
ARIZONA COURT IMPROVEMENT PROJECT

Final Report

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Table of Contents

	<u>Page</u>
Executive Summary	v
Chapter 1: Background and Overview	1
The Court Improvement Project	3
Chapter 2: Review of Arizona Statutes and Court Rules	
Governing Dependency and Severance Proceedings	5
I. Statutory Provisions Impacting the Length of Time Children Remain in Placement.....	6
A. Emergency Removal/Placement in a Receiving Foster Home Without a Court Order	6
B. Continuing Placement in Foster Care After an Initial Order of Disposition	8
C. Voluntary Placements	10
II. Timelines for Completion of Critical Stages of Court Proceedings	11
A. Timeline for Filing of the Dependency Petition and the Scheduling of an Initial Hearing.....	12
B. Timelines for Adjudication and Initial Disposition of the Dependency Petition.....	15
C. Timelines for Periodic Review of Disposition Orders Prior to the Permanency Planning Hearing	17
D. Time Frames for Filing of Severance Petition and Initiation of Court Proceedings.....	20
E. Grounds for Filing of (Severance) Petition to Terminate Parental Rights	21
III. Concluding Remarks.....	22
Chapter 3: Findings from Arizona Court Improvement Project Survey	24
I. Methodology and Survey Response Rates.....	24
II. Satisfaction with the Court's Handling of Dependency, Severance and Adoption Cases	26
III. Satisfaction with the Timeliness, Fairness and Thoroughness of Juvenile Court Proceedings.....	27
IV. Court and Child Protective Services System Characteristics Impacting Judicial Handling of Dependency and Severance Cases	30
1. Case Flow Management	31
2. The Timing of Critical Case Events	34
3. Delivery of Services to Victimized Children and Their Families	37
4. Court Oversight of Service Delivery	39
5. Training and Experience	40
V. Concluding Remarks.....	41

Table of Contents

	<u>Page</u>
Chapter 4: Case Study Findings	45
I. Timeliness and Thoroughness of the Juvenile Court’s Handling of Dependency Cases.....	47
a. Timing and Thoroughness of the First Hearing on a Dependency Petition	47
b. Adjudication in Dependency Proceedings.....	49
c. Initial Disposition	50
d. Frequency and Thoroughness of Review Hearings.....	50
e. Permanency Planning Hearings.....	51
f. Mediation of Dependency Cases in Maricopa County	52
g. Additional Issues Impacting the Timeliness and Thoroughness of Dependency Hearings.....	53
II. Timeliness of Severance Proceedings	54
1. Prosecution of Severance Cases Handled Through Severance Project Assistant AG Attorneys	55
2. Severance Proceedings in Maricopa County	56
3. Severance Proceedings in Pima County	59
4. Severance Proceedings in Cochise County	60
5. Severance Proceedings in Coconino County.....	61
6. Severance Proceedings in La Paz County	61
7. Recommendations for Improving the Timeliness of Severance Proceedings	62
III. Judicial Case Assignment	64
IV. Court Calendaring and Establishing Firm Policies on Continuances	65
V. Automated Tracking of Dependency, Severance and Adoption Cases.....	66
VI. Judicial Training and Qualifications	68
VII. Legal Representation Provided Children and Parents.....	70
VIII. Role and Qualifications of Assistant AG Attorneys	72
IX. Use of Court Appointed Special Advocates (CASAs).....	73
X. Closer Coordination of Foster Care Review Board and Juvenile Court Activities	76
XI. Issues Related to Implementation of the Indian Child Welfare Act	78
XII. Concluding Remarks.....	79
 Chapter 5: Service Needs of Maltreated Children and Their Families	 81
I. Presenting Problems and Service Needs of Children and Their Parents	82
II. Prior ACYF Involvement.....	86
III. Servicing of Children Who Are Both Dependent and Delinquent.....	87

Table of Contents

	<u>Page</u>
Chapter 6: Preliminary Estimates of Time and Resource Requirements Necessary for "Good Practice" Judicial Oversight of Dependency Cases	89
I. Preliminary Estimates of Savings in Placement Costs.....	91
II. Concluding Remarks.....	95
Chapter 7: Summary of CIP Recommendations	97
I. Legislative and/or Court Rules Recommendations.....	98
II. Recommendations to Improve Court Practice in the Handling of Dependency Cases	98
III. Recommendations to Improve the Timeliness of Severance Proceedings.....	99
IV. Recommendations Related Judicial Case Assignment, Calendaring and Continuances	100
V. Use of JOLTS for Automated Tracking of Dependency, Severance and Adoption Cases.....	100
VI. Establishment of Training Requirements for Judges and Attorneys.....	100
VII. Closer Coordination of foster Care Review Board and Juvenile Court Activities.....	101
VIII. Conduct a Comprehensive Analysis of the Resource Needs of the Improved System.....	101
IX. Other Recommendations.....	102
Appendix A: General Frequency Distribution for all Items on the Arizona Court Improvement Project Survey	103
Appendix B: Summary Tables: Selected CIP Survey Items by County	110
Appendix C: Selected Maricopa County Dependency and Severance Case Processing Data Tables	116
Appendix D: Selected Time Allocation Requirement Tables from Victims of Child Abuse Project Time Allocation Study	125
Appendix E: Description of Hamilton County (Cincinnati), Ohio’s Family and Children First Management, Inc. and DHS IMPACT Programs	136

Table of Contents

	<u>Page</u>
Appendix F: Court Improvement Project Advisory Workgroup Membership Listing	147
Appendix G: Individuals Interviewed for the Arizona Court Improvement Project.....	149
Bibliography	153

Arizona Court Improvement Project Executive Summary

The role and responsibilities of the juvenile court in the handling of dependent, neglect and abuse cases has expanded dramatically since the passage of the Federal Adoption Assistance and Child Welfare Act (Public Law 96-272) in 1980 and the resulting changes in state laws necessitated by the Act. Juvenile courts now take a far more active role in the decision-making and oversight of child maltreatment cases. However, Public Law 96-272 created a range of procedural expectations of the judiciary without anticipating the resources that would be required by the court and the service delivery system to meet these mandates. As a result, juvenile courts and child protective service systems throughout the country have had difficulty meeting the mandates of the Act and, at the same time, keeping up with the sharp increase in dependency filings.

The pressures exerted on Arizona's juvenile court and child protective service system parallel that of national trends. Reports of alleged child neglect and abuse to the Arizona Department of Economic Security's Administration for Children, Youth and Families (DES/ACYF) have more than doubled (107%) between 1985 and 1993 from 23,317 to 48,283, respectively. Consistent with the dramatic increase in reports, the number of children placed in out-of-home placements by DES/ACYF increased by 95% from 2163 children in 1985 to 4209 in 1993.

Statewide, juvenile court and Foster Care Review Board (FCRB) caseloads have increased in similar fashion. Data provided by the Arizona Supreme Court indicates that the number of original juvenile dependency petitions filed in Arizona courts increased by 80% between 1993 and 1995 from 1,151 petitions to 2077 petitions, respectively. Furthermore, during a five year span from 1991 through 1995, the number of children under court jurisdiction and subject to periodic reviews by both the court and the review board increased by 39% from 4,150 to 5,760.

It is within such an environment that the Arizona Supreme Court, Administrative Office of the Courts (AOC) decided to avail itself of funds made available by the federal government through the U.S. Department of Health and Human Services' Court Improvement Project (CIP) to examine the judicial handling of the state's abused and neglected children. In 1993, Congress passed the Omnibus Budget Reconciliation Act (Public Law 103-66) which established the CIP grant program through which funds were made available to all 50 states to assess and improve their court system's handling of child

maltreatment cases. In July, 1995, the National Center for Juvenile Justice (NCJJ) was selected by the Arizona AOC to conduct Arizona's assessment of its court system's handling of dependency cases.

Project Findings and Recommendations

A primary concern that resonates across a wide variety of data collected during the course of our assessment is that children adjudicated dependent often remain in out-of-home placements for extended periods of time. A 1993 review of all children in placement conducted by the Arizona Department of Economic Security (DES), Administration for Children, Youth and Families (ACYF) reveals that approximately 45% had been in continuous out-of-home placement for more than two years and 21% had been in placement for more than four years. Almost identical length of time in placement data were reported by the Arizona Administrative Office of the Courts' Foster Care Review Board in their 1995 annual report. The analysis of Maricopa County Juvenile Court Center case processing data indicates that approximately 25% of all cases in which a child has been adjudicated dependent remain open for more than five years. Additionally, Court Improvement Project (CIP) survey and interview data reveal that the length of time children remain in placement is an area of considerable concern for the court and the various segments of the child protective services system. A consistent theme of these interviews has been the need for more focused oversight by the juvenile court on issues related to family reunification and permanency.

I. Review of Arizona Statutes and Court Rules

In most instances, Arizona statutes and juvenile court rules place clearly defined time requirements on the initiation of court proceedings on dependency cases starting with the filing of the petition, through to adjudication and the timing of the permanency planning hearing and any subsequent disposition review hearings. No time requirements, however, are placed on the timing of the initial order of disposition and the initiation and completion of severance proceedings. State statutes do provide the court some clarity regarding what constitutes sufficient grounds for the filing of a petition to terminate parental rights (severance petition). State statutes also place time requirements on FCRB hearings (every 6 months from the date of placement) and require the review board to conduct early reviews (within 60 days of the emergency removal) when so directed by the juvenile court.

These statutes are generally consistent with federal requirements as reflected in the Adoption Assistance and Child Welfare Act (Public Law 96-272) and Titles IV-B and IV-E of the Social Security

Act. However, these provisions are considerably less restrictive than a number of other states and are not necessarily consistent with guidelines developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) that set forth the necessary elements of a fair, thorough, and speedy court process in dependency cases. This is particularly true with respect to the timing of the first hearing on the dependency petition and emergency removal.

State statutes require that a child taken into emergency (temporary) custody be returned home unless a dependency petition is filed with the juvenile court within 48 hours of the removal (excluding weekends and holidays). The juvenile court is required to schedule an initial dependency hearing on the petition within 21 days of the petition filing date. Interview data indicate that, in the vast majority of emergency removals, the initial dependency hearing is the first hearing at which the appropriateness of removal and continuing need for placement are considered by the court.

There are provisions in the statutes for parents to request an earlier hearing (a temporary custody hearing) on the emergency removal. This requires that the parents file a written request with the juvenile court for an accelerated temporary custody hearing. The juvenile court is to hold the temporary custody hearing within five days of receipt of this request. Interview and court hearing data suggest that this right to an accelerated hearing request is only infrequently exercised (in approximately 10-20% of all dependency petition filings).

The holding of the first hearing on the case 21 to 23 days from the date of the emergency removal is considerably longer than most states require. Most states require than a preliminary protective hearing be held within a very short time, typically one to three days from the time of removal. NCJFCJ “good practice” guidelines require that the first court hearing on a child welfare/maltreatment occur within 72 hours after the child has been removed from the home. Scheduling the first hearing on a dependency petition three or more weeks out offsets many of the benefits that can arise from a timely and thorough initial preliminary hearing.

To bring Arizona more in line with other states and, more importantly, to encourage an early and thorough review of all removal cases by the court, the authors recommend a statutory revision requiring a *mandatory early review* of the emergency removal by the court. This initial hearing on the case should be scheduled within three to five days of the child’s removal from the home. This is considered a high priority recommendation that the authors feel is a critical and necessary pre-condition for Arizona

juvenile courts to assume an early and active role in the judicial oversight of cases involving maltreated children.

There are a range of other statutory and rule areas in which recommendations for changes are also warranted (see Chapter 2). These include the following statutory or court rule recommendations:

- Setting shorter time frames for adjudication and tighten allowances for excluded time;
- Requiring courts to conduct a disposition hearing on dependency cases within 30 days of adjudication at which time the court is to closely scrutinize and approve (with modifications if necessary) the permanent case plan;
- Requiring that the juvenile court conduct a minimum of one court review hearing no later than six months from the date of initial disposition;
- Establishing time frames for the completion of severance proceedings (no longer than 180 days with very limited provisions for extensions); and
- Establishing time limits on the use of temporary foster care and to establish specific criteria for the use of long-term foster care as a permanent plan option.

II. Findings From Arizona Court Improvement Project Survey

As part of the Arizona Court Improvement Project assessment, survey questionnaires were mailed to a wide variety of professionals working in the juvenile justice and child protective services systems to measure their opinions and attitudes regarding a range of issues related to the judicial handling of dependency, severance and (to a lesser degree) adoption cases. In all, a total of 1,980 individuals were mailed survey questionnaires. The overall response rate was 41.5% with 821 surveys returned

Overall, most CIP survey respondents were fairly satisfied with the juvenile court's handling of dependency, severance and adoption cases (see Chapter 3). Approximately one in five respondents stated that they were dissatisfied or somewhat dissatisfied with the court handling of dependency and adoption cases (19.8% and 20.8%, respectively). For severance cases, dissatisfaction levels rose to 29.7%. However, when queried specifically on the timeliness of proceedings on these types of cases, dissatisfaction levels increased to 28.1% for dependency cases, 36.8% for adoption cases and spiked considerably for severance cases to 51.1%.

The analysis of CIP survey data also reveal that many respondents were frustrated with a number of organizational and procedural arrangements related to the court's handling of dependency and severance cases and the child protective services system response to these cases. These frustrations were

evident in the frequency with which respondents indicated that moderate to serious problems existed with respect to the flow of cases through the court process, the timing of critical judicial events on these cases - particularly on cases progressing to severance of parental rights proceedings, the delivery of services to victimized children and their families, and in the amount of oversight exercised by the court in how these services were delivered.

This review of the degree to which problems existed in different organizational and procedural arrangements identified some differences among respondent populations. For example, approximately three-quarters of ACYF staff, appointed counsel and assistant AG attorneys indicated that the amount of time spent waiting for hearings to commence was a moderate to serious problem, while only 30% of judges and commissioners stated that this was a problem in their court. In general, however, the frequency with which problems were cited were remarkably consistent across the major respondent populations. Table 1 lists the five most frequently cited issues of greatest concern to judges and commissioners, assistant AG attorneys, appointed counsel for parents and children (GALs), ACYF staff, FCRB members and CASAs.

A review of these lists reveals some consistent themes. Foremost is the recognition that problems related to the delivery of services to victimized children and their families are most frequently seen as a moderate to serious problem for all respondent populations. Caseworker turnover was the most frequently cited problem for three of the six groups (assistant AG attorneys, ACYF staff, and FCRB members), the second most frequently cited problem for appointed counsel respondents and the third most frequently cited issue for CASAs. While caseworker turnover did not make the top five issues for judges and commissioners, it was the sixth most frequently cited issue among these respondents. Two other critical measures of service delivery, the lack of necessary services and time children remain in placement, made the top five list for four of the five respondent categories and at least one of these items appeared on the list for each respondent grouping. A fourth measure, completion of court-ordered assessment and reports, made the top five list for judges and commissioners and for FCRB members. The timely availability of services was the fifth most frequently cited problem area for court-appointed counsel. In all, these measures of service delivery comprised 60% of the available slots in Table 1 - an average of three per respondent category.

Table 1: Five Issues of Greatest Concern (“Moderate” to “Serious” Problem Noted) by Type of Respondent

Judges/ Commissioner	AG Attorneys	Appointed Counsel/GALs	ACYF	FCRB	CASA
Timeliness of Severance Petition	Caseworker Turnover	Time Waiting for Hearings to Start	Caseworker Turnover	Caseworker Turnover	Time Children Stay in Placement
Lack of Necessary Services	Timely Filing of Severance Petition	Caseworker Turnover	Lack of Necessary Services	Time Children Stay in Placement	Completion of Severance Hearings
Completion of Severance Hearings	Lack of Necessary Services	Time Children Stay in Placement	Time Waiting for Hearings to Start	Completion of Severance Hearings	Caseworker Turnover
Time Children Stay in Placement	Multiple Hearings in Same Time Slot	Lack of Necessary Services	Time Children Stay in Placement	Completion of Court-Ordered Assessment/Reports	Lack of Necessary Services
Completion of Court-Ordered Assessment/Reports	Time Waiting for Hearings to Start	Timely Availability of Services	High Volume of Delinquency Cases	Large Backlog of Severance Cases	Completion of Severance Hearings

Issues related to the timely initiation and completion of severance proceedings appear on the top five lists for assistant AG attorneys, judges and commissioners, FCRB members and for CASAs. For the latter three respondent groupings, two items addressing timely severance of parental rights appear on their lists. Only for appointed counsel and ACYF staff do these items not make their top five list. However, 70.3% of all ACYF respondents indicated that delays in the completion of severance proceedings was a moderate to serious problem in their court and 60.0% of all appointed counsel indicated concern that the timely filing of the severance petition was a moderate to serious problem.

Lastly, issues regarding court case flow management arrangements are among the top five most frequently cited items for three respondent populations (assistant AG attorneys, court-appointed counsel and ACYF staff). Stacking of hearings and time waiting for hearings to start were the fourth and fifth most frequently cited issues of concern for assistant AG attorneys. Time waiting for hearings to start was the most frequently cited issue for court-appointed counsel and third most frequent issue for ACYF staff. A concern that a high volume of delinquency cases limits the availability of sufficient docket time to handle dependency and severance cases was the fifth most frequently cited issue for ACYF staff.

II. Case Study Findings

Five counties were selected as case study sites for the Arizona Court Improvement Project assessment. The five selected sites included juvenile courts in Cochise, La Paz, Maricopa and Pima Counties and the General Division of the Superior Court in Coconino County. The selected counties represent a diverse cross-section of the state and are reflective of the array of challenges Arizona courts face in servicing the needs of its dependent, neglected and abused children.

For the most part, our research reveals that juvenile courts in the selected counties comply with federal and state statutory requirements in their handling of dependency and severance cases. Interview and hearing observations also affirm that all parties to these proceedings are very concerned with the plight of Arizona's victimized children and recognize the important of judicial oversight in achieving permanent solutions in these cases. Nevertheless, the quality of judicial proceedings on dependency and severance cases generally are less timely and comprehensive than those reflective of a "high-quality judicial process" as set forth in guidelines developed by the National Council of Juvenile and Family Court Judges (NCJFCJ).

The findings presented in Chapter 4 strongly suggest that, while judicial proceedings are taken very seriously in Arizona, a number of recommendations can be offered to improve court practice in the handling of cases involving children who have been victimized and maltreated. The most basic principle underlying this discussion is a reaffirmation of the prominent role of the judiciary and the need for more comprehensive and timely judicial intervention in assuring safe and permanent home for Arizona's abused and neglected children.

Given the widespread implications of these recommendations, some caution in their implementation is warranted. Some of the recommendations could and should be implemented in a timely fashion on a statewide basis. In particular, these include recommendations to shorten time requirements for the judicial handling of dependency and severance cases and those recommendations encouraging the strengthening of qualifications and training requirements for the various parties to these proceedings. On the other hand, many of the recommendations relating to substantive changes in what is required of the different parties to prepare for and to participate in these hearings may best be examined and refined in a "pilot" endeavor in one or more selected county juvenile courts.

A. Recommendations to Improve Court Practice in the Handling of Dependency Cases

1. To conduct earlier initial hearings and to dedicate sufficient time in these hearings to adequately address a range of issues related to reasonable efforts, placement options, visitation, early initiation of services, notification to parties, and any court orders that may be required (including orders for court-ordered evaluations, child support, and removal of the perpetrator from the home).
2. To make court appointed counsel available prior to the start of these initial hearings to confer with their clients and other critical parties.
3. To require that the court conduct a separate disposition hearing within 30 days of adjudication to review and approve the permanent case plan developed by ACYF.
4. To conduct a through review of case progress and the need for continuing placement within six months of initial disposition.
5. To conduct thorough permanency planning hearings at which time a permanency plan for the child is decided upon. To conduct a continued permanency planning hearing at two months intervals as long as continued temporary placement with the goal of as family reunification is the permanent plan.
6. That the juvenile court generate comprehensive minute entries which address reasonable efforts issues, specific services to be provided to the family, how service provision is to be accomplished with specific timelines, what is to required/expected of parents to remain in compliance with the case plan, and to include in these entries specific reference to how much, or how little, case progress has been made to date. JOLTS automation may be able to assist in this regard, but this recommendation assumes that the court will take additional time at the conclusion of a hearing to verbally construct these entries.
7. That the CIP Advisory Workgroup and AOC consider development of *hearing checklists for each hearing type* to identify key decisions that the court should make, individuals who should always be present, and any additional issues that should be covered or addressed at these hearings.

B. Recommendations to Improve the Timeliness of Severance Proceedings

1. Initiate early screening of severance petitions to determine the amount of time needed to accomplish proper service/notification, to early identify if a petition is likely to be contested, and to adjust initial hearing dates and judicial assignments accordingly.
2. Maintain judicial consistency in the judge or commissioner assigned to hear the severance petition. That is, have the same jurist who handled the dependency also handle the severance matter. However, this should not limit the ability of an attorney to request a change in jurist if deemed necessary.
3. Examine recent filing trends and the amount of time needed to complete severance proceedings to determine the need for assigning more assistant AG attorneys to the severance project.

4. Examine the process by which severance home study assessments are assigned and completed to determine the degree to which delays in the completion of these occur. This review should also identify the steps necessary to complete these studies within 2-4 weeks of the AG's acceptance of a case for severance.

C. Recommendations Related Judicial Case Assignment, Calendaring and Continuances

1. Establish a judicial case assignment system that ensures that the same jurist presides over all stages of court proceedings on a case from the initial hearing on the dependency petition, through the permanency planning hearing and, as required, all proceedings on the severance petition.
2. Extend judicial appointments to a minimum of 5 years and permit jurists the opportunity to voluntarily re-enlist at least once.
3. Calendar all hearings in a time-certain fashion and to not stack multiple hearings in the same time slot.
4. Establish and enforce firm policies on the granting on continuances.

D. Use of JOLTS for Automated Tracking of Dependency, Severance and Adoption Cases

1. Initiation of a statewide effort to continue enhancement of JOLTS to allow for the tracking of dependency, severance and adoption cases using the changes already implemented in Maricopa County as a starting point.
2. This may also be an appropriate time for the individual juvenile courts and AOC to initiate efforts to develop a common version of JOLTS or to, at a minimum, ensure that sufficient commonalities exist among the three JOLTS systems that enhancements do not need to be completed multiple times.

E. Establishment of Training Requirements for Judges and Attorneys

1. Establish mandatory minimum initial and on-going training requirements for judges and commissioners handling dependency, severance and adoption cases.
2. Establish minimum qualifications and minimum initial and on-going training requirements for attorneys appointed to represent children and parents.
3. Develop specific county-based performance requirements for court-appointed counsel.
4. Conduct an assessment of the various formulas for compensation of court appointed counsel in place in Arizona counties to determine the degree to which these formulas facilitate or negatively impact the quality of representation and advocacy provided by these attorneys.
5. Establish mandatory minimum initial and on-going training requirements for assistant AG attorneys responsible for the handling of dependency and severance cases.

6. Establish equitable pay schedules for assistant AG attorneys assigned to the Protective Services Unit.

F. Closer Coordination of Foster Care Review Board and Juvenile Court Activities

1. The frequency and level of interaction between juvenile court judges and the Dependent Children's Services Division should increase considerably and that judges and commissioners routinely meet with individual review boards.
2. If a one family-one judge case assignment system becomes a reality, the courts and the AOC may want to consider having individual review boards assigned to specific jurists.
3. Flexibility should be built into the FCRB review process to review cases with a frequency consistent with a court's desire to maintain its own close oversight of a specific case.
4. That FCRB have the ability to request an immediate review hearing if serious/chronic problems exist in a case. This may require statutory changes.
5. That AOC look into the feasibility of having the new FCRB and JOLTS system interface so that both entities are automatically notified of hearings scheduled or modified.

III. Examining the Service Needs of Victimized Children and Their Families

A number of individuals interviewed implored project staff to not focus solely on judicial proceedings involving victimized and maltreated children. While not discounting the importance of timely and "high quality" judicial intervention, they stated that the ability of the combined judicial and child protective services continuum to provide permanent homes for these children in a timely and safe manner is ultimately predicated on the system's ability to respond to the needs of this population. Interviewees consistently cited the lack of system resources and the difficulties in accessing available services in a timely manner as two of the greatest barriers to achieving permanence. This theme was also echoed very emphatically by CIP survey respondents. Close to 70% of all of respondents cited the lack of necessary services as moderate to serious problem in their jurisdictions and approximately 60% indicated that the timely availability of services was problematic (see Chapter 3, Table 3.8).

While not the primary objective of the CIP assessment, project staff's review of 162 FCRB case file packets highlighted three issues that impact the ability of the court and the child protective services continuum to find these children safe and permanent homes including:

1. That the needs of victimized children and their families are often chronic and varied and cannot be addressed without access to a wide range of specialized services including behavioral health services;

2. That most cases are known to the system prior to the child's removal from the home; and
3. That a small number of dependent children also exhibit delinquent and incorrigible behavior patterns and servicing these cases is difficult and costly.

The analysis clearly suggests that cases involving victimized and maltreated children are complex and typically require immediate and intensive intervention if the amount of time a child remains in temporary placement is to be kept to a minimum. This requires that the agency and the court have timely access to a comprehensive continuum of services to address the needs of victimized children and their families. Irrespective of the ultimate outcome of the case (e.g., reunification of the family, adoption, permanent guardianship, etc.), these services are necessary to increase the likelihood that these children are not raised in temporary and unstable foster placements under the continuing supervision of the state.

It is unclear to what degree a comprehensive assessment has been conducted in Arizona to determine the service needs of victimized children and their families and the range and quantity of services the state should be reasonably expected to make available to this population. Our analysis suggests that these needs are substantial and interview and survey data clearly indicate that the timely availability of these is sorely lacking. It is beyond the scope of the project to arrive at any definitive assessment of this critical component of the state's handling of child welfare cases. However, such an assessment needs to be conducted and can be best examined in an environment in which the court takes an active lead in the oversight of these cases and in which the court insures that the service needs of these cases are raised to the forefront and continually reexamined. The authors encourage the CIP Advisory Workgroup, AOC and ACYF to cooperatively conduct such an ongoing needs and services assessment as part of any "pilot" effort to implement the recommendations embodied in this report.

This needs assessment should also closely examine various options to facilitate the timely access to various types of services needed by victimized children and their families that are not directly controlled or provided by ACYF. Most specifically, interview data continually pointed to delays in the accessing of behavioral health services for Title 19-eligible families through the Department of Health Services including psychological assessments that can take months to accomplish. Furthermore, access to these services appears to require considerable sophistication and persistence to systematically guide these cases through a maze of eligibility and administrative requirements that need to be met before approvals for services are granted. Typically, it falls on overburdened caseworkers to complete the required paperwork and to actively follow-up on these cases. High caseworker turnover only increases the

difficulties associated with the case coordination and follow-up required to facilitate timely access of these services.

Additionally, The Administrative Office of the Courts, the individual juvenile courts, the Department of Economic Security, Department of Health Services, Department of Education, and other state and local agencies involved in the servicing of dependent children with multiple and serious needs should examine the feasibility of “pooling” funds to develop a system of care to provide services to the most needy of these children and their families. The feasibility of developing a separate entity apart from these governmental entities to assume day-to-day fiscal management and case management responsibilities should also be considered. There is some precedence for doing this in Arizona, specifically the Interagency Case Management Project, as well as in other jurisdictions. Since the spring of 1994, Hamilton County (Cincinnati), Ohio has been pooling funds to service a clearly defined population of children with multiple and severe needs and has established a private, non-profit organization, Family and Children First Management, Inc. to manage this process.

III. Preliminary Estimates of Time and Resource Requirements Necessary for “Good Practice” Judicial Oversight of Dependency Cases

Findings presented in this report point to a number of recommendations to improve the juvenile court’s handling of dependency and severance cases in Arizona. Underlying these findings is a fundamental principle emphasizing the need for more comprehensive and timely judicial intervention in the court’s handling of cases involving victimized and maltreated children. While initial reaction to these findings has been generally favorable, a number of individuals have voiced skepticism regarding the resources necessary to implement many of the proposed recommendations. Court Improvement Project survey findings also suggest that available resources is an area of considerable concern to many survey respondents. Approximately half of all those responding to the survey indicated that there are not enough judges, docket time and court staff to allow for active judicial oversight of dependency and severance cases and to effectively manage the processing of these cases (see Chapter 3).

This report strongly recommends that all parties to dependency and severance proceedings take more time to prepare and participate in the hearing process. Undoubtedly, this will require that additional resources be dedicated to these cases by the court, AG’s Office, and ACYF. The cost of providing court-appointed attorneys may also increase as the expectations on what is required of defense counsel to prepare for these hearings increase. Site observations and interview data indicate that the continuing

increase in dependency and severance caseloads and in the severity of these cases are already severely hampering the ability of the judicial and child protective services system to respond. To ask these entities to do more without additional resources is unrealistic.

The amount of additional resources required, however, may not be as great as one might expect given the scope of changes in judicial practices being recommended. These costs can be partially offset by savings in personnel time that can be realized through better calendar utilization, closer control of continuances and more effective case flow management. Our recommendations in these areas (specifically, time certain calendaring and establishment of a firm policy on continuances) should reduce the amount of time parties spend waiting for hearings to commence and should reduce the likelihood that a dependency or severance hearing will be continued.

Secondly, the recommendation to require an initial hearing within three to five days of removal is not intended to impose an additional requirement to the judicial handling of these cases. This hearing is intended to *substitute* for the initial dependency hearing currently held within 21 days of petition filing. While we recommend that the court take considerably more time at this hearing (ideally, 60 minutes) to closely review a number of substantive matters (see Chapter 4), these efforts have proven in other jurisdictions to *reduce the need for subsequent hearings* as critical issues that often contribute to extensive processing delays are dealt with and resolved much earlier in the life of the case.

Most importantly, increasing the timeliness and thoroughness of judicial oversight at all hearing stages has proven to result in dramatic reductions in the amount of time children remain in impermanent living arrangements and the amount of time the state (that is, the court, ACYF and the AG's Office) remains involved in these cases. Not only does this benefit children, the savings to the state can potentially be enormous. Recent studies of juvenile courts in Hamilton County (Cincinnati), Ohio and Kent County (Grand Rapids), Michigan have shown that timely and thorough dependency hearings can ultimately result in considerable resource savings as cases are resolved quicker and in a more comprehensive manner. An internal study conducted by the Kent County Juvenile Court reveals that in 1993:

- Children returned home spent an average of 12.3 months in foster care;
- In cases in which parental rights were severed, children spent an average of 14.5 months in care before the court issued its decision to terminate parental rights (that is, from time of initial removal to severance decision); and
- Victimized children adopted after parental rights were terminated spent an average of 19.4 months in foster care (from time of initial removal to adoption).

In sharp contrast, the average length of time a child remains court-involved in Maricopa County is 3.3 years (from time of the filing of the dependency petition through to case closure). The analysis of Maricopa County Juvenile Court Center case processing data further reveals that approximately 25% of all cases in which a child has been adjudicated dependent remain open for more than five years. A recent internal Pima County Juvenile Court Center study found that dependency children remain court involved in Pima County for an average of 3.2 years. Statewide examinations of placement data also suggest that victimized children tend to remain in foster care for extended periods of time and considerably longer than similarly-placed children in Kent and Hamilton Counties.

The potential savings in placement costs can more than offset the cost of additional personnel needed by the court, ACYF and AG's Office to allow for more timely and thorough judicial oversight. The lack of comprehensive dependency and severance caseload and case flow data and difficulties in ascertaining how implementation of these recommendations will proceed makes it difficult to estimate what the additional costs in personnel time will be. The authors are recommending that a detailed analysis of the resource needs of the court, ACYF, Attorney General's Office, court-appointed counsel, CASA and FCRB be conducted as part of any implementation efforts initiated subsequent to issuance of this report. We would encourage the CIP Advisory Workgroup and AOC to consider using some of the CIP implementation funds to support this supplemental study. Such a study could best be conducted as part of a "pilot" effort to implement the recommended changes in judicial handling in one or more selected county juvenile courts (see Chapter 7).

However, some preliminary resource and time estimates using Hamilton County as the primary study site are available that can be used to gauge the potential impact of these recommended changes. Generally, and in a very preliminary manner, applying these time estimates to the Maricopa County Juvenile Court's 1995 (calendar year) dependency caseload of 1555 new petitions filed and an estimated average of approximately 2325 cases under on-going court review, the authors estimate that the court may need anywhere from four to six additional judicial officers (judges and/or commissioners) as well as 12 new court support staff (court clerks, security staff, secretarial support, etc.). This assumes no increase in case filings and a reduced number of active cases subject to on-going court review. The costs associated with such an increase in personnel would be very substantial, approximately \$1.2M.

However, even using very conservative estimates regarding reductions in the length of time children remain in placement, the potential savings to the state in reduced placement costs dwarf the

above figure. Using an average cost figure for foster care of \$15 per day, savings in placement costs in Maricopa County are estimated to approach \$5M annually if the court can 1) reduce the amount of time need to reach initial disposition on dependency cases by a 30 day average, and 2) decrease the length of time a child remains in placement after initial disposition by 33% from an average of three years to two years.

These projected savings in placements costs could not only offset the costs associated with an increase in court personnel but could also go a long way in offsetting the costs associated with the anticipated increase in caseworker time needed to prepare for and attend court hearings. In all likelihood, these increases in caseworker personnel will be substantial given the increased expectations placed on caseworkers coupled with the shortage of ACYF casework staff that currently exists. Some of the anticipated savings in placement costs will also need to be used to fund ACYF in-home, family preservation services for reunited families and to cover subsidies for adoption and permanent guardianships in cases in which family reunification is not appropriate.

Reducing the length of time children remain in post-initial dispositional placement by 33% also appears realistic given the example of what has been accomplished in Kent County, Michigan and in Hamilton County, Ohio. A 33% reduction in such placement time would result in an average length of placement of approximately two years which is considerably more than the length of time victimized children remain in temporary placement in the two model jurisdictions.

This analysis of resource and time estimates should be considered very preliminary and is only presented to suggest that an increased judicial presence in the handling and oversight of dependency cases is in the best interests of both maltreated children and the state of Arizona. While preliminary, the cost and savings projections are grounded in realistic expectations of the additional court personnel needed to achieve a more timely and thorough hearing process and in the example of two urban jurisdictions that have worked hard to reduce the length of time children remain in impermanent living arrangements. If anything, the figures presented in this chapter are very conservative.

In all likelihood, however, there will be some start-up costs associated with the recommended changes in how judicial oversight in dependency cases is exercised. The expectations placed on the court, ACYF, the AG's Office, and other parties to these proceedings will be immediate. While reductions in the length of time children remain in placement should follow in short order, the timing of these savings

in placement costs do not coincide sufficiently to expect these entities to implement these systemic changes without some (at least, temporary) infusion of funds.

Chapter 1 Background and Overview

The role and responsibilities of the juvenile court in the handling of dependent, neglect and abuse cases have expanded dramatically since the passage of the Federal Adoption Assistance and Child Welfare Act (Public Law 96-272) in 1980 and the resulting changes in state laws necessitated by the Act. Juvenile courts now take a far more active role in the decision-making and oversight of child maltreatment cases. However, Public Law 96-272 created a range of procedural expectations of the judiciary without anticipating the resources that would be required by the court and the service delivery system to meet these mandates. As a result, juvenile courts and child protective service systems throughout the country have had difficulty meeting the mandates of the Act and, at the same time, keeping up with the sharp increase in dependency filings.¹

The pressures exerted on Arizona's juvenile court and child protective service system parallel that of national trends. Reports of alleged child neglect and abuse to the Arizona Department of Economic Security's Administration for Children, Youth and Families (DES/ACYF) have more than doubled (107%) between 1985 and 1993 from 23,317 to 48,283, respectively (see Table 1.1). Adjusting for population growth, the increase was 67% from a rate of 2.7 reports per 100 Arizona residents in 1985 to 4.5 reports per 100 residents in 1993. Consistent with the dramatic increase in reports, the number of children placed in out-of-home placements by DES/ACYF increased by 95% from 2163 children in 1985 to 4209 in 1993.

Table 1.1 Number of Child Neglect and Abuse Reports Filed and Children in Out-Of Home Placements 1985-1993				
Indicator	1985	1990	1993	Percent Increase
Neglect and Abuse Reports	23,317	37,928	48,283	107%
Reports / 100 Population	2.7	3.9	4.5	67
Out-Of-Home Placements	2,163	3,567	4,209	95
* Source: Morrison Institute for Public Policy, "Kids Count Factbook: Arizona Children 1994"				

¹ All references in the text to dependency filings, dependency cases, etc. refers to the entire range of dependent, neglect and abuse cases filed with the juvenile court (and includes all severance and adoption proceedings in these cases).

Statewide, juvenile court and Foster Care Review Board (FCRB) caseloads have increased in similar fashion. Data provided by the Arizona Supreme Court indicates that the number of original juvenile dependency petitions filed in Arizona courts increased by 80% between 1993 and 1995 from 1,151 petitions to 2077 petitions, respectively.² Furthermore, during a five year span from 1991 through 1995, the number of children under court jurisdiction and subject to periodic reviews by both the court and the review board increased by 39% from 4,150 to 5,760.³

Various demographic and at-risk indicators strongly suggest that these trends will not abate. If anything these increases may become more pronounced. Arizona is one of the fastest growing "sun belt" states in the country. In 1980, the state's population was approximately 2.72 million. By 1993, the population had grown to an estimated 3.67 million. Children under age 18 represent a substantial portion of the state's population. In 1993 there were approximately 1.1 million children and youth under the age of 18, representing 27.3% of the state's population.⁴

This rapid population growth, along with a variety of other risk factors -- some unique to Arizona, some similar to other fast-growing states -- continue to place tremendous stress on the state's child welfare and juvenile court systems. Approximately 27 percent of Arizona's children under the age of five lived in poverty in 1993, up from 25.3 percent in 1990. Nearly half (just over 42 percent) of all Arizona births in 1993 were to mothers enrolled in the state's health care system for the poor (AHCCCS). This represented an almost 12 percent increase from 1990. Overall, Arizona's youth population (ages 8 to 18) is projected to increase by an estimated 40 percent by the year 2010. Arizona's teenage birth rate is one of the highest in the nation and juvenile arrest rates continue to climb, particularly for violent offenses. In other words, many of Arizona's children face significant risks that may ultimately lead to intervention by the child protective services system and the court. These risk factors, compounded by fiscal limitations and emotional political debates regarding the proper role of the state and the courts in responding to these trends, magnify the already enormous pressures faced by state agencies and juvenile courts charged with effectively intervening in the lives of abused and neglected children.

² Please see State of Arizona Supreme Court, *The Arizona Courts: Data Reports for Fiscal Years 1994 and 1995, Volume I*.

³ Please see State Foster Care Review Board, *1996 Report and Recommendations*, Arizona Supreme Court, Administrative Office of the Courts, pp. 17 and 50. The 1995 number of children subject to FCRB review is based on active cases through August, 1995.

⁴ "Kids Count Factbook: Arizona's Children 1994," Morrison Institute for Public Policy, Arizona State University, Tempe, June 1994.

The Court Improvement Project

It is within such an environment that the Arizona Supreme Court, Administrative Office of the Courts (AOC) decided to avail itself of funds made available by the federal government through the U.S. Department of Health and Human Services' Court Improvement Project to examine the judicial handling of the state's abused and neglected children. In 1993, Congress passed the Omnibus Budget Reconciliation Act (Public Law 103-66) which established this new grant program through which funds were made available to all 50 states to assess and improve their court system's handling of child maltreatment cases.

