

PERMANENCY PLANNING FOR CHILDREN DEPARTMENT  
NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES  
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**Ensuring the Unique Needs of Dependency Courts  
are Met in Disaster Planning Efforts:**

**Dependency Court Planning Templates for Continuity  
of Operations Plans**



## Ensuring the Unique Needs of Dependency Courts are Met in Disaster Planning Efforts: Dependency Court Planning Templates for Continuity of Operations Plans

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### **Bulletin Authored by:**

Lisa Portune, M.S.W.  
Consultant, National Council of Juvenile and Family Court Judges

Sophia I. Gatowski, Ph.D.  
Senior Program Manager, National Council of Juvenile and Family Court Judges

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Mary V. Mentaberry  
Executive Director  
National Council of Juvenile and Family Court Judges

Nancy Miller  
Director  
Permanency Planning for Children Department  
National Council of Juvenile and Family Court Judges

Howard Davidson  
Director  
Center on Children and the Law  
American Bar Association



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We are also indebted to the work of our colleagues at the American Bar Association, Center on Children and Law, and the National Center for State Courts, who provided us with extremely helpful disaster planning materials (see especially <http://www.abanet.org/statelocal/disaster/pdf> and the numerous materials available at <http://www.ncsc.org>).

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## Ensuring the Unique Needs of Dependency Courts are Met in Disaster Planning Efforts: Dependency Court Planning Templates for Continuity of Operations Plans

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### CHAPTER ONE: INTRODUCTION

#### Project History

In August and September 2005, Hurricanes Katrina and Rita caused devastating damage to states along the Gulf Coast. Many judges, court personnel, child welfare workers, and service providers in Alabama, Mississippi and Louisiana responded heroically. States, most notably Texas, welcomed those families and children displaced from the Gulf Coast. But in the wake of those disasters, questions were raised about the safety and services provided to the children in foster care. Immediate concerns included the destruction of records, movement of personnel and families, issues of confidentiality, and the inability to communicate effectively – all while judges, court personnel, child welfare workers, and service providers continued to work and meet the needs of children and families while facing overwhelming personal and property losses.

With the support of the Children's Bureau of the U.S. Department of Health and Human Services, a partnership of the National Council of Juvenile and Family Court Judges (NCJFCJ), the National Center for State Courts (NCSC), and the American Bar Association Center on Children and the Law (ABA) was mobilized to help address dependency court issues resulting from the devastation wreaked by Hurricanes Katrina and Rita in 2005.

In order to provide services to courts affected by Hurricanes Katrina and Rita, the partners:

- Conducted a needs assessment to ensure that courts in the areas affected by the hurricanes received the help they needed and not just the assistance that was available;
- Chronicled the onsite needs, priorities, and lessons learned in dependency courts affected by the hurricanes;
- Responded to the needs of hurricane affected courts by providing targeted technical assistance;
- Sponsored a discussion forum for judges, court staff, attorneys, caseworkers, service providers, and others working with abused and neglected children and their families in jurisdictions affected by Hurricanes Katrina and Rita;
- Produced an emergency preparedness guide, based on the lessons learned from Hurricane Katrina, to assist courts plan for future disasters (see [www.icmeducation.org/katrina](http://www.icmeducation.org/katrina)); and
- Developed a joint statement (NCJFCJ, NCSC, ABA, with the National Court Appointed Special Advocates Association and Child Welfare League of America) with respect to the leadership role juvenile and family courts must take in disaster planning (see Appendix A for joint statement).

## **Current Project**

The NCJFCJ expanded on the partnership's earlier work by conducting an environmental scan and review of state and local disaster planning efforts to determine if any state or local jurisdiction has yet prepared a fully collaborative disaster recovery plan focused specifically on child dependency cases.<sup>1</sup> Included in this review were: materials already collected by the NCSC; materials developed by the ABA on law office disaster planning; State Court Improvement Program (CIP) strategic plans that involve disaster planning in dependency cases; and work done by state or county child welfare agencies involving the courts (i.e., the child welfare disaster plans that each state must have as part of their IV-B State Plan). In addition, generic plans developed by states that have recently faced disasters (e.g., Louisiana, Texas, Florida), where available, were reviewed to incorporate any planning steps that are also relevant for dependency courts.

A review of available and relevant literature on the Internet and gathered through outreach to various stakeholders reveals that there is a significant amount of information concerning disaster preparedness for courts generally. However, there is very little information that speaks directly to the needs of a dependency court. While a review of specific child welfare disaster plans revealed general statements and steps there were no directives on how information was to be shared with the juvenile dependency court or pertaining to how the child welfare agency and the court would address the vast number of issues that *both* the child welfare agency must address and the juvenile dependency court requires (see Appendix E for more information about child welfare agencies and disaster planning).

This *Technical Assistance Bulletin* builds on the available relevant literature and draws on previous work in disaster preparedness conducted by the NCSC, ABA, and NCJFCJ, as well as information received from State Court Administrators and CIPs, to offer Dependency Court Disaster Planning Templates.

## **Using the Dependency Court Planning Templates to Develop a Continuity of Operations Plan:**

Presidential Decision Directive 67, issued October 1998, required all federal agencies to develop and maintain "Continuity of Operations Plan(s)" (COOP) for essential operations.<sup>2</sup> "The directive further mandates that all federal governmental organizations must return to operations within 12 hours after a disaster and that these operations must be able to be sustained for at least 30 days. In July 1999, the Federal Emergency Management Agency (FEMA) first issued Federal Preparedness Circular (FPC) 65, which gave more detailed guidance regarding COOP capabilities. In June 2004, FEMA released an updated version of FPC 65 providing additional guidance to agencies, especially for defining the process agencies should use in selecting, prioritizing and identifying the resources necessary to perform their essential functions.

In response to these federal requirements, in 2002 the federal judiciary developed three model COOP for the appeals, district and bankruptcy courts. Each plan

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<sup>1</sup> The term "dependency" is used throughout this document to refer to civil child abuse and neglect cases.

<sup>2</sup> [http://www.mwcog.org/security/security/otherplans/pres\\_dir\\_sum.pdf](http://www.mwcog.org/security/security/otherplans/pres_dir_sum.pdf)

identifies 10 areas essential to developing an effective judicial COOP.<sup>3</sup> Building on the feedback provided by state court administrators, CIP Directors, and especially those individuals from recently disaster-affected states, these 10 areas have been adapted in this publication to address the specific needs of the dependency court.

These areas include:

- Identification of all essential activities and functions;
- Identification and protection of vital records, systems and equipment;
- Determination of succession and delegation of authority;
- Identification and preparation of alternate work sites;
- Identification and training of a team of employees to perform essential activities in an emergency;
- Development of a system of warning to alert employees, visitors, and public of potential threats and what to do in an emergency;
- Development of a system for identifying the location and status of employees following an emergency;
- Development ways to communicate with employees, visitors, and the public after an emergency;
- Development of a system for restoring normal functions as soon as practicable; and
- Establishment of regular COOP training exercises.<sup>4</sup>

The dependency court disaster planning templates were also designed to address the specifics outlined in the Joint Disaster Planning Statement (see Appendix A). Specifically, the planning templates help dependency court to address:

- Methods to achieve a coordinated, prompt, and effective response in times of disaster;
- Appropriate tracking and oversight of children and families;
- Mechanisms and protocols to facilitate information sharing across agencies in order to identify, locate, and track children and their families;
- Steps to ensure hearings resume quickly and, as much as possible, on schedule;
- Maintenance of court, agency, attorney, and child advocate records in a form that will be immediately accessible;
- Identification of back-up judges;
- Plans for alternative sites for court proceedings;
- Plans for adequate casework staffing;
- Judicial review of efforts to locate families and children; and
- Plans for taking remote testimony if necessary.

The planning templates included in this *Bulletin* are meant to guide dependency court personnel in identifying the unique needs of their court during times of disaster, and are intended to help disaster planning teams implement a disaster plan before (if at all possible) and after disaster strikes. Use the templates with your collaborative disaster planning team to help bring specific issues to the forefront and to assist in higher-level discussions concerning the needs of the dependency court within the larger courthouse/state court administrator COOP. The planning templates, which are

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<sup>3</sup> Bernardino, Arthur Jr. (2006) *Business Continuity Management Mini Guide*, National Association for Court Management.

<sup>4</sup> "Court Continuity of Operations Plans" *The Third Branch*, vol.34, no.6, July 2002, retrieved from <http://www.uscourts.gov/ttb/july02ttb/essentials/html>.

structured as collaborative group worksheets and action planning guides, address the following areas –

***Committee Formation and Coordination:***

There are specific individuals within the courthouse and the dependency court who need to be represented in the disaster planning process. These individuals need to understand the workings of the dependency court and hold positions of decision-making authority. Since the responsibilities of the dependency court involve various stakeholders (Child Welfare, GAL/CASA, Public Defender, Agency Attorney, etc.), the disaster plans of the court cannot be created in a vacuum without an understanding of the stakeholder actions and plans that will need to be executed during a disaster. It is also necessary to ensure that the court disaster plans are taken into account within the stakeholders' plans.

***Research:***

There are federal and state laws, as well as state and local court policy, which mandate the hearing process for child protection cases. Whether or not there have been provisions made within the laws, policies, and procedures to address such things as timeframes, displacement of children, and judicial and case movement during times of disaster, will better equip a court to make a more accurate disaster plan which takes into account any limitations.

***Mitigating Disaster:***

Understanding the array of possible hazards, which could significantly disable the work of the court, allows teams to more comprehensively address all levels of disaster within the COOP. It can also bring attention to hazards whose impact could be reduced or elevated by taking immediate action. If plans are activated before disaster actually strikes (e.g., 48 hours before a predicted landfall of a Category 3, 4 or 5 Hurricane), the impacts of that disaster may also be mitigated.

***Determining Essential Court Functions:***

Awareness of essential functions along with the departments involved, staff requirements and types of business resources necessary for those functions, allows for better preparedness by the dependency court to address necessary changes in law, policy, and procedure, as well as stakeholder collaboration needed on specific functions. It is also necessary to prioritize those functions into what must occur within 24 hours through the first 30 days of a disaster.

***Court Documents (Files, Records and Forms):***

Following a disaster, it is imperative to have immediate access to all court forms and case files essential to continued dependency court operations. Therefore, knowing the availability of all forms and case files will better direct the dependency court in preparing the disaster plan.

***Applications and Hardware:***

Identifying the effect the loss of software applications will have on the dependency court's ability to perform essential functions allows for clear and concise information to be given to the Information Technology department who will be responsible for prioritizing court wide technology needs in the event of a disaster.



