

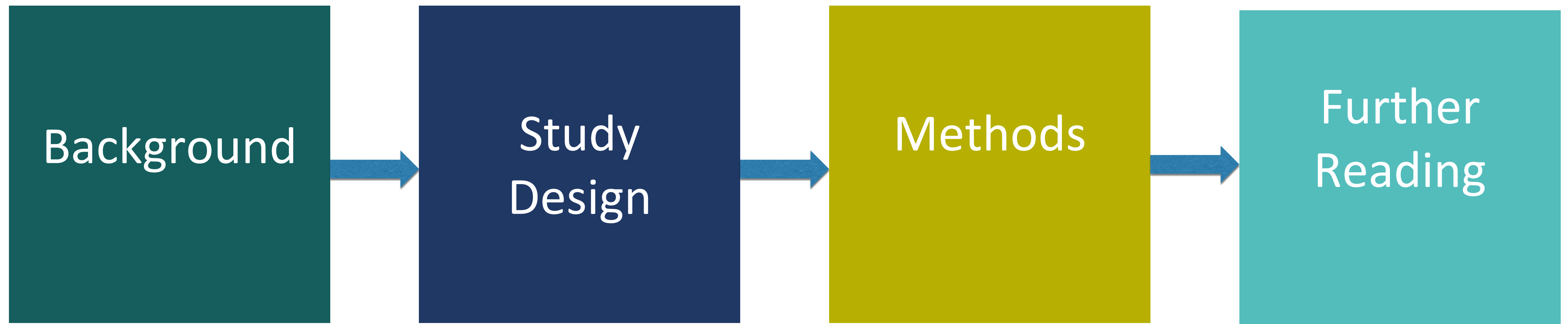
# The Child Welfare Reasonable Efforts Findings Study (REFS): Understanding the Study Design

Understanding Judicial Decision-Making and  
Hearing Quality in Child Welfare Project

August 18, 2022



# Agenda





# Understanding Judicial Decision-Making and Hearing Quality in Child Welfare





## **Notes: Understanding Judicial Decision-Making & Hearing Quality Slide**

**Project funder:** Office of Planning, Research, and Evaluation and the Children's Bureau within the Administration of Children and Families

### **Research goals:**

- 1) deepen understanding of judicial decision-making and hearings during the life of a child welfare case,
- 2) understand factors associated with judicial decision-making and hearing quality, and
- 3) define which aspects of decision-making and hearing quality influence case processing and case outcomes.

**Learn more:** <https://www.acf.hhs.gov/opre/project/understanding-judicial-decision-making-and-hearing-quality-child-welfare-2018-2022>



# Project Overview 1



## **Notes: Project Overview 1 Slide**

Goals are accomplished in three phases:

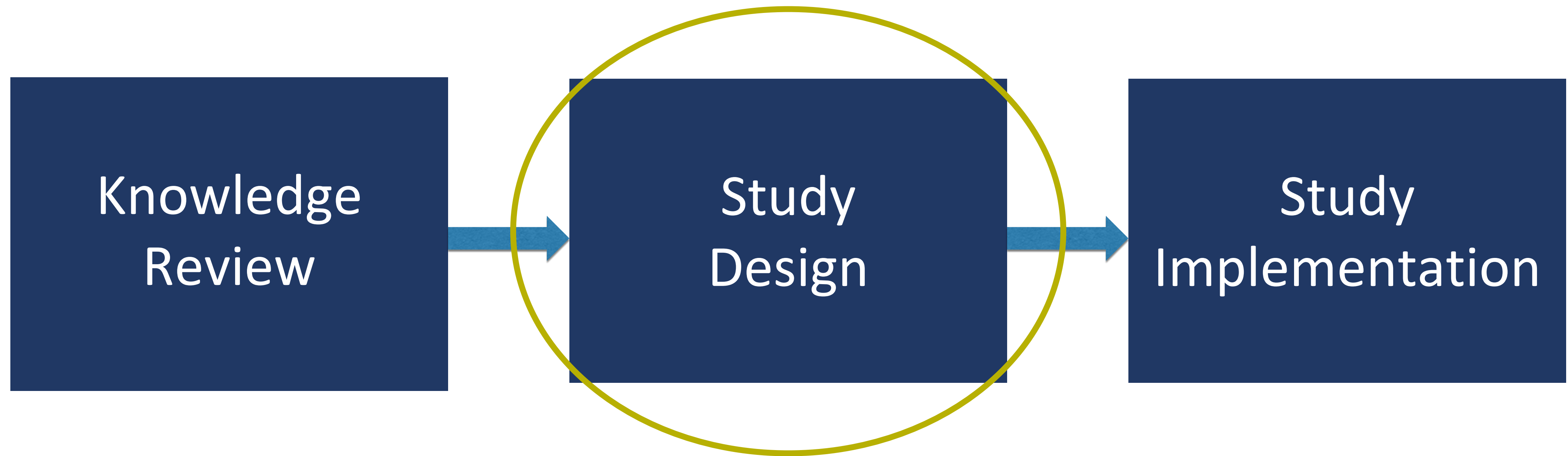
**Phase 1:** Review the knowledge base and develop a Conceptual Model of Judicial Decision-making and Hearing Quality and a Compendium of Measures and Data Sources.

**Phase 2:** Use information to develop the study design.

**Phase 3:** Conduct the study.



## Project Overview 2



## **Notes: Project Overview 2 Slide**

Today we are talking about the design for the Reasonable Efforts Findings Study.



## Discussion Question 1

Why do you think researching hearing quality and judicial decision-making matters?

# Conceptual Model of Judicial Decision-Making and Hearing Quality in Child Welfare

OPRE Report 2021-86

## Purpose and Background

This brief presents a conceptual model that describes how judicial decision-making and hearing quality relate to case process and case outcomes for children and families. This model is meant to help researchers, practitioners, and court decision-makers better understand the child welfare court process to inform future research and practice improvements.

The goals of the child welfare court process are to achieve safety, permanency, and well-being for all families with abuse or neglect court cases (see exhibit 1). Across the different hearings, judges make decisions<sup>1</sup> that greatly impact children and families. For example, judges decide if children must be separated from their parents, what services parents and children receive, and whether children return to their parents, are permanently placed with relatives, or are placed for adoption.

