

Barton Child Law and Policy Clinic
Policy Paper

2001 Georgia Children's Agenda Item:

**Strengthen Georgia's Child Protective Services' Capacity
to Protect Children From Abuse and Neglect**

I. INTRODUCTION

In January 2000 Governor Barnes appointed a Child Protective Services Task Force to develop solutions to the crisis in Georgia's Child Protective Services System. In FY99, the Georgia Department of Family and Children Services (DFCS) received almost 70,000 reports of child abuse and neglect. The workers responsible for deciding whether and how to respond to these reports were paid a starting salary of \$22,044.00. They made decisions and completed investigations related to the life and death of children without such basic resources as a statewide information system to track children and families, cellular phones or radios to call for help, or adequate placements for children removed from their homes. Thirty nine percent of these workers left their jobs in FY99; 44% left their jobs in FY00. In some counties, including Fulton, the turnover rate reached over 70% in FY99.¹

The Division of Family and Children Services is the state agency charged with protecting abused and neglected children from further harm. Child Protective Services (CPS) is the front line of defense for child victims. CPS workers decide whether and how to intervene when an allegation is made about child abuse. These decisions mean the difference between life and death for some children. Once an allegation is substantiated, the decisions of CPS and placement workers determine whether a child is to be protected and nurtured or to be further victimized by the perpetrator and the state system.

With so many vacancies in these critical positions, children are not adequately protected. Until there are enough people and enough tools to appropriately protect children, abused and neglected children in Georgia will continue to suffer and be further victimized by the system.

The Georgia General Assembly should appropriate funding to implement the recommendations of the CPS Task Force:

- (1) Stop the exodus of workers and fill all vacancies by raising the starting salary of caseworkers to a reasonable level using a pay structure that rewards workers with advanced degrees;
- (2) Save children's lives and reduce turnover by adding enough caseworkers to comply with national caseload standards;

¹ GEORGIA DEPARTMENT OF HUMAN RESOURCES, DFCS EVALUATION & REPORTING SECTION *reprinted at State of Georgia Website* (visited 01-12-2001) <<http://www.div.dhr.state.ga.us/dfcs/er4/menusearch.asp>>.

- (3) Establish an integrated statewide information system for the confidential tracking of children who have been the subject of abuse or neglect allegations;
- (4) Provide workers with needed tools and resources, including appropriate representation in court and appropriate placement resources.

II. RECOMMENDATIONS

(1) Stop the exodus of workers and fill all vacancies by raising the starting salary of caseworkers to a reasonable level using a pay structure that rewards workers with advanced degrees.

Current Salaries

The former Commissioner of the Georgia Department of Human Resources, Audrey Horne, has stated, "One need I have identified since coming to DHR is our lack of competitiveness in salaries for child protective services staff. Currently the starting salary is below market value for the salary required to hire quality employees."²

The entry-level position for a CPS caseworker is known by the job title "Social Services Case Management Associate" (SSCM Associate). The entry-level salary for a SSCM Associate is \$22,044.00 per year. The experience and education requirements for this position are "four years of human service delivery experience related to child and/or adult welfare in DFCS or equivalent organization *or* completion of an undergraduate major."³ The job duties include twenty-four hours per day, seven days per week availability for emergencies in many counties. Although this position is intended to encompass only closely supervised training, there is substantial anecdotal evidence that SSCM Associates actually perform the duties of caseworkers under general supervision only.

The primary responsibility for CPS case management is officially given to "Social Services Case Managers." The starting salary for a SSCM is \$26,646.00 per year. The current minimum qualifications for this position are "one year experience as a SSCM Associate *or* completion of an undergraduate major at a four year institution of higher learning in any of the behavioral sciences plus either a DFCS internship involving a caseload or one year related experience *or* a Masters degree in any behavioral science."⁴ There is no salary incentive for workers to pursue further education or obtain advanced degrees. In some instances DHR pays the costs of caseworkers obtaining an MSW degree at a state institution.⁵

² MEMORANDUM FROM AUDREY W. HORNE TO ELECTED OFFICIALS, RE: CONTINUING IMPROVEMENTS TO THE CHILD WELFARE SYSTEM IN GEORGIA (DEC. 29, 1999), *reprinted at State of Georgia Website* (visited Jan. 12, 2001) <<http://www2.state.ga.us/Departments/dhr/childa.html>>.

³ *State of Georgia Website* (visited Jan. 12, 2001) <<http://www.gms.state.ga.us/jobdescriptions/jobsalarydetail.asp>>.

⁴ *Id.*

⁵ *Id.*

Comparative Salaries

Many entry level salaries for other state government occupations exceed the starting salaries for Case Management Associates as well as Case Managers, including the Governor's Banquet Chef (minimum starting salary \$32,328.00 per year); the Department of Corrections Construction Supervisor (oversees inmate construction projects for a minimum salary of \$29,3882.00 per year); the Assistant Manager for Pavement Marking (assists in supervising installation of traffic markings for a starting salary of \$32,238.00 per year); Highway Patrol Corporal (patrols highways and roads to enforce traffic laws for an entry level salary of \$32,238.00 per year); Assistant Supervisor of Meat Inspection (minimum salary \$32,238.00 per year). The duties of these occupations are not, of course, comparable to those of CPS workers. They are presented merely to demonstrate the higher 'value' given to certain positions that are *not* involved in protecting neglected or abused children.

The occupation most analogous to CPS caseworkers, in terms of the level of education, training, and experience that should be expected, is the teaching profession. Recently, the public, legislators, and the Governor have addressed the issue of teachers' compensation. Salary levels for teachers were increased as a result of widespread recognition that higher salaries are essential to raise educational standards and meet hiring requirements. Teachers possessing the minimum qualifications of a Bachelor's degree and professional certification now receive a starting salary of \$27,118.00. Those with Masters degrees and certification start with a salary of \$31,186.00. These salaries are based on a school year of 190 workdays. When compared to the 'normal' number of workdays for most occupations, 260 days per year, the salary equivalent is much higher, \$37,107.00 per year for Bachelor's degree and certification. In addition to working a full calendar year, entry-level CPS caseworkers are often required to be available for emergencies 24 hours per day, 7 days per week.⁶

(2) Save children's lives and reduce turnover by adding enough caseworkers to comply with national caseload standards.

Current Number Of Caseworkers

At present, there are approximately 1,019 positions allocated statewide for CPS investigations and CPS ongoing casework. According to the DHR Office of Budget and Planning, there are 439 positions now allocated for foster care placement. However, approximately 253 prevention workers are performing the work of placement workers, bringing the total number of caseworkers handling foster care cases to 692. Individual counties determine the actual duties of the workers as to investigation, ongoing case management, foster care placement or any combination of these responsibilities. Since the number of caseworkers assigned to these duties varies with the need of each county, it is difficult for the state to know how many caseworkers are performing these functions at any given time.⁷

⁶ *State of Georgia Website* (visited Jan. 12, 2001) <<http://www.gms.state.ga.us/jobdescriptions/jobsalarydetail.asp>>.

⁷ Telephone Interviews by Karen Worthington with personnel of the DHR Office of Planning and Budget Services (Nov. 21, 2000).

Five hundred eighty eight additional CPS, placement workers, and supervisors are needed for DFCS to function effectively and become compliant with Child Welfare League of America (CWLA) standards.⁸ Although this is an immediate need based on FY2000 figures, the DHR FY2002 budget provides for phasing in the needed positions over a period of three years at a rate of 196 new positions each year. The Governor's budget reduces this to 100 new positions in FY 2002.⁹ There is, of course, no guarantee that the recommended positions will be allocated in succeeding years even if the Governor's proposed budget is passed for FY2002.

In calculating the number of additional positions needed to meet CWLA standards, DHR used an attrition rate of 10%. That rate, which may be the norm for most employment situations, does not approach reality under the current workplace and salary conditions of Georgia CPS workers. On average, 39% of these positions were vacated statewide in FY99 and 44% were vacated in FY00. In some counties, the rate of turnover exceeds 50% while Fulton County experienced 71% attrition in FY99.¹⁰

The state has conducted ongoing, statewide recruitment to fill position vacancies. However, these efforts have met with little success and significant vacancies persist in several counties. A pool of applicants willing to work for \$22,044.00 per year with 24 hours per day, 7 days per week on call responsibility does not appear to exist. As a point of contrast, it is worth noting that *Administrative Assistants for the State of Georgia start employment with an annual salary that is \$934 higher than SSCM Associates.*¹¹

CWLA Standards

The Child Welfare League of America (CWLA), founded in 1920, is the nation's oldest and largest membership-based child welfare organization, committed to engaging all Americans in promoting the well-being of children and protecting every child from harm. One of the goals of CWLA is to develop and disseminate practice standards as benchmarks for high-quality services that protect children and youths and strengthen families and neighborhoods.¹² With regard to caseload standards, CWLA asserts "[t]he safety and well-being of children and the ability of the agency to support families is dependent on social work staff having sufficient resources. The child protection agency should provide its social workers with resources, support staff, case consultation opportunities, and supervision sufficient to assure that they are to provide quality services and support families."¹³

⁸ DHR 2002 Budget Request presented to the DHR Board, August 2000, and supporting documents.