### ***Succession and Authority:***

Orders of succession and delegation of authority are not only necessary within the courthouse/ state court administrator's office, but also within the dependency court itself. Personnel must know who has the authority and responsibility if the leadership is incapacitated or unavailable during a time of disaster.

### ***Alternative Facility:***

When disaster occurs in a court, there may be a need for another place(s) to hold court. The essential needs of the dependency court must be addressed within the larger courthouse/state court administrator's office facilities section of the COOP plan.

### ***Communication:***

Depending on the level of disaster, all court employees will need to be accounted for and communicated with. The dependency court should have a list of all employees and various ways to contact them. Employees need to have a clear understanding of the different media outlets that will be used to communicate with them by the dependency court, and the courthouse/state court administrator's office.

### ***Stakeholder Issues:***

There are various issues dependency courts will identify that must be discussed and planned with the various stakeholders who work in their courtrooms. Dependency courts must understand their own COOP and the COOP of the stakeholders and courthouse/state court administrator's office, as well as the child welfare agency, and how they together address the safety of the children and families they serve during and after a time of disaster. This worksheet helps to facilitate conversations and problem-solving between the dependency court and its stakeholders, including the child welfare agency (e.g., how will children be located after a disaster?).

### ***Dependency Influx Plan:***

Just as great as the possibility of disaster to your jurisdiction is the possibility the disaster will occur close to, but without harming, your jurisdiction. The affect of this could mean an unexpected influx of families and children to the jurisdiction. This template asks questions to address what the court and stakeholders need to do to prepare accordingly to serve and support these families and children.

### ***Training and Testing:***

Training is a must. Employees need to learn about assignments and responsibilities as outlined in the dependency COOP plan. Interactive training provides an opportunity for personnel to practice the skills necessary for successful implementation. Test your plan against disasters that have occurred in our country's history.

### ***Continuity of Operations Planning Checklist:***

This checklist, which covers all aspects of the COOP development process, can be used to ensure that all essential planning elements are included in the plan and that timeframes for completion of those elements of the plan are specified.

In summary, the templates should be specific enough to guide a jurisdiction through the appropriate steps to ensure that safe and effective oversight is in place for children in the dependency court system immediately following a disaster. The first step is to reprint the Committee Representation template and organize your committee. Once

your committee is organized, begin to copy or download each of the templates and work to answer the questions. By answering the questions, the information needed to complete a COOP for the dependency court will be available. The process will move slowly as information is gathered and questions answered, but ultimately, the goal of this effort is to put a tool in the hands of dependency courts that can be easily modified and operationalized to help to protect children in times of disaster.

## Ensuring the Unique Needs of Dependency Courts are Met in Disaster Planning Efforts: Dependency Court Planning Templates for Continuity of Operations Plans

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### CHAPTER TWO: FEEDBACK ABOUT COOP

#### Outreach to CIP Directors and State Court Administrators

After an extensive literature review and examination of relevant materials, the NCJFCJ outreached to a number of a CIP Directors and State Court Administrators to discuss their efforts at designing specific dependency court disaster plans. Particular emphasis was placed on contact with individuals from states recently affected by a disaster as well as states that had received disaster-affected populations. These materials, and a survey of experts, was used to inform the development of the disaster planning templates contained within this *Technical Assistance Bulletin* that states and local jurisdictions can modify for their own use with dependency cases.

Outreach was extended to 93 persons, 30 of whom provided us with feedback about their state's court disaster planning efforts (a response rate of 32%).<sup>5</sup> We were interested in the specific elements of existing COOP, as well as who was involved in their development, and any copies of dependency specific COOP that could be shared with us for review and possible inclusion in this publication. From the responses we received from CIP and State Court Administrators, it is apparent that the majority of existing court-based COOP were created to address court issues *generally* and not the unique needs of dependency courts specifically. Often, the individuals providing us with information were, to some degree, unfamiliar with their COOP details as they may relate to the dependency court. This is evident when reviewing the responses received to questions (item 4 below) that relate specifically to the functions of the dependency court, where less than 33% were able to confidently determine that necessary dependency activities had been addressed within the larger court-based COOP. Of those respondents who could confidently determine that at least some of the unique needs of the dependency court are addressed in their COOP, three were from states recently affected by disasters. In addition, of the 30 individuals who responded, only 40% (12) indicated that they had a *completed* COOP in place, whether a general COOP or one that addresses dependency. And, none of the respondents were able to provide us with copies of a COOP which included attention to the needs of dependency courts.<sup>6</sup>

Clearly, given the information we were able to obtain, and the critical lessons learned from states that have been affected by disasters, dependency court

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<sup>5</sup> Individuals providing us with feedback included those from states recently affected by disasters or who served as receiving state for disaster affected populations (e.g., Louisiana, Florida, Mississippi, South Carolina, Texas, Iowa).

<sup>6</sup> Because only 32% of the identified court disaster planning experts we outreached to responded, the information provided herein is to be considered a snapshot of dependency court disaster planning efforts only, and should not be taken as determinative. In addition, there may be COOP which incorporate the needs of the dependency court but they are currently in the infancy of their development and, as a result, respondents may not have been familiar with their details or felt comfortable about sharing the details of those plans. In addition, respondents may not have been willing to share an actual COOP because of concerns about security, or because they were not in a position of authority to share those plans. Lastly, given the deadline requested for forwarding of the COOP, individuals may not have had sufficient time to provide the authors with copies.

stakeholders need to take action to ensure that the unique needs of their courts are addressed in state COOP efforts. The dependency court planning templates included in this *Technical Assistance Bulletin* should help to ensure that dependency court needs are met in disaster planning efforts.

### **Information Provided About the Features of COOP**<sup>7</sup>

1. Court Administrators and CIP Directors described the general features of their COOP:
  - Of the 12 respondents, 11 indicated that their COOP had succession and delegation of authority outlined; development of a system for restoring normal functions; and training of a team of employees to perform essential activities in an emergency.
  - Of the 12 respondents, 10 indicated that their COOP had identified all essential activities and functions; procedures for protection of vital records, systems and equipment; preparation of alternative work sites; development of a warning system for employees and visitors; and ways to communicate with employees and visitors.
  - Of the 12 respondents, 8 indicated that their COOP had developed a system for identifying the location and status of employees following an emergency.
  - Of the 12 respondents, 8 indicated that their COOP had provisions for regular training and exercises on the plan.
  
2. With respect to the planning process, the following areas were researched and identified:
  - Of the 12 respondents, 11 indicated that federal, state, and/or local statutes or policies that affect the operation of the court were included in their COOP; and possible catastrophic disaster scenarios were also included.
  - Of the 12 respondents, 10 indicated that their COOP included minor disaster scenarios (loss of key staff, bomb threat, and power/water disruption).
  
3. Collaboration took place among the following (respondents indicated that the following stakeholders were involved in developing their COOP):
  - Administrative Office of the Court
  - Emergency Management Agency
  - Federal Emergency Management Agency (FEMA)
  - Public Health Agencies
  - State Emergency Management Agency
  - Children's Division
  - Department of Social Services – Senior Services
  - State Highway Patrol, Capitol Police, Fire Department,
  - Presiding Judges
  - Court Executives
  - Court Staff
  - State Homeland Security Office
  - Court Security Director
  - Supreme Court

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<sup>7</sup> See Appendix D for a more detailed summary of responses from CIP Directors and State Court Administrators.

- Information Technology Division
- Trial Courts
- National Resources
- Facilities Management
- Contracted with a Vendor
- Local University

4. With respect the ***unique needs of the dependency court***, respondents noted the following:
- Of the 12 respondents, 5 indicated that their COOP allows for the ability to hold hearings (live, by telephone, video conferencing or by other means).
  - Of the 12 respondents, 3 reported that their COOP outlines how hearings will take place within the ASFA timelines.
  - Of the 12 respondents, 3 reported that their COOP has the ability to access the names of the public defender or parent's attorney.
  - Of the 12 respondents, 3 indicated that their COOP allows for the ability to access information about the legal status of pending cases.
  - Of the 12 respondents, 2 reported that their COOP has the ability to access the names of the caseworker, GAL/CASA, states attorney, and child welfare attorney in dependency cases.
  - Of the 12 respondents, 2 reported that their COOP includes procedures to allow interstate court proceedings involving foster children who have been located across state lines.
  - Of the 12 respondents, 1 reported that their COOP has provisions for information to be conveyed to the court concerning attorney and case worker representation.
  - Of the 12 respondents, 1 reported that their COOP includes procedures addressing confidentiality restrictions in sharing essential information about families involved in the dependency court with other court systems.
  - Of the 12 respondents, 1 reported that their COOP outlines how the court will handle the influx of new cases.
  - None of the respondents indicated that their COOP identifies a plan to enlist the assistance of local and non-local attorneys to provide representation and social workers to provide child welfare casework duties; nor do they identify a list of attorneys and social workers with child welfare expertise located throughout the state .
  - None of the respondents indicated that their COOP outlines procedures for surrounding states and local courts to have jurisdiction of cases in which foster children have been moved across state lines in violation of the ICPC.
  - None of the respondents indicated that their COOP outlines procedures for which surrounding states and localities will have financial responsibility for paying for foster care.

