic statewide data is presented below, broken down by judicial circuit with the inclusion of some individual county or circuit data to illustrate the available data and its potential utility.

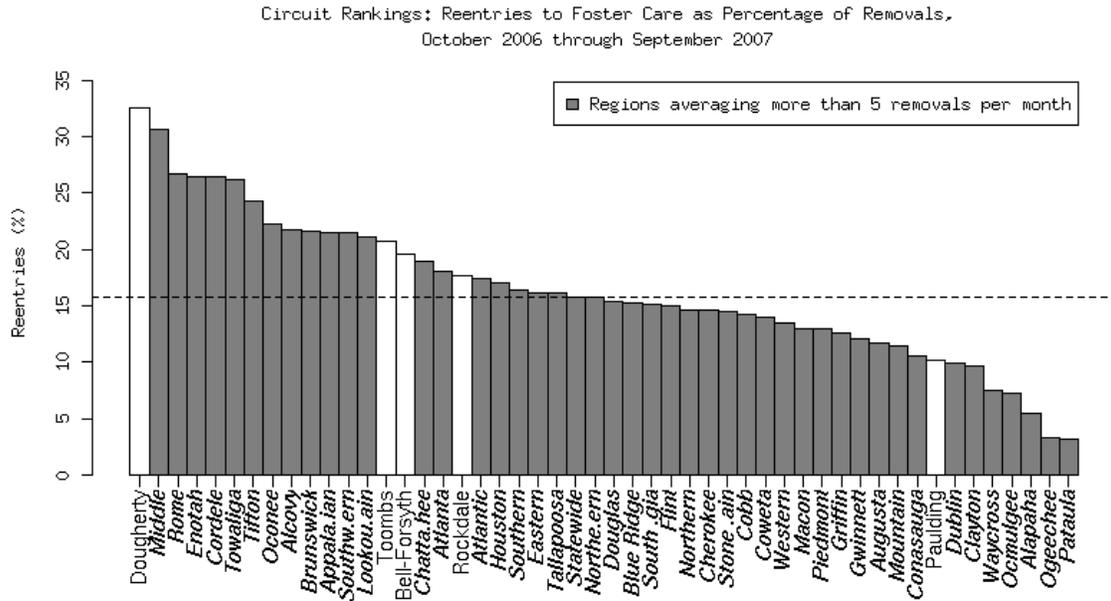
NOTE: AFCARS data is reported to the federal government in six-month increments, with data being sent each March and September. As a result, data is not able to be examined by calendar year. Rather, a year of AFCARS data runs from October 1st to the following September 30th. Thus for this report, whenever “this year” is referenced, it is for the time period October 1, 2006 to September 30, 2007.

REMOVALS

The chart below represents average monthly removals per capita broken down by judicial circuit for the past year. The judicial impact on a county’s rate of removing children from their homes is complex with many factors or decisions in play. Through discussions with various courts, J4C has discovered that courts vary in terms of how high they set the evidentiary bar for removals, and we hypothesize that such differences in practice are one of the causes of the differences in removal rate. The issue of removals is one we have discussed across the state the past several years, and we find it interesting to note how the data has changed in that time. The overall rate of removal has dropped from 3.9 to 3.2 to 3.0 per 10,000 children in the population.. To take a single circuit as an example, consider our first summit held in the Appalachian Circuit. For calendar year 2005 to 2006 the removal rate for that jurisdiction was more than 6 children per 10,000 in the population. This past year that locale’s removal rate was 5.2 per 10,000. The rate of removal for the Appalachian Judicial Circuit is still well above the state average but its steady decline signals a definite improvement in the right direction.

