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PPCD Research Report

Washington Workload Site Assessment: Spokane



Permanency Planning for Children
Department

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Executive Summary

To determine judicial workload needs in child abuse and neglect cases, the Washington Administrative Office of the Courts (AOC), partnered with the Permanency Planning for Children Department (PPCD) of the National Council of Juvenile and Family Court Judges (NCJFCJ) to conduct a multi-year assessment of juvenile dependency practice and workload (Washington Workload Study). The goal of the project is to *assess judicial workload and inform best practice implementation in dependency cases in the state of Washington*. The initial assessment provided baseline information on judicial workload in three Washington state jurisdictions and generated recommendations that could increase the efficiency and thoroughness of hearings. The baseline portion of the Washington workload assessment identified Spokane as having adequate judicial resources to meet their current caseload needs. As a result, the PPCD conducted a more in-depth examination of Spokane's court practices. Using a standardized case file review instrument, PPCD researchers coded 72 case files, examining case processing and outcomes related to timeliness, child placement, permanency, and parental engagement. Further, researchers explored predictors of timely reunification and examined the role of family team decision meetings (FTDMs) as a means of improving efficiency of practice. Results of this assessment found:

- *The Spokane Juvenile Court processes cases in a timely manner.* The majority of hearings occur within statutory requirements or recommendations.
- *Children are routinely placed in relative care.* At every hearing, children are placed with a relative or parents more frequently than in foster care.
- *Parents attend the majority of hearings.* Mothers attend 75% of hearings and fathers attend 53% of hearings.
- *Mothers' compliance at the review hearing relates to the likelihood of reunification.* Mothers who are in compliance at review are more likely to reunify than those not in compliance.
- *Allegations relating to substance abuse and ordered case plans with a greater number of services delay reunification; whereas, mother's presence throughout the case increases timely reunification.*
- *FTDMs positively influence case processing and outcomes.* Results of the assessment demonstrate that holding an FTDM prior to the shelter care hearing results in:
 - *More relative or parent placements (compared to foster care placements);*
 - *Timelier case processing, with these cases reaching case resolution an average of 11 days sooner; and*
 - *Better engagement of parties with an increase in parent attendance at hearings for these cases compared to the cases with no FTDM prior to the shelter care hearing.*

These findings demonstrate that the Spokane Juvenile Court generally has timely and efficient case processing. Researchers identified three best practice areas that may be contributing to the efficiency in Spokane. These include:

Continuance practice

Engagement of parties

Case tracking and reporting

Background

In 2007, the Permanency Planning for Children Department (PPCD) of the National Council of Juvenile and Family Court Judges (NCJFCJ) in partnership with the Washington Administrative Office of the Courts (AOC) began conducting a judicial workload assessment in the state of Washington. This assessment includes an examination of “best practices” in relation to workload. The *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases* (NCJFCJ, 1995) identifies court programs and practices that are meant to enhance juvenile dependency court processing and case outcomes. The *RESOURCE GUIDELINES* sets forth “the essential elements of properly conducted hearings” (p. 11) and delineates multiple best practices for juvenile dependency case processing. Of the three pilot jurisdictions, only Spokane had no need of additional judicial resources (Gatowski, Dobbin, Russell, & Summers, 2010). In fact, the assessment found that Spokane had an adequate level of judicial resources to address their current caseload. This held true even when workload estimates accounted for the potential for approaching best practice (i.e., more thorough hearings). Since Spokane already possessed adequate judicial resources, it is important to examine their practice to understand better how workload, court practice, and outcomes relate. The current assessment examines Spokane’s typical court practice, including case processing efficiency and effectiveness, and achievement of timely permanent outcomes for children.

