



KIDS ARE WAITING
Fix Foster Care Now

Progress on Court Reforms: Implementation of Recommendations from The Pew Commission on Children in Foster Care October 2009

The release of the court recommendations of the Pew Commission on Children in Foster Care in 2004 focused greater attention on the need to enhance dependency court performance to achieve improved outcomes for children and youth in foster care and their families. As part of a first of its kind national judicial summit in 2005, states developed action plans to strengthen dependency court performance in the four critical areas identified by the Pew Commission: accountability, collaboration with child welfare agencies, judicial leadership, and constituent voice. The Deficit Reduction Act of 2005 provided \$100 million in court improvement funds to support judicial reforms across the country. In this review, Kids Are Waiting both examines the progress that states have made since the 2005 summit in strengthening their dependency courts and improving outcomes for children, youth, and families, and makes recommendations for continued improvements.

Background

Today, more than 510,000 children are in foster care.ⁱ Although many children removed from their homes because of suspected abuse or neglect will return safely after only a few months away from their families, tens of thousands will remain in limbo in the foster care system for years. Some of these children will never be placed in a safe, permanent family through adoption or guardianship; instead, they will exit foster care by “aging out” when they reach the age at which they become ineligible for support (generally age 18) without the safety net or support of a family.

No child enters or leaves foster care except by approval of the court. Courts across the country play a crucial role in determining the path that a child who has been abused or neglected will take - whether it is returning home, joining a new family through adoption, being placed with relatives, or remaining in foster care until they “age out.” Yet, despite this vitally important role, the Pew Commission on Children in Foster Care found that “dependency courts are often undervalued entities within the judicial system. The public is largely unaware of the depth of the court’s responsibility in cases of abuse and neglect and has little information on its effectiveness in protecting children and promoting their well-being. Within the larger state court system, dependency courts compete for resources with higher-profile criminal and civil courts.”ⁱⁱ

Until 2006, dependency courts were subject to only limited formal accountability for ensuring that children in foster care moved through the child welfare system and into safe, permanent families as quickly as possible. Judges, each often charged with overseeing up to a thousand cases per year, lacked the resources to maintain current information on the progress made on behalf of the children and families on their dockets. In many instances, judges faced large caseloads, a lack of data tracking systems, and time constraints. Dependency court leaders

agreed that improvements were needed in several key areas: greater court accountability, stronger collaboration between the courts and child serving agencies and organizations, adequate legal representation of the children and families who came before them, and judicial leadership to improve court performance.

Over the past several years, courts have made significant improvements in addressing the needs of children and families served by the child welfare system. From improved case tracking and enhanced management information systems to designating judicially-led commissions to identify and address issues affecting children and families, courts have made substantial progress in improving outcomes for vulnerable children and families. The Kids Are Waiting campaign applauds state courts -- including judges, legal professionals and court personnel -- for these efforts and encourages them to continue the significant work that they have undertaken to achieve the best outcomes for children and families in their jurisdictions.

Recommendations of the Pew Commission on Children in Foster Care

In 2003, in response to the increasingly urgent need to reform the nation's child welfare system, The Pew Charitable Trusts convened the national, nonpartisan Pew Commission on Children in Foster Care. The Pew Commission identified and examined child welfare policies that, coupled with reform efforts, could most significantly benefit the lives and futures of children and youth in foster care and their families. The Commission's recommendations, released in 2004, focused on two problems: a federal financing structure that encourages an over-reliance on the use of long-term foster care placements for children who have been abused or neglected at the expense of other options, and a court system that lacks sufficient tools, information, and accountability necessary to move children swiftly out of foster care and into permanent families. Reform in these two areas, the Commission determined, would have far-reaching effects for children in foster care and would be a critical first step to solving many other problems that plague the child welfare system. The Pew Commission's child welfare financing recommendations included increasing flexible funding to states to offer a greater variety of services, and the direct provision of federal foster care dollars to Tribal nations. A second set of recommendations focused on the way courts handle child abuse and neglect cases. The Commission made four recommendations for court reforms:

- 1. Increase court accountability in child abuse and neglect cases***
- 2. Promote collaboration between child serving systems and the courts***
- 3. Strengthen judicial leadership to bring about improved court performance in child abuse and neglect cases***
- 4. Ensure that children and their parents have a direct voice in court, effective legal representation and the timely input of those who care about them***

The First Judicial Summit and Court Action Plans

Following the release of the Pew Commission's court recommendations, the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA), the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ) jointly sponsored a groundbreaking judicial summit, *Justice for Children: Changing Lives by Changing Systems: National Judicial Leadership Summit on the Protection of Children.*ⁱⁱⁱ At the

summit, convened in 2005, state court administrators and child welfare agency directors collaboratively drafted state-specific action plans to bring about dependency court reforms in each of the four Pew Commission recommendation areas: accountability, collaboration, judicial leadership, and constituent voice. Forty-nine states and the District of Columbia developed action plans to improve handling of child welfare cases. Map 1 shows the recommendations that each of the states focused on in their actions plans.

