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**The Missouri Juvenile Court Improvement Project  
St. Louis city Family Court  
Final Report**

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by  
**L. Anthony Loman, Ph.D. and Gary L. Siegel**

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

**June 2003**

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**Juvenile Court Improvement Project  
St. Louis City Family Court  
Final Report**

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**Submitted to the  
JCIP Steering Committee  
Office of State Courts Administrator  
Jefferson City, Missouri**

**June 2003**

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## Executive Summary

This is the final evaluation report of Missouri's Juvenile Court Improvement Project (JCIP) in the Family Court of the City of St. Louis in the 22<sup>nd</sup> Judicial Circuit of Missouri. The JCIP was designed to implement reforms in the Juvenile Court and to evaluate their effectiveness and the outcomes for families and children. The JCIP centers on accelerating and reforming the juvenile court process for children who enter the court for reasons of child abuse and neglect. The St. Louis City project formally began on February 1, 2000 and has operated for three years.

**Characteristics of Pilot Project Cases.** During the period from February 2000 through December 2002, 1,255 cases entered the JCIP in the City of St. Louis. Within these cases, 1,200 actual children were represented. The additional 55 cases were re-entries to court from among the 1,200 JCIP children.

- 50.4 percent of the children were female; 49.6 percent were male.
- 85.8 percent were African American; 11.9 percent were Caucasian, and 1.3 percent were from another ethnic background.
- The average age was 7.6 years. Of all the children, 13.3 percent were infants; 26.2 percent were 1 to 5 years old; 31.8 percent were 6 to 12; and 28.7 percent were 13 or older.

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

Certain goals have been established for the pilot project with the purpose of ensuring: 1) that formal hearings are actually held in cases (“cases” referring to individual children rather than entire families) and 2) that hearings are held in a timely fashion.

**Protective Custody Hearings (PCH).** The goal of the Court Improvement Project is to hold protective custody hearings within three working days of custody and in all cases: 96.3 percent of cases had a hearing within a period of four working days (that is, excluding weekends and holidays). Counting the court filing date as the first day, the hearing was held on one of the three days following. If one day is added to this range the percentage increases to 98.6 percent. The mean number of days to PCH was 1.91 (excluding the day of filing). The median was 1 day. The large majority (87.4 percent) of children and parents had protective custody hearings on the first or second court day after the filing date.

**Timeframes for Adjudication and Disposition Hearings:** Adjudication hearings were to be held within 60 days of the PCH and disposition hearings with 90 days: 86.8 percent of adjudication hearings were held within 60 days of the protective custody hearing and 96.4 percent of combined or separate disposition hearings were held

within 90 days. The average (mean) number of days was 38.1 days to adjudication and 39.7 days to disposition hearings.

**Timeframes to Review Hearings.** Dispositional review hearings were to be held within 90 calendar days of the date of disposition and subsequently, review hearings were to be held every 90 days. Timeframes between the first five review hearings were examined. The average number of days between reviews ranged from 88 to 106 days. However, the large majority of cases came up for review hearings within 120 days. In this court, therefore, 120 days from disposition to review and between reviews appears to be a realistic target in most cases rather than the 90-day target set by the JCIP. This corresponds with findings of other JCIP evaluations.

**Termination of Parental Rights (TPR).** Final TPR orders were issued for 268 children or 30.8 percent of children in the JCIP who had received a final order. Initial TPR conferences as required by statute had been held for another 60 children. The average number of days from the date the child was removed to the first TPR conference was 370 days and 401 days on average to the TPR trial date.

**Adoption and Guardianship.** Finalized adoptions had been achieved for 142 children or 16.3 percent of children for whom final orders had been issued. Nearly all these children entered the JCIP during the first (89) or the second (51) year of the project. Finalized guardianships had been achieved for 121 JCIP children or 13.9 percent of cases with a final order. Like adoptions, most of these children had entered during 2000 (69) or 2001 (46).

**Reunification with Parents.** Final reunification with parents had been achieved for 403 children. These amounted to 46.3 percent of children with a final order. A little less than half (196) entered the JCIP during 2000 and a slightly smaller number (159) during 2001. The remainder (48) of reunifications had come into the court during 2002.

**The One-Year Goal to Permanency Planning.** Evaluators were able to identify a hearing in which a permanency decision was made (or final order had been issued) within 12 months in 65.8 percent of cases ( $\pm 9.2$  percent) and in 90.8 percent after 18 months. This finding was at odds with reports of all individuals interviewed throughout the course of this study, who indicated the permanency planning hearings were held within 12 months in virtually all cases. In addition, case observations showed that such hearings were occurring within the proper timeframe. It may have been the result of misinterpretations of court activities by evaluators using only materials retained in case files.

**Final Court Orders of Pre-Pilot Cases.** A total of 406 pre-pilot children (mainly from 1998 and 1999) had JCIP guidelines applied to their cases. Of these, 338 cases (83.3 percent) had final orders issued by the court during the period from January 2000 to February 2002. Counting from January 2000, these final orders were issued in an average of 492 days. These children had been in active court cases from an average of over 16 months before the JCIP began operating in 2000. That over 8 of every 10 cases

were considered and dealt with during the first two years of the JCIP illustrates the possibilities of the new approach embodied in the project.

### **Required Content of Court Hearings**

A total of 136 court hearings have been observed so far in the evaluation. While this figure is large in absolute numbers, it constitutes only a small fraction of the total number of hearings held during the first two years of the pilot project.

**Appointment of the Guardian ad Litem (GAL).** A GAL or Court Appointed Special Advocate (CASA) had been appointed by the time of each of the 17 observed protective custody hearings. GALs or CASAs were present representing children in all observed hearings.

**Other Participants in Hearings.** Most hearings (130) had representation from the child's current DFS caseworker (or in some protective custody hearings the investigator and the initial foster care worker). During the observations of the first year, Deputy Juvenile Officers (DJO) were present at all hearings.

**Preliminaries.** The judge identified the parties present in the courtroom in virtually all observed cases (130 of 136). When parties were not present, the judge did seek to determine whether they had been served. The judge only rarely explained the purpose of protective custody hearings, reviews, or post-permanency planning hearings. Those interviewed generally confirmed that this was the practice, for the judge expected that others associated with the family and the family's case would do this prior to the hearing. The judge always advised parents about counsel at all the observed protective custody hearings and, if needed, appointed counsel.

**Consideration of Placements and Visitations.** Consideration of the circumstances of placement was a topic at all review hearings in which this topic was appropriate. Upcoming changes in placement were considered, as well as the appropriateness of the placement. Explicit discussions occurred regarding additional services or changes in services needed to maintain the placement or to maintain the child at home occurred, usually at review hearings.

Elements of the DFS case plan were discussed at 60 of the 74 review hearings. In the remaining 14 cases, no considerations of case plans was necessary, as the child was returning home, being adopted or the case was being terminated shortly in another way.

Visitations by parents and siblings were salient issues during most of the observed hearings, and child support was considered at 13 of the 17 protective custody hearings that were observed. A Child Support Enforcement (CSE) worker always attended these hearings.

**Concluding Steps in Hearings.** The next court date was explicitly set in *every* hearing observed, except those that represented the end of the case. The judge appeared

to set the earliest possible date and to ask each participant in the hearing whether he or she could comply.

Closing remarks were made in all observed hearings. The JCIP rules emphasize the need to reiterate the 12-month timeframe for permanency planning to parents at every hearing. This was not explicitly observed at most hearings, although interviewed DFS workers and DJOs felt that families were aware of the time limits throughout the court process.

## **Responses of Court and DFS Personnel**

Structured interviews were conducted after the first year of the project with court personnel and with DFS workers and supervisors, and a questionnaire was developed for the second year of the project in order to increase the number of respondents.

**Protective Custody Hearings (PCH).** Interview respondents agreed that PCHs were being held in nearly all cases and within the 72-hour time frame. Most felt the requirement was beneficial. Over half of those interviewed saw improvements in motivating parents to attend later hearings (59.6 percent), promoting protective custody (57.1 percent), leading to an earlier return of children to parents when custody is not needed (59.3 percent), and leading to identification of absent parents (57.1 percent). Only a minority felt that PCHs promoted the involvement of both parents in the family court process. The majority of respondents felt that holding protective custody hearings in all cases improved the process in the areas considered.

**Family Support Team (FST) Meetings.** Initial FST meetings typically were less than one-half hour in duration because of the press of other cases. Most felt that even with these limitations FST meetings were valuable, and while scheduling them at other times might make longer meetings possible, it would also decrease attendance by parents.

The large majority (92.9 percent) of questionnaire respondents indicated that they had attended FST meetings during the first two years of the project and said that they attended 80 percent or more of all types of meetings. Most of these respondents were either CASA representatives or DFS workers. Over three-quarters (76.2 percent) indicated that discussion of the incident, child removal, and reasons for placement occurred in most or all of the initial FST meetings, and an additional small proportion (9.5 percent) said that these discussions occurred in more than half of the meetings. However, the remainder indicated that this was true of only half or less of the meetings in their experience.

**Adjudication, Disposition and Review Hearings.** Most questionnaire respondents (87.5 percent) felt that the timeframes for adjudication/disposition and review hearings were about right. However, as discussed earlier, the 90-day target was achieved only for about half the cases and appeared to be more realistic as average rather than an upper limit.

Over two-thirds (64.7 percent) of questionnaire respondents indicated that obtaining diagnoses and test results were a problem within these timeframes. A minority of respondents indicated other problem areas including: preparation for hearings (7.1 percent), getting paperwork done (16.7 percent), and visiting and working with families (14.3 percent).

When asked whether there were other benefits of the time frames for disposition and review hearings, 32 of the 42 questionnaire respondents felt there were such benefits. The largest category of comments (46.9 percent) centered on the pace and focus of the process. Other kinds of benefits cited often included achieving permanency more quickly (19.0 percent) and motivating parents and promoting their active involvement (16.7 percent).

**Permanency Planning Hearings (PPH).** There was a general consensus that holding a PPH within 12 months leads to earlier permanency resolutions (75.6 percent), earlier decisions concerning TPR (80.5 percent), and earlier reunification of families (73.4 percent). Compared to responses about these kinds of decision-making processes, respondents expressed less agreement about the effect of PPH on parents. Comparatively larger proportions reported no difference in the motivation and cooperation of parents under the new system. These responses show that unresponsiveness of parents represents a frustration for some who are involved in the system.

**Other Needs of the Project.** Many comments were written in on the second-year questionnaires. Some of these appear to be valuable, although they may require extra funding:

- CIP should be expanded to all courts within the family court system
- CASA system should be expanded and GALs should have greater involvement in cases
- Facilitators should be involved in FST meetings
- Provide general as well as specific mental health resources
- Allow for some flexibility with the timeframes, since some cases require more time

### **Pilot-Baseline Comparisons.**

Children entering Courtroom One during the period from January 2000 through April 2001 were selected and matched with baseline children who entered the same courtroom during the period January 1997 through April 1998. The final comparative groups consisted of 500 pilot and 476 baseline children. Demographic characteristics of baseline and pilot children as groups were quite similar, the proportions of types of incidents by families of children were generally similar, although baseline families have somewhat higher proportions of less severe physical abuse and lack of supervision incidents during the entire 16-month period during which children were selected.

### **Time from Initial Protective Custody to Protective Custody Hearing.**

Protective custody hearings occurred sooner for pilot children. The average was 1.6 days for pilot cases and 4.5 days for baseline cases; the difference is statistically significant. This shows that the time from removal and initial placement of the children until a formal hearing was shortened under JCIP procedures.

**Time from Protective Custody Hearings to Disposition Hearings.** The average number of days from protective custody hearings to disposition hearings was 48.9 days for pilot cases and 103.7 days for baseline cases. This difference is also statistically significant and substantial. This reduction during the initial pilot period reflects the acceleration of the family court process under JCIP guidelines.

**Status of Cases after 18 Months.** According to DFS files, there was a resolution of target cases for 56.3 percent of baseline children at the 18-month point compared to 45.4 percent of the pilot children. The large majority of the cases closed during this 18-month period were resolved through reunification with parents. The proportions were about the same for each period (87.8 percent 18-month baseline closures versus 89.6 percent similar pilot closures reunified with parents). However, these kinds of cases were closed more rapidly during the baseline period. The average length of the closed baseline cases at the 18-month point was 63.5 days while the average length of similar pilot cases was 109.5 days.

One of the reasons, for a lower rate of case closure within 18 months among pilot children was a higher rate of adoption and guardianships under the JCIP pilot. Looking at cases that were still open in DFS files at the 18-month point, 78.8 percent had a goal of guardianship or adoption. For comparable baseline cases, 45.3 percent had a goal of guardianship or adoption. In somewhat less than half of the pilot cases (46.7 percent) that had a goal of adoption or guardianship at this point, the child was already living in the adoptive home.

**New Reports of Child Abuse and Neglect.** Another difference that was discovered between baseline and pilot cases was that there were significantly more new CA/N reports to DFS for a period of 18 months following initial protective custody and after reunification with parents for baseline cases (26.8 percent) versus pilot cases (19.2 percent). Because rates of reunification with parents were higher among baseline children during the first year following protective custody, it is possible that there were greater opportunities in baseline families for new CA/N incidents. Baseline children were more frequently reported again for child neglect, including medical neglect; failure to provide for basic needs, such as food, clothing or shelter; lack of supervision or proper parenting, and educational neglect. After 90 days, 14.3 percent of baseline children had been re-reported for one of these versus 9.3 percent of pilot children. This was also a statistically significant difference. Among these the greatest difference was found in lack of supervision and failure to provide for basic needs of children.

**New Substantiations, Removals and Placements.** Counting from 5 to 548 days (18 months) after the protective custody hearing, only 1.5 percent of pilot children were

found to have experienced a new substantiated investigation versus 11.2 percent of baseline children. The difference in new CA/N incidents, therefore, is not confined simply to new reports but to *new substantiated reports*. During the 18 months following the beginning of the case in Family Court, significantly more baseline than pilot children were removed from their homes a second time: 4.3 percent of pilot children versus 9.3 percent of baseline children.

### **Approaches to Guardians ad Litem for Children**

Two guardian systems operate in the St. Louis City Family Court. The CASA system involves volunteers supervised by full-time attorneys. The GAL system is composed of part-time private attorneys working under contract. A comparative analysis was conducted based on system data and case reviews of a sample of 61 JCIP children represented by a CASA with a matched sample of 63 children represented by a GAL selected from the first 18 months of the JCIP program.

**Early Contact of CASA and Parental Participation.** Respondents surveyed and interviewed indicated that CASA representatives were more likely to attend family support team (FST) meetings than GALs. Most respondents indicated that, in their experience, CASAs attended the majority of FST meetings, while GALs rarely attended such meetings. Similar responses were obtained regarding meeting with the child and family outside the courtroom. An interesting finding related participation of parents in the protective custody hearing: 72 percent of mothers and 40 percent of fathers were present in CASA cases compared to 57 percent of mothers and 15 percent of fathers in GAL cases. How this might result from CASA activities is not clear, but the finding warrants further study.

**Courtroom Participation.** In observed hearings, CASAs brought information to the court based on the work of lay volunteers with the child and family and appeared to have a more informed advocacy for children. They were more likely to have an opinion—arising from direct observation and interviews of the child and family—about the direction of permanency planning. GALs were generally dependent on information obtained from the child before or during the hearing or from others in the court, such as DFS workers or DJOs. Guardian ad Litem *written reports* were found or referenced for significantly more CASA-represented than GAL-represented disposition and review hearings. No differences were found in court orders for services and placement in 600 hearings examined.

**Outcomes.** No significant difference in the nature of final dispositions (reunification, guardianship, adoption) was evident by the end of data collection. More GAL cases were dismissed early. By the end of data collection, one CASA child had been removed again and placed compared to four GAL children. Significantly more GAL children experienced new CA/N incident reports than CASA children, including the more serious reports that led to investigations or family assessments. While not statistically significant, more GAL children had a new substantiated investigation than CASA children.

## **Child Support Enforcement**

Child Support Enforcement (CSE) was an integral part of the JCIP implementation in St. Louis City. A CSE representative attends protective custody hearings and has conducted preliminary investigations by the time of the hearing.

The large majority of single parent households that enter this court are mother-only. The first function of the CSE worker in these cases is to assist in identifying the father. The court must attempt to identify and locate fathers so that they can participate if they desire. Estranged fathers may want to be more fully involved in the lives of their children and court involvement may provide an opportunity. The judge may order that fathers be permitted to visit with their children in foster care. Children may be placed temporarily with fathers. Fathers may later be given legal custody of children. If the case proceeds toward termination of parental rights, the father must be given an opportunity either to relinquish his rights voluntarily or to contest the termination in court. In addition, there is the standard function of CSE: to determine the whereabouts and income of the father so that child support can be assessed if necessary.

