

IMPROVING STATE COURTS' PERFORMANCE IN CHILD PROTECTION CASES:

USER'S MANUAL FOR CONDUCTING YOUR COURT REASSESSMENT

Mark Hardin, Barbara Smith, Samia Dawud-Noursi

National Child Welfare Resource Center for Legal and Judicial Issues
ABA Center on Children and the Law

A Service of the Children's Bureau



Center on Children & the Law



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**This manual is an update and revision of *Improving State Court Performance in Child Protection Cases: User's Manual for Conducting Your Court Assessment*, published by the ABA in 1995. Sharon Elstein, M.S., and Pamela Krochalk, Ph.D., made major contributions to the original *User's Manual*.*

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PREFACE

In 1993, Congress enacted the Family Preservation and Support Act, which, among other things, provided grants to state court systems to improve their handling of child maltreatment cases. State courts accepting these five-year grants were to conduct a self-assessment of their performance in child abuse and neglect and foster care cases, develop a plan for improvement, and then use the federal funding to implement their plans. Since 1993, due to the success of the federal Court Improvement Program (CIP), Congress has extended the funding, most recently through federal fiscal year 2006.

Following the most recent extension of CIP, the U.S. Children's Bureau issued a program instruction, instructing states to conduct a reassessment. The purpose of this reassessment is to update each state's earlier assessment of their courts' performance in child abuse and neglect, foster care, and adoption litigation and also to determine what progress has been made since the original assessments.

This revised *User's Guide* was created by the National Child Welfare Resource Center for Legal and Judicial Issues. The Resource Center is a program funded by the Children's Bureau, U.S. Department of Health and Human Services. In producing this guide, we want to express our deep appreciation for the support of our grant officer Emily Cooke, as well as to the entire Children's Bureau. We also want to thank the many state court systems that we have worked with and learned from in producing this guide.

This *Guide* is a revised version of a 1995 guide produced by the ABA Center on Children and the Law to help states conduct their original assessments. The original guide was produced pursuant to grants from the State Justice Institute and the W.K. Kellogg Foundation. The ABA Center prepared instruments (forms to collect information) to accompany the original guide, but have not done so for the reassessment. Instead, as explained later, we recommend that state courts begin with the instruments they used for the reassessment. That is, we recommend that states adapt and modify for the reassessment those instruments used for their original assessment.

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May 2004

I. INTRODUCTION

Many courts conducted an assessment of their response to child protection cases in the mid- and late 1990s as required by the Omnibus Budget Reconciliation Act of 1993, also known as the Family Preservation and Support Act. In 2003, the federal government announced that to maintain eligibility for federal Court Improvement Program funds for FYs 2002-2006, reassessments are required. This Manual, developed by the ABA Center on Children and the Law, is designed to help courts plan for and conduct the required reassessment.

Public Law 107-33 authorizes up to \$505 million in each of FYs 2002 through 2006, including \$305 million in mandatory funds and up to \$200 million in discretionary funds, for the Promoting Safe and Stable Families program. Of these funds, \$10 million of the mandatory funds and 3.3% of any discretionary funds appropriated are set aside for the Court Improvement Program annually.

A. Reassessment Requirement

States that apply for FY 2003 Court Improvement Program funds submitted a Strategic Plan for court improvement for the period beginning October 1, 2002 and ending September 30, 2006. The Plan covers the reassessment of court proceedings related to foster care and adoption and an implementation of recommendations for court improvement that arise from the reassessment. The FY 2003 Program Announcement sets forth the requirements for the reassessments. Appendix A includes relevant portions of that Program Announcement.

The following is a brief synthesis of the reassessment requirements, based on the Program Announcement. Of course, this synthesis has not been officially approved by the federal government and is not a substitute for reviewing the Program Announcement itself:

1. Description of State Laws and Procedures – Updated From Original Assessment
 - a. State Rules, Standards, and Criteria Related to Federal Child Welfare Law
 - b. Related Procedures and Rules for Courts
 - c. Evaluation of Conformity of the State Court Rules and Practices with Recommendations of National Organizations such as *Resource Guidelines* and *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*
2. Evaluation of Court System Performance in Implementing State Requirements Described in 1.a. and 1.b. Above, Including:
 - a. Extent of Courts' Actual Compliance or Noncompliance with Requirements and Reasons for Compliance or Noncompliance
 - b. Extent to Which Requirements Facilitate or Impede Achievement of Titles IV-B And IV-E Program Goals, Including Goals of Safety, Well-Being, and Permanency of Children in Foster Care

- c. Extent to Which Requirements Impose Significant Administrative Burdens on Courts
 - d. Frequency and Length of Judicial Delays
 - e. Limitations in Available Court Time Inhibiting Presentation of Evidence and Making of Arguments
 - f. Whether Parties and Attorneys Actually Present Witnesses, Introduce Evidence, and Make Pertinent Legal Arguments
 - g. Functioning and Quality of Case Tracking Systems
 - h. Effect of Court Caseload Size and Resource Limitations on Judicial Performance
 - i. Frequency and Adequacy of Legal Representation of Parents and Children
 - j. Quality of Treatment of All Participants in the System (Children, Parents, Foster Parents, Social Workers, *etc.*)
3. Assessment of Court Activities Regarding Child and Family Services Reviews and Title IV-E Foster Care Eligibility Reviews
- a. Explain Performance of Courts Described in CFSR (Statewide Assessment, Final Report, and PIP)
 - b. Explain Courts' Collaboration with State Child Welfare Agency Described in CFSR
 - c. Explain Sufficiency of Judicial Determinations in Court Orders Described in Title IV-E Foster Care Eligibility Review (Final Report and PIP)
4. Other Assessment Issues
- a. Quality of Information Available to Courts in Child Welfare Cases, Including Agency Reports, Expert Testimony, and Other Information about Child and Family
 - b. Relationship Between State Court System and Tribal Court Systems and Compliance With ICWA
5. Recommendations for Court Improvement Based on the Findings of the Reassessment
- a. Address Most Crucial Court Reform Issues That Will Improve the Safety, Well-Being and Permanency of Children in Foster Care
 - b. Strengthen Legal And Judicial System's Areas of Weakness Identified in the CFSR and Title IV-E Foster Care Eligibility Review
 - c. Improve Judicial Competence and Skills and Identify and Support Judicial Leadership for Dependency Issues
 - d. Limit Workloads to Allow Timely and Well-Informed Judicial Decisions Through Increases in Personnel or Resources, Reductions in Required Review Hearings, or Other Changes
 - e. Develop Automated Information Systems to Track Cases and Measure Court Performance, Including Collection and Dissemination of Additional Data and Establishment of Links with Other Child Welfare Information Systems in State, Such as SACWIS
 - f. Institutionalize Stronger Links with Child Welfare Agencies, Tribal Courts, and Community Programs (Including Faith-Based Programs) to Improve Coordination

- of Services for Children
- g. Encourage Communication and Cross-Systems Training of Court and Agency Personnel Such As Judges, Attorneys, Social Workers, Administrators, and Court-Appointed Representatives of Parents and Children
 - h. Improve Amount and Quality Of Legal Representation for Children, Parents and Agencies
 - i. Give Fairer Treatment, Notice, and Consideration to All Parties

B. How the Reassessment Can Help Improve Your Court's Response to Abused and Neglected Children

Besides the fact that reassessment is a condition to receiving continuing federal funding, there are several additional reasons for re-assessing your response to abused and neglected children. First, reassessment of your court's performance can provide staff and administrators with feedback on how they have progressed since their initial assessment and the success they have achieved in implementing recommendations that flowed from the initial assessment. Staff and administrators want to know if their efforts are making a difference. Reassessment data can provide answers on what has been accomplished, what is working well, and what needs improvement.

Second, reassessments can guide what system changes, policy adjustments, and legislative changes are still needed. Third, reassessment can support requests for more resources to improve your court's performance in child abuse and neglect, foster care, and related adoption cases. For example, many states (such as Iowa, Rhode Island, and Alaska), as a result of their initial assessments, developed recommendations to their legislatures for increased resources to better handle litigation involving abused and neglected children.

Too often people think of assessments and evaluations as a vehicle only to document what is wrong with current practice. It is important to remember that assessments should also document what is working well. Indeed, the federal guidelines require states during their reassessments to look at "strengths and challenges of the dependency court system" and what has been accomplished since the earlier assessment. During their initial assessment of their response to cases of abused and neglected children, many states identified both strengths and weaknesses in dependency courts.

For example, Rhode Island's 1995 assessment of child protection cases in its Family Court separately addressed a number of areas of court performance. In its discussion of each area, the Rhode Island assessment identified both positive features of current practice and problem areas. For instance, regarding timing of hearings and caseload management in child protection cases, the assessment noted these positive current practices:

- There are clear time standards for many stages of child protection proceedings.
- Future hearing dates are set during arraignments.
- Before the close of each hearing the next hearing date is set.
- The Family Court is committed to overcoming delays in child protection cases.

Problem areas included:

- Pre-adjudication proceedings are needlessly slow.
- There are needless delays in contested adjudications.
- There are needless pretrial hearings in termination of parental rights proceedings.
- There are major delays in contested termination of parental rights proceedings.

To address the various problem areas it identified, the Rhode Island assessment included a series of recommendations to improve practice. Recommendations such as these are the heart of any assessment. In Michigan's initial assessment report, completed in 1997, there were 57 recommendations, accompanied by strategies to implement changes to make things better.

Oregon's 1997 assessment provides a good example of a detailed implementation strategy. They developed over 50 recommendations with an implementation plan that included the strategy to be adopted, the lead agency responsible for implementing it, and whether there were current resources in place to implement the strategy.

II. OVERVIEW OF REASSESSING FOSTER CARE AND ADOPTION LITIGATION

Different state court systems locate child abuse and neglect, foster care, and adoption cases in different courts, usually the juvenile court or juvenile division of a general or limited jurisdiction trial court. Family or probate courts/divisions may include some or all of these proceedings. In some states, two or more trial courts/divisions will need to be assessed, as when the juvenile court/division does not have jurisdiction over the termination of parental rights or the adoption of children in foster care. The term "juvenile court" is used here as a generic reference to the courts/divisions you will need to study.

A. The "Blueprint" for Evaluating Foster Care and Adoption Litigation

The outline of "general issues" that appears below represents the broad subjects that are to be addressed in the reassessments according to the law. These subjects are not phrased in the precise language of the statute, but span the full range of issues that the law contemplates. These are the principal issues that one should look at to assess the performance of one's juvenile court in abuse, neglect, foster care, and adoption cases. (Note that each of the items below that are marked with asterisks are not required parts of the reassessment, but can be very helpful to a full understanding of court performance.)

Quality of Proceedings

1. Completeness and depth of hearings (with emphasis on effective compliance with state and federal mandates)
2. Sufficiency and timeliness of notice to parties
3. Representation of parties
4. Efficiency and timeliness of decision making
5. Adequacy of funding and economical use of funds*
6. Quality of treatment of parties

Organizational Characteristics

7. Criteria and process for the selection and training of judicial officers (judges, referees, etc.)
8. Judicial time to prepare for and conduct hearings
9. Numbers of court staff, appropriateness of job duties, and sufficiency of qualifications*

10. Caseflow management to avoid delays (including docketing, calendaring, management of continuances)
11. Appropriateness of technology and use of technology*
12. Process for the selection and training of attorneys and guardians ad litem

Description of State Laws and Procedures – Updated from Original Assessment

13. State rules, standards, and criteria related to federal child welfare law
14. Related procedures and rules for courts
15. Conformity of court rules and procedures with national standards

The detailed “Blueprint” set forth below maps out the overall data collection portion of the reassessment. In the left column are the general issues to be addressed, in the middle column are the major “specific indicators” that are linked to the general issues, and the third column lists possible sources of information, such as questionnaires, interviews, and so forth.

General Issues	Specific Indicators	Data Sources
A. Quality of Proceedings		
1. Completeness and Depth of Hearings (with Emphasis on Effective Compliance with Federal and State Mandates) Range of Issues Covered in Hearings	<p>Sufficiency of Length of Hearings (How Long on the Average, the Different Types of Hearings Take)</p> <p>Range of Issues Addressed in Different Types of Hearings</p> <p>Active Participation of Parties in Hearings</p> <p>Examination and Cross Examination of Witnesses in Contested Matters (and the Opportunity to Do So)</p> <p>Compliance with Federal and Related State Foster Care Requirements (and reasons for noncompliance) – Technically and Per Legislative Intent (e.g., Reasonable Efforts and Contrary to the Welfare Findings,</p> <p>Determinations Whether Reasonable</p>	<p>Direct Observation of Court Hearings</p> <p>Completeness of Court Findings and Orders (Including Materials Submitted by the Parties) Hearings (How Long, and Incorporated by Reference)</p> <p>Interviews of Judges, Advocates and Key Staff of Public Child Welfare Agencies</p> <p>Docket and Calendar Sheets</p> <p>Questionnaires</p>

General Issues

Specific Indicators

Data Sources

Efforts Are Required, Permanency Hearings, Notice to Foster and Pre-Adoptive Parents, Mandatory TPR Petitions)

Administrative Burdens Imposed on Courts by Federal and Related State Foster Care Requirements

Compliance with National Standards (e.g., *Resource Guidelines*) and reasons for noncompliance

Compliance with Letter and Spirit of ICWA

Completeness of Court Findings and Orders (Including Materials Submitted by the Parties that Are Incorporated by Reference)

Judicial Monitoring of Compliance with Court Orders

Judicial Monitoring of the Delivery of Social Services (as Provided by State Law)

2. Sufficiency and Timeliness of Notice to Parties

Service of Process to Full Set of Parties Including Putative Fathers When Appropriate

Early and Continuing Efforts for Location of Missing Parents and Determination of Paternity

Timeliness of Service of Process

Parties Present (Including Presence at Earliest Hearings)

Notice to and Presence of Foster and Pre-Adoptive Parents

Presence of Older Foster Children

Timely Filing of Required Reports and Case Plans

Continuances Due to Insufficient Notice

Direct Observation of Court Hearings (Concerning the Presence of Parties)

Interviews of Judges and Advocates (Concerning Notices)

Review of Judicial Case Files (Notations and Documents Concerning Notice)

Questionnaires

General Issues

Specific Indicators

Data Sources

3. Efficiency and Timeliness of Decision Making	Time Period from Petition to Adjudication	Judicial Case Files
	Time Period from Adjudication to Disposition	Court Statistics, if any
	Time Period from Petition to Disposition	Computer Data, if any
	Timeliness of Permanency Hearings	Interviews
	Time Period from Original Abuse or Neglect Petition Through (1) Filing of Termination Petition and (2) Completed Trial or Admission on Termination of Parental Rights	Court Observations
	Time Period from Termination of Parental Rights Motion or Petition to Completed Trial or Admission	Docket and Calendar Sheets
	Time Period for Parties to Get a Hearing (Time from a Request for a Hearing to the Actual Hearing, e.g., After the Filing of a Post-Dispositional Motion	
	Number, Frequency, and Causes of Continuances	
	Judicial Down Time	
	Frequency of Contested Hearings That Require Nonconsecutive Court Days to be Completed – and the Time Elapsed Before Such Hearings Are Completed	
4. Adequacy of Funding and Economical Use of Finances (Optional)	Time Period from Removal to Permanency Outcomes, Such as Return of Child, Adoption, Legal Guardianship	
	Costs Per Case, Including Salaries, Office Space, Supplies, and Miscellaneous Costs	Budget Figures for Court Number of Judges and Court Staff, the Percentage of Their Time Allocated to Child Abuse and Neglect Cases, and

General Issues

Specific Indicators

Data Sources

Their Salaries

Building and Materials Costs
Allocated to Child Abuse and
Neglect Cases

Miscellaneous Costs Allocated
to Child Abuse and Neglect
Cases

5. Quality of Treatment of
Parties

Courthouse Facilities, such as Waiting
Rooms and Play Areas

Written and Audiovisual Information
Explaining the Court Proceedings

Treatment of Parties by Court Staff

Client Satisfaction with the Court
Process

Time Taken by Judge to Explain
Process and Listen to Parties

Coordination Between Court, Agency
and Other Parties (e.g., Meetings)

