

Child Welfare Court Data Metrics

KEY INDICATORS



2011

NEW YORK STATE UNIFIED COURT SYSTEM

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CHIEF JUDGE

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CHIEF ADMINISTRATIVE JUDGE

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Child Welfare Court Data Metrics

KEY INDICATORS 2011



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Foreword



FROM CHIEF ADMINISTRATIVE JUDGE ANN PFAU—

CHILD ABUSE AND NEGLECT CASES MAKE UP A SIGNIFICANT COMPONENT of the Family Court docket. These cases must be resolved expeditiously to ensure children are safe and that they don't linger unnecessarily in the uncertainty of foster care.

The dual challenges of burgeoning caseloads and diminishing resources requires that we strive to improve practices and procedures. Towards that end, the court system has convened judges, government agencies, legal services providers, and others involved in child protective cases in each of the jurisdictions with the highest number of children in foster care in the state to develop and implement improvement plans. The primary goals are expediting cases, achieving permanency for children, and conserving valuable court time by making sure that each of the parties and agencies is fully prepared for every appearance and that all court appearances are meaningful and achieve their intended purpose. To monitor the effectiveness of these efforts we must have information that is clear, concise and user friendly.

Accurate and timely information about cases — such as data on the average duration of cases and the reasons for delays in case processing — are critical both to our efforts to devise and implement improvements and to our assessment of the effectiveness of the improvements. For this reason we have undertaken a number of projects to improve the collection and analysis of child protection data. The New York State Child Welfare Court Data Metrics report is one result. The metrics provide practical, comprehensive information and are an essential tool in our ongoing effort to improve how we address the needs of children and ensure the due process rights of parties in child protection matters.

A handwritten signature in black ink that reads "Ann T. Pfau".

CHIEF ADMINISTRATIVE JUDGE
OF THE COURTS

Acknowledgements



T HIS REPORT IS AN INITIATIVE of the New York State Unified Court System’s Child Welfare Court Improvement Project (CWCIP). Housed within the Office of Court Administration, the mission of the CWCIP is to “provide resources and technical assistance to enhance, promote and coordinate innovation in court operations and practices in proceedings involving abuse/neglect, voluntary placement, termination of parental rights and adoption that lead to improved safety, permanency and well being for children and enhanced capacity of families to provide for their children’s needs.”

Two Federal agencies—the U.S. Department of Health and Human Services’ Children’s Bureau and the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP)—are co-sponsoring a national effort to improve state court’s capacity to address the needs of abused and neglected children through data collection and analysis. Three of the Nation’s leading court reform organizations—the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges—have provided technical support to these efforts.

We acknowledge the Children’s Bureau as the lead supporter of this project through the Court Improvement Project data grant funding. We are also grateful for the significant support provided by Casey Family Programs.

A steering committee including representatives from local Family Courts, the Office of Court Administration, and the New York State Office of Children and Family Services (OCFS) provided advice and assistance to the CWCIP in the conceptual development of the metrics.

In the fall of 2008, the CWCIP engaged the Center for Court Innovation (CCI) and Chapin Hall Center for Children at the University of Chicago (Chapin Hall) to assist us in developing child welfare court data metrics tailored specifically for New York. Each organization brought particular expertise to the project. CCI is an independent non-profit that supports the Unified Court System’s efforts to develop and implement problem-solving courts and other initiatives. Chapin Hall is an independent policy research institution whose mission is to build knowledge that informs policies and programs for children, youth, families and their communities. Our partnership with CCI and Chapin Hall enabled us to leverage the strengths of each organization to achieve our data analysis goals.

Chapin Hall researchers designed the analytic files created from the Court’s UCMS system and produced the data presented for each metric. Chapin Hall’s previous experience assisting the New York State OCFS in developing that agency’s Foster Care Data Packets combined with their national reputation and specialized expertise in using administrative data to support longitudinal analysis made them a logical choice for this task. We are deeply indebted to Britany Orlebeke, Senior Researcher, for her knowledge and patience in guiding us through the process of developing the data contained in this report. We thank researcher Xiaomeng Zhou for her detailed analytic work throughout the project.

Since 2002, CCI and New York City Family Court have worked together on the “Blueprint for Change Project” which included the use of UCMS data to inform court improvement efforts. Their work on that project gave CCI a familiarity with the structure of the UCMS database and with the data needs of court-users; key elements in our decision to partner with them. We thank Liberty

Aldrich, CCI's Director of Domestic Violence & Family Court Programs for her guidance throughout the process of developing this report, but particularly for her skillful facilitation of the steering committee meetings in the early stages of conceptualization.

The primary authors of this report are Frank Woods, Coordinator of the CWCIP, Dr. Toni Lang, Deputy Director of the New York State Permanent Judicial Commission on Justice for Children and Paul Drezelo, Senior Data Analyst in the CWCIP.

CWCIP Assistant Coordinator Christine Sabino Kiesel provided critical review throughout the development of the report. CWCIP Liaison Cindy Roth provided invaluable insights from her prior experience as a clerk whose responsibilities included entering data into the Universal Case Management System. Virginia Gippetti, of the New York City Family Court provided a careful editorial review that strengthened the final product.

Lastly, the CWCIP is deeply grateful to the NYS Permanent Judicial Commission on Justice for Children, for lending Dr. Lang to assist in the production of this report. The metrics project benefited greatly from Dr. Lang's experience and expertise in presenting data and providing supportive narratives.

Introduction

THIS REPORT INTRODUCES A SET OF METRICS based on emerging national standards.¹ The metrics are designed to provide clear, concise data in a useable format to assist the New York State Family Court (Family Court) and our community and government partners in achieving the best possible outcomes for children who are the subject of child abuse or neglect proceedings² and to ensure the due process rights of those who come before the court.

In 2004, the American Bar Association (ABA) Center on Children and the Law, the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ) — three of the nation’s most influential judicial and legal organizations focused on child abuse/neglect issues — jointly developed a document entitled “Building a Better Court” as a guide to help courts develop the capacity to measure performance and increase accountability in abuse/neglect matters.

Also in 2004, the Pew Commission on Children in Foster Care issued an influential report³ that recommended strengthening court oversight of children in foster care. Noting the importance of data, the report stated, “To fulfill this responsibility, they [courts] must be able to track children’s progress, identify groups of children in need of attention, and identify sources of delay in court proceedings.” The report included the following recommendations:

1. Every court handling abuse/neglect matters should adopt the court performance measures developed by the nation’s leading legal associations and use this information to improve their oversight of children in foster care;
2. State judicial leadership should use this data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system; and
3. Congress should appropriate \$10 million in start-up funds and such sums as necessary in later years, to build capacity to track and analyze caseloads.

This third recommendation, implemented in the Deficit Reduction Act of 2005, authorized and appropriated funds for a new grant program under the federal Court Improvement Program (CIP). The new grant program provided the New York State Unified Court System with an annual grant of approximately \$475,000 specifically for the purpose of improving collection and analysis of child welfare data. The CIP funding requires the state court system to implement grant funded activities with meaningful and ongoing collaboration with the state child welfare agency and encourages courts and child welfare agencies to collaboratively engage in tracking and monitoring outcomes through shared data analysis.

To date, the New York State CWCIP has used data grant funding to:

1. Support enhancements to the “permanency module” of the Universal Case Management System (UCMS) the administrative database used by the state’s Family Court to support operations and record keeping;
2. Develop enhanced automation of court operations (most notably a project in New York City to allow for interoperability between the New York City



Family Court and the New York City Administration for Children’s database systems to allow for electronic filing of petitions and permanency hearing reports);

3. Extraction and analysis of data for this report; and
4. Development of business intelligence software architecture to support future promulgation of data reports and data dashboards that support decision-making.

This work was further informed by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention’s publication entitled “Toolkit for Court Performance Measures in Child Abuse and Neglect Cases.”⁴ The Toolkit, published in December 2008, provides detailed guidance about the development of child welfare court measures.

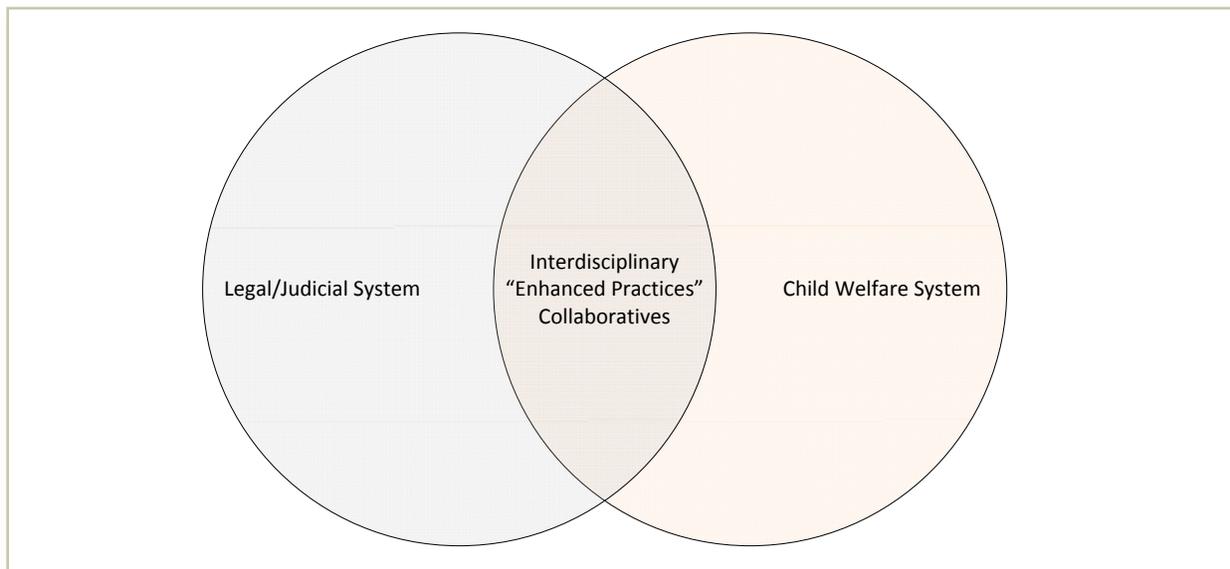
The New York State Child Welfare Court Data Metrics project is being implemented in five phases: 1) a review of the national literature on child welfare court performance; 2) identification of key metrics for use in New York; 3) analysis of data from the UCMS to determine its reliability and validity; 4) publication of this statewide report to introduce the metrics; and 5) development of continuous quality improvement initiative to support local counties efforts with regular reports that allow them to monitor progress over time.

This initial report, representing the fourth phase, presents statewide data. The reasons to initially present statewide data are twofold: 1) the primary purpose of this report is to introduce the metrics and familiarize readers with the structure, purpose and format of the information. Presenting statewide data makes it less likely that readers will get “bogged down” in attempting to draw conclusions based on their local experiences; and 2) presenting statewide data sends a clear message that child welfare system reform requires a broad, statewide effort. This is consistent with the federal government’s approach to monitoring state child welfare systems in the Child and Family Services Review. The federal CFSR process places the focus on *the state’s* performance in assuring the safety, permanency and well being of children in the child welfare system and broadly defines that system to include child protective, legal/judicial and social service delivery components.

Supporting Continuous Quality Improvement through Collective Impact

Developing objective, quantitative measurements of practice is essential to a system’s capacity to improve the effectiveness and efficiency of its operations and to sustain those improvements over time.

Intervention at the Point of Intersection Between Interdependent Systems



Toward that end, the CWCIP, in collaboration with the state OCFS, is developing a data-driven, continuous quality improvement (CQI) process focused on improving practice at the intersection of the legal/judicial and child welfare systems in New York City and the 16 jurisdictions outside the city with the highest population of children in foster care. Our approach is based on the premise that courts can't make significant progress in improving the legal/judicial processing of child welfare matters solely through unilateral action. Nor can child welfare agencies achieve all their objectives unless legal/judicial processes improve. Instead, efforts to improve practice at the intersection of these complex, interdependent systems are most effective when we strive to marshal the commitment of all the important actors to a common agenda.

This approach to systems change is described in an article entitled "Collective Impact," which appeared in a recent edition of the Stanford Social Innovation Review.⁵ In their article, authors John Kania and Mark Kramer describe five conditions that are typically the hallmarks of successful collective impact initiatives: a common agenda, shared measurement systems, mutually reinforcing activities, continuous communication, and a backbone support organization. The authors argue that when these conditions exist they together have the potential to produce true alignment and lead to powerful results. The definition of each condition (excerpted from "Collective Impact") and our efforts to nurture the conditions is discussed below:

1. Common Agenda

Collective impact requires all participants to have a shared vision for change, one that includes a common understanding of the problem and a joint approach to solving it through agreed upon actions.

The state's Family Court Leadership and the leadership of the OCFS are in the process of creating easily articulated statewide goals. Once developed, these goals, as well as a list of evidence-based and promising practices that have the potential to help achieve those goals, will be vetted first by the statewide interdisciplinary collaboration group and then by the leaders of local county collaborative groups to ensure broad consensus and a truly "shared vision" regarding direction and proposed action steps.

2. Shared Measurement Systems

Developing a shared measurement system is essential to collective impact. Agreement on a common agenda is illusory without agreement on the ways success will be measured and reported. Collecting data and measuring results consistently on a short list of indicators not only ensures that all efforts remain aligned; it also enables the participants to hold each other accountable and learn from each other's successes and failures.

The interdisciplinary CQI initiative will be supported with regular data reports provided to each of the 21 counties participating in the CQI Initiative. These reports will be based on the metrics in this report and the Foster Care Data Packets promulgated by OCFS (as well as local sources of data and information). Each county will be asked to develop a short list of measurable objectives that align with the aforementioned statewide goals.

3. Mutually Reinforcing Activities

Collective impact initiatives depend on a diverse group of stakeholders working together, not by requiring that all participants do the same thing, but by encouraging each participant to undertake the specific set of activities at which it excels in a way that supports and is coordinated with the actions of others.

Practice improvements will be (or have been) designed and implemented by the existing interdisciplinary stakeholder groups in each county. Improvement strategies and activities will align with meas-

urable objectives established by each local group. Improvement strategies can include both joint initiatives as well as intra-organizational practice improvements that have the potential to impact the shared objectives.

4. Continuous Communication

Developing trust among nonprofits and government agencies is a monumental challenge. Participants need several years of regular meetings to build up enough experience with each other to recognize and appreciate the common motivation behind their different efforts. They need time to see that their own interests will be treated fairly, and that decisions will be made on the basis of objective evidence and the best possible solution to the problem, not to favor the priorities of one organization over another.

In most instances local interdisciplinary child welfare stakeholder groups have been meeting regularly for years. At a minimum the groups include representation from the bench and bar, local child welfare agencies, foster care agencies and service providers. In some instances, health care and educational system actors are also included. Layering a data-driven CQI process onto the work that is already underway will provide additional impetus to that work, but may also require a renewed commitment to ongoing communication.

5. Backbone Support Organization

Creating and managing collective impact requires a separate organization and staff with a very specific set of skills to serve as the backbone for the entire initiative. Coordination takes time, and typically none of the participating organizations has any to spare. The expectation that collaboration can occur without a supporting infrastructure is one of the most frequent reasons why it fails.

The work of the CWCIP is implemented by a centrally administered team operating in offices around the state. Staff members are co-located in key family courts to support implementation at the local level. Staff is specifically charged with supporting system change efforts. They provide logistical support for collaborative work, organize training programs, and support the consumption of data and information. These staff, in partnership with our colleagues in the OCFS and with technical assistance from the National Resource Center on Organizational Improvement, Casey Family Programs, Chapin Hall and the National Council of Juvenile and Family Court Judges forms the necessary backbone support organization to sustain our CQI effort.

Overview

CHILD ABUSE AND NEGLECT PROCEEDINGS IN THE FAMILY COURT

THE LEGAL/JUDICIAL SYSTEM AND CHILD WELFARE SYSTEM SHARE RESPONSIBILITY for the state's most vulnerable children. Local Departments of Social Services (LDSS)⁶, under the supervision of the state executive branch's OCFS, are responsible for investigating reports of abuse/neglect and deciding if children must be removed from their home when warranted by safety concerns.

Upon receipt of a report of child abuse/neglect, each LDSS is required to commence an appropriate investigation within 24 hours. The LDSS must complete the investigation and determine whether the report is "indicated" or "unfounded" within 60 days.

If the LDSS finds that a report is indicated, and the conditions or circumstances do not warrant a removal, the agency may offer services to the child or family or both. The LDSS can provide such rehabilitative services for children and their families who voluntarily accept such services. Before offering services to a family, the child protective caseworker is required to explain that the agency has no legal authority to compel the family to receive services, but does have the authority to petition the Family Court for a determination that a child is in need of care and protection. Matters in which the parent⁷ consents to voluntary services are not included in the data in this report. Matters in which the LDSS/CPS petitions the Family Court because an offer of voluntary services was refused are included in the data in this report and these matters are termed "**in-home supervision**" cases. This category also includes matters in which a child is removed and subsequently returned home and the court continues to have jurisdiction based on an order of supervision or trial discharge.

If the LDSS finds that a report is indicated, and that the conditions or circumstances warrant it, they may remove a child from his or her home and place the child in protective custody. Before removing a child, the LDSS/CPS must make an application to the court requesting a court order authorizing the removal. The LDSS/CPS can remove a child on an emergency basis if the child is in such circumstance or condition that continuing at home or in the care and custody of the parent presents an imminent danger to the child's life or health; and there is not enough time to file a case in Family Court prior to the removal. When a child is removed on an emergency basis the LDSS/CPS must make an application to the court the next day court is in session after the child is removed.⁷

Once a case is brought to the Family Court the court must protect the due process rights of parents and balance the rights of families to keep their children against the needs of children for safe, stable and permanent homes. In most cases the legal professionals involved in a child welfare matter include the respondent parent's attorney, an attorney for the child, and an attorney who represents the LDSS.

After hearing evidence, courts make the final determination whether a child's removal from the home was warranted, whether abuse/neglect occurred, and if so the appropriate dispositional plan including a plan for services and whether to authorize placement of the child. Courts then periodically review cases to decide if the LDSS is meeting their obligations to the child and family, review the progress of the parent(s) and determine if the proposed goals are appropriate.

When children are in out-of-home care, the LDSS must provide services to families and children to

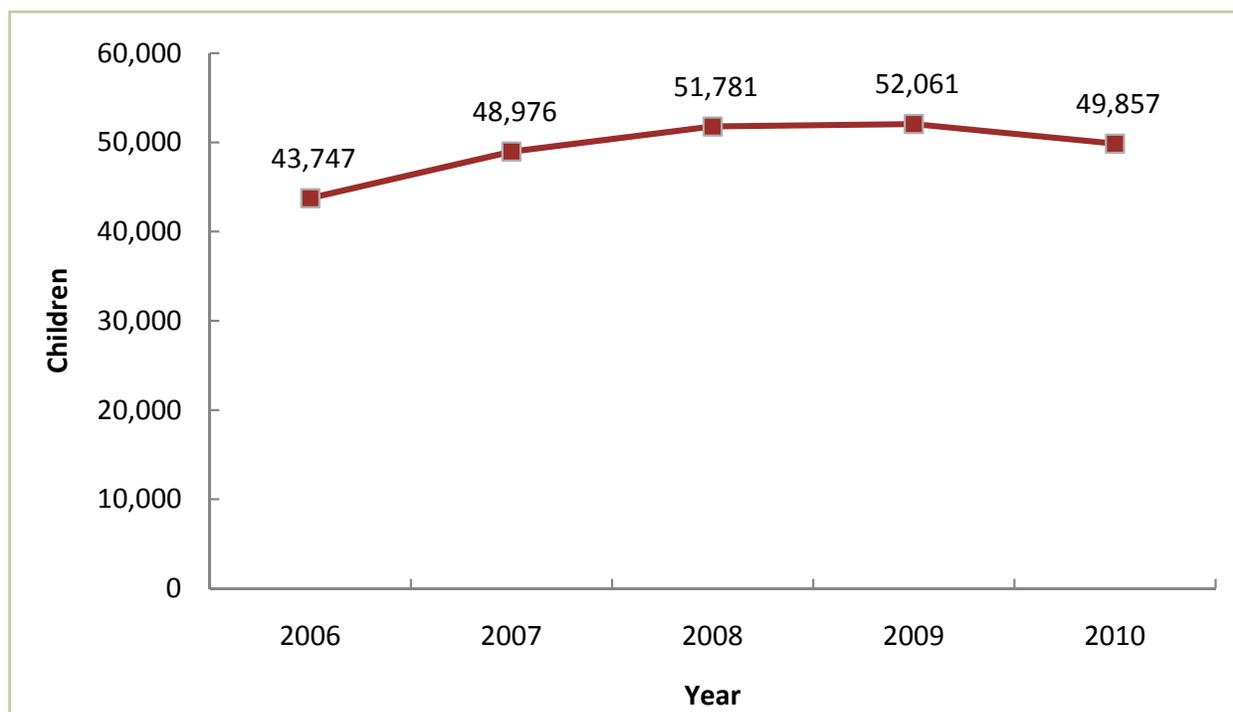


facilitate permanency goals and ensure the well-being needs of children are met while they remain in the government’s care.

Protective custody can be provided by a licensed foster care provider or a fit and willing relative or in a congregate care facility. Child welfare professionals frequently generically refer to children in protective custody as being “in placement” or “in foster care” while legal professionals are more likely to differentiate between the terms “temporary removal” to describe the child’s status before the matter is disposed and “placement” to describe a court dispositional outcome. In this report, to avoid confusion we refer to all circumstances in which children are removed or placed outside their home as “**out-of-home care.**”

The complexity of the Family Court’s role in child abuse/neglect matters is compounded by the volume of children and families coming before the courts. During 2009, there were 38,932 petitions alleging neglect and 3,436 petitions alleging abuse filed in the Family Court. During the same period the Family Court conducted a total of 48,844 permanency hearings.⁹ Looking at a point in time, 49,857 children were under court jurisdiction in cases related to child abuse, neglect, voluntary foster care placement, termination of parental rights, adoption and related child custody and guardianship issues on January 1, 2010 (see Overview 1). Although lower than the number of corresponding cases on January 1, 2008 (51,781) and January 1, 2009 (52,061), the January 1, 2010 number is 14 percent higher than the number of cases under court jurisdiction on January 1, 2006 (43,747).

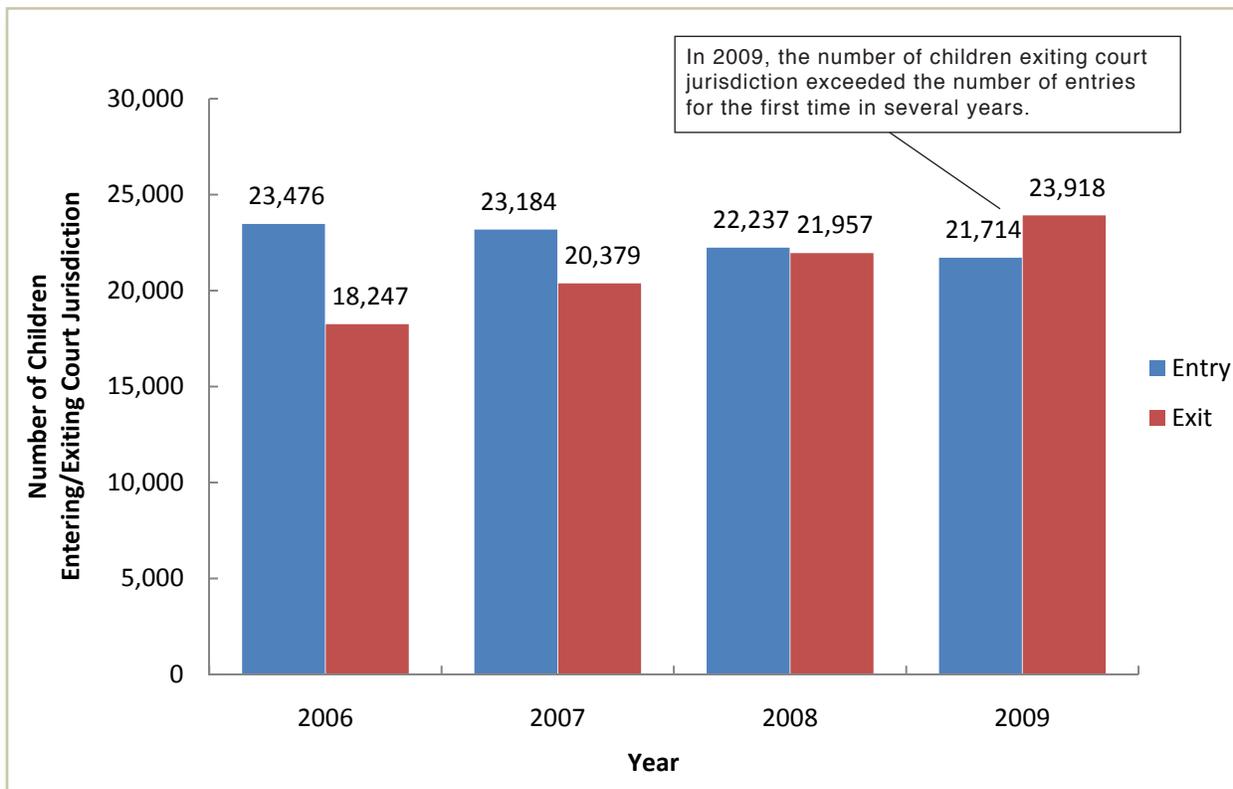
OVERVIEW 1: Number of Children under Family Court Jurisdiction: New York State, on the First Day of the Year for 2006 to 2010



The number of cases under court jurisdiction at the beginning of each year (Overview 1) reflects the number of children who were under the court’s jurisdiction at the beginning of the preceding year plus the number of children who entered the court’s jurisdiction during the year minus the number of children who exited the court’s jurisdiction during the year. If the number of children entering court jurisdiction were larger than

the number exiting court jurisdiction during a given year, then the number of children under court jurisdiction at the beginning of the next year would be higher. Conversely, the number of children under court jurisdiction would shrink if during the year, the number of children exiting were larger than the number of children entering court jurisdiction. As the trend in Overview 1 reflects and the numbers of children entering and exiting court jurisdiction presented in Overview 2 show, both of these scenarios have recently occurred. For example, on January 1, 2006, there were 43,747 children under court jurisdiction. During 2006, the number of entries exceeded the number of exits by 5,229 — yielding a total of 48,976 children under court jurisdiction on January 1, 2007. In contrast, the number of children exiting (23,918) exceeded the number of children entering (21,714) court jurisdiction during 2009. This accounts for the lower number of children under court jurisdiction on January 1, 2010, compared to January 1, 2009 (49,857 vs. 52,061, respectively).

OVERVIEW 2: Total Number of Children Entering and Exiting Family Court Jurisdiction: New York State, 2006 to 2009

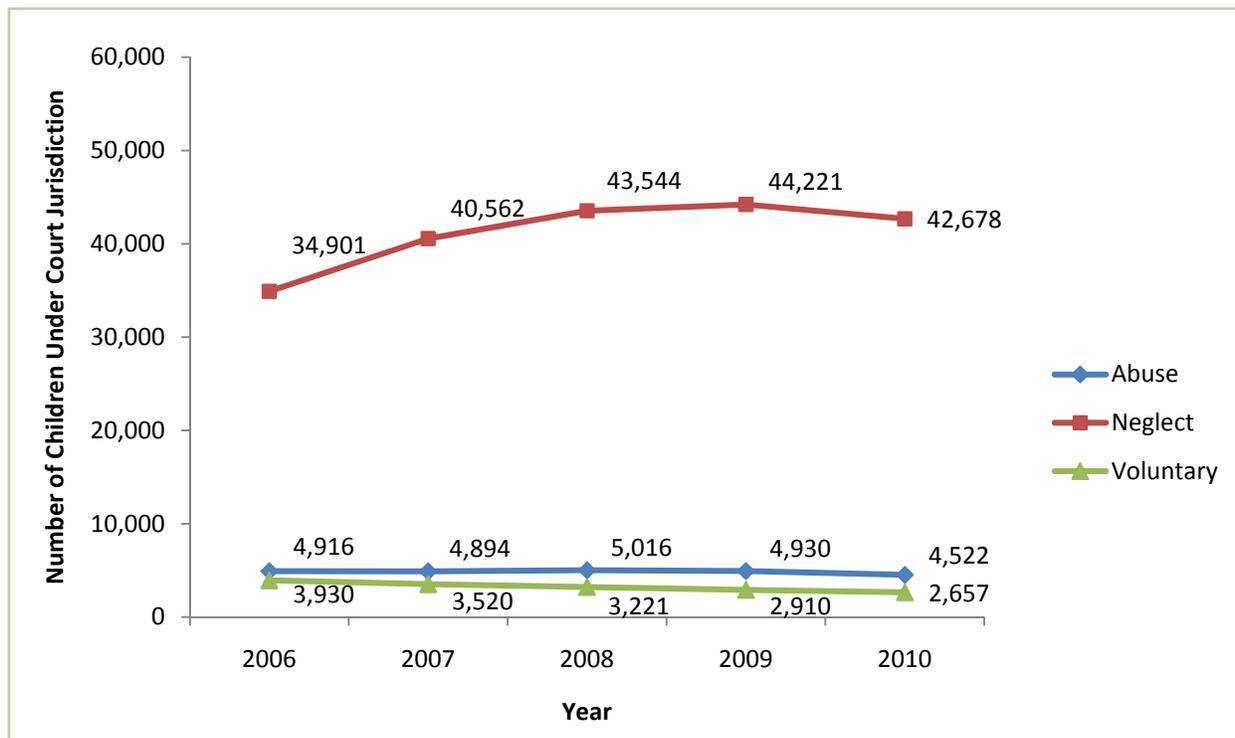


This report focuses primarily on matters that are commenced in the Family Court because of allegations of child abuse/neglect. Also included are matters in which a parent voluntarily requests the placement of a child in foster care because he or she is unable to care for them for some reason. A voluntary placement agreement between the child’s parent and the LDSS allows a child to be placed in temporary foster care if the parent is unable to care for a child. Voluntary placement agreements must be approved by the court and permanency hearings must be held for children in out-of-home care as the result of a voluntary placement. Not included are matters in which children enter care because of allegations that the child is a “person in need of supervision” or who enter out-of-home care because of allegations of juvenile delinquency.

The vast majority of children enter court jurisdiction because of allegations of neglect (84%, 2006-2010).

Relatively few children enter court jurisdiction due to allegations of abuse (10%, 2006-2010) and even fewer enter due to voluntary placement agreements (7%, 2006-2010) (See Overview 3).

