

JUSTICE FOR CHILDREN

Changing Lives by Changing Systems

A National Call to Action



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ACKNOWLEDGMENT

On September 20-23, 2005, the Conference of Chief Justices, the Conference of State Court Administrators, the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges sponsored JUSTICE FOR CHILDREN: CHANGING LIVES BY CHANGING SYSTEMS–The National Judicial Leadership Summit on the Protection of Children. The Summit, this report, and follow-up activities have been made possible by a significant grant from The Pew Charitable Trusts to the NCSC. Additional funding support has been provided by the Annie E. Casey Foundation, the Dave Thomas Foundation for Adoption, Fostering Results, the State Justice Institute, and NCSC.

As President of the National Center for State Courts, I wish to extend thanks and appreciation to all those who contributed to the success of the Summit and the changes resulting from it, including, but not limited to:

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Mary Campbell McQueen
President, NCSC

PREFACE

In a major report issued 15 years ago about the state of child protection in America, the National Commission on Children stated:

“If the nation had deliberately designed a system that would frustrate the professionals who staff it, anger the public who finance it, and abandon the children who depend on it, it could not have done a better job than the present child-welfare system... Marginal changes will not turn this system around.”

Sadly, that statement continues to ring true today. Launched in May 2003, the Pew Commission on Children in Foster Care found that on any given day in the United States, half a million children and youth are in foster care, removed from their homes because of abuse or neglect. Almost half of these children spend at least 2 years in care, while almost 20 percent spend 5 or more years there. For that reason, NOTHING is more important than the National Call to Action underlying the National Judicial Leadership Summit on the Protection of Children.

The courts have a vital role in child protection matters, and by extension, a tremendous impact on children and families. In no other area in which judges work are the stakes so high—children’s lives. Courts have the power to greatly increase the opportunity that a child will have a safe, happy, healthy, and productive life. And yet, significant changes need to be made in order to improve the processing of child protection cases and, more importantly, the outcomes for abused and neglected children. That is why the subtitle of the historic Summit was aptly called “Changing Lives by Changing Systems.”

The nation’s child protection system can—and must—make changes and meet the goal of improved results because of who is asking for action: the hundreds of thousands of abused and neglected children who come into our nation’s courts every year and depend upon our systems to return them to a stronger family or to receive a new safe and stable home. To view the system through the eyes of children is to see the system as it is—in desperate need of our attention.

There is no secret that our greatest obstacle is the individual and collective will to tackle the challenge of change. That is why so much time at the Summit was spent discussing change—it is the singular foundation upon which success can be built. And there is no doubt that embarking on such reform efforts requires leadership from all facets of the child protection system.

The Summit inspired justices, judges, attorneys, social workers, guardians ad litem, court administrators, and other child protection system leaders who attended to operate beyond their comfort levels and establish a “new normal.” The challenge will be to sustain that level of focus and energy through the coming months and herald changes that we can celebrate a year from now. This “National Call to Action” was history in the making, for if we are all successful in changing paradigms and realizing systemic reforms, this truly will have been a catalyst for progress, and will profoundly change lives—forever.

Chief Justice Kathleen A. Blatz
Supreme Court of Minnesota

Lee Suskin
State Court Administrator of Vermont

Co-Chairs National Judicial Leadership Summit Planning Committee

JUSTICE FOR CHILDREN

CHANGING LIVES BY CHANGING SYSTEMS

The National Call to Action

“E every child deserves a family,” Judge William Byars, simply and emphatically, told the attendees gathered for the first-ever National Judicial Leadership Summit on the Protection of Children, held in Minneapolis in September 2005. Byars’ statement served as a rallying cry for the more than 380 Summit participants. Working with the foster care system, they see first-hand the numerous roadblocks that prevent more than 100,000 children a year who are abused and neglected from getting that family they deserve.

The Summit participants traveled from 49 states, the District of Columbia, Puerto Rico, Guam, and the Northern Mariana Islands to identify these roadblocks,¹ to find realistic ways to break them down, and most importantly, to work together to ensure that children spend as little time in foster care as needed. Although the state court chief justices, secretaries of human services, directors of child welfare, appellate and trial court judges, state and local court administrators, senior court and social services officials, child advocates, and attorneys who attended each play a pivotal role in the lives of children who are abused and neglected, they seldom meet to discuss how the child protection process can be improved.

“Children are stuck in a system that was designed for adults. It’s come down to a belief that we need to look at the system through the eyes of a child,” said Byars, director of the South Carolina Department of Juvenile Justice and former trial court judge. For three days, Summit participants, made up of teams appointed by the Chief Justice of the jurisdiction’s Supreme Court, did just that. They participated in a mix of plenary sessions with nationally known experts, workshops illustrating an array of successful practices, and state team work-sessions. By the close of the Summit, the energy, the commitment, and the mission were evident. Each team left with necessary information and contacts to develop their own state’s action plan. This report describes what Summit participants heard, what they reported, and most importantly, what they are pledging to do to help all children find a permanent home.

PRE-SUMMIT ASSESSMENT:

To provide a context for the National Judicial Leadership Summit and a platform for discussion by state teams when developing their Action Plans during the Summit, a Pre-Summit Assessment Survey was distributed to all State Court Administrators in May of 2005. Each State Court Administrator was encouraged to share the survey with other designated conference attendees for their information, and to obtain their assistance in completing the survey. The survey requested summary information on how states are responding to the Child and Family Service Reviews conducted by the federal Children’s Bureau² and to the recommendations of the Pew Commission on Children in Foster Care; the most significant challenges which each state is facing in operating and improving its child protection system; and data regarding the number, processing, and disposition of child protection cases.³ Thirty-six jurisdictions completed or partially completed and returned the survey. An analysis of the results is reported in Appendix VI.

¹ A list of the members of each Team attending the Summit is contained in Appendix III. The team from Louisiana was addressing the aftermath of Hurricane Katrina and was unable to attend.

² Administration on Children, Youth, and Families, US Department of Health and Human Services.

³ A copy of the survey instrument is included in Appendix V.

THE SUMMIT:

A multi-disciplinary Planning Committee co-chaired by Chief Justice Kathleen A. Blatz of Minnesota and State Court Administrator Lee Suskin of Vermont developed the Summit's agenda.⁴ From the opening remarks through the closing comments two-and-a-half days later, the Summit attendees were challenged to be agents of social change and take responsibility for spearheading systems-wide reforms to improve the lives of abused and neglected children. The first day brought home how essential it is to improve the child protection system as it now operates across the United States. This theme was examined from the gubernatorial, judicial, and agency perspectives, but most importantly from the perspective of the more than 500,000 children in the United States who are in foster care during any given year. Participants were moved to tears as children told stories via videotape: some talked of becoming trapped in foster care because of court delays, others shared the emotional impact that not belonging to a family has on a child; and others spoke about how defeating and lonely it is, believing that their voice isn't being heard. Participants saw the results of recent research on the physiological and emotional impact of uncertainty and delay in permanent placement on children. In addition, they were confronted with the challenge of change for organizations and provided examples of how various jurisdictions were able to overcome the impediments to changing the way they handled foster care proceedings.

The second day built on the initial momentum with examples of effective approaches, programs, and techniques including:

- Collaboration between courts and child welfare agencies at the state and local levels;
- Effective and continuous representation for children and parents;
- Use of mediation and family group counseling;
- Application of a problem-solving court approach to family cases;
- Expediting appeals and trial court proceedings;
- Facilitating the adoption process; and
- Measuring performance.

Participants also listened to foster and adoptive parents tell their stories of unselfishness and describe how the system helped and how it failed.

The final day focused on transforming the energy and ideas generated during the Summit into action. Throughout the Summit, the state teams met to:

- Identify the priorities for improving court oversight and processing of child welfare cases and enhancing outcomes for children in foster care;
- Define strategies to strengthen collaboration at the state and local levels; and
- Develop an action plan for addressing the state's priority issues.

ANALYSIS OF ACTION PLANS:

The action plans that were developed at the Summit represent a commitment by participants to effect fundamental improvements in child protection and form the basis for the National Call to Action. All 53

⁴ The Summit agenda is contained in Appendix I. A full list of the members of the Planning Committee appears in Appendix II.

of the participating jurisdictions provided a copy of their action plan or a preliminary plan to the NCSC. It should be noted that the action plans do not necessarily encompass all the measures being taken in a state to improve the processing of child protection cases or the services to children. Viewed in totality, however, the plans do reveal a consensus view on the major areas requiring improvement and the steps needed to achieve these needed changes.

These proposed courses of action closely follow the prescriptive recommendations of the Pew Commission on Children in Foster Care. More than a dozen states explicitly adopted the four court-related recommendations as the basis for their action plans; all states addressed some of the issues highlighted by the Pew Commission report. Adding weight to the general embrace of the Pew Commission recommendations for the courts was the strong support for these recommendations by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) at their annual meeting in 2004. At that meeting, these two court leadership organizations adopted joint resolutions on children in foster care that parallel the Pew Commission's recommendations.⁵ Resolution 17 encouraged use of the performance measures jointly developed by the National Center for State Courts (NCSC), the National Council of Juvenile and Family Court Judges (NCJFCJ), and the American Bar Association (ABA) (hereafter Packard Model).⁶ Resolution 15, citing the Pew Commission report, articulated four general strategies for ensuring the safety, well-being and permanency of children in foster care.

1. Courts should adopt court performance measures to ensure that they can track cases, to increase accountability and to inform decisions about the allocation of court resources.
2. Incentives and requirements should be established to require effective collaboration between the courts and child welfare agencies in the development of plans and programs on behalf of children in foster care.
3. Children and parents should have a strong voice in court and effective representation by trained attorneys and advocates.
4. Chief Justices and other state court leaders should spearhead efforts to organize courts to better serve children, provide training for judges, and promote more effective standards for dependency court judges and attorneys.

The state action plans are working documents tailored to local needs, but, as indicated on Table 1, within the four priority areas set forth in Resolution 15, there was considerable commonality in the action steps listed by conference participants.

Strategy 1 – ESTABLISH ACCOUNTABILITY FOR PERMANENCE, CHILD SAFETY, AND WELL-BEING THROUGH ENHANCED PERFORMANCE MEASUREMENT SYSTEMS.

Overview of Performance Measures

Juvenile and family courts are at the center of a concentrated intergovernmental effort to protect abused and neglected children. Within a relatively short period, such courts have taken on a number of responsibilities stemming from federal policy initiatives, in particular, the accountability demanded by the Adoption and Safe Families Act of 1997 (ASFA) and assessments made through the Child and Family

⁵ See Appendix IV.

⁶ National Center for State Courts, National Council of Juvenile and Family Court Judges, and the American Bar Association's Center on Children and the Law. *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. Los Altos, CA: The David and Lucille Packard Foundation, 2004.

TABLE 1
STATE ACTION PLANS: Key Strategy Areas

STATE	ENHANCE ACCOUNTABILITY	FOSTER COLLABORATION	ASSERT JUDICIAL LEADERSHIP		PROVIDE AN EFFECTIVE VOICE FOR PARENTS AND CHILDREN
	Performance Measures, Standards, Best Practices	Court/Agency/ Stakeholder	Preventing Trial Level Delay & Barriers to Permanency	Expediting Appeals	Improving Availability & Quality of Representation
Alabama	X	X ^{1,4}	X	X	X
Alaska	X	X ²			X
Arizona		X ²	X		
Arkansas	X	X ²		X	
California	X	X ^{1,3}	X		
Colorado	X	X ²		X	X
Connecticut	X	X ²	X		X
Delaware		X ^{1,3}			X
D.C.	X	X ²	X		X
Florida		X ^{1,2}	X	X	X
Georgia	X	X ^{2,3}	X	X	X
Guam	X	X ²	X		X
Hawaii	X	X	X	X	
Idaho	X		X		X
Illinois		X ^{1,2,4}			
Indiana		X	X	X	X
Iowa	X	X	X		X
Kansas		X ¹			
Kentucky	X	X	X	X	X
Maine	X	X ⁴	X	X	
Maryland	X	X ²	X		X
Massachusetts	X	X ²	X		X
Michigan	X	X ³	X	X	X
Minnesota	X	X ²			X
Mississippi		X ^{2,3}	X		
Missouri	X	X	X		X
Montana	X	X ¹	X	X	X
Nebraska	X	X ^{1,2}		X	X
Nevada	X	X ²			X
New Hampshire	X	X ³	X		X
New Jersey	X	X ²	X		X
New Mexico	X	X ^{2,3}		X	
New York	X	X ²	X	X	X
N. Carolina		X ³	X	X	X
N. Dakota	X	X ³	X		
N. Mariana Islands	X	X	X		X
Ohio	X	X ²	X	X	
Oklahoma	X		X	X	
Oregon			X	X	
Pennsylvania	X	X ³	X	X	
Puerto Rico		X	X		X
Rhode Island		X			X

continued

Key to the information system improvement is the ability to track children through the system, to identify children in need of attention, and to identify causes of delay. Tracking is a form of performance measurement to prevent situations where a child languishes unnoticed somewhere in the system and to identify areas requiring expedited processing, including expeditious handling of appellate cases which is emerging as a major need.⁸ Enhancement of tracking capability involves social service agencies and justice agencies outside the court system and raises issues of information sharing and perhaps integration of information systems. These issues also involve leadership in the judicial and executive branches on the subject of collaboration and leadership in setting standards of accountability based on objective data.

Seventy percent of the state court action plans address the need for performance measurement, sometimes citing the Packard Model. Sixty percent call for the creation or improvement of management information or case tracking systems.

Action Step 1: Assess existing performance measurement systems in relation to core requirements specified in models proposed by major national organizations.

<i>Description of Step</i>	<i>Rationale</i>
<p>The state action plans that include development of performance measures typically call for the identification of additional data needs for comparison to existing performance measurement models. The core measures and the accompanying data needs are arrayed around four outcome areas that courts must address to assess their services: safety, permanency, due process, and timeliness. Most state action plans recognize the need to fill gaps in performance measurement data. The plans raise questions about the availability, accessibility, and accuracy of such data. Some states are seeking to collect additional performance measurement data as an interim stand-alone task, pending revisions to case management systems. Others are collecting performance data as a pilot program in model courts.</p>	<p>Courts have had to deal with outcome measurement in child protection cases to a degree previously unknown in other areas of court activity. Court information, particularly information that is case-based rather than person-based, has, for the most part, been unequal to the reporting demands of federally driven child protection programs. The preliminary data gathering for the Summit revealed that many states cannot provide information on case movement through various stages, much less the status of a child in the system. Typical of the gaps was the inability to adequately quantify appellate delay.</p>

⁸ See Ann Keith, Carol Flango, *Expediting Dependency Appeals: Strategies to Reduce Delay*, (Williamsburg, VA: National Center for State Courts, 2002) .

Action Step 2: Work with other agencies in the child protection network to create a complete performance measurement system that is capable of identifying weaknesses in any component of the system and tracking each child under system supervision.

<i>Description of Step</i>	<i>Rationale</i>
<p>State action plans, with only a few exceptions, address the interaction of courts, child protection agencies, and other stakeholders. This collaboration takes a special form in the area of performance measurement and related information needs. In general, the plans called for some form of data sharing, such as protocols on sharing information, or joint development of output reports. A few plans contemplate integration of information systems. Basically, the plans seek ways to ensure that there is a systemic approach to performance measurement and ability to track a child’s progress in the system.</p>	<p>The child protection system is heavily dependent upon accurate, accessible performance measurement information that lies in various parts of the system. In disjointed child protection systems, a child can languish in foster care, usually because the measurement of progress through various stages is weak or because the various components of the system do not share information. It is imperative that judges have information that permits the identification of delay points and the reasons why children reenter the system as double victims. Very often, the information that shows faulty performance is only available through non-court agencies, but some courts cannot effectively track the progress of a child within the court system itself.</p>

INITIATIVES⁹

Utah has re-engineered its juvenile justice information system so that all state and local entities involved in children’s lives, including the court, the child protection agencies, and the schools can identify and track data about a child involved in the child welfare or juvenile justice systems. The web-based CARE system (Courts & Agencies Records Exchange) is linked to the databases of Division of Child and Family Services, the Attorney General and the courts, and regularly produces reports on compliance with time standards. The shared objective is better outcomes for children. CARE reflects business practices, improves case tracking, pinpoints reasons for delay, and produces minutes in courtrooms.

