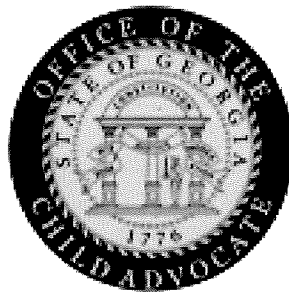


Georgia
Office of the Child Advocate
for the
Protection of Children



Annual Report
Calendar Year 2014



OFFICE OF THE CHILD ADVOCATE

Nathan Deal
Governor

Ashley Willcott, J.D., CWLS
Director

December 31, 2014

Dear Honorable Governor Deal, Legislative Leaders, and Citizens of the State of Georgia,

I am pleased to submit the Annual Report of the Office of the Child Advocate (OCA) for calendar year 2014.

The Office of the Child Advocate for the Protection of Children (OCA) was created in 2000 as part of Georgia's strong initiative to better protect our state's most vulnerable children. With the creation of OCA, Georgia became the twelfth state to open an independent ombudsman office designed to protect the rights of children in state care and to monitor the agencies charged with protecting children. OCA has independent oversight of the Division of Family and Child Services (DFCS) and other agencies responsible for providing services to or caring for children who are victims of child abuse or neglect, or whose domestic situation requires intervention by the state.

I am honored to have been appointed by Governor Nathan Deal on February 1, 2014, as Georgia's Child Advocate. I work hard to ensure that the vision, work and projects of OCA meet the legislative mandates for this office. A major responsibility of the Office of the Child Advocate is to work with other child-serving organizations to raise the standards for everyone involved with the child welfare system. Improving the quality of our work includes questioning practices in cases investigated by OCA; analyzing the current practice and policies of state agencies whose work impacts the lives of children and families; using data to design deliberate measures to improve the child welfare and juvenile justice systems; and engaging all stakeholders to ensure the protection of children at risk. I am proud of the steps taken by OCA during the last 11 months to meet these goals and fulfill the legislative mandates set forth.

Recently at a conference, someone asked me "What do you do?" I quickly answered, "I look at violations of laws and policies by agencies when DFCS has been involved in the life of a child in the last five years in order to improve practice on individual cases and on a systemic level." Upon reflection, I realized that answer has many facets. I hope to outline them in this annual report, as it reflects what OCA can and does do every day.

AN EQUAL OPPORTUNITY EMPLOYER

We must communicate, educate and elevate our system to protect Georgia's children. I have ensured the alignment and coordination of activities and strategic objectives across the entire child welfare system through collaborative projects and membership on various task forces and committees.

OCA has made great strides in 2014 in meeting our goals and looks forward to continued efforts and progress. I appreciate and thank the OCA employees, each of whom is dedicated, committed and thorough, and works tirelessly to serve our children. I hope that this report will not only provide important data, but will also empower you to protect children in what you do and help you understand the significant role this office plays in the protection of children.

Best

Ashley Willcott

OCA Advisory Board Members

David Crooke, CarePartners of Georgia (For Profit Children's Agency)
Dr. Allison Doerr, Northstar Educational and Therapeutic Services (Psychologist)
Laura Eubanks, Gwinnett County Public Schools (Social Worker)
Amy Howell, Georgia Department of Behavioral Health and Developmental Disabilities
(Attorney)
Lisa Rambo, Southwestern Judicial Circuit Judge (Juvenile Court Judge)
Jose Rodriguez, WellStar Kennestone Pediatric Associates (Pediatrician)
Brad Ray, Executive Director CASA (Court Appointed Special Advocates)



Governor Nathan Deal with OCA staff, October 2014

OCA Staff

Ashley Willcott, JD, CWLS, Director
Jodi Ann Spiegel, JD, Deputy Director
Nicole Hedgemon, Executive Assistant/Business Operations Specialist
Chuck Pittman, Child Welfare Policy & Practice Analyst
Vickie White, Child Welfare Policy & Practice Analyst
Brendan Jenkins, Child Welfare Policy & Practice Analyst
Ryan Sanford, Child Welfare Policy & Practice Analyst

I. Mission

The mission of the Georgia Office of the Child Advocate (OCA) comes directly from O.C.G.A. § 15-11-740(b), the first section of the “Georgia Child Advocate for the Protection of Children Act.”

The mission is to protect the children of the State of Georgia and to assist and restore the security of children whose well-being is threatened by providing independent oversight of persons, organizations, and agencies responsible for providing services to or caring for children who are victims of child abuse and neglect or whose domestic situation requires intervention by the state.

II. OCA Legislative Mandates

OCA’s involvement in the lives of children is made possible by the “Georgia Child Advocate for the Protection of Children Act.” The rights, powers, and duties of the Child Advocate are set forth in O.C.G.A. §§15-11-170 through 15-11-177. A complete version of the Act is included in this report as Appendix A. The most notable OCA powers and duties are described below.

A. Provide Independent Oversight of Agencies

A key legislative mandate of OCA is to provide independent oversight of agencies responsible for providing services to abused and neglected children, or those whose domestic situation requires intervention by the State. O.C.G.A. § 15-11-740(b). This includes investigating and seeking the resolution of complaints by or on behalf of children concerning agency actions, and providing periodic reports to the Governor and General Assembly.