The Deficit Reduction Act of 2005

In 2006, President George W. Bush signed into the law the Deficit Reduction Act (DRA) of 2005 (DRA). Among other provisions, the law incorporated a number of dependency court reforms and extended and expanded the Court Improvement Program grants, providing \$100 million over five years.^{iv} A number of the Pew Commission's key court recommendations were incorporated into the law:

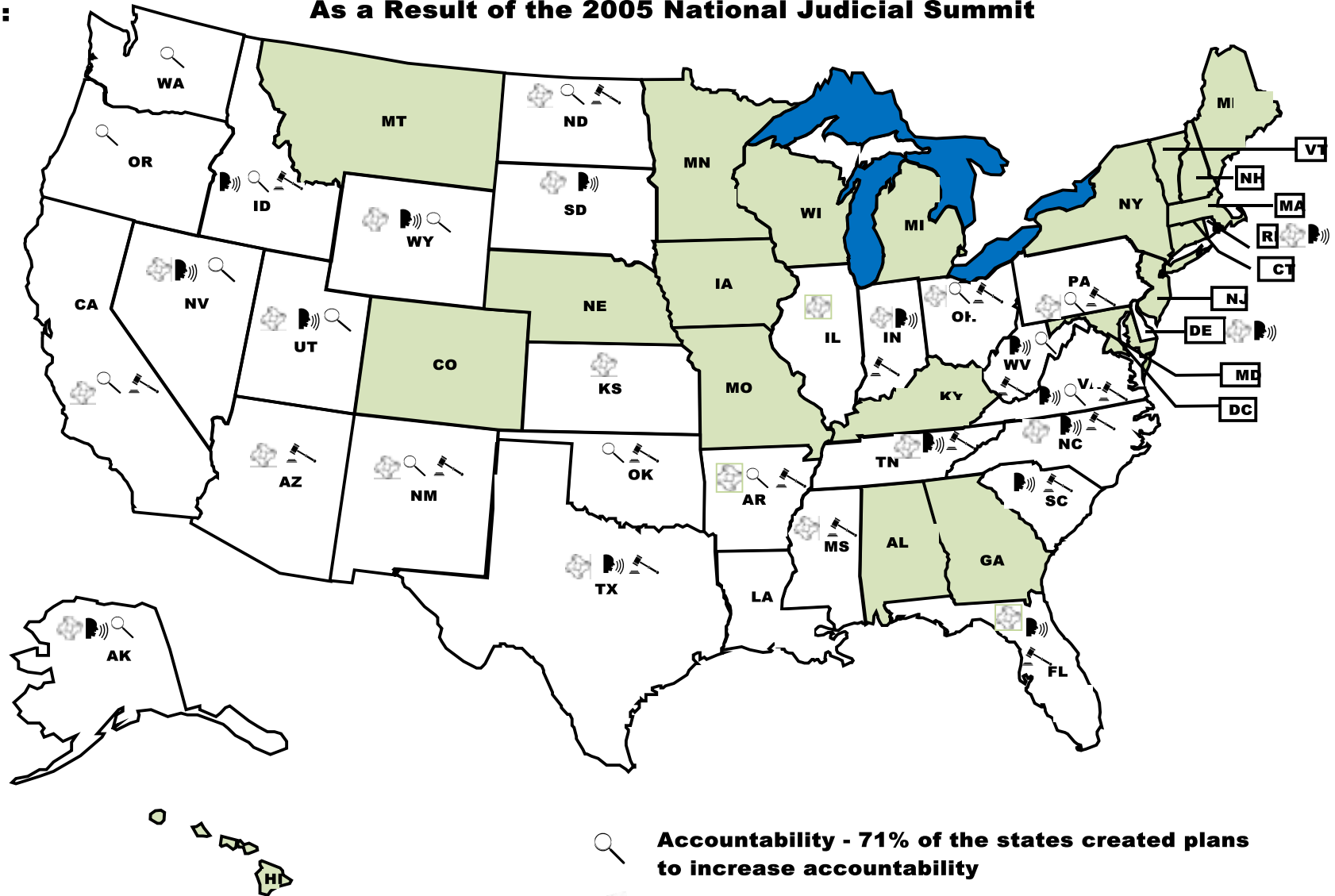
- The DRA required demonstrated “meaningful collaboration” between state courts and child serving agencies and organizations.
- The law provided courts with the ability to use case records in court proceedings.
- The law established court improvement grants to improve data collection and provide court training. The law made clear that Court Improvement Program grants are intended to (1) support the safety, permanence and well-being of children by ensuring that they receive services in a timely and thorough way and (2) provide training for “judges, attorneys and other legal personnel” working with child welfare cases.






Initial Implementing of Court Reforms

Following passage of the DRA, 49 states submitted plans to use Court Improvement Program (CIP) Grants for data collection and training purposes. By 2007, all 50 states and the District of Columbia were receiving CIP grants and implementing dependency court reforms. Many states specifically included accountability and collaboration activities in their state plans. In early 2007, the National Center for State Courts (NCSC) released findings from its follow-up analysis with state court administrators about the implementation of the action plans developed at the 2005 Summit.^v NCSC found that nearly two-thirds of the jurisdictions (33 states) reported fostering collaboration in important ways; nearly half the reporting jurisdictions (23 states) were developing and implementing performance measures and improving management information capabilities; about 40 percent of the jurisdictions (21 states) had undertaken judicial leadership initiatives, ranging from personal involvement of the chief justice in collaboration initiatives to inclusion of child protection in the annual state of the judiciary address; and about 40 percent were planning or had offered special training on foster care-related issues.^{vi} NCSC continues to work with state court administrators to track dependency courts' ongoing efforts in these critical arenas. The National Child Welfare Resource Center on Legal and Judicial Issues and the National Council of Juvenile and Family Court Judges also monitor court reform progress as it relates to Court Improvement Project Grants.

**Pew Commission Court Recommendations Contained within State Court Action Plans
As a Result of the 2005 National Judicial Summit**

MAP 1:



-  **Accountability - 71% of the states created plans to increase accountability**
-  **Collaboration - 84% of states drafted plans to collaborate with other organizations**
-  **Judicial Leadership - 73% of states made plans to enhance judicial leadership**
-  **Constituent voice - 71% of states laid plans to promote the use of constituent voice during court proceedings**
-  **States implementing recommendations in all four categories - 37%**

*Excludes territories such as Guam, Northern Marina Islands, and Puerto Rico from the analysis, Guam and Northern Marina Islands both had action plans in each of the four recommendation areas. Puerto Rico did not have an accountability plan but did have plans covering collaboration, judicial leadership, and constituent voice.

