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**The Missouri Juvenile Court Improvement Project  
Final Report**

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by  
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**A Report of the  
Institute of Applied Research  
St. Louis, Missouri**

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## Executive Summary

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This is the final report on the evaluation of Missouri's Juvenile Court Improvement Project (JCIP) in Missouri Circuits 2 and 23. The Institute of Applied Research conducted the evaluation. The content of this report is intended primarily for the JCIP steering committee. The recommendations are the Institute's to the committee and are not intended to represent the recommendations of the steering committee to higher administrative or legislative bodies in Missouri.

The purpose of the JCIP was to implement reforms in the Juvenile courts in selected judicial circuits and to determine their effectiveness. The JCIP was designed to accelerate and reform the juvenile court process for children who entered the court for reasons of child abuse and neglect. The Missouri Division of Family Services, the public child welfare agency, directs such cases to the court, usually following emergency removals of children from their homes. The project was designed to be tested in specific pilot sites. This report concerns the full three years of the project.

Six core requirements were set for pilot sites: 1) Delays in the court process were to be reduced by holding protective custody hearings in all protective custody cases, appointing a guardian ad litem for each child removed from the home, and adhering to set timeframes of hearings within a 12-month period, culminating in a permanency planning hearing. 2) The thoroughness of hearings was to be improved by requiring specific items and issues to be explicitly addressed during hearings. 3) Key personnel were to receive joint training. 4) The Division of Family Services (DFS) offices in the pilot areas were to have begun the Family-Centered Out-of-Home Care Program. 5) DFS was to provide a list of resources to the court. 6) All personnel were to participate in the project evaluation

Two court sites were chosen for the pilot project: the 23<sup>rd</sup> and the 2<sup>nd</sup> Missouri Judicial Circuits. Circuit 2 is composed of three counties (Adair, Lewis, and Knox) located in the northeastern quadrant of the state and is representative of smaller, rural circuits in Missouri. Circuit 23 is coterminous with Jefferson County, the southernmost county in the St. Louis metropolitan area.

The evaluation was designed to address outcomes in four areas: 1) improved timeframes for juvenile court hearings, 2) specific issues to be addressed during court hearings, 3) other issues surrounding the court improvement process, and 4) outcomes for children in the Missouri Division of Family Services Alternative Care program.

The evaluation of the Juvenile Court Improvement Project (JCIP) has demonstrated that significant changes have taken place in the operation of the juvenile court in the two Missouri circuits where it was implemented.

## Findings

The court process for child abuse and neglect (CA/N) cases was accelerated at every step. The timeframes considered were the periods from: 1) DFS custody to the protective custody hearing (goal: three days), 2) protective custody to adjudication of the case in juvenile court (goal: 60 days), 3) protective custody to the disposition hearing (goal: 90 days), 4) from disposition to dispositional review and subsequent review hearings (goal: 90 days each), and 5) from protective custody to the permanency planning hearing (goal: one year). The planned goals of the JCIP concerning the timeframes of court hearings were achieved in the majority of cases, although not necessarily at the levels originally planned. However, comparison of changes in timeframes with the past performance of the court illustrated that significant and substantial changes had occurred as a result of JCIP requirements.

On the negative side, the pace set by JCIP rules increased the work of the juvenile judges significantly and the time they spent in court handling juvenile cases. In addition, the frequency and requirements of the dispositional review hearings accelerated the work required by court and DFS personnel.

Certain contents were required of court hearings. This included a variety of notifications, explanations, and instructions to parents, DFS workers, and juvenile officers, as well as review of placements, services, and other aspects of case plans. These goals appeared to have been largely achieved. Nearly all the changes associated with insuring parental participation and informing parents concerning their rights in the court process were in place in the hearings that were observed. Reviews of plans, service participation, visitation, and so on consistently took place as appropriate during hearings. The essential participants—DFS workers and supervisors, juvenile officers, attorneys, the child, and the parents—were present and participating in hearings.

Guardians ad litem (GAL) were appointed in every case for children and took active and supportive roles. GALs, all of whom had received special training, were promptly appointed in both circuits and attended court hearings. Evidence was also found that they generally participated in family support team meetings at DFS, met with children, and coordinated activities with other court participants. Every indication was that these practices represented substantial, beneficial changes from the past in both circuits in which the project was implemented.

Joint training was held for key personnel in both courts. That training was held on multiple occasions was confirmed. And, although assessment of the training was not a direct objective of the evaluation, participants reported that the process was valuable and felt it should be continued.

The Family-Centered Out-of-Home Care Program (FCOH) of the Division of Family Services was in operation in both circuits. The program was already in operation in two of the four counties and was begun in the other two. Family support team meetings, which are at the heart of the FCOH process, were held for cases assigned to the JCIP and were viewed by all participants as crucial. The responses of individuals interviewed, including representatives of the courts, the juvenile offices, and the local DFS offices, were highly supportive of this process. Coordinated JCIP and FCOH procedures permitted the public child welfare agency and the juvenile court each to improve their effectiveness and efficiency by bringing their activities with families into sync.

Conclusive actions of various kinds occurred significantly more often in cases assigned to the JCIP. Permanency planning hearings (PPH) were held sooner and more often. Termination of parental rights (especially those that were voluntary) occurred significantly more often. The goal of PPHs within one year was not achieved for all cases, but improvement over past performance of the system was dramatic, and most first-year cases had had PPHs or been concluded in other ways by the end of the second year of the project.

Positive impacts resulted in the lives of children because of the pilot. Indications were that recurring child safety problems were reduced for families under the pilot in comparison to families in the baseline group, including new reports of child abuse and neglect incidents as well as new findings by agency workers of child maltreatment or family needs for services. The length of time that children spent in out of home placements was reduced significantly. There was some indication of reduced costs associated with cases, although incomplete data may have reduced the reliability of this analysis. The number of exits from out-of-home care increased on a monthly basis for all children in the circuits during the pilot period. The average number of new placements after reunification or adoption was significantly less during the pilot than during the baseline period.

Certain additional resources were provided to the two circuits through the JCIP. This included additional personnel and computer resources. In the 23<sup>rd</sup> Circuit, the additional personnel, including the family court coordinator and deputy juvenile officers specializing in CA/N cases, were critical elements of the success that was achieved. In the 2<sup>nd</sup> Circuit, the addition of a paid juvenile court attorney and a full-time GAL improved that part of the pilot as well.

Deputy juvenile officers (DJO) specializing in child abuse and neglect cases were essential in making the JCIP operate effectively. The backgrounds of several the DJOs as former DFS workers lent itself well to the work necessary under the JCIP. As a group, the DJOs in both circuits tended to be very service oriented.

A lack of congruence between state statutes on terminations of parental rights (TPR) and JCIP goals (and ASFA guidelines) was reported that has resulted in confusion

in the system and delays in permanency. While state statutes can be interpreted to say that TPRs for failure to rectify cannot be filed until one year after the court takes jurisdiction at the adjudication hearing, the JCIP goal was to have a permanency planning hearing within one year after the protective custody hearing. Under a strict interpretation of the state statute, the court and DFS would be proscribed from recommending TPR in the permanency plan if the PPH is held within the JCIP one-year timeframe.

## Recommendations

On the basis of these findings, positive and problematic, IAR makes the following recommendations to the JCIP steering committee:

Consideration should be given to implementing the procedures embodied in the JCIP across the state, in concert with the FCOH. Despite some resource-related issues, the JCIP has been highly successful in meeting the goals set for it. Timeframes from the PCH to permanency planning have been accelerated, the court process has become more systematized and transparent, agencies involved have become better coordinated, and parents have been better informed about the court process and requirements for reunification. As a result, parents have been quicker to respond and take needed action, services have been provided more rapidly, and children have been reunited sooner into safer families or released sooner to find an adoptive home. Much of this success has been due to the close coordination of the JCIP with the Family-Centered Out-of-Home Care Program. The two complement one another very well and this study suggests that greater benefits will be realized with their joint implementation.

Different approaches to the guardian-ad-litem system were utilized in the two pilot circuits. In one circuit, a full-time GAL was assigned to all the pilot cases. In the other circuit, a number of part-time GALs were utilized. In both pilot areas GAL were required to participate in training. Respondents in each circuit were generally satisfied with their system and felt that their GALs were trained and performing adequately. The researchers felt that, on balance, full-time GALs had certain advantages over their part-time counterparts: attorneys whose full caseload consists of representing the interests of children in juvenile court are more likely to seek additional specialized training and maintain currency with juvenile law; they would not face financial conflicts of interest from other, more lucrative cases; a full-time GAL makes scheduling of hearings and coordination with others in the court and child welfare system easier. In many less populous circuits where paid, part-time GALs are currently being utilized, a full-time GAL might prove less expensive than paying hourly fees to several part-time GALs. On the other hand, the cost of full-time GALs may appear prohibitive in some courts, particularly those in which part-time GALs are currently paid at very low rates or are unpaid.

The problems involved in meeting timeframes and requirements for review hearings should be resolved. Respondents made several suggestions for changing the reviews, including extending the time intervals to 120 days; allowing DFS workers to submit oral reports or briefer, less redundant written reports for hearings in which

services were simply being continued; and, as noted below, increasing the number of workers and court personnel.

State statutes need to be clarified in order to permit permanency to be pursued within the shortened timeframes envisioned by the JCIP.

Where JCIP procedures are implemented in the future, juvenile office resources need to be increased as well, with sufficient DJOs specializing in child abuse and neglect cases hired. Workloads for DJOs increased under the JCIP, not only in meeting court responsibilities but in working closely with DFS in family support team meetings and on case plans. In both circuits, that coordination was made possible in large part by the service orientation of the DJOs specializing in CA/N cases. Hiring new DJO's with orientations compatible with the DFS FCOH program and training current DJO's in such an orientation must be a top priority for any court considering effective implementation of JCIP procedures. DFS personnel levels need to be increased as well to accommodate the added workload where the JCIP (and FCOH) are implemented.

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## 1. Introduction

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This is the final report on the evaluation of Missouri's Juvenile Court Improvement Project (JCIP) in the 2<sup>nd</sup> and 23<sup>rd</sup> Missouri Circuits. The purpose of the JCIP was to implement reforms in the Juvenile courts in selected judicial circuits and to determine their effectiveness. The project and the evaluation began in July 1997 and ran through June 2000. This report presents final conclusions of the entire three-year evaluation. The Institute of Applied Research conducted the evaluation. The content of this report is intended primarily for the JCIP steering committee. The recommendations in the final chapter are the Institute's to the committee and are not intended to represent the recommendations of the steering committee to higher administrative or legislative bodies in Missouri.

The JCIP was designed to accelerate and reform the juvenile court process for children who entered the court for reasons of child abuse and neglect. The Missouri Division of Family Services (DFS), the public child welfare agency, directs such cases to the court, usually following emergency removals of children from their homes. The project was designed to be tested in specific pilot sites. Six core requirements were set for pilot sites:

1. Delays in the court process were to be reduced by:
  - a) Holding protective custody hearings in all protective custody cases.
  - b) Appointing a guardian ad litem for each child removed from the home.
  - c) Adhering to set timeframes of hearings within a 12-month period culminating in a permanency planning hearing.
2. The thoroughness of hearings was to be improved by requiring specific items and issues to be explicitly addressed during hearings.
3. Key personnel were to receive joint training.
4. The Division of Family Services (DFS) offices in the areas were to have begun the Family-Centered Out-of-Home Care Program.
5. DFS was to provide a list of resources to the court.



6. All personnel were to participate in the project evaluation

These requirements, particularly 1 and 2, represented significant changes from past practices in these circuits and in the rest of the state generally. A single example will suffice. Regarding the requirement to hold protective custody hearings in *all* cases, a preliminary statewide study of Missouri juvenile courts held in anticipation of the JCIP pilot project found that such hearings were held *in only 28 percent of cases* where protective custody had been taken.<sup>1</sup>

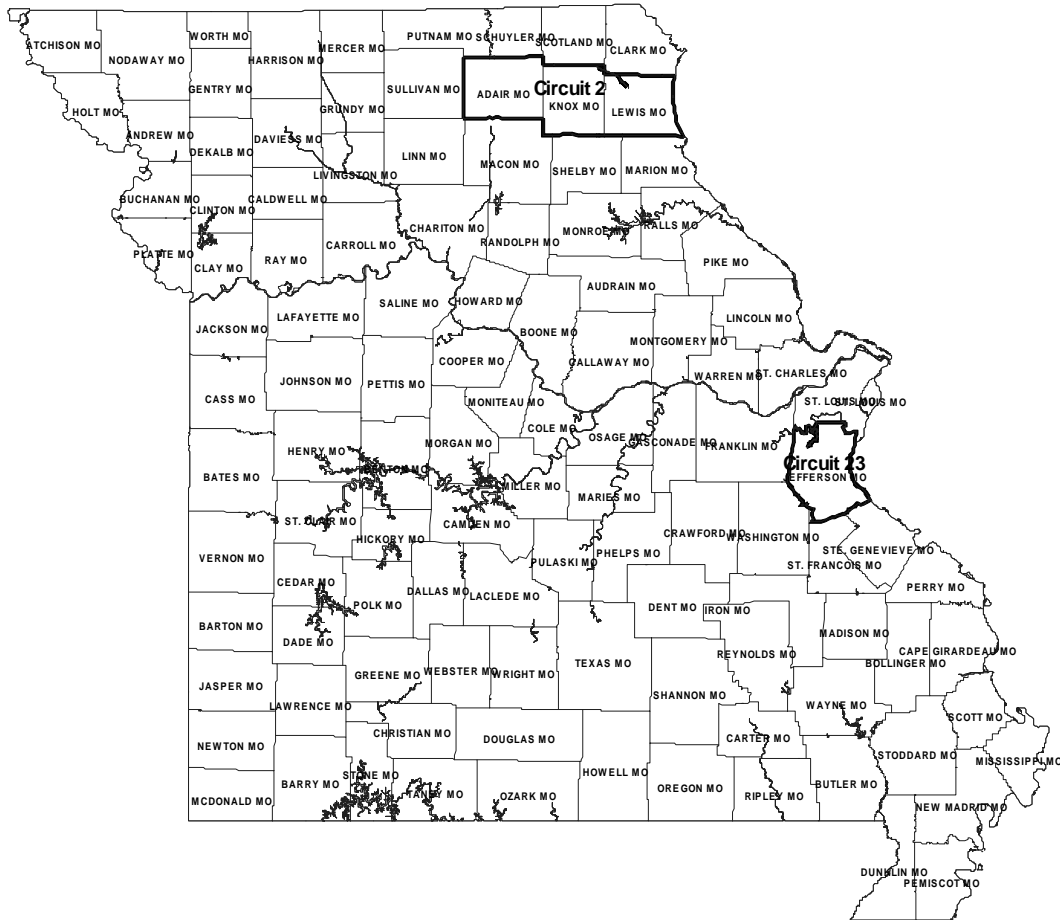


Figure 1.1 Missouri Judicial Circuits 2 and 23

Two court sites were chosen for the pilot project: the 23<sup>rd</sup> and the 2<sup>nd</sup> Missouri Judicial Circuits (Figure 1.1). Circuit 2 is composed of three counties (Adair, Lewis, and Knox) located in the northeastern quadrant of the state. Knox and Lewis are largely rural in character with small farming communities, although Lewis is very near Hannibal,

<sup>1</sup> See *Missouri Juvenile Court Improvement Project, Second Annual Report*. Office of State Courts Administrator. February, 1997, p. 17.

Missouri (in Marion County) and the city of Quincy, just across the Mississippi River in Illinois. These two counties have a combined population of 15,055. The third county in the circuit, Adair, has a population of 24,577, bringing the total for the circuit to slightly fewer than 40,000 individuals. The city of Kirksville is in Adair County and is home to a state university and a medical school.

Circuit 23 is coterminous with Jefferson County, the southernmost county in the St. Louis metropolitan area. Its population (171,380) is over four times as large as the three counties in Circuit 2 combined. Jefferson County includes rural areas in the southern portion of the county as well as suburban and exurban regions in the north, nearer its border with St. Louis County.

The demands of the pilot on the juvenile court and DFS in Circuit 2 were extensive. At the conclusion of the project, the juvenile office in this circuit had a single deputy juvenile officer (DJO) assigned to child abuse and neglect (CA/N) cases and another assigned primarily to status offense cases. The juvenile officer was largely responsible for administering the pilot project, along with his regular administrative duties, which included assisting with juvenile and CA/N cases. A single judge handled all juvenile court cases (including delinquency), although as the presiding judge in the circuit, he also had a full range of civil and criminal duties as well. The half-time juvenile court attorney was funded as a part of the JCIP, although the legal work for this individual extended beyond half-time. A full-time guardian ad litem (GAL) was also funded under the JCIP. DFS staff changed frequently during the course of the project, a problem considered more fully in later sections. Based on information provided by the court, 159 new cases were added under the pilot (CA/N and status offense cases only) during the three-year pilot period, beyond existing cases that were the responsibility of the court. New and more frequent actions in and outside of court were required for each of the pilot cases. In addition, the court gradually began to consider children who were in care before the pilot began on the same schedule as pilot children and to utilize the JCIP timetables for new non-JCIP cases.

The caseload in Circuit 23 was nearly four times as great as that in Circuit 2, roughly corresponding to the general population differences between the circuits. A total of 609 new cases were added under the pilot. In this circuit, only CA/N cases (excluding status offenses) were accepted as pilot cases. If the JCIP strained the resources of the court and DFS in Circuit 2, it could be expected to have more pronounced effects on the system in Circuit 23, where resources were more limited relative to caseload. This circuit had a single juvenile court judge, who also had probate court duties. The juvenile office was larger, but most DJOs were assigned to juvenile cases that were not included in the pilot, and the juvenile officer was only marginally involved in the administration of the pilot project and in pilot cases. Only three DJOs had caseloads consisting primarily of CA/N cases. Their caseloads included all existing CA/N cases as well as the new cases introduced during the pilot period. In this circuit, a family court coordinator was funded by the JCIP within the juvenile office. The coordinator had direct supervisory responsibility for the CA/N DJOs but was also directly involved in court cases and in ongoing coordination with DFS supervisors and workers. A single juvenile court

attorney was assigned primarily to CA/N cases from the staff of three full-time attorneys attached to the court. Approximately 20 part-time GALs were assigned on an as-needed basis to CA/N cases by the court. Several staff positions in the DFS office were empty at various times during the pilot period or experienced rapid turnover of workers.

Nevertheless, in spite of the strains due to stretched resources of the courts and DFS, this report will document a series of improvements in the procedures and timeframes in both circuits during the pilot period. We will argue, however, that sustaining these improvements will require continuation of the new personnel put into place through JCIP funding after that funding is ended. And we will also argue that DFS personnel must be maintained at levels commensurate with the accelerated demands for home studies, reports to the juvenile court and attendance of court hearings.

## **Child Removal in Missouri**

For those not familiar with the child welfare system in Missouri, an explanation of a certain unique characteristic is necessary. In Missouri the responsibilities associated with child removal are divided between agencies. The Division of Family Services responds to reports of child abuse and neglect via its statewide telephone hotline. An investigator or a family assessment worker conducts necessary home visits and interviews to determine the safety status of the child. Either type of worker may determine that removal of the child from the home is necessary for the child's protection. However, the DFS worker cannot physically remove the child. Physical removal must be carried out by a law enforcement representative, a physician, or a juvenile officer. Furthermore, the jurisdictional basis to remove a child from his/her home ultimately lies with the juvenile officer, as does the decision to file a child abuse and neglect petition. DFS workers will call law enforcement to assist in the child abuse/neglect investigation, which may result in the officer removing the child from the home. This is particularly true if the child is in imminent danger. Upon removal, the juvenile officer is to be immediately notified and jurisdiction of the Juvenile Court immediately attaches to the child. By contrast, in most other states the investigative function and the decision to remove a child or file a petition are both made by the public child welfare (child protection) agency.

## **The Family-Centered Out-of-Home Care Program**

One of the core requirements for the JCIP pilot sites was participation by the DFS offices in the Family-Centered Out-of-Home Care (FCOH) child welfare practice. FCOH employs a strength-based, family-centered model designed to expedite permanency for children in out-of-home care. Certain key elements are fundamental to the model. A DFS family support worker is assigned to the family of the placed child(ren). A family support team is assembled that is composed of parents, relatives, the DFS worker, a deputy juvenile officer, the foster or other substitute care provider, service providers for the family and child, the GAL assigned to the case, the family lawyer, and others who may be involved in the case. The family support team holds frequent case planning

meetings. The family is provided with the opportunity of full inclusion and involvement in the decision-making process. Finally, service delivery to the family and child is to be done in a timely and up-front way. The DFS offices in the 2<sup>nd</sup> and 23<sup>rd</sup> Circuits began the new practice in 1994. Thus FCOH was in place prior to the beginning of the JCIP in mid-1997.

The JCIP timeframes for hearings were designed to bring together the child welfare and judicial processes in the following fashion. Within twenty-four hours of the child's placement, a family support worker is assigned to the case and is to contact the child and parents. The first family support team meeting is held within 72 hours of removal, in order to begin assessing the needs of the child and family, including the need for continued out-of-home placement. Family support team meetings to review and evaluate the case plan and progress toward the permanency goal are held, at a minimum, every 30 days for the first 90 days, at six months after placement, and every six months thereafter until permanency is achieved.