OVERVIEW 3: Number of Children under Family Court Jurisdiction by Initial Filing Type: New York State, on the First Day of the Year for 2006 to 2010

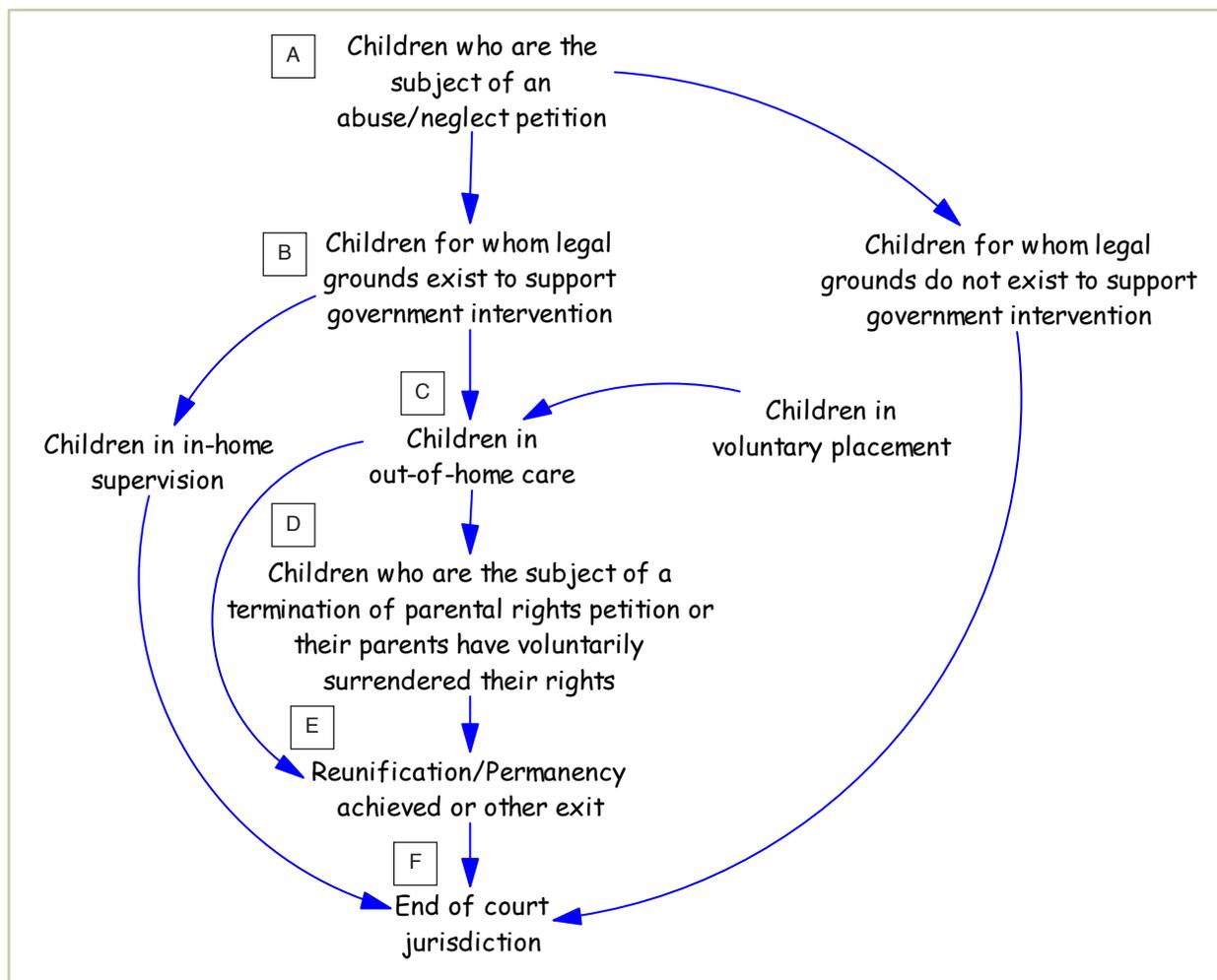


To understand the experience of children involved with the courts as a result of abuse/neglect or voluntary placement and to be able to make comparisons, the data is based on the experience of individual children. The child-focused approach follows the progress from the child’s first entry into the court system to the point in time when the court’s oversight is no longer necessary. This timeframe is called “**the period of court jurisdiction.**” A period of court jurisdiction begins with either an abuse/neglect filing or removal or a voluntary placement into out-of-home care and continues until all petitions related to this child’s case have been disposed of, all placements related to this child’s case have ended (if applicable), no other supplemental petitions associated with the original petition have been filed, and no appearances before the court have been recorded for at least 90 days. In other words, the period of court jurisdiction includes all of the filings, placements (if applicable) and hearings that the child experienced during a continuous period of court involvement.

The metrics in this report reflect the process children experience while under Family Court jurisdiction. This experience usually begins with an abuse/neglect petition filing (see Point A on Diagram 1). Once filed, the court must determine whether government intervention is necessary and appropriate (Point B). Depending on whether a child can be safely maintained in his or her home, a child under court jurisdiction can be in out-of-home care or in-home supervision or experience both circumstances over time. Children can also enter out-of-home care through a voluntary placement (Point C). Children exit out-of-home care when permanency is achieved (i.e., reunification with parent, adoption, permanent custody with a relation or guardianship) or through other exits (i.e., aging out of care, runaway) (Point E). If a child is in out-of-home care for 15 out of the most recent 22 months, the LDSS must file a petition to terminate parental rights unless com-

elling circumstances exist not to file a petition (Point D). In some instances, a parent may voluntarily surrender his or her parental rights to a child. When parental rights have been surrendered or terminated, the child should proceed toward a goal of adoption and achieve permanency through it, however he or she may also experience another permanent exit outside of adoption at this point as well. The period of court jurisdiction ends once the court has no further involvement related to the original petition. This can occur once permanency is achieved, there is another exit for children who were in out-of-home care or once the order of supervision expires for children in in-home supervision (Point F)

DIAGRAM 1: The Process from Entering to Exiting Family Court Jurisdiction



Children are observed based on when they enter court jurisdiction. Groups of children who share a common entry time period (e.g., a calendar year or calendar quarter of a year) are referred to as an “**entry cohort.**” This analysis is generally limited to children whose period of court jurisdiction began during calendar years 2006, 2007 and 2008. Children are followed through June 30, 2010. Since the UCMS permanency module was fully implemented on December 19, 2005, there are complete data sets starting with the 2006 entry cohort.

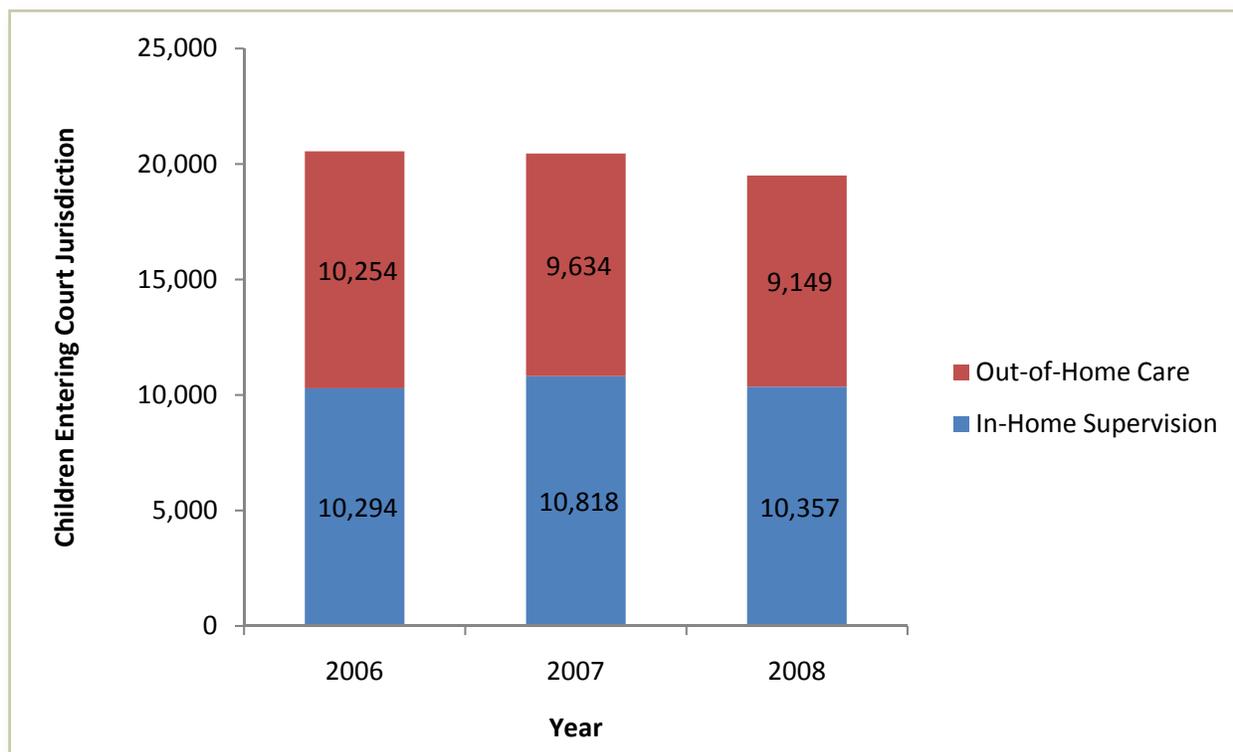
The 2009 entry cohort data is not included in this analysis because in most instances too few children in the cohort had reached the court process milestones at the time the data analysis was conducted.

For some of the metrics, the study population is comprised of children who are entering the Family Court's jurisdiction for the first time with a first, original abuse/neglect petition. These children make up the majority (88%) of children who entered court jurisdiction during the study period. The remaining children — those entering a subsequent period of Family Court jurisdiction — tend to have different experiences compared to children with first, original petitions. Analyzing children entering court jurisdiction for the first time helps to provide a more accurate picture for the majority of children's experiences during their period of court jurisdiction. In 2006, there were 20,548 children entering Family Court jurisdiction with a first, original abuse/neglect petition (see Overview 4). The number remained relatively stable in 2007 (20,452 children) and decreased slightly in 2008 (19,506 children).

Children under court jurisdiction can be in out-of-home care or in-home supervision. Arguably the most significant and central questions when a child is in out-of-home care is not whether a parent committed the alleged abuse/neglect but whether and when a child can return home safely or if they cannot return home what is the best alternative for achieving a safe, stable and permanent home. When children suffer abuse/neglect and must be in out-of-home care, the system must work quickly to either safely return them to their parents or find alternative permanent families for them. When the system fails to do so, the human costs to children and families, the immediate monetary costs of keeping children in foster care, and the longer-term costs to society are significant. The importance of prioritizing cases involving children in out-of-home care is codified in the New York State Family Court Act (Family Court Act) which states, “...*the court shall give priority to proceedings under this article involving abuse or in which a child has been removed from home before a final order of disposition.*”¹¹

Nearly half of all children with a first, original abuse/neglect petition in 2006 experienced a period of out-of-home care during their first year of court jurisdiction (see Overview 4). More than three-quarters of the children experiencing out-of-home care were removed at, or within 10 days of the filing of a petition. For children experiencing only in-home supervision during their first year of court jurisdiction, very few go on to experience out-of-home care. (For this reason, out-of-home care status in this report is determined by the child's experience during his or her first year of court jurisdiction.) While the number of children in in-home supervision increased slightly in 2007 and decreased slightly in 2008, the number of children in out-of-home care decreased slightly in both 2007 and 2008. As a result, the proportion of children who experienced a period of out-of-home care during their first year of court jurisdiction went down slightly (to 47%) in both 2007 and 2008.

OVERVIEW 4: Number of Children Entering Family Court Jurisdiction with a First, Original Abuse/Neglect Petition by Out-of-Home and In-Home Status: New York State, 2006 to 2008



This analysis also includes children who experience out-of-home care during the respective entry cohorts due to a first voluntary placement. In 2006, there were 694 children entering court jurisdiction through a first voluntary placement. The number of first voluntary placements decreased by 12 percent to 610 placements in 2007, and decreased again in 2008, to 531 voluntary placements — a 13 percent decrease compared to 2007.

Using entry cohorts enables us to better understand how outcomes may change over time as new innovations are implemented. For example, a court may have implemented a preliminary conferencing model on January 1, 2009, with the hope of increasing opportunities for settlement and improving time to disposition and reunification. Comparing outcome results from the 2008 and 2009 entry cohorts may assist the court to accurately measure the impact of that innovation. An examination of exit cohort data - for example the cohort of all children exiting court jurisdiction during 2009 - would not be able to provide the same reliable data since it would include children who entered the court's jurisdiction years before the implementation of the preliminary conferencing model. This would yield a less accurate picture of the impact of recent innovations and current practices. Following these cohorts over a longer timeframe in future reports will provide additional insight and a more complete picture as more and more children exit court jurisdiction.

There is significant variation among individual children's experience in the court system. For example, one child's child abuse/neglect petition may be disposed in one month while another may take more than a year to reach disposition. To present a measure of central tendency, many of these metrics report the median. When examining the medians and other summary statistics, keep in mind that the median is a *summary of a distribution*. The median is a measure of central tendency, the value of the middle item when the data are arranged from lowest to highest. The median is not sensitive to outliers and guarantees that 50 percent of the values fall on either side of the median value. This midpoint of the cohort's experience does not mean that all children experienced that duration. It means half of the children experienced shorter durations and half experienced longer durations.

The median tells us how long it took for half of the children in a cohort to reach a particular milestone. For example, the median time from filing a petition to disposition tells how long it took for half the children who enter court jurisdiction during a particular period to have their cases reach disposition. To report a median time from petition filing to disposition for those children who entered the system in the fourth quarter of 2009, we must wait until half of the children in that entry cohort have reached disposition. Since activity is observed through June 30, 2010, sufficient time elapsed to be able to report the statewide median time from filing to disposition. So while displaying fourth quarter 2009 data as the last data point on a graph may seem less than current, it is necessary to allow sufficient time to elapse to capture the experience of at least half of the children in the cohort to report the median experience in achieving a particular milestone.

The Metrics



THE FIRST AND SECOND METRICS PRESENTED IN THIS REPORT are those that describe the proportion of children that reach particular permanency outcomes and the timeliness of achieving those outcomes for children in out-of-home care. While similar data is available in the OCFS Foster Care Data Packets, this data differs in that the UCMS includes all children in out-of-home care, including those living with relatives, while the OCFS report includes only those children living in licensed foster care homes or OCFS facilities. The difference in population, plus the fact that the data comes from two completely different databases accounts for any variance between the information presented in the two reports.

Next, the report presents metrics related to the timelines of adjudication and disposition of the abuse/neglect petitions, the timeliness of the completion of initial permanency hearings, the timeliness of termination of parental rights proceedings and lastly a measure of cases that re-enter the court system within one year after the court's jurisdiction had ended:

- 1. ACHIEVEMENT OF PERMANENCY:** Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the proportion of children who achieve permanency by reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption.
- 2. TIME FROM ENTRY INTO OUT-OF HOME-CARE TO PERMANENCY ACHIEVED:** Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to permanency achieved by reunification or permanent custody or guardianship with a fit and willing relative or suitable person or adoption.
- 3. TIME FROM ABUSE/NEGLECT PETITION FILING TO ADJUDICATION:** Among children for whom an original abuse/neglect petition is filed during a given period, the time from petition filing to adjudication.
- 4. TIME FROM ABUSE/NEGLECT PETITION FILING TO DISPOSITION:** Among children for whom an original abuse/neglect petition is filed during a given period and the court makes a finding of abuse/neglect or the respondent admits or consents to the jurisdiction of the court, the time from petition filing to the entry of a dispositional order.
- 5. TIME FROM ENTRY INTO OUT-OF HOME-CARE TO COMPLETION OF INITIAL PERMANENCY HEARING:** Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to the completion of the initial permanency hearing.
- 6. TIME FROM ENTRY INTO OUT-OF HOME-CARE TO TERMINATION OF PARENTAL RIGHTS PETITION FILING:** Among children for whom a first TPR petition has been filed within a given period, the time from entering out-of-home care to the time of the TPR filing.
- 7. TIME FROM TERMINATION OF PARENT RIGHTS PETITION FILING TO ADJUDICATION:** Among children for whom a TPR petition is filed in a given period, the time from petition filing to adjudication of the TPR.

8. TIME FROM TPR PETITION FILING TO DISPOSITION: Among children for whom a TPR petition is filed in a given period and one or more grounds for termination is established, the time from TPR petition filing to disposition.

9. SUBSEQUENT ABUSE/NEGLECT FILINGS AFTER THE INITIAL PERIOD OF COURT JURISDICTION ENDS: For children whose period of court jurisdiction ends, the proportion of children who are the subject of a subsequent petition alleging abuse/neglect filed within a given period of time.

The following sections provide definitions of each metric; describe the population included in the analysis, discuss the significance of the metric and present questions and observations.

METRIC 1: ACHIEVEMENT OF PERMANENCY

Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the proportion of children who achieve permanency by reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption.

Definition

This metric presents the proportion of children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement and achieve permanency by reunification, permanent custody or guardianship with a fit and willing relative or suitable person, or adoption within a specified period of time. This metric computes the exit status of children in a designated entry cohort as of a specified elapse of time and presents the proportion of children for whom permanency was achieved, had other exits,¹² and still remained in out-of-home care.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007 or 2008 and follows each child for up to 42 months. This metric presents the exit status for the 33,846 children who entered out-of-home care during this three-year period (12,134 in 2006; 11,064 in 2007; 10,648 in 2008), including the proportion of children for whom permanency was achieved through reunification or permanent custody or guardianship with a fit and willing relative or suitable person (referred to as reunification/custody/guardianship); adoption; other exits; and children still in out-of-home care. Proportions are presented for entry cohorts by year.

Due to the method in which data was extracted from the UCMS, it is not currently possible to disaggregate reunification, custody or guardianship exit types. As a result, this report presents a combined category called Reunification/Custody/Guardianship. Future extracts will have the capacity to present reunification and exit to permanent custody or guardianship as separate categories. An examination of OCFS data illustrates that reunification is the predominant permanency exit type. For example, as of 24 months from entering out-of-home care, 43 percent of the children in the 2007 first admission entry cohort had been reunified, 10 percent had been discharged to a relative (including custody and guardianship) and 2 percent had been adopted.¹³

This metric highlights the proportion of children that reach particular outcomes within a given timeframe. Since not all children in the 2006, 2007 and 2008 entry cohorts had exited out-of-home care as of June 30, 2010, this analysis is not able to report overall proportions but can present proportions at designated timeframes which allow for consistent comparisons of outcomes between entry cohorts.

Significance

We lead with this metric because securing permanent, safe and secure homes for children is arguably the most important function of the child welfare system once a child has entered out-of-home care. Permanency is achieved when a permanent and secure legal relationship is established between an adult caregiver and a child. This is accomplished when a child is returned home, adopted, or the court grants permanent custody or guardianship to a fit and willing relative or suitable person. This metric evaluates the shared progress of the legal/judicial and child welfare system in achieving permanency for children.

Children between the ages of 18 and 21 can also exit out-of-home care without the system having achieved permanency for them.¹⁴ Children in this circumstance generally have a permanency goal of “another planned permanent living arrangement that includes a significant connection to an adult who is willing to be a permanency resource for the child”¹⁵ (APPLA). APPLA is a plan for children for whom there is no goal for placement with a legal, permanent family. Instead the APPLA goal intends to build relationships with sig-

nificant people in the child’s life that are expected to continue after the child leaves care. APPLA does not establish a secure legal relationship between an adult caregiver and a child and therefore it is not considered “permanency achieved” in this report. Those children who exit out-of-home care between the ages of 18 and 21 and for whom permanency has not been achieved are referred to as having “aged out” in this report.¹⁶

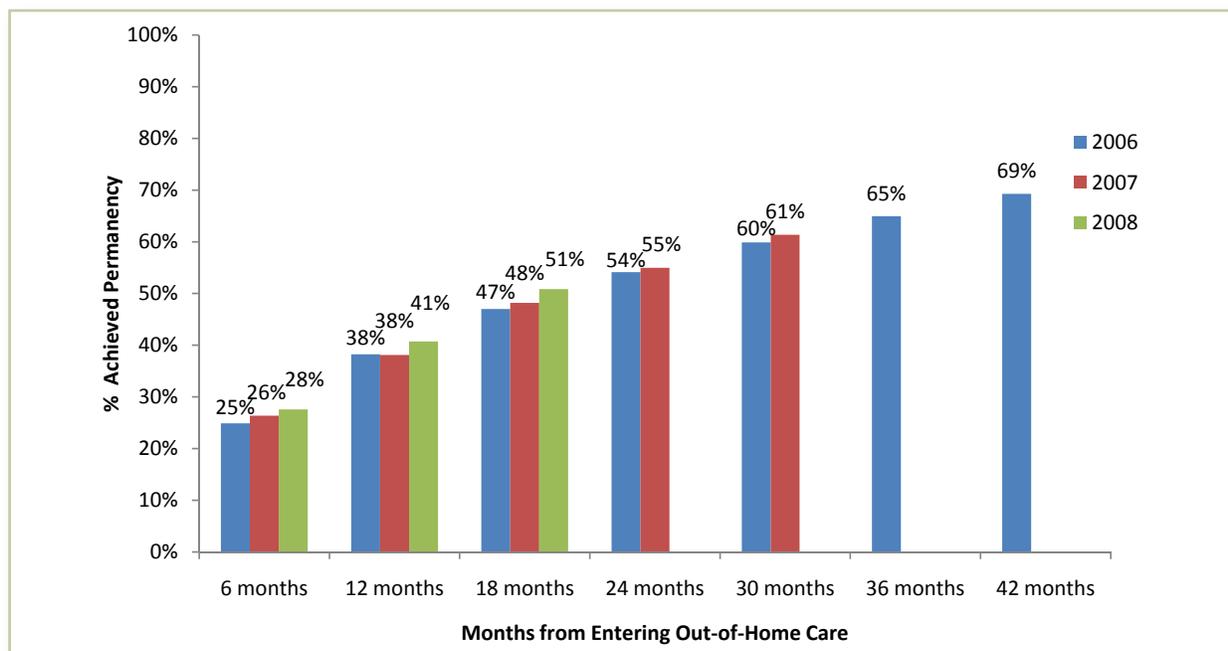
Increasing the proportion of children for whom permanency is achieved is a goal of the legal/judicial and child welfare systems as a means of fulfilling their shared responsibility to secure permanent, safe and secure homes for children who experience out-of-home care. This metric allows system partners to monitor the proportion of children for whom permanency is achieved.

Questions and Observations

What proportion of children who entered out-of-home care during 2006, 2007 and 2008 achieved permanency through reunification/custody/guardianship or adoption?

- Of the children who entered care during 2006, 2007 and 2008, permanency was achieved for 1 out of 4 children within 6 months. The percentage of children for whom permanency was achieved within 6 months modestly increased between 2006 and 2008 (from 25% of 2006 entries, to 26% of 2007 entries, to 28% of 2008 entries). See Chart 1-A.
- Of the children who entered care during 2006, 2007 and 2008, the percentage of children for whom permanency was achieved within 12 months reached 38 percent for the 2006 and 2007 cohorts and 41 percent for the 2008 cohort. See Chart 1-A.
- Of the children who entered care during 2006 and 2007, permanency was achieved for slightly more than half (54% and 55%, respectively) within 24 months.¹⁷ See Chart 1-A and Table 1-A.
- Of the children who entered care during 2006, permanency was achieved for nearly 2 out of 3 children (65%) within 36 months. See Chart 1-A.
- Of the children who entered care during 2006, permanency was achieved for almost 7 out of 10 children (69%) within 42 months. See Chart 1-A.

CHART 1-A: Cumulative Percentage of Children for whom Permanency was Achieved within Time Intervals up to 42 Months from Entering Out-of-Home Care: New York State, 2006, 2007 and 2008 Entry Cohorts



What proportion of children who entered out-of-home care during 2006 and 2007 achieved permanency through reunification/custody/guardianship within 24 months of entering care?

Reunification/custody/guardianship accounts for the status of more than half of all children who entered care in 2006 and 2007. The proportion of children entering out-of-home care in 2006 and 2007 who achieved permanency through reunification/custody/guardianship by 24 months from entry remained relatively stable (52% and 54%, respectively). See Table 1-A or Chart 1-A.

What proportion of children who entered out-of-home care during 2006 and 2007 remained in out-of-home care at 24 months after entry?

- Four out of ten children who entered out-of-home care in 2006 and 2007 were still in out-of-home care at 24 months from entering care (42% and 41%, respectively). See Table 1-A.

TABLE 1-A: Number and Percentage of Children Entering Out-of-Home Care in 2006 and 2007 by Exit Status at 24 Months from Date of Entry: New York State, 2006 and 2007 Entry Cohorts

	2006		2007	
	Number	Percentage	Number	Percentage
Exited-Achieved Permanency				
Reunification/ Custody/ Guardianship	6,366	52%	5,919	54%
Adoption	202	2%	164	1%
Sub-Total	6,568	54%	6,083	55%
Exited-Without Achieving Permanency				
Aged Out	86	1%	76	1%
Other	376	3%	367	3%
Sub-Total	462	4%	443	4%
Still in Out-of-Home Care				
Still in Out-of- Home Care	5,104	42%	4,538	41%
Total	12,134	100%	11,064	100%

What proportion of children who entered out-of-home care during 2006 achieved permanency through reunification/custody/guardianship at various points in time after entry?¹⁹

- By 6 months, permanency had been achieved for one in four children through reunification/ guardianship/custody. By 12 months, permanency had been achieved through reunification/guardianship/custody for over one in three (38%) children, and by 24 months, for slightly over half of the children (52%) in the 2006 entry cohort. See Chart 1-B.

What proportion of children who entered out-of-home care during 2006 remained in out-of-home care at various points in time after entry? See Chart 1-B.

- Half of the children who entered care during 2006 remained in care at 18 months after entry. At 42 months after entry, 25 percent of children remained in out-of-home care.

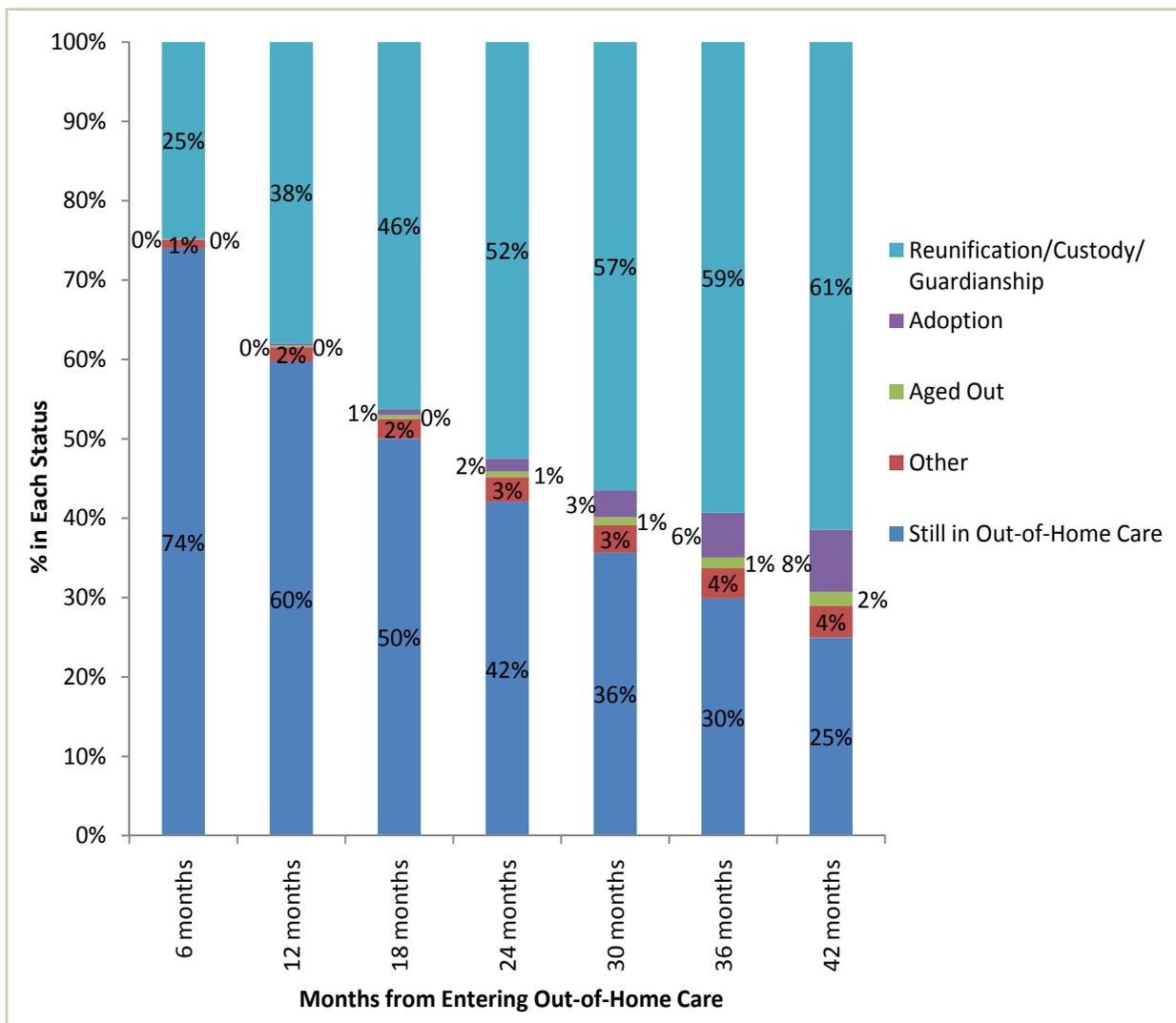
What proportion of children who entered out-of-home care during 2006 exited through adoption at various points in time after entry? See Chart 1-B.

- By 24 months, a very small percentage (2%) of the children who entered care during 2006 exited through adoption. By 36 months, the percentage increased to 6 percent and by 42 months, the percentage increased to 8 percent. See Chart 1-B.

What is expected to occur when observing these cohorts longitudinally beyond 42 months?

- As cohorts are followed beyond 42 months, the proportion of children for whom permanency is achieved will continue to increase. This will likely reflect an increase in the proportion exiting to adoption while the proportions exiting to reunification, guardianships and custody will level out. The proportion of children aging out is also apt to increase over time and the proportion of children remaining in out-of-home care will likely take many years to completely recede. See Chart 1-B.

CHART 1-B: Proportion of Children by Exit Status at Time Intervals up to 42 Months from Date of Entering Out-of-Home Care: New York State, 2006 Entry Cohort



METRIC 2: TIME FROM ENTRY INTO OUT-OF HOME-CARE TO PERMANENCY ACHIEVED

Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to permanency achieved by reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption.

Definition

This metric presents the time between the recorded date of entering out-of-home care and the recorded date when permanency is achieved through reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption for children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement. This timeliness metric computes the number of days from the date of entering out-of-home care and the date permanency is achieved for each unique child and presents the proportion of children for whom permanency has been achieved within specified time periods for a designated entry cohort.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007 and 2008 and follows each of these 33,846 children for up to 42 months from entering out-of-home care (12,134 in 2006; 11,064 in 2007; 10,648 in 2008). This metric presents the proportion of children for whom permanency is achieved within specified time periods for each type of permanency exit –reunification, adoption, or permanent custody or guardianship with a fit and willing relative or suitable person.

