U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

Court Performance Measures in Child Abuse and Neglect Cases

Key Measures

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Court Performance Measures in Child Abuse and Neglect Cases: Key Measures

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Preface

In ensuring the protection and welfare of children, the Federal Government has concentrated on three primary goals: safety, permanency, and well-being for abused and neglected children. The Government has led efforts to ensure that child welfare agencies, courts, and other stakeholders work together to achieve these worthy goals.

In 1997, the Adoption and Safe Families Act (ASFA) further focused child welfare agencies and courts on system reforms organized around these goals. The ASFA also emphasized that courts play a crucial role in achieving positive outcomes for vulnerable children.

The Federal Government recognizes that everyone involved in the protection of children is committed to the goals of safety, permanency, and well-being for every child. However, commitment to these goals is not enough. As stakeholders in whom the public has placed its trust, we must commit to a continuous process of improving and strengthening our dependency systems and cross-system supports. Performance measurement is only one step in that process, but it is a critical first step. To better serve and protect vulnerable children, we must first know how our current systems are doing.

Two Federal agencies—the U.S. Department of Health and Human Services' Children's Bureau and the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP)—are cosponsoring a broad-based effort to measure the progress of juvenile and family courts in addressing the needs of abused and neglected children. This effort models the Federal ideals of collaboration and cooperation. It blends information and experience from two key initiatives: the Children's Bureau performance measurement project and OJJDP's Strengthening Abuse and Neglect Courts Act (SANCA) project. Three of the Nation's leading court reform organizations—the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges—have provided technical support.

The *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases* is the result of this collaborative effort. The *Toolkit* provides practical, comprehensive guidance on how to undertake performance measurement and move toward more efficient and effective dependency court operations. Pilot tested in 12 diverse sites, the *Toolkit* reflects a breadth and richness of experience that will make it useful for any juvenile or family court.

The *Toolkit* could not have been produced without the combined expertise and leadership of the 3 court reform organizations and the cooperation of the 12 pilot sites. Working together, all of these contributors demonstrated that performance measurement can be done in any court and that it is essential to improving how we address the needs of abused and neglected children.

About the Toolkit

Performance Measurement: A Critical Need

Developing objective and qualitative measurements of practice is essential to a court's capacity to improve the effectiveness and efficiency of its operations and to sustain those improvements. Like child welfare agencies, juvenile and family courts must focus not only on the timeliness of case processing and decisionmaking, but also on the quality of the process and the outcomes resulting from the court's efforts.

Courts must focus on child safety by assessing their safety performance data and developing plans for improving the safety of children under their jurisdiction. Courts also must focus on ensuring secure, permanent homes for children in foster care and must improve their effectiveness in achieving permanency. In addition, courts need to determine how well they are protecting the rights of the children and adults who come before them. Finally, courts need to set aspirational performance goals in each of these areas—goals designed to focus efforts, motivate staff, evaluate achievements, and lead to better outcomes for children and families.

Few courts currently have the capacity to effectively measure their performance in child abuse and neglect cases. Whereas for-profit businesses have long taken for granted the need for performance measurement, it is still a relatively new concept for the Nation's courts. Yet, without this essential information, courts with jurisdiction over abuse and neglect cases cannot know what types of improvements they need to make and whether their efforts to improve are working.

Performance measurement makes it possible for courts to diagnose and assess areas in need of improvement and review progress in those areas. In this process, courts build improvements from a baseline of current practices and then conduct regular reassessments as reforms are implemented.

The purpose of the measures in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases* is to help courts establish their baseline practices; diagnose what they need to improve; and use that information to make improvements, track their efforts, and identify, document, and replicate positive results.

By capturing data for the 30 measures in the *Toolkit*, courts will be able to evaluate four areas of operation: child safety, child permanency, due process or fairness, and timeliness.

- **Safety (Measures 1A and 1B).** The goal of these two measures is to ensure that children are protected from abuse and neglect while under court jurisdiction. The performance outcome promoted by these measures is based on the principle of "first, do no harm." Children should be protected from abuse and neglect, no child should be subject to maltreatment while in placement, and children should be safely maintained in their homes whenever possible and appropriate.
- **Permanency (Measures 2A–2E).** The goal of these five measures is to ensure that children have permanency and stability in their living situations. The permanency measures are closely related to timeliness measures but also include additional considerations. With this category, courts assess whether children change placements, whether cases achieve permanent legal status, and whether children reenter foster care (a possible safety issue as well). The permanency measures encourage courts to examine the "bigger picture" of the court experience for the abused or neglected child. In using the permanency measures, a court will need to obtain information from partner agencies such as the State child welfare system or private providers who track children placed in foster care.
- **Due Process (Measures 3A–3J).** The goal of these 10 measures is for the court to decide cases impartially and thoroughly based on evidence brought before it. Due process measures address the extent to which individuals coming before the court are provided basic protections and are treated fairly.
- **Timeliness (Measures 4A–4M).** The goal of these 13 measures is to minimize the time from the filing of the petition or emergency removal order to permanency. Courts generally are most familiar with timeliness measures. These measures help courts identify areas where they are doing well and areas

where improvement is needed. To ensure that courts can pinpoint specific stages of the hearing process in need of improvement, these measures must be comprehensive (applied to all stages of proceedings) and sufficiently detailed.

None of the measures includes a standard or benchmark of performance. Rather, the measures suggest a base of experience from which to develop reasonable and achievable benchmarks. The measures are designed to help courts improve services to maltreated children and their families, and it is important for courts to measure their progress toward achieving that goal. The measures are intended to be part of a process of continuing improvement. They are also intended to be developmental; that is, the measures can be refined as more is learned about the factors associated with a model process for handling child abuse and neglect cases.

The developers of the *Toolkit* expect courts to collaborate with child welfare agencies in applying these measures; for this reason, the court performance measures in the *Toolkit* are designed to be compatible with the Child and Family Services Review (CFSR) outcome measures developed for child welfare agencies. The *Toolkit* developers encourage courts to work with child welfare agencies to establish not only minimum acceptable standards of performance but also aspirational goals that challenge both stakeholders to improve even further.

The national court performance measures also reinforce the goals of other current Federal reform programs and legislation, including the Court Improvement Program (CIP) and the Adoption and Safe Families Act (ASFA). These initiatives recognize that courts, as well as State child welfare agencies, are crucial stakeholders in achieving positive outcomes for maltreated children who become involved in the child welfare system. Court performance has an impact on overall system performance in achieving safety and permanence for these children in a fair and timely manner.

History of the Performance Measures

The history of court performance measurement for child abuse and neglect cases began with a miniconference held in Scottsdale, AZ, on May 5, 1998. The miniconference was cosponsored by the Court Improvement Conference and the Conference of State Court Administrators' Court Statistics Project Advisory Committee. Participants worked with the following resource materials:

- Trial court performance standards and measurement system (prepared by the National Center for State Courts (NCSC) and funded by the Bureau of Justice Assistance (BJA)). These standards touched on five fundamental purposes of courts: access to justice; expediency and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence. Although general trial court standards could be applied to juvenile and family courts, miniconference participants perceived a need for measures and standards tailored specifically to child abuse and neglect cases.
- Draft sets of child abuse and neglect performance measures developed by the American Bar Association (ABA) Center on Children and the Law, NCSC, and Walter R. McDonald & Associates, with comments and suggestions from the National Council of Juvenile and Family Court Judges (NCJFCJ).
- A set of measurement goals from the National Court-Appointed Special Advocates Association.
- Best practice recommendations for handling child abuse and neglect cases, outlined by NCJFCJ in *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases.*
- Technical assistance bulletins on information management in child abuse and neglect cases and judicial workload assessment in dependency cases, developed by NCJFCJ.

Miniconference participants summarized key performance measures for dependency courts in a consensus statement, which was then presented in the following forums:

- To participants in the ABA Summit on Unified Family Courts, May 1998.
- To child welfare professionals at the Permanency Partnership Forum, June 1998.
- To managers of statewide automated child welfare information systems at the conference "Continuing To Build the Future: Using Automation for Children and Families," September 1998.
- To juvenile and family court judges at the NCJFCJ Annual Conference, July 1998.
- To judges, court administrators, and child welfare workers at "Improving Outcomes for Abused and Neglected Children," a symposium sponsored by the Bureau of Justice Assistance and the David and Lucile Packard Foundation, June 2000.

In addition, Dr. Ying-Ying Yuan prepared a critique of the performance measures in a September 1999 report for the ABA entitled "Feasibility of Implementing Court Self-Assessment Measures for Dependency Cases."

The measures were then revised to reflect input from these sources, and the revisions were summarized by Dr. Victor E. Flango in an article entitled "Measuring Progress in Improving Court Processing of Child Abuse and Neglect Cases" (*Family Court Review,* Volume 39, pp.158–169, April 2001).

