

Improving Courts' Handling of Child Abuse and Neglect Cases:¹

A List of Suggested Reforms

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This paper lists important reforms to improve litigation involving child abuse and neglect cases.² It classifies these reforms as “early steps,” “challenging steps,” and “transforming steps.” It uses these classifications both to illustrate the difference between the short and long term and to illustrate that court improvement necessarily proceeds in stages.

Of course, which reforms will be early, challenging, and transforming in your jurisdiction depends on state and local conditions. This paper classifies reforms based on conditions in the nation as a whole. There are similarities among many states concerning which reforms are the most challenging and far reaching.

The purpose of this paper is to encourage Court Improvement Projects (CIPs) to engage in long range planning. Each CIP project should set short, middle, and long-range goals to achieve improvements for children and families. Each project should choose its goals, assign tasks to accomplish each goal, and set timetables for each task and goal. This paper illustrates short, middle, and long-term goals and tasks.

In developing short, middle, and long-term goals, each CIP project should take into account the new federal Child and Family Services Reviews. These reviews can make a great difference to the success of court improvement efforts. For more information on these reviews and how the courts should be involved, see the ABA paper [*Child and Family Services Reviews \(CFSRs\): How Judges, Court Administrators, and Attorneys Should Be Involved*](#).

¹ Note: The reader should not assume that any specific suggestion listed here represents the policy of the American Bar Association or the federal government. In most cases, there is no specific ABA policy on point. For relevant ABA policy, see, e.g., National Council of Juvenile and Family Court Judges, *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* (1995), endorsed by the ABA, the Conference of Chief Justices, and the National Council of Juvenile and Family Court Judges. See also ABA [*Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*](#) (1996).

² In this paper, “child abuse and neglect cases” refers to cases, brought under special sections of state codes governing child judicial proceedings for the protection of children. More specifically, child abuse and neglect cases include child abuse and neglect proceedings, termination of parental rights, cases involving children in state supervised foster care, and cases involving the adoption or guardianship of children in foster care.

TIMELINESS

Early Steps

General

- Conduct training for judges, attorneys, and caseworkers, explaining the importance of permanency for children, the importance of timely court proceedings, and ways to speed the court process.
- Set time limits for additional stages of the court process.

Means of Accomplishing Goal: Enact legislation, adopt court rules, or set policies establishing time standards for additional steps in the judicial process. Ensure precise compliance with the Adoption and Safe Families Act (ASFA) and the federal regulations implementing it. Note that states already have time limits for some states of the court process, such as for shelter care (emergency removal) hearings and permanency hearings. Many states also have deadlines for adjudication, disposition, and review hearings. Fewer have deadlines for the completion of termination of parental rights hearings. The *Resource Guidelines* suggest when each type of hearing should take place.

Challenging Steps

General

- Set time limits for every stage of the court process.

Means of Accomplishing Goal: Enact legislation, adopt court rules, or set policies establishing time standards for all steps in the judicial process. Include not only termination of parental rights proceedings, but proceedings for legal guardianship and adoption and post termination reviews. Make sure that there is no portion of the court process for child protection cases in which there are no applicable deadlines. The idea is that, at every stage of the court process, there is a time limit for when the next step should take place.

- Adopt and provide training in caseflow management techniques, including more consistently setting aside enough time for each contested matter to avoid interrupted trials.

Means of Accomplishing Goal: Obtain publications on caseflow management from ABA and National Center for State Courts. Include both generic works on caseflow management and materials specific to child protection. Use caseflow management consultants.

- Require active judicial control of the calendar.

Means of Accomplishing Goal: Adopt a court rule or judicial policy specifying that, at each hearing the court will schedule the next hearing. This policy is called for in the Resource Guidelines.

- Adopt stricter and more specific policies governing the granting of continuances.

Means for Accomplishing Goal: Adopt a court rule requiring judicial approval of continuances and specifying the reasons for the continuance on the record. Include stricter criteria for continuances. Adopt a rule specifying that child protection cases are not to be continued in deference to cases in other courts.

- Develop local projects to fully implement the *Resource Guidelines*, including fulfilling the timeliness goals of the *Guidelines*. (See below)

- (If this is a problem), require swift discovery for parents' and children's attorneys, providing speedy access to relevant agency documents.