Significance

Placing a child in out-of-home care is intended to be a temporary solution. The desire to achieve timely permanency for children was among the policy goals that prompted the enactment of the federal Adoption and Safe Families Act (ASFA) of 1997. New York State is regularly assessed by the U.S. Department of Health and Human Services to determine compliance with federal requirements including those related to achieving timely permanency. This assessment, known as the Child and Family Services Review (CFSR), is designed to help states improve child welfare outcomes by identifying strengths and needs.²⁰ The measures used by the federal government in the CFSR are based on complex composites but, in general, the expectation is that a significant proportion of children in out-of-home care will achieve permanency through reunification within 12 months and in those cases where children achieve permanency through adoption a significant proportion of those adoptions should be finalized within two years. In the 2008 review, New York State did not meet the federal standards for timeliness of achieving reunification or adoption and was consequently required to implement a program improvement plan.

The goal of promoting timely permanency is based on empirical research supporting children's need for stability. Networks of caring friends, relatives, neighbors, and school professionals and classmates can help children perform well academically, promote positive health and mental health behaviors and outcomes, and develop good social skills that are crucial in childhood and adulthood.²¹ Even when warranted by immediate safety concerns, entering out-of-home care can be traumatic and confusing for children of any age and can disrupt connections to siblings, other family members, friends and adults in their community who may have been involved in the child's life.²² In addition, the longer a child is in out-of-home care, the higher the chance that those social connections will be severed.²³ There is substantial evidence that prolonged out-of-home placement places children at risk of emotional and behavioral problems and other negative outcomes.²⁴

Decreasing the time children spend in out-of-home care, in conjunction with child safety, is a goal of the legal/judicial and child welfare systems. This metric assists system partners to monitor progress in achieving timely permanency for children.

Questions and Observations

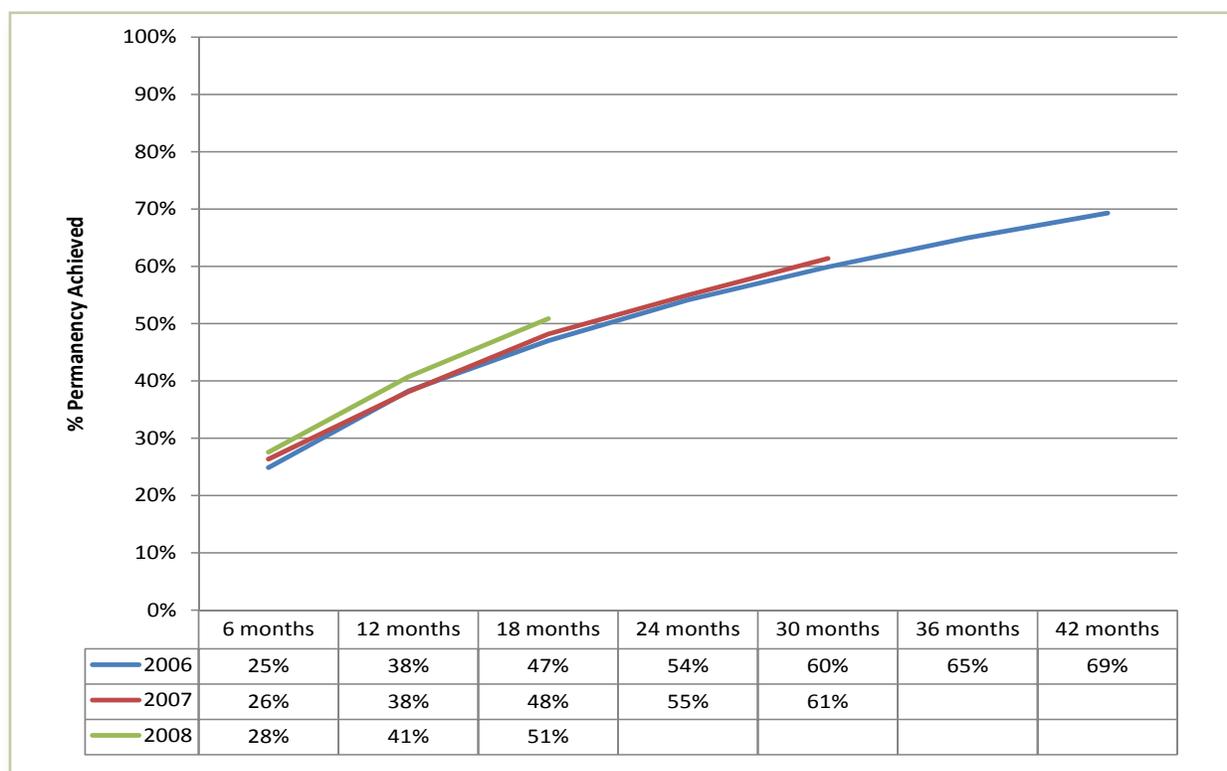
What proportion of children who entered out-of-home care during 2006, 2007 and 2008 achieved permanency within 6 months, 12 months, 24 months, 36 months and 42 months?

- For children who entered out-of-home care during 2006, 2007 and 2008, permanency was achieved for 1 in 4 children within 6 months (25, 26 and 28%, respectively). See Chart 2-A.
- For children who entered out-of-home care during 2006, 2007 and 2008, permanency was achieved for about 4 in 10 children within 12 months (38, 38 and 41%, respectively). See Chart 2-A.
- For children who entered out-of-home care during 2006 and 2007, permanency was achieved for more than half of the children within 24 months (54 and 55%, respectively).²⁵ See Chart 2-A.
- For children who entered out-of-home care during 2006, permanency was achieved for about two in three children within 36 months (65%). See Chart 2-A.
- For children who entered out-of-home care during 2006, permanency was achieved for nearly 7 in 10 children within 42 months (69%).²⁶ See Chart 2-A.

Are there differences between entry cohorts?

- Permanency was achieved within 12 months for a larger proportion of children in the 2008 entry cohort than children in the 2006 and 2007 entry cohorts (41% for 2008 vs. 38% for 2006 and 2007). See Chart 2-A.

CHART 2-A: Cumulative Percentage of Children for whom Permanency was Achieved within Time Intervals up to 42 Months from Entering Out-of-Home Care: New York State, 2006, 2007 and 2008 Entry Cohorts



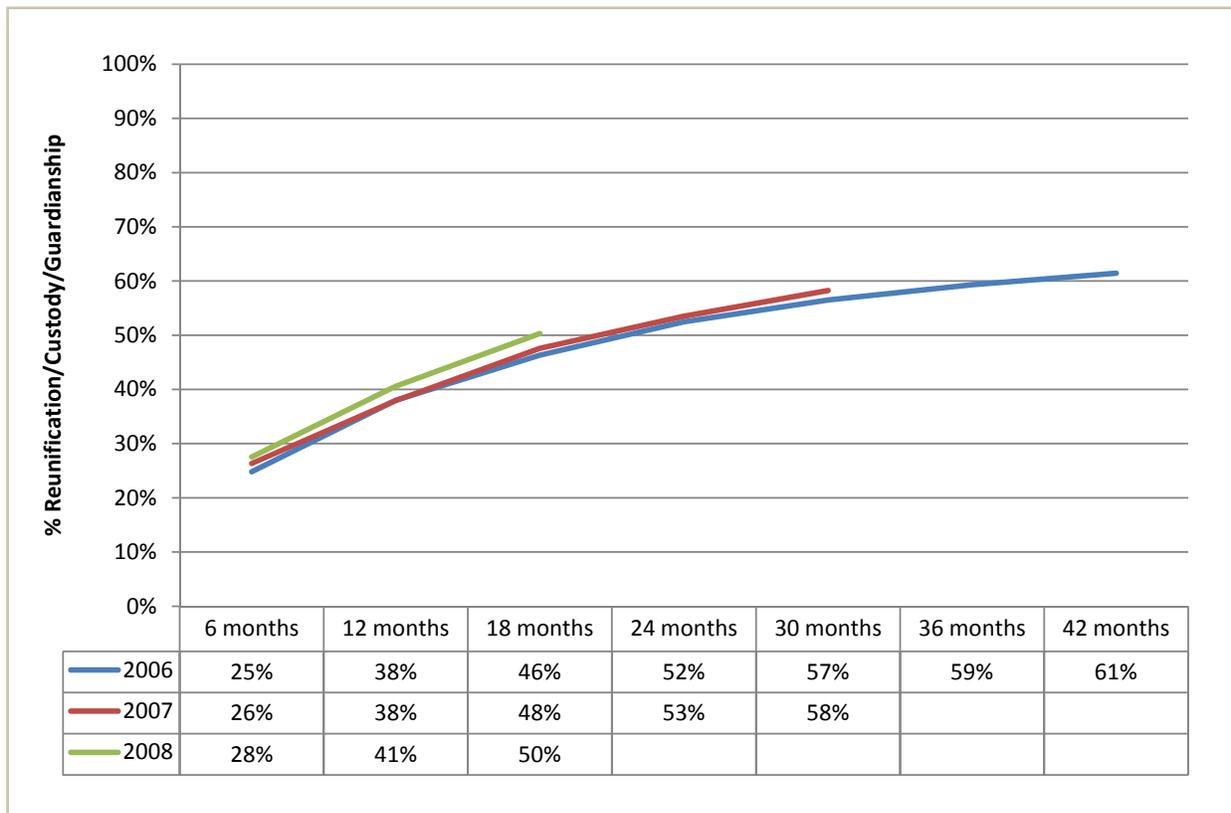
How does reunification/custody/guardianship contribute to the overall proportion of children achieving permanency? [The findings presented compare the percentages for all permanent exits (Chart 2-A) to the percentages for reunification/custody/guardianship (Chart 2-B.)]

- In the first 12 months, reunification/custody/guardianship accounts for almost all permanency exits for the 2006, 2007 and 2008 entry cohorts. See Chart 2-A and 2-B.
- At 24 months, reunification/custody/guardianship accounts for 96 percent of children for whom permanency was achieved in the 2006 and 2007 entry cohorts. See Chart 2-A and 2-B.
- At 36 months, reunification/custody/guardianship accounts for 91 percent of children for whom permanency was achieved in the 2006 entry cohort. See Chart 2-A and 2-B.
- At 42 months, reunification/custody/guardianship accounts for 89 percent of children for whom permanency was achieved in the 2006 entry cohort. See Chart 2-A and 2-B.

Are there differences between entry cohorts?

- Permanency was achieved through reunification/custody/guardianship within 12 months for a larger proportion of children in the 2008 entry cohort than for children in the 2006 and 2007 entry cohorts (41% for 2008 vs. 38% for 2006 and 38% for 2007). See Chart 2-B.

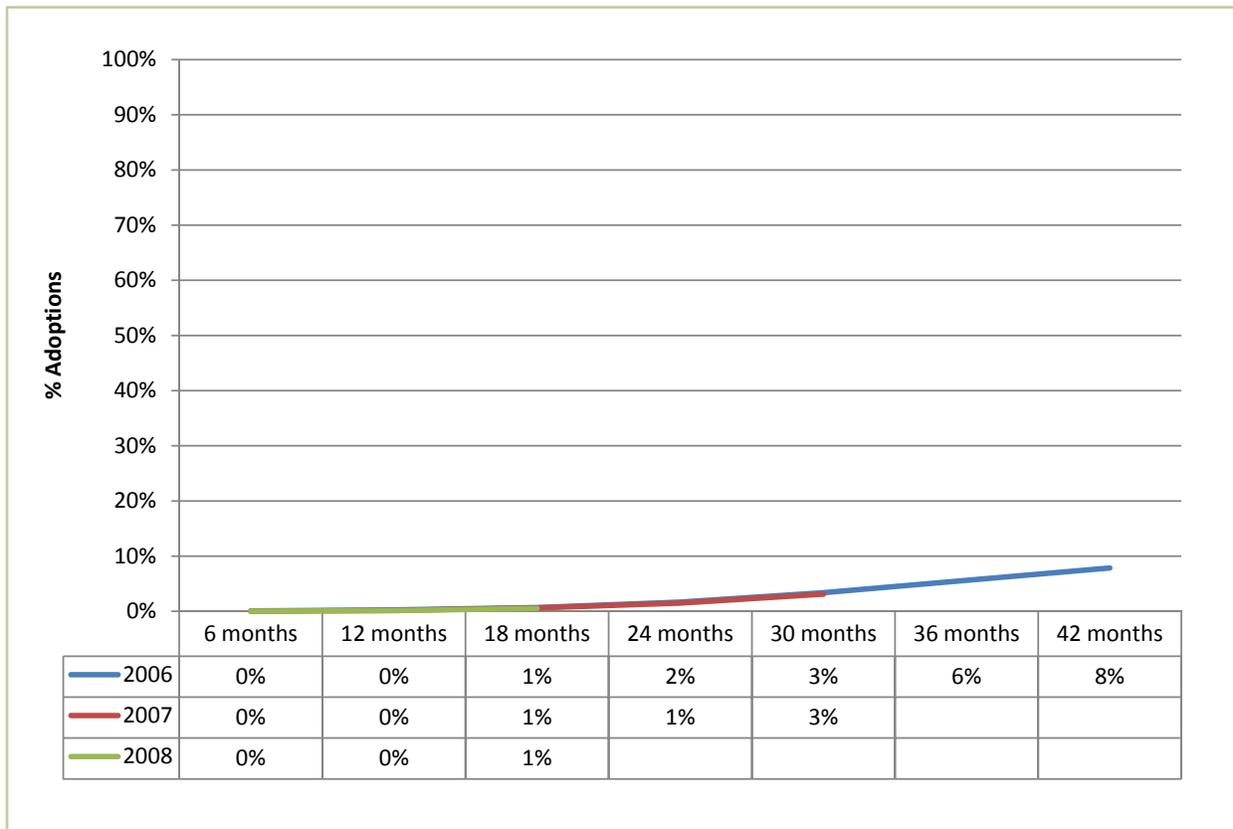
CHART 2-B: Cumulative Percentage of Children for whom Permanency was Achieved by Reunification/Custody/Guardianship within Time Intervals up to 42 Months from Entering Out-of-Home Care: New York State, 2006, 2007 and 2008 Entry Cohorts



What proportion of children who entered out-of-home care during 2006, 2007 and 2008 achieved permanency through adoption within 6 months, 12 months, 24 months, 36 months and 42 months?

- For children who entered out-of-home care during 2006 and 2007, permanency was achieved through adoption for a very small percentage (2% and 1%, respectively) within 24 months. See Chart 2-C.
- For children who entered out-of-home care during 2006, permanency was achieved through adoption for 6 percent of those children within 36 months. See Chart 2-C. For children who entered out-of-home care during 2006, permanency was achieved through adoption for 8 percent of those children within 42 months. See Chart 2-C.

CHART 2-C: Cumulative Percentage of Children for whom Permanency was Achieved by Adoption within Time Intervals up to 42 Months from Entering Out-of-Home Care: New York State, 2006, 2007 and 2008 Entry Cohorts



METRIC 3: TIME FROM ABUSE/NEGLECT PETITION FILING TO ADJUDICATION

Among children for whom an original abuse/neglect petition is filed during a given period, the time from petition filing to adjudication.

Definition

This metric presents how long it takes between the filing of the first, original abuse/neglect petition and when the child's case is adjudicated.²⁷ Adjudication is the point in time where the court determines whether the allegations of abuse/neglect are sustained by evidence and whether they are legally sufficient to support government intervention on behalf of the child. This timeliness metric computes the number of days from the date of the filing of the first, original petition to the recorded date of adjudication for each unique child and presents the median time in months for a designated entry cohort.

Adjudications are organized by the following categories (see table 3-A for a percentage breakdown of adjudication types):

- The court dismisses the original petition;²⁸
- The original petition is withdrawn;
- The court determines that the allegations are not sustained or that court aid is not required in neglect cases after a trial or inquest;
- The respondent admits to the allegations;
- The respondent consents to a finding of abuse/neglect;
- The court determines that the allegations are sustained after a trial (makes a finding);
- The court determines that the allegations are sustained after an inquest (makes a finding);
- The original petition is adjourned in contemplation of dismissal (ACD);
- The adjudication was not recorded;²⁹ and
- The original petition has not yet been adjudicated.

Population

This metric includes all unique children who were the subject of a first, original abuse/neglect filing during 2006, 2007 and 2008. The population for this metric is the 60,506 children who were in in-home supervision and in out-of-home care with a first filing during this three-year period. This metric presents the median time to adjudication for entry cohorts by year and by the three-year aggregate, referred to as 2006 to 2008 entry cohort. For children with more than one adjudication, this metric uses the date of the first adjudication only.

Significance

Most abuse/neglect cases are settled. The respondent can consent to the jurisdiction of the court without making an admission, can admit to the allegations or the court can adjourn the case in contemplation of dismissal (ACD). If the case cannot be settled, the court will conduct a fact-finding hearing, a bench trial to

determine whether abuse/neglect has been proven by a preponderance of the evidence.³⁰ If the respondent does not appear after receiving proper notice of the hearing, the court may conduct an “inquest” or trial in absentia. The court may determine that the allegations are sustained after a trial or an inquest (makes a finding); that the allegations are not sustained or that court aid is not required in a neglect case after a trial or inquest; or ACD the case. Cases that do not have a finding of abuse/neglect are resolved with a disposition of dismissed, withdrawn or ACD. ACDs and cases that have a finding of abuse/neglect remain under the court’s jurisdiction. Cases with a finding of abuse/neglect proceed to the dispositional phase.

Judges often approve a service plan prior to adjudication as a condition of a child staying home under supervision. Parents can and often do voluntarily engage in services prior to adjudication. However only after the court has made a finding that the child has been abused or neglected can services be ordered by the court. The time leading up to adjudication can be stressful for the parent(s) and child. Promoting timely adjudication can be an effective means of encouraging efficient casework practice on the part of the social service agency, early engagement of the family in services, and a focus on efficient discovery and settlement procedures among legal advocates at the earliest stages of the case. Case planning, including service delivery, is a significant factor in achieving timely permanency for children in out-of-home care.

For cases in which children are in out-of-home care, “frontloading”³¹ decisions and the implementation of services can have a direct positive effect on achieving timely permanency.³² The Family Court Act requires that the court give priority to proceedings in which a child has been removed from home.³³ The National Council of Juvenile and Family Court’s (NCJFCJ)

Local collaboratives may wish to monitor this metric to determine the effectiveness of initiatives designed to promote timely adjudication such as preliminary conferences to promote good case management, and early settlement of issues regarding services, visiting and placement.

Questions and Observations

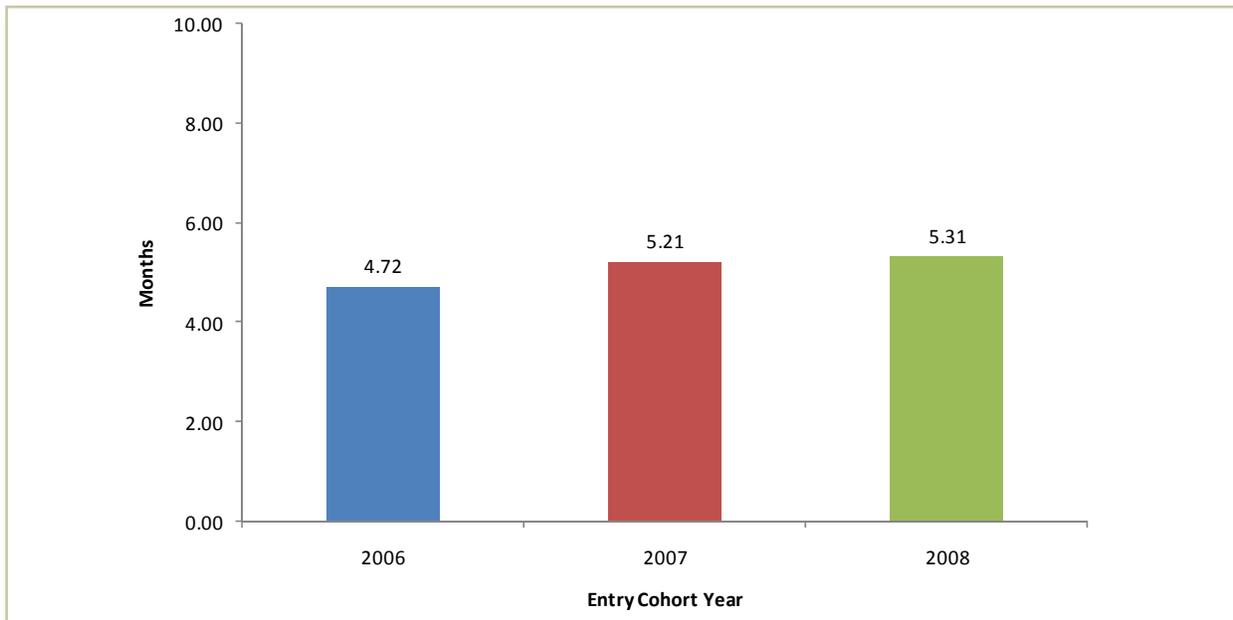
What was the median time to adjudication?

- The median time to adjudication for the 2006 to 2008 entry cohort was 5.1 months from the abuse/neglect filing.

Does the time it takes to reach adjudication appear to be changing?

- For the 2006, 2007 and 2008 entry cohorts, the median times from the abuse/neglect petition filing to adjudication were 4.72, 5.21 and 5.31 months, respectively. Between 2006 and 2008, the median time to adjudication increased by 11 percent — nearly three-quarters of a month (21 days). See Chart 3-A.

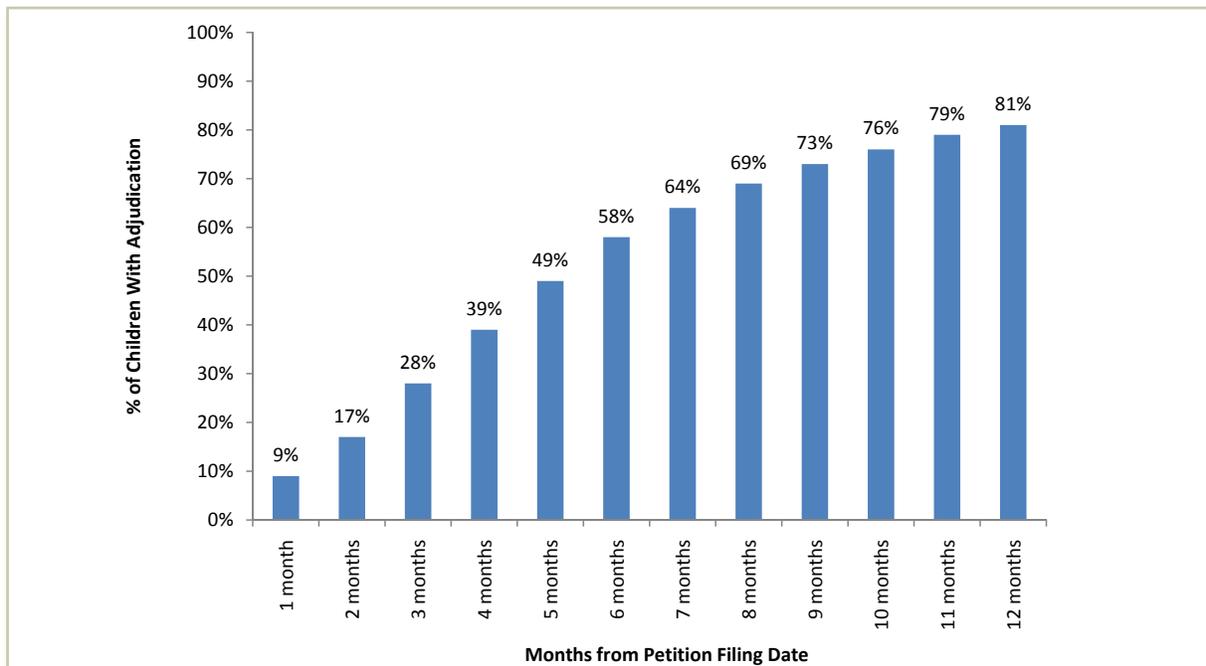
CHART 3-A: Median Time from Abuse/Neglect Petition Filing to Adjudication for Children with a First, Original Abuse/ Neglect Petition Filing: New York State.



What percentage of abuse/neglect petitions filed reached adjudication by 60 days, 90 days, 120 days and 12 months?

- For the 2006 to 2008 entry cohort, 17 percent had reached the adjudicatory stage by 60 days, 28 percent by 90 days, and 39 percent by 120 days. At 12 months, 81 percent of the cases had reached adjudication and the remaining 19 percent of cases had not yet reached adjudication. See Chart 3-B.

CHART 3-B: Cumulative Percentage of Children with a First, Original Abuse/ Neglect Petition Filing by Time to Adjudication: New York State, 2006 to 2008 Entry Cohort.



What was the number and percentage of each adjudication type for abuse/neglect petition filings for the 2006 to 2008 entry cohort?

- See Table 3-A or Chart 3-C.

What percentage of abuse/neglect petitions filed had not yet reached the adjudicatory stage with at least 18 months elapsing since the filing of the abuse/neglect petition?

- One percent of the 2006 to 2008 entry cohort (897 children) cases had not yet reached adjudication as of June 30, 2010. See Table 3-A.

What is meant by “no adjudication recorded”?

- The “no adjudication recorded” category includes cases that had a disposition of dismissed, withdrawn or ACD but no adjudication recorded. For the purpose of calculating the time to adjudication for the cases in this category, the date of disposition is considered the date of adjudication.

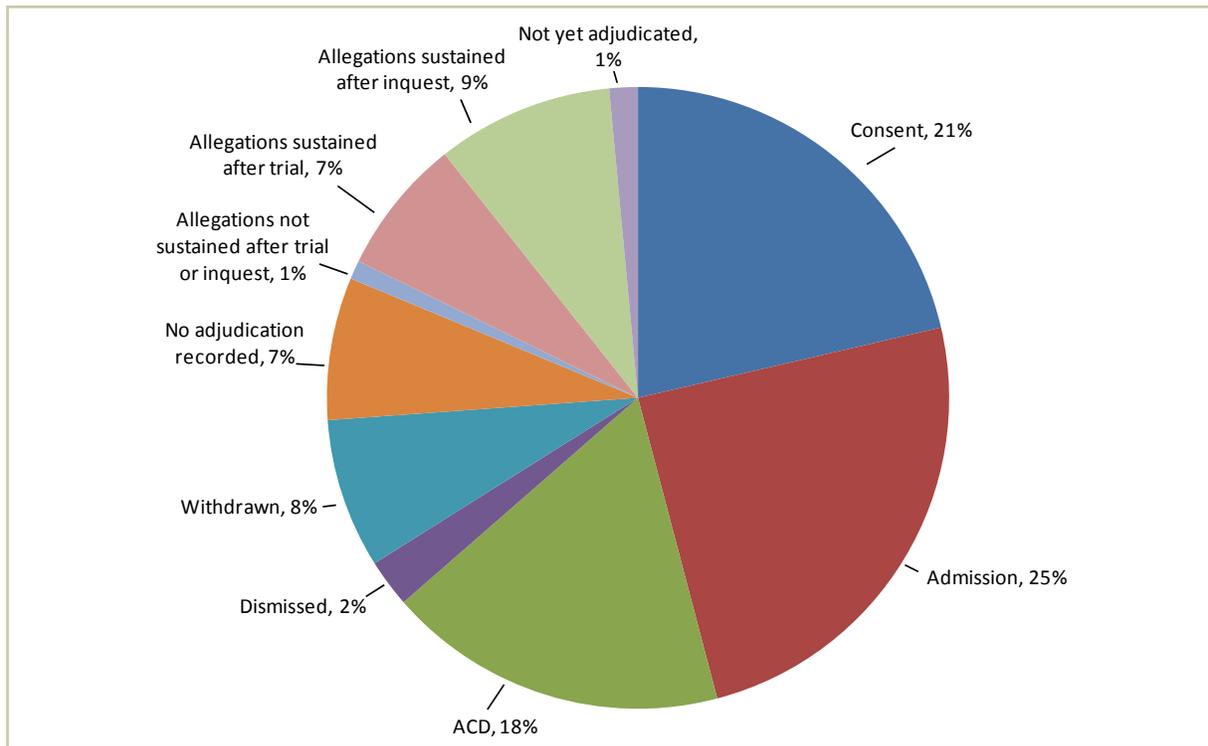
TABLE 3-A: Number and Percentage of Children with a First, Original Abuse/Neglect Petition Filing by Adjudication Type: New York State, 2006 to 2008 Entry Cohort as of June 30, 2010

Adjudication Type	Number	Percent
Consent	12,924	21%
Admission	14,846	25%
ACD	10,699	18%
Dismissed	1,508	2%
Withdrawn	4,712	8%
No adjudication recorded	4,486	7%
Allegations not sustained after trial or inquest	588	1%
Allegations sustained after trial	4,288	7%
Allegations sustained after inquest	5,558	9%
Not yet adjudicated	897	1%
Total	60,506	100%

What percentage of abuse/neglect petition filings had a fact-finding hearing that determined whether the allegations were sustained?

- For the 2006 to 2008 entry cohort, 17 percent of cases had a fact-finding hearing that determined whether the allegations were sustained (allegations sustained after inquest, 9%; allegations sustained after trial, 7%; and Allegations not sustained after trial or inquest, 1%). See Chart 3-C.

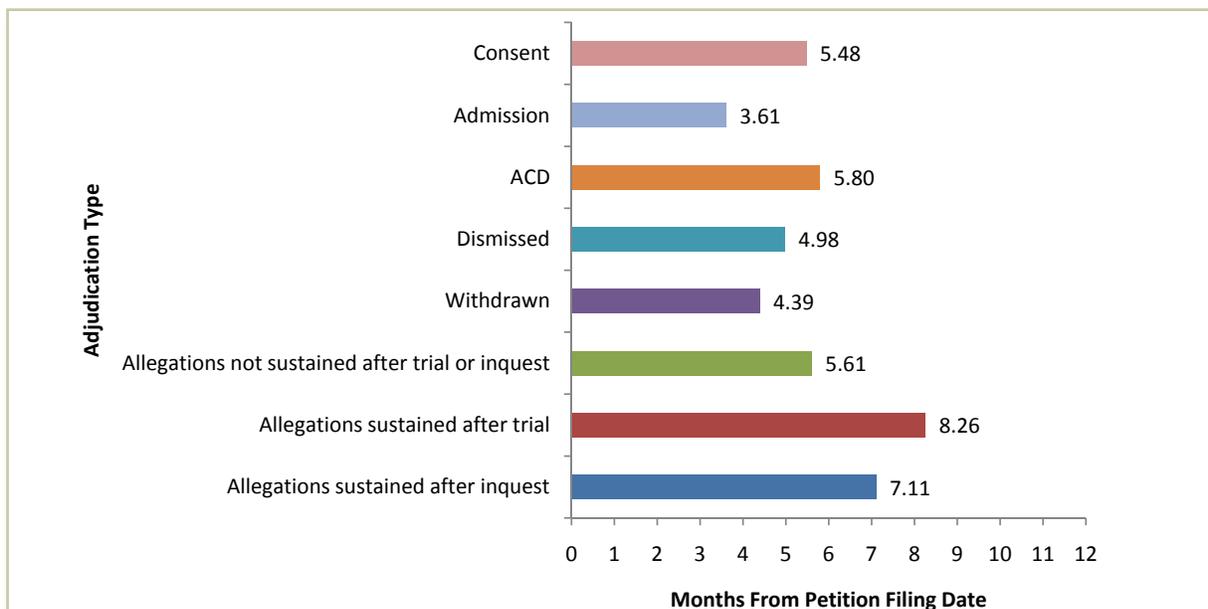
CHART 3-C: Distribution of Children with a First, Original Abuse/Neglect Petition Filing by Adjudication Type: New York State, 2006 to 2008 Entry Cohort as of June 30, 2010



Does the time to adjudication vary based on the type of adjudication?