OCA believes that child welfare agencies responsible for serving abused and neglected children are the “experts” in this field; especially Division of Family and Children services (DFCS) case managers who are required by law to investigate and provide services. Each year thousands of children are protected from abuse and neglect because of the good work of heroic DFCS employees “just doing their jobs.”

Every large system operated by humans has flaws, and Georgia’s DFCS is no exception. OCA was created to help minimize and remedy the flaws—Georgia needed an independent agency to provide oversight, identify systemic flaws, and help improve the child welfare system.

Starting in 2014, the focus of OCA is not only on identifying flaws, but on preventing them by raising the bar for practice. OCA works with DFCS and other child protection entities to hold everyone to the highest standards.

When allegations of bad practice, mistakes, or violations of policy or law arise, OCA carries out its mandate to investigate the allegations and bring participants together to resolve any issues. Georgia law requires OCA to “identify, receive, investigate, and seek the resolution or referral of complaints made by or on behalf of children concerning any act, omission to act, practice,

policy, or procedure of an agency or any contractor or agent thereof that may adversely affect the health, safety, or welfare of the children.” O.C.G.A. § 15-11-743(1).

B. Train County Protocol Committees

Pursuant to O.C.G.A. § 19-15-2, each county is required to establish a Protocol for the investigation and prosecution of alleged cases of child abuse as well as a written sexual abuse and sexual exploitation protocol.

The Protocol

- ensures coordination and cooperation among all agencies involved in a child abuse case.
- increases the efficiency of all agencies handling such cases.
- minimizes the stress created for the allegedly abused child by the legal and investigatory process.
- ensures that more effective treatment is provided for the perpetrator, the family, and the child, including counseling. O.C.G.A. § 19-15-2(f).

Statutorily required local Protocol committees develop and implement local Protocols. O.C.G.A. § 19-15-2(b). The committees must meet at least twice a year to evaluate the effectiveness of the Protocol, modify and update the Protocol if needed, and prepare an annual report. A Protocol Committee’s “report shall evaluate the extent to which investigations of child abuse during the 12 months prior to the report have complied with the Protocols of the Protocol Committee, recommend measures to improve compliance, and describe which measures taken within the county to prevent child abuse have been successful.” O.C.G.A. § 19-15-2 (i). The Protocol Committee is also responsible for developing a sexual abuse and sexual exploitation Protocol. O.C.G.A. § 19-15-2 (k).

Protocol Committee mandated members under O.C.G.A. §19-15-2(c)(1) include representatives designated from the Sheriff Office; DFCS; District Attorney; Chief Magistrate; Board of Education, county mental health organization; Chief of Police in counties which have a county policy department; Chief of Police of the largest municipality in the county; county public health department, which shall designate a physician to serve on the protocol committee; and the coroner or county medical examiner. In addition, the law requires that the chief superior court judge designate a representative from a local citizen or advocacy group which focuses on child abuse awareness and prevention.

OCA’s role with the Protocol is to provide “appropriate training” to members of each Protocol Committee within 12 months after their appointment. O.C.G.A. § 19-15-2 (j). Protocol Committees also are required to file the written sexual abuse and exploitation Protocol with OCA. O.C.G.A. § 19-15-2 (k).

C. Train Guardians Ad Litem (GAL)

Every abused or neglected child who goes to court in Georgia is required to have a court-appointed GAL to represent his or her best interests. The federal Child Abuse Prevention and

Treatment Act (CAPTA) requires the appointment of an attorney or Court Appointed Special Advocate (CASA) to serve as the child's GAL in all stages of a judicial proceeding.

CAPTA also requires that before a person can be appointed as a GAL, he or she must receive training appropriate to the role as GAL. OCA is charged with administering or approving the pre-appointment training for GAL's in Georgia. O.C.G.A. § 15-11-104.

D. Issue Reports and Implement Recommendations

OCA shall "provide periodic reports on the work of the office . . . , including but not limited to an annual written report for the Governor and the General Assembly and other persons, agencies, and organizations deemed appropriate. Such reports shall include recommendations for changes in policies and procedures to improve the health, safety, and welfare of children and shall be made expeditiously in order to timely influence public policy." O.C.G.A. § 15-11-743(4).

In addition to issuing reports and recommendations, OCA is empowered "to engage in programs of public education and legislative advocacy concerning the needs of children requiring the intervention, protection, and supervision of courts and state and county agencies." O.C.G.A. § 15-11-744(7).

III. OCA's 2014 Achievements

A. Oversight of Agencies

On any given day, OCA may receive a phone call that sets events in motion to ensure that children like John and Mary * are kept safe from harm (* all names have been changed).

When the parents of seven-year-old John and five-year-old Mary were taken to jail, the children's Aunt Joan agreed to care for the children. Legal custody remained with the children's birth parents; the arrangement with Aunt Joan was an example of family helping each other during tough times.

After getting settled into Aunt Joan's house, John and Mary told their aunt that they had been sexually abused by their parents. Aunt Joan reported this to DFCS, but the case was screened out.

Aunt Joan believed the children's account of abuse and worried about what would happen when their parents got out of jail. So she turned to OCA for help.

