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A Study of the Impact of Judicial and Environmental Factors on Increasing Juvenile Court Dependency Cases

Marcea O'Brien
Walden University

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Walden University

College of Psychology and Community Services

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Marcea O'Brien, Esq.

has been found to be complete and satisfactory in all respects,
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Walden University
2022

Abstract

A Study of the Impact of Judicial and Environmental Factors on Increasing Juvenile

Court Dependency Cases

by

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MA, Strayer University, 2013

JD, Atlanta John Marshall Law School, 2000

BA, Morgan State University, 1986

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

May 2022

Abstract

The number of families being referred to the Department of Children and Family Services following allegations of neglect, or the inability to care for a child in the state of Georgia has been increasing. Many children removed from their parents' custody are placed in foster care. The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing these parents and the court processes and procedures on the increased number of foster care cases. Data were collected from participant interviews with attorneys, judges, and a clerk who work in the juvenile court system in two counties in the state of Georgia. Interview questions were open-ended. All interviews were recorded and transcribed, and handwritten notes were taken. The data were analyzed, and the following themes were identified: (a) substance abuse, (b) other socioeconomic factors, (c) routine case plans for families are not effective, (d) cases lasting too long, and (e) the need for increased services. Future research should focus on how to address the socioeconomic factors that contribute to the substance abuse or mental health, which significantly plays a role in child removals. The results of this study have potential implications for positive social change because the information could lead to a greater appreciation of the disruption that takes place in some families and ways to address the problems to eliminate state involvement.

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Dedication

This dissertation is dedicated to my wonderful family. To my awesome parents, Joyce and Bruce Pendleton; my two beautiful sisters, Christa Shelton and Shirl O'Brien; my son, Kirby Carriman; his dad, Ashley Carriman; and my husband, best friend, and partner for life, Jimmie Flowers. I dedicate this to you all. Without all your love and support, this would not have been possible.

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No journey is successful unless you can look back to how you overcame obstacles and stumbles in your path to obtain the goal. During this journey, many helped me along the way. There were individuals who kept me lifted when I couldn't see my way through or wanted to stop. I want to acknowledge them here.

I want to first acknowledge my committee. Dr. Dianne Williams, my chair, kept me focused when I felt discouraged and defeated. Through her encouragement and guidance, I pushed through. Dr. Carolyn Dennis and Dr. Darius Cooper encouraged my work and helped me believe I could do this.

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My mom, Joyce Pendleton, is my hero. She has always been my role model and I wanted to grow up to be just like her. She taught me to excel and believe in myself. I want to thank her for her support and her love. My dad, Bruce Pendleton, is about strength and excellence, and I want to thank him for giving me the strength to push forward.

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Table of Contents

Chapter 1: Introduction to the Study.....	1
Introduction.....	1
Background.....	2
Problem Statement.....	4
Purpose of the Study.....	4
Research Questions.....	5
Theoretical Framework for the Study.....	5
Nature of the Study.....	8
Definitions.....	8
Assumptions.....	9
Scope and Delimitations.....	9
Limitations.....	10
Significance.....	11
Summary.....	11
Chapter 2: Literature Review.....	13
Introduction.....	13
Literature Search Strategy.....	14
Theoretical Foundation.....	15
Literature Review Related to Key Variables.....	16
Socioeconomic Factors Leading to Child Removal.....	17
Brief History of Child Removals and Child Welfare.....	26

Societies for Protection of Cruelty to Children.....	28
Emergence of Child and Family Services in the 20th Century.....	29
Contemporary Approach to Child and Family Services	31
Dependency Cases	39
Forced Removals	40
Indian Child Welfare Act.....	40
Temporary Removal	41
Preservation Case.....	42
Court Processes and Procedures	43
Summary	49
Conclusion	51
Chapter 3: Research Method.....	52
Introduction.....	52
Purpose Statement.....	52
Research Questions.....	52
Research Design and Rationale	52
Role of the Researcher	53
Methodology:.....	54
Data Collection	55
Issues of Trustworthiness.....	56
Credibility	56
Transferability.....	56

Dependability	56
Confirmability.....	56
Ethical Procedures	57
Summary	58
Chapter 4: Results	59
Introduction.....	59
Setting	60
Demographics	60
Data Collection	61
Data Analysis	61
Evidence of Trustworthiness.....	62
Results.....	64
Theme 1: Substance Abuse.....	65
Theme 2: Other Socioeconomic Factors.....	65
Theme 3: Cookie-Cutter Case Plans for Families Are Not Always Effective.....	66
Theme 4: Cases Lasting Too Long.....	67
Theme 5: Increased Services	67
Summary	68
Chapter 5: Discussion, Conclusions, and Recommendations.....	70
Introduction.....	70
Interpretation of the Findings.....	70

Limitations of the Study.....	72
Recommendations.....	72
Implications.....	72
Conclusion	73
References.....	74
Appendix A: Recruitment Letter	83

Chapter 1: Introduction to the Study

Introduction

The juvenile court system has seen a significant growth in the number of foster care cases brought before the court over the period from 2012 through 2018. These types of cases are called *dependency cases* in juvenile court. A dependency case in juvenile court is where children are removed from the custody and control of their parent or guardian, followed by the filing of this case type against them in juvenile court. According to the Adoption and Foster Care and Analysis Reporting (AFCARS, 1974), children in foster care, that is, those children involved in dependency cases, rose from a 1.5% increase in 2013 to a 9.6% increase in 2016 nationally. The U.S. Department of Health and Human Services, (HHS) reported that substance abuse was the main contributor toward the increase and reported Georgia as one of the states with the highest numbers, with a 6.2% increase from 2016-2017, and an overall average of 71.4% between 2012 and 2017. As of 2018, the numbers continue to rise; therefore, dependency cases became a top administrative priority for the state of Georgia.

The specific problem is process- and procedure-establishing stakeholders are not equipped with an understanding of how court processes and procedures impact the increased number of dependency cases. Ellis, (2008) raised the issue of the conflicts that exist among the stakeholders, which may impact the process. The challenge of the mandate to report, while caseworkers are already impacted by high caseloads, often leads to more cases. This is due to the need for the case worker to err on the side of caution when making the decision to remove a child from their home, Trivedi, (2019).

Accordingly, the purpose of this study was to determine what impacts the socioeconomic factors and the court processes and procedures have on the increased number of dependency cases.

The results of this study will have numerous potential implications to society and practice. First, the number of dependency cases have grown significantly. Second, the socioeconomic factors that these parents face when the department becomes involved include lack of sufficient finances, insufficient or no housing, and substance abuse. Third, the stakeholders are often conflicted about their roles and responsibilities, which often affect how the cases move forward. Finally, alternatives need to be studied or explored to remedy the phenomenon of the growth in numbers. The remainder of this chapter explores the background of the research problem and presents the specifications of this study.

Background

The juvenile court system has seen a significant growth in the number of foster care cases brought before the court. Vashi, (2016) researched impacts on the growth in case numbers and examined how the state agencies are looked upon, how cases are handled, and what can be done to make handling cases more effective. Vashi also researched the issue of substance abuse by the parents as a factor.

Georgia is one of the states with the most children in the care and custody of the Department of Children and Family Services, (DFCS); Crary, (2017). Crary, (2017) raised awareness to a growing nationwide problem, with five states, including Georgia, experiencing increasing numbers of cases 4 years in a row. Causes of the growth in cases

were identified as (a) neglect, (b) inability of parents to care for their children, (c) substance abuse, (d) mental illness, and (e) socioeconomic factors, (Crary, 2017). The number of children in foster care is a growing concern because the numbers have grown significantly, (Gonzales, 2017).

The mandatory requirement to report abuse or neglect may impact the growth in cases, as well. Trivedi, (2019) researched the child welfare system and found that case workers err on the side of removal and often neglect to consider other harms that may result from the removal. Segueing to the court, the case workers may find themselves conflicted with the other stakeholders, which may impact the process and procedure of the cases. Conflicts exist over who is responsible for certain tasks in handling a case, which can also be a factor, (Ellis, 2008).

The research that has been conducted in this area has been focused individually and sporadic, which leaves a necessity for this study. There is no significant research on how socioeconomic factors affect these families or how the court processes and procedures impact the increased number of dependency cases. In this study, I discuss findings from legal and peer-reviewed articles, as well as dissertations on similar topics. Further research will come from relevant case law in juvenile court regarding court procedures in these cases. Moreover, in this study, I discuss the phenomenon, possible ways to address it, and how the study was conducted. This study needs to be conducted to examine the phenomenon of the increased number of foster care cases and the impact on the causes of the growth.

Problem Statement

There has been a marked increase in the number of families being investigated by DFCS following allegations of child abuse or the inability to care for a child in the state of Georgia. As a result, many of the children who are removed from their parents are placed in foster care. Those who aren't placed into foster care are placed with other family members or another identified by the parent as someone they would elect to care for their child in the interim. For those children who are referred to foster care, HHS conducts research and then releases annual data to inform the public as to the number of foster care cases each state has in their system. Based on the data and research, substance abuse is the number one reason for removals into foster care, (Crary, 2017). New federal data from 2017 indicated the number of cases had increased due to the opioid epidemic and other forms of drug use worsening, which contributed to about 34% of the 2016 cases brought into the courts, (Crary, 2017). Other causes identified were mental health concerns, parental neglect, and economic pressures contributing to the inability of the parent to care for their child, (Crary, 2017).

Purpose of the Study

The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing the parents and the court processes and procedures on the increased number of dependency cases. In furtherance of this, I sought to identify new concepts and attempted to create a broader range of knowledge because this area does not have a lot of research tied to it. In this qualitative case study, I examined two juvenile courts in the state of Georgia.

Research Questions

RQ1: How do socioeconomic factors, such as substance abuse, mental illness, and parental neglect, impact the increased number of dependency cases; what impact do these factors have on the likelihood that parents will lose custody of their children?

RQ2: How do the role and function of the court impact the increase in the number of dependency court cases in juvenile court?

Theoretical Framework for the Study

The chosen methodology for this study was a case study. A case study was most appropriate because the research questions seek to answer how certain factors impact case growth and why case numbers are increasing. Yin, (2017) explained that a case study can be used when one is studying a sequence of events over time and if one is describing a phenomenon that has rarely been the topic of any other previous study. Because this study suggests growth over time, there is a presumption of a sequential examination. In this instance, the study begins by introducing the reader to the phenomenon of so many more dependency cases being filed in juvenile court. The study then proceeds to provide a brief history of the phenomenon. It is most appropriate to conduct a case study to explain this effectively. This study will consist of interviews with selected participants. The questions being asked of the participants will be geared solely to solicit insight on the impact by the courts and the socioeconomic factors facing the parents on the increased number of dependency cases.

The theoretical lens for this qualitative case study is the one-judge-one-family (OJOF) model (Family Court Steering Committee, 2001). The OJOF model holds that

one judge will convene over all the court matters in which the families are involved.

