

Feasibility of Evaluating the State Court Improvement Program

**Volume II
Evaluability Assessment Site Visit Summaries**

September 12, 2003

*James Bell Associates, Inc.
Arlington, VA*

Feasibility of Evaluating the State Court Improvement Program

Volume II Evaluability Assessment Site Visit Summaries

September 12, 2003

Submitted to: Emily Cooke, Project Officer
Children's Bureau
U.S. Department of Health and Human Services
Washington, DC

Contract #: GS10F0204K, 01Y00166701D

Submitted by: James Bell Associates, Inc.
1001 19th Street, North, Suite 1500
Arlington, VA 22209
(703) 528-3230 Phone
(703) 243-3017 Fax

This Volume contains the following evaluability assessment site visit reports:

- Arkansas':
 - Attorney Ad Litem Program; and
 - Indigent Parent Counsel Program.
- Connecticut's Case Management Protocol.
- Delaware's systemic reform.
- Kansas' standardized court orders.
- Wayne County, Michigan's Permanency Planning Mediation Program.
- Marion County, Oregon's Dependency Mediation Project.
- Philadelphia, Pennsylvania's:
 - Pre-Hearing Conference;
 - Alternative Planned Permanency Living Arrangements and Kinship Care Court; and
 - Accelerated Adoption Review Court.
- Texas' Cluster Courts.
- Virginia's systemic reform.

Arkansas Attorney Ad Litem (AAL) and Indigent Parent Counsel Programs Evaluability Assessment Site Visit Report

Arkansas' Court Improvement Program (CIP) was established in December 1994 when the Administrative Office of the Courts (AOC) applied for and received a grant in the amount of \$86,277 to conduct an assessment of the juvenile court's processing of abuse and neglect cases. In January 1995, the Arkansas Supreme Court appointed the Ad Hoc Committee on Foster Care and Adoption Assessment ("Ad Hoc Committee") to oversee the state's CIP. In May 1995, the AOC contracted with Arkansas Advocates for Children and Families (AACF), a state advocacy organization, to conduct the state's assessment and report its findings to the Ad Hoc Committee. Since 1996, Arkansas has received an average of \$140,000 annually in CIP funds.¹

Arkansas' CIP program funds are administered by the AOC with recommendations on funding utilization by the Ad Hoc Committee. Since the receipt of its first CIP grant, Arkansas has utilized its CIP funds to support the following reforms of particular interest to this evaluability assessment:

- Increased and improved Attorney Ad Litem (AAL) representation for children; and
- Increased and improved indigent parent representation.

The state also has utilized CIP funds to provide training, education, and supports to the Court Appointed Special Advocates (CASA) program and for mediation services for dependency cases.

Most of the state's CIP funds have been utilized to support the representation of children and families in child abuse and neglect proceedings, identified as a key area of need in the state's CIP assessment. The assessment findings noted that children were not adequately represented in dependency cases² and when they were represented, the quality of representation was often minimal or poor. The assessment also found that parents were the least likely parties to be represented at hearings and when parents were represented, their attorneys were not consistently prepared. In response to these findings, in 1997 the Ad Hoc Committee recommended the creation of a state-sponsored system to provide representation to children—through Attorneys Ad Litem (AALs)—and indigent parents in dependency cases and the development of standards of representation. A statewide system of representation for children began in January 2000 and representation for indigent parents was developed and implemented in August 2001.

Two years after the implementation of the AAL program and one year after the implementation of the indigent parent counsel program, the Ad Hoc Committee expressed interest in evaluating the impact of both programs, learning what aspects of the programs are most effective and where program improvements may be necessary.

¹ The state received an additional \$2,870 in CIP funds in 1995 as a result of a revised CIP allocation.

² In Arkansas, dependency cases are referred to as "dependency-neglect" cases.

This report is based on an on-site visit conducted by James Bell Associates (JBA) in August 2002 to examine the evaluability of Arkansas' AAL and indigent parent counsel programs. JBA staff spent five days in Little Rock meeting with key stakeholders involved in the development and implementation of both programs. Meetings and discussions were held with AOC staff, Ad Hoc Committee representatives, members of the Representation subcommittee that developed the processes and procedures for the programs, judges, attorneys, child welfare caseworkers, supervisors, and data administrators, foster and biological parents, and CASA directors from the different regions of the state (see Appendix A for a list of interview participants).

Based on our discussions with stakeholders, the JBA evaluability assessment team determined that the most feasible approach to evaluate the AAL program is to undertake a descriptive analysis of the process of reform and the application of AAL representation to dependency cases. Within this analysis, outcomes for children who did not receive AAL representation (i.e., pre-program implementation) might be compared to outcomes for children with AAL representation (i.e., post-program implementation) on key, select measures. (The more rigorous random assignment design is not feasible because the program has been standardized and implemented statewide.) The analysis will gather qualitative data on both contextual events and program participants as they move through the program and will examine program activities and their relation to outcomes for children.

In contrast to the AAL program, the indigent parent counsel program has not been standardized or implemented statewide. Although state law requires that indigent parent counsel be appointed in any case where children are removed and at termination of parental rights proceedings, judges appoint parent counsel at different stages of the dependency case. While the uneven implementation of the program might facilitate a rigorous evaluation through random assignment, the state is unwilling to explore this option. Further, at this time, the state is not collecting detailed information about district level implementation of this reform. Due to the limited information available about implementation, the evaluation team recommends a descriptive analysis be conducted to document implementation of the reform. Findings from this work would determine whether an outcome evaluation is feasible and if so, which evaluation design might most effectively assess the program's impact on child and family outcomes.

This report is divided into two main sections—one describing each type of representation. Both sections are divided into five subsections. Subsection A provides an overview of the development and implementation of the programs. Subsection B presents a detailed logic model or graphical representation of the program activities and their intended outcomes. Subsection C presents the recommended evaluation approach, including research design parameters, outcome measures, and research design limitations. Subsection D identifies pending issues to clarify before proceeding with the evaluation. Section E concludes with an assessment of the feasibility of a full scale rigorous evaluation of the projects, including strengths, weaknesses, and the willingness of key stakeholders to participate in an evaluation.

I. Arkansas' Attorney Ad Litem (AAL) and Indigent Parent Counsel Programs: History and Overview

As noted above, Arkansas developed two reforms to improve the quality of child and parent representation in child abuse and neglect proceedings. In 1997, the Ad Hoc Committee recommended the creation of a state-sponsored system of representation for children and indigent parents. In response to the Ad Hoc Committee's recommendation, the AOC considered various models of representation and conducted on-site visits to review best practices programs across the country. Based on the assessment, AOC staff recommended that Arkansas implement a statewide system of representation to include a team of AALs and CASA volunteers for children as well as counsel to represent indigent parents in dependency cases. To ensure that judges presiding over abuse and neglect proceedings be provided with as much information as possible related to the case, it was recommended that the AAL and CASA programs operate as separate, independent programs. While these recommendations were adopted by the Legislature in 1997, through Act 1227, the AOC did not receive sufficient funding to implement all of the recommendations.

Despite the limited funding, the AOC resolved to examine the effectiveness of the proposed approach. In 1997, the AOC utilized CIP funds to conduct a pilot project in the thirteenth judicial district to provide representation to children and indigent parents. The pilot project included a contract with two full-time attorneys who were required to file monthly reports on their caseloads to track program performance. Prior to the completion of the pilot project and analyses of collected data, in 1999³, Act 708 of the Arkansas Legislature instituted a system of statewide representation for children in dependency cases. The legislature provided \$2.5 million in funding for the AAL and \$1 million for the CASA program.⁴ However, funding for the indigent parent counsel program was not made available at that time.

A. Standards of Representation and Training for Attorneys Ad Litem (AALs): Program Design and Administration

In Arkansas, the appointment of an AAL for children in dependency cases is a statutory requirement that is further enhanced by qualifications and standards of practice issued by the Supreme Court. Act 708 of the Arkansas Legislature called for the establishment of a statewide system of contracts for AALs to represent children in dependency proceedings. The Act established a Division of Dependency-Neglect Representation ("Dependency-Neglect Division") within the AOC to oversee and implement the program. It further instructed the Arkansas Supreme Court to adopt standards of practice and qualifications for attorneys receiving contracts to represent children. Following the Act, a Representation Subcommittee of the Ad Hoc Committee was established and assigned the task of developing the standards. The

³ The Arkansas Legislature meets on a biannual basis.

⁴ Despite the allocation of funds for the CASA program, the team approach to representation for children has not reached statewide implementation because of the limited number of CASA volunteers throughout the state. Currently, 23 out of 28 judicial districts have CASA programs in place and not every child within those 23 districts is appointed a CASA volunteer.

subcommittee identified prerequisite qualifications, standards of practice, and caseload standards for AALs. These recommendations were adopted by the Ad Hoc Committee and provided to the Arkansas Supreme Court. In June 1999, the Supreme Court issued a Per Curiam Order adopting the Committee's standards. The qualifications, standards of practice, and contracts for AAL services became effective on January 1, 2000 and were revised per Administrative Order Number 15 in September 2001. The most recent qualifications and standards of practice are presented in Exhibit 1.

Following the Supreme Court's Order, the AOC developed—and the Ad Hoc Committee approved—a model contract for attorneys based on the qualifications and standards. Between August and December 1999, the Dependency-Neglect Division staff developed the processes and procedures necessary to implement the AAL program. During this time, staff advertised for AAL contracts, reviewed applications, conducted interviews, selected qualified attorneys with the input of the judges, and obtained the Legislature's approval for contract signing. Although not specifically required by the Act, Dependency-Neglect Division staff also developed and conducted training programs across the state to enable attorneys to receive the necessary training, as required by the Supreme Court's standards, prior to appointment under the new contracts. Training was provided to 89 attorneys (11 full-time and 78 part-time AAL contract positions) selected to represent children in dependency proceedings.

Currently, the AOC's Dependency-Neglect Division utilizes CIP funds to develop and conduct AAL training programs across the state. Utilizing the qualification requirements and standards of practice as a guide, the Dependency-Neglect Division has identified a set of core competency requirements for all participating attorneys as well as subject matter experts to provide the training necessary to meet these requirements. In addition to training, the Dependency-Neglect Division utilizes CIP funds to provide AALs with ongoing education and support services. For example, AALs have received a resource manual and a training curriculum on ASFA regulations. The Dependency-Neglect Division also organizes subject specific conferences on a semi-annual basis.

As part of the monitoring and oversight of the AAL program, Dependency-Neglect Division staff also designed monitoring and evaluation forms to ensure AALs' compliance with the Supreme Court standards. The forms include a Dependency-Neglect Case History Form for every new case and a Legal History Form documenting the findings and proceedings for every hearing in which representation was provided to the child. To receive reimbursement for services rendered, AALs must complete and submit a monthly invoice for incurred expenses, a monthly report of the specific activities engaged in for each assigned case, and the Case and Legal History Forms described above. This information allows the Dependency-Neglect Division staff to monitor attorneys' compliance with the standards of practice. The forms also were developed to gather data on the effectiveness of the program and the benefits of the AAL representation for children and their families.

Exhibit 1

AAL Qualification Requirements and Standards of Practice⁵

AAL Qualification Requirements

- Attorneys must be licensed and in good standing with the Arkansas Supreme Court;
- Attorneys must complete 10 hours of initial training—in child development, dynamics of abuse and neglect, attorney roles and responsibilities including ethical considerations, family dynamics including substance abuse and mental health issues, child welfare agency policies and procedures, and federal, state, and case laws and rules—in the two years prior to their appointment as an AAL;⁶
- Attorneys must have continuing legal education (i.e., training) to include at least 4 hours per year related to representation in dependency cases; and
- Attorneys must engage in clinical work/practice prior to new appointments in dependency cases. Clinical work/practice includes assistance in representation of a child with an experienced attorney in emergency, adjudication/disposition, review, permanency planning, and TPR hearings.

AAL Standards of Practice

- AALs shall conduct an independent investigation of the case, either personally or in conjunction with a CASA. The investigation must consist of a review of all relevant documents and records, interviews with the child, and in conjunction with a trained CASA volunteer, when one has been appointed, interviews with parents, foster parents, caseworkers, and service providers, school personnel, and others having relevant knowledge to assist in representation;
- AALs must continue to investigate and maintain regular contact with the child;
- AALs shall determine the best interest of the child and shall present all relevant facts to the court including the child's wishes when they differ from the AALs' determination of the child's best interest;
- AALs shall meet with his or her client prior to every hearing and shall make earnest efforts to attend all case staffings, hearings, and court-ordered mediation conferences;⁷
- AAL shall advocate for specific and appropriate services for the child and family, request orders that are clear and specific, monitor implementation of case plans and court orders, file appropriate pleadings, review the progress of the child's case and advocate for timely hearings; and
- A full-time AAL shall not have more than 75 dependency cases and a part-time AAL shall not have more than 25 dependency cases, unless approved by the AOC.

⁵ This exhibit does not present the complete list of AAL standards and qualification requirements but only those considered most relevant to the evaluability assessment.

⁶ In 2001, the Supreme Court adopted Administrative Order Number 15, which specified that family dynamics and child welfare policies and procedures should be included as initial training requirements. Prior to the Order, training on both topics was not required but was considered additional prerequisite training.

⁷ Prior to Administrative Order Number 15, AALs were not specifically required to attend case staffings or court-ordered mediation conferences.

1. AAL Program Implementation

In January 2000, the state implemented contracts for AALs to ensure that every child falling under the jurisdiction of the court receive representation by a qualified AAL. During the first year of implementation, 11 full-time and 78 part-time or professional services (i.e., contractor) AALs were hired to represent children.⁸ Between April 2000 and June 2001, a total of 2,953 cases, representing 4,504 children, received AAL representation. To allocate AALs to each judicial district, the AOC devised a case-based formula whereby the ratio of each district's dependency caseload to the total state caseload determined the funding amount for each district. The district's level of funding established the number of AAL allocated to serve each district. Judges decide whether to have full-time or part-time AALs, or a combination of both serving their respective district.

2. AAL Appointment

The assignment of AALs in each judicial district is a collaborative process between the AOC and the juvenile judges presiding over dependency cases. Prior to the hiring and training of AALs by the AOC, judges have the opportunity to review applicants' qualifications and make hiring determinations. As noted above, prior to assigning AALs to a district, the AOC staff survey juvenile judges about the type of AAL representation system desired in each judicial district (i.e., full-time vs. part-time AALs or a combination of both).

Upon assignment, judges have the flexibility to determine the process by which AAL appointment to specific cases takes place within their courts. In some districts, the judge, case coordinator, and/or county clerk assigns the AAL to a specific case, based on a list of available AALs and their caseload, while in other districts, the child welfare agency attorney makes the appointment, based on the same criteria. While there is variation in the process for AAL assignment, it is state policy that AALs be appointed early in the judicial process. Exhibit 2 provides an overview of Arkansas' dependency proceedings.

Stakeholders agreed that, typically, AALs are appointed when an emergency ex parte order is signed or when a dependency petition is filed.⁹ Appointment at this early stage of the case allows the AAL to be present at the first hearing (i.e., the emergency hearing) and obtain as much information as possible earlier in the case. Once appointed to a case, AALs attend case staffings, maintain regular contact with the child(ren), obtain reports from the child welfare caseworker and CASA volunteer (when one is appointed), make recommendations to the court,

⁸ During the first year of implementation, full-time and part-time AALs were contractors. Full-time attorneys were not allowed to hold other jobs or positions and received a \$40,000 annual salary without benefits, while part-time attorneys received \$450 per case per year.

⁹ Dependency petitions are typically filed when an emergency does not exist requiring the immediate removal of the child from the home. When petitions are filed, the court determines the timeframes for hearings but the adjudication hearing is typically held within 20 days of the filing of the petition.

Exhibit 2

Arkansas' Dependency Proceedings

- **Emergency Hearing:** Must take place within five days of the issuance of an emergency ex parte order to determine whether probable cause existed and continues to exist to keep the child out of the home.
- **Adjudication Hearing:** Must be held within 30 days of the emergency hearing, and may be continued for no more than 20 days, to determine whether allegations are substantiated.
- **Disposition Hearing:** Must be held not more than 14 days following the adjudication hearing and may be held immediately following or concurrent with the adjudication hearing. The disposition hearing determines the development and disposition of the case, through a review of the service plan for the child, including child and family's service needs, placement option(s), visitation procedures, and reasonable efforts determination.
- **No Reunification Hearing:** Must take place within 50 days of a "no reunification services" recommendation, following the adjudication or disposition hearing, to determine whether reunification services should be provided.
- **Review Hearing:** Must be held within 6 months from the date of an out-of-home placement to determine if the case plan, services, and placement meet the needs and best interest of the child. The court must establish a projected date for the child to return home or other permanency alternatives.
- **Permanency Hearing:** Must be held no later than 12 months after the date of an out-of-home placement or no later than 30 days after the court files a no reunification order to determine a permanency goal in the child's best interest and finalize the permanency plan.
- **Termination of Parental Rights (TPR) Hearing:** The court has 90 days from the date of the TPR petition to conduct and complete a TPR hearing. After the TPR order is filed, the court must review the case every 3 months when the goal is adoption and in other cases every 6 months until permanency is achieved for the child.

and follow through with the case to ensure the child(ren) are receiving necessary services. The role of the AAL, as specified in the standards of practice, is to represent the best interest of the child. Therefore, when presenting information to the court, an AAL must present all relevant facts, including his/her assessment of what is in the child's best interest as well as the child's wishes when they differ from the AAL's determination of best interest. In this sense, the AAL acts as a *guardian ad litem* because he or she represents the best interest of the child as opposed to the legal interests of the child.

Additionally, Arkansas' juvenile judicial system operates under the one-judge one-case model; likewise, the practice standard is that each child is represented by the same AAL throughout the life of the case. Stakeholders noted that a change in AAL only occurs when an attorney leaves the program. When an AAL has a conflict in schedule that prevents attendance at a hearing, he or she arranges for another attorney to attend the hearing to ensure the child is represented. The Dependency-Neglect Division staff assist with these assignments when requested by an attorney or judge.

3. AAL Program Developments

On September 2001, the Arkansas Supreme Court adopted Administrative Order Number 15, which, among other things, strengthened the AAL standards and qualification requirements (see Exhibit 1). Also, the Order specifically placed responsibility for the design and conduct of initial training for AALs within the AOC, either alone or in collaboration with other agencies and entities. In addition to providing training to AALs, most recently, Dependency-Neglect Division staff added a mentoring component to the program to provide attorneys an additional resource for obtaining "hands on" experience. Newly trained full-time attorneys will have the opportunity to "shadow" an AAL for one month prior to serving as an AAL on a dependency case.

As discussed further in Section II of the report, the Order also established standards and qualification requirements for attorneys representing indigent parents and charged the AOC with the provision of initial training for that program.

Utilizing CIP funds, as well as the funding allocated by the Legislature, Arkansas has continued to expand its AAL program. In 2001, Acts 1418 and 1532 appropriated approximately \$2.85 million for FY 2001 and \$2.86 million for FY 2002 for the hiring/contracting of AALs. To date, there are 17 full-time and 75 part-time AALs representing children throughout the state. In addition to increased funding, the Legislature approved 17 full-time positions for the AAL program. As a result, full-time AALs are state employees whose salary ranges between \$37,000 and \$57,000, commensurate with experience, and are eligible for annual raises and reimbursement for applicable expense. Part-time AALs have remained contractor or professional service staff and receive \$800 per case per year as well as reimbursement for applicable expenses. Currently, every child involved in a dependency case is represented by an AAL. Between July 1, 2001 and June 30, 2002, a total of 2,868 cases, representing 4,572 children, received AAL representation.

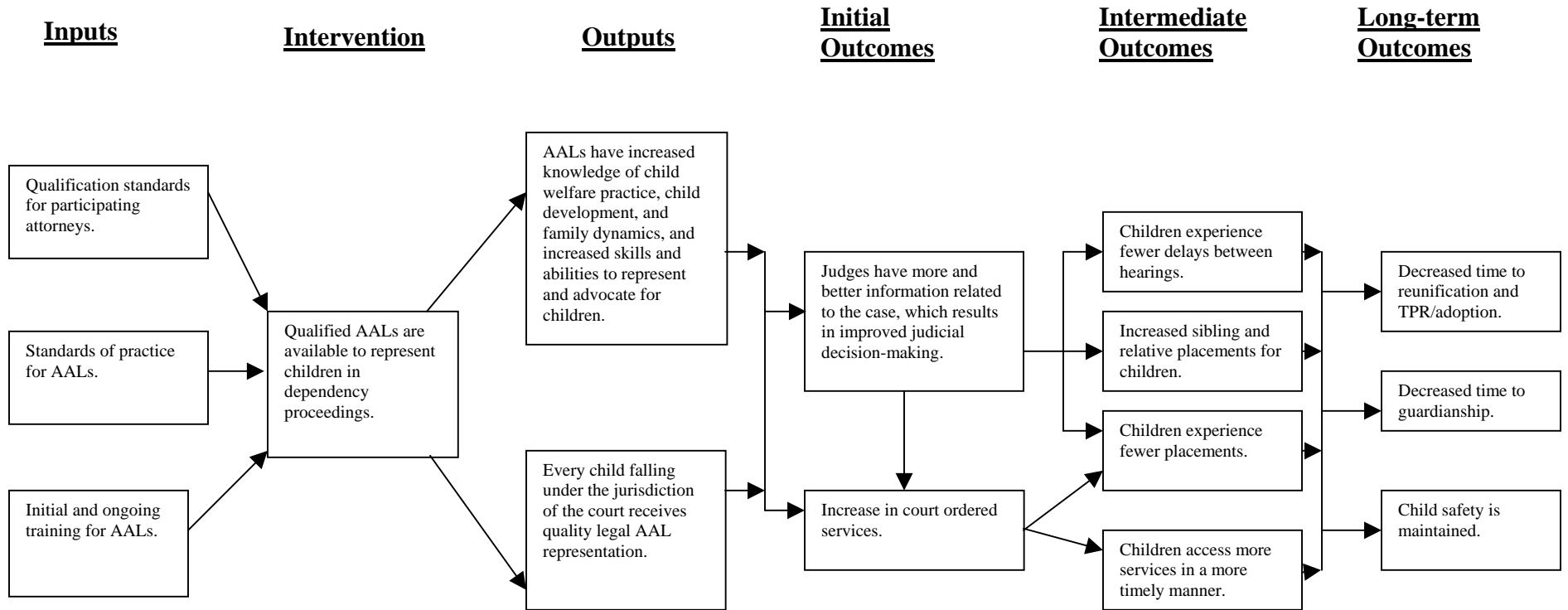
B. Attorney Ad Litem (AAL) Program Logic Model

While Arkansas is interested in examining the impact of the Attorney Ad Litem (AAL) program, the standardization and statewide implementation of the program precludes the implementation of the most rigorous evaluation design (i.e., an experimental design using random assignment into treatment and control groups). On the other hand, as further described in subsection C, it is possible to examine the effectiveness of the AAL program by undertaking a descriptive analysis of the process of reform and the application of the intervention and comparing outcomes for cases filed prior to the implementation of the program with cases filed

post-statewide implementation on key, select measures. Such an analysis also would examine the implementation of program activities and their relationship to intended outcomes.

The program logic model in Exhibit 3 provides a graphical representation of the conceptual framework of Arkansas' AAL program as described by the various stakeholders engaged in the development and implementation of the program. The model ties the program activities and inputs to the immediate outputs. Following the linear progression of the model, the outputs lead to the initial outcomes and those outcomes lead to intermediate outcomes that more directly impact permanency and safety for children—the long-term outcomes of interest.

Exhibit 3 Attorney Ad Litem Logic Model



Stakeholders identified a number of initial and intermediate outcomes associated with the AAL program, which expedite permanency for children. They noted that AAL representation expedites permanency because AALs advocate for timely hearings and court proceedings and help identify the most appropriate placements for children in foster care; as a result, children experience fewer delays between hearings, fewer placements, and are more likely to be placed with siblings and relatives. For example, stakeholders felt the AAL involvement and knowledge of the case allows the AAL to determine when reunification is possible and when termination of parental rights may be necessary and in the best interest of the child. Although stakeholders believe that permanency for children is expedited as a result of the improved judicial decision-making arising from the AAL representation, they also recognize that other factors impact judicial decision-making (e.g., judicial experience, ASFA training, etc.) and it may, therefore, not be possible to isolate the impact of the AAL program on this intermediate outcome. This issue is discussed in more detail in the following section.

Because AALs look at the specific child and the needs of the child, AALs advocate for appropriate and timely services for the child, request court orders for services, and monitor the adequacy and timeliness of service provision. In addition, because AALs must be informed of when a change in placement is to occur, they are able to monitor the appropriateness of placements.

In examining the effect on AAL representation on permanency, a number of issues need to be considered. For instance, when examining reunification as a permanency outcome, it also will be necessary to assess other factors that impact reunification, such as the extent to which parents are able to access needed services, especially services that have been ordered by the court. Another factor likely to impact permanency is the placement of children outside of the state (e.g., inter-jurisdictional adoptions). Based on their experience with inter-jurisdictional placements, stakeholders noted that while representation by an AAL may facilitate the finalization of an inter-jurisdictional adoption or other placement, the timeframe to permanency was likely to be extended for these cases. These issues should be examined during the process and outcome evaluation.

While there was widespread consensus that the AAL program results in expedited permanency, there was less agreement on the program's impact on improving child safety. In general, stakeholders agreed that through the AAL program the child's safety is maintained but that the CASA volunteers and their involvement in the case are more likely to directly impact child safety in a positive manner. Consequently, the state is interested in subgroup analysis that would examine differences in outcomes for children represented by both an AAL and CASA volunteer versus an AAL attorney only.

Several issues need to be considered before undertaking this analysis. For instance, are certain cases more likely to be assigned CASAs and AALs? What are the reasons for assigning both? Do they include concerns about child safety? Do they include cases where there is conflict between the child's best interest and their wishes? The descriptive analysis can be used to help answer these questions.

It was also thought that the intervention provided many activities with the potential to impact child well-being. Intermediate outcomes in this area included the fact that with improved representation, more and better information is provided to the court resulting in increased access to service, greater placement stability and higher proportions of cases placed with kin. While AAL (and judicial) activities have the potential to foster child well-being, their long-term impact in measurable terms is less clear.

C. Proposed Evaluation Approach

1. Contextual Issues

Prior to discussing the proposed evaluation approach it is important to understand the timing of other key court and agency reforms in Arkansas. The timing of each of these events played a role in selecting the pre- and post- intervention samples. As illustrated in Exhibit 4 below, while Arkansas implemented most of the new Adoption and Safe Families (ASFA) timeframes in its 1997 legislation, it was not until 1999 that the state adopted the federal guidelines that specified the timing of TPR filings. This means that only the post-intervention group will be impacted by the earlier timeframe requirements to file for TPR.

A second issue to consider is the quality of administrative data during the study period. In 1998, the state's child welfare agency implemented the Children Information Reporting System (CHRIS), Arkansas' version of the statewide automated child welfare information system (SACWIS). Stakeholders expressed concern about the level and accuracy of the CHRIS data. Further, the proposed pre-program implementation period predates the statewide implementation of the system. Therefore, to obtain the most accurate data, it will probably be necessary to rely on court and child welfare case records. These issues will have an effect on both the quality of the data and workload required to successfully conduct the evaluation. Exhibit 4 provides a summary of these contextual events, including implementation of CIP reforms.

2. Proposed Evaluation Approach

Because the AAL program has been both standardized and implemented statewide, it is not possible to conduct a rigorous evaluation where random assignment is utilized to examine differences in outcomes. On the other hand, it is possible to assess program implementation and program impacts on select measures by comparing outcomes for two separate groups of children pre- and post- program implementation.

Exhibit 4 Key Historical Events

Date	Event
April 1997	New legislation that required the development and filing of a case plan with the court no later than 30 days after a petition is filed or the child is placed outside of the home; the review hearings be conducted every six months; the permanency planning hearings take place within 12 months of the out-of-home placement; and provided new and expanded grounds for termination of parental rights.
1998	The child welfare management information system (i.e., CHRIS) was implemented throughout the state.
Fall 1999	The AOC conducted training to certify attorneys for the AAL program
March 1999	State legislation was passed implementing the remaining requirements of the Adoption and Safe Families Act (ASFA), specifically, the timing of filing for TPR within new timeframes.
March 1999-March 2000	State attorneys received training on the new ASFA requirements and timeframes and the state conducted its review of existing cases in long-term foster care (i.e., cases in care for 15 out of the most recent 22 months). Consequently, the permanency of many cases was expedited resulting in the filing of TPRs in late 1999 and early 2000.
January 2000	The AOC implemented the standardized AAL program to serve all children in dependency cases.
November 2000	The Arkansas Supreme Court passed a Constitutional Amendment (Amendment 80) requiring a uniform court system specifying that circuit judges have the authority to hear all matters within their jurisdiction.
August 2001	The indigent parent counsel was implemented.
January 2002	Judicial districts submitted administrative plans to the Supreme Court for implementing their uniform court system. The plans describe the processes for case management and assignment and projected caseload per judge within each district. Full implementation of the uniform court system must be completed by July 2003.

The goal of the descriptive analysis is to examine the process of reform and the application of the AAL program to dependency cases. Within this analysis it may be possible to examine outcomes of children whose cases were heard by the court prior to program implementation compared to outcomes for similar children after program implementation on key, select measures. This analysis would not only measure the intermediate and long-term outcomes for two groups of children and link differences in outcomes to the AAL program but also would examine the effectiveness of the program in meeting its outputs and initial outcomes, while gathering qualitative data on program participants as they move through the program. The descriptive analysis is particularly important because the program's theory of change is that the increased knowledge, skills, and abilities (KSAs) of the trained AALs will result in better legal practice and advocacy for children. It is as a result of the outputs and the activities AALs engage in that the program can be most effective in helping children achieve permanency. For example, as a result of AALs' increased KSAs, judges are provided with more and better information related to the case, which results in improved judicial decision-making. A descriptive analysis

will facilitate assessment of this outcome by gathering qualitative information from child welfare case workers, families, and CASA volunteers on their perceptions and recollections of the level of information presented by attorneys prior to the implementation of the AAL program as well as their perceptions of judicial decision-making before and after the AAL program. This information can be further enhanced through qualitative court observations post-program implementation of AAL participation, judicial queries and other activities.

Aside from stakeholder interviews, it will not be feasible to examine the qualifications, knowledge, skills, and abilities of attorneys representing children *prior* to the program. The analysis of these outputs can be done only prospectively. The qualitative analysis adds further value to the pre/post program analysis by examining program activities and the relationship between these activities and participant outcomes on key, select measures. The analysis would study the processes of program implementation and determine the extent to which the program is producing the quantity, quality, and coverage of the service desired. For example, qualitative data can be gathered via court observations to specifically assess the level of representation provided by AALs and the amount and quality of evidence provided to the court.

The combined evaluation design entails both the most feasible approach available given program implementation and operation. In addition, this design is particularly useful because it provides a preliminary look at the effectiveness of the program, helping to determine whether the program should be further evaluated through a more rigorous experimental design. Exhibit 5 provides an overview of the proposed measures and data sources for each outcome.

3. Timeframe for Analysis

To conduct the pre/post program analysis, it is necessary to select two periods for analysis—a period before and after program implementation. Contextual considerations must be taken into account in order to reduce bias between the two groups. In other words, cases to be sampled “pre-program implementation” should be impacted by as few events as possible that may be likely to introduce such bias in the population and outcomes studied.

Assuming that cases are selected on a statewide basis and considering the contextual events discussed above, it is proposed that the pre/post program analysis be conducted by comparing dependency cases filed between June and December 1997 to cases filed between June and December 2000. The 1997 (or pre-implementation) group will represent cases under the courts’ jurisdiction after enactment of state legislative language specifying and tightening timeframes for permanency hearings but prior to the implementation of Arkansas’ CIP reform. Furthermore, given the legislative language implemented in April 1997, selecting this time period as the baseline also will ensure that both the pre-program implementation and post-program implementation groups are working under the same legal timeframes (with the exception of the timeframe for filing of TPR). All study cases will be tracked for two years. The proposed timeframe for the research design is presented in Exhibit 6.

4. Data Sources

As shown in Exhibit 5, there are a number of data sources currently available for an evaluation of the AAL program. The state child welfare agency expressed a willingness to participate and make the necessary data accessible for an evaluation of the program. Although there is no centralized court data system currently in place, juvenile judges interviewed on-site are willing to share court files. Further, the AOC, which works in close coordination with all juvenile judges throughout the state, is both interested and willing to assist with data collection, as needed, for the evaluation. Lastly, the Dependency-Neglect Division collects data on AAL activities in dependency cases and these data also will be readily available for the evaluation.

D. Outstanding Issues

Despite stakeholders' willingness to share their files, a number of issues must be considered prior to engaging in an evaluation of the AAL program.

- First, while child welfare data is maintained in a centralized database, stakeholders expressed concern about the quality and consistency of the data. To obtain the best and most comprehensive data for each selected case, it will be necessary to review the child welfare case file; and
- Second, while court case files are available, there are wide variations in the content and quality of the court case files across judicial districts.

Another critical component of the pre/post program analysis is determining how cases will be selected for analysis. There are two options for consideration: 1) select dependency cases before and after program implementation within one judicial district; or 2) select dependency cases before and after program implementation across the state.

The study team recommends selecting dependency case for analysis pre- and post-program implementation statewide. This will provide the most accurate assessment of the statewide intervention. However, prior to selecting this approach it will be necessary to review select court records from a cross section of judicial districts to ensure that needed data can be extracted in a consistent and efficient manner. Depending on the outcome of this assessment, it may be necessary to focus the analysis on select districts with the most complete court records.

To focus the analysis on one judicial district, however, it is necessary to select a district with a relatively large caseload in order to have a large sample size that yields statistically significant results. However, the judicial district with the largest dependency caseload is the 6th judicial district (i.e., Pulaski County). Two of the AALs serving children in this district were representing children prior to the implementation of the AAL program and were already very knowledgeable of child welfare practice. Therefore, the pre-program analysis is less likely to accurately measure the full potential impact of the AAL program. Another possibility is to examine outcomes for children in the 2nd judicial district, which accounts for the second largest dependency population in the state. Between 1997 and 2000, the district averaged 234 dependency case filings per year.

Exhibit 5 Outcomes, Measures, and Data

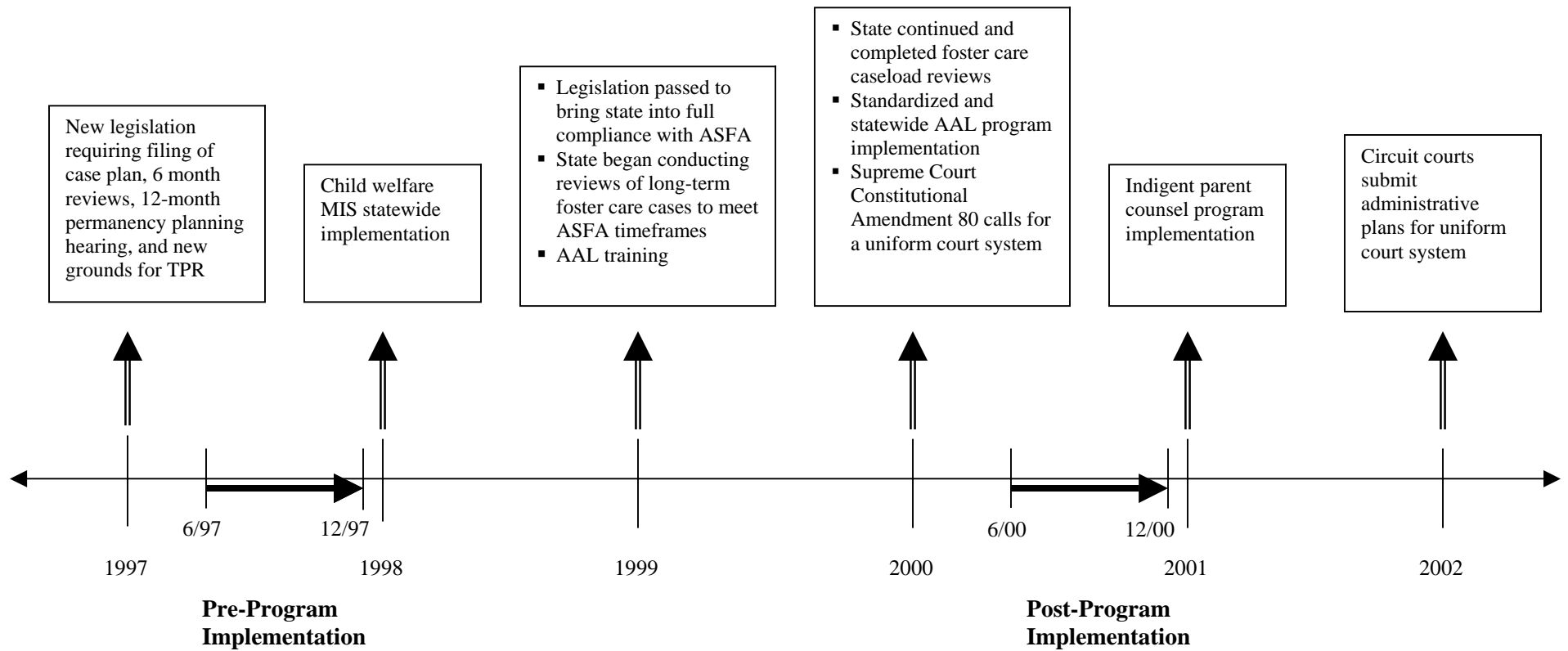
Outcomes	Measures	Data Source
Outputs		
AALs with increased knowledge.	Attorney knowledge about issues in training curriculum.	Interview attorneys to validate that they have learned information contained in curriculum.
Children with AAL representation.	Number of children with representation pre- and post AAL program. Type of representation pre- AAL program.	Court case records. Child welfare agency case records.
Initial Outcomes		
Improved judicial decision-making.	Assess whether judges have more and more relevant information about the case. ¹⁰	Structured interviews with judges, child welfare case workers, families, and CASA volunteers. Qualitative court observations (for T cases only).
Increase in court ordered services.	Number of court ordered services. Number and type of contact with service providers. Number and type of contact with schools.	Child welfare case records. Court case records. Structured interviews with judges, child welfare case workers, families, and CASA volunteers. Qualitative court observations post-program (for T cases only).
Intermediate Outcomes		
Children experience fewer delays between hearings.	Timing of hearings.	Court case records.
Fewer placements.	Number of placements for children.	Child welfare case records and MIS.

¹⁰ Stakeholders believe that the AAL program helps to improve judicial decision-making but they also noted that this outcome is very difficult to specifically link to the program because of other activities going on in the state (e.g., changes required by the ASFA legislation, training provided to judges, and the presence of parent counsel in judicial proceedings). Therefore, while there is interest in assessing the outcome, stakeholders do not believe that the outcome results directly or solely from the AAL program.

Exhibit 5
Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Increased use of relative placements and placements with siblings.	Proportion of relative placements relative to all placements. Proportion of placements with siblings.	Child welfare case records and MIS. Court case records.
Long-term Outcomes		
Decreased time to reunification or TPR/adoption.	Length of time between date of emergency hearing or dependency petition and case closure. Parents' access to court-ordered services. Number of children who reenter foster care.	Child welfare case records and MIS. Court case records. Qualitative interviews with parents.
Decreased time to guardianship.	Length of time between date of emergency hearing or dependency petition and date guardianship is court ordered. Length of time between date guardianship is ordered and achieved. Number of children who reenter the foster care system.	Child welfare case records and MIS. Court case records.
Child safety is maintained.	Number of child abuse and neglect investigations and investigation outcome (substantiated, unsubstantiated).	Child welfare case records and MIS. Court case records.

Exhibit 6 Research Design--Timeframe for Analysis



E. Summary and Conclusion

Arkansas' AAL program can be most effectively evaluated through a descriptive analysis that examines the process of reform and the application of AAL representation to children and families in dependency cases. Within this analysis, outcomes for cases filed prior to the implementation of the AAL program might be compared with those for cases filed post statewide implementation on key, select measures. Exhibit 7 presents the criteria that were utilized during the evaluability assessment to determine the feasibility of evaluating Arkansas' Attorney Ad Litem (AAL) program.

Exhibit 7 Evaluation Feasibility of Arkansas' Attorney Ad Litem (AAL)

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	Yes. Refer to the logic model presented in Exhibit 3.
Is the program consistently implemented as designed?	Yes. The state has created both qualifications requirements and standards of practice requirements which are being implemented statewide. To date, changes to the model, include additional supports for AALs (i.e., mentoring). Also, full-time AALs are no longer contract employees but state employees while part-time AALs have remained contract employees.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. The AAL program has been institutionalized in the juvenile circuit courts and is highly regarded across the state.
Are needed data available, accessible and accurate?	Unclear at this time. Data will need to be gathered from multiple sources because there is currently no automated court data system that could be cross-referenced with the child welfare data system. Consequently, it would be advisable to conduct a trial data collection run to verify the quality and reliability of identified data elements.
Can cases be cross-walked between child welfare agencies and the courts? How?	Yes. Cases can be cross-walked between child welfare agency and court case data. An automated system court data system is under development but is not to be completed until 2007.
Is there cooperation and support for evaluation?	Yes. The AOC, Ad Hoc Committee, and other key stakeholders are very interested and supportive of an evaluation of the program. AOC staff expressed a willingness to support and facilitate the data collection process for an evaluation of the program.
Have there been any previous evaluations or are any planned or underway?	No. A formal evaluation of the program has not been conducted. However, in 2000, the AOC surveyed juvenile judges to assess the quality of AAL representation.
What types of evaluation design would be feasible?	The AAL program can be most feasibly and effectively evaluated through a descriptive analysis of program implementation and a pre/post comparison of key outcome measures.

II. Arkansas' Indigent Parent Counsel Program: History and Overview

As described in the introduction of this report, in 1997, the Ad Hoc Committee on Foster Care and Adoption ("Ad Hoc Committee") recommended a state-sponsored system for representation of parents in dependency cases. In August 2001, Act 1267 of the Arkansas Legislature established a state-sponsored program for the appointment and payment of attorneys to represent indigent parents in dependency cases. The Act also provided that the Supreme Court adopt qualifications and standards of practice for these attorneys. Concurrently, Act 1532 appropriated \$1.36 million for FY02 and FY03 for the implementation of the program and reimbursement of attorneys representing indigent parents.

The Juvenile Judges Committee, in conjunction with the Ad Hoc Committee, developed the funding and program structure of the indigent parental counsel initiative. The Juvenile Judges Committee adopted a case-based funding formula to reimburse each judicial district and charged the AOC with the maintenance and distribution of funds to each district.¹¹ Subsequently, the Ad Hoc Committee developed and submitted its recommendations to the Supreme Court for the qualifications and standards of practice for attorneys representing indigent parents.

A. Standards of Representation and Training for Indigent Parent Counsel: Program Design and Administration

In September 2001, the Supreme Court passed Administrative Order Number 15 adopting the Ad Hoc Committee's recommendations. The qualifications and standards of practice for attorneys representing indigent parents in dependency proceedings are highlighted in Exhibit 8. The Order also established that the AOC design and conduct programs for the initial training, either alone or in collaboration with other agencies or entities, of attorneys representing indigent parents. In addition to coordinating the training of indigent parent counsel, the AOC distributes the funding and tracks the expenditures associated with the parent counsel program.

According to the AOC, the indigent parent counsel reform is a funding reimbursement strategy designed to reimburse qualified attorneys for their representation of indigent parents in dependency cases. Attorneys representing indigent parents can receive up to \$75 per hour—the rate was recently increased from \$60 per hour—for their work on the case. Judges not only determine whether to pay the maximum rate but they also can request that parents pay a portion of the costs associated with the provision of counsel.

¹¹ The funds are distributed through the same funding formula utilized for the Attorney Ad Litem (AAL) program.

Exhibit 8

Indigent Parent Counsel Qualification Requirements and Standards of Practice¹²

Indigent Parent Counsel Qualification Requirements

- Attorneys must be licensed and in good standing with the Arkansas Supreme Court;
- Attorneys must complete 10 hours of initial training—in child development, dynamics of abuse and neglect, family dynamics, child welfare agency policies and procedures, federal, state, and case law, resources and services—in the two years prior to their appointment as an indigent parent counsel;
- Attorneys must have continuing legal education (i.e., training) to include at least 4 hours per year related to representation in dependency cases; and
- Attorneys must engage in clinical work/practice prior to new appointments in dependency cases. Clinical work/practice includes assistance in representation of a parent with an experienced attorney in emergency, adjudication/disposition, review, permanency planning, and TPR hearings.

Indigent Parent Counsel Standards of Practice

- Attorneys shall conduct a review of all relevant documents and records and interview all people having relevant knowledge to assist in representation including the investigator, OCC attorney or child welfare caseworker, and service providers;
- Attorneys shall make earnest efforts to attend all case staffings and court-ordered mediation conferences, meet with his/her client prior to every hearing, attend all dependency court hearings until the case is closed or his/her client's parental rights have been terminated;
- Attorneys shall diligently and zealously protect and advance the client's interests, rights and goals at all case staffings and in all court proceedings;
- Attorneys shall advise and explain to the client each stage of the court proceedings and the likelihood of achieving the client's goals, where appropriate identify alternatives for the client to consider, and explain the risks inherent in the client's position;
- Attorneys shall appear at all hearings, present all evidence and develop all issues to advocate for his/her client and to further the client's goals;
- Attorneys shall advocate for specific and appropriate services for the parent and shall monitor the implementation of case plans and court orders to further the client's goals; and
- Attorneys shall file appropriate pleadings, review the progress of the clients' case, and advocate for timely hearings.

Prior to the implementation of the state-sponsored indigent parent counsel program, when attorneys were appointed to represent parents, judges appointed public defenders, legal service attorneys, and (in a few districts), attorneys were appointed and paid for with county funds. However, according to stakeholders, due to limited county funds, it was unlikely for counsel

¹² The qualification requirements and standards of practice highlighted in this exhibit do not reflect all of requirements of the indigent parent counsel program but only the most relevant to the evaluability assessment.

appointment to occur at the early stages of the dependency proceedings. Instead, parents were most likely to be appointed counsel when a termination of parental rights petition was filed or requested. In addition, counties did not have a system of standards of representation and/or qualifications for attorneys representing indigent parents. The CIP assessment found that parents were the least likely parties to be represented at hearings and when they were represented, attorneys were not consistently prepared.

The state-sponsored parent counsel program was designed to: 1) prevent funding barriers at the county level from negatively impacting counsel appointment for eligible parents; and 2) to establish standards of practice and qualifications for representation of indigent parents in dependency proceedings. Through the state-sponsored program and the funding formula, all judicial districts are allocated a funding amount based on their dependency caseload, thereby ensuring that coverage is guaranteed to a large portion, if not the entire, eligible population. In addition, these funds are allocated for the specific purpose of providing counsel to indigent parents at the inception of the case.

1. Indigent Parent Counsel Program Implementation

After the passage of Administrative Order Number 15, the AOC implemented a training program for attorneys wishing to meet the program's qualifications and standard requirements. Because the qualifications and standard requirements for the parent counsel program are very similar to those established for the AAL program, it was not necessary for the AOC training staff to develop additional training programs or requirements. A training coordinator within the AOC develops and coordinates all training activities for attorneys wishing to represent indigent parents.

Since the release of state funding in August 2001, the AOC has trained and certified 158 attorneys throughout the state to represent indigent parents—attorneys can be certified to serve as both AAL and indigent parent counsel.¹³ To date, 111 attorneys have served as parent counsel, representing 1,500 parents in dependency cases. The AOC continues to make available initial and ongoing training for attorneys wishing to represent indigent parents in dependency proceedings. In addition, because staff is not available within the AOC to provide the parent counsel program with supportive services, the AOC has recently entered into contracts with four attorneys to provide additional technical assistance to attorneys participating in the indigent parent counsel program throughout the state.

Despite the number of attorneys certified to provide counsel, the CIP indigent parent counsel reform has not been fully implemented throughout the state and where program implementation has occurred, the process by which counsel assignment takes place is varied and unclear.

¹³ Although the training component is identical for both AALs and indigent parent counsel, separate clinical requirements are needed for the AAL and parent counsel.

2. Indigent Parent Counsel Appointment

According to the AOC, while attorneys are to be appointed at the emergency ex-parte order or when a dependency petition is filed, judges have the flexibility to determine the process for counsel appointment and the criteria parents must meet to be appointed counsel. The AOC submits a list of qualified attorneys to all judges, enabling judges to appoint counsel who are qualified and meet the Supreme Court's standards of practice. However, the AOC does not monitor or provide oversight of the appointment process but relies on judges to oversee and monitor program implementation and operation within their courts. As a result, the AOC does not know how judges determine who receives counsel and whether assignment is based on specific criteria.

During our on-site discussions we learned that because of judicial flexibility, there is wide variation across the state regarding the process for counsel appointment and the criteria parents must meet to be eligible for the program.¹⁴ For example, some judges appoint counsel when the ex-parte order is signed, which allows parents to have representation at the emergency hearing (see Exhibit 2 for Arkansas' dependency court hearings). These judges determine parents' eligibility after counsel appointment because they do not want to delay the court proceedings or prevent parents from receiving counsel at the onset of the case. Other judges await the receipt of the affidavit of financial means, verifying parents' financial eligibility, prior to appointing counsel. In these instances, parents are appointed counsel after the emergency hearing has taken place. It was also suggested that some judges refer parents to Arkansas Legal Services to seek representation and counsel is appointed through the court only when Legal Services has denied or refused to provide counsel.

As previously noted, the AOC tracks the funding allocated to each judicial district and the expenditures per district. To track these expenditures, the AOC developed a Billing Cover Sheet, Order for Reimbursement, Billing Statement, and a Final Report Form documenting the activities attorneys engaged in for the specific case(s). When certified attorneys represent indigent parents in a dependency case, they complete and submit the forms to the AOC for reimbursement. This is the only monitoring component of the program by the AOC. The AOC relies on judges to monitor attorneys' work on the specific cases and their compliance with the standards of practice.

Based on AOC data, as of June 2002, 4 of 28 judicial districts had not spent any of the funds allocated to their district for the indigent parent counsel program and approximately 8 districts had expended a relatively small amount of their total funding allocation. However, the AOC cannot provide information on why these districts have not tapped into their funding stream and whether or not counsel is being provided to indigent parents through other means. For example, it is possible that some districts are utilizing county funds, carried over from the previous year, to provide parent counsel.¹⁵ Although judges cannot appoint "non AOC certified"

¹⁴ Judges can set financial eligibility for the indigent parent counsel program at 180 percent of the poverty level or at a lower or higher rate.

¹⁵ According to the AOC, some judges had already procured county funds for indigent parent counsel representation by the time the program was implemented in August 2001. As a result, these judges continued to

counsel, parents can retain their own counsel (i.e., parents that can afford to do so). Because the AOC only monitors the expenditures directly tied to the state-sponsored program, through the billing and invoices for payment, the Office has no way of knowing when other counsel is made available to, or being utilized by, parents.

According to stakeholders, one of the biggest challenges to the successful implementation of the program is judicial interpretation of the parent counsel program (i.e., interpretation of the appointment process and the importance of parent counsel to judicial practice). In addition, because parents are not always aware of their right to counsel, they may not request counsel and counsel may not necessarily be appointed. The AOC has attempted to address these barriers by talking to judges about the value of the program, inquiring about the need for qualified attorneys in their judicial districts, and informing judges about the training opportunities available to attorneys. Further, the AOC has utilized CIP funds to create a “green book” for parents, which explains the juvenile judicial proceedings and their rights in those proceedings. Copies of the “green book” or resource book have been provided to judges and child welfare workers for distribution. Our discussion with child welfare workers and administrators revealed that the resource books are consistently disseminated to parents and regarded as a valuable tool by workers.¹⁶ Stakeholders consistently agreed that the screening and appointment process for how and when parents are appointed counsel greatly impacts the outcomes of the program.

B. Indigent Parent Counsel Program Logic Model

Despite the uneven implementation of the parent counsel program across the state, stakeholders consistently agreed that, if implemented appropriately, the program leads to positive outcomes for children and families. Specifically, stakeholders believe that the indigent parent counsel program can lead to expedited permanency for children while maintaining their safety.

Exhibit 9 presents the logic model of Arkansas’ indigent parent counsel program. The model depicts the various components of the intervention and ties the inputs and outputs of the intervention to the initial, intermediate, and the expected long-term outcomes of the program. Due to the number of outstanding questions about the implementation of this reform (discussed in more detail below), the logic model serves only as an example and should be refined when more information is gained through a process evaluation.

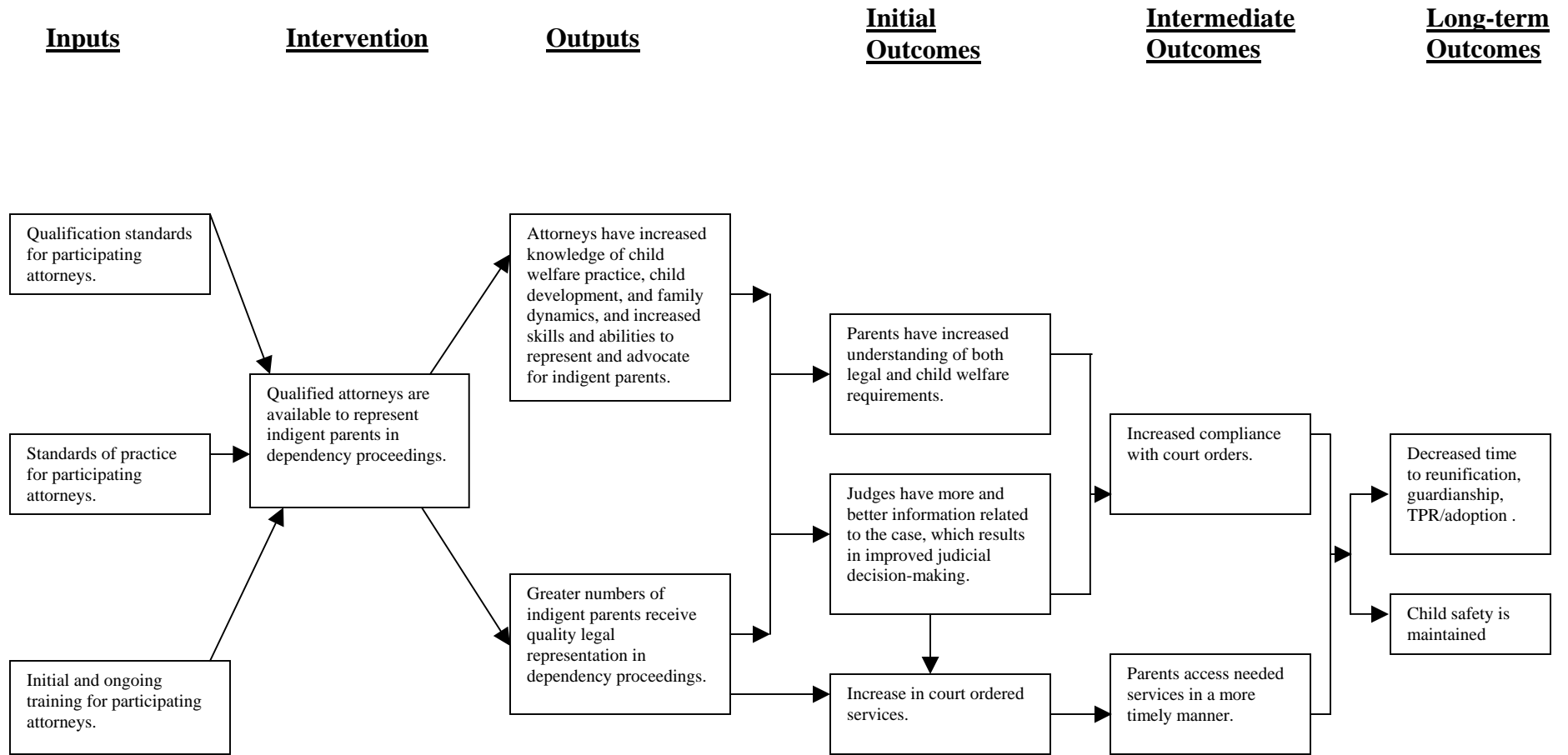
According to stakeholders, the inputs of the intervention (i.e., qualifications, standards of practice, and initial and ongoing training) lead to attorneys with increased knowledge, skills, and abilities to represent and advocate for parents and a greater number of indigent parents receiving quality legal representation (i.e., the outputs of the program). Stakeholders identified a number of initial and intermediate outcomes resulting from the increased knowledge, skills, and abilities

utilize the county funds after the indigent parent counsel program was implemented. However, AOC staff also noted that those county funds would have been expended by December 2001, thereby requiring the judicial district to rely on other, non-county, resources for indigent parent counsel representation.

¹⁶ The AOC has recently created Spanish versions of the book to serve the state’s growing Hispanic/Latino population.

of attorneys representing indigent parents. For example, attorneys actively participate and represent indigent parents in dependency cases and as a result of the quality representation, judges receive more and better information related to the case which improves judicial decision-making. Also, attorneys are able to explain the legal requirements to parents thereby increasing their understanding of the system requirements and increasing their compliance with court orders. In addition, stakeholders agreed that through their work with parents, attorneys are able to identify problems earlier in the case and request court orders for services to address those problems, monitor the provision of services, and hold the child welfare agency accountable. Consequently, parents are able to access needed services sooner. According to stakeholders, through parents' increased compliance with court orders and their access to needed services, permanency is expedited and safety is maintained for children impacted by this reform.

Exhibit 9 Indigent Parent Counsel Program Logic Model



C. Evaluation Approaches

Although stakeholders expressed interest in evaluating the indigent parent counsel program to assess the impact of the program and its effectiveness in meeting the identified outcomes, at the writing of this report, there was limited information available on where the program is fully operational (i.e., which judicial districts are and are not implementing the program), and how the program operates across districts (i.e., when and how counsel assignment takes place and what criteria are utilized to assign counsel). Without this information, the evaluability assessment team cannot confidently recommend an evaluation design that would most successfully measure the outcomes of interest. However, the program appears potentially promising and addresses an important issue. Therefore a descriptive study of the process of reform is recommended that documents planning and program implementation along with barriers and facilitating factors from the perspective of multiple stakeholders. Additionally, such a study will help assess whether a rigorous outcome evaluation is feasible.

