

Appendix C

DEKALB COUNTY CHILD ADVOCACY CENTER POLICIES AND PROCEDURES

Knowledge and Experience

Child Advocate Attorneys of the DCCAC must demonstrate the following experience and knowledge: A minimum of two (2) years of litigation experience; a strong commitment to children's issues and involvement in the juvenile justice, child welfare systems or related areas preferred; demonstrate a working knowledge of O.C.G.A. chapter 15 section 11, Child Abuse Prevention and Treatment Act of 2003 (CAPTA), and the Adoption Assistance and Child Welfare Act of 1980 as amended by the Adoption and Safe Families Act (ASFA) of 1997.

Role of Child Advocate Attorney

The Child Advocate Attorney shall represent the best interest of children within DeKalb County, alleged to be abused and/or neglected so long as they are subject to the jurisdiction of the DeKalb County Juvenile Court System with regard to deprivation matters.

Representation

Advocate-attorneys shall represent the best interest of child-clients in all deprivation hearings as long as child remains under the jurisdiction of the Court. Hearings shall include: 72 hours or Detentional hearings, Adjudicatory hearings, Dispositional hearings, Review hearings, Termination of Parental Rights hearings, 12 month post-TPR review hearings, Non-Reunification hearings, Parental Notification hearings and all other proceedings where the best-interest of the child-client is at issue.

Advocate-attorneys shall actively participate in the litigation process by filing all relevant pleadings, motion papers and responses. The Advocate-attorneys should take all necessary action to ensure the protection of a child alleged to be deprived under the law, including making referrals to the Child Protective Services unit of the Department of Family and Children Services for investigation as well as the filing of Complaints alleging deprivation to bring the matter under the jurisdiction of the Juvenile Court.

Advocate-attorneys shall refer and adhere to the 2005 Juvenile Court Deprivation Process and Procedure Training Manual in the representation of child-clients throughout the deprivation process.

Training

Child Advocate Attorneys must obtain no less than six (6) hours annually of coursework focused specifically in the area of child advocacy, child welfare and/or deprivation law (related subject-matter). Advocate-attorneys must specifically complete the six (6) hour “Guardian ad Litem Representation in Juvenile Court” course sponsored by the Institute of Continuing Legal Education within one year of employment by the DCCAC. Additionally, Child Advocate Attorneys must participate in monthly DCCAC sponsored interagency child-welfare in-service trainings to increase knowledge of available services and resources. Child advocate attorneys must also be aware of the requirements of the Kenny A. Consent Decree between the Plaintiffs and the State Defendants.

Attorney-Client Relationship

Client Contact:

- Advocate-attorneys shall maintain regular contact with clients, caretaker and providers.
- Child-clients should be seen and interviewed, if of verbal age, no more than 30 days prior to the first setting of all scheduled formal hearings;
- Child advocate attorneys (or investigators or social workers acting as the attorney’s agent and under the supervision of the child advocate

attorney) should see (and interview, if of a verbal age) their child clients in their living environments at least once per year, whether they are in a foster home, residential placement, or on a trial discharge to their home of origin.

- Child-clients should be seen, interviewed if of a verbal age, and case status updated regularly, but no less than quarterly so long as the child remains in care, and any time there is an emergency or other circumstance when, in the professional discretion of counsel, it is deemed necessary to ensure the safety and well being of the child.
- Advocate-attorneys shall establish and maintain a rapport with child-clients by participating in age and developmentally appropriate communication.
- Advocate-attorneys shall explain to child-clients the status of the case and potential outcomes to ensure that the child-client is well informed; and to allow the child-client to assist in the representation his/her best interest.
- Advocate-attorneys shall explain the role of the guardian-attorney to the child-client.

Case Management

Case Assignment: Cases shall be assigned at the discretion of the DCCAC Director. Generally, staff attorneys will be assigned to represent cases according to courtroom calendars.