- For the 2006 to 2008 entry cohort, cases that were contested and resulted in findings of abuse/neglect had the longest median time to adjudication: 8.26 months for cases with allegations sustained after trial and 7.11 months for cases with allegations sustained after inquest. Cases where the respondent admitted to the allegations had the shortest median time to adjudication (3.61 months) of the adjudications that were recorded. See Chart 3-D.

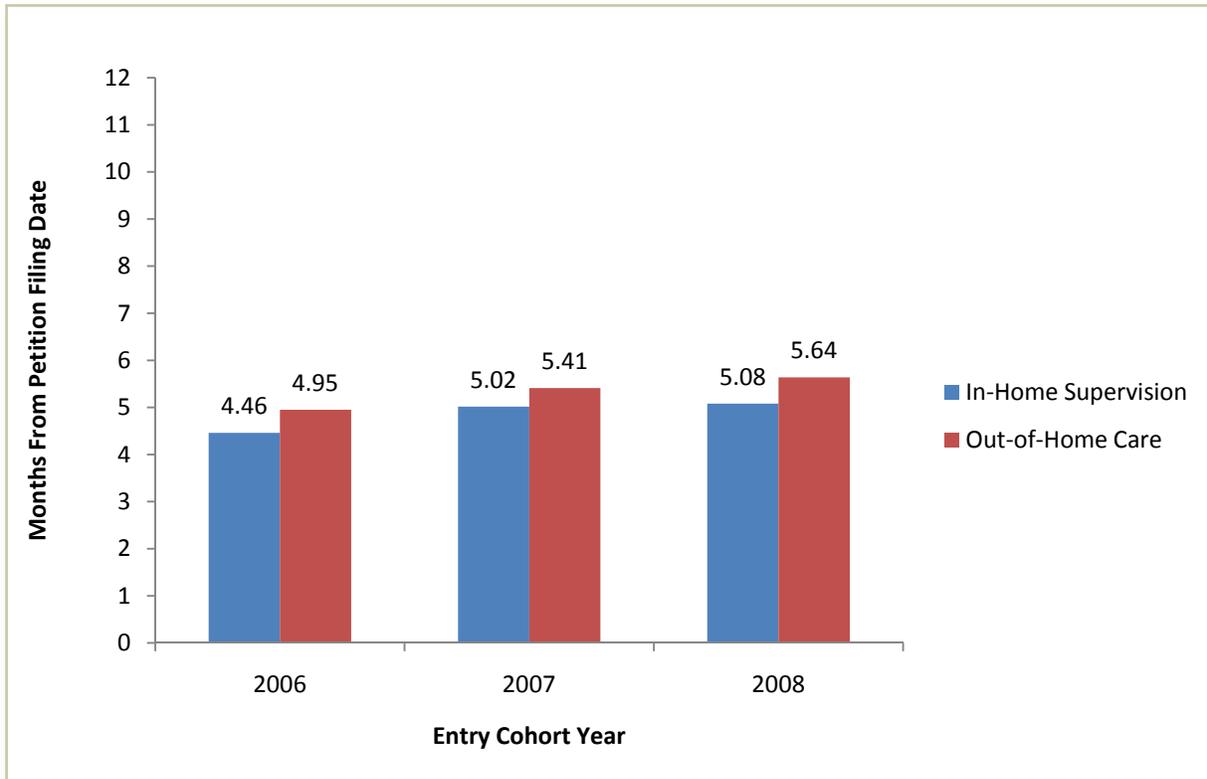
CHART 3-D: Median Time from Abuse/Neglect Petition Filing to Adjudication by Adjudication Type: New York State, 2006 to 2008 Entry Cohort as of June 30, 2010



Does the time to adjudication vary for children who experience out-of-home care³⁴ compared to children who experience in-home supervision?

- For the 2006, 2007 and 2008 entry cohorts, the median time to adjudication for children in out-of-home care was consistently but only slightly longer than for children in in-home supervision: 0.49, 0.39 and 0.56 months longer, respectively. See Chart 3-E.

Chart 3-E: Median Time from Abuse/Neglect Petition Filing to Adjudication by Children Experiencing In-Home Supervision and Out-of-Home Care Status: New York State, 2006, 2007 and 2008 Entry Cohorts



METRIC 4: TIME FROM ABUSE/NEGLECT PETITION FILING TO DISPOSITION

Among children for whom an original abuse/neglect petition is filed during a given period and the court makes a finding of abuse/neglect or the respondent admits or consents to the jurisdiction of the court, the time from petition filing to the entry of a dispositional order.

Definition

This metric presents how long it takes between the filing of the abuse/neglect petition and the entry of a dispositional order that results from a dispositional hearing. The dispositional hearing, which follows the finding of abuse/neglect or the respondent's admission to the allegations or consent to the findings of abuse/neglect, is when the court determines whether the child welfare agency or another party is given custody of the child for an extended period of time and the course of action, including court ordered services, that is necessary to assist the parent(s) and child. This timeliness metric computes the number of days from the filing date of the first petition to the date of the entry of a dispositional order for each unique child and presents the median time to disposition.

The outcomes of the dispositional hearing are organized by the following categories (see Table 4-A for a percentage breakdown of disposition types):³⁵

- Adjournment in contemplation of dismissal (ACD)
- Order of supervision
- Placement
- Returned to parent
- Suspended judgment
- Other
- Not yet disposed

Population

This metric includes all unique children who had a first abuse/neglect filing during 2006, 2007 and 2008 and the court made a finding of abuse/neglect or the respondent admitted to the allegations or consented to the findings (collectively referred to as the court made a finding of abuse/neglect). Of the 60,506 unique children with a first petition filing during this period, the court made a finding of abuse/neglect for nearly three-quarters of the cases (42,102 or 70%). The population for this metric is the 42,102 children with an adjudicatory finding as of June 30, 2010. This population does not include the 897 children from this three-year period who were still awaiting adjudication as of June 30, 2010.³⁶ This metric includes children in in-home supervision and in out-of-home care. Based on the filing date of the abuse/neglect petition, this metric presents the median time to disposition for entry cohorts by year and by the three-year aggregate, referred to as 2006 to 2008 entry cohort with a finding of abuse/neglect as of June 30, 2010. For children with more than one disposition, this metric used the date of the first entry of a dispositional order.

Significance

The timeliness of disposition is a significant factor for children in out-of-home care and children under court ordered in-home supervision. While the court can and should monitor the implementation of the case plan prior to disposition, the dispositional hearing is the point at which the plan is formalized. The court also decides whether to authorize placement of the child for an extended period of time at this hearing.

For the 2006 to 2008 entry cohort, the majority (60%) of the dispositional hearings were held on the same day as the fact-finding hearing.

Questions and Observations

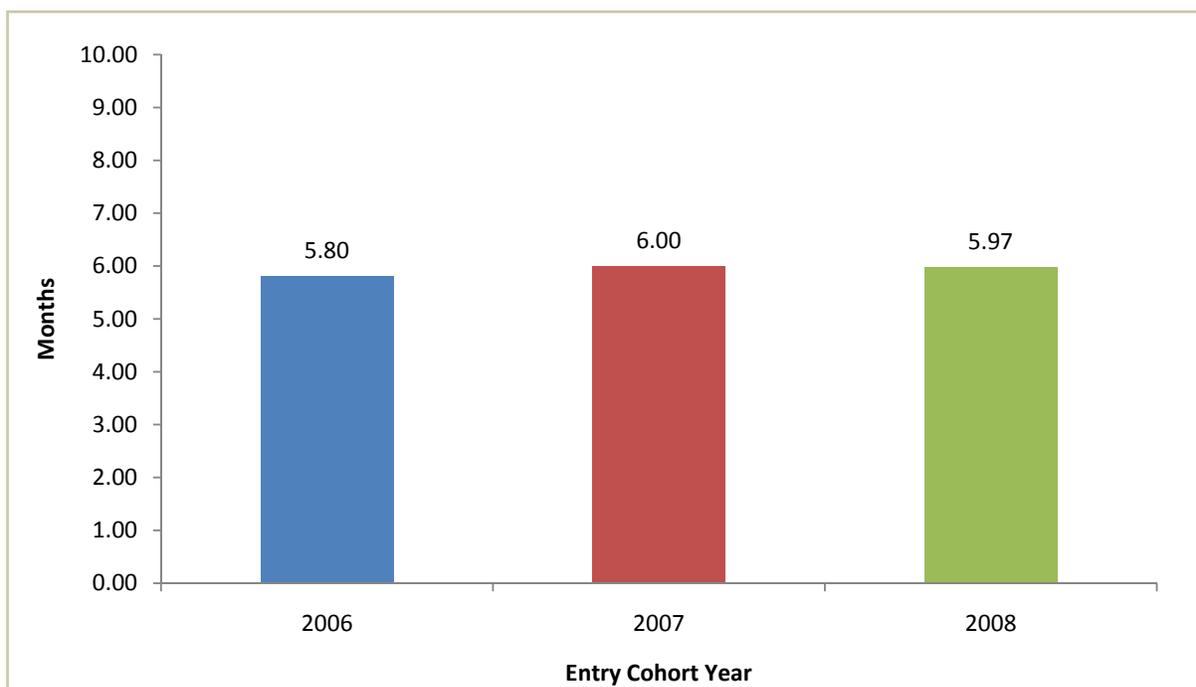
What was the median time to disposition for children with a finding of abuse/neglect?

- The median time to disposition for the 2006 to 2008 entry cohort was 5.93 months from the filing of the abuse/neglect petition.

Does the time it takes to reach disposition appear to be changing for children with a finding of abuse/neglect?

- For the 2006, 2007 and 2008 entry cohorts, the median time from the abuse/neglect petition filing to disposition remained relatively stable as the medians were 5.80, 6.00 and 5.97 months, respectively. See Chart 4-A.

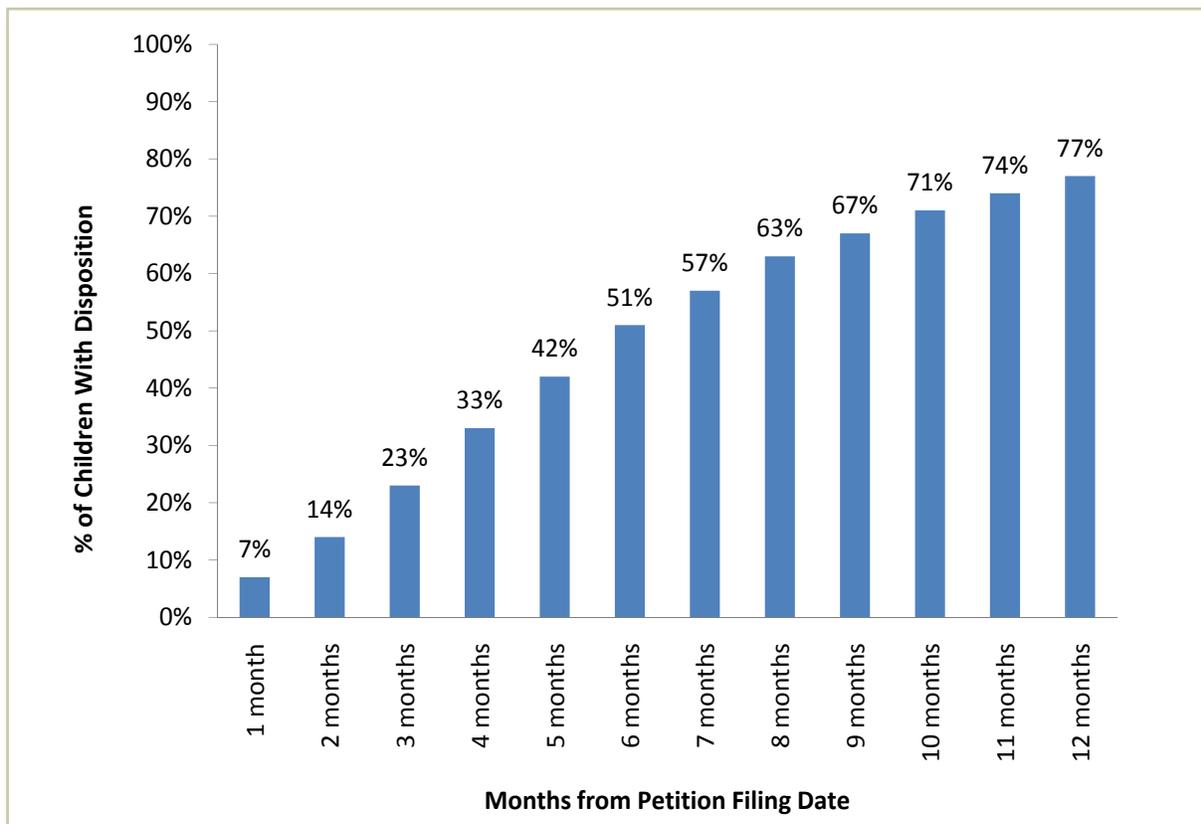
CHART 4-A: Median Time from Abuse/Neglect Petition Filing to Disposition: New York State, 2006, 2007 and 2008 Entry Cohorts with a Finding of Abuse/Neglect as of June 30, 2010



What percentage of children with a finding of abuse/neglect reached disposition by 3 months, 6 months, 9 months and 12 months?

- For the 2006 to 2008 entry cohort, 23 percent of the cases had reached disposition by 3 months—the NCJFCJ recommendation, 51 percent by 6 months, and 67 percent by 9 months. At 12 months, 77 percent of the cases had reached disposition and the remaining 23 percent of cases had not yet reached disposition. See Chart 4-B.

CHART 4-B: Cumulative Percentage of Children by Time to Disposition: New York State, 2006 to 2008 Entry Cohort with a Finding of Abuse/Neglect as of June 30, 2010



What was the number and percentage of each disposition type for children with a finding of abuse/neglect?

- See Table 4-A.

What percentage of dispositions placed the child in out-of-home care?

- For the 2006 to 2008 entry cohort with a finding of abuse/neglect, one out of four children (26%) had a placement disposition. See Table 4-A or Chart 4-C.

What percentage of children with a finding of abuse/neglect had not yet reached the dispositional stage with at least 18 months elapsing since the filing of the abuse/neglect petition?

- Two percent of the 2006 to 2008 entry cohort with a finding of abuse/neglect (947 children) had not yet reached disposition as of June 30, 2010. See Table 4-A or Chart 4-C.

What types of dispositions are included in the “Other” category?

- Three-quarters (75%) of the disposition types included in the “Other” category are comprised of Petition Settled (32%), Petition Granted (31%) and Order Continued (12%). This category also includes 377 cases where the recorded disposition is not logically consistent with the recorded adjudication such as an adjudication of admission with a subsequent disposition of withdrawn.

What percentage of children with a finding of abuse/neglect had a dispositional order of ACD?

- Ten percent of dispositions for children with a finding of abuse/neglect had an ACD dispositional order. See Table 4-A or Chart 4-C. The law concerning ACDs is being interpreted differently across

the state as some courts interpret the law to allow ACDs after a finding of abuse/neglect while others do not. The Family Court Rules and Advisory Committee is proposing legislation that would make clear that an ACD may be ordered either before the entry of a fact-finding order or before the entry of a final disposition. The ACDs in this metric include only those cases where the court made a finding of abuse or neglect.

TABLE 4-A: Number and Percentage of Disposition Types: New York State, 2006 to 2008 Entry Cohort with a Finding of Abuse/Neglect as of June 30, 2010

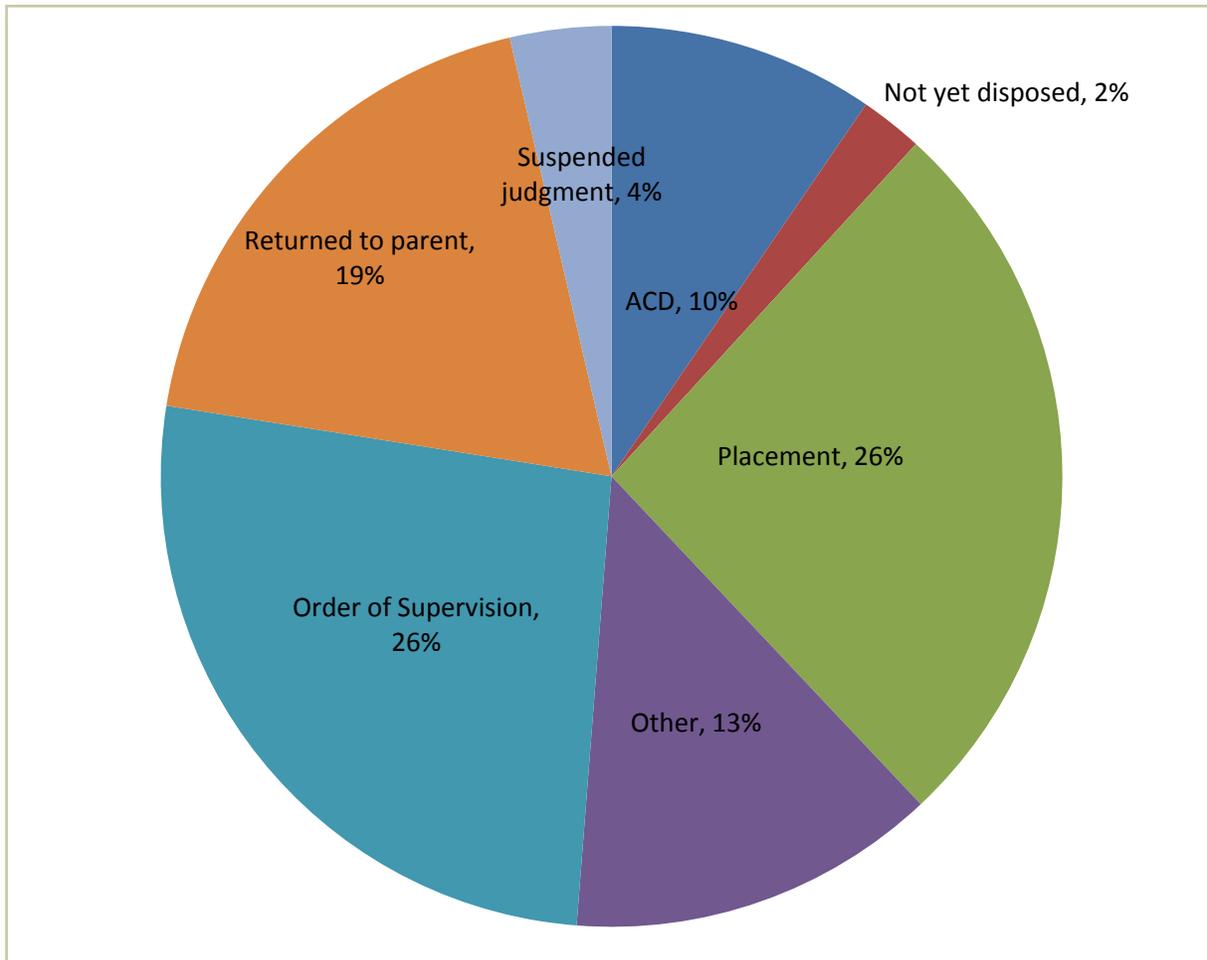
Disposition Type	Number	Percent
ACD	4,019	10%
Not yet disposed	947	2%
Order of supervision	11,023	26%
Other	5,584	13%
Placement	11,059	26%
Returned to parent	7,941	19%
Suspended judgment	1,529	4%
Total	42,102	100%

What percentage of children with a finding of abuse/neglect had a disposition that returned the child to parent or that ordered supervision?

- For children in the 2006 to 2008 entry cohort, nearly half (45%) had either a dispositional order of supervision (26%) or a disposition of returned to parent (19%). See Chart 4-C or Table 4-A.

Note: In some counties it is common to only record a disposition of “order of supervision” when a child is returned home (return to parent is implied but not recorded in UCMS). In others, it is common to only record a disposition of “returned to parent” in UCMS even though an order of supervision has also been made (but not recorded in UCMS). The disposition of order of supervision can also refer to children who were not in out-of-home care but were already in in-home supervision. In addition, the disposition of Placement can refer to children who were already in out-of-home care.

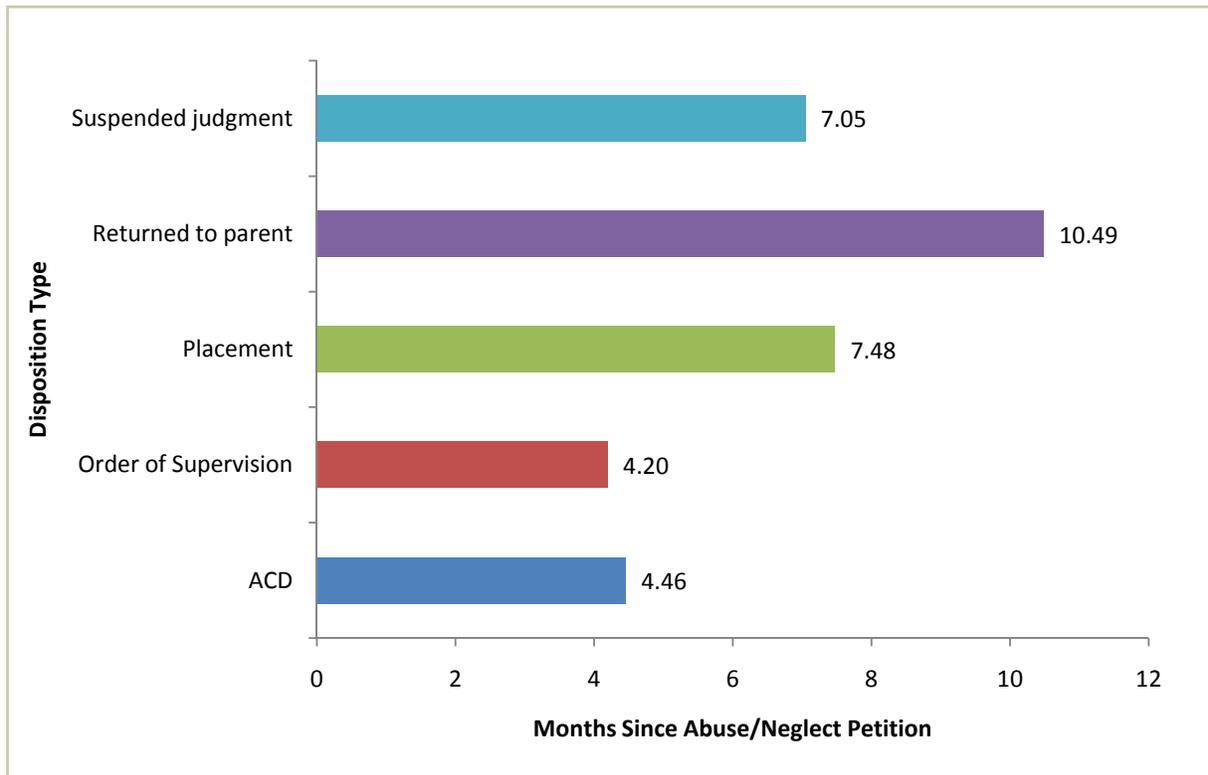
CHART 4-C: Distribution of Disposition Types: New York State, 2006 to 2008 Entry Cohort with a Finding of Abuse/Neglect as of June 30, 2010



Does the time to disposition for children with a finding of abuse/neglect vary based on the dispositional outcome?

- For the 2006 to 2008 entry cohort, the group of children whose first filing was disposed of by an order of supervision had the shortest median time to disposition and was seven weeks shorter than the overall median (4.20 vs. 5.93 months, respectively). The median time for the group of children whose first filing was disposed of by an ACD (4.46 months) was also below the overall median time. The group of children whose first filing was disposed of by an order of placement had a median time to disposition (7.48 months) that was above the overall median time. The group with the longest median time to disposition was where the order was to return the child to parent (10.49 months). See Chart 4-D.

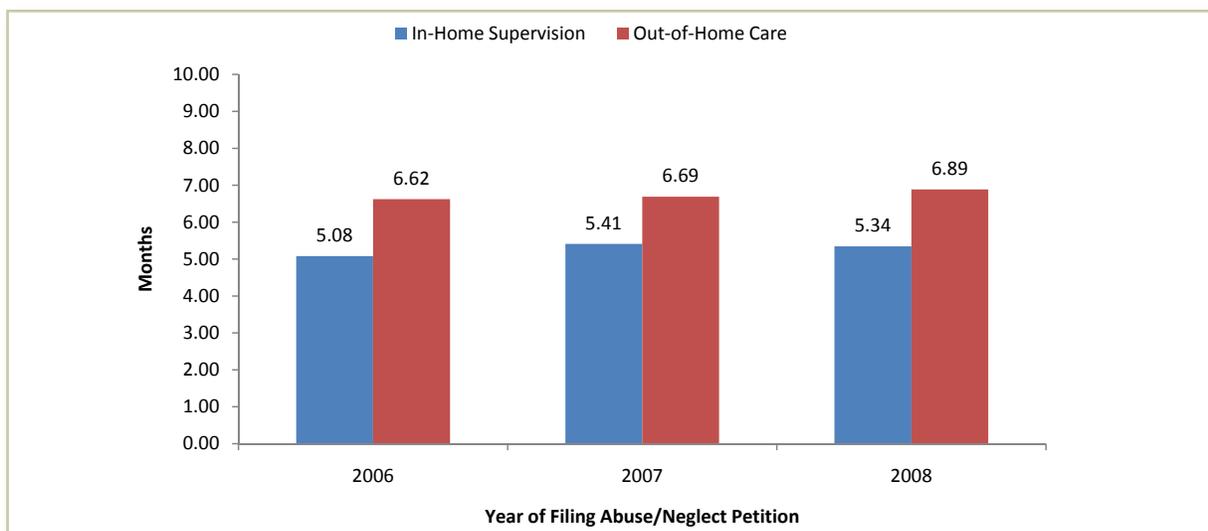
CHART 4-D: Median Time from Abuse/Neglect Petition Filing to Disposition by Disposition Type: New York State, 2006 to 2008 Entry Cohort with a Finding of Abuse/Neglect as of June 30, 2010



Does the time to disposition for children with a finding of abuse/neglect vary for children who experience out-of-home care³⁷ compared to children who experience in-home supervision?

- For the 2006, 2007 and 2008 entry cohorts, the median time to disposition for children experiencing out-of-home care was consistently longer than for children experiencing in-home supervision (1.54, 1.28 and 1.55 months longer, respectively). See Chart 4-E.

CHART 4-E: Median Time from the Abuse/Neglect Petition Filing to Disposition by In-Home Supervision and Out-of-Home Care Status: New York State, 2006, 2007 and 2008 Entry Cohorts with a Finding of Abuse/Neglect as of June 30, 2010



As of June 30, 2010, what was the breakdown of dispositions for children with a first abuse/neglect petition filed during 2006, 2007 and 2008?

- Seventy percent of the 60,506 first abuse/neglect petitions filed during 2006, 2007 and 2008 had a disposition with a finding of abuse/neglect. See Table 4-B.
- Twenty-five percent of the disposition orders were ACDs (n=14,718). Of those ACDs, more than one out of four (27%) occurred after a finding of abuse/neglect. See Table 4-B.
- Nearly two out of ten dispositions (18%) ordered Placement for the child during this three-year period. See Table 4-B.

TABLE 4-B: Number and Percentage of Abuse/Neglect Petitions Filed by Disposition Type and Findings Status: New York State, 2006 to 2008 Entry Cohort as of June 30, 2010

* Cases that do not have a finding of abuse/neglect are resolved with a disposition of dismissed, withdrawn or ACD.

	No Finding of Abuse/Neglect		Finding of Abuse/Neglect	
	(from Metric 3*)		(from Metric 4)	
	Number	Percentage	Number	Percentage
Dismissed	1,508	2%		
Allegations not sustained or court aid not required in neglect cases after a trial or inquest	588	1%		
Withdrawn	4,712	8%		
Not Yet Adjudicated	897	1%		
ACD	10,699	18%	4,019	7%
Order of Supervision			11,023	18%
Placement			11,059	18%
Returned to parent			7,941	13%
Suspended judgment			1,529	3%
Other			5,584	9%
Not yet disposed			947	2%
Total	18,404	30%	42,102	70%

METRIC 5: TIME FROM ENTRY INTO OUT-OF HOME-CARE TO COMPLETION OF INITIAL PERMANENCY HEARING

Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to the completion of the initial permanency hearing.

Definition

This metric presents the proportion of initial permanency hearings held and completed within nine months from the date of entry into out-of-home care on behalf of children who remained in out-of-home care for at least nine months. This timeliness metric computes the number of days from the date of entry into out-of-home care to the date of the completed initial permanency hearing for each unique child.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007 or 2008 and who remained in out-of-home care for at least nine months. Of the 33,846 children entering out-of-home care during this three-year period, nearly two-thirds (64% or 21,779 children) remained in out-of-home care for at least nine months. This metric observes these 21,779 children through June 30, 2010, and presents the proportion of children who had an initial permanency hearing completed within nine months of the date of entry into out-of-home care for entry cohorts by year and by the three-year aggregate, referred to as the 2006 to 2008 entry cohort.

Significance

When a child is in out-of-home care for a period of eight months as the result of allegations of abuse/neglect or a court-approved voluntary placement agreement, the court must commence an initial permanency hearing no later than eight months from the time of entering out-of-home care. Subsequent permanency hearings must be held every six months thereafter for the duration of the child's stay in out-of-home care. Once commenced, a permanency hearing must be completed within 30 days.³⁸

The purpose of the permanency hearing is to improve permanency outcomes for children through regularly scheduled judicial reviews of the case circumstances, the appropriateness of the permanency goals, and the efforts made to achieve permanency. After reviewing all of the evidence presented at each permanency hearing, the judge or referee must determine whether the local department of social services made what are referred to as "reasonable efforts to achieve permanency" for each child. Making reasonable efforts entails providing casework and other services needed to either reunite a child with his or her family or to develop and finalize another permanency plan, such as adoption, if the child cannot safely return home. Making reasonable efforts is both a federal and New York State requirement and can affect eligibility for federal funding.