In terms of assessing the program's readiness for an outcome evaluation, a descriptive study might survey all judicial districts to determine which districts have implemented the parent counsel program, and which had not. Information would be collected on a small number of program components including the eligibility criteria, and timing of appointment. Demographic and child welfare data would also be compiled for each district as would information about the structure of district courts.

The analysis would describe both the state level reform process as well as local implementation in a small number of jurisdictions. Once all districts have been surveyed about their level of implementation and with guidance from the state's CIP Coordinator and other key stakeholders, the study team will make decisions about the number and range of districts to study in more detail. Data collection would include contextual factors that might drive the reforms at the local level including court structure and size, level and amount of parent representation in place prior to CIP, and child welfare agency services and policies.

Data will also be collected from attorney billing information maintained by the AOC as well as from stakeholder interviews. Community specific findings would drive the decision to conduct an outcome evaluation. Due to the limitations in data systems described in the following section, it would be advisable to target the outcomes to those most relevant to a given site.

The following evaluation designs were discussed with state officials and should serve only as illustrative examples of potential designs. They serve as a starting point to assess the impact of the state's reforms if an outcome evaluation is deemed advisable.

The first evaluation design discussed was the use of random assignment because the indigent parent counsel program has not been implemented statewide. This approach seemed particularly feasible for two reasons: 1) some districts have not implemented the parent counsel program which would facilitate the implementation of a random assignment process; and 2) because of limited resources, some districts are not able to assign counsel to all eligible parents, therefore, some of those parents could serve as a control group should a random assignment

process be implemented. However, the state is not willing to pursue random assignment of cases at this time.

An alternative design would involve the use of a quasi-experimental design that compares outcomes for children and families in a group of districts that are implementing the parent counsel program to outcomes of children and families in a group of districts that are not implementing the program. This would involve the use of a matched comparison or nonequivalent treatment and comparison group design. The design entails the selection of judicial districts where counsel assignment is not being conducted and judicial districts where counsel assignment is taking place. Exhibit 10 presents the outcomes, measures, and data sources identified by stakeholders for this analysis.

To ensure that differences in outcomes across groups can be attributed with confidence to the indigent parent counsel program, the selected districts should be as similar or comparable as possible. For example, a possible approach is to select two districts that have similar population demographics and dependency caseload. In our preliminary discussions with the state, we explored the possibility of selecting the 2nd and 10th judicial district for this evaluation approach. However, additional information is needed about the counsel appointment process and the criteria for counsel appointment before it can be determined if these districts are comparable. In addition, based on available caseload statistics, between 1997 and 2000, the 2nd judicial district averaged 234 new dependency filings annually while the 10th judicial district averaged 86 new filings annually. Given the differences in the size of the caseload, it may not be feasible, from a methodological perspective, or appropriate, to compare these two judicial districts.

One issue the state is particularly interested in is the point that counsel is appointed and the effect that this has on time to case closure. This is because there is broad consensus on the fact that appointing counsel earlier in the case reduces later delays. Answers to this question could be found through subgroup analysis using the non equivalent comparison group design discussed above or a similar methodology. (This analysis would examine the timeframe within which specified milestones are achieved and the impact of these milestones and their timing on permanency for children.)

Exhibit 10 Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Outputs		
Counsel for indigent parents have increased knowledge about dependency issues.	Level of knowledge about issues in training curriculum.	Interview attorneys to validate that they have learned information contained in curriculum.
Increased use of representation for indigent parents.	Number of indigent parents with representation. Type of representation. Amount and type of attorney contact with parents.	AOC Data. Court case records. Child welfare case records. Structured interviews with and/or surveys completed by parents.
Initial Outcomes		
Parents have increased understanding of system requirements.	Assess parents' understanding of system requirements.	Structured interviews with and/or surveys completed by parents, child welfare workers, and attorneys.
Judges have more and better information.	Assess amount and quality of information presented by attorneys.	Structured interview with judges. Qualitative court observations.
Increased court ordered services.	Number and types of court orders requested at each hearing. Number and types of pleadings in court. Number and type of contact with service providers. Number and type of contact with child welfare agency.	Qualitative court observations. Court case records. Child welfare case records. Structured interviews with and/or surveys completed by parents and child welfare workers.
Intermediate Outcomes		
Increased compliance with court orders.	Assess parents' compliance with court orders.	Child welfare case records and MIS. Court case records.

Exhibit 10
Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Parents access more services in a more timely way.	<p>Services ordered.</p> <p>Services provided.</p> <p>Length of time between court order for service and service start date.</p>	<p>Child welfare case records and MIS.</p> <p>Court case records.</p> <p>AOC data.</p> <p>Structured interviews with and/or surveys with parents and attorneys.</p>
Long-term Outcomes		
Decreased time to case closure due to reunification, TPR, guardianship.	<p>Length of time between date of emergency hearing or dependency petition and case closure.</p> <p>Number of children who reenter foster care and length of time between case closure and reentry into foster care.</p>	<p>Child welfare case records and MIS.</p> <p>Court case records.</p>
Child safety is maintained.	Number of child abuse and neglect investigations and investigation outcome (substantiated, unsubstantiated).	<p>Child welfare case records and MIS.</p> <p>Court case records.</p>

D. Outstanding Issues

As described in this report, as a first step to assessing this program, it is recommended that a descriptive analysis be conducted to examine the process of reform and the application of the parent counsel program. This analysis would determine whether an outcome evaluation is feasible. The central questions will involve the steps taken to implement the program, and the perceptions of a wide variety of stakeholders concerning barriers and facilitating factors. The descriptive study will also address the standards of practice across the sites and whether judges at the district level are supportive of the program and willing to participate in the evaluation of the indigent parent counsel program.

A second outstanding issue involves data accessibility. Although the AOC collects some information from attorneys on their case-related activities, this information is limited. Therefore, any program evaluation will require accessing court, and possibly, child welfare case records. As discussed above, while the child welfare agency has a new centralized MIS, stakeholders expressed concern about the quality and consistency of the data and suggested that it may be necessary to review the child welfare case records to obtain the most comprehensive data on each case. Also, while court case files are available, there are wide variations in the content and quality of the court case files across judicial districts. This issue is particularly relevant for an evaluation of the program across two or more districts. It is therefore recommended that during the descriptive study, the study team conduct a trial data collection run to ensure data availability and reliability.

E. Summary and Conclusion

Based on the information gathered during the evaluability assessment, the evaluability assessment team cannot make a recommendation about the most appropriate or feasible evaluation design for Arkansas' indigent parent counsel program. However, once additional information is obtained, it may be possible to conduct a rigorous evaluation of Arkansas' indigent parent counsel program through a quasi-experimental non-equivalent treatment and comparison group design or an alternative approach.

Exhibit 11
Evaluation Feasibility of Arkansas' Indigent Parent Counsel Program

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	Yes. Refer to the logic model presented in Exhibit 9.
Is the program consistently implemented as designed?	No. The program has not been implemented in all judicial districts and the implementation process varies within and across districts.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. Currently, the program is well regarded across sections of the state and the Legislature provided funding for two years.
Are needed data available, accessible and accurate?	Unclear at this time. Data will need to be gathered from multiple sources because there is currently no automated court data system that could be cross-referenced with the child welfare data system. Consequently, it would be advisable to conduct a trial data collection run to verify the quality and reliability of identified data elements.
Can cases be cross-walked between child welfare agencies and the courts? How?	Yes. Cases can be cross-walked between child welfare agency and court case data. An automated system court data system is under development but is not to be completed until 2007.
Is there cooperation and support for evaluation?	Yes. The AOC, Ad Hoc Committee, and other key stakeholders are supportive of an evaluation of the program.
Have there been any previous evaluations or are any planned or underway?	No.
What types of evaluation design would be feasible?	At this time, the study team recommends conducting a descriptive analysis to answer several outstanding questions about program implementation. Presently, it is not possible to identify the most feasible evaluation design. However, with additional information, it may be possible to conduct an outcome evaluation using a matched comparison group design.

Appendix A Evaluability Assessment Interview Participants

Name	Title
Administrative Office of the Courts (AOC)	
Connie Hickman Tanner	Director of Juvenile Courts and CIP Coordinator
Jewel Harper	Attorney Ad Litem Coordinator
Marjorie Kesl	Training Coordinator
Diane Robinson	Co-Director, Court Appointed Special Advocates
Terry Looney	Co-Director, Court Appointed Special Advocates
Jamillah Carmichael	Assistant Director, Court Appointed Special Advocates
Joyce French	Fiscal Officer
Donna Gay	Staff Attorney
Dinda Hemphill	Auditor Coordinator
Tim Holthoff	Director, Arkansas Court Automation Project
Susan Torrans	Project Coordinator, Arkansas Court Automation Project
Suzy Smith	Division of Dependency-Neglect Data Project Coordinator
Bridgitte Newman	Administrative Assistant
Juvenile Judges	
Judge Linda P. Collier	Circuit Judge, Faulkner County
Judge Larry W. Chandler	Circuit Judge, 13 th Judicial District
Judge Joyce Williams Warren	Circuit Judge, 6 th Judicial District
Judge Gary Isbell	Circuit Judge, 14 th Judicial District
Judge Stephen Choate	Circuit Judge, 16 th Judicial District
Department of Children and Family Services (DCFS)	
Pat Page	Assistant Director, DCFS
Lisa McGee	Deputy Counsel, DCFS
Darcy Dining	CHRIS Project Manager
Toma Whitlock	CHRIS Reports Manager
Pat Bell	Foster Parent Ombudsman
Thomas Braswell	Family Services Worker/Supervisor
Mona Davis	Program Manager
Brenda Atkins	Program Specialist
Sue Bruner	Program Manager
Nancy Graves	Family Services Worker/Supervisor
Attorneys Ad Litem	
Merry Alice Hesselbein	Attorney
Kathleen O'Connor	Attorney
Carla Fuller	Attorney
Treeca Dyer	Attorney
Stashia Burk	Attorney
Gail Laster	Attorney
Ed Wallen	Attorney
Sharon Glaze	Attorney

Foster Parents	
Kathryn Miller	Foster Parent
Frances Wakefield	Foster Parent
David Simpson	Foster Parent
Biological Parents	
Kimberly Ross	Biological Parent
Tracy Terhune	Biological Parent
Jan Lowe	Biological Parent
Rhonda Jeffries	Biological Parent
Felicia Harvell	Biological Parent
Patricia Baker	Biological Parent
Bridget Doyle	Biological Parent
Christina Pitts	Biological Parent
CASA Directors	
Diane Robinson	CASA Director
Lina Valeriano	CASA Director
Maureen Cover Bryan	CASA Director
Danita Abernathy	CASA Director
Other Participants	
Deenita Moak	Attorney, Independent Practice
Janet Hamilton	Attorney, Center for Arkansas Legal Services
Lynn Pence	Attorney, Center for Arkansas Legal Services
Amy Rossi	Executive Director, Arkansas Advocates for Children and Families
Consevilla James	Executive Director, Treatment Homes, Inc.
Carol Griffin	Curriculum and Project Manager, MidSouth
Amy Wisdom	CASA Volunteer

Connecticut Case Management Protocol Evaluability Assessment Site Visit Report

In 1994, Connecticut received approximately \$90,000 in CIP planning funds that were used to support the State's CIP assessment. The State's assessment was conducted by the National Child Welfare Resource Center for Organizational Improvement of the Edmund S. Muskie School of Public Service. Since the initial federal grant award, Connecticut has received approximately \$150,000 annually in CIP funds that has been used to support a range of reforms including the case management protocol (the focus of this report), mediation services, professional training and improvements to the court's automated system.

This report summarizes the feasibility of conducting an evaluation of the case management protocol being implemented by the Connecticut Superior Court for Juvenile Matters. The protocol involves both a pre-hearing conference of professionals held just prior to the Orders of Temporary Custody (OTC) hearing and the expanded availability of parent counsel. Typically, case management meeting participants include attorneys for all parties (child, parent and agency), the child welfare caseworker and a trained facilitator. The purpose of the meeting is to try to address all early procedural requirements of the case (notice, paternity, testing, reasonable efforts, among others) and to work out an agreement about next steps outside of the court hearing process.

Data for this feasibility report was collected by a James Bell Associates team who visited the Juvenile Matters Division in Hartford, Connecticut in July 2002. A list of individuals interviewed for this report is included in Appendix A. This report concludes that a full-scale rigorous evaluation of this court improvement project is feasible. The recommended evaluation approach is to conduct a matched comparison group study strengthened with a pre/post component. The matched comparison would involve all families participating in OTC hearings in two, large, urban judicial districts - Hartford and New Haven - during calendar year 1999. Outcomes for families receiving the pre-hearing conference in Hartford would be compared to outcomes for families in New Haven who did not have access to the conference. Hartford had implemented the reforms in 1997 and New Haven did not implement the reforms until 2000. The research design will also compare the same case outcomes, pre- and post- implementation of the reforms, in both sites. The two cohorts in Hartford will be 1996/97 and 1999. The two cohorts in New Haven will be 1999 and 2000/2001. To help explain findings from the outcome study, a descriptive analysis is also recommended. The descriptive analysis will focus on project implementation, and contextual factors that might also impact outcomes (e.g. agency policies and practices, community resources, etc.) as well as other court reforms undertaken.

The report is presented in five sections. Section A presents a brief overview of Connecticut's case management protocol, and describes how it fits into the State's judicial child protection system. Section B presents a detailed logic model for the evaluation. This model defines the inputs and outputs from the case management protocol, and immediate, intermediate as well as the long-range outcomes of the intervention. Section C presents the recommended evaluation approach, including research design parameters, sub-population analyses, sample size, and data sources. Section D identifies three, relatively minor outstanding issues to resolve before

proceeding with the evaluation. Section E concludes with an assessment of the feasibility of a full-scale rigorous evaluation of this site, including strengths, weaknesses, and key stakeholders' willingness to implement the proposed evaluation design.

A. Connecticut's Case Management Protocol: Implementation History and Context

Connecticut's CIP reforms are administered within the Connecticut Superior Court for Juvenile Matters.¹⁷ The Manager of Court Service Officer Programs within the Superior Court for Juvenile Matters has primary planning and oversight responsibility for the project. In addition, until 2000, a State appointed CIP Advisory Council helped guide the design and implementation of the reforms. Connecticut's child protection court proceedings are described in Exhibit 1 below.

Exhibit 1 Connecticut's Dependency Hearings

- **Emergency Hearing (ex parte):** Held prior to removal or after the 96 hour hold has been invoked, to determine whether temporary custody should be granted to the child welfare agency -- the Department of Child and Family Services (DCF). If granted, the court assigns attorneys to the child, the OTC hearing is scheduled and notice is sent to all relevant parties.
- **Order of Temporary Custody (OTC) Hearing:** Held within 7-10 days of emergency removal to rule on the temporary custody and confirm the initial agency expectations and service plan. The court makes attorneys available through its standby contract program for indigent parents. The case management conference is held prior to this hearing.
- **Adjudicatory Hearing:** Held 30-60 days after the petition is filed in order to make findings on the allegation contained in the petition.
- **Dispositional Hearing:** (May also be combined with Adjudicatory hearing). Held no more than 90 days after the petition is filed, to determine custody, case plan exceptions, and to schedule the case reviews.
- **Permanency Hearing:** Held within 12 months after placement in DCF custody.¹⁸

Connecticut's case management protocol project was piloted in December 1997 in the Hartford Juvenile Matters Court. The protocol involves a pre-hearing conference (the case management conference) held just prior to the initial hearing (the Order of Temporary Custody hearing), and the expanded availability of parent counsel at that hearing. Between December

¹⁷ The Connecticut Superior Court has four principal trial divisions: civil, criminal, family and housing. The Family Division is responsible for all family relations and juvenile matters.

¹⁸ In Connecticut, the six-month judicial review of the DCF service plan is generally conducted administratively.

1997 and mid 2000, Connecticut phased in the case management protocol in all 13 juvenile districts across the state. The court in New Haven was one of the last to implement the case management protocol in early 2000.

Court Services Officers facilitate the OTC case management conference. Most officers come to the court with a background in social work or counseling. The Court Services Officers are responsible for:

- Contacting participants to the petition in advance of the OTC case management conference;
- Confirming that all parties are represented or have waived their right to counsel and financial affidavits are completed by parents;
- Convening the conference;
- Finalizing the case management order agreed to by all parties for approval and signature of the Judge; and
- Continuing to monitor and facilitate their assigned cases until the case reaches permanency.

In addition to the Court Services Officers, both the Hartford and New Haven courts have a Court Liaison position that serves as a representative for the Department of Children and Families (DCF) in the courtroom. This position is responsible for ensuring that DCF complies with mandated deadlines and actions on the court's short calendar including plea hearings, in court reviews and motions. Specifically, the Court Liaison insures that DCF staff appear in court, attend to docket matters and complete the paperwork that must be transmitted back to the Department following court proceedings.¹⁹

2. OTC Hearing Process

There are two types of cases that participate in the Order of Temporary Custody (OTC) hearing. The first type of case involves families that are the subject of an emergency removal. If there is a determination of imminent risk, DCF can implement a 96-hour hold that allows for immediate removal of a child without a court order. The State then has 96 hours to investigate the case and return the child or file an OTC petition with the court.

During the 96-hour hold, the state establishes a case file and conducts its investigation including gathering legal data, visiting the family and child, researching relative placements, exploring foster care options and meeting the immediate needs of the child. In cases where DCF chooses to file an OTC petition, DCF must also prepare a preliminary "specific steps" document to file with its petition to the court. The "specific steps" serve as the early case plan for the family involving services and steps the family must address in order for reunification to take place. The draft specific steps are made part of the OTC petition and provided to the parents

¹⁹ Because the Court Liaison position exists in both jurisdictions that are being recommended for this evaluation, and predates the OTC case management protocol, it does not serve as an intervening variable for this evaluation.

when they are served with the petition. For these families, the OTC hearing is the first court hearing.

The second type of case that participates in the OTC hearing involves families that had been under DCF protective supervision while the child has remained in the home. However, due to new evidence of abuse or neglect, or non compliance with the service plan, removal is requested by the child welfare agency and the OTC is invoked.

The OTC hearing must take place within ten days following the filing of the OTC petition. The Clerk's Office schedules the hearing, notifies all parties and notifies parent(s) about the availability of court appointed attorneys, if eligible. Parent(s) are invited to apply for an attorney in advance of the OTC case management conference, however, in practice, most parents do not apply in advance and the attorney is appointed immediately prior to the case management conference.

3. Case Management Protocol Model

The case management protocol involves two distinct components: (1) the expanded availability of parent counsel; and (2) the OTC case management conference. Connecticut funded a new system of "stand-by" attorneys for income eligible parents to be available at the courthouse. Prior to this, parents would frequently request representation at the OTC hearing, and the hearing would be continued until counsel could be appointed and the hearing re-scheduled. Now, stand-by attorneys meet with eligible parents prior to the case management conference, review paperwork, and speak on their client's behalf during the conference. The second component of the protocol is the implementation of a case management conference of professionals scheduled immediately prior to the OTC hearing. Prior to the case management conference, parties were not formally convened outside of the courtroom to discuss areas of agreement and disagreement and review case management and service needs for two to four months into the case when a case status conference was held prior to the adjudicatory hearing.²⁰

On average, each case management conference lasts one hour. It takes place in the office of the Court Services Officers that, in Hartford, are co-located on the same floor as the juvenile court rooms. When the case management conference is over, participants proceed into the courtroom. As explained earlier, participants in the case management conference are the assigned Court Services Officer, the attorney(s) for the parent(s), the attorney(s) for the child or children, the DCF Case Worker and an Assistant Attorney General who represents the legal interests of the State. The parent(s) in the case are present in the courthouse, but only rarely participate in the case management conference. This is because information discussed at the conference is not confidential and can be used for discovery - that is, could be used as evidence against the parent(s) in court. Therefore, in most cases, the parents' attorneys recommend they do not attend

²⁰ Connecticut has offered several other forms of non-adversarial dispute resolution services for child protective cases since the late 1980's. These conferences or meetings of parties outside of the courtroom do not take place until later in the case (adjudication, disposition or later). Furthermore, because they were in place before the case management protocol was introduced, from an evaluation perspective, they will not serve as intervening variables of concern.

the conference. As needed, the parents' attorneys will leave the conference to confer with their clients.

During the case management conference, the Court Services Officer facilitates a group discussion in order to identify areas of mutual concern and interest and reduce the number of disputed issues. The meeting is held to address the following topics:

- Review the case file to ascertain all necessary parties received notice about the hearing;
- Confirm that all parties are represented or have waived their right to counsel;
- Review motions which have been filed prior to the OTC hearing and clarify any motions that will be filed during the course of the pending proceeding (i.e. neglect petition);²¹
- Discuss witnesses who might be called to testify or documents which might be entered into evidence in the OTC hearing;
- Review reasonable efforts findings to ensure that the agency has made reasonable efforts to avoid protective placement for the child;
- Clarify the need for court ordered testing (i.e. psychological, substance abuse, competency, etc.);
- Discuss the child's current and future placement options with a particular emphasis on the possibility of relative placement options; and
- Schedule future court dates.

The product of the case management conference is a written case management order that summarizes the central topics discussed during the meeting. The order is then submitted to the judge at the OTC hearing for approval and signature. The order includes the "specific steps" - the preliminary service plan required of parents for reunification to take place. While preparation of the specific steps has been a statutory requirement since 1998, one of the major changes resulting from the case management conference was that agency workers reportedly now prepare more detailed and relevant plans for families to follow. Furthermore, these plans are reviewed by all parties to the case and in a majority of cases, agreed upon by all present. However, full agreement on the specific steps is not a necessary factor to sustain the OTC. That is, when full agreement is not reached, a judge can rule on the OTC - resolve the petition - and the parties can continue to refine the specific steps in future hearings. Other elements of the case management order include dates for future case events, and assignment of responsibility for various case activities such as filing of motions, submitting reports, and making referrals for court ordered testing.

In the event that agreement is not reached in the case management conference, the contesting parent has the right to an evidentiary hearing on the contested OTC within 10 days of the preliminary OTC hearing. Regardless of the number of hearings needed to resolve the OTC, the case management conference is only held prior to the preliminary OTC hearing.

²¹ A motion is a written request filed by an attorney to the judge for a decision to resolve procedural or other issues to the case.

4. Results and Benefits from the OTC Case Management Protocol

CIP reforms are expected to expedite case processing and thereby bring the case to disposition and ultimately permanency, more quickly. Local stakeholders reported the following specific benefits to the CIP reforms:

- The presence of parent counsel in the courthouse helps to reduce the likelihood of a continuance due to delays in appointing counsel;
- With the earlier appointment of parent counsel, parents have a better understanding of the issues in the case, their obligations and rights, as well as statutory timeframes earlier in the case;
- The case management conference ensures that a range of procedural issues are consistently discussed at the time of the initial court hearing. Topics include: the determination of paternity, service of process, court ordered testing, Indian Child Welfare Act (ICWA) requirements, and pursuing the best possible placement options for the child;
- The reforms provide an opportunity for parties to work out a resolution to areas of dispute and thereby reduce the number of contested issues that lead to a trial;
- If a trial cannot be averted, the case management conference narrows the number of issues that are contested and thereby reduces the court time dedicated to trials;
- Social service and mental health service needs for parents and children are identified earlier and service referrals are made sooner;
- The reforms create the opportunity to advocate for individually tailored visitation plans;
- They create the opportunity for early concurrent planning - that is, to begin planning for the child's return home while at the same time, identifying other options for permanency;
- The conference formalizes the opportunity to review due process issues and creates the opportunity to determine whether the State has enough evidence to prove its case or has put a safety plan in place and thereby vacate the OTC,²²
- Finally, because the case management order establishes mutually agreed upon timeframes for future case activities and dates for future hearings, the number of hearing continuances is reduced.

During the evaluability assessment the evaluation team observed several case management conferences. Based on the initial observations, it appears that the logic underlying the model and its linkage to its stated objectives is plausible and relevant. Furthermore, a 1999 preliminary study of the reforms conducted by the National Child Welfare Resource Center for

²² Reportedly, since the conference was instituted, as many as 10 percent of the OTCs are vacated at the OTC hearing. While data on prior rates is not available, several individuals reported that this is an increase over rates prior to the implementation of CIP reforms. Typically, OTCs are vacated because the DCF worker has already put into place a safety plan for the family (e.g. identified a relative placement or removed the alleged perpetrator from the household) and all conference participants agree that the risk of harm is removed and it is safe for the child to remain in the home with the safety plan in place.

Organizational Improvement, found that the case management protocol helped to resolve cases more quickly.²³

B. Evaluation Logic Model

The evaluation logic model explains how a selected intervention (or group of interventions) is related to one or more desired results. With regard to the long-term outcomes identified for the evaluability study, there was broad consensus that the central benefit of the OTC case management protocol was its role to reduce time in foster care while maintaining child safety. It is also expected to result in higher rates of reunification and permanent kinship placements.

As explained earlier, the conference is believed to move cases through the judicial system more quickly by narrowing the key issues in the case and thereby avoiding contested hearings or trials. Differences in the outcomes between the treatment and historical comparison groups are primarily expected to result from addressing all of the procedural issues (e.g. paternity, placement, notice, reasonable efforts) as well as expediting service assessment and referral. Other benefits of the reforms are outlined above in Section I.

The following logic model links the OTC case management protocol through the use of a series of incremental steps, to the outcomes described above. As described more fully in Section III below, the evaluation design for this program will use a combined pre/post and comparison site methodology involving historical data. Comparisons will be made between three groups:

- Cases that were served in the Hartford court pre and post-CIP implementation;
- Cases served in both the Hartford and New Haven courts in 1999; and
- Cases served in the New Haven court pre and post implementation.

All outcome measures will be collected on all four cohorts (described more fully in the next section) to assess differences in populations. An illustration of the logic model for the case management protocol is presented in Exhibit 2. The following discussion explains the model.

²³ National Child Welfare Resource Center for Organizational Improvement, **Analysis of Case Management on Child Protection Proceedings for the State of Connecticut Superior Court for Juvenile Matters**, January 1999.

Error! Not a valid link.

The case management protocol is dependent on State policy and funding to support both stand-by and contract attorneys that represent eligible families at the OTC hearing. It is also necessary to have Court Services Officers with knowledge of child welfare/dependency law, and mediation skills. Court Services Officers schedule and convene the meeting. They contact parents and if eligible, encourage them to contact their court appointed attorney to prepare for the OTC hearings. In addition, courthouses must have available space to convene the meetings. These are the "inputs" for the logic model. As discussed above, parent counsel and the case management conference are the two central interventions. The outputs from the interventions are: (1) higher compliance with the statutory timeframe for the OTC hearing (10 days); (2) a completed case management order that is given to the judge for review and signature; (3) earlier appointment of parent counsel; and (4) increased proportion of vacated OTCs.

Each of these products helps to expedite the child protection hearing process for children. For instance, one component of the case management order is the review of all necessary testing including psychological, substance abuse and sexual abuse offender. Prior to the reforms, these inquires were often not made for weeks or months into a case. Those familiar with the CIP court reforms note that now that the inquires are a required element of the OTC hearing process, and conferences are more likely to take place on time, families are undertaking assessments and then being referred to services earlier in case processing. In turn, these incremental steps can lead to earlier case disposition.

Stakeholders report that the reforms have also led to parents receiving increased visitation with their children which, coupled with earlier compliance with the "specific steps," can lead to earlier return home and higher rates of reunification. Reportedly, the conferences have also reduced the proportion of contested OTC hearings that lead to a trial. Finally, there was broad consensus that the case management conference has led to increased (and earlier) pursuance of relative caretakers who can offer both short term foster care and in some cases, permanent placements for children.

C. Evaluation Approach

1. Evaluation Design

A random assignment design is not feasible in Connecticut because as of early 2000, the OTC case management protocol was being implemented in all court jurisdictions. However, a matched comparison group design with a pre/post component is possible because the case management conference was expanded incrementally across the state. The evaluation will rely on administrative data collected by the courts and DCF on timeframes and key events. The use of both a comparison site and a pre/post component improves the strength of the quasi-experimental design.

In addition, in order to explain the possible effect of contextual events occurring at sites that might also impact case outcomes, the study team will conduct a descriptive analysis to document both the process of implementation as well as other changes in service availability, and agency policies, practices and reforms, occurring during the study period. The descriptive

analysis will also involve stakeholder perceptions of facilitating factors and barriers to program implementation as well as perceptions of the impact of the reforms on expediting permanency. The analysis might also involve interviews with families to gather information on how the reforms have impacted their understanding of their child welfare case and their options, the level of communication between parents and their counsel and between parents and agency staff. Interviews would also be used to determine parent satisfaction with the agreements reached during the conference.

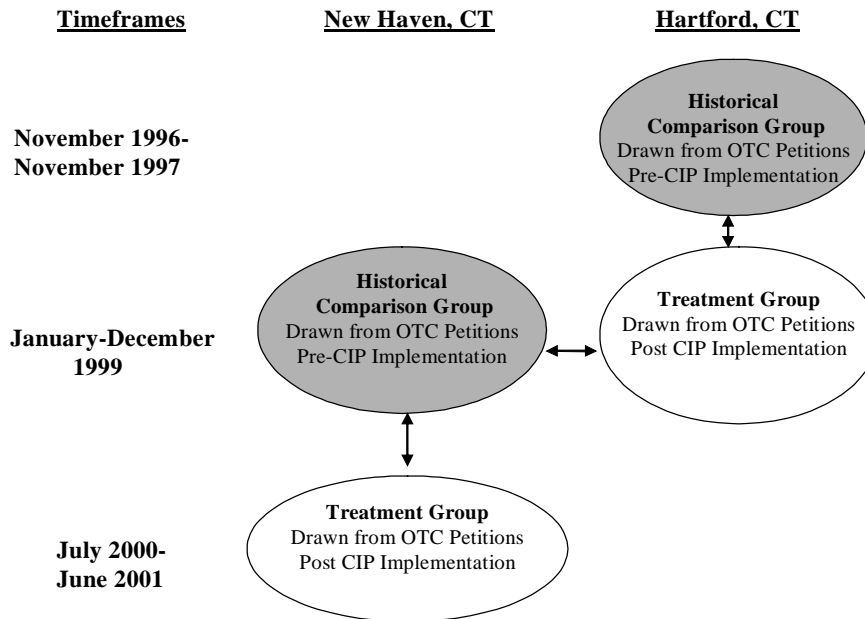
The outcome evaluation will involve three comparisons and four cohorts, each drawn over a 12-month period. The first comparison will involve cases with an OTC petition filed pre-CIP implementation compared to cases with an OTC petition filed post-CIP implementation in the Hartford court. Because the case management protocol was piloted in December 1997, comparison cases will be drawn from November 1996 through November 1997. The post intervention sample will be drawn from January 1, 1999 through December 31, 1999.

The matched site comparison will consist of all OTC petitions filed in both the Hartford and New Haven courts from January 1, 1999 through December 31, 1999. During this 12-month period, Hartford had been operating the case management protocol for nearly two years and New Haven had yet to implement the reforms. These judicial districts were selected by State CIP personnel due to their similar populations, level of urbanicity and rates of child abuse and neglect.²⁴ The primary difference between the two sites was the amount and availability of community resources -New Haven is reported to be a more service rich community. The impact on this difference on outcomes will be pursued in the supplementary process evaluation also recommended for this site.

The third comparison will involve cases with OTC petitions filed in the New Haven court pre and post implementation of the reforms. The pre-implementation cohort will be drawn from January 1, 1999 through December 31, 1999 and the post-implementation group will be drawn from July 2000 through June 2001. It is recommended that case selection in the New Haven "treatment" group not begin until July 2000 to allow the site to work through early implementation issues and better guarantee an accurate evaluation of the intervention. Exhibit 3 illustrates the comparison groups.

²⁴ In 2000, Census data indicates that both Hartford and New Haven Counties had approximately 850,000 residents, Hartford's population was 77 percent white, 12 percent African American, and 2.4 percent Asian; New Haven's population was 79 percent white, 11 percent African American and 2.3 percent Asian. In Hartford, the median household income was \$50,756; in New Haven it was \$48,834 and both counties had the same child poverty rates of 11 percent. Child welfare caseloads are described below.

Exhibit 3 OTC Case Management Protocol Research Design Comparisons



With the exception of the Hartford pre-CIP cohort (1996/97), the cohorts consist of cases with OTC petitions filed *after* implementation of ASFA legislation in Connecticut.²⁵ By making the state's new permanency guidelines a constant for both the New Haven comparison group and the treatment groups, the focus of the research can be on changes resulting from the case management protocol as apposed to new agency practices. While the implementation of the state's new permanency guidelines will produce contextual differences in Hartford, it is important to collect information on case outcomes for families prior to implementation of the reforms. The impact of ASFA and other contextual factors will be explored through the evaluation of the court reform implementation process.

2. Sub-Population Analyses

The diversity of cases coming into the Connecticut court creates the opportunity to explore the experience of various sub-populations. By analyzing the sub-populations within the data it would be possible to begin to answer questions about the difference in experience for different groups. Three examples of sub-group analyses involve:

²⁵ The Connecticut General Assembly passed its own ASFA legislation in 1998, which established the same 15-22 month permanency guidelines established by the federal ASFA legislation. DCF had completed its initial review of cases for compliance with the guidelines and had trained all frontline and supervisory staff in the new timeframes objectives by the end of 1998.

- Cases that have no prior experience in the Connecticut child welfare system versus cases who have a history prior to the current neglect petition;
- Cases that came to the OTC conference after an emergency removal versus those that had been under protective supervision; and
- Cases that have particular family problems such as substance abuse or domestic violence.

3. Outcome Measures

Proposed measures for the outputs and outcomes in the logic model are presented in Exhibit 4. In addition to the outcomes variables discussed below, the study team will collect information on the full range of demographic variables, family problems, history with child welfare agency, and reason(s) for the current neglect petition.

4. Sample Size

According to the court records, during the first five months of 2002, the Hartford court convened 117 OTC case management conferences and the New Haven Court convened 82. Annualized, the number of conferences totals approximately 275 in Hartford and 200 in New Haven. Some additional research will be needed to determine the actual, total number of all OTC petitions filed for each of the 12-month cohorts. It may be necessary to extend the 12-month data collection period in order to have large enough samples to conduct the sub-group analyses.²⁶

5. Access to Administrative Data

Administrative data for this evaluation will need to be compiled from four sources: the court's automated system, court case records, the DCF automated system, and DCF case records. There was broad consensus that the court's automated system provides reliable and thorough data for the data elements linked to this data source in Exhibit 4. In addition, during the Fall of 2002, Connecticut transferred all court records for its dependency cases to a new Oracle database, which should facilitate access and analysis. The court maintains records of court proceedings electronically and also stores hard copy files with expanded child welfare information.

²⁶ Prior to finalizing the period of data collection, a power analysis must be conducted to determine the necessary sample size for both the comparison and treatment groups to determine treatment effect.

Exhibit 4
Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Outputs		
Case Management Order.	Number of Conferences. Conference participants. Number of agreements. ²⁷ Specifics of agreements.	Court MIS. Court case records.
Higher proportion of OTC hearings held within 10 days of removal.	Date initial petition filed. Date OTC hearing scheduled. Date OTC hearing held.	Court MIS.
Counsel appointed to income eligible parents at OTC hearing.	Proportion of eligible parents with state funded counsel at OTC hearing. Date each parent/guardian assigned counsel. Date each parent/guardian has first contact with assigned counsel.	Court case records. Court MIS.
Immediate Outcomes		
Earlier court ordered testing (e.g. drug, psychological).	Types of test(s) ordered. Date of orders. Date of test referrals. Date of test(s).	Court case records. DCF case records.
Fewer contested OTC hearings.	Number of contested OTC hearings.	Court MIS.

²⁷ In the context of the case management conference, "agreements" mean that all parties have agreed to either sustain the OTC and proceed with the case, or vacate the OTC and either close the case or move forward with the underlying neglect petition only. In either situation, all parties to the case agree to the case management order given to the judge.

Outcomes	Measures	Data Source
Earlier and increased court ordered visitation.	Notation of discussion during OTC conference about parental visitation. Level of court ordered visitation (weekly, biweekly).	Documented on case management order (Court case records). DCF case records.
Earlier pursuance of relative caretakers.	Type of placement at time of OTC Hearing. Notation of discussion during conference about pursuance of relative placement.	Court MIS. Documented on case management order (Court case records). ²⁸
Increase in proportion of vacated OTCs.	Proportion of vacated OTCs after preliminary OTC hearing	Court MIS.
Intermediate Outcomes		
Earlier service referrals and receipt.	Date and type of each service referral. Date that each service was begun by parents and child(ren). Notation of discussion during conference about additional service requirements.	Court case records/ DCF case records. Documented on case management order (Court case records).
Earlier adjudication.	Date case was adjudicated	Court MIS.
Fewer trials and continuances.	Date and reason for each hearing continuance. Date and purpose of each trial.	Court case records.
Increased placement with relative caregivers while under DCF custody.	Number of children placed with relatives during DCF custody. Date of placement(s). Date of placement change out of relative placement.	DCF MIS. DCF case records.
Earlier disposition.	Date of case disposition.	Court MIS.

²⁸ As described above, one of the topics of discussion in the case management conference is the appropriateness of the child's placement at the time of the OTC hearing. Participants are encouraged to pursue the use of relative caretakers. If an appropriate relative is identified during the discussion, the agency worker is to investigate the home and report back to the court about the appropriateness and availability of the caretaker.

Outcomes	Measures	Data Source
Earlier and higher proportion of children returned home.	Number of children returned home.	Court MIS
	Date returned home.	DCF MIS.
Earlier determination of permanent goal.	Date that court approves permanent plan.	Court MIS.
Long-Term Outcome		
Earlier reunification, TPR/adoption and guardianship. ²⁹	Date that child is released from State custody.	DCF MIS.
	Type of permanent placement at time of case closure.	
	Reentry into foster care.	
Increased proportion of reunified families.	Proportion of reunified families relative to other permanent placements.	DCF MIS.
Increased proportion of children in relative guardianship.	Proportion of kinship guardianship relative to other permanent placements.	DCF MIS.
Child safety maintained.	Occurrence of CAN allegations and substantiations.	DCF MIS.

²⁹ In Connecticut, the permanent placement of "transfer of guardianship" can be to a relative or non relative.

As noted in Exhibit 4, the court's case records are the only source of information on: the number and specific issues agreed to during the case management conference, information about client contact with attorneys, types and dates of court ordered tests and services, and number and reason for continuances and trials. All court records (both automated and hard copy) are maintained under the mother's name. Information technology staff report that this can be easily cross-referenced with case information maintained by DCF - with the use of the mother's name and child's name and birth dates. Both court and DCF automated systems are statewide and centrally maintained.

For the evaluation period, DCF administrators are confident that its automated system will also provide reliable data for the data elements linked to this source in Exhibit 4.³⁰ DCF is willing to cooperate in the study and will provide a list of available data fields at the study team's request. MIS personnel will also provide access to all needed data with a written request. Reportedly, the child welfare records will be the only source of information on parent visitation, as well as agency required service referrals and service receipt.

D. Outstanding Issues

There are three outstanding issues to resolve before proceeding with this site.

- The research team will need to understand the exact number of OTC petitions filed during the 12-month period for each of the four cohorts. If the sample size is not sufficiently large to conduct a subgroup analysis, the window for case selection may be enlarged. While the majority of outcome measures are included in the electronic data maintained either by the court or DCF, some review of case files will be required to document compliance with the "specific steps." The complexity of this review may ultimately influence the sample size.
- CIP staff indicated that the New Haven court would be amenable to the evaluation since it primarily involves the review of administrative data. However, the "evaluability team" did not talk with personnel in the New Haven court to confirm this. It is recommended that this be clarified in writing to insure buy-in of the court and DCF staff in New Haven.
- While DCF officials gave verbal authorization on site, the study team will need to get written authorization to access child welfare data for the national study.

E. Summary and Conclusion

A full-scale evaluation of this intervention is feasible based on this evaluability assessment. The following table summarizes the feasibility criteria for the evaluation of court improvement programs and the extent to which the OTC case management protocol appears to meet these criteria.

³⁰ DCF reports that the most accurate data is available beginning in 2001, but that they are confident about data from 1997 forward.

Exhibit 5
Evaluation Feasibility of Connecticut’s Case Management Protocol

Criteria	Response
Is there a definable reform that could plausibly achieve its intended objectives?	Yes – See the logic model presented in Exhibit 2 and narrative discussion in this report.
Is the intervention consistently implemented as designed?	Yes – Protocols for the case management conference are used by the court service officers. Further, the form used for the case management order provides a detailed list of the topics that must be discussed during the conference.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes - The case management conference is codified practice and is therefore likely to remain in place for sometime. Court administrators also indicate a long-term commitment to the practice provided there are adequate financial resources. Implementation appears to be consistent for the time frame from which the archival data will be drawn for the evaluation.
Are needed data available, accessible and accurate?	Yes – Data are readily available in automated files on case characteristics, time frames of court proceedings and case outcomes. Site officials are less confident that automated records maintain thorough information on other intermediate outcomes including: parent visitation, dates of service referrals and dates of service receipt. Data collection in these areas will likely require case record review, which will be more labor intensive.
Can administrative data be cross-walked between the child welfare agency and the courts?	Yes - While the court and DCF use different numeric case identifiers, case information can still be accessed through the use of mother (and child's) name and birth dates.
Is there cooperation and support for evaluation?	Yes – CIP staff are very interested in being selected for the national evaluation and have indicated that they will facilitate the project in any way they can. DCF staff indicated the same.
Have there been any previous evaluations or are any planned or underway?	Yes – the Edmund S. Muskie School of Public Service, National Child Welfare Resource Center for Organizational Improvement, completed an initial evaluation of the case management protocol in January 1999. The study examined 1998 data and looked only at the time span from OTC petition to OTC resolution and time span from OTC petition to adjudication. The study found that from a comparison of cases in Hartford, pre and post intervention, the median number of days to adjudication was reduced significantly for families involved in the case management protocol from 91 days to 71 days. In addition, a doctoral student is currently designing her dissertation research to examine the OTC case management conference. She anticipates collecting information on 3 cohorts of data 1996, 1998 and 2000. Using only data from the court's automated system, her survival analysis methodology will include cases pre and post ASFA implementation and pre- and post-CIP protocol implementation in five judicial districts. (Her study sample will not include the Hartford court and does not include the 1999 time frame selected for this evaluation.) In the event that the dissertation is completed prior to data collection for the national evaluation, findings from this work will provide valuable information for the research design and process study questions.

Appendix A

Evaluability Assessment Interview Participants

Name	Title
Office of the Chief Court Administrator	
Marilou Giovannucci	Manager, Court Services Officer Program and CIP Coordinator
Elizabeth Flynn	Court Planner
Joyce Lee Taylor	Independent researcher
Hartford Juvenile Court	
The Honorable Christine E. Keller	Chief Administrative Judge for Juvenile Matters
The Honorable John Dannehy	Judge for Juvenile Matters
Cynthia Cunningham	Chief Clerk for Juvenile Matters
Desiree Fernandez	Court Services Officer
Kim Joyner	Court Services Officer
Mary Ann Mierzwa	Court Services Officer
Cynthia Jones	Assistant Clerk for Juvenile Matters
Patricia Johnson	Asst. Attorney General
Mary Anne Mulholand	Asst. Attorney General
Jeanette Johnson	Asst. Attorney General
Michael Besso	Asst. Attorney General
Department of Children and Families	
Karen Brinkman	DCF Court Services Liaison
Laureen Sheehan	DCF Division Director, Division of Strategic Planning
Suzanne Niedzielska	Director of Information Systems
Jay Anderson	DCF Program Director Information Systems
Daniel Gaither	Social work Supervisor
Elizabeth Araujo	Social Worker
Elvin Garcia	Social work Supervisor
Juliana Ribeiro	Social Worker
Attorneys (for children and parents)	
Gary Woodfield	Attorney
Susanne McNamara	Attorney
Rene Rosado	Attorney
Valeria Caldwell-Gaines	Attorney
Marcia Moconnech	Attorney
Kathleen Berg	Attorney
Jed Schulman	Attorney
Mathew Larock	Attorney
Marta Stone	Attorney
Debra Cohen	Attorney
Noelle Gatel	Attorney

Delaware Systemic Court Reform Evaluability Assessment Site Visit Report

In 1995, the Delaware Supreme Court received approximately \$80,000 in federal Court Improvement Program (CIP) funds to assess the court's performance in processing child dependency cases. The assessment was completed in May 1997 and resulted in twenty-two recommendations for system-wide reforms, all aimed at shortening the time to permanency. By FY 2002, Delaware was receiving approximately \$106,000 annually to implement its statewide systemic reforms.

At the time of the evaluability assessment, key stakeholders identified three of the reforms as key to impacting project goals. These three reforms are:

- *The One Judge/One Case Assignment Practice* where one judge presides over all legal stages of a dependency case;
- The institution of a *Defined Sequence of Hearings and Reviews* to enhance the oversight role of the court in child welfare cases consistent with recommendations from the National Council of Juvenile and Family Court Judges (NCJFCJ); and
- The provision of *Representation for Indigent Parents* in child welfare proceedings.

A study team from James Bell Associates visited the New Castle and Sussex County courts in August 2002 to gather information about the implementation of these three reforms and to determine whether the circumstances exist that would permit a rigorous evaluation of Delaware's CIP reforms. Appendix A contains a list of the individuals interviewed.

This report concludes that due to the dynamic nature of court reform in Delaware and the multiple reforms undertaken at once, much can be learned from an evaluation documenting the reform process and its impact based on the perspective of key stakeholders. Further, at this time, it appears that it would be feasible to compare outcomes of cases filed prior to the reforms to outcomes of cases filed after the reforms were implemented in New Castle County. This aspect of the research design would involve comparing outcomes for all families that came before the court for one to two years prior to the implementation of reforms with outcomes of cases served under the new system. This appears possible in New Castle County because "pre-CIP" cases were maintained in a separate legal track and were not exposed to the reforms.

The report is presented in five sections. Section A presents a brief overview of Delaware's Court Improvement Program and the context in which reforms have been implemented. Section B presents a detailed logic model for the evaluation. This model defines the inputs and immediate outputs from the reforms, along with immediate outcomes, intermediate outcomes and the long-range outcome or result. Section C presents the recommended evaluation approach, including research design parameters and research design limitations. Section D identifies pending issues to clarify before proceeding with the evaluation. Section E concludes with an assessment of the feasibility of a full scale rigorous evaluation of this site, including strengths, weaknesses, and the willingness of key stakeholders to participate in the evaluation.

A. Delaware's Systemic Reforms: Implementation History and Context

Delaware has a unified Family Court System with a branch in each of the state's three counties, Sussex, Kent and New Castle. Family Court has jurisdiction over virtually all matters involving children and families including child abuse/neglect, termination of parental rights, adoption, custody, visitation, guardianship, adult misdemeanors against children, delinquency, civil and criminal domestic violence, divorce and child support. The Supreme Court is the court of appeals for all child welfare cases within the state.

Delaware's Family Court uses both judges and commissioners to preside over dependency/neglect cases. The Governor appoints a judge for a 12 year term following an application and nomination process. Commissioners are appointed for four-year terms. Commissioners have less authority than judges, and are assigned to minor delinquency, domestic violence issues, child support, and cases of uncontested divorce. Before the CIP reforms were implemented, Commissioners were assigned many of the dependency cases. In New Castle and Kent Counties, Commissioners still hear dependency/neglect cases that entered the courts prior to CIP. In Sussex, all dependency cases are heard by judges regardless of when they entered.

In Delaware, the Division of Family Services (DFS) within the Department of Services for Children, Youth and their Families (DSCYF) delivers child welfare services. Statewide, there were fewer than 800 children in foster care at the time of the site visit, 54 percent of which were in New Castle County. Between 30 to 50 agency petitions for abuse and neglect are filed in the state each month, amounting to an estimated 480 new cases annually; about 260 new cases are filed in New Castle County annually.

Delaware's CIP reforms are administered within the Delaware Family Court as delegated by the Supreme Court. The state's CIP assessment entailed court observations and a comprehensive review of foster care and adoption case files. It also involved written surveys and interviews with judicial officers, parents' attorneys, Division of Family Services (DFS) and Court Appointed Special Advocates (CASA) attorneys, DFS Managers and caseworkers, CASA coordinators and volunteers, Foster Care Review Board (FCRB) members, and others.

One of the major weaknesses identified by the assessment was the length of time children were remaining in foster care. It was reported that some children had spent 70-90 percent of their lives in state custody. The assessment showed that about half of the cases were failing to achieve permanency within a year. The assessment recommended that the court play a more active role in expediting permanency through: (1) setting dates and enforcing them for all key stages in the dependency process; and (2) holding parties accountable by scheduling more frequent hearings and requiring more information on which to base decisions. Members of the assessment team believed it would be essential to make system-wide changes so that all involved in the dependency caseload would be working towards the same goal. Key stakeholders knew that the failure to include everyone would lead to problems in communication and court procedures that could undermine the reforms.

The Supreme Court appointed a Steering Committee to develop implementation procedures, timeframes and funding options to support the reforms. The Committee was composed of four judges of the Family Court, the State Director of the Division of Family

Services, the President of the citizen Foster Care Review Board, a representative from the Family Law Section of the Delaware State Bar Association, and the Chair of the Interagency Committee on Adoption, among others. The Committee guided implementation through the use of several multi-disciplinary workgroups that met regularly to design the reforms.

As of the site visit several reforms had been implemented either in full or in part. They include:

- Instituting the one judge/one case assignment practice and requiring that judges (rather than other judicial officers) preside over dependency cases;
- Expanding the number of hearings and judicial reviews of dependency cases in accordance with NCJFCJ guidelines;
- Expanding the availability of state funded parent counsel;
- Strengthening the effectiveness of the decision-making role of the court through ensuring all parties understand the court process, reviewing stipulations and agreements, and making specific findings at each proceeding regarding custody of the child, the case plan, placement, visitation;
- Use of time-certain scheduling and establishing paternity as early as possible;
- Implementing consistent means of processing TPR and adoption cases;
- Expanding the CASA program to provide guardian *ad litem* for all children who are the subject of court proceedings;
- Developing training programs for judges, court staff, caseworkers and attorneys on child welfare topics relevant to their responsibilities;
- Enhancing the MIS for tracking child welfare cases;
- Establishing regularly scheduled meetings for all key participants in dependency proceedings; and
- Amending state statutes and court rules to clarify the authority and responsibility of the court and to reflect federal requirements and national standards.

The first three of the reforms were identified by State officials as key to Delaware's CIP process and form the focus of this evaluability assessment.

The Sussex County Family Court was first to implement the reforms, which were begun in 1998. The New Castle County court implemented the reforms in October 2000 and Kent County, in January 2001. It should be noted that when the reforms were implemented in New Castle and Kent Counties, they were applied only to new cases entering the system. All but a few of the New Castle and Kent County cases entering before implementation of the CIP reforms have been maintained on a separate legal track.³¹ These "pre-CIP" cases have no assurance of one judge/one case assignment practice, nor do they participate in the expanded number of hearings or other court reforms.

1. CIP Reforms: One Judge/One Case Assignment Practice

Prior to CIP, in most cases, commissioners rather than judges presided over dependency cases. As described above, commissioners have less authority in the courts than judges and

³¹ As described later in this report, over the past two years, a small number of cases have been transferred from the pre-CIP track to the CIP (post reform) track to receive more intensive court supervision. These cases will be tracked separately in the analysis. The implications of this are discussed in Section E - Research Design.

reportedly, their courtrooms were run more informally than those under the oversight of a judge. Some observers believe the informality may have led parents and case workers to take rulings less seriously than those issued by judges. Additionally, there was no assurance that a family would see the same judicial officer at the next hearing. Subsequent hearings were not scheduled during the hearing and case assignment was based on availability. As a result, the individuals presiding over each hearing often had no prior history with the case, and may have failed to follow up on a ruling from a previous hearing. Because of the structure, stakeholders noted that judges tended to respond primarily to the issue at hand, without fully understanding the constellation of needs or circumstances of the child or family.

It was also reported that in most cases court orders were brief, usually lacked a timeframe for compliance with services and often said only “comply with case plan.” For instance, classes on parenting skills were generally required of all families whether needed or not. There was also concern that in some cases, children were being placed long distances from their families, causing unnecessary burden to parents trying to comply with visitation requirements. Further, there was little to no opportunity for the court to follow up with parents to check on their compliance with the service plans.

With CIP reforms, a judge (not a commissioner) is assigned to a case from the preliminary protective hearing (formerly called probable cause hearing) to case closure. As explained by a range of court participants, one of the advantages of the one judge/one case policy is that the judges become familiar with the cases under their purview. Stakeholders noted that judges are more likely to seek case plans that will give the parents as much support as possible and limit the disruptions to the child. In many cases, parent and child case plans are more detailed and relevant than they were prior to the reforms. Reportedly, judges now take a more proactive role in overseeing service referrals, visitation, the identification of potential guardians (kin or otherwise) and the establishment of paternity earlier in the case. For example, in one hearing observed by the study team, a judge required that a case plan be revised to allow parental visitations in the evenings closer to where the parents lived, so that they would not have to miss work to see their child. The judges also try to keep the children in the same school so they will not have to deal with multiple changes.

However, representatives from the child welfare agency cautioned that there are situations where the new case assignment practice *extends* the time a child remains in state custody. They note situations where judges extend the time permitted for reunification because the judges “keep wanting to give the family one more chance.” Some noted that this practice is seen more in some judges than others. Another less frequently cited example involved hearings that had to be repeatedly continued because more time for testimony was needed than was scheduled. This was another example that pertained to some judges more than others.

Still, there was general consensus that on average across all cases heard, the reform resulted in reduced time to permanency as compared to the time prior to implementation of the reforms. Close attention to these issues will be needed if a formal evaluation of case outcomes is undertaken. For instance, it may be advisable to collect case level data by judge responsible for overseeing the case.

In addition to reducing time to permanency, court and child welfare personnel believe the one judge/one case assignment practice is improving the quality of placement and service decisions and improving compliance with court orders by both agency and families. Further,

while individual hearings may actually take more time than before; many people reported that the hearings are held on schedule and better decisions are made, often leading to earlier permanency for the child.

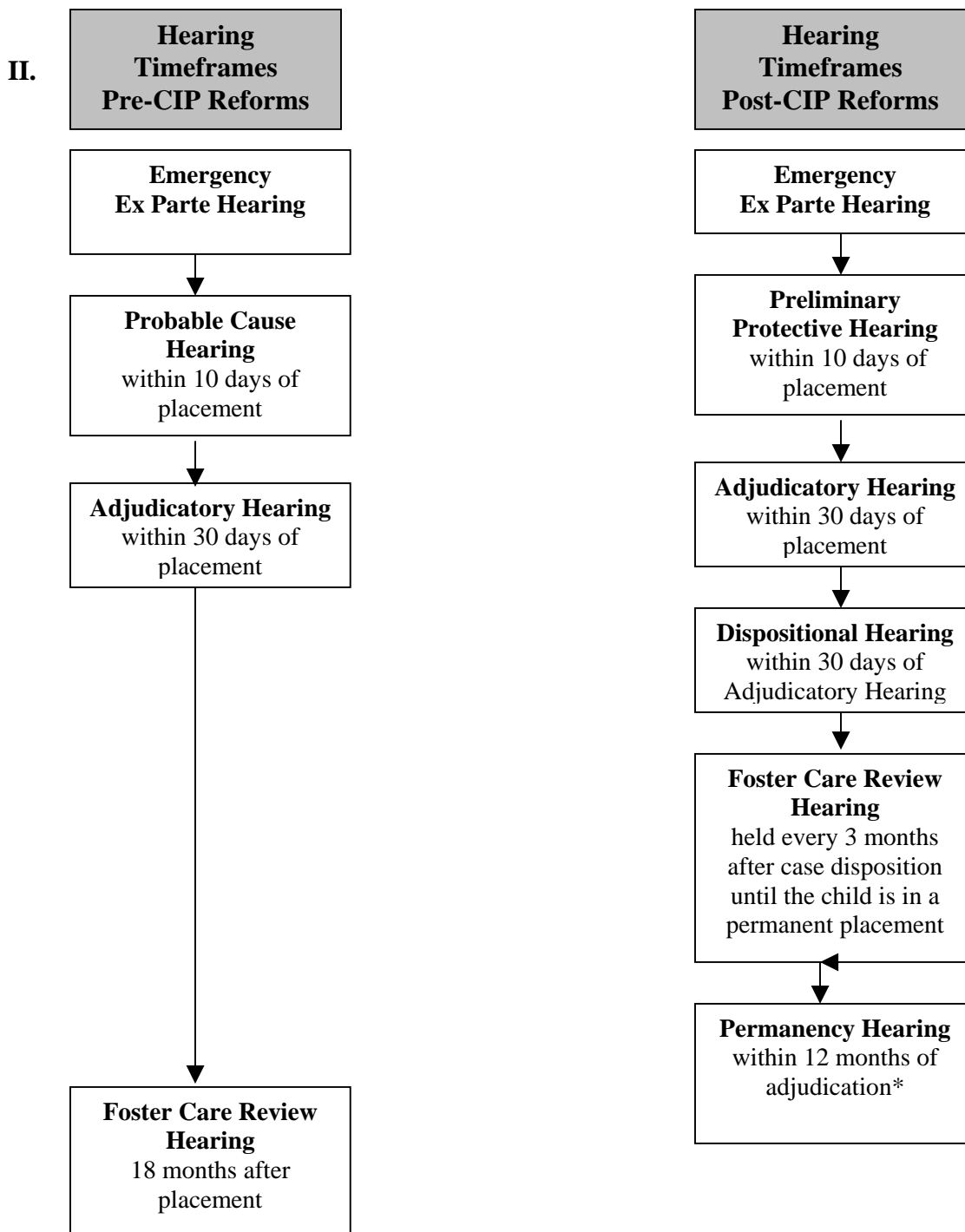
2. More Frequent and Better Defined Hearings

As illustrated in Exhibit 1, Delaware has also increased the number of required hearings and case reviews following case adjudication. Prior to CIP, once adjudicated, foster care cases were not required to come before the court for approximately 17 months when the first foster care review hearing was required by statute. Reportedly, it was at this hearing that the case was typically disposed. While the child welfare agency was required to submit a written foster care plan to the court every 12 months, the plan was not discussed in great detail, or made an order of the court, or reviewed by the court to ensure compliance.

