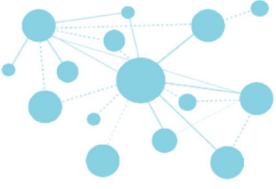




Assessing Quality of Permanency Hearings: Toolkit



ALICIA SUMMERS, PHD
Data Savvy Consulting
November 2017

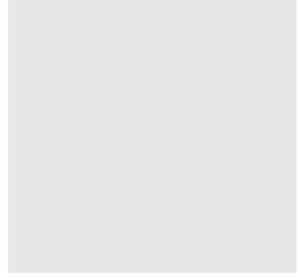
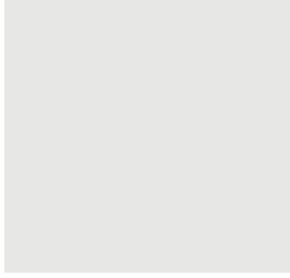
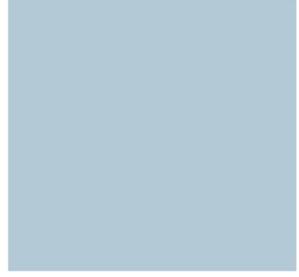
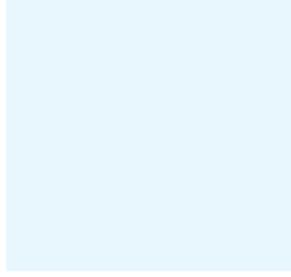
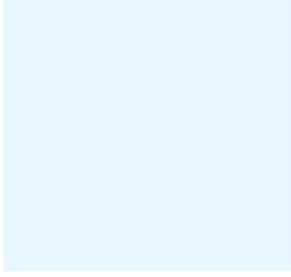
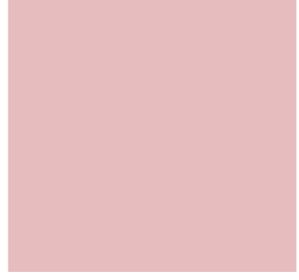
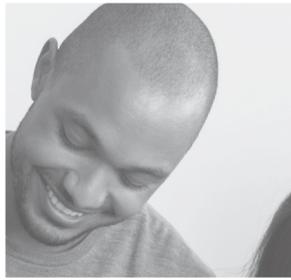
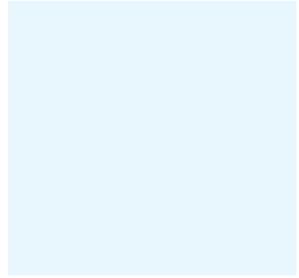
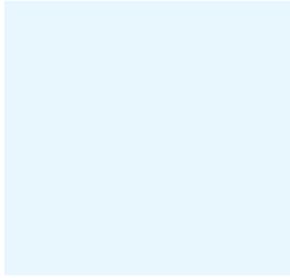
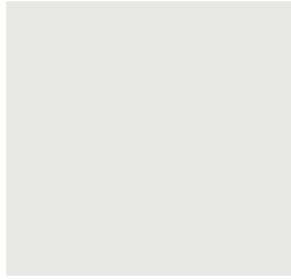
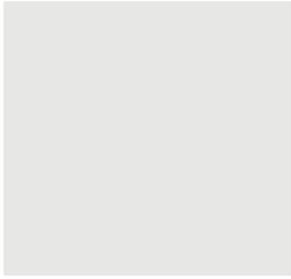




New York Quality Permanency Hearings Toolkit

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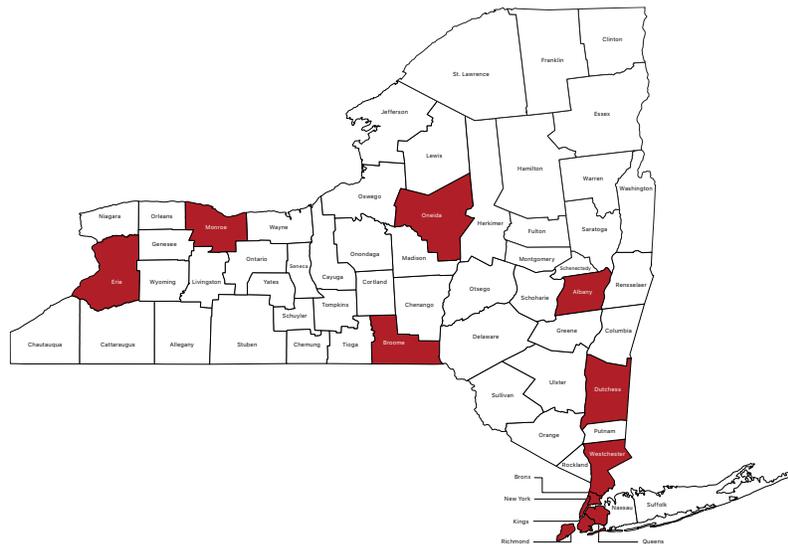
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Judicial leadership within the 12 pilot counties:

- Albany
- Bronx
- Broome
- Dutchess
- Erie
- Kings
- Monroe
- New York
- Oneida
- Queens
- Richmond
- Westchester





Introduction to the Toolkit

The New York State Child Welfare Court Improvement Project (the CIP) has been working to better understand the current quality of permanency hearings and improve permanency outcomes since 2012. The project began after realizing that Child and Family Services Review outcome measures were not where the CIP hoped the state would be. The Child and Family Services Review (CFSR) is a periodic assessment of practice in child welfare cases structured to identify strengths and areas in need of improvement for states. The most recent CFSR review (2016)¹ identified several strengths of practice, including substantial conformity for Safety Outcome 1: Children are protected from abuse and neglect. Also a strength is New York's collaboration with system partners. Placement was also noted as a strength. In contrast, New York's lowest performance was on Permanency Outcomes. Specifically, Children have permanency and stability in living situations. Court reviews and permanency hearings were held frequently, but there were concerns expressed about appropriate permanency goals, concurrent planning and timely permanency. Some suggestions were made about ensuring a continuous quality improvement approach, assessing practice and monitoring improvement efforts to determine effectiveness.

The CIP began examining available data to determine what might be causing the challenges in achieving permanency. Data from 2012, revealed that permanency hearings were being held timely within the New York State Family Court Act Article 10-A guidelines in the vast majority of cases (e.g., 83% of initial permanency and 93% of subsequent permanency hearings were held within the timeframe). Yet, time to permanency averaged 2.5 years in care (median = 547 days) for children who entered out-of-home care in 2012. It was clear that despite holding timely permanency hearings, there could be improvements in the achievement of timely permanency and fulfill the statutory intention of Family Court Act Article 10-A. In order to remedy this, the CIP began examining not only the timeliness but the quality of permanency hearings. The hearing quality work, described in more detail in the next section, led to a structured review process that included components of court observation and case file review to further examine the quality of hearings.

National evidence also supports the need to examine hearing quality in a more structured way. Holding high quality, meaningful hearings is a critical part of the child welfare process. The limited research on how quality of hearings affects outcomes indicates that judicial engagement of parents, presence of key parties (e.g., parents, youth, attorneys), and discussion of key topics are related to improved outcomes for children and families. Engaging parents and having discussion of key issues is related to increased participation of parents at future hearings and higher rates of relative placements compared to stranger foster care placements.² Further, these quality hearing factors are related to timelier permanency for youth³. New York's work on the quality of court hearings replicated several of these findings, with engagement, discussion, and other key elements found to be related to timelier permanency for youth.

The preliminary findings around the quality of court hearings and case outcomes indicate it is an important factor in the case. Many states, including New York, have created some guidance around

1. For more information, you can review the entire report here: <http://ocfs.ny.gov/main/cfsr/NYS-CFSR-Final-Report-2016.pdf>

2. Macgill, S., & Summers, A. (2014). Assessing the Relationship between the quality of juvenile dependency hearings and foster care placements. *Family Court Review*, 52, 678-685.

3. See Wood, S., M., & Russell, J.R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741; National Council of Juvenile and Family Court Judges (2016). Research Brief: Hawaii CCC Case File Review and Court Observation Pre and Post Benchcard. Reno, NV: Author. Available online at: <http://www.ncjfcj.org/resource-library/publications/hawaii-ccc-case-file-review-and-court-observation-pre-and-post>

what should occur in specific hearing types. National organizations, such as the National Council of Juvenile and Family Court Judges (NCJFCJ) have also promulgated best practices in dependency courts, most recently releasing the Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases. National and state level guidance have identified what the best (or ideal) practices in specific hearing types (like permanency hearings) should be.

Within the research and suggested best practices, the most common theme is Engagement of parties in the hearing process is critical to improving outcomes for children and families.

This Toolkit provides an overview of the current hearing quality work in New York and provides concrete steps for expansion of this work into more jurisdictions. Best practices, taken from the National Council of Juvenile and Family Court Judges' Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases,⁴ were taken into consideration in the current work. Where applicable in this document, Resource Guidelines best practices will be identified along with current findings from New York State. This Toolkit is meant to help courts better understand the CIP efforts around Quality Permanency Hearings and to serve as a guide for expanding the work into more jurisdictions by providing a roadmap for interested jurisdictions to self-assess. As such, it is important to note that the Toolkit assumes that there is at least one person within the court who is interested in improving the quality of permanency hearings and case outcomes. While a multidisciplinary group would be ideal to conquer this complex issue, judges, or single system court teams could also individually do this work. Once an individual or team has determined that quality hearings is an important issue in their jurisdiction, this Toolkit provides concrete steps (identified in more depth within the document) to assess current practice and make positive systems change.

The steps include:

1. Identify what you would like to know about the quality of hearings in your jurisdiction.
2. Determine if there is data available to answer your questions.
3. Determine what resources are available to assess hearing quality.
4. Identify the best methodology to collect the data you need to examine hearing quality in your jurisdiction.
5. Develop a plan to collect data.
6. Analyze data and present the findings.
7. Review findings, identify strengths and challenges.
8. Develop an action plan for any enhancements to practice.
9. Make change.
10. Reevaluate to see if change occurred in practice or outcomes.

4. The original Resource Guidelines was published in 1995 and has since been updated. The current Enhanced Resource Guidelines includes additional considerations and empirical support for some of the best practices. Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). Enhanced resource guidelines: Improving court practice in child abuse and neglect cases. Reno, NV: National Council of Juvenile and Family Court Judges. Available online at: <https://www.ncjfcj.org/ncjfcj-releases-enhanced-resource-guidelines>

Project Background

The New York State Child Welfare Court Improvement Project (the CIP) took a multi-method approach to better understanding the current quality of permanency hearings. They began with the New York State Child Welfare Data Metrics. The most current data metrics report is available on the CIP website at: <http://www.nycourts.gov/ip/cwcip/index.shtml>

When this project began, on average, statewide, 41% of youth were still in care after 24 months. Eighty-three percent of initial permanency hearings were completed within 9 months of the date of entry into care and 91% of subsequent permanency hearings were held on time. Freed child permanency hearings were held on time in 98% of cases. Upon learning that hearings were timely, but permanency was not, CIP formed a quality hearing workgroup to further explore the issue. The workgroup employed a multi-method approach to examine the quality of permanency hearings. They began by conducting focus groups. The focus groups were held in four jurisdictions and with various systems professionals to obtain a diverse perspective. This included urban and rural jurisdictions and representatives from parents' attorneys, children's attorneys, agency attorneys and caseworkers. Two focus groups were also held with adolescent foster youth and foster parents. The stakeholders were asked several questions including, "What makes a high-quality permanency hearing?" whether the presence of children adds value, and, "What are the best practices and most important elements in a permanency hearing." An online anonymous survey for judicial officers supplemented the focus groups, asking judges the same questions.

