



Capacity Building  
CENTER FOR COURTS

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# Judicial, Court, and Attorney Measures of Performance (JCAMP)

## Volume IV: Technical Guide

# Judicial, Court, and Attorney Measures of Performance (JCAMP), Volume IV: Technical Guide

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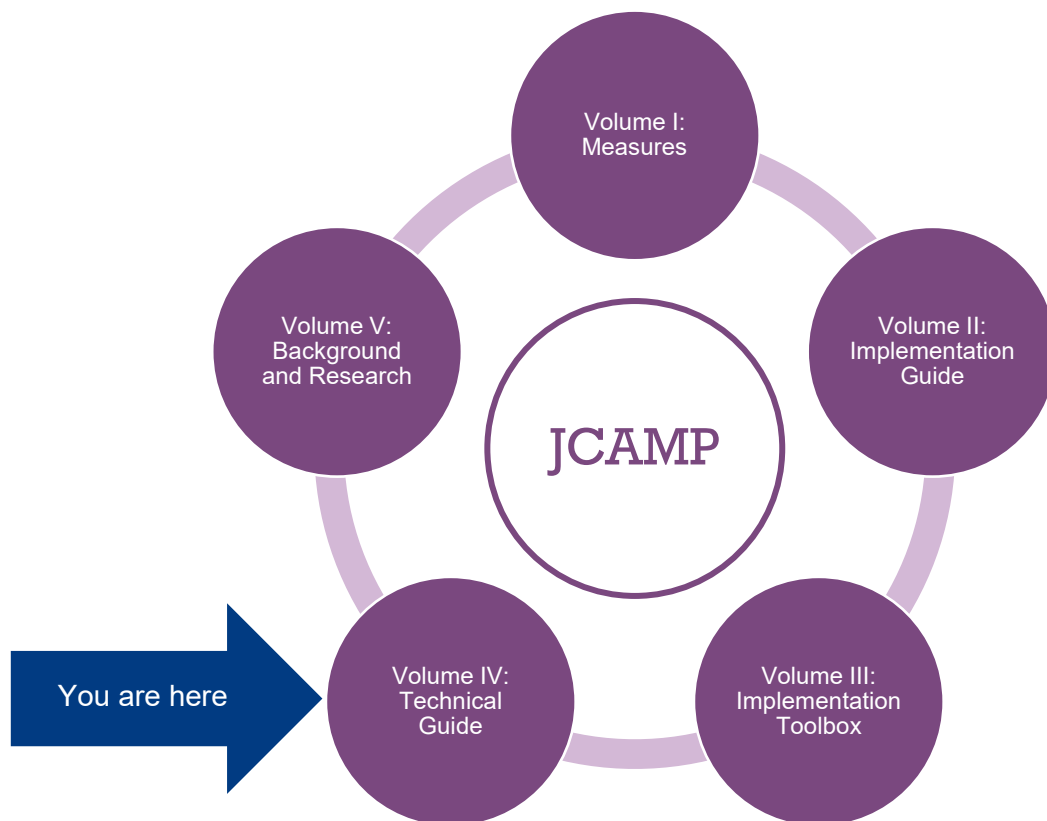
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## Table of Contents

Introduction.....	1
Using This Technical Guide .....	1
Universal Data Elements .....	3
Sampling Guidance.....	4
Family Engagement.....	10
1.1 Do parents attend hearings? .....	11
1.2 Do children and youth attend hearings?.....	13
1.3 Do tribal representatives attend hearings? .....	15
1.4 Do foster parents and relative caregivers attend hearings?.....	17
1.5 Do courts send orders to parties or provide them at the end of the hearing?.....	19
1.6 What do judges do to engage parents, children, and youth in hearings?.....	22
1.7 What do judges do to engage foster parents and relative caregivers in hearings? .....	25
1.8 How do parent attorneys engage parents in the process?.....	28
1.9 How do child or youth attorneys and/or attorney guardians ad litem (GALs) engage children and youth in the process?.....	30
1.10 How do prosecuting (or agency or state) attorneys engage parents, children, and youth in the process?.....	32
1.11 Are important issues discussed in hearings? .....	34
1.12 Do parents feel judges engaged them in hearings? .....	37
1.13 Do children and youth feel judges engaged them in hearings? .....	39
1.14 Do foster parents and relative caregivers feel judges engaged them in hearings?.....	41
Due Process.....	43
2.1 Do parties to the case receive timely service? .....	44
2.2 Are child or youth attorneys and/or attorney GALs appointed early in the case? .....	46
2.3 Are parent attorneys appointed early in the case? .....	48
2.4 Do parties to the case receive timely notice of hearings?.....	50
2.5 Are Indian children identified early in the case? .....	52
2.6 What do judges do to ensure fair hearings? .....	54
2.7 How do prosecuting (or agency or state) attorneys ensure fair hearings? .....	56
2.8 How do parent attorneys ensure fair hearings? .....	58
2.9 How do child or youth attorneys and/or attorney GALs ensure fair hearings? .....	60
2.10 Do parents feel they were treated fairly? .....	62
2.11 Do children and youth feel they were treated fairly? .....	64
High-Quality Legal Representation .....	66
3.1 Do parent attorneys attend hearings? .....	67
3.2 Do child or youth attorneys and/or attorney GALs attend hearings?.....	70
3.3 Do prosecuting (or agency or state) attorneys attend hearings? .....	73
3.4 Do multidisciplinary members of the legal team attend hearings? .....	75
3.5 How do parent attorneys ensure they provide high-quality legal representation? .....	78



3.6 How do child or youth attorneys and/or attorney GALs ensure they provide high-quality legal representation? .....	84
3.7 How do prosecuting attorneys (or agency or state attorneys) ensure they provide high-quality legal representation? .....	91
3.8 Are parents satisfied with their attorneys' representation? .....	97
3.9 Are children and youth satisfied with their legal representation? .....	99
3.10 How do parents, children, and youth feel they were treated by prosecuting (or agency or state) attorneys? .....	102
Safety .....	104
4.1 How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal? How often is the finding that the agency made "no reasonable efforts"? .....	105
4.2 How do courts discuss safety and removal? .....	108
4.3 How do courts discuss the agency's reasonable or active efforts to prevent removal? .....	110
4.4 Do attorneys cross-examine reasonable or active efforts to prevent removal? .....	112
4.5 Do attorneys raise the issue of reasonable or active efforts if not raised? .....	114
4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court? .....	116
4.7 Do judges ask about the agency's efforts to prevent removal? .....	118
4.8 Do judges make detailed reasonable or active efforts findings that explain how the agency has worked with the family to prevent removal? .....	120
4.9 Do judges consider parents' protective capacities in determining whether to remove, maintain, or return the child home? .....	122
4.10 Do parents understand the safety threats to the child and how those led to the child's removal? .....	124
4.11 Do parents understand the conditions for return of the child? .....	126
4.12 Do parents believe the judge considered their protective capacities in decision-making regarding removal and return? .....	128
4.13 Do parents feel their voices were heard in safety planning discussions? .....	130
4.14 Do children and youth feel their voices were heard in safety discussions? .....	132
Permanency .....	134
5.1 How much time does it take until the first permanency hearing? .....	135
5.2 How much time does it take to file the termination of parental rights petition? .....	137
5.3 How much time does it take until the termination of parental rights? .....	140
5.4 How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency? .....	143
5.5 How often and at what points in the case are continuances granted? .....	147
5.6 How many termination of parental rights decisions are appealed? .....	150
5.7 How do courts discuss permanency? .....	152
5.8 Do judges ask about what is preventing the child or youth from safely returning home today? .....	156



5.9 Do judges ask about parents’ access to and receipt of relevant services? ..... 159

5.10 Do judges order any relevant services to support reunification/permanency? ..... 162

5.11 How do court orders address family time? ..... 165

5.12 Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?..... 168

5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court? ..... 171

5.14 Do prosecuting (or agency or state) attorneys file motions and petitions related to permanency goals in a timely manner?..... 173

5.15 Do parent attorneys advocate for reunification in hearings? ..... 176

5.16 Do child or youth attorneys and/or attorney GALs advocate for reunification or other permanency in hearings? ..... 179

5.17 Why are continuances granted?..... 182

5.18 Do parents feel their voices were heard in permanency planning discussions?..... 185

5.19 Do parents understand what is required of them and the steps needed to have their child returned? ..... 187

5.20 Do parents feel services met their needs and assisted them in reunification? ..... 189

5.21 Do parents feel they were able to engage in meaningful family time? ..... 191

5.22 Do children and youth feel their voices were heard in permanency decisions? ..... 193



# Introduction

In 2021, the Children’s Bureau funded the Capacity Building Center for Courts (CBCC) to develop a set of child welfare court, judicial, and attorney performance measures through the Judicial, Court, and Attorney Measures of Performance (JCAMP) project. This volume presents **profiles** for each JCAMP measure with instructions for how to calculate each one. Profile sections are described in table 1.

**Table 1. Profile Sections**

Profile Section	Description
Variables to consider	A list of variables needed to calculate the measure.
Data sources	A table of options for how to analyze the measure using different data sources (e.g., administrative data, court observation, case file review, surveys). For each data source, the table compares the analytic question answered by each data source, the unit of analysis, and sampling guidance. Recommended data sources are identified.
Analytic approaches	Analytic instructions for each data source presented (e.g., how to calculate the measure using court observation data).
Related JCAMP measures	A list of related JCAMP measures to consider adding to the data collection plan. Often data collection for related measures can be easily collected using the same data collection method.
Related OJJDP Toolkit measures	A list of related measures from the Office of Juvenile Justice and Delinquency Prevention’s 2008 Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide (OJJDP Toolkit). The OJJDP Toolkit includes detailed information for foundational outcome measures.
Supporting research	A list of research articles that link the measure to outcomes for children and youth and families.
Supporting best practice recommendations	A list of best practice recommendations that support inclusion of the measure.

## Using This Technical Guide

Once you have selected measures, navigate to each measure’s profile to review options and instructions for data collection (e.g., administrative data, court observation). Next, review the JCAMP data collection instruments found in **Volume III: Implementation Tools** and decide whether to use or adapt the instruments for your data collection efforts.

The other JCAMP volumes in this series include—

- **Volume I: Measures.** Describes the JCAMP performance measures in five topical categories
- **Volume II: Implementation Guide.** Provides guidance for how to effectively implement the measures and use the data



- **Volume III: Implementation Toolbox.** Compiles tools for each implementation step described in Volume II, including sample data collection instruments
- **Volume V: Background and Research.** Describes the methods used to develop the measures and discusses supporting research evidence and best practice recommendations for each measurement category

## Key Terms

**Frequency:** The number of times something occurs (e.g., a count of how many hearings a youth attended).

**Mean:** Also known as the average. Add all the numbers in a set together and then divide by the total number of items in the set. Generally, using the mean is best when there are no outliers in the set. Mean is often used when calculating the average number of placement changes.

**Median:** The middle value of a set of numbers when all numbers in the set are listed from least to greatest. Generally, using the median is best when the set includes outliers. Median is often used when calculating federal data for lengths of stay in foster care.

**Outlier:** A number that is far higher or lower than most other numbers in a set.

**Percentage:** A relative value representing a part of a whole. To calculate a percentage, divide the whole (denominator) by the part (numerator) and multiply by 100. For example, to calculate the percentage of times a parent attended hearings in their case, divide the total number of hearings held (denominator) by the number of hearings they attended (numerator) (e.g., 6 hearings attended/8 total hearings = 0.75 hearings x 100 = parent attended 75 percent of hearings held).

**Disaggregate:** Break apart data into subgroups to better understand whether data differ by subgroup (e.g., whether child attendance at hearings differs by child race).

**Population:** An entire group of people, hearings, or cases, etc.

**Sample:** A small part of a population that could include people, hearings, or cases intended to accurately reflect what the larger population is like.





## Universal Data Elements

Several data elements apply to all measures:

- **Race of the child or youth.** At a minimum, options for race should include American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. Respondents should be given the option of selecting more than one race. Whenever possible, these response options should be further expanded to better capture the race of the child or youth.
- **Ethnicity of the child or youth.** At a minimum, options for ethnicity should include “Hispanic or Latino,” and “Not Hispanic or Latino.” Whenever possible, these response options should be further expanded to better capture the ethnicity of the child or youth.
- **Age of the child or youth.** Can be calculated using date of birth and reported either as a continuous variable or by age range (e.g., <1; 1–5; 6–10; 11–16; >17).
- **Indian Child Welfare Act (ICWA) status of the child or youth.** ICWA eligibility of the child or youth should be documented for all measures.

Collecting these data are essential to be able to disaggregate or break down the data by demographics, to explore disparate outcomes among racial and ethnic groups. Other demographic variables that may be collected to further assess equity of the system are listed below. With the exception of jurisdiction, county, or region, these data may not be regularly collected in the court record but could be collected using surveys and focus groups.

- **Jurisdiction, county, or region.** May provide additional information about local characteristics that may affect outcomes (e.g., urban versus rural, poverty).
- **Gender of the child or youth and parents.** At a minimum, include male, female, transgender, none of these.
- **Race of the parents.** Follow recommendations for race of the child or youth.
- **Ethnicity of the parents.** Follow recommendations for ethnicity of the child or youth.
- **Sexual orientation of the child or youth and parents.** At a minimum, include lesbian, gay, bisexual, and queer.
- **Gender identity of the child or youth and parents.** At a minimum, include male, female, transgender, gender nonconforming, and nonbinary.
- **Disability status of the parents and child or youth.** Include self-disclosed disability status of parents and child or youth.



## Sampling Guidance

Getting performance measurement data requires making decisions about sampling, developing, or adapting a tool or tools to collect the data needed and collecting the data needed to inform performance measurement efforts. *How many cases do we need to review or observe* is often one of the first question sites asked when working on a data collection plan. The answer is always a balance between the goals of the performance measurement effort and the resources the site has to collect data.

In a perfect world you would want all the data to inform your decisions. You would talk to all stakeholders, review all the files, and talk with all the parents (the entire population of interest). In the real world, this is not practical or feasible. Instead, we sample. A sample is a part or subset of the population and assumes the sample is representative (accurately reflects) of the entire population of interest.

### *Choosing an Appropriate Sample*

The goal of sampling is to identify a representative sample, so it is similar to the population of interest and findings are relevant to this population and not just the small subset. Selecting a representative sample includes two considerations.

- The sampling method/process (How to identify your sample?)
- The number of cases, hearings, or persons sampled

Table 2 identifies some strategies and definitions to help inform sample decision-making. While some methods are ideal and more likely to result in a representative sample, not all are feasible. Sampling decisions should be based on what is feasible.



**Table 2. Sampling Definitions and Examples**

Sample definitions	When should it be used	Example of how to use this strategy
<p><b>Random sample</b> Everyone in the population has an equal opportunity to be selected as part of the sample.</p>	<p>Whenever feasible, this is the ideal as random samples are most likely to be representative of the population.</p>	<p>List out all cases of the population (all the cases of interest) in order, in a numbered list 1 to X. Use random number generator-select cases. Excel has this feature, or applications are available.</p>
<p><b>Systematic sample</b> Similar to random sampling, this method requires selecting cases at regular intervals.</p>	<p>When you want ease of selection of cases for inclusion in the study, it may be easier than a simple random sample but still results in random sampling.</p>	<p>List out all the cases in the population (all the cases of interest) in order, in a numbered list 1 to X. Select every <i>n</i> case (e.g., every 10<sup>th</sup> case). The sample needs to include 50 cases. You have 450 cases, divide 450 by 50 (9), and take every 9<sup>th</sup> case on the list.</p>
<p><b>Stratified sample</b> This method divides the population into smaller groups based on shared characteristics (role, age, race/ethnicity) and then includes a systemic or simple random sample.</p>	<p>When you want to ensure specific subpopulations are represented in the sample, for example, if you want to make sure you get enough cases in your sample of specific racial/ethnic groups for comparison.</p>	<p>Split your cases into lists by the category of interest (e.g., age, race). Then use a systematic or random sampling approach <i>within</i> each group.</p>
<p><b>Convenience sample</b> A sample includes cases or persons most easily accessible.</p>	<p>When it is not feasible to do random or systematic sample, for example, collecting data from members of a list serve to which you already have access.</p>	<p>Outreach to the persons on your contact list (or on a list of known email address) for participation in the study.</p>
<p><b>Purposive sample</b> A sample is selected based on its usefulness to the data collection.</p>	<p>When specific groups are better suited for your performance measurement needs, for example, selecting jurisdictions that have implemented a practice model you want more information about.</p>	<p>Identify the criteria for the sample of interest. Select cases or sites that match the criteria. For example, select only cases with American Indian children to further explore outcomes for these youth.</p>
<p><b>Snowball sampling</b> A snowball sampling is a procedure identifying key persons to whom the survey is disseminated and then shared with others.</p>	<p>When you do not have contact information for the persons you want to survey or want to reach a broader audience.</p>	<p>Send the request for survey participation to the persons on the list and ask them to share with others. This could be within their office (e.g., send to leadership at office of the public defender office and ask to send to all attorneys) or throughout their court (e.g., send to judges and ask them to share with multidisciplinary team) or could be shared with clients (e.g., send link to parent</p>



Sample definitions	When should it be used	Example of how to use this strategy
<p><b>Entry cohort</b> An entry cohort is all the cases coming into the system in a specific timeframe, for example, all cases that entered into the foster care system in 2021.</p>	<p>When you are interested in the experience of a cohort of cases; also, useful when examining a specific timeframe for practice.</p>	<p>allies and ask to share with parents with whom they work). Set the timeframe of interest. This could be related to implementation of a new program, policy, or law into practice (e.g., pre sample, post sample). Select the cases entering care in the timeframe.</p>
<p><b>Exit cohort</b> This is all the cases exiting the system in a specific timeframe, for example, all the cases that exited foster care in 2020.</p>	<p>When you need closed cases to calculate a measure; for example, if you are looking at the type of permanency achieved at case closure, the case needs to be closed to be identified.</p>	<p>Set the timeframe of interest. If looking at current practice, recent is better (cases closed in the last year). Select the cases that exited from care in the timeframe.</p>
<p><b>Point in time sample</b> This includes all the cases in the system at a specific point in time, for example, all the cases still open on the first day of fiscal year 2019.</p>	<p>When either you want to describe something about the current cases, or you want to say what is likely to happen in the future with current cases.</p>	<p>Set the timeframe of interest. For example, select cases from those that are currently in care.</p>



After determining the best method for sampling, it will be important to identify the sample size needed. The sample size is important because an appropriate sample size increases the precision of estimates and the ability of the performance measurement efforts to draw conclusions from the data. Sample size should be a balance between resources available and the goals of the performance measurement efforts. The goals are to include a representative sample. However, the ideal numbers may be too large to achieve for the resource needs. That is okay. Start with what you can do.

### ***Calculating Sample Size***

The most robust way to calculate a needed sample size is to use a sample size calculator. This is a mathematical calculation that considers several factors and provides an estimate of how many cases should be in the sample. Keep in mind, you are not conducting research. You are conducting performance measurement. Your criteria may not be as rigorous as those of research needs. It is okay to use some sampling guidelines (see sections below).

In research, sample size calculation is based on three things.

- **The population of interest** is the total number of cases (in a jurisdiction, in the state), the total number of hearings, or the total number of persons (e.g., all stakeholders).
- **Confidence level** is a range of values (also, an estimate) that describes the uncertainty surrounding the findings from data collection. It also indicates how confident you are that a value (findings from data collection) would fall within that range of values. In research this is set high (95 to 99 percent).
- **Margin of error** is a range of values that falls above and below the actual findings from data collection (a measurement of error). This tells you how much your results might reflect the overall population or how effective your data collection is. In research this is set low (5 percent). Lower margin of error describes higher confidence in the accuracy of the findings.

### ***Sample Size Example***

If you know your population of interest, you can use a sample size calculator (e.g., <https://www.surveymonkey.com/mp/sample-size-calculator/>). If you have a population of 2000 cases in foster care, you set a confidence level of 95 percent with a margin of error at 5 percent. Sample calculators indicate you need 323 cases to have a sufficient sample. If you are randomly selecting these cases and collecting data on 323 cases, you can be confident this is a representative sample.

What if you don't have the resources to collect 323 cases? What does that mean for the quality of your data? Table 3 illustrates how sampling might look different. Each one includes a random selection of cases.



**Table 3. Example Sample Size Estimates**

Resources to collect all data	Adjustments to sample size needed
You randomly sample 323 cases (population 2000, confidence level is 95 percent, and margin of error is 5 percent).	You have resources to sample 100 cases. If you adjust your margin of error to 10 percent), you only need 92 cases. You randomly sample 100 cases.
You are confident this sample should be representative of the population.	You are still fairly confident this sample will be representative of your population.
Your data indicates parents attended 67 percent of their hearings. Based on how you have setup your sampling, you are 95 percent confident the true percentage of attendance at hearings is between 62 and 72 percent (margin of error).	Your data indicates parents attended 67 percent of their hearings. Based on your sampling strategy, you are 95 percent confident the true percentage of parent attendance would be between 57 and 77 percent (margin of error).

The adjustment to meet your resource availability means there is a wider margin of error; now there is a range of 20 percent (10 percent on either side of the true value). What you have given up with the smaller sample size is a tradeoff with precision in your estimate of practice. Precision is critical when you are conducting research and trying to demonstrate a statistically significant difference in two groups. It is less critical in performance measurement when you are looking to explore trends in practice over time. Balance the need for precision with resources available.

If you know your resource limits (e.g., how many cases you can review, hearings you can observe), you can enter this into a sample calculator to determine what your margin of error would be. For example, see <https://www.surveymonkey.com/mp/margin-of-error-calculator/>

The **Needs Assessment Tool** included in the Toolbox for step two helps sites identify their data capacity, which should create a better understanding of the resources it will take to collect the data needed and help determine whether identified sample sizes are feasible. If they are not feasible, decide what is feasible for data collection. The data collection methods section also includes some guidance for sample sizes based on the method of interest.

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*A good guideline in sampling is a sample of at least **30 observations** or reviews. This should be per site (or judge) if you expect site variations in practice (and we do). For court observation, set a minimum of **10 observations** per hearing type per judge or site to best understand current practice.*

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### *Additional Considerations for Sampling*

- Use sampling when you cannot gather data from an entire population. If you can access the population (e.g., resources to survey all the judges in your state), then sampling is not necessary.
- Random sampling should be used if it aligns with your priorities for performance measurement.

If you are working at the jurisdiction level (or multijurisdiction/multisite level), consider whether you want a representative sample that is of your entire jurisdiction (all sites) or whether you want to purposefully sample specific jurisdictions. Purposeful considerations might include—

- Geographic diversity
- Jurisdiction size (urban, suburban, rural, volume of cases [high, low])
- Jurisdictions implementing different models of practice of interest
- Population diversity (characteristics of families in foster care)
- Jurisdiction performance on key metrics (e.g., time to permanency)
- Snowball sampling is a useful tool for survey dissemination if you do not have all the information needed to reach all the participants of interest.



# Family Engagement

## Court Process Measures

- 1.1 Do parents attend hearings?
- 1.2 Do children and youth attend hearings?
- 1.3 Do tribal representatives attend hearings?
- 1.4 Do foster parents and relative caregivers attend hearings?
- 1.5 Do courts send orders to parties or provide them at the end of the hearing?

## Professional Practice Measures

- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.7 What do judges do to engage foster parents and relative caregivers in hearings?
- 1.8 How do parent attorneys engage parents in the process?
- 1.9 How do child or youth attorneys and/or attorney guardians ad litem (GALs) engage children and youth in the process?
- 1.10 How do prosecuting (or agency or state) attorneys engage parents, children, and youth in the process?
- 1.11 Are important issues discussed in hearings?

## Family Experience Measures

- 1.12 Do parents feel judges engaged them in hearings?
- 1.13 Do children and youth feel judges engaged them in hearings?
- 1.14 Do foster parents and relative caregivers feel judges engaged them in hearings?



## 1.1 Do parents attend hearings?

This measure includes a count of all parents who are expected to attend hearings. Before analysis, remember that parents may not be expected to attend all hearings. For example, if a father has not been identified at the initial hearing, then he would not be expected to attend. Or if parents are deceased or have not been served process, they would not be expected to attend.

### Variables to consider

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]

### Exhibit 1.1. Options for Analyzing Parent Attendance at Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among hearings held during a selected time period, what proportion did parents attend?	Hearings	Select hearing type and timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case were parents in attendance?	Hearings	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, what proportion did parents attend?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do court professionals report that parents attend hearings?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

### Analytic approach for **administrative data, case file review, and/or court observation**

- Identify the number of hearings at which each parent should be present.
- Count the number of those hearings in which each parent was present. If the administrative system does not distinguish between types of parents, count the number of hearings in which any parent was present.
- Calculate the percentage for each parent.
- Disaggregate the data for each parent by type of hearing, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.



### *Analytic approach for surveys:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of the parents, and ethnicity of the parents (if asked on survey).

### *Related JCAMP Measures*

- 1.5 Do courts send orders to parties or provide them at the end of the hearing?
- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.12 Do parents feel judges engaged them in hearings?

### *Related OJJDP Toolkit Measures*

- Toolkit Measure 3H: Presence of parties during hearings. The Toolkit defines presence of parties as the percentage of hearings in which parties are present by party type, including mothers, fathers, age-appropriate children, etc. See pages 137–141 in the Toolkit Technical Guide.

### *Supporting Research*

Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.

Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review, 82*, 490–498.

Wood, S. M., Summers, A., & Soderman Duarte, C. (2016). Legal representation in the juvenile dependency system: Travis County, Texas' parent representation pilot project. *Family Court Review, 54*(2), 277–287.