⁹ GOVERNOR ROY BARNES AND BILL TOMLINSON, DIRECTOR, STATE OF GEORGIA OFFICE OF PLANNING AND BUDGET, THE GOVERNOR'S BUDGET REPORT FISCAL YEAR 2002, 25 (Jan. 2001).

¹⁰ Telephone Interviews by Karen Worthington with personnel of the DHR Office of Planning and Budget Services (Nov. 21, 2000).

¹¹ *State of Georgia Website* (visited Jan. 12, 2001) <<http://www.gms.state.ga.us/jobdescriptions/jobsalarydetail.asp?>>.

¹² CHILD WELFARE LEAGUE OF AMERICA, CWLA STANDARDS OF EXCELLENCE FOR SERVICES FOR ABUSED OR NEGLECTED CHILDREN AND THEIR FAMILIES (Revised Ed. 1999).

¹³ *Id.* at § 5.10.

Caseload Standards

The CWLA recommends that every agency conduct a workload analysis to determine the appropriate workload standards for its child protective services staff. Until an agency conducts such an analysis, the CWLA recommends that the following standards should be used:

- Initial assessments should involve no more than twelve active reports per month.
- Ongoing services to families opened for services and support after the assessment should involve no more than 17 active families, assuming the rate of new families assigned is no more than one for every six open families.
- Combined initial assessments and ongoing services to families should be no more than ten active ongoing families and no more than four active initial assessments.
- The workload of staff responsible for screening reports of abuse and neglect should be considered separately and staff allocated specifically to this function.
- Supervision in child protective services is critical to effective service delivery and staff and professional development. The ratio of social workers to supervisors should not exceed five to one.¹⁴
- CWLA also recommends that the majority of the caseworker's time should be spent in direct contact with families. Caseload size should allow the caseworker to spend enough time with families to help them achieve their goals within the time limitations of service.¹⁵

Workload Standards

- Workload standards developed for child protective services staff should be based on the tasks and activities expected within the child protection agency.¹⁶
- Workload standards should be established that make it possible for staff members to complete required tasks and activities. Once workload standards are established, the agency should advocate aggressively for the resources needed to meet those standards.¹⁷
- In developing agency workload standards, the agency should consider: the specific assigned functions and the time required for each task; the competencies needed for each social work function (knowledge, skills, experience); the time required for travel and other necessary but non-casework tasks; standards of sound practice; the availability of

¹⁴ *Id.* at § 5.9.

¹⁵ STATE OF NEW YORK COMPTROLLER, REPORT 96-S-52, REPORT ON THE OFFICE OF CHILDREN AND FAMILY SERVICES (1998).

¹⁶ CHILD WELFARE LEAGUE OF AMERICA, CWLA STANDARDS OF EXCELLENCE FOR SERVICES FOR ABUSED OR NEGLECTED CHILDREN AND THEIR FAMILIES, § 5.9 (Revised Ed. 1999).

¹⁷ *Id.*

paraprofessionals and professionals from other services to assist with routine activities; the intensity of services that the agency and community consider appropriate; the number of other agencies, individuals, or services involved with the family and the amount of time needed to communicate effectively with other community partners, among other things.¹⁸

National Acceptance of CWLA Standards

The CWLA Benchmarks have been used nationwide in determining appropriate caseload standards for CPS workers. Here are a few examples of how other states have used the CWLA standards.

- **Delaware:** Legislation passed last year requiring Department of Services for Children, Youth and Families to project the number of child abuse and neglect cases and the number of child care facilities to be licensed and monitored. Based on this info, the General Assembly must fund sufficient positions to ensure that caseloads do not exceed by more than two those recommended by the CWLA.¹⁹
- **Maryland:** In its Child Welfare Workforce Initiative of 1998, the legislature mandated the development of appropriate caseload ratios using the CWLA's Maryland-specific recommendations. The legislation specified the legislature's "intention" that the Department of Human Resources hire enough caseworkers and casework supervisors to maintain the CWLA caseload ratios, but the law does not require it.²⁰

Georgia's Current Casework Guidelines

Georgia's Department of Family and Children Services is well aware of the efficacy of the CWLA standards. At least five official reports have been issued since 1989 recommending that Georgia add enough caseworkers to come into compliance with national caseload standards.²¹

DFCS is not only looking to reduce caseloads, but to effectively allocate workloads. DFCS has implemented Structured Decision Making to better manage cases at the intake and investigative stages, as well as ongoing cases. DFCS is using "proven, structured guidelines" to assess families and the degree of risk they pose to their children. Case managers are directed to look for a "specific set of circumstances" that indicate a family's need for ongoing services. By

¹⁸ CHILD WELFARE LEAGUE OF AMERICA, CWLA STANDARDS OF EXCELLENCE FOR SERVICES FOR ABUSED OR NEGLECTED CHILDREN AND THEIR FAMILIES, § 5.9 (Revised Ed. 1999)

¹⁹ DEL. CODE ANN., tit. 29, § 9015 (2000).

²⁰ MD. CODE ANN., art. 88A, § 3A (2000).

²¹ See CAROL ANN DALTON, THE URBAN STUDY INSTITUTE, CHILD PROTECTION IN GEORGIA (1989); NORMA HARRIS, NATIONAL CHILD WELFARE LEADERSHIP CENTER, SYSTEM REVIEW OF CHILD PROTECTIVE SERVICES OF THE GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES (January 1993); GEORGIA SENATE, REPORT OF THE SENATE STUDY COMMITTEE ON STATE FOSTER CARE AND ADOPTION (1996); GEORGIA SUPREME COURT ADMINISTRATION OFFICE OF THE COURTS, CHILD PLACEMENT PROJECT FINAL REPORT (1996); GEORGIA SENATE, REPORT OF THE SENATE STUDY COMMITTEE ON STATE FOSTER CARE AND ADOPTION (1996); Please note that these studies are summarized *infra* at 17-19.

referring more non-abusive reports as a result of poverty to more appropriate agencies, caseloads and workloads are decreased within the agency.²²

Families where there is little or no safety risk, referred to as 'low risk,' are referred for *voluntary* services. A 'high' or 'moderate risk' is the rating assigned to "families who have severely harmed their children through physical or sexual violence or ongoing serious neglect."²³ Usually about 15 % of cases are in this category. For high risk cases, case managers are required to make three in-person visits and three contacts a month. For moderate risk cases, case managers have doubled services to a required two visits and two contacts per month. Low Risk cases include families whose primary problem is poverty and they are not investigated by the state (they are not an "open case" and they receive assistance through referral for voluntary services).²⁴ "Case managers are assigned cases based on the number of high-risk cases they have, instead of just because they are next in line. This distributes the work more evenly across staff so they can meet contact guidelines."²⁵

In both the CPS and foster care units in Georgia, a workload study has been completed so those units can move toward establishing workload guidelines and limits.²⁶ DHR's commitment to meeting the CWLA standards is demonstrated in its FY2002 budget request. The budget includes a proposal to add enough caseworkers and supervisors over a three-year period to bring caseloads and supervisor/staff ratios into compliance with the CWLA standards by FY2004 while allowing for a 10% annual turnover rate.

Benefits of Caseload and Workload Allocations

The Child Welfare League of America states, "higher caseloads result in poor quality casework, which results in higher levels of risk and a lesser likelihood of permanence for children."²⁷ This assertion is confirmed by independent and state studies. A 1998 study of New York's child welfare services found that high workload resulted in incomplete abuse and neglect investigations, an inability for workers to regularly monitor clients, and prolonged permanency decisions for children.²⁸ On the other hand, the Katz Study for Washington and Idaho (1990) showed that when caseloads were reduced to no more than ten children per worker, permanency for children was accomplished in a timely manner.²⁹ In 1994 the Institute for Family Self-Sufficiency found that the more contact a worker had with a client, the more successful workers

²² DHR OFFICE OF COMMUNICATIONS, PROTECTING CHILDREN, IMPROVING THE SYSTEM, FACT SHEET (March 1999), *reprinted in State of Georgia Website* (visited Jan. 11, 2001) <<http://www2.state.ga.us/departments/dhr/facpro.html>>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Recent Changes in Georgia's CPS System; State-level change* (visited 01-12-2001) <<http://www.departments/dhr/childa2.html>>.