In response to Joan's call, OCA opened its own investigation and found that the children's disclosure of abuse warranted a DFCS investigation. OCA investigators were particularly concerned because if the children's allegations were true, they would be returned to a dangerous situation as soon as the parents were released from jail. Since their aunt did not have legal custody of John and Mary, the aunt would not be able to protect them from their parents.

OCA recommended that DFCS open a case on the children. DFCS did so and confirmed sexual abuse of the children by their biological parents. DFCS then helped Aunt Joan obtain guardianship of the children so they are safe from their parents and have a legal custodian who can provide for them and protect them from further abuse or neglect.

1. Referrals and Investigations

At the core of OCA work is accepting and screening referrals, conducting investigations when indicated, and staffing cases with DFCS. Four OCA employees are dedicated to these core functions.

In 2014, OCA received 567 referrals, a **40 percent increase** over the 406 referrals received in 2013. Of the 567 referrals, 244 were assistance referrals, and 317 resulted in investigations.

2. Results Achieved through Investigations

In a number of cases OCA investigated, OCA entered court appearances to ensure policy and law were followed and children were protected. Because of OCA's direct involvement in children's cases, DFCS took the following actions:

- Secured permanency for a child who was languishing in foster care and has since been adopted.
- Facilitated visits between children and relatives who were being considered as possible placements.
- Reopened cases which were prematurely closed.

Based on OCA recommendations, DFCS made the following changes in policy and practice:

- Issued a directive that mandated reporters be contacted by DFCS investigators as part of the investigation.
- Required that when Central Intake Call Center (CICC) calls are not properly disposed, the cases are re-evaluated for correct action.
- Issued a directive that all calls be returned within 24 hours.
- Terminated a contract with a private placement provider due to uncorrected policy violations and failure to comply with corrective action steps.
- Mandated that any requests for DFCS records by law enforcement and/or prosecutors will be complied with as set forth by law.
- Issued a directive that local law enforcement be notified prior to the release of records in response to Open Records Act requests.
- Added the CICC number on each county page of the DFCS website to make it easier for citizens to know who to call to file a report of child abuse or neglect.

B. Training of Protocol Committees

The statutory framework for child abuse Protocols and local Protocol committees is discussed above in Section II. B. Train County Protocol Committees.

1. Goals for Protocol Work

OCA applied for and received funding through the Children's Justice Act (CJA) for federal fiscal year 2014 to

- train new and existing Protocol Committee members and other child welfare professionals involved with child protection.
- provide technical assistance to new and existing Protocol Committees for the development, update, implementation and enhancement of local written child abuse protocols and sexual abuse and sexual exploitation protocols.
- develop a comprehensive database to monitor compliance with Protocol and reporting requirements mandated by O.C.G.A. § 19-15-2.

OCA's goal is to have local Protocols developed, updated, implemented and utilized in every county in the State of Georgia. The CJA grant is helping OCA

- improve and track county compliance with O.C.G.A. § 19-15-2.
- clarify the separate roles and responsibilities of the multidisciplinary agencies that comprise the Protocol Committees.

2. Results

a. Produced New Model Protocol

In 2014, OCA produced an updated statewide Model Protocol that reflects all legislative updates, the new Juvenile Code, current DFCS policy with new reporting methods and numbers, statute citations, best practices, additional information on Child Sexual Exploitation providing more comprehensive information on the indicators of and response to child sexual exploitation as well as specialized investigation, forensic interviewing and state level resources, obtainment and payment for forensic interview and forensic medical examinations and a prosecution section covering substantive matters such as charging decisions, child hearsay laws and child testimony. The revised Protocol was created with input from all stakeholders.

Local Protocol Committees use the Model Protocol in the development and update of their own local protocols. The Model Protocol can be viewed and downloaded from the OCA website. The Protocol is a living document that will continue to be revised and improved on a semi-annual basis. The revision dates will be included with each new Protocol posted on the OCA website.

b. Created Minimum Standards Protocol

OCA created a Minimum Standards Protocol (also available on the OCA website). The Minimum Standards Protocol is a condensed version of the statewide Model Protocol that contains all the updates and additions to the full Protocol.

The Minimum Standards Protocol was requested by circuits desiring a shorter Protocol. Three circuits (15 counties) are developing local Protocols based on the Minimum Standards Protocol, and OCA provided Protocol Committee training in two circuits using the Minimum Standards Protocol.

c. Trained 32 County Protocol Committees

Training of both new and existing Protocol Committee members helps the committees update their local Protocols and facilitates the implementation of the Protocol's mandates. The purposes of Protocol Committee training are to

- ensure that local protocols are up to date and in compliance with current laws, policy and best practices.
- ensure that everyone involved in the multidisciplinary response to child abuse has received training on current laws, policies and practices.
- improve the process and consistency of the multidisciplinary collaboration.
- improve responses to child abuse investigations and prosecution.
- increase Protocol Committee awareness of local and state resources.

OCA included stakeholders as presenters, including:

- Georgia Cares: Placement and services of victims of child sexual exploitation
- Georgia Bureau of Investigation (GBI) Regional Child Abuse Specialist Agent: investigatory assistance
- Stephanie Blank Center for Safe and Healthy Children: forensic medical examination and telemedicine
- Attorney General Office's Special Prosecutor for Human Trafficking: assistance for investigatory, prosecution and training on child sexual exploitation.