(Juvenile and Family Court Journal, 2013). The OJOF model has four distinct components:

- No continuances: By combining all court matters, the court process will be able to move more efficiently because there will be no continuances for any of the future hearings. Summers & Shdaimah, (2013) studied the impacts a continuance has on a case in terms of achieving permanency in a more expedient manner. Continuances that occurred prior to adjudication caused delay in the process, but the continuances did not necessarily delay permanency, (Summers & Shdaimah, 2013). Having more than one judicial officer assigned to a case aided in eliminating continuances, thus offering opportunity for the case to move in accordance with the codes that govern juvenile dependency proceedings.
- All inclusivity. All cases are included regardless of the type or severity of the matter. This is to ensure that all matters are before the same court to move the process smoothly and effectively. This also includes generational matters that come before the court as well. Assigning all matters to one judge makes the process more efficient and less complicated; however, this process cannot work with all matters, such as criminal matters. The use of the model considers the use of proper case management and coordination so that all the courts maintain the desired efficiency, (In re Report of the Family Court Steering Committee, Fla. 2001).

- Consistency. Inclusivity of the case would also result in consistency. If all the courts have jurisdiction over all court matters, the dispositions for each align with the end results of the pending case, (In re Report of the Family Court Steering Committee, Fla. 2001).
- Full access to records. The current court has access to the names of all parties and information that exists in all the other court matters, (In re Report of the Family Court Steering Committee, Fla. 2001).

This model is used in Florida court systems and was recommended by the Family Court Steering Committee, 794 So. 2d 518, 531 (Fla. 2001). This model has gained in prevalence since 2001 and has been implemented in other jurisdictions including the courts in this study. This model provides recent insight into the value system and operational objectives of the juvenile courts in these jurisdictions. The use of this theoretical framework aligns with this study because its inception was established due to how the courts were handling cases and realizing that more cases were coming into the courts. Establishing a one-court system also aligns to gain an understanding as to the impact on the families that come before the court. Finally, the OJOF model serves to provide a series of focuses for this research.

The OJOF model aligns to the research questions as well. The OJOF model aligns with RQ1 by taking into consideration that there may be other issues that parents may have pending, which could be addressed alongside the dependency case. The two Georgia courts under this study also use this method, which is why I chose this model for this study. The OJOF model aligns with RQ2 because I was seeking to explore the court's

practices at each step of the case and how the efficiency of the court's processes may be impactful toward the higher number of juvenile court cases.

Nature of the Study

The nature of this study was qualitative. The research was conducted as a case study. The purpose of qualitative research is to equip a researcher with the necessary tools to describe how a phenomenon of interest is interpreted, understood, experienced, produced, or constituted. Research methods can be flexible and sensitive with regard to social content. Case study research provides a researcher with a tool to describe an entity that forms a single unit—in this case, the parents, or the courts, (Astalin, 2013).

The qualitative case study approach was used to examine the phenomenon of the impacts on the growth in the number of dependency cases. The growth in the number of families losing custody of their children and having dependency cases filed against them, as well as the reasons behind the removals, can be effectively outlined using this method. The data were analyzed from recordings from interviews of attorneys, judges, and a juvenile clerk who work closely with families in these cases.

Definitions

To foster further understanding of some of the terms used in this study, certain terms are defined in this section.

Case plan: A document developed between a case worker and the parent of the child who is in foster care. The plan must include a description of the goals the parents must work toward and a description of the services the department will provide to the family to successfully achieve reunification.

Dependency: A dependent child in Georgia who has been abused or neglected and needs protection from the court; has been placed for care or adoption in violation of law; or is without their parent, guardian, or legal guardian, (OCGA Section 15-11-2[22]).

Foster care: Out-of-home care or temporary services provided by states for children who cannot live with their families. Foster care can also refer to placement settings such as group homes, residential care facilities, emergency shelters, and supervised independent living.

Preservation case: Preservation cases are those cases where family focused services, designed for families in crisis, are put in place while the children remain in their home. This is designed with the understanding that separating them from their parents would be traumatic. Family preservation cases are only appropriate where it is not contrary to the well-being of the child to remain in their home while their parents are involved with the court.

Assumptions

Assumptions in research, in a qualitative study, are things that are out of the control of the researcher, but necessary to make the study relevant. In the current study, the assumptions drawn were that participants in this study would be objective, would not bring their personal biases into their responses, and would answer truthfully. Simon, (2011).

Scope and Delimitations

Scope and delimitations in research, in a qualitative study, are characteristics that can limit the scope and define the boundaries of a study. Delimitations are in the

researcher's control. Simon, (2011). The aspects of the current study in my control are: (a) the timeframe of the study, which was between the years 2012 and 2018; (b) the location of the study, which was a rural and urban juvenile court in Georgia; (c) the sample size for the study included attorneys for the children, the parents, and the department, three judges, and a clerk of court; and (d) the data collected was limited to the substance abuse and environment of the parents, as well as to how effective the courts are at handling these cases to keep the numbers down.

Limitations

Limitations in research, in a qualitative study, are potential weaknesses in the study that are out of a researcher's control. Simon, (2011). In a qualitative study, the research is not generalized and is subject to certain limitations. Certain aspects of this research were limited as follows:

- Participants' perspectives could only be based on the courts where they practice. Their insights do not represent the population as a whole.
- The participants' views do not reflect a general consensus.
- The study was limited to only two juvenile courts in Georgia; only those court impacts were examined.
- The study was further limited to the court impacts and the socioeconomic factors that the parents face and the court processes and procedures in the two subject courts and counties.
- The current study did not take into consideration potential additional factors that may impact the growth, which creates opportunities for further study.

Significance

This study has significance for research and practice. Researchers have asked for further research to be conducted exploring how the phenomenon of substance abuse has impacted the child welfare system, (Semidei et al., 2001). This study outlines how this phenomenon is a factor as to why the child welfare system becomes involved with some families. Researchers have asked for further research to be conducted exploring how this phenomenon has overburdened the child welfare systems, (Wiltz, 2016). This study outlines some of the factors parents are facing that have an impact on their ability to care for their children. Researchers have asked for further research to be conducted on the roles of the stakeholders and their influence on dependency cases, (Russell, 1988). In this study, I explored the role, relationships, and conflicts, which can impact the process of the dependency case. For practitioners, this study will answer the call of the Adoption Assistance and Child Welfare Act (1980), the provisions of which hold that children are to achieve permanency in a timely manner, that reasonable efforts must be made to keep families together, and to seek alternative methods to keep the number of dependency cases down.

Summary

The juvenile court system has seen a significant growth in the number of foster care cases over the period from 2012 through 2018. Georgia is one of five states with the highest number of children in the care and custody of DCFS. HHS provided data as to some of the reasons parents temporarily lose custody of their children, with substance abuse being top on the list. In this study, I sought to answer the research question of

whether environmental factors, such as socioeconomics or substance abuse or neglect factors, are reasons for the increased number of cases. I further sought to answer whether the court processes and procedures impact the growth in the number of these cases. The purpose of this qualitative case study was to examine the impact of the court processes and procedures and the socioeconomic factors facing parents on the increased number of dependency cases.

The research design was a qualitative case study. The theoretical lens of the OJOF model was used to examine the phenomenon and possible impacts and to try to seek solutions to keeping the numbers down. Research came from legal and peer-reviewed articles as well as dissertations and case law. In the current study, I addressed the phenomena separately and never directly addressed how these factors impact the growth. Therefore, this study was necessary to examine and address questions regarding the impact.

Interviews were conducted to gather data to address the factors to be examined. The focus of this study was limited to only two juvenile courts in the state of Georgia; the results will only reflect what is occurring in those two counties and will not be a general consensus to the problem as a whole. I also recognized there may be additional factors as to why the number of foster cases are growing, so this study creates an opportunity for additional research.

Chapter 2: Literature Review

Introduction

There has been a marked increase in the number of families being investigated by DCFS following allegations of child abuse or the inability to care for a child in the state of Georgia. As a result, many of the children removed from their parents' care are placed in foster care. The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing the parents and the court processes and procedures on the increased number of dependency cases. This study was limited to two juvenile courts in the state of Georgia.

In this chapter, I provide relevant bodies of literature to outline and examine the reasons these courts are seeing growing numbers of dependency cases. Relevant literature is included to examine the socioeconomic factors impacting the families and causing them to enter into dependency cases. This is accomplished by first defining the socioeconomic factors that may be an impact on the growth and then outlining how each are impacting families.

With regard to child removals, it is relevant that research on the types of removals be included as well. Thus, research is included regarding an understanding of what child removals and dependency cases are and the types of removals leading to an answer to the aforementioned research questions. Research in this area is important to establish what is meant by a dependency case and the importance for current and future research on this topic. Finally, further research will include case law and statutes that aid in the examination of the court processes and procedures. Additionally, research is included to

provide better insight on how this is an impact on the growing number of dependency cases. The literature review includes sources from peer-reviewed articles, law reviewed materials and journals, and scholarly publications. Additionally, the review includes case law and relevant code sections explained. All the publications are relevant to the nature of the study.

Literature Search Strategy

The library databases and search engines used for the literature review were retrieved from the Walden University library database, using sources from the criminal justice databases. These databases provided resources from scholarly journals, dissertations and theses, and peer-reviewed and legal articles. Relevant case law was retrieved from legal websites, databases, and legal code books and authorities. The following keywords were used to search: *juvenile court, dependency cases, child welfare, foster care, and foster care cases*. A combination of key words that were used were as follows: *growing number of juvenile cases and juvenile court; juvenile court and dependency cases; juvenile court and child welfare cases; child welfare and foster care; child welfare and adoption; child welfare and foster care and case workers*.

I performed numerous searches in databases, such as ProQuest and the criminal justice databases. Moreover, I searched the terms with the discussed results. The search was exhausted early once the same or similar articles revealed themselves and the research deemed itself complete with the data collected. With regard to the search on court processes and procedures, case law proved to be most helpful. Much information was found to support the substance abuse reasons for families losing custody of their

children in these cases. Notwithstanding that fact, the research swayed directly in one way to the other. There were not many direct links to this current phenomenon, which led to the conclusion that a gap exists in the literature that supports the need for this research.

Theoretical Foundation

This study was a qualitative case study. According to Yin (2017) a case study is a real-life context containing a contemporary phenomenon. A case plan can examine the boundaries between these two when they are not clear, or the researcher has little control over the phenomenon or context. A case study is appropriate as a legitimate method of research. The theory being used for this study was the OJOF model, which holds that one judge will convene over all the court matters in which a family is involved. (Family Court Steering Committee, 2001). The OJOF model is used in Florida court systems and was recommended by the Family Court Steering Committee, 794 So. 2d 518, 531 (Fla. 2001). This model gained in prevalence since 2001 and has been implemented in other jurisdictions, including the courts, which are the subject of this research.

The use of this theoretical framework aligns with this study because its inception was established due to how the courts were handling cases and realizing that more cases were coming into the courts. Establishing a one-court system also aligns to gain an understanding of the impact on the families that come before the court. This court model has been successful in keeping consistency within the courts. The state of Georgia has adopted this model in its court system and has found it effective in keeping the overflow of cases more organized. This model speaks especially to the current study in that the focal point of the study relates to an increased number of cases in juvenile court.

In the current study, I sought to consider how these factors impact the growing number of dependency cases. According to Yin (2017), this method of study is appropriate for researching how something came into fruition. Qualitative studies enable a researcher to conduct in-depth studies about various topics in plain and everyday terms (Yin, 2017). Therefore, the rationale for choosing a qualitative case study using the OJOF model was that a researcher can effectively draw light to the phenomenon while seeking to answer the research questions.