### Exhibit 1. Goals of the Child Welfare Court Process

Goals	Description
Child safety	Absence of further neglect or abuse of the child

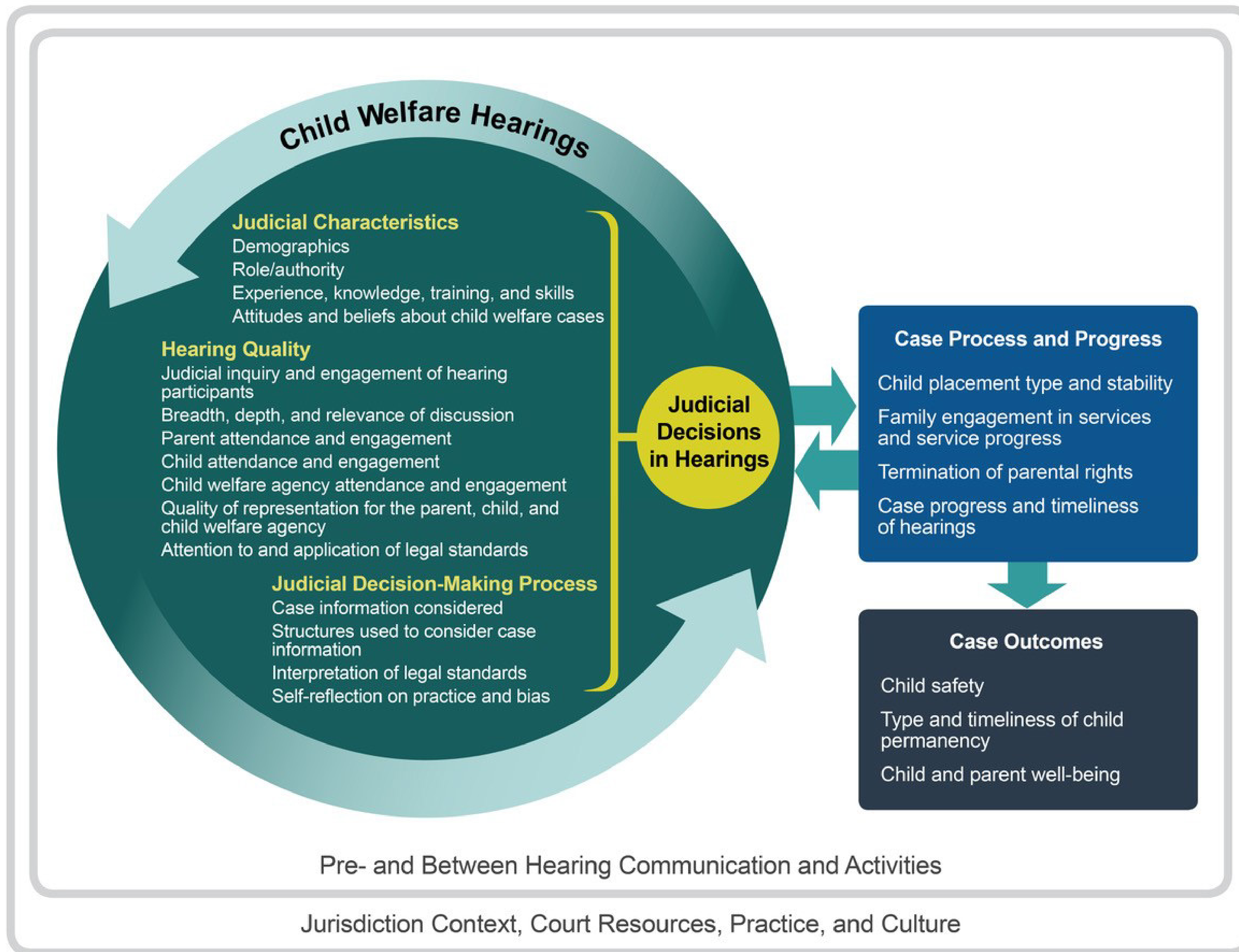


## Notes: Conceptual Model Background Slide

The Reasonable Efforts Findings Study (REFS) was informed by the [Conceptual Model of Judicial Decision-Making and Hearing Quality in Child Welfare](#).

### The Conceptual Model:

- describes how components of judicial decision-making and hearing quality relate to the case process and outcomes for children and families,
  - summarizes available research for each component and its related subcomponents,
  - can inform potential improvements to research and practice, and
  - was developed by reviewing research studies & consultation with expert practitioners.
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## Notes: Conceptual Model Slide

This graphic describes the Conceptual Model:

- It displays components of the child welfare court process and how they relate to case process and case outcomes for children and families. The model includes components supported by research and those hypothesized to be important.
  - In the **dark green circle** are a judge's characteristics, the quality of child welfare hearings, and a judge's decision-making process. These are the 3 child welfare hearing-level components hypothesized to influence judicial decision-making (**the yellow circle**). These components are important because what happens during a hearing and who is present can affect the information judges use to make decisions.
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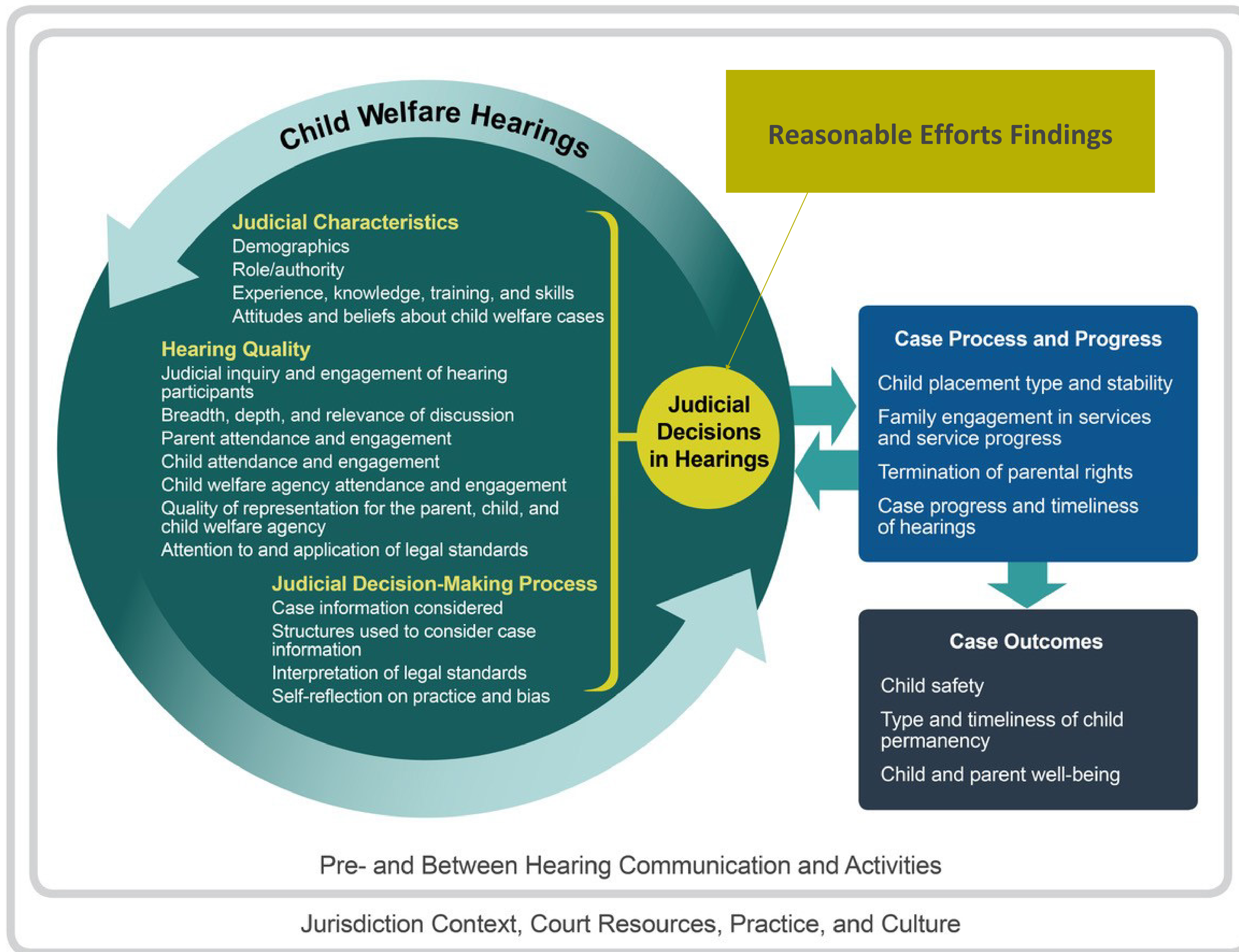
## Notes: Conceptual Model Slide (cont'd):

- The **arrows around the dark green circle** highlight that the associations between the components are not linear, and that there are often multiple hearings during a child welfare case. The decisions that judges make at each hearing build upon each other and influence case process and progress (**see blue box**). For example, if a judge places a child into foster care because a relative cannot be identified, then a review hearing may be added earlier in the case to check the progress of finding a relative placement. Because aspects of case process and progress may also influence the decisions that judges make during a hearing, two-way arrows link these components.
- Case process and progress are hypothesized to ultimately lead to case outcomes (see **dark blue box**).

