

# GEORGIA COURT IMPROVEMENT INITIATIVE – BEST PRACTICES GUIDE

## COUNTY PRACTICE GUIDE: BEST PRACTICES FOR ACHIEVING SAFE, PERMANENT, AND NURTURING HOMES FOR ABUSED AND NEGLECTED CHILDREN

### ***A LIVING DOCUMENT TO ACHIEVE COURT IMPROVEMENT CORE OUTCOMES***

This *Best Practices Guide*, based on the *Enhanced Resource Guidelines* published by the NCJFCJ<sup>1</sup>, is used by Georgia Court Improvement Initiative (CII) Focus Sites to compare the county's current practices related to dependency and TPR case processing with the practices described in this *Guide*. Teams identify practice areas for improvement and develop a prioritized action plan with items assigned to specific team members. This guide has a companion document, *Core Outcomes for the Children's Justice Initiative*, which describes the basic goals, practices, and outcome measures for model courts. Not every practice described in this *Guide* will be implemented in every jurisdiction, but selected practices cross-referenced by number in the accompanying *Core Outcomes* are used to measure compliance with court improvement goals.

### ACTION PLAN

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION DATE?
<b>PRE-PETITION FILING: BEST PRACTICES FOR SOCIAL SERVICES AGENCY'S RESPONSIBILITY FOR SERVICE DELIVERY AND SAAG'S PROCEDURES FOR CHILD PROTECTION CASES PRIOR TO FILING JUVENILE PROTECTION PETITION</b>								
PP1	Agency has written screening criteria implementing statutory definitions of child abuse and neglect <sup>2</sup>							
PP2	Screening criteria for child abuse and neglect are published to the community <sup>3</sup>							
PP3	Training is provided to mandated reporters on statutory obligation to report							
PP4	Agency uses family support process for low and moderate risk cases unless the safety of the child is at immediate risk							

<sup>1</sup> NCJFCJ is the National Council of Juvenile and Family Court Judges

<sup>2</sup> DFCS Policy Manual

<sup>3</sup> DFCS Policy Manual (see Chapter 4.3 Making an Intake Decision).

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PP5	Agency follows standard investigative protocol for high risk cases or cases where the child's safety demands this approach.							
PP6	Agency has adequate service array to address needs of children and families needing child protection intervention including: <sup>4</sup> a. Accessible, culturally appropriate services are available to parents to <u>prevent removal</u>							
	b. Accessible, culturally appropriate services are available to parents <u>to reunify the child</u> when the child must be removed from the parent or caretaker.							
PP7	Agency has identified process for requesting the filing of a petition that, at a minimum, includes approval from the responsible worker's supervisor. <sup>5</sup>							

<sup>4</sup> See DFCS Policy Manual and refer to catalogue of existing services for this assessment.

<sup>5</sup> DFCS Policy Manual (See Chapter 3.1, *Juvenile Court Process*, pp. 5-7).

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PP8	Agency uses a multidisciplinary child abuse team (MDT) for case consultation and planning on a regular basis in cases that involve sexual abuse, physical abuse, and when MDT is triggered by a forensic interview. <sup>6</sup>							
PP9	The Special Assistant Attorney General (SAAG) has established procedure, including a standardized outline or other format, for obtaining information needed from the assigned social worker in order to determine adequacy of evidence to file the petition.							
PP 10	The SAAG ensures the following items are considered as part of the decision to petition:							
	a. Whether the agency has made reasonable efforts to prevent removal when such efforts are required;							
	b. Whether <u>active efforts</u> have been made to prevent removal if the Indian Child Welfare Act (ICWA) applies;							

<sup>6</sup> See DFCS Policy Manual, DFCS Policy Manual Chapter 10, *Foster Care*, Policy # 10.10, *Comprehensive Child and Family Assessment (CCFA)*, for references to MDT's and assessment process.

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	c. If reasonable efforts to prevent removal are not required, which specific case category under O.C.G.A. §15-11-203(a) the matter falls under;							
	d. Identity and whereabouts of both parents;							
	e. Identity and whereabouts of other persons who are parties;							
	f. Identity and whereabouts of persons who are entitled to notice by statute or rule;							
	g. Whether there are any services which could be offered to the parent up to and including the time of the first hearing;							
	h. If the agency recommends removal of the child, whether there are any relatives that could be immediately considered for placement;							
	i. Whether there is a basis to ask for exclusion of an adult perpetrator and whether such exclusion would be enforced by the remaining parent.							
PP 11	The SAAG follows the drafting and content requirements of <i>UJCR 6</i> and <i>O.C.G.A. § 15-11-152</i> in preparing and filing the petition.							

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<b>Training: BEST PRACTICES FOR ADEQUATELY TRAINING JUDGES, ATTORNEYS, GUARDIANS AD LITEM (GAL)/CASA,<sup>7</sup> CHILD ADVOCATE ATTORNEY,<sup>8</sup> SOCIAL WORKERS, AND COURT ADMINISTRATIVE STAFF BEYOND THE BASICS OF ADVANCING OR DEFENDING A MATTER THROUGH LEGAL PROCESS</b>								
T1	Stakeholders <u>receive training prior to serving in juvenile court</u> , including child development, statutes, court rules, case law –							
	a. Judges							
	b. SAAGs							
	c. Parents Attorneys							
	d. Child Advocate Attorneys							
	e. GALs/CASA							
	f. Social Workers							
	g. Court Administrative Staff							

<sup>7</sup> Throughout this document, the term GAL is used broadly to refer to the child’s representative other than the child’s legal counsel during the case. As appropriate for each individual court, the term is intended to include lay guardian’s *ad litem* and Court Appointed Special Advocates (CASA).

<sup>8</sup> Throughout this document, the term “Child Advocate Attorney” is used to refer to the child’s legal counsel in the role determined appropriate for each individual court, one option being the ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (NACC Revised Version).

