

Nevada Court Improvement Project Re-Assessment

Final Report

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Permanency Planning for Children Department
National Council of Juvenile and Family Court Judges

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**NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
PERMANENCY PLANNING FOR CHILDREN DEPARTMENT**

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SUMMARY OF KEY FINDINGS

KEY FINDINGS RE: STATUTORY CONFORMITY WITH FEDERAL LEGISLATION

FINDING: Nevada statutes governing child abuse and neglect proceedings have a number of strengths, including: Specific timelines, consistent with ASFA, for different stages of litigation are set forth in statutes (e.g., deadlines for each protective custody, adjudication, disposition, review, permanency planning hearing, and termination of parental rights petition); Reasonable efforts are clearly stated in the statutes, and capture the spirit and intent of ASFA; Chapter 432B makes a strong attempt to address the cultural needs of Native American Children and ICWA considerations; and N.R.S. §432B.602 provides for expediting proceedings for children in rural areas through the use of advisory panels.

FINDING: The re-assessment team found the following areas of Nevada statutes could be improved to better address the intent of ASFA and best practices: Statutes lack clear statements of expectations for court events (e.g., the purpose of specific court hearings is not fully articulated); Statute does not provide a clear indication of the importance of the disposition hearing and how it is distinguished from other hearings in the child welfare process (e.g., adjudication); It is unclear when parents begin the process to secure representation; Statutes do not provide a timeframe for when parties must be served prior to hearings; The rights of foster and pre-adoptive parents to participate in hearings are not discussed, and there is no mention of notice to foster parents; There is no clear continuance policy set in statute; Concurrent planning is not discussed, defined, or encouraged in statute.

RECOMMENDATION: Steps should be taken to develop a stronger statutory framework that supports effective court oversight and clearly articulates the role of the court with respect to child welfare cases. Statutory language should be revised to include clearly articulated and specific purpose statements for each hearing type, clarify the primary issues to be addressed in specific hearings and the required judicial findings to be made, as well as specific requirements or expectations for parties. Training on revisions to statute should be instituted for all key stakeholders to ensure a clear understanding of roles and responsibilities, as well as expectations for hearings. Short of amending Statutes, local rules should be revised to address the concerns mentioned above, and trainings conducted on the revisions.

RECOMMENDATION: The Nevada Supreme Court has approved rules of practice (court rules) for each of the judicial districts, however, some of the judicial district rules are similar and some are not. It may be helpful to build consistency in court rules throughout judicial districts, to support and encourage consistency in practice.

RECOMMENDATION: The creation of a statewide judicial *Benchbook* may be helpful to new family court judges and general jurisdiction judges to allow for a better understanding of ASFA and its timelines. A *Benchbook* may also be helpful in articulating the oversight role of the court, developing consistency in practice throughout the state, and informing judiciary of best practice guidelines in child abuse and neglect practice.

KEY FINDINGS RE: IMPLEMENTATION AND ADHERENCE TO BEST PRACTICES

FINDING – Judicial Leadership

- ❖ Stakeholders in Clark and Washoe Counties were able to identify strong judicial leaders in their jurisdictions, both judges and masters, who “*prioritize*” child protection cases, are “*knowledgeable*” about best practices in child protection cases, and who are “*committed to working collaboratively*” to improve outcomes for children and families. Stakeholders report less active judicial leadership for improving the handling of dependency cases in rural districts.

RECOMMENDATION: To support and expand judicial leadership in child protection cases in Nevada, the CIP should implement training focused on judicial leadership to convey the message that judicial officers hearing dependency matters are also leaders of system change. Judicial leadership training should also address the intersection between leadership and judicial ethics.

RECOMMENDATION: The CIP should facilitate meetings with judges throughout the state, especially in rural districts, to discuss the importance of prioritizing child protection cases and to encourage judicial leadership both on- and off-the bench. Efforts to prioritize child protection cases with general jurisdiction judges in rural districts should also include training on ASFA, compelling reasons, the *RESOURCE GUIDELINES*, and other best practices in child protection cases.

FINDING – Court Oversight

- ❖ Almost every stakeholder interviewed in Clark and Washoe Counties reported that court oversight in child protection cases was “*strong*,” that judicial officers held everyone “*accountable*,” and that the court was doing a good job of “*ensuring that statutory timelines are met*.” Court observation in these project sites also confirmed that judicial officers in Clark and Washoe Counties are embracing their oversight role.
- ❖ Stakeholders participating in the online survey from rural counties expressed concern that the rural courts have not fully embraced their oversight role in child protection cases. Rural stakeholders reported that judges “*deferred*” to the Division, and could do a better job of “*holding everyone accountable*.”

RECOMMENDATION: Develop training programs specifically for judges in rural jurisdictions that focus on the judicial oversight role, ASFA mandates, and timeframes. Require that any judge or master presiding over dependency cases complete such a training program.

RECOMMENDATION: Provide opportunities at the regional and state level for judicial officers to meet, support, and mentor each other in their oversight role.

Through a variety of PIP strategies, the DCFS and the county Departments are working to improve the case planning and case review process, increase parental involvement in case planning, and improve visitation practice.

RECOMMENDATION: Ensure that judges and masters are fully knowledgeable to new child welfare agency policies and practices and, through their oversight role and active judicial inquiry, are ensuring that these new policies and practices are adhered to in individual cases.

RECOMMENDATION: Provide collaborative training and information-sharing opportunities to ensure that judges, masters, legal representatives, CASA, service providers, and other system professionals are informed of PIP strategies designed to improve the case planning and case review process, increase parental involvement in case planning, and improve visitation practice.

FINDING – Quality of Hearings

- ❖ While permanency planning hearings observed in Clark, Washoe, and Lyon Counties were generally quite good, the re-assessment team felt that permanency planning review hearing practice could be strengthened in each project site. Specifically, that permanency planning review hearings should be clearly differentiated from other review hearings in both purpose and scope. Permanency planning reviews observed during this re-assessment could have included a much clearer and substantive discussion of the barriers to achievement of permanency as well as deadlines and expectations for its achievement.
- ❖ Judicial officers in Clark and Washoe Counties actively inquired about placement, visitation, and services, made clear reasonable efforts and contrary to welfare findings, and set clear expectations for what should be accomplished by the next hearing date. Judicial officers also actively engaged parents in the hearing process.
- ❖ Mean length of hearings in each project site were relatively short (e.g., permanency planning review hearings were 8 minutes, on average, in Clark County; 10 minutes, on average, in Lyon County; and 12 minutes, on average, in Washoe County).
- ❖ In observations conducted in both Clark and Washoe Counties, judicial officers were observed to engage parents, as well as extended family members who were present, in the court process. Judicial officers in both project sites provided parents with an opportunity to ask questions, explained the hearing process, and discussed timelines. Stakeholder feedback and court observation revealed that judges in rural jurisdictions did not engage parties to the extent seen in either Clark or Washoe Counties, and to the extent encouraged by the *RESOURCE GUIDELINES* and best practices.

RECOMMENDATION: Convene a stakeholder group from urban and rural jurisdictions to clarify the purpose and scope of each hearing type (particularly review and permanency planning review hearings) in accordance with the best practices of the *RESOURCE GUIDELINES*.

RECOMMENDATION: Minimum hearing practice standards should be established at the state level, for adaptation to local jurisdictions. This will help support achievement of PIP goals with respect to standardizing practice throughout the state. Develop “hearing protocols” for each hearing (e.g., permanency planning hearings) and codify through local rules. Use these protocols as training guides and accountability tools for all parties engaged in the hearing process.

RECOMMENDATION: Develop a multi-disciplinary training program that strengthens judicial and non-judicial understanding of the purpose, scope, and expectations for each hearing type – based on the *RESOURCE GUIDELINES*, *ADOPTION & PERMANENCY GUIDELINES*, and ASFA. Roles and responsibilities with respect to best practices should also be clarified.

RECOMMENDATION: In urban districts with high volume (especially Clark County), develop measurement procedures to accurately assess judicial workload in dependency cases in order to determine what judicial resources are needed to support best hearing practice and to facilitate docketing of cases to allow more time for hearings.

RECOMMENDATION: Facilitate discussion and training among judges in rural jurisdictions about the judicial oversight and leadership role, what constitutes the appropriate level of judicial inquiry from the bench, and what the court's expectations are for each hearing type.

FINDINGS – Front-loading of the Court Process

- ❖ Protective Custody Hearings in Clark and Washoe Counties were substantive, addressing the reasons for removal of the child from the home, including a discussion of risk and safety, the current status and placement of the child, the initial visitation plan, and early service provision. [Protective Custody Hearings were not observed in Lyon County].
- ❖ Stakeholders from around the state expressed concern that paternity is not established in a timely way, and parents not previously involved in the child's life are not brought into the court process as quickly as possible. While substantive, protective custody hearings observed could be strengthened by making early ICWA inquires.
- ❖ When stakeholders from around the state were asked how often concurrent planning is used in child abuse and neglect cases in their jurisdiction, most respondents indicated that it was used in "some cases." Stakeholders expressed concern that concurrent planning is "neither a concept that is understood nor a standard component of case planning in Nevada."

A number of PIP strategies are aimed at strengthening practice with respect to early identification of fathers and relatives, diligent searches, and exploration of relative resources and placement options. PIP strategies are also aimed at developing consistent definitions and standards of practice for concurrent planning throughout the state.

RECOMMENDATION: Develop strategies to increase parental appearances with more attention to parental engagement in early and subsequent hearings in rural districts. Pay particular attention to the early identification and involvement of fathers. Encourage early ICWA inquires.

RECOMMENDATION: Encourage expansion of case conferencing, family group decision-making, and use of mediation at early stages in a case in order to more fully "front-load" the case process.

RECOMMENDATION: Continue training on the concept and use of concurrent planning as a tool to achieving child permanency and stability. Encourage consensus around the use of concurrent planning and standardize its practice.

RECOMMENDATION: CIP should work with the court, DCFS, and system stakeholders to ensure that PIP strategies to support standardized safety and risk assessment and screening procedures, earlier case investigations, and front-loading strategies are fully supported and consistently implemented system-wide and state-wide. Collaborative training modules should be developed to support implementation on new procedures and to ensure that all stakeholders understand their purpose and use in supporting informed decision-making and safe, timely permanency for children.

RECOMMENDATION: CIP should work with the Court, DCFS, and legal representatives to determine how best to get the necessary information generated by improved and standardized child welfare procedures at the initial stages of the case before the court and how this information informs judicial decision-making (especially reasonable efforts findings).

FINDING – Case Flow and Calendar Management

- ❖ Both the Clark County and Washoe County project sites have made concerted efforts in the last few years to examine their case flow process and calendar management procedures to support timelier decision-making and to strengthen court oversight.
- ❖ The high volume of cases and caseloads was identified by stakeholders throughout the state as the most frequent source of delay, as well as the source of delay having the most impact on timely case processing and achievement of ASFA timelines.
- ❖ Despite the high volume of caseloads, urban project sites are able to maintain strict “no continuance policies.” Case file review indicated a relatively low continuance rate, although protective custody hearings and hearings on the petition were more likely to have a continuance than were review or permanency hearings. When continuances were granted they were typically due to the lack of a report, or an attorney for the parent or parent absence.
- ❖ Rural stakeholders expressed frustration with the practice of calendaring cases for a general call as it resulted in “*too many cases scheduled for the same day,*” and inordinate amounts of waiting time.

RECOMMENDATION: Continue, and reinforce, strict no continuance policies. Encourage jurisdictions to record reasons for granting continuances in court files so that studies of delay can be implemented and reform initiatives designed to target delay.

RECOMMENDATION: Examine calendaring practice in rural counties to determine if a different approach to scheduling cases is feasible. Encourage collaboration between the court and agencies to determine if different scheduling approaches will make better use of court and agency time.

RECOMMENDATION: In urban districts with high volume (especially Clark County), develop measurement procedures to accurately assess judicial workload in dependency cases.

FINDING – Representation Practice

- ❖ Lack of resources for consistent and early appointment of legal representatives for children and parents, from the initial hearing through the final resolution of the case, presents a significant barrier to best practices and improved outcomes for children and families.
- ❖ The re-assessment file review found that the average time to formally appoint counsel for parents was relatively short, with appointment of counsel for mother occurring, on average, 20 days from petition filing, and an average of 13 days from petition filing for appointment of an attorney for fathers. Representation practice was rated by stakeholders as good overall, although stakeholders expressed concern that there are too few attorneys available to represent parents and children. Just under half of the case files reviewed in Clark County (46%) and Washoe County (42%) had appointed an attorney to represent the mother, when she was an identified party in the proceedings. Twenty-two percent of cases in Washoe County appointed an attorney to represent the father, and 26% of cases in Clark County had appointed an attorney for the father. In Lyon County, 20% of the cases reviewed had appointed an attorney for the mother and 5% had appointed an attorney for the father.

- ❖ The re-assessment found CASA representation to be strong in project sites. However, stakeholders across project sites reported that children “*should be represented by both a CASA and an attorney.*” No cases in the Washoe County file review sample had appointed an attorney to represent the child, although the majority of cases (77%; n=46 of 60) had appointed a CASA. In the Clark County sample of cases reviewed, 13% (n=10 of 75) had appointed an attorney for the child, while a CASA was appointed in 73% of cases (n=55 of 75). Neither CASA nor children’s attorneys were appointed on behalf of children in the Lyon County cases studied.
- ❖ Rural county stakeholders reported a conflict between District Attorneys and the Division, noting that the “*Division and social workers often do not feel represented*” by the DAs. Rural county stakeholders also report that public defenders “*lack knowledge*” and “*need training*” in representing clients in child protection matters.

RECOMMENDATION: Through a multi-system collaborative effort the CIP should take active steps to increase the availability of parents attorneys, especially in Clark County, and facilitate earlier appointment (e.g., at the Protective Custody Hearing and before the Hearing on the Petition) of counsel for parents. Parents should be represented by qualified attorneys, with specialized training in child welfare practice, from the initial hearing through the final resolution of the case.

RECOMMENDATION: CIP should proactively work with stakeholders and the Legislature to obtain legal representation for children in all child abuse and neglect proceedings. Explore means of expanding the CAP program in Clark County and the Children’s Law Project in Washoe County, both within those counties, and throughout the state.

RECOMMENDATION: CIP should proactively work with stakeholders and the Legislature to expand the CASA program, especially in rural jurisdictions.

RECOMMENDATION: Consider ways to enhance and support training for District Attorneys in rural jurisdictions in best practice in dependency cases, and their role and relationship to the Division in these cases. Consider ways to enhance and support training for public defenders in rural jurisdictions in best practice in dependency cases.

RECOMMENDATION: Develop attorney practice standards which encourage active, competent representation for all parties.

RECOMMENDATION: Develop a specialized training program for legal representatives and CASA involved in child welfare cases. Such a training program should not only focus on federal and statutory requirements, but also best practices in child welfare case processing, roles and responsibilities, child development and family dynamics, and the need to prioritize and expedite these cases.