Analyzing Focus Group Findings The responses to these questions were analyzed for themes by an external evaluator and reported back to CIP. From this, it was learned that system professionals experience permanency hearings that lack impact; there were diverse opinions on whether youth should attend their hearings; and many felt that the youth voices were not heard. Key factors were extrapolated from these for further investigation. These included:

- Youth presence and participation in hearings
- Engagement of parents in the hearings
- Foster parent presence at hearings
- Thorough discussion at permanency hearings
- Focus on the child (e.g., well-being needs discussed)

Creating New Tools The results of the focus groups helped inform the quality hearing workgroup about what elements needed further assessment in the hearings. These results helped to drive the creation of court observation and case file review tools designed to examine the quality of permanency hearings in a more quantitative, structured way. The workgroup drew on not only the findings from the focus groups, but from statutory requirements for the hearing found in the New York State Family Court Act Article 10-A as well as best practices identified from the NCJFCJ's *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Article 10-A identifies specific information that should be in the court report for judges to make informed decisions on the case, as well as the specific requirements that need to be in findings and orders.

This material helped inform the development of a thorough court observation and case file review instrument. The full instruments are included in later sections of this Toolkit and can provide a more exhaustive list of the topics they cover. However, some key variables that data were collected on include:

- Start and end time of the hearing
- Parties present
- Timeliness of reports
- Judicial engagement of the parents and children
- Findings /orders made at the hearing
- List of key items that should be discussed at the permanency hearings.

The primary goals of the Hearing Quality Project were identified as:

- Support strengths-based (i.e., focus on what the family is doing well) and thorough hearings every time
- Enhance the focus on child well-being (e.g., discussions of education, mental health, physical health, etc.)
- Engage parents and youth in the process in a meaningful way (e.g., clearly explaining legal timelines, making sure parents and youth have an opportunity to be heard)
- Identify promising practices in New York
- Support hearing practice and process that aligns with best practices from Enhanced Resource Guidelines and NYS statute
- Move cases toward more timely and lasting permanency

Implementing the Process After court observation and case file review instruments were completed, the CIP developed a rollout plan. Data collection was implemented in 12 project sites (see map on page 1). Two staff completed 20 permanency hearing court observations and reviewed 20 closed case files using the structured instruments in each of the project sites. The data were analyzed and reported back to the project sites, with strengths and opportunities for improvement identified. Data reported to the courts included:

- Percentage of hearings where parties and professionals were present at hearings
- Length of hearing (in minutes)
- Percentage of discussion of key items
- Percentage of reports timely submitted
- Percentage of hearings where parents and children/youth were engaged
- Percentage of time findings were made on the record

CIP staff reported this information to the local court teams and helped them to identify strengths in practice and areas in need of improvement. The sites worked to create action plans to improve practice in the local permanency hearings. The entire process is illustrated below.



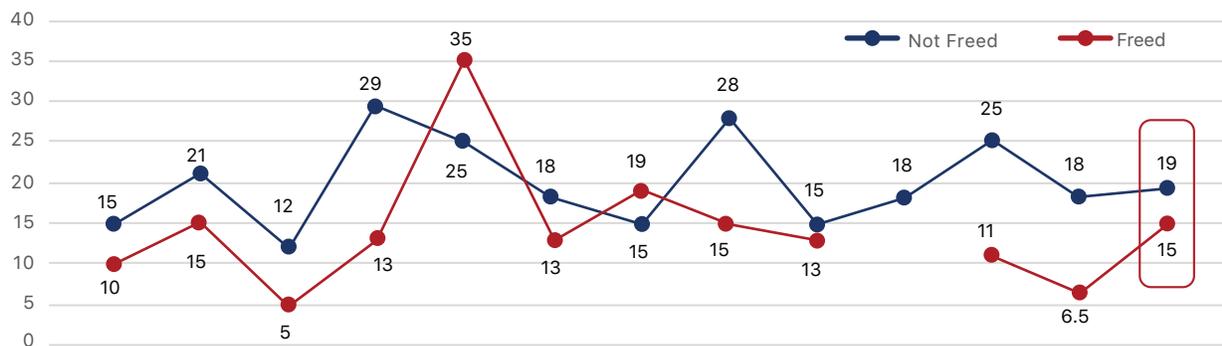
Current Data Trends for New York State

Since data collection efforts began in 2013, 12 jurisdictions collected data on the quality of permanency hearings, including all five boroughs of New York City. Analysis of the data revealed a diverse array of practice across the state. While there were some differences in New York City compared to other jurisdictions in the state, there were several trends that emerged statewide. Key findings are presented below along with best practice recommendations (when available). For a full summary of findings, see the *New York Quality Permanency Hearings Statewide Findings Report* available from the NY CIP.

Length of Hearings

Resource Guidelines best practices suggest that at least 20-30 minutes may be required to hold a substantive permanency hearing. Hearing length (in minutes) ranged from 2 minutes to 92 minutes, with an average of 19 minutes for hearings statewide (median = 17 minutes). The following chart illustrates the diversity of average hearing times across the state. Statewide numbers are at the end in the red rectangle. Each data point represents the average for a specific county. The range for individual counties vary within that average. While hearings averaged almost 20 minutes, there was a lot of diversity across the state. Some sites averaged much shorter hearings (closer to 10 minutes), while others averaged closer to 30. Statewide freed hearings (Average = 15 minutes) were typically shorter than hearings when the child was not freed (Average = 19 minutes).

Hearing Length (in minutes) Across the State



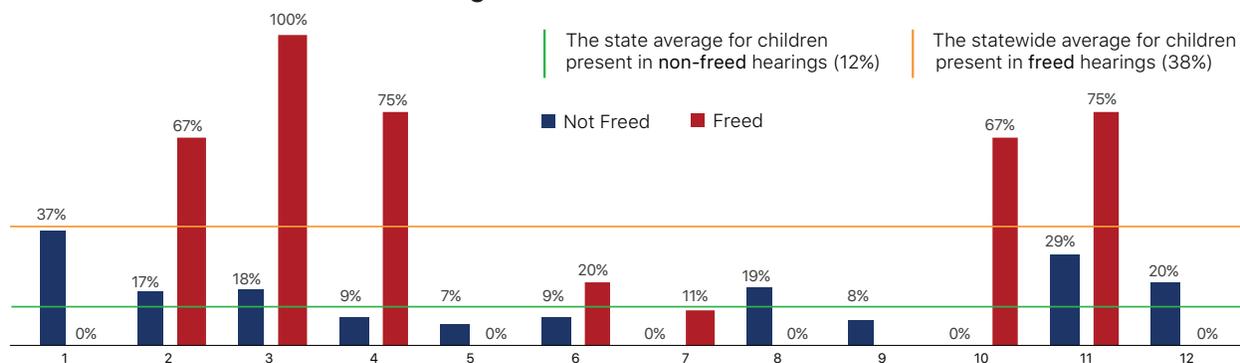
Presence of Parties

Resource Guidelines best practices encourage the attendance and participation of all mothers, fathers, and children at every hearing for the case. Mothers (57%) were more often present than fathers (29%). Fathers had not been identified in 4% of cases, and in an additional 31%, coders were unable to determine whether the father had been identified.

Children were more often present when they were freed for adoption, but only outside of New York City.⁵ In New York City, children were rarely present, but were more likely present in the non-freed cases. The graph below illustrates the variation in children present across the state. The green line represents the state average for children present in non-freed hearings (12%) and the orange line represents the statewide average for children present in freed hearings (38%). In addition, children older than 10 were much more likely to be present at their hearings (41%) than children younger than 10 (5%).

5. These data were collected prior to the NY Statute that was passed in April 2016 Family Court Act § 1090-a and went into effect in June 2016 that required youth of a certain age to attend their court hearings. As such, the data provided can serve as a baseline for comparison to determine if (and how much) youth in court attendance is increasing following the statutory change.

Percentage of Time Children Were Present



Discussion of Key Topics

Best practices recommend that all relevant topics be discussed in the court hearing so that all parties have an opportunity to understand and contribute to the discussion in a meaningful way. New York State statute (Article 10-A) and the Resource Guidelines both provide a list of topics that should be addressed in permanency hearings. Discussion of key topics varied significantly across the state. A few topics were frequently discussed in the majority of hearings. Other topics were inconsistently discussed or frequently not discussed.

Court Report vs In-Court Discussion

There is a philosophical debate regarding information presented in the court report versus information discussed in court. Some professionals believe that if the information is presented in the report that the topic does not need to be discussed in court. However, from a best practices perspective, there are valid reasons to ensure that all the relevant topics are discussed in court.

1. First, and foremost, parents, although provided the report, may not have an opportunity to review and fully understand not only what is reported but what it means for them and their case going forward. Discussing the topics in court allows the judge to confirm that parents understand the information.
2. There is an assumption that everyone has received the report and has had time to review it in a meaningful way prior to the hearing. This is not always the case. In the data from this project, the report was not submitted to the court in a timely fashion in a third of cases and was not submitted to all the parties prior to the hearing in more than 20% of cases. These percentages represent the statewide average; in some jurisdictions the reports were NOT timely in nearly 70% of hearings.

Having discussion of the topics in the report allows for an opportunity to update and respond to the information provided in a meaningful way. Focus groups revealed that many stakeholders felt the information in reports was outdated and there was a concern expressed that much of it is cut and pasted from a prior report. Judges can take this opportunity to ask questions about report topics to ensure that the child and family are getting the services that they need, that visitation is occurring as appropriate, and that progress is being made at achieving permanency. This will provide an opportunity for everyone to have the most current information about the case. The next table illustrates the frequently discussed topics (topics discussed in more than 50% of hearings, on average) and those that were discussed less than 50% of the time. It is important to note that discussion varied significantly by jurisdiction. While nearly all jurisdictions frequently discussed the permanency plan for the child and efforts to reunify, topics like educational placement stability ranged from 6% in one jurisdiction to 62% in another.

