

# TROUP COUNTY JUVENILE COURT OPERATION HOME TEAM PROTOCOL<sup>1</sup>

*“EVERYBODY HAS A HOME TEAM: IT’S THE PEOPLE YOU CALL WHEN YOU GET A FLAT TIRE OR WHEN SOMETHING TERRIBLE HAPPENS. IT’S THE PEOPLE WHO, NEAR OR FAR, KNOW EVERYTHING THAT’S WRONG WITH YOU AND LOVE YOU ANYWAYS. THESE ARE THE ONES WHO TELL YOU THEIR SECRETS, WHO GET THEMSELVES A GLASS OF WATER WITHOUT ASKING WHEN THEY’RE AT YOUR HOUSE. THESE ARE THE PEOPLE WHO CRY WHEN YOU CRY. THESE ARE THE PEOPLE, YOUR MIDDLE-OF-THE-NIGHT, NO-MATTER-WHAT, PEOPLE.”*

*SHAUNA MIEQUEST*

The primary objectives of the Operation Home Team Protocol are:

- Whenever possible, to keep families together by systematically providing for the immediate delivery of relevant and appropriate services. **When families can be kept together under supervision, to front-load Court and Department of Family and Children Services (“Agency”) processes, including prompt hearings and the timely delivery of assessment and intervention services in order to maintain family unity.**
- Where children have to be removed from their homes, to utilize a community-based team approach, to make reasonable efforts to identify and mitigate the factors causing a child to remain outside the home prior to, at, or as soon as possible following the preliminary protective hearing, so that the child may return home at that time, or at the earliest possible date.
- When a child must remain outside his or her home following the preliminary protective hearing, to front-load court and Department of Family and Children Services (“Agency”) processes, including the delivery of assessment and intervention services, in order to achieve permanency timely.
- To meet the needs of all children who are removed, even temporarily, from their homes so as to mitigate harm and promote a safe and healthy life for each child.

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<sup>1</sup> Operation Home Team has been in place since approximately 2006. Significant changes were made in 2009, including the incorporation of the service provider protocol, the expedited hearing schedule, and the presumption that every child who is removed from his or her home is in need of counseling. Other significant changes are being made in 2018.

- To keep the parents and the child informed of what is going on in their case at all times, and to ensure their active participation in the process.

In order to accomplish the preceding objectives, the following Protocol shall be implemented, with Part A made applicable to emergency removals and Part B made applicable to Expedited Hearing Cases, as that term is defined hereinafter:

### **PART A: EMERGENCY REMOVALS**

For the purpose of this Protocol, a child shall be deemed to have been “taken into protective custody” when the Agency or Law Enforcement has made a determination that it would be contrary to the child’s welfare to continue in the home and the child is removed as provided in O.C.A. § 15-11-134(a) or is voluntarily placed with a third party by the child’s parent under threat of removal.

1. In order to timely meet the needs of parents and children served by them, the Agency should contract with service providers who give special attention to the timely delivery of services to parents and their children when the children have been removed from their homes, or who are threatened with removal because of abuse or neglect. Specifically, but not by way of limitation, the Agency shall attempt to identify and contract with providers who will commit to comply with any service provider protocols, including, but not limited to the Service Provider Protocol for Evaluations and Assessments and the Service Provider Protocols for Ongoing Services, copies of which are attached hereto and incorporated herein by reference.
2. All determinations as to the safety of a child in the home shall be based on the threat of danger, the child’s vulnerability, and the parents’ protective capacity. In order to support a finding that it would be contrary to the welfare of a child to remain in the child’s home or to be returned to the child’s home, the threat of danger must be immediate, serious and clearly observable.
3. When a child is taken into protective custody, all of the following tasks that can be completed at Intake will be completed at Intake (“Intake” is defined as the event where a child is being taken into custody, whether by law enforcement on its own action, by the Agency with court approval, or by order of the Court). If not completed at Intake, the following tasks should be completed as soon as possible thereafter, but in any event no later than at the Family Team Meeting (as hereinafter described).
  - (a) When the parents are available at the time of Intake, the law enforcement officer or case manager effecting the removal reviews with the parents the verified Complaint and the properly completed Court Information Form<sup>2</sup>, which includes

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<sup>2</sup> The Court Information Form will include: (1) the date, time, and place of the preliminary protective hearing; (2) information about the right to counsel and the financial information that

the date, time and place of the court hearing, a notification of the right to counsel, and instructions to contact the Juvenile Court by 9:00 a.m. on the first business day following removal in order for the Court to make a determination as to the entitlement to a court-appointed attorney.