RECOMMENDATION: Ensure that representatives from all attorney groups and CASAs are included in multi-disciplinary trainings and collaborative working groups. Focus particular attention on multi-disciplinary training that involves caseworkers, parents’ attorneys, and District Attorneys, in order to foster better collaborative relationships without undermining the quality of advocacy.

KEY FINDINGS RE: TIMELINESS OF COURT PROCEEDINGS IN SUPPORTING ACHIEVEMENT OF SAFE, TIMELY PERMANENCY FOR CHILDREN

FINDING: The random sample of case files studied in this re-assessment (N=160), indicate that project sites are doing a good job of meeting ASFA and state statutory deadlines, with steady progress in achieving greater rates of compliance. Looking at total case processing time, regardless of case outcome, timeframes from removal to case closure decreased from an average of 512 days in 2000 to an average of 395 days in 2003. This difference was statistically significant (i.e., cannot be attributed to chance alone).

FINDING: The re-assessment found that project sites need to develop or enhance their ability to track case progress, ASFA compliance and outcomes, and institutionalize court performance measurement in dependency cases. Each court handling child abuse and neglect cases needs the ability to regularly generate specific reports (and aggregate reports) on the timeliness and quality of court events. Management information systems development and enhancement for child protection cases needs to be actively pursued.

RECOMMENDATION: Develop measurement procedures to accurately assess judicial workload in dependency cases in order to determine what judicial resources are needed to support best practice (particularly in Clark County where the volume of cases is significant and the judicial resources available are few).

KEY FINDINGS RE: STAKEHOLDER ASSESSMENT OF CIP REFORM EFFORTS AND SUGGESTIONS FOR FUTURE CIP FOCUS

FINDING: A primary CIP goal has been improving the efficiency of the court process and increasing the impact of judicial oversight by streamlining and restructuring the permanency process to achieve more timely decisions and final resolution of cases. Much of the work of the Nevada CIP and the Reno Model Court has focused on implementing reforms effort aimed at improving fundamental court processes and procedures and implementing best practices based on the *RESOURCE GUIDELINES*. Standardization of policies and practices, and statewide implementation of reforms, has proven difficult in Nevada. As noted by a key statewide stakeholder, *"in many ways Nevada operates as three countries – Clark County, Washoe County, and the rural counties."*

RECOMMENDATION: As part of its overall reform strategy, the CIP should work with local and state stakeholders to develop a basic template or structure for court proceedings that can be implemented statewide and then adapted to local reflect local needs and issues. The CIP should also work with state and local stakeholders to develop a set of minimum expectations and requirements for practice and performance outcomes. Local jurisdictions can then build on these minimum expectations and requirements.

RECOMMENDATION: Develop a process to more fully engage multi-disciplinary stakeholders throughout the state in strategic efforts to develop, plan, and implement reforms. Build on collaboration models in Washoe and Clark Counties to help develop collaborative models in rural districts.

RECOMMENDATION: Engage in more strategic and active collaboration at the state level. The CIP, Administrative Office of the Courts, the District Courts, and the Department of Children and Families Services, at the state level, should actively, strategically, and routinely collaborate to support both the planning and implementation of system reforms.

RECOMMENDATION: As part of its sustainability efforts, CIP should consider how it can be further and more formally integrated into court administration. The CIP should have a voice in policy, budgetary, and planning decisions being made that effect how the Court responds to child abuse and neglect cases.

CHAPTER ONE INTRODUCTION

The Nevada State Administrative Office of the Courts (AOC), through the Nevada Court Improvement Project (CIP), contracted with the Permanency Planning for Children Department (PPCD) of the National Council of Juvenile and Family Court Judges (NCJFCJ) to conduct the federally required State Court Improvement Project Re-Assessment. This report is designed to provide the state with an assessment of the timeliness, quality, and effectiveness of the juvenile dependency court's performance with respect to its management and processing of child protection cases and court improvement efforts. This report makes specific recommendations to improve practice and policy and encourages the CIP use these findings and recommendations to guide refinement of the federally required CIP Strategic Plan, to support implementation of the State's Program Improvement Plan (PIP), and to facilitate ongoing collaborative reform efforts with those who share responsibility with the judiciary for providing for the care, representation, and protection of children removed from their homes. The re-assessment is not intended to be an evaluation of discrete CIP programs or initiatives.

A Brief History of the Federal State Court Improvement Program

The national Court Improvement Project (CIP) was established by Congress in 1993 through the Omnibus Budget Reconciliation Act (Public Law 103-66). The federal legislation established the Court Improvement of Foster Care and Adoption Project (Court Improvement Project) as part of its Family Preservation and Support Services Program. The purpose of the CIP was to require states to assess their foster care and adoption laws and judicial processes, and to develop and implement a plan for system improvement. Specifically, the CIP was to examine the degree to which juvenile and family courts had met statutory obligations of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) and complied with the provisions of the Indian Child Welfare Act (ICWA). These initial assessments were to document the courts' functioning and make recommendations that would serve, in subsequent years, as a blueprint for implementing required changes.

The U.S. Department of Health and Human Services (HHS) was charged with administering the national CIP through each state Supreme Court. Beginning in 1994, HHS offered grant opportunities to all 50 states and the District of Columbia to conduct statewide assessments. Successful completion of the assessment qualified states for implementation funds. The Adoption and Safe Families Act of 1997 (Public Law 105-89) reauthorized the CIP through 2001, which Congress funded at \$10 million annually. The Promoting Safe and Stable Families Amendments of 2001 (Public Law 107-133) reauthorizes the Court Improvement Program through FY 2006. The law also expands the scope of the program to: (1) include improvements that the highest courts deem necessary to provide for the safety, well-being, and permanence of children in foster care, as set forth in ASFA; and (2) implement a corrective action plan, as necessary, in response to findings identified in a child and family services review of the State's child welfare system.

Requirements of the Re-Assessment Process

The reauthorization of CIP requires state courts to conduct a re-assessment to update their earlier assessment findings, particularly in light of the ASFA requirements, the States' implementation of ASFA legislation, and the CIP reform efforts. State courts are also required to update their assessments to incorporate the strengths and weaknesses related to court system practice and procedures reflected in the final reports of the State child welfare agency's CFSR and the Title IV-E foster care eligibility review. In accordance with Attachment E, the state CIP

re-assessments are required to examine the current strengths and challenges of the dependency court system, building on the results of the State's initial CIP assessment and any evaluation conducted of subsequent court improvement efforts.

In accordance with federal mandates, the re-assessment of Nevada's court improvement efforts is designed to empirically assess the timeliness, quality, and effectiveness of the juvenile dependency court's performance with respect to the court's management and processing of child protection cases. Specifically, the re-assessment:

- Evaluates the level of state conformity with federal legislation (i.e., The Adoption and Safe Families Act (ASFA), the Indian Child Welfare Act (ICWA));
- Evaluates the level of local and state implementation and adherence to nationally recognized best practices such as those of the *RESOURCE GUIDELINES*;¹
- Assesses the timeliness and quality of court proceedings in supporting the achievement of safe, timely permanency for children;
- Determines the state's progress on its CIP reform efforts; and
- Identifies strengths and weaknesses of court performance and outcomes.

ASFA, CFSR, CIP and the Re-Assessment: Putting the Pieces Together

In recent years, the federal government has concentrated with increasing focus on achieving safe, timely permanency and well-being for abused and neglected children. Through a combination of legislation, regulations, and executive policy guidance, Congress and state legislatures have given state courts increasing responsibilities in abuse and neglect cases. Much of the added responsibility and accountability stems from federal child welfare reform laws, including the Adoption and Safe Families Act of 1997 (ASFA).²

The Adoption and Safe Families Act (ASFA)

The passage of ASFA was in part "a response to the fact that more children were entering the foster care system than were exiting."³ This landmark legislation clearly and unequivocally established the national goals of *safety, permanency, and well-being* for children in foster care. Five principles underlie ASFA and apply to state courts, as well as professionals working with families through public and private agencies. These principles are:

- i. Safety is the paramount concern that must guide all child welfare services;
- ii. Foster care is temporary;
- iii. Permanency planning efforts should begin as soon as the child enters care;
- iv. The child welfare system must focus on results and accountability; and
- v. Innovative approaches are needed to achieve the goals of safety, permanency, and well-being.⁴

ASFA requires a focus on outcomes and performance reports, and stresses both court and child welfare system accountability. ASFA stresses the need for collaboration and community partnerships that are focused on child safety and timely permanency. ASFA explicitly gives

¹ *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (1995). National Council of Juvenile and Family Court Judges, Reno, Nevada.

² *Adoption and Safe Families Act of 1997* (P.L. 105-89) signed into law November 19, 1997, amending titles IV-B and IV-E of the Social Security Act.

³ U. S. General Accounting Office, *Juvenile Courts: Reforms Aim to Better Serve Maltreated Children*, 1999 at 8.

⁴ U.S. Department of Health and Human Services, Children's Bureau, *GUIDELINES FOR PUBLIC POLICY AND STATE LEGISLATION GOVERNING PERMANENCE FOR CHILDREN* (Nevada, D.C.: June, 1999).1-5—1-6.

courts oversight over the child welfare agency through reasonable effort and contrary to the welfare findings. Building on the mandates of ASFA, the federal government began working with child welfare agencies to assess state performance through the Child and Family Service Reviews (CSFRs).

The Child and Family Service Reviews and the Program Improvement Plans

Beginning in FY 2001 the Administration for Children and Families (ACF) implemented the Child and Family Services Reviews (CFSR)⁵. The purpose of the CFSR is for the Federal government, in partnership with the States, to review States' child and family service programs to ensure substantial conformity with the State plan requirements in Titles IV-B and IV-E of the Social Security Act. The reviews cover child protective services, foster care, adoption, family preservation, family support, and independent living. The CFSRs incorporate both child welfare outcomes and state systemic factors – both of which include significant legal and judicial dimensions. The reviews are designed to help States improve child welfare services and the outcomes for children and families who receive services by identifying strengths and needs within State programs, as well as areas where technical assistance can lead to program improvements.⁶

Nevada's CFSR On-Site Review was conducted from February 23-27, 2004. On-site reviews were conducted in Clark County, Washoe County, and Carson City. Nevada was found to be not operating in substantial conformity in seven of the seven outcome areas and four of the seven systemic factors. The Nevada State Program Improvement Plan was approved on March 1, 2005. (See Table on next page).

In light of the close connection between the overall purpose of the CIP and the CFSRs, this re-assessment is explicitly designed to address and integrate, to the extent possible, the mandates of ASFA, the findings and recommendations of the CFSR and PIP, and the reform efforts of the Nevada State Court Improvement Project.

⁵ See 45 CFR 1355.31– 1355.37

⁶ For more specific information on the purpose and scope of the CSFRs, and the methodologies employed, visit <http://www.acf.hhs.gov/programs/cb/>.

Key Findings Related to Safety, Permanency, and Well-Being: CFSR Outcomes and PIP Strategies	
	Primary PIP Strategies
SO1: Children are, first and foremost, protected from abuse and neglect	Item 1: Timeliness of investigations: <ul style="list-style-type: none"> • 1:1 Develop & implement CPS intake-screening instrument to ensure accuracy and timeliness • 1:2 Develop and implement Statewide response policy and practice guidelines
	Item 2: Repeat Maltreatment: <ul style="list-style-type: none"> • 2.1 Revise and implement standardized substantiation criteria and practice guidelines • 2.2 Develop & establish a mechanism for analysis of multiple reports • 2.3 Review & revise a Statewide standardized safety assessment tool • 2.4 Implement standardized risk assessment criteria & use of risk assessment tool • 2.5 Implement standardized case closure criteria
SO2: Children are safely maintained in their homes when possible & appropriate	Item 3: In-home Services or to prevent removal: <p>3.1 Develop a best practice CaseManagement Model for: a) Assessment, b) Family engagement, and c) Collaborative Case Planning</p>
	Item 4: Risk of harm: <ul style="list-style-type: none"> • 4.1 Review & revise a Statewide standardized safety assessment tool • 4.2 Implement standardized risk assessment criteria & use of risk assessment tool • 4.3 Develop definitions: timeliness, face to face contact, new reports, initiating investigations and appropriate criteria for case closure
P1: Children have permanency and stability in their living situation	Item 6: Stability of foster care placement: <ul style="list-style-type: none"> • 6.1 Verify all emergency shelter care facilities operate w/in local ordinances • 6.2 Implement placement decision-making to improve matching of children to placement providers • 6.3 Create a consumer satisfaction survey for foster parents to support retention • 6.4 Using SAFE (Structured Analysis Family Evaluation) standardize foster and adoptive home studies • 6.5 Revise the Utilization Review Team process on higher levels of care • 6.6 Reestablish the statutory requirement to inform foster parents re. foster children's needs • 6.7 Strengthen recruitment and training for adoptive homes
	Item 7: Permanency goal for child: <ul style="list-style-type: none"> • 7.1 Establish concurrent case planning process • 7.2 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placement resources for adoption or other planned permanent arrangement
	Item 8: Reunification, guardianship, or permanent placement with relatives: <ul style="list-style-type: none"> • 8.1 Establish case planning process to use concurrent planning • 8.2 Implement placement decision-making to improve matching of children to placement providers • 8.3 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placement resources for adoption or other planned permanent arrangement
	Item 9: Adoption: <ul style="list-style-type: none"> • 9.1 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placements for adoption or other planned permanent arrangement • 9.2 Collaborate w/ AOC & CIP to identify permanency barriers & develop strategies for improved permanency • 9.3 State and county agencies will submit budget requests to reduce foster care caseload sizes • 9.4 Standardized policy and practice guidelines for adoption of older children (14 and over) • 9.5 Strengthen regional recruitment and training for adoptive homes • 9.6 Standardized and timely process for adoption subsidy • 9.7 Standardized Statewide social summary process • 9.8 Establish concurrent case planning process • 9.9 Standardize policy & practice guidelines for TPR/relinquishment process • 9.10 Using Structured Analysis Family Evaluation standardize foster and adoptive home studies
	Item 10: Permanency goal of another planned living arrangement: <ul style="list-style-type: none"> • 10.1 Establish Youth Advisory Boards • 10.2 Standardize IL transition plans - youth over 15.5 years • 10.3 Implement revised MOUs with Division of MH and Developmental Services • 10.4 Submit budget requests to create and hire positions to monitor contracts w/ group homes