OCA provided Protocol Committee training in eight circuits covering 32 counties and reaching 281 participants. The training evaluations reflected that the goals of the Protocol Committee trainings were met.

C. Forming Partnerships and Providing Education

1. Partnership Outcomes

All of OCA's responsibilities require interaction with public and private agencies and organizations, and OCA could not effectively accomplish its duties without productive working relationships with citizens, policy makers, elected officials, and those on the front lines of child protection.

In 2014, OCA focused on collaborating with the state DFCS Director and the state DFCS leadership team as well as with local DFCS offices around the state. OCA also worked to make OCA an office of the people by welcoming visitors ranging from relatives of abused children to Georgia's First Lady. As a result, OCA

- renewed data sharing agreements that had lapsed.
- brokered data sharing agreements between state child welfare agencies.
- participates in the DFCS CAPTA monthly meetings.
- conducted a site visit to Goshen Valley Ranch and began a collaborative partnership with that provider.

- presented Douglas County Juvenile Court Judge Peggy Walker, who was installed as the new President of the National Council of Juvenile and Family Court Judges, with a commendation from Governor Deal.



Mrs. Sandra Deal visits OCA

- Received a visit from First Lady Deal, who commended OCA's work on behalf of children.
- recommended recognition by Governor Deal of DFCS case managers who had gone above and beyond their job requirements to protect children.
- partnered with Prevent Child Abuse Georgia to utilize their 1-800 helpline to link people who call OCA with situations that do not require an investigation with resources in their community.
- joined the Criminal Justice Coordinating Council Commercial Sexual Exploitation of Children (CSEC) Task Force, representing the keeping children safe work group and the law enforcement and prosecution work group.
- developed a laminated pocket card for law enforcement and Protocol Committee members that explains the law related to, and provides contact information for, child abuse and child sexual exploitation cases.
- worked with the Supreme Court Committee on Justice for Children, Governor Deal, and Presiding Justice P. Harris Hines to create a video for the state initiative "Georgia Fosters and Adopts" that promotes and recruits foster and adoptive homes. The video can be viewed at (<http://tinyurl.com/k4vzckh>).

2. Facilitated DFCS Child Death/Serious Injury Review

OCA helps DFCS ensure there is a fully developed review process in place for serious injuries to and deaths of children through a pilot project in which OCA facilitates Child Death Serious Injury staffings for State DFCS.

OCA prepares a summary of the child's case, develop a list of issues to explore, and asks the hard questions during the phone staffing of the case. Through this process, DFCS and OCA identify whether laws and policies were followed, the quality of the casework, what could have been done differently, and what policy and practice changes could lead to a different outcome in a similar situation in the future. OCA may follow up after the calls to ensure that needed changes are being made.

3. Trained 180 GALs

To carry out its mandate to provide or approve training for GALs, OCA sponsored the following training events for over 180 GALs across the state:

- Child Welfare ICLE (Institute of Continuing Legal Education): Atlanta, April and November
- Georgia Youth Law Conference, Atlanta, June
- Georgia Association of Council for Children Checklist Training: Atlanta, March
- GAL Training: Richmond County, December

4. Educated Stakeholders and the Public

One of OCA's fundamental responsibilities is to educate as many people as possible about the child welfare system—why DFCS exists, what the agency does, and how the system works to protect children—and how to best protect children from abuse and neglect.

During 2014, OCA educated policy makers, legislators, lawyers, service providers, child advocacy groups, and citizens on the strengths and needs of families involved with the child welfare system and how best to serve those families. Some of these educational activities are listed below.

OCA presented at events and meetings hosted by the following:

- Barton Child Law and Policy Center Child Welfare Legal Academy
- Child Advocacy Centers-Executive Director Quarterly Meeting
- Child Welfare ICLEs
- Child Welfare Reform Council
- Children's Healthcare of Atlanta mini-conference
- Children's Healthcare of Atlanta CSEC-Multi-Disciplinary Teams Confidentiality
- Council of Juvenile Court Judges, full Council meeting
- CASA Director's meeting
- Criminal Justice Coordinating Council, full Council meeting
- District Attorneys meeting
- First Lady's Children's Cabinet
- Georgia Association of Counsel for Children

- GBI in-service child abuse training
- Multiple media interviews
- Prosecuting Attorneys Council Family Violence & CSEC training for Law Enforcement, Elbert County
- Senate Committee and Sub-Committee Meetings
- Supreme Court of Georgia Committee on Justice for Children

OCA also obtained a grant in 2014 to conduct training in 2015 for 500-800 foster parents on CSEC.

D. Spearheading Initiatives and Securing Grants

In all that it does, OCA strives to enhance the child welfare system so children are better protected and have better outcomes because of the system's intervention in their lives. To this end, OCA collaborates with other child-serving organizations on special projects that will improve outcomes for children. Some of the projects OCA initiated in 2014 are described in this section.

1. CAPTA Cold Case Project

OCA received CAPTA funding through DFCS to help children who have been in foster care for two or more years be placed in permanent homes. This project will begin in early 2015, when OCA will

- work with DFCS to identify counties with children who have been in foster care for two or more years.
- conduct a SHINES-based review of all identified cases in each county and share the report with local and regional DFCS leadership, the child's attorney, GAL and/or CASA, the local Special Assistant Attorney General representing DFCS, and care providers.
- convene formal multi-agency permanency roundtables for cases that OCA reviews.
- compile the findings of the reviews into a comprehensive annual report.

