

Final Report

Evaluation of the North Carolina Family Court Pilots

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Executive Summary

This report presents the results and findings of an evaluation of five North Carolina Family Court Pilots. The evaluation examined the operations of the Family Courts to determine the extent to which they adopted and adhered to Model Rules for operation of a Family Court. It also examined the impact of those operations on the outcomes of cases involving child abuse, neglect and dependency. The operations and outcomes of cases from the Family Courts were compared to similar measures obtained from Comparison District Court sites operating under traditional district court rules.

The Family Courts all adopted rules for judicial procedures and court operations that were very much in keeping with the Model Rules for Family Courts. However, there were inconsistencies with respect to the degree to which the Family Courts adhered to the rules, both within and between Family Court Pilot sites. These inconsistencies resulted in questionable model fidelity over the term from which the sample court cases were drawn for review. This questionable model fidelity, in turn, led to difficulty imputing meaning and clear explanations for the findings from the study.

However, the Family Courts did perform better than the Comparison District Courts on most operations, significantly so in some cases. These findings suggest that the Family Court Rules can be adopted and courts can operate efficiently under those rules. The Family Court sites generally required fewer judges per child case, more rapidly connected families with court resources (e.g., counsel, Guardians ad litem), utilized fewer court days per completed hearing by limiting the number of continuances granted, and achieved case milestones more rapidly (e.g., time from adjudication to first review, days from petition to first completed TPR hearing in cases that went to TPR) than did the Comparison District Courts.

Some of the case outcome variables were positively affected by the Family Court rules. Children in Family Court sites experienced significantly fewer placements, fewer non-family placements, and shorter lengths-of-stay in out-of-home care. Furthermore, trends in the data suggest that the Family Court cases were shorter in duration, meaning that legal permanency was achieved more quickly in the Family Courts. However, even though the trends favored the Family Courts, the differences in case durations were not statistically significant.

Unfortunately, one of the most powerful aspects of the Family Court model, the Day-1 Case Conference, was utilized in only one quarter of all Family Court cases, and two of the Family Court sites held Day-1s in less than 10% of cases. Cases in which Day-1 Conferences were held outperformed all other cases on all variables associated with more positive case outcomes. Thus, the underutilization of the Day-1s and the less-than-optimum model fidelity in some Family Court sites suggests that the evaluation discussed herein provided only a weak test of the efficacy of the Family Court model in North Carolina. However, even with the qualifications of questionable model fidelity and underutilization of the Day-1 Conference, the Family Court model shows promise, in some cases significant promise, with respect to expediting permanency in child abuse, neglect and dependency cases, and also in reducing the negative consequences, such as multiple placements, for children involved in these cases.

Introduction

This report presents the history, process and findings of an assessment of five Family Court pilots in North Carolina. The Family Court pilots were established to improve the handling of a variety of legal issues affecting families, and to respond to changing state and federal policies affecting child abuse, neglect and dependency proceedings. An earlier evaluation of a North Carolina Court Improvement Project (CIP) conducted on behalf of the Administrative Office of the Courts (Kirk & Griffith, 2001) indicated that changing the court rules for handling family-related matters involving child abuse, neglect and dependency had merit, and were successful in reducing the time needed to achieve legal permanence for children. The CIP rules also were associated with the amelioration of some of the vicarious negative consequences of involvement with the child welfare system and the court (e.g., multiple child placements, protracted court case histories). Many of the tenets of the original CIP (e.g., limiting the number of judges hearing any individual case; immediately assigning court-appointed counsel to parents; conducting day-1 conferences and pre-trial conferences; facilitating service on summons and petitions) were incorporated, by reference, into the legislation that created the Family Court Pilots that are the subject of evaluation reported herein.

In 1998, North Carolina Session Laws 1998-202, s.25, directed the Administrative Office of the Courts (hereinafter: AOC) to establish pilot programs for a Family Court model within the district court structure in the State. The law stated that the Family Court model was to be structured on the basis of guidelines contained in a report by the Commission for the Future of Justice and the Courts in North Carolina. The law also stated that the Family

Courts should hear all intra-familial matters and juvenile justice matters by specifying the following 15 areas of concern:

- Child abuse, neglect and dependency;
- Delinquent and undisciplined juvenile behavior;
- Emancipation of minors and termination of parental rights;
- Divorce;
- Annulment;
- Equitable Distribution;
- Alimony and post-separation support;
- Child custody;
- Child support;
- Paternity;
- Adoption;
- Domestic violence and civil restraining orders;
- Abortion consent waivers;
- Adult protective services; and
- Guardianship, involuntary commitment, and voluntary admissions to mental health facilities.

Under the implementation strategy for the new Family Court Pilots, individual district courts could request funds from the AOC to become Family Court Pilots. Although there were minimum requirements for the district courts that determined eligibility for the funds (e.g., the capacity to conduct child custody mediation), the successful pilot districts were given considerable flexibility with respect to the adoption of rules (from the list of rules included in the report by the Commission for the Future of Justice and the Courts in North Carolina). This circumstance created the possibility, indeed the likelihood, that the Family Court Pilots would exhibit variation from site to site, and would make it more difficult to determine if the pilots were successful.

At about this same time (beginning with the federal Adoption and Safe Families Act of 1997, or ASFA), major change in national and state child welfare policy was placing new or different expectation on the courts. The impetus for ASFA was the determination that the focus on “reasonable efforts,” originally introduced to assure State compliance with the new practice models of placement prevention and reunification, had the unintended consequence of keeping cases bogged down in the courts for too long. Some judges were usurping the case decision-making formerly exercised almost exclusively by the State child welfare agencies. In turn, rather than accelerating the pace of child protection cases through the courts, “reasonable efforts” was prolonging some of those cases. Congress was interested in moving children more rapidly towards permanent homes, and the 1997 Act set forth strict guidelines for states to follow with respect to placement and reunification of children with their families.

The 1997 Act clarified congressional intent with respect to the term “reasonable efforts,” emphasizing child health and safety, and expedient permanency for children. In addition to clarifying the ideological intent, Congress set time limits both on the stages of cases within the courts and the frequency of judicial reviews. Under this Act, with certain exceptions, States must initiate court proceedings to free a child for adoption if the child has been in out-of-home care for 15 of the preceding 22 months; and in certain circumstances reasonable efforts are not required at all (e.g., the parent has seriously harmed or killed another child). The Act also requires permanency hearings to be held no later than 12 months following a child’s placement into foster care. Soon after, North Carolina passed a law linking the 12-month time period to the date of the filing of the child abuse/neglect

petition, creating the need for case progress through the courts to be even more accelerated than under federal law.

Thus, the Family Court Pilots were being implemented in an environment of increasing court involvement and compressed timeframes for child welfare cases. However, ASFA simultaneously reauthorized federal funding for the states to evaluate court improvement projects designed to help the state courts assist the state child welfare agencies to comply with federal law. In order for a state to qualify for funds to evaluate its court improvement project(s), the state evaluation had to focus on jurisdictional issues, whether or not a child should be placed in out-of-home care, be reunified with the family of origin, have his or her parental rights terminated, and whether permanency plans, including adoptions, involved placement with a fit and willing relative. In addition to the permanency outcomes, the state evaluations had to address the issues of court procedures and rules, either imposed by law or adopted voluntarily by the courts, and to examine the relationships between the rules and the various permanency outcomes.

North Carolina's AOC took advantage of this confluence of state and federal laws and funding to commission an evaluation of the Family Court Pilots, since those pilots were intended to accomplish many of the same goals as were mandated by ASFA. Although Session Law 1998-202, s.25 covered a wide variety of intra-familial issues (e.g., divorce, child abuse and neglect, domestic violence, etc.), AOC's Court Improvement Project Advisory Committee chose to focus the Family Court Pilot evaluation on the issues of child abuse, neglect and dependency.

In its Request for Proposals, the AOC CIP Advisory Committee specified that the evaluation should examine the following essential features of child welfare cases within the Family Court Pilots:

- Timeliness of all aspects of child abuse/neglect/dependency cases from the filing of the initial petition to the achievement of permanency for the child;
- Whether reasonable efforts were being made, and documented;
- Whether preventable delays (e.g., multiple continuances, multiple judges hearing each case) were being controlled and reduced;
- Whether the new laws and rules were associated with changes in the rates of termination of parental rights; and
- Whether operating under the new Family Court Rules resulted in improvement of performance of the courts in abuse and neglect cases so that safety, permanence and well-being for each child is achieved in a fair and timely manner.

Program evaluators associated with the Jordan Institute for Families, in the School of Social Work at the University of North Carolina at Chapel Hill, contracted with the AOC to perform the evaluation. The evaluators proposed the following general approach to evaluating the Family Courts:

- Review the legislation with respect to the requirements for handling child abuse, neglect and dependency cases;
- Review the Model Local Rules for Juvenile Court (adopted in 2000 by the AOC), which were to be used as models for the Family Court Pilots;
- Design an evaluation strategy that would measure the operations of the Family Court Pilots and compare the case handling data of the Family Court Pilots to comparison district courts that had not adopted the Family Court model or adopted the Model Local Rules;
- Select sites to review that represented the Family Court Pilots and similarly sized comparison districts;

- Develop mechanisms for accessing and gathering data from the court records that permitted measurement of the time-related and outcome-related variables;
- Conduct a comprehensive review of a large sample of cases in the Family Court and comparison districts; and
- Analyze the data and report the findings to AOC and other stakeholders and interested parties.