Case Preparation:

Discovery- Staff attorneys shall follow the Juvenile Code Rules of Discovery. Exchange of documents may be sought informally through written request or by formal subpoena authorized through the court. Upon request, the advocate-attorney representing the interests of a child subject to an action in deprivation shall have access to the Court file for inspection, copying, or photographing including: a copy of the complaint, the petition, contact information of complaining party, relevant witnesses, transcription of hearings, reports, physical evidence and police and supplemental reports.

Investigations -

- Investigative Cover Sheets: Immediately following assignment, the advocate-attorney shall prepare an ICS. The purpose of the ICS is to provide direction to the assisting investigative support staff. The ICS shall include a synopsis of the case, status of the case, and assignment of duties including witnesses to be interviewed, purpose of interviews, documents to be secured.
- Contact lawyers for other parties and the CASA on the case (if any) for background information.
- If consented to by their attorney, contact and meet with the biological parents or other persons who are defendants to the deprivation case.
- Interview and subpoena witnesses: All relevant and potential witnesses should be interviewed prior to formal hearings, including persons who have relevant information about the child's safety, permanency, well-being, and needs. If information is found to be relevant to the determination of deprivation, said witnesses should be subpoenaed to testify before the court.
- Subpoena and review all relevant reports & documents including but not limited to: medical records and reports, psychological/psychiatric evaluations, Comprehensive Child and Family Assessments (CCFAs), safety plans, witness statements, police reports, court records regarding prior histories of defendant-parents and families, education records, and records of other public or private social service agencies that have provided services to the family, etc.
- Review photographs, audio/videotapes, and any other physical evidence.
- Advocate-attorneys shall conference with investigative support no more than 48 hours prior to related hearing. The purpose of said conference is to determine results of investigations, to clarify and identify remaining issues, provide direction in investigative process. The 48 conference shall not preclude ongoing direction and monitoring of investigative process by advocate-attorneys.
- Advocate-attorneys shall review investigative reports prepared by investigative support and include or incorporate said information into Child Advocate Attorney Investigative Report.

Witnesses- Advocate-attorneys shall interview and, when necessary, subpoena all persons possessing information necessary for the determination of deprivation and/or disposition.

Child Advocate Attorney Investigation Reports: Advocate-attorneys shall prepare Investigation Reports to be submitted to the Court for consideration during the disposition phase of the case. Supplemental Investigation Reports shall be submitted where additional information is necessary to assist the Court so long as the child remains under the jurisdiction of the Court. The CAA Investigation Report shall contain information regarding the case status, case summary, contact information of relevant parties, medical and psychological information of parents and children, educational, placement, status of related criminal or civil actions, identification of persons interviewed and documents reviewed during case investigation and report preparation, and summary of child-client interviews and attorney-advocate recommendations.

Case Staffings: Whenever possible, attorney-advocates shall staff cases with DFCS case managers and the representing SAAG prior to hearings. Attorney-advocates shall regularly staff cases with Director or designee as to case status and strategies.

Client Representation / Juvenile Court and Deprivation Process and Procedure:

Advocate-attorneys shall refer to the 2005 Juvenile Court Deprivation Process and Procedure Training Manual in the representation of child-clients in deprivation matters. Advocate-attorneys shall fully participate in the litigation process by filing all necessary pleadings, motions and court papers, subpoena documentary evidence and witnesses, examining witnesses and submitting evidence required to ensure the protection of the child. The Child advocate attorney must consider whether the child-client should testify, and if so, should prepare to meet any competency challenges; ensure that the child is adequately prepared, by among other things, familiarizing the child with the courtroom and court procedures; and request that the court put in place appropriate protections.

Child advocate attorneys should make and/or file oral or written motions or other pleadings necessary to obtain relief.

Child advocate attorneys should review any written order entered on any matter of importance to the child's interests to verify that it matches the court's directive on the record. Any discrepancies should be brought to the court's and parties' attention immediately through motion or informal mechanism, as governed by local practice.

Consent Agreements and Dismissals: Attorney-advocates shall thoroughly review all relevant materials and independently investigate allegations prior to consenting to any consent agreement. Attorney-advocates shall not consent to any case dismissal without having interviewed the child-client, if of verbal age; nor without having recommended and reviewed a safety plan consented to by DFCS and the defendant-parent/guardian, sufficient to ensure the protection of the child.