The purpose of the Court Improvement Project is to complete statewide assessments of the court system's handling of dependent, neglect and abuse cases. Specifically, these assessments are to examine the degree to which courts have met statutory obligations associated with the passage of the Adoption Assistance and Child Welfare Act (Public Law 96-272) and comply with provisions of the Indian Child Welfare Act (ICWA). These assessments are to provide documentation of the court's functioning and result in a series of recommendations that will serve as a blueprint for implementing required changes.

In July, 1995, the National Center for Juvenile Justice (NCJJ) was selected by the Arizona AOC to conduct Arizona's assessment of its court system's handling of dependency cases.⁵ In initiating work on the Arizona Court Improvement Project, a number of discrete objectives were to be accomplished including:

1. An assessment of state statutes, court rules and relevant case law governing dependency and severance proceedings and their effectiveness in implementing federal and state mandates related to "reasonable efforts," case planning, family reunification, and permanency planning;
2. The distribution of a statewide survey to a wide variety of professionals working in the juvenile justice and child welfare arena. The purpose of the survey was to examine the degree to which these individuals are satisfied with the court's handling of dependency, severance and adoption cases and to identify areas in which respondents feel there are problems with respect to the judicial handling of these cases;

⁵ The Center has significant experience and expertise in addressing the issues of importance to Arizona's juvenile court system in dealing with cases of child abuse, neglect and dependency. The Center, along with its parent organization, the National Council of Juvenile and Family Court Judges, has been at the forefront of developing strategies to accomplish the mission of court involvement occasioned by the passage of PL 96-272. In fact, the organization played a major hand, both in the drafting and passage of this legislation. From the outset, the organization has been involved with the development of materials, training, research and technical assistance to assist courts in meeting its new responsibilities including court review, reasonable efforts and timely processing.

3. An in-depth investigation of the performance of the juvenile court system in five Arizona counties in implementing the requirements of P.L. 96-272 and the Indian Child Welfare Act; and
4. Using existing data sources, to conduct an assessment of the juvenile court's dependency workload and processing of dependency cases.

This final report contains a detailed description of project findings and specific recommendations for improving the juvenile courts' handling of dependency cases in Arizona. This report is organized as follows:

- Chapter 2 examines Arizona state statutes and AOC-promulgated court rules governing dependency and severance proceedings.
- Chapter 3 summarizes the findings from the Court Improvement Project survey to which over 820 juvenile justice and child welfare professionals responded.
- Chapter 4 examines project staff's findings resulting from on-site interviews and court hearings observations conducted in the five selected counties. The results of our analysis of Maricopa County Juvenile Court Center dependency and severance case processing data are incorporated into this chapter as are findings from a parallel dependency case processing study conducted by the Pima County Juvenile Court Center.
- Chapter 5 examines the service needs of children and their families and is primarily based on our review of selected materials provided us from 160 FCRB case files.
- Chapter 6 investigates the resource requirements of Arizona courts if they are to more actively oversee dependency and severance cases.
- Chapter 7 summarizes CIP recommendations for the improved handling of dependency and severance cases by Arizona courts.

Chapter 2

Review of Arizona Statutes and Court Rules Governing Dependency and Severance Proceedings

This chapter summarizes our assessment of Arizona state statutes and court rules of procedure that address oversight requirements placed on the juvenile court with respect to the handling of dependency proceedings and, secondly, summarizes our assessment of the effectiveness of these statutes and court rules in implementing federal and states mandates related to “reasonable efforts,” case planning, family reunification and permanency planning. This assessment is based upon our review of Arizona’s statutes and court rules, a comparison of these to similar provisions governing dependency proceedings in other states, and, lastly, the degree to which these statutes and court rules conform with recommendations of national organizations concerned with the permanent placement of maltreated children including the National Council of Juvenile and Family Court Judges (NCJFCJ), and the American Bar Association’s Center on Children and the Law. This assessment includes recommendations regarding statutory and court rule revisions that are necessary to encourage Arizona courts to take a more active and timely oversight role in the administration of dependency cases.

A primary concern that resonates across a wide variety of data collected during the course of our assessment is that children adjudicated dependent often remain in out-of-home placements for extended periods of time. A 1993 review of all children in placement conducted by the Arizona Department of Economic Security (DES), Administration for Children, Youth and Families (ACYF) reveals that approximately 45% had been in continuous out-of-home placement for more than two years and 21% had been in placement for more than four years.⁶ Almost identical length of time in placement data were reported by the Arizona Administrative Office of the Courts’ Foster Care Review Board in their 1995 annual report.⁷ The analysis of Maricopa County Juvenile Court Center case processing data indicates that approximately 25% of all cases in which a child has been adjudicated dependent remain open for more than five years.⁸ Additionally, Court Improvement Project (CIP) survey and interview data reveal that the length of time children remain in placement is an area of considerable concern for the court and the various segments of the child protective services system. A consistent theme of these interviews has

⁶ Helaine Hornby and Dennis Zeller, *Assuring the Safety of Children in Foster Care: Arizona Case Review Final Report*, Report prepared for the Arizona Department of Economic Security by the National Resource Center for Management and Administration, University of Southern Maine (1994), pp. 31.

⁷ The 1995 FCRB Report reveals that 45.4% of children in care as of February 6, 1995 were in placement for 24-47 months and 21.8% had been in placement for 48 or more months.

⁸ The average length of time an adjudicated dependency case remains open in Maricopa County is 3.3 years. A similar analysis recently conducted by the Pima County Juvenile Court Center estimates that a dependency case remain open for an average of 3.2 years.

been the need for more focused oversight by the juvenile court on issues related to family reunification and permanency.

This statutory review focuses on those segments of Arizona statutes and court rules that directly impact the above issues, specifically:

- Statutory provisions impacting the length of time children can remain in placement;
- Timelines for the completion of critical phases of court proceedings on dependency and severance cases; and
- The ability of the juvenile court to assume an active oversight role in the management of these cases.

I. Statutory Provisions Impacting the Length of Time Children Remain in Placement

Arizona statutes place some restrictions on the amount of time a child may remain in placement without judicial or FCRB review and have recently included some provisions regarding the length of time a child can remain in foster care without requiring some movement towards permanency. Table 2.1 provides a summary of those statutory provisions impacting emergency removal, placement in a receiving foster home, continuing placement after an initial order of disposition and voluntary placements. These statutes are generally consistent with federal requirements as reflected in the Adoption Assistance and Child Welfare Act (Public Law 96-272) and Titles IV-B and IV-E of the Social Security Act. However, these provisions are considerably less restrictive than a number of other states and are not necessarily consistent with guidelines developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) that set forth the necessary elements of a fair, thorough, and speedy court process in dependency cases.⁹

A. Emergency Removal/Placement in a Receiving Foster Home Without a Court Order

Arizona statutes require that DES/ACYF conduct a review of all emergency removals within 48 hours (excluding weekends and holidays) and that a child not remain in temporary (emergency) custody for longer than this period unless a petition is filed with the juvenile court. These review requirements parallel those of other states. However, some states (including Ohio and Michigan) require that this

⁹ Please see the National Council of Juvenile and Family Court Judges, *Resource Guidelines - Improving Court Practice in Child Abuse and Neglect Cases* (Reno, NV, 1995).

internal agency review and petition preparation and filing occur within 24 hours with some provisions made for weekends and holidays.

More problematic is the provision that permits a child to remain in a receiving foster home for up to three weeks without a court order.¹⁰ Many states require a court order within a very short time frame (typically not longer than three days) authorizing continuing temporary (interim) placement pending adjudication and initial disposition of the petition. This matter will be discussed in detail in a related section of this chapter examining time frames for the scheduling of an initial hearing on the dependency petition (see pp. 12-15).

<p style="text-align: center;">Table 2.1 Summary of Statutory Provisions for Emergency Removal, Placement in a Receiving Foster Home, Continuing Foster Care Placement After an Initial Disposition Order and Voluntary Placements</p>		
Placement Status	Time Line in Statute	Statute Citation
Voluntary Placements	Not to exceed 90 days or 180 days within a consecutive 24 month period	8-546.05C
Temporary (Emergency) Custody	For a period not to exceed 48 hours (excluding Sat., Sun. and holidays) unless a dependency petition is filed	8-546.01.D
DES Internal Review of Emergency Removal	Review each removal within 48 hours (excluding Sat., Sun. and holidays)	8-546.08.3
Placement in a <i>Receiving</i> Foster Home without a Court Order	No more than 3 weeks (in the absence of a court order). Juvenile court orders extending <i>receiving</i> foster home placement beyond 3 weeks shall be reviewed by court at least once a week.	8-515.A
Continuing Placement in Foster Care after an Initial Order of Disposition	Juvenile court shall hold a permanency planning hearing no later than 12 months after initial disposition.	8.515.C

¹⁰ A *receiving foster home* is defined by statute as licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition.

B. *Continuing Placement in Foster Care After an Initial Order of Disposition*

Until recently, Arizona statutes did not place strict time limits on the length of time a child could remain in foster care without requiring some movement towards permanency. Statutes only required that the juvenile court conduct a disposition review hearing after a child had remained in foster care for one year and required additional annual reviews of the dispositional order if the child was to continue in foster care.¹¹

Legislative changes approved by the governor in April, 1995 now require that the juvenile court conduct a permanency planning hearing 12 months after the initial order of disposition. This hearing essentially substitutes for the first disposition review hearing and requires the court to move towards finalizing a permanent plan. The permanency planning hearing can be continued for a period of up to six months. At the end of this period, however, the court is required to finalize a permanent plan for the child and “shall order that the plan be accomplished within a specified period of time.” If the child’s permanent plan is one of continuing foster care (either on a long-term basis or for a specified period of time), the juvenile court shall conduct reviews of the dispositional order arising from the permanency planning hearing at least annually.

It remains to be seen what impact this legislative change will have on the length of time children remain in placement and the length of time between removal and the initiation of severance proceedings. Permanency planning hearings were only being conducted in two of the five counties at the time site visits were conducted. Furthermore, interview data and our limited observations of permanency planning hearings suggest that the court as well as other parties to these proceedings were just beginning to identify what was to be accomplished in this hearing and how to differentiate the purpose of permanency planning hearings from that of review hearings.

The statute clearly encourages the court to take concrete steps towards achieving a permanent living arrangement for the child. While the statute imposes a procedural barrier to continuing a child in foster care without making some determination with regard to permanency, it does not require a systematic examination of all permanent plan options in order of some clearly defined preference and priority. Furthermore, it does not limit the use of the least preferential to special situations (that is, continued temporary or long-term foster care) and only after the most permanent and high priority options (family reunification, adoption, permanent guardianship) are rejected. Specifically, the statute does not

place any limitations or procedural barriers to the use of long-term foster care or extension of foster care for a specified time period with a continued goal of family reunification as the permanent plan objective.

The NCJFCJ *Resource Guidelines* document provides a detailed examination of permanent plan options and recommends “[t]hat if the child is not to be returned home or placed for adoption, the court should first have carefully considered and rejected these most permanent and high priority options.” (pp. 80-81) Permanent plan options are presented in this document in the following order of preference and priority:

1. The child is to be returned home on a specific date;
2. The child will be legally freed for adoption;
3. The custody of the child will be transferred to an individual or couple on a permanent basis;
4. The child will remain in foster care on a permanent or long-term basis;
5. Foster care will be extended for a specific time with a continued goal of family reunification.¹²

Further modification of Arizona statutes to require more precise limitations on the ability of the court to extend temporary foster care (with family reunification as a continuing goal) and to limit the use of long-term foster care as a permanent plan option may eventually be appropriate. It is unclear, however, to what degree such statutory changes would lead to desired improvements in the timely and better handling of child welfare cases without other organizational or resources changes?¹³

There are, however, some precedents for the establishment of time limits on the use of temporary foster care. Ohio statutes limit the amount of time a child can remain in temporary foster care to one year from the time of initial removal or the date the dependency petition was filed (whichever is earlier) with the possibility of two six month extensions if case progress can be clearly documented.¹⁴ Furthermore, Ohio statute places strict limits on the use of long-term foster care as a permanent plan option.¹⁵

¹¹ This is in addition to the semiannual reviews conducted by the Foster Care Review Board.

¹² NCJFCJ, *Resource Guidelines*, Chapter 7.

¹³ Hardin comes to similar conclusions in his review of Arizona statutes and court rules as reflected in his May 9, 1994 memorandum to Helaine Hornby on this subject (pp. 5-6).

¹⁴ Ohio juvenile courts can only grant these extensions if clear and convincing evidence is presented to the effect that there has been significant progress on the case plan and that there is reasonable cause to believe that there will be family reunification or other permanent placement within the period of extension. Please see Paula Shrive and Barbara Seibel, *Ohio Deskbook of Juvenile Court Procedures on Child Abuse, Neglect and Dependency*, Prepared for the Ohio Association of Juvenile and Family Court Judges (1988)

¹⁵ Ohio Revised Code section 2151 only permits the court to place a child in long-term foster care if it finds by clear and convincing evidence that such placement is in the best interest of the child and that one of three conditions

C. *Voluntary Placements*

Title 8 of the Arizona Revised Statutes limits voluntary placements to a period of 90 days and for not more than two such periods (a total of 180 days) within a consecutive 24 month period unless a dependency petition is pending (see Table 2.1). Few limitations are placed in this section of the statute or in DES regulations limiting the use of voluntary placements to certain situations or circumstances.¹⁶

A number of other states have placed closer restrictions on the use of voluntary agreements and/or the length of time a child may remain in voluntary placement without seeking court approval. Hardin states that “some states allow voluntary placements only in emergencies or special circumstances such as parental hospitalization...”¹⁷ In Ohio, a 30 day restriction is placed on most such voluntary agreements for care. The Department of Human Services can seek juvenile court approval for up to two additional 30 day extensions of the agreement. Michigan requires that a preliminary hearing be held in juvenile court within 24 hours of a child being taken into temporary protective custody (excluding Sundays and holidays) including those instances in which a custodial parent(s) or guardian consents to such a placement.

Voluntary agreements for care are discussed in the NCJFCJ *Resource Guidelines*. The document states that voluntary placements can be useful in situations where a short-term placement is necessary for a defined purpose such as when a parent is hospitalized. However, the document further states that, without proper safeguards, child-placing agencies can place children for extended periods of time without court involvement, thus circumventing judicial oversight of agency efforts relative to family reunification, case planning and provision of services. NCJFCJ contends that the use of voluntary agreements should be limited and should expire after a short, specifically defined period of time with extensions only approved by the court after the agency has submitted a written report and the court has verified that all parties are in

exits. First, that the child has physical, mental or psychological needs which render him/her unable to function in a family-like setting. Secondly, that the parents have significant physical, mental or psychological problems which render them unable to care for the child and that adoption is not in the best interest and that the child retains a significant and positive relationship with a parent or relative. Lastly, long-term foster care may be appropriate for a child 16 years of age or older who is unwilling to accept or adapt to a permanent placement and who is in an agency program preparing the child for independent living. Please see Shrive and Seibel, *Ohio Deskbook ...*, pp. 129-132.

¹⁶ In his May 9, 1994, review of Arizona statutes and court rules, Hardin states that DES Regulation 5-57-06 “does not limit or define the circumstances in which voluntary placement may be used.” Statutory provisions do, however, require written informed consent of the child’s parent, guardian or custodian and, in limited instances, the informed written consent of children age 12 and older.

agreement. While no specific time frames are referenced, NCJFCJ clearly does not intend for voluntary placements to continue for periods of up to three to six months as permitted by Arizona statutes.

Statutory changes to limit the time a child may remain in voluntary placement may be warranted but should not be considered a very high priority item. Interviews with DES/ACYF administrators, supervisors and caseworkers indicate that the use of voluntary placement agreements is very limited and may be virtually non-existent in the densely populated urban areas (Maricopa and Pima Counties) because of the lack of available resources.

II. Timelines for Completion of Critical Stages of Court Proceedings

In most instances, Arizona statutes and juvenile court rules place clearly defined time requirements on the initiation of court proceedings on dependency cases starting with the filing of the petition, through to adjudication and the timing of the permanency planning hearing and any subsequent disposition review hearings. No time requirements, however, are placed on the timing of the initial order of disposition and the initiation and completion of severance proceedings. State statutes do provide the court some clarity regarding what constitutes sufficient grounds for the filing of a petition to terminate parental rights (severance petition). State statutes also place time requirements on FCRB hearings (every 6 months from the date of placement) and require the review board to conduct early reviews (within 60 days of the emergency removal) when so directed by the juvenile court. A summary of statutory provisions governing juvenile court proceedings leading up to an initial disposition order on the dependency petition is provided in Table 2.2. Table 2.3 summarizes statutory time requirements on permanency planning hearings, post-disposition review hearings and FCRB review hearings. Table 2.4 highlights some of the statutory provisions for filing a petition to terminate parental rights and to initiate severance proceedings.

Arizona statutory and court rule time requirements on court proceedings are generally consistent with federal mandates. However, as was the case with statutory restrictions on the length of time a child can remain in placement, these time requirements are less restrictive than those recommended by NCJFCJ and are also less restrictive than those placed on dependency and severance proceedings in a number of other states. This is particularly true with respect to the timing of the first hearing on the dependency petition and emergency removal.

¹⁷ Hardin Memorandum dated May 9, 1994, pg. 6.

A. Timeline for Filing of the Dependency Petition and the Scheduling of an Initial Hearing

State statutes require that a child taken into emergency (temporary) custody be returned home unless a dependency petition is filed with the juvenile court within 48 hours of the removal (excluding weekends and holidays). The juvenile court is required to schedule an initial dependency hearing on the petition within 21 days of the petition filing date. Interview data indicate that, in the vast majority of emergency removals, the initial dependency hearing is the first hearing at which the appropriateness of removal and continuing need for placement are considered by the court.

There are provisions in the statutes for parents to request an earlier hearing (a temporary custody hearing) on the emergency removal. This requires that the parents file a written request with the juvenile court for an accelerated temporary custody hearing. Parents have to file this request within 72 hours of receiving notice that their child was taken into temporary custody. The juvenile court is to hold the temporary custody hearing within five days of receipt of this request.

Interview data suggest that this right to an accelerated hearing request is only infrequently initiated. Parents are given notification of this right at the time of removal or with their service of process but there appears to be no provisions to assist parents in making this request or in encouraging parents to make this request if they feel removal is unwarranted. Case processing data available from the Maricopa County Juvenile Court Center JOLTS database indicate that during calendar year 1995 accelerated 5-day temporary custody hearings were scheduled in approximately 15% of all new dependency case filings. Interview data from our site visits indicate that most estimates of the frequency with which temporary custody hearings are held range from 10-20%.

The holding of the first hearing on the case 21 to 23 days from the date of the emergency removal is considerably longer than most states require.¹⁸ Arizona statutory requirements stray notably from the norm in this respect. Most states require that a preliminary protective hearing be held within a very short time, typically one to three days from the time of removal.

<p style="text-align: center;">Table 2.2 Summary of Statutory Provisions for Juvenile Court Proceedings on Dependency Petitions</p>		
Petition filed with Juvenile Court	Within 48 hours after the child is taken into temporary custody.	8-223.E.4
Initial Dependency Hearing (Adjudication and disposition can occur at this hearing.)	21 days of the filing of petition.	8-223.E5.b JC Rule 15(b)
Parent file written Request for a Temporary Custody Hearing with Juvenile Court	Within 72 hours of receiving notice that their child was taken into temporary custody (excluding Sat., Sun., and holidays).	8-546.06.A JC Rule 16(b)
Temporary Custody Hearing (Hearing to decide if temporary custody is warranted pending the Initial Dependency Hearing.)	Within 5 days of receipt of the request from parents for a Temporary Custody Hearing. Cannot be continued for more than 5 days unless parent consents.	8-546.06.B JC Rule 16(a) JC Rule 16(c)
Contested Dependency Adjudication Hearing	Shall be completed within 120 days of service of the dependency petition except for excluded times (Rule 17.1). Can continue this hearing beyond the 120 day limit for a period not greater than 30 days if necessary for a full, fair and proper presentation of the issues. There are provisions for the suspension of the rules for extraordinary cases and circumstances.	JC Rule 17 JC Rule 17.2 JC Rule 17.3
Disposition Hearing	<i>No reference to time limits</i> in Statutes or Juvenile Court Rules	

¹⁸ The 23 days estimate for an initial dependency hearing incorporates both the two days allotted for filing of the petition and the 21 allotted for conducting of the hearing.

Hardin and Shalleck in a 1985 American Bar Association publication recommend that a hearing on the removal take place within two days of the child being taken into emergency protective care.¹⁹ NCJFCJ “good practice” guidelines require that the first court hearing on a child welfare/maltreatment occur within 72 hours after the child has been removed from the home.²⁰ Scheduling the first hearing on a dependency petition three or more weeks out offsets many of the benefits that can arise from a timely and thorough initial preliminary hearing. The primary purpose of this hearing is to make a decision concerning whether or not (and under what conditions) the child can be immediately and safely returned home pending further resolution of the case. While often necessary, removal is a very traumatic experience for a child and once a child is removed from the home, the logistics and ability of the agency and the court to work with the family to resolve its problems become more difficult. The *Resource Guidelines* maintain that a timely and thorough initial hearing can potentially shorten the time a child remains in foster care while also expediting the court processing of the case.

“By ensuring speedy notice of all parties, the hearing avoids delays due to difficulties with service of process. By ensuring early, active representation of parties, the hearing avoids trial delays due to scheduling conflicts and the late appointment of unprepared advocates. By clearing the trial (adjudication) date at a very early time, the hearing avoids later scheduling conflicts that would otherwise delay trial dates. By thoroughly exploring all issues at the preliminary protective hearing, the court can resolve and dismiss some cases on the spot and move quickly on some pretrial issues (such as discovery or court-ordered examination of parties), encourage early settlement of the case, encourage prompt delivery of appropriate services to the family, and monitor agency casework at a critical stage of the case.” (pg. 31)

To bring Arizona more in line with other states and, more importantly, to encourage an early and thorough review of all removal cases by the court, we recommend a statutory revision requiring a *mandatory early review* of the emergency removal by the court. This initial hearing on the case should be scheduled within three to five days of the child’s removal from the home. This is considered a high priority recommendation that the authors feel is a critical and necessary pre-condition for Arizona juvenile courts to assume an early and active role in the judicial oversight of cases involving maltreated children.²¹

¹⁹ Please see Mark Hardin and Ann Shalleck, *Court Rules to Achieve Permanency for Foster Children: Sample Rules and Commentary*, (ABA, 1985), pg. 40.

²⁰ Please see NCJFCJ, *Resource Guidelines*, Chapter 3. The guidelines actually recommend that ideally an initial (preliminary protective) hearing should occur prior to the removal of a child whenever parents are contesting the agency’s decision to seek placement. Recognizing that this is often not possible, the guidelines state the this hearing should occur within 72 hours.

²¹ This recommendation assumes that court-appointed counsel for children and parents will be available at this accelerated initial hearing.

To complement this change, the CIP Advisory Workgroup and AOC may want to consider additional statutory or court rule revisions that would encourage the juvenile court to use this initial hearing to conduct a thorough review of a number of issues including the continuing need for placement, the most appropriate placement option available, ACYF's efforts related to these, and to engage all parties to the hearing in a detailed discussion of the family's interim service needs. We would also want to encourage the court at the conclusion of this hearing to issue orders for provision of such interim services. Arizona may want to follow the example of Utah in this regard. In 1994, this state re-wrote its child welfare statutes to require an early and thorough review of all removal cases.²²

As is discussed in detail in Chapter 4, on-site interview and hearing observation data suggest that these initial hearings are not very substantive. In all likelihood, the implementation of these recommendations will place additional strains on the limited resources of the court, DES/ACYF and the Attorney General's Office. In the long-term, however, these recommendations should ultimately result in resource savings as cases are resolved quicker and in a more comprehensive manner. This should result in children remaining in placement for shorter periods of time thus requiring less court and placement resources (please see Chapter 6).

B. Timelines for Adjudication and Initial Disposition of the Dependency Petition

Juvenile court rules promulgated by the AOC require that a contested adjudication hearing be completed within 120 days of service of the petition on the parents but do not establish any time frames for the initial disposition of the petition. Court rules also permit a continuance of the contested adjudication hearing for a period up to 30 days (150 days total) if the court "finds that the continuance is necessary for a full, fair and proper presentation of the issues."²³ There are also provisions for excluding certain time periods from the calculation.²⁴

²² U.R.C. 78-3a-306 requires that a shelter hearing be conducted within 72 hours of removal (excluding weekends and holidays) and contains extensive and explicit direction regarding the responsibilities of the court and the agency at this hearing.

²³ Please see Juvenile Court Rule 17 regarding time limits, excluded periods, continuances and extraordinary cases or circumstances.

²⁴ Specifically, continuances agreed to by all parties including parents and unforeseen delays in the production of documentary evidence without which petition allegations could not be proven. The juvenile court is required to specify in its order granting the exclusionary time period the specific reasons for this decision.

Consistent with Hardin’s assessment of these timelines, the timeline for adjudication is too generous, in some instances more than double the amount of time permitted in certain other states.²⁵ Nevada statutes require that an adjudication hearing be held within 30 days of the filing of the petition unless good cause is found. Ohio statutes requires adjudication to be completed within 60 days of petition filing. NCJFCJ “good practice” guidelines state that “when a child is in emergency protective care, the adjudication should be completed within 60 days of the removal of the child, *whether or not parties are willing to agree to extensions.*”²⁶

Setting stricter timelines for adjudication are critical in that this stage of the court proceedings ultimately controls whether the court may intervene over the objections of the family. Unless parents voluntarily agree to accept interim services, it is necessary for the court to make a definitive decision whether or not a child is dependent, abused or neglected before parents can be required to work with the agency on provisions of the case plan and work towards family reunification.

While interview and hearing observation data suggest that, almost invariably, adjudication and disposition of the dependency petition occur at the same hearing, timelines for initial disposition of the dependency petition should also be established. At a minimum, this is needed because statutory time frames for the scheduling of the permanency planning hearing are based on the date of the initial order of disposition. Additionally, adjudication and disposition do not necessarily need to be conducted in the same hearing and in some instances probably should not be. NCJFCJ recommends that disposition should occur shortly after adjudication but that these issues should be considered separately - whether in a bifurcated hearing in which both stages are completed consecutively or in separate hearings on different days no longer than 30 days apart.²⁷

“When adjudicatory and dispositional functions are not separated, emphasis often falls on the placement decision at the expense of other dispositional issues. This can result in court authorization of removal without careful consideration of alternatives such as in-home services.” (pg. 54)

²⁵ Hardin Memorandum dated May 9, 1994, pp. 2-3.

²⁶ Please see NCJFCJ, *Resource Guidelines*, Chapter 4, pg. 47. The Guidelines further state that “exceptions should only be allowed in cases involving newly discovered evidence, unavoidable delays in the notification of parties and unforeseen personal emergencies.”

²⁷ Nevada has a 15 day time limit for initial disposition if the court does not proceed to disposition immediately after adjudication. Ohio has established a hard 90 day limit for completion of initial disposition (from date of petition filing), at which point the petition is dismissed (without prejudice). Delays in proceeding to disposition will require, at minimum, that the case be re-filed with the court.

A statutory or court rule requirement for the court to conduct a disposition hearing within 30 days of a child being found dependent would be consistent with current statutory provisions that require DES/ACYF to complete a permanent case plan within 30 days of adjudication. The court often only has available the initial case plan for its review if adjudication and disposition occurs at the initial dependency (21-day) hearing. In these instances, the review of the case plan is typically very cursory and it may be in the best interest of the case to continue disposition for another 30 days until DES/ACYF can conduct a case plan staffing and develop a permanent case plan. Interview data suggests that in certain instances a permanent case plan may be developed and made available to the court prior to the adjudication hearing. In these instances, the court may be able to proceed to conduct a full blown disposition hearing immediately after adjudication is completed. However, interview and hearing observation data indicate that thorough disposition hearings are rarely held even if adjudication is not completed at the initial dependency or pre-trial hearing.²⁸

The purpose of the disposition hearing would be for the court to closely examine the provisions of the finalized case plan, including insuring that all parties are aware of expectations placed upon them by the plan, that reasonable timelines for the provision of services and completion of plan objectives are established and understood, and that the required logistical supports are in place to assist the parents and child in achieving plan objectives (e.g. assistance in the completion of necessary paperwork to access services, transportation provided, etc.). At this hearing, specific provisions regarding visitation, support orders and any other needed modifications to the case plan should also be considered prior to the drafting of the detailed minute entry approving the case plan with specific reference to its major provisions.

C. Timelines for Periodic Review of Disposition Orders Prior to the Permanency Planning Hearing

A recent revision to Title 8 of the Arizona Revised Statutes (April, 1995) requires that the juvenile court conduct a permanency planning hearing no later than 12 months after the initial order of disposition (see Table 2.3). This hearing essentially substitutes for a disposition review hearing which the court was previously required to conduct within a year of the child's placement in foster care. The permanency planning hearing can be continued for a period of up to six months. At the end of this period, however, the court is required to finalize a permanent plan for the child and "shall order that the plan be accomplished within a specified period of time." If the child's permanent plan is one of continuing foster care (either on a long-term basis or for a specified period of time), the juvenile court

²⁸ A detailed examination of this issue is provided in Chapter 4.

shall conduct reviews of the dispositional order arising from the permanency planning hearing at least on an annual basis.

Table 2.3 Summary of Statutory Provisions for the Periodic Judicial Review of Disposition Orders in Dependency Cases		
Permanency Planning/ Disposition Review Hearing	Perm. Planning Hearing no later than 12 months after initial disposition order. The court can grant a 6 month extension if parents need more time to comply with case plan requirements If child is to remain in foster care longer than 18 months after initial disposition order, the court shall finalize a permanency plan and conduct reviews of the dispositional order at least once each year. Permanency plan options if child is to remain in foster care longer than 18 months are: 1. Adoption, 2. Guardianship, 3. Long Term Foster Care, or 4. Other Permanent Legal Status.	8-515.C
FCRB Review	Review within 6 months of placement and at least every 6 months thereafter (includes time spent in voluntary placements). Juvenile court may assign cases to FCRB for early review - within 60 days after emergency removal.	8.515.03.1 8.515.02.2B

At the current time, Arizona statutes do not require that the court conduct an interim review hearing prior to the permanency planning hearing. Consistent with federal law, however, there is a statutory requirement that the Foster Care Review Board conduct an administrative review hearing within six months of a child’s removal from the home and every six months thereafter as long as the child remains in placement. While the review board process fulfills an important role in providing on-going monitoring of progress in the cases of children removed from their home, the limited power vested in the

boards suggests that it is not intended for this administrative process to substitute for periodic judicial oversight.²⁹

The *Resource Guidelines* encourage juvenile courts to conduct frequent reviews of case progress, particularly at critical stages. This is often the case early on as provisions of the case plan are set in place. Frequent and substantive reviews can require parties to set timetables for specific actions, make timely decisions on a case, expeditiously implement provisions of the case plan and keep concerns regarding permanency in the forefront. In essence, frequent reviews can create very real incentives for the case to move forward, to address problems as they arise to ensure that delays are kept to a minimum and to ensure that children do not linger aimlessly in temporary placements. Furthermore, frequent reviews of case progress can build a judicial case history of case progress and failures that can serve as the basis for subsequent court decisions at the permanency planning hearings stage and, if necessary, for decisions regarding the appropriateness of severing parental rights.

While Arizona statutes are in-line with federal requirements that call for a review of children in foster care at least every six months by a court or administrative body such as the FCRB, some states require more frequent judicial oversight. In Michigan, for example, the juvenile court is required to, at a minimum, conduct review hearings every three months during the first year of placement after entry of the initial disposition order and every six months thereafter.

The authors encourage the CIP Advisory Workgroup and AOC to consider the need for establishing a requirement that the court conduct a minimum of one court review hearing no later than six months from the date of initial disposition.³⁰ If held at the prescribed time, this hearing would occur prior to the permanency planning hearing and somewhat after the FCRB administrative review.³¹ It is hard to envision that the court can remain sufficiently knowledgeable of a case to make a decision regarding a child's permanent placement at the permanency planning hearing without closely reviewing the progress of the case at least once during the interim year from the time of initial disposition.

²⁹ Arizona statutes require that the boards submit a report to the juvenile court within 30 days of its administrative review summarizing its findings and recommendations related to case progress and the efforts of the agency to carry out the case plan. Arizona statutes are silent regarding the ability of review boards to request an immediate judicial review if serious/chronic problems exist in a case.

³⁰ On-site interviews and our review of JOLTS case processing data for the Maricopa County Juvenile Court Center suggests that in most instances juvenile courts are already scheduling reviews hearings at the six months or earlier.

³¹ The FCRB hearing is to be held within six months of the child's removal from the home which is typically one to three months prior to the initial disposition. As is discussed in a later section of this report, some flexibility should be incorporated into the scheduling of FCRB hearings to adjust for the court's desire to review a case more frequently than at the six month mark.

D. Time Frames for Filing of Severance Petition and Initiation of Court Proceedings

Arizona statutes and court rules do not establish any time frames for the completion of severance (termination of parental rights) proceedings (see Table 2.3). Arizona is not alone in this regard. Many states do not place any time restrictions on these proceedings. There is a growing recognition, however, that some limitation must be placed on how long severance cases can remain pending.³²

Table 2.3		
Summary of Statutory Provisions for Juvenile Court Proceedings on Severance Petitions		
Filing Petition to Terminate Parent-Child Relationship (Severance)	No hard time requirement with respect to how long a child can remain in placement without initiating of severance proceedings. However, besides the more general criteria sufficient grounds include:	
	a. The child has been in placement for a cumulative period of <i>9 months</i> or more pursuant to a court order and the parents have <i>substantially neglected or willfully refused</i> to remedy the circumstances resulting in removal;	8-533.B6a
	b. The child has been in placement for a cumulative period of <i>18 months</i> or more pursuant to a court order and the parents have been <i>unable to remedy the circumstances</i> resulting in removal <i>and there is a substantial likelihood that they will not be able to do so in the near future</i> , or	8-533.B6b
	c. The potential father <i>failed to file a paternity action within 30 days</i> of completion of service of process.	8-533.B5 4/19/95
Hearing on Severance Petition	No sooner than 10 days after completion of service of notice.	8-535.B
Trial of Severance Petition	<i>No reference to time limits</i> in Statutes or Juvenile Court Rules	

³² Ohio legislation passed in 1996 requires the court to issue an order that grants, denies or otherwise disposes of the motion for permanent custody (the Arizona equivalent of a petition to sever parental rights) no later than 200 days from the filing of the motion with the court.

Extensive delays in the completion of severance proceedings are commonplace in the United States as they are in Arizona.³³ There are a number of reasons for this including those arising from procedural failures in earlier stages of the dependency proceedings. Overcrowded calendars that cannot accommodate difficult and time consuming contested termination trials also often contribute to delays. While not a panacea, NCJFCJ recommends the setting of timetables for each stage of termination of parental rights cases. The *Resource Guidelines* advocate the setting of pre-trial hearings within 30 days of the filing of the severance petition and “assuming that service of process and discovery are complete by that time, the trial should be set within another 30 days.” (pg. 92) Hardin and Shalleck recommend that a termination hearing should commence within 70 days after service of notice is completed or within 20 days after the pre-trial conference, whichever is earlier (pg. 115). While these recommended timelines may be somewhat ambitious, closer screening of a severance petition at the time of filing to determine whether it will be contested, combined with the setting of an early pre-trial and timely completion of discovery, should lead to the completion of all proceedings on the matter within 180 days except in the most unusual circumstances (please see Chapter 4).

E. Grounds for Filing of (Severance) Petition to Terminate Parental Rights

Hardin’s review of Arizona statutes generally found that proper grounds for termination of parental rights were covered in the code.³⁴ He did, however, offer some possible suggestions for refinement of the statutes that could possibly make it easier to sever parental rights in situations where it may be appropriate but currently too difficult. One area that Hardin recommends closer scrutiny is in grounds covering parental failure to improve despite the diligent efforts of DES/ACYF. He felt that shorter time frames may be appropriate and that distinctions between cases that were able or not able to improve should be eliminated. Currently sufficient grounds exist in the statutes for the filing of a severance petition if:

- a. The child has been in placement for a cumulative period of 9 months or more pursuant to a court order and the parents have substantially neglected or willfully refused to remedy the circumstances resulting in removal; or
- b. The child has been in placement for a cumulative period of 18 months or more pursuant to a court order and the parents have been unable to remedy the circumstances resulting in

³³ CIP survey and interview data indicates that delays in the initiation and completion of severance proceedings are a major concern to all parties involved in the handling of these cases. The analysis of JOLTS case processing for the Maricopa County Juvenile Court Center reveals that approximately 30% of all severance case filings take more than a year to complete. Please see chapters 3 and 4 of this report for more detailed examination of this issue.

³⁴ Hardin Memorandum dated May 9, 1994, pp. 5-6.

removal and there is a substantial likelihood that they will not be able to do so in the near future.

III. Concluding Remarks

There are a range of other statutory and rule areas in which recommendations for changes may be warranted. However, the current range of recommendations are sufficiently ambitious in the short-term and represent areas of most pressing concern. These include the following statutory or court rule recommendations:

- Requiring mandatory early review of an emergency removal by the court (within three to five days of the child being removed from the home);
- Setting shorter time frames for adjudication and tighten allowances for excluded time;
- Requiring courts to conduct a disposition hearing on dependency cases within 30 days of adjudication at which time the court is to closely scrutinize and approve (with modifications if necessary) the permanent case plan;
- Requiring that the juvenile court conduct a minimum of one court review hearing no later than six months from the date of initial disposition;
- Establishing time frames for the completion of severance proceedings (no longer than 180 days with very limited provisions for extensions); and
- Establishing time limits on the use of temporary foster care and to establish specific criteria for the use of long-term foster care as a permanent plan option.

A number of other issues have been raised during the course of this assessment that may eventually warrant some consideration for statutory or rule changes. However, any current recommendations regarding legal solutions in these areas may be premature. These may be issues that are best addressed by focusing primarily on changing the manner in which dependency and severance cases are handled by the various entities in the court and child protective services continuum. These issues will be discussed in more detail in Chapter 4 and include the following:

- Encouraging juvenile courts to conduct more frequent and substantive reviews of DES/ACYF's efforts to prevent removal and efforts to reunify the family in instances where removal is necessary. Arizona statutes appear silent with respect to the stages of court proceedings at which a reasonable efforts finding should be made and as to providing the court direction with respect to the criteria that should be used in making this judicial determination.³⁵

³⁵ Hardin comes to similar conclusions. Please see pg. 15 of his memorandum. The *Resource Guidelines* state that the court should make reasonable efforts findings at all judicial proceedings prior to the severance of parental

- Encouraging juvenile courts to more closely scrutinize DES/ACYF case planning and service delivery. This may ultimately include some clarification of the authority of the juvenile court to modify case plans, to order services other than those offered or made available by DES/ACYF, and to order a comprehensive range of interim services to children and families prior to a finding of dependency.
- Providing juvenile courts better direction regarding dispositional options available to them including some criteria with respect to when such options are appropriate. This may include some restrictions regarding the use of long-term foster care to specific situations.³⁶
- Providing a more narrow legal definition of dependency. There has been considerable concern expressed by DES/ACYF administrators regarding the increase in cases in which a delinquent child is adjudicated dependent so as to be able to access services that would not be otherwise available. While our review of FCRB case files indicates that there are a substantial number of these cases (possibly 150-200 such cases annually in Maricopa County alone), it is unclear as to the appropriateness of statutory changes to address this issue.
- Encouraging time certain calendaring for dependency cases. Interview and survey data indicate that the scheduling of multiple hearings in the same time slot is a moderate to serious problem as is the amount of time spent waiting in court for hearings to commence.³⁷ Also encouraging the juvenile court to assign the same judge or commissioner to hear all judicial proceedings for the life of the case.
- Requiring the early appointment of counsel and GAL/CASAs in all dependency and severance cases. Any statutory or court rule changes should also include requirements regarding qualifications and training.

rights including the temporary custody, initial dependency, adjudication, disposition, review and permanency planning hearings.

