



EXAMINING COURT PERFORMANCE AND OUTCOMES THROUGH A RACIAL EQUITY LENS – USING THE NATIONAL DEPENDENCY COURT PERFORMANCE MEASURES

Capturing data for each of the national dependency court performance measures outlined in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*¹ allows courts to evaluate four areas of operation: child safety, child permanency, due process or fairness, and timeliness. Taking the step to include data on the race and ethnicity of children and parents involved in child abuse and neglect cases in this analysis provides courts with important information – important information about the characteristics of the population served by the court and whether outcomes differ for segments of that population. Including race/ethnicity as a data element makes it possible to report information demographically and potentially illuminate situations where a disparity of treatment or outcomes exists between different groups.

Each of the national dependency court performance measures, with the addition of race and ethnicity in the analysis, can provide data on outcomes for different populations. A few examples are presented below (a listing of all of the court performance measures is included at the end of this document).

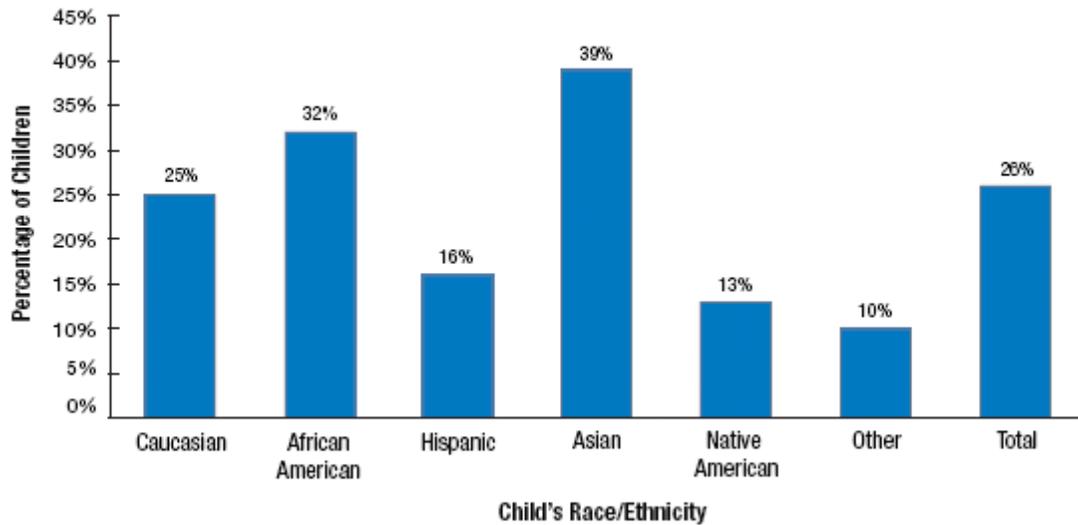
Example: Safety Performance Measure 1B – Child Safety after Release from Court Jurisdiction

This measure considers the safety of children *after* their cases are closed following their return home, placement into legal guardianship, or adoption. By evaluating data produced by this measure, and perhaps by reviewing individual cases in which abuse and neglect did recur, courts and agency staff can develop strategies to reduce the recurrence rate. If the data are broken down by race/ethnicity and reasons for case closure (i.e., reunification, adoption or legal guardianship), the court will have additional useful information for its case closure decisions – the court will know more about which types of permanent placements are most successful and for which categories of children.

Example: Permanency Performance Measure 2D – Re-entry into Foster Care after Return Home

This measure considers the percentage of children who return to foster care pursuant to court order within 12-24 months of case closure following reunification. This measure shows how often, after judges return children home from foster care and close their cases, children are brought back to court and placed in foster care within a relatively short time. This measure focuses on the quality of judicial decisions to return children home from foster care on a permanent basis. Including race/ethnicity demographic information for children allows the court to examine any racial/ethnic variations in foster care re-entry rates for the court (see graph below).