The use of the OJOF model as the theoretical lens related to socioeconomic factors and its impact on the growth of dependency cases is most appropriate because, in some instances, parents may have other court cases related to substance abuse. Additionally, this may be a generational case in which a family may have been before the court previously. This method and model best provided the opportunity to explain this phenomenon effectively. The use of the OJOF model as the theoretical lens as it relates to court processes and procedures and its impact on the growth of dependency cases is most appropriate, because it provides the opportunity to make the appropriate findings as they relate to the increasing caseloads in the juvenile courts.

Literature Review Related to Key Variables

The specific problem that was the subject for this research is the growing number of dependency cases in juvenile court. The purpose of this study was to examine the impact of the socioeconomic factors facing the parents and the court processes and procedures on the increased number of dependency cases. To undertake this study, three key constructs were examined: (a) socioeconomic factors leading to child removal, (b) an

examination of dependency cases, and (c) an examination of the court processes and procedures.

Socioeconomic Factors Leading to Child Removal

To understand the effects of how socioeconomic factors impact child removals, I examined socioeconomics, housing, and substance abuse. Socioeconomic factors refer to economic realities of everyday life. Moreover, these factors are considered in and of themselves a form of maltreatment, which is a serious health problem that affects millions of children (Rostad et al., 2020). Approximately 676,000 children under 18 experienced maltreatments in 2016 according to reports by Child Protective Services, (CPS; HHS, Administration for Children and Families, & Children's Bureau, 2018). Children living in low socioeconomic statuses have higher rates of maltreatment (Rostad et al., 2020). These factors relate to and influence one another. The type of employment one has dictates the amount of income one can make. The level of income dictates the type of employment for which one would be qualified. The amount of income one has dictates the type of housing or the community in which they live. Impoverished communities, in some instances, introduce drugs and other substances, which can lead to addiction and the shunning of parental responsibilities. All these factors have an impact on a family's involvement with the child welfare system.

Socioeconomic factors are economic influences that can be abilities and activities that are placed on an individual. Some examples of socioeconomic factors can be described as education level factors, community environment factors, and employment and income factors. According to Rostad, et al. (2020), the primary socioeconomic

factors of concern that impact child welfare include education, employment, housing, mental health problems, and substance abuse. The socioeconomic constructs examined that related to this study, were insufficient finances, homelessness or unstable housing, and impoverished communities that often lead to substance abuse.

Insufficient Finances Leading to Child Removal

Insufficient income or no financial resources is one economic factor that contributes to child removals in the United States and in Georgia (HHS). Poverty is one major characteristic of families involved in the child welfare system (Marcenko et al. 2012). According to AFCARS, 6.2% of families faced child removal in Georgia between 2016 and 2017. Growing concerns about a parent's abilities to provide necessities, including medical and dental care, are contributing factors of maltreatment and reasons for removal. AFCARS receives reports from states that document the reasons children are removed from their homes. Child welfare agencies are tasked with the responsibility of submitting reports to the agency regarding why children entered foster care; joblessness and homelessness have been listed as contributing factors to child removal. According to these reports, there was a 1.5% increase from 2016, and a 9.6% increase from 2013.

Lindsey (1991) studied reasons children were removed from their homes versus why some children remained with their parents and had services put into the home. The research that children were removed from low-income families, rather than remaining in the home with services, compared to their counterparts who had parents with moderate or higher incomes (Lindsey, 1991). The rationale was that unstable housing and low income meant little chance for efforts to be successful because families lacked the necessary

resources to be able to implement some of the requirements while the child welfare agency was involved in their lives. According to Lindsey (1991), this critical risk revealed that these families lacked the financial resources and abilities to provide for their children and required intervention by the child welfare system. To this extent, the children were removed and placed in the custody of the child welfare agency so the required services could be put in place by them, while the family worked through their case.

Rostad & Shichao (2020) examined the effects of state-earned income on the impact of child removal. They examined the effects of the amount of income that could be earned by unprivileged individuals and how the lack of income affected these parents' abilities to provide for their families.

Courtney et al. (2004) researched the effects of low income related to unstable housing and the effects on child removals. One portion of Courtney et al.'s two-part study included research into low-income families, and the relationship between housing problems and the likelihood of reunification with their children after they were removed. During the research, researchers found that poor families were more likely to be reported to child welfare agencies than affluent families were, and poverty was more associated with various forms of child maltreatment (Courtney et al., 2004).

Dworsky (2014) researched the relationship between housing and child welfare and discussed the correlation of low income to homelessness. Similar to Dworsky's analysis on low income and homelessness, Courtney et al. (2004), examined the circumstances of homelessness and low income as contributing factors for whether a

child was removed from their home. Contrary to the previous author's findings, Marcenko et al. (2012) acknowledged that while these factors do impact the removal, there is no clear finding or research on the actual effects, which opens the door for social change and future research on this issue and its impact on child removal.

Homelessness or Unstable Housing Leading to Child Removal

Homelessness or unstable housing is one major economic factor that contributes to child removals in the United States, and in Georgia. (U.S. Department of Housing and Urban Development [HUD]). HUD provides their definition of homelessness in four different categories:

(1) Individuals or families who lack a fixed, regular, and adequate nighttime residence, including those living in places not meant for human habitation, residing in emergency or temporary housing, or leaving an institution;

(2) People who are losing their primary nighttime residence within 14 days;

(3) Unaccompanied youth under the age of 25 and families with children who meet other Federal definitions of homelessness; and

(4) People who are fleeing or attempting to flee domestic violence and lack needed resources or support. (HUD, n.d.).

Families unable to maintain safe and stable housing have been well documented, according to the Administration for Children and Families (ACF). ACF documented that 10 percent of children that entered foster care in 2015, were removed from their families, in part, due to inadequate or no housing. (U.S. Department of Health and Human Services, (HHS), ACF. Children's Bureau, 2017; HHS, 2016). As previously discussed,

inadequate housing was responsible as one circumstance for removal, but it is the lack of adequate finances that leads to the unstable housing or homelessness.

Cunningham & Pergamit (2015) highlighted this impactful factor in their studies and found that the lack of sufficient housing or homelessness makes it harder for child welfare agencies to successfully protect children and keep families together. Moreover, they found that when a parent is unable to provide sufficient housing, it is inevitable that the child will be removed from their home and possibly be placed in foster care.

Cunningham & Pergamit (2015) studied strategies for having child welfare agencies and housing agencies partner to incorporate obtaining housing into case plans. Recognizing that this economic factor plays a huge part in reunifying families, they examined ways to ensure that the governing agencies could work together to help parents obtain housing and overcome this obstacle. The strategy of making sure that housing was incorporated into case plans was of great significance to child welfare agencies, in that they would be able to secure housing resources to facilitate obtaining housing for these families, where it would not be possible otherwise. Keeping families together has a significant cost for child welfare systems. Cunningham & Pergamit, (2015). The idea of agencies working together can ensure financial and tangible resources for these families. Additionally, in most cases where securing housing is often the deal breaker for reunification efforts, these partnerships can ensure families will be able to get the necessary component to reunify their families.

The Casey Foundation (2017) published an evidence brief where they examined the issue of child welfare and homelessness. Their examination revealed that homeless

children have a higher rate of child welfare involvement and foster care placement. The examination further revealed that homelessness or unstable housing can delay reunification and hinder timely permanency as Cunningham & Pergamit discussed in their findings.

Dworsky (2014) researched the relationship between housing and child welfare. Similar to Cunningham & Pergamit, Dworsky found that there is an increased awareness for housing and child welfare agencies to establish relationships where these cases are concerned. Dworsky suggested the aim should be targeted towards preventing homelessness or paying better attention to the housing needs of the families involved in the child welfare system. Dworsky has similar views to the work of the Casey foundation because she recognized in her study that the higher rate of families involved in child welfare cases, due to homelessness as a factor, have lower chances for reunification because of the burden of securing stable housing to reunify with their children.

Contrary to what the previous authors stated about homelessness, its effects, or the relationships that could be fostered between the housing authorities and the child welfare agencies, homelessness is often only part of the reason for why children are removed from their parents. According to findings by Lachman (2017), homelessness can be a result of a domino effect from other concerns that are existing within that family. The research highlights the growing concern over the opioid epidemic, particularly in Georgia, where the use has increased over 80% in the state. The use of the drug stems from exposure from the environment in which the parents live, and spills over to lack of income and thus, inadequate housing, or homelessness all together. Lachman (2017)

acknowledged in her findings that future research is needed in this area. While research on housing and homelessness may seem overwhelming, the true impact on the resources in the communities and on these families, as well as the social awareness, remains unanswered. Thus, there is a need for this study to be conducted to examine this impact on the removals.

Substance Abuse Effects on Child Removal

Substance abuse is the main socioeconomic factor that contributes to child removals in the United States, and accounts for 38 % of foster care entries in the state of Georgia (Crary, 2017). According to the Child Welfare League of America (CWLA, 1990), as much as 80 % of all child welfare cases have an identified substance abuse problem linked to it. Moreover, substance abuse has been attributed to be one of the three most reasons for children entering foster care, along with abuse, neglect, and economic stress (CWLA, 1990). This factor marries with the previously discussed factors in that many of the parents who are abusing substances have no or low income, live in the impoverished communities, and have inadequate housing or are homeless.

Gonzales (2017) reported that Georgia was among the four states in this country with the highest number of foster care cases. Similar to Lachman, Gonzales discussed how opioid use had increased, and was the main contributor to the substance abuse epidemic. Also similar to Gonzales, Crary (2017), wrote an article about the surging number of foster care cases and attributed the growth to substance abuse. He stated that parental substance abuse constituted 38% of the recent foster care entries at the time of his findings. This phenomenon of the increase in substance abuse is keeping parents from

caring for their children and causing new concerns for how to care for children who are entering foster care.

Kaufman (2016) highlighted the impactful factor of substance abuse on child removal. She found that over the past decade there has been an increasing interest in substance abuse being present within the child welfare system. According to Kaufman, it is estimated that 80% or more of the parents involved in the child welfare system, have substance abuse disorders. Kaufman examined the need to address the substance abuse needs of the parents, since its use leads to higher rates of termination and adoption of their children.

Seay (2015) studied reports to ascertain the number of child welfare cases that were affected by substance abuse. The findings of the previous authors were that substance abuse is a major concern in child welfare. Ascertaining the number of child welfare cases provides insight into how child welfare workers and courts need to deal with these cases, and understand how substance abuse is affecting these families, (Seay, (2015).

Similar to Seay, Azzi-Lessing, et al., (2014) examined the growing number of child welfare cases and cited how substance abuse is now considered one of three major reasons for child removal, alongside economic stress. Families are facing new challenges among this phenomenon that is beginning to be a growing crisis, Azzi-Lessing, et al, (2014). In their findings, they discussed the economic factors that affect families involved in child welfare cases. In contrast, they raised the issue of abuse and neglect being

common factors as well; however, they made similar findings of economic stress, with substance abuse being the main culprit.