The AOC Court Improvement Advisory Committee approved the evaluation plan, and the project began in the late fall of 2003.

Implementation of the Evaluation Design

Focus of the study within the Family Court Pilots. Implementing the evaluation began with a review of Session Law 1998-202, s.25, and selection of those components that focused on child abuse, neglect and dependency. Of the 15 areas of intra-familial concern addressed in the law, 5 focus directly on child abuse, neglect and dependency. These include specific allegations of abuse/neglect/dependency, termination of parental rights (and emancipation), child custody, paternity, and adoption. All subsequent decisions affecting the design of the evaluation related to one or more of these five areas, either in the form of designing measures to assess them, obtaining necessary data to implement measurement, or setting the context within which to analyze data and interpret findings.

Model Local Rules for Juvenile Court. Twenty four rules comprise the Model Local Rules, and the full text of the Rules is available from the AOC. In summary, the rules are intended to maintain family continuity whenever possible, and to expedite the processes of the courts towards permanency, regardless of the particular form of permanency being pursued by the state and the court. Among the most important rules intended to expedite permanency are:

- Immediate assignment of counsel by the courts, at the time of the filing of the abuse/neglect/dependency petition;
- Assuring competence and availability of assigned parent's counsel;
- Assignment of a Guardian ad Litem/Attorney Advocate for each child who is the subject of an abuse/neglect petition (the court may appoint a GAL/Attorney Advocate in dependency cases);
- Assuring expeditious service of summons and petitions to all affected parties;

- Convening a day-1 conference¹ intended to resolve uncontested issues, identify family resources for the child and parent(s), and try to reduce the need for continuing non-secure custody;
- Holding non-secure custody hearings every seven days, to prevent children from languishing unnecessarily in non-secure custody placements;
- Holding all parties accountable to full disclosure and discovery within 21 days of the filing of the petition;
- Holding timely pre-adjudication conferences to explore possible courses of action, short of litigation, intended to resolve issues before the court;
- Holding timely adjudication hearings;
- Compelling other public agencies to provide services;
- Compelling the Department of Social Services (DSS) to prepare and provide to all parties a pre-disposition report;
- Holding timely dispositional hearings;
- Holding timely review hearings;
- Prioritizing abuse/neglect/dependency cases over all other district court matters;
- Scheduling subsequent hearings at the conclusion of the present hearing;
- Assigning each case to the judge that presided at the initial hearing, whenever possible, to reduce the overall number of judges participating in each case; and
- Limiting the granting of continuances for good cause only and all continuances requested in writing and providing the reason for the request.

Because discretion is permitted for the Family Court Pilots with respect to the breadth and depth of adoption of the Model Rules, the local rules for each Family Court Pilot would need to be compared to the full body of Model Rules to determine the degree of comportment with the Model Rules. This would be necessary in order to assure model fidelity, or to account for differences in models. In addition to reviewing the degree to which the Family

¹ A day-1 conference is a facilitated gathering of affected parties (parents, relatives, DSS representatives, etc.) on the first business day following the filing of the abuse/neglect petition. A neutral facilitator helps parties resolve uncontested issues and explores possible solutions to child safety and protection issues prior to any hearings held before a judge. Memoranda of Agreement or stipulations may result from the day-1 conferences that facilitate the formal hearings that follow.

Court Pilots adopted the Model Rules, case abstraction processes would be developed to capture data that could be used to measure the degree to which the Family Court Pilots actually complied with the rules that they had adopted, and to compare this performance with that of comparison districts that, presumably, had not adopted the Model Rules

Examining case outcomes of cases processed in the Pilot sites. ASFA and the state laws that relate to the child welfare system focus on achieving permanency. Thus, the primary case outcomes for the evaluation were driven by the state and federal definitions and measures of permanency (reunification, relative placement, TPR/adoption, emancipation, “other” permanent solutions). In addition, the concomitant circumstances of child removal (e.g., placement in out-of-home care, number of placements, type of initial placement, etc.) would also be tracked, on the logic that fewer placements and less restrictive placements would be associated with better permanency outcomes.

To summarize, the Family Court Pilots would be evaluated with respect to the degree to which they had adopted Model Rules intended to facilitate the processing of child abuse/neglect/dependency cases in the pilot sites, and to track the pace and trajectory of those cases towards permanency. The results of the Family Court Pilots would be compared to results from a similar analysis of cases handled in comparison districts that were not operating as Family Court Pilots, to determine if the Family Court Pilots are different than the comparison sites with respect to case processing and permanency outcomes. In turn, a judgment could be made as to whether the Family Court model is an asset to the state child welfare system with respect to achieving permanency and complying with ASFA and other federal and state laws dictating child welfare policy in abuse/neglect/dependency cases.

Specific Methods of the Evaluation Design

In addition to the measures of court operations and case outcomes, the AOC was also interested in stakeholders' attitudes and opinions about the Family Court model. Therefore, both quantitative and qualitative methods were employed. Evaluators worked closely with the AOC Court Improvement Advisory Committee to identify the sites to be studied, the measures to be obtained, and the details of implementation of the study. The primary responsibility of the Advisory Committee was to select the Family Court Pilot sites and the comparison District Courts to be included in the study. Evaluators focused on the design of case abstraction procedures for gathering data from case records, the design of the survey of stakeholders, and the scheduling of case reviews and data collection.

Site Selection

A total of five Family Court Pilots and four comparison Districts were selected by the Advisory Committee. Three of the Family Court sites were chosen because they were Tier-1 Family Court Pilots; that is, they were the first Districts to become Family Courts after Session Law 1998-202 was enacted. These included District 8 (Greene, Lenoir and Wayne counties), District 20 (Anson, Richmond, Union and Stanly counties), and District 25 (Burke, Caldwell and Catawba counties). All three of these Districts had been CIP sites during the first wave of CIP funding, and Districts 20 and 25 had been the study sites of the first CIP evaluation, during which the efficacy of many of the tenets of the Family Court Model was established. District 6A (Halifax County) and District 14 (Durham County) were selected as the fourth and fifth Family Court sites. These are both Tier-2 pilots, in that they became

Family Court Pilots approximately 2 years after the other Family Court Pilots, and had not been among the original CIP sites.

When selecting the comparison Districts, the Advisory Committee attempted to approximate the identifying features of the Family Court Pilots with respect to geography, size, composition, economy, demographics, and so on. Although this selection process was not scientific, it was deliberate. Ultimately, four comparison Districts were selected by the Advisory Committee, including District 5 (New Hanover and Pender counties), District 11 (Harnett, Johnston and Lee counties), District 16B (Robeson County) and District 29 (Henderson, McDowell, Polk, Rutherford and Transylvania counties).

Like Family Court Pilot District 25, comparison District 29 is a multi-county district in the mountainous western part of the State, and each of these Districts has a relatively small minority population. Comparison District 16B is a rural, single-county district with a large minority population, and is located in the Piedmont. These are features shared by Family Court Pilot District 6A. Family Court Pilot District 8 and comparison District 11 are both multi-county districts located in the eastern Piedmont, and are a mix of rural areas and small to moderately-sized urban areas. Family Court Pilot District 14 and comparison District 5 both have large urban centers with substantial racial minority populations.

It should be noted that the comparison Districts were not selected so as to be “paired” with a particular Pilot District. Rather, the objective was to have two groups of Districts (the Family Court Pilots and the comparison Districts) within which the relevant data from the evaluation could be pooled in order to test the Family Court Model. The objective was not to make comparisons between individual Districts or between counties within districts. In fact,

all analyses and reporting of results in this report are made only on the basis of comparisons between the two groups of Districts.

After the selection of the Family Court and comparison Districts, the evaluation project director and the CIP Administrator from the AOC visited the Chief Judges in each selected District to explain the purpose and scope of the study, and to obtain the appropriate court orders permitting access to the case records that would provide the evaluation data. By and large, Judges were supportive of the study and provided the necessary orders.

Sample Frame

The determination of the sample frame was influenced by several factors. The first consideration was that the Family Courts have not been in operation for very long (Session Law 1998-202 was enacted in 1998), and evaluation theory suggests that programs should have some measure of longevity and stability before an outcome evaluation is conducted. To accommodate program implementation, policy development, staff hiring and training, etc., the Advisory Committee agreed that the Family Court Pilots should have been “up and running” for at least one year prior to the sampling of cases for review. In order to determine the proportion of cases closed within one year (NC state law), to relate the progress of NC cases to federal law (the “15 of the preceding 22 months” rule), and to determine if the Family Courts had altered the number and pace of cases destined for TPR (a process that usually happens over a longer period of time), it was determined that all cases in the study should have the opportunity to be tracked for at least 2 years after the filing of the petition leading to the non-secure custody.

