

# THE ARIZONA COURT IMPROVEMENT PROJECT: FIVE YEARS LATER

## Final Report

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by

Gene C. Siegel  
Gregory J. Halemba  
Rachael D. Gunn  
Susanna Zawacki

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## TABLE OF CONTENTS

	<u>Page</u>
Acknowledgments .....	i
Executive Summary .....	v
Introduction .....	1
Background .....	2
Summary of Arizona Statutes and Court Rules Governing Dependency and Severance Proceedings .....	9
Methodology, Data Analysis, and Findings .....	24
County Overviews .....	71
Data Analysis and Outcomes: Summary of Key Findings and Recommendations .....	114
Appendix A: Statewide Survey Findings	
Appendix B: Arizona Court Improvement Survey (Sample Form)	
Appendix C: File Review Data Collection Forms	

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## Executive Summary

In June of 1999, the Arizona Supreme Court, Administrative Office of the Courts (AOC) published a request for proposals (RFP 99-6) to conduct a study to obtain an update of the Arizona Court Improvement Project Final Report dated December 11, 1996.<sup>1</sup> The RFP called for a number of discrete objectives including:

1. Assess the impact of Model Court<sup>2</sup> legislation passed in 1998 and implemented since January 1999.
2. Meet with the Court Improvement Advisory Workgroup to develop plans for the study and provide periodic updates at Workgroup meetings.
3. Identify outcomes for children and families resulting from the new timelines and procedures required by Model Court legislation.
4. Conduct an analysis of State statutes and court rules surrounding dependency proceedings in Arizona.
5. Prepare a summary of findings and recommendations from the statewide Court Improvement Training Conference held on April 14, 2000.<sup>3</sup>
6. Construct and conduct a statewide survey to assess perceptions of the effects of Model Court and related court improvement efforts.<sup>4</sup>
7. Conduct an analysis comparing case processing and case outcomes for dependency cases with petitions filed in 1996 (before statewide implementation of Model Court) to cases filed after Model Court implementation.
8. Prepare updated descriptions of Model Court operations in four of the five counties included in the original (1996) Court Improvement Project (CIP) final report.
9. Conduct an updated analysis of case outcomes including reactivation (recidivism) rates for cases involved in the 1997 Pima County Model Court Pilot Project study.<sup>5</sup>

The National Center for Juvenile Justice (NCJJ)<sup>6</sup> responded to the RFP and a contract was executed in January of 2000.

In response to the findings of the original 1996 CIP report and a pilot Model Court project in Pima County, the AOC and juvenile courts initiated steps to significantly reform State statutes and court rules governing dependency matters. As a result, the Arizona State Legislature passed reform legislation starting in 1997 that accelerated timelines for adjudication and permanency. In 1998, the legislature

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<sup>1</sup> See G.J. Halemba and G. Siegel, *Arizona Court Improvement Project Final Report*, National Center for Juvenile Justice, December 11, 1996.

<sup>2</sup> The terms “Model Court” were derived from the Victims of Child Abuse Model Court Project. This national project, funded by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, is intended to promote improvements in juvenile and family court handling of abuse and neglect cases. The Pima County Juvenile Court was selected as a national Model Court site in October 1996 and is one of 23 courts participating in the national effort.

<sup>3</sup> A summary of the training conference was provided to the Administrative Office of the Courts in October 2000.

<sup>4</sup> A summary of the statewide survey findings appears in Appendix A of the full report.

<sup>5</sup> The updated Pima County analysis will be submitted as a supplement to this report.

<sup>6</sup> NCJJ is the research arm of the National Council of Juvenile and Family Court Judges.

passed landmark reforms requiring juvenile courts to front-load the court process in a manner consistent with Model Court procedures first implemented on a pilot basis in Pima County in 1997.

These statutory changes, along with associated changes in court rules, required Arizona's juvenile courts to implement Model Court procedures beginning on January 1, 1999. Maricopa County, however, was given a partial waiver allowing the court to phase in the implementation of expedited initial hearing requirements with full implementation required by January 1, 2000. Additionally, some counties (including Maricopa County) did not interpret this legislation to require an expedited court process in cases involving private and pro se dependency petitions. In Maricopa County, more than half of all new dependency petitions involve private or pro se filings.

In brief, these reforms dramatically altered the role of juvenile courts in dependency matters by expediting initial dependency hearings, reducing mandated timelines for dependency findings, specifying time frames for court-ordered permanent plans, and placing greater emphasis on prompt delivery of services for dependent children and their families. These changes require Arizona's juvenile courts to provide substantially more oversight on dependency matters. As a result, cases are monitored more closely, more frequent hearings are held, and more information is provided to the court (in the form of case plans and progress reports). In other words, through expanded court oversight, improved information, and more frequent (and, in many cases, more substantive) proceedings, courts in Arizona are keeping a closer eye on dependent children than ever before.

## **The Current Study**

The updated study includes quantitative and qualitative (process) measures. The quantitative component involved a detailed examination of the effects of court improvement reforms by comparing samples of dependency cases initiated in calendar year 1996 (before Model Court reforms occurred) to cases initiated in calendar year 1999 (after statewide implementation of Model Court).<sup>7</sup> A variety of case processing and case outcome measures were examined including:

- *Characteristics of cases filed in 1996 and 1999* on a number of dimensions including case demographics, petition allegations, service needs of children, presenting problems of parents, as well as differences in the delinquency/incorrigibility histories of children eight years of age and older;
- *Timeliness of attorney appointments* for parents and children, as well as the assignment of Court-Appointed Special Advocates (CASA volunteers);

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<sup>7</sup> As discussed <sup>in</sup> more detail in the full report, the Maricopa County Juvenile Court was granted a waiver by the State allowing it to implement Model Court reforms in a series of stages. All stages will be complete by April 2002.

- *Timeliness of early court proceedings* – that is, days to completion of the first hearing on a case as well as completion of petition adjudication and disposition;
- *Specificity of court orders* including the types of orders made and the amount of detail contained in them;
- *Timeliness of review and permanency hearings* – that is, days to completion of the first review hearing and the first permanency hearing on a case (including initial permanency hearings);
- *Permanency decisions* including the types and timing of these determinations;
- *Initiation and completion of termination of parental rights (TPR) and guardianship proceedings*;
- *Case outcomes* including time and reasons for case closure, placement at case closure and, to the extent possible, case reactivations; and
- *Differences in placement patterns* – specifically, the amount of time spent in out-of-home placements for closed cases.

Data on the above measures were manually extracted from court files in the four primary counties. The selection criteria for cases included in the study varied somewhat depending on the size of the county and variances in local Model Court practices. For the two less populous counties (Cochise and Coconino counties), almost all dependency petitions filed in 1996 and 1999 were included in the study. These two sites experienced a relatively small number of petitions during this period. Juvenile courts in both counties applied Model Court case-processing requirements to all new dependency petitions filed in 1999 regardless of their source (Attorney General’s Office, private counsel or pro se).

In the two most populous counties (Maricopa and Pima counties), the selection criteria for inclusion in the study were considerably more complex. In Maricopa and Pima counties, it was not feasible to include a child from each eligible 1996 and 1999 dependency petition in the study sample. The pool of potential petitions was too large given the personnel resources needed to manually collect data on these cases. Instead, a two-stage sampling procedure was used to select cases for the analysis.

First, cases from calendar year 1999 were randomly selected from the population of all dependency petitions filed in Maricopa and Pima counties that were subject to Model Court case processing requirements. In Pima County, this included all dependency petitions filed during the year regardless of the filing source.<sup>8</sup> In Maricopa County, only AG-generated petitions were subject to Model

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<sup>8</sup> Approximately 8% of all dependency petitions filed with the Pima County Juvenile Court in 1999 were from private sources (private counsel or pro se).

Court case processing requirements<sup>9</sup> and, for 1999, only 70% of these were actually handled through the Model Court process due to a waiver granted the juvenile court.<sup>10</sup>

Secondly, comparative samples of 1996 cases were selected from the eligible pool of dependency petitions filed in these two counties using a matched pair sampling design and data provided from the respective courts' automated JOLTS systems. This procedure increased the likelihood that the types of 1996 and 1999 cases would be similar on at least three key measures – the child's age at petition filing, the number of siblings named on a petition, and petition source. We had hoped to use additional criteria such as petition allegations, placement status at petition filing, number of siblings, and prior/concurrent delinquency history but these data were only available on a very limited basis in JOLTS<sup>11</sup> for children named on 1996 dependency petitions.

In almost all instances, the court files of 1999 cases selected for inclusion in the study were reviewed at two stages. The first review took place at some point within the first 12 to 15 months after petition filing. The final review was conducted 16 to 24 months after petition filing by which time a court determination should have been made on the selected child's permanent placement. This second look at court files was generally completed during the summer or early fall of 2001. This allowed for the tracking of each 1999 case for a minimum of 16 months. Court files for the 1996 groups were, for the most part, only reviewed once – typically during the latter stages of data collection in the summer of 2001. These cases were tracked for a minimum of four years. A total of 629 children were included in the file reviews (311 from 1996 and 318 from 1999). The numbers of children by county for the 1996 group included 46 from Cochise County, 26 from Coconino County, 144 from Maricopa County, and 95

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<sup>9</sup> From the onset, the Maricopa County Juvenile Court exempted dependency petitions filed by private counsel or pro se (usually, relatives) from Model Court case processing requirements, arguing that Model Court legislation only applied to child protection cases initiated by CPS and filed by the AG's Office. The court intends to have all cases, regardless of filing source, handled through Model Court by April 2002.

<sup>10</sup> Maricopa County was granted a partial waiver allowing the court to phase in implementation of preliminary protective hearing requirements. Using this waiver, the juvenile court only applied Model Court case-processing requirements to approximately half of all AG-generated dependency petitions filed during the first six months of 1999 – that is, only to petitions filed at the court's Southeast Facility (SEF). Beginning in July 1999, Model Court case processing requirements were extended to new AG-generated dependency petitions filed at the court's Durango facility.

<sup>11</sup> JOLTS refers to the Juvenile On-Line Tracking System. JOLTS began as a delinquency tracking system in Maricopa County and was subsequently enhanced and expanded for statewide delinquency tracking. Today, JOLTS also serves as the primary statewide dependency tracking system though levels of implementation vary across counties. However, the AOC, FCRB, and county CASA offices also use the Dependent Child Automated Tracking System (DCATS). This system predates dependency JOLTS. During the early stages of the study, NCJJ staff reviewed DCATS data including permanent plan and placement history information. These data were not considered sufficiently reliable for the analysis. Recently, the AOC initiated planning efforts to consolidate dependency JOLTS and DCATS.

from Pima County. The numbers for the 1999 Model Court group included 51 from Cochise County, 22 from Coconino County, 143 from Maricopa County, and 102 from Pima County.

Overall, the results of the comparative analysis strongly indicate that juvenile courts in Arizona are processing cases in a more timely manner; that children are spending considerably less time in out-of-home placements; that courts are becoming more specific in the orders generated at dependency hearings (particularly initial hearings); and that the State and federal government have realized sizeable savings in placement costs. These savings probably more than offset any increased costs associated with Model Court implementation, including the earlier appointment of counsel and the front-loading of services. Key findings (in *italics*) tied to the comparative analysis and associated recommendations appear below.

### **Findings and Recommendations Related to Case Characteristics**

*Finding 1: The 1996 (pre-Model Court) and 1999 (Model Court) cases selected for comparison were sufficiently similar on a range of case characteristics that any differences found in case timelines and outcomes can be confidently attributed to differing case processing practices and requirements in existence during these years. The samples also reflect the types of cases coming to court in the four participating counties (Cochise, Coconino, Maricopa and Pima counties) and may be instructive for future planning purposes. To our knowledge, no juvenile court in Arizona has developed a comprehensive profile of their caseload.*

Recommendation: The AOC and juvenile courts should use the information contained in this report to initiate plans for producing comprehensive profiles of dependency caseloads in all juvenile courts. This could be piloted in Maricopa and Pima counties first. The absence of placement history and services information on JOLTS, however, will make it difficult to compile this information.

Recommendation: The AOC and juvenile courts, through the statewide JOLTS users group or another appropriate forum, should initiate plans for capturing accurate placement history and services information. One option may include downloading or extracting the information from the ACYF CHILDS computer system. Because the most thorough placement and service history data were obtained from CPS reports, the AOC and juvenile courts should meet with ACYF to determine what resources (including personnel and time resources) would be needed to regularly capture services and placement (including paid and unpaid) information through CHILDS.

Recommendation: The AOC should continue its planning efforts to consolidate the JOLTS and DCATS information systems.

*Finding 2: The vast majority of families involved in dependency matters in both 1999 and 1996 had been the subjects of prior CPS investigations. Overall, 75% of families from the 1999 cohort displayed previous investigations, as did 80% of families in the 1996 sample. Many of these families had extensive CPS investigation histories. Families cited in 1996 petitions had been investigated by CPS an average of 4.1 times prior to the investigation that resulted in a petition being filed on the child included in this study. The average number of prior substantiated investigations for these families was 2.3. The average numbers of prior investigations and substantiated investigations of families cited on 1999 Model Court petitions were only slightly lower – 3.6 and 1.9, respectively.*

Recommendation: The court should collaborate with CPS to examine if earlier court involvement may be warranted with cases displaying extensive CPS histories. This could include the use of in-home or protective supervision petitions to require at-risk families to cooperate and accept services offered by ACYF. This recommendation is consistent with an earlier one made in the original 1996 report.

*Finding 3: Just under 30 percent (29%) of families in both the 1996 and 1999 study cohorts had prior or ongoing court involvement on other dependency matters involving the child whose case was being tracked for the study or one of his/her siblings. This varied little across the four counties.*

Recommendation: The courts should carefully track case reactivations (subsequent petitions filed on the same child or children who were subject to an earlier petition) and supplemental filings (subsequent petitions filed on a different child not included in the earlier petition, most often a newborn). If they have not already done so, Cochise and Coconino counties should cease the practice of assigning new case numbers to these reoccurring cases. This would ensure greater accuracy for case tracking purposes.

*Finding 4: Close to half of the children named on dependency petitions in the 1996 and 1999 study samples who were eight years of age or older at the time of filing, displayed prior or concurrent court involvement on a delinquency matter – 48% of older children included in the 1996 study sample and 48% of the children included in the 1999 Model Court group.<sup>12</sup> Additionally, one-third or more of these children had been previously placed on probation or were on probation at some point after the date the dependency petition was filed – 33% of children in the 1996 data set and 35% of children included in the 1999 sample. The overall number of children in both data sets with prior or current court involvement on the four delinquency/status offense measures increased dramatically as their age increased. That is, 71% of dependent children included in the 1996 and 1999 Model Court data sets who*

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<sup>12</sup> The percentage of such children increased in Cochise and Coconino counties from 35% in the 1996 sample to 46% in the 1999 sample.

were 15 years of age or older at the time of the filing of the dependency petition had prior or current court involvement on a delinquency matter compared to 50% of children between the ages of 11 and 14. Additionally, 52% of the children in the oldest age category (15-17) were previously or concurrently placed on probation and 19% had been previously or concurrently committed to ADJC.

*The prevalence of delinquency activity among dependent children is a critical issue in Arizona that will require greater cooperation and coordination among multiple entities. Youth involved in both the child welfare and juvenile justice systems (commonly referred to as dually-involved or dually-adjudicated) present serious challenges. While some counties have instituted creative methods for enhancing coordination (e.g., Coconino County's standing court order requiring CPS and probation to cooperate on joint cases, and the Interagency Case Management Project<sup>13</sup> and the CPS dually-adjudicated unit in Maricopa County), dynamic tension persists. Failure to effectively intervene with these cases at the earliest point possible, however, significantly increases the chances that these children will experience chronic delinquency, continued school failure, teenage pregnancy, severe substance abuse, future criminal acts, and other serious problems.*

Recommendation: The AOC, juvenile courts, and ACYF should enhance efforts to coordinate handling of co-occurring dependency/delinquency cases. Efforts like those in Coconino County should be carefully examined for applicability in other sites. Programs like the dually-adjudicated CPS unit and ICMP in Maricopa County should be carefully examined for expansion to other jurisdictions as feasible.

Recommendation: The AOC, juvenile courts and ACYF, in conjunction with other appropriate agencies, should hold a statewide strategic planning or summit meeting to construct plans for effectively intervening in the lives of maltreated children who are at risk of and/or display delinquent behaviors.

### **Findings and Recommendations Related to Case Processing and Timeliness of Proceedings**

*Finding 5: The appointment of counsel, guardians ad litem (GALs), and Court-Appointed Special Advocates (CASA volunteers)<sup>14</sup> occurred considerably earlier in 1999 Model Court cases than in 1996 cases. Attorneys and/or GALs were appointed for children within an average of five days of petition filing in 1999 Model Court cases compared to 36 days in 1996 cases – a time reduction of 86%. The*

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<sup>13</sup> The interagency case management project (ICMP) is a multi-agency approach to handling children involved in multiple systems including juvenile justice, mental health, developmental disabilities, and CPS. However, it is only able to serve a very limited number of children and families.

<sup>14</sup> CASA volunteers are appointed by the court to advocate for the best interests of children. For more information, see G.C. Siegel, G.J. Halemba, R.D. Gunn, S. Zawacki, M. Bozynski, and M.S. Black, *Arizona CASA Effectiveness Study: Final Report*, NCJJ, December 19, 2001.

average time reduction in appointment of counsel for mothers was 80%, from 41 days in 1996 to eight days in 1999. For fathers, the average time to appointment of counsel was reduced from 46 days in 1996 to 11 days in 1999 – a reduction of 76%. Lastly, CASA volunteers were generally appointed much earlier – 51 days in 1999 Model Court cases compared to 132 days in selected 1996 cases – a time reduction of 61%. All of the above reductions were statistically significant.

*Model Court rule changes were intended to ensure that appointment of counsel and GALs occurred prior to the first hearing (most often, the Preliminary Protective Hearing or PPH) so that these individuals had time to confer with their clients in advance of the proceeding. Appointments rarely occurred this early in 1996. Appointment of counsel for mothers was far more likely to occur before the first hearing in 1999 than in 1996 – 85% versus 31%. The same was true for fathers – 80% of fathers were appointed attorneys before the first hearing in 1999 compared to 24% in 1996. Additionally, CASA volunteers were rarely appointed at case initiation in 1996 – only 6% of the time. The frequency of such early appointments increased more than four-fold in 1999 to 26%.*

Recommendation: The four juvenile courts involved in this study should continue efforts to appoint counsel and volunteer advocates as early in the process as possible. The AOC should continue to provide assistance to the counties to enhance recruitment and retention of qualified lawyers and CASA volunteers, particularly in courts that do not have adequate supplies of these important resources.

*Finding 6: The impact of early appointment of counsel and GALs for children was not as great as the differences found in appointment of counsel for parents. Overall, the frequency with which these appointments occurred prior to the first hearing increased from 53% in 1996 to 59% in 1999 cases. However, there was considerable variation across counties. Cochise and Coconino counties were already routinely appointing children’s counsel and/or GALs at case onset in 1996 and continued to do so in 1999. The frequency with which this occurred in 1999 Model Court cases actually went down slightly in the two counties – from 94% to 89%. Pima had also been routinely appointing children’s counsel/GALs prior to the first hearing in 1996 (81% of the time) but increased this to 99% for 1999 Model Court cases. Maricopa County was the only study site that did not routinely appoint an attorney or GAL for a child at case onset in 1996. In that year, early appointments only occurred 9% of the time. The appointment of attorneys and/or GALs for children improved markedly in Maricopa County from 1996 to 1999 but this improvement was most reflected in the frequency of appointments made on the date of the first hearing – from 15% in 1996 to 78% in 1999. Similarly, Maricopa County reduced the frequency of appointments that occurred after the first hearing, from 77% in 1996 to only 6% in 1999.*

*However, the percentage of children appointed counsel before the first hearing remained relatively low; specifically, only 9% of 1996 cases and 16% for 1999 cases.*

Recommendation: The Maricopa County Juvenile Court should continue to explore options for expediting attorney assignment for children. The court should conduct a careful examination of delays in assignments that may occur because of turnover or other factors at the county's Office of Court-Appointed Counsel.

*Finding 7: The first dependency hearing was scheduled much earlier in 1999 Model Court cases than 1996 cases. On average, the first hearing was scheduled 16 days after petition filing in 1996 versus seven days for 1999 Model Court cases – a statistically significant time reduction of 56%. The number of days to the first scheduled hearing on a case did not vary to any great degree in the four participating counties. The reduction in the number of days to a completed first hearing was even greater – from 27 days in 1996 to nine days in 1999. This translates to a statistically significant time reduction of 67%. Once again, the number of days to the first completed hearing did not vary much across the four counties.*

Recommendation: The counties should produce relevant court calendaring data that enable them to track scheduling and hearing completion rates. These data would help the counties address any shifts that may occur in the future.

*Finding 8: While the front-loading aspect of Model Court has expedited the timing of the first hearing, the analysis found a small number of instances where the PPH was not scheduled within prescribed time frames. Model Court statutes require the scheduling of a PPH within five to seven days of a child's removal from the home (excluding weekends and holidays). The analysis revealed that 12% of the time, the PPH was scheduled more than 12 days out from the date of emergency removal (ER). The PPH out-of-compliance rates varied from a low of 3% in Cochise County and 7% in Maricopa County to a high of 21% in Pima County and 38% in Coconino County.*

Recommendation: While the starting date of an emergency removal may not always be easy to decipher (for example, if a child was first admitted to a hospital), the percentage of cases not meeting PPH time requirements suggests that counties should monitor these very closely and ensure that timelines are being met in all cases involving emergency removals.<sup>15</sup> Pima County's implementation of

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<sup>15</sup> Pima County has made one judge/one family case handling its top priority. As a result of this commitment and a fairly recent increase in supplemental petitions, there are times when the court does not meet the PPH time requirement. In response, the Pima County Juvenile Court has allocated specific time slots for supplemental PPHs. This may eliminate scheduling problems and delays completing PPHs.

“supplemental PPHs” should be carefully evaluated to determine its effects on eliminating or reducing delays in PPHs and its applicability to other courts.

*Finding 9: The time from petition filing to petition adjudication was reduced from 79 days for 1996 cases to 58 days for 1999 Model Court cases – a savings of 21 days and a time reduction of 27%. All four counties experienced significant time reductions ranging from 10 days in Maricopa County (which had the shortest average time to adjudication in 1996) to 35 days in Pima County. In 20% of all 1999 Model Court cases, juvenile courts were able to enter a finding on petition allegations at the preliminary protective hearing. Much of the improvement in time to adjudication can be attributed to the effects of the pre-hearing conference (PHC) and PPH. This process encourages parental participation, problem-solving, and early case planning. Mediation programs and judicial settlement conferences have also contributed to this outcome. On the other hand, in 10% of 1999 Model Court cases the court took more than 120 days to render findings, the outer adjudication timeline set in statute and court rules.*

**Recommendation:** While the four counties have achieved marked reductions in time to adjudication, the courts should carefully examine the small number of cases that exceeded the 120-day timeline to ascertain the reasons for these occurrences. Once these reasons are identified, the courts should take appropriate steps to further reduce the frequency of these events.

*Finding 10: Compared to 1996, three of the four counties experienced considerable reductions in the number of days taken for 1999 Model Court cases to reach disposition. These reductions included 32 days in Cochise County, 27 days in Pima County, and nine days in Coconino County. However, Maricopa County experienced an increase from 71 days in 1996 to 96 days for 1999 Model Court cases – an increase of 25 days.<sup>16</sup> At least in part, the Maricopa County shift may be attributed to a considerable decrease in the frequency of combined (bifurcated) adjudication and disposition hearings – from 82% in 1996 to 33% in 1999.<sup>17</sup>*

**Recommendation:** The Maricopa County Juvenile Court should take appropriate steps to resolve barriers to more timely dispositions. This should include a careful examination of the practice of some judicial officers who do not render dispositions until all parents (including absent parents and Joe Does) have been adjudicated.

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<sup>16</sup> Excluding Maricopa County cases, the average time to disposition decreased from 100 days in 1996 to 86 days in 1999 – a decrease of 14 days.

<sup>17</sup> Interview and site observation data in Maricopa County suggest that, at least in part, this large drop in combined hearings can be attributed to the position among some jurists that disposition should not be completed until the adjudicatory process has been completed for both or all parents – even in instances when one parent is absent and adjudication has been delayed because of notification and publication problems.

*Finding 11: The analysis identified a sizeable percentage of 1999 Model Court cases in which disposition did not occur until more than 30 days after adjudication. Overall, this occurred 42% of the time. The percentage of cases out of compliance with statutory dispositional guidelines ranged from a high of 49% in Cochise County to a low of 27% in Coconino County.*

Recommendation: The courts should carefully track the setting and completion of dispositional events and take appropriate steps to improve compliance rates.

*Finding 12: Court orders (minute entries) produced at the first Model Court hearings (i.e., the PPH) were considerably more detailed and specific including placement, visitation and services, compared to orders from initial dependency and temporary custody hearings held in 1996. Specific minute entries enable parents to more clearly understand what the court expects of them and reinforce the importance of case plan compliance. One third of the PPH minute entries from 1999 Model Court cases specifically addressed four or more separate issues (in addition to reasonable efforts and routine matters such as the scheduling of the next court hearing). An additional 42% of these PPH minute entries referenced two to three issues. In sharp contrast, 6% of orders from initial dependency and temporary custody hearings on 1996 cases addressed four or more issues and 17% addressed two to three issues. The vast majority of initial hearing minute entries on 1996 cases (78%) addressed one or no issues (other than reasonable efforts and routine matters such as the scheduling of the next hearing). Minute entries from PPH hearings on 1999 Model Court cases contained orders pertaining to an average of 2.9 issues compared to an average of 1.1 issues in 1996 cases. These differences were statistically significant.*

Recommendation: Despite substantial improvement from 1996, some judicial officers and court clerks need additional training on preparing substantive minute entries. If it does not already do so, the AOC should include such training at the State level and each court should address minute entry content in local training. The *Resource Guidelines* should be reviewed as a reference for minute entry content. While all courts distribute copies of hand-written minute entries at the PPH, few consistently distribute minute entries at the conclusion of other key hearings. Steps should be taken to address resource and work load issues that prevent distribution of orders at key hearings particularly the disposition, first review, and permanency hearing stages.

Recommendation: The AOC should continue its efforts to develop standard (automated) templates that can be filled in appropriately so that all required content is addressed at each hearing.

*Finding 13: The timely completion of the first review hearing has improved significantly in all four counties. The first review was completed on 1996 cases an average of 164 days after petition*

*disposition compared to 104 days in 1999 Model Court cases – a statistically significant reduction of 37%. This pattern was consistent across all four counties with the largest reductions occurring in Coconino and Maricopa Counties – 48% and 43%, respectively. However, in Maricopa County, calendar congestion frequently limits the amount of time available for these proceedings.*

Recommendation: The Maricopa County Juvenile Court should continue to explore calendaring options that maximize the time available for the first review hearing.

### **Findings and Recommendations Related to Permanency Proceedings**

*Finding 14: The analysis of average time to completion of the first permanency hearing revealed substantial and statistically significant differences between the 1996 and 1999 study samples. The first completed permanency hearing was held an average of 452 days from the date of petition filing in 1996 cases compared to 324 days for 1999 cases – a time reduction of 28%. The largest drop occurred in Maricopa County – 43% - from 524 days in 1996 to 299 days in 1999. Substantial time reductions of 22% were also realized in Cochise and Pima counties. However, the average time to the first completed permanency hearing actually increased in Coconino County but this rise can be attributed to the small number of cases in that county’s study groups.*

Recommendation: The courts should continue to carefully track the timing of permanency hearings. All four counties should examine the potential benefits of requiring mediation in advance of potentially contested permanency events. When feasible, permanency mediation should be scheduled as far in advance of the permanency hearing as possible.<sup>18</sup>

*Finding 15: The analysis also found substantial improvements in the time taken for the courts to reach permanency decisions. Overall, it took the courts an average of 501 days to complete the permanency process for 1996 cases compared to 288 days for 1999 Model Court cases – a time reduction of 43%. Again, three of the four counties experienced substantial and statistically significant reductions with Pima County having the largest reduction at 49% and Maricopa and Cochise counties improving by 45% and 37%, respectively.*

Recommendation: As noted previously, the courts should continue to carefully track the timing of permanency determinations and increase the use of mediation in cases with contested permanent plans.

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<sup>18</sup> The Office of the Attorney General has taken the lead in developing a statewide permanency mediation protocol. Implementation of the protocol, when ready, will start in Maricopa County.

*Finding 16: All four juvenile courts substantially improved the proportion of cases receiving permanency determinations within 18 months of petition filing. Overall, the percentage of such cases increased by almost half, from 63% for the 1996 group to 93% for the 1999 Model Court sample. However, some counties continue to rely on manual calculations to determine permanency timelines.*

Recommendation: If not already done, the AOC and the courts should enable JOLTS to provide automated calculation and notification of permanency timelines.<sup>19</sup>

*Finding 17: The courts were more likely to make a permanency determination of reunification in 1999 Model Court cases than in 1996 cases – 43% versus 34%, respectively. The courts were also more likely to determine that adoption was the appropriate permanent plan for a child in 1996 cases (38%) than in 1999 Model Court cases (28%). This suggests that front-loading the court process and accelerating the timelines for permanency decisions did not result in an increase in the number of children that would be permanently taken away from their parents and freed for adoption; if anything, the reverse seems true.*

Recommendation: Despite the lower rate of permanent plans calling for termination of parental rights and adoption in the 1999 sample, interviews with some key stakeholders revealed perceptions of possible increases in adoption disruptions. Unfortunately, a thorough analysis of this issue exceeded the scope of the CIP study. The AOC, juvenile courts, and CPS should carefully assess the frequency of disruptions and the reasons for these occurrences.

*Finding 18: Statutory provisions requiring the court to conduct annual post-permanency review hearings if a child is to remain in an out-of-home placement for longer than 18 months after the permanency order have remained unchanged since 1996. Arizona’s permanency statutes do not specifically address scenarios in which the court approves a permanency order of reunification but also determines that the child cannot yet be safely returned home. It only requires the court to order that the permanent plan be accomplished within a specified period of time. Conceivably, this could result in situations in which the court could limit its review of progress towards reunification for children remaining in temporary out-of-home care to annual post-permanency review hearings.*

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<sup>19</sup> The automated timeline calculation feature was being considered for DCATS in May 2001. The same feature may exist on JOLTS but may not be activated or used by the courts.

Recommendation: These situations probably warrant more frequent reviews to ensure that steps are being taken to return children home. At a minimum, three-month reviews seem appropriate. Some courts in Arizona have initiated steps to conduct more frequent post-permanency reviews.

### **Findings and Recommendations Related to Termination of Parent Rights and Guardianship**

*Finding 19: Statutory changes enacted in 1998 surrounding termination of parental rights (severance or TPR) resulted in statistically significant reductions in the amount time a case was open before initiation of TPR. Overall, 1996 cases were open for an average of 538 days before a severance petition was filed. In contrast, 1999 Model Court cases were open for an average of 395 days before a TPR motion was filed – a time reduction of 27%. This pattern was consistent across the four participating counties. The largest reductions in time occurred in Cochise County (from 644 days to 290 days – 55%) and in Maricopa County (547 days to 402 days – 25%).*

Recommendation: The AOC and juvenile courts should continue to track the amount of time cases remain open before initiation of TPR matters.

*Finding 20: Significant time reductions were also found in the amount of time needed to complete TPR proceedings. It took an average of 208 days to complete TPR proceedings in 1996 cases compared to 94 days for 1999 Model Court cases – a time reduction of more than half (55%). The most significant time reductions occurred in Maricopa and Pima counties (61% and 42%, respectively). Cochise County experienced a time reduction of 16% but this was due to the fact TPR proceedings were already routinely being completed in an expedited fashion in 1996 (87 days).*

Recommendation: The AOC and juvenile courts should continue to track the amount of time needed to complete TPR proceedings.

*Finding 21: While substantial time reductions were found in the initiation and completion of TPR proceedings, the four counties face ongoing challenges in meeting the ambitious timelines for TPR established in 1998. There were 60 cases in the 1999 Model Court study sample in which the juvenile court made a permanent plan determination of adoption at a final permanency hearing. In only half of these cases (30) were TPR motions filed within 10 days of the permanency hearing as required by statute. In another 21 instances (35%), the motion was filed within 11-14 days of the permanency hearing. Current statutory language does not exclude weekends and holidays from the 10-day calculation as it does in some other instances.*

Recommendation: The AOC and juvenile courts should identify the reasons why a substantial proportion of cases did not adhere to the 10-day motion filing timeline. If this is still a problem, appropriate steps should be taken to address it.

*Finding 22: Meeting the 30-day time frame (from the permanency hearing) for holding an initial hearing on the TPR motion was also problematic. The court was unable to schedule an initial hearing on the TPR motion within the prescribed 30-days in 22 of the 60 cases (37%). The average time to the scheduled initial TPR hearing was 43 days and the median time was 35 days.*

Recommendation: The AOC and juvenile courts should identify the reasons why a substantial proportion of cases did not meet the 30-day initial TPR hearing timeline. In some counties, this may be a calendaring issue. If it is still a problem, appropriate steps should be taken to hold these hearings within the 30-day time frame.

*Finding 23: Statutory requirements governing the initiation and completion of permanent guardianship proceedings were also modified similar to those covering TPR matters. While the number of cases in which guardianship proceedings were initiated was relatively small (approximately 50 cases evenly split between the 1996 and 1999 Model Court study samples), these procedural changes had a significant impact on the timeliness of these events. The number of days between the filing of the guardianship petition (1996 cases) or motion (1999 Model Court cases) and the first hearing on this matter was cut in half from an average of 58 days in 1996 cases to 29 days in 1999 Model Court cases. Furthermore, the number of days needed to grant a permanent guardianship decreased by 65%, from 168 days for 1996 cases to 59 days for 1999 Model Court cases.*

Recommendation: The AOC and juvenile courts should continue to track the initiation and completion of permanent guardianship proceedings.

*Finding 24: Arizona statutes do not contain provisions for regular review of case progress toward adoption in instances in which termination of parental rights proceedings have been initiated or completed. While considerable changes have been made to expedite the severance/termination of parental rights (TPR) process, Arizona statutes only require annual reviews of these cases until adoption has been finalized. A number of juvenile courts recognize this concern. Some have increased their oversight at this stage to address delays that are common as cases work their way through the myriad of legal and social work requirements necessary for finalization of an adoption.*

Recommendation: The juvenile courts should conduct more frequent reviews of post-termination cases. Again, 90-day reviews are probably warranted.

### **Findings and Recommendations Related to Case Closures**

*Finding 25: The courts took considerably less time on average to close 1999 Model Court cases than 1996 cases. Almost twice as many 1999 cases closed within 18 months of petition filing compared to 1996 cases – 47% to 25%, respectively. Three of the four counties experienced substantial and statistically significant increases in case closure rates at the 18-month mark, and in some instances, the differences were extraordinary. In Pima County, the increase in case closure rates more than quadrupled – from 11% in 1996 to 51% in the 1999 Model Court group. In Maricopa County, the 18-month case closure rate more than doubled from 15% in 1996 to 34% in 1999. Cochise County experienced a more modest increase from 63% to 77%. Coconino County experienced a decrease in 18-month case closure rates from 65% for 1996 to 41% for 1999, but this can be attributed to the small number of cases in that county.*

Recommendation: The AOC and the courts should carefully track case closure rates across all counties to assess trends over time, including reactivation and supplemental petition rates among closed cases.

*Finding 26: The percentage of cases closed because of adoption was considerably higher in 1996 cases (34%) than in 1999 Model Court cases (14%). On the other hand, the proportion of cases that closed due to reunification with the custodial parent(s) or placement with the non-custodial parent was higher for the 1999 group. Combined, closures stemming from reunification or placement with a non-custodial parent represented 52% of case closures for 1999 Model Court cases and 36% for 1996 cases.*

Recommendation: The AOC and the courts should continue to carefully track the reasons for case closures to see if these trends remain true.

### **Findings and Recommendations Related to Placement Outcomes**

*Finding 27: Children in the 1999 Model Court study group reviewed for placement outcomes experienced statistically significant shorter stays in out-of-home placements than their 1996 counterparts. Specifically, 1999 cases remained in out-of-home care for an average of 178 days while 1996 cases stayed an average of 400 days – a difference of 223 days. This dramatic reduction translates into substantial cost savings for the State and federal governments. For example, using an average base*

*foster care reimbursement rate of \$14 per day (a rather conservative figure since many other types of placements are much more expensive than basic foster care), the total savings in placement costs for children included in this part of the analysis is approximately \$496,398 – an average of \$3,122 per child. Projecting these cost savings to the larger population of 1999 Model Court cases in the four participating counties only (of which there were 1,571), the projected savings in placement costs approaches \$5 million (\$4.9 million). While more specific estimates of savings should consider costs associated with Model Court (e.g., those associated with attorneys, additional hearings, increased assessments, etc.), such costs are probably far outweighed by the savings engendered by Model Court.*

Recommendation: The AOC should calculate more specific cost-benefit estimates that include all types of placements (i.e., group care, residential treatment, therapeutic foster care, shelter care, and others).

*Finding 28: NCJJ was unable to conduct a comprehensive analysis of case reactivations.<sup>20</sup> This was due, first, to the fact that 1996 cases had much more time to reactivate than the 1999 Model Court cases and, second, to the fact that a relatively small number of case reactivations occurred in both groups. Only eight 1996 cases reactivated by the time of final case file review – 3% of the 271 case closures for the 1996 cohort. A similar number of Model Court cases reactivated – 4% of the 214 case closures for the 1999 Model Court cohort. As a result, it is too early to posit definitive conclusions regarding the effects of the expedited Model Court process on reactivations.*

Recommendation: While the data indicate a very slight difference in reactivation rates between the two study groups, this issue warrants considerably more research and close monitoring by individual juvenile courts and the AOC. JOLTS is well-equipped to provide timely data to individual courts and the AOC in this regard. The essential data elements are tracked in JOLTS – it is primarily a matter of defining reactivation (and its possible permutations as it relates to the entire family) and developing a statistical tracking report that organizes and aggregates these data in the appropriate format. With JOLTS being used in all 15 Arizona counties, reactivations could be tracked statewide. However, the practice of assigning new case numbers to reactivated cases in Cochise and Coconino counties should be changed, if it has not already been addressed.

As noted earlier, the study also involved a qualitative assessment of county court improvement efforts. The qualitative aspect of the study included the following process components:

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<sup>20</sup> Case reactivation was defined as a new petition being filed on a case that had closed, with the same child from the study named on the new petition.

- A review of State statutes and court rules covering changes made in Arizona since the original CIP assessment including an assessment of the degree of consistency between these changes and the federal Adoptions and Safe Families Act of 1997 (ASFA);<sup>21</sup>
- A statewide survey of key stakeholders involved in dependency matters designed to obtain updated perceptions of the effects of court improvement reforms;
- Interviews with key local stakeholders in the four selected sites (Cochise, Coconino, Maricopa, and Pima counties) to obtain updated perceptions of county court improvement efforts; and
- Hearing observations to ascertain the length, substance, and timing of key proceedings, including who attends and participates at hearing events.<sup>22</sup>

Key findings and themes identified in the process review of court improvement efforts in Cochise, Coconino, Maricopa and Pima counties<sup>23</sup> included:

- Strong support for Model Court reforms among all key stakeholders including judges, commissioners, assistant attorneys general (AG), CPS caseworkers, court-appointed attorneys that represent children and/or families involved in dependency matters, and others.
- Strong adherence in the four counties to the one judge/one family case assignment practice. In 1996, it was not unusual for multiple judges to handle different stages of the same case. Today, the same judge usually handles all stages of the same case. This practice enables judges to become much more familiar with their cases and allows them to provide improved oversight of dependency matters. In Pima County, the court's commitment to one judge/one family has been bolstered by extended appointments to the juvenile bench.
- Expanded training opportunities for judges and assistant AGs. The State's dependency training program for judges did not exist in 1996 and the Office of the Arizona Attorney General has dramatically expanded training opportunities for assistant AGs handling dependency cases. Training opportunities have also been expanded in some counties for court-appointed attorneys and, in Pima County, this training is mandatory for contract attorneys. However, some counties continue to struggle with retaining an adequate supply of qualified attorneys.
- Improved physical conditions in some courts that provide suitable settings for pre-hearing conferences, mediation, and dependency court hearings. However, conditions at the Durango facility in Maricopa County are very crowded. This permits persons waiting for hearings outside courtrooms to easily overhear confidential discussions. The noise level in the courthouse lobby can get so loud that it interferes with court proceedings.

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<sup>21</sup> A preliminary summary of State statutes and court rules governing dependency and severance proceedings was submitted to the AOC on December 13, 2000. The final report contains an updated summary of changes including those initiated after December 2000.

<sup>22</sup> NCJJ developed standard protocols for hearing observations. These were primarily based on recommended practices contained in the manual entitled *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. The *Resource Guidelines* were developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) and set forth the necessary elements of a fair, thorough, and speedy court process in dependency cases.

<sup>23</sup> Some of the issues noted here also apply to Mohave, Pinal, Yavapai, and Yuma counties. NCJJ conducted less extensive reviews of court improvement efforts in these four sites.

- Strong pre-hearing conference facilitation in each of the four counties. However, some counties have a limited cadre of qualified facilitators. This could make it difficult to meet future demand if petition filings increase.
- Strong mediation programs in each of the four counties, particularly in Maricopa County. However, mediation may be underutilized at the permanency and severance stages in some counties.
- Consistent use of a judicial checklist or template for the Preliminary Protective Hearing. This ensures that judges cover all relevant issues at this critical early stage event.
- More time-certain scheduling of dependency events in some counties. Hearings in Coconino County, for example, almost always start and end on time, making these proceedings much more predictable for key participants. However, calendar congestion in Maricopa and Pima counties can make it difficult to find adequate time for severance (termination of parental rights) trials. And, in some counties, when the court calendar is full, the court may not allocate sufficient time for substantive discussion of key issues.
- Compared to 1996, juvenile courts have substantially reduced the incidence of continued dependency hearings. When hearings are scheduled to go they tend to go.
- Persistent, serious turnover among CPS caseworkers linked primarily to long hours and inadequate compensation. Perhaps the most dramatic indication of inadequate salary levels for CPS caseworkers was found in Coconino County. As of July 2001, there were two Masters level CPS caseworkers in the Flagstaff unit that qualified for public assistance (e.g., day care services).
- Compensation levels for assistant AGs handling dependency and severance matters have been increased to levels parallel with attorneys working in other divisions of the Office of the Attorney General. In 1996, assistant AGs handling dependency and severance cases were the lowest paid attorneys in the office.
- In most counties, compensation levels for contract attorneys representing children and/or parents have not increased in the past five years.
- Collaborative and innovative efforts in some counties intended to effectively address the unique challenges presented by dependent youth who also display delinquent behaviors. However, the demands created by the high percentage of youth with co-occurring dependency and delinquency activity outstrips the systems' limited resources.
- Ongoing challenges gaining access to State behavioral health services through the Regional Behavioral Health Authorities (RBHAs). Some counties have few or no in-county resources (particularly residential substance abuse treatment) but others have developed innovative programs that did not exist in 1996.
- Substantial improvements in the quality of case plans and progress reports prepared by CPS caseworkers. However, timely distribution of these plans and reports to all parties involved in a case remains an ongoing challenge in most counties.
- Improved automated dependency information through the statewide JOLTS computer system. Most counties can now produce basic case activity and tracking reports, plus individual dependency case profiles. This capacity did not exist in 1996. However, at least two counties may assign new case numbers to cases that return to the system as new petitions (reactivations). Assigning different case numbers can complicate case tracking capabilities.

## The Arizona Court Improvement Project: Five Years Later

### Introduction

In June of 1999, the Arizona Supreme Court, Administrative Office of the Courts (AOC) published a request for proposals (RFP 99-6) to conduct a study to obtain an update of the Arizona Court Improvement Project Final Report dated December 11, 1996.<sup>1</sup> The RFP called for a number of discrete objectives including:

1. Assess the impact of Model Court<sup>2</sup> legislation passed in 1998 and implemented since January 1999.
2. Meet with the Court Improvement Advisory Workgroup to develop plans for the study and provide periodic updates at Workgroup meetings.
3. Identify outcomes for children and families resulting from the new timelines and procedures required by Model Court legislation.
4. Conduct an analysis of State statutes and court rules surrounding dependency proceedings in Arizona.
5. Prepare a summary of findings and recommendations from the statewide Court Improvement Training Conference held on April 14, 2000.<sup>3</sup>
6. Construct and conduct a statewide survey to assess perceptions of the effects of Model Court and related court improvement efforts.<sup>4</sup>
7. Conduct an analysis comparing case processing and case outcomes for dependency cases with petitions filed in 1996 (before statewide implementation of Model Court) to cases filed after Model Court implementation.
8. Prepare updated descriptions of Model Court operations in four of the five counties included in the original (1996) Court Improvement Project (CIP) final report.
9. Conduct an updated analysis of case outcomes including reactivation (recidivism) rates for cases involved in the 1997 Pima County Model Court Pilot Project study.<sup>5</sup>

The National Center for Juvenile Justice (NCJJ)<sup>6</sup> responded to the RFP and a contract was executed in January of 2000. As will be shown in this report, NCJJ was able to address all of the above requirements to the extent information was available at the State or local levels. More importantly, however, the range of data collected by NCJJ and the scope of the current analysis exceeded the requirements of the RFP in a number of important areas. These will be fully discussed in specific sections of this report.

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<sup>1</sup> See G.J. Halemba and G. Siegel, *Arizona Court Improvement Project Final Report*, National Center for Juvenile Justice, December 11, 1996.

<sup>2</sup> The terms "Model Court" were derived from the Victims of Child Abuse Model Court Project. This national project, funded by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, is intended to promote improvements in juvenile and family court handling of abuse and neglect cases. The Pima County Juvenile Court was selected as a national Model Court site in October 1996 and is one of 23 courts participating in the national effort.

<sup>3</sup> A summary of the training conference was provided to the Administrative Office of the Courts in October 2000.

<sup>4</sup> A summary of the statewide survey findings appears in Appendix A.

<sup>5</sup> The updated Pima County analysis will be submitted as a supplement to this report.

<sup>6</sup> NCJJ is the research arm of the National Council of Juvenile and Family Court Judges.

## **Background**

During the first four months of the contract period, NCJJ staff assigned to the CIP study worked in cooperation with the AOC and CIP Advisory Workgroup<sup>7</sup> to finalize plans for the study. These activities and deliverables included preparation and distribution of a preliminary summary of Arizona statutes and court rules governing dependency and severance proceedings.<sup>8</sup> At the same time, project staff drafted the data collection forms and associated codes to be used for case file reviews, completed case sample selection, reviewed the status of automated information systems at the juvenile courts and the Administration of Children, Youth, and Families (ACYF)<sup>9</sup> to determine data availability, set hearing observation and key stakeholder interview protocols, and addressed other methodological issues. Initial visits were conducted to the four primary study sites (Cochise, Coconino, Maricopa, and Pima counties) and data collection commenced in April 2000.

## **Key Findings and Recommendations from the 1996 Arizona CIP Final Report**

The primary purpose of the current project is to provide an update of the original 1996 court improvement study report. In effect, this project involves a look at CIP five years after the initial report was completed. The 1996 report contained a wide range of findings and recommendations for improving court handling of abuse and neglect matters. A brief summary of these findings appears first and is followed by associated recommendations:<sup>10</sup>

*Key findings from the 1996 report included:*

- Before State fiscal year 1996, Arizona experienced a sharp increase in dependency petition filings. The number of dependency petitions filed in Arizona increased by 80% from FY1993 through FY1995 (1,151 to 2,077).
- The number of children reviewed by both the court and the Foster Care Review Board (FCRB) increased by 39% from 1991 through 1995 (4,150 to 5,760).
- In Maricopa County, the average length of time dependent children remained court-involved was 3.3 years.
- In Pima County, the average length of time dependent children remained court involved was 3.2 years.
- In Maricopa County, approximately 25% of all dependency cases remained open for more than five years.

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<sup>7</sup> A complete listing of the members of the CIP Advisory Workgroup can be found in the Acknowledgments section of this report.

<sup>8</sup> The preliminary summary has been updated for this report.

<sup>9</sup> ACYF is a division of the Arizona Department of Economic Security, the State agency responsible for Arizona's Child Protective Services division. ACYF uses the "CHILDS" automated information system, which was implemented shortly before the start of this study.

<sup>10</sup> Please see G.J. Halemba and G. Siegel, *Arizona Court Improvement Project Final Report*, NCJJ, pp. 98-102.

- A substantial amount of time would pass before the court held the first hearing on a dependency filing. In 1996, the juvenile court was required to schedule an initial dependency hearing within 21 days of petition filing. These hearings were frequently continued and, when held, lacked substantive discussion of placement, services, and visitation issues. Attorneys for parents and children rarely had contact with their clients before these hearings and relatives were almost never present for these events. Provisions for parents to request an earlier hearing (known as the temporary custody or five-day hearing) were rarely exercised.
- Substantial time lags between the filing of a petition and completion of the dependency adjudication hearing. State statute required completion of the adjudication hearing within 120 days of petition filing and permitted the court to extend the adjudication time line up to 30 additional days if necessary.
- No reference to time limits for disposition hearings. The court rarely held separate disposition hearings to closely scrutinize and approve (with modifications if necessary) the permanent case plan.
- State statute only required an annual review of adjudicated dependency cases. The lack of more timely and thorough reviews prevented the court from providing appropriate oversight.
- The court rarely conducted thorough permanency planning hearings.
- Delays in the initiation and completion of severance (termination of parental rights) proceedings and no statutory time limits for these events.
- Court minute entries (orders) that lacked specificity and were not distributed to all parties at the conclusion of hearings.
- In most courts, serious problems with hearings not starting or ending on time, stacking of more than one hearing event in the same time slot, frequent hearing continuances, and extended waiting periods for hearings to commence.
- No checklists or guides to assist judges in handling dependency matters.
- Frequent CPS caseworker turnover and inadequate compensation.
- In many courts, multiple judges would handle different hearing events for the same case. Lack of familiarity with cases inhibited parental compliance and cooperation, delayed important orders, prevented consistency, and impeded permanency. Frequent judicial rotation in some counties exacerbated these problems.
- No automated information system to track dependency cases and case outcomes.
- No minimum qualifications, performance standards, or training requirements for judges and attorneys involved in dependency matters.
- Inadequate compensation for attorneys (including assistant attorney's general and private attorneys) involved in dependency cases.
- Little coordination between the juvenile court and the Foster Care Review Board.
- The lack of necessary services for children and families involved in dependency matters and difficulties accessing services.
- No comprehensive assessment of local resource and service needs.

*As a result of these findings, NCJJ offered the following recommendations for court improvement in Arizona:*

- Requiring mandatory early court review of an emergency removal (within three to five days of the child being removed from home) with sufficient time to adequately address all relevant issues including placement, services, and visitation.