In their present form, the court performance measures in the *Toolkit* grew out of the Attaining Permanency for Abused and Neglected Children Project, conducted jointly by the ABA Center on Children and the Law, NCSC, and NCJFCJ, with funding from the David and Lucile Packard Foundation. Over a 3-year period, these measures were pilot tested to determine their applicability in different types of courts with different measurement needs and data collection capabilities. The measures were also examined for compatibility with the CFSR outcome measures for child welfare agencies. One result of this effort was the 2004 publication *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases.* This publication described dependency court performance measures for safety, permanency, due process, and timeliness. It also outlined a process for assessing judicial workload that encompasses both on-the-bench and off-the-bench aspects of dependency work.

The Children's Bureau Project

After publishing *Building a Better Court,* the ABA, NCSC, and NCJFCJ received funding from the Children's Bureau of the U.S. Department of Health and Human Services to support efforts by courts to improve their handling of child abuse and neglect cases. The Children's Bureau project provided targeted technical assistance to six sites: Charlotte, NC; Clackamas County, OR; Little Rock, AR; Minneapolis, MN; New Orleans, LA; and Omaha, NE. During this project, the partnering organizations were able to test and refine the court performance measures and data collection instruments at these sites.

The Children's Bureau project helped the six sites do the following:

- Use the performance measures outlined in *Building a Better Court*—compatible with Adoption and Foster Care Analysis and Reporting System (AFCARS) and CFSR measures—to assess their performance in abuse and neglect cases. This included evaluating each site's capacity to generate data for each of the performance measures.
- Examine judicial workloads to determine whether judges were able to spend enough time on child abuse and neglect cases to make timely and well-considered decisions in these cases. The partnering organizations disseminated information about and provided technical assistance in judicial workload assessment.
- Develop a court-specific strategic plan for using performance and workload data to achieve increased accountability and better court performance.

A major goal of the Children's Bureau project was to enhance the sites' self-assessment capacity so they would be able to track and measure their own progress after their involvement in the project ended. This strengthened capacity also makes the sites better able to assess their ASFA compliance and CIP implementation. The project sought to enable project sites—and eventually all courts handling abuse and neglect cases—both to begin a process of continuing self-improvement and to help child welfare agencies determine the impact of court proceedings on achievement of CFSR outcomes.

The Strengthening Abuse and Neglect Courts Act Project

While the Children's Bureau project was underway, the ABA, NCSC, and NCJFCJ received funding from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to help courts use automated management information systems to improve their performance in child abuse and neglect cases. The Strengthening Abuse and Neglect Courts Act (SANCA) project supported SANCA implementation in six States: Colorado, Florida, Georgia, Idaho, New Jersey, and Virginia.

At each site, the SANCA project partners helped improve automated management information systems, implement performance measurement, develop case-tracking capabilities, and perform other management information system functions specifically for child abuse and neglect cases. The SANCA project provided this assistance through meetings of representatives from all SANCA sites, onsite training and technical assistance to each site, and offsite consultation.

The SANCA project has not focused on improving court information systems as an end in itself. Rather, the focus has been on improving these systems in ways that will have the greatest positive impact on efforts to improve quality and timeliness in courts' handling of abuse and neglect cases, to target reforms for court improvement efforts, and, ultimately, to improve the lives of abused and neglected children.

The Toolkit Volumes

All the aforementioned work has culminated in the production of the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases.* The *Toolkit* content is informed by the experiences of the Children's Bureau and SANCA project sites.

In addition to providing detailed guidance about court performance measures for child abuse and neglect cases, the *Toolkit* offers a general approach—a way of thinking—that can help dependency courts successfully implement a performance measurement process. Using the *Toolkit*, dependency courts can:

- Establish a baseline of current practice, diagnose what they need to improve, and use that information to build and track improvement efforts.
- Measure their progress in achieving the goals of safety, permanency, and well-being for children.
- Identify and document practices that are achieving positive results and replicate those results.

The *Toolkit* includes the five volumes described below. Although each volume focuses on a particular audience, the *Toolkit* developers encourage everyone involved in court performance measurement for abuse and neglect cases to consult all the volumes for instruction, guidance, and inspiration.

Court Performance Measures in Child Abuse and Neglect Cases: Key Measures. This booklet outlines nine measures that the national partners have identified as key to determining court performance in child abuse and neglect cases. The booklet succinctly discusses the goal of each measure, data requirements, calculation and interpretation, and important related measures. It is an ideal tool for making the case for performance measurement to legislators, funders, and other high-level decisionmakers.

Court Performance Measures in Child Abuse and Neglect Cases: Implementation Guide. This step-by-step guide provides practical advice on how to set up a performance measurement team, assess capacity (determine which measures the team can currently implement and which measures will require capacity building), prioritize among measurement needs, plan data collection activities, and use the data generated through the performance measurement process to plan reforms. The *Implementation Guide* uses examples from the Children's Bureau and SANCA project sites to illustrate key points. It also highlights lessons learned from the sites about performance measurement approaches, as well as challenges and strategies for overcoming those challenges. Performance measurement teams and project managers will find the *Implementation Guide* helpful as they plan and implement a performance measurement program and use results to drive improvement efforts.

Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide. This comprehensive volume describes all 30 court performance measures for child abuse and neglect cases. The *Technical Guide* details the goals and purpose of each measure, discusses alternate or proxy measures, provides step-by-step specifications for calculating the measures, articulates what data elements need to be collected to produce each measure, suggests ways to present data effectively, and provides examples of how data obtained for each measure can be used in reform efforts. The *Technical Guide* also includes a detailed dictionary of technical terms and a flowchart outlining the typical child abuse and neglect hearing process. This volume is ideal for project managers and information technology (IT) staff tasked with obtaining performance measures. It will give them an indepth understanding of all the measures, what is needed to obtain data for the measures, and how to report findings in a way that is easily understood by various target audiences.

Court Performance Measures in Child Abuse and Neglect Cases: User's Guide to Nonautomated Data Collection. Some courts may lack automated systems for gathering performance measurement data on abuse and neglect cases. Even if a court has adequate automation resources, certain performance measures (such as those assessing due process) may not be captured via automated systems. Furthermore, qualitative information can help to explain quantitative outcomes. This volume explains how to use nonautomated data collection methods—such as file review, court observation, interviews, and focus groups—to complete the performance measurement picture.

Court Performance Measures in Child Abuse and Neglect Cases: Guide to Judicial Workload Assessment. To improve their handling of abuse and neglect cases, courts need to be able to measure workloads as well as performance. Measuring judicial workloads makes it possible for courts to track existing resources and argue persuasively for additional resources when they are needed. This volume presents a method for obtaining data on judicial workloads in abuse and neglect cases which includes an assessment of what is required for best practice in these cases. Drawing on work from the pilot project sites, this volume discusses different approaches to workload analysis and provides tools for conducting analyses.

Toolkit DVD and Web Site

All *Toolkit* publications and related materials, such as presentations and instruments, are available on DVD and at *www.courtsandchildren.org.*

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Contents

Building the Toolkit

The Need for Performance Measurement

Courts, child welfare agencies, and treatment providers are all involved in child abuse and neglect cases, although each has different responsibilities and plays a different role. Intervention in family life is most likely to be successful if all organizations involved coordinate their efforts. The public holds both courts and child welfare agencies accountable for the outcomes achieved for abused and neglected children. Even beyond the requirements of accountability to the public, courts and child welfare agencies should always ask themselves:

- What is the most effective way to meet the needs of children and families?
- Are families receiving the services they need?
- Are services delivered appropriately and do they bring about desired outcomes?

Performance measurement helps courts and child welfare agencies establish a baseline from which to measure the success of their improvement efforts and to identify areas where improvements are still necessary. Perceptions about the performance of courts, child welfare agencies, and treatment providers may be based on anecdotes and personal accounts and therefore may not accurately represent the way courts handle most dependency cases. The key set of performance measures proposed here is intended to:

- Increase national awareness of the importance of court performance measurement in child welfare cases.
- Improve data sharing between courts and child welfare agencies to enable performance measures to be generated.
- Increase general understanding of court performance measures so that people have a more objective basis on which to evaluate performance.
- Encourage the development of technology that would produce court performance measures as a part of regular case management system reports.

The Federal Role

In recent years, the Federal Government has increased their focus on achieving safety, permanency, and well-being for abused and neglected children. Through a combination of legislation, regulations, and executive policy guidance, the Federal Government has encouraged agencies, courts, and other stakeholders to work together to place children who are in the child welfare system into safe, permanent, and loving homes.

