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# Understanding Judges' Reasonable Efforts Decisions in Child Welfare Cases

Results from the Reasonable Efforts Findings Study

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# Overview

## Introduction

The Reasonable Efforts Findings Study (REFS) provides an exploratory look at what factors are associated with judges' reasonable efforts decisions and how those decisions relate to case outcomes for children, such as whether they are reunified with their parents or how fast they find another permanent home. Judges play a critical role in child welfare cases. They decide when children enter and exit out-of-home care and ensure children in the child welfare system have a safe and permanent home. Through reasonable efforts findings, they also decide if child welfare agencies did enough to (1) prevent the need to remove children from their parents and (2) make sure children have a safe and permanent home. Judges' reasonable efforts decisions can help children stay with their families safely or achieve other types of permanency (e.g., guardianship, adoption) faster (Milner & Kelly, 2018) because they hold the child welfare agencies accountable to make sure they are doing enough of the right things to keep children with their families. However, these findings have not been researched in depth before this study.

## Primary Research Questions

1. How are hearing quality, information provided to the court before the initial hearing, and case characteristics related to judges' findings of reasonable efforts to prevent removal?
2. How are information provided to the court, case characteristics, and timing of the review hearings related to the judges' findings of reasonable efforts to achieve permanency?
3. How are judges' findings of reasonable efforts and the detail documented in findings related to the likelihood of reunification?
4. How are judges' findings of reasonable efforts and the detail documented in findings related to the time for cases to achieve permanency?

## Purpose

REFS seeks to better understand what factors are associated with judges' reasonable efforts decisions and how these decisions relate to case outcomes for children, such as whether they are reunified with their parents or how fast they find another permanent home.

## Key Takeaways

As an exploratory study with a small number of sites, REFS should not be used on its own to inform recommendations for all child welfare courts. Readers can, however, consider the following takeaways:

- No judges in the sample found that the child welfare agency did not make reasonable efforts to prevent removal (at any point in the case) or to achieve permanency (at the first review hearing). Judges could reflect on why this might be (e.g., concerns about the consequences of making a no reasonable efforts finding) and the implications it has for judges' responsibility to hold the

child welfare agency accountable in doing enough of the right things to keep children safely with their families.

- When more reasonable efforts topics (e.g., services the child welfare agency provided, how the agency worked with the family) appeared in reports, judges were more likely to make a reasonable efforts to achieve permanency finding. Given this, professionals could consider ways to get the judge more information to inform decision-making, such as:
  - Child welfare legal professionals could consider discussing more topics during hearings so judges have more information for decision-making.
  - Child welfare agency professionals could consider providing more detailed information on a broad range of topics in documents submitted to the court before hearings (e.g., caseworker reports) to inform judicial decision-making.

The study results have two important limitations: (1) there was a lack of variability in the type of reasonable efforts findings judges made, which hindered how we could answer the research questions, and (2) race and ethnicity data were excluded from the analysis because of large amounts of missing data and uncertainty about how data were collected, which prevented an examination of how race and ethnicity of the family was associated with judicial decision-making and outcomes.

## Methods

We collected data in two ways:

1. Observing a random sample of recorded initial court hearings to capture information about hearing quality (e.g., judicial engagement of parents, topics discussed).
2. Reviewing court case files from the same cases to capture information on case characteristics (e.g., child age, petition allegations), reasonable efforts findings, details of findings and documents submitted to the court, timing of hearings, and case outcomes.

We collected data from a random sample of 348 closed child welfare court cases from 5 sites in 3 states.

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# Executive Summary

Judges play a critical role in child welfare cases. They decide when children are separated from their parents and ensure children in the child welfare system have a safe and permanent home. Judges are required to make legal findings (i.e., official decisions) on the record throughout a child welfare case. This study focuses on one of these decisions: the reasonable efforts finding. Through reasonable efforts findings, judges decide if child welfare agencies did enough to:

1. Prevent the need to remove children from their parents.
2. Make sure children have a safe and permanent home.

Judges' reasonable efforts decisions can help children stay with their families safely or achieve other types of permanency (e.g., guardianship, adoption) faster (Milner & Kelly, 2018), because they hold the child welfare agency accountable to make sure it is doing enough of the right things to keep children with their families. However, these findings have not been researched in depth before this study.

This report presents results from the Reasonable Efforts Findings Study (REFS). REFS was an exploratory study of what factors are associated with judges' reasonable efforts decisions and how their findings relate to case outcomes for children, such as whether children are reunified with their parents or how fast they find another permanent home.

OPRE funded James Bell Associates (JBA)—along with co-principal investigators Dr. Alicia Summers and Dr. Sophia Gatowski and partner the American Bar Association Center on Children and the Law—to conduct REFS as part of the Understanding Judicial Decision-Making and Hearing Quality in Child Welfare project.

## Child Welfare Court Hearings

Judges make decisions during different types of court hearings (exhibit 1). Depending on the case, hearings can be combined or repeated. Not all cases progress through all court hearings, as some cases close once a child is reunified with their parents, finds another permanent home, or reaches adulthood.

### Exhibit 1. Description of Key Child Welfare Hearing Types

Hearing Type	Decisions the Judge Must Make During the Hearing
Initial <sup>1</sup>	Judge decides if the risk of harm meets legal standards for the temporary removal of the child from the home.

Hearing Type	Decisions the Judge Must Make During the Hearing
Adjudication	Judge decides whether enough (i.e., sufficient) evidence exists to conclude that the reported abuse or neglect of the child has occurred.
Disposition	Judge decides who will have custody of the child, sets the permanency plan (e.g., reunification with parents, other permanency type), and approves a case plan that outlines the tasks and services needed to achieve the permanency plan.
Review	Judge periodically reviews progress toward permanency and may make decisions about placement and adjustments to the case plan and services as needed.
Permanency	Judge decides the type of permanency that will be achieved (e.g., reunification with parents, guardianship, permanent placement with a relative) and how through a court-approved permanency plan.
Termination of parental rights (TPR)	Judge decides if severing all legal familial rights between the parent and child is in the best interest of the child to ensure their safety, permanency, and well-being.
Post-TPR	Judge reviews the progress of child welfare agencies' efforts to finalize permanency and makes decisions to help facilitate final permanency for the child. This may include review or permanency hearings or may be specific to a permanency outcome (e.g., adoption hearing).

**Notes:** For more information, see Child Welfare Information Gateway. (2016). *Understanding child welfare and the courts*. U.S. Department of Health and Human Services, Children's Bureau.

<sup>1</sup> Some states use different terms; for example, the first hearing in a case may be called an initial hearing, shelter care hearing, or preliminary protective hearing.

## Overview of Reasonable Efforts Findings

This study examined two types of reasonable efforts findings made during child welfare hearings:

- **Reasonable efforts to prevent removal.** When a child is removed from the home, judges have 60 days to decide if the child welfare agency made reasonable efforts to prevent removal.<sup>1</sup> Judges use this finding to identify what activities or services the agency may have provided to keep the child safe at home. Judges typically make this finding for the first time at the initial, adjudication, or disposition hearing held within 60 days of a child's removal from home.

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<sup>1</sup> To establish a child's eligibility for federal foster care maintenance payments under Title IV-E, the child welfare agency must provide evidence of a judicial determination that the agency made reasonable efforts to prevent removal within 60 days of that child's removal. If the court finds that the agency failed to make reasonable efforts, or if the court does not make a determination within 60 days, the child will be ineligible for IV-E payments for their entire stay in foster care. See 45 C.F.R. § 1356.21(b). The agency is always required to make efforts that are reasonable under the circumstances of each case, but a court may find that the agency's inability to provide prevention services or otherwise make efforts is reasonable due to circumstances involving imminent threats to the health or safety of the child. See Children's Bureau, Child Welfare Policy Manual, 8.3A.9b.

- **Reasonable efforts to achieve permanency.** When a child enters foster care, judges have 12 months to decide if the child welfare agency has made reasonable efforts to reunify the child with their parents or to secure a different permanency option. Judges can make this finding at review hearings, permanency hearings, or both.

Exhibit 2 lists the types of reasonable efforts findings judges can make during child welfare court hearings.

## Exhibit 2. Types of Reasonable Efforts Findings

Finding	Description
Reasonable efforts were made	The child welfare agency engaged in activities (e.g., relative searches, safety planning) that were reasonable under the circumstances of the individual case and sought to either prevent removal of the child from their home or find a permanent home for the child.
Reasonable efforts were not made	The child welfare agency's activities to prevent removal of the child from their home or to find a permanent home for the child (e.g., relative searches, safety planning) were not reasonable under the case circumstances.
Reasonable efforts were not possible (e.g., emergency situation)	The child welfare agency could not make reasonable efforts because of an emergency situation at the time of removal (e.g., imminent threats to the health or safety of the child).
Reasonable efforts were not required (e.g., aggravated circumstances)	The child welfare agency was not required to make reasonable efforts because the parent committed certain felonies against the child or another child of the parent; the parent previously had parental rights to another child involuntarily terminated; or the parent has subjected the child to aggravated circumstances as defined in state law, which may include but is not limited to abandonment, torture, chronic abuse, or sexual abuse. If a judge waives the reasonable efforts to prevent removal requirement, such waiver does not eliminate the state's obligation to provide reasonable efforts to reunify the family. (Adoption and Safe Families Act (ASFA) of 1997; 42 U.S.C. § 671(a)(15)(D); 45 C.F.R. § 1356.21(b)(3)).
Reasonable efforts finding was withheld/continued	The judge chose to delay making a reasonable efforts finding to a future hearing. This may happen when a hearing is continued to allow the agency to gather or present more information about efforts that were provided. However, the finding is not intended to allow the agency more time to make reasonable efforts.

## What are “reasonable efforts”?

Federal law does not define “reasonable efforts” despite requiring judges to make findings on the record. Some state statutes define the term, but most states apply a broad understanding of reasonable efforts as accessible, available, and culturally appropriate services and activities to help families provide safe and stable homes for their children (Child Welfare Information Gateway, 2020). Services may include family therapy, parenting classes, or substance use disorder treatment. Other activities may include in-home safety planning and contacting relatives.

## Research Questions

1. How are hearing quality, information provided to the court before the initial hearing, and case characteristics related to judges’ findings of reasonable efforts to prevent removal?
2. How are information provided to the court, case characteristics, and timing of the review hearings related to the judges’ findings of reasonable efforts to achieve permanency?
3. How are judges’ findings of reasonable efforts and the detail documented in findings related to the likelihood of reunification?
4. How are judges’ findings of reasonable efforts and the detail documented in findings related to the time for cases to achieve permanency?

## Site Selection and Recruitment

We used convenience sampling to identify the study sites. Eligible sites needed to—

1. Have at least 50 cases that closed between 2018 and 2019 (to ensure they closed before the COVID-19 pandemic and met sample requirements).
2. Have audio or video recordings of initial hearings and the related court case files.
3. Allow us to access the court data through (1) a two-factor authentication VPN connection; (2) a read-only, password-protected Office365 OneDrive folder; or (3) in-person viewing paper files or on a state-owned computer accessed in a private setting (e.g., no one else can view the screen, not using public Wi-Fi).
4. Have a judge experienced in child abuse and neglect cases who agreed to have cases reviewed.

Eight states emerged as candidates based on review of the State Court Improvement Program (CIP)<sup>2</sup> annual self-assessment, as well as a survey and follow-up interviews with CIP Directors. Five states declined due to challenges meeting our data security requirements or because they could not provide case-level data. Among the three states that agreed to participate, two states had one county participate. Three counties participated in the final state.

## Methods

We collected data from a random sample of 348 closed cases from 5 sites in 3 states. We collected data in two ways:

1. Observing a random sample of recorded initial court hearings to capture hearing quality constructs (e.g., judicial engagement of parents, topics discussed).
2. Reviewing court case files from the same cases to capture information on case characteristics (e.g., child age, petition allegations), reasonable efforts findings, detail of findings and documents submitted to the court, timing of hearings, and case outcomes.

## Key Results

REFS examined a random sample of child welfare court cases in five study sites. Findings are not generalizable; however, they describe practice and judicial decision-making among a sample of child welfare courts. The study results have two important limitations: (1) there was a lack of variability in the type of reasonable efforts findings judges made, which hindered how we could answer the research questions (RQs), and (2) race and ethnicity data were excluded from the analysis because of large amounts of missing data and uncertainty about how race and ethnicity data were collected, which prevented an examination of how race and ethnicity of the family were associated with judicial decision-making and outcomes.

### **RQ1. How are hearing quality, information provided to the court before the initial hearing, and case characteristics related to judges' findings of reasonable efforts to prevent removal?**

- No judges in our sample found that the child welfare agency had not made reasonable efforts to prevent removal.
- 94 percent of findings about reasonable efforts to prevent removal were made at the initial hearing.

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<sup>2</sup> The program was created as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103-66. Its purpose is to assess and improve foster care and adoption court and judicial processes. CIP Directors have knowledge of court processes in their state and what permissions may be needed for courts in their state to participate in a research study.

- There was not enough variability in the outcome of reasonable efforts to prevent removal findings for us to pursue a logistic regression model for this RQ.

## **RQ2. How are information provided to the court, case characteristics, and timing of the review hearings related to the judges' findings of reasonable efforts to achieve permanency?**

- No judges in our sample found that the child welfare agency did not make reasonable efforts to achieve permanency at the first review hearing.
- There were significant differences across the participating sites in whether judges made a finding about reasonable efforts to achieve permanency at the first review hearing (i.e., whether they made a finding or not at the first review).
- Judges were more likely to make a finding about reasonable efforts to achieve permanency when more topics (e.g., in-home safety planning, services offered to family to reunify the family) were included in documents given to the court before the hearing.
- The number of days between disposition and the first review hearing was not significantly related to the likelihood that judges made a finding about reasonable efforts to achieve permanency at the first review hearing.

## **RQ3. How are judges' findings of reasonable efforts and the detail documented in findings related to the likelihood of reunification?**

- There were significant differences across the participating sites in the likelihood that children were returned to one or both parents (i.e., reunification).
- Children were less likely to reunify with their parents when cases had—
  - A judicial finding about reasonable efforts to achieve permanency by the first review hearing
  - More detailed reasonable efforts to achieve permanency findings
  - A petition allegation of abandonment
  - A presenting problem of homelessness
- Children were more likely to reunify with their parents when cases had—
  - Less detailed reasonable efforts to achieve permanency findings
  - A petition allegation of physical abuse
- Judges' findings about reasonable efforts to prevent removal at the initial hearing, and whether those findings were detailed, were not related to the likelihood of reunification.

## **RQ4. How are judges' findings of reasonable efforts and the detail documented in findings related to the time for cases to achieve permanency?**

- There were significant differences across the participating sites in the time it took cases to achieve permanency.

- Cases were more likely to close at a faster rate when judges made less detailed (e.g., one statement only) reasonable efforts to achieve permanency findings.
- Cases with physical abuse as a petition allegation were more likely to close at a faster rate than cases without physical abuse allegations.
- Judges' findings about reasonable efforts to prevent removal at the initial hearing, and whether those findings were detailed, were not related to the time cases took to achieve permanency.

## Conclusions

As an exploratory study with a small number of sites, REFS should not be used on its own to inform recommendations for all child welfare courts. Readers can, however, consider the following takeaways:

- No judges in the sample found that the child welfare agency had not made reasonable efforts to prevent removal or to achieve permanency (at the first review hearing). Judges could reflect on why this might be (e.g., concerns about the consequences of making a no reasonable efforts finding) and the implications it has for judges' responsibility to hold the child welfare agency accountable in doing enough of the right things to keep children safely with their families.
- When more reasonable efforts topics (e.g., services the child welfare agency provided, how the agency worked with the family) appeared in reports, judges were more likely to make a reasonable efforts to achieve permanency finding. Given this, professionals could consider ways to get the judge more information to inform decision-making, such as:
  - Child welfare legal professionals could consider discussing more topics during hearings so judges have more information for decision-making.
  - Child welfare agency professionals could consider providing more detailed information on a broad range of topics in documents submitted to the court before hearings (e.g., caseworker reports) to inform judicial decision-making.



# Chapter 1: Introduction

Judges play a critical role in child welfare cases. They decide when children are separated from their parents and ensure children in the child welfare system have a safe and permanent home. Judges are required to make legal findings (i.e., official decisions) on the record throughout a child welfare case. This study focuses on one of these decisions called reasonable efforts findings. Through reasonable efforts findings, judges decide if child welfare agencies did enough to:

- Prevent the need to remove children from their parents.
- Make sure children have a safe and permanent home.

Judges' reasonable efforts decisions can help children stay with their families safely or achieve other types of permanency (e.g., guardianship, adoption) faster (Milner & Kelly, 2018), because they hold the child welfare agency accountable to make sure it is doing enough of the right things to keep children with their families. However, these findings have not been researched before this study. We conducted REFS to better understand what factors may be related to judges' reasonable efforts decisions and how these decisions relate to case outcomes for children, such as whether they are reunified with their parents or how fast they find another permanent home. REFS is an exploratory study; therefore, it cannot be used to make conclusions about all court practice. See appendix A for a glossary of key terms.

## Overview of Reasonable Efforts Findings

We examined two types of reasonable efforts findings that are documented in court orders<sup>3</sup>:

- **Reasonable efforts to prevent removal.** When a child is removed from the home, judges have 60 days to decide if the child welfare agency made reasonable efforts to prevent removal.<sup>4</sup> Judges use this finding to identify what activities or services the agency may have provided to keep the child safe at home. Judges typically make this finding for the first time at the initial, adjudication, or disposition hearing held within 60 days of the removal of the child from their home.

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<sup>3</sup> If a case includes a child who is a member of a tribe and the Indian Child Welfare Act (ICWA) applies, then child welfare agencies are held to a higher legal standard called active efforts to ensure that the child is not separated from their parents and that they find a permanent home quickly. We chose to focus on reasonable efforts findings and therefore excluded ICWA cases from our sample.

<sup>4</sup> To establish a child's eligibility for federal foster care maintenance payments under Title IV-E, the child welfare agency must provide evidence of a judicial determination that the agency made reasonable efforts to prevent removal within 60 days of that child's removal. If the court finds that the agency failed to make reasonable efforts, or if the court does not make a determination within 60 days, the child will be ineligible for IV-E payments for their entire stay in foster care. See 45 C.F.R. § 1356.21(b). The agency is always required to make efforts that are reasonable under the circumstances of each case, but a court may find that the agency's inability to provide prevention services or otherwise make efforts is reasonable due to circumstances involving imminent threats to the health or safety of the child. See Children's Bureau, Child Welfare Policy Manual, 8.3A.9b.

- **Reasonable efforts to achieve permanency.** When a child enters foster care, judges have 12 months to decide if the child welfare agency has made reasonable efforts to reunify the child with their parents or to secure a different permanency option (e.g., guardianship, adoption). Judges can make this finding at review hearings, permanency hearings, or both.

Federal law does not define “reasonable efforts” despite requiring judges to make findings on the record. Some state statutes define the term, but most states apply **a broad understanding of reasonable efforts as accessible, available, and culturally appropriate services and activities to help families provide safe and stable homes for their children (Child Welfare Information Gateway, 2020)**. Services may include family therapy, parenting classes, or substance use disorder treatment. Other activities may include in-home safety planning and contacting relatives. Exhibit 3 lists the types of reasonable efforts findings judges can make.

In addition to the types of reasonable efforts findings in Exhibit 3, judges may choose not to make a reasonable efforts finding at a given hearing (i.e., no finding about reasonable efforts is made). This may happen when a specific finding is not required (e.g., after the 60-day required reasonable efforts to prevent removal finding has been made but before the 12-month permanency hearing by which the reasonable efforts to achieve permanency finding is required) or during status or review hearings if specific, limited issues are addressed.

### Exhibit 3. Types of Reasonable Efforts Findings

Finding	Description
Reasonable efforts were made	The child welfare agency engaged in activities (e.g., relative searches, safety planning) that were reasonable under the circumstances of the individual case and sought to either prevent removal of the child from their home or find a permanent home for the child.
Reasonable efforts were not made	The child welfare agency's activities to prevent removal of the child from their home or to find a permanent home for the child (e.g., relative searches, safety planning) were not reasonable under the case circumstances.
Reasonable efforts were not possible (e.g., emergency situation)	The child welfare agency could not make reasonable efforts because of an emergency situation at the time of removal (e.g., imminent threats to the health or safety of the child).

Finding	Description
Reasonable efforts were not required (e.g., aggravated circumstances)	The child welfare agency was not required to make reasonable efforts because the parent committed certain felonies against the child or another child of the parent; the parent previously had parental rights to another child involuntarily terminated; or the parent has subjected the child to aggravated circumstances as defined in state law, which may include but is not limited to abandonment, torture, chronic abuse, or sexual abuse. If a judge waives the reasonable efforts to prevent removal requirement, such waiver does not eliminate the state's obligation to provide reasonable efforts to reunify the family. (Adoption and Safe Families Act (ASFA) of 1997; 42 U.S.C. § 671(a)(15)(D); 45 C.F.R. § 1356.21(b)(3))
Reasonable efforts finding was withheld/continued	The judge chose to delay making a reasonable efforts finding to a future hearing. This may happen when a hearing is continued to allow the agency to gather or present more information about efforts that were provided. However, the finding is not intended to allow the agency more time to make reasonable efforts.

## The Need for This Study

Before designing REFS, we reviewed available research on factors that may be associated with the outcomes of child welfare court cases, developed a conceptual model of judicial decision-making in child welfare (Richards et al., 2021), and consulted with legal experts about the priorities of the field. These activities helped us identify the biggest gaps in knowledge about the factors that may be related to judicial decision-making and case outcomes. Reasonable efforts findings are only one type of decision that judges make that influence case outcomes. We decided to study judges' reasonable efforts decision-making because—

1. Reasonable efforts findings have the potential to prevent family separation and lead to faster reunification when families have been separated because such findings hold the child welfare agency accountable to make sure it is doing enough of the right things to keep children with their families.
2. Studies have examined other aspects of the child welfare court process, like how case characteristics and components of hearing quality relate to outcomes, but no studies have examined what informs judges' reasonable efforts findings or how those findings relate to case outcomes.
3. Legal experts identified reasonable efforts findings as a research priority.

While no research has focused on reasonable efforts findings specifically, studies have explored how case characteristics and characteristics of hearing quality may be associated with case outcomes. We used this research and our conceptual model (Richards et al., 2021) to help us decide and prioritize what variables to include in our RQs about reasonable efforts. Ultimately, we chose a mix of variables that have and have not been studied thus far.

## Further Reading

You can read our [Conceptual Model of Judicial Decision-Making and Hearing Quality in Child Welfare](#) to learn more about hearing quality components and child welfare hearing types. [Child Welfare Hearing Quality Research: What Legal Professionals Should Know](#) summarizes current knowledge about hearing quality and gaps in understanding about how hearing quality is related to case processing and case outcomes.

## Case Outcomes

Reasonable efforts findings are meant to help expedite a child welfare court case, ensure the child welfare agency did everything possible to prevent the removal of children from their parents, ensure the child welfare agency is working with the family to return the child to their parents, and ensure a child is provided with a permanent home as soon as possible. Therefore, we wanted to explore how reasonable effort findings may be associated with the following case outcomes:

- **Reunification.** This outcome expresses the goal of a family's involvement in a child welfare court case, which is to reunify a child with their parents.
- **Time to permanency.** The goal for children involved in the foster care system is for their cases to safely close as quickly as possible. Time to permanency was defined as the number of days from removal of the child from their home to case closure.

## Case Characteristic Variables

Case characteristics are details about a child and family and why they came to the attention of the child welfare agency. Research on the following characteristics suggests these details may be associated with case outcomes:

- **Age of child.** The child's age may be associated with the type and timeliness of case outcomes. The time taken for children to receive a permanent home may be longer for children who are older, and they may be less likely to be reunified with their families if they are infants, compared with children in other age groups (Carnochan et al., 2013; Connell et al., 2006, Magruder & Berrick, 2022).
- **Gender of child.** Some research indicates case outcomes may be associated with a child's gender. Children who are male may be less likely to reunify with their families than those who are female (Magruder & Berrick, 2022), and the time to permanency was reported to be longer for male children compared with female children (Kemp & Bodonyi, 2000).
- **Race of child.** Case outcomes may be associated with a child's race. The time taken for children to receive a permanent home may be longer for children who are Black (Aguiniga et al., 2015), and Black children may be less likely to be reunified than children of other races (Carnochan et al., 2013; Connell et al., 2006).

- **Petition allegations.** Petition allegations are the type(s) of maltreatment that are listed against parents in the formal petition that the child welfare agency submits to the court (e.g., physical abuse, neglect). Some research indicates that children removed due to an allegation of sexual abuse may experience delayed permanency compared with children removed for neglect or physical abuse (Connel et al., 2007). Hines et al. (2007) found that children alleged to have been neglected were less likely to be reunified with their parents, compared with those alleged to have experienced physical or sexual abuse.
- **Presenting problems.** Presenting problems are issues that a family is facing that are relevant to their current child welfare case. These include problems such as the parents' use of substances and mental health status (Aguniniga et al., 2015; Carnochan et al. 2013), as well as the family's housing stability (Bai et al., 2022), which may reduce the likelihood that the child will be reunified with their family. Presenting problems such as incarceration of a parent may delay permanency for the child (Shaw et al., 2015)

## High-Quality Child Welfare Court Hearing Variables

Child welfare hearing quality is defined by best practice standards and expectations set through federal and state law (Gatowski et al., 2016). Components of hearing quality, and studies of their association with case outcomes, are described below.

- **Judicial engagement strategies.** These are approaches judges may use to engage parents during hearings—for example, addressing parents directly, asking them questions, and giving opportunities for the parents to be heard. The use of judicial engagement strategies may be associated with a higher likelihood of reunification (Summers, 2017) and decreased time to permanency (Summers & Gatowski, 2018; Summers, 2017).
- **Breadth of discussion.** Breadth of discussion is the number of topics addressed during the hearing. Greater breadth of discussion may be associated with reduced time to permanency for the child (Bohannon, Nevers, & Summers, 2015; Summers & Gatowski, 2018; Summers et al., 2017) and a higher likelihood of reunification (Summers & Gatowski, 2018; Summers et al., 2017).
- **Depth of hearing discussion.** Depth of hearing discussion is how many times statements or questions are made during a hearing on a single topic. More in-depth discussions during hearings may provide the judge with more information on a case to inform their decision-making. Thus far, there is no research suggesting that depth of discussions during hearings is associated with case outcomes.
- **Breadth of topics in documents submitted to the court before the first reasonable efforts to prevent removal finding.** The breadth of topics in documents is the number of topics addressed in child welfare agency reports, which should include a description of the reasons the child has been removed, and a sworn affidavit describing the agency's reasonable efforts to prevent removal of the child. Access to information that addresses a wider range of topics could influence judicial decisions such as reasonable efforts findings. No research has been conducted to investigate whether case outcomes are related to the number of topics addressed in court documents.