	Primary PIP Strategies
<p>P2: The continuity of family relationships and connections for children is maintained</p>	<p>Item 13: Visiting with parents and siblings in foster care:</p> <ul style="list-style-type: none"> • 13.1 Establish Statewide visitation guidelines • 13.2 Standardized caseworker-child visitation policy
	<p>Item 14: Preserving Connections:</p> <ul style="list-style-type: none"> • 14.1 Strengthen practice of early identification, diligent search & assessment of parent/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 14.2 Standardize caseworker-child visitation policy • 14.3 Standardize caseworker-parent visitation policy • 14.4 Standardize parent-child visit & sibling visit guidelines • 14.5 Establish concurrent case planning process • 14.6 Create a Statewide diversity committee of internal and external (including tribal) stakeholders • 14.7 Require standardized IL transition plans for youth 15.5 years and older
	<p>Item 15: Relative Placement:</p> <ul style="list-style-type: none"> • 15.1 Strengthen practice of early identification, diligent search & assessment of parent/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 15.2 Clark County DFS will initiate improved services to families and children in Kinship Care
	<p>Item 16: Relationship of the child with parents:</p> <ul style="list-style-type: none"> • 16.1 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 16.2 Standardize parent-child(ren) & sibling visit guidelines • 16.3 Standardize caseworker with child(ren) visitation policy • 16.4 Standardize caseworker and parent(s) visitation policy
<p>WB1: Families have an enhanced capacity to provide for their children's needs</p>	<p>Item 17: Needs and services of child, parents and foster parents:</p> <ul style="list-style-type: none"> • 17.1 Develop best practice CaseManagement Model for assessment, family engagement, and collaborative case planning • 17.2 Establish concurrent case planning process • 17.3 Standardize policy on frequency of child-worker visits to ensure safety, well-being & meet educational needs • 17.4 Standardize practice guidelines for worker-parent visits
	<p>Item 18: Child and family involvement in case planning:</p> <ul style="list-style-type: none"> • 18.1 Develop best practice CaseManagement Model for assessment, family engagement, and collaborative case planning • 18.2 Establish concurrent case planning process • 18.3 Strengthen practice of early identification, diligent search & assessment of parent/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 18.4 Standardize policy on child-worker visits frequency to ensure safety, well-being & meeting educational needs • 18.5 Standardize practice guidelines for worker-parent visits
	<p>Item 19: Caseworker visits with child:</p> <ul style="list-style-type: none"> • 19.1 Standardize policy on child-worker visit frequency to ensure safety, well-being & meet educational needs • 19.2 Standardize practice guidelines worker-child visits – define purpose, promote quality • 19.3 Streamline documentation to increase available time
	<p>Item 20: Caseworker visits with parent:</p> <ul style="list-style-type: none"> • 20.1 Standardize policy and practice guidelines for worker-parent visits • 20.2 State and County to issue Information Memorandum of current policy on worker-parent visits • 20.3 Develop best practice CaseManagement Model for assessment, family engagement, and collaborative case planning • 20.4 Establish case planning process to use concurrent planning

	Primary PIP Strategies
<p>WB2:Children receive services to meet their educational needs</p>	<p>Item 21: Educational needs of children:</p> <ul style="list-style-type: none"> • 21.1 Standardize policies and protocol for documenting educational and medical services of child in care • 21.2 Standardize policy on child-worker visit frequency to ensure safety, well-being and meet educational needs • 21.3 Standardize practice guidelines worker-child visits – define purpose, promote quality • 21.4 Develop best practice CaseManagement Model for assessment, family engagement, & collaborative case planning • 21.5 Establish concurrent case planning process • 21.6 Reestablish the statutory requirement to inform foster parents re. foster children's needs
<p>WB3: Children received adequate services to meet their physical and mental health needs</p>	<p>Item 22: Physical health of the child:</p> <ul style="list-style-type: none"> • 22.1 Assess the physical health of all children in foster care • 22.2 Standardize policy on child-worker visit frequency to ensure safety, well-being & meet educational needs • 22.3 Create consumer satisfaction survey for foster parents to support retention • 22.4 Reestablish the statutory requirement to inform foster parents re. foster children's needs • 22.5 Standardize policies and protocol for documenting educational and medical services of child in care <p>Item 23: Mental health of child</p> <ul style="list-style-type: none"> • 23.1 Work with Medicaid to redesign children's behavioral health services to increase accessibility & availability • 23.2 Develop a budget request to add skilled medical professionals to DCFS' Utilization Review Teams • 23.3 Work with UNR School of Medicine to establish Child Psychiatry Internship Program • 23.4 Develop a budget request to fund psychiatric interns from UNR School of Medicine • 23.5 Expand recruitment of MHPs with UNR and UNLV Psychology Counseling Department • 23.6 Promote access to appropriate services for children and families to meet MH service needs • 23.7 Standardize policy on frequency of child-worker visits to ensure safety, well-being and meeting educational needs • 23.8 Implement a revised MOU with the Division of Mental Health and Developmental Services to support youth with MH and developmental disabilities • 23.9 Request converting Project WIN temporary contracts to permanent State positions • 23.10 Develop budget request for additional clinical outpatient and early childhood MH staff • 23.11 Develop a budget request to fund additional staff for Division's Higher Level of Care Contract Management Unit • 23.12 Develop a strategic plan for children's mental health services to improve service array, maximize funding and develop competent workforce

CHAPTER TWO METHODOLOGY

This re-assessment of Nevada's court improvement efforts was conducted using multiple modes of data collection, including stakeholder interviews (e.g., judges, juvenile court masters, legal representatives, court and child welfare administrators, caseworkers); structured child abuse and neglect hearing observations; structured court case file reviews; and policy review.

The re-assessment process incorporated four general phases of project activity:

- Phase I: Review of prior CIP and court performance reports, CFSR results, and PIP Recommendations
- Phase II: Assessment of the Statutory Framework and Court Rules
- Phase III: Assessment of Court Performance in Practice (Site Visit Data Collection)
- Phase IV: Data Analysis and Report Writing

Phase I.I: Review of Prior CIP and Court Performance Reports, CFSR Results, and PIP Recommendations

To help inform the overall design of the re-assessment, and to identify priority areas of focus, the researchers reviewed the prior CIP assessment, the CFSR and PIP, and any other relevant performance reports. Where appropriate, findings of this re-assessment are presented in comparison to the prior CIP assessment and the CFSR findings.

Phase II: Assessing the Statutory Framework

The review and assessment of Nevada's statute served three primary purposes: (i) To ensure that the re-assessment team had an in-depth understanding of the overall dependency process in Nevada, including statutory requirements and timelines, the general court hearing sequence, the role of the primary system stakeholders, and the overall organization of the juvenile dependency court system; (ii) To assess the level of conformity of statutory requirements, standards, and rules with ASFA and recognized best practices and make recommendations to enhance conformity; and (iii) To provide a broader context within which the overall results and recommendations are interpreted.

The Statute was reviewed to identify and articulate federal and statutory rules, standards and criteria designed to achieve safe, timely, and permanent placements for children who are removed from their homes as a result of abuse or neglect. The statutes were also assessed to determine the level of conformity with federal mandates (i.e., ASFA and ICWA) and nationally recognized best practice standards. In accordance with federal re-assessment requirements, the assessment of conformity with federal mandates and best practices included a focus on:

- Determinations of reasonable efforts and contrary to welfare findings;
- Sequence and timelines for court proceedings;
- Requirements and standards for representation of children and parents;
- Procedural safeguards for parents, guardians, and children; and
- General rules for the conduct of court proceedings.

Phase III: Assessing Court Performance in Practice

After reviewing statutory requirements and other formal policy statements, the re-assessment team then moved into stage three of the re-assessment process – the assessment of court performance in practice. Site visits by members of the re-assessment team were conducted to each project site. During each site visit, project staff engaged in parallel data collection

activities, including court observation and case file review, interviews with stakeholders, and observation of and participation in various CIP-related meetings.

❖ **III.I Project Site Selection**

Three project sites were identified and approved by the Project Steering Committee: Clark County (Las Vegas, NV), Lyon County (Yerington, NV), and Washoe County (Reno, NV). These sites represent two urban counties (Clark and Washoe) as well as a rural county (Lyon). The re-assessment team originally planned to add Tonopah, NV as a project site (another rural county). However, lack of a child abuse and neglect court calendar during available data collection site visit times, as well difficulties accessing a sufficient number of case files for review, precluded the addition of this project site.

Project Site	Site Visit Dates
Clark	January 12, 2005 April 4-8, 2005
Lyon	Feb 28 – March 1, 2005
Washoe	September 16, 2004 October 5, 2004 October 28, 2004 November 4, 2004 November 17, 2004

❖ **III.II Data Collection**

The standardized data collection instruments used in this re-assessment were based on previously validated instruments developed by the NCJFCJ in collaboration with the American Bar Association, Center on Children and the Law (ABA) and the National Center for State Courts (NCSC).⁷ These performance measures are used regularly by the ABA, NCSC, and the NCJFCJ to assess court performance and best practices. All instruments were modified to fit the unique statutory structure of Nevada State, and the specific goals of the re-assessment project.

Specific data collection activities differed across project sites as a function of local data capacity and jurisdictional volume. Standardized data collection instruments were used for each data collection strategy. Data collection activities included:

- **Hearing Observation:** A convenience sample of dependency hearings was observed in each project site.⁸ Because of the small number of cases available for observation in rural Lyon County, hearings observed while on-site (n=3) were coded to provide insight into court practice but were not statistically analyzed. Clark and Washoe Counties court observation samples were sufficiently large to warrant empirical analysis (see table below), but do not constitute a representative sampling of all hearings. However, the samples do provide a “snapshot of hearing practice” sufficient for the purposes of the re-assessment study.

⁷ With funding from the David and Lucile Packard Foundation, the NCJFCJ, in partnership with the ABA Center on Children and the Law, and the National Center for State Courts, engaged in a multi-year effort to develop nationally applicable assessment instruments for court performance and judicial workload. This initiative produced a publication for national dissemination that provides an overview of court performance and judicial workload assessment procedures, data definitions, and data collection instruments. *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases.* (2004).

⁸ The number of hearings observed in each project site was dependent upon the number and variety of hearings held, and researchers’ availability to conduct court observation, as one of several parallel data collection activities, while on-site.

Standardized court observation forms were used to assess the hearing process and best practices observed, including (but not limited to): presence of parties; quality of legal advocacy; degree of preparation for hearing; level of judicial inquiry into substantive issues such as placement and service provision; judicial findings of reasonable efforts; sources of delay; and time and calendar management (e.g., setting the next court date and time at the conclusion of each hearing). Attention was paid to who was present, the breadth and depth of judicial inquiry, and the inclusion of recognized “best practices” in dependency cases such as those articulated in the *RESOURCE GUIDELINES*.

Project Site	Number of Hearing Observations Coded for Analysis
Clark County	43
Washoe County	39
Total	82

- **Analysis of Automated Data / Review of MIS Capacity:** The re-assessment team examined each project site’s capacity to provide automated data on the outcomes of interest to this study.
- **Structured Case File Review:** A random sample of abuse and neglect cases with petition filing dates of 2000, 2001, 2002, and 2003 were reviewed. These cases were post-ASFA filings, and old enough to have reached permanency or case closure.⁹ In addition, the coders sampled more heavily from the 2002 and 2003 petition filings to ensure cases were reflective of current practice. Standardized case file review forms were used to collect information with respect to hearing dates, continuance practice, appearance rates, frequency of reviews, specificity of court orders with respect to ASFA findings (reasonable efforts, contrary to welfare findings), specificity of court orders with respect to needs of children and families, and so forth.

Project Site	Number of Files Coded for Analysis
Clark County	75
Lyon County	25
Washoe	60
Total	160

Year of Petition Filing	Number of Case Files in Sample
2000	24
2001	28
2002	53
2003	55
Total	160

⁹ Results from the file review analysis should be interpreted within the context of the de-bifurcation of the child welfare system in Nevada. This process was begun in Washoe County in 2001 and completed in 2003. Therefore, petition filings included in the case file review sample for Washoe County are cases that came into court jurisdiction during the de-bifurcation process. In Clark County, efforts to de-bifurcate the child welfare system began in October 2003 and were completed in October 2004. As a result, petition filings included in the case file review sample for Clark County are primarily cases functioning under the bifurcated system. Please See Chapter 3 for more information about the de-bifurcation process.

- **Online Stakeholder Survey:** An online (web-based) survey was developed to elicit responses from a broad range of system stakeholders from throughout the state. The Steering Committee helped to obtain email lists for relevant stakeholder groups. These lists were then used to send out an invitation to participate in the survey. Participants were assured that their names would not be attributed to the responses provided. Follow-up reminder emails were sent to encourage survey participation. A total of 200 were sent to Nevada State stakeholders,¹⁰ and a total of 137 stakeholders participated in the online survey – a response rate of 69%. The vast majority of respondents were from project sites, although some respondents reflected statewide positions or were stakeholders from non-project sites (e.g., Storey County, Elko County, Nye County, Lander County, etc).

The survey was designed to elicit opinions with respect to general court performance and permanency outcomes in dependency cases, barriers to compliance with timelines, effectiveness of CIP initiatives, local innovations, and so forth. The online survey was designed to gather information specifically related to the best practices of the *RESOURCE GUIDELINES*. Due to funding and resource constraints, the survey consisted of primarily close-ended, forced-choice questions (in order to reduce the amount of time necessary to compile and analyze results).

Online Survey Respondents	
Stakeholder Group	Number of Survey Respondents
Judges and Masters	7
Assistant District Attorney	22
Parents' Attorneys	27
Children's Representation	15
Court Administration	8
Social Services/Child Welfare	50
Other (e.g., service providers)	8
Total	137 respondents
Project Site	Number of Survey Respondents
Clark County	61
Lyon County	12
Washoe County	46
Non-Project Site Counties	18
Total	137 respondents

- **Semi-Structured Interviews with Key Stakeholders in Each Project Site:** The online stakeholder survey was supplemented by information gathered from a small number of semi-structured interviews with key stakeholders (e.g., judges, commissioners, legal representatives, management information system personnel, court administrators, clerks, child welfare agency representatives, and other professionals relevant to the goals of the project). These interviews were conducted in each project site during site visits. Questions addressed the following general categories of information: general perceptions of court

¹⁰ This may be an underestimate of the total number of invitations sent, as the survey used a “snowball” sampling approach (i.e., asking invitees to pass along the survey link to other dependency system stakeholders whom they thought should participate). Because of the “snowball” approach, the response rate calculated may actually be lower than 65% (this response rate is calculated on the total number of invitations sent out by NCJFCJ and not, potentially, on the actual number of invitations shared).

performance with respect to child abuse and neglect case processing; identification of innovative programs and initiatives in each jurisdiction; perceptions of helpfulness and utility of trainings; perceptions of the degree of, and effectiveness of, multi-system collaboration; perceptions of success of reform initiatives; identification of strengths and challenges of systems change; identification of areas in need of improvement; and identification of priority areas for reform.

Phase IV: Data Analysis & Report Writing

Data entry and analysis was ongoing throughout all phases of the research, including interview transcriptions, observation field notes, etc. Project site specific findings are integrated into the statewide report, as appropriate, noting common strengths, challenges, and any unique jurisdictional practices. Findings and recommendations are also organized around the five key areas of the federal re-assessment requirements.