## Notes: Conceptual Model Slide (cont'd):

- The **gray frames** represent the contextual factors and activities that happen outside of a court hearing that may impact the child welfare court hearing process and case outcomes. One component is the pre- and between hearing communication and activities that happen among parents, attorneys, and caseworkers. Another component is the jurisdiction context, court resources, practices, and court culture. For example, jurisdiction context includes the child welfare court case timelines set by federal law, state law, court policy, and court rule.





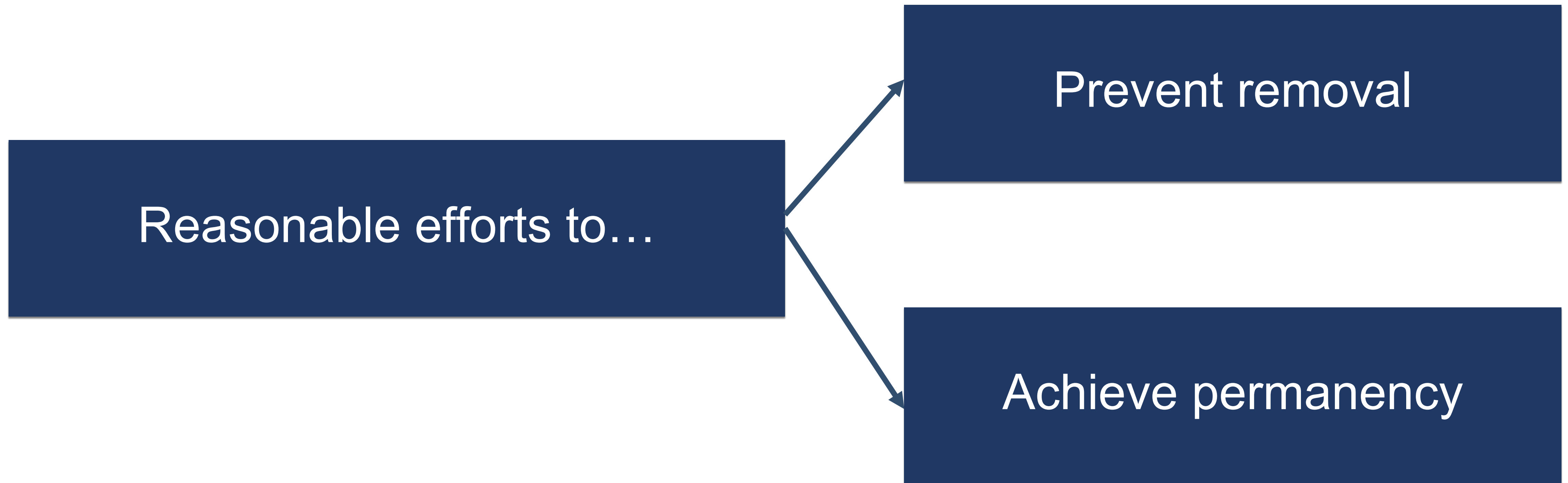
## **Notes: Focus on Judges' Reasonable Efforts Decisions Slide**

After developing this Conceptual Model, reviewing research studies and gaps in knowledge, and consulting expert practitioners, our team decided to research:

- 1) what influences judges' reasonable efforts findings; and
- 2) how reasonable efforts findings are related to case outcomes.

This was chosen because reasonable efforts decisions can help children stay with their families safely or more quickly achieve other types of permanency, but they have not been researched in a meaningful way.

# Reasonable Efforts Findings Overview





## **Notes: Reasonable Efforts Findings Overview Slide**

Our study examines two types of reasonable efforts findings.

### **1) Reasonable efforts to prevent removal**

When a child is removed from home, judges have 60 days to decide if the child welfare agency made reasonable efforts to prevent removal.

### **2) Reasonable efforts to achieve permanency.**

After removal, judges must decide within 12 months of entry into foster care if the child welfare agency has made reasonable efforts to achieve permanency (i.e., reunification with the parents or alternative permanency options).

# REFS Study Goals

1

Understand factors that  
influence judges'  
reasonable efforts  
findings

2

Explore how reasonable  
efforts findings relate to  
case outcomes

3

Inform future studies  
and practice  
recommendations for  
judges and attorneys

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## **Notes: REFS Study Goals Slide**

The study:

- seeks to better understand factors that influence judges' reasonable efforts findings and how they relate to case outcomes.
- examines reasonable efforts findings a judge makes for a child at initial and review hearings and the case outcomes for that child.
- informs future research studies and practice recommendations for judges and attorneys.





# Study Design

# Primary Research Questions





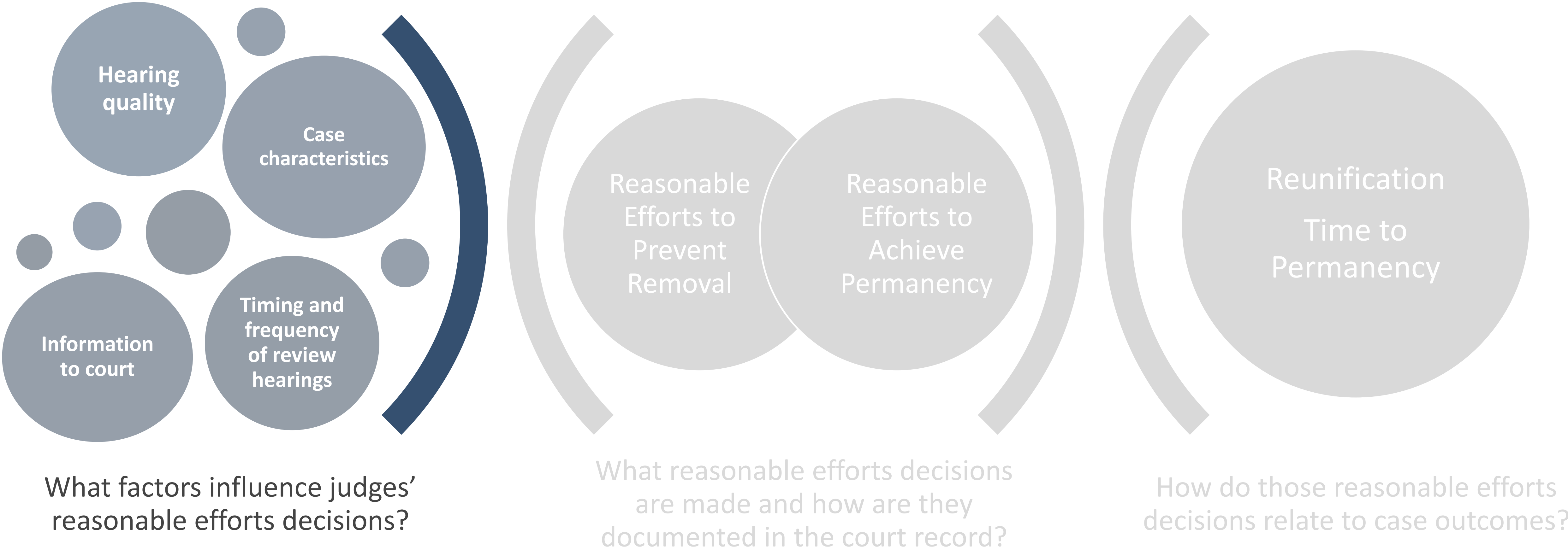
## **Notes: Primary Research Questions Slide**

The primary research questions for this study seek to understand:

- what factors influence judges' reasonable efforts decisions?
  - what reasonable efforts decisions are made and how are they documented in the court record?
  - how those reasonable efforts decisions relate to case outcomes?
-



# Hearing Quality Factors



## **Notes: Hearing Quality Factors Slide**

- We are interested in different factors that may influence judges' reasonable efforts decisions, including hearing quality, case characteristics, information provided to the court, timing and frequency of review hearings.
- Research shows these factors may influence case processing and outcomes. We are exploring these because relationships already exist to some items but have not been explored in relation to reasonable efforts findings. We'll highlight each factor and available supporting research in the next section.
- We want to know how these factors are related to decisions at early hearings about reasonable efforts to prevent removal AND decisions at later hearings about reasonable efforts to achieve permanency.

