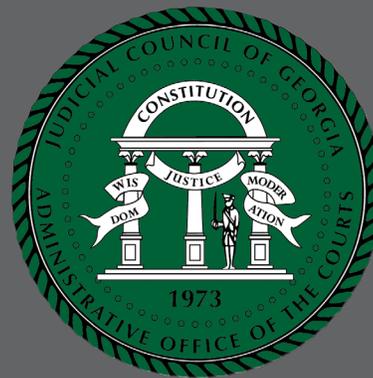


Cold Case Project
Annual Report for the Work of 2015
Georgia's Child Welfare System
June 2016



“My job was to take vital signs and to give moral support to the beleaguered young physician. We became good friends, and in time he confessed how tired he was of working in such a shabby facility. But he never did much to change it. The doctor, not yet thirty, had been schooled for *scarcity and failure*, even as I’d been schooled for *plenty and success*. Even though he himself was not poor, working in that clinic had lowered his expectations about what was possible when it came to providing health care to those living in poverty.

And who could blame him? The same verdict was being drawn by most “experts” in international health at that time. As today, Haiti was the poorest country in the hemisphere and thus had one of the greatest burdens of disease; the magnitude of its challenges was difficult for me to comprehend. But the assumption that the only health care possible in rural Haiti was poor-quality health care—*that was a failure of imagination.*”

Dr. Paul Farmer, Adapted from *To Repair the World: Paul Farmer Speaks to the Next Generation* (University of California Press, 2013).

Authored by

Michelle Barclay, J.D., Division Director, Judicial Council/AOC,
Communications, Children, Families and the Courts

Michael Fost, Statistician, Georgia Division of Children and Family Services

Ashley Willcott, J.D., C.W.L.S., Cold Case Project Lead, E.D. Georgia Office of the Child Advocate

Edited by

Patricia Buonodono, J.D., C.W.L.S., Judicial Council/AOC, Asst. Division Director,
Communications, Children, Families and the Courts

Gerald Bruce, Contract Attorney for Committee on Justice for Children

Melissa Carter, J.D., E.D. Barton Child Law and Policy Center at Emory University School of Law

Ashley Stollar, Communications, Children, Families and the Courts

Introduction

The Cold Case Project (CCP) has existed for six years as a quality review program of legal permanency efforts for children with long stays in foster care. During 2015, the Cold Case Project Lead, Ashley Willcott, who was appointed by Governor Nathan Deal to be the Executive Director of the Georgia Office of the Child Advocate (OCA), continued to push the Cold Case Project to fully embrace the power of imagination for children, many of whom have been severely traumatized in their lives. The CCP fits well within the mandates of OCA, an oversight agency, in that it provides an independent view and voice for children in foster care, as well as the systemic issues they face.

This project has also moved forward with the full support of Georgia's Division of Family and Children Services (DFCS), and this year, a number of people were added to the project to serve as coaches in order to improve the creative power and energy. As in years past, the Cold Case Project saw many successes this year, but the continued increase in Georgia's foster care population meant an accompanying increase in Cold Case Project cases. As of the writing this report, the number of children in foster care on any given day is over 12,000, a substantial increase in the past two years. The Cold Case list identified 680 children for 2015.

Description of the Cold Case Project and the Children

The cases of the children that show up on the Cold Case Project list are complicated or "stuck" for a variety of reasons. Many children in foster care suffer from a background of trauma which makes permanency difficult. Sometimes parents lack very little to achieve reunification with their children, but bad habits or unremediated issues keep them from completing their goals, and cases drag on. There are many other things which can unduly delay permanency for foster children. In hospitals, cases like these might be compared to "Never Events" which are a list of inexcusable actions in a health care setting, the "kind of mistake that should never happen." [Never events still occur in hospitals, but constant quality assurance monitoring efforts are the best hope of preventing and reducing the frequency of these events.](#)

The Cold Case list (run twice in 2105) is produced by a computer using a predictive model (this is the same kind of "machine learning" that helps Amazon predict product purchases and that Netflix uses to predict movie watching). The more information the computer gets over the years, the more predictive the model becomes. Once again, in 2015, the model appears very accurate in providing a list of children who were predicted to age out of foster care without permanency. When the Cold Case list is created, it is sent out to all of the appropriate DFCS staff. As in past years, perhaps due to the [Hawthorne effect](#), some cases quickly start to reach success without any intervention from the Cold Case team. For the children still on the Cold Case list, reviews of the children's cases begin. The reviews bring both legal and social work expertise together to re-focus intense attention on a child's case, not only on achieving permanency, but also on increasing visitation; creating better connections with relatives; providing more opportunities for children in group homes to interact with the community; revisiting legal issues and possible legal actions to help a child's case move forward; and strengthening services to meet the health and educational needs of the children on the Cold Case list.