CHAPTER THREE A BRIEF OVERVIEW OF NEVADA'S CIP EFFORTS

Mission of the Nevada CIP: *“To improve the lives of children and families who enter the child welfare system by improving court and agency collaboration through initiatives that make the system more efficient, reducing the amount of time children spend in foster care, and achieving permanency.”*

The overall objective of the Nevada CIP is to reduce the amount of time children spend in foster care and to achieve permanency for every child who enters the foster care system as early as possible. To achieve this overall objective, the CIP has identified the following goals:

- Accelerating permanency by implementing shorter timelines for adjudication and judicial review;
- Improving the efficiency and increasing the impact of judicial oversight by streamlining and restructuring the permanency process to achieve more timely decisions and final resolution of cases;
- Improving expertise by providing training and technical assistance to judges, attorneys, caseworkers and advocates;
- Improving the quality of representation of children by appointing an independent guardian *ad litem* for every child in every case;
- Continuing to improve foster care adoption cases and to increase the number of children adopted out of foster care; and
- Improving outcomes for Indian children under the Indian Child Welfare Act (ICWA) by ensuring judicial inquiry if the parent(s) of child(ren) before the court are Native American, and adequate notice to the tribes.

To support the administration of CIP, the Nevada Administrative Office of the Court (AOC) has dedicated 10% of the Supervising Court Services Analyst's time as a resource to the CIP Select Committee and to assist with any CIP, CFSR, and PIP issues. Additionally, the AOC pays an outside consulting firm for 10 – 20 hours of consultative time per month on behalf of CIP.

As part of its sustainability efforts, CIP should consider how it can be further and more formally integrated into court administration. The CIP should have a voice in policy, budgetary, and planning decisions being made that effect how the Court responds to child abuse and neglect cases.

To set a context for reform efforts, the number of child abuse and neglect petition filings per county and judicial district by fiscal year is presented. It is worth noting that the Second Judicial District (Reno) and the Eighth Judicial District (Las Vegas) have significantly more petition filings than the rest of the state. Petition filings in the Eighth Judicial District account for 59% of the overall number of petitions filed between 1999 and 2004. Petition filings in the Second Judicial District account for 32% of state filings for the same time period. In FY2004, new filings in the Eighth Judicial District accounted for 62% of state filings. It is important that reform efforts recognize and are sensitive to the significant challenges presented in both the urban and rural districts of Nevada.

Child Abuse and Neglect Petition Filings by Fiscal Year (July to June)						
	1999-2000¹¹	2000-2001¹²	2001-2002¹³	2002-2003¹⁴	2003-2004¹⁵	TOTAL
First Judicial District						
Carson City District Court	13*	17	30	18	14	92
Storey County District Court	0*	0	1	0	12	3
Second Judicial District						
Washoe County District Court	97*	320	639	423	55	2033
Third Judicial District						
Churchill County District Court	16	17	20	12	12	77
Lyon County District Court	16	12	13	13	14	68
Fourth Judicial District						
Elko County District Court	16	0	12	13	13	54
Fifth Judicial District						
Esmeralda County District Court	0	0	0	0	0	0
Mineral County District Court	2	1	1	11	0	15
Nye County District Court	15	13	32	32	31	123
Sixth Judicial District						
Humboldt County District Court	6	3	1	3	3	16
Lander County District Court	16	4	7	4	7	38
Pershing County District Court	3*	2	1	5	3	14
Seventh Judicial District						
Eureka County District Court	0	0	0	0	0	0
Lincoln County District Court	1	1	1	1	0	4
White Pine County District Court	2*	1	2	1	8	14
Eighth Judicial District						
Clark County District Court	620	573	733	769	1,077	3772
Ninth Judicial District						
Douglas County District Court	11	7	4	8	6	36
TOTAL	834	971	1,497	1,313	1,744	6,359

A HISTORY OF BIFURCATION

Up until very recently, Nevada had a bifurcated child protective services system in which emergency/foster placements, supportive services, and reunification efforts were provided by the county, and, if unsuccessful, transferred to the State in approximately 90-120 days. The State was responsible for permanency planning, terminations, adoptions, independent living services, and long-term therapeutic placements for children. Efforts to end the bifurcated system have been lengthy and jurisdictions around the state are only now just beginning to adjust to the end of bifurcation.

In the Second Judicial District Court (Washoe County), efforts to end bifurcation began in 2001, with the launching of a Pilot Foster Care Project. The goal of this pilot project was to prevent children from suffering developmental damage or behavioral setbacks caused by moving to a

* Data are incomplete. See The Nevada Judiciary Caseload Statistics Fiscal Year 1999-2000, p. 36

¹¹ The Nevada Judiciary Caseload Statistics Report Fiscal Year 1999-2000

¹² Annual Report of the Nevada Judiciary Fiscal Year 200-2001 (December 2001)

¹³ The Nevada Judiciary Caseload Statistics Report Fiscal Year 2001-2002

¹⁴ Annual Report of the Nevada Judiciary Fiscal Year 2003 (December 2003)

¹⁵ Annual Report of the Nevada Judiciary Fiscal Year 2004 (December 2004)

new foster home upon transfer from Washoe County Department of Social Services to the State of Nevada Division of Children and Family Services. Beginning in the Fall of 2001, under the Pilot Foster Care Project plan, children in Washoe County were no longer transferred between county and state agencies. This Pilot Project enabled Nevada leadership to address five primary areas of concern related to the bifurcated system: (1) multiple moves per child; (2) excessive costs; (3) poor continuity of care; (4) poor case management practices; and the (5) federal mandate for 12-month permanency (ASFA). During the 2001 legislative session, Washoe County judges provided testimony to the Nevada Legislature supporting successful legislation to dismantle the bifurcated system throughout the state. Pursuant to the new legislation, de-bifurcation was completed in Washoe County in early 2003.

The expansion of de-bifurcation to Clark County (Las Vegas) was delayed as a result of the state's fiscal problems. The matter was further examined during the 2003 Legislative Session and efforts towards de-bifurcation in Clark County occurred through a four phase process:

- Phase I - October 1, 2003 - The Family Preservation and Intensive Family Services staff, including 10 positions, transferred to the County.
- Phase II - April 1, 2004 - Foster Care Licensing, Recruitment and Training, Adoption, Interstate Compact on Placement of Children (ICPC), and Children's Resource Bureau staff, including another 42 positions, transitioned to the County on April 1, 2004.
- Phase III - October 1, 2004 - Child Welfare and Eligibility staff, including approximately 101 positions, were transferred to the County.

Thus, full integration of a de-bifurcated system was not completed in Clark County until late 2004.

The legacy of bifurcation, and the challenges of restructuring the entire child welfare system, cannot be ignored. Project sites studied in this re-assessment, for example, are either only just beginning to stabilize practice after the end of bifurcation (i.e., Washoe County), or are still dealing with transitional issues resulting from the end of the bifurcated system and the emergence of a newly configured child welfare system (i.e., Clark County). State CIP efforts, as well as re-assessment project site outcomes, must be considered within this context.

SUMMARY OF CIP ACTIVITIES

Phase I of CIP Activities:

In July 1996, the Nevada Supreme Court appointed advisory committees to assist and advise the AOC and its consultants in conducting an assessment of policies and practices in foster care and adoption proceedings and to further develop recommendations for improvement.

Two independent project consultants were retained to conduct separate assessments of five selected district courts in Northern Nevada and of the Juvenile Court of the Family Court Division of the Eighth Judicial District Court in Clark County. Assessments were completed in October 1996. The final report of the assessments, containing 94 recommendations for improving the processing of child welfare cases in Nevada's courts, was submitted to the AOC in December 1996. The AOC completed the "Final Report of the Assessments of Foster Care and Adoption Policies and Procedures in Selected District Courts of the State of Nevada" in May 1997 and a Proposed Strategic Action Plan for the CIP Select Committee in August of the same year.

In September 1997, the Nevada Supreme Court appointed a 12 member CIP Select Committee, consisting of: two Family Court Judges, one District Court Judge, one Family Court Master, two

CASA Directors, one Deputy Public Defender, the Director of the Nevada Division of Child and Family Services, the Director of Washoe County Social Services, one Deputy Attorney General, the Division Manager of Clark County Department of Youth and Family Services, and Legal Counsel from the Governor's Office. Subsequent meetings of the CIP Select Committee resulted in the approval of the Proposed Strategic Action Plan for Implementation the acceptance and funding of Pilot projects for implementation, and the development of other initiatives aimed at achieving CIP goals and objectives. Examples of projects and initiatives are briefly reviewed below.¹⁶

- **The MANNuscripts Program**

Implemented in Clark County, the MANNuscripts program is designed to keep a record of critical information of each foster child so that continuity of information is maintained from placement through to placement to permanency. Critical information contained in the MANNuscript deals with personal information about the child including:

- the child's social security number;
- any nickname the child has;
- religious preference, if any;
- the names and dates of birth of any siblings;
- the names and phone numbers of the child's DCFS worker and CASA;
- medical records including a list of immunizations, any childhood diseases, doctor's visits, current medications, dental records, allergies to food or drugs;
- a family medical history;
- information on the primary care physician and current insurance provider as well as information on Medicaid;
- educational information, including any special needs; and
- miscellaneous information such as any phobias or fears, favorite school activity, and a place to provide information to indicate any other special needs.

Each child represented by a CASA has a MANNuscript. In CASA reports submitted to the Court, a copy of the MANNuscript is attached. CASA volunteers also administer the program.

The MANNuscript program proved very successful in its early implementation. However, the program was not consistently implemented throughout Clark County and, as a result, the potential of the Program has been somewhat diminished.

RECOMMENDATION:

- ❖ **The CIP should revisit the MANNuscript Program and work with local stakeholders to assess the current status of the Program, evaluate its impact, and explore full implementation of the program in Clark County, as well as statewide. The CIP should consider what administrative and program supports need to be in place to support full implementation and program sustainability.**

- **Children's Attorney's Project (CAP)**

The Clark County Children's Attorney Project (CAP) was partially funded with CIP funds for the first 2 years. With county and state funding, the project continues with five full-time attorneys representing children in child welfare matters. Additionally, through the outreach efforts of the project, private attorneys are solicited for pro bono work.

¹⁶ This list is not exhaustive of CIP efforts, but provides examples of the scope and focus of major initiatives undertaken.

The early success of the CAP program led to further initiatives and reform efforts aimed at improving the representation of parents in child protection cases. While the Court can appoint counsel for the parents in child welfare cases, the reality of funding constraints limit the Court's ability to make such appointments. In Clark County, the County Commission, at the request of the District Court, established two full-time positions in the office of the Special Public Defender solely to represent parents whose children have been removed from them. The result is that a far greater number of biological parents are receiving representation before the Court in child welfare cases. Over the past year, the Special Public Defender has maintained the same two positions. Although it was originally intended that regular Public Defenders take conflict cases, private attorneys have largely been appointed on conflict cases. During the upcoming year, the two Special Public Defenders may begin to handle conflict cases.

In Washoe County, a state-created funding stream is supporting a single individual attorney to represent selected children in dependency cases. Counsel accepts cases according to a priority assignment matrix developed with the input of all interested entities, (e.g., sexual abuse cases are near the top of the list). A small number of children are represented by trained volunteer lawyers. The Court is exploring expansion of funding for the representation of children.

Although there have been considerable efforts to improve the availability and quality of representation, a lack of resources for consistent and early appointment of legal representatives for children and parents, from the initial hearing through the final resolution of the case, continues to present a significant barrier to best practices and improved outcomes for children and families.

RECOMMENDATION:

❖ **Through a multi-system collaborative effort the CIP should take active steps to: increase the availability of parents' and children's attorneys; facilitate earlier appointment of counsel, ideally at or before the initial hearing; develop practice standards and training tools for all legal representatives and CASA. (Representation will be further discussed in subsequent sections of this report).**

● CIP Legislative Efforts

In 1998, the Attorney General's Office drafted legislation to update Nevada Revised Statutes in accordance with ASFA recommendations. The CIP committee debated the legislation and recommended changes. Many of those changes were part of the final legislation passed by the 1999 Legislature and signed into law. Significant Legislative reform efforts were also addressed at ending the bifurcation of the child welfare system in Nevada (as previously discussed).

● ASFA Case Management System Requirements

Court performance measurements are the cornerstone to determining if a state's judiciary is fulfilling its obligation to provide timely and effective resolution of child welfare matters. These measurements are used to evaluate compliance with performance standards and stated goals related to child welfare issues. In concert with the Nevada Judicial Council, and pursuant to Nevada Revised Statutes and federal initiatives such as ASFA, Nevada CIP has engaged in efforts to develop court performance measurements for child welfare case types. In both Clark and Washoe Counties for example, considerable efforts have been underway to develop an automated ASFA-based Case Management System.

In Clark County, for example, there is a continuing effort to design a case management and information system for child welfare cases. With the assistance of the American Bar Association's Center on Children and the Law and the NCJFCJ, a meeting was held in 2002 to design the functions and data elements of the system. Representatives from various jurisdictions in the state attended. After this meeting, a formal report was prepared listing essential functions and data elements as well as discretionary functions and data elements (*Nevada Family Courts, Juvenile Dependency, Case Management System Functional Standards* [NV-03-01]). Because each jurisdiction is responsible for its own funding, the representatives were expected to share the information with their respective jurisdictions and proceed to find funding for their respective systems.

Over the past year, the Eighth Judicial District Court has struggled with a long-term answer to the case management and information system. The current view is that the abuse and neglect process should not be considered separate from the case management and information needs of the District Court as a whole. The Court Administration and the Chief Judge decided to replace the existing case management system, as opposed to spending monies on a system element that may not be a part of, or interface with, the selected system. Replacement is expected by January 2007.

With respect to Washoe County, the Committee approved funding at the June 2004 CIP meeting to augment their existing dependency case management system by creating additional screen elements for case closure reasons, allowing a specific determination as to how permanency was reached for children in the dependency system. Screen elements will allow designations of adoption, reunification, guardianship, and another planned permanency arrangement, or other permanency options to be indicated, tracked, and reported. The system's interface will be streamlined to better assist courtroom clerks and judicial officers in ensuring findings are made pursuant to ASFA standards. These new screen elements will also assist the court in precise reporting of case outcomes.

A Nevada Rural Courts Case Management System is also being implemented in a number of rural courts throughout the state.

Beginning in July 2005, through September 2006, the CIP will be working with state and local stakeholders to identify key court performance measures and build consensus for their use, and then develop a statewide document and reporting mechanisms to ensure that the judiciary and the larger system receive ongoing information about the performance of the court and the level of compliance with state and federal ASFA requirements and best practices.