Under CIP, the State has increased the number and frequency of dependency proceedings following the adjudication hearing and has set firm timelines for when each hearing must occur. In addition, guidelines have been developed for all hearings, including the preliminary protective and adjudicatory hearings, specifying what should be accomplished at each, how long a typical hearing should take, what should be reviewed, and the types of orders that should be issued. Future hearings are scheduled in the courtroom and parents are notified about the importance of complying with the court ordered services prior to the next review. Exhibit 1 compares the hearing requirements and timeframes before and after CIP implementation.

The new dispositional and subsequent ongoing review hearings allow all parties to discuss both the family's service plan (agency conditions for reunification) and the child's service plan. Under the new procedures, in consultation with DFS and the other parties to the case, the court plays a much more active role in placement and service decisions. Judges now require a family service plan by the time of the dispositional hearing (approximately two months after placement) and make it a court order to give added force and to encourage compliance. The plan is required to specify services related to the original allegation and to indicate when they must be completed.

Exhibit 1
Delaware's Dependency & Foster Care Hearings



*In addition to expanding the number of foster care hearings, the state now requires that the TPR hearings be held no more than 11 weeks after the TPR petition is filed. Prior to this, there was no set timeframe and reportedly, hearings were sometimes delayed for months - even years.

Now, at each hearing, the judge follows up on whether the agency and the family complied with the orders; if not, the judge determines why this did not occur (e.g. was the parent uncooperative, did the agency make transportation available to the parents to help them fulfill their obligations). Before a hearing ends, the next hearing is scheduled (usually three months later), so that everyone knows that they must make progress on their assignments in the interim.

3. Parent Representation

Prior to CIP, the State did not typically support parent counsel until the TPR hearing. Parents had to obtain counsel on their own initiative by going to Legal Aid or by hiring a private attorney. Most proceeded without legal representation. Because many parents did not seek their own counsel prior to TPR, it was reported that there were frequent continuances and delays at the TPR stage as newly appointed counsel questioned prior actions taken with respect to the case (e.g. questioning case plans or following up on services ordered much earlier in the case). Further, it was reported that prior to TPR the judicial officer frequently had the dual burden of explaining to parents what was going on and what could be expected of them during the hearings in order to protect the parents' rights. This detracted from their judicial oversight role.

Of the three reforms central to this evaluability assessment, parent representation has been the slowest to be fully implemented. Presently, all three counties are able to provide representation to all eligible families that request it, but this has only been the case for approximately one year. For example, in New Castle County, there was only one full time parent attorney between October 2000 and May 2001. Two additional attorneys were hired by May 2002. Further, while all contract attorneys have experience practicing family law, the state has not finalized any standards or training requirements for them. Volunteer counsel that provide pro bono services for eligible families also supplement contract services.

With CIP reforms, most parents are assigned counsel at the adjudicatory hearing (30 days after the preliminary protective hearing). However, the decision to appoint parent counsel is left to the judge's discretion, and some do not appoint counsel in every case. One judge explained that he reserves what he perceives as limited resources to appoint counsel only for those cases most likely to end in TPR. It should be noted, however, that counsel must be provided to indigent parents if they request it, and all communications from the courts to the parents contain multiple and clear notifications of their right to counsel. However, most families not assigned counsel by the court do not take this initiative.

4. Other CIP Related Reforms

In addition to the three key reforms described above, Delaware is in the process of implementing several other recommendations from its assessment. Among them are the expanded representation of children, interdisciplinary meetings, and new docketing procedures.

In Delaware, trained, volunteer CASAs, rather than lawyers represent most children in court. The state's CIP assessment recommended the expansion of CASA services such that all eligible children would have representation. Through the use of National CASA Association grant funds first awarded in 1998, Delaware has expanded the availability of CASA services. At the time of the site visit, approximately 50 percent of children had CASA volunteers assigned. Seven, paid CASA Program Coordinators supervise the volunteers and, due to the shortage, assign volunteers only to the most difficult cases. Two additional Coordinators will be hired to

fill vacancies when the existing hiring freeze for the court is lifted. These additional Coordinators will recruit, train, and supervise more CASA volunteers.

Unlike most states, Delaware also funds CASA attorneys who represent CASA volunteers at dependency hearings. These attorneys make motions and will call the CASA volunteer to the witness stand to give testimony. The attorney is present at every hearing where a volunteer is available for the child.

The CASA volunteer is appointed to represent the best interests of the child as the guardian ad litem and is a full party to any proceeding. In addition, in February 2000, the state established an Office of the Child Advocate, which has three lawyers that serve as guardian ad litem in cases across the state. There are also additional lawyers that volunteer their time to represent children for this office. If the child's wishes differ from what the volunteer guardian ad litem (either CASA or attorney) believes to be in his or her best interests, then the court has discretion to appoint an attorney who will represent his or her wishes. The Office of the Child Advocate assigns lawyers when a judge indicates that a child needs additional representation.

The state's CIP assessment also recommended that regularly scheduled meetings be held in jurisdictions to convene all key stakeholders to improve the ongoing implementation of system reforms. These meetings are held on a quarterly basis in each of the three counties. Members include court officials, representatives from the child welfare agency, attorneys for parents, and attorneys for CASA. The meetings enable stakeholders to clarify policy and practice and tailor solutions to problems as they arise.

Finally, Delaware has also adopted the practice of time certain scheduling for dependency cases and future hearings are scheduled in the courtroom to improve attendance and reduce continuances.

5. Program Supports

Finally, Delaware has implemented several program supports to ensure the success of these reforms. These include:

Training. Family Court held a one-time training workshop for judges prior to implementation of CIP reforms and court staff and agency representatives receive new training on specific CIP initiatives as they are implemented. There has been no regular CIP-sponsored training program for judges since the CIP kick-off training; but, judges attend training sponsored by NCJFCJ on their own initiative. In addition, judges are meeting periodically to exchange ideas and share strategies for dealing with dependency/neglect cases. Attorneys with whom the state contracts are given reference materials from the National Council of Juvenile and Family Court Judges and the American Bar Association's Center on Children and the Law. In addition, the state is developing training opportunities for all counsel involved in child welfare cases.

Checklists. The CIP Program has prepared and distributed hearing checklists based on NCJFCJ Guidelines. Many judges are also using standardized court orders with a check-off format, although some prefer to write their own narratives. One advantage of the standardized court order forms, according to one judge interviewed, was that they facilitated the review of old files and information from prior hearings.

Case Managers. CIP funds have been used to hire case managers who support the court through providing notice to parties and tracking and scheduling cases. In the upcoming years, the costs for the case managers in New Castle and one in Kent and Sussex have been incorporated into the Family Court budget. Two more case managers are planned, but the source of funds has not yet been determined.

B. Logic Model

The following logic model is based on the three reforms identified as most critical to reducing the time children remain in foster care. It serves to illustrate the relationships between key reforms and expected outcomes including maintaining prior rates of child safety.³² The study design recommended later in this report to assess case level outcomes, however, will assess the impact of all CIP reforms collectively - not just the three noted here. This is because the multiple and simultaneous CIP reforms being implemented in Delaware will all directly, or indirectly, impact the outcomes of interest.

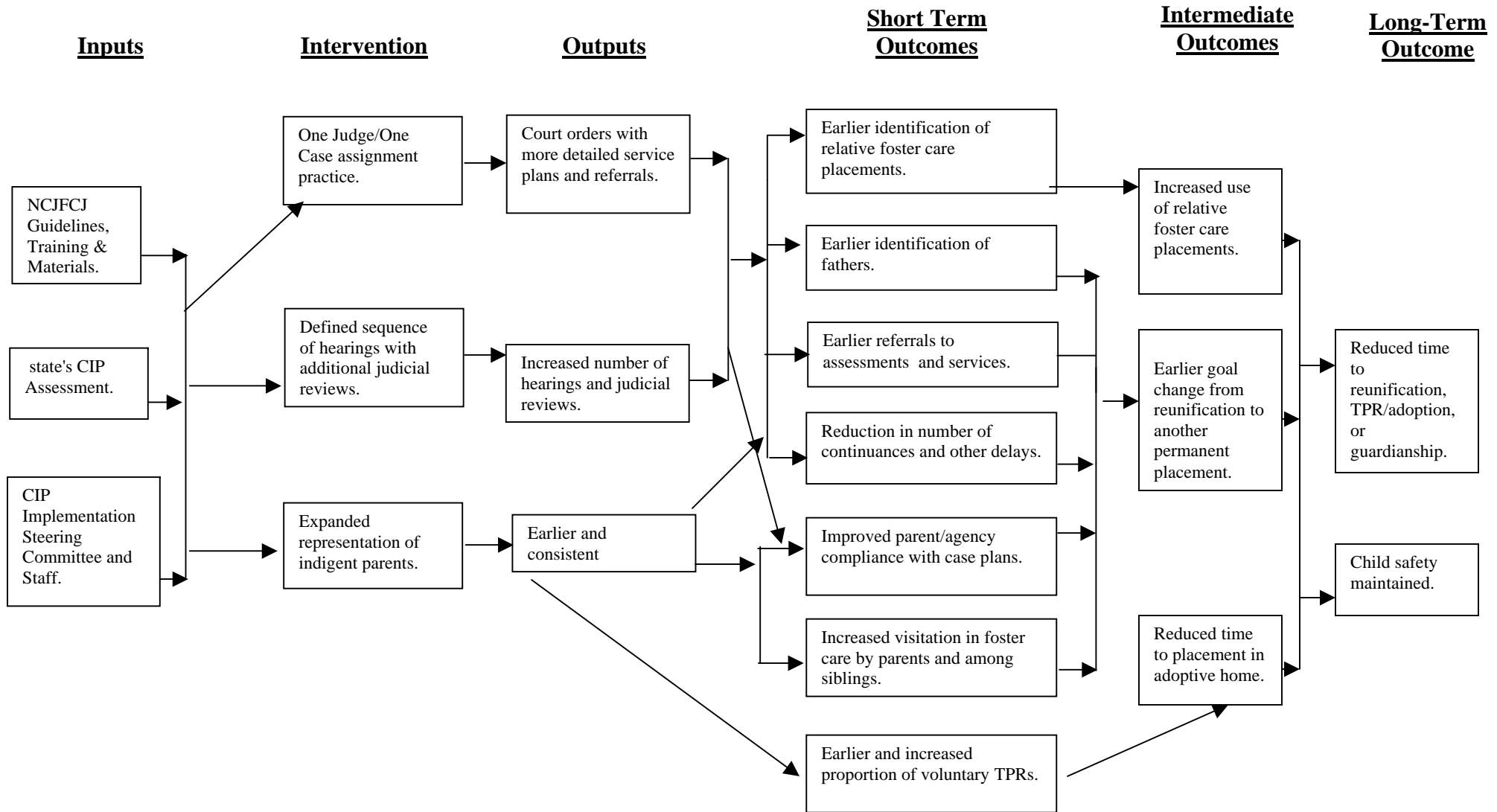
As shown in Exhibit 2, the one judge/one case assignment practice helps to increase familiarity with the case and improves the court's ability to preside over agency casework decisions. This enables the court to encourage more detailed service plans. Case familiarity also helps judges to follow up more effectively on orders made in earlier court proceedings.³³

The second major reform involved the implementation of a defined sequence of hearings that increases judicial review and clarifies the purpose of individual hearings. This reform was reported to improve the quality of the hearings by ensuring that everyone knew what was expected at each stage of the dependency process, expediting case processing by reducing the number of continuances and adhering to timeframes.

³² While not expected to impact child safety, data will be collected on allegations and substantiations of child abuse and neglect to ensure that, at a minimum, child safety is maintained under CIP.

³³ As explained earlier, Delaware is interested in measuring the length of time each judge spends on individual hearings and comparing it to time spent by Commissioners and where data exists, time spent by judicial officers pre-CIP reforms. This will help to determine whether judges (or some particular judges) are spending longer reviewing cases with which they are familiar.

Exhibit 2 Logic Model of Delaware's Systemic Reforms



In combination, these reforms were reported to ensure that basic court procedures took place earlier including earlier identification of fathers, and earlier identification of relative foster care placements. The reforms also help to ensure that parents hear repeatedly, beginning with the first hearing, that they might lose their child(ren) if they fail to comply with the plan that has been approved by the court. Judges now inform parents of the expectations and associated timeframes developed in the case plan and order compliance with the plan in court. These admonishments ensure that the parents have been given sufficient warning before their parental rights are terminated. The additional opportunities for review that occur with the increased frequency of hearings after adjudication also provide more opportunities to observe the parents and to determine whether they can provide a safe home for the child(ren).

The benefit of assigning parents counsel is that it improves the quality of hearings by giving parents a voice in court proceedings and ensuring that they are informed about their rights and obligations, and aware of the consequences for failure to comply with service plans. Parent counsel also report that there is an increase in voluntary TPRs, because in situations where TPR is expected, they (the attorneys) can help parents negotiate more favorable terms, such as open adoptions, if parents consent to TPR. In situations where parents consent to TPR (and avoid protracted appeals), adoptions can proceed more quickly.

As the logic model shows, expanded representation of parents leads, in most cases, to the earlier and consistent appointment of parent counsel. Parent counsel helps ensure improved parental compliance with case plans; in addition, parents' attorneys help to ensure increased compliance by the agency with case plans. The increased use of parent counsel (with the support of the judges who are more knowledgeable about the cases), was also reported to increase visitation in foster care by parents and among siblings. The presence of parent counsel earlier in the case and the improved attention to case plans also reduces the frequency of continuances, since attorneys are no longer entering at the point of TPR and questioning the appropriateness of the case plans and actions taken by the court.

All of these short term outcomes contribute to reduced time to reunification or other permanent placements, and ultimately result in a reduction in the time to permanency.³⁴ They are also intended to ensure that child safety is maintained.

C. Evaluation Approach

1. Evaluation Design

Due to the multiple, interrelated and systemic reforms being implemented in Delaware, this report recommends that a descriptive analysis of the state's CIP reforms be conducted prior

³⁴Delaware's courts currently recognize five permanent placements for children: reunification, known as "custody to parent;" termination of parental rights for purposes of adoption; guardianship; relative custody; and custody to non-parent. The case is closed and the original dependency/neglect petition concluded, when any of these five conditions is achieved. An alternative permanent living arrangement or independent living are two additional permanent goals for children used by the child welfare agency. However, the court does not recognize these as permanent placements, because they do not result in the removal of the child from court supervision and the closing of the case.

to an outcome study. Through in-depth interviews with key stakeholders both in and outside of the court, the descriptive analysis would examine the planning and implementation of the reforms. It would also examine such things as key stakeholder perceptions of elements that have been particularly effective as well as facilitators and barriers to implementation. In Delaware, a descriptive analysis is particularly important to clarify the timing of key events and reform strategies in order to finalize a decision about collecting case level data to assess changes in short and long term outcomes. This section of the report provides a methodology for assessing case level outcomes if such an analysis is determined to be advisable.

There is no potential in Delaware for random assignment since all of the reforms have been made statewide and are fully embedded in case practice. Nor is there a possibility for making comparisons between counties due to marked differences in geographic size and demographic characteristics of the three counties that comprise the state.

Nevertheless, it will be possible in New Castle County to collect data and to make comparisons between cases that entered the system before implementation of the CIP reforms with those entering after its implementation, since cases that entered before are handled as they were previously, without benefit of any of the improvements. In addition, an assessment of outcomes appears feasible because child welfare and court personnel reported that Delaware has not implemented any other reforms - except CIP - since 1999, the year that cases from the comparison group will be drawn.³⁵

From a review of the court's calendar in New Castle County for the 12 months prior to CIP implementation, 187 cases came before the court for a probable cause hearing. These cases can be included in the comparison group. (The final number may be slightly lower, because, as discussed above, some attorneys are requesting to have their cases transferred to the post-CIP track so that the children and/or parents can obtain the benefits they believe the reforms offer. For this reason, it may be necessary to include all cases that came before the bench for the 24 month period prior to CIP implementation.) Those cases transferred from the pre-CIP track will be excluded because they have been exposed to both models of court practice.

The treatment group—the post-CIP track—will be composed of all cases entering over a period of 12-24 months from the date of implementation of the reforms in October 2000 until there are 200 – 250 cases.

2. Data Sources

a. FAMIS: Family Management Information System

FAMIS, which is administered by the Judicial Information Center, is a litigant-based information system designed to facilitate case processing. Data are entered when a case is

³⁵ Delaware's implementation of ASFA should not impact the comparison of pre and post-CIP cases. The state revised its legislation to reflect ASFA guidelines in July 1998, and had already trained its workers to perform concurrent planning and to use other techniques to expedite permanency before CIP was implemented in New Castle County. The Child Welfare Agency's Administrator for Children's Services reported that the agency had not implemented any other reforms since 1999.

opened; then, the system automatically generates notices, schedules hearings on the court calendars, and records activities in the docket. It was originally designed for child support cases, but now includes all other family court cases. Data are entered initially from the petition filed by DFS. The system is reported to maintain good records on dates of hearings, but does not contain details on court decisions and findings. Detailed information on court orders and decisions can only be found in the court's hard copy files. Other data available in FAMIS includes parties involved, addresses, attorney information, and judge assignment. A case can be reactivated after it is closed. In July 2001, coding was added to improve the identification of child welfare cases (by increasing the categories) and specify the type of hearing held. Consequently, it will be easier to identify relevant cases for the evaluation from July 2001 on. For cases dating back to 1999 (and earlier), it will be more difficult to obtain relevant data consistently from the system. Data will be limited to: when a hearing was scheduled or took place, the judge, a decision code, and when the order was issued.

b. Family and Child Tracking System (FACTS)

The Division of Family Services (DFS) maintains the FACTS database, which is widely considered to be a reliable source for all basic child welfare data including:

- Demographics,
- Reason for entry into custody,
- Placement dates,
- Placement types,
- Placement changes,
- Reason for discharge, and
- Location at time of discharge.

The agency case records will be the only source of data on level of parent/child visitation, and visitation among siblings, and compliance with case plans for *pre-CIP cases*. As will be described below, this information will be available in the court records within the court orders for post CIP cases.

c. Court Files

Court case records contain all petitions, motions, affidavits and orders submitted for all hearings. Since CIP, court orders will also include the child and family's services plans that include all court ordered services and a record of the family's compliance. From a cursory review of court files and discussions with court personnel, the records appear to be a thorough source of court decisions, timeframes and events.

Exhibit 3 Outcomes, Measures, and Data

Outcomes	Measures	Data Source
<i>Outputs</i>		
Court orders with more detailed service plans and referrals.	Number of services or referrals listed.	Court records/ Caseworker files.
Increased number of hearings and judicial reviews.	Number of hearings and reviews.	FAMIS.
Earlier appointment of parent counsel.	Time from initial dependency hearing.	FAMIS.
Short-Term Outcomes		
Earlier indication of efforts to identify relative foster care placements.	Time from initial dependency hearing.	Court records.
Earlier identification of fathers.	Time from initial dependency hearing.	Court records.
Earlier referrals to testing and services.	Time from initial dependency hearing.	Court records/ Agency files.
Reduction in number of continuances.	Number of continuances.	FAMIS/ Court records.
Improved parental/agency compliance with case plans.	Number of incidents of compliance.	Court records/ Agency files.
Increased visitation in foster care by parents and among siblings.	Number of visits by parents.	Court records/ Agency files.
	Number of visits among siblings.	
Earlier and increased proportion of voluntary TPRs.	Number and timing of entering TPR petition.	Court records.
Intermediate Outcomes		
Increased use of relative custody and guardianship placements.	Number of children placed with relatives.	Court records.
	Number of children placed in guardianship placements.	
Earlier permanency decision (change of goal from reunification).	Time from initial dependency hearing.	Court Records. FACTS.
Reduced time to reunification.	Time from initial dependency hearing.	FACTS.
Reduce time to placement within an adoptive home.	Timing of adoption placement (pre-finalization).	FACTS.

Long-Term Outcomes		
Reduced time to reunification, TPR/adoption, or guardianship.	Time from initial dependency hearing to timing of case closure in court. Re-entry into state custody.	FAMIS.
Child safety maintained.	Occurrence of CAN allegations and substantiations.	FAMIS.

TPR files are kept separately from the other court case files and are sealed, just as the adoption records are.

To obtain access to FAMIS and the court's hard copy files, including TPR files, it will be necessary to obtain written permission from the Chief Judge of the state's Family Court. However, the Chief Judge gave the study team verbal authority on site.

In order to identify both the pre and post CIP groups, it will be necessary to conduct a manual review of court calendars in New Castle County to obtain names and case identifiers. Once the names are collected, court information technology staff have offered to create a program to collect case level data from FAMIS.

D. Outstanding Issues

There do not appear to be any outstanding issues to prevent a descriptive analysis of Delaware's systemic reforms. Prior to conducting an outcome study that would measure the impact of aggregate outcomes, it will be necessary to further explore the exact number and nature of cases transferred from the pre-CIP to the CIP reform track.

At the time of the site visit, court officials reported that only "a few" cases had been transferred to the CIP reform track (the exact number was unknown), and predicted that the total number of cases to be transferred would be very small. However, it will be important to obtain a listing of the cases that have been transferred and limit future transfers for evaluation purposes. It will also be important to learn more about the characteristics of those cases, to ensure that their exclusion from the study will not bias or compromise the findings. There may be differences between the cases transferred and those left in the pre-CIP track that might impact the findings. For instance, if cases that were transferred were those in the system for the longest time due to greater social service needs, excluding them from the analysis will bias the comparison of time to permanency in that it will artificially reduce the amount of time pre-CIP cases remained open. In this example, understanding the characteristics of cases transferred will help to explain if comparisons between the pre- and post-CIP reform groups are less pronounced than expected. It is essential that these "transferred" cases be tracked separately, measuring timing to key events both pre and post transfer.

E. Conclusion and Summary

Due to the multi-faceted systemic reforms implemented in Delaware, the study team recommends a descriptive analysis as the first stage of a full scale evaluation of the state's reforms. A descriptive analysis will provide the Children's Bureau with valuable information about planning for and implementing systemic reforms and will serve to increase knowledge in the field. Information collected about implementation, the timing of key events, and stakeholder perceptions about the impact of individual and collective reforms will also determine whether an analysis of outcomes is advisable.

Key stakeholders in both the child welfare agency and court fully support a full-scale evaluation. Furthermore, as Exhibit 4 shows, the circumstances appear to support an outcome study. All necessary data exist in one of two automated data systems or can be obtained from court or case records, and the state is willing to support the creation of special programs to generate additional reports, if necessary. Although it will not be possible to set up an experimental design with a control group for comparison, it will be possible to make comparisons between cases entering the system after implementation of the CIP reforms and those that entered before the reforms were implemented.

Exhibit 4

Evaluation Feasibility of Delaware’s Court Improvement Program Reforms

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	Yes. See the Logic Model in Exhibit 2.
Is the program consistently implemented as designed?	This question will be better answered by the descriptive analysis but it appears that two key reforms (the one judge/one case assignment practice and the expanded number of hearings and judicial reviews) are being consistently implemented as designed.
Is the intervention likely to continue operating during the evaluation timeframe?	The one judge/one case practice and the increased number of hearings and reviews will continue during the evaluation period. Continued support for parent counsel is less certain because multiple funding streams, some of which may be threatened by state budget shortfalls, are currently funding the reform.
Are needed data available, accessible and accurate?	Yes. Data appear to be available.
Can administrative data be cross-walked between child welfare agencies and the courts?	Yes. Names can be matched.
Is there cooperation and support for evaluation?	Yes. The CIP Executive Sponsor, the CIP Coordinator and the Chief Judge of the Family Court are very enthusiastic about an evaluation, and very willing to participate and cooperate in implementing it.
Have there been any previous evaluations or are any planned or underway?	No.
What type of evaluation design would be feasible?	A descriptive analysis is suggested to more fully explain the timing and impact of CIP reforms. At this time it appears that measuring the impact of aggregate outcomes may also be feasible using a pre/post comparison group methodology to compare differences between cases exposed to the reforms relative to cases that were not exposed to the reforms. This is possible because when CIP reforms were implemented in two of the state's three counties, they were only applied to new cases entering state custody. Preexisting cases were not exposed to the reforms and thus can serve as a comparison group.

Appendix A
C. Evaluability Assessment Interview Participants

Name	Title
Family Court	
Lynn Shreve	State CIP Coordinator and Senior Program Coordinator/CASA
Susan Albino	CASA Program Coordinator
Bob Falasco	CASA Program Coordinator
Kathy Clemmons	CASA Program Coordinator
The Honorable Vincent J. Poppiti	Family Court Chief Judge
Barbara Corrozi	Judicial Information Center Director of Children's Programs/Family Court
Monique Johnson	Judicial Information Center
Gerri Dow	Judicial Information Center
Terry Coombs-Attarian	Judicial Operations Civil Case Processing Supervisor
Tahira Masood	Paralegal/Case Manager (TPR/Adoption)
Anita Greenfield	Civil Case Manager
Samantha Boney	Judicial Case Manager
The Honorable Barbara D. Crowell	Associate Judge New Castle County
The Honorable Robert B. Coonin	Associate Judge New Castle County
Janell Ostroski, Esq.	CASA Attorney New Castle County
The Honorable Kenneth M. Millman	Associate Judge, Sussex County Family Court and CIP Executive Sponsor
The Honorable Peter Jones	Associate Judge, Sussex County Family Court
Division of Family Services (DFS)	
Candace Charkow	Administrator
Frank Perfinski	Permanency Manager, Office of Children's Services
Shirley Roberts	Regional Administrator
Carla Benson-Green	Regional Administrator
Karen Bailey	DFS Supervisor for Treatment,
Janie Eckman	DFS Supervisor for Permanency,
Michele Yingling	DFS Caseworker for Treatment
Tanisha Jones	DFS Caseworker for Permanency
Kathryn Welch, Esq.	Deputy Attorney General
Vivian Houghton, Esq.	Parents' Attorney, New Castle County
Margaret Cooper, Esq.	Parents' Attorney, Sussex County Family Court

Kansas Standardized Court Orders Evaluability Assessment Site Visit Report

The Kansas Supreme Court received its first Court Improvement Program (CIP) grant in 1995 in the amount of \$89,992. The state conducted its CIP assessment of the court's processing of dependency cases in 1996. As of FY 2001, the grant amount was \$140,096. Since the assessment, the major focus of CIP has been the implementation of standardized court orders, compliance with the Adoption and Safe Families Act (ASFA) of 1997, and development of the Child in Need of Care (CINC) Information System.³⁶ In addition, CIP funding has been used to pay for a Court Improvement Specialist position as well as training on ASFA compliance provided to district judges, magistrate judges, *guardian ad litem*s (GALs), district attorneys, county attorneys, and parents' attorneys.

In 2000, Kansas implemented new court orders to bring the state into compliance with state legislative and federal ASFA requirements and timeframes. The standardized court orders cover all aspects of the dependency hearings and child populations for which hearings are held (i.e., child in need of care, juvenile offenders, custody associated with divorce proceedings). As of October 2000, use of the forms is required per state Administrative Order No. 155 and intended to provide increased oversight and more thorough documentation of Child In Need of Care (CINC) findings. Use of the orders is also expected to bring greater consistency to the quality and depth of dependency hearings across the state.

Prior to implementation of the standardized forms, courts engaged in a variety of practices to document judicial findings. According to stakeholders, many courts kept detailed records of findings but others did not. In some courts, the presiding judge would document case findings whereas in other courts the District Attorney or a Court Services Officer would do so. Court practices also depend on a number of structural factors: judicial specialization with dependency/neglect issues; judicial rotations and assignments (one judge/one case or multiple judges assigned to a case); size of caseload; frequency of CINC cases on the court docket, etc.

Throughout the two-year CIP-reform implementation phase, the Office of Judicial Administration (OJA) has provided training and technical assistance to the courts, and has periodically assessed the degree to which the courts are implementing the standardized court orders as intended. According to state officials, a review conducted by the OJA in April 2002 revealed that statewide implementation by judges is at 90 percent, based on a sample of case files reviewed. As noted above, use of the forms is required, and the OJA continues to monitor court implementation.

Evaluation is not recommended at this time, given the fact that implementation is ongoing and state interest is limited. Should the current situation change, a process evaluation is

³⁶ The CINC system can (but will not) interface with the statewide Full Court management information system (MIS) that is currently being rolled out to judicial districts across the state. The Full Court system will allow for desktop review of case files and the aggregation of statistical data across districts and counties. A module based on CINC will be developed for Full Court. The CINC information system was also used as the model for the ASFA module in the Full Court MIS.

recommended at the outset in order to determine implementation progress and fidelity to the model, as well as to establish the range of variables that affect CINC cases. Details of the process evaluation, along with data limitations to resolve prior to conducting an outcome evaluation, are discussed in section II. A possible outcome evaluation design that might eventually be applied is also presented.

It must be stressed that conducting a process evaluation and an eventual outcome evaluation would require further discussion with the OJA to determine stakeholder interest and support. According to the OJA, there are two significant constraints on conducting a process evaluation in the near future. First, the courts are currently implementing the Full Court MIS and all attention and resources are devoted to that effort (and will be for the next 1 ½ years). Second, the state has an \$850 million budget deficit that may affect OJA staffing and resource allocation. State budget issues will not be resolved until April 2003. Given these constraints, further discussion with stakeholders will be needed to determine if it is feasible to conduct the process evaluation.

This summary is based on a site visit conducted in August 2002 and a review of documents provided by the court. Members of the JBA study team spent three days meeting with various stakeholders throughout the state of Kansas, who were involved in developing and implementing the CIP-funded intervention. The study team observed a permanency hearing and reviewed a number of case files that incorporated the standardized forms. A list of stakeholders interviewed during the site visit is presented in Appendix A.

A. Implementation History and Context

1. Judicial Structure

The state of Kansas is divided into six judicial departments, each of which includes several judicial districts. One justice of the State Supreme Court serves over each department. There are 31 judicial districts in the state of Kansas and a district court in each county. Most judges are appointed but some are independently elected. At least one district judge or district magistrate judge must be designated for each of the 105 counties. In less populated, rural counties one judge may serve several counties. In more populous counties, there may be several district judges. District judges must be lawyers and they exercise the full power and authority of the court. District magistrate judges may or may not be lawyers. Their jurisdiction is limited to probate and juvenile matters, misdemeanor trials, and preliminary examinations in felony cases.³⁷

2. Implementation History

In August 2000, Kansas underwent a federal title IV-E audit and was found to be out of compliance with several review elements. At the same time, the review showed that the lack of a judicial determination was responsible for approximately 10 percent of the noncompliant cases.

³⁷ Information derived from “You and the Courts of Kansas,” published by the Office of Judicial Administration, no date.

For example, non-compliance in these instances resulted from the court's failure to document that reasonable efforts were made in a case, that an emergency existed to remove the child, or that other procedures related to ASFA and the requirements of the Act were being met. As a result of these findings, the Kansas Supreme Court Justices determined that a series of standardized court orders needed to be developed to ensure the courts' compliance with the requirements of ASFA and state requirements.

The Supreme Task Force on Permanency Planning, established in 1983 and responsible for the state's CIP, was assigned the task of developing and implementing the Supreme Court's mandate related to the standardized court orders. The Task Force drafted the first round of court orders in September 2000. On September 22, 2000, the Supreme Court's Chief Justice signed Administrative Order No. 155 requiring all courts to use the newly developed standardized forms effective October 2000. Orders related to CINC cases are:³⁸

- Order of Custody for a Child in Need of Care (for use with case involving a single child or multiple children);³⁹
- Permanency Hearing Order for Child in Need of Care (single child and multiple children); and
- Permanency Hearing Order for Juvenile Offender.

While Administrative Order No. 155 requires the use of standardized court orders at certain hearings, the Order does not specify how the forms should be used or who is required to complete the forms. Based on the evaluability assessment, it appears that district courts have latitude in determining this aspect of the process. According to the OJA staff, the standardized court orders are not typically completed from the bench but are completed by attorneys, and in some courts, by the GAL. However, discussions during the site visit revealed many variations on this theme. Some of the judges interviewed, for instance, fill out the forms from the bench and after each session in chambers. How expansive or concise the documentation is will depend on each judge and the practices observed in his/her court. Additionally, as reported in a subsequent section, not all jurisdictions are using these forms.

The Order of Custody for a Child in Need of Care is intended for use during the initial hearing (i.e., *ex parte* and temporary custody hearings). Judges may choose to use the order during a protective custody, adjudication, and other *ad hoc* hearings that may occur. In addition, judges are required to use the Permanency Hearing Order for a Child in Need of Care for all permanency hearings. Exhibit 1 below provides a description of Kansas' dependency court hearings and the standardized court orders that are used at each hearing.

³⁸ There are two additional standardized court orders related to custody (i.e., Order of Custody for a Juvenile Offender; and Order of Custody for a Divorce Proceeding).

³⁹ The Order of Custody for a Child in Need of Care and the Permanency Hearing Order for a Child in Need of Care have been developed in two versions, for a "single child" and for "multiple children." Judges may utilize either form but are required to provide and document the specific circumstances and findings for each child. OJA has also developed a short and long version of this order. Judges may use the one-page short version as long as they attach or include other documentation that specifically documents the court findings.

Exhibit 1 Kansas' Dependency Hearings

- **Ex parte or Temporary Custody Order Hearing:** When a child is removed from the home and taken into custody by Social and Rehabilitation Services (SRS) staff or law enforcement officers, a hearing must be held on an *ex parte* removal order within 48 hours, excluding weekends and legal holidays. An order for temporary custody can remain in effect for 60 days. The Order of Custody for a Child in Need of Care form documents the findings.
- **Adjudicatory Hearing:** The court must conduct an adjudication hearing to determine whether or not the child has been abused or neglected. While there is no specific timeframe for this hearing to occur, the statute indicates that the petition should be disposed without unnecessary delay. The Order of Custody for a Child in Need of Care form may be used to document findings, with supporting documentation appended.
- **Disposition Hearing:** If a child is adjudicated as abused or neglected, a disposition hearing must be held within 30 days of the adjudication hearing, unless delayed for good cause. At this hearing, the child welfare agency presents its case plan for reunification. The goal is to adopt a permanency plan at this hearing to prevent critical time from elapsing between hearings. (Note: Some judges will conduct the adjudication and disposition hearing on the same day). The Order of Custody for a Child in Need of Care form may be used to document findings, with supporting documentation appended.
- **Administrative (Review) Hearings:** Within six months of a child's removal, the courts must conduct an administrative (i.e., review) hearing. The frequency of subsequent administrative hearings, however, varies by jurisdiction and is dependent upon the resources and size of the court's caseload. The Order of Custody for a Child in Need of Care form may be used to document findings, with supporting documentation appended.
- **Permanency Planning Hearing:** Within 12 months of a child's placement in foster care or within 30 days of a "no reasonable efforts" finding, the courts must conduct a permanency hearing where the permanency plan is reviewed.⁴⁰ Courts will continue holding permanency hearings every 12 months until the child is in a permanent placement.⁴¹ The Permanency Hearing Order for a Child In Need of Care is used to document findings.
- **Post-Termination of Parental Rights (TPR) Hearing:** Post-TPR permanency hearings will continue to be held until the child is in a permanent placement. The Post-TPR Permanency Hearing Order is used to document findings, with supporting documentation appended.⁴²

⁴⁰ If reintegration is not a viable alternative for the child, the case will go to trial for termination of parental rights (TPR). The court can order the District Attorney or the child welfare agency to file for TPR; they have 30 days to file the motion. Once an order for TPR is filed, the court has 90 days to conduct a trial.

⁴¹ The 12 month review date and 30 day date were in place in Kansas prior to the passage of ASFA.

⁴² If reintegration is not a viable alternative for the child, the case will go to trial to termination of parental rights. The court can order the District Attorney or the child welfare agency to file for termination of parental rights (TPR) and they have 30 days to file the motion. Once an order for TPR is filed, the court has 90 days to conduct a trial. (Note: None of the forms are used during the trial).

Although an Order of Custody and a Permanency Hearing Order has been developed for Juvenile Offenders who enter the foster care system, these cases are not counted or included in the state's child welfare population. These foster care cases remain within the custody and purview of the Juvenile Justice Authority (JJA). However, funding for services for this population is derived from the state's title IV-E foster care funds and are obtained by JJA through a request to the Department of Social and Rehabilitative Services (SRS). The standardized court orders referenced above were developed to ensure appropriate reimbursement for all cases falling under the supervision of the state's child welfare agency (i.e., SRS). Similarly, the Order of Custody for a Divorce Proceeding was developed to ensure that proper documentation is maintained when, as a result of a divorce proceeding, a court places a child or children in the custody of someone who is not their parent. While some of these children may be placed in the custody of relatives, others may be placed in the custody of the state or the child welfare agency.

3. Assessing and Assisting Implementation

To assess the extent to which the courts were complying with ASFA, the Supreme Court Justices required the Office of Judicial Administration to conduct an internal review of judges' compliance with the Act across 31 judicial districts. The OJA modified the federal review tool for the federal title IV-E reviews to specifically focus on the judicial processes and procedures related to ASFA. The focus of the review was to determine areas of training needs. The initial OJA review took place between December 2000 and January 2001. Based on this review, the OJA found less compliance with ASFA than expected. Between April and June 2001, the OJA conducted another internal review of compliance with Administrative Order No. 155 to determine the extent to which the courts were using the standardized forms and examined 1,400 cases of children in custody. As a result of the review findings, the Task Force and the OJA determined that additional supports were necessary to ensure judges' compliance with these requirements.

In July 2001, the OJA developed a series of legal community training throughout the state. The training was provided by the American Bar Association in conjunction with state representatives. The training, made available to judges, GALs, attorneys, clerks of the court, etc., took place in eight locations throughout the state and was specifically focused on ASFA, the state statute related to the implementation of ASFA, and the standardized forms. The OJA selected one prominent judge to talk about the court orders and why the courts should use them.

In addition to the training, the OJA provided judges with a book/manual on ASFA, Administrative Order 155, and the standardized forms. Following this training, the OJA conducted a "public relations campaign" on the standardized court orders. The OJA conducted on-site training with 31 judicial districts and obtained judges' feedback on the forms, made changes to the form based on their feedback, and re-released the newly updated forms in February 2002. The OJA continues to provide judges with support to facilitate the use of the standardized court orders. Office staff are available to answer questions and provide technical assistance. In addition, a listserv has been developed for judges who hear juvenile cases, which allows them to pose questions to and discuss issues with judges on the Supreme Task Force on Permanency Planning. Most recently, between April and May 2002, and in preparation for the

state’s upcoming title IV-E review, the OJA conducted a third internal review to examine specific child welfare cases and identify problem areas that could be resolved prior to the federal review. During this review, 951 cases were examined across judicial districts. Results of this review indicate that approximately 90 percent of the judges across the state are using the standardized forms as intended (personal communication, OJA Staff). The five-year evolution of the federal and state requirements is summarized in Exhibit 2 below.

Exhibit 2
State and Federal Legislation and Standardized Court Orders
Implementation Timeline: 1997-2002

Date	Event
November 1997	ASFA went into effect.
July 1, 1998	State of Kansas enacted ASFA-related legislation (Chap. 139).
January 25, 2000	Final federal regulations to implement ASFA 1997 went into effect.
March 27, 2000	ASFA regulations went into effect in state.
October 2000	Use of standardized court orders mandated per Administrative Order 155 and statewide implementation began.
December 2000-January 2001	First OJA review.
April 2001-June 2001	Second OJA review.
July 2001	Training and technical assistance provided by the ABA and OJA.
February 2002	New forms released. ⁴³
April 2002	Third OJA review.
September 2002	Federal title IV-E audit.

4. The Dependency Hearing Process

As a court reform, implementation of the standardized court orders has not changed the dependency hearing process *per se*, but has changed the justification and documentation expected of judicial findings during dependency hearings. Before implementation of this reform, the quality of documentation found in court orders across judicial districts was uneven and dependent on the approach of the court. One of the critical changes or improvements in judicial practices prompted by this reform is making and documenting “child-specific and explicit” findings. These findings address (1) whether reasonable efforts to prevent removal of the child(ren) from the home have been made; (2) identification of factors that make remaining in the home “contrary to the welfare” of the child(ren); (3) whether temporary custody and placement are needed; and (4) the permanency goal that is in the best interests of the child (i.e., reunification/reintegration, adoption, permanent guardianship, kinship placement, or an alternative planned living arrangement). As emphasized by the judges interviewed during the site visit, use of the forms depends on the characteristics of the case. A synopsis of the standardized court orders and the required findings for each type of hearing is found in Appendix B.

⁴³ The new forms did not contain any substantive changes but were made more “user-friendly.”

In order to understand how the standardized court orders fit with the dependency hearing process, it is important to consider, briefly, the circumstances by which a Child In Need of Care petition reaches the court and how reasonable efforts are made from the start.⁴⁴ The following section then addresses the movement of a case through the dependency hearing process.

a. Filing a petition and the *ex parte* hearing

Upon receipt and assignment of an “intake,” the social worker must determine whether the child(ren) is/are safe. If the social workers determines that a CINC petition, an *ex parte* order, or police protection is necessary to ensure the safety of the child(ren), then a petition is filed.⁴⁵ If the child is removed from the parent(s) and placed with a relative, then an *ex parte* hearing is held (and the first standardized form is used). If the safety of the child(ren) can be maintained with a parent, but services are needed, then an *ex parte* hearing is not held.

If the petition requests removal of the child(ren) from the parent, reasonable efforts must be noted, demonstrating attempts to keep the child(ren) in the home or concluding that remaining in the home is contrary to the health and safety of the child and an emergency exists. Reasonable efforts to prevent removal or reunite the family include services provided by the child welfare agency and other community-based organizations (i.e., Department of Social and Rehabilitative Services (SRS), school, family preservation, therapy for child or parents, doctors, hospitals, and other community agencies). The application for a CINC petition calls for detailed information regarding reasonable efforts made to prevent an out-of-home placement, specifying services overseen by the child welfare agency and provided by contracted community resources.⁴⁶

At the request of SRS or the police, the District Attorney will file a petition to justify “removal” of the child(ren). The District Attorney will request a temporary order of protective custody within 72 hours of removal. Using the newly developed Order of Custody for Child in Need of Care form, the judge will review the petitions and make findings regarding: (1) whether

⁴⁴ Reasonable efforts – Public Law 96-272, the Adoption Assistance and Welfare Act of 1980 requires that “reasonable efforts” be made to prevent or eliminate the need for removal of a dependent, neglected, or abused child from the child’s home and to reunify the family if the child is removed. The reasonable efforts requirement of the federal law is designed to ensure that families are provided with services to prevent their disruption and to respond to the problems of unnecessary disruption and foster care drift. To enforce this provision, the juvenile court must determine, in each case where federal reimbursement is sought, whether the agency has made the required reasonable efforts. (42 U.S.C. 671(a)(15),672(a)(1).) Quoted in full from the Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, published by the National Council of Juvenile and Family Court Judges, Reno, NV, 1995. Per K.S.A. 38-1565, making reasonable efforts towards reintegration is not a viable option in cases where: (1) the parent has committed murder; (2) the parent aided, abetted, attempted, conspired or solicited to commit such murder or manslaughter; (3) the parent committed felony battery resulting in serious bodily injury to the child or another child; (4) the parent has subjected the child or another child to aggravated circumstances; (5) parental rights to another child have been terminated involuntarily; and (6) the child has been in extended out-of-home placement.

⁴⁵ Ex parte - Lat. 'By or for one party' or 'by one side' and refers to situations in which only one party (and not the adversary) appears before a judge.

⁴⁶ Information derived from “Procedure/Protocols for Requesting *Ex Parte* Orders of Custody or CINC Petitions,” Kansas Department of Social and Rehabilitative Services, no date.

reasonable efforts have been made to keep the child in the home and an emergency exists; (2) whether it is contrary to the child's best interests to remain or return home; and (3) whether temporary placement is needed. At this hearing, the judge may elect to use the CINC short form or long form. The long form contains all of the features noted above. It may be used for multiple children and provides space to document reasonable efforts findings and to identify the determining factors that are "contrary to the welfare" of each child. The long form also allows for identification of parties and for court orders. Next, the date and time of the next hearing is assigned, an attorney is appointed for the parent(s), and a GAL is assigned. The District Attorney's office sends the signed and completed form to SRS.

b. Adjudication, Disposition, and Review Hearings

A temporary custody order can remain in effect for up to 60 days. Parents can then stipulate to the CINC findings and then move to disposition. If there is no stipulation, the first hearing is usually set within two weeks of the Temporary Custody Order hearing, which gives the attorney the opportunity to meet with the parents and decide whether to go to trial. If the parent(s) is/are unknown or unlocatable, then the case can go to trial at this stage. Per the statute, the adjudication hearing must be held without undue delay. The disposition hearing must be held no later than 30 days after the adjudication hearing, unless delayed for good cause. Judges interviewed during the evaluability assessment indicate that general practice is to do an "in-court" review of the case between 60-90 days. Judges are required to use the CINC form (short or long version) to document the findings from the *ex parte* and temporary custody hearing; they may elect to do so for the adjudication, disposition, and review hearings. At the completion of each hearing, the District Attorney's office is responsible for distributing the forms.

c. Permanency Review Hearing

The permanency review hearing must take place within one year of the child's placement in foster care and on an annual basis thereafter. Use of the Permanency Hearing Order for a Child In Need of Care form is required to document the findings at this hearing. The form calls for identification of all parties in attendance at the hearing [i.e., petitioner (County/District Attorney or SRS Attorney); child(ren); GAL(s); mother; mother's attorney; putative father; father's attorney; other interested parties; others in attendance; SRS representative]. The judge must make the following findings:

- Approval/disapproval of the permanency plan and whether progress is adequate;
- Reasonable efforts have been made to accomplish the permanency goal (i.e., reintegration, adoption, permanent guardianship, kinship placement, other planned permanent living arrangement);
- Whether or not continued out-of-home placement is necessary;
- Whether or not child's needs are being met;
- Whether or not out-of-state placement should be continued;
- Whether or not reintegration is a viable alternative and designation of status;
- Whether the previous orders of the court shall continue, are modified, or rescinded; and
- Additional findings, as needed.

Finally, the date/time for the next hearing is assigned. If it is in the best interests of the child, then the court will move to termination proceedings or file for permanent guardianship. A trial date is then set for termination and the proceedings are documented using the Permanency Hearing Order for a Child in Need of Care. Thereafter, the court must continue to review the case for permanency planning. If the goal is adoption, then the court must ensure that the child welfare agency is making reasonable efforts to ensure that adoption is taking place.

B. Intervention Logic Model

With respect to the long term outcomes of child safety, permanency and well-being, there was broad consensus that the central benefit of the standardized court orders was in expediting permanency by moving the case through the courts and meeting the timeframes established by federal and state statutes. The findings documented in the court orders, along with the additional oversight, provide a detailed roadmap or “fence posts” for the judge (or another judge) and all parties involved to move the child along critical milestones to permanency.

As seen in Exhibit 3, the standardized court order logic model links the inputs or resources dedicated to the intervention or reform to a direct product or output. Resources dedicated to the implementation of the courts orders are: (1) two intensive trainings for judges, court staff, attorneys, and GALs (the first training was conducted by the American Bar Association (ABA) and the second one was conducted by OJA staff); (2) ongoing technical assistance by OJA staff (i.e., dedicated office staff to answer questions and provide guidance; and a listserv for judges who hear juvenile cases to discuss issues associated with implementing the court orders); and (3) support staff to assist the judge(s) in documenting court findings (this varies by court and district). The output of the reform is a signed, fully-documented, and disseminated court order that provides “child-specific and explicit findings” at the culmination of key dependency hearings. From this output stem the initial and intermediate outcomes that are linked to the long-term outcome of permanency. The five permanent placements options are: (1) reintegration; (2) adoption; (3) permanent guardianship; (4) kinship care; and (5) other planned permanent living arrangement.

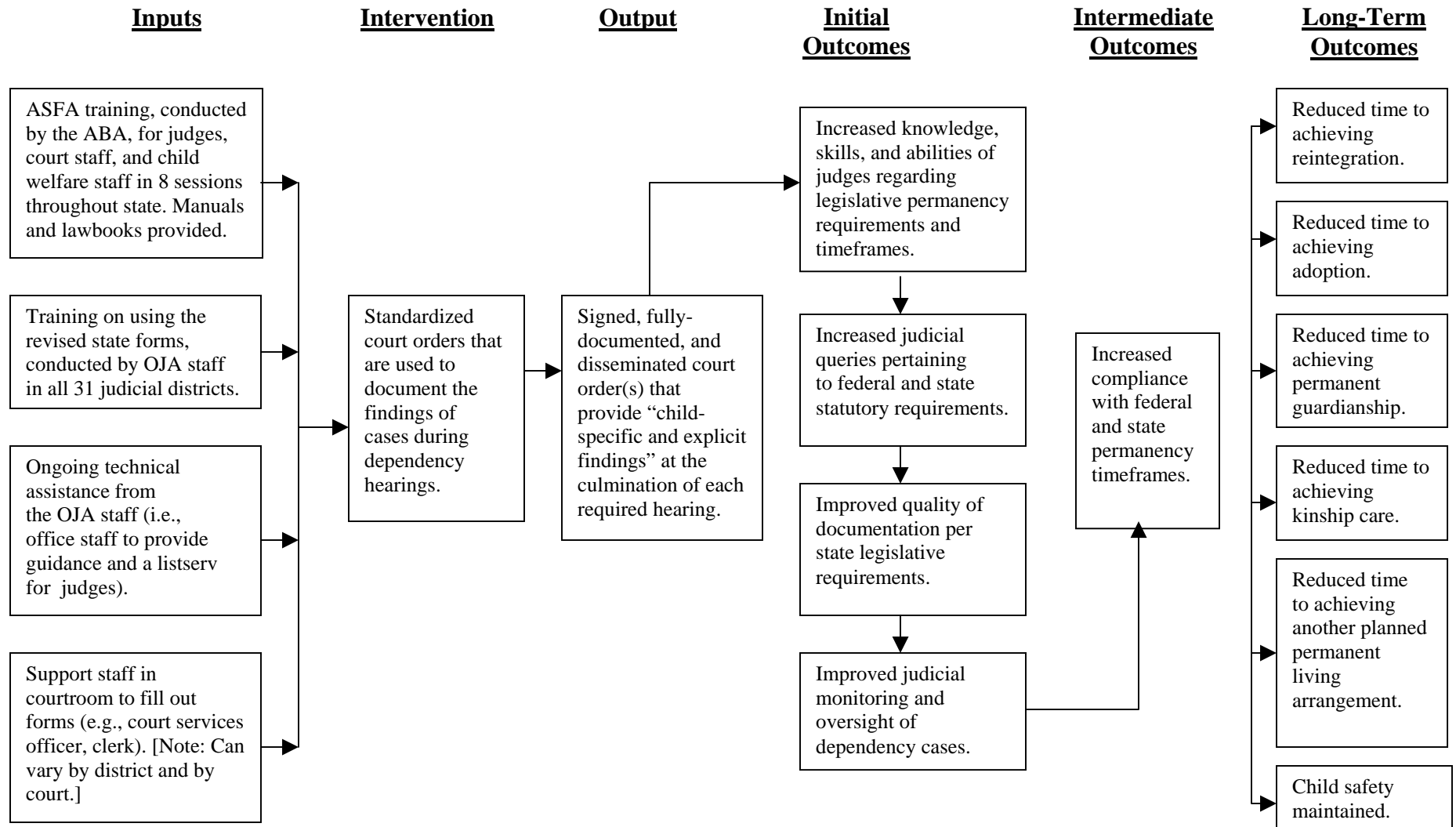
Stakeholders identified a number of initial and intermediate outcomes that can be impacted by use of the court orders and can lead to a reduced time to permanency. There are four initial, or immediate, outcomes associated with the reform:

- Increased knowledge, skills, and ability of judges regarding legislative permanency requirements and timeframes;
- Increased judicial queries pertaining to federal and state statutory requirements;
- Improved quality of documentation per state legislative requirements; and
- Improved judicial monitoring/oversight of dependency cases.

Through increased knowledge, improved documentation regarding reasonable efforts made to reunite the family, and improved oversight of dependency cases, stakeholders believe that the courts will meet mandated federal and state timeframes, as an intermediate outcome. In the long term, the intervention will reduce the length of time taken to achieve the permanency goal and

maintain child safety both during out-of-home placement and in the final permanent placement. Exhibit 5 (presented in Section II) links each short and long-term outcome to specific measures and provides data sources for each measure.

Exhibit 3 Kansas' Standardized Court Orders Logic Model



C. Proposed Evaluation Approach

The evaluability assessment revealed that the use of the standardized forms would increase the quality of documentation provided in CINC cases, enable increased monitoring and oversight of CINC cases by judges, and increase compliance with the permanency timeframes established by federal and state legislation. Use of the standardized court orders is mandated statewide, and it is reported by OJA that 90 percent of the judges statewide are using the standardized court orders.⁴⁷

However, as noted earlier, an evaluation is not recommended at this time given the fact that implementation is ongoing and there is limited state interest. Should this situation change, a process evaluation is recommended in order to determine fidelity to the model and determine the range of variables that affect CINC cases, such that an outcome evaluation measuring the effect of the standardized court orders on permanency outcomes could be designed. To that end, the implementation issues that would be addressed by a process evaluation are detailed below. There are a number of data and design limitations to be resolved before proceeding with an outcome evaluation, which are also discussed below, and would be addressed during the process evaluation (see Exhibit 6 in Section IV regarding the feasibility criteria).

Given that use of the forms is mandated statewide, the intervention does not lend itself to random assignment. However, the intervention would lend itself to a descriptive analysis of the process of reform and the application of the intervention. Were an outcome evaluation to be conducted, a pre- and post-implementation design is presented as a possible approach. This approach would examine the permanency outcomes of two cohorts of dependency cases on key, select measures, before and after the standardized court orders were implemented.

1. Process Evaluation

The process evaluation would gather qualitative information that would comprehensively document the process of reform over time from multiple stakeholder viewpoints. The process evaluation would yield valuable information about the degree of implementation across the state and identify the most essential elements of the CIP reform, as well as providing information that would assist with designing an outcome evaluation.

Given the multiple factors that may affect the implementation of the standardized court orders across the state, the process evaluation would examine the following contextual and structural elements:

- Status of implementation of the standardized court orders by judicial district;
- Identification of court practices that facilitate or hinder implementation;

⁴⁷ The OJA did not reveal which judges were in compliance and which were not, based on the April 2002 review. As this proprietary information was not disclosed to the study team during the evaluability assessment, it limits the development of possible outcome evaluation approaches, comparing outcomes for those in compliance with outcomes for those that are not.

- Quality and quantity of training and technical assistance provided to court personnel to implement the standardized court orders;
- Internal/external resources and administrative supports used to implement the reform across judicial districts and within courts (e.g., use of court services officers to fill out court orders and monitor the case; use of management information systems to measure court progress with respect to federal and state permanency timeframes); and
- Barriers and facilitators to use of standardized forms.

As learned during the evaluability assessment, judicial districts vary along a number of dimensions, such as court practice, judicial experience, and CINC caseloads.⁴⁸ The process evaluation would also yield important contextual information that would be helpful in designing an outcome evaluation, including:

- Variations in judicial structure and court characteristics across 31 districts (e.g., local court rules);⁴⁹
- Calendaring practices across judicial districts and within courts (i.e., direct vs. master calendaring);
- CINC case assignment and judicial rotation;⁵⁰
- Number of dependency filings, CINC caseload characteristics, and case flow management practices within each judicial districts and across counties;⁵¹
- Judges' and Magistrates' years of experience with dependency/neglect and juvenile cases;

⁴⁸ Responses from a survey of judges, conducted by the National Center for State Courts (1996: 23), revealed differences in judicial assignment of CINC cases across the state and confirms this observation.

⁴⁹ Local rules may vary by district and there may be rules in place that affect the implementation of the standardized court orders. As stated in the Rules Adopted by the Kansas Supreme Court (effective January 10, 1977): "The judge or judges of each judicial district may make rules that are found necessary for the administration of the affairs of the district court, and of all courts of limited jurisdiction in the district, to the extent they are not inconsistent with the applicable statutes and rules promulgated by the Supreme Court. District courts will not reproduce Supreme Court Rules in publishing their local rules. Local rules promulgated by the district courts shall be clear and concise and shall be effective upon filing with the Clerk of the Supreme Court." Ten judicial district maintain websites that are linked to the Kansas Judicial Branch site. In some cases, local court rules are presented for general, civil, criminal, family/domestic, juvenile, and traffic cases. While some information is available regarding juvenile offender cases, there is limited information regarding CINC cases.

⁵⁰ Some districts assign cases to a single judge, who will hear the case from the time of removal or filing a petition through permanency planning. For example, in Douglas and Shawnee counties (Districts 7 and 3, respectively), CINC cases are heard by a single judge. Conversely, in Butler and Sedgwick counties (Districts 13 and 18, respectively), dependency filings are assigned on a case-by-case basis and multiple judges may hear the same case over time. Judicial rotation in and out of juvenile court may vary as well, ranging from periods of one month to four years. There are different assignment practices that correspond to population density, as well. Judges in larger, urban areas may be assigned exclusively to juvenile caseloads and develop specialized expertise in dependency issues. Judges in rural districts typically hear a variety of cases and may be rotated more often than judges in urban districts. Thus, their exposure to and handling of dependency cases may be infrequent.

⁵¹ With respect to caseloads, CINC filings vary widely in rural and urban districts. District filings for the year ending June 2002 range from 35 filings in rural District 15 (encompassing a seven county area) to 552 petitions in urban District 2 (Wyandotte County).

- Utilization of court-appointed special advocates (CASA);
- Socio-economic characteristics of counties in each judicial district;
- Community resources for reintegration, foster care placement, adoption, and special needs (e.g., substance abuse treatment for parents, family preservation); and
- Barriers and facilitators to service provision and delivery (e.g., access to treatment services for indigent parents, securing adoptive resources, placement delays).