The CSE worker has access to a variety of information sources that would be unavailable to or more difficult to access by other court personnel: the CSE database, CSE field workers on open cases, TANF and Food Stamp, Vital Records, Motor Vehicle Records, UI quarterly wage records. In most cases the worker is able to identify the father using the child's name and birth date and the mother's name. If not, she collects further information from the mother at the time of the PCH and FST meeting. The current CSE worker indicated that she has been able to identify and locate fathers in about three-quarter of the cases that she is given.

Individuals who were interviewed during the course of the JCIP evaluation all responded positively concerning the involvement of CSE in the court process. Respondents, particularly DJOs, felt that the activities of CSE workers enhanced the court process and that fathers were located earlier and that some fathers were located who would not otherwise have been found.

As a part of the process of searching the CSE database, the worker is able to determine and report to the court whether a CSE order is currently open for a child and, should the court order it, to initiate the process of switching.

In some cases the man will sign an affidavit confirming that he is the father of the child. The affidavit includes a legal form that the CSE worker then mails to Vital Records. In other cases, a putative father may have been found but biological paternity is unclear. The court may order genetic testing to determine paternity, and under the JCIP in this court, the CSE worker manages the tests, including taking swabs of the child and the father, fingerprinting family members, taking photographs, and collecting current IDs. The worker sets up testing on average three to four times a week. If tests are positive the worker enters the test results into vital records directly from her terminal. This activity

fits with the other functions of the CSE worker and is facilitated by CSE access to multiple data systems.

Child Support Enforcement utilizes formulas for determining the amount of child support to be assessed from fathers who have an income. (Child support is not assessed of fathers who have no income.) At the next hearing after paternity is established, the CSE worker makes a recommendation to the judge concerning the amount to be assessed. She also reports the amount of income maintenance the mother receives (also adjusted for children in foster care) and the wages of the mother. The worker reports that the judge usually orders her recommendation of the amount to be assessed of the father, although in some cases he adjusts the final amount.

## **1. Introduction**

This is the final evaluation report of Missouri's Juvenile Court Improvement Project (JCIP) in the Family Court of the City of St. Louis in the 22<sup>nd</sup> Judicial Circuit of Missouri. The project represents the second phase of the JCIP after three-year pilot projects in two other Missouri Judicial Circuits (see map in Figure 1).

### **General Objective of the Court Improvement Project**

The JCIP was designed to implement reforms in the Juvenile (Family) Court and to evaluate their effectiveness and the outcomes for families and children. The St. Louis City project formally began on February 1, 2000 and has operated for over three years. The Institute of Applied Research is conducting the evaluation.

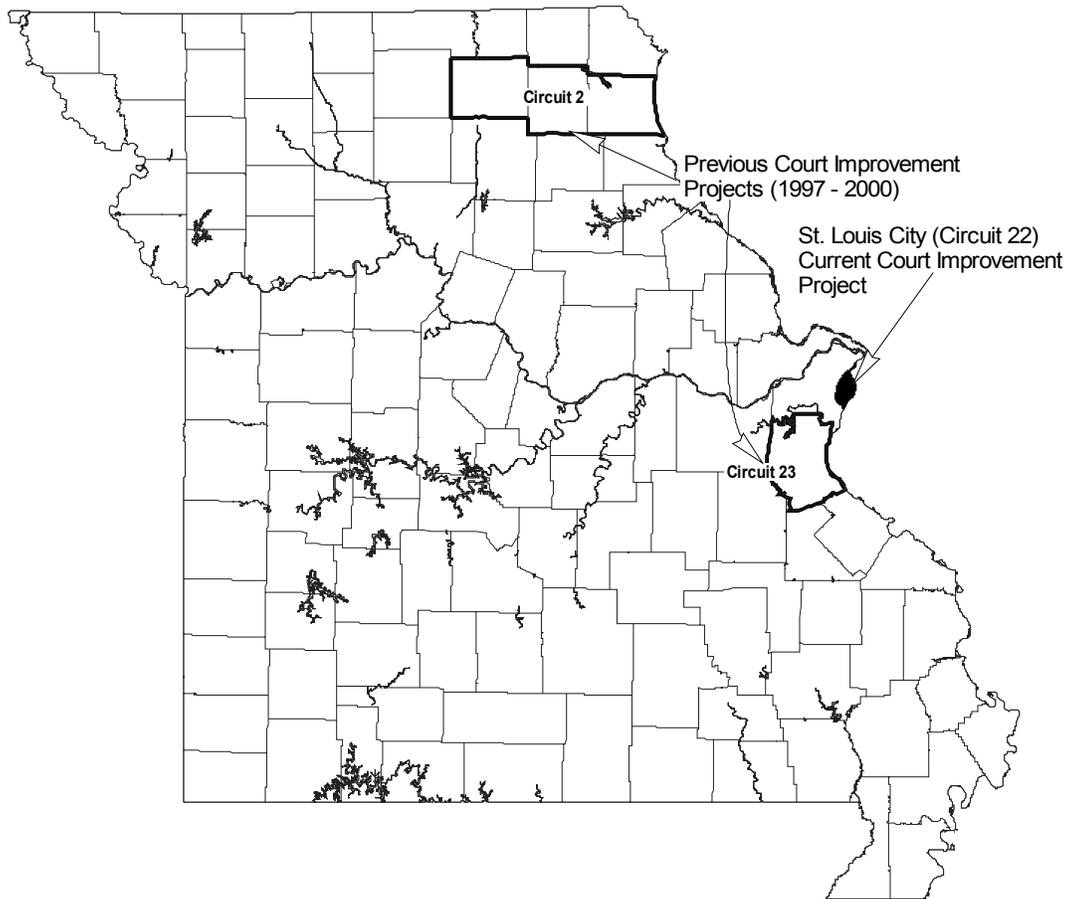
Under the JCIP, court improvement centers on accelerating and reforming the juvenile court process for children who enter the court for reasons of child abuse and neglect. It is not primarily designed to address cases of juvenile delinquency or status offense, although some children who begin in pilot cases may be found in other cases adjudicated for these reasons. The Missouri Division of Family Services (DFS), the public child welfare agency, directs such cases to the court, usually following child abuse and neglect reports and emergency removals of children from their homes. Six core requirements have been set for the pilot:

1. Delays in the court process are to be reduced and parental participation increased by: a) holding formal protective custody hearings in all protective custody cases, b) appointing a guardian ad litem for each child removed from his or her home, c) adhering to set timeframes of hearings within a 12-month period that, unless the case is terminated earlier, will culminate in a permanency planning hearing.
2. The thoroughness of hearings is to be improved by requiring specific items and issues to be explicitly addressed during hearings.
3. Key personnel are to receive joint training.
4. The Division of Family Services (DFS) is to operate the Family-Centered Out-of-Home Care Program in conjunction with the court improvement project.
5. DFS is to provide a list of resources to the court.
6. All personnel are to participate in the project evaluation.

The findings of a statewide survey and preliminary study of Missouri Circuit Courts in 1996 and 1997, before the pilot projects began in Circuits 2 and 23, indicated that these requirements represented significant changes from past practices in most Missouri juvenile courts. For example, while the JCIP requires that protective custody

hearings be held in all cases, such hearings were held in only 28 percent of cases according to the statewide study. Furthermore, adhering to a strict schedule of hearings within an overall 12-month timeframe represents a significant acceleration of the practice in most cases in which the court took jurisdiction of children.<sup>1</sup>

The location of the current and previous pilot projects can be seen in Figure 1.1. The earlier projects are shown on the map. Circuit 2 is largely rural although it does include the town of Kirksville. Circuit 23 is coterminous with Jefferson County, which lies in the St. Louis Metropolitan areas and is composed of a combination of rural, small town and suburban areas. The current pilot site in St. Louis City is also shown.



**Figure 1.1 Location of the Previous and Current Juvenile Court Improvement Projects**

The Mississippi river forms the eastern boundary of the City of St. Louis, which is otherwise surrounded by St. Louis County. St. Louis City is itself a separate Missouri county. The population of the city has consistently declined in recent decades. For example, there were 453,085 persons in the city in 1980. This number declined to 396,685 in 1990 and then to 348,189 persons in the 2000 census. This represents a decline of 23 percent in 20 years, as families migrated to St. Louis County and the more

rapidly growing counties of Jefferson and St. Charles on the southern and western edges of the metro area. Nearly 26 percent (89,657) of the city's population in the year 2000 was composed of children less than 18 years of age.

## **Organization of the Court Improvement Project in St. Louis City**

The JCIP cases in Courtroom One are presided over by a single judge who also has responsibility for some probation cases from an earlier appointment, domestic relations cases, and, more recently, cases in the St. Louis Truancy Project. This judge is also the Administrative Judge for the St. Louis City Family Court.

A full-time coordinator was hired for the JCIP. Two units of the juvenile office consisting of a total of 12 deputy juvenile officers (DJO) have primary responsibility for cases in Courtroom One, in addition to abuse and neglect cases in Courtrooms Two and Three. As the second year of the JCIP was being completed, the participation of DJOs was reduced from the entire course of cases to only the early phases through the disposition hearing, as described below. Two attorneys are under contract for appointment as Guardian ad Litem (GAL). The court also has a Court Appointed Special Advocate (CASA) program, which at the present time has over 100 volunteers and three full-time supervising attorneys. Courtroom One has an attorney to represent parents. A second part-time private attorney is available for cases in which parents are in need of separate representation. The court has one full time attorney for the Juvenile Officer (JO) who was present in court for every JCIP case. A full-time deputy circuit clerk is present along with family court support workers who handle certain clerical-administrative functions and most of the paperwork in the courtroom. The Judge has a full-time secretary, as well. The number of assigned DFS workers varies but most cases involve an investigator and later assigned caseworkers for children. DFS is also making use of contracted workers from private agencies to act as caseworkers. The circuit used the JCIP grant awarded by OSCA to contract for additional GAL services for children and legal representation for indigent parents and to hire the project coordinator and a paralegal.

## **Child Removal in Missouri**

For those not familiar with the child protection system in Missouri, an explanation of a certain unique characteristic is necessary. In Missouri the responsibilities associated with removal of children in child abuse and neglect reports are divided between agencies. DFS county workers respond to reports of child abuse and neglect received via the 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. A law enforcement representative, a physician, or a juvenile officer must carry out physical removal. 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.

In the City of St. Louis, DJOs traditionally continued to work directly with families alongside DFS workers, making appearances at hearings held in family court as long as children were in active cases. As the JCIP continued into the third year, the role of DJO's changed. DJOs began to play an active part in cases only during the initial phases and through the disposition hearing, typically within 90 days of the date of the protective custody hearing. After this and for subsequent court hearings, DFS workers have responsibility for cases and for attending court hearings. However, while DJOs were not present at later hearings, their representative, the full time attorney for the Juvenile Officer, was present at every hearing.

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

One of the core requirements for the JCIP pilot sites was participation of the local DFS office 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. 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. One of the objects of the FCOH is to provide service delivery to the family and child in a timely fashion.

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 DFS case manager 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 permanency 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. FCOH was in place before the start of the JCIP in the City of St. Louis.

## The Goals of the Evaluation

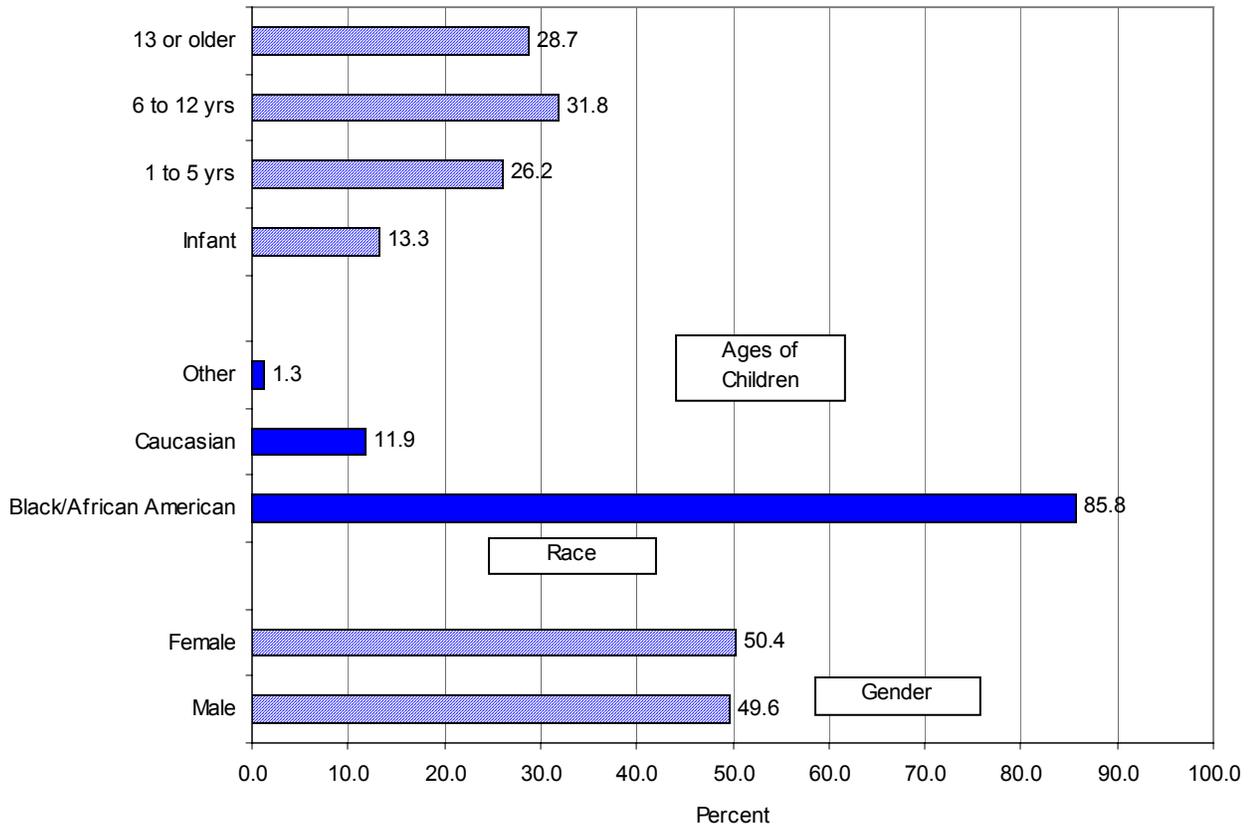
The Institute of Applied Research (IAR) was chosen to assist with the evaluation of the pilot project. IAR suggested a research design and specified research questions in the following areas:

- 1. Improved timeframes for juvenile court hearings.** The court agreed to work to hold hearings for children within definite spans of time. The evaluation is approaching this issue in two ways: 1) Were the hearings actually held? 2) Were they held within the agreed-upon timeframes? These questions were answered by calculating the percentage of hearings accomplished within specific time limits as well as average time spans. In addition, supplemental information was utilized to understand successes and failures in reaching these timeframe goals. In the third year of the evaluation, cases were sampled and case reviews were conducted to determine timeframes for permanency planning.
- 2. Specific issues to be addressed during court hearings.** In some instances, these issues are common to all hearings. In others, they are specific to particular types of hearings. The content of hearings was addressed through an observational study.
- 3. Other issues surrounding the court improvement process.** Certain other issues concerning the efficiency and effectiveness of the pilot project were addressed, based on information collected through interviews and observations. In addition, in the third year of the evaluation, a special effort was made to compare the effects and outcomes for children represented through the CASA system compared to the contracted GAL system. There was also an increased focus on the participation of Child Support Enforcement (CSE) workers in the court process.
- 4. Outcomes for children in the Missouri Division of Family Services (DFS) Alternative Care program.** The state data system maintained by DFS permitted identification of children who were involved in the juvenile court for a three-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 the pilot period. Data on the court process were collected from the Family Court MIS. This information was combined with information selected from the DFS system with the goal of examining and comparing outcomes for baseline and pilot children.

## Characteristic Pilot Project Cases

During the period from February 2000 through December 2002, 1,255 cases entered the JCIP in the City of St. Louis. Within these cases, 1,200 actual children were represented. The additional 55 cases were re-entries to court from among the 1,200 JCIP children. This number excludes pre-pilot children that were also brought into the pilot project during this period, as described in the next chapter.

Children were about evenly split between male and female (Figure 1.2). They were predominantly African-American. A high proportion of the children (13.3 percent) were infants. Many of these were high-risk infants (usually drug or alcohol exposed at birth) identified by hospital personnel at the time of birth. The average child seen by the court was 7.6 years of age; 39.5 percent of all children considered by the court were less than six years old at the time they entered the JCIP.