³⁶ Ohio statutes discuss in detail disposition options available to the juvenile court and the case circumstances for which the use of long term foster care is appropriate.

³⁷ The Resource Guidelines recommend that juvenile courts set firm court dates and to keep a case on the same judge's calendar from initial filing through to case termination. Please see Chapter 2.

Chapter 3

Findings From Arizona Court Improvement Project Survey

As part of the Arizona Court Improvement Project assessment, survey questionnaires were mailed to a wide variety of professionals working in the juvenile justice and child protective services systems to measure their opinions and attitudes regarding a range of issues related to the judicial handling of dependency, severance and (to a lesser degree) adoption cases. Key individuals surveyed included juvenile court judges and commissioners,³⁸ court administrators, Assistant Attorney General (AG) attorneys responsible for the prosecution of these cases, court-appointed attorneys assigned to represent parents and children in these proceedings, ACYF caseworkers, supervisors and administrators, Court-Appointed Special Advocates (CASAs), Foster Care Review Board (FCRB) members, AOC program staff responsible for the coordination of the CASA and FCRB programs, and private providers servicing the state's victimized children.

The analysis of survey data reveal that between 20% to 30% of survey respondents indicated that they were dissatisfied or somewhat dissatisfied with the juvenile court's handling of dependency, severance and adoption cases. However, when queried regarding the timeliness with which these cases were handled, the percentage of respondents indicating at least some dissatisfaction increased. This was particularly the case in examining the timeliness of severance proceedings. Additionally, a considerable percentage of respondents indicated that a "moderate" to "serious" problem existed in a range of issues related to the juvenile court's handling of dependency and severance proceedings.³⁹

I. Methodology and Survey Response Rates

All fifteen Arizona counties were represented in the survey. The entire population of judges/commissioners, AG staff, court-appointed counsel, ACYF caseworkers, supervisors and administrators, CASAs, FCRB members, and AOC CASA and FCRB program staff were included in the survey. In addition, selected juvenile court administrators and staff responsible for the handling of dependency cases and representatives from providers servicing children included in the Arizona Council

³⁸ In some counties General Division Superior Courts judges and judge pro tempores are responsible for the handling of dependency, severance and adoption cases. These judicial officers were also included in the survey. All references to the juvenile court and juvenile court judges and commissioners includes those counties where dependency, severance and adoption cases are handled by the General Division of the Superior Court.

³⁹ Adoption cases were excluded from this analysis because many of the respondents have only very limited experience or involvement in these types of cases.

of Centers for Children and Adolescents were also mailed questionnaires. Response rates among all groups, while somewhat less than anticipated, were generally satisfactory.

In all, a total of 1,980 individuals were mailed survey questionnaires. The overall response rate was 41.5% with 821 surveys returned (Table 3.1). Court administrators and administrative staff were the most likely to return the survey (67.9%) and CASAs the least likely (33.5%).

Type of Respondent	Mailed	Received	Response Rate
Judge/Commissioners	53	28	52.8%
Assistant Attorney General staff	53	22	41.5
Appointed Counsel/Guardian ad Litem (GALs)	243	99	40.7
DES/ACYF Caseworkers	478	237	49.6
DES/ACYF Supervisors/Administrators	177	87	49.2
FCRB Members and AOC Program Specialists	357	126	35.3
Juvenile Court Administrative Staff	28	19	67.9
Court Appointed Special Advocates (CASAs)	550	184	33.5
Private Service Providers	41	16	39.0
Other	n/a	1	n/a
Unidentified Respondents	n/a	2	n/a
Totals	1980	821	41.5%

The reader is cautioned that the *overall total response percentages* for the various survey items presented in the subsequent analysis are heavily weighted towards the response tendencies of the larger survey populations. Project staff felt it was important to have this portion of the CIP assessment as all-inclusive as possible. However, this creates some difficulties in interpreting overall survey results because on one end of the spectrum there are relatively few judicial officers and assistant AGs involved in the handling of these cases when contrasted to the large number of ACYF staff, CASAs and FCRB members involved in these cases. Overall response rates reflect these differences in the size of the survey populations. While overall response rates are presented in the subsequent tables, the analysis will focus primarily on response rates on the various survey items within the individual respondent categories.⁴⁰

⁴⁰ A general frequency distribution of responses to all items of the CIP survey is provided in Appendix A.

II. Satisfaction with the Court’s Handling of Dependency, Severance and Adoption Cases

Overall, most respondents were satisfied with the juvenile court’s handling of dependency, severance and adoption cases. Only 19.9% of respondents indicated that they were dissatisfied or somewhat dissatisfied with the court handling of dependency cases (Table 3.2). Judges were the most likely to express some dissatisfaction (25.0%), while assistant AG staff were least likely (0.0%). The levels of dissatisfaction increased somewhat for severance cases (29.7% overall) with FCRB members the most likely to express dissatisfaction (34.7%) and assistant AG staff the least likely (0.0%). For adoption cases, the overall dissatisfaction rate was 20.8% with FCRB members again the most likely to express at least some dissatisfaction (31.6%) and assistant AG staff again the least likely (0.0%)

Table 3.2: Percentage of Respondents Dissatisfied or Somewhat Dissatisfied with the Juvenile Courts’ Handling of Dependency, Severance and Adoption Cases by Type of Respondent¹

Dissatisfied/Somewhat Dissatisfied With Court’s Handling of:	Judges/Commissioners	AG Attorneys	Appointed Counsel/GAL	ACYF	FCRB	CASA	Other ²	Totals ³
Dependency Cases	25.0% (28)	0.0% (21)	23.2% (99)	20.5% (308)	20.3% (118)	17.9% (173)	21.9% (32)	19.9% (779)
Severance Cases	26.1 (23)	0.0 (13)	25.6 (90)	31.7 (243)	34.7 (118)	30.1 (133)	19.2 (26)	29.7 (646)
Adoption Cases	4.8 (21)	0.0 (5)	12.5 (72)	17.2 (180)	31.6 (117)	26.2 (103)	15.4 (26)	20.8 (524)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages. For example, 7 judges/commissioners (28 x 25%) indicated that they were dissatisfied or somewhat dissatisfied with the court’s handling of dependency cases.

² Includes juvenile court administrative staff and private service providers.

³ Don’t know responses were treated as missing values for this analysis.

The percentage of respondents expressing dissatisfaction with the court’s handling of dependency, severance and adoption cases was fairly consistent when controlling for the primary county in which a respondent was involved in the handling, servicing or representing of child welfare/maltreatment cases (Table 3.3).⁴¹ Respondents from Maricopa County were the most likely to express some dissatisfaction with the court’s handling of dependency cases (22.5%) and Pima County

⁴¹ A small number of respondents stated that their responsibilities are statewide. This group consisted primarily of ACYF administrators and AOC program staff. Overall, this group represents 3.2% of the survey population.

respondents were the least likely (16.6%). For severance cases, Pima County respondents were the most likely to express some dissatisfaction (34.2%), while respondents from the smaller counties were least likely (28.2%). For adoption cases, response rates showed very little variation (21.6% for respondents from the smaller counties to 19.6% for Pima County respondents).

Table 3.3: Percentage of Respondents Dissatisfied or Somewhat Dissatisfied with the Juvenile Courts' Handling of Dependency, Severance and Adoption Cases by Respondent's Primary Geographical Area

Dissatisfied/Somewhat Dissatisfied With Court's Handling of:	Maricopa	Pima	13 Smaller Counties	Statewide Responsibilities	Totals ³
Dependency Cases	22.5% (307)	16.6% (157)	17.0% (289)	41.7% (24)	19.8% (777)
Severance Cases	28.6 (255)	34.2 (120)	28.2 (245)	33.3 (24)	29.7 (644)
Adoption Cases	20.2 (188)	19.6 (102)	21.6 (213)	25.0 (20)	20.8 (523)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court's handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff and private service providers.

³ Don't know responses were treated as missing values for this analysis.

III. Satisfaction with the Timeliness, Fairness and Thoroughness of Juvenile Court Proceedings

The survey also requested that respondents rate their level of satisfaction on specific attributes traditionally associated with the court process. That is, respondents were queried regarding their satisfaction with the timeliness, fairness and thoroughness of juvenile court proceedings on dependency, severance and adoption cases. Response rates on the later two attributes (fairness and thoroughness) were consistent with rates generated on the previous overall measure of satisfaction found in Table 3.3. Dissatisfaction with the fairness of court proceedings ranged from 18.8% for severance cases to 16.1% for dependency cases and 12.0% for adoption cases. The rank order for concerns regarding the thoroughness measure was slightly different with 21.9% of respondents expressing at least some dissatisfaction with the thoroughness of dependency proceedings, 17.5% dissatisfied with the thoroughness of severance proceedings and 13.0% dissatisfied with the thoroughness of adoption proceedings.

Subsequent discussions of survey results by county will focus on responses from the three remaining categories - respondents indicating that their case responsibilities are in Maricopa, Pima, or one of the 13 smaller counties.

Table 3.4: Percentage of Respondents Dissatisfied or Somewhat Dissatisfied with the Timeliness, Fairness and Thoroughness of the Juvenile Court's Handling of Dependency, Severance and Adoption Cases by Type of Respondent¹

Dissatisfied/Somewhat Dissatisfied:	Judges/ Commissioners	AG Attorneys	Appointed Counsel/GAL	ACYF	FCRB	CASA	Other ²	Totals ³
<u>Court's Timeliness in Handling:</u>								
Dependency Cases	22.2% (27)	9.5% (21)	18.4% (98)	29.4% (309)	35.0% (117)	31.0% (171)	21.2% (33)	28.1% (776)
Severance Cases	50.0 (22)	58.3 (12)	29.3 (92)	57.1 (247)	57.9 (121)	51.1 (135)	38.5 (26)	51.1 (655)
Adoption Cases	0.0 (22)	20.0 (5)	17.2 (64)	28.3 (166)	62.4 (117)	45.7 (92)	25.0 (24)	36.7 (490)
<u>Court's Fairness in Handling:</u>								
Dependency Cases	3.8% (26)	0.0% (21)	22.4% (98)	21.4% (304)	7.8% (115)	13.4% (164)	10.0% (30)	16.1% (758)
Severance Cases	9.5 (21)	0.0 (11)	23.1 (91)	18.0 (239)	18.8 (117)	20.9 (129)	16.0 (25)	18.8 (633)
Adoption Cases	0.0 (22)	0.0 (5)	7.7 (65)	9.2 (163)	16.5 (115)	18.0 (89)	12.5 (24)	12.0 (483)
<u>Court's Thoroughness in Handling:</u>								
Dependency Cases	7.7% (26)	0.0% (21)	23.5% (98)	24.6% (301)	19.3% (114)	23.6% (165)	16.7% (30)	21.9% (755)
Severance Cases	4.8 (21)	0.0 (11)	17.6 (91)	14.7 (238)	20.9 (115)	23.3 (129)	16.0 (25)	17.5 (630)
Adoption Cases	0.0 (22)	0.0 (5)	9.4 (64)	11.0 (163)	16.1 (112)	19.3 (882)	13.0 (23)	13.0 (477)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court's handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff and private service providers.

³ Don't know responses were treated as missing values for this analysis.

However, levels of respondent dissatisfaction increased somewhat on the timeliness indicator when examining dependency and adoption cases and spiked considerably for severance cases (Table 3.4). Overall, 51.1% of all respondents indicated at least some dissatisfaction with the timeliness of severance proceedings including the majority of assistant AG staff (58.3%), FCRB members (57.9%), ACYF staff (57.1%), and CASAs (51.1%). Among judges and commissioners, 50.0% also expressed dissatisfaction with the timeliness of these proceedings.

For dependency cases, 28.1% of all respondents expressed at least some dissatisfaction with the timeliness of these proceedings. FCRB members were the most likely to be dissatisfied (35.0%) and assistant AG attorneys the least likely (9.5%). While no judge or commissioner expressed dissatisfaction with the timeliness of adoption proceedings, 62.4% of FCRB members did so as well as 45.7% of CASA respondents.

Table 3.5: Percentage of Respondents Dissatisfied or Somewhat Dissatisfied with the Timeliness of the Juvenile Courts’ Handling of Dependency, Severance and Adoption Cases by Respondent’s Primary Geographical Area¹

Dissatisfied/Somewhat Dissatisfied With the Court’s Timeliness in:	Maricopa	Pima	13 Smaller Counties	Statewide Responsibilities	Totals ²
Dependency Cases	28.7% (307)	31.2% (154)	25.2% (290)	34.8% (23)	28.0% (774)
Severance Cases	57.5 (259)	55.8 (120)	40.2 (251)	73.9 (23)	51.1 (653)
Adoption Cases	46.6 (176)	35.8 (95)	27.7 (202)	50.0 (16)	36.8 (489)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.

² Don’t know responses were treated as missing values for this analysis.

No discernable pattern was identified when examining respondent dissatisfaction with court timeliness and thoroughness when controlling for county (See Appendix B, Table 1). However, consistently higher rates of dissatisfaction with court timeliness in severance proceedings were found among respondents from Maricopa and Pima Counties than from respondents from the remaining smaller counties (Table 3.5). For severance cases, 57.5% of Maricopa County respondents and 55.8% of Pima County respondents indicated at least some dissatisfaction with court timeliness. Among respondents from the smaller counties, 40.2% expressed at least some dissatisfaction on this measure of court

performance.⁴² With respect to dependency and adoption cases, dissatisfaction rates were also somewhat lower in the smaller counties (25.2% and 27.7%, respectively) than among Maricopa County respondents (28.7% and 46.6%, respectively) and Pima County respondents (31.2% and 35.8%, respectively).

IV. Court and Child Protective Services System Characteristics Impacting Judicial Handling of Dependency and Severance Cases

The quality of judicial proceeding in dependency and severance cases is impacted by a wide range of court and child protective services system characteristics including the number of such cases requiring judicial intervention, the court's desire/ability to exercise judicial oversight, case flow management arrangements that facilitate case flow and case monitoring, the availability and delivery of services, the training and experience of professionals involved in these cases, and the level of resources available to the court and the child protective services system to effectively intervene in the lives of victimized children and their families.

A number of questions about these issues were incorporated into the CIP survey. Respondents were asked to assess the degree to which specific organizational and procedural arrangements were thought to present problems in their court for the handling of dependency and severance cases. For each item listed, respondents were asked to indicate whether it was "not a problem", a "minor" problem, a "moderate" problem, or a "serious" problem. In all, 55 such items were included in the survey.⁴³ The remaining sections of this chapter will closely examine those items that respondents most frequently indicated were a "moderate" to "serious" problem for their court. The analysis of these items is divided into five major sections:

1. Case flow management;
2. The timing of critical judicial events on these cases;
3. The delivery of services;
4. Court oversight of service delivery; and
5. Training and experience of those intervening in these cases;

⁴² This pattern persists as data are presented on more specific issues related to the handling of severance cases in a later section of this chapter.

⁴³ This survey is adapted from a similar survey that was used to measure attitudes regarding a range of issues related to delays in the judicial processing of delinquency cases. Please see Jeffrey Butts and Gregory J. Halemba, "Delays in Juvenile Justice: Findings from a National Survey," *Juvenile and Family Court Journal*, 1994, Vol. 45, No. 4, pp. 33-46.

For the most part, this summary will examine response rate differences for these organizational and procedural items across different respondent types. Differences in response rates across geographical boundaries are only briefly examined. Appendix B contains a comprehensive set of data tables examining differences in the frequency with which problems were noted across different counties in Arizona. In general, moderate to serious problems in most of the organizational and procedural items contained in the survey were not as frequently noted in the smaller counties than in their larger urban counterparts. For the most part, the frequency with which problems were noted did not vary dramatically or in any consistent fashion among Maricopa and Pima County respondents.

1. Case Flow Management

The survey contained numerous items that tapped the ability of the juvenile court to facilitate the timely processing of its cases and to effectively monitor its case flow. Items examining the availability of sufficient resources (most specifically, personnel) and the size of the court's caseload are included in this grouping. These two issues directly impact the juvenile court's ability to effectively manage the flow of its dependency and severance case filings. In all, response rates for 13 such items are summarized in Table 3.6.

The two calendaring measures were the most problematic for many respondents. Among assistant AG attorneys responsible for the prosecution of dependency and severance cases initiated by ACYF, 71.4% indicated that the scheduling of multiple hearings ("stacking" of hearings) in the same time slot was a moderate to serious problem in their court. Not surprising, a similar percentage indicated that too much time spent waiting for hearings to commence was also problematic. Similar response rates were generated by ACYF staff with 70.7% indicating that the stacking of hearings was problematic and 77.2% of ACYF respondents indicating that too much time was spent waiting for hearings to commence. Among appointed counsel, 53.6% indicated that the stacking of hearings was problematic and 74.7% indicated that problems existed related to the amount of time spent waiting for hearings to commence.

Table 3.6: Percentage of Respondents Indicating a “Moderate” to “Serious” Problem in Case Flow Management Issues Related to the Juvenile Court’s Handling of Dependency and Severance Cases By Type of Respondent¹

Moderate to Serious Problem Noted in the Following Case Flow Management Areas:	Judges/Commissioners	AG Attorneys	Appointed Counsel/GAL	ACYF	FCRB	CASA	Other²	Totals³
Not Enough Judges	35.7% (28)	57.1% (21)	45.3% (95)	62.4% (274)	62.7% (75)	52.0% (150)	55.2% (29)	56.1% (672)
Insufficient Docket Time to Provide Active Oversight	42.9 (28)	33.3 (21)	41.3 (92)	47.9 (261)	52.2 (67)	47.0 (134)	57.7 (26)	46.9 (629)
Insufficient Court Staff to Effectively Manage Case Flow	17.9 (28)	45.0 (20)	37.8 (90)	65.7 (265)	63.9 (72)	49.6 (117)	61.3 (31)	55.4 (623)
Too Many Continuances Granted	28.6 (28)	14.3 (21)	17.3 (98)	68.1 (282)	65.1 (86)	62.5 (144)	64.0 (25)	55.8 (684)
Lack of Guidelines for the Granting of Continuances	22.2 (27)	9.5 (21)	19.6 (97)	61.5 (213)	54.0 (50)	54.7 (95)	47.6 (21)	47.1 (524)
Scheduling of Multiple Hearings in the Same Time Slot	25.0 (28)	71.4 (21)	53.6 (97)	70.7 (287)	30.8 (52)	38.8 (129)	45.5 (22)	55.5 (636)
Too Much Time Spent Waiting In Court for Hearings to Commence	30.8 (26)	71.4 (21)	74.7 (99)	77.2 (307)	39.5 (38)	42.6 (169)	74.1 (27)	64.2 (687)
Delays in the Distribution of Minute Entries	26.9 (26)	42.9 (21)	39.4 (99)	57.0 (298)	37.3 (75)	35.3 (156)	50.0 (28)	45.8 (703)
Inadequate/Slow Service of Process	25.9 (27)	10.0 (20)	25.0 (84)	55.1 (263)	66.0 (94)	60.3 (126)	54.5 (22)	51.1 (636)
Lack of Automated Case Flow Tracking Reports	38.5 (26)	31.3 (16)	32.9 (70)	56.6 (221)	64.1 (78)	61.2 (98)	65.2 (23)	54.1 (532)
Unable to Early On Identify Time Consuming Cases	44.4 (27)	40.0 (20)	36.8 (87)	61.9 (278)	55.6 (72)	59.0 (105)	58.3 (24)	55.5 (613)
Large Backlog - Dependency Cases	11.5 (26)	16.7 (18)	33.0 (88)	55.8 (251)	65.0 (60)	62.7 (102)	51.7 (29)	51.0 (574)
Large Backlog - Severance Cases	13.0 (23)	69.2 (13)	43.0 (79)	71.0 (210)	71.6 (67)	63.6 (77)	52.2 (23)	61.8 (492)
High Volume of Delinquency Cases Limits Available Hearing Time	39.3 (28)	57.9 (19)	45.7 (81)	75.3 (215)	61.7 (60)	65.3 (95)	58.3 (24)	64.0 (522)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff, and private service providers.

³ Don’t know responses were treated as missing values for this analysis.

Among judges and commissioners, response rates were considerably lower with 25.0% of these respondents indicating that stacking of hearings was problematic and a slightly higher percentage (30.8%) indicating that too much time was spent in court waiting for hearings to commence. To some degree, this is not surprising in that courts typically stack multiple hearings in the same time slot to insure the most efficient use of judicial time. This practice minimizes the amount of time judicial officers spend waiting for hearings to start by increasing the likelihood that at least one of the scheduled cases is ready to proceed at the scheduled time. However, it often has the opposite effect on other parties to the case.

In general, judges and commissioners were considerably less likely than other respondent populations to indicate that moderate to serious problems existed on the range of case flow management items contained in Table 3.6. For judges and commissioners, the inability of the court to early on identify time consuming dependency and severance cases and insufficient docket time to provide active oversight in these cases were most frequently considered moderate to serious problems (44.4% and 42.9%, respectively).⁴⁴

Additionally, 39.3% of judges felt that a problem existed in their court related to the high volume of delinquency cases, limiting the amount of hearing time available for dependency and severance cases. A large percentage of ACYF, CASA, FCRB and assistant AG respondents also indicated that the high volume of delinquency cases was a moderate to serious problem (75.3%, 65.3%, 61.7% and 57.9%, respectively) that negatively impacted the amount of docket time available for hearings on dependent children.

While very few judges felt that a large backlog of severance cases was problematic (13.0%), approximately seven of every ten FCRB, ACYF and assistant AG respondents indicated that this was a moderate to serious problem (71.6%, 71.0% and 69.2%, respectively). Among CASAs, 63.6% indicated that large severance backlogs were problematic.

The lack of judges and court staff to effectively manage the flow of dependency and severance cases was also frequently considered problematic among ACYF and FCRB respondents and to a lesser degree among assistant AG attorneys and CASAs. Among FCRB and ACYF respondents, 62.7% and 62.4%, respectively, felt that not having enough judges to handle dependency and severance cases was a moderate to serious problem. Not enough judges was considered problematic for 57.1% of assistant AGs

⁴⁴ The latter, insufficient docket time, probably being the most compelling reason for the court to stack dependency and severance hearings.

and 52.0% of all CASAs responding to the survey. Among judges and commissioners, 35.7% indicated that the lack of judicial resources was a problem. Insufficient court staff to effectively manage dependency and severance case flow was considered problematic to 65.7% of ACYF respondents, 63.9% of FCRB respondents, 49.6% of CASAs and 45.0% of assistant AG attorneys. However, only 17.9% of judges and commissioners felt that this was a moderate to serious problem in their court.

Perhaps, the item with the greatest range of responses concerned the granting of too many continuances. For ACYF staff, FCRB members and CASAs, this was frequently considered a moderate to serious problem (68.1%, 65.1% and 62.5%, respectively). However, relatively few assistant AG attorneys, appointed counsel or judges and commissioners felt that this was problematic (14.3%, 17.3% and 28.6%, respectively).⁴⁵

2. The Timing of Critical Case Events

Data presented earlier reveal that a number of respondents were dissatisfied with the timeliness of the court's handling of dependency and severance cases, particularly the latter. In this section, data are presented that examine in more detail issues related to the timeliness of court-related events that can have a major impact on the length of time a case remains open and a child remains in placement. Response rates on the degree to which seven such measures were considered a moderate to serious problem are presented in Table 3.7.

Overall, few respondents indicated that the amount of time between a child's emergency removal from the home to the initial hearing on the case was a moderate to serious problem (17.6%). FCRB members and CASAs were among the most likely to consider this a problem (27.8% and 23.0%, respectively). Among the least likely were judges/commissioners (10.7%), ACYF staff (11.7%) and appointed counsel for parents and children (14.4%). Additionally, no assistant AG attorneys indicated that the time between emergency removal and the first hearing on the case was problematic.⁴⁶

⁴⁵ The authors speculate that this may be due in part to the frequency with which continuances are requested by these respondent populations. In all likelihood, ACYF and CASAs probably request continuances very infrequently compared to attorneys or in comparison to continuances resulting on court own initiative.

⁴⁶ On-site interview and hearing observation data (and case flow data from Maricopa County) indicate that Arizona juvenile courts largely meet time statutory and court rule requirements for the completion of the first hearing on a dependency filing. Response rates for this item are consistent with our findings. The survey does not differentiate between the court compliance with existing requirements and the degree to which the length of time statutorily permitted for this first hearing to occur (up to 23 days) was problematic. Please see Chapter 2 for a detailed examination of this issue.

Table 3.7: Percentage of Respondents Indicating a “Moderate” to “Serious” Problem in Issues Related to the Timeliness of the Juvenile Court’s Handling of Dependency and Severance Cases by Type of Respondent¹

Moderate to Serious Problem Noted in the Following Issues Related to the Timeliness of Case Processing:	Judges/Commissioners	AG Attorneys	Appointed Counsel/GAL	ACYF	FCRB	CASA	Other²	Totals³
Time Elapsed Between Emergency Placement and Initial Hearing	10.7% (28)	0.0% (20)	14.4% (97)	11.7% (264)	27.8% (97)	23.0% (139)	42.3% (26)	17.6% (671)
Time Needed to Reach Adjudication and Initial Disposition	39.3 (28)	10.5 (19)	30.2 (96)	44.4 (275)	34.4 (90)	34.0 (141)	53.8 (26)	38.1 (675)
Frequency of Review Hearings by Court to Examine Case Progress	17.9 (28)	9.5 (21)	16.3 (98)	20.7 (299)	26.5 (117)	30.9 (175)	22.2 (27)	23.0 (765)
Timely Completion of Permanency Planning Hearing	63.0 (27)	33.3 (18)	42.9 (91)	39.9 (238)	64.2 (106)	59.5 (153)	60.0 (25)	50.3 (658)
Timely Filing of Severance Petition	80.0 (25)	73.3 (15)	60.0 (90)	60.0 (240)	70.8 (113)	66.2 (130)	60.0 (20)	64.3 (633)
Delays in the Completion of Severance Proceedings	72.0 (25)	60.0 (15)	53.3 (90)	70.3 (236)	75.9 (112)	73.4 (124)	54.2 (24)	68.7 (626)
Time Children Remain in Placement	71.4 (28)	57.1 (21)	72.3 (94)	76.2 (303)	77.8 (117)	80.4 (168)	75.0 (28)	76.2 (759)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff, and private service providers.

³ Don’t know responses were treated as missing values for this analysis.

A somewhat higher percentage of respondents indicated that the frequency with which their court conducted review hearings was a moderate to serious problem (23.0%, overall), with CASAs and FCRB members the most likely (30.9% and 26.5%, respectively) and assistant AG staff, appointed counsel and judges/commissioners the least likely (9.5%, 16.3% and 17.9%, respectively). Slightly more than one-fifth of all ACYF respondents indicated that the frequency of review hearings was problematic (20.7%).

A substantially higher percentage of respondents felt that the length of time needed by the court to complete adjudication and initial disposition of the cases was a moderate to serious problem in their jurisdiction. Except for assistant AG attorneys, this increase was consistent across all respondent populations with 39.3% of judges and commissioners and 44.4% of ACYF staff indicating that the length

of time to adjudication/disposition was problematic. Assistant AG attorneys were the least likely to consider the timing of this phase of the court process a moderate to serious problem (10.5%).

Only recently has the juvenile court been required to conduct a permanency planning hearing at which point a permanent plan for the placement of the child needs to be established.⁴⁷ Consistent with findings from our on-site interviews, this phase of the court process was problematic for slightly more than half of those individuals responding to the survey (50.3%). Judges/commissioners, FCRB members and CASAs were among the most likely to indicate that timely completion of permanency planning hearings was a moderate to serious problem for their courts (63.0%, 64.2% and 59.5%, respectively).

Data presented in Table 3.7 reveal that the most problematic phase of court proceedings on victimized children involve the severing of parental rights. A large percentage of respondents were not only frustrated with delays in the completion of such proceedings (68.7%) but also in the amount of time needed for a severance petition to be filed with the court (64.3%).⁴⁸ Judges and commissioners were among the most likely to state that the timeliness of the severance petition filing and delays in the completion of severance proceedings was a moderate to serious problem (80.0% and 72.0%, respectively). Similar responses were consistent across all respondent populations including assistant AG attorneys who are responsible for the filing and prosecution of severance petition on ACYF cases. Almost three-quarters of assistant AG respondents (73.3%) stated that the timely filing of severance petitions was a moderate to serious problem. Additionally, 60.0% indicated that delays in the completion of severance proceedings were problematic. ACYF responses also reflect frustration with the filing and completion of severance proceedings (60.0% and 70.3%, respectively). FCRB respondents were the most likely to indicate that problems existed with respect to delays in the completion of severance proceedings (75.9%) with CASA response rates not far behind (73.4%).

Even though respondents did not consistently feel that moderate to serious problems existed in all phases of court proceedings involving victimized children, survey results suggest that respondents were almost uniformly frustrated with the impact of these proceeding on achieving permanency. Overall, more than three of every four respondents (76.2%) indicated that the amount of time children remain in placement was a moderate to serious problem in their jurisdiction. In all respondent categories (except

⁴⁷ Please see Chapter 2 for a detailed discussion of this recent statutory change.

⁴⁸ A detailed examination of the problems associated with the initiation and completion of severance proceedings is provided in Chapter 5.

among assistant AGs), more than 70% to upwards of 80% (CASAs) stated the time children remained in placement was problematic. Among AG staff, the response rate was slightly lower (57.1%).

3. Delivery of Services to Victimized Children and Their Families

While the timing and quality of court proceedings have an impact on the amount of time victimized children remain in temporary placements, frustration with the latter probably also reflects problems in the delivery of services to these children and their families. Survey results presented in Table 3.8 are consistent in this regard. A large percentage of respondents cited the lack of necessary services and the timely availability of services as moderate to serious problems in their jurisdictions (69.4% and 58.8%, respectively). Perhaps somewhat surprisingly, this frustration was most evident among respondents responsible for the direct provision and coordination of services to victimized children and their families. A very large percentage of ACYF administrators, supervisors and caseworkers indicated that the lack of necessary services was a moderate to serious problem (79.0%). Judges and commissioners also very frequently cited this as a problem (75.0%), as did assistant AG attorneys and appointed counsel for children and parents (71.4% and 69.4%, respectively).

The timely availability of these services to victimized children and their families was also considered problematic by many respondents. In each of the seven respondent categories, a minimum of slightly more than half indicated problems existed in insuring that services were made available in a timely manner. Appointed counsel, ACYF staff and judges/commissioners were among the most likely to indicate that moderate to serious problems existed (65.7%, 59.6%, 59.3%, respectively).

Problems regarding the timely availability of services is not surprising given the apparent problems all respondents felt ACYF is experiencing in retaining caseworkers. This item elicited more moderate to serious problem responses than any other of the 55 items included in the CIP survey. More than four out of every five respondents (81.0%) indicated that high turnover is a moderate to serious problem in their jurisdiction. Among ACYF staff, 85.2% indicated that caseworker turnover is problematic, as did 84% of FCRB members and 81.0% of assistant AG respondents. Among judges and commissioners, 63.0% indicated that caseworker turnover was a moderate to serious problem.

Caseworker turnover is consistent with a number of other problems respondents frequently cited that impact the delivery of services to victimized children and their families. More than half of all respondents (51.2%), including 40.1% of all ACYF staff, felt that the lack of ACYF continuity and follow

through in case planning and provision of services to families was a moderate to serious problem in their jurisdiction. Among appointed counsel, FCRB members and CASAs, response rates increased to 63.8%, 61.7% and 58.1%, respectively. The response rate for judges and commissioners (40.0%) was almost identical to that for ACYF staff.

Table 3.8: Percentage of Respondents Indicating a “Moderate” to “Serious” Problem in the Delivery of Services to Dependent Children and their Families by Type of Respondent¹

Moderate to Serious Problem Noted in the Delivery of Services to Children and Parents:	Judges/ Commissioners	AG Attorneys	Appointed Counsel/GAL	ACYF	FCRB	CASA	Other²	Totals³
Lack of Necessary Services to Children and Parents	75.0% (28)	71.4% (21)	69.4% (98)	79.0% (315)	59.2% (120)	56.5% (170)	76.9% (26)	69.4% (778)
Services Made Available to Parents and Children in a Timely Manner	59.3 (27)	57.1 (21)	65.7 (99)	59.6 (312)	53.3 (120)	54.1 (170)	80.0 (25)	58.8 (774)
Lack of ACYF Continuity/Follow Through in Planning and Provision of Services to the Family	40.0 (25)	33.3 (21)	63.8 (94)	40.1 (297)	61.7 (107)	58.1 (155)	74.1 (27)	51.2 (726)
Delays in Completion of Court-Ordered Investigations, Assessments and Reports	64.3 (28)	33.3 (21)	60.6 (99)	30.6 (252)	72.3 (94)	56.3 (142)	65.2 (23)	49.3 (659)
Timely Submission of ACYF Case Plan	40.7 (27)	14.3 (21)	51.5 (97)	21.4 (281)	67.0 (112)	43.5 (161)	68.0 (25)	39.5 (724)
Quality of ACYF Case Plan	50.0 (28)	30.0 (20)	57.6 (99)	25.8 (275)	66.4 (119)	47.6 (166)	75.0 (24)	44.3 (731)
High Turnover Among Caseworkers	63.0 (27)	81.0 (21)	73.7 (95)	85.2 (310)	84.0 (119)	78.3 (161)	80.8 (26)	81.0 (759)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff, and private service providers.

³ Don’t know responses were treated as missing values for this analysis.

In all likelihood, caseworker turnover was also a major contributing factor to the frequency with which moderate to serious problems were cited with respect to delays in the completion of court-ordered investigations, assessments and reports as well as the quality and timeliness of ACYF case plans.⁴⁹ For many judges and commissioners (64.3%), delays in the completion of court-ordered investigations,

⁴⁹ Interview data indicates that ACYF staff shortages are chronic and contribute not only to caseworker stress and turnover but also to the amount of time caseworkers can devote to any one case on their caseload. In all

assessments and reports were considered a moderate to serious problem. FCRB members also frequently cited these delays as problematic (72.3%), as did appointed counsel (60.6%) and CASAs (56.3%). Half of all judges and commissioners responding to the survey indicated that the quality of ACYF case plans were problematic and 40.7% of these respondents indicated that timely submission of these plans was also a moderate to serious problem. The quality and timeliness of ACYF case plans was frequently cited as problematic by FCRB respondents (66.4% and 67.0%, respectively) and by appointed counsel for children and parents (57.6% and 51.5%, respectively).

4. Court Oversight of Service Delivery

Considerable differences in response rates exist on survey items related to the court's oversight of the delivery of services to victimized children and their families (Table 3.9). Close to half of all appointed counsel and FCRB respondents indicated that the lack of court oversight of case planning and provision of services to the family was a moderate to serious problem (48.0% and 47.5%, respectively). In contrast, only 18.5% of judges and commissioners and 19.0% of assistant AG attorneys indicated that this was a problem. Among ACYF and CASA respondent populations, 36.7% and 39.7%, respectively indicated that the lack of court oversight of service delivery was problematic.

Differences were also found in the item addressing the amount of time spent in court hearings examining issues related to reasonable efforts. No assistant AG respondent indicated that this was a problem and 26.9% of judges and commissioners felt that the time spent in court on reasonable efforts issues was a moderate to serious problem. Among court-appointed attorneys and FCRB members considerably higher response rates were elicited (46.9% and 38.7%, respectively). More specificity regarding court minute entries in this area was also cited as problematic by almost half of all appointed counsel and FCRB respondents (47.4% and 46.1% respectively).

The analysis of CIP survey data further indicate that a considerable percentage of respondents desire more specificity in the minute entries generated by the court regarding what is required of parents and with respect to the services to be provided by ACYF. Somewhat more than a majority of ACYF, court appointed counsel and FCRB respondents indicated that a moderate to serious problem exists with respect to minute entries that do not specifically address what is required of parents to achieve family reunification (53.2%, 56.6% and 51.4%, respectively). Additionally, among court-appointed attorneys,

likelihood, these factors directly contribute to the frequency with which case plan timeliness and quality were considered as moderate to serious problems by survey respondents.

FCRB members and CASAs, more than four of every ten respondents indicated that problems existed with respect to minute entries that do not specifically address services to be provided by ACYF (45.8%, 46.0%, 43.4%, respectively).

Table 3.9: Percentage of Respondents Indicating a “Moderate” to “Serious” Problem in the in the Juvenile Court’s Oversight of Case Planning and the Provision of Services to the Family by Type of Respondent¹

Moderate to Serious Problem Noted in the Following Court Oversight of Planning/Service Delivery Areas:	Judges/Commissioners	AG Attorneys	Appointed Counsel/GAL	ACYF	FCRB	CASA	Other²	Totals³
Lack of Court Oversight of Case Planning and Delivery of Services	18.5% (27)	19.0% (21)	48.0% (98)	36.7% (294)	47.5% (99)	39.7% (156)	70.4% (27)	40.4% (722)
Insufficient Time Spent in Hearings Examining Reasonable Efforts	26.9 (26)	0.0 (21)	46.9 (96)	29.3 (273)	38.7 (62)	29.3 (157)	41.7 (24)	32.2 (659)
Minute Entries Do Not Adequately Address Reasonable Efforts Issues	12.0 (25)	14.3 (21)	47.4 (97)	32.6 (291)	46.1 (102)	35.2 (145)	48.0 (25)	36.4 (706)
Minute Entries do Not Specifically Address Services Provided by ACYF	23.1 (26)	19.0 (21)	45.8 (96)	32.3 (294)	46.0 (100)	43.4 (143)	40.9 (22)	37.9 (702)
Minute Entries Do Not Specifically Address What Is Required of Parents	24.0 (25)	38.1 (21)	53.2 (94)	56.6 (290)	51.4 (105)	40.1 (147)	62.5 (24)	50.4 (706)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff, and private service providers.

³ Don’t know responses were treated as missing values for this analysis.