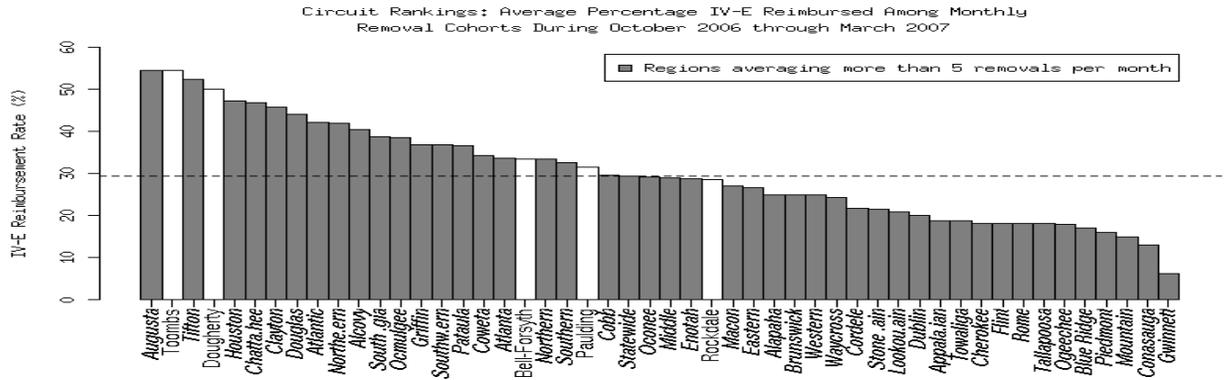


REENTRIES



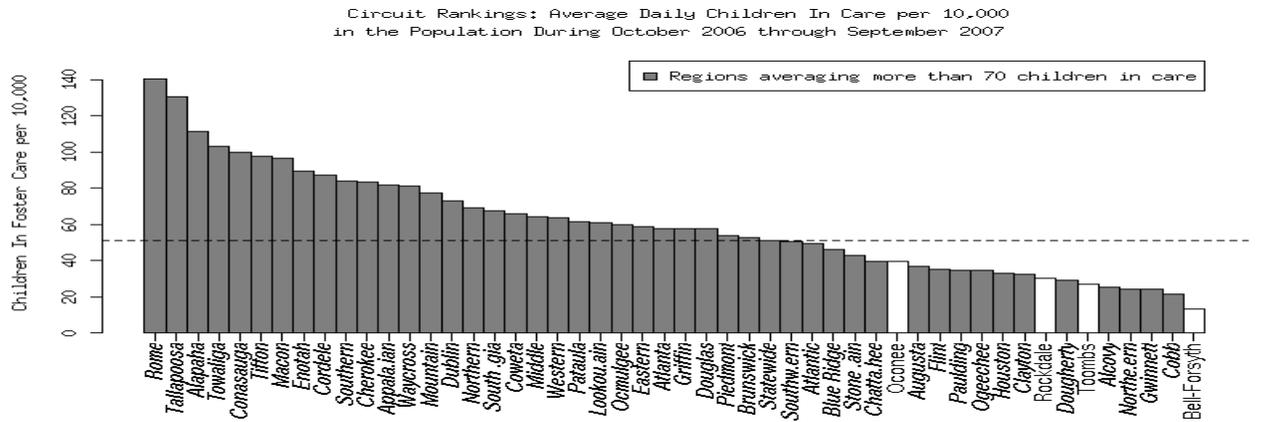
Even as we work to prevent unnecessary removals, we are always mindful that the failure to remove a child from a dangerous situation can have disastrous consequences. While the role of the executive branch child welfare agency in preventing harm to children is more extensive, the judicial branch is equally responsible for safety once a child's case has been presented before a judge for an evidentiary ruling. Current federal and state law states that safety of a child is the number one consideration in all child welfare actions. Thus, in Georgia's decentralized system, it is crucial that the judicial branch understand safety at the county level in order to know if a child in that county is at risk for re-abuse or re-entry into foster care. We are currently working with DFCS, OCA and the GSU School of Social Work to gain access to the National Child Abuse and Neglect Data System (NCAANDS) which contains the relevant safety measures data. Until that process is complete, we must settle for lesser measures of safety. One of those is reentry rate. By comparing the reentry rate chart to the removal rate chart, you can see that they do not correspond. That is, the circuit that is removing the most children does not have the lowest reentry rate suggesting that decisions to return children home are perhaps being made more readily than decisions to leave a child in the home initially.. Also of concern, for the 2006-2007 year, the average number of reentries is up across the state, reflecting a concerning trend that children are being reunified only to return to foster care within a relatively brief period of time.