²⁶ Remarks made by DHR-DFCS spokespersons at plenary sessions of the 2000 Child Placement Conference, Savannah, Georgia (Oct. 31, 2000).

²⁷ CHILD WELFARE LEAGUE OF AMERICA, *CWLA STANDARDS OF EXCELLENCE FOR SERVICES FOR ABUSED OR NEGLECTED CHILDREN AND THEIR FAMILIES* (REVISED ED. 1999).

²⁸ STATE OF NEW YORK COMPTROLLER, DIVISION OF MANAGEMENT AUDIT, *CASEWORKER DEPLOYMENT IN SELECTED CHILD WELFARE PROGRAMS REPORT 96-S-52* (1998).

²⁹ L. Katz, *Effective Permanency Planning for Children in Foster Care*, 35 *SOCIAL WORK*, 20, 20-226 (1990) *reprinted in* CWLA, ALASKA DHSS OF FAMILY AND YOUTH SERVICES BRIEFING PAPER at 55 (1998).

were in reaching expected outcomes. Additional findings included that excessive caseloads decreased client interaction because workers were forced to become less proactive and more reactive, and staff with higher caseloads tended to cut corners and only nominally comply with responsibilities.³⁰

Increasing the salary of caseworkers and reducing turnover may actually result in monetary savings for Georgia because children will spend less time in foster care. Maintaining children in out-of-home placements is expensive. On any given day in Georgia, approximately 10,000 children are in foster care placements receiving a per diem. If each child were only receiving the basic per diem rate of \$12.00 per day (and at least 12% of the foster care population resides in group homes and institutions), the annual cost is at least \$43.8 million. This figure does not include costs for therapeutic foster care placements, health care, and all other costs associated with raising these children. A large part of these costs are reimbursed by federal dollars, but if Georgia is not in compliance with federal laws such as the Adoption and Safe Families Act, discussed below, then Georgia is at risk of losing large amounts of these federal dollars.³¹ Also, Georgia can be rewarded with federal dollars for increasing the number of adoptions. Georgia's Office of Adoptions has twice won a national Adoption 2002 Excellence Award. In 1998 Georgia was one of eight states to win this honor and in 2000 Georgia was one of twelve states to win this honor.

Studies have shown that smaller caseloads produce a more efficient workforce, which in turn means that children will be permanently placed much more quickly. Georgia should study the financial impact of increasing the number of caseworkers to move children out of foster care into permanent homes more quickly.

³⁰ INSTITUTE FOR FAMILY SELF SUFFICIENCY, *Managing JOBS Caseloads: Agencies Are Developing Strategies to Make the Most of Their Staff Resources*, 52 PUBLIC WELFARE 3, 5-13 (1994).

³¹ Georgia will undergo a DHHS audit for ASFA compliance in July 2001.

The following table presents the number of social service positions allocated as well as the rate of caseworker turnover for a few selected counties. In lieu of caseload statistics we have calculated the number of social service positions allocated per 100,000 children in the county. Note, for instance, that Bibb and Spalding counties have 5 times as many positions allocated per 100,000 children as Walton county.

ALLOCATION AND TURNOVER RATES, FY99

County	1999 Child Population³²	Social Service Allocation^{33, 34}	Social Service Allocation Per 100,000 Children	Caseworker turnover³⁵
Peach	8,135	7.25	89	100%
Henry	34,412	20.25	59	100%
Walton	18,199	5.50	30	83%
Sumter	10,437	10.50	101	80%
Muscogee	58,514	42.00	72	73%
Carroll	26,707	22.00	82	71%
Fulton	213,398	183.25	86	71%
Houston	33,566	25.00	74	60%
Cherokee	44,528	23.50	53	57%
Jefferson	5,920	6.25	106	50%
Bibb	45,793	69.75	152	42%
Spalding	17,875	28.00	157	33%
Douglas	28,563	21.50	75	33%
Dekalb	169,905	100.00	59	33%
Hall	40,540	27.75	68	31%
Chatham	67,485	52.25	77	31%
Effingham	13,004	9.00	69	29%
Lee	8,267	5.00	60	25%
Richmond	60,270	44.50	74	14%
Whitfield	26,624	20.25	76	13%
Troup	18,248	19.50	107	9%
Calhoun	1,583	2.25	142	0%
Dodge	5,291	7.75	146	0%
Harris	6,248	5.75	92	0%
Glynn	19,474	23.75	122	0%
Rockdale	21,232	11.25	53	0%

³² U.S. Census Bureau, Population Division, 1999 County Population Estimates, Ages 0 through 19, *Website* (visited Jan. 30, 2001) <<http://www.census.gov/population/www/estimates/countypop.html>>.

³³ GEORGIA DEPARTMENT OF HUMAN RESOURCES, DHR BUDGET REPORT FY 2001 (2000).

³⁴ Includes CPS investigators, CPS ongoing caseworkers, and foster care caseworkers.

³⁵ Jane O. Hansen, *GEORGIA'S FORGOTTEN CHILDREN: State's child caseworkers among lowest-paid in nation*, ATLANTA JOURNAL CONSTITUTION, Feb. 6, 2000, reprinted at *Georgia Association of Homes and Services for Children Website* (visited Jan. 12, 2001) <<http://www.gahsc.org/terrell/salaries3.html>>.

(3) Establish an integrated statewide information system for the confidential tracking of children who have been the subject of abuse or neglect allegations.

An important state goal for FY2001 is to develop a computer system for tracking every child abuse report that comes to DFCS as well as the placement and case status of every child in our state's foster care system. Numerous attempts to build such a system in Georgia have failed. We know that Georgia has built computer systems to track many other things such as motor vehicle licenses and tax bills, so why is it that the state cannot develop a system to track abused and neglected children? The reasons are complicated. Past attempts appear to have failed due to politics, faulty contracts, and a lack of willingness at the state level to make building an effective computer system a priority.

The Federal Government -- SACWIS

The Statewide Automated Child Welfare Information System (SACWIS) was authorized by Congress in 1993 to help states meet the data collection and reporting obligations for abused and neglected children required under the Social Security Act. For states that follow federal guidelines in developing computerized tracking and data collection systems, the U.S. Department of Health and Human Services reimburses the state for 50% to 75% of the development and implementation costs. Georgia has attempted to build a system according to federal guidelines approximately four times.³⁶ Georgia is not alone in its failures. According to the federal SACWIS website, only 25 states have SACWIS systems that are "operational."³⁷

A critical question is why, when the federal government has offered to pay up to 75% of the cost of a system since 1993, have only half of the states been able to build one. Georgia started building a system in 1991-92 called ServiceNet before the SACWIS legislation passed. ServiceNet was functional in fifteen counties. The state eliminated funding to the project after the federal legislation upped the ante by adding the prospect of many more dollars to build the system. Ironically, the federal government's offer may have contributed to Georgia's failure. The virtually unlimited budget attracted the attention of powerful technology vendor groups. Because these systems are so large and so costly, the federal government stipulates detailed planning, contractual, and project management procedures, setting a very high bar for the states.

The Request for Proposals -- The RFP

In theory, everyone with the necessary expertise and capabilities should have an equal opportunity to make a proposal to the state for building a SACWIS system. The request for proposal (RFP) process has evolved over many years, driven largely by defense and traditional construction projects. The traditional RFP has not been shown to be appropriate in the construction of very large information systems.

³⁶ Georgia's most recent version of SACWIS was called FACETs.

³⁷ DHHS - Administration for Children & Families, Office of State Systems website (updated Oct. 24, 2000, visited Jan. 16, 2001) <<http://www.acf.dhhs.gov/programs/oss/sacwis/cwsstat.htm>>.

Thus far, Georgia has attempted to purchase its SACWIS system using a single, very large RFP. This approach has been driven by the federal requirement that the SACWIS Advanced Planning Document plan for a "full implementation of a comprehensive system."³⁸ In traditional construction projects, a full implementation plan is desirable for cost containment, limiting project scope, and time management. However, in computer projects it is common for major technologies to be obsolete in the space of a year. Georgia's SACWIS RFP cycles have taken about two years from the time of writing the RFP to awarding the contract. Additionally, SACWIS proposals to date have required bidders to put up a \$500,000 performance bond, effectively eliminating the medium and small size, fast-moving, innovative companies, and limiting the competition to the large consulting firms (e.g. Andersen, Deloitte, KPMG, EDS, etc.). Add to this the threat of high-stakes lawsuits if the process is not "fair enough" and the RFP process may seem doomed to failure.

