

## *Technical Assistance Bulletin*

### Summaries of Twenty-Five State Court Improvement Assessment Reports

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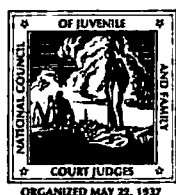
PERMANENCY PLANNING FOR CHILDREN PROJECT

**NATIONAL COUNCIL OF JUVENILE  
AND FAMILY COURT JUDGES**

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Office of Juvenile Justice and  
Delinquency Prevention

**U.S. DEPARTMENT OF JUSTICE**  
**OFFICE OF JUSTICE PROGRAMS**  
*Office of Juvenile Justice and  
Delinquency Prevention*

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## Summaries of Twenty-Five State Court Improvement Assessment Reports

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**NATIONAL COUNCIL OF JUVENILE  
AND FAMILY COURT JUDGES**

March 1998

Summaries of Twenty-Five State  
Court Improvement Assessment Reports

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*Technical Assistance Bulletin* is a publication of the Permanency Planning for Children Project of the National Council of Juvenile and Family Court Judges. The publication is made possible by the contributions of state court improvement specialists, judges, and other professionals from across the country. We extend our gratitude to all who participated in the gathering of information for this endeavor.

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Hon. Leonard P. Edwards  
Hon. D. Bruce Levy  
Hon. John A. Nahra  
Hon. Nancy Sidote-Salyers  
Hon. Pamela Taylor Johnson**

The Permanency Planning for Children Project (PPP) is one of several focused National Council of Juvenile and Family Court Judges (NCJFCJ) initiatives established to help improve U.S. juvenile and family court systems. PPP programs, provide training and technical assistance to prevent abused or neglected children from entering foster care or other substitute placements without regular and comprehensive judicial review of each child's case. Project activities enable judges to safely prevent unnecessary out-of-home placement of children, reunify families whenever safely possible, and to facilitate the timely adoption of children unable to return home.

Additional information on PPP activities and publications is available from the NCJFCJ Permanency Planning for Children Project, University of Nevada, Reno, P.O. Box 8970, Reno, Nevada 89507, phone (702) 327-5300, fax (702) 327-5306, e-mail [ppp@pppncjfcj.org](mailto:ppp@pppncjfcj.org)

### Editorial Note

This *Summary* of individual state assessment reports illustrates the creativity and diversity among state court systems. All states were presented with the same task—to collaborate with state departments, attorneys, and other partners to consider how well the court is able to carry out the functions assigned to it in child protection cases. Each state team was able to put its individual stamp on the assessment report.

A special expression of appreciation is extended to all the state court professionals engaged in implementation of many of the recommendations found in this *Summary*. Thanks also go out to the judge-members of the subcommittee and their staffs for reviewing state court improvement assessment reports.

With numerous volunteers reading such a vast amount of material, the risk of making an error, or missing a recommendation is compounded. Please notify PPP staff of any errors found in the summaries. Call Chris Bailey at (702) 784-6675 so the information can be corrected.

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## Introduction

The Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) allocated federal funds to improve juvenile and family court handling of cases involving abuse, neglect, foster care, and adoption. The Court Improvement of Foster Care and Adoption Program, part of the Family Preservation and Support Services Act,<sup>1</sup> is a nationwide effort which began in 1994.

Funding from the U.S. Department of Health and Human Services was awarded to state Supreme Courts in each of the 49 states and the District of Columbia which elected to participate in this program. Court Improvement Program (CIP) activities were to include: (1) identification of a state advisory group to guide the work of the program; (2) assessment of current practice in child abuse and neglect cases; (3) development of an assessment report and recommendations for court improvement in this area; and (4) implementation of recommendations.

State advisory committees have now completed the assessment and reporting phases of their Court Improvement Projects and are starting to implement recommendations.

In March 1997, the Permanency Planning for Children Project (PPP) Advisory Committee of the National Council of Juvenile and Family Court Judges (NCJFCJ) met to discuss how to obtain information about court improvement activities in each state, and how to disseminate this information to NCJFCJ members and state project coordinators. A subcommittee was appointed to analyze judicial involvement in state court improvement projects. Members of this subcommittee included Judges Ernestine Gray, Chair, New Orleans, Louisiana; Martin A. Herman, Woodbury, New Jersey; J. Dean Lewis, Spotsylvania, Virginia; Frederick Mong, Logan, Ohio; and John Steketee, Grand Rapids, Michigan. The subcommittee surveyed NCJFCJ members to determine the level of judicial involvement in nationwide court improvement activities.<sup>2</sup>

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<sup>1</sup> In 1997, Congress passed the Adoption and Safe Families Act (P.L. 105-89), also called the S.A.F.E. Act, reauthorizing the Family Preservation and Support Services Act for three years.

<sup>2</sup> Gray, Ernestine S., et al. (1997). "Court improvement of foster care and adoption projects," *Juvenile and Family Court JOURNAL*, Vol. 4, No. 4, pages 31-41.

## Introduction

The results of the work of the subcommittee were reported at the PPP Advisory Committee meeting on July 12, 1997 and sparked discussion among committee members who wanted information about the state assessment reports. Committee members believed data concerning innovative practices, timeliness and other judicial activities gathered from the assessment reports would be of interest to other jurisdictions. From that lively discussion the *Summary* was conceived.

## ➡ *Methodology*

At the PPP Advisory meeting, it was reported that 25 state court assessment reports had been received. Judges were enthusiastic about the importance of analyzing the assessment reports and volunteered to assist with the task of reading and summarizing the reports in order to disseminate the information as quickly as possible. The volunteer readers included: Judges Ernestine Gray, New Orleans, Louisiana; Leonard P. Edwards, San Jose, California; D. Bruce Levy, Miami, Florida; John A. Nahra, Davenport, Iowa; Nancy Sidote Slayers, Chicago, Illinois; and Pamela Taylor Johnson, Baton Rouge, Louisiana.

Committee members outlined the following information and topics that would be most valuable to explore and summarize:

- Assessment authors
- Research tools
- Endorsement by State Supreme Court
- Implementation of CIP projects
- What states are doing well
- Identified barriers to permanency
- Recommendations for improvement
- Time frames for court hearings
- Reasonable efforts
- Representation for parents and children
- Training
- Management information systems
- Calendar improvements
- Interstate Compact on the Placement of Children (ICPC)
- Innovative recommendations or practices

Each of the reports was read by a judge-volunteer or by a project attorney of the PPP. Judge readers brought an exceptional level of discernment to their examination of the reports not only because of their legal training and analytical backgrounds, but because of their many years' experience on the bench.

## Introduction

In addition to the analysis of written reports, each CIP contact person was called to determine endorsement of the assessment reports by the state Supreme Court and advisory committee and implementation of recommendations.

The remaining state assessment reports which are not contained in this *Summary* confirm the trends reported here and continue to inform the work of the committee. The 25 state assessment reports used for this *Summary* represent a cross-section of the states, geographically and in population.

This *Summary* is the result of the continuing efforts of NCJFCJ members interested in improving court practice in child abuse and neglect cases and thereby improving the lives of abused and neglected children and their families throughout the United States.

### ➡ *History of Federal Court Improvement Program*

During the 1980s, responsibilities of the juvenile and family court judges sharply increased, due in part to the judicial oversight functions imposed by the Adoption Assistance and Child Welfare Act (P.L. 96-272, 42 U.S.C. §§620-627, 670-678). A court must now not only determine whether a child has been maltreated, but must also determine whether the agency's response has been sufficient. The court remains actively involved in the case until the child is safely placed in a permanent home. During this process, the court oversees, monitors, and guides decision-making to protect the child and to prevent the child from aimlessly drifting in foster care.

The recognition of child abuse and neglect as a national problem, the change in court functions, and the inability of court systems throughout the United States to adequately respond to the legislative mandates imposed on them have been increasingly understood in recent years. In 1993, Congress created grants to state courts to evaluate and improve their handling of child protection cases (Omnibus Budget Reconciliation Act of 1993, Section 13212). The federal program of grants to state courts provides \$35 million over a four-year period. A total of \$5 million dollars was provided for fiscal year 1995 and \$10 million each for fiscal years 1996 through 1998. The purpose of the grant program was to help state court systems improve handling of abuse, neglect, foster care, dependency, and adoption cases.

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### ► *Assessment Process*

State CIP projects went through a process of self-assessment which described and evaluated the courts' performance and set forth recommendations or a plan for improvement. One purpose of undergoing the self-assessment process was to encourage courts to collaborate with other organizations and individuals responsible for promoting and protecting the well-being of children and families, and to join in a review of laws and procedures to protect the rights of parents, families and children. The assessment process was designed to identify ineffective laws or procedures and barriers to effective decision-making, highlight practices not fully successful, examine areas found to be in need of correction or added attention, and then implement reforms which address the court system's specific needs.

### ► *Assessment Approaches*

Each state selected either a national consultant organization or a state-based consultant, organization or university research team to examine its court system. In some states, the Administrative Office of the Court oversaw the assessment research. Costs for the assessments ranged from \$33,000 to \$188,000.

Research strategies used by assessors varied widely, but state assessment reports contained some or all of the following components:

- Analysis of state statutes and court rules, and a case law review.
- Surveys or questionnaires sent to judges, lawyers, guardians *ad litem* (GALs), Court Appointed Special Advocates (CASAs), department of social services administrators and social workers, court administrators and other court staff, foster parents, foster care review board (FCRB) members, parents and children, legislators, and tribal representatives.
- Site visits or telephone interviews with the same professionals and community leaders listed above.
- Observation of court hearings and FCRB hearings.
- Reviews of files and docket notations.
- Focus groups and public hearings for community input.
- In-depth study of selected sites or jurisdictions.

Table 1 on the following pages graphically depicts the variety of research tools used by state court assessment authors.

**TABLE 1: RESEARCH TOOLS USED BY ASSESSMENT AUTHORS**

	AK	AZ	CA	CO	CT	GA	IL	IA	KS	KY	ME	MT
<b>Statutory &amp; rule analysis/ case law review</b>	X	X	X		X		X	X	X		X	
<b>Written survey/questionnaire: Judges</b>		X	X	X		X	X	X	X	X	X	X
Lawyers, GALs, CASAs		X	X	X		X		X	X	X	X	X
Dept Admin/Supvrs/Social workers		X	X	X		X		X	X			X
Court administrators/personnel		X	X	X		X		X	X	X	X	X
Foster parents/FCRB		X						X	X	X		X
Parents/children				X								
Legislators/Tribal reps								X				
<b>Site/phone interviews with: Judges</b>	X	X	*	X	X	X	X	X	*	X	X	X
Lawyers, GALs, CASAs	X	X		X	X	X	X	X		X	X	X
Dept Admin/Supvrs/Social workers		X		X	X	X	X	X		X	X	X
Court administrators/personnel		X		X	X	X	X	X		X		
Foster parents/FCRB		X		X				X		X	X	
Parents/children					X			X		X	X	
Legislators/Tribal reps	X	X			X							
<b>Court/Foster Care Review</b>	X	X		X	X	X	X	X		X		X
<b>File/docket reviews</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Focus groups/public hearings</b>	X		X		X			X		X	X	
<b>In-depth study/selected sites</b>	X	X	X	X	X	X	X	X	X	X	X	X

\* Groups interviewed were not specified in state's assessment report.

## Introduction

**TABLE 1: RESEARCH TOOLS USED BY ASSESSMENT AUTHORS  
(continued)**

	NE	NH	NJ	NC	OH	OK	OR	RJ	TX	VT	VA	W A	W V
<b>Statutory &amp; rule analysis/ case law review</b>	X	X	X			X		X		X	X	X	X
<b>Written survey/questionnaire: Judges</b>	X	X	X	X	X	X	X		X	X	X	X	X
Lawyers, GALs, CASAs	X	X	X	X	X	X	X		X	X	X	X	X
Dept Admin/Supvrs/Social workers	X	X	X	X	X	X	X		X	X	X	X	X
Court administrators/personnel	X	X		X	X	X	X		X		X	X	
Foster parents/FCRB	X		X		X	X	X			X	X		
Parents/children			X						X				
Legislators/Tribal reps						X	X						
<b>Site/phone interviews with: Judges</b>	X	*	X	X		X	X	*	X	*	X	*	X
Lawyers, GALs, CASAs	X		X	X		X	X		X		X		X
Dept Admin/Supvrs/Social workers	X		X	X		X	X		X		X		X
Court administrators/personnel	X		X	X		X	X		X		X		
Foster parents/FCRB			X			X	X						
Parents/children							X		X				
Legislators/Tribal reps			X				X						
<b>Court/Foster Care Review</b>	X		X			X	X				X	X	X
<b>File/docket reviews</b>	X	X	X	X		X	X	X	X	X	X	X	X
<b>Focus groups/public hearings</b>			X	X									
<b>In-depth study/selected sites</b>	X	X	X	X		X	X		X	X	X	X	X

\* Groups interviewed were not specified in state's assessment report.

## Introduction

The crucial element found in productive assessments was "ownership" by the state advisory committee of the positive as well as negative evaluations. State advisory committee members who actually participated in the assessment process were more likely to acknowledge areas of concern. Assessment reports did not have to be polished pieces of research to generate essential information such as the recognition of areas requiring reform and the need for immediate action or further study.

It was not the purpose of state court assessments to compare their functioning to other state court systems. Rather, states were asked to evaluate the extent of congruity between state statutes, court rules and practices, and recommendations of national organizations concerned with permanent placement of children.

The three-fold purpose of this *Summary* is not to compare the performance of courts across the United States against each other but instead:

- ① **To outline the wealth of information produced by states which underwent the arduous self-assessment process.** Many court improvement professionals have expressed interest in sharing what they have learned through self-assessment in their states and have expressed interest in learning what other states have found. This *Summary* notes innovative recommendations that states are implementing. The names, addresses and telephone numbers of Court Improvement Project specialists in each state are included in the Appendix.
- ② **To examine areas of commonality found in the assessment reports.** If many courts face similar problems, judicial educators, reformers and funders will be able to organize their efforts in the most needed areas. To this end, common themes are noted.
- ③ **To encourage and keep alive the enthusiasm for court improvement.** Self-assessment can be a painful process that leaves courts, attorneys, state departments, and private service agencies vulnerable. When services to abused and neglected children and their families are examined, many professionals in even the best jurisdictions in the country do not feel they have done enough. Some states have published frank and revealing reports concerning problem areas. States that have completed this project are to be congratulated and encouraged as they move into implementation of recommended projects.





## Findings

After assessment reports of the states were read and summarized, the summaries were examined to determine what state courts are doing well, common areas of concern for state courts, common themes found in the recommendations, and innovative or unique recommendations found in the assessments.

### ➡ *What State Courts Are Doing Well*

Before examining the areas in which reports indicated state courts are doing well, a word of caution is advised. Some of the assessment reports did not highlight *any* areas in which local courts are doing well; rather, these reports included only assessment findings and recommendations. Other reports addressed what state courts are doing well in a cursory fashion, perhaps due to time and research constraints.

Assessment reports frequently indicated that strengths varied from jurisdiction to jurisdiction within a state. For example, *Improving the Court Process for Alaska's Children in Need of Aid* reported that Anchorage has a well-organized court system with careful attention to files, responsiveness to parties, and efficiency in case management. In Fairbanks, the judges have a strong commitment to individual handling of each case and children's cases are one of their highest priorities. In Bethel, the court works well with the social services department to improve case handling and coordinates with tribal services to reduce backlogs. The Sitka court also coordinates well with the department and tribal workers in children's cases.

Variability of practice within a state was common. A county may be a national model in court practice or use of management information systems while other counties in the same state may have many deficiencies. States need assistance in bringing all courts to the same high standard. Indeed, the need for statewide, uniform practice is a hallmark of the recommendations.

Across the 25 CIP reports, there were no indicated areas in which a majority of the states were doing well. In state assessment reports that noted areas in which the system was working well, four topics were highlighted by four or more reports:

- the state statutory framework (9 states);
- judicial performance/leadership and concerned staff (9 states);
- quality of advocacy by attorneys and GALs (5 states); and
- implementation of the one judge/one case concept (4 states).

## Findings

### ► *Statutory Framework*

Nine states (AZ, CA, CO, GA, NE, OR, RI, VT, WA) reported that state laws, court rules and case law provide the framework for timely decisions in child abuse and neglect cases and clearly define time requirements for court proceedings from filing of the initial petition through adjudication and permanency planning hearings. Like Nebraska, other states found that their codes follow federal guidelines and nationally recommended standards. For further analysis of states' statutory frameworks and evaluations of these frameworks, see NCJFCJ Technical Assistance Bulletins.<sup>3</sup>

### ► *Judicial performance/leadership*

The quality of judicial performance and leadership and the high caliber of court staff were noted by nine states (AZ, CA, GA, IL, KS, ME, NE, OH, OK). These reports focused on the experience and training of the judges who heard dependency cases. For example, the *Final Report of the Georgia Supreme Court Child Placement Proceedings Project* noted that juvenile court judges spend more time on each case, conduct more detailed hearings, and are more proactive in handling abuse and neglect cases than are judges with jurisdiction over a range of cases. Maine's *Assessment of Child Protection Proceedings and Recommendations for Improvement* highlighted the dedicated hard working court staff in the dependency system.

### ► *Advocacy*

The high caliber of advocacy was noted in five states (AK, CO, IL, OK, RI). In Alaska, Colorado, and Rhode Island, for example, the parents' attorneys were found to be well-trained and able to advocate vigorously for their clients. The GALs were noted for their training and care in *Child Abuse and Neglect Cases in the Colorado State Courts*. For a nationwide picture of the various issues involved in representation, see a forthcoming NCJFCJ Technical Assistance Bulletin.<sup>4</sup>

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<sup>3</sup> Dobbin, S.A., Gatowski, S.I., Johns, K., & Springgate, M. (1997). *Child Abuse and Neglect Cases: A National Analysis of State Statutes*, NCJFCJ, Reno, Nevada; Dobbin, S.A., et. al., (February 1998). *Child Abuse and Neglect Cases: Examining State Statutes in Everyday Practice*, NCJFCJ, Reno, Nevada.

<sup>4</sup> Dobbin, S.A., et. al., (March 1998). *Child Abuse and Neglect Cases: Representation as a Critical Component of Effective Practice*, NCJFCJ, Reno, Nevada.

### ► *One family/one judge*

The concept of one judge overseeing one family's case for the life of that case was highlighted by four states (CT, KS, NE, MT). The *Nebraska State Court Improvement Project: Child Abuse and Neglect Cases* reported that Nebraska judges adhere to the one family/one judge concept and typically one judge will hear all stages of a maltreatment case. Similarly, *Assessment and Recommendations for Improving Child Abuse and Neglect Proceedings in Montana Courts* reported that individual calendaring has been instituted and the same judge consistently hears the same case at different stages.

The *State of Connecticut Court Improvement Project Report* indicated that although the courts do not use a direct calendaring method as recommended in the *RESOURCE GUIDELINES*,<sup>5</sup> as a practical matter abuse and neglect cases are heard by the same judge at least throughout the pendency of his or her assignment to the Superior Court for Juvenile Matters. The *Kansas Juvenile Court Improvement Project: Final Report* found two-thirds of the cases were handled exclusively by one judge.

### ➡ *Barriers to Permanency—Common Areas of Concern*

Although the authors of state assessment reports seemed reticent to boast about what the states are doing well, the reports were frank and detailed in identifying barriers to good practice in child abuse and neglect cases.

The use of multiple research strategies during the assessments highlighted the difference between participants' perceptions and what was occurring. For example, file reviews and court observations pinpointed areas of concern with reasonable efforts determinations and continuances in some states where survey results indicated that respondents did not perceive these issues as problems.

While the following barriers are reviewed as discrete topics, they are all interrelated. For example, without minimum mandatory training for juvenile court judges, a judge

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<sup>5</sup> *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases*, NCJFCJ, Reno, Nevada, 1995.

## Findings

may rely solely on caseworkers to monitor case progress and on attorneys to point out inconsistencies or issues in dispute without taking an active role in probing and examining these issues. Reasonable efforts determinations may be superficial in a locality that does not implement multidisciplinary training.

The following topics were seen in a majority of the assessment reports as areas of concern to state courts.

### ➤ *Judicial leadership/philosophy*

All assessment reports identified judicial leadership as an important factor in improving practice in child abuse and neglect cases. The reported range of judicial activism was broad. On one hand, California's Judicial Council, in section 24(e) of the California Standards of Judicial Administration, recognized the unique role of the juvenile court judge in relation to the community at large. The juvenile court judge is encouraged to provide active, public leadership in developing resources and services for at-risk children and families and encouraging interagency cooperation and coordination between agencies serving children and families. The *California Court Improvement Project Report* strongly supported this "enhanced" role of juvenile court judges. At the local level, the *California Report* recommended that the court convene regular interagency meetings on dependency processing. It stressed that the judge is the key player in fostering cooperation and mutual commitment to work for system-wide improvement. The *California Report* recommended that the judiciary increase its efforts to effectively communicate with state legislators on juvenile court issues. There is also a recommendation that juvenile court information be transmitted to the public at large through the media, with appropriate protection of confidentiality.

On the other hand, many state assessments advocated the viewpoint that the juvenile court judge's role is more limited and passive. These advocates reason that few judges have training in this area and it is unreasonable to assume that they can be experts in the many social services and treatment fields called into play in these often complex cases. Many judges do not have an overall view of the structure and funding of the state child protection agency or of other public and private agencies. For example, *Improving the Court Process for Alaska's Children in Need of Aid* reported that most judges think dependency cases should be treated in the same way as other civil litigation in an adversarial system. The judges stated they lacked the expertise to second-guess case plans and to question the authority of the court to do so unless the matter is raised by a party to the cases.

## Findings

The striking polarization of opinion concerning the role of the juvenile court judge is a clarion call for judges, judicial membership organizations and legal scholars to examine and clarify these questions and concerns. What is the differential impact of a passive judiciary versus an active judiciary on child abuse and neglect cases? Are active judges being criticized for extending beyond their codes of professional responsibility? Is this caseload one which requires a specialized judiciary with additional skills and expertise?

These issues relate to the recommendations for better training and multidisciplinary training opportunities. As judges learn more about dependency cases, hone their skills, and study the need for a variety of social service interventions, they become more confident in their leadership and direction of each case. Whether in the courtroom or in the greater child welfare community, judicial leadership based on knowledge and skills is not perceived as extra-judicial but rather as vital to the administration of law.

Another recommendation for improved practice was lending judicial influence to initiate collaborative meetings concerning abuse and neglect cases. As the lead representative of the justice system, a judge can bring together all key players in the various systems within a community to improve practice in child abuse and neglect cases. Ideally, in a coordinated system, the judge would not “second-guess” case workers; rather, the social service system would produce the best possible service plan for each family. Nor would the judge usurp advocacy functions from attorneys; rather, parents’ attorneys, children’s representatives, and agency attorneys would actively represent their clients so the best possible outcomes are reached for children and families.

### ► *Reasonable efforts*

Twenty-one assessment reports (AK, AZ, CA, CO, CT, GA, IA, KS, KY, ME, MT, NE, NH, NJ, OH, OK, OR, RI, TX, WA, WV) indicated that courts need to make more thorough inquiries into reasonable efforts of state agencies in preventing the removal of a child from home, and if the child is removed, in reunifying the family. Even in states that statutorily require a finding of fact regarding whether reasonable efforts were made, state surveys revealed that few responding judges make a reasonable efforts determination at the adjudicatory hearing. When the state survey asked judges to describe how their court interprets the term “reasonable efforts” there was a large disparity of opinion. *Child Abuse and Neglect Cases in the Colorado*

## Findings

*State Courts* noted that while the term is not usually specifically used, the issues surrounding reasonable efforts are addressed in the majority of proceedings.