Wiltz (2016) researched how the drug addiction epidemic is overburdening state agencies and how certain steps need to be taken to care for children entering foster care. The nation's drug addiction is contributing to the growing number of children entering foster care. Wiltz's findings further showed the state of Georgia as being overburdened with the number of foster care cases that are coming into the courts. The child welfare system is also overburdened with the number of cases, and how to provide necessary services to parents who are abusing substances, Wiltz, (2016).

Contrary to what the previous authors have stated about substance abuse, Semidei, et al. (2001) examined reports and studies; making alternative findings. They found that while these studies have recognized substance abuse to be a critical factor in these cases, there are still no findings to support how this phenomenon has impacted the child welfare system in a way that would assist the child welfare agencies or the courts who must make custody and permanency decisions. They further found that few studies have specifically addressed exactly how many child welfare clients have substance abuse problems, since these circumstances are often accompanied by other problems, which may have been the actual cause of the removal. This finding opens the door for social change and seeks a finding for additional research in this area.

Brief History of Child Removals and Child Welfare

In furtherance of an understanding of the economic factors affecting these families, an examination of the literature that outlines the history of child removals, as well as child welfare, also needs to be conducted.

Georgia Juvenile Code §15-11-133 defines child removal as, a removal from a child's home without the consent of the child's parents, guardian, or legal custodian. The code further provides that the child would be brought immediately to the intake officer and be brought before the juvenile court to determine if the child should be returned to their parents or placed in the custody of DFCS. Examples of child removal will also be discussed in detail, later in this chapter.

There are three distinct time periods related to child removal and associated socio-economic factors related to such removals. They are: early history of child removal, emergence of child and family services in the 20th century, and contemporary approach to child and family services.

Early History of Child Removal

Prior to the 20th century, children were only removed in highly extreme cases relating to severe child abuse and poverty. Jalongo, (2006) presented a history of child welfare, in which she gave an account of how child welfare developed up to the early developments of juvenile courts. During this time, there were no child welfare laws in place and parents were only held criminally where they severely abused the child or worse.

The major constructs to be discussed in this section are:

- 1) Poor Law remedies for the “deserving poor;
- 2) The landmark case of Mary Ellen Wilson, which was the first documented case of child removal; and
- 3) The formation of state societies, which led to child welfare laws, the establishment of the juvenile court movement, and the first juvenile courts.

Poor Law Remedies

As early as the colonial times, economic factors played a role in the removal of children. Children who were orphaned, neglected, or abused often received help from other relatives, friends, neighbors, or the church, Jalongo, (2006). In the absence of informal resources, which were either exhausted or unavailable, local officials would intervene and apply principles of English Poor Law. This included apprenticeship and indenture. Jalongo, (2006). English Poor remedies were considered for children who were not only poor, but also those who were neglected or abused. Children would be removed and placed in one of the four instances: apprenticeships, indentured service, almshouses, or orphanages. In her study, Jalongo, (2006) further explained that clear distinctions were not made between children who were maltreated or those who were poor. These remedies were applied in all situations. It was not until the 3rd quarter of the 20th century that distinctions were made between children who were poor or those who were maltreated. Jalongo, (2006).

The Removal of Mary Ellen Wilson:

In 1874 the case of Mary Ellen Wilson was the first successful removal of a child as a result of severe child abuse, in America. Jalongo, (2006) wrote on the account and explained how a missionary named Etta Wheeler found the child and rescued her from the people with whom Mary Ellen was living. Mary Ellen Wilson spent 7 years of her life locked in a closet, was beaten, burned, slashed with scissors, and never went outside. At the time of her rescue, the picture that was taken of her showed her in dire straits with tattered clothing and a recent gash alongside her face.

During this time, children were considered the same as animals, in that they were considered as chattel or property of their owners who could treat them any way they wished. Therefore, there were no laws to support the removal of Mary Ellen. Laws that existed were never enforced, and immunity usually existed for parents from criminal prosecution, Due to this fact, the laws that the court relied on were governed by the American Society for the Prevention of Cruelty to Animals, (ASPCA). The power of this organization was not only able to save Mary Ellen, but it also established the New York Society for the Prevention of Cruelty to Children, (NYSPCC, 1874). Mary Ellen was removed from her placement and was placed into the home of the missionary who sought her removal. This case has been classified as being one of the most horrific cases to serve as a catalyst for legislation for the protection of children against their parents.

Societies for Protection of Cruelty to Children

The New York Society for the Prevention of Cruelty to Children, (NYSPCC, 1874) was formed after the removal of Mary Wilson. This society was formed because it

was recognized that there were no laws or governing societies created that would protect the rights and interests of children in neglectful or abusive situations.

Thereafter, the Massachusetts Society for the Prevention of Cruelty to Children, (MSPCC), was formed in 1881. While this society opened the door to societies in other states, the importance of this society was that it established the first juvenile courts, as well as protection for children who were being neglected or abused. After the passage of these societies, and many more like them, nearly all states had criminal statutes enacted that provided for abandonment, desertion, and non-support against children by their parents.

Emergence of Child and Family Services in the 20th Century

In the 20th century, children and family services were established as governmental institutions due to the need for laws for child welfare to be governed, and for said governments to be able to intervene in these matters. The role of the government in social services in child welfare started to change as we neared the late 19th century to early 20th centuries. Further, most states had created child protection laws and state level departments of social services.

There were three landmark moments that contributed to the emergence of child welfare and family services:

- 1) The Social Security Act of 1935;
- 2) The 1974 passage of the Child Abuse Prevention and Treatment Act; and
- 3) The Adoption Assistance and Child Welfare Act of 1980.

The Social Security Act of 1935

The 1909 conference on *Care of Dependent Children* commenced with Theodore Roosevelt and other top child welfare partners, to discuss government involvement with child welfare matters. The subsequent discussions that occurred after the groundwork was laid at that conference, ultimately later led to the passage of the Social Security Act of 1935. The Act included mother's pension programs, which, was later called, "Aid to Dependent Children". Title IV, Section 402(a), was the state plan for aid to dependent children. Section 403 (a) provides that the Secretary of Treasury is to pay each state for their approved plan for aid to dependent children. Title V, section 501, provides for maternal and child health services.

1974 passage of the Child Abuse Prevention and Treatment Act

Congress assumed leadership of organized child protection and the 1974 passage of the Child Abuse Prevention and Treatment Act, (LPL 94-234), (CAPTA) was enacted. The purpose of the Act was to address the concern over poverty and abuse that was being reported against children. In furtherance of this, it mandated legislation that required states to report all forms of child abuse. This reporting extended to reports of abusive harm to children, neglect, sexual exploitation, and emotional or physical abuse. The Act also provided a catalyst for the development of child welfare agencies nationwide in order for them to receive reports, investigate cases, and determine the intervention measures that are most appropriate for the child and the family.

Adoption Assistance and Child Welfare Act of 1980

The Adoption Assistance and Child Welfare Act of 1980 implemented expectations for the juvenile court judges and made them an integral part of the operation of the law. In furtherance of this, the Act codified the permanency plan for child welfare case workers, in conjunction with the dependency case, to ensure carefully prescribed time frames to meet the timely goals of permanency. (AACWA) (Pub. L. No. 96-272, section 42 U.S.C. 622, 1980).

Concerns about the increased number of children entering foster care and not achieving permanency in a timely manner, became a driving force for the creation of this Act. Its purpose was to prevent placement, when possible, ensure appropriate services were in place for those children who were in care, to ensure permanency in a timely manner, and to subsidize adoptions if that action deemed necessary.

Contemporary Approach to Child and Family Services

For this study, four contemporary approaches were examined within the child welfare system of working with dependent children. The approaches are as follows:

1. Child protection investigations;
2. Family centered services;
3. Foster care; and
4. Adoption.

Each of these services were examined in conjunction with the approaches each one takes in child removals.

Approach 1: Child Protection Investigations

Child protection investigations are defined as the investigation that is being conducted by a child welfare case worker to assess factors of possible child abuse, maltreatment, or neglect. (HHS). These investigations occur after a call is made reporting the possible abuse or neglect.

Redleaf (2019), studied child welfare cases and investigations and wrote about what happens after the hotline call. Due to the high pressure of reporting and trying to determine which cases warrant the most merit, many families find themselves being reported to the child welfare agencies when it isn't necessary. On the contrary, those that weren't reported, resulted in drastic results. Redleaf (2019) made the findings in her study that the laws are designed to protect abused and maltreated children; however, it is up to the individual states to define the abuse and the level of the crisis to require reporting. After the call is made, it is the role and responsibility of the case worker to conduct the investigation and make the determination to either remove the child from their home or let them remain with their parents.

Faller, (1991), examined a model that was adopted for child protective services in which it is described as a crisis intervention model. Understanding that the child caseworker enters the lives of the families that are in crisis, she examined how the investigation leads to services that will provide aid to alleviate the crisis and reunify the family. She also discussed the mandatory reporting requirement of cases that have been investigated and determined to be of the level of intervention with the family. Ultimately, it was determined that child protective services were not able to provide the types of

intervention services to address the crisis, and thus removal was the ending result. These results led to the revival of foster care because more children were needing to be removed from their homes.

Similar to Redleaf, Faller acknowledges in her findings that there is a mandatory reporting requirement of abuse and maltreatment; and similarly, there is an increasing number of referrals to make the investigations into these families. Contrary to Faller; however, Redleaf's findings have shown that the calls received are left up to the investigators to determine the validity of the claims; this doesn't always render the best results. There is no consistent way to determine if the call warrants investigation, or if a family requires court intervention.

Researchers such as Petersen, et al. (2014) referred to data from Child Protective Services, (CPS), and made their findings that the top reasons for removal were neglect, substance abuse, and physical abuse, in that order. They reported in their findings that during the investigation, the case worker determines the validity of the call to decide whether an investigation is warranted. Subsequent to the call and the investigation, if the case warrants CPS involvement, the case worker makes the determination to remove the child from their parent or guardian, or to allow them to remain in the home with services.

Similarly, the authors made findings of child welfare workers responding to calls and investigating reports of alleged maltreatment of children. The authors' findings determined that the investigation would result in a finding of closure of the investigation, a removal of the child from their home, or services in the home, which leads to approach number two, family centered services.

Approach 2: Family-Centered Services

Family-centered services are those services that families will receive while the child welfare agency is involved. These services will be discussed in more detail later, as also referred to as preservation case services, in this study. Examples of family-centered services are medical appointments and counseling, referrals for treatment in substance abuse cases, and parenting services. The child welfare case worker makes a determination of appropriate services once they are involved with the case and the family.

The philosophy of family-centered services is that the best place for children is in their home while involved with the child welfare system. Further, the ability to bring services into the home is often the best way to work with families and guide them safety in their dependency cases.

Family-centered services are implemented most often when it not contrary to the welfare of the child to remain in their home, while the family receives services from the child welfare agency. It is the role of the case worker to identify the needs of the family to make appropriate recommendations for services. Examined later in this chapter, these types of situations exist in family preservation cases.

If a parent is identified with substance abuse challenges, they may be referred to a treatment program in which they can participate, while the children are still in the home. They may also be referred to a family treatment court, which is an accountability court designed to provide support and services so that the parent can work towards their substance abuse, and not lose custody of their child. Other services that can be put in the

home are parenting aids, parenting classes, services for emotional or psychological support, and any needed services for the children.