Not-Freed Hearings	
Frequently Discussed (> 50% of time)	Frequently Not Discussed (< 50% of time)
Permanent plan for the child General well being Efforts to reunify Efforts to finalize permanent plan Current placement met needs Mother's progress & compliance Visitation Additional services needed for parents/ children Barriers to achieving permanency Steps to achieving final permanency Possibility of kinship placement	Financial support of the child 15 of 22 months Educational placement stability Educational needs Mental health needs Father's compliance Father's Progress Rule out other permanency goals Sibling placement Physical health/development Transitional planning Sibling visitation
Freed Hearings	
Frequently Discussed (> 50% of time)	Frequently Not Discussed (< 50% of time)
Current placement meets needs General well-being Barriers to achieving permanency Educational needs Permanent plan for the child Efforts to finalize permanency Additional services needed for child Steps to achieve final permanency Current placement meets needs Least restrictive placement Educational placement stability (55%) Physical health/development Mental health needs Transitional planning	Rule out statutorily preferred permanency goals for APPLA cases Possibility of relative/kinship placement

Reports

Article 10A requires that the permanency report be mailed to parties with notice no later than 14 days prior to the permanency hearing. There was a great deal of inconsistency in how often reports are timely received to the court. On average, the reports are submitted timely to the court in 68% of hearings; however, the range is **8 to 100%**. This means some jurisdictions are better than others at submitting reports timely to the court. It also indicates that courts may not have had time to review the information provided in order to make informed decisions on the case. Because of this, discussion *in the hearing* is critical. This number may also be an underestimate of how often reports are submitted timely because if no one mentioned that the report was late, it was considered timely.⁶

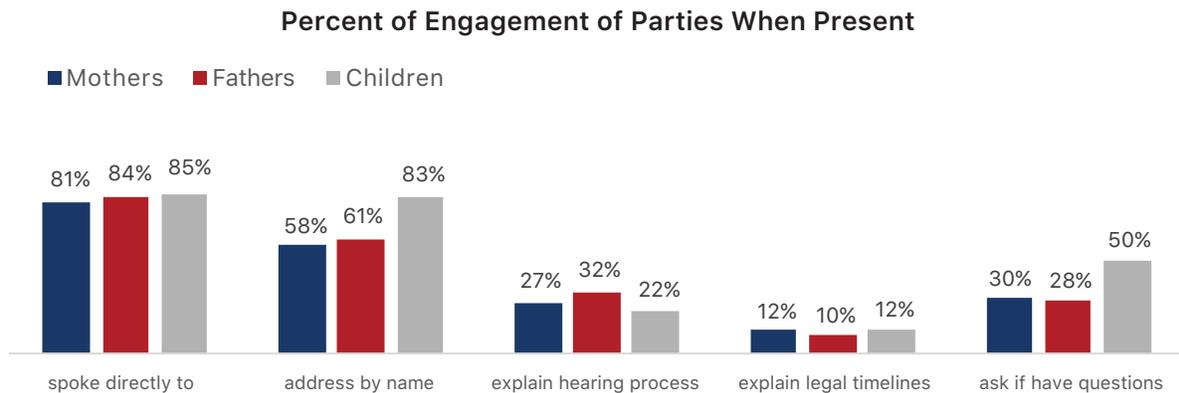
6. See discussion on court reports versus in-court discussion on page 7 for more information.

Reasonable Efforts

Resource Guidelines best practices suggest that reasonable efforts findings should be made at every hearing verbally on the record. Reasonable efforts findings are **not** consistently made verbally at every hearing. In **72%** of cases, the judge made a verbal finding that reasonable efforts were made to effectuate permanency goal. In **42%** of hearings the judge made a verbal direction of reasonable efforts that should be made towards a new or continued goal. In **0** cases observed did the judge make a finding that the agency failed to make reasonable efforts. Qualitative observations of the hearings revealed that even when judges appeared frustrated at the lack of efforts, they still did not make a no reasonable efforts finding.

Engagement

Resource Guidelines best practices suggest that parents and youth should be engaged in the process in a meaningful way. While there are various ways to do this, some suggested best practices include speaking directly to the party, addressing them by name, and asking if they have questions. The project also examined how judges engage parents and children in the permanency hearing process. The following table illustrates statewide percentages of how often each engagement strategy was used in hearings.



Jurists

Resource Guidelines best practices suggest a one family, one judge model where only one judicial officer oversees a case from start to finish. In addition to court observation data, case file review data indicated how many jurists oversaw a case. In New York, the statewide average is **2.5** jurists per case (median = 2), with a range of 1 to 7 jurists. Seventy-six percent (76%) of cases had more than 1 judge, and 46% had 3 or more jurists.

Time to Disposition

Resource Guidelines best practices suggest that adjudication should occur within 60 days of petition filing and that disposition should occur immediately following adjudication. The average time on each case from removal to disposition was 203 days (Median =169). In **18%** of cases, disposition occurred on the same day as the permanency hearing and in **32%** of cases, the disposition occurred after the first permanency hearing. In **50%** of cases, disposition occurred prior the initial permanency hearing.

Linking Hearing Quality to Outcomes

The previous section portrayed a sample of findings from the current efforts to examine hearing quality in New York. The data were compiled into data sets and a data consultant examined relationships between the data collected and the available Child Welfare Court Data Metrics for each site. The Child Welfare Data Metrics are outcome data accessible to anyone in the courts and include time between key court events, percentage of children exiting to specific outcomes, and percentage of children still in care after specified months. Two types of analyses were conducted. First, predictive models were run to examine how specific case variables related to specific other factors (e.g., how does the number of jurists on the case relate to case outcomes). Second, average jurisdiction level data from this study (e.g., percent of time parents were present) was correlated with jurisdiction level outcome data (e.g., average time to reunification) to determine where relationships exist. For the full report see the *Exploring the Relationship between Hearing Quality and Case Outcomes in New York* available from NY CIP.

Several factors were related to the timeliness (more or less) of permanency. The down arrows indicate a negative correlation. That is, as the variables decrease, the outcome of timely permanency increases. So, jurisdictions with less discussion of efforts to reunify in hearings also have longer times to permanency. The up arrow indicates a positive correlation in that as the variable increases, so does time to permanency. A positive correlation does not mean a positive outcome, it just means that the variables vary in the same direction. So, as the number of jurists increases, so does the time to permanency. In this case, the red indicates poor outcomes. These are factors that need to stop or be reduced. For example, decreases in the number of jurists on a case is related to shorter times to permanency. These graphs can be viewed as green means go (more of this) and red means stop (less of this) in relation to outcomes of interest.

Factors Related to Time to Permanency



Every jurist on the case increases the time to permanency by **168** days. In addition, as the time from petition filing to disposition reached increases so does the time to permanency. As illustrated below, the cases that held the disposition before the first permanency hearing achieved permanency 224 days quicker than those who held disposition *after* the first permanency hearing.

Median Time to Permanency

Disposition after 1st Permanency Hearing	978
Disposition Same Day as 1st Permanency Hearing	781
Disposition Prior to 1st Permanency Hearing	754

In addition to time to permanency, other outcome variables were examined to determine the relationship with quality hearing indicators. As noted in the table below, less breadth of discussion, less reasonable efforts findings, and less timely reports were related to higher rates of youth aging out of care. It was similar for rates of youth still in care after 24 months. Less of the indicators identified (e.g., less timely reports, less discussion) were related to more youth in care at 24 months.

Factors Related to Aging Out of Care	Factors Related to % of Youth Still in Care at 24 months
Less of the indicators below were related to higher rates of aging out	Decreases in indicators below were related to more youth in care at 24 months.
↓Breadth of discussion	↓Discussion of Efforts to Reunify Child
↓Reasonable efforts finding made	↓Freed Hearing – Child Present
↓Reports submitted timely	↓Reports submitted timely
	↓Mother Present

Concrete Steps to Assessing Hearing Quality



The work of CIP clearly illustrates a diverse array of practice across the state as well as some interesting relationships between hearing quality indicators and case outcomes (e.g., reunification, timely permanency, aging out of foster care). Deciding that hearing quality is an important issue that should be addressed is a precursor to this process. As the CIP’s goal is to primarily improve court practice, this Toolkit is designed first with a court audience in mind. It is hoped that any efforts to enhance current practice and process will be judicially-led and court driven. A multidisciplinary team of court professionals (e.g., agency workers, attorneys, judges, etc.) is ideal to examine hearing quality because of the complex nature of the work as well as the various roles and responsibilities of court professionals. However, the work can be done without a full team. The court (or even an individual judge) must choose this as a priority and invest the time and resources (see sections below for how to do the work with few resources) in order for any assessment or systems change efforts to occur. The time and resource investment can vary to meet the unique needs of the jurisdiction, but having a central person to lead the efforts is critical. After an individual (or team) has selected this priority area, there are several steps that are needed to be successful in the work.

Step 1: Identify what you would like to know about the quality of hearings in your jurisdiction.



Consider the following in your decision:

1. Consider the different *elements of hearing quality* identified in the project background section (pages “Project Background” on page 4-“The primary goals of the Hearing Quality Project were identified as:” on page 5) and the current data trends section (starting on page “Current Data Trends for New York State” on page 6). CIP has identified some important key elements of hearing quality. These are reflected in the court observation and case file review instruments on later pages and discussed in the data trends section. The following list is not exhaustive and should be created by the site to reflect site needs. However, some of the key elements included:
 - a. Engagement of parties
 - b. Parties present
 - c. Discussion of key topics
 - d. Findings made on the record

2. Focus on *best practices⁷ in hearings* to determine where your court is successful and where challenges exist. Consider best practices from New York State Family Court Act Article 10-A, NY CIP's *Permanency Hearing Guiding Questions* document, and national standards such as the found in NCJFCJ's *Enhanced Resource Guidelines*. Best practices include (not exhaustive):
 - a. Discussing key topics verbally in the hearing
 - b. Making findings verbally on the record
 - c. Engaging the parents in a meaningful way, including explaining the process and legal timelines to parents
 - d. Encouraging presence and participation of parents and youth
3. Consider *statewide trends* to identify areas of concern that may be present in your jurisdiction. The *linking hearing quality to outcomes* section can also help you to determine which data elements may be most important to capture in examining hearing quality. Full reports on statewide trends and linking hearing quality to outcomes are available from the CIP.
4. Consider the *unique challenges* of your jurisdiction. There is great variation in practice across New York State. Consider what your jurisdiction does well as well as the challenges you see. You can collect data around areas that you would like to know more about (see Step 4, page 15).
5. Take into account the *New York CIP statewide priorities*. The CIP has already begun to explore this issue and has identified some core priorities for enhancing practice across the state. These include:
 - a. Increasing presence of parents and youth at the hearings
 - b. Increasing engagement of parents and youth at the hearings
 - c. Increasing thoughtful and accurate reasonable efforts findings on the record
 - d. Increasing meaningful inquiry into details of permanency goals and concurrent plans with steps for moving children to permanent homes

Step 2: Determine what data are available to answer the questions you want to know.



After identifying what you would like to know about hearing quality, it is important to determine what data may already be available to give you baseline information about current practice and what data you might need to collect to answer any questions. Data can come from many sources. A good place to start is with the case management system of the court (UCMS). The value of data in the case management system depends largely on the quality of data entry, the amount of missing data in the system, and what variables are available.