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T2	Stakeholders <u>regularly</u> receive continuing education on child development, legislation, court rules, and case law updates <sup>9</sup> -							
	a. Judges							
	b. SAAGs							
	c. Parents Attorneys							
	d. Child Advocate Attorneys							
	e. GALs/CASA							
	f. Social Workers							
	g. Court Administrative Staff							
T3	Stakeholders receive training on <u>non-adversarial case resolution options for child protection matters</u> (e.g., mediation, family conferencing, alternative dispute resolution) including cases where the child cannot return to the care of the parent).							
	a. Judges							

<sup>9</sup> Judges are required to attend at least one CJCJ seminar per year but the content is not prescribed. See UJCR 1.3 Certification of Judicial Officers.

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	b. SAAGs							
	c. Parents Attorneys							
	d. Child Advocate Attorneys							
	e. GALs/CASA							
	f. Social Workers							
T4	Stakeholders receive training to <u>increase cultural competence</u> in interaction with and service delivery to diverse families coming into the county's child protection system							
	a. Judges							
	b. SAAGs							
	c. Parents Attorneys							
	d. Child Advocate Attorneys							
	e. GALs/CASA							
	f. Social Workers							
	g. Court Administrative Staff							

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**Courtroom Facilities: BEST PRACTICES FOR ENSURING COURTROOM FACILITIES MEET NEEDS OF FAMILIES AND PROFESSIONALS REGULARLY APPEARING IN JUVENILE PROTECTION MATTERS**

CF1	Courtrooms have separate tables for SAAG/agency worker, counsel/parent, and Child Advocate Attorney/child.						
CF2	Courtrooms are child-friendly.						
CF2A	Courtroom <u>waiting areas</u> are child-friendly.						
CF2B	Courtroom facilities have been designed/modified in consideration of the needs of victims of trauma.						
CF2C	Courtroom facilities have been designed/modified in consideration of family violence concerns.						
CF3	Attorneys and workers have private space to meet with clients.						
CF4	Courtrooms have telephone and/or Internet connections.						
CF5	Courtrooms have computer, printer, and copier.						



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<b>CASE ASSIGNMENT: BEST PRACTICES FOR CASE ASSIGNMENT</b>								
CA1	Case assignment and calendaring practices ensure strong judicial oversight of child protection cases including:							
	a. <u>Continuity of judge</u> : One judge is assigned to hear the matter from the dependency complaint through final permanency order.							
	b. Courts have uniform way of recording judge's notes and expectations regarding next steps for parties and the status of the case to ensure continuity of judicial oversight from one hearing to the next in the event a second judge must share oversight of the case.							
CA2	<u>Continuity in representation</u> : Same representative/advocate handles the case from complaint through permanency.							
	a. SAAG							
	b. Counsel for Parents							
	c. Child Advocate Attorney							

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	d. GAL/CASA							
CA3	Agency ensures:							
	a. Family friendly transition of case between intake and field workers.							
	b. Transition of case from one worker to another does not delay development or delivery of services to <u>child</u> .							
	c. Transition of case from one worker to another does not delay development or delivery of services to the <u>family</u> .							
	d. Continuity of planning occurs when more than one worker has responsibility for a case.							
CA4	Cases are assigned based upon reasonable caseload standards							

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CA5	Service in juvenile court is by professionals: a. Specifically trained to serve in juvenile court.							
	b. Committed to serve in juvenile court. <sup>10</sup>							
<b>CALENDARING: BEST PRACTICES RELATED TO COURT CALENDARING OF JUVENILE PROTECTION MATTERS</b>								
C1	Court calendaring is respectful of the family's time:							
	a. Hearings are scheduled to minimize waiting time.							
	b. Hearings are scheduled as close to time-certain as possible.							
C2	Court sets sufficient time for each case:							
	a. Hearings are at least 30 minutes in length to fully address all issues required under the court rules.							
	b. If necessary, another dependency day is added to master calendar to accommodate increased hearing length.							

<sup>10</sup> E.g., Committed to practice juvenile law and who will stay in juvenile court long-term.

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C3	Court has and enforces a “no continuance” policy in which ...							
	a. Hearings occur the date they are first scheduled.							
	b. Hearings are not rescheduled by request to by request to court administration; hearings are rescheduled only if a motion is filed pursuant to URJC 7.7 (general policy on continuances; for exceptions, see Rules 7.3 and 8.6) and the court makes findings on the record as required in URJC 11.3 and O.C.G.A. §15-11-110.							
	c. Parties document to the court emergency circumstances requiring continuance. <sup>11</sup>							
C4	Court establishes specific days/times for <u>preliminary protective hearings</u> so that counsel for parents, Child Advocate Attorney, Lay GAL, and others may be “on call” to attend. See <i>O.C.G.A. § 15-11-102(a) and 15-11-145.</i>							

<sup>11</sup> URCJ 11.3 states “On the motion of the court or that of a party, the court may continue a hearing for a reasonable time upon good cause shown.” However, in cases involving allegations of dependency, the granting of continuances revise to comply with 15-11-110.

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C5	Court schedules <u>settlement conference</u> to increase ability to resolve issues and case prior to pretrial hearing.							
<b>FRONT-END LOADING: BEST PRACTICES RELATED TO ENSURING THAT COURT SYSTEM IMMEDIATELY ENSURES PARTIES' RIGHTS CAN BE MEANINGFULLY EXERCISED AND THAT THE OPPORTUNITY FOR PARENTS TO ACCEPT DELIVERY OF SOCIAL SERVICES OCCURS VERY EARLY IN THE COURT PROCESS; ALSO BEST PRACTICES RELATED TO REDUCING ADVERSARIAL NATURE OF COURT PROCESS, WHENEVER POSSIBLE AND APPROPRIATE</b>								
FL1	Court has established procedure for informing custodial parents, non-custodial parents, children, SAAGs, Case Workers, GALs/CASA, Child Advocate Attorneys, counsel for parents, appropriate relatives, and others of <u>preliminary protective hearings</u> .							
FL1A	Contacts made to inform custodial parents, non-custodial parents, children, SAAGs, Case Workers, GALs, Child Advocate Attorneys, counsel for parents, appropriate relatives of the preliminary protective hearing <u>are documented</u> using the requirements in O.C.G.A. §15-11-145(b).							
FL2	Agency and SAAG have process <u>for early identification and location of absent non-custodial parents</u> .							