This is an area of the law that is misunderstood and causes confusion for judges, lawyers and caseworkers. As a result of this confusion, a reasonable efforts finding is not integrated in a meaningful manner in many court hearings. Often the letter of the law is met by use of a checklist but the spirit of court oversight suffers and the best interests of the child may not be served. With the passage in November 1997 of the S.A.F.E. Act,<sup>6</sup> and its provisions concerning reasonable efforts and concurrent planning, the time is ripe for discussion, clarification and training concerning reasonable efforts for all members of a dependency court team.

### ➤ *Lack of substantive hearings*

Site interviews and hearing observations conducted during the assessments indicated that many of the hearings (e.g., initial, dispositional, review, and permanency) are not substantive. The practice of cursory and hurried hearings is closely related to the lack of reasonable efforts determinations and other barriers to good practice such as lack of judicial resources; overwhelming caseloads and backlogs; lack of available court time; lack of training for judges, attorneys and caseworkers; and lack of service resources.

### ➤ *Continuances and “wait time”*

All state court assessments examined the broad category of delay and the majority of the assessments noted the granting of continuances as a major concern. Even in states such as Kansas, where survey results indicated continuances were not perceived as a problem, file reviews indicated that 20% of cases reviewed had continuances of the adjudication hearing. *Assessment and Recommendations for Improving Child Abuse and Neglect Proceedings in Montana Courts* noted that continuances resulting from parents failing to appear was a specific issue of concern. The *Nebraska State Court Improvement Project: Child Abuse and Neglect Cases* noted that two common causes

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<sup>6</sup> The S.A.F.E. Act defines and clarifies reasonable efforts in family reunification and adopts a new reasonable efforts requirement to move children toward adoption or other permanent homes.

for continuances are attorneys scheduled in another court and social workers failing to complete or submit their reports.

As noted in the *Oklahoma Court Assessment Project: Final Report*, another barrier to good case management is time spent waiting at court for the hearing to commence, that is, “wait time.” Frequently, all cases are calendared for entire mornings or afternoons, or many cases are scheduled for the same time.

### ► *Management information systems*

The lack of an efficient automated information system is a nationwide barrier to court improvement in child abuse and neglect cases. *Child Protection Proceedings in North Carolina Juvenile Courts* (page 29) cited Judge David Grossmann of Hamilton County, Ohio, who described the pivotal role that improved court information systems played in gaining support for court reforms during a presentation to the judges and court staff:

*“We could never get our hand on the statistics. Never could manage the process. Once they saw the data, it was inescapable that it was a problem we could get our hand on. It became a do-able task.”*

As noted in *Improving the Court Process for Alaska’s Children in Need of Aid*, differing case numbering systems, labeling of court actions, entry of case-closing information, and scheduling practices limit the ability to track compliance with timelines and make it impossible to link different types of cases in the same jurisdiction or link cases from one jurisdiction to another.

All state assessment reports commented on the need for an efficient, automated information system to enable better case scheduling and tracking, and the production of management information enhancing uniform practice throughout a state. Once the management information system is in place, it is the one area of practice that holds promise for immediate and effective improvements. An efficient information system that produces data and links relevant parts of the court and social service systems can guide efforts to improve procedures, monitor court performance, and provide information necessary to gain support from stakeholders and legislators for significant changes in resources and procedures.

## Findings

### ► *Representation*

The variability of the quality of legal advocacy was an area of concern in many assessment reports. Lack of experience, skills, training, and adequate compensation were cited as issues for parents' attorneys and children's representatives. Frequent rotation and high caseloads were problematic for many prosecutors and agency attorneys. Reports noted a lack of statutory or court rule imposing minimum requirements and qualifications for court-appointed attorneys.

Like many other assessment reports, the *Final Report of the Georgia Supreme Court Child Placement Proceedings Project* found the primary cause of continuances in juvenile court cases was a request for appointment of counsel, resulting in further delays in finding a permanent placement for children. Similarly, *Oregon's Juvenile Court Improvement Project Assessment* indicated that although children are entitled to court-appointed attorneys in dependency cases whenever a request is made, it is not clear who should make the request.

Even in states where GALs, CASAs, or public defenders are appointed to represent children in a majority of the cases, the extent of contact the representatives have with their clients is variable. Survey results in the *Nebraska State Court Improvement Project: Child Abuse and Neglect Cases* indicate that even the best GALs talk to their clients in advance of a hearing less than "most of the time." The *Texas Supreme Court Task Force on Foster Care* surveyed children in the system and found that 50% were never contacted by their attorney to inform them of what happened in court, 48% were never asked if they wanted to talk with the judge, 31% never had the court process explained to them by their attorney, and 20% had not met with their attorney. Surveys of attorneys and GALs indicate almost half report not meeting with the child before a judicial review hearing or a status hearing.

In some states, non-attorney GALs are not permitted to participate as fully as attorney GALs in court hearings. The CASA Program is frequently mentioned but the variability in utilization of CASA volunteers within a state needs to be addressed.

Many reports, including the *Oklahoma Court Assessment Project: Final Report* noted the need to establish clear expectations of what is required and expected of attorneys representing parties in abuse and neglect cases.



► ***Training/interdisciplinary training***

Training was identified in *Child Abuse and Neglect in the Colorado State Courts* as one of the areas most in need of improvement. Each professional and staff position within the justice and social service systems was identified as requiring training in some area. *A Study of Iowa's Court Performance in Child Abuse and Neglect Cases and Plan for Improvement* indicated there was no orientation program for judges prior to serving as a juvenile court judge. The judges reported receiving few hours of continuing legal education specifically designed for issues associated with juvenile law.

The *Assessment of Child Protection Proceedings and Recommendations for Improvement* report from Maine called for more cross-disciplinary training opportunities to be developed for all parties, specifically including foster parents, child development specialists, evaluators, and other professionals, as well as judges, attorneys and agency personnel.

Interdisciplinary training at both state and local levels promotes communication between stakeholders, respect for the mandates and responsibilities of each profession, and a common knowledge base that enhances practice and outcomes for children and families in child abuse and neglect cases.

► ***State statutes/court rules***

While many states reported that their statutory framework was already in place, the assessments also pointed out a lack of compliance with the statutory time frames at various stages of dependency court proceedings. The lack of compliance relates to other barriers noted such as continuances, heavy case loads, and ineffective docket management.

All assessment reports found at least one or two areas in which state statutes or court rules could be amended or improved. For example, the *Arizona Court Improvement Project* report suggested that the Administrative Office of the Courts may want to consider statutory or rule changes to set minimum requirements and qualifications as well as mandate training for court-appointed attorneys.

## Findings

In light of the new mandates contained in the S.A.F.E. Act, many states will need legislation to conform current state termination, adoption and other child welfare statutes to the new federal law. The Act contains the following provisions:

- A requirement that states initiate termination proceedings for all children who have been in foster care for 15 out of the most recent 22 months.
- A requirement that a permanency planning hearing be held at 12 months after a child enters foster care, rather than the 18 months currently required.
- If reasonable efforts to reunify are determined by a court to be unnecessary, a permanency hearing must be held within 30 days after the court's determination.
- States are not required to file a petition to terminate in specified situations.

### ➤ *Indian Child Welfare Act (ICWA)*

As part of the assessment process, all states examined compliance with the provisions of the ICWA. Leading concerns were lack of knowledge and experience in working with the provisions of the Act, inadequate notice to tribal representatives, and lack of participation by tribal representatives in proceedings.

### ⇒ *Breaking Through the Barriers—Common Themes Found*

More so than any other area of the assessment reports, each state advisory committee expressed its individual style in the recommendations for improving court performance in child abuse and neglect areas. Some state reports listed recommendations numerically (up to 85 specific recommendations). Some reports noted broad goals to be achieved and objectives to be accomplished, followed by specific tasks designed to achieve the goals and a time frame for completion of tasks.

The *Kansas Juvenile Court Improvement Project: Final Report* noted that the recommendations presented were designed to highlight areas where improvement efforts might be directed, but were not intended in themselves to serve as an implementation plan. The state task force was to prioritize the recommendations and build an implementation plan.

In the 25 court assessment reports, the number of recommendations ranged from 0 (NE and NH) to 85 (AK). There were 643 recommendations to improve court

## Findings

practice in child abuse and neglect cases with an average 26 recommendations. The most common number of recommendations made by states was 19.

Two of the state assessment reports did not list recommendations within the body of the assessment report (NE and NH). Nebraska drafted its recommendations following receipt of the assessment report. The Permanency Planning Coordinator for New Hampshire reported that the chair of the advisory committee requested additional assessment before recommendations were drafted. The additional assessment is scheduled to be completed in March 1998. (See Appendix.)

As part of their implementation strategy, members of the Judicial Council of California surveyed counties, asking key stakeholders to prioritize recommendations. At the statewide training program, "Beyond the Bench IX," held in December 1997, county teams used survey information as they worked on county plans for improvement.<sup>7</sup> "Ownership" of the problems and motivation to work on improvements was greatly enhanced during this process.

Specific recommendations from each state are reproduced in the Appendix. The following Table 2 depicts the most frequently mentioned categories of recommendations found in the assessments, with topics listed under each category.

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<sup>7</sup> Contact Christopher Wu, Juvenile Project Attorney, Center for Children and the Courts, Judicial Council of California, (415) 396-9297, e-mail [christopher\\_wu@jud.ca.gov](mailto:christopher_wu@jud.ca.gov) for further information.

## Findings

**TABLE 2: RECOMMENDATION CATEGORIES**

<b>Recommendation</b>	<b>Topics</b>
Role of the Court/Judge	<ul style="list-style-type: none"><li>✓ Priority of Abuse/Neglect Cases</li><li>✓ Active Judicial Oversight</li><li>✓ Quality of Hearings</li><li>✓ Consistency and Uniformity</li><li>✓ Collaboration/Communication Coordination/Cooperation</li></ul>
Case Management	<ul style="list-style-type: none"><li>✓ Time Standards for Critical Events</li><li>✓ Alternative Dispute Resolution</li></ul>
Representation	<ul style="list-style-type: none"><li>✓ Quality</li><li>✓ Availability</li></ul>
Management Information Systems	→ Addressed Systemwide
Training	<ul style="list-style-type: none"><li>✓ Cross-training</li><li>✓ Materials</li></ul>
Implementation	<ul style="list-style-type: none"><li>✓ Resource Needs</li><li>✓ Continued Research</li><li>✓ Funding</li><li>✓ Strategies</li></ul>

Six recommendation categories are listed above in Table 2. Recognizing that there was much overlap among the recommendations and categories, it appeared after reading the assessment reports that most of the recommendations to improve court practice could be placed under three categories: the role of the court/judge, case management and representation. Although training could be a topic under any of the top three categories, it was mentioned so often it deserves a category of its own. Similarly, the need for efficient and effective statewide management information systems stands out when reading court assessment reports. The final category is labeled “implementation,” and the recommendations contained in the assessment reports acknowledge that the process of change and improvement is long-term and multi-dimensional.

### ► *Role of the judge/court*

Recommendations that encouraged judicial leadership in establishing the priority of child abuse and neglect cases were grouped under this category. Many recommendations emphasized active judicial oversight. Additional recommendations called for judges and court administrators to improve the quality of hearings, such as attending to the length and thoroughness of the hearings and developing protocols for reasonable efforts determinations. The need for consistency and uniformity of judicial performance and determinations throughout the system was repeatedly stated. Four “C”s were seen throughout court assessment reports: Collaboration, Communication, Coordination, and Cooperation. While these topics relate to judicial leadership and oversight, they also bring an added dimension such as judicial involvement in the community. They therefore deserve special mention. The four “C”s also relate to fulfilling the mandates of the ICWA.

### ► *Case management/case flow management*

Recommendations for improvements in the area of case management were as numerous as recommendations for improvement in the role of the court. Assessment reports focused on recommendations to statutorily establish acceptable time standards for critical court events and to develop strategies for all jurisdictions within a state to meet the mandated time standards. Implementation of reforms to address delays and continuances was a frequent topic of the recommendations. Many recommendations centered around alternative dispute resolution methods.

### ► *Representation*

The importance of improved quality and quantity of advocacy in these child abuse and neglect cases is recognized in the recommendations. Recommendations to improve the qualifications of advocates, including child advocates (lawyers, GALs and CASAs), parents’ attorneys, prosecutors, and agency attorneys are addressed in the reports. Some recommendations cover caseloads, compensation, and consistency. Accountability of all advocates to the court is highlighted in many of the recommendations. Training, standards of practice and protocols are repeatedly mentioned in the assessment reports. The NCJFCJ Technical Assistance Bulletin, *Child Abuse and Neglect Cases: Representation as a Critical Component of Effective Practice*, will analyze these representation issues in detail.

## Findings

### ⇒ *Innovative Recommendations*

In addition to the above general themes for improvement, state assessment reports contained specific innovative or unique recommendations:

- *Improving the Court Process for Alaska's Children in Need of Aid and Child Protection Proceedings in North Carolina Juvenile Courts* contained recommendations concerning the ICWA that were unique in their thoroughness. The states addressed adjudication rates, judicial and court employee education, notice, intervention, and participation by tribal representatives.
- In 1995, the Maricopa County Juvenile Court established a pilot mediation project as an alternative to traditional litigation with the goals of resolving contested dependency cases faster and ensuring lasting agreements between litigants. The project was initially implemented with contested dependency cases set on two judges' calendars. The project has proven successful in reducing the time spent on contested cases and it was recently expanded to all judicial calendars. Data provided by the court indicate that 72% of mediated cases reached full or partial agreements. Approximately 90% of survey participants (parents, caseworkers, attorneys) stated they were satisfied or extremely satisfied with the mediation process. For a complete description, see the *Arizona Court Improvement Project Final Report* at page 52.
- The *California Court Improvement Project Report* called for juvenile courts to make available visiting or retired, experienced senior judges to assist local juvenile courts with caseload reduction, and personnel to conduct hearings while local judicial officers participate in mandatory educational programs.
- *Child Abuse and Neglect Cases in the Colorado State Courts* suggested developing, implementing, funding, and evaluating case manager projects in three counties. Case managers would be hired to: 1) develop tracking and monitoring systems; 2) assist and monitor parties involved in dependency and neglect cases to ensure cases and parties are prepared for each court hearing; 3) identify delay and develop methods to reduce delay; and 4) facilitate communication and coordination among the court, bar association, community, social services, county attorneys, and others involved in these cases.

## Findings

- The Colorado report also called for a feasibility study to be conducted regarding on-site child care and the development of an information kiosk system.
- In Connecticut, case status conferences (CSC), administered and supervised by the juvenile court and mediated by court service officers, appear to be well-utilized. At these conferences parties meet to discuss and review case plans. Over half of the CSCs result in an agreement between parties. Interviewees wanted the CSCs to be provided earlier, before the first court appearance and wanted attendance at the CSC to be mandatory.

### ➡ **Implementation**

A key feature of many implementation strategies found in the assessment reports was the need for a group of judges and court staff familiar with these cases to review the assessment, decide on specific corrective policies and rules, and supervise the implementation of changes. As stated in *Improving the Court Process for Alaska's Children in Need of Aid* at page 186:

*Without this 'court ownership' of the follow-up, we believe that ultimately the project will not lead to real and lasting improvements.*

An informal telephone survey of the CIP specialists found great enthusiasm for the implementation phase. Many state advisory committees actually began implementation of changes during the assessment phase of the project. State CIP representatives were asked:

Has the state Supreme Court accepted or endorsed the report?  
Will the Court Improvement Project move to the next phase of implementation?  
Will the Court Improvement Project fund model projects?  
How are the projects selected for funding?

The following Table 3 graphically depicts survey results.

## Findings

**TABLE 3: INFORMAL SURVEY OF STATE COURT IMPROVEMENT SPECIALISTS CONCERNING IMPLEMENTATION**

	AK	AZ	CA	CO	CT	GA	IL	IA	KS	KY	ME	MT
Question No. 1 Officially accepted								✓				
Submitted	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rejected												
Question No. 2 Implement	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Question No. 3 Funding	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
By CIP Committee approval	✓	✓	✓	✓	✓	*	✓	✓	✓	✓	✓	✓
RFP			✓		✓		✓					
Other						✓						✓

Question No. 1: Did the State Supreme Court **officially accept** and review the assessment report?  
 Did the State Supreme Court unofficially accept the assessment report **submitted**?  
 Did the State Supreme Court or Advisory Committee **reject** the assessment report?

Question No. 2: Will the Court Improvement Project move to the next phase of **implementation**?

Question No. 3: Will the Court Improvement Project **fund** model projects?  
 How are the projects selected for funding? (By **CIP committee approval**, by seeking formal request for proposal [**RFP**] process, by seeking **Other** funding?)

✓ Yes or affirmative response

--- Did not review

\* Further assessments completed



## Findings

**TABLE 3: INFORMAL SURVEY OF STATE COURT IMPROVEMENT SPECIALISTS CONCERNING IMPLEMENTATION (continued)**

	NE	NH	NJ	NC	OH	OK	OR	RI	TX	VT	VA	WA	WV
Question No. 1 Officially accepted													
Submitted	✓			✓	✓	✓	✓	✓	✓		✓	---	✓
Rejected		✓*	✓*							✓*			
Question No. 2 Implement	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Question No. 3 Funding	✓	*	No	✓	✓		✓	No	✓	✓	No	✓	✓
By CIP Committee approval					✓								✓
RFP				✓					✓	✓		✓	
Other													

Question No. 1: Did the State Supreme Court **officially accept** and review the assessment report?  
 Did the State Supreme Court unofficially accept the assessment report **submitted**?  
 Did the State Supreme Court or Advisory Committee **reject** the assessment report?

Question No. 2: Will the Court Improvement Project move to the next phase of **implementation**?

Question No. 3: Will the Court Improvement Project **fund** model projects?  
 How are the projects selected for funding? (By **CIP committee approval**, by formal request for proposal [**RFP**] process, or by seeking **Other** funding?)

✓ Yes or affirmative response

--- Did not review

\* Further assessments completed



## Implications for National Policy

Reading state court assessment reports was an informative task. Report content pinpointed sincere professional concerns about how state court systems work to improve the lives of abused and neglected children and their families. Readers reported they felt as if they knew the people on the front line of this crucial work. State court improvement specialists and judicial contacts in each state were open, helpful and frank in discussing their work and progress in court improvement.

From the wealth of information contained in the assessment reports, it is clear that states are identifying strikingly similar problems in handling child abuse and neglect cases. While some statutory reform is planned, the overwhelming need for reform lies in areas of practice.

The following observations are pertinent to federal organizations, private foundations, and national organizations working to improve court process in child abuse and neglect cases.

- ◆ **The need for improved data collection and case management systems.** State assessments that used survey information and analysis of case files were able to pinpoint the difference between what people on the front line thought was occurring and what case records and files revealed was actually happening. This was a crucial component for the state advisory committees which recognized the need for reform in the areas of continuances and adherence to statutory time frames. The lack of efficient, automated information systems is a nationwide barrier to court improvement in child abuse and neglect cases.
- ◆ **The need for training.** Training, including cross-disciplinary training, was a priority in the majority of state reports. All professionals were identified as needing training, including judges, lawyers and social workers. Common topics for training included the role of the judge, collaboration, reasonable efforts, and the priority of abuse and neglect cases. State needs in the areas of curriculum development and further research were clearly identified. Federal organizations, private foundations, and national organizations working to improve court process in child abuse and neglect cases can no longer rely on antiquated educational techniques and training sessions but must provide the training and technical assistance required by court systems facing these complex cases.

## Implications for National Policy

- ◆ **Representation.** A clarion call has been sounded to law schools, national and state bar associations and other associations of advocates for children and families. Across the United States, representation of children and families involved in child abuse and neglect cases is not what it should and can be.
- ◆ **The role of the judge.** Cases involving abused and neglected children and their families place extraordinary demands on judges. The role of the judge in juvenile and family court cases is changing rapidly. Outmoded expectations place additional stress on judges facing the most difficult cases heard before the bench. It is incumbent on national and state judicial organizations to provide the education, support and technical assistance required by the men and women hearing these cases.
- ◆ **Evaluation.** The court improvement project appears to be the first time some state court systems have engaged in self-evaluation. Some courts noted that because the assessment process was so successful, they plan to continue systemic evaluation. Nationally, there is a need for efficient and effective evaluation programs to be made available to courts and agencies which want to examine systems, projects and programs.
- ◆ **Interstate cases.** NCJFCJ judges were interested in any discussion about the Interstate Compact on the Placement of Children (ICPC) in state assessment reports. A few reports identified the ICPC as a topic for training. The absence of notation concerning interstate cases brings attention to the topic. When states are unable to effectively track cases within their boundaries, interstate cases may fall through the cracks.

Appendix

*Recommendations  
from Twenty-five  
State Assessment Reports*



## ALASKA

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### TITLE OF REPORT

*Improving the Court Process for Alaska's Children in Need of Aid*, October 1996,  
192 pages

### ASSESSMENT CONDUCTED BY

Alaska Judicial Council, Teresa W. Carns, Susanne D. Di Pietro, Joan F. Connors,  
William T. Cotton, and Marcia Vandercook

### RECOMMENDATIONS

The Committee sets forth the most important recommendations with rationale and cross references to preceding chapters in the final chapter, Chapter 13:

1. The Legislature must provide adequate resources so that the agencies involved in the child welfare system can fulfill their functions.
2. The Courts and the child abuse and neglect system as a whole must emphasize the children's best interests first and foremost.
3. The Court System must take a more active role to ensure that the needs of the children in the "Children in Need of Aid" (CINA) system are protected.
4. The Alaska Court System and child welfare system as a whole must process CINA cases much more quickly to protect the interests of the children in the system.
5. The Court System must adopt statewide standards to ensure that CINA cases are handled fairly and with a greater degree of consistency.
6. Given the disproportionately high number of Native children involved in CINA cases, the Court System must pay special attention to its handling of ICWA cases.

## Appendix

Chapters 8-12 (pages 141-188) set forth 85 recommendations dealing with all aspects of the juvenile court:

### General Principles for Handling CINA Cases

1. The court system must review directives, court rules, and statutes that set priorities for appellate and trial courts' management of all types of cases, and direct appellate and trial courts to ensure that CINA proceedings receive the emphasis that they deserve.
2. Courts must ensure that the primary focus of any CINA proceeding always is the child who is the subject of the proceeding.

### Proper Role for Judges

3. Judges must take a more active role in CINA cases to protect the interests of the children involved in these cases.
4. Judges must ensure at the start of CINA cases that the state has sent notice to all required persons and entities including putative fathers and tribes, that the Division of Family and Youth Services (DFYS) has a definite plan for the case, and that the court has set time lines for case progress, including due dates for discovery, adjudication and disposition.
5. As a general rule, judges should be assigned early in the case, and each judge should keep all cases before him or her from start to finish.
6. At the temporary custody hearing and at other hearings, each judge should address the parents directly.

### Reasonable Efforts Findings

7. The court should seriously inquire at every hearing about the state's reasonable efforts and should find specifically that the state made reasonable efforts, or did not make reasonable efforts, or that it was an emergency and that reasonable efforts were not necessary under the circumstances (only at the first hearing; at subsequent hearings, the court is reviewing reasonable efforts to reunite the family).
8. Judges should learn, to the extent possible, what resources are available in their communities so they can effectively make reasonable efforts findings.



### Delay/Time Standards

9. The court system should develop comprehensive time standards for CINA cases, incorporate these time standards in the CINA Rules, and build them into its computerized case management system.
10. Court administration should consider ways to free up judges' and masters' calendar time for CINA hearings. The court probably also needs to provide more judges or judicial officers to hear CINA cases.
11. The court should institute a pilot project requiring parties to attend pretrial conferences to see whether these can limit the issues at contested hearings, with less trial time and fewer scheduling problems.

