



June 2022

Nevada
**COURT IMPROVEMENT
PROGRAM**
SELF-ASSESSMENT & STRATEGIC PLAN



Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

State Court Improvement Program Application Cover Page

Applications are due to the CB Regional Offices no later than June 30.

Name of State/Territory/: Nevada

***Employee Identification Number (EIN):** 188600002218

***Unique Entity Identifier (UEI):** 191048094

Programmatic Contact: (Typically the CIP Director)

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Funds will be distributed based on formula.

Checklist:

1. A list of the members of the statewide multidisciplinary taskforce and any accompanying narrative about the task force as needed (See PI pages 7-8)
2. A budget narrative
3. An updated Self-Assessment (See Attachment B)
4. An updated five-year Strategic Plan (See Attachment D)



The State of Nevada
Court Improvement Program

Court Improvement Program Select Members



Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

**COURT IMPROVEMENT PROGRAM (CIP)
Select Committee Members and Alternates**

Senior Justice Nancy M. Saitta (Ret.), Chair

Justice Elissa Cadish, Co-Chair

Supreme Court of Nevada

MEMBER	ALTERNATE
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John McCormick

Assistant Court Administrator
Nevada Supreme Court

Paige Dollinger

District Court Judge
2nd Judicial District Court, Family Division

Rebecca Burton

District Court Judge
8th Judicial District Court, Family Division

Judge Stephanie Charter

District Court Judge
8th Judicial District Court, Family Division

Michael Montero

District Court Judge
6th Judicial District Court

Gary Fairman

District Court Judge
11th Judicial District Court

Alison Testa

Juvenile Master
2nd Judicial District Court, Family Division

Kimberly Okezie

Juvenile Master
1st Judicial District Court, Family Division

Maribel Gutierrez

Judicial Assistant
1st Judicial District Court, Family Division

Kendra Materasso

Family Services Case Manager
2nd Judicial District Court / Family Division

Dr. Cindy Pitlock

Division Administrator
Division of Child and Family Services

Amber L. Howell

Director
Washoe County Department of Social Services

Judy Tudor, LSW, MSW

Assistant Director
Clark County Department of Family Services

Jill Marano

Assistant Director
Clark County Department of Family Services

Jennifer Spencer

Deputy Attorney General
Office of the Nevada Attorney General

Izaac Rowe

Deputy Attorney General
Office of the Nevada Attorney General

MEMBER	ALTERNATE
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Jennifer Rains

Chief Deputy Public Defender
Washoe County Public Defender's Office

Irene Hart

Deputy Public Defender
Washoe County Public Defender's Office

Jennifer Meredith

Deputy Public Defender
State of NV / Public Defender's Office

Charles H. Odgers

Chief Deputy Public Defender
State of NV / Public Defender's Office

Buffy Jo Okuma

Chief Deputy District Attorney, Civil Division
Washoe County District Attorney's Office

Janice Wolf, Esq.

Attorney at Law
Legal Aid Center of Southern Nevada

Xavier Planta, Esq.

Attorney at Law
Legal Aid Center of Southern Nevada

Jane Saint

State Executive Director
Nevada CASA Association

Kate Schmidt

Foster Parent Representative
Regional Director Northern Nevada Foster the City

Zach & Raina Stenson

Foster Parent Representative

Fran Maldonado

Social Services Program Spec. III
ICWA Tribal Liaison / Adoption Specialist Division of
Child and Family Services

Brigid Duffy

Chief Deputy District Attorney
Clark County District Attorney's Office, Juvenile Div.

Kelly Brandon

Deputy District Attorney
Carson City District Attorney's Office

Wonswayla Mackey

Assistant Director
Clark County Department of Family Services

Erika Pike Turner, Esq.

Attorney at Law
Garman Turner Gordon LLP

Elaine Marzola

Assemblywoman
Nevada State Legislature

Jhone Ebert

Superintendent of Public Instruction
Nevada Department of Education

Mary Holsclaw

Education Program Professional
Nevada Department of Education

Needed Representatives & Community Improvement Councils

**Needed Representatives & Community Improvement Councils
Self-Assessment
June 30, 2022**

Indian Child Welfare Act Specialist

Fran Maldonado is the Tribal Liaison for the Division of Family Services and is a member of the Court Improvement Program Select Committee. CIP is currently working on building rapport and relationships with tribal stakeholders in order to identify tribal stakeholders to collaboratively work on various CIP efforts. Starting November, CIP will be attending the Indian Child Welfare Act Meetings that consist of representatives from the 28 federally recognized Nevada tribes. In addition, to this collaboration efforts, CIP increased the number of participants permitted to attend the 2022 Community Improvement Council Summit. CIP has encouraged each judicial district to include tribal representatives to be a part of their CIC teams. CIP will identify a tribal representative for the CIP Select Committee by January 2023.

Parents and Youth with Lived Expertise in the Child Welfare System

CIP has been part of the Statewide Independent Living (IL) Committee led by Lupie Janos, the Social Services Chief II from the Division of Family Services. Due to various requests to incorporate youth with lived expertise, the IL has been working on a plan to make sure youth are not tokenized, included responsibly, and reduce duplicative efforts across the state relating to this project. CIP is at the beginning stages of identifying a parent representative and has encouraged each judicial district to include foster parents and parents with lived expertise to be a part of their CIC teams. CIP will identify a parent and youth experts for the CIP Select Committee by January 2023.

Avoiding Tokenism

CIP understands the importance of being inclusive and equitable of all parties and is at the beginning stages of identifying individuals with empirical expertise and tribal representation. Furthermore, CIP understands that there is a fine line between tokenism/token efforts and inclusive/equitable efforts. CIP is working to build meaningful relationships with all the needed representatives and genuinely work to meet their needs. Additionally, CIP will be hosting a training session during the 2022 CIC Summit in September to learn about tokenism, how to avoid it and how to genuinely engage in inclusive and equitable efforts. This session will help guide the CICs' efforts relating to diversity, equity, inclusion, and accessibility.

Community Improvement Councils

In response to the PIP from the 2nd round CFSR (2010), the courts were asked to develop a workgroup to address reducing barriers to adoption and TPR. Rather than create one large workgroup, CIP asked each judicial district to create a platform/forum for ongoing identification of strengths and opportunities as they pertain to child welfare outcomes. As a result, each judicial district created a Community Improvement Council (CIC) of local stakeholders to identify barriers to timely permanency, adoption, and TPR; and develop and implement solutions to these barriers in its locale. The CICs are leadership structures with a collaborative approach that engage legal and judicial stakeholders with broad representation. These leadership teams include justices, judges, parent attorneys, children attorneys, child welfare representatives, the Attorney

General's Office, and educational partners. CIP is working on expanding our leadership team by seeking stakeholders with diverse backgrounds/perspectives, community partners, and tribal legal stakeholders. These CICs continue to meet and discuss issues relevant to children welfare and court dependency.

CIP produces quarterly and annual data packets containing court timeliness, child welfare, and trend metrics. The timeliness data metrics distributed to the CICs quarterly allow for comparison over time as well as comparison among judicial districts. Because each judicial district is unique, the specific local activities and interventions for that district have been built on a foundation of empirical data and consensus among the key stakeholders and constituency of that district. These data are also used to guide CIP's discussions with the judiciary and their CICs during their regularly meetings so local stakeholders can work to improve timeliness and resolve systemic problems. With help from the National Council of Juvenile and Family Court Judges, CIP conducts the CIC Summits, targeted annual convenings of CIC stakeholder teams from each of the judicial districts, to reinforce their work and advance new initiatives.



The State of Nevada
Court Improvement Program

BUDGET NARRATIVE



Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

**The State of Nevada
Court Improvement Program
Basic, Training, and Data Sharing Grant
Budget Narrative**

❖ **Salaries:**

The Nevada Court Improvement Program (CIP) has 2 full time employees, 1 Program Coordinator and 1 Administrative Assistant. Three quarters of their estimated salaries or approximately \$127,000 will be covered by the grant.

❖ **Operating Expenses:**

Operating supplies such as computers, software, conference lines, insurance, office supplies, etc. that are needed to run the program for an approximate total of \$1,000.

❖ **Travel:**

- In state travel to visit judges and courts that handle dependency cases for an estimated total of \$3,000.
- Attendance of a seven-person team at the Annual American Bar Association Center for Children and the Law for an approximate total of \$20,000

❖ **Subgrants:**

- National Council of Juvenile and Family Court Judges (NCJFCJ): Annual Community Improvement Council's (CIC) Summit for ongoing training and support as well as virtual training opportunities throughout the year at an estimated total of \$137,500.
- Membership with the National Council of Juvenile and Family Court Judges (NCJFCJ) for Judges and Magistrates who handle dependency cases at an estimated total of \$5,000.
- Data Savvy Consulting: Ongoing research and evaluation of items such as Termination of Parental Rights (TPR), short stayer population, quality representation, disparate outcomes for minority populations and in-depth analysis on Juvenile Dependency Mediation Program (JDMP) at an estimated total of \$ 40,000.
- Chapin Hall: Interlocal contract to allow for data sharing between the Department of Children and Family Services (DCFS) and the Administrative Office of the Courts (AOC) regarding dependency cases at an estimated rate of \$15,000.
- Evinto Solutions: Provider of Optima software, a volunteer and case management system for Court Appointed Special Advocates (CASA) and Guardians ad Litem (GAL), that allows both administrators and volunteers to enter and track information on their cases, while providing high-level aggregate reports for the state at an estimated annual subscription rate of \$17,305.
- Supporting judicial districts with TPR backlog estimated total of \$33,892

❖ **Total estimated Grant award of \$399,697 with 30 percent of funds for collaboration and data sharing**

❖ **In-Kind Match:**

The In-Kind match required is estimated at \$132,659 which will be provided by the Administrative Office of the Courts (AOC) as office space, janitorial services, and through payment of one quarter of CIP employee's salaries. Additional match will be required from any subgranted funds and attendance at summits and trainings provided through CIP funding.



June 2022

Nevada COURT IMPROVEMENT PROGRAM

FFY 2021-2022 SELF-ASSESSMENT



Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS
FFY 2021-2022 SELF-ASSESSMENT

State Court Improvement Program 2022 Annual Self-Assessment Report

This self-assessment is intended as an opportunity for Court Improvement Programs (CIPs) to review progress on CIP projects, joint program planning and improvement efforts with the child welfare agency, and the ability to integrate (Continuous Quality Improvement) CQI successfully into practice. The self-assessment process is designed to help shape and inform ongoing strategic planning and should include meaningful discussion with the multi-disciplinary task force and candid reflection of key CIP staff. The self-assessment primarily focused on assessing efforts undertaken to date while the strategic plan maps out efforts going forward. Questions are designed to solicit candid responses that help CIPs apply CQI and identify support that may be helpful.

I. CQI Analyses of Required Projects *It is ok to cut and paste responses from last year, updating according to where you currently are in the process, and, if you do so, highlight text to show anything that is new. Complete the descriptions for CQI stages you have progressed through or are in. Though some upcoming stages will be inapplicable, consider whether your team may have preliminary thoughts that are relevant to those questions. Please also indicate if you need assistance from your federal or Capacity Building partners in a particular phase.*

Joint Project with the Child Welfare Agency:

STATEWIDE JUVENILE DEPENDENCY MEDIATION PROGRAM

Provide a concise description of the joint project selected in your jurisdiction.

The purpose of the Statewide Juvenile Dependency Mediation Program (JDMP) is to improve system processing of dependency cases; to better engage families; thereby decreasing time to permanency and termination of parental rights (TPR). In so doing, it helps stabilize children's lives by getting them into safe, stable, and permanent homes in a timely manner consistent with the Adoption and Safe Families Act of 1997.

Mediation has been used to enhance the quality of the dependency process by providing the parties an opportunity to enter into a discussion in which the parties voluntarily resolve the issues that brought the family into the dependency system and produce a written agreement in lieu of a contested hearing. Contested hearings tend to be especially painful for children, as they may be required to testify against their parents. Mediations allow children to avoid this trauma, as mediations tend to focus on the family's strengths. **In addition, when mediation is ordered earlier in the case process, parents engage earlier in their case plan and all the parties involved are able to agree and identify the appropriate services and next steps for reunification.** The benefits of mediation in child dependency cases include: improved outcomes for children from decreased time to permanency to improved well-being, enhanced parental engagement to safely reunify with the child, **collaboration amongst multidisciplinary stakeholders**, time and cost savings, and system efficiency.

Identify the specific safety, permanency, or well-being outcome(s) this project is intended to address. If this effort is linked to any agency measures, e.g. CFSR measures, please note those.

The specific outcome expected as a result of implementing a statewide juvenile dependency mediation program is to improve timeliness to permanency and TPR by improving case processing and parental engagement. This project intended to address the Nevada Child and Family Services Review (CFSR), Goal 3 of the Program Improvement Plan; Nevada Children have legal permanency and stability in their home lives and their continuity of family relationships and connections are preserved (Permanency Outcome 1, Systemic Factors: Case Review System, and Foster Parent Recruitment and Retention) for Key Activity 3.1.3. Key Activity consists of JDMP training for child welfare staff and court stakeholders; continued training of JDMP mediators to ensure quality and fidelity to the mediation model. Additionally, CIP staff provided quarterly JDMP presentations to the Statewide Quality Improvement Committee (SQIC).

Nevada PIP Juvenile Mediation Training - Compliance Tracking

Jurisdiction	Total number to be trained	Number trained 7/31/2021	% - target of 100%
Clark	318	318	100%
Washoe	118	118	100%
DCFS - Rural	75	75	100%
Total	511	511	100%

Approximate date that the project began:
July 1, 2016

Which stage of the CQI process best describes the current status of project work?
Evaluation and assessment. JDMP continues to be evaluated and implement evaluation recommendations, make changes to program practice and use data to inform or guide the Program's next steps. The value of JDMP to the courts has been demonstrated to such an extent that the Nevada Supreme Court memorialized funding for JDMP in its budget, and the Nevada Legislature has reauthorized funding again for the next fiscal year.

How was the need for this project identified? (Phase I)
Dependency Mediation was initially identified in the 2nd Judicial District's (JD) CIC action plan as a means to improve timeliness to permanency and termination of parental rights (TPR) by improving case processing and parental engagement. This area in need of improvement was identified during the Round Two of the Child and Families Services Review (CFSR) and, again, during Round Three of the CFSP (2019) resulting Program Improvement Plans (PIP).

What is the theory of change for the project? (Phase II)
The engagement of all case parties in a non-adversarial dispute resolution process when disagreements occur (e.g., denial of the petition or TPR petition, and disagreements over case plan or placement), is expected to reduce contention among the parties, lead to agreement, and allow both the professionals and the parents to feel fully engaged and vested in the process. This is expected to lead to increased parental engagement in future hearings and increased likelihood that parents will work their case plans. This will, in turn, lead to long term outcomes such as improved time to permanency and reunification rates.

Court hearing quality studies, including those conducted in Nevada, indicate that hearings in which children, parents, and their attorneys are present are more likely to result in reunification. When parents are offered the opportunity to be heard, their children are less likely to age out of the system. When parents engage in discussion of efforts to reunify, the time to permanency for their children is decreased. If one extrapolates, such characteristics of quality hearings and positive outcomes to mediation, it would be expected that mediation would have similar positive impacts.

Some of the lack of timeliness to permanency and TPR may be due to the fact that parents may not be engaged in working their case plans. Research has demonstrated that not only is mediation successful in producing agreement across a wide range of case types, but it also provides an atmosphere in which all parties feel heard. When parties are heard they are likely to become more engaged in the case with an increased likelihood of positive outcomes. Additionally, research has shown that time from petition to permanency is less for mediated cases when compared to a control group of cases not mediated.

Mediation is used to improve the quality of the dependency process by providing the parties an opportunity to enter into a discussion in which the parties voluntarily resolve the issues that brought the family into the dependency system and produce a written agreement in lieu of a potentially traumatic contested hearing. Mediations tend to focus on the family's strengths. Benefits of mediation in child dependency cases include: time savings, efficiency, parental engagement, and improved outcomes for children.

Have you identified a solution/intervention that you will implement? If yes, what is it? (Phase III)

Yes, Statewide Juvenile Dependency Mediation (JDMP) implemented in a consistent manner using a facilitative, co-mediation model with continual quality improvement. The JDMP is administered by a highly qualified mediator with a specifically trained mediation panel.

As a result of the COVID-19 pandemic, JDMP developed new protocols and best practices for virtual mediations with an emphasis on recognizing domestic violence signs in order for all parties to fully engage, be heard, support safety and wellbeing during remote mediations.

What has been done to implement the project? (Phase IV)

CIP contracted with Waterhole to develop an online JDMP Mediation Training to continue to educate child welfare staff and court stakeholders to effectively participate during court ordered dependency mediation. The online training occurred statewide in all 11 court jurisdictions. CICs are updated with program changes and are provided with data reports by CIP which helps guide their JDMP practices as Nevada does not have a unified court system.

How are you or how do you intend to monitor the progress of the project? (Phase V). Be specific in terms of what type of evaluation (e.g., fidelity or outcome, comparison group, etc.) and what results you have, if any. If you have already evaluated your effort, what do the data show, and how did you use these data to modify or expand the project?

As part of the CIP CQI efforts to ensure fidelity of implementation, CIP provided quarterly data and trend updates to the Statewide Quality Improvement Committee (SQIC). CIP maintains its yearly JDMP evaluation contract with Data Savvy Consulting (Sophia Gatowski, PhD & Alicia Summers, PhD) to monitor progress.

For instance, per the recommendations of the 2019 Nevada Statewide JDMP Mediation Outcome Evaluation (Appendix A) that was conducted by Data Savvy, CICs were encouraged to utilize mediation in earlier stages of the case process. There has been an increase in mediations at the petition stage of the case, particularly for 2nd JD. Gatowski & Summers (2019) also made the following recommendations for future measurement, practice change, improvement and fidelity, which CIP has applied or continues to implement:

- Updated the JDMP stakeholder and participant surveys
- Mediator quality assessment (mediator surveys)
- Child welfare and court stakeholder training
- Annual enhanced mediator training and monthly peer support meetings
- Updated Case Data Sheet
- Updated Excel spreadsheet and modified outcome formula

In light of the COVID-19 pandemic, JDMP implemented remote mediation and additional new processes. CIP contracted with Data Savvy Consulting to do secondary analysis of Nevada's JDMP's data collection forms for post COVID-19 process and outcomes (e.g., mediation agreements, parent survey forms). *The COVID-19 Pandemic and Nevada's JDMP: Examining Effects on Practice* (Appendix B). The goal of this study was to provide the NVCIP with information about how the global COVID-19 pandemic might have affected the JDMP case process and outcomes. This information can be used to indicate areas of practice challenge and to design improvements to target those challenges. The COVID-19 JDMP 2021 Evaluation key findings:

- Case Demographics: There were significantly fewer mediations that focused on TPR and significantly more mediations that focused on petition language. The Second Judicial District (Washoe County) held a higher percentage of

mediations.

- Case Process: Parents were unlikely to complete the post-mediation survey after remote mediations. Only a handful of parents completed the survey, in comparison to prior years when a significant portion of survey responses were parents or caregivers.
- Case outcomes: Post COVID-19, mediations were significantly more likely to result in “No Agreement” (29% compared to 25%) and were significantly less likely to have failures to show (based on the data sheets analyzed).
- Participation/Engagement: This study found that significantly fewer parties were “no shows” to mediations post COVID-19. This may be the result of the virtual format offering greater scheduling flexibility and fewer transportation issues for parties, which facilitated their attendance.

The COVID-19 JDMP 2021 Evaluation recommendations:

- Additional training in conducting virtual mediations and enhancing virtual mediation tools.
- Consider the benefit of moving forward post COVID-19, to continue to offer hybrid models due to the study’s finding that significantly fewer parties were “no shows” when offered a virtual platform for mediation.
- Consider ways to enhance virtual mediation evaluation efforts by encouraging parents’ completion of exit surveys. Very few mediation surveys were returned from parents. This is not surprising, as parents had to access the survey via a link (rather than being handed a survey at the conclusion of an in-person mediation).

Since COVID-19 JDMP 2021 Evaluation and with the correlation of the monthly mediation panel with a data-driven meeting approach, the following implementations have been made:

- As of November 2020, JDMP implemented a new formula that includes other successful outcomes in the agreement rate formula due to not being able to measure all the positive outcomes with the previous formula. JDMP is still measuring resolved and not resolved cases with the addition of anything that helps cases move forward.
- JDMP panel has been provided with various training resources and held trainings during the panel’s monthly meeting to enhance virtual mediation tools.
- JDMP has changed the method of distribution of participant and stakeholder surveys from emailing them after the mediation to providing the link in the “chat”.
- JDMP contracted with mediation experts to create training for best practices for virtual mediations vs, in-person, parent experiences during mediations, and an online domestic violence training that will enhance mediator’s expertise around domestic violence best practices for virtual and in-person mediations.

During state fiscal year (FY) 2021 (the fifth year of implementation) with all counties in the State participating, 305 dependency mediations were ordered across the state, and 281 mediations were facilitated. The difference in cases from ordered to actual facilitated

mediations is due to parties reaching an agreement before mediation, mediations being postponed, “no shows” and mediations being canceled/vacated. The trend of increased use of mediations has been consistent. In FY 2020, 272 mediations were facilitated in comparison to the 281 facilitated mediations in FY2021.

JDMP is growing and successful (August 2011 – April 2022):

- Since the inception of the pilot program, JDMP has facilitated 1,849 mediations resulting in 1,271 agreements (including the new formula of the conceptualization of “other”).
- The overall agreement rate is 76%, increasing by 1%

FY 2020 July 1, 2020 – June 30, 2021

- Facilitated 281 mediations
- 213 Agreements
- Eliminated 160 hearings
- 509 children were helped

COVID-19 Highlights FY 2020 (March 16, 2020 – June 30, 2020):

- COVID-19 agreement rate 72%
- Facilitated 72 mediations
- 52 agreements
- Eliminated 31 hearings, assisting with court backlog due to in-person court hearings being unavailable
- 139 children were helped

Have there been notable factors that delayed or accelerated this effort?

The COVID-19 global pandemic delayed mediations for a brief period of time during the year. However, with assistance from CIP we were able to provide distance mediation training to our mediators and allocate funds for technology so distance mediations could continue to be held. Due to COVID-19, JDMP was able to implement new virtual practices which have been essential to increasing the chances of family participation.

What assistance or support would be helpful from the Capacity Building Center for Courts (CBCC) or the Children’s Bureau to help move the project forward?

Potentially looking into how to expand the program to incorporate the crossover youth population to provide a space where they will be authentically heard.

Hearing Quality Project:

REMOTE HEARING STUDY

Provide a concise description of the hearing quality project selected in your jurisdiction.

In 2018, CIP contracted with researchers to expand on a 2014 quality hearing study. In 2020, CIP anticipated to build on the baseline assessment of the 2018 quality hearing study. However

due to the COVID-19 pandemic there was a shift in the quality hearing study efforts. There was a limitation to the research approach due to the social distancing mandate and the courts being closed to the public. CIP was able to navigate through these barriers and continue with the remote hearing study. Nevada CIP has implemented combining efforts to collect hearing quality data by conducting a multi-method approach, including court observations, case file reviews and administrative data. Findings are shared with the CICs, the CIP Select Committee meeting and Annual CIC Summit to inform multidisciplinary stakeholders in order to promote and implement best practices.

In response to COVID-19 and the need to implement virtual hearings to avoid delaying court proceedings, CIP contracted with Dr. Alicia Summers from Data Savvy Consulting, and Dr. Sophie Gatowski with Systems Change Solutions, Inc. to survey our child welfare court and agency professionals' with a separate survey being provided to parents involved in child welfare cases. The goal of the study was to evaluate the efficiency and effectiveness of remote hearings while identifying areas for improvement (Appendix C).

The professionals' survey was designed for judges, state attorneys, parent attorneys, child advocates, and child welfare professionals who are currently working in the child welfare court system. The survey including questions about participant:

- Role
- Platform used for virtual hearings
- Perception of parties' presence at hearings
- Perception of access challenges for parents and youth
- Identification of any successes they have had engaging parents and youth
- How they share evidence
- Whether they want to continue virtual hearings
- Perceptions of differences between remote and in-person practice

The parent surveys focused on parents' perceptions of the court process, whether they had an attorney for the process, and they were asked to rate their agreement on a 5-point scale ranging from strongly disagree to strongly agree on 15 statements related to their access, wait time, understanding, and general perceptions of the virtual process.

Approximate date that the project began:

December 2020

Which stage of the CQI process best describes the current status of project work?

Develop/select solution

How was the need for this project identified? (Phase I)

In March of 2020, the COVID-19 global pandemic drastically affected

everyday life. In efforts to reduce the spread of the virus, governments issued guidance on public interactions that included stay at home orders and closing of many types of businesses. Child welfare court hearings, which have long occurred primarily in-person at court houses, had to make changes to practice to ensure safety of professionals and all parties alike. Responses to the pandemic varied, including delaying court hearings, moving court hearings to hybrid in-person/virtual formats, and moving to a completely virtual hearing process (Summers & Gatowski, 2020).

Participants were asked if they wanted to continue virtual hearing practice once business goes back to you normal and the study confirmed the following:

- Yes, all hearings – 18%
- Yes, discrete hearings – 8%
- Yes, on a case-by-case basis – 52%
- No – 22%

In summary, 78% of participants said yes to the continuation of virtual hearings, with the majority (52%) confirming they would consider it on a case-by-case basis.

What is the theory of change for the project? (Phase II)

By providing continuous data regarding the quality of virtual hearings, hybrid hearings and in-person hearings, the judiciary and Community Improvement Councils (CICs) will be able to better identify areas in need of improvement and areas of success on which to capitalize. All of Nevada's 11 judicial districts have a CIC. The CICs are leadership structures with a collaborative approach made up of multidisciplinary stakeholders. Judges and court stakeholders will be better able to develop targeted jurisdiction practices to improve the quality of hearings for children, families, and all parties involved.

Have you identified a solution/intervention that you will implement? If yes, what is it? (Phase III)

Yes. Nevada does not offer a unified court system and as such, each Judicial District will determine how and when they will allow virtual hearings in the future. By continuing this study in conjunction with previous and upcoming Nevada quality hearing studies, providing the results to each of the jurisdictions, they will be better informed as they determine what works best for their jurisdiction.

What has been done to implement the project? (Phase IV)

CIP has provided each of the Dependency Judges as well as the Community Improvement Councils (CIC's) with a copy of the study and the Chief Justice has requested the studies be added to the Public Comment section of the upcoming ADKT 0581: In the Matter of the Creation of a Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts (Appendix D).

How are you or how do you intend to monitor the progress of the project? (Phase V). *Be specific in terms of what type of evaluation (e.g., fidelity or outcome, comparison group, etc.)*

and what results you have, if any. If you have already evaluated your effort, what do the data show, and how did you use these data to modify or expand the project?

Remote hearings were included as an Action Item for each of the jurisdictions at this year's annual CIC Summit. By including this item, each jurisdiction will be able to continue monitoring the use of remote hearings and provide their data for future surveys and/or studies.

Since this is the first study in Nevada collecting data around virtual hearings, it is important to continue collecting these data to help strengthen the conceptualization and operationalization of the elements. Continuing this study will provide more concise measurements which will be imperative to quality improvement for virtual and hybrid hearings to add to quality hearing efforts.

Have there been notable factors that delayed or accelerated this effort?

There have not been any notable factors that delayed this effort. The ADKT 0581: In the Matter of the Creation of a Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts played a factor in accelerating this effort.

What assistance or support would be helpful from the CBCC or the Children's Bureau to help move the project forward?

Potential assistance or support may be needed once additional analysis helps identifies an intervention project or service.

Quality Legal Representation Project:

THE QUALITY OF LEGAL REPRESENTATION IN DEPENDENCY CASES IN NEVADA

Provide a concise description of the quality legal representation project selected in your jurisdiction.

Evaluate current representation models and quality of legal representation (QLR) for all parties in dependency cases in Nevada. To include the evaluation of fair and equitable impartial representation of all individuals, particularly underserved and marginalized populations.

Approximate date that the project began:

March 2020

Which stage of the CQI process best describes the current status of project work?

Develop or Select solutions due to collecting data on new populations and elements.

How was the need for this project identified? (Phase I)

Quality legal representation is central to ensuring due process and thus it is essential for all parties in a child welfare proceeding. However, CIP understands this is not always achieved and wants to better understand the

current representation models, as well as the quality of legal representation in child welfare cases.

What is the theory of change for the project? (Phase II)

The theory is that by providing high-quality legal representation to children and parents in dependency cases, the following will occur (Ensuring High-Quality Legal Representation for Parents and Children, 2021):

- Leads to more timely family reunifications and use of kinship care.
- Helps ensure a well-functioning child welfare system
- Ensures judges have the information they need to make informed decisions in court cases involving children and families.
- Ensures parties' rights are protected, their voices are heard in court, and the legal system treats them fairly.
- Promotes greater understanding of the court process by parties.
- Saves the system money.
- Promotes positive case outcomes for parties by increasing presence and participation in court.

Have you identified a solution/intervention that you will implement? If yes, what is it? (Phase III)

Due to COVID-19, solutions and intervention efforts were significantly inhibited, however, baseline data has been disseminated to CICs and various multidisciplinary stakeholders. Additionally, CIP continues to implement combining efforts to collect data by conducting a multi-method approach, including court observations, surveys, case file reviews and administrative data. to identify what quality representation currently looks like in our State for underserved and marginalized populations.

What has been done to implement the project? (Phase IV)

CIP contracted with Dr. Alicia Summers and Dr. Sophie Gatowski (Data Savvy Consulting) to conduct an exploratory and baseline assessment of legal representation for parents and children in dependency cases (Appendix E). The goal of the study was to provide a list of performance measures that can be used in future evaluations. Additionally, the study was to provide baseline data about parents' and children's attorneys' performance that can be used in future evaluation efforts assessing interventions, trainings, or other practice improvements focused on enhancing parent and child representation. This assessment has been disseminated during CIP Select Committee Meetings, CIC Meetings, and the Annual CIC Summits.

Furthermore, CIP contracted with Data Savvy Consulting to build on the baseline assessment and implement a multimethod approach to reevaluate with greater depth quality legal representation and identify disparate practices across all populations.

How are you or how do you intend to monitor the progress of the project? (Phase V). *Be specific in terms of what type of evaluation (e.g., fidelity or outcome, comparison group, etc.) and what results you have, if any. If you have already evaluated your effort, what do the data show, and how did you use these data to modify or expand the project?*

As part of the CIP continual quality improvement efforts, CIP contracted with Data Savvy Consulting to conduct an exploratory and baseline study of legal representation for parents and children in dependency cases. Nevada has recently begun holding in-person hearings and we are focusing on evaluating quality legal representation by evaluating the comparison data. By continuous assessments and data sampling, CIP will be able to identify the resources, workgroups or training needed for stakeholders to improve Nevada's QLR efforts. Features of high-quality legal representation for parents based on survey respondents and case file reviews:

- Being well-versed in the facts of the case and the law
- Frequently meeting with clients
- Assisting parents with understanding the court process

How parents' attorneys can improve, based on survey respondents:

- Better communication with clients
- More frequent and meaningful contact with clients
- More training on child welfare law, topics, and issues facing families in dependency cases (particularly for private attorneys)
- Better understanding of the child welfare agency's policies and practice model
- Better understanding of collaborative team/problem-solving approach in child welfare cases

How children's attorneys/advocates can improve, based on survey respondents:

- Meeting with the child/youth they represent more frequently
- More training on trauma
- Better understanding of available community resources
- Reduced caseloads in order to facilitate more frequent and meaningful engagement with the child/youth

CIP will continue high-quality legal representation efforts to include the baseline study and the American Bar Association in order to promote best practices and educate dependency stakeholders.

High quality legal representation standards to evaluate and implement:

Parent Attorneys:

- Better understanding of barriers to quality representation faced by all types of families (families of color, indigenous families, LGBTQ+, socioeconomic status and rural areas)
- Explain the child welfare legal system and the parent's rights and duties
- Ensure the parent's voice is heard and understood in the proceedings
- Help the parent problem solve and meet case goals
- Build a relationship of trust and ensure the parent experiences fairness.
- Understand the parent's life circumstances, including strengths, needs, and available resources
- Advocate parent-child contact through visitation and permanency planning.
- Collaborate with a multidisciplinary team, including parent mentors and parent social workers.

- Address collateral legal issues that may affect the child welfare case in housing, employment, health care, disabilities, domestic violence, benefits, criminal justice, and immigration law

Child/Youth Attorneys:

- Better understanding of barriers to quality representation faced by all types of families (families of color, indigenous families, LGBTQ+, socioeconomic status and rural areas)
- Understand the child's wishes in the case.
- Understand the child's strengths, needs, and resources.
- Ensure the child has an opportunity to attend and participate in court hearings.
- Advocate for the child to maintain contact with parents, siblings, and kin through visitation, placement, and permanency planning.
- Work with collateral contacts— teachers, foster parents, service providers.
- Collaborate with a multidisciplinary team.
- Promote tailored, specific case plans and services.
- Advocate for the child's access to education and community supports.

Have there been notable factors that delayed or accelerated this effort?

Yes, complications due to practice and priority changes due to COVID-19 made a more in-depth study impractical for our baseline assessments. Additionally, due to Nevada not having a unified court system, collecting consistent data and mandating training has been a noticeable factor in delaying efforts.

What assistance or support would be helpful from the CBCC or the Children's Bureau to help move the project forward?

Once new comparison data is evaluated, CIP may need assistance with workgroups, trainings or resources and perhaps new practice implementation.

II. Trainings, Projects, and Activities For questions 1-12, provide a *concise* description of work completed or underway to date in FY 2022 (October 2021-June 2022) in the topical subcategories below. For question 1, focus on significant training events or initiatives held or developed in FY 2022.

1. Trainings

<i>Topical Area</i>	<i>Did you hold or develop a training on this topic?</i>	<i>Who was the target audience?</i>	<i>How many persons attended?</i>	<i>What type of training is it? (e.g., conference, training curriculum/program, webinar)</i>	<i>What were the intended training outcomes?</i>	<i>What type of training evaluation did you do? S=Satisfaction, L=Learning, B=Behavior, O=Outcomes</i>
Data	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Child Welfare/Community Improvement Councils	76	Conference	Identify areas in need of improvement and development of Action Plan to improve timeliness, permanency, short-stayer, disparate populations/outcome and hearing quality	<input checked="" type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> B <input checked="" type="checkbox"/> O <input type="checkbox"/> N/A
Hearing quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Child Welfare/Community Improvement Councils	76	Conference	Identify areas in need of improvement and development of Action Plan to improve remote hearing quality	<input type="checkbox"/> S <input checked="" type="checkbox"/> L <input type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A
Improving timeliness/permanency	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Child Welfare/Community Improvement Councils	114	Conference & Online	Identify areas in need of improvement and development of Action Plan to improve timeliness, permanency	<input type="checkbox"/> S <input checked="" type="checkbox"/> L <input type="checkbox"/> B <input checked="" type="checkbox"/> O <input type="checkbox"/> N/A

<i>Topical Area</i>	<i>Did you hold or develop a training on this topic?</i>	<i>Who was the target audience?</i>	<i>How many persons attended?</i>	<i>What type of training is it? (e.g., conference, training curriculum/program, webinar)</i>	<i>What were the intended training outcomes?</i>	<i>What type of training evaluation did you do? S=Satisfaction, L=Learning, B=Behavior, O=Outcomes</i>
Quality legal representation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Child Welfare/Community Improvement Councils	114	Conference & Online	Increase use of guardianship, consistency and for stakeholders to have an in depth understanding of permanency options and processes: Kinship Guardianship Assistant Program, reasonable efforts, concurrent planning/plans	<input type="checkbox"/> S <input checked="" type="checkbox"/> L <input checked="" type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A
Engagement & participation of parties	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Child Welfare/Community Improvement Councils	587	Conference	Judges to engage in transformational change and change efforts/Youth engagement and inclusivity in their dependency cases & the Juvenile Dependency Mediation Program	<input type="checkbox"/> S <input checked="" type="checkbox"/> L <input checked="" type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A

<i>Topical Area</i>	<i>Did you hold or develop a training on this topic?</i>	<i>Who was the target audience?</i>	<i>How many persons attended?</i>	<i>What type of training is it? (e.g., conference, training curriculum/program, webinar)</i>	<i>What were the intended training outcomes?</i>	<i>What type of training evaluation did you do? S=Satisfaction, L=Learning, B=Behavior, O=Outcomes</i>
Well-being	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Child Welfare/Community Improvement Councils	83	ABA Conference 'COVID' National Conference on Access to Justice for Children and families & Parent Representation/8 stakeholders \$ 21,000	To be better informed of cultural connections, foster youth trauma and the needed support to implement in practices	<input type="checkbox"/> S <input checked="" type="checkbox"/> L <input type="checkbox"/> B <input checked="" type="checkbox"/> O <input type="checkbox"/> N/A
Diversity, Equity, Inclusion, and Accessibility	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Community Improvement Councils	83	ABA Conference 'COVID' National Conference on Access to Justice for Children and families & Parent Representation /8 stakeholders \$ 21,000	Awareness on disparities and the need for diversity, equity, and accessibility to promote healthy discussions and implement into Action Plans	<input checked="" type="checkbox"/> S <input checked="" type="checkbox"/> L <input checked="" type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A
ICWA/Tribal collaboration	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Courts/Stakeholders/Community Improvement Councils	8	ABA Conference 'COVID' National Conference on Access to Justice for Children and families & Parent Representation/8 stakeholders \$ 21,000	Understand the proper use of ICWA and tribal collaboration and implement to CICs' best practices	<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> B <input type="checkbox"/> O <input checked="" type="checkbox"/> N/A
Sex Trafficking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A
Normalcy/Reason. Prudent Parent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A
Prevention	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A

<i>Topical Area</i>	<i>Did you hold or develop a training on this topic?</i>	<i>Who was the target audience?</i>	<i>How many persons attended?</i>	<i>What type of training is it? (e.g., conference, training curriculum/program, webinar)</i>	<i>What were the intended training outcomes?</i>	<i>What type of training evaluation did you do? S=Satisfaction, L=Learning, B=Behavior, O=Outcomes</i>
Safety	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					<input type="checkbox"/> S <input type="checkbox"/> L <input type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A
Other:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	JDMP Panel/Parent Attorneys	15	Online Training	To identify domestic violence and implement new domestic violence protocols for in-person and remote mediations to allow for equitable safe discussions	<input checked="" type="checkbox"/> S <input checked="" type="checkbox"/> L <input type="checkbox"/> B <input type="checkbox"/> O <input type="checkbox"/> N/A

On average, how many training events do you hold per year?

On average we hold about two to three per year. This includes our JDMP training.

What is your best prediction for the number of attorneys, judges, or other legal system stakeholders that will participate in training annually?

The best prediction is about 200 annually which is based on last year's trainings and the increase in participants at our CIC Summits.

The Family First Prevention Services Act amended the Social Security Act adding an eligibility criterion for the training of judges and attorneys on the congregate care provisions of the Act. See the highlighted portion below.

(1)¹ IN GENERAL.— In order to be eligible to receive a grant under this section, a highest State court ... *shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home...*—

Have you been involved in planning with the agency on implementing Family First? Yes No

If yes, please describe how the CIP has been involved.

Although CIP has been involved in the updating process such as CIP Select Committee and Summits, CIP had limited involvement in the beginning stages of Family First and has recently been involved due to the Court's Administrative Docket (ADKT) request from the Agency.

Have you developed/been developing your Family First judicial training plan? Yes No

If yes, please describe what you have done.

¹ 42 U.S.C. § 629h(b); Social Security Act § 438(b)

2. Data Projects. Data projects include any work with administrative data sets (e.g, AFCARS, CCWIS), data dashboards, data reports, fostering court improvement data, case management systems, and data sharing efforts.

Do you have a data project/activity? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
<i>CFS775 Reports:</i> The purpose of this project is to provide court performance measure data near real-time to help manage caseloads and thereby achieve additional key milestones and improve outcomes for children (Appendix F).	Agency Data Sharing Efforts	Implementation
Judicial Data Summaries (Appendix G)	Fostering Court Improvement data projects	Implementation
Weekly Short Stayer Report (2 nd JD) (Appendix H)	Case management systems	Implementation

(a) Do you have data reports that you consistently view? Yes No

(b) How are these reports used to support your work? All decisions, projects, activities, and support to the courts and CICs undertaken by CIP are data-driven. The CICs regularly reference their data during meetings and when assessing the impact of their activities. CIP uses all the data sources to determine where CIC's may wish or see the need to focus their efforts.

3. Hearing Quality. Hearing quality projects include any efforts you have made to improve the quality of dependency hearings, including court observation/assessment projects, process improvements, specialty/pilot court projects, projects related to court orders or title IV-E determinations, mediation, or appeals.

Do you have a hearing quality project/activity? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Remote Hearing Study (Appendix C)	Process Improvements	Selecting Solution

Project Description	How would you categorize this project?	Work Stage (if applicable)
Juvenile Dependency Mediation Program	Process Improvements	Implementation
432 Legislative Subcommittee (NRS 432B) – Makes various language changes to the protection of children	Process Improvements	Implementation
Statewide Court Order Templates (ADKT 0581)	Courts Orders/Title IV-E	Implementation
Participating in The Reasonable Efforts Finding Study being conducted by James Bell Associates	Court Observation/Assessment	Implementation

4. Improving Timeliness of Hearings or Permanency Outcomes. Timeliness and permanency projects include any activities or projects meant to improve the timeliness of case processing or achievement of timely permanency. This could include general timeliness, focus on continuances or appeals, working on improvement in specific outcomes such as around reunification, guardianship, adoption or a focus on APPLA and older youth.

Do you have a timeliness or permanency project/activity? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Permanency Training (KinGAP, Guardianship, Reasonable Efforts & Concurrent Planning)	General/ASFA	Implementation
NV Timeliness Report/TPR Workgroup Summary (Appendix I)	General/ASFA	Implementation
TPR Focus Groups & Assessment	Continuances/Delays	Identifying/Assessing Needs
Clark County (8 th JD) & Washoe County (2 nd JD) TPR Backlog Grants `COVID`	Continuances/Delays	Implementation

COVID Supplemental Funds

Clark County \$50,000

Washoe County \$20,00

The COVID-19 restrictions suspended the ability to proceed with relinquishments from parents, delayed hearings, and significantly delaying the adoption process and creating a backlog in documentation requirements. These subgrants awarded to contractors provided additional support to

decrease time to permanency and reduce the permanency backlog. For instance, having these additional contractors has been incredibly helpful in reducing backlog, finalizing 415 adoptions from November 2021 through June 2022. While these contractors have been assisting, Clark County has also been able to work on a plan to restructure their adoption program due to the additional resources.

- 5. Engagement & Participation of Parties.** Engagement and participation of parties includes any efforts centered around youth, parent, foster family or caregiver, or relative engagement, limited English proficiency, or other efforts to increase presence and engagement at the hearing. Do you have an engagement or participation of parties project/activity? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Juvenile Dependency Mediation Program	Parent Engagement	Evaluation/Assessment
PIP 3.1.2: Court Process Guide & Road Map for Families ‘COVID’	Caregiver Engagement	Implementation
CIC Summits Youth Engagement Panel	Youth Engagement	Implementation
Independent Living Committee & Workgroup with Child Welfare staff	Youth Engagement	Selecting Solution

COVID Supplemental Funds \$520

Court Process Guide & Road Map for Families

When these materials were ready to be implemented, there were limited resources at the time for the agency due to the COVID-19 competing priorities. CIP funded the printing for the agencies upon request.

- 6. Well-Being.** Well-being projects include any efforts related to improving the well-being of children and youth. Projects could focus on education, early childhood development, psychotropic medication, trauma, social network support, cultural connections, or other well-being related topics.

Do you have any projects/activities focused on well-being? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Boosted Diplomas ‘COVID’	Education	Implementation

Project Description	How would you categorize this project?	Work Stage (if applicable)
CIP Legislative Subcommittee and Locked Facilities Workgroup	Other	Implementation
	Choose an item.	

COVID Supplemental Funds \$20,000

The project will serve approximately 20 foster youth who have been identified through Washoe County School District data tracking system as chronically absent during the 2020-2021 school year, due to of a combination of life circumstances to include the impact of the COVID-19 pandemic. The intent of this multi-agency approach is to enhance educational stability with a goal of increasing overall safety, permanency, and well-being of the youth.

7. **Diversity, Equity, Inclusion, and Accessibility (DEIA).** These projects include any efforts related to improving equity in child welfare systems around race, sexual orientation or gender identity, national origin or immigration status, religion, persons with disabilities, geographic or otherwise.

Do you have any projects/activities focused on DEIA? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Contracted with Data Savvy Consultants to assess race/ethnicity/disparate outcomes across all CIP evaluations and JDMP services	Race	Identifying/Assessing Needs
JDMP is tracking the use of interpreters/certified interpreters	Other	Identifying/Assessing Needs
CIP Participates in Race Equity Workshops with the Child Welfare Agency and Children’s Bureau	Race	Identifying/Assessing Needs
CIP is currently seeking qualified individuals to train stakeholders on the LGBTQ+ population involved within the dependency system	LGBTQ+	Identifying/Assessing Needs

8. **ICWA/Tribal collaboration.** These projects could include any efforts to enhance state and tribal collaboration, state and tribal court agreements, data collection and analysis including of ICWA practice.

Do you have any projects/activities focused on ICWA or tribal collaboration? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Nevada CIP met with Sheldon Spotted Elk to discuss how to start efforts	Tribal Collaboration	Identifying/Assessing Needs
Recently became part of the Indian Child Welfare (ICW) Meetings/Representatives from Nevada's 27 tribes participate in this Committee	Tribal Collaboration	Identifying/Assessing Needs

9. Preventing Sex Trafficking. These projects could include work around domestic child sex trafficking, a focus on runaway youth, collaboration with other agencies around this topic, data collection and analysis, data sharing, or other efforts to fully implement these sections of the Preventing Sex Trafficking and Strengthening Families Act into practice.

Do you have any projects/activities focused on preventing sex trafficking/runaways? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Collaboration with CJA Task Force	Sex Trafficking	Identifying/Assessing Needs
Independent Living Committee & Workgroup with Child Welfare staff	Other	Identifying/Assessing Needs

10. Normalcy/Reasonable and Prudent Parent. These projects could include any work around normalcy or the reasonable and prudent parent standard or practices, collaboration with other agencies around this topic, data collection and analysis, data sharing, or other efforts to fully implement these sections of the Preventing Sex and Strengthening Families Act into practice.

Do you have any projects/activities focused on normalcy/reasonable prudent parenting? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Participate in Statewide Quality Improvement Committee (SQIC) and receive data/implementation efforts from child welfare agencies	staff training	Implementation
Participate in Statewide Quality Improvement Committee (SQIC) and receive data/implementation efforts from child welfare agencies	foster parent training	Implementation

11. Prevention. Prevention projects include work around preventing child maltreatment including primary prevention (preventing maltreatment from occurring in the first place), secondary, and tertiary prevention.

Do you have any projects/activities focused on prevention? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
p		

12. Safety. Safety projects are those that focus on decision-making around safety including decision-making practices in substantiation, removal, family time/visitation, and decisions about safety in out of home placements.

Do you have any projects/activities focused on safety? Yes No

Project Description	How would you categorize this project?	Work Stage (if applicable)
Statewide Quality Improvement Committee (SQIC) (substantiation, removal/return, family time/visitation, removal)	Other	Implementation

Project Description	How would you categorize this project?	Work Stage (if applicable)
CIC Meetings/jurisdictional updates and efforts from the multidisciplinary group (substantiation, removal/return, family time/visitation, removal)	Other	Implementation

13. Project materials. From any of the work described above, do you have any documents or other materials that feel would be helpful to share with the national CIP community? For example, rigorous research, innovative approaches, compelling outcome data, etc. Please link here or note and include in your submission.

III. CIP Collaboration in Child Welfare Program Planning and Improvement Efforts

1. Please describe how the CIP was involved with the state’s CFSP due June 30, 2022.

Does the CFSP include any of the following:

- the CIP/Agency Joint Project
- the Hearing Quality Project
- the Legal Representation Project
- other judicial strategies
- other attorney strategies

If yes, please describe.

CIP has and continues to participate in the Statewide Quality Improvement Committee (SQIC), is part of the DCFS Core PIP Team, and attends the Children’s Bureau’s NV-CFSR monthly meetings. CIP has continued to participate in the PIP Team 3 meetings beyond PIP requirements to maintain consistency in collaboration.

2. Please describe how the CIP was or will be involved in the most recent/upcoming title IV-E Foster Care Eligibility Review in your state. CIP has recently been participating and collaborating more with the child welfare agencies and Families Program Office around IV-E Foster Care Eligibility pertaining to foster care recruitment efforts and eligibility processes.
3. Please describe how the CIP was or will be involved in preparing and completing round 4 of the CFSR and PIP.

Nevada is not a year one reporting state. However, efforts in Nevada have just begun for round 4 of the CFSR. CIP will maintain meaningful engagement going into round 4 of the CFSR due to CIP continuing to participate and collaborate with the SQIC, DCFS Core PIP Team, and the Children's Bureau's NV-CFSR monthly meetings.

Only states that will be participating in round 4 of the CFSR and PIP in your state this reporting year need to complete these questions. However, working to organize meaningful engagement of a broad array of legal and judicial stakeholders and to support collaboration with other system partners is useful for other major CIP projects as well, so others may wish to consider these with your teams. See the PI at page 9 for further explanation.

a. Regarding engaging the legal and judicial stakeholders with a broad representation of perspectives in CFSR/PIP processes:

i) What barriers do you foresee in engaging stakeholders at an appropriate breadth and depth?

Foreseen barriers to engaging stakeholders at an appropriate level of breadth and depth are due to virtual meeting fatigue. After the COVID-19 pandemic, virtual meetings increased significantly because availability increased due to less travel. This has created lower levels of engagement and participation in our state from legal stakeholders due to their large caseloads.

ii) What do you believe will facilitate engaging stakeholders at an appropriate breadth and depth?

We believe that in order to engage stakeholders in my state at an appropriate breadth and depth with a broad representation perspective in CFSR/PIP process would be that the goals of workgroups, committees, or tasks must be clear, and evidence-based. Additionally, we must have different voices or views at the table. Establishing tiers of participation such as smaller groups with key perspectives who can engage via other methods to gain a wider collective voice. There must be a balance of voices which means that not all the stakeholders need to be from the executive level participating because they may overpower other stakeholders who may have meaningful contributions creating the breadth and depth that we need. Additionally, the method for virtual meetings has to be strategically planned out in order to have effective meetings.

b. Are there other leadership structures for legal and judicial stakeholders and how can those facilitate the processes around the CFSR/PIP?

The CIP Select Committee and the Community Improvement Councils (CICs) are leadership structures that engage legal and judicial stakeholders with broad representation. These leadership teams include justices, judges, parent attorneys, children attorneys, child welfare representatives, the Attorney General's Office, and educational partners. CIP is working on expanding our leadership team by seeking stakeholders with diverse backgrounds/perspectives, community partners, and tribal legal stakeholders.

Adding to our current leadership structure will facilitate better discussions, organize meaningful inclusive discussions around the CFSR/PIP and monitor goals. The broad array of legal and judicial stakeholders will support collaboration with other system partners and will be valuable for other major CIP initiatives.

c. How will legal stakeholder involvement in the CFSR/PIP be managed? e.g. CIP is the lead, via the Multi-Disciplinary Task force, a sub-committee established by the child welfare agency, etc.

CIP leads the CIP Select Committee initiatives and stakeholder involvement along with the Committee Chairs. CIP leads legal stakeholder subcommittees and workgroups that are put in place to support the child welfare agency and CFSR/PIP.

d. What court, judicial, or attorney data could be integrated into the CFSR/PIP process?

The majority of our data comes from the child welfare agency. We do contract with Data Savvy Consultants to conduct case file reviews, permanency data, and evaluations. However, due to the needed fluidity of our data collection methods, it could be difficult to integrate into the CFSR/PIP process.

e. How might participation vary in stages of the process?

CIP anticipates being part of all the stages of child welfare program planning and improvement efforts. Court stakeholder participation may vary depending on goals for a particular stage in the processes. Nevada is just starting to discuss efforts regarding round 4 of the CFSR/PIP.

f. What feedback loops will be needed to keep stakeholders informed?

Constant communication and prescheduled meetings with effective meetings structures that will consist of:

- Data updates and visual aids
- Informal and formal leadership structures
- Updating stakeholders about the stages and processes

g. What supports do you need from the Children's Bureau or Capacity Building Centers for participating in the CFSR/PIP?

Due to the recent turnover in leadership in many organizations involved with the CFSR/PIP, Nevada needs additional guidance on how to be inclusive of all the needed stakeholders in the CFSR/PIP process.

4. What strategies or processes are in place in your state that you feel are particularly effective in supporting joint child welfare program planning and improvement?

- The Community Improvement Councils and Annual CIC Summits are inclusive of all dependency stakeholders.
- The Statewide Quality Improvement Committee
- That Statewide Independent Living Committee

5. What barriers exist in your state that make effective joint child welfare program planning and improvement challenging?

The recent turnover in leadership from various organizations that are involved with child welfare program planning and duplication of efforts.

6. Regarding collaboration on training with the child welfare agency...

a. Regarding training needs across the child welfare system, what is your process to work with the agency to consider how to maximize the impact of complementary resources and ensure there is no undue duplication of efforts?

The CFSR/PIP process created a space to discuss CIP resources and minimize duplication of efforts and in a result of this process, the Statewide Quality Improvement Committee (SQIC) was implemented. Even though the SQIC is still in the process of drafting the structure of the Committee, CIP's ongoing participation can reduce duplication of efforts and allow CIP to identify areas where resources are needed or be maximized.

b. Does the state child welfare agency currently offer professional partner training to judges, attorneys, and court personnel as part of its Title IV-E Training Plan?

If yes, please provide a brief description of what is provided and how.

If no, have you met with child welfare agency leadership to discuss and explore utilizing professional partner training for judges, attorneys and court personnel?

This was discussed previously, but due to COVID-19 and addressing those immediate needs, there have been no further discussions regarding using IV-E for training. However, in collaboration with the child welfare agency we developed training that addresses permanency, which included Concurrent Planning, Reasonable Efforts, Compelling Reasons and KinGAP, specifically for our dependency judges, but have encouraged other court stakeholders to take the course in an effort to provide consistency across the state.

7. Have you talked with your agency about accessing Title IV-E funding for legal representation for parents or for children? Is your state currently planning to seek or currently receiving reimbursement? If yes, describe any plans, approaches, or models that are under consideration or underway.

The Child Welfare Legal Representation program to fund youth and/or parent attorney's fees through Title IV-E funding was included in DCFS' Public Assistance Cost Allocation Plan (PACAP) and submitted to our federal partners on April 21, 2021, with an effective date of April 1, 2020. With submission of the PACAP, the program is fully functional, and we now have the ability to issue reimbursement payments to existing subrecipients.

IV. CQI Current Capacity Assessment

1. Has your ability to integrate CQI into practice changed this year? If yes, what do you attribute the change to?

Yes, this past year has been difficult to determine a consistent methodology for data collection efforts due to a variety of reasons such as turnover in leadership and difficulty in consistent data collection across the various judicial districts due to not having a unified court system in Nevada. Additionally, we do not have a data-sharing agreement with child welfare but hope to complete the data-sharing agreement this upcoming year.

2. Which of the following CBCC Events/Services have you/your staff engaged in this past year?

- Attorney Academy
- Judicial Academy
- CIPShare 2.0
- CQI Consult (*Topic:* _____)
- CQI Workshop
- Constituency Group - Data/Evaluation
- Constituency Group - Family First Prevention Services Act
- Constituency Group - Hearing Quality
- Constituency Group - ICWA
- Constituency Group - Legal Representation
- Constituency Group - New Directors
- Constituency Group - Race Equity
- Constituency Group – Regional CIP Calls
- Constituency Group - Virtual Hearings/Court Processes
- Constituency Group - Other _____

- CIP All Call – *What % of All Calls does your CIP participate in? 95%*

3. Do you have any of the following resources to help you integrate CQI into practice?

- CIP staff with data expertise
- CIP staff with evaluation expertise
- CIP staff with CQI expertise
- a University partnership
- a statewide court case management system
- Contracts with external individuals or organizations to assist with CQI efforts
- Other resources: CFS775 Report Data Analytic Support from DCFS, CHAPIN Hall & Central Case Index Report (Short Stayer Data)

a. Do you record your child welfare court hearings? Yes No

If yes, are they audio video

b. Can you remotely access your court case management system? *For example, Odyssey systems often allow remote access to case files.*

Yes No

c. What court case management software does your state use? If multiple, please indicate the most common:

Odyssey

d. Have you employed any new technology or applications to strengthen your work?

CIP provided Daddio Bridges to multiple jurisdictions so they could conduct virtual hearings; continues to ensure JDMP mediators Zoom accounts to conduct virtual/remote mediations; and secured statewide agreement with Optima, the software provider for CASA/GAL programs.

e. Do any of these systems include an electronic filing system?