Currently, the Federal Government works with State child welfare agencies to assess State performance through the Child and Family Services Reviews (CFSR), a process that examines child welfare agency outcomes. Each assessment produces a final report describing the State's performance in dependency cases—keeping children safe, finding them permanent homes, and ensuring their well-being. To the extent that some aspects of child welfare agency performance are influenced by court actions, the assessment may also tangentially cover court actions. On the basis of the CFSR final report, the State develops a Program Improvement Plan (PIP) designed to improve child welfare and create better outcomes for children.

The Federal Government works with State courts to improve their handling of child welfare cases through the Court Improvement Program (CIP). With the help of Federal grants provided through the CIP, courts must assess their own performance and develop and implement plans for improvement. Because courts and child welfare agencies both work to achieve positive outcomes for abused and neglected children, Federal legislation encourages them to work together to implement the State's PIP.

Dimensions of Court Performance

Courts play a critical role in determining whether children will be removed from their homes, how long they will remain in foster care, and where they will permanently reside. To maintain the desired balance between court independence and accountability, courts need to identify what actions they should hold themselves responsible

for. Achieving safety and permanency is a shared goal of courts and social service agencies; they must work together to achieve and measure these outcomes. Process goals of timeliness and due process focus on how the outcome goals are achieved and the quality of services provided. Courts and social service agencies must work together to achieve these outcomes; however, they can be measured separately.

Safety. Safety measures address the status of children while they are under the jurisdiction of the court and for some time thereafter. Courts strive to ensure that no child experiences abuse or neglect during placement and that children remain at home when the home provides a safe environment.

Permanency. Permanency measures address whether abused and neglected children are placed in legally permanent, safe homes. Children achieve permanency when they are returned to their families without further court supervision, adopted, or placed with permanent guardians.[1] Courts may remove children from the home if they are in danger of harm or, alternatively, may remove the alleged perpetrator or place the child with members of the extended family.[2]

Due process. Due process measures address the extent to which individuals coming before the court are being provided basic protections. The defining feature of a court is to decide cases impartially and thoroughly on the basis of evidence brought before them. Due process involves giving each family the individual attention necessary to make effective decisions for the child and assuring that families receive the protections required; this includes providing effective legal representation at all stages of the court process and making sure all parties have the opportunity to participate in court proceedings by notifying them of court dates and giving them an opportunity to testify. Courts must ensure that parents receive notice of the proceedings and a fair opportunity to present testimony and express their point of view.

Timeliness. Timeliness measures are designed to help courts minimize the time required to bring litigation to a close and reduce the time that families must endure the ongoing stress of litigation and uncertainty regarding their future—both of which can have a detrimental impact on children.[3]

Judicial timeliness may affect permanency. Children can be damaged by "foster care drift"—remaining too long in "temporary" foster homes. Courts benefit from measures that help them determine how well they are meeting State and Federal guidelines for timely case processing.

Well-being. Well-being refers to a child's current and future welfare—most notably, the child's educational achievement and mental and physical health. Although courts do not provide care for children directly, they must ensure that children are receiving proper care by inquiring about the children's health, medical care, school attendance, and other indicators that they are physically and emotionally healthy. These indicators may signal dysfunctional family relationships that cause the family to return to court repeatedly. Because courts have not yet achieved consensus on the measures for child well-being for which they should be held accountable, this report does not include specific court measures related to child well-being, although such measures are needed.

ASFA Outcomes

Safety Outcomes:

- Children are, first and foremost, protected from abuse and neglect.
- Children are safely maintained in their homes whenever possible and appropriate.

Permanency Outcomes:

- Children have permanency and stability in their living situations.
- The continuity of family relationships and connections is preserved for children.

Child and Family Well-Being Outcomes:

- Families have enhanced capacity to provide for their children's needs.
- Children receive appropriate services to meet their educational needs.
- Children receive adequate services to meet their physical and mental health needs.

For more information, see: www.acf.hhs.gov/programs/opre/acf_perfplan/ann_per/apr2005/apr_sg2_61a.html.

Use of Performance Measures

The measures presented here will be refined as courts become more informed about best practices for handling of child abuse and neglect cases. Performance measures should be part of a continuing improvement process, with measures added, improved, modified, or rejected as courts learn more about their use.

Performance measures will be accepted if used to reward improvement rather than to retroactively punish failure. They may also be accepted if used to improve services to maltreated children rather than to evaluate the performance of individual judges or child welfare administrators.

Key Court Performance Measures

MEASURE 1A

Child Safety While Under Court Jurisdiction

Percentage of children who are abused or neglected while under court jurisdiction.

What is the goal? Child safety.

Children should remain safe from abuse and neglect while under court jurisdiction.

This measure will help determine the extent to which children are safe when the court maintains supervision over the child. The court may have jurisdiction before the child enters foster care or after the court returns the child home while the case remains open.

Courts share responsibility for child safety with child welfare agencies because courts:

- Set conditions for the child's return home.
- Authorize the return home.
- Set conditions for agency supervision when the child remains at home or is returned home.
- Monitor the child's placement.
- Decide when to end court-ordered supervision by closing the case.

How is the measure calculated?

- Identify the total number of neglect cases closed over a certain period of time (e.g., 1 year).
- Examine the history of each case to determine the number of children maltreated by a caregiver during the time the case was open.
- Calculate the percentage of children maltreated while under court jurisdiction.
- Report both the raw numbers and the percentage of children maltreated.

How is the measure interpreted?

Individual courts need to compare their recurrence rates with those of other courts to establish a safety goal, because national standards for this measure have not been established. A court could determine a reasonable recurrence rate by comparing their data with data from similar courts or with a statewide average.

What are related measures?

Child and Family Services Reviews establish two safety measures:

Recurrence rate. Percent of children who were victims of substantiated or indicated child abuse and/or neglect during the first 6 months of the reporting period who had been abused at another point in time. The national standard for this measure is 6.1 percent or less.

Rate of child abuse while the child is in foster care. Percent of children in foster care subjected to substantiated or indicated abuse by a foster parent or facility staff member. The national standard for the measure is 0.57 percent or less.

What data are required to complete the measure?

- The date of the subsequent substantiated report of abuse or neglect.
- The date court jurisdiction ends or the petition is closed.

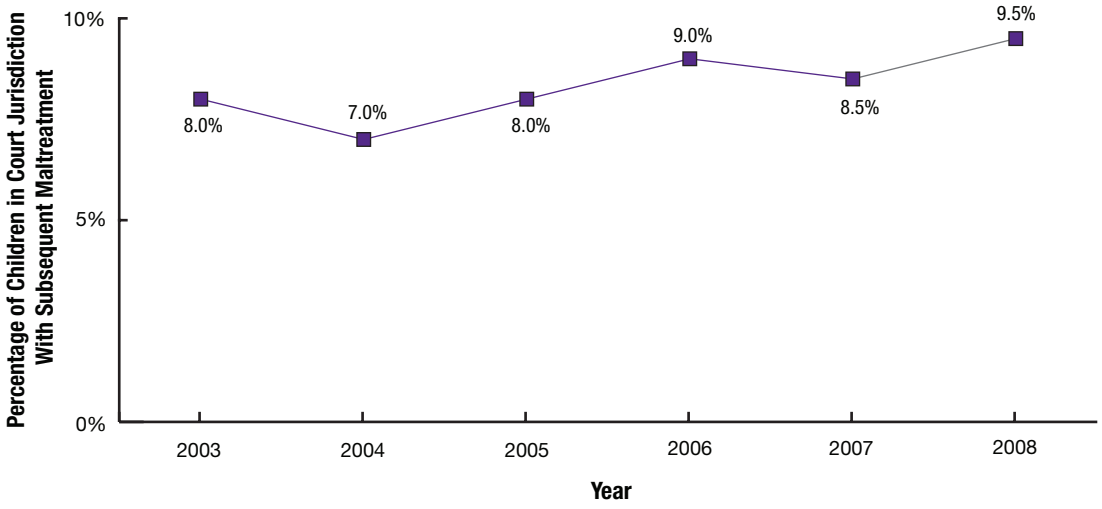
Sample 1A–1. Child Abuse and Neglect by Court, 2008: County A

Court	Number of Children in Court Jurisdiction	Number of Children With Subsequent Maltreatment	Percentage
1	42	2	4.9%
2	22	2	9.1%
3	7	0	0.0%
4	6	1	16.7%
County Total	**77**	**11**	**7.7%**

Sample 1A–2. Child Abuse and Neglect by County, 2008

County	Number of Children in Court Jurisdiction	Number of Children With Subsequent Maltreatment	Percentage
A	77	11	7.7%
B	49	4	8.2%
C	30	5	16.7%
D	11	4	5.2%
State Total	233	24	9.5%

Sample 1A–3. Statewide Trends in Child Abuse and Neglect, 2003–2008



Once statewide results have been obtained they can be examined over a number of years and compared to other practicing States.