- **Depth of topics in documents delivered to the court before the first reasonable efforts to prevent removal finding.** The depth of topics in documents is the amount of written information in documents on the reasons the child was removed, and efforts to prevent removal. The thoroughness of information provided to the court could inform the judge's decision-making, including whether the child welfare agency made reasonable efforts to avoid removing the child from their home. There is no existing research on whether the depth of topics presented in documents is associated with case outcomes.
- **Breadth of topics in documents submitted to the court before the first reasonable efforts to achieve permanency finding.** The breadth of topics in documents is the number of topics addressed in documents describing the agency's case plan for the family. The number of topics documented could be related to case outcomes, because this information is used by the judge to decide whether the agency has made sufficient efforts to identify a permanent home for the child. Research has not yet addressed breadth of topics in documents and whether these are associated with case outcomes.
- **Depth of topics in documents delivered to the court before the first reasonable efforts to achieve permanency finding.** The depth of topics in documents is the number of topics discussed in documents describing the efforts made by the child welfare agency to provide the child with a permanent home by the end of the case. Thus far, there is no research on whether the depth of topics presented in documents is associated with case outcomes.
- **Timing of review hearings.** Multiple review hearings, in which the progress or status of the cases is reviewed, may be held in a case. Review hearings are typically held every 6 months after a child is removed from their home. Frequent review hearings are intended to place the child in a permanent home as quickly as possible, but there is no research on whether the timing of review hearings is associated with case outcomes.
- **Reasonable efforts to prevent removal findings.** These are judges' decisions on whether the child welfare agency's efforts to keep the child in/return the child home as quickly as possible were sufficient. Reasonable efforts findings are intended to help children stay with their families safely; however, whether such findings are associated with case outcomes has not been studied.
- **Detail of judges' findings of reasonable efforts to prevent removal.** Detailed findings should document why the child was removed from their home and describe the specific reasonable efforts made by the child welfare agency to prevent removal, or alternatively, show that the agency is not required to make such efforts. Detailed findings may indicate decisions are made through considering specific aspects of the case. Research has not yet investigated the specificity of reasonable efforts to prevent removal and whether more detailed findings are related to case outcomes.
- **Reasonable efforts to achieve permanency findings.** These are judges' decisions on whether the child welfare agency's efforts to ensure a child has a permanent home at the end of the case were sufficient. Judges must make this decision within 12 months of a child's entry into foster care. These findings are intended to ensure timely permanency for the child, but no research thus far has studied whether it is associated with case outcomes.
- **Detail of judges' findings of reasonable efforts to achieve permanency.** Detailed findings should document why the child was removed from their home and describe the specific

reasonable efforts made by the child welfare agency to achieve permanency, or alternatively, show that the agency is not required to make such efforts. Detailed findings may reflect decisions made through considering specific details of the case; however, research has not yet investigated whether the level of detail of findings of reasonable efforts to achieve permanency is related to case outcomes.

Exhibit 4 summarizes which of our variables of interest have been identified in studies as being associated with the case outcomes examined in this study.

#### Exhibit 4. Variables of Interest Associated With Case Outcomes

Variables	Case Outcomes	
	Time to Permanency	Reunification
Age of child	√	√
Gender of child	√	√
Race of child	√	√
Petition allegations*	√	√
Presenting problems*	√	√
Judicial engagement strategies used	√	√
Breadth of hearing discussion	√	√
Depth of hearing discussion	--	--
Breadth of topics in documents submitted before the first reasonable efforts to prevent removal finding	--	--
Depth of topics in documents submitted before the first reasonable efforts to prevent removal finding	--	--
Breadth of topics in documents submitted before the first reasonable efforts to achieve permanency finding	--	--
Depth of topics in documents submitted before the first reasonable efforts to achieve permanency finding	--	--
Timing of review hearings	--	--
Reasonable efforts to prevent removal finding	--	--
Level of detail of the reasonable efforts to prevent removal finding in the court order	--	--
Reasonable efforts to achieve permanency finding	--	--

Variables	Case Outcomes	
	Time to Permanency	Reunification
Level of detail of the reasonable efforts to achieve permanency finding in the court order	--	--

## Research Questions

We developed four RQs to understand the factors that may be related to judges' reasonable efforts findings and how those findings relate to case outcomes:

1. How are hearing quality, information provided to the court before the initial hearing, and case characteristics related to judges' findings of reasonable efforts to prevent removal?
2. How are information provided to the court, case characteristics, and timing of the review hearings related to the judges' findings of reasonable efforts to achieve permanency?
3. How are judges' findings of reasonable efforts and the detail documented in findings related to the likelihood of reunification?
4. How are judges' findings of reasonable efforts and the detail documented in findings related to the time for cases to achieve permanency?

## Exhibit 5. REFS Research Questions

Research Questions	Subquestions
1. How are hearing quality, information provided to the court before the initial hearing, and case characteristics related to judges' findings of <b>reasonable efforts to prevent removal</b> ?	<p>1.1. Are the breadth and depth of discussion during the initial hearing related to the reasonable efforts to prevent removal finding?</p> <p>1.2. Is judicial engagement of parents at the initial hearing related to the reasonable efforts to prevent removal finding?</p> <p>1.3. Are the breadth and depth of information provided to the court before the initial hearing related to the reasonable efforts to prevent removal finding?</p> <p>1.4. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the reasonable efforts to prevent removal finding?</p>



Research Questions	Subquestions
2. How are information provided to the court, case characteristics, and timing of the review hearings related to the judges' findings of <b>reasonable efforts to achieve permanency</b> ?	<p>2.1. Are the breadth and depth of information provided to the court before the first review hearing related to the reasonable efforts to achieve permanency finding?</p> <p>2.2. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the reasonable efforts to achieve permanency finding?</p> <p>2.3. Is the timing of judicial review hearings related to the reasonable efforts to achieve permanency finding?*</p>
3. How are judges' findings of reasonable efforts and the detail documented in findings related to the <b>likelihood of reunification</b> ?	<p>3.1 How are judges' findings of reasonable efforts to prevent removal at initial hearings related to the likelihood of reunification?</p> <p>3.2. How is the detail documented in judges' findings of reasonable efforts to prevent removal at initial hearings related to the likelihood of reunification?</p> <p>3.3. How are judges' findings of reasonable efforts to achieve permanency at review hearings related to the likelihood of reunification?</p> <p>3.4. How is the detail documented in judges' findings of reasonable efforts to achieve permanency at review hearings related to the likelihood of reunification?</p> <p>3.5. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the likelihood of reunification?</p>

Research Questions	Subquestions
4. How are judges' findings of reasonable efforts and the detail documented in findings related to the <b>time for cases to achieve permanency</b> ?	<p>4.1. How are judges' findings of reasonable efforts to prevent removal at initial hearings related to the time for cases to achieve permanency?</p> <p>4.2. How is the detail documented in judges' findings of reasonable efforts to prevent removal at initial hearings related to the time for cases to achieve permanency?</p> <p>4.3. How are judges' findings of reasonable efforts to achieve permanency at review hearings related to the time for cases to achieve permanency?</p> <p>4.4. How is the detail documented in judges' findings of reasonable efforts to achieve permanency at review hearings related to the time for cases to achieve permanency?</p> <p>4.5. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the time for cases to achieve permanency?</p>

**Note:** \*We initially considered examining the 12-month permanency hearing; however, there was limited variability in the reasonable efforts findings at the first permanency hearing, so we analyzed the reasonable efforts to achieve permanency finding at the first review hearing (typically held every 6 months after a child is removed from their home).

# Chapter 2: Study Design

REFS is an exploratory, multisite observational study. This design was chosen because reasonable efforts findings had not been studied in depth previously, and we wanted to understand judicial decision-making and practices across multiple courts.

This chapter presents the sample-size considerations, site selection and recruitment process, methods, data collection instruments, and analyses we used to answer our RQs and related subquestions.

## Power Analysis and Sample Size

We conducted an a priori power analysis based on the study design using G\*Power version 3.1 (Faul et al., 2007) to determine a sufficient sample size for the proposed analyses using a two-tailed test, a small effect size ( $d = .15$ ), and an alpha of .05. A review of hearing quality and judicial decision-making literature revealed little information on reported effect sizes in this area, so we similarly assumed a small effect size. Results showed we would need a total sample of 350 to achieve a power of .80.

Based on our team's experience in court research, we originally determined that at least 50 cases per site would be needed to capture a variety of case outcomes (e.g., reunification, guardianship, adoption). However, during site recruitment, some sites did not want all cases to come from one judge because of concerns about anonymity. In these cases, we increased the sample to 100 cases per site with multiple judges.

## Site Selection and Recruitment

We used convenience sampling to identify the study sites. Due to study resources and COVID-19 travel restrictions, we first needed to know which states allow remote access to recorded court hearings and court case files. We also wanted to understand how frequently sites held review hearings, caseloads, permission requirements at the site and state level, and sites' potential interest in participating in a research study. Given our RQs and data security requirements, eligible sites needed to—

1. Have at least 50 cases that closed between 2018 and 2019.<sup>5</sup>
2. Have audio or video recordings of initial hearings and the court case files.

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<sup>5</sup> (1) Closed cases were needed so we could have outcome data, (2) cases had to be closed between 2018 and 2019 so they closed before the COVID-19 pandemic, and (3) at least 50 cases were needed to meet sample requirements.

3. Allow us to access the court data through (1) a two-factor authentication VPN connection; (2) a read-only, password-protected Office365 OneDrive folder; or (3) in-person viewing paper files or on a state-owned computer accessed in a private setting (e.g., no one else can view the screen, not using public Wi-Fi).
4. Have a judge experienced in child abuse and neglect cases who agreed to a review of cases.

To identify potential sites, we—

- Reviewed State Court Improvement Program (CIP)<sup>6</sup> annual self-assessment data to determine which CIPs record their hearings and which have remote access to court case files.
- Conducted a survey of CIP Directors in January 2021<sup>7</sup> to understand the timing of initial hearings and timing and frequency of review hearings, whether sites can grant access to recorded hearings, interest in being a study site, and permission to contact the CIP Director for more information. Responses were received from 39 CIP Directors, and 36 of them indicated they may be interested in participating in the study. Only these 36 states were further considered as potential study sites.
- Conducted tailored follow-up interviews from March through May 2021 with CIP Directors and staff from 16 states who indicated they record their child welfare court hearings and have remote access to their court case management system. The purpose of the interviews was to learn their approval process for participating in research and data access procedures.

Eight states emerged as candidates based on the survey and follow-up interviews. We invited all eight states to participate in the study. Five states declined because state leadership did not approve participation (3 states), they had challenges meeting our data security requirements (1 state), and they could not provide case-level data (1 state). Among the three states that agreed to participate, two states offered one participating county each. Three counties agreed to participate in the final state, giving us a total of five study sites.

## Methods

We collected data in two ways:

1. Observing a random sample of recorded initial court hearings to capture hearing quality constructs (e.g., judicial engagement of parents, topics discussed).

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<sup>6</sup> The program was created as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103-66. Its purpose is to assess and improve foster care and adoption court and judicial processes. CIP Directors have knowledge of court processes in their state and what permissions may be needed for courts in their state to participate in a research study.

<sup>7</sup> OMB Control # 0970-0356, Expiration Date: 6/30/2021, Understanding Judicial Decision-Making and Hearing Quality in Child Welfare: Descriptive Study of Child Welfare Courts

2. Reviewing court case files from the same cases to capture information on case characteristics (e.g., child age, petition allegations), reasonable efforts findings, detail of findings and documents submitted to the court, timing of hearings, and case outcomes.

**Initial Court Hearing Observation Form.** We adapted a structured hearing observation form used by Summers, Gatowski, and Gueller (2017) to collect information from recorded initial hearings and included in our [Compendium of Measures and Data Sources](#). We watched or listened to a recorded court hearing and used the court hearing observation form to record aspects of hearing quality and judicial decision-making. This observation form focused on judicial engagement, reasonable efforts topics discussed, level of discussion of reasonable efforts topics, judicial findings stated during initial hearings, findings level of detail, and removal and placement decisions. The initial court hearing observation form is in appendix B.

**Court Case File Review Form.** We also adapted forms used in prior studies to develop our court case file review form (Gonzalez & Summers, 2014; Russell & Summers, 2013). To review court case files, we read the documents in a court case file (e.g., petition, court orders, caseworker reports) and completed a form to document what happened during the life of the case. Our court case file review form collected data on case characteristics, hearing timing, judicial decisions, and final case outcomes. The court case file review form is in appendix C.

## Variable Types

The data we captured for the study were defined as—

- **Descriptive variables:** Data we used to describe and understand our sample (e.g., case length in days, number of judges per case, when attorneys were appointed to the case for parents and children).
- **Analytic variables:** Data we used to answer our research questions (e.g., petition allegations, type of reasonable efforts finding made) through testing associations. Analytic variables include explanatory variables (independent variables we test to see if they are associated with an outcome), outcome variables (dependent variables we are trying to understand), and covariate variables (variables we control for in the analysis).

**Appendix D** lists (1) all descriptive and analytic variables, (2) variable definitions, and (3) variable data source (court observation versus case file review). When variables were collected on both forms (e.g., type of reasonable efforts finding made at the initial hearing), we used data collected on the court case file review form for analysis.

## Collecting Data

We signed data-use agreements with participating states and worked with each site to get approval and access to a random sample of 50 closed cases if one judge was participating or up to 100 closed cases if multiple judges were participating.

We developed codebooks for our team to use when coding the recorded hearings and the case file review. Codebooks included detailed examples of how to code each variable. This included instructions on what to do when codes did not apply (e.g., not applicable given circumstances in the case) or when coding decisions could not be made (e.g., undetermined). All coders completed 8 hours of formal training led by the principal investigators; they also practiced coding individually and in pairs for more than 10 hours. To practice using the hearing observation form, coders referred to two mock hearings and a minimum of two public hearings available on YouTube.<sup>8</sup> To practice using the court case file review form, they reviewed four mock case files created by the principal investigators for training purposes.

We identified six researchers from our team to collect data. Together, they collected data in person at three sites, remotely via computer connection at the fourth site, and through a combination of both methods at the fifth. Data collectors (i.e., coders) completed hard copies of the hearing observation and case file review forms. We entered handwritten data from the hard copy forms into a database linked by a project-assigned identification number.

## Interrater Reliability

Pairs of data collectors planned to code five hearings and case files at each site to assess interrater reliability. Due to limited time during data collection and one site where a single coder collected data, we coded 23 court case files and 17 initial court hearings. During active data collection, initial agreement between coders was determined by calculating the sum of codes that matched divided by the total number of codes on the forms. We did this to identify areas of disagreement, to correct any coding mistakes, and to build consistency in coding moving forward.

When data collection was complete, we again calculated percent agreement across all variables used in analysis (exhibit 6). We did this to verify reliability for our analytic variables. Overall percent agreement was determined by adding the total number of matching codes divided by the total number of codes on the forms. The minimum percent agreement was the lowest level of agreement reached, and the maximum percent agreement is the highest level of agreement reached. The range of site-specific percent agreement shows the range of site-specific averages of percent agreement.

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<sup>8</sup> Only two of the mock hearings used are publicly available: <https://www.youtube.com/watch?v=zzgdnVCgRmc>; <https://www.youtube.com/watch?v=hLuaMBkQFzY>

## Exhibit 6. Percent Agreement of Coders for Analytic Variables

Percent Agreement	Court Case File Review Form	Initial Court Hearing Observation Form
Overall percent agreement	95.5%	93.6%
Minimum percent agreement	72.7%	58.8%
Maximum percent agreement	100%	100%
Range of site-specific percent agreement	91.3%–99%	85.1%–96.1%

**Notes:** Number of analytic variables for court case file review form = 147.

Number of analytic variables for initial court hearing observation form = 45.

Number of paired records used for reliability analysis for court case file review form = 23.

Number of paired records used for reliability analysis for initial court hearing observation form = 17.

## Analyses

We used SAS V.9.4 to perform three types of analyses on our explanatory and outcome variables:

- Descriptive analysis to report how often something happened.
- Logistic regression to help us understand how variables relate to a categorical outcome (e.g., type of reasonable efforts finding).
- Cox regression to look at the time it takes for a specific event to happen (e.g., time to permanency). This method helps to shed light on how variables can influence the likelihood of that event occurring. We describe each step of our analysis plan below.

## Missing Data

We reviewed the dataset for missing data and found that missing data were minimal, with two exceptions. Child race and ethnicity had a lot of missing data. For example, in two sites most of the race data were missing, and in one site most of the ethnicity data were missing. Due to the large amount of missing data and uncertainty about how race data were collected (e.g., we could not tell if families had been asked about their race or ethnicity directly), we excluded race and ethnicity data from the analysis. See the Study Limitations section of chapter 8 for additional discussion about this decision and how it limits our understanding of study results. For variables with less than 10 percent missing data, we used complete case analysis or listwise deletion. This means that any case with a missing value for any variable in the model was excluded from the analysis.

## Exhibit 7. Covariate (C), Explanatory (E), and Outcome (O) Variables, by Research Question (RQ)

Variables	RQ1	RQ2	RQ3	RQ4
Site	C	C	C	C
Age of child	E	E	E	E
Gender of child	E	E	E	E
Petition allegations*	E	E	E	E
Presenting problems*	E	E	E	E
Judicial engagement strategies used#+	E			
Breadth of hearing discussion+	E			
Depth of hearing discussion+	E			
Breadth of topics in documents submitted before the first reasonable efforts to prevent removal finding	E			
Depth of topics in documents submitted before the first reasonable efforts to prevent removal finding	E			
Breadth of topics in documents submitted before the first reasonable efforts to achieve permanency finding		E		
Depth of topics in documents submitted before the first reasonable efforts to achieve permanency finding		E		
Timing of review hearings^		E		
Reasonable efforts to prevent removal finding	O		E	E
Level of detail of the reasonable efforts to prevent removal finding in the court order			E	E
Reasonable efforts to achieve permanency finding		O	E	E
Level of detail of the reasonable efforts to achieve permanency finding in the court order			E	E
Case outcome			O	
Time to permanency				O

**Notes:** \* Each petition allegation (e.g., physical abuse) and presenting problem (e.g., domestic violence) was examined separately in the analyses. See appendix D for definitions of these variables.

# See chapter 4 for a description of how this variable was constructed using exploratory factor analysis.

+ Data came from the court hearing observation form. Data for all other variables came from the court case file review form.

^ We initially considered examining the 12-month permanency hearing; however, there was limited variability in the reasonable efforts' findings at the first permanency hearing, so we analyzed the reasonable efforts to achieve permanency finding at the first review hearing (typically held 6 months after a child is removed from their home).



## Descriptive Analysis

We examined the frequencies, medians, means, measures of variation, and ranges of all descriptive and analytic variables. Chapter 3 includes details of these analyses.

### Controlling for Site in All Logistic and Cox Regression Analyses

We controlled for the site where the data were collected in all logistic regressions and Cox regression analyses for all research questions because court practice can vary greatly across jurisdictions due to differences in state laws and local court rules of practice (Child Welfare Information Gateway, 2022; Gatowski et al., 2016; Russell and Summers, 2013).

## Logistic Regression Models

Next, using regression modeling, we reviewed how each explanatory variable relates to each outcome. We used logistic regressions for RQs 1, 2, and 3 because the outcome variables (i.e., reasonable efforts finding to prevent removal at the initial hearing [yes/no], reasonable efforts finding to achieve permanency at the first review hearing [yes/no], and reunification after removal [yes/no]) were categorical. For these RQs, we tested a separate model for each explanatory variable described in the subquestions while controlling for site. We also tested a full model with all variables from the RQ (multivariate logistic regression). The following sections outline the general process for building models, selecting variables, and testing the multivariate models. Chapters 4–6 include details on specific models for each RQ.

### *Univariate and Bivariate Analyses*

We calculated univariate statistics (counts and averages) for each variable. Next, we examined the bivariate correlations between all the variables for each RQ. The bivariate analyses included chi-square, Spearman correlations, and logistic regressions, for each variable separately for each RQ. All the bivariate analyses controlled for site. This helped us understand patterns in the data (e.g., variables that are associated with the outcome or highly correlated variables) and adjust our modeling approach accordingly. For example, if we identified two variables that were highly correlated ( $r \geq .7$ ) then we would need to address multicollinearity. We examined how variables are related to outcomes, including distribution and basic associations.

### *Multivariate Analyses*

To create the multivariate model, we completed the following steps using the SAS PROC LOGISTIC procedure:

1. The initial model included all variables that met our predetermined significance threshold ( $P < 0.1$ ) in the chi-square analyses and the bivariate logistic regression models when controlling for study site (Bursac et al., 2008; Pagano & Gauvreau, 2018). A significance threshold is a cutoff point that is used to help decide if a variable should be included in a model or not. When variables meet the threshold, this suggests that the variable is important and should be included in the model.
2. One by one, we iteratively removed variables that exceeded our predetermined threshold ( $P < .1$ ) from the model, beginning with the variable with the highest  $p$ -value (Hosmer & Lemeshow, 2000). After removal of the variable with the highest  $p$ -value above  $P < .1$ , we re-ran the model. We repeated this process until the model included only variables that met the predetermined threshold or were statistically significant ( $P < .05$ ).
3. To evaluate our models, we used three methods: Akaike information criterion (AIC), Bayesian information criterion (BIC), and -2 log likelihood (-2LL) criterion. These techniques help us compare models and determine how well a model fits the data while also considering the complexity of each model.
4. Based on the results of variable selection (step 2) and model fit criteria (step 3), we selected the most parsimonious model, which means the model was straightforward and effective.
5. We verified the final model using other variable selection methods (i.e., stepwise selection and backward selection methods). We used the Hosmer and Lemeshow goodness-of-fit test and R-square for the final selected model to confirm model fit (Kutner et al., 2004). This means that we used these methods to help us confirm the reliability of our statistical model (i.e., how well the model performs, how stable it is).

## Cox Regression Models

We used a Cox regression (proportional hazard) model for RQ4 to explore how hearing quality, case characteristics, and reasonable efforts findings relate to the time it takes for a child to achieve permanency. The following sections outline the general process for building models, selecting variables, and testing the multivariate models. Chapter 7 includes details on the specific model for RQ4.

### *Univariate and Bivariate Analyses*

We generated counts and averages of each variable, known as univariate statistics. We then used bivariate analyses to review how two variables relate to each other (e.g., correlations between the variables). The bivariate analyses included chi-square, Spearman correlations, and logistic regressions controlling for site for each variable separately from each RQ.

### *Multivariate Analyses*

To create the multivariate model, we completed the following steps using the SAS PROC PHREG procedure:

1. We included only variables that met our predetermined threshold in the bivariate Cox regression models and from the Likelihood statistic ( $P < .1$ ) as described by Singer and Willet (2003) and Collett (1994).
2. Those variables were then included in the full multivariate model and were excluded from the model only if (when removed) they led to a significant increase in the value of the -2 LL (Harrell, 2016).
3. Any variable that did not meet the predetermined threshold in the bivariate models was added to the initial multivariate model, one at a time. Any variable that significantly reduces the value of the -2LL (likelihood ratio) is retained in the model.
4. The model fit criteria were contrasted for the series of nested models. We used AIC and -2LL criterion to score each nested model based on its complexity and nuance balanced with model fit criteria.
5. Based on the results of variable selection and model fit criteria, we selected the most parsimonious model, which means the model was straightforward and effective.

# Chapter 3: Descriptive Information for Study Variables

In this chapter we describe (1) characteristics of the study sample (e.g., number of cases reviewed, types of cases, number of judges, case processing timelines, case outcomes), (2) when judges make findings of reasonable efforts in the case, (3) the information available to judges when making reasonable efforts findings (e.g., discussion of topics during hearings), and (4) whether judges' reasonable efforts findings were detailed. This chapter describes the entire study sample, including variables beyond those used to answer the RQs presented in chapters 4–7.

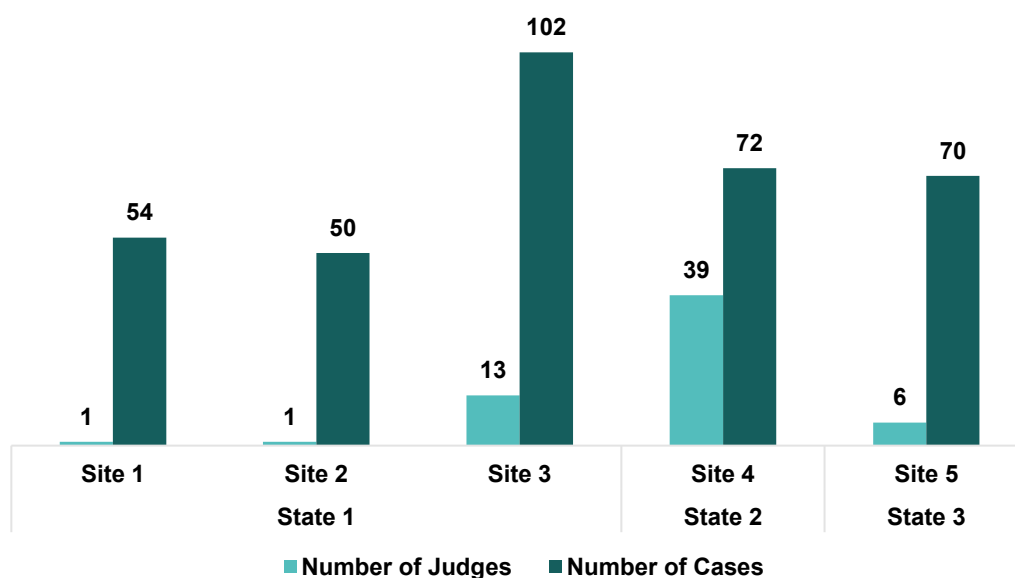
## Understanding the Study Sample

Our study sample included 348 closed cases from 3 states and 5 sites (exhibit 8). Most cases came from state 1. All child welfare cases reviewed closed in 2019. Dates that cases opened varied between 2011 and 2019. We coded court case files from all 348 cases. Recordings of initial hearings were not available for 21 cases, so we coded initial hearings from 327 cases.

### Key Results

- Our sample included 348 cases from 5 sites.
- Judges never found that the child welfare agency did not make reasonable efforts to prevent removal.
- 94 percent of reasonable efforts to prevent removal findings were made at the initial hearing.
- Judges never found that the child welfare agency did not make reasonable efforts to achieve permanency by the first review hearing.
- 84 percent of reasonable efforts to achieve permanency findings were made by the first review hearing.
- Of cases open at least 12 months, 99 percent had a finding of reasonable efforts to achieve permanency.

## Exhibit 8. Number of Cases and Judges per State and Site



### Child Characteristics

Characteristics include age, gender, race, and ethnicity of children in our study sample.

**Age of children in the sample.** Children in the sample were on average 5.5 years old at the time of removal, with a range of less than 1 year old to 17.9 years old.

**Gender of children in the sample.** The gender of children in our sample was evenly split between female (50 percent) and male (48 percent), with a small sample of cases identifying as transgender (1 percent) or none of these (1 percent).

**Race and ethnicity of children in the sample.** We tried to capture race and ethnicity in the structured case file review. Each site had very different types and amounts of race and ethnicity data available. Exhibit 9 lists, by site, the percentage of cases with available race and ethnicity data for the child. In one site, race information was often documented in case files, but ethnicity was not. In two sites, we were provided child welfare agency information about race of the family, but not ethnicity. It is important to note that for site 5, ethnicity was unknown for all but 8 cases. In sites 1–4, when race was documented in case files, ethnicity was typically documented too. Race and ethnicity data are not included in the analysis due to the large amount of missing data (e.g., in sites 2 and 3), missing ethnicity data when race was available, and uncertainty about how race data were collected (e.g., we could not tell if families had been asked about their race or ethnicity directly).

## Exhibit 9. Number of Cases of Child Race and Ethnicity Categories, by Site

Race and Ethnicity Categories	Site 1	Site 2	Site 3	Site 4	Site 5
Unknown/missing race and ethnicity	3	29	69	4	3
Hispanic, any race	16	6	1	24	6
Non-Hispanic, Black	3	0	0	31	1
Non-Hispanic, White	23	6	0	35	1
Non-Hispanic, American Indian or Alaska Native	1	0	0	1	0
Non-Hispanic, multiple races	2	0	0	6	0
Non-Hispanic, unknown race	0	0	0	0	0
Unknown ethnicity, Black	3	0	0	1	19
Unknown ethnicity, White	3	9	0	0	37
Unknown ethnicity, American Indian or Alaska Native	0	0	0	0	1
Unknown ethnicity, Asian	0	0	2	0	2
Unknown ethnicity, multiple races	0	0	0	0	0
<b>Total</b>	<b>54</b>	<b>50</b>	<b>72</b>	<b>102</b>	<b>70</b>

## Petition Allegations and Presenting Problems

Petition allegations are the behaviors defined by child welfare law as abuse or neglect. Petition allegations are listed in the documentation, known as the petition, that the child welfare agency submits to the court alleging maltreatment against a child. Presenting problems are issues described in the petition by the caseworker that the family is facing that may contribute to the abuse or neglect of a child (e.g., homelessness, substance use, domestic violence). Exhibit 10 lists the percentage of cases with each petition allegation and presenting problem. These could be for either or both parents or for another person listed in the petition (e.g., stepparent).