**Dependency Continuity of Operations Plans –  
Information from State Court Administrators and Court Improvement Programs**

Specific Feature of COOP	Yes	No	Did Not Answer
Court has completed a continuity of operations plan	12	18	0
<b><i>Plan includes the following</i></b>			
Determination of success and delegation of authority.	11	1	0
Identification of essential activities and functions.	10	1	1
Identification and protection of vital records, systems and equipment.	10	1	1
Identification and preparation of alternative work sites.	10	1	1
Development of a warning system to alert employees, visitors and the public of potential threats and what to do in an emergency.	10	1	1
Development of ways to communicate with employees, visitors and the public after an emergency.	10	1	1
Development of a system for restoring normal functions as soon as practicable.	11	1	0
Training of a team of employees to perform essential activities in an emergency.	11	1	0
Identified any federal, state, and/or local statutes or policies that affect the operation of the court.	11	1	0
Identified any possible disaster scenarios.	11	1	0
Identified catastrophic disaster scenarios (hurricane, flooding, tornado, fire, and earthquake.)	11	1	0
Identified minor disaster scenarios (loss of key staff, bomb threat, and power/water disruption.)	10	1	1
<b><i>The COOP addressed the unique needs of the dependency court – specifically:</i></b>			
Ability to access the names of the caseworker, GAL, CASA, States Attorney, child welfare attorney associated with each case.	2	2	8
Ability to access the names of the public defender or parent attorney.	3	1	8
Identifies a plan to enlist assistance of local and non-local attorneys to provide representation.	0	5	7
Identifies a list of attorneys with child welfare expertise located throughout the state.	0	5	7
<b><i>The COOP addressed the unique needs of the dependency court – specifically:</i></b>			
Identifies a plan to enlist the assistance of local and non-local social workers to provide child welfare casework duties.	0	5	7

<b>Specific Feature of COOP</b>	<b>Yes</b>	<b>No</b>	<b>Did Not Answer</b>
The information about attorneys and social workers with expertise has been conveyed to the court by the local or state child welfare agency.	1	4	7
Has the ability to access information about the legal status of pending cases.	3	2	7
Allows for the ability to hold hearings (live, by telephone, video conferencing or by other means).	5	7	0
Includes procedures to allow interstate court proceedings involving foster children who have been located across state lines.	2	3	7
Includes procedures addressing confidentiality restrictions in sharing essential information about families involved in the dependency court with other court systems.	1	4	7
Outlines how hearing will take place within the ASFA timelines.	3	1	8
Outlines which surrounding states and localities will have financial responsibility for paying for foster care.	0	5	7
The Child Welfare Agency has shared information addressing financial responsibility for foster care payments, however this information is not contained within the COOP.	0	4	8
Outlines how the court will handle the influx of new cases.	1	3	8
Outlines which surrounding states and localities will have financial responsibility for paying for foster care.	0	5	7

## APPENDIX A

### Juvenile and Family Courts Must Take a Leadership Role in Disaster Planning Joint Statement

National Council of Juvenile and Family Court Judges  
National Center for State Courts  
American Bar Association Center on Children and the Law  
National Court Appointed Special Advocates Association  
Child Welfare League of America

In summer of 2005 when Hurricanes Katrina and Rita devastated the Gulf Coast region, we were reminded of the importance of having disaster plans in place. In the chaotic aftermath of the hurricanes, there were no systematic means for courts, child welfare agencies, and other child welfare professionals or advocates to ask for help, to share information, or to coordinate essential activities. Courts and child welfare agencies struggled to locate foster children, parents, and families; to provide services and supports to children and families under the court's jurisdiction; and to ensure appropriate oversight of cases.

**In every jurisdiction, the juvenile and family court, child welfare agency, other system professionals, child advocates, and volunteers must engage in collaborative efforts to develop disaster plans that facilitate communication, coordination, and oversight of child protection cases.**

- Juvenile and family courts must take a leadership role in disaster planning and work collaboratively with child welfare agencies, child advocates, volunteers, and other professional and community resources to ensure a coordinated, prompt, and effective response in times of disaster and appropriate tracking and oversight of children and families.
- Mechanisms and protocols must be developed that facilitate information-sharing across agencies in order to identify, locate, and track children and families during times of disasters. A process must be put in place to ensure that information-sharing plans are activated immediately at the time of disaster.
- Juvenile and family courts must develop disaster plans that address the specific needs of cases involving children and families, especially child protection cases.
  - Disaster plans aimed specifically at the juvenile and family court must be incorporated into broader court disaster plans that focus on continuity of operations. These should include steps to ensure that hearings resume quickly and, as much as possible, are on schedule after a disaster;
  - Maintenance of court, agency, attorney, and child advocate records in a form that will be immediately accessible following a disaster;
  - Identification of back up judges to hear cases and attorneys and advocates to represent parties if needed;
  - Continued local assignment of enough caseworkers to cover cases in court in areas affected by disaster, regardless of the current whereabouts of families and children, until cases are transferred to another court;
  - Plans for alternative sites for court proceedings in affected areas, in case courthouses are damaged or destroyed;



- During court hearings immediately following the disaster, judicial review of efforts to locate parents, children, other key family members, and foster parents; and
- Plans for taking testimony or otherwise obtaining necessary evidence from children, parents, care providers, case-related witnesses, or others that have relocated to other states.

**Disaster plans should focus on: (1) Identification of professional and community resources that can be activated in times of disaster; (2) Ensuring immediate activation of disaster plans and immediate responses to protect children; and (3) Ongoing efforts to return to stability**

- Disaster plans should include strategies to deploy professional and community resources to protect children and families both during and after times of disaster. It must be recognized that resources exist in all communities that, with proper planning, can be more fully deployed and coordinated to protect children and help return them to stability as quickly as possible.
- Disaster planning needs to incorporate local, regional, state, and federal planning.
- Local, regional, state and federal plans need to be coordinated and shared with local and state leadership – everyone needs to know the plan, how to activate it, and how to mobilize resources in coordinated manner. There must be clear lines of authority and everyone needs to know who has the authority to act and to make decisions on behalf of the various organizations.

As national organizations dedicated to the safety and welfare of children, we are committed to providing assistance and resources to local communities, regions, and states as they prepare for, respond to, and recover from disasters.

**APPENDIX B**

**DEPENDENCY COURT TEMPLATE PLANNING WORKSHEETS FOR COOP**

## Worksheet 1: Committee Formation and Coordination

### Dependency Court Disaster Planning Team:

It is vital to have the people who can make decisions and understand the needs of the dependency court serve on the Disaster Planning committee. Each person on the committee will serve a vital role, bringing not only their knowledge and expertise to the table, but also their understanding of how to locate the necessary information needed to create an effective disaster plan. Each person will need to take responsibility to carry out parts of the disaster plan. Add other people to the committee who will best serve in the leadership, research and execution of the final plan.

The following will participate in emergency/disaster planning:

Name and Contact Information:

Court Administrator: \_\_\_\_\_  
Judge(s): \_\_\_\_\_  
Clerk: \_\_\_\_\_  
Child Welfare Agency Director: \_\_\_\_\_  
Others: \_\_\_\_\_

Regular meeting times and location: \_\_\_\_\_

Plan completion date: \_\_\_\_\_

Date plan is presented to the larger Courthouse/State Court Administrator's Office for consideration within the larger Continuity of Operation Plan (COOP): \_\_\_\_\_

### Courthouse/State Committee Representation:

Designate court staff or a Judge to coordinate with the Courthouse/State Disaster Planning Committee, ensuring that Dependency court needs are represented and there is an understanding of how the following will be handled by the courthouse in times of local emergency or disaster:

Dependency need incorporated – Clarify plan as it relates to **Dependency Court**:

Security Planning:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Information Systems:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Human Resources:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personnel:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Space and Facilities:

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Budget and Procurement:

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**Stakeholder Representation:**

Designate court staff or a Judge and coordinate with individual court stakeholder agencies to ensure that dependency court needs are represented and there is two way understanding of stakeholder emergency/disaster preparedness plans.

Name and Contact Information:

Child Welfare Agency:

Guardian *ad-litem*/CASA:

Parent Attorneys:

Others:

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Dependency court plan/larger courthouse/state court administrator's office Continuity of Operations Plan (COOP) needs to be shared with the following stakeholders:

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Dependency court has been educated on the following stakeholder disaster plans: \_\_\_\_\_

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Identify areas of disconnect between the dependency court and stakeholder disaster plans: \_\_\_\_\_

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Identify specific steps to address the areas of disconnect and expected date of completion:

Area & Steps:

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Date of Completion: \_\_\_\_\_

Area & Steps:

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Date of Completion: \_\_\_\_\_

Area & Steps:

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Date of Completion: \_\_\_\_\_

Area & Steps:

\_\_\_\_\_  
\_\_\_\_\_ Date of Completion: \_\_\_\_

Area & Steps:

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\_\_\_\_\_ Date of Completion: \_\_\_\_

Area & Steps:

\_\_\_\_\_  
\_\_\_\_\_ Date of Completion: \_\_\_\_

Area & Steps:

\_\_\_\_\_  
\_\_\_\_\_ Date of Completion: \_\_\_\_

Area & Steps:

\_\_\_\_\_  
\_\_\_\_\_ Date of Completion: \_\_\_\_

Area & Steps:

\_\_\_\_\_  
\_\_\_\_\_ Date of Completion: \_\_\_\_

## Worksheet 2: Research

### Research of Federal, State and Local Laws, Policies and Procedures:

There are many considerations to be addressed before making a disaster preparedness plan. It is imperative to understand how federal, state and local laws and procedures may affect the operation of the dependency court as well as the displacement of child(ren) in times of disaster. Interstate compacts with bordering states become even more important when children are displaced to other states, but remain under the jurisdiction of their home state. By systematically examining and assembling information for each category, the committee will know exactly which areas will need to have focus in order to create a thorough disaster preparedness plan for the unique needs of the dependency court.

\*This item may be more appropriately addressed by the larger courthouse/state court administrator's office for the Continuity of Operations Plan (COOP).

<b>Research Item:</b> Power granted to the court to move court operations:	<b>Federal law</b>	<b>State Law</b>	<b>State Policies</b>	<b>Court Policies</b>	<b>Court Procedure</b>
Within the county:					
Within the state:					
Outside the state:					

Name and title of person of authority and/or description of process:

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Information is not law – what specific policy or procedure and needs should be addressed?

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Specific steps to be taken:

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<b>Research Item:</b> Impact on Time Requirements:	<b>Federal law</b>	<b>State Law</b>	<b>State Policies</b>	<b>Court Policies</b>	<b>Court Procedure</b>
Days to adjudication:					
Days to disposition:					
Days to termination of parental rights:					
Days to adoption:					

Name and title of person of authority and/or description of process:

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Information is not law – what specific policy or procedure and needs should be addressed?

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Specific steps to be taken:

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<b>Research Item:</b>	<b>Federal law</b>	<b>State Law</b>	<b>State Policies</b>	<b>Court Policies</b>	<b>Court Procedure</b>
Displacement of Children					
Health Care					
Foster care Payments					
Adoptive Home Payments:					
Service Payments:					

Name and title of person of authority and/or description of process:

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Information is not law – what specific policy or procedure and needs should be addressed?

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Specific steps to be taken:

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What are the objectives of the **Child Welfare Agency Disaster Plan** to address displacement of children?

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<b>Research Item: Case Movement:</b>	<b>Federal law</b>	<b>State Law</b>	<b>State Policies</b>	<b>Court Policies</b>	<b>Court Procedure</b>
Authority to move case from family court Judge X to family court Judge Y:					
Authority to transfer a case from family court for county X to family court for county:					
Authority to transfer a case from a limited jurisdiction family court to a federal jurisdiction court?					

Name and title of person of authority and/or description of process:

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Information is not law – what specific policy or procedure and needs should be addressed?

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Specific steps to be taken:

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If it becomes necessary for judges outside of the dependency arena to hear dependency cases, are there Dependency Reference/Bench Cards available to outline policy, procedure and ASFA?