2. CAPTA Peer Review Project

OCA received CAPTA funding through DFCS to improve the quality of legal representation of children in dependency cases. This project will commence in early 2015. OCA will lead a team of Child Welfare Law Specialists to conduct peer reviews in juvenile courts. The team will help children's attorneys and GAL's comply with the new Juvenile Code as well as CAPTA guidelines, and will identify training needs for attorneys working in juvenile court that will be met in future OCA-sponsored trainings.

3. Verizon Life Line Project for Youth Aging Out of Care

OCA teamed up with Verizon Wireless to improve outcomes for youth aging out of foster care. Youth who age out without legal permanency are given pre-paid cell phones to connect them with services and support. The youth participants can use the phones to secure employment, housing, and maintain supportive relationships, and the phones will connect them with emergency services.

This is a one-year project to determine whether providing mobile devices to emancipated foster youth prevents negative outcomes. One hundred youth aging out of foster care September 2014 – September 2015 will be identified. Fifty of those youth will receive pre-paid mobile phones equipped with 3,000 anytime minutes and 9,000 text messages. The remaining 50 youth who participate in the project will not receive mobile phones, but will receive participation food gift cards.

OCA will collect data each month to determine the effectiveness of the project. If the findings show that having the cell phones indicates improved outcomes for youth, the plan is to continue and expand the project.

4. Appleseed School Tribunal Attorney Pilot (Fulton County)

OCA has formed a partnership with the Georgia Appleseed Center for Law and Justice to help children in foster care remain in school despite disciplinary problems. Georgia Appleseed trains volunteer lawyers to represent youth in school and education matters. Those specially trained lawyers then represent youth in foster care who face school disciplinary proceedings in Fulton County.

This pilot was created because disruptions in school stability for youth in foster care can have cascading and devastating results. Youth in foster care who are suspended or expelled from school may exhibit destructive behavior in their foster home or other placement and may even be forced to leave the placement and/or the school. School stability is directly related to placement stability and permanency.

These youth, who may have no adult advocating for their educational needs, have a right to contest serious disciplinary allegations on a fully informed and legal basis. Georgia Appleseed provides legal representation to protect the rights of these youth.

The pilot was initiated by the DFCS Education and Kenny A Program Administrator who observed that school disciplinary proceedings were a significant cause of education disruptions for youth in foster care. She approached Georgia Appleseed and OCA about creating a pilot to address the needs of these youth.

Since the project began in September 2014, eight youth have been assigned a Georgia Appleseed attorney. Four cases were dismissed, one resulted in a suspension, one resulted in a suspension that allowed the student to attend an alternative school, one case led to the youth voluntarily withdrawing from school and being allowed to enroll in another school district, and one case is pending. These outcomes stand in contrast to the typical outcome for youth in foster care before the pilot began: expulsion from school.

Following a successful pilot, the plan is to expand the program to counties throughout the state.

5. Third Level Foster Parent Grievance (formal mediation)

The Foster Parent Bill of Rights allows foster parents to file a grievance if they believe DFCS has violated any provisions of the Bill of Rights. The grievance procedure includes an appeal to

OCA if the grievance cannot be resolved satisfactorily (the appeal to OCA is the third level of appeals for the foster parent).

In 2014, OCA implemented a third level Foster Parent Grievance Procedure in which a trained mediator with experience in child welfare is hired to mediate third level grievances to reach an outcome agreeable to all parties.

This OCA initiative formalizes the prior process in which a meeting with all parties was held, and there was a review of the facts by OCA. The new process adds weight and opportunity for all parties to be heard, and allows all identified issues to be sufficiently and appropriately addressed.

Two third level foster parent grievances were mediated in 2014; one resulted in an impasse, and one in a mediation agreement.

6. Medically Fragile Children Pilot Project

OCA is working with Childkind, Inc. and State DFCS to develop comprehensive child-specific permanency plans for children in foster care who have severe medical needs. One barrier to permanency for these youth is a permanent caregiver's uncertainty about whether she or he can meet the ongoing needs of these youth.

This initiative is designed to fill the gap that currently exists in ensuring services are available to meet these children's needs over time, such as ensuring they have appropriate waivers for financial assistance to meet their medical needs as they age. The goal is to assess and overcome barriers for each child, identify trends and barriers, and propose a "Protocol" or plan for achieving permanency for children with severe medical needs.

7. Sudden Death in the Young (CDC grant to Child Fatality Review)

While the Child Fatality Reviews were still within OCA, OCA applied for and received a grant from the Centers for Disease Control and Prevention's Division of Reproductive Health to participate in the Sudden Death in the Young (SDY) Registry. The grant allows Child Fatality Review to focus on improving data quality and provide some of the first population-based estimates of SDY incidence in Georgia.

Over the next four years, Child Fatality Review will work to improve what is known about SDY in Georgia and the other nine grantee states by building a SDY Registry. Data collection and the clinical review process are scheduled to begin in early 2015. The grant funding and obligations moved with the Child Fatality Review to GBI on July 1, 2014.