- Setting shorter time frames for adjudication and tightening restrictions on use of excluded time to extend these timelines.
- Requiring courts to conduct a disposition hearing within 30 days of adjudication.
- Requiring that the juvenile court conduct a minimum of one court review hearing no later than six months from the date of initial disposition.
- Establishing time frames for the completion of severance proceedings (no longer than 180 days from disposition with very limited provisions for extensions).
- Establishing time limits on the use of temporary foster care and developing specific criteria for the use of long-term foster care as a permanent plan option.
- Making court-appointed counsel available prior to the start of initial hearings to confer with their clients and other critical parties.
- Conducting thorough permanency planning hearings at which time a permanent plan for the child is decided upon.
- Generating comprehensive minute entries that address reasonable efforts issues, specific services to be provided to the family, and other pertinent content.
- Developing hearing checklists for each hearing type to identify key decisions that the court should make, individuals that should always be present, and any additional issues that should be addressed at these hearings.
- Initiating early screening of severance petitions.
- Whenever possible, having the same judge who handled the dependency matter also handle the severance matter.
- Establishing a judicial assignment system that ensures the same judicial officer presides over all stages of court proceedings.
- Extending judicial appointments to a minimum of five years and permitting jurists the opportunity to voluntarily re-enlist at least once.
- Establishing firm policies on the granting of continuances.
- Initiating a statewide effort to have JOLTS<sup>11</sup> serve as the automated dependency tracking information system in Arizona.
- Establishing mandatory minimum training requirements for judges and commissioners handling dependency, severance, and adoption cases.
- Establishing minimum qualifications, performance and training requirements for attorneys involved in dependency proceedings.
- Establishing equitable pay schedules for assistant attorneys general handling dependency or severance cases.
- Conducting an assessment of the various compensation levels for court-appointed counsel across the State.
- Improving coordination between juvenile courts and the FCRB.
- Conducting a comprehensive analysis of resource needs for implementation of court improvement reforms.
- Conducting a comprehensive analysis of service needs.

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<sup>11</sup> JOLTS refers to the Juvenile On-Line Tracking System. JOLTS began as a delinquency tracking system in Maricopa County and was subsequently enhanced and expanded for statewide delinquency tracking. Today, JOLTS also serves as the primary statewide dependency tracking system though levels of implementation vary across counties. However, the AOC, FCRB, and county CASA offices also use the Dependent Child Automated Tracking System (DCATS). This system predates dependency JOLTS. During the early stages of the study, NCJJ staff reviewed DCATS data including permanent plan and placement history information. These data were not considered sufficiently reliable for the analysis. Recently, the AOC initiated planning efforts to consolidate dependency JOLTS and DCATS.

- Exploring the feasibility of “pooling” funds to improve accessibility and provision of services for children and families.
- Encouraging the use of in-home or protective supervision petitions to require at-risk families to cooperate and accept services offered by ACYF.

### **The Pima County Model Court Pilot Project**

In March 1997, the Pima County Juvenile Court initiated an ambitious pilot effort to improve the timeliness and content of judicial proceedings in cases involving abused, neglected and dependent children. The initial focus of this pilot effort (referred to as the Model Court Project) was to “front-load” the court process.<sup>12</sup> Front-loading, as used herein, refers to setting in place procedures to ensure that all parties to court proceedings begin actively participating at the earliest point possible and doing all they can to minimize the length of time children remain in temporary placement and their families remain involved with the court. This includes:

- Early appointment of counsel to ensure that all parties to initial proceedings have appropriate legal representation from the onset;
- Dedicating sufficient court time for initial proceedings to allow for substantive discussion on matters related to reasonable efforts, the continued need for out-of-home placement, alternative placement options, service needs, visitation, the need for protective orders, child support, identification of putative fathers, establishment of paternity, etc.;
- Developing procedures to ensure that parents and other critical family members attend and participate in these early proceedings;
- Placing expectations on all parties to be ready from the onset of the court process to engage in detailed discussions of case specifics related to placement, the provision of interim services, visitation, etc., and that they provide the court with sufficient information for the court to make rulings on these matters; and
- Allowing sufficient time to develop detailed orders with respect to the above matters and to provide all parties copies of such orders prior to the conclusion of these initial proceedings.

In numerous jurisdictions, the adversarial nature of initial, pre-adjudicatory, and adjudicatory proceedings contributes to delays in early case processing as parties frequently litigate specifics of the allegations contained in the dependency petition. More importantly, this litigation typically contributes to delays in substantive case planning, the search for kinship alternatives to shelter and foster care, and the provision of services to the family. These issues are generally worked out later in conjunction with some

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<sup>12</sup> Front-loading is a concept popularized by the Hamilton County Juvenile Court (Cincinnati, Ohio) to describe the changes it made to accelerate and strengthen the court process in the late 1980s. It refers to setting in place procedures at the earliest point possible to ensure that all parties to court proceedings are actively participating and doing all they can to minimize the length of time children remain in temporary placement and these families remain court-involved.

resolution of petition allegations. Front-loading is designed to address these concerns by establishing a process that encourages cooperation and problem solving from the onset of court proceedings.

In response to the findings of the 1996 CIP report and the pilot Model Court project in Pima County, the AOC and juvenile courts initiated steps to significantly reform State statutes and court rules governing dependency matters. As a result, the Arizona State Legislature passed reform legislation starting in 1997 that accelerated timelines for adjudication and permanency. In 1998, the legislature passed landmark reforms requiring juvenile courts to front-load the court process in a manner consistent with Model Court procedures first implemented on a pilot basis in Pima County in 1997.

These statutory changes, along with associated changes in court rules, required Arizona's juvenile courts to implement Model Court procedures beginning on January 1, 1999. Maricopa County, however, was given a partial waiver allowing the court to phase in the implementation of expedited initial hearing requirements with full implementation required by January 1, 2000. Additionally, some counties (including Maricopa County) did not interpret this legislation to require an expedited court process in cases involving private and pro se dependency petitions. In Maricopa County, more than half of all new dependency petitions involve private or pro se filings.

In brief, these reforms dramatically altered the role of juvenile courts in dependency matters by expediting initial dependency hearings, reducing mandated timelines for dependency findings, specifying timeframes for court-ordered permanent plans, and placing greater emphasis on prompt delivery of services for dependent children and their families. These changes require Arizona's juvenile courts to provide substantially more oversight on dependency matters. As a result, cases are monitored more closely, more frequent hearings are held, and more information is provided to the court (in the form of case plans and progress reports). In other words, through expanded court oversight, improved information, and more frequent (and, in many cases, more substantive) proceedings, courts in Arizona are keeping a closer eye on dependent children than ever before.

### **The Current Study**

This update involves a multifaceted approach including quantitative and qualitative (process) measures. The quantitative component (entitled Methodology, Data Analysis, and Findings) starts with a brief description of the methodology used in the comparative analysis. This is followed by a detailed examination of the effects of court improvement reforms by comparing samples of dependency cases initiated in calendar year 1996 (before Model Court reforms occurred) to cases initiated in calendar year

1999 (after statewide implementation of Model Court).<sup>13</sup> A variety of case processing and case outcome measures were included in the analysis. These include:

- *Characteristics of cases filed in 1996 and 1999* on a number of dimensions including case demographics, petition allegations, service needs of children, presenting problems of parents, as well as differences in the delinquency/incorrigibility histories of children eight years of age and older;
- *Timeliness of attorney appointments* for parents and children, as well as the assignment of Court-Appointed Special Advocates (CASA volunteers);
- *Timeliness of early court proceedings* – that is, days to completion of the first hearing on a case as well as completion of petition adjudication and disposition;
- *Specificity of court orders* including the types of orders made and the amount of detail contained in them;
- *Timeliness of review and permanency hearings* – that is, days to completion of the first review hearing and the first permanency hearing on a case (including initial permanency hearings);
- *Permanency decisions* including the types and timing of these determinations;
- *Initiation and completion of termination of parental rights (TPR) and guardianship proceedings*;
- *Case outcomes* including time and reasons for case closure, placement at case closure and, to the extent possible, case reactivations; and
- *Differences in placement patterns* – specifically, the amount of time spent in out-of-home placements for closed cases.

The qualitative aspect of the study includes the following process components:

- A review of State statutes and court rules covering changes made in Arizona since the original CIP assessment including an assessment of the degree of consistency between these changes and the federal Adoptions and Safe Families Act of 1997 (ASFA);<sup>14</sup>
- A statewide survey of key stakeholders involved in dependency matters designed to obtain updated perceptions of the effects of court improvement reforms;
- Interviews with key local stakeholders in the four selected sites (Cochise, Coconino, Maricopa, and Pima counties) to obtain updated perceptions of county court improvement efforts; and
- Hearing observations to ascertain the length, substance, and timing of key proceedings, including who attends and participates at hearing events.<sup>15</sup>

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<sup>13</sup> As will be discussed in more detail later in this report, the Maricopa County Juvenile Court was granted a waiver by the State allowing it to implement Model Court reforms in a series of stages. All stages will be complete by April 2002.

<sup>14</sup> A preliminary summary of State statutes and court rules governing dependency and severance proceedings was submitted to the AOC on December 13, 2000. The final report contains an updated summary of changes including those initiated after December 2000.

<sup>15</sup> NCJJ developed standard protocols for hearing observations. These were primarily based on recommended practices contained in the manual entitled *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. The *Resource Guidelines* were developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) and set forth the necessary elements of a fair, thorough, and speedy court process in dependency cases.

The next chapter contains the updated summary of state statutes and court rules. It is followed by the chapter covering the study methodology, data analysis, and findings. After that, the chapter containing overviews of the four primary study sites appears. Each of the four primary county overviews begins with a quick reference or “at a glance” table that displays how each county handled dependency matters in 1996 versus how things changed after Model Court implementation. Detailed overviews follow the tables and are primarily based on interviews with key local stakeholders and, to a lesser degree, on-site observations by NCJJ staff. The detailed overviews cover county responses to the key findings of the original 1996 report and include county-specific recommendations for continuing court improvement efforts.

In addition to the more detailed reviews conducted in the four primary counties, NCJJ also reviewed operations (though, to a lesser extent) in four other counties (Mohave, Pinal, Yavapai, and Yuma counties). “At a glance” tables are provided for each of these, immediately after the detailed overviews of the primary study sites. The main body of the report closes with a summary of key findings and recommendations tied to the data analysis.

## **Summary of Arizona Statutes and Court Rules Governing Dependency and Severance Proceedings**

In the years since the initial CIP study in 1996, Arizona statutes and court rules governing dependency and severance proceedings have undergone dramatic revisions. Legislative changes occurring in 1997 resulted in the shortening of timelines for the completion of petition adjudication and also resulted in the shortening and bifurcating of the permanency hearing process.

More extensive legislative changes occurred in 1998. In that year, the Arizona State Legislature passed legislation that required juvenile courts to front-load the court process in a manner consistent with Model Court procedures first implemented on a pilot basis in Pima County. Arizona juvenile courts were required to implement these procedures beginning January 1, 1999. Maricopa County, however, was given a partial waiver allowing the court to phase in the implementation of preliminary protective hearing requirements – with 20% implementation in new cases filed with the court on or after July 1, 1999 and full implementation in all new applicable cases after January 1, 2000.<sup>16</sup>

Most recently, the Arizona State Legislature passed clean-up legislation in 2000 that, among its numerous provisions, clarified the ability of the court to adjudicate a child dependent as to one parent and proceed with the permanency process when the other parent contests the allegations contained in the dependency petition (or has not yet been served with the petition).<sup>17</sup> Lastly, the State Legislature in 2001 enacted additional statutory changes that included provisions to ensure compliance with federal AFSA requirements (Adoption and Safe Families Act) and to re-consolidate and further expedite the permanency hearing process.

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<sup>16</sup> Interviews with Maricopa County Juvenile Court administrators indicated that the court implemented the preliminary protective hearing requirements at a pace that, at least initially, exceeded the waiver timelines. These expedited initial hearing procedures were first implemented in the Maricopa County Juvenile Court's Southeast Facility (SEF) in January 1999 on all cases involving dependency petitions filed by the Arizona Attorney General's (AG's) Office. Expedited preliminary protective hearing procedures were first implemented at the court's Durango Facility on all AG petition filings in July 1999. Preliminary data provided by the court indicate that private dependency petitions represent upwards of 50% of all dependency petitions filed in 1999 through the first four months of 2000. The court anticipates having all private petitions proceeding through the Model Court process by April 2002.

<sup>17</sup> This clean-up legislation also modified adoption consent requirements, examined procedures to ensure compliance with the Indian Child Welfare Act (ICWA) and clarified and expanded notice of hearing requirements.

## **Expedited Initial Hearings**

The 1998 Model Court legislation resulted in the wholesale revamping of the initial hearing process. The court process was re-designed to ensure that the initial hearing on a case would occur shortly after a child's removal from the home and that sufficient time was dedicated to allow for substantive discussion of matters related to reasonable efforts, alternative placement options, service needs, visitation, the need for protective orders, identification of putative fathers, establishment of paternity, etc. Model court procedures mark a significant departure from prior practice in Arizona juvenile courts in which the initial hearing was often limited to a brief examination of the circumstances surrounding an emergency removal with little time taken to review critical case issues including placement, service needs and visitation.<sup>18</sup>

While pre-1998 State statutes required the filing of a dependency petition within 48 hours of a child's removal (excluding weekends and holidays), the juvenile court was only required to schedule an initial dependency hearing on the petition within 21 days of the petition filing date unless parents filed a written request with the juvenile court for an accelerated temporary custody hearing within 72 hours of receiving notice of their child's removal. In these instances, the court held an expedited hearing (referred to as a temporary custody hearing) within five days of receipt of this request. Our earlier CIP study found that parents seldom requested a temporary custody hearing – probably no more than 10-20% of the time.<sup>19</sup>

In sharp contrast, the 1998 Model Court legislation requires juvenile courts to conduct an expedited initial hearing (referred to as the preliminary protective hearing) within five to seven days of a child being taken into emergency (temporary) custody excluding weekends and holidays. This expedited initial hearing is to occur in all instances in which a child is removed and is not predicated on any required action by the parent as was the setting of an expedited temporary custody hearing.<sup>20</sup> While not required, the court may also schedule preliminary protective hearings in instances in which a dependency petition has been filed but the child has not been removed from the home (in-home petitions).

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<sup>18</sup> Please see G. J. Halemba and G. Siegel, *Arizona Court Improvement Project Final Report*, National Center for Juvenile Justice, December 11, 1996, pp. 47-49.

<sup>19</sup> Please see *Arizona Court Improvement Project Final Report*, pg. 12.

<sup>20</sup> The new preliminary protective hearing also substituted for the earlier temporary custody hearing. That is, if a parent contests the need for emergency removal, the court is required to entertain testimony and make a ruling as to the need for continued temporary custody of the child at the preliminary protective hearing as it would have in an expedited temporary custody hearing.

Additionally, the 1998 legislation requires that an informal conference be held immediately prior to the preliminary protective hearing (referred to as the pre-hearing conference in most counties and the preliminary protective conference in Maricopa County). Persons required to attend the preliminary protective hearing are also required to attend the pre-hearing conference including the child's parents/guardians, parent's counsel, the child GAL or attorney, the ACYF caseworker and the assistant attorney general responsible for prosecution of the case (who is also typically considered counsel for the agency). The child (if age appropriate), relatives, other advocates, and interested parties as requested by the parent/guardian may also be in attendance. At this conference, participants are to attempt to reach an agreement on placement of the child, services to be provided (to the child, parent or guardian), and visitation issues.

Provisions were incorporated into the 1998 legislation to ensure that parents are provided timely notice of the date, time and location of the preliminary protective hearing and to allow for the early appointment of counsel for parents and children (at the time of petition filing) so that parties can confer with their attorneys prior to this initial hearing. Pre-1998 statutes only required that parents be provided notice of the fact that an initial hearing on the dependency petition would be set for no later than 21 days from the filing of the dependency petition, that they had the right to file a written request with the juvenile court for an expedited temporary custody hearing,<sup>21</sup> and that they could request the court to appoint them counsel if they were found to be indigent.

Lastly, the new front-loaded process requires that the court make findings and enter written orders regarding the child's temporary custody, services for the child and family, and visitation that are signed by the court and provided to the parties at the conclusion of the preliminary protective hearing. In the past, minute entries were typically developed and distributed some days (or weeks) after the initial hearing and, in most instances, did not contain any references to issues other than the need for continuing temporary custody and reasonable efforts.

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<sup>21</sup> Parents, however, had to complete this process within 72 hours of receiving notice of their child's removal.

**Table 1**  
**Statutory and Court Rule Requirements Governing the Initial Hearing Process**

	<u>1996 (Pre-Model Court)</u>	<u>Current</u>
<b>Filing of Dependency Petition</b>	Within 48 hours of removal excluding weekends and holidays.	Same
<b>Initial Hearing on Petition</b>	Initial Dependency Hearing within 21 days of petition filing.  Temporary Custody Hearing only scheduled if parents file a written request with the juvenile court within 72 hours of receiving notice of their child's removal.	Preliminary Protective Hearing (PPH) scheduled within 5-7 days of child's removal (excluding weekends and holidays).  PPH also serves as the Temporary Custody Hearing if parents contest the need for child's removal.
<b>Pre-Hearing Conference</b>	No Requirement	Key parties (e.g., parents, parent's attorneys, child's attorney/GAL, ACYF caseworker, assistant AG, etc.) to meet and attempt to reach agreement on issues related to placement, services and visitation.
<b>Temporary Custody Notice Provided Parents at Time of Removal</b>	Informs parents of the following: <ol style="list-style-type: none"> <li>1. The child must be returned within 48 hours unless a dependency petition is filed (excluding weekends and holidays);</li> <li>2. That an initial hearing on the dependency petition will be scheduled within 21 days of the filing date; and</li> <li>3. Of procedures for parents to formally request an expedited temporary custody hearing.</li> </ol>	Informs parents of the following: <ol style="list-style-type: none"> <li>1. The child must be returned within 72 hours unless a dependency petition is filed (excluding weekends and holidays); and <ol style="list-style-type: none"> <li>a. The date, time and place of the preliminary protective hearing; or</li> <li>b. That they will be provided written notice of the above within 24 hours of the dependency petition being filed.</li> </ol> </li> </ol>
<b>Early Appointment of Counsel for Parent, Guardian or Custodian</b>	Parents, guardian or custodian may request appointment of counsel through the court if deemed indigent.  Appointment of counsel typically occurred at the time of the initial hearing unless the parent requested counsel prior to that time.	Counsel shall be assigned to represent parents from the filing of the dependency petition through the preliminary protective hearing until the court formally appoints counsel or otherwise relieves assigned counsel. (Rule 38)
<b>Appointment of Child's Guardian Ad Litem (GAL) or Attorney</b>	If the dependency petition includes an allegation of neglect or abuse, a child will be appointed a GAL.	The child's guardian ad litem or attorney shall be appointed at time of petition filing (Rule 38)
<b>Minute Entries</b>	Only required a finding of probable cause to believe that temporary custody is clearly necessary with no requirement regarding how and when this minute entry is to be distributed.	Requires that the court make findings and enter written orders regarding placement, services and visitation and that the court distribute these to all parties at the conclusion of the PPH.

## **Statutory Provisions Governing Settlement Conferences, Petition Adjudication and Disposition**

Legislation passed in 1997 (a year prior to the passing of the landmark Model Court legislation) modified the court process leading up to petition adjudication and initial disposition and shortened the timeframes for completion of these case processing milestones.

Consistent with the emphasis placed on encouraging early agreement on critical case issues embodied in the 1998 Model Court legislation, the earlier 1997 legislation mandates that Arizona juvenile courts establish procedures to encourage parties to reach agreement on petition allegations prior to the scheduling of a contested adjudicatory hearing. That is, the legislation requires that the court conduct either a settlement conference or set the case for mediation prior to the scheduling of a pre-trial conference or contested hearing (trial), if the parent or guardian denies the allegations contained in the dependency petition. No such provisions were required prior to 1997. At the time of the 1996 CIP Study, Maricopa County was just beginning to introduce mediation at this stage of the court process<sup>22</sup> and Pima County was routinely scheduling protracted contested dependency hearings in instances in which parents denied the petition allegations at the initial dependency hearing.<sup>23</sup>

The emphasis on arriving at a resolution on the allegations contained in the dependency petition without having to resort to adversarial means is further reinforced by language contained in court rules that clearly elucidate the purposes and goals of the settlement conference or mediation. The most recent version of court rules promulgated by the Arizona Supreme Court governing dependency proceedings state that the purpose of the settlement conference is to identify and resolve “issues in a non-adversarial manner.” (Rule 53) This court rule further requires that parties submit a settlement conference memorandum to the court at least five days prior to the date of the scheduled conference that addresses a number of issues including any attempts to settle the matter; and any information a party believes would be helpful to the settlement process, including acceptable settlement proposals.<sup>24</sup>

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<sup>22</sup> The Maricopa County Juvenile Court established a pilot mediation program in 1995 (in two courtrooms) which was implemented court wide in 1996. Please see *Arizona Court Improvement Project Final Report*, pp. 52-53.

<sup>23</sup> Please see G.J. Halemba and G. Siegel, *Pima County Juvenile Court Calendaring Project: Findings and Recommendations*, National Center for Juvenile Justice, March 6, 1997, pg. 20.

<sup>24</sup> Court Rule 54 addressing the purpose and use of a pretrial conference (which a court can conduct if a settlement conference or mediation fail to result in a settlement on allegations contained in the dependency petition) also encourages the resolution of these issues in a non-adversarial manner. This rule states that “[a] pretrial conference may be held prior to the dependency adjudication hearing to determine whether the parties are prepared and intend to proceed to trial or *whether the resolution of remaining issues in a non-adversarial manner is possible* and to address any issues raised by the parties.”

Arizona statutes, as amended in 1997, require that adjudication on the petition allegations be completed within 90 days of service on the petition with a provision for a 30-day extension for good cause in extraordinary cases. The court is also required to complete petition disposition within 30 days of adjudication if disposition does not occur on the same date as adjudication. Statutes and court rules in effect in 1996 permitted the court 120 days to adjudicate petition allegations and provisions for time extensions (including provisions for excluding time) were more lenient at that time. No timelines for completion of disposition were in effect in 1996.

**Table 2**  
**Statutory and Court Rule Requirements Governing**  
**Adjudication and Initial Disposition of the Dependency Petition**

	<u>1996 (Pre-Model Court)</u>	<u>Current</u>
<b>Scheduling of Settlement Conferences or Mediation</b>	No Requirement	Before a contested dependency case proceeds to a pretrial conference or adjudication, the juvenile court shall conduct a settlement conference or shall order mediation. All parties in the contested action shall participate in the conference or mediation.
<b>Completion of Petition Adjudication (the Dependency Adjudication Hearing)</b>	<p>Within 120 days of service on the dependency petition with provisions for excluding certain time periods from the calculation (e.g., continuances agreed to by all parties and unforeseen delays in the production of documentary evidence, etc.)</p> <p>Court can continue this hearing for a period of not greater than 30 days for a full, fair and presentation of the issues.</p>	<p>Within 90 days of service on the dependency petition.</p> <p>The time limit can be extended for up to 30 days if the court finds good cause or in extraordinary circumstances as prescribed by the Arizona Supreme Court by rule.</p>
<b>Completion of Disposition Hearing</b>	No Requirement	The court may hold the disposition hearing on the same date as the dependency adjudication hearing or at a later date that is not more than 30 days from the date of the dependency adjudication hearing.

## **Statutory Provisions Addressing Post-Disposition Reviews and Permanency Determinations**

A series of statutory revisions enacted since 1996 require the court to conduct periodic post-disposition review hearings at least once every six months. No such statutory requirement was in effect in 1996. Statutory provisions in effect in 1996 only required that the juvenile court conduct a permanency planning hearing no later than 12 months after the initial order of disposition with no interim reviews required between petition disposition and the permanency planning hearing.<sup>25</sup>

Permanency hearing statutes have been revised a number of times since 1996 and have accelerated the timelines for completion of this critical hearing stage. In 1996, as indicated above, *a permanency planning hearing was required within 12 months of disposition* (with a possible extension of up to six months). Legislation passed in 1997 and modified in 1998 established a two-stage permanency process that required the juvenile court to conduct an *initial permanency hearing within 12 months of a child's initial removal from the home* to determine if the child can be returned to his/her parent or guardian; and – if the child could not be returned – required the juvenile court to order ACYF to finalize a permanency plan and to schedule *a permanency hearing within 120 days of the initial permanency hearing*.<sup>26</sup> Provisions also existed permitting the court to continue the initial permanency hearing for a period of no longer than 30 days on a showing of extraordinary circumstances. This past year, legislation was passed re-consolidating the permanency hearing process and requiring the juvenile court to hold *the permanency hearing within 12 months of a child's removal* with some provision for extension.

The cumulative effect of these legislative changes was to shorten the time frame for completion of the permanency hearing and permanency determination process by up to five months. That is, the linking of the permanency hearing to the child's removal instead of petition disposition reduced the outer time frame for the permanency determination a total of 150 days (approximately five months). Additionally, statutes in effect in 1996 were relatively liberal in giving the court the ability to grant extensions of up to six months if parents needed more time to comply with case plan requirements. Current statutes appear to be more stringent and only allow for an extension of the permanency hearing if the party requesting the extension can demonstrate that the court can still make a finding within the 12-month time frame as to whether reasonable efforts to finalize the permanency plan have been made.

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<sup>25</sup> Prior to 1996, the court was only required to conduct a disposition review hearing within one year of a child's placement in foster care with no statutory requirement that the court conduct a formal permanency planning hearing.

**Table 3**  
**Statutory and Court Rule Requirements Governing**  
**Review Hearings and the Completion of the Permanency Hearing Process**

	<u>1996 (Pre-Model Court)</u>	<u>Current</u>
<b>Reviews Hearings</b>	Not required	At least once every six months after the disposition hearing.
<b>Completion of the Permanency Hearing Process</b>	<p>Permanency hearing no later than 12 months after the initial disposition order.</p> <p>The court can grant a six-month extension if parents need more time to comply with case plan requirements.</p>	<p>Permanency hearing no later than 12 months from the date of a child’s removal.</p> <p>Can only be continued if the party requesting the continuance demonstrates that the court can still make a finding with the 12-month time frame as to whether reasonable efforts to finalize the permanency plan have been made.</p>
<b>Post-Permanency Review Hearings</b>	Annually, if the court determines that a child shall remain in an out-of-home placement for longer than 18 months after the permanency order.	Same

Statutory provisions requiring the court to conduct annual post-permanency review hearings if a child is to remain in an out-of-home placement for longer than 18 months after the permanency order have remained unchanged since 1996.

Arizona’s permanency statutes do not specifically address scenarios in which the court approves a permanency order of reunification but also determines that the child cannot yet be safely returned home. It only requires the court to order that the permanency plan be accomplished within a specified period of time. Conceivably, this could result in situations in which the court could limit its review of progress towards reunification for children remaining in temporary out-of-home care to annual post-permanency review hearings. These situations probably warrant more frequent reviews to ensure that steps are being taken to return children home. At a minimum, three-month reviews seem appropriate.<sup>27</sup>

<sup>26</sup> The 1999 Model Court cases selected for inclusion in the comparative analysis were subject to these bifurcated permanency hearing requirements.

<sup>27</sup> The *Resource Guidelines* caution against making a permanency determination of reunification without returning the child home. “In most cases, either the child should be temporarily returned home by the time of the

Similarly, no provisions have been made to regularly review case progress toward adoptions in instances in which termination of parental rights proceedings have been initiated or completed. As discussed in the next section, considerable statutory changes have been made to expedite the severance/termination of parental rights (TPR) process. However, Arizona statutes only require annual reviews of these cases until the adoption has been finalized. A number of juvenile courts recognize this concern. Some have increased their oversight at this stage to address delays that are common as cases work their way through the myriad of legal and social work requirements necessary for finalization of an adoption. Again, 90-day reviews in post-termination cases are probably warranted.<sup>28</sup>

### **Statutory Provisions Governing the Initiation and Completion of Severance Proceedings**

The termination of parental rights represents the most serious action the court can take in dependency matters. The 1998 legislation resulted in sweeping changes to statutory requirements governing the initiation and completion of severance proceedings. In 1996, severance proceedings could only be initiated through the filing of a separate petition. No time requirements were in effect governing the timing of such a filing and time requirements for completion of these proceedings were nonexistent. The only time requirement established on severance proceedings prior to the 1998 Model Court legislation was that the initial hearing on the petition could be scheduled no sooner than 10 days after the completion of service of notice to the parents.

The 1998 legislation included provisions that now require the court to order the Attorney General's Office and DES/ACYF (CPS) to file a motion for termination of parental rights (severance) if at the permanency hearing the court determines that termination of parental rights is clearly in the best interests of the child.<sup>29</sup> This motion must be filed with 10 days of the permanency hearing. In the past, the filing of a severance petition could take six to nine months or longer.<sup>30</sup>

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permanency planning hearing or efforts to return the child home should cease. In some instances, however, where a family has made substantial progress prior to the permanency planning hearing the judge may authorize return home within a short time after the hearing. Otherwise, there should be no continuing goal of reunification.” (pg. 78)

<sup>28</sup> In a companion document to the *Resource Guidelines*, the National Council of Juvenile and Family Court Judges (NCJFCJ) state that post-TPR reviews should continue on a regular basis until a permanent home is finalized and court involvement ends ... [T]he review process should, in most cases, be expedited to accommodate a review *at least* every 90 days. Please see NCJFCJ, *Adoption and Permanency Guidelines – Improving Court Practice in Child Abuse and Neglect Cases*, Chapter VI, pg. 52 (2000).

<sup>29</sup> Per Arizona Supreme Court Rule 64.B, the pre-1998 procedures still apply in instances in which a child was the subject of a dependency petition filed prior to July 1, 1998 or in instances in which the child is not considered

Pre-Model Court statutes also required that the court order CPS to complete a social study and report in writing prior to a dispositional hearing on the TPR petition. This often delayed the filing of the petition because the agency typically did not file until the social study was completed.<sup>31</sup> Current statutory provisions do not require the completion of a social study prior to the filing of a TPR motion or a hearing on this motion.

An initial hearing on the motion to terminate parental rights must be scheduled within 30 days of the permanency hearing but cannot occur earlier than 10 days after completion of service of notice on the parents. A trial on the motion (if contested) must be set within 90 days of the permanency hearing and can be continued for a period of 30 days for a “full, fair and proper presentation of the evidence.”<sup>32</sup> Any continuance beyond 30 days can only be granted upon a finding of extraordinary circumstances.

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dependent and the severance action is filed by a private party (e.g., step-parent desiring to formally adopt the child of his/her spouse).

<sup>30</sup> Please see G.J. Halemba and G. Siegel, *Arizona Court Improvement Project Final Report*, NCJJ, December 11, 1996, pp. 54-63.

<sup>31</sup> The court had the discretion to waive the social study but since it was typically completed prior to the filing of the TPR petition this was generally a mute issue.

<sup>32</sup> As long as the best interests of the child are not adversely affected (Arizona Supreme Court Rule 66.B)

**Table 4**  
**Statutory and Court Rule Requirements Governing**  
**Termination of Parental Rights (TPR) Proceedings**

	<u>1996 (Pre-Model Court)</u>	<u>Current</u>
<b>Filing Requirement to Initiate Termination Proceedings</b>	<i>Petition</i> to terminate parental rights.	<i>Motion</i> on the original dependency petition to terminate parental right
<b>Filing Timeframes for TPR Petition or Motion</b>	Not Specified	Motion to be filed within 10 days of the permanency hearing.
<b>Social Study Requirement</b>	Court shall order DES to complete a social study and written report prior to a dispositional hearing on the petition (can be waived).	Not Required
<b>Initial Hearing on TPR Petition or Motion</b>	No sooner than 10 days after the completion of service of notice	Initial hearing within 30 days of the permanency hearing but no sooner than 10 days after the completion of service of notice.
<b>Trial Date</b>	Not Specified	<p>Trial within 90 days of the permanency hearing.</p> <p>A continuance of 30 days can be granted for a full, fair presentation of the evidence if the child's best interests are not adversely affected.</p> <p>Any continuance beyond 30 days can only be granted upon a finding of extraordinary circumstances.</p>

The 1998 legislation also modified and/or expanded the grounds for the filing of a TPR motion or petition. A listing of sufficient grounds to justify termination of the parent-child relationship is provided in A.R.S. 8-533. This statutory section includes general provisions addressing abandonment, prolonged inability to parent due to mental illness or substance abuse, incarceration, and also establishes time frames for the amount of time a child can be out of the home because of a parent's inability or refusal to remedy the circumstances which resulted in the child's removal, that must be considered by the court before parental rights can be terminated. The most significant of these changes include:

1. Reducing the cumulative amount of time a child has been out of the home because of a parent's *inability* to remedy the circumstances that resulted in the child removal from 18 months to 15 months.<sup>33</sup> (This modification is consistent with the 1997 federal AFSA legislation that requires the initiation of TPR proceedings if a child has been out of the home for a cumulative period of 15 of the most recent 22 months.)
2. Adding the following as sufficient grounds for the initiation of TPR proceedings:
  - a. The identity of the parent is unknown and continues to be unknown for three months after diligent efforts to identify and locate the parent;
  - b. The parent had their parental rights terminated on another child within the preceding two years for the same cause and (s)he is currently unable to discharge parental responsibilities for the same reason; or
  - c. The child is currently out of the home and is so due to being removed from the parent's legal custody less than 18 months after the child was returned home and the parent is currently unable to discharge their parental responsibilities (all of these occurring pursuant to a court order).

### **Permanent Guardianship Statutes**

Statutory requirements covering the initiation and completion of permanent guardianship proceedings were also modified in a fashion paralleling those governing TPR proceedings. In 1996, permanent guardianship proceedings could only be initiated through the filing of a separate petition. As was the case with TPR petitions, no time requirements were in effect governing the timing of such a filing and time requirements for completion of these proceedings were nonexistent.

Current statutory provisions now require the court to order the Attorney General's Office and CPS to file a motion for permanent guardianship if at the permanency hearing the court determines that the establishment of such is clearly in the best interests of the child.<sup>34</sup> This motion must be filed with 10 days of the permanency hearing.

A.R.S. 8-871 sets out various criteria that must be met before the court can grant the permanent guardianship including that the child has been in the custody of the prospective guardian(s) for at least nine months as a court-adjudicated dependent child. Current statutes permit the court to waive this

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<sup>33</sup> The cumulative total period of nine months out of the home in instances in which a parent has substantially neglected or willfully refused to remedy the circumstances result in the child's removal was not changed.

<sup>34</sup> Per Arizona Supreme Court Rule 61, the filing of a motion for permanent guardianship shall only apply to those guardianships filed on or after August 6, 1999.

requirement for good cause. Statutes in effect in 1996 did not give the court discretion to waive this custody provision.

An initial hearing on the permanent guardianship motion must be scheduled within 30 days of the permanency hearing. A trial on the motion (if contested) must be set within 90 days of the permanency hearing and can be continued for a period of 30 days for a “full, fair and proper presentation of the evidence.”<sup>35</sup> Any continuance beyond 30 days can only be granted upon a finding of extraordinary circumstances.

No statutory changes were made to two permanent guardianship provisions that were in effect in 1996 that 1) required the completion of an investigation of the prospective guardian(s) prior to a final hearing on the permanent guardianship petition/motion; and 2) required that the court retain jurisdiction over the permanent guardianship and conduct a review of the final order with one year.<sup>36</sup>

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<sup>35</sup> As long as the best interests of the child are not adversely affected (Arizona Supreme Court Rule 66.B).

<sup>36</sup> The court can set additional proceedings as may be in the best interests of the child.

**Table 5**  
**Statutory and Court Rule Requirements Governing**  
**Permanent Guardianship Proceedings**

	<u>1996 (Pre-Model Court)</u>	<u>Current</u>
<b>Filing Requirement to Initiate Permanent Guardianship Proceedings</b>	<i>Petition</i> to establish permanent guardianship.	<i>Motion</i> to establish permanent guardianship.
<b>Filing Timeframes for Permanent Guardianship Petition or Motion</b>	None	Motion to be filed within 10 days of the permanency hearing.
<b>Custody Requirement</b>	The child has been in the custody of the prospective guardian(s) for at least nine months as a court-adjudicated dependent child.  (No provisions for waiver of this time requirement)	Same but the court can waive this time requirement for good cause.
<b>Permanent Guardianship Investigation Requirement</b>	Court shall order an investigation of the prospective guardian(s) and to determine if permanent guardianship is in the best interests of the child prior to a final hearing on the permanent guardianship petition.	Same
<b>Initial Hearing on Permanent Guardianship Petition or Motion</b>	No sooner than 10 days after the completion of service of notice.	Initial hearing within 30 days of the permanency hearing but no sooner than 10 days after the completion of service of notice.
<b>Trial Date</b>	None	Trial within 90 days of the permanency hearing.  A continuance of 30 days can be granted for a full, fair presentation of the evidence if the child's best interests are not adversely affected.  Any continuance beyond 30 days can only be granted upon a finding of extraordinary circumstances.
<b>Review of Final Order</b>	The court retains jurisdiction over the permanent guardianship and shall conduct a review of the final order with one year.	Same

## **Conclusions and Recommendations**

As indicated in the introduction to this chapter, Arizona statutes and court rules governing dependency and severance (TPR) proceedings have undergone dramatic revisions in the years since the original 1996 CIP study. The initial hearing process has been revamped to ensure that the first hearing on a case occurs shortly after a child's removal and that sufficient time is dedicated to allow substantive discussion of matters related to reasonable efforts, alternative placement options, service needs, and visitation. Timelines for completion of adjudication and disposition have also been shortened as have time frames for review hearings and completion of permanency hearings. Lastly, sweeping changes were made to statutory provisions governing the initiation and completion of termination of parental rights proceedings as well as to those governing court procedures related to permanent guardianship.

In many respects, Arizona can now be considered at the forefront with regard to statutory provisions that encourage and support a timely and proactive court process in the interests of maltreated children. While there are probably a number of technical issues that could use legislative redress, the two most prominent future recommendations offered in this chapter relate to statutory changes that would require juvenile courts to conduct expedited post-permanency reviews in cases involving children remaining in out-of-home placements after a permanency determination of reunification has been made and cases involving children with a permanent plan of adoption – particularly after parental rights have been severed.

The next chapter begins with a brief discussion of the methodology used in the quantitative component of the study. It is followed by the analysis comparing pre-Model Court cases with petitions filed in 1996 to Model Court cases with petitions filed in 1999.

## Methodology, Data Analysis, and Findings

Primarily using data manually extracted from court files in Coconino, Cochise, Maricopa and Pima counties, project staff conducted a comparative analysis of case-level data examining the degree to which children named on dependency petitions filed since January 1999, and subject to Model Court case processing requirements (based on local practices), differed from similar cases filed in calendar year 1996. Dependency petitions filed in 1996 were governed by earlier statutory requirements that were considerably less specific and more lenient.<sup>37</sup> Specifically, this analysis examined differences in:

1. *Characteristics of cases filed in 1996 and 1999* on a number of dimensions including case demographics, petition allegations, service needs of children, presenting problems of parents, as well as differences in the delinquency/incorrigibility histories of children eight years of age and older;
2. *Timeliness of attorney appointments* for parents and children, as well as the assignment of Court-Appointed Special Advocates (CASA volunteers);
3. *Timeliness of early court proceedings* – that is, days to completion of the first hearing on a case as well as completion of petition adjudication and disposition;
4. *Specificity of court orders* including the types of orders made and the amount of detail contained in them;
5. *Timeliness of review and permanency hearings* – that is, days to completion of the first review hearing and the first permanency hearing on a case (including initial permanency hearings);
6. *Permanency decisions* including the types and timing of these determinations;
7. *Initiation and completion of termination of parental rights (TPR) and guardianship proceedings*;
8. *Case outcomes* including time and reasons for case closure, placement at case closure and, to the extent possible, case reactivations; and
9. *Differences in placement patterns* – specifically, the amount of time spent in out-of-home placements for closed cases.

The results of this analysis strongly indicate that juvenile courts in the four counties are processing cases in a more timely manner; that children are spending considerably less time in out-of-home placements; that courts are becoming more specific in the orders generated at dependency hearings (particularly initial hearings); and that the State and federal government have realized sizeable savings in

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<sup>37</sup> The Statute Analysis chapter covered changes in Arizona State statutes and AOC court rules since 1996 and how these have, in cumulative fashion, expanded the court's oversight role by front-loading the court process, accelerated case processing timelines, required more specific and timely permanency determinations, and accelerated the initiation and completion of, both, severance and guardianship proceedings.

placement costs. These savings probably more than offset any increased costs associated with Model Court implementation, including the earlier appointment of counsel and the front-loading of services.

## **Methodology**

### ***1. Sample Selection***

Data on the above measures were manually extracted from court files in the four primary counties. The selection criteria for cases included in the study varied somewhat depending on the size of the county and variances in local Model Court practices. For the two less populous counties (Cochise and Coconino counties), almost all dependency petitions filed in 1996 and 1999 were included in the study. These two sites experienced a relatively small number of petitions during this period. Juvenile courts in both counties applied Model Court case-processing requirements to all new dependency petitions filed in 1999 regardless of their source (Attorney General's Office, private counsel or pro se).

A *case* was defined in this study as a child named in a dependency petition filed during the requisite time frame. If a dependency petition was selected for inclusion in the study (in either the 1996 or 1999 samples), one child was selected from that petition. In instances in which multiple children were named on petitions, project staff randomly selected a child for inclusion in the study.

In the two most populous counties (Maricopa and Pima counties), the selection criteria for inclusion in the study were considerably more complex. In Maricopa and Pima counties, it was not feasible to include a child from each eligible 1996 and 1999 dependency petition in the study sample. The pool of potential petitions was too large given the personnel resources needed to manually collect data on these cases. Instead, a two-stage sampling procedure was used to select cases for the analysis.

First, cases from calendar year 1999 were randomly selected from the population of all dependency petitions filed in Maricopa and Pima counties that were subject to Model Court case processing requirements. In Pima County, this included all dependency petitions filed during the year regardless of the filing source.<sup>38</sup> A total of 103 cases was selected from this pool of 1999 dependency petitions. In Maricopa County, only AG-generated petitions were subject to Model Court case processing requirements<sup>39</sup> and, for 1999, only 70% of these were actually handled through the Model Court process

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<sup>38</sup> Approximately 8% of all dependency petitions filed with the Pima County Juvenile Court in 1999 were from private sources (private counsel or pro se).

<sup>39</sup> From the onset, the Maricopa County Juvenile Court exempted dependency petitions filed by private counsel or pro se (usually, relatives) from Model Court case processing requirements, arguing that Model Court legislation

due to a waiver granted the juvenile court.<sup>40</sup> A total of 150 cases were selected from the pool of eligible Maricopa County dependency petitions filed in 1999.

Secondly, comparative samples of 1996 cases were selected from the eligible pool of dependency petitions filed in these two counties using a matched pair sampling design and data provided from the respective courts' automated JOLTS systems. This procedure increased the likelihood that the types of 1996 and 1999 cases would be similar on at least three key measures – the child's age at petition filing, the number of siblings named on a petition, and petition source. We had hoped to use additional criteria such as petition allegations, placement status at petition filing, number of siblings, and prior/concurrent delinquency history but these data were only available on a very limited basis in JOLTS for children named on 1996 dependency petitions.<sup>41</sup>

In almost all instances, the court files of 1999 cases selected for inclusion in the study were reviewed at two stages. The first review took place at some point within the first 12 to 15 months after petition filing. The final review was conducted 16 to 24 months after petition filing by which time a court determination should have been made on the selected child's permanent placement. This second look at court files was generally completed during the summer or early fall of 2001. This allowed for the tracking of each 1999 case for a minimum of 16 months. Court files for the 1996 groups were, for the most part, only reviewed once – typically during the latter stages of data collection in the summer of 2001. These cases were tracked for a minimum of four years.

Data presented in Table 1 identify the eligible pool of petitions and children from which the 1999 study samples for each of the four counties were selected. The percentage of children named on study-eligible dependency petitions filed in 1999 ranged from a high of 51% in Cochise County to a low of 11%

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only applied to child protection cases initiated by CPS and filed by the AG's Office. The court intends to have all cases, regardless of filing source, handled through Model Court by April 2002.

<sup>40</sup> As indicated earlier, Maricopa County was granted a partial waiver allowing the court to phase in implementation of preliminary protective hearing requirements. Using this waiver, the juvenile court only applied Model Court case-processing requirements to approximately half of all AG-generated dependency petitions filed during the first six months of 1999 – that is, only to petitions filed at the court's Southeast Facility (SEF). Beginning in July 1999, Model Court case processing requirements were extended to new AG-generated dependency petitions filed at the court's Durango facility.

<sup>41</sup> These data were readily available in JOLTS for children named on 1999 petitions but were generally missing for children named on 1996 petitions. The State had only recently undertaken a statewide initiative, spearheaded by Maricopa County, to modify its existing JOLTS system to allow for the close tracking of dependency caseloads in a manner similar to what had been available for years on the delinquency side. This JOLTS initiative was a recommendation included in the earlier 1996 CIP study. More recently, the AOC initiated planning efforts to consolidate JOLTS and the DCATS system used by the AOC, FCRB, State CASA office, and county CASA offices.

in Pima County.<sup>42</sup> The percentages of children named on 1996 dependency petitions selected for inclusion in the study from the individual counties ranged from a high of 56% in Cochise County to a low of 16% in Maricopa County.

<b>Table 1 Number and Percentage of Children Named on Dependency Petitions Filed in 1999 and 1996 Selected For Inclusion in the Comparative Study</b>				
<b>County</b>	<b># of 1999 Petitions Subject to Model Court Processing</b>	<b># Children Named on These Petitions</b>	<b># Children Selected</b>	<b>% Children Selected</b>
Cochise	57	100	51	51%
Coconino	24	44	22	50%
Maricopa*	273	458	150	33%
Pima	528	969	103	11%
<b>County</b>	<b># of 1996 Petitions</b>	<b># Children Named on These Petitions</b>	<b># Children Selected</b>	<b>% Children Selected</b>
Cochise	50	90	50	56%
Coconino	26	49	26	53%
Maricopa	564	935	150	16%
Pima	200	361	103	29%
* Maricopa – subset of total AG-generated petitions filed in 1999 – includes only those subject to Model Court case processing requirements. An additional 202 AG-generated petitions were filed during the first six months of 1999 and assigned to the court’s Durango facility. These were not subject to Model Court case processing requirements.				
Source: Data provided by the four counties to identify cases selected for inclusion in the CIP follow-up study. Data provided from Maricopa and Pima counties were extracted from JOLTS and provided electronically. The remaining two counties provided lists manually compiled by court administration.				

The differences in the percentage of children selected from 1996 and 1999 petitions in Maricopa and Pima counties were attributable to two factors. First, in Maricopa County, all AG-generated petitions filed in 1996 were eligible for inclusion in the study while almost 30% of similar petitions filed in 1999 were excluded because they were filed during the first six months of the year, assigned to the Durango

<sup>42</sup> Data contained in Table 1 should be interpreted in the following manner. Children were selected from 51 of the 57 eligible 1999 dependency petitions filed in Cochise County. A total of 100 children were named on these petitions, of which 51 were selected – a selection rate of 51%.

court facility and were not subject to Model Court case processing requirements. Secondly, Pima County experienced a large increase in the number of dependency petitions (all types) between 1996 and 1999.

A very small percentage of cases selected for the study were ultimately excluded because the court file was not available or information contained in the file indicated the case had been transferred in from another county after petition adjudication and disposition. The final numbers of 1996 and 1999 cases selected for the study, by county, appear in Table 2.<sup>43</sup> Overall, a total of 629 cases were selected for the study – 311 cases from 1996 and 318 from 1999.

<p style="text-align: center;"><b>Table 2</b>  <b>Final Tally of 1996 and 1999 Model Court Cases</b>  <b>Included in the Study By County</b></p>			
County	1996 Cases	1999 Model Court Cases	Total Cases
Cochise	46	51	97
Coconino	26	22	48
Maricopa	144	143	287
Pima	95	102	197
Overall	311	318	629

## ***2. Methodological Issues Involved in Tracking Adjudication Outcomes***

Defining and tracking adjudication posed some methodological problems for the analysis. While the court makes findings as to whether a child is dependent, usually this is not a single decision. The court will typically adjudicate the child dependent as to the mother and to the father separately. Often these decisions occur at different times, particularly if parents do not reside together. Absent parents whose whereabouts are unknown are often adjudicated by default. If the primary parent contests the allegations contained in the dependency petition, a default of an absent parent typically occurs earlier in the court process.

This was an important issue for the analysis because adjudication is a critical phase of the court process. Adjudication represents the stage at which the court makes findings of facts as to whether the

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<sup>43</sup> Cases selected for the study from Maricopa and Pima counties that were subsequently excluded for various reasons were not replaced with other similarly matched cases. Logistically, this was not feasible because, in most cases, the reasons for exclusion were not apparent until project staff conducted the final case file reviews.

child is considered dependent. This moves the process to a point when the court can require a parent to comply with the case plan. It is often necessary for the court to make a definitive decision before it can require a parent to begin working with the agency (CPS) to rectify the conditions that led to the removal of the child(ren).<sup>44</sup>

While adjudicating an absent parent who is not involved in the care of the child(ren) is important and should be done as early as possible, it often has minimal short-term impact on moving the case forward – particularly if the parent’s whereabouts are unknown and/or the parent has no history of involvement with the child(ren) under consideration. In these instances, disposition and the initiation of court reviews of case progress are often deferred until adjudication on the primary parent is completed.

For this reason, the adjudication event used in our analysis of case processing timeliness was the first adjudication on a parent who had some involvement, or ability to be involved, in the case planning for the child. This did not always refer to a custodial parent, but to any parent that was under realistic consideration to be involved in the care of the child(ren).<sup>45</sup>

### **Similarities in Case Characteristics Among 1996 and 1999 Model Court Cases**

The following analysis indicates that 1996 and 1999 Model Court cases selected for inclusion in the comparative study were very similar on a wide variety of measures including case demographics (age at filing, race, and gender), petition allegations, placement status at petition filing, prior court and agency involvement, service needs of children, and presenting problems of parents. Additionally, differences in the delinquency/status offense histories of children eight years of age and older at the time of petition filing in the two data sets were minimal. These findings suggest that the 1996 and 1999 Model Court cases selected for comparison were sufficiently similar and that any differences in case timelines and outcomes can be attributed to the differing case processing practices and requirements in existence during these years.

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<sup>44</sup> Please see the *Resource Guidelines*, Chapter IV.

<sup>45</sup> Both parents’ adjudication dates were tracked in the data set. However, the analysis of time to adjudication and how and at what hearing stage adjudication occurred were based on the primary parent. If both parents were sufficiently involved with the child, the analysis of adjudication outcomes was based on the parent who took the longest to get through this stage of court processing.

## *1. Case Demographics*

Data presented in Table 3 reveal minor differences between the two study groups in the ages of children at the time dependency petitions were filed with the court. Overall, 32% of children selected from the 1999 Model Court population were infants one year of age or younger compared to 33% of children selected from 1996 dependency petitions. The average age at petition filing of 1999 children was 6.8 years compared to 6.3 years for children from the 1996 study sample. Perhaps most notable was the sizeable percentage of older children in both the 1999 and 1996 study sample – 33% of 1999 children were 11 years of age or older at petition filing as were 29% of children named on 1996 petitions. There were some differences in age categories in the 1996 and 1999 study cohorts (samples) from Cochise and Coconino counties but these were not statistically significant given the smaller number of cases contributed by these two counties to the overall study.

Small differences were also found in the number of children named on individual petitions and the race/ethnicity of these children. Overall, the average number of children named on a dependency petition in 1999 was 1.7, slightly lower than the 1.9 for 1996 cases. Differences in race/ethnicity were also minimal – 37% of children named on 1999 Model Court petitions were Caucasian compared to 39% of children named on 1996 petitions.

Lastly, the number of cases subject to the Indian Child Welfare Act (ICWA) were essentially identical in the two groups.<sup>46</sup> That is, 6% of 1999 Model Court cases were subject to these requirements versus 7% of the 1996 cohort.