Client Interviews

Questionnaires

Observations in Courthouses

General Issues	Specific Indicators	Data Sources
B. Organizational Issues	Actual Qualifications and Experience Requirements	Written Description of Hiring Qualifications and Process, If Any
1. Criteria and Process for the Selection and Training of Judicial Officers (Judges, Referees, etc.)	Step-by-Step Process for Search and Selection	Statutory and Court Rule Provisions
	Persons Involved in Search and Selection	Interview of Presiding Judge or Other Hiring Authorities
	Length of Judicial Assignments for Judicial Officers Hearing Child Abuse and Neglect Cases	Interview of Judicial Officers
		Interview of Persons Responsible for Judicial Training
2. Judicial Time to Prepare for and Conduct Hearings	Ratio of Full-Time Equivalent Judicial Officers to Number of New Cases (Children Subject of New Child Abuse and Neglect Petitions)	Interviews of Judicial Officers
	Average Active Hours on the Bench Per Day Per Judicial Officer (Adjusting for Differences in Vacation Leave and in the Use of Pro-Tems (Temporary Judges) and Referees)	Interview of Court Administrator
	Impact of Judicial Caseloads on Completeness and Length of Hearings	Court Observations
		Court Vacation and Leave Statistics
		Docket and Calendars Annual Court Data
		Questionnaires
5. Automated Information System; Appropriateness of Technology and Use of Technology	Effective Automated Information System to Measure Performance and Track Cases	Interviews of Court Administrator, Court Staff, and Judicial Officers
	Completeness and Modernity of Judicial Information System (Including Software, Hardware and Personnel)	Observation of Technology
	Use of Computers by Court Staff and Judges in Generation of Letters, Court Orders, etc.	
	Computerized Court Forms (Glossaries)	
	Technology for Court Security	
	Approach to Recording Hearings	

Fax Technology, Electronic Mail

6. Representation of Parties

Completeness of Pre-Hearing Preparation by Attorneys and Guardians Ad Litem	Direct Observations of Hearings (Concerning the Activities of Counsel and Advocates at Hearings)
Conferences Between Advocates and Clients Prior to Hearings	Interviews (<i>E.g.</i> , Concerning Advocates' Hearing Preparation; Advocates' Role at Hearings; the Process and Criteria for Selection of Advocates; Assignment Durations; Training of Advocates)
Level of Active Involvement by Advocates During Hearings	
Involvement of Advocates Through All Stages of the Proceedings and Between Proceedings	
Changes in Advocates for Parties During the Life of a Case	Judicial Case File (Concerning Notice of the Right to Counsel)
Separate Legal Representation for Both Parents When There are Conflicts of Interest	Court Files or Data From Information System Concerning the Frequency and Appointment of Advocates
Percentage of Parties (Parents, Children, Agencies) Represented by Counsel at Different Stages of the Case	Questionnaires
Training and Experience Requirements for Attorneys and Advocates (including Attorney Guardians ad Litem and Lay Volunteer GALs and CASAs)	Interviews of Court Administrators, Director of Guardian Ad Litem Program (if Applicable), and Others Responsible for Selection and Training of Advocates
Thoroughness and Impartiality of Screening, Hiring, and Appointments of Advocates	Written Descriptions, if Any, of Criteria for Selection, Performance Expectations, and the Hiring Process
Duration of Assignment to Child Abuse Cases of Staff Attorneys (<i>e.g.</i> , public defenders and government staff attorneys)	
Supervision or Oversight of Attorneys and Advocates	
Content and Frequency of Training	
Workloads of Attorneys, Volunteer Coordinators, and Volunteers	

Look at the issues and specific indicators above and compare them to the issues outlined in the federal legislation. Use it to decide which major issues to address in your reassessment and make additions and deletions accordingly. Using the Blueprint chart helps you when you design specific instruments to be used in the reassessment. More specifically, when you are beginning to develop your instruments, it will help you decide what instruments to include as well as what issues you should address and exclude when designing your instruments.

B. General Issues in Planning and Organizing the Reassessment

Think about the methodology for your reassessment, together with someone who is a research expert. Here are some key questions to consider:

- How many courts do you need to visit and which should be selected to best reflect the variety of state practice?
- Is the mix of methods described in the chart appropriate for your state, i.e., interviews, court observations, file reviews, and questionnaires?
- What categories of persons should receive questionnaires?
- How should you select samples of who should receive questionnaires?
- Whom can you direct or employ to conduct interviews and observe courts who have enough knowledge of the system to understand what they are hearing and seeing?
- What kind of cooperation will you get from the individual juvenile courts and how can the state supreme court help you obtain that cooperation?

States have considerable latitude in deciding what methods they will use for their reassessment, including questionnaires to be completed by judges and referees, court administrative staff, and advocates for all parties; on-site interviews with judges and referees, court administrative staff, and advocates for all parties; structured court observation and review of case files; and review of court forms, documents, and statistics.

We are not suggesting that every method included on the above Blueprint must be used throughout the state. Some of the data collection methods described above involve intensive data collection from selected courts. Examples of these methods are interviews, court observation, and case file review. However, in most states, it is impractical to use such intensive methods of data collection in every juvenile court.

One way to fill that gap is to circulate written questionnaires to all juvenile courts, and also to ask local courts to collect certain data and submit it for use in the statewide evaluation. The rationale for the statewide mail survey is that most states cannot afford on-site intensive study of one or more courts. For those states interested in conducting site studies, courts may be selected for further in-depth study to explore issues collected from questionnaires and statewide databases.

A good place to start in preparing instruments for the reassessment is to review the ones your state used in the original assessment. As explained below, there are important advantages to selecting questions from the instruments used before. On the other hand, it will be necessary to

modify and add to those instruments for the reassessment.

The most commonly used instruments are mentioned in the chart, i.e., a court observation instrument, a court file review instrument, an instrument for interview of a presiding judge, an instrument for interviews of court administrators, an instrument for interviews of court clerical staff, an instrument for interviews of judges or hearing officers, an instrument for interviews of advocates, an instrument for interviews of agency staff and foster care reviewers, and written questionnaires for all of the above.

Because your state already conducted an initial assessment of your courts' response to abused and neglected children, your earlier experience, and those of other states, should shape your reassessment. Findings from your initial assessment provide excellent baseline data (data to compare to more recent performance) for the reassessment.

Because the data in the original assessment came from a specific set of instruments, you probably should begin with those earlier instruments and repeat questions that produced useful data in the original assessment. There is no need to "reinvent the wheel." On the other hand, the instruments will require modifications based on changes in state law and federal law, as well as the reassessment requirements set forth in the 2003 CIP Program Instruction. Furthermore, consider eliminating questions that did not yield useful information in the original assessment.

Sample Reassessment

In September of 2002, Colorado published a reassessment of their earlier 1995 assessment. The report, *Child Abuse and Neglect Cases in the Colorado Court 1996-2000: A Reassessment*, prepared by Daniel P. Gallagher in consultation with the Colorado Court Improvement Committee provides an excellent example of how reassessments should build upon their initial assessment. Consider their Executive Summary (pages 1-3 of the full report):

CHILD ABUSE AND NEGLECT CASES IN THE COLORADO COURTS 1996-2000 - A REASSESSMENT-

Executive Summary

The Colorado State Court Administrator's Office conducted an original assessment of dependency and neglect cases in Colorado in 1995 as part of the national Court Improvement Project funded by the federal government. This initial report looked at ten counties in Colorado: Jefferson, Denver, El Paso, Larimer, Morgan, Logan, Otero, Adams, Arapahoe, and Mesa. The report was published in 1996 and brought to light many problems associated with dependency and neglect cases. This reassessment is a follow-up to that original assessment and is intended as an evaluation of the improvements that have been undertaken since 1996. The major findings of this report are:

- ❖ In 1996 stakeholders indicated that the majority of dependency and neglect (D & N) cases were processed in a way that resulted in delay and not timely resolution. The reassessment shows that this perception has changed and stakeholders now feel that D & N cases are

handled in a timely manner. In addition, statistical information from the court's data management system supports this perception.

- ❖ There has been vast improvement in courts meeting statutory timeframes from 1996 to year 2000. For example,

Nine out of the ten counties analyzed reduced the number of days from petition to adjudication. Meeting this deadline is significant since it signals the point at which parents may challenge the allegations in the petition. If the allegations are founded, the court will proceed to the treatment plan phase of the case. If the allegations are unfounded, the case will be dismissed. Denver reduced its average from 161 days in 1996, to 50 days in 2000 for cases involving children under six, (Expedited Permanency Planning Cases "EPP"). For non-EPP cases that number dropped from 161 days to 100 days. El Paso County improved from an average of 121 days in 2000 to 56 days in expedited permanency cases. Non-EPP cases dropped from 121 days in 1996 to 58 days in 2000. Arapahoe County improved from an average of 156 days in 1996 for EPP cases to 62 days in 2000. Non-EPP cases improved from 156 days in 1996 to 61 days in 2000.

Eight out of ten counties demonstrated an improvement in meeting the statutory timeframe for disposition. At the dispositional hearing, the court orders a formal treatment plan for the family. This event sets the stage for all future action in the case. For children under six, permanency planning hearings will be held beginning 90 days after the dispositional hearing.

Families may begin to work toward a successful ending to their case. If parents are unable or unwilling to comply with the treatment plan, termination of parental rights is an option. Larimer County improved from an average of 63 days for EPP cases in 1996 to 37 days in 2000. For non-EPP cases they improved from 63 days in 1996 to 37 days in 2000. Adams County improved from an average of 40 days in 1996 to 17 days in 2000 for EPP cases. For non-EPP cases they improved from 40 days in 1996 to 18 days in 2000. Arapahoe County improved from an average of 60 days for EPP cases in 1996 to 17 days in 2000. For non-EPP cases they registered an improvement from 60 days in 1996 to 21 days in 2000. Most counties showed marked improvement in this area.

Significant problems existed in 1996 with children obtaining timely permanency hearings.

In Mesa County 70% of cases had a permanency hearing that did not occur within the statutory 18-month deadline. Now, only 5% of cases have a permanency hearing scheduled over 12 months. Similarly, Morgan County decreased from 63 percent over eighteen months in 1996 to 25 percent over twelve months in 2000. Denver improved from 41 percent over eighteen months in 1996 to 18 percent over twelve months in 2000. When held to the original 18 month standard, only 15 out of 1,519 cases had a permanency hearing over eighteen months. This equates to only .9 percent of all cases with a permanency hearing.

The original assessment found that when termination of parental rights was the outcome of the case, children routinely waited up to five years for a termination hearing. For example in Denver 35% of the terminations took over three years to complete. Since that time, the average has been reduced to only 262 days for children subject to expedited permanency requirements. For non-EPP cases the average number of days was 382 days. Improvements in this area have taken place on a statewide basis. All

jurisdictions in this reassessment showed an average number of days to termination between 200 and 300 days. For example, in Arapahoe County 70 percent of cases in 1996 took more than two years to reach a termination. The average number of days to termination in year 2000 EPP cases was 237. For non-EPP cases that number was 231.

- ❖ The reassessment shows that three districts with a significant caseload reduced the number of continuances granted. The original assessment showed that three of the largest counties granted continuances in one third of all D&N cases. The reassessment shows that this rate of continuance has been reduced significantly in all three counties. For example, in 1996, Denver granted continuances in 33 percent of all cases. This was reduced to 19 percent in the year 2000
 - 1) The original assessment lamented the lack of less adversarial methods of dispute resolution in D & N cases. Since 1996 seven major jurisdictions used mediation to improve outcomes in D & N cases. Additionally, cases may have had a case conference conducted by a court facilitator, or a family group decision-making conference that involved the parties and their family with the department of social services.
 - 2) Juvenile law as a whole is increasing in the degree of respect accorded to it. More than 85 percent of the stakeholders indicated that they appreciated handling D & N cases.

Issues remain concerning the quality of representation of children by Guardians Ad Litem. However, in 1996 sixty-one percent of foster parents reported GALs never visited the children in their home. In year 2000, that figure has dropped to 41 percent, indicating GALs visit their children more frequently. The Office of the Child's Representative (OCR) was recently created and their plan is to address many of the concerns surrounding guardians ad litem. The fact that the OCR exists is in itself an improvement from 1996.

C. Initial Questions to Address in Planning Your Reassessment

There are several initial decisions that need to be made during the planning stages of the reassessment: What questions will be addressed? Who should be responsible for conducting the reassessment? Who will make up the advisory group for the project? These issues are discussed below.

What Questions Will Be Addressed?

It is important to carefully select the questions to be addressed during the reassessment. The federal Program Announcement lays out minimum requirements but states have considerable latitude to add other issues of special importance to them. During the initial assessments, many states (for example, Iowa, Michigan, Rhode Island, Alaska) wisely recognized that questions and objectives must be clearly defined, amenable to empirical measurement, and limited based on available resources. As discussed below, an advisory committee can be invaluable in reaching that determination.

Who Should Conduct the Reassessment?

There are advantages and disadvantages to contracting the reassessment to an outside expert versus using inside evaluators. Using inside evaluators can have the following advantages:

- You can take full advantage of using the expertise of the knowledgeable people within the court to conduct the reassessment.
- You can achieve “buy-in” from those within the court to cooperate with the reassessment.
- You develop or reinforce the skills of the court’s own staff to conduct future assessments as well as future quality control.
- If you use state-employed staff to assess local courts, you can help educate state staff on the day-to-day operations and challenges faced by local staff in achieving court improvement. One state that used state-employed staff during the initial assessment was Oregon. They reasoned that using central staff composed of agency managers from across the state and across practice disciplines related to child welfare, combined with staff responsible for program management, consultation, training, and research, would result in (a) a strong review process; (b) an increased understanding by central staff of the need of clients and staff at the local level; and (c) a better policy and practice partnership across the department.
- Resources may be saved by using inside evaluators versus hiring outside evaluators.

On the other hand, potential advantages of using outside evaluators are:

- Experienced researchers may be more efficient than those untrained in assessment tools.
- Outside researchers may present the appearance of an unbiased, objective assessment. Even if inside evaluators make every effort to conduct an objective assessment, they are easily subject to the criticism that they tried to make their court “look good.”
- Hiring an outside evaluator who is compensated for the reassessment, rather than using staff to conduct the evaluation in addition to other job responsibilities, may yield a more comprehensive study.
- Participants in surveys and interviews may be more willing to provide honest responses to questions when asked by independent evaluators than they would when asked by staff they already know.

If outside consultants are used, one cost-effective option might be to hire a social science professor from the local university or an independent contractor that does not charge an overhead rate. The disadvantage of this approach is that the social science professor may lack an understanding of the court process in child protection cases.

Of course, there are national research organizations that have experience in conducting reassessments of this scope, with the expertise to conduct the research efficiently. Their fees and overhead, however, may offset this efficiency. Because some organizations and universities may be willing to waive part of their overhead when the project costs are for minimal dollars, it is important to inquire about such waivers and shop carefully for the contractor who will give you the most return for your money.

A good compromise between using an inside or outside evaluator may be to hire a consultant to assist an in-house evaluator. Another approach is to assign staff to assist an outside evaluator. An outside evaluator may be particularly useful for the design phase of the reassessment as well as the qualitative and quantitative data analysis and interpretation component of the data.

However, even if an expert is hired for a particular purpose, it is critical that team members remain involved so they can help shape the evaluation in a direction that will lead to useful and practical implications for your team.

To hire a contractor, you should develop a Request for Proposals (RFP) to which prospective contractors would reply. This RFP needs to set out the parameters of the reassessment, including the dollar amount you intend to pay, a page limit for the proposal, detailed timelines for the project, and the content to be included in the proposal (e.g., methodology, experience in conducting research of this type, exactly how the funding would be spent--for salaries, travel, photocopying, etc.). It might also be useful in judging the qualifications of the bidding contractors to ask them to submit two examples of evaluations they have completed similar to the one you are requesting.

Once a proposal is accepted, the contract should be very specific, setting forth:

- The purpose of the reassessment;
- The audience of the reassessment report;
- The overall timeframe of the reassessment;
- The tasks to be completed by the contractor: cross-reference to the federal Program Instruction, to assure that you meet your obligations;
- Completion dates for each task;
- Reporting requirements;
- The payment for services and reimbursement for expenses such as site travel, postage, and telephone expenses;
- Review and revisions obligations; and
- Who owns the data and the results.

Advisory Committee

In order to assure that both the reassessment and later implementation of improvements have broad support throughout the state, it is important to be inclusive in inviting members to sit on the Advisory Committee. To that end, make sure to include not only judges, court administrators, and attorneys (for the state, agencies, children, and parents), but also representatives from CASA programs, citizen review boards, foster parent organizations, and grass roots advocates. It also may be advantageous to invite legislators to participate. Subcommittees could provide guidance on technical issues, methodology, funding, subcontracting, analysis, and the like.