Yes\_\_\_\_\_ No\_\_\_\_\_

Specific dependency Reference/Bench Cards that need to be created:

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Committee responsible to create Reference/Bench cards:

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Dependency Reference/Bench card location:

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Reference/Bench cards available in the following formats:

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<b>Research Item:</b> Judicial Movement:	<b>Federal law</b>	<b>State Law</b>	<b>State Policies</b>	<b>Court Policies</b>	<b>Court Procedure</b>
Does the family court judge for County X have the authority to hold hearings in County Y?					
Who can transfer judges to the dependency division?					
Can a general-jurisdiction court judge temporarily act as the judge for a separate dependency court? Vice versa?					

Name and title of person of authority and/or description of process:

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Information is not law – what specific policy or procedure and needs should be addressed?

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Specific steps to be taken:

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<b>Research Item:</b> Location Movement:	<b>Federal Law</b>	<b>State Law</b>	<b>State Policies</b>	<b>Court Policies</b>	<b>Court Procedure</b>	<b>N/A</b>
If a court session cannot be held in one courtroom because it is unusable, who can authorize the movement of the hearing to another courtroom or another room in the building altogether?						
If a statute requires the court meet in a county seat, who can decide where in the county seat?						
If the court meets "in and for the County of X," who decides where in County X they meet?						
Within the state, who can change the venue or is this not required?						

Name and title of person of authority and/or description of process:

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Information is not law – what specific policy or procedure and needs should be addressed?

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Specific steps to be taken:

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<b>Research Item: Records Accessibility</b>	<b>Federal law</b>	<b>State Law</b>	<b>State Policies</b>	<b>Court Policies</b>	<b>Court Procedure</b>
Confidentiality statutes and rules					
Disclosure of agency records					
Disaster recovery provisions/contingencies					
Memorandum of understanding /agreement among stakeholders					
Expedited or waiver of credentialing of new Stakeholders					

Name and title of person of authority and/or description of process:

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Information is not law – what specific policy or procedure and needs should be addressed?

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Specific steps to be taken:

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**Interstate Compact Review:**

There is an increased probability, that during and after a disaster, children in care will be relocated outside of their home state. Interstate compacts become necessary tools for states in facilitating an agreement about needed services, and especially about health care coverage. Interstate compacts need to be reviewed with all bordering states, not just the closest in proximity to the local dependency jurisdiction.

List all bordering states:

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Review of all bordering state interstate compacts: Yes No

Health care coverage addressed: Yes No

Other information that needs to be addressed/included:

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**Review of Other Dependency Court Disaster Plans:**

Review other dependency court emergency/disaster preparedness plans in and around your state.<sup>8</sup> Other jurisdictions may have already addressed many questions facing your jurisdiction and provide guidance in addressing the vast issues surrounding preparedness planning.

List other state/county plans reviewed and consideration that need to be reviewed by your committee:

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<sup>8</sup> Despite an extensive literature search and direct follow up with state court administrators and court improvement project directors, at the time of the development of this dependency court disaster planning template, specific and fully developed dependency court disaster plans were not available.

### Worksheet 3: Mitigating Disaster

#### Dependency Court Emergency/Disaster Planning:

Mitigating the impact of various disasters through preventative measures can do the following: limit a reduction in facility damages; reduce down time; protect information systems; reduce damages to facilities and nonstructural components; reduce damage to vital equipment; and, most importantly, mitigate impacts to the children and families served by the court. Once a court has identified all the possible threats, and ranked the probability of events (taking into consideration their frequency and severity), the court can prioritize its disaster planning efforts based upon its vulnerabilities.<sup>9</sup> In addition, in all disaster planning efforts, teams should outline procedures for implementing their plans before disaster strikes if at all possible (e.g., 48 hours before predicted landfall of a Category 3, 4, or 5 Hurricane). When considering potential hazards, review the extended history of the region, as it may provide an insight otherwise overlooked.

Hazard	Probability	Human Impact	Property Impact	Business Impact	Total
Low =1→High =5		Low Impact = 1 → High Impact = 5			
Category 1-2 Hurricane					
Category 3-4 Hurricane					
Flooding					
Thunderstorm, Lightning, Hail					
Tornado					
Wildfire					
Sinkhole					
Pandemic					
Earthquake					
Emergency Water Shortage					
Winter Storm					
Heating & Air Conditioning Failure					
Hazardous Materials					
Building Fire					
Power Services Disruption					
Environmental Health					
Terrorism					
Bomb Threat					
Explosion & Detonation					
Building System Failure/Collapse					
Cyber-Attack					
Violence in the Workplace					
Sabotage					
Loss of Key Staff					
Civil Unrest					
Workforce Disruption					
Adjacent Hazards					
Others					

<sup>9</sup> Bernardino, J. Jr. (2006). *Business Continuity Management Mini Guide*. National Association for Court Management, pg 14.

For the high TOTAL scores, describe what will be the impact to the operation of the Dependency court **specifically**, taking into consideration, how the workings of stakeholders (child welfare agency, GAL/CASA and attorneys) as well as other departments within the larger court may effect dependency court operations.

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**Critical Partnerships:**

The Dependency Court may rely on one or a variety of partnerships with vendors or service providers to maintain operations around data processing, record keeping and case management. Contact information for each vendor needs to be outlined. The court must take into consideration that all critical vendors may also experience employee absences or considerable down time during a disaster. It is necessary to mitigate the impact on critical dependency court function by identifying all partners and an alternative provider for that service.

Type of Critical Partnership/Service/Vender:

Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
Primary Contact: \_\_\_\_\_  
Alternative Contact: \_\_\_\_\_  
Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this company is unable to provide services/materials, the following organization(s) can provide:

Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
Primary Contact: \_\_\_\_\_  
Alternative Contact: \_\_\_\_\_  
Notes: \_\_\_\_\_

Type of Critical Partnership/Service/Vender

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Alternative Contact: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If this company is unable to provide services/materials, the following organization(s) can provide:

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Alternative Contact: \_\_\_\_\_

Notes: \_\_\_\_\_

### Worksheet 4: Determine Essential Court Functions

**Identify Departments and Staff to Complete Court Functions:**

In order to plan appropriately, the court must understand the departments involved and the staff required to complete dependency court functions. Determining essential dependency court functions allows the court to prioritize what will need to be accomplished within the first day of a disaster and what will need to be accomplished in the days that follow.

Court Functions	Departments Involved	Staff Requirement	Stakeholder Involvement Required
Case Initiation:			
Steps:			
Scheduling:			
Hearings:			
Shelter Care:			
Adjudication:			
Disposition			
Permanency Review			
Review			
Termination of Parental Rights			
Adoptions			
Case Closure:			
Document Generation:			
Steps:			
Recording Proceedings:			
Security:			
Data Management:			
Other Functions:			

**Prioritizing Mission Essential Functions:**

Mission essential functions are those functions that enable the court to provide vital services to their members and to the general public while in the courthouse and sustain the viability of the court in an emergency/disaster. In the table below, identify and prioritize the dependency court's essential functions in accordance with time frames provided. The functions that must be continued under all circumstances should have the highest priority.<sup>10</sup>

1. Mission essential functions that must be performed within 24 hours of a disruption. (Ranked from highest to lowest)
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
  - f. \_\_\_\_\_
  
2. Mission essential functions that must be performed should the duration of disruption last longer than 24 hours but less than 7 days. (Ranked from highest priority to lowest)
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
  - f. \_\_\_\_\_
  
3. Mission essential functions that must be performed should the duration of the disruption be greater than 7 days but less than one month. (Ranked from highest priority to lowest)
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
  - f. \_\_\_\_\_

*Note: All court operations and functions must be resumed at some level should the disruption last longer than 30 days.*

List areas where stakeholder participation and coordination is necessary:

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Outline the stakeholder/Dependency court plan to meet the essential functions:

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<sup>10</sup> Bernardino, Jr. (2006). *Business Continuity Management Mini Guide*. National Association for Court Management, pg. 45.



**Absenteeism and Prioritizing Mission-Essential Functions:**

The following operations are deemed critical for them to occur to maintain mission essential functions at 20, 35, and 50 percent absenteeism: <sup>11</sup>

Function	Department/Staff/Stakeholder	Absenteeism:
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%
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_____	_____	<input type="checkbox"/> 20% <input type="checkbox"/> 35% <input type="checkbox"/> 50%

<sup>11</sup> Not if...but when: *Pandemic Continuity of Operations Plan for the Courts of Arizona*, December 2006, pg. 39. [www.PandemicCOOP-plan-draft.pdf](http://www.PandemicCOOP-plan-draft.pdf)

### **Worksheet 5: Court Documents (Files, Records and Forms)**

The dependency court forms and files/records can be in multiple formats. After a disaster one or more formats may not be accessible. Understanding the format of all documents is necessary to allow essential functions to be completed in creating a disaster plan.

#### **Court Forms:**

Following a disaster, it is imperative to have immediate access to all court forms essential to continued dependency court operations. Therefore, knowing the availability of all forms will better direct the court in preparing the disaster plan. It should be assumed that all hard copies of all forms will be destroyed in a disaster and electronic versions will be necessary.

<b>Form Name</b>	<b>Hard Copy Only?</b>	<b>Physical Location</b>	<b>Electronic Format - Define</b>	<b>Electronic Location - Court Web Site</b>	<b>Electronic Location - Network Back Up Stored Off Site</b>	<b>PDF Format - Available on DVD</b>	<b>PDF Format - Available on CD</b>	<b>Form Needs To Be Transferred Into Electronic Version - Type?</b>

**Court Records:**

Records/files Name	Hard Copy Only?	Physical Location	Electronic Format - Define	Electronic Location - Court Web Site	Electronic Location - Network Back Up Stored Off Site?	PDF Format - Available on DVD?	PDF Format - Available on CD?	Form Needs To Be Transferred Into Electronic Version - Type?

**Notes:**

Judge/ Magistrate Notes	Hard Copy Only	Physical Location	Electronic Format - Define	Electronic Location - Court Web Site	Electronic Location - Network Back Up Stored Off Site?	PDF Format - Available on DVD?	PDF Format - Available on CD?	Form Needs To Be Transferred Into Electronic Version - Type?

**Essential Functions and Resource Requirements:**

Referring to your Mission Essential Functions - please check what type of Information Technology is used to perform those tasks.

Example: Case filing – Telephone, hardware, software, scanner, Microfiche, etc.