**Figure 1.2. Characteristics of JCIP Children**

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

This chapter concerns pilot cases that entered Courtroom One of the Family Court during the entire three years of the project. The analyses concern the efforts of the Court in meeting pilot requirements for times between court hearings as well as hearing content. In the analyses of timeframes, “cases” refer to individual children rather than entire families.

### Frequency and Timeframes

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

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

The JCIP began on February 1, 2000. During the 35-month period through the end of December 2002, a total of 1,255 children entered the court as pilot cases. In addition, the court also applied JCIP guidelines to cases that entered the court during January 2000 and to all active cases that had begun before 2000. These are considered in a separate section of this chapter.

The primary data source for hearing timeframes was the Family Court data system coupled with the listing of children maintained by the Judge responsible for the court improvement project. Because certain information on permanency planning hearings was not available through the data system, case file reviews of a sample of JCIP cases were

used to supplement electronic data. Finally, data from the Missouri Division of Family Services (DFS) client information system was utilized.<sup>2</sup>

### **Protective Custody Hearings**

Protective custody hearings (PCH) in child abuse and neglect cases are held in order to determine whether the child should remain in care pending his or her court hearing. 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 in most Missouri courts. 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 court improvement pilot, parents (and legal counsel) are being offered the opportunity in all cases to attend a hearing with a judge, an attorney for the JO, 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 (FST)—a DFS worker, the parents and relatives, a deputy juvenile officer, and other individuals involved with the family—is required within 72 hours of protective custody, where the purpose and possible consequences of protective custody are explained to parents. (As noted in Chapter 3, the current practice in the City of St. Louis is to hold such meetings immediately *after* the protective custody hearing.)

Dates of protective custody hearings were obtained from two sources: the family court data system and the DFS Family-Centered Services data table.<sup>3</sup>

The goal of the Court Improvement Project is to hold protective custody hearings within three working days of custody and in all cases:

*The three-day to PCH requirement:* 96.3 percent of cases had a hearing within a period of four working days (that is, excluding weekends and holidays). Counting the court filing date as the first day, the hearing was held on one of the three days following. If one day is added to this range the percentage increases to 98.6 percent. The mean number of days to PCH was 1.91 (excluding the day of filing). The median was 1 day. The large majority (87.4 percent) of children and parents had protective custody hearings on the first or second court day after the filing date.

### **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 clear and convincing 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 and the parent. 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 (or case plan), that would rectify the situation that brought the child into court jurisdiction and would 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. In a survey conducted before the JCIP, adjudications were held *on average* 90 days after the PCH and disposition hearings were held on an average of 121 days after the PCH in Missouri courts surveyed.<sup>4</sup> For pre-pilot cases in St. Louis City with filing dates before 2000 that were treated under the Court Improvement standards (see section below), the average days from case filing to adjudication was 107 days or about three and one-half months.<sup>5</sup>

Dates for adjudication and disposition were taken from the Judge's listings and were verified through use of the Family Court data system. Adjudication hearings were held in 1,066 cases and disposition hearings in 1,062 cases.<sup>6</sup>

**Adjudication and Disposition Hearing Held on Same Day.** 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>7</sup> This was the practice in 94.7 percent of pilot cases in the present study.

|  |
|--|
| <p><i>Time requirements for adjudication and disposition hearings:</i> 86.8 percent of adjudication hearings were held within 60 days of the protective custody hearing and 96.4 percent of combined or separate disposition hearings were held within 90 days. The average (mean) number of days was 38.1 days to adjudication and 39.7 days to disposition hearings.</p> |
|--|

## **Timeframes to Review Hearings**

Under the JCIP, a disposition review hearing was to be held within 90 calendar days of the date of disposition. Subsequently, review hearings were to be held every 90

days. We know from the earlier JCIP pilots that, while such a timeframe was feasible in many cases, it proved very difficult to achieve for all or even for the majority of cases.

The following table shows relevant statistics for the first five review hearings. Like the other JCIP courts, the 90-day target appeared to be more realistic as an average for all hearings than as an upper limit. The averages were near this value. The large majority of cases came up for review hearings within 120 days. Four months from disposition to review and between reviews appears to be a realistic target in most cases. This corresponds with findings of other JCIP evaluations.

**Table 2.1. Times between Disposition Review Hearings**

| <i>Review Hearing</i> | <i>Number of Cases</i> | <i>Percent hearings held in:</i> |                 |                 | <i>Mean days</i> |
|-----------------------|------------------------|----------------------------------|-----------------|-----------------|------------------|
|                       |                        | <i>90 days</i>                   | <i>100 days</i> | <i>120 days</i> |                  |
| First                 | 859                    | 41.3                             | 69.0            | 95.5            | 87.5             |
| Second                | 807                    | 32.0                             | 61.1            | 93.8            | 94.9             |
| Third                 | 686                    | 20.0                             | 51.7            | 88.9            | 101.3            |
| Fourth                | 553                    | 15.1                             | 45.6            | 88.4            | 103.3            |
| Fifth                 | 403                    | 14.1                             | 40.4            | 81.4            | 105.5            |

### **Termination of Parental Rights (TPR)**

Reunification is the goal for most children and families at the initiation of the family court process. Termination of parental rights usually reflects a change of goals after the court and DFS have attempted to work with families. Either it becomes apparent that the parent will not or cannot comply with the plan of the court and involuntary TPR is pursued or parents voluntarily give up their rights. Parental rights were terminated through a final order of the court for 268 children served through the pilot project by the time of the present data (obtained in April 2003).

Because of the length of time involved, the percentage of pilot cases that ended in TPR is low at this time. For example 77 of the 89 children for whom TPR was ordered entered the pilot during the period from February through December 2000.

*Final TPR orders* were issued for 268 children or 30.8 percent of children in the JCIP who had received a final order. Initial TPR conferences as required by statute had been held for another 60 children. The average number of days from the date the child was removed to the first TPR conference was 370 days and 401 days on average to the TPR trial date.

### **Adoption and Guardianship**

Final orders for adoption had occurred for 142 cases. Adoption hearings had been held in another 2 cases. The time necessary for adoptions to develop is even longer than for TPRs because a TPR is a necessary preliminary step in the adoption process in child

abuse and neglect cases. In addition, prospective adoptive parents must be found and screened.

Finalized adoptions had been achieved for 142 children or 16.3 percent of children for whom final orders had been issued. Nearly all these children entered the JCIP during the first (89) or the second (51) year of the project.

Final orders for guardianship had been issued for 121 children. Guardianship hearings had been held in another 8 cases.

Finalized guardianships had been achieved for 121 JCIP children or 13.9 percent of cases with a final order. Like adoptions, most of these children had entered during 2000 (69) or 2001 (46).

### **Reunification with Parents**

The largest category of final outcomes for children was reunification with parents. Of the children with final orders 403 had returned to live with their parents.

Final reunification with parents had been achieved for 403 children. These amounted to 46.3 percent of children with a final order. A little less than half (196) entered the JCIP during 2000 and a slightly smaller number (159) during 2001. The remainder (48) of reunifications had come into the court during 2002.

### **The One-Year Goal to Permanency Planning Hearing**

Permanency planning hearings are not recorded as such in the Family Court data system. Such hearings are usually coded simply as “foster care reviews.” For this reason, a random sample of 120 case files was selected for review.<sup>8</sup> The goal of JCIP was that a hearing be held in which a permanency decision regarding the child was made.

A distinction must be made between permanency planning decisions and permanency outcomes. The former refers to a decision to pursue a particular course of action such as reunification, guardianship, adoption or independent living. The latter refers to a final court order establishing permanency for the child that relieves DFS of legal responsibility for the child. In the majority of case files (58.3 percent), a hearing was found that was called a permanency planning hearing. In these cases, review hearings had been held prior to the permanency hearing. In most of the remaining cases, a final permanency outcome was determined during another type of hearing—usually a review hearing but also in a small number of cases an adjudication-disposition or protective custody hearing.

Permanency plans were found for adoption in 19.2 percent of cases and for guardianship in 14.2 percent. Usually these hearings were followed by subsequent

hearings in which adoption or guardianship was ordered by the court. When the decision was reunification with the parent (21.7 percent) or transfer of custody to the father (7.5 percent), the court order usually occurred at the same time as the decision. Orders to dismiss (and/or relieve DFS of legal custody) occurred in 34.2 percent. Transfer of the case to another jurisdiction occurred in 2.5 percent (3 cases).

Case files were reviewed and coded by the evaluators. Sample cases selected for this analysis (see endnotes 8 and 23) had all ended during the first year (2000) and the early months of the second year of the project (2001). The case files reflect that status of the project during that period. Identifying which hearing in these files was the permanency planning hearing proved to be difficult for evaluators. It required an interpretation of the content of each hearing, and evaluators may have misinterpreted court processes. A permanency decision was identified (or final orders had been issued) in 79 of 120 cases within 12 months of the data of protective custody. This percentage is  $65.8 \pm 9.2$  percent (i.e., within the range of approximately 57 to 75 percent).<sup>9</sup> By the 18-month mark evaluators believed they had identified either a permanency decision or a permanency outcome for 90.8 percent of the sample cases and 95.8 percent by 24 months. Court personnel expressed surprise at this finding. Indeed, every individual interviewed throughout the course of this study had noted that permanency-planning hearings were held within the 12-month timeframe in nearly all cases. In addition, case observations showed that such hearings were occurring within the proper timeframe. A likely explanation for this discrepancy is that evaluators misinterpreted the content of some hearings.

Evaluators were able to identify a hearing in which a permanency decision was made (or final order had been issued) within 12 months in 65.8 percent of cases ( $\pm 9.2$  percent) and in 90.8 percent after 18 months. This finding was at odds with reports of all individuals interviewed throughout the course of this study, who indicated the permanency planning hearings were held within 12 months in virtually all cases. In addition, case observations showed that such hearings were occurring within 12 months. It may have been the result of misinterpretations of court activities by evaluators using only materials retained in case files.

### **Final Court Orders of Pre-Pilot Cases**

Many other children were also brought under the rules of the JCIP pilot in St. Louis City during the first two years. These were children in cases that had entered the Family Court system prior to the beginning of the pilot project in February 2000. The JCIP criteria were applied to these children as well. The majority had filing dates during 1998 and 1999, although a minority were earlier cases going back several years. A total of 406 children in pre-pilot cases were identified. Among these, 338 (83.3 percent) had final orders issued by the court during the period from 1/4/2000 through 2/20/2002.

Among the total with final orders:

- In 216 cases parental rights had been terminated (TPR). Of these, 121 had adoption orders and 2 had guardianship orders.
- There were guardianship orders for a total of 70 children.
- In 40 cases children were reunited with their parents.
- Otherwise, 9 cases were dismissed, 1 was transferred and 3 children were emancipated.

Counting from the starting of the project (02/01/2000), final orders were issued in an average of 492 days after January 1, 2000. Actual values ranged from 3 to 781 days. However, counting backwards from February 1, 2000 to the original date of filing with the court, 509 days (c. 16.4 months) had elapsed for the average child in this group. In many cases this reflected the older practice of delayed dispositions, infrequent reviews, and delayed permanency planning for children. That over 8 of every 10 of these cases were considered and dealt with under the JCIP illustrates the possibilities of the new approach embodied in the project.

## **Required Content of Court Hearings**

A total of 136 court hearings were observed in Courtroom One of the Family Court. These hearing were only a small fraction of the total number of hearings held during the first three years of the pilot project. In addition to the new pilot cases referred to the court, many other cases that had begun before January 2000 were carried over and were active in Courtroom One. Although these are not considered pilot cases in the formal sense, they have been treated in the same fashion as pilot cases, regarding timeframes and content of hearings.

Systematic sampling of hearings was not possible. Rather, days were selected when a large number of hearings would be held. The types of hearings observed, therefore, could not be controlled. The following list shows the kinds of hearings encountered and observed using this method.

| <b>Type of Family Court Hearing</b> | <b>Number Observed</b> |
|-------------------------------------|------------------------|
| Protective Custody                  | 17                     |
| Review                              | 74                     |
| TPR Hearing                         | 2                      |
| Permanency Planning                 | 22                     |
| Post TPR                            | 1                      |
| Post-Permanency Planning            | 19                     |
| Petition for Adoption               | 1                      |

Project personnel knew in advance that evaluators would be observing hearings. Evaluators asked about the elements of hearings during interviews as a means of

verifying whether the content of hearings actually observed was representative of all hearings held during the pilot period. Interviewee responses corresponded closely to observations.

Observations were concerned with the following list of elements. The types of hearings in which these requirements are to occur are listed in parentheses.

- 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).

As is indicated in Chapter 3, hearings occurred at a brisk pace, although neither the evaluators who observed the hearings nor participants who were later interviewed felt that the hearings were rushed. While the judge was definitely in control of the process in this courtroom, parents and others participated in the process by responding to questions, interjecting explanations, and in some cases giving testimony.

**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, a GAL is also appointed for parents who are believed to be incompetent or for parents who are themselves minors. Under the rules of the JCIP, a GAL was to be assigned at or before all protective custody hearings.

Two different approaches were taken to appointing GALs. There were two contracted attorneys that act as GALs in the majority of cases. Otherwise, the court appointed a CASA (Court Appointed Special Advocate) to act as the GAL for the child. CASAs are volunteers from the community who operate legally as GALs under the supervision of one of the attorneys attached to the CASA program. The more severe cases were generally assigned to the CASA program (because CASAs are able to approach cases in a more intensive fashion). CASAs were reportedly assigned to one-third to one-half of the new cases referred to the court.

A GAL or CASA had been appointed by the time of each of the 17 observed protective custody hearings—in 8 cases these were GAL attorneys and in 9 cases a CASA was assigned. GALs or CASAs were present representing children in all observed hearings.

**Other Participants in Hearings.** Timeframes and participation varied by type of hearing. On average, the earlier the stage of the case (for example a protective custody hearing compared to a post-permanency planning hearing) the more likely parents and children were to attend. Most hearings (130) had representation from the child's current DFS caseworker (or in some protective custody hearings the investigator and the initial foster care worker). The remaining cases had previous caseworkers or supervisors present. Since DFS was involved in some way with all the cases in the JCIP, hearings generally do not proceed unless DFS representatives are present. One observed hearing was delayed while the court waited for a DFS worker who had failed to appear.

During the observations of the first year, DJOs were present at all hearings, but during later observations (which all occurred during the third year) no DJOs were present at hearings subsequent to disposition, reflecting the change in policy regarding DJO attendance at court hearings described in the first chapter. However, as noted, their representative, the attorney for the JO was present at all hearings.

Seventeen protective custody hearings were observed. These hearings ranged from 11 to 45 minutes in length, with an average time of 21 minutes. Most of the observed hearings concerned a single child; in two hearings during the second year, two children from the same family appeared together. Seven children attended the protective custody hearing. Mothers attended 11 of the 17 hearings and legal fathers attended 4. As we have indicated, this was not necessarily a representative sample and court representatives indicated that efforts were made to provide notification to all parents.

Seventy-four review hearings were observed. The length of these hearings averaged about 12 minutes, with a range of 3 to 30 minutes. The number of children per case ranged from 1 to 7. Children attended 46 hearings, mothers were present at 49 of these hearings, and fathers were present in 24. Putative fathers were present at 4 hearings. Foster parents attended 16 hearings and placement or service providers were present at 24.

The attendance at permanency planning and post permanency planning hearings differed greatly from the protective custody and review hearings. Twenty-two permanency planning hearings were observed, and these hearings ranged from 5 to 13 minutes, with an average time of about 11 minutes. Permanency planning hearings were most often about one child, but 6 hearings concerned two or more children in the same family. No placement or service providers attended these hearings, either. Of the nineteen post-permanency planning hearings observed, five children attended. Placement or service providers were present at seven post-permanency planning hearings. These hearings lasted an average of about 12 minutes. The hearings ranged from 3 – 23 minutes. TPR and post-TPR hearings were even more sparsely attended: DFS was always represented along with the attorney for the JO and in one case a relative who was a potential guardian.

**Preliminaries.** The judge identified the parties present in the courtroom (requirement b) in virtually all observed cases (130 of 136). When parties were not present the judge did seek to determine whether they had been served (c). All parties were present in 69 of the hearings observed, and in the remainder the judge usually inquired concerning whether parties that were not present had been served and the circumstances surrounding the failure to appear. In most instances, the party or parties not appearing were fathers. In a smaller number, neither parent appeared. The judge only rarely explained the purpose of protective custody hearings (e), reviews, or post-permanency planning hearings. Those interviewed generally confirmed that this was the practice, and that the judge expected that others associated with the family (DFS, DJO, CASA/GAL, and the attorney for the parents) would do this prior to the hearing. The judge always explained the purpose at permanency planning hearings. The judge always advised the parents about counsel at all the observed protective custody hearings and, if needed, appointed counsel (e).