7. A thorough review of best practices in child welfare court cases can be found in the National Council of Juvenile and Family Court Judges' *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* available online at <https://www.ncjfcj.org/ncjfcj-releases-enhanced-resource-guidelines>

Some data elements that are commonly included in UCMS include:

- Child's Permanency Goal
- Number of prior PPH's held
- Which PPH this is
- Whether the child is freed or not
- Child's Age
- Removal Date
- Original PPH goal
- From whom the child was removed from
- Other children involved in the case
- Children/Youth present in courts

Depending on the quality of local data (e.g., what is required to be entered), there may also be data on:

- Child's current placement (limited in scope)
- Parties and foster parents or relatives present
- If the Judge set the next PPH date on the record

Data may also be available from the child welfare system. They are required to collect and report data on youth in foster care and may have some data elements that are useful to the courts. If data are not available in a case management system, the court's or the agency's (if the agency allows access to their data), then data will have to be collected through other methodologies to get a baseline from which to measure.

Step 3: Determine what resources are available to assess hearing quality.



The original project was completed by the staff of the CIP. The CIP can be a thought partner for your jurisdiction and help you consider the best means to do this work or link you to resources; however, there are not resources at the state level to do observations and file review in all jurisdictions. Consider what resources are available in your jurisdiction. Options might include:

- Students from a local college or University who may be interested in helping with data collection (e.g., social work, or law students)
- Child welfare professionals that may have time/opportunity to do this (e.g., in some jurisdictions in other states Court Appointed Special Advocates (or CASA supervisors) who may already be at court have served as a resource for data collection efforts)
- Court staff
- Nonprofit court focused agencies or other community partners
- Court Improvement Program staff (as thought partners in these efforts) Support from New York State Bar Association or similar entities

Step 4: Identify the best methodology to collect the data you need to examine hearing quality in your jurisdiction.



Description of various methodologies

Examining the quality of permanency hearings can be done in multiple ways. In New York, the efforts started with qualitative data from surveys and focus groups and transitioned to quantitative data collected from court observation and case file review. Quantitative data from structured case file review or court observation is more robust and will provide the most accurate information on what current practice looks like, but qualitative data may be easier to collect. There are advantages and disadvantages to each, and they should be considered in the context of what you want to know and what resources are available to you to measure hearing quality. This section includes a description of 5 methodologies that could be used individually or in combination with each other to assess the quality of court hearings.

Self-Assessment

One way to begin evaluation efforts is to conduct a self-assessment. Self-assessments are typically evaluations of one's own performance in relation to an objective standard. Self-assessments are somewhat subjective, but allow individuals to identify strengths and areas in need of improvement in specific areas of permanency hearings. Depending on how the self-assessment is structured, it can include qualitative or quantitative measures. Unlike typical self-assessments, instead of one individual that is being assessed, the court can be considered the "self." As such, several stakeholders could potentially "self-assess" quality hearing practice.

The *downside* of a self-assessment is that it is subjective. This means it could be biased based on the perceptions of those who complete it. Strong negative examples are often memorable and may make the assessor think that behavior occurs more frequently than it does, biasing in a negative fashion. Stakeholders may also be positively biased and believe that best practices occur more often than they do because they know the best practices do occur and want to ensure the court gets credit for that. The pros of a self-assessment are that it takes few resources and, if done correctly, may provide good insight into strengths and challenges of the court.

The tools created by the CIP to assess the quality of permanency hearings in relation to best practices have been merged into a 2-page self-assessment tool (see below). It is recommended that the court (or multidisciplinary team) either (a) have stakeholders take the assessment individually and then discuss their ratings or (b) have the team meet and complete the self-assessment as a group. This should create a more accurate picture of practice. This is often an excellent first step in exploring current practice.

Quality Permanency Hearing Self-Assessment

Consider "typical" practice in your jurisdiction. For each section below, identify how often these practices occur in a permanency hearing in your jurisdiction. Complete the items only when applicable in your jurisdiction. For example, *Rule out statutorily preferred perm goals* is only applicable when the goal is not reunification.

How long do permanency hearings typically take from start to finish?

_____ minutes (non-Freed hearings) _____ minutes (Freed hearings)

Activity	Never	Rarely	Sometimes	Often	Always/ Almost Always
PRESENCE OF PARTIES					
How often are the following parties typically present (when applicable) at permanency hearings?					
Mothers					
Fathers					
Child(ren)					
Attorney for Parents					
Attorney for Children					
Foster Parents					
Relatives					
ENGAGEMENT:					
When parties are present, how often does the court...					
Parent Engagement					
Speak directly to the parent					
Address the parent by name					
Explain the hearing process to the parent					
Explain legal timelines to the parent					
Ask if the parent has any questions					
Youth Engagement					
Speak directly to the youth					
Address the youth by name					
Explain the hearing process					
Explain legal timelines					
Ask if the youth has any questions					
Parents have an opportunity to be heard					
Parents are treated with respect					
Children have an opportunity to be heard					
DISCUSSION					
How often are the following items discussed at applicable permanency hearings?					
Permanent plan for the child					
Mother's progress on alleviating concerns					
Mother's compliance with case plan					

Activity	Never	Rarely	Sometimes	Often	Always/ Almost Always
Father's progress on alleviating concerns					
Father's compliance with case plan					
Additional services needed (parents or child)					
Barriers to achieving permanency					
Identified steps to achieve final permanency					
DISCUSSION continued...(how often are the following items discussed at applicable perm hearings?)					
15 of 22 months/compelling reasons					
Efforts to finalize permanency plan					
Rule out statutorily preferred perm goals					
Financial support of the children					
Possibility of kinship/relative placement					
Sibling placement					
Current placement meets child & family's needs					
Least restrictive placement					
Anticipated or recent placement move					
Agency efforts to reunify					
Child - Educational placement stability					
Child - Educational needs					
Child - Physical health/development					
Child - Mental health needs					
Child -Transitional planning					
Child - General well-being					
Parent-child time (visitation)					
Sibling family time					
REPORTS					
Agency reports are submitted timely to the court					
Agency reports are mailed timely to all parties 14 days prior to the hearing					
Agency reports are up to date					
Other reports to the court are timely (e.g., substance use assessment, mental health)					
FINDINGS ON THE RECORD					
Reasonable Efforts findings are made verbally on the record					
The judge makes a finding of no reasonable efforts when appropriate					
The judge sets the date of the next hearing on the record					
COURT PROCESS					
There is continuity of judges across the life of the case (only 1 judge per case)					
The permanency hearing is continued or adjourned					

Focus groups

Focus groups entail recruiting individuals for a small group discussion (approximately 5-10 individuals). These individuals may be from diverse or similar disciplines, geographic locations, employment agencies, or job positions. The primary goal of a focus group is to obtain a richer, fuller understanding of the topic. In hearing quality research, focus groups could include child protection workers, attorneys, judicial officers, parents, foster parents, youth, or other stakeholders involved in the case. Focus groups allow for more in-depth and contextual information. They can help answer questions related to how cases currently progress, what are the strengths and weaknesses of the court in relation to hearing quality, and why are certain practices occurring.

Advantages of Multiple Methodologies

- Can build from each other
- Reduces weaknesses of one approach
- More in-depth information

Focus groups collect *qualitative* data. Qualitative data includes narrative and themes, but cannot provide concrete numbers, such as percentages. For example, focus group can tell you what persons perceive as challenges with engaging youth in the process, but cannot tell you exactly how often youth are present in hearings or how often judicial officers engage in specific behaviors, such as talking directly to the youth when they are present.

Logistically, there are several considerations when choosing a focus group. The first, as with the self-assessment, is that people are biased. Memory is often skewed by the worst or most egregious cases, which means that participants may recall these as "typical" behavior when that is not the case. The data is entirely qualitative and contextual and can only provide perceptions of typical practice, not an objective look at typical practice. In addition, to ensure that focus groups provide the best information, they should be facilitated by a trained facilitator. This helps ensure that the group stays on track and answers the questions. Finally, it is important to consider that the focus groups should be recorded or a note taker should be assigned to take notes. The facilitator should not try to take notes. This provides an opportunity for the facilitator to facilitate *and* important information to be recorded so that themes can be identified at a later point. Despite the logistical concerns, focus groups can provide rich information that can supplement quantitative findings.

Focus groups can be used to supplement a more quantitative approach in a couple different ways.

- **Better define the issue at hand.** Often focus groups can be used to better understand an issue and inform next steps in the work. New York CIP used focus groups to better understand stakeholder perceptions of permanency hearings. Asking questions like, "What comes to mind when you hear "permanency hearing"?" and, "What is the purpose of the permanency hearing?" the CIP was able to identify some trends across stakeholder groups.
- **Identify issues for further exploration.** Focus groups can also be used to inform the direction of further quantitative research methods. By asking stakeholders where they see challenges in specific areas, areas of concern can be identified and quantitative data can be collected to better understand the issue. For example, asking "What are the challenges in your jurisdiction to holding timely permanency hearings?" or "How are youth engaged in the permanency hearings?" These questions can frame future efforts. Focus groups can be used to identify where differences of opinion exist. For example, CIP asked stakeholders "Do you think the presence of youth and children adds value to permanency hearings?" The response varied widely by stakeholders, marking it as something of potential interest for future research efforts. Using focus groups *before* quantitative efforts can direct these efforts.

- **Provide stakeholder perceptions of why challenges exist.** Focus groups could also be used following quantitative efforts to gain a better understanding of *why* a practice may be occurring. For example, if data indicate that youth are rarely present in court, a focus group might be asked, “Why are youth rarely present in court?” or, “What strategies are most effective in engaging youth in the court process?”

The CIP began their process with focus groups. 18 focus groups were held in four different sites, representing social service professionals, parents’ attorneys, agency attorneys, youth attorneys, youth, and foster parents. They asked participants the following questions:

1. What comes to mind when you hear “Permanency Hearing”?
2. In a perfect world, what is the purpose(s) of the permanency hearing?
3. Who should be present?
4. Do you think the presence of youth and children adds value to permanency hearings?
5. How, if at all, should permanency hearings be adjusted based on the age of the child?
6. Do you think the presence of foster parents adds value to permanency hearings?
7. When a child or youth is not present, how does the “meaningful consultation” requirement occur with the court?
8. What are some of the best practices that occur in permanency hearings?
9. How valuable is the permanency hearing report to you in your role?
10. How should current placement, placement options and moves be addressed?
11. What are the most important elements to address during permanency hearings in order to achieve more timely and appropriate permanency for children?
12. What child well-being issues are being regularly addressed in your permanency hearings?
13. How is the permanency plan discussed within the framework of the best interest of the child?
14. Of what importance is it to have inquiries made that are culturally sensitive and/or trauma-informed?
15. Should ICWA be addressed in a permanency planning hearing? If so, how?
16. Do permanency hearings assist in achieving more timely permanency for children? If so, how? If not, why not?
17. Do permanency hearings look and feel different depending on how long the child has been in care? If so, how?

Findings were compiled and organized into an executive summary to share with system stakeholders to help illustrate the diversity of perspective and need for more in-depth exploration of the quality of permanency hearings. Findings indicated that most felt that permanency hearings lacked meaning and were not as focused on the child as they should be. The perspective of the youth was often very different from other stakeholders and whether youth should attend hearings was a point of contention.