5. Training and Experience

Data provided in Table 3.10 indicate that somewhere between 20-30% of all respondents indicated that moderate to serious problems existed in the training and experience of various professionals handling dependency and severance cases. In addition, 41.6% of respondents indicated that that the training and experience of FCRB members was problematic. This relatively higher overall response rate, however, is due largely to the high percentage of ACYF staff (71.5%) who indicated that FCRB member training and experience was a moderate to serious problem. The only other very noticeable spike in response rates also involved ACYF respondents, 56.4% of whom felt that the training and experience of

CASAs was also problematic. Both of these are in very sharp contrast to judges and commissioners response rates (4.0% for FCRB members and 0.0% for CASAs).⁵⁰

Table 3.10: Percentage of Respondents Indicating a “Moderate” to “Serious” Problem in the Training and Experience of Judges/Commissioners, Assistant Attorney General Staff, Court Appointed Private Counsel, CASAs and FCRB members by Type of Respondent¹

Moderate to Serious Problem Noted in the Training and Experience of:	Judges/Commissioners	AG Attorneys	Appointed Counsel/GAL	ACYF	FCRB	CASA	Other ²	Totals ³
Judges/Commissioners	23.1% (26)	9.5% (21)	17.5% (97)	37.7% (273)	20.6% (63)	15.8% (133)	30.0% (30)	26.6% (643)
Assistant AG Staff	11.1 (27)	5.0 (20)	6.4 (94)	28.9 (284)	20.0 (55)	10.9 (119)	28.6 (21)	19.7 (620)
Court-Appointed Private Counsel	29.6 (27)	28.6 (21)	13.1 (99)	39.1 (253)	26.8 (56)	23.9 (109)	39.1 (23)	29.9 (588)
CASAs	0.0 (27)	22.2 (18)	27.4 (84)	56.4 (250)	8.6 (93)	7.7 (169)	29.2 (24)	29.5 (665)
FCRB Members	4.0 (25)	29.4 (17)	41.4 (87)	71.5 (263)	17.8 (118)	12.9 (124)	26.1 (23)	41.6 (657)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff, and private service providers.

³ Don’t know responses were treated as missing values for this analysis.

V. Concluding Remarks

Overall, most CIP survey respondents were fairly satisfied with the juvenile court’s handling of dependency, severance and adoption cases. Approximately one in five respondents stated that they were dissatisfied or somewhat dissatisfied with the court handling of dependency and adoption cases (19.9% and 20.8%, respectively). For severance cases, dissatisfaction levels rose to 29.7%. However, when queried specifically on the timeliness of proceedings on these types of cases, dissatisfaction levels

⁵⁰ Our analysis of site visit and hearing observation data suggests that additional training would be beneficial to all parties involved in the handling of dependency and severance cases. Please see chapter 7. However, the singularly higher response rates of ACYF staff to concerns regarding the training and experience of FCRB members and, to a lesser degree, CASAs, suggest that more needs to be done on both ends to educate these parties as to their respective roles in the overall process. While some tension between parties that are in somewhat adversarial roles should be considered healthy, survey results, coupled with written comments provided by these respondents and data obtained from interviews suggest that particular attention should be given to this area.

increased to 28.1% for dependency cases, 36.8% for adoption cases and spiked considerably for severance cases to 51.1%.

The analysis of CIP survey data also reveal that many respondents were frustrated with a number of organizational and procedural arrangements related to the court's handling of dependency and severance cases and the child protective services system response to these cases. These frustrations were evident in the frequency with which respondents indicated that moderate to serious problems existed with respect to the flow of cases through the court process, the timing of critical judicial events on these cases - particularly on cases progressing to severance of parental rights proceedings, the delivery of services to victimized children and their families, and in the amount of oversight exercised by the court in how these services were delivered.

This review of the degree to which problems existed in different organizational and procedural arrangements identified some differences among respondent populations. For example, approximately three-quarters of ACYF staff, appointed counsel and assistant AG attorneys indicated that the amount of time spent waiting for hearings to commence was a moderate to serious problem, while only 30% of judges and commissioners stated that this was a problem in their court. In general, however, the frequency with which problems were cited were remarkably consistent across the major respondent populations. Table 3.11 lists the five most frequently cited issues of greatest concern to judges and commissioners, assistant AG attorneys, appointed counsel for parents and children (GALs), ACYF staff, FCRB members and CASAs.

A review of these lists reveals some consistent themes. Foremost is the recognition that problems related to the delivery of services to victimized children and their families is most frequently seen as a moderate to serious problem for all respondent populations. Caseworker turnover was the most frequently cited problem for three of the six groups (assistant AG attorneys, ACYF staff, and FCRB members), the second most frequently cited problem for appointed counsel respondents and the third most frequently cited issue for CASAs. While caseworker turnover did not make the top five issues for judges and commissioners, it was the sixth most frequently cited issue among these respondents. Two other critical measures of service delivery, the lack of necessary services and time children remain in placement, made the top five list for four of the five respondent categories and at least one of these items appeared on the list for each respondent grouping. A fourth measure, completion of court-ordered assessment and reports, made the top five list for judges and commissioners and for FCRB members. The timely availability of services was the fifth most frequently cited problem area for court-appointed

counsel. In all, these measures of service delivery comprised 60% of the available slots in Table 3.11 - an average of three per respondent category.

Table 3.11: Five Issues of Greatest Concern (“Moderate” to “Serious” Problem Noted) by Type of Respondent					
Judges/Commissioner	AG Attorneys	Appointed Counsel/GALs	ACYF	FCRB	CASA
Timeliness of Severance Petition	Caseworker Turnover	Time Waiting for Hearings to Start	Caseworker Turnover	Caseworker Turnover	Time Children Stay in Placement
Lack of Necessary Services	Timely Filing of Severance Petition	Caseworker Turnover	Lack of Necessary Services	Time Children Stay in Placement	Completion of Severance Hearings
Completion of Severance Hearings	Lack of Necessary Services	Time Children Stay in Placement	Time Waiting for Hearings to Start	Completion of Severance Hearings	Caseworker Turnover
Time Children Stay in Placement	Multiple Hearings in Same Time Slot	Lack of Necessary Services	Time Children Stay in Placement	Completion of Court-Ordered Assessment/Reports	Lack of Necessary Services
Completion of Court-Ordered Assessment/Reports	Time Waiting for Hearings to Start	Timely Availability of Services	High Volume of Delinquency Cases	Large Backlog of Severance Cases	Completion of Severance Hearings

Issues related to the timely initiation and completion of severance proceedings appear on the top five lists for assistant AG attorneys, judges and commissioners, FCRB members and for CASAs. For the latter three respondent groupings, two items addressing timely severance appear on their lists. Only for appointed counsel and ACYF staff do these items not make their top five list. However, 70.3% of all ACYF respondents indicated that delays in the completion of severance proceedings was a moderate to serious problem in their court and 60.0% of all appointed counsel indicated concern that the timely filing of the severance petition was a moderate to serious problem.

Lastly, issues regarding court case flow management arrangements are among the top five most frequently cited items for three respondent populations required to participate in the hearing process. Stacking of hearings and time waiting for hearings to start were the fourth and fifth most frequently cited issues of concern for assistant AG attorneys. Time waiting for hearings to start was the most frequently cited issue for court-appointed counsel and third most frequent issue for ACYF staff. Lastly, the concern

that a high volume of delinquency cases limits the availability of sufficient docket time to handle dependency and severance cases was the fifth most frequently cited issue for ACYF staff.

Chapter 4

Case Study Findings

Five counties were selected as case study sites for the Arizona Court Improvement Project assessment. The five selected sites included juvenile courts in Cochise, La Paz, Maricopa and Pima Counties and the General Division of the Superior Court in Coconino County.⁵¹ The selected counties represent a diverse cross-section of the state and are reflective of the array of challenges Arizona courts face in servicing the needs of its dependent, neglected and abused children.⁵² Over a nine month period, (January-September, 1996), project staff conducted multiple site visits to examine the court's handling of dependency, severance and adoption cases in these counties.

In each county, structured interviews were conducted with selected court personnel including judges and commissioners, court administrators, calendar administrators, court clerks and other line staff responsible for processing of these cases. In addition, project staff interviewed a wide range of critical parties to these cases including assistant AG attorneys responsible for the prosecution of these cases, ACYF administrators, supervisors and caseworkers, attorneys serving as court-appointed counsel for parents and children,⁵³ court-appointed special advocates (CASAs), local Foster Care Review Board members and other selected individuals who have an understanding of the local court process and its strengths and weaknesses. Upwards of 100 individuals were interviewed over the course of the project.⁵⁴

Project staff also spent a considerable portion of their on-site time observing court hearings on dependency, severance and adoption cases. In each of the selected counties, project staff attempted to sit in on the range of hearing types associated with the judicial handling of these cases. However, changes to court calendars and limitations regarding the number of days staff could be on site in each of the selected counties somewhat limited the types of hearings project staff could observe. In all, a total of 111 hearings

⁵¹ Two judges assigned to the General Division of the Coconino County Superior Court are responsible for handling the vast majority of dependency and severance cases (in addition to their criminal and civil caseload). The presiding juvenile court judge also handles a small number of these dependency and severance cases in which the two General Division judges have a conflict.

⁵² All references to the juvenile court's handling of dependency and severance cases are meant to include situations in which a judge from the General Division of the Superior Court presides over these cases. There does not appear to be any jurisdictional differences in case processing requirements for these differing venues.

⁵³ In some Arizona counties, attorneys for children are appointed to serve as Guardian Ad Litem (GALs) responsible for representing the best interests of the child.

⁵⁴ Interview guides were customized for each of the various types of court personnel and other parties interviewed during the course of the project. Portions of these interview guides were adapted from similar data collection instruments developed by Mark Hardin of the American Bar Association Center for Children and the Law.

were observed in Cochise, Coconino, Maricopa and Pima Counties.⁵⁵ Project staff also sat in on six FCRB hearings in Maricopa County.

A summary of CIP assessment findings resulting from our on-site efforts are provided in this chapter. These findings are organized by topical area and are derived primarily from field interviews and hearing observations. Certain sections of this chapter also draw from our analysis of Maricopa County Juvenile Court Center dependency and severance case processing data and from a parallel dependency case processing study conducted by the Pima County Juvenile Court Center.

For the most part, our research reveals that juvenile courts in the selected counties comply with federal and state statutory requirements in their handling of dependency and severance cases. Interview and hearing observations also affirm that all parties to these proceedings are very concerned with the plight of Arizona's victimized children and recognize the importance of judicial oversight in achieving permanent solutions in these cases. Nevertheless, the quality of judicial proceedings on dependency and severance cases generally are less timely and comprehensive than those reflective of a "high-quality judicial process" as set forth in guidelines developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) in its 1995 publication, *Resource Guidelines - Improving Court Practice in Child Abuse and Neglect Cases*. The subsequent analysis draws heavily on the *Resource Guidelines'* description of the necessary elements for a fair, thorough and speedy court process in cases brought for the protection of victimized and maltreated children.

Recent studies of juvenile courts in Hamilton County (Cincinnati), Ohio and Kent County (Grand Rapids), Michigan have shown that timely and thorough dependency hearings can produce dramatic positive outcomes for children and families involved in dependency matters.⁵⁶ These analyses also indicate that active judicial oversight of its dependency caseload can also ultimately result in considerable resource savings as cases are resolved quicker and in a more comprehensive manner. In Arizona, the courts under study displayed inconsistency in these important areas, particularly with respect to thoroughness. While there were examples of thorough hearings that closely examined issues related to

⁵⁵ No hearing observations were conducted in La Paz County. La Paz County Juvenile Court dependency and severance caseloads are very small with only four original dependency petitions filed in FY1994 and three original dependency petitions filed FY1995. During our time on-site in this county, no dependency or severance hearings were scheduled.

⁵⁶ See Mark Hardin, *Judicial Implementation of Permanency Planning Reform: One Court That Works*, American Bar Association, Center on Children and the Law, Washington, D.C., 1992 and a second ABA publication, Mark Hardin, Ted Rubin and Debra Ratterman Baker, *A Second Court That Works: Judicial Implementation of Permanency Planning Reforms*, 1995.

placement options, case planning, the delivery of services, and overall case progress, these would not be considered standard practice in any of the case study courts.

I. Timeliness and Thoroughness of the Juvenile Court's Handling of Dependency Cases

Interview and hearing observation data reveal that, in most instances, dependency petitions are processed in a timely manner though some problems were noted in the amount of time needed to complete adjudication in contested cases. Initial dependency hearings are generally held within 21 days of the filing of the dependency petition as required by statute. However, as noted in the review of Arizona Statutes and Court Rules (Chapter 2), this 21 day period exceeds the timelines recommended by NCJFCJ⁵⁷ and those found in many other states. In general, our case study interview and hearing observation data revealed the following:

- At the initial hearing (5-day or 21-day), very little time is taken or available to review critical case issues including the status of the child and the initial case plan;
- Initial hearings are frequently continued due to problems with service/notice or to permit parents to confer with counsel;
- Arizona courts often accept stipulations at initial dependency hearings and will routinely enter adjudication in absentia findings at initial hearings if parents do not appear and proper service/notice has been confirmed;
- Some problems exist in the timely completion of adjudication in contested cases;
- Initial disposition in dependency matters is almost always combined with adjudication including instances in which adjudication occurs at the initial dependency hearing;
- Review hearings typically are not very thorough; and
- Permanency planning hearings were not being routinely conducted. Only two of the five courts were conducting these hearings at the time of site visits.

a. Timing and Thoroughness of the First Hearing on a Dependency Petition

Interview data and on-site observations reveal that parents infrequently complete the necessary paperwork to request the scheduling of a temporary custody (5-day) hearing. Interview data suggest that temporary custody hearings are requested in 10-20% of all dependency filings. The analysis of the Maricopa County Juvenile Court dependency case processing data reveals that temporary custody hearings were scheduled in approximately 15% of all dependency petitions filed during 1995.

As a result, the initial dependency (21-day) hearing is typically the first hearing at which the appropriateness of removal and continuing need for placement are considered by the court. In the majority of initial dependency hearings observed by project staff, these hearings did not attain the level of substantive discussion and early planning called for in the *Resource Guidelines* and evident in selected other jurisdictions such as Hamilton County (Cincinnati), Ohio and in Salt Lake City, Utah. Project staff observed a total of 40 initial (21-day) and continued initial dependency hearings. Of these, 32 or 80% lasted 10 minutes or less. On average, these hearings took approximately 8.5 minutes.⁵⁸ This is not sufficient time to adequately address placement, visitation and services issues, issues related to reasonable efforts, to take preliminary testimony on petition allegations, to review efforts made to provide notification to additional parties and to determine what additional court orders may be required (e.g., for court-ordered evaluations, child support, restraining orders, etc.). Initial dependency hearings in Arizona are typically short probable cause hearings at which a brief discussion of the ACYF's reasons for removal occurs. In many instances, stipulations are entered and the case is disposed and set for review. Dispositions often occur without the availability of detailed case plans. Interview data indicate that in some counties it is not uncommon for neither parent to attend this hearing, at which point the court will routinely adjudicate in absentia and set the case for review.

Problems with service and notification are stubborn barriers to timeliness and thoroughness and frequently result in the continuation of initial dependency hearings. Interviewees almost unanimously rate adequate service and notice as a serious problem in their counties. Difficulties were routinely noted by ACYF caseworkers in locating and confirming addresses of family members involved in dependency actions. However, based on hearing observations, it also appears that court oversight of service of process or notification is inconsistent across all counties.

Initial dependency hearings are also often continued to allow parents time to confer with counsel. While in some case study sites, guardian ad litem are routinely appointed for the child immediately upon the filing of the dependency petition, the issue of court-appointed counsel for parents is not generally addressed till the initial dependency hearing. This often results in continuances as parents will first want to confer with counsel prior to proceeding. At a minimum, this results in an additional one to two week delay before substantive matters related to the case can be addressed by the court.

⁵⁷ Please see the National Council of Juvenile and Family Court Judges, *Resource Guidelines - Improving Court Practice in Child Abuse and Neglect Cases* (Reno, NV, 1995).

⁵⁸ Project staff also observed four temporary custody hearings which lasted an average of almost 30 minutes each.

b. Adjudication in Dependency Proceedings

Arizona courts often accept stipulations at initial and continued initial dependency hearings and will routinely enter adjudication in absentia findings at these hearings if parents do not appear and proper service/notice has been confirmed. Interview data suggest that parents stipulate or are adjudicated in absentia in upwards of 30-50% of all completed initial dependency and continued dependency hearings. The analysis of Maricopa County Juvenile Court Center case processing data indicates that adjudication hearings were only set on 40% of all dependency cases filed in CY1995. This suggests that in most instances a finding of fact on petition allegations occurs at an earlier hearing - typically at the initial (or continued) dependency hearing or at pre-trial.

Interview data also suggest that Arizona courts experience some difficulties in completing adjudication in contested cases within 120 days of petition filing as prescribed by AOC promulgated Juvenile Court Rules of Procedure. While consistent case processing data are not available on a statewide basis, the Maricopa County Juvenile Court Center completed adjudication on 63.3% of its dependency cases filed in 1995 within the 120 day limit. Adjudication was completed on 77.4% of these filings within 150 days.⁵⁹ Of the remaining 22.6%, adjudication was completed on the vast majority within 270 days. A case file review conducted of open dependency case filings by the Pima County Juvenile Court Center in July-August, 1996 reveals that the average time from petition filing to adjudication was 112 days which was very close to the 120 day limit. This suggests that a considerable number of Pima County dependency cases take longer than the amount of time permitted by court rules.

⁵⁹ Juvenile Court Rule 17.2 permits the court to continue a contested adjudication hearing for an additional 30 days “if it finds that the continuance is necessary for a full, fair and proper presentation of the issues.” Juvenile Court Rule 17.1 also permits the exclusion of certain time periods from the calculation of the time limit for adjudication however this rule requires the court to specifically address the “best interests of the child” standard when ruling on these exclusions including those agreed upon by all parties. Parents must also make their case for excluding time in open court and not by “perfunctory” agreement of counsel. (Please see Note 10 1993 amendment of these rules.)

c. *Initial Disposition*

Adjudication and disposition are combined in virtually all dependency hearings in the five study sites. As discussed earlier in Chapter 2, this is inconsistent with best practices recommended by NCJFCJ. Disposition should be considered separately from adjudication (in a separate or bifurcated hearing) to ensure that the court appropriately examines not only the placement decision but also thoroughly examines the agency's case plan, placement alternatives and the types of services and assistance to be provided to the family.

The court often only has available the initial case plan for its review if adjudication and disposition occur at the initial dependency (21-day) hearing. In these instances, the review of the case plan is typically very cursory and it may be in the best interest of the case to continue disposition for another 30 days until DES/ACYF can conduct a case plan staffing and develop a permanent case plan. Interview data suggest that in certain instances a permanent case plan may be developed and made available to the court prior to the adjudication hearing. In these instances, the court may be able to proceed to conduct a full blown disposition hearing immediately after adjudication is completed. However, interview and hearing observation data indicate that thorough disposition hearings are rarely held even if adjudication is not completed at the initial dependency or pre-trial hearing.

d. *Frequency and Thoroughness of Review Hearings*

Interview and hearing observation data indicate that juvenile courts typically schedule review hearings more frequently than annually. This is particularly true for foster care and other out-of-home placement cases. In Maricopa County, the first review on a dependency case was scheduled within six months of adjudication/disposition in 57.3% of all cases filed in 1995.⁶⁰ In Pima County, the average length of time between adjudication and the first scheduled review hearing on a dependency case was 143 days.

Persons interviewed in all five counties indicated that, overall, courts do an adequate job of reviewing case progress and potential case adjustments at review hearings. However, their expectations and orientation of the court's oversight role in dependency cases are, for the most part, not as proactive as those envisioned in the *Resource Guidelines*. In over half of the review hearings attended by project staff,

⁶⁰ Summary data tables of our analysis of Maricopa County Juvenile Court Center 1995 dependency and severance case processing data are provided in Appendix C.

the review of case progress and/or potential case adjustments was often rushed and, even if sufficient time was available, not as thorough as recommended by NCJFC. Of the 33 review hearings observed by project staff, 18 or 55% lasted 10 minutes or less. The *Resource Guidelines* recommend a minimum of 30 minutes for review hearings. While the juvenile courts under study typically schedule review hearings in 30 minute time slots, most last less than one-third of that time.⁶¹ The *Resource Guidelines* also call for in-depth discussion of the case plan and case progress. This was not evident in most review hearings attended by project staff. Typically, the judge and commissioner simply acknowledged receipt of the ACYF progress report, the FCRB report, and any reports provided the court and admit these into the record without any reference or discussion of their content.

The predominance of short and sometimes perfunctory review hearings is in part due to docket demands, particularly in Maricopa and Pima Counties. However, it also appears that a significant number of judges and commissioners need additional training in conducting more thorough review hearings. Project staff found that some judges and commissioners take more time to substantively examine critical case issues although these more substantive hearings are often prompted by parties bringing certain matters to the jurists' attention. In most instances, it appears that the court tends to rely on ACYF caseworkers to set the direction for case planning and monitor case progress and on attorneys for the child and parents to point out inconsistencies or issues in dispute. Interview data suggest that juvenile courts rarely probe and examine these issues on their own volition. Generally, in more complicated cases (e.g., multiple children in different placements, multiple parents, serious behavioral or other problems, etc.) the courts tend to spend more time delving into the substantive topics called for in the *Resource Guidelines*.

e. Permanency Planning Hearings

Arizona statutes require the juvenile court to conduct a permanency planning hearing within 12 months of the initial disposition order and to thereafter conduct a minimum of annual reviews if a child's permanent plan requires continuing placement. At the time of staff site visits, Coconino County and Cochise County were the only two counties holding permanency planning hearings. Pima County started to schedule these hearings soon after the study began. La Paz and Maricopa Counties also expressed their intent to implement these hearings beginning in July of 1996.

⁶¹ At least in Maricopa and Pima County, crowded dependency dockets require some stacking of multiple review hearings in this 30 minute time slot.

Limited observations of permanency planning hearings in Coconino and Pima Counties reveal that some of the lack of thoroughness seen in earlier hearings is also evident in how permanency planning hearings are conducted. However, these hearings should ultimately become more substantive as all parties to these proceedings become experienced and comfortable with the process. A majority of interviewees stated that the implementation of permanency planning hearings should reduce the time it takes to achieve permanency in a case. Interview data, though, suggest that many individuals currently perceive permanency planning hearings as more thorough extensions of review hearings. *The Resource Guidelines* clearly delineate the differences between review and permanency planning hearings and offer specific recommendations for issues that should be addressed and resolved in the latter.⁶² It appears that training may be necessary for jurists and other parties to examine the key differences between review and permanency planning matters. In addition, a protocol or checklist detailing issues that should be covered at these hearings could prompt more comprehensive permanency planning proceedings.⁶³

f. Mediation of Dependency Cases in Maricopa County

In 1995, The Maricopa County Juvenile Court established a pilot mediation as an alternative to traditional litigation to more quickly resolve contested dependency cases and ensure more lasting agreements between litigants. The pilot program was initially implemented for contested dependency cases set on two judges' calendars.⁶⁴ The program, however, has proven successful in reducing the number of time consuming contested litigation cases and has recently been expanded to contested dependency cases set on all judges' calendars. Data provided by the court indicates that 72% of all mediated cases reached either full or partial agreements. The degree of satisfaction expressed by the participants has been quite high as well in that 90% of the participants (parents, caseworkers, attorneys) surveyed stated that they were satisfied or extremely satisfied with the mediation process.

⁶² *The Resource Guidelines* state that “[m]aintaining the distinction between review and permanency planning hearings is a key to achieving permanency for foster children. An essential part of this distinction is the fundamental difference in the purposes of the two types of hearings. A review hearing is to fine tune, correct, adjust, and update the case plan; a permanency planning hearing is to decide upon a permanent placement for the child. A review hearing is to oversee case progress; a permanency planning hearing is to make a definitive long-term decision.” (pg. 78).

⁶³ *The Resource Guidelines* provide such checklists for all hearings types associated with the filing of dependency and severance cases.

⁶⁴ Judges are assigned to hear all contested dependency cases in Maricopa County. All initial dependency hearings are set on court commissioners' calendars. If at this hearing, parents indicate that they want to contest allegations contained in the petition, the case is transferred to a judge's calendar.

Our review of the Maricopa County Juvenile Court mediation program suggests that the use of mediation as an alternative to contested litigation is very promising and the authors would encourage other Arizona courts to examine the feasibility of implementing similar programs. However, we would also encourage the Maricopa County Juvenile Court to take more time in the courtroom to review the details of the mediated agreement (particularly items related to provision of services and expectations placed on the parents) and to confirm that all parties are in agreement and understand what is expected of them. Formally confirming the mediated agreement in the courtroom would also give the contract additional legitimacy and encourage all parties to abide by its provisions.⁶⁵

The Maricopa County Juvenile Court intends to study the long-term effect of mediation agreements and continuity of services to victimized children and their families. Court staff indicate that the first phase of the study should be completed by the Spring of 1997. The Maricopa County Board of Supervisors recently approved the creation of two full-time mediator positions for the court. Previously, the court was utilizing volunteer mediators from the Arizona Attorney General's Office. The justification used to lobby for these positions was the potential in savings in attorney/GAL costs resulting from the reduced number of court appearances associate with quicker case resolutions.

g. Additional Issues Impacting the Timeliness and Thoroughness of Dependency Hearings

Hearing observations revealed that changing jurists as cases move from the initial hearing to subsequent hearings often contribute to delays and a lack of thoroughness. In Pima County, for example, one judge hears almost all initial dependency hearings (21-day). This judge then assigns continued initial hearings to one of a number of other judges who may or may not pass these cases to another jurist for adjudication and subsequent post-dispositional review and permanency planning hearings. In Maricopa County, commissioners hear initial dependencies. If these are contested, they are assigned to a judge. In either case, after adjudication is accomplished, the case may be passed to another jurist for review and permanency planning hearings. In both counties, the (new) judge has to familiarize himself or herself with the case and when court calendars are heavy, as they frequently are in Maricopa and Pima Counties, this may not be feasible. In Maricopa and Pima Counties, it is not unusual to observe jurists and others in the courtroom try to reconstruct what has or has not happened in a particular case that was previously heard by a different judge or commissioner.

⁶⁵ At the time of our review, mediated agreements were often reviewed and approved by the judge in chambers.

The last minute submission of initial case plans and progress reports, delays in the submission or absence of psychological evaluations, and tardiness of other reports further inhibit or prevent timely and/or thorough hearings. In some instances, the court will recess while the jurist reviews an initial case plan or other reports just received by the court. With double or triple booking of dependency cases in Maricopa and Pima Counties, a snowball effect may ensue posing additional problems for timely and thorough hearings.

In Coconino County, where two general jurisdiction judges handle all dependency and severance matters in addition to their criminal and civil caseloads, there are some unique impediments to timeliness and thoroughness. These judges frequently have criminal or civil trials before or after dependency matters. If a dependency hearing runs into the time slot scheduled for a criminal or civil matter, the dependency hearing will be rushed or continued to another day. Due to the limited number of hearing observations in Coconino County, project staff could not determine the scope of this problem, but it is a matter of concern. Interviews in Coconino County indicated a majority of respondents feel it is a moderate problem.

II. Timeliness of Severance Proceedings

Timely initiation and completion of severance proceedings are problematic in the majority of project sites. The vast majority of persons interviewed feel this is a serious problem in Arizona, though some see signs of improvement. Some interviewees feel the permanency planning statute may have some positive impact in this regard, though other action is probably necessary to achieve more timely proceedings.

Most of the narrative in this section reflects comments and observations obtained through on-site interviews. Project staff attended a limited number of severance hearings during site visits – nine initial severance hearings and one contested severance trial. Interviews were conducted with a number of the assistant Attorney General staff involved in the state’s severance project, as well as CPS workers, court appointed attorneys, jurists, and others involved in severance proceedings.

1. Prosecution of Severance Cases Handled Through Severance Project Assistant AG Attorneys

Since 1993, assistant AG attorneys assigned to the “severance project” litigate all severance actions initiated by ACYF. Prior to that time, the Attorney General’s office coordinated a private contract

for severance litigation. An analysis of this contractual arrangement was conducted in 1992 and found that it was more cost-effective for assistant AG staff to handle severances themselves. In 1993, the severance project began with only two assistant AG attorneys litigating severances. Today there are six for the entire state,⁶⁶ four in the Phoenix office and two in Tucson. Phoenix-based assistant AG attorneys handle severance cases in Apache, Coconino, Gila, La Paz, Maricopa, Mohave, Navajo, Pinal, Yavapai, and Yuma Counties. Attorneys assigned to the Tucson office handle the remaining southern counties.

In addition to the prosecution of severance cases, severance project attorneys advise ACYF staff on issues related to legal sufficiency in severance matters and review all requests for severance petitions to determine appropriateness. There are no minimum experience requirements or special qualifications for attorneys assigned to the severance project. The AG's office looks for experienced litigators, preferably experienced in family law, dependency litigation, adoptions, and related areas.

Overall, interview data seem to indicate general satisfaction with the severance project. Interviewees said that the representation provided by the AG's office is significantly better than the previous contract arrangement. However, respondents are virtually unanimous in their perception that severance petitions are not filed fast enough and that ACYF and the AG's office do not move in a timely manner to initiate and prepare the necessary documentation needed to file the severance petition with the juvenile court. A number of interviewees remarked that ACYF takes too much time to move toward termination and to request a staffing with severance project attorneys to examine the feasibility of initiating a severance action. Other respondents noted that there has been some improvement in a number of counties that are holding more severance staffings than in the past. Assistant AG staff stated that cases that used to take over a year for the filing of a severance petition are now done within nine months.

Persons interviewed in four of the five counties⁶⁷ stated that, in general, the quality of representation provided by Assistant AG attorneys assigned to the severance project was acceptable. Some respondents indicated that the quality of representation in severance cases varied depending on the experience of the individual assistant AG. The majority of Assistant AG attorneys involved in the severance project have prior experience in dependency or other juvenile-related matters. ACYF caseworkers stated that they rarely disagree with an assistant AG attorney when it comes to filing severance petitions. When there are disagreements, they are usually resolved. However, interviews with

⁶⁶ At the time of the study, the AG's office was in the process of hiring a new assistant AG attorney to handle severances in the Yuma area.

assistant AG staff, ACYF caseworker and supervisors, and others indicate almost unanimous agreement on the need for more timely initiation and completion of severance proceedings. Interview comments are consistent with findings from the CIP survey (summarized in Chapter 3) which indicate that a considerable majority of survey respondents felt that the timely filing of the severance petition and delays in the completion of severance proceedings were a moderate to serious problem in their courts (64.3% and 68.7%, respectively).

Based on interviews and limited hearing observations, delays occur at all stages of the severance process. These include delays in preparation of the severance social study report, the filing of the petition, the setting of the initial severance hearing, and at the trial stage in contested cases. Interview data suggest that severance hearings and trials are routinely “bumped” by time-bounded delinquency hearings or other matters before the court. This occurs because there are no statutory or court rules established for the timely completion of severance proceedings. Overcrowded calendars that cannot accommodate difficult and time consuming contested severance trials often exacerbate delays in the four counties where hearings were observed.

2. *Severance Proceedings in Maricopa County*

Interviews in Maricopa County revealed that timely initiation and completion of contested severance proceedings rarely or only occasionally occur. There are many reasons for this, according to respondents, including calendar congestion, the bumping of severances for hearings on other cases, inadequate docket time for severance trials, and because of difficulties in the timely scheduling of continued hearings. Severance hearings are frequently stacked in Maricopa County. It is not unusual for the court to schedule two dependency trials and one severance trial at the same time. Dependencies are on the “fast track” so if they go severances get bumped. Maricopa respondents who regularly participate in severance hearings feel that scheduling adequate time for contested severance trials represents a serious problem. Severance trials are typically scheduled in three half day periods on a judge’s docket. If a severance trial requires more than this amount of hearing time, getting a second slot of three half-day periods takes a long time. These interviewees estimated that in 25 to 33 percent of the cases there is insufficient time (and thus, prolonged delays) for ongoing severance trials. The analysis of Maricopa

⁶⁷ Since there have not been any severance proceedings in La Paz over the past three years, La Paz interviewees could not really comment about the quality of AG representation in severance matters.

County case processing data reveals that more than 30% of all severance petitions filed in 1995 will take longer than one year to complete.⁶⁸

Initial hearings on all severance matters in Maricopa County are scheduled on one commissioner's calendar and are held at the juvenile court's Southeast Facility in Mesa. This commissioner, like all other jurists involved in dependencies and severances, did not receive any special training in severances prior to assuming this docket.⁶⁹ There is a general script for severances which this commissioner modified to make it more workable for her needs. She also developed a checklist of documents that must be filed prior to proceeding in an uncontested severance.⁷⁰

Once a severance petition is filed with the Clerk of the Juvenile Court in Maricopa County, the calendar office schedules the initial severance on this commissioner's docket (anywhere from three to five months out).⁷¹ All initial hearings on severance petitions are heard on Wednesday afternoons, with some overflow scheduled for Mondays afternoons if needed. No prior screening of these petitions is accomplished by the court or ACYF/AG's Office to determine if the case will be contested (and scheduled directly on a judge's docket) or if the initial hearing can be accelerated because service/notification can be quickly accomplished. If a parent contests at the initial, the case is moved to a judge's docket and a pre-trial conference is set. This typically takes 1 to 1.5 months according to interview estimates. Parents that do not contest have their parental rights terminated at the initial hearing or at a subsequently scheduled continued initial severance hearing. Continuances of initial severance hearing are most often caused by inadequate service, lack of timely filing of reports, or other factors including the appointment of counsel.

The lack of more stringent rules of procedure in severance cases contributes to the lack of timeliness (not only in Maricopa County but in all sites). Current rules do not place timelines on

⁶⁸ Data tables in Appendix C reveal that as of mid-September, 1996, 29.3% of all ACYF/AG initiated severance petitions filed in 1995 were either pending for more than one year or took longer than one year to resolve. Another 10.6% of ACYF initiated severance cases had been pending for more than nine months as of mid-September. We would expect that a number of these would eventually take more than one year to complete.

⁶⁹ She was, however, Assistant Director of ACYF for two years and acted as court-appointed counsel on delinquency and dependency cases for 18 months prior to her assuming the bench in Maricopa County.

⁷⁰ Staff assigned to the Court Administrator's Office are currently reviewing case files for completeness prior to the setting of the initial hearing on the uncontested severance. If the file is not complete, the hearing is not scheduled and a rejection information sheet is sent to the petitioner to advise him/her of procedures and materials necessary for the case to proceed.

⁷¹ Our analysis of Maricopa County Juvenile Court Center case processing data reveals that for severance petitions filed in 1995, the first hearing on the petition was scheduled between 91 and 120 days from the time of petition

severances. The only current time requirements deal with submission of service affidavits and social study (severance study) reports. These reports should be submitted no later than five days prior to a hearing. However, interviews revealed these are routinely filed on the day of the hearings in Maricopa County. This prevents the jurist from reviewing the file earlier than just prior to the hearing to see if everything is in order.

In some instances, other commissioners may hear initial severances when the severance caseload spikes. It appears to be general court policy in Maricopa County to not have the same judge or commissioner who heard review hearings in a case handle the severance component. Interviews revealed that some parties believe it would improve judicial efficiency if the same jurist did both the dependency and severance portions of a case. This alternative would be consistent with “good practice” as recommended in the *Resource Guidelines*.

Staff observations of initial severance hearings in Maricopa County indicate that much of the focus is on legalistic concerns with little discussion about prior services, case progress, and parent involvement. Testimony is kept to the legal minimum. These hearings take approximately 10 minutes on average and a good portion of this is the commissioner citing on the record documents that have been submitted, and verbally constructing the severance order. The commissioner only receives the severance file for the hearing, not the dependency file. Thus, the only information the commissioner knows prior to the initial hearing is the information contained in the social study report. In many instances, this is entered into evidence by reference with no detailed testimony regarding its content or veracity. This is also true for cases proceeding to trial in front of a judge.

A growing number of severances in Maricopa County are filed by private parties (pro se) without legal representation. Interviews indicate approximately 25% of severance petition requests are filed pro se. The pro se filings are generally problematic because of inadequate support documentation (e.g., poorly constructed petitions, no reports, improper service, etc.). This can also be true in retained counsel filings -- these attorneys are often unfamiliar with juvenile court practices and policies. Anyone may file a severance action even if the child is in the custody of ACYF. A relative or GAL can file if unhappy with case progress and ACYF is not ready to file or if AG severance project caseloads preclude the timely filing of the severance petition.

filing in 85.9% of all cases. The vast majority of initial hearings on the remaining severance cases are scheduled between 121 to 150 days out.

3. *Severance Proceedings in Pima County*

In Pima County, there are two severance project attorneys based in Tucson that handle all severances in Pima County and in other southern Arizona juvenile courts. These assistant AG attorneys attend monthly staffings with ACYF caseworkers to discuss cases being considered for severance. The contracted severance report writer participates in these staffings. Assistant AG attorneys decide if a case is ready to proceed. If not, it is rescheduled for staffing in 60 to 90 days.

Attorneys, jurists, and AG's involved in severances in Pima County concur that timeliness is a serious problem. Severance hearings get bumped all the time by other types of hearings. The court has not set any time deadlines for the completion of severance proceedings. Severances also get double and triple booked. According to one interviewee regularly involved in severances, there has not been a full day set aside in court to resolve a severance case since the severance project began. Contested severance trials are frequently continued to other days. Continuances are almost never heard the following day. If it is an urgent matter, the court may fit the continued hearing in the following week but usually it's a month out or longer. This fragmented approach is similar to the problems faced in Maricopa County.⁷²

Interviewees believe this fragmentation contributes to feeling rushed in some hearings and in having inadequate time to thoroughly review relevant issues. Severance project attorneys in Pima County believe they and the court are overburdened with cases and indicate that the heavy workload is a key contributor to delays and lack of thoroughness. Persons interviewed in Pima County estimate that initial uncontested severance hearings take anywhere from 5 to about 30 minutes. Contested severance trials range on average from 1.5 days to 6 full days for more complex cases. Limited observations of initial severance hearings (four) conducted by project staff revealed a range of 6 to 20 minutes for these initial hearings. As in Maricopa County, these initial proceedings focused more on legalistic concerns than the status of the child, prior services, case progress, and other issues called for in the *Resource Guidelines*.

Observations and interviews in Pima County indicate that although the workload for severance project AG's is heavy, interviewees believe the quality of AG representation is good. Assistant AG attorneys receive special training from the southern office supervisor prior to being assigned a case. However, as in other sites, there is no formal ongoing training for AG staff handling severance cases in

⁷² Interview data suggests that, in all likelihood, delays in the completion of severance proceedings parallel those found in Maricopa County.

Pima County (assistant AG attorneys are required to complete 15 hours of Continuing Legal Education credits annually).

The two severance project AG's in Pima County have extensive experience with dependency and severance matters as well as related experience in the child welfare field. This added experience, plus the statute change that set clearer guidelines for severances, prompted an increase in severance filings in Pima County, according to some interviewees. While the majority of persons interviewed in Pima County perceive a lack of timeliness in severances, they do think things have improved somewhat, largely because of the efforts of the assistant AG attorneys and statutory changes.

4. *Severance Proceedings in Cochise County*

In Cochise County, severance matters are handled by the two attorneys assigned to the severance project working out of the Tucson AG's office who also handle other southern Arizona severance cases. These assistant AG attorneys call once per month to discuss cases with CPS workers that may become appropriate for the initiation of severance proceedings. ACYF caseworkers and severance project attorneys typically watch cases for six to nine months before deciding to proceed with severance proceedings. ACYF staff are responsible for completion of the severance home study report and AG staff prepare the severance petition. In Cochise County, it takes from six weeks to four months from the point a case is accepted for severance to the filing of the severance petition with the court.