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<sup>46</sup> The Act sets requirements in a number of areas that potentially affect how State courts process dependency cases involving Indian children. Specifically, the Act requires that tribal authorities be notified of State court proceedings and establishes that a tribe has the right to intervene at any point in these proceedings. The Act also establishes minimum evidentiary requirements for the foster care placement of an Indian child (by clear and convincing evidence) and that expert witness testimony is required before the State court can make such a determination. Furthermore, the Act sets adoptive placement preferences that must be followed in absence of good cause that include placement with the child's extended family, other members of the Indian child's tribe, or other Indian families.

**Table 3**  
**Comparison of Age at Petition Filing and Average Number of Children on Petition**  
**In 1996 and 1999 Model Court Cases by County**

<u>Age at Petition Filing</u>	<u>Maricopa</u>		<u>Pima</u>		<u>Cochise-Coconino</u>		<u>Overall</u>	
	<u>1996</u> (n=144)	<u>1999</u> (n=143)	<u>1996</u> (n=95)	<u>1999</u> (n=102)	<u>1996</u> (n=72)	<u>1999</u> (n=73)	<u>1996</u> (n=311)	<u>1999</u> (n=318)
0 – 1	37%	39%	32%	29%	29%	22%	33%	32%
2 – 4	13	10	12	13	14	12	13	11
5 – 7	12	12	13	17	14	12	13	14
8 – 10	10	9	16	13	14	12	13	11
11 – 14	15	16	21	16	11	23	16	18
15 – 17	13	15	7	13	18	18	13	15
Avg. age at filing	6.1 yrs.	6.3 yrs.	6.4 yrs.	6.6 yrs.	6.7 yrs.	7.9 yrs.	6.3 yrs.	6.8 yrs.
Avg. # children on petition	1.9	1.6	2.1	1.6	1.8	2.0	1.9	1.7
<u>Gender</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>
Male	56%	55%	43%	48%	53%	51%	51%	52%
Female	44	45	57	52	47	49	49	48
<u>Race/Ethnicity</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>
Anglo	39%	34%	39%	36%	40%	43%	39%	37%
Hispanic	13	8	12	9	8	5	11	7
African-American	17	14	16	26	22	18	18	19
Native American	6	6	5	5	4	7	6	6
Other	8	18	23	14	6	14	12	16
Unknown	17	20	5	11	19	14	14	16
<u>ICWA Cases</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>	<u>1996</u>	<u>1999</u>
Yes	7%	7%	9%	5%	6%	7%	7%	6%
No	93	93	91	95	94	93	93	94

## 2. *Petition Allegations and Placement Status at Petition Filing*

Data presented in Table 4 indicate that about the same percentage of 1999 Model Court and 1996 petitions involved allegations of physical or sexual abuse. Overall, 28% of the 1999 cases involved allegations of physical abuse compared to 26% of the 1996 cases. Allegations of sexual abuse were found in 9% of the 1999 petitions versus 5% of the 1996 cohort.

<b><u>Petition Allegation</u></b>	<b>Maricopa</b>		<b>Pima</b>		<b>Cochise-Coconino</b>		<b>Overall</b>	
	<b><u>1996</u></b> (n=144)	<b><u>1999</u></b> (n=143)	<b><u>1996</u></b> (n=95)	<b><u>1999</u></b> (n=102)	<b><u>1996</u></b> (n=72)	<b><u>1999</u></b> (n=73)	<b><u>1996</u></b> (n=311)	<b><u>1999</u></b> (n=318)
Physical Abuse	24%	27%	26%	28%	31%	29%	26%	28%
Sexual Abuse	4	8	5	10	7	8	5	9
<b><u>Placement Status at Petition Filing</u></b>								
Emergency Removal	83%	84%	77%	66%	68%	56%	78%	72%
Voluntary Placement	10	10	4	5	7	14	7	9
At home with custodial parent(s)	4	2	15	19	15	18	10	11
Other	4	4	4	11	10	12	5	8

The comparison of a child’s placement status at petition filing identified some differences in the frequency of children removed from their homes on an emergency basis. However, these differences were considered small and not statistically significant. Overall, 72% of children included in the 1999 sample were identified as emergency removals compared to 78% of children from the 1996 sample.<sup>47</sup> A small percentage of children in both the 1999 and 1996 study samples were in placement at the time of petition filing pursuant to a voluntary placement agreement entered into by a parent or guardian with CPS – 9% and 7%, respectively. In addition, the review of court files found few instances of in-home petitions

<sup>47</sup> In previous studies, placement at petition filing has been found to be a very strong predictor of how long a case remains court-involved. Please see, G.J. Halemba and G. Siegel, “Pima County Model Court Project: Summary of Follow-up Assessment,” National Center for Juvenile Justice, October 1999. The outcome analysis presented later in this chapter controlled for this factor in examining differences in the length of time that 1996 and 1999 cases remained open before case closure.

– that is, situations in which a child remained in the custody of the custodial parent(s). In-home petitions represented 11% of the 1999 study sample and 10% of the 1996 cohort. In-home petitions were least likely to be filed in Maricopa County – 4% of the 1996 study sample and 2% of the 1999 cohort. Lastly, in a small percentage of 1996 and 1999 cases, the placement status of a child could not be categorized as either an emergency removal, voluntary placement or in-home – 5% and 8%, respectively.<sup>48</sup>

### 3. *Prior CPS and Court Histories*

Data presented in Table 5 reveal that the vast majority of families involved with the court on dependency matters in both 1999 and 1996 had histories of prior CPS investigations.<sup>49</sup> Overall, 75% of families in the 1999 study cohort had records of prior investigations, as did 80% of families in the 1996 sample.<sup>50</sup>

	<b>Maricopa</b>		<b>Pima</b>		<b>Cochise-Coconino</b>		<b>Overall</b>	
	<u>1996</u> (n=144)	<u>1999</u> (n=143)	<u>1996</u> (n=95)	<u>1999</u> (n=102)	<u>1996</u> (n=72)	<u>1999</u> (n=73)	<u>1996</u> (n=311)	<u>1999</u> (n=318)
Prior/Current Court Involvement	32%	33%	29%	28%	31%	29%	29%	29%
Prior CPS Investigation	84%	74%	77%	71%	73%	82%	80%	75%
Avg. # of Prior CPS Investigations	3.8	3.8	4.0	3.4	4.6	3.4	4.1	3.6
Avg. # of Prior CPS Substantiated Investigations	2.1	1.9	2.4	2.0	2.6	1.8	2.3	1.9

<sup>48</sup> These include instances in which a child had been living informally with a relative or family friend prior to the filing of the petition.

<sup>49</sup> The count of investigations included actual investigations documented in CPS reports and/or petitions that resulted in a finding by CPS of substantiated or not substantiated. The count does not include calls or reports to the CPS Hotline that were not investigated.

<sup>50</sup> While many case files contained documentation of prior CPS histories, the content of this documentation varied across caseworkers and counties. For example, in some cases, project staff found documentation indicating “a long history of CPS involvement” with no specific dates or additional information. In these instances, NCJJ staff entered one prior investigation and one prior substantiated investigation because specific counts were not available. While this was limited to a small number of cases, it suggests the average investigation and substantiation figures presented in Table 5 may be an undercount of prior CPS involvement.

Many of these families appear to have extensive CPS investigation histories. Families cited on 1996 petitions were investigated by CPS an average of 4.1 times prior to the investigation that resulted in a petition being filed on the child in question. The average number of prior substantiated investigations for these families was 2.3. The average number of prior investigations and substantiated investigations for families cited on 1999 Model Court petitions was only slightly lower – 3.6 and 1.9, respectively.

Almost three in ten families in both the 1996 and 1999 cohorts (29% and 28%, respectively) also had prior or ongoing court involvement on other dependency matters involving the child whose case was being tracked for the study or one of his/her siblings. This varied very little across the four counties.

#### ***4. Parent and Child Issues That Resulted in Court Involvement***

NCJJ staff conducted comprehensive reviews of all CPS reports, psychiatric and psychological evaluations, service provider progress reports, and other documents contained in court files and, where applicable, social files to ascertain the frequency of a wide range of family and child problems.

Table 6 presents data on five family problem measures - parental alcohol and/or drug use, housing/financial problems, history of domestic violence, and parental history of emotional and/or mental health problems. These data reveal some slight differences among the 1996 and 1999 study samples on these measures. The 1996 sample displayed somewhat higher rates of difficulties on three of these measures than their 1999 counterparts – parent alcohol and/or drug use, housing and/or financial problems, and domestic violence. On the remaining two measures – parental incarceration and emotional/mental health issues –percentages were essentially the same. None of these overall differences were statistically significant.

Some county differences within the two data sets were statistically significant but these did not suggest a consistent pattern. The case file reviews uncovered a considerably higher rate of domestic violence among 1996 families in Pima County than those in 1999 – 61% compared to 37%, respectively. Also, 53% of the 1996 families in Cochise and Coconino counties experienced housing and/or financial problems compared to 33% of 1999 families.

**Table 6**  
**Comparison of Family Issues In 1996 and 1999 Model Court Cases by County**

	Maricopa		Pima		Cochise-Coconino		Overall	
	<u>1996</u> (n=144)	<u>1999</u> (n=143)	<u>1996</u> (n=95)	<u>1999</u> (n=102)	<u>1996</u> (n=72)	<u>1999</u> (n=73)	<u>1996</u> (n=311)	<u>1999</u> (n=318)
Parent Alcohol and/or Drug Use	76%	64%	70%	67%	40%	51%	66%	62%
Housing and/or Financial Problems	64%	59%	60%	58%	53% <sup>1</sup>	33%	60%	53%
Domestic Violence	35%	33%	61% <sup>2</sup>	37%	35%	49%	43%	38%
Parent(s) Incarcerated	46%	41%	33%	35%	26%	30%	37%	37%
Emotional/Mental Health Issues - Parents	19%	23%	34%	29%	28%	30%	26%	27%

<sup>1</sup> chi-square = 5.87; p < .02

<sup>2</sup> chi-square = 11.15; p < .001

Very slight differences were identified on the four measures of child problems presented in Table 7 – child history of emotional/mental health issues, serious medical problems, children developmentally delayed and/or experiencing academic problems, and children with prenatal and/or infant health problems.<sup>51</sup> For example, slightly more than a quarter of children named on both 1996 and 1999 Model Court petitions were developmentally delayed and/or experienced other academic problems – 28% and 27%, respectively.

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<sup>51</sup> Prenatal/infant health problems include extensive prenatal exposure to alcohol/drugs, prenatal HIV exposure, complications due to being born premature, and failure to thrive.

**Table 7**  
**Comparison of Child Issues In 1996 and 1999 Model Court Cases by County**

	<b>Maricopa</b>		<b>Pima</b>		<b>Cochise-Coconino</b>		<b>Overall</b>	
	<u><b>1996</b></u> (n=144)	<u><b>1999</b></u> (n=143)	<u><b>1996</b></u> (n=95)	<u><b>1999</b></u> (n=102)	<u><b>1996</b></u> (n=72)	<u><b>1999</b></u> (n=73)	<u><b>1996</b></u> (n=311)	<u><b>1999</b></u> (n=318)
Emotional/Mental Health Issues - Child	18%	17%	19%	11%	19%	26%	19%	17%
Serious Medical Problems – Child	10%	17%	8%	12%	8%	8%	9%	13%
Developmentally Delayed/Academic Problems	29%	25%	30%	26%	22%	32%	28%	27%
Prenatal/Infant Health Problems	23%	22%	19%	14%	10%	12%	19%	17%

**5. Court Involvement on Delinquency and Status Offense Matters**

Data were also collected on the extent of prior or current delinquency activity among age-eligible dependent children (i.e., children ages eight and older at the time of petition filing).<sup>52</sup> Specifically, we examined the incidence of prior and/or current court involvement on delinquency and status offense matters. Two sources of data were used – references to a child’s court involvement found in dependency court files and delinquency/status offense history profiles generated from JOLTS on each age-eligible child in the two data sets.<sup>53</sup> Data were collected on four measures including prior or current involvement with the court on a delinquency referral or petition; prior or current involvement with the court on a status offense referral or petition; prior or current placement on probation; and prior or current commitment to the Arizona Department of Juvenile Corrections (ADJC).<sup>54</sup>

<sup>52</sup> There is a growing body of research confirming the strong correlation between child maltreatment and juvenile delinquency. For example, see B.T. Kelley, T.P. Thornberry, and C.A. Smith. “In the Wake of Childhood Maltreatment.” OJJDP Juvenile Justice Bulletin, August 1997, and R. Wiebush, R. Freitag, and C. Baird. “Preventing Delinquency Through Improved Child Protection Services.” OJJDP Bulletin, July 2001.

<sup>53</sup> The delinquency/status offense histories of children 8 years of age and older were examined because Arizona law requires that any delinquency or status offense referral on children seven years of age or younger be treated as a CPS matter.

<sup>54</sup> Prior court involvement was defined as any referral or petition disposed of prior to the date the dependency petition was filed with the court. Current court involvement was defined as any subsequent delinquency or status offense disposition that occurred prior to the date of the last review of court files.

These data are summarized in Table 8 and three noteworthy trends are apparent. First and foremost for purposes of the comparative study, there are very minor differences in the percentage of children in the 1996 and 1999 data sets who have prior or current court involvement on a delinquency or status offense matter. As such, prior delinquency or status offense history should not have much of a bearing on case processing and case outcome comparisons of the 1996 and 1999 Model Court study samples.

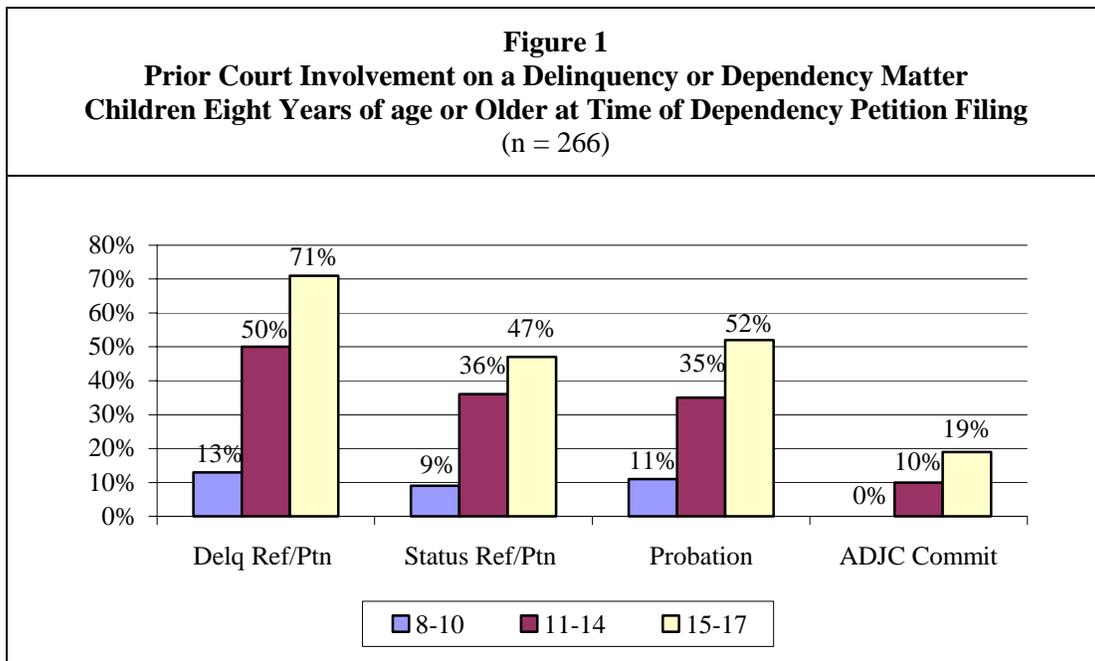
**Table 8**  
**Prior/Current Court Involvement on Delinquency and Status Offense Matters**  
**Comparison of 1996 and 1999 Model Court Cases by County**  
**Children Eight Years or Older at Time of Dependency Petition Filing Only**

<b><u>Prior or Current:</u></b>	<b>Maricopa</b>		<b>Pima</b>		<b>Cochise-Coconino</b>		<b>Overall</b>	
	<b><u>1996</u></b> (n=55)	<b><u>1999</u></b> (n=57)	<b><u>1996</u></b> (n=42)	<b><u>1999</u></b> (n=42)	<b><u>1996</u></b> (n=31)	<b><u>1999</u></b> (n=39)	<b><u>1996</u></b> (n=128)	<b><u>1999</u></b> (n=138)
Delinquency Referral/Petition	56%	49%	48%	38%	35%	46%	48%	45%
Status Offense Referral/Petition	33%	33%	45%	29%	19%	28%	34%	30%
Placement on Probation	36%	33%	33%	36%	26%	36%	33%	35%
Commitment to Juvenile Corrections	5%	14%	10%	12%	6%	10%	7%	12%

Secondly, close to half of all children eight years of age and older involved in a dependency matter have had prior or concurrent court involvement on a delinquency matter – 48% of the children included in the 1996 study sample and 45% of the children included in the 1999 Model Court group. Additionally, one-third or more of these children had been previously placed on probation or were on probation at some point after the date the dependency petition was filed – 33% of children in the 1996 data set and 35% of children included in the 1999 sample.

Lastly, in the aggregate, the percentage of children exhibiting any of the four measures of prior or current delinquency activity appears to have increased somewhat in Cochise and Coconino counties. Specifically, the percentage of children eight years of age and older who had previous or current court involvement on a delinquency matter increased from 35% in the 1996 sample to 46% in the 1999 sample. The percentage of these children with a prior or current placement on probation increased from 26% to 36% and the number of youth committed to ADJC increased from 6% to 10%.

Data presented in Figure 1 reveal that the overall number of children in both data sets with prior or current court involvement on the four delinquency/status offense measures increased dramatically as their age increased. That is, 71% of dependent children included in the 1996 and 1999 Model Court data sets who were 15 years of age or older at the time of the filing of the dependency petition had prior or current court involvement on a delinquency matter compared to 50% of children between the ages of 11 and 14.<sup>55</sup> Additionally, 52% of the children in the oldest age category (15-17) were previously or concurrently placed on probation and 19% had been previously or concurrently committed to ADJC.



<sup>55</sup> While the rate of prior or current delinquency activity is highest among the older age group (71%), the frequency of delinquency activity among 11 to 14 year olds (50%) is also an important finding. Youth under age 14 who experience early onset of delinquency activity are responsible for a disproportionate share of serious and violent offenses, and are at greater risk of becoming chronic juvenile offenders. Please see H. N. Snyder and M. Sickmund. "Juvenile Offenders and Victims: 1999 National Report." National Center for Juvenile Justice (for OJJDP), September 1999 (pg. 80).

The prevalence of delinquency activity among dependent children poses critical challenges for the child welfare and juvenile justice systems in Arizona. Youth involved in both systems (commonly referred to as dually-involved or dually-adjudicated) present multiple problems that require improved cooperation and coordination among CPS, the juvenile courts, and other entities. While some counties have instituted creative methods for enhancing coordination (e.g., Coconino County's standing court order requiring CPS and probation to cooperate on joint cases, and the Interagency Case Management Project and the CPS dually-adjudicated unit in Maricopa County), dynamic tension persists. The dilemmas created by these cases often fan finger-pointing between the court and child protection systems as they grapple with who should have primary responsibility for a case and who should provide funding for services. Failure to effectively intervene with these cases at the earliest point possible, however, significantly increases the chances that many of these children will experience chronic delinquency, continued school failure, teenage pregnancy, severe substance abuse, future criminal acts, and other serious problems.

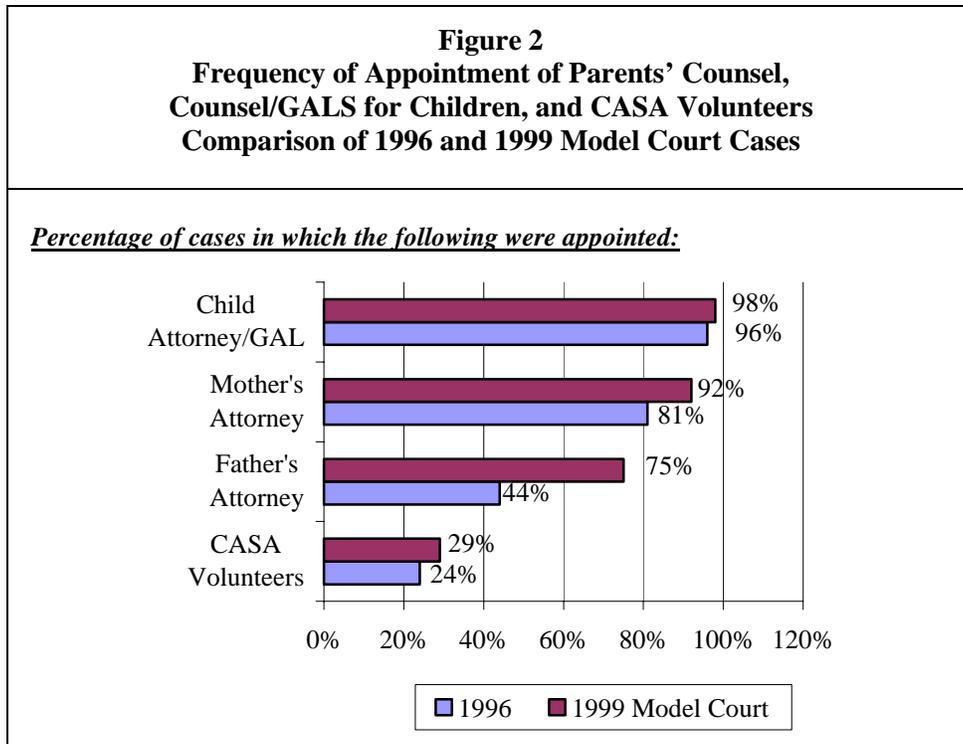
### **Timeliness of Attorney, Guardian ad Litem and CASA Appointments**

Supreme Court Rules of Procedure promulgated in conjunction with the passage of Model Court statutes require the early appointment of counsel for parents and early appointment of an attorney or guardian *ad litem* (GAL) for children. Per Rule 38, each of these shall occur at the time of petition filing and before the first hearing on the case – typically a preliminary protective hearing – so as to allow counsel and GALs to meet with their clients prior to the initial proceeding.

Data collected from court files revealed that appointment of counsel and GALs on 1999 Model Court cases occurred somewhat more frequently than in the past, occurred earlier in the court process, and were typically made before the scheduled date of the first hearing. Appointment of Court-Appointed Special Advocates (CASA volunteers) also tended to occur earlier in the court process than in 1996 but not as quickly as appointment of counsel and GALs.

As data in Figure 2 show, appointment of counsel or GALs for children almost always occurred for the 1996 and 1999 cases – 96% and 98%, respectively. Appointment of attorneys for mothers tended to occur somewhat more frequently in 1999 than in 1996. In both years, however, the vast majority of mothers were appointed counsel – 81% in 1996 and 92% in 1999. Model Court procedures had the most impact on the frequency with which fathers were appointed counsel. Such appointments increased from

44% in 1996 to 75% in 1999.<sup>56</sup> Lastly, CASA volunteers were slightly more likely to be appointed for children in 1999 than 1996 – 29% compared to 24%, respectively.

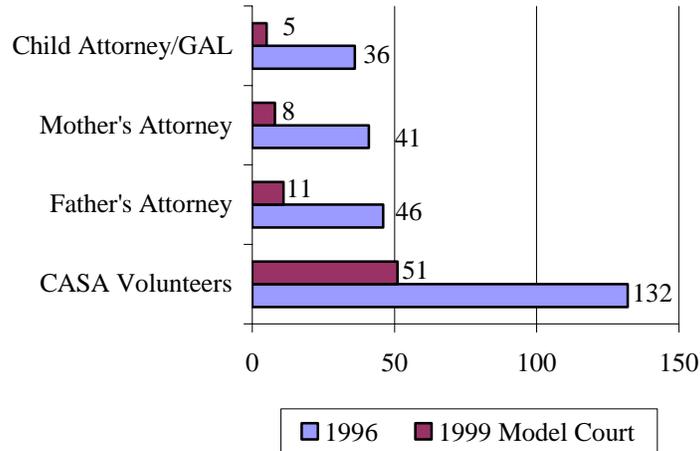


The appointment of counsel, GALs and CASA volunteers occurred considerably earlier in 1999 Model Court cases than in 1996 cases (See Figure 3). Attorneys and/or GALs were appointed for children within an average of five days of petition filing in 1999 Model Court cases across the four participating counties compared to 36 days in 1996 cases – a decrease of 86%. The average time reduction in appointment of counsel for mothers was 80% from 41 days in 1996 to eight days in 1999. For fathers, the average time to appointment of counsel was reduced from 46 days in 1996 to 11 days in 1999 – a reduction of 76%. Lastly, CASA volunteers were generally appointed much earlier – 51 days in 1999 Model Court cases compared to 132 days in selected 1996 cases – a time reduction of 61%. All of the above time reductions were statistically significant.

<sup>56</sup> The differences in percentages of mothers and fathers appointed counsel were considered statistically significant. Instances in which a mother or father was deceased were excluded from the analysis.

**Figure 3**  
**Average Days Between Petition Filing and Appointment of**  
**Parents' Counsel, Counsel/GALS for Children, and CASA Volunteers**  
**Comparison of 1996 and 1999 Model Court Cases**

Average days to the following appointments:

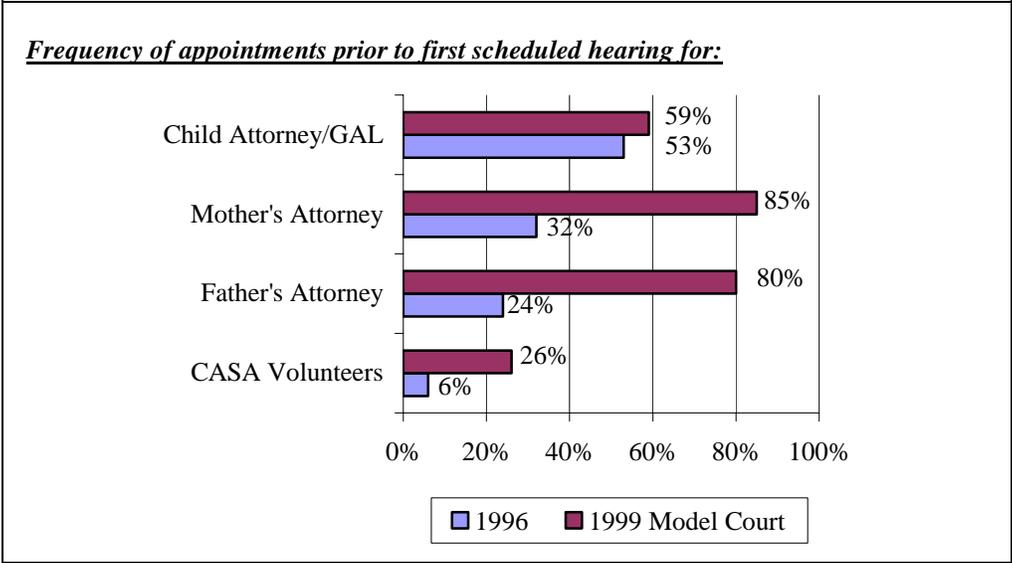


Model Court rule changes were intended to ensure that appointment of counsel and GALS occurred *prior to* the first hearing on the case so that these individuals had time to meet and confer with their clients beforehand. As data presented in Figure 4 show, these appointments did not routinely occur this early in 1996. The court was far more likely in that year to appoint counsel, GALS and CASA volunteer at the first hearing or at some point thereafter.

Parents were most affected by Model Court rules regarding the timing of attorney appointments. Appointment of counsel for mothers was far more likely to occur before the first hearing in 1999 than in 1996 – 85% versus 31%. The same is true for fathers – 80% of their attorneys were appointed prior to the first hearing in 1999 compared to 24% in 1996.

Additionally, CASA volunteers were rarely appointed at case initiation in 1996 – only 6% of the time. The frequency of such early appointments increased more than four-fold in 1999 Model Court cases – to 26%.

**Figure 4**  
**Frequency of Attorney, GAL and CASA Appointments**  
**Prior to the First Scheduled Hearing**  
**Comparison of 1996 and 1999 Model Court Cases**



While differences were also found in the frequency and timing of appointment of counsel and GALs for children these were less substantial than those found for parents. Overall, the frequency with which these appointments occurred prior to the first hearing increased from 53% in 1996 to 59% in 1999 cases. However, there was considerable variation across counties in this regard. Cochise and Coconino counties were already routinely appointing children’s counsel and/or GALs at case onset in 1996 and continued to do so in 1999. As data in Table 9 indicate, the frequency with which this occurred in 1999 Model Court cases actually went down slightly in the two counties – from 94% to 89%. Pima had also been routinely appointing children’s counsel/GALs prior to the first hearing in 1996 (81% of the time) but increased this to 99% for 1999 Model Court cases.

Maricopa County was the only study site that did not routinely appoint a child an attorney and/or GAL at case onset (i.e., at the time of petition filing) in 1996. In that year, early appointments only occurred in 9% of the cases selected for the study. Case file reviews revealed the frequency of early appointments increased somewhat in 1999 Model Court cases to 16%. While the *frequency* of attorney and/or GAL appointments<sup>57</sup> for children improved markedly in Maricopa County from 1996 to 1999, the

<sup>57</sup> The date of attorney appointment was based on the earliest court file document specifying an attorney assignment by name. In Maricopa County, attorney assignment is not made directly by a judge. Instead, court administration

appointments usually occurred (78% of the time) *on the date of the first hearing*, not before. However, Maricopa County significantly reduced the rate of appointments occurring *after* the first hearing. In 1996, lawyers were appointed *after* the first scheduled hearing 77% of the time. Post-initial hearing appointments decreased to 6% in 1999.

**Table 9**  
**Timing of Appointment of Attorneys and/or GALs**  
**Comparison of 1996 and 1999 Model Court Cases by County**

<b>Timing of Appointment:</b>	<b>Maricopa</b>		<b>Pima</b>		<b>Cochise-Coconino</b>		<b>Overall</b>	
	<b><u>1996</u></b> (n=128)	<b><u>1999</u></b> (n=137)	<b><u>1996</u></b> (n=95)	<b><u>1999</u></b> (n=102)	<b><u>1996</u></b> (n=71)	<b><u>1999</u></b> (n=62)	<b><u>1996</u></b> (n=294)	<b><u>1999</u></b> (n=301)
Before First Hearing	9%	16%	81%	99%	94%	89%	53%	59%
At First Hearing	15%	78%	19%	1%	6%	8%	14%	38%
After First Hearing	77%	6%	0%	0%	0%	3%	33%	3%

**Timeliness of Early Proceedings**

Data presented in this section show that procedures set in place to front-load the Model Court process considerably reduced the amount of time needed to reach most early case processing milestones. Data displayed in Figure 5 compare average timelines for 1996 and 1999 Model Court cases on key early case processing measures including the number of days from petition filing to the first scheduled hearing on the case, completion of these initial proceedings, resolution of petition findings (adjudication), and petition disposition.

***1. Scheduling and Completion of the First Hearing After Petition Filing***

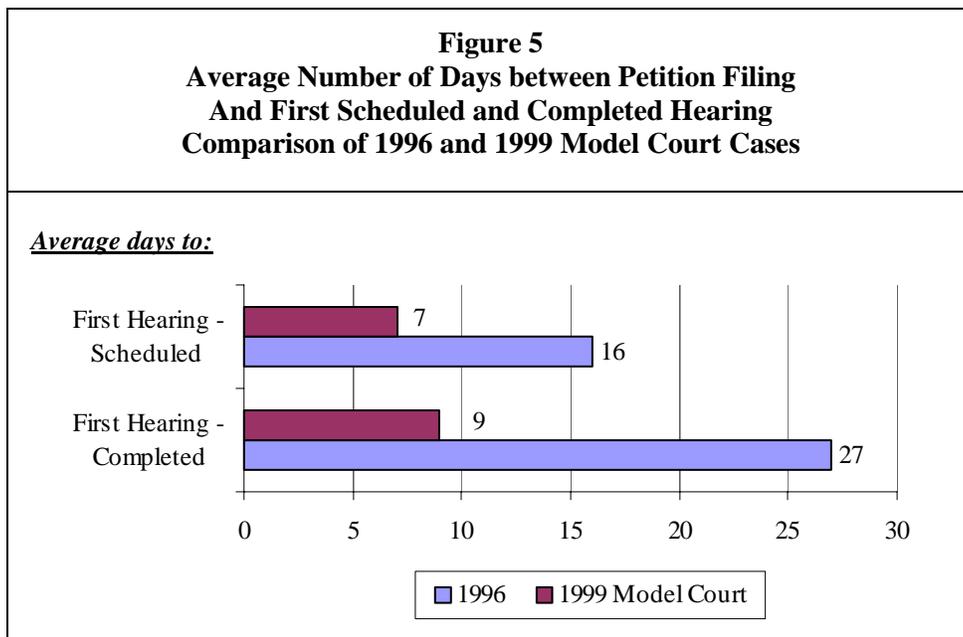
On average, the first hearing on a case was *scheduled* for 16 days after petition filing in the 1996 cases included in the study. Approximately 90% of the time, this first hearing was an initial dependency hearing. The first hearing for 1999 Model Court cases was scheduled for an average of seven days from the date the petition was filed – a statistically significant time reduction of 56%. In all but a small number

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or the county’s Office of Court-Appointed Counsel (OCAC) makes appointments. In contrast, in the three other counties, attorney assignments are made directly by a judge or, in Pima County, by the court’s dependency unit prior to the first hearing.

of instances, this hearing was a preliminary protective hearing that, by statute, is to be scheduled within five to seven days of a child’s removal.<sup>58</sup> The number of days to the first scheduled hearing on a case did not vary to any great degree in the four participating counties.

The reduction in the number of days to a *completed* first hearing was even greater – from 27 days in 1996 to nine days in 1999. This translates to a statistically significant time reduction of 67%. This increased time reduction is attributable to two factors. First, the percentage of continued first hearings was reduced from approximately 33% in 1996 to 4% in 1999.<sup>59</sup> Second, the amount of time between the scheduled (continued) first hearing and completed first hearing was reduced from 31 days in 1996 to 22 days in 1999.<sup>60</sup> Once again, the number of days to the first completed hearing did not vary to any great degree among the four counties participating in the study.



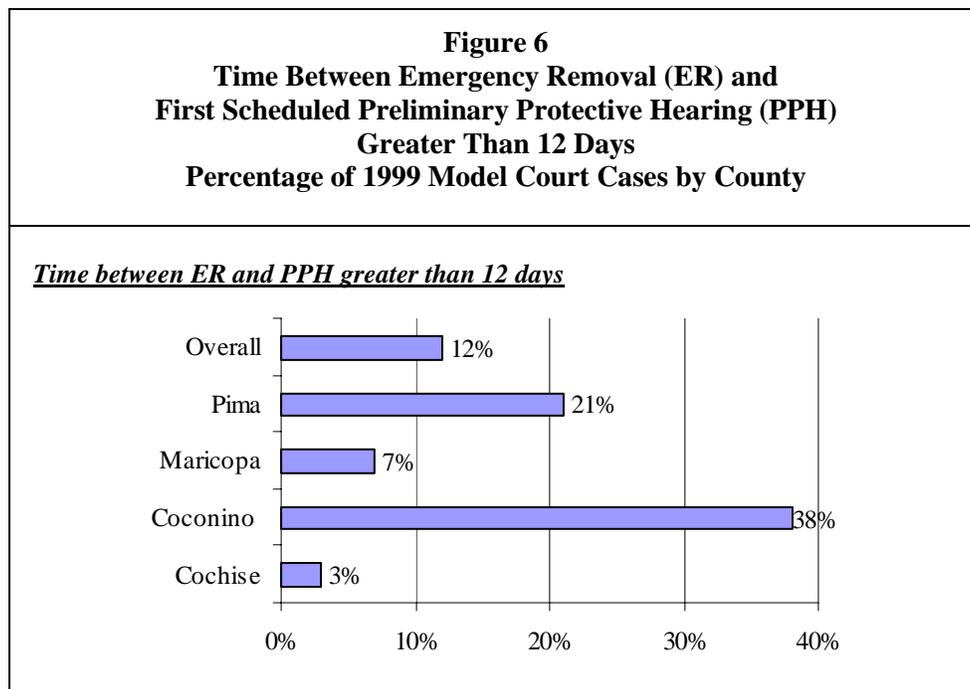
<sup>58</sup> There were a few instances (less than 5%) in which the first hearing on a 1999 case was an initial dependency hearing. These cases involved in-home petitions. As noted in the Statutes Analysis chapter, Model Court statutes are silent regarding the need for a PPH in cases in which a child is not removed from home.

<sup>59</sup> First hearings in 1996 cases were routinely continued if a parent requested appointment of counsel. Model Court procedures now require that the court appoint counsel at the time of petition filing. This procedural change essentially eliminated the primary cause of initial hearing continuances.

<sup>60</sup> While very few first hearings were continued in all of the four participating counties in 1999, the length of time between the scheduled (continued) first hearing and completion of the continued hearing was greatest in Maricopa County - 31 days. Again, this only refers to *continued* hearing events. This probably reflects calendar congestion discussed in the county overview section. In the remaining three counties, the average time was less than nine days.

While Model Court front-loading has clearly expedited the timing of the first hearing, the analysis found a small number of instances where the PPH was not scheduled within prescribed time frames. Model Court statutes require the scheduling of a PPH within five to seven days of a child’s removal from the home (excluding weekends and holidays). To assess adherence to this requirement, NCJJ only examined cases in which the court file indicated a true emergency removal (ER). The analysis revealed that 12% of the time, the PPH was scheduled more than 12 days out from the ER date (see Figure 6).<sup>61</sup> The PPH out-of-compliance rates varied from a low of 3% in Cochise County and 7% in Maricopa County to high of 21% in Pima County and 38% in Coconino County.

While the starting date of an emergency removal may not always be easy to decipher (for example, if a child was first admitted to a hospital),<sup>62</sup> the percentage of cases not meeting PPH time requirements suggests that counties should monitor these very closely and ensure that timelines are being met in all emergency removal cases.<sup>63</sup>



<sup>61</sup> Twelve days was used as the outer criterion for PPH scheduling compliance. This accounts for occasions when weekend and holiday exclusions apply.

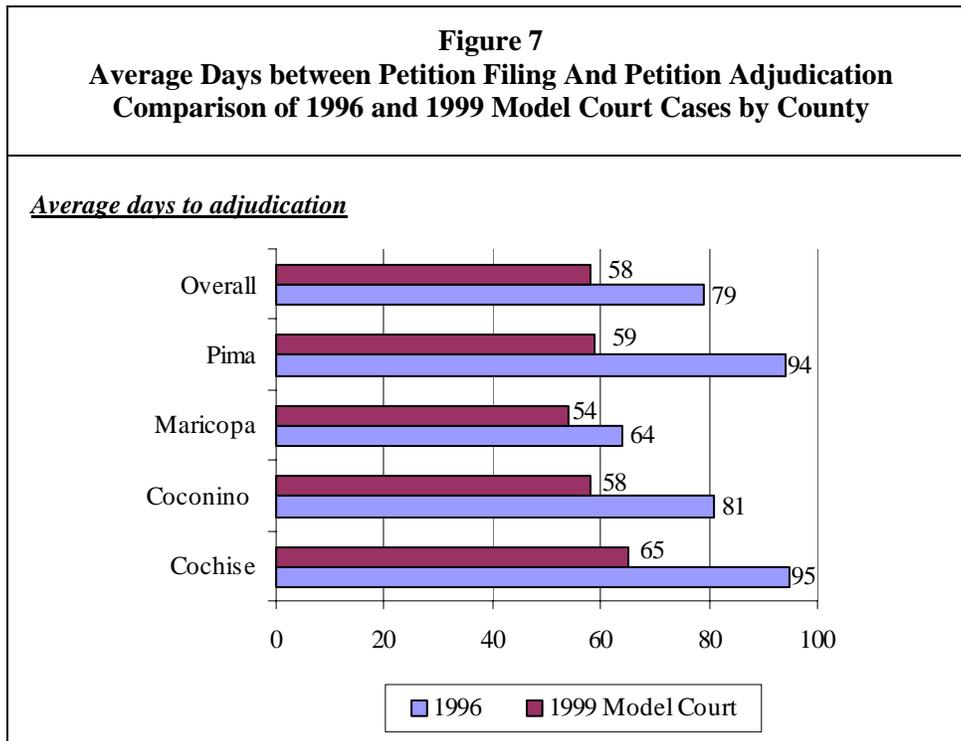
<sup>62</sup> In such instances, it may take days to determine the reasons for the child’s placement – for example, if a child’s injuries were accidental or due to physical abuse.

<sup>63</sup> As discussed in the county overview section, Pima County has made one judge/one family case handling its top priority. As a result of this commitment and a fairly recent increase in supplemental petitions, there are times when the court does not meet the PPH time requirement. In response, the Pima County Juvenile Court has allocated specific time slots for supplemental PPHs. This may help eliminate scheduling problems.

## 2. Completion of Petition Adjudication and Disposition

The amount of time saved increased as cases proceeded to the adjudicatory phase of court proceedings. As data in Figure 7 reveal, the overall number of days between petition filing and petition adjudication was reduced from 79 days for 1996 cases to 58 days for 1999 Model Court cases – a savings of 21 days and a time reduction of 27%.<sup>64</sup> All four counties experienced significant time reductions ranging from 10 days in Maricopa County (which had the shortest average time to adjudication in 1996) to 35 days in Pima County.

Much of the success of Model Court can be attributed to steps taken to front-load the court process. Front-loading has resulted in an accelerated and expanded initial hearing process that encourages participation, problem-solving, and early case planning. While these early proceedings focus on the service needs of the child and family, it is not uncommon for parents (through their attorneys) to enter an admission to petition allegations once a preliminary case plan has been agreed upon that addresses services, alternative placement options, and visitation. In 20% of all 1999 Model Court cases, juvenile courts were able to enter a finding on petition allegations at the preliminary protective hearing.



<sup>64</sup> Please see the methodology section (pg. 13) for a description of how time to adjudication was calculated if this stage of case processing was bifurcated.

While the four participating juvenile courts have reduced the amount of time needed to reach adjudication, approximately 18% of all 1999 Model Court cases took longer than the 90 days generally prescribed in statute. And, approximately 10% of 1999 Model Court cases took more than 120 days, the outer adjudication timeline set in statute and court rules.<sup>65</sup> The frequency with which petition adjudications were not consistent with the prescribed statutory timelines did not vary to any great degree by county.

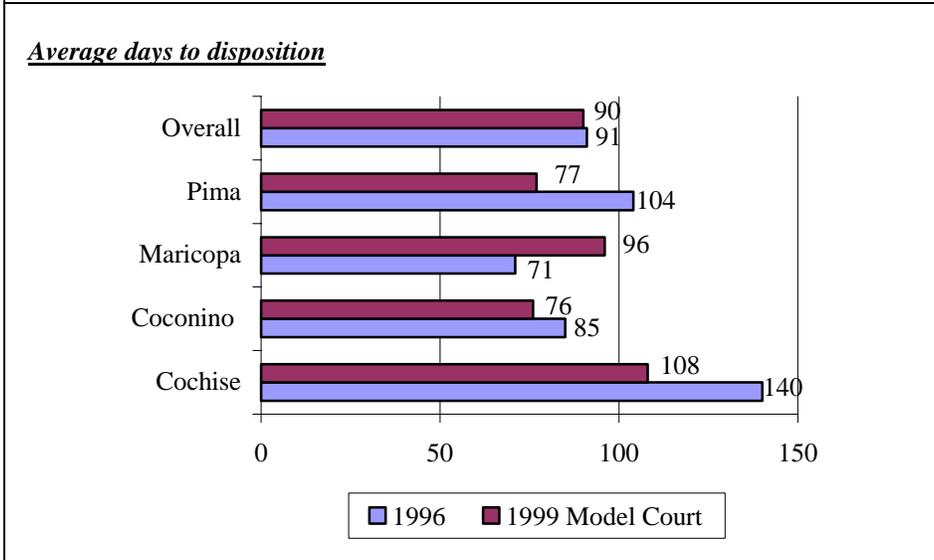
Similar time reductions to those found at the initial and adjudication hearing stages were not identified when measuring time to petition disposition. The overall amount of time to disposition was only reduced by one day – from 91 days for 1996 cases to 90 days in 1999 Model Court cases. However, data in Figure 8 reveal there was a considerably reduction in the number of days to disposition for the 1999 Model Court cohort in three of the four counties – 32 days in Cochise County, 27 days in Pima County and nine days in Coconino County. However, Maricopa County experienced an increase from 71 days for the 1996 cohort to 96 days for 1999 Model Court cases – an increase of 25 days.<sup>66</sup>

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<sup>65</sup> The only circumstances in which extensions past these timelines are permitted is if service on the petition has been delayed which is rarely the case for the custodial parent. ARS 8-842 states that the dependency adjudication hearing shall be completed within 90 days after service of the dependency petition and that the time limit may be extended for up to 30 days if the court finds good cause or in extraordinary circumstances as prescribed by the Arizona Supreme Court by court rule.

<sup>66</sup> Excluding Maricopa County cases, the average time to disposition decreased from 100 days in 1996 to 86 days in 1999 – a decrease of 14 days.

**Figure 8**  
**Average Days between Petition Filing And Petition Disposition**  
**Comparison of 1996 and 1999 Model Court Cases by County**

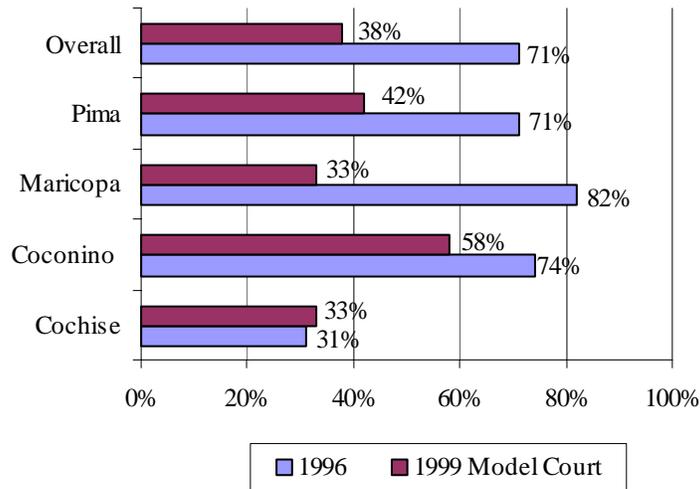


Some of this anomaly can be attributed to the considerable decrease in combined adjudication and disposition hearings held in Maricopa County - from 82% in 1996 to 33% in 1999 (see Figure 9).<sup>67</sup> Pima and Coconino counties experienced similar decreases but not to the degree in Maricopa County. In Cochise County, the percentage of cases in which adjudication and disposition were completed in a combined hearing remained essentially the same – 31% in 1996 and 33% in 1999. Overall, the frequency with which adjudication and disposition were combined decreased from 71% in 1996 to 38% for 1999 Model Court cases.

<sup>67</sup> Please see the Maricopa County overview section for a discussion of the possible reasons for this change in practice. Interviews and site observations in Maricopa County suggest that, at least in part, this large drop in combined hearings can be attributed to the position among some jurists that disposition should not occur until the adjudicatory process has been completed for both or all parents – even in instances when one parent is absent and adjudication has been delayed because of notification and publication problems.

**Figure 9**  
**Frequency of Combined Adjudication and Disposition Hearings**  
**Comparison of 1996 and 1999 Model Court Cases by County**

*Percentage of combined adjudication – disposition hearings*



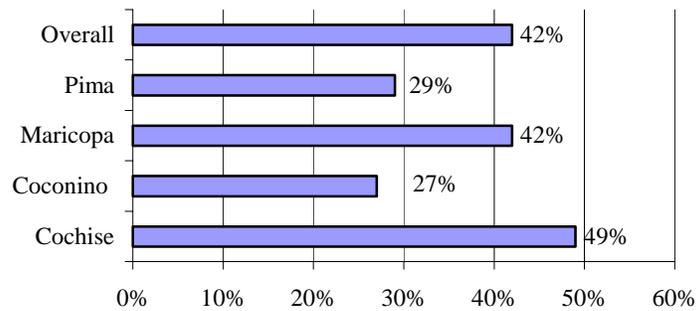
As with the time to petition adjudication data for 1999 cases, the majority of petition dispositions occurred in a time frame consistent with those prescribed in statutes – on the same date as the adjudication hearing or no more than 30 days from that date.<sup>68</sup> However, the analysis also identified a sizeable percentage of 1999 Model Court cases in which disposition did not occur until more than 30 days after adjudication. Overall, this occurred 42% of the time (see Figure 10). The percentage of cases out-of-compliance with statutory dispositional guidelines ranged from a high of 49% in Cochise County to a low of 27% in Coconino County.

These percentages are considerably higher than the petition adjudication out-of-compliance rates. They suggest that, for the 1999 cases, juvenile courts in the four counties were not routinely completing the disposition hearing within 30 days of petition adjudication, if these issues were not addressed in a combined hearing.

<sup>68</sup> Please see ARS 8-844.D

**Figure 10**  
**Time Between Adjudication and Disposition Greater Than 30 Days**  
**Percentage of 1999 Model Court Cases**

*Time Between disposition and adjudication greater than 30 days*



**Specificity of Court Orders Contained in Preliminary Protective Hearing Minute Entries**

Model Court statutes require that the juvenile court make findings and enter written orders regarding the child’s temporary custody, services for the child and family, and visitation. Minute entries containing these orders are to be signed by the court and provided to the parties at the conclusion of the preliminary protective hearing. Prior to Model Court, most Arizona juvenile courts typically developed and distributed minute entries some days (or weeks) after the initial hearing and, these entries typically did not contain any references to these issues other than the need for continuing temporary custody and the need for the agency to make reasonable efforts to reunify families.

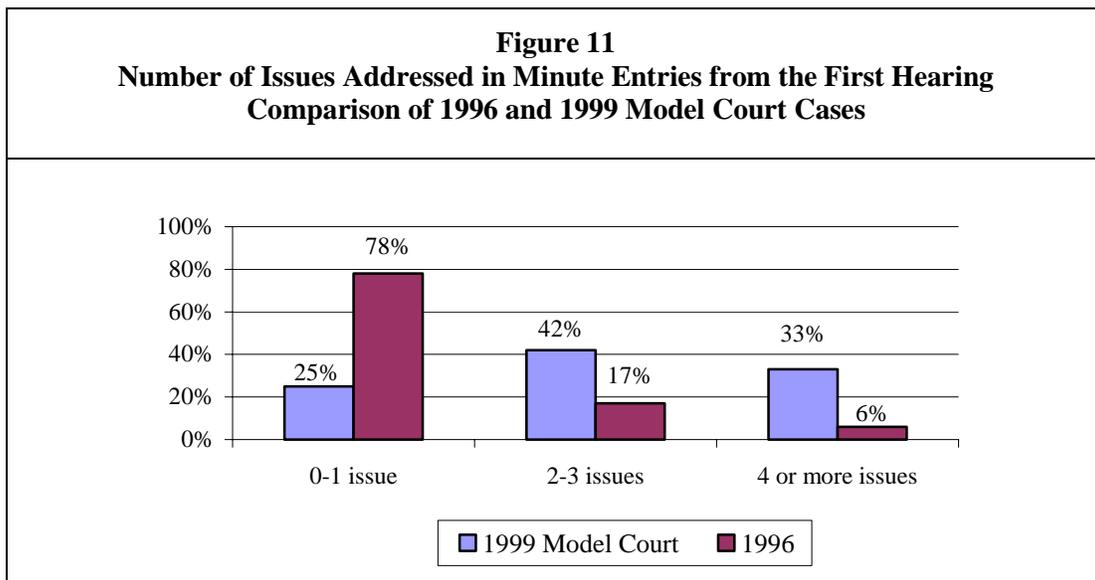
Data collected from court files indicated that minute entries stemming from preliminary protective hearings in Model Court cases were considerably more detailed and specific regarding placement, visitation and services, compared to orders from initial dependency and temporary custody hearings held in 1996.<sup>69</sup>

Data presented in Figure 11 reveal that 33% of PPH minute entries on 1999 Model Court cases *specifically addressed* four or more separate issues (in addition to reasonable efforts and routine matters

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<sup>69</sup> Project staff examined all court orders contained in the 1996 and 1999 case files to identify the degree to which these addressed more than 20 separate issues including those related to the case plan goal, placement, home studies, visitation, psychological assessments, substance abuse assessments and treatment, counseling, etc. A copy of the data collection instrument used for the review of court files is provided in Appendix B.

such as the scheduling of the next court hearing).<sup>70</sup> An additional 42% of these PPH minute entries referenced two to three issues. In sharp contrast, 6% of orders from initial dependency and temporary custody hearings on 1996 cases addressed four or more issues and 17% addressed two to three issues. The vast majority of initial hearing minute entries on 1996 cases (78%) addressed one or no issues (other than perfunctory references to reasonable efforts and routine matters such as the scheduling of the next hearing). Minute entries from PPH hearings on 1999 Model Court cases contained orders pertaining to an average of 2.9 issues compared to an average of 1.1 issues in 1996 cases. These differences were statistically significant.