Spokane’s Workload & Practice Model

Spokane utilizes a team approach (i.e., a team of stakeholders assigned to one courtroom) to address juvenile dependency court cases. A team consisting of a court commissioner, social worker, a social work supervisor, an assistant attorney general, parent’s attorney, and guardian *ad litem* participate in all hearings until the dependency is dismissed or termination of parental rights occurs. In Spokane, six commissioners (and accompanying teams) oversee dependency cases. All six commissioners work in the Spokane County Juvenile Court, covering both juvenile delinquency and dependency cases. Each commissioner devotes one day a week to juvenile dependency cases. One commissioner, based on rotation, handles all the incoming shelter care hearings and then assigns the cases to other commissioners. The commissioners also rotate weekly the types of hearings that they oversee—reviews and permanency hearings, contested hearings, and motion hearings. Having one judicial officer oversee a case from beginning to end is also called a one family, one judge model. The one family, one judge model is considered a best practice in juvenile dependency case processing (NCJFCJ, 1995). Other best

practices may contribute to efficiency in Spokane. The following list is not comprehensive, but demonstrates some of the more well established best practices that Spokane demonstrates.

- ***Time Certain Calendaring.*** All hearings are scheduled for their own specific time (e.g., July 7, 2011 at 10:30am), allowing parties to know precisely when their case will be held. Time certain calendaring may reduce workload by ensuring parties are present and participating in court at their scheduled hearing times, thereby reducing the need for continuances.
- ***Early Appointment of Counsel.*** Parents' attorneys are typically appointed and available at the shelter care hearing, ensuring that parties have representation at the earliest point in the case. Early appointment of counsel is considered a *RESOURCE GUIDELINES* best practice and has been demonstrated to be instrumental in achieving timely reunification for families (Wood & Russell, 2011). This may also reduce workload by decreasing the number of hearings and reducing time until case closure.
- ***Family Team Decision Meetings.*** Any stakeholder involved in the case can request a family team decision meeting (FTDM). It is standard protocol for child protection and child welfare workers to request a FTDM any time that the child's placement changes (e.g., removed from home, moved from foster care to relative care, return home). FTDMs provide an opportunity to gather all interested persons (including parents, relatives, attorneys, and social workers) in a neutral, non-adversarial environment to discuss placement options for the child. The FTDMs have the potential to reduce workload by reducing the number of contested hearings, as contested hearings take more than twice as long to conduct than non-contested hearings (Dobbin, Gatowski, Russell, & Summers, 2010). FTDMs also have the potential to increase parent's engagement in the process, which may reduce time to permanency. The FTDMs may further be useful in securing relative placements.

Assessment Method

The examination of Spokane Juvenile Court's case processing and outcomes began with a systematic, in-depth review of case files. Seventy-two case files were randomly selected from all cases that were opened in 2009. Each commissioner was equally represented with 12 cases. A standardized case file review instrument was used to examine case processing timeliness and child outcomes (placement, permanency, case outcome). The Washington AOC *Timeliness of Dependency Case Processing in Washington State* reports and the Adoption and Foster Care Reporting System (AFCARS) supplemented report findings. Basic court information is reported first, followed by a more in-depth analysis of factors that may predict timely reunification and an examination of the effectiveness of the FTDM process in improving case processing.

Assessment Results

Basic Court Information

Children were removed from the home in 95% of the cases. The great majority of these cases (92%) included an allegation of neglect. The most common presenting problems on the cases were substance abuse (59%), mental health (34%) and domestic violence (22%).¹ Mothers had an average of 3.3 allegations and presenting problems listed on the petition, whereas fathers had an average of 1.9 allegations and presenting problems. Mothers were ordered an average of 3.3 services, and fathers were ordered an average of 2.3 services. Judicial officers, social workers and assistant attorneys general were present in all of the hearings and parents' attorneys were present in 80% of the hearings. Although the same team oversaw the case throughout the majority of hearings, the commissioner and assistant attorney general often changed between the shelter care hearing and the fact-finding hearing.

¹ Percentages will not sum to 100 because many cases have multiple allegations and presenting problems.

Timeliness

Washington state statute RCW 13.34 identifies state requirements for timeliness in juvenile dependency case processing. The following table presents the Washington statutory requirement, Spokane Juvenile Court's average time and the percentage of their cases meeting the statutory requirement.