Not at this time.

4. Please describe any continuity planning the CIP has led or has been involved in if not noted above. Continuity planning includes prevention and recovery planning for threats such as public health crises, natural disasters, or cyber-attacks. This may include, for example, technology support for remote hearings or legal representation, developing guidance, coordinating with other agencies, or otherwise ensuring back-up

approaches are in place to ensure needed services are able to continue. Continually evaluating the effectiveness of virtual hearings and virtual mediations.

5. Considering the phases of change management and how you integrate these into practice, are there phases of the process (e.g., Phase I-need assessment, Phase II-theory of change) that you struggle with integrating more than others?

Phase IV- Plan, Prepare & Implement & Phase V- Evaluate and Apply Findings

We have projects on different cycles with a culture shift in priority areas which I believe has impacted various phases.

6. Is there a topic or practice area that you would find useful from the Capacity Building Center for Courts? Be as specific as possible (e.g., data analysis, how to evaluate trainings, more information on research about quality legal representation, how to facilitate group meetings, etc.)

- How to effectively share data between child welfare agencies and the courts.
- Innovative implementation efforts for a non-unified court system.
- How to evaluate training effectiveness.

DEFINITIONS

Definitions of Evidence

Evidence-based practice – evidence-based practices are practice that have been empirically tested in a rigorous way (involving random assignment to groups), have demonstrated effectiveness related to specific outcomes, have been replicated in practice at least one, and have findings published in peer reviewed journal articles.

Empirically-supported- less rigorous than evidence-based practices are empirically-supported practices. To be empirically supported, a program must have been evaluated in some way and have demonstrated some relationship to a positive outcome. This may not meet the rigor of evidence-base, but still has some support for effectiveness.

Best-practices – best practices are often those widely accepted in the field as good practice. They may or may not have empirical support as to effectiveness, but are often derived from teams of experts in the field.

Definitions for CQI Phases

Identifying and Assessing Needs – This phase is the earliest phase in the process, where you are identifying a need to be addressed. The assessing needs phase includes identifying the need, determining if there is available data demonstrating that this a problem, forming teams to address the issue.

Develop theory of change—This phase focuses on the theorizing the causes of a problem. In this phase you would identify what you think might be causing the problem and develop a “theory of change”. The theory of change is essentially how you think your activities (or intervention) will improve outcomes.

Develop/select solution—This phase includes developing or selecting a solution. In this phase, you might be exploring potential best-practices or evidence-based practices that you may want to implement as a solution to the identified need. You might also be developing a specific training, program, or practice that you want to implement.

Implementation – the implementation phase of work is when an intervention is being piloted or tested. This includes adapting programs or practices to meet your needs, and developing implementation supports.

Evaluation/assessment – the evaluation and assessment phase includes any efforts to collect data about the fidelity (process measures: was it implemented as planned?) or effectiveness (outcome measures: is the intervention making a difference?) of the project. The evaluation assessment phase also includes post-evaluation efforts to apply findings, such as making changes to the program/practice and using the data to inform next steps.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (P.L. 104-13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number. The OMB control number for this collection is 0970-0307 and it expires 11/30/2022. The estimated time to complete the CIP Complete Application is 92 hours



The State of Nevada
Court Improvement Program

Strategic Plan



Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS
FFY 2021-2026 STRATEGIC PLAN

Strategic Plan Template

State Name: Nevada
Date Strategic Plan Submitted: June 30, 2022
Timeframe Covered by Strategic Plan: October 1, 2021-September 30, 2026

Overall Goal/Mission of CIP: *The CIP enables the courts and agencies involved in the child welfare system to develop transformational systemic statewide changes to significantly improve the processing of dependency cases while ensuring compliance with state and federal laws regarding child dependency and child welfare matters.*

Priority Area #1: Data

Outcome #1: *CIP will work with the Department of Health and Human Services to establish data sharing capabilities between the Child Welfare Agencies and the Courts. Both currently track valuable information on children, youth, and families, but the data elements being collected is typically different between the two parties. By providing bidirectional data exchanges between the two parties, information that was previously unknown will be made available, allowing for better informed decision-making.*

Need Driving Activities & Data Source: *How do you know this is a need in your state? The differences between the data being collected by the child welfare agencies and the courts creates a discrepancy in the information being received. The Courts currently rely on the Department of Children and Family Services to provide CFS775 “timeliness” reports to each of the jurisdictions in Nevada. This report is disseminated on a quarterly basis, creating lag time in decision-making.*

Theory of Change: *By providing a bidirectional flow of information between the Child Welfare Agencies and the Courts, the two can review information in real-time, allowing for proactive decision-making, versus reactive decisions.*

Reminder: please note if priority area will be supported by Division X supplement with a ‘COVID’ tag.

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, “ongoing”.</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
Establish and implement agreement between the child welfare agencies and the courts, allowing for the bidirectional flow of information between the two agencies. This will allow for the dissemination of relevant information regarding children in the child welfare system, in real-time.						

Action Step 1 – Establish a data sharing agreement between Child Welfare Agency and Courts	CIP DHHS/DCFS	Flow of bidirectional information between Child Welfare Agency and Courts.	Real time data, allowing for proactive responses versus reactive.	September 2022	Data Sharing Agreement between DCFS and Courts.	Improved well-being, timely permanency outcomes, disparate timelines, and outcomes for children & families
Action Step 2 – Identify data elements needed for report and access	CIP DHHS/DCFS Data Savvy Consultants	A deeper dive into data reports	Identify areas needing improvement or maximizing	Ongoing		[tab to add rows]

Priority Area #2: Disparity/Disproportionality

Outcome #1: Reduce the overrepresentation of certain racial and ethnic groups in the child welfare system relative to their representation in the general population.

Need Driving Activities & Data Source: *How do you know this is a need in your state?* Research has observed the overrepresentation of children of color in the child welfare system for more than 50 years and overrepresentation of Black children is more significant. National data shows that 23 percent of children in foster care are black although they represent only 14 percent of children in the general population. While the national dialogue has focused largely on Black children, racial disproportionality has also been observed for Native American and Latin X children, although to a lesser degree and with variation by state (Dettlaff & Boyd, 2020).

In 2020 Nevada started analyzing the child welfare system’s demographic data. Nevada identified that Black children are overrepresented by nearly 3 times and are being screened in at a rate nearly 5 times that of white children. Nevada sees Black children in care at a rate nearly double the national average. National American Indian/Alaska Native children enter care at the highest rate and remain in care at the highest rate, nearly 3 times that of white children. Children of color have lower permanency rates and stay in state care longer than white children. Data sources include AFCARS and NCANDS files.

Theory of Change: By bringing awareness and by better educating stakeholder’s (e.g. behavior changes, improved knowledge, culture awareness & shifts, improve service accessibility) involved with 432B cases regarding the overrepresentation of children of color in Nevada’s child welfare system is expected to create transformational system change to decrease overrepresentation of children and families of color in the child welfare system. In turn, this will most likely decrease racial disproportionality in the welfare system and provide equity and inclusion for this target population upon initial contact and throughout the life of the target population’s case.

Activity or Project Description	Collaborative Partners	Anticipated Outputs of Activity	Goals of Activity (short and/or Long-term)	Timeframe	Resources Needed	Plans for Evaluating Activity
Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.	Responsible parties and partners involved in implementation of the activity.	What the CIP intends to produce, provide or accomplish through the activity.	Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable. Progress toward Outcome	Proposed completion date or, if appropriate, “ongoing”.	Where relevant identify the resources needed to complete the activity.	Where relevant, how will you measure or monitor change?

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Bring awareness to and educate stakeholders about racial disparity and disproportionality to assist with reducing the overrepresentation of certain racial and ethnic groups in the child welfare system.						
<i>Action Step 1 – Identify reasons for entering system by county/Jurisdiction</i>	CIP Court Stakeholder’s Child Welfare Agency Law Enforcement Foster Youth Parents Service Providers Alicia Summers, Ph.D. Sophie Gatowski, Ph.D. ICWA court stakeholders/ reps	Focus/learning groups to research and evaluate information/data needs, identify needs, barriers and services for professional stakeholders and target population. Tokenism training to avoid token efforts and appointments		Ongoing	Access to data	
<i>Action Step 2 – Quality of representation for parents & children</i>	CIP Court Stakeholder’s Child Welfare Agency Law Enforcement Foster Youth Parents Service Providers Alicia Summers, Ph.D. Sophie Gatowski, Ph.D. ICWA court stakeholders/ reps	Learning groups Improved services Recommendations	Equal access to representation. Equity and inclusion throughout the court process.	Ongoing	Baseline data surveys (parent surveys) Analysis Focus groups Reasonable Efforts Study	Depth of representation efforts
<i>Action Step 3 – Socioeconomic statuses of target population (poverty vs. neglect)</i>	CIP Court Stakeholder’s Child Welfare Agency Law Enforcement Foster Youth Parents Service Providers Alicia Summers, Ph.D.	Learning groups Improved services Recommendations Transformational system change	Economic and cultural awareness/responsiveness for professional stakeholders. Appropriate services for target population.	Ongoing	Baseline data surveys Analysis Focus groups Experts/Scholars working on this topic	Increase use of tailored services for target population. Reduce rate of lower income families entering the system.

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	Sophie Gatowski, Ph.D. ICWA court stakeholders/ reps					
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Priority Area #3: Quality Court Hearings

Outcome #1: *Enhanced high quality court proceedings that safeguard due process, encourage child and family involvement, and ensure accountability within and throughout the child dependency system.*

Need Driving Activities & Data Source: *How do you know this is a need in your state?* *The statewide Remote Hearing Study accompanied by the Virtual Hearings in Child Welfare Cases: Perspectives from the Field, and the Juvenile Dependency Mediation Program (JDMP) study by Data Savvy Consulting.*

Theory of Change: *The theory is that by continuing to provide the judiciary and their CICs’ data to help them identify areas needing improvement and information about evidence-based and best practices, the judiciary and stakeholders will have increased knowledge of what constitutes a quality hearing, and judges will have a better understanding of what constitutes reasonable efforts which will lead to an increase in depth of information brought to court by all parties because stakeholders will better understand the information needed by the court. The data and training provided will lead to increased identification of barriers and creation of action steps to improve outcomes. This will in turn, lead to long term outcomes such as improved time to permanency and overall timeliness of cases.*

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, “ongoing”.</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
<p>The Nevada CIP continues supporting and informing the Community Improvement Councils (CIC) as they implement their annual CIC Action Plans to improve court processing of dependency cases as its means of continuously monitoring and improving the quality of dependency court proceedings including court hearings and reviews. By providing the courts and their CICs data to help them identify areas needing improvement and information about empirically-supported and best practices, with CIP support and guidance, the courts make systemic changes to improve hearing quality. Because each judicial district is unique, the specific local activities and interventions for that district will continue to be built upon a foundation of empirical data and consensus among the key stakeholders and constituency of that district.</p>						
<i>Action Step 1 – Develop Permanency training for judges, masters, and court stakeholders</i>	CIP DCFS Chief Deputy DA’s	Online “permanency” training to address Concurrent Planning, Reasonable Efforts, and KinGAP for court stakeholders	Ensure consistency across the state.	Implemented, on-going		

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<p><i>Action Step 2 – Support CIC’s development and implementation of annual action plans.</i></p>	<p>CIP CICs Child Welfare ICWA court stakeholders/ reps</p>	<p>CIP collects, assesses, analyzes, and distribute permanency and timeliness data regularly.</p> <p>CIC’s follow through on action plans created at the annual CIC Summit.</p> <p>CIP works with stakeholders to develop and disseminate training and resources for the judiciary and CIC’s.</p>	<p>Improve court functioning, build capacity, decrease time to permanency, and improve timeliness.</p>	<p>On-going</p>		<p>CIC meeting activities and annual report.</p> <p>Improved time to permanency and overall case timeliness; improved reunification rate as reflected in DCFS UNITY data reports (CFS775) and Centralized Case Index.</p>
<p><i>Action Step 3 – Conduct “remote” hearing quality study.</i></p>	<p>CIP CICs Alicia Summers, Ph.D. Sophie Gatowski, Ph.D.</p>	<p>Child welfare court and agency professionals’ survey.</p> <p>Parent survey.</p>	<p>Increase knowledge regarding the use of virtual hearings during COVID-19.</p>	<p>On going</p>	<p>In person & Virtual hearing study.</p>	<p>Implemented, evaluating, on-going.</p>
<p><i>Action Step 4 – Monitor the quality of hearings.</i></p>	<p>CIP CICs</p>	<p>CIP encourages CICs to create meaningful agendas and take and distribute minutes.</p>	<p>CIP attends and supports CIC meetings.</p> <p>CIP holds statewide CIC Summit.</p>	<p>On-going</p>		<p>CIC agendas and meeting minutes focusing on steps to improve hearing quality.</p>
<p><i>Action Step 5 – Develop & Update statewide court order templates</i></p>	<p>CIP Court Stakeholders Child Welfare</p>	<p>Standardized court order templates</p>	<p>Provide consistency across the state.</p>	<p>Approved (ADKT 0581), implemented and ongoing</p>		<p>Evaluate timeliness outcomes</p>
<p><i>Action Step 6 – Update NRS 432B</i></p>	<p>CIP Court Stakeholders Child Welfare</p>	<p>Make various language changes to NRS 432B.</p>	<p>Increase protection of children in the child welfare system.</p>	<p>Ongoing</p>		
<p><i>Action Step 7 – CIP continues to actively align its work with that of the Child Welfare Agencies.</i></p>	<p>CIP CICs Child Welfare CBCC</p>	<p>CIP continues to provide input into attaining PIP and IV-E, CFSP/PSR, and CFSR goals.</p> <p>Child Welfare actively participates in the</p>	<p>CICs continue their successful endeavors as outlined in their action plans.</p> <p>Hearing and court order quality improve.</p>	<p>On-going</p>		<p>Success of court hearing quality improvement efforts, project implementation, PIP development and</p>

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		<p>development of the CIP Strategic Plan and its implementation.</p> <p>CIP and Child Welfare share data, program assessments results, etc.</p> <p>Regular meetings take place with Child Welfare managers & supervisors, SQIC Committee, and CIP.</p> <p>Child Welfare is fully represented and active on the CIP Select Committee.</p> <p>CIP and Judiciary participate in the development and implementation of the PIP.</p>	<p>Relevant statistical evidence (AFCARS, NCANDS, timeliness, permanency, and reunification) demonstrates continued improvement.</p> <p>CIP and Child Welfare Agency reports and documents reflect active and joint participation.</p>			implementation, and CICs.
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Priority Area #4: Quality Legal Representation

Outcome #1: *Improved quality of legal representation in dependency cases so that parents, children, and the State of Nevada experience high quality court hearings.*

Need Driving Activities & Data Source: *How do you know this is a need in your state?* The Quality of Legal Representation in Dependency Cases in Nevada study conducted by Data Savvy.

Theory of Change: *By better educating attorneys regarding federal and state mandates, the quality of legal representation is likely to improve; thereby, increasing the likelihood of adhering to AFSA timelines and achieving permanency more quickly, increasing the engagement of parents and, hence, reunification rates, the well-being of children and ensure their best interests. By educating CICs on the positive impacts of legal representation, increased legal representation is likely to occur.*

Activity or Project Description	Collaborative Partners	Anticipated Outputs of Activity	Goals of Activity (short and/or Long-term)	Timeframe	Resources Needed	Plans for Evaluating Activity
<i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	<i>Responsible parties and partners involved in implementation of the activity.</i>	<i>What the CIP intends to produce, provide or accomplish through the activity.</i>	<p><i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve.</i></p> <p><i>Goals should be measurable.</i></p> <p>Progress toward Outcome</p>	<i>Proposed completion date or, if appropriate, "ongoing".</i>	<i>Where relevant identify the resources needed to complete the activity.</i>	<i>Where relevant, how will you measure or monitor change?</i>

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Educate all attorneys, DA's DAG's, Parents and Children's Attorneys about federal and state laws and regulations governing child dependency cases (NRS 432B). Open appropriate trainings to Child Welfare staff and CASA/GAL's as well.

<p><i>Action Step 1 – Update the Online Dependency Training to reflect updated practice changes, policies, culture shifts and legislative changes.</i></p>	<p>CIP Court Stakeholders Child Welfare</p>	<p>Announcements to courts and CICs that online attorney training is available and provide instructions on how to register.</p>	<p>50% of attorneys practicing in dependency court will complete course.</p>	<p>Start FF2023</p>		<p>Review percentage of attorneys who have completed course.</p>
<p><i>Action Step 2 –The Supreme Court creates a training requirement for the state.</i></p>	<p>CIP Courts Attorneys CIC Leads Dependency Judges</p>	<p>Significant proportion of attorneys in each JD complete course.</p> <p>Attorneys understand that dependency cases are different from criminal cases.</p> <p>Attorneys' have improved understanding of state and federal law applying to dependency cases</p>	<p>Update practices and federal directives, improve knowledge and skills of attorneys.</p> <p>Attorneys better understand the needs of their clients and the services available to them.</p> <p>Parties are more engaged.</p> <p>Improved court timeliness data.</p> <p>Improved child permanency timeliness and reunification data as reflected in DCFS UNITY data reports (CFS775), AFCARS, and Centralized Case Index.</p>		<p>Innovated training strategies for effective outcomes</p>	<p>Satisfaction is measured upon completion.</p> <p>Knowledge gains are measured through pre and post-tests during the course of the training.</p>
<p><i>Action Step 3 – Identify list of performance measures that can be used in future evaluations of the effectiveness of parents' and children's representation in dependency cases.</i></p>	<p>CIP CIC Child Welfare Alicia Summers, Ph.D. Sophie Gatowski, Ph.D. ICWA court stakeholders/rep</p>	<p>Study that provides baseline data about parents' and children's attorneys' performance that can be used in future evaluation efforts assessing interventions, trainings, or other practice</p>	<p>Future evaluation opportunities.</p>	<p>Implemented, on-going.</p>		<p>Use current study to compare against future data.</p>

		improvements, aimed at enhancing parent and child representation.				
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Priority Area #5: Timeliness/Permanency

Outcome #1: Identify barriers creating delays in timeliness to permanency for children in the child welfare system.

Need Driving Activities & Data Source: *How do you know this is a need in your state?* The 2019 Child and Family Services Review (CFSR) identified a number of practices related to the termination of parental rights (TPR) as areas of concern to achieving timely permanency.

Theory of Change: By understanding what practices are creating these delays, CIP, Court Stakeholders, and Child Welfare staff can make significant changes to current processes to remove these barriers, ultimately resulting in achieving timely permanency.

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, "ongoing".</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
PIP 3.4.1 Workgroup created to further review and analyze data associated with achieving timely permanency this led to the TPR focus groups						
<i>Action Step 1 – Establish TPR Workgroup</i>	CIP Child Welfare DA's AG's Alicia Summers, Ph.D. Sophie Gatowski, Ph.D.	Make process improvements.	Reduce/eliminate barriers to TPR.	On-going		Use current Termination of Parental Rights study to use as a benchmark to evaluate further studies. Monitor timeliness (CFS775) reports.
<i>Action Step 2 – Create Focus group for broader multidisciplinary perspectives</i>	CIP Child Welfare Data Savvy Consultants Parent Attorneys Child Attorneys AGs	Breadth and depth engagement from stakeholders that were identified by a snowball sampling method	Identify consistent barriers in jurisdictions and the state in order to identify possible solutions	July 2022		

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Action Step 3- Analyze focus group findings and provide summary to CICs and stakeholders	CIP Child Welfare Data Savvy Consultants Parent Attorneys Child Attorneys AGs	Assist CIC teams in developing plans for improving timeliness process		September 30, 2022(Summary) & ongoing		Qualitative approach via CIC meetings and practice change Monitor timeliness (CFS775) reports.
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Priority Area #6: Well-Being

Outcome #1: Improve the behavioral health and well-being of youth in foster care, with a focus on addressing educational needs.

Need Driving Activities & Data Source: *How do you know this is a need in your state?* The COVID-19 global pandemic left everyone impacted. From increased behavioral issues to a decline in school attendance, as provided by the Washoe County School District, we have seen a significant decline in these areas.

Theory of Change: By focusing on the identified behavioral health issues and educational needs of youth in foster care who meet the criteria for intervention services, there will most likely be a decline in substance dependency, a decline in absenteeism, and an increase in their educational achievements.

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, "ongoing".</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
Implement programs and projects that address behavioral health issues and focus on educational needs for youth in foster care.						
Action Step 1 – Ignite Teen Treatment	CIP DDA DFS – Clark County Ignite Teen Treatment Facility Youth with lived experience	Provide inpatient drug treatment to foster youth who are experiencing increased mental health issues as a result of the isolation and fear around the COVID-19 pandemic.	Reduce anxiety, depression, and PTSD, which have resulting in youth turning to drugs to “treat” their symptoms.	September 30, 2022		Review reports provided by the facility and/or DFS – Clark County.
Action Step 2 – Boosted Diplomas	CIP WCSD WCHSA Cooper Richardson, V.P.	Provide tutoring and/or a peer navigator to foster youth who have been identified as being	Increase attendance and improve overall grades and test scores of these youth.	September 30, 2022		Review reports provided by Boosted Diplomas. COVID

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		chronically absent during the 2020-2021 school year.				
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Child and Family Services Review / Program Improvement Plan (CFSR/PIP) - Overall Infrastructure & Supports

For states that will be participating in round 4 of the CFSR and PIP in your state this reporting year, please briefly describe overall infrastructure or similar supports for the CFSR/PIP process that may have been needed based on your Self-Assessment. As described in the PI, this may include engaging a broad representation of legal and judicial stakeholders, working with other leadership, collaborating with other partners, use of data in the process, staging, and feedback loops. For CFSR/PIP related efforts that are farther along and have focused data or outcomes identified, those can be completed on the usual project template above. Copy and paste the portion below the blue line if there are additional CFSR/PIP overall infrastructure and support items.

CFSR/PIP Outcome #1: The change the CIP seeks to support for the CFSR/PIP process

Activity Description <i>Specific actions that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected measurable change the CIP intends to achieve.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, "ongoing".</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
Briefly describe the overall activity that should help lead to the outcome identified above.						
Action Step 1 – Briefly identify the activities/action steps needed to implement activity 1						
Action Step 2 -						[tab to add rows]

APPENDIX A



Nevada Statewide Juvenile Dependency Mediation Outcome Evaluation

Report Authored by:
 Sophia Gatowski, PhD
 Director, Systems Change Solutions, Inc.

Alicia Summers, PhD
 Director, Data Savy Consulting, LLC



Nevada Statewide Juvenile Dependency Mediation Evaluation

Executive Summary

The current evaluation builds on the existing knowledge base of the effectiveness of Nevada's Juvenile Dependency Mediation Program, and existing body of evidence for its success established by past evaluations by: providing information on whether Nevada's Juvenile Dependency Mediation Program continues to provide the benefits for which the program was established; providing feedback to the courts and mediation program on what improvements can be made to program implementation to provide better service to those who participate in the program (including parents, family, and professional stakeholders) and to improve impacts on case processing and outcomes; and to identify next steps in terms of data collection efforts to ensure sustainable performance measurement and enhance program evaluation for future years.

The evaluation used a mixed method approach to examine the effectiveness of the statewide juvenile dependency mediation program. All judicial districts had an opportunity to participate in some of the data collection for the evaluation. These data collection efforts included needs assessment surveys of court professionals, surveys of mediators, and a secondary analysis of mediation data. Most judicial districts have not held a sufficient number of mediations to be part of all the data collection efforts in this study. Therefore, a case file review method strategically targeted the judicial districts that had held the most mediations. This included the 1st, 2nd, 5th, and 8th judicial districts. It should be noted that the 10th judicial district had a sufficient sample of cases but was unable to participate in data collection at the time that data collection was occurring.

Key Findings

Looking at specific program goals for which evaluation data were available, the current study found:

Goal: To create a settlement process which is inclusive, collaborative, confidential, and is conducted with fidelity to a mediation model. The study found during July 2, 2016 – May 2019:

- Mediation is providing the majority of both non-professional (i.e., mothers and fathers) and professional stakeholders (i.e., CASA, attorneys and social workers) with a voice in the court process. Furthermore, the majority of non-professional and professional stakeholders also felt they were treated fairly, treated with respect, and were really listened to in the mediation. See Table 1 below; See also Table 4 on pg. 18.

Table 1: Mediation Participant Experience with Mediation: Percent of Mediation Participants Indicating Agreement (Agree or Strongly Agree) by Role

Role	Had Opportunity to Voice Opinions	Treated Fairly	Treated with Respect	Really Listened To
Mothers (n=150)	96%	100%	95%	87%
Fathers (n=96)	94%	98%	95%	86%
CASA (n=34)	94%	100%	100%	97%
Child’s Attorney (n=161)	97%	99%	98%	93%
DA/AG (n=250)	97%	99%	99%	98%
Mother’s Attorney (n=194)	99%	96%	99%	94%
Father’s Attorney (n=151)	93%	97%	95%	91%
Social Worker (n=250)	99%	99%	99%	84%

Goal: To reduce litigation. The study found:

- A high agreement rate with 74% of mediations resulting in an agreement of some sort (60% full agreement and 14% partial agreement).

Goal: To increase resolution of dependency case issues. The study found:

- Mediated termination of parental rights (TPR) cases were significantly more likely to end with a voluntary relinquishment (67% for mothers and 53% for fathers) when compared to non-mediated cases (42% for mothers and 20% for fathers).
- Mediated cases had significantly more post-adoption contact (70%) when compared to non-mediated cases (10%).
- In mediated cases, 54% of the post-adoption contact orders for mothers and 43% of the post-adoption contact orders for fathers referenced some opportunity to visit with the child, compared with only 7% (for mothers) and 0% (for fathers) of post-adoption contact orders when the case was not mediated.

Goal: To improve a child’s time to permanency. The study found:

- Mediated cases took significantly longer from TPR petition filing to a TPR order (183 days) compared to non-mediated cases (98 days).
- Mediated cases took less time from TPR order to adoption (273 days) when compared to non-mediated cases (383 days).
- There were no differences in time to permanency for mediated compared to non-mediated cases.

This study also conducted a preliminary cost-benefit analysis of the statewide Juvenile Dependency Mediation Program and found:

- The majority of stakeholders believe mediation reduces their workload (69%), and significant time savings were found for professional stakeholders in terms of time spent in mediation vs. time spent in contested trials.
- Looking only at TPR cases, in the last three years 123 mediations have resulted in the court vacating the next hearing (TPR trial) following the mediation. Based on court estimates of the cost of court time, this represents a cost savings of \$442,800 in the last three years just for TPR cases alone (July 2016 to May of 2019).

Goals not addressed in the study included:

- Improve permanency outcomes for children.
- Decrease out of home placement moves for children.

As demonstrated by this study's findings and past evaluations of Nevada's statewide Juvenile Dependency Mediation Program, mediation continues to have positive impacts on case processing and permanency timelines. The mediation process provides an effective forum for timely agreement and resolution of issues, as well as an important opportunity for participants to have a voice in the case process and become more fully engaged in their case. Recommendations for areas of continued program improvement are discussed in the body of the report, and include suggestions related to the program's implementation, the mediators (i.e., mediation quality), future data collection and evaluation efforts, and, because mediation in Nevada is most frequently used at the TPR stage of the case process, recommendations to increase the use of the Juvenile Dependency Mediation Program in earlier stages of the case.

Recommendations

Recommendation are suggested in several areas related to the mediation process, data collection, understanding current findings, and future evaluation efforts. These include:

- Continue to work with sites to enhance and formalize referral process.
- Increase mediator training opportunities for specific topics relevant to child welfare cases.
- Consider evaluating the relationship between specific mediation behaviors and their relationship to case agreement and outcomes.
- Consider expanding the feedback loops to provide feedback to all of the mediators about their current practice and areas for improvement.
- Consider additional training of all on how to enter information on the Case Data Sheet and development of a data entry protocol to ensure consistent responses.
- Consider revising the parent/participant survey to focus on mediation quality.
- Consider modifying the stakeholder survey. The data have been fairly consistent for three years and are not providing additional value at this time compared to the

burden on stakeholders. Ensure future stakeholder surveys ask only the most relevant questions for mediator and mediation quality assessment and continuing program improvement.

- Consider holding a focus group of study participants (CICs) to identify their theories around why mediated cases take longer at some points, and do not result in timelier permanency.
- Continue to prioritize the use of mediation for earlier points in the case process, such as the adjudication phase and disposition or case planning.
- Consider ideas for future data collection efforts to support understanding of effectiveness on goals that could not be measured at this time.

Nevada Statewide Juvenile Dependency Mediation Outcome Evaluation Introduction

The use of court-based mediation in child protection (juvenile dependency) cases has spread widely across the country over the last two decades as a tool to resolve disputes and expedite the permanency process for children involved in the child welfare system. As a substitute for contested judicial hearings, juvenile dependency mediation is a process in which specially trained neutral third-party intermediaries facilitate the resolution of child abuse and neglect issues by bringing together, in a confidential setting, the family, social workers, attorneys, and others involved in a case. Mediators facilitate the exploration of issues related to the child or children, with the goal of producing mutually agreeable solutions among the parties (e.g., Barsky and Trocme, 1998; Menkel-Meadow et al., 2018; Stack, 2003). When an agreement is reached, it is presented to the court, which has the authority to accept, reject, or modify the agreement. The process is meant to be collaborative, with the goal of avoiding litigation and resolving the issues in the least adversarial manner possible (Menkel-Meadow et al., 2018).

The goals of juvenile dependency mediation programs are typically to:

- Expedite permanency for children;
- Shorten the amount of time that a child stays in foster care;
- Improve case plans and the case planning process;
- Increase the effectiveness of court hearings;
- Increase compliance with child protection plans of care or court orders; and
- Reduce state costs connected with dependency-neglect cases.

Evaluations of juvenile dependency mediation programs indicate that mediation produces many positive case process and outcome benefits. For example, research has demonstrated that juvenile dependency mediation results in high levels of agreement/reaching consensus (Nasworthy and Tarver, 2005; Thoennes and Pearson, 1995) and that the resolutions reached in mediation are more detailed and better tailored to the needs of the children and family (e.g., Eaton et al., 2007; Gatowski et al., 2005; Anderson and Whalen, 2004; Kierkus and Johnson, 2019; Thoennes and Pearson, 1995). In addition, research has found juvenile dependency mediation to promote cooperation and compromise leading to greater compliance with the terms of the mediated agreement (e.g., Eaton et al., 2007; Kierkus and Johnson, 2019). Parents and family members who participate in juvenile dependency mediations report satisfaction with their experience, describing the process as productive and helpful (e.g., Eaton et al., 2007; Gatowski et al., 2005; Kierkus and Johnson, 2019; Nasworthy and Tarver, 2005; Thoennes, 2001; Thoennes and Pearson, 2005). Mediation has been found to have a positive impact on the court environment as well, with stakeholders reporting improved relationships

between attorneys and social workers because of their participation in mediation (Dobbin et al., 2001; Nasworthy and Tarver, 2005).

Research examining child juvenile dependency mediation has been shown mediation to result in faster resolution of child abuse and neglect cases when compared to cases that go to trial, with a number of evaluations finding that mediated cases progress to permanency more quickly and with less involvement of the court when compared to other cases (Anderson and Whalen, 2004; Colman and Ruppel, 2007; Eaton et al., 2007; Kierkus and Johnson, 2019; Koh, 2004; Gatowski et. al, 2005; Thoennes, 2001). In addition, while difficult to quantify, there is growing evidence that mediation may reduce costs associated with child abuse and neglect case processing by lessening the time that parties spend preparing for court hearings, reducing the number of contested hearings required in cases, providing more timely reunification and decreased re-entry into foster care (e.g., Bernstein, 1998; Center for Policy Research, 1998; Giovannucci, 2007; Nasworthy and Tarver, 2005; Supreme court of Virginia, 2002).

Juvenile Dependency Mediation in Nevada

Juvenile dependency mediation is implemented in all judicial districts in Nevada. It is a non-adversarial process facilitated by two neutral co-mediators who facilitate communication among those involved in a case while also working to ensure that all have a say in the outcome. Those in attendance are generally the natural parents; the foster parents (if applicable); other family members closely involved in the child's life; the attorney for the child, the attorneys for the parents, the district attorney, and the caseworker assigned to the case. Each is given the opportunity to share his or her view on the case, as well as express any concerns about issues going forward. Cases can be referred to mediation pre or post-adjudication, with TPR cases also eligible for mediation. Specifically, mediation in Nevada may focus on whether or not court jurisdiction is appropriate, petition language, services for children and parents, visitation, placement options, educational issues, reunification plans, permanency plans, dismissal orders, termination of parental rights, post-adoption contact, and any issues that are barriers to permanency (Program grant application for Victims of Crime Act (VOCA) grant).

Juvenile dependency mediation in Nevada has demonstrated considerable success at achieving its case processing and outcome goals. Previous research examining mediation in Nevada (e.g., Summers, Wood, Bohannan, Gonzalez, & Sicafuse, 2013; Summers, Wood, & Bohannan, 2013), for example, has shown that mediation can enhance case processing (i.e., improve timeliness of court events), increase key participant (i.e., parents, children, relatives, and foster parents) and system stakeholder (i.e., prosecutors, parents' and children's attorneys and advocates, social workers, and others) satisfaction with and engagement in the case process, and improve juvenile dependency case outcomes in a non-adversarial manner (i.e., improved reunification rates and timeliness of permanency

outcomes). A more recent Nevada mediation study of the 2nd Judicial District found that although mediated cases were more likely to result in reunification with both parents, and were more likely to result in adoption than non-mediated cases, no significant differences in time to permanency were found (Ganasarajah et al., 2017).

None of the past studies focus on outcomes related to the iteration of the statewide juvenile dependency mediation program that was implemented in Nevada in 2016 and rolled out to all counties by 2017. The current study builds on past evaluations of child protection mediation in Nevada, to provide additional and nuanced perspectives on the implementation and effectiveness of the statewide juvenile dependency mediation program. The research was conducted with the following goals in mind:

1. To provide information on whether Nevada’s juvenile dependency mediation program is providing the benefits for which the program was established, including
 - a. To create a settlement process which is inclusive, collaborative, confidential, and is conducted with fidelity to a mediation model;
 - b. To reduce litigation;
 - c. To improve a child’s time to permanency;
 - d. To increase resolution of dependency case issues;
 - e. To improve permanency outcomes for children;
 - f. To decrease out of home placement moves for children; and
 - g. To allow and promote meaningful participation of children and youth in the dependency case process.
2. To provide feedback to the courts and mediation program on what improvements can be made to provide better service to those who participate in the program, including family members, judicial officers, attorneys, caseworkers and mediators; and
3. To identify next steps in terms of data collection efforts to ensure sustainable performance measurement for future years.

Method

The mediation evaluation used a mixed method approach to examine the effectiveness of the statewide juvenile dependency mediation program. All judicial districts had an opportunity to participate in some of the data collection for the mediation evaluation. These data collection efforts included surveys of court professionals, surveys of mediators, and secondary analysis of mediation data. Most judicial districts have not held a sufficient number of mediations to be part of all the data collection efforts. Therefore, the casefile review methodology strategically targeted the judicial districts that had held the most mediations. This included the 1st, 2nd, 5th, and 8th judicial districts (JD). It should be noted that the 10th JD had a sufficient sample of cases but was unable to participate in data collection at the time that data collection was occurring. Each method is described in more detail below.

Surveys. Surveys are a research method used for collecting data from a specific group of respondents to gain information about a topic of interest. There were multiple surveys created and implemented as part of this evaluation. These surveys were designed by the research team with input from the Court Improvement Program and program administrator. All surveys were created on the Survey Monkey platform and disseminated to respondents via email. The surveys included:

- *Needs Assessment Survey.* A needs assessment is a systematic process used to determine gaps. In this context, the gaps are the knowledge base of what is known about the effectiveness of mediation in Nevada. The needs assessment was the first step in the mediation evaluation, as it was important to consider what the gaps were in what was known about mediation's effectiveness and what stakeholders believed the effectiveness to be. This was a two-step process. In the first step, stakeholders from each judicial district (e.g., judges, attorneys, agency workers) were asked about their perceptions of the effectiveness of mediation). These questions specifically focused on the mediation process (how referrals are made), the decision-points in the case where stakeholders perceived that mediation would be most effective, and the types of outcomes they believed mediation could affect in their district. The survey was sent out via the Community Improvement Council (CIC) list serve to all judicial districts, with a request to share with other professionals. The second step in this process was to use the information generated from the needs assessment to identify outcome measures that could be collected for the project within the project timeframe.
- *Mediator Survey.* The research team also developed a mediator survey, designed specifically for mediators who have mediated juvenile dependency mediations in Nevada. The mediation survey asked mediators about their experience mediating cases, amount of training, number of mediations, mediation framework, and mediation practice. The survey was sent via email to all the mediators who have ever facilitated a juvenile dependency mediation in Nevada.
- *Cost Survey.* Researchers also created a cost study survey to send to all professionals who participate in mediation (except the mediator). Typically, the district attorney, parent's attorney, advocate or attorney for the child, and the agency caseworker all participate in mediations. The cost study was designed to ask participants a series of questions about their perception of the cost of mediation in relation to the cost of a similar case that does not go to mediation. While participants were asked to respond to some questions in dollar amounts, responses varied widely and were not equitable enough to make comparisons.

Case File Review. Researchers conducted a case file review to explore case outcomes for mediated cases. Case file review involves reviewing the court case file using a standardized instrument to examine specific variables. The case file review focused primarily on TPR cases, as the majority of mediations were focused on termination of parental rights. Data were also collected on cases that mediated original petition

allegations (i.e., mediation prior to adjudication in the case), although this sample was small. The sample size for the case file review included a random sample of mediated cases and a random sample of non-mediated cases for comparison. The sample size varied by judicial district, with larger districts (such as the 8th JD) providing a larger sample of cases.

Secondary Data Review. Data collection also included a review of secondary data. Mediators collect data from each case that is mediated, entering data about the mediation into a Case Data Sheet. The data sheet includes information on the mediation start and stop time, focus of the mediation, outcome, as well as information on the family. Mediators also distribute surveys after every mediation to the participants (e.g., mother, fathers, caregivers) as well as the professionals (e.g., attorneys, caseworkers), who attend the mediation. Participants are given a different survey than professionals. All of these surveys are collected at the conclusion of the mediation. For this study, researchers took the pdfs of the original paper documents for both the Case Data Sheets and all participant surveys and entered those data into Survey Monkey so that all of the data could be analyzed. This produced a dataset for all mediations that had documentation from July 2016 to May of 2019.

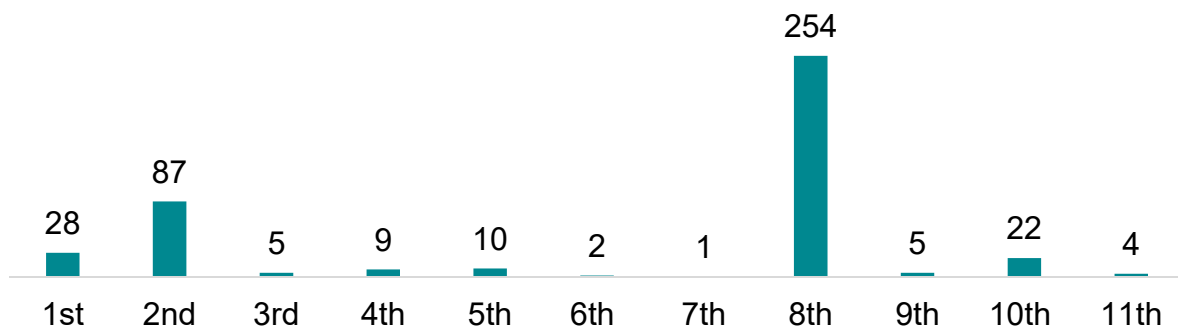
Sample

The final sample for the study (see Table 2 and Figure 1 on pg. 10) consisted of data from six unique data sets (described above), all contributing to the evaluation findings. The case file review sample was explored to determine if the mediation and non-mediation samples were equivalent. Samples were compared on the type of allegations that brought the family before the court as well as the type and number of presenting problems noted about the family on the petition. Only one difference emerged. Mediated cases were significantly more likely to have an indication of mother (28%) or father (16%) being homeless in comparison to non-mediated cases (14% and 6% respectively). The number of presenting problems was statistically similar. This indicates, for the most part, the samples were similar in the nature of the issues.

Dataset	Sample Size	Judicial Districts Represented	Participant /Case Information
Survey: Needs Assessment	42	All	Judicial officers = 25% Attorney for parent or child = 24% District attorney = 14% CASA =18% Agency = 27%
Survey: Mediator Survey	13	All	Mediators
Survey: Cost Study	34	All	Judicial officers = 17%

Dataset	Sample Size	Judicial Districts Represented	Participant /Case Information
			Attorney for parent or child = 29% District attorney = 9% CASA =31% Agency = 6% Other/did not answer=8%
Case File Review	175	1 st , 2 nd , 5 th , 8 th	82 Mediated Cases 93 Non-Mediated Cases 1 st = 38 Cases 2 nd = 47 Cases 5 th = 9 Cases 8 th = 81 Cases
Secondary Data: Case Data Sheets	427	All	(see Figure 1)
Secondary Data: Mediation Surveys	1774	All	539 Participants 1235 Pro Stakeholders

Figure 1: Number of Mediations per Judicial District (July 2016 - May 2019) According to Case Data Sheets (n=427)

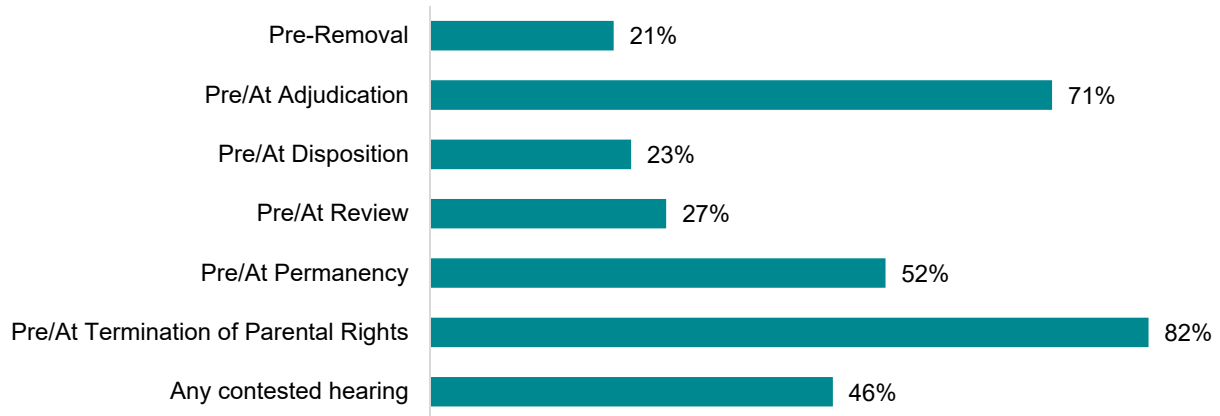


Needs Assessment

The needs assessment was the first step in the evaluation process and was used to inform data collection and analysis of all other data sources. The first part of the needs assessment asked participants how likely they are to recommend mediation and what point in the case they felt mediation was most useful. Participants rated their likelihood of recommending mediation on a scale ranging from 0 to 100%. Scores ranged from 50% to 100% “likely to recommend,” with an overall average of 89% “likely to recommend” use of mediation. This indicates most participants were in favor of mediation. Participants identified the decision points they felt were most useful for mediation. As noted in Figure 2, the majority believed mediation was most useful at TPR (82%), followed by pre/at adjudication (71%). Just over half

of participants reported that mediation was most useful either pre/at the permanency hearing stage of the case (52%).

Figure 2: Decision Points Identified as Most Useful for Mediation (n=42)



In the needs assessment, stakeholders from all the judicial districts were asked about potential effects of mediation. It was important that outcomes beyond “agreement” were identified and measured in a meaningful way. Needs assessment survey respondents were asked to indicate which outcomes were most relevant for mediation. Figures 3, 4, and 5 (on pages 12-13) illustrate the percentage of respondents that identified case related outcomes, stakeholder related outcomes, and family and child related outcomes as relevant for mediation.

Figure 3: Mediation Case Related Outcomes Identified as Relevant by Respondents (N=42)

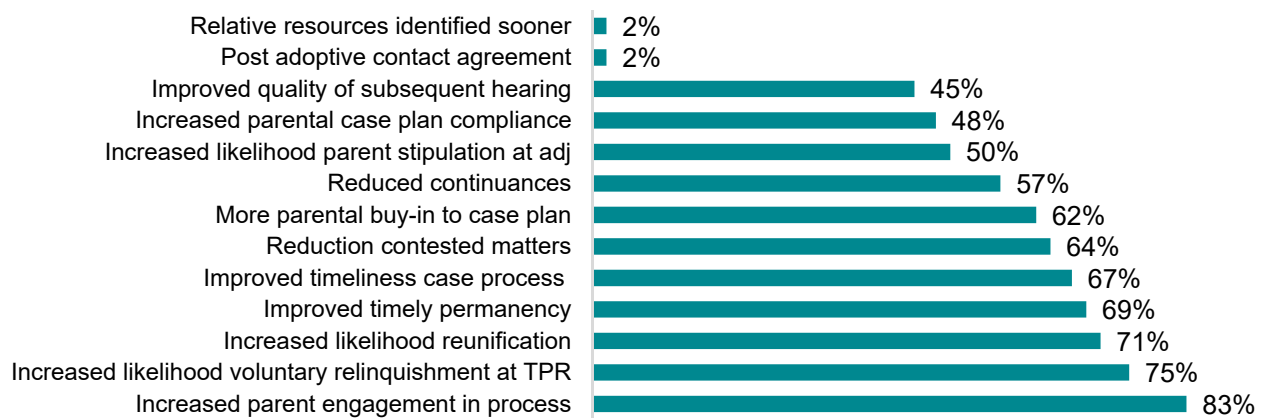


Figure 4: Mediation Stakeholder Related Outcomes Identified as Relevant by Respondents (N=42)

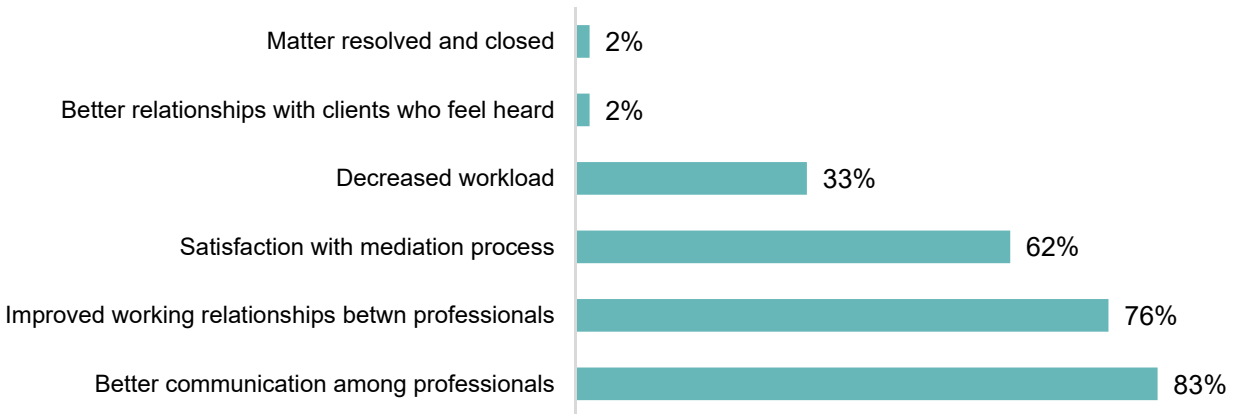
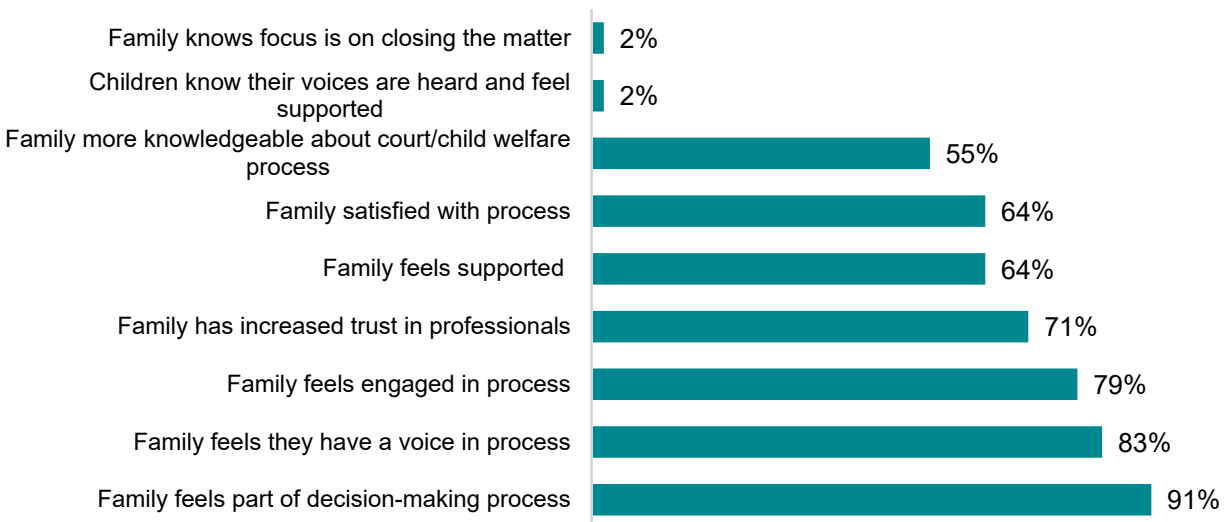


Figure 5: Mediation Family and Child Related Outcomes Identified as Relevant by Respondents (N=42)



The most relevant outcomes for mediation identified by respondents were reviewed to determine what data could be collected via the methods available to researchers within the timeframe of the study. The following case outcomes were identified as both relevant (by respondents) and available from potential data sources. These included:

- Voice
 - Parent voice in the process
 - Parent feels part of decision-making
- Increased parent engagement
- Timeliness of case processing
 - Reduced continuances

- Reduced contested matters
- Timely case processing
- Timelier permanency
- Increased likelihood of voluntary relinquishment at TPR

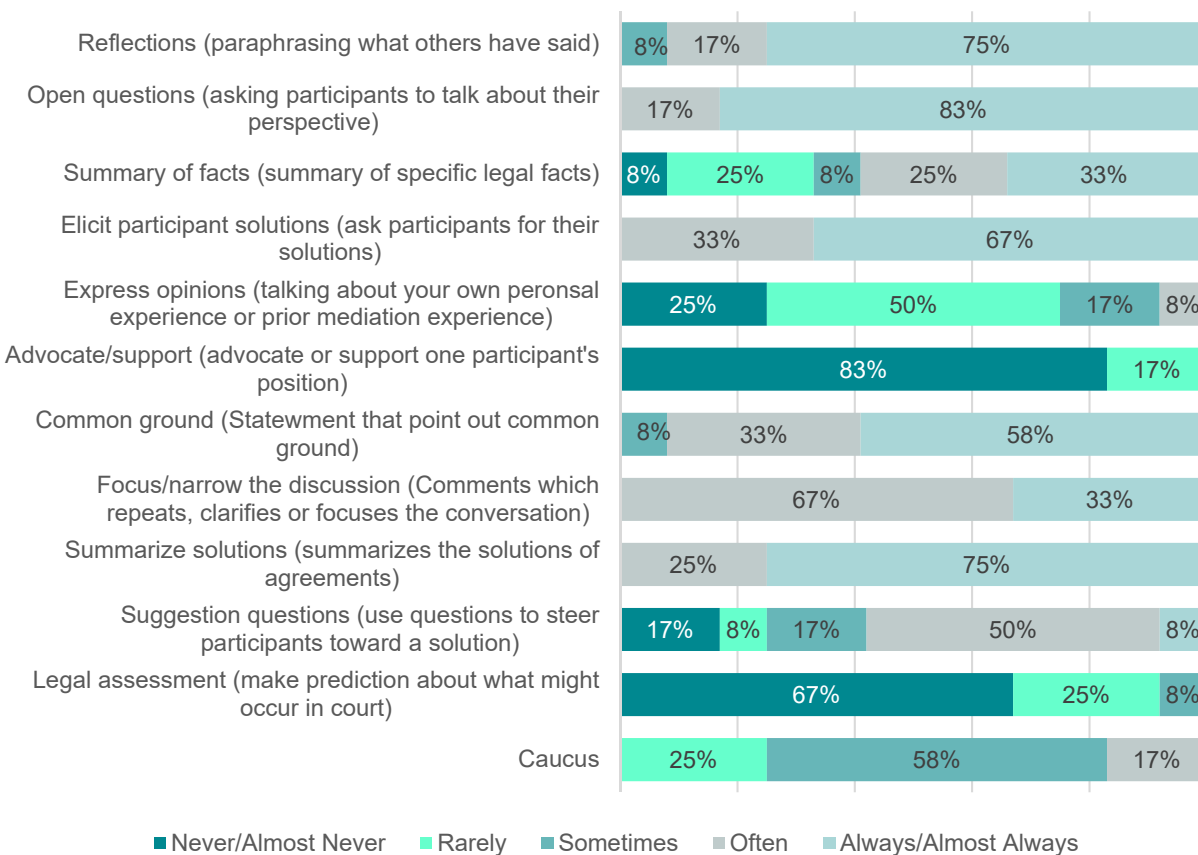
In addition, there were a few outcomes that the Court Improvement Program and the researchers identified as “of interest” that were not identified as highly relevant by the needs assessment respondents. These included decrease in workload (only identified by 33% of respondents) and post-adoption contact (only identified as relevant by 2% of respondents). The Court Improvement Program was interested in a cost/benefit analysis of the mediation program. Exploring decreases in workload from a cost savings perspective was useful to better determine if mediations have the potential to be cost effective. In addition, informal conversations with mediators and program staff revealed that a large portion of the cases were referred to mediation for post-adoption contact. As such, both of these items were added to the list of relevant measures for the evaluation.

Mediation Survey

The current evaluation captured some information about mediators via survey. Specifically, 13 mediators completed a survey, representing mediators in each of the judicial districts except the 5th and the 7th. Some mediators reported that they sometimes serve in other roles including judge (1), attorney for the parent (2), and CASA (1). Mediator experience ranged from 1-20 years, with an overall average of 6.7 years. Sixty-nine percent of mediators indicated that they had more than 100 hours of mediation training, and all mediators indicated that they had training specific to juvenile dependency cases. Fifty percent of the mediators reported that they can bill their time for mediation when the parents do not show up; compared to 42% who said they could not bill for their time and 8% who said they could bill for half of their time. The data from the mediator’s survey was meant to provide a better understanding of the current mediators in Nevada and to be used to inform considerations for future evaluation efforts. In terms of this study, it provides some basic descriptive information on mediator frameworks and behaviors.

Mediators were asked about their primary mediation framework. All of the mediators said their framework was facilitative, while an additional 17% said their framework was also inclusive and another 8% indicated their framework was transformative. In terms of process, most said they liked the co-mediation model or that they had no preference. Seventy-five percent of the mediators indicated that they consult an attorney prior to juvenile dependency mediation “always,” or “almost always.” Twenty-five percent of the mediators, however, indicated that they “never or almost never” consult an attorney prior to a juvenile dependency mediation. Figure 6 on page 15 summarizes the responses mediators provided when asked to indicate the frequency with which they engage in specific behaviors in mediations.

Figure 6: Frequency of Mediator Behaviors (Self-Report)



Data from the mediator survey reveal that mediator self-reported behaviors vary somewhat by mediator and by the mediation session. The majority of mediators self-report using reflections, open questions, eliciting participant solutions, and summarizing solutions in their mediations. Other practices vary considerably. These data were collected based on a study of mediator behaviors and their relationship to case outcomes (see Charkoudian, Walter & Eisenberg, 2018). While the original study conducted observations of actual mediations, this study only asked mediators for their behaviors. Charkoudian et al., (2018) found that reflective behaviors (e.g., reflections, mediator opinions, common ground) were not sufficient to induce positive outcomes in mediations. Instead, eliciting participant solutions (which includes a combination of eliciting solutions, open questions, summarizing solutions, and legal assessment) were most likely to result in positive outcomes for mediation participants. The Charkoudian et al. (2018) study indicates that mediators need to have an active role in the mediation in questioning the participants in order to achieve positive outcomes.