These requirements led to the selection of the sample from January 1, 2001 through December 31, 2002. These dates permitted the Family Court sites to settle into routines of operation prior to sampling cases, and also permitted cases opened during the last few days of 2002 to be tracked until the end of December 2004.

The sample size was determined in light of the expected case flows, the desirability of a large sample, and the resources available for the review of cases by project personnel. A target of not-less-than 100 cases per district was set as desirable for reasons of statistical power. Within district, the proportion of all CPS cases in the district that were attributable to each county was determined, and an equivalent proportion of the district's sample of 100 cases was drawn from the files representing the sample time frame of 01/01/2001 through 12/31/2002. One additional restriction placed on the drawing of cases was that no less than 20 cases per county would be drawn in the multi-county districts unless the total number of cases served during the sample time frame was less than 20. This requirement resulted in a slight over-sampling of the total number of cases in the multi-county mountain districts.

Ultimately, a total of 967 cases were reviewed: 506 from the 5 Family Court sites and 461 from the 4 comparison sites. After applying the sampling algorithms in each district for all cases processed during the sample time frame, the number of cases from each district across both types of districts (Family Court and comparison) ranged from 89 to 151 cases.

Data Collection

Case reviews were conducted in the Family Court districts in the spring of 2005 and in the comparison districts in the fall of 2005. Although the Family Court and comparison districts were reviewed at different times, the same sampling algorithms and sample time

frames were employed. A few return trips were needed to comparison districts in the early spring of 2006 to obtain data from some cases that appeared to be incomplete at the time the data were being entered.

Case abstraction forms were developed to facilitate the recording of time-related and event-related data. Examples of time-related events include dates associated with the filing of petitions, dates associated with hearings, dates associated with the assignment of counsel or guardians ad litem, and so on. Event related data include the types of hearings held, the types of findings made, the types of permanency achieved, whether out-of-home placements occurred, whether continuances were granted, and so on. From these two types of data time-dependent measures could be constructed during the analysis of the data. The time-dependent measures and event measures of greatest interest to the study, intended to permit comparisons between the functioning of the two types of courts include:

- Length of time from the filing of a petition to case closure (due to achieving permanency);
- Length of time from petition to adjudication;
- Length of time from petition or adjudication to disposition;
- Length of time from petition to TPR (in those cases that went to TPR);
- Length of time from petition to assignment of counsel/GAL/attorney advocate;
- The type and number of out-of-home placements experienced by victim children;
- The number and types of hearings, case reviews, and continuances, etc.

Data were also collected that permitted an assessment of the degree to which the Family Courts differed from traditional district courts on measures relating specifically to the tenets of the Family Court Model. In addition to some of the time-dependent measure listed above, these included the occurrence of Day-1 hearings, the observance of the one-judge/one family rule, and so on.

Basic demographic information from the records were also collected so that differences in the handling of cases on the basis of race, gender, age, and so on, could be undertaken. As none of these data were automated, each case was reviewed individually by project staff or staff from the AOC contributing time to the project.

Because the different districts employ different record-keeping practices, and because there is little standardization in the contents of DSS court reports on individual children, information on placements of children involved in these cases was frequently missing or incomplete in the court case files. Placement data were obtained with the assistance of the Division of Social Services that maintains the AFCARS (automated foster care and adoptions reporting system) database. Relevant files (those associated with the time periods and counties covered by this study) were obtained from DSS and cases from the court study were matched using computer-generated algorithms using first name, last name, date of birth, gender, race/ethnicity, and county. A match rate of 74% (711 children) of cases was achieved between the court records and the DSS records. This match rate provides a reliable estimate of placement rates throughout all counties and districts in the study.

The stakeholder survey was conducted over the summer and early fall of 2005. The survey focused on the attitudes and opinions of stakeholders about the Family Court operations. The survey comprised 22 questions, and required about 30 minutes. The survey questions covered the full range of topics defining the Model Local Rules for Juvenile Court (AOC/August 2000) pertaining to child abuse, neglect or dependency cases. The questions were designed to assess the Family Court Pilots' influence on the processing of cases through the courts. It solicited respondents' opinions about the influence of each of the court rules on the pace of cases in the courts, whether the rules helped parents and children survive the

experience of being involved in a juvenile court case, and whether the permanency outcomes were achieved more quickly and without infringing on the rights of various parties. Each of the questions was accompanied by a 6-point Likert-type scale on which respondents indicated the degree to which their Family Court Pilot adhered to the court rule. Follow-up questions were then asked of those who indicated that their district adhered to the rule. These questions were accompanied by a 7-point Likert-type scale for respondents to indicate the degree to which the rule helped or hindered progress through the courts.

Web-based technology was employed for the survey, whereby the intended respondents were notified by email and provided with an encrypted link to the survey. The email distribution list included stakeholders in the five Family Court Pilot sites, and was compiled by the Family Court administrators in each pilot site. The survey links were emailed to 161 potential respondents comprising judges, court clerks, district attorneys, law enforcement officers involved with juvenile cases, family court case managers, DSS attorneys, DSS directors, DSS caseworkers, guardians ad litem, GAL attorneys, and parents' attorneys.

Completed surveys totaled 79, yielding a 49% response rate. A total of 74 respondents did not respond to the email invitation to complete the survey, and 8 respondents declined to complete the survey. Twice after the initial distribution of the survey, email reminder messages were sent to persons who had not responded to the initial request. This effort resulted in only modest increases in the response rate. However, the approximately 50% response rate obtained is a reasonable response rate for surveys of this type, providing adequate statistical reliability of the results.

Results

Comparability of Family Court Pilots

Each of the Family Court Pilots adopted a set of rules intended to control the operations of juvenile cases in the court. Each of the Pilots had the Model Court Rules as a reference, as stated in the enabling legislation. To ascertain the degree of similarity among Family Court sites with respect to the rules, each of the sites’ rules were compared, rule by rule, to the Model Rules. The results of this analysis are presented in Table 1, below.

Table 1: Family Court Sites Compliance with the Model Court Rules

| | District and Degree of Compliance with the Model Rules* | | | | |
|------------------------------------|---|----|-----|-----|-----|
| Model Court Rule | D6A | D8 | D14 | D20 | D25 |
| Rule 1. Scope | 1 | 1 | 1 | 1 | 1 |
| Rule 2. Purpose | 1 | 1 | 1 | 1 | 1 |
| Rule 3. Construction & Enforcement | 1 | 1 | 1 | 1 | 1 |
| Rule 4. Definitions | 3 | 3 | 3 | 1 | 1 |
| Rule 5. Assignment of Counsel | 1 | 1 | 1 | 1 | 1 |
| Rule 6. Resp. of Parent Attorneys | 1 | 1 | 1 | 1 | 1 |
| Rule 7. Appt. of GALs & Advocates | 1 | 1 | 3 | 1 | 1 |
| Rule 8. Service/Notice | 1 | 1 | 1 | 1 | 1 |
| Rule 9. UCCJEA Affidavit | 3 | 3 | 3 | 1 | 1 |
| Rule 10. Day-1 Conference | 2 | 2 | 1 | 1 | 1 |
| Rule 11. Non-secure Cust. Hearings | 1 | 1 | 2 | 1 | 1 |
| Rule 12. Discovery | 1 | 1 | 2 | 1 | 1 |
| Rule 13. Pre-Adjudication Conf. | 1 | 1 | 1 | 1 | 1 |

| | | | | | |
|--------------------------------------|---|---|---|---|---|
| Rule 14. Adjudicatory Stipulations | 1 | 1 | 1 | 1 | 1 |
| Rule 15. Adjudication | 1 | 1 | 2 | 1 | 1 |
| Rule 16. Srvc./Other Public Agencies | 1 | 1 | 1 | 1 | 1 |
| Rule 17. Disposition Reports | 1 | 1 | ? | 1 | 1 |
| Rule 18. Predisposition Conference | 1 | 1 | 1 | 1 | 1 |
| Rule 19. Disposition | 1 | 1 | 2 | 1 | 1 |
| Rule 20. Review Hearings | 1 | 1 | 2 | 1 | 1 |
| Rule 21. Priority of Juvenile Court | 1 | 1 | 1 | 1 | 1 |
| Rule 22. Court Calendar | 1 | 1 | 1 | 1 | 1 |
| Rule 23. Judicial Assignment | 1 | 1 | 1 | 1 | 1 |
| Rule 24. Time and Continuances | 1 | 1 | 1 | 1 | 1 |

1 = District fully adopted substance, even if not exact language of model rule

2 = District adopted a similar, but modified rule

3 = District did not adopt the rule, or adopted a divergent rule

The table suggests that there is a high degree of adherence to the Model Rules, at least insofar as the Family Court Pilots' official documents indicate. Even the "similar, but modified" rules were intended to have the same effects as the Model Rules. For example, the two districts that had "modified Day-1" rules, called them Child Planning Conferences and allowed them to occur during the first week after the filing of the original abuse/neglect petition, but held to the original intent of the Day-1s. However, results from the case record reviews (in the following section) reveal that, in practice, in many instances the Pilots did not adhere closely to some of the rules. This finding alone seriously complicates the interpretation of other results because it cannot be known whether the rules are effective, whether loosely followed rules become ineffective, or whether the court's lack of model

fidelity in some cases precludes the testing of the rule's contribution(s) to the intent of the Family Court Pilot.