**Mission essential functions that must be performed within 24 hours of a disruption**

Essential Function	Phone	Voicemail	E-mail	Web service	Hardware PC or laptop	Software ID program	Scanner	Microfiche	Paper Document

**Mission essential functions that must be performed should the duration of disruption last longer than 24 hours but less than 7 days**

Essential Function	Phone	Voicemail	E-mail	Web service	Hardware PC or laptop	Software ID program	Scanner	Microfiche	Paper Document

**Mission essential functions that must be performed should the duration of the disruption be greater than 7 days but less than one month**

Essential Function	Phone	Voicemail	E-mail	Web service	Hardware PC or laptop	Software ID program	Scanner	Microfiche	Paper Document

**Records Preservation: Recovery and Restoration** <sup>12 13</sup>

1. In what area(s) of the court are paper files stored? Include both closed and open cases, and cases that are currently being processed.

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If records are stored in any of the following conditions, consider alternative areas in order to mitigate the risk of damage:

- Near plumbing
- In direct sunlight
- On the floor
- Inconsistent temperature and humidity
- Pest infested areas

2. Are digital backups of all paper-based records (medical, psychological, police, educational and stakeholder reports and case plans) being made?

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3. Are digital backups stored off-site? Where?

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4. Are digital backups stored out of the geographical area? Where?

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5. Is there a schedule to back up electronic data? Weekly? \_\_\_\_\_  
Monthly? \_\_\_\_\_

6. Are electronic data of long-term importance stored in stable formats and on stable media?

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7. Are electronic data of long-term importance stored under environmental conditions conducive to long-term preservation?

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8. Is there a schedule to migrate (periodic updating of format and medium) electronic data of long-term importance?

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<sup>12</sup> <http://www.icmededucation.org/datrina/chaper8.html>

<sup>13</sup> For detailed information about recovery and salvage of restoring, reformatting and otherwise saving damaged records, refer to: <http://www.icmededucation.org/Katrina/chapter 8.html>

9. Develop a salvage plan that addresses options for the recovery and salvage of damaged records. Make recommendations based on existing resources, personnel and facilities. The plan is:

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10. Establish a recovery team whose members are authorized to view confidential records, trained in salvage and recovery, and well versed in the court's disaster response plan. Recovery team members are:

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11. Identify and establish contact with response-and-recovery vendors and suppliers the court would most likely use:

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### Worksheet 6: Applications and Hardware

The protection and availability of software applications and databases are needed to support essential functions under a broad array of disruptions. Court personnel must identify all applications and databases necessary to sustain functions at alternative facilities.

Does the dependency court rely on computer systems or computer applications to perform essential functions? Yes No

**If yes**, answer the following for each computer application that is essential to the dependency court's functions.

Application	Indicate the effect the loss of this application would have on the dependency court	How long can the dependency court perform all functions without this application?	Have backup procedures (manual or otherwise) been established in the event the application is unavailable?
	Catastrophic Moderate   Minor		
	Catastrophic Moderate   Minor		
	Catastrophic Moderate   Minor		
	Catastrophic Moderate   Minor		
	Catastrophic Moderate   Minor		
	Catastrophic Moderate   Minor		
	Catastrophic Moderate   Minor		
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	<input type="checkbox"/> Catastrophic <input type="checkbox"/> Moderate <input type="checkbox"/> Minor		
	<input type="checkbox"/> Catastrophic <input type="checkbox"/> Moderate <input type="checkbox"/> Minor		

To perform mission essential functions list both software needs and hardware needs (this information is vital and should be shared and included in the courthouse/state IT disaster plan):

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## Worksheet 7: Succession and Authority<sup>14</sup>

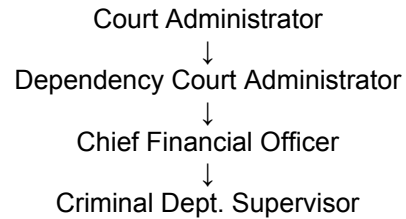
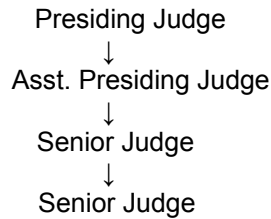
### Orders of Succession

Orders of succession are essential to a court's Continuity of Operations Plan (COOP) to ensure personnel know who has the authority and responsibility if the leadership is incapacitated or unavailable during a time of disaster. Orders of succession need to be determined for the entire courthouse/state court administrator as well as within the dependency court specifically.

Order of succession for the court should:

- Include a description of the order of succession by position or title, rather than by names of individuals.
- Ensure that orders are of sufficient depth (at least 3 deep) to ensure the court's ability to perform essential operations.
- Consider personnel outside the immediate area if possible.
- Ensure each emergency team has an equitable share of leadership.
- Include the conditions under which succession will take place, method of notification, and any temporal, geographical, or organizational limitations.

Examples:



Key Position (Position Title)	Successor 1	Successor 2	Successor 3
Court Administrator Criminal Dept. Supervisor	Deputy Court Administrator Deputy Criminal Dept. Supervisor	Chief Financial Officer Senior Clerk	Criminal Department Head Senior Clerk

<sup>14</sup> Bernardino, Jr. (2006). Business Continuity Management Mini Guide. National Association for Court Management.



Outline the rules and procedures for implementing the Order of Succession:

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**Delegation of Authority:**

Clearly pre-established delegations of authority are vital to ensuring that all court personnel know who has the authority for making policy determinations and decision in times of emergency and disaster. These need to be determined for the entire courthouse/state court administrator as well as specifically within the dependency court.

Delegations of authority for the court should:

- Identify what is needed for effective operations, including programs and any administrative authority.
- Identify the circumstances warranting an exercise of that authority.
- State the designated successors by title, not by name.
- State when the authority becomes effective and when it terminates.

<b>Position</b>	<b>Authority</b>	<b>Triggering Conditions</b>	<b>Limitations</b>
Chief Judge Deputy Chief Judge	Statute, Administrative Order	Chief Judge Unavailable	When higher authority available
Court Administrator Deputy Court Administrator	Statute, admin order, rules Admin order, policies	As designated by chief judge. Court administrator unavailable	Dependent on administrative order. When higher authority available

## Worksheet 8: Alternative Facility

The larger courthouse/State Court Administrator's Office Continuity Of Operations Plan should include a plan for the potential need for another place(s) to hold court and the type of advance arrangements that will be needed. Clearly, for many courts, such facilities may not be readily available. Potentially useful sites, including those in nearby towns or adjacent counties and, especially, other courthouses need to be considered.<sup>15</sup> When considering other sites, size, accessibility and familiarity must be taken into account. At least two sites should be identified in the disaster plan. The dependency court needs to examine if these sites will accommodate their needs, what additional resources are necessary, and how they will operate within the site.

*Your planning process should consider:*

What are the facility needs of the dependency court to address essential functions?

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What is the minimum number of courtrooms needed to run hearings?

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What are the physical materials necessary to convene a hearing?

Tables:	Yes	No	Number Required	_____
Chairs:	Yes	No	Number Required	_____
Computer Hook-Ups:	Yes	No	Number Required	_____
Computer/Laptops:	Yes	No	Number Required	_____
Conference area:	Yes	No	Number Required	_____
Others:	Yes	No	Number Required	_____

Is there appropriate infrastructure (electrical power, parking security, communications, etc.) in place to accommodate dependency hearings? Yes No If no, need to address the following:

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List the two sites identified in the larger Courthouse/State Court Administrator's COOP:

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<sup>15</sup> State Justice Institute (SJI) Court Emergency/Disaster Preparedness Planning Project. *Planning for Emergencies: Immediate Events and Their Aftermath. A Guideline for Local Courts.* Justice Programs Office. School of Public Affairs, American University. November 2005, pg 13.

Identify the advantages and disadvantages of using the above named two facilities:

Facility 1 –  
Advantages:

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Disadvantages:

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Facility 2 –

Advantages:

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Disadvantages:

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List the physical materials that must be moved or purchased to perform essential functions at an alternative facility:

Phone	Yes	No
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Scanner	Yes	No
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Microfiche	Yes	No
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Computers	Yes	No
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Copier	Yes	No
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Others:

_____	Yes	No
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_____	Yes	No
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_____	Yes	No
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_____	Yes	No
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Name responsible person/position to ensure physical materials are moved or purchased for alternative facility:

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Office supplies:

File Stamp	Yes	No
Stapler	Yes	No
Envelopes	Yes	No
Calendars	Yes	No
Tape	Yes	No
Date Stamp	Yes	No
Notary materials	Yes	No
Pens	Yes	No
Paper	Yes	No
Other:		
_____	Yes	No
_____	Yes	No
_____	Yes	No

Name responsible position to gather/purchase necessary office supplies:

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If the dependency court must identify its own alternative facility the following also needs to be clarified:

**Alternative Locations:**

**Location 1:**

**Location 2:**

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Facility 1 Name:

Facility 2 Name:

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Facility 1 Address:

Facility 2 Address:

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Facility 1 Contact:

Facility 2 Contact:

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Facility 1 Phone Number(s):

Facility 2 Phone Number(s):

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Advantages to facility 1:

Advantages to facility 2:

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Disadvantages to facility 1:

Disadvantages to facility 2:

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Facility 1

Facility 2

In county?	Yes	No
Out of county ?	Yes	No
Formal agreement?	Yes	No

In county?	Yes	No
Out of county?	Yes	No
Formal agreement?	Yes	No

Steps to take to notify staff and community re: facility 1

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Steps to take to notify staff and community re: facility 2

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Is there appropriate infrastructure in place re: facility 1?

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Is there appropriate infrastructure in place re: facility 2?

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Identify resources to secure alternative facility 1:

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Identify resources to secure alternative facility 2:

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Is there an MOU with the alternative facility 1 owner/entity?

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Is there an MOU with the alternative facility 2 owner/entity?

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### Worksheet 9: Communication

#### Contacting Designated Authorities and Decision Makers:

In times of disaster, or impending disaster, it is important to ensure that all dependency court stakeholders know where designated authorities and decision-makers will be (e.g., the Governor, Chief Justice, Presiding Judge, Child Welfare Agency Administrator, etc.).

Name	Title & Location	Office #	Home #	All Cell #(s)	E-mail Address(s)	Alternative Location (s) and #

Court Employee responsible to make contact: \_\_\_\_\_

**Employee Contact:**

Depending on the level of the disaster, all court employees will need to be accounted for. Many may have had to leave the county or state. Each department will need a list of department employees and a way to contact them. Depending on the size of the court, contacting employees may fall to the responsibility of dependency court managers and supervisors. Contact information should be kept in the manager's office, home and car.

When identifying communication protocols for court employees, disaster planning teams should also coordinate with their child welfare agency to ensure a means to contact key child welfare staff and child advocates (e.g., these individuals may be critical to locating children and families after a disaster).