New York State law requires that the initial permanency hearing begin eight months from the date the child entered out-of-home care even if the adjudication and/or the disposition (when applicable) have not yet been completed. The initial date for the permanency hearing is calculated and scheduled on the first court appearance after the child enters out-of-home care. Yet, holding a permanency hearing prior to adjudication and/or disposition can undermine the purpose of the hearing. It is generally premature for the court to be making decisions about the appropriate permanency plan for the child before the court has determined whether abuse/neglect has occurred, made a determination at the disposition hearing regarding whether the child can return home, or made the necessary orders regarding needed services. This reinforces the importance of achieving timely adjudication and disposition prior to the commencement of the initial permanency hearing.

Questions and Observations

What proportion of initial permanency hearings were held and completed within nine months from the date of entry into out-of-home care on behalf of children who remained in care for at least nine months?

- Seventy-seven percent of initial permanency hearings were held and completed within nine months for the 2006 to 2008 entry cohort.

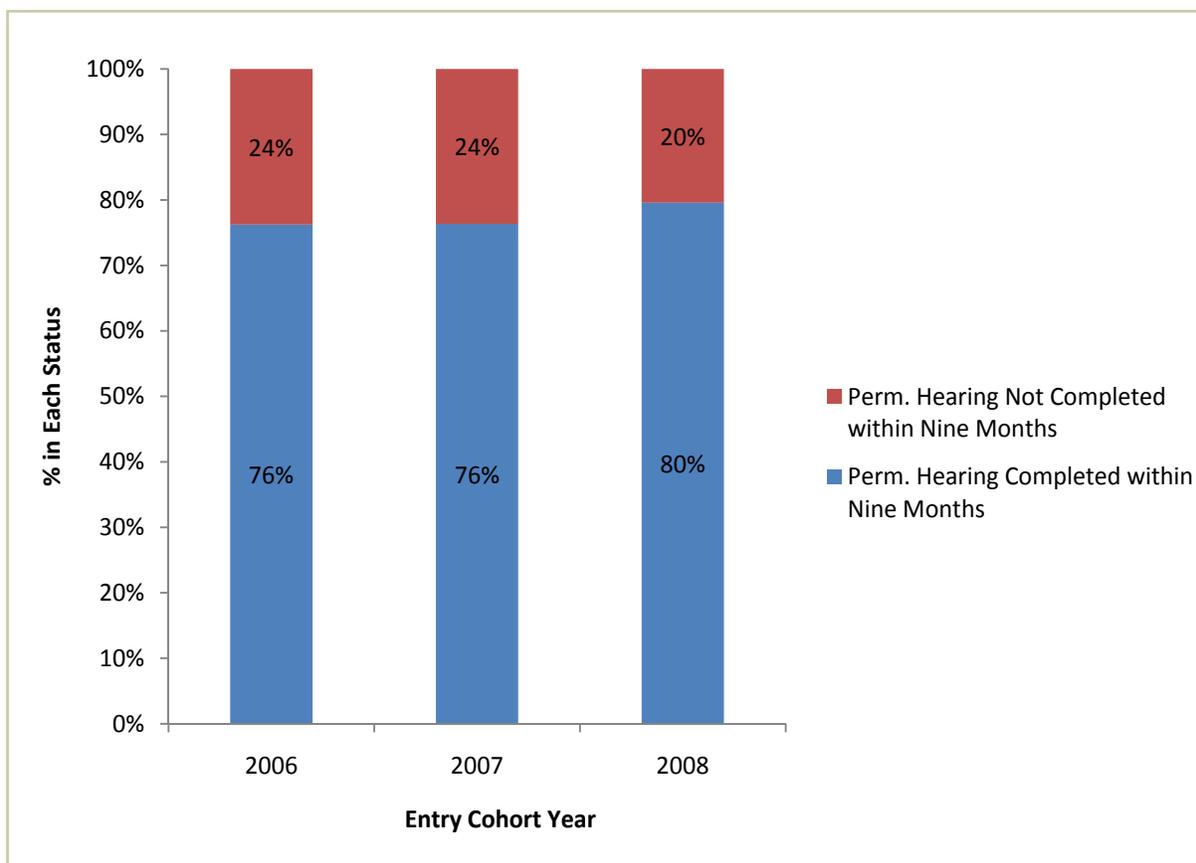
Does the proportion of initial permanency hearings that were held and completed within nine months from the date of entry into out-of-home care on behalf of children who remained in care for at least nine months appear to be changing?

- For the 2006, 2007 and 2008 entry cohorts, the proportion of initial permanency hearings that were held and completed within nine months from the date of entry into out-of-home care were 76, 76 and 80 percent, respectively. Between 2006 and 2008, the proportion completed increased by 5 percent. See Chart 5-A.

What is possibly contributing to the increase in initial permanency hearings that were held and completed within nine months from the date of entry into out-of-home care on behalf of children who remained in care for at least nine months?

- This increase follows the implementation of the 2005 New York State “Permanency Law”³⁹ which established the statutory requirement that the initial permanency hearings be commenced no later than eight months after entry into out-of-home care and completed within 30 days thereafter.

CHART 5-A: Proportion of Initial Permanency Hearings Completed within Nine Months of the Date of Entry into Out-of-Home Care: New York State, 2006, 2007 and 2008 Entry Cohorts



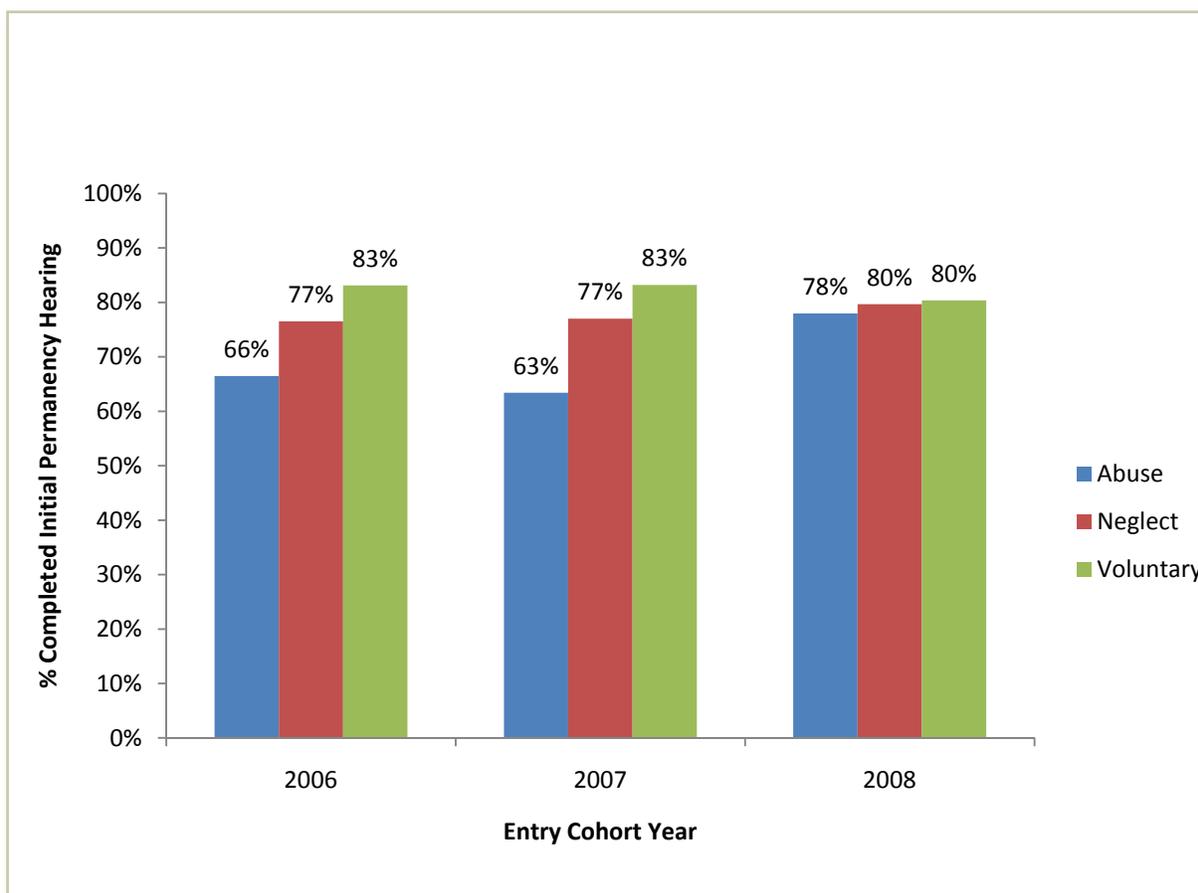
Does the proportion of initial permanency hearings that were held and completed within nine months from the date of entry into out-of-home care on behalf of children who remained in care for at least nine months vary by the initial reason for entering court jurisdiction (filing type)?

- Compared to abuse cases (66%, 63%, and 78%, respectively), voluntary placements (83%, 83% and 80%, respectively) and neglect cases (77%, 77%, and 80%, respectively) consistently had a greater proportion of initial permanency hearings that were held and completed within nine months from the date of entry into out-of-home care on behalf of children who entered out-of-home care in 2006, 2007 and 2008 and remained in care for at least nine months. See Chart 5-B.

Does the difference in proportions of initial permanency hearings that were held and completed within nine months from the date of entry into out-of-home care on behalf of children who remained in care for at least nine months by the initial reason for entering court jurisdiction (filing type) appear to be changing?

- While the proportion of voluntary placements having the initial permanency hearing within nine months from the date of entry into out-of-home care remained relatively stable between 2006 and 2008 (dropping slightly from 83 to 80%), the proportion of abuse cases increased substantially (from 66 to 78%) and the proportion of neglect cases increased slightly (from 77 to 80%). The increase in the 2008 entry cohort is largely attributable to the increase in the proportion of initial permanency hearings held and completed within nine months among neglect cases given neglect cases account for most (87%) of the petitions filed. See Chart 5-B.

CHART 5-B: Proportion of Initial Permanency Hearings Completed within Nine Months of the Date of Entry into Out-of-Home Care by Filing Type: New York State, 2006, 2007 and 2008 Entry Cohorts



METRIC 6: TIME FROM ENTRY INTO OUT-OF-HOME CARE TO TERMINATION OF PARENTAL RIGHTS PETITION FILING

Among children for whom a first TPR petition has been filed within a given period, the time from entering out-of-home care to the time of the TPR filing.

Definition

This metric presents the time between the recorded date of entering out-of-home care and the filing date of the first termination of parental rights (TPR) petition within a specified period of time for children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement. This timeliness metric computes the number of days from the date of entering out-of-home care and the filing date of the first TPR petition for each unique child and presents the distribution of TPR petitions filed during a specified time period for a designated entry cohort.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006 and 2007 and follows each child for up to 42 months to identify children for whom a first TPR petition was filed during the designated time period. Of the 23,198 children who entered out-of-home care during this two-year period (12,134 in 2006 and 11,064 in 2007), the population for this metric is the 2,514 children in 2006 and 1,766 children in 2007 for whom a first TPR petition had been filed during the designated time period (within 42 or 30 months, respectively). This population does not include children who entered out-of-home care and were subsequently the subject of a voluntary surrender whereby parents voluntarily relinquish their parental rights without ever having a TPR petition filed. This metric presents the distribution of TPR petitions filed within 42 months for the 2006 entry cohort and petitions filed within 30 months for the 2007 entry cohort.

Note: Children who entered out-of-home care during this two-year period could be the subject of a TPR petition filing beyond the designated time periods presented in this report. While the proportions presented in this metric will not change for the specified time periods, the proportions for an entry cohort would likely change if the designated time period is extended, e.g., observing the 2006 entry cohort for 60 months instead of 42 months.

Significance

In response to concerns that some children were languishing in temporary foster care, the Adoption and Safe Families Act (ASFA)⁴⁰ requires state agencies to file a petition to terminate parental rights when a child has been in foster care for 15 of the most recent 22 months, unless there are compelling reasons not to file.⁴¹ The agency must also file when a court has determined a child to be an abandoned infant; that the parent committed murder or voluntary manslaughter of another child of the parent; that the parent aided, abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; or that the parent committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.

Previously, federal law had not required states to initiate termination of parental rights proceedings based on a child's length of stay in foster care. Under ASFA, states must not only file a petition to terminate parental rights for children who have been in foster care for 15 out of the most recent 22 months but also concurrently, must identify, recruit, process and approve a qualified adoptive family on behalf of any child, regardless of age. A child is considered as having entered foster care on the earlier of either the date of the first judicial finding of abuse or neglect, or 60 days after the child is removed from the home.

While this metric provides meaningful aggregate data to support improvement efforts, it should not be used to determine compliance with federal ASFA standards since the population includes children with compelling reasons not to file a TPR.

Questions and Observations

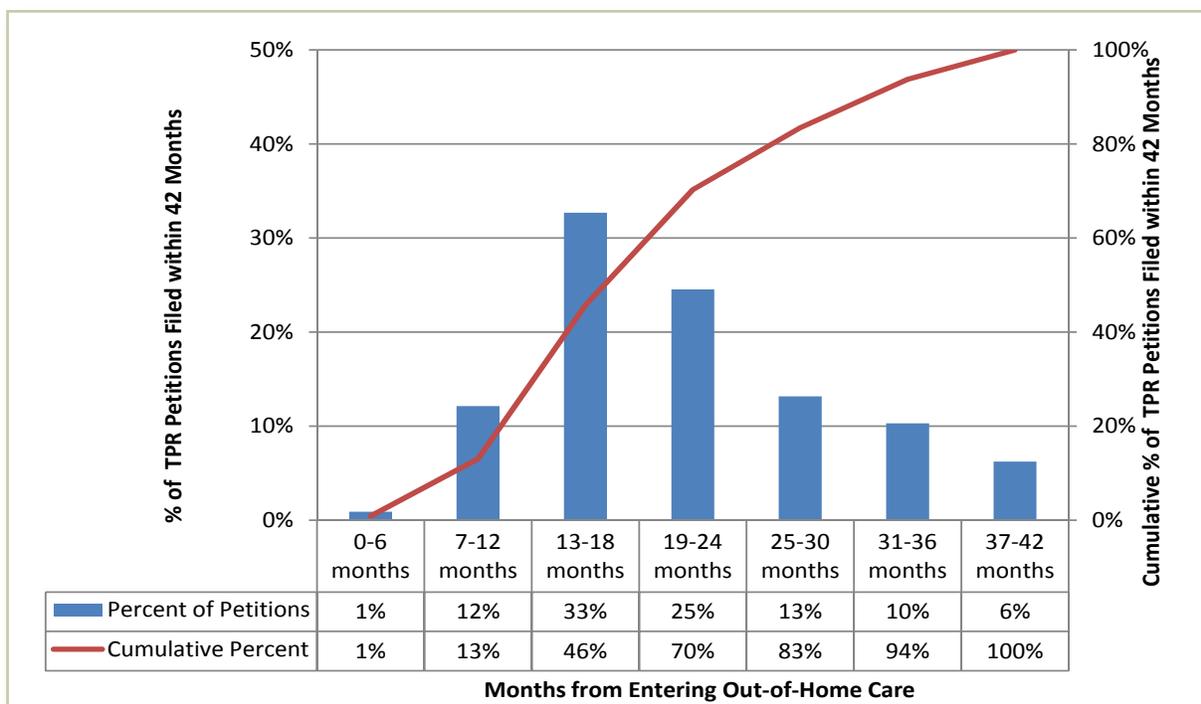
What proportion of children for whom a first TPR petition was filed within 42 months from entering out-of-home care had the petition filed within 12 months, 18 months, and 24 months, and after 24 months from entering out-of-home care?

- For the 2006 entry cohort with first TPR petitions filed within 42 months from entering care, 13 percent of the petitions had been filed within 12 months of entering care. See Chart 6-A.
- Nearly half (46%) of the petitions filed within 42 months from entering care had been filed within 18 months of entering care. By 24 months, 7 of every 10 petitions had been filed. See Chart 6-A.
- While the number of TPR petitions filed decreases after 24 months from entering care, the petitions filed between 25 months and 42 months account for about 3 out of 10 petitions filed within 42 months from entering out-of-home care. See Chart 6-A.

What proportion of children for whom a first TPR petition was filed within 42 months from entering out-of-home care had the petition filed between 15 and 22 months from entering care?

- For the 2006 entry cohort with first TPR petitions filed within 42 months from entering care, 30 percent of the petitions had been filed within 15 months of entering care. With 34 percent of the petitions being filed between 16 and 22 months of entering care, nearly two-thirds (64%) of the petitions had been filed within 22 months of entering care.

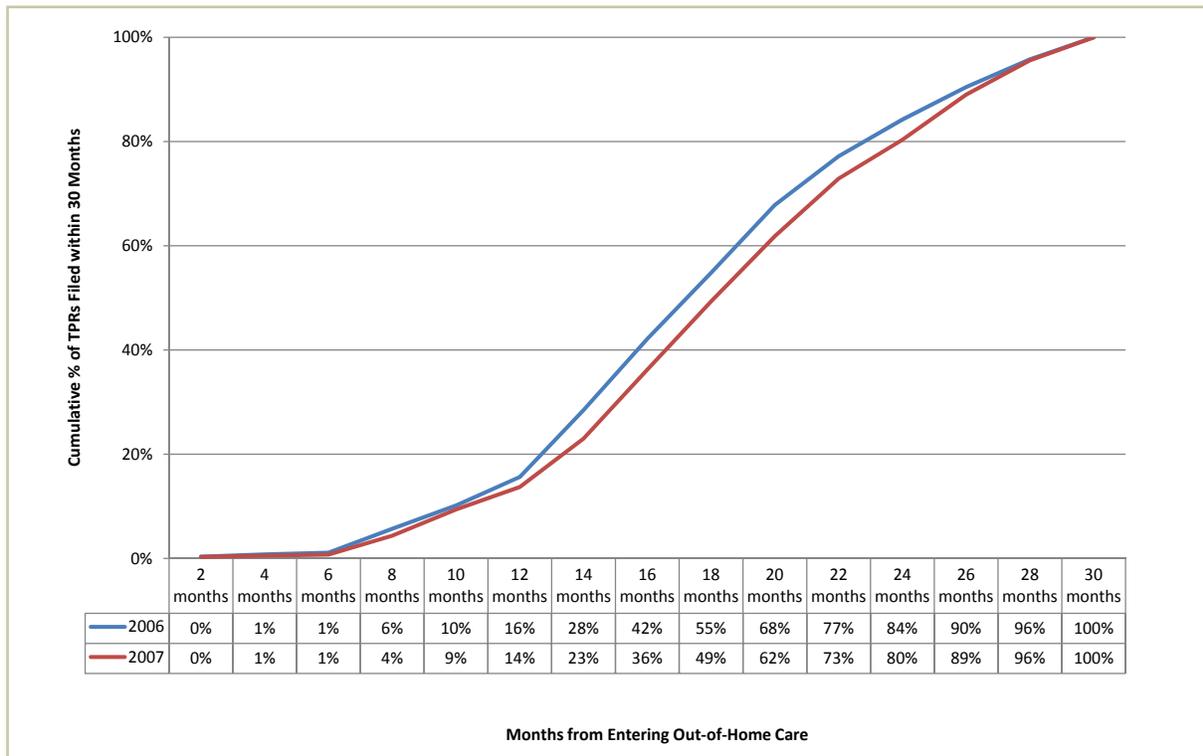
CHART 6-A: Distributive and Cumulative Percentages of Children for whom a First TPR Petition was Filed within 42 Months from Entering Out-of-Home Care by Time to Filing: New York State, 2006 Entry Cohort with a First TPR Petition Filed



Does the time it takes to file a first TPR petition appear to be changing?

- For the 2006 entry cohort with first TPR petitions filed within 30 months of entering out-of-home care, the first TPR petitions were being filed slightly sooner than the petitions filed within 30 months for the 2007 entry cohort with first TPR petitions filed. By 12 months, 16 percent of the TPR petitions filed within 30 months had been filed for the 2006 entry cohort compared to 14 percent of the petitions filed for the 2007 entry cohort. The gap widened to a 7 percent difference at the 17 month mark with 49 percent of the petitions filed for the 2006 entry cohort compared to 42 percent of the petitions filed for the 2007 entry cohort. See Chart 6-B.

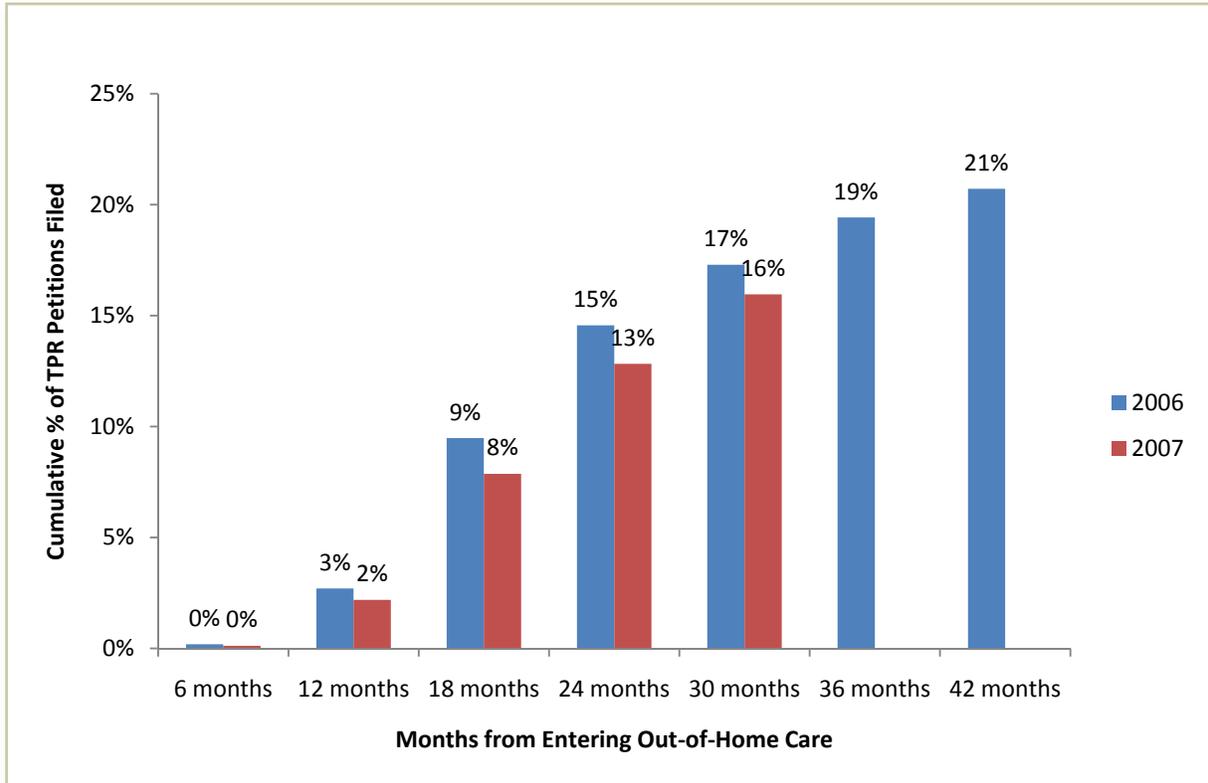
CHART 6-B: Cumulative Percentage of Children for whom a First TPR Petition was Filed within 30 Months from Entering Out-of-Home Care by Time to Filing: New York State, 2006 and 2007 Entry Cohorts with a First TPR Petition Filed



What proportion of children entering out-of-home care for the first time during 2006 and 2007 had a first TPR petition filed?

- Of the children who entered out-of-home care in 2006 and 2007, nearly 1 out of 10 children had a first TPR petition filed within 18 months of entering care. See Chart 6-C.
- Of the children who entered care in 2006 and 2007, the percentage of children for whom a first TPR petition was filed basically doubled between 18 months and 30 months from entering out-of-home care (going from 9% to 17% for the 2006 entry cohort and from 8% to 16% for the 2007 entry cohort, respectively). See Chart 6-C.
- By 42 months from the date of entering care, a first TPR petition had been filed for 1 out of 5 children who entered out-of-home care in 2006.⁴² See Chart 6-C.

CHART 6-C: Cumulative Percentage of Children for whom a First TPR Petition is Filed within Time Intervals up to 42 Months from Entering Out-of-Home Care: New York State, 2006 and 2007 Entry Cohorts



Note: The population for this chart includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006 and 2007.

METRIC 7: TIME FROM TERMINATION OF PARENT RIGHTS PETITION FILING TO ADJUDICATION

Among children for whom a TPR petition is filed in a given period, the time from petition filing to adjudication of the TPR.

Definition

This metric presents the length of time between the filing of the initial termination of parental right (TPR) petition and when the TPR case is adjudicated. Adjudication is the point in time where the court determines whether one or more grounds to terminate parental rights are supported by “clear and convincing proof.”⁴³ This timeliness metric computes the number of days from the filing date of a first TPR petition to the recorded date of adjudication for each unique child and presents the median time in months for a designated entry cohort.

TPR adjudications are organized by the following categories (see Table 7-A for a percentage breakdown of adjudication types):

- The court dismisses the petition;⁴⁴
- The petition to terminate parental rights is withdrawn;
- The court determines that the allegations are not sustained;
- The respondent admits to the allegations;
- The respondent consents to a finding;
- The court determines that the allegations are sustained after a trial (makes a finding);
- The court determines that the allegations are sustained after an inquest (makes a finding);
- The adjudication was not recorded; and
- The petition has not yet been adjudicated.

Population

This metric includes all unique children who were the subject of an initial TPR petition filing during 2006, 2007 or 2008. This metric follows these 7,634 unique children through June 30, 2010. This population does not include children who were the subject of a voluntary surrender whereby parents voluntarily relinquish their parental rights without ever having a TPR petition filed. Based on the filing date of the TPR petition, this metric presents the median time to adjudication for entry cohorts by year and by the three-year aggregate, referred to as 2006 to 2008 TPR filing entry cohort. For children who were the subject of more than one TPR adjudication, this metric uses the date of the first adjudication only. For petitions with more than one ground for termination, this metric followed a hierarchy to select a primary ground type for presenting data (see Methods Appendix for hierarchy).

Significance

Termination of parental rights ends the legal parent-child relationship, including rights for custody, visitation and participation in decision-making for the child. Before a court can consider an order terminating parental rights, there must be an adjudicatory finding based on “clear and convincing proof” of one or more narrowly specified grounds, including abandonment, parental mental illness or cognitive disability (mental retardation)⁴⁴, severe or repeated child abuse or permanent neglect.⁴⁵

Promoting timely adjudication of TPR petitions can be an effective means of encouraging efficient discovery and settlement procedures among legal professionals. It is during such settlement discussions that alternatives such as a voluntary surrender of parental rights can be explored. In some instances, conditions for surrenders can be negotiated that allow ongoing contact with and/or information sharing about the child for the surrendering parents post-surrender and after an adoption is finalized. A substantial number of TPR petitions are withdrawn in order to proceed to a voluntary surrender.

Timely decision-making can promote efficient casework practices and create a sense of urgency around issues such as recruitment and preparation of adoptive parents and development of a plan for post-adoption support services. These practices can be a significant factor in achieving timely permanency for children in out-of-home care when reunification is not viable.

Questions and Observations

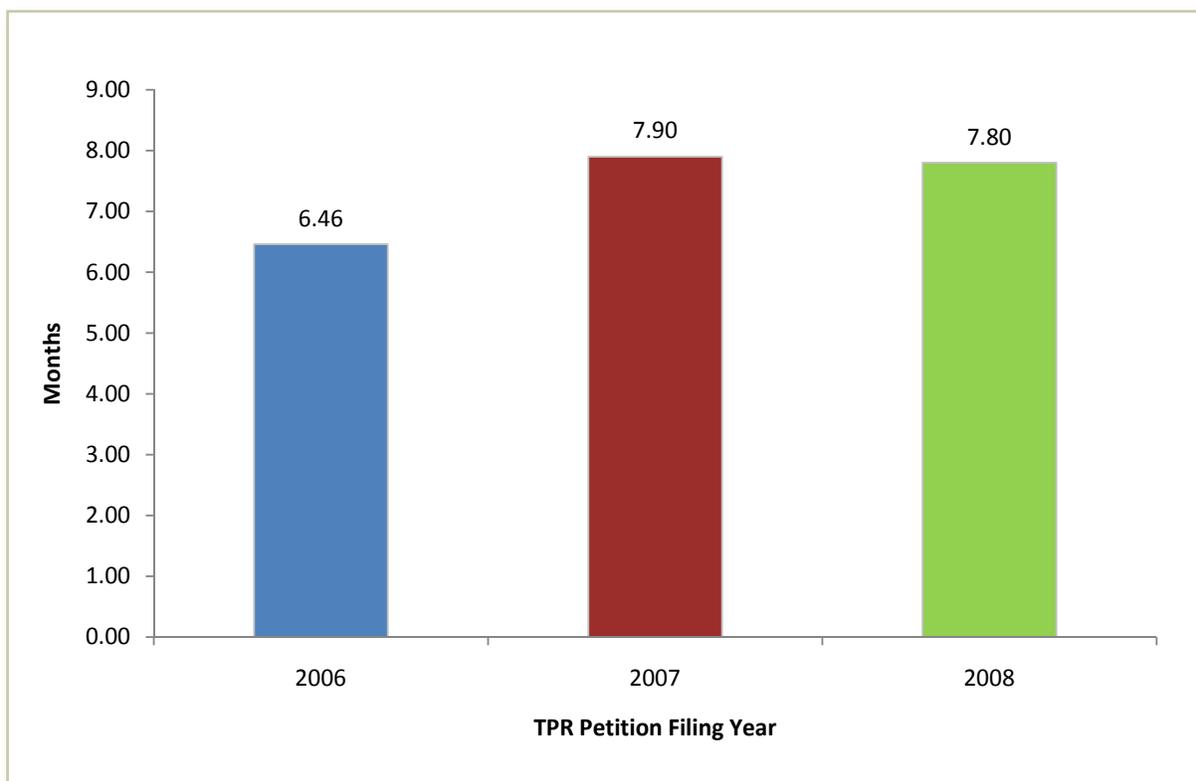
What was the median time to adjudication of TPR petitions?

- The median time to adjudication for initial TPR petitions filed during 2006 to 2008 on behalf of children who entered out-of-home care during 2006 to 2008 was 7.34 months from the filing of the TPR petition.

Does the time it takes to reach adjudication appear to be changing?

- The median times to adjudication for initial TPR petitions filed during 2006, 2007 or 2008 were 6.46, 7.90 and 7.80 months, respectively. Compared to 2006, the median time to adjudication for the 2008 cohort is 40 days longer (21% longer). See Chart 7-A.