Details of the Cold Case Process

The Cold Case team has been mostly stable for the past two years, with multiple attorney reviewers (called Cold Case Fellows), retired social workers, and private investigators. The CCP team works very closely with all DFCS staff from the county level to the state office. In 2015, a group of people were added to the Cold Case Project to serve as volunteer coaches and they proved to be very valuable source of knowledge, resources and imagination. Once a child’s case was reviewed, a list of action steps was made and shared and, if needed, a permanency roundtable (PRT) was scheduled which would include the child and all invested stakeholders: case managers, Court Appointed Special Advocates (CASAs), all attorneys, and various needed experts.

After six years, faces and voices are mostly familiar in meetings and reviews and thus work proceeded with ease and very little friction. Ashley Willcott and staff prioritized the coldest cases and made assignments to the Fellows who are able to review the children’s cases mostly online using the state’s SHINES data system. Each Fellow has been provided access software and a user ID and password to SHINES with IT support from GA DFCS. Review narratives are shared with all appropriate staff and stakeholders and any PRTs are led by the local DFCS staff. Follow up emails and calls keep track of action steps completed or not.

Child Welfare Outcomes for 2015-Cold Case Project

For the 680 children on the Cold Case List, 2015 was not as successful (percentage-wise) as in years past due to increased numbers of children on the list and the lack of full of funding for the project, but the work continues on the identified children in 2016.

Jan 1, 2015 to Dec 30, 2015	Not reviewed	Reviewed
Adoption Finalized	18 (4.3%)	12 (4.6%)
Parental Custody	12 (2.9%)	7 (2.7%)
Custody To Relative	7 (1.7%)	5 (1.9%)
Guardianship	5 (1.2%)	2 (0.77%)
Child Turned 18	11 (2.6%)	8 (3.1%)
Custody To Other	5 (1.2%)	2 (0.77%)
Runaway	1 (0.24%)	0 (0%)
Still in Custody	361 (86.0%)	225 (86.2%)

Demographics of the Children on the Cold Case List for 2015

Gender	Not reviewed	Reviewed
Female	179 (42.6%)	123 (47.1%)
Male	241 (57.4%)	138 (52.9%)

Age	Not reviewed	Reviewed
2-4	13 (3.1%)	11 (4.2%)
5-9	75 (17.9%)	29 (11.1%)
10-14	114 (27.1%)	82 (31.4%)
15+	218 (51.9%)	139 (53.3%)