Means for Accomplishing Goal: Work with the state or county child welfare agency to develop regulations or policy setting forth a quick and clear procedure for parties, attorneys, and CASA volunteers to obtain records without delay. Specify which information should be provided. In the alternative, adopt state or local rules of discovery allowing quick access to information from the agency and quick deadlines for depositions.

- Reorganize court dockets and scheduling practices to ensure uninterrupted contested hearings.

Means of Accomplishing Goal: Adopt judicial policy that non consecutive court days are to be avoided by: tighter continuance policies (*e.g.*, requiring written motions specifying need for continuances, setting restrictive criteria for granting continuances, and requiring judicial findings stating reasons for continuances); use pretrial conferences (to encourage settlements, simplify trials, and improve estimates of time for trials); and set aside adequate time for trials. Study the practices of courts that have successfully avoided delays in contested dependency proceedings. Provide training based on successful approaches.

Initiation of Case Through Disposition

- Improve notice for shelter care hearings.

Means of Accomplishing Goal: Redraft written shelter care notice to put it into plain language and to facilitate the early appointment of attorneys. If possible (see above) include a telephone number to immediately contact an attorney.

- Automatically schedule an extra shelter care hearing if parties (custodial parents, and involved non-custodial parents) are not present and there is a reasonable chance of notifying them.

Means of Accomplishing Goal: For example, an extra shelter care hearing might be scheduled one week after the first shelter care hearing. This continues the immediate search and encourages caseworkers to have parents there at the first shelter care hearing. This practice was pioneered in the Hamilton County Juvenile Court in Cincinnati, Ohio.

- Provide a pretrial hearing if service isn't complete within a specified time after the filing of the petition or if the case isn't settled within a specified time.

Means of Accomplishing Goal: Adopt a rule or set an informal policy. During the pretrial ensure that notice is proceeding regarding both parents and, if applicable, paternity testing is set up.

- Allow the adjudication to go forward if one parent has been served and the other has not after diligent efforts by the child protection agency. Require ongoing diligent efforts to locate and schedule special review to oversee efforts. Once parent is notified, allow to seek custody or reopen issue of jurisdiction.

Means of Accomplishing Goal: If necessary, adopt a court rule or enact a statute.

Disposition Through Termination of Parental Rights

- Conduct more frequent judicial reviews when needed.

Means of Accomplishing Goal: On a local basis, convene inter disciplinary groups to discuss when reviews more frequent than the law requires are appropriate or helpful. Identify typical circumstances. Parties, attorneys, and judges retain the discretion to set additional reviews.

- Strengthen standards for judicial reviews, including length of reviews and issues to be addressed, as recommended in *Resource Guidelines* and NCJFCJ training materials.

Means of Accomplishing Goal: Adopt rules and design forms for the public agency and the court, to further clarify the issues to be addressed and decisions to be made. Agency forms should address the same issues to be addressed in judicial findings. See, Hardin, *Improving Permanency Hearings: Sample Court Reports and Orders* (ABA, revised 2002).

- Develop local demonstration projects to reduce delays in the termination of parental rights, to include representatives of the agency, courts, and advocates, based on New Jersey and New York model projects.

Means of Accomplishing Goal: Contact [Anne Marie Lancour](#) of the ABA Center on Children and the Law for explanatory materials, (202) 662-1756.

- Establish the standing of children's attorneys and foster parents to file for termination of parental rights.

Means of Accomplishing Goal: Enact statute or adopt court rule.

Filing Through Completion of Appeals

- Generate more detailed information about caseflow in appeals of child abuse and neglect cases.

Means of Accomplishing Goal: Develop a system for measuring the timing of each of the key steps in appeals. Include such steps as filing, completing the transcript, designating the record for appeal, briefing, scheduling oral argument, hearing oral argument, and completing the written decision. Prepare and detailed flowcharts of the steps and delays involved in processing appeals. Continue to monitor appeal times, including major steps in the process.

- Tighten timetables for appeals.