Data presented in Figure 12 provide more detail on the types of issues specifically addressed in minute entries stemming from the first hearing on 1999 Model Court and 1996 cases. A specific placement order was found in approximately the same percentage of initial hearing minute entries in 1999 Model Court and 1996 cases – 69% and 65%, respectively.

However, there were clear differences in the frequency in which other issues were specifically referenced in these minute entries. Visitation was much more likely to be specifically addressed in minute entries on 1999 Model Court cases – 65% of PPH minute entries compared to 17% initial

<sup>70</sup> An issue was coded as specifically addressed if it was specifically mentioned in the minute entry. Any general references to specific issues by alluding to the case plan or report submitted by CPS were not counted. The *Resource Guidelines* strongly encourage juvenile courts to be very specific in their initial hearing orders and recommend they be written in easily understandable language that allows parents and all parties to fully understand their content and intent (see pp. 40-41).

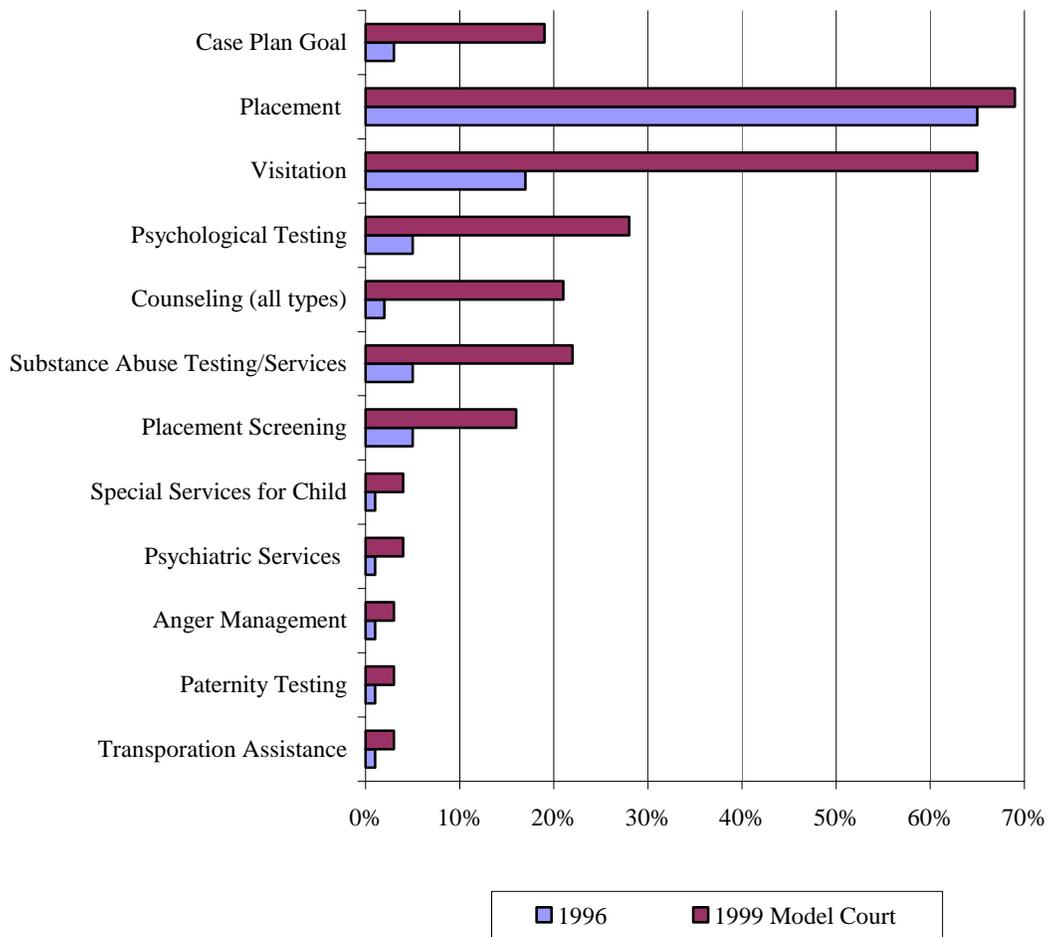
dependency and temporary custody hearing minute entries on 1996 cases. Psychological assessments were specifically ordered (for the parent and/or child) in 26% of Model Court minute entries compared to 5% of minute entries in 1996 cases. Substance abuse testing or services were ordered in 22% of 1999 Model Court cases versus 5% of 1996 cases. A case plan goal was specifically referenced (approved) in 19% of 1999 Model Court cases compared to 3% of 1996 cases. Similar types of differences were found in the frequency with which placement screening (e.g., home studies), counseling, and parenting skills services were ordered. These differences were statistically significant.<sup>71</sup>

While other types of services such as psychiatric services, anger management classes, paternity testing and transportation assistance were infrequently referenced in both 1999 and 1996 cases, specific references to these services were more likely to be included in the 1999 PPH minute entries. For example, transportation issues were referenced in 3% of 1999 model court minute entries and 1% of initial hearing orders on 1996 cases.

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<sup>71</sup> This pattern of more specific minute entries in 1999 Model Court cases was clearly evident in all four participating counties. However, these differences were most clearly evident in minute entries reviewed on cases selected from Pima County.

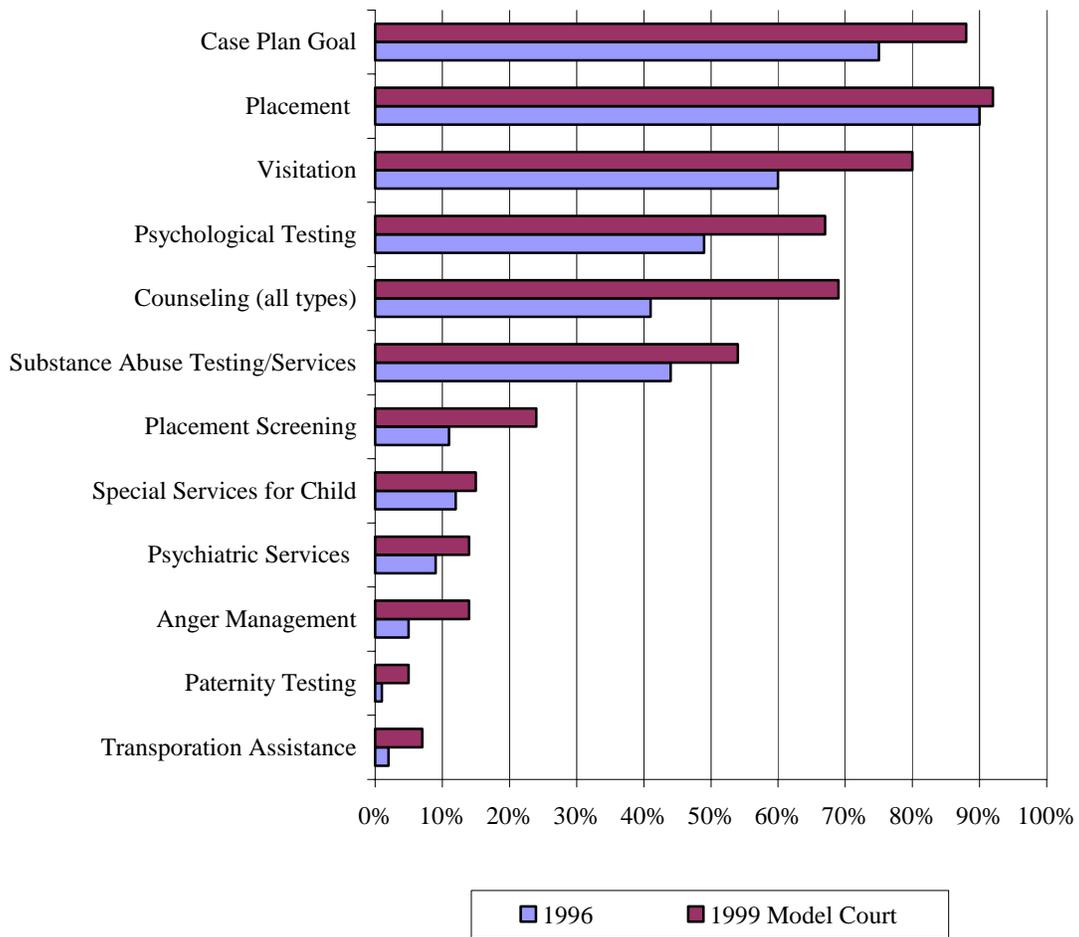
**Figure 12**  
**Types of Issues Specifically Addressed in Minute Entries From Initial Court Hearings**  
**Comparison of 1996 and 1999 Model Court Cases**



Project staff also coded the frequency with which a specific type of placement or service was ordered in the minute entry *either by specific reference in the minute entry text or by a general reference to the court adopting the caseworker’s report/initial case plan*. Using this broader criterion, the frequency with which various types of services were ordered at initial hearings increased considerably for both 1999 Model Court and 1996 cases. However, the general pattern remained the same – orders related

to placement, visitation and various types of services were found more often in PPH minute entries from 1999 Model Court cases (see Figure 13).

**Figure 13**  
**Types of Issues Specifically *or* Generally Addressed**  
**in Minute Entries From Initial Court Hearings**  
**Comparison of 1996 and 1999 Model Court Cases**

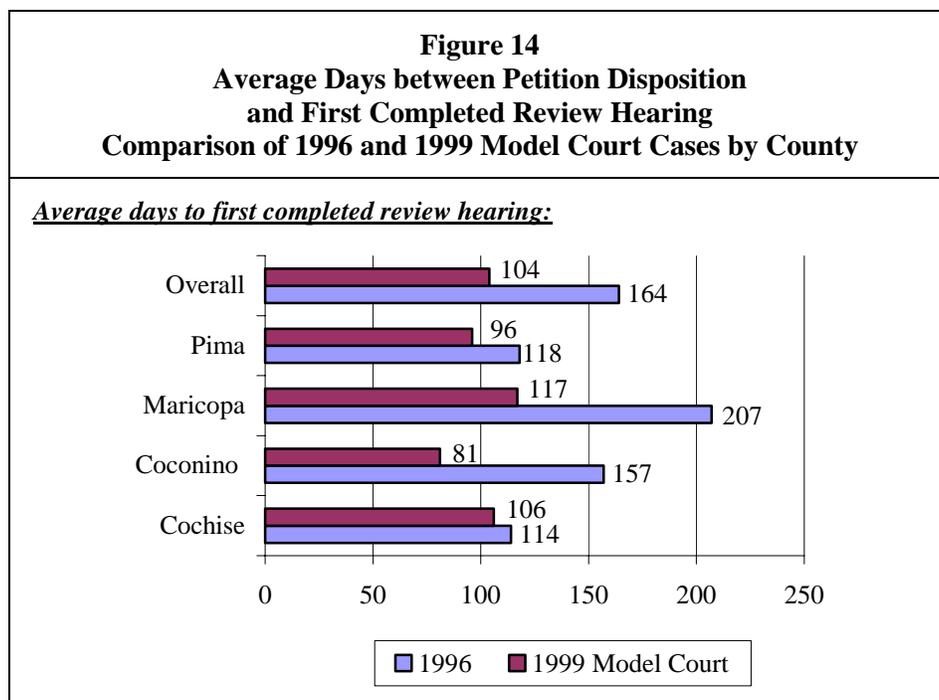


**Timeliness of First Review and Permanency Hearings**

Statutory time requirements governing review and permanency hearings have changed considerably since 1996 and their impact on the timeliness of these proceedings is quite evident. No

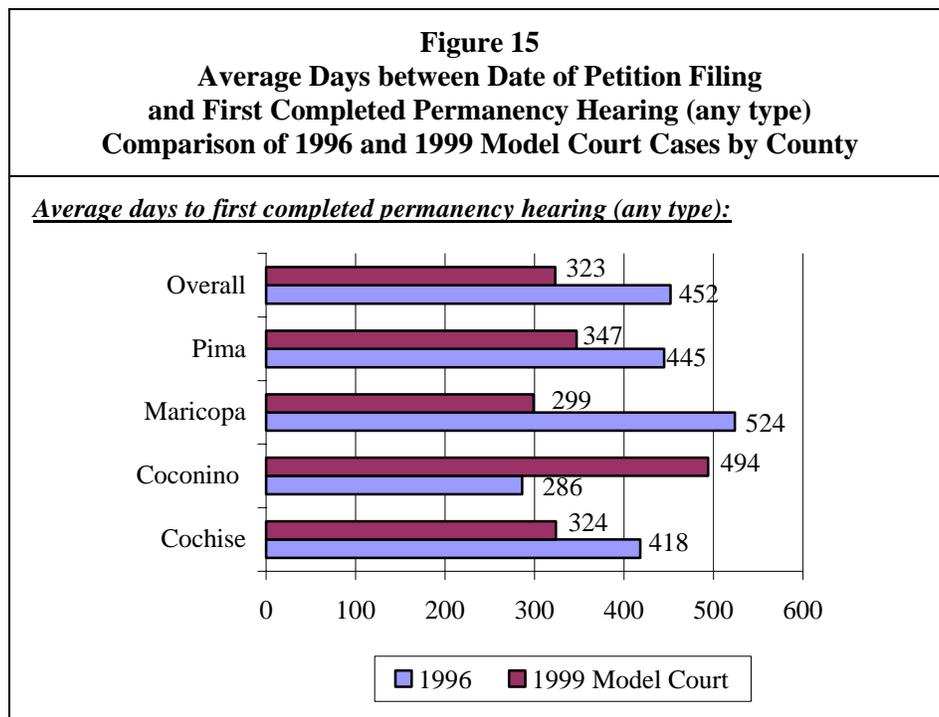
statutory requirement was in effect in 1996 mandating periodic review hearings. Current statute requires reviews at least once every six months after completion of petition disposition. Timelines for the initiation of permanency proceedings have also been shortened since 1996. Until recently, statutory requirements governing 1999 Model Court cases required the scheduling of an initial permanency proceedings within 12 months of a child’s initial removal from the home (which is typically within a few days of petition filing).<sup>72</sup> In 1996, initiation of permanency proceedings was tied to completion of petition disposition – no later than 12 months from that date.

Data presented in Figure 14 compare the average time to completion of the first review hearing. These data show considerable and statistically significant acceleration in the completion of these proceedings. Overall, the first review hearing was completed on 1996 cases an average of 164 days after petition disposition compared to 104 days in 1999 Model Court cases. – a 37% reduction. This pattern was consistent across all four of the participating counties. The largest reductions in time occurred in Coconino and Maricopa counties - 48% and 43%, respectively.



<sup>72</sup> As described in the Statute Analysis chapter, Arizona law governing permanency hearings changed in 2001. In effect, juvenile courts are now required to conduct a full permanency hearing within 12 months of a child’s removal from home with provision for an extension of up to 120 days for exceptional circumstances. The courts are no longer required to hold an initial permanency hearing.

Comparative data on average time to completion of the first permanency hearing are provided in Figure 15 for cases in which a permanency hearing of any type (including initial permanency hearings) was completed.<sup>73</sup> These data reveal substantial and statistically significant differences in the timing of permanency hearings. That is, the first completed permanency hearing of any type was held an average of 452 days from the date of petition filing compared to 324 days in 1999 – a time reduction of 28%. The largest drop occurred in Maricopa County – 43% – from 524 days in 1996 to 299 days in 1999. Substantial time reductions of 22% were also realized in Cochise and Pima counties. However, the average time to the first completed permanency hearing actually rose in Coconino County but these figures only involved 12 cases.



<sup>73</sup> Permanency hearings were not required in all instances; specifically, those cases in which a child was never removed from the home and cases in which a child was returned to a parent before an initial permanency or final permanency hearing was required. In these cases, the decision by the court to place a child with a parent was the permanent placement decision. There were also some instances in which the court closed a case without formally making a decision regarding the child’s permanent placement. And, there were instances where the court process was accelerated and TPR or guardianship proceedings were initiated prior to (or without) the court ever making a formal permanent placement determination at an initial permanency or final permanency hearing. For the analysis, we also excluded 1996 cases in which permanency hearings occurred very late in the process (more than 2.5 years after petition filing) because of a failed in-home placement that occurred earlier in the life of the case. As a result, 284 children out of the 624 (45%) included in the overall samples were included in this part of the comparative analysis – 188 of the total sample of 1999 Model Court cases and 96 of the total sample of 1996 cases.

## **Timing and Types of Permanency Decisions**

Substantial differences between the two samples were found in the amount of time needed for the court to reach permanency decisions. In most cases, a permanency decision was made at an initial permanency or permanency hearing. The comparison of the types and timing of permanency decisions attempted to incorporate both formal and informal permanency determinations in the analysis. Algorithms were built into the statistical analysis to identify the various formal and informal ways the court could arrive at a permanency decision. The decision and the date of this decision were logged. If a child was placed with a parent prior to or without a permanency hearing ever being conducted, reunification was logged as the permanency decision and the date the child was placed with the parent was identified as the date of the permanency decision.<sup>74</sup>

Case closure dates were used as permanency dates for cases in which no other formal or informal permanency decision could be identified based on the algorithm logic built into the analysis. In only a small number of cases was a permanency decision never made or the decision was pending at the time of the final file review.<sup>75</sup>

Using the petition filing date as the starting point, data presented in Figure 16 reveal that it took the court substantially less time to arrive at permanency determinations on 1999 Model Court cases than for 1996 cases. Overall, it took the court an average of 501 days to complete the permanency process in 1996 cases compared to 288 days in 1999 Model Court cases – a time reduction of 43%. Three of the four counties experienced substantial and statistically significant reductions in the average amount of time needed to arrive at permanency determinations. Pima County experienced the greatest percentage time reduction of 49%. Reductions for Maricopa and Cochise counties were only slightly lower – 45% and 37%, respectively. As seen before, however, the average amount of time taken in Coconino County increased from 192 days in 1996 to 324 days in 1999.<sup>76</sup>

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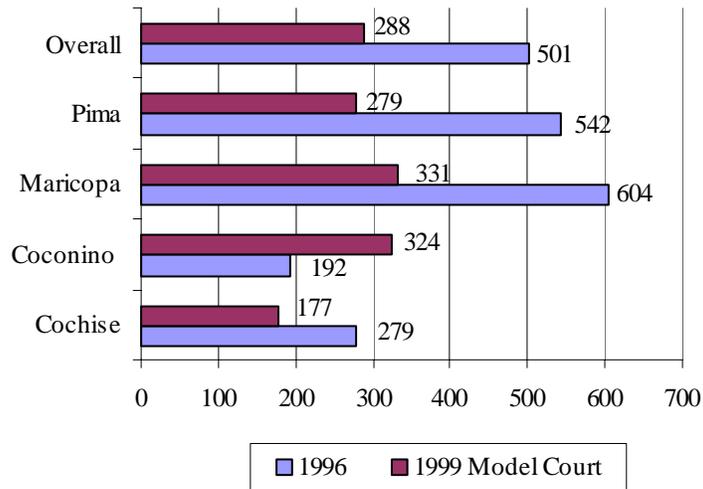
<sup>74</sup> This was only the case if this was the child's last placement before case closure or the completion of the final file review. The analysis required a formal permanency decision in instances in which a child was returned home only to be removed again.

<sup>75</sup> A permanency decision was considered pending if a future initial permanency or permanency hearing had been scheduled but not completed by the time of the final file review.

<sup>76</sup> Again, this difference can be largely attributed to the small number of cases in Coconino County's 1996 and 1999 groups and differences in case characteristics.

**Figure 16**  
**Average Days between Date of Petition Filing**  
**and Permanency Determination**  
**Comparison of 1996 and 1999 Model Court Cases by County**

Average days to permanency determination:

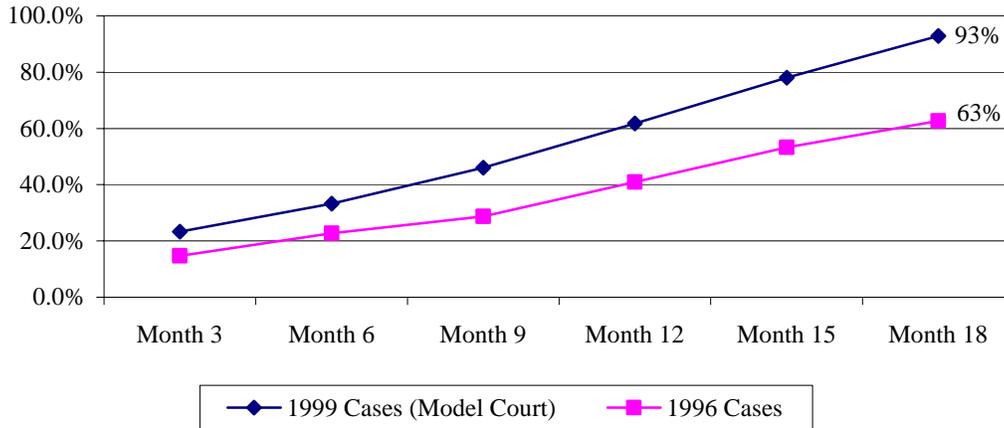


Data presented in Figure 17 compare the percentage of 1996 and 1999 Model Court cases in which the court was able to make a permanency determination within 18 months of petition filing. These data are consistent with previous findings and indicate that the percentage of such cases increased by almost half. That is, the court was able to render a permanency determination within this time frame in 93% of all 1999 Model Court cases versus 63% of 1996 cases. The percentage of 1999 Model Court cases in which a permanency determination was made within the 18-month period varied little across counties – from 90% in Coconino County to 98% in Cochise County.<sup>77</sup>

<sup>77</sup> There was significant variance, however, in 1996 cases - from 92% in Coconino County to 55% in Maricopa and Pima counties.

**Figure 17**  
**Permanency Determinations Made**  
**Within the First 18 Months after Petition Filing**  
**Comparison of 1996 and 1999 Model Court Cases**

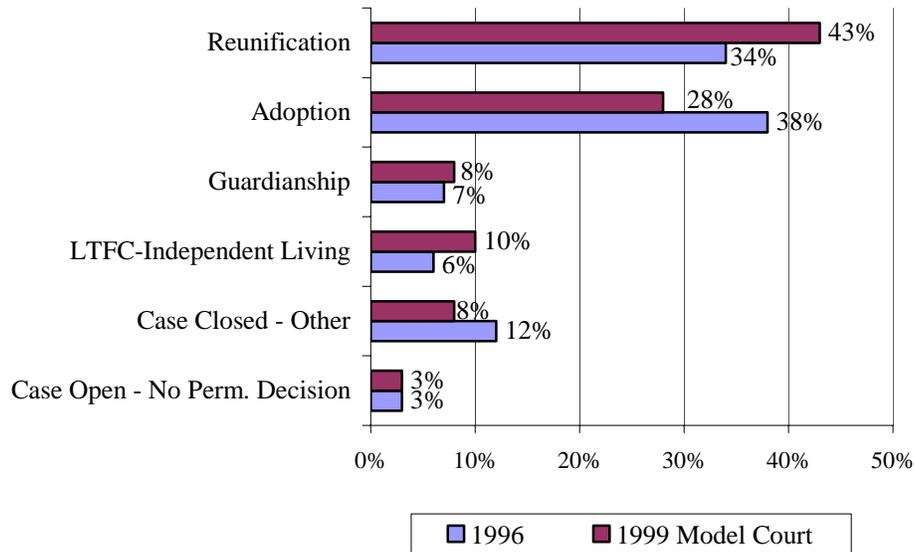
Percent of cases in which a permanency determination was made within 18 months:



Data on the types of permanency determinations made by the court are presented in Figure 18. Overall, there was little variation in the types of permanency decisions. However, two points are noteworthy. First, the court was more likely to make a permanency determination of reunification in 1999 Model Court cases than in 1996 cases – 43% versus 34%, respectively. And second, the court was more likely to determine that adoption was the appropriate permanent plan for a child in 1996 cases (38%) than in 1999 Model Court cases (28%). These data suggest that front-loading the court process and accelerating the timelines for permanency decisions *did not result in an increase in the number of children permanently taken away from their parents and freed for adoption; if anything, the reverse seems true.*

**Figure 18**  
**Comparison of Permanency Decisions Made by the Court**  
**In 1996 and 1999 Model Court Cases**

*Types of permanency decisions made:*

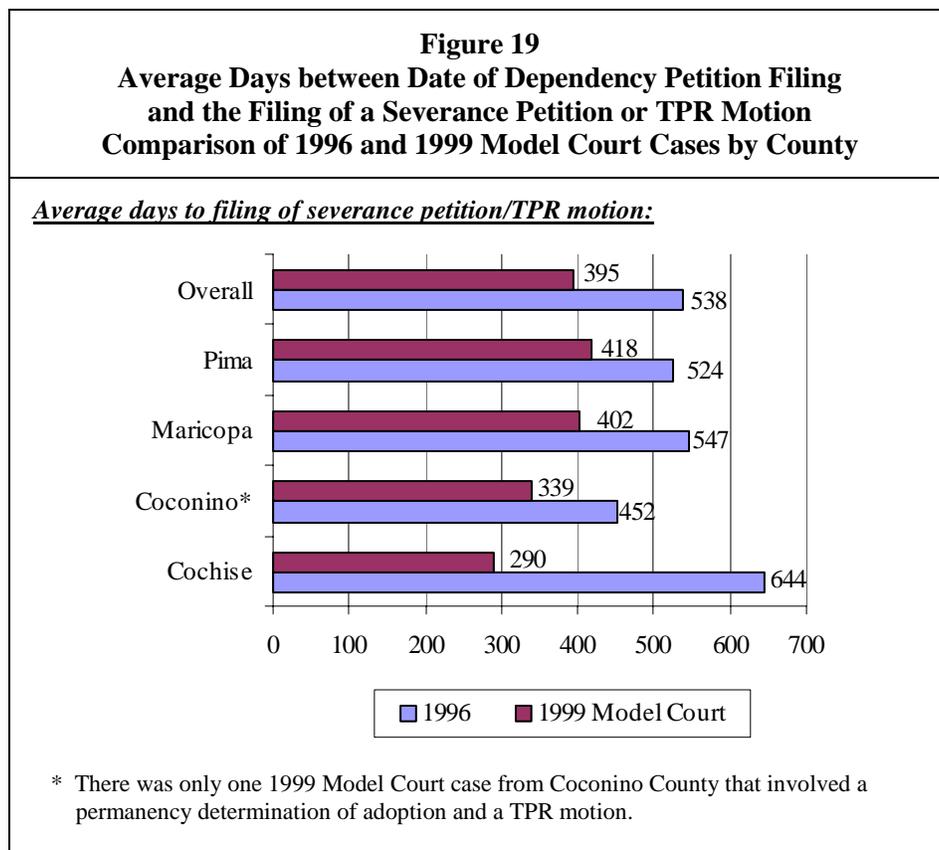


**Initiation and Completion of TPR Proceedings**

Sweeping changes to statutory requirements governing termination of parental rights (TPR) proceedings were made in 1998, including establishing time requirements for the filing of a TPR motion (10 days from the permanency hearing) and the scheduling of an initial hearing on this motion (30 days from the permanency hearing). Previously, no such time requirements were in place and delays in this stage of court processing were common. Statutory changes also relaxed filing requirements. The filing of a severance (TPR) petition and completion of a social study were required in 1996. The 1998 legislation allowed for the initiation of TPR proceedings through the submission of a motion on the original petition.<sup>78</sup> Consistent with data presented in earlier sections, the comparative analysis found that these changes resulted in statistically significant reductions in the amount time a case was open before initiation of TPR proceedings as well as the amount of time needed to complete this critical stage of court processing.

<sup>78</sup> In the past, the filing of a severance petition could take six to nine months or longer. Statutes now require a TPR motion to be filed within 10 days of the permanency hearing.

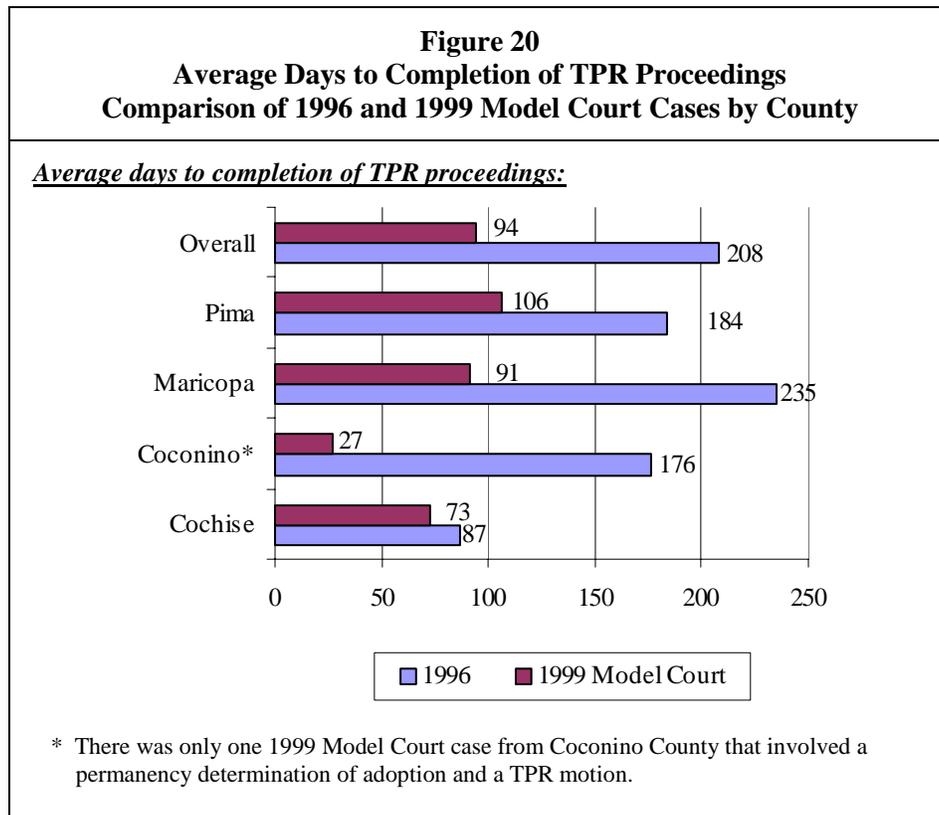
Data presented in Figure 19 compare the average time between the filing of the original dependency petition and the filing of the severance petition (the requirement in effect in 1996) or TPR motion (the 1999 requirement).<sup>79</sup> Overall, 1996 cases were open for an average of 538 days before a severance petition was filed. In contrast, 1999 Model Court cases were open for an average of 395 days before a TPR motion was filed – a time reduction of 27%. This pattern was consistent across the four participating counties. The largest reductions in time occurred in Cochise County (from 644 days to 290 days – 55%) and in Maricopa County (547 days to 402 days – 25%).



Even greater time reductions were found in the amount of time needed to complete TPR proceedings. Data in Figure 20 reveal that it took an average of 208 days to complete TPR proceedings in 1996 cases compared to 94 days for 1999 Model Court cases – a time reduction of more than half (55%). The most significant time reductions occurred in Maricopa and Pima counties (61% and 42%,

<sup>79</sup> A total of 107 cases from the 1996 study sample had permanent plan determinations of adoption and severance petitions filed. A total of 89 cases from the 1999 Model Court study sample had similar permanent plan determinations in which a TPR motion was filed.

respectively). Cochise County experienced a time reduction of 16% but this was due to the fact TPR proceedings were already routinely being completed in an expedited fashion in 1996 (87 days).



While substantial time reductions were found in the initiation and completion of TPR proceedings, the analysis also suggests the four counties struggled somewhat in meeting the ambitious timelines established in 1998.

There were 60 cases in the 1999 Model Court study sample in which the juvenile court made a permanent plan determination of adoption at a *final* permanency hearing.<sup>80</sup> In only half of these cases (30) were TPR motions filed within 10 days of the permanency hearing as required by statute. In another 21 instances (35%), the motion was filed within 11-14 days of the permanency hearing. Current statutory language does not exclude weekends and holidays from the 10-day calculation as it does in some other instances.<sup>81</sup>

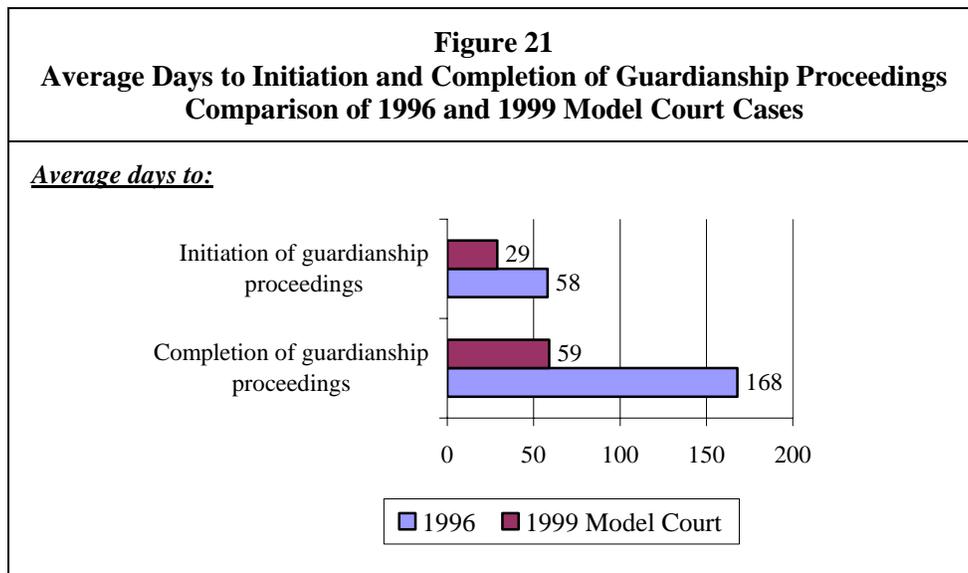
<sup>80</sup> This does not include cases in which a TPR motion was filed after completion of an *initial* permanency hearing.

<sup>81</sup> For example, as noted earlier, weekends and holidays are excluded from the five to seven day PPH timeline.

The 30-day time frame (from the permanency hearing) for holding an initial hearing on the TPR motion was even more problematic. The court was unable to schedule an initial hearing within the prescribed 30-day timeline in 22 of the 60 cases (37%). The average time to the scheduled initial TPR hearing was 43 days and the median time was 35 days.

### **Completion of Guardianship Proceedings**

Statutory requirements governing the initiation and completion of permanent guardianship proceedings were also modified similar to those covering TPR matters.<sup>82</sup> While the number of cases in which guardianship proceedings were initiated was relatively small (approximately 50 cases evenly split between the 1996 and 1999 Model Court study samples), these procedural changes had a significant impact on the timeliness of these events (see Figure 21). The number of days between the filing of the guardianship petition (1996 cases) or motion (1999 Model Court cases) and the first hearing on this matter was cut in half from an average of 58 days in 1996 cases to 29 days in 1999 Model Court cases. Furthermore, the number of days needed to grant a permanent guardianship decreased by 65%, from 168 days for 1996 cases to 59 days for 1999 Model Court cases.

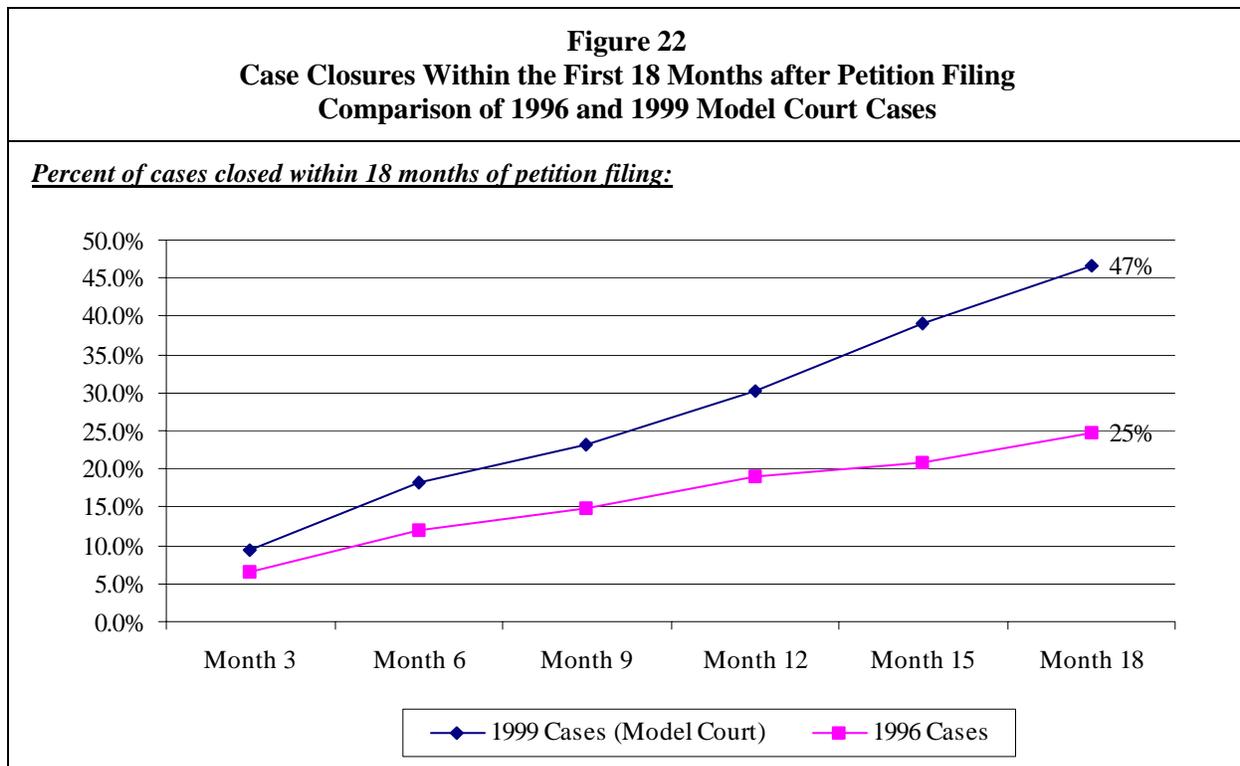


<sup>82</sup> Please see the Statute Analysis chapter.

## Timing and Types of Case Closures

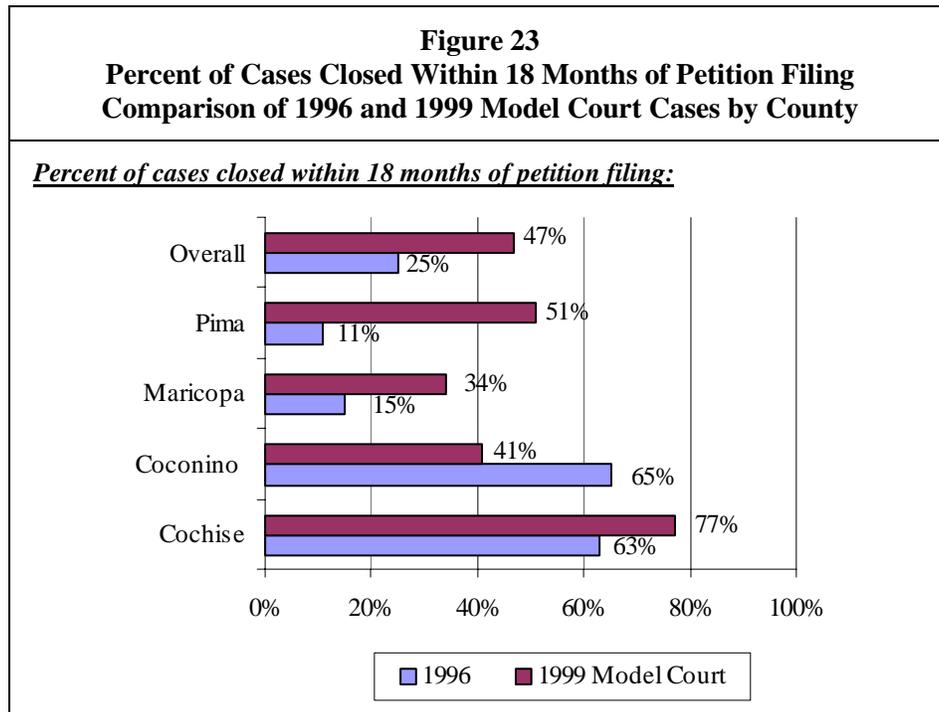
Case closure data were generally consistent with permanency patterns identified earlier. That is, the court took considerably less time, on average, to close 1999 Model Court cases than 1996 cases. While more 1996 cases were closed by the time of final file reviews - 87% compared to 67% for the 1999 group – this was expected given that the 1996 cases were filed an average of three years earlier and had more than twice the amount of time to close.

To account for the differences in potential time to case closure, the analysis controlled for the potential length of time a case could be open. Specifically, the analysis was limited to case closures that occurred within the first 18 months of petition filing. This permitted a more accurate comparison of case closure patterns between the two groups. Data presented in Figure 22 reveal that almost twice as many 1999 Model Court cases closed within this 18-month period than their 1996 counterparts – 47% compared to 25%, respectively.



Three of the four counties experienced substantial and statistically significant increases in case closure rates at the 18-month mark and, in some instances, the differences were rather extraordinary (please see Figure 23). In Pima County, for example, case closure rates more than quadrupled – 11% of that county’s 1996 cases closed within 18-months compared to 51% of the 1999 Model Court group. In

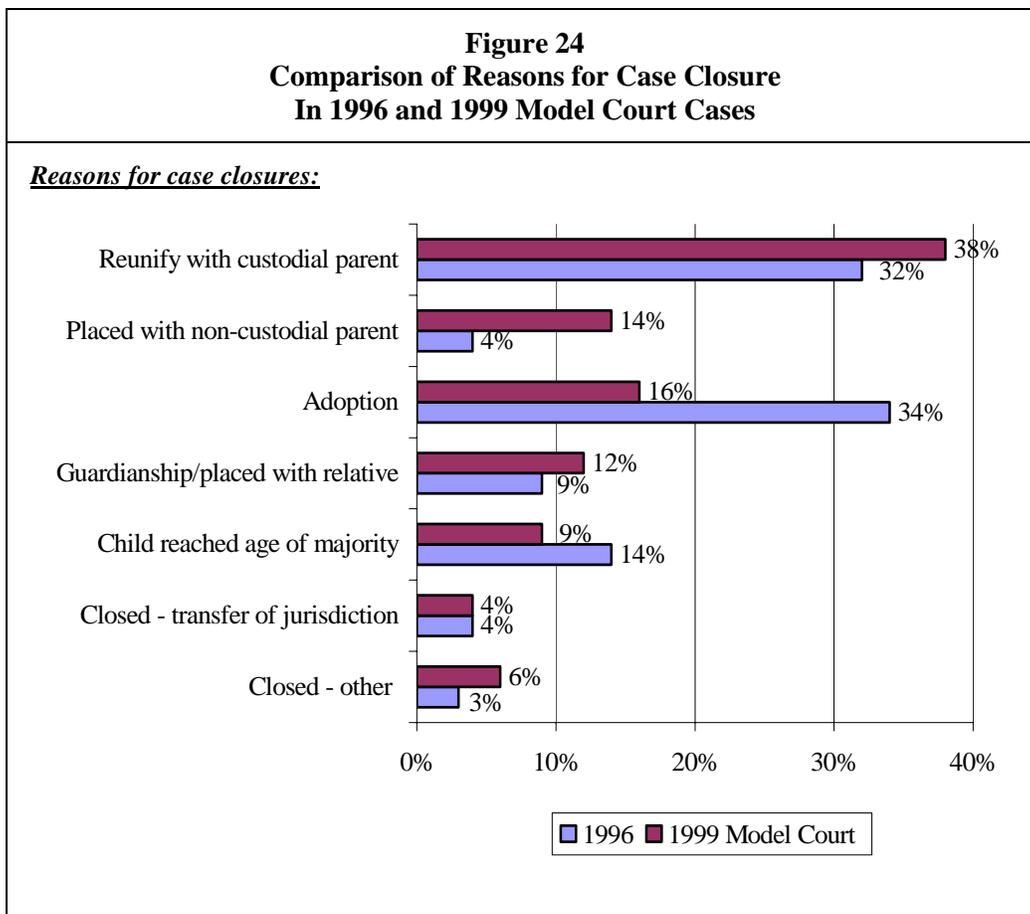
Maricopa County, the 18-month case closure rate more than doubled from 15% in the 1996 study sample to 34% for 1999 Model Court cases. Cochise County experienced a more modest increase from 63% to 77%. Coconino County experienced a decrease in 18-month case closure rates from 65% for 1996 to 41% for 1999 cases (again, this probably reflects the small number of cases in that county’s study groups and differences in case characteristics).



As indicated earlier, 87% of 1996 cases and 67% of the 1999 sample closed by the time of final file reviews. At the final file review, project staff not only logged the case closure date but also the reason for case closure. Categories for case closures included reunification with the custodial parent, placement in the permanent custody of the non-custodial parent, adoption, guardianship, and other applicable reasons for closure.

Data on the different reasons for case closures are presented in Figure 24. These data are consistent with the permanency determination data presented previously. The percentage of cases closed because of adoption was considerably higher for 1996 cases (34%) than 1999 Model Court cases (14%). And, the proportion of cases that closed due to reunification with the custodial parent or placement with the non-custodial parent was higher for the 1999 group. Combined, closures stemming from reunification or placement with a non-custodial parent represented 52% of case closures for 1999 Model Court cases and 36% for 1996 cases.

A bit of caution seems warranted in interpreting these data. Reasons for case closure were somewhat difficult to compare across the two study samples because the types of closures that routinely take longer to realize (i.e., adoptions) were probably somewhat over-represented in the 1996 cohort. However, while many of the remaining (open) 1999 cases may close because of adoptions, it is highly unlikely that there are a sufficient number of these cases to substantially reverse the differences in closure patterns identified in Figure 24.



### Case Reactivations

Case reactivation data were also collected for the analysis with reactivation defined as a new dependency petition being filed with the court naming the same child.<sup>83</sup> Comparison of reactivation rates

<sup>83</sup> Instances in which a new petition was filed on the same family naming new or different children (not including the same child named in the original petition used for the study) were not considered case reactivation. These are

was difficult for two reasons. First, the amount of time available for reactivation was, in most cases, considerably greater for children in the 1996 study cohort – possibly up to five years if a case closed shortly after it was filed in early 1996. In contrast, the longest period of time 1999 Model Court cases could have to reactivate was two years. However, some of the differences in available time to reactivation were muted by the fact that 1996 cases (on average) took much longer to close than their 1999 Model Court counterparts.

The relatively small number of case reactivations in both groups posed the second obstacle to meaningful reactivation analysis. Only eight 1996 cases reactivated by the time of final case file review – 3% of the 271 case closures for the 1996 cohort. A similar number of Model Court cases reactivated – 4% of the 214 case closures for the 1999 Model Court cohort.

Taken in combination, it is too early to posit definitive conclusions regarding the effects of the expedited Model Court process on case reactivations. While the above data indicate a very slight difference in reactivation rates between the two study groups, this issue warrants considerably more research and close monitoring by individual juvenile courts and the AOC.<sup>84</sup>

### **Time Spent in Placement**

In this section, data are presented examining differences in the amount of time spent in out-of-home placements for children whose cases have closed. To adjust for the fact that 1996 cases had more than twice the amount of time to close than 1999 cases, the analysis was limited to the first 50% of cases in both the 1996 and 1999 Model Court study cohorts based on time to closure. Since more than 50% of cases in each cohort closed by the time of final file reviews, limiting the analysis to cases that closed the fastest permitted a realistic basis for comparing placement patterns. This selection process produced 157 cases from the 1996 sample and 159 cases from the 1999 cohort.

On average, the 157 cases selected from the 1996 sample had been open an average of 525 days before case closure compared to 287 days for the 159 cases selected from the 1999 Model Court cohort

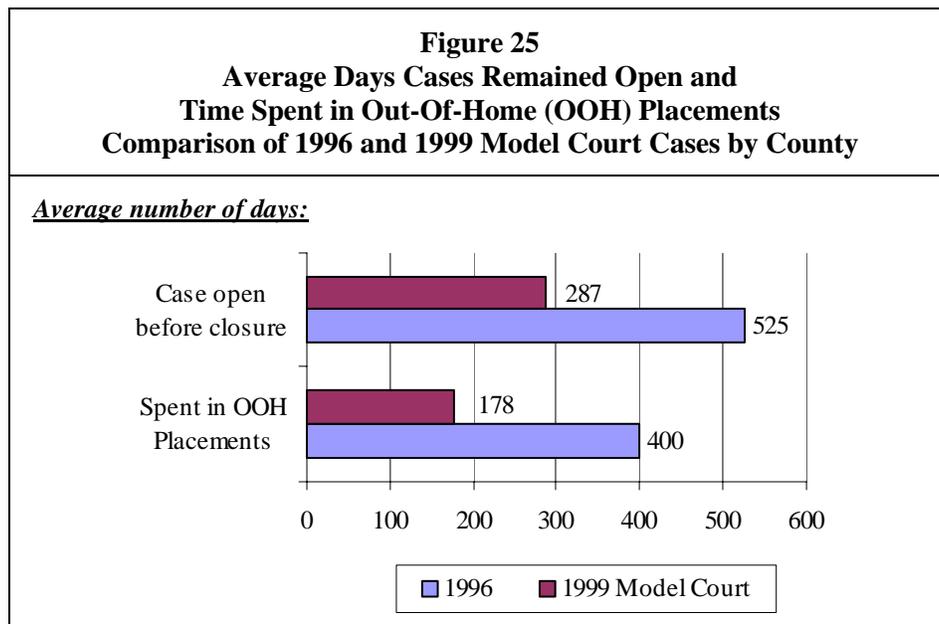
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often referred to as “supplemental” petitions. The reported rise in supplemental petitions in Pima County is discussed in the county overview section of this report.

<sup>84</sup> JOLTS is well-equipped to provide timely data to individual courts and the AOC in this regard. The essential data elements are tracked in JOLTS – it is primarily a matter of defining reactivation (and its possible permutations as it relates to the entire family) and developing a statistical tracking report that organizes and aggregates these data in the appropriate format. With JOLTS being used in all 15 Arizona counties, reactivations could be tracked statewide.

(see Figure 24). In other words, the first 50% of 1999 Model Court cases were open for an average of 238 days *less* time than their 1996 counterparts – a time reduction of 45%. Time open was calculated as the time between petition filing and case closure.

