



GWINNETT COUNTY
BOARD OF COMMISSIONERS

75 Langley Drive | Lawrenceville, GA 30046-6935
O: 770.822.7000 | F: 770.822.7097
GwinnettCounty.com

Nicole L. Hendrickson, Chairwoman
Kirkland Dion Carden, District 1
Ben Ku, District 2
Jasper Watkins III, District 3
Marlene M. Fosque, District 4

Official

Informal Presentation Minutes

Tuesday, April 19, 2022 – 11:00 AM

Present: Nicole L. Hendrickson, Kirkland D. Carden, Ben Ku, Jasper Watkins III, Marlene M. Fosque

1. Courts

Department of Child Welfare Establishment

Juvenile Court Judge Nhan-Ai Simms and Human Resources Director

Adrienne McAllister provided information on a proposed reorganization to
Juvenile Court. No official action taken.

PROPOSAL FOR JUVENILE COURT REORGANIZATION

Presented by the Gwinnett County Juvenile Court
to the Gwinnett County Board of Commissioners
April 19, 2022

SPECIFIC ACTION REQUESTED

- The creation of a new department called the **Gwinnett County Department of Child Advocacy and Juvenile Services** (to be comprised of current county employees)
- Reclassification of various positions, with a **net gain/addition of 2 currently unallocated positions**
- Transferring the administration of the remaining Juvenile Court employees to the Administrative Office of the Courts

CURRENT ORGANIZATION

Juvenile Judges

**Juvenile Court
Court Administrator**

**Judicial Staff
(JAs, Calendar
Clerks, & FTC Coord.)**

**Staff Attorney
(shared by 3 judges)**

Admin

Intake

GAL Unit

Probation

Programs

CONFLICT OF INTEREST

- Criminal cases only have TWO parties (e.g., State vs. John Doe)
- Dependency/Child Welfare cases have **THREE** distinct parties
 - 1) Petitioner (usually DFCS)
 - 2) Parent(s)
 - 3) Child(ren)
- ALL PARTIES are entitled to attorneys
- Each child can sometimes have TWO representatives:
 - 1) **BEST INTERESTS** attorney/representative
 - 2) **DIRECT WISHES** attorney/representative

BEST INTERESTS CONFLICTS

- Guardians Ad Litem, CASAs, and Probation Officers have a legal duty to *independently investigate* and *independently give* recommendations to the Court
 - Representatives must be able to make recommendations *without fear* of Court/Judge reprisal
 - In dependent counties, the law **REQUIRES** that Probation be supervised by DJJ, *not the Court* ¹
 - Many states have established legislation specifically outlining the conflict of interest
 - In GA, Guardian Ad Litem training and certification is supervised by the **Office of Child Advocate**, an **executive branch** agency

¹See O.C.G.A. § 15-11-67(b)

LITIGANT CONFLICT

- An attorney representing a child's **DIRECT WISHES** represents the child as a **LITIGANT** in a dependency/child welfare case
- Attorneys for litigants cannot be supervised by the judges before whom they appear
 - E.g., a prosecutor works for the District Attorney, *not* the Court; a defense attorney works for his/her client, *not* the Court
- GA Judicial Code of Conduct requires that judges act in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary ²

² See Georgia Judicial Code of Conduct, Canons 1, 2 & 3

CONFLICT COMPARISON

- Gwinnett County is the **ONLY** county in GA that has a department in which Probation Officers and GALs/CASAs are supervised by the judges
- Fulton and DeKalb counties have independent offices of child advocates
 - Salaries of attorneys are set by county salary schedule, not by judicial discretion ³
- All other counties have non-county-employed GALs, or Probation Officers supervised by DJJ (an **executive branch** agency) ⁴

³ <https://scalawagmagazine.org/2020/07/georgia-guardian-ad-litem-accountability/>

⁴ https://cviog.uga.edu/_resources/documents/services-and-research/georgia-organizational-chart.pdf