Means of Accomplishing Goal: Establish tighter and more comprehensive timetables for appeals. Such timetables should include when appeals are filed, dates for argument (e.g., date is set shortly after the notice of appeal is received), designation of portions of the transcripts, completion of transcripts, briefing, argument, and issuance of the opinion. Note that the timetables should govern attorneys, trial court judges and staff, persons preparing transcripts, and the appellate court itself. An example of a tight schedule is as follows: (a) notice of appeal and designation of portions of transcript is due within two weeks of final trial court order; (b) argument date is tentatively set within one week after notice is received; (c) transcript is prepared within two weeks after notice of appeal; (d) appellate brief is due within two weeks after the transcript is complete;

(e) respondent's brief is due two weeks after submission of the appellate brief; (f) oral argument occurs approximately two weeks after briefing is complete; and (g) the court issues the opinion within two weeks after oral argument – or one month after oral argument in complex cases. Contact appellate courts that are working to speed appeals in these cases or have recently done so. To identify such courts, see the ABA's annual *CIP Progress Report*.

Transforming Steps

General

- Improve judicial caseloads and workloads to make it possible to complete hearings within timetables required by law and recommended by national standards such as the *Resource Guidelines*.

Means of Accomplishing Goal: See section below on COMPLETE AND IN DEPTH HEARINGS.

- Develop an automated system to measure and report the extent to which courts are meeting deadlines.

Means of Accomplishing Goal: See section below on APPROPRIATE TECHNOLOGY, PROPERLY USED.

Initiation of Case Through Disposition

- Appoint attorneys for parents and children before shelter care hearings.

Means of Accomplishing Goal: Set up immediate appointment of counsel when child is removed from home, *e.g.*, by having attorney available for emergency removals that day. Immediately provide parents with the name and number. If immediate contact with attorney doesn't occur, summon parents to appear one hour before actual shelter care hearing. Make counsel available at that time. Don't require financial pre screening before counsel is appointed for the first court hearing. If it turns out that parents are able to afford an attorney, allow them to pay for the service or employ different counsel for future hearings. An alternative approach is to screen for eligibility on the spot, before the shelter care hearing.

- Set aside a greater amount of time for the shelter care hearing, uncontested adjudications, and disposition hearings and conduct them more intensively.

Means of Accomplishing Goal: See section on COMPLETE AND IN DEPTH HEARINGS. Note that the shelter care (emergency removal) hearing is a key to avoiding delays in early stages of the court process.

- Ensure adequate court time for hearing completion by reorganizing court calendars. Change norms for length of early hearings.

Means of Accomplishing Goal: Set judicial policy through Supreme Court and work with court clerks concerning the length of time that specified types of non-contested hearings routinely should take. In larger courts, add judges if necessary to comply. Note that this will be cost effective in terms of the overall state budget if it reduces the length of children's stays in foster care.

Disposition Through Termination of Parental Rights

- Set aside a greater amount of time for review and permanency hearings and conduct them more intensively.

Means of Accomplishing Goal: See section on COMPLETE AND IN DEPTH HEARINGS. Note that permanency hearings require processes that are different from routine reviews.

Filing Through Completion of Appeals

- Administer and Enforce Tighter Timetables for appeals.

Means of Accomplishing Goal: After a thorough study of the issue, assign staff to this task, allocating sufficient staff time. To speed the completion of transcripts, employ additional court reporters or transcribers if necessary. Enter into contracts with reporters requiring preparation of transcripts within a specific time and providing financial incentives for meeting deadlines. Work with other appellate courts that have recently have gone through this process. To identify such courts, see the ABA Resource Center's 's annual *CIP Progress Report*.

COMPLETE AND IN-DEPTH HEARINGS

Early Steps

- Conduct training on the *Resource Guidelines* (with adjustments for state law and ASFA), explaining how different types of hearings should work and how that makes a difference to children.

Challenging Steps

- Improve judicial expectations concerning the depth and quality of shelter care, non-contested adjudication, disposition, review, and permanency planning hearings.