Wood, S. M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review, 33*(9), 1730–1741.

### *Supporting Best Practice Recommendations*

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases*.

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community's work: Trauma-informed benchbook for tribal justice systems*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 1.2 Do children and youth attend hearings?

Statutes, rules, and policies regarding hearing attendance by children and youth vary widely across the country. Therefore, use of this measure will depend on local court rules. In 2022 the American Bar Association House of Delegates adopted Resolution 617, which urges jurisdictions to enact and courts to enforce laws establishing a “presumption of child presence in all dependency proceedings.” The standard is to ensure that “the child, in consultation with the child’s attorney, has the sole right to choose not to be present and reasons such as age, disability, scheduling conflicts, lack of transportation, or perceived trauma which is not documented, are not used to rebut the presumption.” Similarly, per the Enhanced Resource Guidelines, “Judges should expect that children are brought to court when safe and appropriate—and if they are not, the court should require that the child welfare agency provide an explanation that relates to that child’s safety and well-being” (page 72).

### Variables to consider

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at the hearing [yes/no]

### Exhibit 1.2. Options for Analyzing Child or Youth Attendance at Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among hearings held during a selected time period, what proportion did children or youth attend?	Hearings	Select a timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case were children or youth in attendance?	Hearings	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, what proportion did children or youth attend?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do court professionals report that children or youth attend hearings?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.



### *Analytic approach for **administrative data, case file review, and/or court observation***

- Identify the number of hearings at which a child or youth should be present.
- Count the number of those hearings at which the child or youth was present.
- Calculate the percentage.
- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### *Analytic approach for **surveys***

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on the survey).

### ***Related JCAMP Measures***

- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.13 Do children and youth feel judges engaged them in hearings?

### ***Related OJJDP Toolkit Measures***

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3H: Presence of parties during hearings. The Toolkit defines presence of parties as the percentage of hearings in which parties are present by party type, including mothers, fathers, age-appropriate children, etc. See pages 137–141 in the Toolkit Technical Guide.

### ***Supporting Research***

Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.

Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.

### ***Supporting Best Practice Recommendations***

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community's work: Trauma-informed benchbook for tribal justice systems*.

American Bar Association. (1996, February 5). *Standards of practice for lawyers who represent children in abuse and neglect cases*.

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings*.



## 1.3 Do tribal representatives attend hearings?

Children and youth with confirmed ICWA status should have tribal representatives present at their hearings.<sup>1</sup> To calculate this measure, first identify which cases have ICWA status. Early hearings in a case may be less likely to have an ICWA determination as details about the family are still being explored.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Tribe of the child or youth
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Tribal representative present at hearings [yes/no]
- Tribal affiliation of tribal representative

### Exhibit 1.3. Options for Analyzing Tribal Representative Attendance at Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among hearings with confirmed ICWA eligibility, in what proportion did a tribal representative from the child's or youth's tribe attend?	Hearings	Select a timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case was a tribal representative from the child's or youth's tribe in attendance?	Hearings	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings with confirmed ICWA eligibility, in what proportion did a tribal representative from the child's or youth's tribe attend?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do court professionals report that tribal representatives attend hearings for children and youth who have confirmed ICWA eligibility?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

<sup>1</sup> There may be cases when a tribal representative should be included before the status is confirmed when there is merely some indication that the child may be eligible under ICWA, 25 C.F.R. § 23.107(b)(2). However, the typical timeframes and complexities of scenarios while this is being confirmed do not lend themselves to good-quality data.



*Analytic approach for **administrative data, case file review, and/or court observation:***

- Identify the number of hearings with a child or youth with confirmed ICWA eligibility.
- Count the number of those hearings at which a tribal representative from the child or youth's tribe was present.
- Calculate the percentage.
- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth.

*Analytic approach for **surveys:***

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of the child or youth, ethnicity of the child or youth, age of the child or youth.

**Related JCAMP Measures**

- 2.5 Are Indian children identified early in the case?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3H: Presence of parties during hearings. The Toolkit defines presence of parties as the percentage of hearings in which parties are present by party type, including mothers, fathers, age-appropriate children, etc. See pages 137–141 in the Toolkit Technical Guide.

**Supporting Research**

Capacity Building Center for Courts. (2020, July). Child Welfare Court Practice Evidence Series. Topic: Quality Legal Representation for Parents and Children.

**Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa* our community's work: *Trauma-informed benchbook for tribal justice systems*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 1.4 Do foster parents and relative caregivers attend hearings?

This measure counts all foster parents and relative caregivers who are expected to attend hearings. Foster parents and relative caregivers may not be expected to attend all hearings. For example, if a child or youth is not placed with foster parents or relative caregivers, they would not be expected to attend. They may be more likely to attend hearings later in the case when decisions about placement have been made.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]

### Exhibit 1.4. Options for Analyzing Foster Parent and Relative Caregiver Attendance at Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among applicable hearings held during a selected time period, what proportion did foster parents or relative caregivers attend?	Hearings	Select a timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case were foster parents or relative caregivers in attendance?	Hearings	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, what proportion did foster parents or relative caregivers attend?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do court professionals report foster parents or relative caregivers attend hearings?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

#### Analytic approach for **administrative data, case file review, and/or court observation**:

- Identify the number of hearings in which the child or youth was placed with foster parents or relative caregivers.
- Count the number of those hearings in which the foster parents or relative caregivers were present.
- Calculate a percentage.
- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.



### *Analytic approach for surveys:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on the survey).

### **Related JCAMP Measures**

There are no related JCAMP measures.

### **Related OJJDP Toolkit Measures**

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3H: Presence of parties during hearings. The Toolkit defines presence of parties as the percentage of hearings in which parties are present by party type, including mothers, fathers, age-appropriate children, etc. See pages 137–141 in the Toolkit Technical Guide.

### **Supporting Research**

No research has been found that links this measure to outcomes for children and youth or families.

### **Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa* our community's work: *Trauma-informed benchbook for tribal justice systems*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.





## 1.5 Do courts send orders to parties or provide them at the end of the hearing?

Surveys of court administrators are the most direct way of understanding a court’s typical process of distributing orders to parties (e.g., parents, tribal representatives, legal custodians). If using administrative data, case file review, or court observation, first determine whether parties were present at a given hearing (see measures 1.1 and 1.3). For those hearings, document whether parties received orders at the end of the hearing or whether orders were sent to attorneys representing the parties. Orders can also be distributed by email or regular mail. If email was used, explore how email addresses were collected and documented. The date that copies of orders were distributed to parties may not be documented in case files or in administrative data systems. Check to determine how orders are documented in the court before selecting a data collection method.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Tribal representative present at hearing [yes/no]
- Other party present at hearing (e.g., legal custodian) [yes/no]
- Whether orders of the court are distributed to parents, tribal representative (if applicable), and other eligible parties [month/day/year] at the end of hearings [yes/no/UD/N/A]
- Date court sends copies of orders to parents, tribal representative (if applicable), and other eligible parties [month/day/year]

### Exhibit 1.5. Options for Analyzing Delivery of Court Orders

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys*	What is the primary way the court distributes orders to parties? How often do court administrators report that the court distributes copies of orders to parties at the end of hearings?	Hearings	Select a sample of court administrators to survey.
Case file review*	In what proportion of applicable hearings across the life of a case did parties receive copies of orders?	Hearings	Select a timeframe for the sample. Select a sample of cases.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation	Among observed hearings, in what proportion did parties receive copies of orders at the end of the hearing?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Administrative data	Among applicable hearings held during a selected time period, in what proportion did parties receive copies of orders? How were those orders distributed? For orders that were distributed by mail, how many days were there from the hearing date to the date orders were mailed?	Hearings	Select a timeframe for the sample.

Note: \* = Recommended data source.

**Analytic approach for surveys:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of the parents, ethnicity of the parents, race of the child, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

**Analytic approach for case file review:**

- Identify the number of hearings in which parents were present.
- Count the number of those hearings in which parents received copies of the orders.
- Document the way orders were distributed (either at the end of the hearing or by mail).
- Calculate the percentages of parents who received copies of orders by distribution type.
- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for court observation:**

- Identify the number of hearings in which parents were present.
- Count the number of those hearings in which parents received copies of the orders at the end of the hearing.
- Calculate the percentage.
- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for administrative data:**

- Identify the number of hearings at which parents were present.
- Count the number of those hearings at which parents received copies of the orders.
- Document the way orders were distributed (either at the end of the hearing or by mail).
- Calculate the percentages of parents who received copies of orders by distribution type.
- For mailed orders, calculate the number of days from the hearing to the date that orders were mailed. Calculate the median and average days from hearing date to distribution of court orders to parents who were present.



- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### **Related JCAMP Measures**

- 1.1 Do parents attend hearings?

### **Related OJJDP Toolkit Measures**

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3H: Presence of parties during hearings. The Toolkit defines presence of parties as the percentage of hearings in which parties are present by party type, including mothers, fathers, age-appropriate children, etc. See pages 137–141 in the Toolkit Technical Guide.

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 1.6 What do judges do to engage parents, children, and youth in hearings?

When calculating this measure, first determine whether parents, children, and youth are present at hearings (see measures 1.1 and 1.2). The ages of the children and youth should also be considered when using this measure. For example, babies, toddlers, and young children cannot engage with judges the way that older youth can.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Parent(s) present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Specific engagement strategies used by judges [addressed to parent 1 (yes/no), parent 2 (yes/no), child or youth (yes/no)]:<sup>2</sup>
  - Do they inquire about missing parents, children, youth, or tribal representatives?
  - Do they explain the hearing purpose and process? If so, do they use plain language?
  - Do they ask which language the person is most comfortable speaking? If not English, do they arrange for family members to be able to participate in the language they are most comfortable speaking?
  - Do they speak directly to the person?
  - Do they address the person by name (first, last, and salutation)?
  - Do they ask if parents, children, or youth have questions?
  - Do they ask if parents, children, or youth understand?
  - Do they encourage active participation in the hearing/case?
  - Do they give persons an opportunity to be heard?
  - Do they identify next steps?
  - Do they interrupt or talk over the person?
  - Do they use the preferred pronoun for parents, children, and youth?

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<sup>2</sup> This list of judicial engagement strategies can be tailored to match measurement priorities.



## Exhibit 1.6. Options for Analyzing Judicial Engagement of Parents, Children, and Youth

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, what engagement strategies do judges use? What percentage of engagement strategies are used by hearing type?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys*	How often do judges use various engagement strategies?	Hearings	Select a sample of (1) court professionals and/or (2) parents and children or youth to survey.

Note: \* = Recommended data source.

### *Analytic approach for **court observation**:*

- Identify the number of hearings at which parents were present.
- Identify the number of hearings at which children or youth were present.
- Count the number of judicial engagement strategies used in each of those hearings.
- Calculate the percentage of strategies used by parents, children, or youth present for each hearing type.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

### *Related JCAMP Measures*

- 1.1 Do parents attend hearings?
- 1.2 Do children and youth attend hearings?

### *Related OJJDP Toolkit Measures*

No related OJJDP Toolkit measures.

### *Supporting Research*

Macgill, S., & Summers, A. (2014). Assessing the relationship between the quality of juvenile dependency hearings and foster care placements. *Family Court Review*, 52(4), 678–685.

Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.

Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.



### ***Supporting Best Practice Recommendations***

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awaa our community's work: Trauma-informed benchbook for tribal justice systems.*

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act.*



## 1.7 What do judges do to engage foster parents and relative caregivers in hearings?

When calculating this measure, first determine whether caregivers and relatives are present at hearings (see measure 1.4).

### Variables to consider:

- Race of the caregiver and/or relative
- Ethnicity of the caregiver and/or relative
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Caregiver and/or relative present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Specific engagement strategies used by judges [addressed to caregiver and/or relative (yes/no)]:<sup>3</sup>
  - Do they explain the hearing purpose and process?
  - Do they ask what language the person is most comfortable speaking?
  - Do they speak directly to the person?
  - Do they address the person by name (first, last, and salutation)?
  - Do they ask if foster parents and relative caregivers have questions?
  - Do they ask if foster parents and relative caregivers understand?
  - Do they encourage active participation in the hearing/case?
  - Do they explain how foster parents or relative caregivers can provide input on the case?
  - Do they specifically ask for foster parents' and relative caregivers' input about the child or youth?
  - Do they ask how children and youth are doing in their placements?
  - Do they ask if caregivers need additional supports with the placements for children and youth?
  - Do they identify the next steps?
  - Do they interrupt or talk over the foster parents and relative caregivers?
  - Do they use preferred pronouns for the foster parents and relative caregivers?

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<sup>3</sup> This list of judicial engagement strategies can be tailored to match your measurement priorities.



## Exhibit 1.7. Options for Analyzing Judicial Engagement of Caregivers and Relatives

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, what engagement strategies do judges use? What percentage of engagement strategies are used by hearing type?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys*	How often do judges use various engagement strategies?	Hearings	Select a sample of (1) court professionals and/or (2) parents, children, and youth to survey.

Note: \* = Recommended data source.

### *Analytic approach for **court observation***

- Identify the number of hearings at which caregivers and relatives were present.
- Identify the number of hearings at which children or youth were present.
- Count the number of judicial engagement strategies used in each of those hearings.
- Calculate the percentage of strategies used by caregiver present, relative present, and child or youth present for each hearing type.
- Disaggregate the data by race of the caregiver and relative, ethnicity of the caregiver and relative, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### *Analytic approach for **surveys***

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the caregiver and relative, ethnicity of the caregiver and relative, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

### *Related JCAMP Measures*

- 1.4 Do foster parents and relative caregivers attend hearings?

### *Related OJJDP Toolkit Measures*

No related OJJDP Toolkit measures.

### *Supporting Research*

No research has been found that links this measure to outcomes for children or families.

### *Supporting Best Practice Recommendations*

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa* our community's work: *Trauma-informed benchbook for tribal justice systems*.





American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 1.8 How do parent attorneys engage parents in the process?

The engagement items listed here are basic performance measures for describing attorney engagement practices. For a more in-depth evaluation of the quality of legal representation, sites may want to modify or add to this list of parent attorney engagement strategies (see JCAMP Resource Review and the ABA's (2006) *Standards of Practice for Lawyers Representing Parents in Abuse and Neglect Cases* for additional attorney engagement measures). Addition of attorney engagement items should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Specific ways that parent attorneys engages parents [yes/no]:
  - Do they consult with parents prior to the day of court to prepare them for the hearing?
  - Do they meet with parents in a timely manner following the hearing to discuss what happened and next steps?
  - Do they use preferred pronouns of the parents?

### Exhibit 1.8. Options for Analyzing Engagement of Parents by Parent Attorneys

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys*	How often do parent attorneys use various engagement strategies to engage parents?	Cases	Select a sample of (1) parent attorneys and/or (2) parents to survey.

Note: \* = Recommended data source.

### Analytic approach for **surveys**:

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

### Related JCAMP Measures

- 1.1 Do parents attend hearings?

### Related OJJDP Toolkit Measures

No related OJJDP Toolkit measures.



### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases.*



## 1.9 How do child or youth attorneys and/or attorney guardians ad litem (GALs) engage children and youth in the process?

This measure is written for child and youth attorneys and attorney GALs. If jurisdictions do not have attorneys representing children or youth but provide some other substitute representation (e.g., lay advocates), this measure may be adapted. The engagement items listed here are a starting place for describing attorney engagement practices. For a more in-depth evaluation of the quality of legal representation, sites may want to modify or add to this list of engagement strategies (see JCAMP Resource Review and NACC's [2021] *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings* for additional attorney engagement measures). Addition of attorney engagement items should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Specific ways child and youth attorneys or attorney GALs engage children or youth [yes/no]:
  - Do they meet with children and youth prior to the day of court to prepare them for the hearing?
  - Do they meet with children and youth following the hearing to discuss what happened and next steps?
  - Do they use preferred pronouns of the children and youth?

### Exhibit 1.9. Options for Analyzing Engagement of Youth by Child or Youth Attorneys and/or Attorney GALs

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys*	How do child or youth attorneys and/or attorney GALs engage youth? How often do child or youth attorneys and/or attorney GALs use various engagement strategies to engage children and youth?	Cases	Select a sample of (1) child or youth attorneys and/or attorney GALs and/or (2) children and youth to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).



- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

#### ***Related JCAMP Measures***

- 1.2 Do children and youth attend hearings?

#### ***Related OJJDP Toolkit Measures***

No related OJJDP Toolkit measures.

#### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

#### ***Supporting Best Practice Recommendations***

American Bar Association. (1996, February 5). *Standards of practice for lawyers who represent children in abuse and neglect cases.*

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awaaw our community's work: Trauma-informed benchbook for tribal justice systems.*

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*



## 1.10 How do prosecuting (or agency or state) attorneys engage parents, children, and youth in the process?

The engagement items listed here are basic performance measures for describing attorney engagement practices. For a more in-depth evaluation of the quality of legal representation, sites may want to modify or add to this list of engagement strategies for prosecuting (agency or state) attorneys (see JCAMP Resource Review and ABA’s (2004) *Standards of Practice for Lawyers Representing Child Welfare Agencies* for additional attorney engagement measures). Addition of attorney engagement items should be based on sites’ own measurement priorities and efforts to evaluate the quality of legal representation.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child/youth [month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Specific ways prosecuting (or agency or state) attorneys engage parents, children and youth in court process [yes/no]:
  - Do they provide all required reports/document to all parties and courts in a timely manner?
  - Do they use preferred pronouns of the parents, children, and youth?
  - Do they refer to the parent by their formal name?

### Exhibit 1.10. Options for Analyzing Engagement of Parents, Children, and Youth by Prosecuting (or Agency or State) Attorneys

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys*	How do prosecuting (or agency or state) attorneys engage parents, children, and youth in the court process? How often do prosecuting (or agency or state) attorneys use various engagement strategies to engage parents, children, and youth?	Cases	Select a sample of (1) prosecuting (or agency or state) attorneys and/or (2) parents, children, and youth to survey.

Note: \* = Recommended data source.

### Analytic approach for **surveys**:

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).



### ***Related JCAMP Measures***

- 1.1 Do parents attend hearings?
- 1.2 Do children and youth attend hearings?

### ***Related OJJDP Toolkit Measures***

No related OJJDP Toolkit measures.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

American Bar Association. (1996, February 5). *Standards of practice for lawyers who represent children in abuse and neglect cases.*

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies.*



## 1.11 Are important issues discussed in hearings?

The discussion topics listed here cover key topics typically discussed during hearings. Sites can modify this list of topics to specifically address their own measurement priorities.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Parents present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Topics discussed during hearing [yes/no]:
- Depth of discussion of important issues in the hearing [0 = no discussion, 1 = 1 statement, 2 = 2–3 statements, 3 = more than 3 statements] :
  - Child’s current placement
  - Child’s educational needs/placement
  - Child’s physical health/development needs and services
  - Child’s mental health needs and services
  - Visitation/family time
  - Parents’ rights/process/permanency timelines
  - Paternity/locating parents
  - Identifying available relatives (due diligence in family finding)
  - Possibility of kinship placement
  - Child’s cultural needs
  - Needs related to aspects of the child’s identity

### Exhibit 1.11. Options for Analyzing Discussion Topics During Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, how many topics are discussed? Among observed hearings, how detailed is the discussion of each topic? Among topics discussed, which do judges inquire about? Among observed hearings, does the number of topics or depth of discussion vary depending on whether parents or children and youth are present?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	Which topics are commonly discussed during hearings? Typically, how detailed is the discussion of each topic?	Hearings	Select a sample of court





Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
	Typically, does the number of topics or depth of discussion vary depending on whether parents or children and youth are present?		professionals to survey.

Note: \* = Recommended data source.

**Analytic approach for *court observation*:**

- Identify the number of hearings at which parents were present.
- Identify the number of hearings at which children and youth were present.
- Count the number of topics discussed in each observed hearing.
- Count the number of topics discussed in which the judge inquired about the topic.
- Calculate the average number of topics discussed for each hearing type.
- Calculate the average number of topics discussed in which the judge inquired about the topic for each hearing type.
- Calculate the average depth of discussion of each topic observed (coded on a scale of 0–3).
- Disaggregate the data by whether a parent was present, whether a child or youth was present, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

**Related JCAMP Measures**

- 1.1 Do parents attend hearings?
- 1.2 Do children and youth attend hearings?

**Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

**Supporting Research**

Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.

Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.

Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review*, 82, 490–498.

**Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa* our community’s work: Trauma-informed benchbook for tribal justice systems.



Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 1.12 Do parents feel judges engaged them in hearings?

First consider which hearings parents attended. Remember that parents may not be expected to attend all hearings. For example, if a father has not been identified at the initial hearing, then he would not be expected to attend. Or if a parent is deceased or has not been served process, they would not be expected to attend.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Specific engagement strategies used by judge (see measure 1.6)
- Topics discussed during hearing [yes/no] and depth of discussion of important issues in hearing (see measure 1.11)
- Parents feel engaged in the court hearing [yes/no]:
  - Do they feel judges understood their needs and wishes?
  - Do they feel they had an opportunity to be heard?
  - Do they feel their questions were answered?
  - Do they understand what must be done to resolve the case?
  - Do they understand what happened during the case and what comes next?
  - Do they feel respected during the hearing?
  - Do they feel like they were part of decision-making?

### Exhibit 1.12. Options for Analyzing Parents' Perceptions of Judicial Engagement in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents feel that judges engaged them in court hearings? What judicial engagement strategies are most successful?	Individual hearing or entire case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed and by the number and type of hearings that parents attended.
- If it is possible to survey parents immediately following a hearing, compare survey data with data about judicial engagement strategies observed during the hearing (see measure 1.6) and topics discussed during the hearing (see measure 1.11) to examine



how parent perceptions of engagement are related to the number and type of judicial engagement strategies used and the breadth and depth of topics discussed.

**Analytic approach for *focus groups*:**

- Qualitatively code focus group transcripts by reviewing them for themes, including strategies that parents thought were successful and unsuccessful, and ideas for other ways that judges could engage parents in the hearing.

**Related JCAMP Measures**

- 1.1 Do parents attend hearings?
- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.11 Are important issues discussed in hearings?

**Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.

**Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 1.13 Do children and youth feel judges engaged them in hearings?

Statutes, rules, and policies regarding child and youth attendance at hearings vary widely across the country. Therefore, use of this measure will depend on local court rules. The American Bar Association house of delegates adopted Resolution 617 in 2022 which urges jurisdictions to enact and courts to enforce laws establishing a “presumption of child presence in all dependency proceedings.” The standard is to ensure that “the child, in consultation with the child’s attorney, has the sole right to choose not to be present and reasons such as age, disability, scheduling conflicts, lack of transportation, or perceived trauma which is not documented, are not used to rebut the presumption.” Similarly, per the Enhanced Resource Guidelines, “Judges should expect that children are brought to court when safe and appropriate – and if they are not, the court should require that the child welfare agency provide an explanation that relates to that child’s safety and well-being” (page 72).

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child [DOB, month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]
- Specific engagement strategies used by judges (see measure 1.6)
- Topics discussed during the hearing [yes/no] and depth of discussion of important issues in the hearing (see measure 1.11)
- Children or youth feel engaged in the court hearing [yes/no]:
  - Do they feel judges understood their needs and wishes?
  - Do they feel they had an opportunity to be heard?
  - Do they feel their questions were answered?
  - Do they understand what must be done to resolve the case?
  - Do they understand what happened during the case and what comes next?
  - Do they feel respected during the hearing?
  - Do they feel like they were part of the decision-making?



### Exhibit 1.13. Options for Analyzing Children’s and Youth’s Perceptions of Judicial Engagement in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do children and youth feel judges engaged them in court hearings? What judicial engagement strategies are most successful?	Individual hearing or entire case	Select a sample of children and youth with open or closed cases to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the children’s or youth’s cases are open or closed and by number and type of hearings that children or youth attended.
- If it is possible to survey children or youth immediately following a hearing, compare survey data with data about judicial engagement strategies observed during the hearing (see measure 1.6) and topics discussed during the hearing (see measure 1.11) to examine how children’s or youth’s perceptions of engagement are related to the number and type of judicial engagement strategies used and the breadth and depth of topics discussed.

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes, including strategies that children or youth thought were successful and unsuccessful, and ideas for other ways that judges could engage parents in the hearing.

#### Related JCAMP Measures

- 1.2 Do children and youth attend hearings?
- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.11 Are important issues discussed in hearings?

#### Related OJJDP Toolkit Measures

No related OJJDP Toolkit measures.

#### Supporting Research

No research has been found that links this measure to outcomes for children or families.

#### Supporting Best Practice Recommendations

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings*.



## 1.14 Do foster parents and relative caregivers feel judges engaged them in hearings?

This measure applies to cases with a foster parent or relative caregiver. To calculate this measure, first determine which hearings foster parents and relative caregivers attend (see measure 1.7). Foster parents and relative caregivers should be given notice of hearings so they can attend and have an opportunity to be heard during the hearings (42 U.S.C. § 675 (5)(G)).

### Variables to consider:

- Race of the foster parent and/or relative caregiver
- Ethnicity of the foster parent and/or relative caregiver
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child [DOB, month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Foster parent and/or relative caregiver present at hearing [yes/no]
- Specific engagement strategies used by judges (see measure 1.7)
- Topics discussed during hearing [yes/no] and depth of discussion of important issues in the hearing (see measure 1.11)
- Foster parent and/or relative caregiver feel engaged in the court hearing [yes/no]:
  - Do they feel judges understood their needs and wishes?
  - Do they feel they had an opportunity to be heard?
  - Do they feel judges valued their input?
  - Do they understand how they can provide information to courts?
  - Do they feel their questions were answered?
  - Do they understand what must be done to resolve the case?
  - Do they understand what happened during the case and what comes next?
  - Do they feel respected during the hearing?
  - Do they feel like they were part of decision-making?

