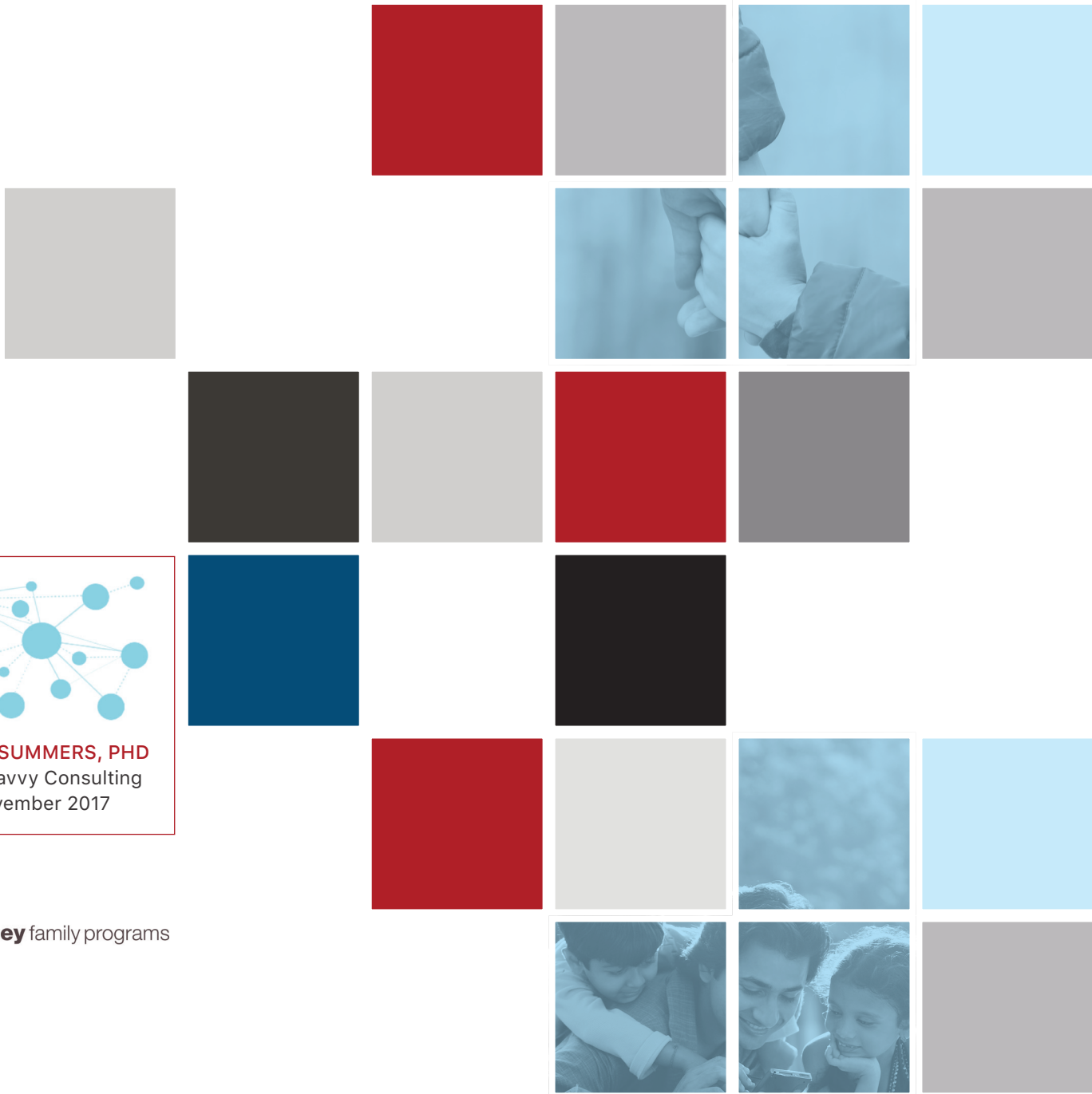




# New York Quality Permanency Hearings Statewide Findings Report



**ALICIA SUMMERS, PHD**  
Data Savvy Consulting  
November 2017



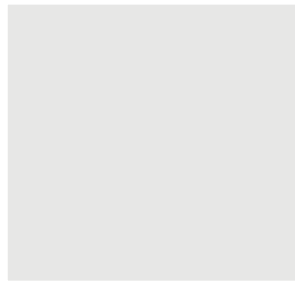
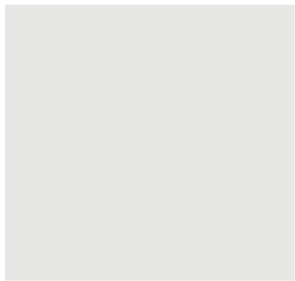
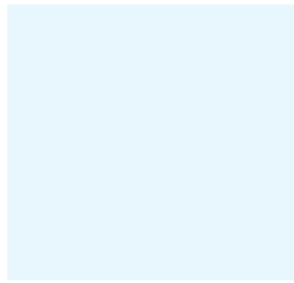
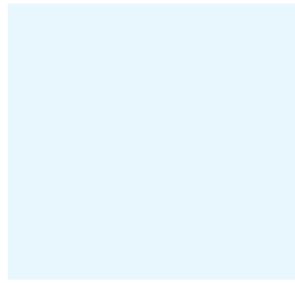
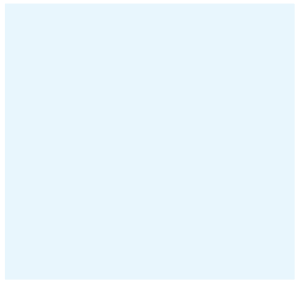
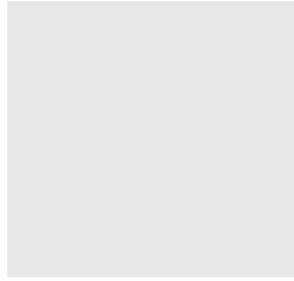
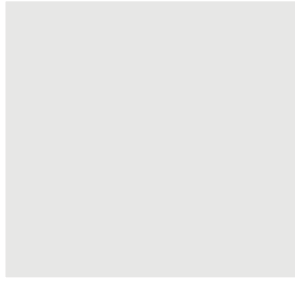




# New York Quality Permanency Hearings Statewide Findings Report

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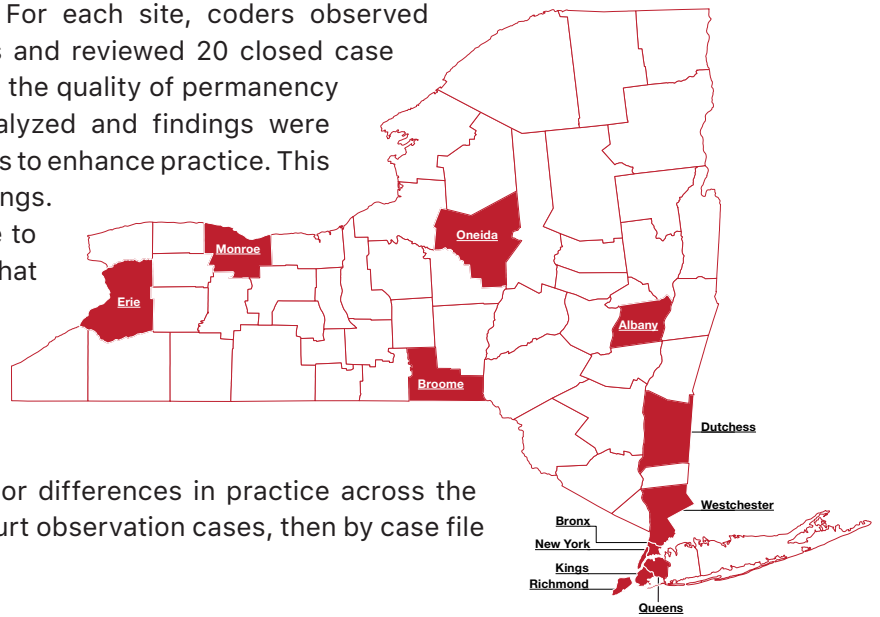
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## Introduction

In 2012, the New York Court Improvement Program (CIP) began work to improve the quality of permanency hearings in New York State. The project began with focus groups of key stakeholders, including foster parents, and youth from multiple sites in New York to gain a clearer understanding of the perception of permanency hearing purpose and practice and identify some areas for further data collection. Findings from the focus groups were used to develop structured court observation and case file review tools to collect additional site specific information. These tools were piloted and revised to ensure reliable coding across multiple coders. The final tools were used to collect data in 12 sites (see map), including all five boroughs of New York City and other upstate sites around the state. For each site, coders observed approximately 20 permanency hearings and reviewed 20 closed case files to explore several factors related to the quality of permanency hearings. The collected data were analyzed and findings were provided back to each site to begin efforts to enhance practice. This report summarizes the “statewide” findings. While these findings may not generalize to every site in New York, they are somewhat representative of the state, given that they include both urban and more rural sites and offer some geographic diversity. These findings illustrate a snapshot of current practice in the state and identify trends in similarities or differences in practice across the state. The report is organized first by court observation cases, then by case file review findings.



## Court Observation Findings

There are many factors that may contribute to a high-quality child welfare hearing. Some identified best court practices are directly observable in court hearings. These include (but are not limited to): ensuring parties (e.g., both parents, child(ren), foster parents) are present at hearings; appointing counsel for parents and children; discussing key topics in order to make informed decisions; and meaningfully engaging the parents and youth in the process. This list is not exhaustive, but provides some ideas as to how a quality hearing might be defined. The data presented herein offer a snapshot of baseline practice of the factors identified above for permanency hearings in the state of New York. A total of 238 hearings were observed across the state, including 180 permanency hearings where the child had not been freed for adoption, and 58 hearings where the child had been freed for adoption. As the scope of the hearings may differ depending on whether the child has been freed for adoption, the findings are divided by cases with non-freed children and those with freed children. For this report, data will be presented in summary, followed by trends.