RECOMMENDATION:

- ❖ **The CIP should continue to facilitate efforts to develop key court performance measures and to implement management information systems that support best practice implementation. (This will be further discussed in subsequent sections of this report)**

- **Statewide Training Project**

The CIP continues to support training and education efforts throughout the state, including:

- Continued education and training programs and materials for members of the judiciary (e.g., Judges, Juvenile Masters, judicial staff, and clerk staff involved in child welfare cases) as well as participants in the judicial process.
- Funded participation in educational opportunities (e.g., conferences, seminars, forums) offered nationwide that deal with relevant issues related to child welfare.
- Funding to assist in the presentation of "Pathways to Permanence: Big Kids Matter," a conference held in September 2003 in Clark County. Three hundred forty-one people attended, including CASAs, social workers, case managers, child protective service workers, attorneys, law students, judges and masters, foster parents and caregivers, youth care workers, and probation and parole officers. Topics addressed included the older child adoption movement, the law and practice of adoption subsidies for the older child, character building, and critical thinking skills for youth transitioning into independent living.

RECOMMENDATION:

- ❖ **CIP should continue to support multi-disciplinary training initiatives focused ASFA, best practices, roles and responsibilities, and system reform efforts. (This will be further discussed in subsequent sections of the report).**

- **Families Visiting Project and Other Visitation Improvement Efforts**

The CIP provided initial funding to support a Families Visiting Project in the Second Judicial District (Washoe County). Strategies implemented to improve the frequency and quality of visitation included extending the number of "visitation tracks" and creating weekend hours for parents to visit with their children when CPS Offices are closed. The extension of visiting hours to the weekend was implemented in recognition of the difficulties working parents have in visiting with their children during regular week-day work hours.

The Families Visitation Project is a partnership between the CASA and the Department of Social Services. Although initial funding was provided by the CIP, the project is now self-supporting through other funding sources.

As a result of the success in the Second District, a similar effort was begun in the Ninth Judicial District called the Safe Families Visiting Program. From the outset, a critical problem of not enough foster homes in that immediate area was identified. The net result is if a child is removed from a home in Douglas County, he or she could be placed as far away as Elko or Ely (approximately 4 hours away), for example, or wherever there is a home available. Visitation becomes extremely difficult when children are placed so far away.

Efforts were expended by Douglas County in the fall of 2002 to promote foster parenting and community interest in becoming more involved in juvenile-related community services in Northern Nevada. Those efforts included hosting a free public forum with a guest speaker. The presentation was videotaped and received a great deal of press. Unfortunately, even after the efforts expended, very few people indicated an interest to be foster parents.

After learning of the above information, collaboration began with agencies such as other rural courts and the Nevada Division of Child and Family Services. Plans are being put together to duplicate a successful program instituted in Chicago. Initially, it has been piloted in Lovelock,

Nevada, where no foster homes existed. After contacting numerous churches, ten applications were received. The next effort will be to contact schools with the same approach.

- **Develop Nevada-specific Guidelines for Child Welfare Cases**

Efforts are underway to develop statewide guidelines for how child welfare cases should be handled throughout the state by Nevada's judiciary. These guidelines will incorporate state and federal requirements, as well as nationally recognized best practices, and build on early CIP efforts and reform initiatives in pilot projects (including the Reno Model Court) The guidelines will incorporate procedures and policies that are appropriate to urban and rural districts throughout the state.

The guidelines will include:

- A clear articulation of workflow, policies and procedures regarding child welfare cases, including federal and state requirements;
- Sample forms and hearing checklists for each major court event;
- Notice requirements and procedures; and
- Guidance with respect to petition content and structure, permanency report content and structure.

Although efforts are underway to develop statewide guidelines for child welfare cases, these efforts have not been fully realized.

RECOMMENDATION:

- ❖ **The CIP should take steps to revisit this process and to ensure that active and ongoing efforts are underway to develop Nevada-specific guidelines for child welfare cases. The development of such guidelines will serve as a critical step in setting minimum practice standards around the state; clarifying expectations, roles and responsibilities; and standardizing practice.**

- **Strategies to Enhance Collaborative Efforts with DCFS and other Partner Agencies**

CFSR

- Participation in focus groups to discuss issues pertaining to the judiciary associated with child welfare cases and to strategize about collaborative solutions.
- Participation in drafting and reviewing the narrative developed for the CFSR and PIP.

Reno Model Court

Since 1995, the Second Judicial District, Family Division, (Reno) has been a participating "Model Court" in the National Council of Juvenile and Family Court Judges' Child Victims Act Model Courts Project.¹⁷ As a model court, judges, legal representatives, caseworkers, and other key system stakeholders in Reno are engaged in collaborative efforts aimed at improving outcomes in child abuse and neglect cases. Collaboration has focused on improving foundational court processes and procedures, implementing the best practices of the *RESOURCE GUIDELINES*, and developing innovative practices, policies and programs.

¹⁷ There are 30 Model Court jurisdictions currently participating in the Child Victims Act Model Court (VAMC) Project, funded by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, with some jurisdictions funded by local state Court Improvement Programs.

Clark County

As a result of the recent de-bifurcation in Clark County, Clark County court and child welfare system stakeholders are collaborating to ease the transition from state to county control of child welfare services (the de-bifurcation integration process was finalized in October, 2004). Clark County is also experiencing unprecedented population growth and a significant growth in the number of child protective service investigations, dependency petitions being filed, and the number of emergency shelter placements needed. The Clark County Department of Family Services (DFS) is working diligently to meet the needs of the significantly increasing population. In addition the County has implemented a number of systemic improvements to improve the safety and permanency of children. Examples of tangible results include: 1) A net increase in licensed family foster beds by 200 between February 2004 and February 2005 and 2) An increase in finalized adoptions between fiscal years 2004 and 2005 of 15% - 20%.¹⁸

A key example of systemic improvements that have resulted from collaboration between the county DFS and the Court are reforms aimed at improving independent living services. An Independent Living Committee, which includes the Eighth Judicial District Court Family Judge, has been established to oversee services to older youth exiting foster care. This Committee has developed a vision for key services to be provided to all youth aging out of foster care. The Committee has set priorities for the expenditure of funds to support the provision of services to former foster youth. These funds are available to youth until age 21. In addition, the Committee is overseeing a new pilot program using former foster youth as mentors to youth making the transition from foster care to independence. The Committee is also collaborating with a variety of service providers to maximize resources available through Chafee funds, state funds, and local resources.

The County has also initiated contracting for private adoptions, thus leaving more internal resources to serve children under the purview of the Court. A new universal home study process is being implemented to minimize multiple assessments of foster and adoptive families. The goal is to minimize delays for permanency of children. Finally, the County is restructuring clinical services to increase the availability of clinical consultation and services early in the life of a case and to increase resources for Family Preservation Services. Another component of the integration of child welfare services was the addition of attorneys to this function. A total of six staff have been added to the District Attorney's Office to support child welfare legal functions.

RECOMMENDATIONS:

- ❖ **Continue multi-disciplinary trainings and workshops to support relationship-building and collaborative efforts.**
- ❖ **Engage in more strategic and active collaboration at the state level. The CIP, Administrative Office of the Courts, the District Courts, and the Department of Children and Families Services, at the state level, should actively, strategically, and routinely collaborate to support both the planning and implementation of system reforms.**

¹⁸ Statistics provided by Susan Klein-Rothschild, Clark County Family Services Department.

CHAPTER FOUR EVALUATION OF THE LEVEL OF STATUTORY CONFORMITY WITH FEDERAL LEGISLATION¹⁹

The federally mandated CIP re-assessment requires that states review their statutory framework to determine the level of state conformity with federal legislation, most specifically ASFA and the Indian Child Welfare Act (ICWA), and the extent to which it supports, or perhaps undermines, the best practices of the *RESOURCE GUIDELINES*. The purpose of this statutory review is to identify areas within the framework of Nevada State child abuse and neglect statutes that may require further assessment because, on their face, they do not appear to meet the requirements or spirit of ASFA, ICWA, or best practices. The reviewers are aware that how the statutes are interpreted in current practice may differ from how they are strictly construed in this review process. The goal of this statutory review is to highlight issues for further examination to determine how, in practice, these statutory provisions and court rules support (or undermine) best practices and ASFA compliance.

For purposes of this report, this statutory review presents:

- A brief outline of the statutory requirements for the timing of dependency hearings;
- A summary of key findings from the statutory review; and
- A breakdown of the primary statutory provisions by hearing type.

The review is not intended to be an in-depth examination of statutory nuances or case interpretation. Rather, this statutory review is intended to highlight core issues that may impede or undermine efforts to reach safe, timely permanency for children.

Nevada Revised Statutes (N.R.S.) Chapter 432B incorporates all statutes and authority that may be relevant to child abuse and neglect proceedings. Termination of parental rights cases are governed by N.R.S. Chapter 128.

I. OVERALL GENERAL IMPRESSIONS OF STATUTE

Strengths:

- Timelines are set forth in statutes.
- Reasonable efforts are clearly stated in the statutes and capture the intent of ASFA.
- Chapter 432B makes a strong attempt to address the cultural needs of Native American Children and ICWA considerations.²⁰
- N.R.S. §432B.602 does provide for the expediting of proceedings for children in rural areas through the use of advisory panels.

¹⁹ This review of NV Statutes in comparison to federal requirements and best practices was conducted by the CIP re-assessment team and overseen by Joey A. Orduna, J.D., Manager, Model Court Division, PPCD. This report reflects the key issues identified in the broader statutory review.

²⁰ See, for example, N.R.S. §432B.067, N.R.S. §432B.068, N.R.S. §432B.397, N.R.S. §432B.425, N.R.S. §432B.451, and N.R.S. §432B.465

Areas that Could be Improved:

- Statutes lack clear statements of expectation for court events (e.g. purpose of specific court hearings). The statute does not provide a clear indication of the importance of the disposition hearing and how it is distinguished from the other hearings in the child welfare process (e.g., adjudication).
- There are some areas of inconsistency as to representation. It is unclear, for example, exactly when parents begin the process to secure legal representation.
 - N.R.S. §432B.420 states that a parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under N.R.S. §432B.410 to N.R.S. §432B.590., inclusive. This statute also provides for an attorney for the child at all proceedings. The statutes are inconsistent as to the representation of the parents. The statute states parents have the right to counsel at “all” proceedings but then states that they are not advised of this until after the protective custody hearing.
- With respect to notice requirements:
 - The statutes provide for “reasonable efforts” to be made to notify a parent of removal, but reasonable efforts are not articulated. N.R.S. §432B.520 and N.R.S. §432B.580(6) attempt to provide clarity on the notice process and effectuating service. Neither statute includes a timeframe for when the party must be served prior to the hearing.
 - The rights of foster and pre-adoptive parents to participate in hearings are not discussed in the statutes. There was no mention of notice to the foster parents.
 - Notification requirements in various sections allow for service by mail but do not state whether it is certified mail or regular mail. It is unclear whether the statutes permit service of parties by publication.
 - Statutes do not clearly define who has the responsibility to effectuate services. This needs to be clarified.
 - N.R.S. §432B.520 and N.R.S. §432B.580(6) attempt to provide clarity on the notice process and effectuating service. Neither statute includes a timeframe for when the party must be served prior to the hearing.
- Concurrent planning is not discussed, defined, or encouraged in statute.
- There is no clear continuance policy set in statute. N.R.S. §432B.513(2)(b) does allow for a continuance to be granted until a later date that is agreed upon by all parties if the parent or guardian, or his attorney, request to allow for a him to respond to a report or information provided to him 72 hours before a proceeding.
- In Nevada, the Supreme Court has approved rules of practice (court rules) for each of the different judicial districts. Some of the judicial districts have similar rules and some do not. It may be helpful to have court rules that are consistent throughout all of the judicial districts. This may support and encourage consistent practice in child abuse and neglect cases.
- Nevada does not have a judicial *Benchbook*. The creation of a statewide judicial *Benchbook* may also be helpful to new family court judges to allow for a better understanding of ASFA and its timelines. A *Benchbook* may also be helpful in articulating the oversight role of the court, and developing consistency in practice throughout the state.

II. HEARING SEQUENCE – TIMEFRAMES, HEARING PURPOSE AND CONTENT

With respect to the hearing process, timeframes, and purposes, this section highlights the specific requirements of the Adoption Assistance and Child Welfare Act of 1980 (PL. 96-272) and ASFA, as applicable, the best practices endorsed by the *RESOURCE GUIDELINES*, and the results of the statutory review. Note, this overview does not present detailed language with respect to the above.

✚ PROTECTIVE CUSTODY HEARING (PRELIMINARY PROTECTIVE HEARING) – TIME FRAME

PL 96-272 Requirement: An involuntary removal of a child must be approved by the court within 48 or 72 hours after removal.²¹

RESOURCE GUIDELINES / Best Practice: The preliminary protective hearing should occur within 72 hours after the child has been removed.²²

Finding from Statutory Review:²³ A protective custody hearing is held within 72 hours of the removal of the child, excluding Saturdays, Sundays, and holidays, to determine whether the child should remain in custody.

✚ PROTECTIVE CUSTODY HEARING – PURPOSE AND CONTENT OF HEARING

PL 96-272: Not directly stated. But, upon involuntary removal of a child from the home, the court must make a finding that continued placement with the parent would be contrary to the child's welfare.²⁴ The court must also make findings that reasonable efforts were made to eliminate the need for removing the child from parental custody and that reasonable efforts are being made to reunite the child with the parents after removal.²⁵

RESOURCE GUIDELINES / Best Practice: The preliminary protective hearing is the first court hearing in a juvenile abuse or neglect case. The preliminary protective hearing occurs either immediately before or immediately after a child is removed from the home in an emergency.²⁶

The main purpose of the preliminary protective hearing is for the judicial officer to examine evidence and make a decision concerning whether or not a child can be immediately and safely returned home while adjudication is still pending. This initial decision is often the most important decision to be made in an abuse and neglect case. Although it is made on an emergency basis, the decision must be based upon a competent assessment of risks and dangers to the child. The preliminary hearing should also enable the court to facilitate a problem-solving atmosphere so the child can remain home or safely return home as soon as possible. By thoroughly exploring all issues at the shelter hearing, the court can resolve and dismiss some cases on the spot, move quickly on some pretrial issues (such as court-ordered examination of parties), encourage settlement of the case, encourage prompt delivery of appropriate services to the family, and monitor agency-case-work at a critical stage of the case.

²¹ 42 USC § 670.

²² Chapter III of the *RESOURCE GUIDELINES*, pgs. 29-44, provides a detailed discussion of the purpose, scope, requirements, and necessary findings in preliminary protective hearings.

²³ Applicable Statute(s): N.R.S. §432B.470, §432B.480, §432B.490, §432B.500, §432B.510, §432B.520

²⁴ 42 USC § 672.

²⁵ 42 USC § 671.

²⁶ *Supra*, note 14.