IV-E REIMBURSEMENT



Title IV-E reimbursement is very important for the state foster care system as well as for the individual children. Many factors go into IV-E eligibility, some of which are completely in the domain of the executive branch to influence or control. Courts play a major role, however, by making sure court orders in deprived cases have the necessary legal findings and completing children’s hearings in a timely manner. The past year as rules about Medicaid reimbursement have changed to restrict that federal funding source, Georgia has seen a clear push to increase IV-E reimbursement rates, and it appears to be paying off. In 2005-2006, Georgia’s reimbursement rate was 24%; this past year is was up to 29%.

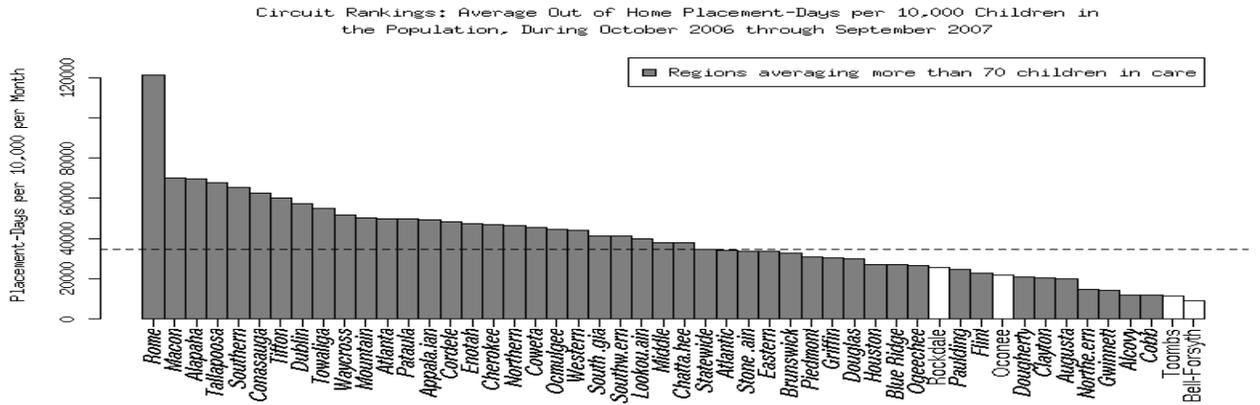
IN-CARE POPULATION



The above chart shows the average number of children in care on any given day. This number is influenced by two key factors: the number of children taken into care (removed) and the length of stay in care. While the statewide number did not change much over the last several years, the range did narrow. For example, the average number

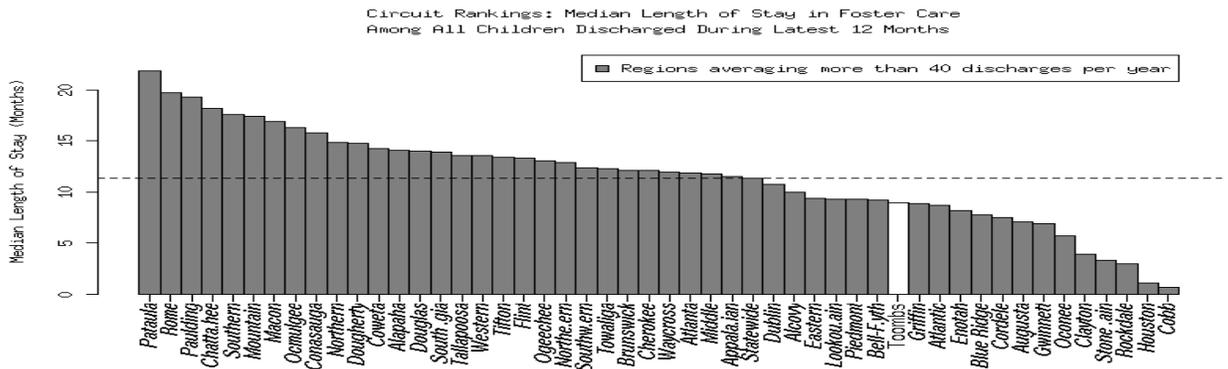
of children in care in Rome, which has had the largest rate of children in care for years, dropped from about 160 per 10,000 in the 2005-2006 year to closer to 140 per 10,000.