MEASURE 1B

Child Safety After Release From Court Jurisdiction

Percentage of children who are abused or neglected within 12 months after the case is closed following a permanent placement.

What is the goal? Child safety.

Children must be safe from abuse and neglect after court jurisdiction ends. This measure determines children's safety after courts have closed the cases.

Courts share responsibility for child safety with child welfare agencies because courts:

- Set conditions for the child's return home.
- Authorize the return home.
- Set conditions for agency supervision when the child remains at home or is returned home.
- Monitor the child's placement.
- Decide when to end court-ordered supervision by closing the case.

How is the measure calculated?

- Select cases that were closed up to 1 year before the desired reporting period. This allows sufficient time to calculate the percentage of children maltreated in the 12 months following the end of court jurisdiction.[4]
- Examine the historical records of all cases closed in a certain year to determine the total number of children who returned to court and the number of children involved in substantiated incidents of neglect that occurred within a year after court jurisdiction ended.
- From these data, calculate the percentage of children who were maltreated within 12 months after court jurisdiction ended.
- Report both the raw numbers and the percentages of children neglected. If the reasons for case closure are available, courts may wish to analyze whether recurrence was related to the reason(s) the case was closed.

How is the measure interpreted?

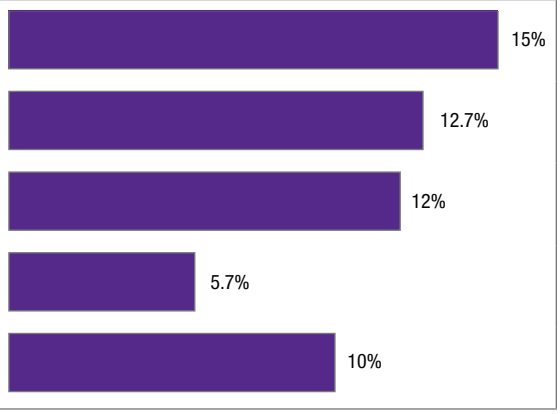
Individual courts need to compare their recurrence rates with those of other courts to establish a safety goal, because national standards for this measure have not been established. A court could determine a reasonable recurrence rate by comparing its data with data from similar courts or with a statewide average.

What data are required to complete the measure?

- The date the court jurisdiction ended or the original petition was closed.
- The reason the court jurisdiction ended or the petition was closed (e.g., adoption, legal guardianship, reunification).
- The date of filing the new petition alleging abuse or neglect following case closure.

Sample 1B–1. Percent of Children Abused or Maltreated After Court Jurisdiction Ends, Cases Closed in 2006: Statewide

County	Children With Cases Closed in 2006	Number of Children Maltreated Within 12 Months of Case Closure	Percentage
A	1,000	150	15%
B	300	38	12.7%
C	250	30	12%
D	790	45	5.7%
State Total	**15,000**	**1,500**	10%



Statewide Average = 10%

MEASURE 2A

Achievement of Child Permanency

Percentage of children in foster care who reach legal permanency by reunification, adoption, or legal guardianship.

What is the goal? Permanency.

"Legal permanency" means that a permanent and secure legal relationship has been established between the adult caregiver and the child. Permanency is achieved when children are reunited with their families without further court supervision, are adopted, or are placed with permanent guardians.[5]

This measure evaluates the shared success of the courts and child welfare agencies in achieving legal permanency for the children. The courts share responsibility for ensuring permanency because they decide when children will be permanently placed and oversee case planning and progress during the life of the case.

How is the measure calculated?

- Determine the reasons for case closure.
- Select cases closed within a given time period (e.g., 1 year) and identify the number of children involved in each case.
- Sort the cases according to reason for case closure and record the number of children within each category, including children who did not achieve permanency.[6]
- Determine the percentage of children who reached permanency by reunification, adoption, or guardianship by comparing these numbers with the total number of children whose cases were closed during the selected time frame.
- Report both the raw numbers and the percentage of children who did and did not achieve permanency.

How is the measure interpreted?

Legal permanency helps ensure that former foster children grow up in stable and secure homes. This measure shows whether courts and child welfare agencies have successfully achieved permanency. It also shows how permanency was achieved (which encourages successful policies and practices) and how it was not achieved (which encourages stronger efforts).

What are related measures?

The percentage of children discharged from foster care to a permanent home.

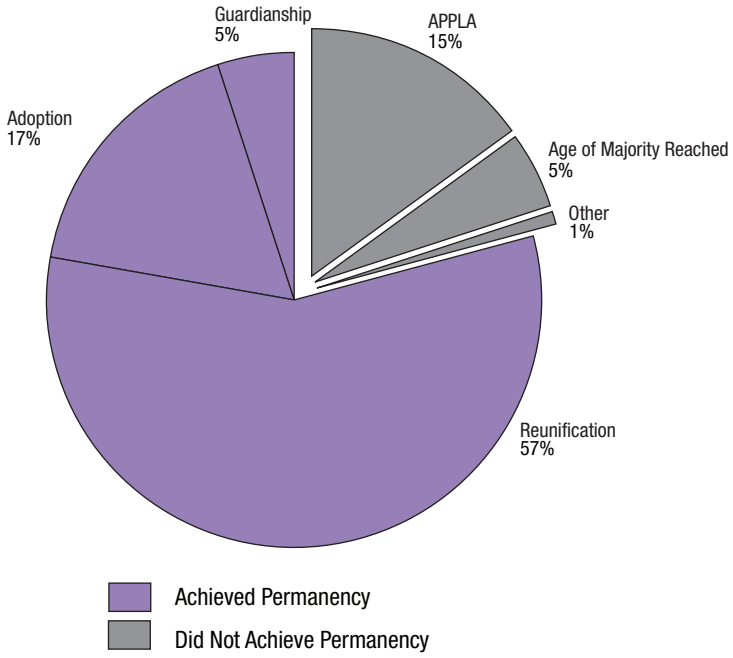
What data are required to complete the measure?

- Foster care flag = "yes."
- The date of case closure.
- The reason for case closure (e.g., reunification, legal guardianship, adoption, or reason that a child failed to achieve permanency).

Sample 2A–1. Reason for Achievement and Nonachievement of Permanency, 2007: Statewide

Achieved Permanency	Cases Closed in 2007
Reunification	2,850
Adoption	850
Guardianship	250
Did Not Achieve Permanency	
Another Planned Permanent Living Arrangement (APPLA)	750
Age of Majority Reached	250
Other	50
Total	**5,000**

Sample 2A–2. How Permanency Was Achieved



MEASURE 3A

Number of Judges Per Case

Percentage of child abuse and neglect cases in which the same judicial officer presides over all hearings.

What is the goal? Due process.

To help courts evaluate how often entire child abuse and neglect cases are heard by one judge—an important factor that affects the quality of a judge's work. Some families come to court with some regularity and the presence of a single judicial officer promotes responsibility and consistency of decisions. Although a good information management system should present basic information to any judge hearing a case, a single judicial officer will have the case history and experience with the family that promotes better decisions.

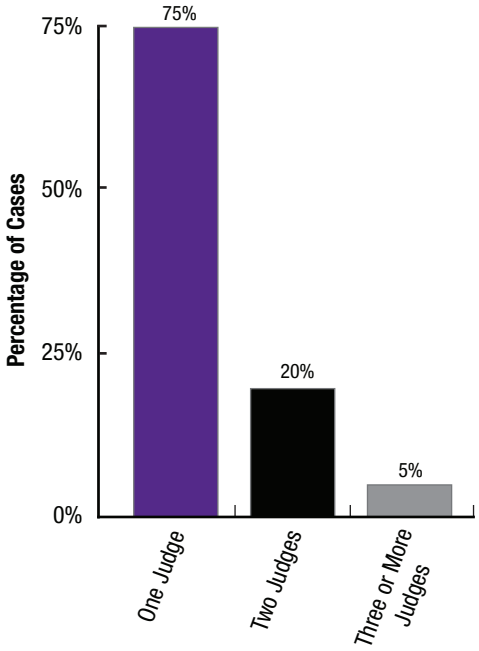
How is the measure calculated?

- Identify all hearings by the name of the judicial officer who presided over the hearing, using a random sample of all cases closed in the selected time frame.
- Compare the judicial officer who presided over the first hearing with the name of judicial officers at subsequent hearings.
- Sort cases according to whether all hearings were conducted by one, two, three, or more judicial officers.