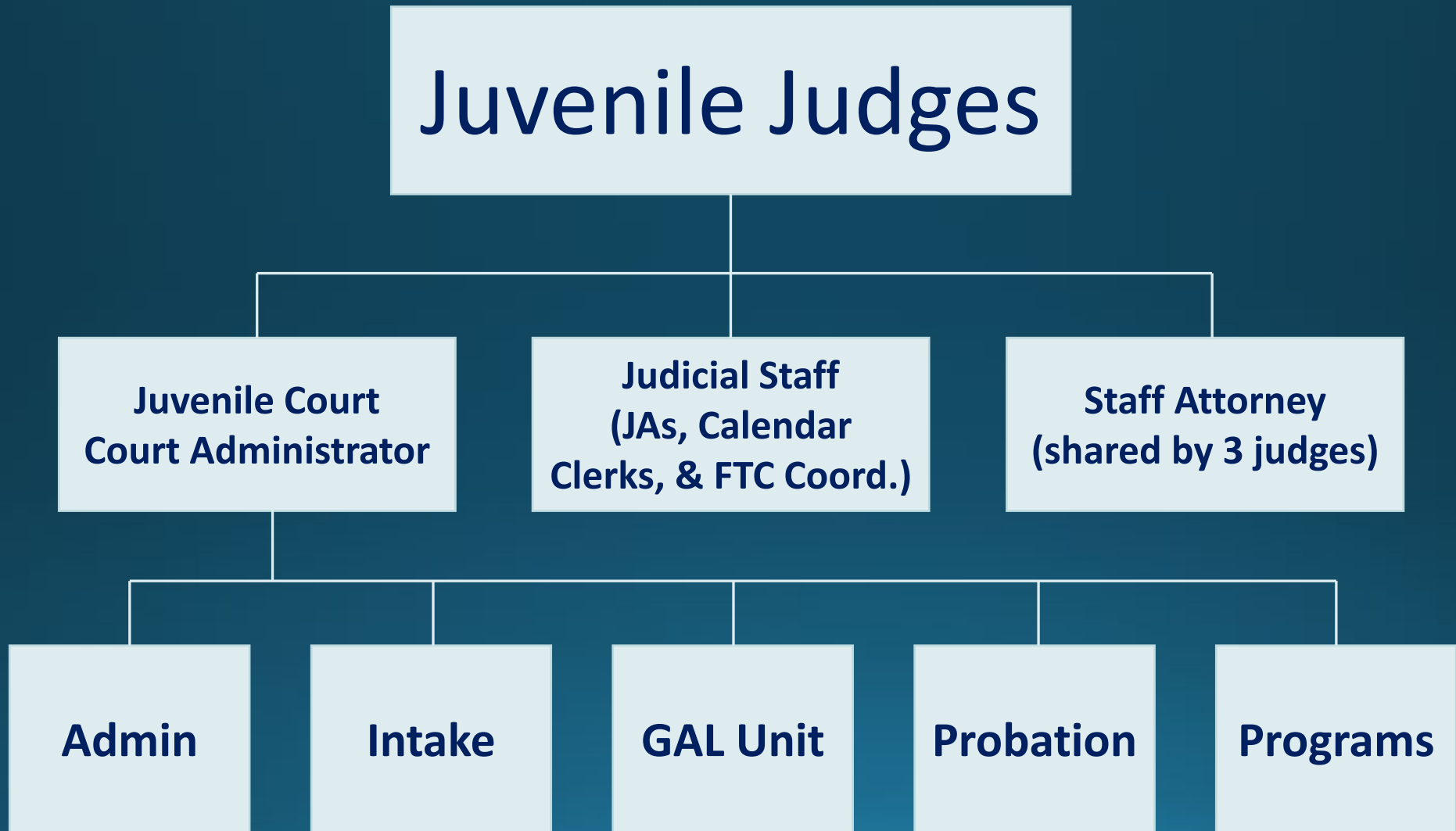
ADMINISTRATION CONCERNS

- GA is 1 of 3 states still prosecuting 17 -YO's as adults
- This is expected to change in the next year or two (HB 272)
- This change in law will **increase** Gwinnett County Juvenile Court's **caseload by 50%** (this is a **conservative** estimate)
- Gwinnett County Juvenile Court is **not currently** under the administration of AOC
- COVID exposed weaknesses in administration and inconsistency in court practices and resources