## The Goals of the Evaluation

The Institute of Applied Research (IAR) was chosen to assist with the evaluation of the pilot project. IAR suggested a research design and specified research questions<sup>2</sup> in the following areas:

- 1. Improved timeframes for juvenile court hearings.** The courts agreed that they would work to hold hearings for children within definite spans of time. The evaluation approached this issue in two ways: 1) Were the hearings actually held? 2) Were they held within the agreed-upon timeframes? These questions are pursued in the present analysis by looking at the percentage of hearings accomplished within specific time limits as well as average time spans. In addition, supplemental information is utilized to understand successes and failures in reaching these timeframe goals.
- 2. Specific issues to be addressed during court hearings.** In some instances, the issues are common to all hearings. In others, they must be addressed in particular types of hearings. We have specified the set that it was possible to analyze. These are examined based upon limited sets of observations of court hearings carried out during 1998 and 1999.
- 3. Other issues surrounding the court improvement process.** Certain other issues concerning the efficiency and effectiveness of the pilot project are addressed in this report, based on information collected through interviews and observations.
- 4. Outcomes for children in the Missouri Division of Family Services (DFS) Alternative Care program.** The state data system maintained by DFS permitted

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<sup>2</sup> See *Proposal to Provide Technical Assistance in Conducting an Evaluation of the Juvenile Court Improvement Project*. Submitted to the Office of State Courts Administrator: May, 1997.

identification of children who were involved in the juvenile court for a two-year baseline period prior to the beginning of the JCIP. This, in turn, made possible comparisons of these children with those who entered the system during pilot period. Comparative data on court process were collected through the assistance of the two circuits. Limited data on outcomes were extracted from DFS data systems.

## **Organization of the Report**

The report has four sections following this introduction. Chapter Two, primarily descriptive in nature, considers the requirements surrounding court procedures that both circuits were asked to meet under the pilot. These fell into two general categories: required procedures during hearings and limitations on the length of time between hearings. The most important of these limitations was that permanency planning hearings would be held within one year of the date the child entered custody.

Chapter Three concerns a before-after comparison of matched cases. In this part of the study, the frequency of hearings and the spans of time between hearings for cases that began during a baseline period are contrasted with those for cases that began during the pilot period. Because of the nature of this analysis, the comparison was limited to pilot cases that opened during the first 17 months of the project and baseline cases that opened during a similar 17-month period that began in July 1995.

Chapter Four summarizes the results of interviews with court and DFS personnel. In this section, the qualitative responses of all the individuals who were involved in the project on a day-to-day basis are discussed. The results of a survey of attorneys who were involved in pilot cases are also presented.

The conclusions and recommendations of the evaluation are presented in Chapter Five, along with suggested areas for further study.

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## 2. Frequency, Timeframes, and Content of Court Hearings

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In this chapter, the focus is on the entire collection of pilot cases—every child that entered the JCIP pilot in each circuit that fit the criteria for admission to the three-year pilot project. The analysis concerns how well the courts met the requirements of the pilot agreements concerning timeframes and content of court hearings.

### Frequency and Timeframes

As noted earlier, certain goals were established for the pilot project with the purpose of ensuring 1) that formal hearings were actually held in cases and 2) that they were held in a timely fashion. These included the following:

- a. Protective custody hearings were to be held in all cases.
- b. A protective custody hearing was to be held within three working days of the day the child was taken into protective custody.
- c. An adjudication hearing was to be held within 30 to 60 days after the protective custody hearing.
- d. A disposition hearing was to be held within 90 days of the protective custody hearing.
- e. Review hearings will be held at least every 90 days after disposition, prior to the permanency planning hearing.
- f. A permanency planning hearing was to be held within one year of the initial protective custody hearing.
- g. Post-permanency planning hearings were to be held at least every 90 days in cases where the permanency planning hearing was either reunification or termination of parental rights and every six months in all other cases.

A total of 609 pilot cases from Circuit 23 and 159 cases from Circuit 2 have been considered in this section. Because these cases were continuously assigned to the pilot

over three years, they were in various stages of development by the time of the present analysis. Some were completed and closed, others were mid-way in the process, and still others had just been initiated. Consequently, the number of cases reported varies in each of the following sub-sections. The results are illustrated in Figures 2.1 and 2.2.

### Protective Custody Hearings

Protective custody hearings (PCH) in child abuse and neglect cases are held in order to determine whether probable cause exists that the child is without proper care, custody, and support and whether it will be necessary for the child to remain in protective custody to prevent his or her harm. Such hearings are held after a child has been placed in temporary protective custody, that is, the child has been removed from his or her parents or other caretakers either by the juvenile court itself, a juvenile officer, a physician, or another law enforcement official. Formerly, actual hearings to determine whether protective custody was necessary were held in only a minority of cases, as pointed out in the Introduction to this report. In most cases, the court issued protective custody orders without formal hearings simply on the basis of information obtained from DFS and the juvenile office. Under the pilot, parents (and legal counsel, if desired) were offered the opportunity in all cases to attend a hearing with a juvenile judge, an attorney for the juvenile court, and representatives of DFS and of the juvenile office. Under the DFS Family-Centered Out-of-Home project (FCOH), a joint meeting of the initial members of the family support team—DFS, the parents and relatives, a deputy juvenile officer, and other individuals involved with the family, such as lawyers—was required prior to the PCH, where the purpose and possible consequences of protective custody were explained to parents. Because information on family support team meetings was not available through the DFS Management Information System (MIS), the evaluation had no independent way of confirming that such meetings were held (short of reviewing hundreds of DFS case files). Respondents during interviews felt that meetings were held in most cases before the PCH.

**Frequency of Protective Custody Hearings.** Of the total of 609 cases in Circuit 23, 591 had a protective custody hearing. Of the remaining 18 cases, 13 were closed by the juvenile officer prior to the protective custody hearing, and 5 were transferred to another jurisdiction. *Protective Custody hearings were held in 100 percent of pilot cases in Circuit 23 during the three-year pilot period.*

Of the 159 cases in Circuit 2 that had been admitted to the pilot, 144 were known to have had a protective custody hearing. Two cases without such hearings were delinquency and status offense cases (which were accepted into the JCIP in Circuit 2). In eight other cases data on the dates of protective custody were missing. *Protective Custody hearings were held in 98.1 percent of pilot cases in Circuit 2 during the pilot period.*

Court personnel in both circuits were unanimous in stating that a PCH was held in every case where the court took jurisdiction over the child.

Figures 2.1 and 2.2 contain graphic representations of the discussion of timeframes in the following sections. Each figure illustrates the number of hearings held within the periods that were set as goals for the demonstration. They show percentages in two ways: calendar days and working days. Except for the protective custody hearings, project goals were to be calculated in calendar days: e.g., 60 calendar days from protective custody to adjudication. The figures illustrate that in many cases the courts were unable to meet calendar-day goals. On the other hand, they were able to provide hearings for large majorities of cases within goals when they were calculated in working days (that is, when Saturdays and Sundays were eliminated from the counts of days). **The figures clearly show the important finding that most hearings were held either within the goal periods or very shortly after the goal period.**

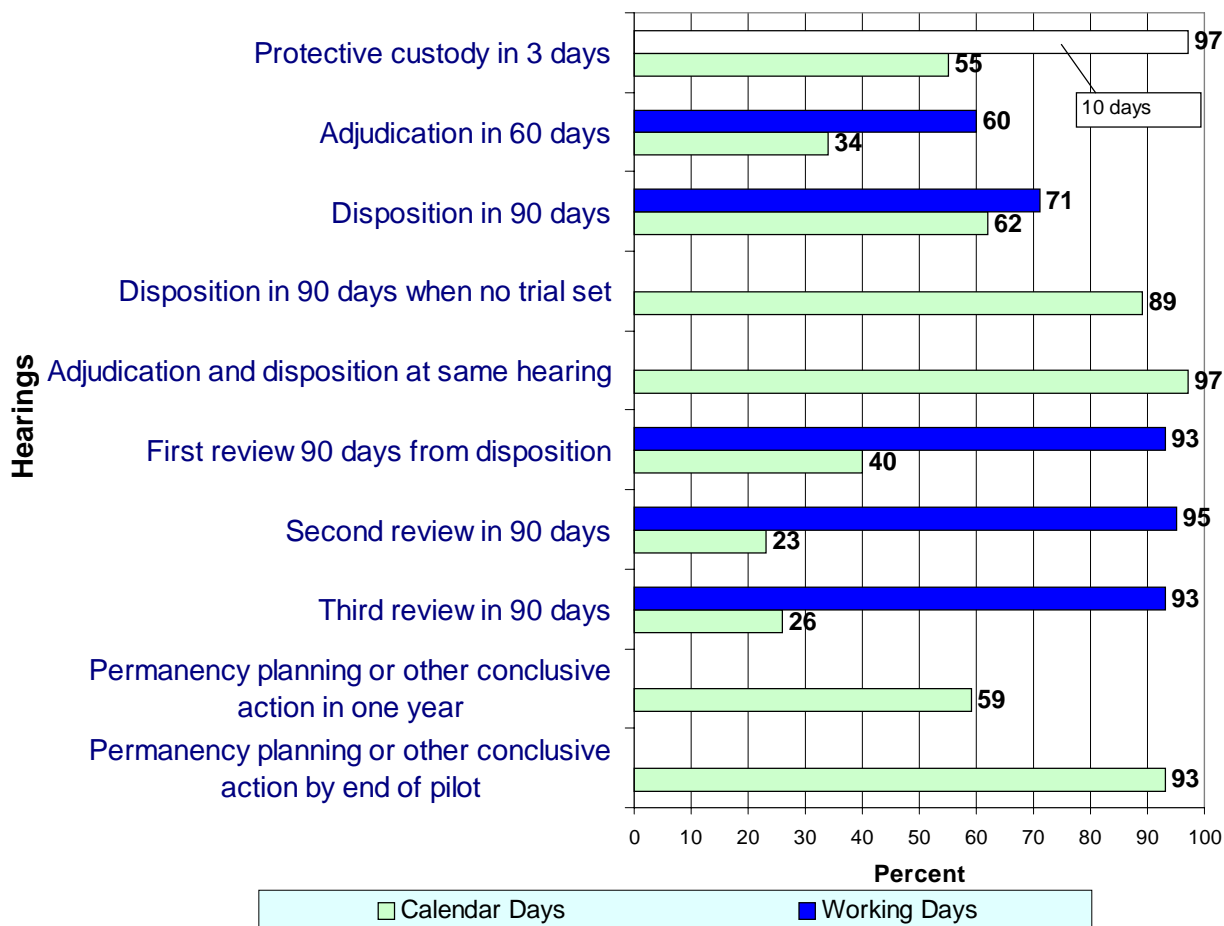


Figure 2.1. Times to Hearings, Circuit 23



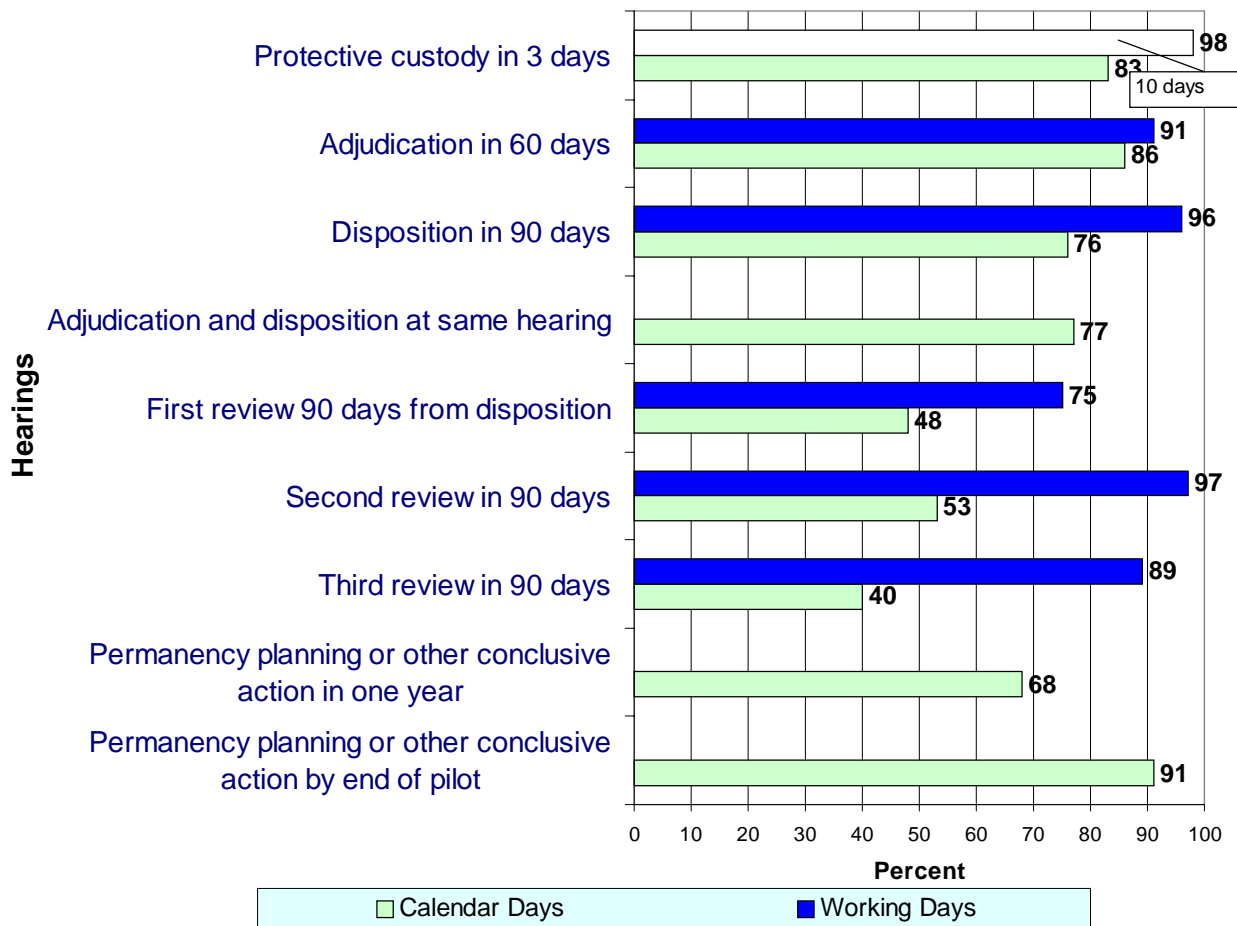


Figure 2.2. Times to Hearings, Circuit 2

**Timeframes for Protective Custody Hearings.** A period of three working days was permitted between DFS taking custody of the child and the protective custody hearing. In Circuit 23, 54.7 percent of PCHs were held within the three-day period (median = 4 days), while 96.6 percent were held within 10 days. The mean number of days to the PCH in Circuit 23 was 2.5 days. In Circuit 2, 83.2 percent of PCHs were held within the three-day period and 97.8 within 10 days. The average (median) was 4 days, although in this circuit the mean was smaller (2.1 days).

The exact starting point of the three-day count is the point at which the juvenile judge signs a temporary protective custody order for the child. This is usually done on the day that the child is removed. Some of the barriers associated with adhering to a three-day schedule include difficulties locating absent parents to be present at the PCH and problems finding alternate judges on days when the juvenile judge is unavailable.

## Timeframes for Adjudication and Disposition Hearings

At the adjudication hearing, the court considers the petition (submitted at the time of protective custody by the juvenile officer) alleging that the child is in need of care and treatment. At this hearing, the juvenile court must make a finding concerning whether it will exercise jurisdiction over the child. A decision to assume jurisdiction must be based either on the admission of the parties responsible for the child or the presentation of compelling evidence at the hearing. If the allegations are not established, the court can dismiss the petition.

If the court has determined that the child is in need of care or treatment at the adjudication hearing, the court receives evidence at the subsequent disposition hearing concerning the best course of action for the child. On the basis of this evidence, the court issues a dispositional order specifying living arrangements (placement) as well as needed services and treatment for the child. The order also mandates that parents accept services and undertake actions, as indicated in a service plan, that would rectify the situation that brought the child into court jurisdiction and permit the family's reunification.

The requirement that adjudication hearings be held within 60 days of the PCH and that disposition hearings be held within 90 days represents a significant change from established practice. Formerly, adjudications were held *on average* 90 days after the PCH and disposition hearings 121 days after in Missouri courts that were surveyed.<sup>3</sup> It is reasonable to assume that most hearings of these two kinds in Missouri in the past were held well beyond the timeframes established by the pilot.

The preliminary assessment prior to the initiation of the pilot project found that, in 93 percent of cases of the responding Missouri circuits, the adjudication and the disposition hearings occurred on the same day.<sup>4</sup> This practice did not change in the pilot project. In Circuit 23, 492 pilot cases had adjudication and disposition hearings. In the 476 of these (96.8 percent), the hearings coincided. In Circuit 2, 138 pilot cases had both types of hearings. In 98 of these (76.9 percent), the hearings occurred at the same time. The two hearings are combined mostly because planning for placement and services has taken place in anticipation that the court will exercise jurisdiction over the child.

**Timeframes.** The goal of 60 days for adjudication hearings was met in 34.2 percent of the 492 cases with adjudication hearings in Circuit 23. The same hearing was achieved within 60 working days for 60.1 percent of cases. In Circuit 2, adjudications were held in 86.0 percent of the 138 cases with adjudications and known protective custody hearings and within 60 working days in 90.8 percent of cases.

Disposition hearings were to be held within 90 days of protective custody. In Circuit 2, 75.8 percent of the 138 cases that had disposition hearings were held within 90 calendar days of the protective custody hearing. The same hearing was held within 90 working days for 95.9 percent of cases. In Circuit 23, disposition hearings were held

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<sup>3</sup> Op. Cit. *Second Annual Report*, p. 18.

<sup>4</sup> *Ibid.*, p. 18.

within 90 calendar days for 62.2 percent of the 492 cases and within 90 working days for 71.4 percent. This smaller percentage meeting the 90-day goal in this court resulted from a large proportion of families requesting a trial. In the 492 cases considered here, trials were requested in 163. The routine response of the court was to set a trial date about 90 days after the original adjudication hearing. This did not mean that trials were actually held on those days. After talking to attorneys and attending family support team meetings, many parents decided to forego a formal trial and consent to a disposition. When the court was advised of this, the cases were moved up, but more often the court was not advised of the consent until the trial date, which delayed the date of disposition until the trial date. This communication problem caused an artificial inflation of the time between adjudication and disposition. In the remaining 321 cases, where the case was not set over to a trial date, 89.4 percent had disposition hearings within 90 days of protective custody.

The period required for disposition hearings appeared to be workable for cases in which families were not inclined to contest the custody of the child.

### **Timeframes for Disposition Review Hearings**

After a disposition is reached for a child, review hearings are to be held every 90 days until the permanency planning hearing takes place, 12 months after protective custody has been taken.

Circuit 23 held at least one review hearing for 366 of the 492 disposition cases. At least two reviews had been held in 174 cases, and three in 27 cases.<sup>5</sup> The percentages of these that met the goal of 90 days were respectively: 40.2 percent, 23.0 percent, and 26.0 percent. These goals are measured in calendar days and, for this reason, seem particularly low. When the same hearings were examined in slightly longer terms, however, nearly all received disposition hearings within 90 working days: 93.2 percent for first review, 94.8 percent for second review and 93.4 percent for third review.

In the Circuit 2, there were 138 cases with dispositional hearings. By the conclusion of the pilot, one dispositional review had been held in 112 cases, two reviews in 89 cases, three in 64 cases, four in 47 cases, five in 37 cases, six in 19 cases, and seven in 16 cases. The percentages that met the 90-day goal for the first five of these groups were, respectively: 48.2 percent, 57.3 percent, 53.1 percent, 40.4 percent and 43.2 percent. A similar difference appeared for this circuit when times to reviews were calculated in terms of 90 working days: 75.3 percent for first review, 96.7 percent for second review and 89.2 percent for third review.

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<sup>5</sup> Cases began at various times over the 36 months of the pilot project considered here. The declining numbers reflect the variation in length of time that cases were opened. Some cases opened during the third year, for example, were not open long enough by the time of analysis to have a review hearing. In addition, a smaller proportion of cases are resolved in some way early in the court process.

It was apparent that neither circuit was able to maintain the cycle of 90-calendar-day reviews in all cases. As indicated below, some respondents questioned whether it is necessary and beneficial for reviews to be held on a strict 90-day cycle in all cases, particularly those where progress is simply being maintained. On the other hand, the data for working days shows that the courts were holding review hearings in most cases in and around the 90-day goal. This would indicate that roughly 120 calendar days is a reasonable period for disposition review hearings in the large majority of cases.

### **Timeframes to Permanency Planning Hearings.**

Permanency planning hearings (PPH) were to be held within one year of the date of the protective custody hearing. Underlying this goal is the desire to ensure that children achieve stable and permanent living situations as quickly possible. It is not true, of course, that this is achieved through a PPH. The PPH may simply be the beginning of the process to terminate parental rights and free the child for adoption or independent living. On the other hand, permanent solutions may be achieved in shorter spans of time for some children without a formal PPH. For example, the court may place a child with a relative or with a separated parent very early in the court process. For these reasons, outcomes other than PPHs that also result in permanency are considered in this analysis.

The one-year goal could be tested only for cases in which the court had taken protective custody during the first year of the pilot and the case had not been dismissed for other reasons or transferred to other jurisdictions.

**Circuit 23.** In Circuit 23, 388 children were placed in protective custody on or before June 30, 1999—two years after the JCIP had been initiated. A fair appraisal of actions on these cases required that, as just noted, we look at alternative outcomes to the PPH that have consequences for permanency. First, however, exceptions to the base total must be considered. These had the consequence of slightly reducing the number of cases for analysis:

- **318 cases from the first two years required permanency action during the second and third pilot years.**
  - ✓ 388 children with PCHs on or before 6/30/99,
  - ✓ minus 44 cases that were dismissed, 23 cases transferred to another jurisdiction, and 3 cases transferred to the Division of Youth Services.

