

CONTINUING UPWARD FROM THE SUMMIT

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An E-newsletter Highlighting Implementation Accomplishments & Events Throughout the Country

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DEVELOPMENT OF A NATIONAL DATA EXCHANGE PROTOCOL FOR CHILD PROTECTION INFORMATION

Courts and child welfare agencies are both involved in child abuse and neglect cases, and the public hold both responsible for the achievement of permanent homes for children. Consequently, data from **both** courts and child



welfare agencies are necessary to get a complete picture of how states are progressing in terms of achieving timely permanency for children. While it is true that each information system can provide data on the timeliness and quality of services in their separate areas of responsibility, measuring the overarching areas of safety, permanency, and well being of children requires the integration of information from courts and child welfare agencies.

The most efficient and effective way to generate this needed data requires electronic data exchange between courts and child welfare agencies. Indeed, there are advantages to both courts and child welfare agencies if they each produce their own data and then exchange it automatically.

Child Welfare Agencies:

- Improves timeliness with which data from court is received—ideally in real time.

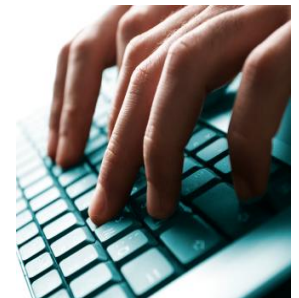
- Enables the child welfare agency to see what hearings are scheduled and thus to create schedules, e.g. monthly, to help caseworkers plan.
- Eases the burden of data collection because motions, orders, etc. do not have to be entered a second time, thus improving accuracy.
- Helps determine Title IV-E eligibility.

Courts:

- Improves timeliness with which data from child welfare agencies is received.
- Reduces redundant data entry by court staff, which improves accuracy, and saves research time because caseworkers can add relationships and collateral parties to the data base.
- Reduces the number of telephone calls to court clerks about court scheduled hearings times.
- Reduces continuances and enables courts to make timely and informed decisions regarding removal, placements, suitability of permanency goals and case plans, and the adequacy of services.
- Informs supervisors of court decisions so they can take immediate action.

Data exchange also enables courts and child welfare agencies to more easily apply performance measures and management reports.

Sharing data between courts and child welfare agencies requires an exchange protocol and data exchange standards. The National Center



DEVELOPMENT OF NATIONAL DATA EXCHANGE (CONTINUED)

for State Courts (NCSC) has experience in developing national standards for the exchange of critical data that is independent of any specific operating system. Because this is a national effort based upon the Global Justice XML Data Model and the National Information Exchange Model (NIEM), NCSC obtained a small amount of funding from the Bureau of Justice Assistance (US Department of Justice) to convene a meeting of the Data Exchange Working Group to extend the model to child welfare data. That meeting was held in Denver on October 23-24, 2007. It included representatives from six states and the federal government as well as NCSC staff experts.

The Working Group is preparing a national template in order to save states from starting from a blank slate. In addition, having a national standard for data elements will encourage technology vendors to include required data elements in the case management systems they sell to the states.



A subcommittee met in Denver on February 20-21 to develop an inventory of operational exchanges as cases progressed through the child welfare and court systems. Five basic scenarios were identified. Three begin with the removal of the child from the home; two involve court ordered services to the child returned home by the court or to the child who was never removed. A number of administrative exchanges were also identified that could occur throughout the process. These

exchanges will be reexamined to determine if any combination or consolidation is possible.

Funds from the Continuing Upward from the Summit grant awarded by The Pew Charitable Trusts will support a face-to-face meeting of another subcommittee in May to design a strategy to encourage other states to participate in the data exchange effort and to help support other exchanges so that all of the information about child abuse and neglect cases that needs to be exchanged is exchanged.



Once these tasks are completed, the data requirements model will be built and another meeting of the full committee held to validate the requirements. Then development of the information exchange package document can begin. At the rapid pace this project has progressed, it is possible that the template will be completed by the end of the year, but that depends on the number of exchanges that need to be completed, the number of states willing to participate in the development of the exchanges, and of course the availability of funding.

In sum, collaboration between courts and child welfare agencies improves outcomes for children, and electronic data exchanges support this collaboration.

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MICHIGAN CONDUCTS A STATE-WIDE ADOPTION FORUM

Timely adoptions – and more adoptions of children with that objective – was a focus of Michigan's first statewide Adoption Forum, held on March 20 2008.

Co-hosted by Michigan's Supreme Court, State Court Administrative Office (SCAO), and Department of Human Services (DHS), the forum addressed three goals:

- remove barriers to timely adoptions for foster care children with the goal of adoption;
- increase numbers of adoptions; and
- bring Michigan into substantial compliance with the federal Child and Family Services Review's (CFSR) outcome requirements.

The forum emphasized a cross-disciplinary approach and the importance of collaboration among courts, executive branch agencies, and other stakeholders.



