

## PROGRAMS THAT WORK

### Georgia's Cold Case Project: Improving Outcomes for Children in Foster Care

*by Tom C. Rawlings*

"T" suffered severe trauma and abuse at the hands of her parents starting at a young age. She entered foster care at age six and, although foster care brought her safety, it did not bring her stability and recovery. She bounced from home to home and then to institutional care, picking up multiple diagnoses and being treated with various psychotropic drugs that did not always match the diagnoses. At age 13, she seemed destined to spend her youth and adulthood in institutional isolation. In any state foster care system, there are many children like her.

Despite its challenges, the U.S. foster care system works to move most children in care from placement to permanency promptly. For the over 230,000 children who exited foster care in 2013, the median stay in care was 13.4 months, and 86% of children exiting that year were reunified with parents, placed with a relative or guardian, or adopted.<sup>1</sup> But those positive outcomes are of no consolation to the 14% of children who remain in care for more than three years or the approximately 10% of youth who age out of foster care without permanency.<sup>2</sup> Georgia's Cold Case Project improves outcomes for that small but significant percentage of children who become lost in the system.

#### Focusing on the Hard Cases

In 2009, Michelle Barclay, an attorney and former nurse who leads Georgia's federally-funded Court Improvement Project (CIP), began focusing on these harder cases. From her work with attorneys, judges, and case managers

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around the state, she knew that cases like that of T frustrated those attempting to find safe, permanent families for these children. Each time these children made progress, the next court review revealed another disruption in placement or a mental health crisis requiring hospitalization. Difficult behaviors and long lists of psychotropic drugs made potential relative or adoptive placement caregivers wary. Adoptions disrupted and preadoptive placements fell apart. Case managers, having exhausted their social work interventions, came to court with no new suggestions.

As a result, about 10% of Georgia's children lingered in foster care

with little hope of connecting with a family. From Barclay's nursing work with difficult medical populations such as diabetics, she knew that focusing on a small, hard-to-serve population could produce major benefits while conserving resources in the long run.

#### Identifying Cold Cases

Michelle's husband Andy, a statistician who specializes in child welfare, used historical state child welfare data to develop a computer model predicting which children in foster care were most likely to age out without

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**Table 1: Discharges of Cold Case Children by Year of First Review**

Discharge Type	2012	2013	2014	3 Year Total
Adoption	74	63	26	163
Custody To Other	2	3	1	6
Death	1	1	0	2
Emancipation	37	47	19	103
Guardianship	8	7	9	24
ILP	7	5	2	14
None	6	3	6	15
Relative	8	8	3	19
Reunification	24	13	6	43
Runaway	0	2	0	2

(Cont'd from front page)

permanency. That model is based on three factors that strongly predict the likelihood that a child will age out: (1) placement in more restrictive, “deep-end” institutions; (2) higher per diem rates; and (3) longer length of time in care. A data-sharing agreement reached among the CIP, Georgia’s Office of the Child Advocate, and DFCS (Georgia’s child welfare agency) opened the State Automated Child Welfare Information System’s database to the effort, and a computerized search automatically flagged cases matching the model’s criteria.<sup>3</sup>

Applying this model, a list of cases considered “cold” is generated twice a year using SHINES, which is Georgia’s version of the State Automated Child Welfare Information System. The model has over the past years identified around six percent of the state’s foster care population as eligible for cold case review, amounting to 500 or more cases at any given time. Because there is not sufficient capacity to review all such cases, the Cold Case Project’s lead attorney prioritizes those cases on the list and assigns each one to a cold case attorney fellow, who then reviews the case file online through the SHINES database. The attorney fellow will work with local DFCS staff and leadership to recommend approaches that may not have been considered.

### Funding/Staffing

Funding from DFCS, the CIP, and Casey Family Programs allowed the CIP to contract with a team of highly-experienced child welfare attorneys who could review these files in detail and work to improve outcomes for these children. Early on, as the team’s members began breathing new life into cases that had lingered with little progress, the effort gained a moniker that has stuck: The Cold Case Project.

### How the Project Works Cold Case Team

Since its start in 2010, the Cold Case Project has benefitted from a team of between four and seven attorney “fellows,” each highly experienced in child welfare cases and including a mix of agency attorneys, child attorneys, and parent attorneys. The attorneys work part time for the project under a contract with the CIP.