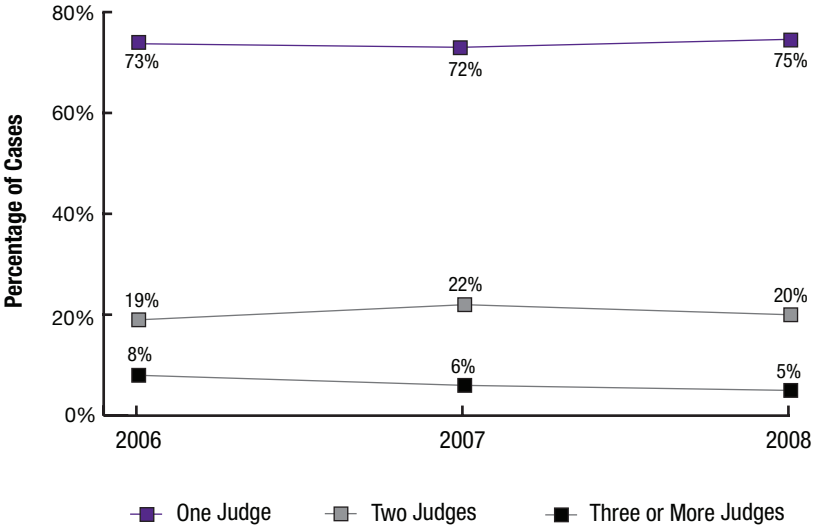
What data are required to complete the measure?

- The hearing dates.
- The presiding judicial officer at each hearing.
- The date of case closure.

Sample 3A–1. Number of Judicial Officers Per Case, 2008: Court A



Sample 3A–2. Number of Judges Per Case, 2006–2008: Court A



MEASURE 3B

Service of Process to Parties

Percentage of child abuse and neglect cases in which both parents receive written service of process of the original petition.

What is the goal? Due process.

The purpose of this measure is to help courts give both parents (or legal guardians) proper written notice of child abuse and neglect cases. Written notice gives parents the opportunity to appear in court and be heard and documents the court's adherence to due process. Giving parents a fair chance to speak results in better decisions for children.

How is the measure calculated?

- Determine which parties were entitled to service of process. Parents and legal guardians or custodians may all need service of process.[7]
- Select and count the number of cases in which all parties involved in the case received service of process.
- Report both the raw numbers and the percentages.

How is the measure interpreted?

Courts must determine what percentage of parties who should be served actually receives service of process on the original petition. This interpretation requires determining which parties are entitled to service of process. In cases where legal guardians or custodians are not involved, the two parents are the "both parties" requiring service. In cases where legal guardians are involved, they must also receive service of process. To determine who is not receiving service of process, consider what percentage of parents and guardians entitled to service of process actually received service. This percentage will enable courts to determine if any parties consistently do not receive notice and to investigate the reasons for this lack of service of process.

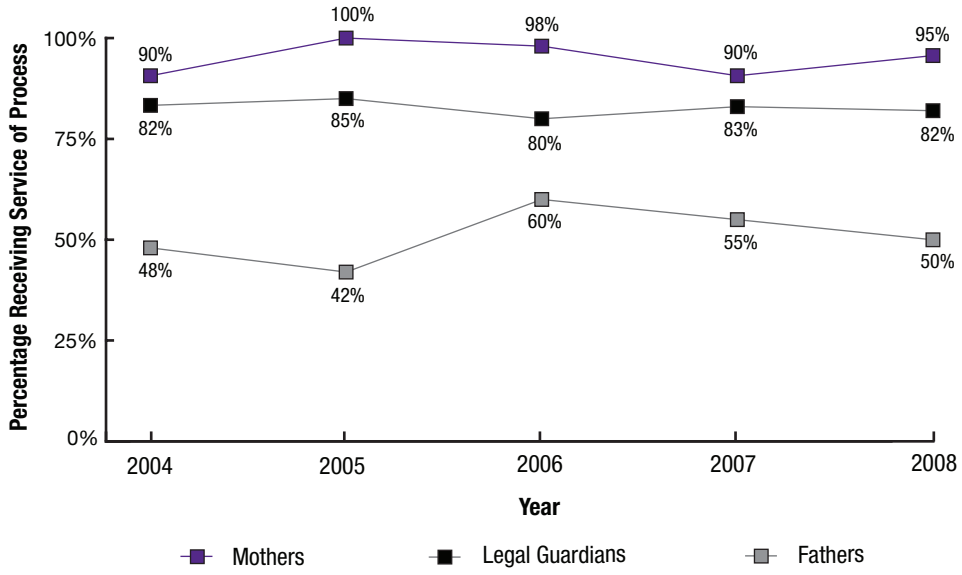
What are related measures?

The percentage of cases in which courts have documentation that all parties received notice in advance of the next hearing.

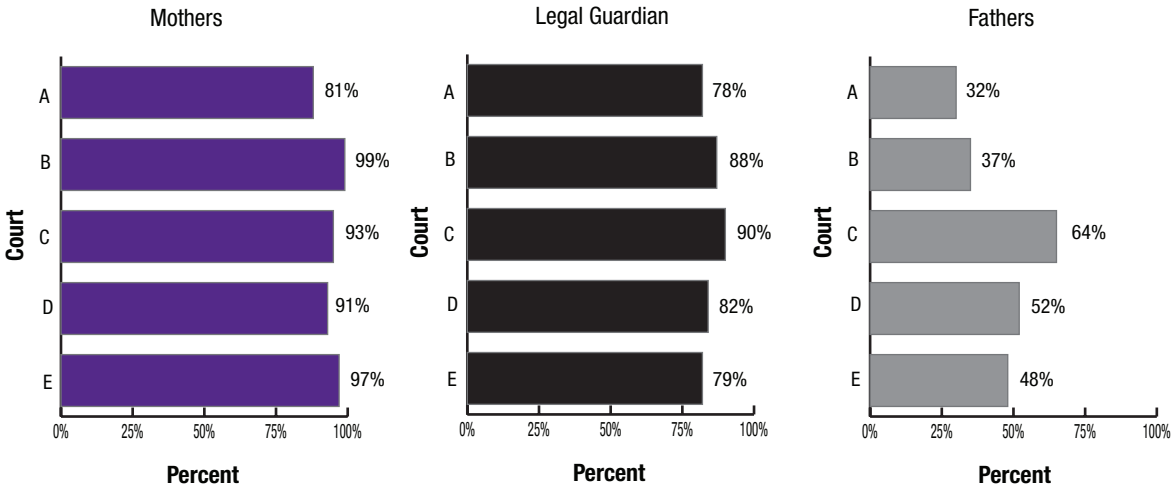
What data are required to complete the measure?

- The adjudication date.
- The party identifier.
- The types of parties entitled to service of process (e.g., parents, legal guardians).
- The date of the service of process of the original petition.
- The date of case closure.

Sample 3B–1. Parties Receiving Service of Process, Cases Closed in 2004–2008: Court X



Sample 3B–2. Percentage of Cases in Which Parties Received Service of Process, 2006: County A



MEASURE 4A

Time to Permanent Placement

Average (median) time from filing of the original petition to legal permanency.

What is the goal? Timeliness.

The desired outcome is to achieve permanency as quickly as possible, by minimizing the time from filing the original petition to permanent placement.

Children can be damaged by remaining too long in temporary foster homes. Timeliness measures can help courts pinpoint where delays in case processing occur.

This measure is the most important indicator of timeliness because it measures the total length of time needed to achieve permanent placement.

How is the measure calculated?

- Select all cases that have achieved permanency within the past 12 months.
- Compute the number of days from the time the original petition was filed to the time the child was placed in a permanent home (e.g., reunification, legal guardianship, or adoption).[8]

How is the measure interpreted?

This measure examines the total length of time needed to achieve permanent homes. It should be calculated based on whether permanency was achieved by guardianship, adoption, or a return home. Timeliness is most critical when children are removed from home. A separate calculation should compare time to permanency for children who remained in their homes and time to permanency for children who were removed from home.

What are related measures?

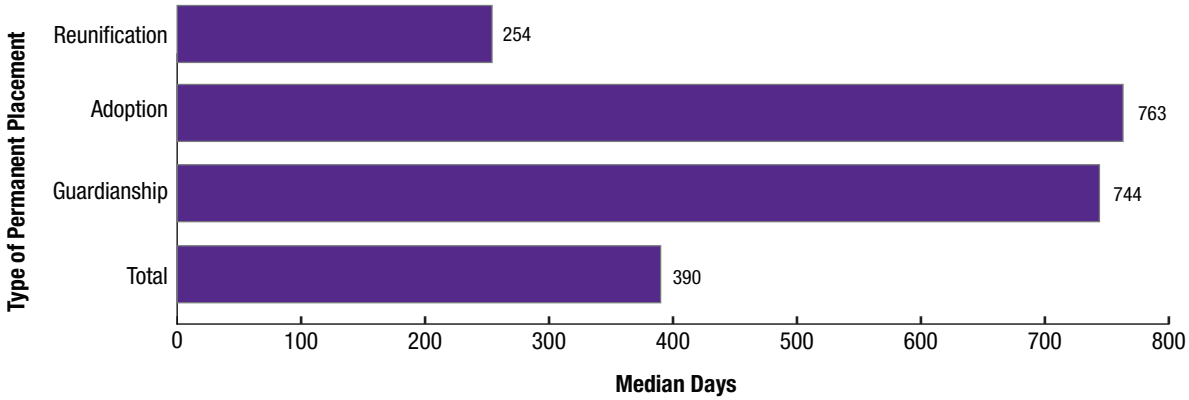
In situations where the original petition for permanent placement is not filed in court within 48 hours of removal, the jurisdiction should consider using the removal date or the date of the emergency removal hearing as a substitute start time for this measure.