Actions to be considered in the analysis must include all that had implications for the permanent status of the child. In some instances, these occurred outside the context of the formal permanency planning hearing. By counting these for each of the 318 children exactly one year after each PCH, the following was found:

- **189 cases of the 318 (59.4 percent) had conclusive action within one year of their protective custody hearings.**

- ✓ 149 children with permanency planning hearings within one year of protective custody,
- ✓ plus 32 children reunified with their families within one year without a PPH,
- ✓ plus 5 adoptions (and TPR) within one year without a PPH,
- ✓ plus 2 voluntary terminations of parental rights (TPR) filed within one year with no PPH and not yet adopted,
- ✓ plus 2 guardianships granted within one year with no PPH.

JCIP goals could be interpreted as being reached in 59.4 percent of cases following the strict one-year guidelines for each child. However, when all available data were considered for the entire pilot period for each of the 318 children, a different picture emerged.

- **295 cases of the 318 (92.8 percent) had conclusive action within the entire pilot period of three years.**
  - ✓ 230 children with permanency planning hearings by end of the pilot period,
  - ✓ plus 35 children reunified with their families before the end of the pilot period without a permanency planning hearing,
  - ✓ plus 26 adoptions (and TPRs) by the end of the pilot period without a permanency planning hearing,
  - ✓ plus 2 additional TPRs filed by the end of the pilot period without a permanency planning hearing,
  - ✓ plus 2 guardianships granted with no permanency planning hearing.

Of the 23 children (318 – 295) for whom no conclusive action had been taken in Circuit 23 by the end of the pilot period, 6 had TPRs pending and 4 had been legally freed adoption, and 3 were older youths who had been placed in independent living settings (one of these was currently a runaway). In an additional 5 cases permanency issues were being challenged in court by parents. These cases total to 18, leaving 5 cases unexplained. The final finding, therefore, is that the overwhelming majority of the children in the Circuit 23 who had been assigned to the pilot (and who were not dismissed or transferred) during the first 2 years of the project (July 1997 through June 1999) had a conclusive action or were on the road to a permanent resolution of their situation by the end of June 2000.

**Circuit 2.** In Circuit 2, 110 children were placed in protective custody on or before June 30, 1999—two years after the JCIP had been initiated.

- **99 cases from the first two years required permanency action during the second and third pilot years.**
  - ✓ 110 children with PCHs on or before 6/30/99,

- ✓ minus 5 were cases transferred to another jurisdiction, 2 cases transferred to the Division of Youth Services and 4 aged out of the system.

Like the previous analysis, all actions were considered that had implications for the permanent status of the child. By counting these for each of 99 children exactly one year after each PCH, the following was found:

- **67 cases of the 99 (67.7 percent) had conclusive action within one year of their protective custody hearings.**
  - ✓ 15 children with permanency planning hearings within one year of protective custody,
  - ✓ plus 37 children reunified with their families within one year without a PPH,
  - ✓ plus 14 adoptions within one year without a PPH,
  - ✓ plus 1 guardianships granted within one year with no PPH.

JCIP goals could be interpreted as being reached in 67.7 percent of cases following the strict one-year guidelines for each child. However, when all available data were considered for the entire pilot period for each of the 99 children, a different picture emerged.

- **90 cases of the 99 (90.9 percent) had conclusive action within the entire pilot period of three years.**
  - ✓ 33 children with permanency planning hearings by end of the pilot period,
  - ✓ plus 40 children reunified with their families before the end of the pilot period without a permanency planning hearing,
  - ✓ plus 13 adoptions or children being legally freed for adoption by the end of the pilot period without a permanency planning hearing,
  - ✓ plus 3 guardianships granted with no permanency planning hearing and 1 was legally freed for guardianship.

Of the 9 children (99-90) for whom no conclusive action had been taken in Circuit 2 by the end of the pilot period, 6 were in long-term foster care and 1 had moved to independent living status.

## Required Content of Court Hearings

Another focus of the JCIP was that various notifications and actions that in the past may have been overlooked or skipped at hearings in the juvenile court be explicitly included in all hearings held for children assigned to the pilot. Such requirements were set for all of the different types of hearings, although the specific requirements were not always the same for each.

The following analysis is based on direct observations of juvenile court hearings. However, these observations were limited in three important ways. First, the number of hearings attended was relatively small. During the first year of the evaluation, researchers observed a total of nine court hearings (two adjudication, two disposition, one combined adjudication and disposition, three review, and one permanency planning). During the second year of the evaluation, an additional 16 hearings were attended (two protective custody, 12 disposition review, one permanency planning, and one post-permanency planning). The combined observations, therefore, comprised a tiny sample of the hundreds of hearings that were held on pilot children. Second, the hearings were attended on four specific days during the pilot period when researchers had the opportunity to be present; they were not randomly distributed over the pilot period. Finally, the observations were scheduled well in advance, with all court personnel knowing that an observer would be present, rather than the preferable method of making random, unannounced visits.

For the last reason, it is likely that the participants were on their best behavior. This does not necessarily mean that unobserved hearings were different. Rather, it means that researchers had no independent means of verifying whether the observed hearings were truly representative of all hearings during the pilot period. On the other hand, virtually all the hearings ran smoothly. No one was forced to stop and look at notes to determine what to do next. In short, they had the appearance of being practiced, that is, of having been done again and again until they ran like clockwork—not like something that was being done for the first time or that had been done only occasionally. Principally for this reason, the researchers felt that, even though this particular set of hearings might not be a totally representative sample, they were at least unstaged.

The following list of hearing contents could be examined in the present analysis:

- a. Appoint Guardians ad Litem (protective custody).
- b. Identify the parties present in the courtroom (all).
- c. Determine that all necessary parties have been served and if not, why not (all)?
- d. Instruct DFS and the JO to continue efforts to notify non-custodial parents (adjudication only).
- e. Provide a brief explanation of the purpose of the hearing and advise parents about counsel (all).
- f. Determine whether placement is needed prior to the disposition hearing (adjudication only and when not combined with disposition).

- g. Consider whether the current out-of-home placement is the best for the child and the least disruptive and most family-like (adjudication, disposition, and review).
- h. Ensure that DFS is taking prompt steps to evaluate relatives and other adults acquainted with the child as possible caretakers (adjudication only).
- i. Evaluate and reevaluate the DFS case plan (disposition and review).
- j. Approve the case plan (disposition and review).
- k. Determine whether any further evaluations or examinations are needed (adjudication) or whether additional services are needed (review).
- l. Determine whether protective orders are needed (all).
- m. Determine or review the plans for parental and sibling visitations (disposition and review).
- n. Determine whether an order for child support is needed (all).
- o. Set the next court date (all).
- p. Serve all parties present (all).
- q. Make appropriate closing remarks concerning the twelve-month time limit for the permanency plan and the need to make necessary progress (all).

The character of the court process differed in the two circuits. Hearings in Circuit 2 usually involved testimony of witnesses, with extensive questioning by the juvenile court attorney, the GAL, and the judge. In some instances, attorneys representing parents asked questions of witnesses. In all the hearings observed, the DFS worker was called to testify and was questioned extensively. In the majority of hearings, the deputy juvenile officer testified. In several hearings, parents testified. The average (mean) time spent in the hearings observed in Circuit 2 was about 26 minutes.

In Circuit 23, hearings moved along much more rapidly. Formal testimony occurred occasionally but much less frequently than in the Circuit 2. It should be remembered that the number of cases in relation to available court resources was substantially greater in the Circuit 23, and this may account for the different character of the hearings. The press of cases in 23 necessitated more abbreviated procedures, although the impression of researchers was that the extensive question-and-answer sessions in the Circuit 2 were instructive for parents and older children, who were usually highly attentive to the statements of witnesses and comments of the juvenile court attorney, the GAL, and other attorneys present. The average (mean) time spent in the hearings observed in Circuit 23 was about 13 minutes.



Another difference between the character of hearings in the two courts concerned the source of questioning. In Circuit 2, the attorney for the juvenile court always directed a lengthy set of questions to witnesses, many of which were keyed to the specific content requirements of the project. For example, parties present in the courtroom were identified primarily by the court attorney. The judge tended to reserve questions until the court attorney, the GAL, and other attorneys had completed their examinations. In Circuit 23, on the other hand, the judge was in direct control of the process at each stage. The judge assumed primary responsibility for monitoring and ensuring that required content was attended to. Thus, to use the same example, the judge in this circuit identified and introduced the parties present in the courtroom.

In general, these observations confirmed that the *hearings* virtually *always included all required content*.

**Appointment of the Guardian ad Litem (GAL).** The GAL is appointed primarily as an attorney to protect the rights of the children involved in the Juvenile Court process. In some instances, however, a GAL is also appointed for parents who are believed to be incompetent or for parents who are themselves minors. Within the pilot process, the GAL was to be assigned at or before the protective custody hearing.

In Circuit 23, over 20 different attorneys were available to act as GALs, although only about a dozen were said to be regularly appointed to cases. The county pays such attorneys on an hourly basis. To serve as a GAL in this circuit, an attorney must be willing to take several hours of GAL training. Respondents felt that this process tended to select for attorneys who had an intrinsic interest in representing the children and tended to produce a more informed group of potential GALs than had been the case in the past. GALs were reported to attend family support team meetings at DFS often, although this was not independently confirmed.

The GAL process is quite different in Circuit 2, where a permanent GAL was hired under the terms of the JCIP grant. Court and DFS personnel in Circuit 2 were highly supportive of this arrangement. Most of those interviewed had experience with the juvenile court before the pilot process began. They were asked to recount differences in GAL activities that they had observed. Under the new system in this circuit, the GAL made visits to children in placement facilities, was available for telephone calls from children, met with children before court proceedings, and attended many if not most family support meetings under the Family-Centered Out-of-Home project at DFS. Independent confirmation of these activities was not possible in this circuit either. Those in a position to know indicated that such activities on the part of court-appointed GALs rarely or never occurred under the pre-pilot juvenile system. These topics are discussed further below in Chapter 4.

During observations in both circuits, GALs were present *during every hearing attended*. They were called on in each hearing in the two circuits, often on several occasions. As noted, the court process differed somewhat between the two circuits, and

in Circuit 2, the permanent GAL was given the opportunity to question every witness called during observed hearings and in the majority of cases did ask questions. In Circuit 23, where in-court testimony was more abbreviated, GALs sometimes offered short comments or asked questions but more often indicated assent to the content of affidavits and plans.

**Preliminaries.** Identification of parties present in the courtroom (“b” above) and a brief explanation of the purpose of the hearing (e) took place in each of the nine hearings observed. As noted, this was accomplished in different ways by the two courts. In each hearing, it was determined whether all necessary parties had been served (b). When parties were not present—often non-custodial parents but also custodial parents—the judge or the court's attorney queried juvenile officers and/or others present in the courtroom about efforts to contact them and whether they had been notified. The question of instructing DFS and the juvenile officer to continue efforts to notify (d) was integrated into this questioning and was implicit. In several cases, the question was asked about the continued feasibility of contacting absent parents and the likelihood of finding them. In short, in the opinion of the researchers, the requirement of notification was fully met in the hearings observed.

**Consideration of Placements and Visitations.** Placements were discussed and alternatives were considered at each of the adjudication hearings observed (g). The appropriateness of the placement was also discussed at all adjudication, disposition, and review hearings. Primarily this consisted of the judge or the juvenile court attorney asking DFS workers or DJOs whether they believed this placement was the least restrictive and whether alternatives had been considered. In some cases, this simply elicited an affirmative reply, but in others, the worker or DJO explained the alternatives considered and why this placement was considered the best.

Several instances of direct interaction between the juvenile judge and child(ren) were observed. In some instances, this consisted of the judge asking the child questions in court but we also saw instances of informal conversations between the judge and the child after the hearing. This practice can be valuable in humanizing the court process for the child by transforming the judge from a rather imposing and frightening robed figure on a high bench into a concerned adult. It also provides an opportunity for the child to speak directly to the judge without an audience. This may be a way for a judge to obtain informal information about how the child feels about placements and visitations. It was reported that children in the Circuit 23 also requested and were permitted to visit the judge in chambers, unconnected with particular hearings.

Some of the placements of children were with relatives (h). The merits of these placements were discussed, sometimes in detail. For example, the case of a young girl placed in the home of her non-custodial father in Circuit 2 involved extensive testimony about the appropriateness of the setting. However, the small number of cases observed does not permit reliable judgements to be made concerning how thoroughly placement with relatives was considered during hearings generally. During interviews we were assured by both court and DFS personnel that relatives are placement of choice if the

home study shows them to be appropriate, although one Circuit 23 DJO indicated that the initial exuberance of placing children with relatives had been tempered by experience. He emphasized that relative placements are not more desirable by definition but need to be investigated like any other potential placement setting.

Visitations by parents and siblings (m) were salient issues during most of the observed hearings. In several cases, a good deal of court time was spent settling disputes in which parents wanted to see children but the children did not want to see them. Sibling visits were checked in all instances where they were appropriate (that is, where the child who had been placed indeed had siblings who were separated from him or her).

**Approving the Case Plan and Services.** In each of the disposition and review hearings observed, the appropriateness of the case plan was considered (i, j). In most instances the discussion of the elements of the plan were not highly detailed, although some elements were mentioned during some hearings. For example, we heard questions posed about counseling services that were specified in the case plan and whether the parents to whom they were offered had availed themselves of them.

During review hearings, the question of the continued effectiveness of the plan was *always* considered in the hearings we observed. This included the need for additional (or alternative) services (k).

One area of difference between the two courts concerned ordering child support (n). This issue was at least considered in some cases in Circuit 23. It was not considered by the juvenile court in the Circuit 2. During a particular review case observed there during the second pilot year, the mother specifically asked the court for help in this regard and was told that child support was a civil matter that was not handled by that court. The judge in the Circuit 23 disagreed with this approach and had put in place several procedures designed to insure that child support enforcement occurred when needed.

**Concluding Steps in Hearings.** The next court date was explicitly set in *every* hearing observed (o). This involved discussion in some cases. Usually the judge suggested a date based upon the judge's and the court's calendar. Orders were consistently served after hearings to those present (p), so far as we could observe. In Circuit 2, the juvenile officer or a DJO used the portable computer provided under the JCIP project to generate orders immediately after the hearing.

Closing remarks (q) were made in all hearings where parents or caretakers were present. The JCIP project rules emphasize the need to reiterate the 12-month timeframe for permanency planning to parents at each and every hearing. We did not observe this being done explicitly at all hearings, although several persons interviewed in both circuits noted that this was reiterated from the start of the case at each family support meeting.

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### 3. Comparisons of Pilot Cases and Baseline Cases

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In Chapter 2, the success of the courts in meeting JCIP requirements was considered. The respective performances of the two courts were compared to a number of goals that were agreed to at the beginning of the project. This kind of analysis is useful in determining whether the goals were met and, by implication, whether the goals were realistic, but it begs the question of whether changes that occurred were a result of the innovation in question. To answer such questions, evaluations ideally utilize contemporaneous control or comparison groups. For example, in the present evaluation, one such possible comparison group would have been composed of cases selected from similar courts where the JCIP had not been implemented and followed throughout the pilot period just as pilot cases were. This was not possible in the present evaluation because it involves greater costs. Rather, an alternative comparison procedure was utilized. Comparison groups of juvenile court cases were assembled from within the same circuits that had been opened and in many cases closed before the pilot began. The timeframe encompassing these earlier cases is referred to as the baseline period. The pilot project was originally designed to run for two years—from July 1997 through June 1999. The most logical baseline period, therefore, was the two-year period immediately preceding the pilot—July 1995 through June 1997.

These analyses are based first on data available from the court concerning hearings and court outcomes of pilot and baseline cases.<sup>6</sup> Second, since virtually all children in CA/N cases in the juvenile court were also Division of Family Services cases, data from the MIS system of DFS was linked with court data. This permitted a limited analysis of outcome variables derived from child welfare data. Most of these analyses concerned comparisons of outcomes for baseline children with those for pilot children.

Two kinds of controls were necessary for this analysis to be credible. First, cases were systematically limited to those assigned early in the project. This was necessary to permit sufficient time for outcomes of interest to occur prior to the end of available data. Only cases available during the first 17 months of the baseline and pilot periods were selected.

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<sup>6</sup> The evaluators were dependent on the assistance of the family court judge and the family court coordinator in Circuit 23 and on the Circuit 2 Juvenile Officer and his staff in obtaining court data for baseline and pilot cases, which involved the laborious and time-consuming task of collecting information from older systems and entering it into a standard format capable of being analyzed. We are grateful for this assistance.

Second, baseline cases were *matched* with pilot cases so that, as a group, they would be highly similar to pilot cases. This was done to avoid as much as possible the proverbial problem of comparing apples with oranges. DFS data were available for the combined baseline and pilot periods. Children assigned to the pilot were identified in DFS data and their characteristics were summarized. Utilizing software developed for this project, a matched group of children most similar in their characteristics to pilot children was selected from the pool of DFS cases that opened during the baseline period. This group of baseline cases turned out to be smaller than the pilot group, both because many from the pool were excluded as inappropriate for the study (failing to match the pilot group on important variables) and because the caseload of the juvenile court had actually increased slightly during the pilot period. Thus, while there were 222 pilot children with cases opened in Circuit 23 during the period from July 1, 1997 through November 15, 1998, the matching baseline group in this Circuit consisted of 154 children whose court cases opened between July 1, 1995 and November 15, 1996. Similarly, 73 pilot cases were opened during the same period in Circuit 2 but only 57 matching baseline cases could be found.

The average age of baseline children was 8.0 years as of the end of the period, compared to 8.8 years for pilot children. The male/female ratio was 49/51 for the baseline group and 42/58 for the pilot group. Regarding race, 96 percent of the baseline group was European-American compared to 98 percent of the pilot group. The number of placements per baseline child before the baseline period was .54 and was .46 for pilot children. During the two years *before* the baseline period, the number of child abuse and neglect hotlines per baseline child was .70, while during an equivalent period the corresponding figure for the pilot children was .83. None of these differences were statistically significant, indicating that the groups were well matched.

## Hearings

The kinds of hearings that occur in juvenile court cases were discussed in the preceding chapter. As noted earlier, protective custody hearings (PCH) were held infrequently in the past. In the 23<sup>rd</sup> Circuit, hearings increased from fewer than one in ten baseline cases to 100 percent of the pilot cases considered here. The dramatic nature of this shift is illustrated in Figure 3.1. A similar, although less dramatic, change occurred in Circuit 2 (Figure 3.2). Protective custody hearings were held more frequently than in Circuit 23 during the baseline period (45.6 percent of cases) and slightly less frequently than Circuit 23 during the pilot period (79.5 percent of cases). The data for the 2<sup>nd</sup> Circuit may under-represent actual protective custody hearings, since all persons interviewed believed that PCHs were held in virtually every cases assigned to the JCIP pilot.<sup>7</sup>

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<sup>7</sup> There were 15 cases in which no PCH date was available. Nine of these cases were treated as missing data in the previous chapter, primarily because dates of DFS custody coincided with adjudication dates. This was believed to reflect a misunderstanding or mistake in data entry, since the DFS custody date was meant to coincide with the temporary protective custody hearing. In the present chapter, these pilot cases

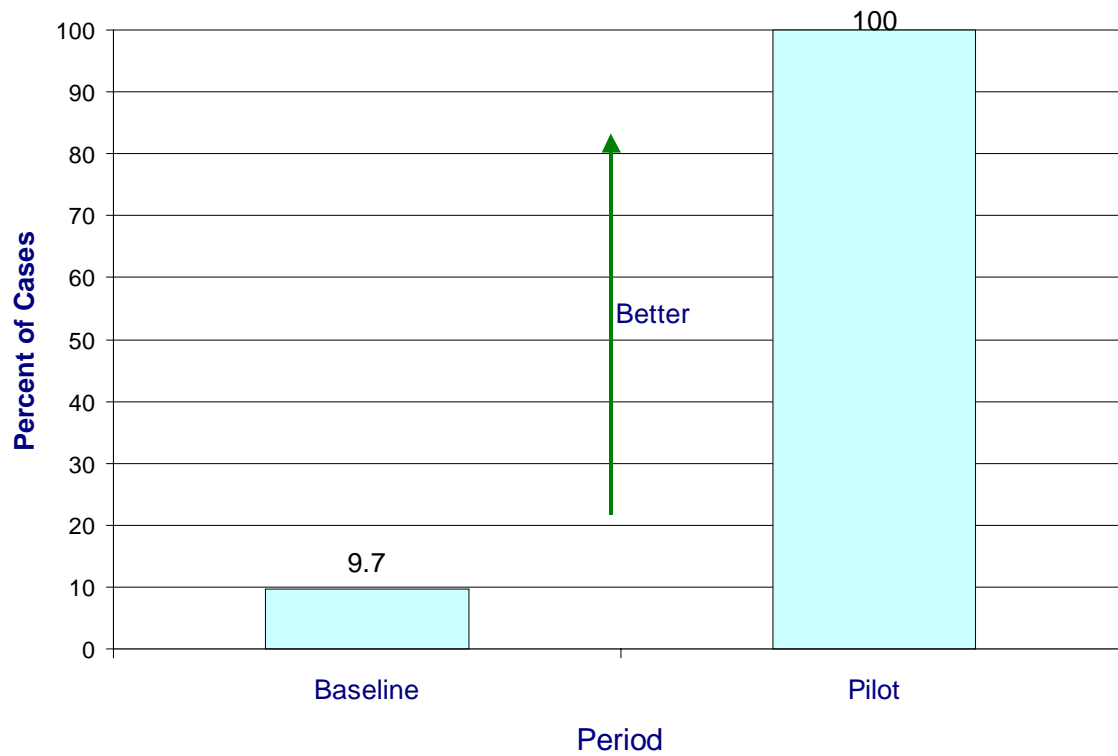


Figure 3.1 Percent of Cases during the Baseline and Pilot Periods in which Protective Custody Hearings were Held (Circuit 23)

