

OFFICE OF THE CHILD ADVOCATE
Advisory Committee

July 14, 2003

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

Dear Governor Perdue:

I am pleased to enclose the second annual Effectiveness Report prepared by the Office of the Child Advocate Advisory Committee. This Report reviews the period from January 1, 2002 to December 31, 2002.

Respectfully Submitted,

Allyson W. Anderson
Former Chair

cc: Lieutenant Governor Mark Taylor
Speaker Terry Coleman
Members of the General Assembly

Office of the Child Advocate Advisory Committee

Annual Effectiveness Report

2002

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:

Allyson W. Anderson, J.D.²

Director of Advocacy, Georgia CASA

Former Chair, appointee of former Governor Barnes as a representative of a non-profit children's agency

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

Susan Krysalka

Social Worker, appointee of former Governor Barnes

Joy Maxey, M.D.

Pediatrician, appointee of former Speaker of the House of Representatives, Thomas B. Murphy

Alma Noble, Ph.D.

Appointee of Lieutenant Governor Mark Taylor as a representative of a for-profit children's agency

J. Branson Parker, J.D.

Attorney, appointee of former Speaker of the House of Representatives, Thomas B. Murphy

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.

² Ms. Anderson resigned from the Advisory Committee effective January 31, 2003 and joined OCA on February 1, 2003 as Director of Policy and Evaluation. For the 2002 period covered by this Report, she was Director of Advocacy for Georgia CASA.

**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 second such annual report and covers the 2002 calendar year.

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 2002 (February 19, May 17, August 23, and November 15, 2002). During each of these occasions, the Advocate and 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.

The Office of Child Advocate (hereinafter referred to as OCA) may appropriately take credit for numerous accomplishments in 2002. 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.

During 2002, OCA opened 547 cases for investigation in 2002 in response to the continued high volume of referrals it received. As the Advocate pointed out in her own 2002 Annual Report, common problematic themes emerged again and relate to high caseload sizes, poor training, lack of best social work practices, and inconsistent application of existing policies. The Advocate and her staff are to be commended for the high quality of work they completed with limited resources.

As previously mentioned, poor training continues to plague the Division of Family and Children Services. Specialized training of all those working in child protection is necessary in order to promote a competent and professional workforce. OCA, on its own initiative, participated in more than twenty training conferences and collaborative efforts throughout the year in order to address the system's education needs.

Perhaps the most significant of these training endeavors was the first-ever 2002 Guardian Ad Litem training seminar sponsored by OCA. Guardians Ad Litem (GALs) are charged

with representing our children's best interests 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 150 GALs participated in the OCA training and the evaluations from participants overwhelmingly affirmed the need for more training. The Committee is impressed that when participants were asked what action they would take upon leaving the conference, the most common response was that GALs would incorporate the information learned into their daily practice. Georgia should be proud of this successful first ever statewide initiative to improve the representation of its children.

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 CornerHouse 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. Four more classes will be offered in 2003. 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.

Nevertheless, the Committee is concerned that the Office may lose precious ground in fulfilling its numerous statutory mandates. In part, this reflects the breadth of the scope of duties conferred upon the Office. It also reflects the necessary time-intensive response to individual situations and cases. The Committee is concerned that future budget cuts will compromise the ability of the Office to maintain the staff necessary to fulfill its mandates for timely and thorough investigation on our children's behalf in a first-rate manner.

The Committee also believes that for the Office to be truly effective, it must possess the authority to compel change when it finds children to be at risk and when change is not forthcoming. OCA, by statute, lacks the ability to initiate litigation on behalf of children. Such authority is widely considered by other states' Child Advocates as crucial to effecting meaningful change for children.

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 2002 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.*

In 2002, OCA initiated investigation of 547 complaints from across the state involving abused and neglected children. As highlighted in its Annual Report, the concerns identified by OCA most often cited include poor case management, a deficiency in mental health resources for children, a lack of appropriate placements for children, a lack of emphasis on the medical and dental health needs of our children, and poor practice among attorney GALs and the Special Assistant Attorneys General who represent DFCS in court.

A small sample of corrective actions taken in response to OCA investigations include:

- Removal of an infant from his home following the critical injury to his sibling caused by his mother who has since been convicted for cruelty to children.
 - Closure of a foster home for overcrowding and abusive treatment of foster children.
 - Enhanced nursing services for a medically fragile child so that she could remain with her current foster parents who wished to adopt her.
 - Hiring of a Guardian Ad Litem on behalf of a child when the court would not appoint one to ensure that the best interests of the child were protected.
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.

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 2002 Annual Report covering the period from January 1, 2002 to December 31, 2002. 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 the policies and procedures of OCA. Through the use of these methods and operating procedures 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 establishment, 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. OCA currently

serves on nine committees involving various aspects of our child protective services system.

- The most successful of these collaborations has resulted in OCA, in partnership with DFCS and the Children's Advocacy Centers of Georgia, being selected as one of only six states chosen to implement the aforementioned *Finding Words* initiative. OCA is to be recognized for bringing this nationally acclaimed initiative to Georgia to enhance the successful investigation and prosecution of child abuse cases.

Conclusion

The second year for the Office of Child Advocate has been an exciting and challenging one, with the Office maturing and gaining 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, training and education, agency monitoring, and advocacy. Further collaboration with state officials and agencies, individuals, and organizations will strengthen the role and function of OCA.

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