The analogous Child and Family Services Review measure is the median length of a child's stay in foster care from the child's most recent entry into foster care until the date of reunification or adoption.

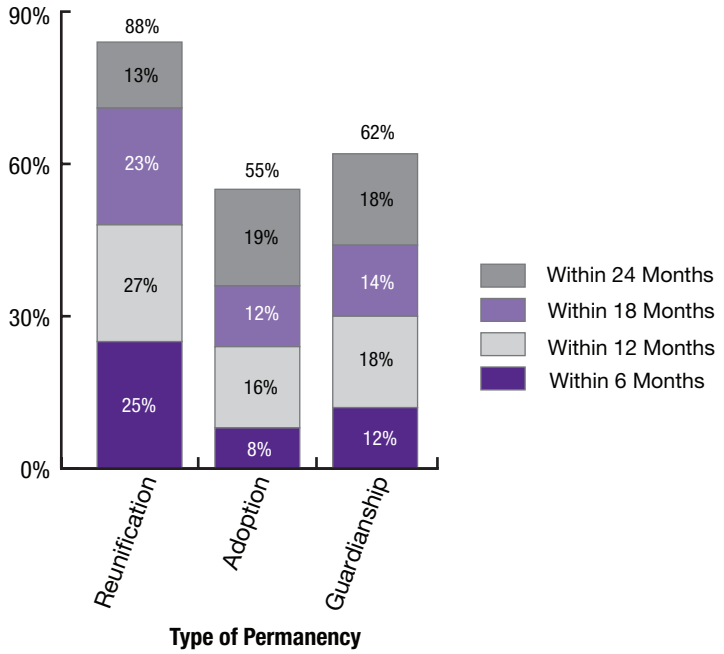
What data are required to complete the measure?

- The date that the original abuse or neglect petition was filed.
- The date that a child was placed in a permanent home.
- The reason for case closure (e.g., reunification, adoption, or legal guardianship).

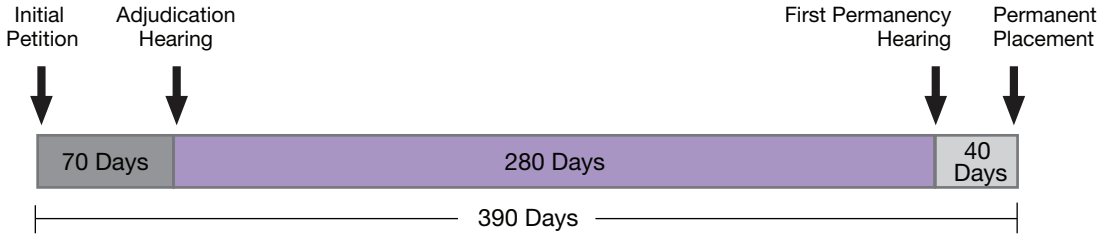
Sample 4A–1. Median Days From Petition to Permanent Placement, 2006: Court A



Sample 4A–2. Percentage of Children Reaching Permanency Within Different Timeframes, Cases Closed in 2006: Court A



Sample 4A–3. Average Time Elapsed Before a Child Reaches Permanent Placement, Cases Closed in 2006: Court A



Note: Adjudication and permanency hearings are more fully defined and presented in Measures 4B and 4G.

MEASURE 4B

Time to Adjudication

Average (median) time from filing of the original petition to adjudication.

What is the goal? Timeliness.

The desired outcome is to minimize the time from when the original petition is filed to the time of the adjudication hearing.

The NCJFCJ *RESOURCE GUIDELINES* define the adjudication hearing as the stage during which the court determines whether allegations of abuse or neglect are sustained by the evidence and whether they are legally sufficient to support State intervention on behalf of the child. This measure enables the court to determine how long it takes to reach adjudication, especially for children who have been removed from the home.

How is the measure calculated?

- Select all of the cases adjudicated within the study timeframe (e.g., the past year).
- Compute the number of days between filing the original petition and the adjudication for each case in the sample.
- Determine the median time to adjudication.

How is the measure interpreted?

The NCJFCJ *RESOURCE GUIDELINES* recommend that adjudicatory hearings be completed within 60 days after the child has been removed from the home, regardless of whether the parties agree to extensions. By paying careful attention to this measure, a court can reduce the time to adjudication and meet its time goal.

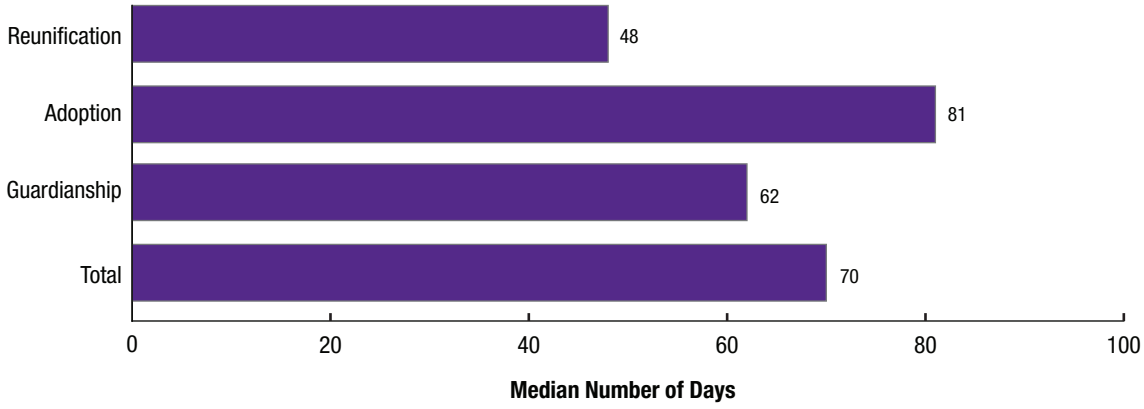
What are related measures?

In situations where the petition is not filed within 48 hours of removal, the jurisdiction should consider using the date the child was removed from the home, or the date of the emergency removal hearing, to the date of adjudication as a substitute measure.

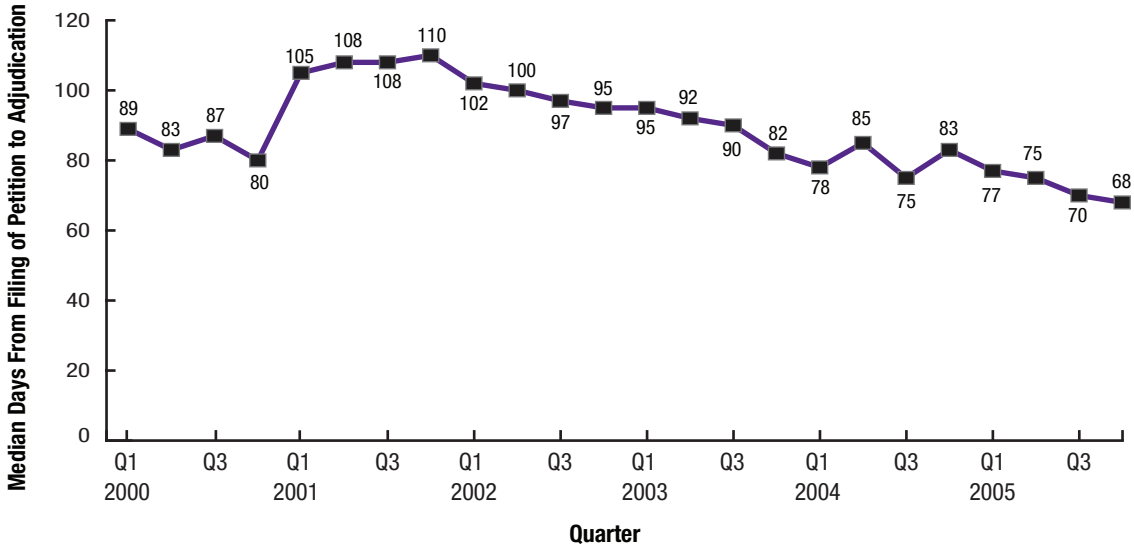
What is required to measure?

