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FINAL REPORT OF THE SENATE CHILD PROTECTION STUDY COMMITTEE

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INTRODUCTION

The Senate Child Protection Study Committee (the “Committee”) was created by Senate Resolution 973 during the 2014 Legislative Session. The Committee was charged with undertaking a study of the conditions, needs, issues, and problems related to the safety and welfare of Georgia’s children.

Senator Horacena Tate of the 38th chaired the Committee. Senator Charlie Bethel of the 54th, Senator Gloria Butler of the 55th, Senator Fran Millar of the 40th, Senator Ronald Ramsey of the 43rd, and Senator Renee Unterman of the 45th served as Committee members. The Committee met publicly three times at the State Capitol in Atlanta. Committee hearings were held on July 29, 2014, August 19, 2014, and September 22, 2014.

The Committee hosted Georgia Division of Family and Children Services (“DFCS”) then-Interim Director Bobby Cagle and Office of the Child Advocate (“OCA”) Director Ashley Wilcox during its first meeting. Both Cagle and Wilcox provided information about current guidelines and processes related to child welfare. The second Committee meeting focused on child protective services workforce education, training, compensation, and retention. The Georgia Chapter of the National Association of Social Workers (NASWGA) and the Child Protective Services (CPS) Advisory Committee submitted testimony during this meeting.

During the third Committee meeting, two juvenile court judges spoke to the Committee about judicial oversight of the child welfare system. The Honorable Bradley J. Boyd, Chief Juvenile Court Judge of the Atlanta Circuit, and the Honorable Gerald Bruce, Juvenile Court Judge of the Enotah Circuit, explained how cases reach juvenile court and the role the courts play in dependency cases. Additionally, Leslie Roberts spoke to the Committee about her experience and observations as a foster parent in Fulton County.

BACKGROUND

Prompted by recent perceived inadequacies in the child welfare system, the Committee was convened to review the efficacy of Georgia's system. Publicized accounts demonstrated the inadequacies and failure of the child welfare system. One prominent case involved deficiencies in the DeKalb and Fulton County foster care systems that violated federal and state constitutional and statutory law: a 2002 class action lawsuit filed on behalf of the children in those counties' foster care systems resulted in a 2005 consent decree ordering the State to meet specified outcomes. The Kenny A. vs. Sonny Perdue Consent Decree ordered the State to attain and sustain a number of outcomes related to:

1. Planning for permanency;
2. The placement of children;
3. Health services to children;
4. A single statewide automated child welfare information system;
5. DFCS caseloads;
6. Supervision of contract agencies;
7. Training of case managers and workers;
8. Foster parent screening, licensing, and training;
9. Abuse in care investigation;
10. Immediate corrective actions; and
11. Maximization of federal funding.¹

Of the original 31 outcomes contained in the consent decree, two were one-time measures, which were met; five other measures were modified by agreement of the parties. Performance, as related to the outcome measures, is measured every six months by court-appointed monitors. Over the last seven reporting periods, 14 of the 29 remaining outcomes have been consistently met. During the same time period, six of the outcome measures came into substantial compliance, meaning the outcome came within 10 percent of the prescribed goal.

Lawsuits similar to Kenny A. seeking to prompt child welfare reform are common among a number of states. The National Center for Youth Law tracks foster care litigation around the country, and more than half of the states have experienced litigation alleging inadequacies in their foster care and child welfare systems.²

OVERVIEW OF CURRENT PROCESS

Reports of abuse and neglect are received in a call center by individuals dialing 1-855-GA-CHILD, by mandated reporters emailing or faxing DFCS, or in person. The higher volume of reports come from law enforcement, school system employees, and mandated reporters, mostly through electronic reporting methods. Once a report of abuse or neglect is received by DFCS, it may be screened out, investigated, or referred for family support services.