The process evaluation would reveal the degree of implementation of the court reform across the state, along with barriers and facilitating factors. In addition, contextual factors that may affect permanency outcomes would be identified (e.g., variations in CINC caseloads; differences in court structure, assignment, and practice; training and technical assistance received). Issues regarding quality of and access to court or child welfare data sources would be resolved. The process evaluation would also reveal barriers and facilitators to child welfare service delivery, as the timely receipt of services would influence permanency outcomes. Finally, the process evaluation would provide needed information regarding the characteristics of CINC cases and the needs of families in the communities served.

Methods used to collect information for the process evaluation would include: (1) a statewide assessment of court practices across judicial districts (either through telephone interviews with administrative court staff or a survey); (2) examination of records, documents, court and child welfare agency data; (3) a statewide survey of judges, District Attorneys, GALs, CASAs, SRS caseworkers and supervisors, contractor service providers, parents, kin, foster and adoptive parents; (4) structured interviews or focus groups with the stakeholders noted above on multiple topics; and (5) observations of dependency hearings.

2. Issues to Address Prior to Conducting an Outcome Evaluation

Notwithstanding the recommendation to conduct a process evaluation, there are other limitations to address prior to conducting an outcome evaluation. These limitations concern: (a) the quality of administrative data; and (b) stakeholder interest and support in an outcome evaluation. Were these limitations overcome, the evaluability assessment team is confident that a design and approach could be developed that would most successfully measure the outcomes of interest.

a. Quality of Administrative Data

Successful implementation of the outcome evaluation design will be dependent on the evaluators' ability to access data. As shown in Exhibit 3 and noted below, there is a wealth of case records and electronic data sources currently available from the court and the child welfare agency. There are strengths and limitations to consider, however, regarding each source. As learned during the evaluability assessment, administrative data on the variables of interest would be difficult to collect consistently across the state. Of equal concern, court data and child welfare data do not interface and cannot be cross-walked. These issues will have an effect on both the quality of the data and workload required to successfully conduct the evaluation. Available data and the limitations of each data source are presented below.

i. Court Data

There are multiple sources of data maintained by districts and the OJA. Court calendars, standardized court orders, and case files are available and archived at the District level. Annual CINC caseload statistics, reported by county and district, are available through the OJA.

The State is also in the process of rolling-out of a “Full-Court” management information system (MIS) which will provide comprehensive information on juvenile, probate, and criminal cases. Once fully-implemented, the MIS will capture key CINC-related actions and events such as date of removal, judicial determinations, permanency hearing dates, findings of review hearings, and permanency plans. In two years, the OJA expects the system to be fully-implemented statewide. Data will flow to the Office of Judicial Administration on a monthly basis and statistical reports will be available. However, the system will only house data from the point of implementation in each district and will not have historical case data, which is a major limitation for an outcome evaluation. When the system is fully-implemented, an evaluation team would also require access to historical case data from legacy systems.

ii. Child Welfare Agency Data

The Kansas Department of Social and Rehabilitative Services operates the Family and Child Tracking System (FACTS), a statewide information system that provides information on the status, location, placement goals, and demographic characteristics of every child who is or has been in foster care for the preceding 12 months. The system can also identify children who receive child protective, family support, and contracted family preservation services. With respect to the information needed to track permanency outcomes, the management information system captures the following elements of the dependency hearings:

- Date of removal, dates and types of hearings, jurisdiction; and
- Specifics regarding cases [e.g., case plan goal, services identified as part of the case plan goal (start and completion date, but not the date that the service was ordered)].⁵²

SRS also generates standard management reports that would be useful for evaluation purposes (e.g., information on length of stay, length of custody, length of time between removal and achieving permanency). This is particularly helpful as OJA does not (as yet) measure the length of time that elapses between a child’s removal from the home and when permanency is established.

However, there are certain limitations regarding the accessibility, quality, and utility of SRS data. First, as the data are housed in a relational database, multiple sources would need to

⁵² For example, the system indicates whether or not a child has had a Permanency Hearing but it does not track the date a Permanency Hearing is due. In calendar year 2000, permanency hearings were recorded for 1,147 children.

be consolidated and internal data elements matched.⁵³ The comparability of historical and current data may be uneven, as data entry in the past was acknowledged to be neither timely nor complete. This condition may hinder the analysis of key variables. A second drawback concerns the limited information that is transferred directly from the standardized court orders to SRS records.⁵⁴ Although there are seven codes used to denote “reasonable efforts” findings, detailed justifications related to these findings are not specified. Third, the data screens do not have a specific field to indicate sibling relationships, therefore cases would require matching across a sibling group. (Note that the standardized court orders may be used for multiple children). Fourth, unless the data are archived, it may be difficult to establish a history of goal changes for a unique child, as the system overrides previous goals. (Neither the construction of sibling relationships nor reconstruction of case goals is insurmountable, however, as there is a unique identifier for each child and a court case number).

In short, while SRS maintains valuable data, it would have to be woven together from multiple sources, matched to achieve internal consistency, and then paired with court data and/or records. Given the challenges posed by the relational database, it might be necessary to rely on a review of case records, which would be very time-consuming and may be hindered by a lack of standardization across regions.

b. Stakeholder Support

The state is committed to reforming judicial oversight and the documentation of dependency cases to meet federal and state permanency requirements. As learned during the evaluability assessment, the CIP reform effort is a work-in-progress. Judges emphasized that they seek ways to make the court work more efficiently and increase judges’ proficiency regarding dependency issues. They noted that throughout the implementation process, the courts have been receptive to change and the constructive criticism it often entails. The OJA continues to sponsor training and conduct assessments to determine where additional support is needed.

During the evaluability assessment, stakeholders indicated that they would be willing to support an evaluation that provides feedback to improve the system and standardize judicial practice. However, since they are still in the process of reforming the current system, conducting an outcome evaluation that compares previous practice is premature.

There are also legitimate stakeholder concerns to address with respect to a possible outcome evaluation design. A design that rests on making comparisons between judicial districts, for example, may inhibit their approach to working collaboratively with all districts to better standardize practice. It is important to remain sensitive to how an evaluation design may

⁵³ While acknowledged as a rich source of data, one of the drawbacks to the system is its fragmentation, according to the findings of the Child and Family Services Review conducted in August 2001 by the Department of Health and Human Services.

⁵⁴ The District Attorney’s office faxes the court orders to the eleven SRS area offices for data entry by support staff.

adversely impact stakeholders. In the attempt to develop a rigorous evaluation design, further discussion would be needed to address and alleviate such concerns.

Timing is another important matter to consider, which may hinder the proposed process evaluation. The OJA is currently implementing the Full Court MIS in judicial districts across the state and all available resources are devoted to that effort. In addition, given the frequency and intensity of the internal reviews undertaken by the OJA to gauge the level of compliance with the standardized court orders across the state, coupled with the pressure of passing the title IV-E audit, the courts are understandably a bit “evaluation-weary” at this time.

3. Possible Outcome Evaluation Design

As it is anticipated that the standardized court orders will be implemented statewide to serve all dependency cases, it is not possible to conduct an experimental evaluation where random assignment is utilized to examine differences in outcomes. Based on the information available to date, it may be possible, however, to assess program impacts by using a descriptive analytic design that tracks permanency outcomes before and after the implementation of the court reform. A pre- and post-implementation group design is presented as an approach that would examine permanency outcomes on key, select measures before and after the standardized court orders were implemented. The design would be informed by the findings of the proposed process evaluation.⁵⁵

The design would test the hypothesis that use of the standardized court orders will lead to expedited permanency and maintained safety for children in care due to: (1) increased knowledge, skills, and ability of judges regarding child abuse/neglect issues and legislative permanency requirements; (2) increased judicial queries pertaining to federal and state statutory requirements; (3) improved quality of documentation per state legislative requirements; (4) improved judicial monitoring and oversight of dependency cases; and (5) increased compliance with state permanency timeframes. The proposed design is briefly discussed below.

a. Pre- and Post-Implementation Group Design

The standardized court orders represent one element of state and federal permanency-related reform, as implemented in the state of Kansas. Therefore, an outcome evaluation would examine permanency outcomes within the context of pre- and post-state and federal legislative reform. One approach is to conduct a study using a pre- and post-implementation group design that would examine the outcomes of new dependency cases filed following the implementation of the court orders (i.e., the “post-implementation” group) with the outcomes of cases filed prior to the implementation of the standardized court orders (i.e., the “pre-implementation” group). This analysis would specifically measure the intermediate and long-term outcome for two cohorts of dependency filings and attempt to link differences in outcomes to utilization of the standardized court orders, with its attendant focus on child specific and explicit findings and adherence to mandated federal and state timeframes.

⁵⁵ The approach would be impacted by the limitations noted above as data quality and accessibility would affect the time-series design.

The two cohorts would reflect the periods of pre- and post-legislative reform, which correspond to the periods of pre-post implementation of the CIP reform (i.e., the standardized court orders). During the period of “pre-CIP reform,” the state enacted ASFA-related legislation (in July 1998) that only went into effect in March 2000. The period of “post-CIP reform” begins in October 2000, when all districts were directed by the state (through Administrative Order 155) to begin using the standardized court orders.

Using the October 2000 date as the start of the “post-CIP reform” period, the post-implementation group would be comprised of new dependency filings that entered the system from October 2000 – September 2001. For consistency, the pre-implementation group would be drawn from cases that entered the system from October 1997 – September 1998, thus pre-dating CIP reform efforts. Guided by the assumption that a dependency case may require up to two years to achieve permanency, all cases would be tracked for two years. Exhibit 4 summarizes the viable parameters for the post-implementation and pre-implementation groups in this research design.

Exhibit 4 Research Design Parameters

Criteria	Post-implementation Group	Pre-Implementation Group
Type of Case	New Dependency Filings	New Dependency Filings
Time Frame	October 2000 – 2001	October 1997 - 1998
Case Tracking Period	Two Years	Two Years

The number of new dependency filings would have to be established for each time period in order to determine the appropriate sampling parameters. For example, in the fiscal year ending June 2002, 5,412 petitions had been filed throughout the state, ranging from a low of 35 filings in rural District 15 (encompassing a seven-county area) to a high of 552 petitions in urban District 2 (Wyandotte County). To appreciate these differences, see Appendix C for a summary of new filings across Districts for years ending July 2001 and June 2002. Comparable data for the pre-implementation group are not currently available.

Stakeholders asserted that use of standardized court orders clearly benefits judges with less-frequent exposure to CINC cases, resulting in more informed handling of these cases now than in the past. One sampling approach suggested by stakeholders would be to examine the outcomes of dependency cases in rural districts where judges or magistrates may hear relatively few CINC cases and do not specialize in dependency/neglect issues, as is common in larger, urban districts. Findings would enable the OJA to provide technical assistance and training where needed, thus improving and building upon the CIP reform.

The goal of the pre-post reform analysis is to examine permanency outcomes of cases that were not subject to the standardized court orders (i.e., pre-implementation of the reform) compared to outcomes for cases that were subject to the reform (i.e., post-implementation). As previously noted, this evaluation would be limited due to its retrospective design and its comparative analysis of administrative data. However, the proposed pre-post design is likely to

yield the most rigorous information about the effect of the standardized court orders on permanency outcomes.

b. Outcome Measures

Exhibit 5 provides a description of the specific measures and sources of data, linked to each initial and intermediate outcome described in the logic model (presented in Exhibit 3 above).

Exhibit 5 Outcomes, Measures, and Data

Outcome	Measures	Data Source
Output		
Signed, fully-documented, and disseminated court order that provides “child-specific and explicit findings”	<p>Number of judges, court staff, attorneys, GALs trained in use of standardized forms and ASFA requirements.</p> <p>Assessment of quantity and quality of technical assistance received</p> <p>Efficacy of training</p>	<p>OJA archival data.</p> <p>Survey of judges, court staff, attorneys, and GALs.</p> <p>Document review.</p>
Initial Outcomes		
Increased knowledge, skills, and ability of judges re child abuse/neglect issues and legislative permanency requirement (i.e., timeframes)	Assessment of KSAs	Self-assessment survey administered to judges and/or structured interviews for post-implementation group only (historical data will not be available).
Increased judicial queries pertaining to federal and state statutory requirements.	<p>Number and percent of court orders that have a permanency plan as part of the dispositional record (per K.S.A. 38-1565).</p> <p>Number and percent of records that have a permanency plan for reintegration submitted to the court not later than 30 days after the dispositional order (per K.S.A. 38-1565).</p> <p>Number and percent of cases that have a written record of progress at least every 6 months reporting progress made toward the plan (per K.S.A. 38-1565).</p> <p>Number and percent of cases that have a written plan for placement 60 days after parental rights have been terminated (per K.S.A. 38-1584).</p>	Review of court orders.

Outcome	Measures	Data Source
Improved quality of documentation per state legislative requirements	<p>Number and percent of CINC cases that reiterate the language of the statute.</p> <p>Number and percent of CINC cases that provide justification re the following findings: reasonable efforts made to return the child home; reasonable efforts made to accomplish permanency goal; no reasonable efforts made; or not making reasonable efforts is reasonable.</p> <p>Number and percent of cases that include a target date for reintegration.</p> <p>Number and percent of cases noting date child(ren) returned home.</p>	Comparative content analysis of court orders.
Improved judicial monitoring and oversight of dependency cases.	<p>Number and percent of judges using the court orders as required at the following hearings (post October 2000): <i>Ex parte</i> (CINC form); temporary custody hearing (CINC form); all permanency hearings (PH form); and post-TPR hearings (PH form)</p> <p>Number and percent of judges using the court orders (at their discretion) for other hearings (post October 2000): Protective custody; adjudication; and <i>ad hoc</i> hearings.</p> <p>Reduction in the number of continuances due to service delivery delays.</p> <p>Number and type of services identified and court-ordered.</p> <p>Length of time between identification of service(s) needed,</p>	<p>Review of court orders interviews for post-implementation group only (historical data will not be available).</p> <p>Observations of court proceedings for post-implementation group only (historical data will not be available).</p> <p>Court MIS.</p> <p>Comparative content analysis of court orders.</p> <p>SRS MIS and case files.</p>

Outcome	Measures	Data Source
	<p>service(s) provided, and next steps addressed.</p> <p>Frequency of CINCS case review pre-and post-implementation.</p> <p>Number and percent of CINC cases that achieve permanency goals.</p> <p>Assessment of changes in courtroom practices and behaviors of all parties regarding treatment of CINC case.</p>	<p>Survey administered to judges, DAs, attorneys, GALs, SRS caseworkers and supervisors, parents and kin, CASAs for post-implementation group only. (historical data will not be available).</p>
Intermediate Outcome		
<p>Increased compliance with state permanency timeframes.</p>	<p>Number and percent of permanency hearings held before 12 months/at 12 months/later than 12 months after petition filed pre-and post-implementation.</p> <p>Number of placements and types by dates per child</p>	<p>Court MIS or court orders.</p> <p>SRS MIS and case files.</p>
Long-Term Outcomes		
<p>Reduced time to achieving reintegration.</p>	<p>Number and proportion of cases that achieve reintegration.</p> <p>Length of time between date of emergency hearing or petition filed and return home for child(ren).</p> <p>Number and proportion of children that re-enter foster care.</p>	<p>Court MIS or court orders.</p> <p>SRS MIS.</p>
<p>Reduced time to achieving adoption</p>	<p>Number and proportion of cases that achieve adoption.</p> <p>Length of time between date of initial petition for this episode in custody and case closure.</p> <p>Length of time between date of termination of parental rights and adoption is achieved.</p>	<p>Court MIS or court orders.</p> <p>SRS MIS.</p>
<p>Reduced time to achieving permanent guardianship</p>	<p>Number and proportion of cases that achieve permanent guardianship; number and proportion of children that re-enter foster care.</p>	<p>Court MIS or court orders.</p> <p>SRS MIS</p>

Outcome	Measures	Data Source
	Length of time between date of initial petition for this episode in custody and case closure.	
Reduced time to achieving kinship care.	<p>Number and proportion of cases that achieve kinship care.</p> <p>Length of time between date of initial petition for this episode in custody and case closure.</p> <p>Number and proportion of children that re-enter foster care.</p>	<p>Court MIS or court orders.</p> <p>SRS MIS.</p>
Reduced time to achieving another planned permanent living arrangement.	<p>Number and proportion of cases that achieve another planned permanent living arrangement.</p> <p>Length of time between date of initial petition for this episode in custody and case closure.</p> <p>Number and proportion of children that re-enter foster care.</p>	<p>Court MIS or court orders.</p> <p>SRS MIS.</p>
Child safety maintained.	<p>Number of allegations of abuse and neglect.</p> <p>Number of substantiated allegations of abuse and neglect.</p>	<p>Court MIS or court orders.</p> <p>SRS MIS.</p>

c. Research Design Limitations

In the absence of more rigorous experimental designs, such as those involving random assignment, other factors affecting the primary long-term outcome of interest (expedited permanency) must be taken into account. Careful consideration should be given to factors that may account for differences in outcomes, such as moderating variables (e.g., enhanced or diminished services), rival influences (e.g., judicial motivation), and threats to validity (e.g., maturation).⁵⁶ Also, in order to eliminate potential bias in the sample, judges who served on the Kansas Supreme Court Task Force on Permanency Planning should be excluded from the sample. These judges were instrumental in the design and implementation of the standardized court orders. Given their expertise in dependency issues and their leadership during the reform effort, they represent “best practice” in the state.

D. Outstanding Issues to be Resolved

Other than ensuring stakeholder support, there are no methodological or design issues that inhibit conducting a process evaluation. With respect to conducting a possible outcome evaluation, general concerns regarding data quality and stakeholder support were noted in Section II. However, to further conceptualize a feasible outcome evaluation design at this stage, the following information would be needed:

- Number of new dependency filings for 1997-2002 (disaggregated by year, district, and county);
- Names of courts/districts that have and have not implemented the courts orders; and
- An assessment of which districts have similar characteristics that would allow for comparable analysis (e.g., similar caseloads, geography, populations, economic status, court system, etc.).

E. Summary and Conclusion

Based on the information gathered during the evaluability assessment, the study team recommends conducting a qualitative process evaluation to determine how the standardized court orders have been implemented across judicial districts in the state of Kansas. Exhibit 6 presents the criteria utilized to determine the feasibility of evaluating the reform in a rigorous manner. The evaluability assessment revealed that an outcome evaluation of the standardized court orders is not feasible at this time. There are valuable lessons to be learned from the state’s ongoing attempts to make policies and protocols concerning court documentation. Results from the process evaluation would then inform the design of an outcome evaluation to measure the effect of the standardized court orders on permanency outcomes. Prior to conducting a possible outcome evaluation, it would be necessary to resolve issues that inhibit conducting a rigorous evaluation (notably data quality and stakeholder support).

⁵⁶ Regarding delivery of enhanced services, the SRS funded a program to provide legal services to children whose CINC case was not making appropriate progress through the legal system. This program was known as “Permanency in Child Time” and terminated on December 31, 2001.

Exhibit 6
Evaluation Feasibility of Kansas' Standardized Court Orders

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	Yes. Refer to logic model presented in Exhibit 2.
Is the intervention consistently implemented as designed?	This needs to be determined. Based on the April 2002 internal review conducted by OJA, 90 percent of judges statewide are implementing the court orders as intended. Addressing this concern would require further discussion and release of proprietary information from OJA.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. The Supreme Court of Kansas mandated use of the standardized forms effective October 2000, per Administrative Order No. 155.
Are needed data available, accessible and accurate?	Yes, with limitations. Hard copies of the standardized court orders are filed/archived in each judicial district. However, there are concerns with the quality of court MIS data. Both electronic and hard copy case data are available from the child welfare agency. Data from OJA and SRS would have to be matched.
Can administrative data be cross-walked between child welfare agencies and the courts?	No. The child welfare agency and court data systems do not interface. There are advantages and limitations with the type and quality of data for each system, as indicated.
Is there cooperation and support for evaluation?	Evaluation is not recommended at this time, given the fact that implementation is ongoing and state interest is limited. Should the current situation change, a process evaluation is recommended at the outset in order to determine implementation progress and fidelity to the model, as well as to establish the range of variables that affect CINC cases. Conducting a process evaluation and an eventual outcome evaluation would require further discussion with the OJA to determine stakeholder interest and support. According to the OJA, there are two significant constraints on conducting a process evaluation in the near future. First, the courts are currently implementing the Full Court MIS and all attention and resources are devoted to that effort (and will be for the next 1 ½ years). Second, the state has an \$850 million budget deficit that may affect OJA staffing and resource allocation. State budget issues will not be resolved until April 2003. Given these constraints, further discussion with stakeholders will be needed to determine if it is feasible to conduct the process evaluation.
Have there been any previous evaluations or are any planned or underway?	Yes, if one considers the internal audits conducted by OJA to determine judicial compliance with federal ASFA requirements. However, these reviews have not examined child-specific outcomes, as the proposed evaluation would.
What type of evaluation design would be feasible?	As noted earlier, an evaluation is not recommended at this time given the fact that implementation is ongoing and there is limited state interest. Should this situation change, a process evaluation is recommended in order to determine fidelity to the model and determine the range of variables that affect CINC cases, such that

Criteria	Response
	<p>an outcome evaluation measuring the effect of the standardized court orders on permanency outcomes could be designed. Following a process evaluation, a descriptive analytic design that would examine the process of reform and the application of the intervention is proposed for a possible outcome evaluation. This would involve a pre- and post-implementation group design that would examine permanency outcomes on key, select measures before and after the standardized forms were implemented.</p>

Appendix A

Evaluability Assessment Interview Participants

Name	Title
Office of Judicial Administration, Supreme Court of Kansas	
Mark Gleeson	Family and Children Program Coordinator
Dawn Spencer	Court Improvement Specialist
Judges	
Jean F. Shephard	7 th Judicial District, Douglas County; Chair, Kansas Supreme Court Task Force on Permanency Planning (Task Force) ⁵⁷
Michael Grosko	29 th Judicial District, Wyandotte County; Task Force Member
Daniel L. Mitchell	3 rd Judicial District, Shawnee County; Task Force Member
Thomas Saxton	District Magistrate Judge of the 31 st Judicial District, Allen County; Task Force Member
Thomas H. Graber	30 th Judicial District, Sumner County
Kansas Department of Social and Rehabilitative Services (SRS)	
Roberta Sue McKenna	Director of the Child and Family Policy Division
Marci Zeemer	Social Worker
Beth Powers	Social Worker Supervisor
Tanya Keys	MIS Administrator
Kelly Hogan	<i>Guardian Ad Litem</i> and parent attorney

⁵⁷ The Supreme Court Task Force on Permanency Planning includes representatives from appellate and district courts, the Department of Social and Rehabilitative Services, prosecutors, public defenders, attorneys representing parents, court-appointed special advocates, Citizen Review Board Representatives, court services officers, and *guardian ad litem*s. The Task Force meets once a month (excluding July and August).

Appendix B

A Synopsis of Kansas' Standardized Court Forms

Bold = Hearings at which use of the court orders are required

Form and Purpose(s)	Type of Hearing and State/Federal Timeframe	Required Findings
<p>Order of Custody for Child in Need of Care (CINC)</p> <p>Order of:</p> <ul style="list-style-type: none"> ▪ Protective Custody ▪ Temporary Custody 	<ul style="list-style-type: none"> ▪ <i>Ex parte</i> (within 72 hours from point of removal from home); ▪ Temporary custody order hearing (within 60 days); ▪ Adjudication hearing (within 60 days of filing the <i>ex parte</i> or temporary custody order); ▪ Disposition hearing (no specific timeframe requirement between the adjudication and disposition hearings); and ▪ Administrative (review) hearings [within six months of a child's removal and every six months thereafter]. 	<p>Findings (from CINC short form):</p> <ol style="list-style-type: none"> 1. Reasonable efforts have been/have not been made; 2. Remaining in the home or returning home would be contrary to the welfare of the child and/or immediate placement is in the best interest of the child; 3. The child should be/should continue to be placed in the custody of: SRS or _____. <p>Assignment of date/time for next hearing</p> <p>The long form contains all of the features noted above. It may be used for multiple children and provides space to document reasonable efforts findings and to identify the determining factors that are "contrary to the welfare" of each child. The long form also allows for identification of parties and for court orders.</p>
<p>Permanency Hearing Order for CINC</p> <ul style="list-style-type: none"> ▪ To establish a permanency plan; or ▪ For review of the plan for permanency, progress being made towards the goals of the plan and the viability of those goals. 	<p>Permanency Hearing (12 months from date of removal from home)</p> <p>Courts will continue holding permanency hearings every 12 months until the child is in a permanent placement.</p>	<p>A. Identification of all parties [i.e., petitioner (County/District Attorney or SRS Attorney), child(ren), GAL(s); mother; mother's attorney; putative father; father's attorney; other interested parties; others in attendance; SRS representative].</p> <p>B. Findings:</p> <ol style="list-style-type: none"> 1. Approval/disapproval of permanency plan and whether or not progress to achieve goals is adequate; 2. Reasonable efforts have been made to accomplish the permanency goal (i.e., reintegration, adoption, permanent guardianship, kinship placement, other planned permanent living arrangement); 3. Whether or not continued out-of-home placement is necessary; 4. Whether or not child's needs are being met; 5. Whether or not out-of-state placement should be continued;

Form and Purpose(s)	Type of Hearing and State/Federal Timeframe	Required Findings
		<p>6. Whether or not reintegration is a viable alternative and designation of status;</p> <p>7. Whether the previous orders of the court shall continue, are modified; or rescinded; and</p> <p>8. Additional findings, as needed.</p> <p>C. Assignment of date/time for next hearing</p>
<p>Post-Termination Hearing Order for CINC</p> <ul style="list-style-type: none"> ▪ To establish a permanency plan; or ▪ For review of the plan for permanency, progress being made towards the goals of the plan and the viability of those goals. 	<p><i>Post-TPR hearing</i></p>	<p>A. Identification of parties (i.e., petitioner, child(ren), GAL(s), other interested parties, others in attendance, SRS representative.</p> <p>B. Findings:</p> <ol style="list-style-type: none"> 1. Date of Termination/Relinquishment of Parental Rights; 2. Approval/disapproval of permanency plan and whether or not progress to achieve goals is adequate; 3. Reasonable efforts have been made to accomplish the permanency goal (i.e., reintegration, adoption, permanent guardianship, kinship placement, other planned permanent living arrangement); 4. Whether or not continued out-of-home placement is necessary; 5. Whether or not child's needs are being met; 6. Whether or not out-of-state placement should be continued; 7. Whether the previous orders of the court shall continue, are modified; or rescinded; and 8. Additional findings, as needed. <p>C. Assignment of date/time for next hearing</p>

Appendix C
Kansas Code for Care of Children, Filings by District

District	Year Ending		III. County or Counties within District
	June 2001	June 2002	IV.
1	302	218	Atchison and Leavenworth
2	118	66	Jackson, Jefferson, Pottawatomie, and Wabaunsee
3	804	337	Shawnee
4	117	98	Anderson, Coffey, Franklin, and Osage
5	86	72	Chase and Lyon
6	145	115	Bourbon, Linn, and Miami
7	127	43	Douglas
8	236	190	Dickinson, Geary, Marion, and Morris
9	161	134	Harvey and McPherson
10	515	607	Johnson
11	290	427	Cherokee, Crawford, and Labette
12	58	67	Cloud, Jewell, Lincoln, Mitchell, Republic, and Washington
13	140	156	Butler, Elk, and Greenwood
14	50	56	Chautauqua and Montgomery
15	45	35	Cheyenne, Logan, Rawlins, Sheridan, Sherman, Thomas, and Wallace
16	101	92	Clark, Comanche, Ford, Gray, Kiowa, and Meade
17	31	24	Decatur, Graham, Norton, Osborne, Phillips, and Smith
18	746	514	Sedgwick
19	114	65	Cowley
20	257	235	Barton, Ellsworth, Rice, Russell, and Stafford
21	107	61	Clay and Riley
22	82	59	Brown, Doniphan, Marshall, and Nemaha
23	67	66	Ellis, Gove, Rooks, and Trego
24	59	41	Edwards, Hodgeman, Lane, Ness, Pawnee, and Rush
25	81	128	Finney, Greeley, Hamilton, Kearny, Scott, and Wichita
26	197	168	Grant, Haskell, Morton, Seward, Stanton, and Stevens
27	307	302	Reno
28	272	225	Ottawa and Saline
29	667	552	Wyandotte
30	137	77	Barber, Harper, Kingman, Pratt, and Sumner
31	156	182	Allen, Neosho, Wilson, and Woodson
Total	6,575	5,412	

Source: The Office of Judicial Administration

Michigan Permanency Planning Mediation Program (PPMP) as Implemented in Wayne County Evaluability Assessment Site Visit Report

In April 1995, Michigan was awarded \$131,013 in federal court improvement program (CIP) funds to assess the handling of dependency cases within the state's judicial system. The original CIP assessment was conducted by the American Bar Association's Center on Children and the Law (with some activities subcontracted to the National Center for State Courts) and completed in 1997. By FY 2001, the state was receiving approximately \$300,000 annually in CIP funds.

The State Court Administrative Office (SCOA) administers Michigan's CIP initiatives. An Advisory Committee makes recommendations to the SCAO about the implementation of CIP funded projects. Michigan has targeted most of its CIP funds on the following initiatives:

- The Permanency Planning Mediation Program (PPMP)- the focus of this evaluability assessment;
- A Benchbook for judges and referees;
- An Absent Parent Protocol; and
- Ongoing Multi-disciplinary training on family related law.

Among the 57 recommendations in the state's CIP assessment were three related to establishing alternative dispute resolution services for dependency cases. In response, in 1998, Michigan began piloting its PPMP in six sites. Today there are nine active sites. More recently, Spaulding for Children, in cooperation with the state's Court Improvement Office, was awarded a grant from the Dave Thomas Foundation to replicate the state model in Wayne County (Detroit).⁵⁸ Project implementation began in January 2003.

Members of the Wayne County PPMP planning committee requested that the new site have a rigorous evaluation plan attached to the service model. As part of the federally funded CIP evaluability assessment, members of the JBA study team met with planning committee members to design a research methodology for Wayne County that involves the random assignment of eligible cases to the intervention. As explained in this summary, the large number of cases eligible for PPMP and the limited capacity of the program at start-up to serve all eligible cases create a unique opportunity for implementing random assignment at this site. The limited program capacity reduces the perception that random assignment involves a denial of services.

The summary provided below is based on a site visit conducted in June 2002 and a review of documents provided by the state. The study team spent a day in Detroit meeting with members of the Wayne County PPMP planning committee comprised of those that will be administering and overseeing the program. This included representatives from Spaulding for Children, the State Court Administrative Office, Wayne County's child welfare agency and the PPMP Coordinator from a neighboring jurisdiction with a well-established mediation program.

⁵⁸ The site received notification of grant award two months after the JBA site visit to conduct the evaluability assessment.

The study team also spent two days in Charlevoix County - one of the oldest and most successful PPMP sites in the state. A full list of interview participants is included in Appendix A.

The report is presented in five sections. Section A presents an overview of Michigan's PPMP. Section B presents a detailed logic model for the evaluation. This model defines the inputs and immediate outputs from mediation, along with immediate outcomes, intermediate outcomes and the long-range outcome or result. Section C presents the recommended evaluation approach, including research design parameters, sub-population analyses, sample size, outcome measures, and research design limitations. Section D identifies pending issues to clarify before proceeding with the evaluation. Section E concludes with an assessment of the feasibility of a full scale rigorous evaluation of this site, including strengths, weaknesses, and the willingness of key stakeholders to participate in the evaluation.

A. Michigan's PPMP: Implementation History and Context

Michigan began piloting its Permanency Planning Mediation Program (PPMP) in 1998 and currently has nine active sites in a variety of urban and rural settings. The program model is based on research conducted on existing mediation projects in Santa Clara, California, Connecticut, Florida and Oregon. While the PPMP service model was influenced by each of these programs through telephone and on-site technical assistance and training, Michigan's reliance on trained-but voluntary-mediators sets it apart from most other dependency mediation programs.

Prior to the Wayne County program, all PPMP sites were entirely funded by CIP funds. Each of these sites is supported by an annual grant of approximately \$15,000 that funds a part-time PPMP Coordinator and service administrative costs. To date, all PPMP programs have been based in Community Dispute Resolution Program centers⁵⁹ that already have a number of trained, volunteer mediators at their disposal. Each PPMP Coordinator is responsible for:

- Organizing a local steering committee of stakeholders to implement the model and provide ongoing oversight;
- Organizing and delivering presentations about the project to judges, other court staff, child welfare agency workers and supervisors, and private agency workers;
- Conducting intake of PPMP cases and coordinating all aspects of arranging the mediation sessions;
- Screening cases for domestic violence and when necessary, discussing safety and other issues raised by the screening with mediators;
- Supervising PPMP mediators by regularly observing mediation sessions, providing feedback and delivering ongoing training;
- Preparing materials for PPMP (e.g. forms and protocols);
- Attending statewide PPMP training and meetings; and
- Writing reports and compiling statistics for the state including numbers served, outcome of mediation and case status at follow-up.

⁵⁹ Michigan has funded the Community Dispute Resolution Program (CDRP) that serves all of the state's 83 counties since 1988. The Program is funded by civil court filing fees and offers mediation in a variety of areas including landlord/tenant and small claims disputes, equal opportunity employment conflicts, among others.

Exhibit 1

Michigan's Dependency Hearings

- **Preliminary Hearing:** Must be conducted within 24 hours of removal to determine if there is probable cause of abuse or neglect. Counsel is appointed for children and parents and a date for a pre-trial or an adjudicatory hearing is set.
- **Pre-Trial Hearing:** Usually takes place 7-10 days after the preliminary hearing. The hearing is held to address motions before the court, and to determine if a plea can be arranged. If trial cannot be avoided, establish what is "discoverable" by both sides and set trial date.
- **Adjudicatory Hearing:** Must take place no later than 63 days after placement or 6 months if the child is not placed, to determine whether grounds exist to bring the child under the jurisdiction of the court.
- **Initial Disposition Hearing:** Must take place 35 days after the adjudicatory hearing to determine case direction. The social worker presents the service plan and the court orders what the parents, agency and others must do. Generally, this hearing sets forth the conditions for reunification.
- **Review Hearings:** Must be conducted every 91 days to determine progress of all parties to achieving the goals set forth in the permanency plan and to deal with issues of dispute.
- **Permanency Planning Hearing:** Must be conducted within 12 months of filing the initial petition. The permanency plan should be finalized at this hearing but sometimes parents are given additional time to address items in their service plan.
- **Termination of Parental Rights (TPR) Hearing:** TPR is begun within 42 days after agency decision that reunification should not take place. The court must decide whether TPR is in the best interest of the child. Unless there is a stipulation with contents, a new evidentiary hearing is held, with different legal criteria. May be same or different judge.

1. Referral Process

In Michigan, while any party to the case can request mediation services, in practice, nearly all mediation is undertaken through the initiative of the judge and is then court-ordered. Exhibit 1 provides a description of Michigan's dependency court hearings - referred to locally as child protective proceedings. Both judges and referees (judicially appointed attorneys) hear dependency cases. The range of hearings heard by referees varies from county to county. Cases can be referred for mediation at any stage in the judicial process from pre-adjudication through post termination of parental rights; however, in FY 2000, 60 percent of referrals took place early in the court process, prior to the adjudication/disposition trial. The most common issues mediated involve: child placement decisions, service plans, visitation, petition wording or transition plans. At the time of referral, judges (or referees) list the issues to be mediated on the mediation referral form, although other issues can be added during the mediation session.

Once referred, cases are screened for disabling mental health issues or incapacitating substance abuse which would prevent the parent from participating in mediation. These cases are not accepted to mediation. In addition, domestic violence cases are carefully screened for appropriateness. The major concern voiced by state program officials is that each parent feels safe enough to participate openly in the discussion without intimidation from the other because successful mediation cannot occur when intimidation is present. Statewide, it is estimated that less than five percent of cases are deemed ineligible for mediation after referral primarily for these reasons. To date, the program has completed mediation for over 300 cases, with approximately 100 cases being mediated each year.

2. Service Model

Michigan has a standardized mediation service model that has been refined over time in multiple judicial districts. Due to lessons learned from the pilot sites, the state developed a program manual that provides a detailed list of program and systemic supports that should be in place to help ensure program success. Examples of key features include: judicial support, use of PPMP Coordinators experienced in child welfare as well as mediation, standardized referral and scheduling procedures, and the development of "fact patterns" used to identify appropriate cases for referral.

The list of fact patterns was created with the help of focus groups of agency caseworkers and judges to identify the case characteristics of families they felt had most benefited from permanency mediation services in the past. From this effort, lists of examples were developed and circulated. Examples of pre-adjudication cases that benefited from the intervention include "very angry parents who cannot get past the fact the kids were placed" (i.e. parents resistant to child welfare agency case plan mandates), and "children placed with relatives who have a conflicting relationship with parents." Examples of fact patterns provided for post-adjudication cases include "conflict with foster parents (between them and worker and/or parent)" and "worker frustration with the parents' attitude."

Teams of volunteer mediators facilitate the mediation. All mediators are trained in facilitating multi-party mediation. PPMP training for new mediators has expanded from one-and-a-half days to two-and-a-half days of training. PPMP mediators are required to complete several state training protocols:

- A 40-hour Center for Dispute Resolution Program (CDRP) training in general mediation techniques;
- A 10-hour supervised CDRP mediation internship (i.e., assisting with mediation sessions);
- 25 hours of mediation experience beyond the 10 hour internship;
- PPMP Mediation training delivered by State Court Administrative Office (SCAO) on issues specific to child welfare policy and practice and court proceedings; and
- Annual PPMP in-service training organized by the local PPMP center.

All parties to the case and other individuals requested by the family are invited to attend the mediation sessions. Typically, participants include: parents, attorneys for parents, guardians

ad litem (GALs),⁶⁰ child welfare workers, and the agency attorney. Other participants can include: children (if deemed old enough and/or mature enough to participate in the discussion), other relatives, foster parents, other service providers, Court Appointed Special Advocate (CASA) representatives and other support persons. In Michigan, mediation is generally completed in one session.

PPMP mediators have been trained in what they describe as the "BADGER" model of facilitating sessions (Beginning session, Accumulating information, Developing an agenda, Generating movement, Entering caucus, and Resolution). The facilitator begins the session by describing the ground rules (e.g. statements made during the session are confidential and cannot be used in court). The mediator also presents the purpose and goals of the mediation. All parties introduce themselves and discuss the issues they want to resolve. Once introductions are complete, a formal agenda is prepared and parties work to reach consensus on the designated topics.⁶¹ Small groups (most typically parents and their attorneys) may leave the table to caucus about specific issues. If consensus is reached on a specific issue, the mediator drafts an agreement that specifies who is responsible for what activity and the timeframe to complete the activity, when relevant. In cases when agreement cannot be reached on any of the topics, the mediator checks a box to that effect on the mediation report. In either case, the mediation report is given to the judge (or referee) to be reviewed at the following hearing. Generally agreement on a contested issue (or set of issues) can avoid the necessity for trial.

Sixty days after the mediation is complete, the PPMP Coordinator follows up on the case (either by calling the child welfare worker or by attending the next hearing) to determine if both parents and agency worker complied with the agreements.

3. Expansion of PPMP into Wayne County

Due to the project's acceptance and success in other parts of the state, Michigan is working to expand the program to Wayne County (Detroit) where half of the state's foster care children reside - approximately 5,000 children. Wayne County receives approximately 3,000 new dependency petitions each year. In Wayne County, referees hear most dependency cases and make determinations that a judge reviews before they becomes a court order. Only rarely (generally only in cases in which there is a specific request for judicial review) do judges preside over dependency cases. Due to the large eligible target population in Wayne County, CIP funds alone cannot support the entire initiative. In August 2002, Spaulding for Children was awarded an annual, \$50,000 renewable grant from the Dave Thomas Foundation and a \$20,000 matching grant from the State Court Improvement Program to create the Wayne program. Project funds will support a full time PPMP Coordinator, and a full time support staff person. A pool of at least 20 volunteer mediators will be recruited and trained for the initiative.

Project planners in Wayne will implement the state model. However, unlike other projects that are housed in a Community Dispute Resolution Program (CDRP), Wayne County's

⁶⁰ In Michigan, attorneys for all parties are required to attend the mediation and parent and child attorneys are paid for their time to attend.

⁶¹ At the Charlevoix site, it appeared that the child welfare workers set the agenda and other parties provide their input in terms of agreement and disagreement.

PPMP will be administered by Spaulding for Children with technical assistance and training provided by the Wayne and Washtenaw Counties' CDRPs. Spaulding for Children is considered to be a well-established private child welfare agency that offers foster care and adoption services and training in Michigan and across the county. Given Spaulding's history in the target community, state officials feel that the organization is uniquely qualified to deliver services and has the administrative infrastructure to hire project staff and coordinate project activities quickly and effectively. The organization has an annual operating budget of \$6 million.

While there are six referees in Wayne County that preside over dependency cases, the Wayne County project plans to phase in its mediation services and will train and work through two, hand-picked referees for all referrals. Currently, each referee is assigned 8-10 new cases a week. Thus even with only two referees involved with phase-in, there will be a pool of approximately 900 cases annually from which referees can select eligible cases.⁶² The proposed service model is designed to mediate up to 100 cases annually. Using the same screening policy described above, once a petition has been filed with the court, cases will be referred to mediation at any stage in the dependency process.

Members of the Wayne County mediation planning committee familiar with characteristics of families in Detroit's child welfare system expect that there will be a considerably higher proportion of cases screened out once referred to the service, relative to other sites across the state. While it is estimated that other sites typically screen out fewer than 5 percent of their referrals, the committee expects that between 10 to 30 percent of referrals will be considered ineligible due to: (1) incapacitating mental illness; (2) substance abuse; or (3) cases of domestic violence where safety and intimidation issues cannot be overcome.

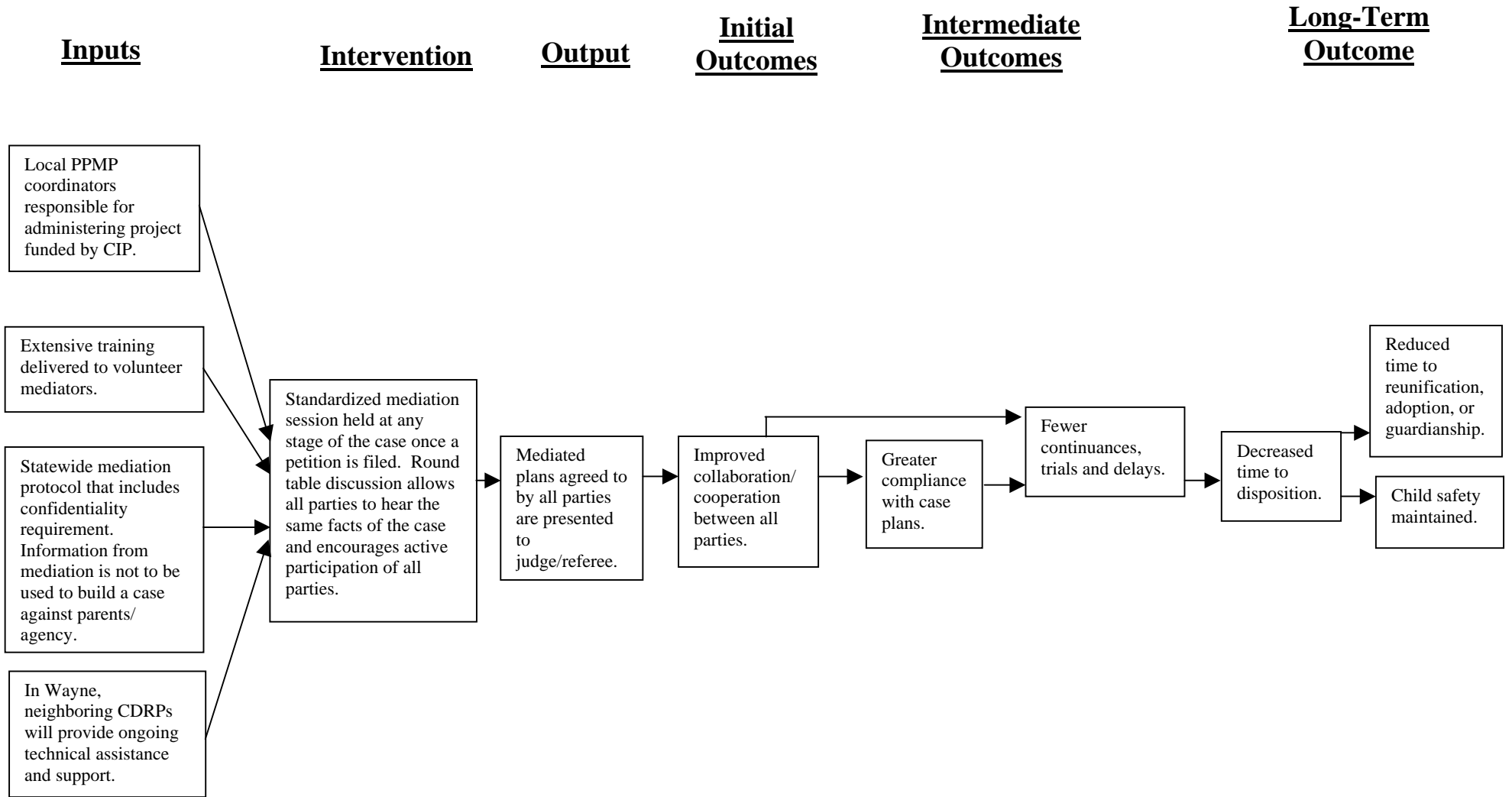
B. The PPMP Logic Model

As described more fully in Section III below, members of the Wayne County PPMP planning committee have agreed to utilize a random assignment methodology to compare the outcomes of those receiving mediation to those in a control group.⁶³ All outcome measures will be collected on both the treatment and control groups to assess differences in the populations.

⁶² 900 is the product of 2 referees accepting 9 new cases a week for 50 weeks a year.

⁶³ Although the two referees identified to participate in the pilot project were not present at the on-site meetings, the program director and other administrators were confident that the referees would agree to participate in a randomized experiment because they would be particularly receptive to undertaking new initiatives and because the target population is far larger than the potential number of mediation slots.

Exhibit 2 Permanency Planning Mediation Program Logic Model



With regard to the long-term outcomes of child safety, permanency and well-being, there was broad consensus that the central benefit of mediation was its role to expedite permanency, that is, move the case through the judicial system more quickly due to an agreed upon solution to obstacles in the case. Differences between the treatment and control groups are primarily expected to result from earlier consensus about the issues of the case and how to address them as well as fewer contested hearings. Additionally, timely permanency is achieved through the forum created by the mediation session. Participants report it provides an opportunity for all involved with the case to gain a better understanding of the primary issues. The convening of all stakeholders is viewed as a very "efficient" method of communication because all in attendance hear identical information. Finally, everyone in attendance is actively encouraged to participate, allowing all parties to "buy-into" the agreed upon plan and proceed with the necessary steps to achieve permanency.

The mediation logic model (as seen in Exhibit 2) links the intervention and its inputs to an "output" or product of the intervention. In this case the output is a mediated agreement. The model then links the output to initial and intermediate outcomes and finally to the long-term outcome of permanency noted by stakeholders. For evaluation purposes, Exhibit 3 links each short and long term outcome to specific measures and provides data sources for each measure.

Stakeholders identified a number of initial and intermediate outcomes that can be impacted by mediation and can be expected to lead to a shortened length of time to permanency. For instance, families that successfully complete mediation are expected to report better working relations with their child welfare worker and will demonstrate better compliance with their case plans. In addition, it is expected that child welfare workers will report that families are more cooperative with the ongoing case planning process than are families that did not participate in mediation. This is because mediation offers families a roundtable, open forum to present and discuss their side of the story and participate in the case planning process with all relevant stakeholders present. Several individuals interviewed on-site that had participated in mediation described situations where families that began the sessions angry and confused about the handling of their case grew less resistant to the process once they felt heard and their position understood by the child welfare worker.

Mediation is also expected to lead to a reduction in the number of continuances in hearings because all parties hear the same information about the case and are therefore less likely to appear at the following hearings unprepared to proceed. For cases mediated prior to adjudication/disposition, stakeholders believe that the time between the initial petition and case disposition will be shorter for mediated cases. Local stakeholders also believe that mediation will reduce the number of trials/contested hearings conducted as participants will come to agreement on contested issues.

C. Proposed Evaluation Approach

Members of the Wayne County PPMP planning committee are willing to implement a random assignment comparison approach to assess the impact of their proposed mediation program.⁶⁴ The Committee is interested in pursuing the most rigorous evaluation approach to

⁶⁴ The planning committee noted that there will need to be a minimal number of exceptions to the planned use of random assignment. (An exception is a case that receives the service but is not part of the study.) These will

determine program efficacy. Unlike many other sites, random assignment is feasible because need for mediation is expected to far exceed the availability of services. In addition, as judges/referees will not be accustomed to having all of their referrals to mediation get the service, they should not experience a meaningful reduction in service availability due to random assignment. Moreover, allowing the project time to develop its administrative infrastructure and local referral procedures (common barriers to the implementation of mediation projects across the county) should enable a more accurate evaluation of the intervention. Case flow and random assignment procedures are described below and in graphic format in Exhibit 3. The PPMP Planning Committee will continue to meet with the two referees selected for this project from the Third Judicial Circuit Court Family Division to discuss implementation procedures for PPMP in Wayne County.

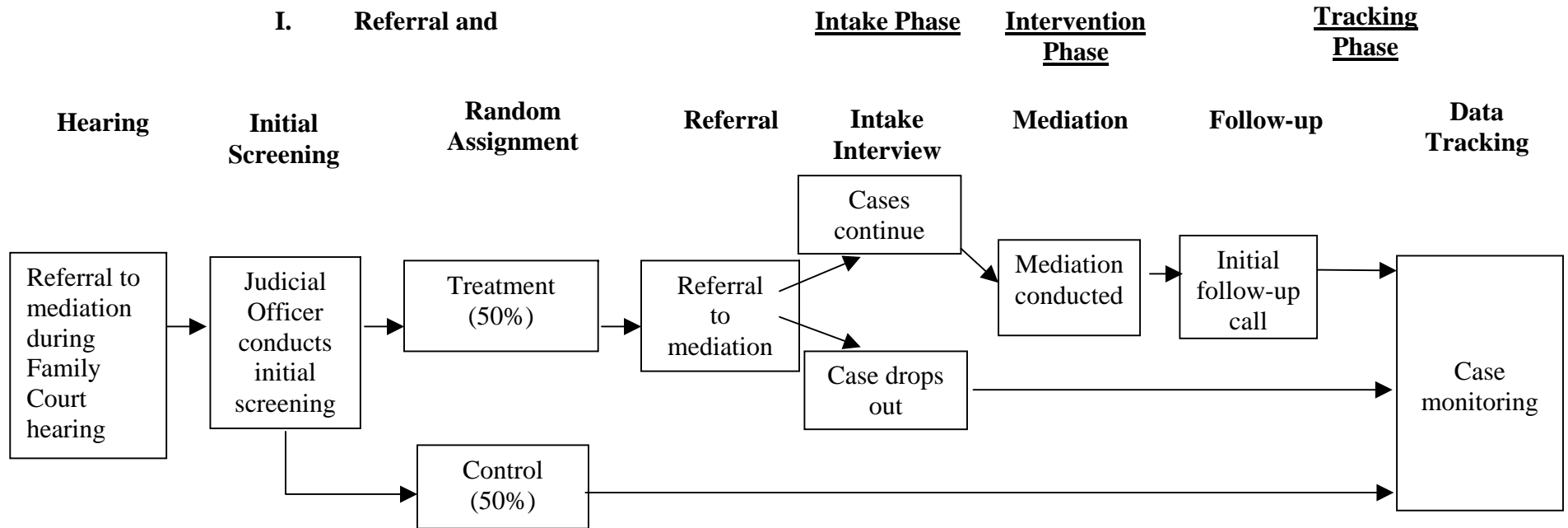
All referrals to mediation (both treatment and control) will come from the bench.⁶⁵ Once the referee determines that a family might benefit from (and is willing to participate in) mediation, the referee will complete a short, one page mediation referral form that will request information on the central screening issues of mental illness, substance abuse which would not allow full participation and domestic violence cases that cannot be mediated. The state's other mediation sites are already using comparable referral forms that screen for domestic violence and whether cases have active protective orders in place. In order to reduce the number of treatment cases screened out following referral at the intake interview, the site has agreed that the Wayne County referral form will be modified to include additional questions about mental illness and substance abuse. As with other sites, the referral form will also state the central issues to be mediated.

If the court determines that the family is eligible after this preliminary screen, a court clerk (or someone else, yet to be determined) will call the study's toll free telephone number to have the case randomly assigned to either the treatment or control group. Families will be told that the service has only limited capacity and that service availability must be verified prior to scheduling. Case referrals will have an equal chance of being assigned to either the treatment or control group.

primarily involve cases where the family has requested mediation or cases that have completed termination of parental rights and an adoption cannot proceed without mediation between parties. It is important to keep these numbers very small to minimize threats to validity.

⁶⁵ Due to the large eligible population, it is expected that there will be periods when the mediation project cannot take any more referrals. At those times random assignment will be halted until there are again program openings. Families will not be put on a waiting list; when space becomes available, only cases before the referee that day will be eligible for referral.

Exhibit 3 Research Design



Two referees assigned to refer cases to mediation.

With use of referral form, referees probe worker/lawyer about incapacitating substance abuse or mental health issues as well as concerns about domestic violence.

Individual in courtroom calls 800# for random assignment into treatment or control groups.

Date of mediation agreed upon by all parties in courtroom.

Within 5 working days of referral, in-depth interview that results in case attrition.

Mediation delivered to eligible cases.

Follow-up call to child welfare worker 60 days after mediation for update on compliance with mediated agreement.

Cases will be tracked for two years to monitor both intermediate and long-term outcomes.

If a family is selected for the treatment group, all parties to the case in the courtroom will agree to a date and time for the mediation. Within five days of the referral, the PPMP project coordinator located in Spaulding for Children will contact the family by telephone to conduct a more in-depth screening to rule out disabling mental health issues and any other issues the state feels might prevent a full and open discussion during the mediation session. The primary purpose of this intake interview is to begin to educate the family about mediation and stress the importance of participation and cooperation. Either at the time of case selection in the courtroom or during the intake call, the family will be informed about the evaluation and their consent obtained.

A portion of families will drop out during the intake interview because parties have reached agreement prior to the scheduled session or refuse to participate. Both screened out cases and those closed prior to mediation will continue to be part of the treatment group in data analysis.⁶⁶ An explanation of reasons cases were screened out or closed after selection will be a component of the data collection forms and outcomes for these cases will be tracked as well. The site understands the importance of emphasizing the preliminary screening procedures conducted at the time of initial referral to hold these cases to a minimum.

In other parts of the state, mediation takes place within two to four weeks of the referral. Treatment cases referred to mediation will result in one of four outcomes: the mediation may end with a fully mediated agreement; it may end with an agreement on only some of the issues specified by the referee; it may end without an agreement; or, the case may be screened out or closed prior to mediation. Of the 129 cases mediated in FY 2000, 68 percent reached full agreement, 4 percent reached partial agreement, 15 percent reached no agreement and 13 percent were closed prior to mediation.

For each mediated case where agreement was reached (examples 1 and 2 above), the mediated agreement is signed by all parties and submitted to the court. There is no written record of the mediation discussion, itself. Finally, as part of the state PPMP model, the local PPMP Coordinator contacts the child welfare worker 60 days after the mediation to determine the extent to which the family and agency have complied with the mediated agreement.

Random assignment will continue until approximately 250 cases have been mediated.⁶⁷ The Detroit project is expecting to mediate approximately 100 cases a year and thus random assignment is expected to continue for approximately 30 months. This timeframe will be shortened if program capacity is expanded.

Data will be collected on both treatment and control cases on a range of background topics including demographics, history with the child welfare agency, stage of court involvement

⁶⁶ While cases placed in the control group will not have this second screening, the sample size will be large enough to assume that the same proportion of cases would have been screened out from the control group as well.

⁶⁷ At this time, the study team is estimating the needed sample size. We will need to conduct a power analysis to determine the appropriate number of cases to be served. This is necessary to ensure that study findings are statistically significant for the selected outcomes and that the study team will not commit a Type 1 or Type 2 error when interpreting results.

at mediation and issues mediated. Both short and long-term outcomes will be tracked for two years from the time the case is randomly assigned into the treatment or control groups.

As presented in Exhibit 4, it is recommended that expedited permanency be assessed against Michigan's six permanent placements for children. These are:

- Return home,
- Permanent placement with relative,
- Termination of parental rights and adoption,
- Permanent foster care agreement,
- Guardianship, and
- Independent Living.

Unlike permanency, there was much less consensus as to whether mediation would alter the other two ASFA outcomes of interest to the project's technical work group: child safety and well-being. For instance, a small number of child welfare workers reported that parents who had participated in mediation and had a voice in their service plan, were more likely to open-up their homes and lives to the agency. They were also more likely to accept service referrals. As this improved or facilitated communication between worker and family it was speculated that it could lead to lower rates of future abuse and neglect and improved indicators of child well-being. However, these were largely isolated examples; most people interviewed did not feel comfortable constructing a causal link between short-term mediation and safety and well-being. As stated by one judge that had been using mediation for four years, "Whether or not we use mediation, we're still going to work toward the same goals of safety and permanency. Mediation just gets us there more quickly."

Exhibit 4 provides a description of the specific measures and sources of data discussed on site.

A descriptive analysis of the process of reform will also be conducted to supplement and help explain findings from the outcome study. The descriptive analysis will focus on both the history of implementation and explore services and policies taking place during the study period in order to explain the possible effect of contextual events on case outcomes. Through in-depth interviews with key stakeholders both in and outside of the court, the descriptive analysis will examine the planning and implementation of the reforms. For instance, it will be important to understand whether the target population changed prior to the study period. Did lessons learned about the kinds of cases that most benefit from the intervention impact the kinds of families referred for mediation? Subsequently, were criteria adjusted after data collection began?