Kids Are Waiting's Assessment of Dependency Court Reforms

Building on the initial progress reported by state court administrators in 2007, Kids Are Waiting undertook an assessment to expand the understanding of current dependency court reforms in the four Pew Commission recommendations areas: accountability, collaboration, constituency voice, and judicial leadership. Kids Are Waiting drew on a number of information sources and developed an analysis of dependency court improvement efforts. This analysis provides a snapshot of the most recent dependency court reforms.

Assessment Methodology

To better understand the progress that dependency courts have made, Kids Are Waiting analyzed and aggregated existing information on court reform efforts from a variety of sources: newsletters of the National Center for State Courts, information gathered by the National Child Welfare Resource Center on Legal and Judicial Issues and by the National Council of Juvenile and Family Court Judges, and states' Court Improvement Project websites. A great deal of information was reviewed, but it is possible that some state dependency court reforms were missed due to lack of reporting or for other reasons. The information was synthesized into the following tables and map. In some cases, activities fit easily within the four recommendation areas of the Pew Commission recommendations; in other cases, Kids Are Waiting determined which category was the best fit according to the stated goal of the activity and/or the entity responsible for the activity. Before disseminating this summary, an attempt was made to reach every state to confirm the information as it is presented.

Findings

1. Improving Accountability

Following authorization of the Court Improvement Program in the 1990s, states worked hard to strengthen court practices to better meet the needs of children and youth involved in dependency cases. The Pew Commission recommended that dependency courts become more accountable through the development or enhancement of existing case tracking systems (information management systems or case management systems), implementation of performance measures, and strengthened data collection processes. Over the past three years, state courts have vigorously worked to improve court accountability. This work has resulted in 43 states making enhancements to data management systems, 23 states implementing performance measures to track dependency court activity (such as the timeliness of permanency hearings), and 9 states conducting court workload assessments. Nineteen states reported tracking case outcomes (such as permanency outcomes) at the aggregate level, a process that is critical to identifying trends, including the need for the delivery of particular programs or services for vulnerable children and youth, and discovering potential problems in the courts or child welfare system which may contribute to prolonging children's stays in foster care. Additionally, 13 states are engaged in streamlining or expediting the handling of child abuse and neglect cases both on an individual and an aggregate basis, 17 states are improving data collection tools and 7 states are conducting case or court studies to evaluate areas where accountability could be increased. In total, 98

percent of states and the District of Columbia have taken steps to increase dependency court accountability. See Table 1: Activities Underway to Improve Judicial Accountability.

Improvements in West Virginia: Electronic Case Tracking

“All circuit courts are required to report periodically on the status of every pending child abuse and neglect case. West Virginia's circuit court judges are now providing these reports electronically, and the reports generated from this data can be used to bring to the attention of judges cases on their docket which are not compliant with the appropriate timeframes so that appropriate corrective action can be taken.”^{vii}

Improvements in Missouri: the Fostering Court Improvement Project:

Missouri has implemented the Fostering Court Improvement Project (FCI) in 11 judicial circuits (encompassing 24 of the state's counties). The project began in Fall 2005, funded by Fostering Results. FCI is Missouri's multi-disciplinary team collaborative approach to utilizing case management best practices and agency and court data systems to improve case handling and child outcomes. The project provides intensive, data-focused interaction and training for personnel in selected judicial circuits. Additionally, FCI seeks to promote both general awareness and statewide dissemination of relevant data sets to all family and juvenile courts and Children's Division Offices – ensuring that the courts and child welfare agencies and all relevant personnel have the data needed to make best decisions for the children and families in their care. Missouri courts and child welfare agencies use this data to improve outcomes in 5 key areas: timeliness, due process, safety, stability, and permanency. It is now fully funded through the CIP Data and Technology Grant.

**Table 1: Activities Underway to Improve Judicial
Accountability (2005-2009)**

GOAL: IMPROVING ACCOUNTABILITY

	Performance Measures	Management Information System	Expedited Permanency Hearings	Data Collection	Case Study	Case Tracking	Work Load Assessment
Alabama		X	X				
Alaska		X					
Arizona	X	X	X	X		X	
Arkansas	X	X					
California	X	X	X	X			X
Colorado	X	X					
Connecticut	X	X	X	X		X	X
District of Columbia	X	X	X				X
Delaware	X	X	X	X			
Florida		X				X	
Georgia			X				
Hawaii	X	X					
Idaho	X	X			X	X	
Illinois		X				X	
Indiana					X		
Iowa	X			X			
Kansas		X					
Kentucky		X				X	
Louisiana		X					X
Maine		X		X			
Maryland		X		X			X
Massachusetts	X		X				
Michigan	X			X	X	X	
Minnesota	X	X	X	X	X	X	X
Mississippi							
Missouri	X	X		X	X	X	X
Montana		X					
Nebraska	X	X					
Nevada		X					
New Hampshire	X	X				X	
New Jersey		X		X			
New Mexico	X						X
New York	X	X	X				
North Carolina		X				X	
North Dakota	X				X		
Ohio	X	X		X	X		
Oklahoma		X				X	
Oregon	X	X	X			X	
Pennsylvania		X		X			
Rhode Island		X					
South Carolina		X		X		X	
South Dakota		X	X	X		X	
Tennessee		X					
Texas		X					
Utah		X					
Vermont	X	X	X	X		X	
Virginia		X					
Washington		X					X
West Virginia		X				X	
Wisconsin	X	X		X		X	
Wyoming		X				X	
National	45% (23)	84% (43)	25% (13)	33% (17)	14% (7)	37% (19)	18% (9)
	98% (50)						