	Statutory Requirement	Average Time	Percent within Statutory Timeframe
Petition to Fact-Finding (Case Resolution)	75 days	66 days	83%
Removal to First Six-Month Review*	6 months (180 days)	153 days	94%
Removal to Permanency Planning Hearing*	12 months (365 days)	287 days	91%
Petition to Return Home (for those returned home)	---	279 days	---
Petition to Case Closure (Achievement of Permanency)	15 months (450 days)	423 days	64%
Termination of Parental Rights to Adoption	6 months (180 days)	113 days	90%

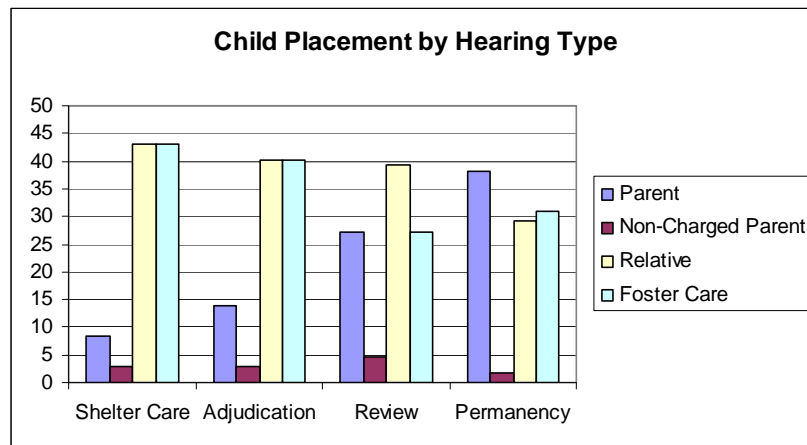
*For this analysis, the researchers used petition filing date.

Commissioners in Spokane meet the majority of the statutory requirements. This is consistent with the *Timeliness of Dependency Case Processing in Washington State* reports presented by the AOC that have found that Spokane regularly performs better on timeliness measures than statewide averages. Spokane's hearing timeliness may relate in part to their low continuance rate. Cases in Spokane have an average of 0.63 continuances per case. Very few hearings (8%) are continued in Spokane, resulting in one of the lowest continuance rates in the state according to data from the AOC's Superior Court 2009 Annual Caseload Report.

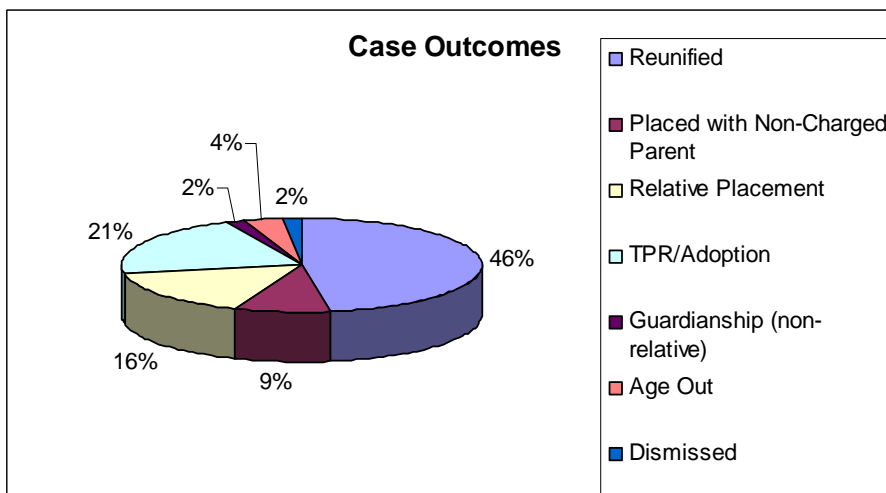
Child Placement, Permanency, and Safety

In addition to timeliness of case processing, the assessment examined child placement, case outcomes and safety. These measures help identify the effectiveness of case processing.