While both groups of these children spent the vast majority of time in out-of-home placements, the 1996 group experienced significantly longer lengths of stay in placement than the 1999 Model Court group. Specifically, children selected for the 1996 cohort spent an average of 400 days in out-of-home placement compared to 178 days for children in the 1999 Model Court subset (see Figure 25). The reduction in time spent in various out-of-home placements for children whose cases were subject to Model Court case processing requirements was 223 days, a 56% drop in the length of stay in out-of-home care.



**Estimated Cost Savings Tied to Reduced Placement Stays**

The findings strongly suggest that without Model Court reforms, many children would have remained in out-of-home placements for much longer periods of time, at great cost to State taxpayers and the federal government. As a result of these reforms, substantial savings in placement costs have been realized. Using a base foster care reimbursement rate of \$14 per day to estimate cost savings, the total savings for the 159 children in the Model Court subset for the time their cases remained active was

approximately \$496,398 – an average of \$3,122 per child.<sup>85</sup> Projecting these costs savings to the broader 1999 Model Court population including all children named on dependency petitions *in the four study sites only*, of which there were 1,571 (see Table 1),<sup>86</sup> the projected savings in placement costs approaches \$5 million (\$4.9 million).<sup>87</sup>

### **Concluding Remarks**

Comparative data from Cochise, Coconino, Maricopa and Pima counties presented in this chapter show that 1999 Model Court cases proceeded far more expeditiously than cases filed with the same four courts in 1996. Clear, statistically significant, and often-times large differences were found across a variety of critical case processing and outcome measures including how quickly children and parents were appointed attorneys; the timeliness of early court proceedings; the specificity of court orders; the timeliness of court reviews, permanency hearings and permanency determinations; and how quickly termination of parental rights (TPR) and guardianship proceedings were initiated and completed. Ultimately, these factors produced cumulative positive effects on the length of time a case remained open and the length of time children remained in temporary out-of-home placements. These outcomes are certainly consistent with the “best interest of children” principle guiding the court in dependency cases. Moreover, preliminary estimates using the most conservative foster care placement costs available strongly suggest that Model Court reforms have produced considerable savings.

From all indications, the cumulative procedural changes instituted on a statewide basis since 1996 – some of which were specifically incorporated in the 1998 Model Court legislation and others that preceded or followed this landmark legislation – have resulted in dramatic improvements in how cases of maltreated and victimized children are handled by Arizona’s juvenile court and child welfare systems.

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<sup>85</sup> The total cost savings is calculated by multiplying the \$14 daily base rate by 223 days (average time reduction in placement) and 159 (number of children representing 50% of the 1999 Model Court study cohort).

<sup>86</sup> Data presented in Table 1 indicate that the total number of children named on dependency petitions subject to Model Court case processing requirements in 1999 included 100 children from Cochise County, 44 children from Coconino County, 458 children from Maricopa County and 969 children from Pima County for a grand total of 1,571 children.

<sup>87</sup> The State of Arizona would not necessarily realize all of these savings. The State is reimbursed for a considerable portion of placement costs for dependent children from the federal government. Furthermore, there are other costs associated with Model Court (e.g., additional attorney fees tied to more frequent hearings) that also need to be considered to ascertain overall cost savings. In many respects, however, the placement cost savings shown here are very conservative estimates. Many dependent children spend a considerable amount of time in shelter, therapeutic, and/or group residential placements that are far more expensive than the basic foster care costs used for these estimates.

Timely permanency is a goal that appears to be frequently realized in Arizona - much more so than was the case in 1996.

The data presented, however, also indicate that, in varying degrees, the four juvenile courts face ongoing challenges in meeting the ambitious timelines codified in state statutes and court rules over the last five years; specifically, as these relate to the completion of early dependency hearings and the initiation and completion of TPR proceedings. Despite these challenges, the reforms implemented by Arizona's juvenile courts have resulted in some remarkable accomplishments and should serve as encouragement to further improve a strong court process.

The next chapter provides detailed overviews of court improvement efforts in Cochise, Coconino, Maricopa, and Pima counties. These overviews show the types of changes made by the four counties in response to the original 1996 CIP study. Each county overview begins with a one-page "At A Glance" table that displays key features of each county's court improvement efforts. The detailed overviews are followed by "At A Glance" tables covering key court improvement features in Mohave, Pinal, Yavapai, and Yuma counties.

## County Overviews

This chapter contains overviews of court improvement efforts in the four primary study sites (Cochise, Coconino, Maricopa, and Pima counties). Each county overview begins with a table that offers an “at a glance” look at key court improvement aspects, comparing conditions in 1996 to current practices. Each table is followed by detailed descriptions of county responses to key findings and recommendations contained in the original 1996 study, including local innovations and ongoing challenges. These are presented in bulleted format and are largely based on interviews<sup>88</sup> with judges, assistant attorneys general, court appointed counsel, CPS staff, court dependency coordinators (where applicable), pre-hearing conference facilitators, court mediators, and other parties participating in dependency proceedings.

Interview questions covered the following topics:

1. How have the types of cases that result in dependency petitions changed since 1996?
2. How have the degree and nature of judicial oversight in dependency matters changed since 1996?
3. How has the length of time children remain in out-of-home placement changed since 1996?
4. What have been the impacts of the requirement to conduct a pre-hearing conference (PHC or PPC)<sup>89</sup> and preliminary protective hearing (PPH) within seven days of a child’s removal?
5. How often does the court conduct separate disposition hearings and, when conducted, do they occur within 30 days of adjudication?
6. How have review hearings changed since 1996?
7. How have permanency hearings changed since 1996?
8. How have court minute entries (orders) changed since 1996?
9. Does the court use hearing checklists (or an equivalent tool) to assist judges handling dependency matters?
10. How has CPS caseworker turnover changed since 1996?
11. What has been the impact of statutory and court rule changes related to severance (termination of parental rights)?
12. To what extent has the court been able to achieve consistent judicial handling (e.g., one judge/one family) of dependency cases?
13. How are judges assigned to handle dependency matters?
14. What changes have occurred in court calendaring practices since 1996?
15. How is JOLTS being used to track dependency and severance matters?
16. How have the minimum qualifications and training requirements for judges and attorneys (including assistant attorneys general and court-appointed counsel) changed since 1996?
17. How have compensation levels for assistant attorneys general (AGs) and court-appointed counsel changed since 1996?

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<sup>88</sup> Interviews reflect perceptions of changes and/or the impact of changes. As reflected in the data analysis chapter, some perceptions are supported by the empirical analysis and some are not.

<sup>89</sup> Different courts use different terms for these events.

18. How do the juvenile court and Foster Care Review Board coordinate activities related to dependency cases?
19. How have the availability and appropriateness of services for children and families changed since 1996?
20. What progress has been made in conducting a comprehensive examination of service needs for victimized children and their families?
21. What efforts have been made to identify local resource needs, including staff and time resources, related to Model Court reforms?

Where appropriate, interview comments are supplemented by NCJJ staff observations obtained during site visits.

The detailed overviews of the four primary sites are followed by less comprehensive summaries of key CIP features in Mohave, Pinal, Yavapai, and Yuma counties. These less extensive summaries are presented in the “At A Glance” table format noted earlier.

### Key Features of Court Improvement Efforts in Cochise County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after petition filing.	Within five to seven days of child's removal from home. <sup>a</sup>
<b>Separate disposition hrgs</b>	Rarely held.	Occur much more frequently. Try to hold within 30 days of finding but this timeline is not met in almost half of cases. <sup>b</sup>
<b>Review cycle</b>	Every 12 months on average, were often contested.	At least every six months, often more frequently, rarely contested.
<b>Distinct permanency hearings</b>	Rarely held.	Always held.
<b>Minute entries</b>	Very general.	More detailed, may need more specifics re. reasonable efforts findings.
<b>Use judicial checklists</b>	Did not exist.	For PPHs.
<b>Judicial assignment</b>	One judge handled unless conflict.	One judge handles unless conflict.
<b>Judicial consistency (rotation)</b>	Judges elected, no rotation.	Presiding judge decided to keep dependency cases.
<b>Scheduling</b>	Thursday was primary day for dependencies, parties frequently waited for extended periods.	Time-specific; Friday is primary dependency day; PHC/PPHs scheduled when needed; extended waiting no longer a problem.
<b>Appointment of counsel</b>	Usually at initial dependency hearing (no sooner than 21 days after petition filing).	At petition filing (however, not all children appointed counsel). <sup>c</sup>
<b>Child's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing but frequently not able to do so.
<b>Parent's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing but frequently not able to do so.
<b>Caseworker requirements</b>	Case plans not required at 21-day hrg, in some cases not submitted until 1st review.	Must attend all hearings and provide court reports in advance to all parties.
<b>Time allocated for hearings</b>	Specific times allocated for specific hrgs.	Specific times allocated for specific hearings.
<b>Facility conditions</b>	Historic courthouse not specially designed for dependency matters.	No change, new court center opening in Sierra Vista, may be more conducive for dependencies.
<b>Mediation</b>	Did not exist.	Available at all stages but rarely used to resolve contested permanency issues.
<b>Use of Dependency JOLTS</b>	Did not exist.	Can provide dependency profiles + basic case activity & tracking reports.
<b>Local CIP committee status</b>	Did not exist.	Hold regular juvenile court meetings but not just focused on dependency issues, plans to restart CIP group in January 2002.

<sup>a</sup> Arizona statute excludes weekends and holidays from the timeline. As shown in the data analysis chapter, overall, the four counties were able to hold the PHC and PPH within 12 days of emergency removal in 88% of the 1999 cases included in the analysis. Cochise County complied with the timeline in 97% of its 1999 cases.

<sup>b</sup> As indicated in the data analysis chapter, overall, 42% of the cases receiving separate disposition hearings in the four counties (i.e., not bifurcated with adjudication) did not meet the 30-day timeline required by statute. Cochise County exceeded the 30-day timeline in 49% of its 1999 cases.

<sup>c</sup> The Cochise County Juvenile Court uses volunteer guardians ad litem in lieu of attorneys in many cases. This is primarily a resource management issue. Cochise County does not have sufficient county funding to appoint attorneys for children in all cases and existing attorneys are often at maximum caseload capacity.

## Cochise County

Cochise County is located in southeastern Arizona. The county's shares its southern border with Mexico. The rapidly growing City of Sierra Vista is its major population center but the county also has expansive rural areas. Cochise County implemented Model Court reforms in October 1998, three months before it was required to do so by statute.

### Number of dependency petitions<sup>90</sup> filed for FY1999 through 2001

- Fiscal Year 1999 = 35
- Fiscal Year 2000 = 81
- Fiscal Year 2001 = 73

As shown, Cochise County experienced a sharp increase in petition filings between FY 1999 and FY 2000, followed by a slight decrease in filings in FY 2001.

### Perceptions of local court improvement efforts

Interviews with key local stakeholders revealed the following:

1. How have the types of cases that result in dependency petitions changed since 1996?
  - Substance abuse is the most common problem among families involved in dependency matters.
  - There have been five shaken baby cases in 2001 – this is an unusual occurrence and has presented some unique strains on local resources.
  - The vast majority of filings were initiated by CPS. There were only three private petitions filed in 2001 (through September 2001).
  - The Wilcox area may have a higher incidence of dependency cases that have co-occurring violent criminal acts (e.g., domestic violence and homicide).
2. How have the degree and nature of judicial oversight in dependency matters changed since 1996?
  - The presiding judge continues to handle dependency matters unless there is a conflict.<sup>91</sup>
  - The court provides appropriate oversight and conducts more thorough proceedings compared to 1996.
  - The judge is more aware of how to get services in place early on.
  - All parties feel the judge is available to discuss pertinent issues.

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<sup>90</sup> Petition filing data provided by the AOC.

<sup>91</sup> The court did assign a different judge to handle dependencies for a brief time in 2000 but the presiding judge resumed responsibility shortly thereafter.

3. How has the length of time children remain in out-of-home placement changed since 1996?
  - Children who have been removed and can go home go home sooner.
  - The court and the agency are more likely to consider relative placements compared to five years ago. CPS is less likely to look at foster care as the first placement for a child.
  - There seem to be fewer cases with permanent plans of long-term foster care.
  - Severance cases are processed faster.
  - There are not as many cases that linger in the system for three or more years.<sup>92</sup>
  - CPS caseworkers tend to take a real “hands on” approach with families which helps avert extended out-of-home placements.
  - There may be many more cases going to voluntary placement in lieu of petition. Different CPS units have different policies related to (pre-petition) voluntary placements.
  
4. What have been the impacts of the requirement to conduct a pre-hearing conference and preliminary protective hearing within seven days of a child’s removal?
  - The court tries to strictly adhere to the timeframe. It is almost always met and the conferences and hearings are very thorough.
  - Having the courtroom clerk attend the pre-hearing conference where she prepares the preliminary order (on a laptop computer) helps the facilitator do his job. The facilitator can actively facilitate and keep the parties focused on placement, services, and visitation issues.
  - At least some attorneys have difficulties meeting with their clients prior to the PHC. The PHC facilitator frequently has to recess the conference to allow attorneys to confer with clients.
  - Many things are worked out at the PHC. In 1996, months would go by without resolution of key issues, including placement issues. As a result, children remained out-of-home longer.
  - Today, there is a lot of pressure on CPS caseworkers to submit initial reports at least 24 hours before the first hearing (many workers find it very difficult meeting this requirement).
  - The pre-hearing conference resembles the agency staffing process. The agency conducts a staffing a week or two after the pre-hearing conference. It may be possible to combine the two events.
  
5. How often does the court conduct separate disposition hearings and, when conducted, do they occur within 30 days of adjudication?
  - Almost always. Parties are rarely ready to go to disposition at the time of adjudication. Holding separate hearings allows parties to be prepared.
  - In some cases, it has been difficult for all parties to have all necessary documents within the 30-day period.

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<sup>92</sup> This perception is consistent with findings discussed in the data analysis chapter. Analysis of comparative data from all four counties included in the study reveal that 1999 Model Court cases spent significantly less time in out-of-home care than their 1996 counterparts.

6. How have review hearings changed since 1996?
  - They are held more frequently (at least every six months) and are more substantive.
  - CPS progress reports and other reports are usually distributed to all parties in advance.
  - Before Model Court, review hearings were often contested and resembled evidentiary hearings. Key parties started meeting in advance (including the assistant AG and attorneys) and have been able to resolve problems.
  
7. How have permanency hearings changed since 1996?
  - These hearings were rarely held in 1996.
  - Today, the court considers these the most important stage of a case.
  - The court and all parties have learned to focus on permanency from the start - at the pre-hearing conference - allowing many cases to resolve early.
  - In the early phases of Model Court implementation, permanency hearings tended to be contested. These have become less contested over time, though some become evidentiary proceedings.
  - Contested permanency hearings tend to be continued.
  - Mediation has not been used very often to resolve contested issues in advance.
  
8. How have court minute entries changed since 1996?
  - Court orders were very general in 1996. They have become more specific since Model Court.
  - The court may need to add more specific findings related to the Adoptions and Safe Families Act including the factual basis for a ruling.
  - Some CPS units may not receive minute entries in a timely manner.
  
9. Does the court use hearing checklists to assist judges handling dependency matters?
  - The court follows the standard template at the preliminary protective hearing.
  - The judge takes time at every hearing to address all parties and encourages everyone to participate in proceedings.
  
10. How has CPS caseworker turnover changed since 1996?
  - Unlike most counties, Cochise County has retained many experienced workers, although one unit has had substantial turnover.
  - Retaining experienced workers helps the pre-hearing conference since workers know what the process involves and support the focus on placement, services, and visitation.
  
11. What has been the impact of statutory and court rule changes related to severance (termination of parental rights)?
  - In 1996, the agency contracted for severance studies that often contributed to delays in severance matters. The new process is better for children who do not linger in the foster care system – these cases achieve permanency now.

- Some parties continue to have concerns about service of process and notice to parents.<sup>93</sup>
12. To what extent has the court been able to achieve consistent judicial handling (e.g., one judge/one family) of dependency cases?
- The presiding judge handles all dependency matters unless there is a conflict.
13. How are judges assigned to handle dependency matters?
- The presiding judge is the only judge assigned to these cases.
14. What changes have occurred in court calendaring practices since 1996?
- Before Model Court, parties frequently waited extended periods for hearings to commence. Waiting is not a serious problem anymore.
  - Reduction in contested events helps the court start and end hearings on time.
  - Early morning hearings (e.g., those that start at 8:30AM) can be difficult for families and parties traveling from outlying regions of the county.
  - When calendar conflicts occur it is usually due to attorney schedule conflicts.
15. How is JOLTS being used to track dependency and severance matters?
- Cochise County's Dependency JOLTS can provide dependency profiles and some basic case activity and tracking reports, but (as in other counties) does not have placement history or service information.
  - Cochise County is one of two counties that may assign a new case number when a case returns on a new petition – this can make tracking reactivations more complicated.
16. How have the minimum qualifications and training requirements for judges and attorneys (including assistant attorneys general and court-appointed counsel) changed since 1996?
- New assistant attorneys general are given more time to prepare for new assignments and, initially, start with fewer cases to gain experience.
  - The supply of qualified court-appointed attorneys may not be sufficient to meet local needs. There are times when attorneys cannot take on additional cases due to heavy workloads.
17. How have compensation levels for assistant attorneys general and court-appointed counsel changed since 1996?
- Compensation levels for assistant attorneys general handling dependency matters have been increased and are on par with other divisions of the Office of the Attorney General.
  - Contract attorney compensation has remained the same (\$50 per hour plus allowable expenses).

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<sup>93</sup> This concern was expressed in a number of counties.

18. How do the juvenile court and Foster Care Review Board (FCRB) coordinate activities related to dependency cases?

- There may be more coordination compared to 1996. The FCRB has moved some board meetings out of Bisbee to Benson which makes it easier for workers in the Benson unit to attend.

19. How have the availability and appropriateness of services for children and families changed since 1996?

- There is no residential substance abuse treatment provider in Cochise County. Tucson providers receive the bulk of referrals from the agency and the court.
- Before Model Court, the court was not as quick to order services and tended to rely more on the agency. Now the judge is more involved and more aware of how the system works.
- There are periodic delays in completion of psychological evaluations due to reliance on psychologists based in Tucson and/or objections raised by attorneys who perceive evaluations as tools for severance purposes.
- There are persistent difficulties accessing mental health services through Southeastern Arizona Behavioral Health System (SEABHS), the Regional Behavioral Health Authority (RBHA) in southeastern Arizona.
- There has been serious turnover within SEABHS and, as of July 2001, there was not a single counselor available for dependent children in the Wilcox area.
- The county continues to lack counselors specially trained to work with sex abuse victims and has to rely on therapists based in Tucson).
- Some CPS units do not have parent aides available to help with visitation and other important services.

20. What progress has been made in conducting a comprehensive examination of service needs for victimized children and their families?

- Stakeholders are not aware of any local assessment.

21. What efforts have been made to identify local resource needs, including staff and time resources, related to Model Court reforms?

- The court relies on one PHC facilitator/mediator. While he has recruited a number of volunteer mediators there are no State resources provided to support the local mediation program.

### **Innovations and program strengths**

The Cochise County Juvenile Court's handling of dependency matters reflects a number of important strengths and innovations related to court improvement. These include:

- The presence of the court clerk at pre-hearing conferences allows the facilitator to facilitate these events and keep everyone focused on placement, services, and visitation issues.

- Substantial reduction in the amount of time parties spend waiting for hearings to commence.
- Substantive proceedings that are often consistent with the *Resource Guidelines*. In almost all hearings observed by NCJJ staff, the court took adequate time to thoroughly discuss relevant issues. The judge actively engaged all parties and encouraged them to participate in proceedings.
- A manageable dependency caseload that allows the judge to remain familiar with each case and family.
- Adherence to one judge/one family case handling. The presiding judge hears all dependency matters unless there is a conflict or other extraordinary event.
- An effective and well-respected mediation program (run by the county's Alternative Dispute Resolution office) available at all hearing stages, though rarely used to resolve contested issues at the permanency stage.
- Recruitment of volunteer mediators to augment current mediation resources.
- The use of volunteer guardians *ad litem* for children. While the use of volunteers is largely a resource management issue (i.e., the county does not have the resources to contract with or hire sufficient numbers of attorneys to represent children) some stakeholders feel volunteers have positive effects on cases.

### **Local needs and ongoing challenges**

#### *Recommendations for continued court improvement obtained from interviews and on-site observations*

- The court should continue to order timely psychological evaluations when appropriate. Some attorneys continue to object to psychological evaluations for parents on the grounds they will be used against their clients for severance actions. These evaluations are essential for identifying appropriate services for parents, particularly those with mental health issues.
- The court and the agency should carefully assess reported differences in voluntary placement practices among CPS units and the effects of these practices.
- The court should carefully assess the need to include more specific findings in minute entries regarding reasonable efforts.
- The court should always consider mediation in advance of permanency hearings to help resolve contested issues. If deemed appropriate, it should be held as far in advance of the permanency hearing as possible to allow for multiple sessions as needed.
- The AOC should carefully examine options for providing funds to support the local mediation program. These funds could include stipends for volunteer mediators to attend training.
- For appropriate cases, the agency (CPS) should consider the feasibility of making the pre-hearing conference the first CPS case-staffing event, instead of holding separate events that may be duplicative.
- The court should consider holding at least some dependency proceedings at the new Sierra Vista court building. This would reduce travel time for many parents, children, and other key parties.
- If it has not already done so, the court should repair or replace the telephone system in the courtroom to enable the court to enhance telephonic participation at hearings.
- The court should continue to hold regular local CIP committee meetings, led by the presiding judge, to discuss ongoing challenges and workable solutions.

*Local stakeholders also cited the following resource needs for dependent children and families*

- The court should take an appropriate leadership role in efforts to recruit more mental health counselors with experience and training working with abused and/or neglected children and their families.
- Similarly, the court should help facilitate efforts to create an in-county drug/alcohol residential treatment center (currently, all parents and children requiring this service must be placed in Pima or Maricopa counties).
- The agency should continue efforts to increase compensation levels for CPS caseworkers especially those who can speak Spanish and those with advanced degrees.
- The court should carefully consider the benefits of contracting with an attorney to provide legal support for volunteer guardians *ad litem*.
- The court and the county should continue efforts to recruit additional qualified attorneys willing to represent children or parents in dependency matters. Current attorneys are often at capacity and there are times when the court has to scramble to find an attorney willing to take on a new case (this can delay attorney appointment until the day before the PHC, preventing early contact between counsel and client).
- The county should increase funding for court-appointed attorneys. While the use of volunteer GALs has some strong local support and may contribute to reducing adversarial proceedings, the high workloads of court-appointed attorneys representing children, and the insufficient number of qualified local attorneys, suggests the need for additional resources in this important area.
- The court should facilitate placement of JOLTS terminals in CPS units to allow direct access to minute entries and other relevant historical information.<sup>94</sup>

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<sup>94</sup> At the time of the study, Cochise County did not have minute entries on JOLTS but the system has the capacity for this. The Maricopa County Juvenile Court has placed JOLTS terminals in a number of CPS and AG offices and these provide direct access to minute entries and other court history information.

### Key Features of Court Improvement Efforts in Coconino County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after petition filing, often continued.	Within five to seven days of a child's removal from home. <sup>a</sup>
<b>Separate disposition hearings</b>	Rarely held.	Not often held but may be increasing. <sup>b</sup>
<b>Review cycle</b>	Every 12 months on average.	At least every 6 mos, often more frequently.
<b>Distinct permanency hearings</b>	Rarely held.	Always held, very thorough.
<b>Minute entries</b>	Very general.	Very thorough, distributed within day or two of hearing, use template & cover all services.
<b>Use judicial checklists</b>	Did not exist.	For PPHs.
<b>Judicial assignment</b>	3 judges handled dependencies.	One judge handles all cases. <sup>c</sup>
<b>Judicial consistency (rotation)</b>	Three judges handled dependency matters.	One judge serves as the primary dependency judge, and handles all related delinquency matters involving dependent children.
<b>Scheduling</b>	Hearings frequently delayed by other matters, continuances were common.	Time specific (hearings rarely start late and almost always end on time), continuances rare, Weds is primary dependency day.
<b>Appointment of counsel</b>	Often took month or longer from filing date.	Always occurs at petition filing; AG turnover has been a problem.
<b>Child's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing.
<b>Parent's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing.
<b>Caseworker requirements</b>	Case plans not required at 21-day hearing, in some cases not submitted until 1st review hrg.	Must attend all hearings, provide reports in advance to all parties. <sup>d</sup>
<b>Time allocated for hearings</b>	Varied among judges.	Specific time blocks set for each hrg, amount of time depends on hrg type and input from parties.
<b>Facility conditions</b>	Historic courthouse not designed for dependency matters, old juv court had very limited space.	New juv court more conducive to dependencies, have space for PHCs and mediation.
<b>Mediation</b>	Did not exist.	Usually occurs same day as pre-trial, can be held in lieu of judicial settlement conference.
<b>Use of Dependency JOLTS</b>	Did not exist.	Starting to produce regular case activity reports & profiles.
<b>Local CIP committee status</b>	Did not exist.	Inactive – plans to restart.

<sup>a</sup> Coconino County was unable to meet the PPH timeline in 38% of its 1999 cases.

<sup>b</sup> Coconino County cases for 1999 exhibited the shortest average time to disposition (76 days) among the four primary study sites.

<sup>c</sup> One Superior Court judge opted to retain cases assigned to him prior to Model Court implementation. This judge was recently appointed as the Presiding Superior Court Judge. As a result (and if the court has not already done so), it may be advisable for his cases to be reassigned to Judge McCullough, the primary dependency judge in Coconino County.

<sup>d</sup> Judge McCullough requires probation officers to attend all hearings involving co-occurring dependency/delinquency cases. Probation officers are required to prepare joint court reports with CPS caseworkers in these matters.

## Coconino County

Coconino County is located in northern Arizona and contains the growing City of Flagstaff. Geographically, it is Arizona's largest county and it contains a very large segment of the Navajo and other reservations. Coconino County implemented Model Court reforms in January 1999, pursuant to statutory requirements.<sup>95</sup>

### Number of dependency petitions filed for FY1999 through 2001

- Fiscal Year 1999 = 26
- Fiscal Year 2000 = 28
- Fiscal Year 2001 = 28

As shown, Coconino County has experienced a fairly flat rate of petition filings over the past three years.

### Perceptions of local court improvement efforts

Interviews with key local stakeholders revealed the following:

1. How have the types of cases that result in dependency petitions changed since 1996?
  - The agency and court may be seeing more cases with serious mental health problems and more cases involving adolescents who cannot return home.
  - Family Builders<sup>96</sup> has diverted many lower risk cases resulting in only the most serious cases receiving petitions.<sup>97</sup>
  - There seem to be more co-occurring dependency and delinquency cases involving older children. As a result, the court initiated a standing order requiring CPS caseworkers and probation officers to work together from the start of these cases, including a requirement to produce joint reports.

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<sup>95</sup> Some aspects of Model Court reforms, including PHCs and PPHs, were implemented in Superior Court before all dependencies were transferred to Judge McCullough at juvenile court in January 1999.

<sup>96</sup> In brief, the Family Builders program was authorized by the State Legislature in 1997 and implemented in January 1998 as a two-year pilot program serving the major urban areas of Arizona. The program was subsequently expanded to other areas of the State. Family Builders serves eligible families who are reported to CPS with a "low or potential risk of child abuse report." An evaluation of the program was completed in May 2001 and reported overall positive program impacts (see LeCroy and Milligan, *Family Builders Program Annual Report Fiscal Year 2000*, Arizona Department of Economic Security, May 2001). However, the evaluation indicated that 3,348 cases (families) referred to the program during FY2000 refused services or could not be contacted by service providers.

<sup>97</sup> As shown in the data analysis chapter, Coconino County was the only county out of the four study sites to experience a decline in case closure rates when comparing 1996 cases (65% closed within 18 months of petition filing) to 1999 Model Court cases (41% closed within 18 months of petition filing). The small numbers of cases included in the Coconino County study groups probably had more to do with the discrepancy in closure rates than any other factor. However, if the perception noted above is accurate it may shed further light on the difference in closure rates.

2. How have the degree and nature of judicial oversight in dependency matters changed since 1996?
  - All stakeholders indicated significant improvement in judicial oversight and stronger familiarity with all dependency cases.
  - Five years ago, the dependency caseload was disbursed among three Superior Court judges. As of January 1, 1999, the court assigned one judge to handle all dependencies and related delinquency matters.
  - The judge takes the time in all proceedings to thoroughly explain to parents what is going on and what they need to do.
  
3. How has the length of time children remain in out-of-home placement changed since 1996?
  - Reunification seems to happen much sooner than it did in 1996.<sup>98</sup>
  - Children wait less time for adoption but adolescents still tend to linger in foster care.
  - Overall, children spend much less time in out-of-home placements since Model Court reforms went into effect.
  
4. What have been the impacts of the requirement to conduct a pre-hearing conference and preliminary protective hearing within seven days of a child's removal?
  - PHCs and PPHs are scheduled in available calendar slots within the prescribed timelines. Most are held in the mornings.
  - The court almost always holds the PPH within the required timelines.<sup>99</sup>
  - Some attorneys report it can be difficult to contact clients in advance but the PHC and PPH represent important improvements for children and parents. Families feel they are part of the solution from the start.
  - The court uses local attorneys trained as mediators to facilitate PHCs. On some occasions, these attorneys are not available and the court uses a mediator from the county mediation office.
  - The court no longer waits a month to assign attorneys for children and parents.
  - All parties tend to show up for the PHC and PPH but not always for agency staffings that are held shortly after the PPH.
  - The PHC and PPH offer a good opportunity to introduce the ongoing CPS caseworker to families and other key parties.
  
5. How often does the court conduct separate disposition hearings and, when conducted, do they occur within 30 days of adjudication?
  - Separate disposition hearings are not done often but may be increasing. Dispositions are almost always bifurcated at the adjudication stage.
  - Some stakeholders feel disposition orders may need to be more specific and go beyond what was stated at adjudication.

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<sup>98</sup> This perception is also consistent with findings discussed in the data analysis chapter.

<sup>99</sup> While this perception is not consistent with data indicating Coconino County exceeded the PPH timeline in 38% of its 1999 cases, local stakeholders reported substantial improvement in the timeliness of these events since then.

6. How have review hearings changed since 1996?

- The court sets these in a time-certain fashion, usually two every half hour (these are not stacked). This is usually enough time if CPS reports and other documents are received in advance.
- Compared to five years ago, the judge is more familiar with cases, always takes time to read progress reports in advance of hearings, and closely monitors case progress.
- All parties are more familiar with their cases. Some attorneys did not look at their cases more than once a year when reviews were less frequent.

7. How have permanency hearings changed since 1996?

- The court does a much better job of holding them within the statutory timelines. There may have been a period in 1999 where timelines were exceeded in some cases but this has been resolved.<sup>100</sup>
- The focus from the start of a case is the permanent case plan. However, if a child does not have a permanent placement the court process may not have much impact.
- Before Model Court, some cases would linger in the system for years, many in long-term foster care. Now, the court, the Office of the Attorney General, and the agency are making concerted efforts to reduce long-term foster care cases.
- In contrast to some predictions, court reforms have not resulted in a large increase in severance matters.<sup>101</sup>
- For some parents with substance abuse problems, 12 to 18 months is insufficient for recovery and, ultimately, many children want to return to their parents.

8. How have court minute entries changed since 1996?

- The judge uses standard templates for each hearing type. These are much more detailed than they used to be and the judge covers all necessary elements.
- There are no problems with distribution of orders to key parties. In 1996, it could take two months or more after a hearing to distribute minute entries. Now, they are distributed within a day or two of the proceeding.

9. Does the court use hearing checklists to assist judges handling dependency matters?

- The judge uses the standard template for the PPH.

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<sup>100</sup> This perception is consistent with findings reviewed in the data analysis chapter. The average amount of time taken by the court to reach permanency determinations increased from 192 days in 1996 to 324 days in 1999.

<sup>101</sup> This perception is also consistent with findings covered in the data analysis chapter. Data from all four counties confirmed that 1996 (pre-Model Court cases) exhibited significantly higher rates of severance actions than 1999 Model Court cases.

10. How has CPS caseworker turnover changed since 1996?

- Turnover has been very serious since 1996. Only one caseworker remains from that time and three new crews of social workers have come through the Flagstaff office in the past five years.
- Model Court has not had a deleterious effect on turnover. Stakeholders feel the primary contributors include working long hours and not having enough staff to do the work.
- As of June 2001, CPS had only three investigators on staff for the Flagstaff area. The area has never had a full cadre of investigators. The Flagstaff unit averages 45 to 55 referrals per month, more than most urban units in Phoenix.
- The high cost of living in Flagstaff has been a serious problem. As of June 2001, no one in the Flagstaff CPS office owned a home and some still qualified for publicly subsidized day care and other government assistance programs.

11. What has been the impact of statutory and court rule changes related to severance (termination of parental rights)?

- Severance cases move a lot faster than they did in 1996.
- The Flagstaff CPS unit still does severance (social) studies through contract with a local provider. With a relatively small number of severance cases this does not seem to be a problem.
- The nine months in care provision of the current statute helps move appropriate cases to severance sooner compared to 1996.
- Cases with parental substance abuse can be very difficult particularly with limited treatment resources and unique cultural issues (including ICWA cases).

12. To what extent has the court been able to achieve consistent judicial handling (e.g., one judge/one family) of dependency cases?

- All cases stay with Judge McCullough including severance matters. Judicial consistency has improved compared to conditions in 1996.
- At the time of Model Court reforms, one Superior Court judge elected to retain his dependency cases. He was recently selected as the Presiding Superior Court Judge. It may be appropriate for him to transfer these cases to Judge McCullough.

13. How are judges assigned to handle dependency matters?

- All new dependency cases, and related delinquency matters, are assigned to Judge McCullough.

14. What changes have occurred in court calendaring practices since 1996?

- PHCs and PPHs are scheduled as needed. The court tries to set all other proceedings on Wednesdays, and occasionally, on Friday afternoons.
- The court no longer stacks hearings. Hearings are scheduled time-certain and the judge uses an “atomic clock” to make sure that hearings start and end on time.

- In 1996, three different judges handled dependency matters. Criminal and other matters often took priority over dependencies. Now, with one judge, there are rarely schedule conflicts, case handling is much more consistent, and continuances are extremely rare.
15. How is JOLTS being used to track dependency and severance matters?
- The court is beginning to use Crystal report capabilities to generate case activity and tracking information. The court is also able to generate dependency profiles.
16. How have the minimum qualifications and training requirements for judges and attorneys (including assistant attorneys general and court-appointed counsel) changed since 1996?
- Judges are required to complete the State dependency training program.
  - The Assistant Legal Defender has been a member of the State dependency training team.
  - Extensive training has been provided to Assistant AGs before and after Model Court assignment. The State Office of the Attorney General developed a best practices manual that serves as a guide for this training and supplements it with regular updates on relevant case law, rule changes, and other information.
  - The Office of the Public Defender will only hire attorneys who display strong interest working with families and who are up to date on applicable continuing legal education (CLE) credits.
17. How have compensation levels for assistant attorneys general and court-appointed counsel changed since 1996?
- In early 2000, the Office of the Attorney General initiated substantial pay increases to achieve parity with attorneys working in other divisions of the office.
  - The court switched from hourly fees to a fee per case basis. Some attorneys left as a result, but the court seems to have an adequate supply of qualified lawyers.
18. How do the juvenile court and Foster Care Review Board coordinate activities related to dependency cases?
- FCRB has improved its notification process (key parties report they no longer get notices at the last minute).
  - Most FCRB board hearings seem to occur two to three months before the applicable court hearing.
  - However, there may still be times when FCRB sets board hearings at the same time as court hearings.
19. How have the availability and appropriateness of services for children and families changed since 1996?
- There is a serious lack of local foster homes, therapeutic foster homes and residential treatment centers in Flagstaff.
  - The court, the agency, and other key parties report continuing difficulties accessing mental health services through the RBHA (Northern Arizona Regional Behavioral Health Authority or NARBHA).

- Some stakeholders report delays (e.g., four to six weeks) for parents and children to receive counseling services.
  - After 1996, there were more in-home services available to families. This enhanced safety for children. However, there have been some changes in local service provider contracts resulting in the loss of some in-home therapists.
  - The opening of Aspen House, a relatively new group home for adolescent boys, has been a positive development.
20. What progress has been made in conducting a comprehensive examination of service needs for victimized children and their families?
- The Families for Kids project was expanded to Flagstaff. The goal of this project is to find permanent placements for children who have been in out-of-home care for two years or more. This resource did not exist in Flagstaff in 1996.
21. What efforts have been made to identify local resource needs, including staff and time resources, related to Model Court reforms?
- Until recently, the local AG's office experienced substantial turnover. As of July 2001, there was only one assistant AG covering dependencies, child support, and severance matters for Coconino, Navajo, and Apache counties. At that time, there were approximately 180 active dependencies and 200 active child support cases in this tri-county region. The office now has three assistant AG's to handle the tri-county region.

### **Innovations and program strengths**

The Coconino County Juvenile Court's handling of dependency matters reflects a number of important strengths and innovations related to court improvement. These include:

- Very thorough proceedings where the judge actively engages all parties in thorough discussions of relevant case issues. Almost all hearings observed by NCJJ staff reflected best practices recommended in the *Resource Guidelines*.
- A standing court order requiring CPS caseworkers and juvenile probation officers to work together on co-occurring dependency/delinquency cases. Caseworkers and probation officers are required to attend all hearings and submit joint reports to the court in advance of those hearings.
- The use of an "atomic clock" by the judge to reinforce the importance of starting dependency hearings on time. Coconino County proceedings almost always begin on time which makes these events much more predictable and enhances the credibility of the court.
- Case-specific efforts by the judge to improve coordination and cooperation with the county attorney's office in dependency cases that also involve criminal charges against parents.

## **Local needs and ongoing challenges**

*Recommendations for continued court improvement obtained from interviews and on-site observations*

- If petition filings increase, the court will need more trained facilitators to handle PHCs and mediation sessions.
- The agency should take appropriate steps to provide adequate pay for CPS staff. The high cost of living in Flagstaff and low pay will make it extremely difficult to retain qualified staff.
- The court should restart its local CIP committee and meet on a regular basis. These meetings should focus on solving any problems that arise and should be led by Judge McCullough. The committee should involve representatives from the AG's office, CPS, the Legal Defender's office, the Public Defender's office, contract attorneys, service providers, a RBHA representative, foster parents, the county CASA program coordinator, and others deemed appropriate.
- Through the local CIP committee, the court should facilitate ongoing communication between CPS and attorneys representing children or parents. Some newer caseworkers may have difficulties getting court reports to attorneys in a timely manner.
- When appropriate, the judge should continue to work with the county attorney's office to establish a standard agreement for coordinating dependency cases that involve co-occurring criminal charges.

*Local stakeholders also cited the following resource needs for dependent children and families*

- Local stakeholders report a serious need for additional foster homes, especially therapeutic foster homes. Despite the many benefits of Model Court, it is very difficult to find permanent placements for older youth with mental health problems. Some of these youth are placed in therapeutic foster homes that do not wish to pursue adoption certification, yet these are the best placements for these children.
- There is also a need for a more intensive residential treatment center that can serve these youth before they are ready for therapeutic foster or group care.

## Key Features of Court Improvement Efforts in Maricopa County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after filing, often continued.	Within five to seven days of a child's removal from home. <sup>a</sup>
<b>Separate disposition hrgs</b>	Rarely held.	Frequency varies among judges but more frequent than in 1996. <sup>b</sup>
<b>Review cycle</b>	Initial CIP study found that 1 <sup>st</sup> review (R & R) was scheduled within 6 months of dispo in 57% of cases.	At a minimum, R & R's held every six months, more often in some cases.
<b>Distinct permanency hrgs</b>	Rarely held.	Always held but frequently combined with other hearings.
<b>Minute entries</b>	Very general.	Detail varies among judges, high workloads for clerks can delay distribution, available to some key parties on JOLTS. <sup>c</sup>
<b>Use judicial checklists</b>	Did not exist.	Available for PPHs.
<b>Judicial assignment</b>	In 1996, four commissioners handled all initial hearings; multiple judicial officers often handled different stages of the same case.	The court achieves one judge/one family in almost all cases.
<b>Judicial consistency (rotation)</b>	Court experienced substantial changes before 1996.	Judges may rotate off the juv. bench after an ave. of 2 to 3 years.
<b>Scheduling</b>	Hearings frequently stacked, delinquency took precedence, continuances were common.	Hearings can still be stacked, calendar can get very congested, morning and afternoon blocks are used to enhance predictability.
<b>Appointment of counsel</b>	Usually at initial hearing (21 days after petition filing).	Always appointed by the PPC/PPH, but appear to be some obstacles to appointment at time of petition filing.
<b>Child's attorney reqts</b>	Not specified, would have random assignments from the Office of Court Appointed Counsel (OCAC).	Required to meet with clients before PPCs but some report difficulties. County created Office of Legal Advocate to improve assignments and reduce costs.
<b>Parent's attorney reqts</b>	Not specified.	Required to meet with clients prior to PPCs.
<b>Caseworker requirements</b>	Req'd to appear, rarely submit caseplans before 1st review.	Must attend all hearings & provide court reports in advance.
<b>Time allocated for hearings</b>	Up to 15 mins for 1 <sup>st</sup> hrg, often stacked, others up to judges.	Congested calendar limits time, judges have some discretion.
<b>Facility conditions</b>	Dependencies heard at Mesa (SEF) and Durango facilities.	Durango frequently overcrowded, easy to overhear confidential discussions, noise level in lobby can interfere w/proceedings.
<b>Mediation</b>	Pilot tested in two courtrooms.	Available court-wide, an effective resource, available at any stage.
<b>Use of Dependency JOLTS</b>	Did not exist.	Can generate dependency profiles & some case activity & tracking reports; placement histories and services data not available.
<b>Local CIP committee status</b>	Did not exist.	The "Permanency Planning Team" meets monthly and has strong support from the presiding judge.

<sup>a</sup> Maricopa County was able to meet the PPH timeline in 93% of its 1999 cases. The court has set aside 16 slots for PPCs and PPHs at each facility (Mesa and Durango). Each judicial officer has three such slots. This has helped with the scheduling and predictability of these events.

<sup>b</sup> Maricopa County's average number of days to disposition increased from 71 days for 1996 cases to 96 days for 1999 Model Court cases. This may reflect the practices of some judicial officers who withhold disposition until all parents (present and absent, including John Does) are adjudicated.

<sup>c</sup> The court has recently initiated a "minute entry reduction task force." The ultimate aim of this task force is to reduce preparation of duplicative orders and allow for more timely distribution of more specific orders.

## **Maricopa County**

Maricopa County is Arizona's most populous county and includes the rapidly growing metropolitan Phoenix area. In addition to its urban concentration, there are also expansive remote regions and large Indian reservations within the county's boundaries. As indicated earlier, Maricopa County implemented Model Court reforms in a series of stages starting in January 1999. Reforms were implemented court-wide in July 2000 for cases involving AG-filed petitions and June 2001 for cases involving attorney GAL-filed petitions. The court began Model Court processing of private petitions (i.e., those filed by relatives) in October 2001. The court hopes to have all petitions (AG, pro se, and private) handled through the Model Court process by April 2002.

### **Number of dependency petitions filed for FY1999 through 2001**

- Fiscal Year 1999 = 1,172
- Fiscal Year 2000 = 986
- Fiscal Year 2001 = 981

As shown, Maricopa County has experienced slight decreases in petition filings during the past three fiscal years. However, it is important to note that Maricopa County has a very high rate of private and pro se petition filings (over half of all dependency filings).

### **Perceptions of local court improvement efforts**

Interviews with key local stakeholders revealed the following:

1. How have the types of cases that result in dependency petitions changed since 1996?
  - Dependency cases today involve more serious substance abuse problems than they did in 1996.
  - Some stakeholders perceive more children and families presenting serious mental health problems.
  - The court continues to experience a high frequency of private and pro se petitions. Many of these involve older youth who also present delinquency issues.<sup>102</sup> In most of these cases, CPS does not substantiate the petition allegations and the case goes to mediation because most judges will not dismiss on the spot.
  - Some key stakeholders expressed concerns regarding the overall decrease in filings over the past three fiscal years, and wonder if Model Court has driven cases away due to increased demands.

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<sup>102</sup> As discussed in the data analysis chapter, close to half of all dependent children ages eight and older in the four counties have had prior or concurrent court involvement on a delinquency matter. The rate of prior or concurrent delinquency involvement increased to 71% for dependent children who were 15 years of age and older at the time of the filing of the dependency petition.

2. How have the degree and nature of judicial oversight in dependency matters changed since 1996?

- Many stakeholders report substantial improvement in court oversight compared to 1996.
- The court and CPS are much more aware of the need to specifically address reasonable efforts.
- Some judges provide more consistent oversight than others. Rotation has brought in some judges who did not have any experience in dependency matters. It has taken some time for these judicial officers to understand oversight roles unique to dependency.
- In many cases, the burden of explaining the nature and purpose of different types of dependency hearings to parents and children falls on CPS caseworkers. This is problematic because caseworkers are not attorneys and most lack extensive experience in dependency matters.
- Some stakeholders suggested that some judges should hold attorney GALs more accountable by firmly requiring them to meet with their clients in advance of hearings.

3. How has the length of time children remain in out-of-home placement changed since 1996?

- The Model Court process and the creation of two specialized CPS permanency planning units that focus on children with long-term foster care plans have helped reduce time in placement.
- Overall, the length of time in placement seems to be decreasing but the court continues to have cases where caretakers do not want to adopt and the plan becomes long-term foster care.
- For those who cannot return home, children are being placed in permanent placements sooner than in 1996.

4. What have been the impacts of the requirement to conduct a pre-hearing conference and preliminary protective hearing within seven days of a child's removal?

- The preliminary protective conference (PPC)<sup>103</sup> and PPH have had very positive effects, similar to the positive impact mediation has had on reducing contested trials. The PPC is mediation at the front-end.
- When they appear, parents are involved from the start and the process helps motivate most of them to comply with the case plan right away.
- Stakeholders feel the PPC facilitators (called caseflow managers) do an excellent job of facilitating the initial conferences. However, these facilitators compile the preliminary protective order during the PPC and, in some cases, this may impede their abilities to keep all parties focused on placement, services, and visitation issues.
- Parents may not appear for an estimated one-third of PPCs and PPHs. In most of these cases the primary problem seems to be the inability to locate mothers who have serious substance abuse problems.

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<sup>103</sup> Maricopa County uses the terms "preliminary protective conference" (PPC) to denote the conference that precedes the PPH.

- Holding the PPC may not be productive when parents do not show or when their whereabouts are unknown, though discussion of services for children can still be valuable.
  - Some attorneys question the need to hold a PPC and PPH for in-home petition cases.<sup>104</sup>
5. How often does the court conduct separate disposition hearings and, when conducted, do they occur within 30 days of adjudication?
- Some judges do this regularly. They focus on the disposition, where the case is headed, and what is the permanent case plan.
  - There seems to be a real split of opinion among judicial officers regarding whether the court is required to hold separate disposition hearings.
  - There may still be some judges who postpone reaching disposition on a case until there are findings on all parents, including absent and unknown parents (e.g., John Doe). This can delay disposition on the primary or custodial parent.<sup>105</sup>
6. How have review hearings changed since 1996?
- In 1996, it was not uncommon for the court to hold report and review (R and R) hearings without appearances of key parties (in effect, these were administrative reviews and the court referred to them as “R and R’s without appearances”). In some cases, there were no hearings with appearances for more than a year.
  - Report and review hearings are now held at least every six months. This has helped reduce the number of families who do not comply with case plans.
  - Since the advent of Model Court, the court has experienced periodic contested R and R’s and schedules them as such.
7. How have permanency hearings changed since 1996?
- Permanency hearings were rarely held in 1996. In the past, there was a treadmill of review hearings with long delays in substantive decisions. Today, the court takes it very serious and makes more timely permanency decisions.<sup>106</sup>
  - The court’s “Permanency Planning Team” (Maricopa County’s local CIP committee) considers the permanency hearing the most important court event and has made it a priority to carefully track the timing and outcomes of these proceedings.
  - Prior to permanency hearings, CPS holds “centralized permanency staffings” to carefully review cases that may be changing to plans of severance/adoption. This process enables the agency and the assistant AG to be prepared in advance of permanency proceedings. In 1996, this process did not exist.

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<sup>104</sup> Arizona statutes require pre-hearing conferences (or PPCs) and PPHs in emergency removal cases. Holding PPCs and PPHs for in-home petition cases may not be required by statute but can lead to prompt initiation of services for children and families.

<sup>105</sup> This observation is consistent with findings indicating that time to disposition in Maricopa County increased from 71 days in 1996 to 96 days in 1999.

<sup>106</sup> This perception is consistent with findings discussed in the data analysis chapter. Overall, the four counties reduced the average number of days for the court to reach a permanency determination from 501 days from the date of petition filing for 1996 cases to 288 days for 1999 Model Court cases.

- The court is much clearer now in articulating to the State and other parties what must be accomplished to proceed with or withdraw from reunification plans.
- The permanency hearings have helped prevent many children from languishing in foster homes and group homes.<sup>107</sup>
- The court may experience a substantial number of contested permanency hearings. Some parties reported it is not unusual for permanency events to become evidentiary hearings.

8. How have court minute entries changed since 1996?

- Specificity varies among judicial officers but, overall, they are much more specific than in 1996.
- They are more likely to include admonitions to parents regarding the consequences of non-compliance with case plans and court orders.
- Heavy workloads for the clerk's office inhibit timely distribution of minute entries.
- Some CPS units, AG units, and others have JOLTS terminals that allow direct access to minute entries but some offices may not be using this resource.
- Recently, the court initiated steps to reduce duplicative minute entries and distribute orders in a more timely fashion.

9. Does the court use hearing checklists to assist judges handling dependency matters?

- A "script" similar to a checklist can be used for the PPH. It ensures that all necessary elements are covered during the PPH.
- The court has specific formats that judges can follow at key hearings for admonitions and other legal requirements.

10. How has CPS caseworker turnover changed since 1996?

- Turnover continues to be a very serious problem.
- Some stakeholders reported that, at one point during the past year, one CPS unit lost all its caseworkers. The agency had to bring caseworkers from other units for coverage.
- Turnover has aggravated case assignment transition between investigations and ongoing caseworkers. When turnover occurs at the transition stage there is no one available to follow through on initial requests for services.
- In addition to turnover, some stakeholders reported continuing problems distributing case plans and reports to all parties in advance of hearings.

11. What has been the impact of statutory and court rule changes related to severance (termination of parental rights)?

- Proceeding by motion and holding the hearing within 30 days of the motion being filed ensures more timely action compared to 1996. However, some feel there are constitutional questions surrounding service of process on absent parents.

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<sup>107</sup> Again, this perception is consistent with outcome data presented earlier that confirmed significant reductions in average lengths of stay in out-of-home placements.

- At times, it may be difficult finding time on the court calendar for contested severance trials or guardianship hearings within 90 days of the motion.
- At the onset of Model Court, some key parties were concerned about the potential for a sharp increase in severances. This did not happen. Instead, services are usually in place from the start, parents know what they have to do for reunification, the court is monitoring case progress more closely, and the case will go to severance if parents do not comply within specific timelines.

12. To what extent has the court been able to achieve consistent judicial handling (e.g., one judge/one family) of dependency cases?

- The same judge handles all hearing events in almost every case.
- Commissioners do not handle contested severance matters.