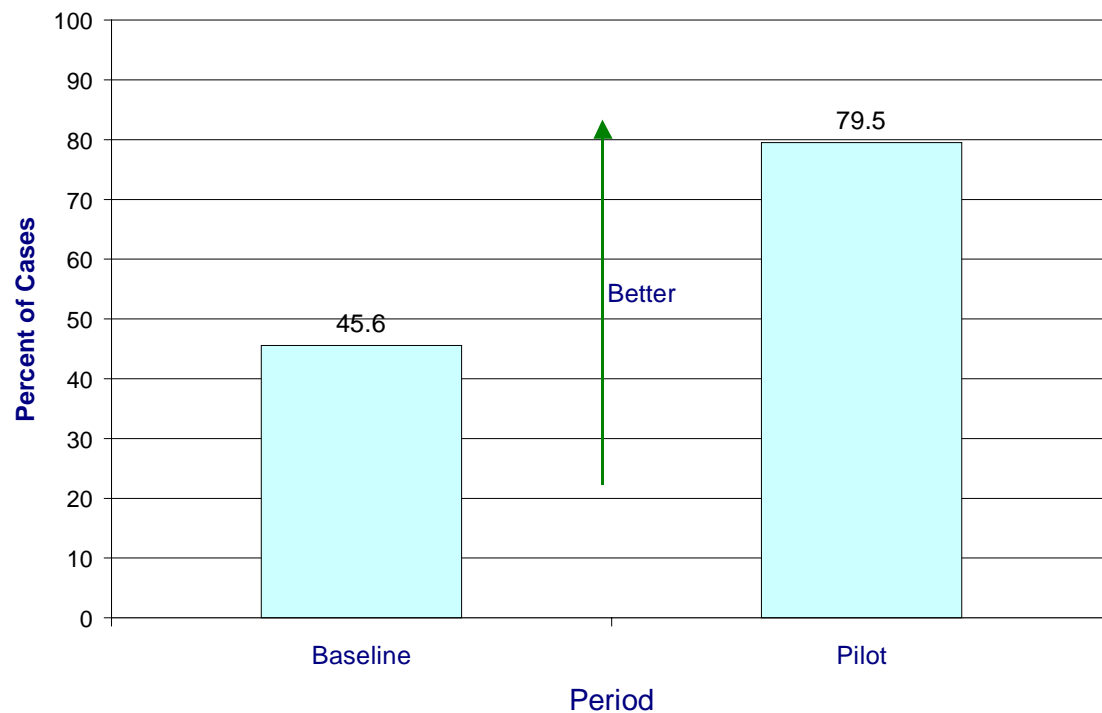


Figure 3.2 Percent of Cases during the Baseline and Pilot Periods in which Protective Custody Hearings were Held (Circuit 2)

were all included because all baseline cases with no PCH dates were included. Had they been excluded the

This change at the outset of cases was a major goal of the JCIP, intended in large part to promote informed participation of parents in the court process. Researchers observed a rather strict adherence to the procedures and content required by the JCIP in the 25 court hearings that were observed, including protective custody hearings. Information was routinely provided to parents concerning their rights and the strict (one-year) time limit in finding a permanent living situation for their child(ren). Equally important were the initial family support team meetings that preceded protective custody hearings, where parents were prepared for the court process. It can be assumed that the knowledge of parents in the circuits increased substantially, and this was indeed the opinion of most individuals interviewed who worked directly with parents. The period of time between the date of DFS custody (or the temporary protective custody hearing) and the PCH was significantly reduced as well. In the 23<sup>rd</sup> Circuit, the mean number days for pilot cases was 6.9 as compared to 51.9 for the baseline cases. In the 2<sup>nd</sup> Circuit, the means were 1.25 days for pilot cases and 30.1 days for baseline cases. These and other timeframes between hearings for Circuit 23 are illustrated in Figure 3.4.

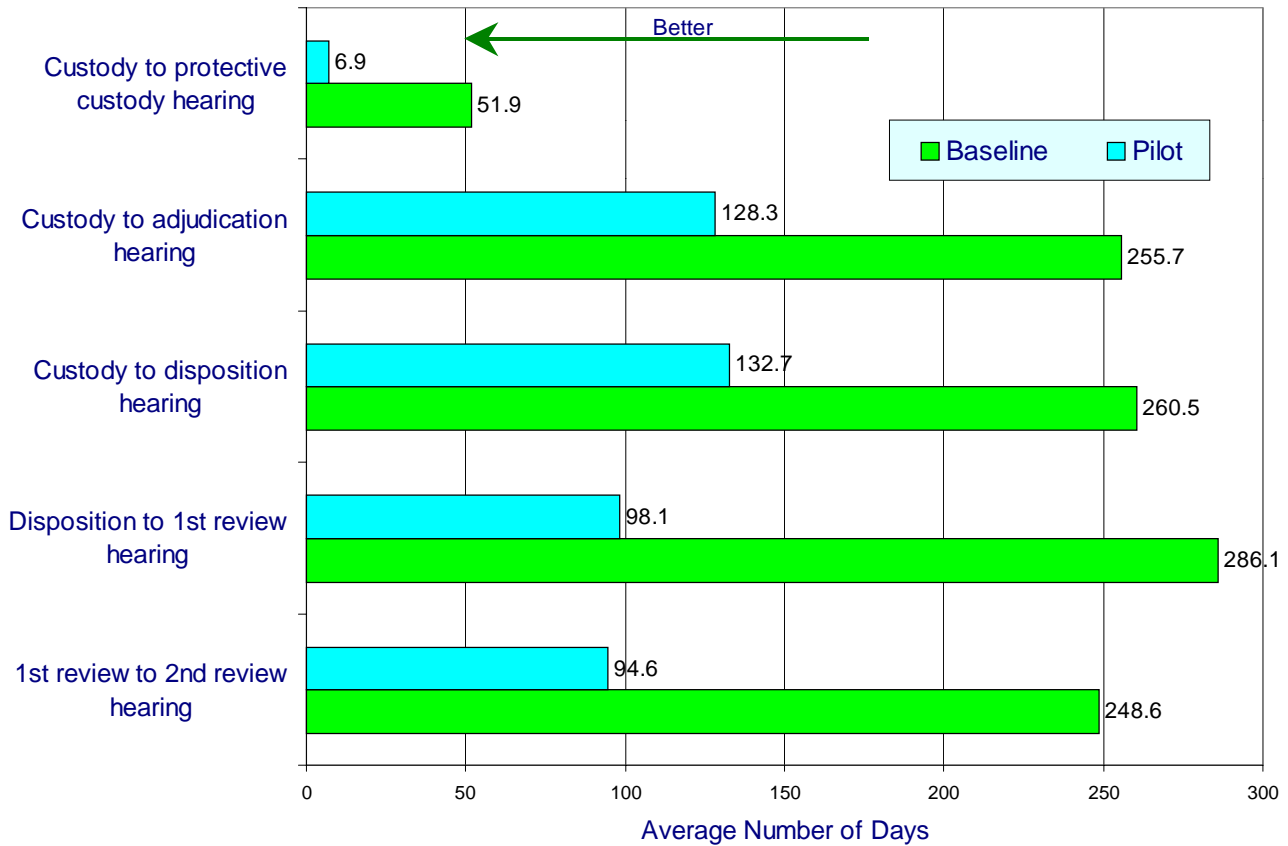


Figure 3.3 Average Number of Days between Hearings during the Baseline and Pilot Periods (Circuit 23)

rates of PCHs in the 2<sup>nd</sup> Circuit would have been 95.9 percent rather than 79.5 percent.

Each of the differences shown in the Figure 3.4 is statistically significant. The average period from custody to adjudication and from custody to disposition hearings was cut in half. The time to review hearings was even more significantly reduced. Reviews in baseline cases typically occurred eight to nine months after the disposition hearing. During the pilot period, this was reduced to an average of less than 100 days, or about three months. The number of children represented in each bar in the graph decreased, of course, from the time DFS took custody to the second review because children were assigned at different times during the periods being considered. The extreme values for the baseline and the differences in the graph, therefore, cannot be attributed to averages computed from very small numbers of children, as is sometime the case in such analyses. Nor, can they be attributed to a few skewed cases of extremely long duration since data on all children was limited to a maximum of 768 days.

Similar comparisons are shown in Figure 3.5 for the 2<sup>nd</sup> Circuit. Although the values differ from the previous chart the same pattern of large and statistically significant changes are evident.

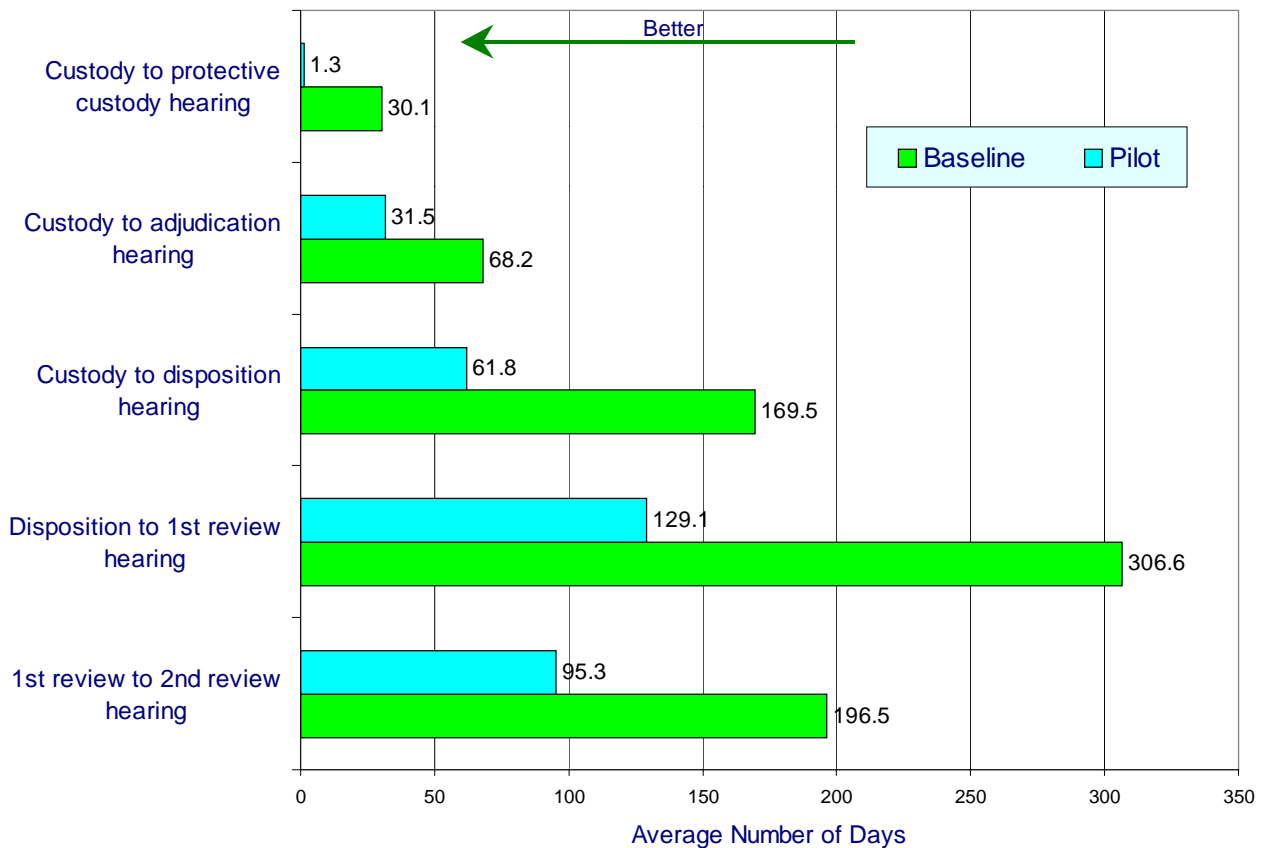


Figure 3.4 Average Number of Days between Hearings during the Baseline and Pilot Periods (Circuit 2)



The picture that emerges from the comparisons in Figures 3.3 and 3.4 is one of substantial acceleration of each stage of the court process. An instructive exercise is to compute the time from DFS custody of the child to the first review hearing. The 88 baseline children in Circuit 23 who received a first review of the disposition of their case had been in custody for an average of 503 days (or about 16 months) at that point. In contrast, the corresponding 155 pilot children had been in custody for 220 days on average (or about 7 months). In Circuit 2, the average time from disposition to first review of baseline cases was 307 days (about 10 months), and this was reduced to 129 days for pilot children (about 4 months).

The goal of the JCIP was to have permanency planning hearings for all children within one year of the date of their protective custody hearings. As was evident in the last chapter, this goal was not met in all cases. However, the present comparative analysis reveals the extent to which progress was made over previous practice. Over half of the pilot children had had a PPH within one year, as compared to less than five percent of baseline children in Circuit 23 (Figure 3.5).

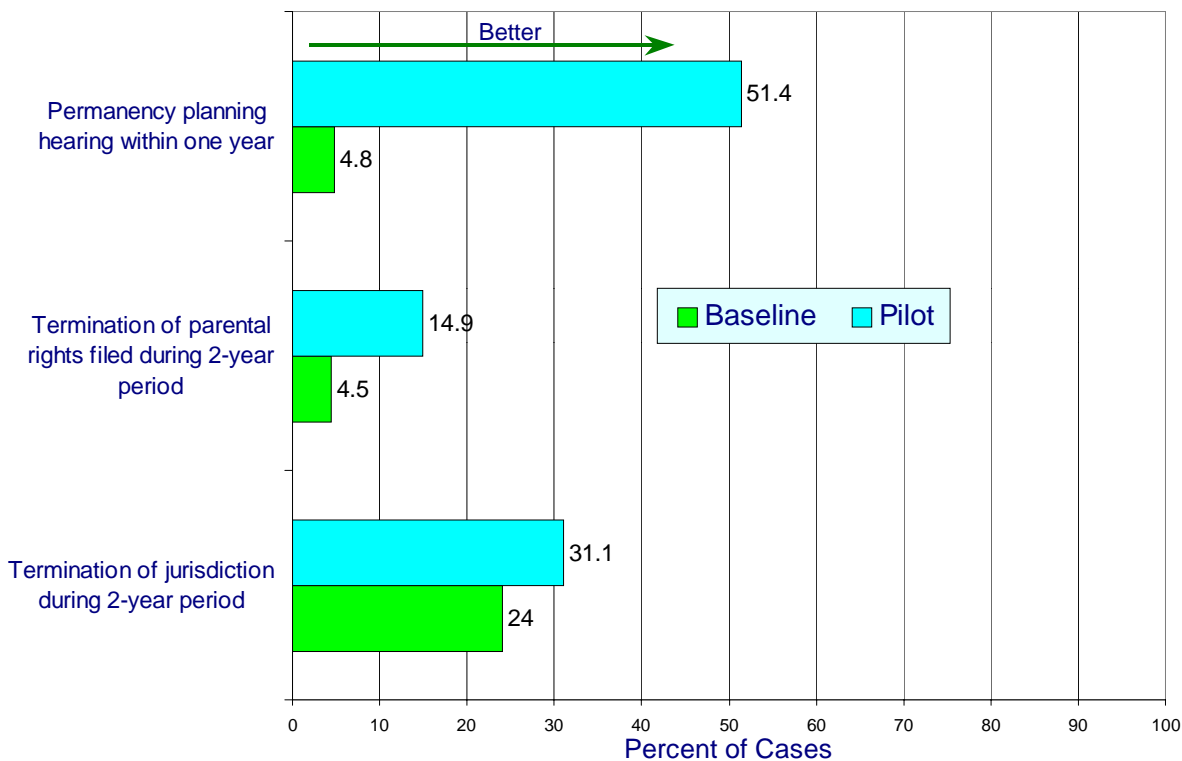


Figure 3.5 Conclusive Action in Baseline and Pilot Cases (Circuit 23)

Other differences shown in the chart indicate some changes took place concerning terminations of court jurisdiction and parental rights. Slightly more cases in the 23<sup>rd</sup> Circuit had court jurisdiction terminated, although this difference is not statistically significant. The percentage of cases, however, in which terminations of parental rights had been filed with the court more than tripled, from 4.5 percent to 14.9 percent. This corresponds to reports of court and DFS personnel of such increases, particularly of voluntary terminations. The contrasts between pilot and baseline cases provided in Figure 3.3 add further support to the conclusion that the court process accelerated significantly during the pilot period.

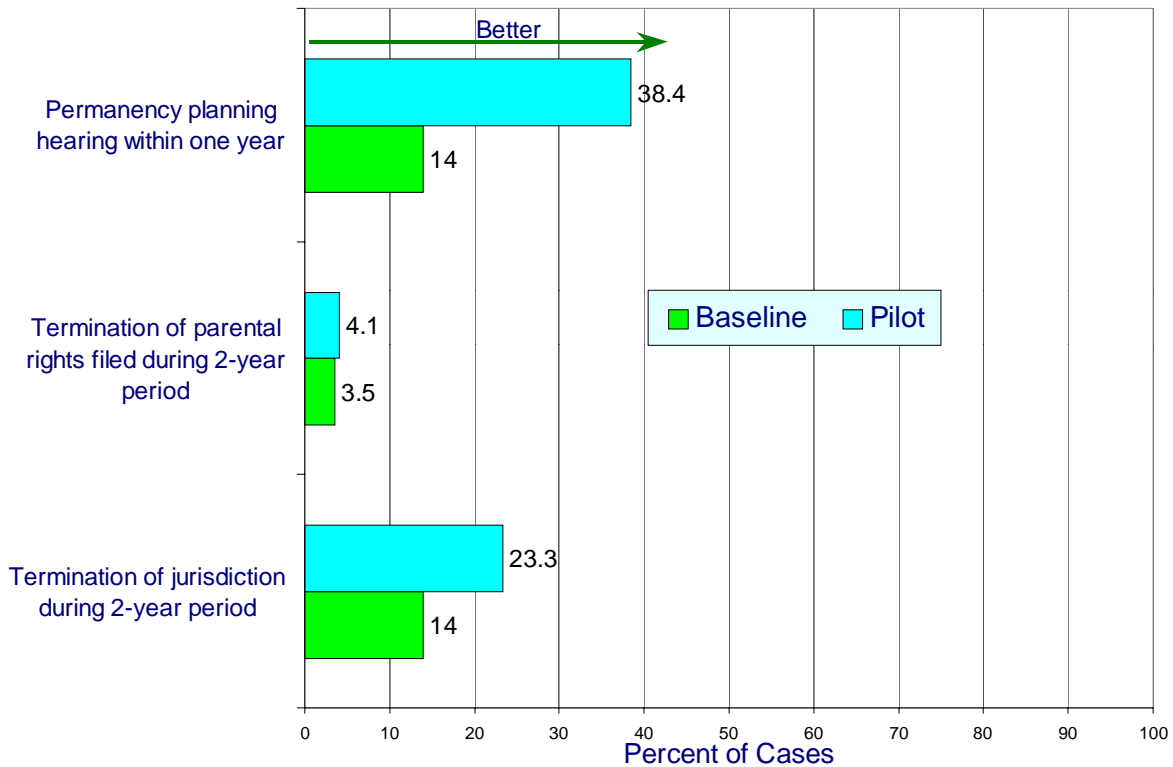


Figure 3.6 Conclusive Action in Baseline and Pilot Cases (Circuit 2)

A quite similar pattern of baseline-pilot differences occurred for Circuit 2. It should be remembered that this set of pilot children is a subset of all pilot children, namely those from the first part of the pilot that could reasonably be compared to baseline children. The 2<sup>nd</sup> Circuit appears to have been holding permanency planning hearings slightly more often within one year during the baseline period. The change during the pilot period represents an overall increase of 174 percent.

## Placement and Cost Outcome Comparisons

In this section longer-term outcomes are considered. These include reunifications, adoptions, length of time in out-of-home placement, number of out-of-home placement providers, and costs associated with children.

**Reunifications and Adoptions.** Reunifications and adoptions are generally considered desirable outcomes because they return removed children to family settings. Although reunification with parents can usually be achieved whenever the home environment is judged to be safe for the child, the legal process of adoption is more complex. For a child to be adopted in the traditional fashion, parental rights must be terminated for both parents and an adoptive family must be found. The adoptive placement is usually monitored for a period of time and sometimes supported through subsidies. Adoptions, therefore, advance in stages. Another option preferred by some potential new caretakers, particularly relatives of the child, is legal guardianship. Legal guardianship can now be subsidized by DFS. Because subsidized guardianship is relatively new in Missouri, it represents a change that beyond experimental control.<sup>8</sup> Some cases that formerly would have been adoptions are now moving into guardianship. On the other hand, children who might have remained in long-term foster care in the past may have been moved into this status.

Permanency outcomes of these types and cases that were in various stages along the way to permanency in the 23<sup>rd</sup> Circuit are shown in Figure 3.7. The base for calculating percentages in this figure sets aside children who were transferred to other jurisdictions, were transferred to the Missouri Division of Youth Services, were emancipated by the court, or were dismissed by the juvenile officer. This reduced the baseline group to 123 children and the pilot group to 183 children. The outcomes are considered within a two-year timeframe for each group.

