

Dependency Reassessment

Office of Court Improvement



Florida Office of the State Courts Administrator

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Table of Contents:

Acknowledgements	3
Introduction	4
Key Considerations.....	6
Methodology.....	20
Research Findings and Recommendations	27
Additional Dependency Court Issues.....	45
Conclusion	54
References	56
Appendices:	
I. Major Findings - 1997 Dependency Assessment	59
II. Data Collection Instrument	63
III. Compendium of Dependency Promising Practices	65

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INTRODUCTION

In 1993, Congress appropriated \$35 million in entitlement grants to state courts. The grants were earmarked to address and improve court handling of dependency cases. This was done in recognition of growing dependency caseloads, both in number and in complexity.

With the funding, each participating state was required to complete a thorough assessment of the dependency court process and craft a plan to improve the handling of these cases. Florida's assessment was completed in 1997 using information gathered from seven of Florida's twenty judicial circuits. During that assessment, 855 judicial cases were reviewed, representing a sample of cases of children who entered foster care from 1990 to 1995. In addition, the assessment team observed 782 dependency court hearings between January and August 1996, and attended several foster care review board hearings. Key participants were also surveyed and the team received 355 survey responses. (See "Major Findings - 1997 Dependency Assessment," Appendix I)

In 2002, the President signed into law the Promoting Safe and Stable Families Amendments of 2001, authorizing the extension of the Safe and Stable Families Program and allowing for the \$10 million per year set-aside

"In Florida each year, there are 9,000 to 10,000 children who are not able to live at home or sleep in their own beds. An adult in their family abused or neglected them."

– Florida Department of Children and Families' Website

for the court improvement program to continue through 2006. Subsequently, these funds have been further reauthorized through fiscal year 2010.

This reassessment is a federally required follow-up to the 1997 report. Since the time Florida's Office of the State Courts Administrator (OSCA) completed the initial assessment, much has changed in the state's judicial branch and the child welfare system. The Florida Legislature enacted major changes to the state statutes governing dependency proceedings; a constitutional amendment changed the funding structure for the state's trial courts; there have been significant efforts by circuits to implement the state's unified family court model; the Guardian ad Litem program became a self-standing statewide entity with increased funding; the Department of Children and Families (DCF) implemented a comprehensive Program Improvement Plan; and the state privatized most of its child welfare and foster care duties. These vast changes, along with other significant national publications and trends, provided the backdrop for the reassessment.

Note: During the data collection activities for this reassessment the research team developed case narratives for 90 cases. The purpose of these narratives was to bring the cases to life for the team members. One family in particular stood out because they embodied the reason for doing this work. The multiple issues in this family speak to many of the findings and recommendations mentioned later in this report. Specific highlights from this family's narrative are interspersed throughout the report to supplement the quantitative findings with a storytelling perspective.

KEY CONSIDERATIONS

In approaching this reassessment, the OSCA gave thoughtful consideration to the aforementioned state and national reforms and trends. Three, in particular, are discussed in further detail in this section.

Because of the magnitude of changes in Florida's child welfare legislation over the past eight years, a detailed discussion of the revisions is warranted. Also, the Resource Guidelines by the National Council of Juvenile and Family Court Judges and the Pew Commission on Children in Foster Care are discussed below because close consideration was given to these documents when the recommendations were formulated.

Legislative changes

The 1998 Florida Legislature passed HB 1019. Among the changes in law made by this bill was a significant reorganization of Chapter 39, Florida's dependency statutes. It also renumbered several sections of Chapter 39. The bill introduced several new definitions into section 39.01 and conferred rulemaking authority upon the Department of Children and Families (DCF). The bill also codified the right to legal counsel for parents in dependency proceedings and required that a waiver of counsel made in court be of record, that it must be intelligent and understanding, and that the offer of counsel must be renewed at subsequent stages of the proceedings. The bill enacted extensive procedures regarding the initiation of protective investigations and it created new section 39.3035 regarding child advocacy centers, including standards and funding.

The bill required the DCF to enter into working agreements with local law enforcement and made a new section of law regarding medical or hospital personnel and detaining a child. It also updated requirements for shelter hearings, including a provision for notification of the right to counsel for parents, visitation, written findings by the court, and hearings to review the shelter. The bill provided that if a parent is served with the dependency petition and proper statutory notice but fails to appear, the failure to appear constitutes consent to a dependency adjudication. It also added new homestudy requirements for non-licensed out-of-home placements. The bill required that the case plan and predisposition study be provided to all other parties not less than 72 hours before the disposition hearing. In addition, the initial judicial review hearing was required to be held no later than 90 days after the disposition hearing or hearing at which the court approved the case plan, but no later than 6 months from the date of the child's removal from the home. The bill created a Relative Caregiver Program to provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for the child in dependency proceedings. It also provided rulemaking authority to the DCF regarding eligibility guidelines. The bill added new requirements that the case plan describe the minimum number of face-to-face meetings between the parents, caregivers/custodians and the DCF's caseworker, that the case plan establish the role for the foster parents or custodians in the development of services to be provided, and that after jurisdiction attaches, all case plans must be filed with the court with a copy

provided to the parents, caregivers/custodians, and the Guardian ad Litem not less than 72 hours before the disposition hearing.

Additionally, all case plans must be approved by the court and all case plans prepared before jurisdiction of the court attached must be filed with the court. The statute was also amended to require that the court schedule the date, time, and location of the next judicial review in the judicial review order and to require that pre-adoptive parents be added to the list of those provided with notice of the judicial review. The bill added new requirements to the content of the judicial review social study report. The bill added new section 39.803 for special procedures when the identity or location of the parent is unknown after filing for termination of parental rights. It also amended one of the statutory grounds for termination of parental rights and added three new statutory grounds: when the parent has subjected the child to aggravated child abuse, sexual battery or sexual abuse, or chronic abuse; when the parent has committed murder or voluntary manslaughter of another child of the parent or a felony assault that results in serious bodily injury to the child or another child of the parent, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault; and when the parental rights of the parent to a sibling have been terminated involuntarily. The bill also provided that reasonable efforts to preserve and reunify families are not required if a court determines that any of certain statutory grounds are applicable. In addition, once counsel is appointed to represent a parent, the attorney is required to continue to represent the parent throughout the proceedings or until the court has approved discontinuing the attorney-client relationship, at which

time the court shall advise the parent of the right to have new counsel retained or appointed for the remainder of the proceedings.

The bill required a pretrial status conference prior to the termination of parental rights adjudicatory hearing. The bill added provisions regarding the affect of termination of parental rights on the visitation rights of the grandparents. It also required that reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child. Furthermore, the court retains jurisdiction after termination and shall review the status of the child's placement and progress towards permanent adoptive placement. The bill authorized pilot projects including a foster care privatization demonstration pilot project.

In 1999, the Legislature passed SB 660 which created section 39.4085, Florida Statutes. This section set out Legislative intent and a declaration of goals for dependent children. Although the law provided that the section established goals and not rights, it set out the Legislature's aspirations regarding the rights of children in shelter and foster care in Florida.

In 2000, the Legislature passed SB 682 which added a new subsection to 39.407, Florida Statutes which defined, *inter alia*, the "least-restrictive alternative" for placement and set out the procedures for placement of children into residential treatment centers. The law provided that before a child can be admitted, the child must be assessed for suitability by a qualified evaluator who conducts a personal examination and must make certain specific written findings. The law also required that all children placed in

residential treatment centers must have a Guardian ad Litem and that the Guardian ad Litem and the court must be notified of the placement and be given a copy of the evaluator's assessment. Also, within 10 days of admission to a residential treatment center, an individual treatment plan must be prepared. Likewise, the law required that within 30 days after admission, the program must review the appropriateness and suitability of the child's placement. Other provisions required that the program prepare a written report for the Guardian ad Litem and the Department which the Department must submit to the court, including a discharge plan, and that the child's treatment progress is reviewed every 30 days thereafter. Also, the Department is required to submit monthly reports to the court and the court must conduct a hearing to review the status of the child's residential treatment plan no later than 3 months after the child's admission to residential treatment and every 30 days thereafter.

Also in 2000, the Legislature passed HB 2125 which significantly amended the law on the disposition hearing and powers of disposition. The bill also added a new provision regarding post-disposition changes of custody and required that the case plan be filed and served at least 72 hours prior to the disposition hearing. The bill also addressed permanency determinations by the court and created new sections and requirements for permanency goals.

Through SB 1214 in 2001, the Legislature required that at shelter hearings if visitation is ordered but will not commence within 72 hours of the shelter hearing, the DCF shall provide justification to the court. Also, at the conclusion of the shelter hearing, the DCF shall make available to the parents, any referral information necessary

for participation in voluntary services, the participation in which shall not be construed as an admission or acknowledgement of the shelter allegations.

In 2002, the Legislature passed SB 288 which restricted continuances and extensions of time to the number of days absolutely necessary to complete a necessary task to preserve the rights of a party for the best interests of a child. The law also precluded extensions of time limitations in advance of the particular circumstances which delay the proceedings. The law also limited continuances and extensions of time to 60 days for all parties within any 12 month period. A continuance or extension of time beyond 60 days may be granted only for extraordinary circumstances necessary to preserve the constitutional rights of a party or when substantial evidence demonstrates that the child's best interests will be affirmatively harmed without the granting of a continuance or extension of time.

In 2004, the Legislature passed SB 512 which required the DCF to include in its judicial review social study report several pieces of information for the judicial review hearing held within 90 days after a child's 17th birthday.

In 2005, the Legislature passed SB 1314 which permitted a youth to petition the court to extend its jurisdiction to his or her 19th birthday to determine whether appropriate aftercare support, Road-to-Independence transitional support, mental health, and developmental disability services had been provided to the formerly dependent child who was in the legal custody of the Department immediately before turning 18. The court may also retain jurisdiction for the purposes of allowing the

continued consideration by federal authorities of a petition for special immigrant juvenile status filed on behalf of a foster child.