Findings from Case Reviews

Of all the rules discussed in the preceding section, those determined to be most likely to affect the outcomes of CPS cases are:

- Timely appointment of counsel, GALs, etc.;
- Holding Day-1 conferences, pre-trial conferences/hearing;
- Adherence to timelines relating to adjudication/disposition and review hearings;
- Methods of judicial assignment (1 judge/1 family); and
- Frequency/reasons for continuances.

Measures of these variables were obtained from all cases reviewed both in the Family Court sites and the comparison district court sites. It was hypothesized that adherence to the rules would affect various case outcomes, including:

- Duration of cases as they were handled by the courts;
- Types of permanency achieved; and
- Placement histories of the affected children.

Like the court rules and operational measures, measures of these case outcomes and time-related variables were obtained from all cases, with the exception of placements, where a large-sample estimation technique was employed (detailed explanation follows).

In order to insure comparability of cases across districts, the demographics of the children and families were compared, to the extent possible, using data from the court records. The results of these comparisons are presented in Table 2. Only comparisons between variables that resulted in significant differences are presented in the table (e.g., there

were no differences in the proportion of male/female cases across districts, so that variable is not presented).

Table 2 reveals that the Family Court sites handled a slightly higher proportion of very young children (less than 1 year of age) and a slightly lower proportion of latency age (6 – 12 years) children. There is no parsimonious explanation for this difference, but the differences, although systematic, all small (5% to 8%).

Table 2: Child Demographics

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|------------------------------|------------------|--------------------|---------------|----------|-----------------|
| Age at First Petition | | | 10.459 | 4 | <.05 |
| Less than 1 | 12% | 20% | | | |
| 1 – 3 | 27% | 24% | | | |
| 4 – 5 | 12% | 11% | | | |
| 6 – 12 | 37% | 32% | | | |
| 13 – 17 | 11% | 13% | | | |
| Race | | | 36.452 | 2 | <.001 |
| White | 50% | 39% | | | |
| African American | 30% | 50% | | | |
| Other | 20% | 11% | | | |
| Single Child Case | | | 12.179 | 1 | <.001 |
| Yes | 23% | 34% | | | |
| No | 77% | 66% | | | |

An interesting difference in the number of cases involving single children was noted, with the Family Courts handling a larger proportion of such cases. Discussions with judges in those districts suggest that the imbalance is due to a large number of young, single, female-headed minority families. There were concomitant variations with respect to race, as well, which can be accounted for by the racial distributions within the counties comprising the districts. For example, two of the Family Court sites have a higher-than-average proportion of African Americans in their base population rates, and these are reflected in the higher proportion of African American families in their caseloads. Similarly, one of the

Comparison District Courts has a large American Indian population, which accounts for almost all of the difference attributable to the “Other” racial category. Minorities tend to be overrepresented in the child welfare population and their cases tend to be open longer than cases involving non-minority children. Thus, any overall imbalance of cases would tend to mitigate effects of the Family Courts, or to lend increased credibility to any positive effects noted in the results. No other differences were found between the two types of courts with respect to families or children served.

Turning to an examination of the operational variables, it would be expected that if the Family Courts are, indeed, different from the Comparison District Courts, significant differences in the measures of operational variables would be found. Tables 3 through 8 reveal a number of significant findings, and the majority of differences are in the direction expected, according to the tenets of the Model Rules defining a Family Court.

Tables 3 and 4 present the findings with respect to the assignment of judges to cases according to the 1 judge/1 family rule. Table 3 reveals that there is a significant difference in the number of cases involving few or many judges. However, the differences are relative. There is little difference between the two types of courts with respect to cases heard by one or two judges (or, rarely, zero judges if no hearings are recorded); 30% of Comparison District Court cases and 32% of Family Court cases were heard by either one or two judges. However, the courts diverge above this number, with 39% of Family Court cases versus 25% of Comparison District Court cases being heard by 3 judges, and only 29% of Family Court cases versus 45% of Comparison District Court cases being heard by 4 or more judges. Thus, the Comparison District Courts account for the largest proportion of truly multi-judge cases.

Table 3: Total Number of Judges Residing Over a Case (thru 12/31/04)

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|-------------------------------|------------------|--------------------|---------------|----------|-----------------|
| Total Number of Judges | | | 37.536 | 4 | <.001 |
| No hearings recorded | 2% | 1% | | | |
| One judge | 8% | 12% | | | |
| Two judges | 20% | 19% | | | |
| Three judges | 25% | 39% | | | |
| Four or more judges | 45% | 29% | | | |

In addition to the total number of judges, it is also important to examine the number of times that the judges change throughout the case. For example, a case that involves 9 hearings might be heard by three judges, with Judge A presiding at the first three hearings, Judge B presiding at hearings 4 through 6, and Judge C presiding the hearings 7 through 9. In effect, there are two judicial changes in this scenario (A to B, and B to C). However, a similar case of 9 hearings might involve Judge A presiding at the first hearing, Judge B the second hearing, Judge C the third hearing, and so on, yielding as many as 8 changes of judges during the case, as defined by breaks in the continuity of sequential hearings, even if each judge is somewhat familiar with the case. Table 4 presents the findings from this analysis.

Table 4: Total Number of Judge Changes throughout a Case (thru 12/31/04)

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|--------------------------------------|------------------|--------------------|---------------|----------|-----------------|
| Total Number of Judge Changes | | | 26.057 | 6 | <.001 |
| No hearings recorded | 2% | 1% | | | |
| No judge changes | 8% | 12% | | | |
| One judge change | 11% | 13% | | | |
| Two judge changes | 14% | 21% | | | |
| Three judge changes | 12% | 13% | | | |
| Four or five judge changes | 22% | 22% | | | |
| Six or more judge changes | 31% | 19% | | | |

The results in Table 4 suggest that the Family Courts were more successful than the Comparison District Courts in maintaining continuity of judges, with a cumulative 47% of Family Court cases experiencing 2 or fewer judicial changes, compared to 35% of the Comparison District Court cases, and once again, the Comparison Districts account for the largest proportion of multiple judicial change cases: 31% of Comparison District Court cases experienced 6 or more judicial changes, compared to 19% of Family Court cases.

The model rules set forth an expectation that child cases be prioritized, that all parties come to court prepared to hold a hearing, and that sufficient court time be available to complete scheduled hearings. These expectations are directed at the desirability of reducing the number of continuances granted in cases, and therefore needlessly prolonging the cases. Table 5 presents the findings of an analysis of the number of continuances granted in the two types of courts.

Table 5: Total Number of Hearings Continued (thru 12/31/04)

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|--|------------------|--------------------|---------------|----------|-----------------|
| Total Number Hearings Continued | | | 30.224 | 6 | <.001 |
| No hearings recorded | 2% | 1% | | | |
| No continuances | 36% | 35% | | | |
| One continuance | 16% | 17% | | | |
| Two continuances | 11% | 19% | | | |
| Three continuances | 11% | 11% | | | |
| Four or five continuances | 12% | 13% | | | |
| Six or more continuances | 12% | 4% | | | |

As seen in the table, overall the Family Courts granted significantly fewer continuances than did the Comparison District Courts. On a positive note, the majority of cases in both the Family Courts and the Comparison District Courts experienced either no continuances or a maximum of one continuance (53% and 54% respectively, with no

differences in distribution). However, above this number, the Family Courts granted fewer, with the Comparison Courts once again accounting for the largest proportion of multiple continuances cases. Comparison District Courts granted 4 or more continuances in 24% of cases, versus 17% of Family Courts. Furthermore, only 4% of Family Court cases experienced 6 or more continuances, and the maximum observed was 9. For Comparison District Courts, 12% of cases were granted 6 or more continuances, with a maximum observed of 19.

A seemingly important component of the Model Rules for Family Court is the convening of Day-1 conferences. Of course there is no expectation for the Comparison District Courts to hold Day-1s, but some Districts do hold them, even if infrequently, but there is an expectation that the Family Courts hold Day-1s. Thus, it is not surprising that the Family Courts outpaced the Comparison District Courts, and it is not surprising that the difference is significant, particularly since none of the Comparison District Courts held any Day-1s. The results of the comparison of courts on the holding of Day-1s are presented in Table 6 below.

Table 6: Cases Having Day-One Conferences

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|------------------------------------|-------------------------|---------------------------|----------------|----------|-----------------|
| Case Had Day-One Conference | | | 140.496 | 1 | <.001 |
| Yes | 0% | 26% | | | |
| No | 100% | 74% | | | |

Again, with 0% of Comparison District cases holding a Day-1, the differences are significant. What is surprising, however, is the low frequency of Day-1s held at the Family Court sites. Only one quarter (26%) of cases in the Family Courts experienced a Day-1, and the large majority of these Day-1s were accounted for in three of the five Family Court sites.