2. Strengthening Collaboration

State dependency courts often experience significant challenges in developing and sustaining collaborative relationships with representatives of child serving systems or agencies, including child welfare administrators, social workers, counselors, housing agency staff, mental health professionals, doctors, and school personnel. The Pew Commission recommended that states improve the collaboration between these agencies and the courts in order to better serve children, youth, and their families. Since 2006, 44 states have formed commissions, task forces, special committees, or review boards to increase court/child welfare agency collaboration. In addition, 23 states report actively reaching out to other child serving agencies to gain their input into specific cases or dependency hearings in general. States also have sought to foster collaboration by holding state-wide summits for state court administrators to team with child serving organizations to improve court practices and best meet the needs of children and families. In total, 22 summits have been held across the country. Thirty-two states also have sought to strengthen court/child welfare agency collaboration through the use of data exchange or data sharing. When courts and child welfare agencies share information on the children and families they jointly serve, they each have ready access to child and family data that can strengthen decision making. Through collecting and reporting the same data elements, courts and child welfare agencies are able to increase accountability and process cases in a more timely way. All states and the District of Columbia report increased collaboration between courts and child serving agencies. See Table 2: Activities Underway to Improve Collaboration Between Courts and Child Welfare Agencies.

Improvements in Montana: Reducing Number of Days to Resolve Cases

In 2006, Montana held its first State Leadership Summit on the Protection of Children. Judges, attorneys, other representatives for children and their families, and child welfare administrators worked together to create joint goals, action plans, and timelines for improving the performance of the courts and child welfare agencies. The state's Supreme Court followed up with groups at 90-day intervals to record progress. As a result of the action steps taken, Montana decreased the number of days to resolve cases at the appellate level by 24.9 percent.^{viii}

Improvements in Michigan: Collaborative Case Management Pilot

In Oakland County, Michigan, dependency courts are involved in a Collaborative Case Management Pilot Project designed to establish a single, standardized model for processing cases. The goals of the project are to determine what information is necessary to process petitions, how to strengthen dependency court hearings, how to clarify the expectations of all parties involved, and how to streamline permanency case processing. The project's planning committee has developed a protocol addressing investigations and prevention, petitions and removals, case processing, and permanency. The project offers training on the new protocol to state court personnel and child welfare administrators. Through the project, state courts and the Michigan Department of Human Services collaborate on data collection.

**Table 2: Activities Underway to Improve Collaboration
Between Courts and Child Welfare Agencies
(2005-2009)**

GOAL: STRENGTHENING COLLABORATION					
	Group/ Commission	Outreach	Summit	Data Exchange	Collaborative Case Processing
Alabama	X			X	
Alaska	X			X	
Arizona	X	X	X		X
Arkansas	X		X	X	
California	X	X	X	X	
Colorado	X				
Connecticut	X	X		X	X
District of Columbia	X			X	
Delaware	X	X	X	X	
Florida	X	X	X		
Georgia	X				
Hawaii	X	X		X	
Idaho	X				
Illinois		X			
Indiana	X	X			
Iowa	X	X		X	
Kansas	X		X		
Kentucky	X		X		
Louisiana	X	X		X	
Maine	X				
Maryland	X		X	X	
Massachusetts	X				
Michigan	X	X		X	X
Minnesota	X	X	X	X	X
Mississippi	X				
Missouri	X	X	X	X	
Montana			X	X	
Nebraska	X		X	X	
Nevada	X			X	
New Hampshire	X				
New Jersey	X			X	
New Mexico	X				
New York	X	X	X	X	
North Carolina	X		X		
North Dakota	X	X	X	X	
Ohio	X	X	X	X	
Oklahoma	X		X	X	
Oregon		X		X	
Pennsylvania	X				
Rhode Island		X		X	
South Carolina	X	X	X	X	X
South Dakota	X	X		X	
Tennessee	X				
Texas	X	X		X	
Utah	X			X	
Vermont	X	X	X	X	X
Virginia				X	
Washington	X		X	X	
West Virginia		X			
Wisconsin	X		X	X	
Wyoming			X		
National	86% (44)	45% (23)	43% (22)	63% (32)	12% (6)
			100% (51)		

3. Fostering Judicial Leadership

The Pew Commission recommended that state court judges take a leadership role in dependency court reform. Across the nation, judges have led efforts to improve the lives of children in foster care and their families. Following the Pew Commission's recommendation that courts use best practice approaches in handling child abuse and neglect cases, 27 states reported having implemented best practice approaches. Nineteen state courts have created and distributed BenchBooks as guides to judges for court proceedings with children and families, and ten states have established courts rules for such cases. States have used a variety of approaches in developing specialized courts for children and families: 30 states have designated model courts, 23 have developed family drug courts, and 30 states have implemented pilot programs or projects to ensure the safety, well-being, and permanency of each child. Forty states held trainings, conferences, or conventions to educate judges and court personnel on best practice approaches, trained judges on how best to manage court proceedings, and shared information about model or pilot programs. In total, 98 percent of states' dependency courts have benefited from judicial leadership. Of the 50 states and the District of Columbia with judicial leadership programs, 92 percent had at least two programs designed to promote leadership among the courts. See Table 3 Activities Underway to Foster Judicial Leadership Programs for state information.