The Missouri court system has made automated tracking of mandated timeframes for child abuse and neglect cases a high priority with the development of a system specially designed for measuring the timeliness of hearings. A new module of the Judicial Information System (JIS) case management system has helped courts to improve case management and meet deadlines imposed by recent legislation. JIS enables the Office of the State Courts Administrator, the Juvenile and Family Court Divisions of the Circuit Courts, and the Departments of Social Services, Mental Health Elementary and Secondary Education, and Health & Senior Services to share categories of information approved by the Juvenile Information Governance Commission (JIGC). The long-term goal of the endeavor is to improve the assessment, intervention, and tracking of juveniles across agency boundaries throughout the state in order to reduce duplicate services and to provide more appropriate treatment/services during a child’s contact with one of the above named agencies.

⁹ For additional information regarding the initiatives listed, please contact the State Court Administrator of the listed state.

Strategy 2 – FOSTER COLLABORATION AMONG COURTS AND EXECUTIVE BRANCH AGENCIES TO ENSURE BETTER OUTCOMES FOR CHILDREN WHO ARE IN THE CHILD PROTECTION NETWORK.

Overview of Collaboration

One of the primary objectives of the National Judicial Leadership Summit was to enhance the interaction of courts and the agencies responsible for protecting children, in order to improve the overall performance of the child protection system by active collaboration. These two entities are at the heart of the child protection system but are by no means the only participants in the system. The nature of the other participants varies by state, but commonly includes the legal agencies that provide representation in dependency courts, health and treatment agencies, educational agencies, and those community groups that are active on issues concerning children. In some states, tribal court representatives are included.

The theme of collaboration ran through nearly all the state action plans (87%), manifesting in many forms including informational links and multidisciplinary training as well as improved organizational linkages through committees, meetings, and various joint efforts on behalf of children. Among the proposed collaborative activities enumerated were:

- Surveying existing multi-disciplinary committees to ascertain the membership mix in relation to the committee purpose;
- Broadening multi-disciplinary membership on various committees concerned with child protection both at the state and local level;
- Scheduling regular meetings of judges and welfare agency officials to discuss issues at both the state and local level;
- Replicating the Summit at the state and even local level;
- Conducting regular sessions in which judges, court administrators, and agency officials review outcomes;
- Initiating joint legislative efforts to expedite various procedures, such as the permanency hearing process;
- Jointly developing policies, forms and procedures;
- Sponsoring multi-disciplinary training¹⁰;
- Involving child protection agency participation in developing the CIP; and
- Including courts in IV-E planning.

With reference to the last two items, it is noteworthy that the Pew Commission recommended stronger federal requirements for effective collaboration in PIPs, CIPS, and IV-E plans.

¹⁰ Subsequent to the Summit, Congress included provisions in the Deficit Reduction Act of 2005 (P.L. 109-362) that appropriate funds for a new grant program to enable states to enhance training related to child protection cases. The new program will provide a total of \$10 million per year for five years. The grants will be provided to the highest court located in a jurisdiction participating in the Title IV-E foster care and adoption assistance program. Each of the 52 eligible jurisdictions will receive minimum funding of \$85,000 plus a portion of the remaining funds equal to their state's relative share of the population under age 21. The act also requires states to show meaningful collaboration between courts and child protection agencies.

Action Step 3: Review existing multidisciplinary committees and take steps to strengthen organizational ties at all levels of the child protection system.

<i>Description of Step</i>	<i>Rationale</i>
<p>Many states already have multi-disciplinary bodies such as committees and commissions to address child protection issues as well as less formal networks at the trial court level. Others do not have established structures to facilitate collaboration. State action plans reveal these divergent starting points by either pledging to review existing collaborative mechanisms for scope of inclusion and effectiveness, or calling for creation of a new commission including a variety of shareholders in addition to court and child protection agencies. While the plans' focus is on state-level interaction, there is recognition that collaboration at the local level is also essential.</p>	<p>Beneficial outcomes for a child under supervision transcend the capacity of any one public entity involved in child protection proceedings. This more or less self-evident truth did not, however, lead immediately to creation of networks to provide systemic coherence in the pursuit of favorable outcomes. Children continued to be adversely affected by the failure of courts and child protection agencies to communicate and cooperate at all levels of the system. The state action plans respond to the widespread perception that there could be no further delay in establishing a collaborative structure.</p>

Action Step 4: Strengthen working relationships between courts, child protection agencies, and legal agencies at all levels of the child protection system.

<i>Description of Step</i>	<i>Rationale</i>
<p>Stronger organizational ties are a means to an end – more effective working relationships. The state action plans set forth a number of areas where joint action would enhance favorable outcomes:</p> <ol style="list-style-type: none"> (1) working together in the quest for federal, state and local funds (2) addressing operational problems such as caseworker (3) sharing management information; (4) planning for PIP, CIP, and IV-E; (5) working together on policy and procedure with possible joint advocacy of statutory changes; (6) offering multi-disciplinary training; and perhaps most importantly, (7) ongoing discussion of outcomes in a cooperative mode. 	<p>Courts play a central role in various networks such as the criminal justice system and the rehabilitation network associated with drug courts and other treatment courts. There is a trial court dependency network that has been in the process of formation for a decade or more but is still, in many instances, a work in progress. Establishing close working relationships between courts and those public entities that affect outcomes in child protection cases is a necessary and important first step, but the ultimate test of effective collaboration is implementation of the large and small changes in process and improvements in communication that ensure fair, timely, safe, and permanent placement of neglected and abused children.</p>

INITIATIVES

At the state level, Chief Judge Judith S. Kaye of New York has made collaboration with the child protection agency a top priority during her tenure. In cooperation with the Commissioner of the State Office of Children and Family Services collaborative efforts have been fostered throughout the state under the aegis of the Permanent Judicial Commission on Justice for Children, which includes not only judges and state and local agency officials, but also advocates, physicians, social workers, and legislators. A series of child welfare roundtables culminated in the 2005 passage of new permanency legislation that provides for continuous calendaring of child protection cases, early investigation of non-custodial parents and other potential permanent placements for children, and continuing legal representation of children and parents. Passage of the act also has led to rigorous efforts to expedite appeals. The "Adoption Now" program, a joint effort between the Unified Judicial System, the State Office of Children and Families, and the New York City Administration for Children's Services has significantly increased the number of children in the state who have been adopted, particularly children age 9 and above.

At the local level, in 1996, at the urging of the Administrative Judge, the Allegheny County (Pittsburgh), Pennsylvania Department of Human Services and the Allegheny Court of Common Pleas Family Division established a partnership to improve outcomes for neglected and abused children. Through monthly meetings to address system problems, cross-agency training, and regular visits by judges to Children, Youth, and Family Offices, they have succeeded in decreasing the number of placements by more than 20%; slicing a full year off the average length of time in care; cutting the number of deaths/year of abused children in the county from 8 to 0; reducing the adoption backlog by two-thirds; shrinking the length of the adoption process from 48 to 9 months; closing "monitored-only" cases; and strengthening representation for children and parents.

The Family Division of the Kent County (Grand Rapids), Michigan Circuit Court is cited in the Michigan action plan as a model to be emulated in court-child welfare collaboration. Agency representatives and the judges hearing dependency cases meet monthly to review outcomes related to permanency. The court, long recognized as innovative in child dependency, has followed this practice for many years.

Strategy 3 – PROVIDE JUDICIAL LEADERSHIP IN CHAMPIONING THE NEEDS OF CHILDREN IN CHILD PROTECTION STATUS AND EFFECTING CHANGES TO IMPROVE OUTCOMES FOR CHILDREN.

Overview of Leadership

Judges, particularly chief justices, have a crucial role in championing child protection, as do court managers charged with responsibility in this area. Leadership at the trial court level by a presiding judge, juvenile court judge, or family court judge is another essential component. In many jurisdictions, leaders at the trial court level have provided a paradigm that percolated upward and became a model for the state.

Leadership was strongly stressed in the Pew Commission recommendations on courts and was addressed in most state action plans (over 80%). Providing a voice for neglected and abused children is the overriding theme of the proposed leadership actions, but there are a number of specific areas leadership is called for. In some cases, the actions are specifically categorized as leadership actions; in others, the actions were included as an element of recommended changes in such areas as improved collaboration, accountability, identification of causes for delay, and removal of barriers to permanency to provide improved outcomes for children.

The major areas of action in state plans vary in specific steps but were similar in areas where leadership was essential. At the highest level, judicial leadership is seen as advocacy for an effective child protection system by communication with leaders of the other branches, intrastate summits, outreach to bar and community groups, and mobilizing the judicial branch. Leadership is called for in the following areas:

- *Raising the level of priority and visibility* - A key role for leadership is setting systemic priorities and bringing hidden problems to the forefront. Many state action plans recommend Chief Justice highlight in their State of the Judiciary speech and in public addresses the problems faced by children in foster care, the actions required to address these problems, and the progress being made.
- *Accountability* - The child protection system has suffered from diffusion of responsibility, lack of common standards, and lack of an accountability mechanism. The state action plans reflect a consensus that state-level judicial leaders have a responsibility to establish and enforce an accountability framework that is systemic, not strictly confined to the judicial branch. Some state action plans recommend identifying overlaps between courts and agencies in order to ensure common standards.
- *Workload and standards* - The Packard Model for performance measurement includes workload measurement as an integral feature. Judge-workload ratios and staff-workload ratios are the basis for relating resource needs to outcomes and building compelling budgetary rationales. Ultimately, judicial leaders bear responsibility to ensure the child protection system has adequate resources. State action plans refer to resource issues but place more emphasis on judicial leadership to establish best practices, provide guidelines for judges, and require training for judges and court staff, attorneys and advocates.
- *Organizational issues* - Organizational issues almost invariably require leadership at the state level, as there may be a need for legislation or rulemaking. State action plans that deal with organizational change commonly make reference to the Pew Commission report. The specific areas calling for leadership are: creating the appropriate oversight and assistance unit in the state's Administrative Office of Courts; enhancing specialization by creating single-purpose child protection courts; and enabling judges with a commitment to child protection to stay for extended periods in child protection court. A few plans address the possibility of a one judge/one family or one team/one family assignment system or applying the techniques used in problem-solving courts to child protection matters.

Action Step 5: Assert state level and local level judicial leadership in effectuating model juvenile child protection courts.

<i>Description of Step</i>	<i>Rationale</i>
<p>Chief justices' authority in the court system creates the opportunity for leadership on child protection issues. Judicial leadership, as delineated in state action plans, is exercised in areas where a chief justice or judicial council can have a direct impact on the courts that hear child protection matters. Actions proposed fall into several categories: communicating the importance of improving the process and outcomes for children in child protection cases; providing an organizational setting (e.g., a single-purpose court) that is conducive to improved outcomes; establishing an expectation of accountability and a system for measuring performance; enhancing judicial careers focused on children's issues through the assignment and rotation systems; ensuring that standards and best practices are adopted and followed; and taking the lead to provide the training that characterizes an advanced system.</p>	<p>Until the advent of the various federal initiatives relating to child protection, leadership at the state level of courts was not very strong in the child protection area. Certain local courts were very innovative and acquired national recognition, but leadership tended to be spotty. As reflected in state action plans, awareness of child protection issues has increased dramatically. The external leadership role was considered important, but it was recognized that the courts had to effect necessary internal changes to play their key role in the extended system. The plans, therefore, are often quite detailed about the areas where judicial leadership has to be exercised within the courts.</p>

Action Step 6: Assert state and local level judicial leadership to build a model juvenile child protection system encompassing all principal stakeholders.

<i>Description of Step</i>	<i>Rationale</i>
<p>The Summit brought together court leaders and executives of child protection agencies, symbolizing the need for leadership that transcended the agendas of individual public agencies in the service of dependent children. State action plans cite the central role of court leaders in speaking for the extended system. Some action plans allude to the annual State of the Judiciary address as an ideal forum to express the needs of the child protection system. Similarly, chief justices have a special relationship with bar associations, law schools, and public interest groups that they can use to enlist support for child-oriented programs. Local judicial leaders, such as juvenile and family court judges, can play similar roles in their communities.</p>	<p>The leadership role of a chief justice within the court system is to some extent ex officio. The child protection system lacks an ex officio leader but requires a spokesperson. A chief justice has a special position in government that provides the opportunity to serve as champion for the extended child protection system. There is no other official who can play this role as effectively. This is broadly recognized within the child protection community and increasingly by the chief justices themselves, as indicated by individual actions and the resolutions adopted by the Conference of Chief Justices and Conference of State Court Administrators.</p>

INITIATIVES

Looking at foster care through the eyes of an abused or neglected child, 12 or more months in out-of-home placement can seem like a lifetime -- indeed, for some young children, it often is their entire lifetime. Delay in achieving permanency for a child can forever negatively impact the child's development. Recognizing the need for safe, stable, permanent homes for our most vulnerable children, in 2000 former Chief Justice Kathleen Bltaz commenced Minnesota's Children's Justice Initiative (CJI), a collaborative reform effort with the Minnesota Department of Human Services. With "top down" leadership from both the Chief Justice and the Commissioner of Human Services, the CJI is a statewide endeavor with county teams in each of its 87 counties comprised of juvenile court judges, social workers, county attorneys, public defenders, court administrators, guardians ad litem, and other key stakeholders. The CJI has adopted court and agency performance measures to improve the processing of child protection cases and, more importantly, the outcomes for abused and neglected children. In addition to numerous procedural reforms, such as increased judicial oversight, the CJI's efforts have had a positive child-focused impact, including decreased length of time children are in foster care, increased the rate of adoption of children who are state wards, shortened timelines for cases, and reduced the average number of foster care placements before a child is placed in a permanent home.

In her State of the Judiciary Address of January 16, 2006, Chief Justice Christine Durham of Utah, highlighted children's issues citing the work of the Judicial Council's broad based Committee for Children and the Law that includes many legislative members and deals with important policy issues. Chief Justice Durham described her effort in conjunction with the former governor to address the needs of Utah children in foster care through an Initiative on Utah Children in Foster Care. Participation in the Initiative includes high-ranking officials from all branches, federal representatives, and an array of non-governmental representatives including advocacy groups, religious leaders, and members of the business community. One of the issues addressed by the Initiative is state and federal funding, a problem that affects child protection courts everywhere.

In Michigan, the Hon. Maura D. Corrigan, when she was chief justice, signed an order requiring each Circuit Court to devise a plan in cooperation with the local child welfare agency to locate children missing from their court-ordered foster care placements and report the results monthly to the state Supreme Court. As a result of this collaborative effort, 75% of the missing children were found during the initial year of the program.

Recognizing the problems caused by delay in deciding appeals in child protection matters, the Ohio Supreme Court adopted a rule that sets strict time limits at all stages of the appeals process from the preparation of the record, to the briefing schedules, oral arguments, and filing of judgment.

Strategy 4 - PROVIDE AN EFFECTIVE VOICE IN COURTS FOR CHILDREN AND PARENTS THROUGH REPRESENTATION BY TRAINED ATTORNEYS AND ADVOCATES.

Overview of Improving Representation and Advocacy for Children and Parents in Child Protection Proceedings

There is a Due Process rationale for improved representation, as exemplified in *Building a Better Court*.¹¹ That publication provides various measures of representation, primarily quantitative in nature. The quality of representation is a collateral consideration reflected in state action plans by the establishment of standards and training for those persons engaged in representing children, parents and other participants in dependency hearings.