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FL2A	Agency and SAAG have process for <u>assessing the appropriateness of a non-custodial parent to provide day-to-day care</u> for the child and for determining the legal status of the non-custodial parent. <sup>12</sup>							
FL2B	Agency and the SAAG have process for <u>determining the legal status of the non-custodial parent</u> . <sup>13</sup>							
FL3	Agency, SAAG, Child Advocate Attorney and Lay GAL have procedure for:							
	a. Accessing agency and Lay GAL files in order to minimize disputes over “discovery” and resulting delays (See URJC 7 and O.C.G.A. §15-11-170 for discovery process).							
	b. Advising Child Advocate Attorney and Lay GAL of the child’s location so that independent investigation may begin.							
FL4	Court uses scheduling orders in every case so parties and attorneys are aware of timelines and dates, which includes the date by which the permanency hearing must be commenced.							

<sup>12</sup> See DFCS Policy Chapter 5, Number 5.13 *Investigations: Diligent Search* for guidance on diligent search requirements.

<sup>13</sup> *Ibid.*

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FL5	Each child in foster care has a <u>written Case Plan</u> filed with the court which: <sup>14</sup>							
	a. reflects a family-centered approach including the parents and, where appropriate, the child in its development;							
	b. describes how compliance will be measured;							
	c. is reviewed in court or through administrative process <sup>15</sup> at least every 6 months as long as the child remains in foster care;							
	d. is developed in consultation with the Child Advocate Attorney, GAL and the child's foster parent;							
	e. documents the agency's consideration of the factors discussed in O.C.G.A. § 15-11-200(e)(1) and 15-11-201 in determining how the particular placement meets the child's best interests;							

<sup>14</sup> See DFCS Policy Manual, Chapter 10, *Foster Care*, Policy # 10.23, *Case Planning*.

<sup>15</sup> "Administrative process" or "administrative review" means the process used by the social services agency to periodically review the child's placement when such a review has not taken place in court. Federal and state laws require such reviews at least every 6 months. See O.C.G.A. § 15-11-216(a) and 42 § U.S.C. 675.timeline for state law reviews has changed—see 15-11-102(d) and (e).

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f. Includes the plan for visitation between the <u>child and parents</u> who are not placed together (15-11-201(b)(8) and 15-11-112 (court-ordered visitation)); DFCS Policy Manual Chapter 10, <i>Foster Care</i> , Policy # 10.19, <i>Visitation</i> )							
g. Includes the plan for visitation between the <u>child and siblings</u> who are not placed together (15-11-201(b)(8) and 15-11-112 (court-ordered visitation)); DFCS Policy Manual Chapter 10, <i>Foster Care</i> , Policy # 10.19, <i>Visitation</i> .							
h. Specifically enumerates the reasons for removal (§ 15-11-200(e)(1) and 15-11-201(b)(1)).							
FL6 <b>Agency</b> has <u>non-adversarial process</u> <sup>16</sup> in place available from pre-complaint filing to permanent resolution of the matter to resolve issues related to child's safety, permanency and well-being.							

<sup>16</sup> Non-adversarial processes can include Family Group Conferencing, Family Group Decision-Making, and other case conferencing strategies.



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The Agency's non-adversarial process:							
a. is used to identify and consider placement with relatives;							
b. maximizes family's ability to provide and plan for child;							
c. gives parent a fair chance to utilize services to achieve reunification;							
d. ensures services and plans for <u>child</u> are culturally appropriate;							
e. ensures services and plans for <u>family</u> are culturally appropriate;							
f. ensures accessible, culturally appropriate services are available to address the child's physical and mental health needs while the child is in foster care;							
g. ensures enough foster and adoptive homes that reflect the racial and ethnic diversity of children entering care are available in the county							
FL7 <b>Court</b> has <u>non-adversarial process</u> <sup>17</sup> in place available from initiation of legal action (i.e., post-complaint filing) to permanent resolution of the matter to resolve issues related to child's safety, permanency and well-being							
This non-adversarial process:							
a) is used to identify and consider placement with relatives;							

<sup>17</sup> These non-adversarial processes can include practices such as pre-hearing case conferencing.

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	b) maximizes family's ability to provide and plan for child;							
	c) gives parent a fair chance to utilize services to achieve reunification;							
	d) ensures services and plans for child and family are culturally appropriate.							
FL8	A. Agency appears at <u>preliminary protective hearing</u> prepared to offer assessments for mental health and substance abuse, as appropriate.							
	B. Agency appears at <u>preliminary protective hearing</u> with a preliminary service plan (Comprehensive Child and Family Assessment) (DFCS Policy Manual Chapter 10, <i>Foster Care</i> , Policy # 10.10, <i>Comprehensive Child and Family Assessment</i> ), <sup>18</sup>							
	C. Agency has procedure to promptly schedule necessary assessment and service appointments and follow-up procedures to ensure parents' attendance at appointments.							

<sup>18</sup> Preliminary service plan refers to the immediate steps that the parent can take with support of the agency to access services that the agency believes will address the conditions leading to the request to place the child out of home. The term "necessary assessments" means the assessments indicated by the allegations in the petition which have led to the request that the court determine the child is in need of protection or services.

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FL9	Very early in the child's placement, the agency conducts a thorough relative search. <sup>19</sup>							
	a) the search includes <u>both</u> paternal and maternal relatives;							
	b) the search gives consideration to placing the child with a fit and willing relative who is willing to commit to being the permanent placement for the child in the event reunification cannot occur; <sup>20</sup>							
	c) if a parent refuses consent to relative search, the agency recommends to the court whether the parent's refusal is in the best interests of the child, and if the parent's withholding of consent is not in the child's best interests, the court orders the search and the parent's disclosure of necessary information.							
FL10	Planning, placement decisions, and court orders result in <u>no more than 2 moves</u> for the child during the child's placement including into an adoptive home when that is the permanent plan for the child.							

<sup>19</sup> DFCS Policy Manual Chapter 5, *Investigations*, Policy # 5.13 "Diligent Search"; O.C.G.A. § 15-11-211 Relative search by DFCS.

<sup>20</sup> Under the principles of concurrent permanency planning, the relative or foster parent committing to the child's permanency also commits to supporting the reunification plan.

