

## JUDGE SIMMS OPENING STATEMENT

When I'm asked about my goals and aspirations as a juvenile court judge, I find that many are taken aback when I express my foremost ambition: to work towards making my role unnecessary. The idea of actively seeking to eliminate the very cases that cross my desk may seem unusual, but it's a testament to a deeper, more profound goal: to work in a child welfare system where the safety and wellbeing of our children is paramount, and the need for juvenile court intervention is minimal.

My name is Nhan-Ai Simms and I proudly serve as a juvenile court judge in Gwinnett County, GA. Before I continue with my statement, I want to emphasize that I am here in my personal capacity; the views I express are my own and do not represent the views of any other judges, any county officials, my employer, or any board, commission, or council on which I serve.

Gwinnett County sits just outside Atlanta is celebrated for and often considered one of the most diverse counties in the entire state. Our county proudly oversees Georgia's largest school system, which, in turn, holds the responsibility of having the state's highest number of at-risk children.

On any given day, there are roughly 350 children in foster care from Gwinnett County. Unfortunately, I am reminded far too often that those of us entrusted with the solemn responsibility of safeguarding our children, are failing them. What I have seen develop in my time on the bench is a culture seeking to merely triage cases in order to inflate statistics, and then prematurely declare triumph.

It's widely known that DFCS has been under immense pressure to address what has been a series of public relations crises. My experience has shown me that the pressure leads to the neglect or deliberate avoidance of the most complex and heart-wrenching cases, which, with the right spin, creates the illusion of progress, but in reality, does not address the real problems.

Cases being screened out because the child has too many special needs...DFCS not utilizing court resources that DO exist...families being advised to seek court intervention without the involvement of DFCS in situations where their involvement is clearly warranted...this is what I am seeing before me.

Imagine a case where a special needs teenager discovers his mother unconscious after she had overdosed. Imagine that despite their own notes indicating there was a "safety threat" and "impending danger", DFCS does not seek formal court intervention, and instead, implements a "safety plan" placing the child with his grandparents without court oversight. Imagine that safety plan being violated and mother overdosing a second time. Imagine DFCS, *again*, not seeking any court intervention. Now imagine that mother overdoses a third and fatally final time, and while the grandparents are literally standing over the body of their deceased daughter, DFCS recommends that the grandparents file a *private* dependency petition, which conveniently alleviates DFCS from being a party to the matter at all.

This is not something I have to imagine – this is something I have received sworn testimony on.

And if that situation is not shocking enough, imagine a room full of juvenile court judges, hearing DFCS executive leadership suggest that we prolong a child's time in jail so that DFCS can have more time to find a foster placement. Again, this is not something I have to imagine, as I and many other judges shockingly heard it with our own ears.

To understand the depth of this crisis, we must first acknowledge its magnitude: state agencies, such as DFCS, are responsible for the care of countless children who are often victims of abuse, neglect, and instability...and that is no small feat.

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I will be the first to tell you that I have known many dedicated individuals on the front line working tirelessly within DFCS, and would be remiss if I did not acknowledge that the system fails them too...with overwhelming caseloads, misallocation of resources, and a culture that seemingly prioritizes metrics over safety...statistics over children.

In my time on the bench I have observed state agencies who are mandated by law to ensure the well-being of children and allocate necessary resources, diverting their time and energy into creating legislation to evade their responsibilities, and also shift blame onto other agencies to shoulder the burden of that duty.

Accountability plays a pivotal role in driving comprehensive reform. I am acutely aware that I am critiquing a child welfare system in which I, myself, play a vital role. Consequently, during my tenure on the bench, I have deliberately and proactively welcomed external scrutiny from both state and national stakeholders to evaluate my county's data and procedures, particularly concerning child welfare.

We've asked critical questions of ourselves:

- How many children are entering the foster care system?
- How long do they remain in foster care?
- Are we fully utilizing all community resources before resorting to foster care placement?

By nurturing open lines of communication and embracing constructive feedback, our county has, over the last three years, restructured our juvenile court, introduced new programs, and most significantly, continues to leverage all available resources to enhance the training of those who work in child welfare. These endeavors have propelled our court towards the adoption of trauma-informed practices, having an increase in *meaningful* court hearings, and most importantly, has brought together local stakeholders on multiple occasions to collaborate on tangible, measurable objectives.

Accountability has been key to this transformation. As a court, we recognize our moral and ethical obligation to safeguard the welfare of children. Our commitment lies in prioritizing the enduring well-being of our children, rather than focusing solely on short-term statistics.

I will close this statement the way I started – to share with you that my ultimate aim as a juvenile court judge is to render my role unnecessary by reshaping a system where our children's welfare takes priority, and juvenile court intervention becomes the exception, not the rule.