The private sector faces similar challenges in the fast-changing technology markets. There, it has become common practice to use a "phased approach" to the bidding and the building of large systems. The federal government allows for such an approach, but, due to our record of failed RFP's, that flexibility may be denied to Georgia.³⁹

Our State Government

Frequent leadership changes in DHR over the last decade have hampered all large technology projects.⁴⁰ The lack of a state Chief Information Officer (CIO) with the resources to formulate intelligent standards and the power to enforce them has produced the fragile, fractured infrastructure on which our state's information systems now rest. In this leadership vacuum, county and state managers have done what they had to do to meet their obligations -- they have built a variety of "interim" information systems. The under-compensated (\$10,000-\$30,000 below market) information technology staff at the state has attempted to specify, bid out, and manage multi-million dollar projects. In the case of the SACWIS system the result has been over \$30,000,000 expended with little or nothing to show for it and a record of failures that the federal government will not soon forget.⁴¹

The child protection and foster care sections of DFCS rely primarily on two existing reporting systems: the Protective Services Data System (PSDS) and the Internal Data System (IDS). PSDS records reports of child maltreatment for all DFCS county offices. IDS is a centralized, web-based reporting system that grew from the ServiceNet systems. Each county arranges its own contract with the vendor that owns IDS. IDS allows Georgia to meet federal reporting requirements and draw federal funds for children through title IV-E of the Social Security Act. IDS cannot be used for tracking or case-management.

³⁸ *Automation of Child Welfare Programs -- Transmittal No. ACF-OISM-001* (updated Oct. 14, 1997, visited Feb. 6, 2001) <<http://www.acf.dhhs.gov/programs/oss/sacwis/sacwisat.htm>>.

³⁹ *Id.*

⁴⁰ See *infra* p. 17.

⁴¹ Ron Martz, *Child welfare computer plan may face crash*, ATLANTA JOURNAL CONSTITUTION, October 27, 2000.

Hope for the Future

On, July 1, 2000, Governor Barnes established the Georgia Technology Authority with Georgia's first state CIO, Larry Singer.⁴² Prior to taking this position, Mr. Singer founded a non-profit technology consulting firm that specialized in helping states building SACWIS systems.⁴³ Mr. Singer is familiar with the history of SACWIS, the mistakes of other states, and the federal rules and requirements. He has a mandate from Governor Barnes to build a SACWIS compliant system. The current leadership at DHR has also expressed their commitment to SACWIS as a top priority. Mr. Singer plans to have the first phase of a SACWIS system ready for RFP by May, 2002. His progress will be followed with great interest.⁴⁴

(4) Provide workers with needed tools and resources, including appropriate representation in court and appropriate placement resources.

Appropriate Representation is Needed for Compliance With State and Federal Laws

In 1996 Georgia passed the first in a series of laws to reduce the amount of time children remain in foster care and to promote permanent placements for children. Georgia changed its laws in anticipation of the 1997 federal Adoption and Safe Families Act (ASFA), which shifted the focus in child welfare policy away from family preservation and toward safety and permanence for children.

The new laws put considerable pressure on juvenile courts and DFCS to move children to permanent placements quickly. ASFA intends for children to remain in foster care no longer than twelve months. At the end of the twelve-month period a permanency hearing must be held to determine a permanent placement for the child. In Georgia, a juvenile court order giving custody to DFCS is only in effect for twelve months.⁴⁵ Before 1998 these orders were regularly extended as needed. In 1998 the Georgia Court of Appeals held that DFCS custody orders could only be extended once, because the legislative intent was that the child should be moved out of foster care in that time period.⁴⁶ To circumvent this ruling, DFCS regularly files new deprivation petitions on behalf of children who have been in custody for twenty-four months.⁴⁷ While it may appear that this is being done to protect children from being returned to harmful situations, DFCS is supposed to be filing petitions for termination of parental rights on these children rather than starting new deprivation cases. The law requires DFCS to file a petition for termination of parental rights if a child has been in foster care for fifteen out of the most recent twenty-two months.⁴⁸ There are exceptions to this, such as when the child is placed with a relative by DFCS, when DFCS has not provided services that were deemed necessary for the safe

⁴² *Georgia Technology Authority Website* (visited Jan. 16, 2001) <<http://www.gagta.com>>.

⁴³ *Public Interest Breakthroughs, Inc. Website* (visited Jan. 16, 2001) <<http://www.p-i-b.org/>>. See also Dick Pettys, *Georgia's new chief geek aims to improve government with technology*, ASSOCIATED PRESS, September 11, 2000.

⁴⁴ Interviews by Andrew and Michelle Barclay with Mr. Singer (Feb. 2, 2001 and Nov. 20, 2000).

⁴⁵ GA. CODE ANN. § 15-11-58(k) (2000).

⁴⁶ *In re B.G. and R.B.*, 497 SE2d 572 (1998).

⁴⁷ ASFA Survey Responses from Special Assistant Attorney Generals and Guardian Ad Litem (Oct. 24, 2000) (unpublished survey, on file with the Barton Child Law and Policy Clinic).

⁴⁸ GA. CODE ANN. § 15-11-58(m) (2000).

return of the child, or when the case plan documents a compelling reason for determining that filing such a petition would not be in the best interests of the child.⁴⁹

In addition to creating a presumption that parental rights should be terminated when a child has been in DFCS custody for fifteen months, the new laws allow DFCS to file a petition for termination of parental rights at any point in a deprivation case, including when a child first comes into care, if certain circumstances exist.⁵⁰ These circumstances include a parent subjecting the child to aggravated circumstances including abandonment, torture, chronic abuse, and sexual abuse; murder or serious bodily injury of the child or a sibling; and involuntary termination of parental rights to another child.⁵¹

The new laws clearly provide legal mechanisms for children to be moved quickly into permanent homes. However, the median length of time children spent in foster care in FY99, 21.3 months⁵², shows that Georgia is not meeting the goal of moving children quickly into permanent homes. One reason is that Georgia does not have enough specially trained attorneys willing to represent the state in deprivation and termination of parental rights proceedings. Without attorneys, children's cases cannot be moved through the process in an appropriate and timely manner. The Attorney General's Office has allocated approximately 100 Special Assistant Attorney General (SAAG) positions to handle all court proceedings for the 19,000 children who were in foster care in FY1999. These attorneys are paid \$45.00 per hour for their work and do not receive retirement, health coverage, vacation or other benefits. Out of this hourly rate they must pay overhead for an office, salaries of support staff, and all other expenses associated with being a private attorney. In 2000, forty-nine SAAGs doing this work resigned.⁵³

Deprivation cases require sophisticated legal skills and extensive courtroom experience. For example, SAAGs frequently call expert witnesses for medical testimony about shaken baby syndrome and battered child syndrome; cross-examine mental health experts on issues such as depression, battered woman syndrome, and substance abuse; and prepare complicated cases with little time for case preparation, often as few as ten days. The number of vacant SAAG positions indicates that experienced trial attorneys with the skills to move these complicated cases to permanency within twelve months are not financially able or willing to do this work at the current salary. The attorneys who do this work do so because they care about children. They constantly have to balance the work of clients paying market rate (upwards of \$100 per hour) with what is essentially pro bono work, the representation of DFCS.

The Supreme Court guidelines for attorneys representing indigent criminal defendants set the minimum hourly rate at \$55.00 per hour. SAAGs working for state agencies other than DFCS earn hourly rates ranging from \$75 per hour for civil rights work to \$105 per hour for road condemnations involving the Department of Transportation.⁵⁴ Based on the current legal market,

⁴⁹ GA. CODE ANN. § 15-11-58(m) (2000).

⁵⁰ GA. CODE ANN. § 15-11-58 (b)-(h) (2000).

⁵¹ GA. CODE ANN. § 15-11-58 (b)-(h) (2000).

⁵² EVALUATION AND REPORTING SYSTEM OF DHR-DFCS, ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM (AFCARS) DATA (distributed during the plenary session of the 2000 Child Placement Conference, Savannah, Georgia, Oct. 31, 2000).

⁵³ Telephone interview with Robert Grayson, Special Assistant Attorney General for DFCS, Nov. 2000.

⁵⁴ Telephone interview by Lynne Tucker with spokesperson for the Attorney General's Office, June 2000.

attorneys with these skill levels should be paid at least \$100 per hour for the handling deprivation and termination of parental rights cases.

Child Protective Services Task Force: Critical Areas of Concern⁵⁵

In carrying out their mandate to develop solutions to the crisis in the state's CPS system, the CPS Task Force held eleven community forums around the state of Georgia. The voices of over 1,200 participants are recorded in hundreds of pages of transcripts and the Task Force Report. Their collective voice spoke urgently about the current situation and the need to improve Georgia's CPS system before more children die. Some of the most pertinent information from the Task Force Report is summarized below.