Additionally, the team has access to:

- a child and adolescent psychiatrist with expertise in assessing proper use of psychotropic medications;
- attorneys with expertise in social security benefits, immigration, and education;
- a private investigator who has successfully tracked down biological

relatives of children for whom there were no identified placement options; and

- a pro bono attorney from Emory University’s Barton Child Law and Policy Clinic to call when a foster child is arrested, whether the child is on the “cold case list” or not.

### Services and Supports

Funds from the state, Casey Family Programs, and private foundations have provided support for transportation costs, additional therapies, permanency mediation, and other services to improve the child’s well-being and prospects for permanency. In the case of children such as T with serious trauma issues, the team helps push for more intensive therapy, reviews of psychotropic medications, and special educational services. In other situations where a child lacks a potential family or adoptive home, the team has used private investigators to track down additional relative resources and provided funds for travel to visit with potential placements.

### Permanency Roundtable

In many cases, the cold case fellow will help convene a permanency roundtable. These structured meetings often involve everyone involved in the child’s case—the case manager, foster parent, child and agency attorney, guardian ad litem, service providers

and therapists— and, whenever possible, the child. The participants review the child's history, walk through a guided discussion of the child's needs and obstacles to permanency, and consider and adopt recommended steps to advance the child's case. The cold case fellow then follows up with phone calls and office visits to make sure the agreed-on steps are accomplished.

## Project Results

Five years after the program's launch, the attorney fellows working with the Cold Case Project have reviewed over 1,300 foster care files from the "cold case" list from across Georgia, 300 in calendar 2014 alone. In 2014, the median age of a child on the cold case list was 14, with 25% under age 10 and 20% aged 17 or older. These children had spent an average of four years in state custody at the time of their review. Over the past three years, the work of the Cold Case Project has helped move 163 children to adoption, 43 to reunification with family, 19 to relative placements, and 24 to permanent guardianship.

Outcomes for children involved in the project and who exited the system since 2012 are shown in Table 1. Twenty percent of cases reviewed have resulted in permanency within a year, and 30% of children and youth achieve permanency within two years. Statistical analysis of the project, comparing identified cold cases that were reviewed by the team with cold cases not reviewed, demonstrates that the review process increases positive permanency outcomes by 20 to 25%. The statistics also suggest that simply flagging the case as a "cold case" improves permanency outcomes, perhaps by causing local staff to give fresh attention to these children's cases.

Even for those youth for whom a permanent family is not achieved, the Cold Case Project has produced results. Many of these youth, originally slated to emancipate at age 18, have been encouraged to remain in care and to take advantage of transitional living benefits. Others have been connected

through the program with a family member or adult mentor who can help them make the difficult transition to living outside foster care.

"The Cold Case Project has been so impactful, not just for the immediate child being reviewed, but also for the children's cases that come afterward," says Ashley Willcott, whose State Office of the Child Advocate now houses the program. "The reviews and roundtables move us out of hopelessness and group-think back to creativity and passion for the children we serve."

## Cold Case Courts

Several juvenile courts have adopted the Cold Case Project model and launched cold case court dockets. The first court was Fulton County, where Chief Judge Bradley J. Boyd and Judge Willie Lovett, Jr. have placed cold cases from their counties on special dockets and handle those cases through a more intensive, therapeutic approach. Juvenile courts in west Georgia's Tallapoosa Circuit and South Georgia's Tift Circuit have also experimented with the model. The identified cases benefit from the same roundtable approach used in the Cold Case Project but also from increased oversight by a judge with the ability to order additional services and encourage collaboration among agencies.

"I did not know how much impact

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we had with the Cold Case calendar until the end of one year, and then I was impressed," notes Judge Boyd. "I reflected on how this calendar felt a little bit like the wild west at times, pushing for more risk-taking for the children, but it paid off."

Georgia's "Court Process Reporting System," an online service of the Administrative Office of the Courts,

allows these judges to generate their own list of "cold cases" from cases already on their juvenile court dockets. The judges then assign the case to a special master, who — like the cold case fellows — has extensive experience working with child welfare cases. Using tools developed through the Cold Case Project, the special master staffs the case with the attorneys, case-workers, and service providers, and creates a plan that the court reviews, approves, and monitors.