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FL 11	Adjudication or dismissal occurs within 60 days of the filing of the petition (§ 15-11-102(b)(3)).							
<b>NOTICE: BEST PRACTICES BEYOND COMPLIANCE WITH COURT RULES FOR ENSURING NOTICE OF COURT HEARINGS TO APPROPRIATE PARTIES, PARTICIPANTS, PROFESSIONALS, AND OTHER STAKEHOLDERS</b>								
N1	Parties, participants, and attorneys bring calendars to every hearing so that they are prepared to schedule the date of next hearing at end of existing hearing.							
N2	a. Written notice of the next hearing date is distributed to those present before people leave courtroom;							
	b. notice is sent to parties and participants, including foster parents, who are not present (§-15-11-108).							
N3	a. Court has policy for children appearing in court and for determining if it is not in the child's best interests to be present.							
	b. Court has uniform policy for what "available to testify" means for purpose of child hearsay exception.							

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
N4	Children are in court except if the court finds that it is not in such child's best interests to be present, and the court therefore excludes the child from part or all of a proceeding (§ 15-11-19(a)).							
HEARING QUALITY: BEST PRACTICES FOR ENSURING MOST PROGRESS IS MADE AT <u>EVERY HEARING</u> IN ORDER TO ACHIEVE THE GOAL OF ENSURING THE CHILD HAS A SAFE AND NURTURING PERMANENT HOME IN A TIMELY MANNER								
HQ1	<b>All hearings are in court</b> – no paper reviews; administrative reviews <sup>21</sup> are conducted as specifically permitted or required under <i>O.C.G.A § 15-11-216(a) &amp; (k) and URJC 24.1. Judicial Citizen Panel Reviews (§ 15-11-217).</i>							
HQ2	a. <b>At the first hearing</b> , the judge inquires whether the parties and participants have been provided orientation materials.							
	b. <b>At the first hearing</b> , the judge inquires whether the parties and participants understand their rights and responsibilities.							
	i. <b>If not</b> , the judge explains the parties' and participants' rights and responsibilities;							

<sup>21</sup> See footnote 15.

**ACTION PLAN**

	<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
	<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
<b><u>At every hearing the judge:</u></b>							
a. States the type and purpose of the hearing;							
b. Identifies all parties, participants, and attorneys present;							
c. Identifies audience members present and their relationship to the case;							
d. Identifies missing parties and participants and process for providing future notice;							
e. States required findings of fact, including reasonable efforts;							
f. States decision/order and inquires of parent/child understanding of the order;							
g. <b><u>At every hearing, findings and orders address:</u></b>							
i. Placement;							
ii. Visitation between parent and child;							
iii. Visitation between child and siblings if applicable;							

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	iv. Parent's tasks before next hearing;							
	v. Agency's tasks, including services which must be offered, before next hearing;							
	vi. GAL/CASA services/tasks required before next hearing.							
HQ3	a. Hearings are of sufficient length to fully discuss all issues and ensure parents and professionals understand outcome of the hearing and the court's order.							
	b. Judge directly engages parties and participants who are present at hearings. <sup>22</sup>							
HQ4	Worker with hands-on knowledge of the current status of the case attends all hearings.							
HQ5	Adjudication and Disposition hearings are combined when possible.							

<sup>22</sup> For examples of ways the judge directly engages parties and participants who are present at hearings see the NCJFCJ *Enhanced Resource Guidelines for Improving Court Practice in Child Abuse and Neglect Cases*, Bench Cards.

		ACTION PLAN						
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		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
HQ6	a. Date and time of next hearing is scheduled before parties and participants leave the courtroom;							
	b. Written notice of such date/time is provided to everyone present and mailed to those absent.							
<b>ORDERS: BEST PRACTICES RELATED TO EFFECTUATING ORDERS IN JUVENILE PROTECTION PROCEEDINGS</b>								
O1	a. Orders are stated on the record;							
	b. Orders are reduced to writing and distributed to parties and attorneys at end of hearing except for orders after trial. See URJC 15 for Limitations of Time on Orders of Disposition.							
O2	If written order cannot be issued at end of hearing, then the order is distributed within 5 days of hearing.							
O3	Findings and are <b>case specific</b> .							
	a. <u>At preliminary protective hearing findings</u> and orders address: reasonable efforts to prevent placement at the time or before the child is removed or such reasonable efforts were not required;							



**ACTION PLAN**

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	0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
b. <u>At preliminary protective hearing</u> findings and orders: address <b>active efforts</b> to prevent placement if an ICWA case;							
c. <u>At preliminary protective hearing</u> findings and orders address whether: removal is in the <b>child's best interest</b> and continued custody of the child by the parent is <b>contrary to the welfare</b> of the child;							
d. <u>At disposition hearings</u> findings and orders address whether: reasonable efforts are made to reunify the child when such efforts are required;							
e. <u>At permanency hearings</u> findings and orders address whether reasonable efforts are made to reunify the child when such efforts are required;							
f. <u>At permanency hearings</u> findings and orders address whether reasonable efforts are made to finalize the permanent plan when such efforts are required;							

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	g. <u>At judicial review hearings</u> findings and orders address whether reasonable efforts are made to finalize a permanent placement for the child when the child cannot reunify with the parent in a timely manner or when reasonable efforts for reunification are not required;							
	h. <u>Post-TPR or Adoption Efforts Review hearings</u> findings and orders address whether: reasonable efforts are made to finalize a permanent placement for the child when the child cannot reunify with the parent in a timely manner or when reasonable efforts for reunification are not required.							
<b>REPORTS: BEST PRACTICES FOR ENSURING ESSENTIAL INFORMATION ON PROGRESS OF CASE IS PROVIDED TO THE COURT AND STAKEHOLDERS IN A MANNER THAT PERMITS MEANINGFUL HEARING PREPARATION</b>								
R1	DFCS reports are served and filed at least 5 days before each hearing (except preliminary protective hearing).							
R2	GAL/CASA reports are served and filed at least 5 days before each hearing (except preliminary protective hearing).							