**Consideration of Placements and Visitations.** Consideration of the circumstances of placement was a topic at all review hearings in which this topic was appropriate (g). This is not surprising in that review hearings after a child has been

placed are held to focus on the status of the child. So far as the researchers could determine, this was consistently done except in cases in which children had been returned to the physical custody of their parents. Upcoming changes in placement were considered, such as planned reunifications, preparation for placement with the other parent, preparation for termination of parental rights and moving toward adoption, preparation for guardianship by a relative, and advisability of moving the child from residential treatment to a less restrictive setting. The appropriateness of the placement was considered at some review hearings. Explicit discussions occurred regarding additional services or changes in services needed to maintain the placement or to maintain the child at home (k) occurred, usually at review hearings.

Elements of the DFS case plan were discussed at 60 of the 74 review hearings (i, j). Conversation often concerned compliance of parents, delays in obtaining ordered tests and services, and the need for changes in the plan. In the remaining 14 cases, no considerations of case plans was necessary, as the child was returning home, being adopted or the case was being terminated shortly in another way.

The judge engaged the children in conversation at many review hearings, particularly adolescent children. The judge sought the opinion of adolescent children about returning home or being placed with relatives. In other cases, this was a general question at the end of the hearing from the judge to the child concerning well-being and whether he or she had anything to say to the judge. Several times younger children were permitted to go up to the judge's bench after the hearing, where the judge talked to them and let them select a piece of candy from a supply he kept.

Visitations by parents and siblings (m) were salient issues during most of the observed hearings. In several cases, 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 considered (usually at the request of the CASA or GAL) in all instances in which the child had siblings living elsewhere. Evaluators determined that visitation issues were not applicable to 32 of the 74 review cases, in which actions were impending that made parental visitations moot. These included plans to terminate parental rights, to return children to their natural homes, to place children with the other parent, to move to adoption proceedings, and cases in which children objected to visitations.

Child support was considered at 13 of the 17 protective custody hearings that were observed. A Child Support Enforcement (CSE) worker always attended these hearings (see Chapter 4). However, no parents were present in the other 4 PC hearings. The judge always asked the CSE worker about paternity in cases in which paternity was unknown or disputed, and in all observed cases, when asked, the CSE worker had researched the CSE database prior to the hearing and was able to provide an answer to the judge.

**Concluding Steps in Hearings.** The next court date was explicitly set in *every* hearing observed (o), except those that represented the end of the case. The practice of the judge appeared to be to set the earliest possible date and to ask each participant in the

hearing whether he or she could comply. The Family Court Support Worker sat in the courtroom during the hearing and generated orders for families. These were available for families after the hearing. Orders at disposition hearings were limited to dates and times for the next hearing and orders for services or other activities associated with the case plan were mailed to the family. At subsequent hearings full orders were provided.

Closing remarks (q) were made in all observed hearings. 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 most hearings.

### 3. Responses of Court and DFS Personnel

Structured interviews were conducted throughout the project with court personnel and with DFS workers and supervisors.<sup>10</sup> In addition, a questionnaire was distributed to the same group (Appendix A), increasing the total number of respondents.<sup>11</sup> In this chapter, responses to interviews and surveys are integrated.

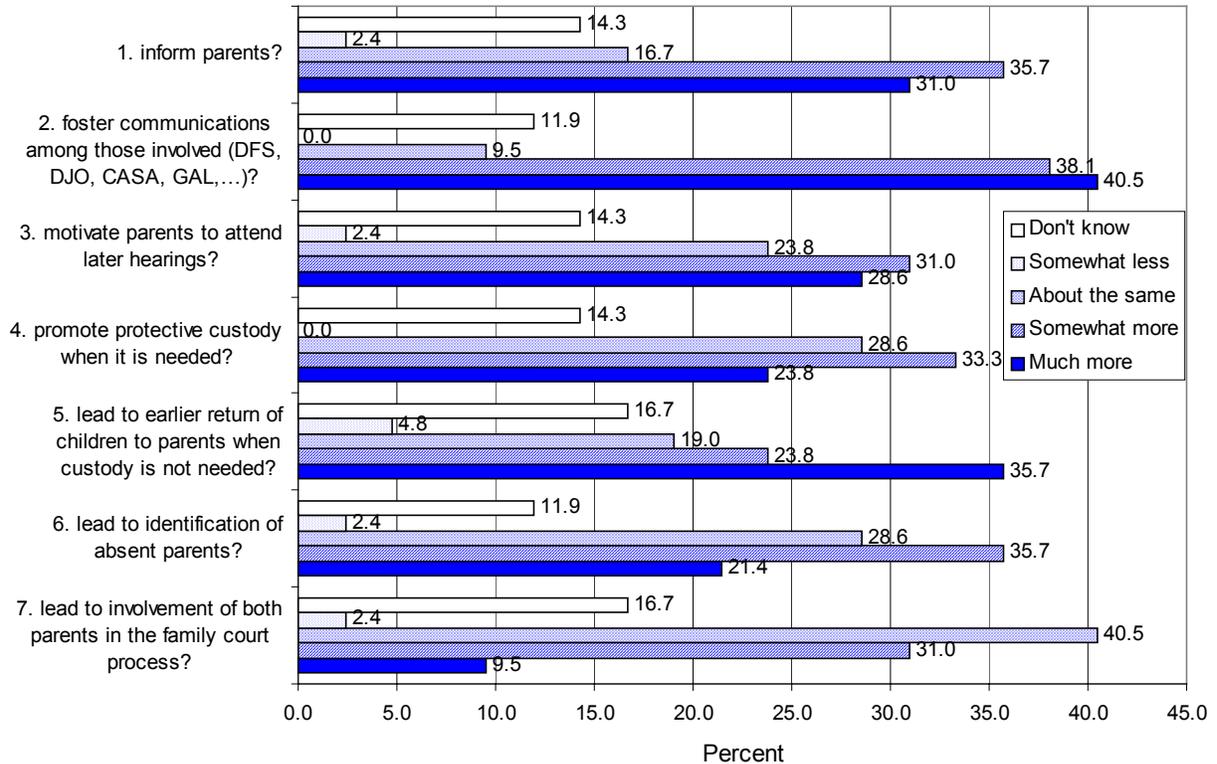
#### Protective Custody Hearings (PCH)

When asked at the conclusion of the evaluation, the judge said that consistently holding protective custody hearings was the most important single element of the court improvement project. It gives the parents access to the court from the beginning of cases immediately after children have been removed. He viewed it as a “meeting” as much as a formal hearing in which parents could ask questions and become informed.

Others echoed this sentiment. The most frequent benefit cited was that the PCH affords everyone involved an opportunity to meet the parents and for the parents to become informed about the process. These comments must be seen in the context of the initial FST meetings that followed the PCH in which the outcomes of the hearing could be discussed and clarified. The parents learn that removal and placement is a legal process, not the whim of DFS, that a review of matters that led to the removal of their children is underway, and that they have a voice in the proceedings. Most importantly from the parents’ standpoint, they learn about the strict 12-month timeframe for permanency decisions. On the other side, the individuals who will be dealing with the family on an ongoing basis are present and have the opportunity to learn the strengths, deficiencies, and needs of the parents and children in cases.

DFS personnel spoke of certain difficulties they experienced with the process. DFS workers are generally responsible for contacting parents and they were sometimes unable to do this within 72 hours, although the court sends a letter to each parent. One worker said: *“[Sometimes you] cannot locate parents and there is not enough time to notify them when and where the hearing will be held.”* Notifying absent fathers within 72 hours concerning the PCH was sometimes a problem. Often, of course, the identities of such individuals are not known until the mother or Child Support Enforcement (CSE) representative advises the court at the hearing, but even when they have been identified, fathers may not have telephones or stable addresses. Fathers do not appear in many instances because they are separated from the mother and children and in some cases have no interest in or commitment to the family. Mothers sometimes fail to appear when drugs are implicated, particularly in cases of drug-exposed infants. Another problem mentioned was that the strict timeframe required workers to drop other work to attend hearings, and this affected their work schedules. *“You end up spending the whole day at court if you have two or three cases that have popped up...”* and *“Worker’s schedules are [disrupted and this] has a domino effect of changing schedules for the entire week.”*

Nearly all (95.5 percent) of the questionnaire respondents had had experience with PCHs. They were asked to rate the PCH hearings under the JCIP to past practices or practices in other courtrooms for a series of issues. Their responses are illustrated in Figure 3.1.



**Figure 3.1. In general, compared to past practices or practices in other courtrooms, does having protective custody hearings in all CIP case...**

Focusing on the two top categories (“much more” and “somewhat more”), the biggest differences compared to other practices were reported in the areas of informing parents (66.7 percent) and fostering communications among those involved in the case (78.6 percent). Over half saw improvements in motivating parents to attend later hearings (59.6 percent), promoting protective custody (57.1 percent), leading to an earlier return of children to parents when custody is not needed (59.3 percent), and leading to identification of absent parents (57.1 percent). Only a minority felt that PCHs promoted the involvement of both parents in the family court process, however. The majority of respondents felt that holding protective custody hearings in all cases improved the process in the areas considered.

### Family Support Team (FST) Meetings

A key element of the DFS Family-Centered Out-of-Home Care Program is the initial family support team meeting. Ideally this meeting would be held prior to the

protective custody hearing to prepare the parents. In St. Louis City, initial FST meetings were held in most cases immediately after the protective custody hearing. The meeting brings the parents together for the first time with many of the same people that were present at the PCH, but in a less formal setting.

The FST is intended to focus on identifying family strengths as well as problems, setting goals for the family, and beginning the process of putting needed services in place and developing a case plan. The initial FST meeting is also an occasion to explain to the parents the hearings process, expectations that are being placed upon them for accepting services and dealing with family problems, and the timeframe they have for meeting those expectations. A key element of this process as it was designed was respecting parent's wishes. Later meetings are designed to check on progress, adjust the goals and services as necessary, and encourage the parents.

Initial FST meetings typically were less than one-half hour in duration because of the press of other cases. Most felt that even with these limitations FST meetings were valuable, and while scheduling them at other times might make longer meetings possible, it would also decrease attendance by parents.

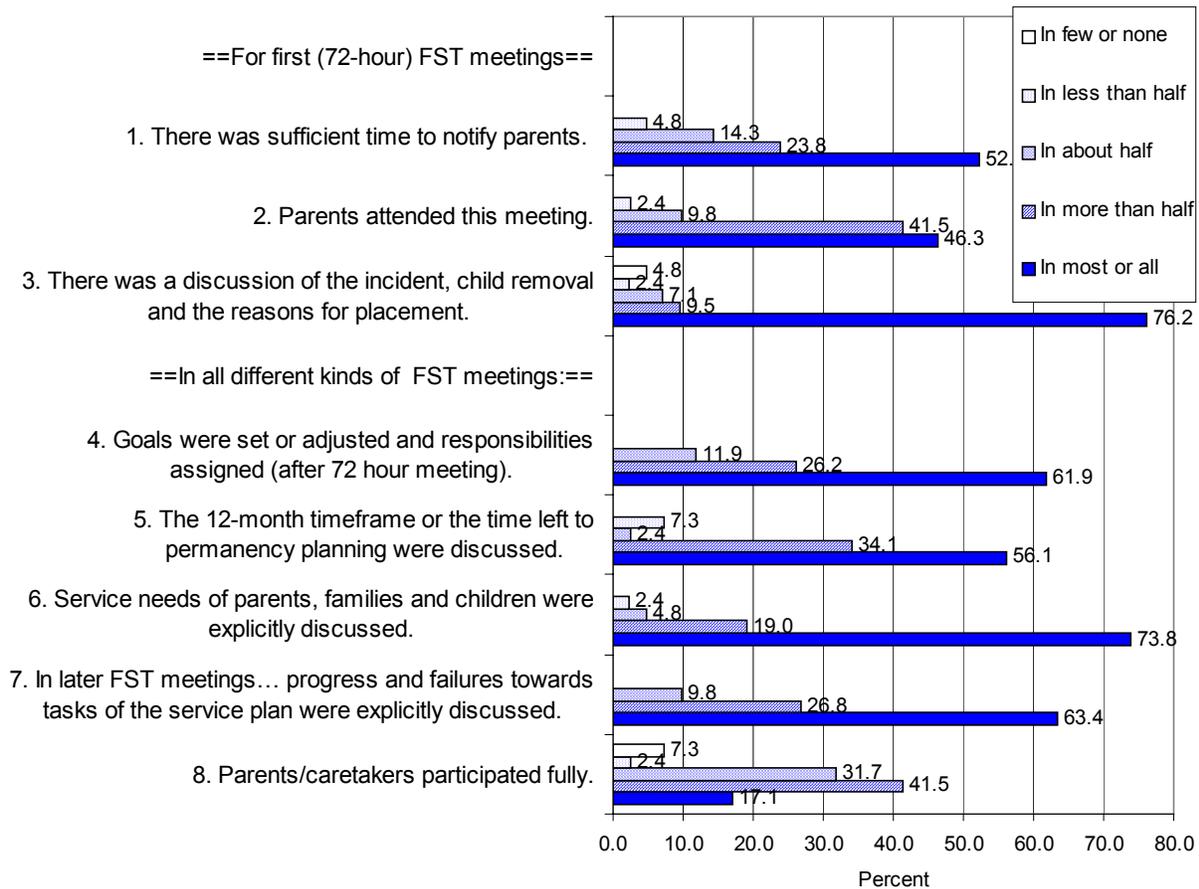
There were other problems associated with FST meetings surrounding protective custody hearings. Meeting rooms are at a premium and often several meetings go on at the same time. Respondents spoke of having no room available for meetings, although how often this problem occurred was unknown. Initial FST meetings were being held only when parents came to the PCH. The persons attending the meeting varied. DFS workers indicated that they attended all meetings on their cases. DJO's said that they always attended the initial meeting but not all later meetings. Court appointed special advocates (CASA) always attended meetings on their cases, but only about one-third to one-half of the cases have a CASA acting as guardians ad litem (GAL). Attorney GALs were assigned to the remainder of the cases, and all respondents indicated that the GALs did not attend FST meetings. Other participants included anyone who came to court with the parents.

While respondents felt that initial FST meetings were being held when parents were present at the PCH, most indicated that such meetings later in the case were less frequent. A few workers said they always had FST meetings prior to the review hearings, but a more common response was that the 90-day schedule for review hearings did not necessarily coincide with that for family support team meetings under the normal schedule set by DFS. Some respondents who had more of an overview of the entire process felt that meetings were seldom held prior to review hearings.

The large majority (92.9 percent) of questionnaire respondents indicated that they had attended FST meetings. They were also asked how often they attended meetings when they were held. The large majority said that they attended all or more than 80 percent of all types, including the initial (72-hour) FST meeting, the first 30-day meeting, subsequent meetings during the first year and a meeting held immediately before the 12-

month permanency planning meeting. However, most respondents were either CASA representatives or DFS workers.

They were then asked to rate FST meetings concerning the extent to which certain events that are supposed to be part of the meetings are actually held. Their responses are shown in Figure 3.2.



**Figure 3.2. Respondents' Ratings of Family Support Team Meetings They Attended**

Respondents were first asked about the initial FST meeting. Over three-quarters (76.2 percent) indicated that discussion of the incident, child removal, and reasons for placement occurred in most or all of the meetings and an additional small proportion (9.5 percent) said that these discussions occurred in more than half of the meetings. However, the remainder indicated that this was true of only half or less of the meetings in their experience.

In the experience of these respondents, parents were usually in attendance at the FST meetings. Only about half the respondents (52.4 percent) said that there was sufficient time to notify parents for most or all the meetings they attended.

Concerning all FST meetings, five questions were asked. The responses indicated that the three topics most consistently discussed were service needs, progress toward tasks of the service plan, goals and responsibilities. The 12-month timeframe or time left to permanency planning was also reported to be discussed, although somewhat less frequently overall. A process question—whether parents/caretakers participated fully—yielded less positive results. Over 4 in 10 (41.4 percent) of those responding indicated that parents participated fully in less than half the meetings they attended.

The latter finding corresponds with a finding of first-year interviews. A number of respondents indicated that parents often did not understand what was meant by a case plan and had no sense of what services or other resources were available. Consequently, the plan was usually made up of suggestions of workers and others in the meeting on which parents did or did not sign off. Some respondents also cited parent's inability to comprehend everything that goes on during the early phases of the court process and poor parental attitudes (see section below on parental preparation).