CFSR and ASFA both stress the importance of representation for children, parents, foster parents, pre-adoptive parents, and relative caregivers, as well as child protection agencies. The participation of adolescent children is singled out as extremely important. A high level of participation is not only a means of safeguarding the interests of children and ensuring fairness, but it is essential to a well-informed decision-making process. Courts make crucial decisions on foster care and permanency planning and need input from those most directly affected.

Two-thirds of the state action plans cite the Pew Commission recommendation on effective representation. While there are some very state-specific actions proposed, there is a great deal of similarity in the approaches that were adopted.

- Ensuring that child protection statutes and the relevant rules of court clearly spell out representation rights;
- Setting standards of practice;
- Conducting surveys to ascertain the level of representation, including such factors as methods of attorney assignment and the nature of legal representation for child protection agencies;
- Expanding Court Appointed Special Advocate (CASA) and Guardian ad litem (GAL) programs and increasing the funding for those programs;
- Providing training for attorneys and advocates;
- Enlarging the pool of lawyers including communicating with law schools and bar associations to encourage *pro bono* representation and engaging in juvenile and family legal practice;
- Using contracts for legal services to enhance training and qualifications standards;
- Preparing guides for participants;
- Taking organizational steps such as creating an office of child representation; and
- Establishing mediation programs.

¹¹ *Id.*, at note 6.

TABLE 2
STATE ACTION PLANS: Implementation Tools

State	Create/Improve Management Information or Tracking Systems	Training Judges and/or Court Staff	Training Attorneys, Guardians ad Litem, and/or Advocates	Training Child Protection Personnel	Enhance Services and Funding
Alabama	X	X	X	X	
Alaska		X			X
Arizona		X	X	X	X
Arkansas			X		
California	X				
Colorado		X			
Connecticut	X	X	X		X
Delaware	X				X
D.C.	X	X	X	X	X
Florida	X	X	X		X
Georgia		X	X		
Guam			X		X
Hawaii	X				
Idaho			X	X	
Illinois	X	X			
Indiana	X	X			X
Iowa		X	X		X
Kansas	X	X			X
Kentucky	X	X	X	X	
Main	X	X	X	X	
Maryland	X			X	X
Massachusetts	X	X			
Michigan	X	X	X	X	X
Minnesota	X	X	X	X	
Mississippi	X				X
Missouri		X	X	X	X
Montana		X	X		
Nebraska	X		X		
Nevada		X			
New Hampshire	X	X	X		X
New Jersey	X				
New Mexico	X				
New York	X	X	X	X	X
N. Carolina		X	X	X	
N. Dakota					
N. Mariana Islands					
Ohio		X	X		
Oklahoma	X				X
Oregon	X	X			
Pennsylvania	X	X		X	X
Puerto Rico		X			
Rhode Island	X	X			X

continued

State	Create/Improve Management Information or Tracking Systems	Training Judges and/or Court Staff	Training Attorneys, Guardians ad Litem, and/or Advocates	Training Child Protection Personnel	Enhance Services and Funding
S. Carolina		X			
S. Dakota	X	X			
Tennessee	X	X			
Texas	X				
Utah		X		X	
Vermont	X		X		
Virginia	X	X	X		
Washington		X			X
West Virginia*					
Wisconsin			X	X	
Wyoming	X	X	X		
53	32	34	25	15	20
	60%	64%	47%	28%	38%
* Preliminary-plan being refined					

Action Step 7: Increase the availability of trained representatives in dependency proceedings.

<i>Description of Step</i>	<i>Rationale</i>
<p>Typical of the actions proposed in state action plans is seeking help from the bar on increasing the pool of attorneys willing and competent to provide pro bono representation, encouraging law schools to highlight the need for representation in child protection cases, adding questions on child protection and family law matters to state bar exams, requesting additional resources for assigned attorneys, expanding CASA and GAL programs, and establishing mediation programs. Nearly half of the plans also address the need for training persons who represent children, parents, and other participants in child protection cases. In some plans, the training cited is in a specific substantive area – drug abuse, mental health, or domestic violence; in others, the cited need was more generic. A number of states viewed the availability of representation as a financial issue and propose action to enhance funding streams.</p>	<p>There is a shortage of persons willing and able to provide representation in child protection cases. This lack is compounded by the frequent necessity for appointing representatives for several different parties in the same proceeding, which substantially increases the cost of publicly funded representation and, therefore, raises the importance of volunteer programs in many courts. Child protection cases can be factually and legally complex, and emotionally wearing. Often, this complexity and psychological impact is exacerbated by problems of drug abuse, mental health and violence. Training is essential for all persons involved to help overcome these problems and ensure quality. Ideally, the training should be role-specific.</p>

Action Step 8: Establish standards and specify requirements for effective representation in the various stages of dependency proceedings.

<i>Description of Step</i>	<i>Rationale</i>
<p>State action plans frequently call for actions to improve representation by establishing standards and best practices and setting training requirements. A few propose some form of certification. Others call for enforcement of standards, citing difficulties in compliance. Some plans propose actions to clarify the rights of children and parents to be represented. Several address the eligibility, selection, and assignment of panel attorneys to improve representation. Continuity of representation was raised in several state plans; contract provisions and standards were the most frequently cited remedies.</p>	<p>Representation in child dependency cases requires specialized skills that vary. State action plans recognize that effective representation cannot be provided on an ad hoc basis and requires a strong framework that is applicable and not entirely a local option. As the breadth of required representation broadens and legal and social aspects of dependency representation becomes more specialized, the need for standards, training requirements and best practices increases. Also the necessary framework includes the ways panel and contract attorneys are selected, assigned, and held accountable.</p>

INITIATIVES

A memorandum of understanding between the New Mexico Administrative Office of Courts and the Institute of Public Law of the University of New Mexico School of Law created The Corinne Wolfe Children’s Law Center (CLC) in 1997, upon the recommendation of the New Mexico Supreme Court Foster Care Task Force. The memorandum addresses the critical need for comprehensive, statewide training opportunities for the professionals and volunteers working in the child abuse and neglect system. The CLC has produced a handbook and legal resource materials, conducted conferences, developed attorney listservs, and started a clearinghouse function, and consults with the Judicial Education Center on children’s law programs for the judiciary.

Delaware, and several other states, have created offices of child advocacy to oversee child representation. The Delaware Office of Child Advocates represents children, recruits attorneys to serve as GALs, develops training programs, and tracks legislation and policy. Contract attorneys are employed to represent parents in child protection proceedings and CASAs who serve as GALs. Utah has a state office dedicated to parental defense.

At the local level, the Juvenile Dependency Court in Santa Clara County (San Jose), California, has operated a program specifically focused on child protection cases for more than a decade. All parties and their attorneys participate in the Dependency Mediation Program: family members, significant friends, and professionals are also invited to participate. Proceedings are confidential except for reporting new allegations of abuse. Two mediators, a man and a woman, conduct each session. The goal is to develop a plan that all the parties and their representatives agree is best for the child and safe for all involved. In three-quarters of the cases referred to mediation, the parties were able to resolve all the issues; in an additional 17% of the cases, resolution of at least some of the issues was achieved.

NEXT STEPS:

Each participating jurisdiction is implementing the strategies described in its action plan. Commissions and Collaboration Teams are being formed, legislation and rules drafted, state summits planned, data systems and reports modified, and training developed. NCSC is gathering information on the activities in each state. A one-year Progress Report will be issued in the fall of 2006.

APPENDIX I

SUMMIT AGENDA



A NATIONAL JUDICIAL LEADERSHIP SUMMIT ON THE PROTECTION OF CHILDREN

AGENDA

Tuesday – September 20

1:00 PM – 5:30 PM

*Sheraton—Grand Ballroom Foyer
Crown Plaza—Hotel Lobby*

Registration

6:00 PM – 6:30 PM

Grand Ballroom East

Welcomes and Introduction of the Issues

Hon. Randall Shepard, Chief Justice, Supreme Court of Indiana

Daniel Becker, State Court Administrator of Utah, Immediate Past President, Conference of State Court Administrators

Hon. Stephen Rubin, President, National Council of Juvenile and Family Court Judges

Ms. Rebecca Rimel, President, The Pew Charitable Trusts

The leadership of the court organizations co-sponsoring the Summit will welcome the participants and discuss why it is important to exercise leadership in making child protection a priority. The President of The Pew Charitable Trusts, which provided substantial financial support for the Summit, will also extend a welcome and discuss the Pew Commission on Children in Foster Care.

Host: Mr. Lee Suskin, State Court Administrator, Supreme Court of Vermont

6:30 PM – 7:30 PM

Veranda Ballroom

Opening Reception

Straight River String Quartet

Wednesday – September 21

7:30 AM – 12:00 PM

Grand Ballroom Foyer

Registration

7:30 AM – 8:30 AM

Grand Ballroom Foyer

Continental Breakfast

8:30 AM – 8:45 AM
Grand Ballroom East

Welcome

Hon. Tim Pawlenty, Governor, State of Minnesota
Hon. Kathleen Blatz, Chief Justice, Minnesota Supreme Court
Governor Pawlenty and Chief Justice Blatz will offer Minnesota’s welcome to the participants

8:45 AM – 9:45 AM
Grand Ballroom East

Keynote Address – A Pair of Dimes...and Children’s Time

Hon. William Byars, Jr., Director, South Carolina Department of Juvenile Justice and former South Carolina trial court judge
Director Byars will discuss the impact the current process has on the child’s perceptions and experiences, the effect that delay and uncertainty has on children, and how current system operations are designed to address the needs of adults rather than those of children.

Host: **Ms. Mary Mentaberry**, Executive Director, National Council of Juvenile and Family Court Judges

9:45 AM – 10:15 AM:
Grand Ballroom East

Through the Eyes of Children: Former Foster Youth Speak

A panel of youth and young adults who have personally experienced foster care and the child protection system will describe the impact of the court process.

“Through the Eyes of the Child” – A film produced by The Dave Thomas Foundation for Adoption

Host: **Ms. Rita Soronen**, Executive Director, The Dave Thomas Foundation for Adoption

10:15 AM – 10:30 AM
Grand Ballroom East

Charge to the Teams: Ready, Set, Go!

Hon. F. Phillip Carbullido, Chief Justice, Supreme Court of Guam
Mr. Richard Van Duizend, Summit Director, National Center for State Courts

Mr. Van Duizend, the Summit Director, will review the Summit agenda and the location of the meeting rooms. Chief Justice Carbullido will explain what the state teams will be asked to accomplish during the Summit, how they will do so, why it is of great importance, and how the results will be used.

10:30 AM – 10:45 AM
Grand Ballroom Foyer

Break

10:45 AM – 12:00 PM
See State Team List

Team Session I – Identifying Priorities: Ready...

12:00 PM – 1:00 PM
Veranda Ballroom

Lunch

Hon. William Frenzel (former U.S. Representative), Chair, Pew Commission on Children in Foster Care

Representative Frenzel will review the recommendations of the Pew Commission related to courts and what the Commission has been doing to facilitate implementation of its recommendations.

Host: **Ms. Carol Emig**, Executive Director, Pew Commission on Children in Foster Care

1:30 PM – 2:15 PM
Grand Ballroom East

Stark Realities and Cold Facts: The Price Children Pay While They Wait

Dr. Carol Wilson Spigner, Professor, University of Pennsylvania School of Social Work

Professor Spigner will describe the physiological and emotional effect of foster care and the child protection process on children.

Moderator: Ms. Sue Badeau, Deputy Director, Pew Commission on Children in Foster Care

2:15 PM – 2:45 PM
Grand Ballroom East

Question and Answer Session

Professor Spigner will address the participants' questions regarding the impact of foster care on child health and development.

2:45 PM – 3:00 PM
Grand Ballroom Foyer

Break

3:00 PM – 4:00 PM
Grand Ballroom East

Creating a New Normal

Mr. Lou Tice, President, The Pacific Institute

Mr. Tice will address the challenge of change for organizations, their leaders, and their staff, and how to meet that challenge.

Host: Hon. Maura Corrigan, Justice, Michigan Supreme Court

4:00 PM – 5:00 PM
Grand Ballroom East

As the Road to Hell Is Paved with Good Intentions, So Is Impermanence for Children: Top Impediments to Change

Moderator: Hon. Nancy Salyers, Co-Director, Fostering Results

Hon. Evelyn Stratton, Justice, Supreme Court of Ohio

Ms. Sue Dosal, State Court Administrator, Minnesota

Hon. Richard Fitzgerald (ret.) Former Presiding Judge, Jefferson County Family Court, Kentucky

Mr. Richard Anderson, Director, Utah Division of Child & Family Services

Host: Ms. Maureen Byrnes, Director, Policy Initiatives/Human and Health Services, The Pew Charitable Trusts

5:15 PM

Buses Departing for Dinner from the North Entrance of the Sheraton Hotel

6:30 PM

Dinner at the home of Chief Justice Kathleen Blatz and her husband, Mr. Wheelock Whitney (business casual attire)

9:30 PM

Buses Returning from Dinner

Thursday – September 22

7:30 AM – 8:30 AM
Grand Ballroom Foyer

Continental Breakfast

8:30 AM – 9:30 AM
Grand Ballroom East

The Real Minnesota Twins: Change and Permanency

Hon. Kathleen Blatz, Chief Justice, Minnesota Supreme Court

Mr. Kevin Goodno, Commissioner, Minnesota Department of Human Services

Hon. Waldemar Senyk, Judge, 7th Judicial District Court, Minnesota

Hon. John Rodenberg, Judge, 5th Judicial District Court, Minnesota

Mr. Rob Sawyer, Director, Children and Family Services, Olmstead County, Minnesota

The leaders of Minnesota's Children's Initiative will describe the Initiative, the impetus for change, how the Initiative functioned, challenges presented, and what is being accomplished.

9:30 AM – 10:30 AM
Grand Ballroom East

Champions for Change and Collaboration: An All-Star Line-Up of Successes

Moderator: **Hon. Judith S. Kaye**, Chief Judge, New York State Unified Court System

Hon. Bobbe J. Bridge, Justice, Supreme Court of Washington

Mr. William Vickrey, State Court Administrator, California

Hon. Patricia Walker Fitzgerald, Judge, Jefferson County Circuit Court, Kentucky

Ms. Nancy Rollins, Director, New Hampshire Child Welfare Department

Mr. Marc Cherna, Director, Allegheny County Department of Human Services, Pennsylvania

The panel will outline the differing approaches taken to collaboration, the incentives for collaborating, the results, and lessons learned will be provided.

Host: **Ms. Vicki Johnson-Scott**, Director, Virginia Department of Social Services, Division of Family Services

10:30 AM – 10:45 AM
Grand Ballroom Foyer

Break

10:45 AM – 12:00 PM

Team Session 2 - Collaborating with Stakeholders: Ready, Set...

12:00 PM – 1:00 PM
Grand Ballroom Center

Lunch

Hon. Alex M. Azar, II, Deputy Secretary, US Dept. of Health and Human Secretary

Host: **Ms. Mary Campbell McQueen**, President, National Center for State Courts

1:15 PM – 1:45 PM
Grand Ballroom East

The View From In Front of the Bench: Giving Voice to Personal Experience

A panel of foster and adoptive parents who have experienced foster care and the child protection process will discuss the impact of the court process.

Ms. Catherine Harris

Ms. Mary Lyons

Mr. Randy Ruth

Host: **Mr. Marvin Ventrell**, Director, National Association of Counsel for Children

1:45 PM – 2:15 PM
Grand Ballroom East

The ABCs for Children: Expeditiousness, Permanency, and Safety

Hon. Maura Corrigan, Justice, Michigan Supreme Court Justice Corrigan will delineate why these are national goals and provide suggestions on how to resolve conflicts among them.

Host: **Ms. Chris Bailey**, Director Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges

2:30 PM – 3:30 PM
Bloomington Room

Concurrent Sessions –

1. Challenges, Models and Successes in Providing Representation for Children

Ms. Miriam Krinsky, Executive Director, Children’s Law Center of Los Angeles

This workshop will discuss the benefits, challenges and differing models associated with legal representation for children in child protection proceedings, ways in which the court and others can support and promote effective representation for children, and also examine the role children's counsel can play in bringing about positive system change.