		ACTION PLAN						
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		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
R3	Court has policy permitting email service of GAL and DFCS reports. See URJC 29:Electronic Filing in Juvenile Court.							
R4	Agency has policy for providing access to service provider reports (e.g., medical, CD assessment, psychological evaluations) to parties and counsel.							
R5	GAL has policy for providing access to service provider reports (e.g., medical, CD assessment, psychological evaluations) to parties and counsel.							
<b>LEGAL REPRESENTATION OF PARENTS: BEST PRACTICES FOR ENSURING ADEQUATE REPRESENTATION OF PARENTS IN JUVENILE PROTECTION MATTERS</b>								
LR1	Court has procedure for appointing/assigning counsel for parents so <u>counsel appears at preliminary protective Hearing</u> (15-11-103(g)).							
LR2	Attorneys meet with clients prior to date of each hearing, <u>including the preliminary protective hearing</u> whenever possible.							
LR3	Attorneys recognize the significant counseling role they have in assisting parents to achieve safety and stability for the children. <sup>23</sup>							

<sup>23</sup> This best practice does not ignore the ethical obligation that attorneys have to zealously represent their clients. It does, however, recognize the national research that demonstrates that non-adversarial resolution of cases involving family issues most frequently best serves the interests of both the parent and the

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
LR4	Attorneys <u>actively participate</u> at ....							
	a. Preliminary protective hearing							
	b. Adjudication							
	c. Disposition							
	d. Reviews							
	e. Permanency Hearing							
	f. TPR							
	g. Pre-hearing conferences/settlement conferences							
LR5	Attorneys regularly consult and counsel client <b>at every stage of the proceeding</b>							
	This consultation and counsel includes ...							
	a. Investigating what contacts the agency has made;							
	b. Interviewing client and key witnesses;							
	c. Reviewing case related documents and reports;							

child. Families come into the child protection system under traumatic circumstances and need assistance in understanding the system and support in using appropriate assistance the agency may offer.

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	d. Obtaining necessary medical, mental health, school and other records;							
	e. Monitoring client's case plan progress;							
	f. Calling and cross-examining witnesses;							
	g. Filing and arguing motions;							
	h. Developing alternative dispositional proposals;							
	i. Advising clients of appellate rights;							
	j. Filing appeals or seeking substitution of counsel for appeals.							
LR6	Attorneys are willing to engage in and encourage their clients to engage in non-adversarial resolution of the case recognizing that, generally, this will result in better outcomes for children and families.							
LR7	Beyond juvenile protection rules and statutes, Parent Attorney has knowledge of breadth of regulations affecting agency operations and practice including child protection statutes and rules, licensing statutes and rules, adoption requirements, court rules, and basic knowledge of federal requirements for cases of children in foster care.							

ACTION PLAN								
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<b>AGENCY REPRESENTATION: BEST PRACTICES RELATED TO REPRESENTING AN AGENCY IN JUVENILE PROTECTION MATTERS</b>								
AR1	SAAG is available to the agency to timely provide answers to case specific questions and preparation for hearings.							
AR2	SAAG is available to the agency to provide timely legal advice on policy issues.							
AR3	Signature on petition means that SAAG has knowledge, information, and belief formed after reasonable inquiry that the petition is well grounded in fact and is warranted by existing law.							
AR4	Beyond juvenile protection rules and statutes, SAAG has knowledge of breadth of regulations affecting agency operations and practice including child protection statutes and rules, licensing statutes and rules, adoption requirements, court rules, and basic knowledge of federal requirements for cases of children in foster care.							
<b>LEGAL REPRESENTATION OF CHILDREN: BEST PRACTICES FOR ENSURING ADEQUATE REPRESENTATION OF CHILDREN IN JUVENILE PROTECTION MATTERS</b>								
CAA1	Court has procedure for appointing/assigning counsel for child so counsel appears at <u>preliminary protective Hearing</u> (15-11-103(b) and (f)).							

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CAA2	Child has legal representation at all stages of dependency and termination of parental rights proceedings. (15-11-103(a) and 15-11-262(a))							
CAA3	Child Advocate Attorneys meet with clients prior to date of each hearing, including the preliminary protective hearing whenever possible.							
CAA4	Child Advocate Attorney informs the court of the child's wishes. (15-11-103(c) and 15-11-262(c))							
CAA5	Child Advocate Attorneys recognize the significant counseling role they have in assisting children in achieving safety and stability. <sup>24</sup> (15-11-103(c) and 15-11-262(c))							
CAA6	Child Advocate Attorneys <u>regularly consult with and counsel client in an age appropriate manner at every stage of the proceeding</u> , (15-11-103(c) and 15-11-262(c))							
	This consultation and counsel includes ...							
	a. Ascertaining child's needs and wishes;							
	b. Investigating what contacts the agency has made;							
	c. Interviewing client and key witnesses;							

<sup>24</sup> This best practice does not ignore the ethical obligation that attorneys have to zealously represent their clients. It does, however, recognize the national research that demonstrates that non-adversarial resolution of cases involving family issues most frequently best serves the interests of both the parent and the child. Children come into the child protection system under traumatic circumstances and need assistance in understanding the system and support in using appropriate assistance the agency may offer.

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
		<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
	d. Reviewing case related documents and reports;							
	e. Obtaining necessary medical, mental health, school and other records;							
	f. Monitoring case plan progress;							
	g. Calling and cross-examining witnesses;							
	h. Filing and arguing motions;							
	i. Developing alternative dispositional proposals;							
	j. Advising client of appellate rights							
	k. Filing appeals or seeking substitution of counsel for appeals							
CAA7	Child Advocate Attorneys <u>actively participate</u> at (15-11-103(c); 15-11-262(c)) ...							
	a. Preliminary protective hearing							
	b. Adjudication							
	c. Disposition							
	d. Reviews							



**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
		<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
	e. Permanency Hearing							
	f. TPR							
	g. Pre-hearing conferences/settlement conferences							
CAA8	a. Child Advocate Attorneys are aware of and participate in delinquency matters as appropriate;							
	b. Child Advocate Attorneys are aware of and participate in educational tribunal matters as appropriate.							
CAA9	Child Advocate Attorneys monitor implementation of Juvenile Court orders relating to the child and raise issues of non-compliance as necessary and appropriate. (15-11-103(c) and 15-11-262(c))							
CAA10	Child Advocate Attorneys stay reasonably aware and as informed as possible of the existence and outcome of citizen review panels, meetings and conferences. (15-11-103(c) and 15-11-262(c))							
CAA11	Child Advocate Attorneys attend such citizen review panels, meetings and conferences when possible and appropriate. (15-11-103(c) and 15-11-262(c))							