## Exhibit 10. Petition Allegations and Presenting Problems in Cases

Petition Allegations	Percent of Cases	Presenting Problems	Percent of Cases
Neglect ( <i>n</i> = 331)	95	Substance use ( <i>n</i> = 218)	62
Abandonment ( <i>n</i> = 46)	13	Domestic violence ( <i>n</i> = 139)	40
Physical abuse ( <i>n</i> = 25)	7	Mental health ( <i>n</i> = 121)	35
Sex abuse ( <i>n</i> = 16)	5	Incarceration ( <i>n</i> = 106)	30

Petition Allegations	Percent of Cases	Presenting Problems	Percent of Cases
Emotional abuse ( <i>n</i> = 2)	1	Homelessness ( <i>n</i> = 91)	26

**Note:** Percent totals equal more than 100 percent because cases can have more than one petition allegation and more than one presenting problem.

## Case Process

We also explored characteristics of the case process (exhibit 11). All children in our sample were removed from their homes. The removals mostly occurred before or on the same day as the initial hearing (94 percent of cases).

### Exhibit 11. Case Process Information

Case Process Information	Number of Cases ( <i>n</i> )	Mean	Standard Deviation	Range
Case length (days)	347	648	495	0 – 2712
Number of judges per case	348	2	1	1 – 6
Total number of review hearings between disposition and permanency hearing	334	1.3	.8	0 – 3
Days between disposition hearings and first review hearing	216	109	45	0 – 456
Days between removal and initial hearings	319	5.7	18	0 – 196

**When attorneys were appointed to the case for parents and children.** Most attorneys for parents and children were appointed at or after the initial hearing (exhibit 12). The date attorneys were appointed was not always clear in the case files reviewed. Also, some parents were not identified in the case, so they were never appointed an attorney.

### Exhibit 12. Timing of Attorney Appointment for Parents and Children

Attorney Type	Number of Cases ( <i>n</i> )	Percent Appointed at or After Initial Hearing	Mean Days Between Initial Hearing and Appointment	Standard Deviation	Range in Days
Mother's attorney	279	82	5	26	0 – 365
Father's attorney	211	72	16	106	0 – 1457

Attorney Type	Number of Cases ( <i>n</i> )	Percent Appointed at or After Initial Hearing	Mean Days Between Initial Hearing and Appointment	Standard Deviation	Range in Days
Children's attorney	280	68	28	107	0 – 1162

## Initial Hearings

We coded several hearing quality characteristics for the initial hearings in the sample:

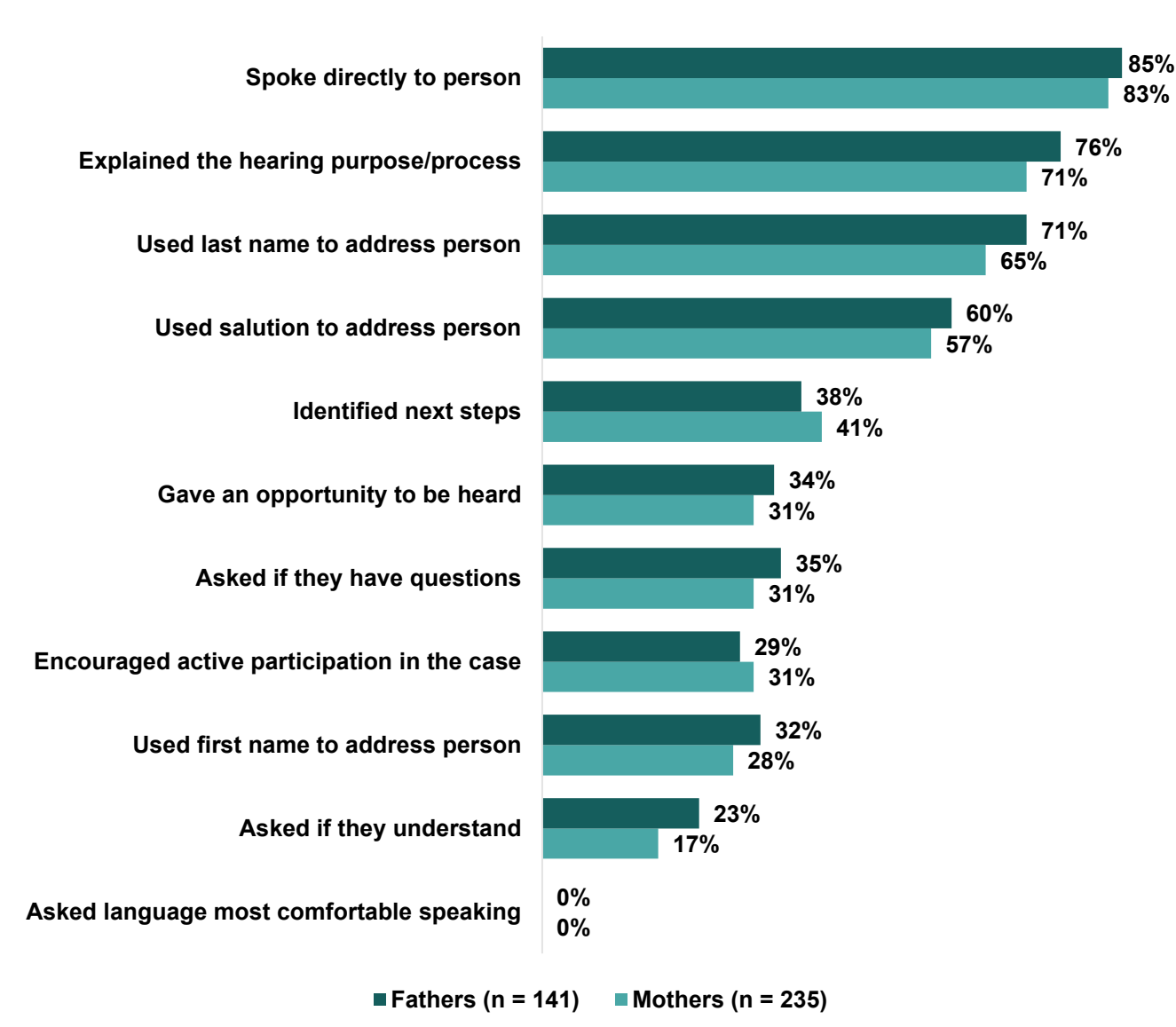
**Presence of Parents and Children at Initial Hearings.** Mothers were present at 72 percent of initial hearings, fathers were present at 43 percent, and children were present at 4 percent.

**Judicial Engagement of Parents at Initial Hearings.** We defined judicial engagement as a series of strategies that judges could use at hearings when interacting with a parent. Parents had to be present for the judge to engage them, so engagement was examined only on the subset of hearings where the parent (mother or father) was present. Exhibit 13 shows the percentage of initial hearings when the parent was present that the judge used the strategy.



### Exhibit 13. How Judges Engaged Parents During Initial Hearings

Percentage of hearings when parent was present that the judge used a specific engagement strategy



### Case Outcomes

We examined the case outcomes (i.e., how the child achieved permanency) for each case. We also looked at national child welfare data to determine how similar our sample outcomes might be to “typical” child welfare outcomes. Exhibit 14 shows the outcomes from the current study and outcomes pulled from the Adoption and Foster Care Analysis and Reporting System Data Report for fiscal year (FY) 2019 (US Department of Health and Human Services, 2020). Our sample had a higher reunification rate than the national average, although we did not test if the rates were significantly different. This could be due to the percentage of cases that were dismissed by the

agency (10 percent) prior to a finding of abuse of neglect (in these cases, the child returns to their caregiver), which was higher than the national average in one of the states.

#### Exhibit 14. Comparing Study Case Outcomes With National Outcomes

Case Outcomes	Percent of Outcomes for Study Cases (N = 348)	Percent of National Child Welfare Outcomes for FY 2019
Reunification	58	47
Adoption	22	26
Guardianship	9	11
Emancipation	8	8

**Note:** Two percent of outcomes in the study sample were noted as “other” and included transfer to another agency, the child ran away, or child death.

## Reasonable Efforts to Prevent Removal Findings

We examined—

- When judges made findings of reasonable efforts to prevent removal
- The type of reasonable efforts finding made
- The level of detail of the finding (such as how much information the judge adds to a finding)
- The format of the detail (e.g., narrative, checkboxes)
- The types of services or activities noted in findings
- The information available to judges before making findings

### When Judges Made the First Reasonable Efforts to Prevent Removal Finding

The average time from when the child was removed from their home to the first reasonable efforts to prevent removal finding was 6 days (median = 3 days; range = 0 to 196 days). While federal law<sup>9</sup> requires the finding to be made within 60 days of removal, in most sites judges made the finding much earlier—at the very first child welfare hearing on the case (exhibit 15). Judges made reasonable efforts to prevent removal finding at some point during the case in 334 cases. This happened most often during the initial hearing ( $n = 327$ , 94 percent).

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<sup>9</sup> Code of Federal Regulations Section 1356(b)(1).

## Exhibit 15. Hearing When the First Finding About Reasonable Efforts to Prevent Removal Was Made



**Note:** In 14 of 348 cases (4 percent), judges did not make a reasonable efforts to prevent removal finding at any point in the case.

### Types of Reasonable Efforts to Prevent Removal Findings at the Initial Hearing

Of the 348 cases in our sample, there was information about the *initial hearing* in court case files for 340 cases. Among those 340 cases, at the *initial hearing*, most judges found that the agency made reasonable efforts to prevent removal ( $n = 294$ , 86 percent). Far fewer made a different type of reasonable efforts finding, including that reasonable efforts were not possible (e.g., because it was an emergency;  $n = 32$ , 9 percent of cases) or not required (e.g., because of aggravated circumstances,  $n = 1$ , <1 percent). Judges in our sample never made a finding that the child welfare agency did not make reasonable efforts to prevent removal. In 13 cases, judges did not make a finding about reasonable efforts to prevent removal (4 percent; exhibit 16).

### Exhibit 16. Types of Reasonable Efforts to Prevent Removal Findings at the Initial Hearing

Types of Reasonable Efforts to Prevent Removal Findings	Cases	Percent
Reasonable efforts were made to prevent removal	294	86
Reasonable efforts were not possible (e.g., emergency situation)	32	9
Reasonable efforts were not required (e.g., aggravated circumstances)*	1	<1
The agency did not make reasonable efforts to prevent removal	0	0
No finding was made about reasonable efforts to prevent removal	13	4
<b>Total</b>	<b>340</b>	<b>100</b>

**Note:** \*The child welfare agency was not required to make reasonable efforts because the parent committed certain felonies against the child or another child of the parent; the parent previously had parental rights to another child involuntarily terminated; or the parent has subjected the child to aggravated circumstances as defined in state law, which may include but is not limited to abandonment, torture, chronic abuse, or sexual abuse.

While there were differences among the sites in specific language used, most judges within the same site used the same or similar language when making their finding. Examples of the language used when making findings included—

- The agency made reasonable efforts.
- Reasonable efforts exist to justify shelter.
- Reasonable efforts are being made to safely return the child home.
- Reasonable efforts are being made to eliminate the need for removal.
- Reasonable efforts were made to prevent or eliminate the need for removal.
- Although no services were provided, the court considers [the agency] to have made reasonable efforts.
- An assessment of risk and safety left no alternative but removal.

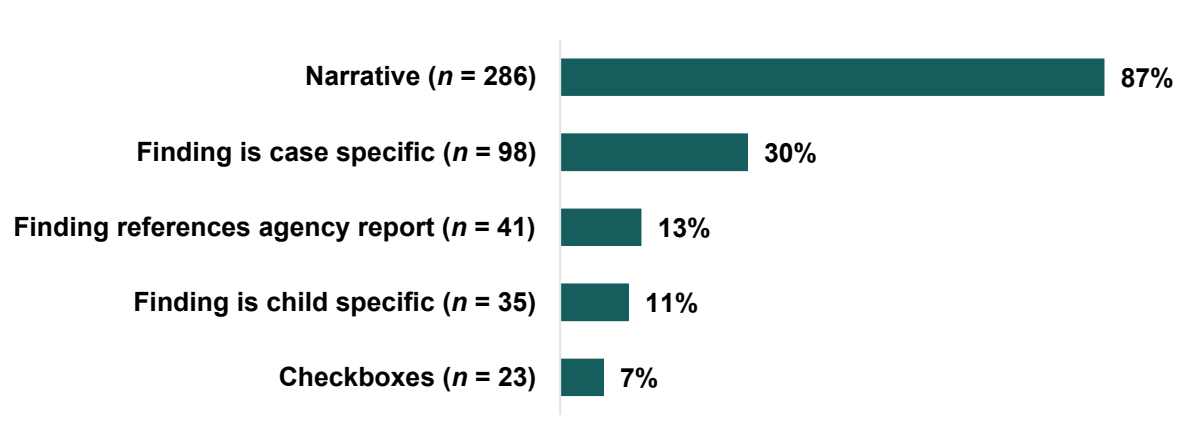
### Level of Detail in Reasonable Efforts to Prevent Removal Findings

Judges made a detailed reasonable efforts to prevent removal finding in 91 percent of cases (included 1 or more statements with the finding). More than half of these findings included only 1 statement (62 percent), 30 percent had 2 or 3 statements, and 8 percent had more than 3 statements in the written finding.

### Format and Description of Reasonable Efforts to Prevent Removal Findings

In the court order, most reasonable efforts to prevent removal findings were written out (exhibit 17). However, only 30 percent were case specific, and only 11 percent were child specific. This means that the narrative description of most findings used generic language that was not tailored to a specific case or child.

## Exhibit 17. Format and Description of Reasonable Efforts to Prevent Removal Findings



**Note:** Percents sum to more than 100 percent because findings could have included more than one type of detail.

### Types of Reasonable Efforts Made by Child Welfare Agencies to Prevent Removal Listed in Court Orders

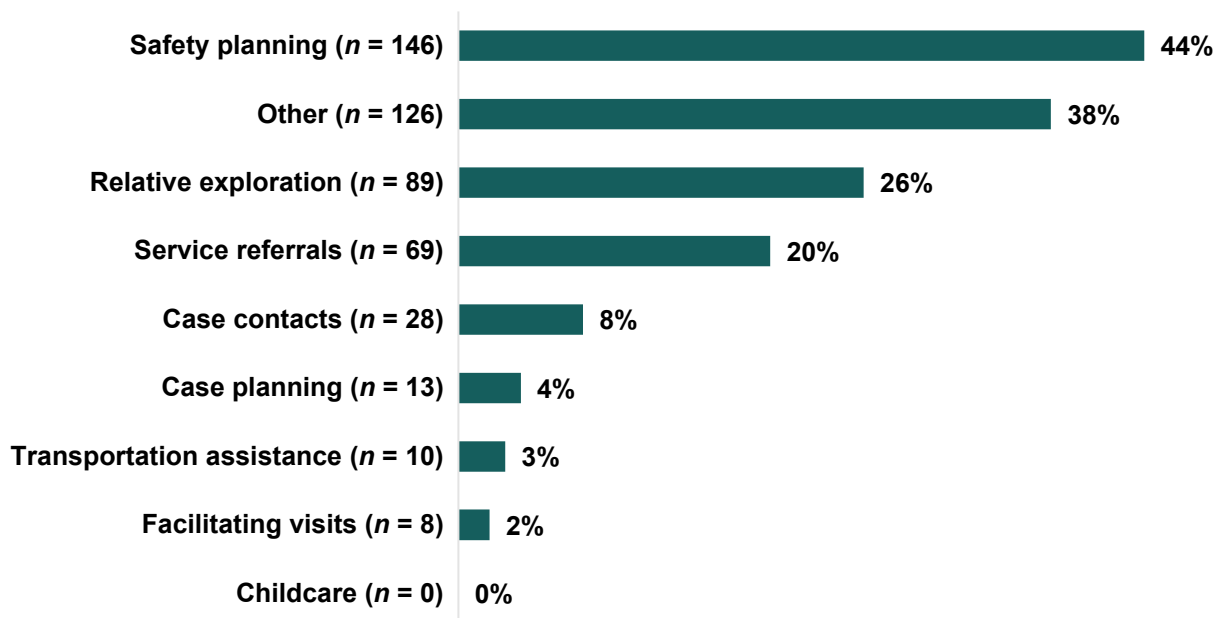
Reasonable efforts are the services and activities conducted by the child welfare agency that judges deemed reasonable to prevent removal of a child. Services may include family therapy, parenting classes, or substance use disorder treatment. Other activities may include in-home safety planning and contacting relatives. We explored the types of child welfare agency efforts listed in reasonable efforts findings made at any hearing type (exhibit 18). The efforts listed in the exhibit are not mutually exclusive, because the court case file could have listed multiple efforts the child welfare agency did to try to prevent the child from being removed from the home for each case. Safety planning was listed most often (44 percent of findings noted this effort), followed by “other” services not captured in our predetermined codes (38 percent), and relative exploration (27 percent).

Referrals to services were listed as agency efforts in 21 percent of cases. These services included—

- Behavioral/mental health services (9 percent)
- Other services (e.g., financial assistance, DNA testing, housing) (9 percent)
- Substance use services (7 percent)
- Parenting services (3 percent)
- Domestic violence services (2 percent)

No referrals were noted for vocational services or homemaker services (e.g., general services for taking care of the house, preparing nutritious food, housecleaning) as part of reasonable efforts to prevent removal findings.

## Exhibit 18. The Percentage of Different Types of Reasonable Efforts Made by Child Welfare Agencies to Prevent Removal Listed in Orders



**Note:** Relative exploration included contacting relatives to serve as a potential placement or support; it also included diligent search or efforts for interstate (ICPC) placements. Facilitating visits included efforts to support visitation/family time for the family including conducting supervised visitation, scheduling visitation time, reminders, and transportation to visitation/family time. “Other” included activities not listed on the coding form, like family team meetings; paternity testing; and providing concrete resources such as furniture, clothes, and food.

## Information Available to Judges When Making Findings of Reasonable Efforts to Prevent Removal

We explored two types of information available to judges before they make a reasonable efforts to prevent removal finding:

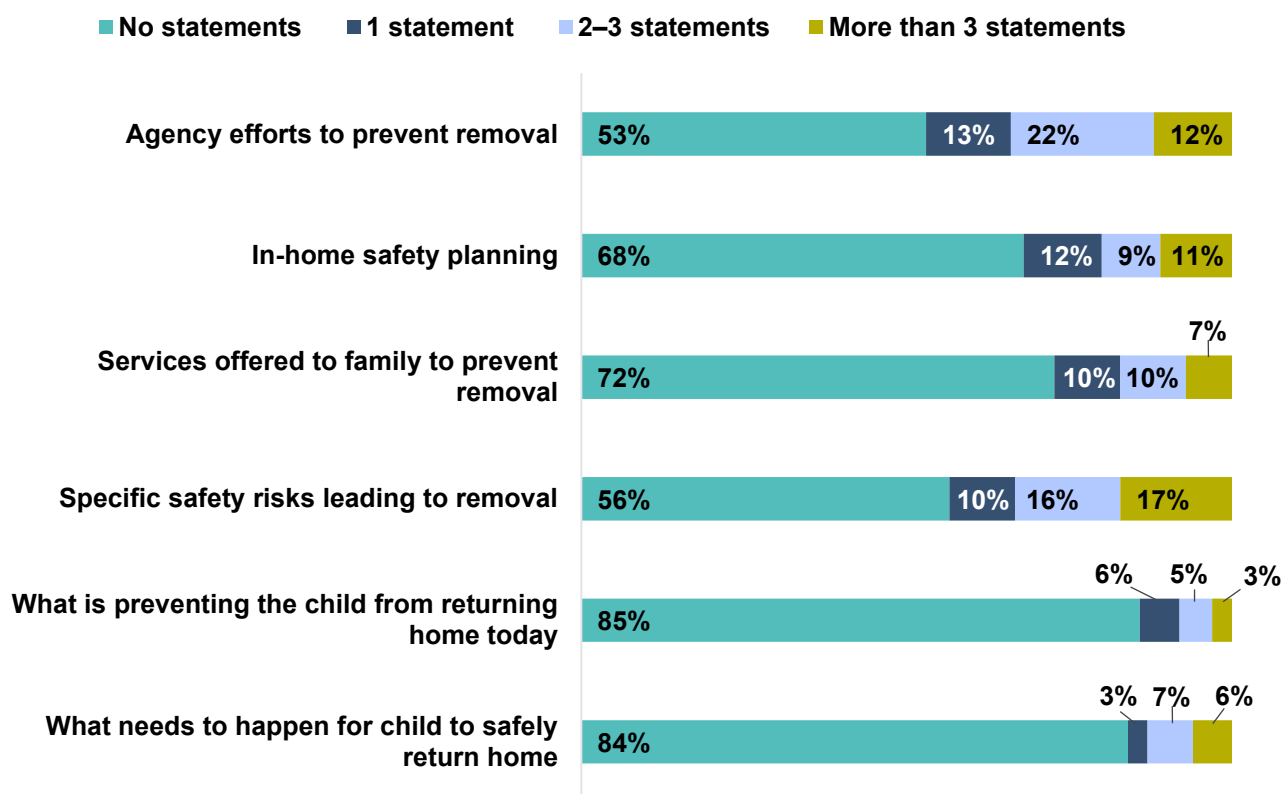
- Breadth and depth of topics discussed during the initial hearing (captured on the initial hearing court observation form)
- Breadth and depth of topics in documents submitted before the first reasonable efforts to prevent removal finding

**Breadth and Depth of Reasonable Efforts Topics Discussed During Hearings.** Exhibit 19 displays the breadth and depth of topics discussed during the 327 initial hearings we coded. Some items were not applicable at every hearing. For example, if the child had not been removed from their home at the time of the hearing, then the hearings could not discuss the issues preventing the child from returning home.

In two-thirds of hearings, the court did not discuss any of the reasonable efforts topics noted in exhibit 19, compared with 3 percent of hearings where all topics were discussed. Fifteen percent of hearings included discussion of up to 50 percent of the topics, and another 15 percent discussed

more than half of the reasonable efforts topics in hearings. When topics were discussed, the depth of that discussion was low, averaging 0.6 (scale of 0 to 3).

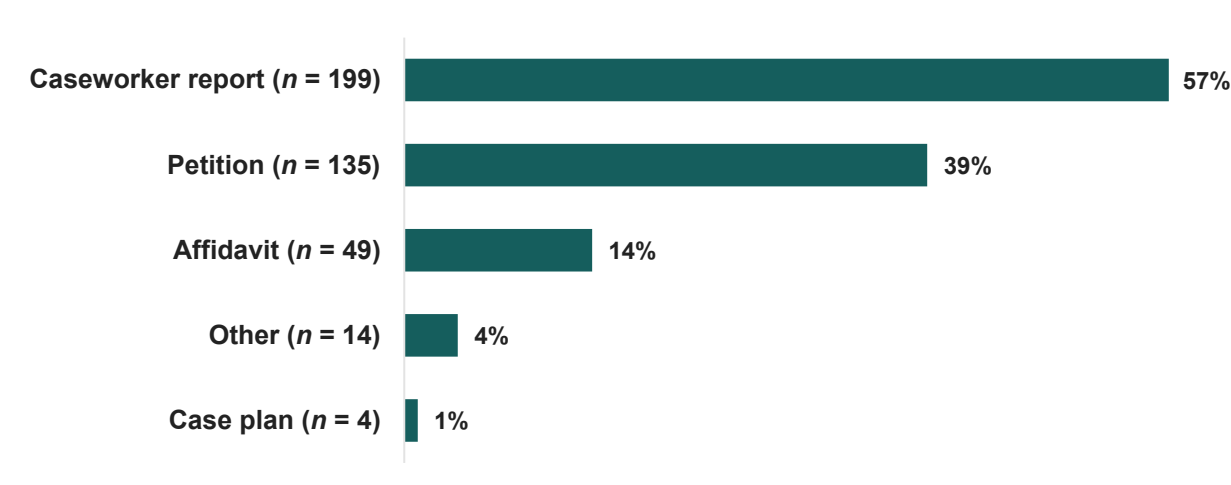
### Exhibit 19. Breadth and Depth of Reasonable Efforts Topics Discussed at Initial Hearings



#### Types of documents submitted before the first reasonable efforts to prevent removal finding.

The types of documents provided to the judge before the first reasonable efforts to prevent removal finding generally included petitions or agency reports (exhibit 20). Types of documents will not equal 100 percent because multiple documents could be available for the judge to review.

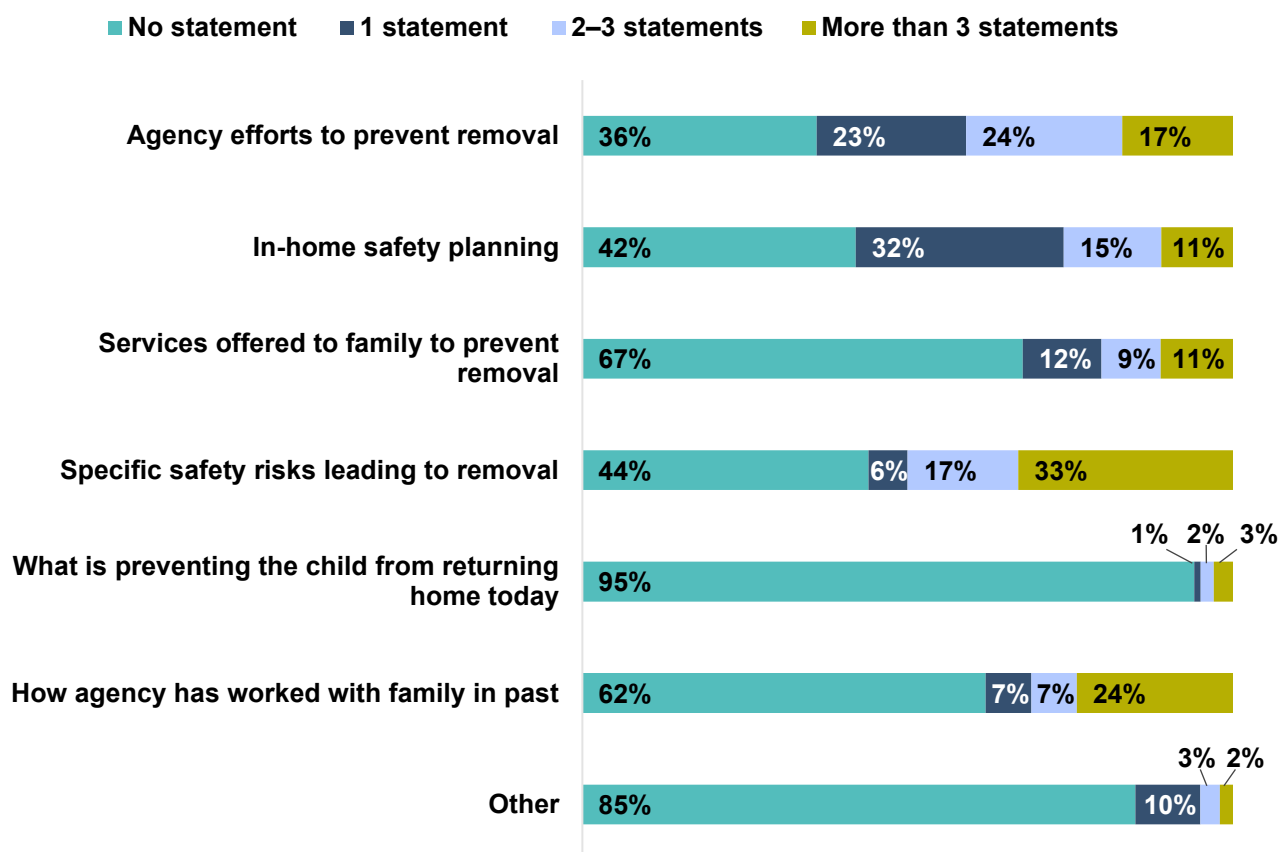
## Exhibit 20. Types of Documents Available for the Judge to Review Before Making a Reasonable Efforts to Prevent Removal Finding



**Breadth and depth of topics in documents submitted before the first reasonable efforts to prevent removal finding.** In addition to the types of documents provided, we explored the breadth and depth of topics in documents submitted before the reasonable efforts to prevent removal finding was made. Exhibit 21 illustrates the percentage of cases that had detailed topics. Information about the six topics we coded was rarely present in the documents submitted before the hearing. However, when there was information, it was most likely to be about the agency's efforts or efforts at in-home safety planning.