Early involvement of the committee in the planning stages can help achieve “buy-in” from important people in the state that may help:

- Bring together those most knowledgeable about how courts are responding to abused and neglected children.
- Shape the evaluation questions and design to address the most important issues during the reassessment.
- Provide access to data and personnel to be interviewed.
- Achieve cooperation with the reassessment plan and tasks.
- Provide resources for the reassessment.
- Instill a sense of ownership of the reassessment.
- Promote a willingness to take on the challenges of improving the response to abused and neglected children based on the reassessment results.

In the original assessment, many states put together powerful, multidisciplinary Advisory Committees to oversee their initial assessment of court improvement projects. For example:

- Alaska Advisory Committee members included representatives of the four courts studies and from around the state including, Judge Larry Zervos (Superior Court, Sitka), Master William Hitchcock (Children’s Court, Anchorage), Susan Miller (Special Projects, Alaska Courts), Diane Worley (Division of Family and Youth Services, Juneau) and Mark Preston (Bethel), Kimberly Martus (UAA Justice Center, Anchorage), Vicki Otte (Native Justice Center, Anchorage), Kathy Craft (Family Centered Youth Services, Fairbanks), Barbara Malchick (Office of Public Advocacy, Anchorage), Linda Beecher (Public Defender Agency, Anchorage), Susan Parkes (Department of Law, Anchorage), William Walters (Tanana Chiefs Conference, Fairbanks), Candace Wheeler (Citizens Foster Care Review Board, Anchorage), Pat Kennedy (Anchorage), Verneta Wallace (Anchorage), Kerry Reband (Anchorage), and Angela Olson (Anchorage).
- The Iowa Supreme Court appointed the Iowa Supreme Court Select Committee to oversee the Court Improvement Project. The committee included members who represented trial court and appellate judges, private child welfare service provider agencies, Iowa Department of Human Services, attorneys, Court Appointed Special Advocates, Iowa Citizen Foster Care Review Boards, juvenile court officers, the Iowa legislature, foster/adoptive parents, and county boards of supervisors. The Committee hired a full-time director to conduct the assessment and administer the project.

D. Overview of Reassessment Methods

Reassessments should include a variety of methods to obtain as complete a picture as possible of how courts are responding to abused and neglected children. State databases may provide a quick, inexpensive overview of how agencies or courts around the state are performing. Questionnaires are another way to capture statewide data. But to obtain in-depth knowledge about the challenges and strengths, and to collect detailed outcome data, intensive study in a

number of courts in the state will be needed. On-site study methods may include surveys, interviews, questionnaires, focus groups, court observations, and file reviews.

Example of an Assessment Design

For their initial assessment of dependency court's response to abused and neglected children, many states developed thorough and exemplary designs. We provide one example from Oregon to illustrate such a plan. In their 1997 assessment, the Juvenile Court Improvement Project (JCIP) began its assessment by identifying the respondents for written surveys, drawing statistically valid samples from each group, and drafting the surveys. These surveys were pre-tested and revised as indicated. Written surveys were sent to judges and referees, trial court administrators, juvenile department directors, Services for Children and Families (SCF) caseworkers, Citizen Review Board (CRB) volunteers, CASA volunteers, attorneys (for parents, children, and the government), tribal child welfare specialists, and parents. Over 900 people responded to the written surveys.

In addition, JCIP designed and conducted over 200 structured file reviews using a statistically sound sampling plan. They also observed 68 CRB proceedings during site visits to eight study sites. During the site visits, individual interviews were conducted with participants in the juvenile court process, including the judge who had primary responsibility for dependency cases in each county, the juvenile department director, juvenile court counselors, the trial court administrator, court clerical staff, SCF staff, CRB staff and volunteers, CASA staff and volunteers, parents, and attorneys (for parents, children, and the government). Several members of each group, as well as Advisory Committee members, reviewed all of the instruments.

4. STATEWIDE DATA

A. State Databases

A few state court systems now maintain their own statewide databases for child welfare cases. If these databases are to be useful to reassess court performance, the data going into the system should be consistently defined throughout the state (e.g., the definition of a "case") and there should be a system to ensure the accuracy of the data.

State child welfare agencies produce statistics that may be useful for the reassessment. The federal government requires state child welfare agencies to keep such statistics, and each state's Child and Family Services Review (CFSR), which assesses state performance regarding abused and neglected children's safety, permanency, and well-being, publishes data on state performance. For example, Michigan CFSR Data Profile indicated for fiscal year 2000 Michigan met the national standards for:

- The rate of recurrence of substantiated child maltreatment within six months of a prior substantial maltreatment.
- The incidence of maltreatment of children in foster care.

- The rate of foster care reentries within 12 months of discharge from a previous foster care episode.
- The percentage of finalized adoptions occurring within 24 months of a child's entry into foster care.

However, the database also indicated that Michigan did not meet the national standards of the percentages of children reunified within 12 months of entry into foster care or for the percentages of children experiencing no more than two placements during the first 12 months of foster care.

These kinds of data may have implications regarding court performance. Note that state agencies often have helpful data not published in the CFSR. In planning the reassessment, it is worthwhile to discuss this with the state agency.

A. Questionnaires (Surveys)

Written questionnaires are the main practical means of gathering information. Deciding to whom to send the questionnaire has major implications for your study, not only in that it affects the comprehensiveness of the study, but also because it will have a large impact on the study's difficulty and cost. The more types and numbers of persons mailed the questionnaire, the more complicated the task of preparing questions and analyzing interview results will be. On the other hand, if you only sample judges and court administrators, you will obtain a less complete picture of your courts. Other persons to consider sampling are attorneys, lay guardians ad litem, agency caseworkers and supervisors, agency administrators, citizen review board members, parents, and older foster children. The ABA Center on Children and the Law developed questionnaires for many of the above groups. All questionnaires will be available on request both in hard copies and computer diskettes, in Word, and in a number of other programs.

The difficulty and expense of questionnaires depends both on how many categories of persons are to be interviewed and the numbers of individuals in each category. The larger the number of persons and categories, the greater is the expense. In addition, if answers are to be accurately recorded and analyzed (and in an effort to hold the budget constant), a larger number of individuals to be interviewed may require fewer questions and largely closed-ended questions.

Designing Questionnaires

The ABA Center on Children and the Law developed a number of questionnaires for states to adapt during their original assessment. Specifically, instruments were developed for attorneys (representing the state or county, parents, and children); non-attorney representatives for children (CASAs, guardians ad litem); judicial officers (judges, referees, magistrates, hearing officers); child welfare agency personnel; foster care/citizen review board members or staff; and court administrative personnel. They are available on request both in hard copies and computer diskettes, in Word, and in a number of other programs.

While the ABA instruments may be helpful in the preparation for the reassessment, a better idea

for most states will be to rely mostly on the questionnaires that were used in the state’s original assessments. This approach will allow states to use “baseline information,” i.e., information that can be used to determine progress the courts have made since the time of the original assessment. On the other hand, there are at least a few states that no longer have access to the instruments used in the original assessment. In those cases, the ABA instruments may be a useful start.

In order to measure progress and compare results, it is important to minimize any changes in questions that were in the questionnaires used during the original assessment. When the wording from the original questions is modified, it becomes difficult or impossible to know whether differences in answers should be attributed to changes in court performance or to differences in the wording of questions.

This potential problem does not mean, however, that the original questionnaires need not be modified at all. There are several possible reasons for eliminating questions:

- Questions did not yield useful data or information in the original assessment.
- Questions in the original assessment were so ambiguous that the meaning of their answers is unclear.
- Changes in legal terminology, law, or practice make questions from the original assessment no longer meaningful.
- Problems addressed in early questionnaires are no longer prevalent enough to require further study.

There are also reasons to add questions that did not appear in the original questionnaires:

- The results of the state Child and Family Services Review (CFSR) Final Report suggest new questions.
- Changes in federal law suggest new questions.
- Important questions and issues have come to light that were not addressed in the original assessment.

Steps Before Modifying Questionnaires

It is important to prepare carefully before actually beginning to work on modifying the instruments used in the original assessment. The following are key prior steps.

Carefully review the blueprint set forth earlier in this manual: What issues set forth in the Blueprint does your state **not** wish to study? If you identify those, you will be prepared to eliminate categories of questions from the original questionnaires.

Carefully review the results and recommendations from the original assessment: When you review the original assessment, you will find that some of the questions from the questionnaires used in the assessment did not yield useful data – or that the data in response to certain questions was not preserved. In either case, you will not need to ask such questions again for purposes of comparison. If there is no data in response to a question, you should feel free to

modify or eliminate it.

As for recommendations in the original assessment, you may want to ask questions to determine whether the recommendations were implemented or to determine whether a particular recommendation was successfully implemented. On the other hand, it is not necessary to use questionnaires to find out whether many recommendations were implemented.

Review the results of the state CFSR Final Report and CFSR Program

Improvement Plan (PIP): One of the federal requirements for the reassessment is to address reforms called for in the CFSR PIP. (The PIP is a detailed plan to make improvements on problems brought to light in the CFSR Final Report.) To incorporate these issues, carefully review both the CFSR Final Report and PIP and prepare a list of related legal and judicial questions, issues, and possible recommendations.

After the list of issues, questions, and possible recommendations from the CFSR is done, refer to that list when revising instruments. See Appendix H for a sample list of issues arising from a CFSR.

Identify additional questions and deletions based on changes in state and federal law: You will need to add and modify questions based on changes in the law since the original assessment. In addition to changes in state law and practice, there have been important changes in federal law and regulations since that time. In particular, additional questions need to be added to capture the extent of compliance with the federal Adoption and Safe Families Act and its regulations. Additional issues to address include:

- What issues raised by the CFSR and Title IV-E eligibility review, if any, need a further look?

For example, if the CFSR found insufficient attention to children's mental health needs, the reassessment may want to examine whether children's attorneys or guardians ad litem are addressing this issue.

- Which ICWA issues should be addressed? (See chart, item 2) Examples:

Notice to tribes – timeliness, adherence to ICWA

Tribes as parties – frequency, role

Transfers to tribal courts – frequency, adherence to ICWA

Special standards and burdens of proof – adherence to ICWA

Preferences for placement – adherence to ICWA

Identification of Native American children – method, consistency

Liaison between state courts and tribes/tribal courts

Adoption relinquishments – adherence to ICWA

Training for judges, attorneys, etc., on ICWA

Availability of ICWA experts for advice

- What ASFA issues should be addressed? (See chart, item 2) Examples:

Reasonable efforts and contrary to the welfare findings

Are the findings made on time?

Are the findings sufficiently child-specific, *i.e.*, based on the unique circumstances of the child and family?

Is there an efficient process for the findings that avoids needless time by the judge without making the findings *pro forma*?

The finding that reasonable efforts are not required. (State statutes setting forth “aggravated circumstances,” such as past crimes against child or siblings, prior involuntary TPR, abandonment, torture, chronic abuse, etc.)

How often are these findings made?

Under what types of circumstances are these findings made?

At what stage of the court process does this usually occur?

What happens next after the finding – a 30-day permanency hearing?

What happens at the 30-day permanency hearing?

What happens after permanency hearing – e.g., how often TPR?

Reasonable efforts for permanency

Are courts allowing concurrent planning as specified by ASFA?

Are there court reviews of reasonable efforts for permanency?

If so, when and how often?

Which types of efforts are being reviewed?

Are there findings of reasonable efforts for permanency?

If so, what is the content of those findings?

Permanency hearings

Are the permanency hearings timely?

When the goal is adoption, does the court require TPR petitions?

How often is foster care continued at the permanency hearing?

Under what circumstances is foster care continued?

How do courts interpret “another planned permanent living arrangement”?

Do agencies document compelling reasons? When, how?

Does the court make findings regarding compelling reasons? When, how?

Mandatory filing of termination proceedings

Has the agency caught up in filing petitions or documentation?

If not, how far do they need to go to catch up?

Who is actually filing petitions and representing the agency?
Is the agency documenting compelling reasons to the courts?
Are courts reviewing documentation of compelling reasons?
If so, what are they doing?
What is the quality and content of the agency's documentation?
What are the agency's criteria for not filing TPR petitions?
Are the agency's reasons for not filing acceptable to the courts?

Notice, participation of foster parents, relative caretakers, and preadoptive parents

Who notifies the foster parents, etc?
Are they encouraged to attend?
How consistent is the notice?
Are they treated in court? Greeted? Are they asked questions?
How often are they actually present? At which hearings are they present?
Are they permitted to attend the entire hearing?
If not, what parts do they not attend?
What is their contribution at hearings?

For a sample list of additional questions based on ASFA and its regulations, see Appendix I.

Prepare a "Master Questionnaire"

Starting with one of the original questionnaires, most likely the questionnaire for judges, prepare a "master questionnaire." Add questions from other questionnaires that are not included. Then, to adapt this inclusive "master questionnaire," use the materials you have prepared:

- Review your revised "Blueprint" to make sure that you have not omitted important questions or included unnecessary questions. Add or delete questions, accordingly.
- Go through your summary of the original assessment and recommendations. Make sure that you include original questions that provided helpful data and are within the scope of your amended Blueprint.
- Add your list of questions derived from changes in state and federal law. (See Appendix H regarding ASFA-related questions.)
- Review your summary of the CFSR results and PIP and add related questions.

By preparing a comprehensive set of questions, you make sure when later preparing separate questions for different categories of persons to be interviewed, you will not forget to ask any important questions of any particular categories of individuals.

Once this master questionnaire is ready, you can use it to develop other questionnaires. Since you have already added and deleted issues, this task should be easier than modifying each instrument separately and from scratch.

Adapt the Questionnaires from the Master Questionnaire

To begin your adaptation of the master questionnaire, copy your complete set of questions on several separate computer documents – to match the number of planned categories for questionnaires. All of the questions should be duplicated for each category of persons to be interviewed.

Next, modify the master questionnaire for each category of persons who will receive it, e.g., judges, attorneys, caseworkers and supervisors, etc. This step includes deleting irrelevant questions from each category, rewording questions as needed for the particular category of persons, and adding any extra questions that are unique to the category and weren't included on the comprehensive version.

At least a few additional special questions probably will come to mind for each category no matter how good is the comprehensive master questionnaire. If you have used your computer program's automatic-numbering function, the computer will automatically renumber the questions for you as you add and delete them.

Field Test the Questionnaires

All instruments need to be "pilot tested." That is, after instruments are developed, a group of participants similar to the study population should fill out the instruments to see how well they work. For example, if a questionnaire is intended for judges, then it should be mailed to several judges for review, comments, and completion. They should also indicate how long the instruments take to complete.

After receiving the written comments, call each person to discuss them. This discussion often provides insights beyond what is written into the instrument itself. Use the written and verbal comments as a guide for refining the questionnaires. If you are concerned about how long the questionnaire takes to complete, ask the commenters for advice about the length. If commenters indicate that a questionnaire takes too long to complete, seriously consider trimming it.

Improving Questionnaires' Response Rates

In order to increase the response rate when mailing out questionnaires, it is a good idea to obtain the support of the Chief Justice and Commissioner. Specifically, consider mailing the instruments with a cover letter signed by the Chief Justice, Agency Commissioner, local Bar President, etc. It is also important to track the completion of questionnaires and follow-up with those who do not respond. This procedure can help ensure a good response rate.

In Michigan's assessment of probate courts' handling of child abuse and neglect cases conducted in 1997, the assessment team achieved an impressive 84% response rate. How? Several steps were implemented to achieve this high response rate. First, a cover letter from Supreme Court Administrative Office was sent stressing the importance of the questionnaire. Second, one

month following the initial distribution of the survey, the researchers sent a second mailing to those in the sample who had not yet replied. Third, telephone interviews were made to those who did not respond to the second mail survey. Fourth, they allowed respondents to FAX their responses to ease completion of the questionnaire. These proven research methods helped achieve the large response rate. This result was particularly impressive, because the questionnaire was 23 pages long and thus took a lot of time to complete.

Other states have asked judges to contact other judges who had not returned their questionnaires, which often proved effective. Many of the judges who did this were members of a state CIP advisory group. Similarly, in many states, agencies distributed the questionnaires and required selected caseworkers and supervisors to complete and return them. For this reason the response rates from most agencies was relatively high.

Virginia and Arkansas used perhaps the simplest and the most effective approach. At a judicial meeting attended by all judges hearing child protection cases, questionnaires were distributed. In addition, a specific time was scheduled for the judges to fill out and return the questionnaires. Thus, in Virginia and Arkansas, nearly every judge in the state completed and returned the questionnaire.