# Reasonable Efforts Decisions

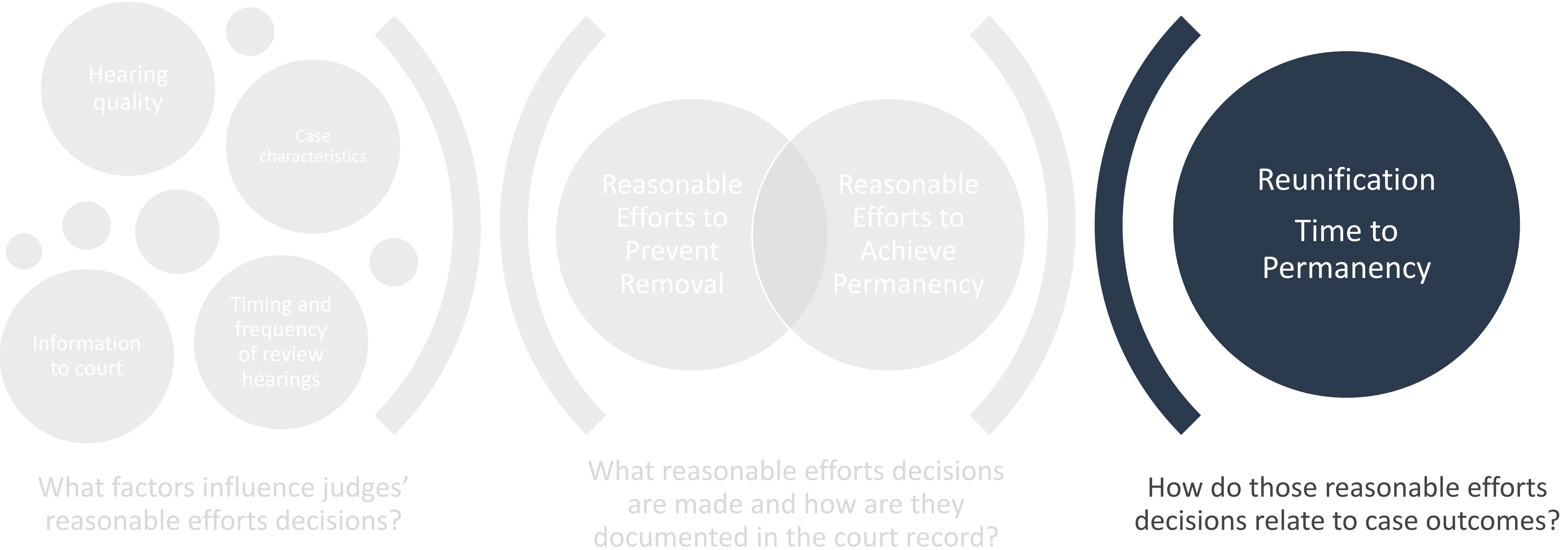


## **Notes: Reasonable Efforts Decisions Slide**

We are also interested in how often and when reasonable efforts decisions are made and whether or not judges' decision-making in these areas is verbally stated during initial hearings and whether they are documented in detail in the court record.



# Case Outcomes



## **Notes: Case Outcomes Slide**

Finally, we want to understand how those reasonable efforts decisions relate to case outcomes for children, including the likelihood of reunification and time to achieve permanency.

# Exploration of Language Bias Buzzwords

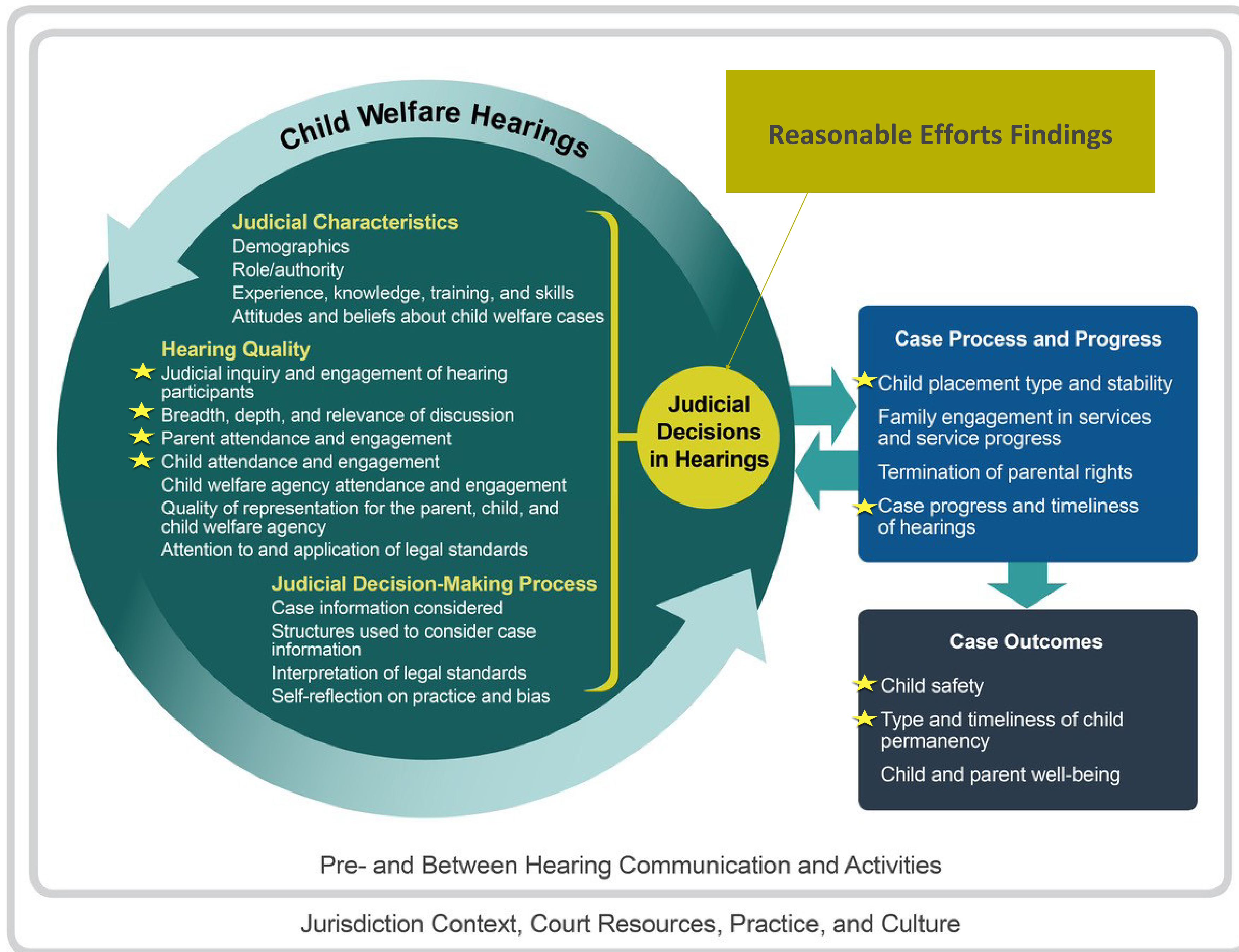
Is there evidence  
of **bias** in the  
language used in  
child welfare  
court cases?



## **Notes: Exploration of Language Bias Buzzwords Slide**

A secondary research goal of our study is to explore how language used during initial child welfare hearings and in court case files may include stigmatizing terms and indicate bias and racism. We will discuss our methods for this question in the next section.