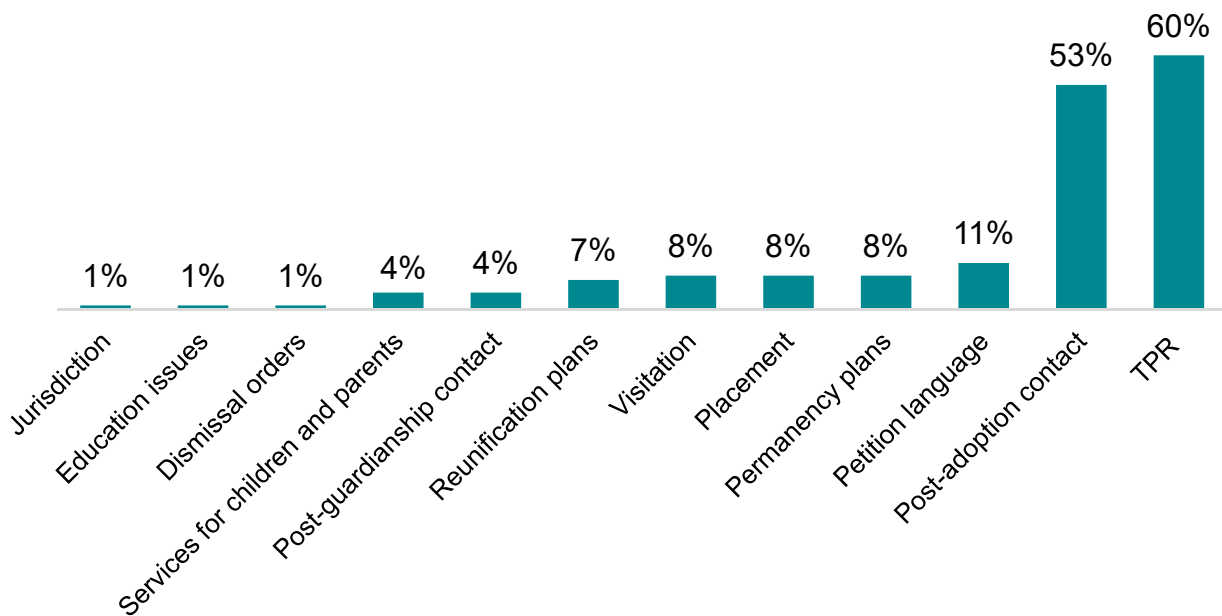
Overview of the Findings Section

The findings section is organized first by general information about mediations and then by the outcomes of interest. Narrative will describe how the outcome is being defined/operationalized, the source for the data (e.g., case file review, survey, etc.) and will provide an explanation of the findings by the outcomes of interest.

Findings

Mediations: Number and Focus. From the Case Data Sheets, which were collected by mediators in every jurisdiction, 427 mediations occurred between July of 2016 and May of 2019 when the data were collected. Figure 7 illustrates the focus of those mediations, based on the data provided on the Case Data Sheets. It is important to note that percentages in the figure will not add up to 100% as a mediation can have multiple focuses.

Figure 7: Focus of Mediation (as per Case Data Sheets; n=427)



The focus of the mediation also varied significantly by judicial district. Table 3 (on page 17) illustrates the focus of the mediation, broken down by the most commonly identified mediation focus (from Figure 7). Sample sizes (n's) are provided in the first column for reference as some sites had very few mediations and percentages should be interpreted in light of this.

Table 3. Breakdown of Mediation Focus by Jurisdiction							
Judicial District	Petition Language	Visitation	Placement	Permanency Plans	TPR	Post-Adoption Contact	Other
1 (n=28)	36%	--	--	4%	21%	57%	8%
2 (n=87)	18%	1%	2%	5%	58%	56%	6%
3 (n=5)	--	--	20%	--	60%	60%	--
4 (n=9)	22%	--	--	22%	56%	44%	--
5 (n=10)	30%	10%	40%	--	10%	10%	80%
6 (n=2)	--	--	--	50%	--	--	50%
7 (n=1)	--	--	--	--	100%	--	--
8 (n=254)	5%	13%	10%	5%	70%	56%	14%
9 (n=5)	20%	20%	20%	20%	20%	20%	20%
10 (n=22)	--	--	5%	55%	46%	36%	24%
11 (n=4)	--	--	--	25%	25%	25%	--

In interpreting Table 3, it is important to note the following: In the 5th judicial district, there were only 10 mediations, so every 1 mediated topic is 10% of the total. That is 80% of other means 8 topics, some of which co-occurred at the same mediation. The “other” column for the 5th judicial district is also high (80%) because mediations could have multiple areas of focus. “Other focus” areas for the 5th included services for child and parents (3), education issues (2), dismissal (1), post-guardianship contact (1), and reunification plans (1). For judicial district 6, the 50% (n=1) “other focus” was reunification plans. For the 10th, the “other focus” included reunification plans (14%, n=3), services for the parents or child (5%, n=1) and post guardianship contact (5%, n=1).

Mediations: Agreement Rate. Of the 427 mediations reviewed, 10% were not held because parents did not show up. Cancelled mediations were not reflected in the Case Data Sheets but were tracked by the Court Improvement Program. In addition to the 427 mediations that had a data sheet, an additional 36 were scheduled but cancelled prior to the date they were held. Mediation agreement rate was calculated for only the cases where at least one of the parties showed up to the mediation (otherwise mediation was not held). For the cases that held a mediation, 74% resulted in an agreement of some sort (60% full agreement and 14% partial agreement) and the remaining 26% did not result in agreement.

Parent/Mediation Participant Voice

Voice can be defined in many ways. For this study, the perception of voice was defined using a procedural justice framework. Procedural justice refers to the fairness and transparency of the processes by which decisions are made when there is a dispute (e.g., Lind and Tyler, 1988). Research has demonstrated that certain features of dispute resolution procedures increase participants’ perceptions of procedural justice, including feeling that one has a voice in the process, feeling part of the decision-making, feeling like others listened, being treated with respect, and being treated fairly (e.g., Lind and Tyler, 1988; Tyler, 2005). Sense of voice in the process was measured using post-mediation surveys (secondary data review). The

surveys asked for mediation participants to indicate their level of agreement on several items, which are identified in Table 4 below.

Respondents answered on a four-point scale with options of “No, Strongly Disagree; No, Disagree; Yes, Agree; and Yes, Strongly Agree.” Table 4 illustrates the percentage of agreement (either Yes, Agree or Yes, Strongly Agree) for the questions of interest. This is broken down by the mediation participant type. Participant types include mothers, fathers, and “other” participants. “Other” could be family members (n=64), foster parents (n=144), the child (n=12), or other person involved in the case (n=22).

	Mothers (n=150)	Fathers (n=96)	Other Participants (n=242)
Did you have a chance to voice your opinions?	96%	94%	98%
Do you think other people in the mediation really listened to what you had to say?	87%	86%	93%
Did you feel ignored or unimportant during the mediation?	17%	17%	11%
Were you treated with respect?	95%	95%	99%
Were you able to be part of finding answers to the problems discussed?	91%	95%	94%
Did the mediator treat everyone fairly?	100%	98%	99%

Parent Engagement

Increased parent engagement in the court process was another measure that stakeholders felt could be impacted by mediation and would be helpful to assess. Parent engagement in the court process could be measured as parent’s attendance at future hearings following the mediation or potentially as parent’s compliance with court ordered services. While the case file review portion of the study was designed to track this information, unfortunately it was impossible to explore parent engagement with the given data. This is because the vast majority of cases were mediated at the TPR phase of the case. While the researchers oversampled cases mediated at the petition filing or initial hearing in the case, this process was either too new (and the cases had few hearings after them) or the sample size was just too small to make meaningful comparisons between mediated and non-mediated cases.

Timeliness of Case Processing

Most of the timeliness of case processing variables of interest to this study were easily obtainable through a structured case file review process that examined dates of key events on the case, total number of continuances, timeliness of case processing, and time to permanency. Reduction in contested matters, however, was not easy to ascertain from the

case files, as it was not possible to determine if hearings were contested or uncontested on their issues.

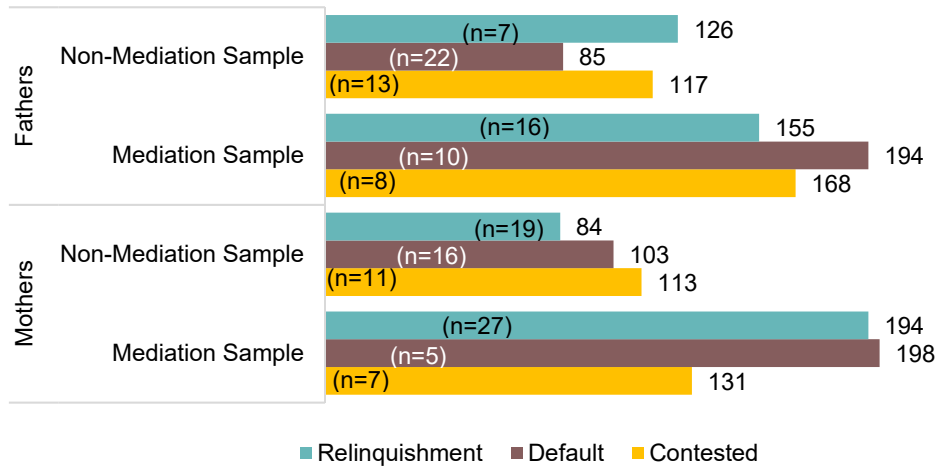
Table 5 illustrates the timeliness of case processing for the 175 cases in the case file review sample. The asterisk (*) in the table illustrates a statistically significant differences between the mediated and non-mediated groups.

Table 5. Timeliness of Case Processing Variables for Mediated and Non-Mediated Cases *indicates significant difference		
Variable	Mediated Cases	Non-Mediated Cases
Number of Continuances	1.9	1.1
Number of Hearings	11	11
Number of Post-TPR Hearings	.9	1.8
Time to TPR Petition Filing (in days)	553	451
Time from TPR Filing to TPR Order (in days)	183*	98*
Time from TPR Order to Adoption (in days)	273*	383*
Time to Permanency (in days)	893	958

As in indicated in Table 5 above, significant differences were found between mediated and non-mediated cases in the time from TPR filing to TPR order and time from TPR order to adoption. Mediated cases took significantly longer from TPR filing to TPR order when compared to non-mediated cases. However, mediated cases took significantly fewer days from TPR order to adoption when compared to non-mediated cases.¹ The data were further explored to examine the significant difference in time between TPR filing and TPR order between mediated and non-mediated cases. Specifically, the type of termination was compared (e.g., contested trial, default, or voluntary relinquishment). Figure 8 illustrates the differences in time for cases referred to mediation versus those that were not when the TPRs were contested, default, or relinquishment. Only two of the items were significantly different. For mothers, the time to relinquishment was significantly shorter for non-mediated cases. For fathers, the time to default was significantly shorter for non-mediated cases. It is important to note that the mediated sample represents the cases where a mediation occurred. It does not mean that both the mother and father went to mediation on the case or that mediation was successful. There was not always documentation in the files to indicate who attended the mediation. Figure 8 displays the cases where a mediation occurred compared to those that a mediation did not occur, and this cannot be broken down by individual parents who attended the mediation, because that data was not available. The number of cases for each variable is present in the graph and represented by (n =).

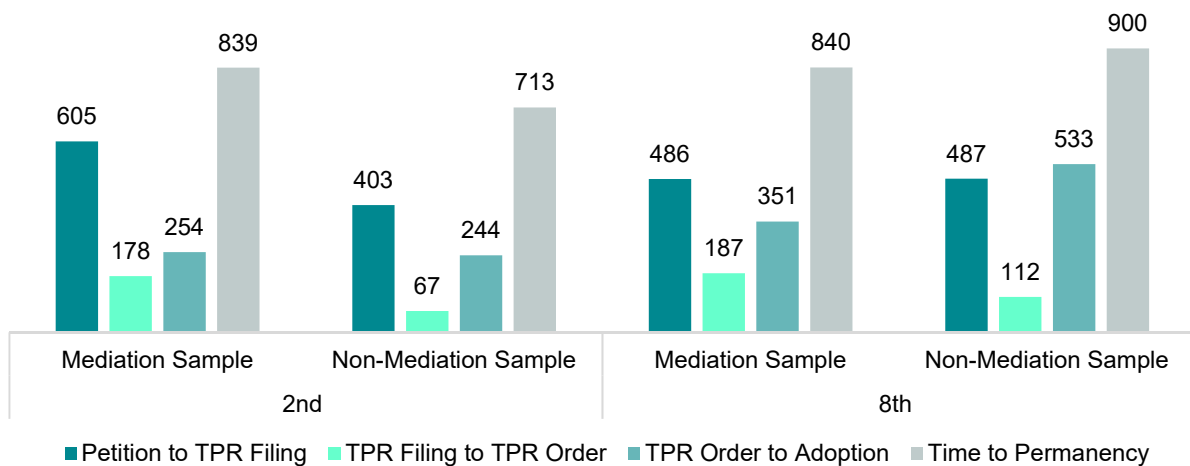
¹ Although there was a difference of 100 days between mediated and non-mediated cases in the time to file the TPR petition this difference was not significant due to the considerable variation in cases.

Figure 8: Time (in Days) From TPR Filing to TPR Order



One additional comparison was made between cases in the 2nd and the 8th judicial districts as their processes are a little different for TPR cases. Figure 9 illustrates the average time (in days) between events only for cases that resulted in termination of parental rights. Patterns of timeliness were similar except for two variables. Time to permanency was shorter in non-mediated cases in the 2nd judicial district as compared to the 8th judicial district where time to permanency was slightly longer for non-mediated cases. In addition, the time from TPR order to adoption was different between sites. In the 2nd, time from TPR order to adoption was similar between mediated and non-mediated cases. In contrast, time from TPR order to adoption was significantly longer in non-mediated cases in the 8th.

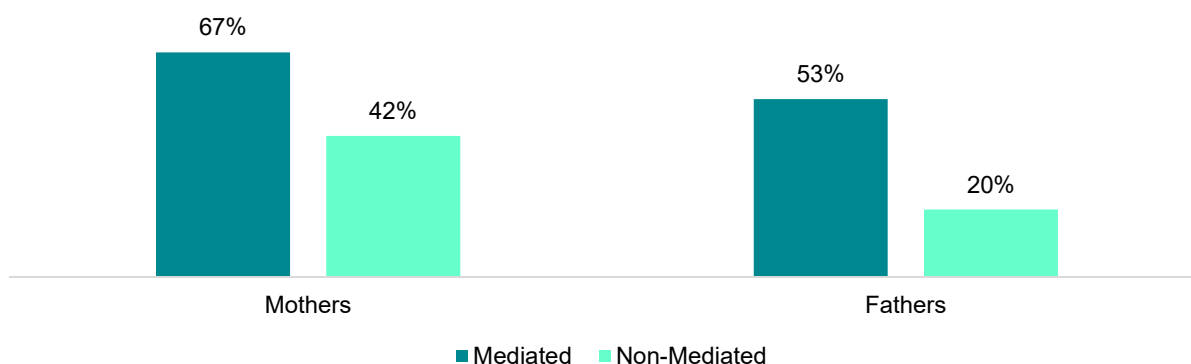
Figure 9: Average Time (in Days) to Events in TPR Cases by Judicial District



Increased Likelihood of Voluntary Relinquishment at TPR

Participants responding to the needs assessment survey also felt that mediation would result in an increased likelihood of voluntary relinquishment at the TPR stage of the case. Because cases are not randomly assigned to mediation, it is a challenge to determine whether they have a higher likelihood of relinquishing if they go to mediation or if the cases that are referred to mediation are referred because they are more likely to relinquish. However, the data clearly showed a statistically significant difference in mediated and non-mediated cases in the rates of voluntary relinquishment. Of the 102 cases that resulted in termination of parental rights for all cases in the sample, mediated cases were much more likely to end with a voluntary relinquishment. Figure 10 (on page 21) illustrates the percentage of cases that resulted in voluntary relinquishment of cases for both mothers and fathers.

Figure 10: Percentage of Cases that Resulted in Voluntary Relinquishment (n=102)



Post-Adoption Contact

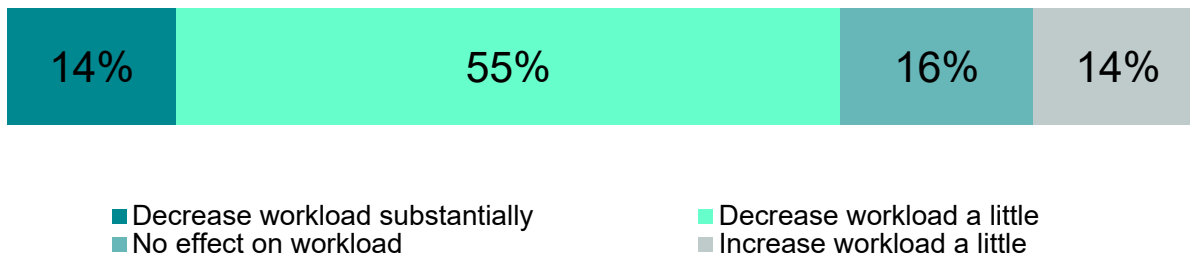
Post-adoption contact was measured by examining the adoption record to determine whether any agreement was placed on the record allowing post-adoption contact between the biological parents and the adopted parents. Data were also collected on the nature of that contact. For 70% of the mediated cases, there was some sort of post-adoption contact for a biological parent, compared to only 10% of non-mediated cases. This was a statistically significant difference. Post-adoption contact could range from the adoptive parents sending updates and photos to allowing parents an opportunity to visit (either via phone or in person) with their child. In mediated cases, 54% of the post-adoption contact orders for mothers and 43% of the post-adoption contact orders for fathers referenced some opportunity to visit with the child. This can be contrasted to 7% (for mothers) and 0% (for fathers) of post-adoption contact orders when the case was not mediated.

Cost Effectiveness

Questions about the effectiveness of the mediation program include whether the program is cost effective. Cost analyses are complex and can include more than just the financial savings of a program. With the current mediation process, the majority of cases are being mediated at the termination of parental rights phase of the case. That means, cost savings that could be associated with mediation (from earlier studies) such as timelier achievement of reunification, reunification itself, or decreased re-entry into foster care could not be calculated for this study. However, some cost effectiveness information could be collected. Cost data were collected in two ways. Participants were asked to self-report on the costs of mediated versus non-mediated cases in terms of their prep time and their time in court (or in mediation). Also, a cost “savings” calculation was created based on some crude estimates of the costs associated with court. It should be noted that these estimates are only estimates – the actual costs of running court, including space, personnel, etc., was not determined as part of the study.

One assessment of cost is the workload of the professionals involved in the system. Stakeholders were asked their perception of how mediation affects their workload. Figure 11 illustrates their responses. The majority felt that mediation decreased their workload a little (55%) or decreased it substantially (14%) or had no effect on their workload (16%). Only 14% felt that their workload increased as a result of mediation.

**Figure 11: Perception of Workload Impact by Stakeholders
(n=42)**



Another potential way to assess cost is to examine the time it takes stakeholders to prepare for and attend both court hearings and mediations. Using data from the Case Data Sheet and the Cost Study Survey, researchers were able to estimate prep time and time spent in events. Stakeholders indicated that their preparation time for mediations is similar to the time they would prep for a court hearing on the same issue. However, time in mediations versus court hearings varied. Actual mediation times were pulled from the Case Data Sheet. Mediations averaged approximately 2 hours. Specifically, a mediated TPR averaged 1.85 hours. In contrast, a contested TPR trial averaged 8 hours (based on stakeholder reports). A mediated petition allegation case averaged 1.7 hours compared to an estimated 2.75 hours for a contested adjudication trial. As such, there is a significant time savings for professional

stakeholders if the case resolves in mediation (as nearly three quarters of cases do). This is particularly true for court time and the judge's time as there would be no hearing if the mediation is successful in these two instances.

This study also indicates another potential cost savings of mediation. Looking just at TPR cases, which are over half of the mediations that occur, consider the cost savings of court time alone for the last three years. Since the inception of the mediation program, there have been 256 mediations which focused on the termination of parental rights. Of these mediations, 123 have resulted in the court vacating the next hearing (TPR trial). Participants estimated TPR trials to average 1.1 days of court time. A full day of court is estimated to cost approximately \$3,600 based on judicial estimates of what court costs (this may be a low estimate and is based on self-report perception data). That is a cost savings of \$442,800 in the last three years, just for TPRs.

Another potential, non-financial benefit, is the parent's engagement in the process. Survey results indicate that parents are satisfied with their mediation and feel they have had a voice in the process. Procedural justice literature would indicate that these perceptions of fairness, respect, and voice could lead to parents being more engaged in the court and child welfare process, more likely to comply with the law, and less likely to have future interactions with the system (e.g., Lind and Tyler, 1988; Tyler, 2005). However, the data to confirm this important benefit of mediation could not be collected at this time.

Another potential benefit may be that the parent has post-adoption contact with the child. This is a complex question, as it relates to understanding whether contact with biological parents is healthy and beneficial to the adopted child. However, from a parent's perspective, this would definitely be a benefit that they reap from the system.

The cost information and findings presented above should be interpreted with caution. The data collected from stakeholders varied significantly in terms of "actual" costs associated with their time, and as a result, could not be used in a structured way for analysis. Instead, more qualitative information about general perceptions of decreases in workload, paired with average time estimates yielded the best data. These are not the only way to measure cost and not even the best way to assess this complex issue. However, the data do seem to indicate that there is a *court* cost savings when cases are successful in mediation.

Discussion

Previous evaluations of Nevada's Juvenile Dependency Mediation Program have shown, consistent with other research from around the country, that mediation of dependency cases can successfully enhance overall case processing (i.e., improve timeliness of court events), increase key participant (i.e., parents, children, relatives, and foster parents) and system stakeholder (i.e., prosecutors, parents' and children's attorneys and advocates, social

workers, and others) satisfaction with and engagement in the case process, and improve juvenile dependency case outcomes (i.e., reunification, timelines of permanency) in a non-adversarial manner (e.g., Summers et al., 2013). Furthermore, a recent process evaluation of Nevada’s statewide Juvenile Dependency Mediation Program confirmed that a majority of dependency cases are able to reach agreement through mediation and that mediations resulted in significantly more vacated hearings when compared to non-mediated cases (Ganasarajah, et al., 2017).

The current evaluation of Nevada’s statewide Juvenile Dependency Mediation Program contributes to the body of evidence for the success of the program and was undertaken to support ongoing efforts to improve the program’s implementation and outcomes. Some limitations of the current evaluation of Nevada’s statewide juvenile dependency mediation program should be noted. First, the study focused almost primarily on cases that were mediated at the TPR stage of case processing due to the insufficient number of cases in each judicial district that mediate cases at earlier stages of the case. As a result, the evaluation is limited in what can be said about the impacts of mediation at other points in the case (e.g., pre-adjudication/adjudication or disposition) and on other non-TPR related issues (e.g., petition allegations and case plan services). It also limits what can be said about mediation impacts on important case outcomes such as the likelihood of reunification, as well as the effects of parental engagement in mediation, on parent’s attendance in subsequent court hearings and on parents’ case plan compliance and compliance with court orders. Second, while case file review instruments were carefully designed to capture information of interest to the evaluation (e.g., whether matters were contested or not, whether hearings post-mediation referenced the mediation and if so how, and the number of placement moves in a case), this information turned out to be only sporadically available from court orders and other supporting documents in the court case file. It was difficult, from the court’s case files, for instance to obtain much in the way of detailed information about the mediation and what information was contained in the files was inconsistently reported from judicial district to judicial district.

Despite these limitations, however, the current evaluation adds to the body of evidence supporting the success of Nevada’s statewide juvenile dependency mediation program in a number of important ways. Looking at specific program goals, the current study found:

Goal: To create a settlement process that is inclusive, collaborative, confidential, and is conducted with fidelity to a mediation model. The study found:

- Mediation provides an opportunity for non-professional stakeholder participants to feel they have a voice in the court process (e.g., 96% of mothers, 94% of fathers, and 98% of other participants²). The majority of professional stakeholders also report that

² Other” could be family members, foster parents, the child, or other person involved in the case.

mediation provided them with an opportunity for voice in the court process (e.g., 94% of CASA, 97% of children's attorneys, 97% of DAs, 99% of mother's attorneys, 93% of father's attorneys and 99% of social workers).

- Non-professional stakeholders report being treated fairly in the mediation (e.g., 100% of mothers, 98% of fathers, and 99% of other participants), as did professional stakeholders (e.g., 100% of CASA, 99% of children's attorneys, 99% of DAs, 96% of mother's attorneys, 97% of father's attorneys and 99% of social workers).
- Non-professional stakeholders (e.g., 95% of mothers, 95% of fathers, and 99% of other participants) and professional stakeholders (e.g., 100% of CASA, 98% of children's attorneys, 99% of DAs, 99% of mother's attorneys, 95% of father's attorneys and 99% of social workers) report being treated with respect in mediations.
- The majority of non-professional stakeholder participants in mediations report that they are really listened to (e.g., 87% of mothers, 86% of fathers, and 93% of other participants), as did the majority of professional stakeholders (e.g., 97% of CASA, 93% of children's attorneys, 98% of DAs, 94% of mother's attorneys, 91% of father's attorneys and 84% of social workers).

Goal: To reduce litigation. The study found:

- A high agreement rate with 74% of mediations resulting in an agreement of some sort (60% full agreement and 14% partial agreement).

Goal: To increase resolution of dependency case issues. The study found:

- Mediated TPR cases were significantly more likely to end with a voluntary relinquishment (67% for mothers and 53% for fathers) when compared to non-mediated cases (42% for mothers and 20% for fathers).
- Mediated cases had significantly more post-adoption contact (70%) when compared to non-mediated cases (10%).
- In mediated cases, 54% of the post-adoption contact orders for mothers and 43% of the post-adoption contact orders for fathers referenced some opportunity to visit with the child, compared with only 7% (for mothers) and 0% (for fathers) of post-adoption contact orders when the case was not mediated.

Goal: To improve a child's time to permanency. The study found:

- Mediated cases took significantly longer from TPR filing to TPR order (183 compared to 98 days for non-mediated cases).
- Mediated cases took significantly less time from TPR order to adoption (273 days) when compared to non-mediated cases (383 days).
- There was no significant difference found for time to permanency for mediated (893 days) compared to non-mediated (958 days) cases..

This study also conducted a preliminary cost-benefit analysis of the statewide juvenile

dependency mediation program and found:

- The majority of stakeholders believe mediation reduces their workload (69%), and significant time savings were found for professional stakeholders in terms of time spent in mediation vs. time spent in contested trials.
- Looking only at TPR cases, in the last three years 123 mediations have resulted in the court vacating the next hearing (TPR trial) following the mediation. Based on court estimates of the cost of court time, this represents a cost savings of \$442,800 in the last three years just for TPR cases alone.

Goals not addressed in the study included:

- While the study did find increased post-adoption contact with biological parents in mediated cases (which can be considered a permanency-related outcome), the study did not address improved permanency outcomes for children except in the 8th JD in terms of time.
- Decrease out of home placement moves for children.
- Allow and promote meaningful participation of children and youth in dependency case process.

Recommendations

Improvements to the Juvenile Dependency Mediation Program

The needs assessment conducted as part of this evaluation suggests a number of areas where program improvements may be needed. Stakeholders were asked, for example, how cases in their judicial district were referred to mediation and their responses indicate confusion or lack of understanding. Responses within judicial districts and across stakeholder groups varied widely, with some respondents believing cases were referred by the court, others by the agency, and still others believing referrals to mediation were made on the recommendation of all parties. This variability in response indicates a need to reinforce for stakeholders that there are multiple ways into the mediation program. Stakeholders were also asked for suggestions about how the referral process might be improved. Their responses included setting the date and time for the mediation in open court with all parties present; having an established and more formalized process for mediation referral; allowing self-referral or CASA referral to mediation; expanding the use of mediation prior to court involvement; and increasing buy-in from all stakeholders for the use of mediation.

Mediators were asked what could be done to improve the mediation program. Suggestions included having more support from stakeholders (e.g., ensuring attorneys spend the time to counsel their clients about mediation). One mediator suggested more meetings with stakeholders to build buy-in for juvenile dependency mediation would be beneficial. Another mediator suggested a need for clearer assignments from the court with greater thought put into who is assigned to mediate and when. Mediators also recommended more training for

mediators. Suggested topics for additional training included: juvenile cases broadly, psychology of disrupted family systems and adoptions, and ongoing domestic violence training. One mediator suggested it might be beneficial to be able to contact other mediators to discuss different situations that arise in mediation and to brainstorm effective mediation approaches when faced with those situations.

Recommendations:

- Continue to work with sites to enhance and formalize referral process.
- Increase mediator training opportunities for specific topics relevant to child welfare cases.

Mediation Quality Assessment

Some of the comments made by stakeholders in the needs assessment survey suggest areas where mediators' practice might be improved and stakeholder understanding of mediation's facilitative rather than directive model could be enhanced. One stakeholder noted, for example, that although mediators are supposed to be neutral third parties, some are "too passive" in the mediation. Another stakeholder noted that mediators allow some of the participants in the process to be "disruptive" and "disrespectful" (e.g., allowing "attorneys to talk down to everyone in attendance"). Although mediation participants should develop agendas for mediation, others reported that mediations often "lack agendas," and mediators are not able to "reign in people when they get off topic" or "ramble on." Suggestions were made that mediations should start off with an explicit "goal" statement (e.g., "purpose for the day") so that mediations "can stay on track better."

Stakeholder feedback about mediators and the mediation process such as those noted above suggest that a more robust assessment of mediator and mediation quality than has been attempted before may be timely. A mediator quality assessment would be particularly helpful to program administrators, mediator training, and further program improvement. If the mediation program considers expansion to mediate more issues and stages in dependency cases (see recommendations regarding encouraging mediation at earlier stages of the case below), a mediator quality assessment can also be used to identify current gaps in mediator skills, knowledge or practice, so that strategies to address those gaps can be put in place if an expansion of the program occurs.

This evaluation provides some insight into mediator quality assessment instrumentation that can be used in future evaluations of mediator/mediation quality. As part of the current evaluation, researchers surveyed mediators about their mediation practice framework and behaviors and tested a mediation quality observation instrument. This was done with the goal of laying the groundwork for a possible future study of the quality of the mediation program by providing feedback to Nevada Court Improvement Program about the value and feasibility of different quality assessment methods. Specifically, researchers adapted an existing protocol for assessing mediation quality used in other studies (Charkoudian, Walter, & Eisenberg, 2018). Questions were added about mediator behavior to this evaluation's survey

of mediators and an observation protocol was pre-tested on a small, convenience sample of juvenile dependency mediations observed in two Nevada judicial districts.³ The survey instrument was designed to capture mediators' self-reflections on their behaviors and practice framework (see findings presented from this survey on page 14-15). The observation instrument was designed to measure the presence or absence of mediator behaviors (e.g., attempts to change attitudes, summarizing, supporting, reflecting, establishing common ground, solution generation, etc.) and behaviors of other participants in the mediation (e.g., interrupting, taking responsibility/apologizing, "put downs," expression of needs/wants, acceptance, rejection, process complaint, etc.). Responses obtained from the survey and information obtained from pre-testing of the observation instrument, even in the small convenience sample of mediations observed, found both instruments to be promising tools for future juvenile dependency mediation/mediator quality assessment studies should those be undertaken. A copy of the observation instrument is included in Appendix A.

Recommendations:

- Consider opportunities to evaluate specific mediation behaviors and their relationship to case agreement and outcomes.
- Expand feedback loops to provide feedback to all of the mediators about their current practice and areas for improvement.

Improvements to Data Collection Procedures

With respect to data collection procedures, the program should consider more training for mediators on completing the Case Data Sheet as well as developing a written protocol on how to correctly fill out the data sheet. If there was a mediation "no show," mediators often inaccurately entered "no agreement reached" on the Case Data Sheet. This is misleading and not an accurate reflection of what occurred during the mediation. "No agreement reached" implies that there was a discussion had at the mediation and parties were unable to reach an agreement in the case. If one parent showed up for the mediation and reached an agreement, but another parent was a "no show," that information should be clearly distinguished or differentiated in the Case Data Sheet. Consistency in how "no show's" and agreements by individual parties are coded by mediators is important. Improvements to mediators' data collection in this regard will increase both the accuracy of information recorded as well as its value in understanding the mediation context, process and outcomes. A proposed revision to the Case Data Sheet to address this concern is included in Appendix B.

The excel spreadsheet currently maintained to track and monitor mediation cases should also undergo a review. The spreadsheet, as currently configured, is an excellent resource for determining program implementation fidelity and monitoring mediation cases for continuous quality improvement purposes. However, each of the items that are tracked in the spreadsheet should be reviewed to determine if there are additional process and outcome measures that could be added to data collection procedures, entered into the spreadsheet,

³ When possible, researchers observed mediations while on-site conducting case file reviews.

and subsequently tracked (e.g., additional agreement data). This review process would enhance the spreadsheet's efficacy as a fidelity assessment and CQI tool, as well as enhance the program's data capacity for process and outcome measurement.

Thanks to concerted evaluation efforts over the years and a dedication to continuous quality improvement, much is now known about the experience of mediation participants in Nevada's Juvenile Dependency Mediation Program. Past evaluations of juvenile dependency mediation in Nevada, for example, have analyzed mediation exit surveys of participants and found consistently high levels of satisfaction with the process, opportunity for voice and involvement in decision-making, among other positive mediation feedback. Given consistent positive findings from these past evaluations, and given that participants continue to be asked to complete mediation exit forms at the conclusion of every mediation session (which can be burdensome), program administrators should give some thought to whether exit surveys should be continued as a routine part of the program. Do exit surveys produce any new information that can be used in ongoing efforts to improve the mediation program? If not, program administrators should consider whether routine use of exit surveys should be suspended. If the exit survey process is a grant requirement or still considered valuable however, perhaps the exit survey content should be modified to consider targeting only those areas that remain less understood in terms of participants' experience with mediation and impact on agreement, case processing or outcomes (e.g., impact on case plan compliance). This would make the feedback received from surveys valuable to continuous quality improvement while also reducing the burden on participants. If a mediation quality assessment is undertaken, exit surveys of participants would also continue to be informative if they are tailored to provide feedback on mediator behaviors and process. It is strongly suggested that any future use of exit surveys of participants ensure participants do not have to hand in their completed surveys directly to mediators, as this may inhibit or otherwise influence responses. Instead, envelopes should be provided along with the survey instrument, and participants instructed to insert their completed surveys into the envelopes, seal them, and then place them in a container provided at the mediation before leaving. Draft revised stakeholder and participant exit surveys designed to focus on mediator and mediation quality assessment are included in Appendix C.

Recommendations:

- Consider additional training or an opportunity for all mediators to come together to discuss how to enter information on the case data sheet to ensure consistent responses.
- Consider revising the parent/participant survey (suggested changes are provided in Appendix B).
- Consider discontinuing and/or modifying the use of the stakeholder survey. The data has been consistent for three years and is not providing additional value at this time compared to the burden on stakeholders.

Mediation and Termination of Parental Rights Cases

The evaluation found a significant difference in the time (in days) it takes from TPR order to adoption, with mediated cases taking significantly fewer days from TPR order to adoption when compared to non-mediated cases. The evaluation also found that the time from TPR filing to TPR order took significantly longer in mediation cases when compared to non-mediated cases. These differences in TPR case processing timeframes could not be attributed to differences in case complexities alone (e.g., number of allegations or presenting problems in the case) and could not be explained by any other data collected as part of this evaluation. Program administrators should reflect on these findings to identify any theories they might have regarding why these differences in TPR case processing exist between mediated and non-mediated cases– especially as one of the primary goals of the mediation program is to improve case processing timeliness. The theories generated for why there is a difference could then be operationalized and tested in future evaluations of TPR mediation’s impact on case processing timeliness.

Recommendations:

- Dig deeper into the case information to identify why mediated cases are not faster to achieve permanency in TPR cases.
- Consider holding a focus group of study participants (CICs) to identify their theories around why mediated cases take longer at some points, and do not result in timelier permanency.

Expand/Encourage the use of Juvenile Dependency Mediation at Earlier Stages of the Case Process

Termination of parental rights proceedings are among the most important of all juvenile court functions. Legal termination of parental rights has profound, long-lasting implications for both parents and children. Unless otherwise negotiated, the termination of parental rights causes both parents and extended family members to lose their legal rights to custody, visitation and even communication with the child at issue. Offering mediation in TPR cases as a tool to facilitate resolution and post-adoption contact between parents and their children, is a strength of Nevada’s Juvenile Dependency Mediation Program and should continue. However, while juvenile dependency mediation may be used at other points in the case, in practice it is used primarily at the TPR stage in Nevada’s judicial districts and much less frequently at other stages of the case. This represents a missed opportunity to apply the benefits associated with dependency mediation generally found by this study, and by past research (e.g., settlement, opportunity for voice and participant involvement in decision-making) to other juvenile dependency issues and stages of the case and positively impact all case processing timelines and outcomes.

Timely permanency for children and families involved in the dependency system is best achieved when proactive and frequent early steps are taken to address the needs of

children and their families (Edwards, 2005; Gatowski et al., 2016). The “front-end” of a dependency case from the initial shelter care hearing to the completion of adjudication and disposition are crucial to timely case processing and delays at these stages only compound delay at later stages of the case. In fact, research has found that early, and intensive attention to the “front-end” of the case (i.e., the concept of “front-loading”) results in better outcomes for children and families such as improved case processing timeliness and improved permanency (e.g., Center for Public Policy, 1998; Gatowski et al., 2001; Olson, 2003; Thoennes, 1997).

Despite the fact that the Juvenile Dependency Mediation Program is set up to mediate cases from their inception, mediation is not often used at the early stages of the case in Nevada. As a result, mediation, as a tool to “front-load” the case process is being underutilized. Mediation can be particularly effective at helping resolve issues at early stages of the case when there is information that has not yet been exchanged among the parties, the parties have not become entrenched in adversarial positions, and there is a sense of urgency to work with the family so children can be safely returned home. Moreover, this study and past evaluations of Nevada’s Juvenile Dependency Mediation Program, found that mediation provides participants with an opportunity for voice and engagement in the court process. Providing that opportunity as early as possible in the case process, via mediation, may have compounding positive impacts on all later stages of the case. In fact, the positive impact of mediation at the “front-end” of cases on case outcomes was demonstrated in an earlier outcome-focused study of juvenile dependency mediation in the 2nd Judicial District (Summers et al., 2013). That study focused solely on cases that were mediated at the adjudication or disposition stage of the case, as opposed to the TPR stage, and found that mediated cases resulted in more reunifications compared to non-mediated cases and that fathers were more engaged in the case process.

Given the value of mediation as a tool to “front-load” the case process, program administrators should consider why it is not used more frequently at earlier stages of the case. What are the barriers to expanding its use beyond TPR cases? Is it due to a lack of buy-in or is it a program resource issue? And, once those barriers are identified, what are the solutions to address those barriers? Perhaps more training and education about the value of mediation at the petition allegation, adjudication and disposition stages of the case should be undertaken with all court stakeholders to obtain buy-in, for example.

Recommendations:

- Continue prioritizing the use of mediation for earlier points in the case process, such as the adjudication phase and disposition or case planning.

Expanded Outcome Measurement

While this evaluation was able to produce data on many relevant outcomes for juvenile dependency mediation such as agreement rates, participants’ perception of voice and

involvement in decision-making, timeliness of case processing, rates of voluntary relinquishment, and degree of post-adoption contact, other outcome measures proved difficult to confidently ascertain. Future evaluations should examine the Juvenile Dependency Mediation Program's impact on case, stakeholder and family-related outcomes that were not able to be studied in the current evaluation (given available data sources and current study scope), but were identified as highly relevant by system stakeholders in the needs assessment (see Figures 3-5 of this report).

Reduction in the number of contested matters in a case as a relevant outcome for mediation, for example, was not easy to obtain from the case file review as it was not always possible to determine if hearings were contested or not on their issues. While this information can be obtained more subjectively by asking for stakeholder estimates about mediation's impact on contested matters (e.g., via survey or interview methods), improved record keeping by the mediation program and the court about whether or not specific issues are contested would facilitate a more rigorous analysis of mediation's impact on reduction of contested matters.

With respect to case-related outcomes, whether juvenile dependency mediation increases the likelihood of reunification was also not able to be ascertained by this evaluation. Although identified by 71% of respondents as an important case-related outcome measure for mediation, reunification rates were not able to be studied in the current evaluation due to the lack of non-TPR stage mediated cases included in the study samples. To study mediation impacts on reunification rates, a larger sample of cases using mediation before the TPR stage of the case would need to be collected, analyzed, and compared to a non-mediation sample of similar cases in order for those analyses to be meaningful. Furthermore, if the program expands to use mediation more frequently at earlier stages of the case process rather than primarily at TPR, future evaluations will be better able to determine if mediation is associated with a higher likelihood of reunification or other permanency outcomes.

While child and family-related outcomes of mediation identified as relevant by stakeholders are currently captured by the program's participant exit surveys (e.g., whether families felt part of the decision-making process, had a voice in the mediation, etc.), increased parent engagement in the court process was another measure that stakeholders believed to be a relevant outcome of mediation that proved difficult to assess. Specifically, the current evaluation was not able to examine the potential influence of parents' participation in mediation on subsequent court hearings or on their compliance with court-ordered services or case plans. Again, this was largely due to the vast majority of cases being mediated at the TPR stage of the case, creating too small a sample to make meaningful comparisons between mediated and non-mediated cases on parental engagement and case plan compliance outcomes. As with examining the likelihood of reunification, expanding the use of mediation to earlier stages of the case process will enable future evaluations to include a robust examination of the effects of parental engagement in court hearings and case outcomes.

Although preliminary, the current study included a mediation cost-benefit analysis component. Program administrators might consider whether additional efforts to determine the cost

benefits associated with mediation would be valuable. By way of follow-up to the current study, for example, stakeholders can be encouraged to provide more detail about the actual costs associated with time spent in preparing for, and participating in, mediation vs. court hearings (rather than the rudimentary estimates they provided in the preliminary study conducted herein). Surveys can also be enhanced by providing specific examples of the level of information required of stakeholders in order to make accurate estimates of their time and costs (e.g., illustrating, via working through an example, the calculation of time per events based on salary, billable hours information or fee structures). Interview methods may also be used to supplement surveys as time and cost estimates may be better probed in-person and result in detailed information required for more accurate estimates. With permission, findings from surveys and interviews could also be supplemented with any available internal documentation from stakeholders' offices/organizations about billing, costs and expenses related to mediation and court practice.

Recommendations:

- Consider ideas for future data collection efforts to support understanding of effectiveness on goals that cannot be measured at this time.

In Summary

This evaluation's findings and past evaluations of the statewide juvenile dependency mediation program, demonstrates that Nevada's Juvenile Dependency Mediation Program continues to have positive impacts on case processing and some outcomes for children and families. The program provides an effective forum for timely agreement and resolution of issues, as well as an important opportunity for participants to have a voice in the case process and become more fully engaged in their case. While this study did identify some positive outcomes of mediation, it is important to note that the study was unable to assess all of the goals of the statewide Juvenile Dependency Mediation Program, in large part due to the overwhelming majority of the cases being focused on TPR and post-adoption contact. That makes outcomes such as encouraging youth participation or focus on placement moves inappropriate to measure as they are not a focus (or intended outcome) of a TPR mediation.

Nevada's commitment to ongoing evaluation of the Juvenile Dependency Mediation Program and use of those evaluation findings for continuous quality improvement is commendable. Table 6 (pg. 34) illustrates Nevada's rich history of mediation evaluation projects, with various studies and findings over the past 6 years. Studies are numbered in the table with footnotes to full citations. It is our hope that the additional recommendations for improvement generated by the current evaluation findings, and outlined in this report, will be valuable to program administrators – to build on what is already a successful program to: further enhance its implementation (through programmatic improvements); further enhance continued evaluation efforts (through improved data collection and expanded outcome measurement); and further enhance the program's ability to positively

impact timely permanency for children and families by exploring ways to encourage the use of mediation at earlier stages of the case process.

Table 6. Summary of Positive, Negative and Neutral Findings for NV Mediation Studies

Nevada Mediation Studies	1 ⁴	2 ⁵	3 ⁶	4 ⁷	5 ⁸	6 ⁹
Study Focus	Outcome	Process	Process	Process	Outcome	Outcome
Study Year	2013	2013	2013	2017	2017	2019
Study Site	2 nd	2 nd	8 th	Statewide	2 nd	Statewide
Goal: Create a settlement process which is inclusive, collaborative, confidential, and is conducted with fidelity to a mediation model	N/A	✓	✓	✓	✓	✓
Goal: Reduce litigation	N/A	✓	N/A	✓	✓	✓
Goal: Improve a child’s time to permanency	—	✗	N/A	N/A	—	—
Goal: Increase resolution of dependency cases issues	N/A	✓	N/A	✓		✓
Goal: Improve permanency outcomes for children	✓	N/A	N/A	N/A	✓	N/A
Goal: Decrease out of home placement moves for children	N/A	N/A	N/A	N/A	N/A	N/A
Goal: Allow and promote meaningful participation of children and youth in dependency case process.	N/A	N/A	N/A	N/A	N/A	N/A
Engagement/voice of participants	✓	✓	✓	✓	N/A	✓
Workload	N/A	N/A	✓	N/A	N/A	✓

✓ = positive finding, ✗ = negative finding, — = no finding, N/A = not assessed

⁴ Summers, A., Wood, S., Bohannan, T., Gonzalez, G., & Sicafuse, L. (2013). *Research Report: Outcome Evaluation of Mediation in Washoe County, Nevada*. Reno, NV: National Council of Juvenile and Family Court Judges

⁵ Macgill, S., Summers, A., Wood, S., & Bohannan, T., (2013). *Research Report: Assessing Mediation in Washoe County, Nevada*. Reno, NV: National Council of Juvenile and Family Court Judges

⁶ Summers, A., Wood, S., & Bohannan, T., (2013). *Research Report: Assessing Mediation in Clark County, Nevada*. Reno, NV: National Council of Juvenile and Family Court Judges

⁷ Ganasarajah, S., Siegel, G., Knoche, V., Gatowski, S., and Sickmund, M. (2017). *Process Evaluation of Nevada’s Statewide Dependency Mediation Program*. Reno, NV: National Council of Juvenile and Family Court Judges.

⁸ Siegel, G., Ganasarajah, S., Gatowski, S., Sickmund, M., & Devault, A. (2017). *Outcome Evaluation of the Second Judicial District Court’s Dependency Mediation Program (Washoe County, Nevada)*. Reno, NV: National Council of Juvenile and Family Court Judges. Note: this study did find, for cases in which children were reunified with both parents (a small number of cases) time to permanency was shorter in mediated cases.

⁹ Gatowski, S., & Summers, A. (2019). *Nevada Statewide Juvenile Dependency Mediation Outcome Evaluation*. Reno, NV: Data Savvy Consulting.

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APPENDIX A: Mediation Observation Protocol
(Adapted from Charkoudian et al., 2018)

Behavior	Definition	Observed Count of Times
Reflections	Any statements which: paraphrases what either participant has said about the main issues in the conflict and repeats it back, with or without checking for accuracy; the mediator repeats back what participants have said, with a questioning tone as if to check to see if they got it correct.	
Emotions	Any statement from the mediator that: addresses participants' feelings; encourages participants to express their own feelings. Any statement in which a mediator reflects a feeling that a participant has indicated but not stated directly. Any statement or question in which a mediator begins with "feel..." and follows with an emotion or quasi-emotion word.	
Interests	A reflection or paraphrasing in which a mediator tries to name the value or goal behind the position a participant articulates. This would include attempting to understand the interest or value that the participant has for their children or someone for whom they are speaking.	
Open questions	Any question which attempts to get participants to talk about their perspective on the situation, generally open-ended questions. Questions which attempt to get beyond the surface position to an underlying goal or value. Includes hypothetical questions about things occurring differently in the past.	
Fact question	Any question: to which yes/no can be answered; that asks for one specific detail or attempts to establish a piece of information as true; attempt to determine who was or should be responsible for something that occurred in the past.	
Summary of facts	A summary of specific legal or technical facts in the case, which includes at least two facts and quantitative information.	
Mediator Opinion	Any statement in which the mediator: talks about their own personal experiences or previous mediation experiences, as they relate to the situation; expresses their opinion about the mediation process, or the way they would describe the process; provides personal information about themselves or answers a personal question a participant asks of them in a way which provides information; expresses his/her opinion about the situation; brings up a piece of information they got from before the mediation, either from the intake file, the court file, previous conversations with the participants, etc. with an indication that they are bringing it from one of these places; expresses their opinion about a potential solution; expresses his/her opinion about what the group has said with some degree of certainty or conclusion; explains their analysis of the dynamics of the relationship; finishes a sentence for a participant; praises both participants' behavior in mediation.	

Advocate/support	Any statement in which the mediator indicates support for or agreement with one participant's position/ideas; advocates for one participant's position/ideas; praises one participant's behavior in mediation; criticizes one participants' behavior or approach; frames the topic in terms of one participants' view of the situation.	
Behavior Direction	Any statement in which a mediator: sets guidelines or rules for participants to follow during the mediation or tells participants how to act during the mediation; choreographs participants' behavior in a certain way; attempts to tell participants how to behave in response to swearing, cursing, yelling, interrupting, or insults, or breaking any other rules the mediator has established. Used when mediators repeat the participants' names over and over or say "ladies, ladies..." or "gentlemen, gentlemen..." in an attempt to get attention to restore order. Any time a mediator uses a private session or a break in response to swearing, cursing, yelling, interrupting or insults to a participant.	
Common ground	Any statement by the mediator which points out what participants have in common, a perspective they share, something they agree on, or identifies an issue both have in common.	
Explain	Any statement in which the mediator offers "re-interpretation" or explanation one participant's behavior or position to the other participant, using a name or pronoun in the commentary; states one participant's position to the other participant; asks participants to consider the other's perspective.	
Focus/Narrow	Any comment by a mediator which repeats, clarifies, or focuses the conversation onto specific topics for discussion. Any formal action by the mediator involving making a physical list of topics. Includes questions that ask participants to prioritize the order of topics in which they want to work.	
Introduce Topic	Any statement by a mediator which raises an issue that has not been raised by participants.	
Reject Topic	A comment by the mediator which focuses on eliminating a topic from conversation.	
Ask for solutions/ brainstorm	Any question in which a mediator: asks participants for a suggestion or solution to the conflict; asks participants to describe what they think or plan to have happen in any particular future scenario; attempts to get specifics related to a possible solution (open-ended question) or asks for some kind of clarification about the suggestion. These questions would be who, what, when, where, how as follow-ups to a participant solution, without introducing a new direction; asks participants for solutions using a plural—implying asking for more than one possibility; asks participants to select solutions out of a range that they have identified; Any procedural description of the brainstorming process.	

Summarize solutions	Any statement in which a mediator verbally summarizes the solutions the participants have suggested; summarizes all of the ideas the participants have considered or are considering; summarizes agreements participants have made; Any action by the mediator involving listing the possible solutions. The act of handing participants a written agreement.	
Suggestion question	Any question in which a mediator suggests a solution to the problem; steers participants towards a particular type of solution; steers participants towards mediation guidelines or in a particular direction for the mediation process itself.	
Negotiation question	Questions that encourage positional negotiation and splitting the difference. These generally use compromise language or language that assumes trade-offs.	
Mediator solution	Any statement in which the mediator promotes a solution that did not come from the participants.	
Request reaction	Any question in which a mediator asks participants for their thoughts on a specific suggestion of a solution to the conflict that was made by one of the participants. Any comment after a mediator has summarized a set of items participants have agreed to and asks participants if that will take care of the situation. Any reflection of participants' assessment with a questioning tone or a question attached to it, if the goal is to confirm that status of the possibility. Any comment in which a mediator asks participants to consider a list of possibilities and identify which ideas they want to remove from the lists.	
Legal assessment	Any statement in which the mediator makes a prediction about what might occur in court; evaluates the strengths and weaknesses of the participants' case; instructs participants with legal information or asks questions which provide information about a legal situation.	
Percent time-caucus	Percentage of total mediation time spent in a caucus session.	

APPENDIX B: Revised Case Data Sheet

Mediator's Name: _____ APPOINTMENT DATE: _____

Case Preparation Time: _____ APPOINTMENT TIME: _____



Statewide Juvenile Dependency Mediation Program Case Data

Unity Number _____ Judicial District _____ Case Number _____ Dept. # _____

Previous Mediation? ___ Yes ___ No

Children's Name(s) & Date(s) of Birth _____

Race/Ethnicity: _____ Gender Identity: _____

Children's Name(s) & Date(s) of Birth _____

Race/Ethnicity: _____ Gender Identity: _____

Please list additional children on page 2

Number of children who are the subject of this mediation? _____

Number of subject children siblings (adult/minor) who are not the subject of this mediation? _____

Mediation: ___ Ordered by Court ___ Requested by party _____ Other _____

FOCUS OF MEDIATION:

- ___ Jurisdiction ___ petition language ___ services for children & parents
___ visitation ___ placement ___ education issues
___ reunification plans ___ permanency plans ___ dismissal orders
___ TPR ___ post-adoption contact ___ post-guardianship contact
___ other _____

SPECIAL INSTRUCTIONS: _____

Next Court Date: _____

Mediator's Use Only START TIME: _____ END TIME: _____

Did the mediation eliminate the need for the court to hold any type of hearing? ___ Yes ___ No

If yes, what type of hearing? _____

Settlement Conference _____ Trial/Evidentiary Hearing # of days _____

MEDIATION OUTCOME: _____ Mediation Did not go forward

If mediation went forward, please check off the appropriate outcomes:

Mother ___ No show ___ N/A ___ Agreement (<input type="checkbox"/> written/ <input type="checkbox"/> verbal) ___ Partial Agreement (<input type="checkbox"/> written/ <input type="checkbox"/> verbal) ___ No agreement	Father ___ No show ___ N/A ___ Agreement (<input type="checkbox"/> written/ <input type="checkbox"/> verbal) ___ Partial Agreement (<input type="checkbox"/> written/ <input type="checkbox"/> verbal) ___ No agreement
Issues agreed:	Issues agreed:

Type of Victimizations:

_____ Child Physical Abuse or Neglect
_____ Child Sexual Abuse/Assault
_____ Human Trafficking: Sex

Current Child Placement: _____

Number of Placement Moves _____
_____ Unknown

Special Classifications of Individuals:

_____ Deaf/Hard of Hearing
_____ Homeless
_____ Immigrants/Refugees/Asylum Seekers
_____ LGBTQ
_____ Victims with Disabilities: Cognitive/ Physical /Mental
_____ Victims with Limited English Proficiency
_____ Victims of Domestic Violence
_____ Other

Child

Parent

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Number of surveys distributed _____

Number of surveys completed _____

FOLLOW-UP

2ND MEDIATION SCHEDULED:

_____ YES _____ NO DATE: _____ TIME: _____

POST-MEDIATION INFORMATION:

Additional Children

Children's Name(s) & Date(s) of Birth _____

Race/Ethnicity: _____ Gender Identity: _____

Children's Name(s) & Date(s) of Birth _____

Race/Ethnicity: _____ Gender Identity: _____

APPENDIX C: Draft Revised Participant Surveys

PROFESSIONAL EXIT SURVEY FOCUSED ON MEDIATION QUALITY

Was this co-mediated? Yes No

Today's Date: _____

1. What is your role in this case?

- Mother's Attorney Father's Attorney Child's Attorney District Attorney/Attorney General
 Social Worker CASA Other _____

2. What legal action is pending in this case?

- Adjudicatory/Evidentiary Hearing Disposition Hearing 6 Month Review Hearing
 12 Month Review Hearing Permanency Planning Hearing Termination of Parental Rights Other

3A. Did your session result in an agreement? Yes, All Issues Yes, Some Issues No

3B. If yes, how does the mediated agreement compare with court orders?

3C. If yes, do you agree with the following statements:

We would not have reached agreement without the mediator's help.

- Strongly Agree Agree Neutral Disagree Strongly Disagree

We reached agreement more quickly than we would have without mediation.

- Strongly Agree Agree Neutral Disagree Strongly Disagree

3C. If no, why do you think an agreement could not be reached?

4. In this mediation, the mediator:

- ___ A. Appropriately encouraged settlement ___ B. Wasn't active enough in encouraging settlement
 ___ C. Applied too much pressure to settle ___ D. I don't know

5. How satisfied were you with the following? Please circle your answer on a scale from **1 "Not at all satisfied to 5 "Very satisfied."**

Your overall experience with the mediation	1	2	3	4	5
The mediator's skill	1	2	3	4	5
The location for the mediation	1	2	3	4	5
The mediator's ability to elicit solutions	1	2	3	4	5

Is there anything that could have made today's mediation more productive/helpful?

Thank you for your opinion. Please put your response in the envelope and seal it before returning.

PARTICIPANT EXIT SURVEY FOCUSED ON MEDIATION QUALITY

Today's Date: _____

1. What is your role in this case?

Mother Father Child Foster Parent Relative Other _____

2. Did your session result in an agreement? Yes, All Issues Yes, Some Issues No

3. Please indicate whether you agree with the following statements. Please circle your answer on a scale from 1 **“Strongly disagree”** to 5 **“Strongly agree”**

Mediation decreased tension between parties.	1	2	3	4	5
The mediator explained goal/purpose of the mediation.	1	2	3	4	5
The mediator gave everyone a chance to talk about what was important to them.	1	2	3	4	5
The mediator understood what was important to me.	1	2	3	4	5
The mediator understood the issues in the case.	1	2	3	4	5
The mediator treated me with respect.	1	2	3	4	5
The mediator treated me fairly.	1	2	3	4	5
I helped provide solutions to the issues.	1	2	3	4	5
I knew what to expect at the mediation.	1	2	3	4	5
I feel like I am part of making decisions on this case.	1	2	3	4	5
I felt like the mediator pressured me to settle.	1	2	3	4	5
The mediation was set at a convenient time for me.	1	2	3	4	5

How satisfied were you with the following? Please circle your answer on a scale from 1= **“Not at all satisfied”** to 5= **“Very satisfied.”**

Your overall experience with the mediation	1	2	3	4	5
The mediator's skill	1	2	3	4	5
The location for the mediation	1	2	3	4	5
The mediator's ability to get to solutions	1	2	3	4	5

What did you find most helpful about the mediation session?