A report will be screened out if there is not enough information to establish maltreatment or if the facts do not meet the statutory definition of maltreatment. Some reports may be screened out but also referred to outside services; in these cases, the report does not meet statutory and policy requirements for DFCS involvement, but concerns remain that the family has unmet needs that are unrelated to safety. Families may be referred to community resources that can

¹ <https://dfcs.dhs.georgia.gov/kenny-vs-sonny-perdue-consent-decree> (follow "Related Files: Consent Decree" hyperlink).

² http://www.youthlaw.org/publications/fc_docket/geo/

provide needed support. Regardless of whether a screen out involves additional referral, a third-level review process provides extra layers of attention on screened out reports by requiring each screened out decision to be reviewed by a supervisor and an administrator.

When reports allege abuse or neglect, but both the risk to the child and the needs of the family are low, DFCS may refer the allegation to family support services. Caseworkers are legally required to respond to these referrals within five days, although a shorter response time may be prescribed by the call center or referring county. Within the response period, the case manager gathers information to determine how the family functions, which will in turn allow the case manager to determine the existence of present or impending danger, or of the urgency of a need to intervene. The case manager's assessment could result in connecting family members with community resources to address any problems or in an abuse or neglect investigation.

If a report establishes the potential of child maltreatment and the child appears to be unsafe in his or her current situation, the report is referred to a caseworker for response within 24 hours. The caseworker reviews history, interviews and examines the child alone, interviews parents outside the presence of the child, and contacts collateral sources to assess family functioning. The caseworker determines whether maltreatment exists by evaluating the extent of maltreatment, the nature of maltreatment, the functioning of the child and parents, and parenting abilities and discipline practices. Investigation findings address the reported maltreatment and address the current situation. Reported maltreatment may be substantiated or unsubstantiated based on a preponderance of evidence standards. In addressing the current situation, the caseworker may find the child to be safe or unsafe. Cases resulting from investigations may lead to family preservation or foster care. In cases of family preservation, the likelihood of repeating is low, and DFCS develops a safety plan to address identified concerns. If the child's safety in the home cannot be assured, DFCS petitions the court to place the child in foster care, wherein the case manager will work with the family to ensure the home's safety. If a child cannot be returned to his or her family, a permanent option will be determined by the court.

Another government agency, the OCA, has jurisdiction over allegations of child abuse and neglect, as well as cases with DFCS involvement in the last five years. One centralized intake separates assistance cases from cases that meet criteria to be investigated by an OCA investigator. OCA can direct a referral to community resources if it lacks jurisdiction. Between 300-350 referrals are received annually by OCA, and in eight instances out of ten, the case lacks a violation of policy or law. The majority of OCA's referrals come from relatives who are unhappy with a child's status.

JUDICIAL OVERSIGHT

As noted by Senator Bethel and affirmed by Judge Bruce during the Committee's third meeting, juvenile court is, at its heart, an accountability court. The juvenile court and judges try to build capacity and help people, almost like a family accountability court. Ultimately, one of the goals of juvenile court is reunification in the most stable, therapeutic method possible.

In general, the juvenile court receives the cases at their last stages of intervention; the court will examine a case's process preceding court involvement and determines whether any other action, be it removal or other relief, is available. Juvenile court judges consider the value of removing a child or reunifying a child with guardians, and consider the trauma to a child removed from his or her home, thus creating a further therapeutic or treatment need in the future. While the safety of a child is improved upon removal, foster care situations cannot

guarantee stability. Judges balance these factors, among many others, in considering the proper disposition of a child protection case.

When questioned about best practices used in other states that could work in Georgia, the judges pointed to the current Georgia Court Improvement Initiative, administered by the Georgia Administrative Office of the Courts through the Committee on Justice for Children. Part of a national “effort to improve how courts handle child abuse and neglect cases, . . . [t]he project works with juvenile judges to bring together court staff, DFCS, and other related agencies to improve court procedures and implement best practices. It offers training, referrals to other programs, and hands-on assistance.”³ Currently, 26 Georgia counties participate in the Georgia Court Improvement Initiative, and the judges testified that the checklist of best practices developed by the Initiative covers about 75 percent of the kids in the juvenile system.