The court's written findings of facts and conclusions of law at the preliminary protective hearing should be written in an easily understandable language that allows the parents and all parties to fully understand the court's order. If the child is placed outside the home, the order should describe who is to have custody of the child and where the child is to be placed; specify why continuation of the child in the home would be contrary to the child's welfare; specify whether reasonable efforts were made to prevent removal of the child from the home; and specify the terms of visitation. Whether or not the child is removed from the home, the court order should provide further directions to the parties such as those governing future parental conduct and any agency services to the child or parent agreed upon prior to adjudication. The court order should also set the date and time of the next hearing.

Finding from Statutory Review:²⁷ The Court is to advise parties of rights; make determinations concerning the welfare and best interests of child; and make an order to continue custody or release the child. At the beginning of the protective custody hearing, the court shall advise the parties of their right to be represented by an attorney and of their right to present evidence. The court shall also make finding that it is contrary to the welfare of the child for him to reside at his home or it is in his best interest to place him outside of his home. The court shall also prepare an explicit statement of the facts upon which the determinations were made. If the court makes an affirmative finding then the court shall issue an order keeping the child in protective custody pending disposition.

Within 10 days of the protective custody hearing, unless good cause exists, the agency shall file a petition pursuant to the requirement of N.R.S. §432B.510 or recommend that the court take no further action.²⁸ If the agency recommends no further action, the court, on its own motion, may initiate proceedings when it finds that it is in the best interest of the child. If the child continues to be placed in custody, the agency shall make recommendations to the court concerning whether the child should be returned to the person responsible for his welfare. The statute sets forth who may sign the petition (e.g., agency representative, law enforcement officer, and the district attorney). The statute also outlines what every petition must include: the facts which bring the child within the jurisdiction of the court; the name, date of birth, and address of the residence of the child; the names and addresses of parents or guardians; and whether the child is in protective custody, and if so, who is the responsible agency.

ADJUDICATION / FACT-FINDING HEARING – TIMEFRAME

ASFA Requirement: Does not state.

RESOURCE GUIDELINES / Best Practice: The adjudication hearing should be held within 60 days of the removal of the child.

Statutory Review Finding:²⁹ The adjudicatory hearing must be held within 30 days of filing of petition, unless good cause or the hearing has been continued until a later date pursuant to N.R.S. §432B.513 (which requires that a copy of the report or information is provided to the parent or guardian not later than 72 hours before the proceeding).

²⁷ Applicable Statute(s): N.R.S. §432B.480

²⁸ N.R.S. §432B.410, §432B.510.

²⁹ Applicable Statute(s): N.R.S. §432B.530

ADJUDICATION / FACT-FINDING HEARING – PURPOSE and CONTENT

ASFA Requirement: Does not state.

RESOURCE GUIDELINES / Best Practice: The adjudicatory hearing is the stage in the proceedings in which the court determines whether allegations of dependency, abuse, or neglect concerning a child are sustained by the evidence and, if so, are legally sufficient to support state intervention on behalf of the child. If the petition seeking court intervention on behalf of the child is sustained, the court may proceed directly to the disposition stage and determine who shall have responsibility for the child and under what conditions. Adjudication provides the basis for state intervention into a family, disposition concerns the nature of such intervention.³⁰

The court's written findings of facts and conclusions of law at the adjudication hearing should accurately reflect the findings of the court and the reasons for state intervention. Findings need to provide enough detailed information to justify agency and court choices for treatment and services. The findings must be specific so that, at a later time, there will be a defensible basis for refusing to return the child home or terminating parental rights if parents fail to improve. It is also imperative that all parties understand the courts' findings and how they relate to subsequent case planning.

Statutory Review Finding: If the court finds by a preponderance of the evidence that the child is in need of protection at the time of the removal from home, it shall record its findings of fact and may proceed immediately or at another hearing, held within 15 working days, to make a proper disposition of the case.³¹ If the court finds that the allegations in the petition have not been substantiated then it shall dismiss the petition and order the release of the child.

DISPOSITION HEARING – TIMEFRAME

ASFA Requirement: Does not state.

RESOURCE GUIDELINES / Best Practice: Best practice recommends that disposition should be considered separately from adjudication, but within 30 days from adjudication. The fact-finding and disposition hearings should be separate functions, but it may be appropriate to allow the disposition hearing to follow the fact-finding hearing in a bifurcated manner immediately after the fact-finding phase of the process if: (a) all required reports are available and have been received by all parties or their attorneys at least five days in advance of the hearing; and (b) the judge has had the opportunity to review the reports after adjudication.³²

Statutory Review Finding:³³ Statute permits that a dispositional hearing may commence immediately after the required fact-findings (i.e., adjudication hearing) are made.

³⁰ Chapter IV of the *RESOURCE GUIDELINES*, pgs. 45-52, provides a detailed discussion of the purpose, scope, requirements, and necessary findings in adjudicatory hearings.

³¹ N.R.S. §432B.530.

³² Chapter V of the *RESOURCE GUIDELINES*, pgs. 53-64, provides a detailed discussion of the purpose, scope, requirements, and necessary findings in disposition hearings.

³³ Applicable Statute(s): N.R.S. §432B.530(5), §432B.550, §432B.560

DISPOSITION HEARING – PURPOSE AND GOAL

ASFA Requirement: Does not state.

RESOURCE GUIDELINES / Best Practice: Disposition is the stage in which, after finding that the child is within the jurisdiction of the court, the court determines who shall have custody and control of the child. At the dispositional stage of the proceedings the court makes a decision about whether to continue out-of-home placement or to remove the child from the home. When the court decides to place a child outside of the home, the court may set terms of visitation and parent-child communication, as well as visitation and communication with siblings and other family members. Decisions at disposition should help the agency and parents develop an appropriate service plan to address the specific problems that necessitated state intervention. Disposition also sets a framework for review in order to evaluate progress of all parties on the case.

The *RESOURCE GUIDELINES* assert that disposition should be considered separately from adjudication proceedings because a separate proceeding assures the appropriate focus on dispositional issues. Although adjudication and disposition should be separate functions, it may be appropriate to allow the disposition hearing to follow in a bifurcated manner immediately after the adjudicatory phase of the process.³⁴

An uncontested adjudication, in the form of an admission by the parents or their attorneys or an agreement or stipulation among the parties, may take place at any time after the first court appearance, up to the date of trial. When petitions are uncontested, it is essential that the court's finding accurately record the reasons for state intervention. Negotiated findings that do not accurately describe the abuse or neglect should be avoided.

Detailed dispositional findings can help to structure the court's decision-making, establish a more complete record, and encourage more thorough consideration of the decision to place a child outside of the home. The burden of preparing findings can be reduced by ensuring that the agency's dispositional report covers the same issues and the court's findings. If the agency report is well-prepared and supported, the court can repeat, modify, or refer to portions of the report in its findings.

Statutory Review Finding:³⁵ The statute sets forth disposition alternatives (e.g., what the court may do if the child will remain in protective custody, if the child is placed other than with parent, if child will be placed with relative). The statute also requires that the court within 60 days after the removal of the child from his home, determine whether reasonable efforts were made according to N.R.S. §432B.393 or whether such efforts are not required. The court must also prepare explicit facts upon which its determination was made. N.R.S. §432B.560 also provides for other orders that the court may enter at this time regarding evaluation, visitation, and child support.

REVIEW HEARING – TIMEFRAME

PL 96-272: The court or review board must review a foster child's status at least once every six months.³⁶ ASFA did not change this requirement.

³⁴ *Supra*, note 24.

³⁵ Applicable Statute(s): N.R.S. §432B.550, N.R.S. §432B.560

³⁶ 42 USC § 675.

RESOURCE GUIDELINES / Best Practice: Whatever the frequency of mandatory review, the court should have the ability to conduct hearings more frequently than the minimum intervals. Where review hearings are mandated at least every six months, it should be common to hold reviews at two or three month intervals at particularly critical stages of a case.

Best practice recommends that “(1) the agency should report to the court how the conditions or circumstances leading to the removal of the child have been corrected, (2) the frequency of recent visitation (with siblings as well) and its impact of the child, and (3) a plan for the child’s safe return home and follow-up supervision after reunification.” Statutes should also clearly delineate the agency’s reporting responsibilities with respect to TPR and other custody situations.³⁷

Statutory Review Finding:³⁸ If a child is placed with someone other than the parent, the placement must be reviewed by the court at least semi-annually and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian, or custodian object, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to N.R.S. §432B.585 (appointment of a panel to conduct semiannual review).

REVIEW HEARING – PURPOSE AND GOAL

PL 96-272: The court or review board must review a foster child’s status at least once very six months regarding: The continuing need for and appropriateness of placement; the extent of compliance with the case plan; the progress made toward reunification; and the projected date for the achievement of permanency.³⁹

RESOURCE GUIDELINES / Best Practice: Review hearings are post-dispositional, comprehensive reviews of the status of the case. Review hearings should re-examine long-term case goals and change any which are no longer appropriate. Review hearings provide regular judicial oversight of the safety and well-being of children in foster care and can help judges identify inadequacies in the government’s response to child abuse and neglect, as well as assess parents’ compliance with the case plan. Review hearings help cases progress by requiring the parties and service providers to set timetables, and take specific action. Review hearings also provide a forum for parents, helping assure their viewpoint is considered in case planning.

Review is vital to cases involving each child within the court’s jurisdiction, whether or not the child is in out-of-home placement. Review hearings examine progress made by the parties since the conclusion of the disposition hearing. They also provide an opportunity for correction and revision of the case plan. The purpose of review hearings is to make sure that cases are progressing and children spend as short a time as possible in temporary placement.

Review hearings should re-examine long-term goals and change any which are no longer appropriate. Judicial review helps a case progress by requiring the parties to set timetables, take specific action, and make decisions. Review hearings provide a forum for the parents,

³⁷ Chapter VI of the *RESOURCE GUIDELINES*, pgs. 65-76, provides a detailed discussion of the purpose, scope, requirements, and necessary findings in review hearings.

³⁸ Applicable Statute(s): §432B.580 – Semiannual review by court of placement of child and N.R.S. §432B.585 – Appointment of panel to conduct semiannual review.

³⁹ *Ibid.*

helping assure that their viewpoint is considered in case planning. Reviews should not be a rubber stamp of agency recommendations or produce arbitrary decisions based on inadequate information.⁴⁰

The court's written findings of fact and conclusions of law at the review hearing should set forth findings as to why the children are in need of continued placement outside the parents' home; whether and why family reunification continues to be the permanency goal; whether the agency has made reasonable efforts to eliminate the need for placement, with specific findings as to what action the agency is taking; whether the parents are in compliance with the case plan and identify specifically what further actions the parents need to complete; what additional efforts are necessary on the part of the agency to meet the needs of the family and move the case toward completion; approve proposed case plan changes; identify an expected date for final reunification or other permanent plan for the child; and make any other orders necessary to resolve the problems that are preventing reunification or the completion of another permanent plan. The court order should set the date and time of the next hearing.

Statutory Review Finding: Prior to the review the agency must submit a report to the court or to the panel which includes an evaluation of the progress of the child and his family and any recommendations for further supervision, treatment, or rehabilitation.⁴¹ The court or panel may hold the hearing unless the parent, guardian, or custodian files a motion with the court to dispense with the hearing. If the motion is granted then the court or panel may make its determination for the report, statement, or other information provided. The statute also includes an outline of how notice must be effectuated but not a timeframe prior to the scheduled hearing. The panel is appointed by the judges and consists of three or more persons. This panel serves at the pleasure of the court and the members are not compensated.

PERMANENCY HEARING – TIMEFRAME

ASFA Requirement: The permanency planning hearing is to be held 12 months from the date the child is considered to have entered foster care. The date the child is considered to have entered foster care on the earlier of "(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or (ii) the date that is 60 days after the date on which the child is removed from the home."⁴²

ASFA requires that if reasonable efforts to reunify are found by the court to be unnecessary, the Permanency Hearing is to be held within 30 days of the determination.⁴³

RESOURCE GUIDELINES / Best Practice: In many cases, it is appropriate to schedule permanency planning hearings well before statutory deadlines. Statutory deadlines for permanency planning hearings should be seen as maximum rather than standard times.⁴⁴

Statutory Review Finding:⁴⁵ The permanency planning hearing is held within 12 months of removal and annually thereafter. If termination is sought at the permanency hearing, then the agency must file a TPR petition.

⁴⁰ *Supra*, note 29.

⁴¹ N.R.S. §432B.580, §432B.585

⁴² 42 U.S.C. 675.

⁴³ 42 USC § 678.

⁴⁴ *Supra*, note 29.

⁴⁵ Applicable Statute(s): N.R.S. §432B.590.

PERMANENCY HEARING – PURPOSE AND GOAL

ASFA Requirement: The purpose of the permanency hearing is to determine a permanent plan for the child.⁴⁶

RESOURCE GUIDELINES Best Practice: Permanency planning hearings are a special type of post-dispositional proceeding designed to reach a decision concerning the permanent placement of a child. Unlike review hearings, which involve routine oversight of case progress, permanency planning hearings represent a deadline within which the final direction of the case is to be determined.

Maintaining the distinction between review hearings and permanency planning hearings is a key to achieving permanency for children. The purpose of the permanency hearing is to make a definitive long-term decision regarding the child. When permanency planning hearings are seen as routine review hearings, they fail to prevent prolonged foster care. Without effective permanency planning hearings, children are allowed to remain in care for years with a nominal goal of “return home.” At the permanency planning hearing, the judge should make the decision whether or not the child is to go home and, if not, what legal permanent placement will be sought for the child.⁴⁷

Specific written findings after the permanency planning hearing are needed to both ensure prompt implementation of the court’s decision and to provide documentation for further proceedings.

Statutory Review Finding: N.R.S. §432B.590 requires that the agency with legal custody of the child has made reasonable efforts and that the court review the permanency plan.

FILING OF A TERMINATION OF PARENTAL RIGHTS (TPR) PETITION:

ASFA Requirement: ASFA requires that a termination of parental rights be filed when a child of any age has been in foster care for 15 of the most recent 22 months.⁴⁸

Findings from Statutory Review: If a child has been placed outside of his home and has resided outside of his home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.⁴⁹

OVERALL RECOMMENDATIONS

Steps might be taken to develop a stronger statutory framework that supports effective court oversight and clearly articulates the role of the court with respect to child welfare cases. Statutory language should be revised to include clearly articulated and specific purpose statements for each hearing type, clarify the primary issues to be addressed in specific hearings and the required judicial findings to be made, as well as specific requirements or expectations for parties. Notice issues need to be clarified. Training on revisions to statute should be instituted for all key stakeholders to ensure clear understanding of roles, responsibilities, and

⁴⁶ 42 U.S.C. 675

⁴⁷ *Supra*, note 36.

⁴⁸ 42 USC §675

⁴⁹ N.R.S. §432B.590

expectations for hearings. Short of amending Statutes, local rules should be revised to address the concerns mentioned above, and trainings conducted on the revisions.