What did you find least helpful?

Thank you for your opinion. Please put your response in the envelope and seal it before returning.

APPENDIX B

September 2021



The COVID-19 Pandemic and Nevada's Juvenile Dependency Mediation Program: Examining Effects on Practice

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Sophia Gatowski, PhD, Consultant

Data Savvy Consulting, LLC



The COVID-19 Pandemic and Nevada's Juvenile Dependency Mediation Program

Examining Effects on Practice

Executive Summary

Purpose

The goal of this study was to provide the Nevada Court Improvement Program (NVCIP) with information about how the global COVID-19 pandemic might have affected Nevada's Juvenile Dependency Mediation Program's (JDMP) case process and outcomes. This information can be used to indicate areas of practice challenge and to design improvements to target those challenges.

Method

The study conducted a secondary analysis of Nevada's JDMP's completed data collection forms for post COVID-19 process and outcomes (e.g., mediation agreements and parent surveys). These data were then compared in a pre/post research design to data previously collected on Nevada's JDMP's process and outcomes (pre-COVID) and analyzed for differences.

Key Findings

Case demographics: Key differences emerged in which sites were holding mediations and the focus of the mediation. The 2nd judicial district held a higher percentage of mediations post COVID-19 and the 8th judicial district held fewer. In addition, post COVID-19, there were significantly *fewer* mediations that focused on TPR and significantly *more* mediations that focused on petition language.

Case process: Parents were unlikely to complete the post-mediation survey. Only a handful of parents completed the survey, in comparison to prior years when a significant portion of survey responses were parents or caregivers. Parents were more likely to feel ignored, unheard, and not part of decision-making post COVID-19 (interpret with caution due to small sample).

Case outcomes: Post COVID-19, mediations were significantly more likely to result in "No Agreement" (29% compared to 25%) and were significantly less likely to have failures to show (based on the data sheets analyzed).

Conclusions/Recommendations:

Nevada's JDMP has pivoted to a virtual mediation format, getting quickly up to speed with the available technologies, but not without some impacts on program practice and outcomes. This study found, for example, that post COVID-19 there were less mediations in the 8th JD and more in the 2nd, fewer TPR mediations but more mediations of the petition, and more mediations resulting in "no agreements" but fewer "no shows" for mediation. Feedback received from parents and "other" stakeholders (e.g., attorneys, caseworkers, foster parents, and other family members) also indicate some decline post COVID-19 from the very positive assessments of mediation experiences obtained from exit surveys pre COVID-19. Participants noted struggles with technology (i.e., hearing everyone, dropped calls, waiting room delays), for example, and felt communication was more difficult and not as open in the remote mediation format. In light of these findings, the following are offered as considerations or recommendations for ways the JDMP may enhance the delivery of virtual mediations (these are briefly noted here and discussed in more detail in the body of the report):

- Consider whether additional training in conducting virtual mediations is needed for mediators/program staff to increase their confidence with the technology and their ability to actively facilitate the mediation process while managing the virtual mediation platform.
- Consider whether there is a benefit, moving forward post COVID-19, to continue to offer a hybrid mediation model, with some individuals appearing in-person and some appearing online. This study found that significantly fewer parties were "no shows" to mediations post COVID-19. This may be the result of the virtual format offering greater scheduling flexibility and fewer transportation issues for parties, which facilitated their attendance.
- Consider if the greater flexibility offered by virtual mediation means that mediation can be used at earlier stages of the case than it has been previously, which may result in resolving issues sooner.
- Consider ways to enhance communication during the virtual mediation session. While there are aspects of in-person mediation that cannot easily be replicated in an online format, (e.g., being able to observe participants' non-verbal communication if they are not sharing video), the JDMP should discuss what can be done to enhance interactions to resemble the in-person experience more closely and facilitate open dialogue.
- Consider ways to enhance virtual mediation evaluation efforts by encouraging parents' completion of exit surveys (e.g., enhanced survey recruitment scripts at the beginning and end of the mediation session and/or following up on non-returned surveys). Very few mediation surveys were returned from parents and the findings with respect to parents' feedback presented in this study need to be interpreted with caution as a result.

The COVID-19 Pandemic and Nevada’s Juvenile Dependency Mediation Program: Examining Effects on Practice

Introduction

Juvenile dependency mediation is implemented in all judicial districts (JDs) in Nevada. It is a non-adversarial process facilitated by two neutral co-mediators who facilitate communication among those involved in a case while also working to ensure that all have a say in the outcome. Those in attendance are generally the natural parents; the foster parents (if applicable); other family members closely involved in the child’s life; the attorney for the child, the attorneys for the parents, the district attorney, and the caseworker assigned to the case. Each is given the opportunity to share his or her view on the case, as well as express any concerns about issues going forward. Cases can be referred to mediation pre- or post-adjudication, or at the TPR stage of the case. Specifically, mediation in Nevada may focus on whether or not court jurisdiction is appropriate, petition language, services for children and parents, visitation, placement options, educational issues, reunification plans, permanency plans, dismissal orders, termination of parental rights, post-adoption contact, and any issues that are barriers to permanency.

Juvenile dependency mediation in Nevada has demonstrated considerable success at achieving its case processing and outcome goals. Previous research examining mediation in Nevada (e.g., Summers, Wood, Bohannon, Gonzalez, & Sicafuse, 2013; Summers, Wood, & Bohannon, 2013; Summers & Gatowski, 2019), for example, has shown that mediation can enhance case processing (i.e., improve timeliness of court events), increase key participant (i.e., parents, children, relatives, and foster parents) and system stakeholder (i.e., prosecutors, parents’ and children’s attorneys and advocates, social workers, and others) satisfaction with and engagement in the case process, and improve juvenile dependency case outcomes in a non-adversarial manner (i.e., improved reunification rates and timeliness of permanency outcomes).

In 2020, Nevada courts had to pivot away from “business as usual” practice to ensure safe operations during the global COVID-19 pandemic. This meant postponing certain types of hearings and implementing remote or virtual access to other hearings. Nevada’s JDMP also had to pivot to be able to provide mediation services during the pandemic. Mediations began being held remotely, using available virtual technologies such as teleconferencing, Zoom, and Bluejeans. Post-mediation surveys began being disseminated via an online survey link (Survey Monkey) to participants.

As demonstrated by past evaluations of Nevada’s statewide JDMP, mediation has had positive impacts on case processing and permanency timelines. It provides an effective forum for timely agreement and resolution of issues, as well as an important opportunity for participants to have a voice in the case process and become more fully engaged in their case. The current study sought to

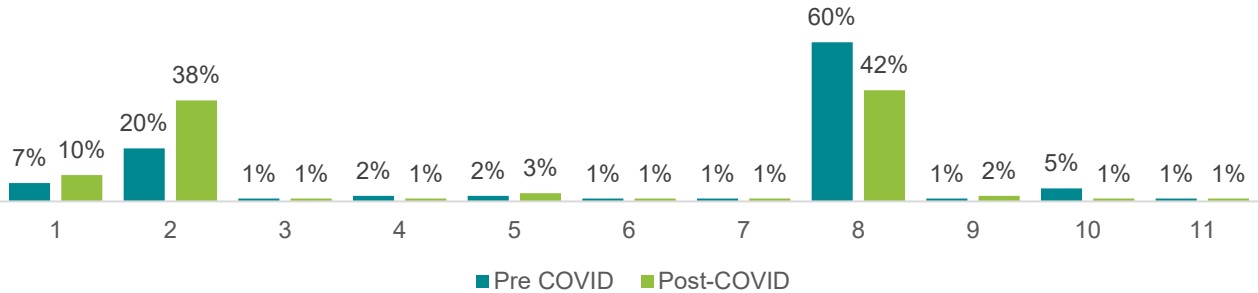
determine if the challenges posed by the COVID-19 global pandemic, and any changes in practice enacted to provide mediation during this time, have had an effect on the JDMP’s case process and outcomes.

Methods

This study examined completed data collection forms for Nevada’s JDMP post COVID-19 (mediation data sheets and parent and stakeholder surveys). These data were then compared in a pre/post research design to data previously collected on Nevada’s JDMP’s process and outcomes (pre-COVID) and analyzed for differences.

Instruments and Data Collection: Mediators collect data from each case that is mediated, entering data about the mediation into a Case Data Sheet. The data sheet includes information on the mediation start and stop time, focus of the mediation, outcome, as well as information on the family. Mediators also distribute surveys after every mediation to the participants (e.g., mother, fathers, caregivers) as well as the professionals (e.g., attorneys, caseworkers), who attend the mediation. Participants are given a different survey than professionals. Surveys are collected at the conclusion of the mediation, and in remote/virtual mediations, exit surveys were distributed to participants via an online link. For this study, researchers took the pdfs of the original paper documents for both the Case Data Sheets and the participant surveys and entered those into a database so that all of the information could be analyzed. This produced a dataset for all mediations with all documentation from May to December of 2020. These data could then be compared to an existing JDMP dataset of Case Data Sheets and surveys from a previous study conducted by the researchers pre COVID-19 (i.e., mediations from July 2016 to May of 2019).

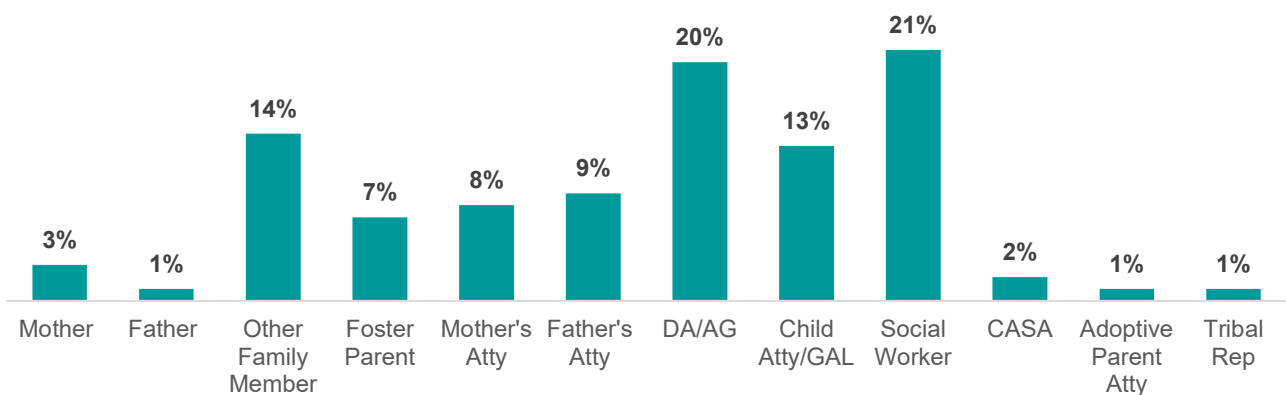
Figure 1. Percentage of Overall Mediations by JD



Post-COVID 19 Mediations (From Survey Data)

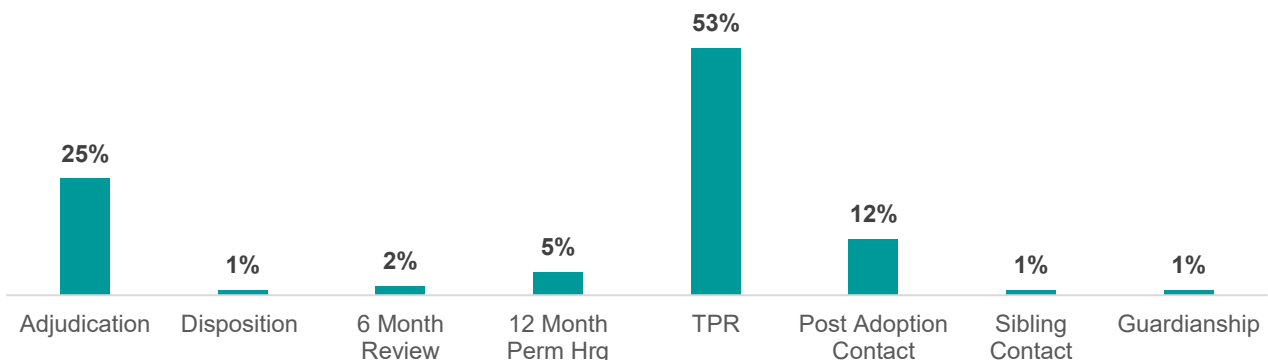
Mediation exit surveys were received from 122 mediations that were held remotely (virtually) from 4/10/2020 to 12/17/2020 (the completed surveys did not clearly note the jurisdiction the mediation was held in). A total of 431 individuals who participated in the 122 mediations returned a completed survey. Most of the 431 completed surveys were returned by professional stakeholders (e.g., attorneys, caseworkers), with few surveys received from mothers (3%; n=12 of 431) or from fathers (1%; n=6 of 431). See Figure 2 for the number of mediation surveys received by participant's role in the mediation.

Figure 2: Percentage of Completed Mediation Surveys Returned by Respondent Role in Mediation (N=431)



Half of the mediations (53%; n=65 of 122) were held prior to termination of parental rights, with 25% (n=30 of 122) of the mediations held prior to an adjudication. See Figure 3 for the legal action pending when the post COVID-19 remote mediations were held.

Figure 3: Legal Action Pending When Mediation Held (N=122)



Final Sample: The final samples for the study consisted of 427 mediations prior to COVID-19 and data sheets from 240 mediation post COVID-19. Surveys included 1,427 surveys from prior mediation assessments (pre COVID-19) and 431 surveys from mediations post COVID-19.

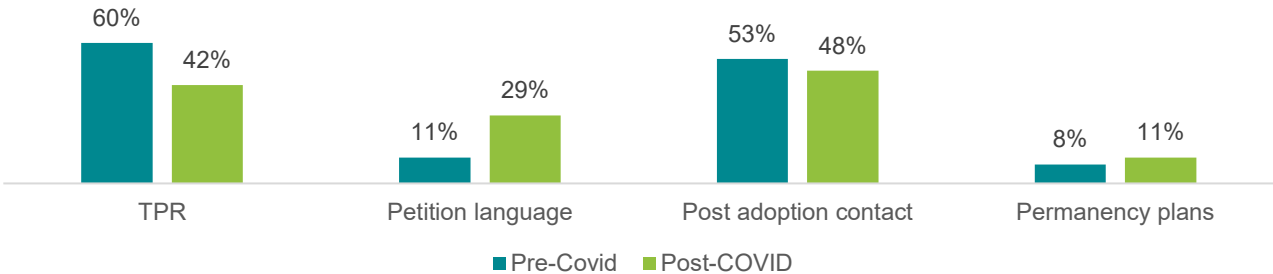
Data Analysis

Descriptive analyses were conducted to describe the mediation data to the reader (e.g., report of averages, medians, and frequencies). Additional statistical analyses were performed to determine if any differences in case process and outcomes between pre COVID-19 and post COVID-19 mediated cases were statistically significant (i.e., whether there is a low likelihood that any differences found are the result of chance alone).

Findings

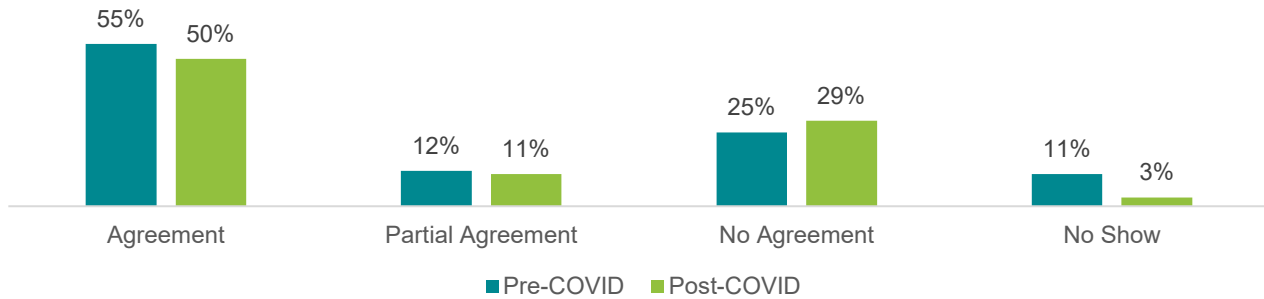
Mediations: Number and Focus. From the Case Data Sheets, which were collected by mediators in every jurisdiction, 427 mediations occurred between July of 2016 and May of 2019 when the data were collected in the pre sample, compared to 240 data sheets for mediations that occurred between May and December of 2020. Figure 4 illustrates the focus of those mediations, based on the data provided on the Case Data Sheets. It is important to note that percentages in the figure will not add up to 100% as a mediation can have multiple focus areas. Most common mediation focus areas from the Case Data Sheets pre and post COVID-19 are presented in Figure 4. Both TPR and petition language were significantly different between pre and post COVID-19. There were significantly more TPR focused mediations pre COVID-19 (60%) compared to post COVID-19 (42%), and significantly more mediations focused on petition language post COVID-19 (29%) compared to pre COVID-19 (11%).

Figure 4. Focus of Mediations (Most Common)



Mediation Data Forms: Agreement Rate. Mediation outcomes were compared between the pre COVID-19 sample (2016-2019) and post COVID-19 (2020) sample. There was no difference in rates of agreement or partial agreement. There was a statistically significant difference in no agreement (higher post COVID-19) and no shows (lower pre COVID-19). Figure 5 provides the percentages of outcomes for each sample.

Figure 5. Mediation Outcomes



Mediation Survey Data: Agreements

Data from the mediation surveys show different responses to mediation rates than those obtained from the Case Data Sheets. From the survey data, 43% of the mediations resulted in an agreement on all of the issues (43%; n=53 of 122), while 40% (n=49 of 122) resulted in a partial agreement (i.e., agreement on some of the issues). The remaining 16% (n=20 of 122) of mediations failed to reach an agreement. Table 1 presents mediation agreements achieved by the specific stage of the case or pending legal action when the mediation was held.

Table 1: Mediation Agreement by Pending Legal Action When Mediation Held [Survey Data]				
<i>Pending Legal Action When Mediation Held</i>	Did your mediation result in an agreement?			
	No	Yes, All Issues	Yes, Some Issues	Total
Adjudication	10% (3)	71% (22)	19% (6)	31
Disposition	-	-	100% (1)	1
6 Mo Review	-	100% (2)	-	2
12 Mo Perm Review	17% (1)	50% (3)	33% (2)	6
TPR	21% (14)	26% (17)	52% (34)	65
Post Adoption Contact	13% (2)	53% (8)	33% (5)	15
Sibling Contact	-	100% (1)	-	1
Guardianship	-	-	100% (1)	1
TOTAL	20	53	49	122

When asked why they felt an agreement could not be reached in the mediation, some survey respondents provided an explanation. Examples of explanations as to why “no agreement” was reached for mediations at the Adjudication, 12 Month Permanency Review, and TPR stages are presented below:

Adjudication

- *Unable to agree about changes in petition language*
- *More time needed to work on a safety plan*

12 Month Permanency Review

- *Mother was too angry and left*
- *Mother’s inability to be candid*
- *Mother not ready to reach agreement*

Termination of Parental Rights

- *All parties were not on the same page*
- *Parties too entrenched in their positions*
- *Parties want their day in court*
- *Extensive and difficult family dynamics making agreement not possible*
- *Parents were not ready to make decision/Parents need more time*
- *Parents were no-shows/parents not able to attend*
- *Father wanted to meet foster parent in person which could not be done over zoom*

Participant Voice in Mediations

Voice can be defined in many ways. For this study, the perception of voice was defined using a procedural justice framework. Procedural justice refers to the fairness and transparency of the processes by which decisions are made when there is a dispute (e.g., Lind and Tyler, 1988). Research has demonstrated that certain features of dispute resolution procedures increase participants’ perceptions of procedural justice, including feeling that one has a voice in the process, feeling part of the decision-making, feeling like others listened, being treated with respect, and being treated fairly (e.g., Lind and Tyler, 1988; Tyler, 2005). Sense of voice in the process was measured using the post-mediation surveys. The surveys asked for mediation participants to indicate their level of agreement on several items, which are identified in the Table below. Responses are compared for pre vs. post COVID-19 (remote) mediations.

Table 2. Mediation: Participants' Agreement to Mediation Survey Questions

	Pre COVID-19			Post COVID-19 (Remote)		
	Mothers (150)	Fathers (96)	Others (242)	Mothers (12)	Fathers (6)	Others (413)
Yes, had chance to voice opinions	96%	94%	98%	Not asked		
Yes, other people really listened to what you had to say	87%	86%	93%	67%	67%	76%
Yes, felt ignored or unimportant during mediation	17%	17%	11%	25%	33%	3%
Yes, treated with respect	95%	95%	99%	92%	100%	76%
Yes, able to be part of finding answers to problems discussed	91%	95%	94%	67%	67%	19%
Yes, mediator treat everyone fairly	100%	98%	99%	92%	100%	76%

Due to the small number of completed surveys received from mothers and fathers in the post COVID-19 sample of mediations, any differences in pre/post COVID-19 responses for mothers and fathers in Table 2 above should be interpreted with caution.

As displayed in Table 2, the post COVID-19 mediations saw the biggest reductions in the percentage of mothers, fathers and “other” participants reporting that people had really listened to what they had to say and that they were part of finding answers to the problems discussed. When compared to the pre COVID-19 mediations, fewer “other” participants in the post COVID-19 mediations (e.g., professional stakeholders, other family members and foster parents) reported that they were treated with respect (76%) and that everyone was treated fairly (76%), The frequency with which mothers and fathers reported being treated with respect, and that everyone was treated fairly, was similar in the pre and post COVID-19 mediations. Fewer “other” participants reported feeling ignored or unimportant in the post COVID-19 mediations (3%), but more mothers (25%) and more fathers (33%) reported feeling ignored or unimportant in the post COVID-19 mediations.

Participants were asked what was [most helpful](#) about the mediation session. The open-ended responses were analyzed, and the following common (most frequent) themes emerged:

Professional stakeholders

- Opportunities for private discussion via breakout rooms on zoom
- Explaining factual basis for the termination action
- Explaining TPR and Adoption vs. Guardianship to the parents
- Presenting evidence that would be offered at trial

- Opportunity for everyone to have their opinions heard
- Opportunity for parents to express their challenges and wishes
- Having the foster parent present and giving input
- Having other family members present and giving input
- Having the adoptive resource present and giving input
- Having mediators contact all of the parties in advance of the mediation
- Excellent mediators (e.g., able to encourage discussion, redirect when needed, de-escalate tension)

Parents, family members and foster parents

- Structured, guided approach to the discussions
- The phone calls the day before to help get prepared for the experience
- The information that was provided to make sure process and next steps were understood
- Ability to meet privately in breakout rooms on zoom
- All participants allowed to talk/everyone is heard from
- Being able to hear from adoptive parent/able to meet the adoptive parent
- Everything was explained in understandable and clear language
- Opportunity to share my opinion/express my concerns
- Excellent mediators (e.g., calming, kept things moving along, knowledgeable, compassionate, respectful, makes sure everyone is heard from)

Mediation participants were asked what was the least helpful about the mediation session. The open-ended responses were analyzed, and the following common (most frequent) themes emerged:

Professional stakeholders

- In-person mediation results in better communication between all parties than the virtual format
- Long time spent in the waiting room while others discuss the case
- Some participants appear via telephone only which results in inability to see their reactions, body language
- Harder to talk in the zoom call format without waving hand or take mic off mute to get attention
- Conducting the mediation through BlueJeans with an interpreter slowed the conversation and made it difficult to have a natural dialogue
- Technical issues that dropped parties off calls
- Hard to hear everyone on zoom call
- Spending time mediating both parents with separate agreements in the same mediation rather than bifurcating

Parents, family members and foster parents

The most common theme in the responses provided by parents, family members and foster parents was that “there was nothing that was least helpful/everything was helpful.” When something “least helpful” was noted, the most common responses included:

- Allowing people to talk over each other
- People didn’t show up that should have been there
- Difficult to speak up on zoom
- Communication not as open on the zoom format
- Interactions are not as genuine
- Some people participating without video so can’t see their reactions
- Hard to understand everyone due to bad connection
- Technology problems that dropped people off calls

Conclusion

Over the past year, Nevada’s JDMP took mediation online in order to continue to safely offer dispute resolution services in dependency cases during the global COVID-19 pandemic. When compared to pre COVID-19 practice, this study found the 2nd JD had held a higher percentage of mediations post COVID-19 and the 8th JD held fewer. In addition, post COVID-19, there were significantly fewer mediations that focused on TPR and significantly more mediations that focused on petition language. With respect to mediation outcomes, post COVID-19 mediations were significantly more likely to result in “No Agreement,” but were also significantly less likely to have failures to show for the mediation.

Nevada’s JDMP has been quick to pivot to the new virtual mediation format, getting quickly up to speed with the available technologies. Survey respondents reported that mediators were able to help guide parties through the process and also identified the pre-mediation prep calls as particularly valuable to improving their understanding of what to expect from the mediation.

Very few surveys were returned by parents who attended virtual mediations. As a result, caution should be exercised in drawing conclusions about parents’ post COVID-19 mediation experience. Having said that, feedback from parents and “other” stakeholders (e.g., attorneys, caseworkers, foster parents, other family members) indicate some decline in the pre COVID-19 positive assessments of the mediation experience. Fewer parents and “other” participants, for example, felt listened to or felt part of finding answers to the problems discussed in post COVID-19 mediations. In addition, fewer “other” participants in the post COVID-19 mediations felt they were treated fairly and with respect, and parents were more likely to report feeling ignored or unimportant.

Responses given to questions about what was least helpful in the post COVID-19 mediations provide insight into why participant feedback about the mediation experience was less positive than pre COVID-19 assessments. Participants noted struggles with technology (i.e., hearing everyone, dropped calls, waiting room delays, challenges when interpreting services required), for example, and felt communication was more difficult and not as open in the remote mediation format. This latter finding about negative impacts on the quality of communication may also be contributing to the finding of significantly more “no agreements” in the post COVID-19 mediations.

In light of this study’s results, the following are offered as considerations or recommendations for ways the JDMP may enhance the delivery of virtual mediations:

- Consider whether additional training in conducting virtual mediations is needed for mediators/program staff to increase their confidence with the technology and their ability to actively facilitate the mediation process while managing the virtual mediation platform. Existing platforms have introduced enhancements since the early days of the first lockdown – including increased security features; greater provision of ‘breakout’ rooms (which survey respondents reported appreciating); participant ‘hand-raising’; and the ability to rearrange participants in gallery view so all parties can be seen and usefully grouped. Whatever technology is used, the mediator must be in control of, and confident and comfortable with, the chosen platform if the mediation is to be truly effective.
- Consider whether there is a benefit, moving forward post COVID-19, to continue to offer a hybrid mediation model, with some individuals appearing in-person and some appearing online. This study found that significantly fewer parties were “no shows” to mediations post COVID-19. This may be the result of the virtual format offering greater scheduling flexibility and fewer transportation issues for parties. Greater flexibility offered via the remote format may also mean that dependency mediations can be arranged, and so disputes can be resolved, at earlier stages of the case than previously. Of course, questions can arise as to how to achieve a level playing field when some parties appear in-person and some do not, and these need to be considered and navigated with care. There are benefits of in-person mediation which cannot easily be replicated in an online format, including being able to observe participants’ non-verbal communication – something the survey respondents noted was missing from their mediation experience. This can be addressed, somewhat, by asking participants to always keep their cameras on, although some parties may only be able to attend via phone. If virtual mediations continue to be offered, or a hybrid model becomes the norm, ways to enhance communication during the virtual mediation session should be discussed. If the virtual format facilitates the use of mediation earlier, and more often in a case, the possible impacts on available resources for mediation would need to be carefully thought through (i.e., to ensure the program had the capacity for any expansion/increased volume).

- Consider ways to enhance virtual mediation evaluation efforts by encouraging parents' completion of exit surveys. Very few mediation surveys were returned from parents. This is not surprising, as parents had to access the survey via a link (rather than being handed a survey at the conclusion of an in-person mediation). To encourage responding, the JDMP may need to employ additional strategies such as: making an announcement at the beginning and the end of the mediation about the survey, its goals and purpose, and how to access it for completion; emphasizing the importance of completing surveys to the program's quality assurance (e.g., responses are used to ensure the mediation program is meeting the needs of all participants) when telling participants about the survey link; letting participants know that the survey is short and won't take up too much of their time; sending 1-2 follow-up texts or reminder emails (1-2 days after the mediation), to those who have not completed a survey; exploring possible access challenges to the survey in advance (inability to access link), and considering other options for providing feedback such as participating in a telephone interview that uses the same questions as the survey, or sending the survey via email or text.

Past evaluations of Nevada's JDMP have demonstrated the program's considerable success at achieving its case processing and outcome goals – providing an effective forum for timely agreement and resolution of issues, as well as an important opportunity for participants to have a voice in the case process and become more fully engaged in their case. The current study provides Nevada's JDMP stakeholders with data that can be used to reflect on mediation practice post COVID-19, to ensure that the program is able to successfully handle the challenges posed by the shift to a virtual mediation format.

APPENDIX C

May 2021



Virtual (Remote) Hearings in Child Welfare Cases: Perspectives from the Field

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Introduction

In March of 2020, the COVID-19 global pandemic drastically affected every day life. In efforts to reduce the spread of the virus, governments issued guidance on public interactions that included stay at home orders and closing of many types of businesses. Child welfare court hearings, which have long occurred primarily in person at court houses, had to make changes to practice to ensure safety of professionals and clients alike. Responses to the pandemic varied, including delaying court hearings, moving court hearings to hybrid in-person/virtual formats, and moving to a completely virtual hearing process. Virtual hearing practice has continued for more than a year. This created a unique opportunity to examine perceptions of virtual court practice.

Method

Researchers designed two surveys to assess perceptions of child welfare court practice during the pandemic. This included a child welfare court and agency professionals' survey and a parent survey. The professionals' survey was designed for judges, state attorneys (prosecutors or district attorneys), parent attorneys, child advocates, and child welfare professionals who are currently working in the child welfare court system. The survey included questions about participant:

- State
- Role
- Platform they use for virtual hearings
- Perception of parties' presence at hearings
- Perception of access challenges for parents and youth
- Identification of any successes they have had in engaging parents and youth
- How they share evidence
- Whether they want to continue virtual hearings
- Perceptions of differences between remote and in-person practice

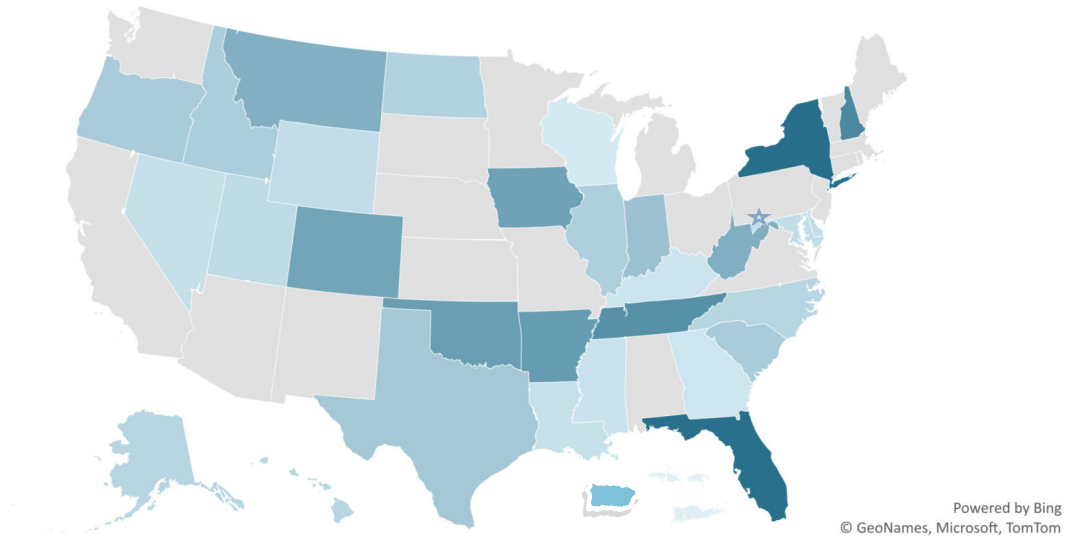
Parent surveys focused on parents' perceptions of the court process. Parents were asked whether they had an attorney for the process. Then parents were asked to rate their agreement on a 5-point scale ranging from strongly disagree to strongly agree on 15 statements related to their access, wait time, understanding and general perceptions of the virtual process.

The surveys were designed and a methodology for the study was approved through the University of Nevada, Reno's institutional review board (IRB) process. All states, the District of Columbia, Puerto Rico and the US Virgin Islands were invited to participate in the study through an email sent to Court Improvement Programs (CIPs). Thirty-three states and territories agreed to participate (62% of states). States were primarily interested in the legal professionals' survey, although several wanted to send out both the professional and parent surveys. CIP staff were provided recruitment language and a survey link. Sites were recruited in December of 2020. The survey was meant to stay open for two months (December – January), however, some states wanted to participate but required more time to gain approval. As such, the survey link remained opened until mid-March of 2021.

Sample

The child welfare professionals' survey included two eligibility checks. First, participants were provided with an information sheet that described the study and then asked if they wanted to participate. If participants said yes, they were directed to the survey. On the first page, they were asked to identify their state and their role in child welfare. Then, participants were asked if they had participated in a virtual (remote) child welfare hearing in the last few months. If participants said "no" they were directed to the end of the survey. A total of 4,490 persons clicked on the survey link. Of these, 4,407 (94%) indicated "yes" they wanted to participate. At the eligibility check, 4,067 indicated that they had participated in a remote hearing in the past few months. Of these, 3,322 completed the survey for a response rate of 82% of those who were eligible. CIPs were asked to broadly disseminate to all agency and court/legal professionals. The method in which this was completed makes it impossible to determine a response rate for how many were sent the survey link versus how many participated in the survey. For the parent survey, although 255 clicked on the link, only 205 clicked they wanted to participate and only 132 actually completed the survey for a 64% response rate.

State/Territory Participation in Remote Hearing Study

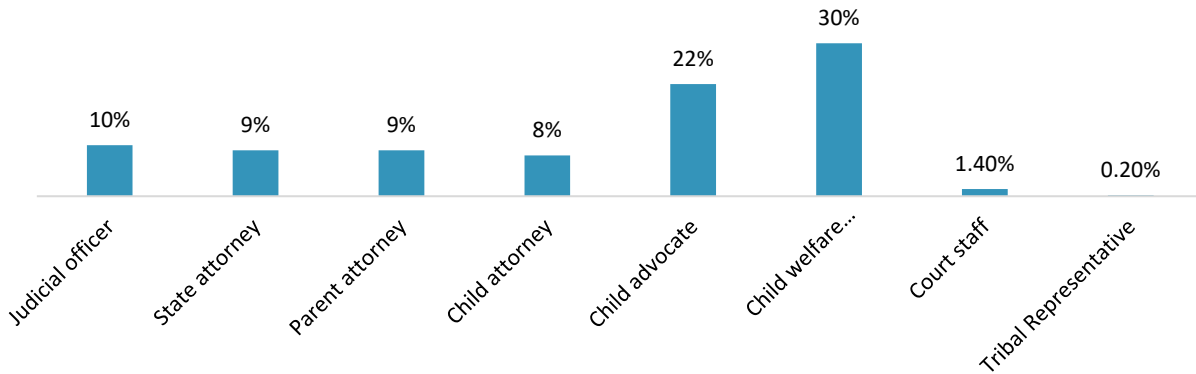


The findings from the studies are presented below, first by professional stakeholder survey responses, then by parent survey responses. Responses are reported by high level categories for the questions.

Findings: Professional Stakeholder Survey

More than 3,000 professionals across 33 states/territories completed the stakeholder survey. After being asked about which state they live/work in, participants were asked to identify their role in child welfare cases. The largest group of participants were from the child welfare agency (30%) followed by child advocates (22%). Figure 1 illustrates the percentage of responses by role.

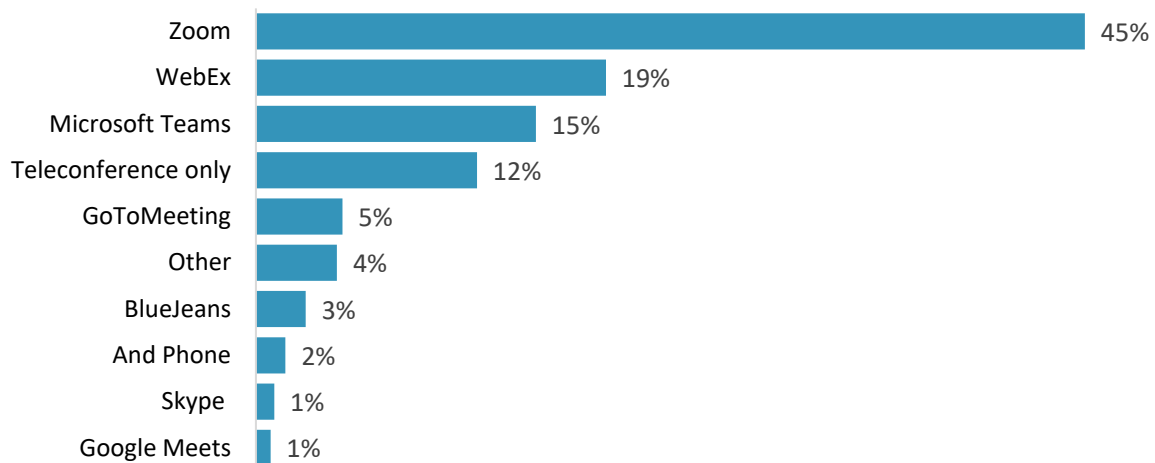
Figure 1. Role of Survey Respondents



Platforms

Participants were asked which platforms they use for virtual hearings. They were able to check all that apply, as some states used multiple platforms (e.g., platform may have varied by county or courtroom). As noted in Figure 2. The most common platform used was Zoom.

Figure 2. Platforms Used for Virtual Hearings

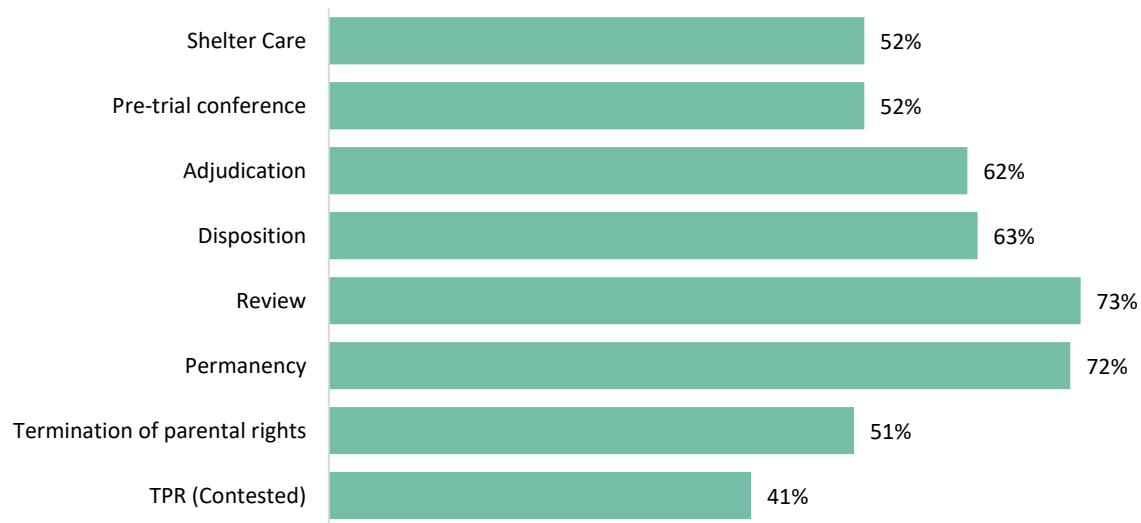


Other options included Cisco, Facetime, Judicial Video Network, Lifesize, Polycom, and IVIN. Several states wrote in “and phone,” indicating that they use both a virtual platform and the opportunity for persons to just call into the hearing.

Hearing Types

Participants were asked which hearing types are currently being held virtually in your jurisdiction. They were able to select multiple hearing types. Figure 3 illustrates the percentage of participants that indicated a hearing type that was currently being held remotely. As noted in Figure 3, the most common remote hearing types were permanency and review hearings. Of the eight hearing types identified below, participants indicated they currently hold a median of 5 (average of 4) of these hearing types remotely. Twenty-two percent (22%) noted that they hold all of these hearing types remotely and 30% indicated that they hold none of these hearing types remotely at present.

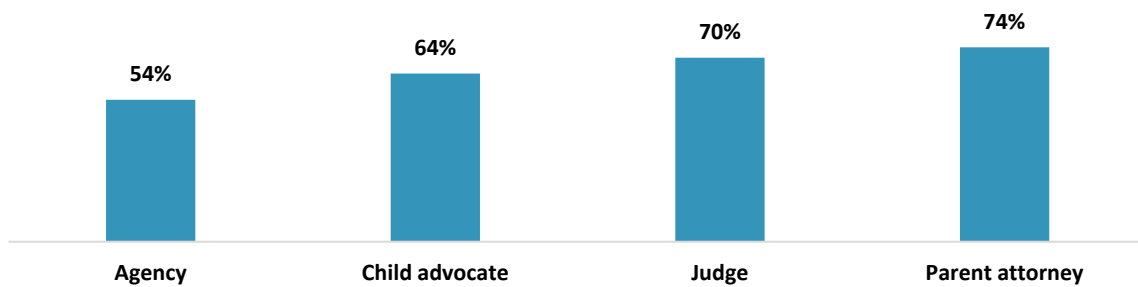
Figure 3. Hearings Currently Being Held Remotely



Delay

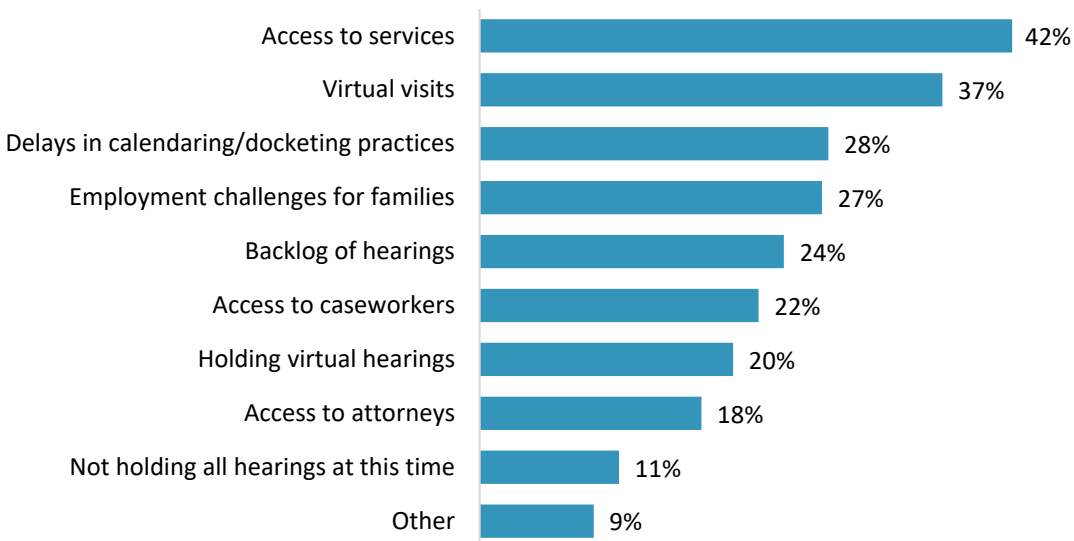
A common concern that arose anecdotally when talking to child welfare legal professionals about practice during the pandemic was that COVID-19 was delaying timely permanency. Participants were asked their opinion about whether COVID-19 is delaying cases from achieving permanency. The majority of participants (64%) said yes, 24% said no, and 12% said they were not sure. This was also explored by role. Figure 4 illustrates the percentage of professionals who said yes to COVID delaying permanency.

Figure 4. Percent of Professionals that Think COVID Is Delaying Permanency



For those that said yes, participants were asked a follow-up question about the reasons for the delay. Figure 5 illustrates the most common reasons. Participants could choose all that apply and write in responses for “other.” The most common reason was access to services (42%) and virtual visits (37%). Nine percent of participants identified “other” reasons for delay, which were described as access problems for incarcerated parents; court staff, attorneys, caseworkers and parties contracting COVID resulting in continuances; delays in the ICPC process; delays in the adoption process; and connectivity and access to technology issues.

Figure 5. Which of these are contributing to delay?

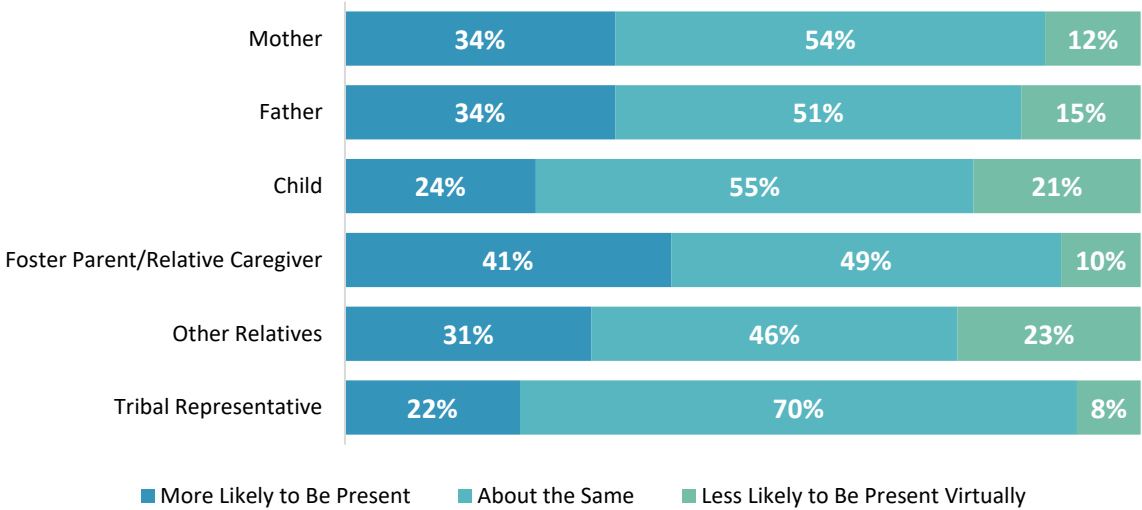


Parties Present

Participants were asked about the parties that appear at hearings, including parents, youth, foster parents/relative caregivers, other relatives, and tribal representatives. Participants were asked if they are more likely to be present virtually, less likely to be present virtually or about the same. Figure 6 illustrates the responses. As noted, participants were most likely to think that parties are

present about the same for virtual and for in-person hearings. They also consistently believed that parties were more likely to be present virtually as opposed to less likely.

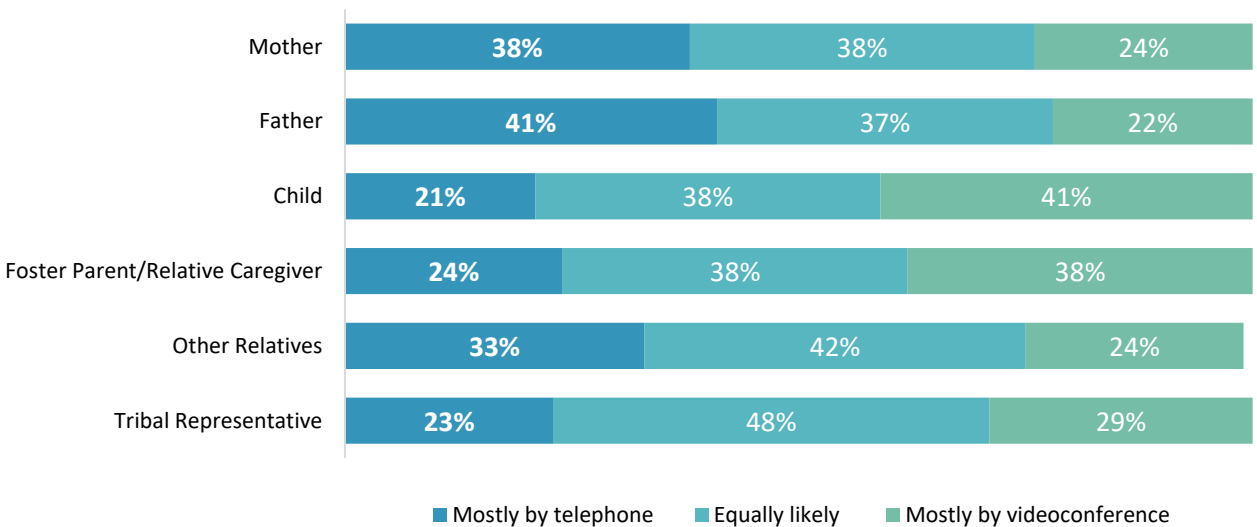
Figure 6. Presence of Parties



Parties Participation

Participants were asked how specific parties were most likely to connect to virtual hearings. This included more likely by phone, more likely by video or equally likely. Participants noted that youth were more likely to be present by videoconference (41%), while fathers were more likely to be present by telephone (41%). Responses for mothers’ participation were equally divided between being most likely to be present by telephone (38%) or equally likely to be present via phone or video (38%). See Figure 7 below.

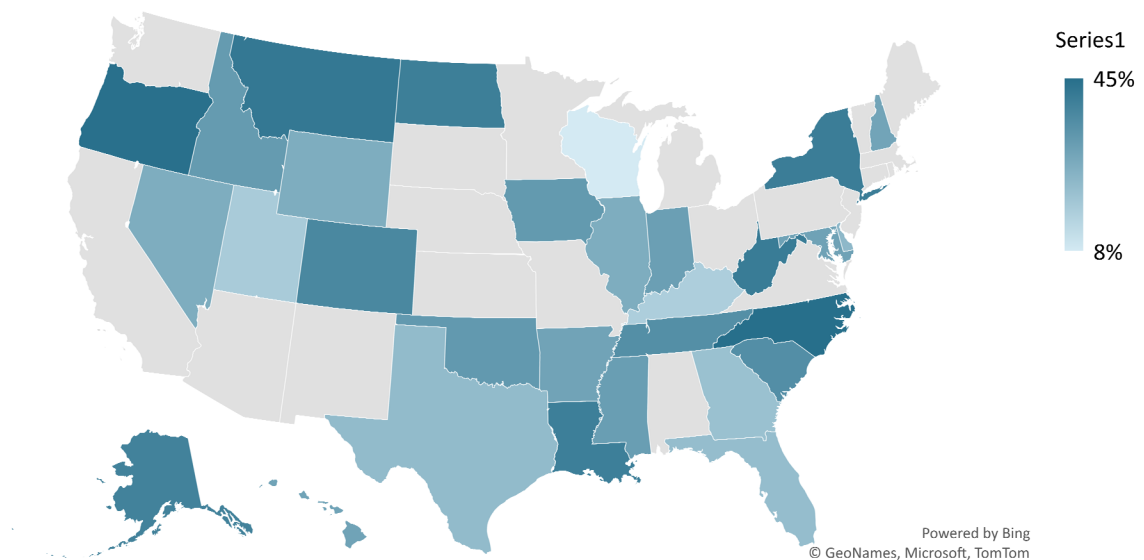
Figure 7. Party Participation Type



Parent's Access

Participants were asked what percentage of parents would you say have access issues. That is, they do not have access to technology to participate by video in a hearing. Responses ranged from 0 to 100%. Participants noted an average of 33% of parents have access issues (median 25%). Figure 8 illustrates the averages for each state, ranging from 8% to 45%. Perceived access issues were also explored by role. Judge's views on the number of parents with access issues was significantly different from other stakeholders. They were more likely to indicate a lower percentage as having access issues (29% versus 33%). Parent attorneys were also different from other participants. They were more likely to indicate a higher percentage of parents with access issues (40% compared to 32% for others).

Figure 8. Percentage of Parents with Access Issues



Participants were asked if they had any successes in engaging parents in the virtual hearing process and if so, to please describe their successes. Not all participants responded to this question. Of those who did, several indicated that they had not had successes at this. Of the participants who noted a success, responses could be grouped into four general categories: strategies to get parents to the hearing, platform/technology successes, strategies to engage parents when present at the hearing, and other general successes. Below are lists organized by theme with some of the common responses to this question

Successful Strategies to Get Parents to Attend the Hearing

- **Reminders.** Calling or emailing parents to remind about hearing. Some noted the day before, others the morning of the hearing.
- **Preparation.** Call to inform parents of the virtual process. Explain it to them step by step. Coach them through the process. Let parents know what to expect about the child welfare hearing process (virtual or in-person). Describe the platform and settings prior to the hearing.

- **Practice.** Setup a time to practice on the platform with the parent so they can experience it prior to the event and troubleshoot any challenges.
- **Contact Day Of.** Get a phone number for the parent so if they do not show up, the attorney or the court can call them at the time of the hearing.
- **Flexibility.** Allow both phone and video appearances for parents.
- **Stress Importance.** Describe the importance of still being present even in a virtual setting.
- **Documentation/Guidance.** Create a pdf guide to share on how to access virtual platform.
- **Meet and Participate.** Have parents meet with attorneys (or caseworkers) and attend the hearing virtually with them.
- **Invites.** Invitations to the court hearing can include information on how to participate and court rules).
- **Time certain calendaring.** Set the hearing at a specific time.

Strategies to Engage Parents in Hearings

- **Introductions.** Introduce all participants and explain their role. Introduce the virtual platform, including how to use and participate. Explain expectations (e.g., when they get to talk, why they will be muted when it is not their turn, etc.).
- **Explain Purpose.** Explain to parents the purpose of the child welfare hearing, why they are there and what will happen today.
- **Greetings.** Greet parents by name. Speak directly to them.
- **Opportunity to be heard.** Provide parents an opportunity to be heard. Encourage open discussion in hearings.
- **Checking In.** Periodically ask if parents have any questions, need a break, or need to speak with their attorney.
- **Camera Use.** Encourage to turn on camera so they feel more like they are part of their hearing.
- **Acknowledge hardship.** Acknowledge that virtual may be hard but it is important for them to participate.
- **Simplify.** Use simplified language whenever possible.
- **Encourage.** All professionals can encourage parent's participation.

Platform/Technology Successes

- **Breakouts.** Use breakout sessions to allow attorney to speak with client prior to or during hearing if needed.
- **Technology Assists.** Assist parents in downloading software and/or setting up access for the first time.
- **Providing Technology.** Provide parents with phones or tablets to access the hearings.
- **Muting When Necessary.** Strategic use of the mute button to ensure that hearings don't escalate when people are angry.
- **Identify Public Wifi.** Asked DHS to put together a list of publicly available Wifi locations for parents if they do not have access at home.

- **Space for Participation.** Identify available spaces for parents to participate virtually. Examples included a meeting/designated space at the courtroom with access, off site kiosks established for participation, or at the agency office.
- **Invites.** Court notices

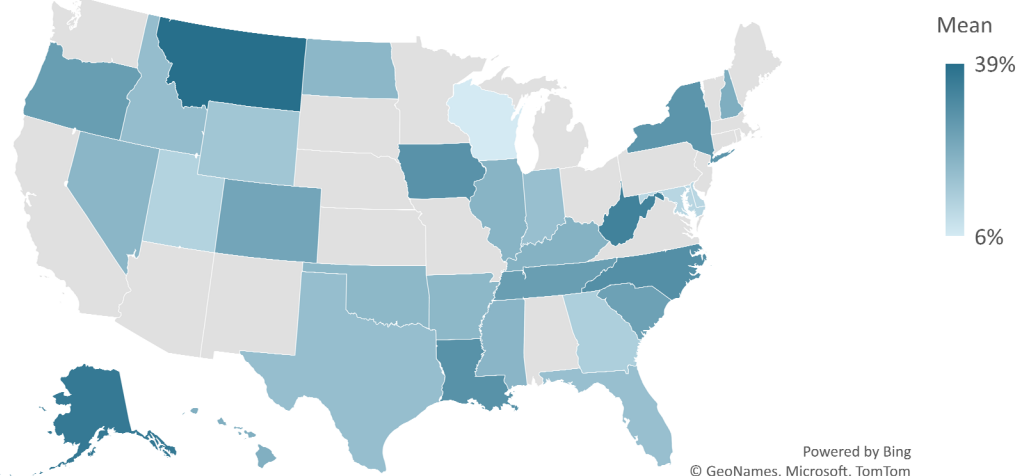
Other Successes

- **Travel/Transportation.** Since no travel is needed, parents with transportation issues are more likely to attend.
- **Atmosphere.** Virtual hearings are more relaxed and less formal, so parents feel less intimidated.
- **Warrants.** Parents with active warrants are more likely to attend a virtual hearing.
- **Notices.** Court notices were revised to include information regarding appearance requirements and instructions.
- **Team effort.** Successful because everyone helped make it successful experience for parents.