Marcenko, et al. (2010) examined the engagement of parents involved in family centered services within their dependency cases. They cited the obstacles of working with families with these services such as the nature of the child welfare involvement in and of itself, and prior negative experiences with services can often impede the progress for these families. Often parents are dealing with the stigmas of being involved with child welfare, shame, and fear, according to the authors. However, engaging these families is a necessary component to the process of working towards keeping families together.

Identifying the best services in which to keep families engaged is a positive way to avoid removal while the agency and the courts are involved. In those instances where it is contrary to a child's well-being to remain in their home environment, that child will be removed from their home. Those children who are not able to be placed with relatives, come into the care and custody of DCFS, and are placed into foster care.

Approach 3: Foster Care

Foster care (also known as out-of-home care) is a where a child is placed in an approved home while under the care and custody of DCFS. Alternative placement settings for foster care are also in group homes, residential care facilities, emergency shelters, and supervised independent living. Reasonable efforts must be made to place a child with a family member; however, in those instances when that is not possible, the child will be placed in foster care. Upon an investigation that makes the determination that it is unsafe for a child to remain in the home, and upon further investigation that

there are no immediate relatives with whom to place the child; said child will be removed from their parents and placed into foster care. In most instances a child will be removed from a home where the home is unsafe, where a parent is unable to maintain the home or provide necessities for the child, or when there is neglect or abuse such that removal from the home is necessary.

In their study, Rostad, et al, (2020) examined the foster care system and cited that the increasing number of foster care caseloads are a result of maltreatment, in which children living in poverty are more likely to be reported to a child welfare agency. They discussed how the number of children entering foster care could be reduced; however, that also requires an understanding of what is fueling the numbers in the first place. They examined the statistics from CPS, that many children entering foster care were brought in due to maltreatment. Further, they cited that the maltreatment was more prevalent when children were living in families with a low socioeconomic status.

Gupta-Kagan, (2019) examined the foster care system as a “hidden” system. His research gives a different perspective on foster care. His perspective was relevant to this research because he references rights and reforms that should be available to prevent a child from going into foster care. He further noted that few states have removed children, and not provided the due process rights to the parents, to prevent the removal to gain reunification that is prevalent in many of the states. He goes on to state that foster care is regulated; therefore, foster care would be the more sought-after solution over finding other alternatives to removal. Because this research seeks to answer the question of why there are so many more cases, this shows another example of where there may be a

missing gap due to the perspective of other reasoning behind why foster care would be more appealing, than keeping a child in the home.

Understanding that foster care is a temporary solution to ensuring that families can reunite, permanency cannot always be achieved through reunification. Similar to Faller's findings, Rolock, et al, (2018) acknowledged the policy and practice of the child welfare agencies was to use foster care as a temporary solution to achieve permanency through reunification. In contrast, Faller, et al discussed the new child welfare system of the 20th century that is seeing a growing trend of foster care cases resulting in adoption as the permanency option to consider.

Approach 4: Adoption

Adoption services are usually the last resort option for permanency in a dependency case. Adoption occurs after a parent has their rights terminated by the juvenile court. While the goal of the juvenile court is always reunification of families, this option is not always a negative result. It is important to note that while it is more desirable for a child to be returned to their parent, the circumstances that placed the child in the dependency case in the first place, may have been so dire at the onset, that adoption was the most appropriate result as to the best interest of the child. This will be discussed later in this chapter.

As previously discussed in their article regarding foster care, Rolock, et al, (2018), researched the transition from foster care to adoption. They revealed in their study statistics about how the child welfare policy has been to achieve permanency for children in foster care, with the desired result being reunification. The purpose of their

study was to determine the lasting and binding nature of families formed through adoption or guardianship. The study was focused on understanding the 20th century child welfare system and its policy and practice.

Brooks (2005) studied adoption in its most common form and centered her study around a unique approach to adoption as an alternative. Her study criticizes the adoption laws as not being designed to consider other permanency options. The author's approaches of subsidized guardianships or cooperative adoptions are referred to as positive alternatives to traditional adoption in her study. The use of the subsidized guardianship would not terminate the parental rights of the parents and would offer the individual, who will be given custody of the child, an opportunity to receive regular funding in which to help take care of the child. A cooperative adoption is a mutually agreed upon adoption arrangement that allows a level of involvement between the birth family and the adoptive family. While Brooks acknowledges that traditional adoptions can find themselves necessary, her study reveals that this option discounts the opportunity to seek alternatives to permanency when this option is being considered.

Similar to Rolock, Brooks, et al, (2018) acknowledged that traditional adoption must be considered when permanency options are no longer reunification, due to lack of efforts from the parents. However, Brooks' study is contrary to that of Rolock, et al due to her views of considering alternatives to traditional adoption.

Socioeconomic factors that parents face, which may result in involvement with DFCS, were discussed. Further discussion was on the brief history of child welfare and its development. This was to garner an understanding of this phenomenon to fully

respond to the research questions, which are the basis of this study. Further investigation will lead to dependency cases, what they are, and the types of dependency cases.

Dependency Cases

To understand the increased number of dependency cases, an examination of literature related to dependency cases needed to be conducted. A dependent child in Georgia, pursuant to O.C.G.A. §section 15-11- 2(22), is defined as a child who:

- (A) has been abused or neglected, and is in need of protection from the court;
- (B) has been placed for care or adoption in violation of law; or
- (C) is without his or her parent, guardian, or legal guardian.

Previously children were referred to as “deprived” children, but pursuant to the current and updated juvenile code section, these children are now referred to as “dependent” children, and legal actions referred to as “dependency actions”, (also referred to as “dependency cases”), must be initiated to ensure the safe placement of children. Certain circumstances dictate the type of removal that will occur or if a removal will occur at all. This defines the type of dependency case in which the court will preside. For the purpose of this study, three types of dependency case types were examined:

- 1) Forced removals;
- 2) Temporary removals; and
- 3) Preservations.

Forced Removals

Pursuant to O.C.G.A. §11-11-133, “a child may be removed from his or her home without the consent of his or her parents, guardian, or legal custodian upon the finding that a child may be in imminent danger of abuse or neglect if the child is to remain in the home”. This type of “forced removal”, is accomplished by way of a signed “removal order” by the juvenile court judge, which gives the removing law enforcement officer the authority to remove the child from their home; to thereafter place the child into protective custody. Once the child is removed, the parents must be immediately provided with notice of the ensuing preliminary protective hearing pursuant to O.C.G.A. §15-11-145. The purpose of this hearing is to determine whether the child welfare agency had probable cause to remove the child, if the child should remain in the care and custody of DCFS, or be returned to their parents or legal guardian.

As previously mentioned, a child may be removed from their home upon a finding from an investigation made by the child welfare agency caseworker, that it is contrary to their wellbeing to remain in their home. The child will then either be placed with a relative or placed into foster care.

Indian Child Welfare Act

It is important to examine the passage of the Indian Child Welfare Act of 1978, (ICWA), when referring to forced removals in dependency cases. This Act was passed because children were being forcibly removed from their tribal homes, or from families who were affiliated with the tribes, and placed in foster care homes or with families who were not on a tribe or approved by the tribe. This Act was passed in 1978, “to preserve

the tribal authority over decisions to place American Indian children in out-of-home care”. The tribe must be notified of the removal, as they have a right to intervene in the action. Tribes with tribal courts retain exclusive jurisdiction over the matter; states share jurisdiction if the child doesn’t live on the reservation but has affiliations with that tribe. The child must be placed with a member of the child’s extended family, or a foster home or American Indian family licensed or approved by the non-tribal authority. These same conditions apply to adoptions.

Temporary Removal

The most prominent example of a temporary removal is the removal by a physician or a hospital. A physician can initiate action for a temporary removal pursuant to O.C.G.A. §15-11-131, which is called *Temporary Protective Care by a Physician*.

This code section provides that a physician, without court order and without parental consent, has immunity from court processes to remove a child and hold that child until a court order can be obtained. Further, if a physician has reasonable belief that a child is in imminent danger of abuse or neglect; is fearful of the child’s health or life; and there is not sufficient time for a court order; that physician can hold the child in temporary protective custody. Parents must be notified, DCFS must be notified, and efforts to contact the court must be made.

Another example of this type of removal is when a child is retained in the hospital upon birth. A mother who gives birth to a child born with illegal substances in her system can trigger a red flag, especially when accompanied by suspicion that the mother is abusing substances or perhaps had prior history with the department. This heightens an

alert to initiate a temporary removal and a call to DCFS to investigate whether the court needs to intervene. It will also be determined if the child will be removed from the custody of the mother before she can be discharged from the hospital with the baby.

Preservation Case

Preservation cases are where family focused services are designed for families in crisis to keep children safe, with the understanding that children need to remain with their families, because separating them from their parents would be traumatic. However, as previously discussed, family preservation cases are only appropriate where it is not contrary to the wellbeing of the child to remain in their home while their parents are involved with the court.

When a preservation case exists, the child welfare department is involved with the family, and can provide services to the family for the child to remain in the home. The family is still involved with the court and must comply with court orders. As long as they are in compliance, the child can remain in the home and the case dismisses once all the services have been completed.

Family preservation is also defined as both a program of social services and a philosophical approach to helping troubled families, McCroskey, (2001). Further, according to McCroskey, it is the responsibility of the states and counties to provide the necessary services for the families in crisis. The types of services, according to the author's study are "back-end services", that consist of intensive time limited crisis services that are designed to prevent the child from out of home placement, and "front

end” services designed for the department to intervene early in the case and prevent more serious problems from happening.

Often preservation services are aimed to prevent involvement from the department or the courts at the onset. One example of this is Georgia’s Plan of Safe Care, (POSC). Substance Abuse was identified in this study as one factor leading to the removal of children from their parents. Understanding this phenomenon is the focal point of this program in Georgia. A POSC is a plan that is designed for the family to guarantee the wellbeing and safety of a newborn with prenatal substance abuse exposure after the child is released from the health care provider’s care. Most often, the plan is implemented prior to the birth of the child to ensure a healthy, drug free birth, by providing the services right away. The mother works with the child welfare agency and the POSC coordinator to determine the appropriate services for the mother and the child. The services also include referrals to services that support the infant and the family or caregivers. The goal of the POSC, in most instances, is to keep the child welfare agency and the court from intervening. However, where the court does get involved, the services remain in place so that the mother can work through the case with the child still in the home. Every intake that included prenatal exposure requires the development of a POSC. DFCS Child Wel. Pol Man., Pol # 3.7; 19-27.

Court Processes and Procedures

The examination of the literature up to this point has focused on research as it relates to the research question of how the socioeconomic factors facing these parents, impact the growing number of dependency cases. The secondary purpose of this study is

to examine the impact of the court processes and procedures on the growing number of dependency cases.

To understand the effects of the impact of the court processes and procedures on the growing number of dependency cases, an examination of the literature related to this secondary phenomenon needed to be conducted.