Exhibit 4 Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Output		
Mediated case plans developed.	Number of: sessions held, completed agreements, full agreements, partial agreements, and participants. Type of participants.	Spaulding for Children PPMP Coordinator.
Initial Outcomes		
Better relations with child welfare workers.	Level of communication, trust and openness between parents and child welfare agency workers from perspective of parents.	Structured interview with families in T and C groups.
Greater compliance with case plans.	Compliance with case plan of T versus C cases.	Telephone interview with (or survey completed by) child welfare worker/case plan review.
Parents are more cooperative with child welfare workers.	Level of cooperation of parents in preparing and completing child welfare treatment plan for T versus C cases.	Structured interviews with child welfare staff to discuss level of cooperation experienced with families.
Intermediate Outcomes		
Reduction in number of continuances.	Number of continuances taking place after mediation for T cases versus number of continuances taking place after the same stage in court processing for matched members of the C group.	Court MIS
Reduction in number of trials.	Number of trials held for mediated versus non mediated cases.	Court MIS
Reduction in length of time to disposition.	Length of time between case opening and disposition for T and C cases.	Court MIS

Outcomes	Measures	Data Source
Long-Term Outcomes		
<p>Permanency.</p>	<p>Length of time between date of initial petition for this episode in custody and case closure.</p> <p>Number of cases that are reopened in child welfare agency after closure.</p>	<p>Return home: Use Court MIS system for date child returned home permanently.</p> <p>Adoption: Use Court MIS to collect date of the "Order of Termination of Rights."</p> <p>Permanent Placement with Relative: Gather from the child welfare agency the date the agreement for permanent placement with relative was signed.⁶⁸</p> <p>Guardianship: Use court MIS system to collect the date guardianship ordered by court.</p> <p>Permanent Foster Care Placement: Use both the date the foster parent signs contract with child welfare agency regarding permanent placement and the date the court approves the permanent plan.</p> <p>Independent Living: Gather from child welfare agency the date the child enters Independent Living.</p> <p>Gather from child welfare agency number of cases re-entering foster care (rate of recidivism).</p>

⁶⁸ These forms may not be consistently available/completed across cases. More on this topic below.

Outcomes	Measures	Data Source
Child Safety. ⁶⁹	Number of allegations of abuse and neglect taking place after mediation for T cases versus number of allegations taking place after the same stage in court processing for matched members of the C group.	Child welfare MIS.

⁶⁹ Because stakeholders do not believe there is a causal relationship between mediation and child safety, indicators for this outcome will be gathered and analyzed for informational purposes only. It is assumed that at a minimum, prior rates of child safety will be maintained. Additionally, the site requested that indicators of well-being also be gathered for both the treatment and control groups including transfers in foster care, school attendance and school achievement to ensure that these do not decline for the treatment group.

The descriptive analysis will also document changes in the availability of other services in the community, as well as changes in agency policies, and practices occurring during the study period. It will involve stakeholder perceptions of facilitating factors and barriers to program implementation as well as perceptions of the impact of mediation on child safety, permanency and well-being. This will be part of the structured interviews.

The descriptive analysis will also explore the possible impact of the evaluation on the mediation program. Did random assignment (or expanded data collection and tracking) play a role in the kinds of cases referred? Did referral sources negatively respond to their loss of control in selecting families for the intervention and begin to refer cases inappropriate for mediation?

Finally, the descriptive analysis might also involve more in depth interviews with a sample of families that received mediation services to explore additional topics including how mediation has impacted their understanding of their child welfare case, the level of communication between parents and their counsel, and parent satisfaction with the agreements reached during the conference and with the mediation process in general.

D. Outstanding Issues

There are three outstanding issues to resolve before proceedings with this site.

- The exact process for random assignment must be specified. Specifically, a person must be identified within the two courtrooms referring to mediation to call the study team's toll free number to determine whether each case will be part of the treatment or control group. It is important to make the assignment at the hearing (rather than later) so that the judge can proceed with the case and the mediation session can be scheduled with all parties present. Local officials from the judiciary are concerned that court clerks (and other court personnel in the room) will be unwilling to perform this function, arguing that this is not part of their union contract. Members of the planning committee plan to approach the lead judge to see if there is any flexibility around this issue. Another possible option would be to use graduate students who might also conduct court observations or collect data.
- While representatives from the state child welfare agency sit on the Wayne County planning committee and participated in the on-site discussions about the evaluation plan, the state CIP Coordinator recommends that the study team get written authorization to access child welfare data for the national study.
- The study team, with the help of the Wayne County child welfare agency, will need to identify a consistently available measure or indicator of the date of "permanent placement with relative", one of the six permanency options for children in custody. At this time, representatives of the child welfare agency did not believe official notation for this placement was consistently maintained.

E. Conclusion and Summary

A full-scale evaluation of Michigan's Permanency Planning Mediation Program (PPMP) is feasible based on the evaluability assessment conducted by the study team. It should be noted however, that finding statistically significant differences between the treatment and control groups may be a challenge due to the combination of the small sample size and the relatively heterogeneous population served by the model. Although the state has done much in the way of targeting service referrals, it still encompasses a wide breadth of child abuse and neglect cases. The study team has encouraged the state to continue to work on targeting the intervention based on information about those that can benefit from it most. Alternatively, the likelihood of establishing statistically significant differences between the two groups would be higher if the study's sample size were increased.

This said, Michigan offers a rare opportunity to assess a CIP intervention using a random assignment methodology. Random assignment is considered the most rigorous research methodology and would greatly increase the credibility of study findings.

Exhibit 5 summarizes the primary feasibility criteria developed for this project and the extent to which the PPMP meets these criteria.

Exhibit 5
Evaluation Feasibility of Michigan's PPMP

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	Yes. Refer to logic model presented in Exhibit 2.
Is the intervention consistently implemented as designed?	Yes. While this is a new site, project planners will be implementing the standardized state mediation model with which they have first hand experience.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. Services are being supported through a combination of federal CIP funds and an annual, renewable grant from the Dave Thomas Foundation. Also, additional project funds are being sought from other foundations at this time.
Are needed data available, accessible and accurate?	Yes. Data are available on case characteristics, service interventions, timeframes and case outcomes, although written authorization from the child welfare agency must be gained.
Can administrative data be cross-walked between child welfare agencies and the courts?	Yes. The Mediation referral forms will include both the child welfare and court case identifiers.
Is there cooperation and support for evaluation?	Yes. Members of the Wayne County PPMP Planning Committee are very interested in being selected for the national evaluation and have indicated that they will facilitate the project in any way they can.
Have there been any previous evaluations or are any planned or underway?	No. The state has not conducted an evaluation of its PPMP, and does not have funding to do so in the near future. (This is largely why the site is eager to be selected for the national study.)
What type of evaluation design would be feasible?	The site has agreed to participate in a randomized experimental design. After an initial screening, cases will be randomly assigned into the treatment or control groups and tracked for two years. Random assignment will continue until approximately 250 cases accumulate in the treatment group (estimated to take 30 months). Data collection will involve both a review of administrative data and structured interviews with child welfare agency workers and families. See Exhibit 3 for a more detailed description of data elements.

Appendix A

Evaluability Assessment Interview Participants

Name	Title
Wayne County	
Linda Glover	MI CIP Coordinator, State Court Administrative Office
Addie Williams	President/CEO, Spaulding for Children
Judy Hatsfield	Assistant in Charge, Office of the Attorney General
Jeffrey Williams	Program Manager, Family Independence Agency
Chris Starkey	Program Manager Children's Services, Family Independence Agency (FIA)
Susan Butterwich	PPMP Program Coordinator, Washtenaw County
Zenell Brown	Attorney and Mediator, Wayne County Circuit Court
Sharon Miller	Mediator
Frank Vanderort	Program Manager, Michigan Child Welfare Law Resource Center
Charlevoix and Emmet Counties	
The Honorable Judge Mulhauser	Charlevoix and Emmet Counties
The Honorable Judge Butts	Cheboygan County
Lisa Duffield	Referee
Dave Rauch	Referee
Phil Dickinson	Family Independence Agency (FIA) CPS Supervisor
Angie Morgan	FIA CPS worker
Rhonda Buchanan	FIA CPS Supervisor
Tracy Mumma	FIA CPS worker
Judy Bell	FIA Foster Care Supervisor
Adam Robarge	FIA foster care worker
Mark Muniak	Attorney for children and parents
Stan Harwood	Attorney for children and parents
Tom Schraw	Attorney for children and parents
Gregory Rotter	Attorney for children and parents
Kathy Lame	PPMP Coordinator
Ron Fornshell	Mediator
Lou Fantini	Mediator
Leah Green	Mediator
Maatje Nolan	Mediator
Dick Hendrian	Mediator
Gene Miller	Mediator
Ron Apol	Permanency Planning Director, Kent County Circuit Court

Oregon

Dependency Mediation Project, as Implemented in Marion County

Evaluability Assessment Site Visit Report

The State of Oregon received its first Court Improvement Program (CIP) grant in 1995 in the amount of \$91,931. As of FY 2003, the annual grant amount is \$170,000. Since the assessment, the major focus of CIP funding has been focused on sponsoring a mediation pilot, training programs and costs, computer equipment, producing a bench book, and salaries for additional court staff. The Juvenile Court Improvement Project's (JCIP) 1996 assessment includes recommendations for establishing alternative dispute resolution programs, including both mediation and settlement conferences, in various dependency cases. The JCIP established pilot programs for mediation of dependency cases in several Oregon counties. These were established based on the experiences of other jurisdictions.

Oregon's mediation services began in November 2000 with the central objective of improving the participation of parties and improving compliance with case plans. The state has established program guidelines, including professional standards and training for its mediators, consistent data collection across sites, and standards of conduct for the mediators. Examples of these standards include: maintaining objectivity and confidentiality of all parties; providing and gathering information from all parties; and terminating the mediation when a party or participant has no genuine interest in resolving the dispute or if it is determined that continuing the mediation threatens the health or safety of an individual. However, within these guidelines, each county is permitted to develop its own service model of mediation.⁷⁰

The evaluability assessment focused on the pilot mediation project in Marion County. This site was selected for several reasons. These reasons include (1) the random selection process already in place for referring cases for mediation; (2) the relatively larger number of dependency cases handled by this court in relation to others; and (3) the commitment of the presiding Juvenile Judge to figure out what is in fact best practice for assisting families who become court involved.

Currently, the alternative dispute resolution method of mediation is being offered to every tenth family within two weeks of their initial shelter hearing. As explained in this report, mediation is also offered at other points in the dependency process, but on a much more limited basis. The shelter hearing occurs in juvenile court within 24-hours of child welfare agency removal of a child from their home due to allegations of abuse and neglect and filing a dependency petition with the court. Mediation following the shelter hearing aims to help families reach agreement on the dependency petition and case plan in preparation for entering a plea on the petition and participating in the Jurisdiction/Disposition Hearing.

⁷⁰ In Oregon, Judges are independently elected public officials. There is no chief judge over the Juvenile Court responsible for making system wide policy decisions. Therefore, throughout the state there are different policies and procedures in place.

For the evaluability assessment, James Bell Associates (JBA) staff held on site meetings with key stakeholders involved in the development and implementation of the mediation project in Marion County (See Appendix A).

This report presents an evaluability assessment of one CIP reform being administered by the Oregon Judicial Department Court Programs and Services Division. Specifically, the focus of the assessment is the Dependency Mediation Project.⁷¹ The report is presented in five sections. Section I presents a brief overview of Oregon's Court Improvement Program including dependency court reforms in general, development of the mediation model, and the dependency court caseload. Section II presents a detailed logic model for the evaluation. This model defines the inputs and immediate outputs from mediation, along with immediate outcomes, intermediate outcomes and the long-range outcome or result. Section III presents the recommended evaluation approach, including research design parameters, sub-population analyses, sample size, outcome measures, and research design limitations. Section IV identifies pending issues to clarify before proceeding with the evaluation. Section V concludes with an assessment of the feasibility of a full scale rigorous evaluation of this site, including strengths, weaknesses, and the willingness of key stakeholders to participate in the evaluation.

This report concludes that a rigorous evaluation supplemented by an evaluation of the process of reform could be feasible at this site pending resolution of the issues identified in Section IV. The primary limitation with respect to a rigorous outcomes evaluation is program capacity. Based on available resources to provide mediation for 80 cases annually, random assignment would have to continue for three to four years in order for the experimental and control groups to have the minimum acceptable number of cases assigned. A secondary concern, which should be resolved in the near future, is how state budget cutbacks will affect the funding of the mediation program.

A. Oregon's Dependency Mediation Model

1. Implementation History and Administration

In 1999, under the leadership of the Chief Justice of the Oregon Supreme Court and its Advisory Board, Oregon received its first CIP funding to implement court reform in three major areas: (1) law improvement; (2) training the juvenile court community; and (3) improving court operations. The aim of all the reforms is improved efficiency and effectiveness in the dependency court process, and compliance with The Adoption and Safe Families Act of 1997 (ASFA), which established timeframes for moving children to permanency. Beginning in September 2000, seven Oregon counties in six judicial districts were authorized to provide mediation following the filing of a dependency petition. These seven original counties provided

⁷¹ The Oregon Judicial Department Court Programs and Services Division CIP has focused on court reform in three major areas: law improvement, training the juvenile court community, and improving court operations. The Dependency Mediation Project is one of four initiatives aimed at improving court operations. The other 3 initiatives include: (1) improving information management and utilization for the Juvenile Oregon Judicial Information Network (JOJIN), (2) integrating the JOJIN data with Citizen Review Board data (JOIN), and (3) providing small grants to local courts for selected reforms. Most of the funds have been used for training related to ASFA and equipment to increase efficiency in courtrooms (JCIP FY 2000 Year End Report).

a mix of urban and rural, and larger and smaller courts. They were used as the basis for the JCIP assessment. In the summer 2001, an additional three counties covering two more judicial districts added mediation pilots. They came to the court with their own resources asking for implementation support.

As of September 2002, the mediation pilot was discontinued in four counties and three judicial districts, leaving six counties and five judicial districts with the program. The cuts were made because the court was not successful in accessing additional funding from the state legislature. The remaining counties were those that were enthusiastically participating in the pilot. In Marion County the referral rate is 10 percent (following the initial hearing, every tenth case is referred to mediation). Although the number of eligible cases is as high as 800 annually, there is only one mediator available. The only funds now being used to support the pilot are from the CIP grant.

Oregon's CIP is implemented under the direction of the Director of Court Programs and Services Division. The CIP staff consists of the CIP Project Manager and the Mediation Coordinator. Since its inception, Oregon's CIP has included an Advisory Board. This Board was instrumental in helping to establish the mediation pilot program and participated in making the cutback decisions in 2002.

2. Dependency Mediation Process

In Oregon, the Shelter Hearing is the point of entry into the juvenile court system for cases involving removal of a child from the home. The case comes to court when the Department of Human Services (DHS) staff completes "reasonable efforts documentation" and files a dependency petition. The "reasonable efforts documentation" outlines the investigation of abuse and neglect and the recommendation to remove a child by court order. Shelter hearings take place within 24 hours of a child's removal from home.

Marion County processes 800 dependency petitions a year (the highest number among the counties/judicial districts participating in the pilot and 50 percent more than the next highest county). As noted by various stakeholders, there are three clearly defined points in the court proceedings at which cases are being referred for mediation. The vast majority of cases are referred for mediation following the shelter hearing. A very small number - that is not yet systematically tracked - is referred by attorneys or the judge in the case at later points in the dependency hearing process. The Citizen Review Board can make referrals as well.

Infrequently, cases are assigned to mediation at other points in the dependency hearing process. The first of these points is at the jurisdictional/dispositional hearing which is required to occur within 60 days of the petition date. The final point of referral for mediation occurs at the 12-month permanency hearing. These cases have been sent by the juvenile court to the "downtown" court because they have reached an impasse - often involving a history of parental noncompliance with case plans or other extenuating family circumstances such as substance abuse or mental health issues. In the downtown court, there are more judges to hear cases and more time is available for longer hearings and trials. These cases often require revised case plans or have needs for specialized services. The referrals for mediation are being made by the

judges in this separate court.⁷² A summary flow chart of the three points in the Oregon dependency process where mediation is being recommended is presented in Appendix A.

Beginning in January 2002, a new Juvenile Judge in Marion County was installed. Previous to this appointment, Marion County was not utilizing mediation to the extent it could. The new judge was supportive of mediation and the pilot project. At the same time the state court was undergoing its review to determine which jurisdictions would retain the mediation pilot. In an effort to “save” the pilot in Marion County and bring referrals up, the Juvenile Judge began selecting every 10th case emerging from a shelter hearing and referring it to mediation. In the event the 10th case was not appropriate the court assigned the next appropriate case. Inappropriate referrals include cases in which both parents are incarcerated or otherwise missing and therefore cannot participate in the mediation or if there is a termination of parental rights (TPR) on other children in the family.

Exhibit 1 provides a summary description of the types of dependency hearings in the Oregon court.

Exhibit 1

Dependency Hearings, Marion County Juvenile Court

- **Shelter Hearing:** When a dependency petition is filed, this hearing is required within 24 hours of removal of a child from home. The purpose of the hearing is to review the need for continued protection of the child through shelter care while the investigation of child abuse and assessment of risk continues. All shelter hearings are heard by one juvenile judge.
- **Admit/Deny petition Hearing:** Hearing required within 30 days of the petition file date. This hearing determines, based on discovery, if the allegations of child abuse are true or not true.
- **Jurisdictional/Dispositional Hearing:** This hearing is required within 60 days of the petition file to determine the best course of action to take in order to facilitate reunification of the child with parents or establish another permanent plan.
- **Citizen Review Board Review:** In cases of out of home placement, the Citizen Review Board is required to review the case at 6 months from the date of placement. The purpose of the review is to ensure the appropriateness and safety of the placement.
- **Permanency Hearing:** Hearing required within 14 months after a child was placed in substitute care or 12 months after the child was found to be within the jurisdiction of the court (whichever date is earlier.) This hearing may be requested earlier, or required within 30 days of a judicial finding that DHS is not required to provide services due to aggravated circumstances (i.e. death of a child, serious physical injury to a child, rape, sodomy, or sexual abuse of a child, intentional starvation or torture of a child, abandonment of a child, death of the other parent, parent conviction of certain crimes, parental rights of another child are terminated.)

⁷² In Marion County, there are five Judges in the downtown courthouse that hear juvenile cases.

3. Mediation Model

In Marion County, there is one contract mediator who is a social worker by training with an extensive background in mediation.⁷³ She has a contract with the Oregon Judicial Department for these services, which are provided at her office located downtown in immediate proximity to, but physically separate from, the courthouse. When a case is referred for mediation, the mediator's staff receives a call from the lead juvenile judge to make the appointment. All parties agree to the date and time during that call. Ninety minute mediation sessions are scheduled from 11:30-1:00 Tuesdays and Thursdays and from 3:00-5:00 on Mondays. Participants in the mediation typically include the parent(s), parent attorney(s), Department of Human Services (DHS) case worker, foster parent(s) or guardian(s), the child attorney(s) and a Court Appointed Special Advocate (CASA) for the child, if one has been appointed to the case.⁷⁴

During mediation the aim is to accomplish the following:

- Clarify all aspects of the case and create a better understanding between the family and the court;
- Explore the types of assistance the family will need to resolve the case;
- Establish language about the case issues that the client(s) can accept on the record (i.e. decrease sections of the petition that are perceived as inflammatory by the parents);
- Create acceptance of recommended services; and
- Facilitate coordination of services.

Usually, the first opportunity for mediation occurs within two weeks of the shelter hearing and two weeks before all parties are required to admit or deny the petition allegations at the hearing required within 30 days of the petition file date. Within 60 days of the original petition date, the case then goes to a jurisdiction/disposition hearing. The idea is that if mediation occurs before this point and resolves many or all of the issues in the case, the jurisdiction/disposition hearing will not be delayed through a continuance and the case can quickly move toward the 12 month court review date for permanency. The few mediation sessions that occur after the jurisdiction/disposition hearing and before the permanency hearing are aimed at unlocking issues that are blocking the case from reaching permanency.

Stakeholders assert that implementation of mediation for dependency cases has facilitated a level of information sharing and airing of issues at various points in the cases that is contributing to better outcomes in general. Prior to mediation, there was no formalized process for parties in these cases to meet and discuss case resolution. The initiative is still a pilot and therefore is not yet widely used. However, the decision to assign every 10th case from a shelter

⁷³ Unlike other counties, Marion County elected to work with a single mediator to help ensure consistency in approach.

⁷⁴ In Oregon there are 32 CASA programs serving the state's 36 counties. In any given year there are approximately 1,100 trained active CASAs. In Marion County there are 40-60 active CASAs annually. This means that only about 1 in 13 cases may be assigned a CASA, given the number of dependency cases in Marion County. Currently the program is facing significant budget constraints and is undergoing reorganization, which may mean there will be still fewer CASA appointments.

hearing is a strategy for increasing the number of cases mediated and allows attorneys and judges to become more comfortable with mediation as an option.

4. Results and Benefits from Mediation

Proponents of the use of appropriate dispute resolution procedures such as mediation believe that these approaches encourage active participation of the family in a case, and as a result, parents will better comply with the treatment plan and make sincere efforts at change because they feel respected and listened to by the professionals involved.⁷⁵

In an analysis of outcomes for the first 11 cases in the Oregon Pilot (Center for Policy Research, Denver, CO, March 2001), the findings show preliminary evidence of promising trends and benefits from mediation, but more research is clearly needed. For example, in 9 of the 11 cases full agreement was reached and partial agreement was reached in one case. In only one case with a criminal charge pending and considerable prior history, was no agreement reached. Of the 29 professionals involved in these cases, including attorneys, case workers and CASAs, 38 percent rated the mediation “very helpful” and 55 percent rated it “somewhat helpful.” Only 7 percent rated it “not very helpful.”

There is consensus among those utilizing mediation that it is producing several results and benefits. These include the following:

- There is a framework for enforcing accountability on all sides of the case because agreement is reached about what conditions need to be met to move toward resolution.
- The parents have the opportunity to clarify and agree to the allegations of the petition and refine the language of the petitions to reduce what they perceive to be inflammatory language. There is a strong sense that language influences their buy-in to the case.
- Parents leave the process with feelings of being respected, because they have the opportunity to actively participate and contribute to their case plan.
- There is an opportunity to create relationships between participants in the case even where there are competing agendas and the constraints of different perspectives. These relationships help engage parents more quickly in the case plan, as well as contribute to identifying the potential for failure sooner (this was the one context in which it was suggested that mediation plays a role in child safety outcomes).
- There is a reduction in court time because cases that otherwise might go to trial are removed from the docket.
- There is a reduction in the amount of time it takes children to reach permanency.

5. Dependency Petitions: Appeals Process, Contested Reviews, and Trials

According to stakeholders, one of the benefits of mediation is that issues are resolved prior to adjudication, making it less likely that decisions will be appealed by the parent(s), issues contested, or allegations denied, thereby conserving judicial resources. The appeals

⁷⁵ *Dependency Mediation in Oregon and the Nation*, Center for Policy Research, Denver, CO, March 2001. Note that OJD uses the term “appropriate dispute resolution” rather than “alternative dispute resolution.”

process, contested review hearings, and circumstances for which a trial is needed are presented below:

- **Appeal Process:** Within 30 days, a party adversely impacted by a decision may appeal to the Court of Appeals. Termination appeals are expedited. They may be combined with other appeals from the same case, which had been filed previously in the dependency phase of the case waiting in line for resolution, so that all questions are resolved at once.
- **Contested Review Hearings:** During each phase of the dependency hearing process and for each court determination, a party may contest the findings. A contested court hearing is held to resolve issues arising from the shelter, admit/deny/discovery, jurisdictional/dispositional, and permanency hearings, along with contested placement reviews and disagreements about the case plan when mid-case corrections are needed. A contested hearing review may last for hours or days, depending on the nature of the contested allegation. Cases where the goal has changed from reunification to termination of parental rights, may lead to a contested review hearing or hearings, as resolution of contested issues can take considerable time and effort to resolve.
- **Trials:** Within 30 days of the filing the petition, the admit/deny hearing is held in which the allegation of the dependency petition is admitted or denied by the alleged perpetrator. If all parties reach agreement on the allegations of the petition (whether mediated or not), and the perpetrator admits the petition, then the matter will be presented to the court to determine jurisdiction and disposition within 30 days. However, if the alleged perpetrator denies the petition allegations or if agreement by all parties is not reached during the admit/deny hearing, then the case will go to a bench trial to determine jurisdiction.⁷⁶ A trial is scheduled for one or more days. In some counties, the case may proceed immediately to a judicial settlement conference.

Intervention Logic Model

The Intervention Logic Model explains how a selected intervention – in this case mediation – is related to one or more specific desired results – in this case reduced time to permanent placement for children adjudicated dependent. As described more fully in Section III, the evaluation design for this program will utilize a methodology to assign cases to either the mediation (treatment group) or a control group following the shelter hearing. An evaluation documenting and assessing the process of implementation will supplement this rigorous evaluation and also investigate the use of mediation along with other contextual issues and court reform efforts. An illustration of the logic model for the mediation intervention is presented in Exhibit 2. The following discussion explains the model.

⁷⁶ There are no jury trials in dependency or termination cases in Oregon.

Prior to implementing the mediation pilot, the Oregon Judicial Department developed extensive statewide implementation policies and updated the Oregon Judicial Information Network (OJIN) data entry protocols to capture the mediation event in the court records. Additionally, a set of instructions for making referrals to mediation and a set of tracking forms were developed. The CIP staff developed a training program to introduce court and DHS staff statewide on the opportunity for mediation and how to utilize and provide the service. Local courts selected a professional mediator (who has a contract with the state-level OJD) to deliver mediation services. In the logic model diagram these are referred to as “inputs” into the intervention.

Based on the information collected during the evaluability assessment, the logic model assumes the link from the mediation to permanency occurs incrementally. In Oregon, permanency is defined as (1) reunification; (2) placement with a relative; or (3) Termination of Parental Rights (TPR), which could result in (a) guardianship/custody, (b) permanent foster care, (c) emancipation, or (d) another planned permanent living arrangement.

The mediation logic model first links the intervention and its inputs to a set of “outputs” or products of the intervention. The output from mediation following the shelter hearing is a written agreement by all parties on an action plan for court approval and a case plan for parents. It is thought that if there is early agreement by parents on the initial petition and a case plan, and they comply with that plan, parents will have completed the steps necessary to achieve reunification (provided there are no further allegations of abuse and neglect). Simultaneously, if the placement of the child(ren) is with relatives, and/or the child(ren) is/are maintained in fewer foster care placements, the conditions will also be more favorable for reaching agreement sooner on a permanency plan for the child(ren) and achieving reunification. Stakeholders also believe that relative placement provides a more stable placement and a safe environment to maintain child safety in foster care placement and their final permanent placement.

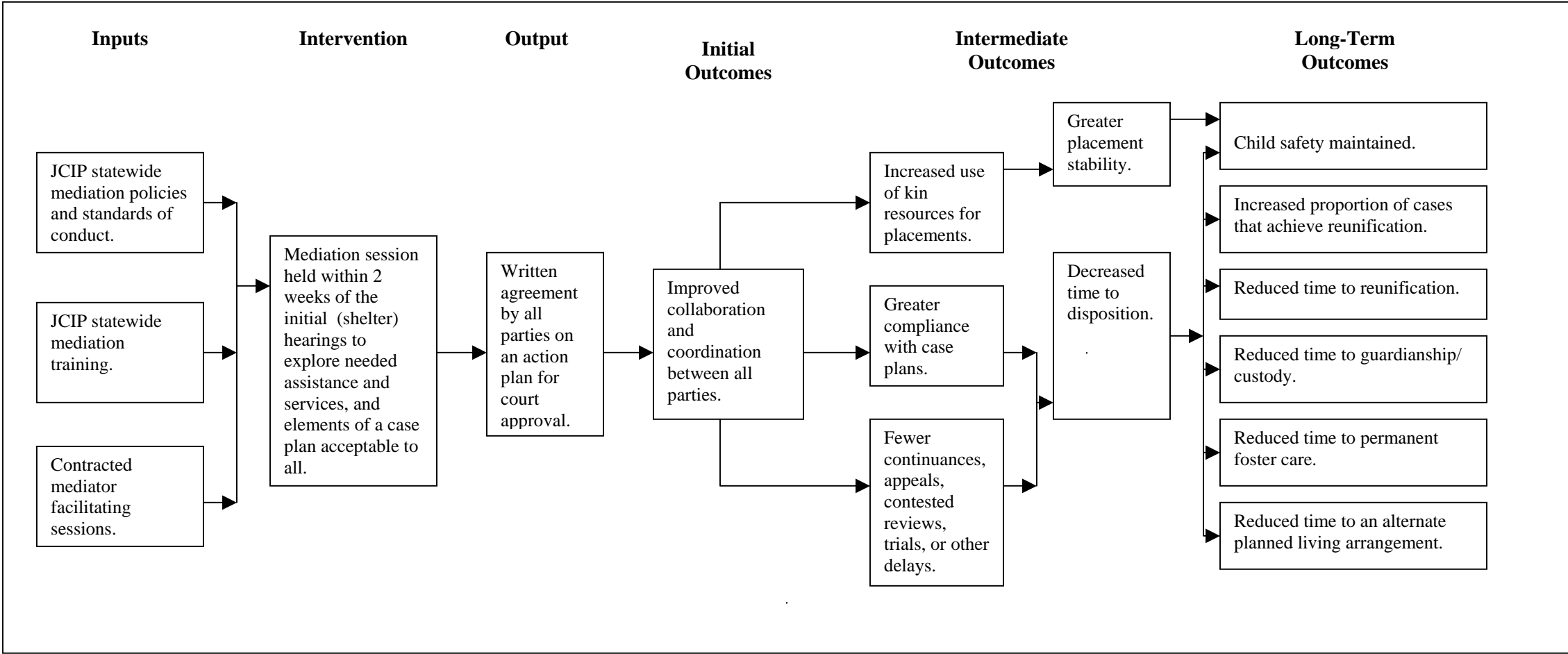
These conditions are thought to be more favorable for various reasons. For instance, if the child(ren) can stay with extended family and the placement is not disrupted, it can make it easier for them to transition back home with a parent and the support of the extended family. Similarly, if reunification is not an option, the time with relatives may be enough to establish their capacity and willingness to care for the child(ren) on a long-term basis. In general, stakeholders asserted that it takes much more time to find a suitable permanent placement for children when placements are repeatedly disrupted. The logic model assumes that mediation contributes to expediting the time to permanency and increases the chance that reunification will be achieved.

With regard to long-term outcomes, there was broad consensus that the central benefit of mediation is its role to expedite permanency, that is moving the case through the judicial system more quickly due to the development of an agreed upon plan to address obstacles in the case. Mediation assists in developing a concurrent plan in the event that reunification will not be achieved. Therefore, it is thought that mediation will expedite the time taken to achieve the following permanency goals: (1) guardianship/custody; (2) permanent foster care; or (3) another planned permanent living arrangement.

Initial differences in outcomes between the treatment and control groups are primarily expected to result from improved collaboration and cooperation between all parties. This is expected to result in (1) fewer contested issues causing continuances or requiring a trial; and (2) increased use of family resources for relative or kinship placements. This is believed to occur primarily because mediation unlocks issues that create delays, prevents problems from becoming significant impediments, and facilitates early agreement in the case on how to resolve it.

In addition, as the mediation process and the written agreement establish a framework for parental engagement and accountability, parents have a greater stake in the outcome of the case. Therefore, it is also thought that greater compliance with case plans is an intermediate outcome of the mediation process which then leads to decreased time to disposition for cases and expedited permanency.

**Exhibit 2
Marion County, Oregon Dependency Mediation Project Logic Model**



C. Proposed Evaluation Approach

1. Evaluation Design

There is an opportunity to evaluate the intervention using a rigorous experimental design based on random assignment to treatment and control groups as mediation in Marion County is unable to be offered to all eligible cases that have had a shelter hearing. The recommended evaluation design would compare the outcomes of cases that are referred to mediation within the initial dependency hearing in which the petition is filed to cases that do not receive mediation.

In May 2002, the Juvenile Court began assigning every 10th case to mediation and is amenable to changing this process to random assignment for an evaluation. The evaluation team suggests that the court maintain its current practice regarding the assignment of every tenth case to mediation for the present time, but also suggests tracking the characteristics of cases that receive mediation and note which appear to benefit from it the most. In this way, more targeted referral criteria can be refined, based on the court's informed judgment, and implemented at the time of evaluation. A similar referral process would be put in place to assign non-mediated cases to the control group. Cases in the research and control group will be tracked for 24 months. During this time frame cases should reach permanency (or other resolution).

Based on efforts to target mediation to those cases that could benefit from it the most, ideally referrals would be pre-screened through a short, targeted set of questions/criteria prior to referral. With this process in place, the current practice of assigning every tenth case would need to be abandoned. Random assignment to the treatment or control group would take place at the time that families were determined through the screening or targeting mechanism to be appropriate for referral. Specifically, a call from the courtroom would be placed to a random number generator that would determine if the eligible family was assigned to the treatment or control group. Although this process places an additional burden on all involved, in theory, outcomes for the study will be improved as the mediation is targeted on certain families that have a greater chance of benefiting from the intervention.

Alternatively, for the formal evaluation the court could continue with its current practice of assigning every tenth case. However, it would be necessary for the research team to assure that violations to random assignment were not occurring (e.g., that the judge was not steering mediation to some families by selecting cases other than every tenth case or hearing cases out of order to place certain families tenth on the docket). As this is a weaker random assignment process than that outlined above, it would be necessary to work with the referring judge regarding the importance of protecting the integrity of the random assignment process. This methodology also suffers from a lack of targeting which may make it more difficult to find positive outcomes.

It is important to note, however, that there is one significant challenge for this site to consider before participating in this evaluation. This concerns the amount of time the random assignment procedure will have to be in place in order to obtain the number for cases required for a rigorous evaluation (see sample size discussion below). Based on the resources available for mediation in Marion County, the site will have to commit to using - and not deviating from -

the random assignment procedure for three to four years. One option is to consider ways of increasing the number of cases assigned to mediation from 80 cases to 125 cases annually. Another option might be to explore whether any of the other counties in the mediation program are similar enough to Marion County to be comparable. Either of these options also presents a challenge. First, it does not appear the site will have the financial resources to provide mediation to a approximately 45 cases annually. Further, Marion County is one of the largest in Oregon and the number of dependency petitions handled is the highest across the state, as previously discussed. Site staff were not familiar with demographically-comparable jurisdictions. Finally, each site has the flexibility to design its own mediation program within state guidelines. Considerable differences are thought to exist between jurisdictions.

2. Sub-Population Analyses

Provided and adequate sample can be collected, the diversity of cases processed by the Marion County Dependency Court creates the opportunity to explore the experience of various sub-populations referred to mediation. The sub-populations of interest can be refined as a result of the Court's tracking of current referrals. In the interim, the sub-populations that may be isolated most easily in the sample are the following:

- Parents who have no prior experience in the Oregon child welfare system vs. those parents who do;
- Parents who have no previous petitions of abuse/neglect vs. parents who have a previous petition; and
- Parents referred for abuse vs. neglect concerns.

3. Sample Size

The Juvenile Court in Marion County handles approximately 800 abuse/neglect petitions annually. Given the volume of yearly petitions and the current referral protocol, the court anticipates serving 80 cases per year through mediation. For purposes of an evaluation, it would be preferable to have at least 250 cases in the treatment group and a comparable number in the control group. This emerges as a primary limitation to this site. Given current limited program capacity, it would be necessary to continue random assignment for three to four years, as previously discussed.

4. Outcome Measures

Proposed measures for the outputs and outcomes in the logic model for mediation following the shelter hearing are presented below in Exhibit 3. "T" refers to cases assigned to the treatment group (i.e., mediated cases). "C" refers to cases assigned to the control group (non-mediated cases).

Both quantitative and qualitative outcome data will be collected. Because the Oregon mediation pilot lends itself to random assignment of cases, there is an opportunity to conduct a rigorous evaluation of the program. Additionally, due to the fact that the cases analyzed will be active, there is also the opportunity to collect qualitative data from willing families involved in

the case. Qualitative data will be an important supplement to the quantitative data as it will provide more in depth information about the experiences of families and outcomes of mediation that are not reflected in numerical data. It is important to collect this information from both families that receive mediation (i.e., the treatment families) and those that do not (i.e., control families).

These qualitative outcomes include such variables as: (1) the degree of understanding parent(s) have about the case and their options; (2) open communication between all parties to the case; (3) greater cooperation between all parties to the case; (4) satisfaction of all parties with the agreements brokered; and (5) greater commitment from parent(s) to the agreement as a result of being part of the process to develop the agreement. This information would be collected through structured interviews with families, child welfare staff, attorneys, and CASAs in the treatment and control groups. These interviews would provide the perspective of families and contextual information about the intervention, beyond what can be learned through administrative data alone. Observations of mediation sessions and subsequent hearings could also be conducted. Information gathered by the mediator and reported could also be consulted, as noted below.

Exhibit 3 Outcomes, Measures, and Data

Outcomes	Measures	Data Sources
Outputs		
Written agreement by all parties on a case plan for court approval and a case plan for parents.	Number of mediation sessions held. Number of completed agreements. Number of full agreements. Number of partial agreements. Number where mediator withdraws. Number of participants. Types of participants. Number of social service referrals included in completed agreements.	OJIN data based on “Juvenile Court Mediation Results” report submitted by Mediator (See Appendix C). OJIN Records. DHS Files.
Initial Outcome		
Improved collaboration and cooperation between all parties.	Level of communication, trust and openness between parents and child welfare agency workers from perspective of parents. Level of cooperation of parents in preparing and completing case plans (for parents and children). Level of satisfaction regarding parental compliance and cooperation of all parties from the perspective of all parties. Change in language from initial petition to plea petition.	Part of structured interview with families in T and C groups, DHS staff, and attorneys. Petition Documents. Mediation Results.

Outcomes	Measures	Data Sources
Intermediate Outcomes		
Increased use of kin resources for placements.	Number of children placed with relatives for T versus C cases. Number of children retained in DHS custody for T versus C cases.	OJIN Records. DHS Files.
Greater compliance with case plans.	Number and percent of parents complying with case plan of T versus C cases.	Structured interviews or survey with DHS staff.
Fewer continuances, appeals, contested reviews, trials, or other delays. Reduction in number of: continuances; appeals; contested reviews; trials; and other delays.	Number of continuances taking place for T versus C cases. Number of appeals taking place for T versus C cases. Number of contested reviews taking place for T versus C cases. Number of trials held for T versus C cases. Number of delays held for T versus C cases.	OJIN Records.
Reduction in length of time to disposition.	Length of time between case opening and disposition for T and C cases.	OJIN Records.
Greater placement stability.	Number of moves in foster care after mediation for T cases versus number of moves taking place after the same stage in court processing for C cases.	OJIN Records. DHS Files.
Final Outcomes		
Increased proportion of cases that achieve reunification.	Number and proportion of cases that achieve reunification for T and C cases.	OJIN Records.
Reduced time to reunification with family.	Length of time between date of initial petition for this episode in custody and case closure for T and C cases.	OJIN Records.

Outcomes	Measures	Data Sources
Reduced time to guardianship/custody; permanent foster care; emancipation; and alternate planned living arrangement for TPR cases.	<p>Length of time between date of initial petition for this episode in custody and TPR for T and C cases.</p> <p>Length of time between date of TPR and case closure for T and C cases.</p>	OJIN Records.
Child safety maintained.	<p>Number of allegations of abuse and neglect taking place after mediation for T cases versus number of allegations taking place after the same stage in court for non-mediated cases in the C group.</p> <p>Number of substantiated allegations of abuse and neglect taking place for T and C cases after the same stage in court process.</p>	<p>OJIN Records.</p> <p>DHS MIS.</p>

5. Process Evaluation

A process evaluation will also be conducted to supplement and help explain findings from the outcome study. The process study will focus on both the history of implementation and explore services and policies taking place during the study period in order to explain the possible effect of contextual events on case outcomes. Through in-depth interviews with key stakeholders both in and outside of the court, the process evaluation will examine the planning and implementation of the reforms. For instance, it will be important to understand whether the target population changed prior to the study period. Did lessons learned about the kinds of cases that most benefit from the intervention impact the kinds of families referred for mediation? Subsequently, were criteria adjusted after data collection began?

The process evaluation will also document changes in the availability of other services in the community, as well as changes in agency policies, and practices occurring during the study period. It will involve stakeholder perceptions of facilitating factors and barriers to program implementation as well as perceptions of the impact of mediation on child safety, permanency and well-being. This will be part of the structured interviews. The process evaluation will also explore the possible impact of the evaluation on the mediation program (e.g., Did random assignment or expanded data collection and tracking play a role in the kinds of cases referred?).

6. Access to Data

The Oregon Judicial Department has a comprehensive data collection system. The Oregon Judicial Information Network (OJIN) is used to record all court proceedings and actions. It is a case-based record keeping system. In 1995 the Juvenile OJIN system was created to include dependency cases. JOJIN is a person-based record keeping system. JCIP funding has enabled the court to develop uniform data collection protocols for dependency and to provide training statewide on these protocols and how to read the reports. Marion County is using the new protocols. It is possible to piece together all the components of a case using court, DHS, and mediator records. The courts primarily maintain jurisdictional data. DHS primarily maintains dispositional data, and the mediation report summarizes the case. The Court is willing to cooperate in the study and would provide access to needed data with a written request and assurances of confidentiality.

In addition to required records maintained by the Court and DHS, the Oregon mediation pilot has, since its inception, been collecting dependency court mediation data using the “mediator data collection form” developed by the Center for Policy Research, Denver, CO. The Oregon JCIP used this form initially to collect data for the preliminary evaluation the Center for Policy Research completed in March 2001. However, after the initial study was completed the JCIP staff continued to have the mediator complete the form. She continues to do so and turns in the completed forms to JCIP staff. Data on the completed forms has not been entered into any system for analysis; however, it is available, if desired, for this evaluation. This instrument asks questions in a wide variety of categories including the nature of the case, issues discussed during the mediation (i.e., jurisdictional, dispositional, post-dispositional), and terms of the agreements reached with family members (i.e., the petition decision, placement decision, type of placement, visitation decision, supervision, and other service plan issues). These data, combined with Court

records on time frames, could expand the depth of information that is available for the evaluation.

7. Research Design Limitations

Stakeholders expressed great interest in evaluating the breadth and depth of cases where mediation might be of value. They are also interested in learning from more complex cases that are targeted for mediation at later phases in the dependency hearing process. Attorneys, Citizen Review Boards, and Circuit Court judges may refer cases to mediation prior to termination of parental rights. Those targeted for referral include: (1) cases involving parents with substance abuse; (2) cases involving blended families or multiple parents; or (3) cases with partially resolved issues. As there are not a sufficient number of cases presently referred to mediation at these later points to support an experimental design, and the referral process for these cases does not lend itself to random assignment, these cases could be examined from only a qualitative perspective, as explained above.

D. Outstanding Issues to Resolve

There are three outstanding issues to resolve before proceeding with this site.

As discussed earlier, the protocol for randomly assigning mediated and non-mediated cases to the treatment and control group following the shelter hearing will have to be finalized and the process for record keeping defined. As previously noted in the evaluation design discussion, the evaluation team suggested that the court maintain its current practice regarding the assignment of every tenth case to mediation for the present time, but also suggested tracking the characteristics of cases that receive mediation and note which appear to benefit from it the most. In this way, referral criteria can be refined, based on the court's informed judgment, and implemented at the time of evaluation. At the point where formal, external evaluation begins, a random assignment procedure would be put in place such that every case eligible for mediation, based on targeted criteria, would have an equal chance of referral. Alternatively, the formal evaluation could rely on the current practice of assigning every tenth case, provided that the research team could verify that violations to random assignment were not occurring. This approach also suffers from a lack of targeting which helps assure that the intervention is focused on those who could benefit from it the most during the evaluation.

The site will have to determine whether any options are feasible for increasing the number of cases selected for mediation in a shorter period of time. The resource limitations make this a difficult issue. Requiring that the site maintain random assignment for three to four years also makes this difficult.

Oregon is facing significant financial constraints and is exploring budget cuts throughout its systems, including the courts. These decisions may adversely impact the courts to the extent that the mediation pilot can no longer be supported. The decision on the budget is imminent.

E. Summary and Conclusion

“Evaluability assessment” is characterized as exploratory or “pre-evaluation” research occurring prior to the formal or “official” evaluation. In short, the approach primarily involves qualitative information collection used to assess a program’s readiness for rigorous outcome evaluation.⁷⁷

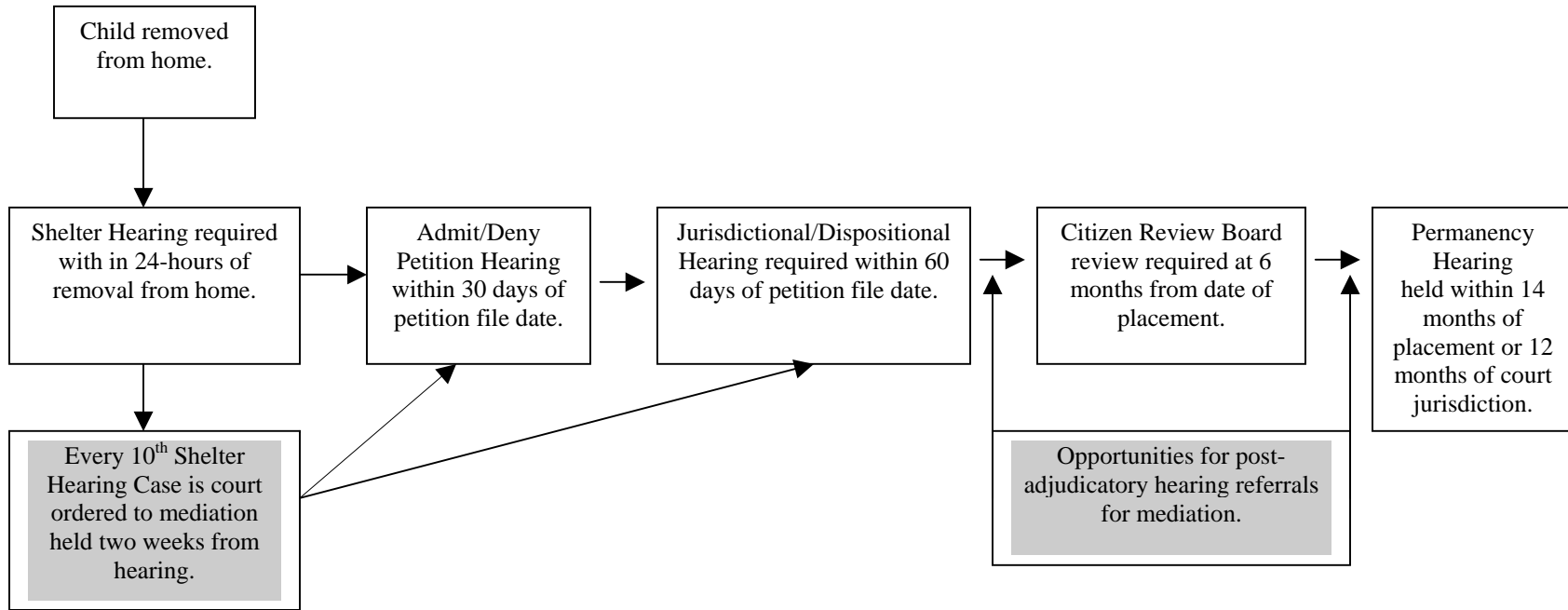
Exhibit 4 summarizes the feasibility criteria for the evaluation of CIPs and the extent to which the Oregon’s Mediation Pilot appears to meet these criteria. A full-scale evaluation of this intervention is feasible based on this evaluability assessment, pending resolution of the issues identified above.

⁷⁷ Feasibility of Evaluation of the State Court Improvement Program, *Evaluability Assessment Plan*. James Bell Associates May 15, 2002.

Exhibit 4
Evaluation Feasibility of Oregon’s Dependency Mediation Project,
as Implemented in Marion County

Criteria	Response
Is there a definable model that could plausibly achieve their intended objectives?	Yes – See the logic model presented in Appendix IV and narrative discussion in this report.
Is the intervention consistently implemented as designed?	Yes – Mediated proceedings are overseen by one mediator who follows an established protocol.
Is the intervention likely to continue operating during the evaluation timeframe?	Unsure – To the extent that CIP resources continue Marion County will continue the pilot to participate in the evaluation. There is not likely to be any additional funding for program expansion from the state due to severe shortfalls.
Are needed data available, accessible and accurate?	Yes – Data are available on case characteristics, service interventions, time frames, and case outcomes. Authorization is required to access hard copy files for case history data. There are multiple sources of data for this evaluation including OJIN and JOJIN (the court’s electronic data bases) and DHS’s files and data base. There is also a set of data being collected by the mediator using an instrument from the Center for Policy Research. These data has not been entered into any system, but would be available to the evaluation team.
Can administrative data be cross-walked between child welfare agencies and the courts?	Yes - While OJIN does not yet interface with DHS, both systems maintain parent and child identification variables that can be used to cross reference the cases. Some level of interface is scheduled to occur by the end of 2002 and should be available for the evaluation.
Is there cooperation and support for evaluation?	Yes – CIP staff and the judiciary are very interested in being selected for the national evaluation and have indicated that they will facilitate the project in any way they can. DHS, attorneys and the mediator indicated the same. Provided there are funds to support continuation of the mediation pilot, all stakeholders are interested in participating in an evaluation.
Have there been any previous evaluations or are any planned or underway?	Yes – An initial, preliminary evaluation involving 11 cases that had mediation was completed in March 2001 by the Center for Policy Research, Denver, Colorado. The findings begin to suggest that mediation is a promising practice. However, the limited number of cases analyzed should be taken into consideration when analyzing these results.

Appendix A
Flow Chart For Mediation
(Adapted from Oregon’s SB 408 Federal ASFA Implementation Plan)



Appendix B
Evaluability Assessment Interview Participants

Name	Title
Juvenile Court Improvement Project	
Timothy Travis	JCIP Program Manager
Nancy Miller	JCIP Grant Administrator
Erin Ruff	JCIP Dependency Mediation Coordinator
Leola McKenzie	JCIP Program/Policy Analyst
Marion County Circuit Court	
Pamela Abernethy	Circuit Court Judge (primarily responsible for Juvenile cases)
Thomas Hart	Circuit Court Judge
Jamese Rhoades	Circuit Court Judge
Lynda Bridges	Mediator
Becky Smith	CASA State Coordinator
Department of Human Services, Child Welfare Unit	
Sonya Faulkner	Social Work
Michelle Warden	Social Worker
Jayne Schilling	Social Worker
Mary Blankenship	Social Worker (retired)
Juvenile Attorneys Consortium	
Jeff Carter	Attorney
Todd McCann	Attorney
Lindsay Partridge	Attorney
Phil Wiseman	Attorney
Craig Rockwell	Attorney
Richard Condon	Attorney
John Richardson	Attorney
John Jensen	Attorney
Jeanean Craig	Attorney

Appendix C Juvenile Court Mediation Results

Note: This form is completed by the Mediator for each dependency mediation held. It is returned to the Court within 24 hours of the mediation session. Mediation results are entered in OJIN.

Juvenile Name(s)	JUJU Number(s)	Petition Number(s)
Mediators:	Date of Mediation <small>(if mediation was conducted on more than one day, please enter the final date.)</small>	Length of Mediation (in hours)
Results of Mediation (check one) <input type="checkbox"/> Failure to Participate in Mediation - either one or more parties were not cooperative, refused or failed to participate, or failed to appear <input type="checkbox"/> Agreement Mediation - the parties reached an agreement <input type="checkbox"/> Mediation/No Agreement - the parties did not reach an agreement <input type="checkbox"/> Mediation Partial Agreement - the parties reached a partial agreement <input type="checkbox"/> Withdrawal of Mediator - the mediator has determined that s/he is unable to mediate this case because of circumstances of the case.		Parties in attendance- <small>check all that apply, including all <u>legal parties</u> for all sessions:</small> <input type="checkbox"/> mother/ <input type="checkbox"/> atty for mother <input type="checkbox"/> father/ <input type="checkbox"/> atty for father <input type="checkbox"/> SCF/ <input type="checkbox"/> atty for SCF <input type="checkbox"/> atty for child/ren <input type="checkbox"/> CASA <input type="checkbox"/> other _____ <input type="checkbox"/> other _____ <input type="checkbox"/> other _____ <input type="checkbox"/> other _____ <input type="checkbox"/> other _____ <input type="checkbox"/> other _____ <input type="checkbox"/> other _____ <input type="checkbox"/> other _____ <input type="checkbox"/> other _____

Philadelphia, Pennsylvania Pre-Hearing Conference and Specialized Review Courts Evaluability Assessment Site Visit Report

In 1997, the First Judicial District of Pennsylvania, Court of Common Pleas, Family Division (the Court) was awarded a court improvement grant from the Department of Health and Human Services to assess the processing of child abuse, neglect and dependency cases within the State's judicial system. This assessment was conducted by the National Center for Juvenile Justice and completed in 1998. By FY 2001, the State was receiving approximately \$317,400 annually in Court Improvement Program (CIP) funds. An Advisory Committee makes recommendations to the Court about the implementation of CIP funded projects. The State of Pennsylvania has targeted most of its CIP funds on a number of initiatives within the City of Philadelphia, including those briefly described below. Members of the James Bell Associates (JBA) study team conducted an evaluability assessment to design a research methodology for the following three interventions:

- **Pre-Hearing Conferences (PHC):** Pre-hearing conferences are convened for all abuse/neglect and dependency petitions heard in the Philadelphia Family Court just prior to the initial (adjudicatory) hearing.⁷⁸ The goal of the PHC, in conjunction with the adjudicatory hearing, is to develop a plan for the case that is agreed to by all parties. The plans are to include needed services. Referrals and appointments for mental health and substance abuse screens can be arranged during the PHC along with transportation. PHC was implemented system wide beginning in July 2001.
- **Accelerated Adoption Review Court (AARC):** Once parental rights have been terminated and a goal of adoption has been established, dependency cases are moved to AARC where a Master presides until finalization is complete. Prior to finalization, cases can be re-referred back to another courtroom to be heard by a judge if a placement is contested or another dispute arises. Cases can also be referred back to another courtroom if the goal is changed from adoption to long-term foster care or placement with kin. AARC was established July 1999.
- **Alternative Planned Permanency Living Arrangements and Kinship Care (APPLA/KC) Court:** This court provides oversight to cases in two categories: (1) children in long-term foster care either because of their specialized needs or age; and (2) children being cared for by kin. APPLA/KC was established in January 2001.

As explained in this summary, for both the PHC and AARC interventions a descriptive analysis of the process of reform and the application of the intervention is recommended. For both analyses, outcomes for cases filed prior to the implementation of reform might be compared with those for cases filed post-implementation on key select, measures. Thus, for each CIP-reform, a pre-intervention cohort could be compared with a post-intervention cohort on time to permanency and other outcomes. When selecting these groups, care would need to be taken to account for other reforms undertaken by the Court that might also impact time to permanency. Given the current broad referral criteria and protocols in place with respect to APPLA/KC, an outcome evaluation is not recommended at this time. The Court continues to refine APPLA/KC. A process evaluation of the implementation of these changes is recommended, given that

⁷⁸ The site refers to this component of reform as “front-loaded services model.”

APPLA/KC addresses some of the most complex cases falling under the dependency court's jurisdiction—kinship care and long-term foster care. Finally, implementation process evaluations are also recommended for the PHC and AARC, in order to better understand these interventions and associated qualitative findings.

This summary is based on two site visits conducted in June and July 2002 in Philadelphia by the JBA study team. Discussions were held with key stakeholders involved in developing and implementing the CIP reforms: the Honorable Myrna Fields, Administrative Judge; Mr. John Buggy, the CIP Coordinator; Ms. Rae Wardino, the Director of Dependency Court Operations (DCO); and Andrea Hoffman Jelin, Chief of the Adoption Branch. The study team also met with the judges who preside over each specialized court: the Honorable Nicholas A. Cipriani (APPLA/KC court) and Master Beth Oswald (AARC). In addition, the study team met with the DCO Caseflow Coordinator and the Management Information System (MIS) administrator for the Family Court.

External stakeholders from the legal community and child welfare agency participated in interviews and focus groups. Discussions were held with private counsel, attorneys representing children from the Philadelphia Defender Association, and attorneys representing parents from the Legal Services Corporation. Social workers, analysts, supervisors, attorneys, and the MIS administrator from the Department of Human Services participated in discussions regarding each intervention. Facilitators of the pre-hearing conferences and mental health and substance abuse screeners located at the court were interviewed. Representatives from the Statewide Adoption Network agency were interviewed regarding the AARC. The study team observed several AARC and APPLA/KC hearings, as well as several pre-hearing conferences. The study team observed case plans developed through PHC presented in dependency court. Finally, the team reviewed Court documents, and attended two CIP Advisory Committee meetings. (See Appendix A for the names, titles, and institutional affiliations of stakeholders interviewed for each intervention).

The following summary is presented in four sections. Section I presents a brief overview of the evolution of the Philadelphia Court's Court Improvement Program, including dependency court reforms. Sections II-IV focus on each of the three CIP-supported interventions that were the focus of this evaluability assessment. First, the service model and pertinent implementation issues are presented. Next, a logic model that links the expected outcomes to the intervention is presented, followed by the recommended evaluation approach that includes agreed upon measures of change. Each section concludes with an assessment of the feasibility of a full scale rigorous evaluation, including strengths, weaknesses, and key stakeholders' willingness to implement the strategy.

I. Philadelphia Court's CIP Reform Process

Beginning in 1996, the Philadelphia Family Court began re-examining its processing of child abuse, neglect and dependency cases, assembled knowledge concerning best practices, and tested possible innovations as part of its involvement in the ongoing national CIP. Initially, reforms focused on one pilot model court (or "M" court). In 2001, the Philadelphia Family Court transferred the most practical innovations developed in the single pilot model court across

all five of its dependency courtrooms, with most of the innovations slated for systemwide implementation by July 2, 2001.⁷⁹

Those familiar with the reform process note that a key component was “frontloading” the court process, as encouraged in the *Resource Guidelines, Improving Court Practice in Child Abuse and Neglect Cases* (National Council of Juvenile and Family Court Judges, Reno, NV, 1995). “Frontloading” refers to setting in place procedures to ensure that: (1) all parties to court proceedings begin actively participating at the earliest point possible; (2) do all they can to minimize the length of time children remain in temporary placement; and (3) families remain involved with the court. The pre-hearing conference process, including the arrangement of services with a case plan specified prior to the initial hearing is perhaps the most direct example of front loading. In addition to frontloading, the court and plaintiffs also agreed to clearly define a distinct “permanency planning” or “permanency determination” process.