## **Notes: REFS Study Components Slide**

- Let's revisit the Conceptual Model to look at the components that the REFS study examines. We've added gold stars for each area.
  - The chosen components relate directly to judicial reasonable efforts decisions in hearings.
  - The actions judges take during a hearing can influence the information they receive and their evaluation of whether reasonable efforts were made. Examples include the how much the judges engage participants or whether they ask probing questions.
  - In turn, the case process and progress components may also influence the reasonable efforts decisions, and the judge's decision can influence how the case progresses.
  - Finally, the judicial decisions regarding reasonable efforts and case process and progress as affected by those findings can influence case outcomes, including child safety and the type and timeliness of permanency.
-

# Study Sample



Random sample  
of **400** closed  
cases

## **Notes: Study Sample Slide**

- Our sample for the study is a random sample of 400 closed child welfare cases.
  - We will have a minimum of 50 cases from each site because it allows enough cases (across sites) for statistical comparison but also because this is enough cases per site that we can see some different outcomes (e.g., less common outcomes like aging out, guardianship, etc.).
  - We are using a random sample of cases from each site because this should ensure that practice we review is representative of typical practice in that site.
  - It is a convenience sample of sites that were willing to participate and were able to meet our data security requirements for accessing data.
  - The goal with the sample was to get diversity of practices among judges and states.
  - Finally, the judicial decisions regarding reasonable efforts and case process and progress as affected by those findings can influence case outcomes, including child safety and the type and timeliness of permanency.
-



## Discussion Question 2

Are there specific factors that may influence reasonable efforts findings that resonate with you?

Are there any factors you think are missing?



# Methods





# Data Collection Methods

1

Use structured forms to code recordings of initial hearings



2

Use structured forms to code court case files



## **Notes: Data Collection Methods Slide**

We have two primary data collection methods.

- 1) Observe recordings of initial hearings in child welfare cases (the first hearing to consider the child's removal) –using a structured court observation form.
- 2) Review court case files associated with the hearings we observe.



# 1

## Observing Recordings of Initial Hearings - Areas of Focus

Judicial engagement of parents and youth

Discussion topics

Reasonable efforts findings

Removal and placement decisions

Use of bias buzzwords



## **Notes: Observing Recordings of Initial Hearings - Areas of Focus Slide**

Court observation is necessary to examine judicial engagement of parents and identify the issues discussed by the judge and others to inform the judges' decision-making. This method also allows practices to be observed in an objective manner as opposed to self-report.

We will use a structured observation form to collect information from recorded initial hearings on the:

- judicial engagement of parents and youth who are present,
- breadth and depth of topics that are discussed during the hearing, including discussion about reasonable efforts topics/issues,
- judicial reasonable efforts findings made and level of detail of the findings,
- judges' removal and placement decisions, and
- use of buzzwords to describe parents and youth, including who the word referred to and the context in which the word was used.



# Observing Recordings of Initial Hearings - Study Variables

## Hearing Attendance

Parent attendance

Child attendance

Attorney attendance

## Judicial Engagement

Explaining hearing purpose/process

Ask language most comfortable speaking

Speak directly to parents and child

Give parties opportunity to be heard

How judges address parties

Identify next steps

## Discussion Topics

Placement

Child's physical, mental, and emotional needs

Visitation/family time

Parents' rights

Review of petition

Paternity/locating fathers

Potential relative placement

## Use of Bias Buzzwords

Count of bias buzzwords said about child and parents

## Reasonable Efforts Discussion

Agency efforts to prevent removal

In-home safety planning

Specific safety threats leading to removal

What is preventing child from returning home today

What needs to happen for child to safely return home

## Reasonable Efforts Findings

Type of reasonable efforts finding made at hearings

Level of detail stated about reasonable efforts findings

## **Notes: Observing Recordings of Initial Hearings - Study Variables Slide**

The study will collect information from recorded initial hearings on these variables:

- who attended the hearing,
- judicial engagement of parents who are present,
- breadth and depth of discussion about reasonable efforts topics/issues,
- judicial reasonable efforts findings made and level of detail of the findings,
- judges' removal and placement decisions, and
- use of buzzwords to describe parents and youth, including who the word referred to and the context in which the word was used.



1

# Activities that Improve Hearing Quality & Case Outcomes

## Hearing Attendance

- Parent attendance
- Child attendance
- Attorney attendance

## Judicial Engagement

- Explaining hearing purpose/process
- Ask language most comfortable speaking
- Speak directly to parents and child
- Give parties opportunity to be heard
- How judges address parties
- Identify next steps

## Discussion Topics

- Placement
- Child's physical, mental, and emotional needs
- Visitation/family time
- Parents' rights
- Review of petition
- Paternity/locating fathers
- Potential relative placement

## Use of Bias Buzzwords

- Count of bias buzzwords said about child and parents

## Reasonable Efforts Discussion

- Agency efforts to prevent removal
- In-home safety planning
- Specific safety threats leading to removal
- What is preventing child from returning home today
- What needs to happen for child to safely return home

## Reasonable Efforts Findings

- Type of reasonable efforts finding made at hearings
- Level of detail stated about reasonable efforts findings

## **Notes: Activities that Improve Hearing Quality & Case Outcomes Slide**

- Research studies have shown that the circled activities can lead to improved hearing quality and case outcomes.
- Research shows when parents attend court hearings their children's permanency outcomes, such as family reunification, improve (Summers et al., 2017; Wood, et al., 2016; Wood & Russell, 2011).
- When judges seek parent input during hearings, the child may be more likely to be placed temporarily with family members (Macgill & Summers, 2014), and the child may achieve permanency faster (Summers, 2017).
- Some research finds the number of topics discussed increases when parents attend their hearings (Bohannon, Nevers, & Summers, 2015).

## **Notes: Activities that Improve Hearing Quality & Case Outcomes (cont'd):**

- While few studies have looked at the impact of children attending and engaging in their hearings, one study found that when children are present and actively participating in court they may spend less time in foster care waiting for a permanent home (Summers, 2017).
- How the judge gets information during the hearing and the number and kinds of questions judges ask can affect hearing quality. Discussion is high-quality when judges ask direct questions, ask follow-up questions (Macgill & Summers, 2014), ask about different topics (Summers et al., 2012), expand discussion on topics (Miller & Maze, 2011), and ask relevant questions (Summers et al., 2012; Summers, Gatowski, & Gueller, 2017).

## **Notes: Activities that Improve Hearing Quality & Case Outcomes (cont'd):**

- The number of topics discussed at a hearing may play a role in reducing how long children spend in temporary care and whether they reunify with their parents (Summers, Gatowski, & Gueller, 2017).
- Many questions remain about how each of these activities affects case processing and case outcomes and very little is known about how reasonable efforts discussion and findings relate to outcomes.
- Use of biased language in child welfare hearings and case files has not been rigorously studied and will be an exploratory part of our study.