Case Plans

Advocate-attorneys shall participate in the preparation of case plans prior to their submission to the Court. Child advocate attorneys should advocate with DFCS to include in the case plans the provision of all services to the child and the child's family necessary to ensure the safety, permanency, and well-being of the child. The advocate-attorney shall ensure that case plans are prepared and submitted to the Court within the requisite time constraints according to the Georgia Code. If the case plan does not include services that the child advocate attorney deems necessary to ensure the safety, permanency, and well-being of the child-client, the child advocate attorney should advocate with the Juvenile Court for an order directing the inclusion of such services in the case plan.

If an identified service need is not being provided to the child or the child's family, then the child advocate attorney should notify the Court and recommend the Court seek to enforce its order.

Case plans should provide accurate information as to the parties, case status, placement and all relevant facts. Case plans must also identify reasonable process to adequately address all of the identified needs of the child in care. Finally the case plan must clearly articulate goals to be addressed by the defendant-parent/guardian to promote reunification and must set out a visitation plan that provides adequate time for parent-child bonding. In the

alternative, the case plan must address legal justifiable reasons why reunification goals are not to be pursued.

Additional Advocacy: Advocate-Attorneys shall represent and promote the best interest of child-clients, as needed, in non-judicial processes to ensure the protection, proper care and supervision so long as the child remains in care. These matters may include but are not limited to: Family Team Meetings, permanency reviews, or other staffings; educational administrative and disciplinary proceedings and the securing of individualized educational plans; psychological and therapeutic advocacy; protection of the child-clients interest in the prosecution of defendant-parent/guardians in related acts against the child; medical, disability, health, reproductive rights and resources; substance abuse intervention; promotion of Independent Living resources to ensure that children who age out of the system have adequate support systems. Should a child-client be arrested, upon request by defense counsel, the Child Advocate attorney will provide relevant information to the child's delinquency or defense attorney to assist in the criminal defense and/or disposition/sentencing so long as the attorney-client privilege or the protection of the child's best interest is not compromised.

Case Monitoring: Advocate-attorneys shall continue to monitor assigned cases to ensure the protection of the child's best interest and that the child receives appropriate services, so long as the child-client remains under the jurisdiction of the Juvenile Court. The child's attorney should attempt to resolve any non-compliance with the court's order as appropriate under the circumstances and the rules of professional responsibility, and, if necessary, by requesting court intervention through a motion to compel or for contempt of court.

Case File Maintenance: All relevant documents should be maintained in following categories:

- Complaints and Pleadings
- Orders

- Case Notes: CAA should promptly update case files providing detailed case notes of all hearings, party and witness interaction, attorneys' interaction and case communications.
- Reports: Including home evaluations and assessments; provider progress reports; psychological, psychiatric and medical reports; police initial and supplemental reports; reports and paperwork from related criminal and civil proceedings; GAL/CASA and CAA Investigation Reports.

Case Reviews – Advocate Attorneys shall schedule all case reviews as required by the Georgia code, shall review placement orders granting legal custody to DFCS of any client in the physical custody of DFCS, and, upon discovery that an order has lapsed, shall take appropriate steps to ensure the continued protection of the child's interests.

Other Responsibilities:

- Serve as DCCAC representative on at least one (1) inter-agency stakeholders committee annually.
- Assist with the continued development of the DCCAC.
- Participate in DCCAC sponsored projects as requested by Director.
- Make at least one (1) outreach presentation annually to promote public information with regard to deprivation and child welfare issues.

Home Assessments

It is the policy of the DCCAC that this office does not have the resources, training, duty or mandate sufficient to conduct independent home evaluations upon which the Juvenile Court can make determinations for placement of a child outside of a DFCS approved placement. (This refers to placement with relatives, non-relatives, or return to the home). However, if the individual attorney-advocate finds that an assessment of proposed placement is necessary in order to adequately formulate a recommendation on disposition then the attorney-advocate or the investigator, as directed by the attorney-advocate, may conduct a home assessment. However, this office should not submit a recommendation evaluating the appropriateness of a placement, but may only report as to the generally observed circumstances of the household. This policy should be strictly adhered to. Additionally, in these circumstances, the child advocate attorney should urge DFCS to conduct a full evaluation, or should request that the Juvenile Court direct DFCS to do so.