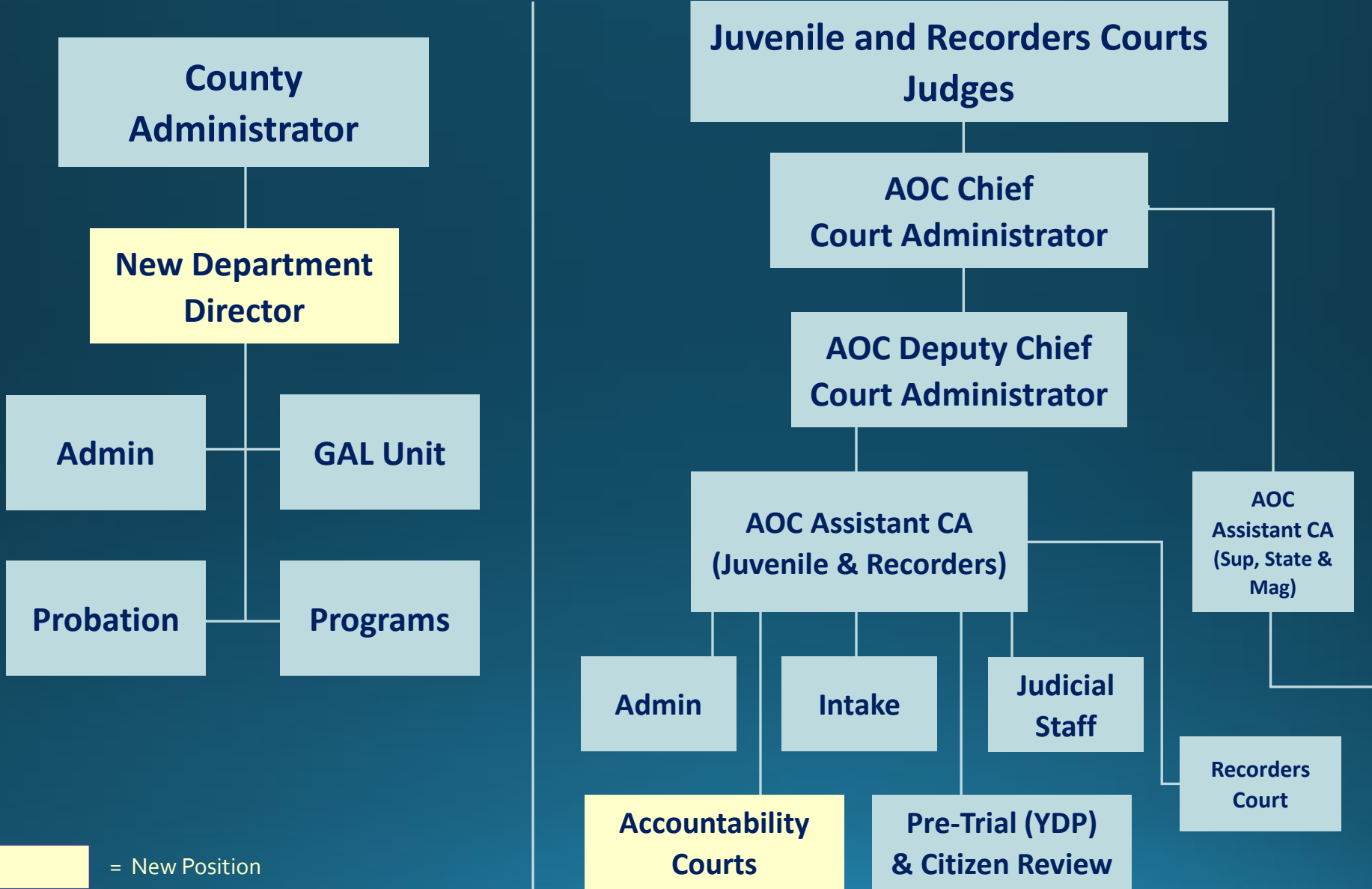
REORGANIZATION

- Recommended implantation date:
May 2022
- Approximate monetary cost to the county: **\$262,500**
- Departments impacted:
 - **Juvenile Court**
 - **Administrative Office of the Courts**
 - **County Administrator's Office**
 - **newly created Department**