In 2005, the Florida Legislature passed SB 1090 which created comprehensive statutory provisions regarding the provision of psychotropic medication to children in dependency cases. The bill amended section 39.402(11), Florida Statutes, to require a parent or legal guardian to provide all known medical information to the DCF. It also added a new section 39.407(3), Florida Statutes, to Chapter 39 that substantially amended section 39.407, Florida Statutes and provided the procedure for the administration of psychotropic medication in dependency proceedings. The bill also amended section 39.459, Florida Statutes, regarding express and informed consent. The bill defined the term “psychotropic medication” and prohibited public schools from denying any student access to programs or services because the parent has refused to place the student on psychotropic medication.

It also permitted public school teachers and school district personnel to share school-based observations of a student’s academic, functional, and behavioral performance with the student’s parent. It offered program assistance that is available to the parent and student based on observations as well as prohibited public school teachers and school district personnel from compelling or attempting to compel any specific actions by a parent or require that a student take medication. SB 1090 also permitted parents to refuse psychological screening of student and provided that any medical decision made to address a student’s needs is a matter between the student, the student’s parent, and a competent health care professional chosen by the parent.

In 2006, the Florida Legislature passed several bills that amended some portion (including minimal changes) to Chapter 39. The most important changes were made by HB 175 and SB 1080. Both of these bills have been signed into law.

HB 175 incorporated drug court concepts into Chapter 39. It provided that upon a showing of good cause, a court may order a person with or seeking custody of a child to undergo a substance abuse assessment or evaluation. It also provided that entry into the pretrial drug court program is voluntary.

SB 1080 significantly amended Chapter 39 to bring it more into compliance with the Adoption and Safe Families Act. It amended several definitions in section 39.01. Former section 39.013(10) on time limitations and continuances was moved to new section, 39.0136. A new section 39.0137 was created which requires no later than July 1, 2007 for the DCF to adopt rules to ensure the provisions the Indian Child Welfare Act and the Multi-ethnic Placement Act are enforced. The section stated that Chapter 39 does not supersede the requirements of those laws. The section also encouraged the DCF to enter into agreements with recognized American Indian tribes to facilitate the implementation of the Indian Child Welfare Act. The bill added a new section 39.0138 regarding criminal history records check and limitations on placement of children. SB 1080 required that during a DCF investigation, the parent or custodian report any change in the child's residence or location to the investigator on a continuing basis until the investigation is closed. If after the parent or custodian is notified of this requirement and the investigator is not notified within 2 business days, the child may

be considered to be a missing child for the purposes of filing a report with a law enforcement agency under section 937.021.

Furthermore, SB 1080 required that at the shelter hearing the court determine which specific services, if available, could prevent the need for removal and the date by which the services are expected to become available. If such services are not available, the court must explain why the services are not available. At the shelter hearing, the parent must be advised of the continuing duty to inform the DCF of any relative who should be considered as a placement for the child. The court was also required to advise the parents that if they fail to substantially comply with the case plan, their parental rights may be terminated. The bill required that the court repeat these warnings to the parent if the child is adjudicated dependent. It required that when considering a post-disposition change of custody, the court shall consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the child's best interests.

SB 1080 substantially revised and renumbered the sections on case plan development, tasks and services, and amendments. It required that all case plans and amendments must be approved by the court. SB 1080 also substantially revised the section on permanency determination by the court. It added new sections which created new permanency goals: 39.6221 on permanent guardianship of a dependent child; 39.6231 on permanent placement with a fit and willing relative; and 39.6241 on another permanent planned living arrangement. SB 1080 required copies of the child's current health, mental health, and education records to be included with the judicial

review social study report. It required that if the court makes a written finding that it is not likely that the child will be reunified with the parent or custodian within 12 months after the child was removed from the home, the DCF must file a motion to amend the case plan with a concurrent case plan within 10 business days of receiving the court's written finding, with the proposed case plan attached to the motion. SB 1080 created new section 39.8055 that set forth specific timeframes within which the DCF must file a petition for termination of parental rights within 60 days of a number of specified events. The section permitted the DCF to choose not to file a petition if the child is being cared for by a relative under new section 39.6231 or if the DCF has documented a compelling reason that filing the petition is not in the child's best interest.

The bill provided examples of compelling reasons. However, upon good cause shown by any party or on its own motion, the court may review the decision by the DCF that compelling reasons exist for not filing the petition. SB 1080 clarified the definition of material breach of the case plan. One of the statutory manifest best interest factors required to be considered by the court for termination of parental rights was amended to provide that the availability of a non-adoptive placement with a relative may not receive greater consideration than any other factor weighing on the manifest best interest of the child and may not be considered a factor weighing against termination of parental rights. Furthermore, if a child has been in a stable or pre-adoptive placement for not less than 6 months, the availability of a different placement, including with a relative, may not be considered as a ground to deny the termination of parental rights.

Resource Guidelines by the National Council of Juvenile and Family Court Judges

The National Council of Juvenile and Family Court Judges (NCJFCJ) is a nonprofit organization that seeks to improve family courts throughout the country. The NCJFCJ published *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases* in 1995. These guidelines were developed to delineate guiding principles for the different types of dependency court hearings. These hearings range from preliminary hearings through permanency or termination of parental rights hearings. Strategies to achieve efficiency and timeliness in case processing remain a focus throughout the guidelines, and best practices from different jurisdictions around the country are offered as examples to support these strategies. These guidelines will be discussed in greater detail in the reassessment findings chapter, specifically offering support to the issues of parental attendance at hearings, representation, continuances, and timeliness.

Pew Commission for Children in Foster Care

The reassessment will also focus on the Pew Commission for Children in Foster Care's recommendations. The Pew Commission is a multi-disciplinary, national entity that is focused on developing practical policy solutions to reduce delays in reaching permanency and highlights methods for courts to improve outcomes for foster care children. The Pew Commission released a report in 2004 aimed at improving outcomes for children in foster care. In this report, the Pew Commission provided recommendations regarding financing the child welfare system and strengthening courts. It should also be noted that the Conference of Chief Justices and the Conference

of the State Court Administrators issued a resolution in support of the Pew recommendations at their annual meeting in July 2004.

Pew Commission recommendations:

FINANCING CHILD WELFARE

1. *Because every child needs a safe, permanent family, the Commission recommends:*
 - *Providing federal adoption assistance to all children adopted from foster care; and*
 - *Providing federal guardianship assistance to all children who leave foster care to live with a permanent, legal guardian.*
2. *Because every child needs to be protected from abuse and neglect, the Commission recommends that the federal government join states in paying for foster care for every child who needs this protection:*
 - *Regardless of family income;*
 - *Including children who are members of Indian tribes; and*
 - *Including children who live in the U.S. territories.*
3. *Because every child needs a permanent family, the Commission recommends allowing states to "reinvest" federal dollars that would have been expended on foster care into other child welfare services if they safely reduce foster care use. States could use these funds for any service to keep children out of foster care or to leave foster care safely.*
4. *Children need skillful help to safely return home to their families, join a new family, or avoid entering foster care in the first place. For caseworkers to provide this help, states need flexible, sufficient, and reliable funding from the federal government. The Commission recommends an indexed Safe Children, Strong Families Grant that combines federal funding for Title IV-B, Title IV-E Administration, and Title IV-E Training into a flexible source of funding. The Commission recommends that additional funding be provided in the first year, and that the grant be indexed in future years.*
 - *Each state's grant amount would be based on its historical spending for Title IV-B and Title IV-E Administration and Training;*
 - *In addition, the total base funding level would be enhanced by \$200 million in the first year of implementation;*
 - *In subsequent years, each state's allocation would grow by 2 percent plus the inflation rate, as measured by the Consumer Price Index; and*
 - *States would be required to match the federal grant funds, just as they currently are required to match federal IV-B and IV-E dollars.*
5. *To guarantee that public funds are used effectively to meet the needs of children who have been abused or neglected and to increase public accountability, the Commission recommends improvements to the federal Child and Family Services Reviews (CFSRs).*
 - *The CFSRs should include more and better measures of child well-being, use longitudinal data to yield more accurate assessments of performance over time, and the U.S. Department of Health and Human Services (HHS) should direct*

that a portion of any penalties resulting from the review process be reinvested into a state's Program Improvement Plan;

- *The federal government should continue to help states build their accountability systems by maintaining the federal match for State Automated Child Welfare Information Systems (SACWIS); and*
 - *Congress should direct the National Academy of Sciences, through its Board on Children, Youth, and Families, to convene a foster care expert panel to recommend the best outcomes and measures to use in data collection.*
6. *To promote innovation and constant exploration of the best ways to help children who have been abused and neglected, the Commission recommends that the federal government:*
- *Expand and improve its successful child welfare waiver program;*
 - *Continue to reserve funds for research, evaluation, and sharing of best practices; and*
 - *Provide incentives to states that make workforce improvements and increase all forms of safe permanence for children in foster care.*

STRENGTHENING COURTS

1. *Courts are responsible for ensuring that children's rights to safety, permanence and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings.*
 - *Every dependency court should adopt the court performance measures developed by the nation's leading legal associations and use this information to improve their oversight of children in foster care;*
 - *State judicial leadership should use these data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system; and*
 - *Congress should appropriate \$10 million in start-up funds and such sums as necessary in later years, to build capacity to track and analyze caseloads.*
2. *To protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children.*
 - *The U.S. Department of Health and Human Services (HHS) should require that state IV-E plans, Program Improvement Plans, and Court Improvement Program plans demonstrate effective collaboration;*
 - *HHS should require states to establish broad-based state commissions on children in foster care, ideally led by the state's child welfare agency director and the Chief Justice;*
 - *Congress should appropriate \$10 million to train court personnel, a portion of which should be designated for joint training of court personnel, child welfare agency staff, and others involved in protecting and caring for children; and*

- *Courts and agencies on the local and state levels should collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information which can lead to better decisions and outcomes for children.*
3. *To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them.*
 - *Courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings;*
 - *Congress should appropriate \$5 million to expand the Court Appointed Special Advocates (CASA) program;*
 - *States should adopt standards of practice, preparation, education, and compensation for attorneys in dependency practice;*
 - *To attract and retain attorneys who practice in dependency court, Congress should support efforts such as loan forgiveness and other demonstration programs; and*
 - *Law schools, bar associations, and law firms should help build the pool of qualified attorneys available to children and parents in dependency courts.*
 4. *Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems and making sure the recommendations here are enacted in their states.*
 - *Chief Justices should embed oversight responsibility and assistance for dependency courts within their Administrative Office of the Courts;*
 - *State court leadership and state court administrators should organize courts so that dependency cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues;*
 - *State judicial leadership should actively promote: (1) resource, workload and training standards for dependency courts, judges, and attorneys; (2) standards of practice for dependency judges; and (3) codes of judicial conduct that support the practices of problem-solving courts; and*
 - *State court procedures should enable and encourage judges who have demonstrated competence in the dependency courts to build careers on the dependency bench (p. 16–18).*

The above informed the research conducted and the related recommendations.