*Court Employee responsible to make contact:* \_\_\_\_\_

<b>Name</b>	<b>Title &amp; Location</b>	<b>Office #</b>	<b>Home #</b>	<b>All Cell #s)</b>	<b>E-mail Address(s)</b>	<b>Alternative Location (s) and #</b>

Describe the procedure to locate and contact employees:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In the event it was necessary for the building to be evacuated, outline how employees in the dependency court will be accounted for:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Media Outlets to Communicate with Employees and Families:**

Emergency notification to employees and families is necessary to communicate any transition of essential functions. The court needs to be prepared to communicate through a variety of media.

<b>Media Outlets to Communicate with Employees and Families</b>	<b>Have</b>	<b>Need to Establish</b>
Court emergency telephone notification system		
Public announcement system		
Court web sites		
Electronic Mail (E-mail)		
Recorded telephone messages		
Announcements on local radio and television stations		
In person communication		
Information hotline		
Toll-free number for the public to call for information		
Others:		

\*Anything electronic, email and websites should be able to be rerouted through other servers in different parts of the state or country that have not been affected by the disaster.

Other ideas<sup>16</sup>:

- Prepare an informational handout with ways for stakeholders, families, and foster families to get back in touch with the court in case of a disaster or security incident.
- Provide staff with a laminated “emergency card” to carry in their wallet or purse, listing phone numbers to call in the event of an emergency, the court’s web site, and television and radio stations that broadcast information about the court during an emergency.
- Work with the local bar association to create a centralized communications center for attorneys, which would provide information on how to contact court officials, how to seek extensions or continuances, and what special orders were in place.

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<sup>16</sup> [www.icmeducation.org/katrina/chaper5.html](http://www.icmeducation.org/katrina/chaper5.html)

**Communication as a Means to Work:**

A pandemic or disaster may necessitate the need to work remotely for a period of time. As a result, it is important to identify job functions and the various ways individuals could work remotely if needed.

**Telecommuting:**

Identify which job functions could be done remotely during a pandemic/disaster. Identify what would enable employees and their alternates (or substitutes) to work from home with appropriate security and network applications. Test and exercise the impact of telecommuting on internal networks to assure that sufficient communication resources are available to support telecommuting.

Job Functions:

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Necessary IT infrastructure to support Videoconferencing/Teleconferencing:

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Assess ability to access stakeholder agencies' personnel through the use of video or teleconferencing: \_\_\_\_\_

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Necessary network applications:

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Necessary security:

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Impact on internal networks with 25%, 50% and 75% of employees working remotely:

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List other types of critical communication systems that could be used in the event telephone, cellular and Internet systems are unavailable, (i.e. laptops, high speed telecommunication links, Personal Digital Assistants, etc.):

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Do critically essential employees have access to these types of systems: Yes No  
If no, identify steps to provide access:

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Identify any additional technology resources necessary for increasing the dependency court's services and communications with its employees, stakeholders and the public:

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### Worksheet 10: Stakeholder Issues

For the dependency court to perform essential functions, it needs to rely, in part, on stakeholders to be able to perform their essential functions. The following questions are intended to facilitate conversations and problem-solving between the dependency court and its stakeholders to address areas where children and families best interests are at stake, and how disaster plans will address those interests.

What is the process for?<sup>17</sup>

1. Identifying and locating children under state care who may be dispersed:

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2. Identifying caseworkers, attorneys, GAL/CASA, judges and clerks who may be dispersed:

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3. Continuing services for children under state care who may be dispersed:

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<sup>17</sup> Questions 1-9 from: GAO Report to the Ranking Minority Member, Subcommittee on Human Resources, Committee on Ways and Means, House of Representatives. *CHILD WELFARE: Federal Action Needed to Ensure States Have Plans to Safeguard Children in the Child Welfare System Displaced by Disasters*. July 2006, Pgs. 18 & 19.

4. Coordinating services and sharing information with intrastate agencies:

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5. Coordinating services and sharing information with other states:

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6. Placing children from other states:

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7. Providing in-home family services to children from other states:

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8. Identifying new child welfare cases and providing appropriate services:

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9. Preserving essential case information, electronic and documentary:

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10. Interim caseworkers, attorneys, GAL/CASA, judges and clerks to participate in court hearings: \_\_\_\_\_

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11. Other issues:

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### Worksheet 11: Dependency Influx Plan

Dependency courts must be prepared to accept an influx of families and children if a disaster were to strike a nearby state or county. An outlined plan needs to provide understanding to the dependency court and its' stakeholders as to the steps needed to support an increased number of families and children needing court intervention and services.

1. How will new/transferred cases be handled? What case information will be needed?

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2. Are additional personnel required? In what capacity/areas? What is the expected increased caseload percentage to warrant additional staff, i.e.) An increase of 10%, 15% 25%?

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3. Are there concerns/issues with out-of-state social workers appearing in court?

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4. What forms of communication can the court accommodate to allow for testimony from workers, GAL's/CASA and attorneys who are not able to appear in person?

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5. What are the service providers' plans to accommodate an influx of families/children?

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6. How will the court and stakeholders work with FEMA and the American Red Cross to assist families and children? Will there be a point agency?

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7. Outline each stakeholder plan to address a sudden increase in families and children needing services:

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## Worksheet 12: Training and Testing

### **Training:**

Employees need to learn about assignments and responsibilities as outlined in the dependency COOP. Interactive training provides an opportunity for personnel to practice the skills necessary for successful implementation.

As all staff must be educated on their role in the COOP plan execution, all courts should plan and conduct testing and training to demonstrate the viability and interoperability of the COOP plan. Plans should provide the annual individual and team training of COOP contingency staffs and emergency personnel to ensure currency of knowledge and for internal court testing and exercising of COOP plans and procedures. In addition, quarterly testing of alert and notification procedures and systems for any type of emergency is prudent.

What is the courts training plan?

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### **Round Table Testing:**

Describe how your dependency court plan would be implemented to address the following disaster scenarios <sup>18</sup>(Assume for dependency purposes, it is always the dependency courtrooms, files, staff, etc. that are affected):

Scenario 1:

A juvenile set fire to the county courthouse in a failed attempt to destroy records in a case before the court. The top floor of the three-story structure containing the courtroom, the Clerk's office and the court's records were destroyed.

Plan: \_\_\_\_\_

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<sup>18</sup> Scenarios 1-3 from: "DISASTER RECOVERY PLANNING FOR COURTS: A Guide to Business Continuity Planning." National Association for Court Management Mini Guide, Summer, 2000.



Scenario 2:

The entire city is flooded when the banks of the river overflow, flooding streets with 8-10 feet of water and causing fires that destroyed several buildings, including law offices. (Insert stakeholder offices). While no lives are lost, the entire city of 40,000 people were evacuated, with people fleeing to nearby towns, both in state and out-of-state.

Plan:

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Scenario 3:

Los Angeles riots (1992) ensued after an unpopular verdict in a nationally publicized 12-week criminal trial, resulting in over 40 fatalities, destruction of over 700 structures, thousands of arrests and tremendous property loss. While rioting, looting and burning took place immediately surrounding the downtown court complexes, resulting in curfews and confusion which affected all courts within the county. The police station was surrounded, with police able to control the station perimeter but less able to control the rest of the city. Riots lasted two to three days. A judicial emergency was declared during the riots, which suspended all time limits affecting case processing.

Plan:

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**Scenario 4:**

Create your own using a scenario related to a pandemic (e.g., Restrictions on human to human contact, schools closed, employee absenteeism at 40%, including judges).

**Plan:**

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Scenario 5, 6 & 7: Outline the top three disaster scenarios from the Hazard Evaluation Template:

Scenario 5 and Plan:

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Scenario 6 and Plan:

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**Worksheet 13: Continuity of Operations Planning (COOP) Checklist<sup>19</sup>:**

ECD= Estimated Completion Date

<b>Planning Elements</b>	<b>Yes</b>	<b>No</b>	<b>ECD*</b>	<b>N/A</b>	<b>Notes</b>
<b>Committee Representation</b>					
Committee members identified?					
Dependency court representation on larger courthouse disaster planning committees, such as:					
a Security planning					
b Human resources					
c Personnel					
d Space and Facilities					
e Budget and Procurement					
f Others					
Dependency court disaster plan was created in coordination with individual court stakeholder agencies:					
a Child welfare					
b Guardian <i>ad-litem</i> /CASA					
c Parents Attorney					
d Others					
Dependency court has designated staff who are versed in individual court stakeholder agency disaster plans:					
a Child Welfare					
b Guardian <i>ad-litem</i> /CASA					
c Parents Attorney					
d Others					
<b>Research:</b>					
The following have been researched in federal and state laws, state and court policies and court proceeding:					
a Power granted to the court to move court operations?					
b Impact on ASFA time requirements?					
c Displacement of children?					
d Case movement?					
e Court Location?					
f Judicial Movement?					
g Records accessibility?					
h Interstate Compacts?					
i Surrounding dependency court disaster plans have been reviewed?					

<sup>19</sup> Bernardino, Jr. (2006). *Business Continuity Management Mini Guide*. National Association for Court Management, pg. 54

Planning Elements	Yes	No	ECD*	N/A	Notes
<b>Essential Functions:</b>					
Are essential functions identified and listed in priority order?					
Are staffing requirements for each essential function identified?					
Are resource requirements for each function identified?					
Are critical data and automated systems for each essential function identified?					
Have the effects of the loss of automated systems/software been identified?					
Have back up procedures for the loss of automated systems/software been identified?					
Have the automated systems/software needs to perform essential functions been included in the court wide disaster plan?					
<b>Line of Succession:</b>					
Is the line of succession established for the court's highest position of authority?					
Are lines of succession established for other leadership positions?					
Are the rules and procedures for implementing order of succession established?					
Are the succession orders described by position or titles rather than by person?					
<b>Delegations of Authority:</b>					
Are authorities identified which can and may be delegated?					
Are positions to which the authorities are delegated listed?					
Are limitations on delegated authority listed?					
<b>Alternate Facilities:</b>					
Has sufficient space and equipment to sustain the relocation of court operations been identified?					
Have resources been identified or contingency contracts established with appropriate resource providers?					
Do alternative facilities provide for logistical support, services and infrastructure systems?					
Does the plan provide for receiving of staff at alternative site?					
Are procedures in place to notify dependency court customers of new work location, phone numbers, re-route US mail, etc.?					
<b>Communication:</b>					
Do procedures/plans exist for communications with staff, management and other dependency organizational components?					