Exhibit 1 provides a description of key petition filings and dependency court hearings in Philadelphia Family Court.⁸⁰

⁷⁹ The information included here and through the remainder of this introduction is summarized from Pennsylvania Court Improvement Project Assessment of 2001 Initiatives in the Philadelphia Dependency Court. Pittsburgh, PA: National Center for Juvenile Justice. March 26, 2002.

⁸⁰ Adapted from the policy manual Philadelphia Dependency Court Practices in Child Abuse and Neglect Cases (no date), Family Division, Court of Common Pleas, First Judicial District of Pennsylvania.

Exhibit 1

Pennsylvania's Dependency Hearings

- **Detention Hearing:** This initial hearing must be held within 72 hours of an involuntary removal. Petitions associated with the removal must be filed within 48 hours of the detention hearing. At the hearing, dates are set for the pre-hearing conference and initial adjudicatory hearing, held within 10 calendar days of the detention hearing.
- **Voluntary Placement Agreements and Urgent Petitions:** When a parent or guardian signs a petition for voluntary placement, the Department of Human Services (DHS) takes the child into custody and a petition is drafted. A pre-hearing conference is scheduled and is immediately followed by the adjudicatory hearing. This must be done with 30 calendar days. Urgent petitions are filed when the DHS has accepted a family for services and the family refuses to cooperate or when circumstances merit the court's intervention.
- **Pre-Hearing Conference:** Conducted by facilitators from the Good Shepherd Mediation Program, all parties must appear at this 30-minute conference to discuss the petition allegations, and placement, visitation, and service needs. A written report of the conference is given to the judge at the adjudicatory hearing, detailing the agreements reached by all parties.
- **Adjudicatory Hearing:** The adjudicatory hearing follows immediately after the pre-hearing conference (PHC) and within ten days of the detention hearing. After reviewing the PHC recommendations, discussing all issues, and making judicial determinations, the judge issues the court orders with respect to adjudication and disposition (i.e., placement, visitation, assessment, services, etc).
- **Five Month Progress Review Hearings:** Scheduling of subsequent hearings depend on the needs of the case. However, Court policy requires that hearings are held within five months, in order to comply with ASFA timeframes for permanency. Cases that involve assessment or evaluation may require an earlier date and the Clinical Evaluation Unit submits treatment progress reports to the Court.
- **Permanency Planning Hearing:** This hearing is held within twelve months of the child's removal from the home and placement with the DHS. The purpose of the permanency hearing is to review/determine: (1) the child's continued need for placement; (2) the extent of compliance with the permanency plan and the service plan; (3) the extent of progress made toward alleviating circumstances which precipitated the child's placement; (4) the feasibility of achieving the permanency goal; and (5) if additional services are needed for independent living, in the case of older children. Subsequent hearings must take place at five-month intervals. If the goal for a child is long-term care, kinship care, or independent living, then the case is transferred to a specialized post-permanency courtroom for regular five-month hearings.
- **Termination of Parental Rights Hearing:** If reintegration is not a viable alternative for the child, the case will go to the Termination of Parental Rights (TPR). At this hearing, the judge will determine whether: (1) the statutory grounds for termination have been satisfied; and (2) termination is in the best interests of the child.
- **Accelerated Adoption Review Hearings:** In cases where the judge has ordered the goal of adoption and the parental rights of both parents have been terminated, the case will be reviewed at five-month intervals until permanency is achieved.

II. The Pre-Hearing Conferences

A. Implementation History and Context

The *Resource Guidelines* encourage courts to take practical steps to engage parents and family members to participate in the process as early as possible – preferably beginning with the initial hearing on a case. Identified strengths with the pre-hearing conference intervention (PHCs) are the following:⁸¹

- Encourages parents to attend early hearings and keep attending hearings;
- Identifies relatives as alternatives to placement in substitute care;
- Helps give children a voice in the proceedings;
- Builds a foundation for communication and cooperation at the outset of the proceedings;
- Encourages innovative solutions to family problems that engage support networks of relatives, friends and service providers; and
- Improves the relationship between caseworkers and family members.

Under the 2nd Amendment agreement associated with the Baby Neal case, the Philadelphia Family Court transferred the 30-minute pre-hearing conference format to all the dependency courtrooms preceding the initial adjudicatory hearing. Additional conferences can be requested later in the dependency hearing process; however these are not the focus of this evaluation. Conferences at late dates occur infrequently. The decision to require a mandatory conference prior to the initial adjudicatory hearing was influenced by the frontloading principle. Initial adjudicatory hearings are the first appearance of parties in non-emergency cases and the second appearance ten days after a shelter hearing in emergency removal or (restraining order) cases.

1. The Service Model: The PHC Protocol

The goal or aim of the PHC, as described by various stakeholders in the process, is to generate early momentum in cases through a discussion with all parties to ultimately reduce the amount of time children spend in temporary placement. In general, the discussion during the PHC addresses the following issues:

- Petition allegations and adjudications;
- Safety of the child(ren) in their current placement, the need for continuing placement, and the availability and appropriateness of relative placements;
- Identifying mental health and substance abuse treatment needs of parents;
- Scheduling appointments for treatment services and arranging transportation;
- Arranging visitation schedules for parents with their children.

Once a petition of abuse/neglect is filed with the Court by DHS, the Court notifies the parent of the date and time for the initial adjudicatory hearing and pre-hearing conference which immediately precedes the family's court appearance. Simultaneously, a DHS Intake Worker

⁸¹ Pennsylvania Court Improvement Project Assessment of 2001 Initiatives in the Philadelphia Dependency Court, Pittsburgh, PA: National Center for Juvenile Justice. March 26, 2002. Pages 15-17.

investigates the allegations of the petition and begins to prepare the case. If the investigation is completed sufficiently in advance of the PHC, DHS may appoint a DHS Case Worker who receives the case from an Intake Worker. If the Case Worker is assigned by the time of the PHC, both the Intake Social Worker and Case Worker may attend the PHC.

One important distinguishing characteristic of the Philadelphia Family Court's PHC model is the Court's direct link to mental health and substance abuse treatment services. The Court has a standing contract with these entities to ensure families can access them. As a result, not only can a parent and/or child leave the PHC with a confirmed appointment for treatment or other counseling, but the Court can also mandate these services at the time of the adjudicatory hearing in which the agreed upon petition is presented. The link to these services is facilitated by a Behavioral Health Services (BHS) Family Court Unit clinician and liaison who participate in each PHC and are stationed in the Family Court building. BHS personnel are responsible for exploring the range of needs a family may have, and making phone calls during the PHC to service providers in the community who can respond to these needs. These referrals for services become part of the written summary from the conference and the court record.

Prior to the PHC, counsel is appointed to both the child and to the parent. Attorney attendance at PHCs is mandatory. Attendance is monitored by Court personnel, and sanctions for not attending include phone calls from Court staff, and can also include reprimands from the Administrative Judge and removal from the rotation list for court appointments. Court staff noted that monitoring attendance has increased attorney attendance. However, the Court understands the conflicting demands on attorneys' time and recently (June 2002) increased the compensation for private attorneys under contract with the Court as an additional incentive.

The child's attorney is appointed from one of two sources. Approximately 80 percent of the children receive representation through the City's public defender's office (known as the Child Advocate Unit). The Unit pairs the attorney assigned to the case with a social worker, also from the Child Advocate Unit. For cases in which the child is not income eligible, or there is a legal conflict, representation is supplied through private attorneys under contract with the Philadelphia Court. These cases do not receive the assistance of a social worker.

PHCs are scheduled in two conference rooms in the same Family Court building where the hearings also take place. This is designed to make it convenient for all parties to attend and to move easily from the PHC into one of five courtrooms. The PHCs are convened by independent facilitators provided to the Court through a contract for services with the Good Shepherd Mediation Program.⁸² The facilitator convenes the PHC outside the presence of the judge, and around a conference table where all parties are seated. This approach is designed to create a comfortable, non-adversarial atmosphere for dialogue and understanding. The facilitator formally introduces the process to the participants, regulates the discussion, keeps it on track to ensure all agenda items are addressed, and records any agreements that may be reached in a "Conference Summary" that is delivered to the courtroom by a Law Department assistant. Cases

⁸² Good Shepherd has a 100 year history of providing services centered in the Germantown section of Philadelphia. They were chosen for this assignment based on the court's previous experience with contracts for mediation services with the nonprofit and Good Shepherd's interest in adapting their services for a different application.

coming out of a PHC are given priority in the queue of cases scheduled in five dependency courtrooms for a 9:00 a.m. general call. Court representatives provide court officers with some sense of when the “conferenced cases” assigned to their courtrooms will be arriving. In this manner, the procedure blends a time-specific process with one that is subject to management by the judges and the court officers assigned to the respective court rooms.

The Court’s current protocol is consistent with recommendations in the *Resource Guidelines* regarding who should be present during court proceedings. On the side of families parents/legal custodians, children, their attorneys and other interested persons (such as family members, close friends and service providers) routinely attend the PHC. On the side of the court and the City’s Department of Human Services (DHS) participants are a Law Department solicitor and paralegal, the assigned DHS caseworker or their supervisor, a DHS court representative, the assigned Child Advocate (i.e. attorney), a social worker, and a Behavioral Health Services (BHS) Family Court Unit clinician and liaison.

During the “evaluability assessment” the evaluation team observed several PHCs and observed the process and participants, as described above. When full agreement on the issues was reached by all parties during the PHC, the “Conference Summary” was reviewed by the Court at the hearing and if accepted, was written into the record. According to the few cases observed by the study team, discussion by the Court was generally limited to a check on child safety and confirming with the family the terms of the hearing order. Court staff noted that the Court was active when agreement was not reached in the PHC and there were contested matters. (See Appendix B – Sample PHC Scenarios). Based on the few initial observations, it appears that the PHC is meeting its operational objectives.

In addition to the PHC, the Court’s current protocol also provides for subsequent Court arranged conferences, as needed. These are referred to as “facilitation conferences.” A facilitation conference can be requested by a party to the case (or ordered by the court) if it is felt such a conference would be beneficial to address a specific issue. Under the 2nd Amendment agreement, the opportunity for a facilitation conference is not restricted to new cases or those in a particular phase of the process. It is available to “all open cases.” Facilitation conferences are infrequent and are just beginning to be used by the court. This type of conference is distinct from the PHC and is not the subject of this evaluability assessment.

In 2001, Philadelphia’s Family Court was very busy with 3,733 case filings (or children), representing 2,345 new families. The number of case dispositions that year was 4,832 when deferred adjudicatory cases from the previous year are included. The minimum number of PHCs per month is approximately 200 (i.e., 10 per day). For example, in May 2002, 182 PHCs were conducted. The outcome of these PHCs was the following:

Exhibit 2 Pre-Hearing Conference Results

PHC Outcomes	PHC Results – May 2002
Full agreement on issues recommended for approval by the court	132 (73%)
Partial agreement (recommendations)	38 (21%)
No Agreement	12 (7%)
<i>Total</i>	182

B. PHC Intervention Logic Model

With respect to long term outcomes, there was broad consensus that the central benefit of the pre-hearing conference was in expediting permanency by reducing time to permanent placement for children who are adjudicated as dependent. It was generally agreed by all stakeholders that the issue of child safety is standardized across all court proceedings (i.e. assurances of safety are routinely reviewed by the Court). Therefore, the PHC does not have an independent impact on the child safety. Like other proceedings, queries on child safety are also a required element of the PHC, thereby ensuring that child safety is maintained. Additionally, it was generally agreed by all stakeholders that PHCs in and of themselves could not be expected to consistently and significantly impact child well-being in the long-run, although some of the agreements reached in the PHC would contribute to child well-being as an element of the intermediate outcomes. Many other factors outside the scope of this intervention influence child well-being, therefore, it is not a final outcome for the PHC. Exhibit 3 presents the logic model developed for the PHC. The following discussion explains the model.

The PHC logic model links the intervention and its inputs to an “output” or product of the intervention. In this case the output is an agreed upon petition to be presented to the Court specifying the child’s immediate placement, and containing requirements for returning the child home along with confirmed linkages to mental health, substance abuse treatment or other social services. For the vast majority of cases, this petition forms the foundation of the court order. Additionally, it serves as the incipient case plan for the child welfare agency. Initial and intermediate outcomes that contribute to the long-term outcome of expedited permanency stem from the intervention output.

There are two initial outcomes associated with the intervention. The first outcome is improved collaboration and cooperation between all parties, stemming from (1) the fact that professionals are required to attend; and (2) the roundtable, problem-solving forum of the PHC which is presided over by an external facilitator. The second outcome is improved access to services, resulting from the standing contracts the court maintains with mental health and substance abuse providers and the BHS clinicians/liaisons who attend PHCs and facilitate appointments for parents.

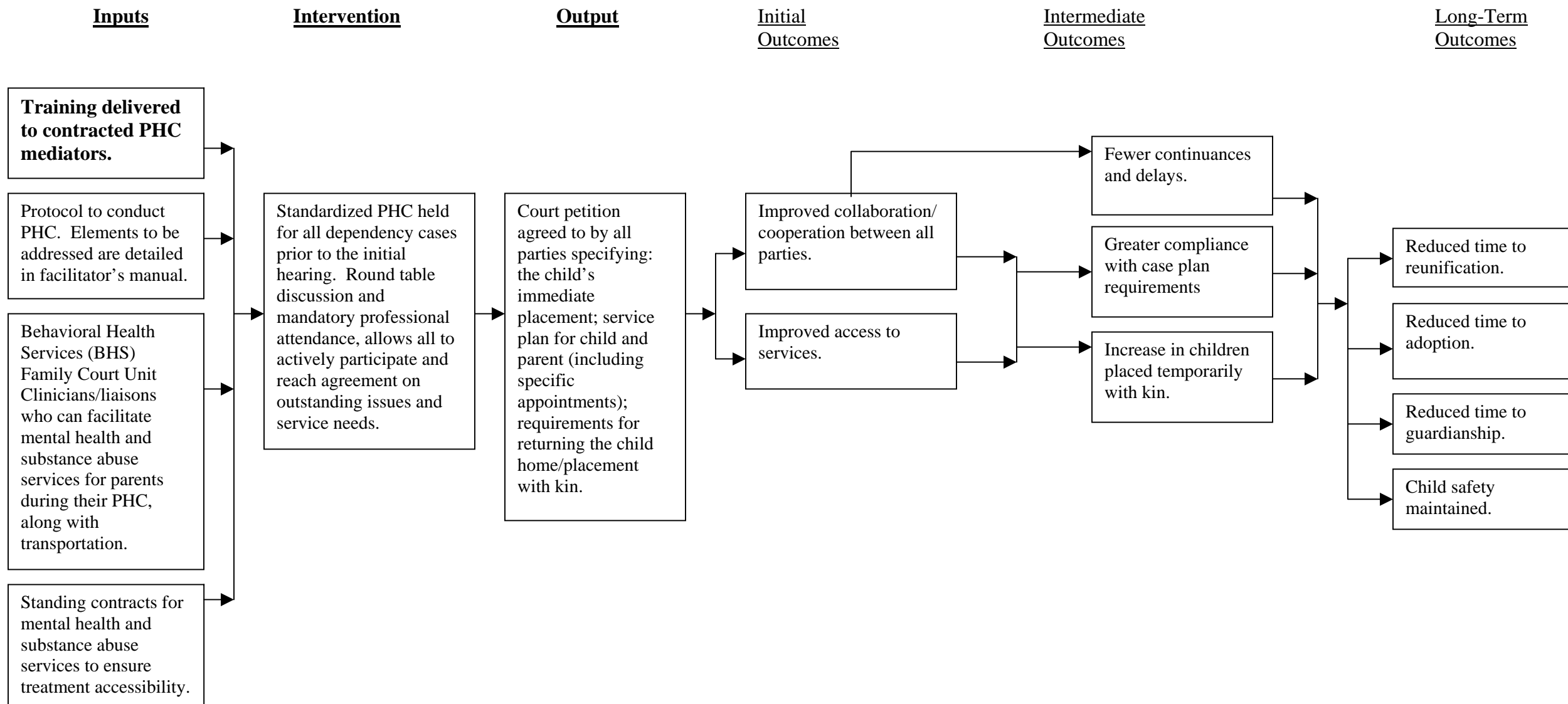
Stakeholders also identified three intermediate outcomes that begin to demonstrate the potential final disposition for the case: (1) parental compliance with case plans; (2) temporary placements for children with relatives; and (3) fewer continuances and delays. First, the PHC is

thought to contribute to parental compliance with case plans due to the fact that during the conference parents participate in the discussion of the plan and have a chance to state what they will or will not agree to. It is thought that this early buy-in increases the likelihood of compliance, therefore meeting the conditions that are required for reunification, if that is the permanency goal. Second, the PHC is thought to result in temporary placements for children with relatives because the process leading up to the conference provides DHS with time to find willing and able relatives and to invite them to the PHC to confirm their availability. Suitability of these potential placements are explored during the PHC. The commitment of relatives then becomes part of the recommendations from the PHC that are presented to the court and become part of the court order. Third, it is thought that addressing parental needs or concerns and linking them to services (“frontloading”) early in the case will result in fewer continuances or delays over time.

Achieving a permanent placement for the child and reducing the length of time that this takes may be realized if a number of conditions are met (i.e., there is upfront agreement by parents on the petition, they accept referrals for service, they comply with those services, and there are no further allegations of abuse and neglect). Parental compliance will facilitate a decrease in the amount of time it takes to bring the case to closure. Simultaneously, if the placement of the child(ren) is with relatives, instead of foster care, and the child(ren) are able to stay in one location during the temporary placement, the conditions will also be more favorable for reaching agreement sooner on a permanency plan for the child(ren). The conditions are thought to be more favorable for various reasons. If the child(ren) can stay with family and the placement is not disrupted, it can make it easier for them to transition back home with a parent and the support of the extended family. Similarly, if reunification is not an option, the time with relatives may be enough to establish their capacity and willingness to care for the child(ren) in the long-term.

The logic model illustrates the assumption by stakeholders that the PHC contributes to expediting the time to permanency, but it does not predict in any way the type of permanency that will be realized (i.e. reunification, adoption, or guardianship.) This is because many other variables beyond the scope of the court and its interventions contribute to the final permanency outcome. It accomplishes this while ensuring that child safety is maintained in three ways: (1) by making initial inquiries into the safety of the child’s current, and proposed, placement; (2) clearly specifying conditions that must be met in the court orders to ensure the child’s continued safety; and (3) providing a forum through which parents “buy into” and comply with the child’s safety plan.

Exhibit 3
Philadelphia, PA's Pre-Hearing Conference (PHC) Logic Model



C. PHC Proposed Evaluation Approach

1. Evaluation Design

As noted earlier, beginning July 2, 2001, the PHC was expanded to all dependency courtrooms. Because the PHC has been implemented systemwide within the Philadelphia Court, there is not an opportunity to create a post-implementation and control group with new filings.⁸³ However, a descriptive analysis of the process of reform and the application of the intervention is possible. Within this analysis, outcomes for cases filed prior to the implementation of reform might be compared with those for cases filed post-implementation on key, select measures. Thus, it would be possible to compare the outcomes of cases filed prior to the time when the PHC was implemented systemwide (pre-implementation), with the outcomes of cases filed following establishment of the current PHC process (post-implementation).

In the absence of more rigorous experimental designs, such as those involving random assignment or a quasi-experimental design, other factors impacting the primary long-term outcome of interest (expedited permanency) must be taken into account. Most fundamentally, these involve the court's efforts related to requirements specified in the Adoption and Safe Families Act (ASFA) of 1997, which specified timeframes for the achievement of permanency. As a result of these requirements, from May 1999 to May 2000, the Philadelphia Family Court systematically reviewed cases under its jurisdiction. Many were moved forward in the court process and closed. Although these cases were not new entrants (cases that now receive a PHC), the court's focus on these cases might have impacted activity taken on other cases (e.g., referral to services). For this reason, it is important that the two groups selected for this analysis not encompass the ASFA review timeframe. Similarly, it is important that the post-implementation group be selected a short while after the intervention has begun, in order to allow for the program to become well-established. Other than these considerations, the post-implementation and pre-implementation group should be selected in as close proximity time wise as possible in order to minimize the chances that one will be impacted by external factors that would bias the comparison.

It is recommended that this analysis be supplemented with an analysis describing the process of reform. Stakeholders involved with designing the PHC intervention would be interviewed to fully document the steps to full implementation. Qualitative data would also be gathered from those involved with the PHC to determine their perceptions of such factors as: (1) the degree of understanding parent(s) have about the case and their options; (2) communication between all parties to the case that results in more creative solutions; (3) cooperation between all parties to the case; (4) satisfaction of all parties with the agreements reached; and (5) commitment from parent(s) to the agreement as a result of being part of the process to develop the agreement. This type of data could only be captured if the evaluators had the opportunity to interview parties to the cases. However, qualitative data collection for some outcomes and measures can only occur with the post-implementation group (e.g., structured interviews with families and service professionals regarding increased collaboration between all parties) as families and individuals who comprise the pre-implementation group will not be available.

⁸³ As explained earlier, within Pennsylvania the vast majority of CIP funding is targeted within Philadelphia. The models developed in Philadelphia were not replicated elsewhere within the State.

Observations of PHCs and court hearings in which the agreed-upon petitions are presented are also recommended.

Exhibit 4 summarizes the viable parameters for the post-implementation and pre-implementation groups in this research design. These are the parameters that would be used by the research team to select data for the evaluation itself.

Exhibit 4 PHC Research Design Parameters

Criteria	Post-implementation Group	Pre-Implementation Group
Type of Case	New Dependency Filings Post ASFA reform Post-PHC Implementation	New Dependency Filings Post ASFA reform Pre-PHC Implementation
Time Frame	December 2003 – May 2004	December 2000 – May 2001
Court Rooms ⁸⁴	Four Dependency Courts (i.e., E, G, H, I)	Four Dependency Courts (i.e., E, G, H, I)
Access to Behavioral Health Services Unit	Yes	No
Case Tracking Period	Two Years	Two Years

2. Sub-Population Analyses

The diversity of cases coming into the Philadelphia Family Court creates the opportunity to explore the experience of various sub-populations. Specifically, by analyzing sub-populations within the data it would be possible to begin to answer questions about the difference in experience for different groups. Some examples of the sub-populations that may be isolated in the sample are the following:

- Outcomes of PHCs for parents who have no prior experience in the child welfare system vs. parents who have a long history;
- Outcomes of PHCs when parents attend the PHC versus when they do not attend;
- Outcomes of PHCs when attorneys attend versus when they do not attend; and
- Outcomes for teenagers who attend the conference and speak on their own behalf versus those involving younger children.

3. Sample Size and Selection

As previously noted, the number of new dependency filings is approximately 160 per month – 40 cases per each of the 4 dependency court rooms. During each of the two six month periods identified for data collection the number of new cases in each of the two groups eligible

⁸⁴ As explained earlier, one court (“M” Court) had access to the PHC intervention prior to the current systemwide implementation of PHC. For this reason, although administrative data would be collected on new filings within this courtroom, it would be excluded from the focal analysis. Other courts (such as the APPLA/KC or AARC – see subsequent section) do not make use of the PHC as these courts do not receive new filings or involve adjudicatory hearings.

for inclusion would be included in the evaluation would be approximately 960 cases for the courtrooms of primary interest. From these groups, cases could be randomly selected for detailed data tracking and analysis.

The pre-implementation group's two-year tracking period will overlap CIP reform implementation, which began in July 2001, therefore the courts will be hearing both types of cases. We are aware that some dependency cases in the pre-implementation group may receive a PHC at a later point in the hearing process. We intend to exclude from the sample all cases in both the post-implementation and pre-implementation groups that receive a PHC at a *later* point as the "early PHCs" and frontloaded services are the intervention of interest in this study. In addition, eliminating these cases will eliminate a potential source of bias. In excluding these cases from either sample, however, we would take note of how often "later PHCs" occur during the data collection and tracking period and determine whether such cases share common characteristics that would affect time to permanency. In reviewing such occurrences we would be mindful that we do not systemically exclude a type of case that would bias comparisons in the representative samples.

4. Outcome Measures

Proposed measures for the outputs and outcomes in the logic model are presented in Exhibit 5. The descriptive analysis would focus on key, select measures. These measures represent both the variables that would allow the hypothesis to be tested, as well as the variables that are available through the Philadelphia Court's mainframe data files for dependency cases and the Department of Human Services,

Exhibit 5
Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Outputs		
Agreement by all Parties on Recommendations for Court Approval or Disputes for Court Review.	Number and percent of PHCs that produce: full agreement, partial agreement, or that conclude with contested issues.	Conference Summary. Court Records.
Facilitator's Report Documenting Participation in the PHC.	Number of: parents/guardians present, parent attorneys present, children present (if appropriate), and child advocates present.	Conference Summary.
Action Plan for Substance Abuse and/or Mental Health Evaluation or Other Supportive Services.	Number and percent of appointments arranged for substance abuse or mental health evaluations for parents and/or children.	Conference Summary.
Initial and Intermediate Outcomes		
Improved collaboration/cooperation between all parties.	<p>Level of communication, trust and openness between parents and child welfare agency workers from perspective of parents.</p> <p>Level of cooperation of parents in preparing and completing case plans (for parents and children).</p> <p>Level of satisfaction regarding parental compliance and cooperation of all parties from the perspective of all parties.</p> <p>Change in language from initial petition to plea petition.</p>	<p>Structured interview with families in T group, DHS staff and other professionals.</p> <p>Structured interviews with DHS staff to discuss level of cooperation experienced with families.</p> <p>Part of structured interview with families in T group, DHS staff, and attorneys.</p> <p>Petition Documents.</p>
Improved access to services.	<p>Number and type of services identified and court-ordered.</p> <p>Length of time between identification of service(s) needed; service(s) provided; and next steps addressed.</p>	<p>Review Hearing Records.</p> <p>DHS Records.</p>
Fewer continuances and delays.	Number and percent of continuances and delays taking place for T versus C groups.	Court Records.

Greater compliance with case plan requirements.	Number and percent of parents complying with case plan.	Conference Summary. DHS MIS. Structured interview with DHS personnel
Increase in children placed temporarily with kin.	Number and percent of children placed with relatives. Number and percent of children placed in foster care.	DHS MIS.
Long-Term Outcomes		
Reduced time to reunification.	Number and proportion of cases that achieve reunification. Length of time between date of emergency hearing or petition filed and return home for child(ren). Number and proportion of children that re-enter foster care.	Court records and MIS.
Reduced time to adoption.	Number and proportion of cases that achieve adoption. Length of time between date of initial petition for this episode in custody and case closure.	Court records and MIS.
Reduced time to guardianship.	Number and proportion of cases that achieve permanent guardianship. Length of time between date of initial petition for this episode in custody and case closure. Number and proportion of children that re-enter foster care.	Court records and MIS.
Child safety maintained.	Number of allegations of abuse and neglect taking place after mediation. Number of substantiated allegations of abuse and neglect taking place.	DHS MIS.

5. Research Design Limitations

As previously noted, this evaluation would be limited due to its descriptive analytic design. It would rely on a retrospective comparative analysis of administrative data as the PHC is now a system-wide intervention and there is no opportunity to compare cases that receive the intervention with those that do not at the same point in time, as would be possible in a quasi-experimental design. The only way to define such a sample is to look at cases in the system before the PHC was implemented, thus a pre-implementation group will be constructed.

Another design limitation is that structured interviews with families and other parties regarding outcomes of interest would only be possible for the post-implementation group, given that the comparison group is based on retrospective data.

As noted previously, the pre-implementation group's two-year tracking period will overlap with CIP reform implementation. As some dependency cases in the pre-implementation group may receive a PHC at a later point in the hearing process, we intend to exclude these cases from the sample and will also do so when this occurs for cases in the post-implementation group. In excluding these cases from either sample, however, we would take note of how often "later PHCs" occur during the data collection and tracking period and determine whether such cases share common characteristics that would affect time to permanency. As stated previously, in reviewing such occurrences we would be mindful that we do not systemically exclude a type of case that would bias comparisons in the representative samples.

D. PHC Conclusion and Summary

Based on the information gathered during the site visit assessment, the study team recommends a descriptive analysis of the process of reform and the application of the intervention. Within this analysis, outcomes for cases filed prior to the implementation of reform might be compared with those for cases filed post-implementation on key select, measures. This would compare the outcomes of a cohort of dependency cases that participated in a pre-hearing conference and received "frontloaded" services with a cohort of cases that did not. Exhibit 6, presented below, summarizes the feasibility criteria and the extent to which the PHC reform by the Philadelphia Family Court appears to meet these criteria. A full-scale evaluation of the PHC and frontloaded services appears to be feasible, based on this evaluability assessment.

Exhibit 6
Evaluation Feasibility of Pennsylvania’s Pre-Hearing Conference

Criteria	Response
Is there a definable model that could plausibly achieve their intended objectives?	Yes. See the logic model presented in Exhibit 3 and narrative discussion in this report.
Is the intervention consistently implemented as designed?	Yes. Protocols for the PHC and frontloaded services are documented in “Philadelphia Dependency Court: Practices in Child Abuse and Neglect Cases.” Furthermore, all participants in the system appear knowledgeable about each others roles. Use of the PHC is court-ordered as part of a lawsuit settlement and therefore is likely to remain in place for some time.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. Court administrators indicate a long-term commitment to the PHC.
Are needed data available, accessible and accurate?	Yes. There are multiple sources of data for this evaluation. The court uses an electronic tracking system that cross-references data with the child welfare system. PHC facilitators complete a pre-hearing conference summary record that is accessible in hard copy. In the event the evaluation could include some qualitative data collection, the PHC itself and hearings in the court are conducive to observation. Additionally, the electronic notification system the court uses to remain in contact with families involved in cases may be useful for arranging focus groups or implementing a survey.
Can cases be cross-walked between child welfare agencies and the courts? How?	Yes. The Court uses an electronic tracking system that cross-references dates with the child welfare system.
Is there cooperation and support for evaluation?	Yes. The Court, through approval from the Chief Administrative Judge, supports evaluation: (1) to the extent the lessons learned are shared with the court; and (2) the evaluation team is self-sufficient (i.e. draws limitedly on court personnel for assistance).
Have there been any previous evaluations or are any planned or underway?	No. There are no pending evaluations of the Pre-Hearing Conference.
What type(e) of evaluation design would be feasible?	A descriptive analytic design of the process of reform and the application of the intervention is recommended. Within this analysis, outcomes for cases filed prior to the implementation of reform might be compared with those for cases filed post-implementation on key select, measures. Thus, a sample of new cases before the PHC and frontloaded services were in place would be compared to a post-implementation group that is composed of new cases using the PHC and frontloaded services.

III. The Accelerated Adoption Review Court

A. Implementation History and Context

The Accelerated Adoption Review Court (AARC) is a specialized post-permanency review courtroom created in July 1999 that is focused on achieving permanency through finalizing adoptions in a timely manner. The goals of the AARC are to expedite adoptions and reduce the length of time children spend in foster care, consistent with the requirements of the federal Adoption and Safe Families Act (ASFA) of 1997.

In 1996, before the implementation of ASFA reforms, the Court implemented a protocol for all courtrooms that combined the hearings for the goal change to adoption and termination of parental rights (TPR) into one petition.⁸⁵ Absent this process in the dependency courts, court staff noted that pending adoption cases tended to “sit” in the dependency courts waiting for the next action to occur. The process was dependent on the concerted actions of multiple parties to meet legal and social work requirements; these actions did not always occur in a timely manner. In addition, all parties did not always attend the six-month review hearings, which made it difficult to identify barriers to the adoption, causing further delays.

The AARC was established to increase court oversight and to reduce the procedural delays that are common to adoption proceedings. As a result, the Court’s role changed fundamentally to providing active judicial oversight of these cases. According to stakeholders, this has been a welcome change, as adoptions require specialized knowledge. They find that all parties participating in the AARC know the rules and the process, in contrast to other dependency courtrooms. The AARC has also benefited from positive changes in the relationship with the child welfare agency, particularly regarding sharing critical information. Stakeholders also find that the AARC facilitates greater communication among the parties (i.e., the Court, advocates, providers, social workers, foster and/or adoptive parents), particularly when adversarial relations exist. The AARC holds all parties accountable for their actions and fosters greater commitment to bring the case to permanency and serve the best interests of the child. It allows foster parents to think through whether adoption is realistic and allows for concurrent planning to occur. In general, stakeholders find that the AARC makes a difference in reducing time-to-permanency and improves oversight of the cases. Court officials report that finalized adoptions have increased and the caseload of the other Family courtrooms has decreased since the AARC went into operation. According to the findings of the first year assessment of

⁸⁵ The goal change to adoption is made at the Family Service Plan (FSP) meeting, held by the Department of Human Services (DHS). The DHS Court Representative then submits this recommendation to the Court. The “Protocol for Combining Goal Change and Termination of Parental Rights Proceedings” went into effect July 1, 1995 in one court and was implemented in all courtrooms as of March 14, 1996.

Philadelphia's Model Dependency Court, between July 1999 and March 2000, the AARC heard cases for 476 children and 382 families and finalized 193 adoptions.

1. The AARC Referral Process and Preparation of the Daily Listing

Dependency cases are transferred to AARC from the core Dependency Courtrooms after the parental rights of both parents have been terminated or voluntarily relinquished and the court-approved goal for the child is adoption.⁸⁶ The timeliness of referral to AARC is dependent on the rate of parental rights terminations that occur in the four dependency courts and the caseload of the AARC.

The AARC listing process begins when the Clerk of the Court forwards the dependent court list to the Adoption Branch. A daily list is prepared (two staff from the Adoption Branch assist with the AARC operations). Court staff note that cases are listed according to how close the case is to finalizing the adoption (i.e., the easiest cases are heard first and the hardest cases are heard last). Cases are prioritized on a scale of one-four, as follows:

1. An adoption finalization hearing is set;
2. At least one of the following orders have been filed: Report of Intent, Report of Intermediary (Note: the “intermediary” is DHS), Petition for Adoption;
3. New cases that have just been identified for adoption and require Family Service Plans (FSPs), home studies, etc.; and
4. Cases where court orders have not been abided by and the goal must change (e.g., long-term foster care).

The AARC sits twice per week. The Adoption Branch generates the list for the Court using a Lotus spreadsheet application. The following information is provided on the face sheet: (1) case number; (2) the juvenile’s name; (3) a unique numeric identifier; (4) the petition number; (5) the type of hearing (permanency); and (6) time listed (9:00 a.m. or 1:00 p.m.). The list indicates the number of petitions scheduled and the number of families represented through these petitions. An asterisk denotes a protracted case. Details regarding the case are provided, indicating the reason for and dates of Termination of Parental Rights (TPR) (for both parents); the court goal (adoption); dates of placement and commitment to the child welfare agency; dates of prior hearings; names of parties; and identifying information for the child (as noted above).

Hearing notices are sent to the following parties: the Court, the City Solicitor and DHS Adoption Unit, the Child Advocate, and other parties to the action. Approximately 20-25 cases are referred to the AARC each month.

2. The AARC Protocol and Hearing

A Master presides over the AARC.⁸⁷ Assuming the role of proactive case manager, the Master identifies obstacles that prevent adoption finalization and identifies the party responsible

⁸⁶ A party may appeal the termination after the referral to AARC has been made. At this point, the case would be transferred back to a dependency courtroom presided over by a judge.

⁸⁷ A master is a judge-supervised, judicial official that administers and adjudicates cases. In Philadelphia’s Court of Common Pleas, a Master presides over the AARC and truancy courts. The use of a Master helps alleviate docket burden. There have been five Masters presiding over the AARC since 1999. Master Beth Oswald was appointed to the AARC in February 2002. While each Master observes a standard protocol, each one also has a

for resolving each obstacle. Usually, the child has already been placed with a family who wants to adopt him/her prior to referral to AARC. In some cases, however, an adoptive family has not been identified and recruitment efforts may be necessary (as is often the case with special needs children or older youth).⁸⁸

The Master hears about 30-40 cases per week. The court is in session two days a week, from 9:00 -11:00 a.m. and from 1:00-3:00 p.m. Morning sessions involve approximately 15 families or 25 petitions and the afternoon session consists of 12 families or 20 petitions. Three slots are left open in the afternoon so that the AARC Master may respond to issues that arise from non-compliance with court orders (these can also be used for “emergency” listings). Dispositional hearings are heard on a 60-day, 90-day, and five month calendar.⁸⁹ Adoptions are finalized on Friday mornings.

In its third year of implementation, AARC procedures are still being fine-tuned. Originally, the AARC operated with time certain scheduling with daily listings prioritized by: (1) finalization date; and (2) completion of all required paperwork. As of March 2002, however, AARC discontinued time certain listing. As noted above, cases are listed at 9:00 a.m. and 1:00 p.m.⁹⁰ Some stakeholders perceive that the shift from time certain to flexible listings in two-hour increments weakens accountability. Time certain listings were preferable as they encouraged and facilitated attendance by all parties. Another change to the courtroom listing practice is that 2-3 month hearing date slots are available on an “as-needed” basis to provide flexibility.

Requirements to attend all hearings have also changed over the years. At first, *all* parties were required to attend *all* hearings. This included the child (if age appropriate); the child’s attorney; the child’s caretaker (foster or pre-adoptive parents); the assigned social worker and court representative from the Department of Human Services (DHS); the social worker from the provider agency; a representative from the Statewide Adoption Network (SWAN) affiliate; and a Court Appointed Special Advocate (CASA).⁹¹ However, this proved infeasible, so all parties are now required to attend the first listing, including prospective adoptive parents. At this hearing,

different judicial style, therefore the quality of the hearing, the emphasis on meeting timeframes, and the degree of teamwork or collaboration among parties may differ. These variables may affect time-to-permanency.

⁸⁸ The Court developed a Joint Protocol between AARC and the DHS Children and Youth Service (no date) regarding a special adoption recruitment initiative. It was not implemented, however, due to small number of cases requiring such intervention. A Task Force, initiated by the DHS Adoption Unit, is currently examining recruitment efforts and a report is forthcoming in late September 2002.

⁸⁹ Internal memorandum dated July 17, 2002. Adoption Branch, Family Division, Court of Common Pleas, First Judicial District of Pennsylvania.

⁹⁰ Internal memorandum dated March 21, 2002. Adoption Branch, Family Division, Court of Common Pleas, First Judicial District of Pennsylvania.

⁹¹ Pursuant to the Juvenile Act, 42 Pa. Cons. Stat. § 6301 *et seq.*, enacted in 1972, a child involved in dependency proceeding is entitled to an attorney to represent him/her at every stage of the proceedings related to dependency, termination of parental rights, and adoption. Eighty percent of children in Philadelphia’s Dependency Courts are represented by child advocates from the Philadelphia Defender Association-Child Advocate Unit; private attorneys represent twenty percent. There are approximately 7,100 adjudicated children in the City of Philadelphia.

all parties are made aware of their responsibilities to expedite the adoption process and the time frames for completing necessary actions. As of June 2002, a special introductory notice will be sent to all parties, providing information regarding roles and responsibilities in the adoption proceedings.⁹² Child advocates from the Philadelphia Public Defenders Association are present in court all day; private attorneys do not always appear for the hearing (and face graduated sanctions for repeated “no-shows,” as indicated earlier). In another adaptation, social workers are available to testify regarding “safety” by telephone and they are advised by the court to be available during these hours, which is better suited to their demanding and often unpredictable schedules.

One observer noted that before the AARC, foster parents were generally absent from the process. AARC recognizes that foster parents are an integral part of the child’s life and allows them to participate in the proceedings and advocate for the child. At a minimum, the AARC can operate with the Master presiding, a Dependency Court Operations clerk preparing the orders and setting hearing dates, and the Department of Human Service Court Representative presenting the status of the case.

The purpose of the hearing is to identify obstacles that may cause delay in finalizing the adoption and to ensure that an appropriate permanency plan is in place. Each hearing follows the same protocol (see Appendix C). Once all parties have identified themselves, the Master reviews the status of required documentation to be submitted by the agency or filed by the attorney. The Master inquires if the Family Service Plan (FSP) is current (this must be reviewed every six months). Safety testimony is taken to establish the child’s status at each hearing. Social workers are available by phone or in-person to attest to the child’s status (i.e., affirming that the child was visited in the past 30-days, is safe, and his/her needs are being met). If the social worker is not available, then “safety” is deferred.⁹³ If these conditions for the child’s safety and well-being are met, then the Court finds that the child will remain as committed.

At the conclusion of the hearing, the Master gives a dispositional order, thereby directing the attorney, agency, or the foster parents to perform needed actions by a certain date, as indicated in Exhibit 7 below. According to this timeline, all action must be completed within 160-165 days of the referral to the adoption agency. An administrative officer assigns a follow-up hearing date.

The authority of the court moves the process along. In the words of many stakeholders, the court “holds one’s feet to the fire.” If an action necessary to move the adoption process along is not occurring in a timely fashion, the court can subpoena a party or parties to attend a hearing or to complete a certain action by a defined date (e.g., order a meeting of all parties within 15 days to resolve outstanding issues that are delaying finalization). For example, if foster parents are not submitting information to the provider agency in a timely fashion, the Court may order the foster parent to do so.

⁹² *Ibid.*

⁹³ Some stakeholders, however, have expressed concern that the court appears to place greater emphasis on safety and has sacrificed some of the focus on meeting timeframes.

Exhibit 7 Timeframes for Adoption

Required Documentation	Required Timeframe and Responsible Party
Child Profiles	Must be completed within 90 days of the adoption network (SWAN) referral. The Court will <i>order</i> completion pursuant to the date of referral to the provider agency.
Family Profiles or Home Studies	Must be completed within 120 days of the SWAN referral. The Court will <i>order</i> completion pursuant to the date of referral to the provider agency.
Home Study	Approval by DHS within 10-15 days of receipt.
Report of Intent	To be filed by the new attorney 15 days after the Home Study is approved.
Petition for Adoption, Report of Intermediary, Birth Packet, and Post Placement Study.	To be filed by the attorney 15 days after filing the Report of Intent.
<i>Note: Not all counties require Birth Packets and Post-Placement Studies. Philadelphia County requires all of the aforementioned documentation.</i>	

Source: Informational Handout. Adoption Branch, Family Division, Court of Common Pleas, First Judicial District of Pennsylvania.

At the conclusion of the hearing, the disposition review order is distributed to relevant parties, providing them with specific instructions regarding the next hearing and detailing what must be accomplished before the next hearing (e.g., home study completed).⁹⁴ In most cases, stakeholders note that issues are resolved prior to the next hearing, particularly if either the child welfare agency or a provider agency is causing delays. Child advocates indicate that monitoring of the case has improved and that the court works in concert with the advocates to ensure that the child does not “languish” in foster care (reportedly, cases could take two years to reach finalization, prior to AARC). Each case is given a five-month review date, although parties can request an earlier date, if necessary, and the AARC allows for needed flexibility. Contested cases are referred back to dependency judges in the core courts. Those involved with AARC find that the process is well-defined, streamlined, and efficient.

Prior to finalization, cases can be referred back to another courtroom to be heard by a judge if a placement is contested or another dispute arises. Cases can also be referred to another court, including the Alternative Planned Permanency Living Arrangement/Kinship Care (APPLA/KC) Court if the goal is changed from adoption to long-term foster care (e.g., due to

⁹⁴ There appears to be some slippage in the protocol for distributing information, whether by the Court or DHS: Providers noted that they did not always receive notification of the next hearing and a copy of the court order.

specialized needs or age) or placement with kin. According to the DHS protocol, if, after five hearings there is no progress, then the case is referred to the APPLA/KC court. Court officials estimate that approximately 20-25 percent of AARC cases are referred to APPLA/KC.

3. Factors which Delay Finalization

Although the adoption hearing process is standardized, each case presents challenges for all parties to consider and act upon. While the goal of the AARC is to accelerate the adoption process, obstacles can occur at any time. According to Court officials, about five percent of adoption cases present issues that hinder finalization.

Discussions with stakeholders and court observations by the study team revealed the range of issues that might surface. For example, there are numerous delays in either conducting or completing home studies (which are more detailed for adoptive parents than for foster parents, delving more deeply into a potential adoptive parent's background). Home studies might reveal that the children of foster parents have criminal records, therefore requiring further investigation. Oftentimes, children have unresolved mental health issues that must be addressed before the foster parent will commit to the adoption. In other cases, prospective foster parents change their minds about adopting the child and no longer want to make a long-term commitment. In these cases, recruitment for a new adoptive placement is necessary. (Discussions with Court staff indicate that this has been a consistent problem since 1995-96).

In cases where the foster parents choose not to adopt but wishes to continue caring for the child, the age of the child becomes a critical factor in determining the permanency goal and next steps. With younger children, the Court will direct that child-specific recruitment efforts be made to find another placement and a willing adoptive home. If the child is twelve years or older, then the case will remain with AARC until another adoptive placement is arranged. If an older youth wishes to stay with his/her foster parents, then the case goal changes to meet the best interests of the child. In such a case, following a meeting to revise the Family Service Plan, and upon the agreement of all parties, the goal of adoption is changed to "long-term placement goal with a foster parent" or kinship care. Then, the case is transferred to the Alternative Planned Permanency Living Arrangement/Kinship Care Court (known as "O" Court). As noted earlier, approximately 20-25 percent of cases do not stay in the AARC, as long-term foster care placement is found to be the more appropriate goal for the child.

4. Tracking and Reporting

The Adoption Branch tracks the status of all cases listed and submits a weekly report to the Administrative Judge. The report features: (1) the petition number; (2) the child's name; (3) the date of TPR; (4) dates for the Report of Intent, Petition to Adopt, and the Report of Intermediary; and (5) comments on status (e.g., referrals to services have been made, case is new in adoption; foster mother wants to adopt, child doing well; child doesn't want to be adopted, etc.). The Adoption Branch also tracks proceedings in other jurisdictions and orders that required documentation is sent to the Court so that finalized cases can be cleared from the AARC docket. Approximately 20-25 cases are referred to the AARC each month and by September 2002, 125-150 cases will enter the system. According to the Family Court listing generated on July 18, 2002, there were 1,144 petitions and 738 families in the AARC on that date.

The Adoption Branch also prepares a monthly report that summarizes: (1) combined goal change/termination petitions filed; and (2) adoptions finalized. However, the Adoption Branch

does not currently keep statistics on how quickly cases are moving through AARC (i.e., tracking date of TPR through date of finalization), although these data are available from other sources and such measures could be calculated (see Section 3).

B. AARC Intervention Logic Model

With respect to long-term outcomes, stakeholders agreed that the primary outcome of the AARC is to expedite permanency. Adoption cases are finalized quickly due to court oversight at regular intervals and court intervention when impediments to adoption arise. As in other proceedings, queries on child safety are also a required element of the AARC protocol, thereby ensuring that child safety is maintained. Thus child safety is a secondary outcome of the intervention. It was generally agreed by all stakeholders that the AARC could not be expected to significantly impact child well-being in the long-run, as many other factors outside the scope of this intervention influence child well-being. Therefore, child-well being is not a final outcome for the AARC.

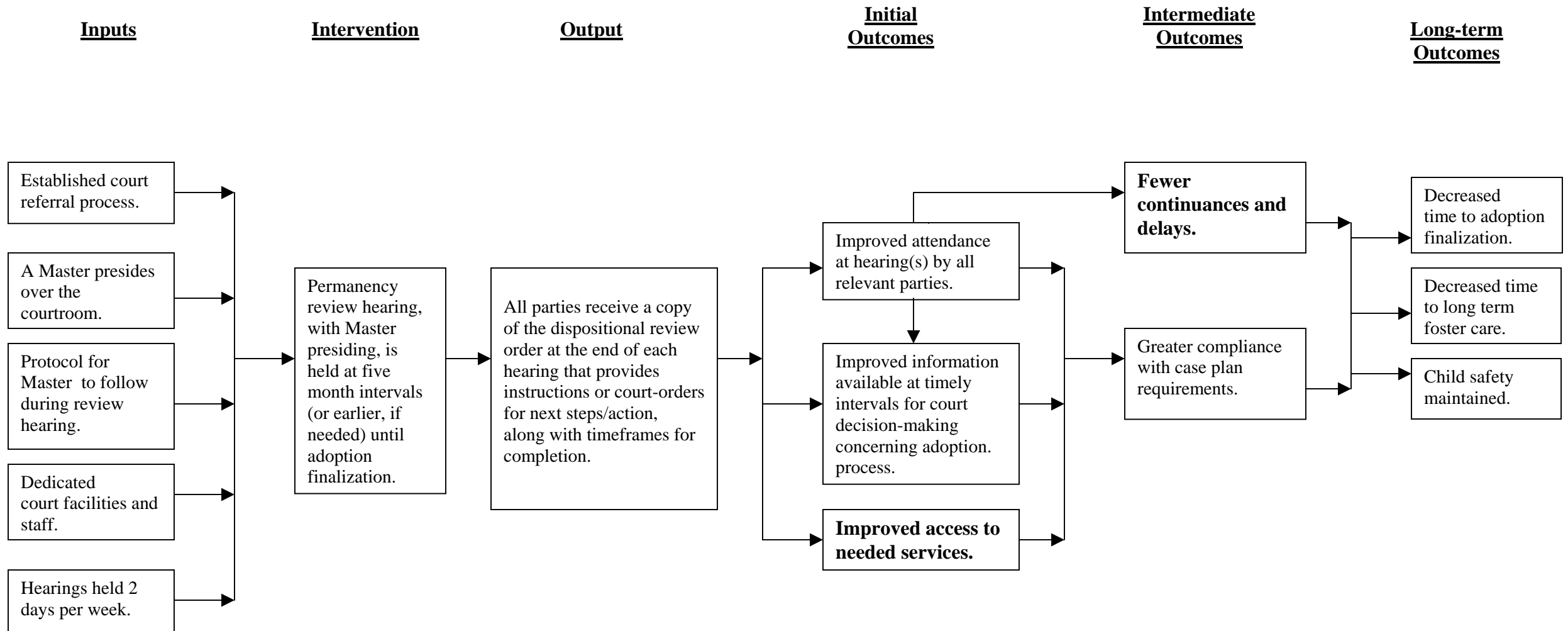
As described more fully below, the Court has agreed to conduct a descriptive analysis of the process of reform and the application of the intervention. Within this analysis, outcomes for cases filed prior to the implementation of reform might be compared with those for cases filed post-implementation on key select, measures. This evaluation design of the AARC would compare the outcomes of children freed for adoption whose cases were processed through the specialized court with children whose adoption cases were processed through the dependency courts before the establishment of the AARC. Short-term and intermediate measures of interest will be collected for both cohorts. Reduced time to permanency are the measurable outcomes of this intervention. Due to timely review of adoption impediments and concerted action by multiple parties, it is hypothesized that there would be a decrease in the number of short-term or non-appropriate foster care placements, as well.

As presented in Exhibit 8, the AARC logic model designed for this analysis links the intervention to "outputs" or products of the intervention to short-term and intermediate outcomes. The concrete output from the AARC hearing process is that all parties receive a copy of the disposition review order that provides instructions or court-ordered next steps, along with timeframes for completion.

There are three initial outcomes associated with the intervention and its output. First, as all parties are required to attend the initial hearing and listings are scheduled on two specific days and two time slots, it is thought that there will be improved attendance at hearings by all relevant parties. Second, it is thought that improved information facilitates timely case processing. At each AARC hearing, the Master and parties review the particulars of a case, voice concerns, or achieve consensus about multiple factors in the case. Therefore, timely information is available for the court's legal decision and other parties expert judgment regarding conditions of placement, required actions, and next steps, as follows. Finally, the intervention's output ensures better access to needed services (evaluations, mental health services, etc.).

Greater compliance with case plans and fewer continuance and delays are two intermediate outcomes resulting from the intervention. First, compliance with and continued feasibility of the Family Service Plan (FSP) is determined at the hearing. If an issue arises regarding the FSP, the Master will order the parties to meet and resolve the issue within two weeks, and schedule a hearing to ensure that this has been satisfied. Second, during the AARC review hearings, needed services for the child are identified and court-ordered (e.g., evaluation, mental health services, vocational service). Active review and case management, along with the attendance of all/most parties, facilitates identification of gaps in service or unmet needs, thus ensuring that children receive needed services in a timely manner. Third, impediments to adoptions are identified and remedies are prescribed. A time frame for resolving impediments is ordered by the Court, so that the child does not linger in a temporary placement. Fourth, the appropriateness and feasibility of the current placement goal is reviewed at each hearing. Thus, cases requiring a goal change are identified and acted upon promptly. When it appears that the goal of adoption is no longer feasible, for any number of reasons (e.g., due to misgivings of the foster parent; the child's changes his/her mind; the child has special needs to address), the goal will be changed to long-term foster care placement and referred to the APPLA/KC court for action. In sum, judicial determinations and concerted, responsible action move the dependency through the system, so that that reduced time to adoption finalization or long-term foster is achieved as a long-term outcome.

Exhibit 8
Philadelphia, PA's Accelerated Adoption Review Court (AARC) Logic Model



C. AARC Proposed Evaluation Approach

1. Evaluation Design

Based on the evaluability assessment, the study team finds that a descriptive analysis of the process of reform and the application of the intervention is feasible. Within this analysis, outcomes for cases filed prior to the implementation of the Accelerated Adoption Review Court form might be compared with those for cases filed post-implementation on key select, measures. The ARRC presents a clearly defined intervention, centered on expediting the review of adoption cases to finalization. Random assignment is not feasible for evaluating this intervention, however, as the AARC is the standard protocol in the jurisdiction serving all eligible cases and there is no other courtroom to refer adoption cases to on a random basis for comparison. The methodology would compare the performance of two cohorts with the goal of adoption at two points in time. This design will track the outcomes of all cases from the point of the combined goal change to adoption/TPR for two years for: (1) cases processed by the AARC (i.e., the “post-implementation” group); and (2) cases processed in the core dependency courtrooms before the implementation of this specialized court (i.e., the “pre-implementation” group).

2. Timeframes for Analysis

Given the descriptive analytic design, and the primary outcome of interest (expedited permanency), the study team spent considerable time discussing with court staff the impact of other reforms on the timeliness with which adoption cases were processed and finalized. According to court staff, the two related reforms that need to be taken into account are the: (1) 1996 protocol combining of hearings related to goal change to adoption and the termination of parental rights (TPR) into one petition; and (2) a specialized review of cases in long-term foster care that took place in May 1999, November 1999, and May 2000, to expedite their movement towards permanency. For many of these latter cases, parental rights were terminated but the cases had the goal of long-term foster care. Although these specialized cases were the first ones assigned to AARC upon its implementation in 1999, under current definitions they were not eligible for AARC as they did not have the goal of adoption. As the Court was concerned with moving these cases forward, we have elected to establish a time frame for analysis that will exclude cases subject to this specialized review. Thus, the pre-implementation group will *include* cases processed after the 1996 protocol change but prior to the specialized case reviews related to ASFA, as noted above. The post-implementation group will *exclude* the one-time ASFA reviewed cases referred to AARC beginning in July 1999 (as they had the goal of long-term foster care). Therefore, cases referred to AARC between January-May 2001 will be selected as these all have adoption as the goal.

It should also be noted that implementation of AARC in the Philadelphia Family Court was to help ensure that adoption cases met ASFA-related timeframes. Due to the fact that AARC was implemented simultaneously with ASFA reforms, comparisons between the pre-implementation group and the post-implementation group will not allow the independent effects of ASFA-related timeframes for achieving permanency to be controlled. In other words, both ASFA timeframes and the establishment of AARC are thought to expedite permanency. ASFA timeframes for permanency were not in effect for the pre-implementation group. The ASFA

timeframes will have been in effect for the sample of case drawn for the post-implementation group analysis.

The pre-implementation group will be drawn from those cases freed for adoption and processed in the dependency courts for the period January-May 1997. These cases fall between the 1996 policy change and ASFA reviews (conducted between May 1999 – May 2000). According to data submitted to the study team following the site visit (presented in Exhibit 9 below), there will be approximately 400 cases in which a combined goal change/termination petition was filed for the pre-implementation and post-implementation group. In 2001-02, 638 such petitions were filed.⁹⁵ Note, however, that cases with a goal of adoption may subsequently change to long-term care or relative placement. For example, 72 cases changed goals in 1997-98 and 18 cases have had goal changes in 2001-02.⁹⁶

Exhibit 9 Combined Goal Changes and Termination

Fiscal Year	Parental Rights Terminated and Adoption Goals Accepted
1996-97	822
1997-98	817
1998-99	619
1999-2000	520
2000-01	774
2001-02	638

Since all of the data that would be used in this evaluation is maintained electronically, it is recommended that all cases for each time period be included. This will allow subsample analysis to focus on areas of interest. Exhibit 10 summarizes the viable parameters for the post-implementation and pre-implementation groups in this research design. Although not rigorous, the proposed evaluation design appears strong.

Exhibit 10 AARC Research Design Parameters

Criteria	Post-implementation Group	Pre-Implementation Group
Type of Case	Dependency Cases with Adoption Goal Post-ASFA review Post-AARC Implementation	Dependency Cases with Adoption Goal Pre-ASFA review Pre-AARC Implementation
Time Frame	January - May 2001	January – May 1997
Court Room(s)	AARC	Four Dependency Courts (i.e., E, G, H, I)

⁹⁵ Letter to James Bell Associates, dated September 6, 2002 from the CIP Director, Dependent Court Operations, Family Division, Court of Common Pleas, First Judicial District of Pennsylvania.

⁹⁶ *Ibid.*

It is recommended that this analysis be supplemented with an analysis describing the process of reform. Stakeholders involved with designing the AARC intervention would be interviewed to fully document the steps to full implementation. Qualitative data would also be gathered from those involved with AARC to determine their perceptions on the quality of hearings and decision making.

3. Initial and Intermediate Outcomes Measures

Intermediate outcome measures will be selected and collected on both the post-implementation and pre-implementation groups to assess differences in the populations. Differences between the populations are expected to result from greater judicial oversight and active case management, resulting in court-ordered actions to meet definitive time frames. The impact of these concerted actions will be a reduction in the amount of time taken to finalize an adoption and achieve permanency. It is hypothesized that the comparison group will have experienced numerous continuances and delays that increase the length of time to finalize an adoption. Exhibit 11 links each short and long-term outcome to specific measures and provides data sources for each measure.