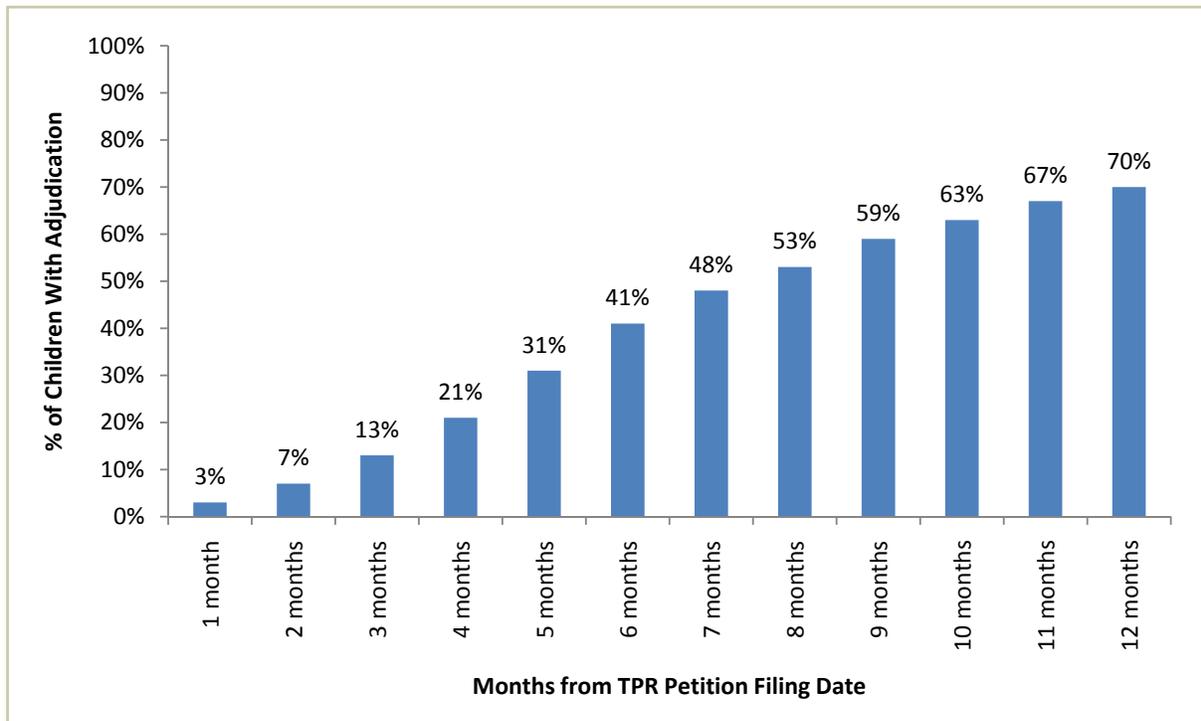
CHART 7-A: Median Time from Initial TPR Petition Filing to Adjudication: New York State, 2006, 2007 and 2008 TPR Filing Entry Cohorts as of June 30, 2010



What percentage of TPR petitions filed reached adjudication by 3 months, 6 months, 9 months and 12 months?

- For initial TPR petitions filed during 2006 to 2008, 13 percent had reached the adjudicatory stage by 3 months, 41 percent by 6 months, and 59 percent by 9 months. At 12 months, 70 percent of the cases had reached adjudication and the remaining 30 percent of cases had not yet reached adjudication. See Chart 7-B.

CHART 7-B: Cumulative Percentage of Children for whom Initial TPR Petitions Filed by Time to Adjudication: New York State, 2006 to 2008 TPR Filing Entry Cohort as of June 30, 2010



What was the number and percentage of each adjudication type for initial TPR petitions filed during 2006, 2007 and 2008?

- See Table 7-A.

What percentage of initial TPR petitions filed had not yet reached the adjudicatory stage with at least 18 months elapsing since the filing of the TPR petition?

- Five percent of the 2006 to 2008 TPR filings (on behalf of 413 children) had not yet reached adjudication as of June 30, 2010. See Table 7-A.

What is meant by “no adjudication recorded”?

- The 6 percent of cases categorized as “no adjudication recorded” refers to cases that had a disposition but did not have a recorded adjudication. The majority of cases in this category (89%) had one of the following recorded dispositions: termination of parental rights (46%), suspended judgment (22%), petition granted/settled (13%), child freed for adoption (5%) or transfer/removal to Supreme Court (IDV) (3%). For the purpose of calculating the time to adjudication for the cases in this category, the date of disposition is considered the date of adjudication. See Table 7-A.

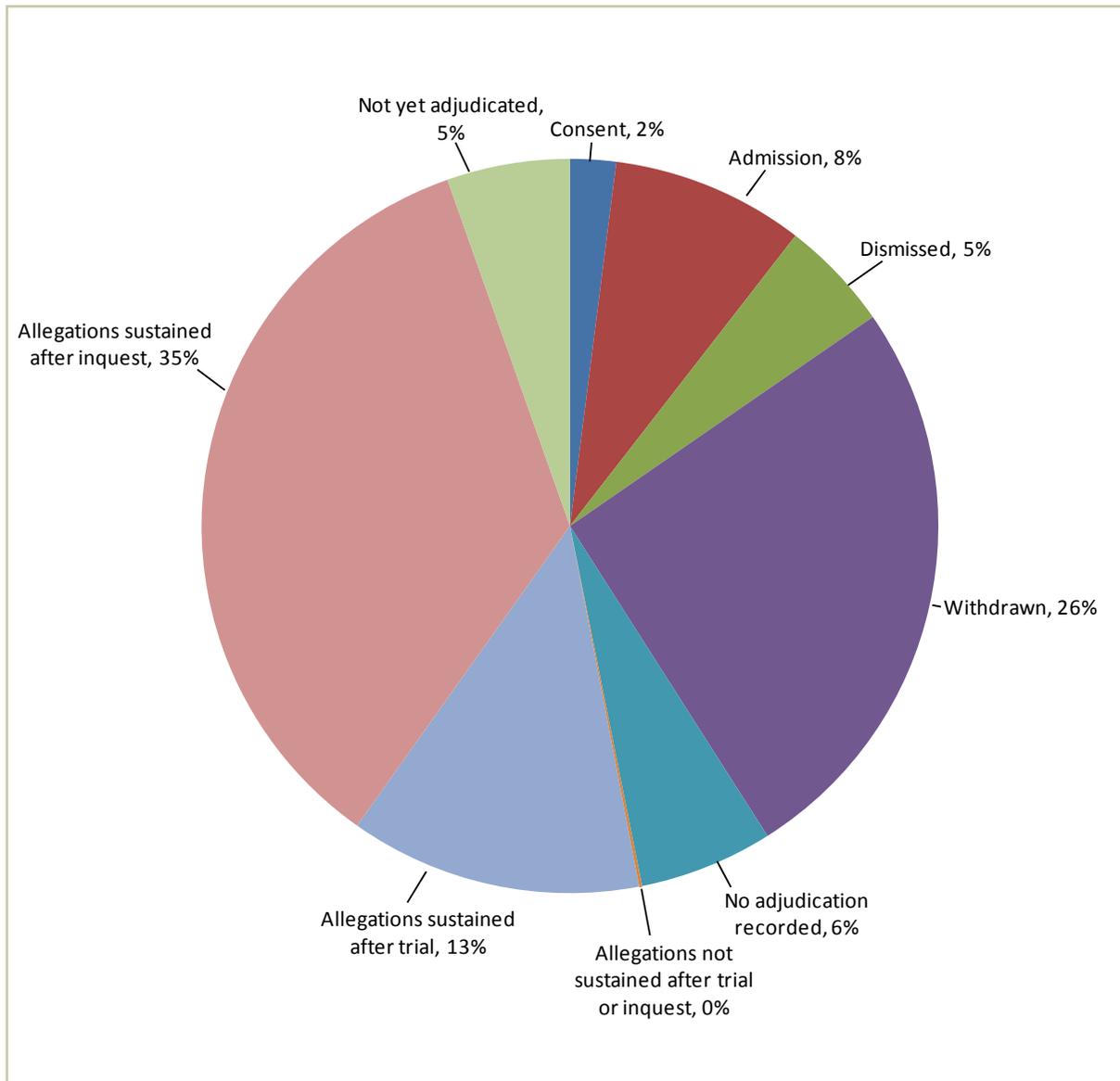
TABLE 7-A. Number and Percentage of Initial TPR Petitions Filed by Adjudication Type: New York State, 2006 to 2008 TPR Filing Entry Cohort as of June 30, 2010

Adjudication Type	Number	Percent
Consent	154	2%
Admission	648	8%
Dismissed	372	5%
Withdrawn	1,954	26%
No adjudication recorded	449	6%
Allegations not sustained after trial or inquest	10	0%
Allegations sustained after trial	980	13%
Allegations sustained after inquest	2654	35%
Not yet adjudicated	413	5%
Total	7,634	100%

What percentage of TPR petitions filed resulted in a determination regarding one or more grounds to terminate parental rights?

- For the 2006 to 2008 TPR filing entry cohort, 48 percent of cases resulted in a TPR fact-finding hearing that determined whether one or more grounds to terminate parental rights were satisfied (allegations sustained after inquest, 35%; allegations sustained after trial, 13%; and allegations not sustained after trial or inquest, 0%). See Chart 7-C.

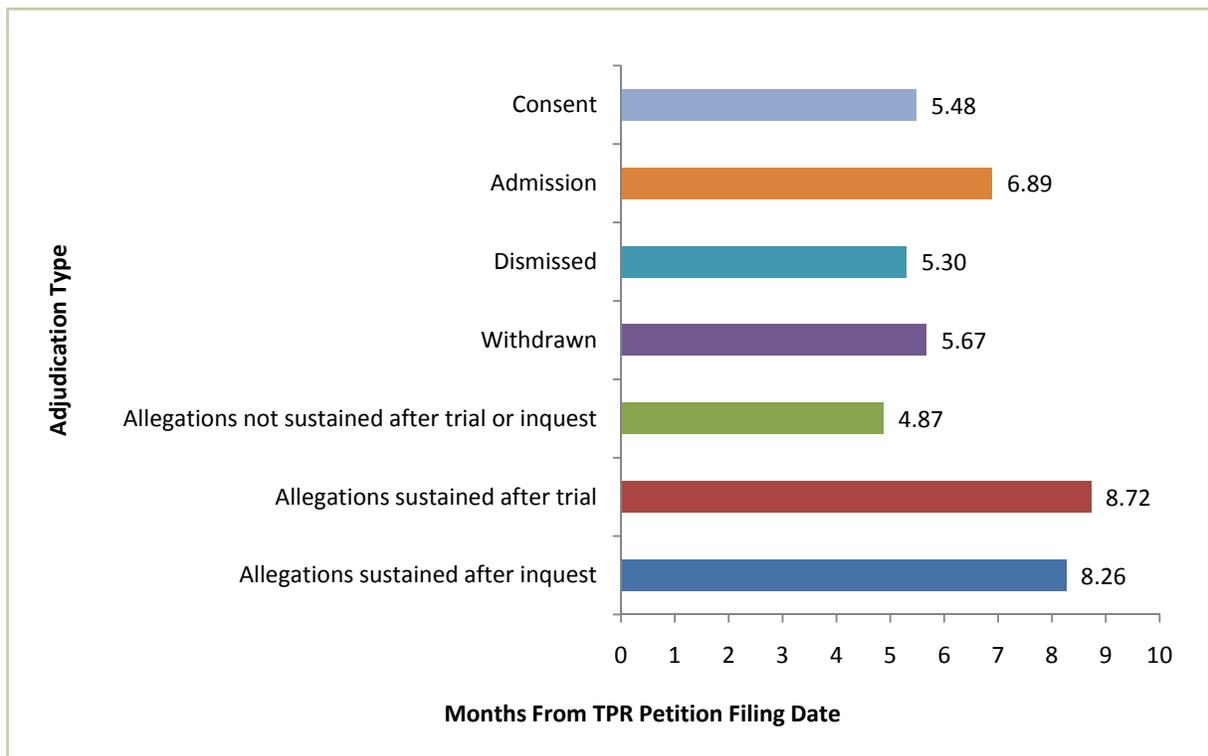
CHART 7-C: Distribution of Initial TPR Petitions Filed by Adjudication Type: New York State, 2006 to 2008 TPR Filing Entry Cohort as of June 30, 2010



Does the time to adjudication vary based on the adjudication type?

- For the 2006 to 2008 TPR filing entry cohort, cases that were contested and resulted in a finding had the longest median time to adjudication: 8.72 months for cases with allegations sustained after trial and 8.26 months for cases with allegations sustained after inquest. The very small number of cases where the allegations were not sustained after a trial or inquest (n=10) had the shortest median time to adjudication (4.87 months), followed by cases that were dismissed (5.3 months) and cases where the respondent consented (5.48 months). See Chart 7-D.

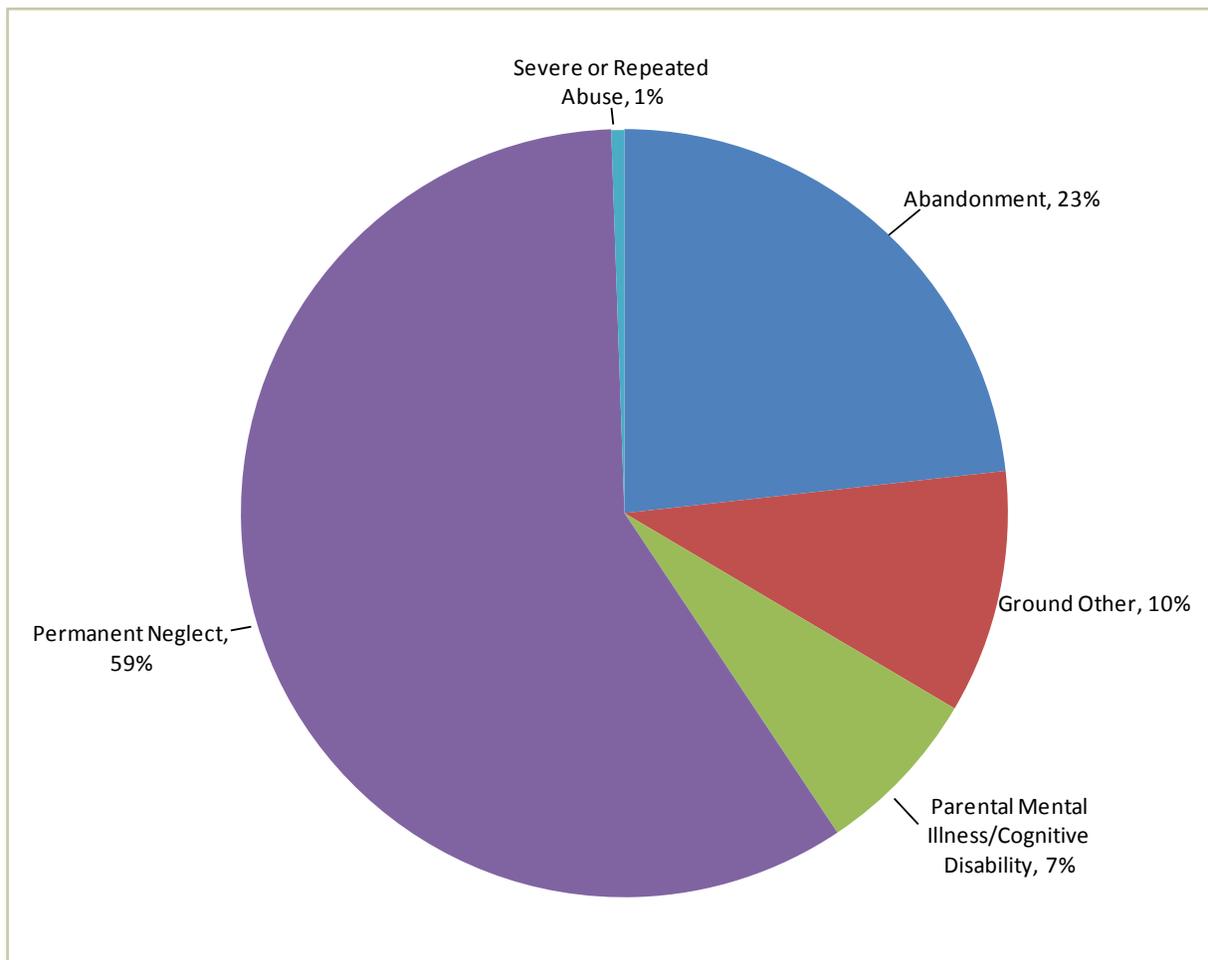
CHART 7-D: Median Time from Initial TPR Petition Filing to Adjudication by Adjudication Type: New York State, 2006 to 2008 TPR Filing Entry Cohort as of June 30, 2010



What was the breakdown of TPR filings by the type of grounds initiating the TPR petition?

- Grounds of permanent neglect (59%) and abandonment (23%) accounted for eight out of ten (82%) of the TPR petitions filed during 2006 to 2008. Allegations of parental mental illness or cognitive disability (mental retardation) accounted for 7 percent and severe or repeated abuse accounted for 1 percent. Other grounds, such as felony assault of the child or sibling, accounted for 10 percent of the TPR petitions filed. See Chart 7-E.

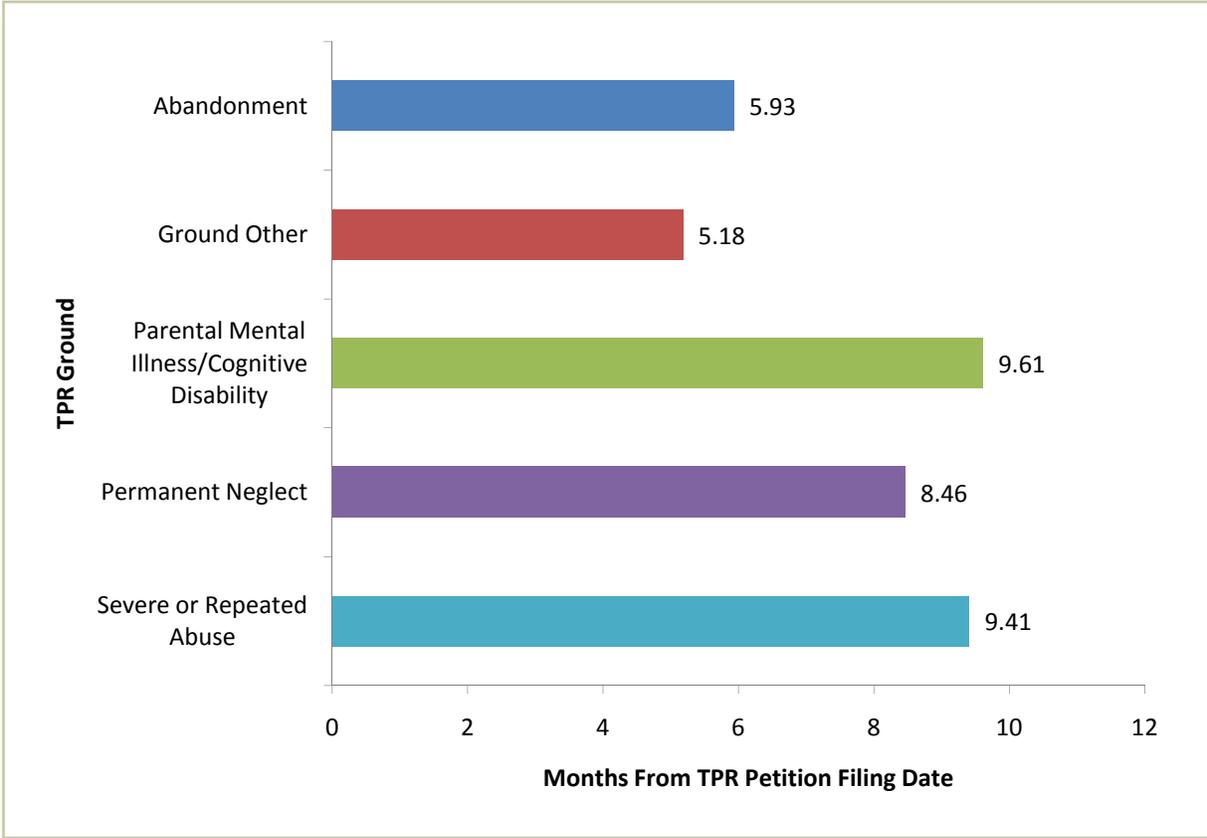
CHART 7-E: Distribution of Initial TPR Petition Filings by Type of Grounds Initiating the TPR Petition: New York State, 2006 to 2008 TPR Filing Entry Cohort Observed through June 30, 2010



Does the time to adjudication vary by the type of grounds?

- For the 2006 to 2008 TPR filing entry cohort, the median time to adjudication for initial TPR petitions filed during 2006 to 2008 was 9.61 months for petitions with grounds of parental mental illness or cognitive disability (mental retardation), 9.41 months for petitions with grounds of severe or repeated abuse, 8.46 months for petitions with grounds of permanent neglect. In comparison, the median time to adjudication was substantially shorter for petitions with grounds of abandonment (5.93 months). See Chart 7-F.

CHART 7-F: Median Time from Initial TPR Petition Filing to Adjudication by Type of Grounds Initiating the TPR Petition: New York State, 2006 to 2008 TPR Filing Entry Cohort Observed through June 30, 2010



METRIC 8: TIME FROM TPR PETITION FILING TO DISPOSITION

Among children for whom a TPR petition is filed in a given period and one or more grounds for termination is established, the time from TPR petition filing to disposition.

Definition

This metric presents the length of time between the filing of the initial termination of parental rights (TPR) petition and the entry of a dispositional order. Following a finding (where one or more grounds for termination were established), the court determines whether to order the termination of parental rights based on the best interests of the child. This determination occurs at a subsequent dispositional hearing or, if all parties consent, immediately after the required finding is made.⁴⁶ This timeliness metric computes the number of days from the filing date of an initial TPR petition to the date of the entry of a dispositional order for each unique child and presents the median time to disposition for a designated entry cohort.

The outcomes of the TPR dispositional hearing are organized by the following categories (see Table 8-A for a percentage breakdown of disposition types):⁴⁷

- Parent's rights terminated⁴⁸
- Dismissed
- Suspended judgment
- Withdrawn
- Other
- Not yet disposed

Population

This metric includes all unique children who were the subject of an initial TPR petition filing during 2006, 2007 or 2008 and the court had established one or more grounds for termination as of June 30, 2010.⁴⁹ Of the 7,634 unique children with an initial TPR petition filed during this three-year period, the majority of cases (4,885 or 64%) had an adjudicatory finding that established one or more grounds for termination as of June 30, 2010. The population for this metric is the 4,885 children with established grounds for termination. This population does not include the 413 TPR cases from this three-year period that were still awaiting adjudication as of June 30, 2010. Based on the filing date of the initial TPR petition, this metric presents the median time to disposition for entry cohorts by year and by the three-year aggregate, referred to as the 2006 to 2008 TPR filing entry cohort with established grounds for the TPR. For children with more than one TPR disposition, this metric uses the date of the first disposition only. For petitions with more than one ground for termination, this metric follows a hierarchy to select a primary ground type when presenting data disaggregated by grounds (see Methods Appendix for hierarchy).

Significance

Termination of parental rights ends the legal parent-child relationship, including rights for custody, visitation and participation in decision-making for the child. The court order can terminate the rights of one parent without affecting the rights of the other parent. A child is considered freed for adoption only when all persons whose consent to the child's adoption has either had his or her parental rights terminated by a TPR proceeding or a surrender or are deceased.⁵⁰ TPR proceedings tend to be the most contested and time-consuming pro-

ceedings in child abuse/neglect litigation. As demonstrated in *Metric 2: Time from Entering Out-of-Home Care to Permanency Achieved*, completed adoptions do not account for a sizeable proportion of permanent exits until years after children enter out-of-home care. When termination of parental rights is in the best interests of the child, timeliness is essential when addressing a child’s need for permanency. Delays can have substantial consequences that can affect a child’s length of stay in out-of-home care, which in turn impact well-being and adoption opportunities.

Questions and Observations

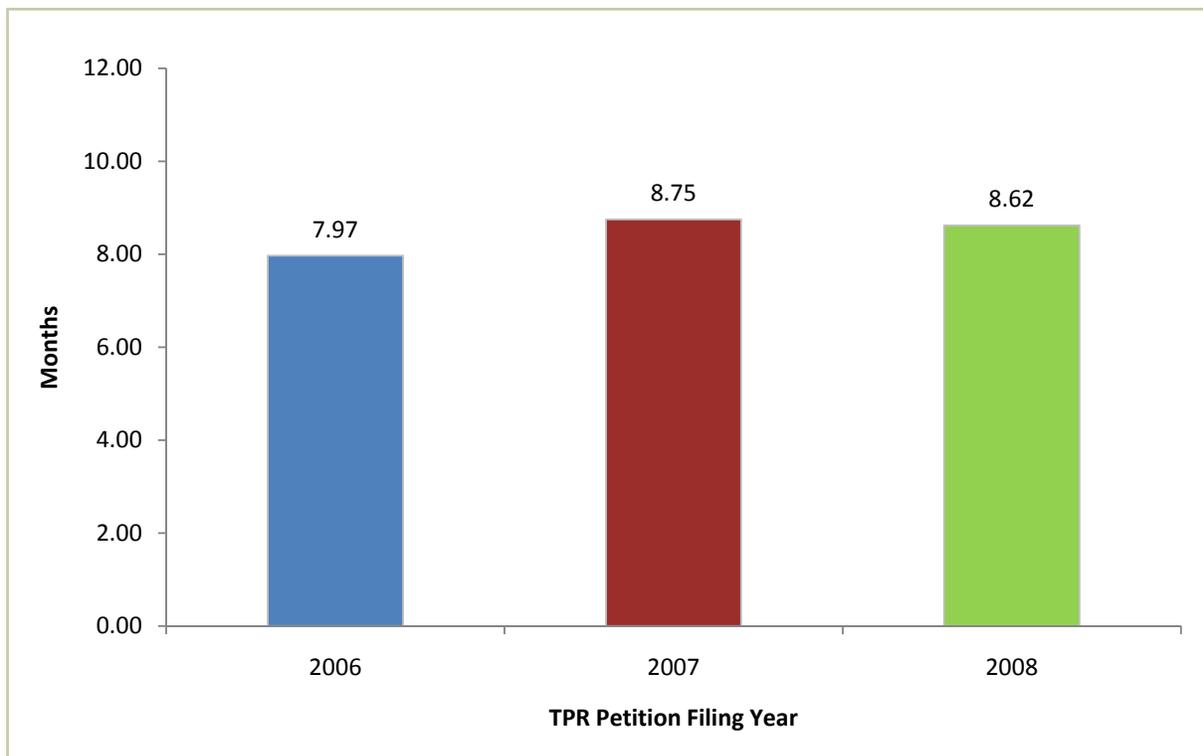
What was the median time to the disposition of TPR petitions?

- For the 2006 to 2008 TPR filing entry cohort with established grounds, the median time to disposition was 8.43 months from the filing of the TPR petition.

Does the time it takes to reach the TPR disposition appear to be changing?

- For the 2006, 2007 and 2008 TPR filing entry cohorts with established grounds, the median times to disposition were 7.97, 8.75 and 8.62 months, respectively. Compared to 2006, the median time to the TPR disposition was almost three weeks longer in 2008 (an 8% increase). See Chart 8-A.

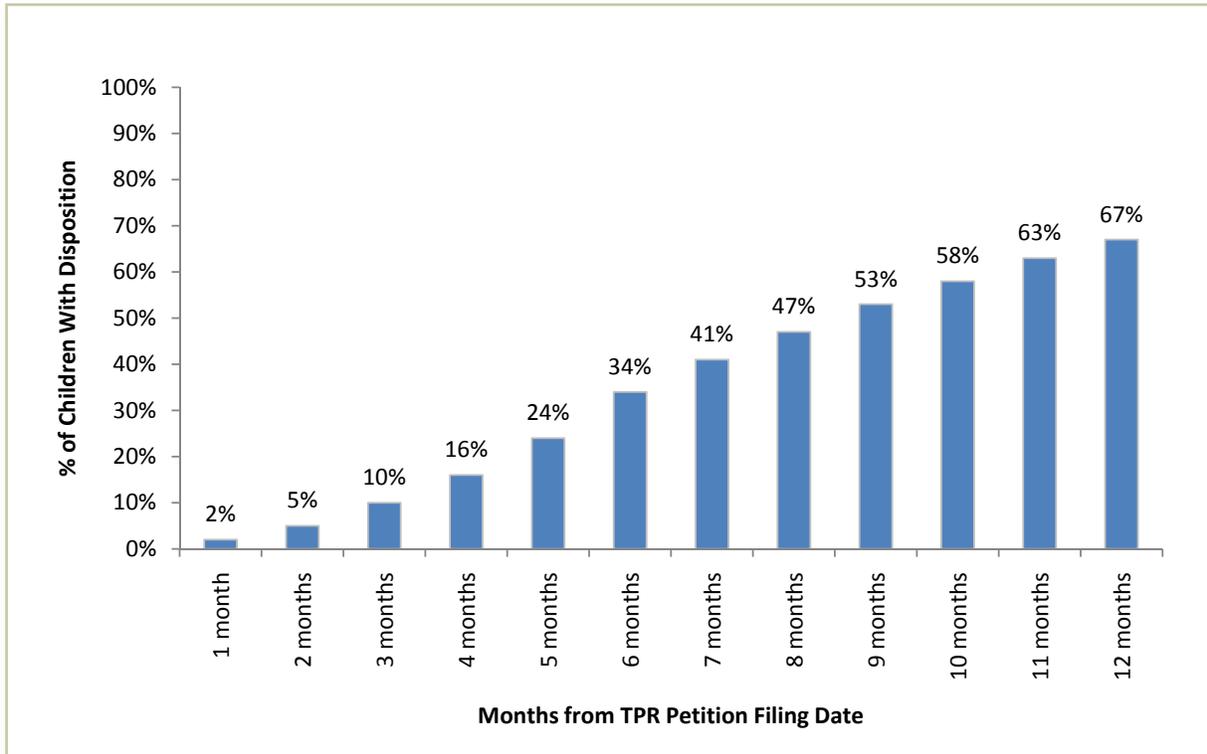
CHART 8-A: Median Time from the Initial TPR Petition Filing to Disposition: New York State, 2006, 2007 and 2008 TPR Filing Entry Cohorts with Established Grounds for the TPR as of June 30, 2010



What percentage of TPR petitions filed reached disposition by 3 months, 6 months, 9 months and 12 months?

- For the 2006 to 2008 TPR entry cohort with established grounds, 10 percent had reached the disposition stage by 3 months, 34 percent by 6 months, and 53 percent by 9 months from the filing of the TPR petition. At 12 months, 67 percent of the cases had reached disposition and the remaining 33 percent of cases had not yet reached disposition. See Chart 8-B.

CHART 8-B: Cumulative Percentage of Children for whom a TPR Disposition is Reached by Time from Initial TPR Petition Filing to Disposition: New York State, 2006 to 2008 TPR Filing Entry Cohort with Established Grounds for the TPR as of June 30, 2010



What was the number and percentage of each TPR disposition type?

- See Table 8-A.

What percentage of TPR petitions filed with established grounds had not yet reached the disposition stage with at least 18 months elapsing since the filing of the TPR petition?

- Four percent of the 2006 to 2008 TPR petition filings with established grounds (for 213 children) had not yet reached disposition as of June 30, 2010. See Table 8-A.

What types of dispositions are included in the “Other” category?

- The vast majority (91%) of the 433 cases with disposition types included in the “Other” category are comprised of Place Child Freed for Adoption (40%), Petition Granted (34%) and Petition Settled (17%). These cases may be better defined in one of the other disposition categories.