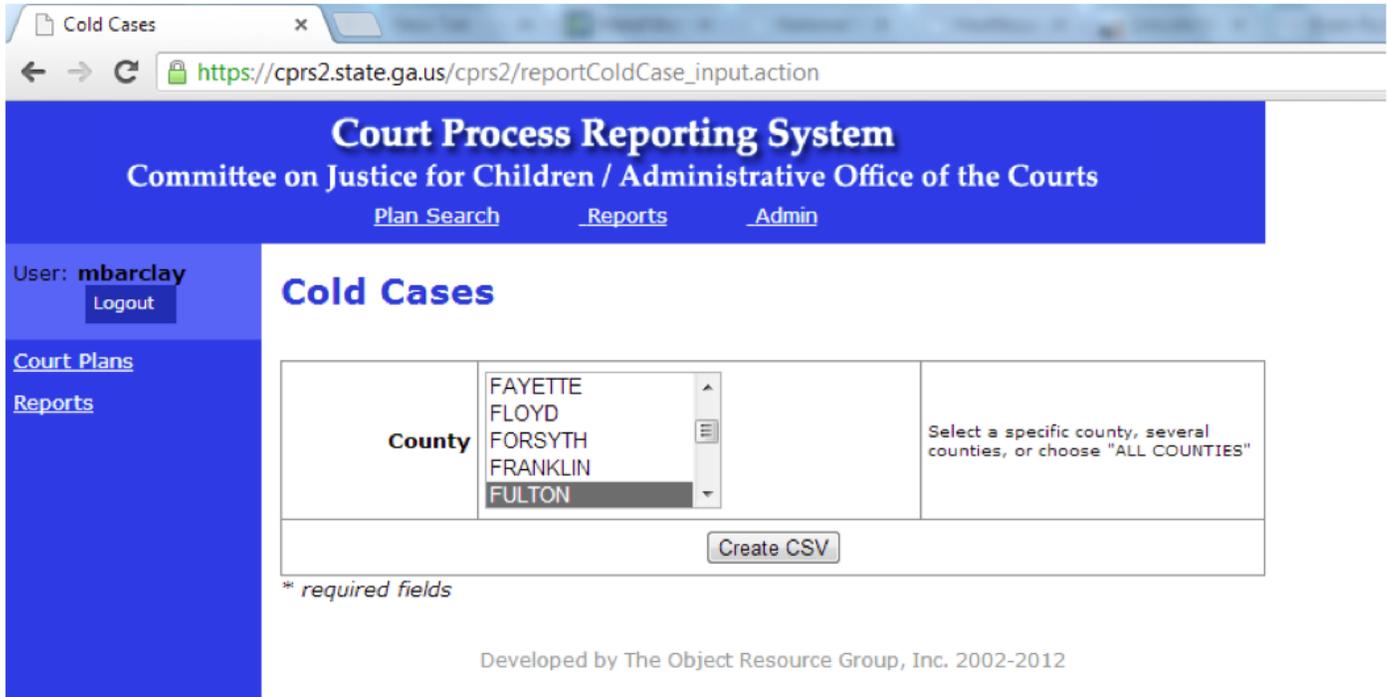
Race	Not reviewed	Reviewed
Asian/Oriental (non-Hispanic)	1 (0.24%)	0 (0%)
Black-White (non-Hispanic)	21 (5%)	17 (6.5%)
Black (Hispanic)	3 (0.71%)	1 (0.38%)
Black (Non-Hispanic)	213 (50.7%)	121 (46.4%)
Multiple (Non-Hispanic)	1 (0.24%)	0 (0%)
White (Hispanic)	20 (4.8%)	14 (5.4%)
White (Non-Hispanic)	149 (35.5%)	105 (40.2%)
Unknown Race	12 (2.9%)	3 (1.1%)

Cold Case Court

In 2015, Fulton County (one of Georgia's largest metropolitan counties) continued its Cold Case Court under the leadership of two judges: Chief Judge Bradley Boyd and Judge Willie Lovett. Two other Cold Case Courts were discontinued after it was learned with a one-year trial that the courts required more resources without improving results separate from participation in the CCP. Even after a six-month hiatus to establish tighter operating procedures, Fulton's Cold Case Court continues to show positive results. In 2015, nine children achieved permanency (seven adoptions, one guardianship, one reunification) out of 23 identified in late 2014.

Cold Case Fellows, Tom Rawlings and Leslie Stewart, were re-appointed as a Special Masters by Fulton County juvenile court order which allowed them to run the Cold Case list, do reviews on all the cases, and to convene meetings. The action list produced by those meetings would then be brought before the judges and incorporated into court orders. The list for the Cold Case Court can be run at any time using the Court Process Report System (CPRS) which receives DFCS data nightly.

A screen shot below shows how the Fulton cold case report is created within minutes using real time data.



Creating the Cold Case List from a Statistical Predictive Model

The CCP statisticians continue to create, publish, and update the Cold Case list using a predictive model developed from DFCS data that identifies children, through multivariate regression, using multiple factors that change every year via machine learning. Every year this model has become increasingly accurate in its predictive value. Our experience indicates that a child with a long foster care stay under a high per diem rate within an institutional setting has a tougher time getting placed back into a family. The children on the Cold Case list are statistically most vulnerable to aging out without legal permanency and without a close relationship with a family.

How the 2015 Funding Was Spent

The 2015 funding consisted of \$100,000 of state funds, about \$30,000 of Casey Family Program funds and some federal grant funding from DFCS. All of this money was spent on the hourly rates of the Cold Case team members doing reviews, meetings, mediations, and private investigation work. In addition, private funders from the Community Foundation of Greater Atlanta contributed \$12,000 to Fulton County Cold Case Court to assist the court with logistical organization of scheduling hearings and meetings which has proved to be of enormous value to the court.