METHODOLOGY

Earl Babbie, a recognized expert in the methods of social research, has said that research has three useful purposes: exploration, description, and explanation (1992). The OSCA reassessment research team chose specific research methods based on these three purposes.

Posavac and Carey, authors of the publication titled *Program Evaluation: Methods and Case Studies*, state that when working with a multifaceted program in a context in which nonprogram control groups cannot be developed – evaluators often supplement quantitative measures with direct observations and discussions with participants (2003). Often this approach is called qualitative evaluation, which simply refers to procedures that yield nonnumerical information.

An improvement-focused model is the driving force behind this reassessment. Posavac and Carey state that in conducting this type of evaluation, program improvement is the focus, rather than using a particular methodology (2003). There is a perspective that this model best meets the criteria necessary for effective evaluation: serving the needs of stakeholders, providing valid information, and offering an alternative point of view to those doing the really hard work of serving program participants.

As noted, much has changed in the Florida State Courts System and the state's child welfare system since the OSCA completed its original assessment in 1997. One purpose of this reassessment is to explore the impact of these and other changes for the

courts, the child welfare system, and the families and children they serve. Individual and focus group interviews served as the primary methods used in this **exploration**.

One expected consequence of the many changes since 1997 is that dependency cases progress through the court system at a different pace and with different qualities than they did in the mid-1990s. The extent to which parents are represented by attorneys should also differ. The 1997 assessment provided a cross-sectional description of case processing at that time. The reassessment is a **description** of current case processing, which includes timeliness of hearings, continuances, representation of parents and children, report filings, mediation, and crossover cases. Reviews of case files for docketing practices were one of the primary methods used in this reassessment.

The third purpose of the reassessment research is **explanation**. Through statistical analysis of quantitative data, the OSCA research team hopes to provide valid and reliable explanations of why certain observed patterns or trends occur across cases. For example, the analyses will allow us to explain one or more reasons why time to permanency is delayed for certain cases. Delays may be correlated with continuances granted by the court, untimely filing of reports, and the inability to locate one or more parents. The OSCA research team will develop the explanations by employing each method through a process known as triangulation (Berg, 1998). Babbie describes triangulation as the use of several different research methods to test the same finding (2001).

In order to gather data from case files, dockets, and interviews, the OSCA research team visited nine counties. (See data collection instrument, Appendix II) The

following counties were chosen for this study: Bay, Charlotte, Miami-Dade, Duval, Gadsden, Okeechobee, Pinellas, Polk, and Volusia. These counties represent rural, midsize, and urban counties and were chosen using a nonprobability sampling technique known as purposive or theoretical sampling. Instead of choosing counties at random, where each county has an equal and known chance of being selected, the OSCA research team chose these counties with specific reasons or purposes in mind. These purposes may include the use of dependency mediation, dependency drug courts, or previously observed delays in reaching permanency. Purposive sampling is a useful technique for researching and observing more about these characteristics and trends. While its ability to statistically generalize or infer to the larger population is more limited than in a probability sample, a purposive sample can provide richer, contextual information about items of interest than what a simple random sample could provide. The original 1997 assessment also used a purposive or theoretical sampling design.

In addition to the standard site visit for Polk County, staff participated in the Tenth Judicial Circuit's Family Court Summit. And, in Volusia County staff presented court improvement findings to the Community Alliance. The OSCA also collaborated with the DCF on the Child Protection Practice Improvement Team and the Statewide Steering Committee on Substance Abuse and Child Welfare. These activities all serve as a forum for understanding more about the dependency court system and for identifying innovative improvements.

Case File Reviews

In each county, the OSCA research team visited and selected a simple random sample of 25 case files for review. The only criterion for selection was that the case had a petition for dependency filed in state fiscal year 2002 (July 1, 2002 through June 30, 2003). Selecting case files from fiscal year 2002 provided a sample of cases that, while fairly recent, had been in the dependency system long enough to have developed a “history.” That is, the OSCA research team selected cases that could be reviewed from the initial shelter petition through a judicial review of permanency and beyond. The OSCA research team expected some of these cases to still be open and pending due to delays, termination of parental rights, or other unforeseen factors. Selecting cases from this year provided the opportunity to review these cases that have been in the dependency system for a longer period of time.

The total sample size for the case file review is 202 cases (408 children), which is sufficient for analyzing data and producing both descriptive and inferential statistics. The sample size of 202 cases yields a confidence interval of 6.85 and a confidence level of 95% based on a total of the 16,215 juvenile dependency filings during state fiscal year 2002.¹

One of our reasons for selecting fewer cases for this review is to also conduct a more qualitative examination of the cases. Rather than simply recording numeric data for a purely quantitative analysis, these case file reviews are intended to tell the stories

¹ The confidence interval is the plus-or-minus figure usually reported in newspaper or television opinion poll results. The confidence level tells you how sure you can be. It is expressed as a percentage and represents how often the true percentage of the population who would pick an answer lies within the confidence interval. The 95% confidence level means you can be 95% certain; the 99% confidence level means you can be 99% certain. Most researchers use the 95% confidence level. (*Creative Research Systems, <http://www.surveysystem.com/sscalc.htm>*)

of these children and their families. The OSCA research team did record numeric data, including dates of hearings, but also recorded more contextual data that are not so amenable to statistical analysis. By examining these cases from a “storytelling perspective,” the OSCA research team has the opportunity to explore additional patterns and trends in these cases. Appendix III contains case file summaries designed to give the reader a glimpse into the life of the case. The case file summaries are comprised of information contained in the case file and are written from the perspective of the data collector.

One of the most striking examples that the OSCA research team observed from this perspective is the number of cases in which multiple arraignments must occur because of multiple fathers (or mothers in a few cases) and the frequent inability to locate one or more of these parents that are listed on the petition. Simply recording a date of arraignment for each case does not take into account much of what is happening at this stage of the case. By telling the stories of these cases, in conjunction with statistical findings, the OSCA research team believe these case file reviews will provide better data to make informed recommendations for improvement.

Interviews

During each site visit, the OSCA research team took the opportunity to interview available stakeholders, including dependency judges, case managers, and clerks. The OSCA research team has used what Berg calls “unstandardized interviews” (1998, p. 61). One of the key assumptions of an unstandardized interview is that interviewers “do not know in advance what all the necessary questions are” (1998, p. 61). Berg also

notes that “In an unstandardized interview, interviewers must develop, adapt, and generate questions and follow-up probes appropriate to the given situation and the central purpose of the investigation” (1998, p. 61). Schwartz and Jacobs note “this results in relevant and appropriate questions arising from interactions during the interview itself” (1979, p. 40).

The OSCA research team has taken this perspective during the site visits. The OSCA research team realizes that each county has unique challenges and solutions to those challenges. It has been the intent in the interviews to develop, adapt, and generate questions that will illuminate the unique characteristics of each county. From the case file reviews the research team learned that Gadsden County uses mediation in a large number of its dependency cases. The OSCA research team inquired about this with the dependency judge and obtained meaningful information about the use of mediation. Different issues were more prominent in other counties, such as docketing practices in Volusia County, Guardian ad Litem representation in Duval County, and attorney representation in Charlotte County. Unstandardized interviews allowed the research team to delve into these particular issues in ways that a structured interview may not have. In summary, the interviews have resulted in relevant questions for each county.

Docket Reviews

The team reviewed docket paperwork during the site visits to identify any patterns with docketing. It was noted that most counties schedule hearings for the same block of time on particular days each month. For example, fifteen to twenty

arraignments may be scheduled for 8:30 AM on Tuesday. “Mass docketing” was a common practice observed throughout the circuits studied and will be addressed in one of the recommendations later in this report.

RESEARCH FINDINGS AND RECOMMENDATIONS

The following tables outline reassessment findings and are followed by background information on the research topic, comparisons (when possible) to the original 1997 assessment findings, Pew Commission recommendation tie-ins, and national court guidelines. The OSCA did not design the reassessment findings to be conclusive of conditions regarding the dependency court process statewide, but to guide policy discussions and yield hypotheses to highlight areas of future study. The Statistical Package for the Social Sciences (SPSS) was used for data entry and analysis. Descriptive statistics were computed for each variable and summarized as frequency tables.

Parental Attendance at Hearings

Table 1: Was the mother (N=127) or father (N=126) present at the shelter hearing?

	Frequency		Percent of Cases	
	<i>Mother</i>	<i>Father</i>	<i>Mother</i>	<i>Father</i>
Yes	73	52	57.5	41.3
No	54	74	42.5	58.7
Total	127	126	100	100

Table 2: Was the mother (N=164) or father (N=163) present at the arraignment hearing?