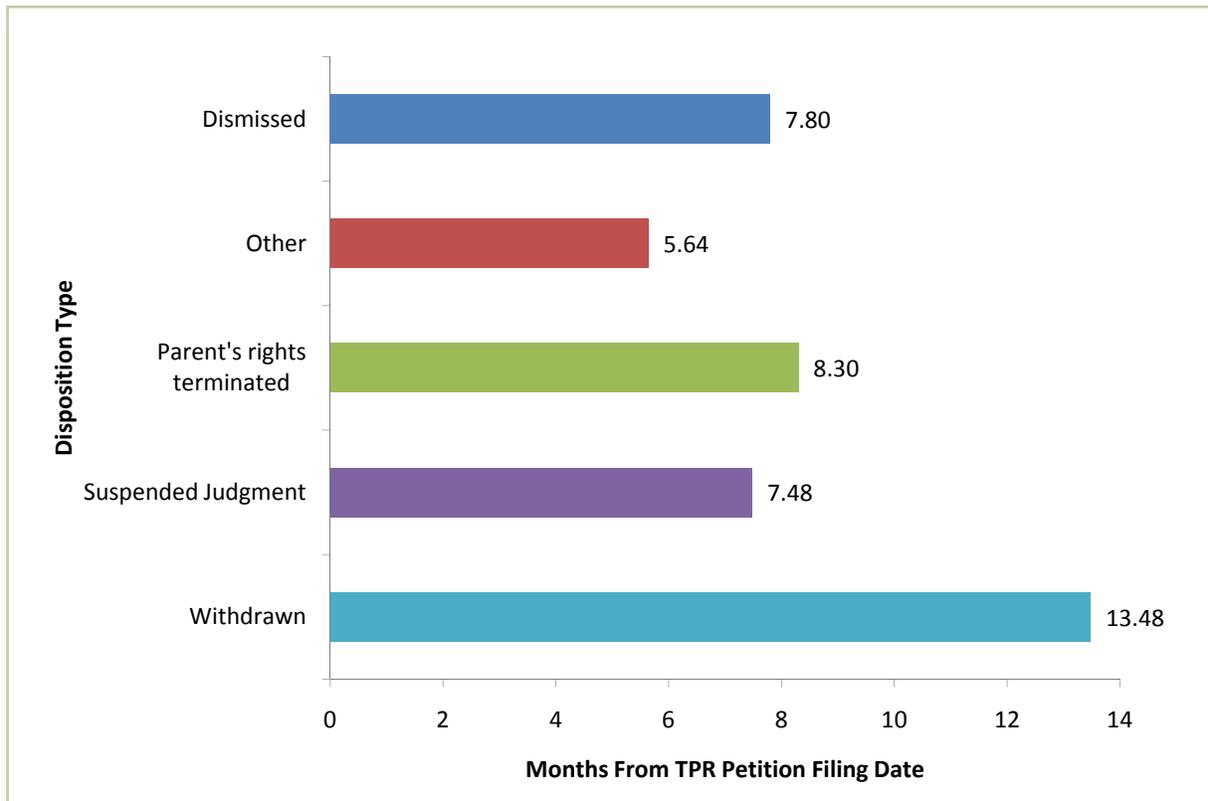
TABLE 8-A. Number and Percentage of TPR Disposition Types: New York State, 2006 to 2008 TPR Filing Entry Cohort with Established Grounds for the TPR as of June 30, 2010

Disposition Type	Number	Percent
Parent's rights terminated	3,362	69%
Dismissed	48	1%
Suspended Judgment	713	15%
Withdrawn	116	2%
Other	433	9%
Not yet disposed	213	4%
Total	4,885	100%

Does the time to TPR disposition vary based on the dispositional outcome?

- For the 2006 to 2008 TPR filing entry cohort with established grounds, the median time to disposition was 8.30 months for the group of children whose initial TPR petition filing was disposed of by an order terminating parental rights. The median time for the group of children with an order that dismissed the TPR petition (7.80 months) was basically the same as for the orders of termination (2 weeks shorter). Orders that suspended judgment had a slightly shorter median time to disposition than orders to terminate and were approximately one month below the overall median (7.48 vs. 8.30 months, respectively). The type of disposition with the longest median time to disposition was where the TPR petition was withdrawn (13.48 months). See Chart 8-C.

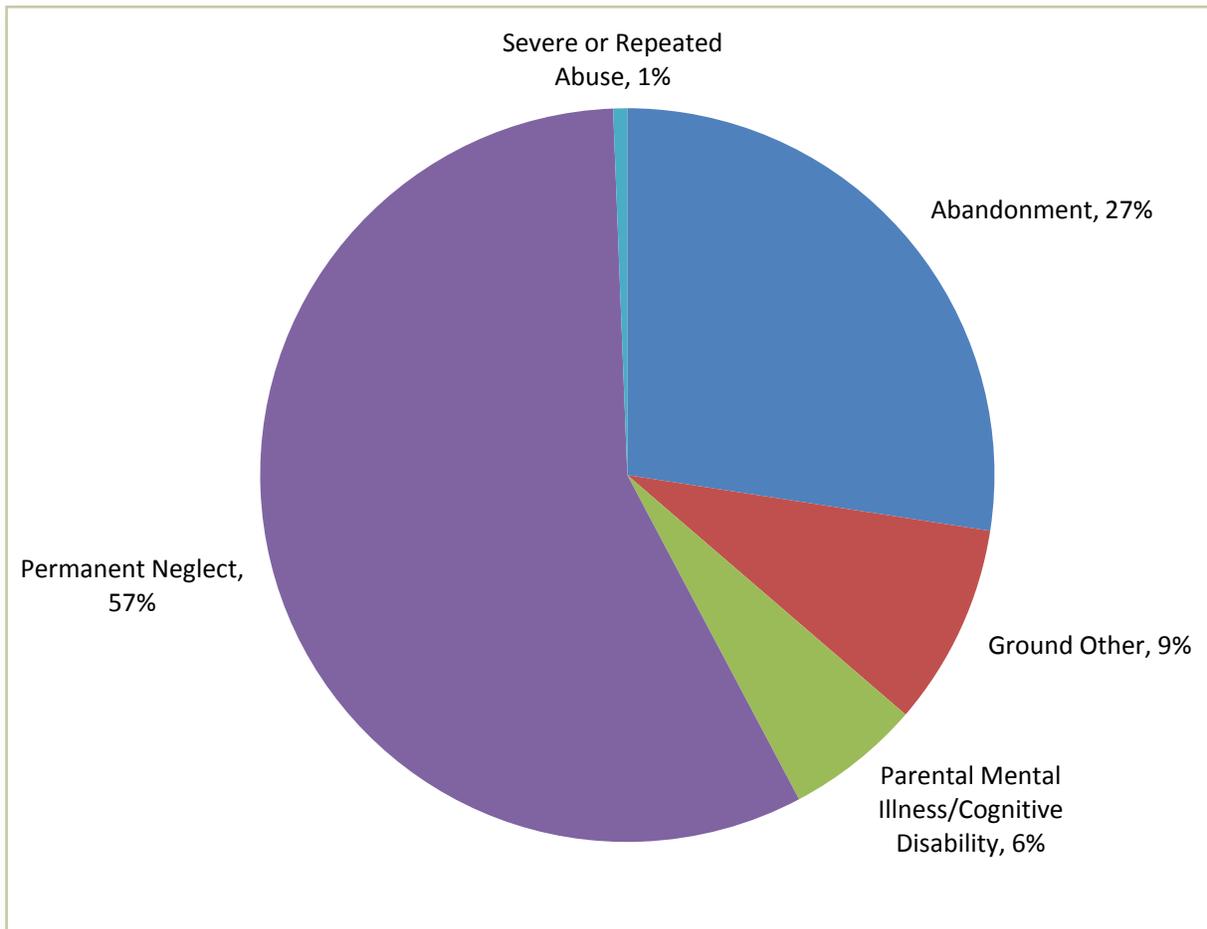
CHART 8-C: Median Time from the Initial TPR Petition Filing to Disposition by Disposition Type: New York State, 2006 to 2008 TPR Filing Entry Cohort with Established Grounds for the TPR as of June 30, 2010



What is the breakdown of the types of grounds that initiated the filing of the TPR petition for petitions that had reached the dispositional stage?

- For the 2006 to 2008 TPR filing entry cohort with established grounds, TPR petitions with grounds of permanent neglect (57%) and abandonment (27%) accounted for eight out of ten (84%) of the TPR petitions. Allegations of parental mental illness or cognitive disability (mental retardation) accounted for 6 percent and severe or repeated abuse accounted for 1 percent. TPR petitions with other grounds, accounted for 9 percent of the dispositions of TPR petitions filed. See Chart 8-D.

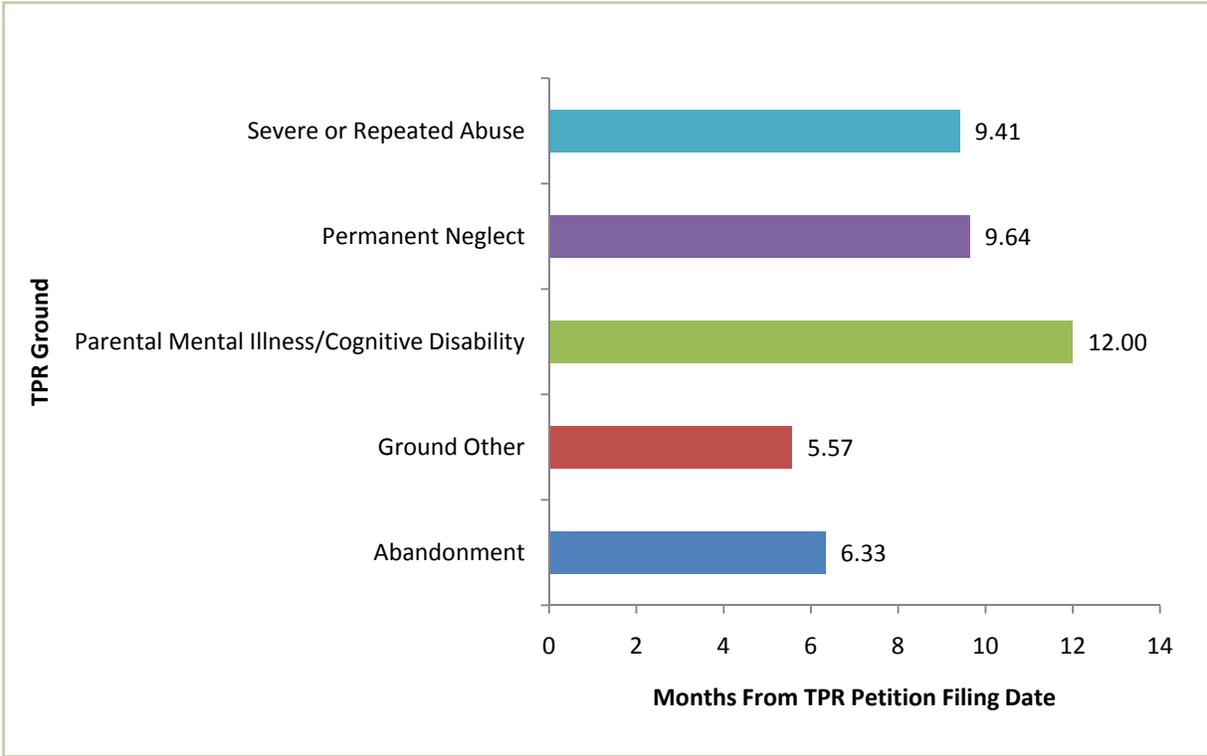
CHART 8-D: Distribution of TPR Dispositions by Type of Grounds Initiating the Initial TPR Petition: New York State, 2006 to 2008 TPR Filing Entry Cohort with Established Grounds for the TPR as of June 30, 2010



Does the time to the TPR disposition vary by the type of grounds that initiated the filing of the TPR petition?

- For the 2006 to 2008 TPR filing entry cohort with grounds established, the median time from the filing of the TPR petition to disposition based on grounds of parental mental illness or cognitive disability (mental retardation) was considerably longer than the overall median (12.00 vs. 8.43 months). The median times to disposition for petitions based on permanent neglect (9.64) and severe or repeated abuse (9.41 months) were also considerable longer than for petitions based on grounds of abandonment (6.33 months). See Chart 8-E.

CHART 8-E: Median Time from the Initial TPR Petition Filing to Disposition by Type of Grounds Initiating the Initial TPR Petition: New York State, 2006 to 2008 TPR Filing Entry Cohort with Established Grounds for the TPR as of June 30, 2010



METRIC 9: SUBSEQUENT ABUSE/NEGLECT FILINGS AFTER THE INITIAL PERIOD OF COURT JURISDICTION ENDS

For children whose period of court jurisdiction ends, the proportion of children who are the subject of a subsequent petition alleging abuse/neglect filed within a given period of time.

Definition

This metric presents the proportion of children who exit court jurisdiction and have a subsequent petition filed alleging abuse/neglect within a specified period of time. Children exit court jurisdiction when all dockets related to their original petition have been disposed, any related placements have ended, no other supplemental petitions associated with the original petition have been filed and no appearances before the court have been recorded for at least 90 days. This metric computes the number of days from the date of exiting court jurisdiction to the date of the filing of a subsequent abuse/neglect petition and presents the proportion of children who re-enter court jurisdiction for a designated exit cohort.

Population

This metric includes all unique children who exited court jurisdiction during 2006 and 2007. The population for this metric is the 32,373 children who exited court jurisdiction before their 18th birthday during this two-year period. This includes children who were in in-home supervision or in out-of-home care for reasons of abuse/neglect or voluntary placement. Depending on the child's exit date and age, this metric follows each child for up to 36 months or until they reach their 18th birthday, whichever comes first. Since the definition of exiting court jurisdiction includes having no appearances before the court for at least 90 days, this metric does not capture children who are the subject of a subsequent petition alleging abuse/neglect filed during that initial 90-day period. This metric presents the percentage of children for whom a subsequent petition alleging abuse/neglect is filed for exit cohorts by year and by the two-year aggregate, referred to as 2006 to 2007 exit cohort.

Significance

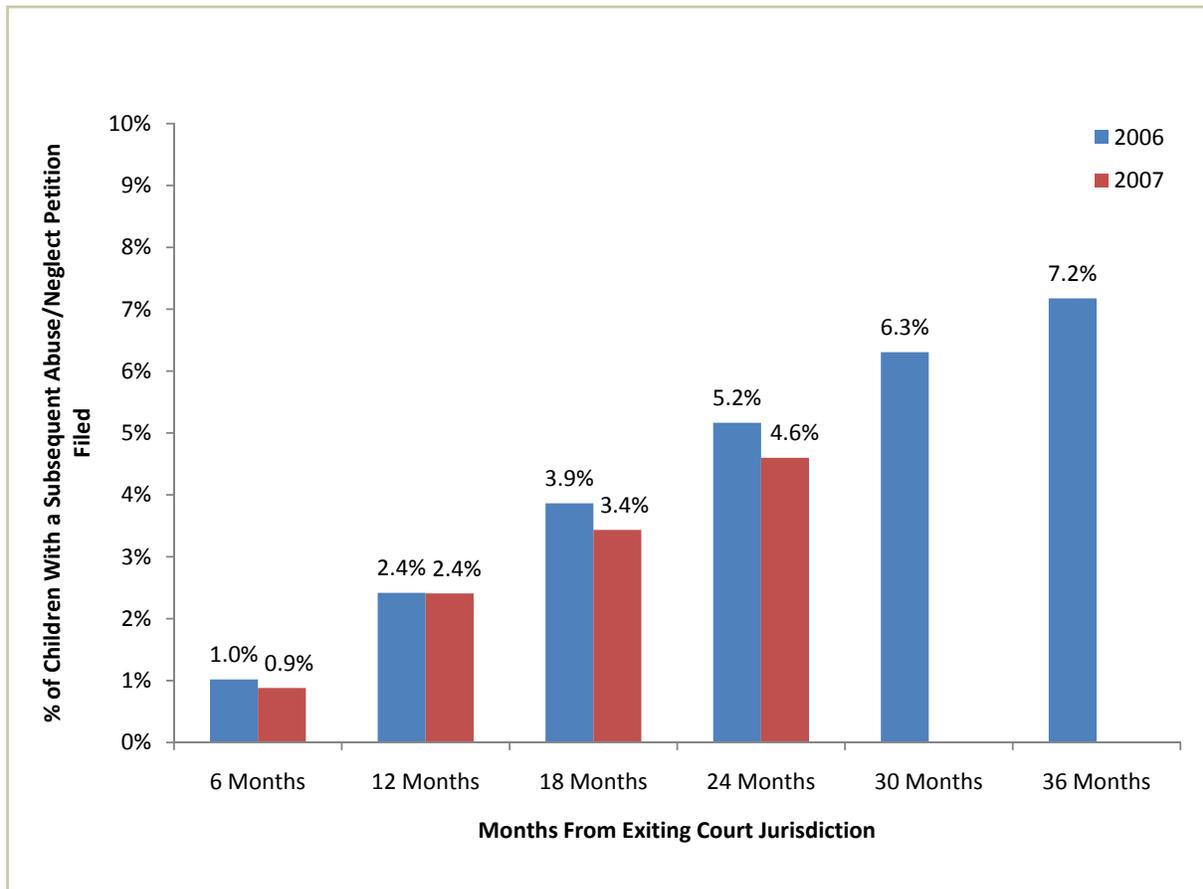
This metric helps evaluate the success in achieving stability for children after the matter exits the court's jurisdiction. Subsequent abuse/neglect petitions may indicate that the underlying issues and problems prompting the initial petition were not adequately addressed prior to the child exiting court jurisdiction. Specifically for children who exit out-of-home care, this metric helps local collaboratives examine their success in evaluating the risk of future threats to child safety when deciding the child's permanent plan. The incidence of subsequent abuse/neglect petitions is an important barometer for evaluating the legal/judicial and child welfare systems' success in achieving stability for children and families after matters exit court jurisdiction.

Questions and Observations

What percentage of children who exited court jurisdiction had a subsequent abuse/neglect petition filed within 12 and 24 months of exiting court jurisdiction?

- Within 12 months of exiting court jurisdiction, 2.4 percent of children who exited court jurisdiction during 2006 or 2007 had a subsequent abuse/neglect petition filed. See Chart 9-A.
- At 24 months of exiting court jurisdiction, the percentage of children with subsequent abuse/neglect petitions filed more than doubled as the percentage went from 2.4 percent at 12 months to 5.2 percent at 24 months for the 2006 exit cohort. For the 2007 exit cohort, the percentage increased from 2.4 percent at 12 months to 4.6 percent at 24 months. See Chart 9-A.
- Within 36 months of exiting court jurisdiction during 2006, the percentage of children with subsequent abuse/neglect petitions filed climbed to 7.2 percent. See Chart 9-A.

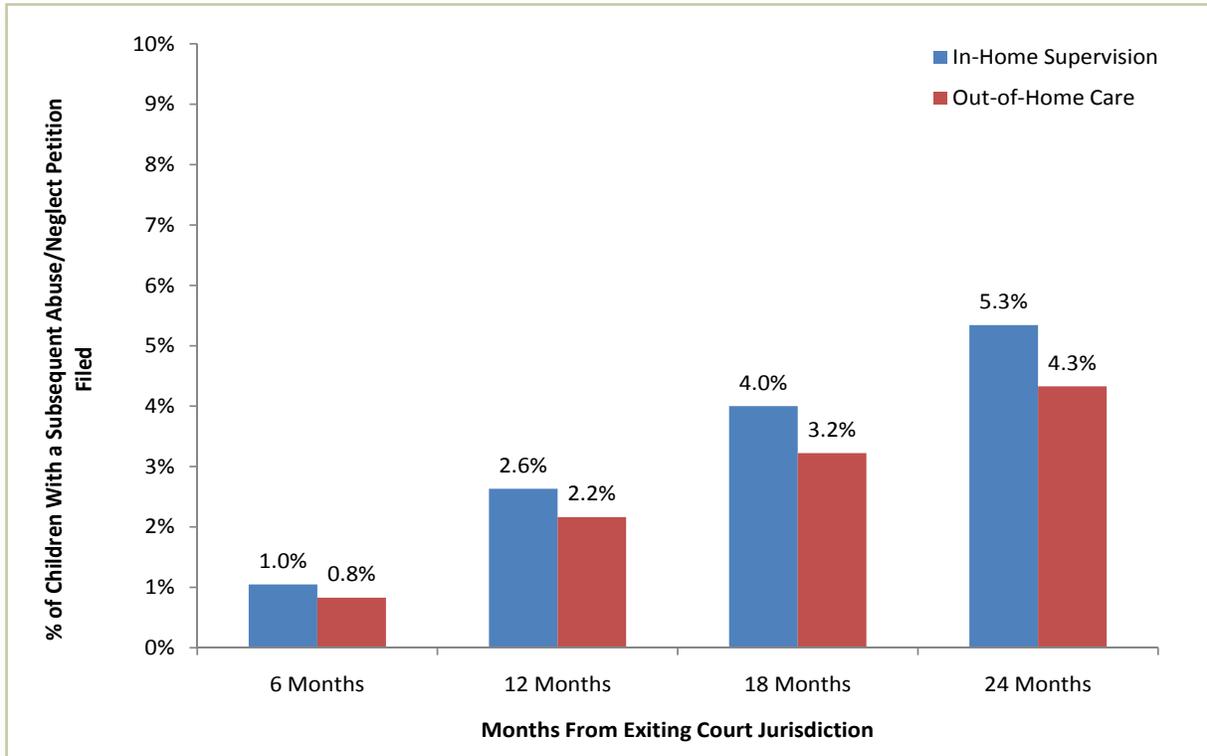
CHART 9-A: Cumulative Percentage of Children with Subsequent Abuse/Neglect Petitions Filed within Time Intervals up to 36 months of Exiting Court Jurisdiction: New York State, 2006 and 2007 Exit Cohorts



Does the percentage of children with subsequent abuse/neglect petitions filed vary for children who experienced out-of-home care⁵¹ compared to children who experienced in-home supervision during their original period of court jurisdiction?

- Children who had experienced in-home supervision had slightly higher percentages of subsequent abuse/neglect petitions filed compared to children who had experienced out-of-home care during their original period of court jurisdiction. This difference consistently increased over time (going from a difference of 0.2% at 6 months to 1.1% at 24 months). See Chart 9-B.

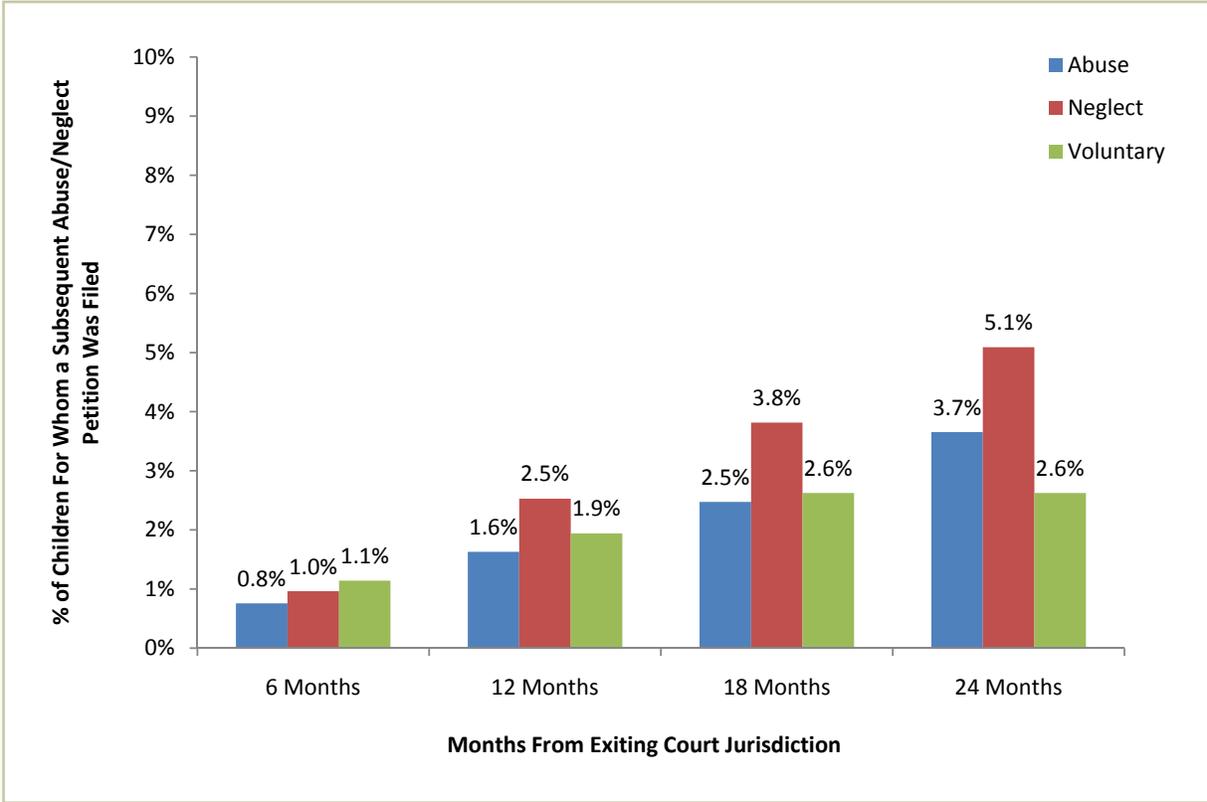
CHART 9-B: Cumulative Percentage of Children with Subsequent Abuse/Neglect Petitions Filed within 6, 12, 18 and 24 Months of Exiting Court Jurisdiction by In-Home Supervision and Out-of-Home Care Status during their Original Period of Court Jurisdiction: New York State, 2006 to 2007 Exit Cohort



Does the percentage of children with subsequent abuse/neglect petitions filed vary for children by their initial reason for entering court jurisdiction?

- Starting at 12 months and consistently increasing over time, children who originally entered court jurisdiction with petitions alleging neglect had a substantially greater percentage of subsequent abuse/neglect petitions filed after exiting court jurisdiction compared to children with original petitions alleging abuse or children with voluntary placements. See Chart 9-C.

CHART 9-C: Cumulative Percentage of Children with Subsequent Abuse/Neglect Petitions Filed within 6, 12, 18 and 24 Months of Exiting Court Jurisdiction by Filing Type: New York State, 2006 to 2007 Exit Cohort



Appendix I



METHODS

This appendix provides an overview of how UCMS data was structured for the report and offers additional technical details about each metric as necessary.

1. UCMS DATA

All the data in this report is taken from Office of Court Administration’s Universal Case Management System (UCMS). For the report, UCMS data was structured to follow groups of children as they moved through the system. Each metric represented the view from the individual child level and each child was represented only once in each metric.

The structure applied to UCMS data took two forms:

- The first was an episode file that summarized periods of court jurisdiction for child welfare reasons of abuse or neglect or voluntary placement at the individual child level. For the purposes of this report, a period of court jurisdiction begins with either an abuse/neglect filing or removal (referred to as out-of-home care) or a voluntary placement into out-of-home care and continues until all petitions related to this child’s case have been disposed of, all placements related to this child’s case have ended (if applicable), no other supplemental petitions associated with the original petition have been filed, and no appearances before the court have been recorded for at least 90 days. In other words, the period of court jurisdiction includes all of the filings, placements (if applicable) and hearings that the child experienced during a continuous period of court involvement with a B, D, E, K, L, NA, NN, S, or AS docket or out-of-home placement. (See Table MA-1 for a description of docket codes.)
- The second was a placement file that summarized periods of placement at the individual child level as recorded in UCMS’ permanency module. The placement file contained summary information of all filings and hearings related to the placement. The first filing related to a placement was chosen by selecting the filing that was closest in time to the date of removal/placement, either before or after.

TABLE MA-1.

Docket	Explanation
B	Termination of Parental Rights
D	Juvenile Delinquency
E	Designated Felony
K	Foster Care Review
L	Foster Care Placement
NA	Abuse
NN	Neglect
S	PINS
AS	Adoption Surrender

Both structured views of the UCMS data allowed the Metrics working group to zero in on children coming to the attention of the court for the first time, or reaching certain milestones for the first time, and to follow their progress.

For the most part, UCMS data was used as it appeared. There were two exceptions to this general approach:

- The first was to link entity_ids in UCMS that had the same name, sex, race, date of birth, and where available, social security number as a means to ensure children were represented only once in a metric. A very small number of entity_ids were linked.
- The second change to UCMS data was to disregard a first filing if it was dismissed or withdrawn within 30 days and followed by a second original petition filed within 30 days of the withdrawal or dismissal of the first petition. In this small number of cases, the second filing was considered the first filing.

NOTES:

- Out-of-home placement is not synonymous with foster care. Out-of-home care is more inclusive as it includes all children under court jurisdiction for reasons of abuse/neglect or voluntary placement who have been removed from or placed outside their home. This includes children in formal foster care (i.e. placement in a foster care facility or kinship care) and children in non-foster care situations (i.e. direct placement/custody/guardianship with a relative or friend).

2. GROUPS FOLLOWED

Children are observed based on when they enter court jurisdiction. Groups of children who share a common entry time period (e.g., a calendar year or calendar quarter of a year) are referred to as an “**entry cohort.**” This analysis is generally limited to children whose period of court jurisdiction began during calendar years 2006, 2007 and 2008. Children are followed for select time periods through June 30, 2010. Since the UCMS permanency module was fully implemented on December 19, 2005, there are complete data sets starting with the 2006 entry cohort. UCMS also has complete data for all children who had open cases on January 1, 2006.

The 2009 entry cohort data is not included in this analysis because in most instances too few children in the cohort had reached the court process milestones at the time the data analysis was conducted.

For some of the metrics, this analysis also limits the study population to children who are entering the Family Court’s jurisdiction for the first time with a first, original abuse/neglect petition. The majority (88%) of children entering the court’s jurisdiction during the study period met this qualification and is included in this analysis. Children who enter the Family Court’s jurisdiction with subsequent abuse/neglect petitions tend to have different experiences compared to children with first, original petitions. This limitation helps to provide a more accurate picture for the majority of children’s experiences during their period of court jurisdiction. Additionally, the experience of new groups of children could be *observed as it unfolds*, and compared to how the experience unfolded for previous groups of children.

For most metrics, the population was a group of children experiencing one service/judicial path for the first time where sufficient time had passed to observe outcomes.

In several charts, children were divided into the categories of “in-home supervision” and “out-of-home care.” A fixed window of one year from the first filing was set to observe whether or not a child was placed. This allowed groups of children coming to the attention of the family court for the first time to be compared over

time. Thus, children in the “in-home supervision” category did not have a placement recorded in the first year of court jurisdiction or before the end of the episode, whichever came first. A very small proportion of children in this category were placed after more than a year under court jurisdiction without placement. Children in the out-of-home care category did have a removal/placement within the first year of court jurisdiction. During this three-year period, more than three-quarters of these children were removed/placed at the time of filing.