- (b) When the parents are available at the time of Intake, or can reasonably be located, the law enforcement officer or case manager effecting the removal gives to the parents a copy of the verified Complaint (or Affidavit), the Court Information Form (which includes the date, time and place of the preliminary protective hearing), and the brochure entitled “Court and Agency Proceedings in Child Protection Cases” (when developed). Where the parents are not available, or cannot be reasonably located at intake, the Agency shall make every reasonable effort to contact the parents prior to the preliminary protective hearing and to provide to them the information described in this subparagraph. Where the parents are not available, or cannot be reasonably located at intake, law enforcement and the case manager will continue to attempt to locate the parents and to provide the parents with the information described in this subparagraph.
- (c) The case manager explains to the parents that law and policy require the Agency to place children with relatives when and as quickly as possible, and obtains as much relative information as possible, using the Relative Search Affidavit to gather the information, but not requiring the parent to actually sign the Affidavit at that time. The case manager explains the process that is involved in placing a child with a relative, the time it takes to get approval to do that, and the importance of providing the information to the case manager as soon as possible.
- (d) The case manager explains the benefits and consequences of having preliminary screens (i.e., trauma, substance abuse, or mental health) completed before the preliminary protective hearing and, if agreeable to submitting to an assessment, the parents sign a release form and the appropriate assessments are scheduled in accordance with the Service Provider Protocol for Evaluations and Assessments.
- (e) The case manager schedules the initial family time in accordance with the Family Time Protocol, specifically, but not limited to, scheduling the initial family time to take place within five days of removal, unless excused for good cause.
- (f) Where the services needed to make the child safe in the parent’s home are evident at this point in the case, the case manager will work with the parents to begin to develop a Preliminary Service Plan<sup>3</sup> (hereinafter referred to as the “PSP”), which

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will need to be provided in order to determine eligibility to counsel at reduced cost or at no cost, and (3) information needed to complete the Relative Information Form.

<sup>3</sup> The Preliminary Service Plan shall include, on a single page, services that are targeted to reduce the identified risk to the child in the home, and services that target the needs of the child, including needs resulting from the removal itself.

shall set forth in clear, specific terms those services which can be scheduled at the time. The PSP shall be case specific and services shall not be delayed pending an assessment or evaluation where the need for at least some minimum level of services is indicated. The case manager will advise the parents that agreeing to accept services prior to a hearing will be viewed in a positive light by the Court and will not be considered as an admission of the need for services. The PSP will not be limited to services to be provided to the parents to effect reunification, but will also include services to meet the educational, physical, emotional, and other needs of the child. The presumption is that every child who is removed from his or her home by state action is in need of counseling services, or at least of an assessment for services. The PSP will include provisions to ensure that the child is afforded all of his or her rights under the McKinney/Vento Act and under the Fostering Connections Act. Specifically, but not by way of limitation, every effort shall be made to allow the child to attend his or her home school while in state custody and, where that is not possible or desirable, to ensure that the child is admitted to a new school immediately with or without the paperwork that would otherwise be required. The PSP may be revised by the Agency and the parents at any time as new information is made known to them. **It is specifically provided that, when a parent consents to a pre-adjudication assessment or evaluation, unless otherwise agreed to by the parent, no information obtained from the assessment or evaluation may be admitted in evidence at the adjudication hearing. Nothing contained herein shall preclude using any information contained in an assessment or evaluation where that information was obtained independent of the assessment or evaluation. The parents should be advised of this when they are asked to participate in a pre-adjudication assessment or evaluation.**

- (g) Beginning at Intake and continuing for the life of the case, law enforcement and the Agency shall make diligent efforts to identify both parents and to serve them with the Complaint and Court Information Form. The fact that a father is a putative father rather than a legal father shall not delay involvement of the father or the placement of the child with the father or with a family member of the father.
- (h) Beginning at Intake and continuing for the life of the case, the Agency shall make the reasonable efforts required by law, document same clearly and systematically in the files of the Agency, and submit evidence of same to the Court at each hearing or review in the form of a Reasonable Efforts Affidavit to be filed with Court prior to each hearing or review, and to update the Court as to reasonable efforts made since the affidavit was signed. The attorneys for all of the parties and the Court shall ensure that reasonable efforts are addressed and documented at each hearing and review.