Expertise on call

Other expertise on call and under contract to the CCP include: attorneys with social security application experience; immigration law knowledge and mediation practice; a private investigator; and a DFCS statistician. Until exhausted, funds from the Waterfall Foundation were used to set up several visits for children with family and friends when no funding could be obtained otherwise or the funding would be too delayed to make a special date. Permanency counseling has been provided for children identified in need of additional understanding of the legal options and ramifications of permanency in their lives.

This year's team again included a pro bono attorney loaned by the Barton Child Law and Policy Center who was called when a foster child was arrested (whether on the cold case list or not). Several congregate care facilities continue to use the police to create behavior modification, which is counter-productive in many ways for addressing trauma and creating a juvenile record.

Cold Case Coaches

In order to talk about these children's cases to a broader group of people and to seek deeper, more imaginative and longer lasting systemic changes to prevent Cold Cases, the CCP team broadened in 2015 to include a group of "coaches." It was expected that coaches would not just advise the CCP, but would actively jump in and help on specific cases, as well as help with the broader picture. The coaches in 2015 consisted of the Georgia DHS Medical director; representatives from MAAC; CCS; Georgia CASA: Amerigroup; Together Georgia; the InterFaith Children's Movement; Faithful Visitors; and the Goodmark Law Firm. The coaches signed confidentiality agreements; Cold Case lists were shared; and pledges were made to assist. For example, Georgia CASA promised to make sure that local CASA programs were included in the notices of reviews or PRTs who were already being served by a CASA or to work to get a CASA appointed for a child on the Cold Case list if needed, which happened in 2015.

2015 and the Cold Case Team

Keeping the CCP straddled between the Office of the Child Advocate (the executive branch of Government) and the Justice for Children Committee (the judicial branch of government), has served the work well in 2015. In addition, the Georgia DFCS director position has remained stable in 2015 and the collaborative work with CCP and Georgia DFCS has been very positive in 2015. However, high case manager turnover as well as an increase in the number of foster children coming into the state custody has continued throughout 2015. Increased resources have been allocated for the child welfare system but the resources have yet to keep up with the need for the children's services. The team continues to worry that the Cold Case Project will not go out of business soon and it can be discouraging to see old systemic problems which had improved in the past, re-emerge (such as a shortage of foster homes which leads to inappropriate placements). The good news is children were still present at almost every PRT and court hearing and are being actively included in decision-making. Also the capacity to create a cold case list at a local level is actively being used to manage these cases at a local level as well.

Implementation of the 2014 Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980)

The Cold Case team saw the implementation of changes in 2015 as a result of the 2014 law which created a number of new rights for children 14 and older, including provisions now requiring states to "act promptly" when children go missing. These children must be reported to law enforcement so they can be entered in the FBI missing children's database with additional child specific information. States must also promote foster care normalcy (to address social activities, sports, enrichment, cultural, field trips, and overnight opportunities). The law requires a judicial inquiry at every permanency hearing into steps the agency has taken toward normalcy. The use of [APPLA](#) (Another Permanent Planned Living Arrangement) is now disallowed for children under the age of 16, mandating that at every "permanency hearing" the agency document on the record "intensive, ongoing, unsuccessful efforts for family placement." During review of an APPLA plan, the child must now be asked about their desired permanency outcome. If APPLA is to remain the goal, in every case there must be a "judicial determination" at that hearing of compelling reasons why APPLA remains the best permanency plan for that child.

Every child 14 and older may now select up to two individuals to help them develop their case plan (this provision is designed to exclude people who would normally be at a case plan meeting anyway). The agencies must develop case plans designed to address the "education, health, visitation, and court participation rights" of children 14 and older in order to guide them to "successful adulthood." Children must also receive key documents upon leaving foster care at age 18 or older, and courts need to inquire about these documents to make sure the children have them.

Finally, there is a mandate from the U.S. Department of Health and Human Services to submit a Report to Congress that addresses permanent adult connections for children in foster care every two years, in addition to reporting on state sex trafficking initiatives as well as on children who go missing from care. Moreover, this report must include information on the need for every foster child to have and maintain "long-lasting connections to caring adults, even when [they] must move to another foster family home or [be placed under] supervision of a new caseworker." This too is one of the key goals of the Cold Case Project — to make sure that at least one adult is consistently connected to this child being reviewed.