1

# Exploration of Language Bias Buzzwords

Addict	Dysfunctional	Limited	Promiscuous	Uneducated
Afraid	Emotionally disturbed	Loud	Prostitution history	Unfit parent
Aggressive	Explosive	Marginal (financial)	Resistant	Unkempt
Alcoholic	Failure to rehabilitate	Mental health history	Scared	Unstable
Angry	Father is absent	Nasty	Sexually exploited	Unsupervised
Assaultive	Filthy/dirty	Neglect	Substance abuse	Violent
Belligerent	Frequent flier	No resources	history	Volatile
CPS History	(runaway)	Noncompliant	Terrified	Weird
Crazy	Hot-headed	Nonresponsive	Threatening	Whooping and
Defiant	Hostile	Not engaged	Traffic in home	whipping
Destructive	Hysterical	Out of control	Trouble maker	
Disruptive delinquent	Incorrigible	People in and out of	Unattended	
Drug user	Isolated	home	Uncooperative	

## **Notes: Exploration of Language Bias Buzzwords Slide**

- During observation of hearings, we are also going to count how often a set of “buzzwords” are used during the hearing, document who they refer to (e.g., mother, father, child), and explore whether terms are applied more frequently to families of different races/ethnicities.
  - This will inform our secondary research question about whether language used during initial child welfare hearings may include stigmatizing terms and indicate bias.
  - The terms on the slide come from a brief by the Capacity Building Center for States called “Buzzwords: Moving to Behavioral Descriptors.”
  - Note that this is a preliminary test of using this list of words and will provide initial data to start to examine if it is a valid measure.
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# 2

## Reviewing Court Case Files - Areas of Focus

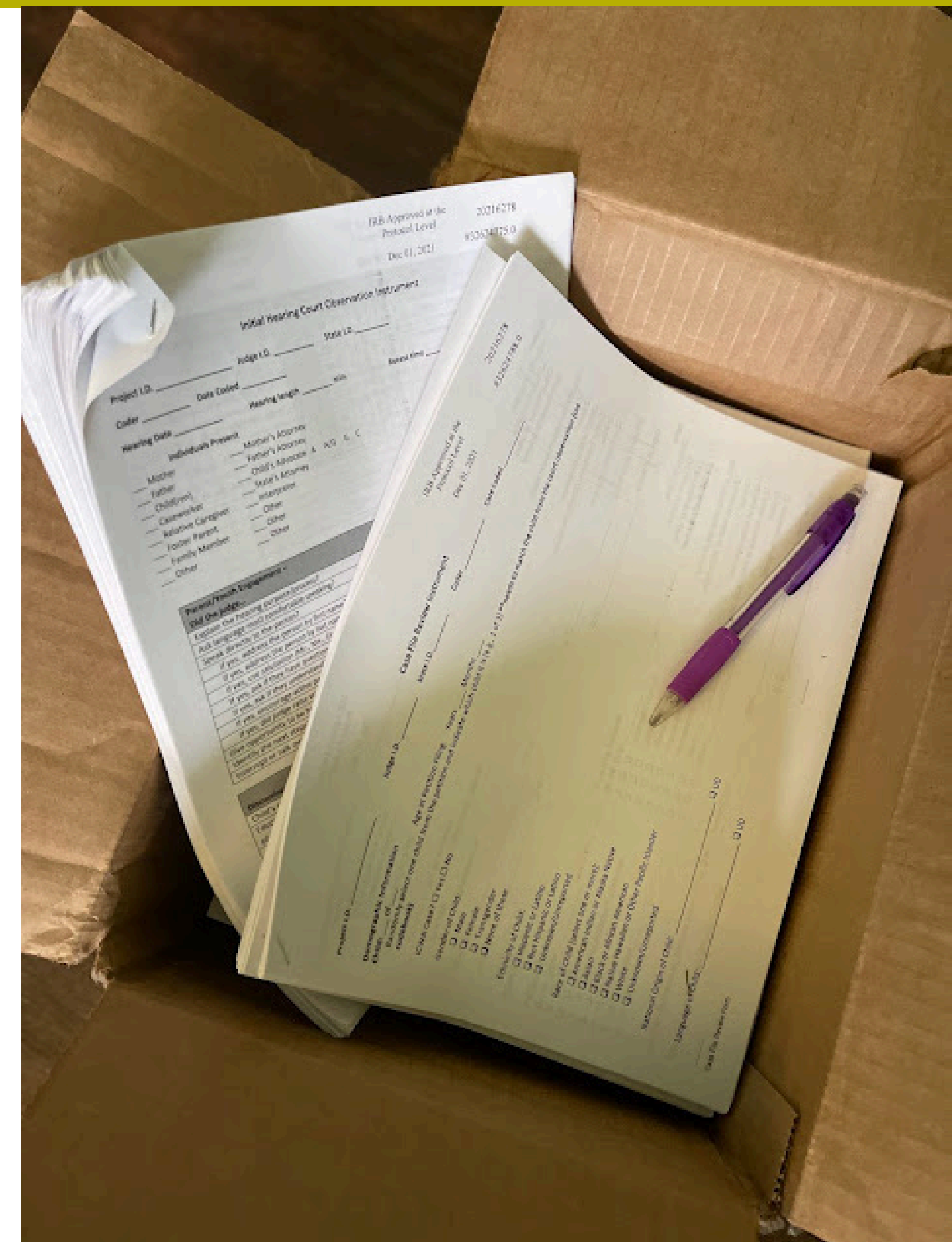
Case characteristics

Information provided to the judge  
before hearings

Written findings

Case processing and outcomes

Use of bias buzzwords





## **Notes: Reviewing Court Case Files - Areas of Focus**

- The second data collection method is a review of closed court case files for the hearings that were observed.
  - Coded initial hearings will be matched to their closed court case file for review.
  - Case file review will help identify case characteristics, what information is provided to the judge before initial and review hearings and the corresponding written findings, case flow and decisions, and the use of bias buzzwords in court documents.
  - Using closed cases enables us to code the time it took to achieve permanency in the case and the final permanency outcome.
  - Case file review has been used in past studies of hearing quality.
-

# 2

## Reviewing Court Case Files – Study Variables

### Case Characteristics

Child's age, gender, race, ethnicity, national origin, language

Parents' race, ethnicity, national origin, language

Reasons for the original petition

### Information Provided to the Judge Before Hearings

Level of detail about reasonable efforts described in child welfare agency reports

### Written Findings

Reasonable efforts findings made at hearings

Level of detail included reasonable efforts findings

### Case Processing

Number of judges per case

Number and type of placements

Frequency and timing of review hearings

### Case Outcomes

Type of permanency outcome

Time to achieve permanency in the case

### Use of Bias Buzzwords

Count of bias buzzwords used in reference to child and parents

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## **Notes: Reviewing Court Case Files – Study Variables**

Our structured court file review form will collect information on:

- case characteristics,
- information provided to the judge before hearings (like in child welfare agency reports),
- written reasonable efforts findings in judges' orders,
- case processing and case outcomes, and
- use of biased language in court case files.



## 2 Variables that Improve Hearing Quality and Case Outcomes

### Case Characteristics

Child's age, gender, race, ethnicity, national origin, language

Parents' race, ethnicity, national origin, language

Reasons for the original petition

### Information Provided to the Judge Before Hearings

Level of detail about reasonable efforts described in child welfare agency reports

### Written Findings

Reasonable efforts findings made at hearings

Level of detail included reasonable efforts findings

### Case Processing

Number of judges per case

Number and type of placements

Frequency and timing of review hearings

### Case Outcomes

Type of permanency outcome

Time to achieve permanency in the case

### Use of Bias Buzzwords

Count of bias buzzwords used in reference to child and parents

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## **Notes: Variables that Improve Hearing Quality and Case Outcomes Slide**

- Research has consistently demonstrated that there are differences in case outcomes based on age and race/ethnicity of the child. Younger children are more likely to exit to adoption and African-American and American Indian or Alaska Native children have disparate outcomes in comparison to other youth in foster care (Child Welfare Information Gateway, 2021). For example, African-American and American Indian or Alaska Native children are more likely than other children to be removed from their homes (Maguire-Jack et al., 2020) and to experience a termination of parental rights (TPR) (Wildeman et al., 2020).
- Additionally, African-American children stay longer in foster care (U.S. Government Accountability Office, 2007a) and are less likely to reunify with their families (Lu et al., 2004) relative to other children in foster care.

## **Notes: Variables that Improve Hearing Quality and Case Outcomes Slide (cont'd):**

- Some research has shown that some case processing practices relate to judicial decision-making and hearing quality in child welfare cases.
- Assigning one judge to handle a case may allow the judge to get to know the family and their case better. Studies report having the same judge handle a case may improve how quickly the case is processed. For example, when fewer judges are assigned to a case, there may be fewer requests to postpone hearings (Summers & Shdaimah, 2013).
- Assigning fewer judges may reduce the time it takes for a child to be placed in a permanent home (Summers & Shdaimah, 2013).
- It may also speed up the time it takes for a child to be adopted (Festinger & Pratt, 2002).

