

United States Senate

WASHINGTON, DC 20510

February 17, 2023

VIA ELECTRONIC TRANSMISSION

Candice Broce
Commissioner
Department of Human Services
State of Georgia
2 Peachtree Street N.W.
Atlanta, GA 30303

Dear Commissioner Broce:

As leaders, we have no higher obligation than to protect those who cannot protect themselves — especially children at risk of abuse or neglect.

Many of these children end up in the foster care system. On any given day, there are roughly 400,000 children in foster care across the country, including around 11,000 in Georgia.¹ Our nation's foster care systems implicate the most fundamental human rights of American families and children, including their safety, dignity, and wellbeing. Yet recent official and press reports raise serious concerns about the ability of Georgia Division of Family and Children Services (DFCS) to ensure the safety and wellbeing of the children in its care.²

The Federal government funds a range of child welfare and protection activities, and thus has the responsibility to conduct oversight and ensure that funding recipients, like DFCS, are keeping children under their care safe.

Pursuant to Rules XXV.1(l) and XXVI.1 and .8 of the Standing Rules of the Senate, the U.S. Senate Subcommittee on Human Rights (the "Subcommittee") is conducting a review of matters related to children's safety and wellbeing in foster care.³ As the Chairman and Ranking Member of the Subcommittee, we therefore respectfully request answers to the below questions and copies of the documents requested no later than March 10, 2023.

It was recently reported by the *Atlanta Journal-Constitution* that an investigation by the Georgia Office of the Child Advocate (OCA) into DFCS revealed widespread, systemic breakdowns

¹ See U.S. DEP'T OF HEALTH & HUM. SERVS., THE AFCARS REPORT: GEORGIA (2022), available at The Afcars Report: Georgia (hhs.gov).

² See, e.g., Katherine Landergan, *Child's death, other breakdowns raise questions for DFCS*, Atlanta Journal-Constitution, (December 1, 2022), <https://www.ajc.com/news/atlanta-news/childs-death-other-breakdowns-raise-questions-for-dfcs/C5UUBQXX4ND6TGIQTMARJLFYSE>; Period 32 Monitoring Report of the Accountability Agent and Monitoring Assistance Team in the case of *Kenny A. v. Kemp*, (June 2022), available at <https://cslf.gsu.edu/files/2022/08/Kenny-A-Monitoring-Report-Period-32.pdf>.

³ See S. Res. 285, 113th Cong. (2013) (enacted).

within Georgia's foster care system.⁴ The OCA investigation concluded that DFCS case workers are "no longer adequately responding to child abuse cases"⁵ and that "placement or services for suspected victims of human trafficking, sexual abuse or physical abuse are often 'inappropriate' or 'inadequate.'"⁶

- Please provide a copy of the July 2022 OCA report and any documents and any communications related to it, including any Georgia Department of Human Services (DHS) or DFCS responses.

It was also reported that DFCS's position is that "children as young as 13 years of age are able to 'self-protect' and therefore do not need assistance in homes in which parents are using drugs, there is a sexually abusive sibling, or basic needs are not being met."⁷

- Please provide a copy of any DFCS policy, training and related documents pertaining to the department's position or policy on children's ability to "self-protect."
- Please describe the process and criteria that DFCS uses to determine whether to close a case.
 - Under what circumstances would a decision to close a case be subjected to a higher level of review—e.g., by a supervisor?
 - What percentage of cases slated for closure are subjected to a higher level of review?
 - What percentage of cases are ultimately reopened?
- How many reports or allegations of physical or sexual assault against children under DFCS care have occurred since January 1, 2018? Of those, how many allegations have been sustained?

During recent testimony, you discussed DFCS's practice of placing vulnerable, at-risk children who do not have traditional placements in hotels or DFCS offices, a practice you referred to as "hoteling."⁸

- As of December 31, 2022, how many children in each of Georgia's counties are currently housed in hotels, DFCS offices, or other placements besides a foster family or group home?

⁴ See Katherine Landergan, *Child's death, other breakdowns raise questions for DFCS*, Atlanta Journal-Constitution (December 1, 2022), <https://www.ajc.com/news/atlanta-news/childs-death-other-breakdowns-raise-questions-for-dfcs/C5UUBQXX4ND6TGIQTMARJLFYSE/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Jeff Amy, *Georgia faces hurdles to get foster children out of hotels*, AP, (January 30, 2023), <https://apnews.com/article/georgia-hoteling-foster-children-a29901d6240a7e929d47b7254a512278>.

- For children currently housed in hotels or DFCS offices, what is the average distance between their current placement and their home residence?
- Please list all names and locations of the hotels, DFCS offices, or placements other than a foster family or group home where DFCS has housed children between January 1, 2022 and the present. You may convey this in a separate document to protect the children's privacy and security.
- Please describe DFCS's on-site inspection process of a hotel or office building prior to housing a child at that facility. Who performs these inspections? How often are they performed?

You have testified that the practice of “hoteling” children is “born out of necessity” due, in part, to staffing shortages.⁹ It has also been reported that from 2021-2022, 55% of all DFCS caseworkers had left their jobs in the past year.¹⁰

- How many DFCS positions are currently vacant?
- How many DFCS case worker positions are currently vacant?
- Please list the title and job function of each position that is currently vacant, and how long each vacancy has been unfilled.
- How many and what percentage of DFCS employees resigned or were terminated in 2022 and in 2021?

It has been reported that DFCS is increasingly using contracted personnel, including to supervise children who are housed in hotels and DFCS office buildings.¹¹

- Please name any firms who have been contracted to provide services to DFCS in 2021, 2022, or 2023.
- How many contracted personnel is DFCS currently using to supervise children housed in hotels and office buildings?
- Please list the roles and functions that DFCS contracted these personnel to perform.

⁹ *Id.*

¹⁰ Katherine Landergan, *Child's death, other breakdowns raise questions for DFCS*, Atlanta Journal-Constitution (December 1, 2022), <https://www.ajc.com/news/atlanta-news/childs-death-other-breakdowns-raise-questions-for-dfcs/C5UUBQXX4ND6TGIQTMARJLFYSE/>.

¹¹ Katherine Landergan, *State 'hellbent' on ending hotel placements for foster children*, Atlanta Journal-Constitution (Jan. 18, 2023), <https://www.ajc.com/news/atlanta-news/state-hellbent-on-ending-hotel-placements-for-foster-children/SPDKHWPEWJF7XMYGYRK3GNQBRY/> (“DFCS spends an average of \$1,500 dollars a night to hotel a foster child. This cost covers the child's room, contracted behavioral aides for supervision”).

- Please describe how DFCS vets contracted personnel and firms to provide services.
- Please describe DFCS's process for managing a case worker's case load when that case worker leaves DFCS.

While these issues may have started before your tenure, they can and must end under your watch. We look forward to your prompt responses to help ensure the safety and wellbeing of Georgia's children, no matter their story.

Sincerely,



Senator Jon Ossoff
Chairman
Subcommittee on Human Rights



Senator Marsha Blackburn
Ranking Member
Subcommittee on Human Rights