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CAA12	Child Advocate Attorneys are willing to engage in non-adversarial resolution of the case recognizing that, generally, this will result in better outcomes for children and families.							
CAA13	Beyond juvenile protection rules and statutes, Child Advocate Attorney has knowledge of breadth of regulations affecting agency operations and practice including child protection statutes and rules, licensing statutes and rules, adoption requirements, court rules, and basic knowledge of federal requirements for cases of children in foster care.							
CAA14	Child Advocate Attorneys shall receive a minimum of four hours of training each year on child welfare related topics.							
CAA15	Child Advocate Attorneys have a caseload that is no more than the county's recommended number of cases at any given time. <sup>25</sup>							
CAA16	Child Advocate Attorneys prepare, file and participate in appeals as necessary and appropriate. (15-11-103(e), 15-11-162(h))							

<sup>25</sup> Refer to county-based caseload/workload data for recommended maximum caseloads.

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
<b>GUARDIAN AD LITEM ADVOCACY: BEST PRACTICES RELATED TO OPTIMAL FUNCTIONING OF LAY GUARDIAN AD LITEM AS ADVOCATE FOR BEST INTERESTS OF THE CHILD</b>								
GAL1	Court has procedure for appointing/assigning GALs so the GAL who will serve on the case appears at <u>preliminary protective hearing</u> . (15-11-104(a))							
GAL2	GAL meets with (and/or observes) child prior to date of each hearing (except preliminary protective hearing) 15-11-105(c)							
GAL3	GAL attends (15-11-105(c)) ...							
	a. Preliminary protective hearing							
	b. Adjudication							
	c. Disposition							
	d. Reviews							
	e. Permanency Hearing							
	f. TPR							
	g. Pre-hearing conferences/settlement conferences							
GAL4	GAL gathers and updates information prior to each hearing. (15-11-105(c))							

		ACTION PLAN						
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		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
GAL5	GAL makes independent recommendations as to the best interests of the child. (15-11-105(a) and (b))							
<b>DISPOSITION: DESCRIBES BEST PRACTICES RELATED TO ENSURING MEANINGFUL DISPOSITION HEARINGS</b>								
D1	Case plan is reviewed and, if appropriate, modified, and the court orders compliance by all parties and professionals. (15-11-200, 15-11-210(c)(1), 15-11-212(a)(6), 15-11-212(h)) <sup>26</sup>							
D2	If child is not placed with parent, there is an inquiry if the child can safely return home today.							
D3	<u>If case plan is <b>not</b> available for review...</u>							
	a. The child's and family's needs are identified;							
	b. Services necessary to meet those needs are identified;							
	c. Examinations, evaluations, and services for the child and/or parent are ordered;							

<sup>26</sup> See NCJFCJ *Enhanced Resource Guidelines Disposition Hearing Bench Card* for an example of the features of a thorough judicial review of case plans.

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	d. A date for submission of case plan is ordered.							
D4	<u>When child remains at home</u> , review services needed to keep child safely at home and whether those services are sufficient to avoid placement. (15-11-210(c), 15-11-212(a))							
D5	<u>When a child is in placement</u> , there is a thorough judicial review of that placement. <sup>27</sup>							
D6	<u>When child is in placement</u> , judge reviews whether the agency has made reasonable or active efforts to reunify the child and why those efforts have not eliminated the necessity of removal. (15-11-213 (and see 15-11-202))							
D7	<u>When the case is a concurrent permanency planning case</u> , judge reviews the agency's efforts to place the child with a family, including a relative, committed to permanent placement of the child in the event reunification cannot be achieved 15-11-212(h). See DFCS Policy Manual Chapter 10, <i>Foster Care</i> , Policy # 10.22, <i>Permanency Planning</i> , at pp. 9-11.							

<sup>27</sup> See NCJFCJ *Enhanced Resource Guidelines Disposition Hearing Bench Card* for example of the features of a thorough judicial review of placement.

		ACTION PLAN						
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		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
D8	The case plan is <u>explained</u> to the parents							
	a. There is an inquiry about whether parents have had input into the case plan;							
	b. There is an inquiry about whether children/youth have had input into the case plan.							
D9	<u>If children are not placed with parents,</u>							
	a. the terms of meaningful family time with <u>parents</u> is addressed;							
	b. the terms of meaningful family time with <u>siblings</u> is addressed;							
	c. the terms of meaningful family time with <u>extended family members</u> is addressed.							
D10	The judge <u>actively engages</u> parents, children and family members present. <sup>28</sup>							

<sup>28</sup> See NCJFCJ Enhanced Resource Guidelines Disposition Hearing Bench Card for specific examples of how the judge can actively engage parents, children and families present at the hearing.

		ACTION PLAN						
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		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
D11	There is a thorough inquiry into child well-being that includes:							
	a. Physical health							
	b. Mental health							
	c. Trauma concerns/needs							
	d. Dental health							
	e. Educational needs							
	f. Need for normalcy in placement							
	g. Transitional/independent living needs for older youth if appropriate							
D12	The Hearing is concluded with ...							
	a. Tasks being identified to be accomplished by next hearing;							
	b. Focus on permanency and mandated timelines;							
	c. Oral findings and orders that all parties can understand;							

		ACTION PLAN						
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		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	d. Appropriateness of ADR considered and ordered if applicable;							
	e. Next hearing scheduled;							
	f. Persons whose presence is needed at next hearing identified;							
	g. Written orders are signed, copied and distributed at end of hearing.							
D13	Disposition Hearing Bench Card is used to guide/inform hearing practice. <sup>29</sup>							
<b>75-DAY REVIEW HEARING: DESCRIBES BEST PRACTICES RELATED TO ENSURING MEANINGFUL REVIEW HEARINGS</b>								
DR1	Review whether the agency is making reasonable efforts to rehabilitate the family and eliminate the need for the child's placement, including whether:							
	a. out-of-home placement is necessary and continues to be appropriate;							

<sup>29</sup> See NCJFCJ *Enhanced Resource Guidelines Disposition Hearing Bench Card*.