<b>Planning Elements Continued</b>	<b>Yes</b>	<b>No</b>	<b>ECD*</b>	<b>N/A</b>	<b>Notes</b>
Do procedures/plans exist for communications with other agencies and emergency personnel?					
Do procedures/plans exist for communication with dependency court clients?					
Do procedures/plans exist to access data and systems necessary to conduct essential activities and functions?					
<b>Records:</b>					
Are procedures included for data backup and restoration?					
Are essential dependency court records identified?					
Are provisions included for confidential records?					
<b>Stakeholder Concerns:</b>					
Have the following stakeholder issues been discussed and plans developed for:					
a Identifying children under state care who may have been dispersed:					
b Identifying caseworkers, attorneys, GAL/CASA, judges and clerks who may be dispersed:					
c Continuing services for children under state care who may be dispersed:					
d Coordinating services and sharing information with intrastate agencies:					
e Coordinating services and sharing information with other states:					
f Placing children from other states:					
g Providing in-home family services to children from other states:					
h Identifying new child welfare cases and providing appropriate services:					
i Preserving essential case information, electronic and documentary					
j Interim caseworkers, attorneys, GAL/CASA, judges and clerks to participate in court hearings:					
k Other Issues:					
l Other Issues:					
m Other Issues:					
n Other Issues:					
<b>Plans and Procedures:</b>					
Do procedures exist for an annual review of the plan and the ability to make any needed revisions?					
Are the decision-making conditions clearly outlined for activation of the plan?					

<b>Planning Elements Continued</b>	<b>Yes</b>	<b>No</b>	<b>ECD*</b>	<b>N/A</b>	<b>Notes</b>
Can the plan be activated during non-working hours?					
Can the plan be activated if no person can access or use the court facility?					
Can the plan be activated if no person can access the surrounding court facility area?					
Are procedures time-phased to facilitate response, relocation and restoration functions?					
Are personnel assigned to functions based on skills and knowledge?					
<b><i>Test, Training and exercises:</i></b>					
Do plans include annual individual and team training of dependency court emergency personnel?					
Do plans include annual comprehensive test, drills and exercise program?					
Do plans include refresher orientation for involved staff?					
Are procedures included that ensure this plan will be maintained at a high level or readiness?					



## APPENDIX C

### **The Dependency Court Continuity of Operations Plan (COOP) Outline:**

From the template questions and answers the court should be able to describe in detail the following areas to complete their Dependency Court COOP outline:

- 1) INTRODUCTION
  - a) Purpose
  - b) Committee Representation
- 2) PLANNING STAGE
  - a) Research
  - b) Essential Functions
  - c) Key personnel and Resources
  - d) Records and Forms
  - e) Hardware, software
  - f) Communication
  - g) Stakeholder interaction and expectations
- 3) PROCEDURES AND PLAN IMPLEMENTATION:
  - a) Line of Succession
  - b) Delegations of authority
  - c) Communication
- 4) TRAINING:
  - a) Specific plan to provide training on disaster plan components
  - b) Training curriculum including audience, trainers, and training timeline
- 5) INSTITUTIONALIZATION OF PLAN
  - a) Steps to be taken ensuring the Dependency COOP is incorporated within the larger courthouse/ state court administration office COOP.
  - b) Specific plan to ensure dependency court COOP is re-visited regularly to ensure its continued viability

## APPENDIX D

### SUMMARY OF COURT IMPROVEMENT DIRECTOR AND STATE COURT ADMINISTRATOR FEEDBACK ABOUT DEPENDENCY COURT COOP

As part of the development of this Dependency Court Disaster Planning technical assistance document and planning templates, we outreached to State Court Administrators and Court Improvement Program (CIP) Directors to ascertain whether they had specific dependency court continuity of operations plans (COOP) and the details of those plans. Particular emphasis was placed on ensuring contact with individuals in states that had recently been affected by a disaster or had been a receiving state for disaster-affected populations. If respondents did not have a dependency court COOP, we were interested in whether they were engaged in the development of a plan and if they would be willing to share information about their process. We also asked that they share a copy of their plan with us.<sup>20</sup>

While we outreached to a total of 93 persons (including state court administrators and CIP directors), 30 individuals provided us with feedback. Of those 30 respondents, only 40% (12) had completed Continuity of Operations Plan. Those plans were considered to be court wide and may or may not have addressed specific dependency needs.

In general, the majority of the respondents' plans have addressed the main points of a COOP. Specifically, attention was given to:

- Collaboration with others in the COOP development;
- Research of federal and state laws, state and court policies and court procedures;
- Identification of line of succession and delegations of authority;
- Identification of alternative facilities;
- Identification of alternative means of communication with staff and community;
- Identification of information technology and records needs;
- Regular review of COOP, training and testing.

What appears to be lacking, however, is specific attention within the COOP to address the needs of a dependency court. That does not mean the information is not there, of course, as respondents may not have been fully aware of the details of their COOP as they relate to a dependency court. Nevertheless, this survey revealed a lack of knowledge or action specific to dependency issues. This highlights two areas of concern. The first being the necessity to ensure that the unique needs of dependency courts are identified at the local level, and secondly, that those needs are conveyed to and included within the larger courthouse/state court administrators Continuity of Operations Plan.

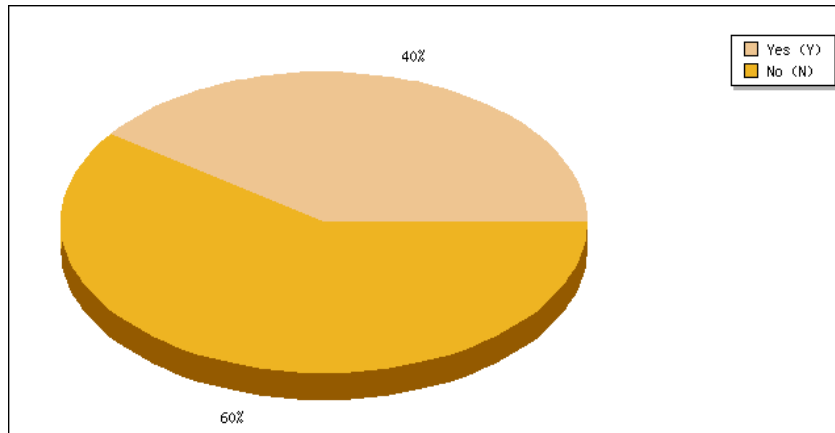
The following summarizes the information we obtained from CIP directors and state court administrators concerning their court COOPs. For simplicity purposes, related questions are grouped together when answers were the same.

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<sup>20</sup> As previously mentioned, we did not receive any copies of COOP.

## Summary of Findings

1. Has your court completed a COOP or other Continuity Plan to implement in times of an emergency or disaster? Yes = 12, No = 18



Yes = 40%  
No = 60%

Of the 40% who reported that they have a COOP, the following information was offered about the plan:

Eleven respondents indicated that their plan included:

- A process for determination of succession and delegation of authority

Eleven respondents indicated that their plan included:

- Development of a system for restoring normal functions as soon as practicable
- Training of a team of employees to perform essential activities in an emergency

Ten respondents noted that their plan also included:

- Identification of all essential activities and functions within the courthouse
- Identification and protection of vital records, systems and equipment
- Identification and preparation of alternative work sites
- Development of a warning system to alert employees, visitors, and the public of potential threats and what to do in an emergency
- Development of ways to communicate with employees, visitors and the public after an emergency

Eight respondents indicated that their plan included:

- The development of a system for identifying the location and status of employees following an emergency

Eight respondents indicated that their plan included:

- Provisions for regular training and exercises on the plan

3. Respondents were asked about the development and preparation of their COOP, specifically, whether their court/team did the following:

Eleven respondents indicated that their court had:

- Identified federal, state, and/or local statutes or policies that affect the operation of the court
- Identified possible disaster scenarios
- Identified catastrophic disaster scenarios (hurricane, flooding, tornado, fire, earthquake)

Ten respondents indicated that their court had:

- Identified minor disaster scenarios (Loss of key staff, bomb threat, power/water disruption)

4. When asked to describe the collaboration process, respondents identified the following individuals as involved in the development of their COOP

- Administrative Office of the Court
- Emergency Management Agency
- Federal Emergency Management Agency (FEMA)
- Public Health Agencies
- State Emergency Management Agency
- Children's Division
- Department of Social Services – Senior Services
- State Highway Patrol, Capitol Police, Fire Department
- Presiding judges
- Court Executives
- Court Staff
- State Homeland Security Office
- Court Security Director
- Supreme Court
- Information Technology division
- Trial Courts
- National Resources
- Facilities Management
- Vendor
- Local University

5. Respondents were asked whether their COOP addresses the **unique needs of the dependency court** – specifically (listed in order of frequency with which the planning element was identified by respondents):

Five respondents reported that their COOP:

- Allowed for the ability to hold hearings (live, by telephone, video conferencing or by other means)

Three respondents reported that their COOP:

- Allowed for the ability to access information about the legal status of pending cases

Three respondents reported that their COOP:

- Outlines how hearings will take place within the ASFA timelines

Two respondents indicated that their COOP addresses the ability to access the names of the:

- Caseworker
- GAL/CASA
- States Attorney/Child Welfare Attorney associated with each case
- The Public Defender or Parents' Attorney

Two respondents reported that their COOP:

- Includes procedures to allow interstate court proceedings involving foster children who have been located across state lines

One respondent reported that their COOP:

- Includes procedures addressing confidentiality restrictions in sharing essential information about families involved in the dependency court with other court systems

One respondent noted that their COOP:

- Outlines how the court will handle the potential influx of new cases

None of the respondents were able to confidently determine that their COOP addressed the following unique needs of the dependency court:

- A plan to enlist assistance of local and non-local attorneys to provide representation;
- A list of attorneys with child welfare expertise located throughout the state;
- A plan to enlist the assistance of local and non-local social workers to provide child welfare casework duties;
- Identification of a list of social workers with child welfare expertise located throughout the state.

None of the respondents could confidently determine that their COOP:

- Outlines procedures for surrounding states and local courts to have jurisdiction of cases in which foster children have been moved across state lines in violation of the ICPC

None of the respondents could confidently determine that their COOP:

- Outlines which surrounding states and localities will have financial responsibility for paying for foster care

None of the respondents could confidently determine that their COOP:

- Has procedures for the Child Welfare Agency to share information about who has financial responsibility for foster care information with the court

## **APPENDIX E ADDITIONAL RESOURCES AND REFERENCES**

### Child Welfare Requirements and Disaster Planning

As juvenile dependency courts proceeds forward with disaster preparedness planning, an understanding of state child welfare requirements in the Child and Family Services Improvement Act of 2006 will be necessary. The following is a brief summary that sheds light on child welfare issues which the dependency court must be cognizant of when developing their own disaster preparedness plan.

