Every Child's Right:
Establishing Safe and Permanent Homes for Utah's Children

Honorable Sharon P. McCully
Third District Juvenile Court

The Utah Court Improvement Project

THE VISION:

All children have the right to a healthy and safe childhood in a nurturing, permanent family.

“LIMBO”

- “A place or state of neglect or oblivion.”

- *In medieval Latin, limbo was a region on the border of hell. It was a place for those who never had a chance. . .*

  or for souls barred from heaven through no fault of their own.

History Lesson

- Pre-1965 - Juvenile Court part of Child Welfare Department - no independent court system
- Pre-1980 - Very little court involvement in foster care, little accountability
- Public Law 96-272 and new state laws requiring judicial oversight
- Early 90's - how can we really make this work the way it was intended? Children growing up in foster care, few services to or accountability by parents, poor conditions in foster care, little agency, court, or community accountability

History Lesson (continued)

- David C.
- Child Welfare Reform Act 1994
- Resource Guidelines
- Court Improvement Projects
- ASFA
- CIP Evaluation
- Legislative Audit
- ASFA Reviews (CFSR Review)
- Model Courts

Permanency Planning for Children

What is a Model Court?

- Attitude
- Environment for change
- Committed leader- "Lead Judge"
- Commitment to change
- Lead Judge and key stakeholders examine current practice and set goals for change
- Lead Judge and key stakeholders collaborate with all partners to change practice and improve outcomes for children and families

Permanency Planning for Children
CHILD VICTIMS ACT
MODEL COURTS

- ALEXANDRIA, VIRGINIA
- BUFFALO,NEWYORK
- CHARLOTTE, NORTH CAROLINA
- CHICAGO, ILLINOIS
- CINCINNATI, OHIO
- DES MOINES, IOWA
- EL PASO, TEXAS
- HONOLULU, HAWAII
- INDIANAPOLIS, INDIANA
- LOS ANGELES, CALIFORNIA
- LOUISVILLE, KENTUCKY
- MIAMI, FLORIDA
- NASHVILLE, TENNESSEE
- NEWARK, NEW JERSEY
- NEW ORLEANS, LOUISIANA
- PORTLAND,OREGON
- RENO,NEVADA
- NEW YORK, NEW YORK
- SALT LAKE CITY, UTAH
- SAN JOSE, CALIFORNIA
- TUCSON, ARIZONA
- WASHINGTON, D.C.
- ZUNI, NEW MEXICO

Permanency Planning for Children
MODEL COURT ACHIEVEMENTS

- Shortened timelines for children under court supervision
- Decrease the number of cases under court supervision by clearing case backlogs
- One-family/one-judge court calendars
- Family group conferencing and mediation programs
- Expanded preliminary protective hearings
- Scheduling hearings at a time certain

Permanency Planning for Children
MODEL COURT ACHIEVEMENTS

- Implementation of strict continuance policies
- Continuous hearings/trials
- Copies of orders distributed at the end of the hearing
- Set next hearing date at the end of current hearing
- Focus on increasing adoptions for children post-TPR
- Development of data information systems

Permanency Planning for Children
RESOURCE GUIDELINES:

- Avoid unnecessary separation of children and families
- Make timely decisions in abuse and neglect cases (Front loading)
- Provide close judicial oversight
- One Family One Judge
- Provide Competent and Adequately Compensated Legal Representation
- Implement and use information systems
- Engage in judicial leadership
- Promote Collaboration with Child Welfare Professionals and the Community

Permanency Planning for Children

ADOPTION and PERMANENCY GUIDELINES

PREFERRED OPTIONS FOR PERMANENCY

1. Reunification with biological parents
2. Adoption
   - relative
   - foster family
   - other appropriate family
3. Permanent guardianship - only when adoption is not possible or exceptional circumstances.
4. Other planned permanent living arrangement (long-term foster care)

MODEL COURT - UTAH

- Legislation
- Advisory Committee
- One Family One Judge
- Front loading / shelter hearings
- Attorney teams / scheduling as team
- Mediation / scheduling in court
- Family conferencing
- Dependency drug court
- Frequent reviews
- Always schedule next hearing at current hearing
- TPR Reviews
- Adoption days
- Revival / Summit
- Permanency project
- TJ Court

HEARINGS IN JUVENILE COURT

- Pre-trial (within 15 days)
- Adjudication (within 60 days)
- Disposition/service plan review (within 30 days)
- Review hearings (mandated at 6 months)
- Permanency Hearings (8 months for children under 3, 12 months older)
- Reunification of Family OR
- Termination of Parental Rights Pre-Trial and Trial
- Post Termination Reviews
- Adoption Hearings

WHAT IS DIFFERENT?