Youth Access

Participants were also asked about the percentage of youth with access issues. An average of all individual responses to this question was 25% (i.e., 25% of youth have access issues, with a median response of 10% of youth having access issues). Participant responses ranged from none to 100% of youth have access issues, but state averages ranged from 6% to 39%. Figure 9 illustrates the states' perceived average of youth with access issues.

Figure 9. Percentage of Youth With Access Issues



Participants were asked if they had any successes in engaging children and youth in the virtual hearing process and if so, to please describe their successes. Not all participants responded to this question. Of those who did, several indicated that they had not had successes at this. Of the participants who noted a success, responses could be grouped into four general categories: strategies to get youth to attend virtual hearings, platform/technology successes, strategies to

engage youth when present at the hearing, and other general successes. Below are lists organized by theme with some of the common responses to this question.

Successful Strategies to Get Youth to Attend the Hearing

- **Communication.** Speak with foster parents, caregivers, child welfare case workers and child advocates to ensure that children and youth who want to be present at a hearing have what they need to do so. Get the link out to the child's caregiver well in advance of the hearing.
- **Stress Importance.** Stress the importance of youth attending the hearing, even virtually. Emphasize that the judge is interested in hearing what they have to say. Advise youth of the value of attendance – that it will assist in their goals.
- **Reminders.** Check in with the youth beforehand to provide a reminder about the hearing. Call ahead of time and remind the youth, foster parent/caregiver about the hearing. Send reminders (via phone, text or email) the day before or the morning of the hearing (or both). Make sure the youth and/or their caregivers have complete access information and re-send that information the day of the hearing.
- **Preparation.** Explain the purpose of the hearing, what to expect in the hearing, and how the virtual hearing format will work. Provide a step-by-step description of the hearing process, who will be present and what their roles are in the hearing. Go through a list of possible questions the youth might want to ask (to help them prepare) or the things they might want to share during the hearing. Ask if they have any concerns about the hearing so that youth can be put at ease.
- **Practice.** Setup a time to practice on the platform with the youth so they can experience it prior to the hearing and troubleshoot any challenges. Coach the youth in the virtual hearing format by doing a test run to get comfortable with the platform, log on procedure, use of breakout rooms and chat features.
- **Flexibility.** Give youth the choice of phone or video conference. Allow the youth to join via phone only if they want. Allow use of cell phones (e.g., FaceTime) along with computers. Set the hearing at times that facilitate youth attendance (e.g., that work around school schedules).
- **Meet and Participate.** Have a trusted adult available to attend the hearing virtually with the child/youth.
- **Provide Channel for Real-Time Communication.** Have another channel (i.e., text) to communicate with the child in real time during the virtual hearing if needed.

Strategies to Engage Youth in Hearings

- **Introductions.** Introduce all participants and explain their role. Introduce the virtual platform, including how to use and participate. Explain expectations (e.g., when they get to talk, why they will be muted when it is not their turn, etc.).
- **Explain Purpose.** Explain to youth the purpose of the hearing, why everyone is there and what will happen today.

- **Greetings.** Greet youth at the beginning of the hearing and by their name. Speak directly to them and tell them their attendance and participation is appreciated. Make sure the youth's presence is acknowledged, known, and appreciated.
- **Helping Children and Youth Feel Comfortable:** Get the youth involved by asking them about school or what they enjoy doing. Use the video view of their environment to talk about what they are doing, any pets or other things around them to make them feel more comfortable. Ask young children an ice-breaker question such as "what is your favorite animal," and then ask everyone to share what their favorite animal is, as a means to help children be as comfortable as possible before the hearing begins. Talk about positive achievements.
- **Hear from Children/Youth First:** Hear from children and youth first (especially young children) when you have their full attention. Hearing from youth at the beginning of the hearing also affords an option for them to exit if there are concerns the hearing might expose the youth to derogatory or negative comments made by parents or relatives.
- **Opportunity to be Heard:** Set aside time for private conversations with child and GAL on the line at the beginning of the hearing or at the end. Allow the youth to have their own time to speak and ensure that everyone mutes their mics so youth can have their voices heard without interruption.
- **Camera Use.** Ensure children can stay out of sight of the camera if necessary. Allow youth to stop sharing video and participate by phone only if needed. To assist with distraction when the judge is speaking with a child, require all other participants to turn off their cameras unless allowed by the court to speak.

Platform/Technology Successes

- **Breakouts.** Use breakout rooms so that youth can speak privately to their attorney, GAL or CASA if needed during a hearing.
- **Technology Assists.** Practice with youth accessing the virtual hearing ahead of time or have someone present with the child/youth to assist.

Other Successes

- **Travel/Transportation.** Since no travel is needed, youth with transportation issues are more likely to attend.
- **Atmosphere.** Virtual hearings are more relaxed and less formal, so youth feel less intimidated. Youth are used to communicating virtually so are often more comfortable than adults with the technology.

Evidence Sharing

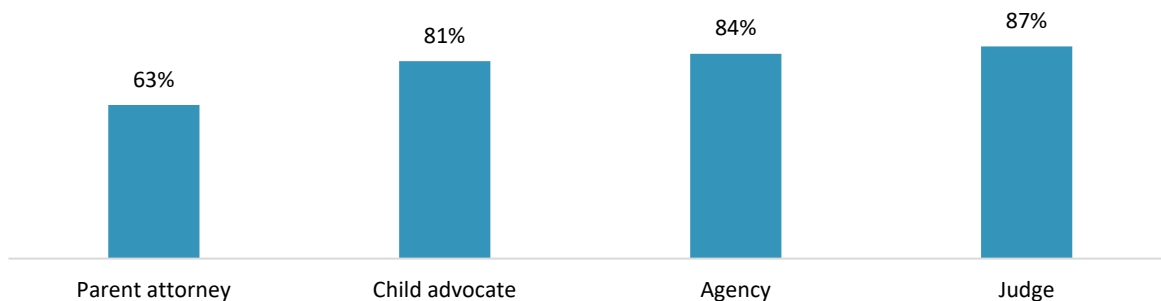
Participants were asked how they currently share evidence for cases. Figure 10 below illustrates responses in a Word Cloud. The most common response was “via email.” Other responses included through electronic filing and mailed/shared by hand. Several participants noted that a process had not been developed or that there were current challenges with sharing evidence (including agency reports) prior to the hearing. Despite this, when asked whether they felt evidence sharing was successful, 81% of participants said yes, while 19% said no.

Figure 10. Word Cloud of Ways Evidence is Shared



Evidence sharing was also explored by role. Figure 11 illustrates the percentage of judges, parent attorneys, child advocates and agency staff who feel that evidence sharing in virtual hearings is successful.

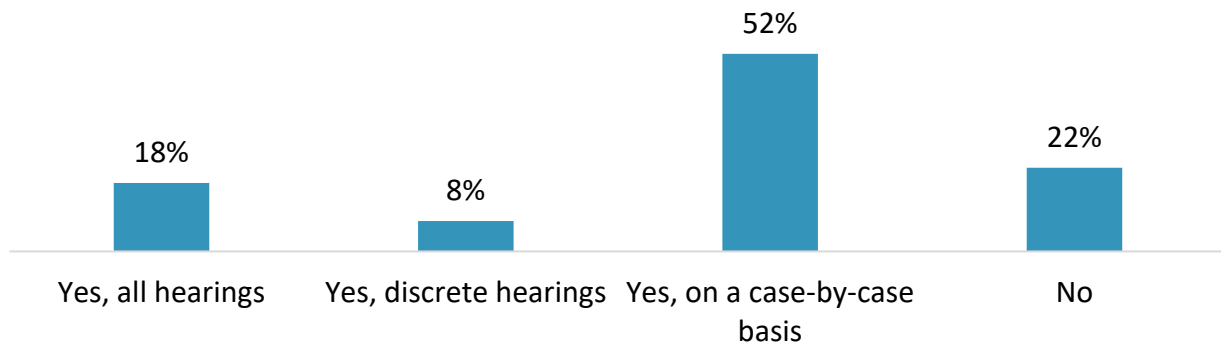
Figure 11. Percent of Professionals That Find Evidence Sharing Successful



Continuing Virtual Hearing Practice

Participants were asked when business goes back to normal, would they want to continue virtual hearing practice in child welfare cases. Seventy-eight percent of participants said yes, they would like to continue virtual hearings with the majority (52%) indicating they would like to consider it on a case-by-case basis. See Figure 12.

Figure 12. Would You Want to Continue Virtual Hearings?



If a participant responded yes, in some hearings/cases, they were asked to explain. Some identified specific types of hearings where they felt virtual practice is more or less useful than others. Table 1 includes a list of the hearing types categorized by whether participants were more or less likely to indicate that they should be held virtually, should be held in-person or whether there were mixed results (i.e., some participants said in-person and others said virtual). As noted, non-contested and review hearings were more likely to be suggested as virtual opportunities whereas contested trials and evidentiary hearings were suggested to be better in person.

Table 1. Participant Perceptions of Hearings to Be Held Remotely

More Likely to Recommend Virtual	About the Same / Mixed Results	More Likely to Recommend in Person
Status quo hearings	Disposition hearings	Evidentiary hearings
Non-contested hearings	Permanency hearings	Adjudication trials
Review hearings	Shelter Care	Termination of parental rights
Pre-trials/settlement conferences		Trials
Case scheduling		

Participants also provided thoughts on a case-by-case basis. Responses are organized by themes below.

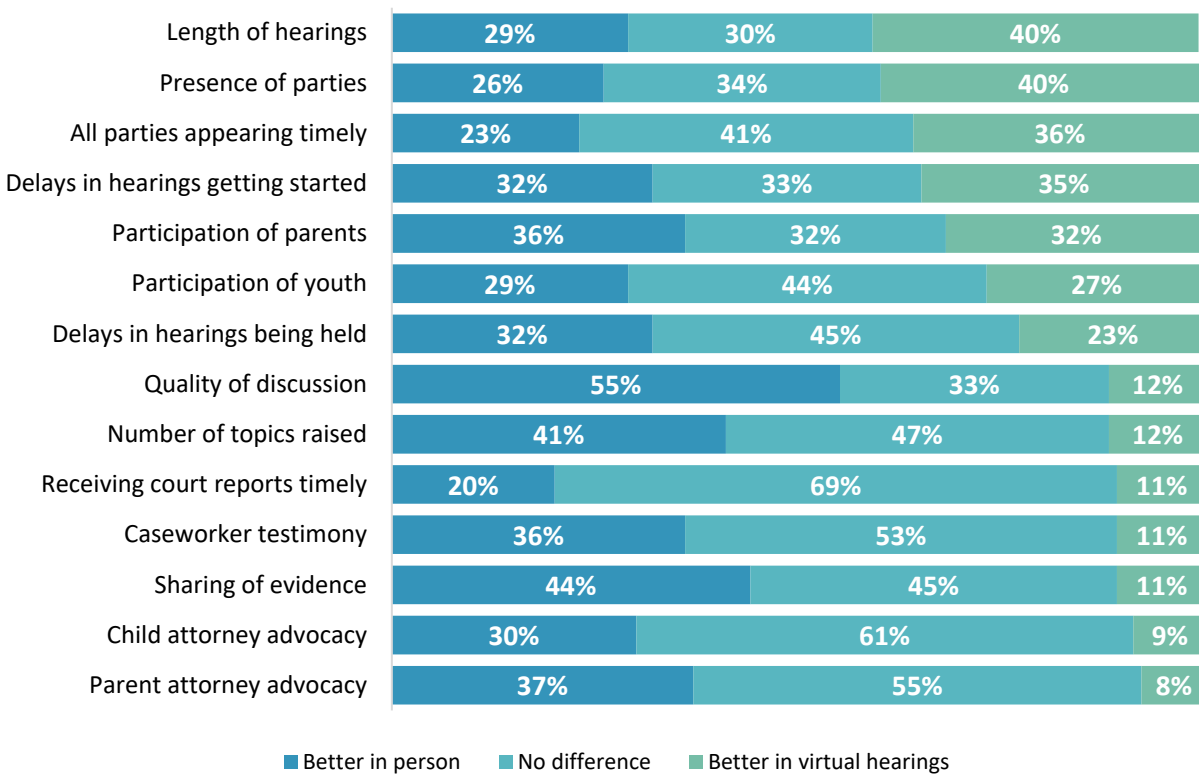
- **Parent's location.** Virtual hearings are ideal for parents or other parties who live far away from the courthouse.

- **Complexity of the case.** Virtual hearings are better suited for simpler cases. Cases with multiple parties, or interpreters may be better suited in person.
- **Domestic violence cases.** Domestic violence cases may be better suited for virtual so that the victim doesn't have to be in the same room as the perpetrator.
- **Needs of the parents.** Considerations should be given to the unique needs of the parents. These include whether the parent has trouble getting off work, whether the parent has transportation issues, and whether the parent would have anxiety if coming to court.

Virtual Comparison

Participants were asked to compare a typical virtual hearing to a typical in-person hearing on several key hearing quality dimensions. Participants were asked if they felt the practice was better in person, about the same or better virtually. Figure 13 portrays the findings.

Figure 13. Comparing Virtual to In-Person Practice



At the end of the survey participants were asked if they would like to provide any additional comments about the court's successes with virtual hearings or any barriers they experienced to implementing and participating in virtual hearings. Responses were reviewed and themes identified below (along with some examples of types of responses provided).

Benefits of Virtual Hearings

- **Facilitates greater attendance of parties** (e.g., virtual hearings have relieved the barrier of transportation for families, children, relative caretakers, foster parents, service providers, expert witnesses and support people so more parties attend).
- **Reduced delay** (e.g., ability to conduct hearings on time is improved; no more “cattle call” hearings; wait time for a hearing eradicated or reduced; hybrid model can help reduce case backlogs)
- **Improved efficiency and productivity** (e.g., much easier for attorneys to schedule appearances in multiple locations and counties; improved the quality of work by freeing up time that would have been spent waiting for or traveling to hearings).
- **Improved communication among hearing participants** (e.g., everyone can hear exactly what said; It’s easier to hear the person talking in the virtual setting and harder to talk over people; parties seem more comfortable in the virtual setting easing communication/sharing).
- **Improved communication with the judge** (e.g., communication with the judge and is more direct and facilitated).
- **Less stressful** (e.g., eliminates the stress and “chaos” of some courtroom environments, reducing stress and facilitating discussion).
- **Provided options** (e.g., has demonstrated the viability of having options, with some in-person and some virtual hearings being available for all cases).
- **Improved access to representation** (e.g., has allowed rural communities to use attorneys from other counties).

Negatives of Virtual Hearings

- **Effective communication negatively impacted** (e.g., background noise and feedback issues, people not muting themselves, dropped calls, people not understanding how to use the technology, connectivity issues, people communicate better in person; much is missed by not being able to see body language; Difficult to do effectively when interpreting services needed).
- **More difficult for attorneys to prepare** (e.g., has added more preparation time, where before attorneys could meet with clients, youth, caseworkers at court prior to the hearing, now all of that has to be done by email or phone before court begins).
- **Virtual courtroom management issues** (e.g., distracting to the judge to have multiple windows open for all participants and to have to manage the virtual setting (e.g., muting, breakout rooms) while listening to all of the parties; judges have too much power and ability to mute parties).
- **Not suitable for some hearing types** (e.g., for fact-finding or contested trials where witnesses need to be cross-examined, evidence submitted, credibility of witnesses assessed; judges cannot fully assess a witness during testimony because cameras don’t work or are spotty; people who may be off screen helping with testimony or interfering with the process).

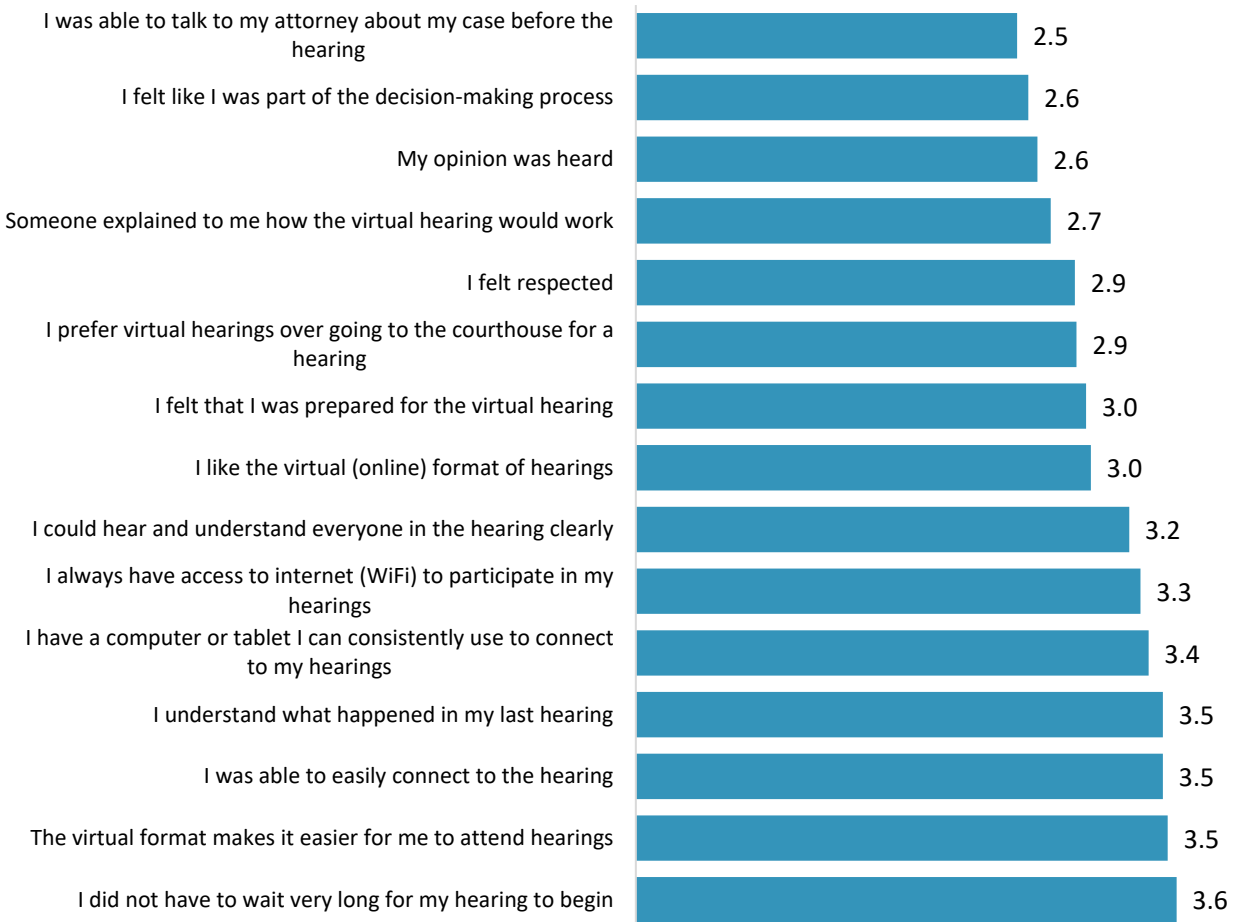
- **Disadvantages parents without resources** (e.g., many parents have access issues and struggle with using the technology, lack Wifi or phone or computer).
- **Representation challenges** (e.g., attorney and parent are not together, difficult to speak with client during the hearing, attorneys need training or guidelines on how to represent clients effectively in the virtual format).
- **Negatively impacted hearing quality** (e.g., hearings are “perfunctory” with less substantive discussion; Court decorum lost and less professionalism; too informal, not taken seriously enough by parents, too many distractions; parents, relative caregivers and foster parents have a better understanding of what is going on in the in-person setting when they can meet up after the hearing to debrief with counsel and/or the caseworker).
- **Collaboration and settlement are limited** (e.g., parties could meet face to face before and after court hearings and now they cannot, more difficult for attorneys to work things out; the loss of causal contact between the professionals is a problem).

Findings: Parent Survey

One hundred and thirty-two person completed the parent survey. They identified themselves as the mother (n=66, 54%), the father (n=21, 17%), the custodian/legal guardian (n=6, 5%), or as “other” for 24% of cases. The “other” persons included foster parents as well as some advocates, agency workers, and attorneys. These were not included in the analysis, which left 95 parent participants (N=95). Parents were also asked if they had an attorney on their case and 76% said yes.

Parents were asked to rate their agreement with a series of statements on a 5-point scale that ranged from 1=Strongly Disagree to 5=Strongly Agree. Items under three indicate a trend toward disagreement with a statement while items 3.5 or higher indicate a trend towards agreement with the statement. Figure 14 illustrates that average response for each item. Parents tended to disagree that they were able to talk to their attorney about their case, that they were part of decision making and that their opinion was heard. They were more likely to agree that they did not have to wait long for their hearings, the virtual format made it easier for them to attend, they were able to easily connect to the hearing, and they understand what happened in my last hearing. All items were highly correlated. That means that their responses to some items affected how they viewed others. For example, parents who liked the virtual hearing process were also more likely to report feeling part of the decision-making process, feeling like their opinion was heard, and having someone explain to them how the virtual hearing would work.

Figure 14. Perception of Remote Court Hearings



Parents were also asked if there were things the court could do to improve the virtual hearing process. Thirty-nine parents responded. Some made observations about the things that went well. They enjoyed seeing everyone face-to-face or felt like the judge did a good job explaining the process. Twenty-three percent of parents that responded indicated that they would prefer if court hearings went back to in-person. Some noted that the virtual process feels rushed and impersonal and does not allow them to make connections. Several noted concerns with audio quality and connection issues. Suggestions from parents included:

- Provide an opportunity for parents to speak with their attorney at the beginning of the hearing
- Allow parents an opportunity to be heard in the hearings
- Explain the hearing process, including when the parent will have an opportunity to speak
- Allow time for transition between people talking due to lag time
- Email them before the court hearing so they know how to get connected and what to expect
- Meet with the family prior to the hearing so they know everyone going in

Key Takeaways

The authors identified several key takeaways from the survey responses. Where appropriate, some considerations are noted for professionals who may be continuing this work in a virtual environment. *Note: the authors have expertise in quality child welfare hearings and this discussion is framed with best practices in mind.*

- ◆ ***Amenable to Virtual Practice.*** Participants felt most hearing types are amenable to being conducted remotely with the exception of contested trials/evidentiary hearings. The caveat to this, apparent in the comments is that the hearings have to be conducted well to work well in a virtual environment. That is, the principles of holding a high quality hearing still apply in a virtual world.
- ◆ ***Introductions (platform, purpose, format of the hearing) are important.*** This could be critical for holding remote hearings, especially early in the process. If done well, it could be a good option (remote).
 - *Consider* trainings for judges on how to start a virtual hearing, including not only the introduction of why they are here, but also the format, (like muting folks and when they will speak). Best practices suggest that clearly stating the purpose for the hearing is helpful to all parties and may help engage parents in the process. In a virtual environment that may mean more introductions as parents will not be next to their attorney to get cues on when they are allowed to speak and what is going on.
 - *Consider* creating guidelines (e.g., scripts) for walking through the process, including how to connect and what to expect.
 - *Consider* setting expectations in the room invite, in the waiting room for a virtual platform, or via notice/guides sent to parents ahead of time.
- ◆ ***Parents' Opinion Depends on Treatment in Hearing.*** Whether parents like the virtual format seems to be dependent on how they are treated and how the hearing progresses. There was a direct correlation between parents who liked the format and who felt their opinion was heard, who felt prepared for the hearing and who said someone explained how the virtual process would work. Parents who commented that they did not like the virtual format were also more likely to comment that they didn't feel heard, that the hearing felt impersonal, and that no one explained what was going to happen.
 - *Consider* opportunities to train professionals on how to engage the parents best in the hearing process. Giving parents an opportunity to be heard, preparing them for the event, and making sure they understand the purpose and the process for the day's hearing can help them have a better experience.
- ◆ ***Parents Need to Meet with Attorneys Prior.*** Parents need an opportunity to meet with attorney prior to hearing. This was noted in the stakeholder and parent survey as a challenge. Parent advocacy was also noted as better in-person.
 - *Consider* whether attorneys might benefit from a training on how to best represent their client in a virtual format.
 - *Consider* options for breakout rooms (does the technology have that, how to do it) to facilitate pre or in-hearing discuss as needed.

- *Consider* options for parents to meet attorneys and participate in the hearing with them so that they can confer if needed during the hearing.
- ◆ ***Attendance is Perceived as Better Virtually.*** Most professionals felt like parent and youth attendance is either about the same or higher in virtual hearings. Many noted successes in getting parents to hearings that could be considered as useful to others in the field.
 - *Consider* strategic use of phone/email reminders day before or day of or opportunity to call them at the time of the hearing if they do not connect.
 - *Consider* giving parents and youth the option of phone or video.
 - *Consider* practice sessions with parents and youth to make them more comfortable with the platform so they are ready to engage.
 - *Consider* opportunities to strategically use virtual attendance even if practice goes back to in-person. Some areas where it is particularly effective (per stakeholders) is when parents have transportation issues, when parents have trouble getting off of their job, or when a party lives out of state. For youth, it was noted that youth are more likely to attend if they don't miss school or can attend from their foster family's home.
- ◆ ***Parents Need a Voice.*** Parents need a voice in the process. This came up repeatedly in the parent survey, as well as in stakeholder suggestions for engaging parents successfully. Parents who felt like they had a voice were more likely to like the virtual format, but also more likely to feel like they were part of the decision-making process.
 - *Consider* whether a training might be beneficial for judges and legal professionals on how to best engage parents in a virtual setting.
 - *Consider* strategies for engagement. For example, one success noted was periodically checking in with the parents to see if they have questions, to see if they need a break, and to see if they need to speak to their attorney.
- ◆ ***Time Certain Scheduling Works Well in Virtual Hearings.*** Participants noted that virtual hearings are timelier than in person. Parents noted that they did not have to wait very long for their hearing to begin. Comments suggest that remote hearings are more likely to be set as time certain to facilitate attendance and participation of parties.
- ◆ ***Concerns that the Virtual Platform Disadvantages Some Parents.*** Across the entire sample access issues were noted for a third of parents (on average) and 24% of youth trying to attend court. It is unclear if a certain population (e.g., rural versus urban, a specific racial/ethnic group) are more likely to lack access. Professionals noted that most parents do have access to phones to call into hearings.
 - *Consider* ideas on how to promote equal access to hearings. More information is likely needed to know who has access issues in each state. Some successes for access included providing parents with technology (phone, computer, tablet, wifi) to be able to connect, designate spaces for parents to participate remotely (offsite spaces), and provide parents with a list of publicly available Wifi locations.
- ◆ ***Challenges with Settlement and Cooperation.*** Several persons noted that the lack of in-person hearings hinders the opportunity for settlement and cooperation. Sometimes settlement occurs in the hall/waiting area prior to a hearing.

- *Consider* opportunities to connect parties prior to a hearing. Some states are successfully doing all meetings, mediations, pre-trial, and settlement conferences virtually. Some states also allow parties into the hearing before the judge to create a space for conversations prior to a hearing.
- ◆ ***Virtual Hearings Are A Tool for Judges (Not the Be All End All)***. Most stakeholders did not think it should be all remote or all in person hearings. Most felt like it should be an option based on the case needs or the hearing type.
 - *Consider* bringing stakeholders together to create a plan for virtual hearings moving forward. Training might be needed to maximize the use of virtual hearings and make them meaningful.
- ◆ ***Discussion is Compromised in the Virtual Hearing***. Stakeholders believed that the topics raised for discussion and the quality of discussion are better in-person than in the virtual hearing. Some felt like it was about the same or better virtually, but most felt like in person was more meaningful. This also emerged in the comments when participants noted virtual hearings are “perfunctory” and in the recommendations that status quo hearings are best for remote.
 - *Consider* whether this is necessary or an artifact of having to move to a virtual platform without preparation. In a separate study that examined hearing practice of the same judges right before COVID (in-person) and right after COVID (remotely), discussion was actually improved in remote hearings. This may demonstrate that some sites are less comfortable facilitating discussion remotely. It might also be that stakeholders feel the discussion is less meaningful.
 - *Consider* ways to train judges, legal and agency professionals on how to hold a high-quality discussion in a virtual world.

Findings suggest that virtual hearings have pros and cons (no surprise). It appears possible to hold a high-quality hearing remotely, although stakeholder vary in their perception of which components of a high-quality hearing are better in person compared to virtual. Stakeholders noted that timeliness of holding the hearing, parties appearing timely and the presence of key parties is better virtually. Participation of parents and youth is similar in person and virtual. They also felt that attorney advocacy, presentation of evidence and discussion of key topics are better in person. This could suggest that only certain hearing types are best suited for virtual or it may mean that stakeholders require additional guidance on how to improve advocacy and discussion in a virtual setting. The data cannot make this distinction. It is important for states to consider in their own practices what makes the most sense to them. Either way, it is important to consider ways that remote hearings might be enhanced as they do appear to be a useful tool that may be helpful even when (if) practice goes back to business-as-usual.

The authors are available and happy to discuss the study, findings, and implications. Email addresses are on the cover page.

APPENDIX D

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE CREATION OF A
COMMISSION TO STUDY BEST
PRACTICES FOR VIRTUAL ADVOCACY IN
NEVADA'S COURTS

ADKT 581

FILED

MAY 19 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

PETITION

James W. Hardesty, Chief Justice of the Nevada Supreme Court, petitions the Nevada Supreme Court, on its administrative docket, to consider the creation of a Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts. In support of the petition, Chief Justice Hardesty alleges that:

1. After shutting down in March of 2020 in response to the Covid-19 pandemic, Nevada's courts sought alternative methods for conducting business. In order to maintain access to justice, courts turned to technology; the use of remote/virtual platforms became essential in conducting court business.

2. Nevada courts are currently reopening in accordance with plans approved by their respective counties, the Governor's Office, and the Nevada Health and Human Services Department.

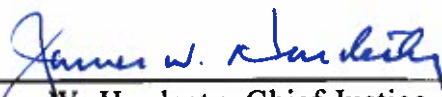
3. As the reopening process continues, members of Nevada's judiciary and the State Bar of Nevada have expressed interest in the continued use of remote/virtual options to conduct hearings and other court business.

4. As such, it is appropriate for the Nevada Supreme Court to evaluate applicable rules to govern the unified use of remote technology in Nevada's general and limited jurisdiction courts and to consider possible rule changes necessary for handling criminal, civil, and family court matters effectively using remote technology.

Accordingly, petitioner requests that the Nevada Supreme Court place this Petition on its administrative docket and, following a public hearing thereon, approve the creation of the Commission to Study Best Practices for Virtual Advocacy in Nevada's Courts, authorize the Chief

Justice to appoint members of the Commission, and require the Commission to provide its report and recommendations no later than October 31, 2021.

Respectfully submitted,


James W. Hardesty, Chief Justice

APPENDIX E

September 2020



The Quality of Legal Representation in Dependency Cases in Nevada

An Exploratory and Baseline Assessment

Alicia Summers, PhD, Director

Sophia Gatowski, PhD, Consultant

Data Savvy Consulting, LLC



The Quality of Legal Representation in Dependency Cases in Nevada: An Exploratory and Baseline Assessment

Executive Summary

Purpose

This report presents findings from an exploratory and baseline study of legal representation for parents and children in dependency cases. The goal of the study was to provide the Nevada Court Improvement Program (NVCIP) with a list of performance measures that can be used in future evaluations of the effectiveness of parents' and children's representation in dependency cases. In addition, the study provides baseline data about parents' and children's attorneys' performance that can be used in future evaluation efforts assessing interventions, trainings, or other practice improvements aimed at enhancing parent and child representation.

Methods

The study used a mixed method approach:

- **Literature Review:** First, we conducted a comprehensive literature review of research examining legal representation in dependency cases, as well as best practice guidelines and recommended performance measures for parents' and children's attorneys in dependency cases.
- **Online Survey:** Findings from the literature review were used to design an online survey of stakeholders from Nevada's Community Improvement Councils (CICs) about attorney experience handling dependency cases; the training they have received; dependency caseload and tasks/activities of parents' and children's attorneys/advocates; perspectives on appropriate performance measures; the features of high quality legal representation; and how parents' and children's attorneys/advocates might improve.
- **Secondary Analysis:** To establish baseline data on the presence and participation of attorneys in dependency cases and impacts on child welfare outcomes, datasets from prior research projects were re-analyzed. While these datasets were developed for other purposes (e.g., evaluation of Nevada's dependency mediation program and dependency hearing quality studies), some of the case file review data in those datasets were relevant to an assessment of legal representation (e.g., presence of attorneys in hearings).
- **Court Observation:** A random sample of recorded dependency hearings were obtained from five of Nevada's judicial districts. Using a structured court observation instrument, hearings were evaluated to explore the presence and advocacy of attorneys in those hearings.

Key Findings

Key findings are summarized below under each of the key measurement domains of interest to the current study (performance measures, characteristics of representation for parents and

children in dependency cases, and the quality of legal representation). Implications for the findings are also discussed.

Performance Measures for Parent and Child Representation in Dependency Cases

The literature review identified relevant performance measures for parent and child representation in dependency cases as well as case process and permanency outcomes associated with high quality legal representation (QLR) programs. Performance measures identified included a number of process measures (e.g., active participation in the case, client engagement, and case investigation), client satisfaction measures (e.g., satisfaction with representation/advocacy, satisfaction with case result) and case outcome measures (e.g., timely appointment, timely permanency, and permanency outcome). All of the performance measures have been used, to varying degrees, in research examining the quality and effectiveness of legal representation practices and model programs.

Survey respondents (N=42) were asked to consider a list of performance measures derived from the literature review and to rate the degree to which they believed they are important performance measures for determining QLR for parents and children in dependency cases in Nevada. The most important QLR performances measures (measures receiving the most overall endorsement by survey respondents) for both parents' and children's attorneys/advocates were:

- Client Satisfaction: Believe the representative helped them understand what they had to do in the case/understand the case process
- Client Satisfaction: Believe voice has been heard/concerns were listened to
- Client Satisfaction: Had regular contact with the representative
- Permanency Outcome: Increased rates of reunification

Current Representation for Parents and Children in Dependency Cases in Nevada

While the survey sample was small (a total of 42 respondents from 7 of the 11 judicial districts), responses received provide a snapshot of current representation for parents and children in dependency cases in Nevada.

Workload/Caseload: With respect to workload/caseloads, parents' attorneys (n=5) reported spending 15-80 hours on non-complex dependency cases and 30-120 hours on complex cases. Children's attorneys/advocates (n=4) reported spending 24-75 hours on non-complex dependency cases and 30-175 hours on complex dependency cases.

Continuity: Survey respondents (n=27) reported that attorney/advocates for children were the least likely to change over the duration of the case, with 30% reporting that children's attorneys/advocates "never" change in cases and 55% reporting that they "rarely" change. Although parents' attorneys were reported as changing more often in the case, their continuity was still strong with the majority of survey respondents (70%) noting that attorneys for mothers and fathers "rarely" change over the duration of the dependency case.

Appointment and Presence: Most survey respondents (63%) reported that an attorney for the parent is appointed early-on in a dependency case (prior to the 72-Hr hearing). Secondary analysis of existing data from 2014 found that it took an average of 21 days from removal for a

parent to be appointed an attorney and 13 days from removal for a child/youth to be appointed an attorney. Mother's attorney presence at hearings has ranged in the datasets from a high of 86% of all hearings in 2014 (n=105) to a low of 53% of all hearings in 2017 (n=128). In the 2020 hearing observation sample, 69% of hearings had a mother's attorney present (n=123). For father's attorneys, presence at hearings has ranged from a high of 78% of all hearings in 2014 to a low of 47% of hearings in 2017. In the 2020 hearing observation sample, 53% of all hearings had an attorney for the father present. The presence of children's attorneys has increased in each year of data collection, from 88% in 2014, to 89% in 2017, and 93% of all hearings in 2020. In the 2014 data, the presence of a mother's attorney and a child's attorney/advocate across the life of the case predicted higher rates of reunification and timelier permanency outcomes.

Tasks/Activities and Advocacy in Dependency Cases: When asked about the frequency with which specific "best practice" tasks/activities were performed, the tasks performed the most often by parents' attorneys were: attending child abuse and neglect hearings and attending settlement conferences prior to the termination of parental rights. The tasks parents' attorneys performed the least often were: attending family group conferences, conducting their own investigations in cases, debriefing with the client after hearings, and consulting with the child's representative (attorney or CASA) about the case. The tasks performed the most often by children's attorneys/advocates were: attending child abuse and neglect hearings, advocating for the child/youth at hearings, and attending mediations. The tasks children's attorney/advocates performed the least often were: meeting with the child/youth before the day of the hearing, meeting with the child/youth between hearings or outside of the court hearings, and conducting their own investigation in cases.

The random sample of recorded hearings were coded to assess the level of attorney advocacy observed in those hearings. Advocacy was defined as the attorney doing something in the hearing on behalf of their client (e.g., taking a position on an issue and arguing that position, objecting to testimony, making a motion to the court, advocating for placement, services, visitation or assessments). On the other hand, merely providing updates or general information to the court was not coded as providing advocacy. Following this coding convention, we found:

- 54% of all hearings observed had active advocacy by the mother's attorney;
- 62% of all hearings observed had active advocacy by the father's attorney; and
- 32% of all hearings had active advocacy by the children's attorney/advocate.

Training: The training topics that parent and child attorney/advocates report receiving the least amount of training on were client engagement (just 20% of parents' attorneys and 25% of children's attorneys). All of the parents' and children's attorneys reported having received training on child abuse and neglect laws (federal and state) and on alternative dispute resolution models and procedures.

Quality of Representation for Parents and Children in Dependency Cases

Features of high-quality legal representation for parents, according to survey respondents, included: being well-versed in the facts of the case and the law, frequently meeting with clients, being a strong advocate in hearings, assisting parents understand the court process, and understanding the issues faced by families involved in the child welfare system (e.g., trauma,

substance abuse, mental health and domestic violence). Similar features of high-quality representation for children were identified: being well-versed in the law, regularly meeting with children and their caregivers, advocating for the child/youth in court hearings, and having an understanding of child development and issues faced by children in dependency cases (e.g., trauma).

When asked how parents' attorneys can improve, survey respondents (n=21) suggested:

- Better communication with clients
- More frequent and meaningful contact with clients
- More training on child welfare law, topics and issues facing families in dependency cases (particularly for private attorneys)
- Better understanding of the child welfare agency's policies and practice model
- Better understanding of collaborative team/problem-solving approach in child welfare cases (e.g., the need balance being collaborative and advocating an adversarial position for parents if required).

When asked how children's attorneys/advocates can improve, survey respondents (n=22) suggested:

- Meeting with the child/youth they represent more frequently
- More training on trauma (e.g., how to engage children/youth who have been the victims of trauma and the services needed to overcome trauma)
- Better understanding of available community resources
- Reduced caseloads in order to facilitate more frequent and meaningful engagement with the child/youth

Implications for Findings

The findings of this study can be used to inform the development of a more robust evaluation to better assess the quality of legal representation in dependency cases in Nevada. Unfortunately, due to practice and policy changes put in place in response to the COVID-19 global pandemic, a more in-depth study became impractical. The survey, for example, was launched just prior to COVID-19 practice and policy changes, and although reminders were sent out to encourage responses, response rates may have been negatively impacted. Future evaluation efforts examining the quality of legal representation in Nevada should expand upon the survey conducted in this study to include the voices of more court stakeholders, including more CASA (as their response rate was particularly low) as well as ensuring respondents from all of the judicial districts participate.

Despite this limitation, the current study provides valuable information to use in future evaluations of the quality of representation for parents and children in Nevada's dependency cases.

- Performance measures were identified that can be used in future evaluations of parent and child representation practice. Some of these performance measures were also strongly endorsed by both parents' attorneys and children's attorneys/advocates as relevant and important measures to determine the quality and effectiveness of their representation practice. These included three specific measures of client satisfaction,

indicating that future evaluation efforts should examine client satisfaction through surveys or focus groups with parents and children/youth.

- Secondary analyses revealed current strengths of representation, such as early appointment and strong continuity for parents' and children's attorneys/advocates that should continue to be tracked -particularly as timely appointment and presence of attorneys for mothers and children across the life of the case were found to be associated with improved case processing timelines and permanency outcomes in prior research.
- Findings of the current study can be considered baseline information for future evaluations examining the quality of legal representation. For example, while limited due to the small sample size, the survey provides baseline about the frequency with which tasks are self-reported by attorneys as being performed in dependency cases. Baseline data about timely appointment and presence of attorneys in hearings (from the secondary analysis of previous case file reviews) are provided in the current study, as well as baseline data about the presence and advocacy level of attorneys in hearings (from court observation).
- The definitions of high-quality representation for parents and children described by the survey respondents, as well as the practice areas identified as in "need of improvement," can be used to inform training and curricula development. The survey found that client engagement, for example, was an area where attorneys reported having little training. This information may be used to audit current training to determine if trainings do (or do not) include sufficient attention to client engagement strategies. New training opportunities can also be developed to help attorneys actively engage with their clients whether those clients be parents or youth.
- Not explored in the current study, but worthy of future research, is the quality of district attorney/attorney general representation in dependency cases. This is an understudied area of legal practice nationally and would be important to undertake in Nevada. Adding a focus on district attorney/attorney general representation practice would provide a more complete picture of the quality and effectiveness of legal representation in dependency cases. Similarly, the quality of CASA representation should be considered in future evaluation efforts.

The Quality of Legal Representation in Dependency Cases in Nevada: An Exploratory and Baseline Assessment

Introduction

Quality representation and due process for all parties in the child welfare system is essential, but not always achieved. The Nevada Court Improvement Program (NVCIP), funded by the federal Children's Bureau contracted with Data Savvy Consulting to design and implement a study that would provide descriptive information and baseline data to the Nevada CIP about current representation models and quality of legal representation (hereinafter QLR) in dependency cases in Nevada. This report integrates findings from a literature review, online survey findings, secondary analysis of existing data, and court hearing observation to create a baseline report of QLR in Nevada. The report includes suggestions for next steps and ways to enhance data collection of QLR in Nevada, including providing information about appropriate performance measures to assess legal representation in dependency cases in future evaluation efforts.

Methods

Literature Review. A comprehensive review of the literature examining legal representation in dependency cases was undertaken to determine what has been done to assess representation practice, refine the current study's research questions, and to identify performance measures that have been proposed in the field. As part of this review, the research team also engaged in discussions with Nevada's Community Improvement Councils (CICs) to better understand how they would define QLR and to solicit their input on appropriate performance measures for parent and child representation in dependency cases. In addition, discussions with the CICs helped to identify current models for appointing representation for children and parents in Nevada's dependency court system.

Online Survey. An online survey was conducted to inform the overall project's research design and to obtain input from legal and other court stakeholders about QLR in dependency cases in Nevada. Findings from the literature review of QLR in dependency cases were used in the development of survey questions. This included identifying a list of performance measures for legal representation in dependency cases found in the literature that survey respondents could reflect upon and assess the degree to which they believed they were important performance measures for future evaluations of parents' and children's attorney practice in Nevada. In addition, at the request of the NVCIP, survey questions were included about the practice changes made by judicial districts in light of the COVID-19 pandemic and any challenges faced as a result (findings from that component of the survey are presented in a separate report focused on virtual hearing practice post COVID-19 entitled: *Nevada Court Improvement Program Remote Hearings Study*).

The final QLR online survey topics were:

- Stakeholder Role, Judicial District and Years of experience
- Caseloads/Workload
- Tasks/Activities in Dependency Cases
- Attorney Continuity, Appointment Practice and Representation Model Followed
- Training Undertaken
- Appropriate Performance Measures for Parents' and Children's Attorneys
- Definitions of Quality Legal Representation
- Assessments of Legal Representation and Suggestions for how Parents' and Children's Attorneys can Improve their Practice
- COVID-19 Practice and Challenges

Secondary Analysis. To establish baseline data on the presence and participation of attorneys in dependency cases and its impact on child welfare outcomes, datasets from prior projects were re-analyzed. While these datasets were developed for other purposes (e.g., evaluation of Nevada's dependency mediation program and dependency hearing quality), some of the case file review data in those datasets were relevant to an assessment of QLR (e.g., presence of attorneys in hearings).

Court Observation. A random sample of recorded dependency hearings were obtained from five of Nevada's judicial districts. The hearing sample in each judicial district included in-person hearings conducted prior to COVID-19 and virtual hearings conducted post COVID-19. Using a structured court observation instrument, pre and post COVID-19 hearings were evaluated to explore the presence and advocacy of attorneys in those hearings.

FINDINGS: LITERATURE REVIEW

Performance Measures for Parents' and Children's Attorneys in Dependency Cases

Our review of the research literature examining quality legal representation in dependency cases, as well as our review of best practice standards for parent and child representation such as those developed by the American Bar Association and the National Association of Counsel for Children, identified a number of relevant performance measures for attorneys who represent parents and children in dependency cases. These performance measures, which include process measures (e.g., active participation in the case, client engagement, and investigation), client satisfaction measures and case outcomes are outlined in Table 1 and 2 below.

Table 1: Child/Youth Attorney Performance Measures¹

Process Measures – Quality Legal Representation Tasks

<p>Actively Participate in A/N Case</p>	<ul style="list-style-type: none"> • Participate in depositions, negotiations, discovery, pre-trial conferences and court hearings • Attend and participate in all hearings • Make appropriate motions, including objections • Present evidence (e.g., present and cross examine witnesses, offer exhibits, etc.) • Post-hearing, review court's order and communicate order to child • Monitor implementation of court's order • File pleadings: file petitions, motions, responses, or objections
<p>Client Engagement</p> <ul style="list-style-type: none"> • At Court Hearings • Meeting with Child/Youth • Counsel 	<ul style="list-style-type: none"> • Visit with child prior to court hearings • At Court Hearings: explain what is expected to happen before, during and after hearings; prepare child to be witness • Visit with child when apprised of emergencies or significant events impacting on child • Counsel child about subject matter of litigation, child's rights, the court system, the proceedings, the lawyer's role, what to expect from legal process
<p>Investigate</p>	<ul style="list-style-type: none"> • Conduct thorough, continuing and independent investigations and discovery (e.g., review child's social services, treatment records, school records, etc.) • Reviewing court files of child and siblings and case-related social services records • Contacting lawyers for other parties and non-lawyer GALs or CASA for background info • Contacting and meeting with parents/legal guardians of the child with permission of their lawyer • Interviewing individuals involved with the child (including school personnel, caseworkers, foster parents, etc.). • Reviewing relevant evidence • Attending treatment, placement, administrative hearings and other proceedings involving legal issues
<p>Services/Resource Identification</p>	<ul style="list-style-type: none"> • Identify appropriate services for the child • Identify appropriate family resources for child placement

	<ul style="list-style-type: none"> Request services consistent with the child's wishes (e.g., sibling and family visitation, drug and alcohol treatment, etc.)
Delay Reduction	<ul style="list-style-type: none"> Attempt to reduce case delays (i.e., request continuances only when absolutely necessary) Negotiate settlements to seek expeditious resolution of the case
Client Satisfaction Measures	
Satisfaction with permanency outcome achieved	
Satisfaction with overall representation from beginning to end of case	
Belief voice has been heard/concerns were listened too	
Belief representative helped them access services, family time or treatment	
Belief representative helped them understand what they had to do in the case/understand the process	
Belief representative advocated for their position, interests or goals	
Satisfaction they had regular contact with representative	
Belief representative treated them with respect	
Outcome Measures	
Permanency	
Timely appointment	<ul style="list-style-type: none"> Percent of cases with counsel appointed prior to filing of petition Percent of cases with counsel appointed at or prior to 72-hour hearing
Timely Permanency	<ul style="list-style-type: none"> Reduction in the median/mean days to achieve permanency (case closure) Percent of cases achieving permanency within 12 months or 24 months of original petition filing Percent of cases in which the child re-entered within 6 months and 12 months of case closure
Permanency Outcome	<ul style="list-style-type: none"> Increased rates of permanency outcomes (e.g., reunification, placement with relative or guardianship with relative, adoption) Reduced rate of "aging-out"/APPLA case outcome

Table 2: Parents' Attorney Performance Measures²

Process Measures – Quality Legal Representation Tasks	
Actively Participate in A/N Case	<ul style="list-style-type: none"> • Review petition and all child welfare agency case files; Obtain all necessary documents including all copies of pleadings and notices filed by other parties and information from caseworkers and providers; When needed use formal discovery methods to obtain information • Take diligent steps to locate and communicate with missing parent • Cooperate and communicate regularly with other professionals in the case • Develop a case theory/strategy to follow at hearings and negotiations • Timely filing of all pleadings, motions and briefs • Identify, locate and prepare witnesses including expert witnesses • Attend and prepare for all hearings including pre-trial conferences and mediations • Prepare and make all appropriate motions and evidentiary objections • Present and cross-examine witnesses • Prepare proposed findings of fact, conclusions of law and orders • Post-hearing review court orders • Take reasonable steps to ensure client complies with court orders
Client Engagement <ul style="list-style-type: none"> • At Court Hearings • Meeting with Client • Counsel 	<ul style="list-style-type: none"> • Explain hearing process, goals and purpose to client • Prepare client to testify in hearings • Advocate for client goals and empower client to direct the representation • Meet and communicate regularly with client before court hearings • Counsel client about all legal matters, including specific allegations, service plan, client's rights, any orders, potential consequences of non-compliance
Investigate	<ul style="list-style-type: none"> • Conduct thorough and independent investigation at every stage of case • Interview client well before each hearing in time to use information for case investigation
Services/Resource Identification	<ul style="list-style-type: none"> • Engage in case planning and advocate for appropriate social services

	<ul style="list-style-type: none"> • Advocate for visitation in family-friendly setting
Delay Reduction	<ul style="list-style-type: none"> • Attempt to reduce case delays (i.e., request continuances only when absolutely necessary) • Negotiate settlements to seek expeditious resolution of the case when appropriate with client's permission
Client Satisfaction Measures	
Satisfaction with permanency outcome achieved	
Satisfaction with overall representation from beginning to end of case	
Belief that voice has been heard/concerns were listened too	
Belief representative helped them access services, family time or treatment	
Belief representative helped them understand what they had to do in the case/understand the process	
Belief representative advocated for their position, interests or goals	
Satisfaction they had regular contact with representative	
Belief representative treated them with respect	
Outcome Measures	
Permanency	
Timely appointment	<ul style="list-style-type: none"> • Percent of cases with counsel appointed prior to filing of petition • Percent of cases with counsel appointed at or prior to 72-hour hearing
Timely Permanency	<ul style="list-style-type: none"> • Reduction in the median/mean days to achieve permanency (case closure) • Percent of cases achieving permanency within 12 months or 24 months of original petition filing • Percent of cases in which the child re-entered within 6 months and 12 months of case closure
Permanency Outcome	<ul style="list-style-type: none"> • Increased rates of permanency outcomes (e.g., reunification and/or permanent placement with relative) • Reduced rate of "aging-out"/APPLA case outcome

The Features of High-Quality Legal Representation in Dependency Cases

Although a large scale and reliable national study on the impact of parent and child/youth representation in dependency cases has yet to be completed, data from several evaluations of model legal representation programs uncovered in our literature show the potential benefits that quality parent and child representation can provide. In fact, a growing body of evaluation research has demonstrated that high quality parent and child representation significantly improves case processing and outcomes for families. “High quality” in these studies has been defined as representation programs with lower caseloads, early appointment of counsel (e.g., by the initial hearing), sufficient interdisciplinary support such as social work and investigatory services, and ongoing specialized training in child abuse and neglect case practice.¹ These features of parent and child representation programs have been associated in evaluation studies with the following positive outcomes:

High-Quality/Model Parents’ Representation

- Improved hearing timeliness;³
- Improved time to permanency;⁴
- Increased reunification;⁵
- Increased relative placement/guardianships;⁶
- Increased dismissal of the petition;⁷
- Improved parent engagement;⁸
- Increased services, visitation, assessments;⁹ and
- Child safety.¹⁰

High-Quality/Model Children’s Representation

- Improved time to achieve permanency for children who had an attorney from a model program assigned within the first six months of coming into care.¹¹
- Reduced case processing timelines;¹²
- Increased rates of reunification;¹³
- Increased adoption or guardianship;¹⁴
- Increased placement with relatives;¹⁵ and
- Increased orders for services, assessment, visitation.¹⁶

¹ See for example, American Bar Association (2006). *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*. Available online at https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf

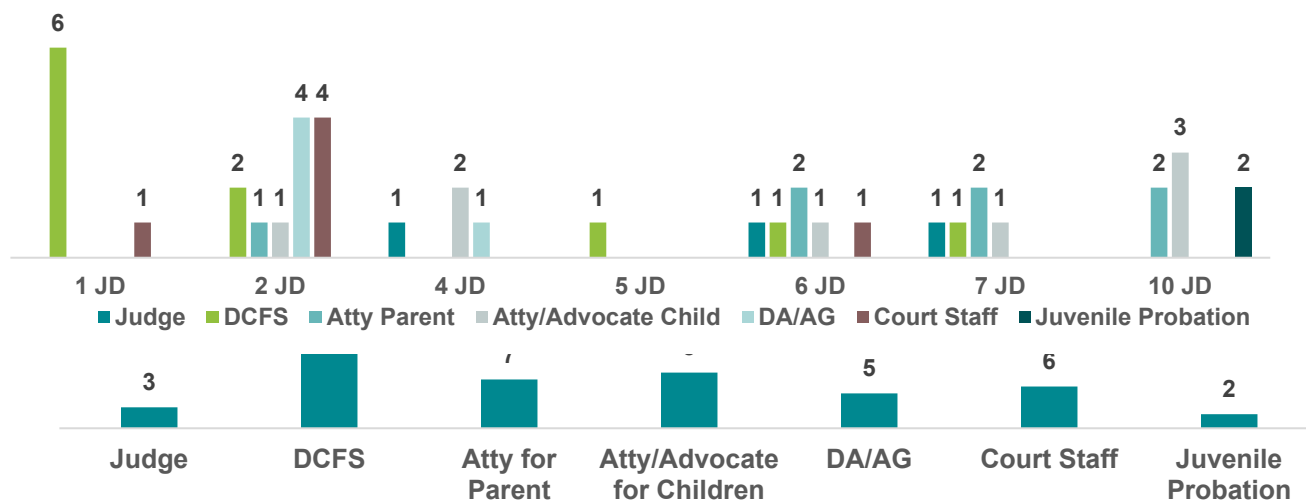
FINDINGS: STAKEHOLDER SURVEY

Stakeholders from each of the CICs were invited to participate in an online survey. Although the NVCIP encouraged participation and reminders were sent out to each CIC to complete the survey, the total number of completed surveys received was low (N=42) and not all judicial districts ended up being represented. In addition, a number of respondents dropped out and did not complete all of the survey. This small sample and survey drop out pattern may be due, in part, to the fact that the survey was released just prior to the significant court-based practice changes put in place because of the COVID-19 pandemic. Despite the small final sample size, however, responses to the survey provide an informative snapshot of stakeholders' perceptions of parent and child attorney practice in Nevada and perspectives on appropriate performance measures for future evaluation efforts.

Survey Sample

A total of 42 court stakeholders completed the online survey. Most respondents were from the 2nd Judicial District (28%; n=12 of 42), followed by the 1st Judicial District (17%; n=7 of 42) and 10th Judicial District (17%; n=7 of 42). Looking at survey respondents by role, most survey respondents were from DCFS (26%; n=11 of 42), followed by attorneys and/or advocates for children 19%; n=8 of 42), attorneys for parents (17%; n=7 of 42), court staff (14%; n=6 of 42) and District Attorneys/Attorney Generals (12%; n=5 of 42).

Figure 3: Survey Respondents by Judicial District and Role (N=42)



Respondents were asked to report the years of experience they had practicing in their role in their judicial district. Responses ranged from a low of less than 1 year to a high of more than 20 years. The entire survey sample reflects an average of 8.67 years of practice experience.

Caseload and Workload Estimates

Parents' Attorneys

Parents' attorneys responding to the survey were asked to estimate their overall and child abuse and neglect caseload, as well as the time they spent on both straightforward (non-complex) or complex child abuse and neglect cases.² Responses are summarized in Table 3.