Host: Ms. Dawn Marie Rubio, Principal Court Management Consultant, National Center for State Courts

Edina Room

2. Success Stories on Providing Representation for Parents

Hon. Joseph Lauria, Administrative Judge, New York City Family Court

Hon. Lee Satterfield, Presiding Judge, District of Columbia Family Court

This session will provide practical examples of how to establish and monitor effective programs for representing parents in child protection proceedings.

Host: Ms. Kay Pedretti, Director, Court Services Division, Minnesota State Court Administrative Office

Plaza 6

3. Appropriate Use of Mediation and Family Group Counseling

Hon. Leonard Edwards, Presiding Judge, Santa Clara County Family Court, California

Hon. Michael Broderick, Family Court of Hawaii

The speakers will describe how to establish and operate effective mediation and family group counseling programs in child protection proceedings and the benefits and drawbacks of each approach.

Host: Dr. Victor Eugene Flango, Executive Director, Program Resource Development, National Center for State Courts

Plaza 2

4. When Should Children Be in the Courtroom?

Hon. Patricia Martin Bishop, Presiding Judge, Juvenile Division, Cook County, Illinois Circuit Court

The speakers will debate the pros and cons of having children attend child protection hearings, and will provide examples of practical approaches to facilitate participation and understanding, avoid disruption, and avoid children in the courtroom hearing harmful or inappropriate information will be provided.

Host: Ms. Marilyn Wellington, Principal Court Management Consultant, National Center for State Courts

Atrium 8

5. Attorney Teams and Continuous Representation Throughout the Court Process

Hon. Sharon McCully, Presiding Judge, Third District Juvenile Court, Utah

This workshop will specify the benefits and drawbacks of continuous representation of children and parents and offer one or more examples of how to establish and operate effective programs for achieving continuous representation in child protection proceedings.

Host: Dr. Sophia A. Gatowski, National Council of Juvenile and Family Court Judges

Veranda Ballroom 1 & 2

6. Applying the Problem-Solving Court Approach to Family Cases

Hon. Donna Mitchell, Chief Magistrate, Lucas County Juvenile Court, Ohio

Hon. Margaret O. Steinbeck, Judge, 20th Judicial Circuit, Florida

This panel will contrast the benefits and drawbacks of using problem-solving principles in child protection cases, and suggest examples of how to establish and operate effective problem-solving court programs for such cases.

Host: Mr. John D. Ferry, Court Consultant of Counsel, National Center for State Courts

Veranda Ballroom 5 & 6

7. The Courts and Child Protection Agencies: Working Together to Improve Children's Lives

Ms. Joan Ohl, Commissioner, Administration on Children, Youth and Families, US Department of Health and Human Services

Mr. Jerry Milner, Senior Child Welfare Program Specialist, Children's Bureau, Administration on Children, Youth and Families, U.S. Department of Health and Human Services

The speakers will define the lessons learned from the initial round of Child and Family Service Reviews (CFSRs) and Program Improvement Plans (PIPs), the importance of collaboration between courts and child protection agencies in improving permanency outcomes for children, and the implications for the next round of CFSRs.

Host: Ms. Kay Farley, Director, Governmental Relations Office, National Center for State Courts

3:30 PM – 3:45 PM

Break

3:45 PM – 4:45 PM

Concurrent Sessions

Plaza 2

1. Walking the Talk on Expediting Appeals: Successfully Overcoming the Obstacles

Hon. Sara Combs, Chief Judge, Kentucky Court of Appeals

Hon. Patricia Walker Fitzgerald, Jefferson County Circuit Court, Kentucky

Hon. Evelyn Stratton, Justice, Supreme Court of Ohio

The panel will describe why expedited appellate processes are needed for child protection cases and present practical examples of how to establish and operate effective programs for expediting appeals.

Host: Mr. John D. Ferry, Court Consultant of Counsel, National Center for State Courts

Bloomington Ballroom

2. Coming to Closure: Success Stories in Expediting Permanency/TPR Decisions at the Trial Court Level

Hon. Deborah Schumacher, Judge, Second Judicial District Court, Nevada

Hon. Constance Cohen, Associate Juvenile Judge, Fifth District Court, Iowa

This session will offer practical examples of how to expedite final dispositional decisions in child protection cases.

Host: Mr. Douglas Somerlot, Executive Vice-President, Justice Management Institute

Edina Room

3. How Spending Time Can Save Time: Appropriate and Effective Use of Expanded Preliminary Protective Hearings

Hon. Stephen Rubin, Commissioner, Pima County Juvenile Court, Arizona

Hon. Dale Koch, Presiding Judge, Circuit Court, Fourth Judicial District, Oregon

The speakers will outline the benefits and drawbacks of using expanded preliminary protective hearings in child protection cases and examples will be provided on how to establish and operate an effective preliminary protective hearing process.

Host: Ms. Kay Pedretti, Director, Court Services Division, Minnesota State Court Administrative Office

Plaza 6

4. How Do You Know What You Know? -- Effective Case Tracking Systems

Mr. Ray Wahl, State Juvenile Court Administrator, Supreme Court of Utah

Mr. William Stanton, Director, Dependent Children Services Division, Arizona Administrative Office of the Courts

The panel will explain how to design, implement, and utilize case tracking systems based on two states' experience.

Host: Ms. Marilyn Wellington, Principal Court Management Consultant

Veranda Ballroom 1 & 2

5. What You Count Counts: A National Model Using Measures of Performance to Monitor Effectiveness

Dr. Victor Eugene Flango, Executive Director of Program Resource Development, National Center for State Courts

Dr. Sophia Gatowski, National Council on Juvenile and Family Court Judges

Ms. Dawn Marie Rubio, Principal Court Management Consultant, National Center for State Courts

This workshop will describe the benefits and drawbacks of using performance measures generally, and those developed for child protection cases by NCSC, NCJFCJ and the ABA, and will offer practical examples of implementing and operating an effective performance measures program.

Host: Chief Justice Robert Miller (ret.), Chair, State Justice Institute Board of Directors

Atrium 8

6. What You Count Counts: A State/Local Model Using Measures of Performance to Monitor Effectiveness

Mr. Mark Testa, Co-Director, Fostering Results

Mr. Thomas Atwood, Executive Director, National Council for Adoption

This session will explain the benefits and drawbacks of using performance measures generally, and those developed for child protection cases by Fostering Results and by the National Council For Adoption, and will offer practical examples of implementing and operating an effective performance measures program.

Host: Ms. Anita Light, Program Director, Leadership and Practice Development, American Public Human Services Administrators

Veranda 5 & 6

7. A Family At Last: Expediting the Adoption Process

Ms. Rita Soronen, Executive Director, The Dave Thomas Foundation for Adoption

Hon. Michael Nash, Judge, Los Angeles Juvenile Court, California

The speakers will discuss the importance of expediting the adoption process and provide practical examples of implementing and operating a process for ensuring timely and appropriate adoptions.

Host: Ms. Chris Bailey, Director, Permanency Planning for Children Department, National Council on Juvenile and Family Court Judges

Friday – September 23

7:30 AM – 8:30 AM
Grand Ballroom Foyer

Continental Breakfast

8:30 AM – 9:45 AM
See State Team List

Team Session 3 – Preparing an Action Plan: *Ready, Set, Go!*

9:45 AM – 10:00 AM
Grand Ballroom Foyer

Break

10:00 AM – 10:30 AM
Grand Ballroom East

How You Will Be Making a Difference

Hon. John Hendry, Chief Justice, Nebraska Supreme Court

Hon. Wallace Jefferson, Chief Justice, Texas Supreme Court

Hon. Leigh Saufley, Chief Justice, Maine Supreme Court

The leaders of three state teams will give a concise summary of the key steps in their state action plans and the implementation strategies.

Time will be allowed for questions from the audience.

Host: Mr. Lee Suskin, State Court Administrator, Supreme Court of Vermont

10:30 AM – 11:15 AM
Grand Ballroom East

From Both Sides Now – What Judges Don't Know About Child Protection Agencies and Vice Versa

Hon. Jim Payne, Director, Indiana Department of Social Services, Child Services Department and former Indiana trial court judge

The differences in perspectives, workload, authority, and motivation between courts and child protection agencies will be discussed and suggestions on how to partner to better serve the best interests of children will be provided.

Host: Hon. Judith S. Kaye, Chief Judge, New York State Unified Court System

11:15 AM – 11:45 AM
Grand Ballroom East

Changing Lives by Changing Systems: Our Calling to Make a Difference

Hon. Kathleen Blatz, Chief Justice, Supreme Court of Minnesota

11:45 AM

Adjourn

APPENDIX II

PLANNING COMMITTEE

JUSTICE FOR CHILDREN: Changing Lives by Changing Systems: *A National Judicial Leadership Summit on the Protection of Children*

Ms. Chris Bailey

Director

Permanency Planning for Children Department
National Council of Juvenile and Family Court
Judges (NCJFCJ)

Hon. Kathleen A. Blatz (Co-Chair)

Chief Justice

Supreme Court of Minnesota

Hon. Maura D. Corrigan

Justice

Supreme Court of Michigan

Ms. Sue K. Dosal

State Court Administrator

Supreme Court of Minnesota

Ms. S. Kay Farley

Director

Government Relations Office
National Center for State Courts (NCSC)

Dr. Victor E. “Gene” Flango

Executive Director

Program Resource Development
National Center for State Courts (NCSC)

Ms. Vicki Johnson-Scott

Director

Virginia Department of Social Services
Division of Family Services

Hon. Judith S. Kaye

Chief Judge

State of New York

Ms. Anita B. Light

Program Director

Leadership and Practice Development American
Public Human Services Administrators (APHSAs)

Hon. Sharon P. McCully

Judge

Third District Juvenile Court
Salt Lake City, UT

Ms. Mary Mentaberry

Executive Director

National Council of Juvenile and Family Court
Judges (NCJFCJ)

Ms. Kay Pedretti

Director

Court Services Division
Office of the State Court Administrator
Supreme Court of Minnesota

Hon. Nancy Salyers

Director

Fostering Results
Chicago, IL

Mr. Lee Suskin (Co-Chair)

State Court Administrator

Office of Court Administrator
Montpelier, VT 05609-0701

Mr. Richard Van Duizend

Principal Court Management Consultant

National Center for State Courts (NCSC)

APPENDIX III

LIST OF TEAMS AND CONTACT PERSON

JUSTICE FOR CHILDREN: Changing Lives by Changing Systems: A National Judicial Leadership Summit on the Protection of Children

STATE TEAMS*

ALASKA

Alexander O. Bryner, Chief Justice, Supreme Court of Alaska
Stephanie Cole, Administrative Director, Alaska Court System
Susanne DiPietro, Judicial Education Coordinator, Alaska Court System
Sharon Gleason, Superior Court Judge, Alaska Court System
Tammy Sandoval, Acting Deputy Commissioner, Office of Children's Services

ALABAMA

Margaret Bonham, Director, Alabama Dept. of Human Resources
George Brown, District Judge
John Davis, Consultant/Chair - CIP, Administrative Office of Courts
Robert Maddox, Staff Attorney, Administrative Office of the Courts
Patti Smith, Associate Justice, Supreme Court of Alabama

ARKANSAS

Gary Arnold, Circuit Judge, State of Arkansas
Robert Edwards, Circuit Judge, 17th Judicial District, State of Arkansas
Jim Hannah, Chief Justice, Arkansas Supreme Court
Connie Hickman Tanner, Director, Juvenile Division Courts, Administrative Office of the Courts
Janie Huddleston, Deputy Director, Department of Human Services

ARIZONA

Robert Brutinel, Presiding Judge, Yavapai County Superior Court
Terry Chandler, Superior Court Judge, Pima County Superior Court
J. Peter Hershberger, , Arizona State House of Representatives
Emmet Ronan, Presiding Juvenile Judge, Superior Court of Maricopa County
Tracy Wareing, Deputy Director, Dept. of Economic Security
Caroline I. Lantt-Owens, Division Director, Dependent Children Services, Administrative Office of the Courts

CALIFORNIA

Larry Bolton, Chief Counsel, California Department of Social Services
Dennis Boyle, Director, California Dept. of Social Services
Susan Huguenor, Judge, Superior Court of California
Suzanne Kingsbury, Presiding Judge, Superior Court of California
Miriam Krinsky, Executive Director, Children's Law Center of Los Angeles
Carlos Moreno, Associate Justice, Supreme Court of California
Donna Myrow, Executive Director, LA Youth
Michael Nash, Judge, Superior Court of California
Diane Nunn, Director, Center for Families, Children & the Courts, Administrative Office of the Courts
Alan Slater, Chief Executive Officer, Superior Court of California
William Vickrey, Administrative Director, Administrative Office of the Courts
Christopher Wu, Supervising Attorney, Admin. Office of the Courts

COLORADO

Karen Ashby, Trial Court Judge, Colorado Judicial Department
Alicia Davis, State Court Administrator's Office
Marva Hammons, Executive Director, Colorado Dept. of Human Services
Gerald Marroney, State Court Administrator, Colorado Judicial Dept.
Mary Mullarkey, Chief Justice, Supreme Court of Colorado

CONNECTICUT

Marilou Giovannucci, Manager, Juvenile Matters
Susan Hamilton, Director, Legal Division, State of Connecticut
Barbara Quinn, Chief Administrative Judge, Superior Court, State of Connecticut
Karen Snyder, Chief of Program Operations, State of Connecticut
Carl Taylor, Presiding Judge, J.D. Courthouse

* Contact person for each team is in blue type.