Questionnaire respondents were also asked whether there were certain types of cases in which FST meetings usually are not helpful. Most wrote responses to this question. About 1 in 10 (11.9 percent) said such meetings were *always* helpful. The largest category (21.4 percent) said they were not helpful when parents refused to attend or did not participate. Other responses were that meetings were not helpful when parental rights had already been terminated or when children were up for adoption. Two individuals said they thought they were not helpful when the children remained in the custody of parents during the court case.

## **Adjudication, Disposition and Review Hearings**

The project required adjudication hearings to be held within 30 to 60 days following the protective custody hearing and disposition hearings within 90 days. The practice in the Family Court in St. Louis City is to combine adjudication and disposition hearings.

The judge was meticulous about scheduling times for the next hearing and getting agreements from DFS, attorneys, GAL or CASA, regarding dates and times (also confirmed in observations of hearings). He also regularly asked about necessary timeframes for services, particular psychological testing. The regular practice established in the court according to respondents was to set a date for adjudication-disposition hearing at the PCH and to set a date, usually five days earlier, for DFS to have the case plan submitted. The DFS worker assigned to the case was routinely asked to assent to this date. Having a service plan prepared prior to the adjudication hearing and reviewed by the DJO, the GAL/CASA, and the parents' attorney(s) made it possible to proceed immediately to the disposition hearing. Parents were involved in planning during this period, usually through family support team meetings or through contacts with DFS workers. During dispositional review hearings observed by researchers the judge would review the major points of the plan and ask for input. Any suggested modifications,

deletions and additions to the plan were dealt with at that time. The practice of the judge was then to poll the participants individually—DFS, DJO, CASA/GAL, the parents' attorney(s), the parent themselves, and the attorney for the JO—to see if they agreed with the plan and with any changes to the plan. Respondents indicated this was standard practice and in this context it was felt that joined adjudication and disposition hearings were best.

Interview respondents indicated that the primary benefits of the short timeframes for disposition and review hearings were avoiding delays in determining the permanent status of the child, expediting services, reviewing progress and in service continuity. *“The case doesn’t sit stagnant; parties are more active in getting things done.” // “[The short timeframes facilitate] the continuity of the plan, of keeping on top of tasks and goals.” // “We stay on top of things.” // “...keeps kids from staying in care too long.”* Those who had experience with the previous system indicated that children sometimes were in out-of-home care for several months before service plans were implemented and that reviews were held infrequently. *“Lots can change in 90 days. It used to be a six-month review and we could not remove kids from residential [in the meantime].”*

Most questionnaire respondents (87.5 percent) felt that the timeframes for adjudication/disposition and review hearings were about right. However, we saw in Chapter 2 that the 90-day target was achieved only for about half the cases and appeared to be more realistic as an average rather than an upper limit. On the other hand, 120 days appeared to be a realistic upper limit for review hearings in the large majority of cases in this courtroom.

The majority of individuals interviewed did not feel that the time requirements created major difficulties. A minority of respondents, however, referred to issues associated with producing service plans and revisions to plans on short notice. Some mentioned that timeframes were difficult to meet in certain cases in which the court had ordered tests and evaluations from other professionals. Researchers observed this problem at some review hearings. One worker said: *“Lots of info to gather; [sometimes you are] waiting on others for medical records, psychological evaluations, etc. before court.”*

These responses were reconfirmed in the questionnaire survey. Over two-thirds (64.7 percent) of respondents indicated that obtaining diagnoses and test results was a problem within these timeframes. A minority of respondents indicated other problem areas including: preparation for hearings (7.1 percent), getting paperwork done (16.7 percent), and visiting and working with families (14.3 percent).

When asked whether there were other benefits of the time frames for disposition and review hearings, 32 of the 42 questionnaire respondents felt there were such benefits. The largest category of comments (46.9 percent) centered on the pace and focus of the process: *“It keeps you working on the case with all parties.” // “It forces all to stay focused and informed.” // “It spurs the workers not to put off work that needs to be done.” // “Things get done in a timely manner instead of being put on the back burner.”*

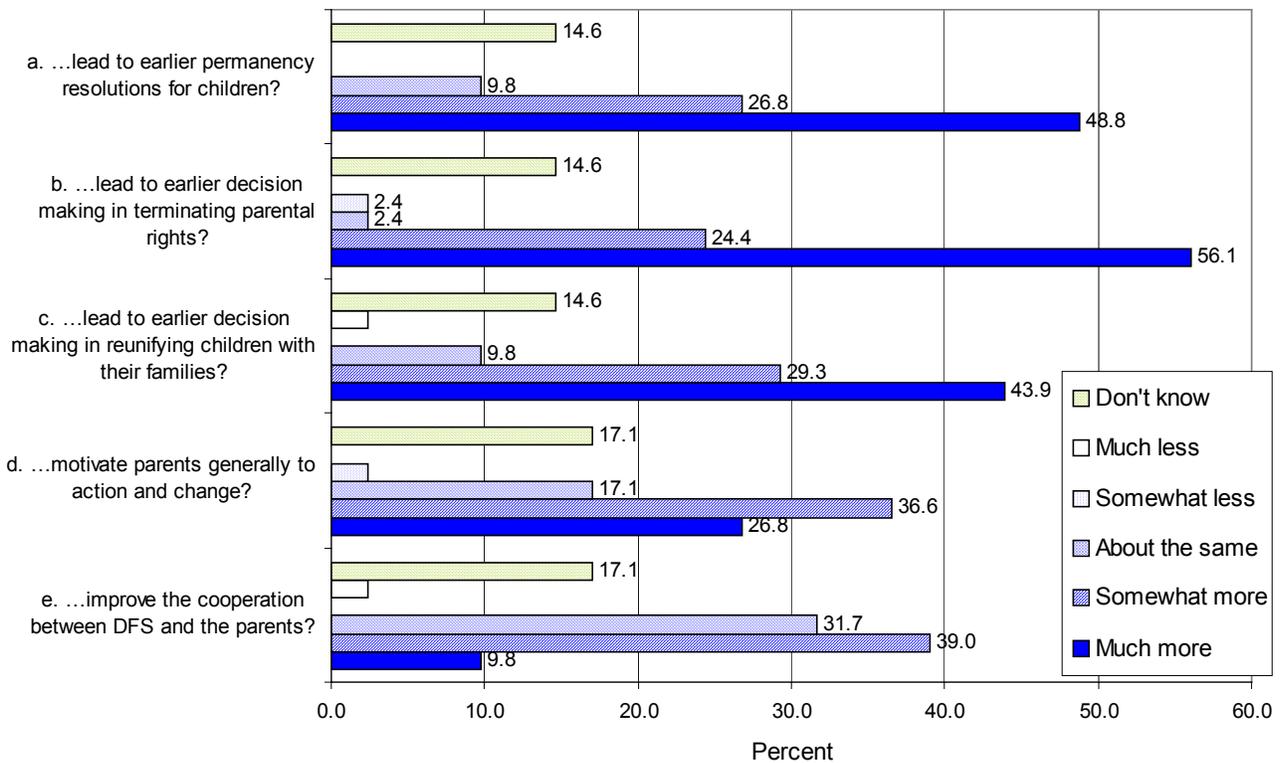
// *“Shorter timeframes require more intensive involvement right from the beginning.”* // *“Keeps everyone hopping; gives teenagers hope.”* Other kinds of benefits cited often included achieving permanency more quickly (19.0 percent) and motivating parents and promoting their active involvement (16.7 percent).

## **Permanency Planning Hearings**

Under the rules of the project, a permanency planning hearing (PPH) is to be held to determine a child’s permanent status after he or she has been in out-of-home care for a year. All interview respondents who had direct experience with children in care stated that the hearings were being held on schedule.

A number of interview respondents indicated that this goal under the court improvement process made it possible to determine much earlier what the outcome of cases was likely to be. Holding protective custody hearings in all cases rather than simply at the request of parents gave everyone involved with the family an opportunity to meet them, to talk to them and to make an assessment of their strengths and deficiencies. Failure to appear when notified about hearings and when there were no other hindrances to appearance also revealed much about the likelihood of reunification of parents and children. Holding subsequent hearings quickly and regularly permitted progress in cases to be assessed. Several individuals indicated that the process led to an early sense of the need to begin immediately working toward adoption in certain kinds of cases, such as drug-exposed infants, especially when the mother had given birth to one or more previous children under the same circumstances.

Questionnaire respondents were asked to rate the new process for PPHs compared to past practices or practices in other courtrooms. Their responses are illustrated in Figure 3.3. Looking at the categories “much more” and “somewhat more,” there was a general consensus (among those who felt they could make a judgment) that holding a PPH within 12 months leads to earlier permanency resolutions (75.6 percent), earlier decisions concerning TPR (80.5 percent), and earlier reunification of families (73.4 percent). Compared to responses about these kinds of decision-making processes, respondents expressed less agreement about the effect of PPH on parents. Larger proportions reported no difference in the motivation and cooperation of parents under the new system. These responses show again that unresponsiveness of parents represents a frustration for some who are involved in the system. Nonetheless, two thirds of respondents (63.6 percent) felt that the new timeframe for PPHs motivated parents to action and change, and a little less than half (48.8) believed it improved cooperation between parents and DFS. These differences were reflected in comments from first year interviews.



**Figure 3.3. In general, compared to past practices or practices in other courtrooms, does a permanency planning hearing within 12 months...**

**Preparation of Parents.** DFS workers and DJOs interviewed at the end of the first year of the project provided more specific information on some of these issues. They generally thought that parents understood the timeframes of hearings, especially the one-year deadline for permanency planning. They generally did not believe or were unsure that parents comprehended the process or what the court was requiring of them. The following comments regarding disposition and review hearings illustrate this. *“It’s hard for parents to process all that information; their kids are in care; they are dealing with that and with other issues.”* As we mentioned above, some DFS and DJO respondents also cited poor attitudes of parents as a reason for their lack of understanding. For example: *“What they know and what they say they know are different; they sometimes say I did not tell them something when I know that I did; they use this as an excuse not to work.”* The following comments reflect more direct statements of poor parental attitudes and lack of compliance: *“Some don’t have the mindset of wanting to visit their children, to do what they have to do to get kids back. [Some] parents get content with situation of having kids in foster care and they are fine with that.”* // *“We offer all our families the services to prepare them, but whether they utilize them is another story.”* // *“Not many parents do what they are supposed to do; the judge explains clearly, but one year later, they still do not understand because [they do not use] the resources [provided by] DJOs and DFS.”* // *“Additional services are given, but parents must utilize [them and this] shows their true colors by the review hearing...”*

Opinions of workers and DJOs about preparation for the permanency planning hearing were more varied. To some extent this reflects the varied interpretation of the word “preparation.” Answers in interviews ranged from “a minority” to a “majority” or “all” the parents. When respondents were referring to parents’ understanding of what was to happen at the end of year rather than their compliance or change, they indicated that most or all were adequately prepared. *“The majority, they know it’s coming.” // “All are prepared. There are few surprises when that time comes.” // “They have either been working with DFS and complying with court order, or not. Some wait until one month prior to start working on things and think the judge will give more time. [The judge] provides a reality check to parents and shows he means business.”* When they were referring to what the parents had done or their compliance with court orders and plans, the answers were different. *“[They are] not prepared; [they] still have not done anything and a year has been wasted...”* Again, therefore, there was general consensus among interviewees that parents comprehended the timeframes associated with the process, but some respondents also felt that many parents were unwilling or unable to become prepared (for reunification) within the one-year period. However, as also reflected in the questionnaire responses, it was felt that understandings of timeframes and consequences had effects. For example, one DJO commented: *“The majority [are prepared]; within 12 months, 75 percent of parents agree to guardianship [or another permanent outcome] rather than going the TPR route.”*

## **Docket Pressures**

Respondents were asked whether, given the shortened timeframe of hearings, there was enough time on the docket schedule to handle cases adequately. The general response of DFS representatives and DJOs was that the judge takes all the time needed in the courtroom to deal with cases. This was also the evaluators’ conclusion about court hearings that were observed—the pace was brisk but not rushed. On the other hand, there was the general feeling that the court as a whole was overbooked. A DFS representative commented: *“The judge takes as much time as needed; this is good if you're in court but bad if you're waiting. I've never felt rushed in courtroom [although I] may have waited two hours to get in. The judge never rushes to judgment, though, so that's good.”* A DJO commented: *“[You can] use all the time you want [in the hearing; there is] always give and take. Everyone has to wait [outside the courtroom, but] it's not a problem.”*

Respondents in administrative positions with an overview of large portions of the court system were asked to make a judgment about the size and pace of the caseload in a single court and under a single judge. Nearly all respondents felt that the caseload was extraordinary and could only be handled through extremely tight management of the court docket by the presiding judge. In addition, there was general agreement that the judge in the JCIP was exceptionally energetic and hard working.

Several expressed the idea that, in this sense, the project might not be representative of urban juvenile courts in Missouri. On the other hand, the judge, the clerk in Courtroom One (the JCIP courtroom) and the JCIP Coordinator also expressed the opinion that the caseload was handled through docket management as much as through

hard work. Some of the elements of the process may help the reader to understand the flow of cases under the project.

- 1) Currently a clerk and Family Court Support Worker operate in the courtroom. The Family Court Support Worker is responsible for finding and assembling all files prior to hearings—reportedly a difficult task, given the number of individuals with access to paper files in a court the size of the St. Louis City Family Court. All materials relevant to the case, including plans and revisions to plans for families that have been submitted by DFS workers, are assembled for the judge. During hearings, the Family Court Support Worker, who has extensive experience in legal secretarial work, prepares the court orders as the judge dictates them. After hearings have ended families are provided with orders for the next court date. The judge signs these as soon as they are prepared. A complete order is available for the family with the exception of adjudication/disposition hearings because of the child-specific attachments that go with that order. After the latter type of hearing, the family is provided with a date and time of the next hearing and the orders are mailed to the family.
- 2) The importance of a knowledgeable clerk was emphasized. If the judge has confidence that the orders and changes that he expresses verbally during the hearing are written accurately and are legally correct, then the time he or she has to spend reviewing court order can be greatly reduced.
- 3) The judge in the JCIP keeps his own handwritten log of hearing dates in JCIP cases consisting of a list of names and consecutive hearing dates after referral to court. The judge's secretary periodically types his handwritten dates and notes into the running log. This simple device enables the judge to find a case quickly and track the length of time that the child had been in the system. It also serves as a backup to the family court's MIS and, as such, assures that no case is pending without the next court hearing set within the project's required timeframes.
- 4) It was emphasized by several respondents, including those who regularly participate in hearings, that the judge seeks the earliest possible date for the next hearing. It was reported that he consistently asks whether the DFS worker can have a plan or study prepared and submitted by a date that he selects prior to hearing. He asks whether diagnoses, tests, or services can be initiated or accomplished by that date. The evaluators' observation during hearings was that the judge requires an explicit affirmation from individuals involved in the hearing concerning such activities within the suggested timeframe. When participants indicate that more time is needed, the judge asks them to explain why they need more time, that is, to provide a specific explanation relevant to the task at hand. It was suggested by some respondents that engaging individuals, including the family, in this way and requiring them to verbally commit was effective because all soon learned that the judge would hold them to their commitments at the next hearing.

## Other Needs of the Project

Many comments were written in on the general questionnaire given to court and DFS personnel. Some of these appear to be valuable, although they may require extra funding. Comments are listed here where two or more individuals mentioned related issues.

**The court improvement project should be expanded to all courts within the family court system.** *“Roll out CIP court-wide - effective in all 3 courtrooms.” // “Make it court-wide. I love what CIP has done for our children.” // “Very pleased and impressed with CIP and would like to see the other courtroom implement checklists like Courtroom 1.” // “Expand the CIP so that more children will be helped. We need more Judge Frawleys!” // “Expand it to all placement cases in all courtrooms” // “Expand it to all courtrooms.” // “Implement in other courtrooms.”*

**Expand the CASA system; greater involvement of GALs.** (See the Analysis in Chapter 4) Expansion of the CASA system and replacement of private attorney GALs with CASAs was mentioned by several persons in first year interviews. The same and related issues were raised again in the second year. *“Increase cases CASAs are assigned. They are so much more involved. The others see them a few minutes the day of the hearing.” // “The GALs don't know the kids or families. GAL should be more involved with the cases since they get to make recommendations.” // “More CASA volunteers.” // “The involvement of GALs outside the courtroom ...” // “CASAs and GALs should be more involved if they are to represent the children! Maybe more CASAs and GALs need to be looked at.” // “DFS [workers should] have more control/say so in court ordered rulings; more so than CASA/GAL since they work w/family less. I'd like to see CASA work more with referring & working with the child or family instead of DFS doing everything in a timeframe set by CASA.*

**Introduce facilitation in family support team meetings (FSTM.** *“Facilitators at FSTMs, mediators.” // “Better & continuous training in FSTM facilitation, and CS-I “team plan” concept. // “Set [next] FSTM [date] at each FSTM.” // “Facilitators at FSTMs, mediators, expand to other courtrooms” // “Available conference room for family meetings, a posted docket with times cases were called and cases yet to be called, photocopy machine, pay phone.”* (Additional meeting rooms were made available during the project.)