	Frequency		Percent of Cases	
	<i>Mother</i>	<i>Father</i>	<i>Mother</i>	<i>Father</i>
Yes	133	98	81.1	60.1
No	31	65	18.9	39.9
Total	164	163	100	100

At the shelter hearing, the mother was present in 57.5% of the cases, and the father was present in 41.3%. At arraignment, the mother was present in 81.1% of the

...the mother did not attend the shelter hearing and the identity of the father was unknown...the first child was adjudicated dependent after a consent by default plea was entered when the mother failed to appear at trial...

cases and the father was present in 60.1%. These findings show substantial

improvement from the 1997 assessment which stated that 47.2% of the shelter hearings were attended by the mother and 30.6% were attended by the father. The shelter hearing is required by statute to take place within 24 hours of the initial shelter of a child in temporary foster care. Typically, the protective investigator delivers the notice to the child's custodian when the child is removed from the home. Quite a few cases within the data set did not hold a shelter hearing, and the first hearing held was the arraignment.

There are several hypotheses to explain the attendance rates at hearings. Lack of transportation, job responsibilities, or parental lack of understanding could all be reasons for varied attendance rates at the shelter and arraignment hearings. In fact during a court observation of a dependency hearing, a parent stated that, "*I can't keep taking off from work to wait in court all day for a 5 minute hearing!*" The data show lower attendance among fathers at shelter hearings, which may be a result of paternity issues and the lack of information on the fathers' whereabouts.

The Pew Commission speaks directly to the issue of parental involvement in dependency court proceedings. The commission states that:

Children, parents, and caregivers all benefit when they have the opportunity to actively participate in court proceedings, as does the quality of decisions when judges can see and hear from key parties. Local circuit chief judges should consider the impact of factors such as court room and waiting area accommodations, case scheduling, use of

technology in the court room, and the translation of written materials. These factors can make the process more accessible and meaningful for all participants. Parental involvement in court proceedings can add a sense of ownership to the family, and forces individuals to be held accountable to terms they agreed upon (2004, p. 42).

An action step the Pew Commission lists pertaining to this issue is that “courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings” (2004, p. 18).

Court responses to this issue warrants further study. Beyond the notification the parents receive from the protective investigator, are there practices that the court can employ to improve attendance? For example, the Portland Model Court, in conjunction with the NCJFCJ, issued a technical assistance bulletin focused on evaluating the courts holding an expanded second shelter hearing. This practice is called “front-loading” and may assist the improvement of parental attendance at shelter hearings (2002). Also, one jurisdiction in Florida uses time interval scheduling which reduces wait time for hearings.

RECOMMENDATION: Develop strategies to increase parental attendance at court hearings, particularly the shelter hearing. Consider holding shelter hearings later in the day, incorporating alternatives to “mass docketing,” allowing for telephonic appearance in certain circumstances, and using the provision of a shelter review hearing in 39.402(8)(h)(4), Florida Statutes.

Representation

Table 3: Did the court appoint counsel in this case? (N=194)

	Frequency	Percent of Cases
Yes	176	90.7
No	18	9.3
Total	194	100

The court appointed counsel in a high number of cases (90.7%). During the 1997 assessment, parents in Florida had a right to counsel only in limited circumstances, for example termination of parental rights proceedings. As mentioned earlier in the legislative changes section, this statute has changed and indigent parents now have the statutory right to counsel at all dependency hearings.

This reassessment does not address issues of quality of representation. However, the Pew Commission report lists a few progressive methods to ensure the retention of competent legal counsel such as loan forgiveness programs, standards of practice, compensation, and education (2004, p. 44).

A Juvenile and Family Court Journal article also addresses the issue of quality counsel and states that “the juvenile court judge should insist that counsel for parents are accessible, well-trained, and competent. The judge should work with government and bar association representatives to ensure that these attorneys have caseloads that permit them to devote sufficient time to each client.” (Edwards, 1997, p. 7)

The National Council of Juvenile and Family Court Judges (NCJFCJ) Resource Guidelines (1995) mentions that the Courts have the ability to influence the quality of counsel. Three specific areas are listed that the Courts have the autonomy to direct.

- The setting of prerequisites for appointments, including requirements for experience and training. Some courts require attorneys to attend training and “second chair” cases before taking an appointment to a child abuse or neglect case (p. 22).

...the mother's arraignment was continued four times due to no service...the child remained in the care of her maternal aunt

- The setting of specific standards for how parents and children should be represented, including the obligation to continue representation through all stages of the case (p. 22).
- The authority to impose sanctions for violation of their standards, which might include the termination of an attorney's appointment to represent a specific client, the denial of further appointments, or even fines or referral to the Bar committee for professional responsibility (p. 22).

RECOMMENDATION: Courts should continue to appoint counsel pursuant to state law. Courts should develop appropriate colloquies to ensure parents fully understand waiver of counsel. Courts should explore how they can impact the quality of counsel.

Continuances

Table 4: How many continuances are documented in the case? (N=198)

	Frequency	Percent of Cases
0	93	47
1	45	22.7
2	28	14.1
3+	32	16.2
Total	198	100

Over half (53%) of the OSCA reassessment case files had at least one documented continuance, with most cases falling between the range of one to three granted continuances. In the 1997 assessment, the case files showed that continuances or resets between the shelter and disposition hearings were documented in 57.1% of the cases.

The 1997 assessment provided a poignant statement regarding continuances:

The most noteworthy finding of our study of continuances is: the dependency court community does not have a policy for establishing the need for continuances. Our findings indicate that because continuances are occurring with such regularity, the legal community has developed a habit of accepting them without deliberate thought for the consequences delays hold for children. The 882 court observations conducted included 169 requests for continuance, which were granted 100% of the time (1997, p. 31).

Various reasons could be attributed as the cause for these results: the failure of parents to appear in court; the failure of the parties to file reports in a timely manner; and the failure of the courts to establish paternity early in the process.

In Florida, the statewide policy on continuances is currently numbered as section 39.0136, Florida Statutes (2006). In 1998, the Legislature enacted provisions relating to the time limitations in dependency cases. In 2002, it amended the statute to require that the total time for continuances or extensions of time may not exceed 60 days within any 12 month period. Furthermore, a continuance may only be granted for extraordinary circumstances to preserve the constitutional rights of a party or if substantial evidence exists to demonstrate that without granting that continuance the child's best interests will be harmed. Continuances are limited to the number of days absolutely necessary to complete a necessary task in order to preserve the rights of a party or the best interests of a child. Although Florida law has delineated a specific continuance policy, strategies could be developed to help ensure that this policy is being followed throughout the state.

The first Pew Commission recommendation focuses on the need for court performance guidelines. This recommendation speaks to the need for courts to have the

ability to track the progress of dependency cases. Delays in permanency are a likely result when multiple continuances are granted by the courts (2004).

The NCJFCJ Resource Guidelines cite that the court should hold hearings on the date that they are originally scheduled. To make this possible, “attorneys and parties need to understand that trial dates are firm” (1995, p. 21). Pretrial conferences should be conducted “prior to contested hearings to resolve preliminary issues and to arrive at a time estimate for the hearing.” It is the opinion of NCJFCJ that “there should be no major interruptions in contested hearings” (1995, p. 20).

The NCJFCJ states that the court must have a firm and effective policy on continuances and provide the following guidelines:

Continuances should not be allowed because hearing dates prove inconvenient for attorneys and parties. Continuances should also not be granted based upon the stipulation of the parties. Continuances should be granted only when attorneys or parties are ill; essential witnesses cannot be located; or service of process has not yet been completed. Administrative personnel should not be authorized to grant continuances. The reason for any continuance should be included in the court record. One of the consequences of a firm policy on continuances is better use of judicial resources. With strong continuance policies; pretrial conferences; and calendar calls in contested matters, few hearings should need to be rescheduled at the last minute. With a strict policy against continuances and an adequate number of judges, all hearings can be set for a certain time (1995, p. 21).

RECOMMENDATION: Develop best practices to enforce the limitations on continuances and extensions of time under the provisions of law.

Timeliness

Table 5: Timeframes between hearings

	Frequency	Percentage
Shelter to arraignment within 28 days (N=120)	70	58.3
Shelter to Initial JR within 6 months (N=116)	90	77.6
Shelter to Permanency JR within 365 days (N=101)	81	80.2

	Mean Number of Days	Median Number of Days
Shelter to Arraignment (N=120)	37.56	28
Petition Filing to Disposition (N=146)	92.93	75
Petition Filing to Permanency Hearing (N=141)	312.81	317
Shelter to Case Plan Approval (N=115)	114.12	89
Shelter to Permanency Hearing (N=101)	339.9	330
Shelter to Initial Judicial Review (N=116)	175.44	155.50
Disposition to Initial Judicial Review (N=140)	66.21	77

...three years had passed from the initial shelter to the time of data collection...the child remained in out-of-home care for these three years...the child's siblings subsequently were sheltered...in total, they had at least ten placements which included aunts, cousins and foster homes

Fifty-eight and
three-tenths percent
(58.3%) of the cases

showed that the arraignment hearing occurred within 28 days of the shelter hearing.

The 1997 assessment noted that 45% of the reviewed case files held the arraignment within the statutorily required timeframe, which was within 14 days of shelter in 1997.

The average (mean) number of days from the shelter hearing to the arraignment is 37.56 days which is a slight decrease from the 1997 assessment 40 days. This research section regarding timeframes is particularly difficult to generalize due to the fact that data collectors were bound by the information included in the case file. Several case files were incomplete with regard to signed orders being placed in the file. Though the

information garnered from this analysis is not conclusive, it does confirm that additional work must be done to ensure the timeliness of court hearings for all cases.

Also the OSCA data collectors noted that several cases were continued due to lack of service on the parents. An area of future study may be the relationship between the variables – lack of service, continuances – and its effect on the timeframes between hearings. This information will help the OSCA ascertain whether the courts are operating efficiently with ASFA timeframes for all cases, or is it just the cases that have service on the parents? The information garnered from this research will lead to the production of targeted training materials for judges and court staff.