Preparations for the forum began months in advance. State Supreme Court Justice Maura Corrigan and DHS Director Ismael Ahmed invited the 13 Michigan counties with the greatest number of adoptable children – a total of 85 percent of the state's foster care children – to participate. The presiding judge of

each county was asked to organize a team of local stakeholders to identify and assess barriers to timely adoption and develop plans to remove them. Suggested team members included judges with primary oversight of the adoption process, adoption-related court staff, lawyer-guardians ad litem, parents' attorneys, public and private adoption agency supervisory staff, tribal representatives, court-appointed special advocates, Foster Care Review Board staff and

volunteers, adoptive parents, adopted youth, and other appropriate local child welfare advocates

The county teams began meeting before the statewide forum to discuss a series of questions and to devise local improvement plans. SCAO and DHS provided each team with adoption data for its county, a questionnaire, internet resources, and a brief overview of four court performance measures developed by the National Council For Adoption: timeliness, due process, safety, and permanency. The teams discussed current barriers to timely adoption on state and local levels. Also discussed were local courts' strengths and weaknesses in monitoring permanency plans and reducing adoption delays, and potential solutions or resources needed to improve. The teams' answers were compiled for discussion at the statewide forum.

The one-day forum featured presentations by Judge David Gooding of the 4th Judicial Circuit Court, Duval County, Florida, and Helen Spohrer, Esq., national experts on improving outcomes for children and families. Speakers also included local experts on the federal CFSR process, as well as representatives of the DHS Child and Family Services Division, the Foster Care Review Board, SCAO's Child Welfare Services Division, and the Michigan Supreme Court. Among the topics addressed were the federal CFSR process, proposed state legislation concerning child placement permanency, adoption oversight and contracts, and next steps to be taken locally and statewide. The teams also participated in a two-hour work session and reviewed a compilation of the counties' identified barriers and proposed solutions.

Thanks to good preparation by the teams, each county is now poised to make significant progress before the next meeting in October 2008. Local teams will submit interim written reports on their progress in June 2008 and will report on their outcomes in October.

*For more information, please contact
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To better respond to the increased queries about state commissions for child protection, the NCSC would like to hear what other commissions are doing. Please share with your colleagues, through NCSC, what issues your commission is addressing/has addressed, what publications have been produced and whether they are available electronically (please include the URL); and what advice and valuable lessons you have for new commissions. Please send the information to Mary Beth Kirven at mkirven@ncsc.dni.us. We welcome you to write an article about your state's commission for inclusion in our newsletter. Thank you in advance for your help.



NEBRASKA CREATES INTERACTIVE WEBSITE TO STRENGTHEN CHILD PROTECTION

The “Through the Eyes of the Child Initiative”, led by Nebraska Supreme Court Chief Justice Michael Heavican, has created an interactive website with the assistance of local grant money to assist its local teams in improving court processing in abuse/neglect cases.



The website, which can be found at www.throughtheeyes.org, is an accumulation of material relevant to stakeholders. Summaries of recent abuse/neglect opinions issued by the Nebraska Supreme Court and Court of Appeals are available under *Nebraska Legal Updates*. These case law summaries can be searched by keywords for research purposes. News articles about abuse/neglect issues in Nebraska and nationwide are posted in *In the News*. *What's New* and *Resources* provide teams and other individuals with materials and resources, such as *Pre-hearing Conference Protocol and Training*,

intended to be useful in addressing problems with court processing in local communities.

The website also hosts registration tools and information on training opportunities as well as archived video and materials from prior conferences. In the future, video of lectures and conferences will be available for viewing to satisfy continuing education credits required of guardians ad litem and other professional groups. The Initiative is also working with the Nebraska Supreme Court to offer the required basic training for guardians ad litem in an online format.

One unique feature of the website is the *Team Pages* section. Each of the 25 local teams located across Nebraska have been issued a password-protected team page. Team members can log on to their team page and add a thread on the discussion board, post meeting minutes or other documents, or create events on the team calendar. Team pages are intended to be especially useful to teams located in population-sparse areas of Nebraska where it is difficult to convene regular meetings.

To keep teams connected with the activities of other teams across the state, the *Spotlight Team* article highlights the activities and successes of a local team.

The *Events Calendars* allows teams to announce their next meeting date and any activities or events they have planned. By increasing the local teams' access to resources, news and discussion through an online format, the Through the Eyes of the Child Initiative is working to improve the way courts and its stakeholders handle abuse/neglect cases to better ensure the safety, permanency and well-being of Nebraska's children.

For more information, please contact Kelli Hauptman at khauptman2@unl.edu



CALIFORNIA COMMISSION RELEASES DRAFT RECOMMENDATIONS

The California Blue Ribbon Commission on Children in Foster Care has released a set of draft recommendations for public comment, capping a two-year inquiry into the courts' involvement with foster care. California Chief Justice Ronald M. George appointed the Commission, chaired by Supreme Court Associate Justice Carlos R. Moreno, in March 2006. The commission is a multidisciplinary group of leaders, including court officials, legislators, child welfare experts and foster youth.



