

Office of the Child Advocate Advisory Committee, Annual Report (2004–
2005), online at [http://www.georgia.gov/vgn/images/portal/cit_1210/
31/23/102387685OCA%20Effectiveness%20Report%202004-2005.doc](http://www.georgia.gov/vgn/images/portal/cit_1210/31/23/102387685OCA%20Effectiveness%20Report%202004-2005.doc)

**OFFICE OF THE CHILD ADVOCATE
Advisory Committee**

September 6, 2006

The Honorable Sonny Perdue
Governor of Georgia
203 State Capitol
Atlanta, Georgia 30334

Dear Governor Perdue:

I am pleased to enclose the fourth annual Effectiveness Report prepared by the Office of the Child Advocate Advisory Committee. This Report reviews the period from July 1, 2004 to June 30, 2005.

Respectfully Submitted,



Ellen D. Williams

Chairperson

cc: Lieutenant Governor Mark Taylor
Speaker of the House Glenn Richardson
Members of the General Assembly

Office of the Child Advocate Advisory Committee

Annual Effectiveness Report

2004-2005

Office of the Child Advocate

Advisory Committee

O.C.G.A. ' 15-11-177 provides for a Child Advocate Advisory Committee.¹ Members serve two-year terms and until the appointment and qualification of such member's successor.

Members of the Advisory Committee are as follows:

Ellen D. Williams, J.D.

Chair, Attorney, appointee of former Speaker of the House of Representatives, Terry Coleman

Dr. John Adams, Ph.D.

Psychologist, appointee of Lieutenant Governor Mark Taylor

The Honorable Tracy Graham, Clayton County

Juvenile Court Judge, appointee of Chief Justice Norman Fletcher of the Supreme Court of Georgia

Laura Eubanks, L.C.S.W.

Social Worker, Children's Healthcare of Atlanta, appointee of Governor Sonny Perdue

Joy Maxey, M.D.

Pediatrician, appointee of former Speaker of the House of Representatives, Terry Coleman

Alma Noble, Ph.D.

Director, Baby World Daycare Center, Appointee of Lieutenant Governor Mark Taylor as a representative of a for-profit children's agency

Kathy O'Neal

Family Connection, appointee of Governor Sonny Perdue as a representative of a non-profit children's agency

¹ The Child Advocate Advisory Committee consists of a representative of a non-profit children's agency appointed by the Governor; one representative of a for-profit children's agency appointed by the President of the Senate; one pediatrician appointed by the Speaker of the House of Representatives; one social worker with experience and knowledge of child protective services who is not employed by the state appointed by the Governor; one psychologist appointed by the President of the Senate; one attorney appointed by the Speaker of the House of Representatives from the Children and Courts Committee of the State Bar of Georgia; and one juvenile court judge appointed by the Chief Justice of the Supreme Court of Georgia.

OFFICE OF THE CHILD ADVOCATE ADVISORY COMMITTEE
EVALUATION OF THE EFFECTIVENESS OF THE
OFFICE OF THE CHILD ADVOCATE

O.C.G.A. ' 15-11-177 states that the Office of the Child Advocate Advisory Committee shall provide for an annual evaluation of the effectiveness of the Office of the Child Advocate for the Protection of Children. This report is intended to fulfill that mandate. It is the fourth such annual report and covers the period of July 1, 2004 through June 30, 2005.

O.C.G.A. ' 15-11-177 also provides that the Advisory Committee shall meet with the Advocate and her staff at a minimum of three times per year to review and assess the following:

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

In accordance with its responsibilities, the Advisory Committee met with the Advocate and her staff on four occasions during the 2004-2005 reporting period. During each of these meetings, the Advocate and members of her staff were thoroughly prepared and engaged the Advisory Committee in discussion of the aforementioned subject areas. Moreover, at all times, the Advocate and her staff kept the Advisory Committee apprised of its work, activities, and recommendations, while seeking the Committee's guidance and wisdom on questions and issues of importance to our child protection system.

The Office of Child Advocate (hereinafter referred to as OCA) may appropriately take credit for numerous accomplishments during the reporting period. In accordance with its statutory mission, OCA undertook numerous activities described herein to promote the enhancement of the State's child protective services system to ensure that our children are secure and free from abuse and neglect.

The Office of the Child Advocate was established as an autonomous state agency by passage of House Bill 1422 in the 2000 session of the Georgia General Assembly. The mission of the

Office of the Child Advocate is to oversee the protection and care of children in Georgia and to advocate for their well-being. In furtherance of this mission, OCA seeks to promote the enhancement of the State's existing child protective services system to ensure that our children are secure and free from abuse and neglect. OCA does so through the operation of three programs: Investigation; Advocacy; and Education.