Exhibit 11
Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Initial Outcomes		
Improved attendance at hearing(s) by all relevant parties for AARC cases.	Number and type of participants attending hearing.	Court MIS.
Improved information available at timely intervals for court decision making concerning adoption process.	Number, percent, and type of documents/reports reviewed at each hearing. Length of time that elapses between the submission/filings and taking next steps.	Court MIS. Review of case files.
Improved access to needed services	Number and type of services identified and court-ordered that establishes timeframe for next steps/action. Length of time between identification of service need, service provided/delivered, and next steps addressed	Court MIS. Review of case files. Child welfare case record review.

Outcomes	Measures	Data Source
Intermediate Outcomes		
Greater compliance with case plan requirements.	<p>Number and percent of parties complying with case plan requirements within given timeframes.</p> <p>Child Profiles: Must be completed within 90 days of the adoption network (SWAN) referral. The Court will <i>order</i> completion pursuant to the date of referral to the provider agency.</p> <p>Family Profiles or Home Studies: Must be completed within 120 days of the SWAN referral. The Court will <i>order</i> completion pursuant to the date of referral to the provider agency.</p> <p>Home Study: Approval by DHS within 10-15 days of receipt.</p> <p>Report of Intent: To be filed by the new attorney 15 days after the Home Study is approved.</p> <p>Petition for Adoption, Report of Intermediary, Birth Packet, and Post Placement Study: To be filed by the attorney 15 days after filing the Report of Intent.</p>	Court records.
Fewer continuances and delays.	<p>Number and type of impediment(s) identified. Length of time between identification of impediments and resolution of impediments.</p> <p>Number of continuances and delays.</p>	Court MIS.

Outcomes	Measures	Data Source
Long-Term Outcomes		
Decreased time to adoption finalization.	<p>Number and proportion of cases that achieve adoption.</p> <p>Length of time between date of initial petition for this episode in custody and case closure.</p> <p>Length of time between date of termination of parental rights and adoption is achieved.</p>	<p>Court MIS.</p> <p>Child welfare case record review.</p>
Decreased time to long-term foster care.	<p>Number and proportion of cases that achieve long-term foster care.</p> <p>Length of time between date of initial petition for this episode in custody and case closure.</p> <p>Number of goal changes from adoption to long-term foster care.</p> <p>Length of time that elapses between identification of need for goal change and referral to APPLA/KC by AARC for Post-implementation group versus length of time that elapses between identification of need for goal change and subsequent action taken by dependency court for Pre-implementation group.</p> <p>Number of goal changes from adoption to kinship care.</p> <p>Number of children identified for adoption recruitment.</p>	<p>Court MIS.</p> <p>Child welfare case record review.</p>
Child safety maintained	<p>Number of allegations of abuse and neglect taking place.</p> <p>Number of substantiated allegations of abuse and neglect taking place.</p>	<p>Court MIS.</p>

4. Research Design Limitations

As explained earlier, research design limitations are related to the pre-post comparison relied upon by the descriptive analytic design.

5. Data Sources

Both the Court and the child welfare agency are willing to make administrative data available for an evaluation. The Court generates the following reports on a regular basis:

- Weekly report prepared for the Administrative Judge by the Adoption Branch contains the following information: (1) the petition number; (2) the child's name; (3) the date of TPR; (4) dates for the Report of Intent, Petition to Adopt, and the Report of Intermediary; and (5) comments on status (cites reasons for delays or pending action);
- Monthly report of Combined Goal Change/Termination Petitions filed by the four dependency courts; and
- Monthly report of pending/finalized adoptions available from the Adoption Unit, dating back to 1997. The report includes the child's name, termination of parental rights date and/or next court date or finalization date.

D. AARC Conclusion and Summary

Based on the information gathered during the site visit assessment, the study team recommends a descriptive analysis of the process of reform and the application of the intervention is recommended. Within this analysis, outcomes for cases filed prior to the implementation of reform might be compared with those for cases filed post-implementation on key select, measures, thus comparing the outcomes of a cohort of dependency cases freed for adoption that were processed through the specialized court with a cohort of cases that were processed through the core dependency courtrooms. Exhibit 12, presented below, summarizes the feasibility criteria and the extent to which the AARC meets these criteria. A full-scale evaluation of the AARC is feasible, based on this evaluability assessment.

Exhibit 12
Evaluation Feasibility of the Pennsylvania’s
Accelerated Adoption Review Court

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	Yes. Refer to the logic model presented in Exhibit 8.
Is the program consistently implemented as designed?	Yes. Changes to the model, thus far, are mainly logistical and concern scheduling hours and required presence of parties at hearings. The tenure of the Master is subject to change. This may affect the quality of the hearing but not the standard protocol.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. The AARC is firmly established in the Dependency Court Operations and enjoys broad support.
Are needed data available, accessible and accurate?	Yes. Data are available on case characteristics; services/actions; timeframes; and outcomes.
Can cases be cross-walked between child welfare agencies and the courts?	Yes. The Court uses an electronic tracking system that cross-references data with the DHS system.
Is there cooperation and support for evaluation?	Yes. The Court is eager to participate in a national evaluation. The Administrative Judge supports evaluation provided that: (1) lessons learned are shared with the Court; and (2) the evaluation team is self-sufficient.
Have there been any previous evaluations or are any planned or underway?	Yes, although to a very limited extent. The National Center for Juvenile Justice conducted a preliminary analysis of the AARC as part of the first year assessment of the Model Court initiative (July 2000). According to this evaluation, adoptions have increased and the caseload of general court has decreased by 30 percent. In the first nine months of operation, AARC heard the cases of 476 children and 382 families and finalized 193 adoptions (July 1999-March 2000). There are no evaluations currently underway.
What types of evaluation design would be feasible?	A descriptive analysis of the process of reform and the application of the intervention is recommended. Within this analysis, outcomes for cases filed prior to the implementation of reform might be compared with those for cases filed post-implementation on key select, measures. Pre/post comparison group method would examine two cohorts: (1) January – May 1997; and (2) January -May 2001. The evaluation will track outcomes for all cases (post-AFSA implementation of 11/97) from the point of combined goal change to adoption/termination of parental rights (CGC/T) for two years. Case files will also be available for qualitative analysis. However, as this evaluation design is retrospective, observational data could not be collected for both sets of children.

IV. The Alternative Planned Permanency Living Arrangement/Kinship Care (APPLA/KC) Court

A. Implementation History and Context

The Alternative Planned Permanency Living Arrangement/Kinship Care (APPLA/KC) Court is a specialized post-permanency review court that was established in July 2001. This court focuses on achieving permanent placements for children who have been committed to the custody of the Department of Human Services for longer than 12 months. Cases are referred to the APPLA/KC court when reunification with parents is no longer feasible. In cases referred for an alternative planned living arrangement, the child cannot be reunited with their parent(s), is not living with a relative, and adoption is not the appropriate goal. For cases referred to kinship care, the goal for the child is no longer reunification but placement with a relative with whom the child is already living. (Relatives include godparents, friends, non-blood relatives, and neighbors.) Exceptions are made in cases where one or more of the siblings has a goal of “reunification” or “stabilizing the family.” These cases are not referred to the APPLA/KC court but remain in one of the dependency courtrooms.

The permanency goals for the children referred to this court are long-term foster care, permanent foster care, independent living, guardianship, or kinship care (paid or unpaid).⁹⁷ Analyzed by placement type, 42 percent of children are placed in family foster care; 25 percent are placed in residential services; 12 percent reside in group homes; 11 percent reside in a kinship home; seven percent are placed in an independent living program; and the remaining three percent of children are placed in an emergency shelter group home or institution. With respect to age, the majority of cases in the APPLA/KC are those of youth age 17 and older (56 percent). Children between the ages of 10 and 15 years comprise nearly 40 percent of the caseload. Children under the age of ten years represent just four percent of the cases in the court.

1. Referral Process

Referrals to APPLA/KC court have reduced the workload of the general courts by 30 percent, according to court statistics.⁹⁸ However, the APPLA/KC court now carries the highest caseload of all the Dependency Courtrooms. As of July 2002, there were 2,626 active petitions, representing 1,673 families.⁹⁹ Approximately 25 percent of cases from the Accelerated Adoption Review Court are transferred to the APPLA/KC because of goal changes from adoption to long-term foster care.

⁹⁷ Frequencies regarding placement types and age/number of children in the APPLA/KC court (N=1,045) are based on Department of Human Service statistics as of July 22, 2002.

⁹⁸ During a focus group meeting, attorneys from the Department of Human Services also noted that establishment of APPLA/KC court has reduced the dependency docket in the other courtrooms.

⁹⁹ Active petitions in the five dependency courts range from 1,144 (738 families) to 1,375 (768 families) [based on Dependency Court Operations data as of July 18, 2002].

The APPLA/KC court is in session every week of the year and convenes daily, with a morning and afternoon listing. Review hearings occur every five months and continue until the case is closed. The Honorable Nicholas A. Cipriani currently presides over the APPLA/KC court. Judge Cipriani, a senior judge, was appointed in May 2002. He has more than thirty years on the bench and was the former Administrative Judge of the Family Division. Prior to Judge Cipriani's appointment, at least four Masters presided over the court.

2. Description of the APPLA/KC Permanency Hearing

The focus of the court is to provide appropriate, child-specific services. The role of the court is to make all parties identify resources and work out a coordinated plan to meet the needs of the child. To begin the hearing, the court crier calls the court to order and asks all parties to identify themselves.¹⁰⁰ Generally, the key participants are: City Solicitor, social worker, and court representative from the Department of Human Services (DHS); social worker from the foster care agency; foster parent or representative from the institution where the child is placed; parent's attorney; child advocate from the Philadelphia Defenders Association; and a Court Appointed Special Advocate (CASA) (if applicable). In addition to the crier, a court clerk and recorder are in attendance. The hearing commences with the DHS attorney reading a report on the child's status. The Child Advocate is then asked to comment on the report (i.e., either challenging it, expressing a concern, or agreeing with the report). If present, the CASA makes recommendations regarding the case, as well. If the DHS social worker is not present, then sworn testimony regarding safety is taken over the telephone (i.e., when child was last seen; date and place of last visit; whether needs are being met; if child is safe). If the social worker is not available, then a finding of "safety" is deferred.

There are two sets of court hearing guidelines, one for alternative planned permanent living arrangement cases and the other for kinship care cases. In reviewing APPLA cases, the judge must inquire and make a determination regarding the need for services (e.g., special education, wrap-around mental health services, independent living services, etc.). If supportive services are required, then the judge orders that a referral be made by a designated date. Review hearings for kinship care cases require an additional focus on explaining four available options for the relative caregiver to consider. These are:

- Kinship foster care with a monthly foster care allowance and continued commitment to DHS. Using this option, the case would remain in the court indefinitely and supervision and supportive services would be provided by the DHS or the kinship foster care agency;
- Informal kinship care (i.e., temporary physical and/or legal custody) with the option of applying for Temporary Assistance for Needy Families. The DHS can continue to supervise the placement or the case can be discharged;
- Permanent legal custodianship (with or without a foster care subsidy); and

¹⁰⁰ This summary of the hearing is based on observations of court sessions during the site visit and the court-prepared hearing guidelines.

- Adoption by the relative caregiver (with the possibility of an adoption subsidy). This option requires a goal change and termination of parental rights, therefore such cases would be referred back to dependency court from which it originated.

At the initial kinship care hearing, the Judge will order a meeting of all parties within 90 days to discuss the options presented.

If any disagreements occur during the review hearing for either type of case, the Judge will order that a meeting of all parties shall occur within two weeks to work out differences. The Judge may order that certain actions must be completed by a stipulated date (e.g., address special educational needs of the child and develop a plan of action). For all cases, the following findings must be made, per § 6351 (f) of the Juvenile Act:

- Determine the continued necessity for placement;
- Determine the appropriateness, feasibility, and extent of compliance with the Family Service Plan (FSP) and goal;
- Determine the extent of progress made toward alleviating the circumstances which necessitated the original placement;
- Project a likely date by which the FSP goal might be achieved for each child;
- If the child is over 16, determine the services needed to assist the child to make the transition to independent living; and
- Determine whether a TPR petition has been filed, or should be filed under the circumstances (e.g., length of time in care).

The Judge will also make an appropriate order regarding visitation with family, siblings, and others. In conclusion, the Judge will order continuation, modification, or termination of placement or disposition best suited to the child. Barring extenuating circumstance, the court provides a five-month review date for the next hearing (although earlier hearing dates are available, if needed). On closing the proceedings, the court orders are read aloud by the clerk and the Judge excuses the parties.

3. Judicial Oversight

During an interview with the evaluation team, Judge Cipriani commented on his role in the proceedings and made clear his expectations of all parties. In making case-by-case assessments, he asks: “What can we do to give a child a chance?” As a Judge, his goal is to ensure that long-term placement or relative care is productive and effective. Remarking that his “judgment call is only as good as the facts presented,” Judge Cipriani emphasized that he “wants to see a consolidated plan for the child.” This requires the “full cooperation” and “effective advocacy” of all parties.

The Judge expects all parties to “follow-through” on the child’s behalf, recognizing that “five months is a long time in a child’s life.” Likening his role to a policeman, Judge Cipriani monitors the proceedings and enforces actions. Given this level of judicial oversight, Judge Cipriani observed, “When I order that it [an action] gets done, 99 percent of the time, I get it.”

4. Benefits of APPLA/KC court

Stakeholders identified a number of benefits of the APPLA/KC Court, particularly given the ambiguity of potential outcomes for many of the children. These benefits are:

For all children

- Greater emphasis is placed on developing a plan that is appropriate to a child's age-level and needs, enabling a greater focus on getting services to the child. The review hearing and judicial oversight allows for a substantive look into a child's life, therefore, "cases don't get lost in the shuffle."
- Emphasis on retaining ties with the family, particularly siblings.

For older youth

- Older youth have voice in court.
- There is growing and concerted effort to plan strategically for the discharge of those youth who will be aging out of the foster care system on the part of the DHS and the court.

For all cases

- There is a consistent level of post-implementation across cases regarding planning, participation, and presentation of issues. "Everyone does their job" and the Judge has the authority to "make parties comply and attend."
- A better working relationship exists between the court and the DHS that facilitates addressing complex cases.

Higher quality of judicial oversight and leadership

- The interests of children are well-served by having an experienced, committed judge who understands the issues, knows the supports and resources that can be applied to strengthen or remedy a situation, and has the power to move a case to closure.

B. APPLA/KC Evaluability Assessment

Even though stakeholders found much to praise with respect to the APPLA/KC court, all agree that it was a "work-in-progress." The evaluation team concurs and finds that a vigorous outcome evaluation of the Alternative Planned Permanency Living Arrangement/Kinship Care Court is not feasible, for a number of reasons. First, the APPLA/KC Court is not an easily-defined intervention. Although judicial oversight appears consistent, based on the court observations conducted during the site visit, the referral criteria are broad, with many types of case goals represented. Concurrent planning is a necessity, as goals may change because of a number of factors (e.g., age of child, physical/mental health of child, commitment of foster parent(s), identification of service needs). The broad referral criteria, coupled with the multiplicity of goals, make it difficult to define a consistently applied intervention model and

identify a consistent set of outcomes. Second, although the court functions well, policies and procedures are still being developed. The current judge will retire soon and the court will continue to re-visit these policies and procedures. Dramatic changes may be made to the court within the next year.

C. Suggestions for Improving APPLA/KC Court

It is widely acknowledged that the APPLA/KC court handles the “toughest cases” (i.e., the cases most difficult to place in a permanent setting) and that children and youth referred to this court are in limbo. Stakeholders made a number of recommendations on a number of topics that could improve and institutionalize the court proceedings. These are:

Judicial leadership

- Stakeholders asserted that the APPLA/KC court needs a Judge presiding, not a Master. Since many cases involve hearings of contested issues, that would ensure the full expression of judicial authority (e.g., allowing contested cases to be decided by a Judge who has full knowledge of the issues).
- Future Judges will need to have a better understanding of the populations served and their needs. For example, Judges must be thoroughly familiar with DHS policies and services available to make informed decisions.

Internal processes

- Develop standard protocols. Some stakeholders observed that the quality of the hearing and oversight of the case might be too dependent on judicial style or experience. This points to the need to create standard protocols and to institutionalize the best practice of thoughtful and deliberate inquiry, as exhibited by the presiding Judge.
- Adopt a critical assessment of goals. At every third or fourth hearing, hold a more in-depth review to re-assess the efficacy of the placement goal. (Note: This is very case dependent).¹⁰¹
- Segment the populations served to provide a greater focus. “Too many case types can confuse the process” and dilute the efficacy of the “specialized” focus. (Stakeholders noted that the referral criteria appear to be “changing everyday” and “are not clearly defined”).

¹⁰¹ The evaluation team attended two CIP management committee meetings that focused on improvements to the APPLA/KC court. At one meeting, the agenda focused on creating a protocol for improving practice by holding a “Permanency Roundtable” for each child who is approaching the 12th month of placement. The roundtable would provide a thorough review of the permanency status and would be attended by the DHS social worker, social work supervisor, provider social worker, and permanency solicitor. (There was some discussion—left unresolved—as to whether it would be appropriate for the child advocate to attend).

- Create a specialized court that focuses exclusively on youth aging out of foster care and transitioning to independent living. Greater focus should be given to such youth at age 16+. ¹⁰²
- Re-institute the time-certain listing to ensure timely participation.

In summary, the consensus of all stakeholders consulted is that the APPLA/KC court is making a difference for children in the system. “It is a step in the right directions, although fine-tuning is needed,” as more than one party observed.

D. APPLA/KC Conclusion and Summary

Based on the information gathered during the site visit, the study team concludes and stakeholders concur, that a rigorous outcome evaluation of the APPLA/KC court is not advised at this time. It appears that the specialized court is still in an implementation stage and is in need of fine-tuning. Exhibit 13, presented below, summarizes the feasibility criteria and the extent to which the court meets these criteria. Although an outcome evaluation is not recommended, an evaluation of the continuing implementation of this court may be advised. Before undertaking such an evaluation, it is recommended that the court continue to refine the APPLA/KC’s referral criteria and hearing protocols. An evaluation of the process with which these are implemented would then be recommended.

¹⁰² At the second CIP management committee attended by the evaluation team, representatives from the Department of Human Services offered recommendations for improving DHS court presentations. This protocol would consistently address the following issues: (1) safety; (2) the Family Service Plan (FSP) goals for each child; (3) the date of the last FSP meeting and if the youth 14 and over was invited/attended; (4) status of FSP compliance (i.e., status of services and visitation); (5) identification of mental health, mental retardation, and medical issues with the status of the referral/outcome of the Behavioral Health Services assessment; (6) presentation of a discharge plan for youth 16 and over; and (7) presentation of a discharge plan for youth 18 and over or discharging from DHS within one year. DHS representatives stressed that the APPLA/KC court presents multiple opportunities for long-term planning for discharge of older youth. This is an especially pressing issue. Twenty-six percent of the court’s current caseload represents youth between the ages of 13-15 (n=276) who would need discharge planning; 26 percent of youth are between the ages of 16-17 (n=274). Taken together, youth between the ages of 13-17 represent more than one-half of the court’s caseload. In making this presentation, DHS stressed that all parties should take part in discharge planning, including the attorney, child advocate, and youth.

Exhibit 13
**Evaluation Feasibility of Pennsylvania’s Alternative Planned Living
Arrangement/Kinship Care Court**

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	No. The referral criteria are broad, with many different types of cases heard. This makes it difficult to define a consistently applied intervention model and a consistent set of outcomes.
Is the program consistently implemented as designed?	No. It appears that the quality of judicial oversight may be highly dependent on the style and approach of the presiding Judge.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. The APPLA/KC AARC enjoys broad support, but policies and protocols continue to be refined.
Are needed data available, accessible and accurate?	Yes. Data are available on case characteristics; services/actions; timeframes; and outcomes.
Can cases be cross-walked between child welfare agencies and the courts? How?	Yes. The Court uses an electronic tracking system that cross-references dates with the child welfare system.
Is there cooperation and support for evaluation?	Not applicable. The Court agrees that an evaluation is not feasible at this time, given that the APPLA/KC court is newly-established and still in an early stage of implementation.
Have there been any previous evaluations or are any planned or underway?	No. Evaluations have not been conducted nor are any underway.
What types of evaluation design would be feasible?	An outcome evaluation is not recommended. Referral criteria and intervention protocols and processes would need to be better-specified. If these are undertaken, an evaluation of the process of implementation is recommended.

Appendix A Evaluability Assessment Interview Participants

Pre-Hearing Conference (PHC)

Name	Title
First Judicial District of Pennsylvania, Court of Common Pleas, Family Division	
Honorable Myrna Fields	Administrative Judge
Rae Wardino	Director, Dependency Court Operations
Andrea Hoffman Jelin	Chief, Adoption Branch
Jack McGann	Systems Analyst
Fran Julius	Clinical Evaluation Unit Supervisor
Jeffrey J. Spann	Evaluator
Good Shepard Mediation Program	
Elaine Dushoff	Facilitator, Pre-Hearing Conference
Julie Lake	Facilitator, Pre-Hearing Conference
Marilyn Rischmann	Facilitator, Pre-Hearing Conference
Sharon Crowley	Facilitator, Pre-Hearing Conference
Karen McCrossen	Facilitator, Pre-Hearing Conference
Philadelphia Behavioral Health System	
Terri Prescott	Director, Behavioral Health Services
H. Jean Wright II,	Clinical Director
Hamida Randolph	Pre-Hearing Clinician
Julie Lekner-Leslie	Pre-Hearing Clinician
David V. Robins	On-Site Supervisor
Department of Human Services	
Deborah Majette	Social Worker
Lynn Speight	Social Worker
Peter Appelbaum	Social Worker
Juanita H. Wright	Social Worker
Laura Sommerer	Social Worker
Kevin Gallagher	Information Systems Group, Manager
Philadelphia Law Department	
Laura Bonnington	Legal Assistant Supervisor
Angie Bright	Legal Assistant Supervisor
Ronald Rouse	City Solicitor's Office
Parent Attorneys	
Edward M. Waldman	Private counsel
Deborah A. Fegan	Private counsel
Nanina Takla	Community Legal Services

Child Advocates	
Valerie Jones	Child Advocate, Philadelphia Defender's Association
Christopher J. Evarts	Child Advocate, Philadelphia Defender's Association
Beth Kahn	Child Advocate, Philadelphia Defender's Association
Rachel Holzman	Child Advocate, Philadelphia Defender's Association
Merrilee Weiss	Managing Attorney, Support Center for Child Advocates
Emma L. Oh	Child Advocate, private counsel

Accelerated Adoption Review Court (AARC)

Name	Title
First Judicial District of Pennsylvania, Court of Common Pleas, Family Division	
John Buggy	CIP Director
Rae Wardino	Director, Dependency Court Operations
Andrea Hoffman Jelin	Chief, Adoption Branch
Beth Oswald	Master, Accelerated Adoption Review Court
Kimberly Tobin	Caseflow Coordinator, Dependency Court Operations
Darlene Servance	Court Administrative Officer
Department of Human Services	
Patricia Buck	Social Work Administrator
Dawn Marie Dent	Social Worker
Philadelphia Defender's Association, Child Advocate Unit	
Micheal Lewis	Director of Social Services
Claire Rosenstein	Social Work Supervisor
Statewide Areas Network (Adoption Provider)	
Megan Pennybacker	Regional Coordinator
Sherri Gannon	Adoption Social Worker

Alternative Planned Permanency Living Arrangement and Kinship Care (APPLA/KC) Court

Name	Title
First Judicial District of Pennsylvania, Court of Common Pleas, Family Division	
John Buggy	CIP Director
Rae Wardino	Director, Dependency Court Operations
Honorable Nicholas Cipriani	Judge, APPLA/KC Court
Kimberly Tobin	Caseflow Coordinator, Dependency Court Operations
Department of Human Services, Law Department	
Linda Medley	Assistant City Solicitor

Name	Title
Ronald Rause	Assistant City Solicitor
Vernette Dow	Deputy City Solicitor
Stephanie Marsh	Deputy City Solicitor
Deszeree Thomas	Assistant City Solicitor
Department of Human Services,	
Martha Poller	Social Work Supervisor
Stephanie Mans	Social Work Supervisor
Janice Jervan	Social Work Court Unit Supervisor
Dell Meriwether	Administrator
Wanda Crockett	Court Supervisor
Linnita Beckett	Social Service Program Analyst
Bari Rose-Epstein	Social Service Program Analyst
Rosemarie Jackson	Social Worker
Linette Medley	Social Worker
Brenda Kinslee	Social Work Supervisor
Jeanne Hemley	Social Worker
Frances Conwell	Social Work Supervisor
Deborah Majette	Social Work Supervisor
Mary Banks	Social Worker
Community Legal Services, Inc.	
Marge Janowski	Staff Attorney
Wesley Allen	Staff Attorney
Child Advocates	
Bill Norvell	Chief, Child Abuse/Neglect, Philadelphia Defender Association
Val Jones	Assistant Defender, CAN, Philadelphia Defender Association
Doni Shaffer	Assistant Public Defender, Philadelphia Defender Association
Marge Gualtieri	Staff Attorney, Support Center for Child Advocates
Deborah Fagan	Private Counsel (Court Appointed)

Appendix B

Sample Pre-Hearing Conference Scenarios

Pre-Hearing Conference Scenarios: Example I

In Attendance

Facilitator, BHS Liaison, Mother, Sister, Mother's Attorney, Child Advocate (Attorney), Child Advocate Social Worker, Legal Assistance Social Worker, DHS Intake Worker, DHS Case Worker, DHS Attorney

Presenting Problem

June 2002 a mother brought her 13 year old daughter to the Department of Human Services requesting assistance. The presenting issue was that Mom felt she had lost control of her daughter who missed 38 days of school and was late 39 days in the last year. The daughter was also staying out late at night and mom had no idea as to her whereabouts. DHS made an initial assessment and recommended that the daughter be placed temporarily in a teen shelter until plans for other help for both mother and daughter could be arranged.

Background for the Case

Mom is a single head of household. She adopted her daughter at age 6 months through DHS. The daughter learned that she was adopted at age 11. In February 2002, mom's mother (and the daughter's beloved grandmother) passed away. The mom took her daughter for counseling which only lasted one session. Mom was willing to go to therapy and wanted her daughter at home with some help. During the PHC, the DHS Case Worker noted that Mom was very interested and involved in discussions with DHS since coming to them for help.

Outcome of PHC

During the PHC both the Mom and daughter had the opportunity to talk about their needs and wants. The Mom had the opportunity to clarify that she wanted her daughter at home and her attorney helped her to understand that she was not losing her daughter, that placement was temporary and reunification as soon as possible was the goal. The agreement from the PHC was adjudication dependent and temporary placement in a group home with supervised visitations with mom and siblings, effective immediately. Behavioral health services arranged a psychological assessment for the daughter. DHS established a 30-day time frame to finalize a Family Service Plan that would facilitate reunification. All parties agreed to these terms.

Court Hearing

This case went to court with the terms agreed to in the PHC. The Court accepted the terms of the PHC, as presented. The Judge asked standard questions about safety, the placement and the services in place to meet the needs. The date was set for a review hearing in 5 months to assess readiness for reunification.

Pre-Hearing Conference Scenarios: Example II**In Attendance**

Facilitator, BHS Liaison, Child Advocate Attorney, DHS Attorney, DHS Social Worker, DHS Legal Assistant Supervisor, DHS Legal Assistant (In-Training) (No Family Members Were Present)

Presenting Problem

May 2002 the hospital filed an abuse report when a newborn tested positive for drugs. The mother left the hospital prematurely. Father signed a voluntary placement agreement against the mom's wishes. DHS was recommending temporary placement of the child with the paternal grandmother who was interested and available.

Background for the Case

The mom in this case has eight children each with a different father. Parental rights were previously terminated for four of the other children, three of whom were born with drugs in their systems. The family also does not have adequate housing.

Outcome of PHC

During the PHC the participating stakeholders readily agreed that the best course of action was temporary placement of the child with the paternal grandmother and supervised visits only for mom and dad who are still suspected of actively using drugs. It was determined that the kinship care placement would enable the grandmother to access needed health care services through the state.

Court Hearing

This case went to court with the terms agreed to in the PHC. The Court accepted the terms of the PHC, as presented. The Judge asked standard questions about safety, the placement and the services in place to meet the needs. The date was set for a review hearing in 5 months to assess next steps.

Appendix C
AARC Permanency Review Hearing Protocol

Good Morning/Good Afternoon my name is _____, Esquire,
and I have appointed as a Special Master by Administrative Judge _____.
to preside over this hearing.

As you know the parental rights of _____ have been
(Name of child[ren])
terminated. Pursuant to the Adoption and Safe Families Act of 1997, Philadelphia Family Court
Is seeking to insure permanency for _____.
(Name of child[ren])

The purpose of this hearing is to identify the obstacles that are prohibiting the
finalization of adoption of _____ and to make recommendations
(Name of child[ren])
to insure that an appropriate permanent plan is in place for _____.
(Name of child[ren])

For the record, would those in attendance kindly identify themselves. If you
represent an agency please give the name and address of the agency you are affiliated
with and your relationship to the case.

According to the report provided to me by the Court (refer to attached sheet),

The agency has submitted:

- (a)
- (b)
- (c)

The agency has filed:

- (a)
- (b)
- (c)

We are currently awaiting the agency to submit:

- (a)
- (b)
- (c)

and the attorney to file :

- (a)
- (b)
- (c)

At this juncture I would like to hear from the agency representative as to why they have failed to provide the necessary documentation to the Court. Next, I would like to hear from the attorney as to why the necessary documentation has not been filed with the Court,

If the adoption has not been pursued because the foster parents have been uncooperative the following dialogue should be effectuated.

It appears that the agency and attorney have not completed their responsibilities because of a lack of cooperation by the foster parents. I would like to hear from the foster parents as to why they have failed to pursue this adoption.

NOTE: Appropriate direction will be given dependent upon issues that have been disclosed (i.e., further explanation re: Adoption Subsidy and Post-Adoption Services, etc.)

RECOMMENDATION:

Case to be given a 60-day date.

By next Court date:

- (a) Attorney to file with Adoption Branch, Room 340A
 - 1.
 - 2.
 - 3.
- (b) Agency to provide Adoption Branch, Room 304A
 - 1.
 - 2.
 - 3.
- (c) Foster parent inquiries appropriately addressed by
 - 1.
 - 2.
 - 3.
- (d) Other

NOTE: Within 48 hours after all documentation has been received and reviewed by the Adoption Branch and deemed acceptable for listing, the case will be assigned a final Court date and notice provided to attorney.

Texas Permanency Legislation and Cluster Court Model Evaluability Assessment Site Visit Report

In January 1995, the Federal government awarded the Texas Supreme Court \$187,603 in Court Improvement Program (CIP) funds to assess the processing of dependency cases within the state's judicial system. The court, which had established the Supreme Court Task Force on Foster Care a few months earlier, contracted with the Deloitte and Touche Consulting Group to conduct a needs assessment and to develop a strategic plan. The resulting report, *CIP Court Assessment Final Report* (1996), identified a number of priorities for improvement. Foremost among them was the need for new state legislation limiting the time a child could spend in Foster Care.

Accordingly, in 1997 the state legislature passed the "Permanency Statute," with the intent of limiting the time children may spend in foster care to one year. The statute is codified in the Texas Family Code at §263.401, which states that "unless the court has rendered a final order or granted an extension...on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court shall dismiss the suit affecting the parent-child relationship filed by the department. . . ." ¹⁰³ The Permanency Statute was enacted six months before the federal Adoption and Safe Families Act (ASFA), which set similar limits.

Cluster Courts represent one of several improvements developed by Texas' CIP Task Force to achieve the 12-month goal and fulfill recommendations included in the *CIP Court Assessment Final Report*. Cluster Courts are courts in rural areas that specialize in cases involving child protective services. Each Cluster Court serves several counties, to which the judge travels to hold court on specified days each month. In addition to the permanency statute and the establishment of Cluster Courts, several other improvements—some overlapping—are being implemented concurrently in Texas:

- Case flow management
- Upgraded court technology
- Training for judges in Child Protective Services (CPS);
- Internal and external communications;
- Alternative dispute resolution in CPS cases
- Improved agency representation;
- Improved representation of children;
- Expanded Court Appointed Special Advocates (CASA); and
- Pilot courts in rural areas.

¹⁰³ In Texas, acceptable permanency outcomes for children at the conclusion of 12 months include: case dismissal and returning the child to his or her parent(s); granting managing conservatorship to a relative or another person; terminating parental rights; or awarding a permanent managing conservatorship to the child welfare agency, DPRS.

During July 2002, James Bell Associates' (JBA) staff conducted a site visit in Texas to learn more about the state's efforts associated with CIP and assess the feasibility of conducting an outcome evaluation of the Cluster Courts. The study team visited Austin, Seguin, Houston, Conroe, Uvalde and San Antonio, and observed Cluster Courts in Conroe and Uvalde. A complete listing of individuals with whom the team met is presented in Appendix A.

As explained in this summary, a quasi-experimental design using matched site comparison is recommended. Two sets of rural counties will be chosen that are as similar as possible with the exception that one has established Cluster Courts and the other has not. Same-time comparisons will be made between the two sets of counties at three points in time:

- Pre-intervention implementation (baseline);
- Pre-Cluster Court implementation but post 12-month permanency legislation; and
- Post-Cluster Court implementation.

These comparisons will seek to isolate the impact of the intervention in achieving compliance with the 12-month permanency legislation and other expected outcomes by measuring decreased time to permanency while maintaining child safety. Indicators thought to contribute to child well-being will also be used. Qualitative assessments of court processes, participation and attendance, will be made through direct observations of court proceedings in Cluster Court counties. Similar observations will be conducted during child dependency hearings in neighboring jurisdictions that do not have established Cluster Courts.

The principal challenge in performing the evaluation will be to obtain a sufficient number of cases for the evaluation within the Cluster Courts included in the study, and to identify suitable comparison counties with sufficient cases. It appears that it will be possible to achieve a sufficient sample size by taking all new cases entering the ten Cluster Courts established after December 2000. However, it will be important to confirm that this strategy will yield enough cases, and that it will be possible to identify comparison counties with similar demographic characteristics. Finally, it is recommended that implementation and perceptions of reform be documented and analyzed through a descriptive analysis of the process of reform and the application of the intervention in practice.

This summary presents the following information. The first section presents implementation history and context. Factors that helped produce the Cluster Court model are presented, followed by a discussion of how new Cluster Courts are established. The timeline for achieving permanency in Texas is also presented as well as the process through which children and parents that are parties to dependency court cases are appointed counsel. Section B presents a detailed logic model for the evaluation. This model defines the inputs and immediate outputs expected to result from the Cluster Courts and links them with the initial outcomes, intermediate outcomes and the long-term outcomes or results the intervention is expected to produce. Section C presents the recommended evaluation approach, including the data collection timeline, data sources and outcome measures. Section D concludes with an assessment of the feasibility of a full-scale rigorous evaluation of this site.

A. Texas Permanency and Cluster Court Model Implementation History and Context

1. Implementation History and Administration

In response to the initial request for proposals issued by the Department of Protective and Regulatory Services (DPRS) for the establishment of Cluster Courts, two regional presiding judges submitted proposals, one in South Texas and one in East Texas. These two pilot Cluster Courts began operations in 1997. The success of those courts led to steady expansion of the program. In 1999, the 76th Legislative Session allocated \$1 million in state general revenue funding for eight Cluster Courts. In 2001, general revenue funding for these courts was continued, and additional funding was appropriated from Crime Victims Compensation Funds for eight more Cluster Courts. Total funding is currently \$2 million for 16 courts. With the new funding, program administration has moved from DPRS to the Office of Court Administration (OCA). However, limited funds are still available for court reform through DPRS for such things as training and supplies.

Current funding provides for 16 Cluster Courts. At the time of the Evaluability Assessment site visit, there were 13 Cluster Courts that were fully operational, and 1 that had been approved to begin operation in the Summer of 2002. The remaining two were to be implemented in late 2002 or early 2003.

The Task Force members informed the evaluability assessment team that compliance with the “permanency statute” would be more readily attainable in urban areas where there were courts dedicated to child abuse/neglect and dependency cases. For several reasons, the task force was concerned that courts in rural areas would find it more difficult to comply consistently with the new timeframes.

Stakeholders noted there was room for improvement in the following areas. Since courts located in rural areas had to handle a wide variety of cases, including criminal cases, there was a danger that the child welfare cases would be given a low priority within the docket and be subject to repeated continuances. Task Force members also noted that some judges were reluctant to hear child welfare cases involving their neighbors, especially those for which it might be necessary to terminate parental rights, possibly because of rural values that hold the family sacrosanct, or possibly due to the pressures of running for office, or even just knowing families brought before the bench in small closely-knit communities. A number of other issues were also underscored, given the shortened timeframes for reaching permanency. For instance, it was recognized that due to the range of cases within a generalized docket and the relatively few child protective cases heard, judges were often not as well informed of child welfare regulations as they needed to be and few were knowledgeable enough of child development to be able to make the most informed rulings. Moreover, families often failed to appear for hearings, possibly because of the intimidating settings and the adversarial tone of the hearings. There was reportedly little if any time allowed to hear from parents or children during court proceedings prior to the establishment of Cluster Courts.

It was thought that these issues could be addressed by creating a specialized “child welfare” docket within a county on a given day, presided over by a judge with specialized

training in child welfare proceedings. On subsequent days, this same judge would travel to other counties within the same cluster over which he or she presided. In short, combining or “clustering” CPS cases from several counties made it possible to achieve a caseload large enough to justify the addition of judges with specialized skills in rural areas. It also ensured that the judge hearing the cases within each cluster would be invested in child welfare cases, aware of the legal requirements, and knowledgeable enough of child development to be able to pursue the best possible placements for children—issues of concern especially given the shortened timeframes for reaching these decisions.

Additionally, one unanticipated benefit of Cluster Courts was that it would be more efficient since all of the professionals needed to testify could be in the same place at the same time, instead of being scheduled for different case hearings in different courtrooms miles apart. Better attendance by all relevant parties could make it easier to adhere to the tight timelines of the new law.

An important contextual reform undertaken concurrent with early court improvement efforts within the state was a redefinition of risk by the Department of Protective and Regulatory Services (DPRS). Effective September 1, 1995, it was no longer necessary to show physical evidence of harm to a child in order for removal to occur. Child welfare workers noted that this new definition resulted in considerable change in both the number and type of children taken into custody.¹⁰⁴ The most fundamental impact on caseloads may have been the frequency with which siblings have been removed. Under the new definition, if one child in a family is abused, other children in the home may be considered to be at risk by DPRS and the courts. This change in the definition of risk may have contributed to the increase in the number of children removed from their homes and an increase in the number of CPS cases heard by courts in recent years.

Appendix B contains a timeline of important events along with the dates in which they occurred that are important contextually to understanding CIP reform within the state. Another contextual reform of importance to the evaluability assessment was the review of cases in care undertaken in response to the timeframes to permanency imposed by the Adoption and Safe Families Act of 1997 (ASFA). The impact of this on the proposed evaluation approach is explained later in this report.

2. Process of Establishing Cluster Courts

There are nine regional presiding judges in Texas. It is the responsibility of these judges to initiate Cluster Courts in their regions. With the assistance of OCA or CIP staff, the regional presiding judge identifies an area of contiguous counties that can benefit from a Cluster Court, then approaches district judges within the region to determine their interest and willingness to cooperate. The regional presiding judge also identifies a county that is willing to serve as a host for the Cluster Court. The host county must supply office space, a courtroom or other space to convene the Cluster Court (e.g., conference or jury room), furniture, necessary utilities, telephone equipment and local telephone service (codified in the Texas Family Code as section 201.203). CIP provides additional funding for training and travel, and funding for cell phones.

¹⁰⁴ Legally, when considering whether or not to remove a child, judges have been allowed by the Family Code to consider the abuse or neglect of another child taking place during or after 1989.

OCA funds salary, travel, training, office equipment, office supplies, postage and long distance service. Staff of CIP or OCA file required federal and state reports, and perform other tasks, such as developing, providing and tracking training opportunities.

Cluster Court judges are recruited and appointed by the regional presiding judge. The regional presiding judge may appoint a “visiting” or an “associate” judge to preside over the Cluster Court. Visiting judges are retired judges who were previously elected to their positions, and who have the full authority to make final, binding rulings. Associate judges are attorneys selected because of a background in CPS related issues or cases. Their rulings must be formally signed by the presiding judge of the court where the case is filed to become effective. The Office of Court Administration posts openings for associate judges. Each Cluster Court also has a court coordinator, who may also serve as a court reporter. This position is also posted by OCA and then filled by the regional presiding judge. Once the Cluster Court is established and the judge presiding over the cluster of counties is appointed, all child welfare dependency cases (both new and ongoing) are transferred to the newly-established court.

Cluster Court judges receive several days of training each year in such topics as ASFA regulations, ways of managing the docket and research on child development (e.g., parent/child bonding). The training is considered an important aspect of the Cluster Court concept, and a significant and distinguishing factor in the success of the Cluster Courts.

There is no strict rule on how many cases are required on average to justify a Cluster Court because the distances the judge must travel to each county must be considered in addition to the number of cases to be heard. However, when a court reaches capacity (meaning the judge has difficulty hearing all cases within one county within one day) the area can be subdivided or reconfigured to create a new Cluster Court. However, at the time of the site visit, state officials did not anticipate further expansion of the Cluster Court model beyond those currently planned, primarily due to resource constraints.

3. Permanency Legislation and Conservatorship Timeline

The 12-month permanency statute became effective January 1, 1998. The cost of planning and drafting the legislation was underwritten by CIP funds. The intent of the statute is to return foster children to their parents within 12 months of coming into care, if the child has not already been returned home or placed with a relative and there has been no termination of parental rights. The statute allows for two six-month extensions beyond this time period. One is an extension that can be used for all cases that simply need more time to resolve. The second is used for children that have been returned to a parent, but their return home is monitored by CPS and the court for six-months—called a “monitored return to parent”—prior to the court releasing formal custody. Theoretically, both 6-month extensions could be used for the same case, for a total of 24 possible months in out-of-home care.

The establishment of Cluster Courts is one of several innovations designed to facilitate compliance with the permanency statute. The Cluster Courts’ protocol adheres strictly to the conservatorship timeline specified in the permanency statute, and presented in Exhibit 1.

Although some Cluster Courts are responsible for holding the initial (ex parte) hearing; in other jurisdictions, the district judge may wish to hold the initial hearing before transferring the case to the cluster court. Regardless, all subsequent hearings are conducted by Cluster Courts in jurisdictions that have established these specialized courts.

In addition to those listed in Exhibit 1, Cluster Court judges are likely to schedule additional hearings as needed to check on status or to review additional information. For example, in one hearing that was observed by the evaluability assessment team, the judge ordered that an additional assessment be performed and the level of care be reassessed since testimony about the youth was contradictory. In another case, the hearing date was moved up because the judge was concerned that needed services had not yet been arranged. Generally, at the conclusion of each hearing, the Cluster Court judge sets the date for the next hearing.

Exhibit 1 Conservatorship Timeline

Days after Child Placed in Foster Care	Activities Required
0	Emergency removal with ex parte order
0	Initial ex parte or emergency hearing and order; ad litem required for child
14	Adversary hearing (AKA 14 day or show cause hearing): order for Temporary Managing Conservatorship (TMC) or return to parent or relative required
15	Request for identification of court of continuing jurisdiction.
60 days after Adversary Hearing	Service Plan Filed
60 days after TMC	Status Hearing and Review of Permanency Plan
180	Initial Permanency Hearing
290	Permanency Progress report
300	Permanency Hearing
364	Request for Extension
365	Dismissal or Final Order: <ol style="list-style-type: none"> 1. returning child to a parent 2. granting managing conservatorship to a relative or another person; 3. appointing DPRS permanent managing conservator; or 4. terminating parental rights
410	Permanency Progress Report (during extension)
420	Permanency Hearing (during extension)
530	Permanency Progress Report
540	Final Permanency Hearing deadline (during extension)
**	Special Rule: Court may order DPRS to continue as Temporary Managing Conservator for up to 180 days with child placed in home of parent for monitoring.
Every 6 months from the time Permanent Managing Conservatorship is granted to DPRS	Placement Review Hearing

At the status hearing and each permanency hearing, all Texas judges are required to “admonish” or inform each parent in open court that parental rights may be restricted or terminated unless the parent is willing and able to provide a safe environment for the child (Family Code 263.006). If there has been insufficient progress, then an initial permanency hearing is held six months from the date the Temporary Managing Conservatorship (TMC) was granted to begin considering other options for the child(ren). At this hearing, which the child is generally required to attend (263.302), the court reviews the agency’s efforts, including attempts to find kin with whom the child can be placed. Parents are again admonished of timeframes and possible outcomes.

A case is terminated when the court dismisses the case or issues final orders returning the child to a parent, granting a managing conservatorship to a relative or another person, granting a

managing conservatorship to DPRS with or without terminating parental rights, or terminating parental rights and appointing a relative, other suitable person or DPRS as managing conservator of the child(ren) (263.401(d)) All of these outcomes are considered permanency, including permanent managing conservatorship (PMC) awarded to the State. Although state administrators noted the award of a PMC to DPRS is intended only for medically fragile children or youth in need of specialized care (e.g., youth with psychiatric needs), there is some concern that it is sometimes used in other cases to meet the statutory requirements when a permanent home has not been found for the child. The court is required to hold permanency reviews every six months as long as the child remains in PMC.

Again, if permanency is not achieved within 12 months, conservatorship must be filed with the parent of origin, kin or the child welfare agency (unless a six-month extension is granted). The case is then dismissed. If the case worker can show new cause for removal, the case can be re-filed subsequent to dismissal, potentially extending the child's stay in foster care. The state does not have information on the frequency with which this occurs, but is concerned that this practice not be used inappropriately to meet state mandated timeframes.

Participants in the judicial process note several benefits to utilizing specialized Cluster Courts in comparison to hearing dependency cases within a generalized docket:

- A judge experienced and well trained in child abuse and neglect issues is assigned to the dependency cases, and these cases will remain under that single judge's purview provided the case is not moved to another jurisdiction.
- Because Cluster Court judges are specialized, stakeholders believe they are more knowledgeable of the legal requirements associated with child welfare cases. As explained earlier, the Texas Family Code requires that the judges admonish parents to make sure they understand that their rights as parents may be subject to restriction or terminated and that they understand what they must do to have their child(ren) returned to them. State administrators acknowledge that although this is a requirement in all child dependency cases hearings, district judges may not be as familiar with the requirement as Cluster Court judges, so they may fail to deliver the required admonishment at times.
- Judicial specialization in child welfare cases also makes these judges more knowledgeable of service and placement options. For instance, CPS staff and judges believe there is a greater emphasis on finding kinship placements for cases in Cluster Courts. Cluster Court judges are more likely to encourage—even prod—CPS staff to pursue that option.
- Participation by the child's and parents' attorneys is improved because dependency cases within a Cluster Court are heard in only one courtroom within the Cluster on a specific day, eliminating the possibility of scheduling conflicts. That is, an attorney representing two child welfare cases in an area served by a Cluster Court cannot be scheduled for two court appearances in different counties in the same Cluster Court on the same day.

- Families are more involved and participate in their hearings. The Cluster Court setting is believed to be less intimidating than traditional courtrooms, and Cluster Court judges are more likely to run their courtrooms less formally and as a collaborative problem-solving forum in which all participants, including family members, are treated with respect. As a result, family members are more likely to attend and actively contribute during hearings. In addition, Cluster Court judges routinely question the family members to ensure their input into the process.

4. Representation of Children and Parents

Within Texas, the establishment of Cluster Courts has occurred in congruence with reforms to strengthen representation for children and parents. One of the CIP reforms recommended by the Supreme Court Task Force was the expansion of Court Appointed Special Advocates (CASAs) into geographic areas that had not previously been served. In response, CASA has targeted its expansion to coincide with the establishment of Cluster Courts, so that there is CASA representation in every area served by a Cluster Court. In Texas, CIP funding has allocated grant funds to assist in this expansion.

Additionally, each child is entitled to a guardian ad litem (GAL) and an attorney ad litem (AAL). The representation may be provided by private practice attorneys, pro bono attorneys, or CASA volunteers. Stakeholders note that the GAL is responsible for representing the best interests of the child, whereas the AAL is responsible for representing the child's wishes. The GAL and the AAL may be the same as long as the child's wishes are consistent with what is in the child's best interests. When this is not the case, state policy specifies that two individuals must represent the child. However, meeting this requirement can be a difficult issue in rural areas where the number of available counselors is limited. Participants we spoke with noted that fulfilling a dual role can often be difficult, and that the addition of CASAs was a welcome one.

According to state policy, parents are only entitled to an attorney ad litem when their parental rights are in the process of being terminated. However, the state is working with judges to appoint attorneys prior to this time. For instance, many Cluster Court judges will appoint representation as soon as they come to believe that termination of parental rights will eventually occur given the case circumstances (e.g., severe, active parental substance abuse, little participation by parents). Judges and state administrators noted that appointing representation early in the dependency hearing process not only helps ensure that parents have the best possible opportunity to meet the requirements of their case plan necessary for reunification, but also helps avoid lengthy appeals and delays that are introduced by counselors appointed late in the judicial process who are seeking to protect their clients' parental interests.

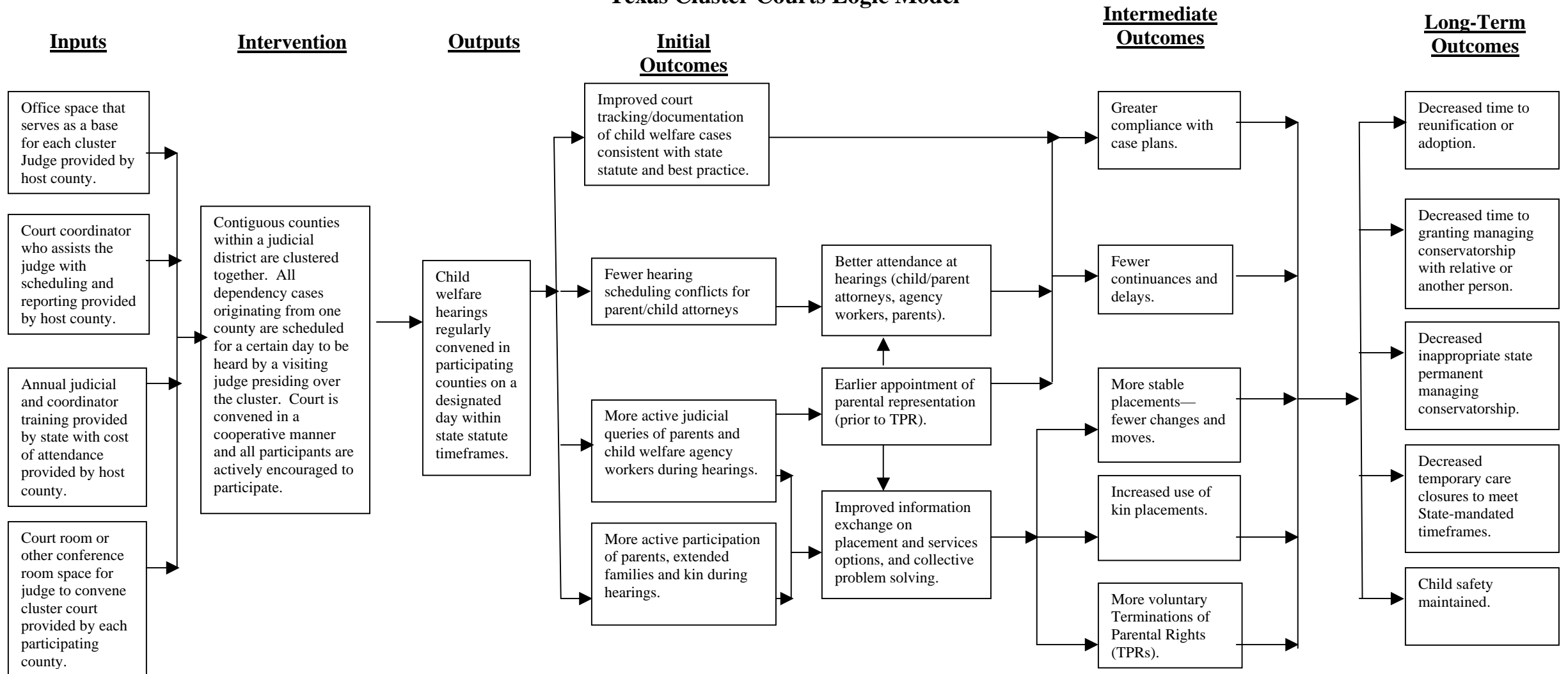
B. Intervention Logic Model

Exhibit 2 presents a logic model depicting the relationships between the Cluster Court intervention, the inputs upon which it relies and outcomes it is expected to impact. There is consensus among those we talked with on-site, that the chief long-term outcome of Cluster Courts and permanency legislation is the more rapid attainment of permanency. Specifically,

Cluster Courts decrease the time required for reunification or adoption, as well as decrease the time to complete the steps necessary to grant permanent managing with a relative or another person known to the family. This is achieved while maintaining child safety, given that more judicial attention is focused on these cases, hearings are held more frequently, foster care placements are more stable, and parents and other professionals are more actively involved with these cases on a regular basis.

Additionally, those we spoke with on-site that have participated in Cluster Court hearings felt the specialized court resulted in decreased use of inappropriate state permanent managing conservatorship (i.e., for children that do not have highly-specialized needs). Also, stakeholders maintain that the Cluster Courts provide a method for reaching permanency in a timely manner so that courts do not inappropriately close cases temporarily and then re-open them in order to meet permanency timeframes. The state is interested in tracking subsequent re-openings in the event this is occurring inappropriately.

Exhibit 2 Texas Cluster Courts Logic Model



While most Cluster Court participants think there may be some positive impact on child well-being, many are reluctant to make these claims. There is agreement that within the Cluster Courts, judges are more actively involved, are more likely to probe for alternative solutions such as placement with kin, and are more likely to identify potential problems earlier when they can be addressed. Although there is some consensus that these factors will lead to better and more stable placements, there is less agreement on how this will translate into measurable long-term improvements in child well-being (defined most frequently by participants as physical health and performance in school). In any event, measures of immediate outcomes (increased judicial queries of parents and agency workers), and measures of interim outcomes (more stable placements, fewer changes and moves, increased judicial queries) are actions that fall under the direct jurisdiction of the court. Measures of these could be constructed and tracked (see Exhibit 4 appearing at the end of this report).

As noted earlier, initial outcomes of the regularly scheduled hearings also include fewer scheduling conflicts for parent/child attorneys and child welfare workers within the clustered counties, which, in combination with the more welcoming/cooperative environment of the Cluster Court, results in better attendance at hearings by attorneys, agency workers and parents. In turn, this results in fewer continuances and delays while also ensuring improved information exchange on placement and service options. Also contributing to the improved information exchange is the more active judicial querying of parents, CASAs and child welfare agency workers. As explained earlier, the courts' decision-making capability also may be enhanced by earlier appointment of parent counsel (prior to TPR). The improved information exchange results in increased use of kin placements and voluntary relinquishments and the concomitant decrease in inappropriate Permanent Managing Conservatorships.

C. Proposed Evaluation Approach

Although explored in-depth on-site, an experimental design involving random assignment is infeasible for the following reasons. First, as explained earlier, when implementing a Cluster Court, it is standard practice to transfer all dependency cases (both new and ongoing) to the newly-established court. As a result, current practice does not support the possibility of assigning some cases to a treatment group and others to a comparison non-treatment group. While on-site, the study team explored whether the state would agree to “hold some cases back” from the Cluster Court, when implementing the next wave of specialized courts, within the same set of counties served by the newly established Cluster Court. These cases would form a comparison group. However, for two reasons, state officials did not agree to this, as it would interfere with the process of reform:

- When established in an area, a Cluster Court is introduced as “the new way of conducting business.” Holding some cases back would compromise this reform process and introduce the possibility of judges holding back certain cases from the specialized court on a discretionary basis. In actuality, when a new Cluster Court is established, most judges are eager to reduce their caseload and transfer their dependency cases. This becomes an incentive for establishing a Cluster Court, and court officials and program

administrators expressed doubt that they would want to continue presiding over certain cases for evaluation purposes. Additionally, program administrators did not want to introduce the possibility of cases transferring back and forth between judges and courts at the discretion of judges.

- One of the integral characteristics of the Cluster Court is that it removes the possibility that attorneys and caseworkers in a geographic area have conflicting court appearances in different courts in a region, thus eliminating the cause of many delays. If cases were assigned to two or more courts within a region, the very scheduling problems the Cluster Courts are eliminating would return, and some of the most important benefits of the intervention, improved attendance at hearings, leading to improved decision-making and ultimately expedited permanency, would be lost. In other words, the evaluation protocols would negatively impact the intervention and those in the treatment group.

Although random assignment cannot be conducted, it will be possible to collect data on outcomes for new entrants into the dependency court process at three points in time in two comparable sets of counties—one set of counties with Cluster Courts and one set without. Finally, it is recommended that an evaluation of the process of implementation accompany this outcome evaluation to fully document the intent of the reforms and perceptions of their effectiveness from multiple perspectives.

1. Data Collection Timeline

For the purposes of this preliminary plan, it is assumed that the cohorts of cases will be sampled for three separate, six-month periods, capturing all cases opened during that period of time. The three cohorts will be tracked for 24 months. As shown by Exhibit 3, measurement conducted post-Cluster Court implementation will involve same-time comparisons of counties that have established Cluster Courts with counties that have not.

Exhibit 3 Data Collection Timeframes

Baseline (before 12-month permanency statute)

January 1996 – June 1996	All cases entering during the six-month period will form the pre-treatment group.
Through June 1998	Track cases for 24 months.

First Post-Reform Measurement (after 12-month permanency statute)

June 1998 – December 1998	All cases entering during the six-month period will form the first post-treatment group.
Through December 2000	Track all cases for 24 months.

Second Post-Reform Measurement (after Cluster Court implemented)

January 2004 – June 2004	All cases entering during the six-month period will form the second post-treatment group.
Through June 2006	Track all cases for 24 months.