Placement. Ninety-five percent of children were removed from the home at petition filing. As the cases progressed, placements with parents increased while placements in foster care decreased. This trend is expected as children reunify with their parents over time. Relative placements remained consistent across the case and were equal to or more frequent than foster care placements at the majority of the hearings.



Outcomes. The majority of closed cases resulted in reunification (46%) or placement with the non-charged parent (9%). Other outcomes included termination of parental rights/adoption (21%) and relative placement (16%). Non-permanent outcomes (i.e., aging out of the system) occurred in only 4% of cases. The graph below illustrates case outcomes across all closed cases.



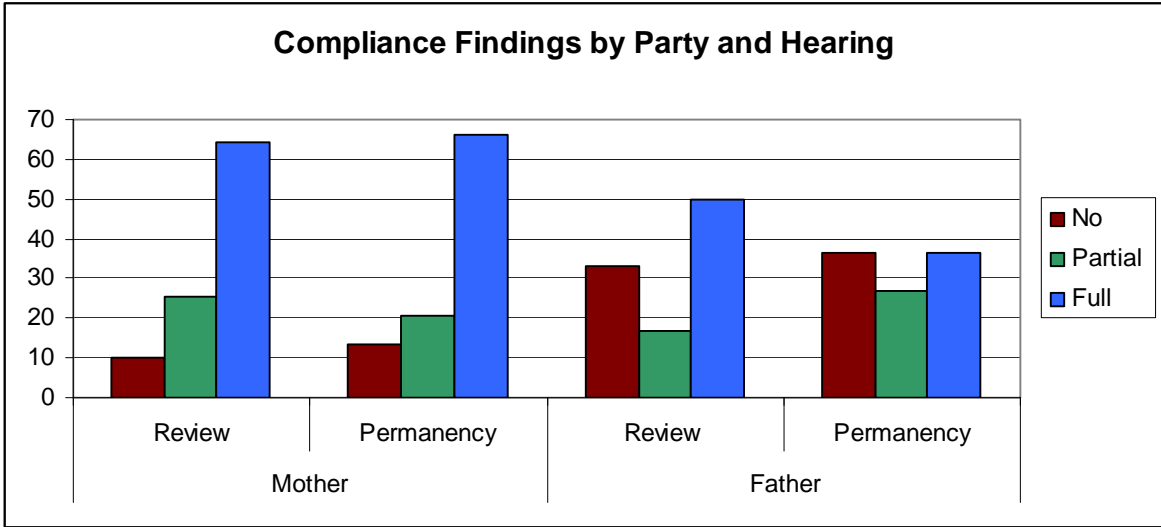
Safety. PPCD researchers examined any instance in which a new petition was filed after the child had returned home. This included a new petition after the case was closed or a new removal after a trial return home placement. There were no new petitions filed on any of the closed cases. However, there were children re-removed from the home after being returned home on a trial home visit. Ten percent of the trial home visit placements had new removals after the child had been returned home.

Engagement

As a final measure of case processing and efficiency, researchers assessed engagement of parents. Two aspects of engagement were identified as relevant to the current study – parental presence at the hearings and compliance with the case plan. Both of these factors have been identified as important to achieving timely reunification. In prior research, mothers were present in approximately 53% of hearings and fathers were present in 34% of hearings. When parents were present, they were more likely to be reunified with their children (Wood & Russell, 2011). Similar research has identified parental compliance as an important factor in achieving timely reunification, as noncompliant parents are more likely to lose custody of their child (Atkinson & Butler, 1996; Jellinek et al., 1992). Parents only comply with court orders for 47% of cases (half compliance) and only fully comply with case plans in approximately 25% of cases (Famular, Kinscherff, Bunshaft, Spivak, & Fenton, 1989). These numbers may increase if parties are more engaged. As an example, mediation studies have shown that parents who have engaged in mediation are more likely to comply with case plans (62% compared to 41%; Center for Policy Research, 1999). If parents are engaged in the process, they may be more likely to comply, which results in timelier reunification and better outcomes for children.