### Exhibit 1.14. Options for Analyzing Foster Parents' and/or Relative Caregivers' Perceptions of Judicial Engagement in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do foster parents and/or relative caregivers feel that judges engaged them in court hearings? What judicial engagement strategies are most successful?	Individual hearing or entire case	Select a sample of foster parents and/or relative caregivers with open or closed cases to survey.

Note: \* = Recommended data source.



#### **Analytic approach for *surveys*:**

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the children's or youth's cases are open or closed and by number and type of hearings that foster parents and/or relative caregivers attended.
- If it is possible to survey foster parents and/or relative caregivers immediately following a hearing, compare survey data with data about judicial engagement strategies observed during the hearing (see measure 1.6) and topics discussed during the hearing (see measure 1.11) to examine how foster parents and/or relative caregivers' perceptions of engagement are related to the number and type of judicial engagement strategies used and the breadth and depth of topics discussed.

#### **Analytic approach for *focus groups*:**

- Qualitatively code focus group transcripts by reviewing them for themes, including strategies that foster parents and/or relative caregivers thought were successful and unsuccessful, and ideas for other ways that judges could engage foster parents and/or relative caregivers in the hearing.

#### **Related JCAMP Measures**

- 1.4 Do foster parents and relative caregivers attend hearings?
- 1.7 What do judges do to engage foster parents and relative caregivers in hearings?
- 1.11 Are important issues discussed in hearings?

#### **Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

#### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

#### **Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community's work: Trauma-informed benchbook for tribal justice systems*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.





# Due Process

## Court Process Measures

- 2.1 Do parties to the case receive timely service?
- 2.2 Are child or youth attorneys and/or attorney GALs appointed early in the case?
- 2.3 Are parent attorneys appointed early in the case?
- 2.4 Do parties to the case receive timely notice of hearings?
- 2.5 Are Indian children identified early in the case?

## Professional Practice Measures

- 2.6 What do judges do to ensure fair hearings?
- 2.7 How do prosecuting (or agency or state) attorneys ensure fair hearings?
- 2.8 How do parent attorneys ensure fair hearings?
- 2.9 How do child or youth attorneys and/or attorney GALs ensure fair hearings?

## Family Experience Measures

- 2.10 Do parents feel they were treated fairly?
- 2.11 Do children and youth feel they were treated fairly?

## 2.1 Do parties to the case receive timely service?

If possible, using administrative data is the most efficient way to document how long it takes parents and other eligible parties to receive service of the process of the original petition. If sites' data systems are not capable of providing these data, a sample of case files can be reviewed to examine typical practice.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Date of the original petition filing [month/day/year]
- Date court sends service of the process of the original petition to parents and other eligible parties [month/day/year]

### Exhibit 2.1. Options for Analyzing Timely Service

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How long does it take for parents and other eligible parties to receive service of the process of the original petition?	Cases	Select a timeframe for the sample.
Case file review	How long does it take for parents and other eligible parties to receive service of the process of the original petition?	Cases	Select a timeframe for the sample. Select a sample of cases.
Surveys	What is the primary way courts distribute service of the process of the original petition to parties?	Cases	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

### Analytic approach for **case file review and administrative data**:

- For each case, document the number of parties.
- Document the date of original petition filing.
- Document date each eligible party receives service of the original petition.
- Document race and ethnicity of parents as well as ICWA status and age of the child or youth.
- Calculate median and average days from filing of the original petition to service of process for each eligible party.
- Calculate median or average days from date each eligible party receives service of the original petition to date of the adjudication hearing for each party.



- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

**Related JCAMP Measures**

- 1.1 Do parents attend hearings?
- 2.4 Do parties to the case receive timely notice of hearings?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3B: Service of Process to Parties. See pages 87–93 in the Toolkit Technical Guide.

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.

**Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community's work: Trauma-informed benchbook for tribal justice systems*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 2.2 Are child or youth attorneys and/or attorney GALs appointed early in the case?

If possible, using administrative data is the most efficient way to document how long it takes child or youth attorneys and/or attorney GALs to be appointed in a case. Ideally, appointment occurs before the initial/shelter care hearing. If sites' data systems are not capable of providing these data, a sample of case files can be reviewed to examine typical practice.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Date of the original petition filing [month/day/year]
- Date child or youth attorney and/or attorney GAL is appointed to the case [month/day/year]

### Exhibit 2.2. Options for Analyzing Timing of Appointment of Child or Youth Attorneys and/or Attorney GALs

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How long does it take for child or youth attorneys and/or attorney GALs to be appointed in a case? In what percentage of cases does appointment happen before the initial/shelter care hearing?	Cases	Select a timeframe for the sample.
Case file review	How long does it take for child or youth attorneys and/or attorney GALs to be appointed in a case? In what percentage of cases does appointment happen before the initial/shelter care hearing?	Cases	Select a timeframe for the sample. Select a sample of cases.

Note: \* = Recommended data source.

### Analytic approach for **case file review and administrative data**:

- Document the date of original petition filing.
- Document date of initial/shelter care hearing.
- Document date of appointment of child or youth attorney and/or attorney GAL.
- Document race and ethnicity of child as well as ICWA status and age of the child or youth.
- Calculate median and average days from filing of the original petition to appointment of the child or youth attorney and/or attorney GAL.
- Calculate median and average days from the initial/shelter care hearing to appointment of the child or youth attorney and/or attorney GAL.



- Calculate the percentage of cases in which the appointment happens before the initial/shelter care hearing.
- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### Related JCAMP Measures

- 2.3 Are parent attorneys appointed early in the case?

### Related OJJDP Toolkit Measures

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3C: Early Appointment of Advocates for Children. See pages 95–100 in the Toolkit Technical Guide.

### Supporting Research

No research has been found that links this measure to outcomes for children or families.

### Supporting Best Practice Recommendations

American Bar Association. (1996, February 5). *Standards of practice for lawyers who represent children in abuse and neglect cases.*

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*



## 2.3 Are parent attorneys appointed early in the case?

If possible, using administrative data is the most efficient way to document how long it takes parent attorneys to be appointed in a case. Ideally, appointment occurs before the initial/shelter care hearing. If sites' data systems are not capable of providing these data, a sample of case files can be reviewed to examine typical practice.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Date of the original petition filing [month/day/year]
- Date parent attorney is appointed to the case [month/day/year]

### Exhibit 2.3. Options for Analyzing Timing of Appointment of Parent Attorneys

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How long does it take for parent attorneys to be appointed in cases? In what percentage of cases does the appointment happen before the initial/shelter care hearing?	Cases	Select a timeframe for the sample.
Case file review	How long does it take for parent attorneys to be appointed in cases? In what percentage of cases does the appointment happen before the initial/shelter care hearing?	Cases	Select a timeframe for the sample. Select a sample of cases.

Note: \* = Recommended data source.

### Analytic approach for **case file review and administrative data**:

- Document the date of original petition filing.
- Document date of initial/shelter care hearing.
- Document date of appointment of parent attorney.
- Document race, ethnicity, age, and ICWA status of the child or youth.  
Calculate the median and average days from filing of the original petition to appointment of parent attorney.
- Calculate the median and average days from the initial/shelter care hearing to appointment of parent attorney.



- Calculate the percentage of cases in which appointment happens before the initial/shelter care hearing.
- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child, ethnicity of the child, age of the child, and ICWA status of the child when available.

### Related JCAMP Measures

- 2.2 Are child or youth attorneys and/or attorney GALs appointed early in the case?

### Related OJJDP Toolkit Measures

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3D: Early Appointment of Advocates for Parents. See pages 101–109 in the Toolkit Technical Guide.

### Supporting Research

Wood, S. M., Summers, A., & Soderman Duarte, C. (2016). Legal representation in the juvenile dependency system: Travis County, Texas' parent representation pilot project. *Family Court Review, 54*(2), 277–287.

Wood, S. M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review, 33*(9), 1730–1741.

### Supporting Best Practice Recommendations

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases*.

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 2.4 Do parties to the case receive timely notice of hearings?

If possible, using administrative data is the most efficient way to document how long it takes parents, tribal representative (if applicable), and other eligible parties to receive notice of hearings. If sites' data systems are not capable of providing these data, a sample of case files can be reviewed to examine typical practice.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Date court sends notice of hearings to parents, tribal representative (if applicable), and other eligible parties [month/day/year]

### Exhibit 2.4. Options for Analyzing Timely Notice of Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	When do courts send notice of hearings to parents and other eligible parties?	Hearings	Select a timeframe for the sample.
Case file review	When do courts send notice of hearings to parents and other eligible parties?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	What is the typical way courts distribute notice of hearings to parties?	Hearings	Select a sample of court professionals and/or parents to survey.

Note: \* = Recommended data source.

### Analytic approach for **case file review and administrative data**:

- For each case, document the number of parties.
- Document the date of each hearing.
- Document the date the court sends notice of each hearing to eligible parties.
- Document the race and ethnicity of the parents and child or youth as well as the ICWA status and age of the child or youth.
- Calculate median and average days from the date notice is sent to the date of the hearing.
- Explore whether parents are more likely to attend a hearing if they have more advance notice of the hearing date.





- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency and percentage of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on the survey).

### Related JCAMP Measures

- 1.1 Do parents attend hearings?
- 2.1 Do parties to the case receive timely service?

### Related OJJDP Toolkit Measures

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3E: Advance Notice of Hearings to Parties. See pages 111–119 in the Toolkit Technical Guide.

### Supporting Research

No research has been found that links this measure to outcomes for children or families.

### Supporting Best Practice Recommendations

American Bar Association. (1996, February 5). *Standards of practice for lawyers who represent children in abuse and neglect cases.*

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies.*

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act.*



## 2.5 Are Indian children identified early in the case?

If possible, using administrative data is the most efficient way to document how when ICWA determinations are made. If sites' data systems are not capable of providing these data, a sample of case files can be reviewed to examine typical practice.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of child [DOB: month/day/year]
- Tribe of the child or youth
- Date of original petition filing [month/day/year]
- Hearing date when first ICWA determination is made [month/day/year]
- Hearing type when first determination is made [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Tribal representative present at hearing [yes/no]

### Exhibit 2.5. Options for Analyzing Timing of ICWA Eligibility Determinations

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	When in cases are ICWA determinations made? In what percentage of cases is the ICWA determination made at or before the adjudication hearing?	Cases	Select a timeframe for the sample.
Case file review	When in cases are ICWA determinations made? In what percentage of cases is the ICWA determination made before the adjudication hearing?	Cases	Select a timeframe for the sample. Select a sample of cases.

Note: \* = Recommended data source.

### Analytic approach for **case file review and administrative data**:

- Document the date of original petition filing.
- Document the date and hearing type in which an ICWA determination was made.
- Document whether parents or the child or youth were present at the hearing when the first ICWA determination was made.
- Calculate the percentage of cases with an ICWA determination.
- Calculate the mean number of days from petition filing to the date the ICWA determination was made.
- Calculate the percentage of cases in which the ICWA determination was made at or before the adjudication hearing.



- Disaggregate the data by type of hearing, race of the parents, ethnicity of the parents, whether parents were present, whether the child or youth was present, whether the tribal representative was present, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### Related JCAMP Measures

- 1.1 Do parents attend hearings?
- 1.2 Do children and youth attend hearings?
- 1.3 Do tribal representatives attend hearings?

### Related OJJDP Toolkit Measures

No related OJJDP Toolkit measures.

### Supporting Research

Capacity Building Center for Courts. (2020, July). Child Welfare Court Practice Evidence Series. Topic: Quality Legal Representation for Parents and Children.

### Supporting Best Practice Recommendations

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 2.6 What do judges do to ensure fair hearings?

Behaviors and strategies judges use to ensure fair hearings are best measured through court observation, although surveys and focus groups can also be used to understand typical practice. The strategies listed here are a starting place. Sites may tailor this list to capture additional strategies.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing date [month/day/year]
- Hearing type [shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Specific engagement strategies used by judges during a hearing [addressed to parent 1 (yes/no), parent 2 (yes/no), child/youth (yes/no)]:
  - Is advance notice of the hearings provided to the tribes?
  - Do they explain the hearing process to parents?
  - Do they discuss parent rights during the hearing?
  - Do they discuss the child welfare agency’s obligations during the hearing?
  - Do they ensure parents, children, and youth can be present at the next scheduled hearing?
  - They order accommodations for incarcerated parents to participate in hearings.
  - They ensure interpreters and documents written in a parent’s primary language are provided.
  - The court provides parents, children, and youth copies of court orders.

### Exhibit 2.6. Options for Analyzing Judicial Strategies to Ensure Fair Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, how many strategies are used for [parent 1, parent 2, child or youth]?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	Which strategies do judges commonly use during hearings?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

#### Analytic approach for **court observation**:

- Identify the number of hearings at which parents were present.
- Identify the number of hearings at which children or youth were present.
- Count the number of strategies used in each observed hearing.



- Calculate the average number of strategies used for each hearing type.
- Disaggregate the data by whether a parent was present and whether a child or youth was present.
- Disaggregate by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth if data are available from the court case file or child welfare agency data.

*Analytic approach for surveys:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

### Related JCAMP Measures

- 1.1 Do parents attend hearings?
- 1.2 Do children and youth attend hearings?
- 1.3 Do tribal representatives attend hearings?
- 2.4 Do parties to the case receive timely notice of hearings?

### Related OJJDP Toolkit Measures

No related OJJDP Toolkit measures.

### Supporting Research

No research has been found that links this measure to outcomes for children or families.

### Supporting Best Practice Recommendations

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

American Bar Association. (2008, August 11). *Reducing racial disparities in the child welfare system.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act.*



## 2.7 How do prosecuting (or agency or state) attorneys ensure fair hearings?

Behaviors and strategies prosecuting (or agency or state) attorneys use to ensure fair hearings are best measured through court observation, although surveys and focus groups can also be used to understand typical practice. The strategies listed here are a starting place. Sites may tailor this list to capture additional strategies.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [shelter care hearing, adjudication, disposition, etc.]
- Parents present at hearing [yes/no]
- Specific strategies used by prosecuting (or agency or state) attorneys during a case [yes/no]:
  - Do they directly provide parents copies of petitions, court reports, and service plans?
  - Do they provide discovery to counsel for parents, children, and youth routinely?
  - Do they identify and locate parents, such as parents who are incarcerated, at the earliest stage of the proceeding?

### Exhibit 2.7. Options for Analyzing Strategies of Prosecuting (or Agency or State) Attorneys to Ensure Fair Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys*	Which strategies do prosecuting (or agency or state) attorneys commonly use during hearings?	Hearings	Select a sample of court professionals to survey.
Court observation	Among observed hearings, how many strategies are used?	Hearings	Select a timeframe for the sample. Select a sample of hearings.

Note: \* = Recommended data source.

#### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

#### *Analytic approach for **court observation**:*

- Identify the number of hearings at which parents were present.
- Identify the number of hearings at which children or youth were present.
- Count the number of strategies used in each observed hearing.
- Calculate the average number of strategies used for each hearing type.
- Disaggregate the data by whether a parent was present.



- Disaggregate the data by race of parents and ethnicity of parents, if data are available from the court case file or child welfare agency data.

#### **Related JCAMP Measures**

- 1.1 Do parents attend hearings?

#### **Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

#### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

#### **Supporting Best Practice Recommendations**

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.



## 2.8 How do parent attorneys ensure fair hearings?

Most behaviors and strategies that parent attorneys use to ensure fair hearings are best measured through court observation, although some should be measured using surveys and focus groups. The strategies listed here are a starting place. Sites may tailor this list to capture additional strategies.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Specific strategies used by parent attorneys during a case [yes/no]:
  - Do they ensure parents understand court documents?
  - Do they request accommodations for incarcerated parents, non-English speaking parents, and parents with disabilities to participate in hearings?
  - Do they raise notice and service objections?

### Exhibit 2.8. Options for Analyzing Strategies of Parent Attorneys to Ensure Fair Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys*	Which strategies do parent attorneys commonly use during hearings? How do parent attorneys ensure parents understand court documents?	Hearings	Select a sample of parent attorneys and/or parents to survey.
Court observation	Among observed hearings, how many strategies are used?	Hearings	Select a timeframe for the sample. Select a sample of hearings.

Note: \* = Recommended data source.

#### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

#### *Analytic approach for **court observation**:*

- Identify the number of hearings at which parents were present.
- Count the number of strategies used in each observed hearing.
- Calculate the average number of strategies used for each hearing type.
- Disaggregate the data by whether a parent was present.
- Disaggregate the data by race of the parents and ethnicity of the parents, if data are available from the court case file or child welfare agency data.





### **Related JCAMP Measures**

- 1.1 Do parents attend hearings?

### **Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases.*



## 2.9 How do child or youth attorneys and/or attorney GALs ensure fair hearings?

Most behaviors and strategies that child or youth attorneys and/or attorney GALs use to ensure fair hearings are best measured through court observation, although some should be measured using surveys and focus groups. The strategies listed here are a starting place. Sites may tailor this list to capture additional strategies.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing type first determination is made [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]
- Specific strategies used by child or youth attorneys and/or attorney GALs during a case [yes/no]:
  - Do they request discovery?
  - Do they share court documents with children and youth and ensure they understand the contents?
  - Do they make arrangements for children or youth to attend court if they wish to do so?
  - Do they request a placement option that is supportive of sexual orientation, gender identity, and expression (SOGIE) of the children or youth?

### Exhibit 2.9. Options for Analyzing Strategies of Child or Youth Attorneys and/or Attorney GALs to Ensure Fair Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys*	Which strategies do child or youth attorneys and/or attorney GALs commonly use during hearings? How do child or youth attorneys and/or attorney GALs ensure children and youth understand court documents?	Hearings	Select a sample of parent attorneys to survey.
Court observation	Among observed hearings, how many strategies are used?	Hearings	Select a timeframe for the sample. Select a sample of hearings.

Note: \* = Recommended data source.

#### Analytic approach for **court observation**:

- Identify the number of hearings at which children or youth were present.



- Count the number of strategies used in each observed hearing.
- Calculate the average number of strategies used for each hearing type.
- Disaggregate the data by whether children or youth were present.
- Disaggregate by race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth if data are available from the court case file or child welfare agency data.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

**Related JCAMP Measures**

- 1.2 Do children and youth attend hearings?

**Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.

**Supporting Best Practice Recommendations**

American Bar Association. (1996, February 5). *Standards of practice for lawyers who represent children in abuse and neglect cases.*

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*



## 2.10 Do parents feel they were treated fairly?

First consider whether parents attended hearings during their cases. These data could be reported about a specific hearing or about parents' experiences across multiple hearings. These data can be collected on a scale (e.g., agree to disagree) or through qualitative, open-ended survey or interview questions. Regardless of the data collection method, aggregate data across multiple cases and compare by hearing type, and by race and ethnicity of parents.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Parents perceptions of treatment:
  - Do they feel judges treated them fairly?
  - Do they feel their attorneys explained their rights and the court process clearly?
  - Do they feel their voices are heard in courts?
  - They are satisfied with their court experience? See [NCSC CourTools](#):
    - Could they easily navigate the courthouse?
    - Could they complete their court business in a reasonable amount of time?
    - Were they treated with courtesy and respect while at the courthouse?
    - Did the court staff pay attention to their needs?
    - Were there family-friendly waiting areas?

### Exhibit 2.10. Options for Analyzing Parents' Perceptions of Fair Treatment

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents feel that they were treated fairly?	Individual hearing or entire case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed and by number and type of hearings that parents attended.
- If it is possible to survey parents immediately following a hearing, compare survey data with data about judicial engagement strategies observed during the hearing (see measure 1.6) and topics discussed during the hearing (see measure 1.11) to examine how parents' perceptions of fairness relate to the number and type of due process strategies used by judges and parent attorneys.



### *Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes, including strategies parents thought were successful and unsuccessful, and ideas for other ways judges and attorneys could ensure a perception of fairness in the hearing.

### **Related JCAMP Measures**

- 1.1 Do parents attend hearings?
- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.11 Are important issues discussed in hearings?
- 2.6 What do judges do to ensure fair hearings?
- 2.8 How do parent attorneys ensure fair hearings?

### **Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

### **Supporting Research**

Fessinger, M., Hazen, K., Bahm, J., Cole-Mossman, J., Heideman, R., & Brank, E. (2020). Mandatory, fast, and fair: Case outcomes and procedural justice in a family drug court. *Journal of Experimental Criminology*, 16(1), 49–77.

### **Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 2.11 Do children and youth feel they were treated fairly?

As noted in measure 1.2, statutes, rules, and policies regarding youth hearing attendance vary widely across the country. Therefore, use of this measure will depend on local court rules. In 2022, the American Bar Association House of Delegates adopted Resolution 617, which urges jurisdictions to enact and courts to enforce laws establishing a “presumption of child presence in all dependency proceedings.” The standard is to ensure that, “the child, in consultation with the child’s attorney, has the sole right to choose not to be present and reasons such as age, disability, scheduling conflicts, lack of transportation, or perceived trauma which is not documented, are not used to rebut the presumption.” Similarly, per the Enhanced Resource Guidelines, “Judges should expect that children are brought to court when safe and appropriate – and if they are not, the court should require that the child welfare agency provide an explanation that relates to that child’s safety and well-being” (page 72).

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB, month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]
- Children and youth perception of treatment:
  - Do they feel judges treated them fairly?
  - Do they feel their advocates clearly explained their rights/the court process?
  - Do they feel their voices were heard?
  - Do they know about any changes in placement and the reasons for those changes?
  - Do they feel courts hold agencies accountable for accomplishing steps necessary to support their transition out of foster care?

### Exhibit 2.11. Options for Analyzing Children’s and Youth’s Perceptions of Fair Treatment

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do children and youth feel they were treated fairly?	Individual hearing or entire case	Select a sample of youth with open or closed cases to survey or invite to focus groups.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).



- Disaggregate the data by whether the children’s or youths’ cases are open or closed and by the number and type of hearings that children or youth attended.
- If it is possible to survey children and youth immediately following a hearing, compare survey data with data about judicial engagement strategies observed during the hearing (see measure 1.6) and topics discussed during the hearing (see measure 1.11) to examine how children’s and youths’ perceptions of fairness relate to the number and type of due process strategies used by judges and child or youth attorneys and/or attorney GALs (see measures 2.6 and 2.9).

**Analytic approach for *focus groups*:**

- Qualitatively code focus group transcripts by reviewing them for themes, including strategies that children and youth thought were successful and unsuccessful, and ideas for other ways judges and attorneys could ensure a perception of fairness in the hearing.

**Related JCAMP Measures**

- 1.2 Do children and youth attend hearings?
- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.11 Are important issues discussed in hearings?
- 2.6 What do judges do to ensure fair hearings?
- 2.9 How do child or youth attorneys and/or attorney GALs ensure fair hearings?

**Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.

**Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



# High-Quality Legal Representation

## Court Process Measures

- 3.1 Do parent attorneys attend hearings?
- 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?
- 3.3 Do prosecuting (or agency or state) attorneys attend hearings?
- 3.4 Do multidisciplinary members of the legal team attend hearings?

## Professional Practice Measures

- 3.5 How do parent attorneys ensure they provide high-quality legal representation?
  - 3.5a Does the same parent attorney represent the parent throughout the case?
  - 3.5b Do parent attorneys advocate for parents in hearings?
  - 3.5c Do parent attorneys prepare in between hearings?
- 3.6 How do child or youth attorneys and/or attorney GALs ensure they provide high-quality legal representation?
  - 3.6a Does the same child or youth attorney or attorney GAL represent the child or youth throughout the case?
  - 3.6b Do child or youth attorneys and/or attorney GALs advocate for the child or youth in hearings?
  - 3.6c Do child or youth attorneys and/or attorney GALs prepare in between hearings?
- 3.7 How do prosecuting attorneys (or agency or state attorneys) ensure they provide high-quality legal representation?
  - 3.7a Do prosecuting (or agency or state) attorneys stay on the same case throughout the case?
  - 3.7b How do prosecuting (or agency or state) attorneys advocate in hearings?
  - 3.7c Do prosecuting (or agency or state) attorneys prepare in between hearings?

## Family Experience Measures

- 3.8 Are parents satisfied with their attorneys' representation?
- 3.9 Are children and youth satisfied with their legal representation?
- 3.10 How do parents, children, and youth feel they were treated by prosecuting (or agency or state) attorneys?



### 3.1 Do parent attorneys attend hearings?

Before analyzing data, remember that parents may not have legal representation until a specific stage in the case process. In some jurisdictions, for example, parent attorneys are appointed as early as at the initial shelter care hearing while in other jurisdictions they may not be appointed until just prior to an adjudication hearing. In addition, if a party is yet to be identified, there may be no attorney assigned to represent that party. Deceased parties would not have representation. While it may not be necessary for advocates to attend all types of hearings (e.g., certain uncontested motions), all substantive hearings, whether contested or not, should be included in analyses for a full understanding of parent attorney attendance.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Date parent attorneys are appointed in the case [month/day/year] [parent 1, parent 2]
- Parent(s) present at hearing [yes/no] [parent 1, parent 2]
- Parent attorneys present at hearing [yes/no] [parent 1, parent 2]

#### Exhibit 3.1. Options for Analyzing Attendance of Parent Attorneys at Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among hearings held during a selected time period, what proportion did a parent attorney attend? What proportion had an attorney for parent 1 attend? What proportion had an attorney for parent 2 attend?	Hearings	Select hearing type and timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case was a parent attorney in attendance? What proportion had an attorney for parent 1? What proportion had an attorney for parent 2?	Hearings	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, what proportion did a parent attorney attend? What proportion had an attorney for parent 1? What proportion had an attorney for parent 2?	Hearings	Select a timeframe for the sample. Select a sample of hearings.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys	How often do court professionals and parents report that parent attorneys attend hearings? How often do attorneys for parent 1 attend? How often do attorneys for parent 2 attend?	Individual hearings or entire case	Select (1) a sample of court professionals to survey and/or (2) a sample of parents to survey. Select open or closed cases. If unit of analysis is entire case, select closed cases.