In Georgia, this law has resulted in policy change and a culture shift, where 17 year olds turning 18 are assumed to be staying in care and the child has to take the additional steps to “opt out” (as is their right), but the burden is no longer on the child to “sign themselves back into care.” Other provisions are slowly being put into place, but all of the changes are helpful to the mission of the CCP.

Education

In 2012, Georgia DFCS created the [E.P.A.C.](#) (Educational Programming, Assessment and Consultation) unit. This unit has been mostly stable but most recently, the staff has gotten stronger and has been very helpful connecting the children on the Cold Case list to better educational services. In addition, the Office of the Child Advocate (OCA) has an educational rights expert attorney on contract who provided valuable consultation on individual cases.

Mental Health Diagnoses and Psychotropic Medications

Since the first year of the Cold Case Project, it was noted that children on the Cold Case list often have a high number of both mental health diagnoses and psychotropic medications. They are often the victims of severe complex trauma as well. Several years ago, Casey Family Programs and the Barton Child Law and Policy Center at Emory University worked with a child psychiatrist with extensive experience working with individual children and with the systems serving those children. A policy paper was an outcome of this work and it still serves as an excellent guide to advocacy on the issue of diagnoses, medications and continuity of medical and mental health care as well.

See: <http://bartoncenter.net/work/childwelfare/Mental-Health.html>

The Cold Case team still sees diagnoses and medications not matching and a lack of continuity of care, but improvements are also noted. In 2015, Georgia DHS Medical Director, Dr. Debora Johnson, served as a Cold Case Coach and was very helpful as a consultant for individual cases. One example is that a number of children on the Cold Case list are given the diagnosis of ODD (Oppositional Defiant Disorder) which can serve as a barrier for a child getting permanency. Dr. Johnson was able to talk to all parties involved in a child’s case and could seek a second opinion quickly, which was helpful to learning more about the child’s health needs and experience and getting a more exact diagnosis as related to trauma the child had experienced.

The Amerigroup Insurance Company has continued to serve as the managed health care provider for the foster and adoptive child population of Georgia in 2015. A number of Amerigroup employees served as coaches to the Cold Case team this year which has resulted in many conversations about whether our Medicaid agreement is too limited for our state to truly have “money follow the child.” This is especially important as we learn more about the central role played by trauma in the lives of our foster children. At this time, the team continues to see cases where a child (some are very young) will have a high per diem (\$200 to \$300 per day) while living in a psychiatric hospital, but that per diem does not follow the child into a foster home. The CCP team knows that housing children in psychiatric hospitals for long periods of time is counter-indicated in helping children recover from trauma.

Title IV-E Funding

In early 2012, Georgia DFCS provided a contract with the Administrative Office of the Courts (AOC) for the AOC to receive Title IV-E reimbursement for CCP funds used for Cold Case reviews. In 2015, negotiations have begun to renew that agreement since the Cold Case Project will be completely state funded from now on.

Lessons learned in 2015

1. Online record reviews continue to work. There are periodic problems with the state's SACWIS system (password failure, lockouts from certain documents) but DFCS is responsive to helping Fellows maintain access.
2. Complex trauma is still a big part of the children's history on the Cold Case list. In 2015, Georgia DFCS received a large grant from a private foundation to set up a core curriculum for all participants in the child welfare system to begin teaching the effects of complex trauma on children's brains.
3. Reviews continue to reveal systemic defects (poor management of mental health services and drugs, poorly executed diligent searches, not enough effort to make visitation happen) and yet the team also saw great work as well. High turnover in case managers detrimentally affects these outcomes.
4. Identification of Cold Cases continues to be an integral part of the project – but this year fewer reviews and reviewers resulted in child outcomes being less positive than in 2014.
5. The cadre of experts developed by the CCP continues to grow and benefit the State of Georgia's child welfare system.
6. The collaborative relationship continues to be very strong between the judicial and executive branches with this work which benefits other parts of the child welfare system as well. Persistence and collaboration resulted in full requested state funding for 2016/2017.
7. There were a number of children under the age of 12 in 2015 on the Cold Case list due to their high per diems and their institutional placements, however the CCP team also saw some dramatic behavior and self-control improvement in these children with both [cognitive behavior therapy](#) and [EMDR](#).