Means of Accomplishing Goal: (a) Adopt court rules, bench books, forms, and manuals, based on the *Resource Guidelines* and NCJFCJ training materials, setting higher expectations for what is to be covered at hearings and what is to be addressed in findings. (b) Develop demonstration court projects to replicate the *Resource Guidelines* and to include high quality evaluation. (c) Enact legislation or adopt court rules clarifying what is to happen in each hearing, including more detailed findings and orders. Use, for example, the *Resource Guidelines*, training materials from the National Council of Juvenile and Family Court Judges, the ABA Sample Court Rules. (d) Adopt new court forms in child abuse and neglect cases, requiring more complete findings. This will require judges to consider the issues more thoroughly. (e) Develop videos of sample hearings, for training purposes.

- Improve court reports, including improved formats and stricter time limits for filing.

Means of Accomplishing Goal: (a) To enable judges to complete more detailed findings, develop revised agency forms for court reports, pleadings, etc. The revised forms for court reports should very closely match the content and the format of the required findings and provide the precise types of information to be addressed in the findings. (b) A statute or court rule should be adopted calling for advance filing of court reports, to enable counsel – both counsel for the agency and for the other parties – to prepare for hearings. New court report forms should be created, with the collaboration of the child protection agency, attorneys representing the state, and the courts.

- Require improved written court findings.

Means of Accomplishing Goal: Require this by legislation and court rules and implement through redesigned court forms. Agency court reports should also be redesigned to provide the exact information needed by the judge in preparing findings. This eases the burden on both the court and on the attorneys whom many judges will ask to prepare the findings.

Transforming Steps

- Set aside sufficient time for hearings, per *Resource Guidelines* recommendations.

Means of Accomplishing Goal: (a) Develop norms for the length of hearings, based on *Resource Guidelines* recommendations and train staff on these norms in both rural and urban courts. (b) In urban courts, add judicial officers to reduce judicial caseloads in child protection cases, ensuring that there are fewer new cases per full time equivalent (FTE) judge. This approach is possible where judges hearing child abuse and neglect cases spend a significant proportion of the

time on such cases. (c) Instruct court personnel to schedule uncontested emergency removal hearings, adjudications, dispositions, and review hearings for longer periods of time; (d) Whether or not judges have a substantial caseload of child abuse and neglect cases, redesigning forms and specifying more detailed findings will encourage courts to set aside more time for the hearings.

- Calculate and implement workload and caseload needs of judges.

Means of Accomplishing Goal: (a) Conduct study for the state, specifically analyzing how long judges need to work with their communities, prepare and follow up on hearings, and conduct hearings that are as full and complete as recommended in the *Resource Guidelines*. (b) Conduct parallel study about staff supports needed for judges. (c) Obtain funding from the state legislature (with the support of the state supreme court) to enable courts to have sufficient judges and staff to implement the *Resource Guidelines*. (d) Obtain social scientific data supporting the effectiveness of demonstration court projects (if they are effective) and then expand them statewide, with support of legislature and state supreme court.

- Integrate requirements for court hearings into computer templates.

Means of Accomplishing Goal: After developing a judicial benchbook for child protection cases and redesigning court forms to reflect a higher level of practice, create computer templates to ease and reinforce the use of these forms. Make this part of the court's automated case management system. If (and only if) the template calls for a high level of judicial practice, the system will assist and encourage courts to conduct thorough and well-organized hearings.

SKILLED AND KNOWLEDGEABLE JUDGES

Early Steps

- Conduct training for judges on a wide range of topics related to child protection law, judicial practice in child protection cases, agency casework principles, services for families and children, child abuse and neglect, and key principles of child development.

Challenging Steps

- Assign cases so that a single judge handles all stages of a case.

Means of Accomplishing Goal: Adopt a court rule or policy requiring, subject to certain specified exceptions, the same judges to handle all states of the case in child protection cases. Identify courts in the state that are already doing this

where dockets are also well organized in other ways and prepare materials explaining how this works.

- Improve educational materials.

Means of Accomplishing Goal: (a) Develop and distribute a judicial bench book, distribute copies of relevant statutes and key cases, and prepare other training materials. (b) Develop videotaped instruction for new judges.

- Slow the rotation of judges in and out of specialized courts or calendars. One or two year rotations are too short to gain expertise at child abuse and neglect cases.