E. New Leadership, New Goals

Ashley Willcott was appointed as the new Child Advocate for Georgia on February 1, 2014. Leadership transitions always include an assessment of staff and resources, and often bring new directions for an office.

With 20 years of experience as an attorney for parents in juvenile court dependency and delinquency proceedings, a GAL representing children, a Judge Pro Tem in DeKalb County Juvenile Court, and a Special Assistant Attorney General representing the Department of Human Resources/DFCS, Ms. Willcott brought a multi-dimensional perspective to the position of Child Advocate.

With the knowledge brought by the new Child Advocate and the expertise of existing OCA staff, OCA's vision was refined and new goals were set for the office. At the end of 2014, OCA had successfully completed its 2014 Strategic Plan; resided in a new office at 7 Martin Luther King Drive, Suite 347, Atlanta, Georgia 30334; and was staffed by the Director and Deputy Director (both attorneys), a Business Operations Specialist, and four Child Welfare Policy and Practice Analysts.

A technology assessment was conducted in 2014 and the recommendations were implemented to ensure that staff have the necessary tools to investigate and handle cases referred to OCA, and to collect data.

Also in 2014, OCA successfully complied with a 2014 legislative mandate to move the Child Fatality Review from OCA to the GBI on July 1, 2014. To facilitate a smooth transition, OCA spent the first half of 2014 ensuring that the Child Fatality Review process was stable, information was current, and local Child Fatality Review Panel members were properly trained. To do this, between February 1 and July 1, 2014, OCA held 11 trainings for Child Fatality Review Committees across the state, reaching all local child fatality review committee members. In addition, OCA secured a four-year CDC SDY grant for Child Fatality Reviews (described above in section III. D. 6. Sudden Death in the Young).

IV. Conclusion

A. Trends in Agency Staffing and Caseloads

In February, 2014, 6,700 child abuse reports were received by DFCS CICC and 2,204 were referred to individual counties for investigation. In November 2014, 14,636 child abuse reports were received by CICC (a **118 percent increase** over February) and 3,681 were referred to individual counties for investigation.

As child abuse reports and investigations increased through 2014, the number of DFCS workers available to handle the work decreased. Workers left DFCS at a faster rate than positions could be filled, leaving many vacancies across the state. In addition, many workers lack the training and supervision needed to properly investigate complaints and protect children.

OCA has seen the impact on children and families from these changes. Either trend, an increase in CPS reports or a decrease in DFCS staffing, can lead to negative outcomes, but when cases increase and staff decreases at the same time, the result can be dangerous for children.

While the official statistics from the state DFCS office indicate that the average case load per case manager is 19 cases, Gwinnett, Hall, and Carroll Counties provide examples of exceedingly high caseloads resulting from the DFCS staffing crisis around the state.

In Gwinnett County, only nine of the 25 funded case manager positions were able to take cases at one point in time. In one month, one investigator had 171 cases, and another had 140 cases. In Hall County, in one month, some case managers had more than 100 cases.

To address this crisis, the Child Advocate mediated calls to discuss specific case load numbers in Gwinnett and Hall Counties, the needs in those counties and elsewhere, and possible ways to address those needs. The calls included the Juvenile Court Judge(s), State DFCS, Regional DFCS, and local DFCS.

As a result of the call with Gwinnett County, three additional case manager positions were approved. These three positions are in addition to the five positions Gwinnett County will receive out of the 500 new positions created by Governor Deal.

Because of the danger posed to children by coinciding increases in child abuse reports and decreases in the number of case managers to assess the reports, OCA will continue to monitor these numbers on a monthly basis and work with DFCS and others to reverse the trend.

B. Trends in Agency Communication and Cooperation

Collaborative efforts and effective communications at all levels are imperative to protecting children. When communications break down among entities that the Protocol requires to work together, OCA may be asked to intervene.

For example, because of miscommunications in one county, a Sheriff no longer trusted or communicated with the local DFCS office, putting children at risk because coordination about child abuse reports stopped. This meant that allegations of abuse or neglect with potential criminal ramifications might not have been investigated by the Sheriff's department, and when the sheriff's department responded to calls, if they had concerns about child abuse or neglect, they might not have contacted DFCS to investigate.

OCA facilitated a meeting among local DFCS, State DFCS, Sheriff, Court, Coroner and other local stake holders to mend fences and develop a strategy to move forward successfully as collaborative partners in the best interest of children in the community.

OCA's hoped outcome of the office's intervention is to ensure that law enforcement and DFCS work closely together to ensure children are protected, abuse and neglect is investigated, and criminal acts by caretakers result in criminal charges.

OCA will continue to help improve agency communications at the local and state levels through Protocol trainings, other training events, collaborative projects, case staffings, facilitated meetings and ongoing partnerships.

C. Looking Forward to 2015

The Georgia Child Welfare Reform Council, of which the Child Advocate is a member, presented its Final Report to the Governor on January 9, 2015. The recommendations address child welfare system challenges in safety, permanency, and well-being for children. Many of the recommendations build on or complement OCA's work in 2014.

Governor Nathan Deal said, "As we enter the 2015 legislative session, these recommendations will provide a framework for strengthening the system and allow us to better serve our state's children and those who work to protect them."

OCA's 2015 work plan will include both continued participation as a member of the Council and implementation of the Council's recommendations.