OUT-OF-HOME PLACEMENT DAYS



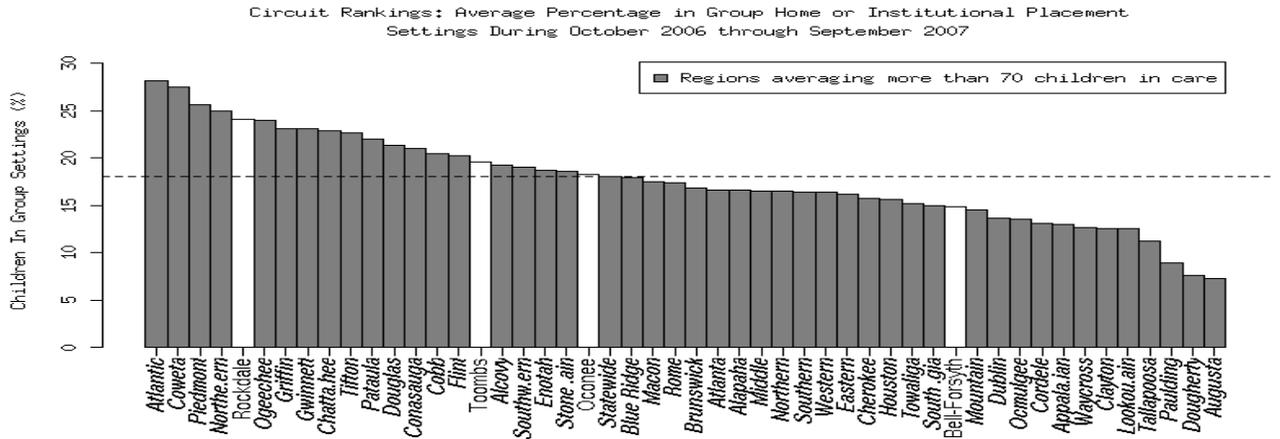
The chart above represents time in foster care broken down by judicial circuit.. This is a crude measurement of timeliness but can be used to get an idea of the areas in the state in which children spend longer periods of time in foster care. As you can see, the Rome Judicial Circuit remains distinguished from the rest of the state.