One of the consistent observations while conducting the reassessment was that courts in Florida lack effective mechanisms or systems for tracking and measuring progress and identifying sources of delay in court proceedings. Tracking, identifying, and measuring are all parts of a larger system of case management. In Florida, dependency case management is a relatively new concept, and while many judicial circuits have case managers, these resources are not always available to dependency dockets. Also, there is a general lack of appropriate technology to adequately monitor cases and timeframes. Performance measures have diminished value without the data necessary to gauge progress. The need for a statewide management information system was noted in the initial assessment and the state has since pursued the development of such a system. The Judicial Case Management Information System is described in detail in the next chapter.

The first Pew Commission recommendation addresses the issue of the courts' responsibility and states that "courts are responsible for ensuring that children's rights to safety, permanence and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings" (2004, p. 36).

The Pew Commission lists several suggestions that would have long-term benefits for dependency case management.

- "Every dependency court should adopt the court performance measures developed by the nation's leading legal associations and use this information to improve their oversight of children in foster care" (2004, p.53).
- "State judicial leadership should use these data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system" (2004, p.53).
- "Congress should appropriate \$10 million in start-up funds, and such sums as necessary in later years, to build capacity to track and analyze caseloads" (2004, p.53).

Several organizations including the American Bar Association (ABA), the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ), have worked to develop practice guidelines to assist the judiciary in the decision-making process. The purpose of performance measures and

guidelines is to set forth the essential elements of properly conducted court hearings. The NCJFCJ Resource Guidelines describe the requirements of juvenile and family courts in fulfilling the role now placed upon them by federal and state laws. These guidelines also describe how court calendars can be efficiently managed to achieve efficiency and avoid delays; explain the court staffing and organization necessary to make the judicial process run smoothly; and clarify cost associated with such reforms. They are intended to help correct the gaping discrepancies that presently exist between legislative demands and judicial resources for child abuse and neglect cases. The most basic principle underlying the guidelines is the need for comprehensive and timely judicial action in child welfare cases.

The NCJFCJ Resource Guidelines details a promising case management practice known as “case flow management.” According to the NCJFCJ:

Court administrators from around the country have developed new techniques to reduce litigation delays, collectively known as “case flow management.” Case flow management is a necessity for child abuse and neglect cases to successfully move toward permanency. Permanency delays force the child to be left in “limbo” as to his or her future, and can cause great harm to children who have developed a close bond with foster parents or relative placements. Diligent case flow management by the courts is a necessity to ensure that delays in the court process do not interfere with the timely achievement of permanency. Case flow management also helps courts to monitor the child welfare agencies’ progress in moving diligently and decisively toward completion (1995, p. 19).

RECOMMENDATION: Continue efforts to develop mechanisms to monitor case flow performance measures at the local level. Develop case management guidelines for dependency dockets.

...allegations in the petition included attempted suicide, substance abuse history, and domestic violence...two children were born after the first child was sheltered...which led to the filing of a separate petition for each child....

Factors Contributing to the Complexity of the Case

Table 6: Is there evidence of substance abuse (SA), domestic violence (DV), or mental health (MH) issues? (N=199)

	Percent of Cases		
	SA	DV	MH
Yes	53.3	43.7	15.1
No	46.7	56.3	84.9
Total	100	100	100

While reviewing the case files, data collectors were diligent to search for any information regarding these three issues. Fifty-three and three-tenths percent (53.3%) of the cases indicated substance abuse issues, 43.7% revealed domestic violence, and in 15.1% of the cases, there was evidence of mental health issues. These factors were not examined in the 1997 assessment.

It is difficult to ascertain how the reassessment findings compare to national data on co-occurrence of maltreatment and these issues. Studies and surveys reveal a variety of findings related to prevalence.

Florida is a flagship state with regard to the use of drug court. Judge Herbert Klein of the Eleventh Judicial Circuit, along with Florida Supreme Court approval and the aid of various state and local community leaders, pioneered the first drug court in

the world. Florida now has 21 dependency drug courts in operation, with two more in the planning stages.

The Chief Justice of the Florida Supreme Court has recently charged the Supreme Court’s Steering Committee on Families and Children with addressing mental health issues. The work of this subcommittee will be vital to improving the dependency courts’ handling of parents and children with mental health issues. Specifically, the steering committee will:

Create a subcommittee to study and examine the scope, impact, and relationship of mental health issues with regard to individuals involved in the justice system. Based on this study and examination, develop recommendations for courts to address, process, and deal with individuals having mental health issues and formulate an action plan for implementation of the recommendations by the court system.²

RECOMMENDATION: Develop guidelines for the use of differentiated case management in dependency cases where substance abuse, mental health and/or domestic violence issues are present.

Maltreatment Types

Table 7: Allegations listed on the petition (N=202)

	Percent of Cases
Neglect	31.0
Physical Abuse	26.9
Substance Exposed Child	22.3
Abandonment	6.6
Sexual Abuse	5.6
Drug Dependent Newborn	4.1
Other	3.0
Failure to Thrive Other	.5

² No. AOSC06-30 Charge 2

In the reviewed petitions, physical abuse (26.95 of the cases), neglect (31% of the cases), and substance exposed child (22.3%) were the most common allegations against parents/caregivers. In 1997, physical abuse (17.8%), neglect (44.3%), and abandonment (17.4%) were the most prevalent allegations.

RECOMMENDATION: Ensure that judges and court personnel are provided with training specific to the dynamics of the different maltreatment types.

Prior Involvement in Child Welfare System

Table 8: Did the DCF have prior involvement with this case? (N=202)

	Frequency	Percent of Cases
Yes	108	56.8
No	82	43.2
Total	190	100
Missing	12	

The OSCA finds that 56.8% of the reassessment case sample had families with previous DCF involvement. The dependency case file often contained transcripts from calls to the Florida Abuse Hotline, or information regarding the adjudication of other children within the same family. It is from this information that staff was able to

...when the mother and her sister were children, they were subjects of a dependency petition after six abuse reports were made to the hotline...

ascertain previous DCF involvement regarding families.

While conducting the 1997 assessment, the OSCA found that almost one-third of the case sample involved families who had a child abuse and neglect history with the courts. Their children had previously been adjudicated dependent prior to their entry

into foster care. The variable for *DCF prior involvement* was defined differently from the initial assessment. The initial assessment applied a strict standard that only a case file with a previous dependency hearing was coded as having previous DCF involvement. The reassessment allowed the data collectors some discretion by utilizing calls to the Florida Child Abuse Hotline as a possible variable criteria.

RECOMMENDATION: Ensure that courts have information available regarding closed cases relating to the same family.

Guardian ad Litem

Table 9: Was a Guardian ad Litem appointed in this case? (N=189)

	Frequency	Percent of Cases
Yes	148	78.3
No	41	21.7
Total	189	100

Guardians ad Litem (GAL) were appointed in 78.3% of the case files reviewed for this reassessment. These numbers are comparable to the 1997 data where appointments were found in 78% of the cases and acceptances in 67%. The issue of acceptances was difficult to ascertain for the reassessment due to the fact that some circuits do not require oaths of acceptances for guardians. This practice varies across judicial circuits, so the OSCA did not find it prudent to reference the *oaths* variable with regard to the state of Florida.

The issue has been that there are not enough GAL volunteers for all the dependency cases. The use of GALs in dependency cases has grown over the years, and

support for this program is endorsed by the Pew Commission. The GAL program is an integral part to the dependency court process. GAL programs tend to be volunteer-driven and have the unique opportunity to be the only parties in the dependency court process to spend substantial amounts of time with the child/children. A GAL's caseload is typically small, which enables the volunteer to interact with the children, teachers, doctors and foster parents.

Florida's GAL program is different from most other GAL programs nationally. Florida's GAL program utilizes their case coordinators to support the volunteers and to serve as volunteer guardians on dependency cases. The GAL is the only party that has no vested interest in the case. The GAL's only allegiance is to be an advocate for the best interests of the child.

Florida Statutes, section 39.822(1), require that a GAL be appointed at the earliest possible time in an abuse or neglect (dependency) proceeding. After appointment, if resources are available, the program accepts the case and assigns a volunteer or alternatively, a staff advocate is assigned. When the program accepts a child's case, a GAL begins to collect comprehensive information about the child and family, attends staffings and hearings, and takes steps to further the child's best interests. Throughout the proceeding, the GAL visits the child monthly in his or her home environment. By visiting the child, the GAL gains an understanding of the child's needs and wishes. Frequent contact offers an opportunity to explain the process to the child in an age-appropriate manner. Under Florida Statutes, sections 39.822(3), 39.807(2)(b), the GAL is required to make recommendations to the court as to the child's best interests and

inform the court of the child's wishes. The GAL provides reports and recommendations to the court in order to assist judges in making pivotal decisions for the child, including placement, visitation, termination of parental rights and adoption. The GAL also monitors the child's safety and well-being, as well as significant changes in the parents' lives, which could impact the child's safety. Overall, GALs are a proven means of strengthening the voice of children in dependency courts (GAL 2005 Annual Report).

One of the Pew Commission recommendations directly addresses the importance of children having a voice in court. The third Pew Commission recommendation focuses on the children's involvement in the dependency court process and states "to safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them" (2004, p. 41). One of the action steps the Pew Commission lists to ensure that a child's best interests are reached in court is that Congress should appropriate \$5 million to expand the Court Appointed Special Advocates (CASA) program. The Commission also urges "states and private organizations, many of whom have already provided substantial support to their local CASA programs, to join Congress as partners in this important effort to expand the program to underserved jurisdictions" (2004, p. 43).

The GAL "Program can work to move a case toward permanency more quickly and make sure children do not fall through the cracks"; therefore, "it is critical that every child has a GAL" (GAL 2005 Annual Report, p. 3). The low percentage of

acceptances substantiates that increased resources to the GAL program are needed to ensure that every dependency case has a guardian.