DISTRICT OF COLUMBIA

Brenda Donald Walker, Director, Child & Family Services Agency
Anita Josey-Herring, Deputy Presiding Judge, Family, Dist. of Columbia Superior Court
Rufus King, Chief Judge, Superior Court of DC
Stephanie Minor-Harper, Family Court Coordinator, D.C. Superior Court
Terry Odom, Director, Court Social Services Division
Lee Satterfield, Presiding Judge, Superior Court of DC
Vincent Schiraldi, Executive Director, Center on Juvenile & Criminal Justice

DELAWARE

Robert Coonin, Judge, State of Delaware
Loretta DeShields, Senior Program Coordinator/CIP, Family Court of the State of Delaware
Carlyse Giddins, Director, Division of Family Services
Chandlee Kuhn, Chief Judge, Family Court, State of Delaware
Randall Williams, Family Court Administrator, New Castle County Courthouse

FLORIDA

Avron Bernstein, Senior Attorney, Office of the State Courts Administrator
Beth Englander, Director, Department of Children & Families
Lisa Goodner, State Courts Administrator, Office of the State Courts Administrator
Nathan Moon, Senior Attorney, Supreme Court of Florida
Robert Morris, Circuit Judge, Sixth Judicial Circuit of Florida
Barbara Pariente, Chief Justice, Supreme Court of Florida

GEORGIA

Michelle Barclay, Director, Child Placement Project, Georgia Administrative Office of the Courts
Mary Harvey, Division Director, Dept. of Human Resources
P. Harris Hines, Justice, Supreme Court of Georgia
Michael Key, Judge, Troup County Juvenile Court
Debra Nesbit, Associate Director, Administrative Office of the Courts
Leah Ward Sears, Chief Justice, Supreme Court of Georgia

GUAM

Barbara Aguon, Foster Parent, Judiciary of Guam
Linda Ingles, Administrative Hearing Officer, Superior Court of Guam
Katherine Maraman, Judge, Superior Court of Guam

Perry Taitano, Administrator of the Courts, Judiciary of Guam
Lydia Tenorio, Human Services Administrator, Department of Public Health and Social Service

HAWAII

Michael Broderick, Judge, Family Court, Circuit Court, First Circuit
Ben Gaddis, Judge, District Family Court
Thomas Keller, Admin. Director of the Courts, Judiciary, State of Hawaii
Faye Kimura, Project Coordinator, Hawaii Court Improvement Project
Patricia Newlin, Senior Policy Advisor, State of Hawaii
Henry Oliva, Deputy Director, State of Hawaii
Amy Tsark, Administrator, State of Hawaii

IOWA

Gail Barber, Director, Iowa Court Improvement Project
David Boyd, State Court Administrator, Iowa Judicial Branch
Mary Nelson, Administrator, Iowa Dept. of Human Services
William Owens, Associate Juvenile Judge, State of Iowa
Marsha Ternus, Justice, Iowa Supreme Court
Michael Walsh, District Court Judge, Iowa Judicial Branch

IDAHO

Debra Alsaker-Burke, Court Improv. Proj. Coordi., Idaho Supreme Court
Ken Deibert, Administrator, Idaho Dept. of Health & Welfare
Andrew Ellis, Deputy Prosecuting Attorney, Ada Co. Prosecutor's Office
Corrie Keller, Director of Court Services, Idaho Supreme Court
Bryan Murray, Judge, Bannock County

ILLINOIS

Valerie Ceckowski, Associate Judge, 19th Judicial Circuit
Cynthia Cobbs, Director, Administrative Office of the Courts
LaMonica Davis, CIP Coordinator, Admin. Office of the Illinois Courts
Melissa Dorris, Attorney, Admin. Office of the Illinois Courts
Bryan Samuels, Director, Illinois Dept. of Children & Family Svcs.
S. Gene Schwarm, Chief Circuit Judge, 4th Judicial Circuit
Michael Tardy, Executive Assistant, Administrative Office of the Courts

INDIANA

Anne Jordan, Program Attorney, Indiana Judicial Center
James Payne, Director, Department of Child Services
Charles Pratt, Judge, Allen Superior Court
Margaret Robb, Judge, Indiana Court of Appeals
Loretta Rush, Judge, Tippecanoe Superior Court
Randall Shepard, Chief Justice, Supreme Court of Indiana

KANSAS

Ann Dixon, Judge, Kiowa County District Court
Mark Gleeson, Family & Children Program Coordinator, Kansas Judicial Branch
Thomas Graber, District Court Judge, State of Kansas-Sumner County
Denise Kilwein, Director of Judicial Education, Supreme Court of Kansas
Roberta Sue McKenna, Assistant Director, Children and Family Services
Kathy Porter, Executive Assistant, Kansas Judicial Branch

KENTUCKY

Thomas Emberton, Commissioner, State of Kentucky
Debra Lambert, Judge, Family Court
Joseph Lambert, Chief Justice, Supreme Court of Kentucky
Penny Warren, General Manager, Administrative Office of the Courts
Patrick Yewell, General Manager, Juvenile Services

MAINE

James Glessner, State Court Administrator, Administrative Office of the Courts
John Nivison, Deputy Chief Judge, Maine Judicial Center
Wendy Rau, Director of Court Operations, Administrative Office of the Courts
Leigh Saufley, Chief Justice, Maine Supreme Judicial Court

MARYLAND

Robert Bell, Chief Judge, Court of Appeals of Maryland
Frank Broccolina, Court Administrator, Admin. Office of the Courts
Marvin Kaminetz, County Administrative Judge, State Courts of Maryland
Wayne Stevenson, Executive Director, Social Services Administration
Tracy Watkins-Tribbitt, Director, Administrative Office of the Courts

MASSACHUSETTS

Francis Carney, Executive Director, Massachusetts Trial Court
Martha Grace, Chief Justice, Mass. Juvenile Court
Margaret Marshall, Chief Justice, Supreme Judicial Court of Mass.
Robert Mulligan, Chief Administrative Justice, Massachusetts Trial Court
Lewis Spence, Commissioner, MA Department of Social Services

MICHIGAN

Michael Foley, Deputy Director, Child Welfare Services
Carl Gromek, State Court Administrator, Michigan Supreme Court
Kathryne O'Grady, Director, State Court Administrator's Office
Clifford Taylor, Chief Justice, Supreme Court of Michigan
Marianne Udow, Director, Department of Human Services

MINNESOTA

Ann Ahlstrom, Staff Attorney, Supreme Court of Minnesota
Kathleen Blatz, Chief Justice, Supreme Court of Minnesota
Sue Dosal, State Court Administrator, Supreme Court of Minnesota
James Fleming, Chief Public Defender, Fifth Judicial District
Jane Glander, Manager, Third District Guardian Ad Litem
Kevin Goodno, Commissioner, Minnesota Dept of Human Services
Julie Harris, Managing Attorney, Ofc. of the Hennepin Co. Attorney
Judy Nord, Court Improvement Project Mgr., Minnesota Supreme Court
Waldemar Senyk, Project Chair, Minnesota District Court, Seventh Judicial District
Erin Sullivan Sutton, Director, Minnesota Dept of Human Services

MISSOURI

Mary Brennell, Education Programs Specialist, Office of State Courts Administrator
Kathryn Herman, Assistant Court Administrator, 22nd Judicial Circuit Court
Linda Hope, Family Preservation Project Specialist, Officer of State Courts Administrator
Norma Rahm, Program Specialist, Office of State Courts Administrator
Frederic Simmens, Director, Children's Division

MISSISSIPPI

John Hudson, Judge, Adams County Mississippi
Kevin Lackey, Director, Administrative Office of the Courts
Patti Marshall, Asst. Attorney General, Office of Attorney General
Jamie McBride, Director, CIP Program

MONTANA

Holly Brown, District Court Judge,
Shirley Brown, Division Administrator, Child/Family Services
Robert Peake, Bureau Chief, Court Services, Supreme Court Administration
Sherri Rafter, CAP Coordinator,

NEBRASKA

John Hendry, Chief Justice, Supreme Court of Nebraska
Everett Inbody, Chief Judge, Nebraska Court of Appeals
Douglas Johnson, Judge, Juvenile Court
Nancy Montanez, Director, Department of Health & Human Services
Todd Reckling, , Admin. Office of Prot. & Safety
Janice Walker, State Court Administrator, Administrative Office of the Courts
Vicky Weisz, Director, Court Improvement

NEW HAMPSHIRE

Gina Apicelli, Family Division Administrator, NH Judicial Branch - Family Division
Thomas Bamberger, Judge, Nashua District Court
John Broderick, Chief Justice, New Hampshire Supreme Court
Susan Carbon, Supervisory Judge, Grafton County Family Division
Linda Dalianis, Associate Justice, New Hampshire Supreme Court
Kristy Lamont, Permanency Planning Coordinato, New Hampshire District Court
Nancy Rollins, Director, Dept of Health & Human Services

NEW JERSEY

Philip Carchman, Acting Administrative Director, Administrative Office of the Courts
James Davy, Commissioner, Department of Human Services
Jude Del Preore, Trial Court Administrator, New Jersey Superior Court
Glenn Grant, Presiding Judge, Essex County Court
Deborah Poritz, Chief Justice, Supreme Court of New Jersey

NEW MEXICO

Angela Adams, Chief Attorney, State of New Mexico
James Guss, Court Improvement Proj. Mgr., Administrative Office of the Courts
Petra Jimenez-Maes, Justice, 1st Judicial District
Karen Parsons, Chief District Court Judge, State of New Mexico
John Romero, District Judge, 2nd Judicial District Court
Mary Shaening, President, Shaening and Associates, Inc.

NEVADA

Jone Bosworth, Administrator, Division of Child & Family Services
Michael Capello, Director of Children's Service, Washoe County Social Services
Susan Klein-Rothschild, Director, Clark County Dept. of Family Services
Susan Strauss, Supervising Crt Srvc Analyst, Administrative Office of the Courts
Frank Sullivan, Juvenile Hearing Master, Eighth Judicial District Court
Ronald Titus, State Court Administrator, Administrative Office of the Courts
Richard Wagner, District Judge, Sixth Judicial District Court

NEW YORK

Larry Brown, Deputy Commissioner, NY Office of Children and Family Services
Zeinab Chahine, Exec. Deputy Commissioner, Administration for Children's Services
Sheryl Dicker, Executive Director, Judicial Commission on Children
Janet Fink, Deputy Counsel, New York State Unified Court System
Joseph Lauria, Administrative Judge, New York City Family Court
John Mattingly, Commissioner, Administration for Children's Services
Nicolette Pach, Judge (ret.),
Sharon Townsend, Administrative Judge, NYS Unified Court System

NORTH CAROLINA

Ann Marie Calabria, Judge, North Carolina Judiciary
Lana Dial, Project Coordinator, NC Court Improvement
Jo Ann Lamm, Section Chief, NC Division of Social Services
H. Paul McCoy, Chief District Court Judge, Administrative Office of the Courts
Jane Volland, Administrator, Guardian Ad Litem Program

Ralph Walker, Director, N.C. Administrative Office of the Courts

NORTH DAKOTA

Lee Ann Barnhardt, Jud. Edu. & Spec. Proj. Coord., North Dakota Supreme Court

Lee Christofferson, District Court Judge,

Louis Hentzen, Asst. State Court Admin., North Dakota Supreme Court

Tara Muhlhauer, Court Improvement Specialist, ND Dept. of Human Services

Paul Ronningen, Director, ND Department of Human Services

Gerald VandeWalle, Chief Justice, Supreme Court of North Dakota

NORTHERN MARIANA ISLANDS

Nora Borja, Assistant to the Chief Justice, Supreme Court of the Northern Mariana Islands

Debra Inos, Social Worker IV, Division of Youth Services, Child Protection Unit

Bruce Mailman, , Mailman & Kara, LLC

Bernadita Sablan, Clerk of Court, CNMI Superior Court

David Wiseman, Judge, Commonwealth Superior Court

OHIO

Helen Jones-Kelley, Executive Director, Montgomery County Children's Services

Kenneth Lusnia, , Cuyahoga County Juvenile Court

James Ray, Judge, Lucas County Juvenile Court

Jessica Shimberg Lind, Program Manager, Supreme Court of Ohio

Rick Smith, Deputy Director, Ohio Dept of Job & Family Services

Evelyn Stratton, Justice, Supreme Court of Ohio

OKLAHOMA

Ann Domin, Trial Court Administrator, Tulsa County Courthouse

Jonna Geitgey, Assistant General Counsel, Dept. of Human Services

Gary Miller, Associate District Judge, Canadian County Courthouse

Nan Patton, Associate District Judge, Oklahoma Juvenile Center

Linda Smith, Director, Dept. of Human Services

OREGON

Lindi Baker, Presiding Judge, Josephine County Courthouse

David Brewer, Chief Judge, Oregon Court of Appeals

Nancy Keeling, Administrator, Department of Human Services

Dale Koch, Presiding Judge, Multnomah County District Court

Lynn Travis, Model Court Manager, State Court Administrator's Office

PENNSYLVANIA

Max Baer, Justice, Supreme Court of Pa.

Kim Berkeley Clark, Judge, Allegheny County Juvenile Court

Terry Clark, Chief of Division, Office of Children, Youth & Families

Kevin Dougherty, Supervising Judge, Court of Common Pleas

Joseph Mittleman, Director of Judicial Programs, Administrative Office of Pennsylvania Courts

Zygmunt Pines, Court Administrator, Administrative Office of the Courts

PUERTO RICO

Ada Burgos, Deputy Director, Office of Courts Administration

Marta Fernandez, Deputy Secretary, Department of the Family

Paula Lebron, CIP Coordinator, Office of Courts Administration

Wanda Rocha, Director, Judicial Programs, Office of Courts Administration

Gladys Torregrosa, Superior Judge, Administrative Office of the Courts

RHODE ISLAND

Buddy Croft, Chief of Staff, Rhode Island Family Court

George DiMuro, Magistrate, Rhode Island Family Court

F. Charles Haigh, Administrator/Clerk, Rhode Island Family Court

Jeremiah Jeremiah, Chief Judge, Rhode Island Family Court

SOUTH CAROLINA

Donald Beatty, Associate Judge, Court of Appeals

Rosalyn Frierson, Director, South Carolina Supreme Court

Kaye Hearn, Chief Judge, Court of Appeals

Tiffany Raines, Court Improvement Prog. Coord., South Carolina Court Administration

Mary Williams, Director of Human Services, Department of Social Services

SOUTH DAKOTA

Deborah Bowman, Cabinet Secretary, State of South Dakota

Patricia Duggan, Circuit Administrator, Unified Judicial System, SD

David Gilbertson, Chief Justice, Supreme Court of South Dakota

D.J. Hanson, State Court Administrator, Unified Judicial System
Jack Von Wald, Presiding Judge, Unified Judicial System

TENNESSEE

E. Riley Anderson, Chief Justice, Supreme Court of Tennessee
Rachel Anthony, Judge, Lauderdale Co., TN Juvenile Court
Cornelia Clark, Justice, Supreme Court of Tennessee
Leslie Kinkead, Director, Court Improvement Program, Administrative Office of the Courts
Susan Mee, CFSR Coordinator, Tennessee Dept. of Children's Services

TEXAS

Alfredo Chavez, Judge, 65th Family District Court
Carole Hurley, Director, Texas Center for the Judiciary
Wallace Jefferson, Chief Justice, Supreme Court of Texas
Laurel Lindsey, Director of Investigations, Dept. of Family & Protective Services
Patricia Macias, Judge, 388th Judicial District Court
Colleen McCall, Director of Field, Texas Dept. of Family & Protective Svcs.
Harriet O'Neill, Judge, Supreme Court of Texas
Carl Reynolds, Administrative Director, Office of Court Administration
John Specia, Judge, 225th Judicial District Court

UTAH

Richard Anderson, Director, Utah Child and Family Services
Daniel Becker, State Court Administrator, Utah State Courts
Katie Gregory, Assistant Juvenile Court Administrator, Administrative Office of the Courts
Sharon McCully, Judge, Third District Juvenile Court
William Thorne, Judge, Utah Court of Appeals

VIRGINIA

Frederick Hodnett, Assistant Executive Secretary, Supreme Court of Virginia
Lelia B. Hopper, Director, CIP Program, Supreme Court of Virginia
Vickie Johnson-Scott, Director, VA Dept. of Social Services
Ramona Taylor, Judge, Va. Beach J&DR Dist. Court
Elizabeth Wills, Judge, State of Virginia

VERMONT

M. Kathleen Manley, Superior Court Judge, State of Vermont
James Morse, Associate Justice, Vermont Supreme Court
Paul Reiber, Chief Justice, Vermont Supreme Court
Lee Suskin, State Court Administrator, Supreme Court of Vermont
Cindy Walcott, Deputy Commissioner, Dept. for Children & Families
Shari Young, Juv. Court Improvement Manager, VT Court Administrator's Office

WASHINGTON

Bobbe Bridge, Justice, Washington State Supreme Court
Paula Casey, Judge, Thurston County Superior Court
Michael Curtis, Analyst III, King County Superior Court
Charles Snyder, Judge, Whatcom County Superior Court
Cheryl Stephani, Assistant Secretary, Children's Administration

WISCONSIN

Shirley Abrahamson, Chief Justice, Supreme Court of Wisconsin
Bernie Bridge, Administrator, Dept. of Health and Family Services
Lindsey Draper, Circuit Court Commissioner, Milwaukee County Children's Court Center
Michelle Jensen Goodwin, Court Improvement Program Dir., Wisconsin Supreme Court
A. John Voelker, Director of State Courts, Wisconsin Court System

WEST VIRGINIA

Terrance Hamm, Prog. Improvement Plan Coord., WV Dept. of Health & Human Svcs.
John Hutchison, Judge, Raleigh County Courthouse
Gary Johnson, Judge, Nicholas County Courthouse
Misty Peal-Auville, Coordinator, WV Supreme Court of Appeals
Carter Williams, Attorney, Dept. of Health & Human Resources
Steven D. Canterbury, State Court Administrator, Supreme Court of Appeals of West Virginia

WYOMING

Tara Ackerman, Project Coordinator, Wyoming Supreme Court
Michael Golden, Justice, Wyoming Supreme Court
Rodger McDaniel, Director, Department of Family Services
Scott Skavdahl, District Court Judge, Seventh Judicial District Court

APPENDIX IV

RESOLUTION OF THE CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 15

In Support of the Recommendations Made by the Pew Commission on Children in Foster Care

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize the importance of securing safe, permanent homes for children and the importance of moving children in state custody to safe, permanent homes as quickly as possible through the efficient and effective handling of child abuse and neglect cases; and

WHEREAS, the Conferences applauded the formation of the Pew Commission on Children in Foster Care, a nonpartisan, multi-disciplinary group dedicated to examining strategies for improving the child welfare system, and recognized the critical role that courts play in overseeing the system; and

WHEREAS, after thoughtful study, the Pew Commission issued a series of recommendations for strengthening courts, focusing on four general strategies:

- Courts should adopt court performance measures to ensure that they can track cases, to increase accountability and to inform decisions about the allocation of court resources;
- Incentives and requirements should be established to require effective collaboration between the courts and child welfare agencies in the development of plans and programs on behalf of children in foster care;
- Children and parents should have a strong voice in court and effective representation by trained attorneys and advocates; and
- Chief Justices and other state court leaders should spearhead efforts to organize courts to better serve children, provide training for judges, and promote more effective standards for dependency courts judges and attorneys;

NOW, THEREFORE, BE IT RESOLVED that the Conferences support the recommendations made by the Pew Commission on Children in Foster Care; and

BE IT FURTHER RESOLVED that the Conferences are committed to establishing an action agenda to implement the Pew Commission's recommendations.