This finding alone makes suspect any attribution of the effects of Day-1 conferences to the Family Courts, per se, since not all Family Courts embraced the Day-1 Rule. However, the occurrence of a Day-1 conference turns out to be a very important factor, and a subsequent special analysis of cases involving Day-1 conferences is presented in a separate section of this report.

Table 7 presents the results of an analysis of variables that can be viewed as operational variables, or as outcomes. The measures include the time from the filing of the child abuse/neglect petition to adjudication, disposition, and first review. When viewed as operational variables, and by adhering to the timelines specified in the Rules, these case processing milestones may assist the cases to progress more quickly. On the other hand, when viewed as outcomes, they may be considered to be the results of previously occurring operational variables. For example, the occurrence of a Day-1 conference in a particular case may contribute to achieving adjudication within 45 days. Conversely, enforcing the 45-day rule to achieve adjudication may serve independently to moving the case forward. The results in Table 7 are likely to be a combination to both cause and effect.

Table 7: Case Processing Milestones

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|---|-------------------------|---------------------------|------------------------|----------|-----------------|
| Adjudication in 45 Days | | | 9.999 | 1 | <.01 |
| Yes | 41% | 31% | | | |
| No | 59% | 69% | | | |
| Disposition in 30 Days of Adj. | | | Not significant | | |
| Yes | 76% | 77% | | | |
| No | 24% | 23% | | | |
| First Review in 90 Days of Disp. | | | 21.620 | 1 | <.001 |
| Yes | 30% | 45% | | | |
| No | 70% | 55% | | | |

The data in Table 7 reveal significant differences between the two court models in achieving the specified timelines. However, not all the differences are in the expected direction. Specifically, although neither the Family Courts nor the Comparison District Courts achieved a high proportion of cases advancing to adjudication within 45 days, the Comparison District Court performed significantly better than the Family Courts on this variable. Comparison Courts reached adjudication within 45 days in 41% of cases, compared with only 31% in the Family Courts. There is no difference between the two types of courts with respect to achieving disposition within 30 days of adjudication (Comparison Courts = 76% of cases, Family Courts = 77% of cases), but this is due to the fact that the large majority of cases achieve both adjudication and disposition during the same court appearance, whether or not the adjudication and disposition orders are entered as combined orders or separate orders in the record.

The time to first review presents a different picture. On this measure, the Family Courts significantly outperformed the Comparison District courts. Family Courts heard the first review within 90 days of disposition in 45% of cases, whereas Comparison Courts heard the first review within 90 days on only 30% of cases. There is no parsimonious explanation for these differences when the data are reviewed on an “event” or “status” basis.

Tables 3 through 7 have presented information on operational variables, with that information being presented on the basis of categorical events (i.e., % of times a particular event or milestone occurred). However, many of the measures are continuous variables, meaning that their means can also be calculated, and differences between the Family Courts and the Comparison District Courts can be examined on this basis. Table 8 presents the

means of the continuous variables, as well as the results of an analysis of variance (ANOVA) that tests the means to determine if they are significantly different.

Table 8: Case Operations: Comparison of Means

| | Comparison Sites (mean) | Family Court Sites (mean) | f | df | p |
|--|------------------------------------|--------------------------------------|----------|-----------|----------|
| Days to assignment of GAL | 44.4 | 13.7 | 38.918 | 1/769 | <.001 |
| Days to appoint child attorney | 40.4 | 16.0 | 16.243 | 1/368 | <.001 |
| Days to assign mothers attorney | 20.5 | 11.5 | 3.753 | 1/772 | ns |
| Days to assign fathers attorney | 45.4 | 20.1 | 9.900 | 1/500 | <.01 |
| Total number of judges for case | 3.6 | 3.0 | 41.875 | 1/955 | <.001 |
| Total judge changes for case | 4.7 | 3.5 | 28.609 | 1/955 | <.001 |
| Total number hearings continued | 2.4 | 1.8 | 13.844 | 1/965 | <.001 |
| Total number pre-trial hearings | .1 | 1.0 | 208.036 | 1/965 | <.001 |
| Total number adjudication hearings | 1.6 | 1.5 | 2.365 | 1/965 | ns |
| Days from petition to first completed adjudication | 59.7 | 85.1 | 28.191 | 1/846 | <.001 |
| Days from petition to first completed review | 161.4 | 174.1 | 3.132 | 1/750 | ns |
| Days from petition to first completed TPR hearing | 577.4 | 526.5 | 2.269 | 1/135 | ns |

Recalling that a large portion of the underlying philosophy of the Family Court Model is the timely execution of typical events, it would be expected that the Family Courts would outperform the Comparison District Courts on many of these measures. In fact, Table 8 reveals that the Family Courts significantly outperformed the Comparison District Courts with respect to assignment of a GAL for the child (13.7 days versus 44.4 days, respectively), assignment of child attorney (16.0 days versus 40.4 days, respectively), and assignment of

father's attorney (20.1 days versus 45.4 days). There was also a substantial difference in the average number of days to assign mother's attorney (11.5 days versus 20.5 days) but there was enough variability within these data that the difference is not significant.

Judicial assignment and judicial change data have been discussed and the data presented in earlier tables (Tables 3 and 4), but it is also interesting to note the means for these variables, and to note also that the mean differences are significant. As presented in Table 8, the average number of judges hearing a case in Family Courts was 3.0, compared to 3.6 for Comparison District Court cases. Furthermore, the mean number of judicial changes within cases (i.e. maintaining maximum judicial continuity within cases even if more than one judge presides over hearings in that case) significantly favor the Family Courts. Family Courts experiences an average of 3.5 judicial changes per case, compared to 4.7 changes per case for Comparison District Courts.

The mean number of hearings continued per case for Family Courts was 1.8, which is significantly less than the average of 2.4 for Comparison Court Cases. Not surprisingly, due to the expectations within the Model Rules, the Family Courts held an average of 1.0 pre-trial hearing per case, compared to the Comparison District Court average of 0.1 pre-trial hearings per case.

Recall from the "event" data in Table 7 that the Comparison Courts achieved adjudication more quickly than the Family Courts, but the Family Courts achieved the first review more timely than the Comparison District Courts. It is not surprising that Comparison Courts average significantly fewer days to reach adjudication than do Family Courts (59.7 days versus 85.1 days). It is interesting to note, however, that the differences between the two types of courts with respect to the average number of days from petition to

first review is not significant. The mean number of days from petition to review for the Comparison District Courts was 161.4, which is slightly but not significantly faster than the average of 174.1 days for the Family Courts.

Finally, Table 8 reveals that for cases that eventually require a TPR hearing, the Family Courts tend to hold that hearing earlier in the case than the Comparison Courts. Family Courts averaged 526.5 days to the first TPR hearing, compared to 577.4 days for the Comparison District Courts. The absolute difference between the two types of courts is not trivial, being 51 days, or nearly two months. However, there is a great deal of variation in these data so the difference is not statistically significant with the sample size for this study. Also, it is worth noting that although TPR is a significant and compelling milestone in the life of a CPS case, it is not a form or permanence.

Results to this point have focused on the operational variables that serve as a proxy for the Family Courts with respect to the Model Rules, and in comparison to the District Courts. However, since the philosophical underpinning of the Family Courts is to expedite permanence, to influence the types of permanency outcomes, and to improve the experiences of affected children during the term of their court cases, the most important measures are those relating to the time-to-permanence, the types of permanence, and the placement experiences of affected children. Tables 9 through 11 present these data. Tables 9 and 10 present the case closing patterns of both types of courts. Table 9 treats case closings as events, and Table 10 presents the mean time-to-closing data. Table 11 presents the permanency outcomes of affected children.