ADDITIONAL DEPENDENCY COURT ISSUES

This chapter will address issues relating to Florida's dependency court that were not specifically studied in the reassessment but have a substantial impact on the overall efficacy of the dependency court system. These issues include technology; training and education; and agency and court collaboration. As with the previous chapter, the Pew Commission findings will be infused throughout the information presented on these three issues.

Technology

The Pew Commission addresses technology when it states "courts and agencies on the local and state levels should collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information which can lead to better decisions and outcomes for children" (2004, p. 38).

Technology issues are a consistent concern across Florida's judicial circuits. Florida presently does not have a statewide dependency court data management system, a problem that precludes the systematic collection and reporting of information. Currently, data are managed in a patchwork of practices that vary widely across the state. The court's ability to track and analyze cases is paramount.

The OSCA has acquired federal funding to develop a relational database that will assist courts with case processing. The federal Strengthening Abuse and Neglect Court Act Management Information Systems (SANCA MIS) program is administered through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a part of the Department of Justice. The OSCA has partnered with the Eleventh Judicial Circuit to

develop a system to assist with the judicial processing of dependency cases. Some of the goals of SANCA MIS are to improve the efficiency and effectiveness of abuse and neglect courts nationwide, and to increase the court's ability to meet statutory requirements. In addition, this project is designed to provide data performance measures, as well as provide courts with timely reports regarding the progress that is being made to improve compliance with statutory requirements. SANCA MIS funds were used to complete the initial development of the court's Judicial Case Management Information System (JCMIS). The Court Improvement Program Data and Technology grant currently funds development of JCMIS.

JCMIS is made up of several components. One component is a Windows-based application that provides an interface between court data and the end user. This application has the ability to update itself using a World-Wide Web (Internet) connection. It is a multi-tier, client/server application written in C# dot Net. The Windows application only needs to be installed once; all subsequent updates are delivered to the client PC via the World-Wide-Web using Windows Smart Client technology.

The Windows front-end client component of JCMIS communicates to the back-end server over the HTTPS protocol (Secured Socket Layers), while data communications between the client and the server are formatted into XML and are delivered inside SOAP packages underneath the HTTPS protocol. When the Windows application requests data or requests an update from the JCMIS Web Server, the Web

server calls a SQL Server stored procedure to retrieve the data or make the appropriate update(s). User access is provided to the Windows application in a similar manner.

When JCMIS application users log into the system, their credentials are sent via the Web server to the SQL Server database where they are validated. If the database can confirm that the user is valid, the appropriate access level is provided back to the Windows application to provide visibility and functionality of its features. JCMIS may be used while working offline. The offline feature of JCMIS employs dot Net's ability to effortlessly translate, import and export data to XML. Cases may be downloaded from the centralized database and stored locally in an XML file on the user's PC. The data can be read into the proper data structures for the applications use; changes may be applied and then written back to the XML file.

Immediate benefits to the court from use of the JCMIS application will include the ability to: track cases, identify cases that have actions pending in other divisions of court (crossover cases), generate forms and orders, eliminate existing backlogs, process abuse and neglect cases in a timely manner, and move children into safe and stable families through implementation of research-based programs and practices. Moreover, this data system will incorporate and communicate information from other external systems, thus minimizing duplicate data entry.

JCMIS is designed to provide judges and court support staff with the means to monitor data elements that promote quality case processing (including attention to educational, physical and mental health assessments and services) as well as track the time frames associated with state and federal statutes. The development of this system

is ongoing, and it is the OSCA's hope that it can and will be used statewide to manage dependency cases and provide a mechanism for measuring progress against court performance measures. One advantage of JCMIS will be its ability to generate automated, individualized court related forms and court orders.

At present, Miami-Dade County is working on an enhancement to the forms portion of the JCMIS application. This enhancement will store the OSCA's existing court documents as templates in a Microsoft Word XML format in the OSCA's SQL Server database. The templates will contain markup language enabling the forms to gather data elements from the database as they are displayed. Data within the forms may also be changed by the user. When those data elements are changed, they will be properly updated in the underlying table(s). In developing JCMIS, the OSCA is collaborating with the DCF to exchange data between the OSCA's system and the DCF's information system. Many of the fields in JCMIS will be populated through a data exchange with the DCF.

Florida continues to utilize JCMIS as the foundation for the SANCA MIS project. The bulk of the OSCA's work currently involves fully developing the case management module of JCMIS. Incorporating required data elements, adding functionality, developing report modules, improving "user friendliness," and ensuring that data flow between the case management and forms modules are the OSCA's primary focuses. Currently the OSCA is working with Miami-Dade and Polk Counties on the implementation of JCMIS.

Training and Education

Florida's court education program attends to the instructional needs of every state judge in Florida. All new judges are required to complete a comprehensive judicial education curriculum and practiced judges must participate in continuing professional education. Florida judges are obligated to take a minimum of 30 approved credit hours of court education. Florida Judiciary Education presents a variety of educational programs for new judges, experienced judges, and some court staff, such as court administrators and appellate law clerks. About 900 hours of instruction are offered each year through live presentations and distance learning formats. This education helps judges and staff to enhance their legal knowledge, administrative skills and ethical standards, with the resulting public benefit of competent and fair administration of justice. The Florida College of Advanced Judicial Studies (AJS) and the New Judges Colleges provides platforms for new and seasoned judges to be students and become familiar with specific aspects of complex litigation.

AJS typically has a specific dependency track in its curriculum. For example, in 2005, AJS held a course titled "*Fundamentals of Dependency and Then Some*" which had components that focused on the entire dependency court process from the shelter hearing through the permanency review hearing. Sessions dealing with termination of parental rights, case law updates, and a test your knowledge segment were included in the meeting agenda. Faculty for this 6.50 continuing judicial education (CJE) credit hour course consisted of two Seventeenth Judicial Circuit judges and a DCF managing attorney. Faculty also facilitated a roundtable discussion.

In addition to training events geared specifically for judges, the OSCA also conducts training events for judicial staff and stakeholders. The OSCA spearheaded family court conferences in 2004, 2005, and 2006. These conferences had institutes and workshops on dependency-related issues, including case management practices and how unified family court elements apply to dependency cases. In 2007, the OSCA is collaborating with the DCF to sponsor a statewide dependency summit for more than 1,500 participants. Additionally, the OSCA routinely conducts training sessions specifically for dependency case managers.

In an effort to have every circuit with at least one dependency drug court, the OSCA contracted with the National Drug Court Institute to provide their national curriculum to five circuits interested in implementing a dependency drug court program. Multi-disciplinary teams comprised of a judge, drug court coordinator, parent's attorney, DCF attorney, DCF/CBC Family Services Counselor/Supervisor, GAL attorney/case worker, treatment representative, and an evaluator, participated in a two part training series conducted in November 2005 and February 2006 where they gained the knowledge and skills necessary to implement a dependency drug court within their jurisdiction.

Training encompasses much more than simply events but also training materials that aid judges, court staff, and stakeholders in the field. In March 2005, the OSCA updated the Dependency Benchbook and produced its annual publication of Chapter 39, Florida Statutes, which covers dependency proceedings. The OSCA distributed the publications throughout the state to all twenty judicial circuits. A subcommittee of the

Steering Committee on Families and Children in the Court developed a one-page dependency case plan summary form so parents have the highlights of their tasks with contact names and phone numbers and their deadlines in an easy to use format. The OSCA also produced a 20-minute video titled "A Crisis Carol." This video illustrated a family involved in dependency, domestic violence, and divorce issues to feature use and value of the Unified Family Court model. The DVD has since been shown at training events in the state as well as the 2005 National Conference on Juvenile Justice. The OSCA also worked with the Steering Committee on Families and Children in the Court and completed a booklet that explains the dependency court process for parents involved in the system. Additionally, the OSCA developed a CD-ROM that outlines the fundamentals of the dependency court system for judges. The use of these resources should be encouraged to all who work in the dependency court arena.

Court and Agency Collaboration

The Pew Commission recommends the collaboration between the state child-welfare agency and the courts. The recommendation states "to protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children" (2004, p. 38). As it relates to federal funding, the Pew Commission urges that the U.S. Department of Health and Human Services (HHS) should require that state Title IV-E plans, Program Improvement Plans, and Court Improvement Program plans demonstrate effective collaboration (2004). Furthermore, the Commission suggests that "HHS should require states to establish

broad-based state commissions on children in foster care, ideally led by the state's child welfare agency director and the Chief Justice" (2004, p. 17).

The Florida State Courts System maintains collaborative relationships with the DCF and community based care lead agencies. These relationships foster information exchange, promote problem solving, and offer extensive interagency training opportunities. Below are just a few of the collaborative activities:

- As a result of the Pew Commission on Children in Foster Care as well as attending the National Judicial Leadership Summit in Minneapolis the OSCA and the DCF met and developed a state action plan that addresses foster care issues.
- The OSCA and the DCF have collaborated regarding Interstate Compact on the Placement of Children by discussing interstate agreements including border agreements. Future collaborative efforts will include emergency arrangements for foster children having to flee their home state for Florida.
- The OSCA and the DCF were participants in stakeholder meetings held prior to the 2005 and 2006 legislative sessions aimed at developing legislation drastically improving the dependency process. Prior to the 2005 Legislative Session, stakeholder meetings were held on the issue of psychotropic medication for foster children. Prior to the 2006 Legislative Session, stakeholder meetings were held on bringing Florida Statutes more into compliance with the Adoption and Safe Families Act. Both the DCF and the OSCA attended and participated in these meetings.