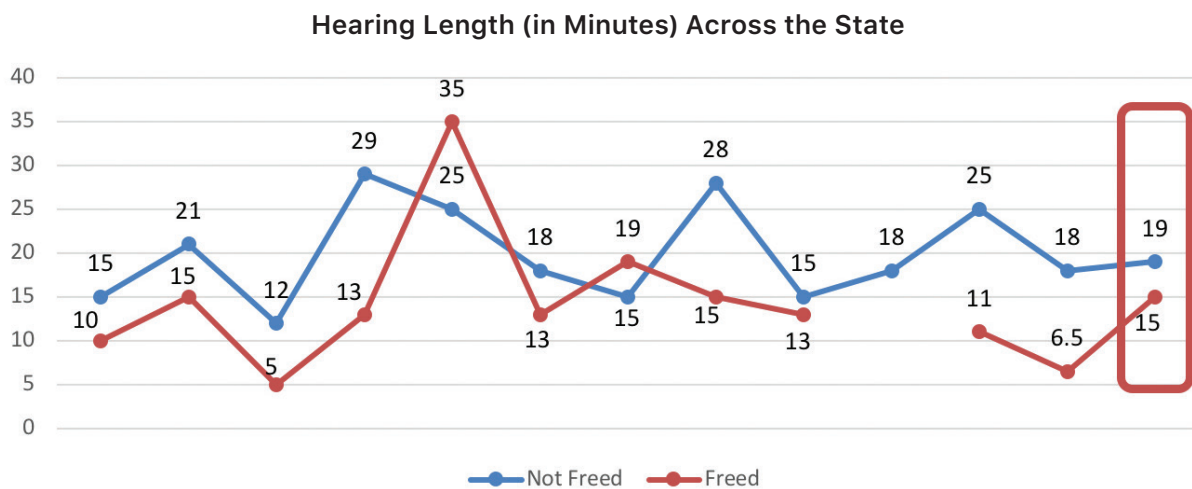
## Cases with Non-Freed Children

There were 180 hearings observed across the 12 sites where the children were not freed. The hearings could have been any hearing across the life of the case. For those observed, 35% of cases were the first permanency hearing, 21% the second, 17% the third, 9.5% the fourth. The remainder were later permanency hearings ranging from 5th to 22nd.

### Length

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 could 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.

**Understanding the graphs:** The *Hearing Length (in minutes) Across the State* graph and many of the subsequent graphs are created to illustrate data points in the 12 jurisdictions reviewed. There will be 12 columns of data as well as a statewide column (when applicable). The columns are not labeled so as to maintain anonymity of site specific information. For example, in the graph below, the first site had average hearing times of 10 (freed) and 15 (not freed) minutes. The second column (15 & 21 minutes) represents another site. Graphs are intentionally setup this way so that trends and variations across sites can be seen without identifying site specific information.



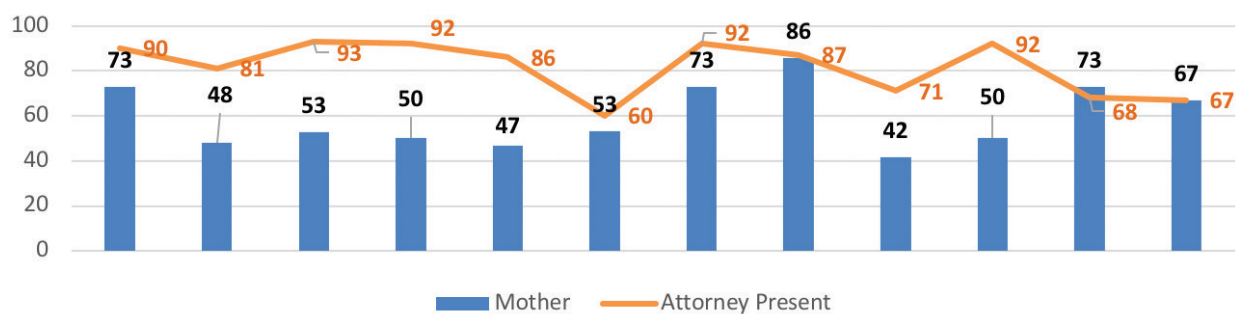
### Parties Present

In the hearings observed, agency caseworkers were present for 60% of the hearings observed; provider caseworkers were observed at 64% of hearings. Agency attorneys were present for 98% of hearings observed. Mothers were present 55% of the time and fathers were present in 30% of hearings observed; children were present at 16% of the hearings observed. Attorneys for mothers were present in 79% of hearings observed, fathers' attorneys for 44%, and children's attorneys for

95.4%. CASAs were present at 5% of hearings; GALs were present at 2% of hearings. Foster parents were present at 27% of hearings observed; relatives, were present at 32% of the hearings observed. Foster parents were observed to have received notice by the court 40% of the time; 58% of the time coders were unable to determine if foster parents had received notice. Other parties were present at 36% of the hearings observed. These included siblings, relative attorneys, foster parent attorneys, additional agency attorneys, social workers, DSS interns and liaisons, among others. In 56% of hearings observed, the court inquired about parties that were not present. In addition, the court required an explanation of missing parties in 47% of hearings observed.

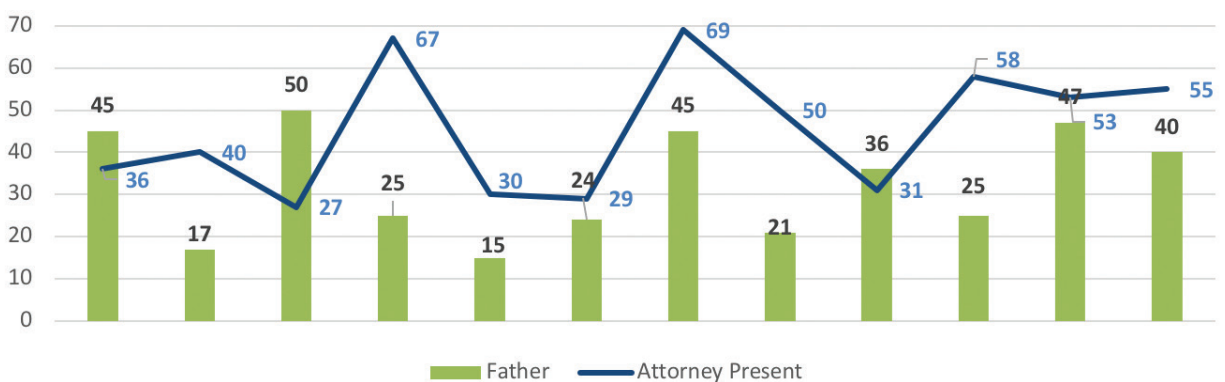
Presence of mothers was somewhat diverse across the state, ranging from an average of 42% (low) to a high of 86% in one site. Most sites hovered around mother present 50% of the time. Percentage of time mother’s attorneys was present also varied by site, but appeared to be related to mother’s presence at the hearings.

**Average Percentage of Time Mother & Attorney Present by County**

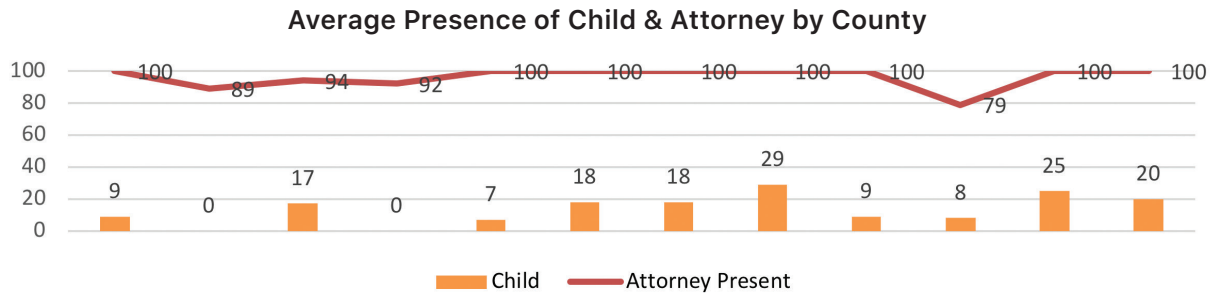


Fathers were consistently less likely to be present at every site. They ranged from a low of 15% in one site to a high of 50%. Presence of fathers was lowest in three of the five boroughs, followed by a more rural site. Low presence may be a result of lack of identification. In 64% of cases observed, the father was identified (36% he was not). When the father was not identified there were discussions about efforts to identify and locate in only 19% of the hearings observed. Presence of attorneys for the fathers was also relatively low. It should be noted that fathers would not get appointed an attorney unless they were identified and present at a hearing. The chart below illustrates the total percentage of time fathers and fathers’ attorneys were present at hearings, regardless of whether the father had been identified yet.

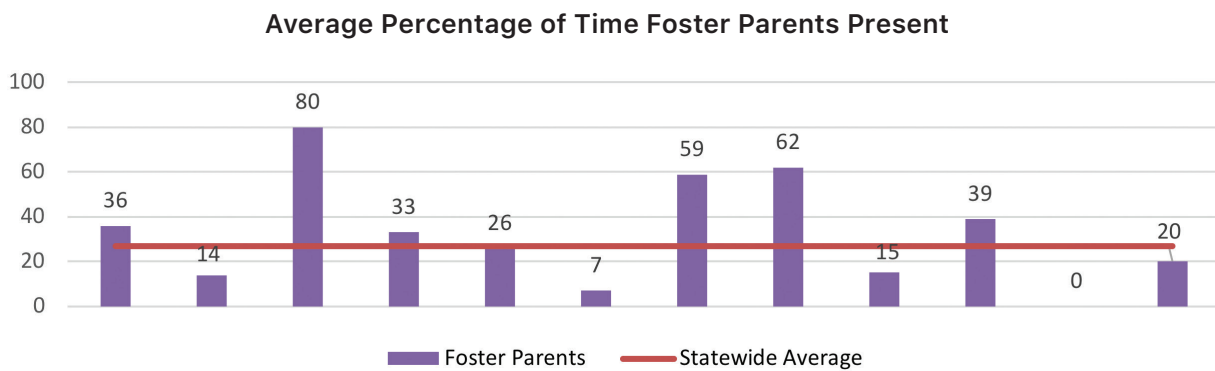
**Average Presence of Father & Attorney by County**



There was a great deal of diversity regarding whether children were present. The lowest percentage of children present came from New York City. The other sites had higher numbers, but still fairly low. On the other hand, attorneys for the children were either in the majority or present at all of the hearings observed, depending on site.

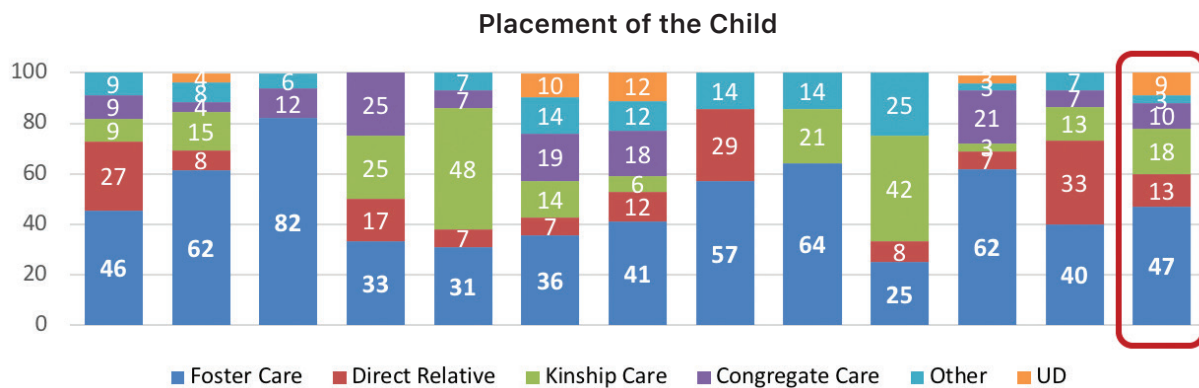


We also examined how often foster parents were present. Findings were quite diverse. They ranged from 0 to 80 percent of the time, with the average closer to 30%.