**ACTION PLAN**

	<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
	<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
b. the Case Plan is relevant to the safety and best interests of the child including: (1) the specific services offered to the parent and child by the agency and the cultural appropriateness of identified services;							
c. the Case Plan is relevant to the safety and best interests of the child including: (2) identification of any barriers to service delivery and agency's plan to reduce or eliminate such barriers;							
d. the Case Plan is relevant to the safety and best interests of the child including: (3) the agency's efforts to support the parent in making progress on the case plan including the number of times the worker has visited with the parent;							
e. the Case Plan is relevant to the safety and best interests of the child including: (4) the agency's efforts to support the child in placement including the number of times the worker has visited the child in placement;							

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	f. the extent of progress the parent has made toward alleviating or mitigating the causes necessitating out-of-home placement is sufficient to permit the child to return home;							
	g. the child is receiving appropriate services;							
	h. the child is placed with a relative and, if not, whether the agency has completed an adequate relative search.							
DR2	If child is not placed with parent, there is an inquiry if the child can safely return home today							
DR3	Determine whether the services in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances							
DR4	<u>Review parent and child contact</u> , including frequency and nature of visitation and modify visitation order as necessary 15-11-112, DFCS Policy Manual Chapter 10, <i>Foster Care</i> , Policy # 10.19, <i>Visitation</i> .							
DR5	<u>Review child and sibling contact</u> , including efforts to place siblings together and frequency and nature of contact, and modify order as necessary DFCS Policy Manual Chapter 10, <i>Foster Care</i> , Policy # 10.20, <i>Preserving Sibling Connections</i> .							

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
DR6	The judge <u>actively engages parents, children and family members present</u> <sup>30</sup>							
DR7	There is a thorough inquiry into child well-being that includes							
	a. Physical health							
	b. Mental health							
	c. Trauma concerns/needs							
	d. Dental health							
	e. Educational needs							
	f. Need for normalcy in placement							
	g. Transitional/independent living needs for older youth if appropriate							
DR8	The Hearing is concluded with ...							
	a. Tasks being identified to be accomplished by next hearing;							
	b. Focus on permanency and mandated timelines;							

<sup>30</sup> See *NCJFCJ Enhanced Resource Guidelines Review Hearing Bench Card* for examples of ways the judge actively engages parents, children and family members present.

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	c. Oral findings and orders that all parties can understand;							
	d. Appropriateness of ADR considered and ordered if applicable;							
	e. Next hearing scheduled;							
	f. Persons whose presence is needed at next hearing identified;							
	g. Written orders are signed, copied and distributed at end of hearing.							
DR9	Review Hearing Bench Card is used to guide/inform hearing practice. <sup>31</sup>							
<b>PERMANENCY PLANNING HEARING: DESCRIBES BEST PRACTICES RELATED TO ENSURING MEANINGFUL PERMANENCY HEARINGS</b>								
PPD1	Permanency pleadings are filed and served timely.							
PPD2	1. Permanency Plan Hearing commences within 9 months from time of removal for children under the age of 7 years pursuant O.C.G.A. §15-11-230.							
	2. Permanency Plan Hearing commences within 12 months from time of removal for children aged 7 years old and older pursuant O.C.G.A. §15-11-230.							

<sup>31</sup> See NCJFCJ *Enhanced Resource Guidelines Review Hearing Bench Card*.

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
		<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
	Review includes							
	a. the parents' progress on the Case Plan; if the parent is not making progress on the plan, why not;							
	b. the provision of services by the responsible agency;							
	c. whether the parents have maintained regular contact with the child, and if not, why not;							
	d. whether the child can be returned home, and if not, whether there are grounds to terminate parental rights or transfer permanent legal and physical custody of the child to a relative.							
PPD3	Within 30 days of the conclusion of the Permanency Planning Hearing required at 12 months, the court issues an order: a. extending custody to DFCS for an additional 12 months and scheduling a permanency review within 6 months, because the parent is making sufficient progress on the case plan and is visiting the child or the agency has not provided appropriate services to the parent.							

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
		<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
	b. that the agency show cause why a termination of parental rights petition not be filed and if the agency has not shown cause, appoint attorney and GAL pursuant to O.C.G.A. § 15-11-262.							
	c. that the agency file a petition to transfer permanent legal and physical custody of the child to a relative if the court determines that is the appropriate permanent plan for the child.							
PPD4	A supplemental order of the court adopting the permanency plan including all requirements of the permanency plan as provided in Code Section 15-11-231 is entered following the permanency hearing and in no case later than 30 days after the court has determined that reunification efforts shall not be made by DFCS.15-11-232(d)							
PPD5	When the court makes a prima facie determination regarding one of the conditions at O.C.G.A. § 15-11-203(a) or 15-11-204(d) and reunification efforts are not required, a non-reunification hearing is held within 30 days. See O.C.G.A. § 15-11-204							
PPD6	Adoptions are finalized within 6 months of an order terminating the rights of both parents and the only known parent of a child and reviewed every 6 months following TPR. O.C.G.A § 15-11-322.							

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
PPD7	If child is not placed with parent, there is an inquiry if the child <u>can safely return home today</u>							
PPD8	The judge <u>actively engages parents, children and family members present</u> <sup>32</sup>							
PPD9	There is a thorough inquiry into child well-being							
	a. Physical health							
	b. Mental health							
	c. Trauma concerns/needs							
	d. Dental health							
	e. Educational needs							
	f. Need for normalcy in placement							
PPD10	The Hearing is concluded with ...							
	a. Tasks being identified to be accomplished by next hearing;							

<sup>32</sup> See *NCJFCJ Enhanced Resource Guidelines Permanency Hearing Bench Card* for examples of ways judges can actively engage parents, children and family member present.

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	b. Focus on permanency and mandated timelines;							
	c. Oral findings and orders that all parties can understand;							
	d. Appropriateness of ADR considered and ordered if applicable;							
	e. Next hearing scheduled.							
PPD11	Permanency Hearing Bench Card is used to guide/inform hearing practice. <sup>33</sup>							
<b>TERMINATION OF PARENTAL RIGHTS HEARING: DESCRIBES BEST PRACTICES</b>								
TPR1	TPR petitions are filed in a timely manner including when:							
	a. the child has been in foster care for 15 out of the most recent 22 months (15-11-233(a)(1))							
	b. the child is “abandoned” as defined by OCGA 15-11-2(1) and 15-11-310(a)(4) and TPR motion is then filed within 90 days of such a court finding.							