It is the position of the DCCAC that DFCS has the mandate and sufficient resources, including access to state and federal databases regarding financial, resource assistance, criminal and social service histories that are necessary to formulate adequate and complete evaluations of the appropriateness of a non-agency monitored or maintained placement.

The distinction between an assessment and an evaluation is that while the DCCAC can assess what resources or deficiencies that a home has and report that to the court, this office CANNOT evaluate a home for appropriateness of placement, safety, custody transfers or recommendations. Home evaluations should be under the purview of DFCS. One exception, if specifically ordered by the court, home evaluations must be conducted. These exceptions must be staffed with the Director and approved.

DCCAC Operational Policies

The DCCAC is a department structured under the Chief Executive division of the DeKalb County Government. As such, the administrative, operation and human resources policies and procedures of DeKalb County Government apply. All staff members of the DCCAC are employees of

DeKalb County Government and are subject to comply with the policies and procedures of DeKalb County.

DEPARTMENTAL PROCEDURES AND OPERATIONS

Client Database Instructions

In order to maintain comprehensive information regarding the CAC caseloads, a database has been created. Each attorney and investigator will be required to input, update and maintain relevant information regarding all cases handled. Please review the following instructions regarding database maintenance.

1. A comprehensive client database (CAC Client Database) will be available for “read-only” access on the shared CA drive. This excel document will be edited and updated monthly by the Sr. Legal Secretary (SLS). The SLS will edit and merge “sub-databases” submitted each month by each attorney- investigator into the CAC Client Database.
2. The “sub-database” forms, available on the shared drive are titled “Nash- Client Database.(Attorney Initials).2004 and “Adams-Client Database.(Attorney Initials).2004”. These forms have the same fields as the CAC Client Database. Each attorney and investigator is responsible for inputting information from all cases handled each month. These monthly “sub-databases”, are to be emailed to the SLS no later than the second Monday of the following month so that they can be edited and merged into the CAC Client Database.
3. Each “sub-database” form will have tabs labeled by Month and year.
4. Information should be provided beginning August 13, 2004.

COMPLETING CLIENT DATABASE FORMS

- a. Attorneys: For new cases input client information for each of the following fields: Client last, first names; file “@“number; Initials of child advocate; Original date of detentional hearing (do not include continuance dates); Original date of TPR hearings.

- b. For the “Formal Date and Type” field you will need to create a “Comments” box by going into the “Insert” list on your tool bar and clicking on “Comments”. You will then add the initial for the type hearing and date of that hearing in “()”. (ie — CX (9/2).
- c. Any additional hearing for a child will be added to the comments section. (ie — CX(9/2); CMOD(10/3); etc.)

Investigators: It is the responsibility of the investigators to input the initials of the investigators that are assigned to each case.

Procedural steps for Detentional Hearing Preparation

1 — Administrative Coordinator (AO) receives a copy of Intake’s “Deprived Detentional Complaint Listing from Judicial Clerks. This is the list of deprivation complaints that Intake has processed within the last 24 hours.

2 — AO will post the copy of the “Deprived Detentional Complaint Listing in the Office Reception Area. This listing should be reviewed by all attorneys and reconciled with the attorney’s detentional files received.

3 — The Record Room will provide all necessary paperwork for Detentional Hearings, via DCCAC mailbox.

4— Duty Attorney must check our mailbox and return court documents to DCCAC.

5 — Investigators will be responsible for determining whether there are detentional files needed for the 11:00 addendum calendars. The Investigator will be responsible for securing and providing a copy of the addendum calendar along with accompanying complaints and paperwork to the child advocate. The Investigator will be responsible for creating a temporary file for use during detentional hearing, which will be kept in department’s remote office.

6 — After court, please submit all new add-on files to AO for preparation (form insertion, labeling, etc.). AO will return the completed file to the attorney within 24 hours.