## Age and Placement of the Children

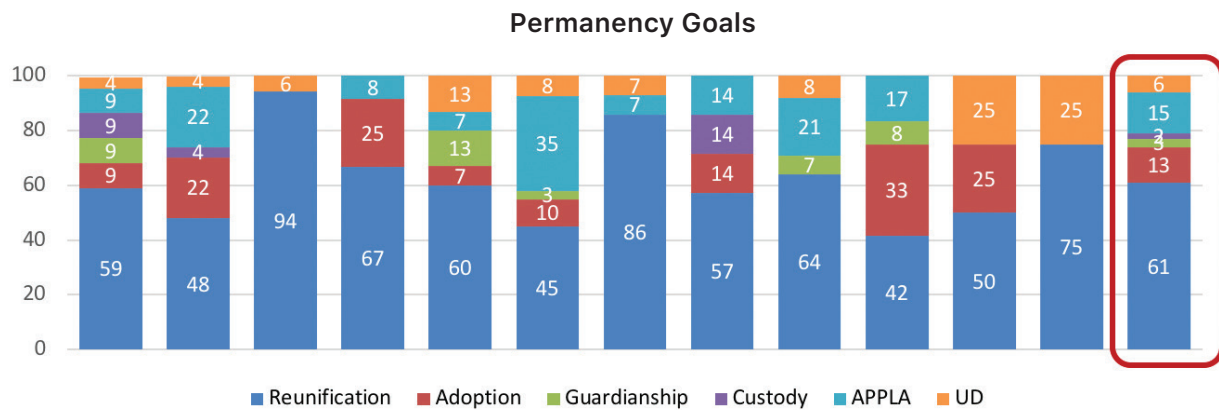
The average age among children in the observed hearings was 10.14 years old, with the youngest being 0 (< 1) and the oldest 20. The graph below illustrates the diversity of placement of the children at permanency hearings across the state. The final column (in the red box) is the statewide average. The majority (at 47%) of youth were placed in foster care, with 31% placed with kin or a relative, 10% in congregate care, 3% in other placements and 9% coders were unable to determine placement.





## Permanency Goals and Concurrent Plans

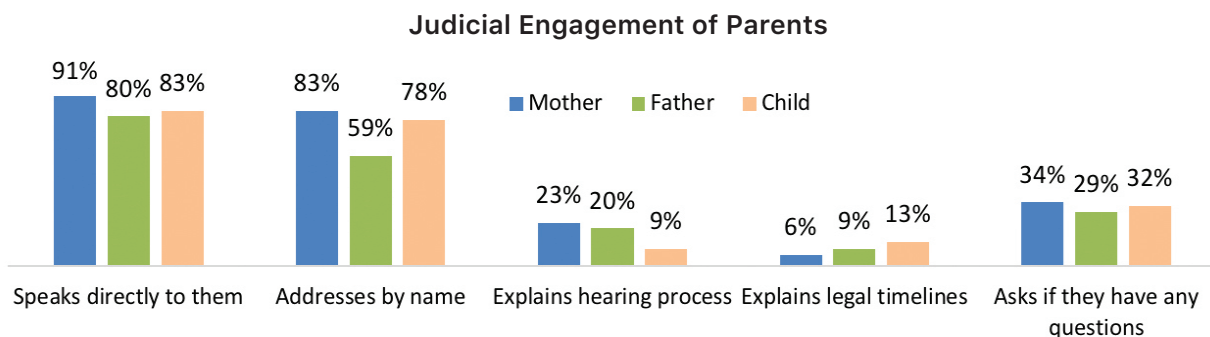
In 61% of hearings observed, reunification was the permanency goal; reunification was the concurrent plan in 4% of cases. Adoption was identified as the permanency goal in 13% of the hearings observed, and the concurrent plan in 8% of the hearings observed. Guardianship was the goal in 3% of cases and the concurrent plan in an additional 3% of cases. Custody was identified as the permanency goal in 2% of cases, and a concurrent plan in 4% of cases. APPLA was identified as the permanency goal in 15% of cases. Coders were unable to determine the concurrent plan in 32% of the hearings observed. As noted from the chart below, some sites had higher percentages of APPLA goals, while others were primarily reunification. This may be because of the stage in the case. That is, in some sites, the observed permanency hearings were the first or second permanency hearing, while in others, it was much later in the case, when a goal change might have been necessary.



## Parent and Youth Engagement

Engagement of parents and youth in the process is considered essential in holding a high-quality hearing. Researchers examined judicial behaviors, interactions, and engagement with parents and children. When parents were present in court, judges mostly spoke to them directly and addressed them by their names. Judges rarely explained the hearing process or explained legal timelines. They also only sometimes (about a third of the time) asked if the party had any questions. The *Judicial Engagement of Parents* figure portrays the percentage of time (when a party was present) that the judicial officers engaged the party in a specific way.

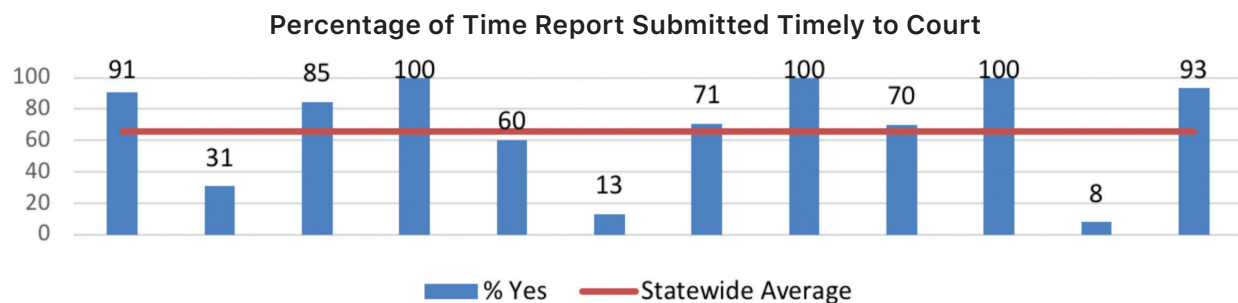
Findings indicate that while there is some engagement of parents, judges are missing key opportunities to ensure parents fully understand the hearing process and timelines.



Sites varied significantly in their engagement of parents. Most sites spoke directly to the parents at least half of the time (range of 50% to 100% of the time by site). Addressing the parent by name varied significantly by site with a range of 20% to 100% of the time. Other behaviors were less common. Judicial explanations of the hearing process were rare, ranging from 0 (never doing this) doing this in one site to 56% of hearings in another. Asking if parties had questions was also fairly infrequent, ranging from 0 (never) in one site to 60% of hearings in another. Explains legal timelines was always the lowest, but it did vary significantly between 0 (none of the hearings) and over 40% of the hearings in one site. A third of sites never explained the legal timelines.

## Reports

Reports were submitted to the court in a timely manner in 66% of hearings that were observed. In addition, the reports were submitted to all parties prior to the hearing in 76% of hearings observed. Submission of timely reports varied significantly by site. These data should be interpreted with caution. Coders were only able to identify when the court noted that the reports were *not* timely. Therefore, when it wasn't clear to the coder whether the report was received timely, it was captured as having been received timely. As a result, the data may overestimate how often the reports are timely submitted.

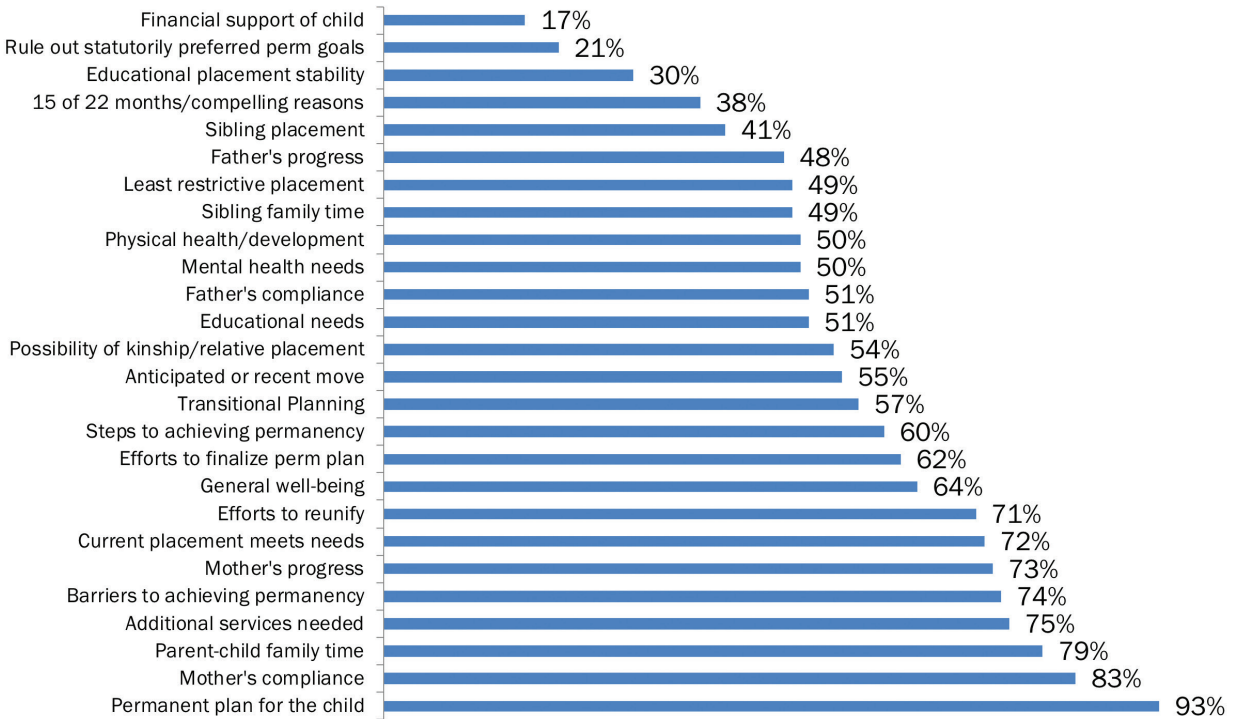


## Hearing Discussion

The National Council of Juvenile and Family Court Judges' *Resource Guidelines*<sup>1</sup> identifies areas of discussion and key decisions that should be made at each hearing type. In addition, Family Court Act §1089: describes the requirements for permanency hearings in New York. The graph below – *Percentage of time applicable topics were discussed at hearings* – includes the list of discussion topics explored at the hearings. While this was not an exhaustive list of all possible topics, it did include the key topics found both in Family Court Act §1089 – and the *Resource Guidelines*. Hearing observers used a standardized instrument to collect data about various aspects of each hearing provided. The instrument measured various topic areas (e.g. permanency goal, concurrent planning, case plan progress, etc.) that should be discussed at permanency hearings. Not all topics are relevant to all hearing types. The Figure Below (*Percentage of time applicable topics were discussed at hearings*) portrays the percentage of time (when applicable) that a topic was discussed at the hearing. This graph used valid percentages in order to indicate what topics were discussed at hearings. In other words, this graph shows percentages of topics discussed accounting for missing data. That means that items that were not applicable were not included in the calculation.