B. Statewide Focus Groups (Group Interviews)

Statewide focus groups (i.e., groups to interview together) are intended to be interactive and draw upon the unique experiences of the participants. Ideally, two facilitators would run the groups. Focus groups encourage a dialog among a small group, usually four to eight people, for no more than two hours. The facilitators will follow a discussion guide developed in advance.

The goal is to create a comfortable environment that encourages people to share their thoughts, feelings, and experiences. Unlike surveys, focus groups allow individuals to build upon each other's responses, and to discuss a problem. Participant interaction is the defining characteristic of the focus group. In a non-threatening environment, people can share ideas and opinions in a dynamic way that is unique to the focus group method. Ground rules need to be established to ensure confidentiality and to allow each person to speak.

Statewide focus groups can be helpful, particularly to issues that are statewide in nature rather than local. For example, such focus groups might discuss efforts to improve automated management information systems for child abuse and neglect cases. They can discuss amendments to state law that occurred as the result of the original assessment.

IV. INTENSIVE SITE EVALUATIONS

A. Selecting Courts for Intensive Study

In general, it is possible to be only somewhat representative when selecting a site or sites for more in-depth study. Consider looking at small, medium, and large jurisdictions in rural and urban counties with different court structures to ensure as broad a representation of counties as feasible within project resources. Many states did just that during their initial assessments. For example, in Oregon, the Project Advisory Group selected eight counties to participate in the assessment to represent diverse counties with differing populations and different types of judicial officers who conduct juvenile court hearings. In Iowa, site visits were made to six counties based on variety in population size, available services, characteristics of court operations, and location in Iowa.

Another method of selecting sites is to choose courts with "model" approaches to handling these cases (make sure to specifically define the criteria) or to select courts that are "activist." One problem with that approach is a charismatic chief judge sometimes runs courts with an activist philosophy; this factor creates difficulties in replicating success in other courts. Of course, site selection, both in terms of numbers of courts and location, will be driven in part by budget limitations.

B. Conducting Site Visits in Selected Courts

Most information gathered from the local courts selected for intensive study is gathered during visits to those courts. During these "site visits," there typically are in-person interviews, focus groups (group interviews), file reviews (when computer data is insufficient), court observations, and reviews of sample court calendars.

Careful planning (i.e., setting up interview times, arranging court observation times, establishing a plan to sample cases, and so forth) *well before* the site visit will expedite the process, allowing for more time to conduct on-site data collection, and make the best use of limited evaluation resources (as discussed further below).

You might consider hiring some college students, agency interns, or clerks (after their routine business hours) to help pull files and complete observation forms (for data collection) as a cost-savings device, but interviews and sampling decisions should only be done by your most experienced evaluators. (See Appendix B and C for sample preparatory letters and memoranda.)

It helps to obtain one or two sample court files before each visit. This preview makes it possible to refine the file review instrument before coming on site.

It is also important to speak directly to the persons who will pull the case files before coming on site. These persons need to thoroughly understand the reasons for the case file review and the precise sample of files that are needed. Without this advance work, there is a greater risk that a complete set of files will not be available by the time of the visit.

Background Study Prior to Local Visit

Persons supervising the site visit should have a strong background in state law and procedure in child abuse and neglect, foster care, and related adoption cases. Send a request to your local court prior to your site visit for the following documents. Even if you have explained by telephone, also send a cover letter or memorandum explaining the study. Besides the memorandum, it is helpful to include a chart listing issues to be studied and sources of information. This chart should be the one currently used to summarize the state study. For an example of such a chart, see the "Blueprint " form in this manual.

The following is general (not site specific) legal information that should be reviewed before beginning a site visit:

- (a) State statutes addressing the following topics:
 - (i) Organization of the juvenile court;
 - (ii) Jurisdiction of the type(s) of courts handling child protection litigation;
 - (iii) Position in the judicial hierarchy (general or special jurisdiction);
 - (iv) Appeals: retrial or appellate review from the court record;
 - (v) Neglect and abuse proceedings;
 - (vi) Termination of parental rights; and
 - (vii) Adoption.
- (b) State court rules, if any, addressing the following topics:
 - (i) Neglect and abuse;
 - (ii) Termination of parental rights;
 - (iii) Adoption; and
 - (iv) Case law from state appellate courts clarifying: federally-mandated foster care reforms, judicial authority over case planning, placement, and services.
- (c) Memoranda (if any) from the administrative office of state courts regarding procedures, staffing levels and qualifications of juvenile court staff, calendaring, and data keeping.

Besides reviewing the above, obtain written information about each site. Send a written explanation of the study and a list of requested documents to your local court prior to your site visit. This communication is important even though you will also have explained the study and your need for the written information by telephone. (See Appendix B for a sample list of documents to request and an accompanying memorandum explaining the study.) Besides the memorandum, it is helpful to include a chart listing issues to be studied and sources of information. For example, if you customize the Blueprint, as recommended above, you can share it as a list of issues, perhaps deleting the third column, which lists data collection instruments.

Next, follow through on the written request to make sure that you have the information listed at least two weeks before your initial site visit. Finally, study the information provided and use it to modify your interview questions in preparation for your local site visit. You may want to simply pencil in changes for each site.

C. On-Site Interviews

In-person interviews are a key part of local court studies. The most important factor in the quality of the interviews is the interviewer's expertise. Your information will be only as good as the interviewers; therefore, avoid using interns and volunteers to conduct them. Obtaining the most accurate interview results also requires careful preparation for interviews, as well as a methodical method for sorting through and analyzing interview results.

Interviews are an integral part of a study of state court operations. Interviews give context and depth to information obtained through other methods such as questionnaires, file reviews, and court observations. They can be particularly useful in explaining why things are working (or not working) as they should in the court system. For example, in one state, interviews helped make it clear exactly why timely hearings were not being achieved in many cases. These reasons included:

- Courts are still confused as to why these hearings are being done and when they should occur.
- Court dockets are crowded and hearings cannot be scheduled in a timely fashion.
- Attorneys are asking for and getting hearings reset based on their schedules or they request longer contested permanency hearings.
- Caseworkers fail to consistently differentiate between foster care review board and court review requirements.
- Children are returning home, then reentering care, creating confusion in tracking.
- There are delays in getting legal representation.
- New ASFA-related timelines created internal tracking problems as processes are continually being revised.
- Almost all of the responding supervisors stated that the data being reported is inaccurate and that input is a problem.

Preparing for Interviews

There are several key steps in preparing for state court self-assessment interviews: (a) composing supplemental interview questions; (b) deciding who is to be interviewed; (c) adapting interview questions for different categories of persons to be interviewed; (d) pilot testing the interviews; (e) sending out the questions in advance of interviews; (f) training the interviewers; and (g) scheduling interviews.

Preparing Interview Instruments

The first stage in preparing for interviews is to compose an overall list of questions. Ordinarily, this list would be prepared from scratch, based upon an outline of study topics. However, assuming courts will begin with sample instruments that were developed for their initial assessment and from other sources, the logical next step will be to develop supplemental questions that are not already covered (or covered sufficiently) in those instruments.

The process for developing interview instruments should be analogous to the process for developing questionnaires. Develop a comprehensive list of questions from your original instruments, perhaps starting with your instrument for judges' interviews and then adding some questions from others. Then use your customized Blueprint, your summary of the original assessment and recommendations, your state's CFSR results, and your list of changes in state and federal law to modify the list of questions. Of course, the list of interview questions should be much less extensive and less specific than your list of questions for the questionnaires.

After you have prepared a comprehensive list of interview questions, delete and modify the wording of questions appropriately. As with the questionnaires, some additional questions probably will come to mind for the interview instrument.

Field Test Interview Instruments

After the questionnaires are completed but before they are actually used, send them out for comments by participants similar to the study population. For example, ask several judges to review the judges' survey instruments and send comments. After receiving their written comments, call each person to discuss them. Typically, conversation will bring out helpful observations not included in the written comments. Then make whatever revisions seem called for by the written and verbal comments.

Sending Out Questions In Advance of Interviews

You will receive more careful and thoughtful responses during interviews if you send out the questions in advance. Doing this also helps ensure that the person to be interviewed remembers your appointment and sets aside enough time to answer all of the questions. Generally, it is a good idea to mail or fax the questions a few days in advance of the interview, so that the respondents will have enough time to read them over, yet the questions are unlikely to be lost or become stale. (See Appendix C for a sample memo to persons to be interviewed.)

Training Interviewers

Interviewers need to be senior-level professionals who understand state laws and court processing, and who can ask open ended questions without influencing interviewees to answer questions in a particular direction. To insure consistency across interviewers, your identified chief evaluator should conduct the training of all interviewers (preferably in-person, but it can be done by telephone if the costs are prohibitive). The purpose of the questions and the anticipated range of responses should be discussed, and the trainee should then "role-play" the instrument with the trainer to insure that he/she understands the instrument.

Scheduling Interviews

Interviews should be scheduled in advance, and sufficient time allowed to travel to the designated interview location and to conduct the interview. Allow additional time in case the respondent has questions or needs a longer time to contemplate answers than the "average" respondent.

Conducting and Recording Interviews

Generally speaking, it is not a good idea to tape record and transcribe interviews. Too much disorganized and irrelevant material appears in recorded interviews and interview transcripts are usually too lengthy to analyze. In addition, being recorded may inhibit the person being interviewed from providing frank and candid answers to questions. A better approach is to take complete notes and later prepare an interview summary.

Prepare the interview summary shortly after the interview (at most, within 48 hours) while the interviewer's memory is fresh. Depending upon personal preference, the interviewer may dictate or type the interview summary. Dictated summaries are often more detailed. (See Appendix D for instructions for transcription of interview notes.)

After the interview summary has been completed, to help ensure accuracy, send the summary to the person interviewed. (See Appendix E for a sample memo and merge letter requesting corrections.) Any corrections can be incorporated into the summary by secretarial staff. (See Appendix E for sample instructions to support staff for making corrections).

Occasionally, persons make "political corrections" in the summaries. It is therefore helpful to ask secretarial staff to use the computer to highlight both added and deleted text. Later, when analyzing interview summaries, it is possible to observe when answers have been changed.

D. Focus Groups (Group Interviews)

Focus groups, as discussed above, are intended to be interactive and draw upon the experiences of the participants. They can sometimes bring out information that wouldn't come out in an individual interview. They also can be useful when many separate interviews would be impractical.

Focus groups can be a nice complement to questionnaires and interviews, because they present the opportunity to generate discussion among the participants. Building upon the mutual experiences of those who work on child abuse and neglect cases may produce different responses than individual interviews due to the interactive nature of focus groups.

A word of caution: generally, you should not conduct focus groups with line workers and their bosses together as this practice inhibits candid answers. For example, if you want to capture the experiences of CPS workers in child abuse and neglect cases, you would not want to interview caseworkers in the same focus group with their supervisors. There would be a natural reluctance to criticize actions of supervisors by caseworkers if they are in the same group or for caseworkers to acknowledge they cannot meet required timelines, because they have unmanageable caseloads.

Focus groups of consumers (such as parents or foster parents) may be particularly helpful. As an example, in Iowa's 1996 assessment, focus groups with family members involved in abuse and neglect cases revealed that they (a) were often confused about what was happening in the case; (b) felt uninformed about the court process and court decisions; (c) were not adequately informed by their attorneys about what was happening in the case; and (d) sometimes viewed their relationship with the agency as adversarial.

E. Court Observations

Court observations are an important means to gather information during intensive site visits. Court observations can reveal information not easily captured by other means. They allow the researcher to observe the environment in which hearings are held. Is it difficult to hear what is going on? Are several people talking at once? Are hearings rushed? Is there ample seating? Are people coming and going disruptive to the hearings?

We recommend that more than one person conduct some of the observations. First, it is helpful to conduct the initial observations for training purposes and to ensure the reliability and validity of the information collected. Second, it is helpful to jointly conduct at least a sampling of further observations together in order to maintain quality control.

Court observations can be conducted in small numbers, in order to make general observations about the hearing process. These observations can be followed up by interviews to find out whether things observed are typical. For example, if an observer notices that certain court staff is present in court during hearings, the evaluation team can find out during interviews whether or not this is standard practice.

Alternatively, court observations may be used to gather objective data. For example, in Iowa's 1996 assessment, observations revealed that non-contested review hearings generally lasted three to seven minutes, which resulted in a recommendation that more time should be spent on hearings. Observations also revealed that two practices help produced these very short hearings. Extensive use of "hallway conferences" and/or "in-chamber conferences" had reduced the amount of in-court hearing time. For example, when 30 minutes were scheduled for a review

hearing, generally 20 minutes of the scheduled court time were spent in the hallway or judge's chamber discussing the case rather than in the courtroom. The remaining time was spent in the courtroom entering the decision on the record.

If court observations are used for gathering data, there are several reasons for special caution. First, it is not scientifically sound to combine data from observations at different courts, because observations from only selected courts do not scientifically represent the entire state.

Second, even to gather court observation data that is valid from a particular court, it is necessary to observe a certain number of hearings. That is, it is necessary to observe enough hearings of each type to be statistically valid (based on the total number of hearings in a particular court over a set period of time) before the data can be said to accurately report what goes on in that court.

Third, if more than one judge in a particular court hears dependency cases, then the proportions of hearings observed and counted should reflect the proportion of hearings presided over by each of the different judges.

Fourth, if the reassessment seeks to compare results from the original assessment and the reassessment, it is essential that court observation data be collected in the reassessment in the same manner as it was originally.

On the other hand, if court observation is solely for purposes of illustration – to vividly describe different types of court practice or to be combined with interview results, these technical problems in the use of court observation data do not apply.

Court Observation Instruments

Proceedings of all types may be observed in juvenile court child abuse and neglect cases, and there are court observation instruments that capture the events at hearings. For any given hearing, however, some questions will be applicable and others not applicable.

It is most efficient to prepare separate forms for each type of hearing. Start with a general and all-inclusive instrument and then adapt it to each hearing. For hearings in which particular questions are not applicable, delete the questions. Add any special questions that apply to a particular hearing type. Include both closed-ended questions and spaces for general observations and comments. Such modification and adaptation must be based upon what issues and activities are relevant to each type of hearing under state law. The advantage of separate instruments is they are shorter and will include only those specific issues that, under state law, are pertinent to the hearing.

Guidelines for Court Observations

General Guidelines:

- If possible, find out about each hearing in advance – i.e., the names of the parties and attorneys, and the subject matter to be addressed. This information will make observation easier and more accurate.
- Review the instrument carefully before observing a hearing.
- Pilot test the instruments.
- Use more than one observer for certain hearings as explained above.
- Complete a separate instrument for each hearing observed.
- As the hearing begins, fill in the case number and complete questions about when the hearing began, the type of hearing observed, and who was present.
- The observer should take down as much as possible describing what each person said at the hearing. Not only should key statements be noted, but also who said them. One alternative to first-hand observation of each hearing is to obtain audiotapes. If the hearings are brief, it may be practical to obtain transcripts. The use of transcripts also helps assure that the hearings are not affected by the observer's presence.
- Complete the instrument as soon as possible after the hearing (within a day), using both the written notes and memory to answer the questions.

Training Court Observers

Observers should have expertise in the juvenile court process, reasonable efforts, various types of hearings, and the activities of all parties to a case. The more "factual" the information on the observation form (such as the times of the hearing and who was present), the less senior the observers must be, but when judgments are included (such as the competency of the parties or the relevance of an issue), senior attorneys should conduct the observations. Training should be conducted in the courtroom. Both the trainer and trainee should complete several forms for the same case, and then compare their observations to test the observer's reliability.

F. File Reviews

In most states, file reviews are still the only precise means to measure the timeliness of court proceedings. What people think and say about timeliness may be contradicted by examining what actually happened when you review case files. However, it can be extremely time consuming and tedious to review files. As with other data collection, it is important for comparison purposes to collect the same types of data that were collected during the original

assessment. It is permissible, on the other hand, to collect additional data from files that can enhance the analysis.

Prior to Data Collection

Before beginning to use the file review instrument for judicial case files, try to get a copy of a file or two before visiting the court. Refine your form based on the experience with those files. Before the visit, also talk to a knowledgeable person from the local court system. This person should explain the organization and content of the files, and how they are maintained. Be sure not only to talk to the supervisor, but also to the person who will be actually pulling the files.

When you first come to the site, follow up on those conversations to make sure that your instructions were understood and followed. Plan to spend a good deal of time going through sample files and begin by letting this person explain a sample file before attempting to use the form. Because the organization and content of records and the terminology used may vary within a state, this instrument should be field tested in different regions and changed to reflect regional differences as necessary.