Sample 2D–4. Percentage of Children Returned to Foster Care Within 24 Months After Reunification, by Child’s Racial/Ethnic Category, Cases Closed in 2003



*Excerpted from: *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide*ⁱⁱ

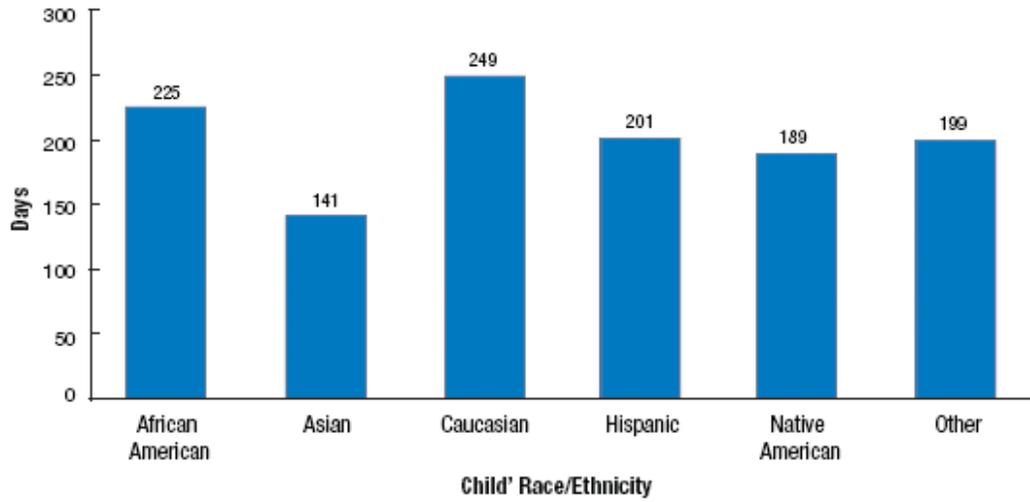
Example: Due Process/Fairness Performance Measure 3D – Early Appointment of Counsel for Parents

This measure considers the percentage of child abuse and neglect cases in which attorneys for parents are appointed in advance of the preliminary protective hearing. It shows how often attorneys are appointed for parents, and how early that occurs in the hearing process. This measure can help courts evaluate whether attorneys for parents are appointed in time to play an active role in what is usually the first critical stage of litigation – the preliminary protective hearing. If race/ethnicity data are collected, appointment practice for different populations can be examined for any differences.

Example: Timeliness Performance Measure 4A – Time to Permanent Placement

This measure considers the average (median) time from filing of the original petition to legal permanency. It shows how long it takes for children in abuse and neglect cases to achieve legal permanency following the filing of the petition (“legal permanency” means that there is a permanent and secure legal relationship between the adult caregiver and the child). This measure helps courts to evaluate their success in eliminating needless delays in achieving legal permanency for children in abuse and neglect cases. If race/ethnicity data are collected, the court can determine if timeframes to permanency differ for certain groups – and if they differ by specific permanency outcome (e.g., reunification, adoption, or legal guardianship). The table below, for example, compares time to permanency by child’s race/ethnicity, based on cases closed during 2005 in one medium-sized judicial district.

Sample 4A–6. Average Days From Petition to Permanency, by Child's Race/Ethnicity, Cases Closed in 2005: Judicial District X