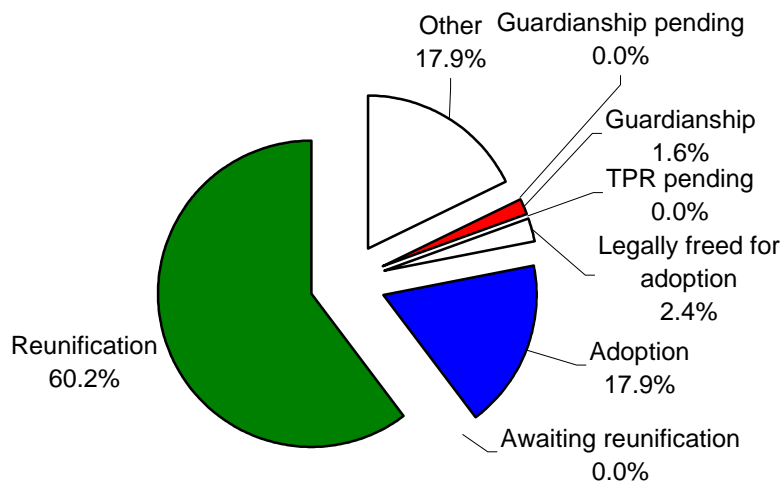
Children in baseline group were, in fact, reunified with their parents in larger proportions and more were adopted. However, guardianships increased dramatically, and a larger proportion of pilot children were on their way to adoption, guardianship or reunification than baseline children. Comparing the two pie charts in Figure 3.7, it is apparent that a greater variety of options had been employed for pilot than for baseline children. At the end of the two-year period for each group, 12.6 percent of the pilot children were left with no permanent solution compared to 17.9 percent of baseline children.

Similar comparative pie charts are shown for the 2<sup>nd</sup> Circuit in Figure 3.8. Here reunifications increased slightly during the pilot in comparison to baseline.

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<sup>8</sup> In quasi-experiments, threats to internal validity of this kind are referred to as extraneous variables arising from the effects of “history,” that is, significant changes in the institutional, cultural or social setting in which the experiment is being carried out.

Baseline



Pilot

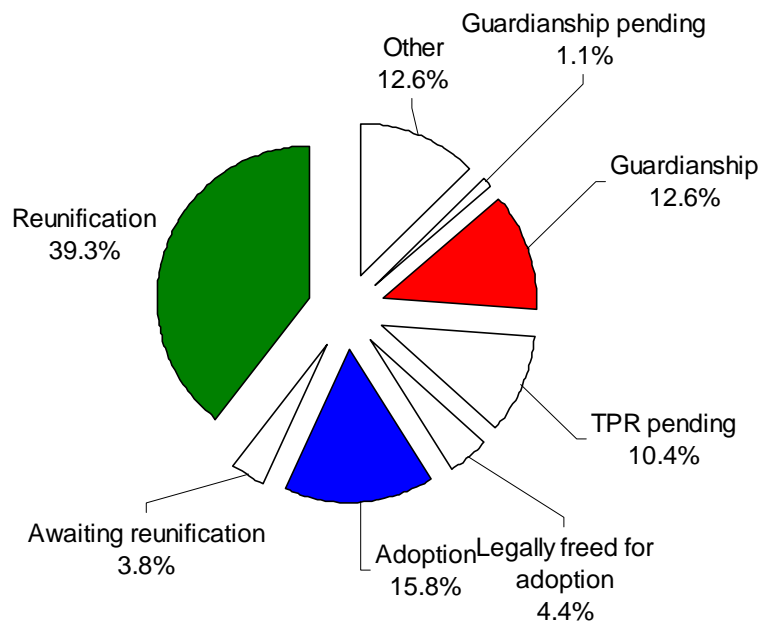


Figure 3.7 Permanency Outcomes for Baseline and Pilot Children (Circuit 23)

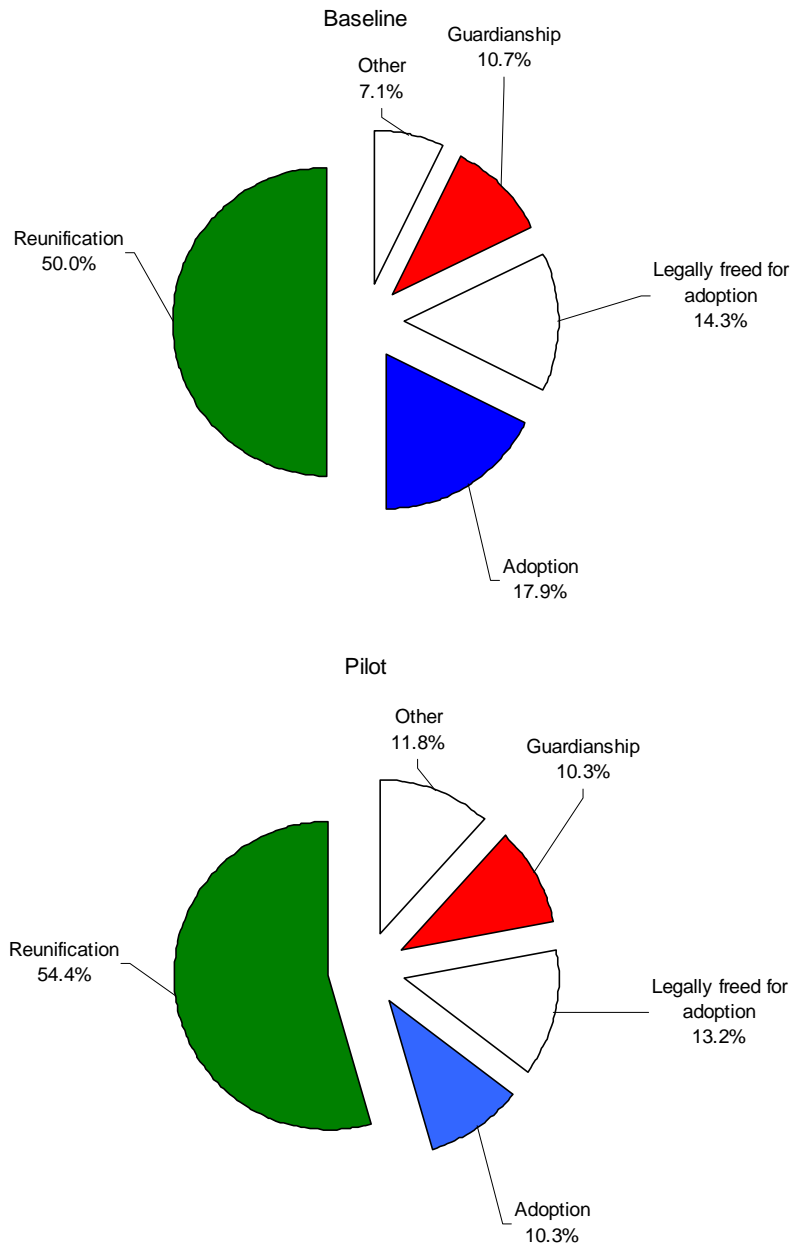


Figure 3.8 Permanency Outcomes for Baseline and Pilot Children (Circuit 2)

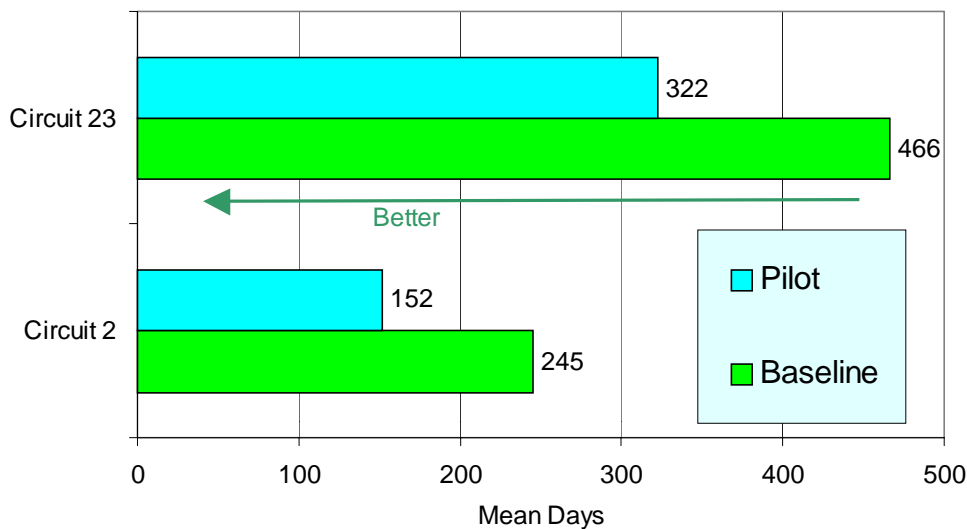
**Time in Placement and Number of Placement Changes.** One of the expected effects of the acceleration of the timeframes for various court hearings is that the children might spend a shorter period of time in out-of-home placement. This was tested by using data files available from DFS.

Each child in the baseline and pilot population of the two circuits was linked to records in the files maintained by DFS that track the placement histories of client children. The numbers of days were counted for each child after the date of their temporary custody hearing through a fixed end date. For baseline children this end date was December 31, 1997, while for pilot children the end date was December 31, 1999. In this way the two groups had comparable total opportunities available to experience out-of-home placements. This analysis was limited to placements while children were in the custody of DFS (legal status = 1).<sup>9</sup>

Only the time that a child actually spent living in a foster home or other facility was counted. Included facility types were foster home, behavioral foster home, emergency foster home, medical foster home, relative home, behavioral relative home, medical relative home, adoption (by foster parent), adoption (by relative), adoption (by other), foster adoptive home, foster family group home, behavioral foster family group home, medical foster family group home, career foster parent home, group home, residential treatment facility, juvenile court home, medical facility, and mental health facility. Several categories were excluded: independent living arrangement, school, runaway status, detention, and non-licensed court-ordered placement.

The analysis for the 23<sup>rd</sup> Circuit did not include children who were emancipated, transferred to another county, given into DYS custody or whose cases were dismissed early by the juvenile office. Eliminating these children, however, did not alter the results of the analyses. Because this information was not yet available in the 2<sup>nd</sup> Circuit, the

analyses in that circuit were conducted for all children. Results are shown in Figure 3.9.



Children on average spent fewer days in out-of-home placement settings in both circuits. In Circuit 2 the difference was 88 days ( $p = .033$ ) and in Circuit 23 it was 136 days ( $p < .001$ ). This analysis supports

Figure 3.9 Mean Days in Out-of-Home Placement for Baseline and Pilot Children (Circuits 23 and 2)

<sup>9</sup> This was the legal status of the pilot and baseline children in nearly all of the records in the DFS placement history files used for this analysis. Setting aside other legal statuses, therefore, had little effect on the comparative analysis in either circuit.

the conclusion that reduction in times between court hearings and times to permanency decisions may lead to reduced stays of children in out-of-home placement.

On the other hand, no differences were found in the number of times that children changed placement settings. Slightly fewer were experienced on average for each child in the 2<sup>nd</sup> Circuit (baseline, 2.11; pilot 1.77) while slightly more were experienced in the 23<sup>rd</sup> Circuit (baseline, 2.96; pilot, 3.24). Because there is no statistical difference, however, these variations can probably be safely discounted.

## **DFS Expenditures for Baseline and Pilot Children**

DFS expenditures for pilot and baseline children are found in the vendor payment file. These are records of payments for out-of-home care, for services purchased for children and their family, and for special day care provided to families being served by DFS Children's Services. Expenditures were considered for the timeframes defined in the previous section. Each payment corresponds to a service date in the DFS system. When the service date fell within the target period for either baseline or pilot children, the payment was included in the present analysis.

It is difficult to predict the exact effects that might be expected from the JCIP on the DFS payment system. Reducing the time in foster care might be expected to lower the cost for this service. However, costs of out-of-home care vary significantly for different kinds of care. For example, foster family care may amount to a few hundred dollars per month but institutional care, particularly hospital care, may cost several thousand dollars per month. Changes in cost, therefore, depend not only on length of stay but on the particular mix of kinds of out-of-home care being utilized. In samples of the sizes being considered in this analysis, variations in kinds of care being utilized are virtually impossible to control. A few children in expensive arrangement in either the baseline or pilot groups can skew mean costs significantly. In addition, because subsidies are associated with adoptive placements and guardianships, some changes in the stay in care may not be reflected in costs per child.

Expenditure data were available for the 23<sup>rd</sup> Circuit.<sup>10</sup> The cost of care in foster homes declined from a mean of \$4,999 for baseline children to \$4,719 for pilot children. This difference of \$280 might reflect shortened length of stay in care, although it was not statistically significant.

Cost of residential treatment was higher for pilot cases (mean = \$2,650) in comparison to baseline (mean = \$1,040). This occurred primarily because the proportion of children with any residential treatment was slightly higher during the pilot period. Children's Treatment Services declined from a mean of \$455 during the baseline period to \$338 during the pilot period. Similarly, day care costs declined from \$1,074 to \$837. None of these differences were statistically significant.

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<sup>10</sup> Unfortunately, expenditures files from DFS for the 2<sup>nd</sup> Circuit were incomplete and the omissions were only detected near the end of the analysis period.

## Time Series Analysis of Out-of-Home Placement Levels in Pilot Circuits

Another approach to placement levels is to ask whether the JCIP pilot affected the overall number of children being placed in the two circuits. This was approached by analyzing DFS placement history files during the period July 1995 through March 2000. Time-series analyses are *uncontrolled* in the sense that many factors other than the pilot project may affect rates of placement of children and the length of time that children remain in placement. Nevertheless, the JCIP included *most new cases* entering into custody and might be expected to impact rates of new entries and exits.

The census of children in placement at any one time includes a wide range of case types. Long-term foster care cases represent a stable portion of the population that is counted in successive censuses. For example, a child in placement during the entire 1995 to 2000 period would be included in each count (monthly in this analysis) taken during that period. On the other hand shorter-term cases may be counted in only a few monthly totals. The critical factors to examine are entries and exits to care, and particularly the latter of these two. If length of stay in care is truly decreasing, as the baseline-pilot comparison suggests, the number of exits from out-of-home care should have increased during the pilot period.

Two charts are shown in Figure 3.10. The top chart plots the number of children in different types of out-of-home care in Circuit 23. The stacked areas in the chart represent monthly censuses of children in foster family care, relative care, adoptive placements, group homes, and residential treatment.<sup>11</sup> The monthly values in the top chart are based on five-month moving averages. Some increase occurred in all categories of care throughout the five-year period. Foster family care and adoptive placements increased the most. The latter may be an effect of the JCIP.

Entries and exits from care indicate the beginning or end of a single placement episode, consisting of the removal of the child, stays with one or more placement providers, and termination of the episode through reunification, adoption, or emancipation. Exits from care (10-month moving averages; bottom chart in Figure 3.10) declined somewhat during the 1995-1996 period and achieved a steady state that lasted beyond the first year of the JCIP. Beginning in later 1998, however, the number of exits from out-of-home care in Circuit 23 began to increase, which may correspond to the shorter lengths of stay in out-of-home care already seen. This change is consistent with a quicker resolution of child abuse and neglect cases.

The same types of charts are shown in Figure 3.11 for Circuit 2. The monthly census in the three counties of Circuit 2 had begun to decline prior to the beginning of the JCIP and continued to drop until late 1998 when foster, adoptive and group care began to increase. This led to an increase in the entire census.

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<sup>11</sup> Minor duplication of children occurred across the different types because the same child sometimes moved from one type to another during the month. This tends to inflate the total height of the stacked areas slightly.



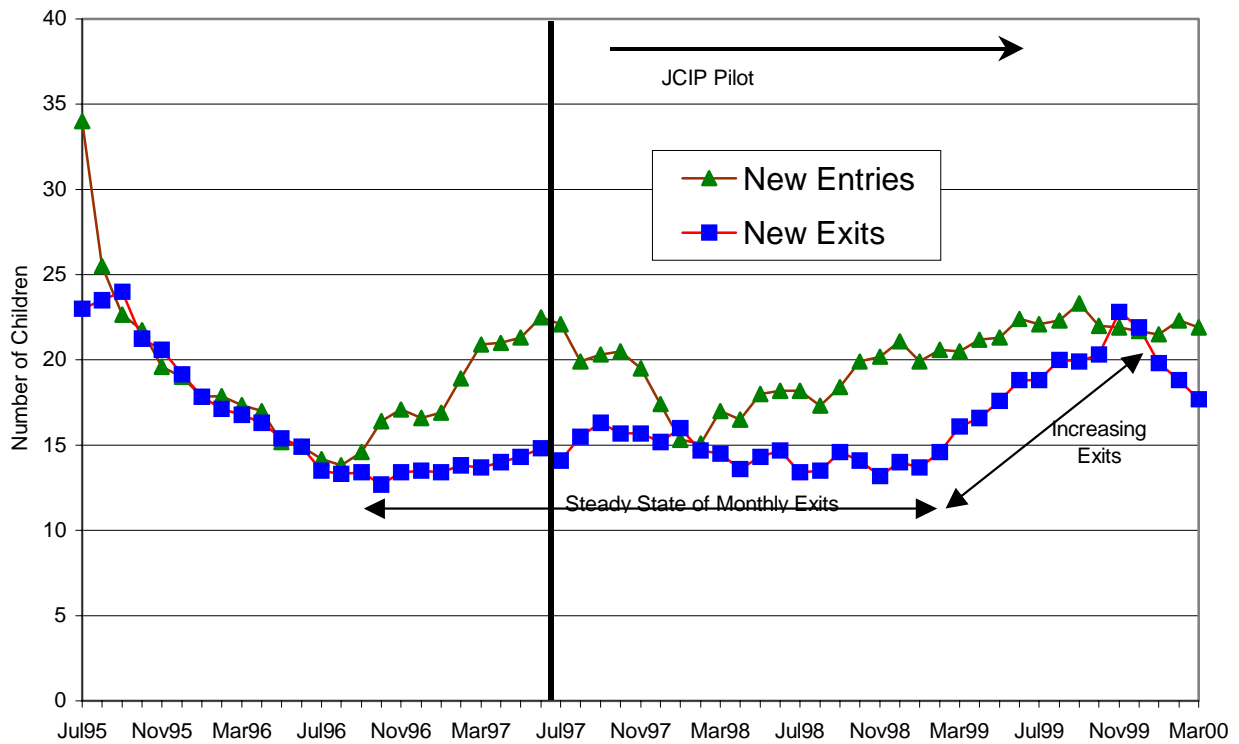
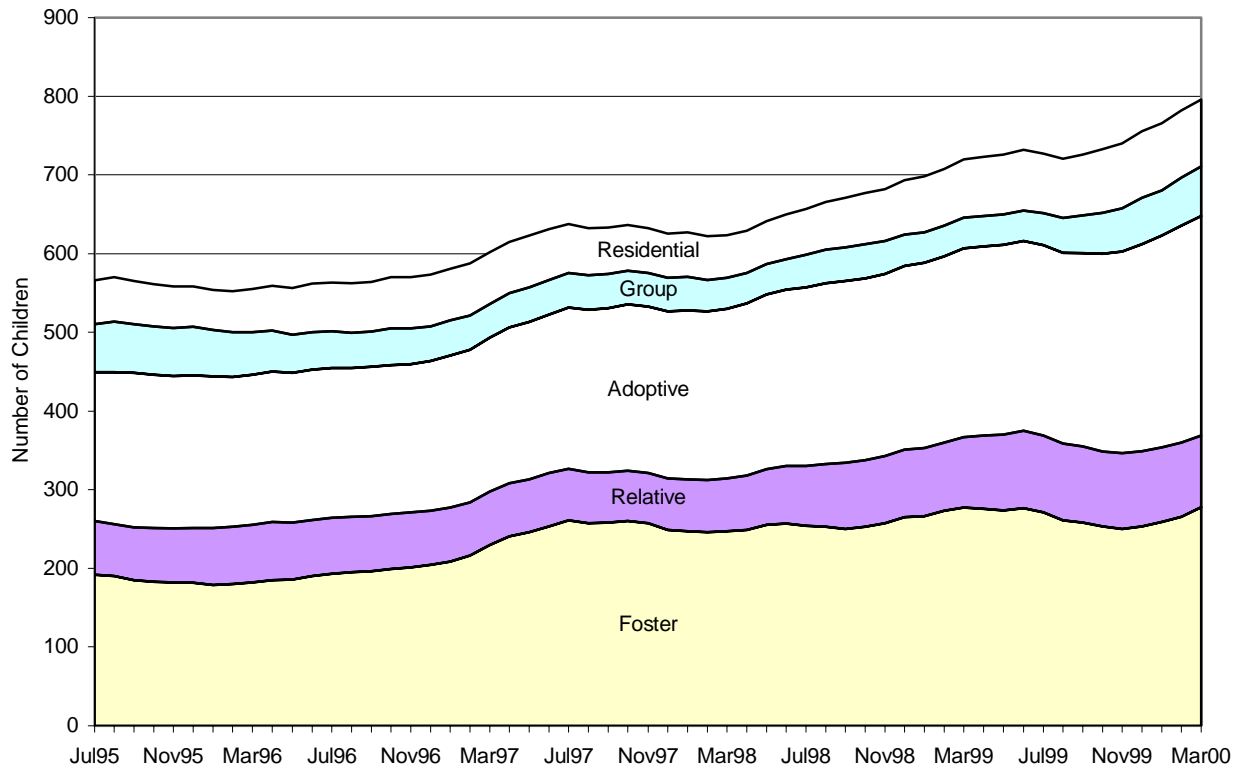


Figure 3.10 Monthly Census of Children in Out-of-Home Care and Entries and Exits to Care, Circuit 23 (Moving Averages)