"The cold case court presents a powerful and unique opportunity to intervene positively in these difficult, most serious cases," explained Leslie Stewart, JD, CWLS, a special master for Fulton's cold case court. "Holding hearings on a more frequent basis than is statutorily required, juvenile court judges are able to exercise their judicial authority and hold all stakeholders accountable. The detailed information before the court allows all parties to deconstruct each cold case; the children's well-being is improved, thus leading to permanency."

Since Fulton County Juvenile Court began its cold case court in 2013, over 125 children's cases have been assigned to this specialized court docket. Approximately one-third of these children have found a permanent home through adoption, guardianship, relatives, or return to family. Among the 20% of children who left care

without a permanent home, two-thirds have been successfully encouraged to remain in care.

## Project Expansion

The Cold Case Project continues to expand through new projects such as specialized court dockets, efforts to improve the well-being of these children and youth, and increased

funding. A new, “cold case coaching team” of experts in different fields will help troubleshoot difficult cases. This team will also help cold case attorneys navigate educational, medical, and permanency roadblocks and better address the complex trauma many of these children have experienced. In the most recent session of the Georgia General Assembly, the legislature for the first time made a direct budgetary grant of state funds to the project.

## Conclusion

“T” has received services from the Cold Case Project for five years now and is now approaching her 18th birthday. While she has not yet achieved permanency, the judge overseeing her case has marveled at the progress she has made due to the team’s collaboration. Cognitive behavioral therapy helped her achieve some control over her stress reactions, and special psychiatric care has weaned her off many of her medications. A volunteer group, “Faithful Visitors,” began building a strong relationship with her and five women from that group now serve as her mentors. Special educational services have helped achieve steady climbs in her IQ and other test results. She has decided to remain in care after her 18th birthday, and she recently was placed in a regular foster home. The court and team continue to seek a permanent family for her.

*Tom C. Rawlings, JD, CWLS* is a practicing child welfare attorney and consultant in Georgia. He previously served as a circuit juvenile court judge and state child welfare ombudsman. He has served as a special master and cold case fellow for the Cold Case Project.

## Endnotes

<sup>1</sup> Child Welfare Information Gateway. *Foster Care Statistics 2013*. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau, 2015, 6-7.

<sup>2</sup> Ibid.

<sup>3</sup> For the technically savvy, the model is a “Generalized Boosted Regression Model.”

## CHILD LAW RESOURCES

### ABA Directory of Children’s Law Programs

The online ABA Directory of Children’s Law Programs is now available after its first update in three years. It is published by the Section of Litigation, Children’s Right’s Litigation. The directory was originally created “to provide pro bono opportunities for attorneys in their communities,” said Cathy Krebs, Children’s Rights director. “But now it’s grown far beyond that.”

Krebs said the directory is used:

- by lawyers looking for referrals and assistance in other states,
- prospective law students check it to see which law schools have legal clinics, and
- by allied legal professionals and members of the public to find resources.

The directory lists children’s law centers, children’s legal clinics (associated with a law school) and children’s resource centers (that provide litigation support to children’s lawyers). The directory’s program listings can be searched online by state, and is also available as a PDF.

The directory was first published in 1993 and Krebs says she’s seen big changes over the years: “It has grown so much since the first edition...the biggest jump has been in children’s legal clinics—that number grew by leaps and bounds.” Krebs is also pleased that now there are “only a handful of states without programs.”

Access the directory online: <http://bit.ly/1QI2iyP>

To report changes, updates, or additions to the directory, contact Cathy Krebs, [Cathy.Krebs@americanbar.org](mailto:Cathy.Krebs@americanbar.org). —Sally Inada, CLP Contributor

### At Your Fingertips: Termination of Parental Rights Statutes

Looking for state statutes on termination of parental rights? Two resources to check out are:

#### National Center for State Courts

##### *Adoption/TPR Statutes Web Page*

<http://www.ncsc.org/Topics/Children-Families-and-Elders/Adoption-Termination-of-Parental-Rights/State-Links.aspx>

Links to termination of parental rights statutes in all 50 states. Listings include the statutory citations, grounds for termination, and special exceptions.

#### Child Welfare Information Gateway

##### *Grounds for Involuntary Termination of Parental Rights*

<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/groundtermin/>

A 2013 publication discussing state laws that provide the legal basis for terminating the rights of parents found unfit to parent their children. It addresses the circumstances under which the court may find that termination may not serve the child’s best interests and under which a parent’s rights may be reinstated. It also includes summaries of laws for all States and U.S. territories.