

What you Count Counts: National Measures of Court Performance in Child Abuse and Neglect Cases

To provide guidance to juvenile and family courts as they measure performance in child abuse and neglect cases, the American Bar Association Center on Children and the Law, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges developed A *Toolkit for Court Performance Measurement in Child Abuse and Neglect Cases*. Each volume of the Toolkit focuses on a particular audience, and is designed to provide detailed guidance about court performance measures for child abuse and neglect cases, as well as help orient users to the kind of thinking needed to successfully implement and complete a performance measurement process. The contents of the Toolkit are informed by the project partners' work in 12 sites of varying jurisdictional size, resources, and performance measurement capacity. This work was jointly funded by the U.S. Department of Health and Human Services, Children's Bureau, and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. While the final Toolkit volumes will be available for national dissemination in the Fall of 2006, the volumes build upon the work already published by the partners (ABA, NCSC, NCJFCJ) in *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (2004).

The dependency court performance measures outlined in the Toolkit and *Building a Better Court* reinforce the AFCARS performance measures and the CFSR (Child and Family Service Review) standards. The court performance measures partners expected courts to collaborate with agencies in applying the measures, and so believed it was logical to take into account the performance outcomes developed for child welfare agencies. As a result, the performance measures are designed to be compatible with the AFCARS and CFSR measures.

The dependency court performance measures play a critical role in reinforcing current federal reform initiatives, including the CFSRs and CIP (Court Improvement Plan), as well as compliance with ASFA (Adoption and Safe Families Act). Federal legislation recognizes that *courts* as well as state child welfare agencies are crucial stakeholders in achieving positive outcomes for abused and neglected children involved in the child welfare system. Court performance impacts the combined performance of courts and child welfare agencies in achieving permanency, timeliness and safety for children.

The dependency court performance measures cover four basic categories of measures and outcomes: Safety, Permanency, Due Process, and Timeliness.

- **Safety:** The goal of the safety measures is to ensure that children are safe from abuse while under court jurisdiction. The performance outcome promoted by these measures follows from the principle of "first do no harm" – children are to be protected from abuse and neglect; no child should be subject to maltreatment while in placement; and children are to be safely maintained in their homes whenever possible and appropriate.
- **Permanency:** The goal of the permanency measures is to ensure children have permanency and stability in their living situations. The permanency measures are closely related to timeliness measures, but also include additional considerations – permanency measures encourage courts toward examining the overall court experience for the abused or neglected child.

- **Due Process:** The goal of the due process measures is to decide cases impartially and thoroughly, based on evidence brought before the court. Due process measures address the extent to which individuals coming before the court are being provided basic protections.
- **Timeliness:** The goal of the timeliness measures is to enhance case expedition of permanency and timeliness by minimizing the time from the filing of the petition or removal to permanency. These measures provide courts with tools to assist them in pinpointing areas where they are doing well and areas where they are not doing as well. In order to ensure that courts are able to pinpoint specific stages of the hearing process in need of improvement, these measures must be comprehensive (applied to all stages of proceedings) and sufficiently detailed.

None of the court performance measures suggest a standard or benchmark of performance. This was deliberate. The measures were designed to help courts improve outcomes for maltreated children and their families. It is therefore important for all courts to accurately measure the level of outcomes currently provided as a benchmark – a local level of performance against which progress can be measured.

Asking courts to collect data for the 30 performance measures outlined in *Building a Better Court* can be a daunting request –while all of the performance measures are important, we recognize that it may not be possible for courts to gather data for all measures at the same time. Rather than having courts gathering some of the measures some of the time, we decided that it would be more effective to identify a core group of measures on which courts could place their focus.

These nine core performance measures, for which every court should strive to gather data, are:

1. Safety: Percentage of children who were victims of child abuse or neglect while under the court's jurisdiction.
2. Safety: Percentage of children who were victims of child abuse or neglect within 12 months after the court's jurisdiction ends.
3. Permanency: Percentage of children who reach legal permanency by reunification, adoption or guardianship.
4. Due Process: Percentage of cases in which both parents receive written service of process on the original petition.
5. Due Process: Percentage of cases in which all hearings were heard by one judicial officer.
6. Timeliness: Time to Permanent Placement (average or median time from filing of the original petition to permanent placement).
7. Timeliness: Time to Adjudication (average or median time from filing of the original petition to adjudication).
8. Timeliness: Time to First Permanency Hearing (average or median time from filing of the original petition to first permanency hearing).
9. Timeliness: Time to Termination of Parental Rights (average or median time from the filing of the original petition to termination of parental rights)

Toolkit Resources

Core Performance Measures Booklet –There are 30 dependency court performance measures covering the domains of safety, permanency, due process and timeliness – the Booklet provides the reader with an outline of nine measures that the national partners have identified as the most essential to determining court performance in child abuse and neglect cases –if the idea of 30 performance measures is daunting – and you have to start somewhere – this is where you start.

Implementation Guide – a step-by-step guide for courts to use as they embark on a performance measurement process

Technical Manual – fully describes all of the court performance measures (including goal, purpose, data elements needed, suggested ways to present the data, and examples of how the data produced can be used in reform efforts)

Users' Guide to Non-Automated Data Collection Instruments –when performance measures are not available from automated systems, other means of obtaining the information should be pursued –some of the performance measures, such as those assessing due process, may not be captured in automated systems –and qualitative information can also be critical to an understanding of “why” a particular quantitative outcome was achieved. This volume provides guidance on how to use non-automated data collection tools.

Guide to Judicial Workload Assessment – presents a method for assessing judicial workload which includes an assessment of what is required for “best practice” in child abuse and neglect cases.

DVD and Website – all of the toolkit publications and related materials will be available on a special website and DVD.