### Consistency

12. The court should make its procedures, forms, and hearing names consistent statewide to a much greater extent than is now the case.
13. The court should implement its statewide computerized case management system for CINA cases as quickly as possible. The new system should be easily able to find family information in related cases.
14. The court should incorporate time standards into its computerized and manual case management systems, devise means to encourage compliance, and evaluate the standards.
15. All courts, particularly the Fairbanks and Bethel courts, should ensure that their completed CINA cases contain a dismissal or other standardized closing document, and that the document is filed within two weeks of case resolution.

### Coordination and Cooperation

16. Judges should encourage a non-adversarial tone in CINA cases.
17. The judge in each community should initiate meetings with CINA system professionals to discuss issues and solve problems. The court system also should organize periodic statewide meetings.
18. The Anchorage court should consider whether CINA court cases could benefit from work done by the Anchorage Citizens' Foster Care Review Panel.
19. The court system should consider whether providing copies of the local Citizen's Foster Care Review Panel reports to judges could improve decision-making in CINA cases.
20. The Anchorage court, DFYS, and the Citizen's Foster Care Review Panel should coordinate post-disposition reviews, or parties should agree how a single review could serve multiple purposes.

## Appendix

### Judicial Education

21. The court system should systematically train all judges, magistrates and clerks about CINA cases, both at the annual judicial and magistrate conferences and at special training sessions. The application of the Indian Child Welfare Act should be covered, and the court should provide cross-cultural training as well.
22. The court system should develop a CINA bench book for judges and magistrates.
23. The court system should develop a CINA handbook for clerks and administrators.

### Judicial and Court Administration Resources

24. The court should allocate sufficient judicial and administrative resources to CINA cases.

### Miscellaneous–Court Facilities

25. All court facilities should have a private area where case discussions can occur. This space should include access to a telephone so that tribal representatives in ICWA cases, and other parties unable to participate in person, can fully participate in the case discussions.
26. The new Fairbanks courthouse should be designed to have an area other than the hallway to discuss CINA cases.
27. The Anchorage courthouse should have an area other than the hallway to discuss CINA cases.
28. The Bethel courthouse should have a private area other than the coat closet to discuss CINA cases.

### Parties and Participation

29. Judges, guardians *ad litem* (GALs), and parties should use information from the foster parents about the child to help determine appropriate actions in the case.
30. The judge should appoint a GAL in every CINA case.
31. The court, Office of Public Advocacy, and Public Defender Agency should consider requesting amendment of AS §47.10 to limit the rights of absent putative parents in CINA proceedings.

- 32. The CINA rules on notice should be amended to specify that the state give notice to all parties of continued or postponed hearings.
- 33. The CINA rules and state statutes should be amended to permit parties other than the state to petition for post-disposition extensions of custody exceeding the two-year limit.
- 34. Judges should permit non-attorney GALs to participate as fully as attorney GALs at this and subsequent hearings.

#### Alternative Dispute Resolution

- 35. The court should design and implement a mediation pilot project and evaluation to help resolve CINA cases.

#### Temporary Custody Hearing

- 36. The judges should set time lines for case progress, including party notification, relative searches, and due dates (if necessary) for any discovery needed.
- 37. The judge should allow enough time on the record for a thorough and meaningful treatment of issues at the temporary custody hearing.

#### Pre-Adjudication Review Hearings

- 38. At the first 90-day review hearing, the judge should review identification and notice to all required persons and entities, including putative and absent parents and the possible tribe of an Indian child.
- 39. The judge should allot enough time at the 90-day review hearing to meaningfully consider the case progress.

#### Adjudication

- 40. The courts, the Department of Law, and DFYS should develop and implement statewide uniform standards and time lines for deciding whether and when to take CINA cases to adjudication.
- 41. Judges should deny requests to continue adjudication hearings absent newly discovered evidence, unavoidable delays in notifying parties, and unforeseen personal emergencies.
- 42. If the state has filed a petition for adjudication, the judge should set the case for the adjudication trial no more than 90 days from the date of the temporary custody hearing. If the case is not set for adjudication by the time of the first 90-day review hearing, the judge should set the case for adjudication within 30

## Appendix

days. If the state has not filed a petition for adjudication by the time of the 90-day review hearing, the judge should require the state to file a petition for adjudication or to dismiss the case within 30 days.

### Disposition

43. If the judge does not hold the disposition hearing immediately after the adjudication, the judge should set the disposition hearing for no more than 30 days later.
44. The court should ensure that all required reports are filed within a reasonable time before the disposition hearing.

### Termination of Parental Rights

44. Judges and Court system administrators should give special attention to termination trials when reassessing calendaring priorities.
46. If unacceptable delays persist after one year of implementing earlier recommendations, each presiding judge should meet with the children's court judges and other CINA professionals to identify and discuss specific causes of delay.

### Post-Disposition (Annual Review and Permanency Planning Hearing)

47. Each court location should reassess its procedure for setting and "tickling" files for annual review to ensure that annual review hearings are not skipped.
48. The court should ensure that all required reports are filed within a reasonable time before the annual review.
49. Courts that routinely conduct annual reviews on paper should consider holding some annual review hearings.
50. The CINA Rules and Alaska statutes should be amended to provide for the permanency planning hearing within 18 months of the case's filing, as required by federal law.
51. The court should hold permanency planning hearings when they are required by federal law.

### ICWA Recommendations

52. Courts should interpret expansively the notice and intervention requirements of ICWA and Alaska law to increase tribes' participation in finding solutions for Indian children.

53. Judges should require at the Temporary Custody hearing that the state show it has given notice to all applicable tribes. Judges also should require notice to tribes at other hearings as required by law.
54. Courts should allow tribes to participate informally in early stages of the proceedings, and should develop a consistent statewide rule on intervention.
55. The Court System should work with DFYS and the Department of Law to develop a standard notice document which includes response forms for participation by the tribe.
56. Courts should allow non-attorney tribal representatives to take a full role in the proceedings as envisioned by CINA Rule 3(h).
57. Courts should actively work with tribes to facilitate telephone participation. Statewide protocols, possibly included in a court rule, should be developed.
58. Courts should work to minimize language and cultural barriers to tribal participation.
59. The courts should encourage (or even require) DFYS, the Department of Law, and other participants in informal case discussion to include tribal participation. Court facilities must be designed to allow telephonic participation by the tribes in this discussion.
60. Courts must review the ICWA placement preferences in every case (for each placement) and require compliance for each placement in each case unless good cause indicates otherwise.
61. The courts, Department of Law, and DFYS should develop and implement statewide uniform standards and time lines for deciding whether and when to take CINA cases to adjudication.
62. The court system, DFYS and the Department of Law should undertake further study to determine whether disparate adjudication rates between Native and non-Native CINA cases remain after statewide uniform standards have been implemented.

Other Agency Recommendations/DFYS

63. DFYS should continue review of its management and office organization practices, including the transfer of cases from intake workers to ongoing workers.
64. Following its review of office and management policies, DFYS should request from the legislature adequate funds to fulfill its responsibilities to Alaska's children. The request should include adequate office support staff and computers so that social workers can focus on their caseloads.

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65. DFYS should emphasize training of its social workers, with particular attention to the requirements and rationale of ICWA. Judicial and other agency personnel should be invited to participate.
66. DFYS should continue its search for more foster homes, particularly more Alaska Native foster homes.
66. DFYS should consider recognizing a range of out-of-home placement options in addition to foster homes.
68. The Department of Law should continue to review its allocation of resources among various offices in the state.
69. The Department of Law, like DFYS, should review the resources it needs to effectively handle CINA cases and justify appropriate funding requests to the legislature.
70. The Department of Law must work closely with the court system in implementing the recommendations of this assessment.
71. The Department of Law should work with the court system, GALs, DFYS and others to create and implement statewide standards governing whether and when to take a case to adjudication.
72. The Department of Law should emphasize training its attorneys general in cooperation with DFYS.
73. The Office of Public Advocacy (OPA) should assess the most cost-effective ways of providing GAL services, and then justify this level of funding to the legislature.
74. The OPA should continue to offer training for GALs and CASAs, and should facilitate attendance of GALs and CASAs from communities other than Anchorage.
75. The court should work with OPA to establish standards for the responsibilities, workloads, and training of GALs statewide.
76. The court should work with the OPA to create a statewide CASA program. The legislature should provide the resources for the program.
77. The legislature must provide adequate resources so that the agencies involved in the foster care system can fulfill their functions.
78. The legislature should amend AS §47.10.080(1) concerning the permanency planning hearing so that the provision is consistent with federal law.
79. The legislature should work with the court, the OPA, and Public Defender Agency as lawmakers consider whether AS §47.10 should be amended to limit the rights of absent or putative parents in CINA proceedings.
80. When evaluating applicants for judicial appointment, the Judicial Council and Governor should consider applicants' experience, abilities and willingness to actively participate in managing and hearing CINA cases, and to participate informally in court system attempts to improve the way it handles CINA cases.

## Implementation

81. The court system must make a substantial commitment of time and effort to carry out years two through four of this project.
82. The supreme court should create a special CINA committee to review this assessment, recommend specific changes in court rules and policies, and oversee implementation of the changes.
83. The court system should use project funds to hire staff to focus on this project.
84. The court system should establish other specialized committees (or subcommittees) as necessary to carry out this project.
85. The court system should focus on the following projects in year two of the project: (a) beginning to develop consistent and effective policies and court rules to expeditiously handle CINA cases as recommended in this report; (b) extensive judicial, magistrate and clerk training, with statewide sessions supplemented with regional and local efforts; © development of a judge's manual for CINA cases including a benchbook, as well as a clerk's manual for CINA cases; (d) implementation and improvements (financed by project funds) to the trial court's computerized case management module for children's cases; and (e) development of a pilot project to mediate CINA cases.

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#### TITLE OF REPORT

*Arizona Court Improvement Project Final Report*, December 11, 1996, 154 pages

#### ASSESSMENT CONDUCTED BY

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#### RECOMMENDATIONS

A summary of recommendations for court improvement is found in Chapter 7 of the *Final Report* at page 98-102. The author identified two fundamental principles that underlie the recommendations including (1) the need for juvenile courts to take a more active role in decision-making and oversight of child welfare cases and (2) that comprehensive and timely judicial intervention are critical in assuring safe and permanent homes for Arizona's abused and neglected children.

#### Legislative and Court Rules Recommendations

1. Requiring mandatory early review of an emergency removal by the court (within three to five days of the child being removed from the home).
2. Setting shorter time frames for adjudication and tightened restrictions on the use of excluded time to extend these time lines.
3. Requiring courts to conduct a disposition hearing on dependency cases within 30 days of adjudication at which time the court is to closely scrutinize and approve (with modifications if necessary) the permanent case plan.



4. Requiring that the juvenile court conduct a minimum of one court review hearing no later than six months from the date of initial disposition.
5. Establishing time frames for the completion of severance proceedings (no longer than 180 days with very limited provisions for extensions).
6. Establishing time limits on the use of temporary foster care and to establish specific criteria for the use of long-term foster care as a permanent plan option.

#### Recommendations to Improve Court Practice in the Handling of Dependency Cases

1. To conduct earlier initial hearings and to dedicate sufficient time in these hearings to adequately address a range of issues related to reasonable efforts, placement options, visitation, early initiation of services, notification to parties, and any court orders that may be required (including orders for court-ordered evaluations, child support, and removal of the perpetrator from the home).
2. To make court-appointed counsel available prior to the start of initial hearings to confer with their clients and other critical parties.
3. To require that the court conduct a separate disposition hearing within 30 days of adjudication to review and approve the permanent case plan developed by Administration for Children, Youth and Families (ACYF).
4. To conduct a thorough review of case progress and the need for continuing placement within six months of initial disposition.
5. To conduct thorough permanency planning hearings at which time a permanency plan for the child is decided upon. To conduct a continued permanency planning hearing at two-month intervals as long as continued temporary placement when the goal of family reunification is permanent plan.
6. That the juvenile court generate comprehensive minute entries which address reasonable efforts issues, specific services to be provided to the family, how service provisions are to be accomplished with specific timelines, what is required/expected of parents to remain in compliance with the case plan, and to include in these entries specific reference to how much, or how little, case progress has been made to date. Juvenile On-line Tracking System (JOLTS) automation may be able to assist in this regard, but this recommendation assumes that the court will take additional time at the conclusion of a hearing to verbally construct these entries.
7. That the Court Improvement Project (CIP) Advisory Workgroup and Administrative Office of the Courts (AOC) consider development of hearing checklists for each hearing type to identify key decisions that the court should

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make, individuals who should always be present, and any additional issues that should be covered or addressed at these hearings.

### Recommendations to Improve the Timeliness of Severance Proceedings

1. Initiate early screening of severance petitions to determine the amount of time needed to accomplish proper service/notification, to early identify if a petition is likely to be contested, and to adjust initial hearing dates and judicial assignments accordingly.
2. Maintain judicial consistency in the judge or commissioner assigned to hear the severance petition. That is, have the same jurist who handled the dependency also handle the severance matter. However, this should not limit the ability of an attorney to request a change in jurist if deemed necessary. Establish a judicial case assignment system that ensures that the same jurist presides over all stages of court proceedings on a case from the initial hearing on the dependency petition through the permanency planning hearing and, as required, all proceedings on the severance petition.
3. Examine recent filing trends and the amount of time needed to complete severance proceedings to determine the need for assigning more assistant attorneys general (AGs) to the severance project.
4. Examine the process by which severance home study assessments are assigned and completed to determine the degree to which delays in the completion of these occur. This review should also identify the steps necessary to complete these studies within 2-4 weeks of the AG's acceptance of a case for severance.

### Recommendations Related to Judicial Case Assignment, Calendaring and Continuances

1. Establish a judicial case assignment system that ensures that the same jurist presides over all stages of court proceedings on a case from the initial hearing on the dependency petition, through the permanency planning hearing and, as required, all proceedings on the severance petition.
2. Extend judicial appointments to a minimum of five years and permit jurists the opportunity to voluntarily re-enlist at least once.
3. Calendar all hearings in a time-certain fashion and limit the stacking of multiple hearings in the same time slot.
4. Establish and enforce firm policies on the granting of continuances.

#### Use of JOLTS for Automated Tracking of Dependency, Severance and Adoption Cases

1. Initiation of a statewide effort to continue enhancement of JOLTS to allow for the tracking of dependency, severance and adoption cases using the changes already implemented in Maricopa Court as a starting point.
2. This may also be an appropriate time for the individual juvenile courts and AOC to initiate efforts to develop a common version of JOLTS or to, at a minimum, ensure that sufficient commonalities exist amount the three JOLTS systems so that enhancements do not need to be completed multiple times.

#### Establishment of Training Requirements for Judges and Attorneys

1. Establish mandatory minimum initial and on-going training requirements for judges and commissioners handling dependency, severance, and adoption cases.
2. Establish minimum qualifications and minimum initial and on-going training requirements for attorneys appointed to represent children and parents.
3. Develop specific county-based performance requirements for court-appointed counsel.
4. Conduct an assessment of the various formulas for compensation of court appointed counsel in place in Arizona counties to determine the degree to which these formulas facilitate or negatively impact the quality of representation and advocacy provided by these attorneys.
5. Establish mandatory minimum initial and on-going training requirements for assistant AGs responsible for the handling of dependency and severance cases.
6. Establish equitable pay schedules for assistant AGs assigned to the Protective Services Unit.

#### Closer Coordination of Foster Care Review Board and Juvenile Court Activities

1. The frequency and level of interaction between juvenile court judges and the Dependent Children's Services Division should increase considerably and judges and commissioners should routinely meet with individual review boards.
2. If a one family-one judge case assignment system becomes a reality, the court and the AOC may want to consider having individual review boards assigned to specific jurists.

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3. Flexibility should be built into the foster care review board (FCRB) review process to review cases with a frequency consistent with a court's desire to maintain its own close oversight of a specific case.
4. That FCRBs have the ability to request an immediate review hearing if serious/chronic problems exist in a case. This may require statutory changes.
5. That AOC look into the feasibility of having new FCRB and JOLTS systems interface so that both entities are automatically notified of hearings scheduled or modified.

### Conduct a Comprehensive Analysis of the Resource Needs of the Improved System

1. Use Pima County as the study site to determine resource needs of the court, ACYF, Attorney General's Office, Legal Counsel, FCRB, and Court Appointed Special Advocate (CASA).
2. Also, include in this analysis an examination of the service needs and availability of services to dependent children and their families.

### Other Recommendations

1. Streamline eligibility and administrative requirements for the accessing of behavioral health services by Title 19-eligible dependent children and their families through the Arizona Department of Health Services.
2. The Administrative Office of the Courts, the individual juvenile courts, the Department of Economic Security, Department of Behavioral Health Services, Department of Education, and other state and local agencies involved in the servicing of dependent children with multiple and serious needs should examine the feasibility of "pooling" funds to develop a system of care to provide services to these very needy children and their families. The feasibility of developing a separate private, non-profit entity apart from these governmental entities (as was done in Hamilton County, Ohio) to assume day-to-day fiscal management and case management responsibilities should also be considered.
3. Encourage the use of in-home protective supervision petitions to require seriously at-risk families to cooperate and accept services offered by ACYF. In all likelihood, ACYF would need additional funds to ensure that the agency could provide the types and quantities of family assistance and preservation services required and for casework staff to monitor services to these families.

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### TITLE OF REPORT

*California Court Improvement Project Report*, April 1997, 88 pages excluding  
extensive appendices

### ASSESSMENT CONDUCTED BY

National Center for State Courts under the auspices of the Juvenile Law  
Subcommittee of the Judicial Council Family and Juvenile Law Advisory Committee,  
in consultation with American Bar Association Center on Children and the Law,  
H. Ted Rubin, Melinda Taylor, and Gwendolyn Lyford. The Juvenile Law  
Subcommittee consists of the appellate and superior court judges, a superior court  
administrator, a chief probation officer, a county counsel assigned to juvenile court,  
Court Appointed Special Advocate (CASA) director, a district attorney assigned to  
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### RECOMMENDATIONS

A Summary of Recommendations is contained in the *Project Report* at pages 9-12.  
The authors indicate the recommendations are general in nature and are designed to  
highlight areas where improvement efforts might be directed.

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1. Local juvenile courts should adopt case calendaring techniques that reduce waiting time for hearings.
2. Local juvenile courts should actively monitor the timeliness and quality of reports to the court. Judicial officers should consider holding parties accountable for late and incomplete reports.
3. Local juvenile courts should closely monitor the granting of continuances and only grant continuances for good cause. Reasons must be stated on the record. Good cause does not include "stipulation by the parties." Attorneys should be on time for hearings and notify the court when they are going to be late.
4. The *RESOURCE GUIDELINES*, which have been endorsed by the Conference of Chief Justices and the American Bar Association (ABA), contain very specific suggestions for conducting and documenting thorough, high-quality hearings in dependency actions. All judges hearing dependency cases should be familiar with the *RESOURCE GUIDELINES*' recommendations. Courts should examine their current practices in light of ideal practices set out in the *RESOURCE GUIDELINES* and ensure that adequate time is allocated to permit a high level of judicial scrutiny and documentation.
5. Local juvenile courts should hold the first post-disposition review within three months of the completion of the disposition.
6. Juvenile dependency courts should utilize alternative dispute resolution techniques such as mediation and family group conferences.
7. The Judicial Council through its Juvenile Law Subcommittee should identify and correct financial disincentives to permanency planning and reunification.
8. The Judicial Council should examine and make recommendations about how incarcerated parents can better participate in dependency proceedings.
9. The child's attorney and the court should ensure that the child is given notice of the hearing and given an opportunity to attend if he or she wishes.
10. The Judicial Council should provide technical assistance to improve compliance with the Indian Child Welfare Act (ICWA) requirements.
11. As required under Welfare and Institutions Code Section 304.7, and the California Rules of Court, the Judicial Council shall include in the education and training of all judicial officers conducting hearings under section 300, the development of programs to provide training prior to the time a judicial officer is assigned to juvenile dependency matters, or as soon thereafter as possible.
12. Initial training and continuing education should address the legal and procedural aspects of dependency actions and should include but not be limited to the issues and policies concerning children with disabilities, the psychological and medical aspects of abuse and molestation, family reunification and permanency planning. Whenever possible, training should include issues related to local and geographical policies and procedures, and

- should involve representatives from other agencies participating in the delivery of services.
  13. In accordance with the *RESOURCE GUIDELINES* and ABA findings, the local juvenile courts should ensure that a single judicial officer hears all phases of a dependency case (direct calendaring), including adoptions, and that sibling cases are heard together on the same court date whenever possible.
  14. Local juvenile courts should set and complete longer matters in a continuous proceeding.
  15. The Judicial Council, through its Chief Justice assignment powers, should make available visiting or retired, experienced juvenile senior judge resources to assist local juvenile courts with caseload reduction and bench coverage while local judicial officers are participating in mandatory educational programs.
  16. The Judicial Council should promote the designation of an adequate number of judicial officers and resources to each local juvenile court.
  17. In accordance with the California Rules of Court, Standards of Judicial Administration, Section 24, presiding superior court judges should assign judicial officers to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed a willingness to actively participate in juvenile court.
  18. The Juvenile Law Subcommittee improvement planning should include as a priority the development of data entry and reporting protocols for dependency actions. All juvenile courts statewide should be able to use automated information systems to collect and analyze standardized, basic information on the dependency caseload. The goal should be a system capable of timely, accurate, coordinated, and useful case identification, tracking, and scheduling. Such systems should ensure appropriate confidentiality of the case records and party identification.
  19. The Judicial Council, through its Juvenile Law Subcommittee, should review the organization, cost, delivery, and quality of attorney services in dependency courts and make recommendations for improvement. Methods to increase support for and accountability of attorneys who represent children and parents might include: 1) providing written guidelines for experience and standards of payment; 2) developing a system of master attorney/mentors; and 3) creating an association of attorneys who handle these cases.
- ◆ The Judicial Council should study and make recommendations on attorney caseload standards. Standards should address the requirements of representation of parties in dependency cases and allow variation due to local county characteristics. Caseload standards,

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- such as those promoted by the National Council of Juvenile and Family Court Judges (NCJFCJ) and the ABA should be reviewed and considered.
- ◇ The Judicial Council should promulgate guidelines identifying: 1) the cases in which it is appropriate to appoint counsel for the child or children in the juvenile court and on appeal; and 2) the special responsibilities of said counsel.
  - ◇ Local juvenile courts should ensure that there exists parity in length of assignment, caseload levels, compensation, and investigative and support resources among all attorneys practicing in juvenile court.
  - ◇ Local juvenile courts should ensure that advocates for children and parents are present at the first court appearance.
  - ◇ The Judicial Council, through its Juvenile Subcommittee, should work with law schools to develop specialized curricula and clinical programs related to children's law. The Judicial Council should provide clerkship opportunities for law students interested in court policy related to children and families.
20. The Judicial Council should seek adequate funding to ensure training for counsel in dependency cases.
  21. The use of CASAs should be expanded. Juvenile courts should continue to advocate for funding adequate to ensure high quality CASA staff and volunteer representation.
  22. All California courts should establish or continue interagency meetings on dependency case processing. For larger courts, with more than one full time equivalent (FTE) judge/commissioner hearing dependency cases, these meetings should be held monthly, focusing primarily on dependency cases. For courts with less than one FTE judge hearing dependency cases, the meetings could be held quarterly and include all juvenile case processing issues. Although these meetings should maintain an informal atmosphere that encourages open communication among the participants, a formal agenda should be prepared for discussion and caseload and caseload data should be presented by the court, Department of Social Services (DSS), and other interested agencies.
  23. The juvenile courts of California should increase their efforts to effectively communicate to the Legislature the complexities of the juvenile court process, the resource needs required to appropriately serve the community, and the benefits or detriment of pending legislation.
  24. The Judicial Council and local juvenile courts should provide information to the public on juvenile court procedures. The Judicial Council should develop



- and disseminate protocols to local juvenile courts to allow media observation of court proceedings with appropriate protection of confidentiality.
25. The Judicial Council should conduct an assessment of local juvenile court facilities, and work with local counties and the Legislature to improve those facilities.
  26. The Judicial Council should continue its leadership to improve the efficient processing of cases involving children and families. The Council should continue to expand its efforts by establishing a section or center within the Administrative Office of the Courts, using existing staff resources devoted to implementation of statewide and local court improvement efforts.
  27. With guidance and direction from the Judicial Council and its Family and Juvenile Law Advisory Committee, the center should:
    - ◆ Develop a comprehensive plan to implement court improvement projects (including Family Assessment and Intervention Resource [FAIR] centers) in California.
    - ◆ Administer the CASA grant program and provide technical assistance to local courts and programs.
    - ◆ Conduct research and planning activities relating to state, national, and international trends, and current issues affecting the courts.
    - ◆ Develop a centralized resource center serving the courts and communities. Activities might include: collection and maintenance of reference materials; development and distribution of educational materials; and on-line access to information, communication, and technical assistance.
    - ◆ Coordinate existing and future innovative projects to assist courts and gather information.
    - ◆ Develop and implement other projects as directed by the Judicial Council.