Court processing of these cases in Cochise County is a persistent problem. Initial severance hearings are easy to schedule on the court calendar, according to interview data but are scheduled 90 days out to allow sufficient time to complete service through publication. A crowded court calendar poses perhaps the biggest obstacle for timely severance trials in Cochise County. The court tries to schedule severance trials for three to four consecutive days. Getting a severance trial on the court's docket, however, can be a severe problem. One interviewee reported a case that was filed in the fall of 1992 and was just going to court (in July 1996). This prolonged delay was due to continuances and the changes in judges handling dependency and severance matters in Cochise County.

The assignment of one judge to handle all juvenile matters represents one significant improvement in Cochise County. While the backlog of cases persists, the court has exhibited its commitment to move toward more timely initiation and completion of severance cases.

5. *Severance Proceedings in Coconino County*

In Coconino County, severance cases are handled by one severance project assistant AG attorney based in Phoenix. Almost all individuals interviewed in Flagstaff felt that timely initiation and completion of severance proceedings occurs no more than half of the time. Some believe things have improved since the implementation of permanency planning hearings with the severance petition now often initiated within a year of initial disposition (that is, shortly after a decision is made regarding the child's permanent plan) instead of going on for years with no action.

Some Coconino County respondents noted that severance trials are often continued (more than 50% of the time) because the amount of time needed to complete these hearings on the scheduled day is insufficient. These same respondents said it often takes months to get these hearings back on the calendar because they do not take precedence over criminal or civil matters. Project staff were able to attend the last of a series of hearings on one contested severance trial during our site visits. This complicated case confirmed the perceptions offered by a majority of interviewees in Coconino County -- contested severance matters take too long and are marked by repeated continuances.

6. *Severance Proceedings in La Paz County*

La Paz County has not held a severance hearing in the past three years. Recognizing the infrequency of severances in La Paz, interviewees stated that timely initiation and completion of severance matters is not a problem in their county. Some of the interviewees emphasized that the court exercises exceptional caution before proceeding with severance cases in La Paz but did not feel this was unwarranted or that it might unduly delay initiation or completion of severance matters.

La Paz respondents believe the court has adequate time to proceed with initial severance hearings and trials. They also stated that the addition of the new regional assistant AG attorney in Kingman to handle dependency matters should help improve timeliness in the initiation and completion of severance proceedings by providing more timely assistance during earlier phases of a dependency. However, an assistant AG attorney based with the severance project in Phoenix would handle any severance matters in La Paz. Given the current workload of severance project attorneys, if and when La Paz County does proceed with a severance case, delays would seem inevitable.

7. *Recommendations for Improving the Timeliness of Severance Proceedings*

In sum, there is much room for improvement in Arizona with regards to severance matters. Setting more stringent timelines would be a good first step. While not a panacea, NCJFCJ recommends setting specific timetables for each stage of termination of parental rights cases. The *Resource Guidelines* advocate the setting of pre-trial hearings within 30 days of the filing of the severance petition and “assuming the service of process and discovery are complete by that time, the trial should be set within another 30 days.” (pg. 92) Hardin and Shalleck recommend that a termination hearing should commence within 70 days after service of notice is completed or within 20 days after the pre-trial conference, whichever is earlier.⁷³

Juvenile courts (especially in Maricopa and Pima Counties) may also want to initiate early screening of severance petitions (at least those filed by ACYF) to determine the amount of time needed to accomplish proper service/notification, to early on identify if a petition is likely to be contested, and to adjust initial hearing dates and judicial assignments accordingly. Furthermore, juvenile courts should require the scheduling of early pre-trials and settlement conferences and require attorneys to use these to determine which matters remain contested and to better estimate how long contested trials should take. While calendaring data were not readily available, it appears that there are some problems related to the vacating of large blocks of hearing time because severance trials settle or are completed earlier than originally estimated.

A related recommendation would be to maintain consistency in the judicial officer that is assigned to the case. That is, to have the same jurist who handled the dependency also handle the severance matter. The *Resource Guidelines* maintain that some of the greatest causes for delay can be avoided if “the same judge hearing earlier stages of the proceedings hears the termination case.” (pg. 91)

Adding more assistant AG attorneys to the severance project may also be necessary. Interview data suggest that the workload of this group at times seriously exceeds capacity and that in the recent past the AG’s office has had to temporarily place on hold the filing of new severance petitions until pending ones were completed. Recent filing trends and the increased focus on the importance of achieving permanence in a timely manner suggest that the number of severance filings initiated on ACYF cases will continue to increase.

⁷³ See Mark Hardin and Ann Shalleck, “Court Rules to Achieve Permanency for Foster Children: Sample Rules and Commentary,” American Bar Association, 1985 (pg. 115).

In a related matter, establishing equitable pay for assistant AG attorneys should be considered. Presently, assistant AG attorneys working in the dependency and severance areas are paid at a lower scale than other assistant AG's. Moreover, they are paid less than public defenders, deputy county attorneys, and legal defenders which makes it difficult to recruit and retain competent attorneys.

Steps should also be taken to reduce potential delays in the completion of the severance home study. Interview data indicate that backlogs periodically exist in the assigning of these investigations to contracted professionals responsible for the development of these reports. At times, it appears that these delays can be extensive with the completion of a severance home study taking up to six months.

Lastly, there appears to be a need for more judicial and attorney training on severance-related matters. Severance proceedings on cases involving victimized and maltreated children are among the most difficult, challenging and complex a judge can face. These proceedings must be conducted in a timely manner but with great care and with full procedural protection afforded to parents and children. The same is true for attorneys responsible for the prosecution of these cases as well as counsel appointed for children and parents. Efficient management by experienced and knowledgeable judges combined with representation by similarly experienced and knowledgeable attorneys can eliminate many sources of delays in severance cases and spare children and families from extended periods of uncertainty and reducing the time spent in impermanent placements.

III. Judicial Case Assignment

At the time of our initial site visits in Pima and Maricopa Counties, no judicial case assignment procedures were in place to insure that the same jurist presided over all stages of court proceedings on a case. Consistency in the jurist presiding over a case (i.e., one family-one judge) is particularly suitable to dependency cases because this type of litigation typically involves complex hearings extending over long periods of time. The *Resource Guidelines* maintain that a one family - one judge case assignment system enables judges and other judicial officers to become thoroughly familiar with the needs of children and families, the efforts made over time to address those needs, and the complexities of each family's situation. The *Resource Guidelines* further state that “[d]irect calendaring [for one family-one judge] gives judges a sense of ownership in each case. When a judge knows that his or her involvement will extend beyond the immediate hearing, the judge is more likely to invest the time necessary to gather complete information, to assess the results of decisions, and to develop a working relationship with all parties.” (pg. 19)

Both Pima and Maricopa County Juvenile Courts have taken preliminary steps to move to a direct calendaring system that fosters judicial consistency in the handling of dependency cases. NCJJ encourages full implementation of such a judicial case assignment system and to expand this concept to have the same judge who heard the earlier stages of the court proceedings also preside over severance proceedings. This recommendation is also appropriate for other Arizona counties in which multiple judges and commissioners are assigned to the dependency and severance dockets.

As discussed in more detail in section VI of this chapter, judicial rotation is standard policy in Maricopa and Pima Counties. In general, judges are rotated into or out of juvenile courts every two to three years. This policy will create difficulties for both Pima and Maricopa County in their attempts to foster a consistent one family-one judge case assignment system. However, extending appointments to the juvenile bench for a minimum of five years and permitting jurists to voluntarily re-enlistment (at least once) would be consistent with the efforts of these juvenile courts efforts to foster judicial consistency in the handling of dependency and severance cases.

In Cochise County, the appointment of one judge to handle all juvenile matters appears to have created some consistency and stability in the handling of dependency and severance cases. Limited hearing observations and interview data indicate that the vast majority of parties involved in these cases perceive noticeable improvement in the way they are handled. Over the past three years, five different

judges handled these cases at different times, a situation that was characterized by more than one party as “disastrous.”

In Coconino County, two judges handle the bulk of severance and dependency matters. These judges are not assigned to the juvenile division. The juvenile court in Coconino County only handles delinquency matters. This means these two judges also handle criminal and civil caseloads. This situation is less than ideal in that dependency and severance dockets only constitute a small percentage of these judges’ caseload. To the degree possible, we would discourage this practice in Arizona’s smaller counties.

IV. Court Calendaring and Establishing Firm Policies on Continuances

In the two metropolitan counties (Maricopa and Pima), the vast majority of hearings are not scheduled in a time certain manner. That is, multiple hearings are stacked and scheduled for the same time period. This provides the court safeguards to ensure that judicial time is not wasted waiting for parties to appear. This practice, however, can and does produce extensive waiting times for attorneys, caseworkers, and parents. Interview data suggest that this is a moderate to serious problem not only in Maricopa and Pima Counties but, to a lesser degree, in other smaller Arizona jurisdictions. The stacking of hearings and the extensive amounts of time spent waiting for hearings to commence was also a frequently cited problem among CIP survey respondents. Among assistant AG attorneys responsible for the prosecution of dependency and severance cases initiated by ACYF, 71.4% indicated that the scheduling of multiple hearings in the same time slot was a moderate to serious problem in their court. Similar response rates were generated among ACYF staff and court appointed counsel (please see Chapter 3, Table 3.6).

Interview data further reveal that continuances were problematic in some of the courts included in the study. Typically, continuances were granted due to attorney scheduling conflicts, failure of clients to meet with their attorney prior to a hearing, insufficient time to complete a hearing, and inadequate service of notice. None of the courts included in this analysis have firm policies on the granting of continuances.

These project findings point to two recommendations related to the juvenile court’s management of case flow and the calendaring of cases. First, all juvenile courts should establish and enforce firm and effective policies regarding the granting of continuances. These should be in addition to those general policies already contained in the Juvenile Court Rules of Procedure (Rule 17.2). In general, court should

not routinely grant continuances based upon the stipulation of the parties and only allow continuances in very specific and limited circumstances. Additionally, administrative personnel should not be authorized to grant continuances. The *Resource Guidelines* maintain that one of the benefits of a firm policy on continuances is the better use of judicial resources with fewer hearings needing to be rescheduled at the last minute and that the setting of credible court dates is a critical component of sound case flow management practices necessary for the timely resolution of dependency and severance cases.

Secondly, juvenile courts should be encouraged to schedule hearings for a time certain and to limit the stacking of multiple hearings in the same time slot. This includes even more routine types of hearings such as case reviews. This should reduce waiting time for all parties and can result in considerable savings resulting from improved efficiencies in the productivity of caseworkers and attorneys, not to mention reductions in fees paid to expert witnesses.⁷⁴

V. Automated Tracking of Dependency, Severance and Adoption Cases

The absence of an automated dependency case tracking information system is a notable weakness in Arizona. Without an automated dependency tracking system, Arizona courts will continue to be hampered in their ability to monitor the timeliness of dependency and severance case processing. Interview respondents unanimously agree with this assessment. Additionally, the majority of respondents to the CIP survey indicated that the lack of automated case flow tracking reports was a moderate to serious problem (54.1%). Fortunately, there are options.

With the limited exception of Maricopa County, juvenile courts in Arizona have not initiated efforts to establish an effective automated system to track dependency, severance and adoption case processing. All Arizona juvenile courts utilize the JOLTS system to track delinquency matters. While JOLTS is, arguably, the most sophisticated automated tracking system developed specifically for juvenile courts,⁷⁵ it was originally designed by the Maricopa County Juvenile Court Center to track the court's delinquency caseload. With some structural enhancements, however, JOLTS has the capability to also closely track dependency, severance and adoption case flow. JOLTS design principles were fundamental

⁷⁴ See Mark Hardin, *How to Work With Your Court: A Guide for Child Welfare Agency Administrators*, (American Bar Association, Washington D.C., 1993)

⁷⁵ Besides its current use in all fifteen Arizona counties, locally modified versions of JOLTS systems have been installed on a statewide basis in Oklahoma to monitor juvenile delinquency case processing and in a number of large and medium-sized urban juvenile courts including the Fulton and Clayton Juvenile Courts (Atlanta, Georgia), and the Wayne County (Detroit, Michigan) Juvenile Court.

in the development of a pilot dependency case tracking information system, installed in Hamilton County (Cincinnati, Ohio) Juvenile Court, that has served as a platform upon which general dependency management information system requirements and specifications could be developed, tested and refined on a national level.⁷⁶

In early 1995, Maricopa County initiated a project to modify its version of JOLTS to more effectively handle these types of cases. This court currently enters critical individual child and hearing result information on these cases and uses the system to schedule all dependency, severance and adoption hearings. While the court has been somewhat limited with regards to the resources it can dedicate to this project on an continuing basis, these efforts can ultimately result in the development of a comprehensive case tracking system. Hopefully, these system enhancements will include a wide range of case tracking and aging reports that can be used by jurists and court staff to monitor and manage the movement of dependency, severance and adoption cases through the court system. In addition, the system report capabilities should prove invaluable to administrators in compiling annual reports, allocating personnel and other resources in both the short-term and long-term, in estimating the costs of handling these cases, and in forecasting future filing and case processing trends.

NCJJ strongly encourages a unified statewide effort to the continuing enhancement of JOLTS. This is hampered by the fact that somewhat different versions of JOLTS are in use in Maricopa and Pima Counties and a third version is operational in the remaining counties. This may be an appropriate time for the individual juvenile courts and AOC to initiate efforts to develop a common version or to, at a minimum, ensure that sufficient commonalities exist among the systems that enhancements do not need to be completed multiple times.

VI. Judicial Training and Qualifications

Judges and commissioners handling dependency and severance cases have varied backgrounds and training in juvenile law and child welfare. Very few have specific qualifications or education in child development and maltreatment and even fewer have prior experience in fields tied to child welfare.

⁷⁶ This project was initiated by NCJFCJ, NCJJ and Hamilton County staff in October of 1992 as part of a larger project funded by the Office of Juvenile Justice and Delinquency Prevention to improve the juvenile and family court's handling of child abuse and neglect cases. This project ultimately resulted in the development of the *Resource Guidelines*. For a description of the critical components and functionalities of the system installed in Hamilton County, please see Gregory J. Halemba, "*Characteristics of a 'Pilot' Information System to Track the Processing of Dependency Case Filings in Juvenile and Family Courts*" (NCJJ, 1995)

Almost all related experience involves prior representation of children or parents in dependency or delinquency matters. Some had no experience prior to hearing dependency cases.

Most jurists handling these cases report their training was limited to the “dependency in a nutshell” session and the two week judicial training at the National Judicial College in Reno. The most recent annual judicial conference in Tucson in June, 1996 contained a half day session on dependency issues. This was a positive development. However, it was offered as one of a number of training tracks and some juvenile court judges did not attend the dependency session because of other options. A few judges reported they have not had time to attend the National Judicial College training.

New juvenile court judges and commissioners in Maricopa and Pima Counties spend a short orientation period prior to being assigned dependency cases. This orientation period usually involves two weeks of shadowing more experienced jurists to observe how they handle cases. New jurists are given a small number of less complicated cases initially to “learn the ropes” so to speak. There are no other formal judicial training opportunities in the dependency or severance areas at the county level.⁷⁷ Some judges take the initiative to visit service providers to learn more about programs and services but they are not required to do so. Periodic visits to service providers help judges and commissioners gain a better understanding of services and how programs operate.

In Arizona, there are no mandatory minimum training requirements in the dependency area for judges or commissioners. Virtually all individuals interviewed, including judges and commissioners, believe there is a strong need for additional training. This training should not be limited to legal issues but should also cover a range of child development issues including those related to attachment and bonding and the effects of separation on young children, the causes of child abuse and neglect and effective interventions to address or ameliorate these, the range of services available in their communities, and procedural and eligibility guidelines for accessing these services.

The biggest concern of judges centers on time -- judges must have the time to attend training. Crowded dockets and backlogs prevent many judges from pursuing training opportunities. A small number of judges indicated they have pursued additional training on their own through local resources (e.g., universities, the county bar, professional associations, etc.). Some experienced juvenile judges and commissioners have, over the years on the juvenile bench, gained substantial knowledge on legal and

⁷⁷ County Bar Associations may, on occasion, offer special training in these areas but, again, these sessions are not mandatory for new or continuing judges.

child development issues related to the victimization of children and the continuum of services needed to address this victimization.

In Maricopa and Pima Counties, judicial rotation has or will soon move a significant number of experienced jurists to the adult criminal or civil benches. Most juvenile court judges in these counties anticipate short tenures of two to three years (maximum) on the juvenile bench. While there are potential benefits in periodically rotating jurist including providing these jurists new and varied challenges and fostering a judicial cohort that has experience in all facets of the criminal, civil, domestic relations and juvenile law, frequent rotation is not consistent with “good practice” considerations that emphasize the need for continuity and specialized expertise in judicial oversight of abuse and neglect cases. Additionally, frequent judicial rotation does not encourage juvenile court judges to become familiar with the continuum of services available to dependent children and their families in their jurisdiction, or to develop detailed knowledge of ACYF procedures and eligibility guidelines/procedures for accessing services in their communities and for accessing behavioral health services provided through a network of services providers not controlled by child welfare. Lastly, brief appointments to the juvenile bench do not encourage the judiciary to provide effective leadership and advocacy in their communities to improve the administration of justice for children and families and to assure that needed services are available and accessible. The *Resource Guidelines* take a strong position in this regard.

“Juvenile and family court judges can be leaders in their communities, state capitals and at the national level to improve the administration of justice for children and families. Judges can be active in the development of policies, laws, rules and standards by which the courts and allied agencies and systems function. Judges can inform the community of the unique and diverse needs of troubled children and their families. Judicial impartiality does not preclude judicial leadership. The very nature of the office mandates that the judge act as an advocate and convenor to assure that needed services for children and families are available and accessible.” (pg. 18)

While interviews with judges and court administration indicate that judicial rotation is a fundamental characteristic of the legal community in Maricopa and Pima Counties, some middle ground can be found in the frequency of rotation to encourage judicial stability in the handling of dependency and severance cases. Appointments to the juvenile bench for a minimum of five years with at least one voluntary re-enlistment would seem appropriate and reasonable.

VII. Legal Representation Provided Children and Parents

Lawyers representing children and parents are critical players in child welfare cases. Experienced and qualified attorneys can provide tremendous assistance to the court as it attempts to determine what actions are in the best interests of children. Inexperienced or unqualified attorneys can stymie timely resolution and obstruct positive outcomes for children.

Interview data in the five counties suggest that the quality of legal representation afforded children and parents in dependency and severance cases is generally acceptable, though there is significant variance in perceptions among practitioners. In most instances, perceptions are split 50-50 with half feeling court appointed counsel provide excellent to good representation and the other half believing counsel do an inadequate job. This split is reflected in the comments of interviewees who frequently noted that the quality of representation “depends on the (individual) attorney.” In each of the five sites, interview subjects perceive some attorneys as more competent than others.

None of the five counties mandate special performance requirements or special qualifications for court appointed attorneys. Contracts for court appointed attorneys in some counties contain some minimum requirements but none of these meet the standards called for in the *Resource Guidelines*. The absence of more stringent performance guidelines for court-appointed attorneys and the difficulty recruiting and retaining experienced attorneys inevitably fosters inconsistencies and some less than adequate case outcomes.

Some of the variance in ratings of the quality of legal representation reflect turnover among court appointed counsel. The more experienced attorneys tend to handle a relatively smaller number of dependency cases as their private practice grows over time. New, less experienced attorneys enter the system and do not have the requisite training or background to fill the shoes of their more experienced predecessors. As is the case for judges and commissioners, there are no mandatory minimum training requirements in the dependency area for court-appointed attorneys and GALs. This is a serious weakness that could be rectified through statutory or court rule changes that set minimum requirements and mandatory training (initial and ongoing) for attorneys. Furthermore, the court should establish clear expectations (through its contracts with attorneys and actions in court) of what is expected of attorneys and GALs who handle child maltreatment cases. More formalized or structured performance guidelines would be a positive step.

Interview data suggest that, at least in Maricopa and Pima Counties, budget taming measures aimed at managing the cost of court-appointed counsel may have a deleterious effect on the quality of representation afforded children and parents. In Maricopa County, the practice of paying a court appointed attorney a flat one-time fee (\$1000 for a new dependency case) is viewed with some concern by a number of experienced jurists. These jurists believe this payment model deters continued active involvement in a case and may promote inappropriate settlement agreement early on. Project staff hearing observations did not confirm or contradict these concerns.

The Administrative Office of the Courts may want to consider initiating statutory or juvenile court rule changes that set minimum requirements and mandatory (initial and ongoing) training for court appointed counsel for children and parents. Additionally, juvenile courts may want to consider establishing clear expectations of what is required of their attorneys/GALs involved in child maltreatment cases in their individual jurisdictions. Other jurisdictions have found this beneficial including the Davidson County (Nashville), Tennessee Juvenile Court which incorporated specific responsibilities for its GALs in their local court rules. These expectations require GALS to:

1. Contact the juvenile court worker and agency caseworker assigned to the case and examine the court and agency files on all assigned cases.
2. Personally interview the child at least once prior to the hearing and return phone calls from the child as you would any other client.
3. Interview the parents, custodians and any other individual who may be petitioning for custody and use discovery rules set out in another section of the local rules to facilitate these interviews if they are unable to talk with these parties because of refusal of counsel.
4. Unless security or time prohibits, make at least one home visit to any home being considered for placement.
5. Obtain information from other professionals involved in the case including CASAs, teachers, counselors, doctors, foster parents, etc.
6. Subpoena witnesses that are needed to support the position advocated by the GAL.
7. Have the child attend the hearing whenever appropriate.
8. At the hearing, participate fully by calling witnesses, cross-examine witnesses, and presenting arguments.⁷⁸

VIII. Role and Qualifications of Assistant AG Attorneys

⁷⁸ Please see Davidson County Juvenile Court Rule 2 addressing issues related to appearance and conduct of counsel, appointment of counsel, guardian ad litem and court appointed special advocates.

The qualifications, training, and experience of assistant AG attorneys vary widely across the state. Assistant AG's in Cochise, Coconino, and Pima Counties have extensive experience with dependency matters. Some of these attorneys also have very specialized academic training beyond their legal education (e.g., social work, child development, etc.). In Maricopa County, there is greater variance in backgrounds and experience due to some turnover and sheer size. Overall, assistant AG attorneys involved in dependency and severance matters tend to have prior experience in juvenile matters and specific interest in dependency or severance.

As indicated previously, the “severance project” operated by the Attorney General’s office contains a team of attorneys who are responsible for all severance cases throughout Arizona. The project was created largely in response to the recognized need for more timely initiation and resolution of severance matters. Hearing observations and interview data indicate that perceptions of the quality of prosecution provided by severance project AG’s varies somewhat across the state but is generally considered markedly improved from that provided through contracted litigators prior to the initiation of the project. Interview data further indicate that the severance project is understaffed and that, at varying times, there have been delays in the filing of severance petitions because of personnel shortages to prosecute these cases.

The greatest concern identified in our interviews revolves around the recruitment and retention of qualified attorneys. In Pima County, the retention of experienced assistant AG attorneys is viewed as a strong asset to dependency and severance proceedings. Interview respondents were almost unanimous in their positive regard for these attorneys. In varying degree, this was also true in other case study sites. However, interviewees in these sites, particularly ACYF staff, indicated that understaffing and turnover are problematic and impact the timeliness and quality of court proceedings on dependency and severance cases. Turnover and staff shortages seem to be particularly problematic in Maricopa County. As a result, assistant AG attorneys do not routinely attend review hearings scheduled to be heard by commissioners which represent the bulk of review hearings held in Maricopa County.

Establishing equitable pay for assistant AG attorneys prosecuting dependency and severance cases would go a long way in enhancing the ability of the AG’s Protective Services Unit to more effectively recruit and retain qualified attorneys. Presently, assistant AG attorneys working in the dependency and severance areas are paid at a lower scale than assistant AG’s working in other divisions of the office.

A second concern involves the large geographical areas that assistant AG attorneys are responsible for. This is not only a concern for attorneys assigned to the severance project but also for attorneys handling dependency cases in areas outside of Maricopa and Pima Counties. Cochise County has one assistant AG assigned to handle all dependency matters in southeastern Arizona. Besides Cochise County, this attorney also represents the state in dependency proceedings in Graham, Greenlee and Santa Cruz Counties. In Coconino County, there are two assistant AG attorneys assigned to handle dependencies. These assistant AG's are also responsible for dependency cases initiated by ACYF in Navajo, Apache and Yavapai Counties. This is an extremely large geographic area and, in fact, these assistant AG's frequently fly a small plane to attend hearings in the different counties. The recent addition of regional offices in Kingman and in Yuma should alleviate some of the logistical problems related to geography but the AG office may want to consider additional ways it can decentralize its Protective Services Unit attorney staff.

IX. Use of Court Appointed Special Advocates (CASAs)

Court Appointed Special Advocates (CASA's) can have an extraordinary impact on the thoroughness of dependency and severance proceedings and the overall length of time a child remains in temporary placement. All five sites actively use CASA's in dependency and severance cases. The vast majority of practitioners interviewed perceive CASAs as positive forces. In particular, judges and commissioners handling dependency and severance matters view CASAs as essential in ensuring that the best interests of children remain in the forefront in judicial proceedings. In the three rural areas studied, CASAs appear to be more available than in their urban counterparts. In the two metropolitan counties, there is an overall shortage of qualified CASA's. In all five counties, CASAs are formally appointed by the judge through written court order.

New CASAs are required to attend a mandatory two-day training session provided by the Administrative Office of the Arizona Supreme Court. All CASA coordinators and volunteers interviewed feel this training is essential for new CASAs. Each county supplements the state training with local orientation. Typically, local orientation involves a new CASA shadowing the CASA coordinator and/or a more experienced volunteer.

In Cochise County, the CASA coordinator and/or a CASA volunteer attend a high proportion of dependency cases. Practitioner interviews in Cochise County revealed overall satisfaction with the quality and performance of CASA volunteers. Interview responses and observations in Coconino County

paralleled those in Cochise. Overall, practitioners perceived CASAs as strong advocates for children. Respondents stated that judges take the recommendations of CASAs quite seriously. This perception was confirmed by the judges themselves.

CASAs are frequently not appointed in La Paz until after the first or second dependency hearing. Volunteers are expected to meet with their clients before the next hearing and be prepared to testify in court. The presiding judge views CASAs as integral players in the system. He knows every volunteer and seems to understand the importance of carefully matching the right volunteer with the right child. CASAs or the coordinator attend every dependency hearing in La Paz County.

Site visits related to the CASA program in Maricopa County were conducted in February 1996. At that time, Maricopa County had two full-time CASA coordinators and approximately 140 CASA volunteers. In March 1996, two more coordinators were added. As in many large urban areas, Maricopa County faces chronic shortages of qualified CASAs. This forced Maricopa County to develop creative ways to allocate this scarce but important resource. The decision to appoint a CASA in a dependency case in Maricopa County is usually made 30 to 60 days after the initial dependency hearing. All cases heard at 21-day initial hearings are screened for CASA eligibility using a triage-type of approach. Those cases that display the highest needs and risks, as determined through use of a formal CASA case screening tool, are most likely to receive a CASA. Cases that display moderate needs and risks are appropriate for CASAs but do not always receive them (due to limited availability). Cases with lower needs and risks only receive CASAs if there is an abundant supply.

CASA coordinators and volunteers' perceptions of timeliness and thoroughness of dependency and severance hearings in Maricopa County mirror the perceptions of others. Generally, they feel dependency hearings are held in a timely manner but they would like to see more substantive attention paid to reasonable efforts, case progress, and other matters tied to the status of children. They also see the need for the court to improve timely initiation and completion of severance proceedings.

In Pima County, there are two staff supervising the CASA program. According to interviews, CASA volunteers provide between 12 to 20 hours per month on average per case. New CASAs are assigned one case at a time while experienced volunteers may handle two cases at the same time. Advocates are appointed usually in the most complex cases where there are permanency planning issues. CASAs are also frequently appointed in private dependencies where the court will use volunteers to conduct independent investigations to obtain necessary information about a case.

Interview responses in Pima further reveal that the overcrowded court calendar presents significant problems for volunteers. CASAs, like other parties, spend significant time waiting for hearings to commence. Frequent continuances and rescheduling of hearings (e.g., severance hearings being bumped) are serious problems. Volunteer advocates expressed some frustration with the failure of the court to notify them when hearings are rescheduled or when hearings are continued. overcrowded calendars also often result in insufficient hearing time dedicated to allow for thorough reviews of case progress.

Overall, interview data in a number of sites revealed some ongoing tension between some CASAs and ACYF caseworkers. This tension is also evident in the CIP survey which indicates that 56.7% of all ACYF respondents felt that the training and experience of CASAs was a moderate to serious problem in their jurisdiction (Chapter 3, Table 3.10). These sites are taking positive steps to address this tension including more opportunities for interaction and cross-training between CASAs and other players in the system. Some degree of dynamic tension between CASAs and other parties is normal given the different roles these parties play. Interview respondents, including CASA volunteers themselves, perceive the need to schedule regular forums for interaction between volunteers and ACYF caseworkers. These could take the form of interdisciplinary training sessions or, simply, less formal opportunities to interact.

X. Closer Coordination of Foster Care Review Board and Juvenile Court Activities

The Arizona State Legislature established the Foster Care Review Board in 1978 in response to a number of concerns related to the length of time children lingered in temporary placements with no formal case plan and little hope of finding a permanent home. The FCRB system is part of the Dependency Children's Services Division of the Arizona Supreme Court, Administrative Office of the Courts.⁷⁹ The individual review boards that comprise the FCRB system are to review cases of children who are in out-of-home placements and the subject of a dependency action at a minimum of every six months to assess case progress and to make recommendations to the juvenile court accordingly. The boards are required to report their findings to the juvenile court within 30 days of their review.

In essence, the review board system is supplementary to and compliments judicial oversight of these cases. Continual feedback and coordination are required for this complementary arrangement to fully achieve its intended purpose. Interview data and our limited observation of FCRB hearings indicate that the FCRB fulfills a critical oversight and advisory function and that jurists value the input provided by the boards. A number of jurists also commented that recent changes to the way individual boards conduct reviews and report their findings and recommendations to the court have further increased the utility of their input. Interview data, however, also indicate that judicial proceedings and FCRB hearings are essentially independent activities with little coordination or on-going communication between the two.

The assignment of cases to individual review boards is a clerical process which is essentially invisible to juvenile court judges. In most cases, ACYF staff forward written notification of new removal cases to FCRB program staff. At least in Maricopa County, FCRB staff also receive a copy of the supplemental order setting a date and time for the initial dependency hearing. Standard language in this order assigns FCRB to review these cases at least every six months as long as the child remains in out-of-home care. Once notified of a new case, FCRB staff will assign the case to the appropriate review board and the case is scheduled for its initial six month review. Reviews are conducted at six month intervals until FCRB staff are notified through a minute entry that the case has been closed.

Interview data suggest that FCRB staff manually attempt to keep review board hearings in sync with court scheduled review hearings. However, this is a very labor intensive and cumbersome process that the Dependent Children's Services Division has only been partially successful in maintaining. FCRB staff receive all minute entries from court hearings conducted on their cases, peruse these entries for the

next scheduled court date and attempt to adjust the next FCRB review date accordingly. Ideally, the review board will schedule its administrative review to permit sufficient time for the submission of its report to the court prior to the court's own review of the case. FCRB support staff indicate that it has become increasingly more difficult to manually maintain this coordination as both caseloads and the frequency of court reviews have increased.

The coordination of hearings by these complimentary entities would be facilitated immensely by technological enhancements that would permit the new FCRB automated system to interface with the juvenile court's JOLTS system so that both entities are automatically notified of hearings scheduled or modified by the other entity. Initially this could be achieved in a relatively low-tech manner through automatically-generated electronic mail. Ultimately, hearing data could be passed between the two systems and maintained in their respective databases. It would be particularly valuable for FCRB hearing dates to be maintained on the JOLTS database so that judges and commissioners could view this information on their JOLTS terminals prior to their scheduling of a review or permanency planning hearing on a case.⁸⁰

Project findings also indicate that the frequency and level of interaction between juvenile court judges and the Dependent Children's Services Division should increase considerably and that judges and commissioners routinely meet with individual review boards to discuss the reporting needs of the court and for the court to provide these boards with specific feedback regarding the utility of their recommendations. If a one family-one judge case assignment system becomes a reality, the courts and AOC may want to consider having individual review boards assigned to review the cases of specific jurists.

The Administrative Office of the Courts should also consider building some flexibility into FCRB review processes to allow the individual boards to review cases with a frequency that is consistent with the court's desire/need to maintain its own close oversight of a specific case. This may also include the suspension of FCRB review hearings on cases the court wants to maintain very close oversight. For example, if the court decides to review a specific case early or frequently (e.g., every 3 months or less) because it is particularly complex or is in otherwise need of close judicial monitoring, the board should be

⁷⁹ This division also administers the Court Appointed Special Advocates (CASA) program.

⁸⁰ It is our understanding that JOLTS terminals have been installed in all juvenile court courtrooms. Certain logistical concerns would need to be worked out for counties in which dependency and severance cases are heard by General Division judges.

able to conduct paper reviews until the case stabilizes and the court is confident that the case is proceeding as directed.

XI. Issues Related to Implementation of the Indian Child Welfare Act

Overall, the number of dependency and severance cases impacted by the Indian Child Welfare Act (ICWA) is relatively small. Interviews with judges and commissioners, assistant AG attorneys, ACFY caseworker and court appointed counsel indicate general satisfaction with the handling of ICWA cases. Almost all judges feel that they are aware of the provisions of the Act and apply it in appropriate cases. Assistant AG attorneys, ACYF staff and court appointed counsel offer the same perception. Judges and assistant AG attorneys stated that they rely on ACYF caseworkers to conduct the initial investigation to determine whether ICWA applies in particular cases. Some court appointed counsel and assistant AG attorneys added that they may occasionally come across a case where the Act applies and recommend to the court and/or agency to pursue notification to the tribe. In general, these individuals indicated that the tribe rarely involves itself in judicial proceedings on these cases.

In contrast, tribal authorities generally perceive some inconsistencies in the state and juvenile courts efforts to identify ICWA cases. They indicated that some judges and ACYF caseworkers do a good job and make good faith efforts to identify applicable cases, while others do not. Additionally, some tribal representatives indicated that Arizona courts do not actively inquire into ICWA issues. These representatives feel that courts only respond if the parties involved in a case bring it to the court's attention. In general, tribal officials feel that jurists and attorneys need to become more familiar with the provisions of the Act including provisions that permit the tribe to intervene without ever transferring jurisdiction.

Additionally, tribal officials felt that some juvenile courts, attorneys and caseworkers are not culturally sensitive and would encourage these parties to become more familiar with the different tribes and their unique cultures. They felt that this would go a long way to improving the quality of proceedings on ICWA cases. Furthermore, according to one interview respondent with extensive experience in these matters, the complex nature of Arizona court proceedings in ICWA cases often confuses tribal representatives. Tribal social workers, parents and relatives are often befuddled by the legalistic nature of these proceedings. Some jurists appear to be more sensitive to this and take the time to explain the nature of the proceedings in language they parties can understand.

There appear to be few instances where tribal courts assume jurisdiction for cases initially heard in Arizona juvenile or superior courts. For tribal authorities, this is not a function of the lack of interest, but rather, a reflection of the relatively small number of cases in which ICWA applies. Tribal representatives state that their tribes are genuinely concerned about their people and that tribal courts encourage social workers to do as much as they can. Tribal courts are more likely to assume jurisdiction in applicable cases where the goal is to reunite a child with family members.

Unfortunately, tribal social workers face daunting workload demands that may inhibit timely action in ICWA cases. For example, one social worker representing the Navajo Nation has a current caseload of 93 cases. This social worker has to manage a caseload that spans multiple states including California, New Mexico and Utah as well as Arizona. Tribal authorities with the Navajo Nation and other tribes also indicated that finding and retaining qualified social workers is problematic given these high caseloads and low pay.

XII. Concluding Remarks

The findings presented in this chapter strongly suggest that, while judicial proceedings are taken very seriously in Arizona, a number of recommendations can be offered to improve court practice in the handling of cases involving children who have been victimized and maltreated. The most basic principle underlying this discussion is a reaffirmation of the prominent role of the judiciary and the need for more comprehensive and timely judicial intervention in assuring safe and permanent home for Arizona's abused and neglected children.

More will be said in subsequent chapters on the lack of resources sorely evident in both the judicial and child protective services systems to adequately respond to these challenges. While not minimizing these fiscal shortcomings, a number of recommendations for suggested improvements can be achieved through increased efficiencies in case flow management and better utilization of scarce court time. For one, reducing continuances and more efficient calendaring can reduce the amount of time parties spend waiting for hearings to commence. An issue that most individuals indicate is a moderate to serious problem in their jurisdictions. Secondly, making these hearings more substantive should reduce the amount of time children remain in impermanent living arrangements and the amount of time the state remains involved in these cases.

Achieving permanence in a timely fashion is critical to the life situation of these children and to the hope that they will reach adulthood in a safe and nurturing environment. These children deserve nothing less and the entire Arizona community will be stronger and safer as a result. Additionally, more intensive but reduced state intervention time can result in considerable fiscal benefits to the state. Recent studies of juvenile courts in Hamilton County (Cincinnati), Ohio and Kent County (Grand Rapids, Michigan) have shown that timely and thorough dependency hearings can not only produce dramatic positive outcomes for children and families but can also ultimately result in considerable resource savings as cases are resolved quicker and in a more comprehensive manner.

Chapter 5

Service Needs of Victimized Children and Their Families

A number of individuals interviewed implored project staff to not focus solely on judicial proceedings involving victimized and maltreated children. While not discounting the importance of timely and “high quality” judicial intervention, they stated that the ability of the combined judicial and child protective services continuum to provide permanent homes for these children in a timely and safe manner is ultimately predicated on the system’s ability to respond to the needs of this population. Interviewees consistently cited the lack of system resources and the difficulties in accessing available services in a timely manner as two of the greatest barriers to achieving permanence.

This theme was also echoed very emphatically by CIP survey respondents. Close to 70% of all of respondents cited the lack of necessary services as moderate to serious problem in their jurisdictions and approximately 60% indicated that the timely availability of services was problematic (see Chapter 3, Table 3.8). This frustration was most evident among respondents responsible for the direct provision and coordination of services to victimized children and their families. Almost four of every five ACYF administrators, supervisors and caseworkers indicated that the lack of necessary services was a moderate to serious problem and three in five ACYF respondents stated that problems existed in ensuring that services were made available to parents and children in a time manner.

While not the primary objective of the CIP assessment, project staff’s review of 162 FCRB case file packets highlighted three issues that impact the ability of the court and the child protective services continuum to find these children safe and permanent homes including:

1. That the needs of victimized children and their families are often chronic and varied and cannot be addressed without access to a wide range of specialized services including behavioral health services;
2. That most cases are known to the system prior to the child’s removal from the home; and
3. That a small number of dependent children also exhibit delinquent and incorrigible behavior patterns and servicing these cases is difficult and costly.