- DFCS workers face low pay, no incentives for extra training, education, or for years of employment as well as inadequate compensation for long hours of work and being on-call. The report recommended moving to the same type of salary scale as educators and compensate for years of experience and education. Additionally, lower caseloads, increase the number of caseworkers per county, and create an on-call evenings and weekend position in each county to alleviate the grueling twenty-four hours per day / seven days per week on-call responsibilities of workers.
- Workers face inadequate training for decision-making that involves life and death decisions. Trainers should be experienced DFCS workers. Such training needs to be integrated into the existing degree programs. Additionally, internships should be developed for degree seeking individuals in social work and psychology programs.
- Lack of professional advancement opportunities, adequate compensation, rewards or educational incentives.
- The workload and job demands put the families of DFCS workers at risk of neglecting their own children and families

At each public forum participants were asked to complete a survey about the issues facing DFCS and possible improvements that should be made. The survey results regarding the primary contributor to the current problems and changes that should be made are noted below, listed in the order of priority given by respondents in terms of areas in need of improvement. Overall, respondents ranked training as the highest priority, with hiring as the second highest priority, and accountability as the third highest priority.

1. Caseloads (30% response) were viewed as the primary contributor to the current problems in Georgia's CPS system, followed by DFCS (18% response), the legislature (16% response), and low caseworker salaries (14% response).

⁵⁵ DEPARTMENT OF HUMAN RESOURCES CHILD PROTECTIVE SERVICES TASK FORCE, CHILD PROTECTIVE SERVICES TASK FORCE REPORT (2000), *reprinted at State of Georgia Website* (visited 01-12-2001) < <http://www2.state.ga.us/cpstaskforce/index.html>.> [hereinafter TASK FORCE REPORT].

2. The following changes were recommended to improve the statewide CPS system in order to better protect children in their community and throughout the state: fund salaries (27% response), provide better training (20% response) and reduce caseloads (16% response).

Workplace Environment

Among the concerns most often voiced by participants in the Task Force hearings were the poor working conditions and enormous responsibilities placed on DFCS caseworkers. Hundreds of people said that the work environment must be improved to encourage longevity, professional growth and reduce high rates of turnover.⁵⁶

High worker turnover rates are expensive in any organization. First of all, there are administrative costs that are necessary to process employees as they leave the organization. Secondly, there are costs that must be incurred to find replacement workers. Finally, there are costs of training the new workers to fill the vacated positions.⁵⁷ Turnover is even more detrimental in agencies such as DFCS, where the “productive capacity” of the organization is in the employees’ knowledge, skills, and abilities.⁵⁸ There is a strong link in CPS between the knowledge, skills, and abilities of the employees and the final product.⁵⁹ Because the skill and knowledge of employees in the CPS area is so important, a turnover rate higher than 20 % should be considered a threat to the agency’s effectiveness.⁶⁰

Since turnover rates are so high in Georgia’s Child Protection system, any plan to hire new workers should include a corresponding plan for long-term retention of the caseworkers. As reported to the Child Protective Services Task Force, presently DFCS workers work long hours, are often on-call twenty-four hours each day and seven days a week, the stress level is high, there are long hours of driving time, the workers lack support services, the workers are at risk for assault, there are poor communication methods, life and death decisions are made without workers having adequate resources to carry them out, and there is a lack of a unified approach to services, and decisions between DFCS, the Court System, and Law Enforcement.⁶¹ In addition, DFCS workers are paid very little, receive no incentives for extra training, education, or years of employment, and receive no compensation for long hours of work and being on-call.⁶²

Based on input from citizens and the work of numerous experts, the Child Protective Services Task Force (“Task Force”) identified the following resource requests and training recommendations that will assist to improve worker morale within DFCS.⁶³

⁵⁶ TASK FORCE REPORT.

⁵⁷ Michelle I. Graef & Erick L. Hill, *Costing Child Protective Services Staff Turnover*, 79 CHILD WELFARE 517 (2000).

⁵⁸ Danny L. Balfour & Donna M. Neff, *Predicting and Managing Turnover in Human Service Agencies: A Case Study of an Organization in Crisis*, 22 PUBLIC PERSONNEL MANAGEMENT 473,474 (1993).

⁵⁹ *Id.* at 474.

⁶⁰ *Id.* at 474.

⁶¹ TASK FORCE REPORT.

⁶² *Id.*

⁶³ *Id.*

Each request reflects the goal of preventing burnout among social workers. Burnout is caused by factors such as excessively high caseloads, lack of the necessary tools to do the job, and lack of time to take “emotional breathers.”⁶⁴ Marie and Bjorn Soderfeldt, in their review of literature regarding burnout among social workers, described ways to prevent worker burn out such as, providing a supportive environment, creating low work pressure, and increasing financial resources.⁶⁵

The Task Force Report included the following recommendations:

Resources⁶⁶

- Provide a separate staff position for on-call evenings and weekends to alleviate burden on individual workers all of who take twenty-four hour call.
- Establish and implement a statewide and/or regional child abuse reporting system through 1-800 number that:
 - Requires highly trained and certified staff to receive these calls and make initial assessment based on standardized criteria;
 - Ensures that the reporting system is adequately connected to local response personnel;
 - Ensures timely responses; and
 - Responds effectively to all concerns about the safety of children even if the report does not meet criteria for DFCS involvement, by making appropriate referrals to community agencies.
- Provide safety equipment for the job: two-way radio, cell phones, law enforcement backup, cameras, shared information about families who have received services.
- Provide avenues through which caseworkers can progress and be promoted.
- Establish and require a certification program so that workers who go through training receive certification.

Training⁶⁷

- Training should include how to deal with job stress, burnout, compassion fatigue, and interference with one’s own family and quality of life.

⁶⁴ *Increasing Job Satisfaction and Preventing Burnout* (visited Jan. 12, 2001) <<http://www.calib.com/nccanch/pubs/usermanuals/supercps/satisfy.htm>>.

⁶⁵ Marie Soderfeldt & Bjorn Soderfeldt. *Burnout in Social Work*, 40 SOCIAL WORK 638, 641 (1995). The requests above may be viewed as specific plans to implement these suggestions.

⁶⁶ TASK FORCE REPORT.

⁶⁷ *Id.*

- Trainers should be experienced DFCS workers.
- Training should be incorporated into degree programs at Georgia universities.
 - Training should count toward a degree.
 - Courses taken toward a degree should count toward training credit.
- Children's Protective Services should partner with Georgia colleges and universities to train workers within the school setting to a higher degree of compatibility with the reality of practice.
- Training should include forensic training for recognition of injuries.
- Training should be both didactic and experiential. It should prepare workers with adequate theory and for face-to-face interaction with clients, to testify in court, etc.⁶⁸

Unchanging, Committed Leadership

As previously discussed, the working conditions at DFCS have deteriorated over the last ten years. The CPS Task Force pointed out that without a strong champion and committed leadership, their report will be ignored in the same manner as the six previous reports listing the same recommendations, and conditions will further deteriorate. They point out that it is not surprising that significant gains have not been made in the last ten years because there was a severe lack of appropriate, effective leadership.⁶⁹ In the past ten years there have been four DHR Commissioners and five DFCS Directors. With leadership turning over every two to four years there cannot be commitment, championship, and a long-range vision of excellence.

To perform at high levels employees must have pride in their organization and enthusiasm for its works.⁷⁰ These qualities simply do not exist throughout DFCS. While low morale among DFCS workers has been documented over the last eleven years, today morale has reached an all-time low. Hundreds of people sent letters to the CPS Task Force or gave personal testimony at Task Force public hearings documenting the high stress, poor work conditions, and extremely low morale among DFCS caseworkers. Caseworkers feel that they are asked to do impossible jobs with inadequate resources and little or no support from supervisors and upper-management. Caseworkers are personally liable for mistakes, but are not given the necessary tools to prevent errors. Stress and morale problems have pervaded DFCS for years. A 1989 series of articles in the *Atlanta Journal Constitution* examined the high stress and low morale experienced by DFCS workers.⁷¹ Additionally, a 1993 study of the CPS system documented the low morale among CPS workers.⁷²

⁶⁸ TASK FORCE REPORT.

⁶⁹ *Id.*

⁷⁰ TOM PETERS AND NANCY AUSTIN, A PASSION FOR EXCELLENCE: THE LEADERSHIP DIFFERENCE, xvii (1985).

⁷¹ Jane Hansen, *Suffer the Children*, ATLANTA JOURNAL CONSTITUTION, June 4-10, 1989.

⁷² NORMA HARRIS, NATIONAL CHILD WELFARE LEADERSHIP CENTER, SYSTEM REVIEW OF CHILD PROTECTIVE SERVICES OF THE GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES (Jan. 1993).