Means of Accomplishing Goal: Adopt a court rule or policy slowing any rotation to and from judicial assignments involving child protection cases.

Transforming Steps

- Provide mandatory comprehensive education for all judges hearing child maltreatment cases.

Means of Accomplishing Goal: Develop a comprehensive training curriculum judges newly assigned to hear child protection cases. Adopt a court rule or policy requiring new judges to receive this training curriculum. Develop curricula for experienced judges and revise it at regular intervals. Require attendance.

- Where there are specialized courts, select judges to hear child protection cases who have a demonstrated interest and experience regarding these cases.

Means of Accomplishing Goal: Develop and implement criteria for selection of judges hearing child protection cases. Make these criteria public.

- Organize the courts to enable judges to gain a high level of expertise in child protection cases.

Means of Accomplishing Goal: Establish family or juvenile courts or consider the assignment of judges in rural to hear juvenile or family cases in more than one judicial district. Contact the Texas CIP to learn about their concept of “cluster courts.” If possible, use video conferencing to facilitate certain hearings in rural areas. Contact the Utah CIP to learn about how this is done in rural Utah.

SKILLED LEGAL REPRESENTATION OF PARTIES

Early Steps

- Conduct training for attorneys on judges on a wide range of topics related to child protection law, legal practice in child protection cases, agency casework principles, services for families and children, child abuse and neglect, and key principles of child development.

Challenging Steps

- Experiment with a North Carolina type model for teaming of attorneys with lay guardians ad litem.

Means of Accomplishing Goal: Develop an organized approach for attorneys representing children to coordinate their activities with GAL volunteers. For further information, contact the National CASA Association in Seattle, Washington.

- Adopt mandatory guidelines and standards for the representation of the state, parents, and children.

Means of Accomplishing Goal: A number of other states and specific courts have adopted such standards for children. For examples, call Eva Klain of the ABA, (202) 662-1681. A few states, like Oregon, have adopted standards that include parents. An ABA book, *Foundations for Success: Improving Your Child Welfare Agency Law Office*, includes a chapter suggesting standards for agency counsel. Among other things, these standards (a) Require prehearing preparation and investigation and meetings with clients prior to the day of the court hearing. (b) Specify the obligations of attorneys to monitor cases between hearings.

- Require enhanced training and experience for attorneys.

Means of Accomplishing Goal: (a) As a condition of court appointment or as a contractual requirement, specify mandatory training and experience -- which can be obtained by “second chairing” cases or apprenticeship periods. (b) Prepare a revised child protection manual for attorneys.

- Develop improved practices for the recruitment and retention of staff attorneys.

Means of Accomplishing Goal: Specifically advertise positions involving child abuse and neglect cases. Redefine positions to limit rotation into other positions within the same office. Develop better practices for circulating job announcements, *e.g.*, using lists developed by the University of Michigan Child

Advocacy Clinic. An ABA book *Foundations for Success, Improving Your Agency Law Office* addresses how to improve these practices.

Transforming Steps

- Provide mandatory comprehensive education for all attorneys hearing child maltreatment cases.

Means of Accomplishing Goal: Develop a comprehensive training curriculum for attorneys newly assigned to hear child protection cases. Adopt a court rule or policy requiring new attorneys to receive this training curriculum. Develop curricula for experienced attorneys (updates and specialized topics) and revise it at regular intervals. Require attendance.

- Appoint attorneys for parents and guardians ad litem before the shelter care hearing (see above).
- Arrange with the State Bar to prepare an ethics opinion addressing competent representation of parties in child protection cases.

Means of Accomplishing Goal: Make a request for an opinion and get other attorneys to join in the request. Draft a sample question and answer.

- Distribute standards and ethics opinions to all attorneys taking child protection cases.

Means of Accomplishing Goal: Obtain judicial endorsement (preferably from the state Supreme Court) for this step, incorporate this step in state court rules, get funding to print large numbers of copies of the standards, and arrange for a mailing of copies to each court from the Chief Justice with a cover letter asking for such distribution.

- Provide manageable caseloads for staff attorneys.