INVESTIGATIONS

OCA is statutorily mandated to investigate and seek resolution of complaints it receives on behalf of children. During 2004-2005, based upon the historical average closure of over 70% of complaints reviewed showing no concerns, the OCA divided its responses to complaints into three separate categories for statistical review: full investigations; investigative monitoring; and, assistance and referral. Two hundred seventy cases were opened for full investigation in this reporting period; another 254 were received from the Governor's Office of Constituent Services for investigative monitoring and of those 254, 24 were opened for full investigation based upon the Department of Human Resource's handling of the Governor's Office of Constituent Services referral. OCA carefully tracks the nature and severity of the concerns it identifies in particular cases. It is these concerns that serve as a basis for identification of appropriate policy and legislative advocacy efforts, as detailed below. While the Advisory Committee acknowledges the limited powers granted to OCA in its enabling legislation, the Committee is proud to report that the Advocate aggressively seeks opportunities to promote positive reform and outcomes for children, both in individual cases and at a systemic level, within the authority it possesses.

The Committee would like to commend the OCA in this regard in two cases in particular. The first involved a child from Middle Georgia who was brought into foster care upon a worker's indication that the mother was not following her safety plan requiring assessment and treatment for the child who was a victim of sexual abuse. Contacts made by OCA with the treating medical provider confirmed that the mother had indeed followed all recommendations of the provider and safety plan. OCA furnished this information to the Court at the 72 hour hearing and the child was returned to his mother that day.

Secondly, in a Northeast Georgia case, a 3 year-old child had been placed in a group home for medically fragile children for most of his young life, at great expense to the State and taxpayers. However, OCA's investigation into this child's circumstances and interviews with his medical providers clearly indicated that he was sufficiently medically stable to be placed in a more family-like setting and in fact would make greater strides in a home with a real family. In this case, no one from the Department of Family and Children Services had ever contacted the physician coordinating the child's treatment for progress reports. They relied solely on information provided by the group home. Because of OCA's investigation and intervention, this little boy has since been adopted and is now thriving with his permanent family.

Additionally, OCA noted 39 assistance and referral cases (a new category not previously specifically tracked) during the reporting periods. In addition to its investigative response to the complaints it received, OCA continued an intense effort to more fully assess county DFCS operations. In this regard, OCA undertook five audits of selected county DFCS operations in the reporting period. These included Spalding, Cobb, Polk, Fulton, and Bibb counties. The audits were exhaustive in scale and scope, and included review of selected child protective services and foster care placement cases. In addition, OCA conducted numerous stakeholder interviews with DFCS' collaborative partners in the audited counties in order to more fully assess DFCS performance in its service to children and families. The Advocate and her staff are to be commended for continuing such intensive efforts to assess and improve the performance of county DFCS operations with the same amount of limited resources as in previous reporting periods.

ADVOCACY

OCA is also statutorily mandated to advocate for necessary policy and legislative reforms to better protect our children. In this area, OCA appropriately advocated for a number of important reforms during the reporting period, including passage of House Bill 195 requiring juvenile courts to hear termination of parental rights cases within 90 days of the petition and to render a decision within 30 days of the conclusion of the hearing; House Bill 212 requiring pre-appointment training for Guardian Ad Litem; and House Bill 272 creating the Foster Child Education Grant providing funding to older foster and adoptive children to complete their post-

secondary education. OCA should be very proud of their legislative successes. OCA played a valuable role in the passage of these legislative reforms by assisting in their drafting, providing extensive advocacy during the legislative process, and organizing necessary witness testimony.

OCA also continues to operate its Victim Advocacy Program with funds from a federal Victims of Crime (AVOCA®) grant through the Criminal Justice Coordinating Council. The Victim Advocate assists children who are simultaneously involved with the child welfare and law enforcement systems in accessing victim compensation funds and other services necessary to reduce their trauma. OCA is to be commended for seeking alternative funding sources to fill this critical need for our child victims of crime.

Finally, OCA continues to encourage policy changes within DFCS which are in the best interest of the children, such as: requiring case managers of medically fragile children to maintain quarterly contact with the child's doctor to properly address the child's needs and placement; speeding up cross-country home evaluations allowing faster placement of children with suitable relatives; and encouraging individual county DFCS offices into telling their foster children who reach age 18 the benefits of Assigning themselves® back into care allowing these children to achieve better life outcomes as adults.

EDUCATION

Finally, OCA is charged with promoting a more properly trained workforce that responds to child abuse and neglect that is essential to ensure protection for our children. OCA has proven itself a leader in training and education for all those serving abused and neglected children, not only DFCS. In this regard, OCA maintains a leadership role in the training of the multi-disciplinary teams that investigate allegations of abuse and neglect as well as those who work with our children, both within and outside of DFCS, once they enter foster care. Two initiatives stand out and warrant special recognition.

Perhaps the most significant of these training endeavors is the annual Guardian Ad Litem training seminar sponsored by OCA. Guardians Ad Litem (GALs) are charged with representing our children's best interests in court and must present adequate information to the court so that sound decisions can be made about our children's safety and futures.

The importance of this training seminar cannot be overstated. OCA should take credit for driving this effort in response to its own investigations that revealed that GALs often do not meet the child or other interested parties before court. Effective advocacy requires adequate preparation and OCA should be proud of its training efforts to enhance the representation of Georgia's children. More than 100 GALs participated in the most recent OCA training and the evaluations from participants overwhelmingly affirmed the need for more training. Georgia should be proud that OCA is leading the way toward raising the bar on child representation in this state.