Next Steps for 2016

1. Explore getting more of the two therapies listed above ([cognitive behavior therapy](#) and [EMDR](#)) to be widely available in Georgia.
2. Continue to create the Cold Case list two times per year at a statewide level and the capacity to make a list at the county level is available anytime with the Court Process Reporting System.
3. Utilization of coaches will continue and possibly expand.
4. Continue strict and routine monitoring of cases after the PRT meetings by email or phone. Fellows will stick to the established protocol of escalating matters when cases are not moving. Through collaboration with CCP, additional resources will continue to be available for local communities to utilize, such as the private investigator or aggressive adoption recruiting.
5. Continue and increase efforts to focus on well-being issues of health, education, visitation and family connections, especially with E.P.A.C., and to collect better measures on related child outcomes.
6. Publish an annual report written jointly by Cold Case team members, J4C staff and DFCS staff with continued data analysis by DFCS, for the work of 2016.

Conclusion

Slowing down the work in 2015 slowed down the improvement of child outcome results. However, the pattern of outcomes over the CCP's life (six years) shows that reviews and independent eyes often brings positive results. A meeting was held at the end of December 2015 to take stock of what was accomplished and below are very short video clips of the team discussing their work and their lessons learned, including a short talk by Chief Judge Bradley Boyd about what the Cold Case Court and Project has taught him about viewing other cases.

See: bit.ly/28Wnajn

We are grateful for the opportunity to institutionalize this project with state funds instead of grant funds. Our challenge is to step up the pace of reviews, to learn from these “never events” and to continue to bring both legal and social work expertise and imagination together, focusing on troubled children's cases. We will look for opportunities to take risks and to innovate our government's responses to hard problems. We look forward to sharing our results again next year.

Tangible Results of the Cold Case Project

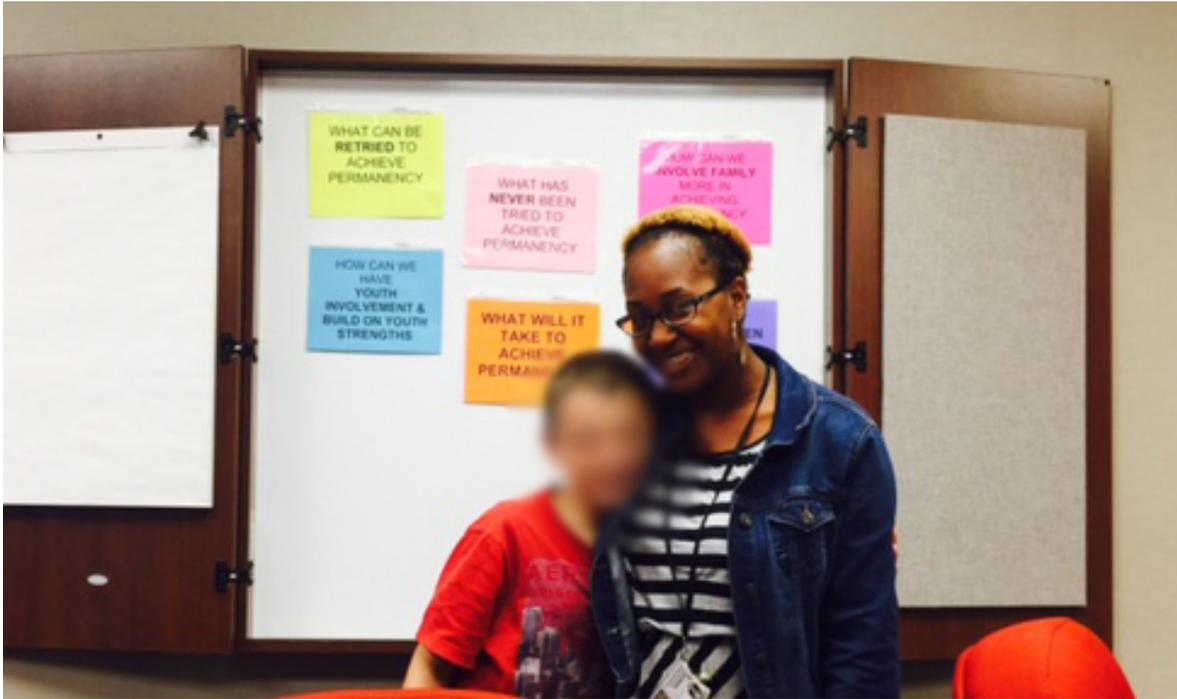


B getting a visit with his biological mother after many years.