Table 3: Child Abuse and Neglect Caseload and Workload Estimates: Attorneys for Parents (n=5)			
Caseload			
Overall (regardless of case type)		Percent of Caseload is Child Abuse and Neglect Cases	
Range = 30-120 cases	Average = 65 cases	Range = 5% to 100%	Average = 27%
Child Abuse and Neglect Workload			
Hours Spent in Straightforward (Non-Complex) Child Abuse and Neglect Cases		Hours Spent in Complex Child Abuse and Neglect Cases	
Range = 15 -80 hours	Average = 32.4 hours	Range = 30-120 hours	Average = 47.2 hours

When asked to describe what they think of as “straightforward” vs. “complex” child abuse and neglect cases, parents' attorneys offered the following descriptions:

Straightforward or non-complex child abuse and neglect case:

- *“A parent who will work to sobriety to regain their child.”*
- *“Client is working case plan. Agency recognizes their progress and is moving them forward accordingly. No TPR action pending; no other actions pending”*
- *“Smaller family, consistent engagement”*
- *“Removal w/ simple issues and swift closure after a few months (less than 6)”*
- *“Parent acknowledges issues, cooperates with DCFS, etc.”*

Complex child abuse and neglect cases:

- *“A parent who cannot overcome addiction.”*
- *“TPR pending, client is not working case plan or doesn't agree with case plan, Agency is openly against client reunifying; other actions or motions pending.”*
- *“Multiple parents in different areas, different levels of engagement, in consistent participation.”*
- *“Generally, ones that last a year or more, and sometimes require mediation and/or involve possible termination.”*
- *“Parent does not acknowledge issues, or recognize issues with DCFS reports, case is more contested than cooperative.”*

Children's Attorneys/Advocates

² Two parents' attorneys did not provide answers to this section of the survey.

Children’s attorneys/advocates responding to the survey were asked to estimate their overall and child abuse and neglect caseload, as well as the time they spent on both straightforward (non-complex) or complex child abuse and neglect cases.³ Responses are summarized in Table 4.

Table 4: Child Abuse and Neglect Caseload and Workload Estimates: Attorneys/Advocates for Children (n=4)			
Caseload			
Overall (regardless of case type)		Percent of Caseload is Child Abuse and Neglect Cases	
Range =25-80	Average = 53 cases	Range = 8% to 95%	Average =34%
Child Abuse and Neglect Workload			
Hours Spent in a Straightforward (Non-Complex) Child Abuse and Neglect Case		Hours Spent in a Complex Child Abuse and Neglect Case	
Range = 24 -75 hours	Average = 38.5 hours	Range =30-175 hours	Average = 85.2 hours

When asked to describe what they think of as “straightforward” vs. “complex” child abuse and neglect cases, some of the children’s attorneys offered the following descriptions:

Straightforward or non-complex child abuse and neglect case:

- *“Uncontested.”*
- *“The parents immediately begin working to have the children returned, and there are no additional issues that arise during the representation, other than what brought the children into the system in the first place”*
- *“A standard process.”*

Complex child abuse and neglect cases:

- *“Highly contested with numerous court hearings and meetings.”*
- *“This is a parent/parents who are not immediately responsive to the case or there is complex family dynamics that make placement and safety for the children unique or extraordinary.”*
- *“Litigation.”*

Attorney Continuity, Appointment Practice and Child Representation Model Followed

Attorney Continuity

³ Four children’s attorneys/advocates did not complete this section of the survey.

Respondents reported that attorney/advocates for children were the least likely to change over the duration of the case, with 30% reporting that children’s attorneys/advocates “never” change in cases and 55% reported that they “rarely” change. Although parents’ attorneys were reported as changing more often in case, the continuity of parents attorneys was also reported as being strong, with the majority of respondents (70%) reporting that attorneys for mothers and fathers “rarely” change over the duration of the case. In addition, when asked if the same parent’s attorney represented the parent at the termination of parental rights phase of the case in their juridical district, most (59%) responded that “yes, mostly.” See Figures 4 and 5.

Figure 4: Frequency Counsel Changes Over the Duration of the Case (n=27)

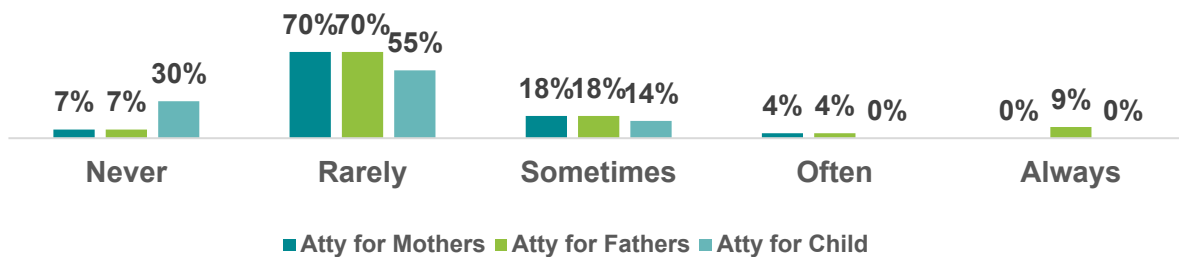
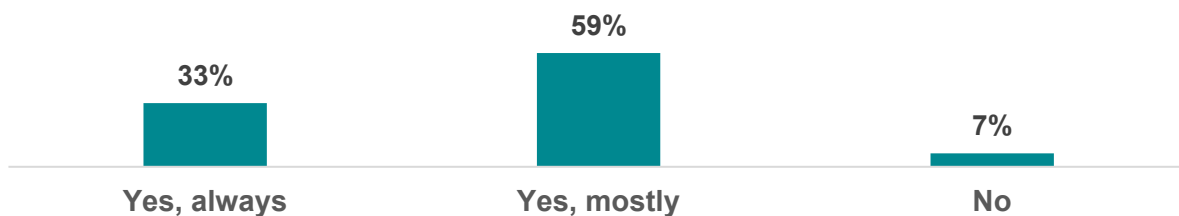


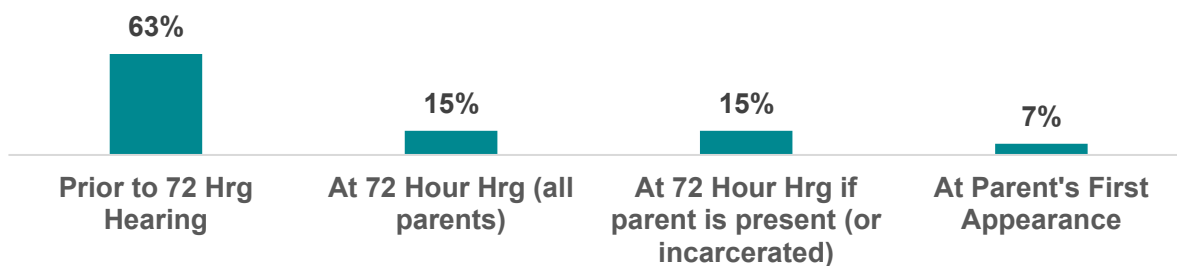
Figure 5: Does the Same Attorney Represent the Parent at the TPR Phase of the Case? (n=27)



Parent Attorney Appointments

Most survey respondents (63%) reported that an attorney for the parent is typically appointed prior to the 72-Hr Hearing in child abuse and neglect cases. Respondents also noted that mothers and fathers are typically provided their own attorney in the majority (95-100%) of cases. See Figure 6.

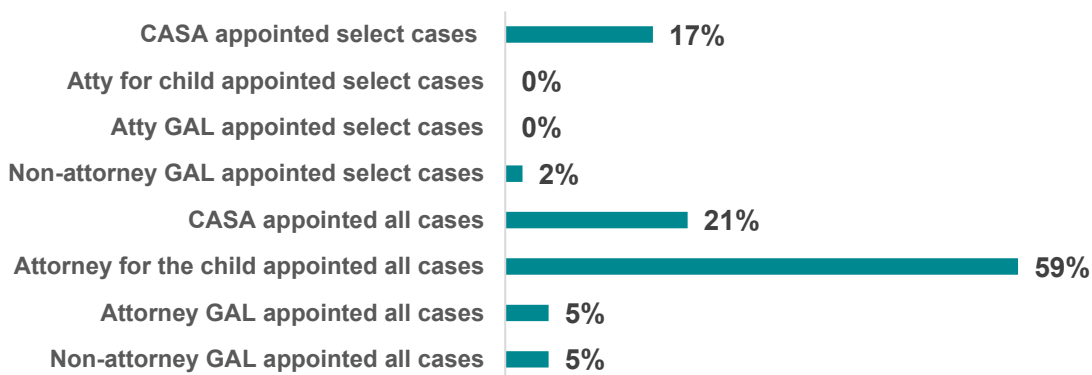
Figure 6: Stage of Case an Attorney for the Parent is Typically Appointed in your Judicial District (n=27)



Model of Child Representation

When asked to indicate which model of child representation was used in their judicial district, most responses (59%) indicated that “an attorney for the child is appointed in all cases.” An additional 17% of responses indicated that “a CASA was appointed to represent the child in all cases.” See Figure 7.

Figure 7: Model of Child Representation Used in Your Jurisdiction
 (% may sum to over 100 as respondents can check all that apply)



When asked about the type of child representation model followed in their judicial district (e.g., best interests, child wishes, or other) most respondents (44%) noted that an “other” model of child representation was followed. Comments provided explaining what an “other” model was, indicated that the child’s representative represents best interests and child wishes depending on the child’s age and needs, availability, as well as the specific case circumstances. See Figure 8.

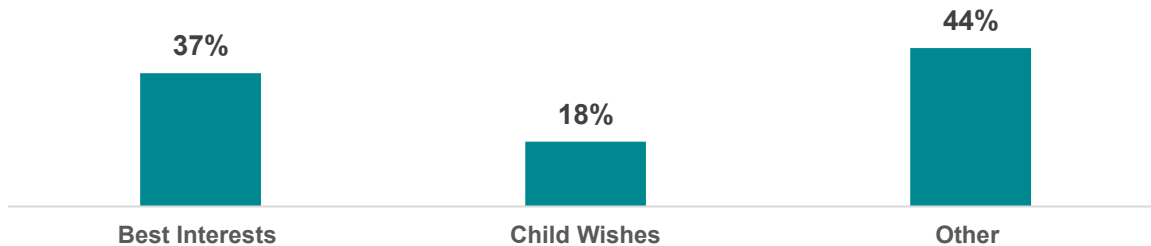
Comments on child representation models included:

- “Attorney appointed for all; CASA appointed when children remain in local area and when a CASA is available (5th JD.)”
- “An attorney for the child is appointed when parent client is incapacitated in some way

(2nd JD.)”

- “Higher needs cases are provided GAL’s because there isn’t enough volunteers for all cases (1st JD).”
- “Depends on availability whether an attorney will be appointed (1st JD).”

Figure 8: Model of Child Representation Followed (n=27)



Attorney Tasks/ Activities in Dependency Cases

Parents’ Attorneys

Parents’ attorneys were provided with a list of specific tasks and activities associated with high-quality legal representation practice (derived from the review of the literature on best practices in parents representation) and asked to rate the degree to which they performed those tasks on a scale from “never” to “almost always/always.” The tasks parents’ attorneys reported doing the most often were attending child abuse and neglect hearings and attending settlement conferences prior to termination of parental rights hearings. The tasks parents’ attorneys reported doing the least often were attending family group conferences or similar family engagement meetings, conducting their own investigations on the case, debriefing with the client after the court hearing, and consulting with the child’s representation (e.g., attorney or CASA) about the case. See Table 6 below.

Table 5: Frequency Parent Attorneys Self-Report Performing Specific Tasks in Child Abuse and Neglect Cases (n=5).

Tasks	Never	Rarely	Sometimes	Often	Always/ Almost Always	Weighted Average
Attend Family Group Conferences or Similar Family Engagement Meetings	0%	20%	40%	20%	20%	3.40
Attend Pre-Hearing Conferences	0%	0%	40%	20%	40%	4.00
Attend A/N hearings	0%	0%	0%	0%	100%	5.00
Consult with social worker about case	0%	0%	0%	40%	60%	4.60
Consult with Child Rep (e.g., attorney or CASA) about case	0%	20%	20%	40%	0%	3.80

Conduct your own investigation on the case	0%	0%	40%	60%	0%	3.60
Meet with client before day of hearing	0%	0%	0%	40%	60%	4.60
Meet with client between/outside of court hearings	0%	0%	0%	40%	60%	4.60
Prepare client for the court hearing	0%	0%	0%	20%	80%	4.80
Debrief with the client after the court hearing	0%	0%	40%	40%	20%	3.80
Receive timely agency reports prior to disposition hearing	0%	0%	20%	20%	60%	4.40
Receive timely agency reports prior to permanency hearing	0%	0%	20%	20%	60%	4.40
Have opportunity to provide input into your clients' family time (visitation)	0%	20%	0%	0%	80%	4.40
Have opportunity to provide input regarding your clients' treatment plan or services	0%	0%	20%	0%	80%	4.60
Attend mediations	0%	0%	20%	20%	60%	4.40
Attend settlement conferences prior to adjudication	0%	0%	40%	0%	60%	4.20
Attend settlement conference prior to TPR	0%	0%	0%	0%	100%	5.00

Children's Attorneys

Children's attorneys were provided with a list of specific tasks and activities associated with high-quality legal representation practice (derived from the review of the literature on best practices in child representation) and asked to rate the degree to which they performed those tasks on a scale from "never" to "almost always/always." The tasks children's attorneys reported doing the most often were attending child abuse and neglect hearings, advocate for the child/youth at hearings (e.g., provide testimony or be heard on an issue), and attend mediations. The tasks children's attorneys reported doing the least often were meeting with the child/youth before the day of the hearing, meeting with the child/youth between hearings or outside of court hearings and conducting their own investigations in the case. See Table 6 below.

Table 6: Frequency Children's Attorneys Self-Report Performing Specific Tasks in Child Abuse and Neglect Cases (n=4).						
Tasks	Never	Rarely	Sometimes	Often	Always/ Almost Always	Weighted Average
Attend Family Group Conferences or Similar Family Engagement Meetings	0%	25%	0%	0%	75%	4.25

Attend Pre-Hearing Conferences	0%	0%	25%	0%	75%	4.50
Prepare and Submit a Report to the Court Prior to Hearings	0%	0%	25%	50%	25%	4.00
Attend A/N hearings	0%	0%	0%	0%	100%	5.00
Advocate for the Child/Youth at A/N Hearings (e.g., provide testimony or be heard on an issue)	0%	0%	0%	0%	100%	5.00
Consult with social worker about case	0%	0%	0%	50%	50%	4.50
Consult with other Child Rep (e.g., attorney or CASA) on the case about case	0%	0%	25%	0%	75%	4.50
Conduct your own investigation on the case	0%	0%	50%	0%	50%	4.00
Meet with child/youth before day of hearing	0%	50%	25%	25%	0%	2.75
Meet with client between/outside of court hearings	0%	0%	25%	50%	25%	4.00
Receive timely agency reports prior to disposition hearing	0%	25%	0%	25%	50%	4.00
Receive timely agency reports prior to permanency hearing	0%	25%	0%	25%	50%	4.00
Have opportunity to provide input into your child/youth's family time (visitation)	0%	25%	0%	25%	50%	4.00
Have opportunity to provide input regarding the child/youth's treatment plan or services	0%	0%	25%	0%	75%	4.50
Attend mediations	0%	0%	0%	0%	100%	5.00
Attend settlement conferences prior to adjudication	0%	25%	0%	25%	50%	4.00
Attend settlement conference prior to TPR	0%	25%	0%	0%	75%	4.50

In addition to the tasks above, children's attorneys/advocates were asked, on average, how often they visited the children they represent.

- 50% (n=2) reported they visited once every other month.
- One children's attorney noted that visits occurred on an "as needed" basis.
- One children's attorney noted that "it actually depends on the age and location of the child. Generally, I have at least monthly contact with the child and/or foster/placement. There are times have daily contact and other times it is bi-monthly."

Types of Training Received by Attorneys

When asked to report the types of training that they had received (see Table 7), the training topics that received the **least** amount of responses (by respondent role) were:

- Parent Attorney: client engagement (20% of parents’ attorneys)
- Child’s Attorney: client engagement (25% of children’s attorneys)

Table 7: Types of Training Received by Attorneys (Self-Reported)

Training Type	Parent Attorney (n=5)	Atty/Advocate for the Child (n=4)
Child abuse and neglect laws (federal)	60%	75%
Child abuse and neglect laws (state)	100%	100%
Mediation/alternative dispute resolution	100%	100%
Client engagement	20%	25%
Effective court hearing practice/advocacy	40%	75%
Child attachment/bonding	40%	50%
Child resiliency and effects of foster care on children	40%	75%
Parent-child contact needs/visitation or family time best practices	40%	75%
How substance abuse affects parenting	60%	75%
Trauma	40%	75%

Defining High Quality Representation

Parent Attorneys

All survey respondents (N=42) were asked for how they would define **high quality parent representation in child abuse and neglect cases** (e.g., what practices would they associate with high quality representation). Responses (n=21) were analyzed to determine themes related to high-quality parent representation. The analysis also produced a “word cloud” or weighted list to represent the most commonly used phrases or words from respondent answers. The word cloud highlights important words from the survey responses, with the most common word displayed with the largest text.

Respondents identified the following as features of high-quality parent representation in child abuse and neglect cases:

- Well-versed in the facts of the case
- Well-versed in the law
- Meets regularly/frequently with their clients
- Strong advocate for parents' in court hearings
- Assists parents in understanding the court process
- Understands the impact of trauma on parents and children
- Understands issues faced by parents such as substance abuse, mental health concerns
- Remains the parent's attorney throughout the duration of the case
- Work collaboratively as part of a team but can also advocate an adversarial position for parents as needed

WORD CLOUD: HIGH QLR FOR PARENTS



Sample responses describing high quality parent representation:

- *“Frequent communication, independent investigation, significant experience in this area of law, zealous advocacy, strong negotiation skills, specialized training for this case type.”*
- *“Meeting with the parent regularly during the life of the case to ensure parents understand their legal rights and obligations and that the attorney knows the parties involved and any barriers/strengths to meet the case plan goals. Maintaining consistency through one attorney during the life of the case.”*
- *“Availability, preparedness, empathy, honesty.”*
- *“Strong advocacy, taking the time to be educated on current Agency practice so as to not take language out of context, and realistic understanding of the parental situation.”*
- *“Ensuring that the parent's voice is heard and understood at each court hearing -- Ensuring that the requirements placed on the parent by DCFS are practical and effective opportunities for the parent to demonstrate behavior change -Ensuring that the parent is receiving adequate visitation with the child, and that visitation is constantly being reviewed and updated - Ensuring that the team is constantly assessing if the child can return safely home (not waiting for Court) -Has a working relationship with all of the team, but can when needed, advocate an adversarial position on the parents behalf and will actually bring things before the Court for decision if the team is not in agreement.”*

Attorney/Advocate for the Child

All survey respondents (N=42) were asked for how they would define **high quality child representation in child abuse and neglect cases** (e.g., what practices would they associate with high quality representation). Responses (n=23) were analyzed and the following features of high-quality children’s representation emerged:

- Well-versed in child welfare law
- Understands child development
- Understands child trauma
- Regularly meets with children and their caregiver
- Advocates for the child in court hearings
- Remains the child's attorney throughout the duration of the case
- Works towards child's best interests or wishes as appropriate



Sample responses describing high quality children's representation:

- *“Attorneys are trained in child welfare law with additional training about child development; interviewing child clients; understanding special needs of children, knowledgeable about education and other services for children.”*
- *“An attorney that works towards the child's best interest, has communication/knows the child they are representing, attends CFT's & other team meetings regarding updates/decisions for the case.”*
- *“Meeting with the child regularly during the life of the case to ensure they know the child, their wishes, barriers/strengths, and all the legal obligations of the parents. Maintaining consistency through one attorney during the life of the case.”*
- *“An attorney who is involved, has met with the child and does a good job representing not only what the wishes of the child are, but also what is truly in the child's best interest. The attorney should be familiar with the child and what is important to them.”*
- *“Advocate for a consistent and “normal” visitation schedule with the parent, assuming safety is managed -- Voice the child's desires and concerns to the Court -- Form working relationships with the child's providers, foster family, and team to be able to receive a comprehensive understanding of what is occurring for the child -- Ensuring that the team is constantly assessing if the child can return safely home (not waiting for Court) -- Has a working relationship with all of the team, but can when needed, advocate an adversarial position on the child's behalf and will actually bring things before the Court for decision if the team is not in agreement -- if the attorney represents more than one child in the same family, acknowledging that each child may have different wants/desires -- not imposing what the attorney thinks is best, but counseling the (as age appropriate) on what options are available for the child during the process.”*
- *“A good understanding of trauma and its impacts on children. Taking the time to understand all impacts of their advocacy not just on the child but foster parents, biological parents, and prospective adoptive parents. Being honest with the children.”*
- *“Constant communication; listening to the child's desires; being the child's voice in court; advocating for the child; working with the other attorneys, WCHSA, and Court.”*

Judges' Assessment of the Quality of Legal Representation in their Judicial District

Judges were asked: Consider how you would define high quality legal representation –what percentage of attorneys meet your definition in your judicial district? Only 3 judges provided responses to this question. Their responses indicate, however, that the percentage of parents' attorneys meeting judicial definitions of high-quality parents' representation ranged from 60%-100%, the percentage of children's attorneys meeting judicial definitions of high-quality representation ranged from 80-100%, and the percentage of district attorneys or attorney generals meeting judicial definitions of high quality representation ranged from 90%-100%. Only one judge provided an assessment of CASA, noting that 100% of CASA met the definition of high-quality representation. See Table 8.

Judge (n=3)	% Parents' Attys Meeting Judge's Definition of High-Quality Rep	% Children's Attys Meeting Judge's Definition of High-Quality Rep	% of DAs/AGs Meeting Judge's Definition of High-Quality Rep	% of CASA Meeting Judge's Definition of High-Quality Rep
Judge number 1	100%	100%	100%	100%
Judge number 2	60%	80%	90%	-
Judge number 3	75%	100%	100%	-

When judges were asked what percentage of the time attorneys came prepared for hearings, the following responses were received:

- 100% of the judges (n=3) reported that **parents' attorneys** come prepared for hearings between 75-100% of the time.
- 100% of the judges (n=3) reported that **children's attorneys** come prepared for hearings between 75-100% of the time.
- 100% of the judges (n=3) reported that **District Attorneys/Attorneys General** come prepared for hearings between 75-100% of the time.
- 1 judge reported that **CASA** come prepared for hearings between 75-100% of the time (the other two judges did not provide a response to this question).

Judges were asked what they believe they can do to encourage quality legal representation for parents and children in child abuse and neglect cases, and the following responses were received:

Parents' Attorneys:

- *"Have attys meet frequently with parents."*
- *"More training and understanding of this unique case type."*

- “Provide regular training.”

Children’s Attorneys:

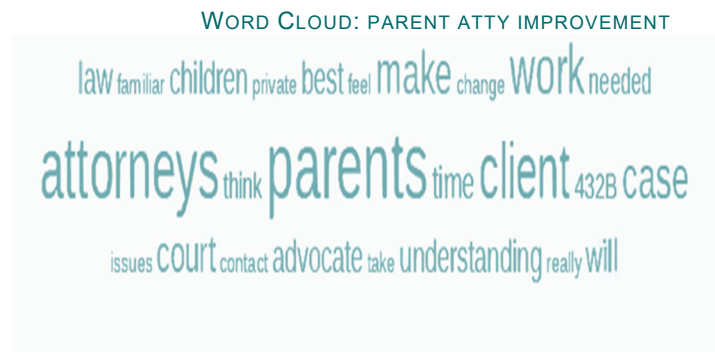
- “Have attys always be fully versed on their needs.”
- “Work with my CIC to get more education to attorneys.”
- “Provide opportunities for training, but we use a contract for child representation and the attorney attends regular training.”

Ways Nevada Attorneys Can Improve

Parents’ Attorneys

Survey respondents were asked how parents’ attorneys in their jurisdiction could improve. The 22 responses received were analyzed and the following themes emerged about ways parents’ attorneys could improve:

- Better communication with clients
- More frequent contact with clients
- More training on child welfare law topics and issues
- Better understanding of the child welfare agency’s policies and practice model
- More training for private attorneys on child welfare laws and the child abuse and neglect process
- Better understanding of collaborative team approach in child welfare cases



Sample responses describing how parents’ representation can improve:

- *“Continuing to learn child welfare specific topics; understanding the federal statutes and regulations; reading beyond just NRS Chapter 432B; being educated on social work practice and policies.”*
- *“Investing in training and a better understanding of the Agencies practice model so they can best represent the parents and understand what is needed to make the needed behavior change. Working with Agency staff to achieve the same goal and not approaching their defense in an adversarial way.”*
- *“It is so important that the attorneys keep in contact with the parents. I think if a parent knows they have an advocate constantly, they are willing to work harder. If the attorney only speaks to the parent around court hearings or meetings, the parent may feel frustrated and not progress in their case.”*
- *“To make meaningful contact with parents on a regular basis instead of one time the day of the court hearing.”*

- *“I think the court appointed attorneys do a fantastic job! I feel private council should really become familiar with our process before agreeing to take a case. They should be familiar with the laws, required burden of proof and what is in their client's best interest. Often, we see private attorneys who want to make it a fight and they cost their client precious time of working the case and truly accepting the change to improve their situation for themselves and their children. They really need to understand the time constraints of a 432B Case and what they are doing to their clients by dragging it out.”*
- *“Remembering that all parties should work collaboratively to help make possible the reunification of the children with parents. We occasionally get parents attorneys who want to rehash the underlying allegations and the children's attorneys and CASA believing parents cannot change and passively aggressively making it difficult to reunify.”*

Children’s Attorneys/Advocates

Survey respondents were asked how children’s attorneys/advocates in their jurisdiction could improve. The 22 responses received were analyzed and the following themes emerged about ways children’s attorneys/advocates could improve:

- Meet with children more often
- More training on trauma
- Better understanding of available community resources
- Reduced caseloads

WORD CLOUD: CHILD ATTY IMPROVEMENT



Sample responses describing how children’s representation can improve:

- *“Meeting with the children they represent more than just at the hearing.”*
- *“I would like to see them meet with the children more often. Some are very good at this, and others do not meet with them as often.”*
- *“Receiving trauma training, i.e. how to best engage a child who has suffered trauma, training on what services should be ensured for the child to reduce trauma and create a healthy life going forward.”*
- *“Having more than one child's attorney might be beneficial so our one is not so overworked. He also waits until a court hearing comes up and checks on the kids a day or two before to ask what they want, but I feel that's due to overload in cases.”*

Appropriate Performance Measures for Parent and Child Attorneys in Dependency Cases

Survey respondents were presented with a list of QLR performance measures derived from the literature review that have been used in evaluations of legal representation for parent’s and children’s attorneys in dependency cases Respondents were asked to rate the importance of

each of these performance measures as measures of effective legal representation in dependency cases using the following scale: “not at all important,” “a little important,” “somewhat important,” “very important,” to “critical.” Results indicate that the most important performance measures included three measures of client satisfaction and one permanency outcome measure. See Table 9.

The top 4 QLR performance measures receiving the most overall endorsement (highest weighted average ratings of importance and greatest percentage of “critical” ratings of importance):

- Client satisfaction: believe representative helped them understand what they had to do in the case understand the case process [4.48; 55.56% rate as critical]
- Client satisfaction: believe voice has been heard/concerns were listened too [4.44; 51.85%; n=14]
- Client satisfaction: had regular contact with representative [4.37; 48.15; n=13]
- Permanency outcome: Increased rates of reunification [4.41;48.15%; n=13]

Table 9: Respondents Ratings of Performance Measure Importance for Evaluating Legal Representation in Child Welfare Cases (n=27)

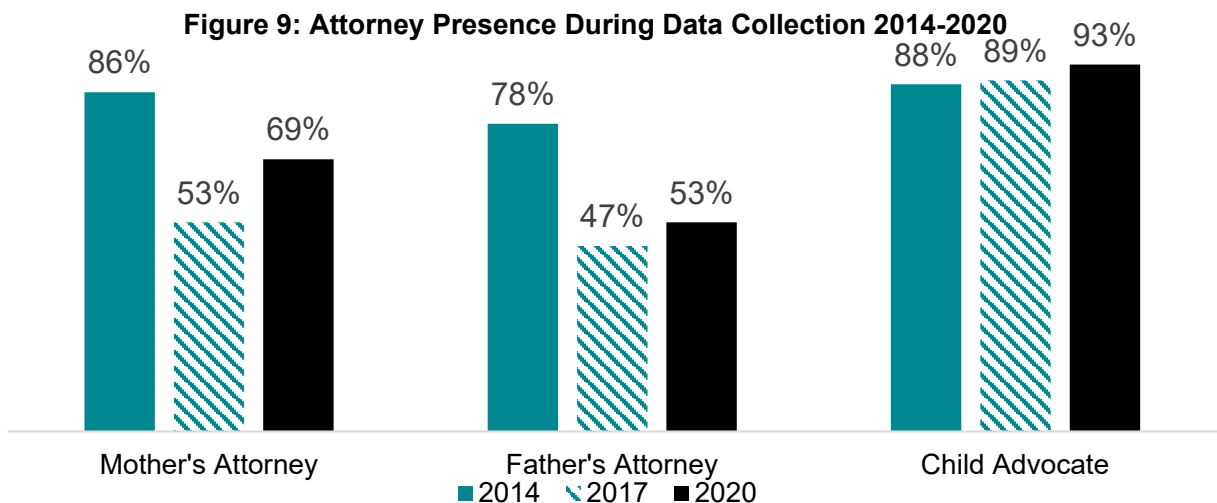
	Not Important	A Little Important	Somewhat Important	Very Important	Critical	Weighted Average
Timely appointment: percent of cases with representation for parent or child prior to filing of a petition	0.00% 0	0.00% 0	11.11% 3	59.26% 16	29.63% 8	4.19
Timely appointment: percent of cases with representation of parent or child prior at or prior to initial shelter care hearing	0.00% 0	0.00% 0	18.52% 5	55.56% 15	25.93% 7	4.07
Decreased time to achieve safe permanency: reduction in the median/mean days to achieve permanency (case closure)	0.00% 0	0.00% 0	7.41% 2	66.67% 18	25.93% 7	4.19
Decreased time to achieve safe permanency: percent of cases achieving permanency within 12 months or 24 months of original petition filing	0.00% 0	0.00% 0	11.11% 3	51.85% 14	37.04% 10	4.26
Decreased time to achieve safe permanency: percent of cases in which the child re-entered within 6 months and 12 months of case closure	0.00% 0	3.70% 1	7.41% 2	59.26% 16	29.63% 8	4.15
Permanency outcome: Increased rates of reunification	0.00% 0	0.00% 0	7.41% 2	44.44% 12	48.15% 13	4.41
Permanency outcome: Increased rates of placement with relative or guardianship with relative	0.00% 0	0.00% 0	18.52% 5	59.26% 16	22.22% 6	4.04
Permanency outcome: Increased rates of adoption	0.00% 0	14.81% 4	33.33% 9	37.04% 10	14.81% 4	3.52
Permanency outcome: Decreased rates of “Aging-Out” or APPLA outcomes	0.00% 0	3.85% 1	30.77% 8	46.15% 12	19.23% 5	3.81
Client satisfaction: satisfaction with permanency outcome achieved	0.00% 0	3.70% 1	25.93% 7	48.15% 13	22.22% 6	3.89
Client satisfaction: satisfaction with overall representation from beginning to end of case	0.00% 0	3.70% 1	18.52% 5	48.15% 13	29.63% 8	4.04
Client satisfaction: believe voice has been heard/concerns were listened too	0.00% 0	0.00% 0	7.41% 2	40.74% 11	51.85% 14	4.44
Client satisfaction: believe representative helped them access services, family time or treatment	0.00% 0	3.70% 1	7.41% 2	51.85% 14	37.04% 10	4.22
Client satisfaction: believe representative helped them understand what they had to do in the case understand the case process	0.00% 0	0.00% 0	7.41% 2	37.04% 10	55.56% 15	4.48
Client satisfaction: believe representative advocated for their position, interests or goals	0.00% 0	7.41% 2	0.00% 0	51.85% 14	40.74% 11	4.26
Client satisfaction: had regular contact with representative	0.00% 0	0.00% 0	11.11% 3	40.74% 11	48.15% 13	4.37
Client satisfaction: believe representative treated them with respect	0.00% 0	0.00% 0	14.81% 4	40.74% 11	44.44% 12	4.30

FINDINGS: SECONDARY ANALYSIS AND HEARING OBSERVATION

Data from case file reviews in previous evaluations conducted in 2014 and 2017 in Nevada (i.e., dependency mediation and hearing quality evaluations) were analyzed to provide baseline data about attorney practice that can be used in future evaluation efforts aimed at assessing the quality of legal representation in Nevada. In addition, a random sample of recorded hearings from five judicial districts was obtained. A total of 123 hearings (58 remote or virtual hearings and 65 in-person hearings) were coded using a structured code sheet to determine the percentage of hearings in which attorneys were present and the level of attorney advocacy observed. Relevant findings from these three datasets (2014 and 2017 case file review and the 2020 court observations) are presented below.

Attorney Appointment and Presence at Hearings

In 2014, it took an average of 21 days from removal for a parent to be appointed an attorney and 13 days from removal for a child/youth to be appointed an attorney. Presence of attorneys in hearings was tracked in each of the previous studies' datasets, as well as in the current hearing observation study (See Figure 9). Mother's attorney presence has ranged from a high of 86% of all hearings in 2014 (n=105) to a low of 53% of all hearings in 2017 (n=128). In the 2020 hearing observation sample, 69% of hearings had a mother's attorney present (n=123). Father's attorney presence has ranged from a high of 78% of hearings in 2014 to a low of 47% of hearings in 2017. In the 2020 hearing observation sample, 53% of hearings had a father's attorney present. The presence of a children's attorney or advocate in hearings has increased in each year of data collection, from 88% in 2014, to 89% in 2017, and 93% of hearings in 2020. It is also important to note that (in the 2014 data) the presence of mother's attorney at the presence of the child's advocate across the life of the case predicted higher rates of reunification and timelier permanency.



Attorney Advocacy

The random sample of recorded hearings (N=123) were coded to assess the level of attorney advocacy observed. Advocacy was defined as the attorney doing something in the hearing on behalf of their client (e.g., taking a position on an issue and arguing that position; objecting to testimony; making/presenting a motion to the court; advocating for placement, services or assessments). On the other hand, merely providing updates or general information to the court was not coded as “advocacy.”

- 54% of hearings had active advocacy by the mother’s attorney
- 62% of hearings had active advocacy by the father’s attorney
- 32% of hearings had active advocacy by the children’s attorney/advocate

DISCUSSION AND CONSIDERATIONS FOR USING THIS REPORT

The literature review, survey, and secondary analysis were all intended to be used to inform the development of a more robust evaluation plan to better assess the quality of legal representation in Nevada. Unfortunately, complications due to practice and priority changes because of COVID-19 made a more in-depth study impractical. The results of these efforts do indicate that quality legal representation is important, with multiple studies showing the impact of quality legal representation for both parents and youth. Studies suggest that both early appointment and presence of attorneys across the life of the case may be important predictors of better outcomes for children and families and the presence of attorneys is supported by local Nevada data. Stakeholders believe the most important measures of quality legal representation included client satisfaction with their attorney and increased reunification for families. These will be important factors to consider for future efforts.

Using This Report

This report includes information from multiple sources. It can be used in several ways to progress Court Improvement Program efforts. These are identified below with some considerations for using the information.

Baseline Data. Consider these findings as baseline information for future efforts that focus on quality of legal representation. These data can be used to demonstrate any changes over time in practice (such as changes in timely appointment of attorneys or presence of attorneys at key hearings). The data can be used as a starting point from which to gather additional information and make some comparisons. While this isn’t a perfect sample, it does give an idea of current practices both from the survey (self-reports of frequency of behavior) and from case file review (presence of parties) and court observation (level of advocacy and presence at hearings).

To Inform Future Trainings. The information collected can help to inform identification of needs and development of future training efforts. The survey identified the client engagement as an area where attorneys reported having little training. This information may be useful in auditing current training efforts to determine if they do (or do not) include information on client engagement or designing/creating new training opportunities to help attorneys actively engage with their clients,

whether they be parents or youth. The research clearly shows the importance of engaging clients in the process and attorneys may be successful at engaging parents by giving them a voice in the process and ensuring they feel heard. It may be worthwhile to consider trainings opportunities that identify what the best practices are for attorneys representing parents, attorneys representing youth, attorneys representing the state, and lay advocates working with youth. The data may also reveal other practices that could use enhanced training, such as general best practices, or strategies to engage challenging clients.

To Inform Future Evaluations. This report is also useful in informing future evaluation efforts if or when quality legal representation is a priority for the Court Improvement Program. Data collection from this study was designed to be used to inform future efforts. Multiple performance measures were identified and prioritized by professional stakeholders and should be considered in future efforts (including client perspectives). Based on the findings and questions that arose from professional stakeholders at the CIC Summit, potential areas of consideration for future efforts could include:

- Refinement of tools and measures to gather additional data about quality of legal representation. This could include
 - Considering how to refine the measure of advocacy. What does active advocacy mean? Would it be better to explore attorney's contributions to the discussion rather than advocacy?
 - Consider what additional data needs to inform baseline and what other data points should be collected.
 - Make sure attorneys and judges have an opportunity to vet any performance measures prioritized to determine if they feel they are most applicable to their work.
- Increased efforts to determine what models of attorney representation are used across the state for parents, youth, and agency.
- Assessing the quality of CASA/GAL programs.
- Surveying parents, children, and agency workers to gather their perspective about the quality of representation and their experiences of attorney practices.
- Consider studying the quality of the district attorney/attorney general, an understudied area nationally to better understand who they represent and the challenges that they perceive.

¹ Adapted from *American Bar Association Standards of Practice for Lawyers Who Represent Children in Child Abuse and Neglect Cases*, ABA, Washington, DC, 1996; and National Association for Counsel for Children, “Red Book” – *Child Welfare Practice: Representing Children, Parents and Agencies in Abuse, Neglect and Dependency Cases*, 3rd Edition, 2016.

² Adapted from *American Bar Association Standards of Practice for Attorneys Representing Parents in Child Abuse and Neglect Cases*, ABA, Washington, DC, 2006.

³ Oetjen, J.A. (2003). *Improving Parent’s Representation in Dependency Cases: A Washington State Pilot Program Evaluation*. Technical Assistance Brief, National Council of Juvenile and Family Court Judges; Wood, S.M., Summers, A., & Soderman-Duarte, C. (2016). “Legal representation in the juvenile dependency system: Travis County, Texas’ parent representation pilot project,” *Family Court Review*, Vol 54(2), pp. 277-287; Wood, S.M & Russell, J.R. (2011). “Effects of parental and attorney involvement on reunification in juvenile dependency cases,” *Children and Youth Services Review*, Vol. 33, pp. 1730-1741.

⁴ Courtney, M., Hook, J., and Orme, M. (2012). *Evaluation of the Impact of Enhanced Parental Representation on the Timing of Permanency Outcomes for Children in Foster Care*. *Partners for Children*, Seattle, WA; Oetjen (2003), supra note 3.

⁵ Courtney & Hook (2012), supra note 4; Oetjen (2003), supra note 3; Wood et al. (2016), supra note 3.

⁶ Courtney & Hook (2012), supra note 4; Wood et al. (2016), supra note 3.

⁷ Wood et al (2016), supra note 3.

⁸ Harper, C., Brennan, K, and Szolonki, J. (2005). *Dependency and Termination Parents’ Representation Program Evaluation Report*, available at www.opd.wa.gov/Reports/Dependency; New York’s Center for Family Representation: *Our Results* (2012). Available at www.cfrny.org/new%5Flegal.asp

⁹ Harper et al. (2005), supra note 8; Sicafuse, L., Wood, S.M. & Summers, A. (2014). *Exploring Outcomes Related to Legal Representation for Parents Involved in Mississippi’s Juvenile Dependency System*. Reno, NV: National Council of Juvenile and Family Court Judges.

¹⁰ Harper et al (2005), supra note 8.

¹¹ Orelbeke, B., Zhou, X., Skyles, A., & Zinn, A. (2016). *Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System*. Chicago: Chapin Hall Center for Children at the University of Chicago; McCurley, C. & Mallat, J. (2020). *Interim Report from the Office of Civil Legal Aid and the Washington State Center for Court Research*; Zinn, A. & Peters, C. (2015). “Expressed-interest legal representation for children in substitute care: Evaluation of the impact of representation on children’s permanency outcomes,” *Family Court Review*, Vol. 53 (4), pp. 589-601.

¹² Duquette, D.N & Ramsay, S.H. (1987). “Representation of children in child abuse and neglect cases: An empirical look at what constitutes effective representation,” *Journal of Law Reform*, Vol. 20 (2), pp. 341-408; From disposition to permanency: Zinn & Peters (2015), supra note 15; Zinn, A. & Slowriver, J. (2008). *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County*. Chicago: Chapin Hall Center for Children at the University of Chicago.

¹³ Judicial Council of California (2008). *Dependency Counsel Caseload Standards*. Report to the Legislature, April 2008.

¹⁴ Duquette & Ramsay (1987), supra note 16; Zinn & Peters (2015), supra note 15.

¹⁵ Judicial Council of California (2008), supra note 17.

¹⁶ Duquette & Ramsay (1987), supra note 16.

APPENDIX F

Court Performance Measures
 Statewide

From: 01-01-2022 To: 03-31-2022

Last updated on 4/24/2022

This is the ad hoc modified CFS775 report (new court names, no future hearings, youth age 18 and under, etc.) prepared by the Office of Analytics - DCFS Branch.

Court	Nbr of Children with Protective Custody Hearing*	Nbr of Children with at least 1 Permanency Hearing**	Median Days to 1st Permanency Hearing	Percent 1 st Hearing within 365 days from Removal Date	Nbr of Children with at least 1 Permanency Hearing - 2-year look back from end of PUR	Median Days to 1 st Permanency Hearing - 2-year look back from end PUR	Percent 1 st Hearing within 365 days from Removal Date – 2 year look back from end of PUR	Nbr of Parents with Termination	Median Days to Terminate Parental Rights	Nbr of Parents with Relinquishment	Median Days to Relinquishment of Parental Rights	Median Days to Termination or Relinquishment of Parental Rights
TOTAL	3722	2290	352	82.31%	1723	351	89.82%	1569	603	576	682	619
1ST/CARSON	97	55	239	100.00%	48	247.5	100.00%	13	457	18	765	691
2ND/WASHOE	617	482	347	95.02%	348	347	96.55%	179	763	112	666	732
3RD/LYON	60	53	344	81.13%	41	355	85.37%	15	661	13	669	666
4TH/ELKO	27	20	365	60.00%	11	399	27.27%	14	656	11	649	656
5TH/ESMERALDA	1	1	365	100.00%	0	0	0.00%	0	0	0	0	0
5TH/NYE	74	63	361	68.25%	31	363	64.52%	41	985	24	712	862
6TH/HUMBOLDT	33	21	362	100.00%	21	362	100.00%	2	342	6	682	656
7TH/EUREKA	2	0	0	0.00%	0	0	0.00%	0	0	0	0	0
7TH/LINCOLN	1	1	342	100.00%	1	342	100.00%	0	0	1	348	348
7TH/WHITE PINE	5	5	426	40.00%	3	426	0.00%	0	0	0	0	0
8TH/CLARK	2768	1570	356	78.41%	1203	356	77.97%	1315	577	385	689	603
9TH/DOUGLAS	6	4	212	100.00%	4	212	100.00%	1	518	0	0	518
10TH/CHURCHILL	20	12	331.5	91.67%	11	330	100.00%	2	370	9	135	176
11TH/LANDER	1	0	0	0.00%	0	0	0.00%	0	0	0	0	0
11TH/MINERAL	6	1	118	100.00%	1	118	100.00%	0	0	0	0	0
11TH/PERSHING	4	2	350	100.00%	0	0	0.00%	0	0	0	0	0

*This column shows the count of youth under age 18 who are still in agency custody as of the end date of the reporting period who have a removal record and a protective custody hearing entered in UNITY for the current foster care episode.

**This column shows the count of youth under age 18 who are still in agency custody as of the end date of the reporting period who have a removal record and at least one permanency hearing entered in UNITY for the current foster care episode.

NEVADA/STATEWIDE (Jurisdiction weighted averages)

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
ADOPTIONLEGAL	161	3.3	155518	971
AGED OUT	10	11.8	12904	1255
GRDNSHPNONREL	6	1.8	5308	790.5
GRDNSHPRELATIVE	38	2.3	26820	644.5
RTNTOCARETAKER	88	2.7	52783	542
RTNTOOHRPRNT	102	2.6	54752	498
RUNAWAY	1	8.0	534	534

Quarterly Median Days to Permanency for STATEWIDE – CY 2022		
Median Days to Permanency	1 st Quarter 2022	702
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	824
Median Days to Permanency per Year	CY 2011	848
Median Days to Permanency per Year	CY 2012	729
Median Days to Permanency per Year	CY 2013	675
Median Days to Permanency per Year	CY 2014	688
Median Days to Permanency per Year	CY 2015	644
Median Days to Permanency per Year	CY 2016	714
Median Days to Permanency per Year	CY 2017	688
Median Days to Permanency per Year	CY 2018	726
Median Days to Permanency per Year	CY 2019	713
Median Days to Permanency per Year	CY 2020	689.5
Median Days to Permanency per Year	CY 2021	717

1ST/CARSON

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
ADOPTIONLEGAL	2	3.50	1394	697
GRDNSHPNONREL	2	1.00	1081	540
RTNTOOTHRPRNT	3	1.00	1629	543

1ST/STOREY

N/A

Quarterly Median Days to Permanency for the 1st JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	543
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	1,190
Median Days to Permanency per Year	CY 2011	790
Median Days to Permanency per Year	CY 2012	730
Median Days to Permanency per Year	CY 2013	557
Median Days to Permanency per Year	CY 2014	715
Median Days to Permanency per Year	CY 2015	578
Median Days to Permanency per Year	CY 2016	871
Median Days to Permanency per Year	CY 2017	671
Median Days to Permanency per Year	CY 2018	727.5
Median Days to Permanency per Year	CY 2019	690
Median Days to Permanency per Year	CY 2020	625.5
Median Days to Permanency per Year	CY 2021	536.5

2ND/WASHOE

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
ADOPTIONLEGAL	10	3.20	10696	1097
AGED OUT	4	16.00	6250	1341
GRDNSHPRELATIVE	3	3.00	2043	639
RTNTOCARETAKER	31	2.77	21021	706
RTNTOOTHRPRNT	15	2.53	8988	637

Quarterly Median Days to Permanency for the 2nd JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	706
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	849
Median Days to Permanency per Year	CY 2011	818
Median Days to Permanency per Year	CY 2012	712
Median Days to Permanency per Year	CY 2013	659
Median Days to Permanency per Year	CY 2014	658
Median Days to Permanency per Year	CY 2015	681
Median Days to Permanency per Year	CY 2016	713
Median Days to Permanency per Year	CY 2017	718
Median Days to Permanency per Year	CY 2018	823
Median Days to Permanency per Year	CY 2019	819
Median Days to Permanency per Year	CY 2020	772.5
Median Days to Permanency per Year	CY 2021	751

3RD/LYON

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
AGED OUT	1	19.00	1214	1214
RTNTOOTHRPRNT	1	7.00	1537	1537

Quarterly Median Days to Permanency for the 3rd JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	1375.5
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	603
Median Days to Permanency per Year	CY 2011	1,128
Median Days to Permanency per Year	CY 2012	1,029
Median Days to Permanency per Year	CY 2013	761
Median Days to Permanency per Year	CY 2014	719
Median Days to Permanency per Year	CY 2015	503
Median Days to Permanency per Year	CY 2016	920
Median Days to Permanency per Year	CY 2017	697
Median Days to Permanency per Year	CY 2018	612
Median Days to Permanency per Year	CY 2019	917
Median Days to Permanency per Year	CY 2020	774.5
Median Days to Permanency per Year	CY 2021	807

4TH/ELKO

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
ADOPTIONLEGAL	4	4.25	6698	1678
AGED OUT	1	8.00	1244	1244
RTNTOOTHRPRNT	5	2.40	2708	549

Quarterly Median Days to Permanency for the 4th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	706.5
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	1,270
Median Days to Permanency per Year	CY 2011	685
Median Days to Permanency per Year	CY 2012	522
Median Days to Permanency per Year	CY 2013	618
Median Days to Permanency per Year	CY 2014	753
Median Days to Permanency per Year	CY 2015	448
Median Days to Permanency per Year	CY 2016	620
Median Days to Permanency per Year	CY 2017	691
Median Days to Permanency per Year	CY 2018	795
Median Days to Permanency per Year	CY 2019	566
Median Days to Permanency per Year	CY 2020	597.5
Median Days to Permanency per Year	CY 2021	759

5TH/ESMERALDA

N/A

5TH/NYE

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
ADOPTIONLEGAL	1	3.00	1318	1318
GRDNSHPRELATIVE	1	5.00	1441	1441
RTNTOCARETAKER	2	1.00	1074	537
RTNTOOTHRPRNT	2	3.00	2170	1085

Quarterly Median Days to Permanency for the 5th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	1085
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	1,573
Median Days to Permanency per Year	CY 2011	562
Median Days to Permanency per Year	CY 2012	732
Median Days to Permanency per Year	CY 2013	557
Median Days to Permanency per Year	CY 2014	674
Median Days to Permanency per Year	CY 2015	916
Median Days to Permanency per Year	CY 2016	1,018
Median Days to Permanency per Year	CY 2017	646
Median Days to Permanency per Year	CY 2018	446.5
Median Days to Permanency per Year	CY 2019	543
Median Days to Permanency per Year	CY 2020	663.5
Median Days to Permanency per Year	CY 2021	808

6TH/HUMBOLDT

N/A

Quarterly Median Days to Permanency for the 6th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	N/A
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	1,068
Median Days to Permanency per Year	CY 2011	1,564
Median Days to Permanency per Year	CY 2012	581
Median Days to Permanency per Year	CY 2013	966
Median Days to Permanency per Year	CY 2014	810
Median Days to Permanency per Year	CY 2015	929
Median Days to Permanency per Year	CY 2016	704
Median Days to Permanency per Year	CY 2017	688
Median Days to Permanency per Year	CY 2018	686
Median Days to Permanency per Year	CY 2019	937
Median Days to Permanency per Year	CY 2020	1,097
Median Days to Permanency per Year	CY 2021	526

7TH/EUREKA

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
RTNTOOTHRPRNT	3	1.00	2163	721

7TH/LINCOLN

N/A

7TH/WHITE PINE

N/A

Quarterly Median Days to Permanency for the 7th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	721
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	995
Median Days to Permanency per Year	CY 2011	540
Median Days to Permanency per Year	CY 2012	356
Median Days to Permanency per Year	CY 2013	1,206
Median Days to Permanency per Year	CY 2014	948
Median Days to Permanency per Year	CY 2015	417
Median Days to Permanency per Year	CY 2016	660
Median Days to Permanency per Year	CY 2017	645
Median Days to Permanency per Year	CY 2018	519
Median Days to Permanency per Year	CY 2019	644
Median Days to Permanency per Year	CY 2020	469
Median Days to Permanency per Year	CY 2021	1165.5

8TH/CLARK

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
ADOPTIONLEGAL	144	3.27	135412	940
AGED OUT	4	6.75	4196	1268
GRDNSHPNONREL	4	2.25	4227	1148
GRDNSHPRELATIVE	32	2.25	22448	612
RTNTOCARETAKER	55	2.76	30688	465
RTNTOOTHRPRNT	73	2.70	35557	392
RUNAWAY	1	8.00	534	534

Quarterly Median Days to Permanency for the 8th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	683
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	793
Median Days to Permanency per Year	CY 2011	869
Median Days to Permanency per Year	CY 2012	735
Median Days to Permanency per Year	CY 2013	679
Median Days to Permanency per Year	CY 2014	691
Median Days to Permanency per Year	CY 2015	641
Median Days to Permanency per Year	CY 2016	663
Median Days to Permanency per Year	CY 2017	686
Median Days to Permanency per Year	CY 2018	714
Median Days to Permanency per Year	CY 2019	712
Median Days to Permanency per Year	CY 2020	666
Median Days to Permanency per Year	CY 2021	717

9TH/DOUGLAS

N/A

Quarterly Median Days to Permanency for the 9th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	N/A
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	241
Median Days to Permanency per Year	CY 2011	478
Median Days to Permanency per Year	CY 2012	418
Median Days to Permanency per Year	CY 2013	399
Median Days to Permanency per Year	CY 2014	537
Median Days to Permanency per Year	CY 2015	482
Median Days to Permanency per Year	CY 2016	916
Median Days to Permanency per Year	CY 2017	560
Median Days to Permanency per Year	CY 2018	725.5
Median Days to Permanency per Year	CY 2019	800
Median Days to Permanency per Year	CY 2020	819
Median Days to Permanency per Year	CY 2021	440

10TH/CHURCHILL

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
GRDNSHPRELATIVE	1	1.00	27	27

Quarterly Median Days to Permanency for the 10th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	27
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	726
Median Days to Permanency per Year	CY 2011	699
Median Days to Permanency per Year	CY 2012	601
Median Days to Permanency per Year	CY 2013	650
Median Days to Permanency per Year	CY 2014	831
Median Days to Permanency per Year	CY 2015	504
Median Days to Permanency per Year	CY 2016	533
Median Days to Permanency per Year	CY 2017	769
Median Days to Permanency per Year	CY 2018	506.5
Median Days to Permanency per Year	CY 2019	420
Median Days to Permanency per Year	CY 2020	483
Median Days to Permanency per Year	CY 2021	231

11TH/LANDER

N/A

11TH/MINERAL

End Reason	Nbr of Children	Average Nbr of Placements	Total Days in Custody	Median Days till closure
GRDNSHPRELATIVE	1	2.00	861	861

11TH/PERSHING

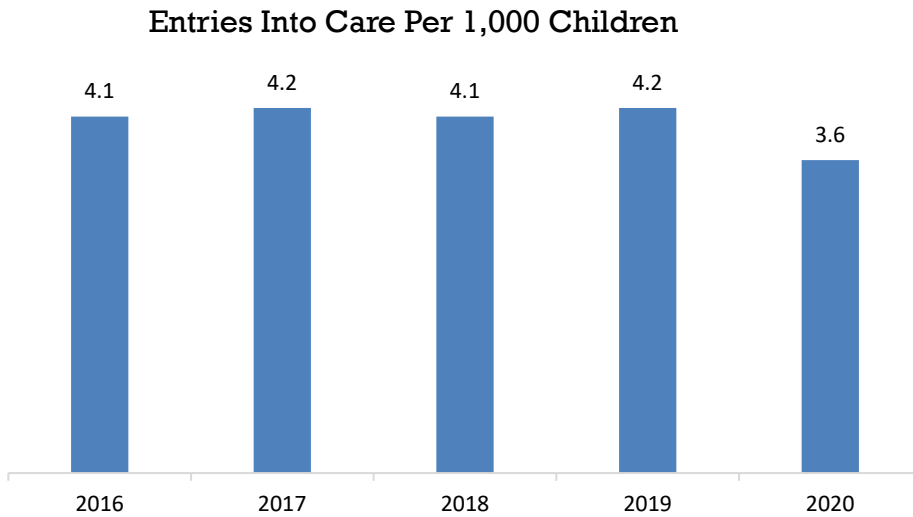
N/A

Quarterly Median Days to Permanency for the 11 th JD – CY 2022		
Median Days to Permanency	1 st Quarter 2022	861
Median Days to Permanency	Through 2 nd Quarter 2022	
Median Days to Permanency	Through 3 rd Quarter 2022	
Median Days to Permanency	Through 4 th Quarter 2022	
Annual Median Days to Permanency		
Median Days to Permanency per Year	CY 2010	1,225
Median Days to Permanency per Year	CY 2011	1,589
Median Days to Permanency per Year	CY 2012	1,382
Median Days to Permanency per Year	CY 2013	577
Median Days to Permanency per Year	CY 2014	1,252
Median Days to Permanency per Year	CY 2015	931
Median Days to Permanency per Year	CY 2016	484
Median Days to Permanency per Year	CY 2017	675
Median Days to Permanency per Year	CY 2018	408
Median Days to Permanency per Year	CY 2019	832
Median Days to Permanency per Year	CY 2020	1,024.5
Median Days to Permanency per Year	CY 2021	479

APPENDIX G

Entry Into Care

This reflects the number of children who enter care per 1,000 children in the population. Of note, entries into care went down in 2020 (nationally as well as locally).



Entry
3.6 per 1,000 children entered care in 2020 compared to **3.5** statewide.

Placements

For children who exit foster care within 12 months, 83% have two or fewer placement settings compared to children who are in care more than 12 months but less than 24 months (61%) or those who are in care over 24 months (34%).

First Placement of Child Entering Foster Care Between 2014 - 2019			
	Relative/Kin	Foster Care	Congregate Care
2015	28%	15%	43%
2016	29%	10%	47%
2017	34%	11%	41%
2018	49%	24%	14%
2019	50%	26%	12%
2020	41%	16%	27%

For youth entering care in 2020, the predominant placement type was kinship care (54%) followed by foster care (33%).