- **Shelter hearings** - from 3 minutes to substantive/front loaded hearing, parties notified, counsel present, petition filed, findings made, visitation determined, services started, relatives identified, placements made
- **Adjudication** - previously no time limit, could easily be six months
- **Review hearings** - in chambers with group of workers, then went to paper reports every six months
- **Permanency hearings** - first required under 96-272 every 18 months, no requirement of a decision, could just roll over for 18 more months, etc.
- **Termination of parental rights** - VERY seldom - kids just grew up in foster care
- **What have we accomplished** - our vision - safe permanent homes for children

THERAPEUTIC JUSTICE

- Applies to every case
- Liaison assigned to courtroom
- Liaison attends multi-disciplinary meeting
- Liaison attends shelter hearing, makes appointments with parents, family
- Family assessment done, service-needs identified, referrals/appointments made
- Pre-trial within 15 days
- Review every 2 weeks for first 60 days
- Review every 30 days for rest of first 6 months
- Determine time for permanency hearing at 6 month hearing

Utah's Court Improvement Project

- In 1993, Congress created the Court Improvement Project (CIP), a grant program to assist state courts in handling child abuse and neglect cases.
- Funds used to assess problems in processing neglect and abuse cases, to implement system improvements, and to evaluate the effectiveness of improvements.

Accomplishments of Utah's CIP

- Utah (Salt Lake) designated as a Model Court
- Statewide training to improve quality of representation
- Courtroom printers and reporters to shorten case delays
- Child Welfare Legislation
  - contributed to DCFS formal kinship policy
  - State-wide office of parents' attorneys (2001)

CIP Steering Committee

- Court of Appeals (2)
- Juvenile Judges (2)
- Director, Office of the Guardian Ad Litem
- Attorneys General
- Parents' Counsel
- Director, Foster Care Citizen Review Board
- DCFS Administrative Representative
- Juvenile Court Administrator
- Assistant Juvenile Court Administrator, Child Welfare
- Community Member
- "Utah Children"
- Ute Tribal Court Judge
- Trial Court Executives

2002 Statewide Evaluation

- To ensure compliance with statutory child welfare timelines
- To determine how compliance facilitates permanency for children
- To promote "Best Practices" to achieve permanency for abused and neglected children
- *An Evaluation of Utah Court Improvement Project Reforms and Best Practices: Results and Recommendations* (April 2003)

Data Collection Methods:

- Analysis of the Court's Management Information System and the new Child Welfare Event Summary Program
- Case File Review
- Stakeholder Interviews
- Court Observations

An Evaluation of Utah Court Improvement Project Reforms and Best Practices, ES.2

"As the results of this evaluation empirically demonstrate, the Utah Juvenile Court is grounded in best practices for child abuse and neglect cases. Throughout the state . . . ***it is clear that the juvenile court and child welfare system is dedicated to the children and the families it serves."***

An Evaluation of Utah Court Improvement Project Reforms and Best Practices, ES.2

- *"While there are certainly many challenges facing the system, and room for improvement, overall the Utah Juvenile Court is generally compliant with statutorily and federally mandated time frames, following the best practice recommendations of the RESOURCE GUIDELINES, and holding itself, the child welfare agency, and the broader community accountable for achieving safe, timely permanency for children."*

Qualitative Analysis

- How many cases closed at various stages of the process?
- Who is present at court hearings?
- When is concurrent planning taking place?
- Are reasonable efforts findings being made?
- What are sources of delay?
- How do review hearings affect outcomes?
- What best practices are being implemented?