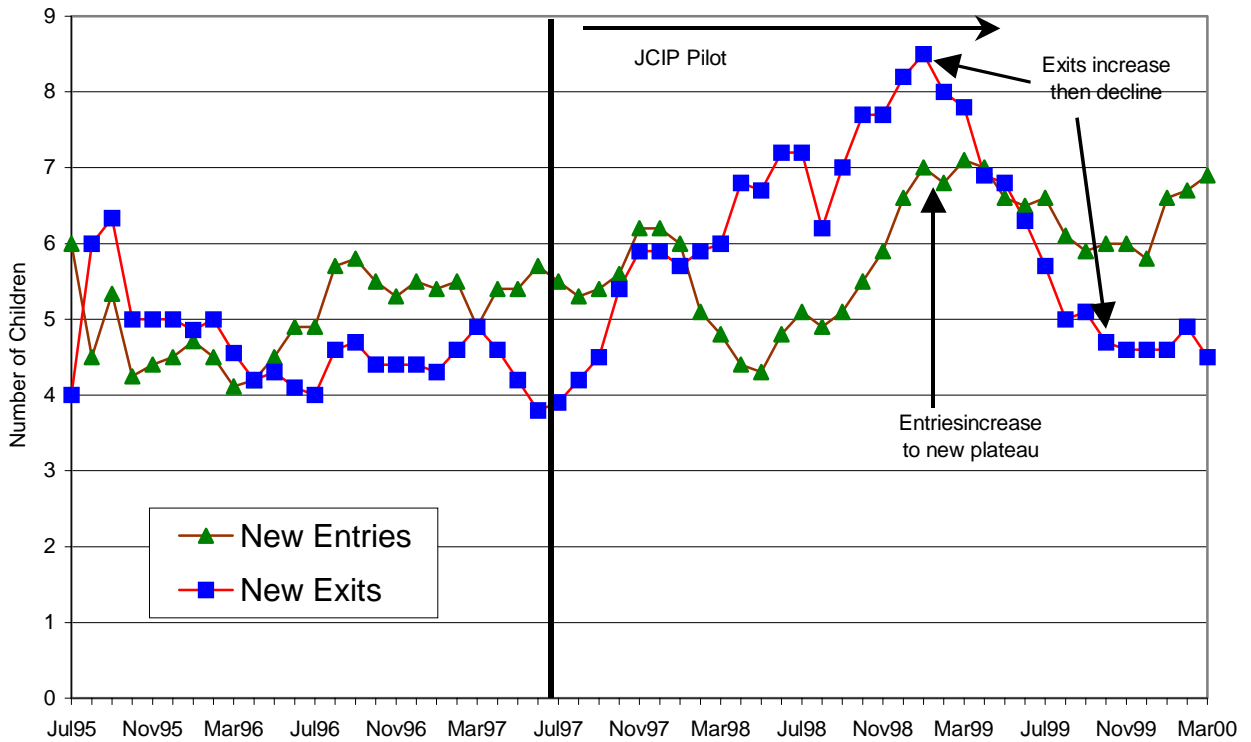
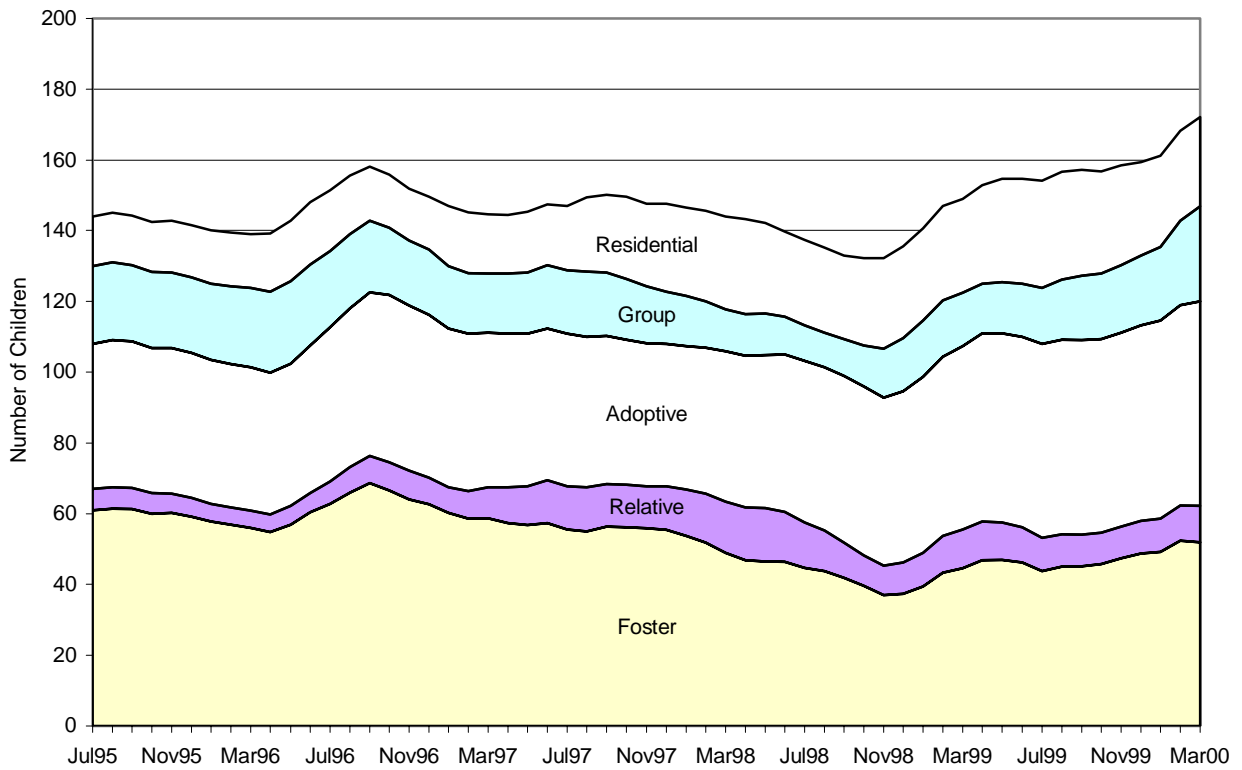


Figure 3.11 Monthly Census of Children in Out-of-Home Care and Entries and Exits to Care, Circuit 2 (Moving Averages)

Exits from out-of-home placement in Circuit 2 (bottom chart in Figure 3.11) began increasing from the start of the pilot project reaching a high in early 1999 and then declining to levels in the range of the period before the pilot. The numbers of monthly entries reached a new high in this circuit simultaneously. The increase in entries and subsequent decline in exits corresponds with the increase in the census of children in placement seen in the top chart.

The pattern of exits from care in this circuit is also consistent with baseline-pilot findings of decreased stays in out-of-home care observed in Circuit 2.

## **Recidivism: New Hotlines and New Action Findings**

New child abuse and neglect incidents are reflected in new abuse and neglect hotline reports and in findings by DFS investigators or family assessment workers. New incidents, in turn, may be considered to reflect the welfare of families and the safety of children. To measure this, new hotlines were counted for each child during the period following the protective custody or adjudication hearing of the child up to the end of December 1997 for baseline children and December 1999 for pilot children.

New action findings reflect three kinds of conclusions following home visits by workers. These were: 1) a substantiated child abuse and neglect investigation, 2) an unsubstantiated investigation when a preventive services case was nonetheless opened, and 3) a family assessment with the conclusion that the family needed services. These three conclusions imply some level of threat to child safety or to family welfare that may need to be addressed by the agency.

Reductions in hotline calls indicate improved situations of children because hotline calls are correlated with substantiated findings of abuse and neglect, that is, the more hotline calls made on a child, the more likely abuse or neglect will be substantiated. Reductions in action findings indicate improved situations for children because action findings are based on observation and interviews of families.

The results of this analysis are shown in Figure 3.12. The reductions were statistically significant for both variables in each circuit. In Circuit 23, the means per 100 children were reduced from 21.1 hotlines to 15.8 ( $p = .07$ ) and from 16.9 action findings to 10.3 ( $p = .033$ ). In Circuit 2, the means per 100 children were reduced from 20.7 hotline to 7.3 ( $p = .005$ ) and from 8.8 actions findings to 5.4 ( $p = .07$ ). These findings are strengthened further by the increased *opportunity* for further abuse and neglect among pilot children who spent less time in generally safer foster and residential environments.<sup>12</sup>

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<sup>12</sup> The analysis was further adjusted for differences in the overall rate of hotline call and action findings during the baseline and the pilot period. This controlled for possible inflation or deflation of the frequency of child abuse and neglect reports during the pilot as compared to the baseline period.

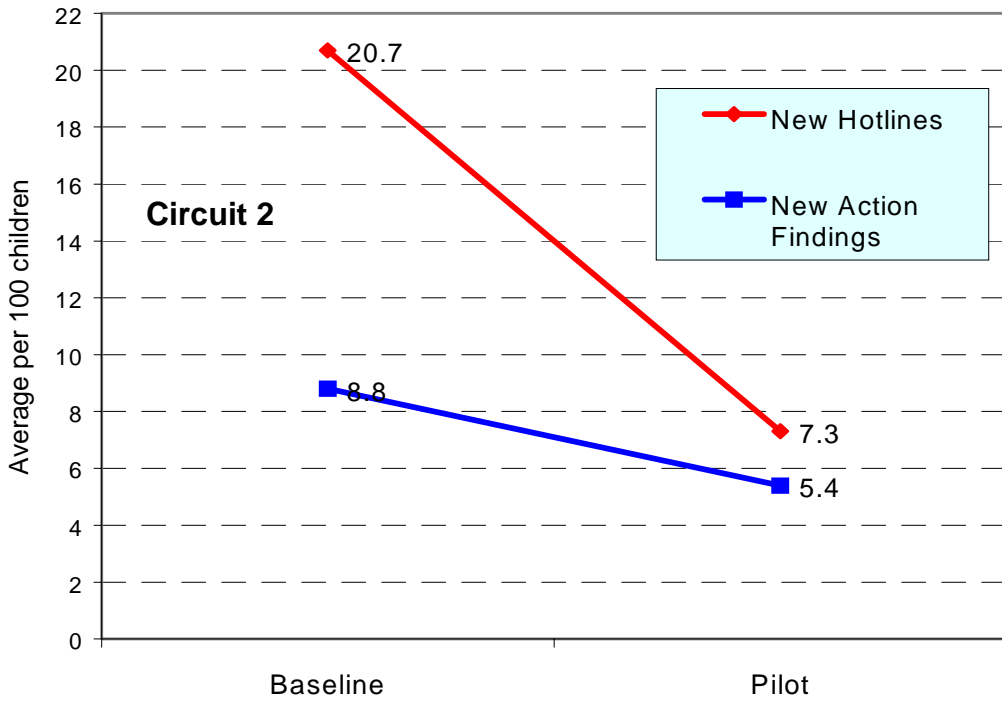
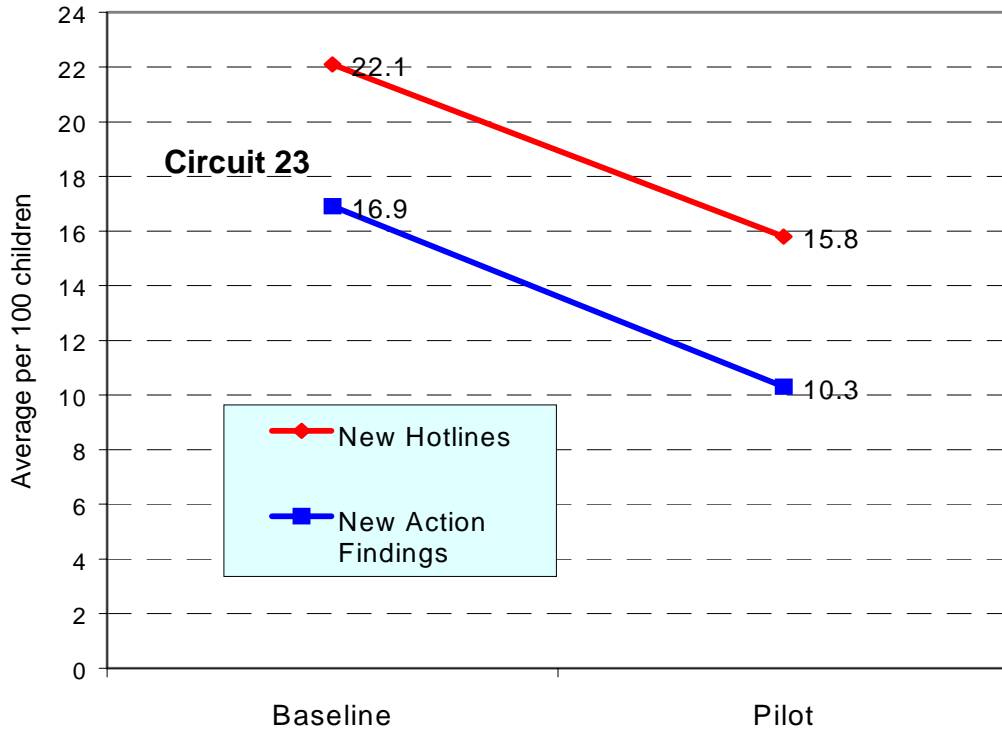
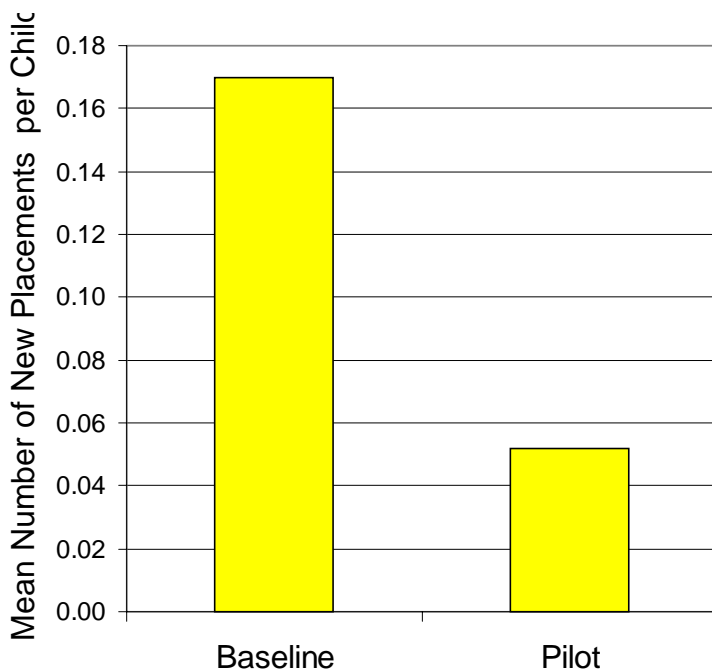


Figure 3.12 New Hotline Calls and New Action Findings, Baseline and Comparison Groups (Circuits 23 and 2)

## Recidivism: New Out-of-Home Placements

Virtually all the children in the baseline and pilot groups were removed and placed when they were first came into the juvenile court. In some instances, as has been shown, the children were reunified with their parents or were adopted. When this outcomes occurred the child's placement episode was said to have ended. In yet a smaller number of cases, the reunification or adoption failed and the child had to be removed and placed again. This is referred to as placement recidivism. Lowered placement recidivism is viewed as a positive indicator of program impact. If the JCIP had a positive impact in the lives of children and their families, therefore, we would expect lower rates of placement recidivism among pilot as compared to baseline children.

Generally, studies of placement recidivism can only be done on relatively large populations of children or in studies of long duration. The number of children in the JCIP in Circuit 2 was too small to permit meaningful analysis.<sup>13</sup> Numbers were greater in Circuit 23. Instances of placement recidivism were counted during equivalent time periods—for baseline children through December 1997 and for pilot children through December 1999. The comparative results are shown in Figure 3.13.



The mean number of new out-of-home placements was reduced in Circuit 23 from .17 (17 per 100) among baseline children to .05 (5 per 100) among pilot children. This was a statistically significant difference ( $p = .005$ ).

Figure 3.13. Placement Recidivism Among Baseline and Pilot Children in Circuit 23

<sup>13</sup> In fact, 2 children were placed again out of 57 baseline cases and 4 children were placed again out of 73 pilot cases. The numbers and percents are too small to be meaningfully interpreted.

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## 4. Interviews with Court and DFS Personnel

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Structured interviews were conducted in July and August 1999 with court and DFS personnel in each circuit. The interviewees included the juvenile court judge, the juvenile court attorney (Circuit 2 only), the family court coordinator (Circuit 23 only), deputy juvenile officers, guardians ad litem, DFS supervisors, and DFS workers responsible for Family-Centered Out-of-Home cases. A similar set of personnel, including many of the same individuals, were interviewed in Spring 1998. Since their comments at that time were discussed in the second interim report, they will generally be cited here only when they indicate that attitudes and concerns have changed over the course of the pilot. The focus will be on the more recent responses, which for most of those interviewed reflect two full years of experience with the project. These addressed a range of issues, including timeframes of court hearings; the content of hearings; effects of the project on caseloads, court dockets, parents' cooperation, and outcomes for children; the adequacy of resources; and suggestions for further improving the JCIP.

### Protective Custody Hearings (PCH)

Court personnel in both circuits were unanimous in stating that formal protective custody hearings took place in every case in which a child was removed from the home. In neither district was this remotely the situation prior to the pilot (see Part 2). Protective custody hearings had been held only when parents requested them, in accordance with Missouri law.<sup>14</sup> Court personnel were also unanimous in stating that the project goal of having the PCH within three working days of the judge's signing of the protective custody order was being met, without exception (Circuit 2) or with very few exceptions (Circuit 23). The exceptions in Circuit 23 occurred when the juvenile office was unable to locate and notify the parents of the hearing in time. In some of those cases, according to one informant, when everything had been done to contact the parents, the PCH was held anyway without them. Both circuits had developed systematic ways of scheduling the hearings, selecting a guardian ad litem (in Circuit 23), and notifying the necessary court and DFS personnel in order to meet the timeline. In the three-county Circuit 2, the juvenile court judge (who was also the presiding circuit court judge) had arranged for associate judges to handle protective custody hearings in their counties when he could not be available within the required timeframe. Despite the evident challenges of coordinating all of the needed parties within a short span of time and fitting the hearings

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<sup>14</sup> Missouri law currently requires that, upon request from any party, the court must hold a protective custody hearing within three working days of the request for a hearing.

into already full dockets, holding them within three days had, as one respondent said, “become very natural to do.” One reason for this in Circuit 2, according to one court official, was that they had come, over the course of the project, to make each type of hearing increasingly distinct. By confining the activities at the PCH to only those needed for it, and not allowing adjudication issues to be raised during the hearing, they were able to keep it brief and, hence, easier to schedule.

Those interviewed were overwhelmingly positive about holding the protective custody hearings promptly. Most pointed out that it gets the system moving quickly, from the outset of the case. All the parties are brought together, where they can review the facts of the case, assess what needs to be done, and “get on the same page.” By seeing the parents in person, court officials felt that they could often more quickly and surely get a sense of how the case would develop. The parents, for their part, are assured that the situation is under control, with a review of the case underway, and that they have a voice in the proceedings. They also realize, in the court setting, that the removal of the child was not DFS acting alone but a serious legal custody issue in which changes on their part will be required within a limited timeframe in order to have the child returned to them. In the words of a DFS worker, they “get it” and comprehend that “the clock is ticking.” For many parents, the PCH functions as a powerful motivation to begin making changes and accepting services.

Several court and DFS personnel emphasized the importance of the initial family support team meeting, seeing it also as a significant motivator for families, especially in tandem with the PCH. A key element of the Family-Centered Out-of-Home Care Program, the initial family support team meeting brings the parents together for the first time with many of the same people who will meet a day or two later in the PCH, but in a less formal, less intimidating setting than the PCH. Generally chaired by the family’s DFS worker, the meeting focuses on identifying the family’s strengths, developing a case plan, and putting services in place. It has also been used, in both circuits, to explain to the parents the hearings process, the application process for court-appointed counsel, the expectations for accepting services and making changes that are being placed upon them, and the timeframe they have for meeting those expectations. Several respondents indicated that the positive, assistance-oriented thrust of the family support team meeting, coupled with the more sober PCH, had led to many parents accepting services immediately, well before they were court-ordered at the disposition hearing. One court official indicated that the aggressive casework of the Family-Centered Out-of-Home Care Program had actually been providing a strong impetus for rapid changes in families since its inception in 1994 in Circuit 23, but that until the JCIP, the court system had not been able to adequately respond to those changes.

## **Adjudication and Disposition Hearings**

Adjudication hearings were to be held within 30 to 60 days following the protective custody hearing, and disposition hearings within 90 days of the PCH. All of those interviewed in Circuit 2 stated that adjudication hearings were in fact held within or

about 30 days from the PCH and that disposition hearings were held in conjunction with adjudication. Responses about adjudication timeframes were more varied in Circuit 23 (ranging from 30 to 90 days), but there also it was indicated that disposition hearings were generally held with adjudications. The exceptions there were said to occur when parents consented to court jurisdiction but disagreed with the ordered placement. A separate disposition hearing would then be held.

For the most part, interviewees in both circuits found it advantageous to hold the two hearings together. Several noted that since case plans for the family are already developed at adjudication, it expedites services to have them court-ordered at that time, which in turn tends to hasten progress in the case. It was also suggested that the joint hearings make it clearer to the parents that they are agreeing to placement as well as jurisdiction; there are thus no misconceptions that by “cooperating” they are going to have the child returned. However, holding the hearings together, according to another informant, may also leave parents confused about the purpose of each hearing. A final, straightforward, practical benefit that was cited is simply that parents are not inconvenienced by having to return for a second hearing.

All those interviewed agreed that the project timeframes for adjudication hearings were both feasible and important to speeding progress in cases. Respondents pointed out that adjudication at 30-60 days allowed jurisdiction to be established promptly, which ultimately enabled quicker resolutions for children. With court orders in hand, parents got over their denial earlier, worked faster, and were more willing to accept services. To make sure that they met the adjudication timeframe, judges in both circuits had made it clear to court personnel and local attorneys that continuances would no longer be granted easily, even routinely, as they had in times past, when cases would often be delayed months or years without services or progress. Instead, they would be granted only for good cause and in most cases only for a short time—generally, to appoint an attorney for parents or to allow a new attorney to become familiar with the case, in the event that the parents belatedly realized that they needed counsel.