Implementation of this plan will depend on: identifying enough new cases entering the system within the time January 2004 – June 2004 in the Cluster Court counties selected for the study; and identifying appropriate comparison counties. To achieve the necessary sample size, we recommend taking all new cases entering the system in eight Cluster Courts: South Plains, Southeast, Central Texas, Permian Basin, Three Rivers, Northern Panhandle, Hill Country, Sabine Valley, and two additional Cluster Courts that were approved but not yet implemented at the time of the site visit. It will then be necessary to find comparison counties that are similar to these counties in as many relevant respects as possible, with the exception of Cluster Court implementation. Appendix C presents available data on the estimated number of new cases entering select Cluster Courts each month, along with their dates of implementation.

2. Measurement of Intermediate Outcomes

Qualitative data on several initial outcomes of interest that are not available through management information systems will not be available retrospectively. These include data on the number and type of judicial queries, the length of hearings, the number and types of people attending hearings, and the extent to which children or other family members are active participants in the judicial process. This information will be collected through structured interviews and direct observation for the final post-reform implementation group only in both the Cluster Court and comparison counties. Factors such as the following will be important when selecting comparison counties:

- Average number of children in care in a year;
- Socioeconomic characteristics of the county;
- Number of judges;
- Judge's characteristics—e.g., elected, visiting, associate;
- Availability of resources (counseling, assessment, job training, substance abuse treatment, hospitals, etc.); and
- Type of representation—e.g., how much attorneys are paid, whether prosecution is centralized, etc.

3. Data Sources

The child welfare agency maintains a management information system—Child and Adult Protective Services (CAPS)—into which caseworkers enter data on each child. A file starts at the time a referral is made to the 24-hour hotline with a record of the allegation and subsequent involvement with the child or family is recorded. Along with other elements, CAPS includes investigative findings, ethnicity, type of permanency, time in care, age, key dates and activities. The system is designed to fulfill the role of the case file. Therefore, those most familiar with the system note that extracting information necessary for research purposes requires a sophisticated knowledge of the system. Moreover, there is potential for multiple listings of the same individual or the same family if the caseworkers assign a new unique identification number, not realizing there has been a previous investigation. (Theoretically, the system should merge all files; but, in actuality merges depend on the skills of the caseworker in navigating the system.) As a result, it is recommended that a person who is very skilled in using CAPS be identified and hired as information from this source is essential for many outcome measures.

Court files are another source of information; however, this source is limited. Their content varies depending on the judge and there is little standardization across rural districts. All contain a record of the hearing with dates, the type of hearing, and orders issued. Many contain notes from the judge of issues to track. However, the records cannot be relied upon to provide hearing attendance; the extent to which parents and children are given opportunities to speak; hearing length; or information exchange. This information will be collected through court observation and structured interviews.

Exhibit 4 identifies measures associated with outcomes, and lists sources of data for each.

**Exhibit 4
Outcomes, Measures, and Data**

Outcomes	Measures	Data Source
Output		
Child welfare hearings regularly scheduled in participating counties.	Number and proportion of hearings held within state statute timeframes.	Court Dockets, CAPS.
Initial Outcomes		
Improved tracking/documentation of child welfare cases consistent with best practice and state statute.	Number and type of judicial notations in court record.	Court files.
Fewer hearing scheduling conflicts for parent/child attorneys and child welfare workers within district.	Number of hearings scheduled concurrently for attorney. Number of hearing continuances and delays resulting from attorneys/workers not in attendance.	Structured interviews with attorneys and child welfare agency caseworkers. Court records.
More active judicial queries of parents and child welfare agency workers.	Number of questions asked of parents at hearings. Number of questions asked of child welfare agency workers at hearings.	Courtroom observation.
More active participation of parents, extended families and kin during hearings.	Number of times family/kin participate in hearings. Type of participation.	Courtroom observation.
Intermediate Outcomes		
Better attendance at hearings of attorneys, agency workers, parents.	Number of hearings at which child(ren)'s attorney present. Number of hearings at which parent(s)' attorney present. Number of hearings at which agency workers present. Number of hearings at which parents present.	Courtroom observation.

Earlier assignment of counsel.	Date counsel appointed in relation to case goal and date case fell under court's jurisdiction.	Court records.
Improved information exchange on placement and service options.	Length of hearing. Amount of time devoted to discussing placements and number of placement options discussed. Amount of time devoted to discussing services and number of services discussed.	Courtroom observation.
Greater compliance with case plans.	Number of instances of compliance with specific requirement.	DPRS Caseworker Files, CAPS
Fewer continuances and delays.	Number and proportion of hearings continued, delayed.	Court files.
More stable placements.	Number of changes in placements.	CAPS.
Increased use of kin placements.	Number of kin placements.	CAPS, court files
More voluntary Terminations of Parental Rights (TPRs).	Number of voluntary relinquishments of parental rights.	CAPS
Long-Term Outcomes		
Decreased time to reunification or adoption.	Time from initial hearing to case finalization due to reunification or adoption placement.	CAPS, court records.
Decreased time to managing conservatorship.	Time from initial hearing hearing to establishment of managing conservatorships with: parent(s); relative(s); other person	CAPS, court records.
Decreased use of inappropriate Permanent Managing Conservatorships (PMC).	Number of PMCs by age of child and special needs status.	CAPS.
Decreased use of temporarily closing cases in order to meet permanency timeframes.	Number of re-entrys into foster care. Reason for re-entry. Timing of re-entrys in relation to date of foster care entry.	CAPS.
Child safety maintained.	Number of investigations and investigation outcome (substantiated, unsubstantiated).	CAPS.

D. Conclusion and Summary

A quasi-experimental outcome evaluation of Texas' Permanency Legislation and Cluster Court Program is feasible based on the evaluability assessment conducted by the study team. Exhibit 5 below summarizes the feasibility criteria developed for this project and the extent to which the model meets these criteria.

Exhibit 5 **Evaluation Feasibility of Texas' Permanency and Cluster Court Model**

Criteria	Response
Is there a definable model that could plausibly achieve the intended objectives?	Yes. Refer to the logic model presented in Exhibit 2.
Is the program consistently implemented as designed?	Yes. There are some subtle differences in how judges implement the interventions, but the basic elements are implemented uniformly in all Cluster Courts.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. Additional Cluster Courts are planned, and they have been added to the state budget, which assures the program's stability over the next few years.
Are needed data available, accessible and accurate?	Yes, most data are available, accessible and accurate. Quantitative data are available in the CAPS dating back to 1996; some qualitative data are available in court and caseworker records. Data pertaining to the quality of hearings, such as length of hearings, participation in hearings and appointment of legal counsel will require the collection of new/additional data. Baseline data on these factors cannot be collected; however, data can be collected and compared between Cluster Court and non-Cluster Court counties.
Can administrative data be cross-walked between child welfare agencies and the courts?	Yes. However, some data matching will be required as the courts count cases differently from the child welfare agency. While the court tracks by family, CAPS tracks by child.
Is there cooperation and support for evaluation?	Yes. The CIP Coordinator, the Coordinator, Office of Court Administration, the Chief of Presiding Judges, and members of the Supreme Court Task Force are all enthusiastic about the possibility of an evaluation. An evaluation could help improve the program and ensure its longevity.
Have there been any previous evaluations or are any planned or underway?	No. The program was pilot tested in two regions before being replicated. However, no formal evaluation has been conducted.
What type of evaluation design would be feasible?	Quasi-experimental comparison between similar counties that differ as to whether they have implemented a Cluster Court at three points in time (baseline, post-state statute, post-Cluster Court).

Appendix A

Evaluability Assessment Interview Participants

Name	Title/Agency
Carole Hurley	CIP Director
Angela Miranda Clark	Foster Care Courts Attorney, Office of Court Administration
Judge B.B. Schraub	Chief, Regional Presiding Judges
Cathy Morris	TDPRS Chief Attorney, Field Operations
Sarah Guidry	Supervising Attorney, Special Litigation
Sherryl Becker	Program Director, CPS
Denise Kurt	Assistant Regional Attorney, TDPRS.
Judge Van Stovall	Visiting Judge, East Texas Cluster Court
Diana Parker	Reporter/Coordinator
Judge Olen Underwood	Regional Presiding Judge, member of the Supreme Court Task Force on Foster Care
Amy Livsey	Assistant Montgomery County Attorney
Terri Mendez	Attorney for Children and Parents
Earl L. Pryor	Attorney for Children and Parents
Gilda Steward	CPS Caseworker
Leshia Fisher	CPS Supervisor
Barbara Shinall	CPS Program Director
Judge Frank Bass	Associate Judge
Kathy Davis	Court Coordinator/Reporter Three Rivers Cluster Court
Nancy Harris	CASA Director; Cathy (aunt/guardian), Briana (child).
Judge Mickey Pennington	District Court Judge, member of the Supreme Court Task Force on Foster Care
Judge Camile Dubose	Associate Judge
Fidelia (Lela) Ballesteros	Court Coordinator, South Texas Cluster Court
Edward Gentry	CPS Supervisor
Hilda Flores-Rendon	Program Director, TDPRS
Patricia Putnam	CPS Caseworker.
Neifa Nacel-Dovolina	Attorney, TDPRS
Ed Dulin, Jr	Attorney for children and parents
Judge John Specia	Bexar County District Judge, Chair, Supreme Court Task Force on Foster Care
Diane Ward	TDPRS
Norton Teutsch	TDPRS
D. Leasel Smith	TDPRS
Cathy Cockerham	Texas
Jennifer Paul	Texas

Appendix B Timeline of Important Contextual Events in Texas

Initial CIP grant to State child welfare agency	January 1995
Assessment by Deloitte and Touche Consulting Group Funded	August 1995
Change in definition of risk (sufficient risk for removal could Be determined by qualified assessment rather than Relying on physical evidence alone.)	September 1, 1995
12-month permanency statute--passed into law Became effective	May 1997 January 1, 1998
ASFA reviews of cases in foster care to expedite their permanency	1997
CAPS became operational (historical data transported Into database prior to this time)	1997
Cluster Court Implementation*	
• South Texas	September 1997
• East Texas	March 1998
• Rio Grande Valley	August 1999
• Central Texas	March 2000
• 4 th & 5 th AJR	August 2000
• Northeast Texas	November 2000
• South Plains	December 2000
• Southeast Texas	January 2001
• Central Texas	January 2002
• Permian Basin	January 2002
• Three Rivers	November 2002
• Northern Panhandle	January 2002
• Hill Country	April 2002
• Sabine Valley	August 2002
State Funding and Transfer of Admin to Office of Court Admin	September 1, 2000

* Two additional cluster courts have been approved, but not yet implemented.

Appendix C
Average Number of New Cases Per Month
In Six of the Ten Cluster Courts Implemented after December 2000

• Southeast Texas	January 2001	6
• Central Texas	January 2002	20
• Permian Basin	January 2002	7
• Three Rivers	November 2002	11
• Northern Panhandle	January 2002	3
• Hill Country	April 2002	2

Virginia Systemic Court Reform Evaluability Assessment Site Visit Report

In February 1995, Virginia was awarded \$110,262 in federal court improvement program (CIP) funds to assess the handling of dependency cases within the state's juvenile and domestic relations (JDR) courts. Virginia is working to improve the processing of dependency cases through a range of legislative, administrative and support activities. Virginia gave local jurisdictions broad mandates through legislation and a range of administrative supports to enable them to design and implement local reform efforts based on local resources and judicial leadership. By FY 2001, the state was receiving approximately \$215,000 annually in federal CIP funds for its ongoing implementation efforts.

This report summarizes the feasibility of conducting an evaluation of Virginia's systemic court reforms supported through federal court improvement (CIP) funds. State level reforms include:

- Statutory reforms;
- Enhanced judicial training in dependency issues;
- Enhanced training for guardians ad litem (GALs);
- Multi-disciplinary training for all court participants and individualized technical assistance;
- Updates and clarifications to the District Court Manual and forms;
- Development of uniform court orders; and
- Enhancements to its court management information system.

In addition to the state's broad based CIP reform efforts, Virginia has worked on several other fronts to improve the handling of dependency cases. Further, local jurisdictions have implemented their own reforms to address the new timeframes of the Adoption and Safe Families Act (ASFA) and other state permanency guidelines. Due to the multi-faceted and well-regarded reform process underway in Virginia, this report concludes that much could be learned from undertaking an evaluation of the state's CIP implementation process. Several aspects of Virginia's reform efforts would be best captured through a descriptive analysis of the process of reform including:

- The history and context of CIP reforms at the state and local level;
- The comprehensive nature of CIP reforms;
- The ways in which CIP has been integrated with other parallel state and local reform efforts; and
- The ongoing process of assessing and updating the strategic plan.

A rigorous outcome evaluation is not advisable due to the difficulty of creating comparison groups that would isolate the impact of CIP. Due to the scope of the reforms and other parallel initiatives underway at the same time, it would be extremely difficult to

control for contextual effects through random assignment or other means. Other concerns involving the quality of historic case level data for an outcome assessment and the state's ability to assist with both original and administrative data collection because of current budget reductions are discussed in more detail in the following pages.

The summary provided below is based on site visits conducted in March and September 2002 and a review of documents provided by the state. The James Bell Associates (JBA) study team spent three days in Fairfax County meeting with a range of program stakeholders including judges, clerks, attorneys for all parties, as well as child welfare managers, supervisors and casework staff. The study team also spent two days in Richmond meeting with the state Court's Executive Secretary, CIP administrators, court management information system (MIS) managers and child welfare program and MIS managers. A list of interview participants is included in Appendix A.

The report is presented in five sections. Section A presents a brief overview and history of Virginia's systemic court reforms and their implementation in Fairfax County. Section B presents a logic model for the evaluation. This model defines the inputs and immediate outputs from the reforms, as well as the immediate, intermediate and long-range case-level outcomes. Section C presents the recommended evaluation approach, including potential research design parameters, outcome measures, and research design limitations. Section D identifies the two primary issues to resolve before proceeding with an outcome evaluation. Section E concludes with an assessment of the feasibility of a full-scale rigorous evaluation of this site, including strengths, weaknesses, and key stakeholders' willingness to implement the strategy.

A. Virginia's Systemic Court Reforms: Implementation History and Context

There are 121 juvenile and domestic relations courts within Virginia's 31 judicial districts. These are the courts with primary jurisdiction over dependency cases.¹⁰⁵ In Virginia, child dependency cases include children who are the subject of any of the following petitions: child abuse or neglect, child at risk of abuse or neglect, approval of an entrustment agreement or for relief of custody, foster care review, permanency planning and termination of parental rights. Dependency cases also include children who are placed dispositionally in foster care as a result of a delinquency, child in need of service or supervision, or a status offense petition.¹⁰⁶

In 1995, the Chief Justice of the Supreme Court appointed a CIP Advisory Committee that included a wide range of court, agency and other stakeholders in dependency court proceedings to assess the need for, and oversee implementation of

¹⁰⁵ Virginia's juvenile and domestic relation's courts are courts "not of record", a fact that proves significant later in this report under research design and data collection. Litigants have a right to a *de novo* appeal on the merits of the case on the circuit court level. If the matter is appealed again, it is turned over to the state's court of appeals for a rehearing. (Safety and Permanency for Dependent Children before the Courts of the Commonwealth, Court Improvement Activities 1997-2000, p. 14)

¹⁰⁶ Ibid. pp. 11-12.

court reforms. Committee members were selected from a variety of urban and rural courts across the state. With assistance from the American Bar Association's Center for Children and the Law, Virginia conducted its own CIP assessment that was published in December 1996. The assessment resulted in seven broad recommendations; each of which has been addressed through the reforms discussed in this report.¹⁰⁷ In addition, in 1999 and 2000, state CIP staff conducted an extensive evaluation to assess the extent to which CIP reforms had been implemented and had impacted the state's ability to meet the new timeframes under the Adoption and Safe Families Act (ASFA).

1. Additional Court Reform

Before describing Virginia's CIP reforms, it is important to emphasize that the state had been working to improve its processing of dependency cases both prior to and simultaneous with the implementation of CIP through a series of reforms closely related to those undertaken through CIP. These contextual variables make it difficult to identify a comparison group necessary to measure change within an outcome evaluation. For instance, in 1989, state legislation authorized an experimental family court program to consolidate child and family-related court issues, including divorce and adoption, in one family court. Six juvenile and domestic relations courts, including Fairfax, participated in the pilot project which operated only during calendar years 1990 and 1991. While the General Assembly passed legislation in 1993 establishing the substantive and legal framework for a statewide family court system, the 1994 Session of the Legislature failed to provide the funding and elect the judges necessary to support the new system. During their operation, the pilot courts sought to embody good case management practices in their dockets. Examples of this practice include consolidating cases related to one family under one judge, improving the timeliness of hearings, improving the quality of judicial training and reducing the number of continuances. Several state officials reported that CIP funds have been used to continue and expand reform efforts already underway in the target jurisdictions.

In addition to the pilot family courts, in January 1995, Virginia established qualification standards governing the appointment of guardians ad litem (GALS). These standards, which were developed by the Judicial Council of Virginia at the direction of the General Assembly, mandated both initial and ongoing training requirements for lawyers who wish to accept appointments to represent children in juvenile and circuit courts. As described below, CIP resources have been used to develop and deliver this training in conjunction with the educational arm of the Virginia State Bar, Virginia CLE.

In addition, one of the seven recommendations that came out of the state's CIP assessment was the need to improve the calendar management and docketing procedures of dependency cases. While CIP staff supported the process, reform efforts in this area

¹⁰⁷ Specific recommendations called for the review and revision of several statutes governing the handling of dependency cases and greater uniformity and specificity of procedures within the state's court manual, increased uniformity in calendar and docketing procedures, an improved court management information system, more training for all parties, and improved availability and competency of legal representation.

were led and administered by another unit within the Office of the Executive Secretary. Stakeholders at both the state and local levels reported that calendar management has played a significant role in helping local courts expedite case processing.

Finally, in Virginia it would be virtually impossible to separate the impact of CIP reforms from other state and local initiatives implemented to address ASFA. Simultaneous with court reforms, the child welfare agency was working to address the new timeframes to permanency through its caseload review and training of casework staff in the new timeframes and service principles. Additionally, since 1997, the child welfare agency has been piloting a series of initiatives to expedite permanency including several adoption promotion and support activities, and concurrent planning.

There are two other factors that would complicate undertaking a rigorous outcome evaluation. First, the state modifies and enhances its CIP reforms each year. While the 1997 legislative incorporated most of the central tenants of ASFA, each year, CIP has introduced new legislation that modifies or further clarifies existing statutes. The evolving nature of the reforms would require establishing different outcomes for different cohorts. Second, the state's CIP reforms are not uniformly implemented across judicial districts. Unlike CIP reforms in other states that involve a standardized service model, Virginia appears to have given districts broad mandates and a range of administrative supports in the form of training, individual technical assistance and materials. In large part, district courts control their own process of reform based on local resources and judicial leadership.

In summary, Virginia has been working on several fronts to improve its processing of dependency cases prior to and simultaneous with its implementation of CIP. These separate but related reforms will also impact the outcomes of interest. The next section of this report describes each CIP reform in more detail.

2. CIP Reforms

a. State Level Reforms

Virginia's CIP reforms are administered within the Office of the Executive Secretary, within the state's Supreme Court. Three full time staff, using information gained by the state assessment and guidance and direction from the CIP Advisory Committee, work to support and implement CIP reforms. These staff have access to all state resources of the courts including automated systems, education, training, and technical assistance. State CIP reforms can be grouped in the following categories: legislation; training and technical assistance; district court manual and forms; court orders; ongoing judicial training; GAL training; and court automated information system.

Each of these reforms is briefly discussed here.

i. Legislation

From the perspective of most state and local stakeholders interviewed for this report, the most sweeping CIP reform was the state 1997 legislation that created a legal framework to improve the timeliness and content of dependency proceedings. Changes in the timing of dependency court hearings are illustrated in Exhibit 1 pre- and post-legislation. Specifically, the legislation authorized:

- Entry of a preliminary protective order as part of the preliminary removal proceedings;
- If no adjudication at the preliminary hearing, a separate adjudicatory hearing is to be held within 30 days of the preliminary removal hearing;¹⁰⁸
- If abuse and neglect is found, a dispositional hearing is to be held within 45 days of adjudication;
- The foster care plan and protective orders must be reviewed at the dispositional hearing (instead of administratively by the judge);
- Foster care review hearings are to be held every 6 months after disposition (rather than every 12 months);
- The initial permanency planning hearing is to be held 6 months after the initial foster care review hearing and every six months thereafter;
- Permanent placement for the child is established at the initial permanent placement hearing; and
- All future hearings are to be scheduled in the courtroom.

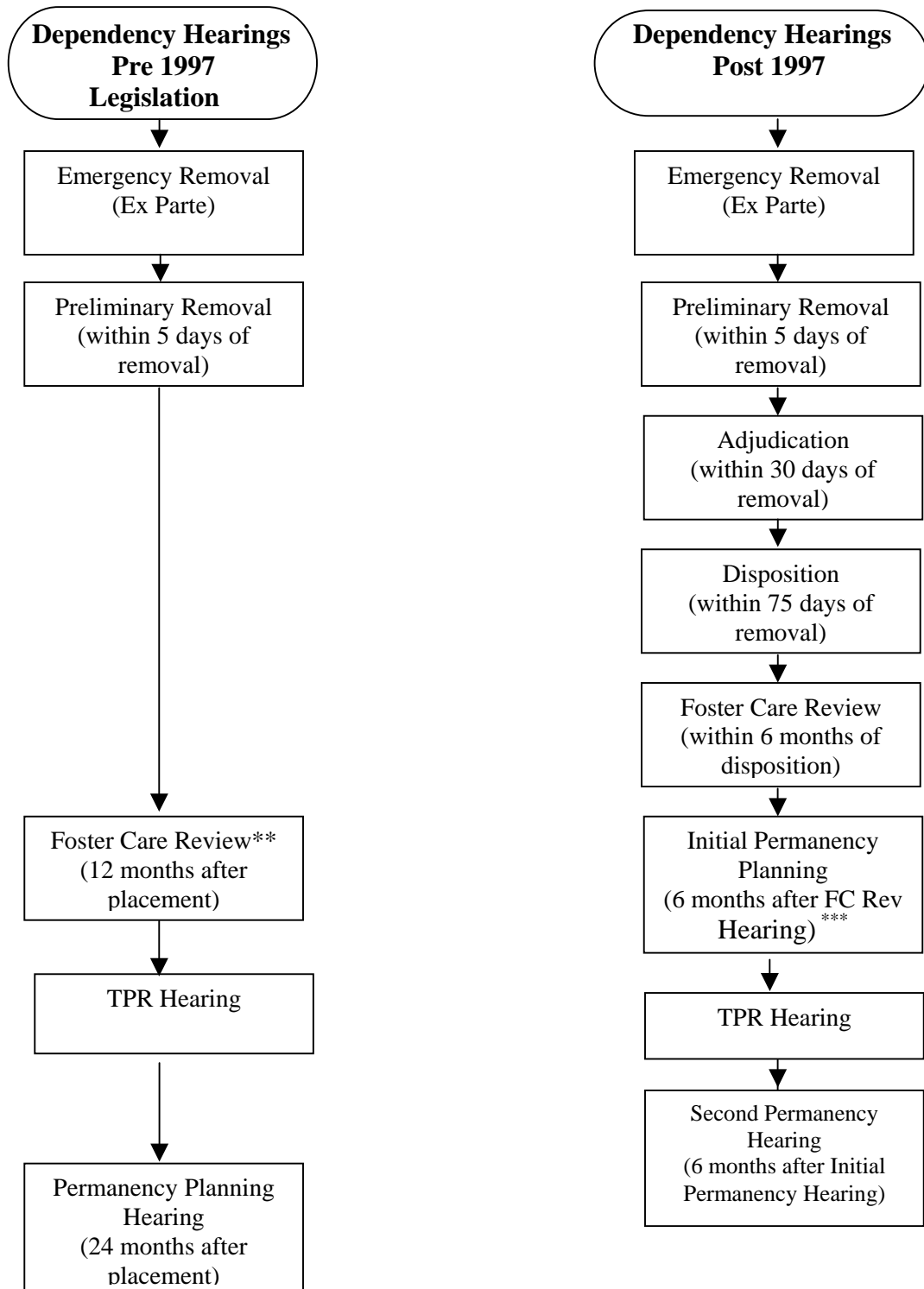
In addition to increasing the number of opportunities for judicial review, the 1997 legislation more clearly defined the purpose and actions to be taken at each hearing. Highlights of CIP legislation passed subsequent to 1997 include the following:

- The 1998 legislation addressed the rights of foster parents to participate in judicial proceedings and tightened up several of the requirements, and timeframes for, the termination of parental rights. It also modified the 1997 legislation by reducing the timeframe between the foster care review hearing and the initial permanency planning hearing from six to five months.

¹⁰⁸ Judges interviewed in 1996 for the state's CIP assessment reported that, in many cases, adjudication occurred at the time of the emergency removal or preliminary removal hearing. However, only 8 percent of the 131 petitions alleging abuse and neglect reviewed for the assessment, documented adjudication in the court files. Report of the Advisory Committee for the Virginia Court Improvement Program - Foster Care and Adoption, December 1996, p. 37.

- The 1999 legislation clarified procedural and substantive requirements of voluntary foster care placements. It also required increased judicial review of children waiting for adoption finalization.
- The 2000 legislation provided new standards for relative placements and clarified the amount of child welfare agency supervision of these cases.

**Exhibit 1
Virginia's Dependency/Neglect Hearings**



* The state assessment found that cases frequently came before the court more often than shown on this exhibit.

** Prior to the 1997 legislation, the six-month foster care review was generally done administratively.

*** Timing of this hearing was moved up to 5 months after the Foster Care Review hearing in the 1998 legislation.

ii. Training and Technical Assistance

State CIP staff have offered a wide range of training and technical assistance across the state. For instance, due to the scope of the early legislative reforms, the state sponsored regional conferences in 1997 and 1998 to educate the full range of participants of dependency proceedings about the new legislation and ASFA. Judges, court clerks, staff from court services units, GALs, DSS professional and counsel, CASA representatives, and counsel for parents were invited to participate as local teams. A district court judge headed each local group. Each court team left the conference with a locally devised plan for improving their court's processing of dependency cases. In several instances, local teams continue to meet to address ongoing barriers to permanency.

On an ongoing basis, CIP staff distribute materials to all JDR courts including a detailed schematic that lays out the timing and procedures for each dependency hearing as well as the forms and orders associated with the proceeding. CIP staff continue to help courts assess needs and implement reforms on an individual basis through site visits and telephone consultations.

iii. District Court Manual and Forms

CIP staff have also been responsible for annual updates to the District Court Manual and related forms that govern and guide the processing and disposition of dependency matters. Revisions are designed to promote consistent and legally sufficient judicial decision-making and reflect both legislative changes described above as well as recommended best practice guided by national standards such as the NCJFCJ Resource Guidelines.¹⁰⁹ The District Court Manual is a resource for judges, clerks, litigants and lawyers. It contains detailed information on child abuse and neglect, foster care and TPR case laws, and case handling procedures.

iv. Court Orders

CIP staff have also updated and in some cases created, uniform court orders to reflect changes in legislation. CIP staff created the Foster Care Review Order, the Dispositional Order and the Permanency Planning Order. The forms and orders were developed to address the legal requirements for the specific hearing, clarify and record the judge's decisions and prepare for the next hearing. The new orders are designed to be a thorough record of judicial decision-making. Local jurisdictions are encouraged to adopt the new orders, but they are not required to do so.

v. Ongoing Judicial Training

In conjunction with training staff within the Administrative Office of the Courts, CIP staff help to deliver both initial and on-going training to judges and clerks. Judges are required to participate in three weeks of pre-bench training where CIP staff share materials developed on state laws and policies. While judicial training had been offered long before CIP funds were available, there was only limited focus on dependency cases. Judges now participate in mock permanency planning hearings and TPR trials. These trainings are also an opportunity for CIP

¹⁰⁹ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases; National Council of Juvenile and Family Court Judges; Reno, Nevada; 1995.

staff to share ideas about best practice including one judge/one case, early appointment of counsel, time-certain docketing, and front-loading services. Local jurisdictions make decisions about the extent to which individual reforms will be implemented.

vi. GAL Training

Virginia has offered specific training to GALs since 1994. In 1995, CIP staff helped to expand the training to include both initial (7 hour) and ongoing (6 hour) training to GALs in conjunction with the Virginia CLE (the educational arm of the Virginia State Bar). Initial GAL training focuses on several topics including child development and interviewing skills, representing abused and neglected children, preparing for TPR and adoption hearings, appellate practice and ethical considerations. Less structured than initial training, ongoing training requirements can be met through attending a range of CLE classes. Approximately 350-500 attorneys participate in ongoing training each year; 2,500 lawyers have participated in this qualification program to date.

vii. Updating the Court Automated Information System

CIP staff have been working with staff in the Judicial Information Technology Office to improve the Court Automated Information System (CAIS). Once updated, the system will serve as a case management system and will have the ability to produce statistical reports on all dependency/neglect cases. It will also interface with the child welfare agency's case management system. The only modifications completed to date involve the use of new codes that differentiate child welfare from other juvenile and domestic relations cases involving custody.¹¹⁰ Statewide training on the new codes was last offered in 2001. As of the site visit, other system reforms were still under development and full implementation may be delayed due to the state's budget shortfall.

3. CIP Implementation in Fairfax County

Fairfax County was jointly selected as the study's evaluability assessment site due to its reputation in the state as having exemplary reform efforts. In addition, it is home to the state's CIP Advisory Committee Chairman.¹¹¹

There are seven juvenile and domestic relations (JDR) court judges in Fairfax that preside over dependency and other JDR cases. Since the 1997 state legislation, there has been a 37 percent reduction in the number of children in foster care in Fairfax from 780 to 492 children. In state FY 2002, 186 children entered foster care, 158 as a result of abuse and neglect.¹¹² In

¹¹⁰ Prior to this time it was very difficult to distinguish child welfare cases from other kinds of custody cases including divorce and relative placements.

¹¹¹ In addition to the site visits described in this report, in March 2002, members of the JBA study team conducted preliminary site visits to the Alexandria and Richmond courts to observe court hearings and meet with judges and other court staff in preparation for the on-site assessments.

¹¹² Approximately 80 percent of children entering custody in Fairfax do so as a result of an abuse/neglect petition, the second largest group is CHINS cases and third, delinquency cases.

addition, child welfare officials report that the median length of time in custody has gone down from approximately three years in the mid 1990s to two years today.

Fairfax has a long history of court and agency reforms and relative to other counties, has broad resources to draw upon. As mentioned above, Fairfax was one of the state's six pilot Family Courts in the early 1990s. At that time it adopted the one judge/one case assignment practice, time certain docketing procedures, and near universal use of parent counsel. Due in part to the model practices in use in Fairfax, in 1995, Virginia's Chief Justice appointed the County's Chief Judge to serve as the Chairman of the state's CIP Advisory Committee.

Alongside its implementation of CIP reforms, Fairfax has embraced many of the best practices described in the Resource Guidelines. For instance, for nearly two years it piloted a model court (based on the Philadelphia pre-hearing conference model) to front load services. All cases assigned to one judge, excepting those involving sexual abuse, were eligible for participation. A professional mediator convened the conference that focused on early case planning and service referrals. Representatives from the child welfare agency and Community Service Board participated in the meetings to facilitate service referrals. The pilot ended shortly before JBA's site visit due to budget cuts that eliminated the mediator position.

The county's child welfare agency has also been working to reduce time to permanency through several other pilot initiatives. For instance, the county has been conducting concurrent reunification and adoption planning for some time and it was formally adopted as a required practice in January 2002. Concurrent planning is provided to all cases unless reasonable efforts to reunite are not required, mirroring the federal legislation. Among other initiatives, the state is also supporting a range of adoption promotion initiatives in Fairfax to recruit and support adoptive placements.

Court and agency representatives reported that state level CIP reforms have contributed to reduced time in foster care while maintaining child safety. There was also general consensus that three of the state reforms - legislation, general training (specifically the regional trainings held in 1997 and 1998 that assembled the local multi-disciplinary teams) and judicial training, were the most relevant for the county and perceived to most directly impact time to permanency in Fairfax.

Other state level reforms were not perceived to impact permanency in Fairfax to the same degree that they might in other jurisdictions. For example, it was widely reported that prior to CIP, Fairfax already had in place a highly trained and experienced group of GALs. Consequently, individuals involved in the dependency system prior to 1995 did not report changes in the quality of representation since state GAL training was initiated. Court orders are a second example. Fairfax adopted the state's standardized orders in 2001. However, several people noted that the former orders, drawn up by the Assistant Attorneys General (responsible for representing the child welfare agency) were more detailed than the new forms. While the new forms will improve data collection and analysis by standardizing the reporting format, some believe that contextual information is being left out of the new orders due to the availability of check boxes and standardized responses (e.g. findings of reasonable efforts).

In addition to state level reforms, Fairfax is one of the counties that has continued to utilize its multi-disciplinary team to plan for and implement local CIP reforms. In Fairfax, the multi-disciplinary team is called the Permanency Planning Forum.¹¹³ During the late 1990s, the group met monthly to address the new timeframes of ASFA and barriers to permanency. The group prepared a detailed flowchart that illustrated the legal, practice and procedural requirements that needed to take place in the first eight months of foster care to meet the new timeframes. Each step was laid out and the party responsible for the activity identified, along with timeframes to complete each activity. Once completed, all relevant court participants in the County were trained in order to meet the new timeframes and standards.

The forum has also been used to keep all members up to date on statutory and procedural changes relating to dependency law. In addition, new service providers (or existing providers with new services) have been invited to present their services at forum meetings. The forum has also been used for cross-training purposes. For example, an adoption worker described to judges all of the steps involved with locating and approving an adoptive home.

The remainder of this report focuses on the three interrelated CIP reforms identified by stakeholders in Fairfax County: legislation, multi-disciplinary training and judicial training as implemented in Fairfax County. The following section presents the results and benefits of these reforms and a logic model explaining how these activities result in certain outcomes within Fairfax County. In order to present a more complete picture of Virginia's CIP reforms, the evaluation team will need to identify a cross section of representative counties. Site selection is discussed in more detail below.

B. Evaluation Logic Model

1. Results and Benefits Expected from CIP Reforms

Stakeholders in Fairfax County reported several benefits to the three CIP reforms including the following:

- By increasing the number of dependency hearings and clarifying their purpose, court decisions are occurring earlier. Participants reported that since the 1997 legislation, they have felt a new urgency about achieving permanency in a timely manner. All parties are "on notice" from the first hearing - there is little room for parents or agency staff to tell the court that they did not understand expectations and timeframes. For parents, the additional hearings serve as periodic reminders about expectations and obligations to have their children returned home.
- The additional hearings and the fact that the service plan is now reviewed in court allow attorneys to engage parents in decision making. Reportedly, attorneys are more likely to

¹¹³ The Forum was first assembled by the County child welfare director to work out a collaborative approach to meet the new timeframes of ASFA. With CIP, the forum was expanded to include more representatives of the court.

try to modify case plans now that they are reviewed in court to make them more relevant to family problems and achieve greater compliance by parents.

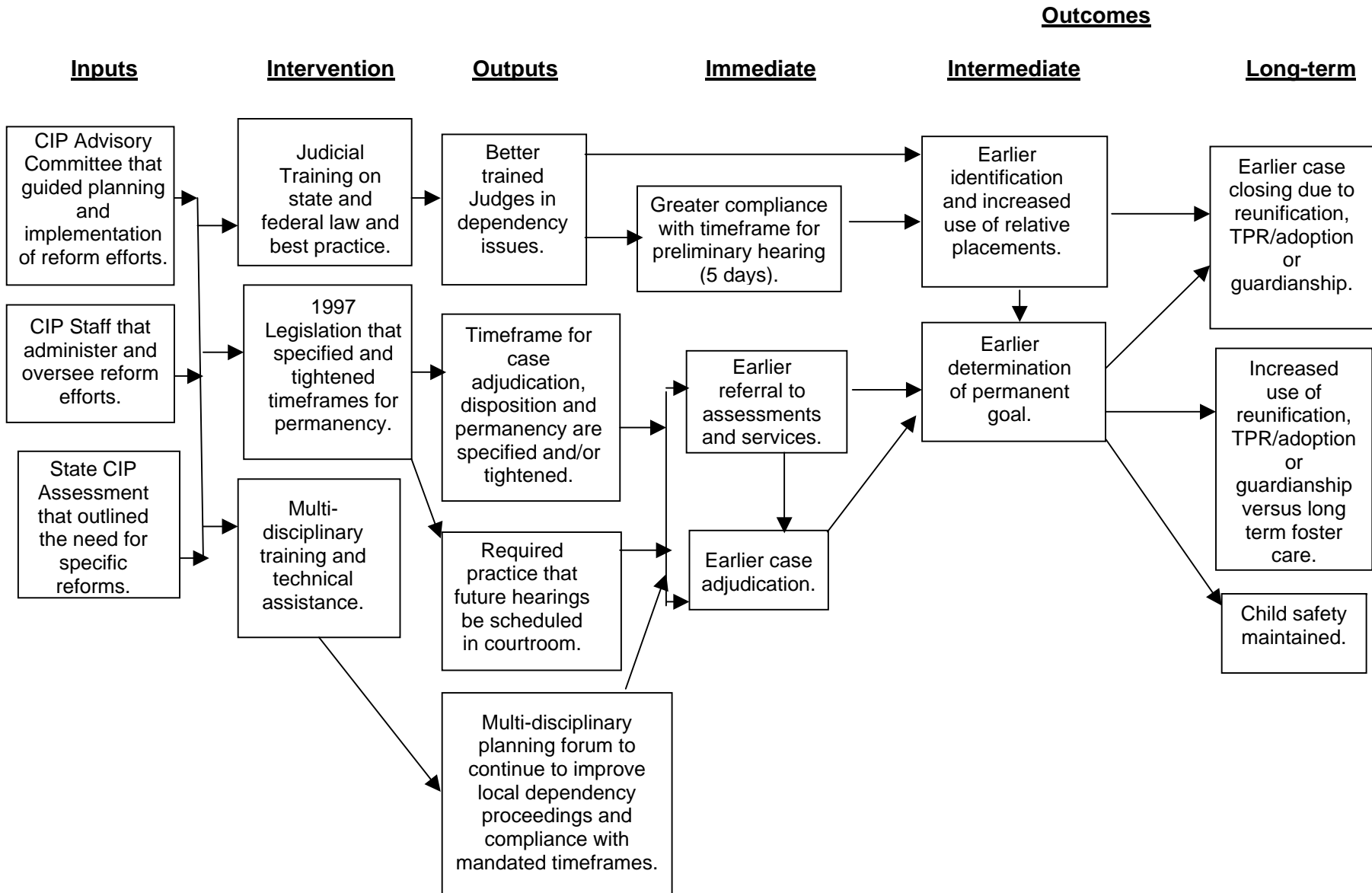
- The additional hearings and the increased use of court ordered services have also led to earlier assessments of child and family problems, quicker referrals to treatment and earlier service receipt.
- Judicial training that emphasized judicial leadership and the value of managing continuances has led to greater compliance with hearings taking place when scheduled. For example, agency caseworkers report that more so than before, the five day preliminary removal hearing is held on time and not continued to a later date.
- Judicial training has also improved the quality of case review. Court participants note that judges are asking more informed questions regarding mental health and other assessments. They are also more likely to ask whether services have led to changes in parents' behavior - rather than if parents have merely attended services.
- Judges are also more likely to inquire about the availability of relative caretakers as both temporary and permanent placements for children in custody.
- Judges are reported to hold parents more accountable now than they did before. Judges will typically tell parents that they have six months to address the area of concern or the court must move toward terminating their parental rights.
- Finally, the regional trainings held by the state helped to solidify the county's multi-disciplinary team of court participants. The group has continued to meet for five years to identify barriers to timely permanency and operationalize local reforms.

2. Logic Model

The following logic model (Exhibit 2) is based on the three state reforms that stakeholders in Fairfax identified as key to achieving more timely permanency while maintaining child safety. The model diagrams the benefits and changes noted above by linking program inputs to interventions and outputs, or products of the reforms. It then links the outputs to immediate, intermediate and the long-term outcome of expedited permanency.

The three primary inputs for this model are the state's CIP assessment, Advisory Committee and state CIP staff. Each of the reforms was recommended by the state's CIP assessment, which involved a detailed analysis of the strengths and weaknesses of the state's dependency court system. The CIP Advisory Committee (and its subcommittees) helped to develop the reforms and guide implementation efforts. CIP staff have had primary responsibility for ongoing implementation and the delivery of support services.

Exhibit 2 Fairfax County, Virginia CIP Reforms Logic Model



Each of the interventions leads to its own outputs namely better trained judges, specific changes to statutes governing dependency proceedings and the formation of the local multi-disciplinary forum. In turn, the outputs lead to a series of incremental changes in court proceedings and case outcomes. For instance, several key stakeholders reported that post-CIP reform implementation, the preliminary hearing is more regularly held within the five day statutory timeframe. They attribute this to both the one judge/one case assignment practice but also to the fact that judges are holding court participants more accountable and have designed better docketing procedures. This, in addition to the new adjudicatory and dispositional timeframes, has led to earlier assessments and service referrals for families and earlier case adjudication. Judicial training has also encouraged judges to seek out relatives to provide both short term and permanent placements. This, combined with earlier findings on a family's progress to address their case plans, has led to earlier determinations of permanent goals and ultimately earlier and increased use of permanent placements including reunification, TPR/adoption and guardianship (in Virginia, this is called 'permanent placement with relative').¹¹⁴

C. Proposed Evaluation Approach

1. Research Design

As described in this report, federally funded court improvement efforts in Virginia involve a series of systemic reforms that include legislative, administrative and support activities. Many of the reforms are modified on an ongoing basis. Further, local jurisdictions control their own process of reform based on what was in place prior to CIP, local resources and judicial leadership. Additionally, jurisdictions have implemented their own local reforms to meet the new timeframes of ASFA. Fairfax, for example, has continued to use its multi-disciplinary permanency planning forum and the child welfare agency has instituted concurrent planning. Other jurisdictions have created family drug courts or, as a result of CIP training, have adopted the one judge/one case assignment practice.

A rigorous outcome evaluation appears to be less desirable in Virginia due to these multiple and simultaneous reforms underway to expedite permanency. On a statewide basis, it would be nearly impossible to apportion case outcomes to specific reforms without denying some cases services to form a comparison group. Instead, the study team is recommending that an evaluation of Virginia's CIP emphasize the process of reform. Virginia's reputation for having implemented a thoughtful and thorough reform process was supported through the many interviews with individuals in and outside of the court. The Children's Bureau could benefit from a detailed analysis of each stage of reform. Information would be gathered to explain the state's implementation procedures including:

- Needs assessment,
- Development of a strategic plan,

¹¹⁴ Virginia currently has six permanent placements for children: return home, permanent placement with relative, termination of parental rights/adoption, permanent foster care (foster parent agrees to raise child until child's 18th birthday), independent living, and another planned living arrangement (for children with severe mental, physical or emotional handicaps).

- Implementation of reforms,
- Ongoing data collection for program feedback purposes, and
- Revisiting and adjusting the strategic plan.

In addition to the topics discussed above, stakeholders will be queried about the strengths and weakness of implementation efforts and whether there are suggestions for improvement. The analysis would describe both the state level reform process as well as local implementation in a small number of jurisdictions. Due to the variation in local reform efforts, with guidance from the state's CIP Coordinator and Advisory Committee, the study team would select a small number of judicial districts that are generally representative of the range of local reforms and are also representative of a mixture of urban/rural and socioeconomic indicators. Data collection would include contextual factors that might drive the reforms at the local level including court structure and size, reforms in place prior to CIP and child welfare agency services and policies.

Data would be collected from existing state reports (including the state's Assessment and the 2000 and 2001 CIP annual progress reports) as well as from stakeholder interviews. Community specific findings would drive the decision to conduct a pre/post intervention evaluation design. Once the process is underway in selected sites, decisions could be made about possible comparisons. For instance, stakeholder interviews may reveal that it would be possible to isolate the impact of certain CIP reforms on certain outcomes within certain timeframes. Alternatively, the decision to conduct a simple pre/post comparison group analysis that identifies the combined impact of all reforms could be undertaken. Once the aggregate impact of reforms is determined, findings from the descriptive analysis could inform the relative impact of each component of reform, based on key stakeholder input. It is expected that some jurisdictions will lend themselves more to an outcome evaluation than others due to fewer intervening variables (e.g. prior reforms underway, simultaneous child welfare agency activities/reforms, etc.). Due to the limitations in data systems described in the following section, it would be advisable to target the outcomes to those most relevant to a given site.

The following evaluation design is based on discussions held in Fairfax County. It uses a research design that compares outcomes for cases filed pre-implementation with outcomes of cases filed post implementation. It serves as a starting point to assess the impact of the state's reforms if an outcome evaluation is deemed advisable. Due to the individualized nature of CIP reforms across sites, the design would need to be modified if other counties are selected for an outcome evaluation.

2. Analytic Comparisons

In this example, the comparison group would consist of cases that were opened in the 12-month window of July 1993 to June 1994 - three years prior to the date Virginia's 1997 legislative reforms that specified and tightened timeframes for dependency cases became effective. The post-intervention group would consist of cases opened after January 1, 1998. Waiting six months after the legislation became effective will allow for the site (or sites) to work through early implementation issues and better guarantee an accurate evaluation of the reforms. Information technology staff from the child welfare agency have offered to identify appropriate cases for both the pre- and post-implementation comparison groups. The samples will involve all foster care cases, not just those entering custody as a result of abuse or neglect. While abuse and neglect cases will be the focus of the analysis, especially with regard to timing of the initial

hearings, the study will utilize sub-group analysis to examine the different experiences of cases that entered custody as a result of voluntary placement and children placed dispositionally in foster care through a delinquency, child in need of services or status offense petitions. Administrative data will be collected three years after case opening to assess all outcomes discussed below.

3. Data Elements

Proposed measures for the outputs and outcomes in the logic model are presented in Exhibit 3. Sources of data are also provided. Information on outputs would only be gathered for the post-intervention group. Information on all immediate, intermediate and long-term outcomes will be gathered on both the pre- and post-intervention groups to assess change resulting from the reforms. In addition to the outcomes measures discussed below, the study team would collect information on the full range of demographic variables, family problems, history with child welfare agency, and reason(s) children came into custody.

Due to the potential limitations of each data source, it is strongly recommended that once data elements of interest are identified, a trial data run be conducted. Data should be collected on a small sample of cases to determine if the number and type of variables should be modified.

4. Sources for Administrative Data

Virginia has several potential sources for administrative data. Each has its strengths and weakness. These include:

Court Automated Information System (CAIS): CAIS was begun in 1985 to process all cases heard by the juvenile and domestic relations courts. As described above, under CIP, work is underway to improve its ability to identify, track and manage dependency cases. Prior to 1999, child welfare cases used the same codes as all other custody cases, including divorce, and relative placements. Effective January 1, 1999 the State implemented an expanded set of codes for use by juvenile and domestic relations courts that distinguish among the full range of dependency petitions. They also chronicle court actions in these cases, specifically timeframes for hearings, hearing results and final dispositions. These codes do not specify who was present at the hearing nor detail the specifics of the court orders. Several individuals reported that it took one to two years after the system was upgraded for data to be entered in a consistent and reliable fashion.

Court Case Records: The court maintains paper files on all cases heard. From a cursory record review of an active case file, and discussions with court clerks, many of the data elements identified for this study could be found in a limited number of documents, specifically: petitions, orders, affidavits and the agency foster care plans. However, several individuals reported that the quality of record keeping varies widely between judges. In addition, courts are required to expunge records on children five years after their 19th birthday if there is no other court activity. This may affect data collection on the comparison group made up of cases closed prior to 1997.

Exhibit 3 Outcomes, Measures, and Data

Outcomes	Measures	Data Source
Outputs		
Better trained judges.	Knowledge gained on handling dependency cases from judicial training curriculum.	Structured interviews with judges.
New timeframes for adjudicatory, dispositional and permanency hearings.	Proportion of hearings held in compliance with statutory timeframes.	Court paper files.
Statutory scheduling requirements for future hearings.	Proportion of future hearings scheduled in courtroom.	Court paper files.
Use of multi-disciplinary planning forum.	Composition of membership. Composition of individual meetings. Frequency of meetings. Issues discussed. Reforms implemented. Other benefits to group.	Meeting minutes. Structured interviews.
Immediate Outcomes		
Greater compliance with statutory timeframe for preliminary hearing.	Proportion of hearings held in compliance with statutory timeframes.	Court paper files.

Outcomes	Measures	Data Source
Earlier referral to assessments and services.	List of court ordered assessments. List of agency recommended assessments. Date of each referral for assessment. Date each assessment completed. List of all court ordered services. List of all additional agency recommended services. Date of each referral for services. Date each service completed.	Court case records. Child Welfare case records.
Earlier case adjudication.	Date of adjudication.	Court case records.
Intermediate Outcomes		
Earlier and increased use of relative caretakers.	Date of placement(s) with relative(s).	Court case records.
Earlier determination of permanent goal.	Date and type of permanent goal established.	Court case records.

Long-term Outcomes		
Earlier case closing.	Date legal custody returned to original caretaker ("returned home"). Date legal custody transferred to a relative ("placement with relative"). Date of termination of parental rights. Date adoption finalized. Reentry into foster care.	Court case records.
Increased use of reunification, TPR/adoption and guardianship versus long-term foster care.	Proportion of cases closed at three year data collection point due to reunification, TPR/adoption and guardianship versus those remaining open in long-term foster care (including "permanent foster care", ¹¹⁵ Independent Living, or "Another Planned Living Arrangement" approved by court.	Court case records.
Child safety maintained.	Occurrence of CAN allegations and substantiations ¹¹⁶	Child welfare case records.

¹¹⁵ The goal of permanent foster care can only be sought after return home and adoption are ruled out as permanent placements. Further, this order can only be changed due to child protection proceedings or another court order. (Safety and Permanency for Dependent Children before the Courts of the Commonwealth, Court Improvement Activities 1997-2000, p. 12)

¹¹⁶ This data element may not be available for pre-intervention cases due to State laws to expunge records of this nature after specific periods of time. The trial data collection exercise will explore this issue.

CIP staff relied on court files for all administrative data collected for both its assessment and follow-up evaluation. Due to uneven documentation procedures, the assessment of 1996 found that adjudication on the abuse/neglect petition was only recorded in eight percent of records reviewed.¹¹⁷ This finding prompted much of the specific language concerning findings and documentation of judicial decisions found in the CIP legislation, revisions to the Court Manual and court orders. However, the finding that judicial decisions were not consistently recorded presents additional challenges to the proposed time series analysis.

Virginia's Automated Case Information System (VACIS): VACIS was the child welfare agency's administrative system for foster care cases until November 1997. At that time, information was transferred to the agency's new MIS - OASIS described below. Child welfare information managers report that information from VACIS is still available and provides a detailed account of case activities and dates of key case events. However, the system uses a comparatively rare language - "Mapper" - and only a small number of state staff can still access the automated records. The ongoing availability of this data source will need to be monitored due to the state budget reductions.

Child Abuse and Neglect Information System (CANIS): CANIS was the child welfare agency's administrative system for cases investigated due to allegations of abuse or neglect. Information on open cases was transferred to OASIS in July 1999. System officials in Fairfax emphasized that neither this system nor paper files will contain a full record of abuse and neglect allegations and findings due to state regulations on expunging files effective in 1995. Since that time, information on unfounded allegations is to be purged one year after the incident if no other incident is reported. Depending on the severity of the level of risk established during the investigation, information on founded allegations is to be purged between 3 to 18 years after the incident.

OASIS: OASIS came on line in November 1997 and was designed to consolidate all child welfare cases into one data base. State and local administrative and casework staff reported that the system faced a series of administrative and programming challenges for the first several years of operation. Reportedly, caseworkers and clerks found data entry to be very difficult and time consuming relative to the older system. In addition, quality control measures were obstructed by challenges in producing reports. Line staff reported that data on cases entering the system in the past two years is reliable - but encouraged the study team to use paper records to gather case level data prior to that time.

Child Welfare Case Records: Casework supervisors and staff in Fairfax reported that case records were the best source of consistent and reliable information on reason for placement, service referrals and receipt, reason for case closure and type of permanent placement. The foster care plan would be the best source for this information in the file. The plan is updated every six months and includes each of these data elements except date custody was transferred and permanent placement at case closure. These data elements should be recorded at the end of the case notes. The study team was cautioned however, that case records, especially in Fairfax, are very detailed. It took state staff, familiar with the records and forms an average of eight

¹¹⁷ State officials report that this was largely due to the fact that Virginia's JDR courts are "not of record" - prior to CIP reforms, judges did not consistently record decisions.

hours to review each record during the state's trial runs for the Child and Family Services Review.

D. Outstanding Issues

- Virginia is in the midst of deep budget reductions, which are impacting both agency and court resources. It is not clear at this time the extent to which both state and local officials will be able facilitate data collection for a national study. State officials report that they will know more about available resources over the next several months. These discussions will also inform the number of counties to be included in the analysis.
- Once jurisdictions are selected and the descriptive analysis conducted, decisions will be made about how well the site lends itself to an outcome evaluation. The site specific research parameters (e.g. sample size, period of data collection, etc.) will be established at that time. In addition, based on concerns expressed by several court and agency representatives about the quality of record keeping, a trial court and agency record review is strongly encouraged. A sample review will strengthen data collection instruments and if necessary, further refine the short term outcomes of interest.

E. Conclusion and Summary

The following table summarizes the feasibility criteria for the evaluation of national court improvement projects and the extent to which Virginia's systemic reforms appear to meet these criteria.

At this time the study team recommends a descriptive analysis of reform efforts of state and select jurisdictions. Based on this work, limited outcome evaluations using administrative data may be feasible in some sites.

Exhibit 4

Evaluation Feasibility of Virginia's Court Reforms

Criteria	Response
Is there a definable model that could plausibly achieve their intended objectives?	Instead of a single service model, Virginia has been implementing a series of legislative, administrative and supportive service reforms to improve the quality and timeliness of dependency proceedings. These reforms can plausibly achieve their intended objectives, however, as explained in Section 1 above, there are several other reforms implemented simultaneous with CIP that will also impact the outcomes of interest.
Is the intervention consistently implemented as designed?	The state's CIP reforms are not uniformly implemented across judicial districts. Virginia appears to have given counties broad mandates and a range of administrative supports in the form of training and materials. In large part, district courts control their own process of reform based on local resources and judicial leadership.
Is the intervention likely to continue operating during the evaluation timeframe?	Yes. Furthermore, the proposed research design for an outcome evaluation would involve a retrospective analysis using historical administrative data.
Are needed data available, accessible and accurate?	State and local officials reported several concerns about the quality of automated files maintained by the courts and the child welfare agency. Court and agency case records were widely considered to be a more reliable source of data. The study team was cautioned however that the detail of case files will vary widely between judges.
Can administrative data be cross-walked between child welfare agencies and the courts?	Yes. Information from the courts can be cross-walked with the child welfare agency through the use of child and parent names and birth dates.
Is there cooperation and support for evaluation?	Yes. Both state and local officials are willing to assist with the study in any way that they can but are constrained by the state's current budget reductions. In addition, Fairfax County will be participating in the federal Child and Family Services Review and child welfare officials describe themselves as being somewhat "overextended."
Have there been any previous evaluations or are any planned or underway?	Yes. In 1999 and 2000, state CIP staff collected extensive survey and administrative data to determine the impact of its CIP reforms on child welfare cases served by its JDR courts. The assessment sought to document how CIP reforms were implemented across jurisdictions as well as their impact on timeframes between key events and to permanent placement. The study involved surveys of court personnel and other stakeholders. Results from 450 surveys were analyzed. CIP staff also conducted court file reviews and site visits to five JDR courts to assess changes in court proceedings and procedures. ¹¹⁸

¹¹⁸ The evaluation also assessed changes made by the state's appellate courts in its handling of termination of parental rights cases. Reforms in this area were implemented in 1998 as part of the legislative reforms.

Criteria	Response
	Data collection, analysis and reporting appears to have been extremely thoughtful and thorough. Among the major findings, the evaluation found there to be strong compliance with statutory timeframes. ¹¹⁹

¹¹⁹ Safety and Permanency for Dependent Children before the Courts of the Commonwealth, Court Improvement Activities 1997-2000, p. xii.

Appendix A

Evaluability Assessment Interview Participants

Name	Title
Richmond Administrative Office of the Courts	
Robert N. Baldwin	Executive Secretary, Supreme Court of Virginia
Lelia Hopper	Director, Court Improvement Program, Supreme Court of Virginia
Sandy Karison, Esq.	Staff, CIP Staff Attorney, Supreme Court of Virginia
Bet Lissenden	Staff, Court Improvement Program, Supreme Court of Virginia
Karl Hade	Director, Department of Information Technology, Supreme Court of Virginia
Virginia Department of Social Services, Division of Family Services	
Judy English	OASIS Program Manager
Bob Haugh	OASIS Project Manager
Brenda Kerr	Adoption Program Manager and Acting Foster Care Program Manager
Fairfax County Juvenile and Domestic Relations District Court	
Hon. David S. Schell	Chief Judge, and Chairman, CIP Advisory Committee
Hon. Gayl Carr	Judge
Jennifer Flanagan	Clerk of Court
Claudia Malenich	Deputy Clerk
Glen Clayton	Fairfax Juvenile Court Committee of Private Bar
Fairfax County Division of Family Services	
Kathy Froyd	Division Director, Children, Youth and Family Services
Susan Alexander	CPS Program Manager, Children, Youth and Family Services
Caroline Fowler	Foster Care Program Manager, Children, Youth and Family Services
Richard Wiseman	IT Coordinator, Fairfax County Department of Family Services MIS/OASIS
Jim Gogan	CPS Hotline Supervisor
Marlene Freeman	FC Supervisor
Tracey Cox	CPS worker
Liz Spell	CPS Supervisor
Vellma Hamm	FC worker
Claudia McDowell	FC worker
Amy Baltz	FC Supervisor
Kelley Traver	FC worker
Fairfax County Attorney's Office	
Stephanie Scott	Assistant County Attorney
Corinne Lodcut	Assistant County Attorney
Kim Schroer	Assistant County Attorney
Donna Banks	Assistant County Attorney
Jessica Friedman	Assistant County Attorney