Adopted as proposed by the CCJ/COSCA Courts, Children and Families Committee at the 56th Annual Meeting on July 29, 2004.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 17

In Support of Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases

WHEREAS, Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases was published after a four-year collaborative effort by the National Center for State Courts, the National Council of Juvenile and Family Court Judges, and the American Bar Association Center on Children and the Law; and

WHEREAS, the publication is intended as a guide to assist courts handling child abuse and neglect cases make real and sustained advances in improving outcomes for abused and neglected children; and

WHEREAS, using the process outlined in the publication, courts should be able to establish reliable baseline measures of performance and workload and to establish a process to make continuous improvements; and

WHEREAS, courts should make every effort to measure performance, identify areas in need of improvement, chart progress and provide the stimulus to improve society's response to child maltreatment;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators endorse the Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases publication and encourage the use of this valuable tool.

Adopted as proposed by the CCJ/COSCA Courts, Children and Families Committee at the 56th Annual Meeting on July 29, 2004.

APPENDIX V

PRE-SUMMIT ASSESSMENT SURVEY

JUSTICE FOR CHILDREN: Changing Lives by Changing Systems *A National Judicial Leadership Summit On The Protection Of Children*

PRE-SUMMIT ASSESSMENT SURVEY

1. Child welfare systems are changing rapidly as a result of the various federally sponsored reviews and state and local legislative, policy, and citizen initiatives. Accordingly:

Please describe the 2 or 3 most important changes that the courts and child protection agencies in your state have initiated since the attached 2004 CIP Status Report, and CFSR, and Foster Care Eligibility Reviews were prepared. Please also specify whether the change or changes resulted from one of the federally sponsored reviews or other factors such as funding, legislative, procedural, or performance measures initiatives.

2. The recommendations of the Pew Commission on Children in Foster Care were guided by several key principles which can be summarized by the terms: Physical and Emotional Safety for Children; Timeliness of Decisions; Continuity of Relationships; Equal Protection and Care; and assuring that children and parents have an Informed Voice in decisions that affect them.

Please identify the 2 or 3 most significant problems in achieving these principles in child protection cases in your state (e.g., an insufficient number of competent counsel; lack of resources, etc.).

3. In order to share your ideas and achievements regarding any initiatives and innovative programs undertaken in your state to achieve the principles identified by the Pew Commission:

Please describe 2-3 important initiatives and innovative programs to assure the safe, timely, fair, informed, and effective disposition of child protection cases in the courts of your state. (Please feel free to attach or reference rules, guidelines, program descriptions, etc.).

¹² In its report entitled *Fostering the Future: Safety, Permanence, and Well-being for Children in Foster Care*, the Pew Commission on Children in Foster Care recommended, in part, that courts take responsibility for ensuring that children's rights to safety, permanence and well being are met in a timely and complete manner; collaborate with public agencies to protect children; provide children and their parents with a direct, timely, and effective voice in dependency proceedings; and that Chief justices and the leadership of state court systems take an active role in implementing the measures recommended for improving the process and outcomes in child protection cases. A full set of the recommendations can be obtained from <http://pewfostercare.org>.

4. Assigning all the cases involving a single family to one judge and/or to one team of investigators, counselors, and probation officers is one approach that has been recommended to facilitate informed decisions and consistent orders.

Have the courts in your state implemented or are they implementing procedures to assign all cases involving a family to:

One judge _____

One court team _____

5. Certain key data are vital to assessing the performance of the child protection process. Some of this information may be collected by the courts; some by the child protection agency in your state. To the extent possible, please provide the following data for all child dependency cases (neglect and abuse, dependency, child welfare cases) in your state.

a. The number of children currently in foster care in your state. _____

b. The median time from filing to the issuance of the dispositional order (care plan order) for child protection cases in which a dispositional order was filed during the most recent calendar or fiscal year for which the data are available.

Number of days or months FY or CY

c. The median time from the filing of a child protection case to the permanency review hearing for child protection cases in which a permanency review hearing was held during the most recent calendar or fiscal year for which the data are available.

Number of days or months FY or CY

d. The median time from the filing of a child protection case to the issuance of an order terminating parental rights for child protection cases in which a termination order was issued during the most recent calendar or fiscal year for which the data are available.

Number of days or months FY or CY

e. The median time from the filing of an appeal in a child protection case and the initial and final appellate decisions for child protection cases in which a final appellate decision was issued in the most recent calendar or fiscal year for which the data are available.

Initial Appellate Decision

Number of days or months FY or CY

Final Appellate Decision

Number of days or months FY or CY

f. For child protection cases that ended in the most recent calendar or fiscal year for which the data are available, the percentage of children who have left foster care who:

i. Were returned to their parents; _____ %

ii. Had their legal relations with their parents terminated; _____ %

- iii. Were permanently placed with or adopted by relatives; _____ %
 - iv. Were adopted by non-relatives; _____ %
 - v. Aged out of the system (i.e. remained in foster care or otherwise under court supervision until they are 18); _____ %
 - vi. Died while in foster care. _____ %
- g. For the most recent calendar or fiscal year for which the data are available, the number of:
- i. Maltreatment reports that were filed; _____
 - ii. Maltreatment reports that were substantiated; _____
 - iii. Child protection petitions filed in the court. _____
- h. For the most recent calendar or fiscal year for which the data are available, the average number of trial court level judges involved during the course of a typical child protection case in:
- i. The state's largest jurisdiction; _____
 - ii. A typical mid-size jurisdiction in the state. _____

APPENDIX VI

ANALYSIS OF PRE-SUMMIT ASSESSMENT

OVERVIEW

The Pre-Summit Assessment Survey was distributed to all State Court Administrators in May 2005, to provide a context for the National Judicial Leadership Summit and a basis for developing an action plan by the state teams participating in the Summit. A total of 36 jurisdictions returned a completed or partially completed survey.

The responses indicate widespread interest in improving outcomes for children and families involved in the child welfare system, and reflect collaborative activity between the judiciary and other branches to make improvements in the system resulting both from the implementation of Court Improvement Programs (CIPs) in state judiciaries, and more recently from the need to respond to Child and Family Service Reviews (CFSRs). While the survey responses highlight the variety in system structures and procedures in the states affecting the particular approaches that have been undertaken to improve the handling of child welfare cases, common themes emerge relating to the challenges faced by the states.

Rigorous analysis of the demographic data was not possible, in view of the lack of data in many states and the variety of forms in which the data is maintained in the states. The fact that basic data is not uniformly available at the state or national level presents a significant challenge for the state judiciary's efforts to improve system performance.

SIGNIFICANT CHALLENGES

Not surprisingly, limited resources is the most frequently cited challenge for survey respondents, and several other themes emerge as well.

- Limitations on resources were cited in nearly all states as a significant challenge. The resources identified varied, but four principal types of resource shortages were identified.
 - Lack of judicial resources is a concern in at least 18 of the responding states;
 - Lack of services to parents and children and lack of resources for service needs assessments is a concern in at least 19 of the responding states;
 - Inadequate resources for legal representation is a concern in at least 20 of the responding states; and
 - Inadequate caseworker staff is a concern in at least 9 states.

Other challenges frequently mentioned include:

- The lack of adequate automated information and tracking systems, limiting data available to judges and child welfare agencies regarding children and families, and limiting the availability of management data to measure system performance. This appears to be a system wide issue, but more acute in the judiciary;
- Inadequate understanding by system participants of the roles (and limitations) of other system participants;
- There is inadequate training for systems participants. Training was mentioned several times as a need to ensure that system participants had an adequate understanding of the roles (and limitations) of other system participants;

- Inadequate support exist for foster families and kinship caregivers; and
- Difficulty in engaging families in developing service plans and in participating in services.

System Demographic, Caseload and Outcome Data

Rigorous analysis of reported system demographic and workload data is not possible given the various forms in which the data were reported, and in view of the fact that some data were not available in a significant number of states. The data are useful, however, in highlighting the differences in practice and workloads across the states. Some general observations can be made from a review of the data.

- The variance in the data reporting, and in many cases the lack of data, clearly reflect what many states identified as a significant challenge – the lack of adequate information systems to track children and families, to provide management and outcome data for managers in the courts and agencies with responsibility for handling child welfare cases;
- Of the states able to provide data;
 - The average of the median time from the filing of a protection order to disposition was 100 days. The range was 33 days to 365 days.
 - The average of the median time from the filing of a child protection case to the permanency hearing was 335 days. The range was 119 days to 481 days.
- The data for length of time from filing to termination was unavailable in most states. In a few states, data were available for the time from the filing of a termination petition;
- Data for time required for appellate decisions was unavailable to the majority of states.
- Although many states did not have complete data available for outcomes, it appears that in the majority of states, over half of the children leaving foster care were returned to their parents. Most states reported that approximately 8 to 12 percent “age out” of the foster care system, and less than 1 percent die while in care; and
- Data regarding relative vs. non-relative adoptions is not available in many states. Other states were unable to distinguish between relative guardianships and adoption by relatives, making it difficult to draw conclusions. For those states able to provide data regarding the total legal placements and adoptions, on average 31% were reported as either adopted (by relatives or non-relatives) or placed with a relative through legal guardianship.

Seventeen states report that in a typical large jurisdiction, 1 or 1-2 judges are involved in processing a child protection case. Eighteen states report that in a typical mid-size jurisdiction, 1 or 1-2 judges are involved in processing a child protection case.

State	Most Significant Challenges
Alabama	<ol style="list-style-type: none"> 1. Lack of resources for equal protection and care. 2. Heavy caseloads, which affect timeliness of decisions.
Alaska	<ol style="list-style-type: none"> 1. Lack of sustainable funding for mediation and family group conferencing. 2. Meeting statutory timeframes for court case processing, due to high workloads of attorneys, guardians ad litem, caseworkers; leading to lack of preparedness. 3. Meeting statutory timeframes for court case processing due to crowded court dockets and difficulty in scheduling attorneys. 4. Meeting statutory timeframes for court case processing due to unavailability of services to families. 5. Unavailability of adequate case management data, and limited ability to share data between court and agencies.
Arkansas	<ol style="list-style-type: none"> 1. Shortage of caseworkers. Caseworker turnover is at record high, with caseloads higher than standard throughout state. 2. Lack of services for children and families, particularly for substance abuse treatment. 3. Lack of court resources, including personnel and courtroom technology.
Colorado	<ol style="list-style-type: none"> 1. Fiscal Crisis. The child welfare system is underfunded and resources are scarce. In the past three years, the problem has been compounded by a fiscal crisis in the State of Colorado. Beginning in 2001, the state was forced to cut programs and to reduce staffing statewide, across government. The courts are short-staffed, and social services have been affected and many programs have been cut. Filings have continued to increase statewide. The fiscal crisis is most keenly felt in smaller, economically challenged communities. 2. Geographic Diversity. Colorado is a large and diverse state, consisting of heavily populated and rural areas and wide demographic representation. Culturally appropriate services are not always available to parties in child protection cases. In rural areas, specific treatment is often unavailable. Children may have to travel long distances to obtain the treatment they need. A parent may be expected to cross several counties to visit their child in out-of-home care. The state's geographic and economic diversity impacts case management, service availability, service delivery and quality of representation for children and families.
Delaware	<ol style="list-style-type: none"> 1. Lack of agency resources for providing adequate and timely services. 2. Lack of court (judicial) resources to enable timely hearings and manageable caseloads. 3. Lack of resources to adequately compensate contract attorneys.
Florida	<ol style="list-style-type: none"> 1. A significant challenge is the lack of an adequate case management information system. 2. Ensuring adequate representation by legal counsel. Some circuits, particularly those in rural areas, have difficulty in maintaining an adequate roster of attorneys who are able and willing to be assigned to dependency cases.
Georgia	<ol style="list-style-type: none"> 1. The number of placement moves that children in Georgia's child welfare system experience is too high. 2. The quality and quantity of counsel for children, for parents and for the agency needs dramatic improvement. 3. The lack of good performance measures for the child welfare system needs continual investment and refinement to make it meaningful for the stakeholders in the system. This effort also needs to be more transparent.
Hawaii	<ol style="list-style-type: none"> 1. Insufficient resources for foster children to ensure continued connection with family while in care. 2. Adequate caseworker resources to increase family visits and facilitate greater family involvement in case decision-making.

State	Most Significant Challenges
Idaho	<ol style="list-style-type: none"> 1. Insufficient resources statewide. <ul style="list-style-type: none"> • Lack of resources include, but is not limited to, lack of sufficient caseworkers to handle the number of cases, frequent turnover of caseworkers that results in new and inexperienced caseworkers on the frontline, inexperienced and untrained counsel for parties, an insufficient number of foster families to provide homes for abused and neglected, and insufficient services for families and children, particularly in rural areas. 2. Insufficient resources to address substance abuse issues. <ul style="list-style-type: none"> • Idaho currently lacks adequate resources to address these issues in many counties. The need for residential treatment facilities that would allow families to remain together during treatment is particularly acute. 3. Diverse demographics statewide/too many trainings/resistance to change. <ul style="list-style-type: none"> • Diverse needs, too much training in a short period of time, and a normal resistance to change on the part of key stakeholders are barriers to successful court improvement efforts. • Idaho is a predominantly rural state, with some areas of concentrated population. • There are currently so many training opportunities/ that key stakeholders are "trained out." Key players are being asked to make significant changes in many areas simultaneously, and some are expressing a belief that little long-term systemic change will occur because there is no opportunity to internalize and institutionalize so many changes simultaneously.
Illinois	<ol style="list-style-type: none"> 1. Absence of statewide automated court measurement and data collection system. 2. Limitations on resources to provide services to children and families.
Kentucky	<ol style="list-style-type: none"> 1. Lack of funds/resources to: (a) provide adequate assessment and treatment services, especially for mental health and substance abuse issues; (b) provide additional family courts and additional judges throughout the state; (c) provide and retain sufficient well-qualified staff for the courts and the CHFS to meet the workload; and (d) provide sufficient permanency mediation services. B. Lack of written reports or untimely reports from the CHFS.
Maryland	<ol style="list-style-type: none"> 1. The lack of adequate judicial and legal resources has been one of the most significant challenges. Baltimore City has a high caseload, and several jurisdictions report that cases are continued or postponed due to a lack of representation for parents. 2. A second challenge has been the decline in support for individual caregivers and an increase in the use of restrictive care. The elimination of key supports for caregivers, and low subsidy rates have led to the loss of over 1,000 (more than a third) of available foster homes within the past two years.
Michigan	<ol style="list-style-type: none"> 1. Foster Care caseworker turnover (especially contract agency turnover) 2. The increasing number of permanent court wards who are aging out of the foster care system without a permanency plan 3. The need for cross discipline training on both legal and child welfare issues to address timely and high quality services. Training is needed regarding services for parent, substance abuse, mental health and domestic violence.
Missouri	<ol style="list-style-type: none"> 1. Substantial state budgetary shortfalls have led to staffing reductions in the child welfare agencies and other agencies. Further cuts are possible and may extend to the courts. 2. No additional funding was provided to support the recent legislative mandates for additional hearings. Courts have inadequate funds for the additional services for guardians ad litem for children and legal services for indigent parents. Fiscal limitations could also impact other areas, such as automation and judicial training. 3. Participants in regional Child Welfare Conferences overwhelmingly identified the lack of community based, quality mental health services for children and their families as a significant barrier to timely permanency.