**Mental health resources and general resources.** During first-year interviews some suggested that a professional should be present at court hearings to conduct psychological evaluations. Related issues are mentioned here. *“A list of psychologists and psychiatrists available at adjudication. We seem to ask for those a lot.” // “Involvement with DMH onboard in the courtroom to help address mental issues with the parents.” // “Resources readily available.” // “Better connection (outside DFS?) to services and*

*programs for parents and children.” // “DFS always needs more resources.” // “Readily accessible drug rehab, especially inpatient. // “Availability of mentors for the children*

**Flexibility in timeframes; consistency in expectations.** *“Some cases require more time. ... Should have some flexibility. CASA fights hard to TPR on cases at very beginning which is not appropriate.” // “Allow DFS worker more time to complete the paperwork and assess family before the adjudication hearing.” // “All the courtrooms being consistent in expectations of paperwork and seeing foster parents/relative care persons as a part of the family and children's support team - allowing them in the courtroom.”*

## 4. Comparative Studies

Three studies are discussed in this chapter: 1) a comparison of JCIP pilot cases with cases drawn from a period three years earlier (baseline), 2) a comparison of cases in which children were represented by a Court Appointed Special Advocate (CASA) with those represented by a contract Guardian ad Litem, and 3) the consequences of including a representative from Child Support Enforcement in protective custody hearings.

### 1. Pilot-Baseline Comparisons

Children entering Courtroom One during the period from January 2000 through April 2001 were selected and matched with baseline children who entered the same courtroom during the period January 1997 through April 1998.<sup>12</sup> The final comparative groups consisted of 500 pilot and 476 baseline children.

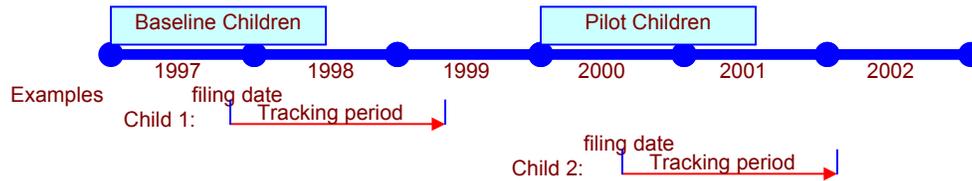
The demographic characteristics of baseline and pilot children, as groups, were quite similar. The average age was 7.2 years for pilot and 7.1 years for baseline children; 49.2 percent of pilot children were male as compared to 48.1 percent of baseline children; 83.7 percent of pilot children were African American versus 86.9 percent of baseline children. Various child abuse and neglect incident reports were received for the entire families of pilot and baseline children during the period from 1995 through 2002. In some instances the reports referred to the particular children being studied but in others they referred to other children in the family. Counting the types of allegations in reports received for the two 16-month periods during which children were selected, the following proportions were found:

|                              | <b>Pilot Percent</b> | <b>Baseline Percent</b> |
|------------------------------|----------------------|-------------------------|
| Sexual abuse:                | 6.6                  | 3.8                     |
| Severe physical abuse        | 13.0                 | 17.4                    |
| Less severe physical abuse   | 33.0                 | 44.5                    |
| Parent-child conflict        | 52.4                 | 55.3                    |
| Neglect: medical             | 17.9                 | 19.3                    |
| Neglect: basic needs         | 26.4                 | 24.2                    |
| Neglect: lack of supervision | 33.8                 | 41.0                    |
| Neglect: educational         | 5.2                  | 8.2                     |
| High-risk infant             | 7.8                  | 8.6                     |

Relatively similar patterns can be seen, although some variation is apparent between the two groups. There were higher percentages of less severe physical abuse and lack of supervision among baseline cases than among those of pilot cases.<sup>13</sup>

Two data sources were consistently available for both pilot and baseline children: 1) the family court MIS and 2) the DFS client data system.<sup>14</sup> The following diagram shows the entire calendar period being considered. Pilot and baseline children used in

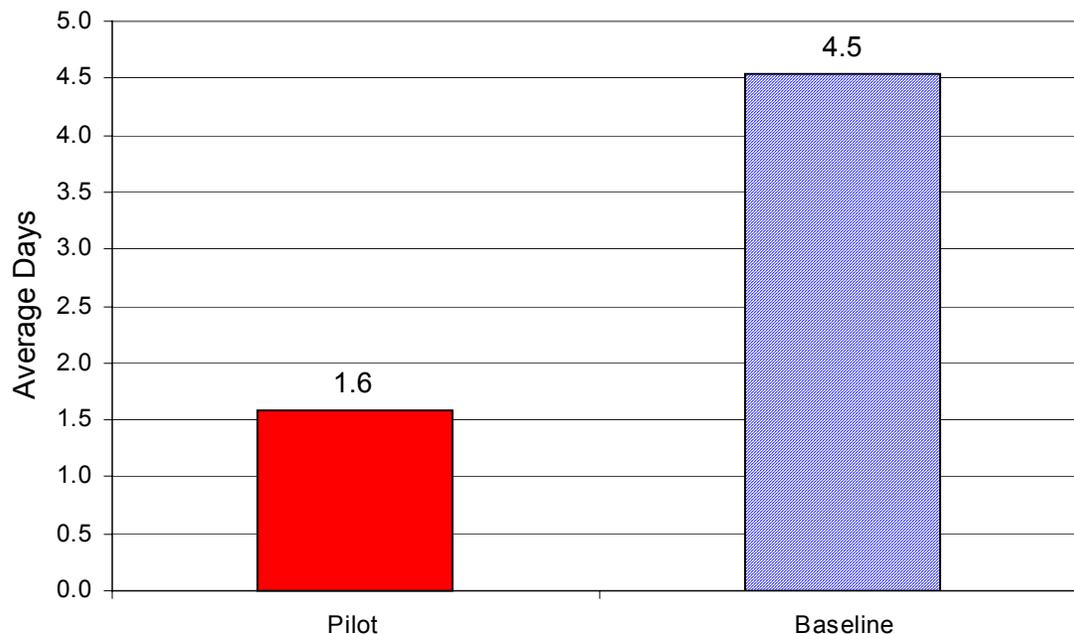
this comparative study were selected from the first 16 months (January 1997 through April 1998 for baseline; January 2000 through April 2001 for pilot) and are represented in the two boxes on top of the timeline. Each child was then tracked for 18 months from the date of filing in the Family Court. We refer to the court case that began on that filing date as the *target case*. The two examples below the timeline illustrate how children in the study were tracked over unique 18-month periods.<sup>15</sup>



### Comparisons of Times for Significant Events

Family court records permitted pilot-baseline comparisons for two events in the family court: protective custody hearings and disposition hearings. Dispositional review hearings are discussed as well.

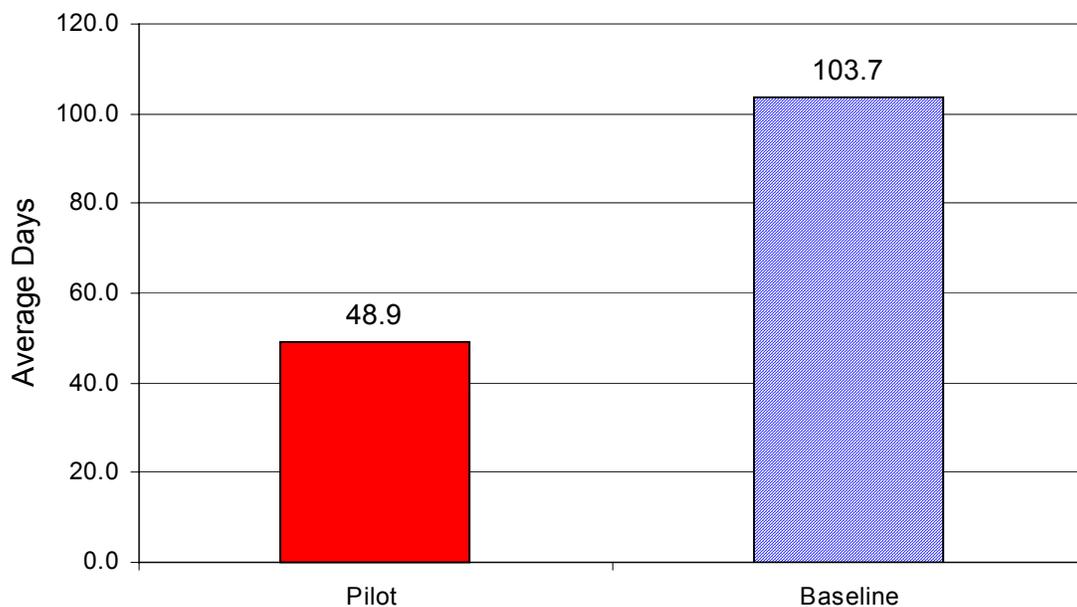
**Time from Initial Protective Custody to Protective Custody Hearing.** The required time from protective custody to the protective custody hearing under the JCIP is three days, excluding weekends and holidays. The date of protective custody was determined from court records in most cases. In a minority of cases, DFS records were used. Average days are compared in Figure 4.1. The counts in this figure exclude holidays and weekends and the first day of custody (see discussion in Chapter Two).



**Figure 4.1. Mean Days to Protective Custody Hearing for Baseline and Pilot Children**

Protective custody hearings occurred significantly sooner ( $p < .0001$ ) for pilot children. This shows that the time from removal and initial placement of the children until a formal hearing to determine whether protective custody was appropriate was reduced from four to five days to less than two days per child on average.

**Time from Protective Custody Hearings to Disposition Hearings.** The purpose of the disposition hearing was discussed in Chapter Two. Relying solely on Family Court MIS records, the date of disposition hearings was determined in 488 pilot cases and 474 baseline cases. The average numbers of days from protective custody hearings to disposition hearings are shown in Figure 4.2. The difference was statistically significant ( $p < .0001$ ) and substantial. In pilot cases the average was less than half that for baseline cases. This reduction during the initial pilot period reflects the acceleration of the family court process under JCIP guidelines.



**Figure 4.2. Mean Days from Protective Custody Hearing to Disposition Hearing**

**Review Hearings and Total Hearings in Cases.** Family court MIS records contain the dates of review hearings for all pilot children whose cases continued after formal disposition. On the other hand, no records of disposition reviews were found for baseline cases in 1997. In some instances, no subsequent hearings at all were found. In others, other hearings occurred but had different designations, such as termination of parental rights meeting, termination of parental rights trial, dismissal docket, motion to continue, etc. For this reason, no comparisons of times to review hearings could be conducted. The average periods to review hearings for pilot cases, according to the court MIS, were 94 days for the first review, 88 days for the second, and 93 days for the third.

## Status of Cases after 18 Months

The statuses of pilot and baseline cases were determined from DFS records. As noted above these data reflect the status of the original *target case* of the child at a point 18 months (548 days) after the filing date for the case in Family Court.

According to DFS files, there was a resolution of target cases for 56.3 percent of baseline children at the 18-month point compared to 45.4 percent of the pilot children.<sup>16</sup> The large majority of the cases closed during this 18-month period were resolved through reunification with parents. The proportions were about the same for each period (87.8 percent 18-month baseline closures versus 89.6 percent similar pilot closures reunified with parents). However, these kinds of cases were closed more rapidly during the baseline period. The average length of the closed baseline cases at the 18-month point was 63.5 days while the average length of similar pilot cases was 109.5 days.

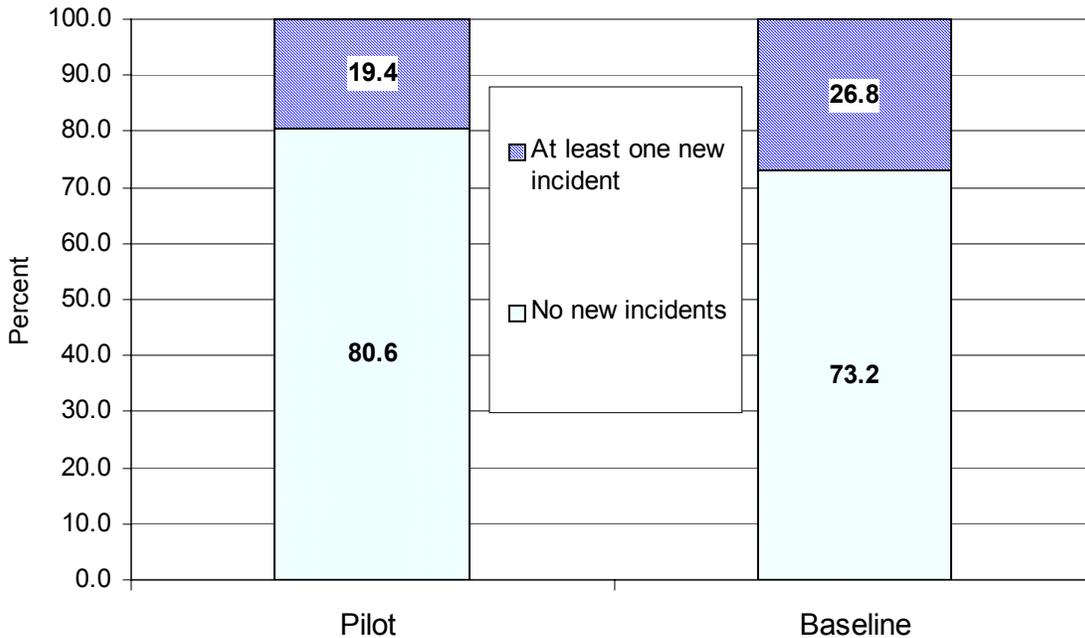
One of the reasons, for a lower rate of case closure within 18 months among pilot children was a higher rate of adoption and guardianships under the JCIP pilot. Looking at cases that were still open in DFS files at the 18-month point, 78.8 percent had a goal of guardianship or adoption. For comparable baseline cases, 45.3 percent had a goal of guardianship or adoption. In somewhat less than half of the pilot cases (46.7 percent) that had a goal of adoption or guardianship at this point, the child was already living in the adoptive home.

The goal for the large majority of cases at the time of entry to Family Court is reunification with parents. We noted in an earlier report that DFS records show that the goal in most open pilot cases had been changed from reunification with parents to another goal during the first 13 months following entry into the Family Court. Conversely, no changes could be seen for the majority of open baseline cases during the corresponding period of time. This may indicate that permanency decisions were made sooner for pilot than for baseline children.

## New Reports of Child Abuse and Neglect

New CA/N reports to DFS were counted for each child in the baseline and pilot group during the 18-month follow-up period. Such reports are referrals and do not constitute substantiated child abuse and neglect. Such reports occurred after reunification with parents significantly more often ( $p = .005$ ) among baseline children (26.8 percent) than pilot children (19.2 percent), as can be seen in Figure 4.3. Reports in this figure refer to any new reports from 5 to 548 days after the protective custody hearing in which a home visit involving an investigation or family assessment was conducted.<sup>17</sup> It was possible that this difference might be the result of new reports received during the first few weeks after the case entered the Family Court. In fact, just the opposite was found. The proportion of new reports 90 days or longer from the dates of protective custody hearings was 23.1 percent for baseline compared to 17.8 percent for pilot children ( $p = .034$ ).

Baseline children were more frequently reported again for child neglect, including medical neglect; failure to provide for basic needs, such as food, clothing or shelter; lack of supervision or proper parenting, and educational neglect. After 90 days, 14.3 percent of baseline children had been re-reported for one of these versus 9.3 percent of pilot children. This was also a statistically significant difference ( $p = .013$ ). The greatest difference was found in lack of supervision and failure to provide for needs of children.