Successful organizations, those with enthusiastic employees working toward excellence, have effective, committed, and generally consistent leadership. One description of a leader states, "The leader's role is to create a vision, not to kick somebody in the ass. The role of the leader is a servant's role. It's supporting his people, running interference for them. It's coming out with an atmosphere of understanding and trust--and love."⁷³ A leader is one who has a vision of where she will take the company, can dramatize that vision for the organization, and can communicate the work of the business simply and directly to everyone inside and outside the business. A leader is someone who is passionate about her work and inspires excellence in those who work with her. No one can be ordered to perform in an excellent fashion; "excellence, by its very definition and at all levels, is a purely voluntary commitment. It ensues only if the job is sincerely 'owned.'"⁷⁴ Leaders who stay in place long enough to know their workers, the jobs they do, and the tools they need to do them, can become the kind of leaders who will build DFCS into an organization that consistently succeeds in protecting children.

The lack of consistent DHR and DFCS leadership is illustrated by the following chronologies:

DHR Commissioners (complete history)

Commissioner's Name	From	To
J. Battle Hall	July 1972	October 1972
Richard M. Harden	October 1972	February 1975
T. M. (Jim) Parham	February 1975	January 1977
W. Douglas Skelton, M.D.	January 1979	January 1980
Andy H. Carden	January 1980	March 1980
Joseph N. Edwards, Ph.D.	March 1980	June 1982
James G. Ledbetter, Ph.D.	June 1982	December 1994
Tommy C. Olmstead	January 1995	July 1999
Audrey W. Horne	July 1999	December 2000
Gary Redding, (Acting Interim)	December 2000	present

State DFCS Directors (years of service are approximate)

Director's Name	From	To
Patricia Johnson	1978	1984
Shirley Tate	1984	1986
Doug Greenwell	1986	1993
Ann Plant	1993	1995
Michael Thurmond	1995	1997/8
Peg Peters	1997/8	1999
Juanita Blount-Clark	November 1999	present

⁷³ TOM PETERS AND NANCY AUSTIN, *A PASSION FOR EXCELLENCE: THE LEADERSHIP DIFFERENCE*, 240 (1985).

⁷⁴ *Id.* at 245.

III. TOOLS FOR SYSTEMIC CHANGE

Brief History of Related Studies

Georgia has meticulously documented a system in crisis since at least 1989. Thousands of hours and state dollars have been spent compiling studies with identical recommendations. Six of those studies are summarized below.

NAME: Child Protection In Georgia

SPONSORING ORGANIZATION: The Urban Study Institute (authored by Carol Ann Dalton)

DATE: **August 1989**

PURPOSE: An overview of the Child Protective Services in Georgia. CPS workers around GA report "the biggest problem is overworked, overloaded, under trained and underpaid CPS workers."

RECOMMENDATIONS: Official caseload of CPS workers is 27:1; DFCS needs 81 more CPS & Foster Care workers to prevent an increase in the current caseloads; 159 workers required to meet the national standards.⁷⁵

NAME: System Review of Child Protective Services of the Georgia Division of Family and Children Services.

SPONSORING ORGANIZATION: National Child Welfare Leadership Center.

DATE: **January 1993**

PURPOSE OF STUDY: Review Georgia's Child Protective Services system and compare with national guidelines and standards.

RECOMMENDATIONS: Develop and implement a training program that includes identifying staff competencies and assessing staff in light of these competencies; develop a plan for the design of workload standards; formalize and enhance internal support system to offer additional benefits and incentives for staff.⁷⁶

NAME: Report of the Senate Study Committee on Children at Risk.

SPONSORING ORGANIZATION: The State Senate

DATE: **December 1993**

PURPOSE OF THE STUDY: Identify problems facing Georgia's "at-risk" children; discuss where the child protective, educational, judicial, and law enforcement systems are weak; recommend solutions to the problems facing Georgia's "at-risk" children.

RECOMMENDATIONS: Georgia should fund an additional 443 CPS workers and 1,277 AFDC and Food Stamp workers to meet national standards;⁷⁷

NAME: Child Placement Project Final Report.

SPONSORING ORGANIZATION: Georgia Supreme Court Administration Office of the Courts.

⁷⁵ CAROL ANN DALTON, THE URBAN STUDY INSTITUTE, CHILD PROTECTION IN GEORGIA (1989).

⁷⁶ HARRIS, *supra*, note 67.

⁷⁷ GEORGIA SENATE, REPORT OF THE SENATE STUDY COMMITTEE ON STATE FOSTER CARE AND ADOPTION (1996).

DATE: Completed Summer of 1996, presented to Supreme Court on **October 9, 1996**

PURPOSE: To assess and evaluate court proceedings involving abused, neglected, and deprived children as they move through Georgia's superior and juvenile courts.

RECOMMENDATIONS: Develop and implement improved, uniform methods of record-keeping and case management; increase education and training and provide cross-training and trial manuals for all persons working with juvenile court cases.⁷⁸

NAME: Report of the Senate Study Committee on State Foster Care and Adoption.

SPONSORING ORGANIZATION: The State Senate.

DATE: **December 1996**

PURPOSE OF STUDY: Outline ways to move towards permanent settings for children in DFCS control; ways to strengthen DFCS; possible uses for private agencies.

RECOMMENDATIONS: Reduce caseloads to 30 by 1997 and 20 by 1999; address the situation presently existing within the CPS Program, and resolve issues giving rise to the need for salary, workload and workplace reform.⁷⁹

NAME: Child Protective Service Task Force Report to the Commissioner of the Department of Human Resources State of Georgia.

SPONSORING ORGANIZATION: DHR: Child Protective Services Task Force.

DATE: **April 20, 2000**

PURPOSE: To develop a comprehensive set of policy and program recommendations that when implemented would improve the effectiveness of Georgia's child protection efforts.

RECOMMENDATIONS: Make comprehensive changes at DFCS to improve the protection of children who are identified victims of abuse and neglect (1st order of business); add new resources for staff recruitment, retention and supervision; provide adequate tools and training.⁸⁰

Examples from Other States

The following statutes are a fairly comprehensive compilation of actions that have been taken in other states.

Alabama: The legislature required the development of a State Case Registry of Children in State Care. This registry is to contain many specific pieces of information, including information on the sizes of caseloads and whether the size of caseloads has an effect on services offered to parents and children. ALA. CODE § 29-2-106 (2000).

Arizona: State legislation established the Protective Services Caseload Standards Advisory Committee (recommended to refine workload measurement and identify how much additional funding would be necessary to meet workload standard) The legislation also protects CPS

⁷⁸ GEORGIA SUPREME COURT ADMINISTRATIVE OFFICE OF THE COURTS, CHILD PLACEMENT PROJECT FINAL REPORT (1996).

⁷⁹ GEORGIA SENATE, REPORT OF THE SENATE STUDY COMMITTEE ON STATE FOSTER CARE AND ADOPTION (1996).

⁸⁰ TASK FORCE REPORT.

workers from some disciplinary actions if they have excessive caseloads. ARIZ. REV. STAT. § 8-810 (2000).

California: The State Department of Social Services must contract with another entity to assess the adequacy of child welfare services budgeting methodology. This evaluation will result in recommendations that include information on revising budget methodology, specifically, appropriate caseload levels, supportive services, preventative services and the benefit of new advancements in the field. CAL. WELF. & INST. CODE § 10609.5 (Deering 2000)(formerly CA Senate Bill 2030).

Connecticut: In 1999, the legislature increased the state's Department of Children and Families budget to hire staff when it discovered that DCF did not have a sufficient number of employees to comply with a court order regulating caseloads (will hire 146 additional social workers and supervisors by April 2000; eighty four additional support staff over the next two years)(citation omitted).⁸¹

District of Columbia: The City Council sought to decrease the number of children in dependency care by very specific statistical ratios. Steps to reach these goals were listed, including the goal to provide for decreased caseloads with an emphasis on preventing placements or early reunification. D.C. CODE ANN. § 3-114.1 (2000).

Florida: Last year, FL passed legislation that mandates a Child Welfare System Estimating Conference to forecast child welfare caseloads. This legislation also mandates the privatization of most of the child welfare system in the state. FLA. STAT. ch. 216.136 (2000).

Indiana: In 1996, the legislature established a procedure for bringing child welfare caseloads within set standards. IND. CODE ANN. § 12-14-25.5-6 (Michie 2000).

Kentucky: Legislation mandates that the monthly statewide caseload average for social workers providing direct services in foster care, child protection, juvenile services, or adult protection shall not exceed twenty-five cases. If this average exceeds twenty-five cases for ninety days, the Department of Social Services must report that fact with recommendations to the Governor and the Legislative Research Commission. KY. REV. STAT. ANN. § 199.461 (Michie 1998).