In 2014, OCA laid the groundwork for several multi-year initiatives that will greatly benefit Georgia's children. Several grants were obtained for work to begin in 2015. Data sharing agreements were renewed and partnerships were enhanced so that OCA can increase its use of data to design deliberate measures to improve the child welfare and juvenile justice systems.

2015 will be a year of system change for Georgia's children, and OCA's mission places the office in the center of such reforms.

Appendix A: Georgia Child Advocate for the Protection of Children Act

15-11-740

(a) This article shall be known and may be cited as the "Georgia Child Advocate for the Protection of Children Act."

(b) In keeping with this article's purpose of assisting, protecting, and restoring the security of children whose well-being is threatened, it is the intent of the General Assembly that the mission of protection of the children of this state should have the greatest legislative and executive priority. Recognizing that the needs of children must be attended to in a timely manner and that more aggressive action should be taken to protect children from abuse and neglect, the General Assembly creates the Office of the Child Advocate for the Protection of Children to provide independent oversight of persons, organizations, and agencies responsible for providing services to or caring for children who are victims of child abuse and neglect or whose domestic situation requires intervention by the state. The Office of the Child Advocate for the Protection of Children will provide children with an avenue through which to seek relief when their rights are violated by state officials and agents entrusted with their protection and care.

15-11-741

As used in this article, the term:

(1) "Advocate" or "child advocate" means the Child Advocate for the Protection of Children established under Code Section 15-11-742.

(2) "Agency" shall have the same meaning and application as provided for in paragraph (1) of subsection (a) of Code Section 50-14-1.

(3) "Child" or "children" means an individual receiving protective services from DFCS, for whom DFCS has an open case file, or who has been, or whose siblings, parents, or other caretakers have been, the subject of a report to DFCS within the previous five years.

15-11-742

(a) There is created the Office of the Child Advocate for the Protection of Children. The Governor, by executive order, shall create a nominating committee which shall consider nominees for the position of the advocate and shall make a recommendation to the Governor. Such person shall have knowledge of the child welfare system, the juvenile justice system, and the legal system and shall be qualified by training and experience to perform the duties of the office as set forth in this article.

(b) The advocate shall be appointed by the Governor from a list of at least three names submitted by the nominating committee for a term of three years and until his or her successor is appointed and qualified and may be reappointed. The salary of the advocate shall not be less than \$60,000.00 per year, shall be fixed by the Governor, and shall come from funds appropriated for the purposes of the advocate.

(c) The Office of the Child Advocate for the Protection of Children shall be assigned to the Office of Planning and Budget for administrative purposes only, as described in Code Section 50-4-3.

(d) The advocate may appoint such staff as may be deemed necessary to effectively fulfill the purposes of this article, within the limitations of the funds available for the purposes of the advocate. The duties of the staff may include the duties and powers of the advocate if performed under the direction of the advocate. The advocate and his or her staff shall receive such reimbursement for travel and other expenses as is normally allowed to state employees from funds appropriated for the purposes of the advocate.

(e) The advocate shall have the authority to contract with experts in fields including but not limited to medicine, psychology, education, child development, juvenile justice, mental health, and child welfare as needed to support the work of the advocate, utilizing funds appropriated for the purposes of the advocate.

(f) Notwithstanding any other provision of state law, the advocate shall act independently of any state official, department, or agency in the performance of his or her duties.

(g) The advocate or his or her designee shall be a member of the Georgia Child Fatality Review Panel.

15-11-743

The advocate shall perform the following duties:

(1) Identify, receive, investigate, and seek the resolution or referral of complaints made by or on behalf of children concerning any act, omission to act, practice, policy, or procedure of an agency or any contractor or agent thereof that may adversely affect the health, safety, or welfare of the children;

(2) Refer complaints involving abused children to appropriate regulatory and law enforcement agencies;

(3) Report the death of any child to the chairperson of the review committee, as such term is defined in Code Section 19-15-1, for the county in which such child resided at the time of death, unless the advocate has knowledge that such death has been reported by the county medical examiner or coroner, pursuant to Code Section 19-15-3, and to provide such committee access to any records of the advocate relating to such child;

(4) Provide periodic reports on the work of the Office of the Child Advocate for the Protection of Children, including but not limited to an annual written report for the Governor and the General Assembly and other persons, agencies, and organizations deemed appropriate. Such reports shall include recommendations for changes in policies and procedures to improve the health, safety, and welfare of children and shall be made expeditiously in order to timely influence public policy;

(5) Establish policies and procedures necessary for the Office of the Child Advocate for the Protection of Children to accomplish the purposes of this article, including without limitation providing DFCS with a form of notice of availability of the Office of the Child Advocate for the Protection of Children. Such notice shall be posted prominently, by DFCS, in DFCS offices and in facilities receiving public moneys for the care and placement of children and shall include information describing the Office of the Child Advocate for the Protection of Children and procedures for contacting such office; and

(6) Convene quarterly meetings with organizations, agencies, and individuals who work in the area of child protection to seek opportunities to collaborate and improve the status of children in Georgia.