Surveys

Surveys are another opportunity to get information from a large group of stakeholders about the quality of hearings. Surveys require creating a structured set of questions and asking those questions to the persons of interest. In quality hearing assessment, there are two types of participants you may consider surveying – professional stakeholders (e.g., judges, attorneys, caseworkers) and parties to the case (i.e., parents, youth, or foster parents). Surveys are the most practical way to determine the perceptions of individuals involved. In the work the CIP has done, judges were asked to complete an online survey asking the same focus group questions as the professional stakeholders. Translating focus group questions into survey questions is complex. It is always best to structure your questions so that they are understood consistently among stakeholders.

Like focus groups, surveys have some important logistical considerations. The CIP quickly learned that not all the questions worked well as survey questions. One strategy to ensure questions meet your needs is to pilot the questions with a small group to see how they are answered. The CIP did this with the focus group questions. At the end of piloting, you can ask participants if any questions did not make sense. You can also determine if respondents are not answering in a way that gives you the information you need. Alternatively, consulting a researcher, or someone trained in survey construction can be helpful. This person can review the questions and provide feedback and help with construction of appropriate questions. Consultants who have experience working with child welfare court or agency would be most practical in this regard. The CIP may also have resources to assist in reviewing the questions as needed.

The *advantage* of a survey is that you can learn what people think and feel about the hearing process. This can help inform what professionals feel is going well or is a challenge as well as let you know if parties understand the hearing and feel engaged in the process.

The *disadvantage* to surveys is that they are not objective. They rely on the perceptions of individuals to provide information. This makes it challenging to get objective, quantitative data.

Surveys can be a low-cost way to determine frequency of behavior, perceptions of strengths and weaknesses, and perceptions of engagement. Surveys also offer anonymity of responses, which may increase honest answers to the questions.

Example Survey Questions

(taken from the self-assessment instrument but also valuable as a survey)

FREQUENCY of behavior: How often are the following items discussed in permanency hearings?					
	0=Never, 1=Rarely, 2=Sometimes, 3=Often, 4=Nearly Always/Always				
Permanency plan for the child	0	1	2	3	4
Efforts to reunify family	0	1	2	3	4
Parenting time (Visitation)	0	1	2	3	4
Mother's progress	0	1	2	3	4
Child well-being	0	1	2	3	4
Educational needs	0	1	2	3	4
How often do judges engage in the following behaviors when parents are present?					
Speak directly to the parent	0	1	2	3	4
Call the parent by name	0	1	2	3	4
Explain the hearing process	0	1	2	3	4
Explain the legal timeframes	0	1	2	3	4
Allow parents an opportunity to be heard	0	1	2	3	4
PERCEPTIONS of engagement					
(Survey for parents following a hearing) Please indicate your level of agreement to the following statements					
	1= Strongly Disagree, 2=Disagree, 3=Neutral, 4=Agree, 5=Strongly Agree				
The judge treated me with respect	1	2	3	4	5
My attorney helped explain the process to me	1	2	3	4	5
The hearing process was fair	1	2	3	4	5
I had an opportunity to say what I wanted to say	1	2	3	4	5
I was part of the decision-making process	1	2	3	4	5
I understood what happened in court today	1	2	3	4	5
All my questions were answered	1	2	3	4	5
Perceptions of STRENGTHS & WEAKNESSES					
What are some of the best practices in permanency hearings in your jurisdiction? _____					
How can permanency hearings be improved in your jurisdiction? _____					

Case File Review

The CIP also used a case file review method to collect structured data from the files on permanency hearings. The case file review tool was designed to collect data on timeliness of case processing, hearing adjournments and delays, and the number of jurists on the case. This allows the jurisdiction to determine court delays and changes in permanency goals at hearings across the life of the case.

The *advantages* of case file review include the ability to examine a case across the life of the case, instead of just at a single point in time. That way you can look at multiple permanency hearings instead of just one. For example, NY CIP examined approximately 20 closed cases for each of the 12 sites. Within each case file review, multiple permanency hearings could have occurred. This resulted in a review of 232 cases and 1136 permanency hearings across the life of the cases.

You can also collect quantitative numbers (like number of jurists) or qualitative data (narrative about why adjourned). For the hearings NY CIP collected case file review data on, it was possible to examine number and type of adjournments, timing and duration of the permanency hearing and goal changes. It is also possible to add variables to the case file review form to collect parties present at the hearing to determine how often parents or youth attend permanency hearings.

The *disadvantages* of case file review are that you need access to the files and it is time and resource intensive to review court case files.

NY Permanency Case File Review Form																																																																																																																																																																																																																																																																																														
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For goals, P = primary permanency goal, C = concurrent goal, IG = an inappropriate goal.																																																																																																																																																																																																																																																																																														

Court Observation

The most widely used method for assessing the quality of hearings is structured court observation. This allows a coder to sit in a hearing and learn in real time, what is occurring in the hearing. Most of the factors related to high quality court hearings can be observed in court.

Advantages of court observation include the ability to see what is occurring in the hearing, this allows observers to determine how parents are engaged in the process, what is discussed, and how long the hearing takes.

The *disadvantages* of court observation as a method are that it is time consuming and requires someone familiar with the court process for reliable coding. Another disadvantage is the observer effect. The observer effect occurs when practice changes as a result of someone knowing that they are being observed. This may mean that people try to be on their best behavior during observation, which can reduce the likelihood that the coder is observing "typical" practice. Observing recorded hearings eliminates that bias. However, even when trying to be on their best behavior, most people resort to standard practice within a few hearings.

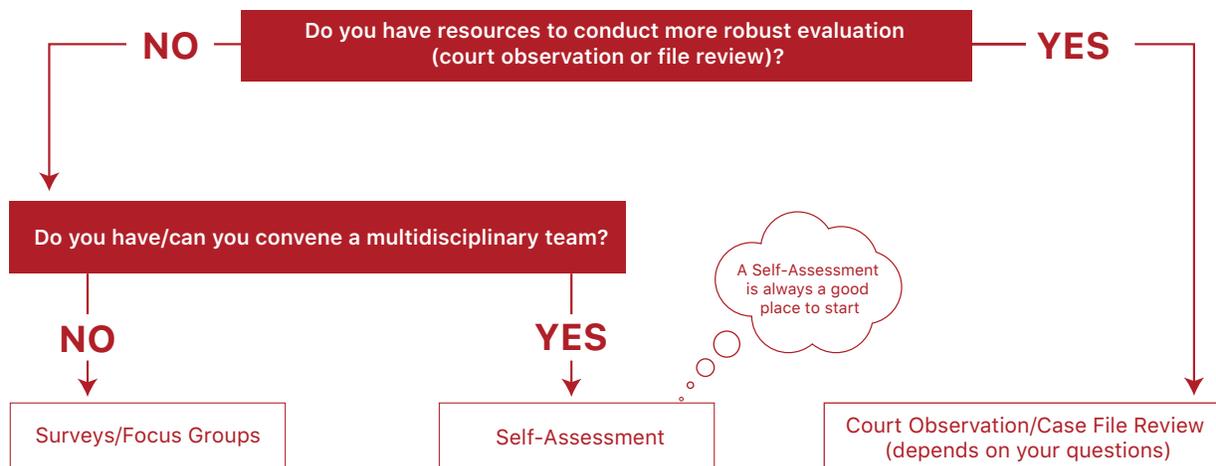
The court observation instrument presented below and used by the CIP represents an ambitious tool. It was designed to capture a host of important quality hearing elements including hearing length, parties present, findings and orders, engagement of parents and children, and 26 discussion items. The tool is long and somewhat cumbersome and was designed because the CIP had the resources to begin collecting a larger quantity of data. In early studies, collecting more data can help to determine which factors may be most relevant to consider. However, when resources are limited, tools should be refined and reduced to include only the relevant items of interest to the court. As such, a lengthy tool such as this could be reduced to a much more simplistic tool.

Court Observation - Permanency Hearing (NY)			
Docket No.	Family File #	Judge	Coder
Hearing Date			Start Time:
MONTH	DAY	YEAR	End Time:
Which PP Hearing?		Did the court inquire about parties not present?	
Child Freed?		Require explanation about parties not present?	
Parties Present		Child's Age:	Recess Time:
<input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child(ren) <input type="checkbox"/> Mother Atty <input type="checkbox"/> Father Atty <input type="checkbox"/> Child Atty <input type="checkbox"/> CASA <input type="checkbox"/> GAL <input type="checkbox"/> Other		<input type="checkbox"/> Agency Caseworker <input type="checkbox"/> Provider Caseworker <input type="checkbox"/> Foster Parent <input type="checkbox"/> Relative <input type="checkbox"/> Interpreter <input type="checkbox"/> Treatment Provider <input type="checkbox"/> Agency/County Atty	<input type="checkbox"/> Direct Relative <input type="checkbox"/> Kinship Care <input type="checkbox"/> Congregate Care <input type="checkbox"/> Unable to determine (UD) <input type="checkbox"/> Other
<input type="checkbox"/> M <input type="checkbox"/> A <input type="checkbox"/> J <input type="checkbox"/> J <input type="checkbox"/> A <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/> D		<input type="checkbox"/> Reunification <input type="checkbox"/> >2 yrs non-compliant <input type="checkbox"/> Removal reasons not resolved <input type="checkbox"/> Adoption <input type="checkbox"/> Guardianship <input type="checkbox"/> Custody <input type="checkbox"/> APPLA <input type="checkbox"/> Child < 14 <input type="checkbox"/> Unable to determine <input type="checkbox"/> Other	
Father identified? If no, discussions about efforts to identify and locate? Were foster parents notified?			
Judicial Engagement of Persons Did the judge..... Speak directly to the person? Address by name? Explain the hearing process? Explain the legal timelines? Ask if the person has any questions?		Parent(s) Child(ren) Number of prior PP Hearings held Does ICWA apply in this case?	
Discussion 0=No discussion, 1=Statement only, 2=>Statement Permanent plan for the child. Mother's progress. Mother's compliance. Father's progress. Father's compliance. Additional services needed for parents, or child(ren). Barriers to achieving permanency. Identified steps to achieving final permanency. 15 of 22 months/ compelling reasons. Efforts to finalize permanency plan. Rule out statutorily preferred perm goals. Financial support of the children		General Was the report submitted to the court timely? Were reports submitted provided to all parties prior to hearing? If no, who did not receive it? Were there other reports expected to be rec'd in advance of hearing? If yes, what reports?	
Placement Possibility of kinship/relative placements. Sibling placement. Current placement meets child's & family's needs. Least restrictive placement. Anticipated or recent move.		Judicial Findings & Orders Did the judge make a finding of: RE to effectuate permanency goal RE not necessary Agency did not make RE RE directed at new goal Other findings on the record Expected finalization date (for perm) Did the judge set the next hearing date on the record?	
Efforts to Reunify Discussion of efforts to reunify. Did this discussion include: Services In-home safety plan		Qualitative Impressions 0=Not at all, 1=Somewhat, 2=Definitely Focused on family strengths Held agency accountable Held parents accountable Treated parents with respect Gave parents opportunity to be heard Gave child opportunity to be heard	
Child Well-Being Educational placement stability. Educational needs. Physical health/Development. Mental health needs. Transitional planning. Other/general well-being			
Family Time Parent-child family time. Discussion of why supervision required? Sibling family time.			

