

Appendix 3

Barton Child Law & Policy Clinic ASFA Survey

Survey of Court Professionals Regarding Foster Parents Right to Have Notice and To Be Heard

The survey of court professionals was developed by the Barton Child Law and Policy Clinic and supported by the Child Placement Project. The survey was designed to explore how Georgia foster parents perceive their right to have notice of hearings and an opportunity to be heard and implementation of that right. The Barton Child Law and Policy Clinic and the Child Placement Project would like to thank the judges, attorneys, and others who took the time to be a part of this study. The results of the survey are posted below for your review.

[Survey](#) - [Results](#) - [Comments](#)

1. With what profession are you affiliated? (Check only one answer)

Juvenile Court Judge	56.1%	(46)
SAAG	14.6%	(12)
GAL	14.6%	(12)
Associate Judge	1.2%	(1)
attorney	1.2%	(1)
Attorney for parents in deprivation actions and as GAL	1.2%	(1)
attorney/GAL	1.2%	(1)
Caseworker	1.2%	(1)
Court appointed counsel and GAL	1.2%	(1)
GAL/Ct Appt. Atty for Parents	1.2%	(1)
lawyer	1.2%	(1)
Lawyer	1.2%	(1)
private attorney	1.2%	(1)
TOTAL	97.6%	82

2. For what proceedings are foster parents and relative caregivers receiving notice? (Check all that apply)

periodic reviews by panel	73.2%	(60)
periodic reviews by judge	68.3%	(56)
permanency	61.0%	(50)
all hearings	3.7%	(3)
72-hr hearings, 10-days, terminations. Should be given notice of all.	1.2%	(1)
?	1.2%	(1)
all custody hearings	1.2%	(1)
All dispositional hearings.	1.2%	(1)
All hearings	1.2%	(1)
all placement proceedings	1.2%	(1)
Apparently notified only when foster parent or child must testify in court.	1.2%	(1)
Cont. of custody, terminations	1.2%	(1)
Extensions, Protective orders and	1.2%	(1)

Terminations		
foster care panel/reviews	1.2%	(1)
if they get any notice at all it is from the caseworkers & SAAGS	1.2%	(1)
inconsistent notice	1.2%	(1)
none by the court	1.2%	(1)
termination	1.2%	(1)
Termination hearings	1.2%	(1)
Termination of Parent Rights	1.2%	(1)
Termination of parental rights	1.2%	(1)
termination trials	1.2%	(1)
They receive notice as to TPR hearings and DFCS case review meetings	1.2%	(1)
TPR	1.2%	(1)
unkown	1.2%	(1)
TOTAL		82

3. How is notice being given in your jurisdiction? (Check all that apply).

regular mail from DFCS	43.9%	(36)
phone call from DFCS	43.9%	(36)
regular mail from court	41.5%	(34)
in person from DFCS	26.8%	(22)
certified mail from court	6.1%	(5)
certified mail from DFCS	6.1%	(5)
phone call from court	6.1%	(5)
varies by county	2.4%	(2)
As far as I know	1.2%	(1)
certified mail by my office	1.2%	(1)
dont know	1.2%	(1)
GAL or attorney for parents will often ask care givers or placement resource to appear for court if it serves that persons, individual asking their attendance, interest	1.2%	(1)
may get summons to court if adopting relative or fosterparent	1.2%	(1)
next hearing announced in court	1.2%	(1)
not sure if being notified by other means by the Department	1.2%	(1)
Not sure that formal notice is given unless individual is needed to testify to a specific issue	1.2%	(1)
Personal Service for terminations	1.2%	(1)
summons for tpr	1.2%	(1)
Summons/subpoena	1.2%	(1)
TOTAL		82

4. Who is responsible for providing notice to foster parents and relative caregivers? (Check only one answer)

DFCS	43.9%	(36)
Court	18.3%	(15)
don't know	18.3%	(15)

SAAG	14.6%	(12)
?	1.2%	(1)
Both DFCS & SAAG	1.2%	(1)
Court relative Caregivers/Foster parents	1.2%	(1)
Court sends out notice of all panel reviews to foster parents and relative caregivers, but DFCS gives notice of court hearings I assume by phone.	1.2%	(1)
TOTAL	100.0%	82

5. How much notice do foster parents and relative caregivers usually receive? (Check only one answer)

don't know	46.3%	(38)
7 - 14 days	32.9%	(27)
15 - 21 days	9.8%	(8)
less than 7 days	6.1%	(5)
they do not receive notice	2.4%	(2)
less than 2 days	1.2%	(1)
more than 21 days	1.2%	(1)
TOTAL	100.0%	82