Data Collection Instructions

Complete one instrument per case. In most courts, forms should be completed only for recently closed cases. The number of cases reviewed should be sufficient to provide an accurate profile of the cases in the court system. For best results in a larger jurisdiction, you should collect a sample of the 100 most recently closed cases. For larger jurisdictions, this sample may easily be pulled from the current caseload. Smaller jurisdictions, however, may require the data collector to go back several years to pull a similar sample.

Pulling the sample may be complicated by several factors, and they need to be kept in mind as you plan the sample selection. If there has been a substantial change in the law or procedure in that jurisdiction, it is imperative that the cases reviewed were all filed under the same set of laws/procedures. You may have to sacrifice the size of the sample for consistency.

A second issue raises more challenges. Although we generally recommend sampling from the most recently closed cases, this method may work best for the Termination of Parental Rights (TPR) proceedings. To examine what happens up to and including disposition (e.g., the time from petition to adjudication), recently closed cases may be too old to be accurate. Therefore, if termination of parental rights typically takes more than two years from the time cases open and there is reason to think that practices during the early stages of litigation have changed, it may be necessary to select one-half your sample to include cases that are open but where disposition has recently occurred. These two types of proceedings may be incorporated into one file, of course, or you may have to pull two separate samples. If your jurisdiction has enough cases, you may be able to pull 50% TPR and 50% adjudicated case files for review. If your jurisdiction is smaller, you may need to change the proportion.

Also be aware whether cases in your state are handled in different courts for adjudication versus

TPR proceedings. If so, in cases involving TPR you probably will have to retrieve information from both courts to accurately complete the data-collection instrument. To accomplish this task, you probably will need to make arrangements with both courts well in advance of the visit.

If a file includes court proceedings affecting more than one child, select one child and answer the questions that apply to that child only. That is, include court proceedings with respect to that child only. Select the child randomly. For example, consider choosing the child whose first name is first in alphabetical order.

If a case was transferred to another court for termination of parental rights or adoption proceedings, use both case files in completing this form and consider both as constituting one case. Similarly, if the case remained in one court but resulted in termination of parental rights and there is a separate file or case number for the termination case, use both files in completing this form and consider both as constituting one case. If there is more than one case number, list each one.

However, if a *single* court file includes both an earlier and a later closed case involving the same child, disregard the records of the earlier proceeding in completing this questionnaire. Deal only with the most recently closed proceeding.¹

Training Data Collectors

It is often very useful to employ court clerks from neighboring courts (after their normal business hours) or agency interns to help collect information from files since they are already familiar with their content. Not only does it save money, it helps ensure the collection of reliable data. The evaluator should train the data collector by reading through several files and collecting the information together. Next, allow the trainee to compile the data for a number of cases and "double check" their work to make sure there is a clear understanding of how to complete the file collection form.

G. Court Docket or Calendar Sheets

Reviewing court docket sheets (also known as "calendars" in some courts) is a good way of comparing actual times to scheduled times, and to learn more about waiting time, length of hearings, and bench time. These court-based, computer-generated sheets can save you time, but

¹*Example Number One:* Assume there was a petition or complaint filed several years ago that eventually was dismissed. More recently, a new abuse petition was filed which resulted in the termination of parental rights. In this case, include only the proceedings following the second abuse petition.

Example Number Two: Assume in another case that several years ago an abuse petition was filed and resulted in the child welfare agency taking custody of the child. Later the child was returned home and the court's involvement ceased. More recently, the process was repeated. Again, in this case, include only the proceedings following the second abuse petition.

you may wish to verify that they, in fact, accurately reflect actual times. In the alternative, this information may be gathered during court observation. Make sure to access court personnel to fill in the gaps.

H. A Less-Intensive Alternative

Some states may select more than five sites for in-depth study. For such states, using the computer to help sort out information from interviews may be prohibitively expensive. A less-intensive method is possible. However, it is also less thorough and may not be as accurate as the assessment conducted with fewer sites, both in terms of statistical validity and in terms of the depth and comprehensiveness of the description.

For example, personnel conducting the assessment may not have time to send back interview summaries for correction or to do a computer code and sort to facilitate sifting through the information collected. In fact, if a larger number of sites are being studied and the information collected is not extensive, the computer sort may not be necessary.

Summary of less-intensive site studies

The following are suggestions for relatively quick site visits. First, plan to prepare a brief written description of what you will learn from each site, probably from five to ten single-spaced pages each, depending on the number of sites to be visited. Figure out in advance what you want these brief descriptions to include.

Second, before visiting the sites, prepare a short narrative outline of what is to be covered in each site description. Give this outline to the people conducting the site visits, along with the instruments. The instruments should cover the same types of information that are set forth in the outlines.

Third, if possible, prepare the written description of the first site visit before doing others. Do a relatively thorough job of conducting the first visit and preparing the description. Actually, this suggestion applies to any site visits. It is important not to schedule site visits too closely together.

Fourth, fax the full written description of the first site visit back to the key persons interviewed, to allow them to make corrections as soon as a draft is completed. Give them only a few days to make corrections. (On subsequent site visits, mail the descriptions back, since there will not be as much of a rush.)

Fifth, if possible, finish the complete written description before visiting subsequent sites.

Sixth, provide copies of the description of the first site to the persons conducting the later site visits. This copy will give them a sense of what their work product is supposed to look like. A sample is always valuable.

Appendix G is an example of a site summary outline based on one we helped prepare for Georgia.

In many states, assessment reports did not include detailed descriptions of individual sites. Rather, information from particular sites was incorporated to provide examples into the discussion of different topic areas. To make this possible, there should still be site descriptions. They can then be recombined according to each topic, i.e., findings about legal representation can later be separately described for each site, which will make it easier to incorporate this information in the general discussion of legal representation.

I. Budget

In planning and conducting your reassessment, be mindful of what resources are available to carry it out. Avoid the common mistake of collecting more data than you can analyze, not leaving enough time for preparation of the final report. Keep in mind the amount of money you have to spend to avoid running out of money before producing the final report (which is very time consuming) and the recommendations that flow from the findings. Finally, plan to spend substantial time receiving comments, making revisions, and waiting for final approval.

V. ANALYSIS OF DATA

Your report needs to include information gathered from all sources used for this project. If you use interviews, surveys, court observations, files and data available in the court system, your report of all this data can be rich and comprehensive. The best time to plan data analysis is *prior* to collecting the data. Otherwise, you may collect more data than you have resources to analyze, or the data collected may be too inconsistent to provide opportunities for sound quantitative, or qualitative, analysis. Prior to the collection of your data, consider carefully what the analysis will look like. If your court staff is unfamiliar with social science analytical methods, it would be wise to work with an independent evaluator *before* designing data collection instruments and *prior* to collection of any data (as mentioned earlier, graduate students from local universities may be a good, inexpensive resource to help in the development of the analysis plan).

The first consideration in analyzing the data at hand is related to whether the data collected is quantitative or qualitative. Qualitative data means information in narrative form, such as phrases, sentences, or paragraphs. Qualitative data results from “open-ended” questions that do not require the person questioned to choose among alternative answers, but rather invite the person to compose an answer in narrative form. The following is an example of a question calling for a qualitative answer: “Do you have any suggestions for improving the court’s handling of child abuse and neglect cases?”

Quantitative data means information that can be captured in numerical form, based on questions that require a number or a choice among alternatives. The following are examples of questions calling for quantitative answers:

1. Does your court have an alternative dispute resolution program for abuse and neglect cases? Yes No.

2. Please estimate the percentage of time in an average week (40 hrs) you spend on the bench hearing child abuse and neglect proceedings. [%]

3. When cases are set for a time certain, what percentage is called within 15 minutes of the scheduled time?

0-20%	21-40%	41-60%	61-80%	81-100%	
Seldom	Sometimes	Often	Typically	Nearly Always	N/A

In example one, the answer may be captured numerically, by assigning a number for yes and another for no. If “yes” is counted as one and “no” as two, the answers can be tabulated and computed.

In example two, the percentage may be entered as a number. Based on the answers to the questions, it is possible to compute, for example, the mean and median answers.

In example three, a numerical score can be applied to each alternative answer. If “seldom” is 1,

sometimes is 2, often is 3, typically is 4, and nearly always is 5, the answers from 1 to 5 can be averaged. If the answer is N/A (not applicable), the computer can determine the percentage of answers that were N/A.

Typically, surveys (questionnaires) include mainly quantitative data (with sometimes some qualitative data), whereas interviews and focus groups commonly contain mostly qualitative data. Court observations and file reviews may include either, or both, types of data.

A. Methods of Data Analysis

As mentioned earlier, the first question for analysis is whether you are analyzing qualitative or quantitative data. Quantitative and qualitative techniques provide a tradeoff between breadth and depth and between generalizability and targeting specific (sometimes very limited) populations. Data collected through quantitative methods are often believed to provide more objective and accurate information because they were collected using standardized methods, can be replicated, and, unlike qualitative data, can be analyzed using sophisticated statistical techniques (such as Multiple Regression). Qualitative methods are known to be most suitable for formative evaluations (a method for judging the worth of a program while the program activities are forming or happening; it focuses on the process), whereas summative evaluations require "hard" (quantitative) measures to judge the ultimate value of the project.

Quantitative Data

If particular data are quantitative, there are various ways to analyze it beginning with simple descriptive analysis such as means (average score) and medians (middle score); frequencies (number of times that this answer was provided); or crosstabs (crosstabulation is used to display the common distribution of two variables); and concluding with more sophisticated types of analyses such as multiple regression (complex correlations of different answers) or analysis of variance (Analysis of Variance is a method for testing hypotheses about means; it is a statistical technique for analyzing data that tests for a difference between two or more means by comparing the variances within groups and variance between group). What descriptive statistics you report depends on the nature of your data. You may wish to provide means (averages) and standard deviations (showing the range of answers) or you may wish to provide medians (middle scores) and semi-interquartile ranges (e.g., top 10% and bottom 10%). However, it is important to report both measures of central tendency (such as means or medians) and measures of spread (standard deviations or semi-interquartile ranges), as these two types of statistics provide different information.

Qualitative Data

Qualitative data is varied in nature, and includes any information that can be captured that is not numerical in nature. It focuses on subjective data that is not easily coded into numbers. The emphasis is on words and descriptions rather than numbers. Qualitative research tends to work with fewer respondents but allows a deeper and more complex understanding of issues.

Triangulation

One of the most commonly used methods to analyze both quantitative and qualitative data when you have obtained information from various sources is called “triangulation.” Triangulation means using multiple sources and/or methods to ask the same or similar questions. The purpose of triangulation is to avoid error and to obtain more valid answers to questions.

The theory of triangulation deals with the integration of methods and approaches as a means to improve evaluation studies. In evaluation research, triangulation in general means the employment of multiple sources of data, observers, methods, and/or theories in investigations of the same phenomenon. Triangulation requires a wide variety of evidence, i.e., data.

Triangulation in reassessments means not using data obtained only from one source (for example, from court observations), but rather using multiple forms of diverse and redundant types of evidence such as court observations, questionnaires, interviews, file reviews, data from court information systems, etc. These varied sources of data are used to check the validity and reliability of the findings. Triangulation is popular among social scientists because relying on only one form of evidence may reduce the validity of the findings.

Note that the decision whether to use triangulation and, if so, how much, can vary depending on the specific research question. Trained social scientists can help you determine when and how to use multiple sources of information to answer particular research questions. By considering the population you are surveying/interviewing, their interests, the strengths and weakness of each of the approaches you are considering, and your goals in conducting the research, you can develop a multi-faceted approach that will provide a great deal of information. Additionally, in gathering that information using different methods, you minimize the errors from any one method and increase your confidence in the data you have gathered.

B. Analysis of Questionnaires

Preparation of a codebook, coding of data, and data entry are preliminary steps that must be taken before the answers to the questionnaires (data) can be analyzed. A codebook is a written document that defines the meaning of the coded responses, giving a numerical representation to response categories (e.g., when coding the response to "How many new cases did you file last year?", 1=0-50 new cases, 2=51-100 new cases, 3=101-150 new cases, etc.). It ensures that answers are interpreted consistently by everyone carrying out the coding function and is useful later on in clarifying how the answers to questions were interpreted and classified.

Coding of data means preparing information gathered from the questionnaires for computer analysis. Typically, this coding is done by converting answers into a simple numerical format that can be answered by the computer. For example, in questions requiring a "yes" or "no" response, the convention is to code "yes" responses as "1", "no" responses as "2", “not applicable” responses as “3”, "don't know" responses as "8", and unanswered questions as "9". Similarly, when there are multiple-choice questions, answers need to be converted into numbers for computer analysis. (To the extent possible, questionnaires should be "precoded," for

example, by printing the number "1" on the questionnaire next to all "yes" response categories. Precoding reduces the cost of coding.)

Answers to questions that are limited to "yes", "no", or other multiple-choice answers are preferred for questionnaires, because they provide uniform responses that can be directly entered into the computer for analysis. This limitation saves time for those filling out the questionnaires, saves money, and greatly simplifies the process of analyzing the answers.

The disadvantage of these types of "closed-ended" questions is that the question may fail to elicit complete responses, such as would be received to "open-ended" questions. As a rule, "closed-ended" questions should be used when you know in advance the range of responses you want to include in your analysis; use "open-ended" questions when you are seeking explanatory answers or when you are asking questions about which you are not confident in predicting the potential range of responses. If you are fairly confident about the range of responses, you might close end the responses, but leave room for an "other" response for the respondent to add an answer you omitted. To obtain open-ended answers, we recommend that you seek answers from face-to-face interviews, as discussed below.

Note that "open-ended" questions, where the respondent is asked to fill in the answer rather than to choose from a set of alternatives, also must be coded. The most commonly used statistical packages are SPSS and SAS. These packages allow the data entry person to input the open-ended responses in a "comment" section of the database. These responses can be used in a description fashion to explain "closed-ended" responses. When comments are provided, the best way to analyze them is to review and see if there are commonalities among these comments, then list them by frequency of reporting and indicating how many responses were obtained from each type.

Another way to handle the data is to create response categories and collapse categories as necessary. (For example, responses to the question "What problems have you observed during neglect hearings?", may result in answers such as "Lawyers are unprepared," "Hearings never start on time," and "There are a lot of delays during hearings." Category 1 could be "lack of preparation" and category 2 could be "delays." In our example, the second and third responses would be coded as a "2", for "delays.")

It is recommended that the coded questionnaires be entered into a social science statistical software packages such as SPSS or SAS. Your local university can be very helpful in identifying students who might help with the analysis if you are using local court staff unfamiliar with this type of software. Sometimes analysis costs can be greatly reduced, or minimized, if you can locate a graduate student who is willing to conduct the analysis for free in exchange for the right to use the data for a thesis or dissertation.

The report setting forth the results of the analysis should begin with a descriptive study of the answers to each of the questions, i.e., a frequency should be run on each of the questions (showing the range of answers); percentages need to be calculated, depending on the question asked; and scales may need to be calculated for ordinal level responses (for questions that have

responses such as a “1” that equals “always” and “5” that equals “never” in response to a question). Following your review for each question, you should consider analyzing the differences in the responses between the professionals involved in the court process (e.g., judges, attorneys, child protective service workers, and so on); differences in responses between courts of varying sizes across your state; differences in responses between rural and urban courts; and any other variables of specific interest in your state.

There are a number of statistical measures that can be used to interpret the significance of any observed differences, and it might be wise to consult with a methodologist or statistician to help select the most appropriate measures for your analyses. More specifically, although some differences might be found between the responses of certain groups, this difference might not be significant enough to yield any real differences in the responses.

Once you have examined the variations in the responses, you should consider exploring some promising correlations (associations) between two or more questions, using the appropriate measure (e.g., “cross-tabulations for nominal data” or “correlations/regression for ordinal data”). The analysis should be presented in a written report that includes summary tables and a narrative discussing the meaning of the findings.

Note that correlations can be conducted only when using the same scales in the questions that being analyzed. For example, if one question includes a scale of 1 to 3 where “1” = “very satisfied”, “2” = “somewhat satisfied,” and “3” = “not satisfied,” you can correlate it only with questions that include the identical scale. You cannot make correlations with questions that have a scale of 4 where “1” = “extremely satisfied,” “2” = “very satisfied,” “3” = “somewhat satisfied,” and “4” = “not satisfied.”

One example of an interesting correlation uncovered during an assessment comes from New Mexico. New Mexico questionnaires asked two sets of questions that were correlated, such as (1) the categories of attorneys representing parents and children, e.g., attorneys appointed from lists and attorneys who had entered into contracts with the court; and (2) the activeness of such attorneys, e.g., how thoroughly they prepared for hearings and what they did or did not do during hearings. Correlating these two sets of findings, the assessment found that, in a number of specific ways, “contract” attorneys were significantly more active in their representation than were attorneys who were appointed from lists.