Improvements in California: Blue Ribbon Commission on Children in Foster Care

In California, judges and judicial leaders from the Supreme Court on down have been instrumental in prioritizing the need to reform the state's foster care system and strengthen its dependency courts. In March 2006, California Supreme Court Justice Ronald M. George and the California Judicial Council officially launched the California Blue Ribbon Commission on Children in Foster Care. California's Administrative Director of Courts, William Vickrey, served as a member of the Pew Commission, and worked to ensure that California would establish its own multidisciplinary commission on foster care, as recommended by the Pew Commission. The Blue Ribbon Commission was comprised of child welfare, legislative, and judicial leaders from across the state, including judges from the state's trial and appellate courts, and current and former foster youth. Supreme Court Justice Carlos R. Moreno, himself a relative caregiver, served as Chair of the Blue Ribbon Commission, and made the case for increased attention to the needs of children and youth in the state's foster care system in speeches, op-eds, and through his leadership of the Blue Ribbon Commission. During the life of the Commission, California commenced state and county-focused child welfare reforms, including the establishment of a permanent Child Welfare Council to examine how courts, agencies, and systems can work together to improve the lives of the children and youth in their care, and the creation of a new statewide accountability system, which provides quarterly reports to counties to help monitor progress. Additionally, in 2004 the state's Judicial Council created a pilot program in 10 counties (increased to 20 counties in 2008) to establish attorney caseload standards, address training issues and performance standards, and improve compensation. After convening 10 meetings between 2006 and 2008, the Blue Ribbon Commission released its final recommendations in August 2008. Among these recommendations were the desire to create and advocate for reasonable caseloads for judges, attorneys, and social workers; encouraging courts and child welfare agencies to share data and information about the children and youth in their care, and the

creation of local or county-level commissions to examine and address specific issues and concerns at this level. The Commission released its final report, including its implementation action plan, in May 2009.

Improvements in Texas: Texas Supreme Court Task Force on Foster Care

Shortly after the 2004 release of the Pew Commission's final report and recommendations, the Texas Supreme Court Task Force on Foster Care issued a resolution in support of the Pew Commission's recommendations. Committed to working "under the direction of the Texas Supreme Court to help families, protect children, and bring timely permanence for children," the Texas Supreme Court Task Force on Foster Care commended the Pew Commission's recommendations, particularly those focused on the adoption of court performance measures, ensuring effective collaboration between courts and child welfare agencies, promoting judicial leadership, training and standards for dependency courts, attorneys and judges, and ensuring that children and parents had a voice in court proceedings.^{ix} Presiding Judge Patricia Macias of the 388th Family District and Associate Courts in El Paso, Texas, served as a member of the Pew Commission. In 2007, Texas created the Permanency Judicial Commission for Children, Youth and Families comprised of 14 members and chaired by Texas Supreme Court Justice Harriet O'Neill.^x The Permanent Judicial Commission is charged with: developing a strategic plan for strengthening courts and court practice in the child protection system; identifying and assessing current and future needs for the courts to be more effective in achieving child-welfare outcomes of safety, permanency, well-being, fairness and due process; promoting best practices and programs that are data-driven, evidence-based, and outcome-focused; improving collaboration and communication among courts, the Department, attorneys, and partners in the child-protection community; endeavoring to increase resources and funding needed for improvement, and maximizing the wise and efficient use of available resources; promoting adequate and appropriate training for all participants in the child protection system; institutionalizing a collaborative model that will continue systemic improvement beyond the tenure of individual Commission members; overseeing the administration of designated funds, including the Court Improvement Program grants; and providing an annual progress report to the Texas Supreme Court.^{xi}

**Table 3: Activities Underway to Foster Judicial Leadership
(2005-2009)**

GOAL: FOSTERING JUDICIAL LEADERSHIP								
	Model Court	Pilot program or Project	Drug Court	Bench Book	Training	Conferences	Court Rules	Best Practices
Alabama	X		X		X			
Alaska	X	X						
Arizona	X	X	X	X	X	X		X
Arkansas	X							X
California		X	X	X	X	X	X	X
Colorado	X							X
Connecticut		X	X		X	X		X
District of Columbia	X	X	X	X	X			X
Delaware		X	X		X	X	X	X
Florida	X		X	X	X			X
Georgia								X
Hawaii	X	X		X	X		X	
Idaho		X			X			
Illinois	X							
Indiana	X	X		X	X		X	
Iowa	X				X			
Kansas				X	X			
Kentucky	X	X	X					X
Louisiana	X	X			X			X
Maine	X		X	X	X			
Maryland			X	X				X
Massachusetts		X			X			
Michigan	X	X	X		X			
Minnesota	X	X	X	X	X	X	X	X
Mississippi								
Missouri	X	X		X	X	X	X	X
Montana			X		X	X		
Nebraska	X	X		X				X
Nevada	X	X	X	X	X	X		X
New Hampshire					X			X
New Jersey	X				X			
New Mexico					X			X
New York	X	X	X		X	X		X
North Carolina	X	X	X		X	X		
North Dakota					X	X		
Ohio	X	X	X	X	X	X		X
Oklahoma		X			X	X		
Oregon	X				X	X		
Pennsylvania					X	X		X
Rhode Island		X	X		X	X		
South Carolina		X	X	X	X	X	X	X
South Dakota				X	X	X		X
Tennessee	X							
Texas	X	X	X	X		X		
Utah	X	X	X		X			
Vermont		X	X		X	X	X	X
Virginia	X	X	X		X			X
Washington	X	X			X			X
West Virginia				X	X		X	
Wisconsin		X		X	X	X		X
Wyoming	X	X			X		X	
National	59% (30)	59% (30)	45% (23)	37% (19)	78% (40)	41% (21)	20% (10)	53% (27)
98% (50)								

4. Including the Voices of Children and Families in Court

Although many states have made great strides in including the voices of children and families in court proceedings, there continues to be room for improvement. Of particular importance are improving the quality of legal representation for children, youth, and families and providing children and youth with opportunities for their voices to be heard in the court proceedings. To ensure that the voices and wishes of children, youth and their families are heard in their court proceedings, a variety of activities can be implemented, including: scheduling court hearings so that children and families can be present (after the end of the school day, for example); using videoconferencing technology to ensure that youth can participate in the proceedings even if they are not physically present; judges speaking directly to children and youth about their wishes; and conducting proceedings in a way that is easy to understand, or can be explained easily, to children and youth.