State	Most Significant Challenges
North Dakota	<ol style="list-style-type: none"> 1. Sufficient data and complementary data systems that allow us to track outcome and performance measures across systems (child welfare, court, payment, representation). For example, we currently cannot track the time from filing to a permanency hearing or permanency decision and cannot correlate the time in care or time to a permanency goal to the time in the court process. 2. Inadequate funding to allow sufficient time for States Attorneys, parent legal representation and GALs (actual client time and time for training); and for the court time and resources for administrative and judicial personnel. 3. The accommodations of many of the courthouses are inadequate in terms of physical space for families and meeting facilities for counsel to talk with families prior to and after hearings. 3. Building an infrastructure to support the continuity of relationships for children in the child welfare system. For instance, having the resources (both technology and personnel) to assist a growing number of legal orphans in our system—children whose parental rights have been terminated and who are growing older in the system without new legal parental relationships
Nebraska	<ol style="list-style-type: none"> 1. Lack of resources to adequately compensate legal representation of children and parents. 2. Urban courts have caseload sizes that negatively impact thoroughness and timeliness of hearings. 3. Lack of an automated juvenile information system that provides information about court performance. 4. High caseloads for Protection and Safety Workers impact desired outcomes.
New Hampshire	<ol style="list-style-type: none"> 1. NH law does not require a permanency hearing, though it does provide that parents have twelve months to correct problems that led to a finding of abuse or neglect. The Protocols do provide for a permanency hearing, however, consistent with the Adoption and Safe Families Act. This inconsistency leads to inconsistency in whether permanency hearings are held in each case. The implementation of the Protocol and associated training has helped in correcting this problem. 2. A significant problem is an insufficient number of DCYF attorneys and support staff to provide quality representation, leading to difficulty in preparing cases and meeting timeframes. In addition, there is an insufficient pool of attorneys to represent children and parents, leading to difficulty in case preparation and timely scheduling of hearings. State law does not provide for appointment of counsel for parents not accused of abuse or neglect and not living in the household. 3. Engaging families in participating in the case plan and meeting the expectations of them in the case plan. Efforts are underway to ensure case plans are simple and easier to understand.
New Jersey	<ol style="list-style-type: none"> 1. The increased resources devoted to child welfare in the state are still sometimes inadequate. Limitations on DYFS resources still may impede completing investigations as quickly, thoroughly and reliably as would be desirable. DYFS has a standard of seeing children within 24 hours of receiving a complaint. It remains challenging to ensure that petitions and other court filings are timely and complete and that all placements are reviewed promptly. The Judiciary imposes strict time goals on the resolution of abuse, neglect and termination cases. Time demands on judges involved in other Family matters, must be balanced with the need for timely resolution of abuse, neglect and termination cases causing extraordinary pressures on the judges assigned to these matters. 2. There is a shortage of community-based service providers for parents and children in the state. It is not always possible to locate an agency that is capable of providing prompt, effective service in the community for the affected parents and children.
New Mexico	<ol style="list-style-type: none"> 1. Lack of financial and other supports for caregivers, especially for Kinship Guardians who lost TANF benefits when they become legal guardians. 2. Inadequate compensation for court-appointed attorneys in abuse/neglect cases, which relates to attorney turnover and inadequate representation for children and parents. 3. In general, the low priority given to children's cases in some courts and among some judges and attorneys.

State	Most Significant Challenges
Nevada	<ol style="list-style-type: none"> 1. Lack of a common understanding by stakeholders and participants of the steps involved in the child welfare process and the roles and responsibilities of each party in each step. 2. Lack of availability of resources in areas required during the child welfare process (e.g., representation for children and families, guardians ad litem, CASAs, foster caregivers, mental health services, etc). 3. Disparate implementations caused by geographic and demographic realities of the state (e.g., one extremely large urban district in the south, one medium urban district in the north and seven sparsely populated but geographically large districts making up rural Nevada).
New York	<ol style="list-style-type: none"> 1. Timeliness of decisions and continuity of relationships have presented the greatest challenges in NYS. The new permanency legislation is likely to stimulate improvement in both areas, but problems remain. Although the foster care population has been reduced significantly, judicial caseloads remain heavy and calls for additional judges have not been granted. 2. Continuity of relationships would be greatly facilitated if NYS had subsidized kinship guardianship, but this option is not likely to become available in the absence of a federal statutory change.
Ohio	<ol style="list-style-type: none"> 1. Inadequate court computerized case management systems for processing and managing dependency docket. Many jurisdictions lack reports that assist judges in monitoring case timelines. The state court system can only review summary statewide dependency docket data. 2. Lack of comprehensive caseload management strategies that include caseload data, joint planning, timely information sharing and regular feedback from stakeholders. 3. Some jurisdictions lack sufficient docket time to provide more than cursory attention to families in hearings.
Oregon	<ol style="list-style-type: none"> 1. Oregon has achieved or is actively working on all the Pew Commission recommendations relating to courts. 2. The Chief Justice is the primary advocate for the importance and priority of child abuse and neglect cases in Oregon's courts. The Judicial Department and the Department of Human Services work together very closely on a number of important initiatives in child abuse and neglect law and practice. 3. The Oregon Judicial Dept has developed performance measures for all circuit courts. Three of those measures relate to child abuse and neglect cases. One of the measures is directly related to the requirements of the Child and Family Services Review (timely permanency hearings.) 4. The Judicial Department is working with DHS and the Public Defense Services Commission to improve attorney representation at all levels. The Court Appointed Special Advocates and Citizen Review Board volunteers receive comprehensive training. 5. Courts cannot continue to shoulder additional burdens absent funding to increase our capacity.
Pennsylvania	<ol style="list-style-type: none"> 1. Lack of communication among all stakeholders at all levels. 2. Lack of consistency in procedures, practices and resources from county to county. 3. Lack of adequate court data to systematically identify areas of problem/delay.
South Carolina	<ol style="list-style-type: none"> 1. Difficulty in achieving service of process on individual parties in the cases. 2. Limited resources in some areas of the state, such as foster families; and medical, dental, and mental health services. 3. Limited GAL and attorney resources for children. 4. Lack of knowledgeable court appointed attorneys for parents
South Dakota	<ol style="list-style-type: none"> 1. Overloaded caseloads in the child welfare agency and the courts. The problem is aggravated in some jurisdictions by the periodic rotation of judicial assignments, affecting the continuity of management of children's cases. The rural nature of the state means that in some areas one judge is assigned continuously to issues affecting one family, however, the rural nature of the state also strains judicial resources, since many judges must travel to several locations. 2. Treatment resources are limited due to resource limitation and availability, except in some of the more populous areas of the state. There is limited funding for services to children and parents.

State	Most Significant Challenges
Tennessee	<ol style="list-style-type: none"> 1. There is an absence of uniform distribution of resources for juvenile courts throughout the state. This results in the lack of necessary resources for many of the individual county juvenile courts, including court staff, docket time for foster care cases and technology. 2. The competency of counsel, especially guardians ad litem, is a significant concern. There are two issues affecting this problem that need to be addressed: 1) an increase in the number and diversity of training programs for attorneys; and 2) compensation for attorneys. 3. Judges are not consistently making "contrary to the welfare" findings in the first order that physically removes the child from the home. They are not including the factual basis to support the finding of "contrary to the welfare" or "reasonable efforts to prevent removal."
Texas	<ol style="list-style-type: none"> 1. Inconsistency of agency representation. 2. Lack of funding for relative care. 3. Uniform practices and policies (both in the courts and within the agency) are difficult to achieve in light of geographic size, inconsistent representation, and lack of funding for services.
Utah	<ol style="list-style-type: none"> 1. Lack of funding for critical services. <ul style="list-style-type: none"> • Lack of federal and state funding for mental health and drug treatment programs for both parents and children in the child welfare system is a significant barrier to achieving the goals of the Pew Commission. 2. Lack of support for kinship caregivers. Increasing numbers of children are being placed with kin rather than in licensed foster care. Yet, kin receive significantly less support (both financial and programmatic support) than licensed foster care providers, whether or not such licensed provider is also related to the child/ren. Utah is beginning to study this issue in greater depth, especially since it appears that Utah has a higher rate of re-entry to care for those children who are first placed with kin caregivers. 3. Successfully transitioning older youth to adulthood. Utah is in its second year of a five-year initiative to overhaul and increase the services it provides to youth who will age out of foster care. Some of the most difficult issues related to older youth are: 1) successfully connecting them to mentors, community and caring adults; 2) extending Medicaid coverage from age 18 to 21; and 3) overcoming liability issues in assisting youth in foster care to obtain driver's licenses. 4. Improving relationships between the agency, the tribes and the courts.
Virginia	<ol style="list-style-type: none"> 1. Engaging families in the process of identifying problems and needed services, and ensuring families participate in services. The Virginia Institute for Social Services Training is providing training on "engaging families" in attempt to help address the issue. 2. There is a lack of adequate resources to develop and make available services needed by children and families.
Vermont	<ol style="list-style-type: none"> 1. The leading contributing factors to court delays are: (a) a full court calendar and (b) a system of legal representation that engenders attorney-scheduling conflicts. 2. The leading contributing factor from the child welfare perspective is that services are not always available in a timely manner, making it difficult to take full and fair advantage of the first few months of the court proceeding. In particular, the availability of substance abuse services has not kept pace with the need.
Washington	<ol style="list-style-type: none"> 1. The cost to implement and lack of funding for longer judicial rotations and assignment of one judge/team has impacted the judiciaries' ability to make needed changes. 2. The inability to assess workload concerns <ul style="list-style-type: none"> • Dependency workload is under-counted • Need better methods of tracking workload statistically • Need to develop data definitions and management information systems' requirements that reflect the realities of dependency practice

State	Most Significant Challenges
Wisconsin	<ol style="list-style-type: none"> 1. The lack of representation for parents in all child welfare proceedings and jury trials at the termination of parental rights phase impact timeliness outcomes. 2. Also, the high degree of variance in child welfare practice in a county operated, state supervised system makes achieving statewide outcomes a challenge. 3. Finally, a lack of understanding of the roles, responsibilities and cultures of the child welfare system and the judiciary can interfere with effective problem solving across disciplines.
Wyoming	<ol style="list-style-type: none"> 1. Delays in county/district attorneys filing TPRs. 2. Perception of judiciary's role (i.e., reactive v. proactive). 3. Multidisciplinary team process (only in a few counties). 4. Lack of statewide resources. 5. Lack of coordination among all systems.

PRE-SUMMIT ASSESSMENT -- DEMOGRAPHIC, CASELOAD & OUTCOME DATA

Data Elements	AL	AK	AZ	CO	DE	FL
a. Number of children currently in foster care.	5,859	6,433 (FY 2004)	1,793 as of 7-1-05	7,659	700 at any point in time	30,677 in FY 2004
b. Median time from filing to the issuance of dispositional order.	50 days (estimate) FY 2002-03	N/A	N/A	43 days, FY 2005	N/A	75 days FY 2004
c. Median time from the filing of a child protection case to the permanency review hearing.	481 days (estimate) FY 2002-03	N/A	N/A	119 days, FY 2005	N/A	318 days FY 2004
d. Median time from the filing of a child protection case to the issuance of an order terminating parental rights.	Estimated: 2% w/in 3 mos., 11% w/in 6 mos., 37% w/in 12 mos., 55% w/in 18 mos., 45% over 18 mos.	N/A	N/A	250 days, FY 2005	N/A	N/A
e. i. Median time from the filing of an appeal in a child protection case and the initial appellate decision.	N/A	264 days (CY 2004)	N/A	50 days (4 mos period, FY 2005)	N/A	N/A
e. ii. Median time from the filing of an appeal in a child protection case and the final appellate decision.	N/A	268 days (CY 2004)	N/A	58 days (4 mos period, FY 2005)	N/A	191 days CY 2003
f. i. The % of children who left foster care in most recent calendar/fiscal year who were returned to parents.	31%	46% (CY 2004)	54.5% FY 2004	60%	N/A	47.42% FY 2004
f. ii. The % of children who left care in most recent calendar/fiscal year who had their legal relations with their parents terminated.	N/A	11% (CY 2004)	25.4% had rights of both parents terminated, 26.6% had rights of one parent terminated.	14%	N/A	N/A
f. iii. The % of children who left care in most recent calendar/fiscal year who were permanently placed with or adopted by relatives.	18%	6% placed in relative homes in FY 2004; 14% of cases were closed by adoption in CY 2004	2.4 % were placed with relatives, 22.9% were adopted. 43% adoptions were by relatives in FY2004.	12% (all adoptions)	N/A	28.63 % FY 2004
f. iv. The percentage of children who left foster care in most recent calendar/fiscal year who were adopted by non-relatives.	30%	N/A	56.4% of adoptions were by a non-relative in FY 2004.		N/A	6.9% FY 2004
f. v. The percentage of children who left foster care in most recent calendar/fiscal year who aged out of the system.	12%	5% CY 2004	5.3% FY 2004	N/A	N/A	6.44% FY 2004
f. vi. The percentage of children in the most recent calendar/fiscal year who died while in care.	N/A	N/A	0.1% FY 2004	N/A	N/A	N/A
g. i. The number of maltreatment reports that were filed for the most recent calendar or fiscal year.	N/A	20,536 FY 2004	11,590 FY 2004	26,303	N/A	157,474 CY 2003
g. ii. The number of maltreatment reports that were substantiated for the most recent calendar or fiscal year.	N/A	5,515 FY 2004	4,422 FY 2004	5,923	N/A	33,427 CY 2003
g. iii. The number of child protection petitions filed in court for the most recent calendar or fiscal year.	14,253 (FY2004)	3,453 CY 2004	1144 CINA petitions, 180 TPR petitions FY 2004	4,196	N/A	16,375 FY 2004
h. i. The average number of judges involved in a typical child protection case in the most recent year in the state's largest jurisdiction.	2	N/A	2	2-3 (estimate)	1	1 judge, on average
h. ii. The average number of judges involved in a typical child protection case in the most recent year, in a typical mid-size jurisdiction.	1	N/A	1 or 2	2-3 (estimate)	1	1 judge, on average