C. Analysis of Focus Groups and Individual Interviews

It is equally important to develop a systematic way to compare and analyze the results of focus group and individual interviews. It is not realistic to trust memory to provide an accurate summary of what the various persons interviewed said on each specific topic. Further, unless only a few people (e.g., two or three) were interviewed, it is impractical to sort through interview summaries to obtain that information. Therefore, to make sure that all responses to interviews will be accurately reported, it is necessary to somehow organize the contents of interview summaries.

We recommend one of two approaches to methodically sort out what each group said on each subject. Both are called "content analysis." To do very rigorous content analysis, there are a number of computer programs (such as N6 by QSR International, www.qsrinternational.com), but they are costly and require some training to gain efficiency in their use. These programs can make it possible to determine what each participant in a focus group said on each topic.

A second and simpler approach to content analysis is as follows. Each person preparing a summary of an individual interview or focus group interview should write up and organize the answers into a predetermined set of topic areas. An administrative assistant then should rearrange all of the interview answers on each topic area so that, for each topic area, the answers are arranged together in a single document. This single document should not only include what everyone said, but should indicate who said what. Using such a document assembled from interview summaries, one can easily and accurately report the overall results of interviews.

There should be a separate content analysis of interviews for each site. Even assuming the final assessment report does not include separate summaries from each site, it is helpful to prepare them to understand the differences between the sites that were visited. By doing a separate content analysis of interviews for each site, it will be possible to compare and contrast, for example, the nature of legal representation and caseload management among the different sites visited.

D. Analysis of Court Observations

If hearings are being observed to collect systematic, uniform data, then there must be procedures for the rigorous collection and analysis of data. These include the preparation of a codebook, coding of data, and data entry, all of which are preliminary steps that must be taken before the data can be analyzed. A codebook is a written document that defines the meaning of the coded responses, giving a numerical representation to response categories (e.g., when coding the response to "Was the primary caseworker present at the hearing?," "1" = yes, "2" = no). It ensures that answers are interpreted consistently by everyone carrying out the coding function and is useful to clarify how the answers to questions were interpreted and classified.

Coding of data means preparing information gathered from the observations for computer analysis. Precoding of the observation sheets is highly recommended as it greatly reduces the cost of coding and encourages you to think about the analysis plan. The analysis should follow the general design described in *Analysis of Focus Groups and Individual Interviews* at the end of Section C above.

E. Analysis of File Reviews

Like the questionnaires and court observation forms, the data needs to be coded, entered, and analyzed using a statistical software package as previously discussed. Since an important piece of information you want to capture is the amount of time that elapsed from one court event until the next, take care in entering "date" data in the easiest form for analysis. Dates should be entered as follows: year, month, day (20040827), since most software packages can calculate time from one event to the next **if** dates are entered in this fashion.

APPENDICES

APPENDIX A: EXCERPTS FROM THE 2003 CIP PROGRAM INSTRUCTION

Re-assessments

In many States, initial assessments to comply with Court Improvement Program requirements were completed as early as 1995 and 1996. State courts must conduct a re-assessment to update their earlier findings, particularly in light of the ASFA requirements, the States' implementation of ASFA legislation, and the CIP reform efforts. States courts must also update their assessments to incorporate the strengths and weaknesses related to court system practice and procedures reflected in the final reports of the State child welfare agency's CFSR and the title IV-E foster care eligibility review.

States which have conducted a follow-up assessment to the first CIP assessment prior to issuance of this Program Instruction may satisfy this re-assessment requirement if the follow-up assessment:

- Meets the purposes in Section 438 of the Social Security Act and the requirements of this Program Instruction;
- Has been completed within the past three years; and
- Incorporates the results of any statewide assessment, final report and program improvement plan (PIP) completed in connection with a CFSR or title IV-E foster care eligibility review, or the State provides an assurance that it will be revised to include such results from future reviews.

Implementation of Court Improvement Recommendations

States courts are expected to work on court improvement in collaboration with those who share responsibility with the judiciary for providing care, representation and protection for children removed from their homes. These should include the following:

- Representatives of the State child welfare, health, mental health, and substance abuse agencies;
- Juvenile and family court judges;
- Tribal court representation, or an individual with ICWA expertise;
- Representatives of the foster care citizen review board, if any;
- Defense attorneys;
- Court-appointed special advocates (CASAs);
- Guardians *ad litem*; and
- Attorneys who represent child welfare agencies.

Because of the importance of judicial leadership, we encourage the Chief Justice (or his or her judicial designee) to serve as chair of any advisory group or task force formed to implement court improvement.

States must address the most crucial court reform issues that will improve the safety, well-being and permanency of children in foster care, and strengthen the legal and judicial system's areas of weakness identified in the CFSR and title IV-E foster care eligibility review. These issues include:

- Improving judicial competence and skills and identifying and supporting judicial leadership for dependency issues;
- Limiting workloads to allow timely and well-informed judicial decisions through increases in personnel or resources, reductions in numbers of case reviews mandated by State law, or any other changes needed to enable the courts to effectively manage their caseloads;
- Developing automated information systems to track cases and measure performance, including the collection and dissemination of additional data or information, and the establishment of links with other child welfare information systems in the State, such as the Statewide Automated Child Welfare Information System (SACWIS), to improve decision-making in the courts;
- Institutionalizing stronger links with child welfare agencies, tribal courts, and community programs (including faith-based programs) to improve the coordination of services for children;
- Encouraging communication between, and cross-systems training of, court and agency personnel including, but not limited to, judges, attorneys, social workers, administrators, and court appointed representatives of parents and children;
- Improving the amount and quality of legal representation for children, parents and agencies; and
- Giving fairer treatment, notice, and consideration to all parties before the court.

Requirements for the Re-assessments

The re-assessments shall examine the current strengths and challenges of the dependency court system, building on the results of the State's initial CIP assessment and any evaluation conducted of subsequent court improvement efforts. The re-assessments shall be comprehensive and include the areas studied in the initial assessment as follows.

The re-assessments shall examine the effectiveness, timeliness, and quality of proceedings that determine:

- Whether to assume court jurisdiction over children;
- Whether the child should be reunified with his or her family;
- Whether to utilize out of home placement;
- Whether to terminate parental rights;
- Whether the permanency plan for the child should be reunification, adoption, legal guardianship, or placement with a fit and willing relative. If not, is there a compelling reason for an alternate planned living arrangement; and

- Whether independent living services are provided to a child or youth up to age 21.

The re-assessments shall examine the effectiveness of State courts in carrying out related responsibilities for the protection of children under other Federal legislation, such as the Indian Child Welfare Act (ICWA) and the Child Abuse Prevention and Treatment Act (CAPTA).

These re-assessments shall, at a minimum:

- Identify rules, standards, and criteria imposed under State laws (including laws implementing titles IV-B and IV-E of the Social Security Act, laws relating to dependency, child abuse and neglect, and any other laws on related matters) designed to achieve safe, timely and permanent placements for children who are removed from their homes as a result of abuse/neglect or juvenile justice issues. Those laws should include laws applicable to judicial decisions concerning the placement of a child; determinations of whether reasonable efforts have been made to keep a child safely in his or her home; decisions approving the continuance of out of home placement for a child, or the child welfare agency's recommendation of reunification; termination of parental rights; and finalization of an adoption or other permanent placement.
- Identify procedures and rules, imposed by law or adopted voluntarily by the court system, addressing such matters as whether a proceeding should be administrative or judicial; timetables for proceedings; legal representation for all parties; provisions concerning the admissibility of evidence and the opportunity to present witnesses; procedural safeguards for parents, guardians, and children; and general rules for conduct of the proceedings. Procedures should include those for 12-month permanency hearings, the periodic (6-month) reviews where the court conducts those reviews, and notification of hearings and reviews for foster and pre-adoptive parents, and the procedures in place for filing for TPR after the child has spent 15 of the past 22 months in foster care.
- Evaluate the extent of conformity of the State court rules and practices with recommendations of national organizations concerned with the permanent placement of children such as *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* published by the National Council of Juvenile and Family Court Judges and the *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* approved by the American Bar Association.
- Evaluate the performance of the court system in implementing the State requirements described in the first two bullets above. In particular, this evaluation must assess:
 - The extent to which particular practices or procedures have been successful in facilitating compliance, or contributing to non-compliance, with those requirements;
 - The frequency and length of judicial delays;

- Whether there are limitations in available court time inhibiting the presentation of evidence and the making of arguments;
 - The extent to which parties and attorneys actually present witnesses, introduce evidence, and make pertinent legal arguments;
 - The functioning and quality of case tracking systems;
 - The extent to which court caseload size and resource limitations affect judicial performance;
 - How often parents and children have legal representation and the adequacy of such representation; and
 - The quality of treatment of all participants in the system (children, parents, foster parents, social workers, etc.).
- Assess: (1) the performance of courts and the degree of collaboration with the State child welfare agency as reflected in the statewide assessment, final report, and PIP resulting from a CFSR; and (2) the sufficiency of judicial determinations in court orders as reflected in the final report and PIP resulting from title IV-E foster care eligibility reviews.
 - Assess the quality and adequacy of the information available to courts in child welfare cases, including agency reports, expert testimony, and basic information about the child and family.
 - Assess the extent to which particular requirements imposed on State courts, as described in the first two bullets above, facilitate or impede achievement of the program goals of titles IV-B and IV-E of the Social Security Act, including the ASFA goals of safety, well-being, and permanency of children in foster care.
 - Develop recommendations for court improvement based on the findings of the re-assessment.
 - Assess the extent to which particular requirements imposed on State courts, as described in the first two bullets above, impose significant administrative burdens on the courts.
 - Examine the effectiveness of the relationship between the State court system and any applicable tribal court systems, and compliance with the ICWA.
 - Develop recommendations for court improvement based on the findings of the re-assessment.

The re-assessment is an update of an earlier initial assessment conducted as early as 1995 and

1996 with particular attention paid to ASFA requirements, the States' implementation of ASFA legislation, the CIP reform efforts, the State child welfare agency's CFSR, and the title IV-E foster care eligibility review.

States that recently completed a re-assessment may be excused from the re-assessment *if* they have already conducted a follow-up assessment to their original assessment that (a) meets the purposes in section 438 of the social Security Act, (b) was completed with the last three years, and (c) incorporate the results of the statewide assessment, final report, and program improvement plan conducted under a CFSR or title IV-E foster care eligibility review or the State plans to incorporate such results from future reviews. States that believe that another re-assessment is not needed under the FY 2003 program announcement should check with their CIP monitor to ensure that have met the re-assessment requirement.

**APPENDIX B: SAMPLE MEMORANDUM EXPLAINING LOCAL SITE
VISIT AND SAMPLE LIST OF MATERIALS TO REQUEST**

M E M O R A N D U M

To: [Local Court]

From: [Name of Group Conducting Local Study]

Date:

Re: Explanation of Study and Request for Advance Information

We are grateful that your court is going to participate in our forthcoming study of judicial performance in child abuse and neglect cases. The purpose of this memo is to explain the study and to request information from you in advance of our visit.

About the Study

The [name of group conducting local study] is undertaking a study of the [name of court] in order to help develop new goals concerning the judicial performance in child abuse and neglect cases in our state. The purpose of the study is to learn how your court actually operates and then to describe the operations with accuracy and precision. It is hoped that this study and the study of at least [two more courts] will assist in the development of standards for the operations of state [juvenile] courts.

The methods that we will be using in our local study include interviews of judges and referees, court administrative staff, and advocates for all parties. It includes the review of court forms, documents, and statistics. It includes structured court observation and the review of case files.

The following "instruments" (structured forms) will be used in conducting the study: court observation instrument, court file review instrument, instrument for interview of presiding judge, instrument for interviews of court administrator and staff, instrument for interviews of judges or hearing officers, instrument for interviews of advocates, and instrument for interviews of agency administrators and staff.

We have enclosed a few pages providing a brief overview of the study. These pages include a brief description of key issues for study, sources of information for each issue, and the specific information sought regarding each issue. Realistically, it is not likely that every data source and every bit of information sought will be available.

About the Attached List

Before we conduct the visit, we want to be as well informed as possible concerning your local procedures. We would like to read about your procedures to help our questions be on target and to avoid unnecessary or repetitive questions.

To help us prepare for the visit, we would appreciate your sending us whatever materials are available that describe your local procedures and court process. We do not know, of course, exactly what materials you have. We have included the attached list to help you identify materials that may help us. We realize, of course, that in most courts many or most of the materials do not exist. Please also send us additional materials that we did not identify but may help us understand how you do things.

Next Steps

After we have received the written information requested in the attached list, we will use it to modify our study instruments (lists of interview questions, etc.) After we have done that, we would like to mail out copies of interview questions in advance of our visit. This advance mailing will give us a chance to think about the kinds of questions we will be asking and will help make the interviews more efficient. In order to send out the interviews, we will be contacting you to obtain names, addresses, and fax numbers of persons to be interviewed.

SAMPLE LIST: DOCUMENTS NEEDED FOR LOCAL SITE VISIT

- I. Local Judicial Rules and Policies
 - A. Local Court Rules, If Any, Addressing the Following Topics:
 - 1. Neglect and Abuse
 - 2. Termination of Parental Rights
 - 3. Adoption
 - B. Memoranda from the Court, If Any, to Attorneys Concerning Child Protection Litigation (Informal Equivalent of Court Rules)
 - C. Manuals and Desk Books, If Any, for Judges and Attorneys Specific to Child Protection Litigation (If Prepared by or Sponsored by State Courts or Local Courts)
 - D. Extracts from Agency Regulations and Manuals (Specifically Addressing Submissions to Court, Preparing for Court, and Behavior at Court)
- II. Local Forms and Accompanying Instructions
 - A. Court Forms
 - 1. Litigation Forms: Completed by the Parties and the Judge
 - 2. Forms Prepared by Court Staff: All Forms Prepared by Court Staff (e.g., Cover Sheets) and Appearing in Any Case Files Kept by the Court
 - 3. Other Court Management and Data Collection Forms, Not Appearing in Case File
 - B. Agency Forms--Related to Judicial Proceedings and Requirements
 - 1. Internal: Filled Out by the Worker in Preparation for or in the Contemplation of Litigation
 - 2. Litigation Forms: Filled Out by the Worker or Other Agency Staff and Submitted to the Court

III. Local Management Documents

- A. Memoranda of the Court, Governing Personnel, Calendaring, Data Keeping
- B. Organization Charts for Juvenile Court and Court Staff
- C. Job Descriptions for Court Staff
- D. Information and Guidelines Regarding the Appointment, Training, and Compensation of Counsel, Guardians ad Litem, and Staff for Foster Care Review Boards

**APPENDIX C: SAMPLE MEMO TO PERSON TO BE INTERVIEWED
(INTERVIEW QUESTIONS TO BE ATTACHED)**

M E M O R A N D U M

To: Persons to Be Interviewed

From:

Date:

Re: Upcoming Interviews for Site Visit to [Name of Court]

Thank you for agreeing to be interviewed at [specify time and place]. As you know, the [highest state court] has arranged with [name of organization] to conduct the statewide reassessment of abuse, neglect, foster care, and adoption litigation pursuant to the federal Family Preservation and Support Act. Our interview will be an important part of that reassessment.

I know that you are very busy and I appreciate your willingness to spend the time being interviewed. To make the interview more efficient, I am sending a list of questions. If you have time to review them in advance, it would make our interview time more productive. I want you to know that we consider your interview very important. We will prepare a written summary of the interview and give you a chance to make corrections. The information you provide will then be carefully collated with other information to help us to form a complete picture of how our courts operate.

We are interested in gathering objective information both concerning the strengths of our courts and needed areas of improvement. The results of the reassessment will be used to develop a statewide plan for court improvement in these cases.

**APPENDIX D: SAMPLE INSTRUCTIONS FOR TRANSCRIBER
OF INTERVIEW SUMMARIES IN COURT STUDY**

M E M O R A N D U M

To: [Name of Person Transcribing Tapes or Notes]

From: [Person Supervising Transcription]

Date:

Re: Format of Transcription, Preparing List of Interviewers

The transcription should be doubled spaced, with 1" margins, top and bottom as well as left and right. No special binding is needed, nor a sworn certificate of accuracy. Each interview should begin on a new page, as follows:

[NAME OF COURT] SITE VISIT

Interview of [Name]

[Date of Interview]

Please omit addresses and telephone numbers when I mention them on tape unless the information is different from or not included in the attached list.

