



**VIEW FROM THE BENCH:**  
*Obstacles to Safety & Permanency for Children in Foster Care*

**SUMMARY OF KEY FINDINGS FROM A NATIONAL SURVEY  
OF DEPENDENCY COURT JUDGES**

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**School of Social Work**  
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*Fostering Results* is a national, nonpartisan public education project to raise awareness of issues facing children in foster care. It is funded by a grant from The Pew Charitable Trusts to the Children & Family Research Center in the School of Social Work at the University of Illinois, Champaign-Urbana. The opinions expressed in this report are those of the authors and do not necessarily reflect the views of The Pew Charitable Trusts.

[www.fosteringresults.org](http://www.fosteringresults.org)

## EXECUTIVE SUMMARY

Overloaded court dockets, a chronic shortage of available services for families and poorly prepared caseworkers are significant barriers to finding safe, permanent homes for children in foster care, according to a survey of more than 2,200 U.S. judges who hear child abuse and neglect cases.

### Methodology

The mail-in survey was sponsored by *Fostering Results* in partnership with the National Center for State Courts and the National Council of Juvenile & Family Court Judges. The survey was conducted in March and April of 2004 and was sent to 5,149 judicial officers nationwide. The names of judicial officers were provided by State Court Improvement Project directors and State Supreme Court websites. Overall, 2,241 responses were returned for a response rate of 43.5%. Judges were guaranteed that their individual responses would be confidential and that results would only be shared in the aggregate.

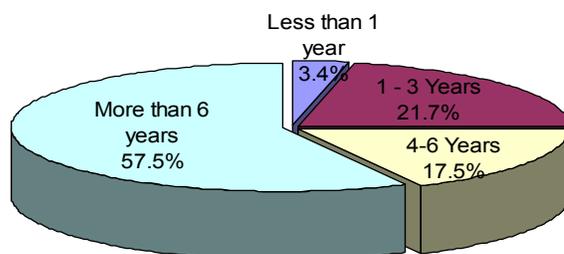
The survey provides an extensive look at how judges who hear child dependency cases view their own courtrooms and hurdles to providing permanent families for children in foster care. Among the key findings of the judicial survey:

- Overcrowded court dockets delay finding safe, permanent homes for children in foster care, according to a majority (52%) of judges for whom abuse and neglect cases make up more than ¼ of their dockets. Among judges whose docket is composed of more than ¾ abuse and neglect cases, nearly two-thirds (64%) say overcrowded dockets delay permanency.
- Barely half (49%) of all judges who hear abuse and neglect cases received any specialized training in child welfare issues prior to hearing child abuse or neglect cases.
- When asked to rank their *number one* frustration with the child welfare system, forty-six percent (46%) of respondents – by far the largest percentage – ranked the lack of available services for families and children in need as their greatest frustration. Overcrowded court dockets (17%) and poorly prepared caseworkers (12%) were also singled out by some judges as their *number one* frustration.
- On a more positive note, the majority (58%) of respondents have more than six years experience with abuse and neglect cases and, despite an admitted lack of advance training in child welfare issues, eighty-one percent (81%) report receiving child welfare training over time and more than ninety-two percent (92%) of judges believe they currently have the tools and information necessary to decide the issues presented in dependency cases.

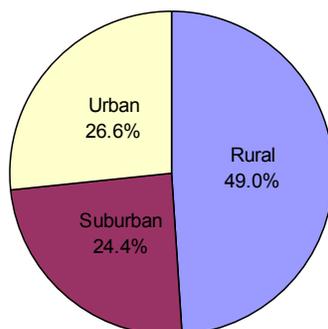
The survey also measured judges' views on whether their judicial colleagues held family court judges in high esteem, whether judges had sufficient information about cases on their dockets and judges' level of frustration with federally mandated timelines for permanent placement and poorly prepared attorneys.

## SUMMARY OF KEY FINDINGS

1. The majority of respondents (over 57%) have heard abuse and neglect cases for more than six years.

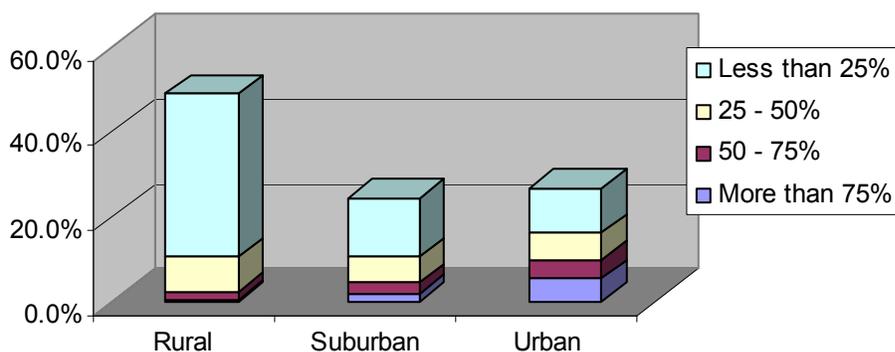


2. 49% of the judges responding described the jurisdiction in which they serve as rural, 27% as urban and 24% as suburban.