The commission's draft recommendations focus on four areas: 1) efforts to prevent removal and achieve permanency; 2) court reforms; 3) collaboration between the courts and other partners that work with children and families; and 4) the need for adequate and flexible funding.

The Blue Ribbon Commission is California's first statewide panel to focus on the courts' role in child welfare. The courts play an important statutory role in foster care, overseeing critical decisions on the removal of children from their homes, services they and their families will receive, and where and with whom children will live.

With the work of this Commission, the courts add their leadership role to current efforts for child welfare reform led by the executive and legislative branches of government, as well as philanthropy.

More than half of California's nearly 80,000 foster children remain in care for two or more years, 17 percent of them for more than three years. Those who grow up in foster care face an increased risk of dropping out of school, homelessness, unemployment, mental illness, and involvement with the criminal justice system.

"The need is urgent," said Justice Moreno, chair of the Commission. "Far too many of our state's children find themselves in a 'foster care limbo,' shuffled from place to place, separated from their

siblings, friends and schools. This is not the future we want for the most vulnerable among us."

Over the span of two years, the Commission held quarterly meetings, public hearings, summits, and focus groups. Key issues identified include:

- There are fewer than 150 full-time and part-time judicial officers to preside over the state's entire dependency court system. Full-time dependency court judges carry an average caseload of 1,000, which has a direct impact on the amount of time and attention that can be given to any one case.
- The median time for a hearing is 10–15 minutes, far less than the recommended 30–60 minutes.
- Dependency court attorneys, who represent children and parents in court, have an average caseload of 273, which far exceeds the recommended caseload of 188 (for attorneys who have appropriate support staff).
- Children and parents sometimes do not meet their attorneys until moments before their hearings, limiting their opportunity to speak in court and to understand the decisions made there.



Highlights of the Commission's draft recommendations include:

1. **Child abuse prevention and services funding** – The Judicial Council should work with state and federal leaders to allow greater flexibility in the use of funds for prevention and to eliminate barriers to coordinating funds for prevention and services.
2. **Prioritizing foster care** – All agencies and the courts should prioritize children in foster care and their families when providing services and when allocating and administering public and private resources.
3. **Caseloads** – The Judicial Council should advocate reasonable judicial, attorney, and social worker caseloads.



CALIFORNIA COMMISSION (CONTINUED)

4. **Data and information** – The Judicial Council should support the courts and all partners in the child welfare system in eliminating barriers to the exchange of essential information and data about the children and families they serve. The Judicial Council should implement court performance measures to improve foster care outcomes as mandated by state law.
5. **Disproportionality** – The courts and child welfare agencies should examine and address why a disproportionate number of African-American and Native American children are in the child welfare system.
6. **Kinship** – Child welfare agencies should engage family members earlier and the Judicial Council should work with state and federal leaders to develop greater flexibility in approving relative placements when necessary.
7. **Indian child welfare** – The courts, child welfare and other agencies should collaborate with Indian tribes and tribal courts to ensure that Indian children and families get the services for which they are eligible.
8. **Extended support for transitioning youth** – The Judicial Council should urge Congress and the state Legislature to extend the age for children to receive foster care assistance from 18 to 21.
9. **A voice in court** – The courts should ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present at and heard in court. CASA programs should be available in all counties.
10. **Local commissions** -- The courts and child welfare agencies should jointly convene multidisciplinary commissions at the county level to identify and resolve local concerns and to help implement commission recommendations and related reforms.

The draft recommendations are available for public comment until May 13. In June, the Commission will meet to incorporate feedback and finalize the recommendations to present to the Judicial Council in August. The final report will include an implementation plan.

The full set of draft recommendations can be found on the Commission's website: www.courtinfo.ca.gov/blueribbon. The Commission invites the public to comment.

For more information, please contact Christopher Wu at Christopher.Wu@jud.ca.gov

EXPERT ASSISTANCE SERVICES

The National Center for State Courts (NCSC), with support from The Pew Charitable Trusts, is pleased to announce the availability of statewide child protection expert assistance services.

This expert assistance is intended to help state court systems to (1) strengthen collaboration between courts and state child welfare agencies; (2) enhance strategic planning to improve the child protection process and outcomes; (3) develop and implement performance measures; (4) collect and analyze data regarding the child protection process and outcomes; (5) increase timeliness of child protection proceedings and appeals; (6) develop effective means for better informing judges, court and agency staff, and attorneys regarding the needs of neglected and abused children and the means for addressing those needs; or (7) otherwise address unique issues affecting state efforts to ensure timeliness of permanent dispositions in child protection cases, the fairness of the process, and the safety and well-being of children who require protection. The experts assigned to provide the needed support may be NCSC or NCJFCJ staff, practitioners from other jurisdictions, or independent consultants.

Selection of states to receive assistance will be based on a set of established criteria and subject to approval by the Trusts. To request expert assistance please complete the online application at: http://www.ncsonline.org/d_consult/ChildProtection/form1.asp

For further information, please contact Mary Beth Kirven at mkirven@ncsc.dni.us or (303) 308-4307.

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The National Center for State Courts · Images courtesy of National CASA Association