13. How are judges assigned to handle dependency matters?

- Judicial officers are assigned by rotation. If a child has been assigned previously to a specific judge the case stays with that judge.<sup>108</sup>

14. What changes have occurred in court calendaring practices since 1996?

- The calendar continues to be congested. The incremental inclusion of GAL-initiated and relative-initiated private petitions has substantially increased the number of PPCs and PPHs.
- There are specific blocks of time set aside for dependencies in the mornings and afternoons. How these blocks are set and used vary by judge.
- The court has set aside 16 slots for PPCs and PPHs at each facility (Mesa and Durango). Each judicial officer has three such slots. This has helped with the scheduling and predictability of these events.
- There are still times when the court stacks hearings but some key stakeholders feel the situation is better than it was five years ago.
- There are occasions when attorneys have to be in two courtrooms at the same time due to hearings running late or starting late, or because they allow themselves to be double-booked. Schedule conflicts are more frequent because there are fewer contract attorneys handling larger caseloads.
- Historically, the Durango facility carried approximately two-thirds of all dependency cases. The court recently equalized dependency caseloads between the Mesa and Durango facilities. This should provide a more balanced blend of petitions handled at each site.
- Some stakeholders feel PPCs and PPHs should be held on Tuesdays and Thursdays.
- Some stakeholders report difficulties finding uninterrupted time blocks for contested trials.

15. How is JOLTS being used to track dependency and severance matters?

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<sup>108</sup> In addition to Model Court reforms, Maricopa County implemented an integrated Family Court pilot project at SEF in April 2001. The project involves four judges, including two who are currently handling dependency cases at SEF.

- The computer system can produce dependency profiles plus case activity and tracking reports, but cannot provide accurate placement and service histories.
- All minute entries are available on JOLTS. Some key agencies have JOLTS terminals off-site. Some CPS units have 100% viewing access of minute entries, all court reports, and juvenile court histories. Staff from these units report that JOLTS is a great asset that expedites access to court information.
- CPS began to transmit court reports via e-mail starting at SEF in early 2001. This has been expanded to Durango.

16. How have the minimum qualifications and training requirements for judges and attorneys (including assistant attorneys general and court-appointed counsel) changed since 1996?

- All judges must complete the State's dependency training program but some rotate in after the training and wait extended periods for the next State training session.
- The court dependency administrator and court administrator provide orientation training for new judges but some stakeholders feel the court should provide additional internal training.
- The AG's office provides a growing range of training for assistant AG's.
- There are no special performance or training requirements for contract attorneys but the court seems to hold them more accountable for hearing attendance and preparation compared to five years ago.
- Attorneys with the Office of the Legal Defender and the Office of the Legal Advocate have to meet minimum experience requirements but have no special performance or training requirements. The absence of such requirements may contribute to some attorneys fostering more adversarial or contested proceedings than others.

17. How have compensation levels for assistant attorneys general and court-appointed counsel changed since 1996?

- Assistant AGs in the Protective Services Division (the division that handles dependency and severance matters) are no longer the lowest paid attorneys in the Office of the Attorney General. The AG has raised salary levels for protective services staff to parity with the rest of the office.
- There has been substantial turnover at the county's Office of Court Appointed Counsel (OCAC),<sup>109</sup> the office responsible for assigning contract attorneys to dependency matters. The OCAC handles all superior court requests for contract attorneys and is frequently overwhelmed. OCAC used to have over 100 attorneys under contract for dependencies but the number has decreased to approximately 65 attorneys. These problems impede timely appointment of counsel for children (i.e., at the point of petition filing).<sup>110</sup>

<sup>109</sup> OCAC is not a division or unit of the court. It is a county government entity that administers court-appointed attorney assignments in all divisions of the Superior Court in Maricopa County including the juvenile, criminal, and civil branches.

<sup>110</sup> As indicated in the data analysis section, in over three-fourths of the cases (78%) in the 1999 Maricopa County sample, attorneys for children were not appointed until the date of the first hearing. In addition to turnover in the OCAC, there may be some procedural or structural reasons for this. That is, when the court receives a petition its court administration unit initiates the attorney appointment process immediately, but the actual appointments occur in offices separate from the court (i.e., the Office of the Legal Advocate or OCAC).

- The pay rate for contract attorneys has remained the same since 1996. Attorneys receive \$1,000 per case per year for serving as a child’s attorney in a new dependency case, and the same amount for serving as a parent’s counsel in a new dependency case. Each attorney’s annual total compensation (for dependency) is capped at \$20,000 unless they file private GAL petitions, which permits them to exceed the cap. This may provide an unintended incentive for contract attorneys to file private GAL actions.
- The creation of the Office of the Legal Defender to represent parents and the Office of the Legal Advocate to represent children (as attorneys or GALs) has helped reduce the need for contract attorneys but not eliminated it.
- The Office of the Legal Advocate has four attorneys assigned to the Durango court facility and three assigned to the southeast (Mesa) facility. Each legal advocate is teamed with a social worker who provides casework assistance. Most legal advocate/social worker teams have approximately 100 cases at any one time, involving more than 100 children. There has been recent turnover in the Office of the Legal Advocate that may force the court to appoint more contract attorneys to represent children, at least in the short-run.
- There are a total of eight attorneys working for the Office of the Legal Defender (three for SEF and five for Durango). These attorneys represent parents in dependency matters. They are county employees, are paid a salary, and their caseloads average between 110 to 130 cases per attorney. The Legal Defender requires five years of experience in juvenile matters for new hires.

18. How do the juvenile court and Foster Care Review Board coordinate activities related to dependency cases?

- FCRB is making some efforts to coordinate board meetings with court hearings.
- Some stakeholders report the board holds hearings more frequently in advance of report and review hearings.

19. How have the availability and appropriateness of services for children and families changed since 1996?

- The court process focuses on services from the start but it is not clear if Model Court has helped increase the availability of services. However, a number of new programs have been developed since Model Court including “Project Thrive,” a program for substance exposed newborns and their mothers.
- Some stakeholders feel more services are available for children and families since Model Court inception but there are continuing problems gaining timely access to behavioral health assessments and services through the RBHA (ValueOptions).
- There appear to be continuing problems obtaining timely psychological evaluations through ValueOptions. Some stakeholders reported 90-day waiting periods for these evaluations.
- Stakeholders indicated the need for inpatient mental health facilities capable of serving dependent youth who display serious mental health problems.

- The Office of the Attorney General has taken a leadership role in generating new services for dependent children and families at the county and State levels.<sup>111</sup>
- The Families First and Family Recovery project represent fairly recent innovations to provide more timely access to substance abuse treatment services. These projects provide residential and outpatient services. The agency and court do not have to access the behavioral health system to utilize these services.
- Creation of the “Children’s Resource Staffing” process has helped the agency and the court divert potential private petitions and provide more timely services. This staffing process occurs at the court on Tuesdays and Thursdays. A CPS Supervisor, a RBHA representative, and a court representative screen private filings and offer services to families as an alternative to formal court action. In addition, the process has been expanded to allow the court clerk’s office to immediately refer individuals considering private action to a court administrator and CPS supervisor. A “hotline” process has been established in cooperation with CPS to ensure that a supervisor is immediately available for assistance with service referrals and other support to families as needed.
- At least some key stakeholders report that the availability of pre-petition services like Family Builders helps prevent many families from penetrating the court system.

20. What progress has been made in conducting a comprehensive examination of service needs for victimized children and their families?

- As indicated earlier, the Office of the Attorney General initiated a comprehensive effort to identify needs at the county and State levels.
- Some stakeholders indicated the need to conduct a careful assessment of services offered or provided to children and families before dependency petitions are filed.<sup>112</sup>

21. What efforts have been made to identify local resource needs, including staff and time resources, related to Model Court reforms?

- The Office of the Attorney General conducted a comprehensive analysis of its resource needs. This has led to the infusion of additional staff and other innovations. There are now 18 assistant AG’s serving in Maricopa County, caseloads have been reduced from 250 per attorney before Model Court to around 80 or 90 per assistant AG.
- CPS created a unit to serve the unique needs of dually-adjudicated (dependency and delinquency) cases. As indicated in the data analysis chapter, a high percentage of age-eligible dependent children also present delinquency problems.
- There may be some delays in getting CPS caseworker access to incarcerated juveniles<sup>113</sup> or parents (e.g., in the county jail or State prison system) who are also involved in dependency proceedings.

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<sup>111</sup> Many of these initiatives and innovations are described in the following documents: *Model Court: Attorney General’s Strategic Plan and Initiatives* (December 7, 2000) and the *Attorney General’s Model Court Implementation Plan: 2001 and Beyond* (June 15, 2001). Source: Office of the Attorney General.

<sup>112</sup> As indicated in the data analysis section, many dependency cases experienced multiple contacts with CPS prior to filing of the first petition. The implementation of Family Builders and other pre-petition diversion programs has effectively diverted many cases from subsequent petitions. However, as shown earlier, over 3,000 families referred for such services refused to participate during FY2000.

- State CIP funds are essential for court improvement efforts in Maricopa County. These funds support nine juvenile court positions including two courtroom clerks, two dependency caseflow managers (that facilitate PPCs), two hearing coordinators (that set hearings, handle attorney assignments, and perform other tasks), the court specialist position (a hearing officer position), the decision support analyst (the person responsible for analysis of dependency data), and a court information support position.
- Indian Child Welfare Act (ICWA) cases present unique challenges for the court. There may be a need for more training on ICWA for attorneys, caseworkers, and judicial officers.<sup>114</sup>

### **Innovations and program strengths**

The Maricopa County Juvenile Court’s handling of dependency matters reflects a number of important strengths and innovations related to court improvement. These include:

- The court mediation program continues to be a strong asset that reduces the number of cases proceeding to contested trials.
- The Office of the Attorney General has implemented a wide range of innovations at the county and State levels.<sup>115</sup>
- Implementation of Project Thrive, the Families First program, and the Family Recovery project represent important service options that did not exist in 1996.
- Creation of two specialized CPS permanency planning units represents a positive effort to identify options for children with long-term foster care plans.
- Creation of the CPS dually-adjudicated unit has improved coordination between the agency and probation staff.
- The placement of JOLTS terminals in key locations (including some CPS units, AG offices, and other sites) allows at least some key parties to access minute entries and relevant court history information.
- Electronic transmission (via e-mail) of CPS reports expedites receipt of these documents by the court.
- Implementation of the “Children’s Resource Staffing” process allows the court to divert potential private petitions and provide more timely services to families.
- The permanency planning team has made permanency hearings and outcomes the top priority in Maricopa County.
- Equalization of caseloads between Durango and SEF should substantially help the court manage its caseload.

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<sup>113</sup> There are dependent youth who have been prosecuted for law violations in adult criminal court and sentenced to periods of incarceration in adult facilities. Their adult criminal status does not affect their dependency status. These youth present unique challenges for the agency and the court, particularly when they are released from jail or prison.

<sup>114</sup> ACYF created a special ICWA unit in 2001 in Maricopa County to improve expertise and support for ICWA cases. In addition, the AOC has prepared a videotape for training on ICWA issues that can be used by anyone in the State, and ICWA has become a core component of the State’s dependency attorney training program.

<sup>115</sup> Among the innovations launched by the AGs office is the effort to develop a statewide permanency mediation protocol. Upon completion, the protocol will be implemented in Maricopa County then other counties.

## **Local needs and ongoing challenges**

### *Recommendations for continued court improvement obtained from interviews and on-site observations*

- The court should explore options for having someone other than the preliminary protective conference facilitator prepare the preliminary protective order. This would allow the facilitators to focus solely on facilitation during these key events.
- The court should carefully assess the extent and manner in which judicial officers inform parents and other key persons (e.g., relatives and children, as applicable) of the nature and purpose of court proceedings. Explanations should be provided in a manner easily understood by these persons.
- The court should assess the extent to which some judges may be postponing dispositions until findings are made on all parents including missing ones (e.g., John Doe). The court should consider approving the case plan at the earliest possible point.
- The court should continue its efforts to establish fair compensation levels for contract attorneys and assess whether there are any unintended financial incentives that may exacerbate private petition filings.
- The court should collaborate with CPS to examine if earlier court involvement may be warranted with cases displaying extensive CPS histories.<sup>116</sup>
- The court should continue to pursue mediation in advance of contested report and review hearings and contested permanency hearings.
- As in other counties, the court should provide appropriate support to the agency to help improve caseworker retention. Frequent turnover directly affects the quality of court reports and other important variables surrounding a case.
- The court should provide appropriate support to CPS in its efforts to improve access to juveniles or parents incarcerated in county jail or State prison facilities.
- The court should continue efforts to enhance internal training for judges. This could include multidisciplinary training events provided at regular “Brown Bag” meetings similar to those provided in Pima County.
- The court and the county should initiate minimum performance and training requirements for contract attorneys and, if feasible, provide financial incentives for achieving or exceeding these requirements.
- The court should provide training for attorneys representing parents and children to reinforce the need to minimize adversarial or contested proceedings while focusing on the safety of children.
- The court may need to conduct periodic in-service training for new attorneys and assistant AG’s on the benefits of PPCs and PPHs for in-home petition cases; specifically, training on how these events can improve the provision of services for children and their families.
- The court should assess the use of remote JOLTS terminals in CPS, AG, and other locations including barriers that inhibit use.

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<sup>116</sup> This could include the use of in-home or protective supervision petitions to require at-risk families to cooperate and accept services offered by ACYF. This recommendation is consistent with an earlier one made in the 1996 report and is not solely applicable to Maricopa County.

- The court should carefully assess the potential benefits of renting temporary modular courtrooms (similar to those used in Pima County in 1998 through 2000) for dependency hearings at the Durango facility. This would relieve pressures in the lobby and allow for separate facilities for dependency matters.
- The court should carefully explore options to improve check-in procedures at Durango. Presently, all parties must wait in line in a narrow section of the lobby to find out where they need to go and what times hearings commence. The court should consider placing some type of automated board in the lobby that could show the schedule and status of hearing events without divulging sensitive information.
- If it has not already done so, the FCRB should attempt to implement a “court synchronized” board schedule similar to the one implemented in Pima County.
- The county is scheduled to open a new northwest facility in the near future. Plans call for one juvenile court judge to handle hearings at the new site. This judge should handle an appropriate number of dependency cases from the northwest region. Specific attorneys and assistant AGs could be assigned to these cases. This would help reduce congestion at Durango and reduce travel demands and other obstacles faced by children and families who must travel to Durango.

*Local stakeholders also cited the following resource needs for dependent children and families*

- Increase the number of group homes, particularly therapeutic group homes that can serve children with mental health problems.
- Reduce turnover of mental health counselors that work with abused and neglected children and increase the number of experienced therapists. Many counselors do not have the experience or special training needed to serve the special needs of abused and neglected children and their families.

## Key Features of Court Improvement Efforts in Pima County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after petition filing, often continued.	Try to hold within five to seven days of child's removal from home, however, the court's commitment to 1 judge/1 family and calendar congestion may cause occasional delays. <sup>a</sup>
<b>Separate disposition hearings</b>	Rarely held.	Separate hearings occur at least half of the time, as with the other counties, 30-day timeline may be exceeded in some cases. <sup>b</sup>
<b>Review cycle</b>	Ave of 143 days between disposition & 1st review hrg.	Often held every 90 to 120 days after disposition.
<b>Distinct permanency hearings</b>	Rarely held.	Always held, very thorough.
<b>Minute entries</b>	Very general.	More detailed, not always distributed at end of each hearing.
<b>Use judicial checklists</b>	Did not exist.	Available for PPH.
<b>Judicial assignment</b>	Multiple commissioners and/or judges (average of 5.5 judicial officers per case) would handle different stages of the same case.	Same judge handles all phases in almost every case. The court has made one judge/one family its top priority. <sup>c</sup> Judges no longer assign hearings to other judges.
<b>Judicial consistency (rotation)</b>	Mandatory rotation every two years, some judges requested rotation out of juvenile court earlier.	Judicial appointments to juv court were expanded to minimum 3 yrs, <sup>d</sup> all current judges asked to be assigned to juvenile court.
<b>Scheduling</b>	Hearings frequently stacked, delinquency matters took precedence, continuances were common.	Hybrid calendar with more time-certain scheduling. Specific time blocks for PPHs involving supplemental petitions. Hearings rarely stacked and never more than 2 events at same time. It can be difficult finding time for contested trials.
<b>Appointment of counsel</b>	Usually no sooner than 21 days after petition filing.	At petition filing.
<b>Child's attorney requirements</b>	Not specified.	Required to meet with clients prior to pre-hearing conference and must complete in-service training requirements.
<b>Parent's attorney requirements</b>	Not specified.	Required to meet with clients prior to pre-hearing conference and must complete in-service training requirements.
<b>Caseworker requirements</b>	Case plans not required at initial (21-day) hearing, in some cases not submitted until 1st review hearing.	Must attend all hearings, provide court reports in advance.
<b>Time allocated for hearings</b>	15 mins for most hearings, 30 mins for cases as needed.	Substantial time allocated, often consistent with <i>Resource Guidelines</i> .
<b>Facility conditions</b>	Old juvenile court building did not have adequate space.	New juv court facility has adequate space for PHCs & mediation.
<b>Mediation</b>	AG offered mediation but not frequently ordered.	Court and AG program both available but underutilized.
<b>Use of Dependency JOLTS</b>	Did not exist.	Can produce dependency profiles plus case activity, quality assurance, & tracking reports. Some challenges keeping up to date w/active cases, and tracking placement and service histories.
<b>Local CIP committee status</b>	Did not exist.	Very active working committee, multiple judges attend.

<sup>a</sup> Pima County was unable to meet the timeline in 21% of its 1999 cases.

<sup>b</sup> Pima County was unable to meet the 30-day timeline for disposition in 29% of its 1999 cases.

<sup>c</sup> In cases involving supplemental petitions, the court may actually delay holding a preliminary protective hearing by a day or two until the assigned judge is available.

<sup>d</sup> Commissioners who receive pro tem designations are permanently assigned to the juvenile bench.

## **Pima County**

Pima County is Arizona's second most populous county and contains the rapidly growing Tucson metropolitan area. The county also has expansive remote regions and a sizable Native American population including the Tohono O'odham and Pascua Yaqui reservations. As noted before, Pima County was the first county to implement Model Court reforms starting with a pilot project in March 1997. Court-wide implementation occurred in July 1998.

### **Number of dependency petitions filed for FY1999 through 2001**

- Fiscal Year 1999 = 624
- Fiscal Year 2000 = 620
- Fiscal Year 2001 = 589

As shown above, filing activity in Pima County has remained fairly stable over the past three years with a five percent decrease occurring between FY 2000 and FY 2001.

### **Perceptions of local court improvement efforts**

Interviews with key local stakeholders revealed the following:

1. How have the types of cases that result in dependency petitions changed since 1996?
  - Petition allegations seem to be more severe. Compared to five years ago, the court rarely receives in-home petitions. Almost all cases involve emergency removals.
  - Parents seem to have more extensive histories with CPS and other systems.<sup>117</sup>
  - The court is experiencing a substantial increase in supplemental petitions (i.e., parents with prior or current court involvement who have newborns or additional children who were not named in previous petitions).<sup>118</sup>
  - More petitions involve minor mothers and pregnant girls, many of whom are detained for co-occurring delinquency activity.
  - There seem to be more delinquency cases that are also dependent.
  - CPS is placing greater emphasis on providing services up front (e.g., through Family Builders and other programs) for less severe cases. This has kept many cases from reaching the petition stage.
  - The court continues to see a very high incidence of chronic substance abuse problems and younger children being removed from these homes.
  - Cases tend to reach adjudication much sooner than they did in 1996.<sup>119</sup>

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<sup>117</sup> As shown in the data analysis chapter, data from all four counties show that both the 1996 and 1999 study groups have extensive CPS histories.

<sup>118</sup> Preliminary data provided by the Pima County Juvenile Court indicate that 68% of petitions filed since September 2001 involved supplemental filings, reactivations, or delinquency-involved cases. This has produced some calendaring struggles for the court as it tries to adhere to one judge/one family case assignment practices.

2. How have the degree and nature of judicial oversight in dependency matters changed since 1996?
  - Judges take a much more active role from the start. They understand they have to actively manage dependency cases. Substantial CPS caseworker turnover has contributed to this.
  - Judges encourage all parties to speak and take more time to listen at all hearings compared to five years ago.
  - Judges are much more aware of the types of services available, how different systems operate, and other relevant issues.
  
3. How has the length of time children remain in out-of-home placement changed since 1996?
  - Lengths of stay in out-of-home placements have substantially decreased compared to 1996. This is due to increased focus by all parties, starting at the front end, on finding permanency for children.
  - More children are being reunified with a parent or both parents in shorter periods of time. Many cases are returning home within six months to a year.
  - There appear to be two clear groups of cases – those that resolve and return home and those that will never return home due to extremely serious family problems.
  - Parents who demonstrate compliance with the case plan and court orders will have their children returned sooner than parents who are not cooperative.
  
4. What have been the impacts of the requirement to conduct a pre-hearing conference and preliminary protective hearing within seven days of a child’s removal?
  - The PHC and PPH have had the most positive effects on dependency cases. They represent the most important aspects of Model Court reforms.
  - The PHC and PPH have taken a lot of pressure off the foster care system and have reduced lengths of stay in shelters.
  - In 1996, parents rarely participated in dependency hearings until the latter stages and most found the court process confusing. Now, there is at least one parent at almost every PHC and PPH, and the process enables parents to participate from the start.
  - The court stays focused on the case plan from the very first hearing. Everyone focuses on this and what must be done to comply with the case plan and the orders of the court.
  - The nature and timing of the PHC and PPH minimize adversarial confrontations and start moving the case toward permanency.
  - In 1996, the transition from the CPS intake worker to the ongoing worker was often delayed which impeded timely delivery of services. Now, the transition occurs at the PHC and PPH, very early in a case.
  - The court takes extra efforts to ensure parental participation. For example, if a parent is incarcerated and cannot attend, the court makes arrangements for telephonic participation.

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<sup>119</sup> This perception is quite consistent with the data analysis. Pima County experienced a dramatic decrease in the average number of days between petition filing and adjudication (from 94 days in 1996 to 59 days for 1999 Model Court cases). The other three study sites also experienced substantial decreases in the average number of days to adjudication.

- Home studies can be requested by anyone at the PHC and PPH. Multiple studies may pose workload burdens for CPS caseworkers.
  - The court has made one judge/one family case assignment and handling a top priority. There are times when a PPH involving a supplemental petition may be delayed a day or two to allow the original assigned judge to hear the supplemental case.
  - There may be more continuances at the PPH stage than in the past. These may reflect increasing severity of cases and a reported increase in supplemental petitions. The court is planning to implement special “supplemental” PHCs and PPHs in January 2002 to address the reported increase in supplemental cases.
5. How often does the court conduct separate disposition hearings and, when conducted, do they occur within 30 days of adjudication?
- Separate hearings are held at least half of the time.
  - There may be times when the court is not able to complete disposition within the 30-day timeline following adjudication.<sup>120</sup> This may be due to calendar congestion or other considerations.
  - Some stakeholders report a lack of concurrent planning prior to disposition. The court is addressing this with CPS and the AG in the Model Court Working Committee.
6. How have review hearings changed since 1996?
- In 1996, reviews were largely perfunctory. CPS rarely provided detailed updates of case progress tied to case plans. Now, all parties are more involved in monitoring and reviewing case status, and the court provides more case management functions.
  - There are still periodic problems getting CPS progress reports in advance of some hearings.
7. How have permanency hearings changed since 1996?
- The court has moved from the separate initial permanency/final permanency approach to a single, more focused permanency hearing.<sup>121</sup>
  - Contested permanency hearings still occur. Some contract attorneys pursue contested events when faced with severance – they feel they need to fully argue their client’s case before the court.
  - Some judges are ordering mediation in advance of permanency hearings to minimize contested events and resolve issues in advance, but these orders may not allow sufficient time for the mediation process to be completed.
  - There appear to be substantial delays in getting final approval for out-of-state adoptions and placements through Interstate Compact (ICPC).
  - Some stakeholders expressed some concerns regarding the frequency of adoption and guardianship disruptions involving older children.

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<sup>120</sup> This perception is consistent with the data analysis. While the Pima County Juvenile Court significantly reduced the average number of days to disposition from 104 days in 1996 to 77 days in 1999 sample, it exceeded the 30-day timeline between adjudication and disposition in 29% of its 1999 cases.

<sup>121</sup> As indicated in the statutory review chapter, the legislation consolidating permanency events applies to cases with filings from August 8, 2001, on.

8. How have court minute entries changed since 1996?
  - Overall, minute entries are more specific but placement information needs to be more detailed and consistent.
  - The court always distributes minute entries at the conclusion of PPHs. For other hearings, distribution most often occurs at least one day after the hearing is completed.
9. Does the court use hearing checklists to assist judges handling dependency matters?
  - The template for the PPH is available for all judges to use.
10. How has CPS caseworker turnover changed since 1996?
  - As in the other three counties, caseworker turnover remains quite serious. Turnover used to primarily involve newer and less experienced workers but now experienced staff are leaving too. Interviews also indicated periods of very high turnover among investigating workers.
11. What has been the impact of statutory and court rule changes related to severance (termination of parental rights)?
  - Severances used to take a long time and children lingered in placements for years.
  - Overall, the change has been good for many cases. For cases with repeat (supplemental) petitions, for example, the changes allow the court to act quickly and move cases to permanency. For others, the law has no flexibility. This can be a problem for parents in treatment for substance abuse who do not demonstrate sufficient recovery within the timelines.
  - The agency and the AG may be reluctant to pursue expedited severance actions, as permitted by statute, in cases involving multiple supplemental petitions.
12. To what extent has the court been able to achieve consistent judicial handling (e.g., one judge/one family) of dependency cases?
  - The court adheres to one judge/one family case assignment in almost all cases and will only veer from this if the judge has a direct conflict or there is absolutely no calendar time on the assigned judge's docket. There are occasions when the court veers from the seven day PHC/PPH time line (e.g., in supplemental petitions) to allow a judge to keep hearing cases with a previously assigned family.
  - Judicial appointments to juvenile court have been expanded to a minimum of three years. Commissioners who receive pro tem designations are permanently assigned to the juvenile bench.
13. How are judges assigned to handle dependency matters?
  - The dependency unit maintains judicial schedules. Each judge is assigned specific time slots over the span of a year (these can be adjusted if needed).

When CPS notifies the dependency unit that a *new* petition has been filed,<sup>122</sup> the dependency unit assigns the case to the judge with the appropriate time slot (i.e., that allows the judge to hear the case within required timelines). If the judge's time slot is full the unit looks to the next available time slot.

14. What changes have occurred in court calendaring practices since 1996?

- The court used to have structured time blocks for different types of dependency matters but high rates of supplemental petitions (involving new children from families with prior or current petitions) have made it difficult to stay within that structure.
- Beginning in January 2002, the court will reserve the 1:30PM to 2PM time slot on Mondays and Wednesdays for PPHs involving supplemental petitions.
- The court continues to experience periodic problems finding time for severance trials.
- There may be times when some court-appointed attorneys are being assigned to more than one courtroom at the same time.
- There may be frequent no-shows for mediation ordered prior to contested severance trials.
- The mediation calendar is on JOLTS but the JOLTS user has to page through a series of screens to find it. This may contribute to underutilization of mediation.

15. How is JOLTS being used to track dependency and severance matters?

- The dependency unit handles all data entry, case tracking, and report production. The unit can produce dependency profiles plus some case activity, quality assurance, and tracking reports. Challenges remain with producing updated lists of active cases, and accurate placement and service history information.
- Keeping data up-to-date remains largely dependent on timely receipt of minute entries.

16. How have the minimum qualifications and training requirements for judges and attorneys (including assistant attorneys general and court-appointed counsel) changed since 1996?

- Judges are required to attend the State's annual judicial training program and are offered the opportunity to attend the National Judicial College training in Reno.
- The court instituted minimum qualifications and requirements for attorneys. These are built into attorney contracts.
- The court sponsors ongoing training at regular "brown bag" sessions usually held during the lunch hour.
- Court-sponsored training sessions are almost always designed for a multidisciplinary audience including judges, attorneys, and other key parties handling dependency matters. These sessions help attorneys and others comply with mandatory in-service training requirements.

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<sup>122</sup> Again, supplemental petition cases are reassigned to the original judge.

17. How have compensation levels for assistant attorneys general and court-appointed counsel changed since 1996?

- As noted before, assistant AGs involved in dependency matters are no longer the lowest paid attorneys in the Office of the Attorney General.
- Compensation for contract attorneys has increased from \$750 per dependency case to \$1,000 per case.
- Spanish-speaking attorneys can qualify for additional compensation in cases involving Spanish-speaking clients. However, as of October 2001, there were only two Spanish-speaking attorneys under contract with the court.

18. How do the juvenile court and Foster Care Review Board coordinate activities related to dependency cases?

- FCRB tries to schedule board hearings in advance of court hearings and some of these are set as “court synchronized.” This did not occur in 1996.
- While the scheduling of FCRB has improved, it is unclear how judges actually use FCRB report information though they always acknowledge receipt of reports in court and read them.

19. How have the availability and appropriateness of services for children and families changed since 1996?

- The agreement established in 1998 with the Community Partnership of Southern Arizona (CPSA, the local RBHA serving Pima County) to expedite behavioral health assessments for children is experiencing some problems. Numerous parties report delays in timely behavioral health assessments.
- The creation of the CPSA juvenile justice liaison position has been a very positive development that helps key parties navigate the behavioral health system.
- Clinicians with Masters degrees conduct all behavioral health intake assessments.
- The Empower Plus project has enhanced substance abuse treatment services and improved collaboration with the behavioral health system and treatment providers.
- Initial reports indicate that creation of the Family Drug Court project focusing on families in the 85705 zip code region has led to increased collaboration with the behavioral health system and expanded services for this historically underserved area.
- CPSA has implemented a variety of training programs for provider staff including programs to help staff work with very young maltreated children, to improve wraparound services, to clarify the process for making behavioral health referrals, to identify appropriate treatment modalities for a variety of disorders including Attention Deficit Hyperactivity Disorder (ADHD), and other topics.
- La Frontera, a local service provider, permits walk-ins for assessments and services but there are often extended waiting times. These are not conducive for youth with ADHD and other behavior problems.
- Struggles continue over which system will cover the cost of services for children involved in multiple systems. Project MATCH was established to address some of these cases but it is only able to reach a very small percentage of children.

20. What progress has been made in conducting a comprehensive examination of service needs for victimized children and their families?

- Key stakeholders are not aware of a comprehensive assessment conducted in Pima County to identify service needs for dependent children and their families.
- Pima County has lost some key providers since 1996 creating more gaps in services.

21. What efforts have been made to identify local resource needs, including staff and time resources, related to Model Court reforms?

- The number of staff persons in the dependency unit has expanded since the inception of Model Court, but additional staff may be needed if petitions increase and programs like Family Drug Court expand.

### **Innovations and program strengths**

The Pima County Juvenile Court's handling of dependency matters reflects a number of important strengths and innovations related to court improvement. These include:

- Creation of the juvenile justice liaison position and placement of this person at the juvenile court. This person is very familiar with the State behavioral health system and is often able to help parties navigate its complex requirements.
- Creation of the Empower Plus project that provides for more timely mental health and substance abuse assessments *for parents* early in the court process. This helps produce more appropriate referrals for services in the behavioral health system.
- A mechanism for staffing potential private petition cases before filing. On Thursdays, joint staffings are held to review cases that are being considered for private filings. The staffing process includes attorney GALs, dependency unit staff, CPS, the CPSA juvenile justice liaison, and others as appropriate. Many of these cases involve delinquent youth. These staffings may help divert filings and allow families to obtain services without court intervention.
- The regular "Brown Bag" training sessions. These provide greater access to multidisciplinary training for court personnel, agency staff, CPSA representatives, and others. These sessions help attorneys comply with mandatory training requirements.
- Implementation of the Family Drug Court project in the 85705 zip code area. This project has improved services for a historically underserved region of Pima County.
- Calendaring improvements that will permit the court to block out two slots (every Monday and Wednesday from 1:30PM to 2PM) for supplemental PPHs. No other hearings will be occurring at these times. This will allow attorneys to attend and prevent double-booking conflicts. These changes are scheduled to take effect in January 2002.

### **Local needs and ongoing challenges**

*Recommendations for continued court improvement obtained from interviews and on-site observations*

- The court should continue to carefully assess options for addressing the influx of supplemental petitions.
- The court should plan to evaluate the impact of time-certain supplemental PPHs (which will start in January 2002).

- The court should continue efforts to generate data on other pertinent calendaring issues (e.g., time constraints tied to severance trials) and review this information on a regular basis at judges’ meetings and, if appropriate, at Model Court Working Committee meetings.
- The court should carefully assess and regularly review the frequency with which attorneys are booked in more than one courtroom at the same time. If problems are confirmed explore alternative scheduling options that minimize such conflicts.
- The court should continue efforts to recruit, train, and retain quality attorneys for children and parents involved in dependency matters, with special emphasis on Spanish-speaking attorneys.
- The court should continue to meet with CPSA to restore the expedited behavioral health assessment process.
- The court should modify JOLTS to allow easy access to the court mediation and AG mediation calendars.
- The court should continue to support CPS in reducing caseworker turnover. High turnover prevents timely completion of case plans and quality progress reports. It also means that many children, parents, and other caretakers have no consistent presence to help solve problems.
- To help address turnover, the agency should consider establishing field trainers in selected units. Field trainers could be experienced case managers who carry smaller caseloads and provide pre- and/or post-CORE training (the CPS orientation training program) for newly hired caseworkers.
- The court, the Office of the Attorney General, and the agency should carefully review State statute surrounding expedited severance filings to determine if and when expedited filings are appropriate.
- The court should continue to examine options for expanding the use of mediation at all stages, including permanency and severance, and refer cases to mediation as far in advance of these hearing stages as possible.
- The court should assess the need to provide training for attorneys on how mediation can help resolve disputes at all stages of a case.
- The court should continue efforts to resolve issues surrounding post-adoption contacts including the role of mediation in this process.
- The court should take appropriate steps to help resolve delays that occur in out-of-State adoption cases that involve ICPC. ICPC is a weak link in the process and no one seems to understand what they do or what obstacles they face.
- The agency and the court should carefully assess the extent of adoption and guardianship disruptions involving older children and the reasons for such disruptions.

*Local stakeholders also cited the following resource needs for dependent children and families*

- Find the resources to expand in-patient psychiatric services for mentally ill children.
- Continue efforts to increase substance abuse treatment options for parents.
- Increase and improve support services for mentally ill parents of dependent children.

The next section of this chapter contains “at a glance” tables that summarize court improvement efforts in Mohave, Pinal, Yavapai, and Yuma counties.

### Key Features of Court Improvement Efforts in Mohave County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after petition filing. Parents rarely requested a TC hearing.	Within five to seven days of child's removal from home. However, the court – as necessary – will use the statutory provision for a five-day continuance to keep cases in compliance because of geographical considerations.
<b>Separate disposition hearings</b>	Rarely held.	Rarely separate, usually combined (bifurcated).
<b>Review cycle</b>	Every 12 months on average.	At minimum, every 5 to 6 mos. Will schedule earlier reviews as needed or requested.
<b>Distinct permanency hearings</b>	Rarely held.	Are a critical part of the court process. The court routinely establishes a permanent plan at the initial permanency hearing if parents are not cooperating.
<b>Minute entries</b>	Very general.	Are now more detailed especially at the PPH. The court works off of (follows) a boiler plate minute entry template for this hearing to ensure that all areas are addressed (e.g., , reasonable efforts, ICWA, services, placement, visitation, etc.)
<b>Use judicial checklists</b>	Did not exist.	Use boiler plate minute entry template at PPH.
<b>Judicial assignment</b>	Shared cases	Caseload split between two judges based primarily on geographical location. However, there is some sharing of cases across judges.
<b>Judicial consistency (rotation)</b>	Judges elected, no rotation.	Judges elected, no rotation.
<b>Scheduling</b>	Some stacking of hearings.	Hearings are not generally set time-certain. However, there is sufficient docket time to ensure that hearings are not rushed.
<b>Appointment of counsel</b>	Appointed at initial dependency hearing (21-day mark).	Attorneys for children and parents appointed at petition filing. Juvenile court has entered into a fixed contract with five private attorneys to provide indigency representation in all dependency, guardianship and mental health cases for a fixed monthly fee. Caseload is shared evenly by these attorneys. All attorneys carry a combined child and parent caseload.
<b>Child's attorney requirements</b>	None	Some training is provided on an ongoing basis but contract attorneys are all experienced in child protection matters. Attorneys are required to meet with their clients before the PPH and PHC but some difficulties are reported in this area.
<b>Parent's attorney requirements</b>	None	Same as above. Parents are expected to take initiative to contact their assigned attorneys.
<b>Caseworker requirements</b>	Case plans not required at initial (21-day) hearing.	Caseworker routinely has initial case plan ready by the date of the PPH.
<b>Time allocated for hearings</b>	Hearings were not set time certain.	Hearings are not generally set time-certain but there is sufficient docket time to ensure that hearings are not rushed.
<b>Facility conditions</b>	Same as Model Court	Conduct hearings in three localities – Kingman, Bullhead City and Lake Havasu City.
<b>Mediation</b>	Not available	Available at all stages. All cases with no stipulation at PPH are set for mediation.
<b>Use of Dependency JOLTS</b>	Not available	Case processing data entered in JOLTS primarily for use in generating statewide statistics. Can generate local reports/listings as necessary.
<b>Local CIP committee status</b>	Not established	Committee meets approximately twice per year on an as needed basis.

### Key Features of Court Improvement Efforts in Pinal County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after petition filing.	Within five to seven days of child's removal from home.
<b>Separate disposition hrgs</b>	Rarely held.	Rarely separate, usually combined (bifurcated).
<b>Review cycle</b>	Every 12 months on average.	At least every six months, often more frequently.
<b>Distinct permanency hearings</b>	Rarely held.	Always held but may need to allocate more time for substantive discussion.
<b>Minute entries</b>	Very general.	Very thorough, hand-written copies distributed at end of PPH.
<b>Use judicial checklists</b>	Did not exist.	For reference at PPH.
<b>Judicial assignment</b>	One judge handled all cases (except initial severance hrgs) unless conflict.	Presiding judge handles all dependencies & severances unless conflict or illness. Two other judges that substitute completed State dependency trg.
<b>Judicial consistency (rotation)</b>	Judges elected, no rotation.	Judges elected, no rotation.
<b>Scheduling</b>	Review hearings were held on Wednesday mornings and were stacked (no time certain calendaring), initial severance hrgs held on Mondays.	Wednesday is primary dependency day, not time-specific (stacked), contested events rare but may be held on Tuesdays and Thursdays.
<b>Appointment of counsel</b>	Usually at initial dependency hearing (no sooner than 21 days after petition filing).	At petition filing.
<b>Child's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing but some attorneys say it's difficult at times.
<b>Parent's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing but some attorneys say it's difficult at times.
<b>Caseworker requirements</b>	Case plans not required at initial (21-day) hrg, in some cases not submitted until first review hrg.	Must attend all hearings and provide court reports in advance to all parties.
<b>Time allocated for hearings</b>	Hearings were stacked, no specific time allocations.	Except for PHCs & PPHs, hearings tend to be rapidly efficient, court may need to allocate more time for key hearings.
<b>Facility conditions</b>	Historic courthouse not designed for dependency matters.	No change, large courtroom can make it difficult to hear (microphones to be added soon).
<b>Mediation</b>	Did not exist.	Contract for mediation services.
<b>Use of Dependency JOLTS</b>	Did not exist.	ME's not accessible, working on producing case activity reports.
<b>Local CIP committee status</b>	Did not exist.	Quarterly meetings facilitated by dependency coordinator.

## Key Features of Court Improvement Efforts in Yavapai County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after petition filing; was often cont'd for 2 weeks to allow counsel to meet clients.	Within five to seven days of child's removal from home.
<b>Separate disposition hrgs</b>	Rarely held.	Rarely separate, usually combined (bifurcated).
<b>Review cycle</b>	On average, every six months.	On average, every three to four months, sometimes more often.
<b>Distinct permanency hearings</b>	Rarely held.	Always held, very substantive. Court has made this a top priority.
<b>Minute entries</b>	Very general.	Much more specific. Court makes very specific orders inc. reasonable efforts and other contents.
<b>Use judicial checklists</b>	Did not exist.	Use for PPH, the court is developing additional checklists for other hearings to enhance monitoring of agency and parental compliance.
<b>Judicial assignment</b>	Two judges (one in ea. division) handled dependencies – one in Prescott, one in Verde Valley.	Presiding judge handles all cases countywide unless conflict.
<b>Judicial consistency (rotation)</b>	Judges elected. Judges decided among themselves.	Judges elected. Dependency is considered a priority among judges.
<b>Scheduling</b>	Held on specific days.	Court set aside 90 minutes every Tues AM for PHC/PPHs. Court will also schedule PHCs/PPHs on other days to comply with timelines. Tues AM for dependencies in Prescott and Weds PM for dependencies in Verde Valley (normally, every other week due to lower number of cases). Some difficulties finding time for contested trials. <sup>a</sup>
<b>Appointment of counsel</b>	Usually appointed at the 21-day hearing.	Appointed at time of petition filing.
<b>Child's attorney requirements</b>	No special requirements.	No special requirements. State training program for attorneys and others scheduled for Prescott in February 2002.
<b>Parent's attorney reqts</b>	No special requirements.	No special requirements. State training program set for February 2002.
<b>Caseworker requirements</b>	Case plans not required at initial (21-day) hrg, in some cases not submitted until first review hrg.	Must attend all hearings and provide court reports in advance to all parties. Occasional problems receiving initial case plan before PPH.
<b>Time allocated for hearings</b>	No time blocks but hrgs were held on specific days.	Court allocates 90 mins for PHC/PPH. Other uncontested hrgs scheduled within one hr time blocks, usually 10 to 15 mins each, but more if needed.
<b>Facility conditions</b>	Historic courthouse in Prescott not specifically designed for dependency matters. Verde Valley cases held in local courthouse (some held in chambers).	Historic courthouse in Prescott but all hearings except for contested events now held in less formal setting in judge's chambers. Verde Valley cases heard in smaller informal setting also.
<b>Mediation</b>	Seldom used in dependencies.	Mandatory in advance of all contested matters. Available at all stages. Court strongly supports mediation and family group conferencing.
<b>Use of Dependency JOLTS</b>	Did not exist.	Dependency coordinator's office enters all data. Can produce basic case activity and tracking reports, and dependency profiles.
<b>Local CIP committee status</b>	Did not exist.	Was very active, now meet frequently and informally as needed.

<sup>a</sup> Court will be implementing more frequent post-TPR review hearings to more closely monitor adoption cases.

### Key Features of Court Improvement Efforts in Yuma County

	<b>Before Model Court (1996)</b>	<b>Model Court</b>
<b>Timing/nature of 1<sup>st</sup> hearing</b>	Most often, 21 days after petition filing.	Within five to seven days of child's removal from home.
<b>Separate disposition hrgs</b>	Rarely held.	Usually bifurcated with adjudication/finding stage.
<b>Review cycle</b>	Every 12 months on average.	At least every six months, often more frequently.
<b>Distinct permanency hearings</b>	Rarely held.	Always held.
<b>Minute entries</b>	Very general.	More detailed.
<b>Use judicial checklists</b>	Did not exist.	For preliminary protective hearings.
<b>Judicial assignment</b>	One judge handled all dependency matters.	Presiding judge handles vast majority of dependencies unless not available or a conflict.
<b>Judicial consistency (rotation)</b>	Judges elected. No rotation.	One judge handles all PPHs but two other judges can handle PPHs if needed.
<b>Scheduling</b>	Scheduled as needed, no specific days.	Tuesdays and Thursdays are primary dependency days; not time specific, try to schedule most in afternoons due to attorney schedules; Wednesdays for severance.
<b>Appointment of counsel</b>	Usually at initial dependency hearing (no sooner than 21 days after petition filing).	At petition filing (however, may be short supply of qualified attorneys).
<b>Child's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing.
<b>Parent's attorney requirements</b>	Not specified.	Required to meet with clients prior to initial hearing.
<b>Caseworker requirements</b>	Case plans not required at initial (21-day) hrg, in some cases not submitted until first review hrg.	Initial case plans submitted prior to PPH; must attend all hearings and provide court reports in advance to all parties.
<b>Time allocated for hearings</b>	Depended on hearing type.	Depends on the nature of the hearing, discussed in court prior to subsequent hearings.
<b>Facility conditions</b>	Aging juvenile court building often crowded, not designed for dependency matters.	No change, new court center to open in June 2002.
<b>Mediation</b>	Did not exist.	Provided thru AG's office, mediator also facilitates pre-hearing conferences, available at all stages but infrequent at permanency & severance stages.
<b>Use of Dependency JOLTS</b>	Did not exist.	Can provide basic information and some case activity reports.
<b>Local CIP committee status</b>	Did not exist.	Hold periodic meetings when needed, may need to meet more regularly.

## **Data Analysis and Outcomes: Summary of Key Findings and Recommendations**

This chapter presents a summary of key findings and recommendations tied to the data and outcome analyses.<sup>123</sup> The findings and associated recommendations are grouped by category. These categories include findings and recommendations related to measures covering case characteristics, case processing and timeliness of court proceedings, case closures, and placement outcomes. Each key finding is presented in italics and immediately followed by associated recommendations. Overall, the results of the analyses strongly indicate that juvenile courts in Arizona are processing cases in a more timely manner; that children are spending considerably less time in out-of-home placements; that courts are becoming more specific in the orders generated at dependency hearings (particularly initial hearings); and that the State and federal government have realized sizeable savings in placement costs. These savings probably more than offset any increased costs associated with Model Court implementation, including the earlier appointment of counsel and the front-loading of services.

### **Findings and Recommendations Related to Case Characteristics**

*Finding 1: The 1996 (pre-Model Court) and 1999 (Model Court) cases selected for comparison were sufficiently similar on a range of case characteristics that any differences found in case timelines and outcomes can be confidently attributed to differing case processing practices and requirements in existence during these years. The samples also reflect the types of cases coming to court in the four participating counties (Cochise, Coconino, Maricopa and Pima counties) and may be instructive for future planning purposes. To our knowledge, no juvenile court in Arizona has developed a comprehensive profile of their caseload.*

Recommendation: The AOC and juvenile courts should use the information contained in this report to initiate plans for producing comprehensive profiles of dependency caseloads in all juvenile courts. This could be piloted in Maricopa and Pima counties first. The absence of placement history and services information on JOLTS, however, will make it difficult to compile this information.

Recommendation: The AOC and juvenile courts, through the statewide JOLTS users group or another appropriate forum, should initiate plans for capturing accurate placement history and services information. One option may include downloading or extracting the information from the ACYF CHILDS computer system. Because the most thorough placement and service history data were obtained

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<sup>123</sup> Additional county-specific recommendations derived from interviews and on-site observations can be found in the chapter covering county overviews.

from CPS reports, the AOC and juvenile courts should meet with ACYF to determine what resources (including personnel and time resources) would be needed to regularly capture services and placement (including paid and unpaid) information through CHILDS.

Recommendation: The AOC should continue its planning efforts to consolidate the JOLTS and DCATS information systems.

*Finding 2: The vast majority of families involved in dependency matters in both 1999 and 1996 had been the subjects of prior CPS investigations. Overall, 75% of families from the 1999 cohort displayed previous investigations, as did 80% of families in the 1996 sample. Many of these families had extensive CPS investigation histories. Families cited in 1996 petitions had been investigated by CPS an average of 4.1 times prior to the investigation that resulted in a petition being filed on the child included in this study. The average number of prior substantiated investigations for these families was 2.3. The average numbers of prior investigations and substantiated investigations of families cited on 1999 Model Court petitions were only slightly lower – 3.6 and 1.9, respectively.*

Recommendation: The court should collaborate with CPS to examine if earlier court involvement may be warranted with cases displaying extensive CPS histories. This could include the use of in-home or protective supervision petitions to require at-risk families to cooperate and accept services offered by ACYF. This recommendation is consistent with an earlier one made in the 1996 report.

*Finding 3: Just under 30 percent (29%) of families in both the 1996 and 1999 study cohorts had prior or ongoing court involvement on other dependency matters involving the child whose case was being tracked for the study or one of his/her siblings. This varied little across the four counties.*

Recommendation: The courts should carefully track case reactivations (subsequent petitions filed on the same child or children who were subject to an earlier petition) and supplemental filings (subsequent petitions filed on a different child not included in the earlier petition, most often a newborn). If they have not already done so, Cochise and Coconino counties should cease the practice of assigning new case numbers to these reoccurring cases. This would ensure greater accuracy for case tracking purposes.

*Finding 4: Close to half of the children named on dependency petitions in the 1996 and 1999 study samples who were eight years of age or older at the time of filing, displayed prior or concurrent court involvement on a delinquency matter – 48% of older children included in the 1996 study sample*

and 48% of the children included in the 1999 Model Court group.<sup>124</sup> Additionally, one-third or more of these children had been previously placed on probation or were on probation at some point after the date the dependency petition was filed – 33% of children in the 1996 data set and 35% of children included in the 1999 sample. The overall number of children in both data sets with prior or current court involvement on the four delinquency/status offense measures increased dramatically as their age increased. That is, 71% of dependent children included in the 1996 and 1999 Model Court data sets who were 15 years of age or older at the time of the filing of the dependency petition had prior or current court involvement on a delinquency matter compared to 50% of children between the ages of 11 and 14. Additionally, 52% of the children in the oldest age category (15-17) were previously or concurrently placed on probation and 19% had been previously or concurrently committed to ADJC.

*The prevalence of delinquency activity among dependent children is a critical issue in Arizona that will require greater cooperation and coordination among multiple entities. Youth involved in both the child welfare and juvenile justice systems (commonly referred to as dually-involved or dually-adjudicated) present serious challenges. While some counties have instituted creative methods for enhancing coordination (e.g., Coconino County's standing court order requiring CPS and probation to cooperate on joint cases, and the Interagency Case Management Project<sup>125</sup> and the CPS dually-adjudicated unit in Maricopa County), dynamic tension persists. Failure to effectively intervene with these cases at the earliest point possible, however, significantly increases the chances that these children will experience chronic delinquency, continued school failure, teenage pregnancy, severe substance abuse, future criminal acts, and other serious problems.*

Recommendation: The AOC, juvenile courts, and ACYF should enhance efforts to coordinate handling of co-occurring dependency/delinquency cases. Efforts like those in Coconino County should be carefully examined for applicability in other sites. Programs like the dually-adjudicated CPS unit and ICMP in Maricopa County should be carefully examined for expansion to other jurisdictions as feasible.

Recommendation: The AOC, juvenile courts and ACYF, in conjunction with other appropriate agencies, should hold a statewide strategic planning or summit meeting to construct plans for effectively intervening in the lives of maltreated children who are at risk of and/or display delinquent behaviors.

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<sup>124</sup> The percentage of such children increased in Cochise and Coconino counties from 35% in the 1996 sample to 46% in the 1999 sample.

<sup>125</sup> The interagency case management project (ICMP) is a multi-agency approach to handling children involved in multiple systems including juvenile justice, mental health, developmental disabilities, and CPS. However, it is only able to serve a very limited number of children and families.