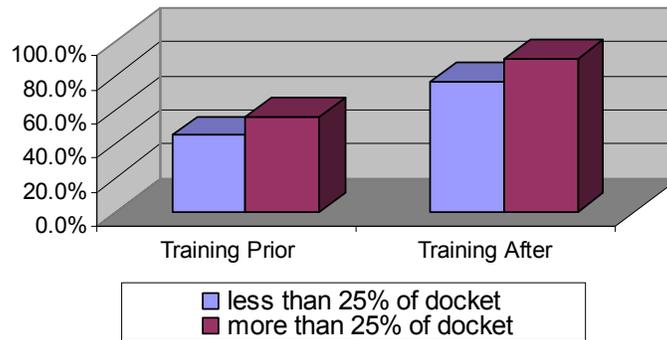
3. Urban judges are more likely to hear cases in “specialized” dependency courts, in which more than one quarter of the docket is child abuse and neglect cases. More than 61% of urban judges work in specialized courts. In rural jurisdictions, less than 22% of judges work in courts with specialized dockets.

### **Percent of Court Docket that are Dependency Cases by Geographic Area**



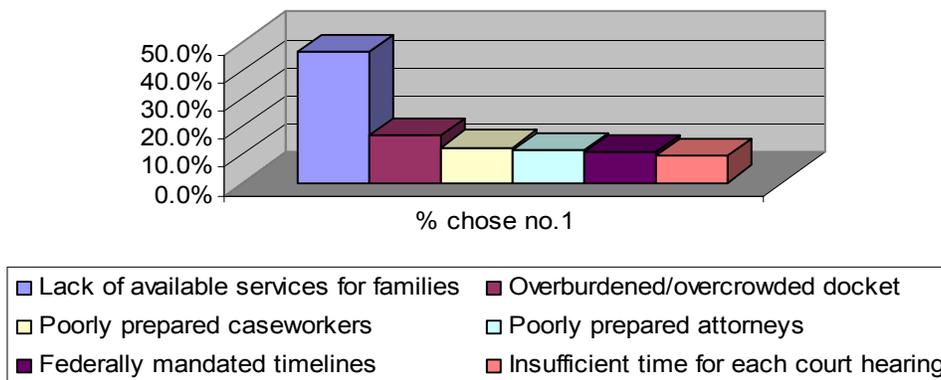
4. **Barely 50% of judges that hear abuse and neglect cases report receiving any child welfare training specific to their docket before hearing dependency cases.** Judges in specialized courts are more likely to receive training specific to dependency cases than general jurisdiction courts. This is true both prior to taking the bench as well as after assignment to a dependency court. Despite this reported lack of advance training, over 92% of judges felt that they had the tools and information necessary to decide the issues presented in dependency cases.

**Percent of Judges that Received Training by Size of Docket**



5. **The study found that, among judges for whom abuse and neglect cases make up more than one quarter of their dockets, a majority (52%) believe that overcrowded dockets lead to longer stays in foster care. Among judges for whom abuse and neglect cases make up more than three-fourths of their court dockets, nearly two-thirds (64%) believe overcrowded dockets lead to delays in finding permanent, safe homes for children in foster care.**
6. When asked to identify the greatest frustration with hearing abuse and neglect cases, 46% of judges said the lack of available services for families was their greatest frustration.

**Greatest Frustration Identified by Dependency Court Judicial Officials**



*“These cases are low priority in the justice system, leading to insufficient time for each case and poor preparation by social workers and attorneys. It’s a function of the low esteem given this assignment.”*

*– Dependency Court Judge Respondent*

7. The survey found that 38% of all judges thought that legal colleagues held judges who hear child abuse and neglect cases in moderate to low esteem. 31% of judges whose judicial docket consisted of 25% or fewer abuse and neglect cases felt that the legal community viewed them in moderate or low esteem, while 61% of judges with dockets of 75% or more abuse and neglect cases perceived that felt that the legal community held them in moderate to low esteem. Only 28% of judges believed their position was held in very high esteem by their state Supreme Court, and only 18% of judges felt their position was held in very high esteem by the public.

*“Of great frustration is the lingering attitude of fellow judicial officers...that juvenile matters are not as important as adult proceedings. Getting the help and resources to do a competent job is very difficult to achieve.”*

*– Dependency Court Judge Respondent*

8. The survey found that 82% of judges had information available on the number of abuse/neglect cases on their dockets, and 67% had available information on the average length of foster care placement for their assigned cases.