

Some Sample Court Improvement Themes and Strategies to Consider Addressing In a PIP

The following is a summary of several possible potential CFSR legal-judicial themes and strategies. The following list is intended only to provide a few examples and is far from exhaustive.

1. Continuing delays in the legal process

- a. According to the CIP reassessment, there are ongoing efforts to speed judicial decision making and there already has been visible progress, such as:
 - i. Faster appeals
 - ii. Fewer cases where the original disposition takes over six months
- b. But some delays or causes of delays persist regarding:
 - i. Time to adjudication and disposition
 - ii. TPR proceedings
 - iii. Lack of ongoing statistics regarding the achievement of judicial milestones at the different stages of the court process
 - iv. Attorneys for parents and children unable to cover court dates (see below on attorney issues)
- c. Possible related themes for CFSR:
 - i. Linking these delays to CFSR timeliness measures, such as timeliness of adoption and reunification.
 - ii. Identifying agency, attorney, and court related causes of these delays
 - iii. Identifying possible solutions or strategies for improvement, including some solutions that involve agency-legal-judicial cooperation.
- d. Possible CFSR-related strategies and goals:
 - i. Document and explain the specific types of delays, and give examples of how they are tied to specified CFSR outcomes.
 - ii. Should the agency and courts collaborate regarding legislation, court rules, forms, or educational programs to reduce the delays?
 - iii. Should the agency and courts collaborate on local interdisciplinary delay reduction demonstration projects?

2. *Multiple changes of placement per case*

- a. According to the statewide assessment, the numbers of foster placements per case are very high.
- b. This is predominantly an agency issue, but courts and attorneys may be able to help by addressing and questioning changes of placement.
- c. Possible CFSR-related strategies and goals:
 - i. Consider how the courts may be enabling needless changes of placement and what they might do to ease the problem.
 - ii. Should the agency and courts collaborate on enhanced attorney and judicial training, development of forms or benchbook revisions that address placement changes?

3. *Improved legal representation*

- a. Legal representation of the state agency
 - i. Relevance to CFSR: Achievement of safety and timely permanency depends in large part on the quality of advocacy for the agency in court.
 - ii. Key issues (from CIP reassessment): Is the child welfare agency the client and, if so, should local prosecutors support the positions of the agency? What is the impact when they don't?
 - iii. More specifically, what is the impact on the timeliness and outcomes of TPR proceedings of the fact that local prosecutors handle the early stages of abuse and neglect cases and assistant attorneys general (AAGs) bring TPR proceedings?
 1. What, if anything, can be done to better coordinate the work of local prosecutors and AAGs? Can and should the courts and child welfare agency collaborate in this effort?
 2. Would it be practical and helpful to develop contracts between the agency setting forth specific state's attorney responsibilities?
 3. Should Vermont explore modifications in the system of representation, perhaps through experimental changes?
 - iv. Possible CFSR-related strategies and goals:
 1. Can and should the courts collaborate with the agency or others on training for agency attorneys and caseworkers, focused on more effectively handling the early stages of the court process? If so, should others be invited to participate?
 2. Can and should the courts collaborate with the agency or others in improving legislation, rules, or forms to enhance the early stages of the court process, such as to ensure early and consistent notice on non custodial parents and putative fathers?

- b. Legal representation of parents and children
 - i. Is this issue sufficiently linked to the CFSR to be raised and addressed in the CFSR and PIP?
 - ii. Possible relevance to CFSR:
 - 1. Parents and children’s attorneys currently contribute substantially to delays in adoption or reunification.
 - 2. They could produce much more helpful evidence and arguments that would improve judges’ decisions, ultimately enhancing children’s safety and permanency.
 - 3. There are serious shortages of attorneys willing to handle these cases in parts of NoState. Is this contributing to significant added delays?
 - 4. Is low compensation for attorneys reducing quality and contributing to the undersupply of attorneys and thus also contributing to delays?
 - iii. Possible CFSR-related strategies and goals:
 - 1. Can improved attorney evaluation reduce attorney-generated delays and improve their overall performance?
 - 2. Could stronger prerequisites to appointment, such as mentoring requirements and mandatory training lead to substantial improvement?
 - 3. Can statewide backup centers improve the appointment, retention, and oversight of attorneys for parents and children?
 - 4. Identify the specific and highest priority skills, behavior, and knowledge for attorneys relevant to better outcomes.
 - 5. Should courts and the agency collaborate in developing training and evaluation around those skills, behaviors, and knowledge?

4. *Enhanced foster parent involvement in case decision making, including presence and involvement in court*

- a. According to reassessment, foster parents still are often not present in court.
- b. Possible relevance to CFSR:
 - i. Foster parents, when present, can inform courts about child safety issues and current special needs.
 - ii. Is this sufficiently relevant to the systemic factor “foster parent recruitment and retention” because foster parents’ participation in court might help them feel empowered and less unsatisfied with their role?
 - iii. Note: Check for other references to foster parents in CFSR instruments.