Beginning with Table 9, it can be seen that there is no difference between the two types of courts with respect to their abilities to achieve case closure within the one-year time

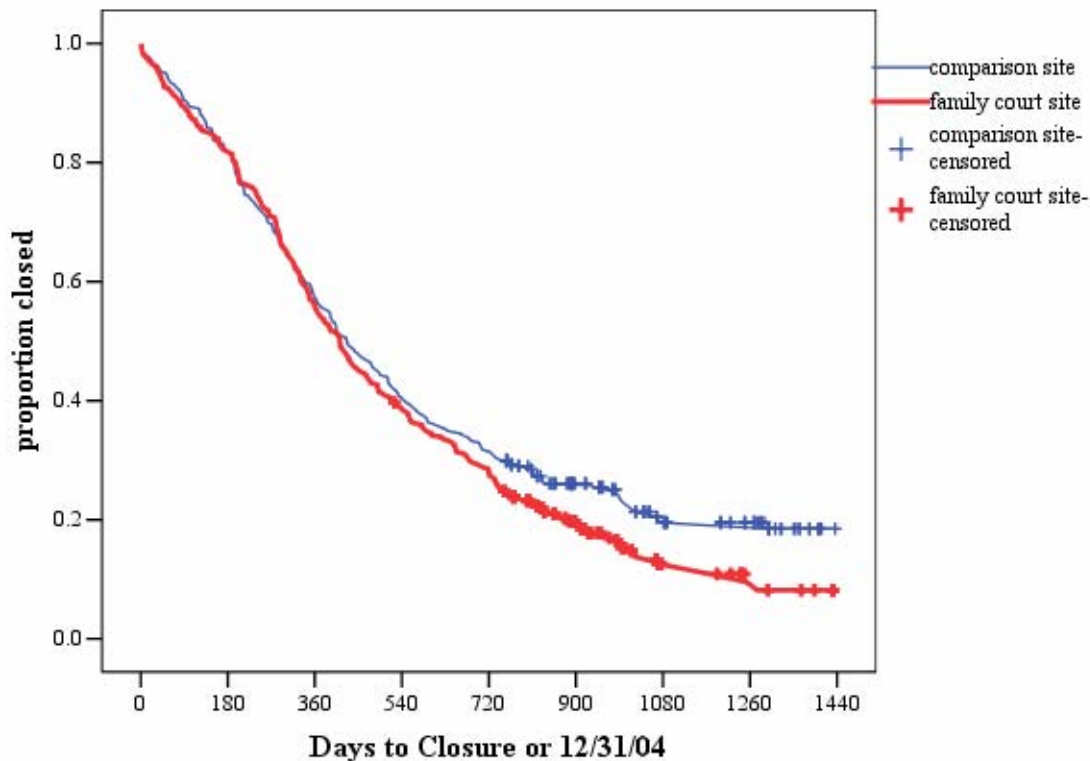
period specified under North Carolina law. The results are nearly identical: 45% of Family Court cases compared to 44% of Comparison District Court cases were closed within the required time period. These results perhaps call into question the reasonableness of the one-year standard as much as they reveal anything about the court models, per se. However, Table 9 also reveals that a significantly higher proportion of cases were closed by the Family Courts within the sample frame and case tracking period of the study than were closed by the Comparison District Courts.

Table 9: Case Closure Outcomes: Comparison of Events

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|-----------------------------------|------------------|--------------------|------------------------|----------|----------------|
| Case Closed in One Year | | | Not significant | | |
| Yes | 44% | 45% | | | |
| No | 56% | 55% | | | |
| Case Closed as of 12/31/04 | | | 5.861 | 1 | <.05 |
| Yes | 77% | 84% | | | |
| No | 23% | 16% | | | |

Family Courts closed 84% of cases between the time that the cases opened and the 12/31/2004 end-date of the study period. Comparison District Courts closed 77% of their cases in this same time period. A survival analysis of these data is presented in Figure 1. The curves in the Figure begin to diverge at approximately day 600 in the life of a typical case. From that point on, the Family Courts substantially and increasingly outperform the Comparison District Courts with respect to time-to-closure. Thus, although the Family Courts did close a slightly higher proportion of cases during the tracking period, these curves reinforce the observation that the influence of the Family Court Model appears to be greatest on the longest-term cases: those that typically exceed two years in length.

Figure 1: Days to Case Closure or 12/31/04



Log Rank Chi-square=4.358; df=1; p<.05

Table 10 presents the mean time from petition to case closing for cases that closed during the study period, and the mean time from petition to case closing for cases that closed, or the mean time from petition to 12/31/2004 for cases that were still open on that date. It is important to examine both of these measures, because the distribution of case closing times tends to be skewed negatively, and the long term effect of cases that were still open on 12/31/2004 is censored after that date (as seen in Figure 1); that is, whatever happened in those cases after 12/31/2004 cannot contribute to the means or the shapes of the distributions or survival curves within the timeframe of the study. Some of those cases might have closed

in early January of 2005, but others might still be open in late 2006. Those dynamics cannot be analyzed or reflected in the data presented in this report.

Table 10: Case Outcomes: Comparison of Means

| | Comparison Sites (mean) | Family Court Sites (mean) | f | df | p |
|---|--------------------------------|----------------------------------|----------|-----------|----------|
| Days from petition to case closure for cases closing by 12/31/04 | 378.2 | 394.3 | .735 | 1/778 | ns |
| Days from petition to case closure, or to 12/31/04 for cases still open | 529.0 | 485.7 | 3.704 | 1/965 | ns |

However, the results in Table 10 provide insight into the case closing dynamics when mean lengths of cases are examined. For cases that closed within the study sample frame (1/1/2001 through 12/31/2004) the Comparison District Courts slightly, but non-significantly outperformed the Family Courts. For these cases, the mean case duration for the Comparison District Courts was 378.2 days, compared to 394.3 days for the Family Courts, a difference of 16 days over the 13-to-14 month average duration of the cases in both types of courts. This finding is reasonably consistent with the earlier finding that the Comparison Courts achieved adjudication slightly faster than the Family Courts, on average. However, the picture changes when the “still open” cases are included in the analysis.

Recall, from Table 9, that although neither type of court performed very well with respect to the one-year standard, the Family Courts closed significantly more cases than the District Courts during the tracking period of this study. Thus, even though the Family Courts took very slightly longer to close cases within the study period than did the Comparison District Courts, they closed more of those cases. When the case duration-days for cases that *did not close* are added to the case duration-days of cases that did close the trend reverses,

and the Family Courts outperform the Comparison District Courts. The mean number of days that cases were or remained open in the Comparison District Courts was 529.0 days, compared to the Family Courts, which had a mean of 485.7. This is a difference of 43 days.

In addition to achieving case closure, per se, the Family Courts are expected to achieve more favorable forms of permanence, as defined by federal policy. Table 11 presents the results of an analysis of the reasons that cases were closed, including reasons that define forms of permanence.

Table 11: Reason Case Closed (for cases closing by 12/31/04)

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|---------------------------|------------------|--------------------|---------------|----------|----------------|
| Reason Case Closed | | | 18.233 | 6 | <.01 |
| Case still open | 23% | 16% | | | |
| Dismissed | 5% | 9% | | | |
| Reunification | 38% | 32% | | | |
| Relative placement | 21% | 24% | | | |
| Foster care/guardianship | 2% | 2% | | | |
| Adoption | 9% | 11% | | | |
| Other | 4% | 6% | | | |

The overall differences in Table 11 are statistically significant, but most of the differences are attributable to just a few categories. By the end of the case tracking period (12/31/2004) nearly one quarter (23%) of all the Comparison District Court cases were still open, compared to 16% for Family Courts. Family Courts also dismissed nearly twice as many cases as Comparison District Courts (9% versus 5%). Comparison Courts appeared to make more frequent use of reunification than Family Courts (38% versus 32%) but most of this difference is likely accounted for by the greater number of dismissed cases. Family Courts were slightly more likely to use relative placement as a permanency outcome than the Comparison Courts (24% versus 21%). Although the overall effects in Table 11 are

significant, the largest proportion of the effect is attributable to the “Case Still Open” variable. Even though the other differences slightly favor the Family Courts with respect to desirability as defined by law and policy, the differences are quite small.

Impact of Family Court Pilots on Child Placement

One of the most important reasons to improve the courts’ handling of juvenile cases is to minimize the untoward consequences of the other-wise benevolent interests of the state when exercising its child protection mandate. History and research on the impact of system involvement of children is discouraging, and one of the most frequently cited untoward consequences is that of multiple out-of-home placements of children. Forceful removal of a child from even the most deprived, or depraved, family situation is traumatic to the child. Extended periods of separation and “care and protection” at the hands of strangers, while sometimes necessary, prolong the trauma. Even when cases successfully resolve for the family the negative effects on the child in care in the child welfare system can require aftercare that is often not available or provided by the child welfare system. Thus, minimizing these untoward consequences is an important variable.

Child placement data included information on the number of placement spells, total number of placements, percent of children experiencing non-family placements, percent of children experiencing family placements, percent of children experiencing residential treatment facility placements, and length of stay in placement authority. These data are presented in Table 12.

The analysis presented in Table 12 reveals statistically significant differences between Comparison District Courts and Family Courts with respect to non-family

Table 12: Summary of Child Placements: Number of Placements and Types of Placements

| | Comparison Sites | Family Court Sites | χ^2 | df | p |
|--|------------------|--------------------|---------------|-----------|-----------------|
| Child Ever in Non-Family Placement (1st spell) | | | 5.271 | 1 | <.05 |
| No non-family placements | 83% | 89% | | | |
| Has non-family placements | 17% | 11% | | | |
| Child Ever in Residential Treatment Facility (1st spell) | | | 15.344 | 1 | <.001 |
| No residential placements | 83% | 93% | | | |
| Has residential placements | 17% | 7% | | | |
| Type of Initial Child Placement | | | 12.250 | 5 | <.05 |
| Unknown/missing | 2% | 2% | | | |
| Own home | 4% | 4% | | | |
| Relative | 27% | 24% | | | |
| Foster home | 52% | 59% | | | |
| Group home | 0% | 2% | | | |
| Other | 15% | 9% | | | |
| Total Number of Child Placements (1st spell) | | | 9.652 | 4 | <.05 |
| None | 1% | 3% | | | |
| One | 29% | 35% | | | |
| Two | 26% | 28% | | | |
| Three | 13% | 13% | | | |
| Four or more | 30% | 21% | | | |
| | Mean | Mean | f | df | p |
| Total number of child placements (1 st spell) | 3.19 | 2.52 | 10.811 | 1/708 | <.01 |
| Total days in non-family placements (1 st spell) | 47.2 | 26.3 | 3.450 | 1/709 | .064 |
| Total days in family placements (1 st spell) | 503.5 | 432.9 | 5.481 | 1/709 | <.05 |

placements, residential treatment facility placements, types of initial placements, total number of placements, and total days in placement. In all cases and on all measures, the results favor the Family Courts. Children in Family Court sites were less likely (11%

compared to 17%) to have experienced a non-family placement. They were also less likely (7% compared to 17%) to have experienced a residential treatment facility placement.

