



# National Child Welfare Evaluation Summit

## Improving Court Practice in Dependency Matters

May 27, 2009





**National Center  
for Juvenile Justice**



**FOUNDED:** July 1973 in Pittsburgh, PA, as the Research Division of the National Council of Juvenile and Family Court Judges

**STAFF:** Approximately 25 full-time employees

**BOARD**

**OF** Eleven members who meet three times a year


**FELLOWS:** Chairman: Hon. Maurice B. Cohill, Jr. (Founder)

**AFFILIATION:** Research Division of the National Council of Juvenile and Family Court Judges






# Experience in Dependency Matters

- Staff support to development of Resource Guidelines
  - CIP reviews in 5 states (AZ, OH, OK, PA, WY)
  - CIP Reassessments in AZ and PA
  - TA & operations reviews to support local reform efforts in a number of jurisdictions including:
    - ✓ *Omaha, Philadelphia, Pittsburgh, Shreveport, Tucson, Tulsa, Twin Cities*
  - Currently providing technical support in Wyoming (*Sweetwater County*) and California (*Alameda County*)
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# Basic Assumptions


- The Court has a critical role in ensuring ASFA goals are met – requires proactive oversight
  - Historically, courts had not done very well in this regard (*At least until the late 1990's*)
  - Primary objective of TA/operations reviews
    - to align local court practice with “best practice” principles reflected in the *Resource Guidelines*
    - Tailor and prioritize recommendations based on local factors
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# Focus on Recommendations


*(versus rigorous assessments)*

## ● Areas of Special Interest include:

- ✓ Caseload Size
  - ✓ Court Practices and Performance
  - ✓ How Cases are Assigned
  - ✓ Calendaring of Court Matters
  - ✓ Case Flow Management
  - ✓ Available Resources
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# Caseload Size

- New cases pending adjudication
  - Active post-disposition cases
  - Supplemental filings
    - ✓ TPR
    - ✓ Adoptions
    - ✓ Guardianships
  - Is caseload growing, shrinking or stable?
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# Court Practice


- *Compare to good practice principles described in Resource Guidelines*

- Describes High-Quality Judicial Process  
(Fair, Thorough, Expedited and Respectful)
  - Basic principles that underlie good practice
    - ✓ Active and on-going court oversight
    - ✓ “Front-loading” the court process
    - ✓ Expedited review hearings
    - ✓ Establishment of a clearly differentiated and time-limited permanency hearing process
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# Court Performance

## *Dependency Performance Measures*

- ✓ Case processing timeliness
  - ✓ Length of time cases remain open
  - ✓ Time to permanency decisions
  - ✓ Time to case closure
  - ✓ Reasons for case closure
  - ✓ Case reactivations
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# Case Flow Management

- Monitoring system in place
  - Personnel dedicated to accomplish this
  - Ability and commitment to consistently track case timelines
  - Proactively identifies problem cases
  - Granting of continuances including number of court appearances to completion of hearing stage
  - Use of pre-trial hearings, settlement conferences and/or mediation
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# Case Assignment

## ● Case Assignment Practices

- ✓ Are cases assigned to specific judge
  - ✓ Use of other judicial officers
  - ✓ Are prosecutors assigned similarly
  - ✓ Are children attorneys and/or guardians ad litem assigned prior to first hearing
  - ✓ Appointment of attorneys for parents (timing and frequency)
  - ✓ Size of judicial and attorney caseloads
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# Available Resources

- **Judicial Resources** (*300 – 400 cases with 2 children per case/average*)
  - **Courtroom support** (*manage docket, generate orders, etc.*)
  - **Court administration** (*case flow management*)
  - **Prosecutors** (*same as judges or less?*)
  - **Parents Attorneys** (*300 - 350 clients – some non-custodial/non-involved parent*)
  - **Counsel for Children** (*200 cases including sets of siblings*)
  - **Agency Caseworkers** (*do they routinely appear at hearings instead of CPS supervisors/liaisons*)
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# Calendaring Practices

- Calendar time dedicated to dependency matters
  - General calendar call versus time-certain or limited time-block scheduling
  - Amount of time allocated to individual hearings by hearing type (*preferably 30-60 minutes*)
  - Scheduling of subsequent hearings (*in the courtroom*)
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# Quick Scan Items

- # of children in care (*< than ½ to 1% of child population*)
  - % of cases open 2 or more years (*no more than 25 – 33%*)
  - How shelter hearings are conducted (*amount of time, issues discussed, are parents engaged?*)
  - Percent of shelter hearings longer than 15 minutes
  - Likelihood of contested adjudication hearings (*< 15-20%*)
  - Last minute settlements/defaults (*use of settlement conferences and other options to engage parents and other family members early on*)
  - Frequency of expedited reviews – especially early on
  - How are reviews conducted (*time dedicated to examining case progress, independent inquiry by the court*)
  - Likelihood of formally contested reviews
  - General calendar call and scheduling of subsequent hearings
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# NCSC Case Management Highlights

- Court must assume responsibility for monitoring case progress
  - Manage time between early events – short scheduling time frame  
*(attorney span of attention – 2 weeks – out of sight/out of mind)*
  - No case ever off of the calendar *(something always scheduled)*
  - Create meaningful events *(ensure all hearings are substantive)*
  - Whatever your goal – the median time should be half that
  - Set up system to handle most likely scenarios not exceptions  
*(set up alternative system to handle exceptions)*
  - Court process/system loses integrity if there are a lot of last-minute settlements/defaults *(why prepare?)*
  - Set criteria for when “old” cases get “special attention”
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# System Reform Options