Note: \* = Recommended data source.

**Analytic approach for *administrative data, case file review, and/or court observation*:**

- Identify the number of hearings at which each parent attorney should be present.
- Count the number of those hearings at which each parent attorney was present. If the administrative system does not distinguish between the types of parent attorney, count the number of hearings at which any parent attorney was present.
- Calculate the percentage for each parent attorney.
- Disaggregate the data for each parent attorney by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of parents, and ethnicity of parents (if asked on survey).

**Related JCAMP Measures**

- 1.1 Do parents attend hearings?
- 2.3 Are parent attorneys appointed early in the case?
- 3.4 Do multidisciplinary members of the legal team attend hearings?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP’s 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3G: Presence of advocates during hearings. The Toolkit defines presence of advocates as the percentage of hearings in which legal counsel for the government, the petitioner, or other parties who have been served are present at hearings. See pages 127–135 in the Toolkit Technical Guide.

**Supporting Research**

Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.



- Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.
- Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review, 82*, 490–498.
- Wood, S. M., Summers, A., & Soderman Duarte, C. (2016). Legal representation in the juvenile dependency system: Travis County, Texas' parent representation pilot project. *Family Court Review, 54*(2), 277–287.
- Wood, S. M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review, 33*(9), 1730–1741.

### **Supporting Best Practice Recommendations**

- Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community's work: Trauma-informed benchbook for tribal justice systems*.
- American Bar Association. (2006). Standards of Practice for Lawyers Representing Parents in Abuse and Neglect Cases.
- American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.
- Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.
- Laver, M., et al. (2015). *Indicators of success for parent representation*. American Bar Association.



### 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?

Different types of advocates for children or youth may be appointed in cases. Depending on the jurisdiction, advocates may be attorneys or non-attorneys (including court-appointed advocate or CASA volunteers), and they may represent the child’s best interests (GALs) or wishes (attorney) or both (attorney GALs). Multiple representatives may also be present in hearings, such as an attorney and a CASA volunteer. Timing of appointment may vary as well. Advocates for children or youth may be appointed as early as the initial hearing in a case or only at later stages such as disposition. Analysis of child advocate presence in hearings should consider the specific type of representative present and appointment timing.

**Variables to consider:**

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Date child or youth attorney or attorney GAL appointed in the case [month/day/year]
- Child or youth present at hearing [yes/no]
- Child or youth attorney or attorney GAL present [yes/no] [type: attorney, attorney GAL, GAL, CASA]

**Exhibit 3.2. Options for Analyzing Attendance of Child or Youth Attorneys or Attorney GALs at Hearings**

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among hearings held during a selected time period, what proportion did a child or youth attorney or attorney GAL attend?	Hearings	Select hearing type and timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case was a child or youth attorney or attorney GAL in attendance?	Hearings	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, what proportion did the child or youth attorney or attorney GAL attend?	Hearings	Select a timeframe for the sample. Select a sample of hearings.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys	How often do court professionals and/or children or youth report that attorneys or attorney GALs for children or youth attend hearings?	Individual hearings or entire case	Select a (1) sample of court professionals to survey and/or (2) sample of children and youth to survey. Select open or closed cases. If unit of analysis is entire case, select closed cases.

Note: \* = Recommended data source.

**Analytic approach for *administrative data, case file review, and/or court observation*:**

- Identify the number of hearings at which each child or youth attorney or attorney GAL should be present.
- Count the number of those hearings at which each child or youth attorney or attorney GAL was present. If the administrative system does not distinguish between type of representative, count the number of hearings at which any child or youth attorney or attorney GAL was present.
- Calculate the percentage for each child or youth attorney or attorney GAL.
- Disaggregate the data for each child or youth attorney or attorney GAL by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of parents, and ethnicity of parents (if asked on survey).

**Related JCAMP Measures**

- 1.2 Do children and youth attend hearings?
- 2.2 Are child or youth attorneys and/or attorney GALs appointed early in the case?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP’s 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3G: Presence of advocates during hearings. The Toolkit defines presence of advocates as the percentage of hearings in which legal counsel for the government, the petitioner, or other parties who have been served are present at hearings. See pages 127–135 in the Toolkit Technical Guide.

**Supporting Research**

Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.



Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review, 82*, 490–498.

### **Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awaa our community's work: Trauma-informed benchbook for tribal justice systems*.

American Bar Association. (1996, February). *Standards of practice for lawyers who represent children in child abuse and neglect cases*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings*.



### 3.3 Do prosecuting (or agency or state) attorneys attend hearings?

Prosecuting attorneys in child welfare cases may represent the government (e.g., state or county) or may represent a child welfare agency (e.g., attorney for a state or local agency). Before analyzing, consider the type of representation model for prosecuting attorneys in child welfare cases.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Attorney representing the child welfare agency or the state present [yes/no]

#### Exhibit 3.3. Options for Analyzing Attendance of Prosecuting (or Agency or State) Attorneys at Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among hearings held during a selected time, what proportion did an attorney representing the child welfare agency or state attend?	Hearings	Select hearing type and timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case was an attorney representing the child welfare agency or state in attendance?	Hearings	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, what proportion did the child welfare agency or state attorney attend?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do court professionals report that child welfare agency or state attorneys attend hearings?	Individual hearings or entire case	Select a sample of court professionals to survey. Select open or closed cases. If unit of analysis is entire case, select closed cases.

Note: \* = Recommended data source.

#### Analytic approach for **administrative data, case file review, and/or court observation**:

- Identify the number of hearings at which each prosecuting (or agency or state) attorney should be present.



- Count the number of those hearings at which each prosecuting (or agency or state) attorney was present. If the administrative system does not distinguish between type of representative, count the number of hearings at which any prosecuting (or agency or state) attorney was present.
- Calculate the percentage for each prosecuting (agency or state) attorney.
- Disaggregate the data for each agency or state by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for surveys:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of parents, and ethnicity of parents (if asked on survey).

**Related JCAMP Measures**

There are no related JCAMP measures.

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3G: Presence of advocates during hearings. The Toolkit defines presence of advocates as the percentage of hearings in which legal counsel for the government, the petitioner, or other parties who have been served are present at hearings. See pages 127–135 in the Toolkit Technical Guide.

**Supporting Research**

Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.

Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review*, 82, 490–498.

**Supporting Best Practice Recommendations**

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.





### 3.4 Do multidisciplinary members of the legal team attend hearings?

Models for high-quality representation practice in child welfare cases have been developed that provide access for attorneys to multidisciplinary professionals for case support and consultation (e.g., social workers, parent or peer advocates, investigators). This measure assesses whether those multidisciplinary members of legal teams are present at hearings. Multidisciplinary legal team members may be present for parent attorneys, children or youth advocates and/or attorneys representing an agency or the state. Addition of attendance of multidisciplinary members of the legal team at hearings should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

**Variables to consider:**

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Attorneys representing the parents present [yes/no] [parent 1, parent 2]
- Attorney or attorney GAL representing the child or youth present [yes/no] [type of representative: attorney, attorney GAL, GAL, CASA]
- Attorney representing the child welfare agency or the state present [yes/no]
- Multidisciplinary member of the legal team present [yes/no] [type: social worker, parent advocate, investigators, etc.]

**Exhibit 3.4. Options for Analyzing Attendance of Multidisciplinary Members of the Legal Team at Hearings**

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among hearings held during a selected time, what proportion did a multidisciplinary member of the legal team attend? Compare by type of legal team member in attendance.	Hearings	Select hearing type and timeframe for the sample.
Case file review*	In what proportion of applicable hearings across the life of a case was a multidisciplinary member of the legal team in attendance? Compare by type of legal team member in attendance.	Hearings	Select a timeframe for the sample. Select a sample of cases.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation	Among observed hearings, what proportion did a multidisciplinary member of the legal team attend? Compare by type of legal team member in attendance.	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do court professionals report that a multidisciplinary member of a legal team attends hearings? Compare by type of legal team member in attendance.	Individual hearings or entire case	Select a sample of court professionals to survey. Select open or closed cases. If unit of analysis is entire case, select closed cases for sample.

Note: \* = Recommended data source.

**Analytic approach for *administrative data, case file review, and/or court observation*:**

- Identify the number of hearings at which each multidisciplinary member of the legal team should be present.
- Count the number of those hearings at which each multidisciplinary member of the legal team was present. If the administrative system does not distinguish between type of legal team member, count the number of hearings at which any multidisciplinary legal team member was present.
- Calculate the percentage for each multidisciplinary legal team member.
- Disaggregate the data for each multidisciplinary legal team member by type of hearing, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type, race of parents, and ethnicity of parents (if asked on survey).

**Related JCAMP Measures**

- 3.1 Do parent attorneys attend hearings?
- 3.5 How do parent attorneys ensure they provide high-quality legal representation?
  - 3.5b Do parent attorneys advocate for parents in hearings?
  - 3.5c Do parent attorneys prepare in between hearings?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP’s 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3H: Presence of parties during hearings. The Toolkit defines presence of parties as the percentage of hearings in which parties are present by party type,



including mothers, fathers, age-appropriate children, etc. See pages 137–141 in the Toolkit Technical Guide.

### **Supporting Research**

- Gerber, L. A., Guggenheim, M., Pang, Y. C., Ross, T., Mayevskaya, Y., Jacobs, S., & Pecora, P. J. (2020). Understanding the effects of an interdisciplinary approach to parental representation in child welfare. *Children and Youth Services Review, 116*, 105163.
- Orlebeke, B., Zhou, X., Skyles, A., & Zinn, A. (2016). *Evaluation of the QIC-ChildRep best practices model training for attorneys representing children in the child welfare system*. Chapin Hall Center for Children at the University of Chicago.
- Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review, 82*, 490–498.
- Zinn, A., & Peters, C. (2015). Expressed-interest legal representation for children in substitute care: Evaluation of the impact of representation on children’s permanency outcomes. *Family Court Review, 53*, 589–601.
- Zinn, A. E., & Slowriver, J. (2008). *Expediting permanency: Legal representation for foster children in Palm Beach County*. Chapin Hall Center for Children at the University of Chicago.

### **Supporting Best Practice Recommendations**

No supporting best practice recommendations were found.



### 3.5 How do parent attorneys ensure they provide high-quality legal representation?

This set of measures include the actions of attorneys that ensure parents have high-quality legal representation. They are drawn from best practice standards and recommendations for high-quality legal representation as well as research. The measures include continuity of parent attorney representation (3.5a), parent attorney advocacy in hearings (3.5b), and preparation for hearings by parent attorneys (3.5c). Each of these measures is described below

#### 3.5a Does the same parent attorney represent the parent throughout the case?

To calculate this measure, first determine whether parent attorney are present at each hearing in a case (see measure 3.1). Then, to measure changes in parent attorneys who are present, there must be some way to identify whether a different parent attorney appears from hearing to hearing. This can be done by building a record for each hearing that documents the individual attorneys who are present to represent the parents and then assigning them an attorney identification number or code to track whether attorneys are the same or different.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parents present at hearing [yes/no]
- Attorney representing the parents present at hearing [yes/no] [parent 1, parent 2]
- Attorney identification number

#### Exhibit 3.5a. Options for Analyzing Continuity of Parent Attorneys

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	In what proportion of hearings across the life of a case were parents represented by the same attorney? What proportion of hearings across the life of the case had one, two, three, or more attorneys to represent the parents?	Hearings throughout the case	Select a timeframe for the sample. Select a sample of cases.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys	How often do stakeholders report that parents are represented by the same attorney in hearings throughout the case?	Hearings throughout the case	Select a sample of (1) court professionals and/or (2) parents to survey. Sample should be closed cases to allow for comment on attorney continuity throughout the life of the case.

Note: \* = Recommended data source.

**Analytic approach for *case file review*:**

- Assign a parent attorney identification number or code.
- Identify the number of hearings at which parent attorneys were present (by identification code).
- Calculate the percentage of all hearings in which parents are represented by the same attorney. Alternatively, examine the percentage of cases in which one, two, three, or more attorneys appear throughout the case to represent the parents.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

**Related JCAMP Measures**

- 3.1 Do parent attorneys attend hearings?
- 3.8 Are parents satisfied with their attorneys' representation?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3J: Continuity of Counsel for Parents. The Toolkit defines continuity of counsel for parents as the percentage of child abuse and neglect hearings in which the same legal counsel represents the parents throughout the case. See pages 151–156 in the Toolkit Technical Guide.

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.



### Supporting Best Practice Recommendations

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases*.

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). Enhanced resource guidelines: Improving court practice in child abuse and neglect cases. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.

### 3.5b Do parent attorneys advocate for parents in hearings?

For this measure, first determine whether parent attorneys are present in hearings (see measure 3.1). Whether issues in a hearing are contested or agreed, and the stage of the case process, may influence parent attorney advocacy in hearings. Addition of attorney advocacy items should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Specific advocacy practices used by attorneys [parent 1 yes/no; parent 2 yes/no]:<sup>4</sup>
  - Do they contest hearings? If so, at which stages of the case?
  - Do they call witnesses, present evidence, and cross-examine opposing witnesses?
  - Do they present favorable evidence on the record?

### Exhibit 3.5b. Options for Analyzing Parent Attorney Advocacy in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, what advocacy practices do parent attorneys use?	Hearings	Select a timeframe for the sample. Select a sample of hearings.

<sup>4</sup> This list of parent attorney advocacy practices can be tailored to match measurement priorities.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
	What percentage of advocacy practices are used by hearing type?		
Surveys	How often do parent attorneys use various advocacy practices in hearings?	Individual hearings or hearings throughout the case	Select open or closed cases and a sample of (1) court professionals and/or (2) parents to survey. If unit of analysis is entire case, select closed cases to sample.

Note: \* = Recommended data source.

#### *Analytic approach for **court observation**:*

- Identify the number of hearings at which parent attorneys were present.
- Count the number of parent attorney advocacy practices observed in each of those hearings.
- Calculate the percentage of advocacy practices used by parent attorneys present for each hearing type.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

#### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

#### *Related JCAMP Measures*

- 3.1 Do parent attorneys attend hearings?
- 3.8 Are parents satisfied with their attorneys' representation?

#### *Related OJJDP Toolkit Measures*

No related OJJDP Toolkit measures.

#### *Supporting Research*

No research has been found that links this measure to outcomes for children or families.

#### *Supporting Best Practice Recommendations*

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases*.



Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. \National Council of Juvenile and Family Court Judges.

### 3.5c Do parent attorneys prepare in between hearings?

Best practice standards for attorneys outline ways that attorneys should prepare for child welfare hearings to ensure high-quality legal representation (e.g., ABA standards for parent attorneys). This measure assesses whether parent attorneys prepare between hearings and identifies the specific ways they prepare. Preparation may depend on several factors, including the stage of the case, the issues involved, whether matters are contested, and access to multidisciplinary legal team members for support. Addition of measures related to attorney preparation should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent(s) present at hearing [yes/no]
- Specific preparation strategies used by parent attorneys [parent 1 yes/no; parent 2 yes/no]:<sup>5</sup>
  - Do they talk with parents after hearings to discuss what happened and answer their questions?
  - Do they ask parents their goals for (what they want to get out of) the case?
  - Do they maintain regular contact with parents between hearings?
  - Do they communicate with other parties between hearings?
  - Do they or their representatives attend nonhearing case events with parents?<sup>6</sup>
  - Do they advocate for parents outside of court hearings?

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<sup>5</sup> This list of parent attorney advocacy practices can be tailored to match measurement priorities.

<sup>6</sup> Best practice standards in the field suggest that attorneys should be attending out-of-court events (e.g., family team meetings) with their clients. However, it is recognized that practice may vary depending on court and local culture.





### Exhibit 3.5c. Options for Analyzing Preparation of Parent Attorneys Between Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	How and to what extent do parent attorneys prepare between hearings? What preparation tasks do parent attorneys perform before and after hearings?	Individual hearings or hearings throughout the case	Select open or closed cases and a sample of (1) court professionals and/or (2) parents to survey. If unit of analysis is entire case, select closed cases to sample.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never or level of agreement scale).
- Disaggregate the data by whether parents' cases are open or closed; number and type of hearings; race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes, including preparation strategies used.

#### Related JCAMP Measures

- 3.1 Do parent attorneys attend hearings?
- 3.5a Does the same parent attorney represent the parent throughout the case?
- 3.5b Do parent attorneys advocate for parents during hearings?
- 3.8 Are parents satisfied with their attorneys' representation?

#### Related OJJDP Toolkit Measures

No related OJJDP Toolkit measures.

#### Supporting Research

No research has been found that links this measure to outcomes for children or families.

#### Supporting Best Practice Recommendations

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 3.6 How do child or youth attorneys and/or attorney GALs ensure they provide high-quality legal representation?

This set of measures include the actions of child or youth attorneys or attorney GALs to provide high-quality legal representation. They are drawn from best practice standards and recommendations for high-quality legal representation for children and youth as well as research. The measures include continuity of child or youth attorney or attorney GAL representation (3.6a), child or youth attorney or attorney GAL advocacy in hearings (3.6b), and preparation for hearings by child or youth attorneys or attorney GALs (3.6c). Each of these measures are described below.

### **3.6a Does the same child or youth attorney or attorney GAL represent the child or youth throughout the case?**

To calculate this measure, first determine whether a child or youth attorney and/or attorney GAL was present at each hearing in a case (see measure 3.2). Then, to measure changes in the child or youth attorney or attorney GAL present there must be some way to identify whether a different advocate appears from hearing to hearing. This can be done by building a record for each hearing, documenting the individual attorney or attorney GAL who is present to represent the child or youth, and then assigning them an attorney identification number or code to track whether attorneys are the same or different.

#### **Variables to consider:**

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]
- Attorney and/or attorney GAL representing the child or youth present at hearing [yes/no]
- Attorney and/or attorney GAL identification number

#### **Exhibit 3.6a. Options for Analyzing Continuity of Child or Youth Attorneys or Attorney GALs**

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	In what proportion of hearings across the life of a case were children or youth represented by the same attorney and/or attorney GAL?	Hearings throughout the case	Select a timeframe for the sample. Select a sample of cases.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
	What proportion of hearings across the life of the case had one, two, three, or more attorneys and/or attorney GALs to represent the child or youth?		
Surveys	How often do stakeholders and/or children or youth report that children or youth are represented by the same attorney and/or attorney GAL in hearings throughout the case?	Hearings throughout the case	Select a sample of (1) court professionals and/or (2) children and youth to survey. Sample should be closed cases to allow for comment on attorney continuity throughout the life of the case.

Note: \* = Recommended data source.

**Analytic approach for *case file review*:**

- Assign child or youth attorneys and attorney GALs individual identification numbers or codes.
- Identify the number of hearings at which child or youth attorneys or attorney GALs were present (by identification code).
- Calculate the percentage of all hearings in which children or youth were represented by the same attorney or attorney GAL. Alternatively, examine the percentage of cases in which one, two, three, or more attorneys or attorney GALs appeared throughout the case to represent the child or youth.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

**Related JCAMP Measures**

- 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?
- 3.9 Are children and youth satisfied with their legal representation?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP’s 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3I: Continuity of Advocates for Children. The Toolkit defines continuity of advocates for children as the percentage of child abuse and neglect hearings in which



the same advocate represents the child throughout the case. See pages 145–149 in the Toolkit Technical Guide.

### *Supporting Research*

No research has been found that links this measure to outcomes for children or families.

### *Supporting Best Practice Recommendations*

American Bar Association. (1996, February). *Standards of practice for lawyers who represent children in child abuse and neglect cases.*

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*

### **3.6b Do child or youth attorneys or attorney GALs advocate for children or youth in hearings?**

For this measure, first determine whether child or youth attorneys and/or attorney GALs were present in hearings (see measure 3.2). Whether issues in a hearing are contested or agreed, and the stage of the case process, may influence child or youth attorney advocacy in hearings. Addition of attorney advocacy items should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### **Variables to consider:**

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]
- Specific advocacy practices used by child or youth attorneys or attorney GALs [yes/no]:<sup>7</sup>
  - Do they contest hearings? If so, at which stages of the case?
  - Do they call witnesses, present evidence, and cross-examine opposing witnesses?
  - Do they argue for or request services to address the child's or youth's needs?
  - Do they advocate for the children's and youth's position?

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<sup>7</sup> This list of child or youth attorney and/or attorney GAL advocacy practices can be tailored to match measurement priorities.



### Exhibit 3.6b. Options for Analyzing Advocacy by Child or Youth Attorneys or Attorney GALs in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, what advocacy practices do child or youth attorneys and/or attorney GALs use? What percentage of advocacy practices are used by hearing type?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do court professionals and/or children or youth report that child or youth attorneys and/or attorney GALs use various advocacy practices in hearings?	Individual hearings or hearings throughout the case	Select open or closed cases and a sample of (1) court professionals and/or (2) children and youth to survey. If unit of analysis is entire case, select closed cases to sample.

Note: \* = Recommended data source.

#### *Analytic approach for **court observation**:*

- Identify the number of hearings at which child or youth attorneys and/or attorney GALs were present.
- Count the number of advocacy practices of the child or youth attorneys and/or attorney GALs observed in each of those hearings.
- Calculate the percentage of advocacy practices used by child or youth attorneys and/or attorney GALs present for each hearing type.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

#### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

#### *Related JCAMP Measures*

- 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?
- 3.9 Are children and youth satisfied with their legal representation?

#### *Related OJJDP Toolkit Measures*

No related OJJDP Toolkit measures.

#### *Supporting Research*

No research has been found that links this measure to outcomes for children or families.



### *Supporting Best Practice Recommendations*

American Bar Association. (1996, February). *Standards of practice for lawyers who represent children in child abuse and neglect cases.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*

### **3.6c Do child or youth attorneys and/or attorney GALs prepare in between hearings?**

Best practice standards for child or youth attorneys and/or attorney GALs outline ways that child or youth advocates should prepare for child welfare hearings to ensure high-quality legal representation (e.g., NACC standards for child or youth attorneys). This measure assesses whether child or youth advocates prepare between hearings and identifies the specific ways that they prepare. Preparation may depend on several factors, including the stage of the case, the issues involved, whether matters are contested, and access to multidisciplinary legal team members for support. Addition of measures related to attorney preparation should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### **Variables to consider:**

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]
- Specific preparation strategies used by child or youth attorneys and/or attorney GALs [yes/no]:<sup>8</sup>
  - Do they ask children and youth what they would like?
  - Do they check with children and youth to ensure they understand their position?
  - Do they talk with children and youth after hearings to explain what happened and answer their questions?
  - Do they maintain regular contact with children and youth between hearings?
  - Do they visit with children and youth in their placement between court appearances?
  - Do they communicate with other parties between hearings?
  - Do they meet with parents and their counsel?
  - Do they attend nonhearing case events for children or youth?

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<sup>8</sup> This list of child or youth attorney and/or attorney GAL advocacy practices can be tailored to match your measurement priorities.



### Exhibit 3.6c. Options for Analyzing Preparation of Child or Youth Attorneys and/or Attorney GALs Between Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	How and to what extent do child or youth attorneys and/or attorney GALs prepare between hearings? What preparation tasks do child or youth attorneys and/or attorney GALs perform before and after hearings?	Individual hearing or entire case	Select open or closed cases and a sample of (1) court professionals and/or (2) children or youth to survey or participate in focus groups. If unit of analysis is entire case, select closed cases to sample.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never or level of agreement on an agreement scale).
- Disaggregate the data by whether the parents' cases are open or closed, number and type of hearings, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes, including preparation strategies used.

#### Related JCAMP Measures

- 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?
- 3.6a Does the same child or youth attorney or attorney GAL represent the child or youth throughout the case??
- 3.6b Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?
- 3.9 Are children and youth satisfied with their legal representation?

#### Related OJJDP Toolkit Measures

No related OJJDP Toolkit measures.

#### Supporting Research

No research has been found that links this measure to outcomes for children or families.

#### Supporting Best Practice Recommendations

American Bar Association. (1996, February). *Standards of practice for lawyers who represent children in child abuse and neglect cases*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*





### 3.7 How do prosecuting attorneys (or agency or state attorneys) ensure they provide high-quality legal representation?

This set of measures include the actions of prosecuting (or agency or state) attorneys to provide high-quality legal representation. They are drawn from best practice standards and recommendations for high-quality legal representation as well as research. The measures include continuity of the prosecuting (or agency or state) attorneys (3.7a), prosecuting (or agency or state) attorney advocacy in hearings (3.7b), and preparation by prosecuting (or agency or state) attorneys for hearings (3.7c). Each of these measures are described below

#### 3.7a Do prosecuting (or agency or state) attorneys stay on the same case throughout the case?

To calculate this measure, first determine whether a prosecuting (or agency or state) attorney was present at each hearing in a case (see measure 3.3). Then, to measure changes in those attorneys' presence, there must be some way to identify whether a different prosecuting (or agency or state) attorney appears from hearing to hearing. This can be done by building a record for each hearing that documents the individual attorneys who are present to represent the agency or state, and then assigning them individual identification numbers or codes to track whether attorneys are the same or different.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Attorney representing the agency or state present at hearing [yes/no]
- Attorney identification number

#### Exhibit 3.5a. Options for Analyzing Continuity of Parent Attorneys

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	In what proportion of hearings across the life of a case is the same attorney representing the agency or state present? What proportion of hearings across the life of the case had one, two, three, or more attorneys to represent the agency or state?	Hearings throughout the case	Select a timeframe for the sample. Select a sample of cases.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys	How often do stakeholders report that the same prosecuting attorney (or agency or state) attorney is present in hearings throughout the case?	Hearings throughout the case	Select a sample of (1) court professionals and/or (2) parents to survey. Sample should be closed cases to allow for comment on attorney continuity throughout the life of the case.