The more serious obstacle to speedy adjudications arose from cases where parents contested court jurisdiction. This was cited by several informants in Circuit 23, where they indicated that contested adjudications were typically continued for two to three months to the earliest possible trial date, given the circuit’s full docket, and sometimes beyond if attorneys requested continuances. While one respondent pointed out that a large majority of parents do consent to jurisdiction at adjudication, others cited cases in which children had been in foster care for several months with no jurisdiction yet established. Delays in adjudication due to contested cases also occurred in Circuit 2, but most trials were reportedly scheduled only three to four weeks following the original adjudication dates, which were themselves said to occur within 30 days of the PCH.



## Dispositional Review Hearings

Respondents in both circuits indicated that review hearings were being held every 90 days following the disposition hearing, with each hearing concluding with the setting and notification of the next 90-day hearing date. Interviewees were unanimous that the hearings were very beneficial to families but imposed significant burdens on both the courts and DFS. In prior years, children could remain in foster care for years with few reviews of the progress of their case. The various parts of the court and child welfare systems would often be unaware of each others' actions, services would be uncoordinated or not provided at all, and parents would have little incentive to make changes and few ways to register their concerns. The key significance of the dispositional reviews under the JCIP, it was felt, was that that they required everyone—court personnel, DFS workers, and parents—to come together and report on their progress in the case on a regular basis. In effect, the hearings forced everyone to do their jobs and to maintain contact with and awareness of the case. They also enabled the agencies to make mid-course corrections to services and requirements and to resolve disagreements among themselves concerning the conduct of the case. As for parents, respondents believed that the reviews kept them working by holding them periodically accountable and by reinforcing the sense of time passing—making clear that permanency would occur by a certain time whether they participated or not. For those parents willing to make changes, the reviews were thought to have greatly improved compliance. Several interviewees noted, however, that most parents tended to respond early in the case or not at all. Consequently, the review hearings of greatest importance were the earlier ones, where they often had the effect of helping maintain the momentum of those parents already engaged in making needed changes.

While everyone interviewed felt the dispositional reviews had proven useful and important, they also made it clear that the costs to the courts and to DFS of preparing for and having reviews every 90 days have been difficult to manage. The primary problem for the courts has been fitting increased numbers of reviews into already crowded dockets. Both circuits have made or are making organizational changes in an effort to cope with this increase. In Circuit 2, prior to the project, juvenile cases were mingled with criminal and civil cases in the circuit court docket (the juvenile court judge is also the presiding circuit court judge). In an effort to streamline the scheduling and presentation of cases before the court, the judge has set aside one law day each month specifically for juvenile cases in each of the three counties, with an additional “floating” law day to be used in the county with the largest docket burden that month (most often, Adair County). Since the law days are set for the same day every month, the scheduling is essentially automatic, and court and DFS personnel know with certainty when their presence and reports will be required in court months in advance. Even with incorporating non-pilot cases into the 90-day review schedule (because the reviews were found so useful), everyone indicated that there was now adequate time on the docket for all the juvenile cases. The only disadvantage cited for this system was that any given law day docket that happens to become particularly heavy would repeat every 90 days until those cases closed. A significant benefit, however, is that children and parents—families often in turmoil—no longer have to wait together (and with people accused of crimes)

outside the courtroom for a lengthy criminal trial to conclude before having their case heard.

The docket in Circuit 23 was overloaded even prior to the JCIP, and it has been a significant challenge to incorporate the hearings timetables, particularly the 90-day review hearings, into it. Respondents noted that in some review hearings, the court and DFS personnel do not come before the judge. Instead, the service agreement is drawn up as a court order that is circulated among the relevant parties outside the court on the hearing date for signatures. This practice was explained in several ways. Parents or their lawyers may simply be asking for a continuance and no hearing is necessary. Neither parent may show up for the hearing and no hearing is held. Less frequently, the reason may be that attorneys did not appear. These reasons and others may lead to non-hearings. However, the press of too many cases on the court docket also led to this practice, although the researchers had no independent means of verifying the frequency of this practice.

In a recent change that should ease docket pressures, the judge has relinquished probate court duties, thereby adding one and a half days per week to the juvenile court docket. In addition, the juvenile office will be creating two teams, each with its own juvenile court attorney, deputy juvenile officers, and guardians ad litem (GALs), which will handle all the cases on specific days of the week. It was thought that this would permit court personnel, particularly those GALs with offices outside of Hillsboro, to coordinate their schedules more easily and efficiently.

For court and DFS personnel in both circuits, the major impact of the review hearings has been on their time and workload. As one DJO put it, “you’re in court all the time.” DFS workers noted that, with reviews and other hearings, they may attend court five to ten days per month. DFS workers in both circuits noted that timely preparation of reports for review hearings was a problem. This was echoed by court representatives as well, where not only the timeliness but the quality of DFS reports was cited as a problem. In both circuits, DFS caseworkers are required to submit reports prior to each hearing to court personnel and attorneys that document services provided to the children and parents, discuss progress made by the family, and recommend changes to or continuance of the case plan. Since these reports form the basis for the disposition of the case at each hearing, the juvenile office requests that they be made available early enough that they can be reviewed by all parties prior to the hearing—five working days before in Circuit 2 and 10 days before in Circuit 23. In neither circuit are these deadlines being regularly met. In Circuit 23, DFS workers estimated that reports were generally being sent to the juvenile office five or fewer days before the court date and were often hand-delivered or faxed shortly before the hearing. DFS workers in Circuit 2 were also often late and had twice forced the docket to “shut down” by not having reports available. However, as certain individuals from the court noted, instances of late reporting by DFS also occurred *prior* to the introduction of the JCIP. Thus, these reports do not prove that the delays were attributable solely to the introduction of the JCIP.

DFS personnel tended to define the problem in systemic terms. They noted that much of that information had to come from other service providers, such as counselors, and procuring their reports in time often required many calls and letters, and workers still were sometimes unsuccessful. Workers in Circuit 2 noted that concentrating all of the juvenile cases in a county into a single law day created new difficulties, since all reports for that day had to be written within the same one-week window. Earlier, in the 1998 interviews, some workers had felt that having the hearings on a definite schedule would allow them more time to prepare for them.

In both circuits, some adjustments were made by DFS to enable workers to devote more time to reports, such as hiring paraprofessionals and contracting home studies. Unfortunately DFS caseloads were already about twice what DFS considered appropriate in the two Circuits before the JCIP began. These workers felt, however, that the JCIP added further pressures making their normal social work more difficult. In both Circuits supervisors reported that some workers who had recently left DFS cited the demands of the JCIP as one reason for leaving.

The difficulties workers have faced getting review hearing reports done in time became a source of frustration for all involved. While sympathetic to the time and caseload pressures workers face, court personnel tended to see the failure to meet deadlines as indicative not only of insufficient staff but of poor quality workers and insufficient supervision. In addition, some court respondents noted that the Family-Centered Out-of-Home Project was already in place and had received additional resources and that the additional work engendered by family support team meetings was already a source of dissatisfaction among workers before the JCIP was begun. They felt it was unfair to blame the JCIP alone for DFS staff dissatisfaction and turnover. In addition, as noted below (Section on Resources and Training) even larger caseloads were also being borne by juvenile officers without significant turnover.

Unfortunately, because of the limitations of the research design the researchers are left with only reports of these problems rather than proof of causality. It is unclear how much of staff dissatisfaction and turnover was due to the introduction of the JCIP and how much was residual dissatisfaction from the demands of the previously introduced FCOH and the normal pressures of insufficient DFS staffing. Everyone interviewed, including DFS workers, affirmed the value of regular review hearings for the families. Serious consideration should be given, however, to additional resources for both the court and DFS to sustain reviews in their present form.

## **Permanency Planning Hearings and Post-Permanency and Post-Termination Planning Hearings**

The permanency planning hearings (PPH) were designed to be a 12-month deadline for both the juvenile court/child welfare system and the parents. At the point at which the child had been in substitute care for a year, a determination of his or her permanent status was to be reached, to prevent the child from remaining in care for an

extended and indeterminate period. In both circuits, respondents stated that the hearings were indeed being held on schedule. The judge in Circuit 2 noted that if parents were making progress late in a case, the PPH might be postponed for a short period—it was not a rigid deadline—but in the great majority of cases, the deadline was being met.

All of those interviewed stated that they generally knew sooner, and often much sooner, than the PPH what the outcome of a case would be. As noted above, most parents were seen either to make needed changes early in the case or to be disengaged from the process. In only a relatively few cases were recalcitrant parents belatedly stimulated to action by the realization that the PPH was close at hand. As one respondent pointed out, the PPH is discussed with the family throughout the hearings process and at the family support team meetings, so they are well aware of the timetable.

One outcome that was cited by several respondents has been that the number of parents who voluntarily relinquish rights to their children has increased. This was attributed both to the recognition by these parents that they were not going to make sufficient changes prior to the PPH and to the less adversarial feeling that the parents had toward the system, given their frequent and generally service-oriented contact with court and DFS personnel in hearings and family support team meetings. A second outcome has been an increase in non-voluntary terminations of parental rights (TPR). This appeared to most respondents to be largely a function of the fact that TPRs were now being promptly pursued, whereas formerly parents would be given much more time before a TPR was filed, if it ever was.

The outcomes indicated for children were all positive: a reduction in the time they spent in foster care, with fewer children in foster care at any given time; children returning to safer homes much sooner than in times past; and more children being adopted. With the increase in the number of TPRs, some court personnel were concerned that DFS was not yet sufficiently oriented toward finding them adoptive homes. DFS workers, while acknowledging that a change in agency emphasis—from foster care to adoption—needed to occur, felt that given adoption resources in their counties all of the children not being reunified with their families would in fact find adoptive homes.

The only issue raised by respondents with respect to the permanency planning hearings—but it is a significant one—concerned their coordination with TPRs. Under Missouri statutes, a TPR for failure to rectify [the conditions that led to the child's removal] cannot be filed until one year after the court takes jurisdiction of the child at adjudication. With adjudication generally taking place at least 30 days after the PCH, a child would necessarily be in substitute care a month or more following the PPH until the TPR was filed—longer yet if the adjudication was contested. This has not proven to be major problem in most cases in Circuit 2, in part because of the relatively quick timeframe there for adjudication hearings, even those that are contested. More importantly, they have been willing to issue a permanency plan explicitly based on a TPR at the PPH and to get the legal apparatus in motion for the TPR soon afterward in order to minimize the length of time the child is in care.

As all of the Circuit 23 respondents indicated, the situation is much more problematic there. Because the timeframes there to adjudication hearings and to trials for contested adjudications are relatively lengthy, there is generally a span of at least two to three months between the PPH and the earliest possible filing of the TPR, and that span is in many cases much longer. A more significant difference, however, between the circuits in their handling of this issue is that the legal interpretation of the statute in Circuit 23 is that any mention of a TPR in the PPH might be seen as indicating a bias on the part of the court prior to the filing of the TPR itself. Thus, a TPR is not permitted as a possible permanency option at the PPH. Even if a TPR is in fact recognized by court and DFS personnel as the obvious outcome of a given case, the official permanency plan is listed as reunification. This has created some confusion for DFS workers, who would be expected to provide continuing services in a case with a goal of reunification but not in a TPR case, where the parents typically have rejected services. Attorneys for DFS have argued, contrary to the circuit, that the federal Adoption and Safe Families Act (ASFA) directs that a child being in foster care 15 months or more is itself sufficient evidence of failure to rectify, and that in those cases, it is not necessary to wait the full year beyond adjudication. Respondents in Circuit 23 indicated that they would wait for the state legislature to resolve the conflict by making the state statutes consistent with federal law.

Under the JCIP guidelines, the courts were to hold post-permanency planning and post-termination hearings as long as the children were still in their jurisdiction. Informants in both circuits indicated that these hearings were being held, at approximately 90-day intervals. Respondents felt that the primary advantage and purpose of the hearings was that they kept pressure on the agencies and providers involved to find new options and resources for making certain that the children received needed services and opportunities for permanent placement. DFS workers noted that once adoption was specified as the permanency goal for a child, the case was transferred to adoption workers in the agency, who then had the responsibility for coordinating services and finding an adoptive home. As with the review hearings, it was believed that bringing these workers, deputy juvenile officers, and the GAL to court on a regular basis ensured that they were all aware of the status of the case and were working to bring it to a conclusion.

## **Effects on Parents and Children**

Those interviewed felt that the JCIP, especially in concert with the Family-Centered Out-of-Home family support team meetings, had helped reduce parents' fear of and hostility toward the juvenile court and child welfare systems and in many cases served to motivate them toward making needed changes. Several noted that hostility evident in parents at the protective custody hearing would often start to dissipate as they realized that the system was oriented toward providing services, resolving issues, and ultimately reunifying the family. Interviewees felt that the hearings provided a level and consistent playing field, in which parents could interact with and hear the perspectives of all of the parties and in which they perceived that they could also have a voice. Respondents noted that parents frequently exercised that voice, proposing their own suggestions for case plans. It seemed to all respondents that as a result of the hearings,

parents were in general understanding the process and the court's expectations of them better. Some, however, in Circuit 23 indicated that parents who lacked counsel—unable to afford an attorney but not qualifying for appointed counsel either—were often confused by the legal language and formal processes of the hearing and were unable to adequately comprehend or represent themselves in the proceedings.

All of the interviewees believed that the shortened and more definite timeframes for hearings, and particularly the one-year deadline for permanency planning, served to motivate parents who were willing to make changes to get their child(ren) back. As noted earlier, informants felt that if parents were going to comply with the court and DFS and make changes, they generally did so early on, due both to the quick and serious court attention represented by the PCH, adjudication, and disposition hearings and to the nearly immediate offer of services from DFS. The relatively few who responded slower were often those with substance abuse problems who would be in denial at the outset of the case but who would start to deal with their addiction in the face of the looming permanency planning hearing. Respondents believed that constant reminders of the one-year deadline at hearings and family support team meetings, while doubtless stressful to many, had served to keep parents focused on the goal of reunification and the work needed to attain that goal. While appearances before the court at hearings was seen by most interviewees as important in making parents feel accountable, they also perceived it as a venue for positive reinforcement, with the judges and other court officials in both circuits praising parents during hearings for the progress they had made. And for those parents who would not or could not rectify their major issues, several respondents pointed out that the less adversarial posture that parents often came to assume under the JCIP had led to an increase in those who chose to voluntarily relinquish their parental rights.

Several respondents pointed to the family support team meetings provided through the Family-Centered Out-of-Home Care Project as a key, even decisive, element in defusing parents' animosity toward "the system" and producing rapid compliance. In addition to being the basis for "frontloading" cases with early DFS services, it was felt that the meetings gave parents an opportunity to participate in their case in a more informal setting and to feel that they were part of the process. By having the various agencies and providers present and working together and consenting on plans, parents received consistent messages from them. (It also prevented the parents from playing them off against each other, as often happened in the past when communication among agencies was more infrequent.) Parents were said to respond particularly well to the concrete goals specified in the treatment plans produced at the meetings and to the praise they received for meeting those goals.

In Circuit 2, the family support team meetings are held monthly following the initial pre-PCH meeting, with cases where there is particular progress or particular problems that require attention sometimes moving to meetings at 2-week intervals. Circuit 23 has family support meetings at 72 hours (prior to the PCH), 30 days, sometimes at 60 days, and at 6-month intervals thereafter, with special meetings called to discuss problems or early reunification. It was noted that parents often requested additional meetings, and court officials and DFS workers believed meetings at 3-month intervals (or shortly before

each hearing) would be useful as well, but they were difficult to schedule given current worker caseload levels. The researchers *were unable to track* the frequency of family support team meetings for pilot families and, thus, have no independent means of confirming or disconfirming the such meetings were held as planned. Some court respondents as well as DFS personnel interviewed, particularly in Circuit 23, noted that family support team meetings were not always held as scheduled. A common sentiment among respondents was that such meetings should be held before each hearing as a means of insuring that everyone involved had reviewed the progress in the cases and come to an agreement on services and actions to be required.

For children, according to all those interviewed, the JCIP had produced the desired result of less time spent in substitute care. Compliance and work by parents spurred on by the focused and timely efforts of court and DFS personnel had resulted in earlier reunifications in what respondents considered much safer homes. They also noted that the permanency planning hearing served effectively as deadline not only for parents but for the court as well. Instead of courts refusing to let go of custody, as one informant put it, and keeping children in foster care for years, the courts were now initiating TPRs and seeking adoption for those children who could not be returned to their parents. As another indicated, this meant that children would not have to carry for some protracted, indefinite period the stigma of being “foster kids” and wonder what was going to happen to them.

The JCIP process itself was also seen as giving children a different experience with the juvenile system. The regular court hearings and family support team meetings, as well as the increased level of services, let them know that they were not lost and forgotten in the system; they knew that they were being advocated for. The hearings, with all of the parties present, also indicated to them that the process was open and that they could, through their GAL, have a voice in the proceedings. DFS workers indicated that they kept older children who asked about progress in the case apprised of timelines and changes that their parents needed to make. Sometimes the children would encourage or exhort their parents to comply or work harder, in effect “parenting” the parent. Workers indicated that one of the issues that therapists often dealt with in counseling children was the feelings that they had about the progress or lack of progress that their parents were making in getting them back home.

## **DFS-Juvenile Office Relations**

Both DFS and Juvenile Office personnel indicated that in general relations between them *had improved* as a result of their close, regular contact in court, in the family support team meetings, and in working on service agreements and case plans. Many of the DJOs as well as the Family Court Coordinator in Jefferson County had previously worked for DFS, and they clearly carried that service orientation into their present work, evidenced in part by their active involvement in family support team meetings. Their familiarity with both DFS and the juvenile court system also allowed them to advise DFS workers about what was necessary, in presentation and procedures,

to work effectively with the court. DFS workers also appreciated the fact that DJOs, when necessary, took on the role of enforcer with families, which allowed DFS to continue to act in a more supportive, service-focused capacity.

Still, the continuing frustration of both DFS workers and court personnel at the workers' difficulty in providing complete, timely reports for review hearings clearly had a persistent, corrosive effect on their working relationship. Court personnel believed that they had done all they could to accommodate the workers—providing training in report-writing, sending lists of the most critical cases to workers to focus on, calling workers for information in order to complete submitted but inadequate reports—and they tended to attribute continuing problems to workers' lack of ability or dedication. For their part, DFS workers felt that others in the system did not fully appreciate how much time and work it required to assemble materials from disparate sources and write a coherent, complete report; how much overtime they were already putting in to finish reports; and how the report-writing had affected their ability to fulfill their other social work functions. In Circuit 2, respondents indicated that DFS and the Juvenile Office held joint staffings once a month to go over cases and that they intended to have a 2-day team-building retreat together in Fall 1999. While these efforts were seen as important in fostering a good working relationship, there was no doubt that what was necessary in the final analysis to succeed in this was to resolve the report-writing issue.

## Required Content

The specific elements required in hearings are presented and discussed in detail in Part 2. All of the interviewees believed that the required elements were being adequately covered, with most being routinely and explicitly dealt within the hearings. These latter items included advising parents about their right to counsel, seeing if reasonable efforts had been made to find the least restrictive placement, checking the appropriateness of placement, reviewing the DFS case plan, ensuring visitation terms, and serving parties with copies of orders and next hearing dates. Some respondents suggested that a few required elements, such as explaining the purpose of hearings and checking on the need for protective orders, were at least sometimes dealt with instead at family support team meetings and pre-hearing meetings attended by the parents, the DJO, and the GAL. It was the consensus of interviewees that they were taking pains to make sure that all of the items were, between these meetings and the hearings themselves, being covered redundantly.

## Guardian ad litem

As discussed in Part 2, an important component of the JCIP was the appointment in every case of a specially-trained GAL for the child(ren) prior to the protective custody hearing. While the two circuits implemented this component in quite different ways, both achieved the goal of every child having representation from the outset of the case, and both realized additional and significant benefits, in the opinions of all those



interviewed, over the previous systems in the range and quality of advocacy that children received.

Circuit 23, as noted earlier, had developed a list of over 20 attorneys who had completed mandatory training in the JCIP process, from which GALs were appointed, on a rotating basis, at the time the protective custody order was being drawn up in the juvenile office. According to one respondent, about 12 of the GALs were actually used on a regular basis. The GAL would be notified immediately of the appointment and the PCH date and be given a packet with the complete affidavit, so that he or she could begin work on the case right away. In general, respondents felt that the attorneys on the GAL list were much more involved in the cases and active in working for the children's best interests than attorneys had been prior to the JCIP. This was attributed both to the mandatory training, which helped ensure a consistency in their approach to cases, and to the fact that these were attorneys whose willingness to take the training indicated a particular interest in child welfare. According to interviewees, a number of the GALs were very attentive to their juvenile cases, sought to be informed of all DFS actions and services, and attended all family support team meetings. While some other GALs were reportedly less involved and attentive, generally they still came to most family support team meetings. It was noted that since the hourly pay for being a GAL was half or less the rate attorneys in the area received for their other work, GALs necessarily experienced conflict over which cases to spend their time on, and some may have put a lower priority on juvenile cases. Some respondents indicated that there needed to be a mechanism to allow feedback from others in the system to comment on the quality of work and level of involvement, high and low, of particular GALs. Interviewees felt that having full-time GALs would probably be preferable to the current system, greatly improved as it is, if there were a sufficient number that they would not be overloaded and if they were all active and capable advocates for their clients. However, there was also concern in Circuit 23 that such a system would be prohibitively expensive in comparison to the present system of part-time representation.