6. Are foster parents and relative caregivers given notice of their right to the opportunity to be heard? (Check only one answer)

don't know	32.9%	(27)
always	26.8%	(22)
most of the time	23.2%	(19)
some of the time	14.6%	(12)
never	2.4%	(2)
TOTAL	100.0%	82

7. ASFA, the federal law, requires that foster parents have 'an opportunity to be heard.' What would you like that phrase to mean? 'The opportunity to'? (Check only one answer)

Speak in court	58.5%	(48)
have their concerns verbalized to the court by CASA/GAL	9.8%	(8)
submit something in writing to the judge	8.5%	(7)
have their concerns verbalized to the court by DFCS case manager	8.5%	(7)
?	1.2%	(1)
Any method suits me. Speak in Court is preferable but I think some foster parents would be afraid.	1.2%	(1)

any of above	1.2%	(1)
Any of the above that they choose	1.2%	(1)
Combination of any of the above where applicable	1.2%	(1)
give testimony regarding the child or parent	1.2%	(1)
Have their concerns verbalized to the parties prior to hearing, so that appropriate case by case "opportunities to be heard" can be determined prior to a hearing.	1.2%	(1)
speak or be heard through CASA or Case Manager	1.2%	(1)
submit concerns through Panel Review, live or in writing	1.2%	(1)
Testify as a witness	1.2%	(1)
they are not consulted that I am aware of	1.2%	(1)
TOTAL	98.8%	82

8. How are foster parents and relative caregivers currently given the opportunity to be heard at hearings? (Check all that apply)

in person	73.2%	(60)
through DFCS case manager	39.0%	(32)
through CASA/GAL	26.8%	(22)
in writing	24.4%	(20)
they are not given the opportunity to be heard	7.3%	(6)
?	1.2%	(1)
Foster parent can contact CASA, DFCS caseworker	1.2%	(1)
Foster parents vary widely in the extend and the manner that they want to participate, some not at all. They should be given wide latitude.	1.2%	(1)
If any information is passed from Fosters it is through DFCS workers	1.2%	(1)
Judge usually addresses them during hearing	1.2%	(1)
occasionally given the opportunity to be heard in person, never in writing, and usually only through the CASA/GAL	1.2%	(1)
The SAAG can call them if they request it	1.2%	(1)
TOTAL		82

9. Please describe briefly, how often and in what manner you include information from foster parents and relative caregivers at hearings:

1.	<p>I have not kept any statistics on this issue. I would guesstimate that I have foster parents and caregivers appear and speak at 20%-25% of all hearings. Most of these appearances are by caregivers who are relatives of the parent(s). Almost always, if a foster parent or caregiver appears, they are provided an opportunity to be heard in person and orally. I also incorporate foster parent/caregiver</p>
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comments gathered at panel reviews in to decisions on whether an in-court review is merited after a panel review.

Occasionally Foster Parents will come to Court; have been witnesses

2. in some cases; occasionally will submit a statement to me; inclusion in CASA reports

I would like for foster FPs and RCGs to be heard anytime the panel or the court is reviewing the case so that we can get their perspective on how the child is doing. Foster parents are given the right to be heard, but do not exercise that right in the overwhelming number of cases. When they want to be heard, I would prefer for them to testify in person at the end of the hearing or review, but before any findings are made. We recognize that a lot of what they have is hearsay, but we know how to deal with that.

- 3.
4. Foster parents rarely attend hearings. When they do, they are usually called as a witness by SAAG so that they may be heard.

Foster parents sometimes give testimony at Termination hearings in deciding "best interests." Foster parents are usually at panel reviews and provide solicited info.

- 5.
6. I consider whatever information or concerns they may have if they present it.

I always get the foster parent to testify at TPR hearings. Otherwise it is if they have pertinent information. Relative caregivers are always in the courtroom and can testify or tell me whatever they choose.

- 7.
8. I usually give them an opportunity to speak during the hearing.

9. I consider all comments made during the hearing in to my conclusions and rulings.

10. I always include information at panel reviews and termination hearings when the foster parent wants to be heard. Most of the time they speak in court. I have called foster parents personally when I needed info for a judicial review.