RECAP: CURRENT ORGANIZATION



PROPOSED ORGANIZATION



= New Position

NEW POSITIONS

NEW POSITIONS (currently unallocated)

1) New Department Director

- Position Grade: 402
- Estimated Cost: **\$240,000** (salary and benefits)
- Appointed by County Administrator (non-merit)

2) Mental Health Court Program Coordinator

- Position Grade: 101
- Estimated Cost: **\$90,000** (salary and benefits)
- Appointed by Juvenile Court (non-merit)

TOTAL APPROXIMATE COST OF NEW POSITIONS: \$330,000

RECLASSIFICATIONS

- 1) **AOC Assistant Court Administrator** (for Juvenile/Recorders Courts)
(currently the "Juvenile Court Administrator")
 - Current Grade: 205/303
 - Reclassification/Downgrade: 201
 - Appointed by Chief Court Administrator (AOC)
 - Estimated Salary Savings: **\$91,000**
- 2) **AOC Assistant Court Administrator** (for Sup., State, and Mag. Courts)
(currently the "Director of Court Services")
 - Current Grade: 104
 - Reclassification/Upgrade: 105/201
 - Estimated Salary/Benefits Increase: **\$6,500**
- 3) **AOC Chief Court Administrator** (for ALL courts except Probate)
 - Current Grade: 307/402
 - Reclassification/Upgrade: 403
 - Estimated Salary/Benefits Increase: **\$13,000**
- 4) **AOC Deputy Chief Court Administrator**
 - Salary Increase: **\$4,000**

TOTAL APPROXIMATE SAVINGS: \$67,500

ANTICIPATED COSTS

COSTS:	
New Director of DCAJS:	\$240,000 (salary and benefits)
New MHC Program Coordinator:	\$90,000 (salary and benefits)
Salary/Benefits Increase for AOC Employees:	\$23,500 (salary and benefits)
OFFSETS:	
Salary Savings for Reclassification of Juvenile Court Administrator:	\$91,000
FINAL ANTICIPATED COSTS:	\$262,500

OTHER DETAILS

- Approximately 2/3 of the current Juvenile Court employees will **transfer** to the new department
 - No break in employment
 - No change in merit status
- Approximately 60% of the operational budget will transfer to the new department
 - Finance/HR to help develop the immediate budget and numbers
- Juvenile and Recorder's Courts budgets will remain **SEPARATE and DISTINCT** from Superior, State and Magistrate Courts
 - **No commingling** of elected officials' funds
 - AOC will *assist* Juvenile and Recorders Courts in the maintenance of their respective budgets
- As merit employees retire/end employment, their positions will convert into appointed/non-merit status

FUTURE CHANGES

- Infrastructure
 - Eventually, the 3 current Juvenile Court employees will relocate to the 4th floor, where there is **ample room** for development (already partially built out); GAL Unit already located on the 4th floor
 - Need to create separate and distinct work environment for the new department
 - New office space would also improve 4th courtroom security
- New Department can partner with outside agencies and providers
 - Reduce juvenile entry into the justice system with more access to outside funds (**federal funding is ample for juvenile justice prevention**)
 - Possibly partnering with Coalition of Human Services and/or Gwinnett County Schools for community outreach and prevention
 - Possibly add new divisions to the new department: e.g., Parent Attorneys, Mental Health Advocates, CHINS Specialists
- New Department can focus on its own programming and budgets to help **improve outcomes** for children and families
 - Fulton/Dekalb created child advocate departments because of a \$10M class action lawsuit (*In re: Kenny A.*)

H.R. TRANSITION PLAN

- Collaborative team of SMEs from Human Resources, Finance's Budget Division, and Information Technology will implement departmental, budget, and employee changes
- Continuation of administrative processes for staff transitioning to the Department of Child Advocacy and Juvenile Services
- HR-assigned staff to assist in addressing any staffing needs that may arise as a result of changing laws

"The question is not whether we can afford to invest in every child; it is whether we can afford not to."

- **Marian Wright Edelman**
(Civil Rights and Child Advocate)