Maryland: In its Child Welfare Workforce Initiative of 1998, the legislature required the development of a comprehensive plan for the recruitment, training, and retention of caseworkers. The legislation also mandated that newly hired caseworkers have social work or specific related backgrounds only and all workers must pass a competency test. A continuing education program was established and all workers must maintain a required level of continuing education credits. All contractual positions were eliminated and qualified workers were transitioned into full-time positions. Please note that this legislation did not mandate specific caseload limits, however, the legislature added "intent" language to the bill that directed the Department of Human Resources

⁸¹ *American Federation of State, County and Municipal Employees, AFL-CIO Website* (visited Jan. 17, 2001) <<http://www.afscme.org/publications/child/cww00101.htm>>

to develop a program whereby enough caseworkers would be employed to satisfy CWLA recommendations. MD. CODE ANN. art. 88A, § 3A (2000).

New York: An audit was completed by the Office of the State Comptroller, Division of Management. The audit addressed questions about the deployment of caseworkers from June 1, 1995 through January 31, 1997. First, did the Department adequately monitor the deployment of the caseworkers? Second, what is the ratio of cases to caseworkers in each local district and how do these ratios compare to standards developed by the CWLA? Of the fifty-five districts reporting, twenty-six reported developing workload standards on their own (many within a few cases per caseworker of the CWLA standards), six districts reported that they use CWLA standards and the remaining twenty-three districts (including NYC) reported that they do not use a standard for assigning caseloads. The recommendation of the audit was to update and specify the staffing workload standards for Child Protective Services, Preventative Services and Foster Care. Consider adopting the CWLA standards for each program because Caseworker Workload Standards can provide the districts with a guideline or benchmark for the maximum number of cases a caseworker can be expected to handle without compromising the quality of casework performed. NEW YORK OFFICE OF THE STATE COMPTROLLER DIVISION OF MANAGEMENT, CASEWORKER DEPLOYMENT IN SELECTED CHILD WELFARE PROGRAMS REPORT 96-S-52 (1998).

Washington: The state legislature created a “caseload forecast council” for a number of programs, including foster care and adoption support. These forecasts must be submitted to the Governor and legislature at least three times a year and are mandated to the basis of the governor’s budget document and the legislature’s development of biennial appropriations. WASH. REV. CODE § 43.88C.010 (2000). The legislature also established the Children, Youth, and Family Ombudsman's office within the Office of the Governor in response to overwhelming caseload burdens. WASH. REV. CODE § 43.06A.010 (2000).

West Virginia: Legislation authorizes the Secretary of the Department of Health and Human Resources to transfer funds between all personnel and non-personnel revenue accounts under her control for “the sole purpose of increasing the number of front line child protective service case workers and investigators.” The legislation specifically does not authorize the hiring of more workers if funding is not provided for that. W. VA. CODE § 49-6-1a (2000).

Legislatively Established Caseload Limits

The concept of applying minimum/maximum workload and caseload standards involves issues that make it unworkable without appropriate legislative enforcement. Since neither DHR nor DFCS has budget appropriations authority, it is unlikely that they would or could impose meaningful caseload/workload standards. Unpredictable conditions could render them vulnerable to violating their own standards because they do not have the power to hire additional staff 'as needed.' Such situations present liability considerations for the State as well as individual workers.⁸² Legislation which both sets caseload/workload maximums, possibly through reference to CWLA criteria, *and* provides for staffing increases when these numbers

⁸² *American Federation of State, County and Municipal Employees, AFL-CIO Website* (visited Jan. 17, 2001) <<http://www.afscme.org/publications/child/cww00101.htm>>.

exceed mandated levels by a set amount (i.e. 10%) for a given period of time (i.e. six months) is essential to Georgia's efforts to achieve compliance with CWLA standards. This type of legislation has been introduced in New Jersey (Bill A-2104) and similar legislation has been enacted in Delaware, Indiana, and the State of Washington.⁸³

Use of Law Enforcement for CPS Investigations⁸⁴

A pilot program in Florida utilizes law enforcement officers to investigate child abuse and neglect complaints, a task that usually is handled by social workers and health officials in most states. Four counties in Florida are experimenting with the concept of having police investigate child abuse, but many are worried about the police involvement, claiming that this could set a dangerous precedent.

In Manatee County, police are much more involved in child abuse and neglect cases than they are in other parts of the state. Police with arrest powers are sending a strong message about the state's attitude towards abuse: it won't be condoned. This change came about because the old system had too many problems. It would be days before caseworker could get in touch with the family, plus social workers are not qualified to declare if a crime has occurred, because they can't investigate crime scenes.

Manatee County is having the police investigate all child cases, but this may complicate child welfare services. CPS workers co-investigate cases of abuse and neglect with police. During these calls, the officers are wearing guns and although they try to be welcoming, the children still seem scared. Police say their presence might discourage parents from hurting their child. The car with sirens and other things stand out and remind people of the power of the law and that laws need to be followed.

This fundamental change in investigative tactics has meant a change in attitude for the police. The chief compares it to the change of attitude needed years ago in domestic violence cases. For domestic cases, it took a few years after the passage of domestic violence legislation for old timers, especially, to understand particular issues special to women. Some top child welfare advocates are skeptical -- they think this practice is equivalent to "turning the system upside down; it's an overreaction." The deputy director of the CWLA says a better approach would be to look at the current system and build it up. Three-fourths of all abuse complaints never end up in child welfare services so police don't need to be involved in all those investigations. Law enforcement has a different focus from DFCS. Allowing police to investigate will result in a more law enforcement/prosecution mentality instead of a social services mentality meaning that more children will be taken out of their homes. An example is one woman who repeatedly left her children alone. An increased social services budget might help her to find ways to be a better parent, instead of using police to intervene.

⁸³ See DEL. CODE ANN., tit. 29, § 9015 (2000); IND. CODE ANN. § 12-14-25.5-6 (Michie 2000); WASH. REV. CODE § 43.88C.010 (2000).

⁸⁴ *Morning Edition: New Law Enforcement Duties* (NPR Radio Broadcast, reported by Eric Westervelt, April 24 – 25, 2000) reproduced at NPR Website (visited Jan. 12, 2001) <<http://www.npr.org>> (information in the section below was loosely transcribed from these broadcasts).

Anecdotally, the system seems to be working. Police have become more sensitive to children's issues. At first they didn't necessarily equate a filthy home at a crime scene with a problem for the children present; now they see those issues and report them.

The new system has not done anything to reduce caseloads, which have increased, in part because of high profile case in late 1998 of Kayla McKean. This case changed the ways that teachers, social workers, and other professionals respond to cases. One caseworker said "Nine, ten cases a person per week, as soon as you make sure one child is safe, you have another case to do. You can never do enough." This results in high turnover. CWLA says that we are facing a workforce crisis in child welfare services in US" and if there is more money in the system, the legislature should use the money to make DFCS 100% responsive to cases, not to involve police.

Richard Gellis of the Children's Research and Policy Practice with the University of Pennsylvania says that reforms over the years have always meant growing the system. More resources haven't helped reduce or improve the problem, so advocates must think outside the box. Police involvement is out of the box thinking. Gellis is heading a three-year study for the U.S. Department of Justice to assess the effectiveness of Florida's program and to see if the new program helps increase worker satisfaction at all.

Consent Decrees

In many states, child welfare systems have been improved through consent decrees arising from class action lawsuits on behalf of children. This can be an expensive and lengthy process. In Georgia, a consent decree would read much like the recommendations of the studies summarized above in this paper; the state already knows what needs to change to protect children. A quick review of the facts of some of the most recent lawsuits on behalf of children clearly shows that Georgia's situation is frighteningly similar to those of states whose child welfare systems are now in federal receivership.

- *Angela R. v. Clinton*, 999 F.2d 320 (8th Cir. 1993).
 - The complaint discussed abuse and neglect investigations and child protective services, placement prevention and family reunification services, out-of-home placement, health care for foster children, caseloads and staff training, case planning, case review, and quality assurance. The original consent decree addressed qualifications, caseloads, and training. This consent decree was later modified.
- *Aristotle P. v. McDonald*, 721 F.Supp. 1002 (N.D. Ill. 1988).
 - This class action suit was brought on behalf of children who are or in the future will be in the custody of DFCS in Illinois. The class alleged that DFCS regularly placed siblings in different placements without arranging or permitting visits between the siblings. The consent decree addressed the training of caseworkers.
- *B.M. v. Richardson*, No. IP 89 1054C (S.D. Ind. filed Oct. 1989).