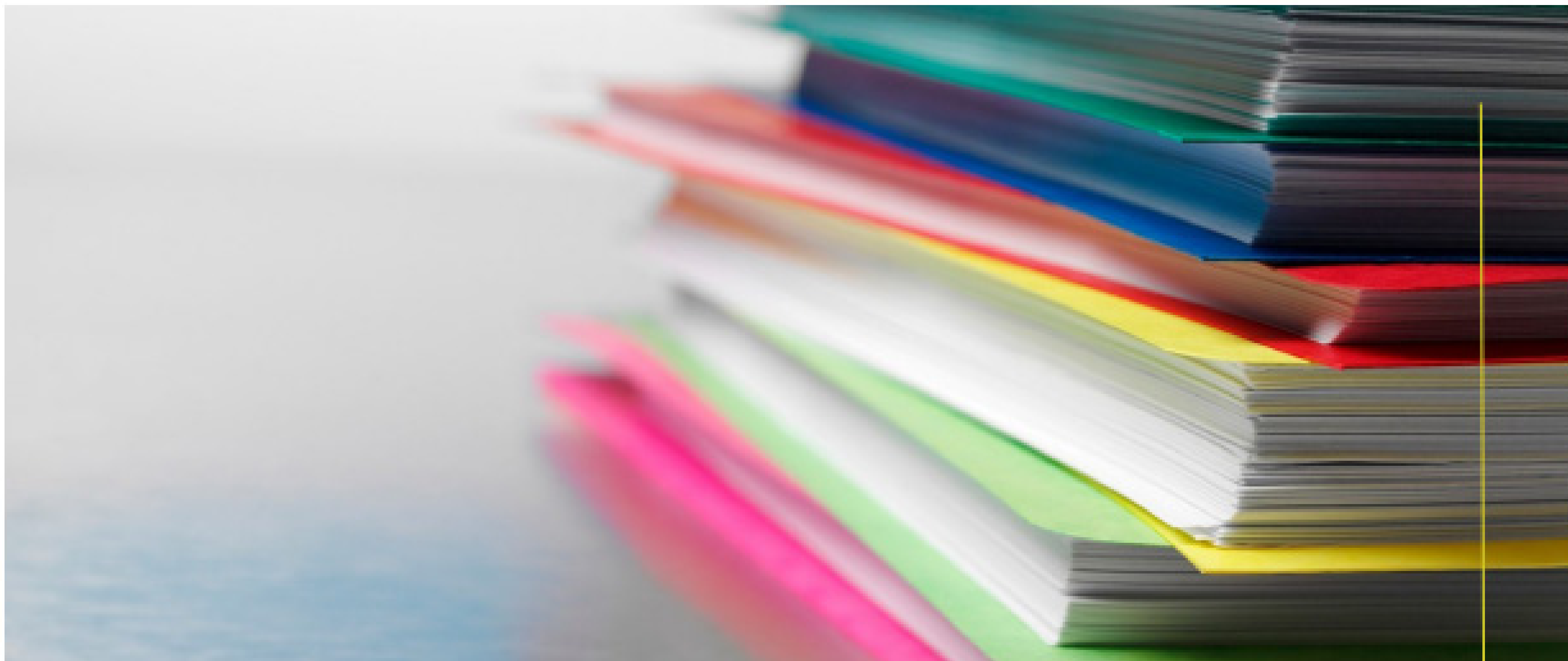


## **Notes: Variables that Improve Hearing Quality and Case Outcomes Slide (cont'd):**

- One study found that when fewer judges were involved in a case the child was more likely to return to live with their family (Summers, 2017).
  - Child placement type and stability are important because temporary care arrangements should support the child's well-being while they wait for a permanent home. Frequent moves in temporary care, or placement instability, can increase the significant disruption children experience when they are removed from their families. For example, children with less placement stability may be more likely to have behavioral problems (Rubin et al., 2007). Temporary homes that help children stay connected with their family, such as being placed with a relative, may decrease the likelihood of mental health and behavioral issues (Winokur et al., 2014).
  - Many questions remain about how these other case components relate to outcomes.
-

## **Notes: Variables that Improve Hearing Quality and Case Outcomes Slide (cont'd):**

- As with the hearing observation, we will count how often the same “buzzwords” are documented in the court case file, document who they refer to (e.g., mother, father, child), and explore whether terms are applied more frequently to families of different races/ethnicities. Again, this is a preliminary test of this list of words to help us explore whether language used in court case files includes stigmatizing terms that may indicate bias.



REPORT | June 2021

# Compendium of Measures and Data Sources

Understanding Judicial Decision-Making and Hearing Quality in Child  
Welfare

OPRE Report 2021-95

## Notes: Compendium of Measures and Data Sources Slide

- During the initial phase of the project, the project team developed a [Compendium of Measures and Data Sources](#).
  - The Compendium includes profiles of 49 measures including court observation forms, case file review forms, surveys, and interview and focus group guides.
  - Information from the Compendium informed development of court observation and case file review forms for the REFS study.
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# Data Collection Challenges and Strategies

Data Access

Local Terms and Context

Reliable Coding

Missing Data

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## **Notes: Data Collection and Strategies Slide**

As the study begins, we are prepared for some common challenges when collecting data in child welfare courts.

**How to access court data.** Local courts have different requirements for accessing data. Some require a signed order by the chief justice, but you should always plan to sign a data use agreement so everyone understands what data is being shared and how it will be protected. Data may be available remotely through secure folders or VPN access to data systems, or you may need to go onsite to review paper files. We will do a mix of onsite and remote data collection for this study. Another challenge is that not all sites know how to access the system remotely. This often requires multiple conversations to understand what is available and data access options.

## **Notes: Data Collection and Strategies Slide (cont'd):**

**Different terms used for hearings and court practices across the country.** Taking time to understand the local terminology and context where you are collecting data is important to ensure you understand what you are coding and can code reliably. For example, the first hearing in a child welfare case may be called Shelter Care, Preliminary Protective, Temporary Foster Care, Emergency, Detention, or Show Cause.

**Coding accuracy and consistency.** When relying on observation and document review for data collection, it is critical that your team is coding consistently. If one person interprets a discussion item differently than others, it causes data quality issues. To address this, we developed code books for each of our data collection instruments. Code books include definitions and examples of each of the items or variables you are coding and can be used by coders as a reference guide. It's also important to provide enough training using mock hearings and case files. Our team participated in 8 hours of formal training on the forms and completed over 10 hours of practice coding

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## **Notes: Data Collection and Strategies Slide (cont'd):**

individually and in pairs to prepare for data collection. Once on-site, we are double-coding 5 cases per site and checking inter-rater reliability before continuing. This means checking how many variables match on our forms between coders and addressing any discrepancies. It is also important to recheck inter-rater reliability throughout the data collection process to catch problems.

**Missing data in court observation and court case files.** Courts may not regularly track all variables you are interested in. For example, common missing data items may include race/ethnicity of the child or parents as this is not often present in court files. Placement data, including placement changes may also be missing or difficult to determine from court files. Reviewing child welfare agency reports submitted to the court may be a good place to check for this data. It is a good idea to include “Unable to determine” as an answer choice for many of your items so you’ll know that data was not just left blank by coders, but that it was not found in the record.

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## Discussion Question 3

Have you observed hearings or reviewed court case files?

What challenges have you faced and how have you addressed them?