TRAINING

To further address the urgent need for more training, OCA has led the way in bringing the nationally recognized multi-disciplinary forensic interviewing course, *Finding Words*, to Georgia. Because of great demand and waiting lists for this course, a competitive application process was created by the National Center for the Prosecution of Child Abuse and Corner House Children's Advocacy Center. OCA was one of only six states chosen and the first class of *Finding Words Georgia* was held in January 2003. To date, *Finding Words Georgia* has trained teams representing 82 counties. OCA should be commended for its selection among the many applicants to address the need for more consistency in the investigation and prosecution of child abuse and for its aggressive training schedule in offering the course to as many participants as possible. Child victims across the state will be far better served by the multi-disciplinary teams made possible by OCA.

New this reporting period is the First Lady's Children's Cabinet of which OCA is a proud member. As a member of the Cabinet, OCA assists in the stated mission to stem abuse and neglect, promote foster care and adoption, and raise public awareness of children's issues in general. The Cabinet made a mandated reporter video which was distributed to schools to train their employees.

PERFORMANCE OF DUTIES BY THE CHILD ADVOCATE

All members of the Office of the Child Advocate Advisory Committee have read, reviewed, and incorporate OCA's 2004-2005 Annual Report by reference as accurate.

O.C.G.A. ' 15-11-173 charges the Advocate with the following duties:

1. *Identify, receive, investigate, and seek 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 contractor or agent thereof that may adversely affect the health, safety, or welfare, of children.*

OCA initiated investigative services on 563 cases from across the state involving abused and neglected children in the reporting period. In appropriate cases, OCA sought to achieve improved outcomes for children and families through additional intervention.

OCA possesses many of the same powers shared by its counterparts in other states. Notable however, OCA does not have the authority to provide representation to children in juvenile court deprivation proceedings or to initiate litigation when deemed absolutely necessary and when all other means of conflict resolution have failed. The Advisory Committee urges our lawmakers to consider providing the Office with additional tools so as to give more weight to its recommendations.

2. *Refer complaints involving abused children to appropriate regulatory and law enforcement agencies.*

OCA made such referrals, where appropriate, to regulatory and law enforcement agencies at all times the need was apparent.

3. *Report the death of any child to the chairperson of the child fatality review subcommittee of the county in which such child resided at the time of his 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 provide such subcommittee access to any records of the advocate relating to such child.

Since its inception, OCA has reported all child deaths to the child fatality review subcommittee of the county in which each child resided at the time of his death, unless the advocate had certain knowledge that such death had already been reported to the child fatality review subcommittee by the county medical examiner or coroner. In cases where OCA maintained records relating to deceased children, those records were made accessible to the appropriate chairperson of the local county child fatality review subcommittee.

In addition, the Child Advocate participated in quarterly meetings with the Georgia Child Fatality Review Panel to contribute to evaluating and enhancing the current fatality review system.

4. *Provide periodic reports on the work of the Office of Child Advocate for the Protection of Children, including, but not limited to an annual report for the Governor and 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.*

In accordance with its statutory responsibility, OCA issued its 2004-2005 Annual Report covering the period from July 1, 2004 to June 30, 2005. This report was disseminated to the Governor, the Lieutenant Governor, all members of the General Assembly, and various persons, agencies, and organizations involved in the protection of children.

5. *Establish policies and procedures necessary for the Office of Child Advocate for the Protection of Children to accomplish the purposes of this article including without limitation providing the division with a form of notice of availability of the Office of Child Advocate for the Protection of Children. Such notice shall be posted prominently, by the division, in division offices and 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 that office.

The Advisory Committee has reviewed OCA policies and procedures. Through their use and as modified and updated periodically by the Advocate, timely investigations, resolution of referrals, issuance of recommendations, and tracking of complaints is achieved.

OCA, upon its creation, issued a notification letter of availability to the Division of Family and Children Services, including all 159 local DFCS' County Directors, as well as all facilities receiving public moneys for the care and placement of children. Such notices included contact information for OCA and described procedures for initiating referrals.

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.*

OCA has done an exemplary job of convening and attending regular meetings with stakeholders in the area of child protection. Indeed, OCA has sought out these opportunities, encouraged and facilitated them, and fostered greater cooperation and collaboration between the agencies and organizations providing care and services to children.

CONCLUSION

The Office of Child Advocate, now entering its sixth year of operation, continues to mature and now enjoys statewide and national regard as being on the forefront of positive change for our children. While much remains to be done, major contributions have been noted in investigations, advocacy, and training/education. Further collaboration with state officials and agencies, individuals, and organizations will strengthen OCA's role and success.

However, the Advisory Committee continues to believe that while the Office of the Child Advocate has been extremely effective given its limited statutory scope of power, it could be even more effective in securing the safety of Georgia's children were the scope of the office to be expanded with greater powers to remedy errant situations.

The Committee looks forward to continuing its work in support of the Child Advocate and staff to improve the lives of Georgia's children.

Respectfully Submitted,

Office of the Child Advocate for the Protection of Children
Advisory Committee