(a) The advocate shall have the following rights and powers:

(1) To communicate privately, by mail or orally, with any child and with each child's parent, guardian, or legal custodian;

(2) To have access to all records and files of DFCS concerning or relating to a child, and to have access, including the right to inspect, copy, and subpoena records held by clerks of the various courts, law enforcement agencies, service providers, including medical and mental health, and institutions, public or private, with whom a particular child has been either voluntarily or otherwise placed for care or from whom the child has received treatment within this state. To the extent any such information provides the names and addresses of individuals who are the subject of any confidential proceeding or statutory confidentiality provisions, such names and addresses or related information that has the effect of identifying such individuals shall not be released to the public without the consent of such individuals. The Office of the Child Advocate for the Protection of Children shall be bound by all confidentiality safeguards provided in Code Sections 49-5-40 and 49-5-44. Anyone wishing to obtain records held by the Office of the Child Advocate shall petition the original agency of record where such records exist;

(3) To enter and inspect any and all institutions, facilities, and residences, public and private, where a child has been placed by a court or DFCS and is currently residing. Upon entering such a place, the advocate shall notify the administrator or, in the absence of the administrator, the person in charge of the facility, before speaking to any children. After notifying the administrator or the person in charge of the facility, the advocate may communicate privately and confidentially with children in the facility, individually or in groups, or the advocate may inspect the physical plant. To the extent possible, entry and investigation provided by this Code section shall be conducted in a manner which will not significantly disrupt the provision of services to children;

(4) To apply to the Governor to bring legal action in the nature of a writ of mandamus or application for injunction pursuant to Code Section 45-15-18 to require an agency to take or refrain from taking any action required or prohibited by law involving the protection of children;

(5) To apply for and accept grants, gifts, and bequests of funds from other states, federal and interstate agencies, independent authorities, private firms, individuals, and foundations for the purpose of carrying out the lawful responsibilities of the Office of the Child Advocate for the Protection of Children;

(6) When less formal means of resolution do not achieve appropriate results, to pursue remedies provided by this article on behalf of children for the purpose of effectively carrying out the provisions of this article; and

(7) To engage in programs of public education and legislative advocacy concerning the needs of children requiring the intervention, protection, and supervision of courts and state and county agencies.

(b) (1) Upon issuance by the advocate of a subpoena in accordance with this article for law enforcement investigative records concerning an ongoing investigation, the subpoenaed party may move a court with appropriate jurisdiction to quash such subpoena.

(2) The court shall order a hearing on the motion to quash within five days of the filing of the motion to quash, and the hearing may be continued for good cause shown by any party or by the court on its own motion. Subject to any right to an open hearing in contempt proceedings, such hearing shall be closed to the extent necessary to prevent disclosure of the identity of a

confidential source; disclosure of confidential investigative or prosecution material which would endanger the life or physical safety of any person or persons; or disclosure of the existence of confidential surveillance, investigation, or grand jury materials or testimony in an ongoing criminal investigation or prosecution. Records, motions, and orders relating to a motion to quash shall be kept sealed by the court to the extent and for the time necessary to prevent public disclosure of such matters, materials, evidence, or testimony.

(c) The court shall, at or before the time specified in the subpoena for compliance therewith, enter an order:

- (1) Enforcing the subpoena as issued;
- (2) Quashing or modifying the subpoena if it is unreasonable and oppressive; or
- (3) Conditioning enforcement of the subpoena on the advocate maintaining confidential any evidence, testimony, or other information obtained from law enforcement or prosecution sources pursuant to the subpoena until the time the criminal investigation and prosecution are concluded. Unless otherwise ordered by the court, an investigation or prosecution shall be deemed to be concluded when the information becomes subject to public inspection pursuant to Code Section 50-18-72. The court shall include in its order written findings of fact and conclusions of law.

15-11-745

(a) No person shall discriminate or retaliate in any manner against any child, parent, guardian, or legal custodian of a child, employee of a facility, agency, institution or other type of provider, or any other person because of the making of a complaint or providing of information in good faith to the advocate or willfully interfere with the advocate in the performance of his or her official duties.

(b) Any person violating subsection (a) of this Code section shall be guilty of a misdemeanor.

15-11-746

The advocate shall be authorized to request an investigation by the Georgia Bureau of Investigation of any complaint of criminal misconduct involving a child.

15-11-747

(a) There is established a Child Advocate Advisory Committee. The advisory committee shall consist of:

- (1) One representative of a not for profit children's agency appointed by the Governor;
- (2) One representative of a for profit children's agency appointed by the Lieutenant Governor;
- (3) One pediatrician appointed by the Speaker of the House of Representatives;
- (4) One social worker with experience and knowledge of child protective services who is not employed by the state appointed by the Governor;
- (5) One psychologist appointed by the Lieutenant Governor;
- (6) One attorney from the Children and the Courts Committee of the State Bar of Georgia appointed by the Speaker of the House of Representatives; and
- (7) One juvenile court judge appointed by the Chief Justice of the Supreme Court.

Each member of the advisory committee shall serve a two-year term and until the appointment and qualification of such member's successor. Appointments to fill vacancies in such offices shall be filled in the same manner as the original appointment.

(b) The advisory committee shall meet a minimum of three times a year with the advocate and his or her staff to review and assess the following:

- (1) Patterns of treatment and service for children;
- (2) Policy implications; and
- (3) Necessary systemic improvements.

The advisory committee shall also provide for an annual evaluation of the effectiveness of the Office of the Child Advocate for the Protection of Children.