Data Elements	GA	HI	ID	IL	KS	KY	MD
a. Number of children currently in foster care.	14,143 as of 03-2005	3170 as of 5/05	1604 of 06-30-05	N/A	4,934	6,300	10,906
b. Median time from filing to the issuance of dispositional order.	N/A	Median to adjudication, Ranges from 12 to 48 days. 05/2001 to 04/2003)	N/A	N/A	180 days (Estimate) CY 2004	Avg. 71.49 days, Median 91 days FY 2004	N/A
c. Median time from the filing of a child protection case to the permanency review hearing.	N/A	Ranges from 277 days to 349 days 05/2001 to 04/2003	N/A	N/A	314 days CY 2004	Avg. 239.55 days, Median 259.50 days FY 2004	N/A
d. Median time from the filing of a child protection case to the issuance of an order terminating parental rights.	23.4 months, CY 2004	Ranges from 273 days to 434 days. 05/2001 to 04/2003	N/A	N/A	593 days CY 2004	N/A	N/A
e. i. Median time from the filing of an appeal in a child protection case and the initial appellate decision.	Approx. one year	N/A	N/A	N/A	263 days CY 2003	10 Months CY 2004	N/A
e. ii. Median time from the filing of an appeal in a child protection case and the final appellate decision.		631 days. 05/2001 to 04/2003	N/A	N/A	284 days CY 2003	N/A	N/A
f. i. The % of children who left foster care in most recent calendar/fiscal year who were returned to parents.	50%	N/A	77.11%	N/A	58%	47%	37% FY 2004
f. ii. The % of children who left care in most recent calendar/fiscal year who had their legal relations with their parents terminated.	12% (Estimate)	N/A	N/A	N/A	In FY 2005, 707 referrals were made to adoption services, which Requires termination of rights.	16% Estimated	12% FY 2004
f. iii. The % of children who left care in most recent calendar/fiscal year who were permanently placed with or adopted by relatives.	27% were discharged to relatives; 11% were adopted (both relative and non-relative)	N/A	N/A	N/A	6% (Adoptions)	25% Adopted Estimated	16% Estimated FY 2004
f. iv. The percentage of children who left foster care in most recent calendar/fiscal year who were adopted by non-relatives.		N/A	N/A	N/A	17%		N/A
f. v. The percentage of children who left foster care in most recent calendar/fiscal year who aged out of the system.	5%	N/A	N/A	N/A	10%	0.09% Emancipated.	18% FY 2004
f. vi. The percentage of children in the most recent calendar/fiscal year who died while in care.	0.14%	N/A	N/A	N/A	0.00%	0.10%	0.45% FY 2004
g. i. The number of maltreatment reports that were filed for the most recent calendar or fiscal year.	101,563	7,143 FY 2004	N/A	N/A	27,585	30,852 FY 2004	30,234 FY 2004
g. ii. The number of maltreatment reports that were substantiated for the most recent calendar or fiscal year.	30,951	3,403 FY 2004	15.4% were substantiated in FY2004	N/A	6,354	10,048 FY 2004	6,342 FY 2004
g. iii. The number of child protection petitions filed in court for the most recent calendar or fiscal year.	N/A	1,084 CY 2004	N/A	5,189	2,997	16,012 FY 2004	5,675 FY 2004
h. i. The average number of judges involved in a typical child protection case in the most recent year in the state's largest jurisdiction.	3-Feb	3	One	N/A	N/A	1	2
h. ii. The average number of judges involved in a typical child protection case in the most recent year, in a typical mid-size jurisdiction.	1	2	N/A	N/A	N/A	1	2

Data Elements	MI	MO	NE	NV	NH	NJ
a. Number of children currently in foster care.	17,240 (in out of April 30, 2005)	11,313 as of abuse & neglect)	5,768 total (2,870	3,682	1,252 (as of 6-30-05)	11,839
b. Median time from filing to the issuance of dispositional order.	N/A	Median 69 days- Estimated based on sample of three courts	N/A	40 days FY 2005	93 days	93 days (2005)
c. Median time from the filing of a child protection case to the permanency review hearing.	N/A	Median 299.5 days -Estimated based on sample of three courts.	N/A	397 days FY 2005	16 months	Exact data unavailable, however only 10 cases went beyond 12 months as of 6-30-05
d. Median time from the filing of a child protection case to the issuance of an order terminating parental rights.	N/A	N/A	N/A	490 days FY 2005	464 days	Data unavailable As of 06-30-05, median time from TPR complaint was 4.5 months.
e. i. Median time from the filing of an appeal in a child protection case and the initial appellate decision.	209 days (to opinion or order)	N/A	N/A	N/A	No intermediate appellate court	Not applicable
e. ii. Median time from the filing of an appeal in a child protection case and the final appellate decision.	22 days (after Court of Appeals closure)	N/A	329 days median (2002 - 2004)	N/A	N/A	6-7 months (2005)
f. i. The % of children who left foster care in most recent calendar/fiscal year who were returned to parents.	29.50%	64% FY 2004	73%	63%	50.20%	51%
f. ii. The % of children who left care in most recent calendar/fiscal year who had their legal relations with their parents terminated.	N/A	8% FY 2004	N/A	16%	N/A	Approximately 21% (estimated from percent adopted)
f. iii. The % of children who left care in most recent calendar/fiscal year who were permanently placed with or adopted by relatives.	4.5% (does not include relative adoption)	4% Est. relative guardianships. Adoptions for 1,356 children. Ratio of relatives and non-relatives is unavailable. FY 2004	N/A	8%	9.92% of all adoptions	16% legally placed with relatives. 21% were adopted, but breakdown of relative /non-relative unavailable.
f. iv. The percentage of children who left foster care in most recent calendar/fiscal year who were adopted by non-relatives.	31.75% (includes relative and non-relative adoptions)		N/A	7%	90.8% of all adoptions	
f. v. The percentage of children who left foster care in most recent calendar/fiscal year who aged out of the system.	5.00%	7% FY 2004	N/A	2%	9.88%	6.70%
f. vi. The percentage of children in the most recent calendar/fiscal year who died while in care.	0.20%	17 children's cases were closed due to death of the child in FY 2004	N/A	0.20%	0.19%	Less than 1%
g. i. The number of maltreatment reports that were filed for the most recent calendar or fiscal year.	135,775	56,953 CY 2003	7,160 (2003 NCANDS Data)	13,907 CY 2004	6,878	42,149 CY 2003
g. ii. The number of maltreatment reports that were substantiated for the most recent calendar or fiscal year.	10,996 (additional 6,881 substantiated at low/moderate risk)	6,660 CY 2003	2,379 (2003 NCANDS Data)	2,909 CY 2004	766	8,236 CY 2003
g. iii. The number of child protection petitions filed in court for the most recent calendar or fiscal year.	5,368	17,098 Petitions and motions to modify FY 2003	2,984 (Estimated 2004)	1,744 CY 2004	678	3,923 CY 2003
h. i. The average number of judges involved in a typical child protection case in the most recent year in the state's largest jurisdiction.	1	1	1	1	1-2 judges	1.25
h. ii. The average number of judges involved in a typical child protection case in the most recent year, in a typical mid-size jurisdiction.	1	1	1	1	N/A	1.25

Data Elements	NM	NY	ND	OH	OR	PA
a. Number of children currently in foster care.	2,331 as of 8-1-05	30,241 as of 7-28-05	1,421	18,792 as of 7-1-05	Approx. 7,000	21,442 as of 09-2004
b. Median time from filing to the issuance of dispositional order.	123.9 days (mean) FY 2005	N/A	33 days Calendar Year	64 days CY 2004	CY 2004: 65.2% within 60 days, 15.8% within 90 days	N/A
c. Median time from the filing of a child protection case to the permanency review hearing.	317.9 days (mean) FY 2005	N/A	N/A	348 days CY 2004	CY 2003: 74.7% to 81.5% within 425 days	N/A
d. Median time from the filing of a child protection case to the issuance of an order terminating parental rights.	537.3 days (mean) FY 2005	N/A	185 days Calendar year	609 days CY 2004	N/A	23.4 Months, FY 2004
e. i. Median time from the filing of an appeal in a child protection case and the initial appellate decision.	8.64 months (mean) FY 2005	N/A	N/A	N/A	CY 2004: 384 days	N/A
e. ii. Median time from the filing of an appeal in a child protection case and the final appellate decision.	Data not yet available, 3 cases pending.	N/A	229 days on deprivation action, 205 days for TPR Calendar Year	187 days CY 2002	N/A	N/A
f. i. The % of children who left foster care in most recent calendar/fiscal year who were returned to parents.	77.50%	11.8% FY 2004	54.40%	43% CY 2004	62.80%	57.10%
f. ii. The % of children who left care in most recent calendar/fiscal year who had their legal relations with their parents terminated.	21.30%	28.2% FY 2004	14.40%	N/A (In Ohio, children don't leave foster care due to custody termination)	16.60%	10.30%
f. iii. The % of children who left care in most recent calendar/fiscal year who were permanently placed with or adopted by relatives.	3.6% were placed in relative guardianship. Of the 21.3% adopted, 22% adopted by relatives. Of the 21,390 adopted 78% by non-relatives.	25.4% of children discharged were adopted, no break- down between relative/non- relative adoptions available.	29.6% (of all adoptions)	21% CY 2004	6.80%	9.60%
f. iv. The percentage of children who left foster care in most recent calendar/fiscal year who were adopted by non-relatives.			70.4% (of all adoptions)	14% CY 2004	13.60%	13.60%
f. v. The percentage of children who left foster care in most recent calendar/fiscal year who aged out of the system.	3.50%	Total 13.1%: 18yrs. 5.1%, 19yrs. 2.1%, 20yrs. 4.4%, 21yrs. 1.5%	7.10%	9% CY 2004	6.20%	10.00%
f. vi. The percentage of children in the most recent calendar/fiscal year who died while in care.	0.10%	N/A	0.00%	0.15% CY 2004	0.13%	0.10%
g. i. The number of maltreatment reports that were filed for the most recent calendar or fiscal year.	31,144	148,291 FY 2004	7,248	73,562 CY 2004	46,524	23,618
g. ii. The number of maltreatment reports that were substantiated for the most recent calendar or fiscal year.	5,006	45,180 FY 2004	805	17,652 CY 2004	7,307	4,628
g. iii. The number of child protection petitions filed in court for the most recent calendar or fiscal year.	722	24,377 CY 2005 thru 7-28-05 53,242 CY 2003	578 CY 2004	2,624 CY 2004	6,450	N/A
h. i. The average number of judges involved in a typical child protection case in the most recent year in the state's largest jurisdiction.	1	N/A	1	N/A	N/A	N/A
h. ii. The average number of judges involved in a typical child protection case in the most recent year, in a typical mid-size jurisdiction.	1	N/A	1	N/A	N/A	N/A

Data Elements	SD	TN	TX	UT	VT
a. Number of children currently in foster care.	1,638 in CPS custody with placements. 1,130 living with a family in foster care, kinship placement, or trial unification.	6,413	27,023	2,245 as of 6-27-05	891 as of 3-31-05
b. Median time from filing to the issuance of dispositional order.	N/A	66 days	12 months FY 2004	94% adjudicated w/in 60 days, 96% disposed w/in 30 days after adjudication CY 2004	111 days FY 2005
c. Median time from the filing of a child protection case to the permanency review hearing.	N/A	215 days	11.7 months FY 2004	85% w/in 12 mos, 92% w/in 13 mos. 79% w/in 8 month for children under 36 mos CY 2004	359 days FY 2005
d. Median time from the filing of a child protection case to the issuance of an order terminating parental rights.	N/A	562 days	Median time to Initial Hrg 5.5 mos. subsequent hearing 9.9 mos. Median time to first hearing in FY 2004 6.1 months	92% w/in 18 mos, 93% w/in 19 mos CY 2004	575 days FY 2005
e. i. Median time from the filing of an appeal in a child protection case and the initial appellate decision.	N/A	282 days	N/A	Opinions 372 days, Memorandum Dec. 282 days, Per curiam 76 days, Summary Disp. 178 days.	Not Applicable
e. ii. Median time from the filing of an appeal in a child protection case and the final appellate decision.	N/A	No appeals to Supreme Court in past year.	N/A	N/A	170 days CY 2004
f. i. The % of children who left foster care in most recent calendar/fiscal year who were returned to parents.	55%	55%	35.80%	36%	46%
f. ii. The % of children who left care in most recent calendar/fiscal year who had their legal relations with their parents terminated.	31%	10%	28.90%	16% (16.7% for one parent)	253 children had rights terminated
f. iii. The % of children who left care in most recent calendar/fiscal year who were permanently placed with or adopted by relatives.	16%	13% were adopted, no breakdown for relative/non relative	5.50%	32%	5% legal guardianship of relative, data not available for adoptions
f. iv. The percentage of children who left foster care in most recent calendar/fiscal year who were adopted by non-relatives.	10%		17.50%	14%	N/A
f. v. The percentage of children who left foster care in most recent calendar/fiscal year who aged out of the system.	5%	10%	9.90%	10%	12%
f. vi. The percentage of children in the most recent calendar/fiscal year who died while in care.	1%	0.00%	3.00%	0.00%	0.00%
g. i. The number of maltreatment reports that were filed for the most recent calendar or fiscal year.	15,774	119,703	206,978	21,380	2,787 CY 2004
g. ii. The number of maltreatment reports that were substantiated for the most recent calendar or fiscal year.	4,324 (families were assigned for intervention)	21,332	32,664	8,408	926 CY 2004
g. iii. The number of child protection petitions filed in court for the most recent calendar or fiscal year.	812 FY 2005	10,509 (based on referral reasons there multiple referral reasons per petition)	13,540	2,082	620 FY 2005
h. i. The average number of judges involved in a typical child protection case in the most recent year in the state's largest jurisdiction.	N/A	2-Jan	N/A	1	1.7
h. ii. The average number of judges involved in a typical child protection case in the most recent year, in a typical mid-size jurisdiction.	N/A	1	N/A	1	1.6

Data Elements	VA	WA	WI	WY
a. Number of children currently in foster care.	8,086 as of 6-1-05	N/A	7,492 as of 9/30/04	701
b. Median time from filing to the issuance of dispositional order.	N/A	N/A	N/A	128 days (One county data 7-1-02 to 12-31-03)
c. Median time from the filing of a child protection case to the permanency review hearing.	N/A	N/A	N/A	397 days (One county data 7-1-02 to 12-31-03)
d. Median time from the filing of a child protection case to the issuance of an order terminating parental rights.	N/A	N/A	N/A	374 days (One county data 7-1-02 to 12-31-03)
e. i. Median time from the filing of an appeal in a child protection case and the Initial appellate decision.	N/A	N/A	N/A	N/A
e. ii. Median time from the filing of an appeal in a child protection case and final appellate decision.	N/A	N/A	N/A	N/A
f. i. The % of children who left foster care in most recent calendar/fiscal year who were returned to parents.	51%	N/A	3,069 FY 2004 (% not available)	64%
f. ii. The % of children who left care in most recent calendar/fiscal year who had their legal relations with their parents terminated.	N/A	N/A	128 FY 2004 (% not available)	9%
f. iii. The % of children who left care in most recent calendar/fiscal year who were permanently placed with or adopted by relatives.	N/A	N/A	982 FY 2004 (% not available)	16% placed with relatives, data not available for adoptions.
f. iv. The percentage of children who left foster care in most recent calendar/ fiscal year who were adopted by non-relatives.	22%	N/A	N/A	10% adopted total, breakdown between relative/non-relative unavailable
f. v. The percentage of children who left foster care in most recent calendar/fiscal year who aged out of the system.	22%	N/A	N/A	0.72%
f. vi. The percentage of children in the most recent calendar/fiscal year who died while in care.	0.00%	N/A	7 FY 2004 (% not available)	0.00%
g. i. The number of maltreatment reports that were filed for the most recent calendar or fiscal year.	16,195 FY 2004	N/A	44,300	5,169
g. ii. The number of maltreatment reports that were substantiated for the most recent calendar or fiscal year.	9,226 FY 2004	N/A	9,325	475
g. iii. The number of child protection petitions filed in court for the most recent calendar or fiscal year.	4,348 Abuse/Neglect, 938 Protective Order, 270 Entrustment Agreements, 2,452 initial foster care review, 3,041 foster care review, 3,041 perm. Planning, 322 relief of custody, 1,736 TPR	N/A	Approximately 4,844	357
h. i. The average number of judges involved in a typical child protection case in the most recent year in the state's largest jurisdiction.	2	N/A	3-Feb	1
h. ii. The average number of judges involved in a typical child protection case in the most recent year, in a typical mid-size jurisdiction.	1	N/A	2	1.5