CURRENT DFCS CASELOAD

Then-Interim Director Cagle stressed the importance of community awareness of child abuse and neglect, as DFCS involvement depends largely on reports from outside entities, such as law enforcement, school personnel, concerned family, and community members. Recent legislative and policy actions seek to improve community awareness. Effective July 2012, Georgia’s mandated reporter law expanded the number of people required to report suspicions of abuse and neglect.⁴ The launch of a 24-hour reporting line in 2013 helped streamline the method of making reports.

The CPS intakes received by DFCS from March 2013 to June 2014 illustrate a near doubling from June 2013 to June 2014, as well as a general increase in CPS intakes since the opening of the 24-hour call center. Tracking alongside the upward trend in CPS intakes over the past year is the growth in opened DFCS cases from June 2013 to June 2014: in June 2014, DFCS opened 63 percent more cases than in June 2013.

Of the fifteen DFCS regions around Georgia, the three counties with the largest caseload in June 2014 were:

- Region 15, comprised of Cobb and Gwinnett counties, accounting for 13.8 percent of the state’s open cases;
- Region 14, comprised of Fulton and DeKalb counties, accounting for 13.1 percent of the state’s open cases; and
- Region 3, comprised of Bartow, Floyd, Cherokee, Douglas, Haralson, Paulding, and Polk counties, accounting for 10.2 percent of the state’s open cases.

DFCS investigations should last no longer than 45 days pursuant to policy, and investigations taking longer than this time are considered overdue. Since the June 24, 2014 institution of mandatory paid overtime, the agency saw a 38 percent reduction in overdue investigations (as of July 25, 2014).⁵ In an effort to improve the load of overdue investigations, multiple weekly calls between regions and counties seek to pinpoint area-specific issues. Counties managing caseloads well are sending teams to heavier-loaded regions to help lower caseloads.

³ http://w2.georgiacourts.org/cj4c/index.php?option=com_content&view=article&id=57&Itemid=64

⁴ 2012 Ga. Laws 899, § 5-1.

⁵ Press Release, DFCS, Cagle Calls for Mandatory Overtime to Address Overdue Investigations (June 24, 2014), available at <https://dfcs.dhs.georgia.gov/press-releases/2014-06-27/cagle-calls-mandatory-overtime-address-overdue-investigations>.

Governor Deal set a goal of 15 cases per case manager by 2017, but almost every region exceeds that caseload.⁶ Statewide, the average social services caseworker was involved with 21.83 Georgia families, based on June 2014 data, with some regions averaging as high as 40 cases per caseworker. Then-Interim Director Cagle posited that working with just 15 cases will stretch a caseworker thin.

As part of the three-year plan to increase staffing of child welfare cases to move average caseload sizes closer to 15 cases per worker statewide, 175 new CPS positions were appropriated in the Fiscal Year (FY) 2015 State budget. An additional 175 positions are planned for inclusion in the FY16 budget, and 174 are planned for addition in the FY17 budget.

After the centralized call center came on-line in 2013 and intakes increased, Governor Deal pledged to add 103 CPS workers each year, in addition to the annual 175 positions.⁷ Therefore, the amended budget for FY15 will include appropriations for 103 additional workers, as will the FY16 and FY17 budgets, bringing the total of new CPS workers over three years to 833.

Judge Bruce cited the availability of qualified DFCS workers as one area for possible improvement. In more rural areas of the state, individual job stress for caseworkers covering more counties is high. Inappropriate role-sharing is commonplace when caseworkers are stretched thin. Judge Bruce posited that even just sitting in court, awaiting for a child's case to be called, is likely not the best use of a caseworker's time. Additionally, transportation to the court itself might take hours each way in larger districts, taking even more time away from caseworkers.