Strengths

- System-wide sensitivity to time frames, especially among the judiciary
- Close monitoring and frequent review of cases
- Effective scheduling of cases
- Competent court staff, especially clerks
- Few continuances
- Regular meetings among system professionals

Most Challenging Timeframes

- Shelter Hearings w/in 72 hrs of removal in some rural districts
- Pre-trial within 15 days of shelter hearing, esp. in rural districts
- Adjudication trials w/in 60 days of shelter
- Expedited permanency for children under 36 months of age

Challenges in Rural Districts

- Lack of attorney resources, especially defense attorneys
- Timely appointment of counsel, especially defense counsel and conflict counsel
- Lack of treatment services
- Large geographic regions

How many cases are closed at various stages of the process?

- Case file review reflected average closure of 256 days from removal.
- Reasons: 50% reunification, 24% kinship, 18% adoption, 7% other.

Who is present at court hearings?

- AGs, GALs most consistent.
- Case files should contain much better documentation of notice.
- Document ICWA, paternity, ICPC, race, ethnicity.
- Better documentation of incarceration and transport orders.

Sources of Court Delay

(as reported by stakeholders)

- Absence of a key party
- Unavailability of defense counsel at shelter hearings (rural districts)
- Delays in receiving reports
- Scheduling conflicts, especially in rural districts
- High turn-over among case workers
- Heavy caseloads

How do review hearings affect outcomes?

- **The average movement of a child to a less-restrictive (or more permanent placement) occurs 9 days before the next court hearing . . . whether that hearing is 6, 3 or 1 months later.**
- Judges, attorneys, and DCFS report that frequent, consistent reviews are vitally important to permanency.
- Over 80% of cases had at least 1 review.

What best practices are being implemented?

- Statewide awareness of timelines.
- Child focused system.
- Civility and respect in the courtroom.
- Parents allowed to address the bench.
- If children present, allowed to address the bench.
- Substantive hearings.

General Areas in Need of Improvement

- MIS tracking.
- Defense attorney resources.
- Standardized orders; consistent production and dissemination.
- Better documentation.
- Appearance of defense attorneys in review hearings.
- Training for clerks, system professionals, and providers on permanency process.
- Better coordination between the court process and DCFS process.
- Better availability and coordination of services.

Case Management Workshops

- December 9-10, 2002.
- May 7, 2003
- Data
- Collaboration
- Strategic Plans
- Accountability and Follow-up

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"Table of 6" Child Welfare Team Resources

You are currently here: *Home* --> Child and Family Resources

Welcome

Welcome to the "Table of 6" Child Welfare Team Resources webpage. This site has been developed to share ideas and resources, and improve discussion between statewide teams, created in conjunction with the Case Management/Delay Reduction Byrne Grant.

History of Child Welfare Teams

While the name "Table of 6" for the Child Welfare Teams originated at the December 2002 Case Management/Delay Reduction Workshop in Provo, the child welfare teams have been meeting for several years, assessing the timeliness of permanency for children, and working towards improvement. Not only do these teams foster inter-agency collaboration, but they also promote improved communication statewide.

Resources Available on this Site

Upcoming Events Postings. Find out more information on Iowa's Expedited Appeals System, discussed in Provo, and receive information about the third half-day workshop in May 2003.

Message Boards. A message board has been developed for people to share what they've learned in their districts, for greater application statewide. Find out what teams have met, and how they are implementing their districts strategic plans. Discover ways to involve team members… did you know that CLE credit is available for training sessions? How about catering, at the per diem rate? Contact Alicia Davis for more information.

Tools and Resources. Materials presented at the workshops are also available, such as each team's strategic plan, Judge Thorne's presentation on ICWA, and the materials for the Iowa's Expedited Appeals System.

select a resource from the drop down

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"Table of 6" Child Welfare Team Resources - Microsoft Internet Ex

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Start Month: 10 **Start Year:** 2002