*Excerpted from: *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide*ⁱⁱⁱ

List of Performance Measures

Number	Safety Measures	Short Definition
1A	Child Safety While Under Court Jurisdiction	Percentage of children who are abused or neglected while under court jurisdiction.
1B	Child Safety After Release From Court Jurisdiction	Percentage of children who are abused or neglected within 12 months after the case is closed following a permanent placement.
Permanency Measures		
2A	Achievement of Child Permanency	Percentage of children in foster care who reach legal permanency by reunification, adoption, or legal guardianship.
2B	Children Not Reaching Permanency	Percentage of children in foster care who do not reach legal permanency by reunification, adoption, or legal guardianship.
2C	Children Moved While Under Court Jurisdiction	Percentage of children who reside in one, two, three, four, or more placements while under court jurisdiction.
2D	Reentry Into Foster Care After Return Home	Percentage of children who return to foster care pursuant to court order within 12 and 24 months of case closure following reunification.
2E	Reentry Into Foster Care After Adoption or Guardianship	Percentage of children who return to foster care pursuant to court order within 12 and 24 months of case closure following adoption or placement with a legal guardian.
Due Process and Fairness Measures		
3A	Number of Judges Per Case	Percentage of child abuse and neglect cases in which the same judicial officer presides over all hearings.
3B	Service of Process to Parties	Percentage of child abuse and neglect cases in which all parents receive written service of process of the original petition.
3C	Early Appointment of Advocates for Children	Percentage of child abuse and neglect cases in which an attorney, guardian <i>ad litem</i> (GAL), or court-appointed special advocate (CASA) volunteer is appointed in advance of the emergency removal hearing.
3D	Early Appointment of Counsel for Parents	Percentage of child abuse and neglect cases in which attorneys for parents are appointed in advance of the emergency removal hearing.
3E	Advance Notice of Hearings to Parties	Percentage of child abuse and neglect cases with documentation that written notice was given to parties in advance of every hearing.
3F	Advance Written Notice of Hearings to Foster Parents, Preadoptive Parents, and Relative Caregivers	Percentage of child abuse and neglect cases with documentation that written notice was given to foster parents, preadoptive parents, and relative caregivers in advance of every hearing for which they were entitled to notice.
3G	Presence of Advocates During Hearings	Percentage of child abuse and neglect cases in which legal counsel for the government or other petitioner and for other parties who have been served is present at every hearing.

3H	Presence of Parties During Hearings	Percentage of child abuse and neglect cases in which parties who have been served are present at every substantive hearing.
3I	Continuity of Advocates for Children	Percentage of child abuse and neglect cases in which the same legal advocate represents the child throughout the case.
3J	Continuity of Counsel for Parents	Percentage of child abuse and neglect cases in which the same legal counsel represents the parent throughout the case.
Timeliness Measures		
4A	Time to Permanent Placement	Average (median) time from filing of the original petition to legal permanency.
4B	Time to Adjudication	Average (median) time from filing of the original petition to adjudication.
4C	Timeliness of Adjudication	Percentage of cases that are adjudicated within 30, 60, or 90 days after the filing of the original petition.
4D	Time to Disposition Hearing	Average (median) time from filing of the original petition to the disposition hearing.
4E	Timeliness of Disposition Hearing	Percentage of cases in which the disposition hearing occurs within 10, 30, or 60 days after adjudication.
4F	Timeliness of Case Review Hearings	Percentage of cases in which the court holds hearings to review case plans within the time limits set by law.
4G	Time to First Permanency Hearing	Average (median) time from filing of the original petition to first permanency hearing.
4H	Time to Termination of Parental Rights Petition	Average (median) time from filing of the original petition to filing the petition for termination of parental rights (TPR).
4I	Time to Termination of Parental Rights	Average (median) time from filing of the original child abuse and neglect petition to the termination of parental rights (TPR).
4J	Timeliness of Termination of Parental Rights Proceedings	Percentage of cases for which there is a final order within 90, 120, and 180 days of the filing of the termination of parental rights (TPR) petition.
4K	Time From Disposition Hearing to Termination of Parental Rights Petition	Percentage of cases in which the termination of parental rights (TPR) petition is filed within 3, 6, 12, and 18 months after the disposition hearing.
4L	Timeliness of Adoption Petition	Percentage of cases in which the adoption petition is filed within 3, 6, and 12 months after the termination of parental rights (TPR).
4M	Timeliness of Adoption Proceedings	Percentage of adoption cases finalized within 3, 6, and 12 months after the filing of the adoption petition.

ⁱ Forthcoming, US. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention and U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

ⁱⁱ *Ibid.*

ⁱⁱⁱ *Ibid.*