5. *Concurrent planning*

- a. The statewide assessment reports that there aren't enough concurrent plans and where they exist, agencies and courts do not implement and monitor them.
- b. Relevance to CFSR: This is specifically measured as part of the CFSR.
- c. Possible CFSR-related strategies and goals:
 - i. Should the agency and court collaborate on developing instructional materials, including hypothetical case examples in which there are concurrent plans and including case narratives showing how the concurrent plans went wrong, the ultimate case consequences, and how they could have been kept on track?
 - ii. Should the agency and courts provide separate and interdisciplinary training on concurrent planning?
 - iii. Should the agency and CIP discuss when and how concurrent plans are helpful?
 - iv. Should there be state legislative and policy clarifications regarding concurrent planning?
 - v. Should existing agency and court forms be enhanced better address concurrent planning in?

6. *Judicial oversight of agency case planning and services (reasonable efforts)*

- a. The onsite review showed weaknesses in agency service arrays, case plans, and actual implementation of case plans.
- b. Possible CFSR-related strategies and goals:
 - i. Should the agency and court collaborate in training regarding judicial oversight of reasonable efforts?
 - ii. Should this be a combination of cross training and separate training sessions?
 - iii. Should the agency and CIP collaborate both statewide and locally to identify specific needs for services in rural areas?
 - iv. Should the agency and courts work together to refine and make consistent their forms for reasonable efforts findings, in order to strengthen agency-court communication and their efforts to achieve permanency.
 - v.

7. *Improvements of the juvenile code*

- a. Possible relevance to the CFSR: There is an ongoing child welfare legislation revision project, and it might help the project if the PIP addresses legislative goals related to the project. The project is trying to improve legislation to achieve the following:
 - i. Timelier judicial decisions, to help achieve permanency.
 - ii. Better informed judicial decisions regarding removal and return of children from their homes, to help improve child safety.

- iii. Better focus on children’s immediate needs while in foster care, thus helping to achieve child well being, including meeting their educational, medical, and mental health related needs.
- b. Possible PIP related goals might be to submit legislative proposal and to engage broad community and governmental participation in discussing and preparing it.
- c. Is it realistic and productive to try to reinforce agency-judicial cooperation in this project through the CFSR?

8. *Enhancing judicial performance*

- a. Relevance to CFSR: The quality and timeliness of judicial performance affects timely permanency, child safety, and attention to children’s well being (e.g., child education, medical treatment, and mental health services).
- b. Possible CFSR-related strategies and goals:
 - i. Can and should the agency provide judicial performance feedback?
 - ii. Can and should the agency help with analysis of judicial workloads to objectively identify how many judges are needed to meet standards of excellence?

9. *Improving permanency hearings and reducing APPLAs**

- a. Relevance to CSFR: Permanency hearings are supposed to reduce children’s time in foster care, increase the frequency of reunifications and adoptions, and sharply reduce the frequency of extended foster care. They are neither being implemented appropriately, nor achieving those goals in NoState.
- b. Possible CFSR-related strategies and goals:
 - i. Should the courts and the agency (and others) collaborate on improved legislation, court rules, and court related forms to improve permanency hearings?
 - ii. Should the agency and the court (and others) collaborate on developing sample court reports, sample permanency hearings, and sample permanency hearing findings?
 - iii. Should the agency and the court collaborate on improving training related to permanency hearings – including cross training, judicial training, caseworker and supervisor training, CASA training, and attorney training?
 - iv. Should the agency and the courts collaborate on ongoing evaluation of permanency hearings? Can the agency provide resources helpful to such evaluation?

* In NoState, the term “APPLA” is used mostly as a euphemism for a long-term continuation of foster care, i.e., giving up on the goals of adoption, return home, legal guardianship, or even an identified permanent set of foster parents.

10. Attendance and Participation of Parties / Treatment of Parties in Court

- a. Children and Youth Participation.
 - i. Relevance to CSFR: Help reduce reunification time for delinquent youth; help enhance the focus on youth well being (i.e., education, health services, and mental health).
 - ii. Possible CFSR-related strategies and goals:
 - 1. Should the agency and the courts collaborate on developing materials and educational programs for judges, attorneys, CASAs, and caseworkers regarding children and youth participation in court?
 - 2. Should the agency and the courts collaborate on developing rules and guidelines for children and youth participation in court?

11. Improving permanency planning for adolescents:

- a. The statewide assessment reports low achievement of permanency for adolescents in foster care.
- b. Possible CFSR-related strategies and goals:
 - i. Should the agency and the courts collaborate on reviewing and refining permanency options for older youth?
 - ii. Should the agency and the courts collaborate on developing and providing educational programs judges, attorneys, caseworkers and supervisors, and CASAs on adolescent permanency and the involvement of children and youth in court?
 - iii. Should the agency and the courts (and others) collaborate on developing revised rules and procedures and forms regarding adolescent permanency and the involvement of children and youth in court?