This sentiment was echoed by Leslie Roberts, a foster parent in Fulton County. In caring for her two foster children, who are brothers, she found that the children fell through the cracks each time the parents moved, as there was no system tracking the mother's cases in different counties. The biological parents of her foster children kept "escaping" the system. Caring for her children, who have behavioral problems, is difficult for Ms. Roberts, as resources are not available statewide, citywide, or countywide. She relies upon the Fulton County justice system, such as the court and the jail, to attain services for her foster children. Ms. Roberts suggested that DFCS create a dossier that includes the available resources in a foster parent's neighborhood in order to ease the burden of seeking out specific treatment resources for each child.

EDUCATION, TRAINING, AND RETENTION

Invited to testify during the Committee's second meeting, the Georgia Chapter of the National Association of Social Workers (NASW) spoke on child protection workers' education. As a nationwide organization, NASW believes that education, training, and workforce standards are needed to encourage highly skilled professionals to work in programs, such as child protection agencies, that promote the safety and well-being of children and promote family self-sufficiency and family stability.

⁶ Press Release, Office of the Governor, Governor Approves Hire of 100 New Child Protective Service Workers (July 16, 2014), available at <http://gov.georgia.gov/press-releases/2014-07-16/governor-approves-hire-100-new-child-protective-service-workers>.

⁷ *Id.*

Education and Recruitment

According to Alberta Ellett, Ph.D., University of Georgia School of Social Work, what constitutes the best or optimal education and training for child protection workers has been an ongoing conversation for decades. There is value in having professionally educated social workers in child welfare, as research shows that professional commitment drives employee retention. In Georgia, approximately 20 percent of child welfare workers are professional social workers with bachelor's or master's degrees in social work (BSW and MSW, respectively). Importantly, permanence is more likely achieved if staff have BSW or MSW degrees.⁸ Many states have found that partnerships with universities in professionally educating child welfare workers help retention efforts.

University-agency training partnerships are available under the Title IV-E child welfare training program, which was created as part of the Child Welfare and Adoption Assistance Act of 1980.⁹ These partnerships were “developed to ensure that students graduating with degrees in social work were thoroughly prepared for the rigors of child welfare practice.”¹⁰ In a number of states, variances were granted to pursue these types of programs to combat high CPS worker turnover. In Georgia, the partnership targeted students pursuing a BSW or MSW by paying for their tuition and school needs, then later requiring a work commitment equal in duration to the time spent in school under the partnership. Often, these students worked in the field as interns with DFCS before graduation, further enhancing their education and training. Georgia received funding until 2011, when the federal government required more stringent standards for Title IV-E fund use in the university-agency partnership programs.

Just prior to the Committee's second meeting in August, NASWGA released its recommendation for recruiting qualified child protection workers. Minimum education levels should be included in child protection staffing standards, according to NASWGA: at minimum, a BSW should be required for front-line workers; and an MSW and experience, or clinical social work (CSW), for supervisors. The practical experience includes giving advice or direction to new workers and engaging with the community or family. Higher levels of education should accompany child welfare positions with higher levels of responsibility.

However, education standards for the child protection workers will only go so far; enhanced education and resources should reach other professions working with these children, such as lawyers, police, physicians, and nurses. These professionals can be more efficient within child protective services if they are able to recognize and assess child abuse and neglect.

Training

Caseworkers go through a four- to six-week training program before they can go out into the field, and once the official training is complete, a new-hire can only take gradual increases in caseload, based on capability.

Many people offering testimony to the Committee mentioned the importance of caseworker and case manager training as vital to improving the child protective services system in Georgia. The need for more workers with more extensive training, particularly practical training, was a common theme in testimony.

⁸ See Appendix, Exhibit B (citing Albers, Reilly & Rittner, 1993).

⁹ Child Welfare and Adoption Assistance Act of 1980, Pub. L. No. 96-272.

¹⁰ <https://www.socialworkers.org/advocacy/updates/2003/081204a.asp>

Retention

Another common theme heard throughout the Committee meetings was the retention of CPS workers. According to Committee testimony, there are three tiers of child protection workers with an annualized turnover rate of 25 percent. The turnover rate varies across the state and tends to be higher in counties with high caseloads.