## Appendix

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#### TITLE OF REPORT

*Child Abuse And Neglect Cases In The Colorado State Courts*, June 27, 1996,  
94 pages

#### ASSESSMENT CONDUCTED BY

Laurie Shera in consultation with the Dependency and Neglect Court Assessment Advisory Council, a multidisciplinary group established by the Office of the State Court Administrator

#### RECOMMENDATIONS

Recommendations are found throughout *Child Abuse And Neglect Cases In The Colorado State Courts* and are organized by chapters under the following topics.

Timely and Thorough Court Proceedings and Docket Management

1. When proper service has been accomplished and parties fail to appear, a default should be entered immediately.

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2. When feasible, the adjudication and the dispositional hearings should be held on the same day.
3. If the dispositional hearing is not held on the same day as the adjudicatory hearing, it should be held within 30 days of adjudication.
4. If possible and appropriate, "offers of proof" should be used rather than actual testimony.
5. Whenever reasonable, the permanency planning hearing should be set at the dispositional hearing to ensure that the hearing occurs within the 18 month time frame.
6. Permanency planning hearings must be heard as soon as possible but no later than 18 months. All efforts should be made to conduct the permanency planning hearing in less than 18 months.
7. The guardian *ad litem* should be actively involved in assuring that permanency planning hearings are set at the earliest possible date.
8. A statutory change should be made to require the attendance of respondent parents at permanency planning hearings.
9. Training should be provided to county attorneys, judicial officers and guardians *ad litem* regarding the grounds for early termination of parental rights.
10. A motion for expert witness should be filed within 10 days after the filing of the motion to terminate parental rights.
11. As required by statute, all experts' reports should be distributed to all parties at least 15 days prior to the hearing.
12. Termination of parental rights hearings should not be continued for any reason other than an extreme emergency.
13. Termination of parental rights hearings should commence within 60 days of filing of the motion to terminate and no later than 90 days of the filing of the motion to terminate.
14. Concurrent planning should be used to decrease the delay between termination and adoption.
15. Termination of parental rights hearings, if warranted, should be conducted regardless of the availability of a permanent home.
16. Judicial officers should conduct in-depth inquiries at any post-termination review in which adoption appears to be feasible and social services has yet to fully explore adoptive placements.

### Caseflow Management

1. Each judicial district should implement a general policy prohibiting continuances, including the use of stipulated continuances.

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2. Cases should be assigned to a track based upon specific criteria. These criteria should be developed through the establishment of a differentiated case management system.
3. Cases in which it is evident that reunification is impossible should proceed to termination of parental rights in a summary fashion rather than following the normal dependency and neglect court process.
4. Dependency and neglect cases should not be delayed, absent extraordinary circumstances, when there is a pending criminal case.
5. The Supreme Court should establish a juvenile court rule requiring mandatory pre-trial conferences 30 days prior to a jury or court trial. The pre-trial conference should be used to negotiate, prepare jury instructions (if applicable), mark exhibits, present witness lists and stipulate to the facts of the case.
6. The Supreme Court should establish a juvenile court rule requiring attorneys to submit a Case Management Order to the court 10 days prior to a jury or court trial.

### Early Appointment of Guardian *ad Litem* and Respondent Parents' Counsel

1. The guardian *ad litem* should be appointed prior to the shelter hearing and should actively participate in that hearing.
2. Screening for indigence regarding the appointment of respondent parent's counsel should be accomplished prior to the shelter hearing. Upon a finding of indigence, counsel should be appointed and actively participate in the shelter hearing.

### Early Identification of Placements and Services

1. The court should address placement issues at every appropriate hearing.
2. The Department of Social Services should conduct a relative placement home study within 10 days of and no later than 30 days after the shelter hearing when a potential relative placement has been identified.
3. The court should inquire into the status of the home study at the initial hearing.
4. Services, such as drug and alcohol evaluations, mental health evaluations, and therapy, should be made available to interested parties at the shelter hearing.
5. Judicial officers should question caseworkers and respondent parents to determine the level of involvement of the respondent parents in the development of the treatment plan.

6. Court orders, such as the Boulder County Court order requiring respondent parents to provide the names, addresses, and telephone numbers of missing parents and available relatives, should be issued at the shelter hearing.

#### Improvements to Docket Management

1. Judicial officers should make all efforts to obtain the immediate assistance of another judicial officer when needed rather than continuing a case due to over-docketing.
2. Visiting rural and senior judges should be used to assist metro courts in reducing court delays.
3. Denver Juvenile Court and Denver County Court should develop a process to appoint a county court judge as an acting juvenile judge on specific cases to address delay.
4. Additional senior judges should be trained in juvenile law.
5. All new and current judges and magistrates should receive docket management training specific to handling a dependency and neglect docket.
6. Successful docket management models and "team" approaches to docket management should be shared and implemented in all of the judicial districts.
7. Judicial districts should maximize the use of magistrates in this area, including using district magistrates to handle contested matters, as well as termination of parental rights hearings.
8. Judges should remain on the dependency and neglect docket rotation for a minimum of three years.
9. The Judicial Branch should explore the use of alternative dispute resolution such as the El Paso mediation project and the use of settlement conferences. These methods should be evaluated and implemented in other locations if shown to be successful.
10. Case managers should be hired on a pilot basis in at least three judicial districts to institute successful case management which should include: (1) the development of tracking and monitoring systems; (2) assistance to and monitoring of all parties involved in dependency and neglect cases to ensure that cases and parties are prepared for each court hearing; (3) identification of delay and development of methods to reduce delay; and (4) facilitation of communication and coordination between the court, bar association, community, social services, county attorney and others involved in dependency and neglect cases.

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### Communication and Coordination

1. There should be, at a minimum, quarterly meetings in each county with representatives from the Bench, legal community, social services, city/county attorneys, Court Appointed Special Advocates (CASA), juvenile clerks, law enforcement, foster parents, mental health professionals and schools. These representatives should be responsible for disseminating information from the meeting to their colleagues.
2. Mechanisms to provide information, including an informational kiosk system, should be developed to provide information to foster parents.
3. Foster parents should receive written notice of court hearings from caseworkers, as required by Child Welfare Rules.
4. Judicial officers should ask if foster parents have received notice and are present in the courtroom.
5. Judicial officers should provide foster parents an opportunity to speak and ask questions, if appropriate.
6. The Judicial Branch and Department of Human Services (DHS) should collaboratively develop ways to ensure compliance with foster parent notification.
7. County attorneys or judicial officers should reduce court orders to writing and send copies to all parties within one week of the hearing.
8. Reports that provide time frames for cases by all judicial officers, and reports indicating where children are physically placed, should be developed to ensure proper monitoring of these cases.
9. State Court Administrator's staff should provide technical assistance to local courts to enhance coordination and communication.
10. Judicial officers should make efforts to decrease the amount of time parties are required to wait for court hearings.
11. Courts should establish a clear definition of a "true emergency."
12. Emergency matters should be handled within 24 hours excluding weekends and holidays.
13. Requests for emergency hearings should be screened and controlled by court.
14. In rural areas, telephone conferences should be used to handle emergency matters and verbal protective orders.
15. An annual recognition program should be established. An overall theme throughout this study has been the need for more recognition of those who do dependency and neglect work from their peers and the community. The recognition program should have community input, which could be accomplished by developing community court observation programs, review panels and peer nominating committees.

16. Legislators, especially those on the House and Senate Judiciary Committees, should be invited to observe court and participate in meetings. The observations and meetings should take place during the summer months.
17. The Advisory Council recommends that foster parents have the right to be named as an interested party following the dispositional hearing.
18. The Advisory Council recommends higher payment of judicial officers assigned to the juvenile bench as a method of recognizing the importance of juvenile law.

#### Statutory Requirements

1. The General Assembly should consider legislation to eliminate the right to a jury trial in dependency and neglect cases.
2. Until jury trials are eliminated, steps should be undertaken to reduce or eliminate delays in case process resulting from jury trial requests.
3. A rule should be adopted to require completion of transcripts for a review of a magistrate ruling within 30 days. If needed, judicial districts should use court reporters or should contract with outside sources to meet this time frame.
4. If a case in which a transcript was prepared for a review of a magistrate ruling is appealed to the Court of Appeals and additional transcripts are not required, the normal number of days allowed for preparation of the transcript should be waived.
5. An assessment of magistrate reviews should be conducted to determine if judicial officers are properly applying the statute. If needed, judicial education programs should be developed.
6. A statutory revision should be made to eliminate the requirement of review of a magistrate's ruling as a prerequisite to the filing of an appeal.
7. If a hearing is set with a magistrate by mutual consent of the parties, the right to object to the jurisdiction of the magistrate and transfer the case to a judge should be considered automatically waived.

#### Review Process

1. Appearance reviews should be used when warranted by the circumstances of the case.
2. Judicial officers should use written reviews, when feasible, in "static" cases such as those in which children are in permanent placement, are in long term foster care, or have returned home and the appearance of the parties is not deemed necessary.
3. The Department of Human Services, the Judicial Branch, and the Colorado Bar Association should develop a plan which addresses notification,

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attendance, and use of foster care reviews to improve communication, use of foster care reviews as staffings, and acceptance of foster care reviews by judicial officers and attorneys to make better use of foster care reviews.

### Representation

1. Local bar associations should establish juvenile sections.
2. The types of cases to which guardians *ad litem* and respondent parent counsel are appointed should match the skill level of the appointed attorney.
3. Contract attorneys should be required to have a back-up to decrease the number of continuances.
4. Hourly attorneys should utilize paralegals and the Judicial Branch should reimburse the attorneys at a lower hourly rate for work performed by paralegals.
5. The Advisory Council has established a Representation Subcommittee to draft final recommendations regarding the contract system and the evaluation of the performance of guardians *ad litem* by June 30, 1996. With respect to the fiscal year 1997 contract, the Council recommends payment of guardians *ad litem* and respondent parent counsel on the current contract system for the first year and then hourly for the time their case continues.

### Respondent Parents' Counsel

1. Judicial officers should have periodic meetings with respondent parents' counsel to improve communication and clarify the expectations of the court.
2. Respondent parents' counsel should be instructed by the court to actively encourage their clients to attend all court hearings.
3. Judicial officers should routinely question respondent parents' counsel regarding contact with their clients. It should be made clear to respondent parents' counsel that they are expected to contact clients and explain the dependency and neglect process and court proceedings to their clients.
4. Mechanisms including an Informational Kiosk System (computer screen that responds to touch) should be developed for respondent and foster parents to provide information regarding the dependency and neglect court process, court forms, roles of those involved in the process, and the attorney grievance procedure.



### Guardians *Ad Litem*

1. Judicial officers should have periodic meetings with guardians *ad litem* to improve communication and clarify the expectations of the court.
2. Judicial officers should require guardians *ad litem* to appear at all hearings prepared to verbally report the status of cases to court.
3. Guardians *ad litem* should have prior experience or should participate in a mentor program.
4. Compliance with Chief Justice Directive 96-02 should be monitored through the establishment of a technical assistance/coordinator position in the Office of the State Court Administrator. The coordinator should assist judicial districts in the development of a process to evaluate the quality of work performed by guardians *ad litem*, especially in the area of conducting independent investigations and personally meeting with and observing the children they represent. If funding is not available for a position, current State Court Administrator staff should, at a minimum, provide technical assistance to judicial districts and assist in the sharing of information between judicial districts.
5. Once local guardians *ad litem* oversight committees are established, an evaluation of those programs should be conducted.

### Court Appointed Special Advocates (CASA)

1. The State Court Administrator's Office will ensure cooperation and coordination with the Colorado CASA program to implement CASA programs on a statewide basis.
2. The Judicial Branch and Colorado CASA should collaboratively develop methods to recruit and retain volunteers.
3. CASA volunteers should be allowed to speak in court.
4. CASA volunteers should submit reports directly to the court.
5. A subcommittee of the Advisory Council shall develop a CASA project and set forth specific evaluation criteria for a CASA project by August 1, 1996.

### Relationship Between the Court and Social Services

1. Caseworker reports should be submitted at least five working days prior to a hearing.
2. The Department of Human Services and Judicial Branch should simplify the format of court review reports to provide the family history only once and thereafter update the family status.

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3. Treatment issues should be addressed to the extent possible at the shelter hearing and should be included in protective orders.
4. Treatment plans should be available at the initial hearing. The plans could be referred to as "interim treatment plans" prior to adjudication.
5. The Department of Human Services and Judicial Branch should revise discrete case plans to include the court treatment plan requirements.
6. Judicial officers should use available tools, such as sanctions or contempt proceedings when court reports are late or are not submitted.
7. Efforts should be made to ensure that judicial officers are aware of available services within their communities.
8. Serious concerns regarding the lack of adequate and appropriate service will be forwarded by the project manager to the appropriate staff at the Department of Human Services.
9. Social Services should minimize the assignment of individual cases to numerous caseworkers.
10. The findings of reasonable efforts should be thorough rather than routine.
11. The Interstate Compact on the Placement of Children process should be expedited.

## Appeals

1. Due to the need for speedy resolution, it is recommended that appeals of termination of parental rights should be directly filed in the Supreme Court rather than the Court of Appeals.
2. Appeals of dependency and neglect cases should be resolved within 90 days.
3. Attorney fees should be assessed against attorneys or parties if the appeal is found to be frivolous.

If the statutory reviews listed above are not adopted, the following procedural revisions were recommended:

- (1) Respondent parents' counsel should be appointed to first review the merits of appeals, rather than appointed to pursue appeals.
- (2) Settlement conference and mediation in which parties can stipulate to facts should be mandatory.
- (3) Status conferences should occur 60 days after the filing of the appeal.
- (4) Copies of the transcript should be made available to all parties at the same time.
- (5) Guardians *ad litem* and the Department of Social Services should file answers to the opening brief within the same time frame.

- (6) A screening system should be established in the Court of Appeals to determine the validity of appeals and to eliminate frivolous appeals.
- (7) A differentiated case management system should be developed to assign cases to specific tracks rather than handling all dependency and neglect cases in the same manner.
- (8) The necessity of using a three judge panel in these cases should be re-evaluated.
- (9) The Court of Appeals should develop and assign cases to judicial experts in juvenile law who have been fully trained in the dependency and neglect area.
- (10) Good cause should be required to be shown for oral arguments.
- (11) Transcripts should be due within 60 days of the filing of the notice of appeal.
- (12) Few, if any, extensions for transcripts or briefs should be granted.

#### Training

1. A dependency and neglect conference, hosted by the Judicial Branch, Department of Human Services and the Colorado Bar, which would include interdisciplinary training, a service provider forum, and a recognition program should be held on an annual basis, with the first conference occurring in 1997.
2. County attorney offices and court representatives should be required to offer training to caseworkers and CASA volunteers on the court process.
3. A nationally recognized judge should be invited to the Judicial Conference to provide specific dependency and neglect training for all judicial officers handling a dependency and neglect docket. The Chief Justice should strongly encourage all judicial officers to attend the training.
4. Child development should be a topic addressed at the Juvenile and Family Law Judges Conference in 1997.
5. A dependency and neglect module should be a part of new judge training.
6. Videos from the Colorado State University Fostering Family program and other sources should be used to train judicial officers on child development and family dynamics.
7. Training on Integrated Colorado On-line Network (ICON) codes should be conducted for the court staff to ensure accurate and universal coding.
8. Court staff should be trained on docketing and caseflow management.
9. Mandatory training of division clerks should occur during the juvenile and family judges conference and the CACE conference.
10. Court staff should be provided with the opportunity to expand their understanding of dependency and neglect issues and families.

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11. When feasible, CASA training sessions and materials should be available to anyone involved in the dependency and neglect case process.
12. State Court Administrator's staff should develop a court staff manual and conduct court staff training.

### Court Finances and Court Facilities

1. Caseworkers and attorneys should have a room with phones and working areas in the courthouse.
2. Private conference rooms should be available in all courthouses.
3. Courts should make efforts to have waiting rooms with speaker systems such as those in El Paso and the new Adams County Courthouse to ensure privacy for families.
4. A feasibility study regarding on-site child care should be conducted.
5. When feasible, courtrooms should be redesigned so that the seating arrangements do not give the appearance of alignment of the guardian *ad litem* with social services.

### Indian Child Welfare Act (ICWA)

- Social services departments should make a concerted effort to establish whether the Indian Child Welfare Act (ICWA) applies early in the process.
- For each case, the court should ask social services if all efforts have been made to determine whether the ICWA is applicable.

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### TITLE OF REPORT

*State of Connecticut Court Improvement Project Report, May 1996, 77 pages*

### ASSESSMENT CONDUCTED BY

National Child Welfare Resource Center for Organizational Improvement, Edmund S. Muskie Institute, University of Southern Maine, One Post Office Square, P.O. Box 15010, Portland, Maine 04112

In 1995, the State of Connecticut Superior Court for Juvenile Matters convened an Advisory Council comprised of judges and other representatives from Connecticut Superior and Probate Courts, the Attorney General's Office, the Department of Children and Families, the Office of Policy and Management, the Connecticut Bar Association and members of the Connecticut private bar, and the University of Connecticut School of Social Work. The Advisory Council, in conjunction with the Court, issued a Request for Proposals to conduct the research, make recommendations and design implementation strategies for Court improvement.

### RECOMMENDATIONS

The *Project Report* compiles 19 recommendations under four categories and recommends that they be developed into an implementation plan with both short- and long-term activities (pages 65-76). Following each recommendation is a rationale for adopting it.

## **Appendix**

### **Role of the Court in Child Protection Matters**

1. The Superior Court should develop a long-range plan for court operations which equalizes the allocation of funds to the Juvenile Court.
2. The Superior Court must clarify the role and responsibilities of judges assigned to child protection matters.
3. The Superior Court should require that Juvenile Matters assignments be for a minimum of two years and should expand the pool of judges assigned to juvenile matters.

### **Caseflow Management**

4. The Court must develop a more systematic approach to managing cases.
5. The child protective statute should be amended to clearly set forth the grounds under which a child should be removed on an emergency basis.
6. The Court must develop a strategy and devote resources to schedule and hear OTCs (Orders of Temporary Custody—emergency removals of children from their homes) within a reasonable time of filing.
7. The Court should provide for individual case management.
8. The Connecticut child protective statute should be amended to eliminate the need for motions to extend or revoke commitments, clearly outlining the need for a permanency planning hearing within one year of the commitment.
9. The Court should eliminate the requirement that parties exhaust their administrative remedies prior to court hearing.
10. The Court should hear all cases in a continuous manner.
11. The Court should make mediation a primary component of every case management plan and mediation should be available immediately.
12. The Court should establish performance standards to measure progress in processing cases.
13. Judges should convene key participants on a regular basis to identify barriers and plan solutions for more effective case management.
14. The automated case management system should be fully implemented and utilized to evaluate court performance.

Representation of Parties

15. The Superior Court should develop and implement a plan to support attorneys handling child protective cases.
16. The Attorney General's Office should advocate for more resources for attorneys handling child protective cases.
17. The role and responsibilities of the child's attorney and guardian *ad litem* should be clearly defined.

Other

18. Community services for evaluation and treatment should be expanded to meet the needs of the children and families served by the Court.
19. The state should evaluate the role of the Probate Court.

## Appendix

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#### TITLE OF REPORT

*Final Report of the Georgia Supreme Court Child Placement Proceedings Project*,  
August 1996, 52 pages

#### ASSESSMENT CONDUCTED BY

The Georgia Supreme Court delegated authority to implement this study to the Administrative Office of the Courts (AOC) which created the Supreme Court Child Placement Proceedings Project. The Advisory Committee consisted of nine members including judges, and representatives of the Department of Human Resources, Legal Services, Children's Trust Fund, and Citizen Review Panel. The project design and data analysis was conducted with the assistance of consultants from the National Center for State Courts and the American Bar Association. The data collection was completed by AOC staff with the assistance of law student interns.

#### RECOMMENDATIONS

The Advisory Committee presented five recommendations with goals listed under each recommendations at pages 4-7 of the *Final Report*. Throughout the *Final Report*, the Advisory Committee also set forth tasks which they identified as the steps most immediately attainable by the AOC and the Implementation Committee.

1. Develop and implement improved, uniform methods of record-keeping and court management of juvenile court caseloads.
  - A. Develop and implement an accurate system of tracking and monitoring the court process involving children in foster care and relative placement.



- B. Develop and implement a mandatory statewide system for maintaining juvenile court records that uses uniform definitions, uniform reporting methods, and uniform methods of gathering and compiling statistics, as specified in the Uniform Juvenile Court Rules.
- C. Expand computerization and court record-keeping software, including automated caseload management systems, to all juvenile courts with a long-term goal of a partially integrated system accessible to a variety of agencies involved with the juvenile court system, including the courts, the Department of Family and Children Services (DFCS), the Department of Children and Youth Services (DCYS), and the AOC.
- D. Encourage every county to participate in programs to assist courts in managing juvenile court caseloads, particularly the Permanent Homes Program, and facilitate the expansion of such programs.

Tasks:

- Develop and implement a model system for maintaining juvenile court records consistent with the Uniform Juvenile Court Rules related to case-reporting and record-keeping; identify information necessary for a comprehensive, accurate juvenile court record; identify uniform definitions to be used; develop a means for recording this information that will allow it to be used in the generation of uniform reports.
- Examine the current Uniform Juvenile Court Rules to determine whether any changes should be recommended to facilitate improvements in record-keeping methods.
- Develop and implement a mechanism for clearly indicating the final outcome of cases that enter the juvenile court system, rather than allow orders to expire by operation of law.
- Evaluate the feasibility of combining an automated record-keeping and caseload management system with a network system or a partially integrated system through which multiple counties and agencies could have access to the same information, with particular consideration given to implementing such a system in high-volume urban courts.
- Ensure that all model systems developed for court record-keeping and caseload management can be used to generate statistical reports, flag exceptions, cross-reference children and cases, and produce output compatible for inclusion in statewide reports.
- Explore ways to quantify the benefits of Citizen Review Panels and ensure that all judges are educated about the use of Citizen Review Panels as a tool for improved caseload management.

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- Explore the feasibility of creating a court services worker position in high-volume juvenile courts to handle deprivation cases and implement a pilot study to evaluate the benefits of this practice.
2. Increase education and training and provide cross-training and trial manuals for all persons working with juvenile court cases.
- A. Provide comprehensive cross-training to judges, attorneys, DFCS personnel, and court services workers regarding the impact of their actions on the speed and efficiency with which a child is moved to a permanent placement.
  - B. Ensure that each group of participants in the system has a training manual (i.e. trial manual, bench book, practice guide) that addresses a standard list of topics suggested for inclusion in each book.
  - C. Incorporate information regarding current practices into regular training seminars.
  - D. Ensure that all participants in the juvenile court process have access to information regarding resources and services, including grant opportunities related to juvenile court issues.
  - E. Encourage judges' participation in ongoing committees, commissions, and interagency groups that exchange information and develop uniform policies and procedures regarding juvenile court matters.
  - F. Support the existence of a forum in each county or circuit for the formalized, regular exchange of information among judges, court personnel, DFCS personnel, and representatives of community social services organizations.
  - G. Encourage the development and implementation of a procedure for direct communication between judges with juvenile court jurisdiction and DFCS that will create an environment conducive to addressing statewide policy issues.
  - H. Assist the development of resources such as the Georgia Indigent Defense Council Juvenile Advocacy Division to provide support, training, and resources for attorneys working in juvenile courts across the state.
- Tasks:
- Facilitate communication among various practitioners to develop a parallel design for juvenile court training materials and curriculums.
  - Assist with the development of practice-specific training materials which are regularly updated.