In order to garner an understanding of the court processes and procedures, it is important to identify the key stakeholders, or parties, to a juvenile court proceeding. They are the child welfare worker; the special assistant attorney general (SAAG), who is the attorney for DFCS; the child attorney; attorney or lay guardian ad litem, (GAL); the parent attorney; and the judge.

It is the role and responsibility of the child welfare caseworker to investigate and initiate the dependency court case by and through their attorney, in the state of Georgia. The child welfare agencies must make reasonable efforts to keep children in their home. The courts must make legal findings that those efforts were met. The Adoption Assistance and Child Welfare Act (1980).

The approach to the problem of court processes and procedures is understanding that the central component of child protective services is the requirement to report the neglect or the abuse. Faller, (1991). This reporting mandate extends to all professionals that work with children, which has led to an increase in the number of referrals and eventually the number of dependency cases. This increase has put a strain on resources that the child welfare agencies must fulfill for these families. Many children get missed among the chaos as the caseworkers try to navigate their many cases. As a result, more

children are forcibly removed from their homes and placed in foster care. Faller, (1991). The overwhelming nature of this process has led to guesswork on these cases that may not have resulted in a removal, had they been able to fully assess the characteristics of the cases.

Similar to Faller, Broadley, (2015) studied how removals can have lasting effects on children. She also attributed the removal to quick decisions made by a caseworker who may be under a heavy workload and unable to properly assess the characteristics of the case. Broadley listed certain factors that a case worker should consider first, before considering removal from the home. The task in considering these factors; however, become cumbersome when the caseworker is dealing with possible disagreements over what constitutes child abuse or neglect, or the receipt of insufficient or conflicting information. The end result often comes down to removing the child as a cautionary measure to ensure the best interest of the child in that situation.

In keeping with the momentum of the previous authors, Trivedi, (2019) researched the child welfare system and made the finding that the child welfare system always errs on the side of removal and doesn't take into consideration the harms that are associated with the removal. Trivedi suggested that legislation needs to be enacted, or court procedural frameworks need to be changed to require that caseworkers consider the harm to the child first, to avoid some of the removals. States only consider whether the child is at risk if not removed from the home, rather than considering the harm that may result from the removal. Contrary to the previous authors, Trivedi offers alternative

options to removal. If this was always a consideration first, it may lessen the case load since there would be less children being removed and taken into foster care.

In a dissertation on cultural bias, Moton (2018) researched the socioeconomic barriers that existed for some parents who had their children removed. His study focused on the perceptions of the parents in terms of why they felt their children were removed. The study found that the parents perceived certain biases from their case workers, particularly with the Black parents. Due to these biases, Moton's findings determined that where the case worker had certain biases towards the parents or their circumstances, the child was more likely to be removed. In addition, the types of services that would be put in place for the families made it more difficult to achieve reunification status with their children.

Similarly, Moton (2018), conducted his study with parents who were at risk of having their children placed in foster care. He researched the parents' perceptions of the removal and the process, and found that those parents reported biases from the caseworkers. He found that some of the "parenting stressors" of poverty or financial stress, single parenthood, mental health, or lack of parent education led to these biases, and were contributing factors to why the caseworker made the call to remove their child.

The Child Abuse Prevention and Treatment Act (1980) requires that a child be represented in a dependency case. The role and function of the child advocate are to represent the legal rights of the child for the duration of the dependency case. The role and function of the GAL are to represent the best interests of the child for the duration of the dependency case. In some instances, the attorney will hold a dual role during the case,

unless a conflict arises between what the child wants and what is in the child's best interest. The needs of the child should be represented individually from the parents to ensure that the child has a voice that will be heard during the proceedings. Orlebeke, et al (2015).

Due to the importance of the child also having a role and a voice during the dependency case, those roles have often come into conflict. This has often been a topic of discussion when considering how these cases are handled once the court is involved. Ellis, (2008). Ellis conducted a study in her dissertation about the perspectives of caseworkers on the influences that the judges and attorneys have on the outcome of the dependency case. The study revealed that caseworkers perceived that the judges had the most influence in certain types of cases, including termination. However, the attorney/GAL was found to have the most influence in dependency cases. When rating who had the most influence, the GAL had the most influence, then the judge, and then the parent attorney. These perceptions stemmed from the conflicts that sometimes existed between the parties in juvenile court and leads to a system that could be defined as less than ideal. Ellis, (2008).

The Federal Child and Family Services Review determined that both organizations needed to be more cooperative with each other, as well as needed to work more collaboratively on these cases. (Department of Health and Human Services, DHHS, 2004). The original purpose of the juvenile court was to serve as an interdisciplinary workgroup to contribute their perspective on the best interest of each child that becomes a part of the system. According to Ellis' study, the roles conflict due to CAPTA 1974 and

AACWA 1980. Both Acts require that all parties be represented by counsel, and to this fact, the roles and procedures can conflict with fair procedures and rights for each of the parties if the professionals fail to collaborate with each other. The responsibility of the court is to ensure that the child has the right to live in a safe environment, while the parent attorney is advocating for the right of the parent to have custody of their child returned to them. Additional factors that contribute to the unfavorable relationships between the child welfare agencies and the juvenile court are overlapping roles and responsibilities, conflicting ideology and values, and negative perceptions of each other. Ellis, (2008).

CAPTA mandates the appointment of an attorney for children in dependency cases. The state brings the action, but the child needs a voice that can get lost within the varying degree of arguments and allegations between the parties. Orlebeke, et al (2015). If the state fails to make the necessary referrals and follow ups of services, it is the role of the child advocate to ensure those services are put in place. Similar to Ellis, Orlebeke, et al, studied the roles and perceptions of parties in juvenile court dependency cases, in this case, the role of the child attorney. Ellis' study revealed that the child advocate had the most influence in dependency cases, and Orlebeke, et al found that the role was one of the most important roles in the process due to the need for the child to finally have a voice in the process.

The process and procedures can get further complicated when some of the parties have conflicts all the way around. Conflicts exist such as disagreements as to whether the removal was warranted, whether the caseworker had probable cause to bring the case in

the first place, and how the case will be handled moving forward. Conflicts exist not only between the case workers and the child attorneys, but there is also conflict between the attorneys and the case workers, according to a study by Russell, (1988). These conflicts often spill out to the court process itself. The main conflict is that of the agenda of the party, regarding their client. For example, the parent attorney will advocate for the return of the child but may not take into consideration the harm that still may be waiting if the child is returned right away. Additionally, there may be conflict as to who should assume the role for a particular task. Russell, (1988).

As discussed, there is a mandatory requirement to report abuse or neglect. Caseworkers have extreme case loads, and oftentimes must err on the side of caution rather than weight other factors before deciding to remove a child from their home. Stakeholders are often conflicted with each other as to how the case should be handled. While research has identified possible causes and effects, there still exists a gap as to the direct impact all of this has on the increased number of dependency cases. Therefore, there is a need for this study to be conducted.

Summary

The research has shown that socioeconomic factors such as, insufficient finances, homelessness or unstable housing, and substances abuse, are some reasons as to why children are removed from their homes and placed in foster care. Moreover, substance abuse has been found to be the main reason for many of the removals.

The research has also shown how overworked caseworkers may often err on the side of caution to remove children rather than evaluate additional factors that could

prevent removal. Moreover, the conflicts and lack of knowledge of the reasons for justified removals between stakeholders, affect the court's process and procedures. This may impact the growth in the number of dependency cases as well.

The literature does not provide clarity on whether these are direct impacts to the removals and, ultimately, an increase in the number of dependency cases. There is no concise study that states that substance abuse alone may be the cause since other elements played a role when removal was the result. Likewise, homelessness and insufficient income were often accompanied with other factors. It is not known whether one or the other was the direct reason for the removal in these instances. Regarding court processes and procedures, the literature does not provide clarity as to whether the overworked caseworker's quick decision to remove, is the sole factor that impacts the number of dependency cases, nor is it clear that the conflict within the juvenile court system has a direct impact either.

Researchers want us to explore how these factors have impacted the child welfare system in a way that would assist the child welfare agencies or courts, who must make custody and permanency decisions. Few studies have specifically addressed exactly how many parents have substance abuse problems, since these circumstances are often accompanied by other problems, which may have been the actual cause of the removal. Semidei, et al (2001)

Regarding dependency cases, researchers want us to explore how many parents are losing their children to foster care due to substance abuse, or a combination of the stated socioeconomic factors. These are contributing factors; however, the literature

needs to be extended to show how these directly impact the growth, and whether one is dependent on the other to provide a reason for removal.

Regarding court processes and procedures, researchers want us to explore whether the state's requirement to err on the side of caution, rather than consider other factors prior to removal, are a main contributor to the growing number of foster care cases. Moreover, researchers want us to explore whether the conflicts among the stakeholders impact the growth as well.

It is not clear if the conflicts within the court's framework and stakeholders, are a direct impact to the growth in numbers.

Research needs to be conducted to make a finding as to whether legislation or court procedural frameworks need to be considered as factors, to effectuate change at the onset of when the dependency case begins.

Therefore, the purpose of this study is to examine the impact of the socioeconomic factors facing the parents, as well as the impact of the court processes and procedures on the increased number of dependency cases. The study further seeks to identify new concepts and attempts to create a broader range of knowledge; this is an area that doesn't presently have a lot of research.

Conclusion

The above literature review detailed the major themes of the literature, what is known and not known about the domains of knowledge discussed, and how this research will address the gap in the literature. The following chapter will discuss the methodology of data collection and analysis.

Chapter 3: Research Method

Introduction

In this chapter, I describe the research design and methodology, which is a qualitative case study, and why it was the most effective method to answer the research questions. The role of the researcher will be described in this chapter, as well as the logic and criteria used to select the participants. The instrument used to gather data will be explained, as well. Ethical considerations will be explained as they pertain to issues of trustworthiness, reliability, and validity. An appendix is attached with further information that was used while gathering data.

Purpose Statement

The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing the parents and the court processes and procedures on the increased number of dependency cases in juvenile court.

Research Questions

RQ1: How do socioeconomic factors, such as substance abuse, mental illness, and parental neglect, impact the increased number of dependency cases; what impact do these factors have on the likelihood that parents will lose custody of their children?

RQ2: How do the role and function of the court impact the increase in the number of dependency court cases in juvenile court?

Research Design and Rationale

In this study, I examined how socioeconomic factors, such as insufficient finances, unstable housing, and substance abuse, and the role and function of the court

impact the increase in the number of dependency court cases in juvenile court. The research was based on a qualitative tradition of study. Quantitative research is conducted using numerical data to produce statistics and identify patterns. In contrast, qualitative research is conducted using methods to understand opinions and attitudes to answer questions that cannot be quantified with numbers. (Creswell, 2007).

The research design was a case study. Yin (2017) explained that a case study can be used when a researcher is studying a sequence of events over time and describing a phenomenon that has rarely been the topic of any other previous study. In this study, the sequence of events was socioeconomic factors that affect families and court processes and procedures that may impact the increased number of dependency cases. Further, the phenomenon studied was the increased number of dependency cases. Interviews were used to collect data for the purpose of exploring this phenomenon. Participants were asked questions to solicit their perspectives on the issues being discussed.