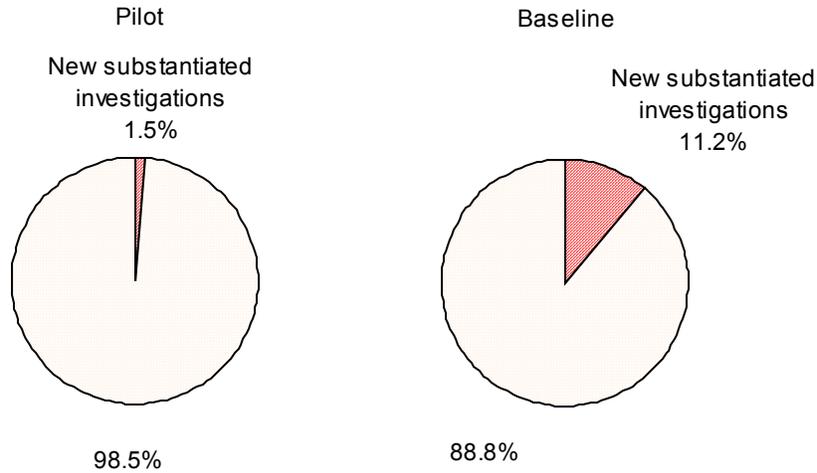
**Figure 4.3. New CA/N Hotline Reports on Pilot and Baseline Children within 18 Months**

As noted above, more baseline children were reunified with parents during the first 18 months after their cases began. We asked whether this difference was related to the increased proportion of new incident reports among baseline children. Focusing only on children who were reunified with their parents, 31.1 percent of baseline children had at least one new incident compared to 19.0 percent of pilot children ( $p = .005$ ). Baseline reunified children were also more susceptible to future reports of child neglect (baseline: 17.9 percent; pilot: 9.5 percent,  $p = .014$ ).

The relevant comparative finding is that the initial difference between pilot and baseline of 7.4 percentage points (19.4 percent versus 26.8 percent in Figure 4.3) remained significant and increased slightly to 12.1 percent (19.0 percent versus 31.1 percent) when only children who had been reunified were considered. A possible interpretation of the increase is that *differences existed in the kinds of cases that were being reunified*, that is, it is possible that during the baseline period the court was dismissing higher risk cases earlier. This in turn may be interpreted as support for *the enhanced court process under the JCIP, which emphasizes greater participation and assistance of parents before reunification occurs*. It might also be interpreted as supporting *the value of increased emphasis on adoption and guardianship under the JCIP*.

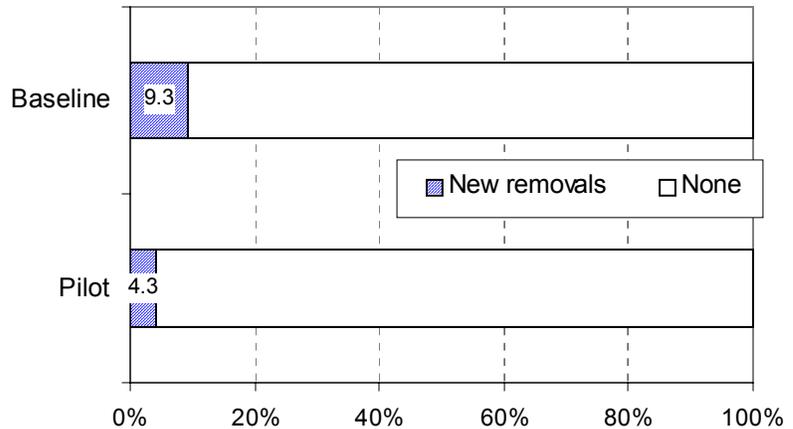
## New Substantiations, Removals and Placements

The higher proportion of new CA/N incident reports for baseline children might be expected to have resulted in higher rates of substantiated investigations and child removals. Counting from 5 to 548 days (18 months) after the protective custody hearing, only 1.5 percent of pilot children were found to have experienced a new substantiated investigation versus 11.2 percent of baseline children (Figure 4.4).<sup>18</sup> The difference in new CA/N incidents, therefore, is not confined simply to new reports but to *new substantiated reports*. This may also be an indication of the improved safety status of children in the JCIP.



**Figure 4.4. New Substantiated Investigations during 18 Months**

During the 18 months following the beginning of the case in Family Court, significantly more baseline than pilot children were removed from their homes a second time. Figure 4.5 shows that 4.3 percent of pilot children experience subsequent removals as compared to 9.3 percent of baseline children ( $p = .002$ ). These findings may also indicate that the long-term safety and/or welfare of children was enhanced under the JCIP relative to the older system in effect during the baseline period.



**Figure 4.5. New Removals and Placements during 18 Months**

Other interpretations of the differences reviewed in this and the previous section are, of course, possible.<sup>19</sup>

## 2. Approaches to Guardians ad Litem for Children

The JCIP required that a guardian ad litem (GAL) be appointed to represent each child in the project. The GAL is the representative and advocate of children during Family Court proceedings. Most Missouri courts employ private attorneys to act as GALs. In some courts, GALs are selected from a large pool of private attorneys who have agreed to do this work. In others, a smaller number of attorneys may do the work under a fixed contract. The Family Court in this project employs two attorneys to act as GALs in child abuse and neglect cases. The attorneys are available for court appearances two days per week and accept all cases assigned to them under a fixed contract.

Court appointed special advocates (CASA) are volunteers who act as advocates for children who have been removed and placed. CASA programs have been implemented in diverse ways in different jurisdictions. In most cases, CASA volunteers work for the best interest of the child but do not assume the role of the GAL. The CASA system in the St. Louis City follows a GAL-plus-attorney-advocate model. Under this model the CASA volunteer—usually a non-attorney—is the legal GAL for the child. The program employs full-time attorneys who advise and guide the volunteers and attend court hearings with them. Volunteers have responsibility for a single case at any one time. Attorneys work with multiple volunteers. Volunteers and supervising attorneys attend court hearings together. The attorney takes the lead in the courtroom itself. The volunteer, however, as the legal GAL in the case has the full authority provided by state law to interview children, police, medical representatives, and others involved in the case and to review all records. Both systems, therefore, involve GALs. To distinguish the two, however, *we will refer to CASA GALs as CASA and to the private attorneys GALs as GAL.*

Cases are assigned to CASA or GAL as they are referred to the booking unit at the court. A CASA staff attorney reviews all affidavits, screens cases for severity, assigns the chosen cases to an available volunteer, and prepares an initial file for the volunteer to review. The volunteer then travels to see the child, interviews the child (when appropriate), photographs the child, identifies all persons directly involved in the case including siblings, contacts police (if police are involved in the case), and identifies the DFS case manager and DJO assigned to the case. The CASA volunteer is often the first person assigned to the case after the DFS investigator or family assessment worker. The information that the CASA collects is then available to others involved in the case within the 72-hour timeframe prior to the protective custody hearing (PCH).

The policy under the St. Louis City JCIP has been to assign the most difficult cases to CASA, including sexual abuse, child fatalities, and large sibling groups. Respondents estimated that CASA currently handles about one-third to one-half of the caseload of JCIP.

This analysis is based on interviews and written surveys of court and DFS personnel and a comparative analysis of a sample of JCIP children represented by CASA

with a matched sample of children represented by a GAL. For the latter, samples of 61 CASA and 63 GAL cases were selected from the first 18 months of the JCIP program. Court data and DFS data were assembled (similar to that assembled for the pilot-baseline analysis in the first part of this chapter) for each case. In addition, the court files for each child were collected and reviewed.

This analysis is intended as a comparison of certain elements of the GAL and CASA systems *as they relate to the JCIP*, that is, the ways the two approaches may have enhanced or detracted from the JCIP. The methods are limited and are largely retrospective.<sup>20</sup> The analysis is not intended as an evaluation of either system *per se*.

## Types of Cases

If cases had been assigned randomly to CASA or GAL experimental comparisons might have been possible. Instead, as CASA representative and court personnel confirmed, the more serious cases were assigned to CASA. In selecting sample cases we attempted to control for this difference by segregating all cases (both CASA and GAL) into categories of abuse and neglect and selecting otherwise similar CASA and GAL cases from each category.<sup>21</sup> The final distributions of types of child abuse and neglect in the CASA and GAL samples were:

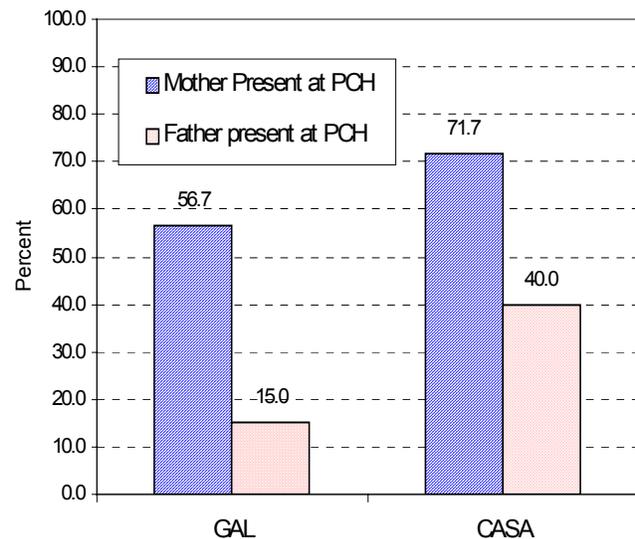
|                              | CASA | GAL               |
|------------------------------|------|-------------------|
| Sexual abuse:                | 13.3 | 13.3              |
| Severe physical abuse        | 13.3 | 1.7               |
| Less severe physical abuse   | 31.7 | 25.0              |
| Parent-child conflict        | 33.3 | 36.7              |
| Neglect: medical             | 8.3  | 8.3               |
| Neglect: basic needs         | 23.3 | 21.7              |
| Neglect: lack of supervision | 38.3 | 28.3              |
| Neglect: educational         | 1.7  | 1.7               |
| High-risk infant             | 5.0  | 5.0 <sup>22</sup> |

There is some disparity, particularly in physical abuse, but overall the two distributions are similar. However, these classifications do not reveal other underlying factors that affect the severity of cases. Two findings suggest that CASA cases were more severe than GAL cases. We were unable to create a complete age match because of the preponderance of younger children within the CASA listing we received. Consequently, 36.1 percent of children in the CASA sample were under three years of age compared to 20.6 percent of GAL children. Because younger children are less able to defend themselves, child abuse and neglect is generally treated as more severe. Other things being equal, the court and DFS take a longer time to reunify younger than older children. This is evident in the second finding: cases were dismissed before adjudication for 22.2 percent of GAL children compared to 9.8 percent of CASA children in the samples. Neither of these differences should be taken as representative of these two segments of the JCIP population. Indeed, the disparities would probably be somewhat greater were data available to make such comparisons.

## Early and Direct Contact with Families

Respondents indicated that CASA representatives were more likely to attend family support team (FST) meetings than GALs. Most respondents indicated that, in their experience, CASAs attended the majority of FST meetings, while GALs rarely attended such meetings. Similar responses were obtained regarding meetings with the child and family outside the courtroom. As noted, the practice under the CASA system is for CASA volunteers to be assigned as soon as the booking office of the Family Court registers a new child in the court. Volunteers immediately attempt to visit the home, to collect information, and assess the needs of child and family. The CASA volunteer is usually the second person in contact with the family after the DFS investigator or assessment worker. Attorney GALs, on the other hand, do not have this opportunity. Their first contact rarely occurs before the protective custody hearing. (We are not implying a fault on the part of the GALs but a difference in the two systems. The job description of the attorney GALs does not involve the kinds of activities that are expected of lay CASA volunteers.) Several of those interviewed suggested that, compared to the GAL system, the CASA system is like having full-time attorneys in this role (the CASA attorneys) with assistants to conduct fieldwork (the lay CASA volunteers).

CASAs, therefore, not only attend more FST meetings but also bring to those meetings the results of their assessments. This is particularly important for the protective custody hearing and the first FST meeting. Another potential effect of early contacts by a court representative is to call the court process to the attention of parents. It would be interesting to review whether CASA volunteers discuss court participation with parents. The effects on parents were not studied directly (parents were not systematically observed or interviewed). A possible indicator of this, however, is the presence of parents at protective custody hearings. As is evident in Figure 4.6, parents appear significantly more often in CASA than in GAL cases. The difference in the appearance of fathers under the two systems is particularly telling because fathers often were not living with their children. What produced this difference (40 percent versus 15 percent) and whether it can be attributed to CASA activities is unclear, but the finding warrants further study.



**Figure 4.6. Presence of Parents at Protective Custody Hearings by CASA vs. GAL**

## Difference in the Courtroom

Because 136 court hearings were observed over the course of the evaluation, researchers had many opportunities to note differences in CASA and GAL participation in the process. Systematic observation of differences between GALs and CASAs were not conducted because this comparative analysis was not planned from the beginning of the evaluation. However, each of five individuals that conducted observation of the contents of court hearings noted differences between GALs and CASAs in the courtroom. The differences were not in participation, legal work, or competence—individuals under both systems were responsive to the judge who routinely called on them regarding the needs of the child. Rather, CASAs brought information to the court based on the work of lay volunteers with the child and family. CASA volunteers routinely provided summaries to the judge. Both GALs and CASAs advocated for the child but CASA attorneys and lay volunteers (who always attended hearings together) appeared to have a more *informed advocacy*. The lay volunteers often presented their findings orally to the court and attempted to draw conclusions about the needs of the children for services, changes in foster care arrangements they believed to be necessary, and other related issues. CASAs were more likely to have an opinion—arising from direct observation and interviews of the child and family—about the direction of permanency planning. GALs were generally dependent on information obtained from the child before or during the hearing or from others in the court, such as DFS workers or DJOs.

One finding of the case reviews may be related to this. Focusing on the review hearings (up to five disposition review hearings were reviewed for each child) Guardian ad Litem *written reports* were found or referenced for 22.2 percent of CASA-represented hearings versus 2.4 percent of hearings represented by GALs ( $p < .0001$ ). A similar result was found for adjudication/disposition hearings (25.0 percent for CASAs versus 11.8 percent for GALs,  $p = .065$ ). The actual number of reports delivered in court was probably greater, but these apparent differences discovered through case reviews may be indicative of the more active approach to child advocacy made possible under the CASA system.

Differences in court orders for services and placement between CASA and GAL cases were documented in the 600-plus hearings reviewed. These included orders for paternity tests, child support, parenting skills, medical evaluations, psychological evaluations, alcohol and drug evaluations, various types of therapy and counseling, family reunification services, finding and maintaining employment, GED and job training, and housing. The types of placements—with the parent (under DFS supervision), with a separated parent, in emergency foster care, with a relative, in foster care or residential treatment, with a potential guardian, in adoptive homes and others—were documented as well. Orders for termination of parental rights for the father and mother were recorded, as well as studies for adoption and guardianship.

Because of the differences of approach under the two systems, there was some expectation that consistent differences might be found regarding orders of these kinds. For example, survey respondents indicated that CASAs were significantly more likely to

be informed about needs and to monitor whether court ordered services were being delivered. Such differences were not apparent through cases reviews. Those that were found appeared to be randomly distributed. One explanation is that such orders are the result of the court process involving the attorney for the Juvenile Officer, DFS workers, private agency workers, foster parents, relatives, parents and parents attorneys, deputy juvenile officers, and others, not simply the GAL or CASA representatives. More important than this, however, was the inability of researchers to control for differences in the *needs* of children and families among the GAL and CASA samples of JCIP cases. It cannot be assumed that the two groups of children or families had equivalent needs on average, as would have been the case had random assignment of families to the CASA and GAL conditions been employed.

### **Outcomes**

Significant differences in the nature of final dispositions of target cases (the first case under the JCIP) were not evident by the end of the data collection. Over half of the children in each sample were reunified with their parents (CASA: 50.8 percent; GAL: 58.7 percent). Guardianship or adoption occurred at about the same levels (CASA: 29.5 percent; GAL: 31.7 percent). However, more GAL cases were dismissed early, as noted above. The average number of days from the court filing date to the date of the final order was less for CASA cases (CASA: 250 days; GAL 288 days). Again, this difference may be due to uncontrolled variations in child and family needs rather than to the effects of CASA or GAL work.

The samples were too small to draw any conclusions from the return of children to placement. By the end of data collection, one CASA child had been removed again and placed compared to four GAL children.

A difference was discovered in the rate of new incident reports 90 days or more after the initial filing in the Family Court. Significantly more ( $p = .02$ ) GAL children (27.0 percent) experienced new CA/N incident reports than CASA children (16.4 percent). This difference held up ( $p = .013$ ) for reports that led to investigations or family assessments (GAL: 23.8 percent; CASA: 9.8 percent). While not statistically significant, more GAL children had a new substantiated investigation than CASA children. Like baseline-pilot comparisons, this finding may be an indicator of improved resolution of cases under the CASA system.

### **3. Child Support Enforcement**

The original JCIP design called for utilization of Child Support Enforcement (CSE) in appropriate cases. While CSE participation was not a formal project requirement for the St. Louis City Court JCIP, it has been an integral part of the JCIP implementation in St. Louis from the beginning of the project. A CSE representative attends protective custody hearings and has conducted preliminary investigations by the time of the hearing. Two individuals from CSE actually do this work, although one has

been on extended sick leave recently. An office is provided in the Family Court building for their work. CSE workers also have a separate office in the North St. Louis DFS Office (at Prince Hall).