Children in Family Court sites were slightly more likely to experience a non-relative (foster care or group home) initial placement, but overall experienced fewer days in non-family placements (mean of 26 days compared to mean of 47 days for Comparison District Court sites). Children in Family Court sites also experienced significantly fewer days in placements (mean of 433 days compared to mean of 504 days for Comparison District Court sites) and overall they experienced significantly fewer placements during their spell under placement authority (mean of 2.5 placements compared to 3.2 placements for Comparison District Court sites). In fact, 66% of Family Court cases experienced two or fewer placements compared to 56% of Comparison District Court cases; and 21% of Family Court Cases experienced 4 or more placements, compared 30% of Comparison District Court cases.

To summarize, cases handled by the Family Courts experienced fewer placements, fewer placement changes, and fewer days in out-of-home care, compared to the placement experiences of cases handled in the Comparison District Courts.

Importance of the Day-1 Conference

The analysis of court operations data revealed that Day-1 Conferences were held in only a small minority of cases. In fact, Day-1s were held in only about one quarter of all Family Court cases (26%). Furthermore, only one of the Family Court sites held Day-1s in what could be considered large numbers (71% of cases). Two other Family Court sites held them in modest numbers (34% and 29%), and the remaining two sites held them very infrequently (7% and 4% of cases). This finding was surprising, because all five of the

Family Court sites had included Day-1s (or nearly equivalent Child Planning Conferences) in their Family Court Rules. In addition to being surprising, this finding was disappointing; because it appears that the Day-1 Conference is a very powerful contributor to milestone achievement and expedited permanency. A selection of these measures is presented in Table 13.

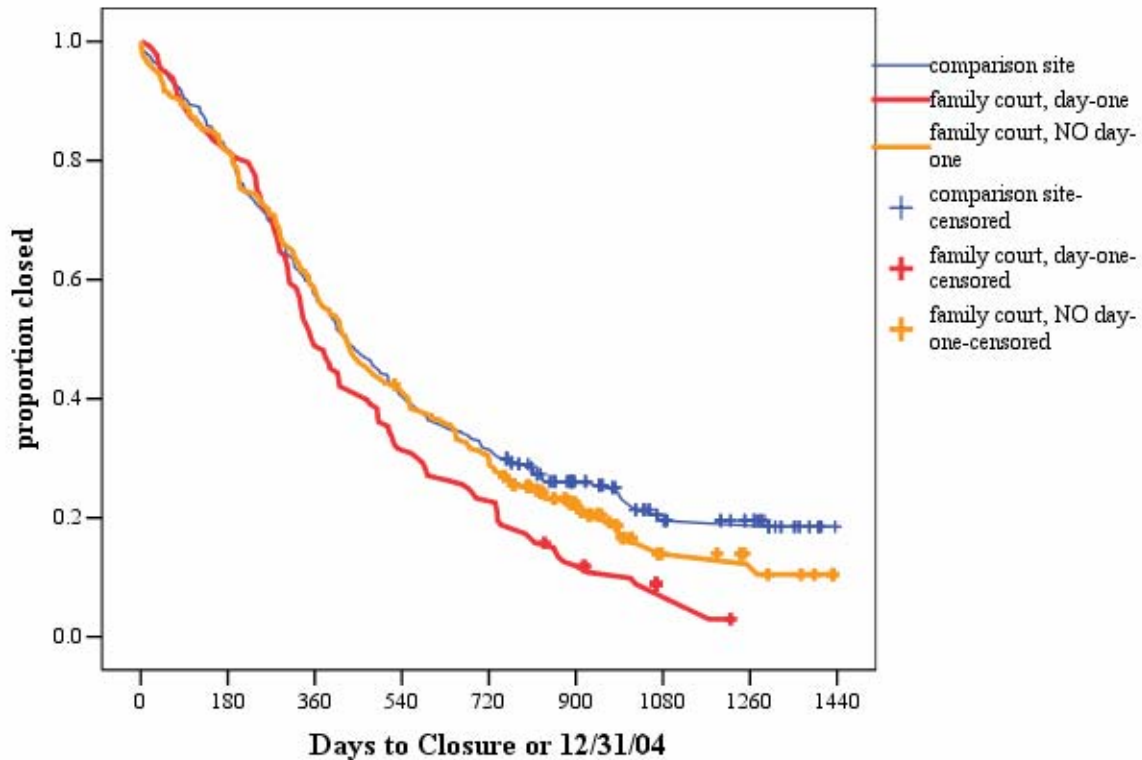
Table 13: Case Outcomes: Comparison of Events for Cases Having a Day-One Conference

| | Comparison Sites | Family Court Site, No Day-One | Family Court Site, Had Day-One | χ^2 | df | p |
|---|------------------|-------------------------------|--------------------------------|---------------|----------|-----------------|
| Case Closed in One Year | | | | 14.191 | 4 | <.01 |
| Yes | 44% | 43% | 51% | | | |
| No | 34% | 38% | 41% | | | |
| Still open | 23% | 19% | 8% | | | |
| Adjudication in 45 Days | | | | 29.105 | 2 | <.001 |
| Yes | 41% | 26% | 47% | | | |
| No | 59% | 74% | 53% | | | |
| First Review in 90 Days of Disposition | | | | 33.576 | 2 | <.001 |
| Yes | 30% | 40% | 57% | | | |
| No | 70% | 60% | 43% | | | |

This table illustrates that cases in which a Day-1 was held outperform other cases, irrespective of the type of court where the case was heard. Whereas the Comparison sites actually outperformed the overall performance of the Family Courts with respect to achieving rapid adjudication, the Day-1 Family Court Cases significantly outperformed cases in both types of courts that did not have a Day-1. They also substantially and significantly outperformed other cases with respect to achieving their first review within the specified time period, and they had the highest rate of case closure within one year. In fact, only 8% of the

Day-1 cases were still open at the end of the study period, compared to 19% of the other Family Court cases, and 23% of all Comparison District Court cases.

Figure 2: Days to Case Closure or 12/31/04 for Cases with a Day-One Conference



Log Rank Chi-square=8.680; df=2; p<.05

The impact of Day-1 conferences is also illustrated in Figure 2. Recall that in Figure 1 the overall effect of Family Court on time-to-case closure began to appear at approximately day 600. It can be seen in Figure 2, that when a Day-1 conference is held, the effect of the Family Court (plus Day-1) begins at approximately day 280, well within the first year of the typical case. From that point forward, the “Day-1” case curve diverges from both the Comparison District Court time-to-closure curve and the other Family Court cases curve. This divergence is both visually compelling and statistically significant. As was

demonstrated in the evaluation of the original Court Improvement Project evaluation during which many of the Model Rules were first field tested, the Day-1 appears to be the single most important component of Family Court.

Survey Results

It is noteworthy that none of the survey respondents were aware of any of the data gathered during the court record reviews at the time that the survey was administered. Thus, their responses were based solely on their personal experiences and attitudes.

More than half (57%) of respondents had more than 5 years experience in their current position, the majority (64%) of respondents had more than 5 years experience with juvenile cases prior to the implementation of Family Court, and the majority (68%) of respondents had more than 3 years experience with juvenile cases since the implementation of Family Court. Respondents were asked specifically if their Family Court Pilot site adhered to the various principles specified in the Model Local Rules. Collapsing the responses of “yes, always” and “yes, most of the time” on each 6-point scale, the survey results indicated a high degree of adherence to the tenants of the rules:

- 85% of respondents felt that their Family Court Pilot site prioritizes juvenile cases ahead of other court matters, and 90% indicated that their site scheduled special court days or blocks of time to hear juvenile cases;
- 91% of respondents indicated adherence to the one judge/one family rule;
- 74% of respondents indicated that there were expectations for maximum timelines between critical case events (e.g., 30 days to signing orders, 30 days between adjudication and disposition, etc.);
- 91% of respondents indicated that assignment of parent’s counsel was occurring at the time the petition was filed;

- 92% of respondents indicated that appointment of a guardian ad litem was occurring at the time the petition was filed;
- 73% of respondents indicated that day-one, or child planning, conferences were occurring;
- 85% of respondents indicated that pre-trial conferences or hearings were being conducted; and,
- 81% of respondents indicated that there had been an increase in pre-trial sharing of case-related information.