If you cannot understand something on the tape such as when a word is cut off, please make your best guess if you can and mark off the text in brackets. If you can not understand a word please type out how it sounds to help me figure out what the word or words were.

On the other hand, if a word apparently is completely missing and you cannot guess, please mark the omission with brackets as follows:

"The court process begins with the [...] of the petition after the court clerk has first been notified."

As you are preparing the transcription, please make up a list of names, addresses, telephone numbers, and fax numbers for each person interviewed. Put them in a format compatible with a merge list for a letter and for mailing labels. You will need those later to send out the interview summaries for correction. You will need them both for addressing the envelopes and inserting the information into the cover letters. I will use the telephone and fax numbers for other communications.

If you have any questions about the dictation [notes], please call. If I am not in, please leave a detailed message on my answering machine. My telephone number is

**APPENDIX E: COVER MEMO AND SAMPLE MERGE LETTER
REQUESTING CORRECTIONS OF INTERVIEW SUMMARIES**

M E M O R A N D U M

To: [Name of Administrative Assistant or Other Support Staff]

From: [Person Supervising Correspondence]

Date:

Re: Letters to Persons Interviewed in [Name of Court]

As we discussed, please send the following merge letter to the persons interviewed in [name of court]. We will send the letter to them with copies of their interview notes. You prepared their addresses for mailing labels when you were transcribing the interviews.

After you have prepared the merge list, please prepare a set of draft letters to them and put them on a single document on a computer disk. Please date the letters [date]. I will add personal touches before you print out and mail the letters.

Thanks.

SAMPLE MERGE LETTER:

[Date]

[Name and address
of person
interviewed]

Dear :

Thank you for taking the time to be interviewed and for helping me to understand how child abuse and neglect cases are handled in [name of county]. I learned a great deal from you and from my visit as a whole.

The information gained from [name of county] will be of real value to our reassessment and to future juvenile court reform efforts. Your contribution was an essential part of the information that we gathered in [name of county].

I have enclosed my notes of the interview. If you have time, I would appreciate your corrections and any further comments that you might care to make. If you do choose to make corrections, please send them by [specify date, 10 days from receipt of letter].

Please excuse spelling or grammatical lapses and do not trouble yourself to correct them. However, if I have been inaccurate or you have further substantive comments, that information would be most helpful. Please feel free either to handwrite your corrections right on the page or to have them typed. Please supply specific additions or corrections to the text of the summary. Upon receipt, our secretarial staff will make the changes indicated.

When we have prepared a draft manuscript of our description of the court in [name of county], we will be sending it out for comments. It will be some time before a draft manuscript is ready for distribution.

Thank you once more for all of your help and kindness.

Sincerely,

[Name and title]

Enclosure

**APPENDIX F: INSTRUCTIONS TO SUPPORT STAFF UPON
RECEIPT OF CORRECTIONS OF INTERVIEW SUMMARIES**

M E M O R A N D U M

To: [Name of Administrative Assistant or Other Support Staff]

From: [Person Supervising Preparation of Interview Summaries]

Date:

Re: Corrections to Interview Summaries

Attached are several interview summaries, with corrections, from our site visit to [name of county.] For technical corrections that I have marked on the left margin with "o.k.," please go ahead and make the corrections on the disk.

For other corrections, not so marked, please add them in, but highlight them. This highlighting will allow me to see what was originally included and what was changed. To highlight additions by the person interviewed, please use the redline function, as follows:

APPENDIX G: SAMPLE OUTLINE FOR BRIEF SITE VISIT

For the original assessment, the Georgia Advisory Group identified four main areas for study at each location:

- Delays in the court system -- frequency, length, and reasons for delays
- Time frames from removal of child to termination of parental rights and comparison of reasons for removal of child and reasons for termination, e.g., is the case plan addressing the original problems
- Resources available to the court -- physical (courthouse), staff, social service options affecting judicial performance
- Quality and adequacy of information available to the courts, including agency reports, expert testimony, and basic information about the child and family (e.g., whether the child is in care)

Georgia Outline of Site Descriptions

Based on the issues identified by the Advisory Group, and the large number of site studies planned, the site narratives should be planned as follows, with a length of roughly 10 pages.

Background information: A description of the court's structure, the population it serves, and its volume of cases. A description of the years of experience of the judges, including judicial experience on and off the juvenile court and relevant experience before becoming a judge. The estimated percentage of time that each judge spends in hearing abuse and neglect and termination cases.

A brief description of any distinguishing community characteristics, issues, or problems.

Timeframes and delays: A summary of the timeliness of decision-making, including key decisions made by the court. These would include how long it takes from the filing of the petition (or removal of the child to different stages of the court process, e.g., adjudication, disposition, review, filing of TPR petition) plus from the time of filing the petition to the completion of the TPR in the trial court.

A summary of caseflow management practices and causes of delays, including delays caused by agency practices, agency attorney practices, and caseflow management by the court itself.

Resources available to the court: A description of the court's physical facilities, including the number of courtrooms available and their appearance (perhaps with photos),

waiting space for attorneys and social work staff, telephone access to those waiting, waiting space appropriate for children.

A description of court personnel, including the numbers of judges to handle the caseload, the number of cases per full-time judge, the types of numbers of clerical support, and the duties of support staff.

A description of child welfare services available for abused and neglected children and their families, including the types of evaluation and treatment services that exist and waiting periods for services.

Quality and adequacy of information provided to the court: A description of how information is provided to the court, including the types of reports and documents that are provided and their completeness (e.g., petitions, affidavits, and agency reports).

Whether workers with personal knowledge of the case are consistently present in court.

Whether the court receives accurate and complete information about services to abused and neglected children and their families -- in the form of reports as well as in individual cases. Whether this information includes the types of services available, and the current numbers and waiting times for the services.

The preparation and performance of counsel in providing information to the court, as well as the experience and training of counsel, their caseloads, and their compensation.

Docketing of cases matters not included in the caseload management discussion: Whether each hearing is set for a specific time or for a block of time and, if so, for how long a block of time. How long the parties must wait for hearings to begin.

The typical length of different types of hearings, particularly routine uncontested hearings.

The type of docket -- master, individual, or mixed -- and who sets cases and how.

The use of calendar call.

Files and record keeping: A description of how files are organized, what statistics are kept and how, and whether a computer system is used, and, if so, how it works.

Implementation of reasonable efforts and foster care review requirements: A description of how court oversees agency efforts to preserve families, including, but not limited to, making reasonable efforts findings (e.g., whether this inquiry is active, how long it lasts, and at what stages of the process it takes place, and what parties are actively involved). How does the court go about conducting periodic reviews of cases (e.g., how long a routine review lasts, how often it is held, what issues come up), and under what conditions the court approves the

continuation of foster care placements.

Note: Prepare a running list of positives and negatives about the court and suggestions. These will not be included in the narrative, but may be incorporated in the final report in a manner that will not identify the particular court.

APPENDIX H: SAMPLE OF KEY COURT RELATED FINDINGS FROM STATE X'S CFSR FINAL REPORT – WITH LEGAL AND JUDICIAL DIMENSIONS OF THE FINDINGS

Appendix I is a summary of selected findings from a fictitious state's Child and Family Services Review (CFSR) Final Report. The summary lists those negative findings from the fictitious Final Report that may have been affected by court performance. Note that only negative court related findings are included because positive findings need not be addressed in a state's CFSR Program Improvement Plan or in the CIP reassessment. We refer to our fictitious state as "State X."

Following each court related CFSR finding is a list of *possible* related areas of legal and judicial performance that might affect CFSR results. Note that our lists of legal and judicial dimensions are areas *typically* associated with the CFSR findings. They may or may not apply in your state.

How to use the CFSR court related findings and their legal and judicial dimensions in preparing for your reassessment: Both the findings and their legal and judicial dimensions may suggest possible questions for the reassessment. Review them in preparing questionnaires and interview instruments.

SAMPLE FINDINGS FROM STATE X'S CFSR FINAL REPORT

The following are the CFSR findings and the related possible legal and judicial dimensions.

CHILD OUTCOMES RELATED TO SAFETY, PERMANENCY AND WELL BEING

Safety 1 – protection from abuse and neglect. Hawaii achieved a rate of 74% of cases meeting federal requirements vs. the rate of 90%, which is required for "substantial conformity."

FINDING: The % of children experiencing more than one confirmed child abuse report within six months was higher than the national standard – 10% vs. 6.1%.

Possible related legal and judicial dimensions of CFSR finding:

- Does the agency has effective legal representation to overcome barriers to?
- Filing cases in court whenever abused and neglected children need state intervention, including through family supervision – even when cases are challenging and legal victory is not assured?
- Help to prevent judges from inappropriately refusing to remove children from home or returning children home?
- Overcome barriers to completing effective investigations?
- Requiring families to cooperate with services without needlessly removing children from

home?

- Presenting adequate evidence regarding child safety in court proceedings?
- Do courts carefully consider safety factors when deciding whether to return a child home?
- Do courts require the agency to present convincing safety plans when approving family reunification?
- Do courts carefully review safety factors when deciding whether to terminate court jurisdiction (dismiss case)?
- Do judges and attorneys take time to carefully review documents and ask challenging questions to the parties concerning safety issues in the home?
- Do state statutes provide legal remedies allowing agencies to complete investigations when family members or other people with relevant information refuse to cooperate?
- Do state statutes, regulations, and procedures authorize investigators and caseworkers to obtain needed confidential information from substance abuse treatment providers, criminal justice agencies, schools, mental health providers, doctors, and other agencies and professionals?
- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire into safety issues.

FINDING: The % of children maltreated while in foster care was higher than permitted by the national standard.

Possible related legal and judicial dimensions of CFSR finding:

- Do courts effectively require legal representatives of children to periodically visit children in their homes?
- Do judges consistently question workers in court about their recent visits with children in their foster homes?
- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire into visits by guardians and litem and caseworkers?
- Are there enough resources for legal representatives for children to make it practical for all children to be visited in their homes by their legal representatives?

Safety 2 – Children safely maintained in their homes when possible and appropriate. State X achieved a rate of 75% of cases meeting federal requirements vs. the rate of 90%, which is required for “substantial conformity.”

The agency does provide services to reunite families. However, the agency is less effective in its efforts to reduce the risk of harm to children.

Possible related legal and judicial dimensions of CFSR finding:

- Does the agency have effective legal representation to bring cases, where needed, for protective supervision?
- Are judges willing to place children into protective supervision?

- Do judges oversee safety issues in protective supervision cases?

Permanency 1 – permanency and stability in living situations. State X achieved a rate of 75% of cases meeting federal requirements vs. the rate of 90%, which is required for “substantial conformity.”

Placement stability for children in foster care is not in substantial conformity to federal requirements. That is, the State’s percentage of children having had no more than 2 placements in a 12-month period (75%) does not meet the national standard of 86.7 percent.

Possible related legal and judicial dimensions of CFSR finding:

- Does state law require advance notice to court of non-emergency transfers of children into new foster homes?
- Does state law requires timely subsequent notice to court of emergency transfers of children into new foster homes?
- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire into the appropriateness of moving children to new foster homes?

FEDERAL STANDARD ON TIMELINESS OF REUNIFICATION: State X’s percentage of children reunified within 12 months of entry into foster care (50%) does not meet the national standard of 76.2 percent.

Possible related legal and judicial dimensions of CFSR finding:

- Do courts consistently do the following to achieve timely family reunification?
- Follow and enforce time limits for hearings and judicial decisions?
- Minimize delays by notifying appropriate parties, denying adjournments, ensuring diligent efforts to locate missing parents' at start of case, determining paternity early in case, and addressing other procedural problems?
- Consistently and thoroughly review reasonable efforts to achieve reunification, including inquiring into such factors as case plans focusing on safety issues, follow up by workers in delivering services, and the timely availability of appropriate services?
- Are judges aware of available services and service providers in their counties?

Permanency 2 – continuity of family relationship sand connections is preserved for children. State X achieved a rate of 75% of cases meeting federal requirements vs. the rate of 90%, which is required for “substantial conformity.”

Visiting with parents and siblings was assigned an overall rating of Area Needing Improvement. Although this item was rated as a Strength in 75 percent of the applicable cases, in 25 percent of the applicable cases, reviewers determined that the agency had not made concerted efforts to facilitate visitation.

Possible related legal and judicial dimensions of CFSR finding regarding parent-child visitation:

- Do courts consistently request information about the nature and quality of foster children's visits, contacts, and relationships with parents?
- Do courts address parental visiting, when appropriate, in court orders?
- Do courts monitor visiting arrangements and their frequency where specified in court orders?
- Do states statutes and policies encourage parental visitation?
- Are attorneys and judges adequately educated on:
 - The importance of parental visitation for children in foster care?
 - Other issues regarding maintaining positive parent-child relationships?
 - When it is necessary to limit contacts or visits?
- Are judicial and attorney workloads are low enough to allow judges and attorneys to focus sufficiently on visitation and otherwise maintaining relationships between parents and children?

Possible related legal and judicial dimensions of CFSR finding regarding sibling visits:

- Do courts consistently request information about the nature and quality of foster children's visits, contacts, and relationships with siblings?
- Do courts consistently address sibling visiting, when appropriate, in court orders?
- Do state statutes, court rules, and policies encourage sibling visitation?
- Are attorneys and judges are adequately educated regarding sibling visitation issues?
- Are judicial and attorney workloads low enough to allow judges and attorneys to inquire into and make judicial findings regarding visitation among siblings?

Placement with siblings was assigned an overall rating of Area Needing Improvement. Although this item was rated as a Strength in 75 percent of the cases, in 25 percent of the cases, siblings were not placed together and reviewers determined that their separation was not deemed necessary to meet the needs of one or more of the children.

Possible related legal and judicial dimensions of CFSR finding:

- Do courts consistently ask agencies to present specific reasons for failing to place siblings together?
- Do state statutes, court rules, and policies address the priority of placement with siblings?
- Are attorneys and judges are adequately educated on the importance of maintaining sibling ties as well as on reasons why this might not be appropriate?
- Are judicial and attorney workloads are low enough to allow judges and attorneys to address sibling placement issues when appropriate?

Consistent efforts to seek out relatives as placement resources was rated as a Strength in 75 percent of the cases, but reviewers determined that in 25 percent of the cases, the agency had not made diligent efforts to locate and assess relatives as potential placement resources.

Possible related legal and judicial dimensions of CFSR finding:

- Do judges and attorneys inquire about evaluations of relatives, placement with relatives, and visitation with relatives?
- Are attorneys adequately trained on the importance and pitfalls of maintaining children's ties with relatives?
- Do courts ask whether children are Native American and, if so, whether tribes have been notified?
- Are judicial and attorney workloads low enough to allow judges and attorneys to inquire into and make judicial findings regarding placement of children with relatives and otherwise maintaining connections between foster children and their relatives?

Well Being 1 – families have enhanced capacity to provide for their children's needs. State X achieved a rate of 75% of cases meeting federal requirements, compared to the rate of 90%, which is required for "substantial conformity."

Needs and services of child, parents, foster parents were assigned an overall rating of Area Needing Improvement. Although the item was rated as a Strength in 75 percent of the cases, reviewers determined that in 25 percent of the cases, the agency had not been effective in addressing the service needs of children, parents, and foster parents.

Possible related legal and judicial dimensions of CFSR finding:

- Do judges consistently question workers in court about their assessments of needs and provision of services?
- Do legal representatives of children consistently and thoroughly review needs assessments and provision of services?
- Do parents' attorneys consistently and thoroughly review needs assessments and provision of services?
- Do judges ensure that the legal representatives of children effectively check on and evaluate the services provided to children?
- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire into caseworkers' contacts with parents and the sufficiency and timeliness of services?

Child and family involvement in case planning was assigned an overall rating of Area Needing Improvement. Although the item was rated as a Strength in 75 percent of the cases, reviewers determined that in 25 percent of the cases, the agency had not made diligent efforts to involve parents and children in the case planning process.

Possible related legal and judicial dimensions of CFSR finding:

- Do judges consistently question parents and children (where appropriate) concerning their

involvement in case planning and their views concerning case plans?

- Do legal representatives of children consistently ensure that age appropriate children are heard regarding case planning decisions?
 - Do parent's attorneys consistently ensure that their clients are involved in case planning?
 - Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire into the involvement of parents and children in case planning?

Worker visits with child was assigned an overall rating of Area Needing Improvement.

Although the item was rated as a Strength in 75 percent of the cases, reviewers determined that in 25 percent of the applicable cases, caseworker visits with children were not of sufficient frequency or quality and often did not meet agency policy requirements.