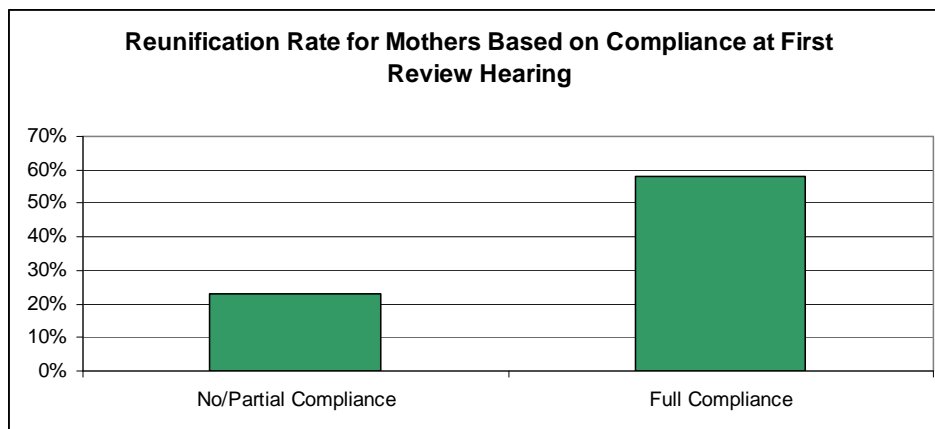
Presence at Hearings. Presence was assessed based on the percentage of key court hearings across the life of the case that the parent was present. The mother was present in 75% of hearings. The father was present in 53% of hearings.

Parental Compliance. Compliance with the ordered case plan was measured based on a court finding of compliance. Judicial officers make compliance findings at each hearing of *no*, *partial*, or *in compliance* for all parents that are a party to the case. On average, 64% of mothers were found to be in full compliance, and 25% were in partial compliance at the review hearing. This finding was consistent at the permanency hearing with the majority of mothers in full (66%) or partial (21%) compliance. Fathers, in contrast, were less likely to be in full (50%) or partial (17%) compliance at the first review or the permanency hearing (37%; 27%). Because prior research had not specifically identified compliance by parent, it is difficult to compare fathers. Compliance findings are presented in the table below.



Factors Predicting Timely Reunification

In addition to examining case processing and efficiency in general, researchers also utilized a logistic regression analysis² designed to explore which factors might best predict timely reunification. The analysis showed that the mothers' compliance at the review hearing is a significant predictor of reunification. An increase in the mother's compliance was related to an increased probability of reunification. Only 23% of mothers with no or partial compliance at review successfully reunified with their child. For mothers in full compliance at the first review hearing, 58% successfully reunified with their child(ren); mothers' compliance at permanency and mothers' presence did not statistically predict reunification.



Additionally, researchers used a Cox regression³ to examine factors that resulted in *timely* reunification. This type of analysis allows examination of both the outcome of reunification and the time it took from petition filing until successful permanency was achieved (i.e., case closure). Three factors emerged as statistically important in timely reunification: mothers' presence at the hearings, having a presenting problem of substance abuse, and the number of services ordered.

Increases in the presence of the mother at hearings resulted in timelier reunification. When the mother was present at the majority of hearings (i.e., more than 50% of the time), the case ended in reunification 39% of the time, compared to a reunification rate of 29% when the mother was present less than half of the time. Further, mother's presence was related to a reduction in the time to permanency. On average, cases reached reunification 16 days faster when the mother was present at the majority of hearings.

² Logistic regression is a type of advanced statistical analysis that allows researchers to examine the predictive ability of variables of interest (e.g., mother's compliance) on a dichotomous outcome variable, such as reunified or not reunified.

³ Cox regression is a type of advanced statistical analysis that allows researchers to examine the effects of specific variables on the odds over time to the occurrence of an event (e.g., reunification).

The opposite is true for the other measures. If substance abuse was involved, the case was less likely to result in timely permanency. Substance abuse cases took longer to achieve case closure (435 days) compared to cases where a parent did not have allegations of substance abuse (359 days).