## **Findings and Recommendations Related to Case Processing and Timeliness of Proceedings**

*Finding 5: The appointment of counsel, guardians ad litem (GALs), and Court-Appointed Special Advocates (CASA volunteers)<sup>126</sup> occurred considerably earlier in 1999 Model Court cases than in 1996 cases. Attorneys and/or GALs were appointed for children within an average of five days of petition filing in 1999 Model Court cases compared to 36 days in 1996 cases – a time reduction of 86%. The average time reduction in appointment of counsel for mothers was 80%, from 41 days in 1996 to eight days in 1999. For fathers, the average time to appointment of counsel was reduced from 46 days in 1996 to 11 days in 1999 – a reduction of 76%. Lastly, CASA volunteers were generally appointed much earlier – 51 days in 1999 Model Court cases compared to 132 days in selected 1996 cases – a time reduction of 61%. All of the above reductions were statistically significant.*

*Model Court rule changes were intended to ensure that appointment of counsel and GALs occurred prior to the first hearing (most often, the Preliminary Protective Hearing or PPH) so that these individuals had time to confer with their clients in advance of the proceeding. Appointments rarely occurred this early in 1996. Appointment of counsel for mothers was far more likely to occur before the first hearing in 1999 than in 1996 – 85% versus 31%. The same was true for fathers – 80% of fathers were appointed attorneys before the first hearing in 1999 compared to 24% in 1996. Additionally, CASA volunteers were rarely appointed at case initiation in 1996 – only 6% of the time. The frequency of such early appointments increased more than four-fold in 1999 to 26%.*

**Recommendation:** The four juvenile courts involved in this study should continue efforts to appoint counsel and volunteer advocates as early in the process as possible. The AOC should continue to provide assistance to the counties to enhance recruitment and retention of qualified lawyers and CASA volunteers, particularly in courts that do not have adequate supplies of these important resources.

*Finding 6: The impact of early appointment of counsel and GALs for children was not as great as the differences found in appointment of counsel for parents. Overall, the frequency with which these appointments occurred prior to the first hearing increased from 53% in 1996 to 59% in 1999 cases. However, there was considerable variation across counties. Cochise and Coconino counties were already routinely appointing children’s counsel and/or GALs at case onset in 1996 and continued to do so in 1999. The frequency with which this occurred in 1999 Model Court cases actually went down slightly in the two counties – from 94% to 89%. Pima had also been routinely appointing children’s*

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<sup>126</sup> CASA volunteers are appointed by the court to advocate for the best interests of children. For more information, see G.C. Siegel, G.J. Halemba, R.D. Gunn, S. Zawacki, M. Bozynski, and M.S. Black, *Arizona CASA Effectiveness Study: Final Report*, NCJJ, December 19, 2001.

*counsel/GALs prior to the first hearing in 1996 (81% of the time) but increased this to 99% for 1999 Model Court cases. Maricopa County was the only study site that did not routinely appoint an attorney or GAL for a child at case onset in 1996. In that year, early appointments only occurred 9% of the time. The appointment of attorneys and/or GALs for children improved markedly in Maricopa County from 1996 to 1999 but this improvement was most reflected in the frequency of appointments made on the date of the first hearing – from 15% in 1996 to 78% in 1999. Similarly, Maricopa County reduced the frequency of appointments that occurred after the first hearing, from 77% in 1996 to only 6% in 1999. However, the percentage of children appointed counsel before the first hearing remained relatively low; specifically, only 9% of 1996 cases and 16% for 1999 cases.*

Recommendation: The Maricopa County Juvenile Court should continue to explore options for expediting attorney assignment for children. The court should conduct a careful examination of delays in assignments that may occur because of turnover or other factors at the county's Office of Court-Appointed Counsel.

*Finding 7: The first dependency hearing was scheduled much earlier in 1999 Model Court cases than 1996 cases. On average, the first hearing was scheduled 16 days after petition filing in 1996 versus seven days for 1999 Model Court cases – a statistically significant time reduction of 56%. The number of days to the first scheduled hearing on a case did not vary to any great degree in the four participating counties. The reduction in the number of days to a completed first hearing was even greater – from 27 days in 1996 to nine days in 1999. This translates to a statistically significant time reduction of 67%. Once again, the number of days to the first completed hearing did not vary much across the four counties.*

Recommendation: The counties should produce relevant court calendaring data that enable them to track scheduling and hearing completion rates. These data would help the counties address any shifts that may occur in the future.

*Finding 8: While the front-loading aspect of Model Court has expedited the timing of the first hearing, the analysis found a small number of instances where the PPH was not scheduled within prescribed time frames. Model Court statutes require the scheduling of a PPH within five to seven days of a child's removal from the home (excluding weekends and holidays). The analysis revealed that 12% of the time, the PPH was scheduled more than 12 days out from the date of emergency removal (ER). The PPH out-of-compliance rates varied from a low of 3% in Cochise County and 7% in Maricopa County to a high of 21% in Pima County and 38% in Coconino County.*

Recommendation: While the starting date of an emergency removal may not always be easy to decipher (for example, if a child was first admitted to a hospital), the percentage of cases not meeting PPH time requirements suggests that counties should monitor these very closely and ensure that timelines are being met in all cases involving emergency removals.<sup>127</sup> Pima County’s implementation of “supplemental PPHs” should be carefully evaluated to determine its effects on eliminating or reducing delays in PPHs and its applicability to other courts.

*Finding 9: The time from petition filing to petition adjudication was reduced from 79 days for 1996 cases to 58 days for 1999 Model Court cases – a savings of 21 days and a time reduction of 27%. All four counties experienced significant time reductions ranging from 10 days in Maricopa County (which had the shortest average time to adjudication in 1996) to 35 days in Pima County. In 20% of all 1999 Model Court cases, juvenile courts were able to enter a finding on petition allegations at the preliminary protective hearing. Much of the improvement in time to adjudication can be attributed to the effects of the pre-hearing conference (PHC) and PPH. This process encourages parental participation, problem-solving, and early case planning. Mediation programs and judicial settlement conferences have also contributed to this outcome. On the other hand, in 10% of 1999 Model Court cases the court took more than 120 days to render findings, the outer adjudication timeline set in statute and court rules.*

Recommendation: While the four counties have achieved marked reductions in time to adjudication, the courts should carefully examine the small number of cases that exceeded the 120-day timeline to ascertain the reasons for these occurrences. Once these reasons are identified, the courts should take appropriate steps to further reduce the frequency of these events.

*Finding 10: Compared to 1996, three of the four counties experienced considerable reductions in the number of days taken for 1999 Model Court cases to reach disposition. These reductions included 32 days in Cochise County, 27 days in Pima County, and nine days in Coconino County. However, Maricopa County experienced an increase from 71 days in 1996 to 96 days for 1999 Model Court cases – an increase of 25 days.<sup>128</sup> At least in part, the Maricopa County shift may be attributed to a considerable*

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<sup>127</sup> As discussed in the county overview section, Pima County has made one judge/one family case handling its top priority. As a result of this commitment and a fairly recent increase in supplemental petitions, there are times when the court does not meet the PPH time requirement. In response, the Pima County Juvenile Court has allocated specific time slots for supplemental PPHs. This may eliminate scheduling problems and delays completing PPHs.

<sup>128</sup> Excluding Maricopa County cases, the average time to disposition decreased from 100 days in 1996 to 86 days in 1999 – a decrease of 14 days.

*decrease in the frequency of combined (bifurcated) adjudication and disposition hearings – from 82% in 1996 to 33% in 1999.<sup>129</sup>*

Recommendation: The Maricopa County Juvenile Court should take appropriate steps to resolve barriers to more timely dispositions. This should include a careful examination of the practice of some judicial officers who do not render dispositions until all parents (including absent parents and Joe Does) have been adjudicated.

*Finding 11: The analysis identified a sizeable percentage of 1999 Model Court cases in which disposition did not occur until more than 30 days after adjudication. Overall, this occurred 42% of the time. The percentage of cases out of compliance with statutory dispositional guidelines ranged from a high of 49% in Cochise County to a low of 27% in Coconino County.*

Recommendation: The courts should carefully track the setting and completion of dispositional events and take appropriate steps to improve compliance rates.

*Finding 12: Court orders (minute entries) produced at the first Model Court hearings (i.e., the PPH) were considerably more detailed and specific including placement, visitation and services, compared to orders from initial dependency and temporary custody hearings held in 1996. Specific minute entries enable parents to more clearly understand what the court expects of them and reinforce the importance of case plan compliance. One third of the PPH minute entries from 1999 Model Court cases specifically addressed four or more separate issues (in addition to reasonable efforts and routine matters such as the scheduling of the next court hearing). An additional 42% of these PPH minute entries referenced two to three issues. In sharp contrast, 6% of orders from initial dependency and temporary custody hearings on 1996 cases addressed four or more issues and 17% addressed two to three issues. The vast majority of initial hearing minute entries on 1996 cases (78%) addressed one or no issues (other than reasonable efforts and routine matters such as the scheduling of the next hearing). Minute entries from PPH hearings on 1999 Model Court cases contained orders pertaining to an average of 2.9 issues compared to an average of 1.1 issues in 1996 cases. These differences were statistically significant.*

Recommendation: Despite substantial improvement from 1996, some judicial officers and court clerks need additional training on preparing substantive minute entries. If it does not already do so, the AOC should include such training at the State level and each court should address minute entry content in

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<sup>129</sup> Interview and site observation data in Maricopa County suggest that, at least in part, this large drop in combined hearings can be attributed to the position among some jurists that disposition should not be completed until the adjudicatory process has been completed for both or all parents – even in instances when one parent is absent and adjudication has been delayed because of notification and publication problems.

local training. The *Resource Guidelines* should be reviewed as a reference for minute entry content. While all courts distribute copies of hand-written minute entries at the PPH, few consistently distribute minute entries at the conclusion of other key hearings. Steps should be taken to address resource and work load issues that prevent distribution of orders at key hearings particularly the disposition, first review, and permanency hearing stages.

Recommendation: The AOC should continue its efforts to develop standard (automated) templates that can be filled in appropriately so that all required content is addressed at each hearing.

*Finding 13: The timely completion of the first review hearing has improved significantly in all four counties. The first review was completed on 1996 cases an average of 164 days after petition disposition compared to 104 days in 1999 Model Court cases – a statistically significant reduction of 37%. This pattern was consistent across all four counties with the largest reductions occurring in Coconino and Maricopa Counties – 48% and 43%, respectively. However, in Maricopa County, calendar congestion frequently limits the amount of time available for these proceedings.*

Recommendation: The Maricopa County Juvenile Court should continue to explore calendaring options that maximize the time available for the first review hearing.

### **Findings and Recommendations Related to Permanency Proceedings**

*Finding 14: The analysis of average time to completion of the first permanency hearing revealed substantial and statistically significant differences between the 1996 and 1999 study samples. The first completed permanency hearing was held an average of 452 days from the date of petition filing in 1996 cases compared to 324 days for 1999 cases – a time reduction of 28%. The largest drop occurred in Maricopa County – 43% - from 524 days in 1996 to 299 days in 1999. Substantial time reductions of 22% were also realized in Cochise and Pima counties. However, the average time to the first completed permanency hearing actually increased in Coconino County but this rise can be attributed to the small number of cases in that county's study groups.*

Recommendation: The courts should continue to carefully track the timing of permanency hearings. All four counties should examine the potential benefits of requiring mediation in advance of

potentially contested permanency events. When feasible, permanency mediation should be scheduled as far in advance of the permanency hearing as possible.<sup>130</sup>

*Finding 15: The analysis also found substantial improvements in the time taken for the courts to reach permanency decisions. Overall, it took the courts an average of 501 days to complete the permanency process for 1996 cases compared to 288 days for 1999 Model Court cases – a time reduction of 43%. Again, three of the four counties experienced substantial and statistically significant reductions with Pima County having the largest reduction at 49% and Maricopa and Cochise counties improving by 45% and 37%, respectively.*

Recommendation: As noted previously, the courts should continue to carefully track the timing of permanency determinations and increase the use of mediation in cases with contested permanent plans.

*Finding 16: All four juvenile courts substantially improved the proportion of cases receiving permanency determinations within 18 months of petition filing. Overall, the percentage of such cases increased by almost half, from 63% for the 1996 group to 93% for the 1999 Model Court sample. However, some counties continue to rely on manual calculations to determine permanency timelines.*

Recommendation: If not already done, the AOC and the courts should enable JOLTS to provide automated calculation and notification of permanency timelines.<sup>131</sup>

*Finding 17: The courts were more likely to make a permanency determination of reunification in 1999 Model Court cases than in 1996 cases – 43% versus 34%, respectively. The courts were also more likely to determine that adoption was the appropriate permanent plan for a child in 1996 cases (38%) than in 1999 Model Court cases (28%). This suggests that front-loading the court process and accelerating the timelines for permanency decisions did not result in an increase in the number of children that would be permanently taken away from their parents and freed for adoption; if anything, the reverse seems true.*

Recommendation: Despite the lower rate of permanent plans calling for termination of parental rights and adoption in the 1999 sample, interviews with some key stakeholders revealed perceptions of possible increases in adoption disruptions. Unfortunately, a thorough analysis of this issue exceeded the

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<sup>130</sup> The Office of the Attorney General has taken the lead in developing a statewide permanency mediation protocol. Implementation of the protocol, when ready, will start in Maricopa County.

<sup>131</sup> The automated timeline calculation feature was being considered for DCATS in May 2001. The same feature may exist on JOLTS but may not be activated or used by the courts.

scope of the CIP study. The AOC, juvenile courts, and CPS should carefully assess the frequency of disruptions and the reasons for these occurrences.

*Finding 18: Statutory provisions requiring the court to conduct annual post-permanency review hearings if a child is to remain in an out-of-home placement for longer than 18 months after the permanency order have remained unchanged since 1996. Arizona's permanency statutes do not specifically address scenarios in which the court approves a permanency order of reunification but also determines that the child cannot yet be safely returned home. It only requires the court to order that the permanent plan be accomplished within a specified period of time. Conceivably, this could result in situations in which the court could limit its review of progress towards reunification for children remaining in temporary out-of-home care to annual post-permanency review hearings.*

Recommendation: These situations probably warrant more frequent reviews to ensure that steps are being taken to return children home. At a minimum, three-month reviews seem appropriate. Some courts in Arizona have initiated steps to conduct more frequent post-permanency reviews.

### **Findings and Recommendations Related to Termination of Parent Rights and Guardianship**

*Finding 19: Statutory changes enacted in 1998 surrounding termination of parental rights (severance or TPR) resulted in statistically significant reductions in the amount time a case was open before initiation of TPR. Overall, 1996 cases were open for an average of 538 days before a severance petition was filed. In contrast, 1999 Model Court cases were open for an average of 395 days before a TPR motion was filed – a time reduction of 27%. This pattern was consistent across the four participating counties. The largest reductions in time occurred in Cochise County (from 644 days to 290 days – 55%) and in Maricopa County (547 days to 402 days – 25%).*

Recommendation: The AOC and juvenile courts should continue to track the amount of time cases remain open before initiation of TPR matters.

*Finding 20: Significant time reductions were also found in the amount of time needed to complete TPR proceedings. It took an average of 208 days to complete TPR proceedings in 1996 cases compared to 94 days for 1999 Model Court cases – a time reduction of more than half (55%). The most significant time reductions occurred in Maricopa and Pima counties (61% and 42%, respectively). Cochise County experienced a time reduction of 16% but this was due to the fact TPR proceedings were already routinely being completed in an expedited fashion in 1996 (87 days).*

Recommendation: The AOC and juvenile courts should continue to track the amount of time needed to complete TPR proceedings.

*Finding 21: While substantial time reductions were found in the initiation and completion of TPR proceedings, the four counties face ongoing challenges in meeting the ambitious timelines for TPR established in 1998. There were 60 cases in the 1999 Model Court study sample in which the juvenile court made a permanent plan determination of adoption at a final permanency hearing. In only half of these cases (30) were TPR motions filed within 10 days of the permanency hearing as required by statute. In another 21 instances (35%), the motion was filed within 11-14 days of the permanency hearing. Current statutory language does not exclude weekends and holidays from the 10-day calculation as it does in some other instances.*

Recommendation: The AOC and juvenile courts should identify the reasons why a substantial proportion of cases did not adhere to the 10-day motion filing timeline. If this is still a problem, appropriate steps should be taken to address it.

*Finding 22: Meeting the 30-day time frame (from the permanency hearing) for holding an initial hearing on the TPR motion was also problematic. The court was unable to schedule an initial hearing on the TPR motion within the prescribed 30-days in 22 of the 60 cases (37%). The average time to the scheduled initial TPR hearing was 43 days and the median time was 35 days.*

Recommendation: The AOC and juvenile courts should identify the reasons why a substantial proportion of cases did not meet the 30-day initial TPR hearing timeline. In some counties, this may be a calendaring issue. If it is still a problem, appropriate steps should be taken to hold these hearings within the 30-day time frame.

*Finding 23: Statutory requirements governing the initiation and completion of permanent guardianship proceedings were also modified similar to those covering TPR matters. While the number of cases in which guardianship proceedings were initiated was relatively small (approximately 50 cases evenly split between the 1996 and 1999 Model Court study samples), these procedural changes had a significant impact on the timeliness of these events. The number of days between the filing of the guardianship petition (1996 cases) or motion (1999 Model Court cases) and the first hearing on this matter was cut in half from an average of 58 days in 1996 cases to 29 days in 1999 Model Court cases. Furthermore, the number of days needed to grant a permanent guardianship decreased by 65%, from 168 days for 1996 cases to 59 days for 1999 Model Court cases.*

Recommendation: The AOC and juvenile courts should continue to track the initiation and completion of permanent guardianship proceedings.

*Finding 24: Arizona statutes do not contain provisions for regular review of case progress toward adoption in instances in which termination of parental rights proceedings have been initiated or completed. While considerable changes have been made to expedite the severance/termination of parental rights (TPR) process, Arizona statutes only require annual reviews of these cases until adoption has been finalized. A number of juvenile courts recognize this concern. Some have increased their oversight at this stage to address delays that are common as cases work their way through the myriad of legal and social work requirements necessary for finalization of an adoption.*

Recommendation: The juvenile courts should conduct more frequent reviews of post-termination cases. Again, 90-day reviews are probably warranted.

### **Findings and Recommendations Related to Case Closures**

*Finding 25: The courts took considerably less time on average to close 1999 Model Court cases than 1996 cases. Almost twice as many 1999 cases closed within 18 months of petition filing compared to 1996 cases – 47% to 25%, respectively. Three of the four counties experienced substantial and statistically significant increases in case closure rates at the 18-month mark, and in some instances, the differences were extraordinary. In Pima County, the increase in case closure rates more than quadrupled – from 11% in 1996 to 51% in the 1999 Model Court group. In Maricopa County, the 18-month case closure rate more than doubled from 15% in 1996 to 34% in 1999. Cochise County experienced a more modest increase from 63% to 77%. Coconino County experienced a decrease in 18-month case closure rates from 65% for 1996 to 41% for 1999, but this can be attributed to the small number of cases in that county.*

Recommendation: The AOC and the courts should carefully track case closure rates across all counties to assess trends over time, including reactivation and supplemental petition rates among closed cases.

*Finding 26: The percentage of cases closed because of adoption was considerably higher in 1996 cases (34%) than in 1999 Model Court cases (14%). On the other hand, the proportion of cases that closed due to reunification with the custodial parent(s) or placement with the non-custodial parent was higher for the 1999 group. Combined, closures stemming from reunification or placement with a*

*non-custodial parent represented 52% of case closures for 1999 Model Court cases and 36% for 1996 cases.*

Recommendation: The AOC and the courts should continue to carefully track the reasons for case closures to see if these trends remain true.

### **Findings and Recommendations Related to Placement Outcomes**

*Finding 27: Children in the 1999 Model Court study group reviewed for placement outcomes experienced statistically significant shorter stays in out-of-home placements than their 1996 counterparts. Specifically, 1999 cases remained in out-of-home care for an average of 178 days while 1996 cases stayed an average of 400 days – a difference of 223 days. This dramatic reduction translates into substantial cost savings for the State and federal governments. For example, using an average base foster care reimbursement rate of \$14 per day (a rather conservative figure since many other types of placements are much more expensive than basic foster care), the total savings in placement costs for children included in this part of the analysis is approximately \$496,398 – an average of \$3,122 per child. Projecting these cost savings to the larger population of 1999 Model Court cases in the four participating counties only (of which there were 1,571), the projected savings in placement costs approaches \$5 million (\$4.9 million). While more specific estimates of savings should consider costs associated with Model Court (e.g., those associated with attorneys, additional hearings, increased assessments, etc.), such costs are probably far outweighed by the savings engendered by Model Court.*

Recommendation: The AOC should calculate more specific cost-benefit estimates that include all types of placements (i.e., group care, residential treatment, therapeutic foster care, shelter care, and others).

*Finding 28: NCJJ was unable to conduct a comprehensive analysis of case reactivations.<sup>132</sup> This was due, first, to the fact that 1996 cases had much more time to reactivate than the 1999 Model Court cases and, second, to the fact that a relatively small number of case reactivations occurred in both groups. Only eight 1996 cases reactivated by the time of final case file review – 3% of the 271 case closures for the 1996 cohort. A similar number of Model Court cases reactivated – 4% of the 214 case closures for the 1999 Model Court cohort. As a result, it is too early to posit definitive conclusions regarding the effects of the expedited Model Court process on reactivations.*

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<sup>132</sup> Case reactivation was defined as a new petition being filed on a case that had closed, with the same child from the study named on the new petition.

Recommendation: While the data indicate a very slight difference in reactivation rates between the two study groups, this issue warrants considerably more research and close monitoring by individual juvenile courts and the AOC. JOLTS is well-equipped to provide timely data to individual courts and the AOC in this regard. The essential data elements are tracked in JOLTS – it is primarily a matter of defining reactivation (and its possible permutations as it relates to the entire family) and developing a statistical tracking report that organizes and aggregates these data in the appropriate format. With JOLTS being used in all 15 Arizona counties, reactivations could be tracked statewide. However, the practice of assigning new case numbers to reactivated cases in Cochise and Coconino counties should be changed, if it has not already been addressed.

## **APPENDIX A**

### **Statewide Survey Findings**

# **Appendix A**

## **Arizona Court Improvement Project Survey Results**

### **I. Description of the Survey**

As part of the Arizona Court Improvement Project Follow-Up Study, a survey<sup>1</sup> designed to assess the juvenile court system's handling of dependency cases since the implementation of Model Court legislation was sent to major participants in the juvenile court and child welfare systems in all 15 counties in Arizona. The survey asked respondents for their perceptions and ratings on the following issues:

- The juvenile court's handling of dependency, severance, and adoption cases;
- The juvenile court and child welfare system's ability to meet critical case event timelines as required in State statutes and court rules; and
- Whether the court needed to improve its handling of dependency matters before the implementation of Model Court and the degree to which it has improved since implementation.

Respondents to the survey reported high levels of satisfaction with their juvenile courts' handling of dependency, severance and adoption cases. Overall, 80% or more of all respondents were satisfied with the court's handling of these three case types. Among the respondent groups, satisfaction levels ranged from a high of 100% of judges and commissioners satisfied with the handling of severance cases to a low of 70% of Foster Care Review Board members satisfied with the handling of adoption cases. Respondents also indicated that the timelines for critical case events were usually being met, with over 80% of respondents reporting that most case events were frequently or almost always occurring in the specified time frames. Over half of the respondents (55%) were familiar with how their juvenile court processed cases prior to the implementation of Model Court procedures and provided their comparative views of the impacts of Model Court reforms. Results of the survey concerning these three areas are discussed in detail later in this chapter.

### **II. Description of the Respondents**

Surveys were sent to a total of 1,535 professionals representing the juvenile justice and child welfare fields. These professionals included judges, juvenile court commissioners, assistant attorneys general (AGs), private or court-appointed attorneys representing parents or children, ACYF (CPS) administrators, supervisors and caseworkers, AOC staff, Foster Care Review Board (FCRB) members, juvenile court administrators and staff, CASA volunteers, private providers, and foster and adoptive parents.

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<sup>1</sup> A copy of the survey form is attached at the end of this Appendix.

Out of 1,535 surveys mailed, a total of 453 surveys were returned – an overall response rate of 30%. Among respondent groups, response rates varied from a high of 57% to a low of 14%. The assistant AG exhibited the highest response rate (57%), followed by the judges/commissioners group with a 54% response rate. The lowest rate of response was from foster and adoptive parents, with a response rate of 14%. Table 1 lists the response rates of each respondent group.

<b>Table 1 Survey Response Rates</b>			
<b>Respondent</b>	<b># Mailed</b>	<b># Received</b>	<b>Response Rate (%)</b>
Judges/Commissioners	63	34	54%
Assistant Attorneys General	61	35	57
Private/Appointed Counsel	203	40	20
ACYF Caseworkers/Supervisors/Administrators	490	169	34
AOC Staff	32	9	28
FCRB Members	135	42	31
Juvenile Court Administrative Staff	101	23	23
Court Appointed Special Advocates (CASA)	260	63	24
Private Service Providers	50	12	24
Foster/Adoptive Parents	140	19	14
Other/Unidentified Respondents		7	
<b>Totals</b>	<b>1,535</b>	<b>453</b>	<b>30%</b>

Almost two-thirds of the respondents were from the two most populous counties, Maricopa (35%) and Pima (29%). A quarter of the respondents were from counties with populations of 100,000 – 249,999, while 10% were from counties with populations of less than 100,000. Less than 1% of the respondents indicated they had statewide responsibilities in the handling, servicing, or representation of child welfare cases.

Due to lower rates of response than anticipated, respondent groups were combined where appropriate for the purpose of analysis. Judges and commissioners were grouped together, as were ACYF supervisors/administrators and caseworkers. AOC staff, juvenile court administrators and staff, private providers, and foster or adoptive parents were combined into the ‘Other’ group. Additionally, “Don’t Know” answers were coded as missing, and missing cases were excluded from the analysis.

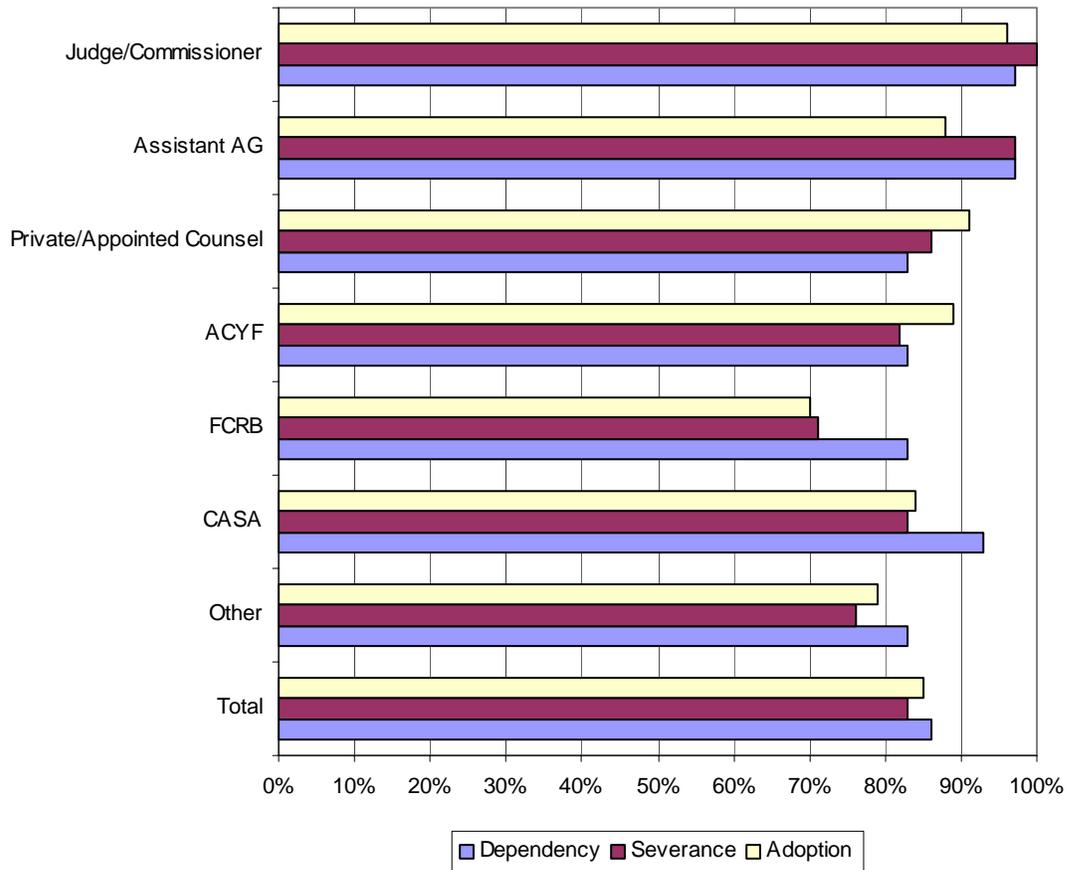
### **III. Satisfaction with the Court's Handling of Dependency, Severance and Adoption Cases**

Overall, the majority of respondents were *satisfied* or *somewhat satisfied* with their court's handling of dependency cases (86%), severance cases (83%), and adoption cases (85%). Across all case types, judges/commissioners had the highest levels of satisfaction (97% for dependency cases, 100% for severance cases, and 96% for adoption cases). FCRB members had the lowest levels of satisfaction (83%, 71%, and 70%, respectively). Results for each respondent group are shown in Figure 1.

Satisfaction by case type. The type of case with the highest levels of satisfaction varied among the respondent groups. Judges and commissioners were most satisfied with the handling of severance cases, private/court-appointed attorneys and ACYF administrators/caseworkers were most satisfied with processing of adoption cases, CASA volunteers and FCRB members were most satisfied with processing of dependency cases, and assistant attorneys general were equally satisfied with dependency and severance cases. Respondents grouped into the 'Other' category (AOC staff, juvenile court administrator/staff, private provider, foster/adoptive parent) were most satisfied with the handling of dependency cases. Conversely, over 20% of FCRB members and the 'Other' respondents indicated dissatisfaction with the handling of severance and adoption cases. FCRB members reported the highest level of dissatisfaction (30%) in regard to the handling of adoption cases.

Satisfaction by respondent group. Over nine in ten judges/commissioners, assistant attorneys general, and CASA volunteers were satisfied or somewhat satisfied with the handling of dependency cases. Satisfaction with the court's handling of dependency cases among the remaining respondent categories was somewhat lower ranging from 71% (CASA volunteers) to 85% (private/appointed counsel). All of the judges/commissioners (100%) indicated satisfaction with the court's handling of severance cases, followed by assistant attorneys general (97%), private/court-appointed attorneys (86%), CASA volunteers (83%), ACYF administration/staff (82%), 'Other' respondents (76%), and FCRB members (71%). Satisfaction with the handling of adoption cases ranged from a high of 96% (judges/commissioners) to a low of 70% (FCRB members).

**Figure 1**  
**Satisfaction with Handling of Dependency, Severance and Adoption Cases**  
**by Respondent Type**  
*(percent indicating satisfied or somewhat satisfied)*



**IV. Statutory Requirements for Critical Case Processing Events**

Survey respondents were asked to indicate how frequently the juvenile court and child protection system were able to meet timelines for critical case events as required by the 1998 Model Court legislation and other statutory revisions. Critical case events examined include timeline requirements for the preliminary protective hearing, petition adjudication, review hearings, and permanency proceedings as well as the initiation and completion of termination of parental rights (TPR) and guardianship proceedings (see Table 2 for a listing of these events and related timelines).

**Table 2**  
**Critical Case Processing Event Timelines**

1. Conduct preliminary protective hearing (PPH) within 5 – 7 days of a child’s removal.
2. Conduct pre-hearing conference immediately prior to PPH to discuss placement, visitation and services.
3. Submission of detailed DES report and proposed case plan 1 day prior to PPH.
4. Conduct settlement conference or set for mediation if petition is contested.
5. Complete adjudication within 90 days of service on dependency petition.
6. Conduct review hearing every 6 months.
7. Conduct an initial permanency hearing within 12 months of a child’s removal.
8. Conduct permanency hearing within 120 days of the initial permanency hearing if the child is not returned to parent or guardian.
9. File motion for termination of parental rights (TPR) within 10 days of permanency hearing if the court orders.
10. Conduct initial hearing on the TPR motion within 30 days of permanency hearing.
11. Conduct trial on the TPR motion within 90 days of the permanency hearing.
12. File guardianship motion within 10 days of permanency hearing if the court orders.
13. Conduct initial hearing on guardianship motion within 30 days of permanency hearing.
14. Conduct trial on guardianship motion within 90 days of permanency hearing.

Results of the survey suggest that the juvenile courts and child protection systems throughout Arizona are generally meeting the various Model Court timelines and requirements set in State statutes and court rules (please see Figures 2 and 3). The majority of respondents (over 70%) indicated that the various requirements were *frequently* or *almost always* being met. Overall, the case event most likely to be held as required was the review hearing, with 98% of respondents indicating that they are frequently or almost always held every six months. The requirements least likely to be met were the submission of the CPS report or case plan one day prior to the preliminary protective hearing, and the trial on termination of parental rights being held within 90 days of the permanency hearing. However, perceived compliance rates across the various respondent categories on this item were all above 70% with the exception of private/appointed counsel respondents (55%).

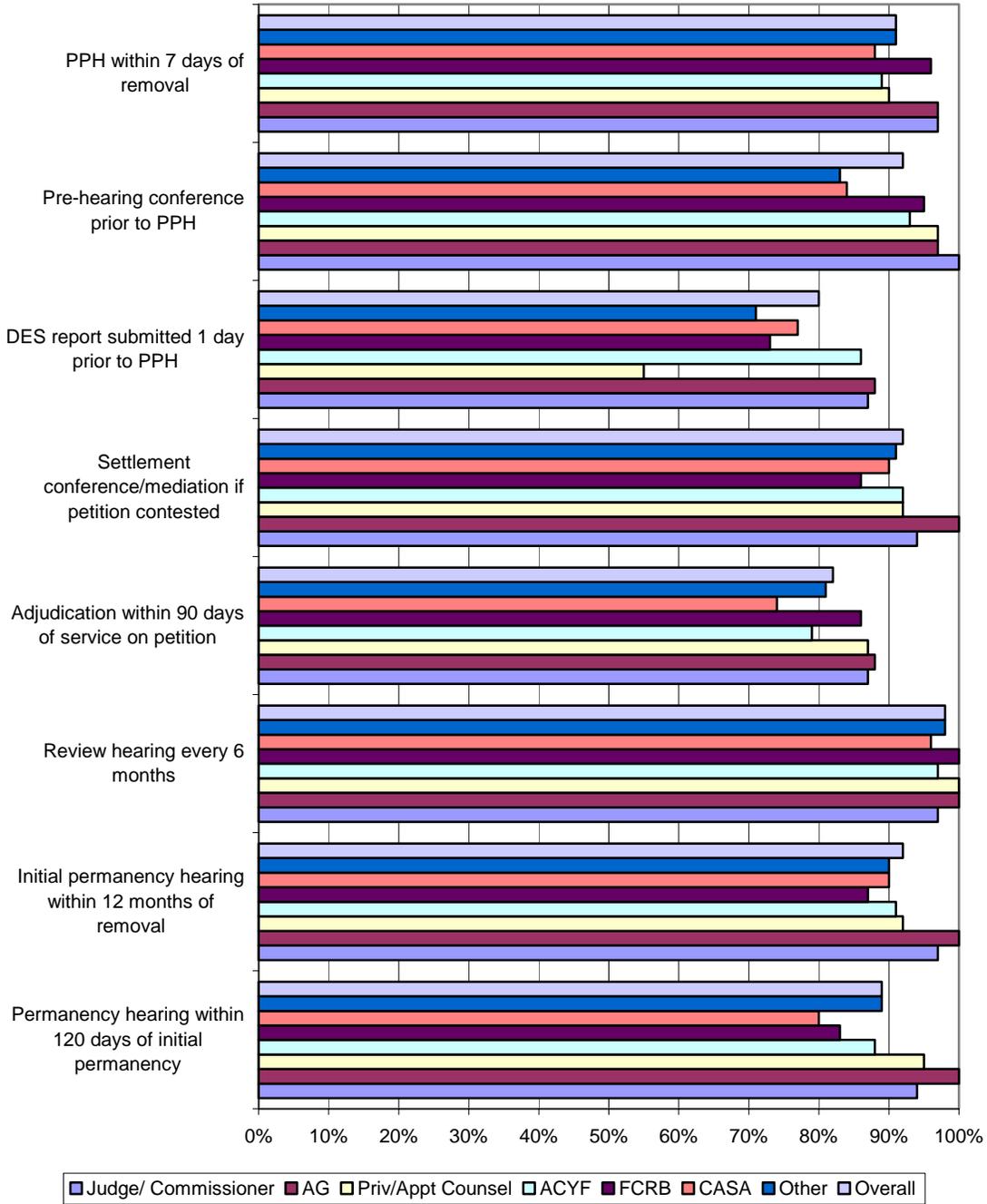
Among the respondent groups, the judges/commissioners and the assistant attorneys general indicated consistently high compliance with the critical case event requirements in their jurisdictions. On the other hand, somewhat lower compliance was reported by Foster Care Review Board members,

especially on severance and guardianship events; only about half indicated that such events are frequently or almost always met.

Overall, 91% of the respondents indicated that the preliminary protective hearing is held within five to seven days of a child's removal, and 92% said that the pre-hearing conference is conducted prior to the preliminary protective hearing. An equal percentage of respondents (92%) indicated that a settlement conference or mediation is held if the dependency petition is contested. Somewhat fewer respondents, 82%, said that adjudication is completed within 90 days of service on the dependency petition. Permanency hearing requirements – initial permanency hearings held within 12 months of a child's removal and permanency hearings held within 120 days of the initial permanency hearing – are also being met. For initial permanency hearings, 92% of respondents indicated the timeline is achieved, while 89% of respondents said the permanency hearing timeline is being met by their juvenile court systems.

The vast majority of judges/commissioners and assistant attorneys general consistently indicated that statutory requirements for the case events are being met in their jurisdictions. From 94% to 100% reported compliance with the timelines for the preliminary protective hearing, the pre-hearing conference prior to the preliminary protective hearing, review hearings, the initial permanency hearing, and the permanency planning hearing. High percentages of private or court-appointed attorneys also reported compliance with the requirements, with one exception – only 55% said that the submission of the CPS report and case plan one day prior to the preliminary protective hearing is occurring on a regular basis.

**Figure 2**  
**Compliance with Case Processing Event Timelines**  
**Preliminary Protective Hearing to Permanency Hearing**  
*(percent indicating timeline frequently or almost always met)*

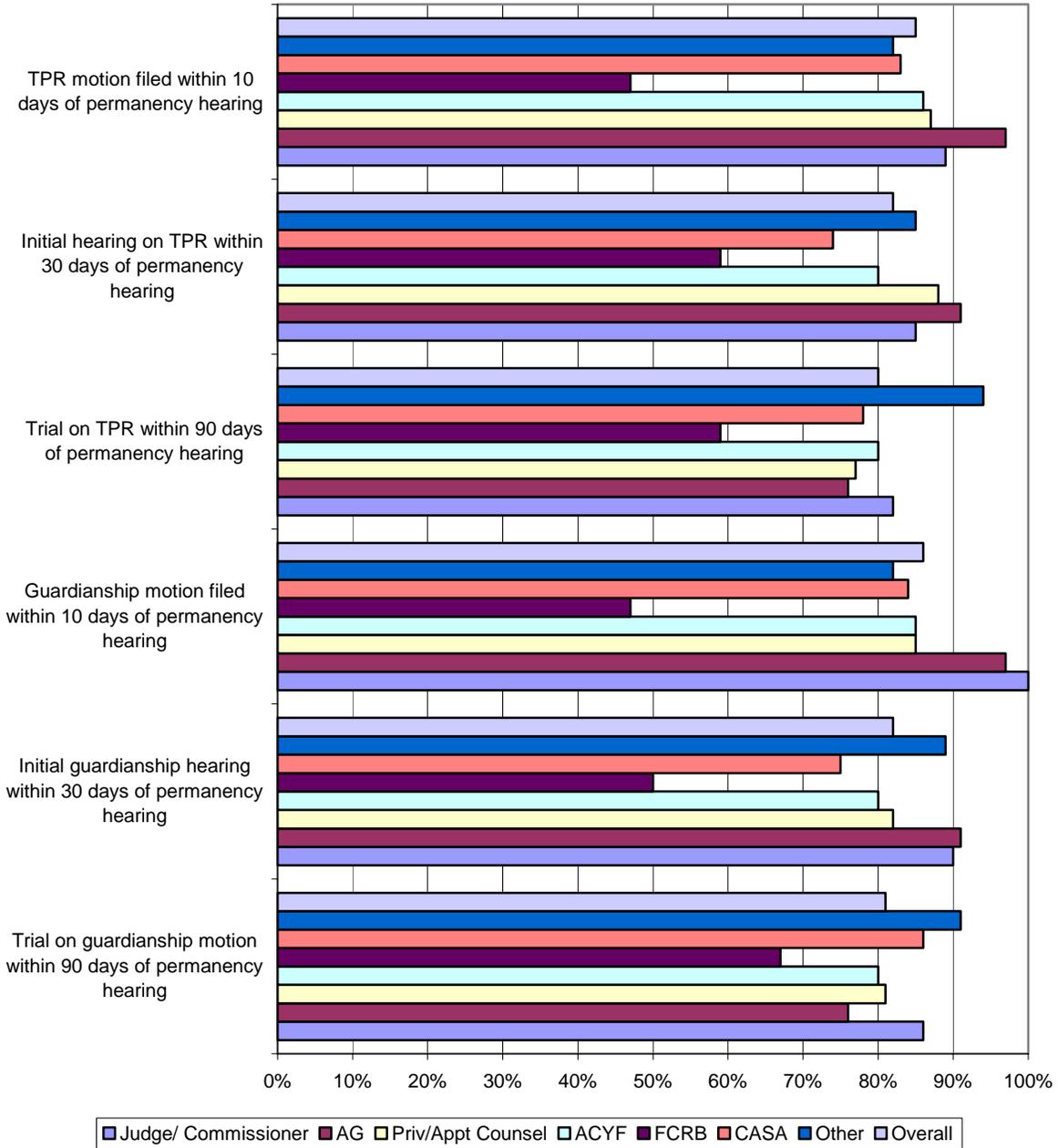


Compared to early stage case processing events, slightly lower percentages of respondents reported regular compliance with the timelines governing severance and guardianship proceedings (please see Figure 3). However, the vast majority of respondents also indicated that the court was generally in compliance with these timelines. The overall percentages of respondents indicating that termination of parental rights and guardianship requirements are frequently or almost always met by their juvenile court systems range from a high of 86% (filing of guardianship motion within 10 days of the permanency hearing) to a low of 80% (trial on TPR motion within 90 days of permanency hearing).

Respondents generally felt that TPR proceedings are occurring within the required time frames. Overall, 85% of the respondents reported that TPR motions are filed within 10 days of the permanency hearing, 82% reported that initial hearings on TPR motions are held within 30 days of the permanency hearing, and 80% reported that TPR trials are held within 90 days of the permanency hearing. Similarly, jurisdictions seem to be meeting the timelines for guardianship motions and hearings.

As with the earlier case processing events, judges/commissioners and assistant attorneys general indicated high compliance with severance and guardianship requirements. With the exception of Foster Care Review Board members, the remaining respondent groups reported compliance ranging from a high of 94% to a low of 74%. The FCRB member responses were considerably lower – ranging from 47% to 67%. Only 47% of FCRB members said that TPR motions are filed within 10 days of the permanency hearing, and an equal percentage indicated that guardianship motions are filed within the same time period. Over two-thirds of FCRB members reported that guardianship trials are held within 90 days of the permanency hearing.

**Figure 3**  
**Compliance with Case Processing Event Timelines**  
**Severance and Guardianship Proceedings**  
*(percent indicating timeline frequently or almost always met)*



## **V. Improvement in Case Processing Since the Implementation of Model Court**

The survey also examined the amount of perceived improvement in various case processing areas that impact the quality of judicial proceedings in dependency and severance cases. Topics included:

- Case flow management, including the quantity and scheduling of hearings, the availability of judges or commissioners to oversee dependency matters, and the availability of court staff to facilitate case flow;
- Timing of critical judicial events, from a child's removal from home to the determination of a permanent plan for the child;
- Delivery of services to children and their families;
- Court oversight of service delivery to children and their families; and
- Training and experience of the professionals involved in the handling of dependency and severance cases.

In order to gauge improvements in court proceedings from professionals most likely to have noticed any changes in the handling of dependency and severance cases, respondents were first asked if they were familiar with court procedures *prior to* the implementation of Model Court procedures. Over half of the respondents (56%) reported being familiar with pre-Model Court proceedings. The respondent groups with the most familiarity included private/court-appointed attorneys (73%), ACYF administration/staff (72%), judges/commissioners (62%), and assistant attorneys general (53%). The respondent groups least familiar with pre-Model Court procedures were CASA volunteers (32%), FCRB members (37%), and respondents from the 'Other' category (42%). Due to their unfamiliarity, these three respondent groups were excluded from the remaining analyses.

Survey respondents familiar with pre-Model Court proceedings were asked whether improvements in various case processing issues were needed *before* the initiation of Model Court, and if so, their opinion of the impact of changes made *since* Model Court implementation. Due to the high number of case processing issues addressed in the survey (43), the following discussion is limited to those issues that respondents felt needed the most improvement before Model Court began.

### ***1. Case Flow Management Issues***

Case flow management issues that were considered most in need of improvement by the four respondent groups (judges/commissioners, assistant attorneys general, private/court-appointed attorneys, and ACYF administrators/staff) included:

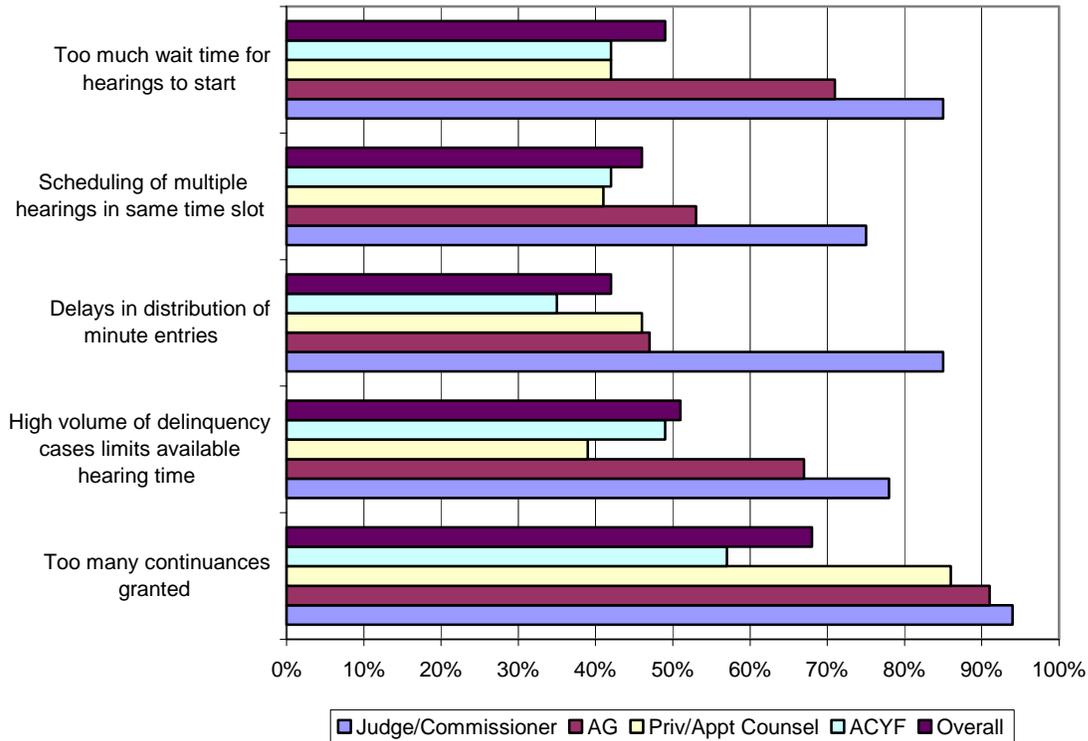
- *Too much time spent waiting for hearings to start:* 90% of respondents indicated that improvement was needed in this area before Model Court.
- *Scheduling multiple hearings in the same time slot:* 87% said improvement was necessary.

- *Delays in the distribution of minute entries: 85%.*
- *A high volume of delinquency cases that limits the amount of hearing time available for dependency and severance cases: 76%.*
- *The granting of too many court continuances: 74%.*

Overall, according to respondents from the four groups most familiar with pre-Model Court conditions, the granting of too many court continuances has had the most improvement since the inception of Model Court, with 68% of respondents indicating *moderate* or *considerable* improvement in this area. A little over half of these respondents also felt there was moderate or considerable improvement in the high number of delinquency cases limiting available hearing time. Perceived improvements were not as prominent in the other three areas. Specifically, although nine in ten respondents felt improvement was needed in the amount of time spent waiting for pre-Model Court hearings to start, only 49% felt there was at least moderate improvement since Model Court implementation. Likewise, over 80% indicated improvement was needed in the stacking of pre-Model Court hearings and in delays in minute entry distribution, but only 46% and 42%, respectively, saw at least moderate improvement in these areas.

Judges and commissioners were most likely to indicate moderate to considerable improvement has occurred in the five case flow management areas since the start of Model Court. More than 90% of judges/commissioners felt there have been improvements (reductions) in the granting of court continuances, while 85% reported reductions in the amount of time spent waiting for hearings to start and improvements in the distribution of minute entries. AG respondents also reported a high rate of improvement (91%) in the court's handling of continuances. Conversely, only 39% of private/court-appointed counsel felt there has been at least moderate improvement in the high number of delinquency cases taking hearing time away from dependency matters, and only 35% of ACYF staff saw an improvement in the timely distribution of minute entries. Results for all respondent groups are shown in Figure 4.