Role of the Researcher

The role of the researcher in qualitative research is to be able to access the thoughts and feelings of the participants in the study. Sutton & Austin (2015). Further, the researcher safeguards the participants and the data. In this study, I filled the role of interviewer. The role of the researcher, in a qualitative study, is critical in that the researcher collects data and implements analysis (Creswell, 2007). The research questions were prepared and did not deviate from the line of questioning. As an interviewer, I attentively took notes during the interview and asked open-ended questions of the participants to solicit their interpretation of the phenomenon under the study. As an

officer of the court, I asked questions directly to the issue of the study only, to avoid any bias. To mitigate the potential for bias, I did not bring any bias into the interview by way of soliciting or suggesting any desired responses to the questions being asked. Bias in a qualitative study can occur when a systematic error is introduced into the sampling by encouraging one outcome of answer over others. This can occur at any phase of the research and in the process of data analysis (Pannucci & Wilkins, 2010).

Methodology:

A population is defined as the complete set of persons with a specialized set of characteristics (Banerjee & Chaudhury, 2010). The population for this study were stakeholders from two Georgia juvenile courts. A sample is defined as any part of the defined population. Banerjee & Chaudhury, (2010). The participants of this study met the criteria of being a stakeholder in the juvenile court system and being familiar with the court processes and procedures.

The sampling strategy for this study was the identification of the types of individuals who would be needed for the study. I wanted a representative from each of the subject juvenile courts. The most appropriate sample size for this study was 10 participants, consisting of two parent attorneys, two child attorneys, two attorneys for DFCS, one juvenile court clerk, and three juvenile court judges. I identified, contacted, and recruited participants. First, I identified the perspective participants through snowball sampling. I made a list of attorneys, judges, case workers, and clerks from my contacts. Upon solicitation of these potential participants, I asked if they knew others who should participate in this study. The inclusion criteria for participants were (a) participants must

represent one of the subject courts; (b) participants must be familiar with the process of dependency cases within the juvenile court system; and (c) participants must be stakeholders. Participants were contacted using an emailed invitation (Appendix A). Saturation in qualitative research is defined as a point during the analysis that the same themes occur, and no new insights would be given with additional sources of data. (Bowen, 2008). Bowen (2008) further stated that the criteria for data saturation in a qualitative study is a point at which there is enough data to ensure the research questions can be answered. Accordingly, the relationship between the sample size and saturation occurs by analyzing the data to determine whether additional data are necessary to answer the research questions and determining there is sufficient data to complete the study. The data collected from the interviews were sufficient to answer the research questions.

Data Collection

RQ1 asked how socioeconomic factors impact the growing number of dependency cases. To answer this question, interviews were conducted with the attorneys and the clerk. RQ2 asked how court processes and procedures impact the growing number of dependency cases. To answer this question, interviews were conducted with the juvenile court clerk, juvenile judges, and the juvenile court attorneys. Interviews took place online via the Zoom platform in accordance with safety measures due to the COVID-19 pandemic and to provide the most convenience for the participants. Interviews were conducted with the use of notetaking and recorded by audiotape recording.

Issues of Trustworthiness

In a qualitative study, data trustworthiness contains four key components: credibility, transferability, dependability, and confirmability. (Devault, 2019).

Credibility

In a qualitative study, triangulation and member checks help to establish credibility and contribute to trustworthiness. (Devault, 2019). I had prepared questions to ask the participants. Additionally, I had notes, in journal style, leading up to the interviews and notes from the interviews. Once the interview was complete and the data were collected, I gave the participants an opportunity to review their responses to ensure accuracy.

Transferability

In a qualitative study, the researcher cannot definitively prove the outcome based on the interpretation of the data is transferable, but it can be established that it is likely. (Devault, 2019). I asked open ended questions to ensure generalized responses.

Dependability

In a qualitative study, data validity can be assessed through the use of a data audit, thus ensuring the dependability of the data collected. (Devault, 2019). I conducted a member check; there was no concern of trustworthiness in this area.

Confirmability

In a qualitative study, confirmability is research that is conducted to replicate earlier work. For the purpose of this study, it is research that can be replicated to show that the results came from independent research methods and not from conscious or

unconscious bias. The research contained pertinent information and resources to ensure the study could be duplicated.

Ethical Procedures

The following describes ethical considerations related to this study: (a) Access to participants; (b) Organization access was not required since individuals were contacted directly; and (c) Treatment of human participants.

As the data were being gathered, requisite permissions were sought from each participant. There was mindfulness of the considerations for the IRB. Proof of emails, letters, and any other methods were provided along with the application to the IRB. Supporting materials related to the collection of data, including recruitment materials, were described in the above sections. There are unique ethical considerations for this study.

First, the privacy of the participants and their responses were considered. Second, the anonymity of any family or case was omitted if used as an example during the interview. Finally, the time and willingness to assist in the study were considered to provide the most convenience for the participants, as well as the health and safety due to COVID-19.

All my data were properly secured and saved so that no one else would have access to it other than me. Specifically, all audio recordings were stored on an encrypted hard drive, stored in a locked drawer in a locked office, only accessible by me. Additionally, all information will be preserved and then properly disposed of after five years.

Since the research was not conducted in a direct workplace, the assistance of colleagues and those that work in the same environment, was not a concern and avoided any additional ethical issues.

Summary

The juvenile court system has seen a significant growth in the number of foster care cases brought before the court over the period of 2012 through 2018. The selection of the participants and the instrumentation that was used are described in this chapter. The procedure for collecting and handling data is all in compliance with IRB and considered all ethical issues. Issues of trustworthiness were addressed as well. Considering all ethical issues and, in compliance with the IRB, the methodology for the research is structured in a way so that the research could be duplicated for further study. Attached to this document are supporting materials in the appendices.

Chapter 4: Results

Introduction

The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing parents who are subject to having their children removed from their home by DCFS because of neglect or the inability to properly care for them and the court processes and procedures they go through, on the increased number of foster care dependency cases in juvenile court. The research questions guiding the study were:

RQ1: How do socioeconomic factors, such as substance abuse, mental illness, and parental neglect, impact the increased number of dependency cases; what impact do these factors have on the likelihood that parents will lose custody of their children?

RQ2: How do the role and function of the court impact the increase in the number of dependency court cases in juvenile court?

To answer the research questions, interviews were conducted with participants to collect data. Interview questions asked were the following:

1. What percentage of cases coming through the system are presenting with substance abuse?
2. What percentage of cases coming through the system are presenting with socioeconomic factors such as homelessness, joblessness, and lack of educational ability?
3. Are you seeing these factors having an impact on the rise in foster cases?

4. Are you seeing a certain percentage of cases that are impacted by a combination of substance abuse and socio-economic factors?
5. Are you seeing a certain number of cases or repeat cases that indicate that court processes and procedures have an impact on the increase in number of foster care cases?

In this chapter, I outline the data collected to provide a comprehensive response to the research questions posed and examine how these factors have an impact on the increased number of foster care cases. The study only reflects cases in two juvenile courts in the state of Georgia. The participants who volunteered to participate were asked to respond to interview questions on the impacts of the court's processes and procedures as well as the impacts of socioeconomics in these communities. Additionally, this chapter includes the setting of the interviews and the demographics of the participants. The data analysis and procedures are explained in this chapter as well. Finally, evidence of trustworthiness is addressed in this chapter.

Setting

All the interviews were conducted virtually via the Zoom platform. Prior to the interviews, each participant was asked to ensure they were in a quiet place away from others to ensure privacy during the interview. I complied with the same provisions. All interviews lasted between 20 and 30 minutes.

Demographics

There were 10 participants in this study. Among them were three juvenile court judges, two juvenile court parent attorneys, two juvenile court child attorneys, two

SAAGs, and one juvenile court clerk. Demographics such as gender, age, or ethnicity were not used or required for this study.

I used my relationships with colleagues within the juvenile court system to identify potential participants. These individuals were attorneys, judges, or clerks within the juvenile court system who work with dependency foster care cases in the two counties under the study. All participants were chosen from my own personal contacts. I solicited their participation by sending them an emailed invitation, (Appendix A), to ask if they would be interested in participating. The informed consent form was attached to the invitation and those who accepted the invitation were asked to respond to the email by stating, “I consent.”

Data Collection

Ten participants participated in the study. At the onset of each interview, the purpose of my study was explained to them once they agreed to participate. Each of the persons I identified for the study agreed to volunteer. The participants were told the interview would be conducted via Zoom and would last 20–30 minutes. The interviews were scheduled around the availability of each participant. After each interview, they were offered the opportunity to schedule a follow-up appointment to review the transcribed data from the interview to ensure accuracy.

Data Analysis

All interviews were recorded and handwritten notes were also taken. I first reconciled my notes according to the themes set up for my research. Subsequently, the audio recordings were transcribed. All participants were given an opportunity to review

their responses for accuracy. Zoom audio recordings were transcribed and reconciled with the handwritten notes taken during the interviews.

In organizing my data, I broke down the information based on the group providing the information, i.e., judge, attorney, or clerk. This allowed a determination as to how each perceived the themes highlighted during the interviews. Themes outlined for the purpose of the results of the research were: (a) substance abuse, (b) other socioeconomic factors, (c) cookie-cutter case plans for families are not effective in most cases, (d) cases lasting too long, and (e) increased services.

Evidence of Trustworthiness

In a qualitative study, data trustworthiness contains four key components: credibility, transferability, dependability, and confirmability (Devault, 2019). Triangulation and member checks help establish credibility and contribute to trustworthiness (Devault, 2019). Before soliciting participants and gathering data, I submitted an application to the Walden University Institutional Review Board (IRB) to gain approval to conduct my research. Upon approval from the IRB to conduct my research, an invitation was emailed to each of my prospective participants. The criteria for volunteering and the purpose of my study were explained to each participant. The participants were informed the interviews would be conducted via Zoom and would be recorded. The informed consent form was attached to the emailed invitation, which included contact information to the university and the IRB if any participant had questions about their participation. Those participants who wished to volunteer were

asked to reply to the email with the words “I consent.” The interviews were scheduled in collaboration with the participants’ schedules.

Five questions were prepared to ask the participants during the interviews. The interviews were conducted using the Zoom platform recorder and a backup recorder, which had an option to transcribe into text. Handwritten notes were taken during the interviews. After each interview, the data were collected by transcribed tape recordings and reconciliation with handwritten notes. Additionally, participants were informed they could schedule a time to meet with me to review the transcribed data for accuracy. All participation was fully voluntary; no promise of compensation was made.

In a qualitative study, a researcher cannot definitively prove the outcome based on the interpretation of the data, is transferable, but it can be established that it is likely (Devault, 2019). The participants selected were juvenile court judges, juvenile court child or parent attorneys, SAAGS, and one juvenile court clerk. Those selected worked with foster care cases within the juvenile court system within the specific court systems in the state of Georgia that were the subject of this study. The participants were asked open-ended questions based on their perceptions related to their experiences in working with these types of cases.

In a qualitative study, data validity can be assessed through the use of a data audit, thus ensuring the dependability of the data collected (Devault, 2019). All Zoom interviews were recorded within the virtual platform. In addition, a second recorder was used that also included a feature to transcribe the audio recordings into text. I took

handwritten notes during the interviews. During transcription, all data were reconciled to ensure accuracy.