## Exhibit 21. Breadth and Depth of Topics Covered in Documents Submitted Before the Reasonable Efforts to Prevent Removal Finding



## Reasonable Efforts to Achieve Permanency Findings

We examined—

- When judges made findings of reasonable efforts to achieve permanency
- The type of reasonable efforts finding made
- The level of detail of the finding (such as how much information the judge adds to a finding)
- The format of the detail (e.g., narrative, checkboxes)
- The types of services or activities noted in findings
- The information available to judges before making findings

## When the Reasonable Efforts to Achieve Permanency Finding Was Made

Judges are required to make a reasonable efforts to achieve permanency finding within 12 months of the child's entry into foster care:

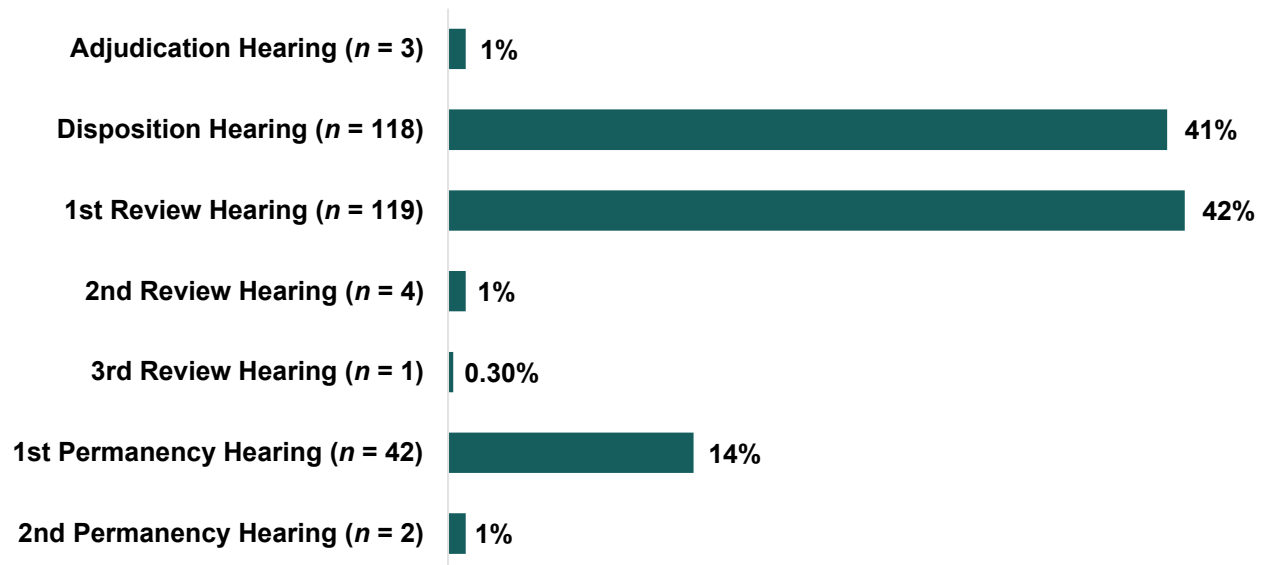
- Among all cases in the sample ( $n = 348$ , including those that closed earlier than 12 months), 289 had a reasonable efforts to achieve permanency finding.
- Of the 237 cases in our sample that were open at least 12 months, 99 percent made a finding about reasonable efforts to achieve permanency.

The first reasonable efforts to achieve permanency finding was made an average of 153 days ( $SD = 98$ ; median = 154) after the child was removed from their home. The earliest finding was made 17 days after the child was removed from their home and the latest was made 488 days after removal. Most reasonable efforts to achieve permanency findings were made by the first review hearing (exhibit 22). If the child is in foster care, the finding should be made within 12 months of the child's first entry into foster care (typically at the first permanency hearing in a case), but it can be made earlier. Because of this legal requirement, judges in our study made a reasonable efforts to achieve permanency finding 99 percent of the time by the first permanency hearing of the case. Because there was limited variability in the reasonable efforts findings at the first permanency hearing, we analyzed the reasonable efforts to achieve permanency finding at the first review hearing (see chapter 5). First review hearings are typically held 6 months after a child is removed from their home.<sup>10</sup>

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<sup>10</sup> Adoption and Safe Families Act of 1997 - P.L. 105-89.

## Exhibit 22. Hearing When the First Reasonable Efforts to Achieve Permanency Finding Was Made



## Types of Reasonable Efforts to Achieve Permanency Findings at the First Review Hearing

Among the 265 cases with a first review hearing, most judges found that the agency made reasonable efforts to achieve permanency (73 percent). Far fewer found that reasonable efforts were not possible (e.g., because of an emergency situation, 3 percent) or not required (e.g., because of aggravated circumstances, <1 percent). Judges in our sample never made a finding that the child welfare agency did not make reasonable efforts to achieve permanency. In 60 cases, judges did not make a finding about reasonable efforts to achieve permanency (12 percent; exhibit 23).

## Exhibit 23. Types of Reasonable Efforts to Achieve Permanency Findings at the First Review Hearing

Types of Reasonable Efforts to Achieve Permanency Findings	Cases	Percent
Reasonable efforts were made to achieve permanency	194	73
Reasonable efforts were not possible (emergency situation)	9	3
Reasonable efforts were not required (aggravated circumstances)*	2	<1
The agency did not make reasonable efforts to achieve permanency	0	0
No finding made about reasonable efforts to achieve permanency	60	23
<b>Total</b>	<b>265</b>	<b>100</b>

**Note:** +The child welfare agency was not required to make reasonable efforts because the parent committed certain felonies against the child or another child of the parent; the parent previously had parental rights to another child involuntarily terminated; or the parent has subjected the child to aggravated circumstances as defined in state law, which may include but is not limited to abandonment, torture, chronic abuse, or sexual abuse.

Examples of reasonable efforts language include the following:

- Reasonable efforts were made (general statement).
- Reasonable efforts were made to reunify the family.
- Reasonable efforts are being made to make it possible for the child to return home.
- Reasonable efforts have been made to place the child in a timely manner.
- Reasonable efforts have been made to meet the needs of the child.
- Reasonable efforts have been made to achieve the case plan.
- Reasonable efforts were made to finalize the permanency plan.

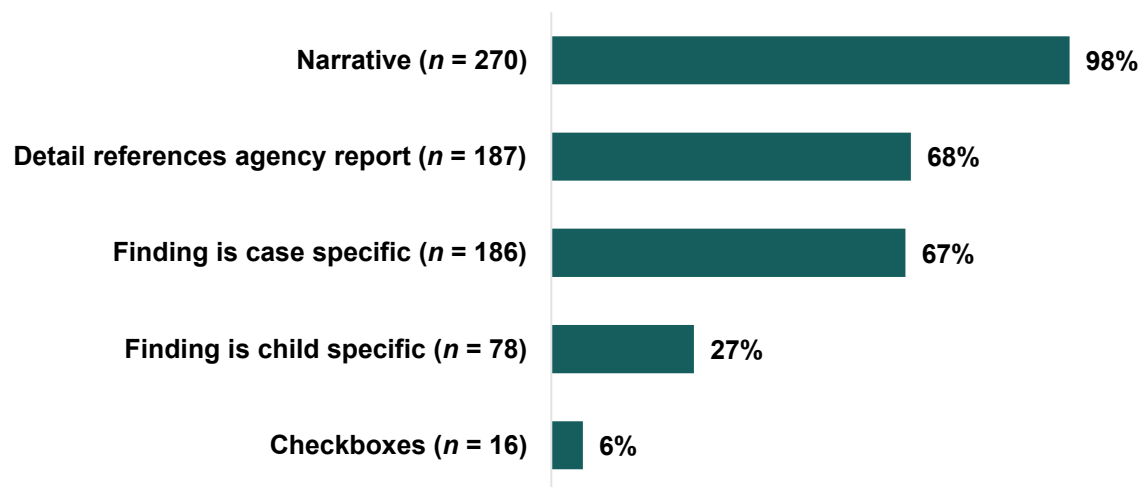
### Level of Detail in Reasonable Efforts to Achieve Permanency Findings

Judges made a detailed reasonable efforts to achieve permanency finding in 97 percent of cases. About half (54 percent) included more than 3 statements in their written finding, 21 percent had detail that was 1 statement, and 24 percent included 2 or 3 statements.

### Format and Description of Reasonable Efforts to Achieve Permanency Findings

In most cases the detail of the reasonable efforts finding was in narrative form, often referencing the agency report (exhibit 24). Two-thirds of cases had case-specific detail—meaning it was specific to the efforts made for this family.

#### Exhibit 24. Format and Description of Detailed Reasonable Efforts to Achieve Permanency Findings



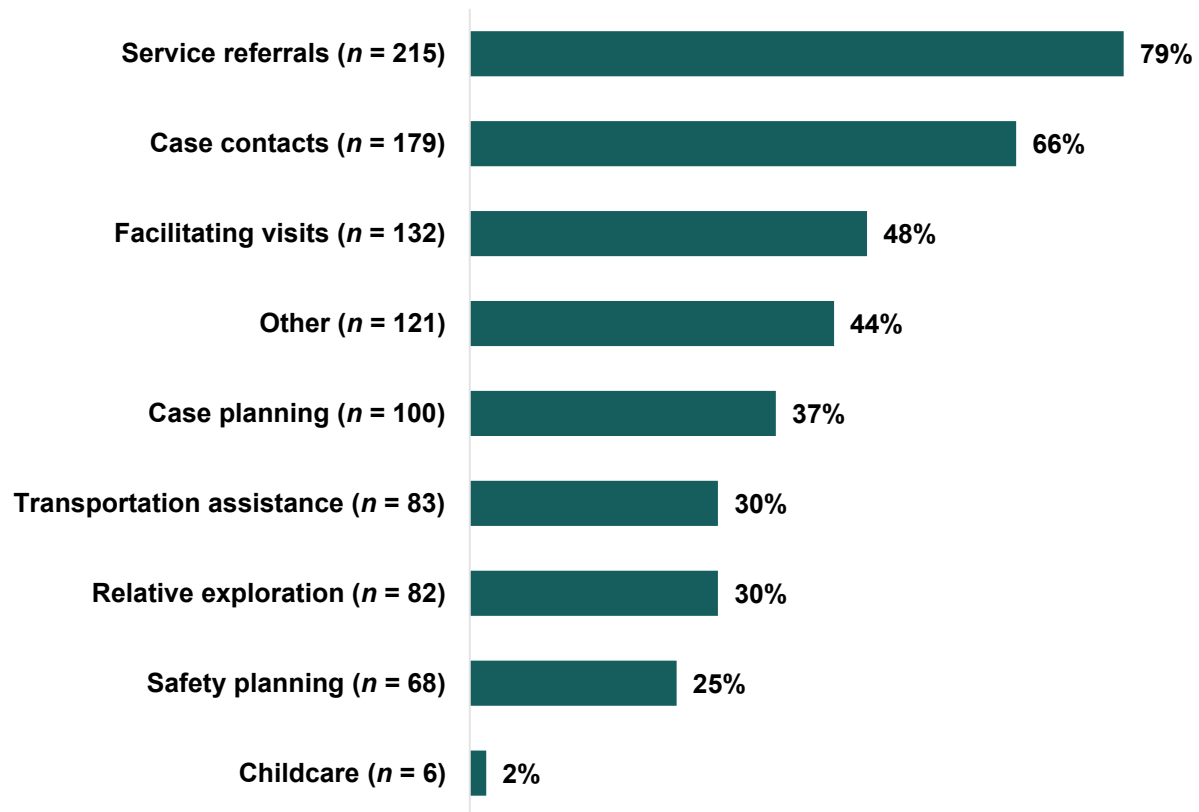
**Note:** Totals equal more than 100 percent because findings could have included more than one type of detail.

## Types of Reasonable Efforts Made by Child Welfare Agencies to Achieve Permanency Listed in Orders

Reasonable efforts are the services and activities conducted by the child welfare agency that judges deemed reasonable to achieve permanency for a child. Services may include family therapy, parenting classes, or substance use disorder treatment. Other activities may include in-home safety planning and contacting relatives. We explored the types of child welfare agency efforts listed in reasonable efforts findings (exhibit 25). The efforts listed in the exhibit are not mutually exclusive, because the court case file could have listed multiple efforts the child welfare agency made to try to achieve permanency for the child. Judges' reasonable efforts to finalize permanency finding often included detail about the services and activities that the agency provided to achieve permanency for the child. The list may not be exhaustive of everything the agency was doing; rather, it reflects the detail the judge referenced in their order (i.e., what the judge chose to include when making a finding). Service referrals were the most common effort noted in detail of the finding (79 percent; (exhibit 25). These included referrals to services for—

- Behavioral/mental health (38 percent)
- Other (33 percent)
- Substance use (34 percent)
- Parenting (23 percent)
- Domestic violence (13 percent)
- Homemaker (general services for taking care of the house, preparing nutritious food, housecleaning, etc.) (13 percent)
- Vocational (2 percent)

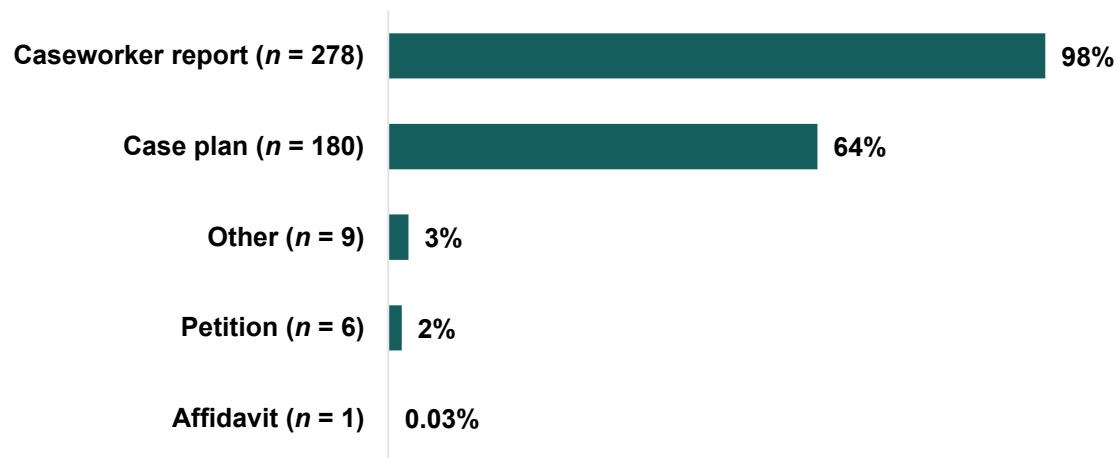
## Exhibit 25. Types of Reasonable Efforts to Achieve Permanency Listed in Orders



### Information Available to Judges When Making Findings of Reasonable Efforts to Achieve Permanency

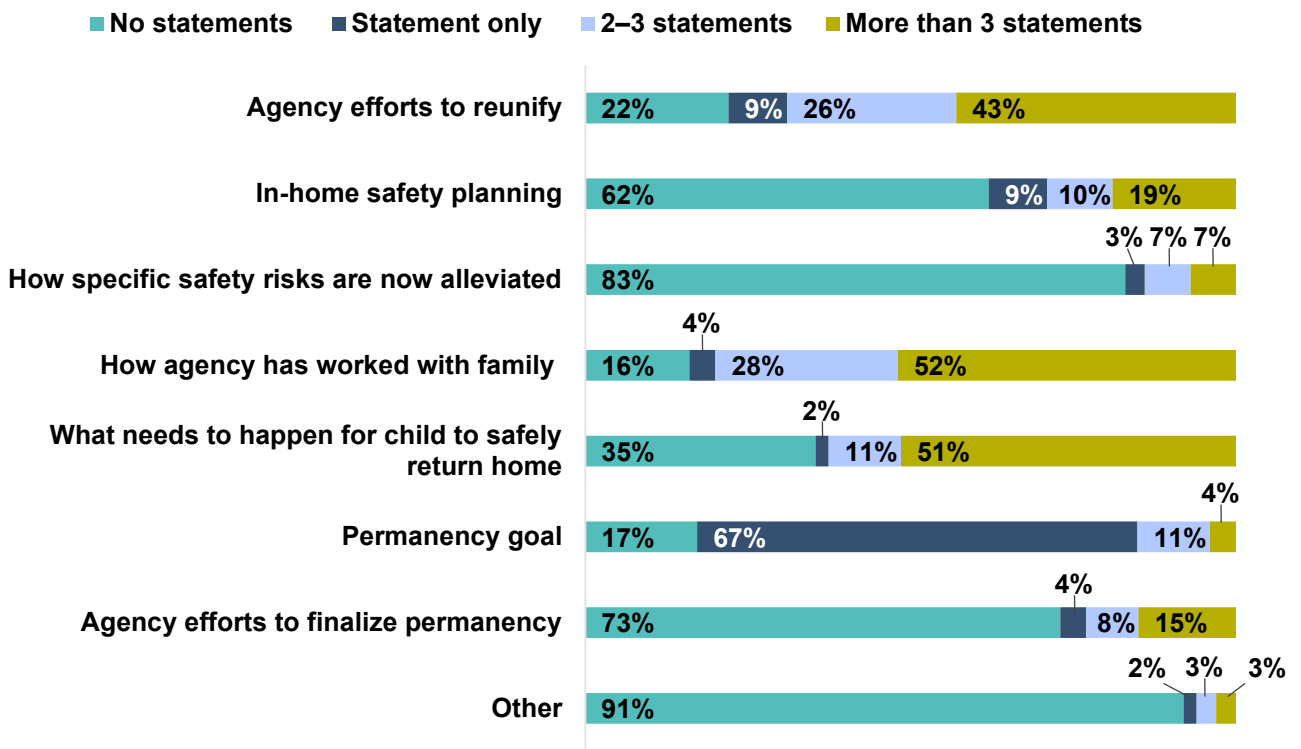
We examined the types of documents provided to the judge immediately before the first review hearing where they made a reasonable efforts to achieve permanency finding. In most cases, this was a caseworker report and a case plan (exhibit 26).

## Exhibit 26. Types of Documents Available Before Reasonable Efforts to Achieve Permanency Findings



We explored the breadth and depth of topics in documents submitted before the first reasonable efforts to achieve permanency finding among the 289 cases that had this finding. As noted in exhibit 27, the agency was most likely to provide information on how they had worked with family, the permanency goal, and the agency's efforts to reunify the family.

## Exhibit 27. Breadth and Depth of Topics Covered in Documents Submitted Before the Reasonable Efforts to Achieve Permanency Finding





# Chapter 4: What Factors Influence Judges' Findings of Reasonable Efforts to Prevent Removal?

This chapter describes results from **RQ1: How are hearing quality, information provided to the court before the initial hearing, and case characteristics related to judges' findings of reasonable efforts to prevent removal?**

Our four subquestions were—

- 1.1. Are the breadth and depth of discussion during the initial hearing related to the reasonable efforts to prevent removal finding?
- 1.2. Is judicial engagement of parents at the initial hearing related to the reasonable efforts to prevent removal finding?
- 1.3. Are the breadth and depth of information provided to the court before the initial hearing related to the reasonable efforts to prevent removal finding?
- 1.4. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the reasonable efforts to prevent removal finding?

## Analysis Summary

### Analytic Sample

In our study sample, we had data about the initial hearing (from case file review) in 340 out of 348 cases, so 340 cases were used for the analysis (exhibit 28).

### Key Results

- Judges never made a finding at the initial hearings that the “child welfare agency had not made reasonable efforts to prevent removal of the child.”
- In 96 percent of cases (327 of 340) judges made a finding about reasonable efforts to prevent removal at the initial hearing. In the remaining 4 percent of cases (13) judges did not make a finding about reasonable efforts to prevent removal at the initial hearing.
- Factor analysis found three distinct types of judicial engagement strategies: addressing parents, informing parents, and giving parents opportunities to be heard.
- The planned logistic regression could not be conducted because judges found that the child welfare agency made reasonable efforts to prevent removal in most cases (86 percent).

## Exhibit 28. Frequency and Percent of Reasonable Efforts to Prevent Removal at the Initial Hearing

Reasonable Efforts Finding	Frequency	Percent
Judge did not make a finding about reasonable efforts to prevent removal*	327	96
Judge did make a finding about reasonable efforts to prevent removal	13	4

**Note:** \*Includes reasonable efforts were made to prevent removal ( $n = 294$ ), reasonable efforts were not possible ( $n = 32$ ), and reasonable efforts were not required ( $n = 1$ ).

### Outcome Variable

The outcome variable for RQ1 is judges' findings of reasonable efforts to prevent removal. Initially, we considered a binary outcome variable:

- The judge found the child welfare agency made reasonable efforts to prevent removal.
- The judge found the child welfare agency did not make reasonable efforts to prevent removal.

However, this was not possible because our sample had no cases where the judge found that the child welfare agency did not make reasonable efforts to prevent removal. We anticipated that a finding of reasonable efforts were not made would be rare, but because it was nonexistent in our sample, we could not do this analysis.

Next, we considered constructing a three-level outcome variable:

- The judge found the child welfare agency made reasonable efforts to prevent removal.
- The judge found reasonable efforts were not possible.
- The judge found reasonable efforts were not required.

However, there was only one case with a finding of reasonable efforts were not required, and this approach would exclude the cases where the judge did not make a finding about reasonable efforts to prevent removal ( $n = 13$ ).

Ultimately, we constructed a binary variable that combined all types of reasonable efforts findings versus no reasonable efforts finding made. We recognize that this variable is not as conceptually meaningful as a comparison among reasonable efforts findings types, but we were limited by the data available in the sample (see chapter 8, which discusses recommended areas for further study).

The final variable is coded:

- Yes, the judge did make a finding about reasonable efforts to prevent removal (combines reasonable efforts were made to prevent removal [ $n = 294$ ], reasonable efforts were not possible [ $n = 32$ ], reasonable efforts were not required [ $n = 1$ ]).
- No, the judge did not make a finding about reasonable efforts to prevent removal.<sup>11</sup>

## Explanatory Variables

We identified the following explanatory variables to answer our questions about judges' reasonable efforts to prevent removal findings:

- Age of child
- Gender of child
- Petition allegations
  - Physical abuse
  - Neglect
  - Sexual abuse
  - Emotional abuse
  - Abandonment
- Presenting problems
  - Domestic violence
  - Substance use
  - Mental health
  - Incarceration
  - Homelessness
- Judicial engagement strategies used during the initial hearing, including whether the judge—
  - Explained the hearing purpose/process
  - Asked the language parents were most comfortable speaking
  - Spoke directly to the person
  - Used a salutation (e.g., Mrs., Mr., Dr.) to address the person
  - Used first name to address the person
  - Used last name to address the person
  - Asked if they have questions
  - Asked if they understand
  - Encouraged active participation in the hearing/case
  - Gave them an opportunity to be heard
  - Identified next steps
- Depth of topics discussed during the initial hearing

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<sup>11</sup> This category represents cases where the judge declined to make a finding about reasonable efforts about removal, **not** that the judge found the child welfare agency did not make reasonable efforts to prevent removal. This is an important distinction that can be easily confused because of the terminology.

- Breadth of topics discussed during the initial hearing

The explanatory variable judicial engagement strategies represents different strategies judges may use to engage parents during the initial hearing. Because of this we explored it further using exploratory factor analysis. Exploratory factor analysis helps uncover the underlying structure of a set of response categories. Exploratory factor analysis helped us to determine how many engagement strategies were similar and how many were clearly distinct or unique dimensions of engagement. The exploratory factor analysis produced 2 discrete factors loading at >0.6 (exhibit 29; (MacCallum, 1999, 2001).

- Factor 1 included all the strategies that involved the judge “addressing” parents, except for “addressing by first name.” It also included “explaining the hearing purpose.”
- Factor 2 included the rest of the “informing” strategies as well as 2 strategies to “ensure understanding.”

The “opportunity to be heard” strategy did not load with either of the other factors, demonstrating it to be a unique construct. Based on the factor analysis, we constructed three judicial engagement variables to be used in our regression model and our other RQs, and to be considered in future studies.

## Exhibit 29. Distinct Judicial Engagement Constructs

Judicial Engagement Constructs	Items Included	Number of Cases	Percent of Cases
Addressing strategies with either parent	The judge: <ul style="list-style-type: none"> <li>• Spoke directly to parent</li> <li>• Addressed parent by last name</li> <li>• Used salutation (e.g., Mr., Ms., Dr.)</li> <li>• Explained hearing purpose/process</li> </ul>	232	71
Information strategies with either parent	The judge: <ul style="list-style-type: none"> <li>• Identified next steps</li> <li>• Encouraged active participation in hearing/case</li> <li>• Asked if the parent had questions</li> <li>• Asked if the parent understood</li> </ul>	152	46
Opportunity to be heard with either parent	Judge gave parent an opportunity to be heard (not through attorney)	97	30

**Note:** Totals exceed 100 percent because judicial engagement constructs were not mutually exclusive, meaning that in the same hearing a judge could have used Factor 1 strategies (e.g., addressing the parent) and Factor 2 strategies (e.g., identifying the next steps) as well as the Factor 3 strategy of giving the parent an opportunity to be heard.

## Exploring How Individual Variables Are Related to the Reasonable Efforts to Prevent Removal Finding

Correlation analyses were conducted among all explanatory variables as discussed in Methods (chapter 2). Breadth of topics discussed in the initial hearing and depth of topics discussed in the initial hearing were highly correlated ( $r = .70$ ). Neither of the variables met the predetermined significance threshold ( $P < .1$ ) for inclusion in the full model, so we did not need to address the multicollinearity. As we noted, in 96 percent of cases, judges made a finding about reasonable efforts to prevent removal at the initial hearing. This lack of variability in the outcome, as well as a small sample size for one outcome (only 13 cases had no reasonable efforts to prevent removal finding made), may indicate a potential bias in the sampling of cases (i.e., that the random sample of cases we drew may misrepresent cases in the population). To take potential bias into consideration in analysis, regression models were run using Firth's bias reduction (Heinze, 2001) method. This method accounts for any issues of separability of data (i.e., possible collinearity or similarity in variables) and the small sample size we had for one outcome measure.

After applying Firth's bias reduction adjustment, the model produced wide confidence intervals, and the statistical software we used (SAS) issued warnings that the validity of the model fit was questionable and the maximum likelihood of estimation may not exist. In other words, the model produced by our analysis was not an accurate representation of the contribution that different variables make to the reasonable effort to prevent removal findings. **As a result, we concluded that there was not enough variability in the outcome of reasonable efforts to prevent removal finding made versus not made for us to pursue a logistic regression model for this RQ.**

# Chapter 5: What Factors Influence Judges' Findings of Reasonable Efforts to Achieve Permanency?

This chapter describes results from **RQ2: How are information provided to the court, case characteristics, and timing of the review hearings related to the judges' findings of reasonable efforts to achieve permanency?**

Our three subquestions were—

- 2.1. Are the breadth and depth of information provided to the court before the first review hearing related to the reasonable efforts to achieve permanency finding?
- 2.2. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the reasonable efforts to achieve permanency finding?
- 2.3. Is the timing of judicial review hearings related to the reasonable efforts to achieve permanency finding?

## Analysis Summary

### Analytic Sample

In our study sample, 265 cases out of 348 had a first review hearing, so 265 cases were included in this analysis (exhibit 30). Either the other 83 cases closed before a review hearing could be conducted or data about the first review hearing were missing from the court case file.

### Key Results

- In 77 percent of first review hearings, judges made a finding about reasonable efforts to achieve permanency. In the other 23 percent of cases judges did not make a finding at the first review hearing stage of the case.
- The more reasonable efforts topics addressed in documents submitted to the court prior to the first review hearing, the more likely the judge was to make a finding about reasonable efforts to achieve permanency.
- The level of detail in documents provided to the court prior to the first review hearing was not associated with reasonable efforts to achieve permanency findings.
- The timing of the first review hearing was not associated with judges' reasonable efforts to achieve permanency findings.