I. Presenting Problems and Service Needs of Children and Their Parents

NCJJ staff closely reviewed all documents contained in 162 FCRB packets on children whose cases were set for board review in late July and early August, 1996 to determine whether any indication of a chronic and/or severe problem existed in a wide range of child and parent need areas.⁸¹ These packets were identical to those mailed to board members by FRCB program specialists a week prior to the actual review date. While the amount of information available for review varied from case to case, some packets contained considerable amount of case materials including the latest ACYF progress report and case plan updates, recent psychological assessments and service provider summaries, court minute entries from hearings conducted since the last board review, the previous FCRB report submitted to the court summarizing the board's findings at the previous review, and the initial ACYF investigation report and case plan developed at the time the child was first removed from the home. This latter report was included in almost all packets and typically contained fairly detailed information regarding the circumstances leading to the child's removal and any prior involvement the family had with ACYF and child welfare agencies in other jurisdictions.⁸²

The review of FCRB files suggests that victimized children are plagued by multiple problems with service needs that are often extensive and persistent (Table 5.1). The case files indicate that a substantial percentage of children have been physically and sexually victimized (27.8% and 21.6%, respectively). Upwards of one in ten children exhibited symptoms related to prenatal exposure to drugs, alcohol or the HIV virus (11.7%), have been victims of serious medical neglect (12.3%), and have serious or chronic medical problems (11.1%). A number of these children are in need of behavioral health interventions because of aggressive/assaultive behavior patterns (17.9%) or due to some other diagnosed emotional dysfunction. The case file review also indicates that a number of children are in need of specialized educational intervention due to a learning disability (13.0%), to address a diagnosed attention deficit disorder (14.2%), or because of a mental impairment (9.3%).

⁸¹ These cases were, for the most part, randomly selected from cases set for board review during this period. NCJJ was placed on the mailing list to receive packets on all these cases. The selection process was adjusted somewhat to ensure that cases were reviewed from all case study sites and that Maricopa and Pima County cases were proportionately represented. A total of 79 Maricopa County cases were included in the data set representing 48.8% of all cases reviewed. Additionally, 40 Pima County cases were reviewed which represented 24.7% of all cases included in our review population.

⁸² Research staff were instructed to be conservative in their assessments regarding the chronicity or severity of any specific problem. That is, research staff were instructed to err on the conservative side if insufficient information was available to make a clear-cut determination. In all likelihood, the frequency of severe and/or chronic problems noted in the various need areas reflected in Tables 5.1 and 5.2 underestimates their frequency among the overall population of victimized children and their parents.

Overall, at least one problem area was noted in 75.3% (122) of the 162 cases reviewed. In many instances, more than one issue was identified as serious or chronic. In 16.0% (26) of all cases, two needs areas were noted, three to five need issues were noted in 28.4% of the cases, and in 8 cases (4.9%), six or more needs areas were noted.

Table 5.1: Frequency With Which Various Chronic and/or Severe Problems Were Noted Among Children		
Chronic and/or Severe Problems - Child:	Percent	Number
Victim of Physical Abuse	27.8%	(45)
Victim of Sexual Abuse	21.6	(35)
Sexual Abuse Perpetrator	4.3	(7)
Prenatal Exposure to Drugs/Alcohol/HIV	11.7	(19)
Failure to Thrive/Serious Medical Neglect	12.3	(20)
Serious/Chronic Medical Problems	11.1	(18)
Serious Speech Development Problems	6.2	(10)
Developmentally Disabled	12.3	(20)
Other Physical Disability	4.3	(7)
Serious Aggressive/Assaultive Behavior	17.9	(29)
Other Diagnosed Emotional Dysfunction	14.8	(24)
Mental Impairment/Retardation	9.3	(15)
Attention Deficit (ADHD) or Similar Disorder	14.2	(23)
Learning Disabled/Educationally Impaired	13.0	(21)
Academic Achievement (2 or more years behind)	7.4	(12)
Chronic Truancy	5.6	(9)
Substance/Alcohol Abuse by Juvenile	6.8	(11)

Data presented above reveal that the needs of victimized children in most instances extend well beyond that of primarily or solely addressing their home environment which was determined unsafe and/or destructive to their well-being. These latter issues are typically addressed through some type of subsidized or unsubsidized placement that ensures the child is in a safe and, at minimum, somewhat nurturing environment. However, victimized children often need more than this minimum. Frequently, the cumulative impact of their months and years in a very dysfunctional home environment manifests itself in a wide range of medical, physical, emotional and behavioral problems that require more

specialized intervention. This specialized intervention either supplements the foster placement or is provided in a more focused and intensive residential facility or group home. In either instance, the cost of providing these services place a considerable burden on the state.

Table 5.2: Frequency With Which Various Chronic and/or Severe Problems Were Noted Among Parents		
Chronic and/or Severe Problems - Parents:	Percent	Number
Drug Abuse	48.1%	(78)
Alcohol Abuse	21.0	(34)
Family Dysfunction/Domestic Violence	29.0	(47)
Appropriate Housing/Financial Problems	41.4	(67)
Emotional Dysfunction	25.9	(42)
Mental Impairment/Retardation	1.9	(3)
Child Rejection/Abandonment	33.3	(54)
Parenting Skills	46.3	(75)
Parental Supervision	17.3	(28)
Custodial Parent(s) Incarceration	24.1	(39)
Criminal Activity Endangering Child's Welfare	8.0	(13)
Medically or Physically Disabled	3.7	(6)
Custodial Parent(s) Deceased	4.9	(8)

Our case review further reveals that parents of victimized children also exhibit a wide range of problems that need to be addressed in a timely manner if family reunification is to be a realistic goal of the case plan (Table 5.2). The lack of appropriate housing and/or severe financial problems were contributing factors to a child's removal in 41.4% of the cases. Parental drug or alcohol abuse were noted as serious problems in a considerable percentage of cases (48.1% and 21.0%, respectively). In 29.0% of the cases, problems related to domestic violence or some other serious and/or chronic family dysfunction were evident. More than a quarter of the parents (25.9%) were noted as exhibiting serious and/or chronic emotional problems. Serious lack of parenting skills were noted in 46.3% of all cases and serious concerns regarding parental supervision were noted 17.3% of the time. In a third of the cases (33.3%), child rejection or abandonment contributed to the child's placement. Incarceration of a custodial parent (at least for a short period of time) was an issue in almost a quarter (24.1%) of all cases.

The above analysis clearly suggests that cases involving victimized and maltreated children are complex and typically require immediate and intensive intervention if the amount of time a child remains in temporary placement is to be kept to a minimum. This requires that the agency and the court have timely access to a comprehensive continuum of services to address the needs of victimized children and their families. Irrespective of the ultimate outcome of the case (e.g., reunification of the family, adoption, permanent guardianship, etc.), these services are necessary to increase the likelihood that these children are not raised in temporary and unstable foster placements under the continuing supervision of the state.

It is unclear to what degree a comprehensive assessment has been conducted in Arizona to determine the service needs of victimized children and their families and the range and quantity of services the state should be reasonably expected to make available to this population. The above preliminary analysis suggests that these needs are substantial and interview and survey data clearly indicate that the timely availability of these is sorely lacking. It is beyond the scope of the project to arrive at any definitive assessment of this critical component of the state's handling of child welfare cases. However, such an assessment should be conducted and can be best examined in an environment in which the court takes an active lead in the oversight of these cases and in which the court insures that the service needs of these cases are raised to the forefront and continually reexamined. The authors encourage the CIP Advisory Workgroup, AOC and ACYF to cooperatively conduct such an ongoing needs and services assessment as part of any effort to implement the recommendations embodied in this report.

This needs assessment should also closely examine various options to facilitate the timely access to various types of services needed by victimized children and their families that are not directly controlled or provided by ACYF. Most specifically, interview data continually pointed to delays in the accessing of behavioral health services for Title 19-eligible families through the Department of Health Services including psychological assessments that can take months to accomplish. Furthermore, access to these services appears to require considerable sophistication and persistence to systematically guide these cases through a maze of eligibility and administrative requirements that need to be met before approvals for services are granted. Typically, it falls on overburdened caseworkers to complete the required paperwork and to actively follow-up on these cases. High caseworker turnover only increases the difficulties associated with the case coordination and follow-up required to facilitate timely access of these services.

Lastly, The Administrative Office of the Courts, the individual juvenile courts, the Department of Economic Security, Department of Health Services, Department of Education, and other state and local agencies involved in the servicing of dependent children with multiple and serious needs should examine the feasibility of “pooling” funds to develop a system of care to provide services to the most needy of these children and their families. The feasibility of developing a separate entity apart from these governmental entities to assume day-to-day fiscal management and case management responsibilities should also be considered. There is some precedence for doing this in Arizona, specifically the Interagency Case Management Project, as well as in other jurisdictions. Since the spring of 1994, Hamilton County (Cincinnati), Ohio has been pooling funds to service a clearly defined population of children with multiple and severe needs and has established a private, non-profit organization, Family and Children First Management, Inc. to manage this process.⁸³

II. Prior ACYF Involvement

The review of initial ACYF investigation reports contained in the FCRB packets indicate that in most instances ACYF has had some contact or level of involvement with the family prior to the removal of the child included in our study population. In approximately a quarter of the cases, the child or a sibling had been previously removed from the home. CIP project staff’s review of these initial ACYF investigation reports also indicate that in approximately 60% of the 162 cases reviewed, ACYF had received a report on the family alleging neglect or maltreatment of the child or a sibling. In most instances, these reports to the agency resulted in an investigation by an intake caseworker. Frequently there had been multiple prior reports to ACYF.

These data are consistent with data reported in the *1996 Program Re-Design Final Report* prepared for DES/ACYF that indicate in three of four instances, ACYF will close out a report after an investigation has been conducted with no further action on its part.⁸⁴ The report indicates that many of the families involved in these cases are referred to community agencies for *voluntary* follow-up services, but it is unclear to what degree services are actually provided. In at least some of these instances, further

⁸³ Please see Appendix E for a detailed description of the Hamilton County - FCF Management, Inc. partnership and of a related effort by the Children Services Division of the Hamilton County Department of Health Services (DHS) and the Hamilton County Alcohol and Drug Addiction Services Board to better meet the substance abuse treatment needs of DHS clients (the DHS IMPACT Program).

⁸⁴ Please see Helaine Hornby, “*Program Redesign Final Report*, National Child Welfare Resource Center for Organizational Improvement, University of Southern Maine, (January, 1996, pg. 8).

ACYF involvement is probably needed (voluntarily or by court order) even though the results of the investigation indicate that removal is not warranted at the time.

Consistent with recommendations contained in the ACYF report, CIP project staff recommend that the agency screen these cases closely to determine instances in which the filing of an in-home petition is warranted to require the family, by order of the court, to accept and cooperate with ACYF and to accept in-home and placement prevention services. In rare instances, this currently occurs. However, interview data indicate that in-home petitions are infrequently filed because it is felt that the court will not be very receptive to the filing of such cases and, secondly, because ACYF does not have sufficient personnel and resources to expand their provision of family preservation and placement prevention services to the level required to service families identified as sufficiently at-risk to require such intervention.⁸⁵

III. Servicing of Children Who Are Both Dependent and Delinquent

Our case file review suggests that approximately 16% of all dependent children in ACYF care have also been previously or simultaneously been adjudicated delinquent. This is consistent with CIP interview data that suggests that the number of dually adjudicated children are a relative small but growing population. ACYF estimates that they are involved with approximately 150 such juveniles annually in Maricopa County. Additionally, interview data indicates that these juveniles are difficult and costly to service and that ACYF feels that many of these juveniles are more appropriately served through the delinquent services continuum.

While our review of these cases suggest that in a number of these cases clear evidence of victimization and maltreatment is evident, it is also true that these juveniles are very difficult and costly to service. Data presented in Table 5.3 indicate that there is a sizable correlation between need for specialized (and costly) treatment placements and the presence of both delinquency and dependency issues. That is, placement in a specialized treatment facility (e.g., psychiatric or medical hospital,

⁸⁵ The Project Redesign Report suggest that a new legal status “protective supervision” be designated by statute which would allow juvenile courts to “enter orders of protective supervision in those cases where parents admit to having committed abuse or neglect, on the condition that this admission cannot be used against them in latter proceedings”. (pg. 9) While a statutory change is not required to permit court involvement in such cases, the designation of a new legal status may be worthwhile for caseload management purposes and would formally acknowledged the role of the court in the oversight of in-home cases. The enactment of such legislation may particularly useful if it was accompanied by a formal recognition of the need to require parents to accept family

residential treatment or group home) was needed, at least for a short time, in 20% of those cases in which no delinquency issues were present but was required in 46.2% of those cases in which both delinquency and dependency issues were evident.

Number of Specialized Treatment Placements	Prior or Current Delinquent History		No Prior or Current Delinquency History	
	(Percent)	(Number)	(Percent)	(Number)
None	54.8%	(14)	80.0%	(108)
One	23.1	(6)	11.1	(15)
Two or More	23.1	(6)	8.8	(12)
Totals	100.0%	(26)	100.0%	(135)

While the data presented are limited and should be considered very preliminary, it does point out a need to examine more closely how to service this difficult population of older juveniles. While we do not necessarily agree that these juveniles should, in most instances, be serviced solely through the delinquent services continuum, many of these juveniles could probably be best served and with less shuffling between systems through a coordinated case management approach supported by a “pooling” of funds from the various entities that are currently sequentially or concurrently involved in the servicing of these difficult adolescents.

preservation and placement prevention services and resulted in the appropriation of additional funds specifically for that purpose.

Chapter 6

Preliminary Estimates of Time and Resource Requirements Necessary for “Good Practice” Judicial Oversight of Dependency Cases

Findings presented in previous chapters of this report point to a number of recommendations to improve the juvenile court’s handling of dependency and severance cases in Arizona. Underlying these findings is a fundamental principle emphasizing the need for more comprehensive and timely judicial intervention in the court’s handling of cases involving victimized and maltreated children. While initial reaction to these findings has been generally favorable, a number of individuals have voiced skepticism regarding the resources necessary to implement many of the proposed recommendations. Court Improvement Project survey findings also suggest that available resources is an area of considerable concern to many survey respondents. Approximately half of all those responding to the survey indicated that there are not enough judges, docket time and court staff to allow for active judicial oversight of dependency and severance cases and to effectively manage the processing of these cases (see Chapter 3).

This report strongly recommends that all parties to dependency and severance proceedings take more time to prepare and participate in the hearing process. Undoubtedly, this will require that additional resources be dedicated to these cases by the court, AG’s Office, and ACYF. The cost of providing court-appointed attorneys may also increase as the expectations on what is required of defense counsel to prepare for these hearings increase. Site observations and interview data indicate that the continuing increase in dependency and severance caseloads and in the severity of these cases are already severely hampering the ability of the judicial and child protective services system to respond. To ask these entities to do more without additional resources is unrealistic.

The amount of additional resources required, however, may not be as great as one might expect given the scope of changes in judicial practices being recommended. These costs can be partially offset by savings in personnel time that can be realized through better calendar utilization, closer control of continuances and more effective case flow management. Our recommendations in these areas (specifically, time certain calendaring and establishment of a firm policy on continuances) should reduce the amount of time parties spend waiting for hearings to commence and should reduce the likelihood that a dependency or severance hearing will be continued.

Secondly, the recommendation to require an initial hearing within three to five days of removal is not intended to impose an additional requirement to the judicial handling of these cases. This hearing is

intended to *substitute* for the initial dependency hearing currently held within 21 days of petition filing. While we recommend that the court take considerably more time at this hearing (ideally, 60 minutes) to closely review a number of substantive matters (see Chapter 4), these efforts have proven in other jurisdictions to reduce the need for subsequent hearings as critical issues that often contribute to extensive processing delays are dealt with and resolved much earlier in the life of the case.

Most importantly, increasing the timeliness and thoroughness of judicial oversight at all hearing stages has proven to result in dramatic reductions in the amount of time children remain in impermanent living arrangements and the amount of time the state (that is, the court, ACYF and the AG's Office) remains involved in these cases. Not only does this benefit children, the savings to the state can potentially be enormous. Recent studies of juvenile courts in Hamilton County (Cincinnati), Ohio and Kent County (Grand Rapids), Michigan have shown that timely and thorough dependency hearings can ultimately result in considerable resource savings as cases are resolved quicker and in a more comprehensive manner.⁸⁶ An internal study conducted by the Kent County Juvenile Court reveals that in 1993:

- Children returned home spent an average of 12.3 months in foster care;
- In cases in which parental rights were severed, children spent an average of 14.5 months in care before the court issued its decision to terminate parental rights (that is, from time of initial removal to severance decision); and
- Victimized children adopted after parental rights were terminated spent an average of 19.4 months in foster care (from time of initial removal to adoption).⁸⁷

In sharp contrast, the average length of time a child remains court-involved in Maricopa County is 3.3 years (from time of the filing of the dependency petition through to case closure).⁸⁸ The analysis of Maricopa County Juvenile Court Center case processing data further reveals that approximately 25% of all cases in which a child has been adjudicated dependent remain open for more than five years. A recent

⁸⁶ See Mark Hardin, "*Judicial Implementation of Permanency Planning Reform: One Court That Works*," American Bar Association, Center on Children and the Law, Washington, D.C., 1992 and a second ABA publication, Mark Hardin, Ted Rubin and Debra Ratterman Baker, "*A Second Court That Works: Judicial Implementation of Permanency Planning Reforms*," 1995.

⁸⁷ Hardin et al., *A Second Court That Works ...*, pp. 59-60. Additionally, data provided by Ms. Barbara Seibel, former Director of Juvenile Court Services for the Hamilton County (Cincinnati), Ohio Juvenile Court indicates that the average length of time children remain in temporary foster care in Hamilton County is approximately nine months. Temporary foster care is defined as time spent in foster care prior to being returned home, placed in the permanent custody of CPS (and available for adoption) or placed in long-term foster care. See Chapter 2 (footnote #15) for limitations placed on juvenile courts in Ohio in the use of their use of this placement option.

⁸⁸ The 3.3 years is an average for all dependency cases closed in 1995 in which a child was previously adjudicated dependent. This analysis does not take into account the reason for case closure (return home, adoption, reaching

internal Pima County Juvenile Court Center study found that dependency children remain court involved in Pima County for an average of 3.2 years. Statewide examinations of placement data also suggest that victimized children tend to remain in foster care for extended periods of time and considerably longer than similarly-placed children in Kent and Hamilton Counties. A 1993 review of all children in placement conducted by the Arizona Department of Economic Security (DES), Administration for Children, Youth and Families (ACYF) reveals that approximately 45% had been in continuous out-of-home placement for more than two years and 21% had been in placement for more than four years.⁸⁹ Almost identical length of time in placement data were reported by the Arizona Administrative Office of the Courts' Foster Care Review Board in their 1995 annual report.⁹⁰

I. Preliminary Estimates of Savings in Placement Costs

The potential savings in placement costs can more than offset the cost of additional personnel needed by the court, ACYF and AG's Office to allow for more timely and thorough judicial oversight. The lack of comprehensive dependency and severance caseload and case flow data and difficulties in ascertaining how implementation of these recommendations will proceed makes it difficult to estimate what the additional costs in personnel time will be. The authors are recommending that a detailed analysis of the resource needs of the court, ACYF, Attorney General's Office, court-appointed counsel, CASA and FCRB be conducted as part of any implementation efforts initiated subsequent to issuance of this report. We would encourage the CIP Advisory Workgroup and AOC to consider using some of the CIP implementation funds to support this supplemental study. Such a study could best be conducted as part of a "pilot" effort to implement the recommended changes in judicial handling in one or more selected county juvenile courts (see Chapter 7).

However, some preliminary resource and time estimates are available that can be used to gauge the potential fiscal impact of these recommended changes. As a supplement to the development of the *Resource Guidelines* and using Hamilton County as the primary study site, NCJJ staff were responsible for estimating the time allocation requirements necessary for implementation of the "high quality"

the age of majority, etc.). The average length of time these cases remained actively under on-going court supervision after initial disposition was 3.0 years.

⁸⁹ Helaine Hornby and Dennis Zeller, *Assuring the Safety of Children in Foster Care: Arizona Case Review Final Report*, Report prepared for the Arizona Department of Economic Security by the National Resource Center for Management and Administration, University of Southern Maine (1994), pp. 31.

⁹⁰ The 1995 FCRB Report reveals that 45.4% of children in care as of February 6, 1995 were in placement for 24-47 months and 21.8% had been in placement for 48 or more months.

judicial practices recommended in the document.⁹¹ Annualized time estimates derived from this study for the average amount of docket time, hearing officer, and court staff time necessary to complete the pre-initial disposition and post-initial disposition phases of court proceedings on dependency cases are provided in Table 6.1.⁹² Pre-Initial disposition time estimates reflect the amount of time needed to complete the average number of hearings necessary for a case to reach initial disposition. This includes all preliminary protective, pre-trial, adjudication, and disposition hearings needed for the court to initially dispose of a case. This analysis indicates that in the Hamilton County Juvenile Court, the average amount of docket time needed to reach initial disposition in a new dependency case filing is estimated at 3.9 hours. The average amount of judicial officer time needed to reach this phase of court proceedings is estimated at 6.1 hours per case and the average amount of court support staff time required is estimated at 12.0 hours per case. Data presented in Table 6.1 further indicate that the estimated average amount of docket, hearing officer and court support staff time needed to complete all post-initial disposition court proceedings on a dependency case (review, permanency planning and severance hearings) prior to case closure are 3.75 hours, 6.6 hours and 11.3 hours, respectively.

Table 6.1: Pre and Post-Initial Disposition Time Allocation Estimates for the Court Docket, Judicial Officers and Court Support Staff		
Resource Category	Pre-Initial Disposition (hours/case)	Post-Initial Disposition (hours/case)
Docket Time	3.9	3.75
Judicial Officers	6.1	6.6
Court Support Staff	12.0	11.3

Generally, and in a very preliminary manner, applying these time estimates to the Maricopa County Juvenile Court's 1995 (calendar year) dependency caseload of 1555 new petitions filed and an estimated average of approximately 2325 cases under on-going court review, we estimate that the court may need anywhere from four to six additional judicial officers (judges and/or commissioners) as well as

⁹¹ A brief summary of these efforts and preliminary time allocation estimates for court docket time, judicial officers, and court support staff are provided in Appendix A of the *Resource Guidelines*. A summary of selected data tables generated during this project are provided in Appendix D of this report.

⁹² The time allocation estimates presented in Table 6.1 should only be considered initial approximations that need to be evaluated within the context of a specific court's structure, local practices, court rules and statutory requirements. It is important to realize that these time allocation estimates were derived largely from a single court with a history of practice similar to that prescribed in the *Resource Guidelines*. Peculiarities of Ohio law and court procedure as well as the culture of the Hamilton County Juvenile Court are firmly embedded, both, in

12 new court support staff (court clerks, security staff, secretarial support, etc.).⁹³ This assumes no increase in case filings and a reduced number of active cases subject to on-going court review.⁹⁴ The costs associated with such an increase in personnel would be very substantial, approximately \$1.2M.⁹⁵

However, even using very conservative estimates regarding reductions in the length of time children remain in placement, the potential savings to the state in reduced placement costs dwarf the above figure. Using an average cost figure for foster care of \$15 per day, savings in placement costs in Maricopa County are estimated to approach \$5M annually if the court can 1) reduce the amount of time need to reach initial disposition on dependency cases by a 30 day average, and 2) decrease the length of time a child remains in placement after initial disposition by 33% from an average of three years to two years. Cost savings projection calculations are provided in Table 6.2. We project that the \$699,750 savings in placement costs in Maricopa County can be realized if pre-initial disposition processing time is reduced by 30 days and that \$4,243,125 in placement costs can be saved if the length of time maltreated children remain in post-initial dispositional placement is reduced by an average of one year.

These projected savings in placements costs could not only offset the costs associated with an increase in court personnel but could also go a long way in offsetting the anticipated increase in caseworker time needed to prepare for and attend court hearings. In all likelihood, these increases in caseworker personnel will be substantial given the increased expectations placed on caseworkers coupled with the shortage of ACYF casework staff that currently exists. Some of the anticipated savings in placement costs will also need to be used to fund ACYF in-home, family preservation services for

the good practice guidelines and in the time allocation estimates presented in this paper. As such, there are limitation to their generalizability.

⁹³ Maricopa County Juvenile Court administrative staff estimate that 20% of the court's overall caseload is comprised of non-delinquent matters (that is, dependency, severance and adoption matters) and 35% of the overall court docket is dedicated to dependency and severance matters. Using the 35% estimate, docket time and judicial officer pre and post disposition time estimates presented in Table 6.1, and 1995 dependency petition filings and on-going court review caseloads, we estimate that the court needs 10-12 full-time equivalent (FTE) judicial officer positions dedicated to handling dependency and severance matters. Currently, the court dedicates approximately 6 FTE positions to the handling of these cases. Overall the court has six judges and eleven commissioners.

⁹⁴ This decrease is the result of an anticipated reduction in the length of time dependency cases remain court-involved. In reality, however, given Arizona growing population, we anticipate that dependency case filings and the number of active cases under court review to continue to increase but at a reduced rate due to more timely and active judicial oversight.

⁹⁵ This figure of \$1.2M was derived through very rough estimates of the salary and benefits costs associated with adding these new positions. For the judicial officer position a figure of \$125,000 was used (salary of \$100,000 plus 25% of salary for fringe benefits) and a figure of \$37,500 was used for court support staff (30,000 average base salary plus 25% of salary for fringe benefit). An estimated total \$750,000 would be needed to cover the costs of additional judicial officers (\$125,000 * 6) and \$450,000 for additional court support staff (37,500 * 12).

reunited families and to cover subsidies for adoption and permanent guardianships in cases in which family reunification is not appropriate.⁹⁶

Table 6.2: Projected Savings in Placement Costs for Maricopa County				
Type of Placement	Reduction in Placement Days	Number of Cases	Time Period for Projected Savings	Annual Savings (\$15*Days*Cases /Time Period)
Pre-Initial Disposition	30	1555	Annual	\$ 699,750
Post-Initial Disposition	365	2365	Over 3 Years	4,243,125
Total Annual Savings				\$4,942,875

These reductions in pre-initial disposition and post-initial disposition placement time appear very realistic given the length of time currently needed for a dependency case to reach disposition in Arizona and the overall length of time children remain in placement prior to case closure. Accelerating the initial dependency hearing from 21 days of the filing of the dependency petition (23 days after removal) to three to five days of removal alone can reduce the amount of time it takes to reach initial disposition by up to 18 to 20 days. Furthermore, case processing data available from the Maricopa County Juvenile Court Center reveal that more than a third of all dependency cases take more than 120 days to complete adjudication/disposition with almost 10% of these cases taking more than 180 days. Interview and CIP survey data suggest that statewide case processing patterns are similar. Closer attention to these cases including stricter procedures regarding the granting of continuances should result in a further reduction in the amount of time need to reach initial disposition. Realistically, this reduction should exceed the additional 10-15 days average per case needed to reach the goal of reducing the average pre-initial disposition time by an overall amount of 30 days.

Reducing the length of time children remain in post-initial dispositional placement by 33% also appears realistic given the example of what has been accomplished in Kent County, Michigan and in Hamilton County, Ohio. A 33% reduction in such placement time would result in an average length of

⁹⁶ ACYF estimates that the costs of providing in-home services is approximately \$4 per day per child. The average cost per child for the adoption subsidy and related services is estimated at \$19 per day. Lastly, while there is currently no subsidy provided to relatives assuming permanent guardianship of maltreated children, the state may want to examine the feasibility of providing a subsidy in these instances. The issue of subsidized guardianships is also addressed in ACYF's *Program Redesign Final Report* (1996, pp. 11-13).

placement of approximately two years which is considerably more than the length of time victimized children remain in temporary placement in the two model jurisdictions.

II. Concluding Remarks

The above analysis should be considered very preliminary and is only presented to suggest that an increased judicial presence in the handling and oversight of dependency cases is in the best interests of both maltreated children and the state of Arizona. While preliminary, the cost and savings projections are grounded in realistic expectations of the additional court personnel needed to achieve a more timely and thorough hearing process and in the example of two urban jurisdictions that have worked hard to reduce the length of time children remain in impermanent living arrangements. If anything, the figures presented in this chapter are very conservative. The Children's Action Alliance in a 1993 publication estimates that the annual cost of placing a child in foster care is approximately \$10,000-\$12,000 (\$27-\$33 per day) when all costs including ACYF administrative expenses are included.⁹⁷ The estimate of \$15 used in our analysis is half this amount. Ideally, the impact of more focused judicial oversight on placement time and costs would also take into consideration the costs associated with more expensive placements (therapeutic foster homes, group homes, residential treatment and psychiatric hospitalization) which can easily be upwards of three to times the cost of foster care.

In all likelihood, however, there will be some start-up costs associated with the recommended changes in how judicial oversight in dependency cases is exercised. The expectations placed on the court, ACYF, the AG's Office, and other parties to these proceedings will be immediate. While reductions in the length of time children remain in placement should follow in short order, the timing of these savings in placement costs do not coincide sufficiently to expect these entities to implement these systemic changes without some (at least, temporary) infusion of funds.

NCJJ recommends that a detailed analysis of the resource needs of the court, ACYF, Attorney General's Office, court-appointed counsel, CASA and FCRB be conducted as part of any implementation efforts initiated to improve the judicial handling of cases involving victimized and maltreated children. Such a study should also examine the impact such changes in judicial practice have had on the time children remain in placement and the savings associated with these reductions in time spent in placement.

⁹⁷ Children's Action Alliance, "*A Platform for Arizona's Children*" (1994), pg. 7.

A variety of data will need to be collected during the course of the study to estimate the additional personnel and other resources needed by the judicial and child protective services system. At minimum, seven types of data should be collected:⁹⁸

1. An estimate of the recommended or minimum amount of time a juvenile court should reserve on the dependency docket calendar for the various types of dependency hearings. This would include a breakdown of how this hearing time is utilized. These tables are contained in the *Resource Guidelines*.
2. Estimates of the time routinely needed by various key hearing participants (i.e., judicial officer, prosecutor, defense counsel, agency caseworker, courtroom support staff, and GAL/CASA) to prepare for a specific type of hearing, participate in the hearings, and attend to related post-hearings matters (e.g., complete notes on hearing, complete hearing entry, etc.).
3. A representative listing of the specific tasks identified by each hearing participant as essential to the hearing process.
4. Flow charting the typical case progress of a “hypothetical” 100 new dependency case filings in the selected Arizona county. The flow chart should follow these cases from original case filings to initial disposition and through case closure (including any severance actions that are initiated).
5. An estimate of the average number of hearings by type (e.g., preliminary protective, pre-trial, adjudication, disposition, review, permanency planning, etc.) that are required to close a dependency case (from initial filing through family reunification or adoption).
6. An estimate of the overall amount of time needed (by hearing participant) to complete all hearing related responsibilities over the lifetime of a case (with estimates provided for each case type).
7. Annualized estimates of the amount of docket time, hearing officer time and ancillary court staff time required to complete initial disposition of new cases. Similar annualized time estimates should also be developed for active cases that require continuing court involvement after initial disposition.

While some of these data will need to come from interviews and hearing observations, case processing and calendar utilization data should be readily available from the court’s automated system - namely JOLTS. Our analysis of the resource requirements associated with Hamilton County Juvenile Court’s handling of dependency cases relied heavily on that court’s dependency management information system.⁹⁹

⁹⁸ Sample estimates for these data types are provided in Appendix D.

⁹⁹ NCJJ staff worked closely with the Hamilton County Juvenile Court and the software vendor to develop specifications for this system and designed a comprehensive series of caseload and case tracking reports generated by the system. This work was conducted as part of the overall project funded by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice that resulted in the development of the *Resource*

Chapter 7

Summary of Court Improvement Project Recommendations

This final chapter summarizes Court Improvement Project recommendations for the improved handling of dependency and severance cases by Arizona juvenile courts. Fundamental principles underlying these recommendations include the need for juvenile courts to take a more active role in decision-making and oversight of child welfare cases and, secondly, that comprehensive and timely judicial intervention are critical in assuring safe and permanent homes for Arizona's abused and neglected children.

These recommendations represent what the authors believe is a comprehensive blueprint for improving the judicial handling of child welfare cases in Arizona. Not only will these recommendations impact the judiciary and other segments of the court system, these recommendations will alter the court's relationship with, and expectations of, all parties involved in the servicing of victimized and maltreated children. While initial reaction to these recommendations has been favorable by some segments of the court and child protective system, others have voiced considerable concern regarding the resources required to implement these recommendations and have also expressed skepticism regarding the exercise of more judicial intervention in these cases. Specifically, that active judicial oversight might well result in micro-management of these cases from the bench.

Given the widespread implications of these recommendations, some caution in their implementation is warranted. Some of the recommendations could and should be implemented in a timely fashion on a statewide basis. In particular, these include recommendations addressing legislative changes to shorten time requirements for the judicial handling of dependency and severance cases and those recommendations encouraging the strengthening of qualifications and training requirements for the various parties to these proceedings. On the other hand, many of the recommendations relating to substantive changes in what is required of the different parties to prepare for and to participate in these hearings may best be examined and refined in a "pilot" endeavor in one or more selected county juvenile courts.

The Pima County Juvenile Court Center would appear to be an ideal candidate for this "pilot" implementation of CIP recommendations. This court has recently been designated as one of nine "model

Guidelines. Please see Chapter 4, Section V (including footnote 73) for a more detailed discussion of this effort and the automated system's reliance on JOLTS technology.

courts” selected to participate in the National Council of Juvenile and Family Court’s Victims of Child Abuse Project. This project is a model training and technical assistance program developed to improve the juvenile and family courts’ handling of child abuse and neglect cases. The *Resource Guidelines* provides the foundation for the training and technical assistance provided to these model sites. We would encourage that the Advisory Workgroup and AOC consider using some of the CIP implementation funds made available by the U.S. Department of Health and Human Services to support Pima County in its efforts to implement systemic changes in how neglected and abused children are serviced by the court and child protective services systems in that county.

I. Legislative and/or Court Rules Recommendations

There are a range of statutory and rule areas in which recommendations for changes are warranted. The most pressing of these recommendations include statutory and/or rule changes;

1. Requiring mandatory early review of an emergency removal by the court (within three to five days of the child being removed from the home);
2. Setting shorter time frames for adjudication and tightened restrictions on use of excluded time to extend these timelines;
3. Requiring courts to conduct a disposition hearing on dependency cases within 30 days of adjudication at which time the court is to closely scrutinize and approve (with modifications if necessary) the permanent case plan;
4. Requiring that the juvenile court conduct a minimum of one court review hearing no later than six months from the date of initial disposition;
5. Establishing time frames for the completion of severance proceedings (no longer than 180 days with very limited provisions for extensions); and
6. Establishing time limits on the use of temporary foster care and to establish specific criteria for the use of long-term foster care as a permanent plan option.

II. Recommendations to Improve Court Practice in the Handling of Dependency Cases

A number of recommendations to improve court practice in the handling of dependency cases are offered including:

1. To conduct earlier initial hearings and to dedicate sufficient time in these hearings to adequately address a range of issues related to reasonable efforts, placement options, visitation, early initiation of services, notification to parties, and any court orders that may be required (including orders for court-ordered evaluations, child support, and removal of the perpetrator from the home).

2. To make court appointed counsel available prior to the start of these initial hearings to confer with their clients and other critical parties.
3. To require that the court conduct a separate disposition hearing within 30 days of adjudication to review and approve the permanent case plan developed by ACYF.
4. To conduct a thorough review of case progress and the need for continuing placement within six months of initial disposition.
5. To conduct thorough permanency planning hearings at which time a permanency plan for the child is decided upon. To conduct a continued permanency planning hearing at two month intervals as long as continued temporary placement with the goal of family reunification as the permanent plan.
6. That the juvenile court generate comprehensive minute entries which address reasonable efforts issues, specific services to be provided to the family, how service provision is to be accomplished with specific timelines, what is required/expected of parents to remain in compliance with the case plan, and to include in these entries specific reference to how much, or how little, case progress has been made to date. JOLTS automation may be able to assist in this regard, but this recommendation assumes that the court will take additional time at the conclusion of a hearing to verbally construct these entries.
7. That the CIP Advisory Workgroup and AOC consider development of *hearing checklists for each hearing type* to identify key decisions that the court should make, individuals who should always be present, and any additional issues that should be covered or addressed at these hearings.

III. Recommendations to Improve the Timeliness of Severance Proceedings

A number of recommendations to improve the timeliness of severance proceedings are provided including:

1. Initiate early screening of severance petitions to determine the amount of time needed to accomplish proper service/notification, to early identify if a petition is likely to be contested, and to adjust initial hearing dates and judicial assignments accordingly.
2. Maintain judicial consistency in the judge or commissioner assigned to hear the severance petition. That is, have the same jurist who handled the dependency also handle the severance matter. However, this should not preclude the ability of an attorney to request a change in jurist if deemed necessary.
3. Examine recent filing trends and the amount of time needed to complete severance proceedings to determine the need for assigning more assistant AG attorneys to the severance project.
4. Examine the process by which severance home study assessments are assigned and completed to determine the degree to which delays in the completion of these occur. This review should

also identify the steps necessary to complete these studies within 2-4 weeks of the AG's acceptance of a case for severance.

IV. Recommendations Related Judicial Case Assignment, Calendaring and Continuances

A number of recommendations with respect to judicial case assignment, calendaring and continuances are offered including:

1. Establish a judicial case assignment system that ensures that the same jurist presides over all stages of court proceedings on a case from the initial hearing on the dependency petition, through the permanency planning hearing and, as required, all proceedings on the severance petition.
2. Extend judicial appointments to a minimum of 5 years and permit jurists the opportunity to voluntarily re-enlist at least once.
3. Calendar all hearings in a time-certain fashion and to limit the stacking of multiple hearings in the same time slot.
4. Establish and enforce firm policies on the granting on continuances.

V. Use of JOLTS for Automated Tracking of Dependency, Severance and Adoption Cases

A number of recommendations regarding the use of JOLTS to track dependency, severance and adoptions cases is offered including:

1. Initiation of a statewide effort to continue enhancement of JOLTS to allow for the tracking of dependency, severance and adoption cases using the changes already implemented in Maricopa County as a starting point.
2. This may also be an appropriate time for the individual juvenile courts and AOC to initiate efforts to develop a common version of JOLTS or to, at a minimum, ensure that sufficient commonalities exist among the three JOLTS systems that enhancements do not need to be completed multiple times.

VI. Establishment of Training Requirements for Judges and Attorneys

A number of recommendations regarding the establishment of initial and on-going training requirements for judges and attorneys are offered including:

1. Establish mandatory minimum initial and on-going training requirements for judges and commissioners handling dependency, severance and adoption cases.

2. Establish minimum qualifications and minimum initial and on-going training requirements for attorneys appointed to represent children and parents.
3. Develop specific county-based performance requirements for court-appointed counsel.
4. Conduct an assessment of the various formulas for compensation of court appointed counsel in place in Arizona counties to determine the degree to which these formulas facilitate or negatively impact the quality of representation and advocacy provided by these attorneys.
5. Establish mandatory minimum initial and on-going training requirements for assistant AG attorneys responsible for the handling of dependency and severance cases.
6. Establish equitable pay schedules for assistant AG attorneys assigned to the Protective Services Unit.

VII. Closer Coordination of Foster Care Review Board and Juvenile Court Activities

A number of recommendations to foster closer coordination of FCRB and juvenile court activities include the following:

1. The frequency and level of interaction between juvenile court judges and the Dependent Children's Services Division should increase considerably and that judges and commissioners routinely meet with individual review boards.
2. If a one family-one judge case assignment system becomes a reality, the courts and the AOC may want to consider having individual review boards assigned to specific jurists.
3. Flexibility should be built into the FCRB review process to review cases with a frequency consistent with a court's desire to maintain its own close oversight of a specific case.
4. That FCRB have the ability to request an immediate review hearing if serious/chronic problems exist in a case. This may require statutory changes.
5. That AOC look into the feasibility of having the new FCRB and JOLTS system interface so that both entities are automatically notified of hearings scheduled or modified.