LENGTH OF STAY



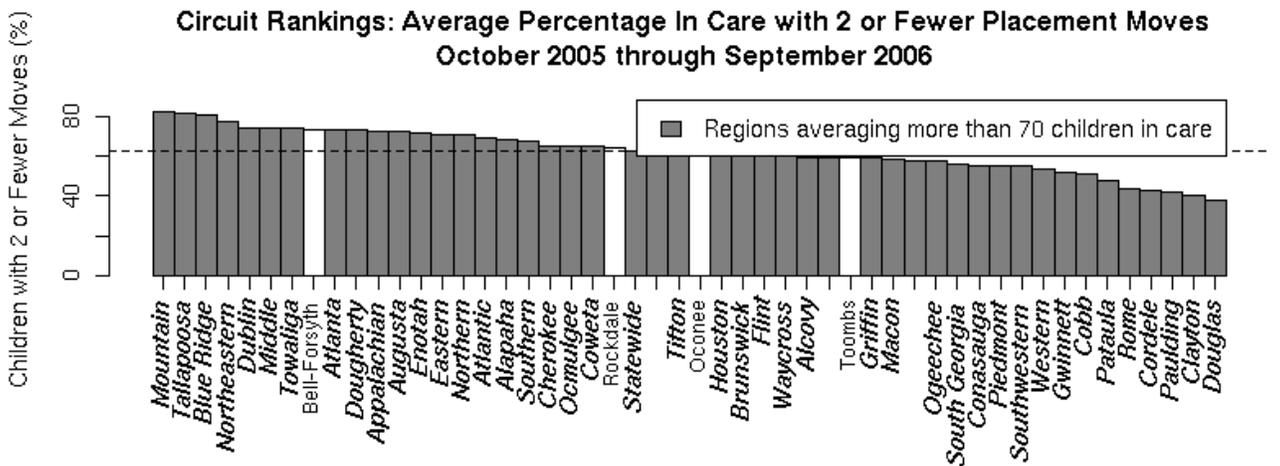
Georgia's data for median length of stay shows differences in the length of time from entry to exit of foster care from times as low as one or two months to median times of nearly two years. Such differences make this an area of great interest for future study.

CONGREGATE CARE

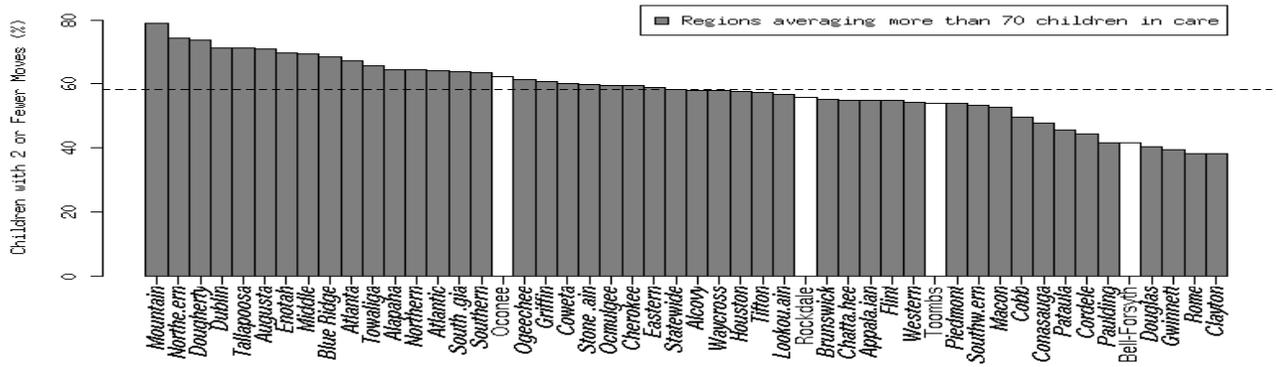


There has been little change in the average number of children in congregate care settings over the last few years. It seems worth noting that no summits have been held in the circuits with the highest percentages of children in congregate care settings. However, at least three of the top five are scheduled for summits during the 2008 calendar year.

PLACEMENT STABILITY



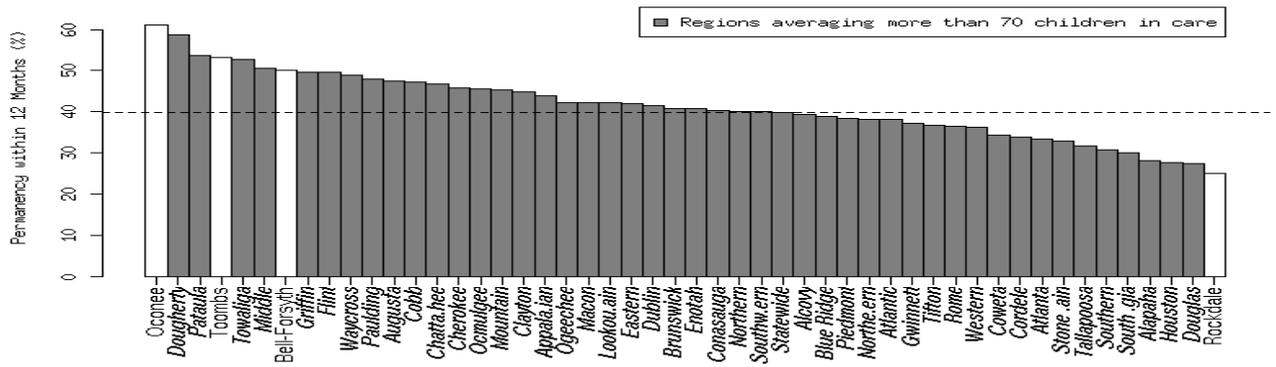
Circuit Rankings: Average Percentage In Care with 2 or Fewer Placement Moves
October 2006 through September 2007