- Cook County – are there cases that can be closed (*long-time kinship care cases*) and can front-door be more restrictive
  - Team judicial officers with judges (*to conducted expedited reviews – possibly in neighborhood-based courtrooms - Pittsburgh*)
  - Pilot front-loading early hearing process (*Az, Cinn, SLC, Portland*)
  - Intensive early assessment process (*El Paso – use of assessment foster homes*)
  - Use of pre-trials/settlement conferences/mediation (*in combination with front-loading*)
  - Use of dependency liaisons to manage caseload (*Az, Cinn, Cook*)
  - Mediation at permanency determination (*El Paso*)
  - Use special/retired judges to work backlog (*Salt Lake - TPRs*)
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## Impact of Front-Loading and Permanency Reforms

### ● Reduction in Active Caseload

- ✓ Cincinnati (Hamilton County) – from 4,000 in late 1980's to 1,500 in mid 1990's
- ✓ Chicago (Cook County) – from 58,000 to 22,000 in six-year period (1995-2000)

### ● Reduction in Time to Case Closure

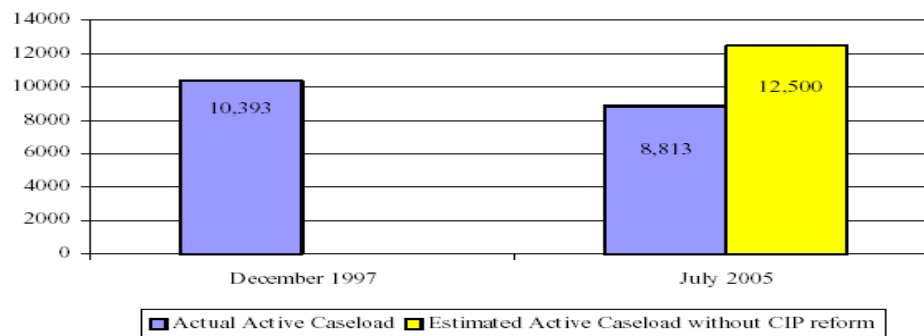
- ✓ El Paso – from average of 21 months in 1996 to 10 months in 2000
- ✓ Arizona – 18-month case closure rates increased from 25% to 47% after system reforms

### ● Savings in Reduced Foster Care Costs

- ✓ Arizona – an avg. of more than \$3,000 per child
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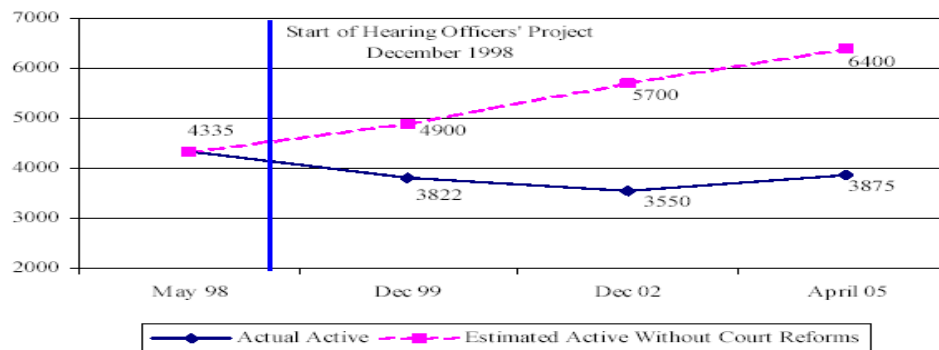
# Impact of Court Reforms (Cont.)

**Table 3**  
**Philadelphia Family Court:**  
**Comparison of Actual and Projected Size of Dependency Caseload**  
**(12/1997 and 8/2005)**



**Figure 1**  
**Estimated Growth in the Active Dependency Caseload Without Court Reforms**  
**May 1998 through April 2005**

*Estimated and Actual Active Dependency Caseloads as of April 2005*




Source: Allegheny County CYS (May 1998 and April 2005) and CMIS (Dec. 1999 and Dec. 2002)




# Basic Principles That Underlie Good Practice

## *Key Components of Resource Guidelines*

- Active and on-going court oversight
  - “Front-loading” the court process
  - Expedited review hearings
  - Establishment of a clearly differentiated and time-limited permanency hearing process
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# Active and Ongoing Court Oversight

- Don't underestimate impact of active/informed judge
  - Not just an arbiter of a dispute placed before the court
  - Court needs detailed case work information to make informed decisions
  - May need to independently inquire about case specifics – not just react to information presented
  - Requires detailed understanding of county's child welfare and mental health systems
  - Important to take time to ensure that everyone understand what they need to do
  - Distribute detailed court orders at hearing's end
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# Front-Loading the Court Process

- Early appointment of counsel for all parties
  - Dedicating sufficient court time to discuss case
  - Develop procedures to encourage parents and other family members to attend/participate
  - Expect all parties to be ready to discuss specifics
  - Require sufficient information to make rulings on matters related to placement, visitation, interim services, paternity, protective orders, etc.
  - Develop detailed orders on above and provide all parties a copy prior to conclusion of hearing
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# Expedited Review Hearings

- Often important early on in case
  - ASFA timelines requires parties to stay on task and work the case plan
  - Frequent reviews encourage parties to:
    - Set timetables for activities
    - Take specific actions and make decisions
    - Implement expeditiously
    - Keeps permanency on the forefront
    - Creates incentives to move case forward
    - Provides forum to address problems
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# Permanency Determination

- Needs to be clearly differentiated from review hearing process
    - Review hearings – *“fine tune, correct, adjust, and update the case plan”*
    - Permanency planning hearings - *“decide on a permanent placement for a child”*
    - If distinctions blurred – permanency determination process tends *“to become no more than routine extensions of foster care”*
  - Establish specific timelines for completion of permanency decisions
    - Including time-limited provisions for extensions
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