## Exhibit 30. Frequency and Percent of Reasonable Efforts to Achieve Permanency Finding Outcomes at First Review Hearings

Reasonable Efforts Finding	Frequency	Percent
Judge did not make a finding about reasonable efforts to achieve permanency at the first review hearing	60	23
Judge did make a finding about reasonable efforts to achieve permanency at the first review hearing	205	77

### Outcome Variable

The outcome variable for RQ2 is the reasonable efforts to achieve permanency finding. If the child is in foster care, the finding should be made within 12 months of the child's first entry into foster care (typically at the first permanency hearing in a case), but it can be made earlier.<sup>12</sup> Because of this legal requirement, judges in our study made a reasonable efforts to achieve permanency finding 99 percent of the time at the first permanency hearing of the case (see chapter 3). Because there was limited variability in the reasonable efforts findings at the first permanency hearing, we analyzed the reasonable efforts to achieve permanency finding at the first review hearing.

First review hearings are typically held 6 months after a child is removed from their home. The final variable is coded:

- No, the judge did not make a finding about reasonable efforts to achieve permanency at the first review hearing.
- Yes, the judge did make a finding about reasonable efforts to achieve permanency at the first review hearing. The "yes" category collapsed the following codes:
  - Reasonable efforts were made to achieve permanency
  - Reasonable efforts were not possible
  - Reasonable efforts were not required

Our sample had no cases where the judge found that the child welfare agency did not make reasonable efforts to achieve permanency at the first review hearing. Because of this, we could not include this outcome in analyses.

### Explanatory Variables

We identified the following explanatory variables to answer our questions about judges' reasonable efforts to achieve permanency findings:

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<sup>12</sup> 45 C.F.R. § 1356.21(b)(2)(i).

- Age of child
- Gender of child
- Petition allegations
  - Physical abuse
  - Neglect
  - Sexual abuse
  - Emotional abuse
  - Abandonment
- Presenting problems
  - Domestic violence
  - Substance use
  - Mental health
  - Incarceration
  - Homelessness
- Breadth of topics in documents submitted before the first reasonable efforts to achieve permanency finding
- Depth of topics in documents submitted before the first reasonable efforts to achieve permanency finding
- Timing of review hearings

## Exploring How Individual Variables Are Related to the Reasonable Efforts to Achieve Permanency Finding: Bivariate Logistic Regression Results

- We used correlation analysis to evaluate whether the 15 individual variables were related to each other and to evaluate model assumptions (i.e., multicollinearity). None of the variables met the correlation threshold for multicollinearity.
- We used logistic regression to examine whether each of the 15 individual variables were associated with the outcome, while considering the site.

Out of the 15 explanatory variables we identified to answer our RQ (noted above), 2 were significantly associated ( $P < .05$ ) with judges' reasonable efforts to achieve permanency at the first review hearing (exhibit 31):

- Breadth of reasonable efforts topics discussed in documents submitted to the court before the first reasonable efforts to achieve permanency finding
- Sexual abuse (petition allegation)

Site was not associated with judges' reasonable efforts to achieve permanency finding at the first review hearing (chi-square 2.15,  $p = .14$ ). Abandonment as a petition allegation and incarceration as



a presenting problem were not significantly associated with reasonable efforts to achieve permanency findings at the  $p < .05$  level but are listed because they met our criteria to include in the multivariate model ( $p < .1$ ). The other 11 variables (listed above) did not meet our criteria to include in the multivariate model ( $p < .1$ )

### Exhibit 31. Results From the Bivariate Regression of Explanatory Variables and Judges' Reasonable Effort to Achieve Permanency Finding at the First Review

Variable	Chi-Square	Significance Level	Odds Ratio	95% Wald Confidence Limit, Lower	95% Wald Confidence Limit, Higher
Breadth of reasonable efforts topics discussed in documents submitted before the first reasonable efforts to achieve permanency finding	22.62	0.00010	1.03	1.02	1.05
Sexual abuse petition allegation	4.26	0.039	0.26	0.07	0.93
Incarceration petition allegation	3.26	0.071 <sup>+</sup>	1.89	0.95	3.76
Abandonment (petition allegation)	3.18	0.075 <sup>+</sup>	3.06	0.89	10.45

**Note:** <sup>+</sup>Indicates significance level meets our predetermined threshold for inclusion in multivariate modeling ( $p < .1$ ).

### Summary of Results From the Bivariate Logistic Regression

Results from bivariate models when controlling for site are presented below.

#### 2.1 Are the breadth and depth of information provided to the court before the first review hearing related to the reasonable efforts to achieve permanency finding?

- After controlling for site, the breadth of information (percentage of reasonable efforts topics included) in documents provided to the court before the first review hearing was significantly associated with judges' making a reasonable efforts to achieve permanency finding. When more reasonable efforts topics were included in documents, judges were **more** likely to make a reasonable efforts to achieve permanency finding.
- The depth of information provided to the court (level of detail of reasonable efforts topics included in documents) before the first review hearing was not significantly associated with the likelihood of judges' making a reasonable efforts to achieve permanency finding.

#### 2.2. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the reasonable efforts to achieve permanency finding?

- After controlling for site, the petition allegation sexual abuse was significantly associated with the reasonable efforts to achieve permanency finding. Judges were **more** likely to make a reasonable efforts to achieve permanency finding at the first review hearing when the case had a sexual abuse allegation.

### **2.3. Is the timing of judicial review hearings related to the reasonable efforts to achieve permanency finding?**

- After controlling for site, the number of days between the disposition hearing and the first review hearing was not significantly related to the likelihood that judges made a reasonable efforts to achieve permanency finding at the first review hearing.

The other bivariate analyses of the variables were not significant.

## **Exploring How Groups of Variables Are Related to the Reasonable Efforts to Achieve Permanency Finding: Multivariate Logistic Regression Analysis and Results**

To answer our overarching RQ of what factors are associated with judges' findings of reasonable efforts to achieve permanency at the first review hearing, we included the 5 variables from the bivariate analyses that met our predetermined threshold ( $p < .1$ ) in the multivariate model (i.e., sexual abuse and abandonment as petition allegations, incarceration as a presenting problem, breadth of topics included in the documents submitted prior to the first review hearing, and study site). Nonsignificant variables ( $p > .1$ ) were then removed one by one, starting with the variable with the highest  $p$ -value, until only variables that met the predetermined threshold ( $p < .1$ ) remained in the model. The petition allegation variables of child abandonment and sexual abuse were removed from the model, with child abandonment being removed first, as they were no longer significant at our threshold ( $p > .1$ ). However, incarceration of any parent in the case, the percentage of topics discussed in documents, and site remained significant variables ( $p < .1$ ) and were kept in the final model.

These steps produced a final model of judges' reasonable efforts to achieve permanency findings at the first review hearing. In this model, the percentage of topics discussed in documents submitted for the first review hearing and site were significantly associated with making reasonable efforts to achieve permanency at first review hearings (exhibit 32). While incarceration was not statistically significant in the multivariate model ( $p < .05$ ), it met our criteria to remain in the final model, as the model with incarceration had a better fit (AIC was lower) compared with the model without incarceration. Site was significantly associated with making reasonable efforts to achieve permanency at the first review hearing (chi-square 5.50,  $p = .019$ ) and was kept in the model as a control variable.

### Exhibit 32. Results From the Final Multivariate Logistic Regression Model of Reasonable Efforts to Achieve Permanency Findings

Variable	Chi-Square	Significance Level	Odds Ratio	95% Wald Confidence Limit, Lower	95% Wald Confidence Limit, Higher
Intercept	6.28	0.012	-	-	-
Breadth of reasonable efforts topics discussed in documents submitted before the first reasonable efforts to achieve permanency finding	22.01	<0.0001*	1.03	1.01	1.05
Incarceration (presenting problem)	2.78	0.095	1.84	0.90	3.76
Site	5.50	0.019*	-	-	-

**Note:** \*Indicates  $p$ -value  $\leq .05$ ; AIC: 262.05, -2LL: 254.05

To evaluate how well the data fit the final model, we used Firth's bias correction method. This is a technique in logistic regression that estimates whether variables might be too similar to be considered unique predictors, as well as smaller sample sizes in the analysis (Firth, 1993; Heinze & Schemper, 2002; Heinze, 2006). After applying Firth's bias correction, the results were the same (see appendix E).

## Summary of Research Question 2 Results

### How are information provided to the court, case characteristics, and timing of the review hearings related to the judges' findings of reasonable efforts to achieve permanency?

- The only statistically significant variable when accounting for multiple variables was the breadth of reasonable efforts topics included in documents submitted to the court. The more topics that were included in the documents given to the court before the hearing, the more likely judges were to make a reasonable efforts to achieve permanency finding at the first review hearing.
- While significant in the bivariate logistic regressions, sexual abuse and abandonment as petition allegations and incarceration as a presenting problem were no longer significant ( $p > .05$ ) when included in the multivariate model.
- Site, the control variable, was also significant in the multivariate model.

# Chapter 6: How Are Reasonable Efforts Findings Related to the Likelihood of Reunification?

This chapter describes results for **RQ3: How are judges' findings of reasonable efforts and the detail documented in findings related to the likelihood of reunification?**

Our five subquestions were—

- 3.1. How are judges' findings of reasonable efforts to prevent removal at initial hearings related to the likelihood of reunification?
- 3.2. How is the detail documented in judges' findings of reasonable efforts to prevent removal at initial hearings related to the likelihood of reunification?
- 3.3. How are judges' findings of reasonable efforts to achieve permanency at review hearings related to the likelihood of reunification?
- 3.4. How is the detail documented in judges' findings of reasonable efforts to achieve permanency at review hearings related to the likelihood of reunification?
- 3.5. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the likelihood of reunification?

## Key Results

- Whether a judge made a finding about reasonable efforts to achieve permanency at the first review hearing was related to reunification.
- Cases with less detail in the reasonable efforts to achieve permanency finding were more likely to reunify.
- When accounting for other factors, level of detail of the reasonable efforts finding was a better predictor than whether the finding was made.
- The petition allegation physical abuse and the presenting problems of homelessness and mental health were related to reunification.

## Analysis Summary

### Analytic Sample

Out of our study sample of 348 cases, 345 cases included outcome information on how the child exited foster care (e.g., reunified with a parent, adopted; exhibit 33), and 3 cases were missing details on how the child exited care. Two of the three cases transferred to another jurisdiction, so we could not determine the reason the case closed. The reason the case closed was not clearly documented in the third case.

### Exhibit 33. Frequency and Percent of Cases, by Likelihood of Reunification

Likelihood of Reunification	Frequency	Percent
Case closed in reunification with either or both parents	205	59
Case closed without reunification	140	41

### Outcome Variable

The goal for children involved in the foster care system is always to return them to their parent or parents (i.e., reunification) if safely possible. We defined reunification as a child, after removal from their home, being returned to one or both parents. The final variable is coded—

- Yes, child was reunified with either or both parents at case closure. This includes cases where there was never a finding of abuse or neglect resulting in dismissal of the petition.
- No, child was not reunified with either or both parents at case closure. This included guardianship, adoption, dismissal of the petition, child was emancipated/turned 18.

### Explanatory Variables

We identified the following explanatory variables to answer our questions about reunification:

- Age of child
- Gender of child
- Petition allegations
  - Physical abuse
  - Neglect
  - Sexual abuse
  - Emotional abuse
  - Abandonment
- Presenting problems
  - Domestic violence
  - Substance use
  - Mental health
  - Incarceration
  - Homelessness
- Judicial reasonable efforts to prevent removal finding at the initial hearing
- Level of detail of the reasonable efforts to prevent removal finding
- Judicial reasonable efforts to achieve permanency finding made at the first review hearing

- Level of detail of the reasonable efforts to achieve permanency finding

## Exploring How Individual Variables Are Related to the Likelihood of Reunification: Bivariate Logistic Regression Results

- We used correlation analysis to evaluate whether the 16 individual variables were related to each other and to evaluate model assumptions (i.e., multicollinearity). None of the variables met the correlation threshold for multicollinearity.
- We used logistic regression to examine whether each of the 16 individual variables were associated with the outcome, while controlling for site.

Out of these 16 variables examined in the bivariate models, 5 were significantly associated with the likelihood of reunification (exhibit 34):

- Abandonment (petition allegation)
- Homelessness (presenting problem)
- Mental health (presenting problem)
- Level of detail of reasonable efforts to achieve permanency finding
- Finding of reasonable efforts to achieve permanency

Which site the data were collected from was significantly associated with whether the child reunified with one or both parents (chi-square 8.38,  $p = .0038$ ) and was added as a control variable in later models. Age of the child, the presenting problem of substance use, and the petition allegation of physical abuse were not significantly associated at the  $p < .05$  level but are listed because they met our predetermined threshold to include in multivariate modeling ( $p < .1$ ). The other 8 variables (listed above) did not meet our criteria to include in the multivariate model ( $p < .1$ )

### Exhibit 34. Associations Between Variables and Whether the Child Reunified With One or Both Parents, When Controlling for Site

Variable	Chi-Square	Significance Level	Odds Ratio	95% Wald Confidence Limit, Lower	95% Wald Confidence Limit, Higher
Abandonment (petition allegation)	6.50	0.011	0.43	0.23	0.83
Homelessness (presenting problem)	6.21	0.013	0.53	0.32	0.87

Variable	Chi-Square	Significance Level	Odds Ratio	95% Wald Confidence Limit, Lower	95% Wald Confidence Limit, Higher
Mental health (presenting problem)	4.22	0.040	0.61	0.38	0.98
Level of detail of reasonable efforts to achieve permanency finding	4.16	0.041	0.54	0.30	0.98
Finding of reasonable efforts to achieve permanency	3.87	0.049	0.55	0.30	0.998
Age of child	2.88	0.090 <sup>+</sup>	0.97	0.93	1.01
Substance use (presenting problem)	2.83	0.093 <sup>+</sup>	0.68	0.43	1.07
Physical abuse (petition allegation)	2.69	0.100 <sup>+</sup>	2.22	0.86	5.75

**Note:** \*Indicates significance level meets our predetermined threshold to include in multivariate modeling ( $p < .1$ ).

## Summary of Results From the Bivariate Logistic Regression That Explore Associations Between Variables and Reunification

Results from bivariate models when controlling for the site where the data were collected are presented for each subquestion.

### 3.1. How are judges' findings of reasonable efforts to prevent removal at initial hearings related to the likelihood of reunification?

- When controlling for site, we found no significant association between the reasonable efforts to prevent removal finding at the initial hearing and the likelihood of reunification.

### 3.2. How is the detail documented in judges' findings of reasonable efforts to prevent removal at initial hearings related to the likelihood of reunification?

- When controlling for site, we found no significant association between the level of detail of the reasonable efforts to prevent removal finding at the initial hearing and the likelihood of reunification.

### 3.3. How are judges' findings of reasonable efforts to achieve permanency at review hearings related to the likelihood of reunification?

- When controlling for site, we found a significant association between the reasonable efforts finding to achieve permanency and reunification. When there was a finding of reasonable efforts

to achieve permanency at the first review hearing, cases were **less** likely to end in reunification ( $p < .05$ ).

### **3.4. How is the detail documented in judges' findings of reasonable efforts to achieve permanency at review hearings related to the likelihood of reunification?**

- When controlling for site, we found a significant association between the level of detail of the judge's reasonable efforts to achieving permanency finding and reunification. When judges made more detailed reasonable efforts to achieve permanency findings, cases were **less** likely to reunify ( $p < .05$ ).

### **3.5. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the likelihood of reunification?**

- When controlling for site, we found associations between one allegation and two presenting problems and reunification. When cases had a petition allegation of abandonment, they were **less** likely to reunify ( $p < .05$ ). When cases had presenting problems of mental health or homelessness, they were **less** likely to reunify ( $p < .05$ ).

## **Exploring How Groups of Variables Are Related to the Likelihood of Reunification: Multivariate Logistic Regression Analysis and Results**

Of the 16 explanatory variables, we added the 8 variables that met our predetermined threshold ( $p < .10$ ) and site (control variable) into one multivariate logistic regression model to explore how all the factors relate to reunification.

Whether a reasonable efforts to achieve permanency finding was made at the first review hearing and the level of detail of that finding were significant predictors when controlling for site. However, both these variables cannot be in one model because level of detail is available only when a finding is made. That means, when there is no finding made, all the data on level of detail is missing. This violates the assumptions of the model that all items have some variability. To resolve this issue, we decided to run two separate multivariate models: one that includes whether the finding was made and one that includes the level of detail of the finding.

### **Multivariate Model That Explored Whether Making a Reasonable Efforts Findings Was Associated With Reunification**

We included the 7 variables from the bivariate analysis that met our predetermined significance threshold ( $p < .1$ ) in the multivariate model (i.e., physical abuse, abandonment, and homelessness as petition allegations, mental health and substance use as a presenting problem, age of child, and finding of reasonable efforts to achieve permanency). Nonsignificant variables ( $p > .1$ ) were then



removed one by one starting with the variable with the highest  $p$ -value until only variables that met the predetermined threshold ( $p < .1$ ) remained in the model. Substance use as a presenting problem and child age were removed from the model, with substance use being removed first, as they were no longer significant at our predetermined threshold ( $p > .1$ ). Five variables were kept in the final model. Only the allegation of physical abuse, the presenting problem homelessness, and the site the data were collected from were significantly associated with reunification at the  $p < .05$  level. However, the presenting problem mental health, the allegation abandonment, and judicial reasonable efforts to achieve permanency findings remained at the predetermined threshold ( $p < .1$ ) and were kept in the final model. The site the data were collected from was significantly associated with reunification (chi-square 16.96,  $p < .0001$ ; exhibit 35).

### Exhibit 35. Multivariate Model Testing Association of Whether a Reasonable Efforts Finding Was Made and Reunification

Variable	Chi-Square	Significance Level	Odds Ratio	95% Wald Confidence Limit, Lower	95% Wald Confidence Limit, Higher
Intercept	1.02	0.31	-	-	-
Physical abuse (petition allegation)	4.88	0.027*	4.31	1.18	15.75
Homelessness (petition allegation)	3.89	0.049*	0.55	0.30	1.00
Mental health (presenting problem)	3.46	0.063	0.58	0.33	1.03
Judicial reasonable efforts to achieve permanency findings made	4.88	0.064	0.55	0.29	1.04
Abandonment (petition allegation)	3.31	0.069	0.45	0.19	1.06
Site	16.96	<.00010*	-	-	-

**Note:** \* $p < .05$ .

### Multivariate Model Exploring Associations Between Level of Detail of Reasonable Efforts Finding and Reunification

For the second model, we included the seven variables that met our predetermined threshold ( $p < .1$ ) in the multivariate model. Nonsignificant variables ( $p > 0.1$ ) were then removed one by one starting with the variable with the highest  $p$ -value until only variables that met the predetermined threshold ( $p < .1$ ) remained in the model. In order, substance use as a presenting problem, child

age, mental health as a presenting problem, and homelessness as a petition allegation were removed from the model as they no longer met our predetermined threshold ( $p < .1$ ). Site, abandonment and physical abuse as petition allegations and level of detail of the reasonable efforts to achieve permanency finding were kept in the final model and were significantly related to reunification ( $p < .05$ ).

### Exhibit 36. Multivariate Model of Reunification When Including the Level of Detail in Judges' Reasonable Efforts Findings

Variable	Chi-Square	Significance Level	Odds Ratio	95% Wald Confidence Limit, Lower	95% Wald Confidence Limit, Higher
Intercept	0.035	0.85	-	-	-
Abandonment (petition allegation)	5.32	0.021*	0.35	0.14	0.85
Physical abuse (petition allegation)	4.73	0.030*	4.43	1.16	16.90
Level of detail of the reasonable efforts to achieve permanency finding	4.15	0.042*	0.53	0.28	0.98
Site	7.61	0.0058*	-	-	-

Note: \* $p < .05$ .

## Summary of Research Question 3 Results

**How are judges' findings of reasonable efforts and the detail documented in findings related to the likelihood of reunification?**

- We explored two models to answer this question. For the model that included whether a reasonable efforts to achieve permanency finding was made at the first review hearing, only the allegation of physical abuse, the presenting problem homelessness, and the site the data were collected from were significantly associated with reunification at the  $p < .05$  level:
  - If there was a petition allegation of physical abuse, cases were **more** likely to result in reunification.
  - If there was a presenting problem of homelessness, cases were **less** likely to result in reunification.
  - The site the data were collected from also predicted reunification.
- For the model that included the level of detail of the reasonable efforts to achieve permanency finding, four variables were related to the outcome:

- Cases with less detail in the reasonable efforts to achieve permanency finding were **more** likely to reunify.
- Cases with abandonment allegations were **less** likely to reunify.
- Cases with a petition allegation of physical abuse were **more** likely to reunify.
- The site the data were collected from also predicted reunification.

# Chapter 7: How Are Reasonable Efforts Findings Related to Time to Permanency?

This chapter describes results for **RQ4: How are judges' findings of reasonable efforts and the detail documented in findings related to the time for cases to achieve permanency?**

Our five subquestions were—

- 4.1. How are judges' findings of reasonable efforts to prevent removal at initial hearings related to the time for cases to achieve permanency?
- 4.2. How is the detail documented in judges' findings of reasonable efforts to prevent removal at initial hearings related to the time for cases to achieve permanency?
- 4.3. How are judges' findings of reasonable efforts to achieve permanency at review hearings related to the time for cases to achieve permanency?
- 4.4. How is the detail documented in judges' findings of reasonable efforts to achieve permanency at review hearings related to the time for cases to achieve permanency?
- 4.5. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the time for cases to achieve permanency?

## Key Results

- The average number of days for cases to achieve permanency was 657 days (see chapter 3).
- The level of detail of the reasonable efforts to achieve permanency was related to the time to achieve permanency.
- The petition allegation physical abuse was related to the time to achieve permanency.

## Analysis Summary

### Analytic Sample

Our sample includes cases where there was never a finding of abuse or neglect resulting in dismissal of the petition. Out of our sample of 348 cases, 347 had data about case closure type (exhibit 37). One case was excluded because the dates of removal and case closure were missing.

### Exhibit 37. Mean and Median Number of Days to Permanency

Variable	N	Mean	Median	Standard Deviation	Minimum	Maximum
Days from removal of a child from their home to case closure	347	647.18	566.00	496.51	0	2,726

**Note:** The minimum number of days to permanency is 0 because in one case the judge dismissed the case during the initial hearing, which was held on the same day the child was removed from their home.

## Outcome Variable

We selected time to permanency as the outcome of interest because the goal for children involved in the foster care system is for their cases to safely close as quickly as possible. Time to permanency was defined as the number days from removal of the child from their home to case closure.

## Explanatory Variables

We identified the following explanatory variables to answer our questions about time to permanency:

- Age of child
- Gender of child
- Petition allegations
  - Physical abuse
  - Neglect
  - Sexual abuse
  - Emotional abuse
  - Abandonment
- Presenting problems
  - Domestic violence
  - Substance use
  - Mental health
  - Incarceration
  - Homelessness
- Judicial reasonable efforts to prevent removal finding
- Level of detail of the reasonable efforts to prevent removal finding
- Judicial reasonable efforts to achieve permanency finding made at the first review hearing
- Level of detail of the reasonable efforts to achieve permanency finding at the first review hearing

## Exploring How Individual Variables Are Related to Time to Permanency: Bivariate Cox Regression Model Results

- We used correlation analysis to evaluate whether the 16 individual variables were related to one another and to evaluate model assumptions (i.e., multicollinearity). None of the variables met the threshold for multicollinearity.

- We used Cox regression to examine whether each of the 16 individual variables were associated with time to permanency, while considering the site.<sup>13</sup> Cox regression models assume that each exploratory variable has an identical effect on the outcome in every time period under study. However, we found that the variable of child age didn't meet this assumption ( $p < .05$ ). Because of this, we chose to exclude age as an exploratory variable from both the univariate and multivariate analyses for this RQ.

Out of the remaining 15 exploratory variables we studied (excluding age), 2 were significantly associated with the time it took cases to achieve permanency, while controlling for site (exhibit 38):

- Level of detail of reasonable efforts to achieve permanency finding
- Physical abuse (petition allegation)

When judges made less detailed reasonable efforts to achieve permanency findings, cases closed at a faster rate than those with more detail (exhibit 39). Cases with more detailed findings required more time to achieve permanency. For example, at 365 days from removal of the child from their home,<sup>14</sup> cases with no detail had about a 50 percent chance of being closed (50 percent chance of being open), while cases with more detail had about a 10 percent chance of being closed (90 percent chance of being open).

Site was not associated with time to permanency in a bivariate Cox regression model (chi-square 3.84,  $p = .43$ ), but was retained in the model as a covariate. Neglect as a petition allegation was not significantly associated at the  $p < .05$  level but is listed because it met our criteria to include in the initial multivariate model ( $p < .1$ ). The other 12 variables (listed above) did not meet our criteria to include in the multivariate model ( $p < .1$ )

### Exhibit 38. How Individual Variables Are Related to Time to Permanency: Bivariate Cox Regression Model Results

Variable	Chi-Square	Significance Level	Hazard Ratio <sup>#</sup>
Level of detail of the reasonable efforts to achieve permanency finding at first review hearing	10.19	0.0014	0.65
Physical abuse (petition allegation)	3.98	0.046	1.53
Neglect (petition allegation)	3.69	0.055 <sup>+</sup>	0.62

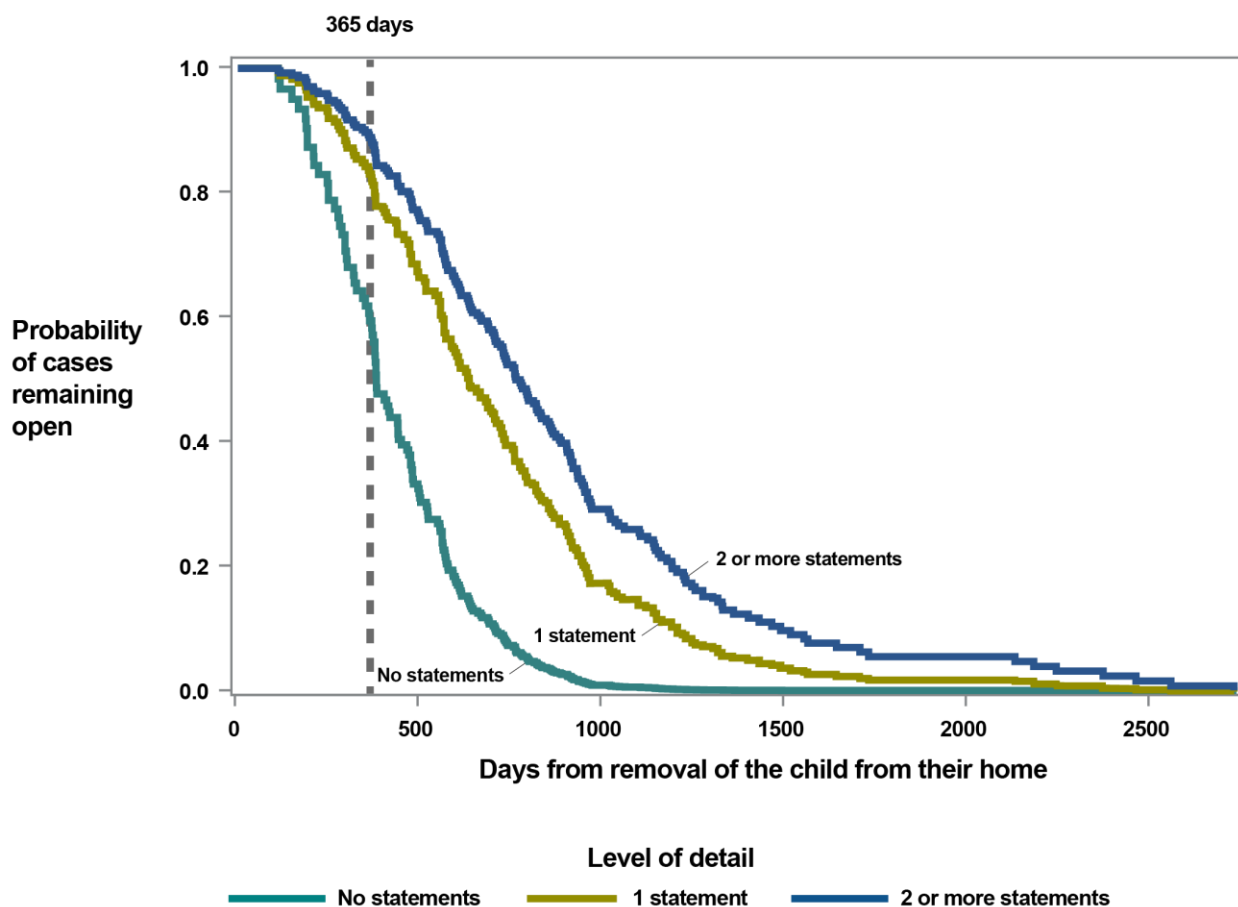
<sup>13</sup> Cox regression looks at the time to a specific event (e.g., time to permanency) and sheds light on how variables can influence the likelihood of that event happening.