**Figure 4**  
**Improvement in Case Flow Management Issues**  
**Since the Implementation of Model Court**  
*(percent indicating moderate to considerable improvement)*



## 2. Timing of Critical Case Events

Issues related to the timeliness of critical case events that respondents (familiar with pre-Model Court conditions) considered most in need of improvement before Model Court included:

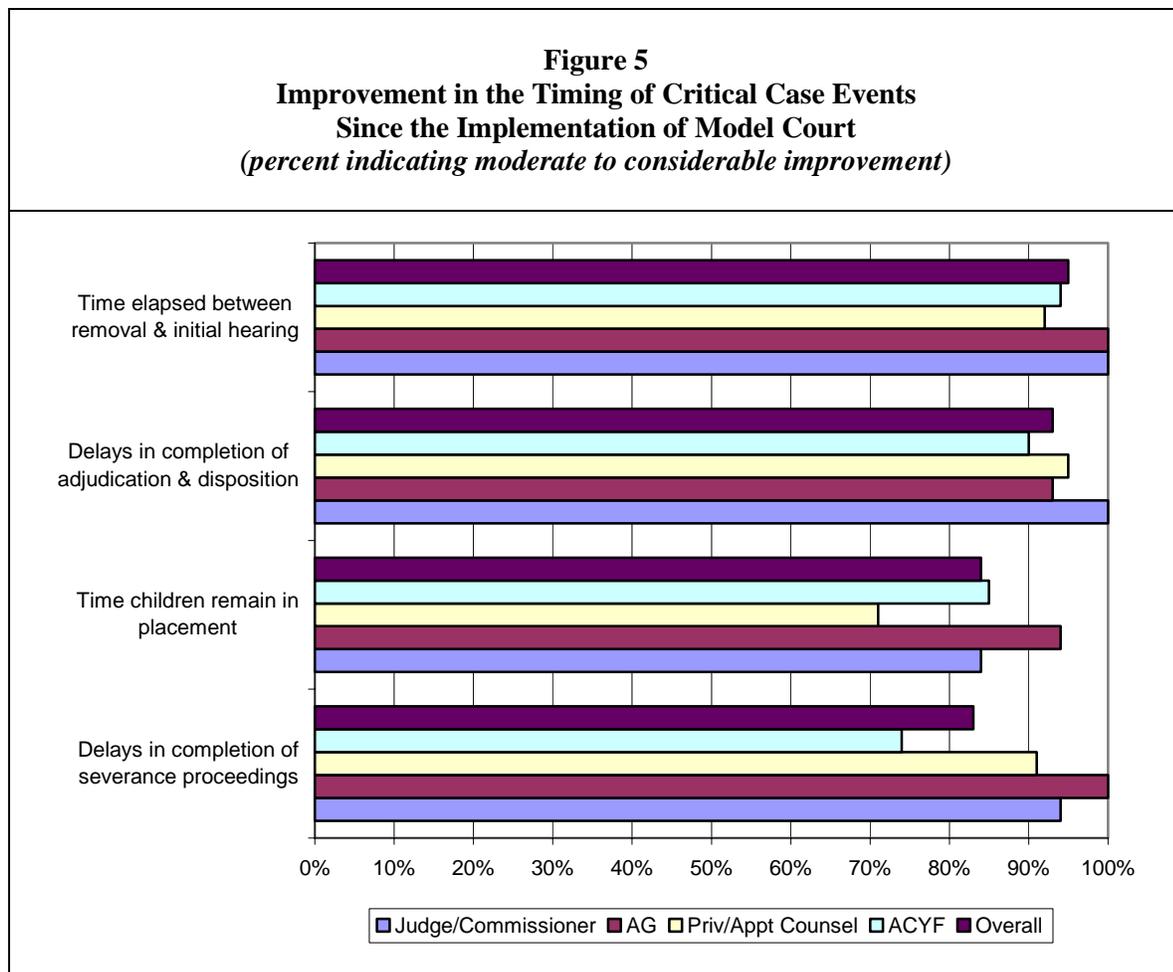
- *The amount of time children remain in placement:* 91% of the respondents felt that improvement was needed in this area.
- *Delays in the completion of severance proceedings:* 83% indicated improvement was needed.
- *The amount of time between a child's removal and the initial hearing is too long:* 78%.
- *Delays in the completion of petition adjudication and initial disposition:* 76%.

Of the above issues, 95% of respondents felt there was moderate to considerable improvement in the amount of time between a child's removal and the initial hearing. The majority of respondents also saw considerable improvement in the remaining issues, with 93% indicating improvement in the time to

adjudication and disposition, 84% reporting improvement in the amount of time children remain in placement, and 83% reporting improvement in the completion of severance proceedings.

Among the respondent groups, the assistant AGs saw the greatest improvement in these four areas. All assistant AGs indicated at least moderate improvement in the time between removal and the initial hearing and in the completion of severance proceedings, 94% reported improvement in the time children spend in placement, and 93% reported improvement in the time to adjudication. The judges/commissioners group provided the next highest percentages. Their responses ranged from a high of 100% (time between removal and the initial hearing and time to adjudication and disposition) to a low of 84% (time children remain in placement). Results for all respondent groups are presented in Figure 5.

**Figure 5**  
**Improvement in the Timing of Critical Case Events**  
**Since the Implementation of Model Court**  
*(percent indicating moderate to considerable improvement)*



### ***3. Delivery of Services to Children and Their Families***

Issues related to the delivery of services to dependent children and their families that respondents (familiar with pre-Model Court conditions) felt were most in need of improvement included:

- *High turnover among ACYF caseworkers:* 93% of respondents indicated improvement was needed before Model Court.
- *Lack of necessary services to parents and children:* 81% felt improvement was needed.
- *Services are not made available to parents and children in a timely manner:* 77%.
- *Lack of continuity and follow through in case planning and provision of services to the family:* 75%.

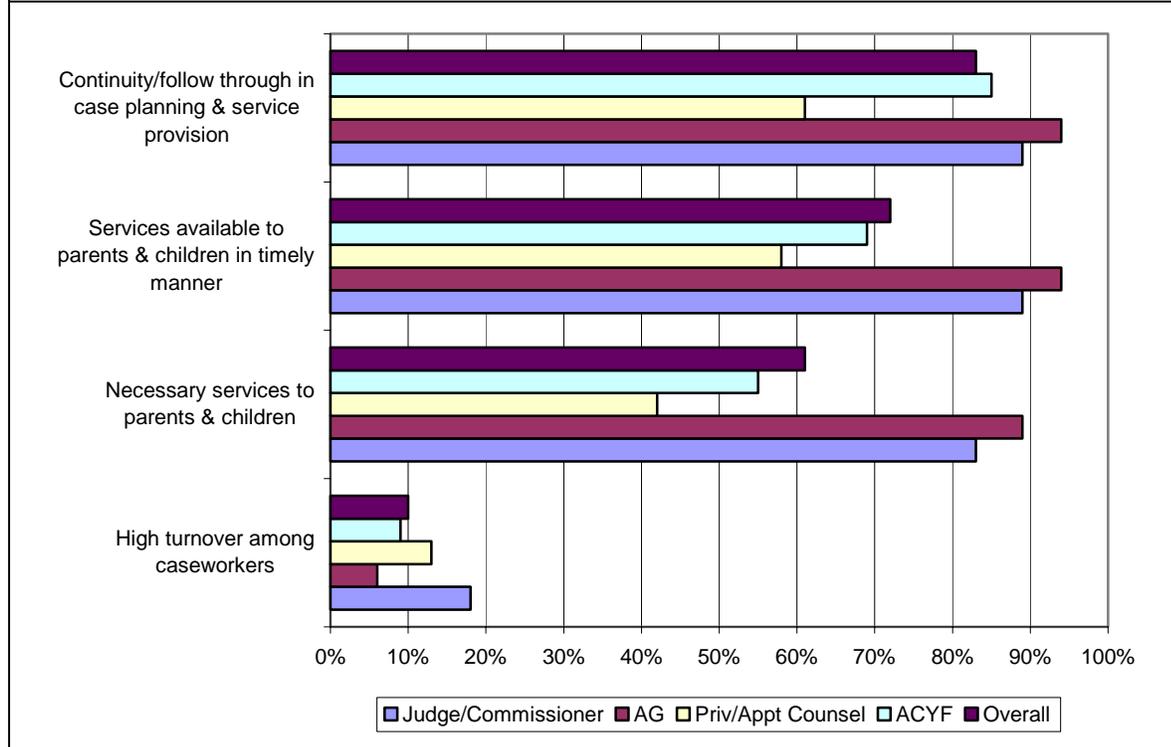
Although respondents indicated that caseworker turnover had the highest need for improvement, the implementation of Model Court seems to have had little to no effect on this particular issue.<sup>2</sup> Overall, 10% of respondents saw at least moderate improvement in caseworker turnover. Only 9% of ACYF workers themselves reported improvement in this area. Similarly, only 6% of assistant AGs, 13% of private/court-appointed counsel, and 18% of judges/commissioners indicated moderate to considerable improvement in efforts to address caseworker turnover.

Issues related to service delivery fared better. Approximately 83% of respondents felt there was improvement in the lack of continuity in case planning and provision of services to families, 72% saw improvement in the timeliness of service provision to families, and 61% reported that available services for children and families have increased. Assistant AGs reported the highest improvement in their jurisdictions, followed by judges/commissioners. Figure 6 shows the percentages reflecting perceived improvements in service delivery.

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<sup>2</sup> This perception is consistent with key stakeholder interview comments discussed in the county overview chapter.

**Figure 6**  
**Improvement in the Delivery of Services to Children and Families**  
**Since the Implementation of Model Court**  
*(percent indicating moderate to considerable improvement)*



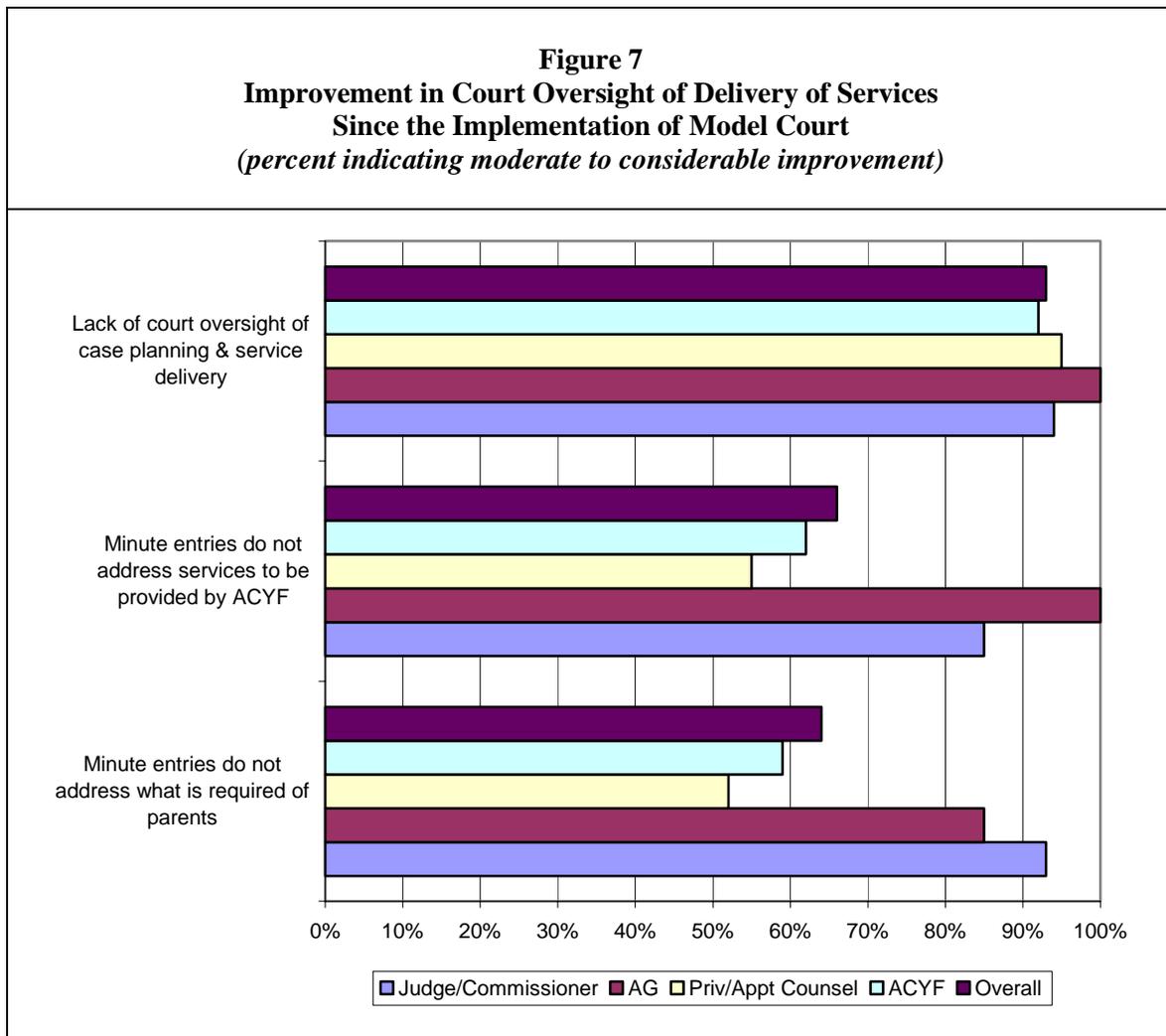
**4. Court Oversight of Service Delivery**

For this aspect, survey respondents (familiar with pre-Model Court conditions) most frequently indicated improvement was needed in the following areas:

- *Minute entries that do not specifically address what is required of parents: 80% of respondents felt that improvement was needed before Model Court.*
- *Minute entries that do not specifically address services to be provided by ACYF and others: 68%.*
- *Insufficient oversight exercised by the court on issues related to case planning, placement, provision of services and visitation: 62%.*

Slightly more than 60% of the respondents reported that minute entries are now more specific regarding what is required of parents (63%) and what services must be provided by CPS (66%). The greatest amount of improvement was seen in the court’s oversight of case planning and delivery of services – 93% of the respondents indicated moderate to considerable improvement in this area.

Once again, assistant AGs reported the highest improvement in issues relating to court oversight of service delivery to children and their families. All assistant AGs noted improvements in the amount of court oversight and the specificity of minute entries addressing services to be provided by CPS, while 85% signified improvement in minute entries delineating parental requirements. Private/court-appointed counsel indicated the least amount of improvement in these practices, with just over half reporting improvements in the contents of minute entries relating to parental requirements and services. Results are presented in Figure 7.



**5. Training and Experience of Professionals Involved in Dependency Cases**

The percentage of respondents indicating that training and experience of various professionals involved in dependency matters needed to improve (before the implementation of Model Court) ranged from a low of 63% to a high of 79%. Results were as follows:

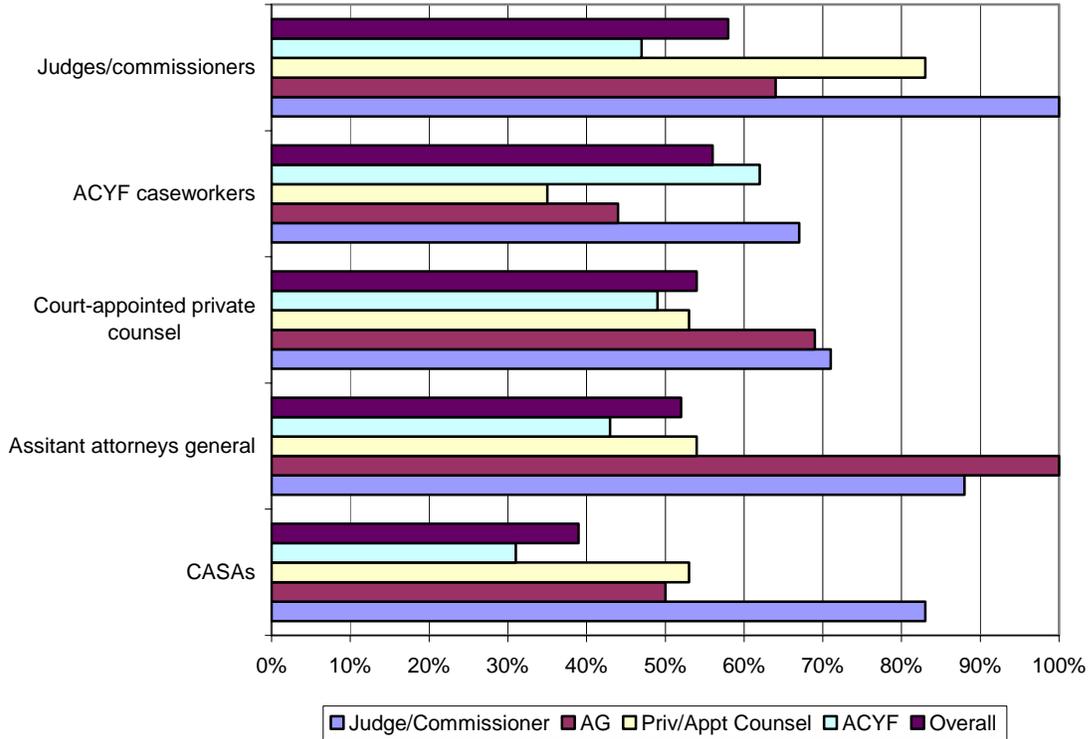
- *Training and experience of Court-Appointed Special Advocates: 79% felt that improvement was needed.*
- *Training and experience of CPS caseworkers: 77%.*
- *Training and experience of attorneys for parents/children: 75%.*
- *Training and experience of judges/commissioners: 66%.*
- *Training and experience of assistant attorneys general: 63%.*

Overall, respondents did not cite dramatic improvements in the training and experience of these professionals since the implementation of Model Court. While 79% of respondents felt that CASA volunteers needed better training and experience (before Model Court), only 39% indicated at least moderate improvement in this realm after Model Court. Improvement in judges/commissioners and CPS caseworkers' training fared a bit better, with over half of the respondents (58% and 54%, respectively) reporting improvement with these groups' training and experience.

Each group of respondents tended to give themselves higher rates of improvement regarding experience and training than ratings provided by those outside the group. For example, all of the judges/commissioners felt judicial experience and training have improved since Model Court, while 83% of private/court-appointed counsel, 64% of assistant AGs, and 47% of CPS caseworkers indicated that judicial training and experience have improved. Likewise, 100% of the assistant AGs felt their training and experience improved moderately to considerably, while 88% of judges, 54% of private/court-appointed counsel, and 43% of CPS caseworkers noted the assistant AG training and experience have improved.

Private/court-appointed counsel respondents were the only exception to this trend – only half of them (53%) felt their experience and training have improved since Model Court, yet 71% of judges and 69% of assistant AGs stated there have been improvements in attorney experience and training. Results for each respondent group are presented in Figure 8.

**Figure 8**  
**Improvement in the Training and Experience of Professionals**  
**Since the Implementation of Model Court**  
*(percent indicating moderate to considerable improvement)*



**6. Summary of Improvements in Case Processing Since Model Court Implementation**

Overall, the survey results describing improvements since the inception of Model Court were generally positive, with most respondents seeing progress in a number of important areas including the degree of judicial oversight and the timeliness of key case processing measures. However, the survey also indicates there is still considerable room for improvement in a number of other areas including caseworker retention, key participant training, and possibly, in the specificity of minute entries.

Table 3 presents the top five-rated case processing issues that had the most improvement since the implementation of Model Court by each respondent group.

**Table 3  
Top Five Most-Improved Case Processing Issues  
By Respondent Group**

<b>Judge/ Commissioner</b>	<b>Assistant AG</b>	<b>Private/Appointed Counsel</b>	<b>ACYF</b>
Time between removal & initial hearing	Time between removal & initial hearing	Court oversight of case planning/delivery of services	Time between removal & initial hearing
Completion of adjudication & disposition	Completion of severance proceedings	Time between removal & initial hearing	Court oversight of case planning/ service delivery
Training/experience of judges & commissioners	Court oversight of case planning/delivery of services	Completion of severance proceedings	Completion of adjudication & disposition
Granting of continuances*	Minute entries address services to children & families	Granting of continuances	Time children remain in placement
Completion of severance proceedings*			
Court oversight of case planning/service delivery*	Training/experience of assistant attorneys general	Training/experience of judges & commissioners	Continuity in case planning/service delivery

\* Three-way tie for the fifth highest level of improvement for judges/commissioners.

The two issues that appear on all four respondents’ lists as having had moderate or considerable improvement since Model Court are the *time between emergency removal and the initial hearing* and *court oversight of case planning and delivery of services*. This is not surprising because Model Court emphasizes front-loading the court process and encourages more active judicial oversight.

Additionally, considerable improvement was uniformly expressed regarding the completion of severance proceedings – this made the top five list of three of the four respondent groups. Again, this is consistent with statutory changes that now only require the filing of a motion to initiate the severance process as well as changes that have placed time requirements on the completion of these proceedings.

Improvements in the completion of adjudication and disposition also appear on two out of the four groups’ lists, as does the granting of continuances and training and experience of judges/commissioners.

**APPENDIX B**

**Arizona Court Improvement Survey (Sample Form)**

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## Arizona Court Improvement Project Survey

### National Center for Juvenile Justice Pittsburgh, Pennsylvania

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This survey is being conducted in conjunction with the Arizona Court Improvement Project Follow-Up Study commissioned by the Arizona Supreme Court, Administrative Office of the Courts (AOC). The purpose of the project is to conduct a statewide assessment of the Arizona juvenile court system's handling of dependent, neglect and abuse cases since the implementation of Model Court Legislation in January 1999.

Page 7 of the survey also includes some additional questions that examine the impact the assignment of CASA volunteers has on the court's handling of these cases. Your answers to these questions will be used in a second study also funded by the Arizona Supreme Court to evaluate the effectiveness of its statewide CASA Program.

More than 2,000 surveys have been mailed to a wide variety of professionals working in the juvenile justice and child welfare arena including juvenile court judges and commissioners, Assistant Attorneys General, court-appointed attorneys representing parents and children, ACYF caseworkers and supervisors, court appointed guardians ad litem and special advocates, Foster Care Review Board members, foster parents, and private providers servicing the State's victimized children and their families. All fifteen Arizona counties are represented in the survey.

This survey should take no longer than 10-15 minutes to complete. Your responses to the survey will be ***completely confidential*** and will not be revealed to any individuals, organizations or agencies. This information is being collected for research purposes only and the results will only be described in combined or aggregate form. Please return the completed survey to NCJJ in the accompanying self-addressed envelope. Thank you for your participation in this survey.

If you have any questions, please contact Gregg Halemba of the National Center for Juvenile Justice: (800) 577-6903 or Rachael Gunn at NCJJ's Arizona Branch Office (520) 320-7723.

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Please answer every question in the survey to the best of your ability. If you are unsure of the answer to a particular question, choose the response that comes the closest to being correct

**NCJJ**

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## Arizona Court Improvement Project Survey

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

- |   |   |
|---|---|
| <input type="checkbox"/> 1. Judge<br><input type="checkbox"/> 2. Juvenile Court Commissioner<br><input type="checkbox"/> 3. Assistant Attorney General<br><input type="checkbox"/> 4. Private or court appointed attorney representing parents or children<br><input type="checkbox"/> 5. ACYF Caseworker<br><input type="checkbox"/> 6. ACYF Supervisor or Administrator | <input type="checkbox"/> 7. AOC staff<br><input type="checkbox"/> 8. Foster Care Review Board Member<br><input type="checkbox"/> 9. Juvenile Court Administrator or Administrative staff<br><input type="checkbox"/> 10. Court Appointed Special Advocate (CASA)<br><input type="checkbox"/> 11. Private Provider<br><input type="checkbox"/> 12. Foster/Adoptive Parent<br><input type="checkbox"/> 13. Other (please describe): _____ |
|---|---|

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

1. Maricopa County
2. Pima County
3. County population of 100,000 or more but less than 250,000 (Cochise, Coconino, Mohave, Pinal, Yavapai, and Yuma Counties)
4. County population of less than 100,000 (Apache, Gila, Graham, Greenlee, La Paz, Navajo or Santa Cruz Counties)
5. Statewide responsibilities
6. Other (Please describe): \_\_\_\_\_

3. In general, how satisfied are you with your juvenile court's current handling of dependency, severance and adoption cases? (For each case type, circle the best answer from 1 to 5. If you have involvement with multiple courts, please answer the following questions based on your experiences with the court with which you are currently most involved.)

	<u>Dissatisfied</u>	<u>Somewhat Dissatisfied</u>	<u>Somewhat Satisfied</u>	<u>Satisfied</u>	<u>Don't Know</u>
Dependency cases	1	2	3	4	5
Severance cases	1	2	3	4	5
Adoption cases	1	2	3	4	5

4. Arizona child protection statutes and court rules have undergone dramatic revisions in recent years. A primary focus of these legislative changes has been to front-load the court process in a manner consistent with model court procedures first implemented on a pilot basis in Pima County. The 1998 Model Court Legislation also included major revisions of statutory requirements governing the initiation and completion of termination of parental rights proceedings. Lastly, legislation passed in 1997 expedited the permanency hearing process.

Please indicate how frequently your court and the local child protection system are able to meet timelines required by the above cited legislative changes of 1997 and 1998. For each item, circle the best answer from 1 to 6. If you have involvement with multiple courts, please answer the following based on your experiences with the court you are currently most involved.

	<b><u>Rarely or Never</u></b>	<b><u>Occasionally</u></b>	<b><u>50% of the Time</u></b>	<b><u>Frequently</u></b>	<b><u>Almost Always</u></b>	<b><u>Don't Know</u></b>
Conduct preliminary protective hearing (PPH) within 5-7 days of removal	1	2	3	4	5	6
Conduct pre-hearing conference immediately prior to PPH to discuss placement, visitation and services	1	2	3	4	5	6
Submission of detailed DES report and proposed case plan 1 day prior to PPH	1	2	3	4	5	6
Conduct settlement conference or set for mediation if petition is contested	1	2	3	4	5	6
Complete adjudication within 90 days of service on dependency petition	1	2	3	4	5	6
Conduct review hearing every 6 months	1	2	3	4	5	6
Conduct an initial permanency hearing within 12 months of a child's removal	1	2	3	4	5	6
Conduct permanency hearing within 120 days of the initial permanency hearing if the child is not returned to parent or guardian	1	2	3	4	5	6
File motion for termination of parental rights (TPR) within 10 days of permanency hearing if court orders	1	2	3	4	5	6
Conduct initial hearing on the TPR motion within 30 days of perm. hearing.	1	2	3	4	5	6
Conduct trial on the TPR motion within 90 days of the permanency hearing	1	2	3	4	5	6
File guardianship motion within 10 days of permanency hearing if court orders	1	2	3	4	5	6
Conduct initial hearing on guardianship motion within 30 days of perm. Hearing	1	2	3	4	5	6
Conduct trial on guardianship motion within 90 days of the perm. Hearing	1	2	3	4	5	6

5. Are you familiar with how your court processed dependency and termination of parental rights (severance) cases *prior to* the implementation of Model Court procedures?

\_\_\_ 1. Yes (*Please answer question #6* on the degree to which Model Court has resulted in improvements in how dependency and severance cases are handled in your county.)

\_\_\_ 2. No (*Please skip question #6* and turn to page 7 and answer question 7 on the impact of CASA volunteers.

6. In your opinion, to what degree have the following case processing issues improved in your court *since* your court's implementation of Model Court procedures? In most Arizona juvenile courts, Model Court procedures were first implemented in 1999. However, Model Court procedures were implemented on a pilot basis in Pima County beginning in March, 1997 and were implemented court-wide in July, 1998. If you have involvement with multiple courts, please answer the following based on your experiences with the court with which you are currently most involved.

For each issue listed, please indicate first whether improvement was needed before Model Court (1=Yes, 2=No, 3=Don't Know). If you answered *Yes* – that improvement on an issue was required – please also indicate the amount of improvement that has been realized since the inception of Model Court (1=Little or None, 2=Moderate, 3=Considerable, or 4=Don't Know).

Case Processing Issue	Was Improvement Needed Before Model Court?			Amount of Improvement Since Inception of Model Court?			
	No	Yes	Don't Know	Little or None	Moderate	Considerable	Don't Know
Insufficient oversight exercised by the court on issues related to case planning, placement, provision of services and visitation.	1	2	3	1	2	3	4
Court proceedings are often adversarial and frequently require the setting of contested hearings.	1	2	3	1	2	3	4
Insufficient hearing time dedicated to dependency and termination of parental rights (severance) matters.	1	2	3	1	2	3	4
Not enough judges and commissioners to preside over dependency and severance matters	1	2	3	1	2	3	4
Insufficient court staff to effectively manage dependency and severance case flow	1	2	3	1	2	3	4
Lack of automated case flow tracking and aging reports on dependency and severance cases	1	2	3	1	2	3	4
Large backlog of dependency cases	1	2	3	1	2	3	4
Large backlog of severance cases	1	2	3	1	2	3	4

## 6. (Continued)

Case Processing Issue	Was Improvement Needed Before Model Court?			Amount of Improvement Since Inception of Model Court?			
	No	Yes	Don't Know	Little or None	Moderate	Considerable	Don't Know
A high volume of <i>delinquency</i> cases that limits the amount of hearing time available for dependency and severance cases	1	2	3	1	2	3	4
Scheduling multiple hearings in the same time slot	1	2	3	1	2	3	4
Too much time spent waiting for hearings to start	1	2	3	1	2	3	4
The granting of too many court continuances	1	2	3	1	2	3	4
The amount of time elapsed between a child's removal and the initial hearing is too long	1	2	3	1	2	3	4
Placement, services and visitation issues are not routinely addressed at the initial hearing	1	2	3	1	2	3	4
Delays in the completion of petition adjudication and initial disposition	1	2	3	1	2	3	4
The frequency with which review hearings are held by the court to examine case progress	1	2	3	1	2	3	4
Timely approval of a permanent plan by the court.	1	2	3	1	2	3	4
Delays in the completion of severance (termination of parental rights) proceedings.	1	2	3	1	2	3	4
The amount of time children remain in placement	1	2	3	1	2	3	4
Lack of continuity and follow through in case planning and provision of services to the family	1	2	3	1	2	3	4
Lack of necessary services to parents and children	1	2	3	1	2	3	4
Services are not made available to parents and children in a timely manner	1	2	3	1	2	3	4
Lack of funding for services to children & families	1	2	3	1	2	3	4
Inability to identify/recruit sufficient adoptive homes for all children for whom severance (termination of parental rights) is appropriate	1	2	3	1	2	3	4
Overuse of long-term foster care	1	2	3	1	2	3	4
Lack of sufficient foster care resources	1	2	3	1	2	3	4

6. (Continued)

Case Processing Issue	Was Improvement Needed Before Model Court?			Amount of Improvement Since Inception of Model Court?			
	No	Yes	Don't Know	Little or None	Moderate	Considerable	Don't Know
Lack of communication between the court, ACYF, and others on issues that could reduce the amount of time children remain in placement before permanency is achieved	1	2	3	1	2	3	4
Minute entries that do not specifically address services to be provided by ACYF and others	1	2	3	1	2	3	4
Minute entries that do not specifically address what is required of parents	1	2	3	1	2	3	4
Minute entries that do not specifically address issue related to reasonable efforts and child safety	1	2	3	1	2	3	4
Delays in the distribution of minute entries	1	2	3	1	2	3	4
Training and experience of judges/commissioners	1	2	3	1	2	3	4
Training and experience of assistant attorneys general	1	2	3	1	2	3	4
Training and experience of parents and children's attorneys	1	2	3	1	2	3	4
Training and experience of ACYF caseworkers	1	2	3	1	2	3	4
Training and experience of CASA volunteers	1	2	3	1	2	3	4
Quality of legal representation provided parents by court-appointed attorneys	1	2	3	1	2	3	4
Quality of legal representation provided children by court-appointed attorneys/guardians ad litem	1	2	3	1	2	3	4
Quality of representation provided ACYF by assistant attorneys general responsible for the prosecution of dependency and severance cases	1	2	3	1	2	3	4
Delays in the completion of court-ordered investigations, assessments and reports	1	2	3	1	2	3	4
Timely submission of ACYF case plans	1	2	3	1	2	3	4
Quality of ACYF case plans	1	2	3	1	2	3	4
High turnover among ACYF caseworkers	1	2	3	1	2	3	4

The following survey items will be used in a separate study commissioned by the Arizona Supreme Court, Administrative Office of the Courts to examine the effectiveness of its statewide CASA program. Your response to these items is sincerely appreciated.

7. In general, to what degree does the assignment of a CASA volunteer have a negative or positive impact on the following areas? (For each item, circle the best answer from 1 to 4. If you have involvement with multiple courts, please answer the following questions based on your experiences with the court with which you are currently most involved.)

	<u>Negative Impact</u>	<u>No Impact</u>	<u>Positive Impact</u>	<u>Don't Know</u>
Case processing timeliness	1	2	3	4
Range of services included in case plans	1	2	3	4
Timeliness of services provided children and their families	1	2	3	4
Quality of permanency decisions	1	2	3	4
Visitation among parents and their children	1	2	3	4
Visitation among children and their relatives	1	2	3	4
Enabling siblings to maintain contact if not placed together	1	2	3	4
Frequency of placement changes	1	2	3	4
Keeping siblings together in placement	1	2	3	4
Meeting the educational needs of children	1	2	3	4
Meeting the medical needs of children	1	2	3	4

Please use the space below and on the next page for any comments you have on *any* of the survey items:

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## **APPENDIX C**

### **File Review Data Collection Forms**

## Arizona CIP/Model Court Study Form A - Court Processing Information

### Case Demographics

1. County Code (*1=Cochise; 2=Maricopa; 3=Pima; 4=Coconino*): \_\_\_\_\_
2. Juvenile # (*# of digits can vary by county- right adjust*): \_\_\_\_\_
3. Family # (*# of digits can vary by county- right adjust*): \_\_\_\_\_
4. First name of child tracked on this form: \_\_\_\_\_
5. Child Demographics:
  - a. Date of Birth \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
  - b. Gender (1 = Male; 2 = Female) \_\_\_\_\_
  - c. Race/Ethnicity (*1 = White*) (*2 = African-American*) (*3 = Hispanic*)  
(*4 = Native American*) (*5 = Asian*) (*6 = Other*) \_\_\_\_\_
  - d. ICWA Case? (*1 = yes; 0 = No*) \_\_\_\_\_
6. Total number of children named on petition (including this child): \_\_\_\_\_
7. Number of Prior CPS Investigations *of the family*: \_\_\_\_\_
8. Number of Prior CPS Investigations Substantiated/Founded (*entire family*): \_\_\_\_\_
9. **Prior** Dependency Petition(s) Filed with the Court *on this child* (0=No) (1=Yes): \_\_\_\_\_
10. **Prior** Dependency Petition(s) Filed with the Court *on other siblings* (0=No) (1=Yes): \_\_\_\_\_
11. **On-going** Dependency Petition Open with the Court on Family (0=No) (1=Yes): \_\_\_\_\_
12. **Initial** Judge/Commissioner Assigned to the Case (*first four letters of last name*): \_\_\_\_\_
13. **Current** Judge/Commissioner Assigned to the Case (*first four letters of last name*): \_\_\_\_\_
14. Date Current Judge/Commissioner Assigned to the Case: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_
15. # of Judges/Commissioners Handling the Case (*e.g., presided over completed hearings other than initial dependency and published initial dependency hearings*): \_\_\_\_\_

**Petition and Early Hearing Information**

1. Date Dependency Petition Filed with the Court: \_\_\_\_\_/\_\_\_\_/\_\_\_\_

2. Referring Source: \_\_\_\_\_

- Filing Source Codes:      AZAG    = Arizona Attorney General’s Office  
                                       PRIV    = Private Counsel  
                                       PROP   = Pro Per (filed by parent, relative or other person)  
                                       Other   = Please specify

3. Petition Allegations:

<b>Charge</b>	<b>Allegation (0=No / 1=Yes)</b>	<b>Finding (0=No / 1=Yes)</b>
Dependent	_____	_____
Neglect	_____	_____
Physical Abuse	_____	_____
Sexual Abuse	_____	_____
Emotional Abuse	_____	_____
Abandonment	_____	_____
Failure to Protect	_____	_____
Failure/Unable to Supervise	_____	_____
Parental Substance Abuse	_____	_____
Other: _____	_____	_____

4. Key Early Court Dates:

a. Date of First *Scheduled* Preliminary Protective Hearing: \_\_\_\_\_/\_\_\_\_/\_\_\_\_

b. Date of *Completed* Preliminary Protective Hearing : \_\_\_\_\_/\_\_\_\_/\_\_\_\_

c. Date of First *Scheduled* Settlement/Pre-Trial Conference: \_\_\_\_\_/\_\_\_\_/\_\_\_\_

d. Date of *Completed* Settlement/Pre-Trial Conference: \_\_\_\_\_/\_\_\_\_/\_\_\_\_

f. Date of First *Scheduled* Mediation on Petition Allegations: \_\_\_\_\_/\_\_\_\_/\_\_\_\_

g. Date of *Completed* Mediation on Petition Allegations: \_\_\_\_\_/\_\_\_\_/\_\_\_\_

5a. Adjudication Result – *as to Mother*: \_\_\_\_\_ Date of Adjudication - *Mother*: \_\_\_\_/\_\_\_\_/\_\_\_\_

5b. Adjudication Result – *as to Father*: \_\_\_\_\_ Date of Adjudication - *Father*: \_\_\_\_/\_\_\_\_/\_\_\_\_

5c. Primary Adjudication used for Timeline Calculations: (1=*Mother*; 2=*Father*; 3=*Both Equal*) \_\_\_\_\_

*(This is based primarily on who the custodial parent(s) is/are. If the non-custodial parent also has significant involvement with the child, the answer should be Both Equal. However, if one parent is essentially absent or has very little to do with the child, the other parent should be considered the primary.)*

6. Hearing stage at which adjudication decision/finding was made:

- \_\_\_\_\_ 1. Preliminary Protective Hearing
- \_\_\_\_\_ 2. Initial Dependency Hearing/Published Initial Dependency Hearing
- \_\_\_\_\_ 3. Settlement Conference or Pre-Trial
- \_\_\_\_\_ 4. Mediation
- \_\_\_\_\_ 5. Contested Adjudication Hearing
- \_\_\_\_\_ 6. Other (Please Specify): \_\_\_\_\_

7. Disposition Result: \_\_\_\_\_ Date of Disposition: \_\_\_\_/\_\_\_\_/\_\_\_\_

8. Number of Hearings Scheduled and Completed Through Disposition:

Hearing Type:	Scheduled	Completed	Continued	Reset	Vacated
Preliminary Protective or Temporary Custody	_____	_____	_____	_____	_____
Initial Dependency	_____	_____	_____	_____	_____
Initial Published Dependency	_____	_____	_____	_____	_____
Settlement/Pre-Trial/Status	_____	_____	_____	_____	_____
Mediation – Petition Allegations	_____	_____	_____	_____	_____
Contested Adjudication	_____	_____	_____	_____	_____
Disposition	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____



6. History of Permanent Plan Determination and Goals (earliest to most recent):

Permanency Plans	Permanency Goal	Concurrent Goal	Date Approved by the Court	Hearing Stage
1 <sup>st</sup> Permanency Plan	_____	_____	___/___/___	_____
2 <sup>nd</sup> Permanency Plan	_____	_____	___/___/___	_____
3 <sup>rd</sup> Permanency Plan	_____	_____	___/___/___	_____
4 <sup>th</sup> Permanency Plan	_____	_____	___/___/___	_____
5 <sup>th</sup> Permanency Plan	_____	_____	___/___/___	_____

7. Hearing History Summary Through Completion of Permanency Planning Hearing:

Hearing Type:	Scheduled	Completed	Continued	Reset	Vacated
Dependency Review	_____	_____	_____	_____	_____
Permanency Mediation	_____	_____	_____	_____	_____
Initial Permanency	_____	_____	_____	_____	_____
Permanency Planning	_____	_____	_____	_____	_____
Administrative (Report and Review)	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____

**Termination of Parental Rights/Adoption/Guardianship Information**

1. Date the TPR Motion Filed: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
2. Date Initial Hearing on TPR Motion/Relinquishment *Scheduled*: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
3. Date Initial Hearing on TPR Motion/Relinquishment *Completed*: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
4. Date of First *Scheduled* TPR Trial: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
5. Date TPR Trial *Completed*: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
6. Date of TPR Result for:    Father #1: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_           TPR Result: \_\_\_\_\_
- Father #2: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_           TPR Result: \_\_\_\_\_
7. Date of TPR Result for Mother:       \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_           TPR Result: \_\_\_\_\_
8. Number of TPR/Severance Hearings Scheduled and Completed:

Hearing Type:	Scheduled	Completed	Continued	Reset	Vacated
Initial Severance	_____	_____	_____	_____	_____
Pre-Trial/Settlement Conference	_____	_____	_____	_____	_____
Severance Mediations	_____	_____	_____	_____	_____
Contested Severance	_____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____	_____

7. Date of Adoption Petition Filed: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
8. Date of First *Scheduled* Adoptions Hearing: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
9. Date of Guardianship (Title 8) Filing: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_
10. Date of First *Scheduled* Hearing on (Title 8) Guardianship: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_

**Case Closure/Child Safety/Case Reactivation Information**

1. Date Case Was Closed by the Court: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

2. Reason for Case Closure \_\_\_\_\_

3. Did case reactivate (new petition filed after case closure)? Yes \_\_\_ No \_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

4. Reason for reactivation: \_\_\_\_\_

5. Did child experience recurrence of abuse or neglect while assigned to a CASA? Yes \_\_\_ No \_\_\_

If yes, was this reported to CPS or LE? Yes \_\_\_ No \_\_\_ Date reported: \_\_\_/\_\_\_/\_\_\_

Was the report substantiated/found? Yes \_\_\_ No \_\_\_

File End Date: \_\_\_/\_\_\_/\_\_\_ (reflects last documented activity on this case; used for aging statistics)

**Arizona CIP/Model Court Study**  
**Form B: CASA Activity, Presenting Problems and Placement History**

**Attorney, GAL and CASA Assignments for Child**

1. Was an attorney appointed for the child? (0= No, 1 = Yes) \_\_\_\_\_
2. Date of Attorney Appointment for the child (initial appointment if more than one): \_\_\_\_/\_\_\_\_/\_\_\_\_
3. Type of Attorney Appointment for the child (initial appointment if more than one): \_\_\_\_\_  
 (Court-Appointed Private Attorney=1; Public Defender=2, Private Counsel=3, Legal Defender=4, Other = 4)
4. Was a Guardian ad Litem appointed for the child? (0= No, 1 = Yes) \_\_\_\_\_
5. Date of GAL Appointment for the child (initial appointment if more than one): \_\_\_\_/\_\_\_\_/\_\_\_\_
6. Type of GAL Appointment for the child (initial appointment if more than one): \_\_\_\_\_  
 1 = Court-Appointed Private Attorney      4 = CASA Volunteer  
 2 = Public Defender                              5 = Other  
 3 = Privately Retained Counsel
7. Was a CASA appointed for the child? (0= No, 1 = Yes) \_\_\_\_\_
8. Date of CASA Appointment for the child (initial appointment if more than one): \_\_\_\_/\_\_\_\_/\_\_\_\_

**Attorney Assignments for Parents**

1. Was an Attorney Appointed for the Mother? (0= No, 1 = Yes, 2 = Not Needed) \_\_\_\_\_
2. Date of Attorney Appointment for the Mother (initial appointment if more than one): \_\_\_\_/\_\_\_\_/\_\_\_\_
3. Type of Attorney Appointment for the Mother (initial appointment if more than one): \_\_\_\_\_  
 (Court-Appointed Private Attorney=1; Public Defender=2, Private Counsel=3, Legal Defender=4, Other = 4)
4. Was an Attorney Appointed for the Father? (0= No, 1 = Yes, 2 = Not Needed) \_\_\_\_\_
5. Date of Attorney Appointment for the Father (initial appointment if more than one): \_\_\_\_/\_\_\_\_/\_\_\_\_
6. Type of Attorney Appointment for the Father (initial appointment if more than one): \_\_\_\_\_  
 (Court-Appointed Private Attorney=1; Public Defender=2, Private Counsel=3, Legal Defender=4, Other = 4)
7. Was an Attorney Appointed for the Guardian? (0= No, 1 = Yes, 2 = Not Needed) \_\_\_\_\_
8. Date of Attorney Appointment for the Guardian (initial appointment if more than one): \_\_\_\_/\_\_\_\_/\_\_\_\_
9. Type of Attorney Appointment for the Guardian (initial appointment if more than one): \_\_\_\_\_  
 (Court-Appointed Private Attorney=1; Public Defender=2, Private Counsel=3, Legal Defender=4, Other = 4)

**Presenting Family Problems and Child Needs**

1. Please indicate whether any of the following were referenced at any point during the life of this case.  
(0=No, 1=Yes)

- a. Lack of Housing \_\_\_\_\_
- b. Problems with condition or maintenance of the home \_\_\_\_\_
- c. Family Finances (no money for food, clothing, etc.) \_\_\_\_\_
- d. Substance Abuse by Either Parent (Alcohol or Drugs) \_\_\_\_\_
- e. Drug Trafficking by Either Parent: \_\_\_\_\_
- f. Either or Both Parents Incarcerated: \_\_\_\_\_
- g. History of Domestic Violence (perpetrated by adults or older child) \_\_\_\_\_
- h. **Severe** Emotional/Mental Health Issues (Either Parent): \_\_\_\_\_
- i. Intellectual Impairment/Retardation (Either Parent): \_\_\_\_\_
- j. Delinquent Behavior by Child (includes curfew/liquor violations): \_\_\_\_\_
- k. Substance Abuse by the Child (Alcohol or Drugs): \_\_\_\_\_
- l. Child has **Severe** Emotional/Mental Health Problems: \_\_\_\_\_
- m. Child has **Serious** Medical Problems \_\_\_\_\_
- n. Developmentally Delayed \_\_\_\_\_
- o. Truancy identified by agency as a problem \_\_\_\_\_
- p. Severe academic deficiency \_\_\_\_\_
- q. Learning disability suspected or diagnosed \_\_\_\_\_
- r. Prenatal medical problems—extensive expose to alcohol/drugs \_\_\_\_\_
- s. Complications due to being premature \_\_\_\_\_
- t. Prenatal exposure to HIV \_\_\_\_\_
- u. Failure to Thrive \_\_\_\_\_
- v. Other ( \_\_\_\_\_ ) \_\_\_\_\_

**Delinquency History/Status**

1. Any history of *past* delinquency matters before the court (*check all that apply*)?

- \_\_\_\_\_ a. Prior Delinquency Referral
- \_\_\_\_\_ b. Prior Status Offense Referral
- \_\_\_\_\_ c. Prior Delinquency Petition
- \_\_\_\_\_ d. Prior Status Offense Petition
- \_\_\_\_\_ e. Prior Placement on Probation or Intensive Probation
- \_\_\_\_\_ f. Prior Commitment to AZ Department of Youth Corrections

2. Are here any *pending/current* delinquency matters before the court (*check all that apply*)?

- \_\_\_\_\_ a. Current Delinquency Referral or Petition Pending Disposition
- \_\_\_\_\_ b. Current Status Offense Referral or Petition Pending Disposition
- \_\_\_\_\_ c. Current Placement on Probation or Intensive Probation
- \_\_\_\_\_ d. Current Commitment to AZ Department of Youth Corrections or on ADYC Parole
- \_\_\_\_\_ e. Other (please describe): \_\_\_\_\_

**Placement History**

1. If Available, Please Indicate Who the Custodial Parent was at the Time of the Child's Removal and/or Petition Filing (whichever is earlier)?

- \_\_\_ 1. Both Parents
- \_\_\_ 2. Mother
- \_\_\_ 3. Father
- \_\_\_ 4. Legal Guardian other than parent(s)
- \_\_\_ 5. Other (Please describe: \_\_\_\_\_)

2. Child's Placement Status at Time of Petition Filing:

- \_\_\_ 1. Child Remains at Home with Custodial Parent(s)
- \_\_\_ 2. In Voluntary Placement
- \_\_\_ 3. Emergency Removal
- \_\_\_ 4. Other (please describe: \_\_\_\_\_)

2a. Date of Emergency Removal (if applicable): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_

2b. Date of Voluntary Placement (if applicable): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_

3. If the Child is not Residing at Home with the Custodial Parent(s), Please Indicate where the Child is at the Time of Petition Filing:

- |  |  |
|--|--|
| ___ 1. Residing with Custodial Parent(s) | ___ 6. Hospital (Medical or Psychiatric)           |
| ___ 2. Placed with Non-Custodial Parent  | ___ 7. Group Home                                  |
| ___ 3. Relative or Family Friend         | ___ 8. Residential Treatment Facility              |
| ___ 4. Children's Shelter                | ___ 9. Juvenile Detention or Correctional Facility |
| ___ 5. Foster Home                       | ___ 10. Other (_____)                              |







**3. First Review Hearing:**

**Hearing Date:** \_\_\_/\_\_\_/\_\_\_

*Codes for ACYF column: 0=no; 1= yes; 2=partial conflict; 8=not discussed; 9= unknown*

*Codes for Court column: 0=no; 1= yes; 2=ordered at previous hearing, order remains in effect; 9= unknown*

Court Orders	Specifically Ordered in the Minute Entry	Ordered by Referencing Case Plan
Case Plan Goal: ( _____ )	_____	_____
Placement recommendation: ( _____ )	_____	_____
Visitation – Parents/Guardians/Relatives with Child	_____	_____
Visitation – Among Siblings	_____	_____
Reasonable Efforts Finding	_____	_____
Home Study Ordered	_____	_____
Urinalysis/Drug Screen-Parents	_____	_____
Alcohol/Substance Abuse Treatment-Parents	_____	_____
Psychological Assessment-Parents	_____	_____
Psychiatric Evaluation-Parents	_____	_____
Individual or Group Counseling/Therapy-Parents	_____	_____
Parenting Classes	_____	_____
Parent Aid services	_____	_____
Anger Management Counseling or Classes	_____	_____
Parents obtain /maintain safe & appropriate housing	_____	_____
Parents obtain/maintain legal income/employment	_____	_____
Parents pay child support/assessed fees for care	_____	_____
Psychological Assessments-Child	_____	_____
Psychiatric Evaluation-Child	_____	_____
Individual or Group Counseling/Therapy-Child	_____	_____
School/Educational Conditions-Child	_____	_____
Special Services for Child (speech, medical, DDD)	_____	_____
Family Counseling	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**4. Initial Permanency Hearing:**

**Hearing Date:** \_\_\_/\_\_\_/\_\_\_

*Codes for ACYF column: 0=no; 1= yes; 2=partial conflict; 8=not discussed; 9= unknown*

*Codes for Court column: 0=no; 1= yes; 2=ordered at previous hearing, order remains in effect; 9= unknown*

Court Orders	Specifically Ordered in the Minute Entry	Ordered by Referencing Case Plan
Case Plan Goal: ( _____ )	_____	_____
Placement recommendation: ( _____ )	_____	_____
Visitation – Parents/Guardians/Relatives with Child	_____	_____
Visitation – Among Siblings	_____	_____
Reasonable Efforts Finding	_____	_____
Home Study Ordered	_____	_____
Urinalysis/Drug Screen-Parents	_____	_____
Alcohol/Substance Abuse Treatment-Parents	_____	_____
Psychological Assessment-Parents	_____	_____
Psychiatric Evaluation-Parents	_____	_____
Individual or Group Counseling/Therapy-Parents	_____	_____
Parenting Classes	_____	_____
Parent Aid services	_____	_____
Anger Management Counseling or Classes	_____	_____
Parents obtain /maintain safe & appropriate housing	_____	_____
Parents obtain/maintain legal income/employment	_____	_____
Parents pay child support/assessed fees for care	_____	_____
Psychological Assessments-Child	_____	_____
Psychiatric Evaluation-Child	_____	_____
Individual or Group Counseling/Therapy-Child	_____	_____
School/Educational Conditions-Child	_____	_____
Special Services for Child (speech, medical, DDD)	_____	_____
Family Counseling	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**5. Permanency Hearing:**

**Hearing Date:** \_\_\_/\_\_\_/\_\_\_

*Codes for ACYF column: 0=no; 1= yes; 2=partial conflict; 8=not discussed; 9= unknown*

*Codes for Court column: 0=no; 1= yes; 2=ordered at previous hearing, order remains in effect; 9= unknown*

Court Orders	Specifically Ordered in the Minute Entry	Ordered by Referencing Case Plan
Case Plan Goal: ( _____ )	_____	_____
Placement recommendation: ( _____ )	_____	_____
Visitation – Parents/Guardians/Relatives with Child	_____	_____
Visitation – Among Siblings	_____	_____
Reasonable Efforts Finding	_____	_____
Home Study Ordered	_____	_____
Urinalysis/Drug Screen-Parents	_____	_____
Alcohol/Substance Abuse Treatment-Parents	_____	_____
Psychological Assessment-Parents	_____	_____
Psychiatric Evaluation-Parents	_____	_____
Individual or Group Counseling/Therapy-Parents	_____	_____
Parenting Classes	_____	_____
Parent Aid services	_____	_____
Anger Management Counseling or Classes	_____	_____
Parents obtain /maintain safe & appropriate housing	_____	_____
Parents obtain/maintain legal income/employment	_____	_____
Parents pay child support/assessed fees for care	_____	_____
Psychological Assessments-Child	_____	_____
Psychiatric Evaluation-Child	_____	_____
Individual or Group Counseling/Therapy-Child	_____	_____
School/Educational Conditions-Child	_____	_____
Special Services for Child (speech, medical, DDD)	_____	_____
Family Counseling	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