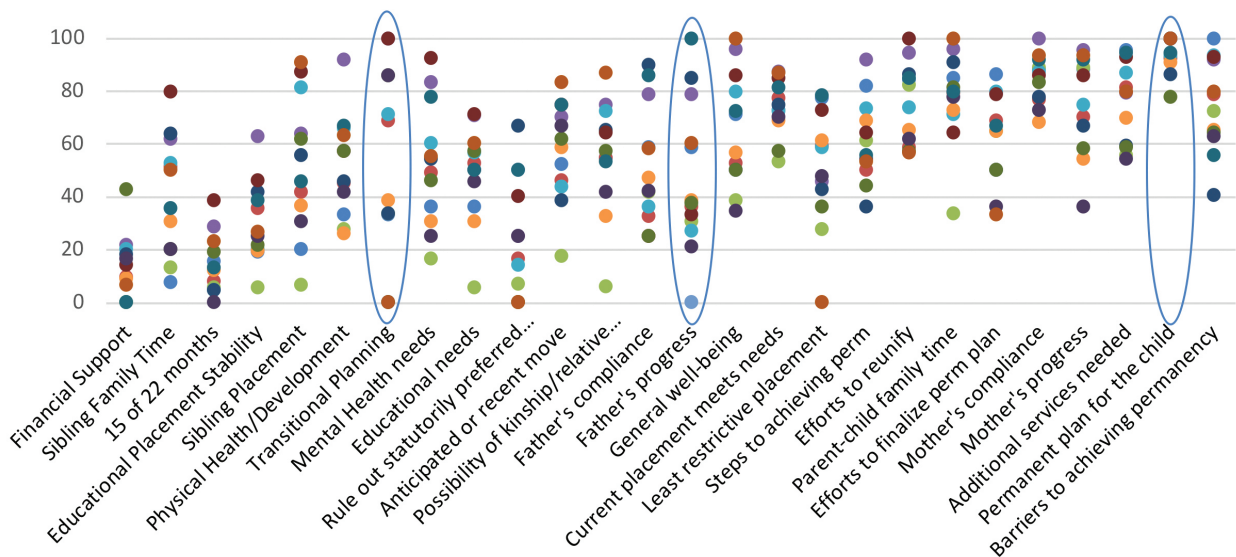
1. Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). Enhanced resource guidelines: Improving court practice in child abuse and neglect cases. Reno, NV: National Council of Juvenile and Family Court Judges. Available online at: <https://www.ncjfcj.org/ncjfcj-releases-enhanced-resource-guidelines>

Percentage of time applicable topics were discussed at hearings



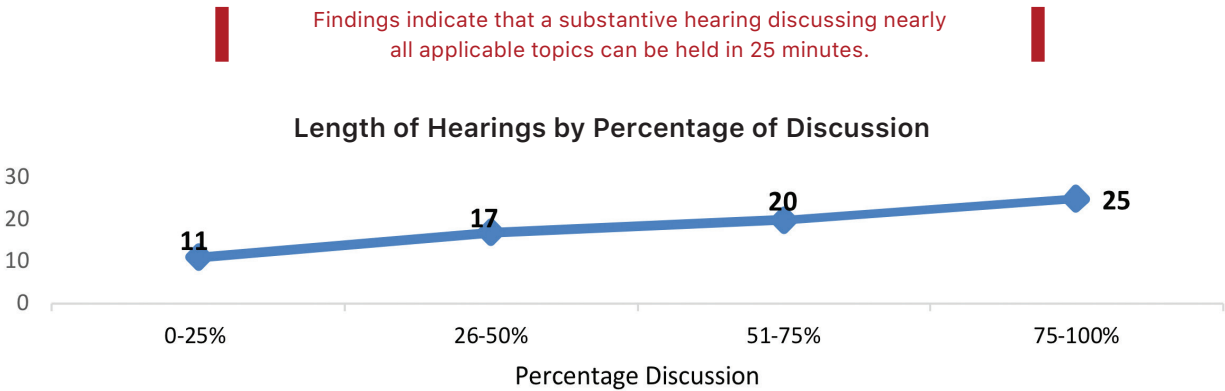
The discussion, of course, varied statewide, with some significant trends. For the most part, all sites discussed the permanency plan for the child and mother's compliance in the majority of the hearings. The graph below (Percentage of Time Topic Discussed by Site) illustrates a distribution of average discussion by site. The dots on the graph represent the 12 sites and are portrayed by topical area. While not practical to figure out a value for each dot, this graph illustrates the range of discussion by site. For example, Sibling family time has a broad range, going from less than 10% to 80% of hearings depending on site. Transitional planning ranged from 0 to 100%. These illustrate diversity of discussion, and can be read by exploring how close the dots cluster in a column (meaning sites were similar) or how much they vary. The most and least range of discussion items are circled below.

Percentage of Time Topic Discussed by Site



**Breadth of Discussion**

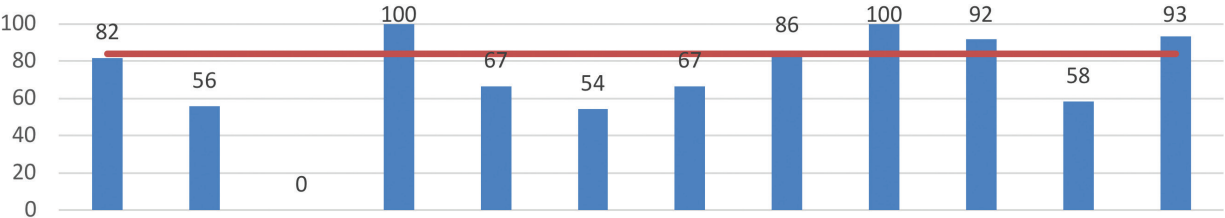
Researchers calculated the average breadth of discussion for hearings. The breadth of discussion is the percentage of items discussed out of all the potential items that were applicable to be discussed at the hearing. On average, hearings included discussion of 56% of all potential topics. The percentage of items discussed in each hearing ranged from 0% to 96% for each hearing. Some sites had higher levels of discussion than others, on average sites ranged from 39% to 78%, with 3/4 of the states discussing between 50-65% of applicable topics. There did not seem to be a relationship between presence of parents and breadth of discussion. Discussion was similar whether parents or youth were present. There was, however, a relationship between breadth of discussion and hearing length. As noted in the chart below (*Length of Hearings by Percentage of Discussion*), hearings where less than 25% of the topics were discussed took about 10 minutes, whereas, in hearings where 75 to 100% of the applicable topics were discussed, hearings took about 25 minutes.



**Reasonable Efforts and Other Judicial Findings**

Judicial officers made reasonable efforts findings to effectuate the permanency goal when applicable in 83% of the hearings observed. There were no hearings observed where reasonable efforts findings were determined to be not necessary. There were no judicial findings in which the agency was found to have not made reasonable efforts; in 59% of the cases, reasonable efforts were directed at a new goal. In addition, judicial officers set a date for the next hearing on the record in 89% of hearings observed. Per the graph below, across the state, sites varied in making reasonable efforts to effectuate permanency findings orally on the record. These percentages reflect only the times a coder indicated that reasonable efforts findings were applicable in the case. For example, if the child were going home on the date of the hearing, this would not be applicable. Blue bars represent sites, red line is statewide average.

**Percentage of Time Court Made Reasonable Efforts to Effectuate Permanency Finding (Orally)**



## ICWA

For 92% of cases, coders were unable to determine if ICWA applied. In the other 9% ICWA did not apply. This was consistent across the state. None of the jurisdictions identified cases as ICWA (or not ICWA) in a consistent fashion.

## **How Presence of Parent Attorneys Affect the Hearing**

We also explored how presence of the parent's attorneys might affect the hearing. The presence of parent's attorneys ranged from 60 to 93% for mothers and 27 to 69% for fathers, on average at hearings across sites. Because there was variability in whether an attorney was present for a parent, we were able to explore how the hearings might look different, on average if a parent's attorney was present compared to when they were not. The differences reported below are statistically significant, which means that it is unlikely that these differences are due to chance alone.

In addition to the discussion, the presence of a parent's attorney was also related to how the judge engaged the parent in the case. Judges were less likely to call a parent by name (59 vs 83%) and ask if the parent has any questions (24 vs 36%). Judges were also more likely to explain the legal timelines, although the numbers were really small (13 v 6%). This indicates that how the judge engages parents may depend on whether the attorney is present.

### **Changes in Discussion When Mother's Attorney is Present**

<u>More Discussion when Mother's Attorney Present</u>	<u>Less Discussion when Mother's Attorney Present</u>
Mother's progress	Financial support of the child
Mother's compliance	Anticipated or recent moves
Efforts to reunify	Educational needs of youth
Parent-child family time (visitation)	Transitional planning (for youth)

<u>More Discussion when Father's Attorney Present</u>	<u>Less Discussion when Father's Attorney Present</u>
Mother's compliance	Financial support of the child
Father's progress	Least restrictive placement
Father's compliance	Anticipated or recent moves
Rule out statutorily preferred goals	Educational needs (of the child)
Parent-child family time (visitation)	Mental health needs (of the child)
	Transitional planning (for the child)
	General well-being (of the child)



## Cases with Freed Children

There were 58 hearings observed across the 12 sites where the children were freed for adoption. The hearings could have been any hearing across the life of the case. For those observed, 15% were the 2nd permanency hearing, 23% were the 3rd, 15% were the 5th, 23% were the 6th, 8% were the 7th and 15% were the 11th permanency hearing.

### Length

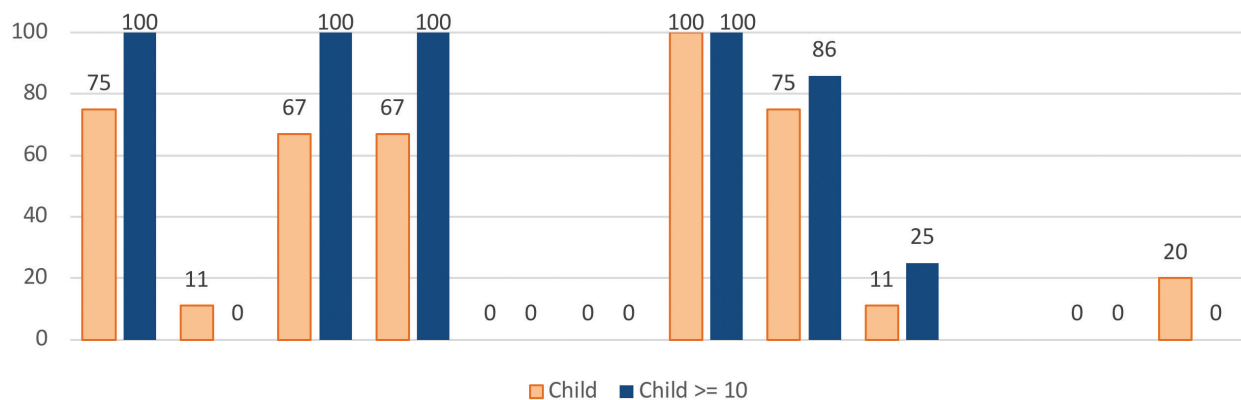
Hearing length (in minutes) ranged from 3 minutes to 90 minutes, with an average of 15 minutes for hearings statewide (median = 11 minutes). The graph on page two clearly illustrates the length of hearings by site across the state. With two exceptions, nearly all sites had longer hearings when the youth was not freed.