Note: \* = Recommended data source.

**Analytic approach for *case file review*:**

- Assign an identification number or code for each prosecuting (or agency or state) attorney.
- Identify the number of hearings at which prosecuting (or agency or state) attorneys were present, by identification code.
- Calculate the percentage of all hearings in which the same attorney was present. Alternatively, examine the percentage of cases in which one, two, three, or more attorneys appear throughout the case to represent the agency or state.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

**Related JCAMP Measures**

- 3.3 Do prosecuting (or agency or state) attorneys attend hearings?
- 3.10 How do parents, children, and youth feel they were treated by the prosecuting (or agency or state) attorneys?

**Related OJJDP Toolkit Measures**

See the following measure in the OJJDP’s 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 3G: Presence of Advocates During Hearings. See pages 126–135 in the Toolkit Technical Guide.

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.



### *Supporting Best Practice Recommendations*

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.

### **3.7b How do prosecuting (or agency or state) attorneys advocate in hearings?**

For this measure, first determine whether prosecuting (or agency or state) attorneys were present in hearings (see measure 3.3). Whether issues in a hearing are contested or agreed, and the stage of the case process, may influence prosecuting (or agency or state) attorney advocacy in hearings. Addition of attorney advocacy items should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### **Variables to consider:**

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Specific advocacy practices used by prosecuting (or agency or state) attorneys [yes/no]:<sup>9</sup>
  - Do they call witnesses?
  - Do they cross-examine witnesses?
  - Do they present evidence?
  - Have they offered favorable evidence about families and presented it to the courts on the record when appropriate?

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<sup>9</sup> This list of parent attorney advocacy practices can be tailored to match your measurement priorities.



### Exhibit 3.7b. Options for Analyzing Advocacy by Parent Attorneys in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, what advocacy practices do prosecuting (or agency or state) attorneys use? What percentage of advocacy practices are used by hearing type?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do prosecuting (or agency or state) attorneys use various advocacy practices in hearings?	Individual hearings or hearings throughout the case	Select open or closed cases and a sample of (1) court professionals and/or (2) parents to survey. If unit of analysis is entire case, select closed cases to sample.

Note: \* = Recommended data source.

#### *Analytic approach for **court observation**:*

- Identify the number of hearings at which prosecuting (or agency or state) attorneys were present.
- Count the number of advocacy practices of prosecuting (or agency or state) attorneys observed in each of those hearings.
- Calculate the percentage of advocacy practices used by prosecuting (or agency or state) attorneys present for each hearing type.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

#### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

#### *Related JCAMP Measures*

- 3.3 Do prosecuting (or agency or state) attorneys attend hearings?
- 3.10 How do parents, children, and youth feel they were treated by the prosecuting (or agency or state) attorneys?

#### *Related OJJDP Toolkit Measures*

No related OJJDP Toolkit measures.

#### *Supporting Research*

No research has been found that links this measure to outcomes for children or families.



### Supporting Best Practice Recommendations

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

### 3.7c Do prosecuting (or agency or state) attorneys prepare in between hearings?

Best practice standards for attorneys outline ways that attorneys should prepare for child welfare hearings to ensure high-quality legal representation (e.g., ABA standards for prosecuting attorneys). This measure assesses whether prosecuting (or agency or state) attorneys prepare between hearings and identifies the specific ways they prepare. Preparation may depend on several factors, including the stage of the case, the issues involved, and whether matters are contested. Addition of measures related to attorney preparation should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Specific preparation strategies used by prosecuting (or agency or state) attorneys [yes/no]:<sup>10</sup>
  - Do they prepare before hearings?
  - Do they prepare caseworkers and witnesses before hearings?
  - Do they talk with caseworkers after hearings to discuss what happened and answer questions?
  - Do they maintain regular contact with caseworkers between hearings?
  - Do they make reasonable attempts to resolve any issues outside of court when possible?
  - Do they encourage resolution of issues by attending nonhearing case events?<sup>11</sup>

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<sup>10</sup> This list of parent attorney advocacy practices can be tailored to match measurement priorities.

<sup>11</sup> Best practice standards in the field suggest that attorneys should be attending out-of-court events (e.g., family team meetings) with clients. However, it is recognized that practice may vary locally depending on court culture and local practice.



### Exhibit 3.7c. Options for Analyzing Preparation of Prosecuting (or Agency or State) Attorneys Between Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	How and to what extent do prosecuting (or agency or state) attorneys prepare between hearings? What preparation tasks do attorneys perform before and after hearings?	Individual hearings or hearings throughout the case	Select open or closed cases and a sample of (1) court professionals and/or (2) parents to survey. If unit of analysis is entire case, select closed cases to sample.

Note: \* = Recommended data source.

#### *Analytic approach for surveys:*

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never or level of agreement scale).
- Disaggregate the data by whether the cases are open or closed; number and type of hearings; race of the parents, ethnicity of the parents, race of the child, ethnicity of the child, age of the child, and ICWA status of the child (if asked on survey).

#### *Analytic approach for focus groups:*

- Qualitatively code focus group transcripts by reviewing them for themes, including preparation strategies used.

#### *Related JCAMP Measures*

- 3.7a Do prosecuting (or agency or state) attorneys stay on the same case throughout the case?
- 3.7b How do prosecuting (or agency or state) attorneys advocate in hearings?
- 3.10 How do parents, children, and youth feel they were treated by the prosecuting (or agency or state) attorneys?

#### *Related OJJDP Toolkit Measures*

No related OJJDP Toolkit measures.

#### *Supporting Research*

No research has been found that links this measure to outcomes for children or families.

#### *Supporting Best Practice Recommendations*

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



### 3.8 Are parents satisfied with their attorneys' representation?

This measure assesses the degree to which parents are satisfied with their attorney's practice. Components of satisfaction assessed by this measure include whether parent attorneys provided parents with an opportunity for voice, treated parents fairly and with respect, contributed to parents' understanding of the case, communicated effectively, and helped to prepare parents, among other items. Satisfaction with representation may depend on several factors, including when in the case process the attorney was appointed (i.e., how early), whether matters were contested, and whether the same attorneys represented parents throughout the case. Addition of satisfaction items should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- ICWA status of the child or youth [yes/no]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parents present at hearing [yes/no]
- Attorney for parents present at hearing [parent 1, yes/no; parent 2, yes/no]
- Parents feel satisfied with their attorney's representation [yes/no] [rating scale, e.g., agreement: 1 = strongly disagree, 2 = disagree, 3 = neither agree nor disagree, 4 = agree, 5 = strongly agree]:
  - Do they feel their attorneys understood their perspective?
  - Do they feel their attorneys listened to them?
  - Do they feel their attorneys treated them with respect?
  - Do they understand the role of their attorneys?
  - Do they feel prepared by their attorneys for court?
  - Do they believe the amount of communication with their attorneys was sufficient?
  - Do they understand their attorneys' strategy?
  - Do they trust their attorney's judgement?
  - Do they believe their attorneys moved the cases forward strongly in the direction of their wishes?
  - Do they believe their attorneys helped them access and receive the services they need?
  - Do they believe their attorneys helped them receive adequate time to accomplish permanency-related activities?
  - Do they know what to do to make a complaint about their attorney?



### Exhibit 3.8. Options for Analyzing Parents' Satisfaction With Their Attorneys' Representation

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	Are parents satisfied with their attorney's representation? To what extent? In what ways are they satisfied?	Individual hearing or hearings throughout the case	Select a sample of parents with open or closed cases. Select closed cases if unit of analysis is hearings throughout the case.

Note: \* = Recommended data source.

#### *Analytic approach for **surveys**:*

- Calculate the frequency and mean of each response option (e.g., yes/no; strongly agree, disagree, neither agree nor disagree, agree, strongly agree).
- Disaggregate the data by whether the parents' cases are open or closed, number and type of hearings that parents attended, number and type of hearings attended by parent attorneys, when in the case process parent attorneys were appointed, whether parent attorneys changed or remained the same throughout the case, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).
- If possible, survey parents immediately following a hearing and compare parent survey data with hearing observation data about their attorney's advocacy (see measure 3.5b), and survey data about attorney preparation between hearings (see measure 3.5c) to examine how parents' satisfaction with their attorney is related to advocacy in the hearing, and preparation between hearings (including whether multidisciplinary legal team members were involved).

#### *Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes, including ways parents were satisfied with their representation and ways they were dissatisfied.

#### **Related JCAMP Measures**

- 1.1 Do parents attend hearings?
- 3.1 Do parent attorneys attend hearings?
- 3.5b Do parent attorneys advocate for parents in hearings?
- 3.5c Do parent attorneys prepare in between hearings?

#### **Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

#### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

#### **Supporting Best Practice Recommendations**

No best practice recommendations supporting this measure were found.





### 3.9 Are children and youth satisfied with their legal representation?

This measure assesses whether children and youth are satisfied with their attorneys' and/or attorney GALs' representation, including whether attorneys understood their perspective, whether they felt listened to, whether they were treated with respect, whether they were satisfied with the amount of communication and advocacy, and whether they trusted their attorneys' judgment, among other items. Satisfaction with representation may depend on several factors, including the model of child or youth attorney representation (e.g., representing best interests or wishes or both), when in the case process attorneys were appointed (i.e., how early), whether matters were contested, and whether the same attorney represented the child or youth throughout the case, among other items. Addition of satisfaction items should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- ICWA status of the child or youth [yes/no]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present at hearing [yes/no]
- Attorney and/or attorney GAL for child or youth present at hearing [yes/no]
- Children or youth feel satisfied with their attorney's and/or attorney GAL's representation [yes/no] or agree with statement on a rating scale [e.g., 1 = strongly disagree, 2 = disagree, 3 = neither agree nor disagree, 4 = agree, 5 = strongly agree]:
  - Do they feel their attorneys and/or attorney GAL understood their perspective?
  - Do they feel their attorneys and/or attorney GAL listened to them?
  - Do they feel their attorneys and/or attorney GAL treated them with respect?
  - Do they understand the role of their attorneys and/or attorney GALs?
  - When represented by their attorney, do they feel their attorney is representing their stated wishes?
  - Do they feel prepared by their attorneys and/or attorney GALs for court?
  - Do they believe the amount of communication with their attorneys and or attorney GALs was sufficient?
  - Do they trust their attorneys' judgment?
  - Do they believe their attorneys and/or attorney GALs helped them to access and receive needed services?
  - Do they know what to do to make a complaint about their attorneys and/or attorney GALs?



### Exhibit 3.9. Options for Analyzing Children’s and Youth’s Satisfaction With Their Legal Representation

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	Are children and youth satisfied with their legal representation? To what extent? In what ways are they satisfied?	Individual hearing or hearings throughout the case	Select a sample of children and youth with open or closed cases. Select closed cases if unit of analysis is hearings throughout the case.

Note: \* = Recommended data source.

#### *Analytic approach for surveys:*

- Calculate the frequency and mean of each response option (e.g., yes/no; strongly agree, disagree, neither agree nor disagree, agree, strongly agree).
- Disaggregate the data by whether the children’s and youths’ cases are open or closed, number and type of hearings that they attended, number and type of hearings attended by child or youth attorneys, type of legal representation (e.g., attorney or attorney GAL), when in the case process child or youth attorneys were appointed, whether child or youth attorneys changed or remained the same throughout the case, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).
- If it is possible, survey children and youth immediately following a hearing and compare survey data with hearing observation data about their attorneys’ advocacy (see measure 3.6b), and survey data about attorney preparation between hearings (see measure 3.6c) to examine how children’s and youth’s satisfaction with their attorneys relates to advocacy in the hearing and preparation between hearings (including whether multidisciplinary legal team members were involved).

#### *Analytic approach for focus groups:*

- Qualitatively code focus group transcripts by reviewing them for themes, including ways children and youth were satisfied with their legal representation and ways they were dissatisfied.

#### **Related JCAMP Measures**

- 1.2 Do children or youth attend hearings?
- 3.2 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?
- 3.6b Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?
- 3.6c Do child or youth attorneys and/or attorney GALs prepare in between hearings?

#### **Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.



### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*



### 3.10 How do parents, children, and youth feel they were treated by prosecuting (or agency or state) attorneys?

This measure assesses perceptions of parents, children, and youth perceptions of the treatment they received from prosecuting (or agency or state) attorneys in cases. Items assess perceived fairness, respect, and understanding of the prosecutor role, among other items. Addition of items about treatment of parents, children, and youth by prosecuting (or agency or state) attorneys should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

#### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent present at hearing [parent 1, yes/no; parent 2, yes/no]
- Child or youth present at hearing [yes/no]
- Perception of parents, children, or youth of the treatment received from prosecuting (or agency or state) attorneys) [yes/no]:
  - Do they feel prosecuting (or agency or state) attorneys treated them fairly?
  - Do they feel prosecuting (or agency or state) attorneys treated them respectfully?
  - Do they understand the role of prosecuting (or agency or state) attorneys in the case and who they are representing?
  - Do they feel prosecuting (or agency or state) attorneys were appropriately prepared for court?
  - Do they feel prosecuting (or agency or state) attorneys made appropriate efforts to advance case goals, including making sure they have access to appropriate family time and services?

#### Exhibit 3.10. Options for Analyzing Parent, Child, and Youth Perceptions of Treatment by Prosecuting (or Agency or State) Attorneys

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	How do parents, children, or youth feel they were treated by prosecuting (or agency or state) attorneys? To what extent?	Individual hearing or hearings throughout the case	Select a sample of parents, children, or youth with open or closed cases. Select closed cases if unit of analysis is hearings throughout the case.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., yes/no; strongly agree, disagree, neither agree nor disagree, agree, strongly agree).



- Disaggregate the data by whether the parents', children's or youths' cases are open or closed, the number and type of hearings that they attended, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

***Analytic approach for focus groups:***

- Qualitatively code focus group transcripts by reviewing them for themes, including ways parents, children, and youth were satisfied with their legal representation and ways they were dissatisfied.

***Related JCAMP Measures***

- 1.1 Do parents attend hearings?
- 1.2 Do children or youth attend hearings?
- 3.1 Do parent attorneys attend hearings?
- 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?
- 3.7a Do prosecuting (or agency or state) attorneys stay on the same case throughout the case?

***Related OJJDP Toolkit Measures***

No related OJJDP Toolkit measures.

***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

***Supporting Best Practice Recommendations***

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.



# Safety

## Court Process Measures

- 4.1 How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal? How often is the finding that the agency made “no reasonable efforts”?

## Professional Practice Measures

- 4.2 How do courts discuss safety and removal?
- 4.3 How do courts discuss the agency’s reasonable or active efforts to prevent removal?
- 4.4 Do attorneys cross-examine reasonable or active efforts to prevent removal?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency’s reasonable or active efforts to the court?
- 4.7 Do judges ask about the agency’s efforts to prevent removal?
- 4.8 Do judges make detailed reasonable or active efforts findings that explain how the agency has worked with the family to prevent removal?
- 4.9 Do judges consider parents’ protective capacities in determining whether to remove, maintain, or return the child home?

## Family Experience Measures

- 4.10 Do parents understand the safety threats to the child and how those led to the child’s removal?
- 4.11 Do parents understand the conditions for return of the child?
- 4.12 Do parents believe that the judge considered their protective capacities in decision-making regarding removal and return?
- 4.13 Do parents feel their voices were heard in safety planning discussions?
- 4.14 Do children and youth feel their voices were heard in safety discussions?

## 4.1 How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal? How often is the finding that the agency made “no reasonable efforts”?

Before analysis, consider that reasonable efforts findings occur at multiple points in the case process. The first required reasonable efforts finding is to prevent removal. Language should be specific to preventing removal from the home. This is distinct from the second required finding that an agency is making reasonable efforts to reunify or finalize permanency (see measure. 5.4). If the case is an ICWA case, the finding should be active efforts. Context language may vary slightly.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Reasonable/active efforts to prevent removal finding [yes/no]
- Type of reasonable efforts finding [efforts were made, efforts were not possible, efforts were not required, efforts were not made]

### Exhibit 4.1. Options for Analyzing Findings of Reasonable/Active Efforts

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among cases during a selected time period, in what proportion did judges make findings of reasonable or active efforts to prevent removal? What proportion of the findings were that no reasonable efforts were made?	Case	Select a timeframe for the sample.
Case file review*	What proportion of cases reviewed had findings of reasonable or active efforts to prevent removal? In what proportion of hearings (by hearing type) were there findings of reasonable or active efforts to prevent removal? What proportion of the findings were that reasonable efforts were not made?	Case Hearings	Select a timeframe for the sample. Select a hearing type and timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, in what proportion was a reasonable or active efforts to prevent removal finding made? What proportion of the findings were that reasonable efforts were not made?	Hearings	Select a timeframe for the sample. Select a sample of hearings.



Surveys	In what hearings do court professionals report that reasonable efforts findings are made? In what proportion of the findings do court professionals report that “reasonable efforts were not made”?	Hearings Findings	Select a sample of court professionals to survey.
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Note: \* = Recommended data source.

**Analytic approach for *administrative data, case file review, and/or court observation*:**

- Identify the number of hearings/cases reviewed or observed.
- Count the number of those cases/hearings in which findings of reasonable or active effort to prevent removal was made.
- Of the findings made, count the number of findings of reasonable/active efforts that are “reasonable/active efforts were not made.”
- Calculate the percentage for each case.
- Calculate the percentage across all hearings observed.
- Disaggregate the data by finding type, type of hearing, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., percentage of hearings, percentage of findings).

**Related JCAMP Measures**

- 4.3 How do courts discuss the agency’s reasonable or active efforts to prevent removal?
- 4.7 Do judges ask about the agency’s efforts to prevent removal?
- 4.8 Do judges make detailed reasonable or active efforts findings that explain how the agency has worked with the family to prevent removal?
- 4.9 Do judges consider parents’ protective capacities in determining whether to remove, maintain, or return the child home?
- 5.4 How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency?

**Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

**Supporting Research**

Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.

**Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community’s work: Trauma-informed benchbook for tribal justice systems*.





- American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.
- Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). Enhanced resource guidelines: Improving court practice in child abuse and neglect cases. Reno, Nevada. National Council of Juvenile and Family Court Judges.
- Lund, T., & Renne, J. (2009). *Child safety: A Guide for Judges and Attorneys*. Washington, DC: American Bar Association Center on Children and the Law.
- U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 4.2 How do courts discuss safety and removal?

The discussion topics listed here cover key topics related to safety and removal. Sites can modify this list of key discussion topics to specifically address their own measurement priorities.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge
- Parent(s) present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Topics discussed during hearing [yes/no]:
- Depth of discussion of important issues in the hearing [0 = no discussion, 1 = 1 statement, 2 = 2–3 statements, 3 = more than 3 statements]:
  - Do they discuss safety and removal?
  - Do they discuss safety threats leading to removal?
  - Do they discuss parent protective capacities?
  - Do they discuss child or youth vulnerabilities?
  - Do they discuss what is preventing the child or youth from returning home today?
  - Do they discuss family time is supervision in relation to the safety threat?
  - Do they discuss the safety of children and youth in placement?

### Exhibit 4.2. Options for Analyzing Discussion Topics During Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, how many safety and removal topics are discussed? Among observed hearings, how detailed is the discussion of each topic?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	Which topics are commonly discussed during hearings? Typically, how detailed is the discussion of each topic?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

#### *Analytic approach for **court observation**:*

- Count the number of hearings observed.
- Count the number of hearings in which a topic is discussed.
- Calculate the percentage of hearings in which a given topic is discussed.



- Calculate the average depth of discussion of each topic observed (coded on a scale of 0–3).
- Disaggregate the data by type of hearing, whether a parent was present, whether a child or youth was present, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for surveys:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

**Related JCAMP Measures**

- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?

**Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

**Supporting Research**

Gonzalez, C. & Summers, A. (2014). Assessing the long-term effects of courts catalyzing change preliminary protective hearing benchcard.

**Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 4.3 How do courts discuss the agency’s reasonable or active efforts to prevent removal?

Discussions of agency efforts to prevent removal typically occur early in the case, in the first hearing or hearings, because judges need to make a decision about whether an agency made reasonable efforts to prevent removal. These discussions may only need to be tracked at a specific hearing type (or types, depending on local practice). This could include initial hearings or may occur up through the adjudication or disposition hearing. It is important to select the appropriate hearing or hearings to observe or review to best understand this measure.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Race of the parents
- Ethnicity of the parent s
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Parent(s) present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Topics discussed during hearing [yes/no]:
- Depth of discussion of topic in the hearing [0 = no discussion, 1 = 1 statement, 2 = 2–3 statements, 3 = more than 3 statements].
- Who contributes to the discussion (parents, parent attorney, child or youth, child or youth attorney, prosecuting [or state or agency] attorney, caseworker, judge).

### Exhibit 4.3. Options for Analyzing Discussion During Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	What proportion of hearings observed include discussion of the topic? Among observed hearings, how detailed is the discussion of the topic? In what proportion of hearings does each stakeholder contribute to the reasonable efforts discussion?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	In what proportion of hearings does the court discuss reasonable efforts? Typically, how detailed is the discussion of the topic?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.



### **Analytic approach for *court observation*:**

- Count the number of hearings observed.
- Count the number of hearings at which the topic is discussed.
- Calculate the proportion of hearings at which the topic is discussed.
- Calculate the average depth of discussion of the topic observed (coded on a scale of 0–3).
- Disaggregate the data by whether a parent was present, whether a child or youth was present, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### **Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

### **Related JCAMP Measures**

- 4.2 How do courts discuss safety and removal?
- 4.4 Do attorneys cross-examine reasonable or active efforts to prevent removal?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court?
- 4.7 Do judges ask about the agency's efforts to prevent removal?

### **Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.

U.S. Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 4.4 Do attorneys cross-examine reasonable or active efforts to prevent removal?

Consider that practice may look different in different jurisdictions, and it is up to the user to define how to accurately measure this practice given local definitions and needs. For example, cross-examination could be a formal process with sworn testimony or may include a conversation whereby the parent attorney can ask the agency questions without formal testimony. This should be locally defined prior to accurate measurement.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Whether an attorney cross-examines reasonable efforts [yes/no]

### Exhibit 4.4. Options for Analyzing Attorneys' Cross-Examination of Reasonable Efforts

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	In what proportion of hearings do attorneys cross-examine reasonable efforts?	Hearings	Select a timeframe and a sample of hearings.
Surveys	How often do attorneys cross-examine reasonable efforts evidence?	Cases	Select a sample of attorneys or other court professionals.

Note: \* = Recommended data source.

#### Analytic approach for **court observation**:

- Count the number of hearings observed.
- Count the number of hearings in which the attorney cross examines reasonable efforts.
- Calculate the proportion of hearings in which the attorney cross-examines reasonable efforts.
- Disaggregate the data by whether a parent was present, whether a child or youth was present, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

#### Analytic approach for **surveys**:

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.



### **Related JCAMP Measures**

- 4.3 How do courts discuss the agency's reasonable or active efforts to prevent removal?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court?
- 4.7 Do judges ask about the agency's efforts to prevent removal?

### **Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?

Jurisdictions may vary widely in how they raise (or if they raise) the issue of reasonable or active efforts in a hearing. There are some cases in which this measure will be not applicable. If the judge or agency raises the issue of reasonable or active efforts, then this item is not applicable because the issue has already been raised and they do not need to raise the issue. In some jurisdictions, attorneys for parents or youth may not be present at the first hearing on the case. If an attorney is not present when the conversation is occurring, then it would also be not applicable in those jurisdictions. It is also important to note that how the jurisdiction talks about reasonable or active efforts may vary and sites may want to locally define and provide examples of the language that is sufficient to meet criteria.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Whether parent or child or youth attorneys raise the issue of reasonable efforts if not raised by prosecuting (or agency or state) attorneys [yes/no]

### Exhibit 4.5. Options for Analyzing Attorneys Raising the Issue of Reasonable or Active Efforts

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	In what proportion of hearings do parent or child or youth attorneys raise the issue of reasonable efforts?	Hearings	Select a timeframe and a sample of hearings.
Surveys	How often do parent and child or youth attorneys raise the issue of reasonable efforts?	Cases	Select a sample of parent attorneys or other court professionals.

Note: \* = Recommended data source.

### Analytic approach for **court observation**:

- Count the number of hearings observed.
- Identify whether there is any discussion of reasonable or active efforts.
- Count the number of hearings in which the parent or child or youth attorney raises reasonable or active efforts topic.
- Calculate the proportion of hearings in which the attorney raises the topic of reasonable efforts.





- Disaggregate the data by whether a parent was present, whether a child or youth was present, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

**Related JCAMP Measures**

- 4.3 How do courts discuss the agency's reasonable or active efforts to prevent removal?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court?
- 4.7 Do judges ask about the agency's efforts to prevent removal?

**Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.

**Supporting Best Practice Recommendations**

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency’s reasonable or active efforts to the court?