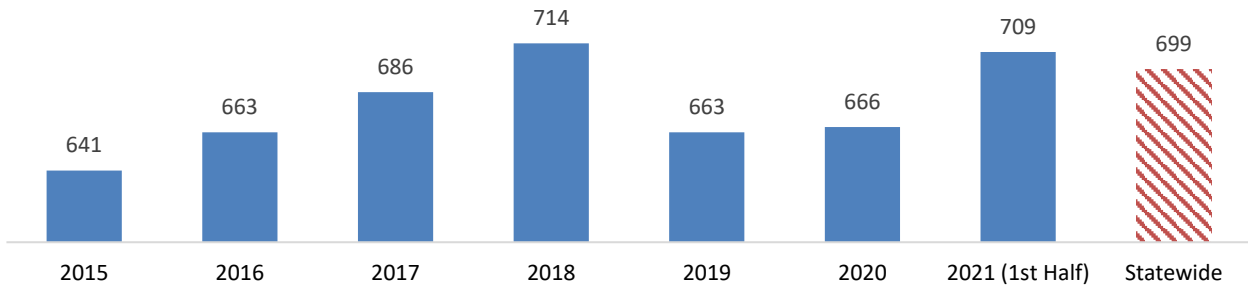
8th Judicial District (JD) Timeliness Measures

8th JD Median Days to 1st Permanency Hearing



76% of 1st permanency hearings took place within 365 days of removal in the 1st half of 2021, compared to 82% in 2020

8th JD Median Time to Permanency 2015-2021 (1st Half)

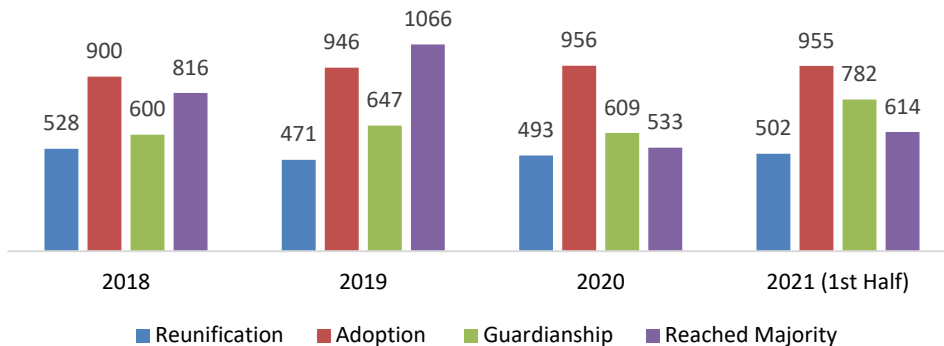


8th JD Outcomes for Children Who Exited Care in FY 2020 (n=2,256)



■ Reunification ■ Adoption ■ Guardianship ■ Reach Majority ■ Other

8th JD Median Days to Case Closure 2018-2021 (1st Half)



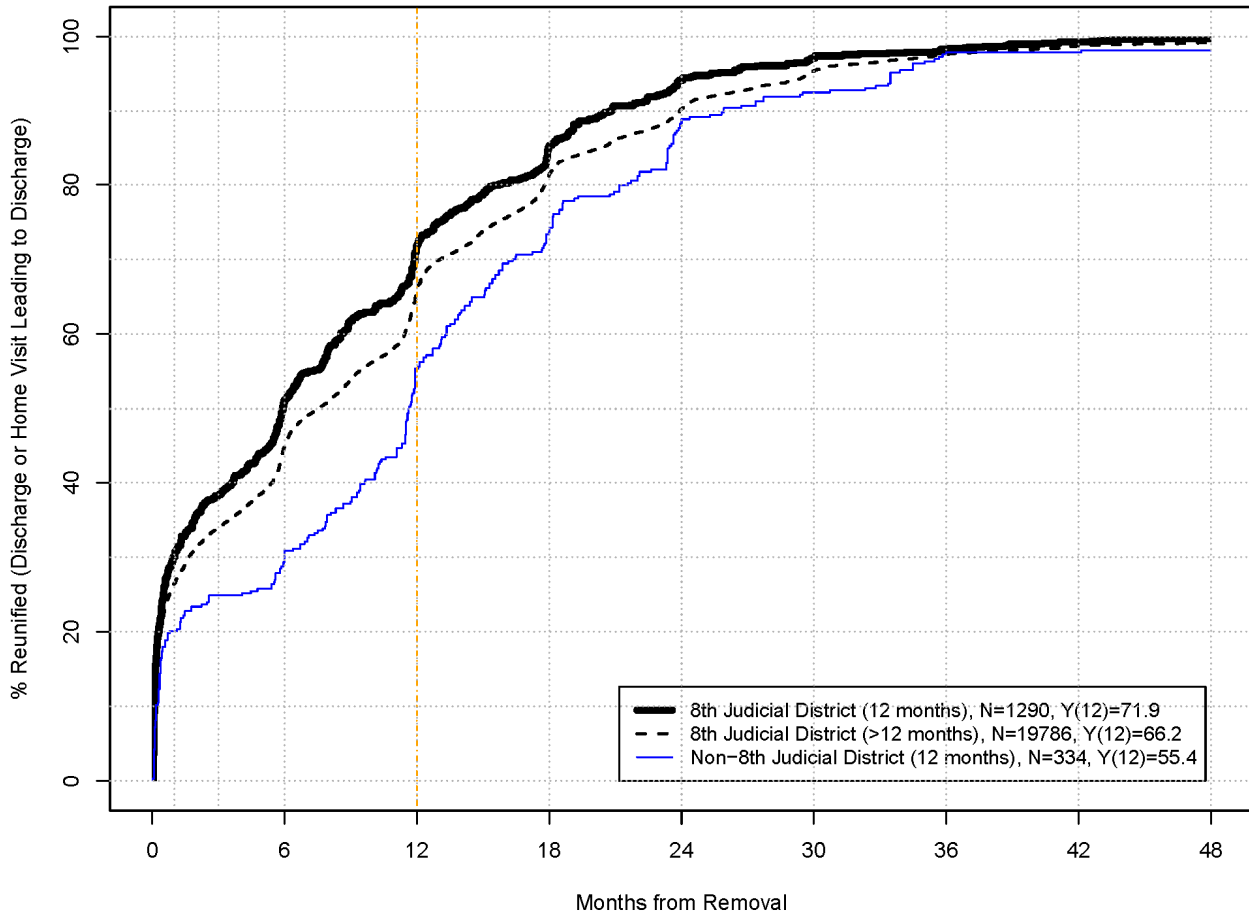
■ Reunification ■ Adoption ■ Guardianship ■ Reached Majority

Reentry
In the 8th JD, **4.5%** of children re-entered care within 12 months of previous discharge compared to **4.6%** statewide.

8th JD Continued Timeliness Measures

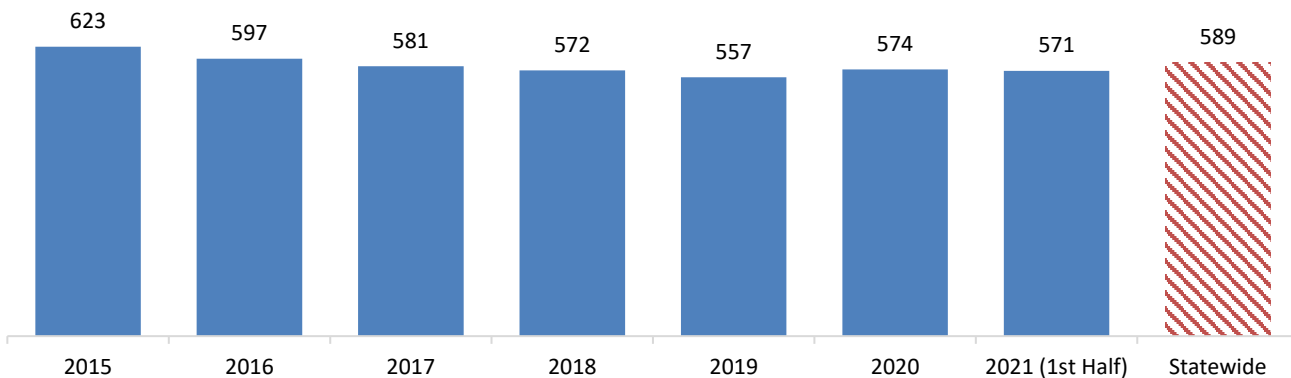
For cases that reunified, the graph below illustrates length of stay over time.

**8th Judicial District: Discharges for Reunification
Length of Stay, October 2006 through September 2020**



For fiscal year 2020, **27%** of TPRs were completed within 15 months of removal for the 8th JD.

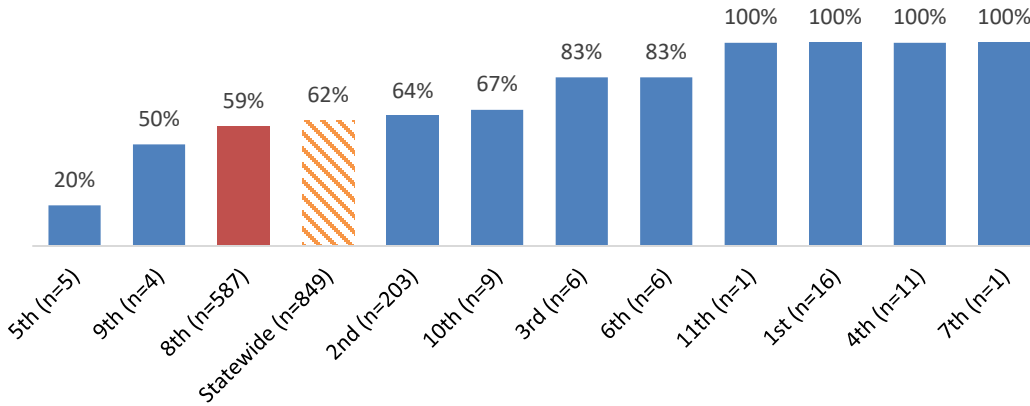
8th JD Time to Termination of Parental Rights 2015- 2021 (1st Half)



Digging Deeper

Digging deeper into the data involves taking a look at all the available data and identifying places that you would like to know more about. One place to begin is exploring identified issues, such as findings from the Child and Family Services Review (CFSR). The last round of the CFSR (2018) found that Nevada has a challenge with timely filing of TPR and timely achievement of adoption. The graphs below illustrate some adoption measures. **How does your jurisdiction compare to others?** What else would you like to know to learn more about performance on timely TPR and adoption?

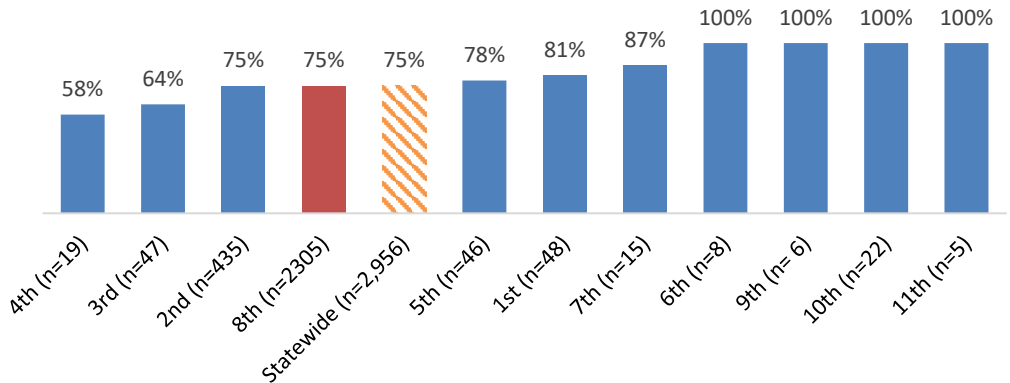
**Legally Freed October 2018 through September 2019
Adopted within 12 Months**



Potential Digging Deeper Questions:

- What are the characteristics of those kids you got adopted compared to those who did not?
- Were they in an adoptive home at time of TPR?
- What is the goal for the legally freed youth?

**Free for Adoption or Living with Family within 15
Months of July 2018 - June 2019 Removal**



Potential Digging Deeper Questions:

- What is the median time between removal and TPR petition filing and between TPR petition to TPR?
- What are the barriers to timely TPR filing?
- How long does it take after the goal of adoption is established to file the TPR petition?
- Are continuances an issue?
- How long does it take to set a TPR hearing after petition is filed?

Short Stayers

These data are from the Fostering Court Improvement site and covers the October 2019 through September 2020 reporting period.

72 Hours
13% of children were reunified within 72 hours

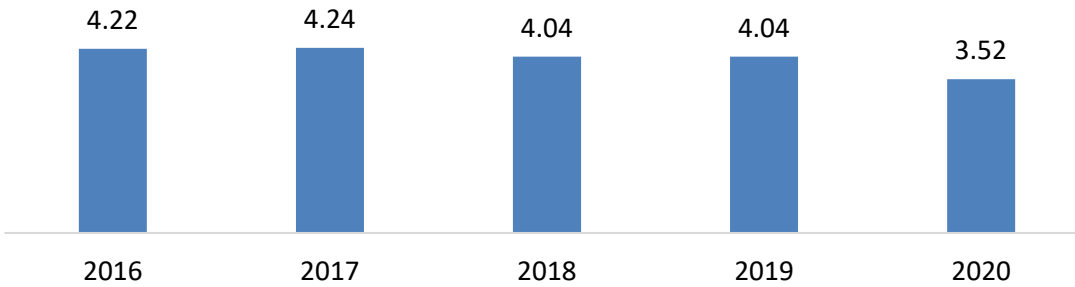
30 Days
21% of children were discharged within 1 month

12 Months
47% of children achieved permanency within 12 months

Cases Entering Care

This reflects the number of children who enter care per 1,000 children in the population. Of note, entries into care went down in 2020 (nationally as well as locally).

Entries Into Care Per 1,000 Children

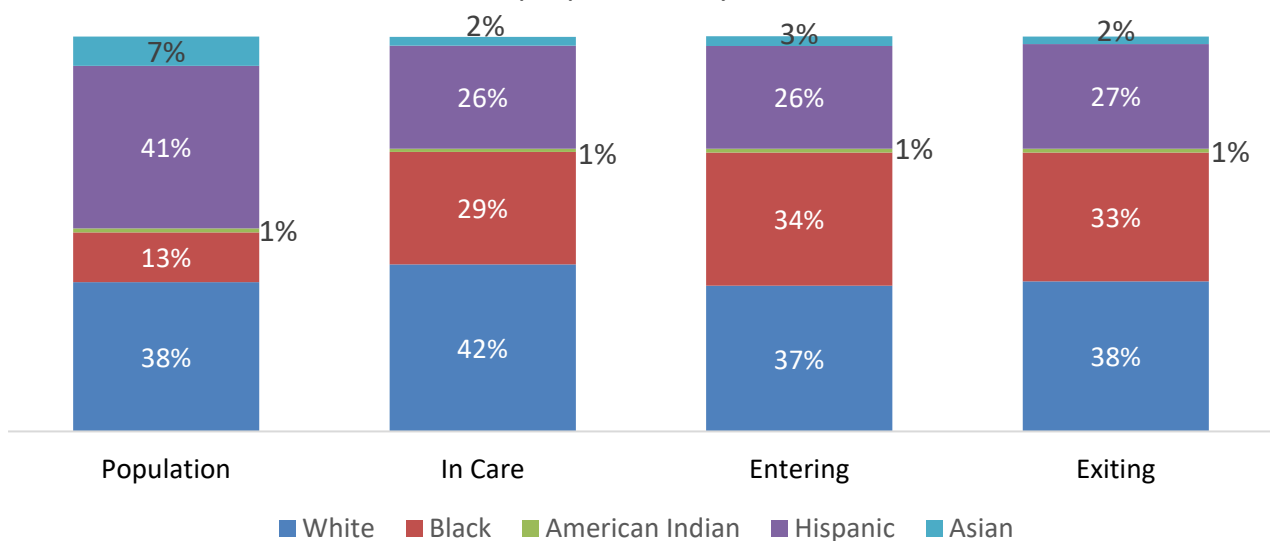


Entries
(US)
3.3 per 1,000
kids enter care

Disproportionality

Disproportionality data compares the rate of children in the general population to the rate of youth in foster care, entering foster care, and exiting foster care. Of note, Black/African American youth are overrepresented in care in Nevada at a rate that is 2.3 – 2.6 times their rate in the general population. For example, for entering care, 34% of the child welfare population is Black compared to 13% of the general population (34 divided by 13 = 2.6). These data are a good starting point to examine whether disparities exist in the system.

Disproportionality Data



Timeliness Measures

Median Days to 1st Permanency Hearing



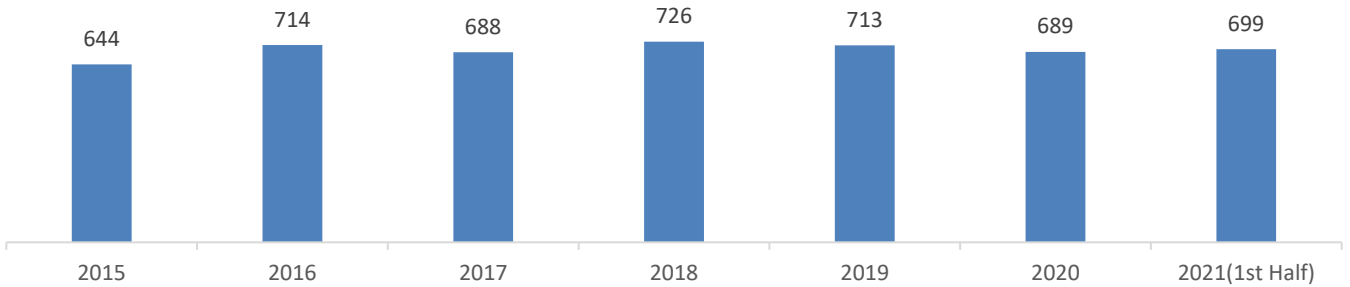
81% of 1st permanency hearings took place within 365 days of removal in the first half of 2021, compared to 84% in 2020

Statewide Outcomes for Youth Exiting Care (2020)

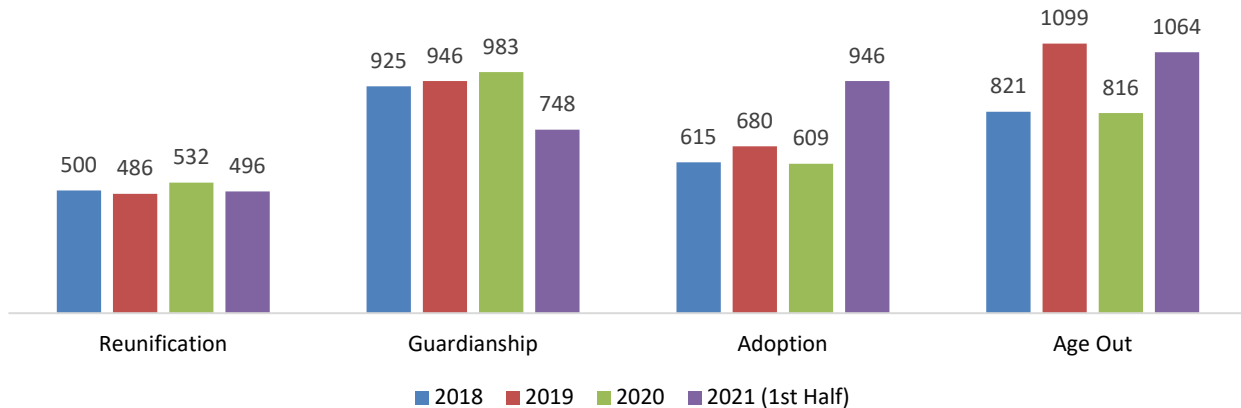


■ Reunification
 ■ Guardianship
 ■ Adoption
 ■ Age Out

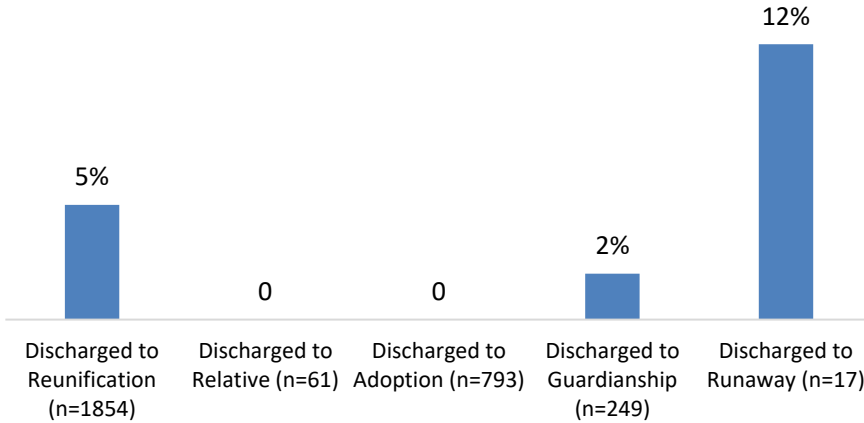
Median Time to Permanency 2015- 2021 (1st Half)



Median Days to Case Closure (2018-2021 1st Half)



Youth with Specific Discharges - Percent Reentering Care



Reentry
4.6% of youth re-entered foster care within 12 months of discharge compared to 7.8% nationally.

Short Stayers

These data are from the Fostering Court Improvement site. The data reflect Child and Family Services Review Measures during October 2019 through September of 2020.

72 Hours
11% of children were reunified within 72 hours

30 Days
19% of children were discharged within 1 month

12 Months
70% of youth were discharged to reunification or relative

Placement

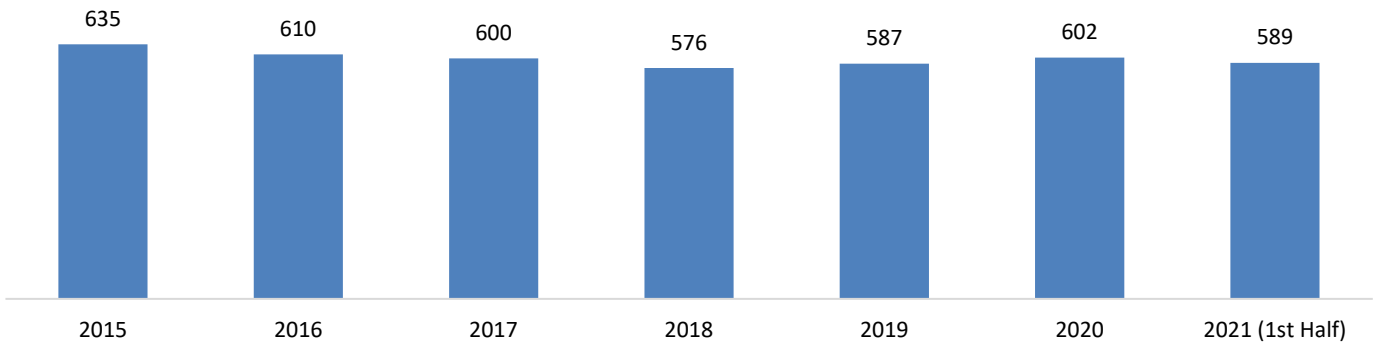
For children who exit foster care within 12 months, 83% have two or fewer placement settings compared to children who are in care more than 12 months but less than 24 months (61%), or those who are in care over 24 months (34%).

First Placement of Child Entering Foster Care Between 2015 - 2020			
	Relative/Kin	Foster Care	Congregate Care
2015	26%	19%	44%
2016	27%	15%	46%
2017	32%	19%	36%
2018	43%	30%	13%
2019	45%	33%	11%
2020	39%	23%	23%

Digging Deeper

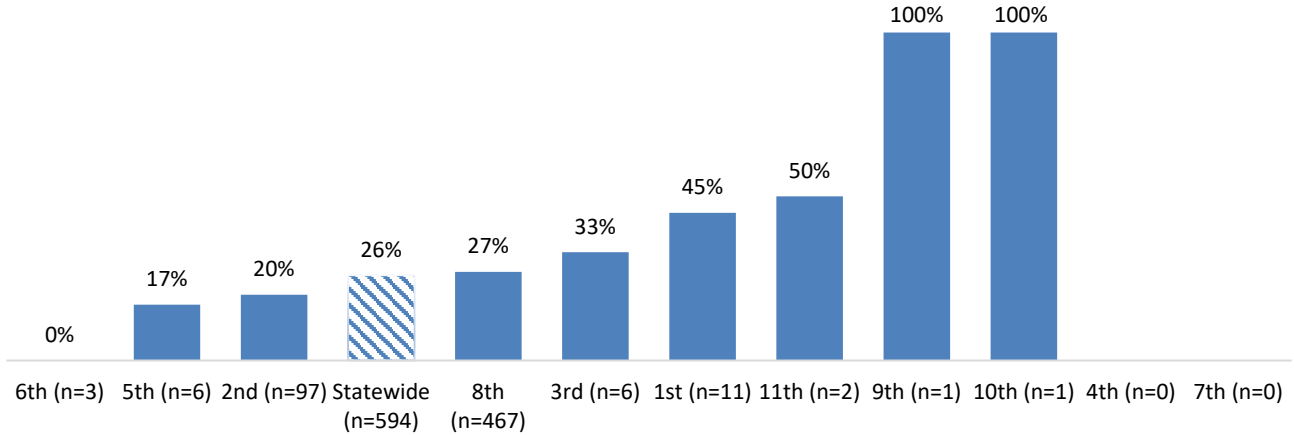
Digging deeper into the data involves taking a look at all the available data and identifying places that you would like to know more about. One place to begin is exploring identified issues, such as findings from the Child and Family Services Review (CFSR). The last round of the CFSR (2018) found that Nevada has a challenge with timely filing of TPR and timely achievement of adoption. The graphs below illustrate some TPR and adoption measures. The graphs either illustrate site level rankings of the measure or trends over time, both of which could be valuable in understanding current practices and challenges.

Time to Termination fo Parental Rights 2015-2021(1st Half)



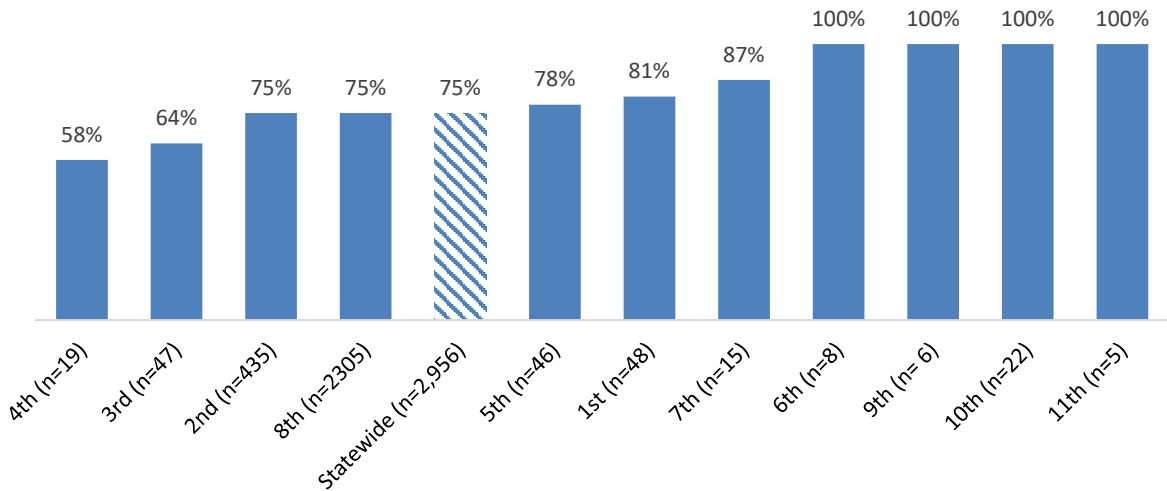
Timeliness to TPR can also be conceptualized as the percentage of terminations that are completed within 15 months of removal of the child. The figure below illustrates the percentage of TPRs completed within 15 months of removal for the 2020 fiscal year. Sample sizes are provided (n=) as some sites had few TPRs.

TPRs Completed in Last 12 Months within 15 Months of Removal

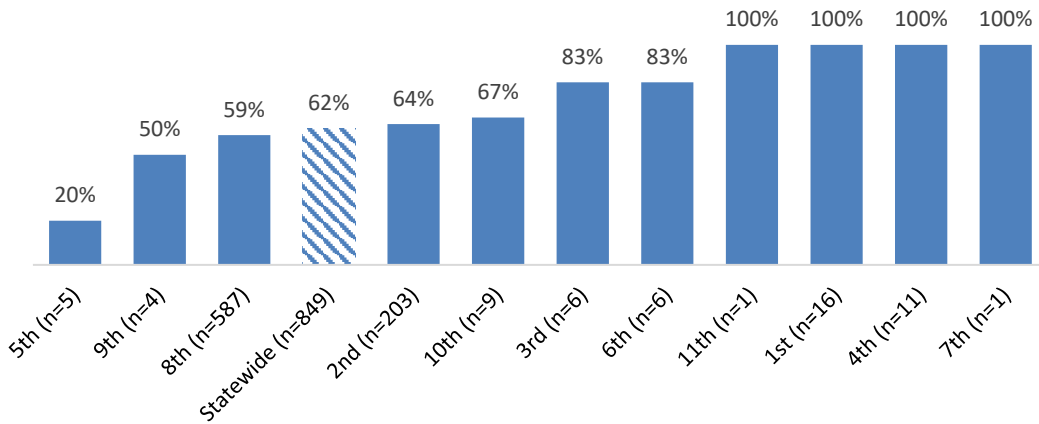


The graphs on the following pages illustrate youth who are free for adoption or living with family within 15 months of removal, the percentage of youth who are legally freed and adopted within 12 months, and the percentage of youth who are discharged to adoption within 24 months.

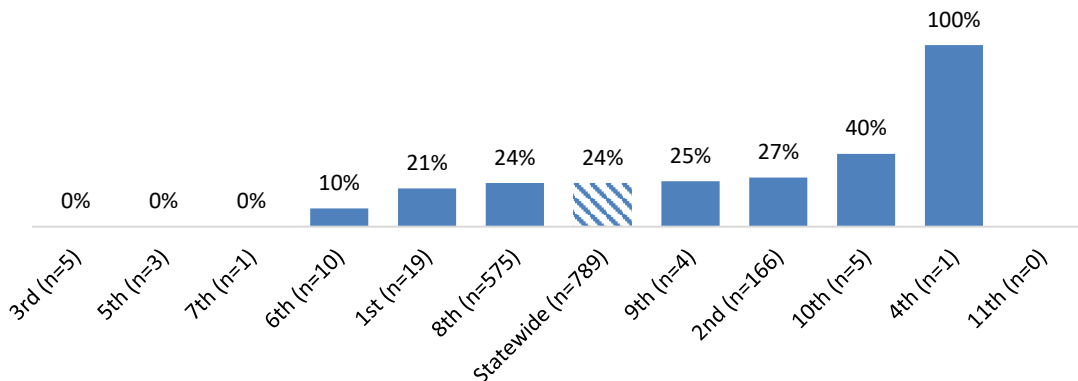
Free for Adoption or Living with Family within 15 Months of July 2018 - June 2019 Removal



Legally Freed October 2018 through September 2019 Adopted within 12 Months



CFSR Measure During October 2019 - September 2020: Discharged to Adoption within 24 Months



APPENDIX H

UNITY Case Number	Court Case Number	Removal Date	PC Hearing
1377783	JV22-00132	02/03/2022	02/09/2022
1377783	JV22-00131	02/03/2022	02/09/2022
1494017	JV22-00147	02/07/2022	02/09/2022
1482286	JV22-00164	02/09/2022	02/11/2022
1482286	JV22-00163	02/09/2022	02/11/2022
1476026	JV22-00170	02/11/2022	02/16/2022

Removal Reason	Work Days Elapsed
PARENTAL METH USE	4
INCARCERATION OF PARENT(S) CARETAKER'S SIGNIFICANT IMPAIRMENT - PHYSICAL/EMOTION AL	4
DOMESTIC VIOLENCE	2
NEGLECT	2
PARENTAL DRUG ABUSE	3

APPENDIX I

June 2021

Termination of Parental Rights in Nevada's 2nd and 8th Judicial Districts

Examining Timeliness and Identifying Sources of Delay

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Termination of Parental Rights in Nevada's 2nd and 8th Judicial Districts

Examining Timeliness and Identifying Sources of Delay

Executive Summary

Purpose

The 2019 Child and Family Services Review (CFSR) for Nevada identified a number of practices related to the termination of parental rights (TPR) (i.e., effective use of concurrent planning, filing timely TPR petitions (as per ASFA), and timely planning for adoption and provision of adoption services) as areas of concern to achieving timely permanency.¹ To contribute to an understanding of TPR timeliness in Nevada, the current study assessed TPR practice in the 2nd and 8th Judicial Districts (JDs) to accurately identify sources of TPR case processing delay and impacts on permanency. The goal of the study was to provide the Nevada Court Improvement Program (NVCIP) with an assessment of TPR practice that can be used to indicate areas where delay is occurring, to design improvements to target those sources of delay, and to inform the CFSR Program Improvement Plan (PIP) implementation.

Method

A random sample of cases with a TPR petition filed in 2019 in the 2nd and 8th JDs were reviewed, for a total of 171 cases (n=70 for the 2nd JD and n=101 for the 8th JD). Analyses were performed on cases in April of 2021 to give cases time to reach permanency. The court case file associated with the sample of TPR cases was reviewed using a structured case file review instrument. The case file review instrument collected the following information: case demographics; judicial continuity; representation (including continuity at the TPR phase); timing of key court events (e.g., removal, original petition filing, shelter care, adjudication/disposition, first judicial review, permanency hearing); continuance practice (e.g., dates of continuances, who requested and for what reason); identification of primary and concurrent permanency goals; TPR timing (e.g., TPR petition filing; TPR hearings held; TPR continuances; length of TPR trials); TPR mediation and pre-trial practice; TPR outcomes (e.g., defaults, relinquishments, contested TPRs); and final case disposition of the case (e.g., date of case closure and case outcome).

Key Findings

Case demographics: Looking at all of the case demographics (N=171), the average age of children was only 3.03 years old (median age = 1.34) and 52% had no siblings. In the majority of cases the race/ethnicity of the child could not be determined from the court's case files. Most cases involved allegations of neglect (95%), with substance use being a primary presenting problem of parents in both judicial districts (particularly methamphetamine abuse). Most cases (64%) removed the child from the mother while 32% removed the child from both parents.

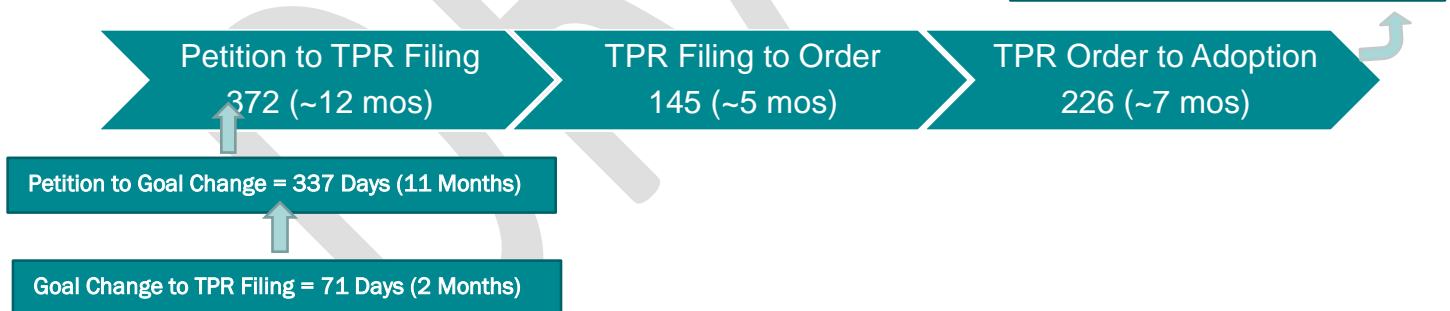
Case outcomes: Most cases reviewed were closed at the time of the review (58%; n=99), with 83% resulting in an adoption and 17% closing without TPR. Eighty-seven percent of the closed cases in the 2nd JD closed with an adoption compared to 78% of cases in the 8th JD. The 2nd JD had more adoptions to relatives (68%) than the 8th (40%).

Judicial continuity and representation practice: Judicial continuity was similar for both judicial districts, with an average of 2 judges for the entire case. Judges changed at the TPR phase in 34% of cases, with this happening more often in the 2nd JD (47% of the time). Counsel was appointed for mothers in an average of 25 days after removal (median=7), for the father at an average of 79 days after removal (median =24), and an advocate for the child was appointed an average of 40 days after removal (median =4).

TPR case processing timelines

Start to Finish = 699 Median Days (23 Months)

Adoption to Case Closure = 6 Days



- **Concurrent planning:** Just 22% of cases identified a concurrent plan in court orders at the First Judicial Review hearing.
- **TPR petition filing:** TPR petitions were filed a median of 14 months after removal (460 days, 15 months) or a median of 12 months (372 days) after the adjudication date. For the 2nd JD, time to file the TPR petition took a median of 455 days after removal with 52% filing the TPR petition within 15 months. In the 8th it took a median of 424 days to file the TPR petition, with 63% filing the petition within 15 months. When measured from adjudication, median time to file the TPR petition in the 2nd JD was 412

days or 13.5 months and in the 8th JD it was a median of 370 days or 12 months. After the permanency goal change to adoption, it took all cases a median of 71 days to file the TPR petition. This was faster in the 2nd JD, where the TPR petition was filed in a median of 58 days after the goal change to adoption – compared to a median of 80 days in the 8th JD.

- **TPR Hearings:** It took all cases a median of 77 days after TPR petition filing to hold a TPR hearing (117 days in the 2nd JD and 88 days in the 8th JD).
- **TPR Orders:** It took all cases a median of 145 days (4.75 months) from TPR petition filing to TPR order (175 days in the 2nd and 127 days in the 8th). It took all cases a median of 226 days from TPR order to adoption (215 days in the 2nd and 239 days in the 8th).
- **Case Closure:** Cases closed quickly after adoption – a median of 6 days after the adoption order (14 days in the 2nd and 1 day in the 8th).

Only the time to the goal change from reunification to adoption, and the time from removal to a permanent placement were statistically significant predictors of timely filing of the TPR petition. Cases that took longer to change the goal also took longer to file a TPR. Cases where the child was in a permanent placement (e.g., a home that was already willing to adopt) took less time to file a TPR petition. The number of continuances prior to TPR did not impact the timely filing of a TPR petition. When broken down by jurisdiction, the time to goal change was a significant predictor in both counties, but the time to permanent placement was not predictive in the 8th (that is, being in a permanent home did not impact the filing of the TPR petition).

Whether the case was referred to mediation, continuances, use of pre-trial, holding status hearings, and the TPR outcome all predicted time between TPR petition filing and TPR order. Every continuance at the TPR phase on the case resulted in an extra 40 days to termination order.

For timeliness between TPR order and adoption, the time to permanent placement and the child's age at filing were significant. Number of siblings was not. The older the child was at original petition filing, the longer it took to reach adoption after the TPR order. The longer it took to find a permanent home, the longer it took to finalize adoption. Kinship adoptions took less time from TPR order to adoption, with an average of 194 days (median of 224) compared to non-kinship adoptions that averaged 253 days (median of 285 days) from TPR order to adoption.

Overall presenting problems of baby born drug or alcohol positive and a prior TPR were all predictive of time to permanency. If the case included a child born drug positive or a prior TPR, the case took less time to permanency. Total continuances and total placements were also predictive of overall time to permanency for cases.

Termination of Parental Rights in Nevada's 2nd and 8th Judicial Districts: Examining Timeliness and Source of Delay

Introduction

Termination of parental rights (TPR) stemming from child abuse and neglect is one of the most difficult proceedings over which a judge must preside. A TPR order divests the parents of any legal status with respect to their child, and, simultaneously, it divests the child of any rights regarding (or relationship with) their biological parent. It has often been called the “death penalty” of dependency court, because of the seriousness and finality of a termination order severing all ties between a child and the biological parents. However, when parents are unable or unwilling to do what is necessary for a safe and timely reunification with their children, another permanency goal must be identified. Due to the constitutional issues, as well as the stresses naturally involved, termination of parental rights proceedings should be given high priority. Delaying or deferring termination often means missed opportunities in the life of a child. Courts should make every effort to reduce delay in their TPR practice.

Nevada's 2019 Child and Family Services Review (CFSR) identified areas where TPR-related practices could be improved to achieve timely permanency. These included: effective use of concurrent planning (the CFSR found concurrent planning to be present in just 35% of cases); effective and timely planning for adoption and provision of adoption services; strengthening court case review processes; and filing timely TPR petitions per ASFA (the CFSR found 66% to be filed timely). To address these findings, and to inform Nevada's Program Improvement Plan (PIP), data on adoptions were further reviewed, finding TPR motions/petitions were being filed timely (median of 12.7 months from removal), but it was taking almost five months from the motion/petition to a TPR order and then another eight months median time from the order to achieve adoption.²

The Nevada Court Improvement Program (NVCIP), funded by the federal Children's Bureau, contracted with Data Savvy Consulting to design and implement a study that would provide information about TPR timeliness and sources of delay to the NVCIP, the 2nd and 8th judicial district (JD) dependency courts, and the Community Improvement Councils (CICs). This report summarizes findings from a case file review of TPR cases in both the 2nd and 8th JDs to provide a picture of TPR practice timeliness. The report includes suggestions for next steps and ways to enhance data collection to improve evaluation of TPR practice in Nevada and its association with permanency outcomes.

Methods

Sites were asked for list of TPR petitions filed in 2019. Based on their querying systems, the 2nd judicial district identified 120 unique TPR petitions filed in that timeframe and the 8th identified 591 unique TPRs (the 8th determined TPRs based on hearings). The number of actual TPRs was higher, but researchers only counted unique mothers and all siblings were collapsed into one case. Researchers randomly selected cases from these lists and gathered a sample based on resources available for the study. In the 2nd, data was accessed remotely, allowing for an opportunity to collect 70 cases (58% of the total TPRs filed). In the 8th, remote access was not possible. One researcher traveled to the 8th and spent four days collecting data. This resulted in 101 cases reviewed (17% of the total). The final study sample included 171 cases for analysis. These cases had TPR petitions that were filed between October of 2018 and May of 2020. Cases were reviewed using a structured court file review form.

The casefile review instrument collected information for each judicial district about the following (coders could also provide additional qualitative notes about challenges/delays with TPR practice on the file review form):

- Judicial Officer(s) involved in case, included whether judge changed at TPR
- Case Demographics
 - Child date of birth, gender, number of siblings, race/ethnicity
 - Whether case was an ICWA case
- Removal
 - Whether child removed; from whom, and date of removal
- Original Petition
 - Filing date, allegations, presenting problems of parents (e.g., substance use, domestic violence, incarceration, homelessness, etc.).
- Case Closure and Outcome
 - Date case closed and reason (if adoption, date adoption finalized)
 - Date child placed in permanent home
- Total Placements
 - Date and type of placement change
- Representation Practice
 - Date attorneys appointed for parties
 - Whether there was a change in attorney at TPR, and date of appointment of TPR attorneys
- Key Hearing Timeliness, Continuance Practice and Permanency Goals
 - For Shelter Care Hearings, Adjudicatory Hearings, Dispositional Hearings, First Judicial Review Hearings and Permanency Hearings
 - Date scheduled, date held, whether there were continuances and, if yes, who requesting and the reasons for continuance
 - Permanency goal identified (primary and concurrent)
- TPR Practice Measures

- Date TPR packet mailed to AG, date letter/documents received by AG and date AG completed packet
- Date TPR petition filed
 - Whether TPR petition amended, and if amended, date amended
- Date TPR initial hearing scheduled and held, whether there were continuances and, if yes, who requesting and the reasons for continuance
- If service was perfected/completed, dates, and in what ways (e.g., personally, certified mail, U.S. mail, publication)
- Dates of TPR orders (default, relinquishment or contested)
- Whether there was a pre-trial conference and when
- Whether the case included status check hearings and when
- Other hearings related to TPR, including length of TPR trials
- Whether case was referred to mediation, date of referral, date scheduled, date held and outcome (full, partial, no agreements)

Data Analysis

Data were analyzed in multiple ways. First, descriptive analyses were conducted. These analyses report averages, medians, and frequencies and are used primarily to describe the data to the reader. For example, descriptive analysis would include calculating an average time from dependency petition filing to the filing of the termination of petition. These types of numerical data are reported in terms of averages and medians. Medians are the middle number in a sorted set of numbers and provide a more accurate portrayal of the middle of a dataset, particularly when the sample size is small and there may be outliers (cases that are very different – either higher or lower – than most of the other numbers in the dataset). In addition, categorical data (such as data that is reported as “yes” or “no”) were analyzed using frequencies and reported percentages (e.g., 56% of the cases were closed).

In addition to descriptive data, multiple types of predictive analyses were conducted. Predictive analyses allow an opportunity to explore relationships between two or more variables. The type of predictive analysis depended on the nature of the variable. For example, categorical variables (yes/no) require one type of analysis, whereas continuous numerical variables (e.g., age, day) require a different type. For the study purposes, t-tests, analysis of variance (ANOVA), and linear regression models were used to predict different variables relationship to outcomes such as timely filing of TPR. For any predictive analyses, the report indicates whether the findings were statistically significant. Statistical significance indicates that there is a low likelihood of finding the relationship based on chance alone. Only statistically significant findings are reported as a relationship in this document.

Findings

The goal of the study was to identify sources of delay, specific to the TPR filing. The study explored both timing of the TPR filing as well as the TPR order and final permanency on the case. Researchers asked for TPR petitions filed in 2019 and conducted analysis of cases in April of 2021 to give cases time to reach permanency.

Removals. All cases involved a child removal. Thirty-two percent of all cases removed the child from both parents (32%; n=54), 64% of the cases (n=109) removed the child from the mother only, 2% of cases (n=4) removed the child from the father only, and 2% of cases (n=4) removed the child from a legal custodian who was not the biological parent. Looking at the judicial districts (JDs), in the 2nd JD, 34% of cases removed the child from both parents (n=24 of 70), 59% from the mother only (n=41 of 70), 4% from the father only (n=3 of 70) and two cases removed the child from a legal custodian who was not the biological parent. In the 8th JD, 30% removed the child from both parents (n=30 of 101), 67% from the mother only (n=68 of 101), one case removed the child from the father only, and two cases removed the child from a legal custodian who was not the biological parent.

Of the 171 cases reviewed, 58% (n=99) were closed at the time of review. Of the closed cases, the majority resulted in adoption, although 17% ended without termination of parental rights. Figures 1-3 illustrate the case outcomes for the closed cases in the full sample, the 2nd and the 8th judicial district.

Figure 1. Case Outcomes (N=99)

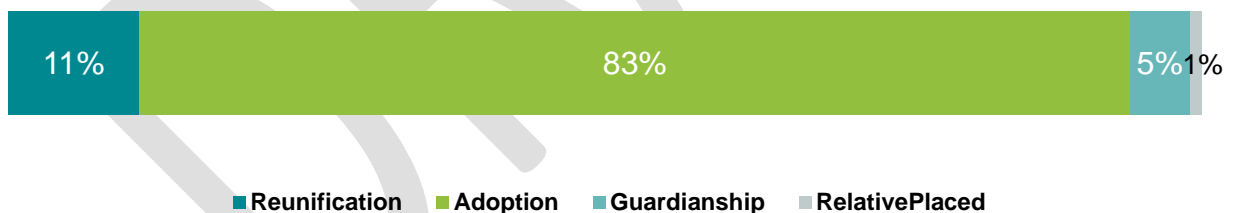


Figure 2. Case Outcomes 2nd Judicial District (N=48)

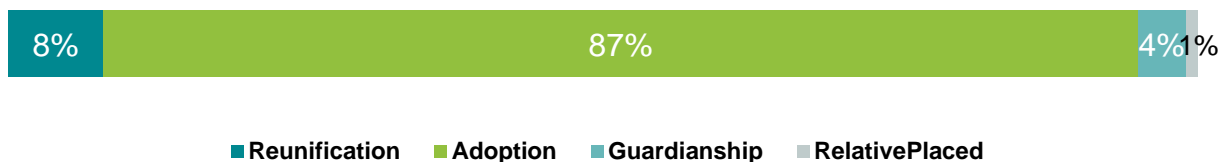
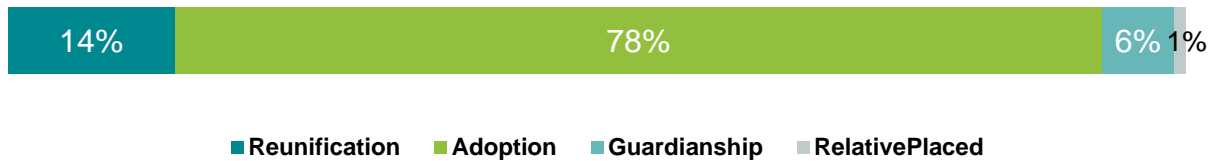


Figure 3. Case Outcomes 8th Judicial District (N=51)



Case Demographics

Child Characteristics: Slightly over half (53%) of the total sample of cases (N=171) involved female children with 47% of all cases involving male children. Looking at the different judicial districts, 51% of the cases in the 2nd JD involved female children (n=36 of 70) and 49% males (n=34 of 70), and in the 8th JD, 54% of the cases (n=54 of 101) involved female children and 47% males (n=47 of 101). The average age of the primary child named in the original and TPR petitions, at the original petition filing date, was 3.03 years (median=1.34). For the 2nd JD, average child age at original petition filing was 3.07 years (median=1.56) and for the 8th JD, average child age at original petition filing was 3.00 years (median=0.79).

The number of siblings per case ranged from 0 to 5, with 52% of all the cases reviewed (N=171) involving children with no sibling and 29% with just one sibling. In the 2nd JD, 44% of cases (n=31 of 70) involved a child with no siblings and 36% involved a child with just one sibling (n=25 of 70). In the 8th JD, 57% of cases (n=58 of 101) involved a child with no siblings and 25% (n=25 of 101) involved a child with just one sibling.

While coders could not determine the race/ethnicity of the child from the court file in the vast majority of cases (95%; n=162 of 171), there were 8 ICWA cases involving American Indian/Alaska Native children identified (5%; n=8 of 171; 6 cases in the 2nd JD and 2 cases in the 8th JD), and one case in the 8th JD where the race/ethnicity of the child was noted in the case file as Hispanic or Latino.

Petition Allegations: Allegations were coded for the mother and father in petitions (only 3 cases involved allegations against some “other” individual). The majority of cases alleged neglect at the original petition filing, with 95% of neglect allegations against the mother and 67% of neglect allegations against the father. Looking at the total number of allegations (regardless of whether they were alleged against the mother, father or some other party), for each of the judicial districts, 98% of allegations in the 2nd JD were for neglect (n=69 of 70) and 92% of allegations in the 8th JD were for neglect (n=93 of 101). See Figures 4 and 5 below.

Figure 4: Type of Allegations in Petitions (N=171)

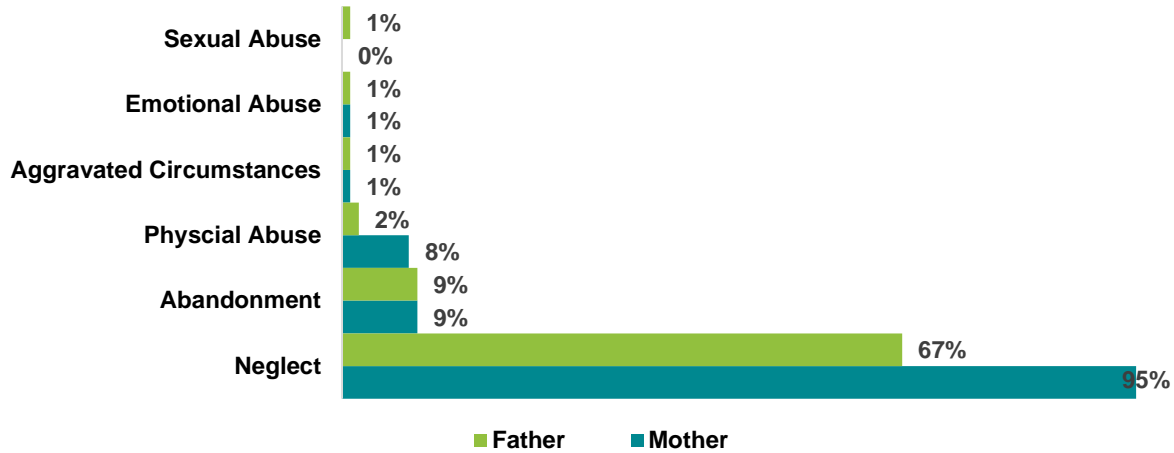
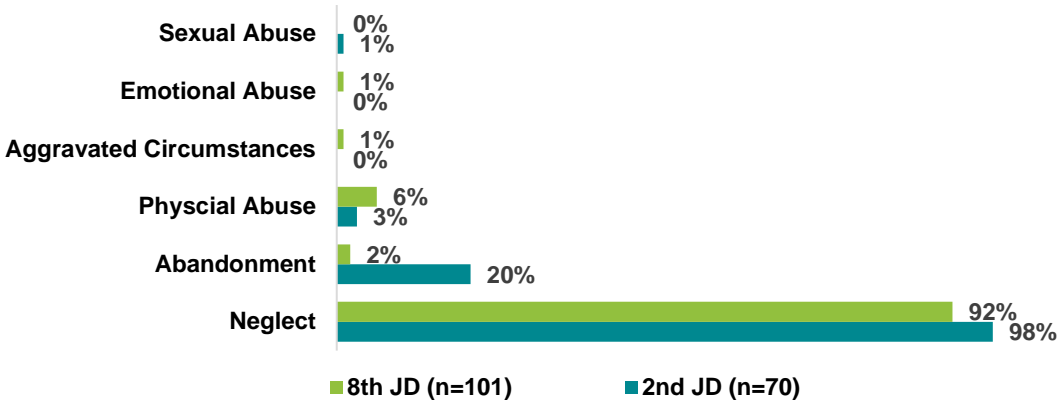
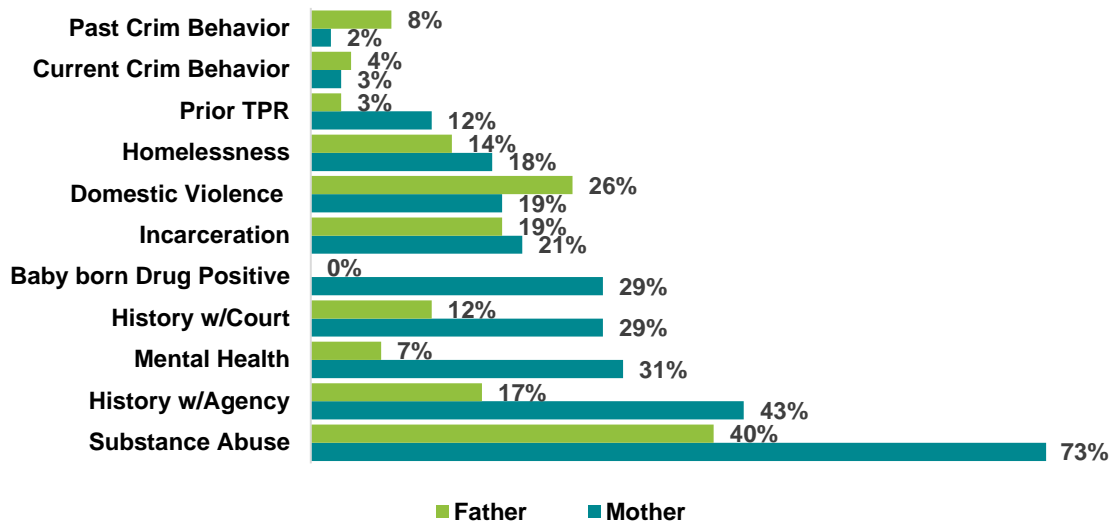


Figure 5: Percent of Allegations in Petitions by Judicial District



Presenting Problems in the Case: Most of the cases involved issues of substance use on the part of mothers (73%) and fathers (40%). The next most frequent presenting problem for mothers was a history with the agency (43%), followed by mental health issues (31%), prior history with the court (29%) and having a baby who was born positive for drugs or alcohol (29%). For fathers, the most frequent presenting problem after substance use was domestic violence (26%), followed by incarceration (19%), history with the agency (17%) and homelessness (14%). See Figure 6 below.