### Parties Present

In the hearings observed, agency caseworkers were present for 66% and provider caseworkers were present 74% of the time. Agency attorneys were present for 100% of hearing observed. Children were present 38% of the time at freed hearings. Attorneys for children were present in 97% of hearings. CASA was present at 7% of hearings and GALs were present 2% of the time. Foster parents were present 24% of the time and relatives were present 8% of the time. Other parties were present 34% of the time. These parties included adoptive parents, CASA supervisors, DSS liaisons, foster care agency attorneys, and foster parent attorneys.

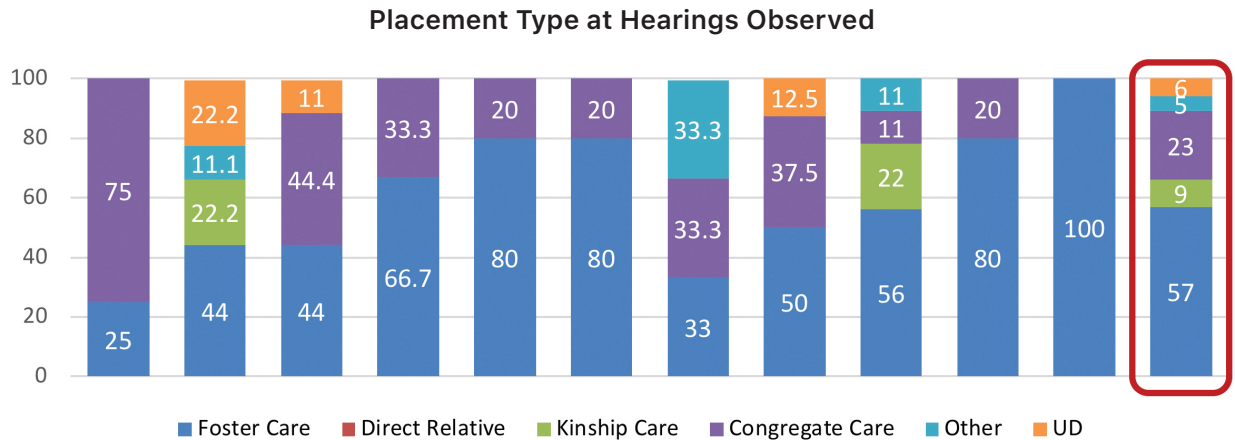
As noted in the graph below (*Percentage of Time Youth Present (and by Age >=10)*), there was a lot of diversity in the sites as to whether youth attended hearings. Other sites had higher percentages of youth present. Also included is an examination of the percentage of youth age 10 or older that were present at the hearings. New York Consolidated Laws, Family Court Act §1090-a (passed in June 2016), children 10 and older have a right to participate in their permanency hearing. These data were collected prior to the passing of the law and can serve as baseline for consideration.

Percentage of Time Youth Present (and by Age >= 10)



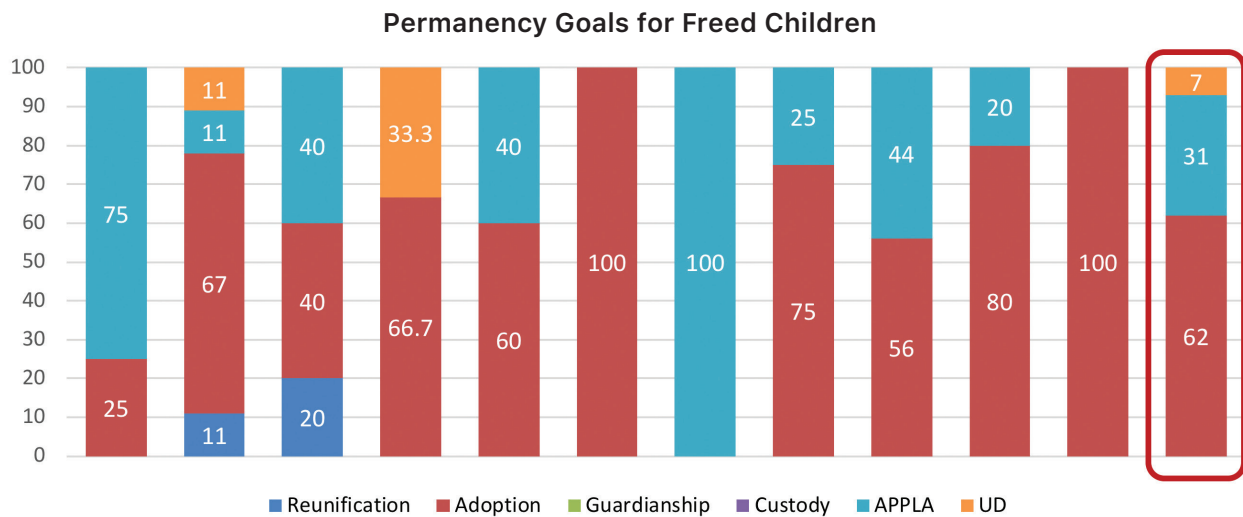
## Age, Placement, and Status of Children

The average age among children in the observed hearings was 11.6 years old, with the youngest being 1 and the oldest 20. The majority of youth were in foster care (57%), while 9% were in kinship care. An additional 23% were in congregate care. Coders were unable to determine placement for 6% of the children. Another 5% were in other placements. The graph below illustrates placement type across the state for 11 of the 12 sites (in one site, no hearings were observed that included freed children). The red rectangle represents the statewide average placement types.



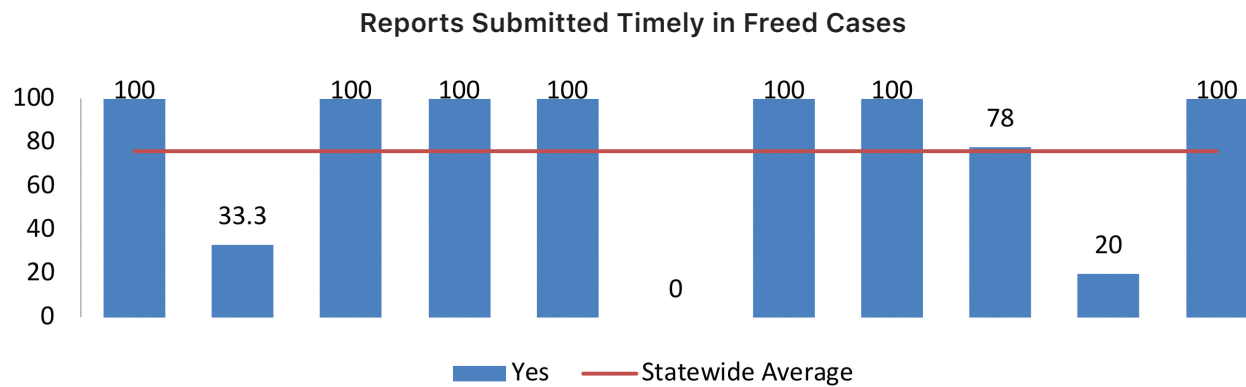
## Permanency Goals and Concurrent Plans

For the legally freed children, the most common permanency goal was adoption (62%). The second most common permanency goal was APPLA (31%). Adoption was the concurrent plan in 3% of hearings and APPLA was in 2% of hearings observed. Coders were unable to determine the permanency goal in 7% of cases and the concurrent plan in 32% of cases. As indicated below, in one site all the permanency goals were APPLA, while in others all the observed cases were adoption. It should be noted that the sample size for freed hearings was much smaller in each jurisdiction (one jurisdiction had 0) so these may not be generalizable to the larger population.



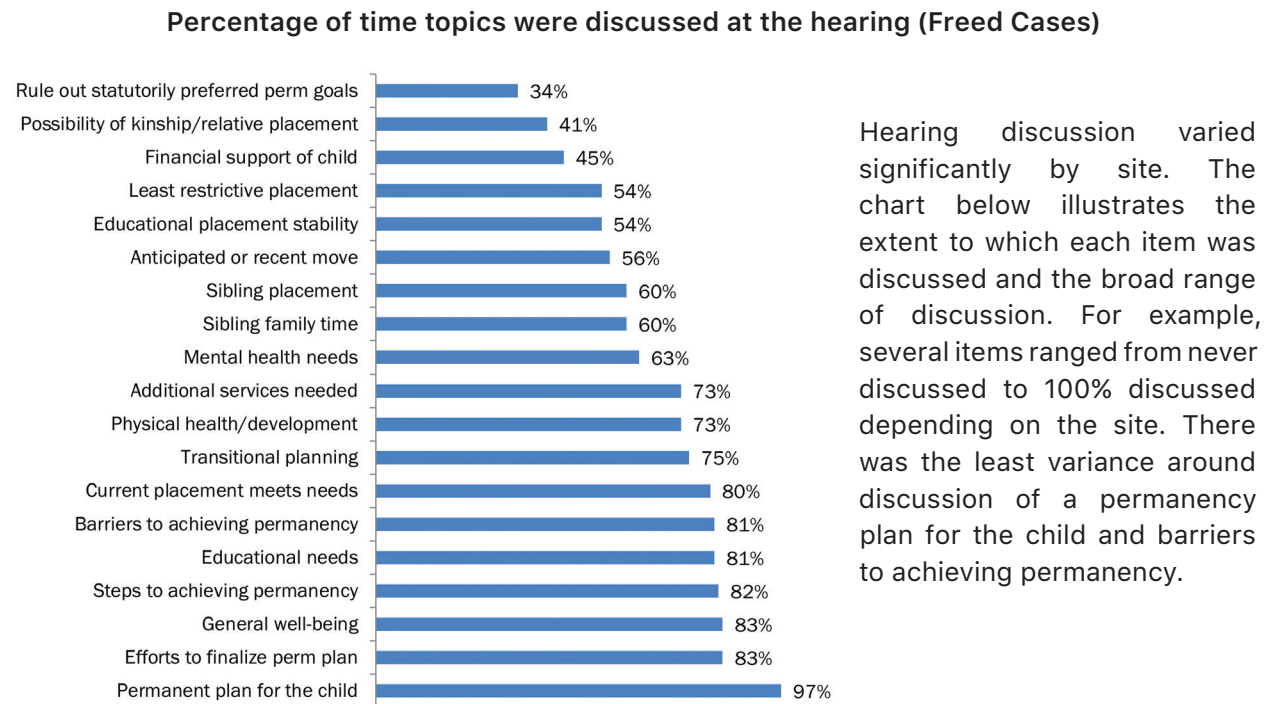
## Reports

Reports were submitted to the court in a timely manner in 76% of hearings that were observed. In addition, the reports submitted were provided to all parties prior to the hearing 85% of the time. These data should be interpreted with caution. Coders were only able to identify when the court noted that the reports were not timely. Therefore, when it wasn't clear to the coder whether the report was received timely, it was captured as having been received timely. As a result, the data may overestimate how often the reports are timely submitted.