- 4. The law enforcement officer or Agency caseworker removing the child shall deliver to the Juvenile Court the Complaint and a copy of the Court Information Form as soon as

possible, but, in any event, no later than the date of removal if the child is removed and approval from the intake officer obtained before 4:00 p.m. on that day, or, by 8:30 on the first business day following the date of removal if the child is removed and approval from the intake officer is obtained after 4:00 p.m. When the removal is effected by the Agency the reasonable efforts to avoid removal shall be documented in the sworn complaint or affidavit.

5. Immediately upon the filing of the Complaint, the court shall notify the Attorney Child Advocate and the CASA office that a child has been taken into custody and the Attorney Child Advocate and the CASA staff shall make arrangements to meet with the child at the earliest possible date but, in any event, no later than 1:00 p.m. on the day of the preliminary protective hearing. At that meeting, the Attorney Child Advocate and the CASA staff member shall gather information about the child, the family and their circumstances, including the names and contact information for all relatives, fictive kin and other persons having demonstrated an ongoing commitment to the child, inform the child as to the court and agency processes, seek relative, medical, social and educational information, identify the immediate needs of the child, and make an assessment as to whether the case is appropriate for assignment of a CASA. The presumption is that every child who is removed from his or her home is in need of a CASA. In those cases where a child is not provided a CASA, the Attorney Child Advocate shall serve as attorney and guardian unless and until a conflict in those roles arises.
6. No later than the beginning of the preliminary protective hearing, the case manager shall deliver to the court staff the intake approval form, which the staff shall cause to be signed by the person approving removal and placement, file same of record, and return a copy to the case manager for inclusion in the Agency's file.
7. All parties and attorneys shall appear for the preliminary protective hearing at 1:00 p.m., but with the expectation that most hearings will begin around 1:30 p.m. This thirty-minute (more or less as needed) window of time will be used for attorneys to meet with their clients and with one another. If the child is six years old or older, the child will meet with his or her attorney together with, or separate from, a CASA staff member. All parents will be required to meet with an attorney prior to the hearing. Any waiver of right to counsel shall be made in open court after the parents meet with an attorney and after the court makes a finding that the parents have knowingly and willfully waived the right to counsel after consulting with an attorney and that the parent has the requisite capacity to make such a waiver. The attorneys will be provided with a copy of the Complaint by Court.
8. When a removal is effected by law enforcement, prior to the preliminary protective hearing, the case shall be staffed by the case manager and a supervisor, and a Reasonable Efforts Affidavit prepared and executed.
9. At the preliminary protective hearing, every reasonable effort shall be made to return the child home with services and under court and agency supervision or to place the child

with a relative, fictive kin or any other person who has demonstrated an ongoing commitment to the child. Unless the case is dismissed, the Court shall review and, where appropriate, revise the Preliminary Service Plan to ensure that the parents' and child's needs are identified and met while the case is pending. The Preliminary Service Plan shall be incorporated in and made a part of the order entered at the preliminary protective hearing. The Preliminary Service Plan shall serve as the basis for, but shall not limit, the development of the 30-day case plan. At the preliminary protective hearing, the Agency counsel will be given an opportunity on the record to obtain information about relatives to assist the Agency in preparing a complete relative search.