Possible related legal and judicial dimensions of CFSR finding:

- Do courts effectively enforce their requirement of visits with children in foster care by their legal representatives?
- Do judges consistently question workers in court about their recent visits with children in their foster homes?
- Do judges monitor compliance with agency requirements concerning workers' visits with children in their foster homes?
- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire into visits with children by both caseworkers and legal representatives of children?

Worker visits with parents was assigned an overall rating of Area Needing Improvement.

Although the item was rated as a Strength in 75 percent of the applicable cases, reviewers determined that in 25 percent of applicable cases, the frequency or quality of caseworker visits with parents were not sufficient to promote the safety and well-being of the child or promote attainment of case goals.

Possible related legal and judicial dimensions of CFSR finding:

- Do judges consistently question workers in court about their recent contacts with parents?
- Do judges monitor agency compliance with agency requirements concerning workers' contacts with parents?
- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire into caseworkers' contacts with parents?

Well Being 2 – Children receive appropriate services to meet their educational needs. State X achieved a rate of 75% of cases meeting federal requirements vs. the rate of 90%, which is required for “substantial conformity.”

Educational needs of the child was assigned an overall rating of Area Needing Improvement. Although the item was rated as a Strength in 75 percent of the applicable cases, reviewers determined that in 25 percent of the applicable cases, the educational needs of children were not effectively and appropriately addressed.

Possible related legal and judicial dimensions of CFSR finding:

- Do child welfare agencies have effective legal representation to help secure appropriate educational services for children?
- Do courts request information about foster children’s education from teachers, guidance counselors, caseworkers, and others?
- Do court forms and benchbooks request education information including school records addressing the child’s academic performance, behavior and adjustment to school, and special educational needs?
- Do judges, attorneys, and advocates consistently determine whether foster children’s education needs are being met?
- Do state policies offer guidance on minimizing disruptions in foster children’s education due to frequent moves?
- Do state laws appropriately address confidentiality issues surrounding access to education records of foster children and children under protective supervision?
- Do judges, attorneys, and advocates have sufficient knowledge about the education system to intervene effectively to ensure a good education for foster children?

Well Being 3 – children receive adequate services to meet their physical and mental health needs. State X achieved a rate of 86% of cases meeting federal requirements vs. the rate of 90%, which is required for “substantial conformity.”

Mental health of the child was assigned an overall rating of Area Needing Improvement. Although this item was rated as a Strength in 75 percent of the cases, in 25 percent of the applicable cases, reviewers determined that the State did not adequately address children's mental health needs.

Possible related legal and judicial dimensions of CFSR finding:

- Do judges, attorneys and advocates request information from children’s therapists about foster children’s mental health issues?
- Do state laws guarantee that foster children and children under family supervision have full to appropriate mental health services?
- Does state law or policy clearly require other public health agencies to provide mental health treatment for children in foster care?
- Are courts aware of state requirements for diagnosis and treatment regarding foster children’s mental health?
- Do judges, attorneys, and advocates consistently determine whether foster children’s mental health needs are being met?
- State laws appropriately address confidentiality issues governing access to mental health

information?

- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire about the provision of medical screening of foster children?

SYSTEMIC FACTORS

Case Review System

Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions has been assigned a rating of Area Needing Improvement because case plans are not being consistently developed jointly with parents even though the agency has a policy requiring joint case plan development.

Possible related legal and judicial dimensions of CFSR finding:

- Do parents' attorneys consistently participate in the case planning process?
- Are parents' attorneys trained on non-adversarial models for resolving conflict (i.e. FGC and mediation)?
- Do parents' attorneys advocate for meaningful case planning for their clients?
- Do judges consistently ask parents about their involvement in case planning and about their feelings about the case plan?
- Are judicial and attorney workloads low enough to allow judges and attorneys to fully inquire about parental involvement in case planning and parents' views concerning case plans?

Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter was assigned a rating of Area Needing Improvement.

Possible related legal and judicial dimensions of CFSR finding:

- Do child welfare agencies have effective legal representation to help secure appropriate results at permanency hearings?
- Are there adequate scheduling procedures for permanency hearings that don't needlessly take up caseworker time?
- Do courts devote enough time to conduct thorough permanency hearings that address each issue specified in state and federal statutes and to determine an appropriate permanency plan for each child?
- Do state laws, court rules, court forms, and court procedures create a structure for permanency hearings that encourages timely decisions by the court and agency, even in challenging cases?
- Do permanency hearings thoroughly consider whether reasonable efforts have been made to achieve permanency – especially after the case goal is no longer is reunification?

Provides a process for foster parents, pre-adoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child was assigned a rating of Area Needing Improvement because there is inconsistent notification of foster parents, preadoptive parents, and relative caregivers.

Possible related legal and judicial dimensions of CFSR finding:

- Do foster parents, preadoptive parents, and relative caregivers consistently receive notice of court proceedings?
- Does the wording of notice forms encourage the attendance of foster parents, preadoptive parents, and relative caregivers in court?
- Do state laws and procedures specify an effective notification method for foster parents, preadoptive parents, and relative caregivers and define what is meant by “opportunity to be heard?”
- Do courts consistently oversee and enforce such laws and procedures?
- Do state laws, court rules and policies clarify and reinforce the role of foster parents, preadoptive parents, and relative caretakers in court?
- Do courts consistently encourage active participation of foster parents, preadoptive parents, and relative caregivers in court proceedings?
- Are judicial and attorney workloads low enough to allow judges and attorneys to ensure that foster parents, preadoptive parents, and relative caretakers receive notice and have a meaningful opportunity to participate in reviews and hearings?

**APPENDIX I: EXTRACTS FROM SURVEY FOR JUDGES AND REFEREES
TO BE USED IN COURT IMPROVEMENT REASSESSMENT**

The extracts below include examples of questions related to court performance in implementing the federal Adoption and Safe Families Act of 1997 (ASFA) and related to the state CFSR findings. These questions may be adapted and possibly including in the statewide reassessment of the state courts' handling of child abuse and neglect, foster care, and related adoption cases.

These are questions that would not generally have been addressed in the state's original assessment, because ASFA had not yet been enacted and the ASFA regulations had not yet been adopted.

Also included are some examples of questions that might be based on the state's Child and Family Services Review. These are selected only for illustration, since each state will need to base such questions on the specific results of its own CFSR.

Note: Questions that are marked with an asterisk (*) are examples of the types of questions that might arise from the findings in a state's CFSR. Questions **not** marked with an asterisk (*) concern the courts' implementation of ASFA.

1. How often do the following issues arise during review hearings? Circle one response per issue

	0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Appropriateness of child's education*	1	2	3	4	5	99
b. Parents' involvement in case planning*	1	2	3	4	5	99
c. Alternatives to out-of-home placement*	1	2	3	4	5	99
d. Visitation with parents*	1	2	3	4	5	99
e. Visitation with siblings*	1	2	3	4	5	
f. Caseworker visits with child*	1	2	3	4	5	
g. Caseworker visits with parents*	1	2	3	4	5	99
h. Placement with siblings*	1	2	3	4	5	99
i. Placement with relatives or other adults close to the child*	1	2	3	4	5	99

2. In regard to permanency planning hearings, how often ...? Circle one answer per event

	0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Do you conduct a permanency planning hearing [within a year after the placement of the child into foster care]?	1	2	3	4	5	99
b. Do you, at the first permanency planning hearing, approve family reunification as the permanency plan?	1	2	3	4	5	99
c. When you approve family reunification as the permanency plan, do you specify or approve a timetable for return home?	1	2	3	4	5	99
d. When you approve family reunification as the permanency plan, do you specify or approve a plan for agency supervision of the family?	1	2	3	4	5	99
e. When you find that family reunification is no longer the permanency plan, do you order the agency to initiate proceedings for the termination of parental rights?	1	2	3	4	5	99
f. When the proposed permanency plan is legal guardianship, how often is evidence presented concerning whether the child's return home or adoption should be permanency plan?	1	2	3	4	5	99
g. When the agency seeks continued placement in foster care on a long-term basis, does the agency document compelling reasons for extended foster care?	1	2	3	4	5	99
h. When the agency seeks continued placement in foster care on a long-term basis, does the agency request a specific living arrangement that is designed to achieve lifelong ties between the child and a person or persons functioning as parent?	1	2	3	4	5	99
i. When you approve continued placement in foster care on a long-term basis, do you require the agency to develop a specific living arrangement that is designed to achieve lifelong ties between the child and a person or persons functioning as parent?	1	2	3	4	5	99

	0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
j. Do you conduct a permanency planning hearing at least once every 12 months following the first permanency planning hearing?	1	2	3	4	5	99
k. When relevant, is evidence presented concerning what services are needed to prepare the child for the transition from foster care to independent living?	1	2	3	4	5	99
l. When relevant, is evidence presented concerning whether continuation of the child in an out-of-state placement is in the child's best interest?	1	2	3	4	5	99

Judicial Determination that Continuation of the Child in the Home Would Be Contrary to the Child's Welfare

Note: For questions in this section, a "contrary to the welfare" determination means a determination that removal is best for the child. Unless the question specifies otherwise, the contrary to the welfare determination is defined in terms of the actual judicial inquiry, not by the written findings. That is, a "contrary to the welfare" finding occurs whenever, during a hearing, you consider whether the removal of the child from home was necessary for the child's best interests or well being.

3. How often do you...? Circle one response per question

	0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Make a "contrary to the welfare" determination in the first court order authorizing the child's removal from home?	1	2	3	4	5	99
b. When making contrary to the welfare determinations, refer to (or tacitly rely on) reports or other written information from the agency?	1	2	3	4	5	99
c. When making contrary to the welfare determinations, enter written findings that describe (or cross reference to a description of) the child's individual circumstances?	1	2	3	4	5	99

Reasonable Efforts

Note: For questions in this section, a “judicial determination of reasonable efforts” is an **actual examination in open court** about the reasonableness of the efforts made by the government to prevent removal of the child from home, reunify the family, or secure and finalize a new permanent placement, whichever applies. A “judicial determination of reasonable efforts” occurs whenever a judge or referee considers, during a hearing, whether such efforts have been reasonable.

- 4. Please estimate how often you make a judicial determination of reasonable efforts (as defined above) at each of the hearings listed. Circle one response per event**

	0-10% Rarely	11-35% Sometime s	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Removal hearing	1	2	3	4	5	99
b. Adjudicatory hearing	1	2	3	4	5	99
c. Permanency planning hearing	1	2	3	4	5	99

- 5. When the case goal is to finalize a new permanent home for the child, how often are the following issues raised? Circle one response per issue**

	0-10% Rarely	11-35% Sometime s	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Taking into account the placement goal, the appropriateness of the strategy to arrange and finalize a permanent placement?	1	2	3	4	5	99
b. The services and help actually provided to arrange and finalize the permanent placement?	1	2	3	4	5	99
c. Caseworkers' diligence in following through to make sure the services were provided?	1	2	3	4	5	99
d. Timely availability of the services?	1	2	3	4	5	99

6. Please indicate, for each type of hearing listed below, how often you make a determination of reasonable efforts supported by **case-specific written findings**, either describing or incorporating by reference a written description of the efforts made on behalf of this specific child or family?
Circle one response per hearing type

	0-10% Rarely	11-35% Sometime s	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Removal hearing	1	2	3	4	5	99
b. Adjudicatory hearing	1	2	3	4	5	99
c. Permanency planning hearing	1	2	3	4	5	99

7. Does the agency provide you, at least once annually, helpful comprehensive information regarding available services that are available in your community to help bring about family reunification?
 1. Yes 2. No

8. In what proportion of cases do you ...? *Circle only one answer per activity*

	0-10% Rarely	11-35% Sometime s	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Within 60 days after a child's involuntary removal from home, make written findings whether there were reasonable efforts to prevent placement?	1	2	3	4	5	99
b. When reviewing reasonable efforts, describe the efforts made in <i>the specific case</i> -- or cross-reference to such information from the agency)?	1	2	3	4	5	99
c. Within one year after the filing of a the original petition in a case involving a child in foster care, make written findings concerning reasonable efforts to reunify the family and/or to finalize a new permanency plan?	1	2	3	4	5	99
d. At least once a year thereafter, make written findings whether there were reasonable efforts to reunify the family and/or to finalize a new permanency plan?	1	2	3	4	5	99

9. When ordering a child to be returned home, how often do you ...?

	0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Specify phased-in extended visits as a transition before the child is actually returned on a long-term basis?*	1	2	3	4	5	99
b. Specify a timetable for the child's return home?*	1	2	3	4	5	99
c. Specify continued monitoring by the agency) after the child's return?*	1	2	3	4	5	99

Judicial Determination That Reasonable Efforts to Reunify the Family Are Not Required

Note: Federal and state law provide that, based on certain circumstances, a court may determine that reasonable efforts to reunify the family are not required. If a court makes such a determination, it is to hold a permanency planning hearing within 30 days.

10. In approximately what percentage of cases do you make a finding that triggers a 30-day permanency planning hearing? *Note the percentages in this question. Circle one answer*

0% Never	1% Rarely	2-5% Seldom	6-10% Significant Proportion	11% or More	N/A
1	2	3	4	5	99

11. Of those cases in which you make a finding that triggers a 30-day permanency planning hearing, how often is the finding based on the following? *Circle one response per type of finding*

	0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. [ground from state law]	1	2	3	4	5	99
b. [ground from state law]	1	2	3	4	5	99
c. [ground from state law]	1	2	3	4	5	99
d. [ground from state law]	1	2	3	4	5	99
e. [ground from state law]	1	2	3	4	5	99
	1	2	3	4	5	99

f. [ground from state law]						
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12. Of cases where a finding triggers a 30-day permanency planning hearing that leads to termination of parental rights proceedings, how long does it take from the finding to the start of the termination of parental rights trial? *Circle one answer per possible time period*

	0-10% Rarely	11-35% Sometime s	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Less than 20 days?	1	2	3	4	5	99
b. Between 21 and 40 days?	1	2	3	4	5	99
c. Between 41 and 60 days?	1	2	3	4	5	99
d. Between 61 and 100 days?	1	2	3	4	5	99
e. 101 or more days?	1	2	3	4	5	99

Concurrent Planning

13. When the agency wishes to do concurrent planning – to work for the reunification of a family but at the same time to arrange for placement with foster parents or relatives who are willing to adopt if the reunification does not succeed – do you allow it? *Circle only one*

0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
1	2	3	4	5	99

Mandatory Initiation of Termination of Parental Rights Proceedings

14. In approximately what percentage of cases, within 15 months after a child's placement into foster care, does the agency initiate termination of parental rights proceedings **OR** document compelling reasons why doing would not be in the foster child's best interests? *Circle one answer*

0-10% Rarely	11-35% Sometimes	36-65% Often	66-95% Mostly	96-100% Always	N/A
1	2	3	4	5	99

Notice, Participation of Foster Parents, Relative Caretakers, and Preadoptive Parents

15. How often ...? Circle one answer per event

	0-10% Rarely	11-35% Sometime s	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Does the court notify foster parents of hearings including foster parents who are not present in court?	1	2	3	4	5	99
b. Are foster parents present in review and permanency planning hearings?	1	2	3	4	5	99
c. In hearings when foster parents are present in court, do you or an attorney ask foster parents to speak?	1	2	3	4	5	99
d. In hearings when foster parents are present in court, do they provide information that is an important factor in your decision or order?	1	2	3	4	5	99

Representation of Children

16. Based on your observations of their behavior in court, how often do children's [advocates] do the following advance preparation for uncontested disposition and periodic review hearings?

	0-10% Rarely	11-35% Sometime s	36-65% Often	66-95% Mostly	96-100% Always	N/A
a. Find out how their (school age) clients are doing in school?*	1	2	3	4	5	99
b. When relevant, investigate alternative services that might be provided to the child or family to facilitate family reunification?*	1	2	3	4	5	99
c. When relevant, investigate alternative services that might be provided to the child or family to secure and finalize a new permanent home for the child (e.g., through guardianship or adoption)?*	1	2	3	4	5	99
d. Investigate medical screening or services provided to the child?*	1	2	3	4	5	99
e. Investigate mental health services that might be provided to the child?*	1	2	3	4	5	99
f. Investigate parent-child visitation?*	1	2	3	4	5	99
g. Investigate visitation between siblings in cases where a child in foster care is not living with one or more siblings?*	1	2	3	4	5	99
h. Visit the child at his or her place of residence at least one day before the hearing?*	1	2	3	4	5	99