- The OSCA and the DCF have begun conducting monthly collaborative meetings.
- The collaboration between the courts and the DCF is a vital component of Florida's Family Law Advisory Groups (FLAGs). FLAGs have been established in all 20 judicial circuits in an effort to foster meaningful collaboration. Typical FLAGs include but are not limited to the following multidisciplinary collection of representatives: court stakeholders; service providers; legal providers; and agency stakeholders (DCF, Department of Juvenile Justice, Department of Revenue, Law Enforcement).
- The Task Force on Treatment-Based Drug Courts the Steering Committee on Families and Children in the Court are Supreme Court committees comprised of judges and community stakeholders, including the DCF.
- The OSCA reviewed the DCF's statewide assessment, final report, and program improvement plan.
- The OSCA, in collaboration with the DCF and other partners, identified court-related performance measures and benchmarks, which will allow for ongoing evaluation of how well the courts contribute to the safety, permanency, and well-being of children in the dependency court system.
- Staff ensured that any court-related issue in the statewide assessment, final report, and program improvement plan were addressed in an appropriate manner in the reassessment's research activities.

CONCLUSION

The OSCA designed this reassessment to gather relevant information regarding the handling of dependency cases and to develop recommendations that will lay the groundwork for future improvement efforts and work products. To prepare for this reassessment the OSCA gave careful thought to the significant changes that have transpired within the state's child welfare system since the time of the original assessment. Within the judicial branch, a constitutional amendment changed the funding structure for the state's trial courts and significant efforts have been made by circuits to implement the state's unified family court model. In addition, several Supreme Court steering committees have worked on a number of dependency court improvement issues. The Guardian ad Litem program was moved from the OSCA and became a self-standing statewide entity. In the legislative branch, there have been major changes to the state statutes governing dependency proceedings. In the executive branch, DCF implemented a comprehensive Program Improvement Plan and the state privatized most of its child welfare and foster care duties.

Coupled with the data gathered during the reassessment site visits, the OSCA's reassessment begins to address the effects of these monumental changes in the state's child welfare system, while also monitoring national trends, such as the important Pew Commission findings and recommendations.

The most significant findings that are within the purview of the judicial branch will set the stage for the work of this office for upcoming years. Specifically, there will be focused attention on improvement efforts in the following areas: parent attendance

at hearings, representation, continuances, and timeliness. It is also noted that these issues, as with other findings, continue to emphasize the utmost importance of collaboration with other child welfare system stakeholders.

...All three children, kindergarten age and under, were placed in long term relative care. The case was finally closed in January 2007, after the children had spent their entire lives in the system...

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APPENDIX I MAJOR FINDINGS – 1997 DEPENDENCY ASSESSMENT

PURPOSE: *To examine the court's management of dependency cases, specifically foster care and termination of parental rights cases.*

METHODOLOGY: *Conducted in seven circuits and included the review of 855 judicial case files (1,647 children foster care children), observation of 782 dependency court hearings and 42 foster care review board hearings and 355 surveys from key participants.*

AGE OF DATA: *The court observations were conducted between January and August 1996. The case files represented a sample of cases of children who entered foster care from 1990 to 1995.*

REPRESENTATION

- the majority of survey respondents felt that attorneys who represent parents can be a tremendous asset to families, provided they are experienced in the dependency court process
- 75% of the surveyed judges were satisfied with the ability of attorneys to expedite the movement of cases through the system by thoroughly explaining court procedure to parents
- when counsel was appointed to represent parents, 14.8% of the cases went to trial - when no attorney was present, 9.8% of the cases went to trial

CONTINUANCES

- lawyers for parents were responsible for 8.6% of requests for continuances of cases between the shelter and disposition phase and 14.4% of the continuances during termination of parental rights proceedings
- of the 882 court observations conducted, 169 included requests for continuances which were granted 100% of the time
- the case files showed that continuances or resets between the shelter and disposition hearings were documented in 57.1% of the cases
- 42.8% of the continuances were requested by the Department of Children and Families (DCF) and 40.6% were court initiated
- of the continuances requested by the DCF, 31.6% cited the need for more time, 12.9% were continued because the parent was not located
- in 81.8% of the cases that were continued by the court, it could not be ascertained why the continuance was issued
- interviews and court observations revealed that courts continued cases at the request of parties without requiring a written motion

SHELTER HEARINGS

- the observation of 36 shelter hearings revealed deficiencies in the court's oral review of issues that the presiding judge must address

- relative placements were explored in 50% of the shelter hearings
- for hearings where at least one parent was absent, the court addressed a search for the missing parent in 29.6% of the observed shelter hearings
- visitation rights, absent a clear showing that visitation would be harmful, are required to be addressed at the shelter hearing - this was observed in 36.1% of the shelter hearing proceedings
- 56% of the shelter hearings lasted four minutes
- 52.8% were not attended by the mother, 69.4% were not attended by the father and 47.2% were not attended by either parent

TIME FRAMES

- 45% of the cases in the case file review were in compliance with the statutory time frame for the arraignment hearing
- the average number of days between the shelter hearing and the arraignment was 40 days (the statute requirement was 14 days)
- court observations of 111 arraignment hearings revealed that 74.8% of the time, either one or both parents was present and 25.2% of the time both parents were absent
- when neither parent was present, the court orally reviewed the search for the missing parent in 35.7% of arraignments
- of the 855 case files studied, 12.2% proceeded to trial (according to Summary Reporting System data, approximately 3% of cases in all other divisions of court go to trial)
- the average time that transpires from the arraignment to the adjudicatory hearing was 52 days (statute requirement was for the trial to commence within 7 days of the arraignment)
- for cases not going to trial, the average time to transpire from arraignment to disposition was 9 weeks (cases requiring a trial took an additional four and half weeks)
- observations of 73 disposition hearing revealed that the court spent an average of 9 minutes to determine that parents have received a copy of the predisposition report, announce the orders of the court and set any necessary review dates
- parties waited for arraignment hearings an average of 42 minutes beyond the docketed time
- disposition hearings were held an average of 40 minutes later than their scheduled time
- average waiting time varied depending on the size of the county
- hearings for Motions for Visitation took an average of 18 minutes, twice as long as shelter hearings, four times as long as arraignment and twice as long as dispositions (judges addressed visitation rights in 36.1% of shelter hearings)

- the sample showed that, for children in foster care who experienced reunification with parents or relatives, their average length of stay in alternative care was 22 months (the statute required reunification or termination of rights within 18 months)
- the average number of months from removal of a child to the filing of the TPR petition is 29 months
- cases with a prior history had an average time of 21 months
- voluntary surrender cases (15.3% of the TPR petitions) took an average of 15 weeks from the TPR petition to the order (the statute required this be done in 3 weeks)

CASE PLANS

- 7% of the foster care cases did not have a case plan in the court file
- the plans were filed an average of 68 days after disposition (statute required filing within 30 days)
- 46% of the case plans were filed on the same day of the hearing (statute required filing the plan 72 hours prior to the hearing)
- approximately 50% of the surveys with child welfare, legal services attorneys and the DCF workers stated that they were not satisfied with the development of the case plan
- approximately 90% of GAL directors were dissatisfied with the case plan process and 72% of the surveyed GAL volunteers indicated they have never been involved in the development of a case plan
- 12.4% of the case plans were signed by the father and 23.2% were signed by the mother
- the majority of the surveyed key participants were not satisfied with the format of the case plan, describing it as “unfriendly,” “confusing,” “boiler-plate formula” and “not strength-based”
- the observations of 36 case plan hearings revealed that they lasted an average of five minutes
- participants in case plan hearings waited an average of 46 minutes from the time the hearing is docketed to the time the hearing actually begins
- mothers were present in almost 60% of the hearings and fathers were present during 33% of the case plan hearings

JUDICIAL REVIEWS

- the average length of time which transpired from the removal of a child from his or her home to the initial judicial review was 8.5 months (statute required that it occur six months after shelter)
- mothers were present during 45% of the judicial reviews and fathers were present for 21.7%
- compliance/progress with the case plan and visitation were more likely to be addressed during judicial reviews in which an attorney was present

- 78% of the reviewed case files contained a judicial review social study. More than 33% of the reports were filed the day of the hearing
- issues addressed during judicial reviews: case plan compliance 36% in observed hearings and 53% documented; visitation in 40% of hearings and 38% documented; timetable for permanency in 29% observed and 46% documented; and, right to counsel in 8% observed and 28% documented

DISPOSITION HEARINGS

- 38.8% of the disposition hearings did not contain a predisposition report
- of the cases that did have a predisposition report, 37.1% were filed with the clerk on the same day of the hearing (the statute requires that it be filed 48 hours prior to the hearing)
- the surveyed judges indicated that failure to timely submit the reports was a concern

**APPENDIX II
DATA COLLECTION INSTRUMENT**

CASE FILE NUMBER _____

Date ___/___/___ Interviewer's Initials _____ County _____ Circuit _____

___/___/___	Shelter Hearing
___/___/___	Petition Filed (Date Stamp)
___/___/___	Arraignment
___/___/___	Adjudication - Admit/Consent/Trial
___/___/___	Disposition
___/___/___	Date Case Plan Approved
___/___/___	Initial Judicial Review
___/___/___	Judicial Review of Permanency
___/___/___	Last Court Action _____

NOTE: Record Actual Date of Hearings

	DOB	Sex	Race
Child A			
Child B			
Child C			
Child D			

Allegations Listed on the Petition

Additional Notes Regarding Case _____

General Case Questions

Are there any **crossover cases** (delinquency, DOM, DV, etc.) associated with this case? YES NO
 IF YES, please describe (What is the case type? Currently open? How is it documented?). _____

Did DCF have prior involvement with this case prior to the filing of the dependency petition recorded above? YES NO
 IF YES, please describe. _____

Was this case sent to **mediation** at any time? YES NO
 IF YES, Did the case have a mediated agreement? YES NO

Abbreviations to Use in File Review

PARTIES
 MX – Mother
 FX – Father
 GMX – Grandmother
 GFX – Grandfather
 ATTY – Attorney
 GALP – GAL Program
 GALV – GAL Volunteer
 DCF – Dept. of Children and Families

HEARINGS
 CP – Case Plan
 SH – Shelter Hearing
 ARR – Arraignment
 ADJ – Adjudicatory Hearing/Trial
 DISPO – Disposition
 JR – Judicial Review
 JRP – Judicial Review of Permanency
 TPR/ADV – TPR Advisory
 TPR/ADJ – TPR Adjudicatory

OTHER
 DP – Dependency Petition
 CP – Case Plan
 PDR – Pre-Disposition Report
 JRSSR – Judicial Review Social Study Report
 PLC – Placement
 PG – Permanency Goal
 INC – Incarcerated
 RO – Report and Order on ...