- The date that the original petition was filed.
- The date of adjudication.

Sample 4B–1. Time to Adjudication by Type of Permanent Placement, Cases Closed in 2006: Court A



Sample 4B–2. Quarterly Trends in Time to Adjudication, 2000–2005: Court X



MEASURE 4G

Time to First Permanency Hearing

Average (median) time from filing of the original petition to the first permanency hearing.

What is the goal? Timeliness.

The desired outcome is to reduce the time to permanent placement by minimizing the time between filing the original petition alleging child abuse and neglect and the first permanency hearing. At permanency hearings, courts determine the permanency plan for the child. The permanency plan could return the child home, initiate termination of parental rights proceedings to free the child for adoption, refer the case for legal guardianship, or place the child in another planned permanent living arrangement.

How is the measure calculated?

- Select all cases closed within the study timeframe (e.g., the past year).
- Compute the number of days from the time the original petition was filed to the date of the first permanency hearing for each case in the sample.
- Determine the median number of days to permanency.

How is the measure interpreted?

The adoption and Safe Families Act (ASFA) of 1997 requires a permanency hearing to take place within 12 months after the child has entered foster care. Many State laws simplify this to 12 months from the date of placement. Many children never need to attend a permanency hearing because they are reunited with their parents or guardians before the hearing would occur.

What are related measures?

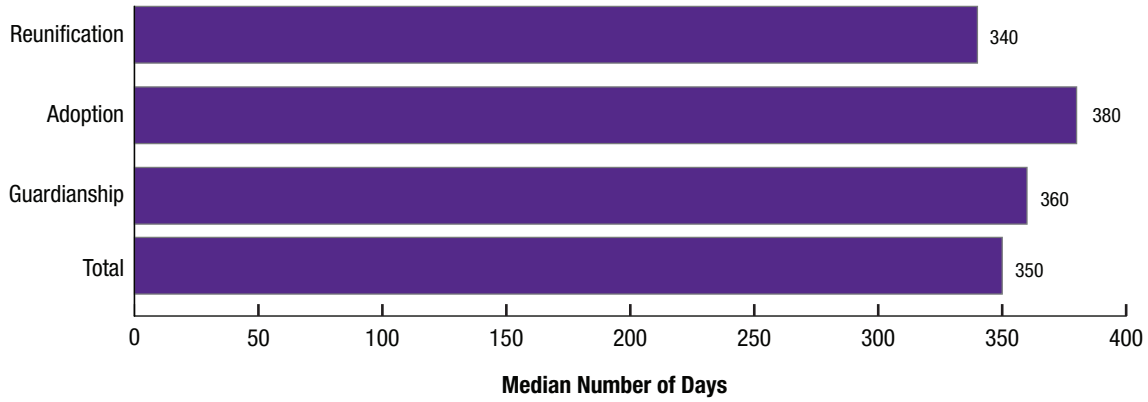
In situations where the petition is not filed within 48 hours of the child being removed from home, the jurisdiction should consider using the date the child was removed from home or the date of the child's emergency removal hearing as a substitute for the date the petition was filed.

Courts may also wish to determine the percentage of cases that meet the legal deadline (12 months, as set by ASFA in 1997) for the permanency hearing.

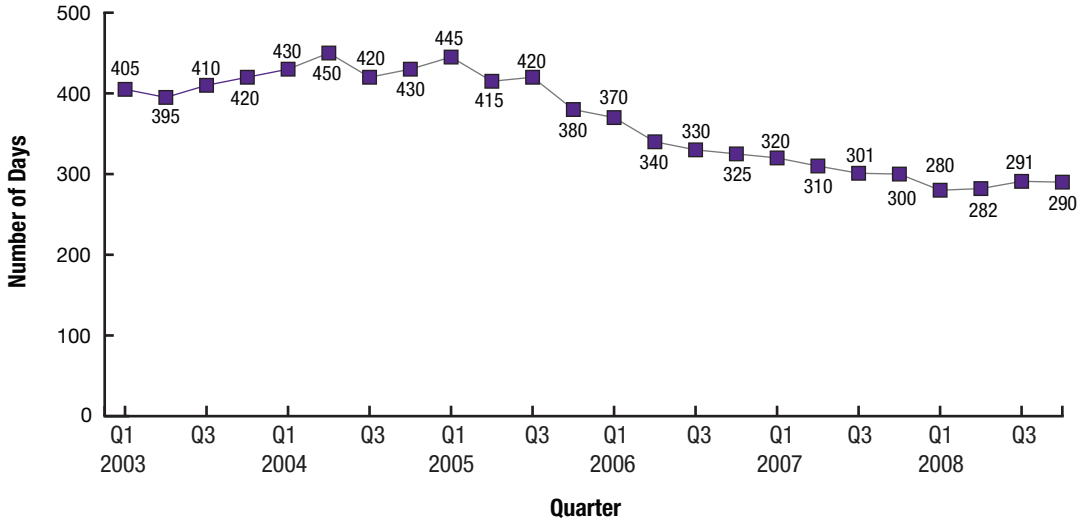
What data are required to complete the measure?

- The date that the original petition was filed (if needed for "start date").
- The date of actual entry into foster care (if needed for "start date").
- The date and time of the emergency removal hearing (if needed for "start date").
- The adjudication date (if needed for "start date").
- The date of court-ordered entry into foster care.
- The date of case closure.
- The date of the first permanency hearing.

Sample 4G–1. Time to First Permanency Hearing, by Type of Permanent Placement, Cases Closed in 2006: Court A



Sample 4G–2. Time From Filing of Original Petition to First Permanency Hearing, 2003–2008: County B



MEASURE 4I

Time to Termination of Parental Rights

Average (median) time from filing of the original child abuse and neglect petition to the termination of parental rights (TPR).

What is the goal? Timeliness.

The desired outcome is to minimize the time between filing of the original petition and adoption. Before a child can be adopted, the court must terminate the parents' rights. The time between filing the original petition and terminating parents' rights is often a longer period of time than the time between termination of parental rights and the adoption. This time period must be reduced for the total time to adoption to decrease.

How is the measure calculated?

- Select all termination of parental rights cases closed within the study's time frame (e.g., the past year).
- Calculate the number of days between the filing of the original petition and the termination of parental rights.
- Determine the median time to termination of parental rights.

How is the measure interpreted?

The Adoption and Safe Families Act of 1997 (Public Law 105–89) requires States to initiate termination of parental rights proceedings for children who have been in foster care for 15 of the most recent 22 months. Charts can be used to emphasize the differences in the amount of time to termination of parental rights in different counties in a State.

What are related measures?

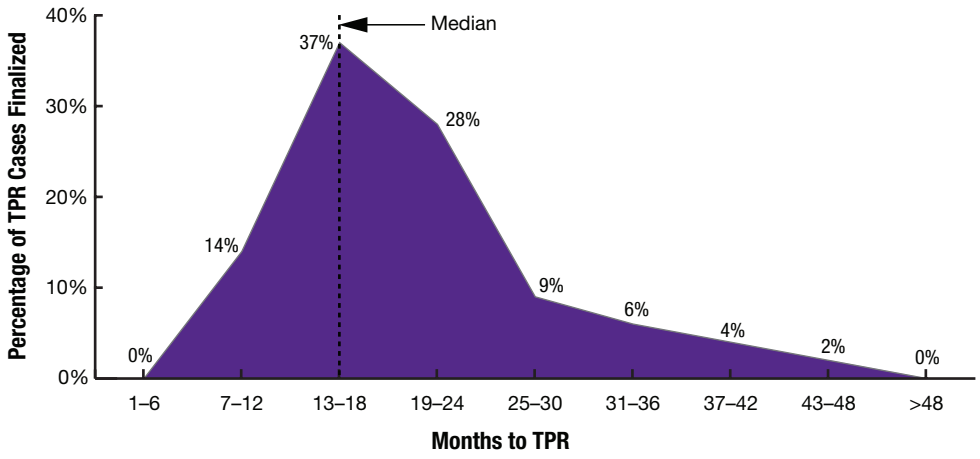
The time between a child's removal from his or her home to the filing of the termination of parental rights petition.

The time between when a child enters foster care and the time the petition for termination of parental rights is filed.