Placement stability is very important for children in foster care. The Y axis on the chart below represents the percentage of children who have experienced 2 or fewer placement moves while in care. The state average for 2005-2006 was 63%. Unfortunately for the 2006-2007 year, the number is down to 58%, which means that 42% of children in foster care, or slightly more than 5000 children were moved 3 or more times while in foster care.

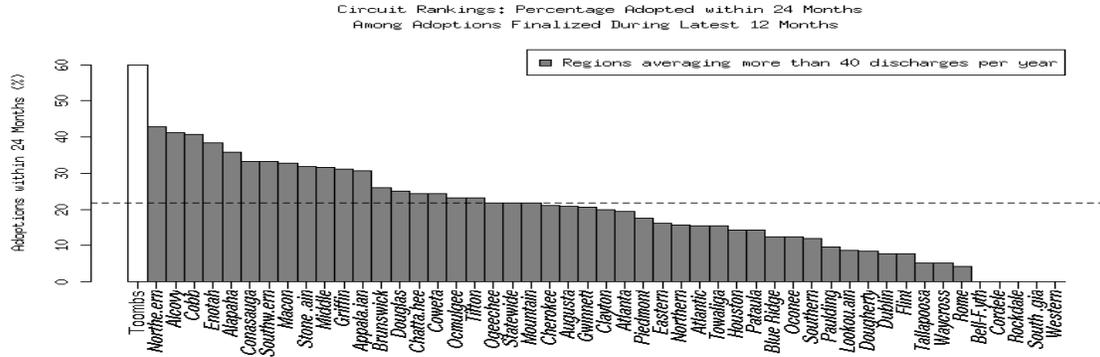
PERMANENCY

Circuit Rankings: Percent of Children In Care on September 30 2006
Achieving Permanency within 12 Months



Achieving permanency for the children who come into state custody is a crucial goal of the entire child welfare system. One measure of permanency to be considered is how many children achieve permanency within a twelve month period. The above chart represents a snapshot in time. If we look at every child who was in foster care on September 30, 2006 and follow those same children for the next 12 months, we can measure what percentage of them achieved permanency in that time frame. The chart above shows a range with some counties reporting that less than 30% of this population achieved permanency within 12 months, while the most successful counties show well over 50% achieving permanency within a year. Statewide, the average percentage is up a bit, which is great news for those children who are now in permanent homes.

ADOPTION TIMELINESS



SUMMARY

During the past decade, major shifts in law and policy have ushered in positive changes for court-involved children, but with increasing numbers of children coming into foster care, there is still much work to be done. Judicial leadership is crucial to provide children with appropriate protection, permanency plans, due process for parents and children, and timely resolution of cases. Much of the work done by J4C is fueled by a philosophy to be accountable to the children and families served by the juvenile courts and the child welfare system as well as to provide quality assurance monitoring to the juvenile courts in their efforts to improve.

As much as this document reports on the past, it also reflects our direction for the future. It is the clear intent of the federal government that juvenile courts embrace data measures and hold themselves accountable for the work they do. The Committee on Justice for Children welcomes such a charge and will use future annual reports to share Georgia's progress in improving its juvenile court system.