VIII. Conduct a Comprehensive Analysis of the Resource Needs of the Improved System

Chapters 5 and 6 address, in a preliminary manner, the resource needs of the court and the child protective services system to implement the above recommendations. The exact nature on the amount and type of additional resources required can best be examined within the recommended "pilot" study.

1. Use Pima County as the study site to determine resource needs of the court, ACYF, Attorney General's Office, Legal Counsel, FCRB, and CASA.
2. Also, include in this analysis an examination of the service needs and availability of services to dependent children and their families.

IX. Other Recommendations

1. Streamline eligibility and administrative requirements for the accessing of behavioral health services by Title 19-eligible dependent children and their families through the Arizona Department of Health Services.
2. The Administrative Office of the Courts, the individual juvenile courts, the Department of Economic Security, Department of Behavioral Health Services, Department of Education, and other state and local agencies involved in the servicing of dependent children with multiple and serious needs should examine the feasibility of “pooling” funds to develop a system of care to provide services to these very needy children and their families. The feasibility of developing a separate private, non-profit entity apart from these governmental entities (as was done in Hamilton County, Ohio) to assume day-to-day fiscal management and case management responsibilities should also be considered.
3. Encourage the use of in-home/protective supervision petitions to require seriously at-risk families to cooperate and accept services offered by ACYF. In all likelihood, ACYF would need additional funds to ensure that the agency could provide the types and quantities of family assistance and preservation services required and for casework staff to monitor services to these families.

APPENDIX A

General Frequency Distribution for all Items on the Arizona Court Improvement Project Survey

Arizona Court Improvement Project Survey

1. Which of the following best describes your current position? (Only choose one - if you have multiple positions in the child welfare or juvenile court community, please choose your primary position. That is the one in which you have the most on-going exposure to child welfare/maltreatment cases.)

-
- 2.2% 1. Juvenile Court Judge or General Division Judge with Dependency/Severance Docket responsibilities
 - 1.2% 2. Juvenile Court Commissioner
 - 2.7% 3. Prosecutor with the Arizona Attorney General's Office
 - 12.1% 4. Private or Court Appointed Attorney Representing Parents or Children in Dependency and Severance Cases (includes GAL appointments)
 - 28.9% 5. DES/ACYF Caseworker
 - 10.6% 6. DES/ACYF Supervisor or Administrator
 - 14.1% 7. Foster Care Review Board Member
 - 2.3% 8. Juvenile Court Administrator or Administrative staff
 - 22.4% 9. Court Appointed Special Advocate (CASA)
 - 1.9% 10. Private Provider Servicing Maltreated Children
 - 1.2% 11. AOC Dependent Children Services Division Staff
 - 0.1% 12. Other (Please Describe: _____)
 - 0.2% Unknown
-

2. Which of the following best describes the *primary geographical area* in which you are involved in the handling, servicing or representing of child welfare/maltreatment cases? (Please choose only one.)

-
- 3.2% 1. Statewide
 - 40.0% 2. Maricopa County
 - 19.4% 3. Pima County
 - 37.0% 4. One or more of the 13 remaining smaller Arizona counties
 - 0.5% Unknown

3. In general, how satisfied are you with your juvenile court's handling of dependency, severance and adoption cases? (For each case type, circle the best answer from 1 to 5.)

	<u>Not Satisfied</u>	<u>Somewhat Not Satisfied</u>	<u>Somewhat Satisfied</u>	<u>Satisfied</u>	<u>Don't Know</u>
Dependency cases (N = 817)	5.5%	13.5%	31.7%	45.2%	4.1%
Severance cases (N = 789)	10.1	14.2	25.1	32.6	18.0
Adoption cases (N = 778)	5.0	9.0	18.1	35.3	32.5

4. In general, how satisfied are you with the timeliness, fairness and thoroughness of your juvenile court's handling of *dependency* cases?

	<u>Not Satisfied</u>	<u>Somewhat Not Satisfied</u>	<u>Somewhat Satisfied</u>	<u>Satisfied</u>	<u>Don't Know</u>
Timeliness (N = 813)	11.7%	15.3%	30.0%	38.7%	4.3%
Fairness (N = 796)	5.5	9.8	29.3	50.9	4.5
Thoroughness (N = 796)	7.7	13.1	32.9	41.5	4.9

5. In general, how satisfied are you with the timeliness, fairness and thoroughness of your juvenile court's handling of *severance* cases?

	<u>Not Satisfied</u>	<u>Somewhat Not Satisfied</u>	<u>Somewhat Satisfied</u>	<u>Satisfied</u>	<u>Don't Know</u>
Timeliness (N = 805)	23.1%	18.6%	19.4%	20.5%	18.4%
Fairness (N = 796)	5.8	9.2	21.7	43.0	20.4
Thoroughness (N = 796)	5.8	8.0	23.4	42.2	20.6

6. In general, how satisfied are you with the timeliness, fairness and thoroughness of your juvenile court's handling of *adoption* cases?

	<u>Not Satisfied</u>	<u>Somewhat Not Satisfied</u>	<u>Somewhat Satisfied</u>	<u>Satisfied</u>	<u>Don't Know</u>
Timeliness (N = 801)	13.0%	9.5%	14.2%	24.7%	38.6%
Fairness (N = 793)	2.1	5.2	16.0	37.7	39.0
Thoroughness (N = 794)	2.3	5.7	15.6	36.8	39.7

7. Has the overall amount of *docket time* devoted by your juvenile court to dependency, severance and adoption cases increased, decreased, or remained relatively unchanged in the last five years? (This includes docket time dedicated to new filings pending disposition as well as post-disposition cases that the court is required to periodically review.)

(Changes in overall docket time could be due to changes in the number of case filings, changes in the complexity or seriousness of these cases, changes in legislative requirements, cases remaining longer in the post-disposition review process, etc.)

	<u>Decreased Considerably</u>	<u>Decreased Somewhat</u>	<u>Relatively Unchanged</u>	<u>Increased Somewhat</u>	<u>Increased Considerably</u>	<u>Don't Know</u>
Dependency cases (N = 809)	2.1%	6.4%	17.8%	15.7%	23.6%	34.4%
Severance cases (N = 795)	1.9	4.7	17.7	14.0	16.0	45.8
Adoption cases (N = 793)	1.0	2.6	17.7	11.9	9.2	57.6

8. In your opinion, to what degree are the following issues a problem in your court with respect to dependency and severance cases? (Please use the last page of this survey for any comments you have on one or more of the following items.)

	<u>Not a Problem</u>	<u>Minor Problem</u>	<u>Moderate Problem</u>	<u>Serious Problem</u>	<u>Don't Know</u>	<u>N</u>
Time elapsed between emergency placement and initial hearing on the case (Temporary Custody or Initial Dependency Hearing)	48.5%	19.9%	10.5%	4.2%	16.9%	810
Time needed to reach adjudication and initial disposition	26.8	25.2	24.5	7.4	16.1	807
The frequency with which review hearings are held by the court to examine case progress	54.6	18.0	16.2	5.5	5.7	813
Timely completion of a permanency planning hearing at which a determination regarding a child's permanent placement is made	20.3	20.5	23.1	18.0	18.1	806
Timely filing of the severance petition	12.6	15.3	22.2	28.2	21.6	809
Delays in the completion of severance proceedings	10.4	13.9	20.6	32.8	22.3	807
Finding sufficient docket time to provide active oversight in child welfare/maltreatment cases	19.4	22.0	20.9	15.7	22.1	810
Not enough judges (and commissioners) to preside over child welfare/maltreatment cases	17.6	19.1	23.8	23.0	16.6	808
Insufficient court staff to manage dependency and severance case flow effectively	16.9	18.0	22.5	20.7	22.0	801
Large backlog of dependency cases	18.6	16.4	20.2	16.2	28.6	807
Large backlog of severance cases	12.8	10.7	15.9	21.9	38.8	807
A high volume of delinquency cases that limits the amount of hearing time available for dependency and severance cases	9.2	14.4	19.0	22.8	34.6	801
Time children remain in placement	8.3	14.3	24.7	47.1	5.6	806
The granting of too many court continuances	18.0	19.4	23.7	23.6	15.2	809
Lack of guidelines for the granting of court continuances	21.5	13.0	16.9	13.9	34.7	805
Timely appointment of counsel for parents	50.4	19.5	10.1	3.8	16.2	810
Timely appointment of counsel (GALs) for children	48.2	20.0	10.4	5.7	15.7	807
Timely submission of case plan by DES/ACYF caseworkers	26.5	28.1	23.8	12.0	9.6	803
Quality of case plans submitted by DES/ACYF caseworkers	25.2	25.3	23.3	16.7	9.5	810
High turnover among DES/ACYF caseworkers	8.0	9.7	17.2	58.7	6.4	813

8. (Continued)	<u>Not a Problem</u>	<u>Minor Problem</u>	<u>Moderate Problem</u>	<u>Serious Problem</u>	<u>Don't Know</u>	<u>N</u>
Delays in the completion of court-ordered investigations, assessments and reports	17.7%	24.1%	26.6%	14.1%	17.5%	801
Timely submission of Foster Care Review Board (FCRB) reports	37.0	23.9	15.0	7.3	16.9	809
Quality of FCRB reports	41.2	19.6	14.8	8.9	15.5	806
Timely submission of Court Appointed Special Advocate (CASA) reports	44.4	17.5	10.7	4.2	23.1	810
Quality of CASA reports	48.0	15.7	10.0	5.5	20.8	807
Scheduling of multiple hearings in the same time slot	14.5	20.7	20.6	23.3	20.8	806
Too much time waiting in court for hearing to commence	11.9	18.6	25.0	29.3	15.1	812
Lack of ACYF continuity and follow through in case planning and provision of services to the family	14.2	31.1	25.8	21.8	7.1	784
Lack of court oversight with respect to case planning and provision of services to the family	25.1	29.9	23.3	13.9	7.9	786
Lack of necessary services to parents and children	11.5	18.0	28.0	38.7	3.8	811
Services made available to parents and children in a timely manner	14.4	25.0	29.2	27.0	4.4	812
Minute entries that do not specifically address services to be provided by DES/ACYF	24.9	28.9	20.0	12.9	13.3	812
Minute entries that do not specifically address what is required of parents	18.9	24.4	23.6	20.5	12.7	811
Minute entries that do not adequately address issues related to reasonable efforts	29.9	26.0	18.8	13.0	12.3	807
Insufficient time spent in hearings examining reasonable efforts issues	32.5	23.0	16.6	9.7	18.2	808
Delays in the distribution of minute entries	21.1	26.0	23.8	16.0	13.1	811
Inadequate or slow service of process in dependency and severance cases	15.0	23.5	21.0	19.4	21.0	808
Quality of representation by AG staff (of DES/ACYF)	39.8	21.6	14.3	10.9	13.3	809
Quality of representation provided parents by court-appointed counsel	29.3	27.1	17.7	12.0	14.0	809
Quality of representation provided children by court-appointed Guardian ad Litem (GALs)	30.9	25.3	16.8	12.0	15.1	810

8. (Continued)	<u>Not a Problem</u>	<u>Minor Problem</u>	<u>Moderate Problem</u>	<u>Serious Problem</u>	<u>Don't Know</u>	<u>N</u>
Quality of advocacy provided by CASAs	46.3%	20.5%	13.8%	7.2%	12.2%	810
Training and experience of judges and commissioners	37.2	21.2	13.5	7.5	20.6	812
Training and experience of AG staff	39.7	21.8	11.2	3.8	23.5	813
Training and experience of court-appointed counsel for parents and children (GALs)	29.6	21.5	14.2	7.5	27.2	810
Training and experience of CASAs	35.5	22.6	13.2	11.0	17.8	811
Training and experience of FCRB members	29.0	18.8	18.3	15.5	18.4	808
Timely case processing is not of sufficient concern to judges and commissioners	38.5	18.9	14.2	6.7	21.7	805
Timely case processing is not of sufficient concern to AG staff	39.4	19.7	12.5	6.1	22.4	803
Timely case processing is not of sufficient concern to court administrators and staff	35.6	19.2	13.1	6.5	25.7	803
Timely case processing is not of sufficient concern to defense counsel	29.0	20.2	14.8	9.1	26.9	803
Timely case processing is not of sufficient concern to DES/ACYF administrators and caseworkers	32.2	23.2	17.9	14.2	12.4	797
Attorney assignment process is slow or inefficient	36.7	25.9	10.0	5.1	22.3	803
Appointment of CASAs is slow or inefficient	32.0	22.5	15.7	10.2	19.6	805
Lack of automated case flow tracking and aging reports	15.2	15.6	18.1	18.2	33.0	797
Inability to identify time-consuming cases early on in the court process	12.5	21.8	21.8	20.6	23.3	802

Please use the space below for any comments you have on one or more of the above items:

APPENDIX B

Summary Tables: Selected CIP Survey Items by County

Table B.1: Percentage of Respondents Dissatisfied or Somewhat Dissatisfied with the Juvenile Courts' Handling of Dependency, Severance and Adoption Cases by Respondent's Primary Geographical Area

Dissatisfied/Somewhat Dissatisfied With Court's Handling of:	Maricopa	Pima	13 Smaller Counties	Statewide Responsibilities	Totals³
Dependency Cases	22.5% (307)	16.6% (157)	17.0% (289)	41.7% (24)	19.8% (777)
Severance Cases	28.6 (255)	34.2 (120)	28.2 (245)	33.3 (24)	29.7 (644)
Adoption Cases	20.2 (188)	19.6 (102)	21.6 (213)	25.0 (20)	20.8 (523)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court's handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff and private service providers.

³ Don't know responses were treated as missing values for this analysis.

Table B.2: Percentage of Respondents Dissatisfied or Somewhat Dissatisfied with the Timeliness, Fairness and Thoroughness of the Juvenile Courts' Handling of Dependency, Severance and Adoption Cases by Respondent's Primary Geographical Area

Dissatisfied/Somewhat Dissatisfied:	Maricopa	Pima	13 Smaller Counties	Statewide Responsibilities	Totals³
<u>Court's Timeliness in Handling:</u>					
Dependency Cases	28.7% (307)	31.2% (154)	25.2% (290)	34.8% (23)	28.0% (774)
Severance Cases	57.5 (259)	55.8 (120)	40.2 (251)	73.9 (23)	51.1 (653)
Adoption Cases	46.6 (176)	35.8 (95)	27.7 (202)	50.0 (16)	36.8 (489)
<u>Court's Fairness in Handling:</u>					
Dependency Cases	20.7% (300)	12.7% (150)	12.0% (283)	26.1% (23)	16.0% (756)
Severance Cases	18.6 (247)	23.1 (117)	16.4 (244)	21.7 (23)	18.7 (631)
Adoption Cases	11.8 (170)	13.8 (94)	10.9 (202)	18.8 (16)	12.0 (482)
<u>Court's Thoroughness in Handling:</u>					
Dependency Cases	28.0% (300)	18.9% (148)	16.0% (282)	30.4% (23)	21.8% (753)
Severance Cases	17.5 (246)	20.9 (115)	15.6 (244)	17.4 (23)	17.4 (628)
Adoption Cases	14.4 (167)	17.4 (92)	9.5 (201)	18.8 (16)	13.0 (476)
<p>¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court's handling of these cases multiply the numbers in parentheses by the associated percentages.</p> <p>² Includes juvenile court administrative staff and private service providers.</p> <p>³ Don't know responses were treated as missing values for this analysis.</p>					

Table B.3: Percentage Of Respondents Indicating a “Moderate” to “serious” Problem in Case Flow management Issues Related to the Juvenile Courts’ Handling Of Dependency and Severance Cases By Respondent’s Primary Geographical Area

Moderate to Serious Problem Noted in the Following Case Flow Management Areas:	Maricopa	Pima	13 Smaller Counties	Statewide Responsibilities	Totals³
Not Enough Judges	62.4% (250)	76.5% (132)	38.7% (269)	75.0% (20)	56.0% (671)
Insufficient Docket Time to Provide Active Oversight	50.8 (236)	61.0 (118)	34.9 (252)	63.6 (22)	46.8 (628)
Insufficient Court Staff to Effectively Manage Case Flow	62.1 (240)	70.8 (120)	39.1 (243)	78.9 (19)	55.3 (622)
Too Many Continuances Granted	56.6 (267)	71.2 (132)	46.8 (263)	65.0 (20)	55.9 (682)
Lack of Guidelines for the Granting of Continuances	47.3 (203)	63.8 (94)	38.9 (211)	57.1 (14)	47.1 (522)
Scheduling of Multiple Hearings in the Same Time Slot	65.8 (240)	65.0 (120)	40.0 (260)	80.0 (15)	55.4 (635)
Too Much Time Spent Waiting In Court for Hearings to Commence	75.8 (265)	61.1 (131)	53.0 (270)	80.0 (20)	64.1 (686)
Delays in the Distribution of Minute Entries	54.0 (278)	51.5 (136)	33.1 (266)	61.9 (21)	45.8 (701)
Inadequate/Slow Service of Process	60.5 (258)	52.7 (110)	39.2 (245)	63.6 (22)	51.0 (635)
Lack of Automated Case Flow Tracking Reports	62.4 (210)	56.9 (102)	44.6 (204)	46.7 (15)	54.0 (531)
Unable to Early On Identify Time Consuming Cases	60.0 (240)	65.0 (120)	44.6 (231)	66.7 (21)	55.4 (612)
Large Backlog - Dependency Cases	61.2 (219)	67.3 (104)	34.1 (232)	50.0 (18)	51.0 (573)
Large Backlog - Severance Cases	76.6 (197)	83.1 (83)	35.6 (194)	82.4 (17)	61.7 (491)
High Volume of Delinquency Cases Limits Available Hearing Time	70.4 (186)	86.5 (96)	47.7 (222)	76.5 (17)	63.9 (521)
<p>¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.</p> <p>² Includes juvenile court administrative staff and private service providers.</p> <p>³ Don’t know responses were treated as missing values for this analysis.</p>					

Table B.4: Percentage Of Respondents Indicating a “Moderate” to “serious” Problem in Issues Related to the Timeliness of the Juvenile Courts’ Handling Of Dependency and Severance Cases By Respondent’s Primary Geographical Area

Moderate to Serious Problem Noted in the Following Issues Related to the Timeliness of Case Processing:	Maricopa	Pima	13 Smaller Counties	Statewide Responsibilities	Totals³
Time Elapsed Between Emergency Placement and Initial Hearing	16.5% (254)	18.5% (124)	17.8% (270)	23.8% (21)	17.6% (669)
Time Needed to Reach Adjudication and Initial Disposition	38.4 (255)	46.6 (133)	33.1 (266)	42.1 (19)	38.0 (673)
Frequency of Review Hearings by Court to Examine Case Progress	25.9 (309)	20.0 (145)	19.9 (287)	40.9 (22)	22.9 (763)
Timely Completion of Permanency Planning Hearing	55.9 (263)	57.9 (114)	40.5 (262)	64.7 (17)	50.3 (656)
Timely Filing of Severance Petition	75.0 (264)	64.5 (110)	51.3 (234)	73.9 (23)	64.3 (631)
Delays in the Completion of Severance Proceedings	75.4 (252)	74.3 (113)	57.6 (236)	82.6 (23)	68.8 (624)
Time Children Remain in Placement	84.4 (308)	86.0 (143)	62.0 (284)	81.8 (22)	76.2 (757)

¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages.

² Includes juvenile court administrative staff and private service providers.

³ Don’t know responses were treated as missing values for this analysis.

Table B.5: Percentage Of Respondents Indicating a “Moderate” to “serious” Problem in the Delivery of Services to Dependent Children and Their Families and in the Oversight Provided by the Juvenile Court of These Activities By Respondent’s Primary Geographical Area

Moderate to Serious Problem Noted in the Following Service Delivery and Court Oversight Areas:	Maricopa	Pima	13 Smaller Counties	Statewide Responsibilities	Totals³
<u>Delivery of Services</u>					
Lack of Necessary Services to Children and Parents	77.5% (315)	73.6% (148)	57.3% (288)	84.0% (25)	69.5% (776)
Services Made Available to Parents and Children in a Timely Manner	73.2 (313)	65.3 (150)	37.3 (284)	84.0 (25)	58.8 (772)
Lack of ACYF Continuity/Follow Through in Planning and Provision of Services to the Family	64.8 (293)	53.3 (137)	34.4 (270)	62.5 (24)	51.2 (724)
Delays in Completion of Court-Ordered Investigations, Assessments and Reports	60.4 (265)	56.2 (121)	33.5 (254)	61.1 (18)	49.2 (658)
Timely Submission of ACYF Case Plan	48.4 (287)	39.7 (136)	28.3 (279)	60.0 (20)	39.3 (722)
Quality of ACYF Case Plan	54.5 (286)	44.6 (139)	32.6 (282)	54.5 (22)	44.2 (729)
High Turnover Among Caseworkers	96.1 (311)	86.4 (147)	59.8 (276)	95.7 (23)	81.0 (757)
<u>Court Oversight of Service Delivery</u>					
Lack of Court Oversight of Case Planning and Delivery of Services	49.0% (288)	42.6% (136)	28.2% (273)	65.2% (23)	40.4% (720)
Insufficient Time Spent in Hearings Examining Reasonable Efforts	37.7 (252)	33.9 (121)	24.8 (266)	47.4 (19)	32.1 (658)
Minute Entries Do Not Adequately Address Reasonable Efforts Issues	37.6 (282)	45.8 (131)	29.2 (267)	50.0 (24)	36.4 (704)
Minute Entries Do Not Specifically Address Services Provided by ACYF	39.8 (284)	44.4 (135)	30.8 (260)	52.4 (21)	37.7 (700)
Minute Entries Do Not Specifically Address What Is Required of Parents	56.7 (282)	54.7 (137)	39.5 (261)	66.7 (24)	50.3 (704)
¹ Numbers in parentheses indicate the total number of cases from which percentages were calculated. To calculate the number of respondents who expressed at least some dissatisfaction with the court’s handling of these cases multiply the numbers in parentheses by the associated percentages. ² Includes juvenile court administrative staff and private service providers. ³ Don’t know responses were treated as missing values for this analysis.					

APPENDIX C

Selected Maricopa County Dependency and Severance Case Processing Data Tables

Population: Tables C.1 - C.4
All Dependency Petitions Filed in 1995 (CY). Case = Child/Petition

Table: C.1										
Dependency Petition Result by Referring Party										
Petition Result	AG/ACYF		Private Counsel		Pro Per		Unknown		Totals	
	pct	num	pct	num	pct	num	pct	num	pct	num
Dependency. Dismissed	4.9%	(46)	20.6%	(94)	27.0%	(43)	57.1%	(4)	12.0%	(187)
Dependency. Found	94.6	(882)	79.0	(361)	73.0	(116)	42.9	(3)	87.6	(1362)
Unknown	0.4	(4)	0.4	(2)					0.4	(4)
Totals	59.9%	(932)	29.4%	(457)	10.2%	(159)	0.5%	(7)	100.0%	(1555)

Table C.2										
Age at Dependency Petition Filing by Referring Party										
Age at Filing	AG/ACYF		Private Counsel		Pro Per		Unknown		Totals	
	percentage	num	pct	num	pct	num	pct	num	pct	num
0 to 1 Year	27.0%	(251)	8.1%	(37)	18.9%	(30)			20.5%	(318)
2 to 4 years	17.6	(164)	14.0	(64)	32.1	(51)			18.0	(279)
5 to 7 years	18.7	(174)	8.8	(40)	22.6	(36)	42.9	(3)	16.3	(253)
8 to 10 years	13.2	(123)	8.8	(40)	10.1	(16)	28.6	(2)	11.6	(181)
11 to 14 years	14.8	(138)	24.9	(114)	13.8	(22)	28.6	(2)	17.8	(276)
15 to 17 years	8.7	(81)	35.4	(162)	2.5	(4)			15.9	(247)
Totals	59.9%	(932)	29.4%	(457)	10.2%	(159)	0.5%	(7)	100.0%	(1555)

* 15.5% (241) of cases (children) had a temporary custody hearing scheduled.

** It took an average of 5.8 hearings per case (child) to reach adjudication/disposition.

Table C.3			
Number of Days From Dependency Petition Filing to Adjudication/Disposition			
Number of Days	Percent	Number	Cumulative Totals
30 Days or Less	11.3%	(175)	11.3% (175)
31 to 60 Days	18.0	(279)	29.3 (454)
61 to 90 Days	13.8	(214)	43.1 (668)
91 to 120 Days	20.2	(313)	63.3 (981)
121 to 150 Days	14.1	(218)	77.4 (1199)
151 to 180 Days	8.7	(135)	86.1 (1334)
181 to 210 Days	5.0	(78)	91.2 (1412)
211 to 240 Days	2.9	(45)	94.1 (1457)
241 to 270 Days	2.5	(38)	96.5 (1495)
271 to 365 Days	3.2	(50)	99.7 (1545)
366 or More Days	0.3	(4)	100.0 (1549)

Table C.4			
Number of Months From Adjudication/Disposition to First Review Hearing			
Number of Days	Percent	Number	Cumulative Totals
3 Months or Less	28.1%	(360)	28.1% (360)
3+ to 6 Months	29.2	(374)	57.3 (734)
6+ to 9 Months	34.2	(439)	91.5 (1173)
9+ to 12 Months	8.0	(103)	99.5 (1276)
Longer than 1 Year	0.5	(6)	100.0 (1282)

Population: Tables C.5 - C.8
All Severance Petitions Filed in 1995 (CY). Case = Child/Petition

Table C.5				
Number of Months From Filing of the Dependency Petition to the Filing of the Severance Petition				
Attorney General/ACYF Cases Only				
Number of Months	Percent	Number	Cumulative Totals	
6 Months or Less	1.8%	(5)	1.8%	(5)
6+ to 12 Months	6.4	(18)	8.2	(23)
12+ to 18 Months	21.4	(60)	29.6	(83)
18+ to 24 Months	30.0	(84)	59.6	(167)
24+ to 30 Months	17.1	(48)	76.7	(215)
30+ to 36 Months	10.4	(29)	87.1	(244)
36+ to 48 Months	8.6	(24)	95.7	(268)
48+ to 60 Months	3.9	(11)	99.6	(279)
More than 60 Months	0.4	(1)	100.0	(280)

Table C.6				
Number of Days From Filing of the Severance Petition to First Hearing				
Attorney General/ACYF Cases Only				
Number of Days	AG/ACYF Cases		All Cases	
	Percent	Number	Percent	Number
30 Days or Less	0.4%	(1)	0.7%	(5)
31 to 60 Days	1.1	(3)	1.8	(13)
61 to 90 Days	4.2	(12)	3.8	(28)
91 to 120 Days	85.9	(243)	82.0	(600)
121 to 150 Days	8.5	(24)	10.0	(73)
151 or More Days	0.0	(0)	1.8	(13)
Totals	100.0%	(283)	100.0%	(732)

Table C.7			
Number of Months From Severance Filing to Petition Completion or to 9/13/96 (if Petition Remains Pending)			
Attorney General/ACYF Cases Only			
Number of Months	Completed (pct) (num)	Pending (pct) (num)	Overall (pct) (num)
2+ to 3 Months	0.6% (1)		0.4% (1)
3+ to 4 Months	58.7 (98)		34.6 (98)
4+ to 5 Months	4.2 (7)		2.5 (7)
5+ to 6 Months	5.4 (9)		3.2 (9)
6+ to 9 Months	12.6 (21)	6.9% (8)	10.2 (29)
9+ to 12 Months	15.6 (26)	25.9 (30)	19.8 (56)
More than 12 Months	3.0 (5)	67.2 (78)	29.3 (83)
Totals	100.0% (167)	100.0% (116)	100.0% (283)

Table C.8			
Number of Days From Severance Filing to Petition Completion or to 9/13/96 (if Petition Remains Pending)			
All Cases (AG/Private Counsel/Pro Per Filings)			
Number of Months	Completed (pct) (num)	Pending (pct) (num)	Overall (pct) (num)
2 Months or Less	1.0% (5)		0.7% (5)
2+ to 3 Months	1.9 (9)		1.2 (9)
3+ to 4 Months	36.1 (175)		23.8 (175)
4+ to 5 Months	8.9 (43)		5.9 (43)
5+ to 6 Months	9.3 (45)		6.1 (45)
6+ to 9 Months	26.2 (127)	5.6% (14)	19.2 (141)
9+ to 12 Months	11.5 (56)	21.7 (54)	15.0 (110)
More than 12 Months	5.2 (25)	72.7 (181)	28.1 (206)
Totals	100.0% (485)	100.0% (249)	100.0% (734)

Population: Tables C.9 - C.10
All Dependency Petitions Closed in 1995 (CY). Case = Child/Petition

Table C.9						
Number of Months						
From Dependency Petition Filing to Petition Closure						
by Type of Initial Disposition						
Number of Months	Dependency Found		Dependency Dismissed		Overall	
	(pct)	(num)	(pct)	(num)	(pct)	(num)
6 Months or Less	3.0%	(16)	91.3	(201)	29.0%	(217)
6+ to 12 Months	10.1	(53)	7.3	(16)	9.2	(69)
12+ to 18 Months	15.6	(82)	1.4	(3)	11.3	(85)
18+ to 24 Months	11.0	(58)			7.8	(58)
24+ to 30 Months	8.2	(43)			5.8	(43)
30+ to 36 Months	7.4	(39)			5.2	(39)
36+ to 48 Months	11.6	(61)			8.2	(61)
48+ to 60 Months	9.5	(50)			6.7	(50)
<i>More than 60 Months</i>	23.7	(125)			16.7	(125)
Totals	70.5%	(527)	29.5%	(220)	100.0%	(747)

Table C.10				
Number of Months				
From Dependency Petition Disposition Filing to Petition Closure				
Number of Months	Percent	Number	Cumulative Totals	
6 Months or Less	10.4%	(55)	10.4%	(55)
6+ to 12 Months	14.6	(77)	25.0	(132)
12+ to 18 Months	11.0	(58)	36.1	(190)
18+ to 24 Months	10.4	(55)	46.5	(245)
24+ to 30 Months	6.3	(33)	52.8	(278)
30+ to 36 Months	6.8	(36)	59.6	(314)
36+ to 48 Months	10.6	(56)	70.2	(370)
48+ to 60 Months	10.6	(56)	80.8	(426)
More than 60 Months	19.2	(101)	100.0	(527)

Miscellaneous Findings For Closed Review Cases (Disposition = Dependency Found):

- a. Average number of completed hearings (all types) from petition filing to closure = 13.8 hearings
- b. Average number of completed review hearings prior to petition closure = 4.75 hearings
- c. Average frequency of completed review hearings (time between disposition and closure) = 228 days
7.5 months
- d. 19.6% (147/748) closed review cases (children) have had severance proceedings initiated at some point prior to case closure. No data are available on the results of the severance petition.
- e. Avg # of days cases were in review (adjud/dispo thru case closure) = 1081 days (3.0 years).
- f. Avg # of days review cases were court-involved (petition filing thru case closure) = 1223 days (2.7 years).

Population: Tables C.11
All Dependency Cases that had a review hearing scheduled in 1995 (CY)
and were still open on 12/31/95.
Case = Child/Petition

Table C.11			
Number of Months Open Cases Have Been Court-Involved (From Dependency Petition Filing to End of 1995)			
Number of Months	Percent	Number	Cumulative Totals
6 Months or Less	1.4%	(33)	1.4% (33)
6+ to12 Months	12.0	(280)	13.5 (313)
12+ to 18 Months	17.5	(406)	30.9 (719)
18+ to 24 Months	14.1	(327)	45.0 (1046)
24+ to 30 Months	10.2	(236)	55.1 (1282)
30+ to 36 Months	7.5	(174)	62.6 (1456)
36+ to 48 Months	12.0	(280)	74.7 (1736)
48+ to 60 Months	6.6	(153)	81.2 (1889)
More than 60 Months	18.8	(436)	100.0 (2325)

Table C.11			
Number of Months Open Cases Have Been Under Court Review (From Dependency Petition Disposition to End of 1995)			
Number of Months	Percent	Number	Cumulative Totals
6 Months or Less	7.7%	(180)	7.7% (180)
6+ to 12 Months	17.5	(408)	25.3 (588)
12+ to 18 Months	16.7	(388)	42.0 (976)
18+ to 24 Months	10.9	(254)	52.9 (1230)
24+ to 30 Months	7.4	(173)	60.3 (1403)
30+ to 36 Months	6.7	(155)	67.0 (1558)
36+ to 48 Months	10.5	(245)	77.5 (1803)
48+ to 60 Months	5.8	(134)	83.3 (1937)
More than 60 Months	16.7	(388)	100.0 (2325)

APPENDIX D

**Selected Time Allocation Requirement Tables
from
Victims of Child Abuse Project Time Allocation Study**

Table D.1
Recommended and Minimum Time Allocation Estimates
by Type of Dependency Hearing

Type of Hearing	Time Estimate (minutes)	Minimum or Recommended
Preliminary Protective	60	Recommended
Pre-Trials	15	Minimum
Adjudication	30	Minimum
Disposition	30	Minimum
Review	30	Recommended
Permanency Planning	60	Recommended
Termination of Parental Rights	60	Minimum

Table D.2

**Recommended Time Allocation for
Preliminary Protective Hearings**

Hearing Activity	Time Estimate (Minutes)
1. Introductory Remarks <ul style="list-style-type: none"> ■ introduction of parties ■ advisement of rights ■ explanation of the proceeding 	5
2. Adequacy of Notice and Service of Process Issues	5
3. Discussion of Complaint Allegations/Introduction of Evidence <ul style="list-style-type: none"> ■ prosecutor introduction of the complaint ■ caseworker testimony ■ witness testimony ■ parent testimony 	15
4. Discussion of Service Needs/Interim Placement of Child(ren) <ul style="list-style-type: none"> ■ parental visitation ■ sibling visitation ■ service referral 	15
5. Reasonable Efforts Finding	5
6. Troubleshooting and Negotiations Between Parties <ul style="list-style-type: none"> ■ time for parents to speak and ask questions ■ explanations of court procedures to confused parents ■ identification of putative fathers and investigation of paternity issues ■ identification of potential relative placements ■ restraining orders 	10
7. Issuance of Orders and Scheduling of Next Hearing <ul style="list-style-type: none"> ■ issue interim custody order (as necessary) ■ preparation and distribution of additional orders to all parties prior to adjournment 	5
Recommended Time Allocation	60

Table D.3
Time Estimates for the Completion of Activities Associated
with a Preliminary Protective Hearing

Hearing Activity	Time Estimate (Hours)	Responsible Party
1. Preliminary Investigation Casework		
■ Agency Intake	0.25-0.5	Agency
■ Caseworker	8.0-12.0	Agency
■ Casework Supervisor - Staffing	1.25-2.0	Agency
■ Administrative Support	0.5-1.0	Agency
2. Legal Review and Preparation of Court Documents	2.0-4.0	Legal Staff
■ Prosecutor or Agency Counsel	0.5-2.0	Agency
■ Caseworker	2.0-3.0	Legal Staff
■ Administrative Support		
3. Court Intake and Case Initiation		
■ Screening of Court Documents	0.25-0.5	Court
■ Administrative Support	0.25-0.5	Court
4. Hearing Preparation		
■ Caseworker	0.25-0.5	Agency
■ Prosecutor	0.25-0.5	Legal Staff
■ Defense Counsel (Custodial Parent)	0.25-0.5	Defense
■ Guardian ad Litem	0.25-0.5	Counsel
■ Court Administrative Support	0.25-0.5	GAL/CASA Court
5. Time Spent in Hearing		
■ Hearing Officer	0.5-1.0	Court
■ Courtroom Support	0.5-1.0	Court
■ Courtroom Security	0.5-1.0	Court
■ Caseworker	0.5-1.0	Agency
■ Prosecutor	0.5-1.0	Legal Staff
■ Defense Counsel (Custodial Parent)	0.5-1.0	Defense
■ Guardian ad Litem	0.5-1.0	Counsel GAL/CASA
6. Post-Hearing Follow-up Activities		
■ Judge (Judicial Review)	0.25	Court
■ Hearing Officer	0.25	Court
■ Administrative Support	0.50-1.0	Court
■ Caseworker	0.25	Agency
■ Prosecutor	0.25	Legal Staff
■ Defense Counsel (Custodial Parent)	0.25	Defense
■ Guardian Ad Litem	0.25	Counsel GAL/CASA

Table D.4

**Overall Time Estimates to Complete
Preliminary Protective Hearing-Related Activities by Responsible Party**

Responsible Party		Time Estimate (Hours)
1. Juvenile Court	Total:	3.25-6.00
■ Hearing Officer		1.0-1.50
■ Courtroom Security		0.5-1.0
■ Administrative Support		1.5-3.0
■ Intake Screening		0.25-0.50
2. Agency	Total:	11.5-19.25
■ Casework Staff		11.0-18.25
■ Administrative Support		0.5-1.0
3. Legal Staff	Total:	5.0-8.75
■ Prosecutory Staff		3.0-5.75
■ Administrative Support		2.0-3.0
4. GAL/CASA	Total:	1.0-1.75
5. Defense Counsel	Total:	1.0-1.75

Table D.5
Listing of Tasks Associated with the
Preliminary Protective Hearing Process

1) Preliminary Investigation/Casework

A) Agency Intake

- screen report for statutory sufficiency
- search database for history of the family with the Agency
- assign case priority
- complete necessary paperwork
- inform required parties

B) Caseworker

- investigate reported incident
- complete investigation summary
- case staffing/internal review
- interim placement of child(ren)

C) Casework Supervisor

- initial case review and assignment
- case staffing

D) Administrative Support

- data entry
- create case file
- word processing support
- miscellaneous clerical support

2) Legal Review and Preparation of Court Documents

A) Prosecutor or Agency Counsel

- initial screening and assignment of prosecutor
- review case documents
- meet with caseworker to discuss case specifics
- prepare court filing packet

B) Caseworker

- meet with counsel to discuss case specifics

Table D.5 (Continued)
Listing of Tasks Associated with the
Preliminary Protective Hearing Process

C) *Administrative Support*

- receipt processing of case packet
- putative father searches
- word processing of court documents
- notify caseworker for requisite signatures
- notarize necessary documents and make copies
- complete paperwork for service of process
- contact the court to have case placed on docket
- deliver court documents to court clerk's office

3) Court Intake and Case Initiation

A) *Intake Screening of Court Documents*

- review the case filing documents from Agency/Prosecutor for legal sufficiency
- prepare case tracking and other internal court documents

B) *Case Initiation-Administrative Support*

- receive case packet from Agency/Prosecutor
- search court database for prior history
- assign hearing officer
- open case file; and
- data entry - case initiation including assigning of case ID#

4) Hearing Preparation

A) *Caseworker*

- final review of case documents
- conduct any needed pre-hearing conferences

B) *Prosecutor*

- final review of case documents
- conduct any needed pre-hearing conferences

C) *Defense Counsel*

- final review of case documents
- conduct any needed pre-hearing conferences

D) *Guardian ad Litem*

- final review of case documents
- conduct any needed pre-hearing conferences

Table D.5 (Continued)
Listing of Tasks Associated with the Preliminary
Protective Hearing Process

E) Court Administrative Support

- complete attorney assignment and guardian paperwork
- inform defense counsel and guardian of case assignment
- as necessary conduct final database searches
- prepare the preliminary protective hearing docket
- prepare case file for hearing
- prepare necessary hearing tracking documents