Consider local practice and rules. This concept should be defined locally for accurate measurement. That is, it is important to consider whether this needs to be any information offered at hearing or if needs to include only strictly defined evidence. It is also important to consider whether the type of information or evidence is important to measure to provide additional context.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Whether a parent attorney cross examines reasonable efforts [yes/no]
- Type of information or evidence offered [agency report, caseworker testimony, other testimony]

### Exhibit 4.6. Options for Analyzing Prosecuting (or Agency or State) Attorneys’ Provision of Reasonable Efforts Information

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	In what proportion of hearings do prosecuting (or agency or state) attorneys offer reasonable efforts information?	Hearings	Select a timeframe and a sample of hearings.
Surveys	How frequently do prosecuting (or agency or state) attorneys present information on reasonable efforts? In what hearing types do prosecuting (or agency or state) attorneys present information on reasonable efforts? What types of information are presented (e.g., testimony, reports)?	Hearings	Select a sample of court professionals.

Note: \* = Recommended data source.

### Analytic approach for **court observation**:

- Count the number of hearings observed.
- Count the number of hearings in which the state/agency attorney offers reasonable efforts information.



- Calculate the proportion of hearings in which the state/agency attorney offers reasonable efforts information.
- Disaggregate the data by whether a parent was present, whether a child or youth was present, race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for surveys:**

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type (if applicable).

**Related JCAMP Measures**

- 4.3 How do courts discuss the agency's reasonable or active efforts to prevent removal?
- 4.4 Do attorneys cross-examine reasonable or active efforts to prevent removal?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.7 Do judges ask about the agency's efforts to prevent removal?

**Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.

**Supporting Best Practice Recommendations**

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.7 Do judges ask about the agency’s efforts to prevent removal?

Judicial inquiry in hearings should be considered in the broader context of the hearing. A judge may not ask a question if information is already provided in court. Alternatively, the court may have a process whereby judges make active inquiry regularly or may not ask any specific questions in hearings.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge
- Did the judge ask about the agency’s reasonable efforts? [yes/no]
- Was there discussion of reasonable efforts to prevent removal? [yes/no]

### Exhibit 4.7. Options for Analyzing Judicial Inquiry Regarding Reasonable Efforts

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, at what proportion did judges inquire about reasonable efforts?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do judges inquire about reasonable efforts?	Hearings	Select a sample of (1) court professionals and/or (2) parents and children and youth to survey.

Note: \* = Recommended data source.

### Analytic approach for **court observation**:

- Count the numbers of hearings observed.
- Count the number of hearings in which there was discussion of reasonable efforts.
- Count the number of hearings in which the judge inquired about reasonable efforts.
- Calculate the proportion of hearings in which the judge inquired about reasonable efforts.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.



### *Analytic approach for surveys:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type.

### **Related JCAMP Measures**

- 4.3 How do courts discuss agency's reasonable or active efforts to prevent removal?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court?

### **Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.8 Do judges make detailed reasonable or active efforts findings that explain how the agency has worked with the family to prevent removal?

This measure can be calculated only if judges make any reasonable or active efforts findings in a case. Judicial orders may include checkboxes or narratives or both, so all documentation should be reviewed, including the final order that results from the hearings.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge
- Whether the judge makes a reasonable efforts finding [yes/no]
- Whether the finding includes detail about the how the agency worked with the family [yes/no]
- Level of detail on a scale [0 = no detail, 1 = statement only, 2 = 2–3 statements]

### Exhibit 4.8. Options for Analyzing Judicial Detailed Findings of Reasonable Efforts

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	In what proportion of hearings reviewed do judges make detailed findings of reasonable or active efforts that include how the agency has worked with the family?	Hearings	Select a timeframe for the sample. Select a sample of cases
Court observation	Among observed hearings, in what proportion did judges make detailed reasonable or active efforts findings?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Surveys	How often do judges make detailed reasonable or active efforts findings that describe how the agency worked with the family?	Hearings	Select a sample of court professionals.

Note: \* = Recommended data source.

### Analytic approach for **case file review** and **court observation**:

- Identify the number of hearings reviewed or observed.
- Identify the number of hearings in which the judge made a finding of detailed reasonable or active efforts to prevent removal.



- Calculate the average detail of the finding of reasonable or active efforts to prevent removal.
- Disaggregate the data by race of the parents, ethnicity of the parents, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type.

**Related JCAMP Measures**

- 4.1 How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal? How often is the finding that the agency made “no reasonable efforts”?

**Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

**Supporting Research**

Capacity Building Center for Courts. (2020, July). Child Welfare Court Practice Evidence Series. Topic: Quality Legal Representation for Parents and Children.

**Supporting Best Practice Recommendations**

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community's work: Trauma-informed benchbook for tribal justice systems.*

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys.* American Bar Association Center on Children and the Law.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act.*



## 4.9 Do judges consider parents’ protective capacities in determining whether to remove, maintain, or return the child home?

The safety of the child or youth should be determined by weighing the current safety threats with the child’s or youth’s vulnerabilities and the parent’s protective capacities. Parents’ protective capacities include ways that parents respond to threats to keep the child or youth safe. Understanding whether the judge considers these capacities requires asking judges about their decision-making on a case.

### Variables to consider:

- Judge race, ethnicity, age, gender
- Types of cases heard
- Years of experience in child welfare

### Exhibit 4.9. Options for Analyzing Judicial Considerations of Protective Capacities

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	What proportion of judges report that they consider parent’s protective capacities in their decisions to remove, maintain, or return the child or youth home? How do judges consider protective capacities in their decision-making?	Judges	Select a sample of judges.

Note: \* = Recommended data source.

#### *Analytic approach for surveys:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).

#### *Analytic approach for focus groups:*

- Identify themes in responses.

#### **Related JCAMP Measures**

- 4.12 Do parents believe the judge considered their protective capacities in decision-making regarding removal and return?

#### **Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

#### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.





### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.10 Do parents understand the safety threats to the child and how those led to the child’s removal?

Assessing parents’ understanding requires directly asking parents and cannot be done by a proxy. Measuring parents’ understanding of safety threats and how those lead to removal requires asking multiple questions of the parents to understand both parts of the measure. This includes questions related to safety threats and a question related to understanding how those threats led to removal.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parents understand the safety threat to the child or youth and how that led to removal [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]

### Exhibit 4.10. Options for Analyzing Parents’ Understanding of Safety Threats

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents report they understand safety threats? To what extent do parents report that it was clear to them why their children were removed from their care?	Case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Calculate the proportion of parents who report understanding both the safety threats and the link to removal.
- Disaggregate the data by whether the parents’ cases are open or closed, race of the parent, ethnicity of the parent, and whether it was an ICWA case.

### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes.

### Related JCAMP Measures

- 4.2 How do courts discuss safety and removal?



### **Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.11 Do parents understand the conditions for return of the child?

It is important that this measure not be confused with a compliance-driven measure. It is not about whether the parents complete their case plan or know what is on their case plan. It is about whether they understand what needs to happen to ameliorate the safety threats so that the child or youth can be safely returned.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parents understand the conditions for return of the child or youth [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]

### Exhibit 4.11. Options for Analyzing Parents' Understanding of Conditions for Return

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents report they understand safety threats? To what extent do parents report that it was clear to them why their children were removed from their care?	Case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed, race of the parents, ethnicity of the parents, and whether it was an ICWA case.

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes.

#### Related JCAMP Measures

- 4.2 How do courts discuss safety and removal?

#### Related OJJDP Toolkit Measures

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

#### Supporting Research

No research has been found that links this measure to outcomes for children or families.



### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.12 Do parents believe the judge considered their protective capacities in decision-making regarding removal and return?

Language such as “protective capacities” will need to be defined or reframed so that the concept is clear to all parents. Framing the questions so that parents understand what is being asked is critical for this measure. To ensure accurate understanding, questions might be framed to say, *Did the judge talk about your parenting strengths*, or *Did the judge consider your ability to protect your child when they made the decision to remove*.

### Variables to consider:

- Race of the parents
- Ethnicity of the parents
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parents understand the safety threat to the child or youth and how that led to removal [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]

### Exhibit 4.12. Options for Analyzing Parents’ Belief That the Judge Considered Protective Capacities

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents report they believe the judge considered their protective capacity in decisions to remove children or youth from the home? To what extent do parents report they believe the judge considered their protective capacities in decisions to return children or youth to the home?	Case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents’ cases are open or closed, race of the parents, ethnicity of the parents, and whether it was an ICWA case.

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes.

#### Related JCAMP Measures

- 4.9 Do judges consider parents’ protective capacities in determining whether to remove, maintain, or return the child home?



### **Related OJJDP Toolkit Measures**

- Measure 1A: Child Safety While Under Court Jurisdiction
- Measure 1B: Child Safety After Release From Court Jurisdiction

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.13 Do parents feel their voices were heard in safety planning discussions?

In order to assess whether parents feel their voice was heard in safety planning discussions, there needs to have been safety planning discussions on the case. Measurement for this item needs a qualifier, asking parents first if there were safety planning discussions on their case. If not, they cannot be asked about their voice in that process.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Safety planning discussions occurred for the case [yes/no]
- Parents feel their voice was heard in safety planning discussions [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]

### Exhibit 4.13. Options for Analyzing Parents' Participation in Safety Planning Discussions

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	What proportion of cases had safety planning discussions with parents? To what extent do parents report they felt their voice was heard in safety planning discussions?	Case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

#### *Analytic approach for surveys:*

- Calculate the proportion of cases that had a safety planning discussion with the parent.
- Of the cases in which a parent reported a safety planning discussion, calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed, race of the parent, ethnicity of the parent, and whether it was an ICWA case.

#### *Analytic approach for focus groups:*

- Qualitatively code focus group transcripts by reviewing them for themes.

#### **Related JCAMP Measures**

No related JCAMP measures.

#### **Related OJJDP Toolkit Measures**

No related OJJDP Toolkit measures.

#### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.





### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 4.14 Do children and youth feel their voices were heard in safety discussions?

This measure applies to cases in which safety planning discussions have occurred. In those cases, children and youth should be asked if they were aware of safety discussions and if they felt their voice was heard.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Safety planning discussions occurred for the case [yes/no]
- Children or youth feel their voice was heard in safety planning discussions [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]
- Did attorneys or attorney GALs regularly ask the child or youth without other adults present whether they felt safe in their current placement? [yes/no]  
If the child or youth felt unsafe, did their lawyer investigate these safety concerns? [yes/no]

### Exhibit 4.14. Options for Analyzing Children’s and Youth’s Participation in Safety Discussions

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	What proportion of cases had safety discussions with children or youth? To what extent do children and youth report they felt their voice was heard in safety discussions?	Case	Select a sample of children and youth with open or closed cases to survey.

Note: \* = Recommended data source.

#### *Analytic approach for surveys:*

- Calculate the proportion of cases that had a safety discussion with the child or youth.
- Of the cases in which a child or youth reported a safety discussion, calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the children’s or youth’s cases are open or closed, race of the child or youth, ethnicity of the child or youth, and whether it was an ICWA case.

#### *Analytic approach for focus groups:*

- Qualitatively code focus group transcripts by reviewing them for themes.

#### **Related JCAMP Measures**

No related JCAMP measures.



### ***Related OJJDP Toolkit Measures***

No related OJJDP Toolkit measures.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



# Permanency

## Court Process Measures

- 5.1 How much time does it take until the first permanency hearing?
- 5.2 How much time does it take to file the termination of parental rights petition?
- 5.3 How much time does it take until the termination of parental rights?
- 5.4 How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency?
- 5.5 How often and at what points in the case are continuances granted?
- 5.6 How many termination of parental rights decisions are appealed?

## Professional Practice Measures

- 5.7 How do courts discuss permanency?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.9 Do judges ask about parents' access to and receipt of relevant services?
- 5.10 Do judges order any relevant services to support reunification/permanency?
- 5.11 How do court orders address family time?
- 5.12 Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?
- 5.14 Do prosecuting (or agency or state) attorneys file motions and petitions related to permanency goals in a timely manner?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and/or attorney GAL advocate for reunification or other permanency in hearings?
- 5.17 Why are continuances granted?

## Family Experience Measures

- 5.18 Do parents feel their voices were heard in permanency planning discussions?
- 5.19 Do parents understand what is required of them and the steps needed to have their child returned?
- 5.20 Do parents feel services met their needs and assisted them in reunification?
- 5.21 Do parents feel they were able to engage in meaningful family time?
- 5.22 Do children and youth feel their voices were heard in permanency decisions?

## 5.1 How much time does it take until the first permanency hearing?

Because federal and state laws set deadlines for the completion of the first permanency hearing, the start and end dates for this measure should be determined by federal or state law. The earliest start date should be used. Possible start dates to consider are date of child or youth removal, date of emergency removal hearing, date abuse and neglect petition is filed,<sup>12</sup> or date of court order authorizing the child’s or youth’s placement into foster care. The key consideration in choosing among these alternatives is the state or federal law governing the time limits for the first permanency hearing. The end date for the measure is the date the first permanency hearing has been completed. Although an alternative end date that may be considered is the date that the permanency hearing order is entered or becomes final, generally the approved permanency plan can proceed at the conclusion of the permanency hearing. If possible, using administrative data is the most efficient way to document how long it takes to achieve the first permanency hearing in the case. If sites’ data systems are not capable of providing this calculation, a sample of case files can be reviewed to examine time to first permanency hearing. Findings for this measure should be compared with the permanency hearing time limits specified by law.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Date of child or youth removal or date of original petition filing [month/day/year]
- Date first permanency hearing completed [month/day/year]

### Exhibit 5.1. Options for Analyzing Time to First Permanency Hearing

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How long does it take to complete the first permanency hearing in cases?	Cases	Select a timeframe for the sample. Select a sample of cases.
Case file review	How long does it take to complete the first permanency hearing in cases?	Cases	Select a timeframe for the sample. Select a sample of cases.

Note: \* = Recommended data source.

<sup>12</sup> The OJJDP Toolkit Measure 4G: Time to First Permanency Hearing uses the date of the original child abuse and neglect petition filing as the start date.



**Analytic approach for case file review and administrative data:**

- Document the date of the child's or youth's removal or original petition filing [start date].
- Document the date the first permanency hearing was completed.
- Document race and ethnicity of the parent, race and ethnicity of the child or youth, as well as ICWA status and age of the child or youth.
- Calculate median and average days from the child's or youth's removal (or original petition filing date) to completion of the first permanency hearing.
- Disaggregate the data by race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Related JCAMP Measures**

- 5.5 How often and at what points in the case are continuances granted?

**Related OJJDP Toolkit Measures**

See the following measure in OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 4G: Time to First Permanency Hearing. See pages 201–208 in the Toolkit Technical Guide.

**Supporting Research**

No research has been found that links this measure to outcomes for children or families.

**Supporting Best Practice Recommendations**

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.



## 5.2 How much time does it take to file the termination of parental rights petition?

This measure assesses the time from the start of child welfare proceedings to the filing of a termination of parental rights (TPR) petition. This time must comply with the target times set forth in federal and state law. Under federal law, the filing of the TPR petition should be within 15 months of the child’s or youth’s entry into foster care unless the child or youth is placed with a relative, there are compelling reasons not to file, or the child welfare agency has not made reasonable efforts to provide services to the family that would have made it possible to safely reunify the child or youth.<sup>13</sup> To select a start date for this measure, use the earlier of the federal or state start dates for the filing of the TPR petition (e.g., the date of the original abuse or neglect petition, or the date of the judicial finding of abuse or neglect, or the date the child or youth entered foster care).<sup>14</sup> The end date for the measure is the date the TPR petition is filed. As parents may have different TPR petition filing dates, both should be tracked. If possible, using administrative data is the most efficient way to document the time to TPR petition in cases. If sites’ data systems are not capable of this calculation, a sample of case files can be reviewed to examine time to TPR petition filing. Findings for this measure should be compared with the TPR petition filing time limits specified by law.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Date of original petition filing, or date child or youth first entered foster care [month/day/year]
- Date TPR petition is filed [month/day/year] [parent 1, parent 2]

### Exhibit 5.2. Options for Analyzing Time to File TPR Petitions

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How long does it take to file TPR petitions in cases?	Cases	Select a timeframe for the sample. Select a sample of cases.
Case file review	How long does it take to file TPR petitions in cases?	Cases	Select a timeframe for the sample. Select a sample of cases.

Note: \* = Recommended data source.

<sup>13</sup> 42 U.S.C § 675(5)(E).

<sup>14</sup> The OJJDP Toolkit Measure 4H: Time to Termination of Parental Rights Petition uses the date of the filing of the original abuse or neglect petition as the start date.



### **Analytic approach for *and administrative data and case file review*:**

- Document the date of the original petition filing (or date child or youth first enters foster care) [start date].
- Document the date the TPR petition was filed for each parent.
- Document race and ethnicity of the parent, race and ethnicity of the child or youth, as well as ICWA status and age of the child or youth.
- Calculate median and average days from the original petition filing date (or date child first enters foster care) to the date the TPR petition is filed for each parent.
- Disaggregate the data by race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available. Additional elements to consider include type of abuse or neglect allegations, child or youth placement type, start and end dates of any trial home visits, and date of permanency goal change (see measure 5.14).

### **Related JCAMP Measures**

- 5.3 How much time does it take until the termination of parental rights?
- 5.6 How many termination of parental rights decisions are appealed?
- 5.14 Do prosecuting (or agency or state) attorneys file motions and petitions related to permanency goals in a timely manner?

### **Related OJJDP Toolkit Measures**

See the following measures in OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 4H: Time to Termination of Parental Rights Petition. See pages 207–219 in the Toolkit Technical Guide.
- Toolkit Measure 4I: Time to Termination of Parental Rights. See pages 221–231 in the Toolkit Technical Guide.
- Toolkit Measure 4J: Timeliness of the Termination of Parental Rights Proceedings. The percentage of cases for which there is a final TPR order within 90, 120, and 180 days of the filing of the TPR petition. See pages 233–238 in the Toolkit Technical Guide.
- Toolkit Measure 4K: Time from the Disposition Hearing to Termination of Parental Rights Petition. The percentage of cases in which the TPR petition is filed within 3, 6, 12, and 18 months after the disposition hearing. See pages 239–244.

### **Supporting Research**

Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.

### **Supporting Best Practice Recommendations**

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.





American Bar Association. (2010, August). Judicial Excellence in Child Abuse and Neglect Proceedings: Principles and Standards for Court Organization, Judicial Selection and Assignment, Judicial Administration and Judicial Education.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). Enhanced resource guidelines: Improving court practice in child abuse and neglect cases. Reno, Nevada. National Council of Juvenile and Family Court Judges.



## 5.3 How much time does it take until the termination of parental rights?

This measure assesses the time to complete the TPR. The start date for this measure should be consistent with the start date selected for calculating measure 5.2 (the time to file the TPR petition), such as the date of original child abuse and neglect petition or date child or youth first enters foster care.<sup>15</sup> The end date for this measure is the date the TPR order becomes final (i.e., the date the TPR order is signed). As this date may be different for each parent, TPR order dates for each parent should be tracked. In addition, sites may want to determine whether a TPR is a voluntary relinquishment rather than a contested TPR. If possible, using administrative data is the most efficient way to document the time to TPR. If sites' data systems are not capable of this calculation, a sample of case files can be reviewed to examine time to TPR. To provide more information about TPR practice timelines, sites may consider assessing the time from original petition filing to TPR petition filing (measure 5.2), the time from TPR petition filing to the date of TPR hearing, and the time from the TPR hearing (or TPR petition filing) to the completion of the TPR (measure 5.3).

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Date of original petition filing, or date the child or youth first entered foster care [month/day/year]
- Date of TPR petition filing [month/day/year] [parent 1, parent 2]
- Date of TPR hearing [month/day/year] [parent 1, parent 2]
- Whether TPR is a voluntary relinquishment [yes/no] [parent 1, parent 2]
- Date TPR order is final [month/day/year] [parent 1, parent 2]

### Exhibit 5.3. Options for Analyzing Time to TPR

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How long does it take to complete the TPR in cases?	Cases	Select a timeframe for the sample. Select a sample of cases.
Case file review	How long does it take to complete the TPR in cases?	Cases	Select a timeframe for the sample. Select a sample of cases.

<sup>15</sup> The OJJDP Toolkit Measure 4I: Time to Termination of Parental Rights uses the date of the filing of the original child abuse and neglect petition as the start date.



Note: \* = Recommended data source.

#### ***Analytic approach for administrative data and case file review:***

- Document the date of the original petition filing (or date the child or youth first enters foster care) [start date].
- Document the date the TPR order is final for each parent.
- Document race and ethnicity of parent child, race and ethnicity of the child or youth, as well as ICWA status and age of the child or youth.
- Calculate median and average days from the original petition filing date (or date child first enters foster care) to the date the TPR is final for each parent.
- Disaggregate the data by race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available. Additional elements to consider include type of abuse or neglect allegations in the case, and whether TPR is a relinquishment.

#### ***Related JCAMP Measures***

- 5.2 How much time does it take to file the termination of parental rights petition?
- 5.6 How many termination of parental rights decisions are appealed?

#### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.
- Toolkit Measure 4H: Time to Termination of Parental Rights Petition. See pages 207–219 in the Toolkit Technical Guide.
- Toolkit Measure 4I: Time to Termination of Parental Rights. See pages 221–231 in the Toolkit Technical Guide.
- Toolkit Measure 4J: Timeliness of the Termination of Parental Rights Proceedings. See pages 233–238 in the Toolkit Technical Guide.
- Toolkit Measure 4K: Time from Disposition Hearing to Termination of Parental Rights Petition. See pages 239–244 in Toolkit Technical Guide.
- Toolkit Measure 4M: Timeliness of Adoption Proceedings. See pages 255–258 in Toolkit Technical Guide.
- Toolkit Measure 4L: Timeliness of the Adoption Petition. See pages 245–251 of the Toolkit Technical Guide.

#### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

#### ***Supporting Best Practice Recommendations***

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*



Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 5.4 How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency?

Federal and state laws require child welfare agencies to make reasonable efforts to provide services that will help families remedy the conditions that brought the child or youth and family into the child welfare system. After removal, if the case plan is to reunify the family, the child welfare agency must make reasonable efforts, or if ICWA applies, active efforts to make it possible for the child or youth to safely return home.<sup>16</sup> Every 12 months, beginning no later than 12 months after a child or youth enters foster care, the court must also determine whether reasonable efforts (or active efforts if ICWA applies), to finalize a permanency have been made.<sup>17</sup> Before analysis, consider that these reasonable efforts findings occur at multiple points in the case process.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Judge identification number
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Reasonable/active efforts to reunify finding [yes/no]
- Reasonable/active efforts to finalize permanency [yes/no]
- Type of reasonable efforts finding [efforts were made, efforts were not possible, efforts were not required, efforts were not made]

### Exhibit 5.4. Options for Analyzing Findings of Reasonable/Active Efforts

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Among cases during a selected time period, in what proportion did judges make a finding of reasonable or active efforts to reunify? In what proportion did judges make a finding of reasonable or active efforts to finalize permanency?	Cases Findings	Select a timeframe for the sample. Select a sample of cases.

<sup>16</sup> See Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272); ASFA (P.L. 105–89).

<sup>17</sup> 45 CFR § 1356.21(b)(2)(i).



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
	<p>In what proportion of hearings (by hearing type) was there a reasonable or active efforts to reunify finding?</p> <p>What proportion of hearings (by hearing type) had a reasonable or active efforts to finalize permanency finding?</p> <p>What proportion of the findings were that reasonable efforts had been made, were not made, or were not possible?</p>		
Case file review*	<p>In what proportion of cases reviewed did judges make findings of reasonable or active efforts to reunify?</p> <p>What proportion had findings of reasonable or active efforts to finalize permanency?</p> <p>In what proportion of hearings (by hearing type) were there findings of reasonable or active efforts to reunify? What proportion (by hearing type) had findings of reasonable or active efforts to finalize permanency?</p> <p>What proportion of the findings were that reasonable efforts had been made, were not made, or were not possible?</p>	Cases Hearings Findings	<p>Select a timeframe for the sample.</p> <p>Select a hearing type and timeframe for the sample.</p> <p>Select a sample of cases.</p>
Court observation	<p>Among observed hearings, at what proportion did judges make findings of reasonable or active efforts to reunify or finalize permanency?</p> <p>What proportion of the findings were that reasonable efforts had been made, were not made, or were not possible?</p>	Hearings Findings	<p>Select a timeframe for the sample.</p> <p>Select a sample of hearings.</p>
Surveys or focus groups	<p>In what hearings do court professionals report that findings of reasonable or active efforts to reunify or finalize permanency are made?</p> <p>What proportion of the findings do court professionals report are that reasonable efforts had been made, were not made, or were not possible?</p>	Hearings Findings	<p>Select a sample of court professionals to survey.</p>

Note: \* = Recommended data source.

**Analytic approach for administrative data, case file review, and/or court observation:**

- Identify the number of hearings/cases reviewed or observed.
- Count the number of those cases/hearings in which a reasonable or active efforts to reunify or finalize permanency finding was made.
- Of the findings made, count the number of reasonable/active efforts findings that are “reasonable/active efforts were made,” “reasonable/active efforts were not made,” or “reasonable/active efforts were not possible.” Sites may consider other types of findings based on local statutory language.
- Calculate a percentage for each case.



- Calculate a percentage across all hearings reviewed/observed.
- Disaggregate the data by judge, finding type, type of hearing, race of the parent, ethnicity of the parent, race of the child, ethnicity of the child, and ICWA status of the child when available.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., percentage of hearings, percentage of findings).
- Disaggregate survey findings by respondent role.

*Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.

***Related JCAMP Measures***

- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court?
- 5.7 How do courts discuss permanency?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.9 Do judges ask about parents' access to and receipt of relevant services?
- 5.10 Do judges order any relevant services to support reunification/permanency?
- 5.12 Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and/or attorney GALs advocate for reunification or other permanency in hearings?