One particularly burdensome barrier to retention is salary. Workers with a master's degree in social work and prior experience can expect to earn around \$32,000 in annual salary, while a candidate with a bachelor's degree can expect to start at \$26,000. Hospital social workers can expect to earn \$40,000 when starting out, and work conditions are much less stressful than those of a DFCS caseworker.

Recruitment and retention of child protection workers is related to the following challenges, as described by NASWGA:

- High case loads;
- Limited or inadequate training and support;
- Limited supervision and lack of qualified supervisors;
- Little to no case management experience prior to receiving complex cases;
- Salaries that do not correspond with the job demands;
- Decline in benefits;
- No educational enhancement opportunity with the halt of Title IV-E funds;
- Lack of loan forgiveness programs;
- Risk of violence for front-line workers;
- Emotional exhaustion;
- No clear career path defined;
- Poor working conditions; and
- Administrative burdens.

During their testimony, Judges Boyd and Bruce reflected on the disruption in continuity of care, noting that some cases come to them with a new case manager every time, probably decreasing efficiency in case management.

Professional commitment is a major factor in continuing to work in the child welfare field. This magnifies the importance of specific, targeted social work education for retaining workers entering the child welfare field. The salaries do not attract child welfare workers; the passion for the work attracts them and then retains those workers. NASWGA testified that “[i]ntent to stay is related to ‘human caring’ and self-efficacy, which correlate[s] with a social work degree.”¹¹ NASWGA provided a number of ways to support child protection workers, including:

- Providing a safe and supportive working environment;
- Monitoring workloads and caseloads of staff;
- Providing effective supervision and modeling to staff;
- Supporting professional development opportunities;
- Supporting the use of emerging technologies;
- Promoting the use of information management systems;
- Collaborating with other agency units and outside programs;
- Using a variety of funding streams, such as Family Unification Program vouchers; and
- Making the case to support child abuse and neglect prevention efforts.

¹¹ See Appendix, Exhibit B (citing Ellett, 2000; Ellett, Ellett & Rugutt, 2003).

COMMITTEE FINDINGS AND RECOMMENDATIONS

Based on the testimony presented, the Committee makes the following findings:

1. **CPS Worker Salaries**

The annual salary for child protective workers creates a barrier to worker retention and increases turnover. According to Committee testimony, workers with a master's degree in social work and prior experience can expect to earn an annual \$32,000 salary, while a candidate with a bachelor's degree can expect to start at \$26,000. Meanwhile, social work positions in less stressful environments with possible lower workloads, such as hospitals or schools, offer around \$40,000 in starting salary. The three tiers of child protection workers in Georgia have an annualized turnover rate of 25 percent.

Information from the Georgia Child Protective Services Advisory Committee 2014 DFCS Workforce Survey, presented during the second Committee meeting, found that compensation of DFCS workers was an overriding theme of job dissatisfaction statewide, with some of those surveyed commenting that they make less now than they did at their hire date, due to the lack of raises.

Recommendation

The General Assembly should consider appropriating funds to DFCS aimed at increasing caseworker salaries in an effort to retain experienced workers. Even though a number of new CPS workers are expected over the next three years, current DFCS CPS worker salary increases can incentivize those with experience to remain with the State.

2. **Professional Commitment**

Professional commitment is a major factor in retaining child welfare workers. This magnifies the importance of specific, targeted social work education for retaining workers entering the child welfare field.

In Georgia, approximately 20 percent of child welfare workers are professional social workers with a BSW or an MSW. Many states have found that partnerships with universities in professionally educating child welfare workers help retention efforts. Importantly, permanence is more likely achieved if staff have BSW or MSW degrees.

Education levels are important in retaining child protection workers, as those who are most prepared to do the job are also the most likely to remain on the job. Likewise, non-specific staffing requirements discourage those with professional degrees from seeking child welfare jobs.

Recommendation

Preference in hiring caseworkers and case managers should be given to candidates with a degree in social work and, if appropriate, relevant experience with the hope of improving retention rates.