10. Where a child remains in care following the preliminary protective hearing, the case manager shall make a referral for the Comprehensive Child and Family Assessment ("CCFA") no later than the close of business on the next business day. The Agency shall make every effort to contract with service providers who provide quality and timely service.
11. At the preliminary protective hearing, a meeting will be scheduled with the parent or parents and the responsible case manager to begin work on the case plan and the Family Team Meeting will be scheduled to take place within five business days following the hearing. The dates of those meetings will be set forth in the court order issued following the preliminary protective hearing. The Court shall encourage the parents to involve as many members of the parents' family as possible without regard for whether the father is a putative father.
12. If the child continues in care, the Family Team Meeting will be timely held. Where the policy and procedures for the Family Team Meeting and this Protocol are in conflict, the one that provides for the broadest involvement and assigned tasks shall control. The following persons and agencies should participate when possible: (a) the parent from whom the child was not removed; (b) where applicable, the other parent; (c) the case manager who was involved in the removal; (d) the case manager who will be responsible for the case following the meeting; (e) the CASA assigned to the case; (f) the attorney child advocate; (g) the CCFA service provider; (h) where possible and deemed appropriate, the service provider doing the initial assessments; (i) family members of both parents who have been identified as placement or support resources; (j) the attorney for the parents; and (k) such other persons as may be appropriate. The following tasks should be completed at the Family Team Meeting:
  - (a) The Relative Search Affidavit should be reviewed and revised to the extent that new information is made available. Prior to the Family Team Meeting, the case manager should have already made inquiries of all applicable databases, including the Agency's own database, Accurint, and other available online databases.
  - (b) The participants will review and, to the extent appropriate, revise the Preliminary Service Plan unless the case plan has been entered into Shines, in which event, the parties should review and revise the reunification plan.

- (c) The participants will review and revise the Family Time Plan, with an emphasis on using relatives as visitation resources.
  - (d) The participants will develop or review and revise the initial milestones, setting a clear path for reunification of the family within certain time frames, including increased family time, overnight family time, trial visits, and return home. The milestones may be revised as assessments and evaluations are completed and as more information is made known to the Agency and others involved in the case planning process.
13. The relative search report shall be filed within thirty days following physical removal and shall be reviewed for new or additional information at each hearing or review throughout the life of the case.
  14. Unless continued for good cause shown and documented in the court order the ten-day adjudicatory hearing shall be held within the required time limits, even if publication service on a parent is required and an interlocutory hearing is held.
  15. The Initial Review Hearing, Adjudicatory Hearing, and Disposition Hearing shall be timely held as provided by law.
  16. At all court hearings and reviews, the Agency will need to provide reports from service providers stating clearly the issues that are being addressed, the progress being made and a prognosis for future progress.
  17. All cases shall be set down on a call calendar no later than three weeks following the filing of the Petition. The purpose of the call calendar is to make sure all parties can be located and served, to deal with the right to counsel, to resolve those cases that can be resolved without further hearing, and to deal with any issues that may cause a delay in the trial of the case.

### **PART B: EMERGENCY REMOVAL HEARINGS**

1. In cases where the Agency or law enforcement verily believes that, without immediate intervention, it would be contrary to a child's welfare to remain in the home, law enforcement, the Agency and the Court shall consider whether there are reasonable alternatives to removal of the child from the home and whether appropriate interventions may be provided and/or conditions imposed to mitigate the risk of harm in the short term. In such case, with the agreement and consent of the Agency and the parent(s), and the approval of the Court, such interventions shall be provided, a Complaint shall be filed, and a hearing on the Complaint shall be held in the same manner and within the same timeframes as provided for in Part One hereof. In such case, the agreement shall be documented in a Preliminary Service Plan, which shall be incorporated in and made a part of the Court's order. The court order shall be in substantially the same form as

- Exhibit “A, incorporated herein and made a part hereof.
2. The hearing on the Complaint shall be in the nature of, and shall fulfill the requirements of, a Preliminary Protective Hearing as set forth in O.C.G.A. § 15-11-145 and O.C.G.A. § 15-11-146.
  3. Interventions and conditions may include, but not be limited to, assessments, evaluations, drug screens, counseling, parent aide, removal of a parent or other individual from the home, compliance with medication regimen, Fourth Amendment waivers, and any other conditions, services, programs or activities deemed reasonably necessary to ensure the child’s safety pending a hearing.
  4. It is a fundamental premise of this Protocol, and the law, that a child may not be removed by, or under the threat of, state action unless it would be contrary to the welfare of the child to remain in the home even with the provision of relevant and appropriate supervision and services. However, that premise should not deny the parent of a child right to truly, freely and without duress or promise of benefit, voluntarily place the child with a third party of the parent’s choosing where the parent believes it to be in the best interest of the child in the short term.
  5. **By agreeing to proceed under Part B of this Protocol, the parents shall submit to supervision by the Agency, but such submission shall not be deemed an admission of dependency or of any fact alleged in the Complaint.**