***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. This is a permanency outcome measure, specifically, the percentage of children or youth in foster care who reach legal permanency by reunification, adoption, or legal guardianship. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 2B: Children Not Reaching Permanency. This outcome measure is the percentage of children or youth in foster care who do not reach legal permanency by reunification, adoption, or legal guardianship. Children or youth who emancipate or age out of the system with “another planned permanent living arrangement” fall within this measure. See pages 49–59 in the Toolkit Technical Guide.



- Toolkit Measure 4A: Time to Permanent Placement. Average (median) time from filing of the original petition to legal permanency (case closure). See pages 155–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.





## 5.5 How often and at what points in the case are continuances granted?

This measure provides an assessment of possible delay in the case process. Specifically, how often continuances (or postponements, re-sets, etc.) are granted and at what hearing stages of the case. See related measure 5.17, which examines the reasons judges grant continuances of hearings (including who is requesting the continuance). Sites may also consider collecting data on the length of the delay (i.e., time from granting of continuance to completion of hearing date).

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Judge identification number
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Hearing continued [yes/no]

### Exhibit 5.5. Options for Analyzing How Often and at What Points Continuances Are Granted

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	Of the cases reviewed, what proportion of hearings in the case were continued? What proportion of hearings by hearing type were continued (e.g., percentage of permanency hearings continued, etc.)?	Case Hearings	Select timeframe for the sample. Select a sample of cases.
Case file review*	Of the cases reviewed, what proportion of the hearings in the case were continued? What proportion of hearings by hearing type were continued (e.g., percentage of permanency hearing continued, etc.)?	Case Hearings	Select a timeframe for the sample. Select a sample of cases.
Surveys or focus groups	How often do court professionals report that continuances are granted? In what hearings do court professionals report continuances are typically granted?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

#### Analytic approach for **administrative data, or case file review**:

- Identify the number of cases/hearings reviewed.
- Count the number of those cases/hearings with a continuance that is granted.
- Calculate a percentage across all hearings reviewed.



- Disaggregate the data by judge, type of hearing, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., percentage of hearings).
- Disaggregate survey findings by respondent role.

*Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.

**Related JCAMP Measures**

- 5.1 How much time does it take until the first permanency hearing?
- 5.2 How much time does it take to file the termination of parental rights petition?
- 5.3 How much time does it take until the termination of parental rights?
- 5.17 Why are continuances granted?

**Related OJJDP Toolkit Measures**

- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.
- Toolkit Measure 4B: Time to Adjudication. See pages 169–174 in the Toolkit Technical Guide.
- Toolkit Measure 4C: Timeliness of Adjudication. See pages 175–179 in the Toolkit Technical Guide.
- Toolkit Measure 4D: Time to Disposition Hearing. See pages 180–186 in the Toolkit Technical Guide.
- Toolkit Measure 4E: Timeliness of Disposition Hearing. See pages 187–192 in the Toolkit Technical Guide.
- Toolkit Measure 4F: Timeliness of Case Review Hearings. See pages 193–200 in the Toolkit Technical Guide.
- Toolkit Measure 4G: Time to First Permanency Hearing. See pages 201–208 in the Toolkit Technical Guide.
- Toolkit Measure 4I: Time to Termination of Parental Rights. See pages 221–231 in the Toolkit Technical Guide.
- Toolkit Measure 4J: Timeliness of Termination of Parental Rights Proceedings. See pages 233–238 in the Toolkit Technical Guide.
- Toolkit Measure 4K: Time from Disposition Hearing to Termination of Parental Rights Petition. See pages 239–244 in the Toolkit Technical Guide.
- Toolkit Measure 4M: Timeliness of Adoption Proceedings. See pages 255–258 in the Toolkit Technical Guide.

**Supporting Research**

Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.



Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada.*

***Supporting Best Practice Recommendations***

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies.*

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.



## 5.6 How many termination of parental rights decisions are appealed?

For this measure, cases must have had an order finalizing the termination of parental rights (see measure 5.3) and the ability to collect data (via administrative data systems or case file review) about whether those TPR orders were appealed or not. Sites may also wish to consider collecting data about who is appealing the TPR and the result of the appeal.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Date TPR order is final [month/day/year] [parent 1, parent 2]
- Whether TPR order is appealed [yes/no] [parent 1, parent 2]
- Result of appeal [withdrawn, unsuccessful, successful]

### Exhibit 5.6. Options for Analyzing How Many TPRs Are Appealed

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How many TPR orders are appealed?	Cases	Select a timeframe for the sample. Select a sample of cases.
Case file review*	How many TPR orders are appealed?	Cases	Select a timeframe for the sample. Select a sample of cases.

Note: \* = Recommended data source.

### Analytic approach for **administrative data and case file review**:

- Document the number of TPR orders for each parent in the cases reviewed.
- Document the number of applications for appeal (if applicable), and number of applications granted (if applicable).
- Count the number of those TPR orders that are appealed.
- Calculate the percentage of all TPR orders that are appealed.
- Document race and ethnicity of the parent, race and ethnicity of the child or youth, as well as ICWA status and age of the child or youth.
- Disaggregate the data by race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available. Additional elements to consider include who appealed the TPR and the result of the appeal.

### Related JCAMP Measures

- 3.5 How do parent attorneys ensure they provide high-quality legal representation?
- 5.3 How much time does it take until the termination of parental rights?



### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.
- Toolkit Measure 4I: Time to Termination of Parental Rights. See pages 221–231 in the Toolkit Technical Guide.
- Toolkit Measure 4J: Timeliness of the Termination of Parental Rights Proceedings. See pages 233–238 in the Toolkit Technical Guide.
- Toolkit Measure 4M: Timeliness of Adoption Proceedings. See pages 255–258 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act*.



## 5.7 How do courts discuss permanency?

This measure assesses the breadth, range, and depth of important topics discussed in hearings related to achieving permanency in the case. The discussion topics listed here cover key topics related to permanency, but sites can modify this list of key discussion topics to specifically address their own measurement priorities. Sites may also consider tracking who (e.g., judge, parent attorney, child or youth attorney or attorney GAL, or prosecuting [state or agency] attorney) contributes to the discussion of permanency in the hearing.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Parent(s) present at hearing [yes/no]
- Child or youth present at hearing [yes/no]
- Attorney for parent present at hearing [yes/no] [parent 1, parent 2]
- Attorney and/or attorney GAL present for child or youth [yes/no]
- Attorney representing the state or agency present [yes/no]
- Topics discussed during hearing [yes/no]
- Depth of discussion by courts of important issues in the hearing [0 = no discussion, 1 = 1 statement, 2 = 2–3 statements, 3 = more than 3 statements]:
  - Do they discuss reasonable or active efforts to reunify or finalize permanency?
  - Do they discuss concrete steps to achieve permanency?
  - Do they discuss barriers to finalize permanency?
  - Do they discuss the timeline to achieve permanency?
  - Do they discuss parent involvement in the case plan?
  - Do they discuss child or youth involvement in permanency planning?
  - Do they discuss the nature, extent, and quality of family time, including family time with siblings?



## Exhibit 5.7. Options for Analyzing Permanency Discussion Topics During Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	<p>Among observed hearings, how many permanency topics are discussed?</p> <p>Among observed hearings, how detailed is the discussion of each topic?</p> <p>Among topics discussed, which do judges inquire about? Which topics do parent attorneys, child or youth attorneys and/or attorney GALs inquire about?</p> <p>Among observed hearings, does the number of topics or depth of discussion vary by whether parents or children or youth are present?</p>	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Survey or focus groups	<p>Which permanency topics are commonly discussed during hearings?</p> <p>Typically, how detailed is the discussion of each topic?</p> <p>Typically, does the number of topics or depth of discussion vary by whether parents or children or youth are present? By whether child or youth attorneys or attorney GALs are present?</p>	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

### *Analytic approach for **court observation**:*

- Count the number of hearings observed.
- Count the number of hearings in which a topic is discussed.
- Calculate the percentage of hearings in which a given topic is discussed.
- Calculate the average depth of discussion of each topic observed (coded on a scale of 0–3).
- Calculate the average number of topics discussed in which the judge, parent attorney, and attorney and/or attorney GAL for the child or youth inquired about the topic for each hearing type.
- Disaggregate the data by type of hearing, whether a parent was present, whether a child or youth was present, whether parent attorneys were present, whether child or youth attorneys and/or attorney GALs were present, child or youth placement type, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

### *Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.



### **Related JCAMP Measures**

- 1.1 Do parents attend hearings?
- 1.2 Do children and youth attend hearings?
- 1.11 Are important issues discussed in hearings?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.9 Do judges ask about parents' access to and receipt of relevant services?
- 5.10 Do judges order any relevant services to support reunification/permanency?
- 5.11 How do court orders address family time?
- 5.12 Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and/or attorney GALs advocate for reunification or other permanency in hearings?
- 5.18 Do parents feel their voices were heard in permanency planning discussions?
- 5.22 Do children and youth feel that their voices were heard in permanency decisions?

### **Related OJJDP Toolkit Measures**

- Toolkit Measure 2A: Achievement of Child Permanency. This is a permanency outcome measure, specifically, the percentage of children or youth in foster care who reach legal permanency by reunification, adoption, or legal guardianship. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 2B: Children Not Reaching Permanency. This outcome measure is the percentage of children or youth in foster care who do not reach legal permanency by reunification, adoption, or legal guardianship. Children or youth who emancipate or age out of the system with “another planned permanent living arrangement” fall within this measure. See pages 49–59 in the Toolkit Technical Guide.

### **Supporting Research**

- Summers, A. (2017). *Exploring the relationship between hearing quality and case outcomes in New York*. New York State Unified Court System Child Welfare Court Improvement Project.
- Summers, A., & Gatowski, S. (2018). *Nevada hearing quality study: Examining the quality of child welfare court hearing practice in Nevada*.
- Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review*, 82, 490–498.





### ***Supporting Best Practice Recommendations***

American Bar Association. (1996, February). *Standards of practice for lawyers who represent children in child abuse and neglect cases.*

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*



## 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?

Judicial inquiry in hearings should be considered in the broader context of the hearing. Judges may not ask questions about what is preventing a child or youth from returning home today if that information has already been provided in court. Alternatively, the question may not be asked if the child or youth is currently placed with a parent on a trial home visit or the child or youth has already been reunified but the court is monitoring the case before closure.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Did judges ask about what is preventing the child or youth from returning home today? [yes/no]

### Exhibit 5.8. Options for Analyzing Judicial Inquiry About What Is Preventing the Child or Youth From Safely Returning Home Today?

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings, in what proportion did judges inquire about what was preventing the child or youth from safely returning home today?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Survey or focus groups*	How often (and at what hearing types) do judges inquire about what is preventing the child or youth from returning home today?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

#### *Analytic approach for **court observation**:*

- Count the numbers of hearings observed.
- Count the number of hearings in which the judge inquired about what is preventing the child or youth from returning home today.
- Disaggregate the data judge, type of hearing, by race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.



### *Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, hearing type.

### *Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.

### ***Related JCAMP Measures***

- 1.11 Are important issues discussed in hearings?
- 4.1 How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal? How often is the finding that the agency made “no reasonable efforts”?
- 4.2 How do courts discuss safety and removal?
- 4.3 How do courts discuss the agency’s reasonable or active efforts to prevent removal?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency’s reasonable or active efforts to the court?
- 4.7 Do judges ask about the agency’s efforts to prevent removal?
- 4.8 Do judges make detailed reasonable or active efforts findings that explain how the agency has worked with the family to prevent removal?
- 4.9 Do judges consider parents’ protective capacities in determining whether to removal, maintain, or return the child home?
- 4.10 Do parents understand the safety threats to the child and how those led to the child’s removal?
- 4.11 Do parents understand the conditions for return of the child?
- 4.12 Do parents believe that the judge considered their protective capacities in decision-making regarding removal and return?
- 5.4 How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency?
- 5.7 How do courts discuss permanency?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and or attorney GALs advocate for reunification or other permanency in hearings?

### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 1A: Child Safety While Under Court Jurisdiction. See pages 21–30 in the Toolkit Technical Guide.
- Toolkit Measure 1B: Child Safety After Release from Court Jurisdiction. See pages 31–36 in the Toolkit Technical Guide.



- Toolkit Measure 2A: Achievement of Child Permanency. See pages 37–48 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 5.9 Do judges ask about parents’ access to and receipt of relevant services?

This permanency measure assesses whether judges ask questions in hearings about parents’ access to and receipt of relevant services. Judicial inquiry in hearings should be considered in the broader context of the hearing, as it may not be applicable to ask about access to and receipt of services given the circumstances or stage of the case (e.g., if a parent is deceased or parental rights have previously been terminated).

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Did judges ask about parents’ access to services? [yes/no] [parent 1, parent 2]
- Did judges ask about parents’ receipt of services? [yes/no] [parent 1, parent 2]

### Exhibit 5.9. Options for Analyzing Judicial Inquiry About Parents’ Access to and Receipt of Services

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	Among observed hearings (by hearing type), in what proportion did judges ask about parents’ access to services? Among observed hearings (by hearing type), in what proportion did judges ask about parents’ receipt of services?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Survey or focus groups*	How often (and at what hearing types) do judges ask about parents’ access to services? How often (and at what hearing types) do judges ask about parents’ receipt of services?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

#### Analytic approach for **court observation**:

- Count the numbers of hearings observed.
- Count the number of hearings in which the judge asked about parents’ access to services.
- Count the number of hearing in which the judge asked about parents’ receipt of services.



- Disaggregate the data by judge, type of hearing, attendance of parents, attendance of child or youth, attendance of parent attorneys, attendance of attorney for the child or youth and/or attorney GAL, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent role, hearing type.

*Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.

*Related **JCAMP Measures***

- 1.11 Are important issues discussed in hearings?
- 3.5b Do parent attorneys advocate for parents in hearings?
- 3.6b Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?
- 3.8 Are parents satisfied with their attorneys' representation?
- 3.9 Are children and youth satisfied with their legal representation?
- 3.10 How do parents, children, and youth feel they were treated by prosecuting (or agency or state) attorneys?
- 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?
- 4.6 Do prosecuting (or agency or state) attorneys offer information or evidence about the agency's reasonable or active efforts to the court?
- 4.8 Do judges make detailed reasonable or active efforts findings that explain how the agency has worked with the family to prevent removal?
- 5.7 How do courts discuss permanency?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?
- 5.10 Do judges order any relevant services to support reunification or permanency?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and or attorney GALs advocate for reunification or other permanency in hearings?
- 5.20 Do parents feel services met their needs and assisted them in reunification?

*Related **OJJDP Toolkit Measures***

- Toolkit Measure 4A: Time to Permanent Placement. See pages 157–168 in the Toolkit Technical Guide.

***Supporting Research***

No research has been found that links this measure to outcomes for children or families.



### ***Supporting Best Practice Recommendations***

American Bar Association. (2008, August 11). *Reducing racial disparities in the child welfare system*. Recommendation Approved by the American Bar Association House of Delegates.

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 5.10 Do judges order any relevant services to support reunification/permanency?

Judicial orders may include checkboxes or narrative or both, so all documentation should be reviewed, including the final order that results from the hearings.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Judge orders relevant services to support reunification or other permanency goal [yes/no] [number and type of services ordered for parents and for child or youth]

### Exhibit 5.10. Options for Analyzing Whether Judges Order Any Relevant Services to Support Reunification/Permanency

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	What proportion of hearings reviewed (by hearing type) generated judicial orders for services to support reunification or some other permanency? What types of services were ordered for parents? What types of services were ordered for children or youth?	Hearings Orders Cases	Select a timeframe for the sample. Select a sample of cases.
Court observation	Among observed hearings, in what proportion (by hearing type) did judges order services to support reunification or some other permanency? What types of services were ordered for parents? What types of services were ordered for children or youth?	Hearings	Select a timeframe for the sample. Select a sample of hearings.
Survey or focus groups	How often, and in what types of hearings, do judges order relevant services to support reunification or permanency? What types of services are typically ordered for parents? For children and youth?	Hearings Cases	Select a sample of court professionals and parents

Note: \* = Recommended data source.

#### Analytic approach for **case file review** and **court observation**:

- Identify the number of hearings reviewed or observed.





- Identify the number of hearings in which the judge ordered relevant services to support reunification or permanency.
- Count the number of services ordered and types of services ordered for parents and for children or youth.
- Disaggregate the data by judge, type of hearing, child or youth placement type, permanency goal, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by hearing type and respondent type.

*Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.

***Related JCAMP Measures***

- 1.11 Are important issues discussed in hearings?
- 3.5b Do parent attorneys advocate for parents in hearings?
- 3.6b Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?
- 3.8 Are parents satisfied with their attorneys' representation?
- 3.9 Are children and youth satisfied with their legal representation?
- 3.10 How do parents, children, and youth feel they were treated by the prosecuting (or agency or state) attorneys?
- 5.7 How do courts discuss permanency?
- 5.9 Do judges ask about parents' access to and receipt of relevant services?
- 5.12 Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and or attorney GALs advocate for reunification or other permanency in hearings?
- 5.20 Do parents feel services met their needs and assisted them in reunification?



### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 4A: Time to Permanent Placement. See pages 157–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa: our community's work: Trauma-informed benchbook for tribal justice systems.*

American Bar Association. (2010, August). *Judicial excellence in child abuse and neglect proceedings: Principles and standards for court organization, judicial selection and assignment, judicial administration and judicial education.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.

U.S. Department of the Interior, Office of the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs. (2016, December). *Guidelines for implementing the Indian Child Welfare Act.*



## 5.11 How do court orders address family time?

Judicial orders may include checkboxes or narrative or both, so all documentation in judicial orders resulting from hearings should be reviewed for reference to family time. Detail might include the need for visitation, visitation schedule (e.g., how often and for how long), whether visits are to be supervised, monitored or unsupervised (if monitored or supervised, by whom and justification for monitoring or supervision), the visitation setting, visitation with siblings, and any changes to visitation. What items should be included in written family time orders to be considered “detailed” should be locally defined as the most meaningful to sites measurement priorities. It is also important to consider that judicial orders may not have specific details about family time (e.g., parent is not part of the case plan, so visitation is not an issue or parents are deceased or parental rights have been terminated).

In defining the type of detail, consider whether there are family time factors that are more important locally for consideration, such as whether the family time order references “least restrictive” or “most family like”. Sites may decide that it is important to be able to determine how often family time orders include a reference to whether it is least restrictive or most family like, concepts important to meaningful family time. Tracking these types of detail within the measure of family time will allow a more nuanced understanding of family time.

Family time changes across the life of a case, so it may be important to measure it at every hearing or a specific point in time, depending on performance measurement goals.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Judge identification number
- Whether the judge makes a written order for family time/visitation [yes/no]
- Whether the finding includes detail about the how the agency worked with the family [yes/no]. If yes, what details are included? [supervised, monitored, unsupervised, family like setting, other details defined by site]. May also include a rating of level of detail in orders on a scale [0 = no detail, 1 = item only, 2 = 2–3 items].

### Exhibit 5.11. Options for Analyzing Written Orders for Family Time

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	What proportion of judges' written orders contain detailed language about family time?	Orders	Select a timeframe for the sample. Select a sample of cases.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
	How detailed about family time are judges' written orders?		
Survey or focus groups	What proportion of judicial family time orders do court professionals believe are detailed? In what ways are they detailed?	Orders	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

**Analytic approach for case file review:**

- Identify the number of orders reviewed.
- Identify the number of orders that include a specific family time order.
- Count the number of orders that provide detail (e.g., supervision or monitoring, justification for supervision or monitoring, schedule, setting, visitation with siblings, other items as defined by site).
- Calculate the percentage of orders that are detailed.
- Count the number of orders that contain specific detail (as defined above or locally, this could include references to least restrictive or most family like)
- Calculate the percentage of family time orders that contain specific details (as defined above or locally).
- Calculate the average level of detail of written family time orders on scale of 0–3.
- Disaggregate the data by judge, parent, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for surveys:**

- Calculate the frequency of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth (if asked on survey).

**Analytic approach for focus groups:**

- Qualitatively code focus group transcripts by reviewing them for themes.

**Related JCAMP Measures**

- 1.11 Are important issues discussed in hearings?
- 3.10 How do parents, children, and youth feel they were treated by the prosecuting (or agency or state) attorneys?
- 5.7 How do courts discuss permanency?
- 5.11 How do court orders address family time?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and or attorney GALs advocate for reunification or other permanency in hearings?



- 5.21 Do parents feel they were able to engage in meaningful family time?

***Related OJJDP Toolkit Measures***

No related OJJDP Toolkit measures.

***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

***Supporting Best Practice Recommendations***

Aleut Community of St. Paul Island Tribal Government. (n.d.). *Tanam Awa'a our community's work: Trauma-informed benchbook for tribal justice systems*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.

Lund, T., & Renne, J. (2009). *Child safety: A guide for judges and attorneys*. American Bar Association Center on Children and the Law.



## 5.12 Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?

This measure requires that judges have made reasonable or active efforts to achieve permanency in the case. Of those findings, this measure examines the number that included detail explaining how the agency has worked to reunify the family or achieve permanency. Before analysis, consider that reasonable or active efforts findings to achieve permanency occur at multiple points in the case process.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Judge identification number
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Reasonable/active efforts to reunify finding [yes/no]
- Reasonable/active efforts to finalize permanency [yes/no]
- Type of reasonable efforts finding [efforts were made, efforts were not possible, efforts were not required, efforts were not made]
- Reasonable/active efforts to reunify finding includes detailed explanation of how agency worked to reunify [yes/no]
- Reasonable/active efforts to finalize permanency includes detailed explanation of how agency has worked to finalize permanency [yes/no]

### Exhibit 5.12. Options for Analyzing Findings of Reasonable/Active Efforts for Explanation of How Agency Has Worked to Reunify or Achieve Permanency

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	<p>In what proportion of cases reviewed did judges make findings of reasonable or active efforts to reunify or finalize permanency?</p> <p>What proportion of the findings were that reasonable or active efforts had been made, were not made, or were not possible?</p> <p>What proportion of findings (by finding type) also included a detailed explanation of how the agency has worked to reunify or achieve permanency?</p>	Findings Cases	Select a timeframe for the sample. Select a sample of cases.



Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	<p>Among observed hearings, at what proportion did judges make findings of reasonable or active efforts to reunify or finalize permanency?</p> <p>What proportion of findings were that reasonable or active efforts had been made, were not made, or were not possible?</p> <p>What proportion of findings (by finding type) also gave a detailed explanation of how the agency has worked to reunify or achieve permanency?</p>	Findings Hearings	Select a timeframe for the sample. Select a sample of hearings.
Survey or focus groups	When judges make findings of reasonable or active efforts to reunify or finalize permanency, do those findings also provide a detailed explanation of how the agency has worked to reunify or finalize permanency? How often and at what hearings do court professionals report that this occurs?	Findings Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

**Analytic approach for *administrative data, case file review, and/or court observation*:**

- Identify the number of cases/hearings reviewed or observed.
- Count the number of those cases/hearings in which a reasonable or active efforts to reunify or finalize permanency finding was made.
- Of the findings made, count the number of reasonable/active efforts findings that are “reasonable/active efforts were made,” “reasonable/active efforts were not made,” or “reasonable/active efforts were not possible.” Sites may consider other types of findings based on local statutory language.
- Of the findings made, count the number that include a detailed explanation of how the agency has worked to reunify or finalize permanency.
- Calculate the percentage of all findings (by finding type) reviewed or observed that included detailed explanations of how the agency worked to reunify or finalize permanency.
- Disaggregate the data by judge, finding type, type of hearing, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

**Analytic approach for *surveys*:**

- Calculate the frequency of each response option (e.g., percentage of findings with detailed explanations).
- Disaggregate survey findings by respondent role.

**Analytic approach for *focus groups*:**

- Qualitatively code focus group transcripts by reviewing them for themes.



### ***Related JCAMP Measures***

- 1.11 Are important issues discussed in hearings?
- 5.7 How do courts discuss permanency?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.9 Do judges ask about parents' access to and receipt of relevant services?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?

### ***Related OJJDP Toolkit Measures***

See the following measures in OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 2A: Achievement of Child Permanency. This is a permanency outcome measure, specifically, the percentage of children or youth in foster care who reach legal permanency by reunification, adoption, or legal guardianship. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 2B: Children Not Reaching Permanency. This outcome measure is the percentage of children or youth in foster care who do not reach legal permanency by reunification, adoption, or legal guardianship. Children or youth who emancipate or age out of the system with “another planned permanent living arrangement” fall within this measure. See pages 49–59 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.





### 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?

This measure should be considered in relation to local practice. For example, consider whether information presented should include only evidence, strictly defined, or if other information will be included. It is also important to consider whether the way the information is presented (e.g., agency report, caseworker testimony, other testimony) and the type of information (e.g., contacts, services provided, etc.) are important to measure to provide additional context.

#### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Prosecuting (or agency or state) attorney present [yes/no]
- Prosecuting (or agency or state) attorney presented Information about reasonable or active efforts to reunify or finalize permanency [yes/no]
- Ways information is presented [agency report, caseworker testimony, other testimony]
- Type of information presented [contacts, home visits, referrals for services, services provided, and other items locally defined]

#### Exhibit 5.13. Options for Analyzing Prosecuting (or Agency or State) Attorneys' Reasonable or Active Efforts to Reunify or Finalize Permanency Information

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	In what proportion of hearings do prosecuting (or agency or state) attorneys offer reasonable or active efforts to reunify or finalize permanency information? How is the information presented (e.g., testimony, reports) by hearing type? What type of information is presented (e.g., contacts, services provided) by hearing type?	Hearings	Select a timeframe and a sample of hearings.
Surveys or focus groups	How frequently do prosecuting (or agency or state) attorneys present information on reasonable or active efforts to reunify or finalize permanency? In what hearing types do prosecuting (or agency or state) attorneys present information on reasonable or active efforts to reunify or finalize permanency? How is that information presented (e.g., testimony, reports), and what type of information (e.g., information about contacts, services provided) is presented?	Hearings	Select a sample of court professionals.