- Suit was filed alleging that welfare workers in Marion County, Indiana are unable to provide minimal services to prevent unnecessary separation of children from families, to assure the safety of children in foster homes, and to meet with parents and children to formulate a service plan. Caseloads of DFCS workers were an issue in the case.
- *Charlie and Nadine H. v. Whitman*, No. 99-3468 (GEB) (N.J. filed Aug. 4, 1999).
 - The class action was filed on behalf of all children affected by the New Jersey Division of Youth and Family Services. Caseloads, training, and qualifications of child protective workers are an issue in the case.
- *David C. v. Leavitt*, No. 93-C-206W (D.Ut. filed Feb. 25, 1993).
 - The Complaint addressed abuse and neglect investigations and child protective services, quality and safety of out-of-home placements, health care and mental health care for foster children, caseloads and staff training, case planning, case review, and permanency planning. A settlement was entered into and the legislature increased the state child welfare agency's budget by almost \$15 million to pay for reforms mandated by new legislation and by the first year's requirements in the settlement of this case. Caseloads and training for DFCS workers were an issue in the case.
- *Doe v. King*, No. 37561 (Mass. Super. Ct., filed Sept. 24, 1979); No. 80-51 (Mass. App. Ct.); No. SJC-2115 (Mass. Sup. Jud. Ct.).
 - Suit was filed on behalf of abused and neglected children to challenge Massachusetts' child protective system. A settlement was entered into and the settlement agreement provided that caseworker workload would decrease, and case workers would receive training.
- *Eric L. v. Bird*, No. 91-376-M (N.H. 1991).
 - Suit was filed on behalf of all children in foster care challenging the state's failure to properly investigate abuse and neglect reports, provide services to keep families together, provide safe and stable placements for children who cannot live at home, and provide proper care and services, and stable, appropriate placements, to children with disabilities. The settlement agreement provided that child protection staff would receive more training, and that the department would hire another foster care recruitment worker.
- *G.L. v. Stangler*, 564 F. Supp. 1030 (W.D. Mo. 1983) (consent decree), 731 F.Supp.365 (W.D. Mo. 1990).
 - Suit was filed on behalf of all children placed in Jackson County, Missouri foster homes by DFS. A consent decree was entered into, but DFS violated the consent decree, so the court's order addressed caseload size. The court ordered the state to lobby for a budget increase, and if it failed to get the budget increase, to transfer workers from other counties to ease Kansas City's case load problem.
- *Jeanine B. v. Thompson*, No. 93-C-0547 (E.D. Wisc., filed June 1, 1993).

- Suit was filed on behalf of children in the Milwaukee County child welfare system alleging that the children are deprived of timely and appropriate investigations of abuse and neglect, do not receive services that might prevent the need for foster care, do not receive appropriate case planning and services once they enter foster care, are placed in inadequate and unmonitored foster homes (in which they are often abused and neglected), are not provided services that would allow them to return home, and children who cannot return home are not provided with services that would allow them to be adopted. Caseloads are a concern in the case, but as of this writing, nothing had yet been settled.
- *Joseph A. v. New Mexico Dep't of Human Services*, 575 F.Supp. 346 (D.N.M. 1982) (consent decree).
 - Suit was brought on behalf of children stuck in “foster care limbo” under the Adoption Assistance and Child Welfare Act. The consent decree addressed employee qualifications, social worker training, case planning, and caseload size.
- *Juan F. v. O'Neill*, 37 F.3d 874 (2d Cir. 1994).
 - Suit was filed challenging the understaffing and underfunding of the Connecticut Department of Children and Youth Services. The consent decree dealt with low pay and understaffing of case workers, but in 1993 the legislature cut funding to the agency. After three children died in 1995, the Plaintiff's attorney and Court Monitor forced the state to hire 200 more social workers.
- *L.J. v. Massinga*, 838 F.2d 118 (4th Cir. 1988) *aff'd preliminary injunction; cert. denied*, 488 U.S. 1080, 109 S. Ct. 816; 699 F.Supp. 508 (D. Md. 1988) (approving consent decree); 778 F. Supp. 253 (D. Md. 1991)(modifying consent decree).
 - A civil rights action was brought on behalf of roughly 2,500 foster children in Baltimore, Maryland alleging misplacement of children, low foster care payments, an insufficient number of homes combined with a lack of recruitment efforts, inadequate health care, failure to train foster parents and case workers, infrequent caseworker monitoring visits, and failure to provide services to children placed with relatives. The September 1988 consent decree set standards for caseloads and provided for caseworker training. In October of 1991, the consent decree was modified to include kinship care. However, in kinship care cases, there is an actual caseload cap, as opposed to a caseload standard.
- *LaShawn v. Barry*, 762 F.Supp. 959 (D.D.C. 1991), *aff'd*; 990 F.2d 1319 (D.C. Cir. 1993), *cert. denied*, 114 S.Ct. 691 (1994).
 - A civil rights action was filed on behalf of children placed in foster care by the District of Columbia's Department of Human Services and children who have been abused and neglected and who are or should be known to the Department by virtue of that abuse. The consent decree dealt with case worker qualifications, training, and caseload standards.

- *MacFarland v. Dukakis*, 550 F.Supp. 325 (D. Mass. 1982), 719 F.2d 504 (1st Cir. 1983).
 - Suit was filed to address problems of unnecessary removal of children due to lack of services, protracted stays in foster care, frequent moves to different placements, injuries resulting from inadequate supervision, and inappropriate delays in returning children from foster care. Caseloads for DFCS workers were an issue in the case.
- *Marisol v. Giuliani*, No. 95-Civ-10533 (S.D.N.Y., filed Dec. 13, 1995).
 - Suit was filed charging that New York City failed to care for and protect children in its custody, or those reported to be in danger of abuse and neglect. Training of DFCS workers was an issue in the case.
- *R.C. v. Nachman*, No. 88-D-1170-N (M.D. Ala. Filed 1988).
 - Suit was filed alleging that Alabama failed to preserve the families of and provide treatment to children with emotional or behavioral disorders. The consent order dealt with the setting of caseload standards.
- *Ward v. Kearney*, No. 98-71370CIV-MORENO (D.Ct. S.D. Fla., Fort Lauderdale Division, filed Oct. 20, 1998).
 - Children in state's custody allege that they have been subject to serious physical, sexual, and emotional abuse because they have been deliberately placed in overcrowded foster and shelter care facilities. In addition, DFCS has failed to screen or appropriately evaluate the children to insure that they are placed with children who will not pose a threat to them, and DFCS has failed to monitor placements. Finally, plaintiffs argue that caseloads are excessively high and case worker turnover prevents adequate case management.⁸⁵

IV. CONCLUSION

The time to act is now. There is great need for higher salaries, more caseworkers, better trained caseworkers, better work conditions, and more resources including adequate legal representation, appropriate placements for children, and a statewide information system. In Georgia, child protection case worker salaries are deplorably low, case loads are dangerously high, and case workers lack the tools, training, support, and resources that are essential to protect Georgia's children. Caseworkers are leaving their jobs at an alarming rate, and there have been four DHR commissioners and five DFCS directors in the past ten years.

Now is the time to make the changes necessary to raise the standards for child protection in Georgia. The existing system in Georgia is failing to protect children, and this failure has drawn the attention of the national media. *Time Magazine* and *60 Minutes* have recently addressed the issue of child protection failures in Georgia. While national attention is increasingly focused on Georgia's CPS system, the public and political support within Georgia for systemic improvements to CPS is growing. This item received the most votes on the Georgia Children's Agenda ballot, and thousands of people participated in the CPS Task Force public forums.

⁸⁵ NATIONAL CENTER FOR YOUTH LAW, FOSTER CARE LITIGATION DOCKET (1998) *reprinted at The National Center for Youth Law Website* (visited Jan. 12, 2001) <<http://www.youthlaw.org/Fcdocket.htm>>.

There are success stories as well. *The Oprah Winfrey Show* highlighted two successful Atlanta organizations serving young people by honoring them with her Angel Award: My House and Inner Strength. Several other initiatives are also developing around this issue. Community leaders have formed a Georgia Alliance of the Black Community Crusade for Children, an initiative of the Children's Defense Fund. Peachprint, a long-range plan for Georgia's children, is also being developed. Additionally, discussions are taking place among state graduate schools of social work regarding collaborative training solutions for DFCS caseworkers. Finally, Marian Wright Edelman of the renowned Children's Defense Fund in Washington, D.C. traveled to Georgia on January 18, 2001 to introduce the inaugural Child Watch program, sponsored by the Atlanta Child Watch Coalition.

In his budget address to the General Assembly on January 11, 2001, Governor Roy Barnes pledged his support for many of the changes proposed in this policy paper.⁸⁶ We are encouraged by his support for this initiative, and for his support of Georgia's children. We hope that this paper will be used as a tool for child advocates and policy makers as they work together to protect the children of Georgia.

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⁸⁶ See also GOVERNOR ROY BARNES AND BILL TOMLINSON, DIRECTOR, STATE OF GEORGIA OFFICE OF PLANNING AND BUDGET, THE GOVERNOR'S BUDGET REPORT FISCAL YEAR 2002, 25 (Jan. 2001).