Overwhelmingly, respondents expressed positive feelings about the impact that the Model Local Rules had on the processing of juvenile court cases. Collapsing the responses of “helps quite a bit” and “greatly helps” on each 7-point scale into an aggregate indicator of “positive affect” in helping cases progress more quickly, the survey results indicate the following:

- 75% of respondents felt that prioritizing juvenile cases helps cases progress more quickly;
- 92% felt the strategy of “one judge/one family” helps the cases progress more quickly;
- 69% felt that expectations of maximum timelines between critical case events helps the cases progress more quickly;
- 74% of respondents felt that the immediate assignment of counsel helps the cases progress more quickly;
- 75% felt that early assignment of a guardian ad litem helps the cases progress more quickly;
- 63% felt that the day-one, or child planning, conferences help the cases progress more quickly (22% feel it helps somewhat, and 12% felt it had no effect);
- 54% felt that the pre-trial conferences or hearings help the cases progress more quickly (30% feel it helps somewhat), and 43% of respondents said that these

conferences “always” or “most of the time” resulted in useful case-related documents like memorandums of agreement or stipulations;

- 76% felt that increased pre-trial sharing of case related information help the cases progress more quickly; and,
- 64% felt that the use of a Family Court Administrator or Case Manager help the cases progress more quickly.

Survey respondents were asked several additional questions regarding how they felt about different tenets of the Model Local Rules and how the rules impacted case processing. Half (52%) of respondents felt that the rights of parents/guardians are “enhanced quite a bit” or “greatly enhanced”, and half (52%) felt the rights of children are “enhanced quite a bit” or “greatly enhanced”. Under the new rules, 47% of respondents felt hearings take “moderately less” or “a lot less” time to complete, and 47% felt that there are “moderately fewer” or “many fewer” continuances. Respondents indicated that continuances were most likely granted for failure to locate or identify parents, problems with service of a summons to the necessary parties, for a parent attorney not being available, and there not being enough court time available to hold or complete a hearing. Half (49%) of respondents felt that cases take “moderately” or “a lot less” time to move from petition to adjudication, and half (53%) felt that cases take “moderately” or “a lot less” time to move from petition to disposition. With respect to reaching a permanency decision in cases, 53% of respondents felt that cases take “moderately” or “a lot less” time. When asked about out-of-home placements of children, only 27% of respondents felt that children experience “moderately” or “many fewer” placements, while two-fifths (42%) felt that the new rules have made no difference on the number of child placements. A slightly higher proportion (38%) of respondents felt that children spend “moderately” or “a lot less” time in out-of-home care and 29% felt that the

rules have made no difference in the time children spend in out-of-home care. Finally, when asked about changes in their opinion of Family Court since being first exposed to it, nearly half (45%) felt that their opinion has become “somewhat” or “much more” positive, and 16% indicated their opinion has become “a bit more” positive.

The results of the survey are very supportive of the positive influence of the Family Court rules on improving the processing of juvenile cases in the courts. While there were a few individuals who did not express positive feeling about each of the potential influences of the court rules, virtually none expressed strong negative opinions, whereas many (the majority, in most cases) expressed strong positive opinions. It is important to recall that these opinions were given prior to the release of any of the statistical measures of the impact of the Model Rules, and are therefore based upon respondents’ personal experiences with the Family Court Pilot from their own vantage points. The actual results of the case reviews suggest that the survey respondents overestimated the effects of the Family Court Pilots on both court operations and case outcomes.

Discussion

The results in the preceding section provide ample evidence to suggest that the Family Court model has the potential to alter dramatically the processing of child abuse, neglect and dependency cases in North Carolina. The Model Rules, and minor variants of those rules, contributed to more efficient court operations and to improving the case outcomes for children involved in these types of cases. Unfortunately, although the results suggest the potential of the Family Courts, those same results also demonstrate shortcomings among the Family Courts with respect to model fidelity. In short, in many instances the Family Court sites did not closely adhere to the rules that they adopted that were intended to alter judicial and operational procedures. The weak adherence to the rules resulted in weaker than expected impact of the rules on the measures employed in the evaluation, including both operational measures and case outcome measures.

Refocusing first on the operational variables that comprise the substance of the Family Court Rules, it is clear that the Family Courts did outperform the Comparison District Courts on virtually every measure. By comparison, GALs and child attorney advocates were assigned in less than one-third the time, and parents' counsel in less than one-half the time. But on the other measures of court operations, although the Family Courts did outperform the District Courts, and the differences were statistically significant, the magnitudes of the differences were not large. For example, the mean number of judges for Family Court cases was 3.0, compared to 3.6 for Comparison District Courts, or less than one judge per case. Similarly, the average number of hearings continued, thought to be a major contributor to prolonging cases, was 1.8 continuances per case for Family Courts, and 2.4 for Comparison

District Courts. Although statistically significant, the difference is only 0.6 continuances per case.

The apparently weak effects of the rules is thought to be due to less-than-vigorous adherence to the rules by some of the Family Court sites, and progressive, unanticipated practices used in some of the Comparison Districts; such as 1-judge/1-case scheduling, or use of locally designed and quite efficient bench forms for tracking hearings and entering orders, and so on. In several instances, the innovative Comparison District Court practices resulted in individual Comparison District Courts substantially out-performing individual Family Court sites on some of the measures thought to be central to the vision and mission of the Family Courts. When these kinds of unexpected differences occur, they reduce the overall magnitude of the between-court-type differences, even if the overall trends remain intact.

There were virtually no meaningful differences between the types of courts with respect to accelerated permanency. In fact, the mean time-to-closure for cases that closed during the study period slightly favored the Comparison District Courts, although the difference was not significant. However, taken as a whole, the data suggest that the Family Courts would have overtaken and surpassed the performance of the District Courts had the still-open cases continued to be tracked. Even if this were to be true, however, it would be a rather hollow claim to improved performance, because the trend reversal would have involved only those cases that were open for the longest periods of time: two years to more than four years in length. Both federal and state laws strongly favor much shorter case durations, durations not achieved in large numbers by either the Family Courts or the Comparison District Courts. Over the entire duration of the study period, the Family Courts did close more cases than the Comparison District Courts, but the difference was not large

(84% versus 77%). Furthermore, although the trends did slightly favor the Family Courts, there were no meaningful differences between the types of courts with respect to the types of permanency achieved.

Reducing the “system trauma” to children who have been abused, neglected or are dependent is a worthy goal. The Family Courts seem to have outperformed the Comparison District Courts with respect to the placement histories of the affected children. This is an important finding and bodes well for improved long-term outcomes for these children. Using more family-like placements when placement is necessary, minimizing non-family or institutional placements, reducing the number of placement changes, and shortening the periods of out-of-home care are all statistically linked to the Family Courts. Given the over-attribution of positive operations and outcomes to Family Courts by respondents to the attitudes and opinions survey, the placement histories may have been affected as much by the general ethos of the Family Court environment than by any of the rules or judicial practices. Whatever the source or explanation for the differences, they are true and compelling differences.

During the analysis of the case review data, it was discovered that the Family Court sites greatly underutilized the option of conducting Day-1 conferences (or Child Planning Conferences, as they are sometimes known). This was discouraging because the original Court Improvement Project that piloted many of the Model Rules, including the Day-1s, revealed that the Day-1 conference is arguably the single most important feature of the Family Court model. Analysis of the group of cases that did utilize a Day-1 conference revealed large and statistically significant differences between the “Day-1” cases and all other cases whether they were heard in the Family Court sites or the Comparison District

Court sites. More than half of them were closed within the one-year period specified in North Carolina law; they were adjudicated significantly more quickly, and were reviewed more quickly. The survival analysis of case duration significantly favored the Day-one cases, and the censoring data showed that only a handful of the Day-1 cases were among the long-term cases still open at the conclusion of the case tracking period. It is acknowledged that the staffing requirements of the Day-1s are substantial, increasing the costs to the courts of operating the Family Court Model. Virtually all of the other rules (operational rules, judicial procedural rules) can be adopted with little or no additional expense. However, given the contribution of the Day-1s to virtually every desired outcome of the Family Court Model, there is a compelling case to be made for requiring Day-1s to be available to all families in Family Court districts.

In summation, the evaluation of the Family Court Pilots is strongly suggestive of the efficacy of the model. However, it is also suggestive of less-than-rigorous adherence to the rules that define a Family Court, and to piecemeal adoption of the Model Rules promulgated by the AOC. An unanticipated positive finding was that there are innovative and effective local practices being utilized by several of the Comparison District Courts that probably had an impact on many of the measures in this evaluation, such that some of the expected differences between the Family Courts and the Comparison District Courts were mitigated. It would be interesting to poll the districts that appear to have well functioning courts to identify these innovative practices and disseminate them to other courts, in addition to promoting a vigorous and more rigorous implementation of the Family Court Model.