Forty-seven states and the District of Columbia have provided training for legal personnel representing children and families, but far fewer have developed other programs or practices to strengthen the voices of children and families in court. Only fifteen states have implemented programs, policies, or practices specifically designed to increase youth involvement in court proceedings. Several states have developed standards, curricula, or special programs for Court Appointed Special Advocates (12) and Guardians Ad Litem (14). Twelve states have developed standards for attorneys working with children and families and ten states have developed pilot programs to strengthen court practices regarding the participation of children and families in their court proceedings. In total, more than half of the states have implemented programs and strategies other than training of legal representatives for children and families. See Table 4: Activities Underway to Include the Voices of Children and Families in Court.

Improvements in Connecticut: Increasing Court Access for Children and Families

In Connecticut, the Judicial Branch has initiated and supported a number of activities that emphasize the need to ensure that children, youth, and parents (including birth and foster parents and relative guardians) have the opportunity to fully participate in court proceedings. Practice Book rules require that all parents be notified of court proceedings, and brochures, including “Foster Parents in the Courts” have been developed in easy-to-understand language and disseminated to describe the rights of foster parents to attend court proceedings. The state has implemented a pilot program to ensure that children and youth can attend hearings, that their voice is heard, and that they can understand and contribute in these proceedings. Additionally, the Chief Justice of the Connecticut Supreme Court has convened a Committee on Alternatives to Court Appearance to examine when videoconferencing can be used to ensure that children, youth, and parents participate in hearings even if they cannot be physically present. For youth in particular, the desire to use this technology is to expedite hearings and to minimize the potential negative effects that a court appearance might have. And, with guidance from the state’s Commission on Children, Connecticut’s Chief Child Protection Attorney has also developed and disseminated Standards of Practice for attorneys representing children, youth and parents.

Improvements in Florida: Older Youth Access through Statute and Rule

Florida, by statute and rule, has focused on providing older youth in foster care with opportunities to participate in their court proceedings as they are preparing to transition from

foster care to adulthood. Florida law requires the court in dependency proceedings to hold a judicial review hearing within ninety days after a child's seventeenth birthday and continue to hold timely judicial review hearings thereafter. At each of these hearings, the statute requires that "the child shall be given the opportunity to address the court with any information relevant to the child's best interests, particularly as it relates to independent living transition services." Rule 8.255(b) states that "the child has a right to be present at the hearing unless the court finds that the child's mental or physical condition or age is such that a court appearance is not in the best interest of the child." In addition, the Department of Children and Family Services must provide the court with written verification that the child "has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday."^{xii}

Table 4: Activities to Include the Voices of Children and Families in Court (2005-2009)

GOAL: STRENGTHENING THE VOICES OF CHILDREN AND FAMILIES IN COURT								
	Training	Pilot Program	Attorney Standards	CASA Project	GALS Project	Youth Involvement	Notify Parents	Study
Alabama	X							
Alaska								
Arizona	X		X	X	X	X		
Arkansas	X			X	X	X		
California	X	X	X	X	X	X	X	
Colorado	X							
Connecticut	X	X	X			X	X	
District of Columbia	X							
Delaware	X	X	X	X	X	X	X	
Florida	X					X		
Georgia		X						
Hawaii	X				X			
Idaho	X			X	X			
Illinois		X						
Indiana	X							
Iowa	X							
Kansas	X			X				
Kentucky	X						X	
Louisiana	X		X					
Maine	X			X	X			
Maryland	X							
Massachusetts	X							
Michigan	X							
Minnesota	X	X			X	X	X	
Mississippi								
Missouri	X				X	X	X	
Montana	X				X			
Nebraska	X				X			X
Nevada	X		X	X				
New Hampshire	X					X		
New Jersey	X	X		X				
New Mexico	X		X					
New York	X	X						
North Carolina	X		X					
North Dakota	X				X			
Ohio	X	X	X	X	X	X		
Oklahoma	X							
Oregon	X							
Pennsylvania	X							
Rhode Island	X							
South Carolina	X							
South Dakota	X		X			X	X	X
Tennessee	X						X	
Texas	X	X	X	X		X		
Utah	X							
Vermont	X			X	X	X	X	
Virginia	X							
Washington	X					X		
West Virginia	X							
Wisconsin	X		X			X	X	
Wyoming	X							
National	92% (47)	20% (10)	24% (12)	24% (12)	27% (14)	29% (15)	20% (10)	4% (2)
96% (49)								

CONCLUSION: State Courts Improving, Additional Efforts Needed

Since the Pew Commission on Children in Foster Care issued its report, and as a direct result of the federal Court Improvement Grants made possible by the DRA, states have made significant progress in strengthening court proceedings in child abuse and neglect cases. Map 2 shows the areas on which states have focused in implementing action plans to improve the lives of children and their families. State courts have enhanced accountability primarily through improving data collection and/or management information systems. Many states have taken this work one step further and coordinated court child and family data with that of the child welfare agency. Coordination of data collection and review has the potential to improve both court and agency case tracking, and decrease the time that children spend in foster care. Some states have evaluated and made efforts to decrease family court judges' workloads. Across the nation, family court judges have assumed leadership roles in expediting permanency for children and youth in foster care. States have implemented model courts and initiated pilot programs. States also have worked to improve the quality of legal representation for children, youth and parents. Courts have employed a range of tactics, from trainings for judicial officers to studies on how best to ensure that the voices of children and families are heard in dependency proceedings.