<sup>14</sup> If a child is in foster care, the reasonable efforts to achieve permanency finding should be made within 12 months (365 days) of the child's first entry into foster care.

**Notes:** \*Indicates significance level meets our predetermined threshold for inclusion in multivariate modeling ( $p < .1$ ).

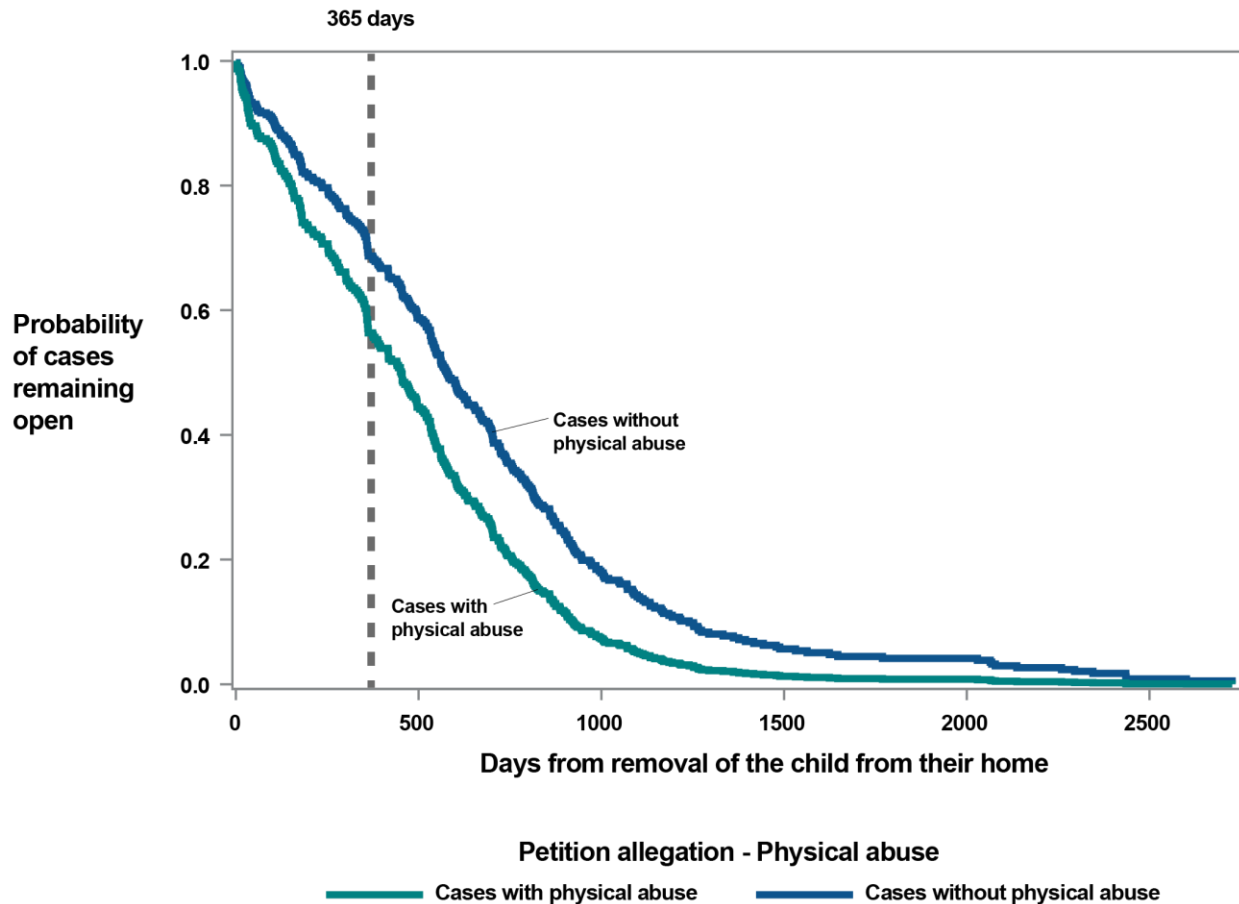
#A hazard ratio measures how often an event happens in one group compared with how often it happens in another group, over time.

### Exhibit 39. The Likelihood That Cases Stayed Open Based on the Detail Provided in Judges' Written Reasonable Efforts Findings, When Controlling for Site



As shown by the teal line in exhibit 40, when cases had physical abuse as a petition allegation, they closed at a faster rate than those without. For example, at 365 days from removal, cases with a petition allegation of physical abuse had a 40 percent chance of being closed (60 percent chance of being open), while cases without physical abuse, shown by the blue line, had a 30 percent chance of being closed (70 percent chance of being open).

## Exhibit 40. The Likelihood That Cases Stayed Open Based on Whether There Was a Petition Allegation of Physical Abuse, When Controlling for Site



### Summary of Results From the Bivariate Cox Regression Model

Results from bivariate models when controlling for site are presented below.

#### 4.1. How are judges' findings of reasonable efforts to prevent removal at initial hearings related to the time for cases to achieve permanency?

- Controlling for site, we found no association between the reasonable efforts to prevent removal finding at the initial hearing and the time cases took to achieve permanency.

#### 4.2. How is the detail documented in judges' findings of reasonable efforts to prevent removal at initial hearings related to the time for cases to achieve permanency?

- Controlling for site, we found no association between the level of detail of the reasonable efforts to prevent removal finding at the initial hearing and the time cases took to achieve permanency.



#### 4.3. How are judges' findings of reasonable efforts to achieve permanency at review hearings related to the time for cases to achieve permanency?

- Controlling for site, we found no association between the reasonable efforts to achieve permanency finding at the first review hearing and the time cases took to achieve permanency.

#### 4.4. How is the detail documented in judges' findings of reasonable efforts to achieve permanency at review hearings related to the time for cases to achieve permanency?

- Controlling for site, we found that when judges made **less** detailed reasonable efforts to achieve permanency findings, cases closed at a **faster rate** than those with more detail ( $p < .0014$ ).

#### 4.5. Are case characteristics such as the child's race or ethnicity, child's age, child's gender, and reasons for petition filing (e.g., allegations and presenting problems in the case) related to the time for cases to achieve permanency?

- Controlling for site, we found that cases with physical abuse closed at a **faster rate** than those without ( $p < .046$ ).
- Cases with a petition allegation of neglect were marginally significant ( $p < .055$ ), which may indicate that cases with neglect may have taken **longer** to achieve permanency than those without neglect.

## Exploring How Groups of Variables Are Related to Time Permanency: Multivariate Cox Regression Analysis and Results

To explore how all the factors combined relate to the time it takes cases to achieve permanency, we added all the explanatory variables that met our predetermined threshold from the bivariate Cox regression models ( $p < .10$ ) and the control variable of site into one multivariate Cox regression model. Because one of our exploratory variables was level of detail of the reasonable efforts to achieve permanency finding at the first review hearing, our analytic sample was limited to the 204 cases that (1) had a first review hearing and (2) had a reasonable efforts finding at the first review hearing. The outcome variable of number of days to permanency for the sample of 204 cases included in the multivariate analysis is described in exhibit 41.

### Exhibit 41. Mean and Median Number of Days to Permanency for the Multivariate Analytic Sample

Variable	N	Mean	Median	Standard Deviation	Minimum	Maximum
Days from removal of a child from their home to case closure	204	742.28	670.00	440.20	105.00	2601.00

Three variables from the bivariate analyses met our predetermined threshold ( $p < .1$ ) and were included in the initial multivariate model: level of detail of the reasonable efforts to achieve permanency finding and physical abuse and neglect as petition allegations. We also included site as a control variable. We assessed the goodness of fit by comparing the -2LL statistic among nested models (Singer and Willet [2003] and Collett [1994]).

Variables from the initial model would be removed only if their removal led to a significant increase in the value of the -2LL value (Harrell, 2016). Otherwise, they would be kept. Additionally, the 12 variables that did not meet our criteria to include in the multivariate model ( $p < .1$ ) were then added one by one. If adding a variable significantly reduced the value of the -2LL ratio ( $p < .05$ ), it was included in the model. However, none of these additional variables had a significant impact on the -2LL statistic, so we didn't exclude or include any more variables based on this criterion. This process led us to the final model that best explains the data.

The final model is presented in exhibit 42. Study site, level of detail of the reasonable efforts to achieve permanency finding, and allegations of physical abuse were all associated with the time it took cases to achieve permanency. Neglect as a petition allegation was included in the model to control for associations with other factors and the outcome. Removing neglect did not significantly improve model fit, so it remained in the model.

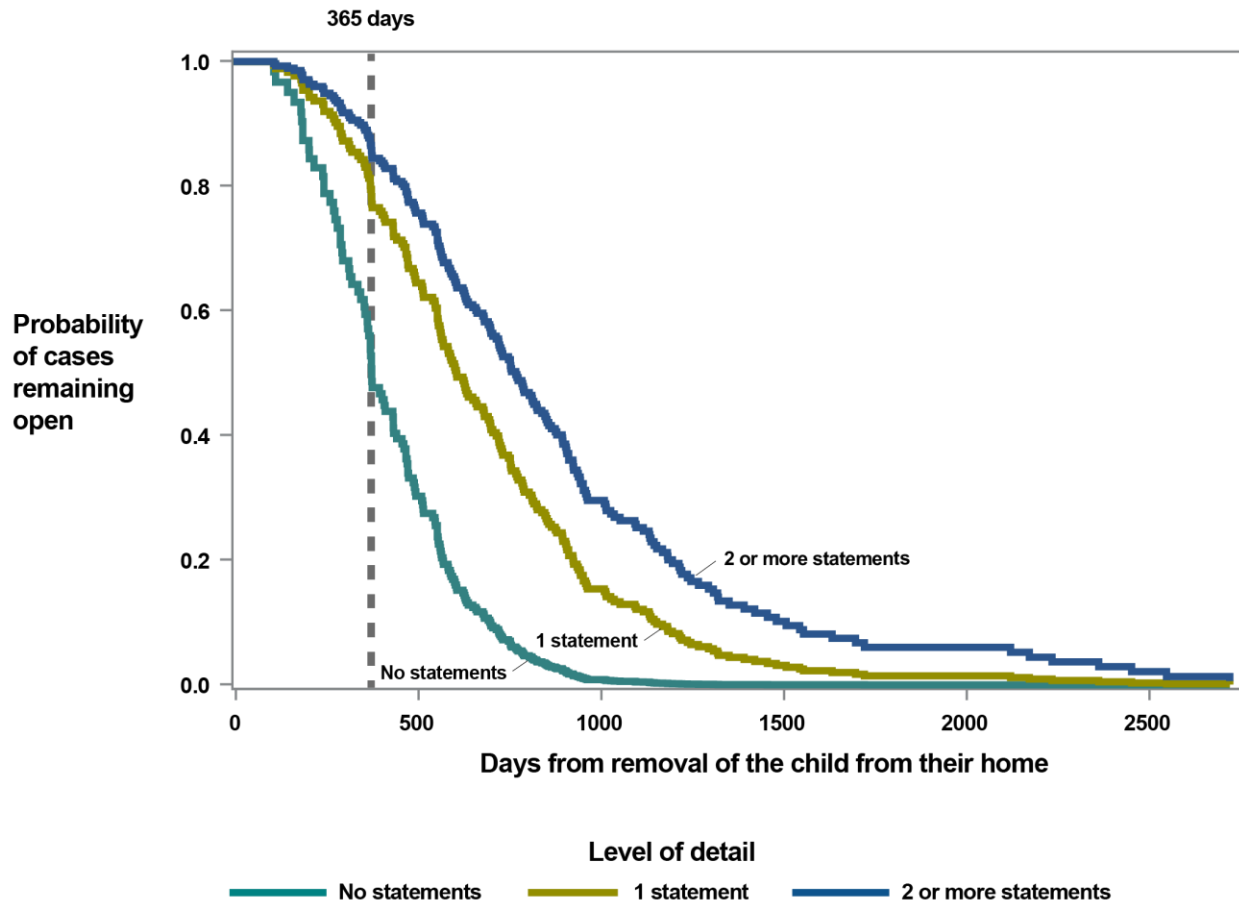
#### Exhibit 42. Multivariate Model of Time to Permanency

Variable	Chi-Square	Significance Level	Hazard Ratio
Level of detail of the reasonable efforts to achieve permanency finding at first review hearing	18.91	<.0001*	0.52
Physical abuse (petition allegation)	12.90	0.00030*	2.82
Neglect (petition allegation)	0.92	0.34	0.68
Site	10.58	0.032	---

**Note:** \* Indicates  $p$ -value  $\leq .05$ ; AIC: 1751.65, -2LL: 1737.65; Efron method for ties.

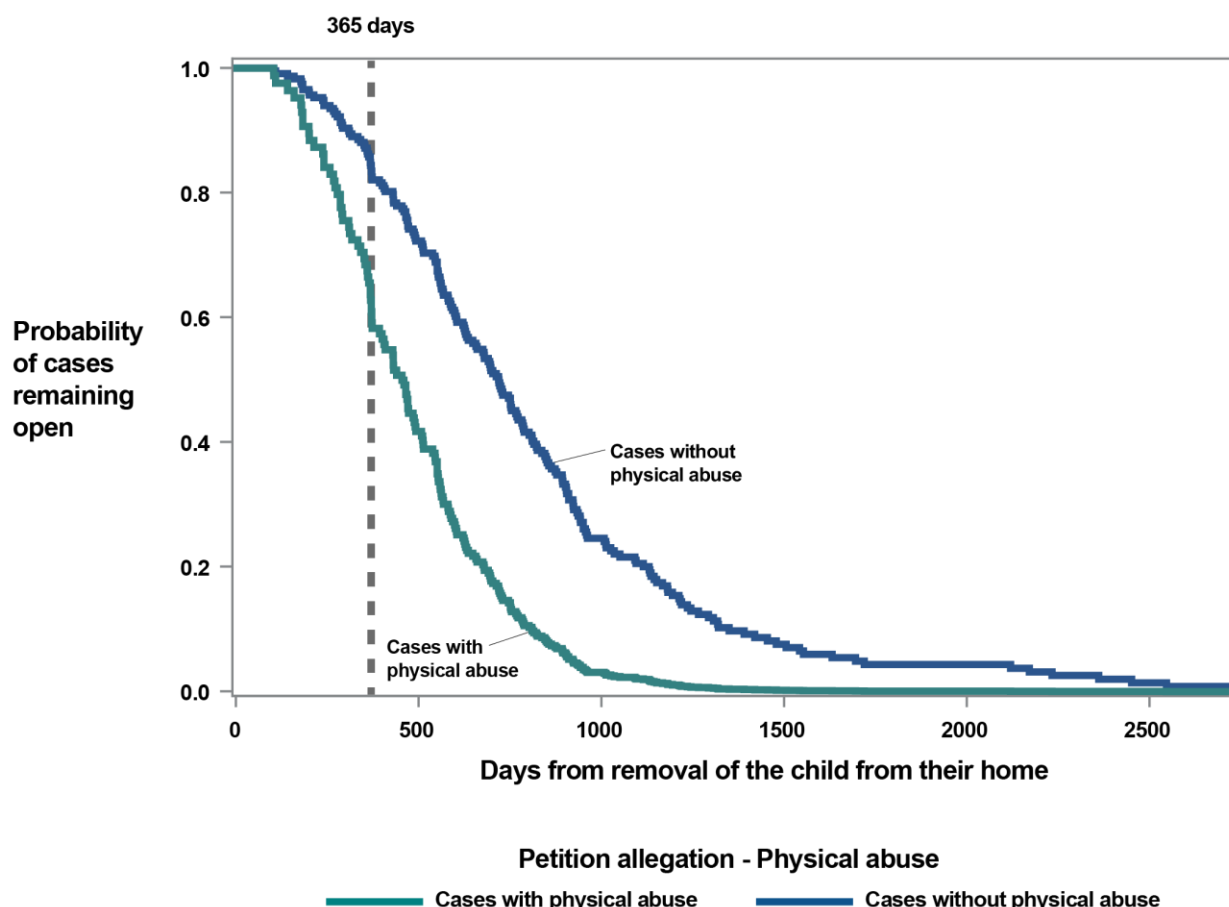
The results indicated that when judges' findings of reasonable efforts to achieve permanency were less detailed, cases closed at a faster rate than those with more detail (exhibit 43). For example, at 365 days, cases with no detail had about a 45 percent chance of being closed (55 percent chance of being open) compared with cases with more detail, which had about a 10 percent chance of being closed (90 percent chance of being open).

### Exhibit 43. The Likelihood That Cases Stayed Open Based on the Detail Provided in Judges' Written Reasonable Efforts Findings, When Controlling for Covariates



As in the bivariate model, when cases had a petition allegation of physical abuse, they closed at a faster rate than those without (exhibit 44). For example, at 365 days from removal, cases with physical abuse had a 40 percent chance of being closed (60 percent chance of being open), while cases without physical abuse had a 20 percent chance of being closed (80 percent chance of being open).

## Exhibit 44. The Likelihood That Cases Stayed Open Based on Whether There Was a Petition Allegation of Physical Abuse, When Controlling for Covariates



To check how well the data matched the model, we used Firth's bias correction method, which is a way of addressing potential biases that can arise in logistic regression analysis, especially in situations where variables might be very similar and when the sample size is small (Firth, 1993; Heinze & Schemper, 2002; Heinze, 2006). After applying Firth's bias correction, the results did not change (see appendix E).

## Summary of Research Question 4 Results

**How are judges' findings of reasonable efforts and the detail documented in findings related to the time to permanency?**

- The results showed that the level of detail of the reasonable efforts to achieve permanency finding at the first review hearing and the presence of physical abuse allegations were significantly associated with the time it took cases to achieve permanency:

- Cases where judges made less detailed reasonable efforts to achieve permanency findings at the first review hearing closed at a **faster rate** than those with more detailed findings.
  - Cases with physical abuse as a petition allegation closed at a **faster rate** than those without.
- Study site—the control variable—was also significant.

# Chapter 8: Discussion

REFS was designed to explore an important and understudied topic—judges’ reasonable efforts findings and how those findings may be related to permanency outcomes for children and families. We focused on reasonable efforts to prevent removal findings and reasonable efforts to achieve permanency findings because both are required in child welfare cases where the child has been removed from the home, and they have the potential to significantly impact entry into foster care and timely return home. As the first study of its kind, we measured a variety of case variables and conducted several models to identify areas ripe for future research. As a consequence of this broad, exploratory approach, there are several limitations to our study and results should be interpreted with caution. Below, we discuss the limitations of the study, summarize the key results, and identify opportunities for future research.

## Study Limitations

The REFS results need to be considered in light of the following limitations:

- **Study results cannot be generalized to other child welfare courts because only five sites participated in the study.** Because our sample came from a convenience sample of only five sites in three states, the practices observed and study results are not representative of practices or outcomes in other child welfare courts.
- **Our study was limited in what it could say about individual judge’s reasonable efforts findings.** We had an insufficient sample of cases from each judge to examine individual judge differences in reasonable efforts findings. Although our initial research plan intended to capture the same number of judges and cases per judge in each site, we were not able to recruit the sample we wanted. Our final sample had considerable variability in the number of cases per judge (Exhibit 8). For example, two sites included cases from a single judge; another site contributed a total of 72 cases, spread across 39 different judges. This variability limits what we can say about judges.
- **Without qualitative data from judges (e.g., surveys, interviews), we lack understanding about why judges make reasonable efforts findings.** Qualitative data collection from judges was not possible as part of this study, but would be useful as a future direction to collect demographic data and information about their decision-making processes.
- **We did not see variability in the types of reasonable efforts findings made, possibly due to small sample sizes.** This limited what we could learn about certain aspects we wanted to explore, such as whether and how level of discussion of reasonable efforts topics, information

provided to the court, level of detail of findings, and case characteristics were associated with different types of reasonable efforts findings.

- **The variable “site” had limitations that made it challenging to interpret site differences.** For our study, site is the county that contributed data. Site was a statistically significant predictor in all our models. However, due to the variations of judges within sites (1 to 39) and sites within states (1 to 3), it is challenging to draw conclusions about the meaning of site as a significant predictor. For example, we cannot say whether site differences reflect differences at the state (e.g., state policy), county (e.g., child welfare agency policy), court (e.g., local court rules, attorney practice), or judicial level (e.g., judicial practice). Future research could use more balanced designs (i.e., using equal numbers of cases per judge, judges per site, sites per state) to better understand what features may be driving these significant results.
- **Race and ethnicity data are excluded from the analyses because of large amounts of missing data and lack of information about how race and ethnicity data were collected.** Race and ethnicity data were not available for two of the five study sites. We could not conduct a subgroup analysis of sites with race and ethnicity data because of the small sample size of racial and ethnic groups across outcome categories. Further, we could not determine how the race and ethnicity data were collected, whether those data were self-reported, and whether people could select more than one race and ethnicity. We thus chose not to use race and ethnicity variables in our regression models to avoid conclusions that may directly or indirectly harm represented communities (e.g., creating bias, making generalizations, misclassifying individuals). Future studies should work to collect, document, and use race and ethnicity data in ways that best represent communities and reflect their lived experiences.
- **Data on court hearings are limited to the initial hearing.** Due to project resources, we only observed the initial hearing in each case. Observing later hearings on the case, such as review hearings, would have allowed us to better understand whether discussion at different hearing types was related to judicial findings of reasonable efforts.
- **Many analyses were conducted, potentially leading to errors.** By conducting an exploratory study, we sought to measure a wide range of hearing quality features hypothesized to affect case outcomes. Our analytic method included several iterative layers of analysis to answer our primary RQs. Performing our analysis this way is appropriate for an exploratory study because it helps us identify areas of potential future research. This approach of running many analyses, however, also increased the likelihood of finding statistically significant results when there is not a true association between variables (i.e., a type I error).

## Summary of Results and Future Research Directions

Despite the limitations shared, the study did yield some interesting results and ideas for future research to expand on this work. We focused on judges' reasonable efforts findings at two stages in child welfare cases: the reasonable efforts to prevent removal finding at the initial hearing and the reasonable efforts to achieve permanency finding at the first review hearing. These results are made at crucial points in a child welfare case. Here, we highlight the study results, discuss why we think it might have occurred or how it might align with prior research or best practices, and suggest areas for further study.

### **RQ1: How are hearing quality, information provided to the court before the initial hearing, and case characteristics related to judges' findings of reasonable efforts to prevent removal?<sup>15</sup>**

**We were unable to explore this question.** We were not able to conduct the planned analyses for this research question because there was insufficient variability in the outcome of interest (i.e., reasonable efforts to prevent removal finding). As discussed in the limitations above, the findings were nearly always that the agency made reasonable efforts to prevent removal. Very few cases in our sample had findings that reasonable efforts were not possible (e.g., it was not feasible to provide services because of the emergency nature of the situation, parents were unavailable or incarcerated), or that reasonable efforts were not required (e.g., circumstances were so severe that immediate removal or termination of parent rights was necessary to protect the child's safety). A more nuanced exploration of reasonable efforts that includes a larger sample size may be necessary. Instead of focusing on whether a finding was made or not, future research using a larger sample could explore the type of reasonable efforts findings (e.g., reasonable efforts were made, reasonable efforts were not possible due to an emergency situation). Specifically, courts can assess how level of discussion, level of detail provided to the court before the hearing, and case characteristics are related to the different types of reasonable efforts findings.

### **RQ2: How are information provided to the court, case characteristics, and timing of the review hearings related to the judges' findings of reasonable efforts to achieve permanency?**

**When more reasonable efforts topics were included in documents (i.e., agency reports) provided to the court before the first review hearing, judges were more likely to make a reasonable efforts to achieve permanency finding.<sup>16</sup>** Depth of reasonable efforts topics discussed in documents submitted before the first reasonable efforts to achieve permanency finding

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<sup>15</sup> See chapter 4 for more discussion of RQ1 results.

<sup>16</sup> See chapter 5 for more discussion of RQ2 results.



was not associated with judges making a reasonable efforts to achieve permanency finding. That is, the amount of information on a given topic (e.g., what the agency had done to work with the family) was not related to a judge's finding; however, our data suggest that the number of topics (i.e., breadth) included in documents informed judges' decision-making. This may imply that a broader array of information is more helpful compared to a lot of detail about any one topic. Specific topics may also be more informative to judges. Future research can help us better understand what kinds of information are most useful to judges in their reasonable efforts decision-making (e.g., a broad array of topics, detail of a topic, detail of a specific topic).

### **RQ3: How are judges' findings of reasonable efforts and the detail documented in findings related to the likelihood of reunification?<sup>17</sup>**

**When judges made more detailed reasonable efforts findings, cases were less likely to end in reunification.** This may be because judges felt more explanation or detail should be included in their findings in cases where the parents are not making good progress and not on track for reunification. Research shows that parental participation in or compliance with services is related to judicial decisions to reunify the family (e.g., D'Andrade & Nguyen, 2014; Smith, 2003). When parents are making progress toward reunification, judges may not feel it necessary to provide detailed findings that include how the agency is making efforts. When parents are not making progress, judges may anticipate questions about whether the agency has not been making efforts or whether they have but the parents are not engaged. In those cases, judges may provide detail about agency efforts in their findings to support their decision that reasonable efforts were made by the agency. This detail may be helpful for judges to make a record of the agency's efforts in case of an appeal. The detail may also help parents understand the efforts being made in hopes of stimulating them to engage in their case. Future research efforts could directly ask judges which factors impacted their decision to include detail in their findings. This would allow us to understand why cases with more detailed findings are less likely to end in reunification.

**Cases with allegations of physical abuse were more likely to end in reunification while cases with allegations of abandonment or homelessness were less likely to end in reunification.** Our study results are consistent with research that families that have unstable or inadequate housing have lower chances of reunification (e.g., Bai et al., 2023; Courtney et al., 2004; Jones, 1998). This aligns with frequent concerns that families enter care and remain involved in the child welfare system due to poverty (Fernandez et al., 2019). Our study results also align with prior research on physical abuse, although that research has been mixed. Some studies have found that the presence of physical abuse is related to how the case closes (McDonald et al., 2007), and some have not (e.g., Cheng, 2010). Future research could explore further what it is about these allegations that is

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<sup>17</sup> See chapter 6 for more discussion of RQ3 results.

related to the outcome of reunification. For example, we didn't explore who the allegation was against or whether the reunification was with that parent. We also didn't explore what physical abuse meant (e.g., inappropriate discipline, unexplained injury). These factors should be explored in more depth to explain why these allegations are related to reunification.

#### **RQ4: How are judges' findings of reasonable efforts and the detail documented in findings related to the time for cases to achieve permanency?<sup>18</sup>**

**Cases with less detail in the reasonable efforts to achieve permanency finding at the first review hearing achieved permanency at a faster rate compared to cases with more detail.** This aligns with our finding from RQ3 about less detail being related to higher likelihood of reunification. Data on child welfare outcomes reveal that reunification typically occurs quicker than other permanency outcomes like guardianship or adoption (Children's Bureau, 2022; U.S. Dept of Health and Human Services, 2020). We might expect that if there is a relationship to reunification, which occurs more timely than other outcomes, we would also see a relationship to the time it takes to achieve permanency. Future research could explore the questions of when and why judges choose to add detail to their findings as a first step to learning more about how this may be related to outcomes.