Figure 6: Presenting Problems in the Case (N=171)



As shown in Figure 7 below, the biggest differences found between the judicial districts with respect to the frequency of presenting problems in cases were for homelessness (30% of cases in the 2nd JD vs. 10% of the cases in the 8th JD), followed by parental substance use (80% of cases in the 2nd JD vs. 68% of cases in the 8th JD), having had a prior TPR of a child (6% of cases in the 2nd JD vs. 16% of cases in the 8th JD), the incarceration of a parent (26% of cases in the 2nd JD vs. 17% of cases in the 8th), and having had a baby who was born positive for drugs or alcohol (25% of cases in the 2nd JD vs. 33% of cases in the 8th JD),

Figure 7: Presenting Problems in the Case by Judicial Districts

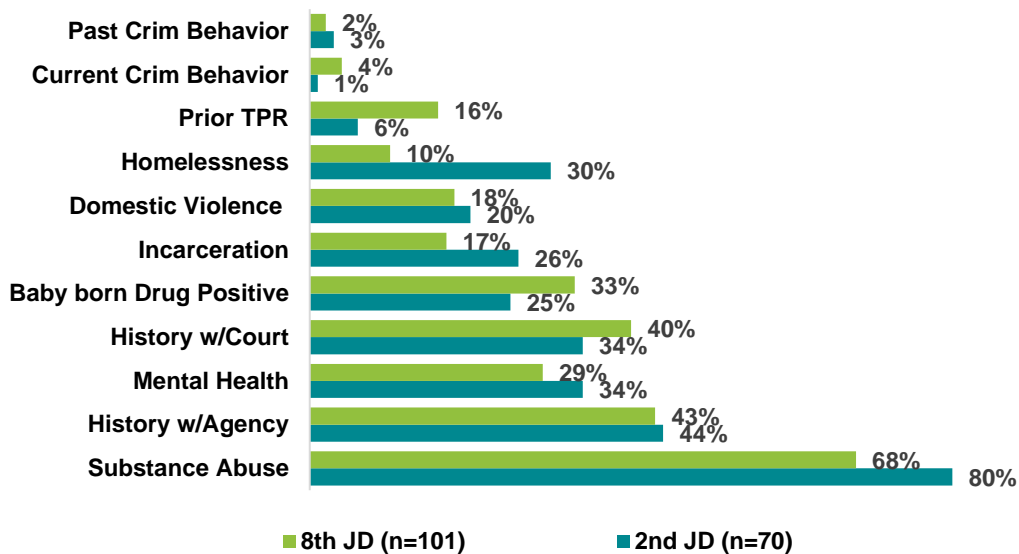


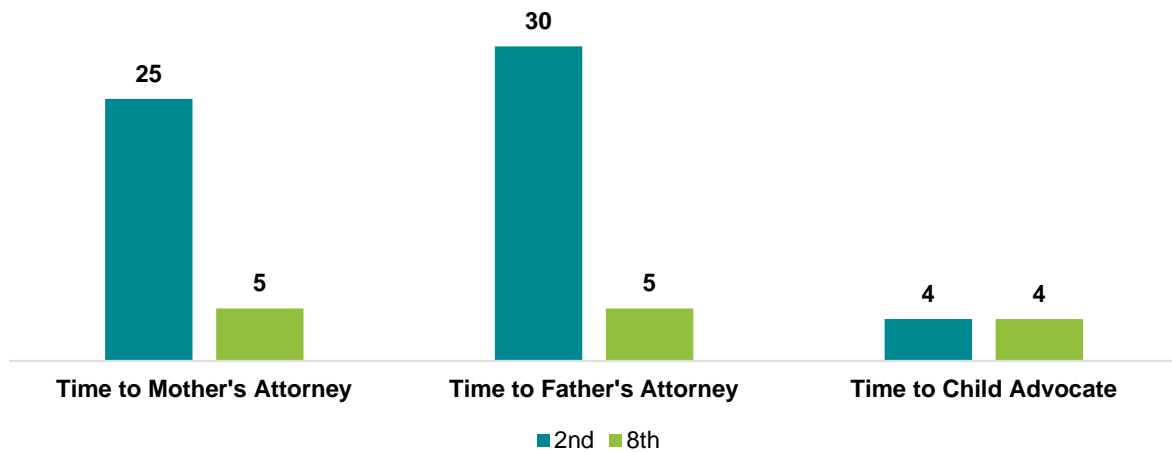
Table 1 below examines parental substance use in the TPR cases in more detail. Of the cases with substance use identified as a presenting problem (n=56 for the 2nd JD and n=69 for the 8th JD), the most frequently identified drug was methamphetamine, followed by opiate use – for both judicial districts and for both mothers and for fathers.

Table 1: Type of Parental Drug Use Identified in TPR Cases by Judicial District [N=171] [more than one type of drug use could be identified per parent per case]		
Type of Drug Use	2 nd Judicial District [n=56 SA cases]	8 th Judicial District [n=69 SA cases]
Mother's Drug Use		
Heroin	21% (n=12)	10% (n=7)
Opiates	43% (n=24)	16% (n=11)
Methamphetamine	61% (n=34)	59% (n=41)
Marijuana	20% (n=11)	14% (n=10)
Cocaine	5% (n=3)	4% (n=3)
Alcohol	18% (n=10)	3% (n=2)
Father's Drug Use		
Heroin	5% (n=3)	3% (n=2)
Opiates	23% (n=13)	3% (n=2)
Methamphetamine	32% (n=18)	12% (n=8)
Marijuana	5% (n=3)	0%
Cocaine	0%	1% (n=1)
Alcohol	11% (n=6)	1% (n=1)

Representation Practice

Courts can enhance efficiencies by assuring counsel are available to parents as early as possible in the case process. In both jurisdictions, it was routine practice to appoint an attorney for the parent at the 72-hour hearing if the parent was present. Mother's attorney was appointed an average of 25 days after removal (median of 7), father's attorney was appointed an average of 79 days after removal (median of 24) and an advocate for the child was appointed an average of 40 days after removal (median of 4 days). These numbers varied by site (see Figure 8).

Figure 8. Median Time (in Days) to Appointment of Counsel



In the 2nd JD, the attorney changed at the TPR in 23% of cases. In the 8th JD, 12% of cases the attorney changed at TPR. In an additional 11% of cases, the court reappointed the same attorney at TPR because the attorney had withdrawn earlier due to no contact with the parent.

Judicial Continuity

Judicial continuity is defined as keeping the same judge across the life of the case. Cases averaged two judges across the life of the case (range of 1 to 5 judges). This was similar across sites, although the 8th was more likely to only have one judge (46% of cases) compared to the 2nd (20% of cases). The study also explored whether the judge changed at the termination of parental rights phase of the case. Overall, the judge changed at the TPR phase in 34% of cases. In the 2nd judicial district, the judge changed at TPR in 50% of cases, whereas in the 8th JD, the judge change at TPR in only 22% of cases.

Case Processing Timelines Pre-TPR

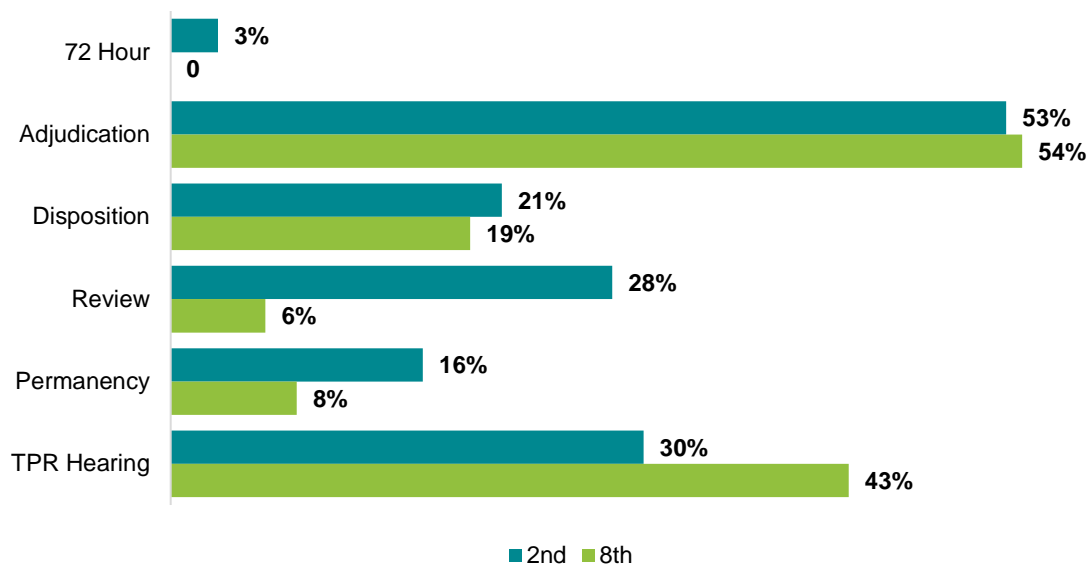
The timing of the case process was explored to identify how many days between specific court events. These events are statutorily required to be held within specific timeframes. The median is reported in lieu of the average as it portrays a more accurate representation of how many days most of the sample is taking to get to specific events. Table 2 illustrates the findings.

Table 2. Median Days Between Key Court Events			
Court Events	Median Days (Total)	Median Days 2 nd	Median Days 8 th
Removal to 72 Hour Hearing	4	2.5	4
72 Hour to Petition Filing	10	0	13
Petition Filing to Adjudication	32	44	20
Removal to Disposition	59	55	62
Petition Filing to 1 st Review	162	171	158
Petition Filing to 1 st Permanency Hearing	345	357	340

Continuances

Cases averaged two continuances per case. The majority of cases did not have a continuance at the 72-hour hearing. Figure 9 shows the percentage of hearings that had a continuance. As noted, the majority of continuances were at evidentiary portions of the case – the adjudication and the termination of parental rights hearing.

Figure 9. Percentage of Hearings That Had a Continuance



Permanent Plan Goal Change to Concurrent Planning and to TPR

The federal Adoption and Safe Families Act (ASFA) and NRS require the child welfare agency to request a goal change and file a TPR petition when a child has been in foster care for 15 of the most recent 22 months. In certain circumstances, these timeframes need not be strictly followed. These circumstances can include situations where a child is in the care of a relative who does not wish to adopt, or the agency alleges, and the court approves, other compelling

reasons that establish that termination of parental rights is not feasible or in the best interest of the child.

The majority of cases noted the permanency goal at the first review hearing. In 73% of cases the goal was reunification, and in 22% of cases the goal was adoption at the first six-month review. Only 22% of cases identified a concurrent plan in the court orders at the six-month review. For these cases, adoption was the concurrent goal in 67% of cases, reunification in 28% and guardianship or relative placement in 3% each. At the permanency hearing for the study sample, 27% had a goal of reunification, 70% had a permanent goal of adoption, 2% had a goal of guardianship and 1% had a goal of relative placement. Forty-percent of the cases noted a concurrent goal in the court orders. The concurrent goal was primarily reunification (53%), or adoption (39%) with an addition 8% being either guardianship or relative placement. Cases averaged 322 days from initial petition filing to the goal change on a case (median of 337 days). Sites were similar in time to goal change. In the 2nd, median time to goal change was 348 days from petition filing and in the 8th is was 335 days form petition filing.

		Permanency Goal		Concurrent Goal	
		2 nd	8 th	2 nd	8 th
Review					
	Reunification	87%	73%	--	12%
	Adoption	9%	27%	9%	10%
	Guardianship	--	--	--	--
	Relative Placement	--	--	4%	--
Permanency					
	Reunification	46%	22%	39%	29%
	Adoption	41%	75%	--	6%
	Guardianship	5%	3%	--	2%
	Relative Placement	9%	--	--	--

TPR Petitions

Termination of parent rights proceedings begin with the filing of a petition to terminate parental rights (NRS 128). A previous examination of TPR petition practice found that TPR motions/petitions were being filed timely (median of 12.70 months from removal).³ In the current study, termination of parental rights petitions were filed a median of 426 days (14 months) after the child has been removed from the home (average of 460 days, 15 months). Fifty-nine percent are filed within 15 months of removal. The median time in the 2nd was 455 days (52% within 15 months) compared to 424 days (63% within 15 months) for the 8th.

There are two ways to examine the timing of TPR petition filing. It was explored in Nevada's Program Improvement Plan (PIP) as time from removal to TPR. It can also be explored using a more nuanced perspective. To be more precise, ASFA requires a petition filed within 15 months of entry into care, which is calculated as the earlier of adjudication or 60 days past removal. As adjudications are timely in Nevada (in the majority of cases), adjudication date was used to re-calculate time to TPR filing. When using the adjudication date as the entry into care date, then time to TPR filing is a median of 372 days (12 months), with 67% of cases timely filing the TPR petition (within 15 months). For the 2nd, the median time was 412 days (13.5 months, 59% within 15 months) and the 8th was 370 days (12 months, 72% within 15 months).

TPR Petitions were filed a median of 71 days after the goal was changed to Adoption. They were filed faster in the 2nd (Median 58 days after goal change) compared to the 8th (Median 80 days after petition filing).

Service and Notice of TPR

The court should ensure service was made in a proper and timely manner. The proof of service or the efforts attempted to provide service must be placed on the record. The majority of records indicated attempts at service, but it was not always apparent from the files when service was completed/perfected on parents. It was common practice in the 8th to publish notice as to both parents immediately following TPR filing. When dates of service were found, it averaged 40 days from TPR petition filing to service for both parents (median of 26 days). This varied by site. In the 2nd, service averaged 38 days (median of 24) for mother and 47 days (median of 30) for fathers. In the 8th, service averaged 26 days (median 20 for mothers, 17 for fathers) for both parents.

Use of Pre-Trial Conferencing and TPR Mediation

The use of effective tools, such as pre-trial conferences and mediation can help identify any possible problems that may delay prompt resolution of the case and can streamline the issues in dispute. Courts can reduce delays by scheduling a pre-trial conference or utilizing alternative dispute resolution practices, such as mediation to resolve issues when possible.

A prior study of Nevada's mediation program in the 1st, 2nd, 5th and 8th JDs⁴ found that mediated TPR cases were significantly more likely to end with a voluntary relinquishment (63% for mothers and 51% for fathers) when compared to non-mediated cases (40% for mothers and 21% for fathers). Mediated TPR cases also had significantly more post-adoption contact (70%) when compared to non-mediated cases (10%). In mediated cases, 54% of the post-adoption contact orders for mothers and 43% of the post-adoption contact orders for fathers referenced some opportunity to visit with the child, compared with only 7% (for mothers) and 0% (for fathers) of post-adoption contact orders when the case was not mediated. With

respect to permanency, the study found mediated cases took less time from the TPR order to adoption (267 days) when compared to non-mediated cases (283 days). However, there were no differences found in time to permanency for mediated compared to non-mediated cases.

The current study found that 47% of cases in the 2nd were referred to mediation, while only 19% of cases in the 8th were referred to mediation. Outcome of the mediation was not always available in the case files. For mothers in the 2nd, 46% resulted in a full agreement, 17% in a partial agreement, and 38% in no agreement. For fathers in the 2nd, 36% resulted in full agreement, 24% in partial agreement, and 40% in no agreement. Data in the 8th was limited to only 9 cases with outcome data. The majority of those cases did not reach agreement (78%).

Termination of Parental Rights Hearings

The TPR hearing process depended largely on the specific case and the jurisdiction. In both the 2nd and the 8th, the first hearing scheduled was typically a plea hearing. In the 8th, because parents may also need counsel appointed or re-appointed, it was common practice to also see confirmation of counsel hearings. Calendar call hearings and status hearings were also fairly common practice in both the 2nd and 8th. If parents relinquished there may not be a formal TPR hearing documented. When documentation was clear regarding scheduled, the first TPR hearing was typically scheduled a median of 77 days after TPR petition filing. The TPR filing to the TPR hearing was a median of 91 days. The 8th took slightly less time to go from TPR filing to hearing (88 days) in comparison to the 2nd, (117 days).

Termination of Parental Rights Findings/Orders

Terminating parental rights can occur through legal consent, voluntary relinquishment or involuntary termination. If parents do not show up at the termination of parental rights hearing and they do not have an attorney to put forth a case, their parental rights may be terminated by default.

TPR Outcome	2 nd		8 th	
	Mothers	Fathers	Mothers	Fathers
Relinquished	71%	56%	38%	22%
Default	19%	37%	54%	74%
Contested (Involuntary)	10%	7%	7%	4%

In 4% of cases in the 2nd and 6% of cases in the 8th, the TPR petition was dismissed. In other cases, it was common practice to withdraw the petition if the parent voluntarily relinquished their rights.

Previous analysis of TPR data for Nevada’s PIP found that while TPR petitions were being filed in a median of 12.7 months from removal, it was taking almost five months from the motion/petition to a TPR order.⁵ The current study found that it took a median of 145 days (4.75 months) from petition filing to a TPR order for the mother, and a median of 139 days (4.5 months) from petition filing to TPR order for fathers. This varied by site. In the 2nd, the median time from TPR petition filing to TPR order was 175 days (nearly 6 months), in the 8th was 127 days (approximately 4 months). Defaults took a median of 97 to 108 days, relinquishments took a median of 173 -176 days, and contested trials took 240-269 days to get from TPR filing to an order.

TPR Outcome	2 nd		8 th	
	Mothers	Fathers	Mothers	Fathers
Relinquished	189	175	164	168
Default	101	158	95	91
Contested (Involuntary)	240	260	220	428

Figures 10 and 11 below summarize findings related to continuances of TPR hearings. When requested, most requests were made on behalf of the mother (84%). The most common reason for continuing the TPR was the “need for more time (37%), followed by a party needing an attorney or needing a new attorney (31%), a witness or party being unavailable (27%) and “waiting on relinquishment” (16%).

Figure 10. Percent of Continuances Requested by Party

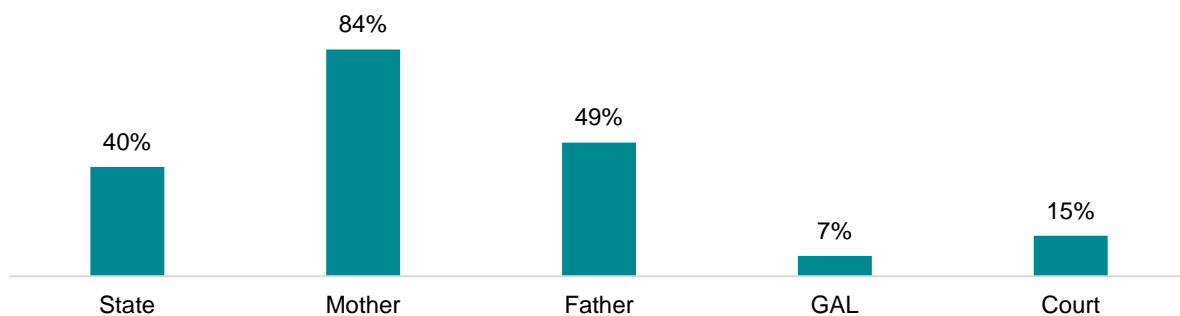
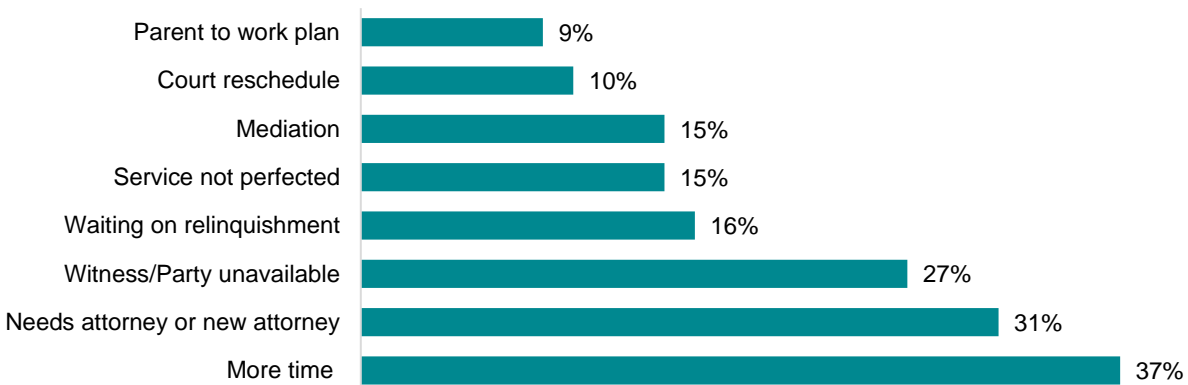


Figure 11. Most Common Continuance Reasons at TPR



Thirty-eight percent of cases included a pre-trial for the TPR and 42% included some sort of status check. Forty-seven percent of cases included additional hearings at the TPR phase (hearings beyond a pre-check, status hearing, or the hearing where termination matters were heard). Cases averaged 2.6 additional TPR-related hearings (ranging from 1 to 6 additional hearings). These hearings included confirmation of counsel, plea hearings, additional status checks or additional trial days. In the 2nd, 48% had a pre-trial and 23% had a status check. In the 8th, 15% had a pre-trial and 38% had status check hearings.

Adoption

The agency has the responsibility to secure an adoptive family and the responsibility for finalizing the adoption within a reasonable timeframe. Previous examination of TPR data for Nevada's PIP found that it took a median of 8 months from the TPR order to achieve adoption.⁶

The current study found 41 of the 47 closed cases ended in adoption (87%) in the 2nd judicial district. Of these, 32% were adopted by a stranger and 68% were adopted by a kinship/relative placement. In the 8th, 78% of closed cases ended in adoption. Of these, 60% were stranger adoptions, and 40% were relative/kinship adoptions.

Time from the order of termination to parental rights to adoption took a median of 215 days in the 2nd, and 239 days in the 8th. Cases were closed quickly after adoption, with a median of 14 days in the 2nd and a median of 1 day in the 8th. Across both samples, 47% of cases closed to adoption were closed within in 2 years. In the 2nd, 40% of adoption cases closed in 2 years and in the 8th 55% closed in two years. This is an overestimate of the cases closed in two years because 42% of the cases were still open at the time of the case review and the majority of those (73%) already had a TPR order, with a goal of adoption.

Little documentation was found about the adoption process and associated paperwork in the 2nd JD. Adoption process paperwork was often included in the files in the 8th for review hearings that occurred after the TPR was finalized. However, there was often no current document to determine what the delay is on the case, particularly for open cases.

Challenges with TPR Adoption

Coders reviewing the case files noted any challenges or delays that were documented that could be impacting timely permanency on the cases. Delay notes were captured for 50 cases. Of those, the most commonly noted sources of delay included: waiting on a parent to either reunify (make progress) or relinquish their rights, notice/service delays, and substitution of counsel or re-appointment of counsel at TPR hearings. Other noted delays including waiting on an ICPC (3), deciding to change goal to guardianship (3), placement disruptions (2) and challenges related to the COVID pandemic (2).

Factors Affecting Timely Filing of the TPR Petition

The primary purpose of this study was to support the agency's efforts to improve timely permanency by exploring court related factors that may influence time to the termination of parental rights petition, which was identified as a statewide challenge in round 3 of the child and family services review. Several factors were examined to explore what might predict timely filing of the TPR petition. A series of regression models explored which factors might predict timelier filing of TPR petitions.

Factors that were considered in the analysis were: age of the child, number of siblings on the case, number and type of allegations on the case, date placed in a permanent placement, number of continuances (pre-TPR hearing) in the case, the number of judges on the case, the timing of the permanency goal change, the timing of appointment of an attorney for parties, and the timing of key case events (e.g., adjudication, disposition).

Only two items were significant predictors of timelier filing of the TPR. The time to the goal change from reunification to adoption, and the time from removal to a permanent placement. Cases that took longer to change the goal also took longer to file a TPR. Cases in which the child was in a permanent placement (e.g., a home that was already willing to adopt) took less time to file a termination petition. The number of continuances prior to TPR did not impact the timely filing of a TPR petition. When broken down by jurisdiction, the time to goal change was a significant predictor in both counties, but the time to permanent placement was only predictive in the 2nd judicial district and not predictive in the 8th (that is, being in a permanent home did not impact the filing of the TPR petition in the 8th).

Timeliness Between TPR Filing and TPR Order

Multiple variables were explored to determine which factors might impact time between TPR filing and TPR order. Time to permanent placement, changes in judge at the TPR phase, number of judges across the life of the case, continuances at the TPR phase, the type of TPR outcome (e.g., relinquishment versus contested), use of mediation, pre-trial conferences, and status hearings were all explored.

Several of these variables predicted the time between TPR petition filing and the TPR Order. Whether the case was referred to mediation, continuances, use of pre-trials, holding status hearings, and the TPR outcome all predicted time between filing and order. NS indicates a non-significant finding.

Table 6. Average Days Between TPR Petition Filing and TPR Order			
		Average Days Between TPR Petition Filing and TPR Order (Mom)	Average Days Between TPR Petition Filing and TPR Order (Dad)
Referred to Mediation			
	Yes	211	208
	No	133	134
TPR Outcome			
	Default	121	146
	Relinquishment	178	170
	Contested	226	297
Pre-trial			
	Yes	219	224
	No	159	143
Status Hearings			
	Yes	224	NS
	No	162	NS

Every continuance at the TPR phase on the case resulted in an extra 40 days to termination order. Cases only averaged 1 continuance at the TPR phase, with 46% having no continuances, 23% with 1 continuance, 18% with 2 continuances and 12% having more than 2 continuances. The number of total additional hearings was not related to time to TPR order.

Timeliness Between TPR Order and Adoption

For timeliness between TPR order and adoption, we explored the age of the child, the time to permanent placement, the number of judges per case, and the number of siblings on the case. Both the time to permanent placement and the age at filing were significant. Number of siblings was not. The older the child was at petition filing, the longer it took to reach adoption after TPR order. The longer it took to find a permanent home, the longer it took to finalize adoption. Kinship adoptions took less time from TPR Order to adoption, with an average of

194 days (median of 224) compared to non-kinship adoptions that averaged 253 days (median of 285 days) from TPR order to adoption.

Time to Permanency

Each part of the process was a significant predictor of overall time to permanency. Overall presenting problems of baby born drug positive and a prior TPR were all predictive of time to permanency. If the case included a child born drug positive or a prior TPR, the case took less time to permanency. Total continuances and total placements were also predictive of overall time to permanency for cases.

Deeper Dive

Time to File the TPR Petition Differences Between Cases

Table 7: Description of Cases by Filing of TPR Petition (N=171)		
Case Characteristic	Not Filed in 15 Mos. (n=61)	Filed in 15 Mos. (n=108)
Age of child (Average)	4.4 (4)	2.4 (1)
Number of siblings	1 (1)	1 (0)
Mother Physical Abuse	0	7%
Mother Neglect	100%	92%
Mother Abandonment	15%	0%
History with the court	13%	36%
Born drug+	13%	35%
Prior TPR	2%	16%
Drug abuse	67%	75%
Number judges per case	2 (2)	2 (2)
Number of continuances	3.2 (3)	1.6 (1)
Number of placements	1.8 (1)	1.7 (2)
When perm goal changed	432 Days (407)	285 Days (324)
Time to Adjudication	43 Days (39)	38 Days (29)
Removal to Disposition	85 (54)	68 (61)
Was there a concurrent plan (Yes)	57%	40%
Time to permanent placement	590 Days (532)	590 Days (593)
Removal to Atty Mom	37 (12)	21 (6)
Removal to Atty Dad	56 (20)	80 (25)
Removal to Child Advocate	94 (6)	17 (4)
Case is now closed (Yes)	46%	64%
TPR Outcome (Mother)		
Relinquish	77%	46%
Default	20%	43%
Contested	3%	11%
TPR Outcome (Father)		

<i>Relinquish</i>	49%	35%
<i>Default</i>	49%	58%
<i>Contested</i>	3%	7%

Table 7 above compares case characteristics and processing timelines for cases in which the TPR petition was filed within 15 months and for cases filing the TPR petition later than 15 months. Some of the biggest differences found included: TPR petitions were more often filed within 15 months if the case involved a baby born drug or alcohol positive (35%), there was a prior history with the court (36%) or there was a prior TPR in the case (16%). More of these cases had TPR defaults for mothers as an outcome (43%) and were closed at the time of our review (64%). For the cases with TPR petitions that were filed in more than 15 months, those cases more often involved allegations of mother’s abandonment of the child (15%) and had longer times to permanency goal change (average of 432 days from the dependency petition filing). These cases also had more TPR outcomes of relinquishment by the mother.

Looking more closely at differences between cases filing a TPR petition within 15 months and cases filing the TPR petition later than 15 months, case file reviewer notes were examined to see if there were any themes that emerged (i.e., additional context or features of the case described by the coder in notes). In both judicial districts, cases that did not file the TPR petition within 15 months often noted that the child was in a relative placement approved by the agency. In the 8th JD, 3 cases involved an ICPC with a parent or relative in another state. In the 2nd JD, 2 cases noted that the parents were participating in the family treatment drug court and 2 cases noted that the child’s removal was the result of the parent’s present inability to take care of the child’s medical and behavioral issues.

TPR Outcome Differences Between Cases

Table 8 compares case characteristics and processing timelines for cases that were open at our case review (April 2021) and cases that were closed. The biggest difference between cases included more substance use by the parents in closed cases (81%), less time to change the permanency goal in closed cases (an average of 306 days; median of 319 days), and more closed cases with TPR defaults by the father (41%). Cases that were still open were more often referred to mediation (55%) and had more status checks at the TPR stage (32%). Of course, because the cases were still open, compared to the closed cases more open cases did not have a TPR order in the file (30%).

Table 8: Comparison of Open vs. Closed TPR Cases (N=171)		
Case Characteristic	Closed at Review (n=x)	Still Open at Review (n=x)
<i>Age of child (Average)</i>	2.7 (1)	3.6 (2)
<i>Number of siblings</i>	1 (0)	1 (0)
<i>Mother Physical Abuse</i>	3%	7%
<i>Mother Neglect</i>	97%	92%
<i>Mother Abandonment</i>	6%	14%

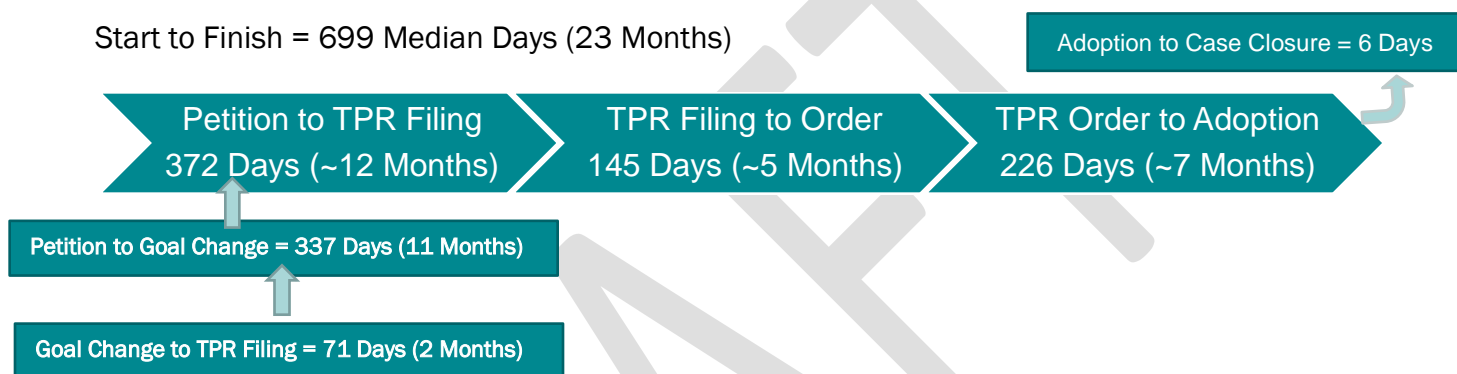
<i>History with the court</i>	26%	34%
<i>Substance Abuse</i>	81%	62%
<i>Born drug+</i>	26%	34%
<i>Prior TPR</i>	14%	9%
<i>Number judges per case</i>	2.1 (2)	1.7 (2)
<i>Number of continuances</i>	1.9 (2)	2.7 (2)
<i>Number of TPR Continuances</i>	.8 (0)	1.5 (1)
<i>Number of placements</i>	1.8 (2)	1.7 (1)
<i>When perm goal changed</i>	306 Days (319)	345 Days (348)
<i>Time to Adjudication</i>	41 (32)	41 (32)
<i>Removal to Disposition</i>	69 (56)	79 (63)
<i>Was there a concurrent plan (Yes)</i>	45%	48%
<i>Referred to mediation (Yes)</i>	29%	55%
<i>Had a pre-trial (Yes)</i>	21%	16%
<i>Had a status check at TPR phase</i>	19%	32%
<i>Removal to Atty Mom</i>	27 (12)	25 (5)
<i>Removal to Atty Dad</i>	91 (25)	63 (22)
<i>Removal to Child Advocate</i>	38 (4)	47 (4.5)
<i>Time to TPR Service (Mo)</i>	45 Days (29)	32 Days (20)
<i>Time to TPR Service (FA)</i>	40 Days (26)	40 Days (26)
<i>TPR Outcome (Mother)</i>		
<i>Relinquish</i>	40%	44%
<i>Default</i>	32%	24%
<i>Contested</i>	9%	3%
<i>TPR Outcome (Father)</i>		
<i>Relinquish</i>	33%	45%
<i>Default</i>	41%	24%
<i>Contested</i>	5%	3%
<i>NO TPR Order</i>	19%	30%

Looking closer at differences between closed and open cases, case file reviewer notes were examined to see if there were any themes that emerged (i.e., additional context or features of the case described by the coder in notes). Similar themes were found for open cases in both of the judicial districts: there were notes related to trial home visits for families, there was some delay noted with respect to the adoption process (e.g., referrals just made or waiting for adoption subsidies, or waiting for the adoption to finalize), or an indication of waiting to see if the parents would relinquish their parental rights prior to the need for a TPR hearing/trial on the matter.

Discussion and Considerations for Next Steps

The findings from this study are meant to be illustrative of the practice related to timely filing of the TPR petition on cases in the 2nd and 8th judicial districts. Figure 12 below provides a summary of timeliness of case processing for cases that have ended in adoption.

Figure 12. TPR Filing Process in Median Days (and Months)



This study of TPR practice in the 2nd and 8th judicial districts sought to identify sources of TPR case processing delay and impacts on permanency, to assist the NVCIP in designing improvements to target those sources of delay, and to inform the CFSR Program Improvement Plan (PIP) implementation. Recommendations are not provided in the report, instead, the authors offer some considerations for the committee. It is important for the professionals in Nevada to identify what stands out to them, where they see places that seem to not be timely, and then to discuss the underlying reasons that may cause these delays. This process will help to ensure that any strategies to improve timeliness are grounded in data and have appropriate root causes identified. Some considerations are identified below but are not meant to be exhaustive of all findings.

- **Goal change is clearly important.** The biggest predictor of timely filing of the TPR petition was the date of the goal change to TPR/Adoption on the case. This is not terribly surprising. Most of the time the TPR petition was filed within 2 months of the goal change. *Consider whether that timing is good or is it too long? Can the timing be improved? Why does it take 2 months to file a petition after the goal has been changed?*
- **Continuances do not impact timely TPR filing.** Continuance practice prior to the TPR filing does not impact the actual filing of the TPR. Cases have few continuances prior to the TPR phase of a case. Early case continuances do not appear to be a problem or an area in need of focus.

- **Continuances do impact the time to TPR order from filing.** Continuances at the TPR phase do delay time to completing the termination. Every continuance at the TPR phase delays the time to TPR order by 40 days. This seems like an area for further consideration. The majority of the continuances are for parties wanting more time. More time could mean more time for parents to progress on the case plan or more time for parents to relinquish their parental rights. *Does this seem like an important area of delay? How might continuances at the TPR phase be reduced? What can be done to prevent multiple delays while waiting on a parent to relinquish? Is there a better way to conduct this process?*
- **Being in a permanent placement may be important.** Being in a permanent placement seems to impact TPR Filing in the 2nd JD but not in the 8th. This was measured retrospectively for the cases AFTER they achieved adoption, exploring when they were placed in the home that ended up being their permanent home. Having an adoptive resource is clearly an important consideration in these cases. *Is it possible that not being in an adoptive home is delaying the filing of a TPR petition? Is there something that can be done to improve that process?*
- **Case processes impact timeliness.** Cases with a mediation and a pre-trial take longer to get to a TPR order than cases without those practices. Cases with status checks also have longer times from TPR petition to TPR order. Case statuses intuitively seem longer because the status checks are often used to check in on cases when the TPR has not yet been achieved. *What is it about these processes that delay the TPR order? Is it just the nature of the proceedings? Is it the way they are scheduled?*
- **The cases that file in 15 months look different from those that do not.** While many of the case characteristics examined did not predict the filing by 15 months, it may be that a combination of factors results in delayed filing. That is, they may have a cumulative impact on delaying the case. *Besides the case characteristics already examined in this study, are there other case features that differentiate cases that file a TPR in 15 months and those that do not?*
- **There was not always a compelling reasons finding in the files when filing took longer than 15 months or the goal stayed reunification longer.** *Why do you think that is? Is it because the plan is to file within 15 months, but the filing process is delayed? Is it because the goal changed later? Or did the goal change back and forth? Is it because of failed trial home visits?*
- **Time from TPR to adoption seems to be longer than anticipated (and many cases are still open).** Documentation in the case files was often limited regarding when the court held a hearing post-TPR. If a hearing had not been held recently, it was impossible to determine what the sources of delay were. With so many children already being in a permanent placement at TPR, it is unclear what the primary reasons are for delay after termination has occurred. *What do you see as the most common sources of delay for this process?*

These findings are meant to serve as a starting point in understanding the timeliness of case processes and for exploring areas of opportunity within the process for enhancing timely case

processing and permanency. For each point in the TPR process (time to goal change, time to TPR filing, time to TPR order, time to adoption), it is important to ask – is this piece of the process timely? If the answer is no, then consider why you think that is and what can be done to improve the process.

¹ Nevada Department of Health and Human Services, Division of Child and Family Services, Nevada Child and Family Services Review Round 3 – Program Improvement Plan, November 1, 2019

² Ibid.

³ Ibid.

⁴ Gatowski, S.I. & Summers, A. (2019). *Nevada Statewide Juvenile Dependency Mediation Outcome Evaluation*. Systems Change Solutions, Inc. and Data Savvy Consulting.

⁵ Ibid.

⁶ Ibid.

DRAFT



The State of Nevada
Court Improvement Program

Strategic Plan



Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS
FFY 2021-2026 STRATEGIC PLAN

Strategic Plan Template

State Name: Nevada

Date Strategic Plan Submitted: June 30, 2022

Timeframe Covered by Strategic Plan: October 1, 2021-September 30, 2026

Overall Goal/Mission of CIP: *The CIP enables the courts and agencies involved in the child welfare system to develop transformational systemic statewide changes to significantly improve the processing of dependency cases while ensuring compliance with state and federal laws regarding child dependency and child welfare matters.*

Priority Area #1: Data

Outcome #1: *CIP will work with the Department of Health and Human Services to establish data sharing capabilities between the Child Welfare Agencies and the Courts. Both currently track valuable information on children, youth, and families, but the data elements being collected is typically different between the two parties. By providing bidirectional data exchanges between the two parties, information that was previously unknown will be made available, allowing for better informed decision-making.*

Need Driving Activities & Data Source: How do you know this is a need in your state? *The differences between the data being collected by the child welfare agencies and the courts creates a discrepancy in the information being received. The Courts currently rely on the Department of Children and Family Services to provide CFS775 “timeliness” reports to each of the jurisdictions in Nevada. This report is disseminated on a quarterly basis, creating lag time in decision-making.*

Theory of Change: *By providing a bidirectional flow of information between the Child Welfare Agencies and the Courts, the two can review information in real-time, allowing for proactive decision-making, versus reactive decisions.*

Reminder: please note if priority area will be supported by Division X supplement with a ‘COVID’ tag.

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, “ongoing”.</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
Establish and implement agreement between the child welfare agencies and the courts, allowing for the bidirectional flow of information between the two agencies. This will allow for the dissemination of relevant information regarding children in the child welfare system, in real-time.						

Action Step 1 – Establish a data sharing agreement between Child Welfare Agency and Courts	CIP DHHS/DCFS	Flow of bidirectional information between Child Welfare Agency and Courts.	Real time data, allowing for proactive responses versus reactive.	September 2022	Data Sharing Agreement between DCFS and Courts.	Improved well-being, timely permanency outcomes, disparate timelines, and outcomes for children & families
Action Step 2 – Identify data elements needed for report and access	CIP DHHS/DCFS Data Savvy Consultants	A deeper dive into data reports	Identify areas needing improvement or maximizing	Ongoing		[tab to add rows]

Priority Area #2: Disparity/Disproportionality

Outcome #1: Reduce the overrepresentation of certain racial and ethnic groups in the child welfare system relative to their representation in the general population.

Need Driving Activities & Data Source: *How do you know this is a need in your state?* Research has observed the overrepresentation of children of color in the child welfare system for more than 50 years and overrepresentation of Black children is more significant. National data shows that 23 percent of children in foster care are black although they represent only 14 percent of children in the general population. While the national dialogue has focused largely on Black children, racial disproportionality has also been observed for Native American and Latin X children, although to a lesser degree and with variation by state (Dettlaff & Boyd, 2020).

In 2020 Nevada started analyzing the child welfare system’s demographic data. Nevada identified that Black children are overrepresented by nearly 3 times and are being screened in at a rate nearly 5 times that of white children. Nevada sees Black children in care at a rate nearly double the national average. National American Indian/Alaska Native children enter care at the highest rate and remain in care at the highest rate, nearly 3 times that of white children. Children of color have lower permanency rates and stay in state care longer than white children. Data sources include AFCARS and NCANDS files.

Theory of Change: By bringing awareness and by better educating stakeholder’s (e.g. behavior changes, improved knowledge, culture awareness & shifts, improve service accessibility) involved with 432B cases regarding the overrepresentation of children of color in Nevada’s child welfare system is expected to create transformational system change to decrease overrepresentation of children and families of color in the child welfare system. In turn, this will most likely decrease racial disproportionality in the welfare system and provide equity and inclusion for this target population upon initial contact and throughout the life of the target population’s case.

Activity or Project Description	Collaborative Partners	Anticipated Outputs of Activity	Goals of Activity (short and/or Long-term)	Timeframe	Resources Needed	Plans for Evaluating Activity
Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.	Responsible parties and partners involved in implementation of the activity.	What the CIP intends to produce, provide or accomplish through the activity.	Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable. Progress toward Outcome	Proposed completion date or, if appropriate, “ongoing”.	Where relevant identify the resources needed to complete the activity.	Where relevant, how will you measure or monitor change?

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Bring awareness to and educate stakeholders about racial disparity and disproportionality to assist with reducing the overrepresentation of certain racial and ethnic groups in the child welfare system.						
<i>Action Step 1 – Identify reasons for entering system by county/Jurisdiction</i>	CIP Court Stakeholder’s Child Welfare Agency Law Enforcement Foster Youth Parents Service Providers Alicia Summers, Ph.D. Sophie Gatowski, Ph.D. ICWA court stakeholders/ reps	Focus/learning groups to research and evaluate information/data needs, identify needs, barriers and services for professional stakeholders and target population. Tokenism training to avoid token efforts and appointments		Ongoing	Access to data	
<i>Action Step 2 – Quality of representation for parents & children</i>	CIP Court Stakeholder’s Child Welfare Agency Law Enforcement Foster Youth Parents Service Providers Alicia Summers, Ph.D. Sophie Gatowski, Ph.D. ICWA court stakeholders/ reps	Learning groups Improved services Recommendations	Equal access to representation. Equity and inclusion throughout the court process.	Ongoing	Baseline data surveys (parent surveys) Analysis Focus groups Reasonable Efforts Study	Depth of representation efforts
<i>Action Step 3 – Socioeconomic statuses of target population (poverty vs. neglect)</i>	CIP Court Stakeholder’s Child Welfare Agency Law Enforcement Foster Youth Parents Service Providers Alicia Summers, Ph.D.	Learning groups Improved services Recommendations Transformational system change	Economic and cultural awareness/responsiveness for professional stakeholders. Appropriate services for target population.	Ongoing	Baseline data surveys Analysis Focus groups Experts/Scholars working on this topic	Increase use of tailored services for target population. Reduce rate of lower income families entering the system.

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	Sophie Gatowski, Ph.D. ICWA court stakeholders/ reps					
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Priority Area #3: Quality Court Hearings

Outcome #1: *Enhanced high quality court proceedings that safeguard due process, encourage child and family involvement, and ensure accountability within and throughout the child dependency system.*

Need Driving Activities & Data Source: *How do you know this is a need in your state?* The statewide Remote Hearing Study accompanied by the Virtual Hearings in Child Welfare Cases: Perspectives from the Field, and the Juvenile Dependency Mediation Program (JDMP) study by Data Savvy Consulting.

Theory of Change: *The theory is that by continuing to provide the judiciary and their CICs’ data to help them identify areas needing improvement and information about evidence-based and best practices, the judiciary and stakeholders will have increased knowledge of what constitutes a quality hearing, and judges will have a better understanding of what constitutes reasonable efforts which will lead to an increase in depth of information brought to court by all parties because stakeholders will better understand the information needed by the court. The data and training provided will lead to increased identification of barriers and creation of action steps to improve outcomes. This will in turn, lead to long term outcomes such as improved time to permanency and overall timeliness of cases.*

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, “ongoing”.</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
<p>The Nevada CIP continues supporting and informing the Community Improvement Councils (CIC) as they implement their annual CIC Action Plans to improve court processing of dependency cases as its means of continuously monitoring and improving the quality of dependency court proceedings including court hearings and reviews. By providing the courts and their CICs data to help them identify areas needing improvement and information about empirically-supported and best practices, with CIP support and guidance, the courts make systemic changes to improve hearing quality. Because each judicial district is unique, the specific local activities and interventions for that district will continue to be built upon a foundation of empirical data and consensus among the key stakeholders and constituency of that district.</p>						
<i>Action Step 1 – Develop Permanency training for judges, masters, and court stakeholders</i>	CIP DCFS Chief Deputy DA’s	Online “permanency” training to address Concurrent Planning, Reasonable Efforts, and KinGAP for court stakeholders	Ensure consistency across the state.	Implemented, on-going		

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<p><i>Action Step 2 – Support CIC’s development and implementation of annual action plans.</i></p>	<p>CIP CICs Child Welfare ICWA court stakeholders/ reps</p>	<p>CIP collects, assesses, analyzes, and distribute permanency and timeliness data regularly.</p> <p>CIC’s follow through on action plans created at the annual CIC Summit.</p> <p>CIP works with stakeholders to develop and disseminate training and resources for the judiciary and CIC’s.</p>	<p>Improve court functioning, build capacity, decrease time to permanency, and improve timeliness.</p>	<p>On-going</p>		<p>CIC meeting activities and annual report.</p> <p>Improved time to permanency and overall case timeliness; improved reunification rate as reflected in DCFS UNITY data reports (CFS775) and Centralized Case Index.</p>
<p><i>Action Step 3 – Conduct “remote” hearing quality study.</i></p>	<p>CIP CICs Alicia Summers, Ph.D. Sophie Gatowski, Ph.D.</p>	<p>Child welfare court and agency professionals’ survey.</p> <p>Parent survey.</p>	<p>Increase knowledge regarding the use of virtual hearings during COVID-19.</p>	<p>On going</p>	<p>In person & Virtual hearing study.</p>	<p>Implemented, evaluating, on-going.</p>
<p><i>Action Step 4 – Monitor the quality of hearings.</i></p>	<p>CIP CICs</p>	<p>CIP encourages CICs to create meaningful agendas and take and distribute minutes.</p>	<p>CIP attends and supports CIC meetings.</p> <p>CIP holds statewide CIC Summit.</p>	<p>On-going</p>		<p>CIC agendas and meeting minutes focusing on steps to improve hearing quality.</p>
<p><i>Action Step 5 – Develop & Update statewide court order templates</i></p>	<p>CIP Court Stakeholders Child Welfare</p>	<p>Standardized court order templates</p>	<p>Provide consistency across the state.</p>	<p>Approved (ADKT 0581), implemented and ongoing</p>		<p>Evaluate timeliness outcomes</p>
<p><i>Action Step 6 – Update NRS 432B</i></p>	<p>CIP Court Stakeholders Child Welfare</p>	<p>Make various language changes to NRS 432B.</p>	<p>Increase protection of children in the child welfare system.</p>	<p>Ongoing</p>		
<p><i>Action Step 7 – CIP continues to actively align its work with that of the Child Welfare Agencies.</i></p>	<p>CIP CICs Child Welfare CBCC</p>	<p>CIP continues to provide input into attaining PIP and IV-E, CFSP/PSR, and CFSR goals.</p> <p>Child Welfare actively participates in the</p>	<p>CICs continue their successful endeavors as outlined in their action plans.</p> <p>Hearing and court order quality improve.</p>	<p>On-going</p>		<p>Success of court hearing quality improvement efforts, project implementation, PIP development and</p>

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		<p>development of the CIP Strategic Plan and its implementation.</p> <p>CIP and Child Welfare share data, program assessments results, etc.</p> <p>Regular meetings take place with Child Welfare managers & supervisors, SQIC Committee, and CIP.</p> <p>Child Welfare is fully represented and active on the CIP Select Committee.</p> <p>CIP and Judiciary participate in the development and implementation of the PIP.</p>	<p>Relevant statistical evidence (AFCARS, NCANDS, timeliness, permanency, and reunification) demonstrates continued improvement.</p> <p>CIP and Child Welfare Agency reports and documents reflect active and joint participation.</p>			implementation, and CICs.
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Priority Area #4: Quality Legal Representation

Outcome #1: *Improved quality of legal representation in dependency cases so that parents, children, and the State of Nevada experience high quality court hearings.*

Need Driving Activities & Data Source: *How do you know this is a need in your state?* The Quality of Legal Representation in Dependency Cases in Nevada study conducted by Data Savvy.

Theory of Change: *By better educating attorneys regarding federal and state mandates, the quality of legal representation is likely to improve; thereby, increasing the likelihood of adhering to AFSA timelines and achieving permanency more quickly, increasing the engagement of parents and, hence, reunification rates, the well-being of children and ensure their best interests. By educating CICs on the positive impacts of legal representation, increased legal representation is likely to occur.*

Activity or Project Description	Collaborative Partners	Anticipated Outputs of Activity	Goals of Activity (short and/or Long-term)	Timeframe	Resources Needed	Plans for Evaluating Activity
<i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	<i>Responsible parties and partners involved in implementation of the activity.</i>	<i>What the CIP intends to produce, provide or accomplish through the activity.</i>	<p><i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve.</i></p> <p><i>Goals should be measurable.</i></p> <p>Progress toward Outcome</p>	<i>Proposed completion date or, if appropriate, "ongoing".</i>	<i>Where relevant identify the resources needed to complete the activity.</i>	<i>Where relevant, how will you measure or monitor change?</i>

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Educate all attorneys, DA's DAG's, Parents and Children's Attorneys about federal and state laws and regulations governing child dependency cases (NRS 432B). Open appropriate trainings to Child Welfare staff and CASA/GAL's as well.

<p><i>Action Step 1 – Update the Online Dependency Training to reflect updated practice changes, policies, culture shifts and legislative changes.</i></p>	<p>CIP Court Stakeholders Child Welfare</p>	<p>Announcements to courts and CICs that online attorney training is available and provide instructions on how to register.</p>	<p>50% of attorneys practicing in dependency court will complete course.</p>	<p>Start FF2023</p>		<p>Review percentage of attorneys who have completed course.</p>
<p><i>Action Step 2 –The Supreme Court creates a training requirement for the state.</i></p>	<p>CIP Courts Attorneys CIC Leads Dependency Judges</p>	<p>Significant proportion of attorneys in each JD complete course.</p> <p>Attorneys understand that dependency cases are different from criminal cases.</p> <p>Attorneys' have improved understanding of state and federal law applying to dependency cases</p>	<p>Update practices and federal directives, improve knowledge and skills of attorneys.</p> <p>Attorneys better understand the needs of their clients and the services available to them.</p> <p>Parties are more engaged.</p> <p>Improved court timeliness data.</p> <p>Improved child permanency timeliness and reunification data as reflected in DCFS UNITY data reports (CFS775), AFCARS, and Centralized Case Index.</p>		<p>Innovated training strategies for effective outcomes</p>	<p>Satisfaction is measured upon completion.</p> <p>Knowledge gains are measured through pre and post-tests during the course of the training.</p>
<p><i>Action Step 3 – Identify list of performance measures that can be used in future evaluations of the effectiveness of parents' and children's representation in dependency cases.</i></p>	<p>CIP CIC Child Welfare Alicia Summers, Ph.D. Sophie Gatowski, Ph.D. ICWA court stakeholders/rep</p>	<p>Study that provides baseline data about parents' and children's attorneys' performance that can be used in future evaluation efforts assessing interventions, trainings, or other practice</p>	<p>Future evaluation opportunities.</p>	<p>Implemented, on-going.</p>		<p>Use current study to compare against future data.</p>

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		improvements, aimed at enhancing parent and child representation.				
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Priority Area #5: Timeliness/Permanency

Outcome #1: Identify barriers creating delays in timeliness to permanency for children in the child welfare system.

Need Driving Activities & Data Source: *How do you know this is a need in your state?* The 2019 Child and Family Services Review (CFSR) identified a number of practices related to the termination of parental rights (TPR) as areas of concern to achieving timely permanency.

Theory of Change: By understanding what practices are creating these delays, CIP, Court Stakeholders, and Child Welfare staff can make significant changes to current processes to remove these barriers, ultimately resulting in achieving timely permanency.

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, "ongoing".</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
PIP 3.4.1 Workgroup created to further review and analyze data associated with achieving timely permanency this led to the TPR focus groups						
<i>Action Step 1 – Establish TPR Workgroup</i>	CIP Child Welfare DA's AG's Alicia Summers, Ph.D. Sophie Gatowski, Ph.D.	Make process improvements.	Reduce/eliminate barriers to TPR.	On-going		Use current Termination of Parental Rights study to use as a benchmark to evaluate further studies. Monitor timeliness (CFS775) reports.
<i>Action Step 2 – Create Focus group for broader multidisciplinary perspectives</i>	CIP Child Welfare Data Savvy Consultants Parent Attorneys Child Attorneys AGs	Breadth and depth engagement from stakeholders that were identified by a snowball sampling method	Identify consistent barriers in jurisdictions and the state in order to identify possible solutions	July 2022		

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Action Step 3- Analyze focus group findings and provide summary to CICs and stakeholders	CIP Child Welfare Data Savvy Consultants Parent Attorneys Child Attorneys AGs	Assist CIC teams in developing plans for improving timeliness process		September 30, 2022(Summary) & ongoing		Qualitative approach via CIC meetings and practice change Monitor timeliness (CFS775) reports.
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Priority Area #6: Well-Being

Outcome #1: Improve the behavioral health and well-being of youth in foster care, with a focus on addressing educational needs.

Need Driving Activities & Data Source: *How do you know this is a need in your state?* The COVID-19 global pandemic left everyone impacted. From increased behavioral issues to a decline in school attendance, as provided by the Washoe County School District, we have seen a significant decline in these areas.

Theory of Change: By focusing on the identified behavioral health issues and educational needs of youth in foster care who meet the criteria for intervention services, there will most likely be a decline in substance dependency, a decline in absenteeism, and an increase in their educational achievements.

Activity or Project Description <i>Specific actions or project that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected change in data the CIP intends to achieve. Goals should be measurable.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, "ongoing".</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
Implement programs and projects that address behavioral health issues and focus on educational needs for youth in foster care.						
Action Step 1 – Ignite Teen Treatment	CIP DDA DFS – Clark County Ignite Teen Treatment Facility Youth with lived experience	Provide inpatient drug treatment to foster youth who are experiencing increased mental health issues as a result of the isolation and fear around the COVID-19 pandemic.	Reduce anxiety, depression, and PTSD, which have resulting in youth turning to drugs to “treat” their symptoms.	September 30, 2022		Review reports provided by the facility and/or DFS – Clark County.
Action Step 2 – Boosted Diplomas	CIP WCSD WCHSA Cooper Richardson, V.P.	Provide tutoring and/or a peer navigator to foster youth who have been identified as being	Increase attendance and improve overall grades and test scores of these youth.	September 30, 2022		Review reports provided by Boosted Diplomas. COVID

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		chronically absent during the 2020-2021 school year.				
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Child and Family Services Review / Program Improvement Plan (CFSR/PIP) - Overall Infrastructure & Supports

For states that will be participating in round 4 of the CFSR and PIP in your state this reporting year, please briefly describe overall infrastructure or similar supports for the CFSR/PIP process that may have been needed based on your Self-Assessment. As described in the PI, this may include engaging a broad representation of legal and judicial stakeholders, working with other leadership, collaborating with other partners, use of data in the process, staging, and feedback loops. For CFSR/PIP related efforts that are farther along and have focused data or outcomes identified, those can be completed on the usual project template above. Copy and paste the portion below the blue line if there are additional CFSR/PIP overall infrastructure and support items.

CFSR/PIP Outcome #1: *The change the CIP seeks to support for the CFSR/PIP process*

Activity Description <i>Specific actions that will be completed to produce specific outputs and demonstrate progress toward the outcome.</i>	Collaborative Partners <i>Responsible parties and partners involved in implementation of the activity.</i>	Anticipated Outputs of Activity <i>What the CIP intends to produce, provide or accomplish through the activity.</i>	Goals of Activity (short and/or Long-term) <i>Where relevant and practical, provide specific, projected measurable change the CIP intends to achieve.</i> Progress toward Outcome	Timeframe <i>Proposed completion date or, if appropriate, "ongoing".</i>	Resources Needed <i>Where relevant identify the resources needed to complete the activity.</i>	Plans for Evaluating Activity <i>Where relevant, how will you measure or monitor change?</i>
Briefly describe the overall activity that should help lead to the outcome identified above.						
Action Step 1 – Briefly identify the activities/action steps needed to implement activity 1						
Action Step 2 -						[tab to add rows]

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