<sup>33</sup> See NCJFCJ *Enhanced Resource Guidelines Permanency Hearing Bench Card*.



**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	c. the court has determined reasonable efforts shall not be required due to parental behavior as laid out in OCGA 15-11-203(a).							
TPR2	Upon filing of TPR petition, summons is issued to parents (including putative, biological and legal fathers), guardian, legal custodian and person presently having physical custody of child, attorney, GAL, child age 14 or older. 15-11-281(a)(b).							
	a. Copy of petition is attached to summons (except when summons is by publication) 15-11-281(a);							
	b. Summons is served at least 30 days before the hearing 15-11-282.							
TPR3	a. There is personal service on parties whenever possible;							
	b. <u>When not possible</u> , there is full compliance with the requirements of constructive service see 15-11-282.							
TPR4	If the identity of the biological father is not known to the petitioner, the court requires the mother to execute an affidavit regarding such father or show cause before the court if she refuses 15-11-283(c).							

**ACTION PLAN**

		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
TPR5	If not previously done, an attorney is appointed to represent the child as the child's counsel and that same person may serve as guardian ad litem to represent the best interests of the child OR a separate person may be appointed to serve as guardian ad litem. (15-11-262)							
TPR6	If parents are indigent and desire to be represented by counsel, the court appoints an attorney for the parents. (15-11-262(j))							
TPR7	At the conclusion of the TPR hearing if the parental rights were terminated, parents are given clear, written and easy to understand instructions concerning how to make a timely request for an attorney in the event they want to appeal.							
TPR8	All TPR proceedings are on the record which may include the use of court reporter or approved electronic recording device.							
TPR9	The standard of proof is clear and convincing evidence (15-11-303).							
	a. In ICWA cases the standard of proof is beyond a reasonable doubt (25 U.S.C. 1912(f)).							

		ACTION PLAN						
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		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
TPR10	<b>Within 30 days of the conclusion of the TPR Hearing, the court issues an order</b> <b>The order ...</b>							
	a. Indicates whether or not termination of parental rights is granted;							
	b. Includes specific findings whether...							
	i. the child is dependent as defined in §15-11-2(22);							
	ii. the lack of proper parental care or control by the parent in question is the cause of the child's status as dependent;							
	iii. such cause of dependency is likely to continue or will not likely be remedied;							
	iv. the continued dependency will cause or is likely to cause serious physical, mental, emotional or moral harm to the child;							
	v. termination was in the best interests of the child;							
vi. relative resources have been adequately explored and/ or exhausted;								
c. Is sufficient for the purpose of appellate review;								

		ACTION PLAN						
		CHECK ONE PLEASE RATE THE DEGREE TO WHICH THE PRACTICE HAS BEEN IMPLEMENTED IN YOUR COUNTY				DON'T KNOW	IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2	
		0 NOT AT ALL	1 SOME CASES	2 OFTEN (MOST CASES)	3 FULLY (ALL CASES)		RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?	TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?
	d. Sets schedule for subsequent judicial review.							
TPR11	When notice of appeal is filed, transcripts are produced within 30 days of the filing of such notice.							
TPR12	TPR Hearing Bench Card is used to guide/inform hearing practice. <sup>34</sup>							
<b>POST-PERMANENCY REVIEW HEARING: DESCRIBES BEST PRACTICES RELATED TO ENSURING MEANINGFUL POST-PERMANENCY REVIEW HEARINGS</b>								
PPH1	a. If the permanency decision was adoption and TPR has occurred, a hearing must take place every 90 days for the purpose of monitoring progress toward adoption;							
	b. At six month intervals, the court reviews and makes findings on the agency's reasonable efforts to finalize the child's adoption, as long as the plan for the child remains adoption. <i>O.C.G.A § 15-11-322.</i>							

<sup>34</sup> See NCJFCJ *Enhanced Resource Guidelines TPR Hearing Bench Card.*

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
		<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
PPH2	a. If the permanency decision was “another permanent planned living arrangement,” a hearing must take place at least annually for the purpose of determining whether the agency is making “reasonable efforts” to finalize the permanent plan for the child including whether “another permanent planned living arrangement” is still the best permanent plan for the child and monitoring whether child’s physical, emotional, and educational needs are being met and, if not, ordering services to meet those needs.							
	b. No child under the age of 16 has a permanent plan of APPLA pursuant to P.L. 113-183 475 (5) (C)(i).							
PPH3	If a child, <u>age 14 or older</u> , is in foster care, the court reviews the child’s Case Plan to ensure the child is receiving appropriate services for independent living as provided in <i>O.C.G.A. § 15-11-232(a)(8)</i> . And see 15-11-231(9) and 15-11-216(8). See generally DFCS policy chapter 13, <i>Independent Living Program</i> , and particularly policy # 13.3, <i>Written Transitional Living Plan</i> .							

**ACTION PLAN**

		<b>CHECK ONE</b> PLEASE RATE THE DEGREE TO WHICH THE PRACTICE <u>HAS BEEN IMPLEMENTED</u> IN YOUR COUNTY				<b>DON'T KNOW</b>	<b>IF IMPLEMENTATION ASSESSMENT = 0, 1 OR 2</b>	
		<b>0</b> NOT AT ALL	<b>1</b> SOME CASES	<b>2</b> OFTEN (MOST CASES)	<b>3</b> FULLY (ALL CASES)		<b>RESPONSIBLE PERSON OR ENTITY TO IMPLEMENT OR IMPROVE IMPLEMENTATION?</b>	<b>TARGET IMPLEMENTATION OR IMPLEMENTATION IMPROVEMENT DATE?</b>
PPH4	If the permanency decision was transfer of permanent legal and physical custody to a relative and the jurisdiction is not terminated, the court must conduct reviews at 36-month intervals to determine the appropriateness of continued placement with relative.							
PPH5	In appropriate cases, the court monitors provision of services to the child and family after return of legal custody has been ordered and the child and parent are reunified. <sup>35</sup>							
PPH6	Agency has documented its efforts to continue to find permanency for children.							