No foster parent has supplied any information yet. I would be

- happy to hear from them at any hearing in any way they want to communicate.
- We do not hear from foster parents. DFCS relays any
- 12.** information but that is rare.
- 13.** I usually call them to the stand on a Permanency hearing if they are present.
- Notice to foster parents tells them they have a right to be heard, that they are not parties, that they must inform court staff when they
- 14.** arrive if they wish to "be heard". At the close of the evidence, they are allowed to inform the court about what they believe to be in the best interest of the child, and are subject to examination by attorneys.
- 15.** include information through caseworkers primarily
- I interview foster parents when they identify themselves to me or when they appear early for Court. Their responses are
- 16.** requested by calling them as witnesses (if indicated) or by including their observations as part of my report and recommendation.
- 17.** Documentary evidence, oral testimony and correspondence are considered.
- Foster parents are always at panel review hearings. They are informed via CASA representative if one has been appointed or via DFACS representative by mail or telephone.
- Foster parents are very seldom at court hearings due to their interest as a temporary placement source. If the plan is one of
- 18.** foster adopt, then foster parents are present in court to state their interest as well as their opinion as to the status of the child placed with them.
- GAL will often submit a report and information is included regarding interviews. Interviews often include information from foster parents.
- 19.** Case by Case - If the foster parent and/or relative caregiver has played an active role, as GAL I include their opinions and observations in my report to the court.
- Only when I am acting as a GAL. I speak with them and use

the
information to represent my minor client.

- 21.** I always include information learned from foster parents and relative caregivers in my testimony at hearings and in my written GAL reports submitted as evidence to the court.
- 22.** listen to what they have to say and try to take it into account
- 23.** Usually, caregivers make the case manager aware of their concerns and advise the SAAG, who then calls the caregivers as a witness. Caregivers have an interest in giving information about 50% of the time or more when permanency is addressed.
- 24.** Almost never because they almost never show up
- 25.** Usually they only appear at panel reviews and occasionally when the court reviews a case plan.
- 26.** Court notifies foster parent of Panel review by letter 2-3 weeks before the review. CASA and case manager can bring concerns of foster parent to the attention of the court by way of judicial review or other proceeding if deemed warranted.
- 27.** When I am contacted by a foster parent with info, I verify it independently, if possible, and include it in my oral recommendations in court.
- 28.** Never unless they show up and ask to be heard. Sometimes DFCS will have them there to testify.
- 29.** I ask the Foster Parent questions, and allow counsel and CASA to ask questions as well. I ask Foster Parents if there is anything they wish to say, about the children or the case.
- 30.** Rarely - unless they converse with GAL
- 31.** Generally the foster parents are given the opportunity to discuss how things are going in their home, any changes in the child's behavior including changes in behavior before or after visitations between the child(ren) and the parents. If it is a court review and the Department has announced they will seek termination, then longterm options are discussed including adoption.

- It is inconsistent. In most instances I do not hear from the
- 32.** foster parents unless it is through the guardian ad litem or when I see the children in chambers.
- Whenever it is applicable to the proceeding. I either call the
- 33.** person as a witness, or I state in my place the information I have been provided.
- For the last two or three years another judge of this court has
- 34.** not heard delinquency cases, so I hear all delinquency cases and the other judge hears all deprivations. In two months, I will return normal caseload.
- Whenever they are present, I always ask if they have any information about the child that they would like to share with the
- 35.** court.
- 36.** periodically, based upon observations by SAAG
- As an attorney representing parents in deprivation proceedings, I do not have the opportunity to include such information. I
- 37.** normally do not have knowledge of foster parents identities, even when I would like to speak with them.
- They do not appear very often, and usually, their concerns,
- 38.** if any, are worked through with the CM before Court.
- They very seldom ask to be heard from and their views are often presented through the Guardian ad litem. If they express a desire to
- 39.** be heard directly, the Court will allow them to speak. They are not allowed to be present during hearings. I often use them as witnesses if they have something germane that can be presented as evidence.
- 40.** I usually call the foster parent as a witness for my case in chief.
- In all cases I include the testimony of foster
- 41.** parents/relative caregivers in a written Finding of Facts/Order.
- When I act as GAL, I almost always contact the foster parents or
- 42.** relative caregivers before every hearing to hear what they have to say regarding the child. I do not depend on DFACS for my information