NOTE: Record hearing dates for hearings. Record date stamps for orders and reports.

Date ___/___/___ Hearing _____
 Order _____
Next Hrg _____ Report _____
Date ___/___/___ Dep Pet _____ CP _____ Other _____

Notes _____

Judge OR GM Express Waiver to GM Yes No
 Appointed OR Private **Counsel** Rep Parent(s) _____
 Appt Date ___/___/___ **GALP** Appt ___/___/___
 GALV Oath ___/___/___ Discharge ___/___/___
 Parties Present: DCF GALP GALV Mom
 Dad Mom's Atty Dad's Atty Other _____
 Continuance _____

Date ___/___/___ Hearing _____
 Order _____
Next Hrg _____ Report _____
Date ___/___/___ Dep Pet _____ CP _____ Other _____

Notes _____

Judge OR GM Express Waiver to GM Yes No
 Appointed OR Private **Counsel** Rep Parent(s) _____
 Appt Date ___/___/___ **GALP** Appt ___/___/___
 GALV Oath ___/___/___ Discharge ___/___/___
 Parties Present: DCF GALP GALV Mom
 Dad Mom's Atty Dad's Atty Other _____
 Continuance _____

Date ___/___/___ Hearing _____
 Order _____
Next Hrg _____ Report _____
Date ___/___/___ Dep Pet _____ CP _____ Other _____

Notes _____

Judge OR GM Express Waiver to GM Yes No
 Appointed OR Private **Counsel** Rep Parent(s) _____
 Appt Date ___/___/___ **GALP** Appt ___/___/___
 GALV Oath ___/___/___ Discharge ___/___/___
 Parties Present: DCF GALP GALV Mom
 Dad Mom's Atty Dad's Atty Other _____
 Continuance _____

Date ___/___/___ Hearing _____
 Order _____
Next Hrg _____ Report _____
Date ___/___/___ Dep Pet _____ CP _____ Other _____

Notes _____

Judge OR GM Express Waiver to GM Yes No
 Appointed OR Private **Counsel** Rep Parent(s) _____
 Appt Date ___/___/___ **GALP** Appt ___/___/___
 GALV Oath ___/___/___ Discharge ___/___/___
 Parties Present: DCF GALP GALV Mom
 Dad Mom's Atty Dad's Atty Other _____
 Continuance _____

APPENDIX III
**COMPENDIUM OF DEPENDENCY PROMISING PRACTICES (FROM THE 2003,
2004, 2005 ANNUAL FAMILY COURT REPORTS)**

- Dependency Court Improvement Project staff collaborated with a county management information systems programmer to develop a software program aimed at tracking dependency cases.
- The method for dependency case scheduling fosters expedient disposition of cases by scheduling settlement hearings at arraignment and setting a docket call/disposition date two weeks from the settlement date with the Department of Children and Families preparing predisposition report and case plan for next court date if a settlement is reached.
- In one circuit, regularly scheduled monthly meetings are held with the dependency stakeholders.
- Basic case management techniques are in place for dependency case processing. Subsequent hearings are scheduled in advance and parties are provided hand-notice in open court. Child support issues are addressed and a mechanism is in place for the clerk to facilitate the processing of the child support payments through the civil child support system. Mediation conferences are scheduled during the early stages of the dependency cases.
- The judges in one county have regular monthly meetings with all concerned agencies and parties to address local dependency court issues. A Dependency Court Improvement Subcommittee of the FLAG was recently established to address circuit-wide dependency issues.
- In addition to monitoring the dockets to ensure that the statutory time frames are met, the court is careful to ensure that counsel is appointed for the parents at the time of the shelter hearing. All hearing dates are set and noticed before the parties leave the courtroom. All family court judges have a Family Treatment Court docket, which apply drug court principles to dependency cases involving parents with substance abuse problems.
- Two judges report using shelter hearings to their fullest potential by: establishing the frequency and parameters of visitation; exploring relative placements; and addressing diligent search issues. Parents are advised of right to counsel at shelter hearings and subsequent hearings as necessary. Future hearings are scheduled in advance and notice is given during current court hearing. Also, case planning conferences are scheduled in advance and notice is given during shelter hearings. Mediations are scheduled in advance and notice is given during current court

hearing. Shelter hearings are held in the afternoon to give parents and other relatives time to make arrangements to attend the hearings.

- In collaboration with local partners, the circuit produced "A Parent's Guide to Dependency Court Proceedings," a booklet that is given to parents at all shelter hearings. The booklet is written in language that is easily understood, and there is space for notes, as well as specific lines for names and contact information for lawyers and protective investigators.
- Time frames are recorded by the Clerk's Office and reported monthly for the court's review.
- Judicial reviews are pre-scheduled and monitored by court staff for time compliance. An index is updated regularly and reflects time standards that are approaching or others that are out of compliance. The index is in the front of each dependency file that has been set for judicial review.
- A case manager is assigned to each juvenile division. The case manager: attends shelter and arraignment hearings; reviews parties for companion cases, warrants and outstanding court matters; confers with domestic relations case managers regarding companion cases; and confers with agencies regarding specific cases.
- The local Bar instituted the Juvenile Practice Committee, which meets a minimum of every other month. This lunch meeting includes judges, court staff, agency attorneys and staff, and all attorneys practicing in the division, including representatives from the state attorney's and public defender's offices, Legal Aid, and private council.
- Form orders are available and attorneys often have orders prepared prior to the hearing.
- The contract attorneys for dependency provide case management by monitoring cases through the use of quarterly reports.
- The revised Pilot Program utilizes both staff and volunteer Guardians ad Litem. The project (initiated October, 2001) proved successful, meeting or exceeding the four goals:
 - Provide 100% representation of abused and neglected children
 - Provide professional and consistent services at the onset of a case
 - Comply with statutory time frames requiring the child to achieve permanency within one year
 - Increase and enhance recruitment and retention of volunteers

- Additional investigative, supervisory and legal staff has enabled the Program to implement the now termed “Blended Model” in all five dependency divisions in the circuit.
- A judge in one circuit’s juvenile dependency division conducts “Family First Fridays” one day each month. “Family First Fridays” are modeled after National Adoption Day. The judge usually finalizes 15-20 children into permanent adoptive homes on these dates. Permanent families were created for 54 children in one afternoon alone. The judge began to set these special sessions when he learned access to the court was an issue, so he agreed with the CEO of Family Support Services to open his calendar to anyone with an adoption issue during this block of time each month. These sessions are, for the most part, final hearings on petitions for adoption.
- In one circuit, exit interviews with children leaving the foster care system revealed that the number one complaint about foster care is that these children felt that no one ever listen to them. “Open Mike Thursday” is a monthly session where any child over age ten in foster care can come in and address the court, about any topic. There are some restrictions in that the judge cannot discuss a pending case that has yet to be decided, but almost any other topic is allowed.
- A judge in one circuit has taken a very aggressive position in seeing that children in foster care who are eligible and awaiting adoption have their cases concluded as quickly as possible. Beginning in 2005, along with partners at Family Support Services and the agencies under their direction, the judge started conducting adoption status hearings every two weeks to discuss with case workers, guardians ad litem, and prospective parents how the red tape can be cut and move these children into permanent families through adoption.
- In 2005, Foster Care Town Hall Meetings were conducted in one circuit. Foster parents are able to dialogue with a panel of representatives from each of the agencies, and the judge serves as moderator. These meetings are held in different venues and at different times, such as a large private dining room at a cafeteria restaurant on a Saturday morning, or as the monthly program at the local chapter of the Foster Parents Associations. Everyone involved has high expectations for improved communication and creative solutions to challenges faced by foster care families. So far, participants all walk away from these meetings knowing something they never knew before and with at least some improvement in communications.
- “Kids in court” has been implemented in the dependency section of a circuit. Children are encouraged to attend hearings to review their independent living process. If a scheduling conflict precludes personal appearance by the juvenile, the juvenile can attend the hearing telephonically.

- The Dependency Court Outcome Enhancement Project, although in its infancy, shows potential for significantly decreasing the time to disposition and permanency for children in the dependency system. The comprehensive assessment of the family allows mental health and relationship needs of the parents and children to be specifically addressed in the case plan. Frequent court monitoring of case plan compliance, and use of interventions aimed at engaging families in constructive, supportive relationships are the cornerstones for success of this program.
- All of the adoption cases in a particular county (the largest in the circuit) are heard by one judge. The hearings are attended by the family division staff attorney who is available to deal with legal issues that arise during the course of the proceeding. That attorney reviews all files when the petitions are filed and is aware of the issues involved in each one. Through careful case management, the time from the filing of a petition for adoption until a hearing is now 30 - 60 days.
- One circuit developed instructional videos to assist families involved in dependency and family cases and made them available at courthouses. Families involved in dependency actions are required to view videos regarding shelter, case planning, and court expectations and requirements.
- To bring attention to the foster-care system and the need for adoptive placement within the community, one county's participation in National Adoption Day resulted in approximately 26 adoptions performed by the judges in their private circuit court chambers.
- A "Dependency Benchbook" was prepared and distributed to all judges who are not assigned to the dependency court section but are assigned 'emergency / advisory' duty.
- A Juvenile Dependency Drug Treatment Division received a federal grant that allowed program capacity to increase.
- Designated "child friendly" waiting areas for children awaiting appearances in dependency court hearings were constructed in two counties in a circuit.