5) Attend Preliminary Protective Hearing

A) Hearing Officer

B) Courtroom Support (Clerk)

C) Courtroom Security

D) Prosecutor

E) Defense Counsel for custodial parents (guardians)

F) Guardian ad Litem

G) Caseworker

6) Post-Hearing Follow-up Activities

A) Case Processing - Administrative Support

- process hearing entries (e.g. accuracy check, requisite signatures)
- update case file
- data entry - post hearing results
- complete necessary service of process paperwork

B) Judicial Review of Hearing Entries and Orders

- as necessary, review and sign hearing entries (orders)

C) Hearing Officer

- review and prepare notes on hearing

D) Caseworker

- review and prepare notes on hearing

E) Prosecutor

- review and prepare notes on hearing

F) Defense Counsel

- review and prepare notes on hearing

G) Guardian ad Litem

- review and prepare notes on hearing

Table D.6
Flow Chart of 100 New (Original) Case Filings
 (Based on General Case Flow Patterns in Hamilton County Juvenile Court)

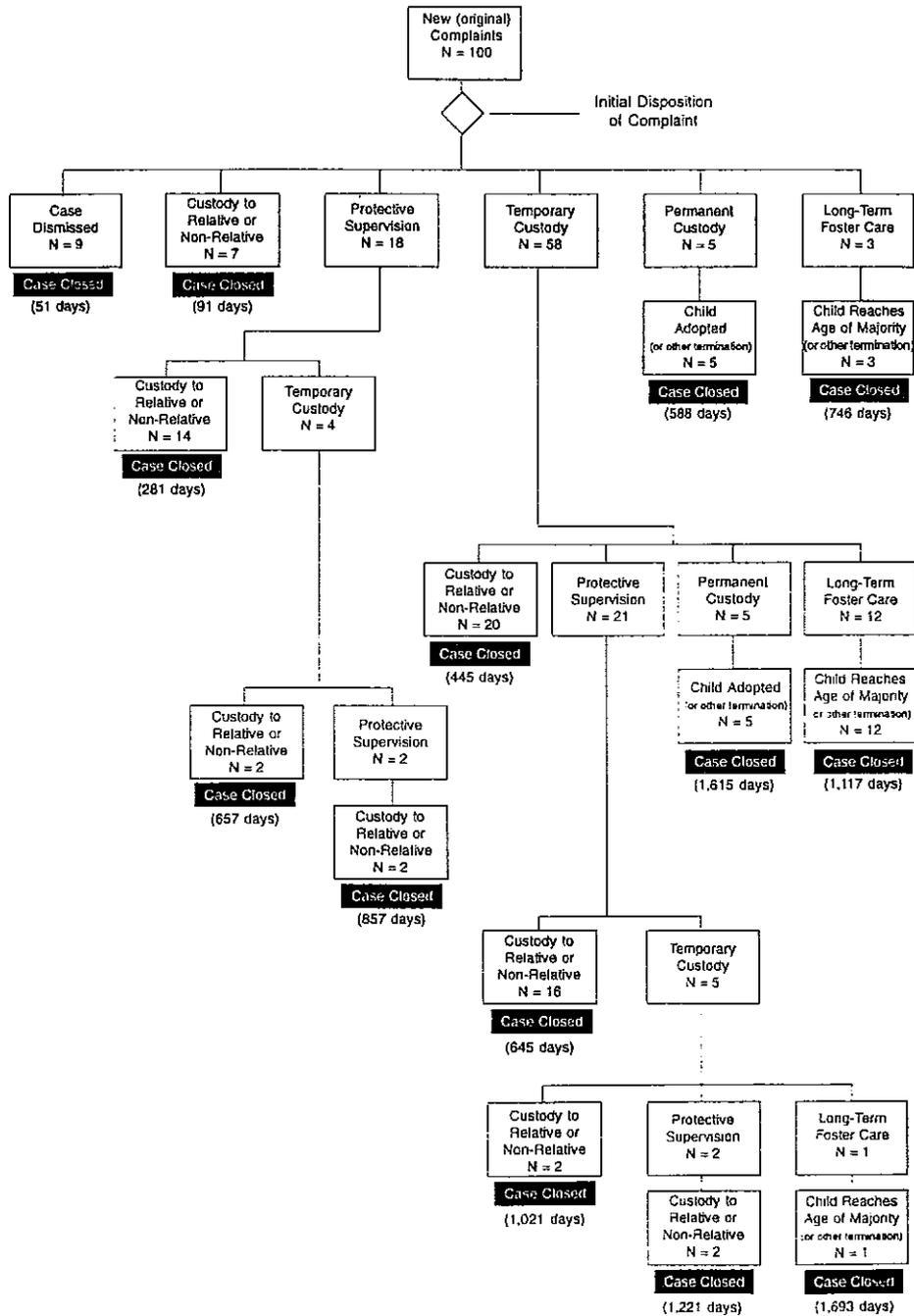


Table D.7							
Hours Required by Hearing Type							
Responsible Party	Preliminary Protective	Uncontested Pre-Trial	Uncontested Adjudication	Disposition	Review	Permanency Planning	Uncontested T.P.R.
Judge/Referee	1.25	1.0	1.0	1.5	1.0	1.75	2.5
Juv. Cr. Staff	3.5	2.0	2.25	2.75	2.25	3.25	3.25
CPS Caseworker	15.5	1.75	16.25	15.0	6.5	11.75	11.5
Prosecutor's Office	7.0	3.0	6.25	4.5	4.0	8.25	7.25
Defense Counsel	1.5	1.75	3.0	3.0	2.75	3.0	4.75
GAL/CASA	1.5	1.0	7.5	4.75	3.0	7.0	7.0

Table D.8								
Estimated Number of Hearings Required to Complete 100 New (Original) Filings Initial Case Disposition								
Hearing Type	Case Dismissed	Custody to Relative	Protective Supervision	Temporary Custody	(TPR) Permanent Custody	Long Term Foster Care	Total Hearings	Average Hrgs./Case
	(n=9)	(n=7)	(n=18)	(n=58)	(n=5)	(n=3)	(n=100)	
Prelim. Protective	9	7	22	63	5	3	109	1.1
Pre-Trial	6	7	17	53	2	1	86	0.9
Adjudication	2	7	32	92	---	2	134	1.3
Disposition	---	2	14	31	---	1	49	0.5
Review	---	---	60	317	21	14	412	4.1
Perm. Planning	---	---	15	92	---	---	107	1.1
Termination of Parental Rights	---	---	---	7	5	---	12	0.1
Total Hearings	17	23	160	655	33	21	909	9.1
Avg. Hrgs./Case	1.9	3.3	8.9	11.3	6.6	7.0	9.1	

Table D.9
Estimated Personnel Hours Required to Complete 100 New (Original) Filings
Initial Case Disposition

Responsible Party	Case Dismissed (n=9)	Custody to Relative (n=7)	Protective Supervision (n=18)	Temporary Custody (n=58)	(TPR)		Long Term Foster Care (n=3)	Total Hours (n=100)	Avg. Hrs./Party Case
					Permanent Custody (n=5)				
Judge/Referee	19	26	184	766	42		22	1059	11
Court Support Staff	25	60	405	1654	85		51	2280	23
Agency Staff	183	265	1667	6251	275		187	8828	88
Prosecutor's Office	94	123	832	3392	161		97	4699	47
Defense Counsel	30	50	411	1737	93		54	2375	24
GAL/CASA	35	80	642	2629	108		67	3561	36
Total Hours	386	604	4141	16429	764		478	22802	228
Avg. Hours/Case	43	86	230	283	153		159	228	

Table D.10
Pre and Post-Initial Disposition Time Allocation Estimates for the Court
Docket, Judicial Officers and Court Support Staff

Resource Category	Pre-Initial Disposition (hours/case)	Post-Initial Disposition (hours/case)
Docket Time	3.9	3.75
Judicial Officers	6.1	6.6
Court Support Staff	12.0	11.3

APPENDIX E

Description of Hamilton County (Cincinnati), Ohio's Family and Children First Management, Inc. and DHS IMPACT Programs

FCF Management, Inc.

*4370 Malsbary Road, Suite 200
Cincinnati, Ohio 45242
(513) 794-3300 ext. 104
(513) 794-3319 facsimile*

INTRODUCTION TO FCF MANAGEMENT, INC.

Background Information:

Many of the children and families receiving services from the major child-serving systems in Hamilton County are served adequately and to their satisfaction. There remains, however, a cadre of youth with multiple and severe needs who have historically been under served in comparison with their extensive needs. These youth frequently are classified as dependent regardless of the origin of their dependency, and as a result, often end up in the custody of the Hamilton County Department of Human Services. In many instances, the Hamilton County Department of Human Services solely pays for their care and treatment because the other systems do not have a clear mandate regarding custodial care or auxiliary care of these youth with multiple problems.

A similar group of youngsters and families with complex service needs are those who are not in custody of the Hamilton County Department of Human Services because they have somehow managed to piece together services for themselves that enabled them to stay out of the dependency arena, at least temporarily. Without intensive, coordinated, multiple services from multiple systems, however, they are likely to end up in the custody of Hamilton County Department of Human Services. In the past several years in Hamilton County, many of these youth have come to the Hamilton County Cluster, on inter-system committee of mid-level managers, who tries to arrange for and fund individualized services, and in some instances, residential treatment for this population. Their degree of success with these families has been mixed, however, has been fraught with agency arguments regarding who has funding responsibility for them or who has funds available to provide services for them.

The Hamilton County Department of Human Services, the Hamilton County Community Mental Health Board, the Hamilton County Board of Mental Retardation/Developmental Disabilities, the Hamilton County Juvenile Court, the Hamilton County Alcohol and Drug Addiction Services Board, Hamilton County Schools, Cincinnati Public Schools, United Way & Community Chest, and the Hamilton County Family and Children First Council all agreed that change was necessary. Furthermore, they agreed that the group of children and families described in the paragraphs above were those in the greatest need of a redesigned, effectively managed system of social services. Of particular significance in terms of long-term system change was the fact that this program represented a melding of two of the most important policy initiatives of Governor Voinovich's administration: The Family and Children First Initiative and OhioCare. Therefore, the entities named above formed Family and Children First Management, Inc. ("FCF Management, Inc.") in the spring of 1994. FCF Management will set the stage for comprehensive system reform for special health-related services for the disabled child population of Hamilton County. If successful, it is anticipated that this model will be adopted throughout the state.

Introduction to FCF Management
Page 3 of 8

The organizers of FCF Management identified a subset of children at whom the program will be specifically directed during the first two years of operation. However, it is the full intent of FCF Management and its funders to enlarge and expand this program to the full compliment of youngsters targeted once the program has worked through the growing pains that accompany any new service delivery system. Ultimately, the funders hope to expand this type of service delivery to even larger groups of children and families if FCF is able to provide the kinds of outcomes they are hoping for.

Preliminary Work

FCF Management finds its roots in a unique, collaborative effort between the major public child-serving systems, non-profit agencies, the private sector and state government. Our goal is to provide services to the most disabled population of children in Hamilton County in a managed, coordinated fashion. Our intent is to provide better outcomes for families, increased revenue for services and single-streamed funding for the costliest and most difficult population of children and families in the public sector. Towards that end, the Hamilton County Department of Human Services, the Hamilton County Community Mental Health Board, the Hamilton County Board of Mental Retardation/Developmental Disabilities, the Hamilton County Juvenile Court and the Hamilton County Alcohol and Drug Addiction Services Board agreed to commit approximately \$8 million to be pooled through the Hamilton County Family and Children First Council to develop a system of care to provide services to serve these very needy youth and their families. Support was also garnered from the United Way, the Greater Cincinnati Foundation and the Procter and Gamble Foundation to assist in start-up funding for this new multi-system partnership.

The funding agencies continue to meet on a regular basis regarding this managed care program through the System Refinancing Committee of the Family and Children First Council. The Council is overseen by its Trustees, who are the Mayor of Cincinnati, the President of the Board of Hamilton County Commissioners, the President of the Board of Education of Cincinnati Public Schools, and the President of the Board of Education of Hamilton County Schools. The Council will be the mechanism through which the where its agencies identified above will not only pool their funds but also contract with FCF Management. This managed care program was a major piece of the Council's strategic plan for 1994-1995, and as a result, was discussed widely in the community during its conceptual development.

During the planning stage, the Department of Human Services, the Board of MR/DD, the Mental Health Board, Juvenile Court, and Cluster each generated a list of the youth in their system that fell into the target population; these lists were compiled into a master list. The master list was then used by each system to identify services that were being provided by their systems to the entire target population. Costs of these services were then calculated by each

Introduction to FCF Management

Page 4 of 8

system to get an estimate of what resources are currently being expended upon this population. Each agency used their most recent fiscal year to identify expended funds. When possible, agencies categorized costs by contractual non-placement and placement expenditures, as well as by sources of funding (i.e. county, state and federal dollars). Educational, physical health and psychiatric hospitalization costs were not included.

Data collection was very difficult and all the participating systems agreed that the figures contained within this report were rough. However, the participating systems have agreed to accept the cost estimates included in this report for the first twenty months of operation. During the second year of operation, system allocations will be determined based on utilization data from the initial period.

The commitment of local providers to this new method of service delivery is key to the success of the project. FCF needs an array of providers who can offer creative, flexible, individualized services to this needy group of youngsters in the target population. Providers must be willing to develop the services that they see are needed as they are needed. No longer can they continue to only accept children who fit their programs; rather, it will be in their best interests, financially, to develop services that are needed by individual children and families, whatever those might be. Similar commitment was evidenced by a number of major child-serving agencies which formed the Alliance for Children.

When discussion of this project arose, the providers in the community were understandably apprehensive about what this project would mean for their future. In an effort to allay those anxieties and to get the providers invested in the project at an early stage, the Family and Children First Council had an all day workshop specifically for the providers in late May, 1994. The Council brought their consultant and his clinical director to Cincinnati for the day to discuss the project in detail with the providers. Subsequent to the workshop, the providers assigned a member of the Alliance for Children (an organization of a substantial number of children's services providers) to the project work team. This allows for continuous communication and interaction with the providers about the status of the project.

A major ingredient to making this project work, is the ability of FCF to draw down increased federal dollars for individualized services to the children and families it serves. In the past, the systems' ability to access federal funding through Medicaid has been limited by the fairly rigid definitions used by the Ohio Department of Human Services (ODHS) Medicaid department and the somewhat difficult process of provider certification by the Ohio Department of Mental Health (ODMH). Increased flexibility will be necessary if Hamilton County is to increase the number of providers it can utilize and maximize third-party reimbursements.

This issue has been raised by the Family and Children First Council at the state level. Meetings have been held with high-ranking officials from the various state departments and the members of the Council who are directly involved with this project and FCF. At this point, the

Introduction to FCF Management
Page 5 of 8

state has made a commitment to work with the Council to identify federal funding streams for both traditional services and services not currently funded by Medicaid, re-examine the case management specifications regarding what is billable through case management services, ease the ODMH certification process for providers and develop a long-term plan for institutionalizing these changes in a way that both the state and the counties can live with.

In addition, because Hamilton County is a pilot Family and Children First county, the Council has the ability to request waivers from state administrative rules that are seen as obstacles to better outcomes for children and families. Therefore, as the managed care program proceeds, the Council will be in a position to have rules waived that impede smooth implementation of the program.

Also, Governor Voinovich's commitment to OhioCare and to the Family and Children First initiative will undoubtedly be a positive influence in encouraging the state departments to offer whatever degree of cooperation and technical assistance is necessary for the successful operation of this managed care program.

The managed care program has met with an enthusiastic response from members of the community. In all discussions about the program by the Council, it has been stressed that this project represents a new social service delivery system. The emphasis on better outcomes, streamlining of services and increased efficiency and cost effectiveness of service delivery has made a significant impact on those in the community with whom it has been discussed. As a result, financial commitments have been received from the Greater Cincinnati Foundation, Procter & Gamble and the United Way for the operation of this program. An impressive group of community representatives has agreed to serve on the Board of FCF. The current Board includes representatives of the managed health care industry, the business community, providers, Juvenile Court, United Way and a parent. Not only will they offer valuable insights into the operation of the program, but their ability to draw on other contacts in the private sector, the health care and the business community will prove helpful as time goes on. Finally, the media has been both interested and supportive of this project since its inception.

In terms of other public agencies, the Cincinnati Health Department, Cincinnati Public Schools and the Hamilton County Office of Education are not in a position to commit to funding the project at this time nor is it clear how to determine what their funding share would be. All three of these systems, however, have been integrally involved in the planning of this project and expect to fully participate in terms of service delivery. They will be contributing in kind services.

The United Way has committed \$25,000 for start-up costs for this program. If the program is successful, it is their ultimate goal to determine if services for the target population can be more efficiently funded through this program.

Introduction to FCF Management
Page 6 of 8

Target Population

In order to develop a program that was manageable and duplicable, it was evident that it was necessary to begin with a smaller but finite portion of the previously identified population.

This group needed to have clear identifying characteristics, utilize a substantial number of expensive services from multiple systems and could be tracked over a period of time. The following group of children have been selected to be the first group served by FCF Management:

Hamilton County youth who:

- are in custody of the Hamilton County Department of Human Services and have had two or more residential placements.
- are in custody of Hamilton County Department of Human Services and have been identified as having mental retardation or developmental disabilities by the Hamilton County Board of Mental Retardation and Developmental Disabilities
- are under the age of 12 and have been adjudicated as delinquent
- have service needs which may not be met through traditional agency linkages or traditional agency services through any of the "County" agencies and are at risk of out-of-home placement

Identifying characteristics are currently being examined in each of these groups so that eligibility criteria can be more clearly defined as the program becomes more well developed. It is our intention at this point, however, to serve the youth that have the identifying characteristics listed above during the first 20 months of operation.

Program Description

FCF is a private non-profit corporation which will have service and fiscal responsibility for the population that will be assigned to them by the funding agencies and possibly others. Pooled funds from participating systems will be allocated to FCF on a capitated basis. FCF will be responsible for meeting all of the child's treatment and support needs as defined during the assessment phase at whatever level of intensity is needed. FCF will monitor treatment plans and progress towards meeting the goals in the treatment plans, and require modifications of treatment plans if those goals are not reached.

Introduction to FCF Management

Page 7 of 8

FCF is designed to be a small organization. The staff is anticipated to consist of no more than six to eight staff members, which will include an executive director, a program manager, a manager of information systems, an executive assistant, an accountant, and support staff.

FCF is intended to serve as a community structure that will consolidate and streamline those functions that are duplicated across multiple systems. In addition to monitoring treatment plans and outcomes, one of the primary functions of FCF will be to serve as the fiscal intermediary between the public systems and the providers.

Funds committed for the first year for purchase of services, start up and administrative expenses for the 286 target population youth by participating systems is approximately \$8 million. If the program is effective with the target population, however, it is the plan of Hamilton County Family and Children First Council to ultimately expand this program to serve larger numbers of youth and families in this manner. Blended, non-categorical funding to provide community-based programs in a managed care environment is the direction that the Council hopes to move towards for a large segment of the children and families requiring services from the public and private non-profit sector.

A provider network will be formed that will be contracted with by FCF. They will be accountable for client outcomes and will ultimately share financial risk for the populations they serve with FCF. Their at-risk status will motivate them to assure that needed services are made available in the community. Money received will be distributed among several funds that are determined through a projection of expected costs for service (e.g. residential treatment, hospitalization, etc.). In addition, an allocation will be made for a small reserve fund to balance variations in service utilization. The money in these accounts will be paid to providers for services rendered. For certain providers, a portion of the payment will be withheld to establish a risk-sharing pool. Savings derived will be distributed to the participating providers to distribute among themselves and to develop new services.

As providers will be fiscally responsible for outcomes for the population they are serving, it will be in their own best interests to individually tailor services to each child's individual needs. As a result, it is expected that individualized wrap-around services will make up the bulk of the services offered for this high-need population.

The pool of providers contracted with will be in the best position to determine what services for groups of individuals would be most beneficial to the population they are serving. They will develop these services in concert with parents who will be asked to provide input regarding what services are truly most effective with this population. It is the expectation of FCF that parental input will be a part of this development of services and that parents will be an integral part of any planning that occurs for new services.

Introduction to FCF Management
Page 8 of 8

Program Values

The service model being proposed by FCF Management is predicated on several key values. We would like to close this introduction to FCF Management with those values:

- Children with multiple needs should be served by multiple systems; their care should be financed by those systems and should not be the sole burden of any one system.
- Children should receive one uniform assessment that is mutually provided by all systems and is accepted by all systems.
- Treatment plans should be individually tailored to meet individual children's and families' needs.
- Service dollars should follow the child rather than plugging children into existing services.
- Services should be family centered and community based.
- Service dollars from other funding sources, such as federal dollars, should be maximized, and local dollars should be leveraged to capitalize on those funds.
- Strong, centralized, individual case management is essential to providing services to children with multiple and intense needs.
- Provider agencies must be encouraged to develop individual services to meet the needs of individual children and families and should have fiscal consequences when they are unwilling to do so.
- Families should not be caught in inter-system arguments about service responsibility.

The DHS IMPACT Program

In April of 1995, the Hamilton County Alcohol and Drug Addiction Services (ADAS) Board and Hamilton County Department of Human Services (DHS) Children's Services Division initiated an innovative new program designed to better meet the substance abuse treatment needs of DHS's clients. In the past DHS purchased services on an individual basis from various service providers in the community. In addition to maximizing the quality and quantity of services to DHS clients, the program seeks to maximize Medicaid reimbursement for the program.

DHS entered into an agreement with the ADAS Board to administer its alcohol and other drug addiction treatment funds and to develop a broad continuum of alcohol and other drug addiction services for its clients so as to remove this barrier to their successful parenting. The continuum includes assessment, detoxification, residential and outpatient treatment, a strong aftercare component, and a variety of supportive services, depending on the individual client's needs. DHS also seeks to determine the impact of recovery and/or continued use on their client's ability to successfully parent.

ADAS Board staff saw this as an excellent opportunity to greatly improve the effectiveness of treatment and to maximize funding for a very at risk population. A cornerstone of the program is the implementation of a utilization management component, which has not been used before with this type of population.

Through a contract with Bethesda Hospital, utilization management services are provided for all clients in the program. The utilization management component includes assessment, referral to a level of care and provider (based on Board approved Screening and Placement criteria), monitoring of the length of stay in treatment levels, determining movement to different levels of care, providing training in the effective use of utilization management and other areas, reporting and data analysis, on-site presence at Children's Services, treatment staffing, on-site visits and consultation.

Another important of the component is the inclusion of an ADAS Board staff person who is permanently housed on site at DHS and acts as the liaison between the DHS system and the IMPACT program. This position is charged with assisting DHS to maximize the quality and effectiveness of alcohol and other drug addiction treatment services available through the IMPACT program. The position also closely follows individual cases which include special situations or problems and cases which have or are likely to result in failure to complete treatment.

PROGRAM GOALS

The goals of the program are as follows:

1. Significantly increase the amount of funding available for services, thereby serving more adults and children, by using HCDHS funds as matching funds for Medicaid reimbursement wherever possible. Approximately 60% of IICDHS Children's Services Division clients are Medicaid eligible.

2. Encourage collaboration and partnerships among service providers in order to.
 - A. Increase clients' attendance in outpatient, aftercare and other services that support the recovery process.
 - B. Show progress toward more community based alcohol and other drug addiction outpatient, aftercare and support services. This shall also include services that clients will continue receiving even after HCDHS case management is terminated.
 - C. Increase the quality and quantity of services provided.
 - D. Reduce or eliminate barriers to successful client and family outcomes.
3. Reduce the risks to children that are due to parents' use and addiction to alcohol and other drugs, and results in their inability to nurture, parent and protect their children.
4. Practice a holistic approach to treatment and aftercare, which strengthens the ability of the individual and the family to cope with their environment in a healthy way and which facilitates independent living and decreases or eliminates the need for continued case management service.
5. Provide same day access to services for adults and children, whenever possible.
6. Provide effective treatment and aftercare which contributes to a reduction in the overall number of times children are placed in foster care and a reduction in the number of times cases are reopened because the parent's relapse places children again at risk of abuse or neglect.

The ADAS Board was assisted in the selection of a provider by a review committee which consisted of a number of entities interested in children's welfare issues: DHS, Pro Kids, Inc., the Children's Services Commission, and the Juvenile Court. A consortium of providers was selected, with Talbert House, Inc. and the Center for Chemical Addictions Treatment, Inc. serving a lead agencies. The network of providers also includes: CPC/Alcohol and Substance Abuse, Inc. (formerly the Alcoholism Clinic), First Step Home, Prospect House, the Central Community Health Board, and Sojourner Home. The program is called the IMPACT Program (Interagency Managed Care Program for Alcohol and Chemical dependency Treatment).

During its first nine months of operation, more than 800 clients were identified by DHS as possibly needing alcohol or other drug treatment. 329 clients were assessed as needing treatment and referred to the proper service. As of the end of the first contract period (December 31, 1995), 83% of these clients had complied with the referral and successfully participated in treatment.

Another innovation of the IMPACT Program is rapid access to treatment. Assessment is available within two days of contacting Bethesda. During the contract period, all clients referred to treatment were provided access within 24 hours for inpatient services and with 72 hours for outpatient services.

APPENDIX F

Court Improvement Project Advisory Workgroup Membership Listing

**ARIZONA STATE SUPREME COURT
COURT IMPROVEMENT PROJECT ADVISORY WORKGROUP**

Anna Arnold
Special Assistant
Department of Economic Security
Division of Children and Family Services.

Shirley Carpenter
Foster Care Review Board Volunteer

Jim Fritz
Calendar Services
Pima County Juvenile Court Center

Monema Garrity
Chairperson
State Foster Care Review Board

John Gilmore, Esq.

The Honorable Stephens M. Desens
Presiding Juvenile Court Judge
Cochise County

The Honorable Karen Adam
Juvenile Court Judge
Pima County

The Honorable Nannette Warner
Presiding Juvenile Court Judge
Pima County

Carol Kamin
Executive Director
Children's Action Alliance

John S. Kelliher, Jr., Esq.

Kim Kelly
Deputy Court Administrator
Maricopa County Juvenile Court

Steve Kupiszewski
Satellite Office Coordinator
Office of the Attorney General

Jim Mahoney, Esq.

Commissioner Maria Del Mar Verdin
Maricopa County Juvenile Court

Regina Murphy-Darling
Executive Director
Parents and Children Together

Julie Nauroth
Community Outreach Specialist
Arizona CASA Program

Michael Nestingen
CASA Program Coordinator
Yuma County

Senator Patti Noland
Arizona State Senate

Kathy Pidgeon, Esq.

Sonya Pierce-Johnson
Arizona Supreme Court
Juvenile Justice Services Div.

Jeffrey Pitts
Maricopa County Attorney's Office
Juvenile Division

Christine Powell
Chief Counsel
Protective Services Unit
Office of the Attorney General

Jannah Scott
Senior Program Associate
Children's Action Alliance

Don Shaw
Director of Juvenile Court Services
Pima County

Vernon Speshock
CASA Program Coordinator
Maricopa County

Representative Sue Lynch
Arizona House of Representatives

Lynda Taylor
CASA Volunteer

Chris Taylor
Specialist
Child Protective Services

APPENDIX G

Individuals Interviewed for the Arizona Court Improvement Project

Individuals Interviewed for the Arizona Court Improvement Project

Cochise County

Honorable Stephen Desens, Cochise County Superior Court Judge, Division II
Cecilia Gonzales, CPS Unit Supervisor
John Kelliher, Attorney
Phillip Maxey, Assistant Attorney General
Debbie Nishikida, CPS Unit Supervisor
Sheila Shultz, CPS Case Manager
Anita Sanchez, Deputy Public Defender
Benna Troup, Deputy Legal Defender

Coconino County

Honorable Charles Adams, Presiding Coconino County Juvenile Court Judge
David Barrow, Attorney
Mary Ellen Crowley, CASA Program Director
Tim Fisher, Assistant Attorney General
Honorable Michael Flournoy, Coconino County Superior Court Judge
Tim James, CPS Case Manager
Connie Mazon Jordan, Legal Clerk, Clerk of the Coconino County Superior Court
Arnold Locket, FCRB Chair
P. Jay McCarthy, Attorney
Maria Miller, FCRB Member
Lucinda Morris, Social Worker/ICWA Case Manager, Navajo Nation
Honorable Fred Newton, Coconino County Superior Court Judge
Paul J. Richard, Attorney
Nancy Stiver, CPS Unit Supervisor
Hodge Wasson, CPS Case Manager

La Paz County

Rosa Aguayo, CPS Case Manager
Deanna Beaver, CASA Volunteer
Berry Hershbein, Assistant Attorney General
Honorable Michael Irwin, Presiding La Paz County Superior Court Judge
Carol Lamont, CASA Volunteer
Al De La Pena, CASA Volunteer
Vivian LeBlanc, CASA Volunteer
David Morgan, FCRB Chair
Sheri Newman, Clerk of the La Paz County Superior Court
Janice Patch, CPS Unit Supervisor
Kim Rothacher, CASA Program Coordinator
Steve Roundtree, CPS Case Manager
Jan Suchairs, CPS Case Manager
Richard Tozer, Court Administrator/Chief Probation Officer
Penny Younis, FCRB Member

Maricopa County (including AOC and ACYF Central Office Interviews)

Don Allen, Program Manager, DES/ACYF District I
Anna Arnold, Special Assistant, DES Children and Family Services Division
Mary Ault, Administrator, DES/ACYF
Linda Barrett, CPS Unit Supervisor
Honorable Robert Budoff, Maricopa County Juvenile Court Commissioner
Bill Callahan, Mediation Program Coordinator
Honorable Colin Campbell, Juvenile Court Judge
Linda Castaneda, CASA Program Manager, AOC Dependent Children's Services Division
Kena Contreras, Program Specialist, AOC Dependent Children's Services Division
Honorable Kenneth Fields, Maricopa County Juvenile Court
Honorable John Foreman, Presiding Maricopa County Juvenile Court Judge
Sheri Head, Supervisor, Court Administrator's Office
Honorable Tom Jacobs, Maricopa County Juvenile Court Commissioner
Pat Jenson, FCRB Program Manager, AOC Dependent Children's Services Division
Linda Johnson, DES Policy and Program Development Unit
Richard Johnson, Assistant Program Manager, DES/ACYF District I
Kim Kelly, Maricopa County Juvenile Court Administrator
Chris Kristy, CPS Case Manager
Carrie Lawlor, JOLTS Program Manager, AOC Management Information Services Division
Honorable Barbara Mundell, Maricopa County Juvenile Court Judge
Honorable Thomas O'Toole, Maricopa County Juvenile Court Judge
Katrina Padilla, CASA Program Coordinator
Kathryn Pidgeon, Attorney
Honorable Ken Portney, Maricopa County Juvenile Court Judge (Check spelling on name)
Linda Poure, Program Specialist, AOC Dependent Children's Services Division
Christine Powell, Chief Counsel, Protective Services Unit, Attorney General's Office,
Mary Lou Quintana, Division Director, AOC Dependent Children's Services Division
Virginia Richter, Assistant Attorney General
Barbara Rodriguez, Assistant Attorney General, Severance Project
John Rood, Supervisor, Office of Court Appointed Counsel
Jannah Scott, Children's Action Alliance
Craig Sinclair, Programmer, AOC Management Information Services Division
Vernon Speshock, CASA Program Coordinator
Madeleine Stilwell, FCRB Member
Don Thomas, Assistant Director of Research and Planning, Maricopa County Juvenile Court
Melody Tinsley, Clerk of the Maricopa County Juvenile Court
Mary Verdier, Attorney
Honorable Maria Verdin, Maricopa County Juvenile Court Commissioner
Melissa Ward, CPS Case Manager
Honorable Penny Willrich, Maricopa County Juvenile Court Commissioner
Honorable Chris Wortuba, Maricopa County Juvenile Court Commissioner

Pima County

Karen Abman, Project Director, Families for Kids Initiative
Honorable Karen Adam, Pima County Juvenile Court Judge Pro Tempore
Honorable Hector Campoy, Pima County Juvenile Court Judge Pro Tempore
Dennis Clancy, FCRB Member
Mark Curry, Assistant Attorney General, Tohono Oodham Nation
Honorable Frank Dawley, Pima County Juvenile Court Judge Pro Tempore
Jim Fritz, Calendar Administrator, Pima County Juvenile Court
John Gilmore, Attorney
Linda Henderson, CPS Specialist III
John Higgins, CPS Case Manager
Honorable John Kelly, Pima County Juvenile Court Judge
Lynn Kraipek, CPS Unit Supervisor
Honorable Theodore Knuck, Pima County Juvenile Court Judge Pro Tempore
James Mahoney, Attorney
Jay McEwen, Assistant Attorney General
Don Shaw, Juvenile Court Director of Juvenile Court Services, Pima County Juvenile Court
Honorable Stephen Rubin, Pima County Juvenile Court Judge Pro Tempore
Sheri Sand, CPS Case Manager
Ilene Stern, CPS Unit Supervisor
Gary Swindell, CPS Court Liaison
Rudy Wagner, CPS Unit Supervisor
Honorable Nanette Warner, Presiding Pima County Juvenile Court Judge
Katherine Wiles, CASA Program Coordinator
Sara Wisdom, Assistant Attorney General
Richard Wood, Researcher, Pima County Juvenile Court

Bibliography

- Arizona Supreme Court, *The Arizona Courts: Data Report for Fiscal Year 1994, Volume I*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1995
- Arizona Supreme Court, *The Arizona Courts: Data Report for Fiscal Year 1995, Volume I*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1996
- Butts, Jeffrey and Gregory J. Halemba, "Delays in Juvenile Justice: Findings from a National Survey," *Juvenile and Family Court Journal*, 1994, Volume 45, No. 4.
- Children's Action Alliance, "A Platform for Arizona's Children," Children's Action Alliance, Phoenix, AZ, 1994.
- Children's Action Alliance, "The State of Arizona's Children: 1996," Children's Action Alliance, Phoenix, AZ, 1996.
- Davidson County Juvenile Court, "Juvenile Court Rules," Davids County Juvenile Court, Nashville, TN, 1966.
- Hardin, Mark, *Memorandum to Helaine Hornby*, May, 9, 1996 (Summary of his review of Arizona Statutes and court rules governing the judicial handling of dependency and severance cases.)
- Hardin, Mark and Ann Shalleck, *Court Rules to Achieve Permanency for Foster Children: Sample Rules and Commentary*, American Bar Association, Center on Children and the Law, Washington D.C., 1985.
- Hardin, Mark, *Judicial Implementation of Permanency Planning Reform: One Court That Works*, American Bar Association, Center on Children and the Law, Washington D.C., 1992.
- Hardin, Mark, Ted Rubin and Debra Ratterman Baker, *A Second Court That Works: Judicial Implementation of Permanency Planning Reforms*, American Bar Association, Center on Children and the Law, Washington D.C., 1995.
- Halemba, Gregory J., "Characteristics of a 'Pilot' Information System to Track the Processing of Dependency Case Filings in Juvenile and Family Courts", National Center for Juvenile Justice, Pittsburgh, PA, 1995.
- Hornby, Helaine and Dennis Zellar, *Assuring the Safety of Children in Foster Care: Arizona Case Review Final Report*, National Resource Center for Management and Administration, University of Southern Maine, 1994.
- Hornby, Helaine, "Program Redesign Final Report." National Resource Center for Management and Administration, University of Southern Maine, 1996.
- Morrison Institute for Public Policy, "Kids Count Factbook: Arizona Children 1994," Arizona State University, Tempe, AZ, 1994.

National Council of Juvenile and Family Court Judges, *Resource Guidelines - Improving Court Practices in Child Abuse and Neglect Cases*, National Council of Juvenile and Family Court Judges, Reno, NV, 1995.

Pima County Juvenile Court Center Research and Evaluation Unit, "*An Analysis of 'Current' Dependency Cases Adjudicated by the Pima County Juvenile Court Center*," Pima County Juvenile Court Center, Tucson, AZ, 1996

Shrive, Paula and Barbara Seibel, *Ohio Deskbook of Juvenile Court Procedures on Child Abuse, Neglect and Dependency*, Ohio Association of Juvenile and Family Court Judges, 1988.

State Foster Care Review Board, *1995 Report and Recommendations*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1995

State Foster Care Review Board, *1996 Report and Recommendations*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1996

Bibliography

- Arizona Supreme Court, *The Arizona Courts: Data Report for Fiscal Year 1994, Volume I*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1995
- Arizona Supreme Court, *The Arizona Courts: Data Report for Fiscal Year 1995, Volume I*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1996
- Butts, Jeffrey and Gregory J. Halemba, "Delays in Juvenile Justice: Findings from a National Survey," *Juvenile and Family Court Journal*, 1994, Volume 45, No. 4.
- Children's Action Alliance, "A Platform for Arizona's Children," Children's Action Alliance, Phoenix, AZ, 1994.
- Children's Action Alliance, "The State of Arizona's Children: 1996," Children's Action Alliance, Phoenix, AZ, 1996.
- Davidson County Juvenile Court, "Juvenile Court Rules," Davids County Juvenile Court, Nashville, TN, 1966.
- Hardin, Mark, *Memorandum to Helaine Hornby*, May, 9, 1996 (Summary of his review of Arizona Statutes and court rules governing the judicial handling of dependency and severance cases.)
- Hardin, Mark and Ann Shalleck, *Court Rules to Achieve Permanency for Foster Children: Sample Rules and Commentary*, American Bar Association, Center on Children and the Law, Washington D.C., 1985.
- Hardin, Mark, *Judicial Implementation of Permanency Planning Reform: One Court That Works*, American Bar Association, Center on Children and the Law, Washington D.C., 1992.
- Hardin, Mark, Ted Rubin and Debra Ratterman Baker, *A Second Court That Works: Judicial Implementation of Permanency Planning Reforms*, American Bar Association, Center on Children and the Law, Washington D.C., 1995.
- Halemba, Gregory J., "Characteristics of a 'Pilot' Information System to Track the Processing of Dependency Case Filings in Juvenile and Family Courts", National Center for Juvenile Justice, Pittsburgh, PA, 1995.
- Hornby, Helaine and Dennis Zellar, *Assuring the Safety of Children in Foster Care: Arizona Case Review Final Report*, National Resource Center for Management and Administration, University of Southern Maine, 1994.
- Hornby, Helaine, "Program Redesign Final Report." National Resource Center for Management and Administration, University of Southern Maine, 1996.
- Morrison Institute for Public Policy, "Kids Count Factbook: Arizona Children 1994," Arizona State University, Tempe, AZ, 1994.

National Council of Juvenile and Family Court Judges, *Resource Guidelines - Improving Court Practices in Child Abuse and Neglect Cases*, National Council of Juvenile and Family Court Judges, Reno, NV, 1995.

Pima County Juvenile Court Center Research and Evaluation Unit, "*An Analysis of 'Current' Dependency Cases Adjudicated by the Pima County Juvenile Court Center*," Pima County Juvenile Court Center, Tucson, AZ, 1996

Shrive, Paula and Barbara Seibel, *Ohio Deskbook of Juvenile Court Procedures on Child Abuse, Neglect and Dependency*, Ohio Association of Juvenile and Family Court Judges, 1988.

State Foster Care Review Board, *1995 Report and Recommendations*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1995

State Foster Care Review Board, *1996 Report and Recommendations*, Arizona Supreme Court, Administrative Office of the Courts, Phoenix, AZ, 1996