End Month: 12 **End Year:** 2002

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Compliance Summary for all Judicial Districts

fact	compliance	case count	compliant	non-compliant	percent compliant	within 3 days	within 15 days	within 30 days
'removal' to 'notice to parties'	1 days	475	448	27	94%	100%	100%	100%
'removal' to 'shelter hearing'	3 days	477	465	12	97%	99%	100%	100%
'shelter hearing' to 'shelter hearing cont.'	5 days	81	75	6	93%	95%	100%	100%
'shelter hearing' to 'pretrial'	15 days	452	423	29	94%	94%	98%	99%
'shelter hearing' to 'pretrial cont.'	60 days	183	161	22	88%	89%	91%	92%
'shelter hearing' to 'adjudication'	60 days	387	338	49	87%	88%	91%	94%
'adjudication' to 'disposition'	30 days	327	294	33	90%	93%	98%	98%
'no reunification' to 'permanency hearing'	30 days	28	19	9	68%	79%	79%	79%
'removal' to 'permanency hearing'	12 months	144	137	7	95%	95%	98%	99%
'removal' to 'permanency hearing' children younger than 36 months	8 months	73	51	22	70%	73%	78%	79%
'permanency hearing' to 'termination pretrial'	45 days	72	41	31	57%	58%	69%	69%
'removal' to 'decision on petition to terminate'	18 months	67	67	0	100%	100%	100%	100%
non-traditional time to 'permanency hearing'	12 months	29	23	6	79%	79%	79%	79%
non-traditional time to 'permanency hearing' children younger than 36 months	8 months	11	7	4	64%	64%	64%	73%

Local intranet

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Start Month: 2 **Start Year:** 2003

End Month: 4 **End Year:** 2003

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Compliance Summary for all Judicial Districts

fact	compliance	case count	compliant	non-compliant	percent compliant	within 3 days	within 15 days	within 30 days
'removal' to 'notice to parties'	1 days	320	311	9	97%	100%	100%	100%
'removal' to 'shelter hearing'	3 days	361	349	12	97%	99%	100%	100%
'shelter hearing' to 'shelter hearing cont.'	5 days	54	51	3	94%	96%	98%	98%
'shelter hearing' to 'pretrial'	15 days	358	339	19	95%	96%	99%	100%
'shelter hearing' to 'pretrial cont.'	60 days	174	163	11	94%	95%	95%	96%
'shelter hearing' to 'adjudication'	60 days	237	227	10	96%	96%	98%	99%
'adjudication' to 'disposition'	30 days	242	230	12	95%	96%	98%	100%
'no reunification' to 'permanency hearing'	30 days	32	17	15	53%	75%	88%	88%
'removal' to 'permanency hearing'	12 months	123	109	14	89%	90%	93%	93%
'removal' to 'permanency hearing' children younger than 36 months	8 months	59	45	14	76%	76%	81%	83%
'permanency hearing' to 'termination pretrial'	45 days	34	22	12	65%	65%	65%	68%
'removal' to 'decision on petition to terminate'	18 months	43	41	2	95%	95%	100%	100%
non-traditional time to 'permanency hearing'	12 months	22	21	1	95%	95%	95%	95%
non-traditional time to 'permanency hearing' children younger than 36 months	8 months	11	8	3	73%	73%	82%	82%

one Local intranet

Outcomes for Children

- Percentage of reunifications: 39%
- Time to reunification: 9.54 months from initial hearing (removal of the child from the home) to permanency hearing
- Time to finalization of adoption:18.33 months from removal date.
- Percentage of "returns" after case closure: 11% of children entering foster care in 2002 had a prior foster care case within the past 12 months.

JUDGE McCULLY

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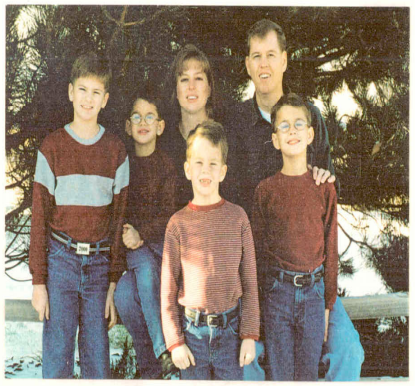

Though you probably won't believe quadruplets–
It's true four boys have arrived...
They'll now be a part of our family,
As the waiting period we've survived.

They are the perfect addition,
It's surely a match made from heaven;
Welcome Chris – 12 and Nicholas – 9,
Matthew who's 5 and Tyler – 7.