- Provide information collected through this study for use in training seminars and assist with the development of methods for ongoing research regarding juvenile court practice.
  - Create opportunities for various juvenile court practitioners to receive training at the same seminar, perhaps through the use of joint general sessions with more specific break-out sessions.
  - Encourage the development of a resource directory for each county or circuit by providing information on directories in existence, including suggested schedules for updating and distributing such directories.
  - Support pilot projects for developing an on-line system for maintaining resource information.
  - Disseminate information on how forums for communication among agencies are organized in counties where this is a successful and established practice.
3. Develop and distribute standards of practice for judges with juvenile court jurisdiction, attorneys practicing in juvenile court, and court personnel working on juvenile court cases.
- A. Promote the regular collection and dissemination of information regarding judicial practices among judges exercising juvenile court jurisdiction.
  - B. Advocate for the establishment of standards of practice for judges with juvenile court jurisdiction, to the extent that such standards are not present in existing statutes and rules.
  - C. Encourage judges to examine judicial practice norms, to promote uniformity in implementation of rules and laws, and to collect and disseminate information to assist in this endeavor.
  - D. Facilitate the development and dissemination of standards of practice for attorneys practicing in juvenile court.
  - E. Encourage judges with juvenile court jurisdiction to require attorneys in their courts to comply with standards of practice developed for such attorneys, especially the training requirements recommended in such standards.
  - F. Support the creation and dissemination of standards of practice for court personnel working with juvenile court cases.
  - G. Suggest that judges with juvenile court jurisdiction require court personnel to comply with standards of practice developed for those persons, and assist them in meeting the training requirements recommended in such standards.

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### Tasks:

- Incorporate information obtained on norms of judicial practice into regular judicial training seminars.
  - Assist with the development of a plan for ongoing research in the areas studied through this project to collect data for use in training, policy planning, and practice.
  - Encourage the development of standards of practice for judges with juvenile court jurisdiction.
  - Encourage judges to assist with the development of standards by other professionals, to the extent possible, and facilitate communication among all groups working to develop standards of practice.
  - Assist with the dissemination of standards once they are developed, and facilitate the inclusion of information on the standards in regular training seminars.
4. Ensure representation of all parties, including children who are the subject of the proceedings, at all stages of decision-making by the courts.
- A. Ensure that every child is represented at every critical stage of the Juvenile Court process.
  - B. Encourage the provision of at least one full-time attorney to represent deprived children in each juvenile court or circuit where there is a full-time juvenile court judge and the caseload indicates this need, or for the retainment of the services of a single attorney or firm to represent deprived juveniles in jurisdictions where the caseload does not necessitate a full-time position.
  - C. Adopt statewide procedures which assure that indigent parents have access to appointed counsel, understand the court procedures, and potential outcomes in juvenile court actions.
  - D. Explore the rights and needs of relatives who are involved in juvenile deprivation actions and adopt statewide procedures to ensure that they understand the court procedures and consequences of juvenile court actions.

### Tasks:

- Encourage the judiciary to ensure compliance with existing legislation regarding representation of parties in juvenile court.
- Explore the feasibility of options for ensuring representation of children, including expanding the use of CASAs, creating full-time child advocate attorney positions, or retaining a single part-time child advocate attorney for each juvenile court.

- Establish training recommendations for attorneys practicing in juvenile court and ensure that training is accessible for such attorneys.
  - Encourage the efforts of attorneys' associations and other agencies to clarify the role of a child's representative, and encourage the involvement of judges in these efforts.
  - Develop procedures for ensuring that all parties are represented by counsel at the earliest possible stage of proceedings.
  - Develop procedures for requiring written waivers of counsel by parents.
  - Develop standard procedures for judges to determine whether parents have a full understanding of their rights and the effect of a waiver of counsel before accepting such a waiver.
  - Explore options for ensuring representation of all parties, including recruiting and training volunteer attorneys (particularly with regard to representation of relatives seeking guardianship).
  - Develop methods for ensuring that all parties understand the procedure and consequences of juvenile court hearings.
5. Provide state funding for a juvenile court judge in every county or circuit, and provide for full-time judges wherever the workload is sufficient.
- A. Advocate for a state-funded juvenile court judge to hear juvenile court cases in every county or circuit, and wherever the work load merits full-time status, for this to be a full-time position.
  - B. Explore options allowing juvenile courts to have jurisdiction over procedural matters benefitting juveniles who are the subject of deprivation proceedings, including legitimations, guardianships, and name changes.

Tasks:

- Encourage the judiciary to advocate for a state-funded juvenile court judge to hear juvenile court cases in every county or circuit, and wherever the workload merits full-time status, for this to be a full-time position.
- Facilitate the development and implementation of a long-range plan for moving toward state funding of juvenile court judges to include conducting a workload needs assessment and cost analysis.
- Examine the process by which some juvenile court are currently handling matters such as legitimations and guardianships and evaluate the feasibility of expanding this jurisdiction to other juvenile courts.
- Develop and implement pilot projects to evaluate the most effective type of judgeship for circuits where the current juvenile court caseload does not indicate the need for a full-time juvenile court judge.

## Appendix

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#### TITLE OF REPORT

Two reports were compiled:

- (1) *Child Abuse and Neglect Proceedings in Illinois Jurisdictions Outside Cook County: A Descriptive Report.*
- (2) *Timeliness and Delay in the Cook County Juvenile Court Child Protection Division.*

#### ASSESSMENT CONDUCTED BY

- (1) Clark M. Peters and Sheila M. Merry, Chapin Hall Center for Children at the University of Chicago.
- (2) Six authors, Chapin Hall Center for Children at the University of Chicago.

#### RECOMMENDATIONS

The following strategies for court improvement are found at pages 41-42 of *Child Abuse and Neglect Proceedings in Illinois Jurisdictions Outside Cook County: A Descriptive Report*. Recommendations were not presented in the second report.

##### Courtroom Management

- Allowing continuances only under urgent circumstances.
- Thoroughly reviewing all reports and other court documents.
- Creating the expectation that attorneys come to court aware of the facts of the case.

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- Setting sufficient time to adequately address the issues of the case.
- Using "time certain."
- Always setting the next court date before leaving the court.
- Always setting the permanency hearing at the dispositional hearing.
- Using the threat of contempt to mandate the timely filing of reports to the court.
- Vigorously reviewing all cases every six months or even every 90 days.
- Entering detailed dispositional orders outlining expectations of parents and using those standards for the regular court review.
- Making a concerted effort to explain to parents and teenagers in simple language what is happening and what the court expects of them, as well as clearly articulating the possible consequences for their failure to comply.
- Involving parents more thoroughly in the proceedings by addressing them directly, by reminding attorneys of their obligation to help parents understand the proceedings, by issuing findings and orders that are comprehensive and use lay terms, and by providing understandable written guides for parents to introduce them to the court procedures.
- Using "extended overnight unsupervised visitation."

### Communication

- Regular (monthly or quarterly) meetings of court personnel across disciplines (judges, states' attorneys, public defenders, guardians *ad litem*, Department of Children and Family Services (DCFS) and private agency staff) to discuss problems in the court.

## Appendix

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#### TITLE OF REPORT

*Iowa Supreme Court Improvement Project for Child in Need of Assistance Cases:  
A Study of Iowa's Court Performance in Child Abuse and Neglect Cases and Plan for  
Improvement*, submitted to the Iowa Supreme Court, September 1996, 70 pages

#### ASSESSMENT CONDUCTED BY

Ms. Anne Rinkenberger, Project Director/Principal Researcher

#### RECOMMENDATIONS

Chapter Three (pages 35-47) of the study above-cited report includes a summary of the recommendations developed during the one-year assessment. The improvement plan provides for the formation of task forces to accomplish plans for training, evaluation, and legislative review. Each section contains a recommendation, the rationale for the recommendation, suggestions for implementation, the role of the task force, tasks to be completed and a time line for completion.



### Judicial Oversight of the Permanency Process

Recommendation: Improve the effectiveness of judicial oversight of the permanency process to achieve more timely decisions and final resolution of cases.

#### Role of the Task Force

1. review current permanency statutes and procedures including time standards and rules;
2. develop recommendations for legislative and procedural changes to propose to the Supreme Court;
3. develop training recommendations to include in training plan;
4. investigate and propose new permanency options; and
5. review and recommend changes and training for reasonable efforts.

### Termination, Appeal, and Final Disposition

Recommendation: Improve the timeliness of the initiation and completion of termination of parental rights proceedings including the appellate process and increase the effectiveness of judicial oversight of post-termination proceedings to achieve timely and permanent homes for children.

#### Role of the Task Force

1. conduct a survey of statewide termination timeliness and practices;
2. conduct termination case file reviews;
3. develop recommendations for legislative changes and procedure changes; and
4. recommend training needs.

### Service Improvement

Recommendation: Improve communication of rights and duties to litigants of the court system, and improve the notification procedures and require early identification of parties.

#### Role of the Task Force

1. develop informational materials to distribute to litigants statewide;
2. recommend statewide notification procedures; and/or
3. investigate ways to encourage early involvement by parents.

## **Appendix**

### **Training Plan and Evaluation**

**Recommendation:** Improve the expertise of those directly involved with child abuse and neglect cases.

#### **Role of the Task Force**

1. coordinate with all activities of the court improvement program and develop a comprehensive training plan;
2. activities could include the development of training materials, district meetings about changes, and/or interdisciplinary training or meetings to improve coordination of the court and child welfare systems;
3. develop evaluation methods for the court improvement project; and
4. contribute to the efforts of recording statistics on abuse and neglect cases.

### **Code and Rules Review**

**Recommendation:** Improve the clarity and utility of the statutory law and court rules concerning child abuse and neglect cases that affect permanence, termination and appeals.

#### **Role of the Task Force**

1. review the Iowa Code—Ch. 232, Div. I, III, and IV; and
2. recommend legislative changes.

### **Quality of Representation**

**Recommendation:** Improve the quality of representation of children by evaluating and reviewing statewide practice standards and implementing changes.

#### **Role of the Task Force**

1. establish uniform guidelines and expectations;
2. develop training materials;
3. draft report forms to document client contacts; and
4. develop recommendations for statutory change.

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### TITLE OF REPORT

*Kansas Juvenile Court Improvement Project: Final Report*, December 1996, 80 pages

### ASSESSMENT CONDUCTED BY

National Center for State Courts, Court Services Division, 1331 Seventeenth Street, Suite 402, Denver, Colorado 80202, (303) 293-3063

The Kansas Supreme Court used an existing task force, The Supreme Court Task Force on Permanency Planning as an advisory committee to oversee the assessment and improvement planning. The Task Force includes representatives of the appellate and district courts, the Department of Social and Rehabilitative Services, prosecutors, public defenders, attorneys, Court Appointed Special Advocates (CASA), Citizen Review Boards, court service officers and guardians *ad litem* (GALs). The National Center for State Courts was hired to perform the technical aspects of the assessment.

### RECOMMENDATIONS

Nineteen recommendations are presented in the *Final Report* within the Recommendation Implementation Matrix (at pages 15-16). The Recommendation Matrix lists the estimated resources that would need to be allocated to implement the recommendation and a suggested time line for completion.

## Appendix

1. Training of all judicial officers assigned child in need of care cases.
2. Utilize case assignment methods that allow a single judge to hear all phases of a case, including reviews.
3. Set longer matters for a single setting using enhanced caseflow techniques and scheduling practices.
4. Establish data entry and reporting protocols for child-in-need-of-care case type.
5. Revise calendar structure and confirm block scheduling types and times.
6. Continuance policy for written motions with reason stated in the motion. Judicial review with best interest of child and good cause required.
7. Distribution of *RESOURCE GUIDELINES* to judges as part of training.
8. Reduce times to major events, particularly permanency planning and termination of parental rights cases.
9. Start delivery of services as soon as possible through early court orders.
10. Shorter reunification time line—especially for younger children.
11. Appellate child-in-need-of-care caseflow reports.
- 12-13. Alternative dispute resolution in the trial and appellate processes.
14. Advocates for parents and children appointed and present for preliminary hearing.
- 15-16. Institutionalize GAL training and expectations.
17. Encourage use of CASAs.
18. Encourage development and use of Citizen Review Boards.
19. Include courts in the evaluation process for service providers.

In addition to the Recommendation Implementation Matrix, the *Final Report* contains a Recommendation Prioritization Worksheet that provides a mechanism for the Task Force to jointly prioritize the recommendations and an Action Planning Development Document to define tasks and assign responsibilities and time lines for completion of each step in the action plan (pages 17, 18, and 19).

## KENTUCKY

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### TITLE OF REPORT

*Kentucky Court Improvement Project First Year Assessment and Recommendations*,  
February 1996, 101 pages

### ASSESSMENT CONDUCTED BY

The Kentucky Court Improvement Project Evaluation Team includes Paul Knepper and Shannon Barton, primary evaluators and authors from Northern Kentucky University; Deborah Williamson, Patrick Yewell, Darren Warner, Mae Philbeck, Christopher Cecil, and Rita Culbertson from the Administrative Office of the Courts; and Louise Graham, law school professor, University of Kentucky.

In March 1994, the Kentucky Administrative Office of the Courts contracted with Northern Kentucky University to carry out the assessment. In July 1995, Robert F. Stephens, Chief Justice of the Kentucky Supreme Court, appointed a multidisciplinary advisory board for the Kentucky Court Improvement Project which was charged with providing expert opinion during the assessment phase, and identifying and prioritizing objectives during the implementation phase of the project.

### RECOMMENDATIONS

Recommendations found in Chapter VII at pages 82-85 of the *First Year Assessment and Recommendations* are topically organized as follows:

## Appendix

### Advisory Board

1. The Advisory Board for the Kentucky Court Improvement Project should continue to meet on a bi-annual schedule throughout the life of the project. Members of the board are needed to provide a collective vision for the project, and to work within individual spheres of influence to implement project goals.

### Facilities and Technology

2. Kentucky ought to continue its commitment to upgrading court facilities. Progress made in district courtrooms, and judicial chambers should be followed by adding family-friendly waiting areas, meeting rooms for attorneys and their clients, and workrooms with telephones to make caseworker waiting time more productive.
3. SUSTAIN (a statewide information management system for circuit clerks) provides hardware for a statewide tracking system; it should be expanded to provide judges, Guardians *ad Litem* (GALs), Court Appointed Special Advocates (CASAs), and Foster Care Review Board (FCRB) members with information concerning the status of cases. To be successful, development of a statewide tracking system should include computer training for district judges.
4. The Administrative Office of the Courts should develop a video presentation suitable for families which provides an explanation of the dependency process. In urban areas, this video could be shown to waiting families. This would make waiting time more productive and provide families with information needed to better understand the process. Children could watch and reduce uncertainty. Video presentation could be supplemented by child-friendly pamphlets explaining the legal process.

### Responding to Structural Barriers

5. Family Court represents one of the best responses to structural barriers imposed by current separation of family issues across the district and circuit courts. An evaluation should be conducted in Jefferson County's Family Court to identify strengths and barriers to the development of additional family courts in Kentucky.
6. A task force should be created to examine the connection between juvenile and dependency court. This examination should consider points of overlap in district court proceedings and the potential role of the court-designated worker in responding to families in crisis.

7. The advisory board should explore the implementation of the National Council of Juvenile and Family Court Judges *RESOURCE GUIDELINES* for improving court practice. The exploration should consider implementation of one family-one judge calendaring, use of judge-supervised hearing officers, and the front-loaded hearing process.
8. The Court and the Cabinet should work to clarify the issue of who the county attorney represents in child maltreatment cases. Increasing legal representation of case workers, and communication between Cabinet of Human Resources (CHR) attorneys and other decision-makers should be a major goal.

#### Court-Cabinet Collaboration

9. Regular meetings between key decision-makers within the Court and the Cabinet should be held to develop a unified response to perennial issues of concern. These meetings should be held for the purpose of making court time meaningful for all decision-makers. Where time constraints prohibit regular meetings, communication boxes should be established to make exchange of information prior to the day of the hearing more certain and more regular.
10. Prosecutors and CHR supervisors should develop protocols clarifying written notification. The offices of the county attorney and social services need to agree on which office should provide the clerk's office with information concerning notification. Protocols should include provision for early notification of missing parents.
11. Courts without requirements for appointment and training of GAL attorneys should develop them. The creation of requirements should include creation of supervisory structures and expectations concerning frequency and nature of contact with children and families, and with caseworkers, CASAs, judges, and other relevant decision-makers.

#### Regional Cross-Training Seminars

12. Regional training seminars should be held to foster a multi-disciplinary approach to court improvement. One major goal of cross-training should be to clarify role expectations for decision-makers, including GALs, CASAs, FCRB members, caseworkers, prosecutors, clerks and judges. Role expectations should focus on preparation for court proceedings and clarification of federal requirements under P.L. 96-272, including reasonable efforts, permanency planning, and so on. Another major goal should be to make sure that FCRB reports, and CASA reports coincide with court reviews.

## Appendix

13. The Office of the Attorney General has already developed a training model for GAL attorneys. More GAL attorneys should be provided both in-service and pre-service training using this material. GAL training could be conducted in conjunction with regional cross-training seminars.
14. Training models for CASA volunteers have been developed by CASA of Louisville and other CASAs. The CASA training model will be expanded under the Court Improvement Project.
15. A training model for FCRB members has been developed by the state Foster Care Review Board. The FCRB training model will be expanded and enhanced under the Court Improvement Project.
16. The training model should include law students, graduate students, and other pre-service decision-makers. A curriculum could be developed at the University level to orient new attorneys and others to expectations of child maltreatment proceedings.



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### TITLE OF REPORT

*Report of the Committee to Study the Role of the Courts in Protecting Children:  
Assessment of Child Protection Proceedings and Recommendations for Improvement,*  
Submitted to the Maine Supreme Judicial Court, March 1997, 110 pages

### ASSESSMENT CONDUCTED BY

The Chief Justice of the Supreme Judicial Court appointed a committee to study the role of the courts in protecting children and engaged the services of the National Child Welfare Resource Center for Organizational Improvement, which is a division of the Edmund S. Muskie Institute of Public Affairs. The Muskie Institute prepared data collection instruments, collected and analyzed the information, reported its findings to the committee and prepared a 94-page report containing recommendations for improvement, *Final Report to the Committee to Study the Role of the Courts in Protecting Children*, which is included in the *Report of the Committee* as an appendix.

### RECOMMENDATIONS

Using the work of the Muskie Institute, the committee prepared its own recommendations and report to the Supreme Judicial Court. Under the following five categories, the committee presented 45 recommendations which are found at pages 9-16 of the *Report of the Committee*.

## Appendix

### Role of the Court

1. Judges should actively oversee child protection cases.
2. The parties in each case, including uncontested matters, should appear in person before the judge.
3. Judges should, to the extent possible, be responsible for individual cases for the life of those cases.
4. The court should develop a bench book and court rules to make practice in the various courts more uniform.
5. The court should consider adopting an optional alternative dispute resolution model to resolve child protection matters.
6. Judges in each region should convene key participants, including assistant attorneys general (AAGs), parents' attorneys, guardians *ad litem* (GALs), Department of Human Services (DHS) workers, court clerks, etc., on a regular basis to identify barriers to efficient case flow and to plan solutions for more effective case management.
7. The Chief Judge of the District Court should assign protective custody cases to those judges who have a preference for hearing these matters, as well as all other matters.
8. The court should develop procedures that enable a judge handling a child protection matter to determine whether there are other cases involving the same family, either in Maine or elsewhere, that may have a bearing on the child protection proceeding.
9. The district court should monitor termination of parental rights cases more closely, and should periodically review the status of children awaiting adoption.
10. The court should require the DHS to submit to the parties a written case summary prior to a final hearing and prior to a judicial review in every case.
11. In child protection cases, the court should inquire about the need for evaluations, tests and other services.
12. In each court, the court should be clear and specific about the services to be provided and about the expectations the court has of each party to the action.
13. The court should be fully informed by the DHS concerning the availability of services statewide.

### Caseflow Management

14. The Chief Judge of the District Court should designate a judge to develop and coordinate a protective custody scheduling system statewide, and to implement other recommended changes.
15. The scheduling system should be designed so that contested hearings are begun and finished with minimum interruption.

16. The scheduling system should be designed to minimize waiting time at the courthouse for the parties.
17. Scheduling of protective custody cases should be done by the clerks' offices in consultation with the AAGs.
18. The clerks should receive training on caseflow management matters.
19. The District Court should establish minimum time standards for the progress of cases and adopt a policy on continuances.
20. The Chief Judge of the District Court and the Chief Justice of the Superior Court should develop a protocol that recognizes the priority of child protection matters.
21. The Law Court should adopt a policy on requests for extension of time for the filing of briefs in child protection cases.
22. The Superior Court and the Law Court should adopt an expedited calendaring process for child protection appeals.
23. The automated case management tracking system currently being developed should contain elements that permit child protection cases to be evaluated.

#### Representation of Parties

24. The court should consider a mentoring program to be completed by new attorneys before they are assigned a child protection case. The court should permit new attorneys to observe child protection trials before being assigned to represent parents or serve as GALs.
25. Judges should provide feedback to all individuals representing parties in a child protection proceeding.
26. The court should provide training opportunities for parents' attorneys, AAGs and GALs, which would include information on minimum expectations of the court.
27. The Department of the Attorney General should take steps to make trial practice among the AAGs more uniform, including establishing consistency regarding substantive presentation of cases, length of time required, direct and cross-examination of witnesses, etc. Additionally, the Attorney General's Office and DHS should provide cross-training on the roles and responsibilities of each agency.
28. The Department of the Attorney General should examine its caseload assignments and total staff resources and, to the extent possible, reduce the caseloads of the AAGs handling child protection matters.
29. The court should consider a pilot project in which a group of attorneys working under contract handle child protection cases.
30. The court should examine a different structure for the administration of the Court Appointed Special Advocates (CASA) program. Possibilities include a

## Appendix

program separate from the court as a private, non-profit organization or a program administered by a judicial employee.

31. The current CASA administration should provide more effective oversight, communication and consultation with CASA volunteers.
32. The Board of the CASA program should be expanded to include others, such as: attorneys for parents, children and DHS; a representative of the DHS; a foster parent; a service provider, etc.
33. Judges should submit CASA evaluation forms on an ongoing basis.
34. The CASA program should increase pre-service training and provide continuing education and support for CASA volunteers.
35. The court should consider one or more pilot programs exploring different ways to represent children. For example, the court might consider appointing non-lawyer GALs in areas where no CASA volunteers are available.
36. A child protection practice manual for use by attorneys and CASA volunteers should be developed.

### Statutory and Rule Changes

37. The child protection statutes and court rules should be reviewed to determine what sections should be amended to conform with the committee's recommendations.
38. The court should explore statutory options to handle cases where a non-abusive parent is available to protect a child from abuse.

### Other

39. District Court facilities should be upgraded technologically.
40. The court should explore the use of foster parents in child protection proceedings, especially as witnesses in Judicial Reviews.
41. More cross-disciplinary training opportunities should be developed for judges, attorneys, DHS workers, foster parents, child development specialists, evaluators, psychologists, physicians, and other professional participants.
42. Judges, AAGs, and GALs should receive specific training on DHS' adoption process.
43. The court should examine the handling of cases of children who have come into DHS custody through the juvenile process.
44. In all child protection proceedings, paternity should be established at the earliest opportunity.
45. A data base or library of significant District and Superior Court opinions should be developed so that on questions of law both judges and advocates have access to how those questions are being resolved across the state, and to promote uniform interpretation of the statute.