Additionally, the number of services ordered was also a negative predictor. Mothers with three or fewer services (the median number of services ordered) reunified 40% of the time compared to mothers with more than three services, who reunified 34% of the time. It also took longer for mothers with many services to reunify. Case where mothers were ordered less than three services reached permanency in an average of 385 days compared to 469 for cases in which the mother had more than three services. This may be because increases in services lead to decreases in case compliance. It may also be that substance abuse cases require more services. Families most in need of services might have more problems to overcome, requiring more time to address all the issues.

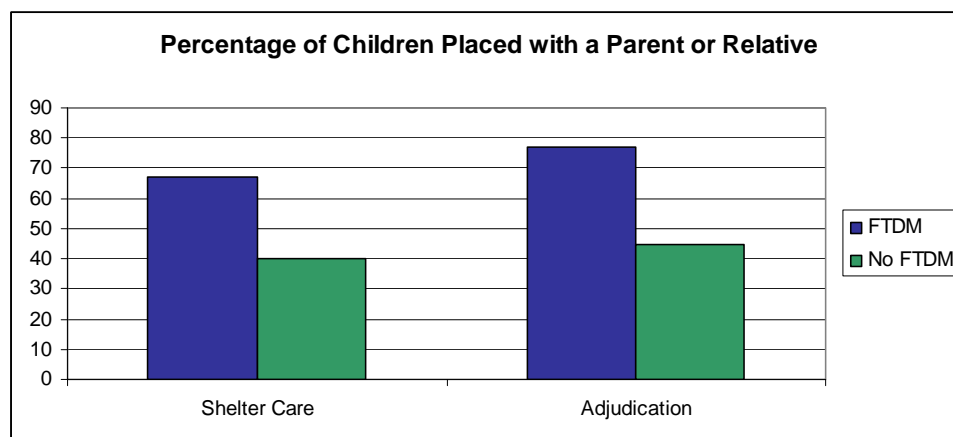
Family Team Decision Meetings

FTDMs were identified by court commissioners as an efficient tool for moving cases swiftly and effectively through the system. The Department of Health and Human Services provided a list of every FTDM that occurred for each of the 72 cases, including parties present and placement decision of the FTDM. Information was unavailable on six of the cases, resulting in FTDM information on 66 of the cases (92%). The median number of FTDMs per case was one. The majority of cases held 1 (33%) or 2 (29%) FTDMs, while 18% held zero FTDMs. Mothers were present in the majority of FTDMs (88%) as were fathers (65%).

For the cases in which the child had been removed from the home, 57% had a FTDM prior to the shelter care hearing. When the child was removed from the home and a FTMD did take place prior to the shelter care hearing, children were 1.7 times more likely to be placed with a parent or relative as opposed to placed in foster care at the shelter care hearing.

Children were 1.7 times more likely to be placed with a parent or relative as opposed to foster care when an FTDM was held prior to the shelter care hearing.

This placement stayed consistent through the adjudication hearing, again with cases that held an FTDM 1.7 times more likely to have a parent or relative placement than a foster care placement as compared to cases with no FTDM prior to the shelter care hearing.



Holding a FTDM prior to the shelter care hearing appears to be particularly effective in improving efficiency of case processing. When an early FTDM was held, cases were much more likely to reach the fact-finding hearing (i.e., case resolution) in a shorter timeframe. For cases with an early FTDM, the average time from petition filing to the fact-finding hearing was 60 days compared to 71 days for cases

with no FTDM prior to the shelter care hearing. This finding was statistically significant.⁴ In addition, holding an FTDM prior to the shelter care hearing appears to improve the timeliness of case processing and improve engagement of parties, thereby improving the efficiency of the case and the likelihood of early reunification.