- although I contact the caseworker also.
43. After everyone has presented their information, I ask the foster parent to add whatever they think is appropriate if they choose to speak.
44. Always.
45. I do not include it in any formal manner, but take it into consideration along with all other information supplied in making my decision.
46. The panels and I include the information by listening to them.
47. If information impacts directly on reunification and/or permanency, then the info will be included. I estimate the information is relevant and included about 25% to 50% of the time.
48. Infrequently. Foster parents want to use the courtroom to complain about DFCS rather than support of progress being made in a particular case.
49. At present this is mainly through GAL Reports & CASA Reports
50. Often through SAG
51. I will hear from foster parents/caregivers if DFCS has them at reviews/permanency hearing by testimony.
52. Relative care givers are present in court 95% of the time. I always ask if they have anything to add and then asked pointed questions. Foster parents are not in court as much but are at all panel reviews and are always given the opportunity to speak.
53. Most cases - directly from foster parents.
54. Statement of the position taken by foster parents or otherwise consider the evidence from foster parent as any other witness.
55. If the judge allows them to speak they are recorded by the court reporter
56. They get the opportunity to speak in court and with the GAL.
57. On occasion, not often, the foster parents and caregivers have hte best info on the child's psychological state.

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10. Do you think information from foster parents and relative caregivers should be included at hearings? (Check only one answer)

yes	73.2%	(60)
no opinion	4.9%	(4)
no	1.2%	(1)
depends	1.2%	(1)
depends on the circumstances -	1.2%	(1)
Depends on whether SAAG wants to present evidence on how child is doing in placement.	1.2%	(1)
Depends upon the nature of the hearing. At times foster parents develop attachments with children and therefore develop a conflict of interest with that of the child and parents in pursuit of reunification or relative placement issues.	1.2%	(1)
I believe they should be heard but do not believe it would be wise to make give them access to every proceeding.	1.2%	(1)
if determined by GAL	1.2%	(1)
if there is something that they can add that is relevant and not repetitious from another source, too many relative caregivers with axes to grind do not help the children or the caseplan	1.2%	(1)
In written report form at this time and unless inquiry is made by the Court.	1.2%	(1)
information yes, but not verbalized opinions and feelings	1.2%	(1)
it depends	1.2%	(1)
It should be considered	1.2%	(1)
only if relevant to the issues before the court	1.2%	(1)
should be at the discretion of Judge	1.2%	(1)
Sometimes	1.2%	(1)
with a preface whether that foster parent is interested in adoption	1.2%	(1)

yes to information, no to appearance at hearing by foster parents/relative caregivers	1.2%	(1)
Yes, but to a limited degree	1.2%	(1)
yes- at reviews, not necessarily at other hrgs.	1.2%	(1)
TOTAL		82

11. Would you support the use of a standardized form that would give foster parents and relative caregivers notice of review and permanency hearings, as well as notice of their right to the opportunity to be heard? (Check only one answer)

yes	81.7%	(67)
don't know	8.5%	(7)
no	2.4%	(2)
Depends on how much more work it adds. We already notify them now.	1.2%	(1)
have used blanket notice, explanation of rights, etc.	1.2%	(1)
We are not adequately staffed to even get parents served in a timely manner. Another form is the last thing we need to do. I agree to notice but need someone to be responsible besides the court staff.	1.2%	(1)
We should develop a flexible method of notifying. A form may not reach some people where a phone call would or a personal contact would.	1.2%	(1)
we use such a form	1.2%	(1)
Yes, if opposing parties are allowed to be heard in the same fashion	1.2%	(1)
TOTAL	100.0%	82

12. Would you support the use of a standardized form that would assist foster parents and relative caregivers in providing relevant information to the court? (Check only one answer)

yes	74.4%	(61)
no	9.8%	(8)
don't know	4.9%	(4)
depends on how form is set up as to whether I would support standardized form. Most folks seem to want to talk about what they think is important, which might not be on the form. Standardized forms tend to make folks	1.2%	(1)

think they have to respond to each part of the form and that there is a correct answer.

depends on the form	1.2%	(1)
if they could also be heard	1.2%	(1)
If they speak in Court then all hear them, so I prefer the light of day to their filling out a form.	1.2%	(1)
not necessarily a standardized form, but in writing if they cannot be present in court, or in person if possible. In person would be preferred, in case any party would like to cross examine the foster parent or relative caregiver about their testimony.	1.2%	(1)
Not when they can appear live	1.2%	(1)
only if the completed form were provided to all parties and opportunity given for the foster parents/relative caregivers to supplement and be examined (questioned) re regarding their responses	1.2%	(1)
Some great foster parents may not be comfortable filling out a form that would be read in court or considered by court personel. I would endorse a more user-friendly method to get this information across to the court.	1.2%	(1)
Someone needs to decide what the effect of the information should be.	1.2%	(1)
Yes, if opposing parties are allowed to be heard in the same fashion.	1.2%	(1)
TOTAL		82

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