3. Educational Partnerships

One of the most effective public funding sources related to child welfare is the training provision of Title IV-E of the Social Security Act, which supports staff training and supports social work education. The Title IV-E Child Welfare Education Program “is an educational program that pays for tuition, fees, books, and mileage for persons interested in a career in public child welfare . . . or for [agency] staff who wish to upgrade their professional skills and training.”

According to NASWGA, “[s]taff with social work degrees – and those who are IV-E trained – are most inclined to stay.” Professional BSW and MSW degrees decrease turnover. In Georgia, ten Georgia Schools of Social Work partnered with the Georgia Department of Human Services/DFCS in administering the Title IV-E program. However, the federal government halted the State’s Title IV-E funding in 2011.

Recommendation

The State should encourage the reimplementing of Title IV-E funding for university-agency partnerships aimed at enhancing the education of child welfare workers, professionalizing the child welfare workforce, and retaining qualified workers.

4. Foster Homes

Foster homes and foster parents play a direct role in the lives of at-risk children in their care. Not only do foster homes play a direct role in a child’s life and care, but they also play a direct role in the ability of a DFCS worker to do his or her job effectively. The lack of qualified foster homes in a region typically requires case managers to drive to different, distant foster homes to bring the children to court. This has a direct impact on the quality of a child’s life and care, but also renders the case manager unavailable during those hours of transport. WinShape Homes, founded by S. Truett Cathy and his wife Jeanette, uses a model of professional foster parents. Judge Boyd pondered whether a strategic plan to develop foster and adoptive homes might improve the quality and quantity of foster homes.

This sentiment was echoed by Leslie Roberts, a foster parent in Fulton County. In caring for her two foster children, who are brothers, she found that the children fell through the cracks each time the parents moved, as there was no system tracking the mother’s cases in different counties. The biological parents of her foster children kept “escaping” the system. Caring for her children, who have behavioral problems, is difficult for Ms. Roberts, as resources are not available statewide, citywide, or countywide. She relies upon the Fulton County justice system, such as the court and the jail, to attain services for her foster children.

Recommendation

The State should place more emphasis on the development and recruitment of foster and adoptive homes. A strategic plan to develop foster and adoptive homes might improve the quality and quantity of foster homes. Alternatively, a professional marketing campaign aimed at recruiting foster parents offers another method of improving and expanding the network of foster homes.

Recommendation

DFCS should create a dossier that includes the available resources in a foster parent’s neighborhood in order to ease the burden of seeking out specific treatment resources for each child.

5. **Technology**

While current technology offers some help in improving the child welfare system, Committee testimony revealed areas for improvement. When questioned about the technology, the judges described some of the systems available to them. The Georgia SHINES Portal is a “web-based, statewide automated child welfare information system that offers case managers a comprehensive tool for children and families.” According to Judge Boyd, current data and information gets uploaded into the Georgia SHINES Portal, and that information is accessible across the state. However, data entry into SHINES is an intensive task, and one that conflicts with Fulton County’s technology system. That county has a state-of-the-art system that cannot coordinate with SHINES, so Fulton County opts to only use its own system instead of duplicating entries. The accuracy of SHINES depends on population of data; if data is not entered, it is not available through the SHINES Portal.

Additionally, the Court Process Reporting System (CPRS) is a “secure, web-based system that provides child-specific case plan information to juvenile court stakeholders. CPRS interfaces with SHINES . . . and downloads updated case plan data every night.”¹² Stakeholders in the child welfare and juvenile justice system are granted access after DFCS and juvenile court approval.

Recommendation

Collaboration between agencies involved in child welfare should be encouraged. The use of technology currently available, including SHINES, should be encouraged by all stakeholders in an effort to maximize the impact and effectiveness of those systems.

COMMITTEE MEMBER SIGNATURES

Committee member signatures are on file in the Senate Research Office and are available upon request.

Because Senator Ronald Ramsey, Sr. was unable to participate in any of the Committee hearings, he respectfully declined to sign the report.

¹² http://gacprs.org/?page_id=13