Summary of Things to Consider in Choosing Data Collection Approach

	Case File Review	Court Observation	Surveys	Focus Groups	Self-Assessment
Research Questions (examples)	Specific	Specific	Specific	General	General
	<ul style="list-style-type: none"> • Adjournments • Timeliness • Number of Judicial Officers • Case outcomes • Placement decisions • Findings of fact • Parties present • When reports are submitted 	<ul style="list-style-type: none"> • Presence of parties • Length of hearing • Discussion in hearings • Findings made verbally on the record • How parties are engaged 	<ul style="list-style-type: none"> • Presence of parties • Length of hearing • Discussion in hearings • Findings made verbally on the record • How parties are engaged 	<ul style="list-style-type: none"> • Impressions of performance • Identification of strengths and challenges related to hearing quality • Explanations of why or at what point challenges exist 	<ul style="list-style-type: none"> • Perceptions of current practice • Perceived frequency of specific behaviors • Can be done as a group to group-assess practice.
Resource Requirements	High	High	Low	Low	Low
Type of Data Quantitative	✓	✓			✓
Type of Data Qualitative	✓	✓	✓	✓	✓
Sample Size	Larger	Larger	Smaller	Smaller	N/A
Confidentiality	High Need	High Need	No/Low	Medium Need	No

Choosing the Methodology That is Right for You



Step 5: Develop a plan to collect data.



After selecting the best method(s) to meet your needs, it is important to come up with a plan for how and when you will collect data. The plan should meet your resource needs and be as representative of typical practice as possible. The plan should also be timely, and occur in a short timeframe to attempt to minimize the effects of changes in professionals between when the plan for assessing practice begins and when it ends. This allows the results to be an accurate portrayal of typical practice. Below are some additional practical considerations.

Focus groups Decide who are the important people that need to participate in the groups. If you are surveying court professionals, all key professionals need to be represented in order to have a diverse sample that is representative of the population of court professions. For focus groups, try to schedule groups of persons with similar roles. An ideal focus group size is 4-8 participants. In smaller jurisdictions, this may be impractical because stakeholder groups may be smaller. It is acceptable to group all stakeholders together as long as there is not a power imbalance in the group that may prevent someone from talking (e.g., someone’s supervisor is in the group). If focus groups include a mix of professionals, ensure that there is a strong facilitator who can maintain control of the group and eliminate conflicts that arise. In smaller jurisdictions where there is only one judge, consider doing an interview with the judge instead of adding the judge to a focus group.

Surveys Consider the same issues as focus groups. Surveys are a cost-effective way to get a large sample of people’s perceptions. It is important to ensure the participants are diverse and represent the different roles of the professionals and parties involved in the court process. If the surveys are for parents and youth, it is also important to ensure that they are written in a way that is easy to understand, that they are not too long or overly burdensome on the participants, and that participants know that their responses are confidential and will have no effect on their case. In addition, for parents or youth, providing some sort of incentive (e.g., food, gift cards) might increase your response rate. Response rates for surveys are often low. In smaller jurisdictions, a 50% response rate helps ensure you have adequate representation of stakeholders. In larger jurisdictions, response rates of 20-30% may be sufficient.

If it is too resource intensive to keep going back to court to obtain enough hearing data, consider “observing” hearings that were recently recorded.

Court observation A plan to do structured court observation should include an adequate sample of cases. In the NY Statewide hearing quality assessment, 20 hearings were observed in each jurisdiction. While 20 seems like a small number for large jurisdictions, it is enough to examine average practice and identify trends, especially with a random sample of cases. In the smaller jurisdictions, 10 might be sufficient to understand what “typical” practice looks like. It is important to collect at least 10 observations, as collecting one or two would not represent typical practice.

Other considerations for court observation include selection criteria. Observing randomly selected hearings is ideal. Choosing one day of the week or one month to observe hearings works well. If there is a plan in advance, perhaps judges could schedule more hearings on the same day or week to ensure a higher sample. Recorded hearings can also be “observed” if that is an option in your jurisdiction. Recorded hearings may allow

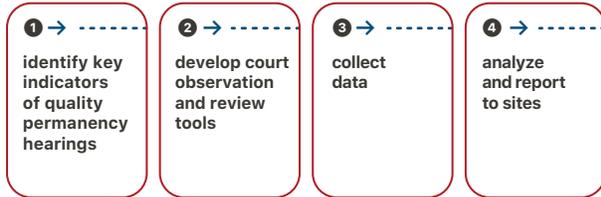
for a larger selection of hearings to be observed because the coder does not have to rely on a court docket to find hearings. These hearings should reflect current practice and not be any more than 6 months old to be a valid representation of current practice.

Case File Review Case file review has similar considerations to hearing observation. It is important to select a sufficient sample of cases in order to best understand typical practice. Smaller numbers of reviewed files may be insufficient to understand practice. Another consideration for case file review is whether to review *open* or *closed* cases. Closed cases are preferred, and reviewing open cases may not be feasible. The advantage of reviewing recently closed cases is that you can look at case outcomes and get a broader picture of the life of the case. However, recently closed cases may have opened years ago, so the practice at each hearing may have changed recently. It is also important to ensure that the sample of cases reviewed is representative of the current jurists and practitioners. Reviewing cases open less than a year will give you a better idea of what current practice looks like, but no outcome data.

Data Collection Plan Considerations:

- What resources are available to collect data?
- What will it take to get a sufficient sample (at least 10-20 cases/hearings)?
- Who needs to be included to ensure a representative sample (diverse perspectives)?
- What timeframe are you selecting to ensure recent cases/hearings?
- Are recorded hearings available for review?
- Should open or closed cases be selected?

Step 6: Analyze data and present the findings.



Analyzing the data

After collecting data, it will be important to analyze the data in a meaningful way to provide the information that you need to determine what hearings look like in your jurisdiction. It is just as critical to present this information in a way that is user friendly and easy to understand so that all stakeholders know what the data say and can discuss what that means. If you do not have data analysts available, data analysis can be a challenge; however, there are resources available to do this work (see the next page under Quantitative Analysis).

Qualitative Analysis

For surveys and focus groups, there will be qualitative information on people's perceptions. This information can be grouped together based on themes. A simple count of common elements can tell you what percentage of participants think something. Reviewing the open-ended responses to questions can give you a sense of the breadth of responses as well. That is, there is an opportunity to determine if many people answered in the same way, or agreed with each other or if one individual had a sole thought that was not shared by the group. The qualitative analyses are not objective, but based on perceptions.

Example:

Focus groups in the NY study were asked: *"What are the most important elements to address during permanency hearings in order to achieve more timely and appropriate permanency for children?"*

Judges, parents' attorneys, social workers, and children's attorneys may all have different ideas about what is the most important to discuss.

- **Judges said:** Parents' progress, reasonable efforts to reunify.
- **Parents' attorneys said:** Visitation, services provided by the agency
- **Social workers said:** Parents' progress on the case, visitation
- **Children's attorneys said:** Services for the youth, visitation, relative resources

The qualitative analysis revealed two primary themes and several smaller themes.

These included:

- **Visitation.** 75% of stakeholders felt that visitation is the most important element
- **Parents' Progress.** 50% felt that parents' progress is the most important element

Other elements (in 25%) that were identified were:

- Reasonable efforts to reunify
- Services provided by the agency
- Services for the youth
- Relative resources

Quantitative Analyses

Any data that can be quantified should be analyzed to illustrate the current means (averages) as well as the frequencies (percent of time something occurs). This provides an overview of “typical” practice instead of relying on the outlier cases that may stand out in memory.

There are multiple ways to quantify data. Tools like *Survey Monkey* or *Select Survey* are an efficient way to collect and analyze data. NY State Office of Court Administration through Child Welfare CIP has a Select Survey account that is accessible to all courts in the state. In it, you can develop surveys that reflect the self-assessment tool, the court observation tool, a case file review tool, or participant surveys. Data can be entered directly into Select Survey; the program runs basic analyses and provides a report. The report may or may not give you everything you want to know but is a good place to start. The CIP may have resources available to help you understand and use Select Survey for data collection and analysis purposes.

Excel is another data entry and analysis option. Most agencies have the Office Suite, so Excel would be a free resource that data can be entered into and analyzed from. The table below represents court observation data in Excel. Response options like yes or no, can be translated into numbers (0=No, 1=Yes) so that they can be quantified. This allows the opportunity to determine the frequency of a particular behavior.

	A	B	C	D	F	G	H
1	CHILDAGE	MOM Present 0=No, 1=Yes	CHILD Present	MATTY	CATTY	Discuss Perm Plan	Give Mom Opp to be Heard
2	14	1	1	1	0	1	0
3	18	0	0	0	1	0	
4	4	0	0	0	0	1	
5	11	1	0	1	1	1	1
6	4	1	0	1	1	1	1
7	3	0	0	1	1	1	
8	=AVERAGE(A2:A7)	=FREQUENCY(B2:B7,1)	1/6	4/6	4/6	5/6	2/3
9		=(B8/6) 50%	17%	67%	67%	83%	67%

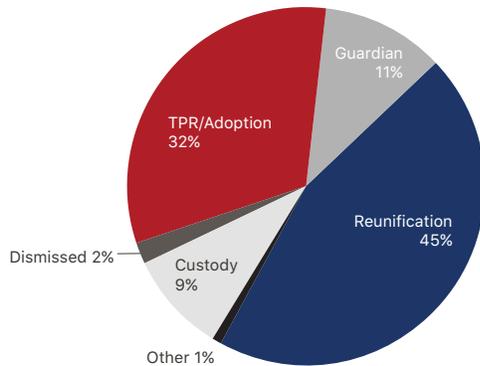
In the example above, the formulas in row 8 illustrate how to setup Excel to calculate averages (for things like length of hearing, child age) or frequency⁸ when counts are important. These items can also be hand counted, like in column C, there are 1 out of 6 1's (yeses), indicating that children are present at 17% (1/6) of hearings.

8. The Child Welfare Data Metrics Report reports everything in frequencies, medians, and means (averages).

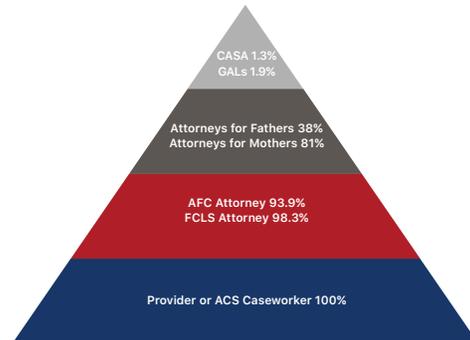
Presenting Findings

The numbers need to be translated into user friendly portrayals to illustrate the current hearing quality practice in the jurisdiction. The section above - *Current Data Trends for New York State* - illustrates some examples of ways to present data. The Microsoft Office Suite (e.g., Excel, PowerPoint, Word) has excellent options for creating data charts. Below are some additional examples (all from Office charts) to portray data from the numbers. These represent examples of how the data could be presented after analysis and do not reflect statewide NY data.