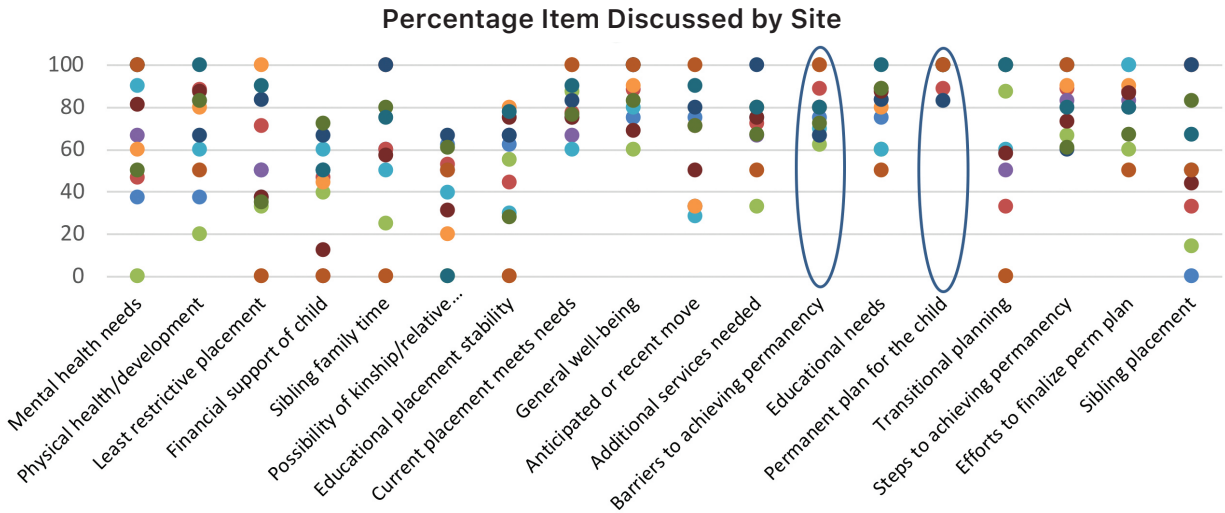


## Hearing Discussion

Figure 4 portrays the percentage of time (when applicable) that a topic was discussed at the hearing. This graph used valid percentages in order to indicate what topics were discussed at hearings. That means that items that were not applicable were not included in the calculation.

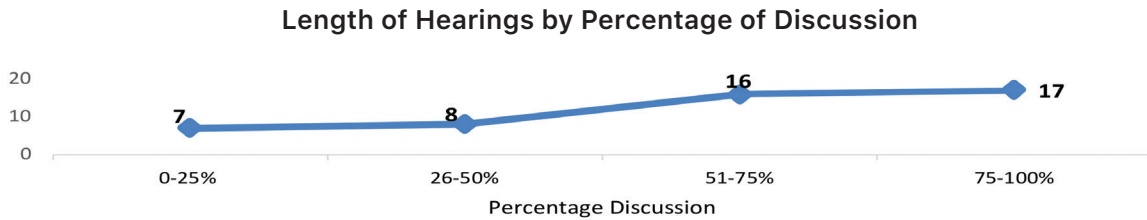






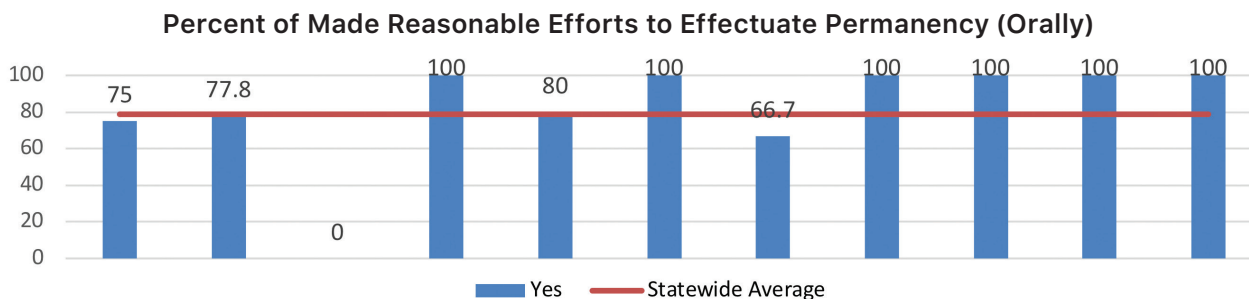
### Breadth of Discussion

Researchers calculated the average breadth of discussion for hearings. The breadth of discussion is the percentage of items discussed out of all the potential items that were applicable to be discussed at the hearing. On average, hearings included discussion of 69% of all potential topics. The percentage of items discussed at a specific hearing ranged from 5% to 100%. Site averages ranged from 38% of applicable topics, on average, to 89% of applicable topics. As with non-freed cases, there appeared to be a relationship between hearing length and breadth of discussion.



### Reasonable Efforts and Other Judicial Findings

Judicial officers made reasonable efforts findings to effectuate the permanency goal in 87% of the hearings observed. There were no hearings observed where the court found that reasonable efforts were not necessary. There were no cases where the court found that the agency did not make reasonable efforts. Reasonable efforts were directed at a new goal 60% of the time. There was an expected finalization date for permanency in 16% of hearings observed. In addition, judicial officers set a date for the next hearing on the record in 100% of hearings observed.

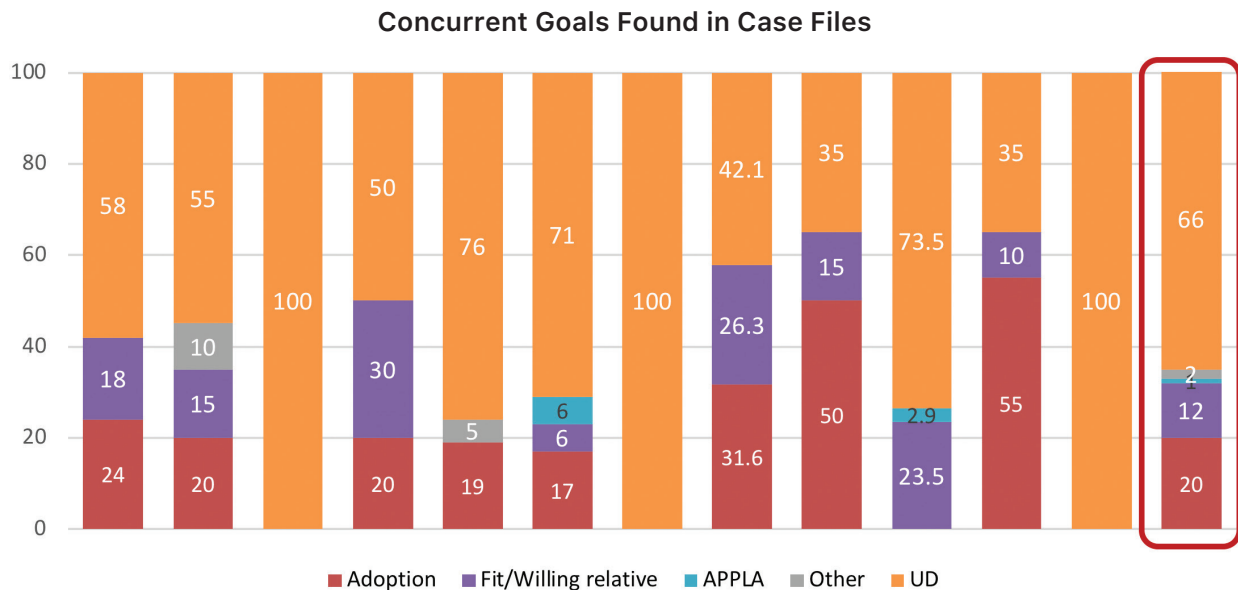




## Case File Review Findings

A total of 232 closed case files were reviewed across 12 sites. All 232 of the children were removed from their home, primarily from their mothers, among the cases that were coded. The average age of children at the time of removal was 4.43 years old, with the youngest being one-day old and the eldest being 16 years old. There was an average of 1.65 other children listed on the petition, with a maximum of five children. Sites were similar in terms of average age of youth and average number of other children.

The most common original permanency goal was reunification, with 228 (98%) of cases stating this as the original goal. Adoption was the permanency goal in 1% of cases (n=2). In one case, the coders disagreed on the original permanency goal and in one it was not clearly identified. Coders were unable to determine concurrent plans in 66% of the cases coded. However, coders were able to identify the concurrent plan as adoption in 20% of cases, permanent placement with a fit and willing relative in 12% of the cases, APPLA in less than 1% of cases, and “other” in 2% of the cases. Concurrent plans were consistently missing across the state. The graph below illustrates concurrent plans. The orange bar is unable to determine. The red rectangle highlights statewide averages.



### Permanency Hearing Events (Adjournments, Hearing Days, Child Freed, and Change in Goal)

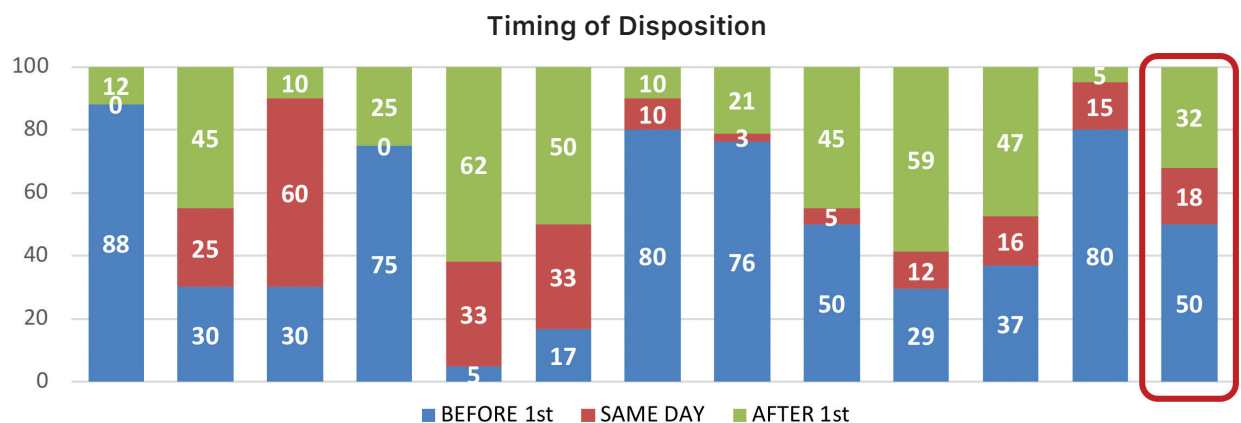
Data were collected on key events across the life of the case, including specific information at the first four permanency hearings regarding start and end time of the hearing, whether the hearing was adjourned and for what reason, and the number of hearing days the permanency hearing took. In addition, data were collected on whether the child was freed at this hearing, whether the goal changed, and what the permanency goal was for the child at the first four permanency hearings. Goals for the child could be appropriate or inappropriate goals. Inappropriate goals included (1) reunification with parents if parents had been non-compliant for more than 2 years, (2) Reunification as a goal if the removal reasons had not been resolved, and (3) APPLA as a goal for children under the age of 16.