A long awaited adoption in Bulloch County.

Tangible Results of the Cold Case Project



A Permanency Roundtable took place with the child and case manager present and the questions to be asked on the white board



A contract for this child to visit her siblings was worked out between separate adoptive families.

Tangible Results of the Cold Case Project



A reunification which resulted in a reinstatement of parental rights occurred in DeKalb County.

Tangible Results of the Cold Case Project



A child who benefited greatly from six months of intensive cognitive behavior therapy provided by a facility in Florida.

Acknowledgements

Special thanks go to members of the Georgia Legislature who gave us the opportunity to institutionalize the Cold Case Project within our state, especially Justice for Children Committee members, State Representatives Wendell Willard and Mary Margaret Oliver; to so many leaders at state and local Georgia DFCS offices for their transparency and collaboration, but especially to Georgia DFCS Director Bobby Cagle and all his state staff who met with CCP staff upon request in 2015 to work on children's cases, Rachel Davidson, our state office DFCS court liaison, Michael Fost, our state DFCS Statistician, Steve Reed, DFCS Director of the Office of Quality Management and the staff of E.P.A.C; to the Office of the Child Advocate for providing strong leadership; to all the Fellows, DFCS Experts and Private Investigators and Consultants for their weekly work; to Department of Human Services Medical Director Dr. Debora Johnson; to all the staff of the Department of Behavior Health and Developmental Disabilities; to Andy Barclay for his free service of building the predictive model to find the children who need reviews; to the Object Resource Group for all the CPRS software changes; to all the Special Assistant Attorneys General who took on even more than their normal work for the Cold Case children; to Georgia CASA and local CASA staff and volunteers who came to the Permanency Roundtable meetings when asked; to Judge Bradley Boyd and Judge Willie Lovett of Fulton County Juvenile Court who undertook the tasks to improve and sustain the Cold Case Court; to the Fulton County Office of the Child Attorney; to Emory University's Barton Child Law and Policy Center for its continuous work on systemic solutions for the systems that serve children; to Kathleen Dumitrescu, Executive Director of Faithful Visitors (and Justice for Children Committee member) within St. Luke's Episcopal Church; to the Multi-Agency Alliance for Children (MAAC); to Creative Community Services (CCS); Goshen Valley Ranch and all the Georgia providers who provided coaching and resources to the children on the Cold Case Project list; to the Interfaith Children's Movement; to Georgia Families 360 within the Amerigroup Insurance Company who assigned coordinators to all children on the Cold Case list; to the Waterfall Foundation and the Community Foundation of Greater Atlanta for flexible grant funds; to the Supreme Court of Georgia and Administrative Office of the Courts, organizations that provide the platform for this project, especially Director Cynthia Clanton, Christine Butcher, Jessica Farah, Ashley Garner, and Tracy Mason and all the staff within the Division of Communications, Children, Families and the Courts; to Dr. Page Walley and Lien Bragg of Casey Family Programs for five years of consistent support early on that helped make this project possible; and finally once again to Presiding Justice P. Harris Hines, Chair of the Supreme Court of Georgia's Committee on Justice for Children. His unwavering support inspires people to work harder.

2015 Cold Case Team

Ashley Willcott – Director of the Office Child Advocate-Project Lead
Mary Hermann – Senior Attorney Fellow
Thomas Rawlings – Attorney Fellow, Special Master for Cold Case Court
Leslie Stewart – Attorney Fellow- Special Master for Cold Case Court
Karlise Grier – Attorney Fellow
Kellie Rogers – Attorney Fellow
Kristi Lovelace – Attorney Fellow
Amanda Dean – Attorney Fellow
Diana Rugh Johnson – Attorney Fellow
Brenda Gowan – Cold Case Social Worker and Reviewer
Amanda Smith – Cold Case Coordinator
Private Investigator: Brian Camp
Pro Bono Attorney for Arrests: Steven Reba
Lynn Goldman – Attorney Mediator
Craig Goodmark – Attorney, Education Expert

244 Washington Street, SW, Suite 300
Atlanta, GA 30334

georgiacourts.gov
cj4c.georgiacourts.gov



Judicial Council of Georgia
Administrative Office of the Courts
244 Washington Street, SW • Suite 300
Atlanta, GA 30334

www.georgiacourts.gov
www.j4c.georgiacourts.gov