**Cases that had allegations of physical abuse were more likely to achieve any type of permanency faster than cases that did not have this allegation.** This also aligns with our results from RQ3 about likelihood of reunification. Physical abuse allegations were related to higher likelihood of reunification. Reunification is one of the faster permanency outcomes (Children's Bureau, 2022), so it makes sense that if physical abuse cases are more likely to end in reunification (as described in chapter 6), then they would also be more likely to achieve faster permanency. Future research should attempt to disentangle the permanency outcomes with time to permanency, potentially by exploring time to permanency within each permanency outcome (e.g., among all reunification cases, does physical abuse predict timely permanency).

## **Conclusion**

In sum, REFS marks an important first step toward understanding judicial decision-making, particularly related to reasonable efforts findings. It provides valuable insight into methods for exploring judicial decision-making, including limitations and challenges, and for replication in other sites with more robust samples. It also highlights areas that could be explored in-depth in future research efforts.

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<sup>18</sup> See chapter 7 for more discussion of RQ4 results.

# References

- Aguiniga, D. M., Madden, E. E., & Hawley, A. (2015). Exploratory analysis of child protection mediation permanency placement outcomes. *Children and Youth Services Review*, 50, 20–27. <http://dx.doi.org/10.1016/j.childyouth.2014.12.021>
- Bai, R., Collins, C., Fischer, R., Groza, V., & Yang, L. (2022). Exploring the association between housing insecurity and child welfare involvement: A systematic review. *Child and Adolescent Social Work Journal*, 1–14.
- Bohannon, T., Nevers, K., & Summers, A. (2015). *Hawaii courts catalyzing change case file review and court observation pre and post benchcard*. National Council of Juvenile and Family Court Judges.
- Bursac, Z., Gauss, C. H., Williams, D. K., & Hosmer, D. W. (2008). Purposeful selection of variables in logistic regression. *Source Code for Biology and Medicine*, 3, 17. <https://doi.org/10.1186/1751-0473-3-17>
- Carnochan, S., Lee, C., & Austin, M. J. (2013). Achieving timely reunification. *Journal of Evidence-Based Social Work*, 10(3), 179–195. <https://doi.org/10.1080/15433714.2013.788948>
- Child Welfare Information Gateway. (2016). *Understanding child welfare and the courts*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.
- Child Welfare Information Gateway. (2020). *Reasonable efforts to preserve or reunify families and achieve permanency for children*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/reunify/>
- Child Welfare Information Gateway (October, 2022). *Understanding child welfare and the courts: factsheet for families*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/resources/understanding-child-welfare-and-courts/>
- Children's Bureau. (2022). *Child welfare outcomes 2019: Report to Congress*. <https://www.acf.hhs.gov/cb/report/cwo-2019>
- Connell, C. M., Katz, K. H., Saunders, L., & Tebes, J. K. (2006). Leaving foster care—The influence of child and case characteristics on foster care exit rates. *Children and Youth Services Review*, 28(7), 780–798. <https://doi.org/10.1016/j.childyouth.2005.08.007>
- Courtney, M. E., & Hook, J. L. (2012). Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care. *Children and Youth Services Review*, 34(7), 1337–1343. <https://doi.org/10.1016/j.childyouth.2012.03.016>
- Courtney, M. E., McMurtry, S. L., & Zinn, A. (2004). Housing problems experienced by recipients of child welfare services. *Child Welfare*, 83(5), 393–422. <http://www.jstor.org/stable/45400339>
- Faul, F., Erdfelder, E., Buchner, A., & Lang, A.-G. (2009). Statistical power analyses using G\*Power 3.1: Tests for correlation and regression analyses. *Behavior Research Methods*, 41(4), 1149–1160. <https://doi.org/10.3758/BRM.41.4.1149>
- Firth, D. (1993). Bias reduction of maximum likelihood estimates. *Biometrika*, 80(1), 27–38. <https://doi.org/10.1093/biomet/80.1.27>
- Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

- Gonzalez, C., & Summers, A. (2014). *Assessing the long-term effects of courts catalyzing change preliminary protective hearing benchcard*. National Council of Juvenile and Family Court Judges.
- Harrell, F. E., Jr. (2016). *Regression modeling strategies*. Springer International.
- Heinze, G. (2001). *The application of Firth's procedure to Cox and logistic regression: Technical report*. University of Vienna Department of Medical Computer Sciences.
- Heinze, G. (2006). A comparative investigation of methods for logistic regression with separated or nearly separated data. *Statistics in Medicine*, 25(24), 4216–4226.  
<https://doi.org/10.1002/sim.2687>
- Heinze, G., & Schemper, M. (2002). A solution to the problem of separation in logistic regression. *Statistics in Medicine*, 21(16), 2409–2419. <https://doi.org/10.1002/sim.1047>
- Hines, A. M., Lee, P. A., Osterling, K. L., & Drabble, L. (2007). Factors predicting family reunification for African American, Latino, Asian and White families in the child welfare system. *Journal of Child and Family Studies*, 16, 275–289. <https://doi.org/10.1007/s10826-006-9085-2>
- Hosmer, D.W., and Lemeshow, S. (2000). *Applied logistic regression* (2nd ed.). Wiley.
- Kemp, S. P., & Bodonyi, J. M. (2000). Infants who stay in foster care: Child characteristics and permanency outcomes of legally free children first placed as infants. *Child and Family Social Work*, 5(2), 95–106. <https://doi.org/10.1046/j.1365-2206.2000.00156.x>
- Kutner, M. H., Nachtsheim, C.J., & Neter, J. (2004). *Applied linear regression models* (4th ed.). McGraw-Hill.
- MacCallum, R. C., Widaman, K. F., Preacher, K. J., & Hong, S. (2001). Sample size in factor analysis: The role of model error. *Multivariate Behavioral Research*, 36(4), 611–637.  
[https://doi.org/10.1207/S15327906MBR3604\\_06](https://doi.org/10.1207/S15327906MBR3604_06)
- MacCallum, R. C., Widaman, K. F., Zhang, S., & Hong, S. (1999). Sample size in factor analysis. *Psychological Methods*, 4(1), 84–99. <https://doi.org/10.1037/1082-989X.4.1.84>
- Magruder, J., & Berrick, J. D. (2022). A longitudinal investigation of infants and out-of-home care. *Journal of Public Child Welfare*, 17(2), 390–407.  
<https://doi.org/10.1080/15548732.2022.2036294>
- Milner, J., & Kelly, D. (2018, November 5). *Reasonable efforts as prevention*. ABA Child Law Practice Today.  
[https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/january-december-2018/reasonable-efforts-as-prevention/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january-december-2018/reasonable-efforts-as-prevention/)
- Pagano, M., & Gauvreau, K. (2018). *Principles of biostatistics* (2nd ed.). Chapman and Hall/CRC.  
<https://doi.org/10.1201/9780429489624>
- Richards, T., Summers, A., Gatowski, S., Fromknecht, A., & Ruben, J. (2021). *Conceptual model of judicial decision-making and hearing quality in child welfare* (OPRE Report 2021-86). Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.
- Russell, J., & Summers, A. (2013). An overview of the courts catalyzing change preliminary protective hearing Benchcard study. *Juvenile and Family Court Journal*, 64(2), 1–16.
- Shaw, T. V., Bright, C. L., & Sharpe, T. L. (2015). Child welfare outcomes for youth in care as a result of parental death or parental incarceration. *Child Abuse & Neglect*, 42, 112–120.  
<https://doi.org/10.1016/j.chiabu.2015.01.002>
- Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Improvement Project.

- Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*. Administrative Office of the Courts, Nevada Court Improvement Program.
- Summers, A., Gatowski, S., & DeVault, A. (2016). *Research report: Child Abuse and Neglect Institute evaluation; Training impact on hearing practice*. National Council of Juvenile and Family Court Judges
- Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review*, 82, 490–498. <https://doi.org/10.1016/j.childyouth.2017.10.018>
- Summers, A., Gatowski, S., Richards, T., & Fromknecht, A. (2022). *Measuring child welfare court performance: Review of resources*. Children’s Bureau, Administration for Children and Families, U.S. Department of Health and Human Services. [https://capacity.childwelfare.gov/sites/default/files/media\\_pdf/cw-court-performance-resource-review.pdf](https://capacity.childwelfare.gov/sites/default/files/media_pdf/cw-court-performance-resource-review.pdf)
- Summers, A., Russell, J., Darnell, A., & Maher, E. (2012). *Examination of judicial practice in placement review hearings for youth in the permanent managing conservatorship of Texas*. Casey Family Programs.
- Wildeman, C., & Emanuel, N. (2014). Cumulative risks of foster care placement by age 18 for U.S. children, 2000–2011. *PloS One*, 9(3), e92785. <https://doi.org/10.1371/journal.pone.0092785>
- U.S. Department of Health and Human Services, Administration for Children and Families, Administration for Children, Youth, and Families, Children’s Bureau. (2020). *The AFCARS report: Preliminary FY 2019 estimates as of June 23, 2020 – No 27*. <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>
- Zinn, A., & Orlebeke, B. (2017). Juvenile court judicial expertise and children’s permanency outcomes. *Children and Youth Services Review*, 77, 46–54. <https://doi.org/10.1016/j.childyouth.2017.03.011>
- Zinn, A., & Peters, C. (2015). Expressed-interest legal representation for children in substitute care: Evaluation of the impact of representation on children's permanency outcomes. *Family Court Review*, 53(4), 589–601. <https://doi.org/10.1111/fcre.12175>
- Zuravin, S. J., & DePanfilis, D. (1997). Factors affecting foster care placement of children receiving child protective services. *Social Work Research*, 21(1), 34–42. <http://www.jstor.org/stable/42659321>

# Appendix A: Glossary of Key Terms

This glossary defines key terms for the REFS.

- **Reasonable efforts to prevent removal.** When a child is removed from their home, judges have 60 days to decide if the child welfare agency made reasonable efforts to prevent removal.<sup>19</sup> This finding is the judge's chance to identify what efforts the agency put into place before removal to keep the child safe at home. It can also set the standard for future efforts to return the child.
- **Reasonable efforts to achieve permanency.** After removal, judges must decide within the child's 12 months of entry into foster care if the child welfare agency has made reasonable efforts to reunify the child with his or her family. This finding may be made at review hearings, permanency hearings, or both.
- **Removal decision.** At the initial hearing, judges must decide whether it is contrary to the child's welfare to remain in the home and have them placed in out-of-home care. This decision is documented in the court order.<sup>20</sup>
- **Initial hearing.** The initial hearing is the first time parties come before a judge in a child welfare court case. During this hearing, the judge decides if the risk of harm to the child meets legal standards for the removal of the child from the home. This is the court's first opportunity to review whether the child welfare agency made reasonable efforts to prevent removing the child from the home. This hearing happens immediately before or soon after child removal. Some states use different terms; for example, the first hearing in a case may be called an initial hearing, shelter care hearing, or preliminary protective hearing.
- **Adjudication hearing.** The hearing where the judge decides whether enough (i.e., sufficient) evidence exists to conclude that the alleged abuse or neglect of the child has occurred. The adjudication hearing is typically held as a trial if allegations are contested by a parent.
- **Disposition hearing.** The hearing where the judge decides who will have custody of the child, sets the permanency plan (e.g., reunification with parents, other permanency type), and approves a case plan that outlines the tasks and services needed to achieve permanency for the child.

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<sup>19</sup> To establish a child's eligibility for federal foster care maintenance payments under Title IV-E, the child welfare agency must provide evidence that a judicial determination the agency made reasonable efforts to prevent that child's removal was made within 60 days of the removal. If the court finds that the agency failed to make reasonable efforts, or if the court does not make a determination within 60 days, the child will be ineligible for IV-E payments for their entire stay in foster care. See 45 C.F.R. § 1356.21(b). The agency is always required to make efforts that are reasonable under the circumstances of each case, but a court may find that the agency's inability to provide prevention services or otherwise make efforts is reasonable due to circumstances involving imminent threats to the health or safety of the child. See Children's Bureau, Child Welfare Policy Manual, 8.3A.9b.

<sup>20</sup> There are no specific, nationwide standards or evidentiary criteria for removal of a child from the custody their parents in federal law. Rather, federal law conditions Title IV-E foster care funding only on a judicial finding that remaining in the home would have been contrary to the child's welfare (in addition to the aforementioned reasonable efforts determination). See 42 U.S.C. § 672(a)(2); 45 C.F.R. § 1356.21(c). State law varies in specificity of what must be found in order to remove a child, but there is consensus that children should be removed only where threats to the child's health, safety, or well-being pose a high risk of imminent harm and cannot be lessened without removal.



- **Review hearing.** Review hearings are when the judge reviews the status of the case since the last hearing. The Adoption and Safe Families Act (ASFA) of 1997 requires that the status of each child in out-of-home care be reviewed at least once every 6 months; however, some courts choose to review cases more often.
- **Permanency hearing.** The hearing when the judge decides the type of permanency that will be achieved (e.g., reunification with parents, guardianship, permanent placement with a relative) and how through a court-approved permanency plan.
- **Judicial findings.** Findings are official decisions made by judges after consideration of all the facts. They are documented in formal court orders that become part of the court record.
- **Judicial engagement of parents.** Judicial engagement strategies include addressing parents by name or giving them opportunities to be heard. When judges interact directly with parents during initial hearings, it gives parents a chance to explain their situation, share their perspectives, and gain reassurance that the proceeding will be fair.
- **Discussion of reasonable efforts to prevent removal.** The discussion led by the judge during a hearing is an opportunity for judges to learn what agencies did or did not do to prevent removal.
- **Petition allegations.** Reasons for the original petition being filed in the case (e.g., specific allegations of abuse or neglect).
- **Presenting problems.** Family's identified challenges that contributed to the need for a child welfare court case as described in the petition (e.g., substance use, domestic violence, homelessness).
- **Out-of-home placement.** Where a child temporarily lives when removed from a parent. Examples include with a relative, in kinship placement, in a foster care family setting, in a group home, in a treatment facility, or in a detention center.
- **Safety.** Absence of further neglect or abuse of the child.
- **Permanency.** A permanent caregiving arrangement for a child established within time periods set by federal and state law. Examples include reunification with a parent, adoption, guardianship, placement with a relative, or Another Planned Permanent Living Arrangement (APPLA).
- **Well-being.** Child is healthy and has access to appropriate education, healthcare, and other psychological, physical, and social supports.
- **Reunification.** When a child returns from a temporary out-of-home placement to live with a parent without court oversight.

# Appendix B: Initial Hearing Court Observation Form

Project I.D. \_\_\_\_\_ Judge I.D. \_\_\_\_\_ State I.D. \_\_\_\_\_

Coder \_\_\_\_\_ Date Coded \_\_\_\_\_

Hearing Date \_\_\_\_\_ Hearing length \_\_\_\_\_ min. Recess time \_\_\_\_\_ min.

## Individuals Present

☐ Mother ☐ Mother's Attorney  
☐ Father ☐ Father's Attorney  
☐ Child(ren) ☐ Child's Advocate A A/G G C  
☐ Caseworker ☐ State's Attorney  
☐ Relative Caregiver ☐ Interpreter  
☐ Foster Parent ☐ Other  
☐ Family Member ☐ Other  
☐ Other ☐ Other

Parent/Youth Engagement – Did the judge...	Mother N/A	Father N/A	Child N/A
Explain the hearing purpose/process?			
Ask language most comfortable speaking?			
Speak directly to the person?			
If yes, address the person by first name?			
If yes, address the person by last name?			
If yes, use salutation (Mr., Ms., Dr.)?			
If yes, ask if they have questions?			
If yes, ask if they understand?			
If yes, encourage active participation in hearing/case?			
If yes, did judge raise voice in talking to person?			
Give opportunity to be heard, <b>but in ways different from above?</b>			
Identify the next steps?			
Interrupt or talk over person?			

Discussion Topic	Discussion					Judicial Inquiry		Who Contributes to This Discussion? [circle all that apply]
Child's current placement	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Educational needs/educational placement	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Child's physical health/development	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Child's mental health	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Child's other well-being	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Visitation/Family time	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____



Parent's rights/process/permanency timeframes	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Review of petition	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Paternity/Locating fathers	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Potential Relative Placement	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
<b>Reasonable Efforts Discussion Items</b>	<b>Discussion</b>					<b>Judicial Inquiry</b>		<b>Who Contributes to This Discussion?</b> [circle all that apply]
In-home safety planning (can child go home safely with supports in place)	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Agency efforts to prevent removal	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Services offered to family to prevent removal	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Specific safety risks leading to removal	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
Preventing child from returning home today	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____
What needs to happen for child to safely return home	0	1	2	3	NA	Y	N	J SA CW MA FA CA M F Y O ____

#### FINDINGS/ORDERS

Verbal Reasonable Efforts (RE) Finding	___Y___N
Finding of RE were made	___Y___N
Finding of RE were not required (aggravated circumstances)	___Y___N
Finding of RE were not possible (emergent/emergency situation)	___Y___N
Finding of RE were <i>not</i> made	___Y___N
RE Finding withheld/cont'd	___Y___N
RE Finding Includes Detail	___Y___N

Was the child removed prior to the hearing? \_\_\_Yes \_\_\_No \_\_\_UD

#### CODER NOTES:

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

Source: Capacity Building Center for States (n.d.). *Buzzwords: Moving to Behavioral Descriptors*.

<https://library.childwelfare.gov/cwig/ws/library/docs/capacity/Blob/114905.pdf?r=1&rpp=10&upp=0&w=+NATIVE%28%27recno%3D114905%27%29&m=1>

# Appendix C: Court Case File Review Form

Project I.D. \_\_\_\_\_ Judge I.D. \_\_\_\_\_ State I.D. \_\_\_\_\_ Coder \_\_\_\_\_ Date Coded \_\_\_\_\_

## Demographic Information

Child: \_\_\_\_ of \_\_\_\_ Age at Petition Filing: Years \_\_\_\_ Months \_\_\_\_

Randomly select one child from the petition and indicate which child it is (e.g., 1 of 3) **\*\*needs to match the child from the court observation (see codebook)**

ICWA Case? ☐ Yes ☐ No

Gender of Child:

- ☐ Male
- ☐ Female
- ☐ Transgender
- ☐ None of these

Ethnicity of Child:

- ☐ Hispanic or Latino
- ☐ Not Hispanic or Latino
- ☐ Unknown/Unreported

Race of Child (select one or more):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Unknown/Unreported

National Origin of Child: \_\_\_\_\_ ☐ UD

Language of Child: \_\_\_\_\_ ☐ UD

**Mother**

Ethnicity of Mother:

- ☐ Hispanic or Latino
- ☐ Not Hispanic or Latino
- ☐ Unknown/Unreported

Race of Mother (select one or more):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Unknown/Unreported

National Origin of Mother: \_\_\_\_\_ ☐ UD

Language of Mother: \_\_\_\_\_ ☐ UD

**Father**

Ethnicity of Father:

- ☐ Hispanic or Latino
- ☐ Not Hispanic or Latino
- ☐ Unknown/Unreported

Race of Father (select one or more):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White

☐ Unknown/Unreported

National Origin of Father: \_\_\_\_\_ ☐ UD

Language of Father: \_\_\_\_\_ ☐ UD

**Other person named in petition:** \_\_\_\_\_

Ethnicity:

- ☐ Hispanic or Latino
- ☐ Not Hispanic or Latino
- ☐ Unknown/Unreported

Race (select one or more):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Unknown/Unreported

National Origin: \_\_\_\_\_ ☐ UD

Language: \_\_\_\_\_ ☐ UD

**Petition Filing Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Petition Allegations**

Mo Fa Other: \_\_\_\_\_

- ☐ ☐ ☐ Physical Abuse
- ☐ ☐ ☐ Neglect
- ☐ ☐ ☐ Sexual Abuse/Exploitation

**Presenting Problems**

Mo Fa Other: \_\_\_\_\_

- ☐ ☐ ☐ Domestic Violence
- ☐ ☐ ☐ Substance Use
- ☐ ☐ ☐ Mental Health

☐ ☐ ☐ Emotional Abuse  
☐ ☐ ☐ Abandonment  
☐ ☐ ☐ Other \_\_\_\_\_  
☐ ☐ ☐ Other \_\_\_\_\_

☐ ☐ ☐ Incarceration  
☐ ☐ ☐ Homelessness  
☐ ☐ ☐ Other \_\_\_\_\_  
☐ ☐ ☐ Other \_\_\_\_\_

Was the child removed from the home? ☐ Yes ☐ No Removal Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ UD

Removed from ☐ Mother ☐ Father ☐ Other \_\_\_\_\_  
Zip Code of Parent/Other Removed From: \_\_\_\_\_ ☐ UD

Child Placed with Relative? ☐ Yes ☐ No

Date first placed with a relative: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ UD

Pre-Hearing Conference Held? ☐ Yes ☐ No

If yes, Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Mother Present? ☐ Yes ☐ No ☐ UD

Father Present? ☐ Yes ☐ No ☐ UD

Date Attorney Appointed for Mother: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ UD ☐ No atty appointed

Date Attorney Appointed for Father: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ UD ☐ No atty appointed

Date Advocate Appointed for the Child:

Child Advocate: \_\_\_\_/\_\_\_\_/\_\_\_\_

Advocate type:

☐ Attorney

☐ Attorney GAL

☐ GAL

☐ CASA

☐ UD

☐ No advocate appointed

Secondary Child Advocate: \_\_\_\_/\_\_\_\_/\_\_\_\_

Advocate type:

☐ GAL

☐ CASA

☐ UD

## **CASE FLOW**

Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>Initial Hearing</b></p> <p>___/___/___    <input type="checkbox"/> N/A</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ___Y___N            Finding Includes Detail    ___Y___N</p> <p><b>FINDING</b></p> <p><input type="checkbox"/> RE to Prevent Removal</p> <p><input type="checkbox"/> RE to Achieve Permanency</p> <p><input type="checkbox"/> RE to Finalize the Permanency Plan</p> <p><input type="checkbox"/> RE were made (general statement)</p> <p><input type="checkbox"/> RE were not required</p> <p>    <input type="checkbox"/> RE were not required            (emergent/emergency situation)</p> <p>    <input type="checkbox"/> RE were not required (aggravated            circumstances)</p> <p><input type="checkbox"/> RE were not made</p> <p><input type="checkbox"/> RE withheld/cont'd</p> <p><input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)</p> <p><input type="checkbox"/> handwritten/typed narrative</p> <p><input type="checkbox"/> checkboxes of specific detail items</p> <p><input type="checkbox"/> detail references/incorporates details from            agency report</p> <p><input type="checkbox"/> case specific</p> <p><input type="checkbox"/> child specific</p> <p>Type of efforts noted:</p> <p><input type="checkbox"/> Safety planning</p> <p><input type="checkbox"/> Childcare</p> <p><input type="checkbox"/> Transportation assistance</p> <p><input type="checkbox"/> Referrals to services</p> <p>    <input type="checkbox"/> Homemaker</p> <p>    <input type="checkbox"/> Parenting</p> <p>    <input type="checkbox"/> Vocational</p> <p>    <input type="checkbox"/> Behavioral/mental health</p> <p>    <input type="checkbox"/> Domestic violence</p> <p>    <input type="checkbox"/> Substance use</p> <p>    <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/family support</p> <p><input type="checkbox"/> Case planning</p> <p><input type="checkbox"/> Facilitating visitation</p> <p><input type="checkbox"/> Relative exploration</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother</p> <p><input type="checkbox"/> Father</p> <p><input type="checkbox"/> Both parents</p> <p><input type="checkbox"/> Relative/kin</p> <p><input type="checkbox"/> Foster care</p> <p>    <input type="checkbox"/> Family foster care</p> <p>    <input type="checkbox"/> Specialized,            therapeutic, or            medical foster care</p> <p>    <input type="checkbox"/> UD</p> <p><input type="checkbox"/> Group home/congregate            care</p> <p><input type="checkbox"/> Other _____</p>



Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>Adjudication Hearing</b>  Mother ___/___/___    <input type="checkbox"/> N/A  <b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p> <p>Father ___/___/___    <input type="checkbox"/> N/A  <b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ___Y___N  Finding Includes Detail    ___Y___N  <b>FINDING</b>  <input type="checkbox"/> RE to Prevent Removal  <input type="checkbox"/> RE to Achieve Permanency  <input type="checkbox"/> RE to Finalize the Permanency Plan  <input type="checkbox"/> RE were made (general statement)  <input type="checkbox"/> RE were not required            <input type="checkbox"/> RE were not required                (emergent/emergency situation)            <input type="checkbox"/> RE were not required (aggravated                circumstances)  <input type="checkbox"/> RE were not made  <input type="checkbox"/> RE withheld/cont'd  <input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)  <input type="checkbox"/> handwritten/typed narrative  <input type="checkbox"/> checkboxes of specific detail items  <input type="checkbox"/> detail references/incorporates details from  agency report  <input type="checkbox"/> case specific  <input type="checkbox"/> child specific</p> <p>Type of efforts noted:  <input type="checkbox"/> Safety planning  <input type="checkbox"/> Childcare  <input type="checkbox"/> Transportation assistance  <input type="checkbox"/> Referrals to services            <input type="checkbox"/> Homemaker            <input type="checkbox"/> Parenting            <input type="checkbox"/> Vocational            <input type="checkbox"/> Behavioral/mental health            <input type="checkbox"/> Domestic violence            <input type="checkbox"/> Substance use            <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/ family support  <input type="checkbox"/> Case planning  <input type="checkbox"/> Facilitating visitation  <input type="checkbox"/> Relative exploration</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother  <input type="checkbox"/> Father  <input type="checkbox"/> Both parents  <input type="checkbox"/> Relative/kin  <input type="checkbox"/> Foster care            <input type="checkbox"/> Family foster care            <input type="checkbox"/> Specialized,                therapeutic, or                medical foster care            <input type="checkbox"/> UD  <input type="checkbox"/> Group home/Congregate  care  <input type="checkbox"/> Other _____</p>

Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>Disposition Hearing</b></p> <p>Mother ___/___/___    <input type="checkbox"/> N/A</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p> <p>Father ___/___/___    <input type="checkbox"/> N/A</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ___Y___N</p> <p>Finding Includes Detail    ___Y___N</p> <p><b>FINDING</b></p> <p><input type="checkbox"/> RE to Prevent Removal</p> <p><input type="checkbox"/> RE to Achieve Permanency</p> <p><input type="checkbox"/> RE to Finalize the Permanency Plan</p> <p><input type="checkbox"/> RE were made (general statement)</p> <p><input type="checkbox"/> RE were not required</p> <p>    <input type="checkbox"/> RE were not required     (emergent/emergency situation)</p> <p>    <input type="checkbox"/> RE were not required     (aggravated circumstances)</p> <p><input type="checkbox"/> RE were not made</p> <p><input type="checkbox"/> RE withheld/cont'd</p> <p><input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)</p> <p><input type="checkbox"/> handwritten/typed narrative</p> <p><input type="checkbox"/> checkboxes of specific detail items</p> <p><input type="checkbox"/> detail references/incorporates details from agency report</p> <p><input type="checkbox"/> case specific</p> <p><input type="checkbox"/> child specific</p> <p>Type of efforts noted:</p> <p><input type="checkbox"/> Safety planning</p> <p><input type="checkbox"/> Childcare</p> <p><input type="checkbox"/> Transportation assistance</p> <p><input type="checkbox"/> Referrals to services</p> <p>    <input type="checkbox"/> Homemaker</p> <p>    <input type="checkbox"/> Parenting</p> <p>    <input type="checkbox"/> Vocational</p> <p>    <input type="checkbox"/> Behavioral/mental health</p> <p>    <input type="checkbox"/> Domestic violence</p> <p>    <input type="checkbox"/> Substance use</p> <p>    <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/ family support</p> <p><input type="checkbox"/> Case planning</p> <p><input type="checkbox"/> Facilitating visitation</p> <p><input type="checkbox"/> Relative exploration</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother</p> <p><input type="checkbox"/> Father</p> <p><input type="checkbox"/> Both parents</p> <p><input type="checkbox"/> Relative/kin</p> <p><input type="checkbox"/> Foster care</p> <p>    <input type="checkbox"/> Family foster care</p> <p>    <input type="checkbox"/> Specialized,     therapeutic, or     medical foster care</p> <p>    <input type="checkbox"/> UD</p> <p><input type="checkbox"/> Group home/Congregate care</p> <p><input type="checkbox"/> Other _____</p>

Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>1<sup>st</sup> Judicial Review Hearing</b>   <input type="checkbox"/> N/A</p> <p>____/____/____</p> <p>M Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p>F Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ____Y____N</p> <p>Finding Includes Detail    ____Y____N</p> <p><b>FINDINGS</b></p> <p><input type="checkbox"/> RE to Prevent Removal</p> <p><input type="checkbox"/> RE to Achieve Permanency</p> <p><input type="checkbox"/> RE to Finalize the Permanency Plan</p> <p><input type="checkbox"/> RE were made (general statement)</p> <p><input type="checkbox"/> RE were not required</p> <p>    <input type="checkbox"/> RE were not required     (emergent/emergency situation)</p> <p>    <input type="checkbox"/> RE were not required     (aggravated circumstances)</p> <p><input type="checkbox"/> RE were not made</p> <p><input type="checkbox"/> RE withheld/cont'd</p> <p><input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)</p> <p><input type="checkbox"/> handwritten/typed narrative</p> <p><input type="checkbox"/> checkboxes of specific detail items</p> <p><input type="checkbox"/> detail references/incorporates details from agency report</p> <p><input type="checkbox"/> case specific</p> <p><input type="checkbox"/> child specific</p> <p>Type of efforts noted:</p> <p><input type="checkbox"/> Safety planning</p> <p><input type="checkbox"/> Childcare</p> <p><input type="checkbox"/> Transportation assistance</p> <p><input type="checkbox"/> Referrals to services</p> <p>    <input type="checkbox"/> Homemaker</p> <p>    <input type="checkbox"/> Parenting</p> <p>    <input type="checkbox"/> Vocational</p> <p>    <input type="checkbox"/> Behavioral/mental health</p> <p>    <input type="checkbox"/> Domestic violence</p> <p>    <input type="checkbox"/> Substance use</p> <p>    <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/ family support</p> <p><input type="checkbox"/> Case planning</p> <p><input type="checkbox"/> Facilitating visitation</p> <p><input type="checkbox"/> Relative exploration</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother</p> <p><input type="checkbox"/> Father</p> <p><input type="checkbox"/> Both parents</p> <p><input type="checkbox"/> Relative/kin</p> <p><input type="checkbox"/> Foster care</p> <p>    <input type="checkbox"/> Family foster care</p> <p>    <input type="checkbox"/> Specialized,     therapeutic, or     medical foster care</p> <p>    <input type="checkbox"/> UD</p> <p><input type="checkbox"/> Group home/Congregate care</p> <p><input type="checkbox"/> Other _____</p>

Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>2<sup>nd</sup> Judicial Review Hearing</b>   <input type="checkbox"/> N/A</p> <p>____/____/____</p> <p>M Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p>F Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ____Y____N</p> <p>Finding Includes Detail    ____Y____N</p> <p><b>FINDINGS</b></p> <p><input type="checkbox"/> RE to Prevent Removal</p> <p><input type="checkbox"/> RE to Achieve Permanency</p> <p><input type="checkbox"/> RE to Finalize the Permanency Plan</p> <p><input type="checkbox"/> RE were made (general statement)</p> <p><input type="checkbox"/> RE were not required</p> <p>    <input type="checkbox"/> RE were not required     (emergent/emergency situation)</p> <p>    <input type="checkbox"/> RE were not required     (aggravated circumstances)</p> <p><input type="checkbox"/> RE were not made</p> <p><input type="checkbox"/> RE withheld/cont'd</p> <p><input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)</p> <p><input type="checkbox"/> handwritten/typed narrative</p> <p><input type="checkbox"/> checkboxes of specific detail items</p> <p><input type="checkbox"/> detail references/incorporates details from agency report</p> <p><input type="checkbox"/> case specific</p> <p><input type="checkbox"/> child specific</p> <p>Type of efforts noted:</p> <p><input type="checkbox"/> Safety planning</p> <p><input type="checkbox"/> Childcare</p> <p><input type="checkbox"/> Transportation assistance</p> <p><input type="checkbox"/> Referrals to services</p> <p>    <input type="checkbox"/> Homemaker</p> <p>    <input type="checkbox"/> Parenting</p> <p>    <input type="checkbox"/> Vocational</p> <p>    <input type="checkbox"/> Behavioral/mental health</p> <p>    <input type="checkbox"/> Domestic violence</p> <p>    <input type="checkbox"/> Substance use</p> <p>    <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/ family support</p> <p><input type="checkbox"/> Case planning</p> <p><input type="checkbox"/> Facilitating visitation</p> <p><input type="checkbox"/> Relative exploration</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother</p> <p><input type="checkbox"/> Father</p> <p><input type="checkbox"/> Both parents</p> <p><input type="checkbox"/> Relative/kin</p> <p><input type="checkbox"/> Foster care</p> <p>    <input type="checkbox"/> Family foster care</p> <p>    <input type="checkbox"/> Specialized,     therapeutic, or     medical foster care</p> <p>    <input type="checkbox"/> UD</p> <p><input type="checkbox"/> Group home/Congregate care</p> <p><input type="checkbox"/> Other _____</p>

Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>3<sup>rd</sup> Judicial Review Hearing</b>   <input type="checkbox"/> N/A</p> <p>____/____/____</p> <p>M Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p>F Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ____Y____N</p> <p>Finding Includes Detail    ____Y____N</p> <p><b>FINDINGS</b></p> <p><input type="checkbox"/> RE to Prevent Removal</p> <p><input type="checkbox"/> RE to Achieve Permanency</p> <p><input type="checkbox"/> RE to Finalize the Permanency Plan</p> <p><input type="checkbox"/> RE were made (general statement)</p> <p><input type="checkbox"/> RE were not required</p> <p>    <input type="checkbox"/> RE were not required     (emergent/emergency situation)</p> <p>    <input type="checkbox"/> RE were not required     (aggravated circumstances)</p> <p><input type="checkbox"/> RE were not made</p> <p><input type="checkbox"/> RE withheld/cont'd</p> <p><input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)</p> <p><input type="checkbox"/> handwritten/typed narrative</p> <p><input type="checkbox"/> checkboxes of specific detail items</p> <p><input type="checkbox"/> detail references/incorporates details from agency report</p> <p><input type="checkbox"/> case specific</p> <p><input type="checkbox"/> child specific</p> <p>Type of efforts noted:</p> <p><input type="checkbox"/> Safety planning</p> <p><input type="checkbox"/> Childcare</p> <p><input type="checkbox"/> Transportation assistance</p> <p><input type="checkbox"/> Referrals to services</p> <p>    <input type="checkbox"/> Homemaker</p> <p>    <input type="checkbox"/> Parenting</p> <p>    <input type="checkbox"/> Vocational</p> <p>    <input type="checkbox"/> Behavioral/mental health</p> <p>    <input type="checkbox"/> Domestic violence</p> <p>    <input type="checkbox"/> Substance use</p> <p>    <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/ family support</p> <p><input type="checkbox"/> Case planning</p> <p><input type="checkbox"/> Facilitating visitation</p> <p><input type="checkbox"/> Relative exploration</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother</p> <p><input type="checkbox"/> Father</p> <p><input type="checkbox"/> Both parents</p> <p><input type="checkbox"/> Relative/kin</p> <p><input type="checkbox"/> Foster Care</p> <p>    <input type="checkbox"/> Family foster care</p> <p>    <input type="checkbox"/> Specialized,         therapeutic, or         medical foster care</p> <p>    <input type="checkbox"/> UD</p> <p><input type="checkbox"/> Group home/Congregate care</p> <p><input type="checkbox"/> Other _____</p>

Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>1<sup>st</sup> Permanency Hearing (or 12-Month Review)</b>    <input type="checkbox"/> N/A</p> <p>____/____/____</p> <p>M Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full  F Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ____Y____N  Finding Includes Detail    ____Y____N</p> <p><b>FINDINGS</b></p> <p><input type="checkbox"/> RE to Prevent Removal  <input type="checkbox"/> RE to Achieve Permanency  <input type="checkbox"/> RE to Finalize the Permanency Plan  <input type="checkbox"/> RE were made (general statement)  <input type="checkbox"/> RE were not required            <input type="checkbox"/> RE were not required            (emergent/emergency situation)  <input type="checkbox"/> RE were not required            (aggravated circumstances)  <input type="checkbox"/> RE were not made  <input type="checkbox"/> RE withheld/cont'd  <input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)  <input type="checkbox"/> handwritten/typed narrative  <input type="checkbox"/> checkboxes of specific detail items  <input type="checkbox"/> detail references/incorporates details from agency report  <input type="checkbox"/> case specific  <input type="checkbox"/> child specific</p> <p>Type of efforts noted:  <input type="checkbox"/> Safety planning  <input type="checkbox"/> Childcare  <input type="checkbox"/> Transportation assistance  <input type="checkbox"/> Referrals to services            <input type="checkbox"/> Homemaker            <input type="checkbox"/> Parenting            <input type="checkbox"/> Vocational            <input type="checkbox"/> Behavioral/mental health            <input type="checkbox"/> Domestic violence            <input type="checkbox"/> Substance use            <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/ family support  <input type="checkbox"/> Case planning  <input type="checkbox"/> Facilitating visitation  <input type="checkbox"/> Relative exploration  <input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother  <input type="checkbox"/> Father  <input type="checkbox"/> Both parents  <input type="checkbox"/> Relative/kin  <input type="checkbox"/> Foster care            <input type="checkbox"/> Family foster care            <input type="checkbox"/> Specialized,            therapeutic, or            medical foster care            <input type="checkbox"/> UD  <input type="checkbox"/> Group home/Congregate  care  <input type="checkbox"/> Other _____</p>

Point in Case (Date)	Reasonable Efforts Findings	Reasonable Efforts Findings (Qualitative Impressions)	Placement
<p><b>2nd Permanency Hearing (24-Month or Annual Permanency Review Held After 1<sup>st</sup> Permanency Hearing)</b></p> <p>___/___/___    <input type="checkbox"/> N/A</p> <p>M Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p>F Compliance: <input type="checkbox"/> None <input type="checkbox"/> Some <input type="checkbox"/> Full</p> <p><b>Present:</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child</p>	<p>Finding Made    ___Y___N</p> <p>Finding Includes Detail    ___Y___N</p> <p><b>FINDINGS</b></p> <p><input type="checkbox"/> RE to Achieve Permanency</p> <p><input type="checkbox"/> RE to Finalize the Permanency Plan</p> <p><input type="checkbox"/> RE were made (general statement)</p> <p><input type="checkbox"/> RE were not required</p> <p>    <input type="checkbox"/> RE were not required (emergent/emergency situation)</p> <p>    <input type="checkbox"/> RE were not required (aggravated circumstances)</p> <p><input type="checkbox"/> RE were not made</p> <p><input type="checkbox"/> RE withheld/cont'd</p> <p><input type="checkbox"/> RE Other _____</p>	<p>Level of detail of finding    0   1   2   3</p> <p>Is the RE detail (check all that apply)</p> <p><input type="checkbox"/> handwritten/typed narrative</p> <p><input type="checkbox"/> checkboxes of specific detail items</p> <p><input type="checkbox"/> detail references/incorporates details from agency report</p> <p><input type="checkbox"/> case specific</p> <p><input type="checkbox"/> child specific</p> <p>Type of efforts noted:</p> <p><input type="checkbox"/> Safety planning</p> <p><input type="checkbox"/> Childcare</p> <p><input type="checkbox"/> Transportation assistance</p> <p><input type="checkbox"/> Referrals to services</p> <p>    <input type="checkbox"/> Homemaker</p> <p>    <input type="checkbox"/> Parenting</p> <p>    <input type="checkbox"/> Vocational</p> <p>    <input type="checkbox"/> Behavioral/mental health</p> <p>    <input type="checkbox"/> Domestic violence</p> <p>    <input type="checkbox"/> Substance use</p> <p>    <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Contacts/ family support</p> <p><input type="checkbox"/> Case planning</p> <p><input type="checkbox"/> Facilitating visitation</p> <p><input type="checkbox"/> Relative exploration</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Mother</p> <p><input type="checkbox"/> Father</p> <p><input type="checkbox"/> Both parents</p> <p><input type="checkbox"/> Relative/kin</p> <p><input type="checkbox"/> Foster care</p> <p>    <input type="checkbox"/> Family foster care</p> <p>    <input type="checkbox"/> Specialized, therapeutic, or medical foster care</p> <p>    <input type="checkbox"/> UD</p> <p><input type="checkbox"/> Group home/Congregate care</p> <p><input type="checkbox"/> Other _____</p>

## CASE CLOSURE DATE AND OUTCOME

**Case Closed:** ☐ Yes ☐ No

Date Case Closed: \_\_\_\_/\_\_\_\_/\_\_\_\_

### Reason:

☐ Reunification with: ☐ Mother ☐ Father

☐ Guardianship [*Check if Relative/Kinship Guardianship* ☐

☐ Placed with Relative

☐ Other: \_\_\_\_\_

☐ Adoption [*Check if Relative/Kinship Adoption* ☐

☐ Dismissal of petition (**at/preadjudication**)

☐ Child was emancipated/Child turned 18

### Termination of Parental Rights (TPR)

Mother TPR Filing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ N/A

Mother TPR Order Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ N/A

Mother TPR: ☐ Relinquishment ☐ Default ☐ Contested ☐ N/A

Father TPR Filing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ N/A

Father TPR Order Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ N/A

Father TPR: ☐ Relinquishment ☐ Default ☐ Contested ☐ N/A

Total number of judges hearing case \_\_\_\_

Total number of placements \_\_\_\_\_ UD

Total number reviews after disposition hearing but before permanency hearing \_\_\_\_\_



## Document Review

Hearing the <u>First</u> RE to Prevent Removal Finding Was Made	Document(s) Submitted by Agency Prior to Hearing	Detail of Agency Efforts Provided in Document(s)	Level of Detail	Qualitative Impressions/Coding Related to RE
Hearing Type: <input type="checkbox"/> Initial <input type="checkbox"/> Adjudication <input type="checkbox"/> Disposition <input type="checkbox"/> 1 <sup>st</sup> Review <input type="checkbox"/> 2 <sup>nd</sup> Review <input type="checkbox"/> 3 <sup>rd</sup> Review <input type="checkbox"/> 1 <sup>st</sup> Permanency Hearing <input type="checkbox"/> 24-Month or Annual Permanency Review Held After 1 <sup>st</sup> Permanency Hearing <input type="checkbox"/> Other: _____  Date Held:	<input type="checkbox"/> Petition <input type="checkbox"/> Affidavit <input type="checkbox"/> Caseworker report <input type="checkbox"/> Case plan <input type="checkbox"/> Other	<input type="checkbox"/> In-home safety planning <input type="checkbox"/> Agency efforts to prevent removal <input type="checkbox"/> Services offered to family to prevent removal <input type="checkbox"/> Specific safety risks leading to removal <input type="checkbox"/> Preventing child from returning home today? <input type="checkbox"/> How agency has worked with family in past <input type="checkbox"/> Other _____	0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3	

Hearing the First RE to Reunify/Achieve Permanency Was Made	Document(s) Submitted by Agency Prior to Hearing	Detail of Agency Efforts Provided in Document(s)	Level of Detail	Qualitative Impressions/Coding Related to RE
Hearing Type: <input type="checkbox"/> Adjudication <input type="checkbox"/> Disposition <input type="checkbox"/> 1 <sup>st</sup> Review <input type="checkbox"/> 2 <sup>nd</sup> Review <input type="checkbox"/> 3 <sup>rd</sup> Review <input type="checkbox"/> 1 <sup>st</sup> Permanency Hearing <input type="checkbox"/> 24-Month or Annual Permanency Review Held After 1 <sup>st</sup> Permanency Hearing <input type="checkbox"/> Other: _____  Date Held:	<input type="checkbox"/> Petition <input type="checkbox"/> Affidavit <input type="checkbox"/> Caseworker report <input type="checkbox"/> Case plan <input type="checkbox"/> Other	<input type="checkbox"/> In-home safety planning <input type="checkbox"/> Agency efforts to reunify the child with parent(s) <input type="checkbox"/> How specific safety risks are now alleviated <input type="checkbox"/> How agency has worked with the family <input type="checkbox"/> What needs to happen for child to safely return home <input type="checkbox"/> Permanency goal <input type="checkbox"/> Agency efforts to finalize permanency for the child <input type="checkbox"/> Other _____	0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3 0 1 2 3	

## Presence of Buzzwords<sup>21</sup>

Count the number of times the word appears in the document for each party (M = Mother, F = Father, C = Child) for these documents provided **prior to/at the Initial Hearing**.

Word	Affidavit/Report				Petition				Court Order			
	Count of Words				Count of Words				Count of Words			
	M	F	C	Contextual	M	F	C	Contextual	M	F	C	Contextual
Abusive												
Addict												
Afraid												
Aggressive												
Alcoholic												
Angry												
Assaultive												
Belligerent												
CPS history												
Crazy												
Criminal history												
Defiant												
Destructive												
Disruptive delinquent												
Drug user												
Dysfunctional												
Emotionally disturbed												
Explosive												
Failure to rehabilitate												
Father is absent												
Filthy/dirty												
Frequent flier (runaway)												

<sup>21</sup> Capacity Building Center for States (n.d.). *Buzzwords: Moving to Behavioral Descriptors*.

<https://library.childwelfare.gov/cwig/ws/library/docs/capacity/Blob/114905.pdf?r=1&rpp=10&upp=0&w=+NATIVE%28%27recno%3D114905%27%29&m=1>

Word	Affidavit/Report				Petition				Court Order			
	Count of Words				Count of Words				Count of Words			
	M	F	C	Contextual	M	F	C	Contextual	M	F	C	Contextual
Hot-headed												
Hostile												
Hysterical												
Incorrigible												
Isolated												
Limited												
Loud												
Marginal (financial)												
Mental health history												
Nasty												
Neglect												
No resources												
Noncompliant												
Nonresponsive												
Not engaged												
Out of control												
People in and out of home												
Promiscuous												
Prostitution history												
Resistant												
Scared												
Sexually exploited												
Substance abuse history												
Terrified												
Threatening												
Traffic in home												
Trouble maker												
Unattended												
Uncooperative												
Uneducated												
Unfit parent												
Unkempt												

Word	Affidavit/Report				Petition				Court Order			
	Count of Words		Contextual		Count of Words		Contextual		Count of Words		Contextual	
	M	F	C		M	F	C		M	F	C	
Unstable												
Unsupervised												
Violent												
Volatile												
Weird												
Whooping and whipping												

Count the number of times the word appears in the document for each party (M = Mother, F = Father, C = Child) for these documents provided **prior to/at the 1<sup>st</sup> Permanency/12-Month Review Hearing**.

Word	Agency Report to the Court				Most Recent Case Plan				Court Order			
	Count of Words		Contextual		Count of Words		Contextual		Count of Words		Contextual	
	M	F	C		M	F	C		M	F	C	
Abusive												
Addict												
Afraid												
Aggressive												
Alcoholic												
Angry												
Assaultive												
Belligerent												
CPS history												
Crazy												
Criminal history												
Defiant												
Destructive												
Disruptive delinquent												
Drug user												
Dysfunctional												
Emotionally disturbed												
Explosive												
Failure to rehabilitate												
Father is absent												

Word	Agency Report to the Court				Most Recent Case Plan				Court Order			
	Count of Words		Contextual		Count of Words		Contextual		Count of Words		Contextual	
	M	F	C		M	F	C		M	F	C	
Filthy/dirty												
Frequent flier (runaway)												
Hot-headed												
Hostile												
Hysterical												
Incorrigible												
Isolated												
Limited												
Loud												
Marginal (financial)												
Mental health history												
Nasty												
Neglect												
No resources												
Noncompliant												
Nonresponsive												
Not engaged												
Out of control												
People in and out of home												
Promiscuous												
Prostitution history												
Resistant												
Scared												
Sexually exploited												
Substance abuse history												
Terrified												
Threatening												
Traffic in home												
Trouble maker												
Unattended												
Uncooperative												

Word	Agency Report to the Court				Most Recent Case Plan				Court Order			
	Count of Words		Contextual		Count of Words		Contextual		Count of Words		Contextual	
	M	F	C		M	F	C		M	F	C	
Uneducated												
Unfit parent												
Unkempt												
Unstable												
Unsupervised												
Violent												
Volatile												
Weird												
Whooping and whipping												

#### CASE FILE REVIEW CODER NOTES

## Appendix D: Variable Definitions and Data Sources

Variable	Definition	Data Source <sup>22</sup>		Variable Type	
		ICHO	CFR	Descriptive	Analytic
State	State the case came from	X	X	X	
Site	Site the case came from	X	X	X	X
Judge	Judge hearing the majority of hearings on the case		X	X	
Age of child	How old the child was when the petition was filed		X		X
Gender of child	Gender of the child: male, female, transgender, none of these		X		X
Race and ethnicity of child and parents <sup>23</sup>	Race of the child, mother, and father: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White, Unknown/Unreported		X		X
Ethnicity of child and parents	Ethnicity of the child, mother, and father: Hispanic or Latino, Not Hispanic or Latino, Unknown/Unreported		X		X
Petition allegations	Reasons for the original petition being filed in the case: physical abuse, neglect, sexual abuse/exploitation, emotional abuse, abandonment, other		X		X
Presenting problems	Family's identified challenges that contributed to the need for a child welfare court case as described in the petition: domestic violence, substance use, mental health, incarceration, homelessness, other		X		X

<sup>22</sup> ICHO = Initial Court Hearing Observation Form; CFR = Court Case File Review Form.

<sup>23</sup> See chapter 2 for a discussion of why we could not use race and ethnicity of the child or parents in our analyses.



Variable	Definition	Data Source <sup>22</sup>		Variable Type	
		ICHO	CFR	Descriptive	Analytic
Removal date	The date the child was removed from their home		X	X	
Case length	The number of days from petition filing to case closure		X	X	
Number of judges per case	The total number of judges presiding over a hearing in a case		X	X	
Number of review hearings	The number of review hearings held after the disposition hearing and before case closure		X	X	
Days from disposition to first review hearing	The number of days from the disposition hearing to the first review hearing		X	X	
Days from removal to initial hearing	The number of days from the date of child removal to the initial hearing		X	X	
Timing of attorney appointment	Percentage of cases that had an attorney appointed prior to or at the initial hearing The number of days between the initial hearing and appointment of an attorney		X	X	
Presence of parents and children at initial hearings	Attendance of mother, father, and child at the initial hearing. Coded as Yes, No, Not Applicable (e.g., parent is deceased)	X	X	X	

Variable	Definition	Data Source <sup>22</sup>		Variable Type	
		ICHO	CFR	Descriptive	Analytic
Judicial engagement strategies used <sup>24</sup>	This is a composite variable representing different strategies judges use to engage parents during the initial hearing. Each strategy was coded as Yes, No, or Not Applicable for the mother and father. Strategies included whether the judge: explained the hearing purpose/process, asked the language they were most comfortable speaking, spoke directly to the person, used a salutation (e.g., Mrs., Mr., Dr.) to address the person, used first name to address the person, used last name to address the person, asked if they have questions, asked if they understand, encouraged active participation in the hearing/case, raised their voice in talking to the person, gave them an opportunity to be heard, identified next steps, interrupted or talked over the person. We used exploratory factor analysis to construct three judicial engagement variables for use in our analyses: (1) Addressing strategies with either parent, (2) Information strategies with either parent, and (3) Opportunity to be heard with either parent.	X			X
Breadth of hearing discussion	The number of topics discussed during the initial hearing related to reasonable efforts topics/issues (e.g., services offered to parents to prevent removal of the child from their care, safety risks leading to removal of the child from parents' care). Calculated as a percentage of topics discussed out of six possible topics.	X			X
Depth of hearing discussion	Level of detail of reasonable efforts topics discussed during the initial hearing. Coded as 0 = no discussion, 1 = 1 statement, 2 = 2 or 3 statements, 3 = more than 3 statements.	X			X

<sup>24</sup> See chapter 4 for a description of how this variable was constructed using exploratory factor analysis.

Variable	Definition	Data Source <sup>22</sup>		Variable Type	
		ICHO	CFR	Descriptive	Analytic
Breadth of topics in documents submitted before the first reasonable efforts to prevent removal finding	The number of topics appearing in documents submitted to the court (e.g., petition, affidavit, caseworker report, case plan) before the first reasonable efforts to prevent removal finding. Calculated as a percentage of topics appearing out of six possible topics.		X		X
Depth of topics in documents submitted before the first reasonable efforts to prevent removal finding	The level of detail of information provided in documents submitted to the court (e.g., petition, affidavit, caseworker report, case plan) before the first reasonable efforts to prevent removal finding. Coded as 0 = no statements, 1 = 1 statement, 2 = 2 or 3 statements, 3 = more than 3 statements.		X		X
Breadth of topics in documents submitted before the first reasonable efforts to achieve permanency finding	The number of topics appearing in documents submitted to the court (e.g., petition, affidavit, caseworker report, case plan) before the first reasonable efforts to achieve permanency finding. Calculated as a percentage of topics appearing out of six possible topics.		X		X
Depth of topics in documents submitted before the first reasonable efforts to achieve permanency finding	The level of detail of information provided in documents submitted to the court (e.g., petition, affidavit, caseworker report, case plan) before the first reasonable efforts to achieve permanency removal finding. Coded as 0 = no statements, 1 = 1 statement, 2 = 2 or 3 statements, 3 = more than 3 statements.		X		X
Timing of review hearings	Dates of review hearings between disposition and case closure		X		X
Reasonable efforts to prevent removal finding	Judicial findings of reasonable efforts to prevent removal: reasonable efforts were made, reasonable efforts were not possible, reasonable efforts were not required, reasonable efforts were not made, reasonable efforts were withheld/continued	X	X		X

Variable	Definition	Data Source <sup>22</sup>		Variable Type	
		ICHO	CFR	Descriptive	Analytic
Level of detail of the reasonable efforts to prevent removal finding in the court order	If a finding was made, the level of detail provided in the court order. Coded as 0 = no statement, 1 = 1 statement, 2 = 2 or 3 statements, 3 = more than 3 statements.		X		X
Format of the reasonable efforts to prevent removal finding in the court order	Whether the findings were handwritten/typed, checkboxes of specific items, referenced child welfare agency reports, case specific, and child specific. Types of services and activities noted in the finding (e.g., safety planning, childcare, service referral, relative exploration).		X		X
Reasonable efforts to achieve permanency finding	Type of reasonable efforts to achieve permanency finding made by the judge at the adjudication, disposition, and review hearings, as documented in court orders. Coded as Yes or No: reasonable efforts were made, reasonable efforts were not possible, reasonable efforts were not required, reasonable efforts were not made, reasonable efforts were withheld/continued.		X		X
Level of detail of the reasonable efforts to achieve permanency finding in the court order	If a finding was made, the level of detail provided in the court order. Coded as 0 = no statement, 1 = 1 statement, 2 = 2 or 3 statements, 3 = more than 3 statements.		X		X
Format of the reasonable efforts to achieve permanency finding in the court order	Whether the findings were handwritten/typed, checkboxes of specific items, referenced child welfare agency reports, case specific, and child specific. Types of services and activities noted in the finding (e.g., safety planning, childcare, service referral, relative exploration).		X		X

Variable	Definition	Data Source <sup>22</sup>		Variable Type	
		ICHO	CFR	Descriptive	Analytic
Case outcome	Reason the case closed (e.g., reunification with parents, guardianship, adoption, dismissal of the petition, child was emancipated/turned 18)		X		X
Time to permanency	How long it took from the day the child was removed from their parents' care to when they had a permanent home and the case was closed		X		X

## Appendix E: Additional Data for Chapter 5

**Exhibit 45. Firth's Adjusted Final Model of Reasonable Efforts to Achieve Permanency Findings**

Variable	Significance Level	Odds Ratio	95% Wald Confidence Limit, Lower	95% Wald Confidence Limit, Higher
Breadth of topics discussed in document review	<0.0001*	1.032	1.018	1.046
Petition allegation - incarceration (yes/no)	0.1070	1.789	0.882	3.627
Site	0.0204*	0.330	1.045	1.693

**Note:** \*Indicates  $p$ -value  $\leq .05$ ; AIC: 242.095, -2LL: 234.095.