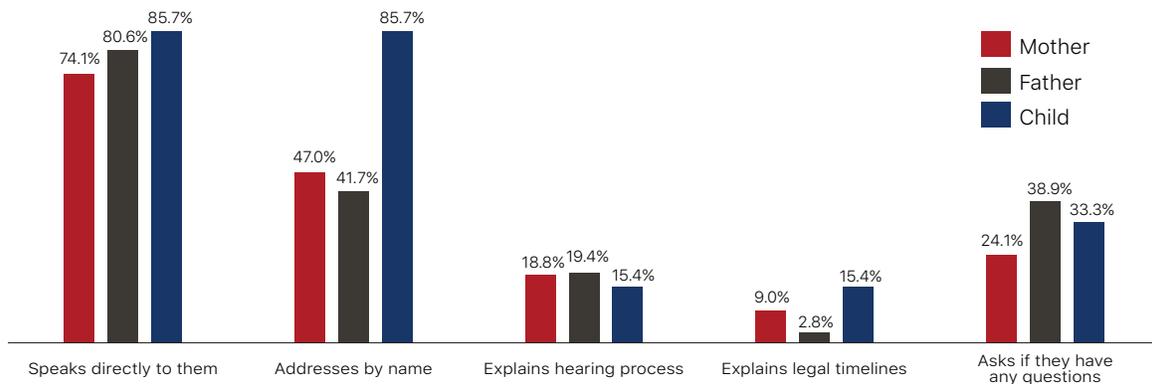
Case Outcomes



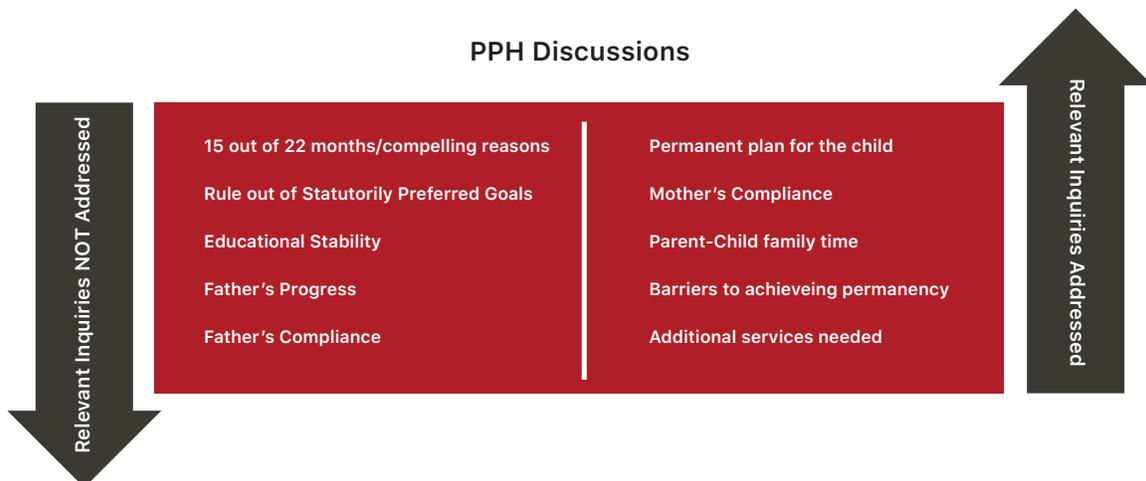
Professionals Present



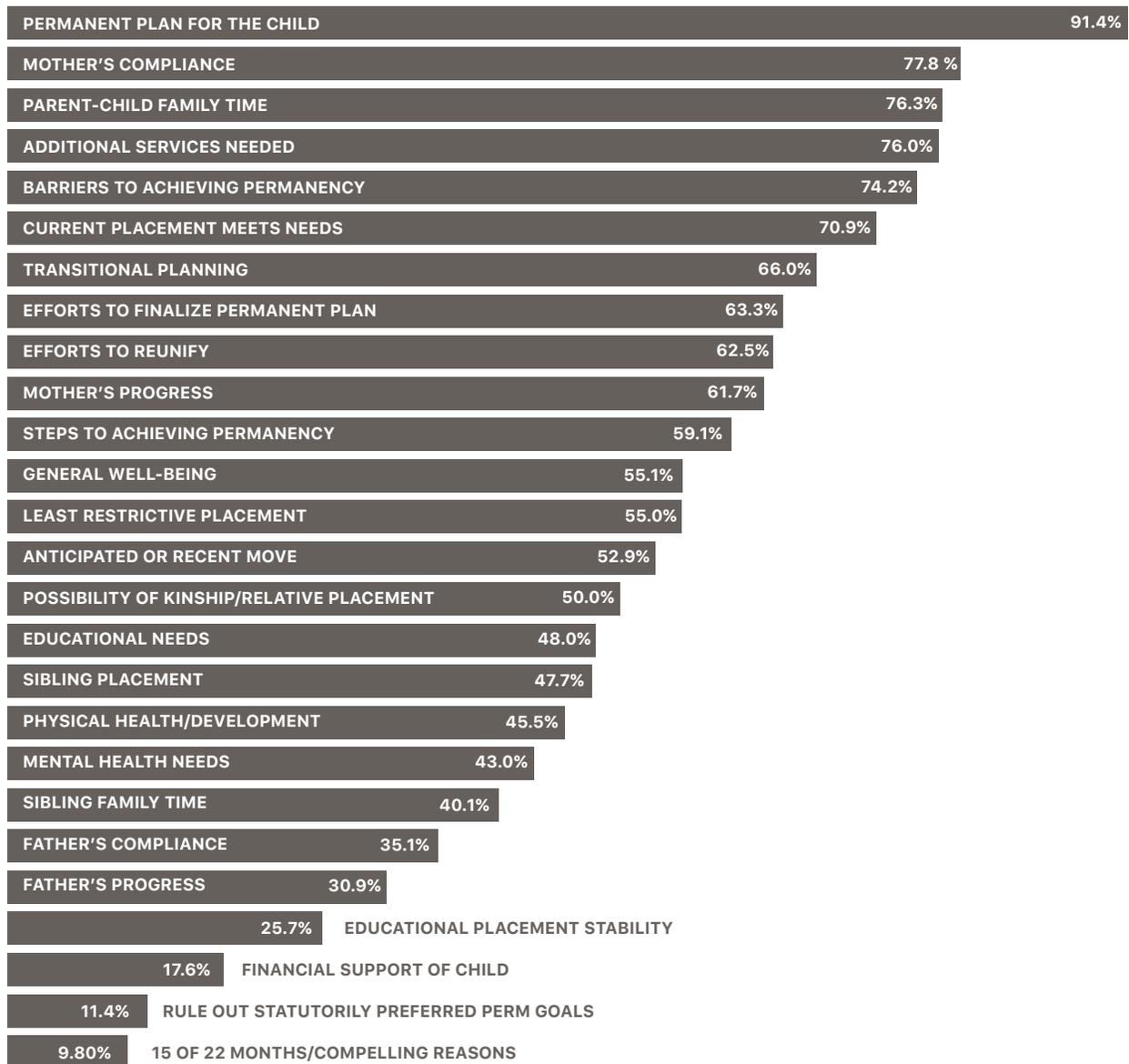
Judicial Engagement of Parents and Children/Youth



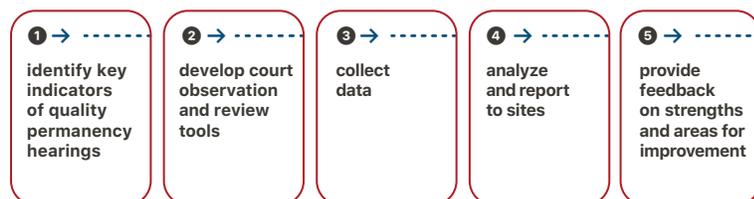
PPH Discussions



Percentage of time applicable topics were discussed at hearings



Step 7: Review findings to identify strengths and challenges.

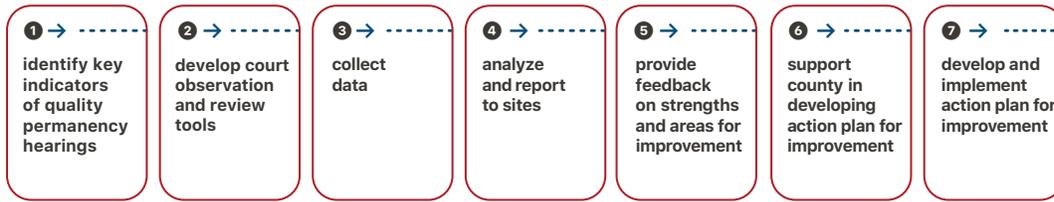


Convening collaborative workgroups is recommended to address the issue of quality permanency hearings, as all professional stakeholders have a role in ensuring that hearing quality is high. However, not all jurisdictions are able to pull together a collaborative team or workgroup to address this issue. While a collaborative team is recommended, it is possible for one individual to review the findings and identify the strengths and challenges. However, as is the case with the self-assessment, multiple perspectives (even if a collaborative team is not in place) are necessary to gain an accurate portrayal of hearing quality, if court observation or case file review methods are not used. Ideally, data from the evaluation of hearing quality practices should be shared with a collaborative team so that issues can be discussed. It is important to talk about data points where there are high numbers (like 90%) or low numbers (less than 50%) to identify strengths and challenges in practice. Some questions to consider:

1. What are the strengths of current practice?
 - a. How often are parents present?
 - b. How often are youth present?
 - c. How are parents engaged in the hearing?
 - d. What topics are most frequently discussed in the hearings?
 - e. How often are reasonable efforts, no reasonable efforts, or reasonable efforts are not required findings made verbally on the record?
 - f. How long do hearings take?
2. What are the opportunities for improvement in the hearing?
 - a. How can parents be better engaged?
 - b. How can youth attendance and participation in hearings be increased?
 - c. What topics are least discussed in hearings? Why do you think that is?
 - d. What topics can/should be discussed more often?
 - e. Are the hearings long enough to sufficiently engage parents and discuss all the issues?
3. What practice changes can be made immediately?
4. What changes should be prioritized?
 - a. What is already being prioritized in New York? (see table below)
 - b. What factors have already been demonstrated to be related to improved outcomes? (see Linking Hearing Quality to Outcomes section on page 15)

Potential Areas of Focus (from New York Statewide Assessment)	
Children in Court	Increases in Relative Placements
Concurrent Planning	Engagement of Foster Parents
Engagement of Parents (especially Fathers)	Reduced use of APPLA
Timely Report Submission	Reduce Time to Disposition

Step 8: Develop an action plan for any enhancements to practice.



After thinking through the data with a collaborative team, it will be important to come up with a concrete action plan for any change efforts that are needed. The following action planning template outlines the necessary components for action planning. It is important to come up with a goal (what you would like to achieve), strategies to achieve this goal, and concrete action steps (including who is responsible for the step, in what timeframe and what resources are needed) to achieve this. The action plan will serve as a framework or roadmap of how change will occur.