The evaluation design for the final year proposed a comparative analysis of cases in Courtroom One before the introduction of the JCIP and afterward to determine differences that might be the result of having CSE involved on a regular basis. This proved to be unfeasible for two reasons. First, several CSE representative were involved in the Family Courts of St. Louis City and County for several years before the JCIP began (in February 2000). Pre-JCIP cases may, therefore, have involved CSE workers and would not necessarily be valid comparisons. Secondly, an examination of pre-JCIP Family Court case files in Courtroom One revealed significant differences in the organization and completeness of information on hearings in comparison to that available for JCIP children.<sup>23</sup> This also made a comparative study problematic.

### **How Child Support Enforcement was integrated with the JCIP**

The large majority of single parent households that enter this court are mother-only. The first function of the CSE worker in these cases is to assist in identifying the father. The court must attempt to identify and locate fathers so that they can participate if they desire. Estranged fathers may want to be more fully involved in the lives of their children and court involvement may provide an opportunity. The judge may order that fathers be permitted to visit with their children in foster care. Children may be placed temporarily with fathers. Fathers may later be given legal custody of children. If the case proceeds toward termination of parental rights, the father must be given an opportunity either to relinquish his rights voluntarily or to contest the termination in court. In addition, there is the standard function of CSE: to determine the whereabouts and income of the father so that child support can be assessed if necessary.

As new protective custody hearings are scheduled, a copy of the docket of the Family Court is provided to the CSE worker for screening. The name of the child is listed on the docket. The worker then contacts the record room at the Family Court and obtains the parent or parents listed in the case and the date of birth of the child. Thus, at the beginning of the record search the CSE worker has the child's name and birth date and usually, the name of the mother. Armed with this information the worker searches the CSE system. Most cases (80 to 90 percent) are listed in this system as open or as inactive cases. When the worker finds that a CSE case is currently open, she contacts the field caseworker of that case to obtain needed information. When a case is not open, the worker searches inactive or closed case files. She also searches DFS TANF and Food Stamp records. If a listing is found it usually contains DCNs (DFS client ID numbers) of the mother and child. This ID is common across of a number of systems maintained by the Missouri Department of Social Services (including CSE).

If the father is not listed in either of these systems the next check is with the Bureau of Vital Records. Unlike others in Family Court, the CSE worker has direct

computer access to vital records, that is, to birth certificates. (Birth certificate records are only available for individuals born in Missouri.) The father's name is sometimes found in the child's birth certificate, but only his name. If his name is not too common (that is, he has a first and last name that many individual are likely to have) his address can sometimes be found in another system open to direct CSE access—Missouri Motor Vehicle Records. This address may be out-of-date but constitutes a starting point for further searches. Another source accessible to CSE workers is the Unemployment Insurance quarterly wage records that are maintained by the Missouri Division of Employment Security.

If this process does not yield valid identifying information the worker must wait until the PCH. During observed protective custody hearings in which one parent was present (usually the mother) but the other was absent (usually the father), the judge would ask the attending parent a series of questions concerning sources and amount of income and wages from employment, if any. He also asked about the identity and whereabouts of the absent parent, whether that parent was in contact with the family, and whether he provided any financial support for the family. He then pointed out the CSE person to the parent and indicated that she should meet with this person after the hearing. The judge asked the CSE representative directly about the identity of absent parent(s) or to confirm information provided by parents in court. In protective custody hearings with no parents present, the CSE representative was available to provide information to the court concerning what the child support enforcement system knew or what the worker was able to learn concerning the identity, location and employment/income status of absent parents.

The CSE worker approaches the mother directly after the hearing in cases in which the worker has been unable to identify or locate the father. The worker usually asks the mother to provide the father's name, date of birth, social security number and address. With any or all this additional information the worker can return to the sources listed above to resume the search. The current CSE worker indicated that she has been able to identify and locate fathers in about three-quarter of cases that she is given. However, this is only her report and was not confirmed by other methods.

This process can be contrasted with one in which a CSE worker is not present. The responsibility for identifying and locating fathers would fall back on DJOs. If the information cannot be obtained from the mother, the DJO may request information from some of the same sources the CSE worker uses. DFS workers have access to some of these (e.g., TANF and Food Stamp records) and may be a source of information. However, neither DJOs nor DFS workers have direct online access to other crucial sources. For example, rather than looking at birth certificates directly on a local terminal, the DJO must complete and submit a paper request to Vital Records. It may be possible, therefore, for the court to obtain the same information that is available through the CSE worker, but in cases in which information is not readily available through standard sources, the process would take longer, as those interviewed in this evaluation confirmed.

Individuals who were interviewed during the course of the JCIP evaluation all responded positively concerning the involvement of CSE in the court process and confirmed some of the consequences already noted. Respondents, particularly DJOs, felt that the activities of CSE workers enhanced the court process and that fathers were located earlier and that some fathers were located who would not otherwise have been found.

When children are removed and placed in foster care, child support that is currently paid to the mother must be switched to the State of Missouri. A father cannot have two separate CSE orders open, and it is necessary to deactivate an open order of payment to the mother and create a new order of payment to the state. As a part of the process of searching the CSE database, the worker is able to determine and report to the court whether a CSE order is currently open for a child and, should the court order it, to initiate the process of switching.

In some cases the man will sign an affidavit confirming that he is the father of the child. The affidavit includes a legal form that the CSE worker then mails to Vital Records.

In other cases, a putative father may have been found but biological paternity is unclear. In some cases, the mother may claim that the man is the father of the child while he denies it. In others, the man may want to be designated the father of the child but either he or the mother is unsure whether he is. Consequently, the court may order genetic testing to determine paternity, and under the JCIP in this court, the CSE worker manages the tests. The worker must take swabs from the mouths of the child and the father. She obtains fingerprints of the mother, the putative father and the child (if over four years of age), takes photographs, and asks for current IDs. The worker then packages and mails the swabs for testing by a genetic laboratory. In Courtroom One of the St Louis City Family Court genetic testing is done on average three to four times a week (according to the current CSE worker). If tests are positive the worker enters the test results into Vital Records directly from her terminal. Another individual, such as a DJO, could do everything described here (except the last), but the activity fits with the other functions of the CSE worker and is facilitated by CSE access to multiple data systems.

Child Support Enforcement utilizes formulas for determining the amount of child support to be assessed from fathers who have an income. (Child support is not assessed of fathers who have no income.) At the next hearing after paternity is established, the CSE worker makes a recommendation to the judge concerning the amount to be assessed. She also reports the amount of income maintenance the mother receives (also adjusted for children in foster care) and the wages of the mother. The worker reports that the judge usually orders her recommendation of the amount to be assessed of the father, although in some cases he adjusts the final amount.

## Notes

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

<sup>2</sup> Information was provided from the family court data system covering the period from 1997 through late 2002. The judge in Courtroom One also maintained a list of pilot and pre-pilot cases containing cause numbers, names, filing dates, dates of adjudication and disposition hearings, dates of final orders on the cases and the nature of final orders. The list was entered and then combined with data files extracted from the court data system. The dates of final orders corresponded exactly to hearing dates in the large majority of cases, and where discrepancies were found, virtually all were within one or two days of the court system hearing date. The dates for adjudication and disposition hearings in the judge's list also generally coincided with court files, and when they differed, the list dates were used because they were usually the more conservative. The family court data system did not have codes for distinguishing permanency planning hearings from disposition review hearings. This was one of the reasons for examining written case files in a sample of cases. Another source of data necessary for the study was the DFS client information system. An extraction of DFS data was received in December 2002 containing records of children removed and placed by DFS in St. Louis City during the study period.

<sup>3</sup> Because data on the hour of removal were not available, calculations based on the removal date (from DFS records) or the detention date (from court records) were unacceptable. Children may be removed at any time during the day and the removal dates or detention dates never represent a complete 24-hour period. The date of filing in the court coincides with the date of detention and removal or happens on the following day if the removal occurred during the evening. This date was used for determining the start of the target period. The date for the ending period was the date of the PCH. The same kind of time problem occurs for this date. These hearings occur at the beginning of the docket, usually between 8:00 and 10:00 a.m. and the date cannot, therefore, be counted as a full 24 hours. For these reasons, researchers counted from the first day following the filing date in Family Court. In the St. Louis Family Court data system, the protective custody hearing for child abuse and neglect cases corresponds to the detention hearing in delinquency cases. Some problems were encountered early in the study with corruption of PCH dates for the period February through June 2000. Researchers were able to recover the protective custody date for many of these cases. For other cases, the dates could only have been recovered through a time-consuming search of written case materials. DFS maintains records of court dates in the Family-Centered Services data table. Another 50 PCH dates were found using these records that were not available through the Family Court system. The total number of records with valid court filing dates and PCH dates was 943.

<sup>4</sup> Op. Cit. *Second Annual Report*, p. 18.

<sup>5</sup> Average based on 217 cases for which both filing date and adjudication hearing date were available. Most cases were filed during the period 1997 to 1999.

<sup>6</sup> No disposition hearings were held for 193 children. Of these, 100 had been returned to the parents, 46 were transferred to other jurisdictions, and 12 were dismissed.

<sup>7</sup> *Ibid.*, p. 18.

<sup>8</sup> The sample was designed for multiple purposes (see section on the CASA system in Chapter 3 for a more detailed description of the sample and sampling and case review procedures). It consisted of 120 cases selected from the first 15 months of the JCIP.

<sup>9</sup> Based on a 95% probability level. Sample size was 120 and adjusted sample size was 101.3, assuming the total population was 650 cases.  $SE(p)=4.71$  for this percentage.

<sup>10</sup> Structured interviews were conducted with court personnel and with DFS workers and supervisor. Individuals in the following positions were interviewed: the JCIP Coordinator (during each program year), the Family Court Judge (during each program year), the court clerk in the Judge's courtroom, the Juvenile Officer (two separate interviews), the Chief Deputy Juvenile Officer (DJO), the Attorney for the Juvenile Officer, the attorney appointed to represent parents, the Director of the Court Appointed Special Advocate (CASA) Program (two separate interviews), an attorney responsible for supervising CASA volunteers, two DJO Unit Supervisors, five DJOs, five DFS workers, one DFS supervisor, three private workers and three private supervisors under contract to DFS to handle alternative care cases.

<sup>11</sup> A total of 42 individuals responded to the questionnaire out of 77 mailed to respondents for a response rate of 55 percent. The best responses to the questionnaire came from DFS workers (19), CASA program representatives (11), and from DFS contracted workers (7). In addition, questionnaires were received from

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DJOs (4) and from a private attorney representing parents (1). Questionnaire respondents tended to be very experienced and had been in their present positions on average for 4 years and 2 months. Most (35 of 42 or 83.3 percent) had attended court hearings before the JCIP began or had attended hearings in other courtrooms where the JCIP was not operating, and therefore, could make comparative judgments. CASA volunteers, as might be expected, had comparatively less experience overall (in this position) and less exposure to other court settings and procedures.

<sup>12</sup> Because the baseline population began with children who entered in January 1997, pilot children were also selected beginning in January 2000. As noted earlier the JCIP pilot project did not formally begin until February 2000. However, the judge began accepting children and applying JCIP procedures in January.

<sup>13</sup> These proportions refer to child abuse and neglect reports on any child in the family (and for any alleged perpetrator) during the periods specified. Reports were limited to those that resulted in either an investigation or a family assessment. There were 761 total reports of these kinds on 476 baseline families. There were 639 similar types of reports on 500 pilot families. More pilot families had reports that did not rise to the level of child abuse and neglect in the judgment of the intake worker who took the report but were nevertheless transmitted to the local office because a mandated reporter (police, medical, teacher, etc.) made the report. Local offices follow up on such reports, usually contacting the reporter to obtain fuller information, and then determine whether to do an investigation. In some of these cases the follow-up led to an investigation and the removal of the child. Because no reporter-allegations are stored in the MIS for these reports, they could not be included in the present analysis. This may account in part for the disparity in the rate of reports per family for the pilot and baseline groups.

<sup>14</sup> Manual records that were maintained by the judge in Courtroom One were not used because similar information had not been kept on baseline children. Family court MIS records were used to supplement DFS records and vice versa in an effort to create the most accurate and complete data set.

<sup>15</sup> Selecting children from the first 16 months of the pilot and baseline period permitted time for tracking each child for a period of 18 months. As indicated, children were tracked from the child's original filing date in Family court. In most cases, additional information was available on events beyond the 18-month terminus and researchers knew the longer-term outcomes of many cases. However, final outcomes were represented as the status of the case and/or the child at the 18-month mark. This insured equivalent comparisons and, most importantly, avoided using outcomes from the pilot period for baseline children whose cases extended beyond the year 2000.

<sup>16</sup> DFS data were available on 467 pilot and 410 baseline children. Researchers linked Family Court files and DFS files based on DFS identifiers (DCN) as well as names and birth dates. If DCNs had been consistently entered in the Family Court system linkage would have been simple. However, DCNs were entered on less than half of cases in the Family Court MIS and those that were entered were often incorrect. Misspelled or differently spelled names and differences of one or two days in dates of birth were common. Differences in cognate names, accented or hyphenated names occasionally occurred. In addition, younger children often had different last names—the mother's versus the father's—in the two systems. When one or more of these problems occurred for the same child, it became difficult to impossible to locate the child in the DFS system. For example, some children were found based on a birth date range of plus or minus five days, the same but differently spelled last name, and a first name that sounded (using soundex search methods) the same. A few cases were found in child abuse and neglect incident tables in the DFS system but could not be found in tables for Alternative Care (children removed and placed). These may represent true missing data in the file extractions researchers received.

<sup>17</sup> These responses are shown by the presence of conclusion codes in CA/N incident records. Excluded are types of reports for which a home visit is not required. As a rule, reports resulting in a home visit are the most serious reports received.

<sup>18</sup> This difference may be slightly exaggerated since DFS was utilizing Family Assessments more frequently than investigations during the pilot period. Only investigations can be substantiated. However, the fact that all the new incident reports being considered here were on families in which at least one child had been previously removed greatly increased the likelihood that hotline calls would be screened as new investigations rather than family assessments. Indeed, the same disparity was found between family assessments in which services were found to be needed. Such conclusions were found in 4.7 percent of pilot cases compared to 13.9 percent of baseline cases.

<sup>19</sup> The most obvious is that there were uncontrolled differences between the pilot and baseline groups, that is, baseline families had characteristics that put children at higher risk of future child abuse and neglect.

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Another important difference was that a new judge took over Courtroom One at the beginning of the JCIP period. Thus, it is also possible that these effects were due to individual differences in the practice of judges regardless of changes under the JCIP. Finally, other changes occurred between the pilot and baseline periods in the orientation of the child protection agency and juvenile courts as a result of the implementation of the Adoption and Safe Families Act.

<sup>20</sup> The sampling and comparative analysis was added under the extension of the JCIP evaluation to a third year.

<sup>21</sup> The representation of children by a CASA or GAL is not recorded in the Family Court MIS. The Director of the CASA program provided a list of JCIP children represented during the desired period. Using this list, researchers identified pilot children represented by CASA's and GAL's. The best match was sought between the two groups by dividing cases into categories of abuse and neglect then selecting for the best matches by age, sex and race of children, number of siblings, the number of parents present, and the age of the parents within each category. Child abuse and neglect incident records and removal and placement records were identified for the children in the DFS data system. Case reviews were scheduled twice weekly during a four-month period. All hearings and all documentation in case files were reviewed and coded utilizing a coding form developed for this evaluation. Materials from over 600 court hearings were reviewed. For future reference, each case required 1.5 hours, (counting requests, travel to the court, reviews, data entry and initial data correction). This does not include training of reviewers, developing the coding and data entry systems, or the final analysis.

<sup>22</sup> Each distribution totals more than 100 percent because many cases participated in two or three of the dimensions (e.g., lack of supervision and sexual abuse).

<sup>23</sup> Under the JCIP, court files contained fuller information and documentation of cases. They were chronologically organized and coded with colored tabs, greatly facilitating case review. Earlier records of court hearings were more cryptic and difficult to interpret, perhaps reflecting differences in court hearing procedures. They also contained less material overall, also indicating different approaches in court or perhaps different rules for the types of materials stored in files. The same variations were seen between the case files of Courtroom One and those of other Family Court courtrooms during the period of the JCIP. Any difference found in a pre- and post-JCIP comparative study, therefore, would likely be due as much to documentary variations as to real differences among cases.