The court must have a firm and effective policy on continuances. Continuances should not be allowed because hearing dates prove inconvenient for attorneys and parties. Continuances should only be granted for specific reasons outlined by the court such as unavailability of essential witnesses or service of process issues. Continuances should not be granted based upon stipulation of the parties. The reason for the continuance should be included in the court record. A firm policy on continuances is a better use of judicial, administrative and professional resources.

The creation of a statewide judicial *Benchbook* may be helpful to new family court judges and general jurisdiction judges to allow for a better understanding of ASFA and its timelines. A *Benchbook* may also be helpful in articulating the oversight role of the court, developing consistency in practice throughout the state, and informing judiciary of best practice guidelines in child abuse and neglect practice. The Nevada Supreme Court has approved rules of practice (court rules) for each of the judicial districts, however, some of the judicial district rules are similar and some are not. It may also be helpful to build consistency in court rules throughout judicial districts, to support and encourage consistency in practice.

CHAPTER FIVE

EVALUATION OF THE LEVEL OF IMPLEMENTATION AND ADHERENCE TO NATIONALLY RECOGNIZED BEST PRACTICES SUCH AS THOSE OF THE *RESOURCE GUIDELINES*

The purpose of the *RESOURCE GUIDELINES* is to set forth the essential elements of properly conducted hearings. The *GUIDELINES* describe the responsibilities of juvenile and family courts in fulfilling their role as required by federal and state laws. The *GUIDELINES* set forth the elements of a high-quality judicial process in child abuse and neglect cases. They specify the necessary elements of a fair, thorough, and speedy court process in cases brought for the protection of abused and neglected children.

The key best practices of the *RESOURCE GUIDELINES* are articulated below and project site practice is evaluated in reference to those best practices. Findings are discussed from a statewide perspective, as well as in comparison to urban and rural jurisdictions.⁵⁰ Although each of the core “best practices” is addressed separately, there are common elements across all of them and overlapping practice and policy issues. CIP initiatives aimed at addressing best practice issues are presented where appropriate, as are findings from the CFSR process.

I. Judicial Leadership

Fundamental to the *RESOURCE GUIDELINES*, best practices, and successful child welfare reform is effective judicial leadership – both on- and off-the-bench.⁵¹

While the court is responsible for protecting procedural due process rights of litigants and determining the sufficiency of petition allegations, the responsibility of juvenile and family court judges has been greatly expanded through federal and state mandates to go beyond these concerns. The overall role of the juvenile and family court judge is complex. It is important to recognize and understand the complex, multi-dimensional role of juvenile and family court judges in dependency practice. The role of the judge must be understood as broader than that of the conventional view of “judge as legal decision-maker.”

Strong judicial leadership is critically important to successful systems change. Effective systems change requires a strong leader who is responsible for creating an environment in which people are continually learning and expanding their knowledge; continually challenging themselves, each other, and the system; and working collaboratively toward a common vision for reform. Strong judicial leadership, as well as shared leadership throughout the system, is critical for effective and sustainable systems change.

FINDING: Stakeholders in Clark and Washoe Counties were able to identify strong judicial leaders in their jurisdictions, both judges and masters, who “*prioritize*” child protection cases, are “*knowledgeable*” about best practices in child protection cases, and who are “*committed*” to

⁵⁰ Findings with respect to Lyon County (Yerington, NV) are combined, when appropriate, with findings derived from other rural jurisdictions through their participation in the online survey, to provide a rural perspective on dependency practice (rather than strictly a site-specific perspective).

⁵¹ For a more in-depth discussion of judicial leadership, see Dobbin, S.A., Gatowski, S.I., & Maxwell, D. (2004). “Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System.” *Technical Assistance Bulletin*, Vol. II(5), NCJFCJ, Reno, NV; Edwards, P. (1992). “The Juvenile Court and the Role of the Juvenile Judge,” *Juvenile and Family Court Judges*, Vol. 43 (2), NCJFCJ, Reno, NV; Dobbin, S.A. & Gatowski, S.I. (2001). “Judicial Workload Estimates: Redefining the Concept of Judicial Work.” *Technical Assistance Bulletin*, Vol. 5(1), NCJFCJ, Reno, NV.

working collaboratively to improve outcomes for children and families. In Washoe County judicial leaders are described as fully involved in collaborative committee work with dependency court stakeholders and community representatives. In Clark County, the dependency court master takes an active role in leadership (e.g., convening collaborative stakeholder group meetings) with the full support of the judge. Stakeholders report less active judicial leadership for improving the handling of dependency cases in rural districts, where judges are general jurisdiction judges.

“Our judge is very informed in this area of law. He is even-handed and thoughtful. He uses the tools at his disposal to achieve permanency for children. The best interest and safety of the child is always his primary focus and he communicates that.” – Clark County Stakeholder

“There is no doubt that the Court in this jurisdiction is committed to permanency, to realizing that children are not perceived as merely cases and that their having homes are its utmost priorities. The Court is very articulate; indeed, eloquent about its commitment to keeping siblings together, and to profoundly understanding that the sooner children are through the child welfare system, the more likely are their chances to be children in a safe, nurturing home. The Court is also committed to making decisions as expediently as possible.” – Clark County Stakeholder

“We have strong judicial officers in our jurisdiction who understand child abuse and neglect cases; both are strong leaders from the bench and effective collaborators.” – Washoe County Stakeholder

“Judicial leadership could be stronger ... child abuse and neglect cases do not receive the priority they should.” – Rural Stakeholder

“Some of our courts do not understand child welfare and the concept of making decisions which are strength-based, child-centered, and oriented towards achieving timely permanency.” – Rural Stakeholder

“The judges in our jurisdiction are very committed to protecting children and families.” – Rural Stakeholder

RECOMMENDATIONS:

- ❖ **To support and expand judicial leadership in child protection cases in Nevada, especially in rural districts, the CIP should implement training focused on judicial leadership to convey the message that judicial officers hearing dependency matters not only have a strong oversight role on the bench, but are also leaders of system change efforts. Judicial leadership training should address the intersection between leadership and judicial ethics.**
- ❖ **Efforts to prioritize child protection cases with general jurisdiction judges in rural districts should continue, and include training on ASFA, compelling reasons, the *RESOURCE GUIDELINES*, and other best practices in child protection cases.**

II. Court Oversight

Effective court oversight is critical to ensuring that child abuse and neglect cases are handled in a fair and timely manner. As discussed in the *RESOURCE GUIDELINES*, child welfare cases impose an obligation on juvenile and family court judges to oversee the case process and progress. Case oversight includes two requisites: state fulfillment of its responsibilities and parental cooperation with the state and counties. The judge must determine, step-by-step throughout the case, how best to assure the safety and well-being of the child, and the timely placement of the child in a safe and permanent home.

The judge is not merely an arbiter of a dispute before the court, but rather the judge sets and repeatedly adjusts the direction of state intervention ... These decisions encompass not only issues of custody, placement, and visitation, but also, in many states, the case plan for the child, including exactly what services are to be provided to the child and family. ... Because its decisions in child welfare are interlocking and sequential, the court performs a more managerial and directive function than in other litigation ...and, as a result, the judge has a distinct impact on the course of agency work with each family.⁵²

Effective court oversight is demonstrated in various ways. For example:

- Judicial continuity for the life of the case (One Family / One Judge)
- Substantive hearings conducted in a respectful manner that allow for a full discussion of service issues, progress, and compliance on the part of all parties, as well as the current placement and status of the child(ren);
- Clear and specific judicial findings and timely generation of court orders; and
- Effective case flow management.

⁵² Excerpted and adapted from the *RESOURCE GUIDELINES*, pg. 14-15.

CFSR RESULTS:

- DCFS is not consistent in providing services to children and families to ensure children's safety while they remain in the home;
- DCFS is not consistent in addressing risk of harm to children by monitoring case progress through ongoing safety and risk assessment;
- DCFS experiences challenges in preventing maltreatment recurrence within a 6-month period;
- DCFS is not consistent in its efforts to achieve permanency for children in a timely manner;
- DCFS is not consistent in its efforts to ensure that children in foster care experience placement stability.

Identified Barriers to Achieving Timely Permanency

- A frequent practice of courts and the agency of maintaining the goal of reunification even when the prognosis is poor;
- Agency-related delays in preparing the paperwork necessary for TPR for transfer to the adoption unit;
- A reluctance to seek TPR if the child is not in an adoptive home;
- A lack of available services to promote reunification;
- A lack of understanding of concurrent planning by the agency workers, courts, biological parents, and foster parents.
- DCFS is not consistent in making concerted efforts to support or maintain a strong relationship between parents and children through providing sufficient visitation or through other efforts.

Well-Being Outcome 1: Families have an enhanced capacity to provide for children's needs

- Lack of consistency with regard to meeting the service needs of children and parents;
- Lack of consistency with regard to involving parents in case planning;
- Lack of consistency with regard to establishing contact between caseworkers; and children and parents with sufficient frequency.

Well-Being Outcome 3: Children receive services to meet their physical and mental health needs

- Lack of sufficient attention to meeting children's mental health needs (e.g., report especially notes problems with the state's Medicaid system).

During court observation, the re-assessment team paid particular attention to the degree to which judicial officers in project sites exercised their oversight role in the dependency hearings observed. Observers noted whether hearings were substantive (involving in-depth and active inquiry from the bench of all parties), whether judicial findings were clear, whether clear expectations were set for future proceedings, and whether the calendar was managed efficiently. Interviews and the online survey also sought stakeholders' opinions about the degree to which the bench exercised its oversight role in dependency matters.

FINDING: Almost every stakeholder interviewed in Clark and Washoe Counties reported that the oversight role of the court was "*strong*," that judicial officers held everyone "*accountable*," and that the court was doing a good job of "*ensuring that statutory timelines are met*." Court observation in these project sites also confirmed that the judicial officers in Clark and Washoe Counties are embracing their oversight role. Judicial officers observed in both sites actively inquired about placement, visitation, and services, made clear reasonable efforts and contrary to welfare findings, and set clear expectations for what should be accomplished by the next hearing date. Judicial officers also actively engaged parents in the hearing process (see findings related to parental engagement below).

Nevertheless, while court oversight was observed to be strong in Washoe County, a few stakeholders felt that court oversight could be improved or enhanced, remarking that *“some judicial officers do not resolve disputes with social services ... some judicial officers have stated on more than one occasion that they will not make a finding of lack of reasonable efforts as they know it will affect federal funding.”*

With respect to rural counties, stakeholders responding to the online survey expressed concern that the rural courts do not fully embrace their oversight role in child protection cases. Rural stakeholders reported that judges tend to *“defer to the Division,”* and noted that judges could do a better job of *“holding everyone accountable.”* Rural stakeholders felt that additional training for general jurisdiction judges on ASFA and best practices in child protection cases would help these judges assume more direct oversight and leadership in these cases.

“Our court sets clear and firm expectations of all parties; the court is clearly invested in achieving permanency for children in a timely manner.” – Clark County Stakeholder

“Judicial officers put the needs of children first, hold the various parties accountable, and ‘think outside of the box.’” – Clark County Stakeholder

“The court keeps all parties accountable towards finding a permanent home for the child. The court ensures that the child welfare agency is providing appropriate services to both the child and the parents. The court does a good job of sticking to statutory timeframes.” – Washoe County Stakeholder

“Our judges are general practitioners; they need to know a little about everything. But, in order to actively oversee dependency cases they need more education on NRS and ASFA policy.” – Rural Stakeholder

“I believe our court is handling our cases reasonably well, but I would like to see more emphasis placed on holding both the parent and the agency staff more accountable.” – Rural Stakeholder

“The Court needs to ensure that the Division is complying with the court ordered case plan and when the Division fails to do so the court should inform the Division of what is expected.” – Rural Stakeholder

Through a variety of PIP strategies, the DCFS and the county Departments are working to improve the case planning and case review process, increase parental involvement in case planning, and improve visitation practice.⁵³ Working collaboratively with the court and CIP, the child welfare agency, at both the state and local level, should ensure that judges, masters, legal representatives, CASAs, service providers, and other system professionals are knowledgeable about new policies and practices and supporting their implementation. The court should consider how its oversight role, and the level of judicial inquiry, can support these reform efforts and ensure that new practices and policies are adhered to on individual cases.

⁵³ See, for example, PIP Strategies 2.2, 3.1, 8.1, 14.2, 14.3, 14.4, 17.1, 17.2, 17.3, 18.1.

RECOMMENDATIONS:

- ❖ **Develop training programs specifically for judges in rural jurisdictions that focus on the judicial oversight role, ASFA mandates, and statutory and federal timeframes. Require that any judge or master presiding over dependency cases complete such a training program.**
- ❖ **Provide opportunities at the regional and state level for judicial officers to meet, support, and mentor each other in their oversight role.**
- ❖ **Provide collaborative training and information-sharing opportunities to ensure that judges, masters, legal representatives, CASA, service providers, and other system professionals are informed of PIP strategies designed to improve the case planning and case review process, increase parental involvement in case planning, and improve visitation practice.**
- ❖ **Ensure that judges and masters are fully knowledgeable to new child welfare agency policies and practices and, through their oversight role and active judicial inquiry, are ensuring that these new policies and practices are adhered to in individual cases.**
- ***Specificity in the Purpose and Scope of Hearings***

A lack of clarity and specificity with respect to the purpose of a specific hearing, as well as a lack of clarity as to the expectations and responsibilities of the parties for that specific hearing type, undermine the court's ability to exercise its oversight role.

FINDING: While permanency planning hearings observed in Clark, Washoe, and Lyon County were good, the re-assessment team felt that permanency planning review hearing practice could still be strengthened in each of those sites (i.e., more clearly differentiated from "status review" hearings in both purpose and scope). In particular, the re-assessment team felt that the permanency planning reviews could have included a much clearer and substantive discussion of the barriers to achievement of permanency as well as deadlines and expectations for its achievement.⁵⁴

⁵⁴ Chapter VII of the *RESOURCE GUIDELINES*, pgs. 77-86, provides a detailed discussion of the purpose, scope, requirements, and necessary findings in permanency planning hearings. Note, considerable time is spent distinguishing permanency planning hearings from review hearings.