In a qualitative study, confirmability means research is conducted that can be replicated to show the results came from independent research methods and not from conscious or unconscious bias. The participants were informed at the onset that my role was the researcher. I was not conducting the interview as their friend or colleague. This was to avoid any biases from the beginning of the interview being conducted. Concerted efforts were taken to ensure I was following all requirements set forth by the IRB and the university in conducting and documenting my research. All data were derived only from the responses given by the participants and as corroborated by each other during their respective interviews.

Results

The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing the parents and the court processes and procedures on the increased number of foster care cases. Each participant was asked to respond to the interview questions based on their experiences in their respective roles in juvenile court. Ten participants volunteered to be interviewed for this study. Among them were three juvenile court judges, two juvenile court parent attorneys, two juvenile court child attorneys, two juvenile court SAAGs, and one juvenile court clerk. Based on the responses, the data collected were analyzed and presented the themes discussed in this chapter. The themes respond to the research questions seeking to understand the impacts

of socioeconomic factors and court processes and procedures on the increased number of foster care cases in juvenile court.

Theme 1: Substance Abuse

Eight of the 10 participants agreed that substance abuse has the greatest impact on the increased number of foster care cases. Two of the 10, one of which was a judge, agreed that substance abuse had a significant impact on the increased number of foster care cases due to other factors that may have contributed to the substance use, thus making it an underlying factor. According to the judges' responses, substance abuse is almost always an underlying factor in these cases. All the attorneys stated that 90% of their cases had underlying substance abuse as a factor. None of the participants experienced cases where substance abuse was the only factor in a case that resulted in removal. The juvenile court clerk agreed substance abuse has caused foster care cases to increase significantly over the past few years.

Theme 2: Other Socioeconomic Factors

All the participants agreed that socioeconomic factors contributed to the underlying issue of substance abuse and had the next greatest impact on the increased numbers of cases. Lack of housing was the main socioeconomic factor, as was joblessness. All agreed that these factors also contributed to the substance abuse, as most use substance abuse to cope or escape the other areas that are not going well in their lives. Mental health ranked number one according to one of the juvenile court judges. The justification for the rank was that the mental health led to the substance being used to mask or cope with the mental health. Two of the attorneys also agreed that mental health

ranks high as a socioeconomic factor, but ranked it under substance abuse; however, they also believed that the substances were used to cope with the mental health. Substances such as meth, opioids, heroine, and alcohol, were agreed to be the substances of choice. All the attorneys agreed that the underlying issue of insufficient homelessness was due to parents not being able to qualify for affordable housing either due to their credit or finances. Additionally, they see about 60% of parents who do not even have a GED or high school diploma. Therefore, their earning potential is low and contributes to their inability to parent and provide stable circumstances for their children. Having to reside in low-income residences, or extended hotels, oftentimes invite other factors that lead to the removals. All the attorneys, as well as the judges, agreed that lack of resources contributes to these factors being underlying reasons for removals and impact the rise in the number of cases.

Theme 3: Cookie-Cutter Case Plans for Families Are Not Always Effective

Two of the judges, along with six of the attorneys, stated that the proscribed case plans were not effective in keeping foster care cases down. One of the judges referred to the case plans as being “cookie-cutter” case plans. According to the responses given, the case plans are not designed specifically for each family, rather it is a generalized plan that everyone is expected to follow. Having a “one size fits all” mindset on implementing goals for these families does not allow for the consideration of specific needs that these families may have, and thus, opens the door for families to fail and not be able to reunite with their children. This segues to the cases lasting too long.

Theme 4: Cases Lasting Too Long

Worries about the underlying factors of why the case came in and erring on the side of caution by removing the child, were concerns by the judges. The judges agreed that the risk of the worries of the underlying factors were contributing reasons for the removals. Considering factors like the age of the child, the risk to the child, the resources of the family, and the level of neglect, all give rise to an increased reason to err on the side of removal. All the participants agreed that the cases lasted too long. Court procedure impacts this factor due to the design of the case plans, along with services that may not be available to hurry the case along. The judges and the clerk agreed that services are different depending on the county, so some counties may not have services to offer families that another county may have, to eliminate removal. The judges agreed that they would like to see more services being offered to families to eliminate court involvement. However, lacking certain services causes the judges to assess the risk of not signing the removal order, and most times the risk is greater that the child should be removed.

Theme 5: Increased Services

There was agreement among the participants as to ways to increase resources for families, so we have more family preservation cases. Increased services would be necessary if there must be state involvement of any kind. All the participants agreed that lack of services impact the reasons why children come into care. In a family preservation case, DFCS is only partially involved, so some of the services that would otherwise be provided in the court case, are left on the parents. Many of them cannot afford or obtain

the services. Therefore, the case would end up as a foster care case. Additionally, lack of resources by way of finances for daycare or childcare, or educational or medical needs, also impact why these cases are coming into care. The SAAGs agreed that many of the parents are socially disadvantaged, so they lack certain resources to meet their child's basic needs. The SAAGs are also seeing many families with multiple children. Neglect, such as truancy, medical or dental, food and clothing, and childcare, are resources that many of these families are lacking, so as a result, their children are coming into care. The parent attorneys agreed that these lacks in services contribute highly to removals for their clients. Even a case that remains as a family preservation case can turn into a removal if the services are minimal or non-existent because the family is unable to handle it on their own. The attorneys for the children also agreed that they would like to see more ways to offer services to families to avoid removals, but the services that are available are usually only attainable if the state is involved.

Summary

The purpose of this qualitative case study is to examine the impact of the socioeconomic factors facing the parents, as well as the court processes and procedures on the increased number of foster care cases. A thorough analysis of the data resulted in breaking down the data into themes. The results of the data also created an awareness for social change, as well as opened the door for future research in this area.

Based on the results of the data, substance abuse appeared to be an underlying factor for the removal of children in many of these cases and contributed to the economic factors that impacted the removal. Having a generalized case plan, or "cookie cutter" plan

or system to reunite families, was the greatest court impact to removals, and to why cases lasted longer than they should. Future research in this area seems to suggest that there needs to be additional services in which these families can access on their own to avoid involvement from the state. There needs to be consistent services across the counties so that there is no disproportion of services to keep families together. Family preservation cases need to be able to tap into resources so that these cases don't evolve into foster care cases. Future research should focus on how to address the socioeconomic factors that contribute to the substance abuse or mental health, which significantly plays a role in child removals.

In the next chapter, the data will be further addressed. It will contain information recognizing that there may be additional factors as to why the number of foster cases are growing. This will address chances for social change and open the door to future research.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing the parents and the court processes and procedures on the increased number of foster care dependency cases in juvenile court. This study was conducted to raise an awareness to a problem that does not have a lot of literature tied to it currently. The various components researched for this study that led to the rising cases have been stated, but the rationale behind it still requires discussion. Ten participants responded to questions based on their experiences with these cases in their respective roles. The findings from the study will be revealed in this chapter, as well as the interpretation of the findings, the limitations of the study, recommendations, and implications for social change.

Interpretation of the Findings

The findings from the data extended the knowledge in the discipline and revealed themes to describe factors contributing to the increased number of foster care dependency cases. The peer-reviewed articles discussed substance abuse and other socioeconomic factors that contribute to the removals of children from their families. Articles have been published that address the courts' impact as well. The findings from the data collected confirmed these areas as concerns and provided insight and an understanding of the problem so that acceptable discussion can be had and solutions can be made.

Among the socioeconomic factors, substance abuse and mental health were the top contenders that impacted removals. Mental health and substance abuse seem to complement each other, as the findings revealed that many substances are used to mask or cope with mental illness. This provided additional information to the existing research and opened the door for future research in these areas.

Lack of or insufficient housing, joblessness, and insufficient education were found to be contributing factors, with homelessness being the number one reason. The responses from the participants revealed that lack of credit or financial ability to afford down payments contributed to homelessness. Parents with low financial resources and only a high school diploma, or none at all, contributed to these factors. Realizing the rationale behind these factors opened the door for future research in this area, as well. Data collected regarding the court impact extended knowledge in this area. Services need to be improved or implemented to prevent removals. They also need to be extended so that they are not disproportional among counties.

The use of the theoretical OJOF model remained appropriate for this study. One of the judges who participated in the study responded to the questions suggesting that multigenerational cases are a factor in her court. The judge commented on having each generation before the court in a foster care case. Having cases in which parents are incarcerated or a case where the minor child has a delinquency matter, helps the judge monitor what is necessary to keep the caseloads consistent.

Limitations of the Study

The study was confined to two juvenile courts in the state of Georgia. The participants worked and practiced in those courts. The findings were limited to the responses based on the participants' individual observations as they work with these cases in their respective roles. The findings in this study do not represent the entire population but do represent, on a limited scope, these two counties. Additionally, other counties may have different reasons that impact removals and different services and resources that may be available to families.

Recommendations

The purpose of this qualitative case study was to examine the impact of the socioeconomic factors facing the parents and the court processes and procedures on the increased number of foster care dependency cases in juvenile court. The findings from the data revealed several themes on the impacts to the increased number of foster care dependency cases: (a) substance abuse, (b) other socioeconomic factors, (c) cookie-cutter case plans for families are not effective, (d) cases lasting too long, and (d) increased services and ways to increase resources for families for more family preservation cases, if state involvement of any kind is necessary.

Implications

The implication for positive social change lies in education in all these areas. Understanding that there is an increased problem with substance abuse and mental health is not enough. Finding resources to offer, and services that individuals can take advantage of to assist with the problem, would be part of the solution. Services within the

community need to be implemented and discovered since the lack of certain services can cause an impact on the rise in removals. It could prevent state involvement with a lot of these families. Consistency in services among the state would also be a road to social change. Additionally, the courts need to be able to implement case plans that are not generalized, but that meet the specific needs of the families to ensure successful permanency being one of reunification and not termination.

The potential impact for social change could be statewide since Georgia is one of the top five states in the country to continue to have a rise in foster care cases. The change needs to be consistent and in a concerted effort to tailor to the needs of families. There needs to be an understanding that many of these families are low-income parents, so their needs are not currently being met with the resources that are more accessible to families who have higher income sources.

Conclusion

More children are coming into care. Georgia is one of the states at the top of the list. Resources and services need to be implemented statewide to ensure that families have equal access to remain together. There needs to be more awareness as to what is occurring with these families that come into care and their impact on our children. Through awareness, seeking appropriate services, and education, we can begin to understand why this is such an overlooked concern that we all have a responsibility to address.

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Appendix A: Recruitment Letter

Dear (name of proposed participant here),

I am a Doctoral candidate at Walden University, and my study is entitled, “The Impact of Socio-Economical Factors and Court Processes and Procedures on the Increased Number of Foster Care Cases in Juvenile Court”. I am seeking your participation in an interview as to your opinions on these impacts since you are familiar with these types of cases.

If you are interested in participating, the implied consent form provides more information about the study. The interview will only take 30 minutes, and I will be respectful of your time. The interview will be conducted via zoom platform, and with your permission will be recorded via audio only. I will send you the appropriate links to the meeting.

If you have any questions about my research or your participation, please do not hesitate to reach out to me or to the university with the information that is provided on the consent form. Thank-you.

Regards,

Marcea O’Brien, Esq.