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### TITLE OF REPORT

*Assessment and Recommendations for Improving Child Abuse and Neglect Proceedings in Montana Courts*, December 1996, 56 pages with additional appendices

### ASSESSMENT CONDUCTED BY

The Montana Supreme Court Administrator's Office administered the court improvement program. Jean Whittinghill, Court Assessment Program Coordinator and Sherry K. Meador, Legal Analyst conducted the assessment under the guidance of an Advisory Committee composed of judges, legislators, attorneys, probation officers, and leaders from key child welfare agencies.

### RECOMMENDATIONS

The following recommendations are found in Chapter X of *Assessment and Recommendations* at pages 49-54.

#### Case Management

1. Limiting Continuances
  - Educate all participants in the legal system regarding the need to limit continuances to those instances when it is absolutely necessary.
  - Educate judges about the need to inform parents of the importance of attending all court hearings.

## Appendix

### 2. Information Management

- Determine the feasibility of access between the Montana Judicial Case Management system and the Department of Public Health & Human Services' (DPHHS) automated case management system. Determine what information should be shared between the court and DPHHS.

## Representation

### 1. Representation of Children

- Assist the Lewis and Clark County public defender in developing a Court Appointed Special Advocate (CASA) program. Assistance would include soliciting and interviewing CASA candidates, training those who are chosen and organizing a process by which the public defender may operate the program with minimal resources of both time and money. Compile a resource book for other counties within the State of Montana to use in starting their own programs.
- Propose legislation to state that guardians *ad litem* (GALs) represent the child's "best interest." Include a definition of "best interest of the child" as it pertains to the child abuse and neglect statutes.

### 2. Representation of Parents

- Educate judges regarding the significance of appointing parents' counsel early in the process when the parents do not respond affirmatively to the state's intervention.
- Continue to study whether the appointment of parents' counsel at an earlier stage affects the length and total cost of an individual case. If further study demonstrates that earlier appointment of parents' counsel is cost- and time-effective, submit an analysis of the need for earlier appointments to the state legislature to ask for additional funding to hire parents' counsel in child abuse and neglect cases.

### 3. Representation of DPHHS

- Review grant options in addition to funding sources pursuant to Title IV-E of the Social Security Act to help pay for attorneys representing DPHHS in child abuse and neglect cases. The results of this review will be used to assist DPHHS and counties in developing additional resources for representation in child abuse and neglect cases.
- Amend child abuse and neglect statutes to clarify the burden of proof requirements at each stage to address the inconsistency of DPHHS's representation.

- Encourage DPHHS to provide ongoing training for judges and county attorneys at the state multi-disciplinary meeting; and to provide training to county attorneys regarding the changes in the child abuse and neglect statutes at the county attorneys' conferences in order to establish standardized practices regarding when the county attorneys should proceed with a case.
4. Law School Course/Clinical Program
    - Collaborate with the law school to determine how the law school may offer a child advocacy class or clinical program.

#### Consistency in the Courts' Handling of Child Abuse and Neglect Cases

1. Statutory Changes
  - Submit proposed statutory changes to the 1997 legislature to clarify the existing law and provide time lines for temporary orders.
2. Timely Preliminary Hearings
  - Examine the feasibility of using a telecommunication interactive video system for rural sites to allow the court to conduct show cause hearings in a shorter time period.
3. Magistrates/Special Masters
  - Expand the magistrate/special master system in order to provide assistance in nondispositive issues by submitting a recommendation to the Montana Supreme Court to revise Rule 53. M.R.Civ.P., to allow the use of special masters in more than exceptional circumstances.
  - Investigate resources to fund the initial development of magistrates, and work with judicial districts desiring magistrates to approach the 1999 legislature for continued funding.

#### Reasonable Efforts

1. Reasonable Efforts Findings
  - Incorporate into Montana statutes the requirement that the court make a finding regarding whether the agency made reasonable efforts to rehabilitate the family to prevent the child's removal from the home.

## Appendix

### 2. Reasonable Efforts Training

- Request speakers offered from the American Bar Association's Center on Children and the Law to present standards of reasonable efforts at the 1997 spring or fall judicial conference.
- Promote discussion between all individuals who are involved in litigating child abuse and neglect cases regarding what constitutes reasonable efforts.

## Judicial Oversight

### 1. Addressing Specific Services in Orders

- Educate the judges regarding their obligation to oversee the appropriateness of placements, treatment plans and the services provided therein.
- Develop and regularly update a home page at the state law library which includes a list of new and discontinued services available for children and families. Interested parties could access the home page via the Internet or could call the State Law Library and request a copy of the relevant services be sent to them.

## Review Hearings

### 1. Six-Month Review Hearings

- Evaluate the two review bodies to come up with a recommendation for a single system. The evaluation will include:
  - a. Observing both foster care review committee (FCRC) and citizen review board (CRB) reviews to determine the thoroughness and quality of the reviews;
  - b. Interviewing judges, county/deputy county attorneys, and parents' counsel who have had both systems operating in their judicial districts to determine what system they believe is most effective in conducting reviews; and
  - c. Interview members of both review bodies to learn what they feel are the strengths and weaknesses of their systems.

### 2. Post-Termination Reviews

- Attend the next county attorney association meeting and judges conference to remind the attorneys and judges of the statutory requirement of holding review hearings after termination.



## Indian Child Welfare Act (ICWA)

1. Education
  - Work in conjunction with DPHHS and the W. K. Kellogg Foundation's Families for Kids Project to fund local ICWA training at 12 sites across the state. A facilitator will travel to the sites to provide technical training regarding the specific requirements of the Act. In addition, tribal representatives will be invited to all of the training to share their perspective on how they respond to the ICWA notices, what is working between the state court system and their tribe, and what could be improved.
2. Statutory Reference
  - Propose legislation during the 1997 legislative session which specifically denotes that child abuse and neglect and adoption proceedings are subject to the ICWA.

## Proposed Adoption Legislation

1. Statutory Changes
  - Propose legislation during the 1997 legislature to amend Montana adoption laws as follows:
    - a. Establish a logical organization for the statutes.
    - b. Establish a putative father registry.
    - c. Provide for one consistent set of standards for termination of parental rights for adoption proceedings.

## Appendix

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#### TITLE OF REPORT

*Nebraska State Court Improvement Project: Child Abuse and Neglect Cases.* This 30-page report, dated October 22, 1996, also contains a three-page executive summary dated September 18, 1996.

#### ASSESSMENT CONDUCTED BY

From April 1, 1995, to August 1, 1996, an assessment of the functioning of Nebraska courts regarding abused and neglected children was conducted by the Center on Children, Families, and the Law, University of Nebraska, Lincoln, and the Administrative Office of the Court, Nebraska Supreme Court. Authors from the Center on Children, Families, and the Law include Vicky Weisz, Evelyn Labode, Mark Cooper, and Andrew Slain. Joseph Steele and Janice Walker were the authors from the Office of the Court Administrator.

#### RECOMMENDATIONS

The Advisory Board for the Nebraska Court Improvement Project met and discussed the results of the assessment of the courts. In January, 1997 the Advisory Board offered the following recommendations to the Nebraska Supreme Court.

1. Create a Legislative Committee. The Committee's purpose will be to review the legislative changes proposed at the October, 1996 Court Improvement meeting; to determine those legislative changes that appear to be feasible and reasonable; and to assist in the introduction of new legislation in 1998.

2. Offer training for judges and attorneys in all judicial districts guided by the *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases*, that were developed by the National Council of Juvenile and Family Court Judges. If possible, we would like the training to be conducted by individuals from the National Council.
3. Assist the Douglas County Separate Juvenile Court and one or two rural courts in planning, implementing, and evaluating improvements in their courts. These projects will serve as pilots for the rest of the state. The judges will develop improvement plans during the early part of 1997. The plans will be responsive to the problems identified in the assessment, will be likely to result in change that is measurable, and will be sustainable after the federal funding for the project is ended. The University of Nebraska-Lincoln Center on Children, Families, and the Law will assist in the planning of the improvements and in their evaluation.

## Appendix

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#### TITLE OF REPORT

*New Hampshire Juvenile Court Improvement Project Final Report, December 1996,*  
65 pages

#### ASSESSMENT CONDUCTED BY

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Suite 402, Denver, Colorado 80202, (303) 293-3063

#### RECOMMENDATIONS

Kristen Lamont, Permanency Planning Coordinator, reported that recommendations  
will be available in March, 1998, after the assessment is completed.

## NEW JERSEY

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### TITLE OF REPORT

*New Jersey Court Improvement Project Annual Report*, October 1996, 11 pages.  
Extensive appendices include: the *Court Assessment Project Final Report* drafted by the Association for Children of New Jersey, July 1996; *Court Improvement Oversight Committee Recommendations for Improvement*, July 31, 1996; *Preliminary Plan for Family Court Report*, September 15, 1995; and *Involuntary Placement Hearing Officer Pilot Project Stage One Report*, drafted by the New Jersey Administrative Office of the Courts, Family Division, March 1, 1996.

### ASSESSMENT CONDUCTED BY

The Supreme Court appointed an Oversight Committee composed of nine judges, two representatives from the Division of Youth and Family Services (DYFS), a Deputy Attorney General representative, statewide coordinator of the Law Guardians, attorneys for parents, court staff, court volunteers, child advocates, and a grant liaison. The Committee hired the New Jersey child advocacy organization, the Association for Children of New Jersey (ACNJ), to conduct the assessment.

### RECOMMENDATIONS

The New Jersey Court Improvement Project Annual Report provides a unique approach to the recommendations for improved court practice. The authors drafted overarching goals and listed objectives and tasks to be completed. Their work reflects an implementation plan more than a list of possible recommendations for review.

## Appendix

A "Plan for Improvement" is included in the *New Jersey Court Improvement Project Annual Report*, dated October 3, 1996, at page 6. The following five goals are stated:

1. To integrate child welfare case handling within the judiciary, promoting better communication and coordination among all those involved in the process, and to encourage standardization of procedures.
2. To improve communication and coordination between the Judiciary and the Department of Human Services.
3. To improve the quality of the system, especially regarding fairness and due process.
4. To expedite case processing.
5. To insure adequate resources.

Ten objectives with specific tasks to be accomplished follow the stated goals:

1. Objective (addresses Goals 1, 3, 4)

Titles 9 and 30 will be reviewed to identify overlap, conflicts, and duplication of efforts and recommendations will be made to change the legislation to improve standards and provide for speedier resolution of cases. All critical representatives of the system, such as attorneys for children, for parents, and the state will be involved in the process.

### Tasks

- The Administrative Office of the Courts (AOC) will form a Legislation/Legal Issues workgroup to study the legislation and write a draft of new state laws.
- The AOC will hire a contractor to complete the Part One (legal analysis) section of the assessment to provide the committee with the appropriate data for this objective.

2. Objective (addresses Goals 1, 2 3, 4)

The AOC will modify and improve the case tracking system so that pertinent information about all facets of court involvement are integrated. The following issue will be addressed: the ability to share information electronically, made available to all parties, subject to security and confidentiality requirements. The FC (children in placement) case type will be put on the Family Automated Case Tracking (FACTS) system.

Task

- The AOC will hire technical staff to work within the AOC Family Division for the duration of the grant period. These individuals will work solely on modifying and upgrading FACTS (Family Automated Case Tracking System), as recommended by the results of the efforts of various workgroups studying FC, (children in placement), FN (child abuse/neglect), and FG (termination of parental rights) case processing and procedures.

3. Objective (addresses Goals 1, 2 4)

Develop and implement uniform organizational structure, procedures, and forms for FC, FN, and FG case types.

Task

- The AOC will form a Case Processing workgroup to study and make recommendations on this issue. The details of the Oversight Committee recommendations, which are addressed in more than one recommendation of the committee's document, will be the starting point.

4. Objective (addresses Goals 1, 2, 3, 4)

Develop and provide regular mandated training for judges, court staff, and court volunteers.

Tasks

- The AOC will form a training workgroup to plan a training curriculum. The details of the Oversight Committee recommendations on this issue will be the starting point.
- The AOC will sponsor training programs, for Year Two of the grant, on a regional basis, addressing the need for improvements and the steps necessary to make a successful transition to new policies and procedures.

5. Objectives (addresses Goals 1, 3, 4, 5)

- The creation of permanent funded positions for full-time attorneys to represent parents/guardians in child welfare actions, throughout the life of the case, will be addressed.

## Appendix

- A law guardian will be assigned for each child with an active involvement throughout the life of the case.
- Task
- The AOC Legislation/Legal Issues workgroup will study these issues and make specific recommendations for implementation. The details of the Oversight Committee recommendations on this issue will be the starting point.

### 6. Objective (addresses Goals 1, 2, 3, 4, 5)

Explore and evaluate the programs of other states and jurisdictions which represent best practices.

#### Task

- The AOC will coordinate the work of several workgroups in specific areas and study best practices in other states, including but not limited to the following topics: computerized case tracking systems, the integration of CASA and child placement review (CPR), and the transition from recommended improvements to implementation of reforms.

### 7. Objective (addresses Goal 2)

The AOC will begin regular interagency meetings with court staff and child welfare professionals at the state and county level.

#### Task

- The meetings will include but not be limited to, continuation of the DYFS/CPR Forums (both regional and statewide), regional trainings, and one-on-one meetings between agency and court leadership.

### 8. Objective (addresses Goal 3)

The AOC will evaluate the two volunteer programs affecting child welfare cases, CASA and CPR.

#### Task

- The AOC will hire research specialists to conduct an evaluation of the programs, to study the program structure, functions, and effects on the cases of children in placement.



9. Objective (addresses Goal 3)

Provide legal representation to parents who sign voluntary placement agreements, until full time positions are in place.

Task

- The AOC will form a Legislation/Legal Issues workgroup which will review this issue.

10. Objective (addresses Goal 3)

Improvement of the flow of information between the court and parents/guardians and attorneys will be studied and improvements implemented.

Task

- The issue will be studied by an AOC Legislation/Legal Issues workgroup. The details of the Oversight Committee recommendations will be the starting point.

In Appendix C of the *Oversight Committee Recommendations to Improve the Handling of Child Welfare Cases in New Jersey Family Court*, the committee presents the overall goals of its recommendations:

To promote permanent resolution of each child's case and a secure and safe home for every child in a timely manner.

- To integrate child welfare case handling within the Judiciary (better communication, coordination, standardization).
- To improve communication and coordination between the Judiciary and Department of Human Services.
- To improve the quality of the system (fairness, due process).
- To expedite case processing.
- To highlight the need for increased resources.

The Committee then reviews the four categories of case practice, systemic support, legal representation, and external issues and states a principle for each category. Case practice contains 14 major recommendations and time frames for each. Systemic support has six recommendations and time frames for completion. Legal representation contains four major recommendations and time frames. External issues has six recommendations.

## Appendix

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#### TITLE OF REPORT

*Child Protection Proceedings in North Carolina Juvenile Courts*, July 1996, 50 pages

#### ASSESSMENT CONDUCTED BY

Research Triangle Institute (RTI), 3040 Cornwallis Road, Research Triangle Park,  
North Carolina 27709, Linda Powers, M.A., Dr. Susan Wells, Emily Coleman

The North Carolina Administrative Office of the Courts (AOC) convened a multidisciplinary Advisory Committee including district court judges, foster parents, parent and child advocates, court clerks, attorneys and representatives from the AOC, Guardian *ad Litem* (GAL) and Juvenile Services Divisions, Division of Social Services (DSS), and the Institute of Government. The AOC prepared the required analysis of state statutes and contracted with the Research Triangle Institute to conduct a comprehensive survey of juvenile justice system users and to prepare an appraisal of the information that is available to court and child welfare officials with regard to foster care and adoption cases.

#### RECOMMENDATIONS

This report was a unique format and included recommendations from the various stakeholders in the system and their ranking of various ways to improve the system. Also included are recommendations by foster parents. The authors provide general categories of recommendations and their own list of six specific ways to improve the effectiveness and efficiency of child protection proceedings (see pages 43-50).

During site visits to four counties, several stakeholders (district court judges, DSS attorneys, GAL program staff, DSS caseworkers and supervisors, juvenile court clerks, attorneys representing parents, and foster parents) were asked to discuss their recommendations for improving the court system. Information from these discussions was combined with information and options for improvements provided by the American Bar Association Center for Children and the Law, in order to develop a list of recommendations relevant to North Carolina District courts.

Mail survey respondents were asked to rate their level of support for each recommendation on a five-point scale. A large number and a wide variety of suggestions were made—addressing issues at every level of the system. The authors noted several clusters or types of recommendations:

- Provide more services to assist families to resolve their problems.
- Make clear to parents the consequences of failing to comply with court orders and case plans.
- Sharpen the focus on the child's perspective of the situation.
- Raise the priority of juvenile court or create a family court.
- Increase the speed of the process.

The top five recommendations to improve child protection proceedings were:

- Provide training to caseworkers in the preparation of court reports, procedures, and evidentiary requirements for adjudication and termination hearings—95% Supporting.
- Provide more information to the parents about court procedures and the consequences of not complying with judicial orders—91% Supporting.
- Prepare a judicial guidebook, with standards and procedures for these types of cases—89% Supporting.
- Provide additional training for judges—88% Supporting.
- Provide training for parents' attorney—82% Supporting.

The authors interviewed foster parents who provided a number of specific recommendations for changes in the system:

- Foster parents should have a recognized role as advocates for the child in court hearings.
- The GAL program should be strengthened, and the volunteers should be more uniformly active in their roles.
- The quality of representation for parents should be improved.

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- There should be more pre-trial meetings to help the attorneys, GALs, and DSS be better prepared for court hearings.
- The hearings should be better organized.

At the conclusion of the assessment, the authors indicated that there are many options for improving court performance which merit the consideration of the Advisory Committee. They compiled the following six suggestions stating they are within reasonable resource constraints, provide benefits to more than one agency, can be implemented incrementally, and can promote collaboration among stakeholders.

1. Develop a performance-oriented court management information system which will enable individual cases to be tracked and generate the information needed to evaluate progress toward goals of efficient court operations and permanency for children. This could be done by developing short- and long-range plans, and/or by choosing one or more counties to pilot a model program to collect information necessary to measure key performance indicators and integrate the information into a single data base.
2. Support the development of local rules by disseminating model rules and providing technical assistance to conduct a process in which DSS staff, GAL staff, court clerks, judges, and attorneys negotiate local strategies to improve the efficiency and effectiveness of court operations.
3. Consider options to expand the current training initiatives, continue cross training, and provide additional training and informational materials to participants at the local level.
4. Explore methods to increase support for and accountability of attorneys who represent parents. These might include: 1) developing a system of master attorneys/mentors; 2) creating an association of attorneys who handle these cases; 3) providing training, written guidelines for experience and standards for payment; and 4) placing attorneys under contract.
5. Formalize use of pre-trial conferences and settlement procedures, including mediation, that can reduce the number of cases that are heard in open court and reduce the use of "pre-hearing hallway consent settlements." This would require clarification of the types of cases appropriate for this diversion, and the establishment of due process protections for parents.
6. Increase the priority of juvenile child protection cases within the court system by proposing changes to the statutes and administrative policies that affect these cases.

## OHIO

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### TITLE OF REPORT

*Ohio Family Court Feasibility Study Final Report*, May 4, 1997, 129 pages plus  
extensive appendices, *Chapter 7: Ohio Court Improvement Project Findings*, pages  
93-117

### ASSESSMENT CONDUCTED BY

National Center for Juvenile Justice, 710 Fifth Avenue, Pittsburgh, Pennsylvania  
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The *Ohio Family Court Feasibility Study Final Report (Feasibility Study)* was  
prepared by the National Center for Juvenile Justice (NCJJ), the research division of  
the National Council of Juvenile and Family Court Judges. The *Feasibility Study* was  
sponsored by the Supreme Court of Ohio, the Governor's Task Force on the  
Investigation and Prosecution of Child Abuse and Child Sexual Abuse Cases  
(Governor's Task Force), and the Ohio Department of Human Services (DHS). As  
part of the *Feasibility Study*, the NCJJ was asked to conduct an assessment of Ohio's  
juvenile court system handling of child abuse, neglect and dependency cases.

### RECOMMENDATIONS

The following seven recommendations were listed on page 128 of the *Feasibility  
Study*:

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1. Assist local courts in developing software to track and closely monitor child abuse, neglect and dependency cases. The Hamilton County Juvenile Court has arguably the most sophisticated and efficient case tracking system for these types of cases and can be used as a prototype for the development of similar automated systems in other Ohio counties. We would, however, encourage local courts to install one automated system that will track all juvenile court case types (including delinquency and unruly cases, child abuse, neglect and dependency cases, and child custody cases).
2. To identify local juvenile courts that are having difficulties in routinely meeting time frames for completion of adjudication and initial disposition on child abuse, neglect and dependency cases and to work with these courts to address these concerns.
3. Encourage courts to initiate the necessary calendaring and case flow management steps necessary to reduce time spent waiting for hearings to commence, including limiting the stacking of multiple hearings in the same time slot and to establish and enforce firm policies on the granting of continuances.
4. Assist local efforts to expand their foster care networks to ensure that sufficient foster care options exists to provide a safe, stable and supportive foster home for all victimized children in need of such a placement.
5. Assist local efforts to identify and recruit adoptive homes for all children for whom placement on permanent custody status is appropriate, including children who are currently placed on long-term foster care status because of the unavailability of adoptive homes.
6. Expand the use of Court Appointed Special Advocates (CASAs) to all 88 Ohio counties. This may include examining the feasibility of providing statewide funding and logistical support for local CASA organizations, including at least partial state funding for local program start-up and ongoing operations.
7. Conduct a comprehensive study in selected counties, possibly in conjunction with the family court pilot sites, to determine the unmet resource needs of the juvenile court to effectively handle its child abuse, neglect and dependency caseload. This study should include an examination of the resources necessary to effectively prosecute these cases, for child protective services to serve these children and their families, and to ensure adequate representation/advocacy for all parties to these proceedings. Lastly, this study should include an examination of the service needs and the availability of services to victimized/maltreated children and their families.

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### TITLE OF REPORT

*Oklahoma Court Assessment Project Final Report*, December 16, 1996, 81 pages

### ASSESSMENT CONDUCTED BY

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### RECOMMENDATIONS

Chapter 5 of the *Final Report* is the Summary of Court Assessment Project Recommendations (pages 62-67).

*Fundamental principles underlying the recommendations include the need for courts to take a more active role in decision-making and oversight of child welfare cases and secondly, that comprehensive and timely judicial intervention is critical in assuring safe and permanent homes for Oklahoma's abused and neglected children (page 62).*

### Legislative Recommendations

1. Clarify conditions for which the extension of a pre-adjudicatory custody order beyond 90 days is considered "in the best interests of the child."
2. Establishing time frames for the completion of the disposition hearing, specifically, that district courts conduct a disposition hearing on deprived cases within 30 days of adjudication at which time the court

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is to closely scrutinize and approve (with modifications if necessary) the treatment and service plan.

3. Requiring the court to conduct a permanency planning hearing instead of the currently required predisposition hearing and to require that a permanent plan for the child be developed and approved at this hearing.
4. Establishing time frames for the completion of termination proceedings (no longer than 180 days with very limited provisions for extensions).
5. Possibly establishing time limits on the use of temporary foster care and to limit the use of long-term foster care as a permanent plan option.
6. Encouraging courts to more closely scrutinize Department of Human Services (DHS) case planning and service delivery. This appears to be primarily a training issue but may ultimately also require some statutory clarification of the authority of the court to specify a specific type of placement, to modify treatment and service plans, to order services other than those offered or made available by DHS, and to order a comprehensive range of interim services to children and families prior to an adjudicated finding of deprived.

