

BY E-mail

Senator Jon Ossoff
Chairman
Subcommittee on Human Rights

Senator Marsha Blackburn
Ranking Member
Subcommittee on Human Rights

October 31, 2023

Dear Senator Ossoff and Senator Blackburn,

We submit this letter in response to hearing testimony taken by the Subcommittee in Washington, D.C. on October 25 and in Atlanta on October 30. Although DFCS appreciates the Subcommittee's interest in the care of foster children in the United States generally and Georgia in particular, it is necessary that any investigative effort be fair, complete, and fact-based. To that end, we must note the following with respect to the testimony:

- Several witnesses decried the necessity of housing children in hotels or DFCS offices. As the Subcommittee is aware, DFCS has worked hard to address this problem, which arose from a combination of provider shortages and denials from the State's managed-care insurance company. Thanks to the dedicated efforts of the current Commissioner, DFCS now appeals almost every insurance denial, and often pays outright for residential treatment while it appeals the coverage denials, spending tens of millions of state dollars in "stop-gap" healthcare. DFCS has had zero children staying in a hotel or office for several nights in recent weeks. Last night, there was one child staying in a hotel, and we continue our efforts to identify the right placement to meet his needs following his release from detention.
- One witness asserted that the number of children in foster care is approximately 11,000 and rising. This statement is untrue. In fact, the number of foster children in Georgia was 10,464 in August 2023, down from a high of 14,202 in May 2018. The numbers have held steady since their low of 10,432 in January 2022. This information was available and could have been provided if the Subcommittee had ever asked for it.
- The Chairman of the Subcommittee held a press event last week suggesting that DFCS is somehow responsible for an extraordinary number of missing children in Georgia. Unfortunately, the Subcommittee never shared with us any of the information in its request to the National Center for Missing and Exploited Children (NCMEC) or the information it obtained, so we have been denied the opportunity to understand or respond to this analysis. It is not clear whether the numbers the Chairman shared with the press account for children who were recovered or children who aged out and refused to sign back into foster care (even though they were located). What we do know is that a recent report by the Inspector General for the U.S. Department of Health and Human Services found that Georgia's rate of foster

children reported missing is lower than its neighboring states of Tennessee, Alabama, and South Carolina, and is *less than half* the rate of a number of other states—including New York, Ohio, Maryland, Nebraska, Delaware and Kansas.¹ To further bolster our practices, DFCS will advocate for changes in state law in the upcoming legislative session to allow more information-sharing with NCMEC—a fact we shared with your investigators earlier this month.

DFCS takes seriously the issue of missing or runaway children and has a 14-page policy memo providing detailed instructions to DFCS case workers on how to handle reported missing children. DFCS also has a designated Missing Children’s Unit, and it works closely with NCMEC, Georgia Bureau of Investigation, the U.S. Marshals, and local law enforcement to help locate and recover other missing/runaway/abducted youth. DFCS participates in an annual targeted recovery operation with the U.S. Marshals, called Operation Not Forgotten, which focuses on recovering youth who have been deemed as “critical runaways” or “critical missing.” DFCS is a member of Georgia’s Child Abduction Response Team (C.A.R.T), which is a multi-agency initiative on 24-hour standby to be mobilized whenever an Amber Alert/Levi’s Call is initiated. As the above-mentioned HHS IG report demonstrated, DFCS is doing better on this front than many of its neighbors and other states of similar populations.

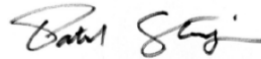
- With respect to Ms. Aldridge’s testimony, DFCS acknowledges and in no way diminishes the tragedy of Brooklynn’s death. As the Georgia Court of Appeals noted, however, in affirming dismissal of Ms. Aldridge’s claims against the state: “While the circumstances of this case are distressing, there is no dispute that Brooklynn was already having unsupervised visitation at Lott’s residence before DFCS intervened, that Brooklynn’s death occurred weeks after Appellant was released from jail, and that the incident happened after Appellant had agreed to joint custody with Lott.” *Aldridge v. Ga. Dept. of Hum. Servs.*, No. A21A1527 (Slip. Op.) at 9 n.5. Brooklynn was first placed in the physical and legal custody of Ronald Lott, Jr. on January 23, 2018, by order of a Georgia superior court, and was not in DFCS custody at any time, including the time of her death.
- In a recent meeting with juvenile judges, at their invitation, Commissioner Broce discussed the lack of appropriate dispositional options, therapeutic interventions, step-down care, and safe placements for young adults with serious mental and behavioral health challenges. At this meeting, the participants also talked through recent legislation, opportunities to propose more changes to state law, and ways to better collaborate. Some judges in attendance spoke about the extreme difficulty balancing the child’s treatment needs, the family’s safety concerns, and overall safety for the community. Often, solutions are tough to find. The discussion included how additional time and resources might be necessary to best serve the family, especially through enhanced coordination between state agencies. Yesterday’s testimony on this point was lacking critically important context and accuracy. Commissioner Broce did not encourage judges to violate state law, and it has never been DFCS policy to punish a child with complex needs through detention. She and the participating judges all shared ideas on how to tackle these challenges in a more united front, and the Commissioner asked participants to be involved in legislative efforts to further improve Georgia’s child

¹ See Grimm, *National Snapshot of State Agency Approaches to Reporting And Locating Children Missing From Foster Care 9*, 32-33, HHS Office of Inspector General (May 2022), available at <https://oig.hhs.gov/oas/reports/region7/72006095.pdf>

welfare system. To DFCS's knowledge, yesterday's witnesses never raised any concerns about the content of this meeting with the Commissioner or with the legislature, despite opportunities to do so. Ultimately, the courts and DFCS are in this fight together, and must stay focused on productive efforts to improve Georgia's child welfare system.

The misstatements, omissions, and failure of the Subcommittee to request relevant information or responses from the Department in advance of its publicized hearings and press conferences leave the unfortunate impression that the goals of this investigation are political. That impression is heightened by the fact that—despite the repeated claim that this is a “bipartisan investigation”—the investigation into policies and practices of the Georgia foster care system has been run exclusively by majority staff. In more than 35 hours of witness interviews with DFCS personnel, or in the back-and-forth document requests that yielded nearly 10,000 pages of documents, the Chairman's investigators never once asked what kind of help or assistance the Department could use from the federal government—and that need is considerable. DFCS remains committed to serving the interests of the state's most vulnerable population and finding workable solutions to the difficulties inherent in working with foster children—with or without the Subcommittee's help.

Respectfully submitted,



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