Comparison of FTDM and No FTDM Prior to Shelter Care Hearings on Case Processing		
	FTDM Prior to Shelter Care	No FTDM Prior to Shelter Care
<i>Timeliness</i>		
Petition to Permanency Hearing	271 days	286 days
Petition to Return Home	308 days	336 days
Petition to Case Closure	385 days	452 days
Average Number of Continuances per Case	0.6	0.7
<i>Engagement</i>		
Percentage of Hearings Where Mother was Present	81%	71%
Percentage of Hearings Where Father was Present	61%	44%

⁴ Statistical significance denotes that the probability of the difference being caused by chance alone is less than 5%.

Conclusion

Spokane has timely and efficient case processing. The Spokane Juvenile Court moves cases through the dependency system in a timely and efficient manner. Cases frequently meet statutory requirements. More importantly, Spokane Juvenile Court is efficient in providing safe, timely permanency for children.

Timeliness

The majority of Spokane Juvenile Court cases meet the statutory requirements for timeliness at all points in the case. The AOC *Timeliness of Dependency Case Processing in Washington State* report (2010) confirms that Spokane is above the state average for all of the timeliness performance measures.

Efficiency

Spokane Juvenile Court efficiently processes dependency cases. Children are often placed with relatives when they are removed from the home, at a rate that is almost equal to the rate placed in foster care. Parents are more engaged in the system than other sites as evidenced by participation in hearings and case compliance. Parents frequently attend hearings, and do so at a rate higher than prior research estimates of parties being present. This attendance at hearings leads to timelier reunification – children spend less time in out of home care and cases are resolved quicker. Further, parents (mothers in particular) are likely to have high levels of compliance (65%), which also leads to timelier reunification.

While the data sources used for this report make it difficult to determine *why* Spokane Juvenile Court is timely and efficient, three hypotheses are suggested.

1. **Continuance Practice.** The *RESOURCE GUIDELINES* recommends that courts have a “firm and effective policy on continuances” (p. 21) to avoid overuse of continuances and promote timely case processing. Spokane does exceptionally well with continuance practice as 92% of cases have no continuances. **A sufficient judicial resource level may also reduce the number of continuances, as judicial officers will have adequate time to hear all the scheduled hearings.**
2. **Engagement of Parties.** Prior research has demonstrated that the presence of the mother and the mother’s attorney can positively influence timely reunification (Wood & Russell, 2011). Spokane has a high percentage of parties are present at every hearing. Three factors may contribute to the engagement of parties.
 - a. **Time certain calendaring** is a best practice that can improve case flow. If a case is set for a certain time, “typical wait time can be less than 20 minutes” (*Resource Guidelines*, p. 21). This should increase participation by all parties because it allows scheduling of time

to attend the hearing, without taking an entire day's worth of time that parties may not have to spend in court.

- b. The **team approach** used in Spokane encourages a non-adversarial approach to hearings, which might make the parent more willing to attend the hearings. Non-adversarial approaches may make parties feel more at ease, thereby increasing engagement in the process.
 - c. The use of **FTDMs** may also encourage parents' participation in the hearings process. FTDMs provide many of the benefits of other forms of alternate dispute resolution (e.g., mediation) in that they allow an opportunity to discuss the case in a non-adversarial manner, giving parents a voice, which may encourage their participation in their case. FTDMs may also reduce the number of contested hearings.
3. ***Case Tracking and Reporting.*** Spokane has a case tracking and reporting system that reports on multiple case related factors by commissioner. The report includes petition filing date, fact-finding date, fact-finding deadline, permanency hearing date and permanency hearing deadline. This report is generated once a month and sent to the commissioners for review. **These reports may also help to increase efficiency by identifying deadlines, which could lead to enhanced case management.**

Ultimately, it appears that Spokane not only has adequate judicial resources, they are efficiently utilizing these resources to ensure timely case processing and permanency for children in care. Efficiency and workload appear to have a reciprocal relationship in Spokane. A sufficient judicial resource level allows the court to conduct efficient hearings. Likewise, the efficiency with which the court approaches case processing may reduce their workload. Further examination of these practices in other jurisdictions could lead to greater understanding of which practices have the most profound effect on workload.

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