Recommendations

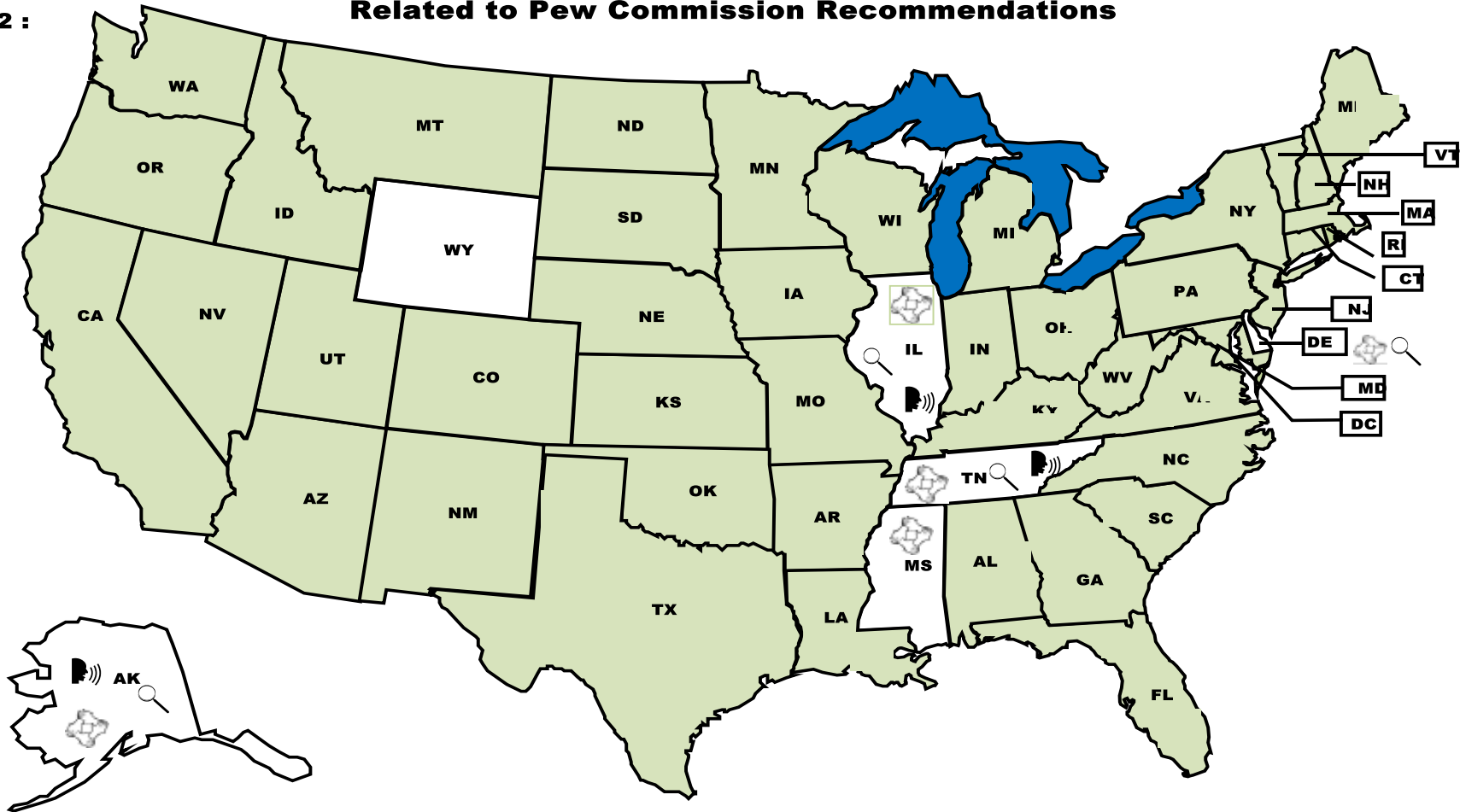
Across the country, state dependency courts have implemented numerous reforms – those included in their 2005 action plans as well as new efforts. However, there is still more to be done in the areas of accountability, collaboration, and strengthening of the voices of children, youth and families in court proceedings.






1. State dependency courts can promote better outcomes for children and youth through continuing efforts to strengthen case tracking mechanisms, data collection, and data sharing between courts and child welfare agencies. Despite good progress by dedicated court personnel nationwide, more improvements are still needed related to the tracking of child welfare cases. By increasing accountability through better monitoring and movement of cases through the judicial process in a timely way, more children and youth will end up in the safe, permanent families that they need and deserve, rather than waiting in uncertainty, adrift in the foster care system.
2. Nearly half of the states are currently exchanging data or collaborating with child welfare agencies; the remaining states could improve child and family outcomes by developing similar initiatives. Efforts need to continue to strengthen collaborative relationships between the courts and child welfare agencies and other child and family serving organizations. Many states have focused attention on collaboration, with extremely promising results.
3. In addition, more should be done to ensure that the voices of children, youth, and families are heard in their court proceedings. The great majority of states (96 percent) initiated some type of activity to enhance constituent voice, but most states reported training Guardians Ad Litem and Court Appointed Special Advocates rather than implementing practices to ensure the presence of children, youth and families in the court room whenever possible. A key recommendation is that all states initiate activities that actively bring children, youth, and their families into the court process. Some state courts already have mandated that all youth

of a specified age appear at their court proceedings (unless otherwise harmful) or via video conferencing when their actual physical presence is not possible.