3. METRICS

METRIC 1: *Achievement of Permanency:* *Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the proportion of children who achieve permanency by reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption.*

DEMOGRAPHICS:

Population: Children experiencing first out-of-home care beginning in 2006, 2007, 2008

Filing Types: Abuse, neglect or voluntary petition filings

Timeframe: Observed time intervals up to 42 months from entering out-of-home care

Permanency exit type came from three places in UCMS in this order of priority:

- (1) Tracking Table - provides exit type (17%)
- (2) Appearance Table - provides final placement outcome, if recorded (17%)
- (3) Permanency Table - provides permanency goal (66%)

TABLE MA-2. Metrics Exit Types Associated with UCMS Categories

Metrics Category	UCMS Categories by Source
Tracking Table	tracking_reason_type
Completed Adoption	Adoption Finalized
Reunification	Return to Parent via DSS Notification
Reach Majority	Child Aged Out
APPLA	Another Planned Permanent Living Arrangement
Other	Case Transferred to Other Court
Other	Court Requested - Unknown Information
Other	Death of Child
Appearance Table	outcome_type_description
Reunification	Child Returned from Removal
Reunification	Child Returned from Placement
Reunification	Child Returned from Placement under Supervision
Relative/kinship care	Order of Custody
Relative/kinship care	Order of Custody Continued
Relative/kinship care	Order of Custody Modified
Guardian/Custody	Order of Guardianship
Guardian/Custody	Order of Guardianship Continued
Guardian/Custody	Order of Guardianship Modified
Other	Released from Detention/Remand
Other	Termination of Placement
Permanency Table	current_goal_type_id
Completed Adoption	Adoption
Reunification	Return to Parent
Relative/kinship care	Placement - Fit/Willing Relative
Guardian/Custody	Guardianship
APPLA	Another Planned Permanent Living Arrangement

NOTES:

- This metric highlights the proportion of children that reach particular outcomes within a given timeframe. Since not all children in the 2006, 2007 and 2008 entry cohorts had exited out-of-home care as of June 30, 2010, this analysis is not able to report overall proportions but can present proportions at designated timeframes which allow for consistent comparisons of outcomes between entry cohorts.

- Since UCMS’ recording of placement information began in 2006, the number of children recorded as placed for the first time in subsequent years will be overstated. A proportion of these children will have been in placement before, but their first placement is not recorded in UCMS. As a result, their subsequent placement in 2006 or later is counted as a first placement. In future years, this will be less of an issue.
- Issues with permanency exit type data in UCMS should be noted. First, at this time, UCMS users may record the date that a child exits out-of-home care without recording the reason a child exited out-of-home care. Because the reason associated with the date of exit is frequently not recorded, most of the information about how children exit from out-of-home care is based on the last permanency planning goal recorded in UCMS. As a result, the percent of children who achieve permanency by reunification is most likely somewhat overstated and the percent leaving by other exits is most likely understated. In addition, some children leave care by running away, and this exit type is not available in UCMS.
- Due to the method in which data was extracted from the UCMS, it is not currently possible to disaggregate reunification, custody or guardianship exit types. As a result, this report presents a combined category called Reunification/Custody/Guardianship. In future presentations of this data, there will be the capacity to present reunification and exit to permanent custody or guardianship as separate categories.
- Youth age 18 to 21 years may remain in out-of-home care past their 18th birthday and up until their 21st birthday provided the youth consents to remaining in out-of-home care and is attending school, college, vocational, or technical training or lacks the skills or ability to live independently. The data does not distinguish between young adults between the ages of 18 and 21 with a goal of APPLA who exit care with an established connection to an adult resource vs. those who exit without such a connection having been established. Consequently, those children who exit out-of-home care between the ages of 18 and 21 and for whom permanency has not been achieved are referred to as having “aged out” in this report.

METRIC 2: *Time from Entry into Out-Of Home-Care to Permanency Achieved: Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to permanency achieved by reunification or permanent custody or guardianship with a fit and willing relative or suitable person or adoption.*

DEMOGRAPHICS:

Population: Children experiencing first out-of-home care beginning in 2006, 2007, 2008

Filing Types: Abuse, neglect or voluntary filings

Timeframe: Observed through June 30, 2010 or up to 42 months from entering out-of-home care

NOTES:

- When interpreting these data, it is important to keep in mind that the placement/removal end date recorded in the permanency module did not always correspond with the date a child left out-of-home care. In many cases, the child had left placement prior to that date. Future versions of UCMS may capture the date of physical discharge from custody.

Due to the method in which data was extracted from the UCMS, it is not currently possible to disaggregate reunification, custody or guardianship exit types. As a result, this report presents a combined category called Reunification/Custody/Guardianship. In future presentations of this data, there will be the capacity to present

reunification and exit to permanent custody or guardianship as separate categories.

- For detailed information about adjudication and disposition types, please see Metrics 3 and 4.

METRIC 3: *Time from Abuse/Neglect Petition Filing to Adjudication:* Among children for whom an original abuse/neglect petition is filed during a given period, the time from petition filing to adjudication.

DEMOGRAPHICS:

Population: Children with first episodes beginning in 2006, 2007, 2008

Filing Types: First abuse or neglect petition filings

Timeframe: Observed through June 30, 2010

The nine adjudication types shown in this metric, and other disaggregates by adjudication type, were taken from the UCMS appearance table. The following table maps the outcomes available in UCMS to the adjudication types used in this report. In some cases, the mappings are 1 to 1. In the cases of ACDs, dismissed and withdrawn filings, the category represented a combination of the absence of a fact finding hearing and presence of the noted appearance type.

TABLE MA-3. Metrics Adjudication Categories Associated with UCMS Appearance Outcomes

Metrics Category	UCMS Appearance Outcome
Consent	Fact Finding on Consent
Admission	Fact Finding on Admission
Allegations not sustained after trial or inquest	Fact Finding-Allegations Not Established
Allegations sustained after trial	Fact Finding after Hearing
Allegations sustained after inquest	Fact Finding on Inquest
Adjournment in contemplation of dismissal (ACD)	No Fact Finding Hearing+Adjournment in Contemplation of Dismissal
Adjournment in contemplation of dismissal (ACD)	No Fact Finding Hearing+Adjournment in Contemplation of Dismissal.
Dismissed	No Fact Finding Hearing+Petition Dismissed
Dismissed	No Fact Finding Hearing+Petition Dismissed for Failure to Prosecute
Dismissed	No Fact Finding Hearing+Petition Dismissed with Prejudice
Dismissed	No Fact Finding Hearing+Petition Dismissed without Prejudice
Dismissed	No Fact Finding Hearing+Petition Dismissed-Furtherance of Justice
Withdrawn	No Fact Finding Hearing+Petition Withdrawn
No adjudication recorded	No Fact Finding Hearing+Disposition other than ACD, Dismiss or Withdrawn

The categories for dismissed and withdrawn are defined by the following three groups:

- First original abuse/neglect filings that are dismissed/withdrawn *after* 30 days (This is the scenario for the majority of cases and these cases may or may not have a subsequent filing);
- First original abuse/neglect filings that are withdrawn *within* 30 days with no subsequent filing; and

- First original abuse/neglect filings that are withdrawn *within* 30 days with a subsequent filing after 30 days.

NOTES:

- For a small group of cases (7% in Metric 3) where there was a disposition but no recorded adjudication, the adjudication was presumed to have occurred on the date of disposition.

METRIC 4: Time from Abuse/Neglect Petition Filing to Disposition: *Among children for whom an original abuse/neglect petition is filed during a given period and the court makes a finding of abuse/neglect or the respondent admits or consents to the jurisdiction of the court, the time from petition filing to the entry of a dispositional order.*

DEMOGRAPHICS:

Population: Children with first episodes beginning in 2006, 2007, 2008 and adjudicatory finding of abuse/neglect

Filing Types: First abuse or neglect petition filings

Timeframe: Observed through June 30, 2010

For each first filing analyzed for this metric, the disposition date was the date of first appearance outcome recorded as final.

The six disposition types shown in this metric, and in other metrics’ disaggregates by disposition type, were taken from the UCMS appearance table. The following table maps the outcomes available in UCMS to the disposition types used in this report. In some cases, the mappings are 1 to 1. In other cases, multiple UCMS options were associated with a given Metric disposition type.

TABLE MA-4. Metrics Disposition Categories Associated with UCMS Appearance Outcomes in Metric 4

Metrics Category	UCMS Appearance Outcome
Adjournment in contemplation of dismissal (ACD)	Adjournment in Contemplation of Dismissal
Adjournment in contemplation of dismissal (ACD)	Adjournment in Contemplation of Dismissal.
Order of Supervision	Extension of Supervision
Order of Supervision	Order of Supervision
Order of Supervision	Order of Supervision.
Order of Supervision	Temporary Extension of Supervision
Order of Supervision	Temporary Order of Supervision

Placement	Placement
Placement	Child Discharged to Commissioner (1059)
Return from placement/child released	Child Released
Return from placement/child released	Child Released with Supervision
Return from placement/child released	Child Returned from Placement
Return from placement/child released	Child Returned from Placement under Supervision
Return from placement/child released	Child Returned from Placement with Conditions
Return from placement/child released	Child Returned from Placement.
Return from placement/child released	Released to Legally Responsible Adult
Return from placement/child released	Released to Legally Responsible Adult.
Suspended judgment	Suspended Judgment
Suspended judgment	Suspended Judgment.
Other	Petition Settled
Other	Petition Granted
Other	Order Continued
Other	Transfer/Removal to Supreme Court(IDV)
Other	Foster Care Continued (392)
Other	Transfer to Family Court
Other	

(Note: Many outcome types were grouped into OTHER. The first six most common ones are listed above. They account for about 88% of all OTHER events.)

It is permissible to record more than one final disposition for a filing on the same day. The following hierarchy was applied to select a primary disposition for Metric 4:

1. Adjourment in contemplation of dismissal (ACD)
2. Suspended judgment
3. Placement
4. Order of Supervision
5. Return from placement/child released
6. Other

METRIC 5: *Time from Entry into Out-Of Home-Care to Completion of Initial Permanency Hearing:*
Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to the completion of the initial permanency hearing.

DEMOGRAPHICS:

Population: Children who experienced a first out-of-home care experience beginning in 2006, 2007, 2008 and stayed in out-of-home care for at least 9 months

Filing Types: Abuse, neglect or voluntary filings

Timeframe: Observed through June 30, 2010

The date on which a child completed a permanency hearing was the first date where one of the following appearance events was recorded:

- PP-Hearing Completed
- PP-Hearing Completed.
- PP-Hearing Completed/Plan Set(Adoption)
- PP-Hearing Completed/Plan Set(Alt. Planned Living Arrangement)
- PP-Hearing Completed/Plan Set(Guardianship)
- PP-Hearing Completed/Plan Set(Placement - Fit/Willing Relative)
- PP-Hearing Completed/Plan Set(Return to Parent)

METRIC 6: *Time from Entry into Out-Of Home-Care to Termination of Parental Rights Petition Filing:*
Among children for whom a first TPR petition has been filed within a given period, the time from entering out-of-home care to the time of the TPR filing.

DEMOGRAPHICS:

Population: This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006 and 2007 and follows each child for up to 42 months to identify children for whom a first TPR petition was filed during the designated time period.

Filing Types: Abuse, neglect or voluntary petition with a subsequent TPR filing.

Timeframe: Observed time intervals up to 42 months from entering out-of-home care

The reason more recent out-of-home care groups were not used for this metric is that among more recent out-of-home care groups, many children that would have a TPR filing had not yet had one. Any calculation from more recent entry groups would then underestimate the true median time to TPR filing.

NOTES:

- This population does not include children who entered out-of-home care and were subsequently the subject of a voluntary surrender whereby parents voluntarily relinquish their parental rights without ever having a TPR petition filed.
- This population only includes children for whom a TPR is filed within 42 months for the 2006 entry cohort and 30 months for the 2007 entry cohort.

METRIC 7: *Time from Termination of Parent Rights Petition Filing to Adjudication:* Among children for whom a TPR petition is filed in a given period, the time from petition filing to adjudication of the TPR.

DEMOGRAPHICS:

Population: Children for whom first TPR petition filed in 2006, 2007, 2008.

Filing Types: Population was not screened for initial filing type; therefore, includes a small number of TPR filings where the first filing type was other in addition to abuse, neglect or voluntary filings

Timeframe: Observed through June 30, 2010

Since the population is based on the year of TPR filing, out-of-home care could have commenced (and in many cases would have been) prior to 2006. While the UCMS permanency module was not fully implemented until December 19, 2005, earlier data was entered for all cases that were open on January 1, 2006.

The date on which a first TPR petition was filed was the date used for this metric.

The reason more recent out-of-home care groups were not used for this metric is that among more recent out-of-home care groups, many children that would have a TPR filing had not yet had one. Any calculation from more recent entry groups would then underestimate the true median time to TPR filing.

TPR adjudications are organized by the following categories:

- The court dismisses the petition (The adjudication category called “court dismisses the original petition” includes petitions that were dismissed without prejudice and never re-filed and petitions re-filed after 30 days. For petitions that are re-filed within 30 days, the adjudication classification is determined by the subsequent adjudication.);
- The petition to terminate parental rights is withdrawn;
- The court determines that the allegations are not sustained;
- The respondent admits to the allegations;
- The respondent consents to a finding;
- The court determines that the allegations are sustained after a trial (makes a finding);
- The court determines that the allegations are sustained after an inquest (makes a finding);
- The adjudication was not recorded.

Grounds for TPR filings were taken from the allegation type associated with the TPR docket. If a TPR docket id was associated with more than one allegation type, the following hierarchy was applied to select a primary ground type for TPR metrics:

1. Parental Mental Illness/Cognitive Disability (Mental Retardation)
2. Severe or Repeated Abuse
3. Permanency Neglect
4. Abandonment

NOTES:

- For a small group of cases where there was a disposition but no recorded adjudication, the adjudication was presumed to have occurred on the date of disposition.
- This population does not include children who entered out-of-home care during this period and were subsequently the subject of a voluntary surrender whereby parents voluntarily relinquish their parental rights without ever having a TPR petition filed.

METRIC 8: *Time from TPR Petition Filing to Disposition:* *Among children for whom a first TPR petition is filed in a given period and one or more grounds for termination is established, the time from TPR petition filing to disposition.*

DEMOGRAPHICS:

Population: Children for whom first TPR petitions filed in 2006, 2007, 2008 and adjudication finding with grounds established

Filing Types: Population was not screened for initial filing type; therefore, includes a small number of TPR filings where the first filing type was other in addition to abuse, neglect or voluntary filings

Timeframe: Observed through June 30, 2010

Since the population is based on the year of TPR filing, out-of-home care could have commenced (and in many cases would have been) prior to 2006. While the UCMS permanency module was not fully implemented until December 19, 2005, earlier data was entered for all cases that were open on January 1, 2006.

The date on which a first TPR petition was filed was the date used for this metric.

The reason more recent out-of-home care groups were not used for this metric is that among more recent out-of-home care groups, many children that would have a TPR filing had not yet had one. Any calculation from more recent entry groups would then underestimate the true median time to TPR filing.

The outcomes of the TPR dispositional hearing are organized by the following categories:

- Parent's rights terminated (UCMS identifies the main "affirmative" outcome of a TPR disposition as "parent's rights terminated", which is also reflected in this report. However, the corresponding statutory outcome is "committing the guardianship and custody of the child in accord with section six hundred thirty-four" (Family Court Act, art 6, § 631)
- Dismissed

- Suspended judgment
- Withdrawn
- Other

While dismissed and withdrawn are not applicable to abuse/neglect dispositions, they are for TPR dispositions. For TPRs, the judge can dismiss the petition even though the grounds were established because the termination of parental rights is not deemed in the best interests of the child. In contrast, the best interests for neglect/abuse petitions are established during the adjudication. Also for TPRs, a parent can opt to surrender rights after grounds were established which would result in a withdrawn disposition of the TPR.

Grounds for TPR filings were taken from the allegation type associated with the TPR docket. If a TPR docket id was associated with more than one allegation type, the following hierarchy was applied to select a primary ground type for TPR metrics:

1. Parental Mental Illness/Cognitive Disability (Mental Retardation)
2. Severe or Repeated Abuse
3. Permanency Neglect
4. Abandonment

NOTES:

- The population does not include the 413 TPR cases from 2006 to 2008 that were still awaiting adjudication as of June 30, 2010.

METRIC 9: *Subsequent Abuse/Neglect Filings after the Initial Period of Court Jurisdiction Ends: For children whose period of court jurisdiction ends, the proportion of children who are the subject of a subsequent petition alleging abuse/neglect filed within a given period of time.*

DEMOGRAPHICS:

Population: Children with first episodes ending in 2006, 2007

Filing Types: Abuse, neglect or voluntary filings

Timeframe: Observed time intervals up to 36 months from exiting out-of-home care

According to the episode file structure applied to UCMS, an episode ended when all dockets initiated during the episode were disposed, all out-of-home cares initiated during that episode ended, no other supplemental petitions associated with the original petition were filed, and no appearances before the court were recorded for at least 90 days.

NOTES:

- Since the definition of exiting court jurisdiction includes having no appearances before the court for at least 90 days, this metric does not capture children who are the subject of a subsequent petition alleging abuse/neglect filed during that initial 90-day period.

Appendix II

GLOSSARY

Abuse/Neglect. The terms abuse, neglect are defined in the Family Court Act (Family Court Act, art 10, § 1012 [e] [f]) and the Social Services Law (Social Services Law § 371 art 6, title 1 [4-a] [4-b]). For the purpose of narrative consistency, the terms are conflated to “Abuse/Neglect” except in those instances where data regarding the type of allegation or finding is disaggregated.

Adjournment in Contemplation of Dismissal (ACD). An adjournment in contemplation of dismissal is an adjournment of the proceeding for a period not to exceed one year with a view to ultimate dismissal of the petition in furtherance of justice.⁵²

Adjudication. The stage of the court process in abuse/neglect cases where the court determines whether sufficient evidence exists to support the allegations of the abuse or neglect petition.

Aged out. A term used to describe children who leave foster care between the ages of 18 and 21.

Adoption and Safe Families Act (ASFA). Federal Public Law 105-89 requires state agencies, with certain exceptions, to file a petition to terminate parental rights when a child has been in foster care for 15 of the most recent 22 months and when a court has determined a child to be an abandoned infant; that the parent committed murder or voluntary manslaughter of another child of the parent; that the parent aided, abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; or that the parent committed a felony assault that resulted in serious bodily injury to the child or another child of the parent. The federal Adoption and Safe Families Act of 1997 (ASFA)(Public Law 105-89) and New York State’s ASFA enabling legislation (Chapter 7 of the Laws of 1999, enacted February 11, 1999) placed an increased emphasis on promoting child safety and permanency as the primary goals of the child welfare system.

Another planned permanent living arrangement (APPLA). APPLA is a plan for children for whom there is no goal for placement with a legal, permanent family. Instead the APPLA goal intends to build relationships with significant people in the child’s life that are expected to continue after the child leaves care.

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

Dispositional hearing. A hearing to determine what order of disposition should be made.⁵³ This hearing is where the court determines the legal custody of the child. Disposition in child abuse/neglect cases should not be confused with case closure or with the permanency hearing, both of which generally occur after the disposition hearing.

Distribution. Arranging the values of a variable according to their frequency of occurrence.

Fact-finding hearing. A bench trial to determine if abuse/neglect has been proven.

Finding. The court’s or jury’s decision on issues of fact.⁵⁴

First petition filing. Indicates that the children included in the metrics did not have a previous abuse/neglect filing.



Frontloading. The term of art “frontloading” is used to describe practices which are designed to devote substantial time and attention to the cases as soon as they come into the system, treating each case with urgency.

Guardianship. A permanency outcome in which the court has given an individual responsibility for a child.

Inquest. A proceeding which usually is a limited non-jury trial for the purpose of fixing the amount of damages where the plaintiff or defendant alone introduces testimony.

In-home supervision. For purposes of this report, matters in which Local Districts of Social Services/Child Protective Service units petition the Family Court due to an appropriate offer of voluntary services being refused. This also includes matters in which a child is removed and subsequently returned home and the court continues to have jurisdiction based on an order of supervision or trial discharge.

Mean. The common way to calculate an average. It is the sum of all of observation values divided by the total number of observations.

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

Out-of-home care. A term defined in this report to refer to all circumstances in which children are removed or placed outside their home.

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

Permanency hearing. The hearing to decide the plan for permanency, based upon the child’s best interests: family reunification, adoption, legal guardianship, permanent placement with a relative, or alternative permanent planned living arrangement (APPLA).

Permanency goal. The court-established plan for a child to return home from exit out-of-home care. There are five goals: return to parent; permanent placement with a fit and willing relative, APPLA, guardianship, and adoption, if parental rights are terminated or voluntarily surrendered. This information is tracked in UCMS.

“Permanency law” (New York State). Established the statutory requirement in New York State for initial permanency hearings commencing no later than eight months after entry into out-of-home care and completed within 30 days thereafter. For children remaining in out-of-home care, subsequent permanency hearings will take place every six months thereafter. This is based on Family Court Act Sections 1022, 1027, and 1089.

Order of custody. An order determining the custodial parent of a child and the conditions of the custody.

Reunification. A permanency goal/outcome for the return home of a child from out-of-home care.

Suspended judgment. Temporarily delaying or terminating a court decision until further circumstances are assessed.

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

UCMS. The Universal Case Management System. This is Family Court’s case management system.

Unique children. Indicates that each child is counted only once during a study period.

Voluntary placement. A determination by a parent(s) of a child(ren) that they are temporarily unable to care for their child(ren) for reasons other than abuse or neglect.

Endnotes



1. American Bar Association, Center on Children and the Law, The National Center for State Courts, The National Council of Juvenile and Family Court Judges. Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases. 2004. Web. 10 Oct. 2010.
2. The terms abuse and neglect are defined in the Family Court Act (Family Court Act, Art 10, § 1012 [e] [f]) and the Social Services Law (Social Services Law § 371 art 6, title 1 [4-a] [4-b]). For the purpose of narrative consistency we conflate the terms as “Abuse/Neglect” except in those instances where data regarding the type of allegation or finding is disaggregated.
3. The Pew Commission on Children in Foster Care. Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care, 2004. Web. 16 Nov. 2010.
4. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Toolkit for Court Performance Measures in Child Abuse and Neglect Cases, 2008. Web. 09 Nov. 2010.
5. “Collective Impact”, John Kania & Mark Kramer, Stanford Social Innovation Review, Winter 2011. http://www.ssireview.org/pdf/2011_WI_Feature_Kania.pdf
6. In New York City the Department of Social Services is the Administration for Children’s Services.
7. For the sake of brevity we use the term “parent” throughout the report but such references should be construed to mean parent or other person legally responsible for the child’s care.
8. Family Court Act, art 10, § 1026 [c].
9. This count of permanency hearings includes hearings related to juvenile delinquency and Persons in Need of Supervision (PINS) matters but those matters represents a small percentage of the total.
11. Family Court Act, art 10, § 1049.
12. A very small percentage of children fall into the “Other” exit type category including children for whom the “Permanency Tracking Completed” event was recorded in UCMS as one of the following: Court-Requested — Unknown, Death of a Child, and when APPLA and Reached Majority exit types were reported but were not appropriate given the age of the child at exit (>18). See Methods section for further information.
13. New York State Office of Children and Family Services. New York State Child Welfare Practice Improvement Guide. 2010, Web. Spring 2010.
14. Youth age 18 to 21 years may remain in out-of-home care past their 18th birthday and up until their 21st birthday provided the youth consents to remaining in care and is attending school, college, vocational, or technical training or lacks the skills or ability to live independently. The data does not distinguish between young adults between the ages of 18 and 21 with a goal of APPLA who exit care with an established connection to an adult resource vs. those who exit without such a connection having been established.
15. Family Court Act § 1089 [1] [c] [v].
16. There are special circumstances where a child may need lifelong care in a long-term care facility to meet special needs and will be transferred to an adult facility at the appropriate time. This is also considered another planned permanent living arrangement.
17. Only 2006 and 2007 data can be examined at 24 months as not all children included in the 2008 entry cohort had reached the 24 month mark as of June 30, 2010, when the data was compiled.
18. Only 2006 data can be examined at 36months and beyond as not all children included in the 2007 and 2008 entry cohorts had reached the 36 month mark as of June 30, 2010, when the data was compiled.
19. As noted in the Methods Section, there are issues with the permanency exit type data in UCMS. First, at this time, UCMS users may record the date that a child exits out-of-home care without recording the reason a child exited out-of-home care. Because the reason associated with the date of exit is frequently not recorded, most of the information about how children exit from out-of-home care is based on the last permanency planning goal recorded in UCMS. As a result, the percentage of children who achieve permanency by reunification is most likely overstated and the percentage leaving by other exits is most likely understated. Currently, UCMS is also not able to distinguish children who leave care by running away.

20. Title IV-E of the Social Security Act requires that the state child welfare agency develop the CFSR Program Improvement Plan with “meaningful and ongoing collaboration with the state courts.” Similarly, the state Court Improvement Project Grant funding requires the recipients of such funding to engage in ongoing and meaningful collaboration with the state child welfare agency.
21. Harden, Brenda Jones. “Safety and stability for foster children: A developmental perspective.” *The Journal of Children* 14.1 (2004): 31–33. Print.
22. *Nicholson v. Scopetta*, 3 N.Y.3d 357 [N.Y. 2004]. The New York State Court of Appeals decision in *Nicholson v. Scopetta* asserted, “The court must do more than identify the existence of a risk of serious harm. Rather, a court must weigh, in the factual setting before it, whether the imminent risk to the child can be mitigated by reasonable efforts to avoid removal. It must balance that risk against the harm removal might bring, and it must determine factually which course is in the child’s best interest.”.
23. *Interest of J.P.*, 832 A. 2d 492 [Pa 2003]. Commentators in Pennsylvania stated that the court should make every effort to minimize delay when a child is in shelter care to reduce trauma to the child, increase the possibility of reuniting the child with the parents, and increase the possibility of finding a permanent home.
24. Chipungu, Sandra Stukes and Bent-Goodley, Tricia B. “Meeting the challenges of contemporary foster care.” *The Journal of Children* 14.1 (2004): 75–93. Print.
25. Only 2006 and 2007 data can be examined at 24 months as not all children included in the 2008 entry cohort had reached the 24 month mark as of June 30, 2010 when the data was compiled.
26. Only 2006 data can be examined at 36 months and beyond as not all children included in the 2007 and 2008 entry cohorts had reached the 36 month mark as of June 30, 2010 when the data was compiled.
27. In New York, the term “fact-finding” is used in place of the more nationally recognized term “adjudication.”
28. The adjudication category called “court dismisses the original petition” includes petitions that were dismissed without prejudice and never re-filed and petitions re-filed after 30 days. For petitions that are re-filed within 30 days, the adjudication classification is determined by the subsequent adjudication.
29. The adjudication category called “the adjudication was not recorded” includes cases that had a disposition but did not record a type of adjudication.
30. Sobie, Practice Commentary, McKinney’s Cons Laws of NY, 2011 Electronic Update, Family Court Act § 1044.
31. The term of art “frontloading” is used to describe practices which are designed to provide substantial time and attention to the cases as soon as they come into the system, treating each case with urgency.
32. Edwards, Judge Leonard P. “Achieving Timely Permanency in Child Protection Courts: The Importance of Frontloading the Court Process.” *Juvenile and Family Court Journal* 58.2 (2007): 1-37. Print.
33. Family Court Act, art 10, § 1049.
34. Out-of-home care status is determined by the child’s experience during his or her first year of court jurisdiction.
35. In some cases, the disposition has more than one outcome. For this reason, a “primary disposition outcome” is created for each child. The hierarchy for creating the primary disposition outcome is described in the Methods Appendix.
36. The population for Metric 4: Time from Abuse/Neglect Petition Filing to Disposition is limited to first abuse/neglect petition filings during 2006, 2007 and 2008 that had an adjudicatory finding that established abuse/neglect as of June 30, 2010. The population does not include the 897 cases from 2006 to 2008 that were still awaiting adjudication as of June 30, 2010. As these cases reach adjudication, the disposition data may change depending on the adjudicatory outcome of these cases.
37. Out-of-home care status is determined by the child’s experience during his or her first year of court jurisdiction.
38. Family Court Act, art 10-A, § 1089. Article 10-A 1089 of the Family Court Act states, “an initial permanency hearing shall be commenced no later than six months from the date which is sixty days after the child was removed from his or her home. The permanency hearing shall be completed within thirty days of the scheduled date certain.
39. Family Court Act §1022; §1027; §1089. Requires a court to set a date certain for the first permanency hearing at the removal hearing or the hearing approving the voluntary placement agreement or surrender of a child, if the child remains in foster care. Requires the date certain set for the permanency hearing to be included in the written order issued by the court and served upon the parents.
40. The federal Adoption and Safe Families Act of 1997 (ASFA)(Public Law 105-89) and New York State’s ASFA enabling legislation (Chapter 7 of the Laws of 1999, enacted February 11, 1999) placed an increased emphasis on promoting child safety and permanency as the primary goals of the child welfare system. Re-format: citation above and note below.
41. Social Services Law § 384-b [3] [i] [ii].
42. Only 2006 data can be examined at 42 months as not all children included in the 2007 entry cohort had reached the 42 month mark as of June 30, 2010 when the data was compiled.

43. Social Services Law § 384-b [3] [g] [i].
44. In this report, the phrase “cognitive disability (mental retardation)” is used in place of “mental retardation”. However, underlying references or citations to this phrase may actually reflect “mental retardation”.
45. Soc. Serv. Law § 384-b [4].
46. Except in cases of permanent neglect or severe and repeated abuse, dispositional hearings are not statutorily mandated and are discretionary.
47. In some cases, the disposition has more than one outcome. For this reason, a “primary disposition outcome” is created for each child. The hierarchy for creating the primary disposition outcome is described in the Methods Appendix.
48. UCMS identifies the main “affirmative” outcome of a TPR disposition as “parent’s rights terminated”, which is also reflected in this report. However, the corresponding statutory outcome is “committing the guardianship and custody of the child in accord with section six hundred thirty-four” (Family Court Act, art 6, § 631 [c]).
49. The population for Metric 8: Time from Filing TPR Petition to Disposition is limited to the initial TPR petition filings during 2006, 2007 and 2008 that had an adjudicatory finding that established one or more grounds for termination as of June 30, 2010. The population does not include the 413 TPR cases from 2006 to 2008 that were still awaiting adjudication as of June 30, 2010. As these cases reach adjudication, the data may change depending on the adjudicatory and disposition outcomes of these cases.
50. New York State Office of Children and Family Services. “Questions and Answers: Title IV-E Adoption Assistance and State Adoption Subsidy.” New York State Office of Children and Family Services, 23 Mar. 2005. Web. 02 Feb. 2010.
51. Out-of-home care status is determined by the child’s experience during his or her first year of court jurisdiction
52. Family Court Act, art 10, § 1039 [b].
53. Family Court Act, art 10, § 1045.
54. New York State. Unified Court System. Glossary of Legal Terms. Web. 25 Apr. 2011.