### Recommendations to Improve Court Handling of Deprived and Termination of Parental Rights (TPR) Cases

1. To identify district courts that are having difficulties in routinely meeting time frames for completion of the show cause hearing, filing of the deprived petition and for adjudication and to work with these courts to address these issues.
2. To encourage courts to dedicate sufficient time at the emergency show cause hearing to adequately address a range of issues related to reasonable efforts, placement options, visitation, early initiation of services, notification to parties, and any court orders that may be required (including orders for court-ordered evaluations, child support, and removal of the perpetrator from the home).
3. To make court-appointed counsel available prior to the start of the show cause and initial appearance hearings to confer with their clients and other critical parties.
4. At disposition, to encourage courts to more closely review provision of treatment and service plans including placement options, needed services, how services are to be provided, provisions for visitation,



- time frames for the completion of services to correct conditions, and, as necessary, to modify the plan prior to court approval.
5. To encourage courts to take more time in review hearings to conduct an in-depth review of case progress, the continuing need for placement, placement alternatives, reasonable efforts, and any adjustments that may be necessary to the treatment and service plan.
6. To conduct thorough permanency planning hearings at which a permanency plan for the child is decided upon. To conduct a continued permanency planning hearing at two-month intervals as long as temporary placement continues with the goal of family reunification as the permanent plan.
7. To encourage courts to take the time to conduct thorough and systematic reviews of reasonable efforts at all hearing stages.
8. That the court generate comprehensive minute entries which address reasonable efforts issues, specific services to be provided to the family, how service provision is to be accomplished with specific time lines, what is required/expected of parents to remain in compliance with the treatment and service plan, and to include in these entries specific reference as to how much (or how little) case progress has been made to date. Court automation (e.g., Juvenile On-Line Tracking System [JOLTS]) may ultimately be able to assist in this regard, but this recommendation assumes that the court will take additional time at the conclusion of a hearing to verbally construct these entries.
9. To encourage courts that are experiencing delays in the completion of TPR proceedings to consider establishing procedures for the early screening of termination petitions to determine the amount of time needed to accomplish proper service/notification, to early identify if a petition is likely to be contested, and to adjust initial hearing dates and projected case flow accordingly.
10. That the Court Assessment Project (CAP) Advisory Workgroup and Administrative Office of the Courts (AOC) consider development of checklists for each hearing type to identify key decisions that the court should make, individuals who should always be present, and any additional issues that should be covered or addressed at these hearings.

#### Recommendations Related to Case Flow Management, Calendaring and Continuances

1. Encourage courts to calendar all hearings in a time-certain fashion and to limit the stacking of multiple hearings in the same time slot.

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2. Establish and enforce firm policies on the granting of continuances.
3. Assist district courts in developing software to track and closely monitor deprived and termination case progress. Modifying the JOLTS system currently used to track delinquency cases may be feasible for counties that are currently utilizing the system.

### Establishment of Training Requirements for Judges and Attorneys

1. Establish mandatory minimum initial and ongoing training requirements and a comprehensive training program for judges handling deprived and termination of parental rights cases.
2. Establish minimum qualifications and minimum initial and ongoing training requirements for attorneys appointed to represent children and parents.
3. Develop specific county-based performance requirements for court-appointed counsel similar to those in place in Davidson County (Nashville), Tennessee.
4. Conduct an assessment of and/or closely monitor the impact of recent legislation that no longer provides for the legal representation of indigent children in deprived cases through the Oklahoma Indigent Defense System and advocacy provided by these attorneys. If it appears that the quality of indigent defense in deprived cases is being eroded, to work closely with the state legislature to establish a mechanism to specifically fund such representation.
5. Establish mandatory minimum initial and ongoing training requirements for assistant district attorneys responsible for the handling of deprived and termination cases and to work with the District Attorneys' Council to establish a comprehensive set of education and training courses in juvenile law and child abuse and neglect.

### CASA and PARB Recommendations

1. Examine the feasibility of providing additional statewide funding and logistical support for local CASA organizations including at least partial state funding for local program start-up and on-going operations.
2. Develop mandatory training requirements for CASA volunteers and establish a state-sponsored training and orientation program that all volunteers are required to attend.

3. Encourage closer coordination and communication between the court and local PARBs including encouraging judges to regularly meet with their local boards to discuss the reporting needs of the court and for the court to provide board members with specific feedback regarding the utility of their recommendations.

#### Comprehensive Assessment of the Resource Needs of the Improved System

1. Use selected pilot sites to determine resource needs of the court, DHS, District Attorney's Office, court-appointed counsel, Post-Adjudication Review Board (PARB), and Court Appointed Special Advocates (CASA).
2. Also, include in this analysis an examination of the service needs and availability of services to deprived children and their families.

## Appendix

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#### TITLE OF REPORT

*Juvenile Court Improvement Project: An Assessment of the Oregon State Court System's Compliance with P.L. 96-272 and Related Laws, May 1997, 140 pages*

#### ASSESSMENT CONDUCTED BY

Juvenile Rights Project, Inc., 123 N.E. Third St., Suite 310, Portland, Oregon 97232, (503) 232-2540, Principal Investigators: Janet Lahti, Ph.D., Angela Sherbo, Yuko Spofford, and Lynn Travis

#### RECOMMENDATIONS

The following summary of recommendations is found at pages vii-ix of the Executive Summary:

1. Party Presence at Juvenile Court Proceedings
  - Courts, juvenile departments, and State Offices for Services to Children and Families (SCF) should increase inquiries into the whereabouts of missing parents and better coordinate existing information regarding location of family members.
  - Courts, juvenile departments, and SCF should gain access to data from other state computer information networks through the Support Enforcement Division (SED) and law enforcement to expedite early notice for family members.
  - Courts should improve docketing procedures to allow for scheduling future appearances while parties are present in court.

- Courts, juvenile departments, and SCF should notify and encourage the attendance at hearings of all persons with knowledge about the child, including relatives, foster parents, and treatment providers.
2. Timeliness of Proceedings
    - Oregon should develop model protocols for juvenile court dependency and termination of parental rights cases, including timeliness for all stages of the process, to ensure maximum access to discovery and to promote early, negotiated settlement in all appropriate cases.
    - Local courts should develop internal processes for tracking the status of dependency and termination of parental rights petitions.
    - Access to mediation services in dependency and termination of parental rights cases should be expanded to promote pretrial resolution.
  3. Completeness and Depth of Hearings
    - Methods to better inform families about SCF and juvenile court should be developed.
    - The legislature should increase judge and court resources to accommodate the need to thoroughly address all critical issues.
    - In consultation with other system participants, the courts should develop model orders that prompt judicial inquiry into important issues.
    - Courts should expand use of the Citizen Review Board (CRB) review process, particularly CRB Findings and Recommendations which inform the court of special circumstances or request particular action.
    - SCF and other agencies providing services to children and families should seek, and the legislature should fund, a core of services to be made available as appropriate for each child and family involved in abuse and neglect proceedings. Individualized services, where the core services are not appropriate or sufficient, should also be developed and funded.
  4. Representation
    - Attorneys and Court Appointed Special Advocates (CASAs) should be available and appointed at the earliest possible time.
    - All parties, including the state and SCF, should be adequately represented at all stages of dependency proceedings and funding for this representation should be provided.
    - The Legislative Assembly should appropriate to the Indigent Defense Account sufficient funds to ensure compensation adequate to cover

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representation at both court proceedings and CRB reviews consistent with the Oregon State Bar standards, including caseload standards.

- Retained and appointed counsel should be trained in all aspects of dependency practice.
- The CASA system should be refined, supported, expanded, and funded; the goal is full implementation of ORS 419A.170, which provides that a CASA volunteer shall be appointed in every juvenile court case involving an abused or neglected child.

### 5. The Juvenile Bench

- Courts should give juvenile dependency cases highest priority in assigning current resources and in requesting additional judicial resources.
- The Legislative Assembly should reward courts implementing "best practices" or "model courts" by providing necessary funding to continue the programs, including funds for additional judicial officers and staff if necessary.
- Courts need technical assistance on scheduling, deployment of resources, and education of court staff. The Legislative Assembly should appropriate funds for these ongoing needs.
- Courts should ensure continuity of judicial review by assigning a specific judge to each dependency case at the adjudication who will be responsible for review up to final disposition.
- Increased training for judges and referees should be provided, as well as resource materials such as a Bench Book and Form Book.

The following 64 specific recommendations were made by the Juvenile Rights Project at pages 129-140 of the *Assessment*. Also in the *Assessment* is an implementation strategy designating the lead agency and resources available to meet the goals.

#### General

1. A joint planning group should be convened to develop a model process for providing notice and docketing dependency cases, including policy regarding identification and notification of parties, particularly fathers and tribes, and documenting notification and summons.

#### Identification of Parties

1. Police, SCF workers, and the courts should ask about the identity and whereabouts of absent parents early and often throughout the investigation and court proceedings and document their findings.

2. Courts should inquire of SCF, the district attorney, and other parties about efforts to identify and locate parties before proceeding.
3. Forms such as petition worksheets, reports to the court, and order templates which prompt inquiry about all potential parties (fathers and tribes, in particular) should be developed.
4. All petitions must state the name and location of every person who has legal standing as the parent or guardian of the child.

#### Location of Parties and Service of Initial Summons

1. Parents should sign a form containing their current addresses, contact person, and commit to notify the party who sends notice (SCF or JCT staff or Juvenile Departments) if they move. The affidavit could also acknowledge that the parents understand that the court may proceed against them by default if they fail to appear (see recommendations regarding default procedures).
2. The court and CRB should make an inquiry about any change of parents' address at each hearing or review, whether the parents are present or not.
3. Amendments to the confidentiality statutes to permit access by SCF, law enforcement agencies (LEA), Attorney General (AG), District Attorney (DA), juvenile courts, counsel, and CASAs for purpose of identification and location of parents should be considered, particularly those statutes governing the information of Law Enforcement Data System (LEDS) and Oregon Judicial Information Network (OJIN).
4. Local courts, juvenile departments and SCF should develop procedures for sharing parent location.

#### Notice of Subsequent Hearings

1. The court and CRB should adopt a policy and practice of setting the next hearing in open court at the close of each hearing while attorneys and parties are still present.

#### Default Procedures

1. Clarification of the law about the juvenile court's ability to proceed by default or in the parents' absence is needed.
2. All parents involved in juvenile court proceedings should be specifically advised of the consequences of failing to appear when summoned to court and when further proceedings are set.

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### Preadjudication and Adjudication

1. Local rules for all stages of the dependency process should be developed to serve as models for other courts and for possible adoption as a court rule. Among the subjects to be covered by such model local rules are:
  - a. Policies requiring formal continuance or dismissal of dependency petitions where parties agree that families will be offered services without adjudication.
  - b. Policies requiring that service agreements accompany requests for dismissal or continuance that are premised on voluntary compliance with services.
  - c. Policies requiring that orders dismissing cases prior to adjudication should reflect the specific reason for the dismissal rather than simply reciting that dismissal is "in the best interest of the child."
  - d. Policies requiring time lines for discovery, first appearance and time for adjudication.
2. Mechanisms, including tickler systems, should be adopted to ensure that cases are heard in a timely fashion, including cases which have not been adjudicated.
3. Orders dismissing cases or adjudicating children should contain a statement of the reasons for the action and, if premised on an agreement between the parties, should incorporate the agreement.
4. A joint planning group should be convened to develop model settlement devices and procedures which could become part of the practice in each county. Among issues to be addressed are drafting petitions and stipulations which: a) are sufficient for jurisdictional purposes; b) permit the court and agency necessary latitude under ORS 419—to design case plan; and c) acknowledge SCF's strength/needs-based service planning. Settlement procedure could become part of the Bench Book.
5. A cross-disciplinary group should be convened to develop protocols for handling juvenile and criminal cases involving the same family, including expediting the criminal cases, using immunity, assigning the same deputy district attorney to both cases and other mechanisms to assure that the child's need for safety and permanency is considered.

### Termination of Parental Rights Proceedings

1. SCF and other agencies providing services to children and families should seek and the legislature should fund core services and sufficient



- resources to create individualized services where the core services are not appropriate or sufficient, which will be available for children and families involved in dependency proceedings.
2. Early pre-trial conferences should be established in every termination of parental rights case.
  3. The court and SCF should work together to establish and expand the availability of mediation in termination of parental rights cases.
  4. To decrease the amount of time spent between the termination of parental rights decision and order, the Attorney General's office, working with the State Court Administrator, should standardize the procedure for drafting and circulating orders.
  5. ORS 419B.521(3) should be amended to require termination of parental rights hearings to be held within four months after the petition is filed.

#### Early Proceedings

1. Judicial resources should be increased to accommodate preliminary hearings in which all critical issues are thoroughly addressed. The issues include:
  - the child's placement  
(Can he or she safely be placed at home, with relatives or with someone else known to the child or must the child be placed in foster care or other state placement?);
  - visitation with parents and, where applicable, with siblings  
(Has the state made reasonable efforts to avoid placement or to facilitate return? Does or might the Indian Child Welfare Act apply? Has everyone entitled to notice been notified and specifically, who is the legal father of each child?);
  - whether any treatment or evaluations are needed immediately; and
  - is each person entitled to counsel represented?
2. Model preliminary hearing orders should be developed which prompt judicial inquiry into the recommended issues described above.
3. There should be increased use of the rehearing or motion process to bring current information to the court's attention after the preliminary hearing.
4. Settlement proceedings should be scheduled at the shelter hearing in virtually every case.

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### CRB Reviews

1. Court and CRB in each county should continue a dialogue about the frequency of review and the division of responsibility for reviews. Written protocols or memoranda of understanding should be fully implemented.
2. SCF workers, CRB coordinators, and volunteers should participate in joint training and other activities to increase cooperation and understanding of their respective roles and responsibilities.
3. CRB should increase the use of information available to it (including information on prior uninvestigated referrals) to affect systems change at a policy/legislative level.
4. There should be expanded use of the portion of the CRB Findings and Recommendations which informs the court of special circumstances or requests particular action.

### Training

1. Training should be provided to all participants in juvenile dependency matters and should be adapted to the needs of each group. Opportunities for interdisciplinary training within counties should also be provided. Among the topics which might be considered are:
  - substance abuse and resources for substance abusing families;
  - cultural and ethnic differences as they relate to child rearing;
  - government benefits available in dependency cases;
  - independent living programs;
  - emancipation laws and programs;
  - family preservation services;
  - resources for the diagnosis and treatment of sexual abuse, physical abuse, and emotional abuse;
  - patterns of child growth as related to neglect; resources for the treatment and recognition of non-organic failure to thrive;
  - educational, mental health, and other resources for special needs children;
  - the use and appropriateness of psychotropic drugs for children;
  - domestic violence, its effect on children, and appropriate resources;
  - immigration law issues in juvenile court;
  - transitional aspects of placement and the child's return home;
  - the importance of placing siblings together when appropriate;
  - the appropriateness of various types of placement;
  - the effect of the placement on the service needs of the child;
  - accessing private insurance for services;

- consolidated cases in the family court;
  - the Indian Child Welfare Act, Native American families, and appropriate resources;
  - the Uniform Child Custody Jurisdiction Act (UCCJA);
  - the Parental Kidnaping Protection Act;
  - the Interstate Compact for the Placement of Children;
  - the Interstate Compact on Juveniles;
  - guardianships;
  - adoption placement preferences;
  - the identification, location, and notification of necessary parties (especially fathers and tribes) to juvenile dependency proceedings;
  - extraordinary expenses and division of responsibility and funding between SCF and Indigent Defense Service Account for evaluation and treatment;
  - extreme conduct;
  - explanation of the proceedings;
  - concurrent planning; and
  - availability and effectiveness of services.
2. Training for para-professionals assisting attorneys in dependency cases should be developed.
  3. Practical training opportunities for lawyers and judges including bench exchanges and mentoring should be encouraged.

#### Adoption Assistance & Child Welfare Act of 1980

1. Juvenile judges should have "checklist" style reference materials to ensure that adequate inquiry into reasonable efforts occurs at each stage of the proceeding.
2. Form orders should be reformatted to include clear, thorough direction for making a meaningful reasonable efforts inquiry at each stage of the proceeding.
3. SCF workers should provide the court with a report documenting specific reasonable efforts at each stage of proceeding.
4. Training and consultation on reasonable efforts should be provided statewide.
5. SCF and other agencies providing services to children and families should seek and the legislature should fund the core services and sufficient resources to create individualized services where the core services are not appropriate or sufficient which will be available for each parent before the court.

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### Indian Child Welfare Act (ICWA)

1. There should be clarification of treatment of cases where ICWA applicability is pending.
2. Form orders should be reformatted to include clear, thorough direction for making a meaningful ICWA inquiry at each stage of the proceeding.
3. Juvenile judges should have clear "checklist" reference materials to ensure that adequate inquiry into ICWA issues occur at each stage of the proceeding.
4. Training and consultation on ICWA issues should be provided statewide.

### Notice of Rights, Including Right to Counsel

1. A variety of methods for informing families about the SCF and juvenile court process should be developed. These might include an 800 telephone line, advice of rights brochures distributed to parents and guardians by SCF and law enforcement whenever a child is taken into custody. Each of these methods should be tailored to local circumstance and contain information about court times, agency phone numbers, etc. Information about right to counsel, rehearings, ICWA, and reasonable efforts should be included.

### Attorney and CASA Availability at Preliminary Hearings

1. Attorneys should be available and appointed for all eligible parties at the earliest possible time (usually the preliminary hearing).
2. CASAs should be available and appointed at preliminary hearings to the extent that resources allow, based on priorities set at local level.
3. Courts should coordinate with court-appointed attorneys to ensure presence at preliminary hearings.

### Attorney Activities

1. Attorney compensation should be adequate to cover both court and CRB attendance and the out-of-court activities identified in national and state standards as necessary for adequate representation of parents and children in dependency cases.
2. Attorneys should adhere to Oregon State Bar standards.
3. Counsel should not accept caseloads that by reason of excessive size and/or complexity interfere with the provision of quality representation.
4. Attorneys should be trained about all aspects of dependency practice.

5. The Indigent Defense Fund should be adequately funded to implement these recommendations.
6. The roles of the District Attorney and Attorney General in dependency cases must be clarified and protocols for SCF/DA/AG relationship and representation on a county by county basis should be developed.
7. Representation for the prosecution function in dependency cases (whether provided by the Attorney General's office or the District Attorney's) should be adequately funded. SCF needs adequate General Counsel time to effectively represent the agency's position, consistent with the clarification of roles discussed above.
8. There should be some representation for the state at post-adjudicatory proceedings.
9. The Oregon Commission on Children and Families (OCCF) should seek adequate funding in order that the statewide CASA system be refined, supported, expanded, and funded with the goal of full implementation of ORS 419A.170 which provides that a CASA shall be appointed in every juvenile court case involving an abused or neglected child.
10. CASA program staff and volunteers should be trained about all aspects of dependency practice.

#### Judicial Resources

1. Juvenile dependency cases should be given highest priority and their number appropriately weighted when decisions are made about additional judicial resources.
2. Courts implementing "best practices" or "model courts" should be provided adequate funding, including funds for additional judicial officers, if necessary.
3. Each county should receive technical assistance and advice on establishing a priority for juvenile cases. This will involve scheduling and docketing practices, deployment of judicial and support resources, and education of the court and staff.
4. Each county should strive to ensure continuity of judicial review by assigning a specific judge to each dependency case at the adjudication. This judge will be responsible for review (including review of the CRB report) up to the point of final disposition, except termination of parental rights cases where there is objection. The issue of family courts should be referred to the HJR55 committee.

## Appendix

### RHODE ISLAND

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#### TITLE OF REPORT

*Child Protection Cases in the Rhode Island Family Court*, copyright 1995, American Bar Association (ABA), 66 pages

In 1994, the Family Court asked the National Center for State Courts to evaluate its operations. The study received support from the judicial, legislative, and executive branches of government. The results of the study were published in the *Rhode Island Family Court Assessment Final Report* in September 1995. "Child Protection Cases in the Rhode Island Family Court," included in the *Final Report* as Chapter 7, contains the necessary requirements of the Federal Court Improvement Program assessment of child dependency, abuse and neglect, and adoption cases.

#### ASSESSMENT CONDUCTED BY

Mark Hardin, ABA Center on Children and the Law, Washington, D.C.

## RECOMMENDATIONS

Specific recommendations follow each topic area. The following is a summary list of recommendations found at page 65.

1. Convert the court to strict individual calendars for child protection cases.
2. Make judicial assignments to the child protection calendar last for at least two years and allow assignment to be extended.
3. Assign clerical staff to help manage the individual calendars.
4. Schedule hearings for more specific times and impose strict caseflow management techniques.
5. Develop court rules and practice guidelines to redefine how court hearings are to be conducted using the *RESOURCE GUIDELINES* and the ABA Court Rules to Achieve Permanency for Foster Children.
6. When children are removed from home during emergencies, consolidate early hearings and set them earlier.
7. Provide more time for arraignments, and ensure that parents are consistently represented.
8. Provide at least two public defenders for each judge handling child protection cases.
9. Make changes in the Office of the Court Appointed Special Advocate, including major expansion of the recruitment and use of volunteers, with a goal of a volunteer advocate for each child.
10. Review hiring practices for Department attorneys, strengthen training for Department attorneys, and improve their clerical, paralegal and computer supports.
11. Increase judge time throughout the system to the extent needed to provide more effective hearings, particularly for reviews and dispositions, and to ensure that contested matters are disposed of within reasonable time periods.
12. Create regular administrative contacts between the Family Court and the Department at all administrative levels.
13. Enforce stricter obligations for the filing of Department case plans and reports in advance of court hearings.
14. Enforce the rights of foster parents by requiring proof of written notice to foster parents of hearing dates, asking whether foster parents are present, and inviting foster parents to speak at court hearings (particularly review and dispositional hearings).
15. Strengthen grievance procedures for foster parents, including protection from retaliation.
16. Provide intensive training for judges in the handling of child protection proceedings.
17. Make the routine assessment and collection of child support a regular part of child protection proceedings.

## Appendix

### TEXAS

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#### TITLE OF REPORT

*Texas Supreme Court Task Force on Foster Care Court Assessment Final Report,*  
November 9, 1996, 75 pages

#### ASSESSMENT CONDUCTED BY

Deloitte & Touche Consulting Group

#### RECOMMENDATIONS

Recommendations for improving the process are at pages 40-52 of the above-cited report. A summary of proposed recommendations is located on page 42.

*To create real and lasting change in the judicial process requires changes affecting people, infrastructure, and technology. Page 41*

#### Technology

- (1) Expand use of information technology in court by installing software and updated hardware to assist courts in effectively managing cases.

#### People

- (1) Expand utilization of associate and visiting judges.
- (2) Improve judicial training in child protective system (CPS) cases, including associate and visiting judges.



- (3) Improve quality of legal representation, prosecuting attorneys, and guardians *ad litem*.
- (4) Expand use of Court Appointed Special Advocates (CASA) and other advocacy organizations.

Infrastructure

- (1) Statutorily limit the time a child can spend in temporary foster care
  - (A) Amend the statute to require the first six-month judicial review hearing to be a permanency hearing.
  - (B) Amend statute to limit the time a child can remain in temporary managing conservatorship with goal of reunification.
  - (C) Amend statute to establish 12-month time limit on temporary managing conservatorship, with allowance for three-month extension for good cause.
- (2) Improve judicial control and commitment to managing cases to timely and effective resolution.
- (3) Implement caseflow management principles in all courts.
- (4) Promote stronger internal and external communications.
- (5) Expand use of programs to encourage settlement without contested litigation.