# REFS Findings Will...

1

Describe the factors  
that influence judges'  
reasonable efforts  
findings

2

Explain how reasonable  
efforts findings relate to  
case outcomes

3

Inform future studies  
and practice  
recommendations for  
judges and attorneys

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## **Notes: REFS Findings Will... Slide**

We are not aware of any studies that have focused on reasonable efforts decisions, factors that influence those decisions and how they relate to outcomes. This is important because reasonable efforts decisions can help children stay with their families safely or more quickly achieve other types of permanency.

Findings from the study will inform practice recommendations for judges and attorneys and will provide direction for future studies of judicial decision-making.

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# Further Reading



## Child Welfare Hearing Quality Research: What Legal Professionals Should Know

As legal professionals practicing in child welfare courts, you can better prepare for and participate in court hearings if you understand how hearing quality affects the case process and outcomes. Research is starting to explore what activities and behaviors are associated with child welfare hearing quality. This document highlights both what is currently known and gaps in understanding.

Hearing Quality Components*
Judicial inquiry and engagement of hearing participants
Breadth, depth, and relevance of discussion
Parent attendance and engagement
Child attendance and engagement
Child welfare agency attendance and engagement
Quality of representation for the parent, child, and child welfare agency
Attention to and application of legal standards

\*For more information about these components, see Richards, T., Samuels, A., Gatewski, S., Fronknecht, A., & Ruben, J. (2021). *Conceptual model of judicial decision-making and hearing quality in child welfare* (CPRE Brief No. 2021-86). Washington, DC: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

### What activities and behaviors are associated with hearing quality?

Research shows the following activities and behaviors are related to child welfare court hearing quality:

- ✓ **The judge and court participants discuss key topics in a meaningful way.**  
How the judge gets information during the hearing and the number and kinds of questions judges ask can affect hearing quality. Discussion is high-quality when judges ask direct questions, ask follow-up questions,<sup>1</sup> ask about different topics,<sup>2</sup> expand discussion on topics,<sup>3</sup> and ask relevant questions.<sup>4</sup> The number of topics discussed at a hearing may play a role in reducing how long children spend in temporary care and whether they reunify with their parents.<sup>5</sup>
- ✓ **Parents attend and engage meaningfully in hearings.**  
Research shows when parents attend court hearings their children's permanency outcomes, such as family reunification, improve.<sup>6</sup> When judges seek parent input during hearings, the child may be more likely to be placed temporarily with family members,<sup>7</sup> and the child may achieve permanency faster.<sup>8</sup> Parents are more likely to keep attending their hearings when they are represented by an attorney and engaged in early hearings.<sup>9</sup> Some research finds the number of topics discussed increases when parents attend their hearings.<sup>10</sup>

## How Court Practices and Resources Relate to Judicial Decision-Making and Hearing Quality in Child Welfare Cases

- As a legal professional involved in child welfare cases, does your court:
- Keep the same judge throughout the life of the case?
  - Devote more time and resources early in the case?
  - Avoid postponing hearings?
  - Schedule hearings at set times?
  - Dedicate enough judicial staff time for each case?
  - Create a supportive setting for families?

This snapshot highlights some research that is beginning to show that these court practices and court system resources relate to judicial decision-making and hearing quality in child welfare court cases. Gaps in the current research are also discussed.

**Court practices**  
Child welfare courts around the country use different practices to support judges' decision-making and improve hearing quality. Some research suggests the following four court practices relate to judicial decision-making and hearing quality in child welfare cases.

**Judicial continuity**  
Assigning one judge to handle a case may allow the judge to get to know the family and their case better. Studies report having the same judge handle a case may improve how quickly the case is processed. For example, when fewer judges are assigned to a case, there may be fewer requests to postpone hearings.<sup>1</sup> Assigning fewer judges may reduce the time it takes for a child to be placed in a permanent home.<sup>2</sup> It may

counsel early, holding early court hearings, holding a precourt meeting to prepare for the hearing, and ensuring parents attend and participate in early hearings.<sup>3</sup> Providing parents legal representation and involving them in court hearings early in the case process are believed to help them engage in services and address underlying issues so their children can return home faster.<sup>4</sup> Research suggests that holding early hearings can help reduce the time it takes for a case to close.<sup>1</sup> One study of a state court reform effort, which included elements of frontloading, reported more timely court hearings, less time to close cases, and increased reunification rates.<sup>5</sup> Changes other than frontloading the case process, such as improving quality of hearings and policy reforms, may also have contributed to these results.

**Continuances**  
A continuance stops a hearing and reschedules it to another day and time. Judges may continue a hearing for many reasons, such as when parents have not been located and notified of a hearing, or if parties are absent in court. Continuances may increase the overall hearing time, disrupt the hearing and court process, influence parties' attitudes and experiences with the hearing process, and delay case resolution and outcomes. Studies show that issuing fewer continuances is associated with reducing the time children spend in foster care.<sup>6</sup>

**Calendar/scheduling**  
Court calendaring and scheduling practices vary by court. Scheduling hearings at set times is a best practice to streamline cases, allow parties and court staff to

## How Legal Professionals Can Use the *Compendium of Measures and Data Sources: Understanding Judicial Decision-Making and Hearing Quality in Child Welfare*

### Understanding Research Terms

**Measure:** A research tool that is used to gather information on a topic of interest.

*Examples:*

- **Judicial Expertise and Decision-Making Survey.<sup>1</sup>** A web-based survey asking attorneys to rate how much they agree with statements about judges' expertise and decisions in child welfare cases.
- **Parent Engagement Measure.<sup>2</sup>** A paper-and-pencil survey asking parents to rank how engaged they were in their case.

**Measurement Strategy:** How the measure was administered or used in practice for the specific study for which it was designed, as well as how it could be used in practice (when known). This includes data collection method.

*Examples:*

- court observation
- case file review
- survey
- interview
- focus group

**Data Source:** A publicly available dataset(s) of state or national child welfare court data.

As a legal professional who focuses on child welfare cases, research and data can be a crucial guide for improving hearing practice.

Consider these examples:

- Your county child welfare working group is developing a plan to evaluate the impact of a new court project. You want to explore what administrative data may be used to assess key components of the plan including case outcomes. You also want to know what measures, including surveys and interview protocols, could be used to examine other topics such as how judges make decisions and hearing quality that may not be available in existing administrative data.
- A judge is using a new court order template. She needs a measure to evaluate whether the new template helps judges tailor their findings to the specific facts of each case.
- An attorney thinks engaging parents in court hearings will improve parents' case outcomes and experiences with the legal system. She wants to find a measure to use when observing court hearings to see how judges and attorneys engage parents.

A new resource—the *Compendium of Measures and Data Sources: Understanding Judicial Decision-Making and Hearing Quality in Child Welfare*—can help in these situations. Available here, the *Compendium* can help identify research measures and strategies to use in your court improvement work.

### What is the *Compendium*?

The *Compendium* summarizes information on research measures and data sources used in child welfare court hearing research (see sidebar for definitions). It presents this information in several ways:

- **Table of Measures.** A table summarizing child welfare court



## Notes: Further Reading Slide

Study findings will be released as they become available.

### Project Resources:

- [JDMHQ Project](#)
- [Conceptual Model Brief](#)
- [Compendium of Measures and Data Sources](#)
- [Child Welfare Hearing Quality Research: What Legal Professionals Should Know](#)  
Summarizes what is known from research on hearing quality and where gaps remain.
- [How Court Practices and Resources Relate to Judicial Decision-Making and Hearing Quality in Child Welfare Cases](#) - Summarizes what research tells us about court practices and resources and where gaps remain.
- [How Legal Professionals Can Use the Compendium of Measures and Data Sources: Understanding Judicial Decision-Making and Hearing Quality in Child Welfare](#)  
Gives an overview of how court professionals can use the Compendium of Measures and Data Sources in their work.

## Discussion Question 4

How do you think this study design  
can be useful in your work?

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# Questions?

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