Means of Accomplishing Goal: Conduct research regarding workloads and caseloads of attorneys working on staff (*e.g.*, public defenders and deputy attorneys general). Set standards for caseloads of such attorneys. Caseload standards must be low enough to allow attorneys to properly prepare their cases, monitor their cases between hearings, and provide regular consultation for their clients. They also need time to participate in training and, in many cases, help provide training. The great majority of attorney time should be spent outside the courtroom.

- Improve compensation for staff attorneys

Means of Accomplishing Goal: Conduct salary studies of other categories of attorneys representing the government in important cases or defendants charged with major crimes. Explain to funding bodies the importance to families and children of competent representation. Explore their role in ensuring that the judge has accurate and complete information for decisions.

- Evaluate staff attorneys, in large part based on their impact on children and families

Means of Accomplishing Goal: Redesign attorney performance evaluation, in part by examining timeliness of attorneys' case completion and considering the numbers of cases rejected by attorneys but later resulting in new case filings. An ABA book *Foundations for Success, Improving Your Agency Law Office* addresses how to improve these practices. Also see discussion of automated case management in section on APPROPRIATE TECHNOLOGY, PROPERLY USED

COORDINATION WITH OTHER AGENCIES AND COURTS

Early Steps

- Conduct more local meetings on court reform efforts.

Means of Accomplishing Goal: If there are changes in court rules, forms, or procedures, it will be important to hold meetings on the local level to explain and implement these changes. Such meetings should include, among others, judges, court staff, key agency staff, and attorneys frequently practicing in the court.

- Conduct more regular statewide meetings between key court and child welfare staff.

Means of Accomplishing Goal: Regular meetings might address such topics as coordination in scheduling hearings for convenience of agency staff and witnesses; performance of agency staff in court; providing court reports that meet the needs of the attorneys and judges; and the appropriate use of court ordered psychological evaluations. Some meetings might also include other service providers, private attorneys for parents and children, and GAL program representatives.

Challenging Steps

- Greater cooperation in the development of training, including cross-disciplinary training.

Means of Accomplishing Goal: Agencies and courts should collaborate on each other's training efforts. Specific “cross-training” topics should be developed to address issues of mutual interest such as improving court reports, improving testimony in court, and more efficient use of each other's time.

- Better information provided to courts about services to rehabilitate families that are available (statewide or district-by-district).

Means of Accomplishing Goal: Provide written information to judges and advocates about the availability of services. To avoid overburdening the agency and to ensure the information is brief enough to be useful to judges and attorneys, address only a limited number of key services, such as services frequently provided by the agency itself in child protection cases, drug treatment, and mental health services. Keep descriptions of services and service eligibility very brief. Very briefly explain who is eligible for each services, who are the highest priority clients, and the numbers of service slots that are available.

Transforming Steps

- Close collaboration in all stages of CFSR including identifying and implementing steps needed to achieve measurably improved outcomes for children.

Means of Accomplishing Goal: Commitment of substantial court resources in working with agency on CFSR. Commitment of substantial agency resources in working with court on CFSR. Identification of judicial system (and related agency) changes needed to improve outcomes, including profound changes if necessary. Cooperation in identifying resources needed and in identifying organizational changes needed to achieve outcomes. Substantial effort to communicate with legislature and local funding entities concerning resource and organizational needs.

- Intense efforts at collaboration, including frequent meetings, cross assignments of staffs, and multiple active working groups.

Means of Accomplishing Goal: Significant commitment of top levels of the judiciary to this goal, judicial policy and ethics approving these efforts, and commitment of sufficient judicial staff resources.

- Regular electronic exchange of information, designed both to improve the handling of individual cases and to evaluate judicial performance.

Means of Accomplishing Goal: See discussion of automated information exchange in section on APPROPRIATE TECHNOLOGY, PROPERLY USED

APPROPRIATE TECHNOLOGY, PROPERLY USED

Early Steps

- Study the needs of courts in child protection cases, for effective automated case management

Means of Accomplishing Goal: Obtain Juvenile Court Case Management Standards from National Center for State Courts (the standards are currently being developed). Get materials from National Child Welfare Resource Center on Legal and Judicial Issues. Obtain publication currently being developed by National Council of Juvenile and Family Court Judges. Get technical assistance from these organizations.