The implementation planning process, including prioritized recommendations with Task Force assignments and funding requirements is contained on pages 53-67. Year One Implementation Priorities include:

- 1. Accelerate permanency through the introduction of a 6 month permanency planning hearing and a 12 month limit on temporary managing conservatorship.
  - 1a. Recommend amending statute to require the first six month judicial review hearing to be a permanency planning hearing.
  - 1b. Recommend amending statute to limit the time a child can remain in temporary foster custody with goal of reunification.
  - 1c. Recommend amending statute to establish 12-month time limit on temporary managing conservatorship, with allowance for three-month extensions upon good cause.

The Task Force will build support among the: Department of Protective and Regulatory Services (DPRS), State Bar Child Abuse Committee, Sunset Advisory

## Appendix

Commission, Texas Performance Review, Governor's Adoption Committee, Texans Care for Children, Foster Parent Association, Texas Council of Child Welfare Boards, and others.

2. Improve judicial training for judges and associate judges in CPS cases. The Task Force will:
  - Request the Texas Center for the Judiciary to submit a cost estimate and work plan for the development and delivery of training and provision of subsequent technical assistance.
  - Assign a committee to work with the Texas Center for the Judiciary to develop a training plan.
  - Recommend amending appointment statute to require associate judges to participate in training related to CPS cases.
3. Expand use of associate and visiting judges presiding over CPS cases. The Task Force will:
  - Request administrative judges on Task Force to facilitate discussion with administrative judges across the state to identify interest level.
  - Develop criteria to determine the need for associate and visiting judges.
  - Develop materials for supporting courts in establishing associate or visiting judge positions.
  - Develop a request for proposals process (RFP) requesting proposals from interested administrative judges.
4. Expand the use of technology in the court system. The Task Force will:
  - Work with DPRS to coordinate data requirements and share relevant DPRS data with courts.
  - Contact the Texas Commission on Judicial Efficiency Technology Task Force and coordinate activities, when applicable, in order to prevent duplication of existing technology efforts.
  - Research court technology initiatives implemented nationally and alternative software programs available to improve the effectiveness of courts in handling CPS cases.
  - Develop a request for information to identify preliminary interest in technology-related initiatives by courts hearing CPS cases.
  - Based on the research of the Task Force and the interests of courts, identify technology funding priorities and RFP criteria.

5. Implement case flow management principles in all courts. The Task Force will:
  - Identify “best case management practices” relevant to alternative size and type of court jurisdiction.
  - Solicit requests for proposals to provide financial assistance to courts in order to assist in the implementation of best or innovative practices.

The following activities were to be implemented as feasible in Year One:

- Develop listing of all judges and associate judges that currently hear CPS cases, and identify method to update and maintain listing.
- Promote internal and external communications through newsletter, judicial exchange programs, recognition programs, routine meetings, and training opportunities.
- Educate courts and county and district attorneys regarding potential opportunities to draw down Title IV-E federal funds to reimburse attorneys representing DPRS.
- Establish a recommended orientation agenda for courts to use to train new prosecuting and *ad litem* attorneys handling CPS cases.
- Provide courts with guidelines for improving the appointment practices and performance of attorneys *ad litem* and promote implementation.
- Conduct a study of selected courts to evaluate the fiscal impact of the CASA program on court costs.

## Appendix

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#### TITLE OF REPORT

*The Vermont State Initiative on Protecting Abused and Neglected Children*, submitted to the Vermont Supreme Court August, 1997, 40 pages

#### ASSESSMENT CONDUCTED BY

The Vermont Supreme Court formed an Advisory Committee chaired by Associate Justice James L. Morse. The Committee included representatives of the court, the legislature, the Governor's Office, the Department of Social and Rehabilitative Services (SRS), private provider agencies, State's Attorneys and Public Defenders, the Attorney General and Defender General, attorneys who regularly practice in the area of child abuse and neglect, representatives of child advocacy organizations, medical professionals, members of the academic community, foster parents, guardians *ad litem*, community members, and parents and children involved in child abuse and neglect hearings. A representative of the Office of the Court Administrator acted as Project Director.

The Committee contracted with the National Center for State Courts (NCSC), to conduct the initial assessment and to make recommendations for reform. The NCSC subcontracted with the University of Southern Maine, Edmund S. Muskie Institute of Public Affairs to perform the technical aspects of the assessment. An Executive Steering Committee formed from the larger Committee worked with the contractors and maintained oversight of the project.

## RECOMMENDATIONS

While the Advisory Committee acknowledged the work of the NCSC and the Muskie Institute on the *Vermont State Initiative*, the committee retained leadership and ownership of the recommendations. In the Introduction at page 8, Committee members state their overarching goal:

*For children who cannot return home, it is exceptional for the process to result in permanency within two years after a child comes into the custody of the State. Our goal is to make it exceptional for the wait to be more than two years.*

Five key changes were identified that make the goal possible:

- Shorter times from State custody to permanency;
- Exploration and possible creation of alternative permanency planning options;
- Increased professional competency;
- Adequate staffing;
- Ongoing measurement of performance and progress.

Each section of the Recommendations sets out a key change, the goal to be achieved, a rationale for the goal and steps to take to achieve the goal. Each section also contains a time frame for the steps.

### Timeliness/Recommendations 1-18

Goal: The Vermont court system will make decisions for abused and neglected children in a timely fashion, with decisions concerning permanent placement made as soon as the particular facts of a case permit. Changes in the law will be made to expedite the decision-making process. The time it takes to bring abused or neglected children from initial entry into State custody to permanency will be significantly reduced.

### Alternatives to Termination of Parental Rights Litigation and Alternative Permanency Options/Recommendations 19 and 20

Goal: Vermont law will allow the Family Court to use a wider variety of options of permanent placement of children, such options to be used as may be appropriate to meet the special needs of special cases. Alternative dispute resolution and social work methods of case resolution will be explored.

## Appendix

### Professional Competency/Recommendations 21-25

Goal: All professionals involved in child abuse and neglect proceedings will be competent and diligent in their pursuit of permanency for children.

### Staffing/Recommendations 26-29

Goal: Optimal staff levels will be explored and achieved.

### Performance and Progress/Recommendations 30-36

Goal: Performance regarding timeliness, progress and quality will be accurately measured and monitored.

The Summary of Recommendations (pages 10-13) contains the following 36 items:

1. The judiciary should manage and provide adequate judicial resources in child abuse-neglect cases.
2. Those responsible for enforcing the timeliness set by statute and by court-approved case plan should be accountable.
3. The courts should utilize assignment methods that allow for a single judge to hear all stages of child abuse and neglect proceedings, through initial disposition.
4. Time certain scheduling should be conducted in all child abuse and neglect cases to allow for full and complete hearings at a known and predictable time. Adequate time should be allotted to make findings and decisions immediately following the hearing.
5. Continuances should only be granted upon a finding that the continuance is in the best interest of the child.
6. The confidentiality of proceedings should be maintained which, in many courthouses, may mean discontinuing the practice of block scheduling child abuse and neglect matters.
7. The Court Administrator and the Secretary of the Agency of Human Services should advocate for additional resources where needed. This may include, but is not limited to, intervention and treatment services, ad hoc counsel, and staffing.
8. The Family Court and the Department of SRS should jointly develop clear and specific diligent-search procedures for missing or absent biological and legal parents. The Court and the Department should also jointly develop procedures to ensure that the Indian Child Welfare Act is properly addressed.
9. Vermont Rule of Family Procedure 2 (the preliminary hearing) should be expanded to address case management issues concerning the future of the case and to explore alternatives to litigation. Vermont Rule of Family Procedure 2 should be expanded to include the recommendations of the *RESOURCE*

*GUIDELINES* and a standard judicial checklist should be developed for these hearings.

10. Time goals for completion of certain events in the court process should be established and should be specific.
11. At the dispositional hearing, where the case plan is reunification, emphasis should be on laying out strategies and expectations of parents and other parties to achieve reunification.
12. The provisions for earlier initial review detailed in 33 V.S.A. Section 5531 should be used in situations where the child is young and adequate progress has not been made.
13. The statute requiring eighteen-month review hearings should be amended to require an initial permanency planning hearing, as described in the National Council of Juvenile and Family Court Judges' *RESOURCE GUIDELINES*, within twelve months of the child coming into custody. Subsequent reviews should be held every twelve months thereafter until permanency is achieved.
14. The purposes and content of permanency planning hearings should be clearly outlined by the Vermont Supreme Court.
15. Concurrent planning as a means of expediting the permanency process should be explored. Further recommendations as to the feasibility, desirability, and methodology of implementing this approach should be investigated.
16. The provisions for earlier filing of termination of parental rights (TPR) petitions detailed in 33 V.S.A. Section 5532(a) should be used in situations where the child is young and adequate progress has not been made.
17. The judge should conduct a pre-trial conference for every TPR case.
18. The overall appeals process should be shortened so that the time from notice of appeal to decision should be no greater than four months in 95% of the cases.
19. A variety of alternative dispute resolution options in child abuse-neglect and TPR cases should be explored and implemented on an experimental basis.
20. Options of cooperative adoption and guardianship, including subsidized guardianship, should be explored and implemented on a pilot basis, and evaluated to determine whether they accelerate early decisions, post-adoption litigation, and beneficial post-adoption contact.
21. The Vermont Supreme Court, in collaboration with the Bar, the Department of SRS, and service providers, should develop an abuse-neglect curriculum.
22. Judges, attorneys, guardians *ad litem*, and SRS social workers should be trained in permanency and related issues before appointment to child abuse and neglect cases.

## Appendix

23. The Vermont Supreme Court should develop an orientation guide/training (videotape, audiotape, pamphlets) for parents and children to better understand permanency and the court process.
24. Attorneys representing parents should train and orient parents to the court process upon assignment.
25. While it is acknowledged that every attorney has an ethical obligation to his/her client, every attempt should be made to reach resolution in a nonadversarial way.
26. Data collected in the Vermont courts by the National Center for State Courts should be reviewed and additional data collected as needed to determine current levels of staffing in child abuse and neglect matters.
27. The Supreme Court should explore the creation of a case manager position, similar to the case manager positions which have been implemented in the divorce and child support dockets to enhance caseflow.
28. All parties should be represented by attorneys with specialized interest and training in child in need of care and supervision matters.
29. Alternatives for representation of SRS must be instituted to insure that a partnership between the social worker and their representative exists from before the case is filed until the conclusion of the case.
30. Enhanced models of technology (management information systems) should be explored.
31. In the interim, full use should be made of existing court technology capability, and protocols should be developed to ensure that all the useful fields in the data base are kept up to date for every abuse and neglect case.
32. In concert with court improvement programs in adjoining states, a tri-state analysis should be conducted with the sister states of Maine and New Hampshire to identify areas of common experience, to share information, and to establish common efforts in the area of permanency planning.
33. The Vermont Supreme Court and the Department of SRS, working with an advisory panel of experts, should establish a joint outcome study for follow-up on all abused and neglected children who were discharged from custody in the last five years.
34. A multi-court model court project should be instituted on both the trial court and appellate levels to initially implement many of the recommendations outlined in this report. An outcome study should be implemented to measure the success of the project.
35. A part-time Project Coordinator should be hired to work on the implementation phase of the project. The Committee also recommends that an Implementation Committee be formed.
36. The Court Administrator's Office should coordinate a detailed, inter-agency cost benefit analysis of the implementation of all recommendations.



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### TITLE OF REPORT

*Report of the Advisory Committee for the Virginia Court Improvement Program-  
Foster Care and Adoption, 1995-1996 Assessment, December 1996, 66 pages, plus  
extensive appendices*

### ASSESSMENT CONDUCTED BY

Advisory Committee for the Court Improvement Program - Foster Care and Adoption. This 16-member group included judges and a clerk from juvenile and domestic relations district courts, directors of a juvenile court service unit and of a Court Appointed Special Advocates (CASA) program, personnel from local social services agencies and from the Virginia Department of Social Services, representative of a private non-profit child welfare agency, a foster parent, guardian *ad litem*, Senior Assistant Attorney General, and a law professor with expertise in child welfare law.

### RECOMMENDATIONS

A statement of the Program Goal is found at page ii of the *Report*:

*It is the goal of the Court Improvement Program to improve the court's processing of child abuse and neglect and foster care cases. The objective of this improvement is to reduce the amount of time children spend in foster care and to achieve permanency for every child who enters the foster care system as early as possible, but no later than two years from the child's initial placement in foster care.*

## Appendix

The following seven major recommendations are set out at pages 60-66 of the *Report*.

1. The *Virginia District Courts Manual* should be amended to include uniform, specific procedures to govern and guide the processing and disposition of child abuse and neglect and foster care cases in juvenile and domestic relations district courts. These procedures should address at a minimum the following:
  - A. Duties of the Juvenile Court Clerk's Office upon the filing of a child abuse and neglect petition and for the subsequently required proceedings, particularly with reference to notification of parties, legal counsel, and CASA, and the docketing and monitoring of timely hearings.
  - B. Key decisions the court should make at each stage of the proceedings, including what is expected of the lawyers for the children and other parties before the court in arriving at these decisions and guidance for the content and issuance of the court's orders in these cases.
  - C. References to the appropriate forms, *Rules of the Supreme Court of Virginia*, and statutory authority governing the various stages of the proceedings.
2. The statutes governing the filings of petitions concerning abused and neglected children, their subsequent placement in foster care, the court's monitoring of all children in the foster care system, and termination of residual parental rights and responsibilities should be reviewed to clarify and strengthen the following legal requirements:
  - A. Provisions for notice, legal representation and involvement of parents in the court process.
  - B. Adjudicatory process governing child abuse and neglect petitions.
  - C. Dispositions available to the court in a proceeding for a preliminary removal order and preliminary protective order.
  - D. Provision for a specifically designated permanency planning hearing apart from foster care review hearings.
  - E. Time lines applicable to termination of parental rights proceedings.

These and other statutory proposals necessary to promote the goal of this program and the development of uniform procedures should be recommended to the Judicial Council of Virginia and the General Assembly of Virginia.
3. Improved calendar management and docketing procedures should be implemented in juvenile and domestic relations district courts to facilitate

handling of child abuse and neglect and foster care cases in a timely, efficient and effective manner and to achieve permanency for children before the courts.

4. The court's management information system should be revised to track child abuse and neglect and foster care cases and interface with information being collected by the Virginia Department of Social Services in order to support the development of judicial policy and overall case decision-making.
5. Training should be provided to juvenile court judges and clerks, guardian *ad litem* and social service personnel on the law, procedures, court management and philosophy governing the effective handling of child abuse and neglect and foster care cases. This training should include regional conferences throughout the Commonwealth during 1997 and the development of ongoing training opportunities for future years.
6. The availability and competency of legal representation for children, parents and local departments of social services who are before the juvenile courts in child abuse and neglect and foster care cases should be improved through the timing of appointments of counsel by the court, training programs for lawyers and the allocation of additional resources to fund adequate legal services, especially for local social services agencies.
7. The placement with relatives by local social services agencies of children who are suspected of being abused or neglected without the oversight of the juvenile court should be reviewed to determine if court monitoring of these placements would promote achieving better safety and permanence for these at-risk children.

## Appendix

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#### TITLE OF REPORT

*Washington Juvenile Court Improvement Project Final Report, June 1996,  
49 pages plus appendices*

#### ASSESSMENT CONDUCTED BY

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The Washington Supreme Court delegated authority to conduct the assessment to the Office of the Administrator for the Courts (OAC). An advisory committee including representatives of the courts, the Division of Child and Family Services, Court Appointed Special Advocates (CASA), citizen review boards, Guardian *ad Litem* (GAL) programs, and other groups was appointed to oversee the assessment and improvement planning. The National Center for State Courts was hired by the OAC to perform technical aspects of the assessment.

#### RECOMMENDATIONS

The following 16 recommendations are listed on pages 5-7 of the *Final Report*. Throughout the report, recommendations are listed after pertinent topic areas.

Judicial Assignment, Calendars, Selection and Training

Judicial Assignment and Calendar Methods/Recommendations 1, 2 and 3

Judicial Selection and Training/Recommendations 4 and 5

Clerical Staff and Physical Court Resources/Recommendation 6

Scheduling and Hearing Characteristics

Wait Time/Recommendations 7, 8 and 9

Continuances/Recommendation 10

Non-Court Reviews

Recommendation 11

Case Processing Times, Permanency Planning, Termination of Parental Rights, Alternative Dispute Resolution (ADR) and Differentiated Caseflow Management (DCM)

Recommendations 12 and 13

Advocacy in Child Protection Actions, Compliance with the Indian Child Welfare Act (ICWA), and Court and Agency Relations

Advocacy/Recommendation 14

Compliance with ICWA/Recommendation 15

Court and Division of Child and Family Services (DCFS) Relationship and Cooperation/Recommendation 16

1. In accordance with the *RESOURCE GUIDELINES* and American Bar Association recommendations, the Superior Courts should strive for a case assignment system that would allow the same judge to hear all phases of a case. In courts where judges rotate to other assignments, judge assignments should be for a minimum of two years, and preferably three years before rotation of assignments.
2. The OAC should conduct a further examination of the adequacy of judicial resources, including calculation of current caseload levels for judges handling the dependency caseload.
3. In determining appropriate judicial staffing levels, the OAC should consider any modifications based on recommendations by the advisory committee for this court improvement project.
4. The judicial selection process should seek out specialists for cases involving family and children's issues and the law. The court should make prior experience in child protective or other closely related actions a critical selection criterion for juvenile court commissioners.

## Appendix

5. In addition to initial training at the time that judges are first assigned a dependency caseload, the court should provide ongoing training in dependency issues for all judges hearing such cases.
6. Continuous upgrades and improvements are being made to the courts' automated information systems by staff at the OAC. If the OAC is not already working on improved caseflow management reports for dependency cases, priority in improvement planning should be given to the development of data entry and reporting protocols for these cases. The goal should be a system capable of accurate, timely, and useful automated reporting for the caseload.
7. All longer contested hearings and trials should be set for times certain. Shorter hearings and those likely to settle should be scheduled for times certain or short block settings. A standard time allocation should be established for review.
8. All courts should have a consistent policy requiring counsel to discuss settlement and exchange trial related information shortly before the hearing date, either informally or through a formal pretrial conference.
9. Courts should develop and vigorously enforce a rule requiring the advance filing of all hearing related documents.
10. Courts should adopt rules and procedures for granting and denying continuances. Further study of the reasons for continuances of dependency actions should be conducted.
11. Careful coordination of the court, citizen review board and administrative review processes should be undertaken.
12. The early stages of dependency case processing should be reviewed to eliminate any unnecessary time in the case process.
13. Increased ethnic and diversity awareness should be incorporated into improvements in alternative resolution techniques.
14. High quality representation for all parties by well-trained and experienced advocates should be a priority goal.
15. Juvenile court should be ensuring the Department is following ICWA requirement.
16. Joint training, along with regular meetings between judges, court staff, agency personnel, and members of the bar should be instituted under court leadership.

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### TITLE OF REPORT

*Court Performance in Child Abuse and Neglect Cases: Assessment Report and Improvement Plan*, July 18, 1996, 77 pages plus appendices—total 97 pages

### ASSESSMENT CONDUCTED BY

The Court Improvement Oversight Board itself with the assistance of West Virginia University Research Center, four law student research assistants, and the Oversight Board reporter

### RECOMMENDATIONS

Recommendations for improvement are found throughout the text of the *Improvement Plan* following assessment areas.

Recommendations for Improvement in Leadership, Management and Review:

- A statewide set of rules is needed for all aspects of abuse and neglect cases, including rules for court reviews, to promote uniform and effective use of judicial oversight and the Multidisciplinary Team (MDT) process.
- Clear guides for each stage and each role in abuse and neglect cases, together with time frames for completion, should be provided to judges, as well as other participants, in order to encourage active court leadership and direction, as well as appropriate coordination of efforts.
- Training should be provided to all judges specifically addressing: a) goals and law in abuse and neglect cases; b) caseload management

## Appendix

techniques; and c) effective active case inquiry (rather than passive control) and appropriate use of the MDT review process.

- A state Oversight Committee should be established to provide a monitoring, referral and enforcement mechanism for local MDTs.
- Assistance should be provided to judges and support staff regarding the recently adopted "Protocol for Reporting and Monitoring the Status of Child Abuse and Neglect Cases," and for monitoring/enforcement of its requirements.
- Supplementary to the protocol efforts, as part of follow-up assessment, the Oversight Board should conduct periodic case file audits of active and closed cases to monitor whether orders are being entered and whether cases are being removed from dockets only once the child(ren)'s permanency is achieved.

### Recommendations for Improvement in Case Plans:

- Judicial training should emphasize: a) the need to implement case management techniques to assure that case plans are timely filed in all cases where required; b) the essential need for MDT participation (as required by statute) in case plan development; and c) what to look for in case plans.
- Standard form orders setting case time frames should include a provision directing the filing of the child case plan at least five days prior to the dispositional hearing; and standard form orders granting improvement periods should direct the agency to convene an MDT within 20 days to assist in formulating the family case plan and to file the family case plan within 30 days following the entry of the order.
- Training should be provided to Department of Health and Human Resources (DHHR) caseworkers regarding proper development and appropriate use of case plans. Thereafter, follow-up assessments in a subsequent period of the Court Improvement Program should include case file reviews to ascertain whether filing, timeliness, format and content problems have been remedied by the new DHHR case plan policy and forms (and other measures outlined above which are intended to remedy these problems).
- Included in the DHHR policy and forms should be either a required standard certificate of mailing or form letter to be filed with every case plan, which indicates who received copies of the case plan.



Recommended Improvements in Advocacy:

- By statute, court decision or procedural rule the representation role of prosecutors in abuse and neglect cases should be defined, as well as the right of the petitioner to be represented by counsel and, if so, by whom.
- Training for lawyers in the law of child maltreatment and unique requirements for advocacy in abuse and neglect cases should be developed and made available statewide.
- Law school courses and pro-bono clinic programs relating to abuse and neglect cases should be developed and offered.
- To increase the "pool" of attorneys willing to accept abuse and neglect appointments, incentives should be created (e.g., trade-offs by excusing from criminal appointments).
- Expansion of the attorney "pool" as well as proficiency could also be encouraged through development of peer support lists and mentoring programs.
- To encourage and facilitate expansion of the Court Appointed Special Advocates (CASA) program statewide, a) judges and attorneys should be offered training in accepting and effectively working with CASA volunteers and assisting CASA programs; b) the Supreme Court should promulgate a set of uniform rules for CASA, which will recognize and legitimate standing for CASA; c) legislation establishing the development of CASA programs across the state, including funding, should be encouraged; d) the West Virginia CASA Network should be encouraged to develop its own strong state organization with state CASA standards and monitoring for quality assurance; and e) CASA volunteers and program staff should be offered an annual training conference to improve their ability to be effective advocates.

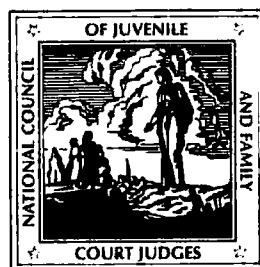
Recommendations for Improvement of Court Orders:

- Provide training on the preparation and use of standard form orders with individualized findings -- particularly to prosecutors, who typically prepare most of the court orders in abuse and neglect cases.
- Comprehensively expand the set of standard form orders for distribution in both printed form and on computer diskette, to all: a) judges; b) prosecutors; c) attorneys; and d) circuit clerks, as well as for training.
- Since what (and how much) constitutes "reasonable efforts" is not specifically defined under federal or state law, training for judges in particular (but also for other participants) should provide commonly accepted definitions and examples.



For additional copies of this *Technical Assistance Bulletin*, please contact the Technical Assistance Group at the Permanency Planning for Children Project, National Council of Juvenile and Family Court Judges: (702) 327-5300; FAX (702) 327-5306; [tadesk@pppncjfcj.org](mailto:tadesk@pppncjfcj.org). Overhead transparencies of the tables and charts contained in this publication are available at a nominal cost.

# **NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES**



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