The Child and Family Services Improvement Act of 2006 amended the requirements for a state to have a compliant Title IV-B State Child Welfare Plan by adding section 422 (b)(16) to require that all State Child Welfare Agencies have in place by October 1, 2007, procedures for responding to a disaster. Unfortunately, these procedures do not require the child welfare agencies to collaborate with, or convey their plan to the court concerning how they will:

- identify, locate, and continue availability of services for children under state care or supervision who are displaced or adversely affected by a disaster;
- respond to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;
- remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;
- preserve essential program records; and
- coordinate services and share information with other states.

Review of specific child welfare disaster plans revealed general statements and plans that would address the five areas required by the federal government, however there were no directives on how information was to be shared with the juvenile dependency court or pertaining to how the two stakeholders would address the vast number of issues that both the child welfare agency must address and the juvenile dependency court requires.

While state child welfare agencies must address the aforementioned five areas, it is clear there is no requirement to include details on how the child welfare agency would work with other stakeholders. This level of detail may be difficult to address on a state level as each county agency may differ slightly in how they carry out their directives. How one county child welfare agency will work with the county juvenile dependency court may be vastly different than how their neighboring county stakeholders plan to work together during a disaster. This only emphasizes the necessity for disaster plans to be agency specific, and to be created with existing stakeholder relations and expectations taken into consideration.

The child abuse and neglect arena requires more than the child welfare agency, juvenile dependency court, or other child welfare stakeholders working in isolation; it requires collaboration in all areas. During a disaster, it will be imperative for the children and

families that are served by the stakeholders within the child welfare arena to work together if we are to identify, locate and continue available services to those families who have children in care or under court supervision.

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There are several articles that shed light on child welfare issues, which the dependency court must be cognizant of when developing their own disaster preparedness plan:

The United States Government Accountability Office published a briefing summary in May 2006, outlining the challenges encountered and lessons learned in (1) locating missing children; (2) locating and servicing Louisiana's displaced foster children; and (3) reopening K-12 schools and educating displaced school-aged children. This review examines the issues of displaced children and families, the difficulties and need to collaborate among agencies, the necessity for standing agreements for data sharing among organizations, as well as staffing issues.<sup>21</sup>

The United States Government Accountability Office, in July 2006, prepared a report to the ranking minority member, Subcommittee on Human Resources, Committee on Ways and Means, House of Representatives, titled: *Child Welfare: Federal Action Needed to Ensure States Have Plans to Safeguard Children in the child Welfare System Displaced by Disasters*. This report examines the "challenges facing state child welfare systems, including the development of plans for dealing with the dispersion of children in the child welfare system due to disasters." It is important to understand the vast issues that face the child welfare system in order to more effectively collaborate with child welfare agencies in addressing a dependency court disaster preparedness plan which encompasses the rules and laws the court must follow and focuses on safety of the children in their court system.<sup>22</sup>

The Louisiana District Judges Association created a *Disaster Recovery Template: A Guide to Preparedness* which takes into account the need for each district court system to look within itself to identify their unique needs. Using similar templates by each district court allows for uniformity while also addressing the specific needs of each individual court to allow for ease of implementation. The model templates are intended to "save each district court from having to spend countless hours and resources building that part of the plan that is common to all courts."<sup>23</sup>

The NCSC, in collaboration with the ABA and NCJFCJ developed a website titled *Emergency Preparedness in Dependency Court: Ten Questions that Court Serving Abused and Neglected Children Must Address*.<sup>24</sup> This website provides video clips and detailed summary information examining why dependency courts need to have a COOP and the issues that plan needs to address.

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<sup>21</sup> <http://www.gao.gov/new.items/d06680r.pdf>

<sup>22</sup> <http://www.gao.gov/new.items/d06944.pdf>

<sup>23</sup> [http://www.georgiacourts.org/aoc/r\\_p\\_docs/Louisiana District Judges Association Disaster Recovery Template.pdf](http://www.georgiacourts.org/aoc/r_p_docs/Louisiana%20District%20Judges%20Association%20Disaster%20Recovery%20Template.pdf)

<sup>24</sup> <http://www.icmeducation.org/katrina/Inroduction.html>

**The following list of resources is reprinted here from:**

[http://www.abanet.org/jd/meetings/2006annual/pdf/disaster\\_preparedness\\_sources\\_outline.pdf](http://www.abanet.org/jd/meetings/2006annual/pdf/disaster_preparedness_sources_outline.pdf)

<http://jeritt.msu.edu/resources.asp?page=12>

Website for the Judicial Education Reference, Information and Technical Transfer Project which provides resources on various topics including disaster preparedness. See "Project Report Developing and Evaluating Courthouse security and Disaster Preparedness: A Collaborative Process Between State and Federal Courts," Aimee Baehler and Douglas K. Somerlot, August 2005. A comprehensive 30 page report of a demonstration, education and technical assistance project conducted by The Justice Management Institute (JMI) that was aimed at helping courts develop effective courthouse security and business continuity plans. The principal component of the project was a prototype workshop conducted in Washington, D.C., February 17 through 19, 2004 from five jurisdictions, including: Maricopa County (Phoenix), Arizona, Ventura County (Ventura) California, Hillsborough County (Tampa), Florida, Price George's County (Upper Marlboro), Maryland, and Hennepin county (Minneapolis), Minnesota.

<http://www.spa.american.edu/justice/>

Website of the American University's Justice Programs Office for the School of Public Administration ("SPA"). *Planning for Emergencies: Immediate Events and Their Aftermath – A Guideline for Local Courts*, November 2005. This 35-page "how-to" guide was produced as part of the Technical Assistance Project for trial courts in the development of disaster preparedness policies, procedures and response plans. Also from this website: *Availability of Report: Impact of 9/11 and Other Emergency Situations on Court Administrations: Planning for Emergencies: Issues and Considerations for Local Courts: Technical Assistance Self-Assessment Planning Guid.* Appendix A – Technical Assistance Self- Assessment Planning Guide and Appendix B-11 provide hypothetical scenarios involving courthouses, including a fire, suicide bomber attack, and bio-terrorist attack. Appendix C provides the State of Florida court rules and emergency actions taken after Hurricane Wilma and Katrina.

[http://www.flcourts.org/gen\\_public/emergency/index.shtml](http://www.flcourts.org/gen_public/emergency/index.shtml)

Emergency preparedness administrative orders, planning templates, and reports generated by the State of Florida in response to hurricane emergencies, as well as a report on the continuity of court technology as presented at the Court Technology Conference in Seattle Washington 9/13 – 15/05 entitled *The Technology of Disaster: What You can Learn About Court Emergency Preparedness From Hurricane Battered Florida*.

[http://www.flcourts.org/gen\\_public/emergency/cnty\\_state\\_fed.shtml](http://www.flcourts.org/gen_public/emergency/cnty_state_fed.shtml)

This website contains emergency preparedness and recovery procedures for courts in the State of Florida.

<http://www.abanet.org/statelocal/disaster/pdf>

The ABA website contains the *Draft Checklist for State and Local Government Attorneys to Prepare for Possible Disasters* developed by the ABA Task Force on Emergency Management and Homeland Security (2002).



<http://www.ncsconline.org?WC/Education/BusDisGuide/htm>

The NCSC provides numerous links to articles on disaster preparedness from various authors and publishers.

[http://www.ncsconline.org/WC/publications/Comm\\_ctSeeEmfCtsPub.pdf](http://www.ncsconline.org/WC/publications/Comm_ctSeeEmfCtsPub.pdf)

NCSC link to *Emergency Management for Courts*, a 2003 report from the NCSC Best Practices Institute.

<http://uscourts.gov/ttb/aug05ttb/weather/>

Federal court newsletter which contains an article regarding emergency preparedness and continuity of operations plans ("COOP") for the federal courts entitled *Weather Eye on the Courts*. The Third Branch, Vol.37, Number 8, August 2005.

<http://www.lsba.org/home1/trainingmanual.asp>

Emergency training manual provided by the Louisiana State Bar Association for Louisiana lawyers to assist persons affected by Hurricane Katrina.

### **Articles**

Bernardino, A. *Business Continuity Management Mini Guide*. National Association for Court Management, June 2006

Brown, *The Earth Moved*, *THE JUDGES JOURNAL*, Winter 2006

Carter, *Riding Out the Storm*, *ABA JOURNAL*, February 2006

Delaney, D. *Disaster Recovery Planning For Courts: A Guide to Business Continuity Planning*. National Association for Court Management Mini-Guide, Summer 2000.

Huff, *Planning for Disasters: Emergency Preparedness, Continuity Planning, and the Federal Judiciary*, *THE JUDGES JOURNAL*, Winter 2006, Vol.45, No. 1.

Jenkins, *AO Hurricane Disaster Experiences – 2005*, *FCCA JOURNAL*, Spring edition 2006

McDonough, *Picking Up the Pieces*, *ABA JOURNAL*, February 2006

Lemmon & Huff, *The Flood an the Legal Deluge*, *THE JUDGES JOURNAL*, Winter 2006, Vol.45, No.1

Saltzburg, *Preparing For Disasters: An Introduction*, Criminal Justice Section Newsletter, Winter 2007, Vol. 15, Issue 2

Strandberg, *Disaster Preparedness*, *COURTS TODAY*, January/February 2006

### **Pandemic Websites & On Line Articles:**

<http://www.uscourts.gov/ttb/12-06/planning/index.html>

*Planning for a Pandemic*, Newsletter of the Federal Courts, The Third Branch, December 2006, Vol.38, Number 12. Discusses why the court COOP needs to address the unique issues of a pandemic disaster.

[http://www.ojp.usdoj.gov/BJA/pandemic/Pandemic\\_Road\\_Map.pdf](http://www.ojp.usdoj.gov/BJA/pandemic/Pandemic_Road_Map.pdf)

*Guidelines for Pandemic Emergency Preparedness Planning: A Road Map for Courts*, April 2007. Produced by the Criminal Courts Technical Assistance Project at American University. Outlines issues needing to be addressed and specific issues presented by pandemics that are not addressed in general COOPs.

[http://www.flcourts.org/gen\\_public/emergency/templates.shtml](http://www.flcourts.org/gen_public/emergency/templates.shtml)

Links to pandemic influenza planning templates to be used as additional planning tools to help courts prepare their COOP.

***Additional Helpful Resources Include:***

<http://www.childwelfare.gov/highlights/disaster/prepare.cfm>

The Child Welfare Information Gateway provides links to various articles concerning disaster planning and child welfare agencies and issues related to children in the child welfare system during times of disaster.

[http://www.flcourts.org/gen\\_public/emergency/bin/EmergencyPreparednessStateCourts\\_Dec06.pdf](http://www.flcourts.org/gen_public/emergency/bin/EmergencyPreparednessStateCourts_Dec06.pdf)

*Position Paper on Emergency Preparedness in the State Courts* presented at the Conference of State Court Administrators, December 2006.