

**J. Reuben Clark Law Society
Heritage Public Service Project
(Revised 5/19/05)**

The Atlanta Chapter of the J. Reuben Clark Law Society (the "Chapter") has undertaken a Heritage Public Service Project (the "Project") to enable children of LDS heritage in the Atlanta metropolitan area who are placed in foster care to continue to receive the benefits of that heritage, most often by being placed into LDS foster care homes.

I. The Need

Currently, from two to ten children of LDS heritage in the Atlanta metropolitan area are removed each year from the custody of their parents and placed in foster care. Most often, they find themselves in an environment wherein they are denied their LDS heritage because their foster care situation does not permit or facilitate church attendance, attendance at primary activities, contact by home teachers, contact by ecclesiastical leaders, family prayer, personal prayer and other aspects of their LDS heritage and religious beliefs. Such denial may be short term or long term, and may result in a life-long separation from Church teachings. This situation often results inadvertently when deprived children are removed from their parents' home and placed in foster care by an agency of the Georgia Department of Family and Children's Services. ("DFACS"). Thus, a need exists to provide such children with an environment where they will receive benefits of their LDS heritage.

II. The Target Group

A child of LDS heritage has received upbringing by parents or other family members regarding the teachings and practices of The Church of Jesus Christ of Latter-day Saints. Those include teachings of the Church (such as faith in Jesus Christ as Savior and Redeemer of the world), personal religious practices (such as prayer), personal religious character attributes (such as honesty, kindness and rendering of Christian service), attendance at church meetings (such as worship service, children's meetings, scouting) and family religious observances (such as family prayer, family bible reading and family home evening). Children of LDS heritage learn and participate in the foregoing from birth, and assimilate the teachings and practices as their age permits.

III. The Current Placement Environment for Deprived Children

Currently, children enter the foster care system in one of two ways. First, the parents may be unable to care for and meet the needs of a child and may place the child in foster care voluntarily. Second, deprived children may be placed in foster care involuntarily as a consequence of a determination by a DFACS agency and the county juvenile court that a child is "deprived."¹

Whether a child enters foster care voluntarily or following a deprivation action, as soon as the child has been removed from the home, placement is determined and controlled by DFACS. The places in which a deprived child may be placed before and after final disposition of the proceedings are quite restricted. The child may be housed in a licensed foster home or a home approved by the court, which may be a public or private home or the home of the noncustodial parent or of a relative, or in a facility operated by a licensed child welfare agency. O.C.G.A. § 15-11-48(f); O.C.G.A. § 15-11-55. Typically such placement is made without regard to the religion of the child or the foster care family.

IV. The Players

A. DFACS.

Each of the one hundred and fifty nine counties in Georgia has its own Division of Family and Children Services which fall under the umbrella of the State Department of Human Resources. The state agency and each county agency is headed by its own Director. Each director works with generally two deputy directors, administrators, supervisors, investigators, and case managers. Divisions typically include foster care, ongoing, placement intake, resource development, teenage-special needs, and investigations. The case managers have enormous autonomy in dealing with their cases, and typically both case managers and supervisors carry huge caseloads and are overworked and underpaid. There is a high level of turnover among DFACS personnel both at the state and county levels.

¹ "Deprivation" actions concern allegations that a child is in need of protective intervention by the court as a result of abuse, misconduct, or lack of care by his parent or custodian. The Official Code of Georgia Annotated (O.C.G.A.) § 15-11-2(O)(A) authorizes intervention if a child is "without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical mental, or emotional health or morals." The state, acting through its duly authorized agencies, the County Departments of Family and Children Services, is usually the petitioning party in deprivation cases, although the Georgia Code empowers any citizen to file such a complaint. (O.C.G.A. § 15-11-38). The juvenile courts have been invested with subject matter jurisdiction over deprivation actions since 1916, [O.C.G.A. § 15-11-28(a)(1)(C)], although the procedural labels have varied from "neglect" to "state of dependency" and ultimately to "deprivation." The processes and procedures that DFACS follows when responding to reports of deprivation are outlined in Attachment 2 hereto.