### First PPH Hearing

- The average number of adjournments for the first PPH hearing was 0.48 (S.D. 0.8), with a minimum of zero and maximum of four. 20% of cases had 1 adjournment, 7.5% had two adjournments, 3% had three adjournments, 1% had four adjournments, and the rest (68%) had no adjournments. Most sites averaged about .5 adjournments at this hearing, with the exception of 1 site that had .1 adjournments and one that had .9 adjournments average.
  - Of the cases with multiple adjournments, coders were unable to determine the reason for the additional adjournments 45% of the time. In 26.6% of the cases, the adjournment was due to a late or absent party. In 11% of the cases it was due to a late or missing PPH report; 5.5% of the time the adjournment was due to a court calendar delay. Finally, in 12% of cases it was due to multiple reasons (late or absent person, late or absent report, and another unidentifiable reason).
- The average number of hearing days for the first PPH hearing was 1.26 (S.D. 0.63), with a minimum of one day and a maximum of six days. This was also fairly consistent across sites.
- One child was freed at the first PPH hearing.
- The current permanency goal was appropriate in all but one of the cases. The goal changed for 10 cases. The new permanency goal was reunification 10.5% of the time, adoption 63.2% of the time, guardianship 5.3% of the time, permanent placement with a fit and willing relative 10.5% of the time, and APPLA 10.5% of the time. Coders were unable to identify the new concurrent plans in 66.7% of cases. Other concurrent plans consisted of adoption (16.7%) and permanent placement with a fit and willing relative (16.7%). In addition, there were no instances where the permanency goal was inappropriate.
- 50% (n=116) of first permanency hearings occurred on the same day as or prior to the disposition hearing.

### Timing of Disposition

The timing of disposition hearing was captured across sites. Statewide 50% held a hearing prior to the first permanency hearing, the remainder held disposition after the first permanency hearings. Practice varied by site. The *Timing of Disposition* graph below illustrates how often disposition hearings were held prior to the 1<sup>st</sup> permanency hearing, the same day as the first permanency hearing or after the first permanency hearing. The red rectangle represents the state average.



### **Second PPH Hearing**

- The average number of adjournments for the second PPH hearing was 0.41 (S.D. 0.74), with a minimum of zero and maximum of four. 24% of cases had one adjournment, 5% of cases had two adjournments, 3% of cases had three adjournments, 1.6% of cases had four adjournments, and the rest (69%) of the cases had no adjournments.
  - Of the reasons identified for adjournments, 36% of the time it was due to a late or absent party, 16% of the time the adjournment was due to a late or missing PPH report, 7.2% of the time it was due to a court calendar delay, 1.8% of the time it was because permanency had been achieved, 6.3% of the time it was due to a late or missing report and another unidentifiable reason, and 32% of the time coders were unable to determine the reason.
- The average number of hearing days for the second PPH hearing was 1.20 (S.D. 0.48), with a minimum of zero and a maximum of four.
- Four children were freed by the second PPH hearing.
- The current permanency goal was appropriate in all cases.
- The goal changed for 26 cases (13.4%).
  - The new permanency goal was reunification in 8.2% of cases, adoption in 53.1% of cases, guardianship in 22.4% of cases, fit/willing relative in 12.2% of cases, and APPLA in 4.1% of cases. The new concurrent plan was reunification in 22.9% of cases, adoption in 25.7% of cases, and permanent placement with a fit and willing relative in 2.9% of cases. In 48.6% of cases coders were unable to identify the new concurrent plan. In addition, the new permanency goal was not inappropriate.

### **Third PPH Hearing**

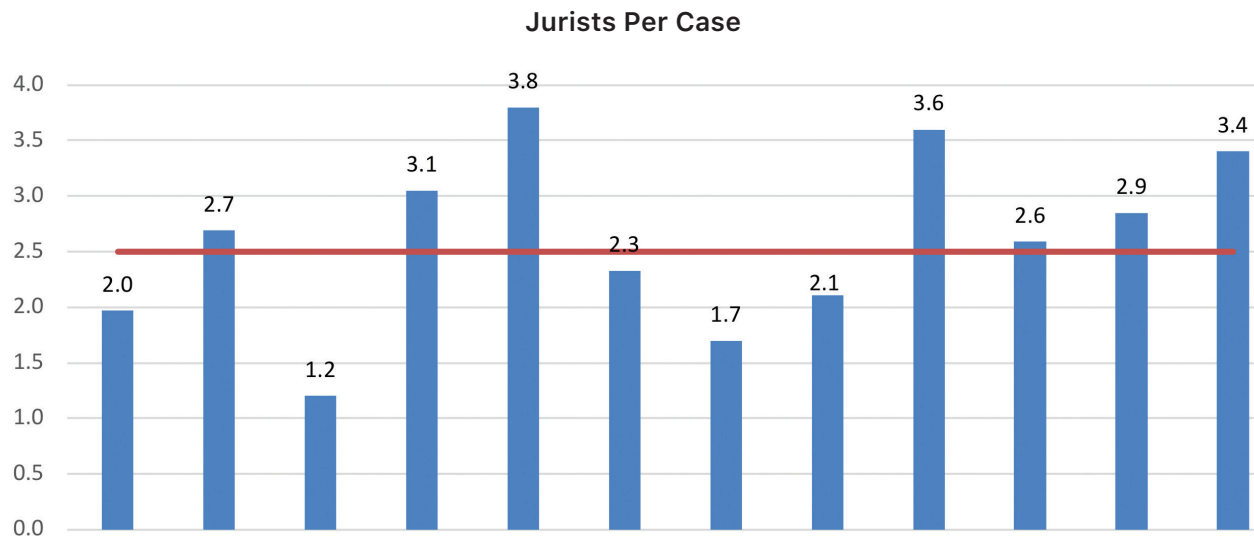
- The average number of adjournments for the third PPH hearing was 0.64 (S.D. 1.06), with a minimum of zero and maximum of seven. 29% of cases had one adjournment, 6% had two adjournments, 2% had three adjournments, and 3% had four adjournments, and one had 7 adjournments; the rest (60%) had no adjournments.
- In 39% of cases the adjournment was due to a late or absent party. In 6% of cases it was due to a court calendar delay, in 11.5% it was due to a late or missing PPH report, and in 8% it was due to a late or absent person and another unidentifiable reason. In 36% of cases coders were unable to determine the reason for the adjournment.
- The average number of hearing days for the third PPH hearing was 1.32 (S.D. 0.61), with a minimum of one day and a maximum of four days.
- Eleven children were freed by the third PPH hearing.
- The goal was inappropriate in two cases. In one the goal was reunification when the parents had been non-compliant for more than two years. In the other, the goal was reunification when the removal reasons were not resolved.

- The goal changed for 38 cases (24.2%).
  - The new permanency goal was reunification in 3.9% of cases, adoption in 68.9% of cases, guardianship in 16.9% of cases, and permanent placement with a fit and willing relative in 10.4% of cases. The new concurrent plan was reunification in 9.3% of cases, adoption in 7% of cases, guardianship in 4.7% of cases, and permanent placement with a fit and willing relative in 9.3% of cases. Coders were unable to determine the concurrent plan in 69.8% of cases.

#### **Fourth PPH Hearing**

- The average number of adjournments for the fourth PPH hearing was 0.46 (S.D. 0.89), with a minimum of zero and maximum of four. 16.2% of cases had one adjournment, 7.1% of cases had two adjournments, 2.3% of cases had three adjournments, and 2.3% of cases had four adjournments. The rest (72.2%) had no adjournments.
  - In 30% of cases, the adjournment was due to a late or absent person, in 15% of cases it was due to a late or missing report, in 6% of cases it was due to both a late or absent person and a late or missing report. In 3.8% (n=1) of cases the adjournment was due to a late or absent person, a late or missing report, and another unidentifiable reason. Finally, in 45% of cases coders listed the reason for the adjournment as "other."
- The average number of hearing days for the fourth PPH hearing was 1.17 (S.D. 0.56), with a minimum of one day and maximum of five days.
- Twenty-five children were freed by the fourth PPH hearing.
- The current goal was appropriate in 117 cases (57.5%). In 17 cases, coders indicated that the current goal was not appropriate (12.7%). In 6 cases, the inappropriate goal was reunification when the parents had been noncompliant for more than two years and in the other 11 cases, the inappropriate goal was not identified.
- The permanency goal changed for 23 cases in the 4th PPH hearing.
  - The new permanency plan was reunification in 10.2% of cases, adoption in 75.5% of cases, guardianship in 2% of cases, and permanent placement with a fit and willing relative in 12.2% of cases. The new concurrent plan was reunification in 25% of cases, adoption in 16.7% of cases, guardianship in 8.3% of cases, and permanent placement with a fit and willing relative in 8.3% of cases. Coders were unable to determine the new concurrent plan in 41.7% of cases.

There was on average, 3.75 additional PPH hearings, with a minimum of one additional and a maximum of eight. In addition, there was an average of 2.5 jurists per case, with a minimum of one and a maximum of seven. Average number of jurists varied significantly around the state. The Jurists Per Case graph below illustrates the number of jurists by site, with the red line indicating the statewide average.