Coming from Utah, they'll live with us now,
All four so clever and unique;
These brothers so brave, now take us in hand,
To help make our family complete.

Adoption to be finalized: April 18, 2001

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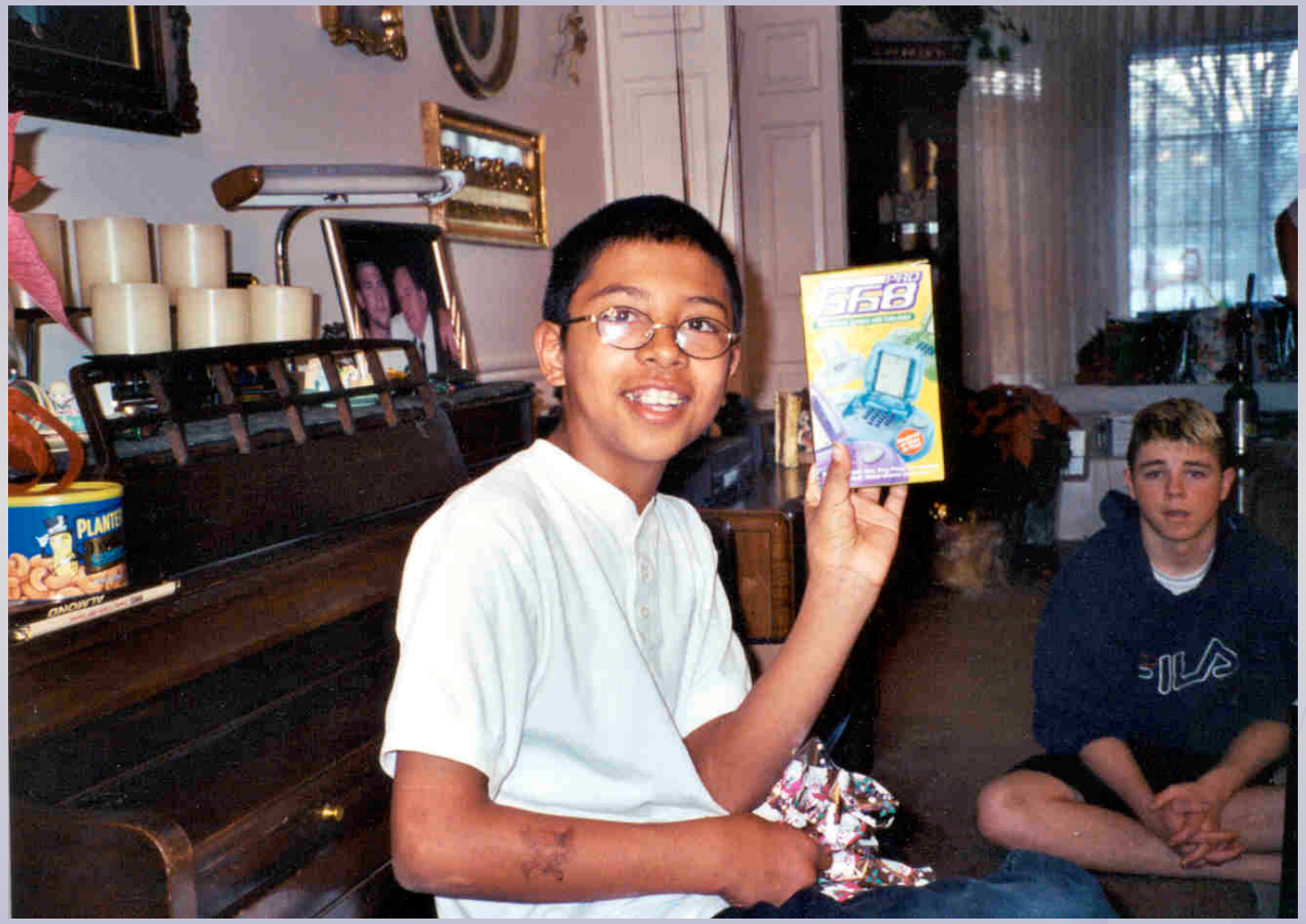
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