Circuit 2 took the approach of hiring a full-time GAL and providing him with an office and secretary. He is automatically assigned to cases at the time of the protective custody order, and as he pointed out, the fact that there is but one GAL, one juvenile court attorney, and one law firm that represents indigent parents makes it relatively easy to schedule protective custody hearings. Reportedly, under the previous system, GALs were often not appointed until the date of the adjudication hearing. Many had reportedly done a good job, but being paid a fraction of what they earned from other cases and with little or no specialized training in juvenile law, some would not give their GAL cases much time or effort and often tended to be rather passive in their representation of the children. Since it is the sole focus of his practice, the current GAL stated that he has taken the opportunity to attend advanced GAL trainings and conferences on juvenile law, which he believed had enabled him to provide a higher quality of work. He noted that the full-time status had also allowed him to develop close, day-to-day working relationships with DFS, the juvenile office, and juvenile court officials. Interviewees reported that he attended all family support team meetings and hearings, was knowledgeable about the cases, met with the children prior to hearings and visited them in placement, advocated

for better conditions in treatment centers, and actively represented their interests in court. It was also noted that other parties tended to see him as a neutral and dispassionate advocate for children, which allowed him to serve effectively as a mediator in family support team meetings. Respondents were all highly satisfied with having a full-time GAL, in large part for the greater and more consistent level of involvement and advocacy it permitted. In addition, some noted that it brought more predictability to the system and was a key contributor to being able to meet the JCIP timeframes.

## Resources and Training

**Court caseloads/Dockets.** As a result of setting aside specific days for juvenile cases, all of those interviewed in Circuit 2 believed that there was now enough time on the docket there to accommodate the hearings required with the current caseload. Some noted that the system had not yet adjusted, however, to the need to complete the TPRs. They pointed out that they took a long time to prepare and that, given the number of attorneys often involved and the fact that they sometimes required three or four days of court time, it was difficult to find and schedule docket time for them.

With the much larger caseload in Circuit 23, all those interviewed there stated that there was not enough time on the docket to hold hearings within the prescribed timeframes. With a growing caseload (in part by bringing older cases under JCIP guidelines) and an increase in trials being requested under the JCIP (although most do not come to trial), trials were being set on 90-day cycles, according to the judge. Everyone agreed that an additional courtroom and judge were needed to bring the docket within JCIP timeframes. They also indicated that more DJOs were needed. Each of the current DJOs had between 140 and 230 cases at any given time over the course of the project.

**Attorneys for indigent parents.** The judge in Circuit 2 stated that given two or three days notice before hearings, there had not been a problem appointing counsel for indigent parents. Respondents indicated that the county had a contract with a local firm to represent such clients. If need be, the judge indicated that he was willing to grant continuances for new counsel to become familiar with the case.

In Circuit 23, the county provided no resources for attorneys for indigent parents. The judge sought volunteers from the pool of local attorneys for parents that requested counsel, but most such requests were reportedly not able to be met. Some interviewees indicated that, as a result, a number of parents who could not afford counsel appeared not to be able to adequately understand the proceedings, and that when they tried to represent themselves, they often delayed the hearings by their mistakes.

**Court resources for JCIP.** Respondents in Circuit 2 felt that court resources for conducting the JCIP had been adequate, given the commitment on the part of all involved to make it work. It was suggested that those resources might not be enough over time, however, should caseloads increase.

Apart from caseload size, the major issue interviewees in Circuit 23 raised unanimously was the need for improved physical facilities. The existing courtroom is very small, and there are no private areas where DJOs and others can meet with families prior to the hearings. Currently, all of those waiting for their hearings share a hallway, and “meetings” take place there or under a nearby stairwell, without privacy. The juvenile court will occupy a different, larger courtroom in a few months, but it too lacks meeting areas or any space in which to meet or wait at all. Private areas in which court and DFS personnel can meet with families, waiting areas large enough to keep children from traumatic encounters with abusive parents, and a second courtroom were all cited as desperately needed by interviewees.<sup>15</sup>

**DFS resources for JCIP.** While DFS personnel interviewed were all highly supportive of the goals and outcomes of the JCIP, they also expressed their frustration at the amount and pace of report writing, which they felt had an impact on their ability to perform other duties. Worker turnover has been an ongoing problem in many DFS offices including the offices within the pilot areas before the introduction of the JCIP. DFS respondents felt that the increased pace of work brought on by the JCIP added to this problem. Others who were interviewed disagreed, pointing out that the earlier introduction of the FCOH had already increased the pressures on workers. The question of causes versus excuses cannot be resolved on the basis of the data collected in the present study. All of those interviewed, however, both in the court and in DFS, saw the need for more workers at DFS to bring the caseloads for each worker down to manageable levels. Some within the court noted that DFS worker salaries were particularly low and should be increased in order to attract and retain talented workers. Some respondents also indicated that, with the increase in TPRs, more resources needed to be devoted at DFS for recruitment of adoptive homes and for adoption case management. Several respondents within the court and juvenile office in Circuit 23 felt that additional *DFS supervisors* would go a long way toward increasing the timeliness and quality of the reports and other work of DFS workers in regard to pilot cases.

**Training.** Respondents indicated that current training of court and DFS personnel for the JCIP was probably sufficient. Both circuits have provided additional training for DFS workers in courtroom presentation and report-writing, which all involved have found effective. DFS workers and some other respondents indicated, however, that at this point, any further training would be redundant and would interfere with their ability to do their work.

## Survey of Attorneys

Attorneys in both circuits (18 in Circuit 23 and 5 in Circuit 2) were sent questionnaires asking their opinions about the feasibility and value of the JCIP timeframes, the level at which the content required by the JCIP was being covered in

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<sup>15</sup> By the time the present report was completed the court had moved to new and larger courtroom, that reportedly greatly increased the available space for court proceedings and other.

hearings, and the adequacy of court resources for implementing the project. Questionnaires were returned from 3 attorneys in Circuit 2 and 9 attorneys in Circuit 23.

Nearly all of the attorneys (11 of 12) had represented families or children in juvenile court for child protective services cases prior to the beginning of the JCIP on July 1, 1997, and all had done so since. Those in Circuit 23 had handled between 20 and 250 such cases before the JCIP was implemented and 20 and 100 since (two attorneys did not indicate caseloads for either period). The corresponding caseloads for Circuit 2 were 25 to 200 and 10 to 25, respectively. The responding attorneys, then, demonstrated substantial familiarity with the juvenile court in their circuit both before and after the JCIP began.

Overall, three-fourths of the attorneys indicated that it was feasible to hold the protective custody hearing within three days. That opinion was almost unanimously held in Circuit 23, but two of the three respondents in Circuit 2 disagreed. Two of those who thought that it was not a feasible timeframe (one from each circuit) stated that it did not give the families time enough to get counsel or for the attorneys to become familiar with the case. Two-thirds of the attorneys indicated that the PCH timeframe was beneficial for the children and parents; three lawyers thought that it made no difference, and one said that it was not helpful. Two of the respondents suggested that the outcome of the PCH was always the same, with the juvenile office winning and the child staying in foster care. (It should be noted that for all of the questions, comments were generally offered only by those opposed to the timetables. The lack of supportive comments presented here should not be taken then to reflect a lack of support.)

The attorneys were also strongly supportive of holding the adjudication hearings within 30 to 60 days of the PCH and the disposition hearing within 90 days of the PCH. Only two disagreed with the timeframes, with one of those indicating that it did not give families enough time to take advantage of services. Three-fourths believed that the adjudication and disposition hearing timetables were beneficial to parents and children. All three attorneys responding in Circuit 2 and substantial majorities in Circuit 23 indicated that those timetables were both feasible and beneficial.

Similar support was found for holding the permanency planning hearing within 12 months (rather than 18 months) of the PCH. All of those responding in Circuit 2 and most of those in Circuit 23 found it both feasible and beneficial to parents and children to do so. Those who disagreed felt that it did not allow enough time for providing services or, with current DFS staff levels, enough time to do needed home studies and evaluations. One noted that the 12-month timeframe appeared beneficial for children but “not as beneficial for parents.”

The attorneys were asked whether several of those elements that were required by the JCIP to take place in hearings (see Part 2 for a discussion of the required content) were being done at improved levels, about the same as in the past, or at worse levels. For each element (such as ensuring visitation terms, explaining the purpose of the hearing, and determining whether placements were appropriate), between five and eight

of the lawyers indicated that it was being done pretty much as it was before the JCIP, and another three to five stated that the coverage of these items had improved. For only four of the elements was there even a single vote for coverage having worsened. There was no difference between the circuits in how the attorneys perceived the coverage of the required content of hearings.

On being asked if the court had sufficient resources to implement the JCIP adequately, five attorneys believed that it did, while three—all in Circuit 23—felt that it did not (the rest had no opinion). Those who argued for more resources in Circuit 23 echoed the suggestions (or pleas) of DFS and court personnel there: more DFS workers, more money to adequately compensate attorneys, more conference facilities, and more DJOs. One attorney, writing about the JCIP as a whole, said that it had “helped dramatically as to the court process; now, if we could have more DFS workers, we would finally be completely on the right track.”

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## 5. Summary and Conclusions

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The evaluation of the Juvenile Court Improvement Project (JCIP) has demonstrated that significant changes have taken place in the operation of the juvenile court in the two Missouri circuits where it was implemented. As noted at the beginning of this report, it is intended as a report from Institute of Applied Research to the JCIP steering committee. The conclusions and recommendations in this section are those of IAR and are not intended to replace those of the committee.

The evaluation found that certain positive changes had occurred:

1. **The court process for child abuse and neglect (CA/N) cases was accelerated at every step.** The planned goals of the JCIP concerning the timeframes of court hearings were achieved for the majority of cases, although not necessarily at the levels originally planned. However, comparison of changes in timeframes with the past performance of the court illustrated that significant and substantial changes had occurred as a result of JCIP requirements.
2. **The goal of holding protective custody hearings in all cases was completely achieved.** The hearings were held in virtually all cases and, on average, within the tight timeframe that was specified in the project.
3. **The goals of improving the content of the court process appeared to be largely achieved.** Nearly all the changes associated with insuring parental participation and informing parents concerning their rights in the court process were in place in the hearings that were observed. Reviews of plans, service participation, visitation, and so on consistently took place as appropriate during hearings. The essential participants—DFS workers and supervisors, juvenile officers, attorneys, the child, and the parents—were present and participating in hearings.
4. **Guardians ad litem (GAL) were appointed in every case for children and took active and supportive roles.** GALs, all of whom had received special training, were promptly appointed in both circuits and attended all court hearings. Evidence was also found that they generally participated in family support team meetings at DFS, met with children, and coordinated activities with other court participants. Every indication was that these practices

represented substantial, beneficial change from the past in both circuits in which the project was implemented.

5. **Joint training was held for key personnel in both courts.** That training was held on multiple occasions was confirmed. And, although assessment of the training was not a direct objective of the evaluation, participants reported that the process was valuable and felt it should be continued.
6. **The Family-Centered Out-of-Home Care Program (FCOH) of the Division of Family Services was in operation in both circuits.** The program was already in operation in the two most populous counties (Jefferson and Adair) and was begun in the other small rural counties (Lewis and Knox) at the time the JCIP began.
7. **Family support team meetings, which are at the heart of the FCOH process, were held for cases assigned to the JCIP and were viewed as crucial.** The responses of individuals interviewed, including representatives of the courts, the juvenile offices, and the local DFS offices, were highly supportive of this process. The FCOH was seen as an essential adjunct to an effective and efficient juvenile court process for handling cases of families adjudicated for child abuse and neglect. The decision making that has traditionally occurred in the courtroom concerning continuation of children in care, requirements placed upon families in order to be reunified with their children, services to families and children to achieve this same end, and termination of parental rights to free children for adoption or independent living each require intensive participation of the public child welfare agency. The court process cannot be improved without coordinating closely with the work of that agency. The FCOH family support teams provided the means for this. From the point of view of the FCOH program, the JCIP was seen as the essential ingredient to effective family support team action. A sluggish, slow, and unresponsive juvenile court will impede and cripple the efforts of the family support team. Coordinated JCIP and FCOH procedures permit the public child welfare agency and the juvenile court each to improve their effectiveness and efficiency by bringing their activities with families into sync.
8. **Timeframes of court decisions decreased significantly in both circuits.** In an analysis comparing pilot cases to similar cases during an earlier baseline period, the times between various critical court hearings decreased dramatically and in statistically significant ways during the pilot period. This included the frequency of protective custody hearings and the time from temporary protective custody until a formal hearing was held. The time from protective custody until adjudication and disposition hearings decreased. The timeframes for various dispositional review hearings was shortened. The times between protective custody and various permanent outcomes or permanency hearings was shortened significantly.

9. **Conclusive actions of various kinds occurred significantly more frequently in cases assigned to the JCIP.** Permanency planning hearings (PPH) were held sooner and more often in pilot than in baseline cases. Termination of parental rights (especially those that were voluntary) occurred significantly more often. The goal of PPHs within one year was not achieved for all cases, but improvement over past performance of the system was dramatic and most first-year cases had had PPHs or been concluded in other ways by the end of the second year of the project.
10. **Positive impacts resulted in the lives of children because of the pilot.** Indications were that recurring child safety problems were reduced for families under the pilot in comparison to families in the baseline group, including new reports of child abuse and neglect incidents as well as new findings by agency workers of child maltreatment or family needs for services. The length of time that children spent in out of home placements was reduced significantly. There was some indication of reduced costs associated with cases, although incomplete data may have reduced the reliability of this analysis. The number of exits from out-of-home care increased on a monthly basis for all children in the circuits during the pilot period. The average number of new placements after reunification or adoption was significantly less during the pilot than during the baseline period.
11. **The behavior of parents in response to the JCIP process was viewed as positive.** This does not mean that all parents responded positively. It does mean that the intensive decision-making and participatory process that characterized the FCOH family support team meetings coupled with looming deadlines of one year for permanency planning decisions moved parents to act more often and more quickly than in the past. It probably also accounts for the increased rates of voluntary termination of parental rights. Individuals who worked with families felt that parents participated earlier in services and began to do what was necessary to be reunited with their children or they admitted that they could not. The family support team process made these issues explicit and kept them before the eyes of the parents. Regular hearings reinforced the idea that the process was serious and had a certain endpoint.
12. **The additional resources that the JCIP provided in the two circuits enhanced the outcomes of the project.** If the pilot project had been introduced without additional support, it is still conceivable that it would have been successful. Nevertheless, the additional personnel and computer resources improved the project. In retrospect, considering the excessively large caseload in the 23<sup>rd</sup> Circuit, the larger of the two pilot areas, the additional personnel, including the family court coordinator and deputy juvenile officers specializing in CA/N cases, were critical elements of the success that was achieved. In the 2<sup>nd</sup> Circuit, the addition of a paid juvenile



court attorney and a full-time GAL improved that part of the pilot as well. In both circuits, the additional resources permitted the court to concentrate the process toward achieving JCIP goals. Without them that concentration would have been less intense. Nonetheless, as is indicated below, personnel were stressed. This will be an important consideration as the state plans for standardizing the rules of the project throughout the state.

13. **Deputy juvenile officers (DJO) specializing in child abuse and neglect cases were essential in making the JCIP operate effectively.** The backgrounds of several the DJOs as former DFS workers lent itself well to the work necessary under the JCIP. As a group, DJOs in both circuits tended to be more service oriented. Those that were interviewed clearly had an appreciation of the philosophy underlying the family-centered approach emphasized in the FCOH. This is not necessarily true of the general run of DJOs in the state. Reports indicated that the DJOs were able to participate smoothly in FCOH family support team meetings, taking a proactive role in the process, as representatives from the side of the juvenile court. This should also be considered if the state wishes to replicate the success of the project.
14. **The successes seen in the project were not simply the result of changing rules and procedures.** Training of personnel—DJOs, GALs, DFS workers and supervisors, judges, juvenile court attorneys—was important. The correct mix of personnel was also important. In the two pilot areas, committed, optimistic, communicative individuals were in place who understood what the project was about and what was necessary to make it work.

In the midst of the successes, certain problems were also detected that detracted from the success of the pilot project. The biggest problems had to do with resources. By introducing rules and requirements that accelerated the court process, the workload was increased significantly in comparison to the past.

1. **Juvenile office staff responsible for CA/N cases, particularly in the larger of the two circuits (23), were overloaded.** Impossibly large caseloads (over 200 cases) were common among the CA/N DJOs in Circuit 23. To some extent the family court coordinator assisted workers by engaging in direct work with families, such as attending family support team meetings at DFS. However, this detracted from the work of this position, which should have been primarily supervisory and administrative.
2. **The pace set by JCIP rules increased the work of the juvenile judges significantly and the time they spent in court handling juvenile cases.** Both judges handled the workload because both were strongly committed to the goals of the project. However, compressing the pace of hearings and the time until permanency planning is concluded called for a greater commitment of judicial manpower. In the future in some circuits, particularly those with large backlogs of cases, it may be necessary to increase judicial manpower or reassign juvenile

court judges away from other duties, as happened in Circuit 23 at the end of the second year of the project.

3. **The frequency and requirements of the dispositional review hearings imposed added burdens on all personnel involved in court hearings.** It was generally agreed that the review hearings were useful in encouraging parents to maintain progress, keeping service plans up to date, and fostering coordination among agencies. Both court and DFS personnel confirmed this. Several respondents suggested that, for cases in which changes in service plans were not needed, hearings could be held less frequently and/or with less written documentation from DFS without compromising their benefits.
4. **The lack of congruence between state statutes on terminations of parental rights (TPR) and JCIP goals (and ASFA guidelines) has resulted in both confusion in the system and delays in permanency.** State statutes can be interpreted to say that TPRs for failure to rectify cannot be filed until one year after the court takes jurisdiction at the adjudication hearing. The JCIP goal was to have a permanency planning hearing within one year after the protective custody hearing. Under a strict interpretation of the state statute, the court and DFS would be proscribed from recommending TPR in the permanency plan if the PPH is held within the JCIP one-year timeframe. In Circuit 23, given their longer timeframes to adjudication and their interpretation of the law, such TPRs are generally delayed until months later. As a result, children remained in substitute care longer than envisioned under JCIP, ASFA, and interim permanency goals, and therefore what constitutes appropriate services, was often unclear.
5. **The staff of the local DFS offices in both circuits reported that the JCIP had created added pressures in their work.** Additional personnel were not provided to DFS at the time of the JCIP, although added resources were reportedly provided earlier when the FCOH was introduced in Jefferson and Adair Counties. The JCIP, in conjunction with the FCOH program, increased the pace of formal written plans and reports and attendance at court hearings for DFS personnel. Workers and supervisors both reported that this detracted from the ability of DFS workers to continue to meet with families, evaluate placements and potential placement providers, and to carry out other social work functions.

## Recommendations

On the basis of these findings, positive and problematic, IAR makes the following recommendations to the JCIP steering committee:

1. **First and foremost, it is our recommendation that consideration be given to implementing the procedures embodied in the JCIP across the state, in**

**concert with the FCOH.** Despite some resource-related issues, the JCIP has been highly successful in meeting the goals set for it. Timeframes from the PCH to permanency planning have been accelerated, the court process has become more systematized and transparent, agencies involved have become better coordinated, and parents have been better informed about the court process and requirements for reunification. As a result, parents have been quicker to respond and take needed action, services have been provided more rapidly, and children have been reunited sooner into safer families or released sooner to find an adoptive home. Much of this success has been due to the close coordination of the JCIP with the Family-Centered Out-of-Home Care Program. The two complement one another very well and this study suggests that greater benefits will be realized with their joint implementation.

2. **Utilize full-time guardians ad litem to represent children in juvenile court within cost constraints.** Different approaches to the guardian-ad-litem system were utilized in the two pilot circuits. In one circuit, a full-time GAL was assigned to all the pilot cases. In the other circuit, a number of part-time GALs were utilized. In both pilot areas GAL were required to participate in training. Respondents in each circuit were generally satisfied with their system and felt that their GALs were trained and performing adequately. The researchers felt that, on balance, full-time GALs had certain advantages over their part-time counterparts: attorneys whose full caseload consists of representing the interests of children in juvenile court are more likely to seek additional specialized training and maintain currency with juvenile law; they would not face financial conflicts of interest from other, more lucrative cases; a full-time GAL makes scheduling of hearings and coordination with others in the court and child welfare system easier. In many less populous circuits where paid, part-time GALs are currently being utilized, a full-time GAL might prove less expensive than paying hourly fees to several part-time GALs. On the other hand, the cost of full-time GALs may appear prohibitive in some courts, particularly those in which part-time GALs are currently paid at very low rates or are unpaid.
3. **Resolve the problems in meeting timeframes and requirements for review hearings.** As noted above, review hearings were recognized by court and DFS personnel alike as being valuable for families and onerous for themselves. Of all the hearings and other meetings, reviews were by far the greatest source of strain on the system and of conflict among participants. Respondents made several suggestions for changing the reviews, including extending the time intervals to 120 days; allowing DFS workers to submit oral reports or briefer, less redundant written reports for hearings in which services were simply being continued; and, of course, increasing the number of workers. We offer no solutions here—only the recommendation that the issue be fully addressed in the further design and implementation of the JCIP.
4. **Clarify state statutes to permit permanency to be pursued within the shortened timeframes envisioned by the JCIP.** In order for the circuits to

meet the one-year JCIP goal for permanency and resolve the current confusion over TPRs, state statutes concerning terminations of parental rights need to be adjusted and clarified so that they are in conformity with federal ASFA guidelines.

5. **Juvenile office resources need to be increased, with sufficient DJOs specializing in child abuse and neglect cases hired.** Workloads for DJOs also increased under the JCIP, not only in meeting court responsibilities but in working closely with DFS in family support team meetings and on case plans. In both circuits, that coordination was made possible in large part by the service orientation of the DJOs specializing in CA/N cases, many of whom, as previously noted, were formerly DFS worker themselves. Hiring new DJOs with orientations compatible with the DFS FCOH program and training current DJOs in such an orientation must be a top priority for any court considering effective implementation of JCIP procedures.
6. **DFS personnel levels should be adequate to accommodate workload of the JCIP (and FCOH).** DFS respondents in both pilot circuits felt that additional workers were needed to handle increased workloads associated with reduced timeframes for hearings.