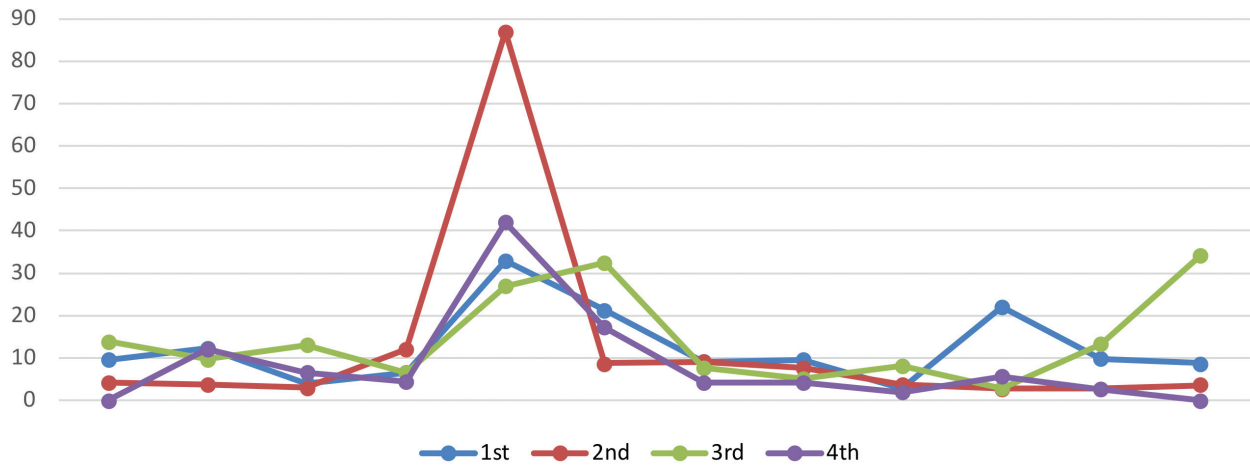


### Timeliness Indicators

- In 10 cases (4% of the sample), the child was not originally removed from the home. The cases where the child was not originally removed from the home are not included in the time to disposition analysis. The average time from removal to disposition hearing was 222 days (S.D. 190 days), with removal happening a minimum of 2 days before the disposition hearing and maximum of 1254 days before the disposition hearing. The median number of days was 175 (or 5.6 months).
- The average time from the start to end of the first PPH hearing was 12.34 days (S.D. 36 days), with a minimum of zero days and maximum of 309 days. The median number of days was 0.
- The average time from the start to the end of the second PPH hearing was 12.82 days (S.D. 66 days), with a minimum of zero days and maximum of 853 days. The median number of days was 0.
- The average time from the start to the end of the third PPH hearing was 14.35 days (S.D. 36 days), with a minimum of zero days and maximum of 273 days. The median number of days was 0.
- The average time from the start to the end of the fourth PPH hearing was 12.4 days (S.D. 54 days), with a minimum of zero days and maximum of 730 days. The median number of days was 0.

The *Average Time from Start to Finish of Permanency Hearings* graph below illustrates time from start to finish of permanency hearings across jurisdictions. While most jurisdictions averaged between 0 and 20 days, some sites were significantly higher in time from beginning to completion of permanency hearings. The highest average is due to an outlier permanency hearing that was continued for more than 2 years before it was finalized.

### Average Time from Start to Finish of Permanency Hearings

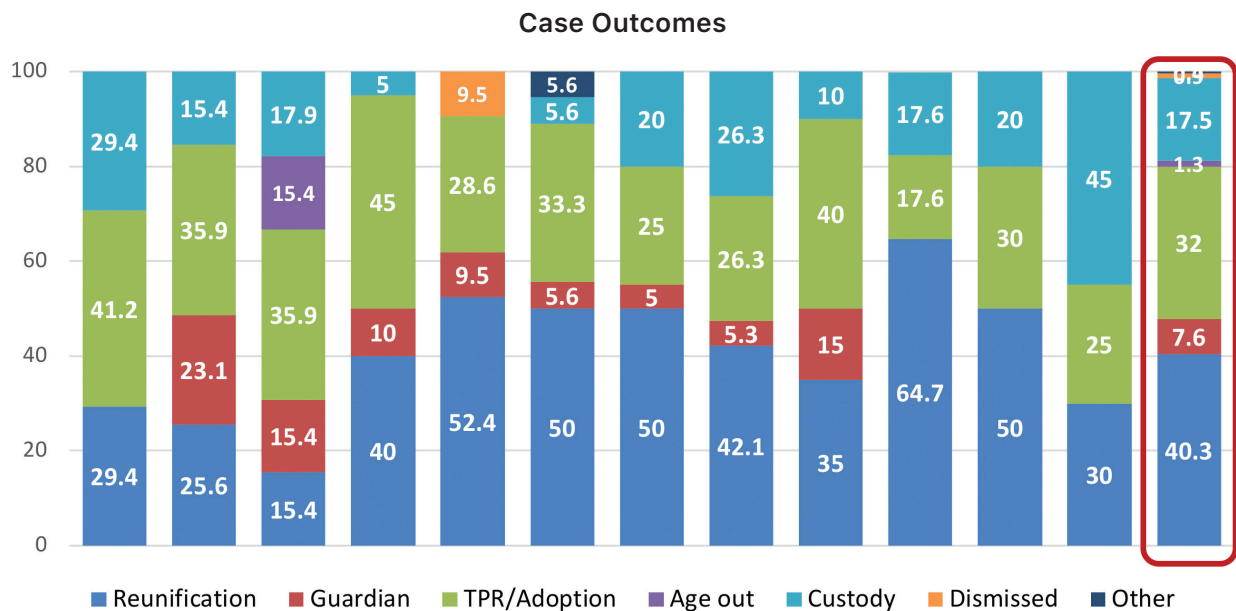


### Permanency Goals

Reunification was the most common permanency goal followed by adoption; known concurrent plans consisted of adoption, permanent placement with a fit and willing relative, APPLA, and “other”. There were instances in which coders were unable to determine the concurrent plan. The original permanency goal was inappropriate in three cases.

### Case Outcomes

One hundred percent were closed. The average time from removal to closure was 1010 (2.78 years) (S.D. 625 days), with a minimum of 175 days and maximum of 3130 days (8.57 years). The average time from removal to TPR filing date was 701 days (1.96 years; median 604 days) (S.D. 328 days), with a minimum of 226 days and a maximum of 2126 days (5.82 years). See the figure below for case outcomes by percentage by site. The red rectangle is the statewide average.





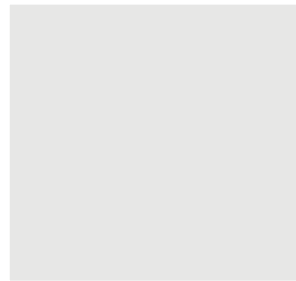
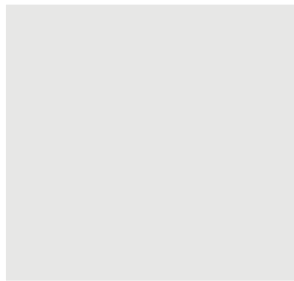
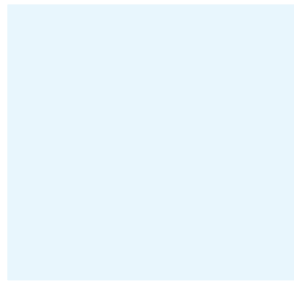
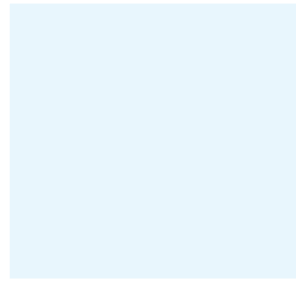
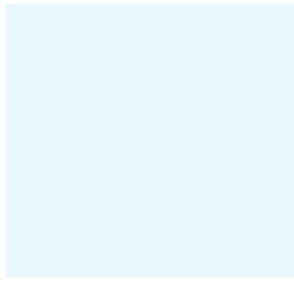
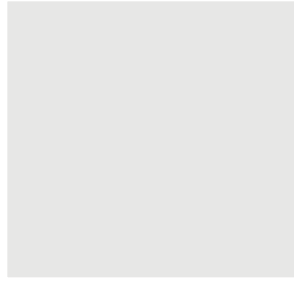
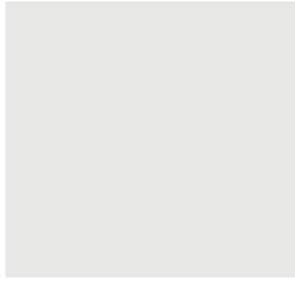
## Conclusions

This report summarizes the findings of the 12 sites that explored the quality of permanency hearings with structured case file review and court observation. The findings illustrate some similarities between sites, as well as some differences. Overall, it appears that, statewide, there is a good percentage of parents attending permanency hearings (somewhere around two thirds of hearings). While not always substantive in nature, the vast majority of hearings do discuss the permanent plan for the child and barriers to achieving permanency, as well as the mother's progress on the case. Other areas have more diversity in practice. Based on a review of the most common site recommendations (from the site-specific reports and presentation of findings) as well as the findings herein of diversity of practice, the following are some areas to consider in enhancing the consistency of statewide permanency hearing practice.

- **Children in Court** At present the percentage of youth in court varies dramatically depending on the site (see graphs on pages 4 & 13). For the non-freed hearings, youth are rarely present at any site (high of 29% of hearings). When youth are freed for adoption, they are much more likely to attend court, with some sites having 100% participation rate. These numbers are even larger when examining youth older than 10.
- **Concurrent Planning** According to the graph on page 18, evidence of concurrent planning in the case files is rare in most sites. Most sites ranged from 35% could not tell what the concurrent plan was to 100% could not tell what the concurrent plan was. This should be explored further to determine whether it is a documentation issue (e.g., agency is concurrent planning, but not documenting it in court reports) or whether concurrent planning is not occurring.
- **Engagement of Parents (Especially Fathers)** Engagement of parents is always a concern. It appears mothers are at the majority of hearings. However, fathers are rarely present. On average, they are present at or less than 50% of the time. This could be in part because they are not always identified (only about two thirds of the time) and the court rarely discusses identifying the father. It may also be because the court does not always engage the father when he is present in court.
- **Timely Report Submission** It was challenging for coders to know whether the court report was submitted timely. However, it was easier to determine when it was not submitted timely. The numbers in this document may overestimate how often the reports are timely to court. Even so, there was a disparity between sites on how timely the reports are. Some sites had as little as 0, 20, or 33% timely reports.
- **Relative Placement** Stranger foster care is still the most likely placement across the sites (with a few exceptions). Direct relative placement ranged from 0 to 33%, with additional cases in kinship care. Some sites seemed to excel at kinship placements (with 48% of kids in kinship care). However, these number dropped dramatically for youth who had been freed for adoption. There were no direct relative placements for the freed children and very little use of kinship care.



- **Use of APPLA** APPLA was a goal in both freed and non-freed cases, ranging from 0 to 35% of cases (statewide the number was 15%). The freed cases (see page 14), showed a wide usage of APPLA, with some sites having 100% of the observed cases with an APPLA goal.
- **Time to Disposition** Timeliness to disposition also varied significantly by site. Statewide the average time to disposition is 203 days. It is clear that sites vary in their disposition practice. While some held the majority of their disposition hearings prior to the first permanency hearings, some sites were equally likely to hold their disposition hearing after the first permanency hearing.
- **Discussion** Discussion within hearings varied widely by sites (sometimes ranging from never discussed in one site to always discussed in other). While the major issues, like the permanency plan and barriers to permanency were nearly always discussed, other issues like mental health, transition planning, and father's progress had a wide array of practice.







**NEW YORK STATE**  
**Unified Court System**

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