Action Planning Template

Key End Outcome: _____

Current Baseline: _____

Target: _____

Data Source: _____

Activities and projects designed to have an impact on this key end outcome:

	Activity/ Project	Implementation Timeframe	Responsible for Implementation	Output (A count)	Collection Method	Initial/ Intermediate Outcome	Data Source	Reporting Frequency
1								
2								
3								

Sometimes it is helpful to visualize the action plan in terms of how specific actions will lead to specific outcomes of interest. The logic model below is an example of how to illustrate your action plan in a different way.

Observe	Explain	Develop Strategies		Outcomes	
We have noted that...	This is because...	So we plan to...		This will result in...	
Strengths and Needs Assessment		Activities	Outputs	Initial and Intermediate Outcomes	Key End Outcomes

Site Example: Albany

Based on their results, Albany County selected three areas on which to focus; engaging fathers, concurrent planning, and the time it takes to close cases. Below are strategies that Albany selected regarding engaging fathers.

Strategies

Engaging Fathers (With identified legal fathers)

- Explore the relationship with the child (child's attorney)
- Explore the engagement with caseworker (DSS)
- Look at visitation (All)
- Ensure father is in the court computer system to receive future notices/communication (attorney for father)

Where father is unidentified

- UCMS- check for paternity or other related cases (Court clerk)
- Check the child support unit (DSS)
- Share protocols directing caseworker to use appropriate steps to find fathers (DSS)
- Directly ask the mother in court (Judge)
- Use Social Media (DSS)

Site Example: Dutchess

Based on the findings presented to Dutchess, they targeted three areas of focus, including:

1. concurrent planning
2. locating and engaging absent parents
3. reduce original disposition time frames

Strategies

1. CONCURRENT PLANNING

is now always addressed at the first permanency hearing by the judge. Her clerk documents the concurrent plan in the UCMS notes. DSS is also ensuring that their PH reports include a detailed concurrent plan and that the plan is discussed with the family prior to the permanency hearing.

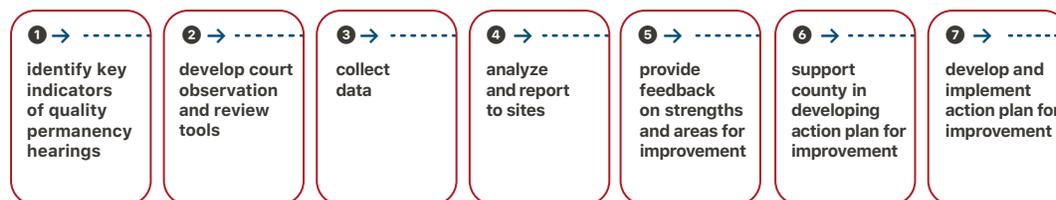
2. LOCATING AN ABSENT PARENT

is discussed throughout the life of a case including at the DSS family team meetings, 10 day court conferences, and at each future court date. The judge will also address the whereabouts of a parent at the permanency hearings. DSS has put into place a model in which the caseworkers work with the child support unit and speak with them monthly about the whereabouts of an unknown parent. The Judges will address paternity at the first appearance.

3. REDUCING ORIGINAL DISPOSITION TIMEFRAMES

The Judges have committed to setting trial dates more quickly. One judge implemented continuous conferencing to assist in moving a case along which seems to be helpful.

Step 9: Make change.



The team should then work to implement the logic model and work plan. A collaborative court team can help oversee strategy implementation. Periodic check-ins regarding progress on the action plan will improve accountability and can be used as opportunities to discuss any challenges that arise with implementation of the plan and brainstorm potential solutions. Many action items are low-resource, low controversy and can be implemented immediately. For example, changing engagement strategies, making findings on the record, or increasing discussion of any topics in the hearing are immediate changes that will result in immediate improvements in the quality of hearings. However, some changes may take longer to implement. For example, increasing youth attendance at court may take time, strategies to garner support by professionals, and increases in practices meant to engage youth. It is important to consider how long the action step will take to implement and how long before any changes in behavior or outcomes should occur.

Step 10: Reevaluate to see if change occurred in practice or outcomes.



The final step in the process often involves starting the process over. It is important to monitor that any planned changes are implemented with fidelity. In addition, re-assessing current practice will illustrate how practice has changed and may be helpful in determining if the changes in practice have led to improved outcomes. For example, the action plan may be to change engagement strategies for parents in court. The goal is to increase parent attendance and engagement in the hearings. Reassessing can examine fidelity (did judicial or attorney engagement practice change in an observable way) and examine if this change in practice resulted in a higher percentage of parental attendance at the hearings. Reassessing should also include outcome goals of interest. For example, if you know that parental attendance could lead to timelier reunification, examining time to reunification at a baseline time and a follow-up time can allow you to know if outcomes have improved. The follow-up assessment should be less onerous than the preliminary assessment as it should only focus on the areas that were chosen to improve and the potential outcomes that may result. It is also important to consider re-evaluation in terms of the immediate, short-term, and long-term outcomes expected. The logic model template can help you to determine what these might be in your jurisdiction.

Immediate Outcomes If behavior changes immediately from the bench or other professionals, then the quality of the permanency hearings will change immediately. An observer should see an immediate difference when observing court. This could include changes in engagement strategies

(e.g., asking parents if they have any questions), making findings on the record, or increases in discussion of any of the key topics.

Short Term Outcomes Some changes may not be immediate or may impact outcomes at a later point. For example, changes to practice can occur immediately but may also affect outcomes in the short term, such as increasing parental attendance at and participation in future court hearings. If you anticipate that changing engagement strategies will result in more parents showing up at future hearings, it may be 6-months before you know if this is the case. In addition, some changes may take time to implement. For example, if trying to increase engagement by altering court behavior, it may take some time to see increased participation in hearings.

Long Term Outcomes Ideally, if changes in practice occur, these positive enhancements of practice will result in improvements in outcomes for children and families. As noted in an earlier section, the CIP has identified some relationships between hearing quality elements and long-term outcomes such as timelier permanency, increases in reunification, and decreases in the percentage of youth still in care at 24 months. When making changes, these long-term outcomes may take months or even years to achieve. Even then, it is often difficult to determine whether interventions caused changes in outcomes. The system is complex and multi-faceted and there are not resources available to do robust research to link activities to outcomes. However, modest but meaningful examination of data, including how it changes over time related to an intervention can demonstrate positive relationships between the changes that are made and the outcomes for children and families.

Example: Focus on Father Engagement

- You choose four factors to examine in the hearings:
 1. presence of parties
 2. engagement strategies
 3. timely reports and
 4. discussion of child well-being.
- Your baseline data indicate that fathers are rarely present and when present are not engaged.
- You choose a strategy to implement to better engage fathers, such as judicial engagement strategy from the bench.
- In follow-up, you only need to collect data related to the intervention. In this case, presence of fathers and use of engagement strategies.

Conclusion

The goal of this Toolkit was to create a framework to expand upon the hearing quality work of the CIP and take efforts for systems improvement statewide. The findings from the initial 12 pilot sites demonstrate a trend similar to empirical research, which supports a need for more thorough hearings that engage parents and youth in a meaningful way. It is clear that there is some relationship between hearing quality and case outcomes. While the strength of this relationship may vary between sites, it is something consistent across large and small jurisdictions throughout the state. Enhancing hearing quality in permanency hearings creates a unique opportunity for the courts to change practice in a meaningful way to improve outcomes for children and families. What's more, many of the changes to enhance hearing quality can be implemented immediately and cost next to nothing (e.g., changing engagement strategies of parents or youth, increasing discussion of key topics). This Toolkit is designed to help you think about modest but meaningful changes that can be made in your jurisdiction that may have significant impact on the children and families we serve. The first step in determining what to change is assessing current practice in a meaningful way and this Toolkit lays the foundation for doing just that. Courts that have undergone this process have found it very helpful in better understanding their current strengths and challenges and in creating action plans for the future. Often the findings were somewhat unexpected and promoted dialogue among key systems partners. While the CIP does not have the resources to conduct structured court observations and file reviews in every jurisdiction as they did in the initial 12, there are some resources available to be thought partners to the courts who wish to pursue this endeavor. If you are considering doing this work, remember:

- Research shows a relationship between hearing quality and improved outcomes.
- If unsure of focus, start with presence and engagement of parents and/or youth.
- The Self-Assessment is always a great place to start exploring current practice.
- Structured court observation will yield the best and most objective results (for most questions).
- Start small – small changes can lead to big improvements in outcomes.
- Changes to hearing practice are low (or no) cost and can often be implemented immediately.
- The CIP is available as a resource.

"It was interesting to hear what the observer's perspectives' were on the cases. I appreciated the learning experience and the action planning. The action planning changed my practices in the courtroom – I make sure permanency goals are realistic and I make it a habit to ask about concurrent planning for every case".

- Meryl Guzman
Court Attorney Referee, Dutchess County Family Court – 9th Judicial District



The New York CIP can provide remote technical assistance to help you to implement hearing quality work. This technical assistance can include strategizing data collection methods; identifying needed data elements; helping with analysis; and presenting the data in a meaningful way.

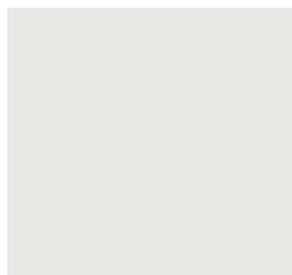
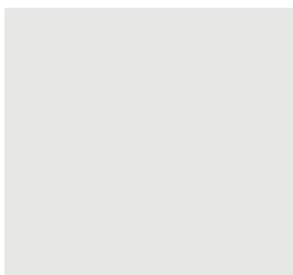
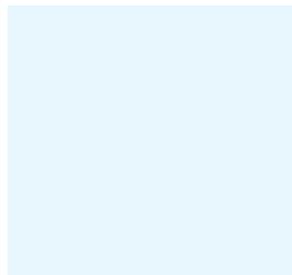
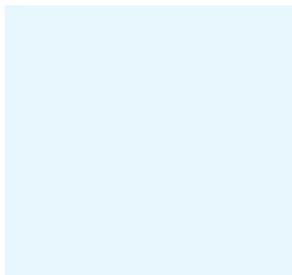
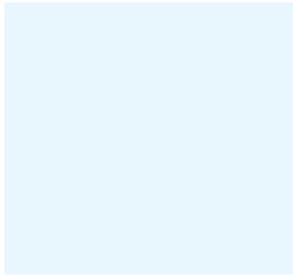
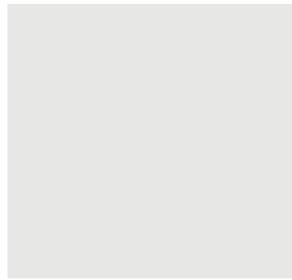
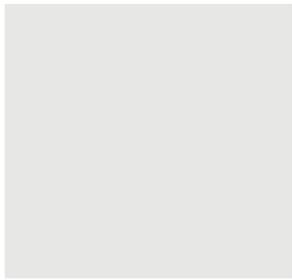
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Additionally, Dr. Alicia Summers, who provided data assistance to CIP during this project, may be available for data consultation.

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