Note: \* = Recommended data source.



#### ***Analytic approach for court observation:***

- Count the number of hearings observed.
- Count the number of hearings in which prosecuting (or agency or state) attorneys offer reasonable or active efforts to reunify or finalize permanency information.
- Calculate the proportion of hearings in which prosecuting (or agency or state) attorneys offer reasonable or active efforts to reunify or finalize permanency information.
- Disaggregate the data by whether a parent was present, whether a child or youth was present, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

#### ***Analytic approach for surveys:***

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type (if applicable).

#### ***Analytic approach for focus groups:***

- Qualitatively code focus group transcripts by reviewing them for themes.

#### ***Related JCAMP Measures***

- 1.11 Are important issues discussed in hearings?
- 3.3 Do prosecuting (or agency or state) attorneys attend hearings?
- 3.7b How do prosecuting (or agency or state) attorneys advocate in hearings?
- 3.7c Do prosecuting (or agency or state) attorneys prepare in between hearings?
- 3.10 How do parents, children, and youth feel they were treated by prosecuting (or agency or state) attorneys?
- 5.7 How do courts discuss permanency?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.9 Do judges ask about parents' access to and receipt of relevant services?
- 5.12 Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?

#### ***Related OJJDP Toolkit Measures***

No related OJJDP Toolkit measures.

#### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

#### ***Supporting Best Practice Recommendations***

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.



## 5.14 Do prosecuting (or agency or state) attorneys file motions and petitions related to permanency goals in a timely manner?

This measure assesses the timeliness with which prosecuting (or agency or state) attorneys file motions and petitions to achieve permanency in cases. This should include the timeliness with which prosecuting (or agency or state) attorneys motion the court to return a child or youth home, as well as other permanency options such as the timely filing of TPR petitions, or petitions for guardianship or third-party custody. To assess the timeliness of motions to return home, guardianship or third-party custody petitions, the start and end times for measurement should be locally defined. For example, for the timeliness of a motion to return home the start date for measurement may be the date of removal, date of original petition filing, or date the child or youth first entered care.

To assess the timeliness of TPR petitions, federal and state statutory guidance for TPR petition timeframes should be used. For example, time for filing of the TPR petition should be measured from the date the child's or youth's permanency goal in the case first changes (e.g., from reunification to another type of permanency such as adoption or guardianship) to the date the TPR petition is filed. As parents may have different TPR petition filing dates, both should be tracked. If possible, using administrative data is the most efficient way to document the time to TPR petition in cases. But if sites' data systems are not capable of calculating permanency goal date changes and TPR petition filing dates, a sample of case files can be reviewed to examine time from permanency goal change to TPR petition filing.

### **Variables to consider:**

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of child [DOB: month/day/year]
- Date child or youth first entered care/removal date [month/day/year]
- Date of motion to return home [month/day/year]
- Date permanency goal changed [month/day/year]
- Date TPR petition is filed [month/day/year] [parent 1, parent 2]
- Date of guardianship petition [month/day/year]
- Date of third-party custody petition [month/day/year]



### Exhibit 5.14. Options for Analyzing Whether Prosecuting (State or Agency) Attorneys File Motions or Petitions Related to Permanency Goals in a Timely Manner

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Administrative data*	How long does it take from the date of removal (original petition filing or date child or youth first entered care) for motions to return home? How long does it take to file TPR petitions in cases after the permanency goal changes? How long does it take to file guardianship petitions? How long does it take to file third-party custody petitions?	Cases	Select a timeframe for the sample. Select a sample of cases.
Case file review	How long does it take from the date of removal (original petition filing or date child or youth first entered care) for motions to return home? How long does it take to file TPR petitions in cases after the permanency goal changes? How long does it take to file guardianship petitions? How long does it take to file third-party custody petitions?	Cases	Select a timeframe for the sample. Select a sample of cases.

Note: \* = Recommended data source.

#### Analytic approach for **and administrative data and case file review**:

- Document the date of removal (or date of original petition filing, or date child or youth first entered care)
- Document the date of motion to return home.
- Document the date the permanency goal changed (and was approved by the court).
- Document the date the TPR petition was filed for each parent.
- Document the date of the petition for guardianship filing.
- Document the date of the petition for third-party custody.
- Document race and ethnicity of the parent, race and ethnicity of the child or youth, as well as ICWA status and age of the child or youth.
- Calculate median and average days from measurement start dates to end dates (e.g., for TPR petition timeliness, calculate the median and average days from the permanency goal change date to the date the TPR petition is filed for each parent.
- Disaggregate the data by race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available. Additional elements to consider include type of abuse or neglect allegations, child or youth placement type, and start and end dates of any trial home visits.



### **Related JCAMP Measures**

- 5.1 How much time does it take until the first permanency hearing?
- 5.3 How much time does it take until the termination of parental rights?
- 5.4 How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency?
- 5.6 How many termination of parental rights decisions are appealed?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.15 Do parent attorneys advocate for reunification in hearings?
- 5.16 Do child or youth attorneys and/or attorney GALs advocate for reunification or other permanency in hearings?

### **Related OJJDP Toolkit Measures**

See the following measures in the OJJDP's 2008 Court performance measures in child abuse and neglect cases: Technical guide:

- Toolkit Measure 4A: Time to Permanent Placement. Average (median) time from filing of the original petition to legal permanency (case closure). See pages 155–168 in the Toolkit Technical Guide.
- Toolkit Measure 4H: Time to Termination of Parental Rights Petition. See pages 207–219 in the Toolkit Technical Guide.
- Toolkit Measure 4I: Time to Termination of Parental Rights. See pages 221–231 in the Toolkit Technical Guide.
- Toolkit Measure 4J: Timeliness of the Termination of Parental Rights Proceedings. The percentage of cases for which there is a final TPR order within 90, 120, and 180 days of the filing of the TPR petition. See pages 233–238 in the Toolkit Technical Guide.
- Toolkit Measure 4K: Time from the Disposition Hearing to Termination of Parental Rights Petition. The percentage of cases in which the TPR petition is filed within 3, 6, 12, and 18 months after the disposition hearing. See pages 239–244 in the Toolkit Technical Guide.

### **Supporting Research**

No research has been found that links this measure to outcomes for children or families.

### **Supporting Best Practice Recommendations**

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies*.

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 5.15 Do parent attorneys advocate for reunification in hearings?

To collect data on this measure, parent attorneys' attendance at hearings must first be tracked. Case context must also be considered when collecting data on this measure. Parent attorney advocacy for reunification, for example, may not be needed if the child or youth is placed in a trial home visit or has already been reunified with a parent(s) but the case is open for monitoring. Some example indicators of parent attorneys' advocacy for reunification in hearings are included below. Addition of indicators of parent attorney's advocacy for reunification should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Parent present in hearing [yes/no] [parent 1, parent 2]
- Parent attorneys present in hearing [yes/no] [parent 1, parent 2]
- Whether a parent attorney advocates for reunification in the hearing [yes/no]:
  - Do they advocate for tailored services to support reunification in hearings?
  - Do they advocate for family time/visitation in hearings?
  - Do they advocate for placement in hearings?

### Exhibit 5.15. Options for Analyzing Parent Attorneys' Advocacy for Reunification in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	In what proportion of hearings do parent attorneys advocate for reunification? What type of advocacy? For example, what proportion of hearings do parent attorneys advocate for visitation, tailored services, or placement?	Hearings	Select a timeframe and a sample of hearings.
Surveys or focus groups	How often do parent attorneys advocate for reunification in hearings, and what does that advocacy typically look like?	Cases	Select a sample of (1) parent attorneys or other court professionals and (2) parents.

Note: \* = Recommended data source.

#### Analytic approach for **court observation**:

- Count the number of hearings observed.



- Count the number of those hearings in which the parent attorney advocates for reunification.
- Calculate the proportion of hearings in which the parent attorney advocates for reunification.
- Count the number of instances of parent attorney advocacy for visitation, tailored services, placement, and other locally defined indicators of reunification advocacy.
- Calculate the proportion of hearings in which the parent attorney advocates for visitation, tailored services, placement, and other locally defined indicators of reunification advocacy.
- Disaggregate the data by whether a parent was present, whether a child or youth was present, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

*Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.

***Related JCAMP Measures***

- 1.1 Do parents attend hearings?
- 1.11 Are important issues discussed in hearings?
- 2.3 Are advocates for parents appointed early in the case?
- 3.1 Do parent attorneys attend hearings?
- 3.5a Does the same parent attorney represent the parent throughout the case?
- 3.5b Do parent attorneys advocate for parents in hearings?
- 3.5c Do parent attorneys prepare in between hearings?
- 3.8 Are parents satisfied with their attorneys' representation?
- 5.7 How do courts discuss permanency?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?

***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. This is a permanency outcome measure, specifically, the percentage of children or youth in foster care who reach legal permanency by reunification, adoption, or legal guardianship. See pages 37–48 in the Toolkit Technical Guide.



- Toolkit Measure 2B: Children Not Reaching Permanency. This outcome measure is the percentage of children or youth in foster care who do not reach legal permanency by reunification, adoption, or legal guardianship. Children or youth who emancipate or age out of the system with “another planned permanent living arrangement” fall within this measure. See pages 49–59 in the Toolkit Technical Guide.
- Toolkit Measure 4A: Time to Permanent Placement. Average (median) time from filing of the original petition to legal permanency (case closure). See pages 155–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases.*





## 5.16 Do child or youth attorneys and/or attorney GALs advocate for reunification or other permanency in hearings?

For this measure, attorneys and/or attorney GALs for the child or youth must be present at hearings. Case context should also be considered when collecting data on this measure. If the child or youth is placed with parents or parental rights have already been terminated, for example, then advocacy for reunification may not be observed in the hearing. Some example indicators of child or youth attorneys' and/or attorney GALs' advocacy for reunification and permanency in hearings are included below. Addition of indicators of attorney advocacy for reunification and permanency should be based on sites' own measurement priorities and efforts to evaluate the quality of legal representation.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Hearing date [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Child or youth present in hearing [yes/no]
- Child or youth attorney and/or attorney GAL present in hearing [yes/no]
- Whether child or youth attorneys and/or attorney GALs advocate for reunification or permanency in the hearing [yes/no]. Sites may also distinguish by specific type of permanency (e.g., reunification [yes/no], guardianship [yes/no], adoption [yes/no], etc.). Indicators of advocacy for reunification or permanency include the following:
  - Do they advocate for tailored services to support reunification in hearings?
  - Do they advocate for family time/visitation in hearings, including with siblings?
  - Do they advocate for placement in hearings?
  - Do they advocate for exploration of relative resources for permanency?
  - Do they advocate for guardianship or adoption and not for APPLA (aging out of foster care)?
  - When APPLA is the appropriate goal, do they advocate for tailored services to support the youth's transition to independent living?



## Exhibit 5.16. Options for Analyzing Child or Youth Attorneys' and/or Attorney GALs' Advocacy for Reunification and Permanency in Hearings

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Court observation*	In what proportion of hearings do child or youth attorneys and/or attorney GALs advocate for reunification and permanency? In what proportion of hearings do attorneys or attorney GALs advocate for visitation, tailored services, placement, relative exploration, etc.?	Hearings	Select a timeframe and a sample of hearings.
Surveys or focus groups	How often (and in what type of hearings) do child or youth attorneys and/or attorney GALs advocate for reunification and permanency in hearings, and what does that advocacy typically look like?	Hearings Cases	Select a sample of (1) child or youth attorneys and/or attorney GALs or other court professionals and (2) children or youth.

Note: \* = Recommended data source.

### *Analytic approach for **court observation**:*

- Count the number of hearings observed.
- Count the number of those hearings in which the child or youth attorney and/or attorney GAL advocates for reunification or other permanency.
- Calculate the proportion of hearings in which the child or youth attorney and/or attorney GAL advocates for reunification or other permanency.
- Count the number of instances of child or youth attorney and/or attorney GAL advocacy for visitation, tailored services, placement, relative exploration, etc., and other locally defined indicators of reunification and permanency advocacy.
- Calculate the proportion of hearings in which the child or youth attorney and/or attorney GAL advocates for visitation, tailored services, placement, relative exploration, etc., and other locally defined indicators of reunification and permanency advocacy.
- Disaggregate the data by whether a child or youth was present, race of the child or youth, ethnicity of the child or youth, age of the child or youth, and ICWA status of the child or youth when available.

### *Analytic approach for **surveys**:*

- Calculate the frequency and average of each response option (e.g., always, sometimes, never).
- Disaggregate the data by respondent type and hearing type.

### *Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.



### ***Related JCAMP Measures***

- 1.2 Do children or youth attend hearings?
- 1.11 Are important issues discussed in hearings?
- 2.2 Are child or youth attorneys and/or attorney GALs appointed early in the case?
- 3.2 Do child or youth attorneys and/or attorney GALs attend hearings?
- 3.6a Does the same child or youth attorney or attorney GAL represent the child or youth throughout the case?
- 3.6b Do child or youth attorneys and/or attorney GAL advocate for children and youth in hearings?
- 3.6c Do child or youth attorneys and/or attorney GALs prepare in between hearings?
- 3.9 Are children and youth satisfied with their legal representation?
- 5.7 How do courts discuss permanency?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?

### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. This is a permanency outcome measure, specifically, the percentage of children or youth in foster care who reach legal permanency by reunification, adoption, or legal guardianship. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 2B: Children Not Reaching Permanency. This outcome measure is the percentage of children or youth in foster care who do not reach legal permanency by reunification, adoption, or legal guardianship. Children or youth who emancipate or age out of the system with “another planned permanent living arrangement” fall within this measure. See pages 49–59 in the Toolkit Technical Guide.
- Toolkit Measure 4A: Time to Permanent Placement. Average (median) time from filing of the original petition to legal permanency (case closure). See pages 155–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

National Association of Counsel for Children. (2021). *Recommendations for legal representation of children and youth in neglect and abuse proceedings.*



## 5.17 Why are continuances granted?

This measure explores the reasons why continuances are granted. See related measure 5.5, which examines how often and at what points in the case continuances are granted.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Race of the child or youth
- Ethnicity of the child or youth
- ICWA status of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Judge identification number
- Hearing dates [month/day/year]
- Hearing type [initial/shelter care hearing, adjudication, disposition, etc.]
- Hearing continued [yes/no]
- Reasons for continuance:
  - Needs new attorney/new attorney GAL
  - Service not perfected
  - Attorney needs more time to prepare
  - Witness/party not present
  - Attorney unavailable
  - Court rescheduling/conflict
  - Report missing
- Who is requesting the continuance (court, parent attorney, child or youth attorney and/or attorney GAL, state or agency attorney, other)?

### Exhibit 5.17. Options for Analyzing Reasons for Granting Continuances

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Case file review*	When hearings are continued, what proportion of those hearings are continued for specific reasons? When hearings are continued, what proportion of those continuances are requested by specific parties?	Cases Hearings	Select a timeframe for the sample. Select a sample of cases.
Surveys or focus groups	What do court professionals report are the reasons why continuances are granted? Who do court professionals report are the parties who typically request continuances?	Hearings	Select a sample of court professionals to survey.

Note: \* = Recommended data source.

#### Analytic approach for **case file review**:

- Identify the number of cases/hearings reviewed.
- Count the number of those cases/hearings with a continuance that is granted.
- Count the number of reasons documented for granting continuances.



- Calculate the percentages of the reasons for granting continuances across all hearings reviewed.
- Disaggregate the data by judge, who is requesting continuance, type of hearing, race of the parent, ethnicity of the parent, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth when available.

*Analytic approach for **surveys**:*

- Calculate the frequency of each response option (e.g., percentage of continuance reasons).
- Disaggregate survey findings by respondent role.

*Analytic approach for **focus groups**:*

- Qualitatively code focus group transcripts by reviewing them for themes.

*Related **JCAMP Measures***

- 5.1 How much time does it take until the first permanency hearing?
- 5.2 How much time does it take to file the termination of parental rights petition?
- 5.3 How much time does it take until the termination of parental rights?
- 5.5 How often and at what points in the case are continuances granted?

*Related **OJJDP Toolkit Measures***

- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.
- Toolkit Measure 4B: Time to Adjudication. See pages 169–174 in the Toolkit Technical Guide.
- Toolkit Measure 4C: Timeliness of Adjudication. See pages 175–179 in the Toolkit Technical Guide.
- Toolkit Measure 4D: Time to Disposition Hearing. See pages 180–186 in the Toolkit Technical Guide.
- Toolkit Measure 4E: Timeliness of Disposition Hearing. See pages 187–192 in the Toolkit Technical Guide.
- Toolkit Measure 4F: Timeliness of Case Review Hearings. See pages 193–200 in the Toolkit Technical Guide.
- Toolkit Measure 4G: Time to First Permanency Hearing. See pages 201–208 in the Toolkit Technical Guide.
- Toolkit Measure 4I: Time to Termination of Parental Rights. See pages 221–231 in the Toolkit Technical Guide.
- Toolkit Measure 4J: Timeliness of Termination of Parental Rights Proceedings. See pages 233–238 in the Toolkit Technical Guide.
- Toolkit Measure 4K: Time from Disposition Hearing to Termination of Parental Rights Petition. See pages 239–244 in the Toolkit Technical Guide.
- Toolkit Measure 4M: Timeliness of Adoption Proceedings. See pages 255–258 in the Toolkit Technical Guide.



### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

American Bar Association. (1996, February). *Standards of practice for lawyers who represent children in child abuse and neglect cases.*

American Bar Association. (2004, August). *Standards of practice for lawyers representing child welfare agencies.*

American Bar Association. (2006). *Standards of practice for lawyers representing parents in abuse and neglect cases.*

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases.* National Council of Juvenile and Family Court Judges.



## 5.18 Do parents feel their voices were heard in permanency planning discussions?

For this measure, there must have been a permanency planning discussion with parents. This measure assesses whether parents feel their voice was heard in those permanency planning discussions by determining if they had an opportunity to share their views, if they felt they were involved in case planning, and if they felt they had a voice in permanency decisions.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Permanency planning discussions occurred with parents in case [yes/no]
- Parents feel their voice was heard in permanency planning discussions [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree].
- Ways parents feel their voice was heard in permanency planning discussions:
  - Do they feel they had an opportunity to share their views?
  - Do they feel they were involved in case planning?
  - Do they feel their voice was heard in permanency decisions?

### Exhibit 5.18. Options for Analyzing Parents' Voice in Permanency Discussions

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	In what proportion of cases do parents report that they had a voice in permanency discussions? To what extent do parents report that they felt their voice was heard in permanency discussions? In what ways do parents feel that they had a voice?	Case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the proportion of cases that had a permanency planning discussion with the parent.
- Of the cases in which a parent reported a permanency planning discussion, calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed, race of the parent, ethnicity of the parent, and whether it was an ICWA case.

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes.

#### Related JCAMP Measures

- 1.12 Do parents feel judges engaged them in the hearing process?



### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.





## 5.19 Do parents understand what is required of them and the steps needed to have their child returned?

This measure is not about whether parents complete their case plan requirements. Instead, it is a measure of whether they understand those case plan requirements and what steps need to be taken by them to have their child or youth returned.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Parents understand what is required of them/steps needed to have child or youth returned [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]

### Exhibit 5.19. Options for Analyzing Parents' Understanding of Steps to Have Child or Youth Returned

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents report that they understand what is required of them to have their child or youth returned to the home?	Case	Select a sample of parents with open or closed cases to include.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed case, race of the parent, ethnicity of the parent, and whether it was an ICWA case.

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes.

#### Related JCAMP Measures

- 1.6 What do judges do to engage parents, children, and youth in hearings?
- 1.11 Are important issues discussed in hearings?
- 1.12 Do parents feel judges engaged them in hearings?
- 3.8 Are parents satisfied with their attorneys' representation?
- 5.7 How do courts discuss permanency?
- 5.13 What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?



### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

No best practice recommendations supporting this measure were found.



## 5.20 Do parents feel services met their needs and assisted them in reunification?

This measure is not about whether parents complete their case plan requirements. Instead, it is a measure of whether parents believe that the services provided met their needs and assisted them in having their child returned home.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Parents feel services met their needs [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]
- Parents feel services assisted them in reunification [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]

### Exhibit 5.20. Options for Analyzing Parents' Belief That Services Met Needs and Assisted in Reunification

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents report that they feel services met their needs and assisted in reunification?	Case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed case, race of the parent, ethnicity of the parent, and whether it was an ICWA case.

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes.

#### Related JCAMP Measures

- 1.12 Do parents feel judges engaged them in the hearing process?
- 3.8 Are parents satisfied with their attorneys' representation?
- 3.10 How do parents, children, and youth feel they were treated by prosecuting (or agency or state) attorneys?
- 5.15 Do parent attorneys advocate for reunification in hearings?



### ***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. See pages 37–48 in the Toolkit Technical Guide.
- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 5.21 Do parents feel they were able to engage in meaningful family time?

Rather than compliance with family time (or visitation) orders, this measure assesses whether parents believe they were able to engage in meaningful family time.

### Variables to consider:

- Race of the parent
- Ethnicity of the parent
- Parents feel they were able to engage in meaningful family time [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree]

### Exhibit 5.21. Options for Analyzing Parents' Belief That They Were Able to Engage in Meaningful Family Time

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	To what extent do parents report that they were able to engage in meaningful family time?	Case	Select a sample of parents with open or closed cases to survey.

Note: \* = Recommended data source.

#### Analytic approach for **surveys**:

- Calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the parents' cases are open or closed case, race of the parent, ethnicity of the parent, and whether it was an ICWA case.

#### Analytic approach for **focus groups**:

- Qualitatively code focus group transcripts by reviewing them for themes.

#### Related JCAMP Measures

- 1.12 Do parents feel judges engaged them in the hearing process?
- 3.8 Are parents satisfied with their attorneys' representation?
- 3.10 How do parents, children, and youth feel they were treated by the prosecuting (or agency or state) attorney?
- 5.7 How do courts discuss permanency?
- 5.11 How do court orders address family time?
- 5.15 Do parent attorneys advocate for reunification in hearings?

#### Related OJJDP Toolkit Measures

- Toolkit Measure 2A: Achievement of Child Permanency. See pages 37–48 in the Toolkit Technical Guide.



- Toolkit Measure 4A: Time to Permanent Placement. See pages 155–168 in the Toolkit Technical Guide.

### ***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

### ***Supporting Best Practice Recommendations***

Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges.



## 5.22 Do children and youth feel their voices were heard in permanency decisions?

The age of a child or youth will affect their opportunity for voice in permanency decisions. Ways that children or youth may feel heard in permanency decisions include having an opportunity to share their wishes about permanency, feeling listened to, and being involved in permanency planning.

### Variables to consider:

- Race of the child or youth
- Ethnicity of the child or youth
- Age of the child or youth [DOB: month/day/year]
- Attorney and/or attorney GAL appointed for the child or youth [yes/no]
- Date of appointment of attorney and/or attorney GAL for the child or youth [month/day/year]
- Children or youth feel their voices were heard in permanency decisions [yes/no] or agree with this statement on a Likert scale [1 = strongly disagree, 2 = disagree, 3 = neutral, 4 = agree, 5 = strongly agree].
- Ways children or youth feel their voices were heard in permanency decisions include the following:
  - Do they feel they had an opportunity to share their wishes about permanency?
  - Do they feel they were listened to in permanency decisions?
  - Do they feel they were involved in permanency planning?

### Exhibit 5.22. Options for Analyzing Whether Children or Youth Feel Their Voices Were Heard in in Permanency Decisions

Data Source	Question Addressed	Unit of Analysis	Sampling Guidance
Surveys or focus groups*	In what proportion of cases do children or youth report that they had a voice in permanency decisions? To what extent do they report that they had a voice in permanency decisions? In what ways did they feel heard?	Case	Select a sample of youth with open or closed cases to survey.

Note: \* = Recommended data source.

### Analytic approach for **surveys**:

- Calculate the proportion of cases in which children and youth report they had a voice in permanency decisions.
- Of the cases in which children and youth report having a voice, calculate the frequency and mean of each response option (e.g., always, sometimes, never).
- Disaggregate the data by whether the children’s and youths’ cases are open or closed , age of the child or youth, race of the child or youth, ethnicity of the child or youth, and ICWA status of the child or youth if applicable. Sites may also consider disaggregating



data by whether attorneys or attorney GALs were appointed for the children or youth and when in the case they were appointed.

***Analytic approach for focus groups:***

- Qualitatively code focus group transcripts by reviewing them for themes.

***Related JCAMP Measures***

- 1.9 How do child or youth attorneys and/or attorney GALs engage children and youth in the process?
- 1.12 Do parents feel judges engaged them in hearings?
- 2.11 Do children and youth feel that they were treated fairly?
- 3.6b Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?
- 3.6c Do child or youth attorneys and/or attorney GALs prepare in between hearings?
- 3.9 Are children and youth satisfied with their legal representation?

***Related OJJDP Toolkit Measures***

- Toolkit Measure 2A: Achievement of Child Permanency. See pages 37–48 in the Toolkit Technical Guide.

***Supporting Research***

No research has been found that links this measure to outcomes for children or families.

***Supporting Best Practice Recommendations***

No best practice recommendations supporting this measure were found.