State Court's Implementation of Reforms Related to Pew Commission Recommendations

MAP 2 :



-  **Accountability - 98% of the states created plans to increase accountability**
-  **Collaboration - 100% of states drafted plans to collaborate with other organizations**
-  **Judicial Leadership - 98% of states made plans to enhance judicial leadership**
-  **Constituent voice - 96% of states laid plans to promote the use of constituent voice during court proceedings**
-  **States implementing recommendations in all four categories - 96%**

*Excludes territories such as Guam, Northern Marina Islands, and Puerto Rico from the analysis, Guam and Northern Marina Islands both had action plans in each of the four recommendation areas. Puerto Rico did not have an accountability plan but did have plans covering collaboration, judicial leadership, and constituent voice.

ACKNOWLEDGMENTS

This assessment was written by Trinity Thorpe-Lubneuski, The Pew Charitable Trusts; Madelyn Freundlich, Excal Consulting; Gina Russo, communications manager, Kids Are Waiting campaign; and edited by Marci McCoy-Roth, co-director, Kids Are Waiting campaign, sponsored by The Pew Charitable Trusts. Christine McCormick and Betsy Sharkoski, The Pew Charitable Trusts, also assisted with the maps and proofing this document.

Special thanks to Judge Nancy Salyers for her edits; and the assistance of Justice Maura Corrigan, Supreme Court of Michigan; Judge Patricia Macias, presiding judge of the 388th Family District Court, El Paso, Texas; Judge William Thorne, Utah Court of Appeals; and William Vickrey, Administrative Director of the Courts, Judicial Council of California, in the preparation of this report. In addition, Pew would like to thank Kay Farley and Dick Van Duizend at the National Center for State Courts; the Conference of Chief Justices; the Conference of State Court Administrators; and the National Council of Juvenile and Family Court Judges for their contributions to the development of this brief.

Pew also would like to thank Diane Nunn and Christopher Wu, Center for Families, Children and the Courts, Administrative Office of the Courts, Judicial Council of California; the Honorable Christine E. Keller, chief administrative judge, Juvenile Division, Connecticut; Judy Nord, manager, Children's Justice Initiative, Minnesota; Norma Rahm, Family Court program manager, Office of State Courts Administrator, Missouri; Sheryl Overstreet, Court Improvement Program coordinator, Nevada; and Michelle Jensen Goodwin, Children's Court Improvement Program, Director of State Courts Office, Wisconsin for their comments.

A special thank you and acknowledgment to each member of the Pew Commission on Children in Foster Care for their service and leadership in calling for reforms to the system. Much of what the Pew Commission recommended has been enacted or is in the process of implementation. Because of their time and efforts, as well as the significant investment in supporting reforms made by Congress via the Deficit Reduction Act of 2005 and the Fostering Connections to Success and Improving Adoptions Act of 2008, hundreds of thousands of children and youth will spend less time in foster care, and more time with the safe, permanent families they need and deserve.

Endnotes

- ⁱ US Department of Health and Human Services. (2008). The AFCARS Report, Preliminary FY 2006 Estimates as of January 2008 (14). Retrieved March 10, 2009 from http://www.acf.hhs.gov/progrmas/cb/stats_research/afcars/tar/report14.htm
- ⁱⁱ Pew Commission on Children in Foster Care. (2004). Fostering the Future: Safety, Permanency and Well Being for Children in Foster Care. Retrieved March 12, 2009 from <http://pewfostercare.org/research/docs/FinalReport.pdf>
- ⁱⁱⁱ National Center for State Courts. (2006). Justice for Children: Changing Lives by Changing Systems. A National Call to Action.
- ^{iv} Public Law 109-171. Deficit Reduction Act of 2005.
- ^v National Center for State Courts. "How States Have Implemented Their Summit Action Plans – An Overview." Continuing Upward from the Summit: An E-Newsletter Highlighted Implementation Accomplishments and Events throughout the Country. Volume 1, March 2007. Retrieved March 10, 2009 from http://www.ncsconline.org/D_Conult/StatewideTAs/continuingUpwardsummit07.pdf
- ^{vi} Ibid.
- ^{vii} West Virginia Court Improvement Oversight Board. (n.d.). Retrieved March 12, 2009 from <http://wvcip.com/datacollection.html>
- ^{viii} National Child Welfare Resource Center on Legal and Judicial Issues. Court Improvement Project State Summary: Montana. Retrieved on February 17, 2009 from www.abanet.org/abanet/child/statesum/state.cfm?state=MT and Montana Official State Website. District Courts; Treatment Courts. Retrieved on March 5, 2009 from www.courts.mt.gov/dcourt/treatment.asp
- ^{ix} Texas Supreme Court Task Force on Foster Care Resolution Commending the Court Recommendations of the Pew Commission on Children in Foster Care, August 13, 2004.
- ^x Supreme Court of Texas. (2007). Order Establishing Permanent Judicial Commission for Children, Youth and Families, Misc. Docket No. 9193. Retrieved April 7, 2009 from www.supreme.courts.state.tx.us/miscdocket/07/07919300.pdf
- ^{xi} Texas State Senate Bill No. 759. Signed into law March 28, 2007. Retrieved on March 5, 2009 from www.sos.state.tx.us/statedoc/bills/sb/SB759.pdf
- ^{xii} Supreme Court of Florida (2009). In re: Amendments to Florida Rules of Juvenile Procedure 8.225. Retrieved April 7, 2009 from www.floridasupremecourt.org/decisions/2009/sc08-1236.pdf