- Join existing projects within the court system on improving automated case management and other aspects of judicial technology.
- Study the technology needs of law offices.

Means of Accomplishing Goal: Contact the ABA for further information on this topic.

Challenging Steps

- Develop computerized court forms.

Means of Accomplishing Goal: Provide examples and instructions to courts to show them how efficiently to use computerized court forms. Once courts have computers, judges or court clerks can use court forms on the computer to prepare court orders. Judges and court clerks can use computer macros to easily insert common types of instructions to clients.

- Use computers to generate court orders on the spot.

Means of Accomplishing Goal: Adopt a court rule or policy calling for the distribution of routine court orders on the spot at the completion of court hearings. Using form orders and macros, computers easily can be used to prepare and distribute court orders on the spot, as in the court in Cincinnati. This way, parents and other parties can leave the courtroom with written instructions concerning what is expected of them.

- Provide courts and law offices with electronic mail.

Means of Accomplishing Goal: Connect courts to electronic mail networks. This can allow more rapid written communication to the court and can also enable the court to “cut and paste” and incorporate into court orders allegations from pleadings or portions of court reports. Require the mailing of hard copies to follow e-mail messages (to limit the risk of alterations).

Transforming Steps

- Develop a judicial information system to measure court performance on child abuse and neglect cases.

Means of Accomplishing Goal: ABA, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges have developed a set of suggested performance measures and data elements. Each can provide consultation. Help is available from the National Resource Center on Information Technology in Child Welfare (Child Welfare League of America).

- Develop a comprehensive automated case management system that will meet the special needs of child protection cases.

Means of Accomplishing Goal: Establish a detailed plan for development of a comprehensive this system. Work with the National Child Welfare Resource Center on Legal and Judicial Issues (ABA), National Resource Center on Information Technology in Child Welfare, the National Center on State Courts, and National Council of Juvenile and Family Court Judges. Each has unique expertise to offer and helpful written information.

PROPER TREATMENT OF PERSONS BEFORE THE COURT

Early Steps

- Meet with groups of persons who frequently come before the court. Ask them about their experiences in court. Include separate groups of parents, age appropriate children, foster parents, frequent witnesses, and caseworkers.

Challenging Steps

- Limit waiting time and inconvenience to the parties by avoiding non-consecutive court days as discussed above. Lengthen individual hearings (as discussed above) and set each one for a specific time.

- Provide notice to foster parents.

Means of Accomplishing Goal: Enact legislation or adopt court rules implementing the federal Adoption and Safe Families Act's requirement of notice to foster parents and giving them the opportunity to attend and speak at court hearings. Develop procedures and materials to ensure that they are encouraged to attend, welcomed, understand the proceedings, and given an opportunity to present their observations.

- Develop more adequate waiting rooms and meeting rooms for parties and playrooms for children.

Means of Accomplishing Goal: When new court facilities are selected or built or when current facilities are expanded, plan for waiting and meeting rooms for parties and play rooms for children. Note that if hearings are set for specified times, the need for such facilities will become less acute.

Transforming Steps

- Conduct periodic consumer surveys of parents and children before the court.

Means of Accomplishing Goal: If your state or local agency has regular quality assurance reviews that include consumer research, ask that they include questions concerning children's, parents' and foster parents' reactions to being in court, court decisions, and the court process. Work with them to develop helpful questions. See funding for this kind of evaluation. Act on the information to identify needed court improvements.

- Make sure that parties are present at hearings.

Means of Accomplishing Goal: (a) Order parties to attend court hearings and enforce orders if necessary. (b) If necessary to ensure that parties are present at key hearings, adopt a court rule or policy to hold extra temporary custody hearings where they do not appear and there may have been incomplete efforts to notify them.

- Provide thorough explanations of the court process to parties and foster parents.

Means of Accomplishing Goal: (a) Develop videotaped information and plainly written instructional materials on the court process for parents, older children, and foster parents. (b) Provide specific suggestions for judges on how and what to communicate to the parties in the judicial bench book and in judicial training.

Prepare a video of excerpts from a few hearings (showing how different judges explained the proceedings to the parties in child protection cases) and include it in judicial training.