B. CASA.

“CASA” means “Court Appointed Special Advocate.” Each county has a CASA program. The CASA program provides volunteers who are appointed by the court to gather information and to advocate for children in deprivation actions. CASA volunteers have tremendous influence with the judges and are often view as being the most reliable source of information about the best interests of the child.

C. Foster Care Families.

Foster care families are certified after completing a rigorous eight-week training program. Such training includes a three-hour weekly session, completing physical examinations, and submitting to a criminal background check. (See Exhibit 1.) There is a constant need for good foster families and any interested foster parent can contact the DFACS in the county in which they reside and proceed through the application and approval process. (See Attachment 1 hereto.)

D. LDS Family Services.

LDS Family Services Corporation (“LDSFS”)² is a Utah non-profit corporation qualified to do business in Georgia that is licensed by the State of Georgia. The license permits LDSFS to place children into foster care under standards prescribed by the Georgia Department of Human Resources. The foster homes are not certified by DFACS, although they must adhere to the same standards as foster homes certified by DFACS.

LDSFS focuses primarily on placing newborn babies into foster care. LDSFS has not emphasized the placement of other children into foster care and cannot assist in the placement of children pursuant to this Project.

IV. Resources

This Project is undertaken with limited resources. The Chapter has approximately 50 members. Many of those members already render community service through vehicles other than the Chapter. There are no Chapter funds available for this Project.

There are approximately 50,000 members of the Church in the Atlanta Metropolitan Area. Some of them likely would be willing to participate in this Project.

LDSFS has limited personnel and budget, but would like to participate in this Project.

DFACS has a limited budget and a very heavy caseload for each caseworker. Case workers are overworked and underpaid.

² A board and a director govern the LDSFS Georgia office. As of May, 2005, the director is Matthew Watson. LDSFS employs adoption case managers and therapists.

The Church leadership in the Atlanta Metropolitan Area is organized into two coordinating councils, both of which typically meet together on a quarterly basis. Each council is composed of four or five stakes. The members of the coordinating councils are aware of this Project.

V. Plan of Action

This Project will proceed according to the following plan of action:

1. Foster Care. The Project participants will identify homes of LDS heritage that are certified by DFACS as foster care homes. Project participants will also encourage other homes to be so certified. Some participants will volunteer to have their homes certified. Project participants will work with LDSFS to provide the necessary foster parent training and certification for volunteers.
2. Emergency Action Plan. The Chapter will develop, coordinate and disseminate a written Emergency Action Plan that will enable case workers immediately to place LDS heritage children into LDS heritage foster homes, to coordinate with DFACS, and to facilitate a child's continuing contacts with ministers and other Church support personnel, while protecting the child from deprivation and any suspected abusers and neglecters.
3. First Responder. The Project participants will identify a First Responder as a coordinator of first resort immediately upon suspecting that children of LDS heritage within the Atlanta Metropolitan Area are or may be deprived in a situation that Project participants may assist. The identity and contact information for the First Responder will be disseminated to LDSFS, ecclesiastical leaders on a stake and congregation level, Chapter members and Atlanta Metropolitan Area DFACS agencies. The First Responder will initiate the Emergency Action Plan.
4. Education. The Chapter will prepare PowerPoint or other presentations to educate DFACS, LDSFS, Chapter members, ecclesiastical leaders, foster care homes and potential foster care homes, regarding this Project, its goals and plan of action. The Chapter will also contact other faith-based family services organizations and work cooperatively toward common goals.
5. Action Committees. Committees will be formed to focus on the following areas:
 - a. Foster Parent and CASA Volunteer Identification and Certification
 - b. Emergency/First Responder Plan/Interface with DFACS

- c. Power Point Presentation
 - d. Project Plan Revision and Review
6. Plan. The Chapter will review and revise this plan to meet then-current needs and resources.

Further Information

Further information regarding the Project and suggestions regarding the Project plan may be obtained from or addressed to: Billie Howick, 3416 Starwood Trail, Lilburn, Georgia 30047, telephone 770.985.2516 or Steven Hardy, telephone 770-399-9500 or email shardy@fh2.com.