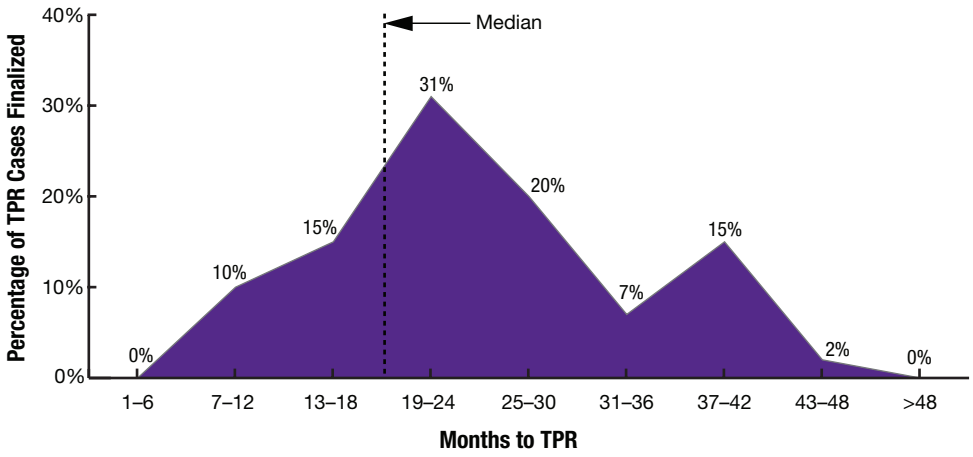
What data are required to complete the measure?

- The date that the original petition was filed.
- The date the termination of parental rights was finalized.

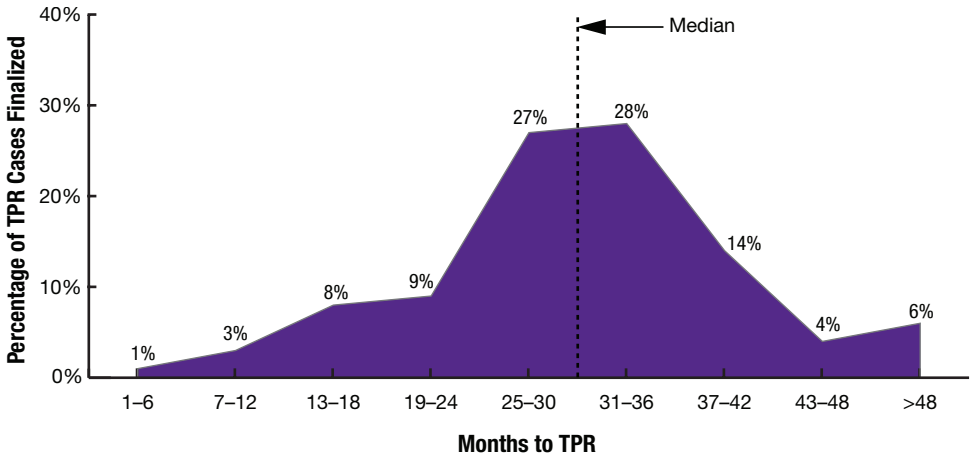
Sample 4I–1. Time to Termination of Parental Rights for Finalized TPRs, 2005: County A



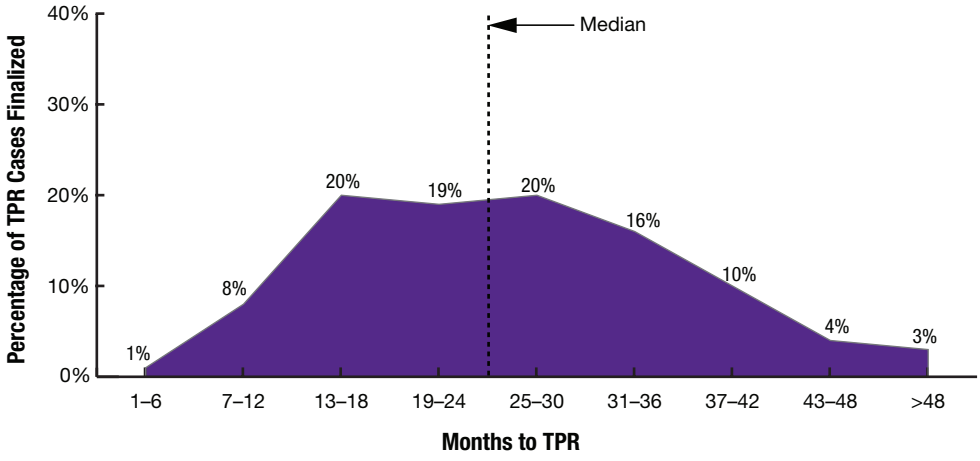
Sample 4I–2. Time to Termination of Parental Rights for Finalized TPRs, 2005: County B



Sample 4I–3. Time to Termination of Parental Rights for Finalized TPRs, 2005: County C



Sample 4I–4. Time to Termination of Parental Rights for Finalized TPRs, 2005: County D



Terms

Adjudication. The stage of the court process in abuse and neglect cases where the court decides whether sufficient evidence exists to support the allegations of the abuse or neglect. If the evidence is sufficient, the court may assume jurisdiction (control over the child's custody and care). Adjudication may be called a variety of other names—the adjudication hearing, the trial, the fact-finding hearing, or the jurisdictional hearing.

Age of majority. The age at which an individual is considered an adult and is legally responsible for his or her own actions. The age of majority varies across the United States, but in most States it is age 18. In Alabama, Nebraska, and Wyoming, the age of majority is 19, and in the District of Columbia and Mississippi it is 21.

Another Planned Permanent Living Arrangement (APPLA). Under Federal law, APPLA is a permanent legal arrangement for a child, designed to promote stability and permanency in his or her life. This type of living arrangement does not include a return home, adoption, legal guardianship, or placement with a relative. Because it is less permanent than these other placements, courts must find compelling reasons to assign APPLA.

Closure reason. The reason a case is closed—reunification, adoption, guardianship, reaching age of majority, or APPLA.

Date of case closure. The date a case is closed by the court and jurisdiction ends.

Date of removal. The date a child is removed from the home. In emergencies, statutes permit children to be removed from a home before a petition is filed. An emergency removal hearing follows shortly after these removals.

Disposition hearing. In child abuse and neglect cases, this hearing is where the court decides who will have legal custody of the child. Disposition in child abuse and neglect cases should not be confused with case closure or with the permanency hearing, both of which generally occur after the disposition hearing.

Emergency removal hearing. The hearing that occurs within a short time of a child's removal from home in an emergency, during which the court decides whether to keep the child with an out-of-home care provider or whether to return the child home. Depending on the State or local court, the emergency removal hearing may be called shelter care hearing, temporary removal hearing, initial hearing, preliminary hearing, detention hearing, or preliminary protective hearing.

Mean. The common way to calculate an average; in this discussion, the sum of all of the days to permanency divided by the number of cases in the sample.

Median. A robust way of defining average—the middle number in an array of numbers, such that half of the numbers lie above this point and half lie below it. Medians are not as subject as means to fluctuations caused by a wide disparity in values.

Original petition. The petition alleging facts about a child's abuse and neglect to support court's jurisdiction of the child. The adjudication hearing determines whether or not the petition is sustained.

Permanency hearing. The hearing to decide the plan for permanency, based upon the child's best interests: family reunification, adoption, legal guardianship, permanent placement with a relative, or APPLA. The permanency hearing generally occurs approximately 1 year after a child enters foster care.

Service of process. Service of process means the child's parents or legal guardians are sent a copy of the original petition. They also receive a written summons that provides the date, time, and location for a court hearing, and instructs them to appear in court and contest the case if they wish to avoid losing certain parental rights.

Termination of parental rights (TPR). A legal decision to permanently end all parental rights and allow the child to be adopted. If separate petitions for termination of parental rights exist for each parent, court staff should enter the date of the petition that applies to the second parent.

To obtain additional information or assistance, please contact:

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Endnotes

1. See 42 U.S.C. § 675(5)(c).
2. See D.N. Duquette, M. Hardin, and C.P. Dean, *Adoption 2002: The President's Initiative on Adoption and Foster Care: Guidelines for Public Policy and State Legislation Governing Permanence for Children* (Washington, DC: National Clearinghouse on Child Abuse and Neglect, 1999), p. IV–11.
3. J. Goldstein, A. Freud, and A. Solnit, *Beyond the Best Interests of the Child,* New York: Free Press, 1979. Authors note the importance of considering the child's sense of time.
4. For example, calculating this measure for cases closed in calendar year 2006 would require waiting until January 2008 to do the calculation because cases closed in December 2006 would require 12 months beyond the closure date (December 2007) for the measure to be calculated.
5. See 42 U.S.C. § 675 (5)(c).
6. Children may not achieve permanency because they reached the age of majority without achieving permanent placement or because they are still in the status of Another Planned Permanent Living Arrangement (APPLA).
7. Service of process means that parents or legal guardians receive a copy of the original petition and a written summons instructing them to appear in court and contest the case if they wish to avoid losing rights concerning the child.
8. This measure is used only for children in foster care.

National Council of Juvenile and Family Court Judges

National Center for State Courts

ABA Center on Children and the Law