Snapshot of Permanency Planning Review Hearing Practice				
Mean Ratings of Effectiveness of Permanency Planning Review Hearings (scale from 1=not at all effective to 5 very effective)	State: 3.40	Clark: 2.77	Washoe: 4.14	Rural: 3.63
Clark County	Permanency Planning Review Hearings observed (n=9) lasted, on average, 7.92 minutes with a range from 5-30 minutes; Parents were present in each of the permanency review hearings, and the court directly questioned the parents in each hearing, providing parents with opportunities to ask questions as well; Extended family members and foster parents were present in 5 of the 9 hearings observed; Placement, visitation (including sibling visitation), and services were discussed in each of these hearings; The child's permanency goal, however, was clearly discussed in only 5 of the 9 hearings observed. The re-assessment team would encourage a discussion of permanency goals, including barriers to achieving permanency and expectations for deadlines for achievement, in every permanency planning review hearing.			
Lyon County	Permanency Planning Review Hearings observed (n=2) lasted 10 minutes, and 12 minutes; Parents were present in each of the permanency review hearings observed – however, none of the parents were directly questioned by the court, nor were they provided an opportunity to ask questions; Extended family members and foster parents who were present were not engaged in the hearing process; Placement, visitation and services were discussed in each of the hearings observed; The child's permanency goal was discussed in each of the hearings observed, including barriers to achievement of permanency and deadlines.			
Washoe County	Permanency Planning Review Hearings observed (n=7) lasted, on average, 11.61 minutes with a range from 5 to 30 minutes; Parents were present in each of the permanency review hearings observed, and the court directly questioned the parents in each hearing, providing parents with opportunities to ask questions as well; Placement, visitation, and services (including educational needs of children) were discussed in each of these hearings; The child's permanency goal, however, was clearly discussed in only 3 of the 5 hearings observed. The re-assessment team would encourage more discussion of permanency goals, including barriers to achieving permanency and expectations for deadlines for achievement, in every permanency planning review hearing.			

RECOMMENDATIONS:

- ❖ **Convene a stakeholder group from urban and rural jurisdictions to clarify the purpose and scope of each type of hearing (particularly review and permanency planning review hearings) in accordance with the best practices of the *RESOURCE GUIDELINES*.**
- ❖ **Minimum hearing practice standards should be established at the state level, for adaptation to local jurisdictions. This will help support achievement of PIP goals with respect to establishing minimal practice standards throughout the state. Develop “hearing protocols” for each hearing and codify through local rules. Use these protocols as training guides and accountability tools for all parties engaged in the hearing process.**

- ❖ **Develop a multi-disciplinary training program that strengthens judicial and non-judicial understanding of the purpose, scope, and expectations for each hearing type – based on the *RESOURCE GUIDELINES, ADOPTION & PERMANENCY GUIDELINES*, and ASFA.**
- ❖ **Develop a collaborative training program that brings together system stakeholders at the county and state level to discuss and clarify stakeholder roles and responsibilities in light of ASFA, best practices, and federal mandates.**

III. Quality of Hearings

- ***Busy Dockets and a Heavy Court Calendar***

FINDING: The court docket in Clark County was very busy, and, as a result, hearings were generally short. It appears that recommended timeframes for individual court hearings are not able to be taken into account given the busy court calendar. Given the short hearing time it is difficult to address a broad range of issues in a substantive and meaningful way. However, because the judicial officers set clear expectations for each hearing, and communicated those expectations to parties, parties seem well-prepared to address any inquiries from the bench and, as a result, the hearings were efficiently managed. Washoe County, while busy, appeared to have a manageable calendar.

- ***Parental Engagement in Court Hearings***⁵⁵

It is important for the court to recognize that while attorneys have the primary responsibility to explain the purpose and scope of hearings, timeframes, expectations, and consequences of non-compliance to their clients, the court plays an important role in facilitating, reinforcing, and ensuring parental comprehension of, and engagement in, the dependency process. Engagement of parents in the dependency process is not achieved at a single point of time, nor is it the sole responsibility of attorneys or other institutional partners.

It is important that the court recognize that parents may be in a crisis mode, especially at the early stages of the case, and not fully processing what is happening to them and their families. Parents may also be intimidated by the legal proceedings and the trappings of the courtroom, and hesitant to ask questions. Parents may also find it difficult to articulate their feelings, concerns, or questions and may be uncomfortable expressing their lack of knowledge or comprehension to the bench. When attempting to determine if parent(s) understand the hearing process, court orders and expectations, asking the parent “do you understand?” may not be sufficient. The court should phrase questions in such a way that the parent is required to provide specific, concrete responses (not just “yes” or “no” answers).

FINDING: In observations conducted in both Clark and Washoe Counties, the re-assessment team felt the court invested hearing time and effort in engaging parents, as well as extended family members who were present, in the court process. Judicial officers in both jurisdictions provided parents with an opportunity to ask questions, and explained the hearing process and timeframes to them. Stakeholder feedback received from rural jurisdictions indicates that the court “*infrequently*” engages parents in the hearing process in rural jurisdictions. Observation conducted in Lyon County, although based on a small sample of hearings, indicated that parties were not engaged in the hearing process to the extent seen in either Clark or Washoe Counties.

⁵⁵ A number of PIP Strategies are focused on enhancing child and parent involvement in case planning. See, for example, Item 18.

While there was very good questioning of parents with respect to their representation in the case (e.g., Do you feel your representation is competent? How many times have you met with counsel?), there was little direct questioning of parents related to their case plan compliance, services, or visitation, and the court did not explain the purpose of the hearing nor provide the parents with an opportunity to ask questions of the bench.

RECOMMENDATION:

- ❖ **Facilitate discussion among judicial officers, especially in rural jurisdictions about the judicial oversight and leadership role, what constitutes the appropriate level of judicial inquiry on the bench, and what the court's expectations are for each hearing type. Share strategies to engage parents in the hearing process.**

Experience working with jurisdictions around the country has demonstrated that when judges actively raise issues and ask questions they can begin to, over time, change the culture of the court and greatly enhance the quality and quantity of information that comes before the court. Recognizing this, the NCJFCJ has generated a number of judicial checklists in a variety of areas that are critical to ensuring the safety and well-being of children in care.⁵⁶ Judges using these checklists report that not only do the checklists serve as a "reminder" to ask the questions in specific hearings, but they also, over time, cause the parties to start to expect the questions to be asked and begin to prepare to answer them. As a result, parties are more prepared to answer specific questions, include the information in their court reports, and the court has more information upon which to base its decisions.

- ❖ **In urban districts with high volume (especially Clark County), develop measurement procedures to accurately assess judicial workload in dependency cases in order to determine what judicial resources are needed to support best hearing practice and to facilitate docketing of cases to allow more time for hearings.**⁵⁷

IV. Front-Loading as Best Practice

A central component of a high-quality judicial process in child abuse or neglect proceedings is the "front loading" of the court process. Front-loading refers to setting in place procedures to ensure that all parties to the court proceeding begin actively participating at the earliest point possible and are doing all they can to minimize the length of time that children remain in temporary placement and their families remain court-involved.

The adversarial nature of initial, pre-adjudicatory, and adjudicatory proceedings results in delays in case processing. Parties focus their attention on litigating specifics of the allegations contained in the abuse/neglect petition rather than on service provision and substantive case

⁵⁶ See for example judicial checklists related to ICWA, infant and toddler mental health, and educational issues, such as: "Indian Child Welfare Act Checklists for Juvenile and Family Court Judges," *Technical Assistance Brief*, National Council of Juvenile and Family Court Judges, Reno, NV, June, 2003; "Questions Every Judge and Lawyer Should Ask About Infants and Toddlers in the Child Welfare System," *Technical Assistance Brief*, National Council of Juvenile and Family Court Judges, Reno, NV, December, 2002; and "Asking the Right Questions: A Judicial Checklist to Ensure that the Educational Needs of Children and Youth in Foster Care are being Addressed," *Technical Assistance Brief*, National Council of Juvenile and Family Court Judges, Reno, NV, April, 2005.

⁵⁷ At the end of the most recent Legislative Session, the Nevada Legislature approved one new hearing master for Clark County as of July 1, 2005 and one new District Court Judge to take effect in January 2007 (it is expected that this judge will be assigned to juvenile court). The addition of a master and judge in Clark County will need to be taken into account in determining appropriate judicial workloads.

planning that can reduce the trauma experienced by the child. Front-loading is designed to address these concerns by establishing a process that encourages early problem-solving and cooperation at the onset of court proceedings.

Implementing front-loading has had dramatic effects in a growing number of courts across the country. Positive impacts include reductions in length of time children remain in temporary placements (and therefore substantial savings in placement expenditures), reductions in the amount of time needed for child abuse and neglect cases to complete the pre-adjudicatory and dispositional phases of court processing, as well as making the court process more substantive and meaningful.⁵⁸

The *RESOURCE GUIDELINES* were developed under the principle that substantive hearings held early in the hearing process serve the best interests of children and families. The *RESOURCE GUIDELINES* state that the court and social service agency should make every attempt to encourage early, substantive hearings. Further, they emphasize that “time is the essence in child abuse or neglect cases,” and stress the importance of making the first hearing(s) as thorough and meaningful as possible.⁵⁹

Principles of Front-Loading:

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

FINDING: As mentioned above, judicial officers in Clark and Washoe Counties did a good job during the hearings observed of engaging parents in the hearing process, including engaging parties who appeared as early as the protective custody hearing. This is a key aspect of “front-loading,” as engaging parents early-on in the hearing process facilitates their understanding of the dependency system. In rural counties, stakeholders expressed concern that parents are not

⁵⁸ See for example, “The Portland Model Court Expanded Second Shelter Hearing Process: Evaluating Best Practice Components of Front-Loading,” *Technical Assistance Bulletin*, Vol. VI, No. 3, National Council of Juvenile and Family Court Judges, Reno, NV, July, 2002; “Mediation in Child Protection Cases: An Evaluation of the Washington, D.C. Family Court Child Protection Mediation Program,” *Technical Assistance Brief*, National Council of Juvenile and Family Court Judges, Reno, NV, April, 2005; and *The Arizona Court Improvement Project: Five Years Later*. National Center for Juvenile Justice, Pittsburgh, PA, January, 2002.

⁵⁹ *RESOURCE GUIDELINES*, pg. 30.

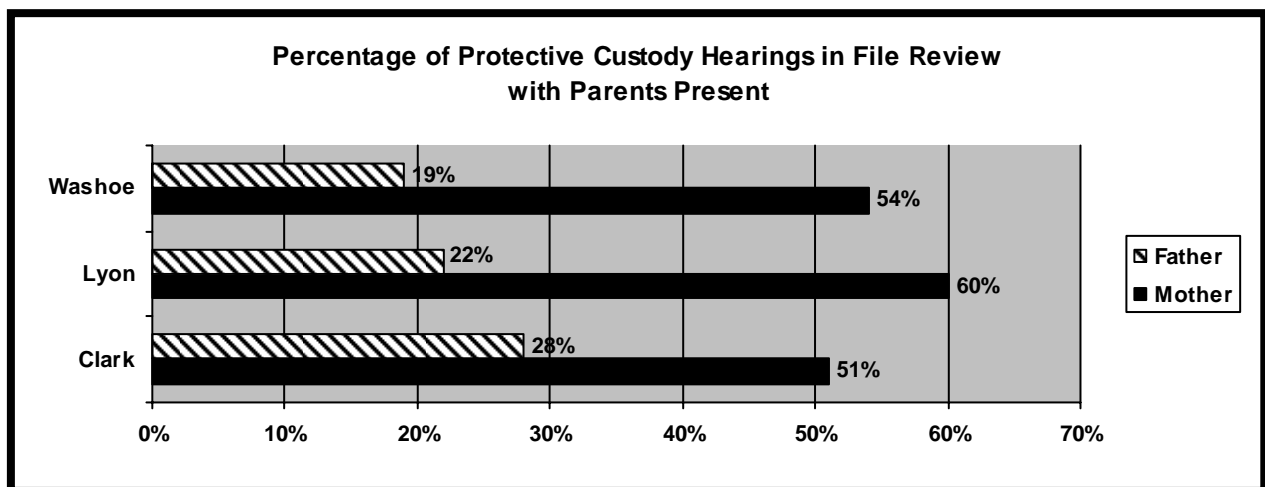
as actively engaged in services within the first 30 days of removal of the child from the home as they could be, that mental health issues are not quickly addressed, and that the educational needs of children are not always considered.

FINDING: Stakeholders from around the state expressed concern that paternity is not established in a timely way, and parents not previously involved in the child’s life are not brought into the court process as quickly as possible.

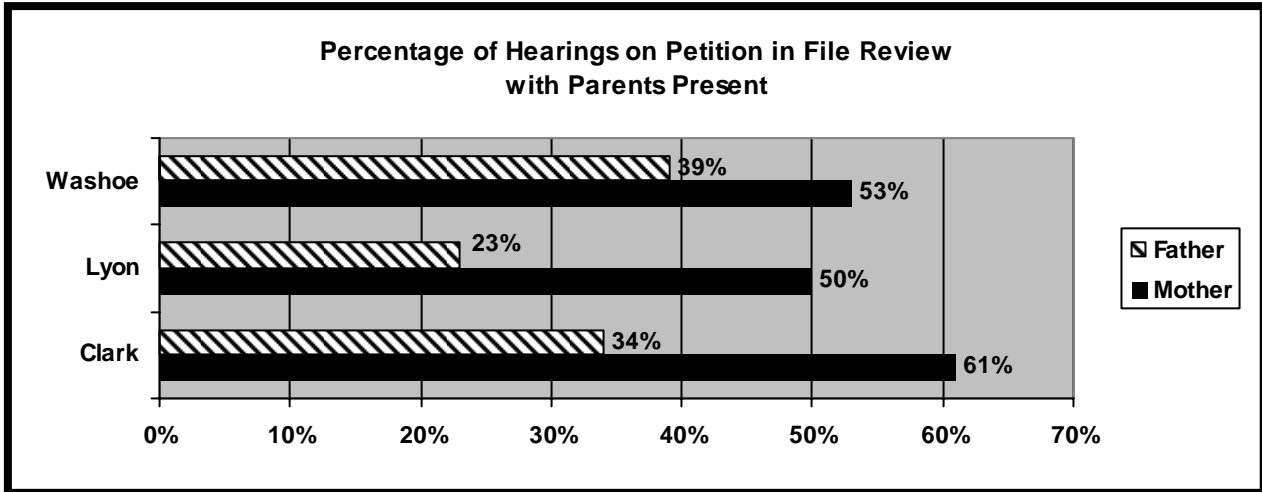
A number of PIP strategies are aimed at strengthening practice with respect to early identification of fathers and relatives, diligent searches, and exploration of relative resources and placement options.⁶⁰ The CIP should work with the DCFS and county agencies, as well as the court, to support implementation of these practice and policy changes.

Protective Custody Hearings

As articulated in the *RESOURCE GUIDELINES*, the main purpose of the preliminary protective hearing (protective custody hearing) is for the judicial officer to examine evidence and make a decision concerning whether or not a child can be immediately and safely returned home while adjudication is still pending. This initial decision is often the most important decision to be made in an abuse and neglect case. Although it is made on an emergency basis, the decision must be based upon a competent assessment of risks and dangers to the child. The preliminary hearing should also enable the court to facilitate a problem-solving atmosphere so the child can remain home or safely return home as soon as possible. A primary goal of the court should be to make the preliminary protective hearing as thorough and meaningful as possible.



⁶⁰ See, for example, PIP Strategy 7.2.



FINDING: Court observation conducted in Clark and Washoe Counties (protective custody hearings were not observed in Lyon County) found protective custody hearings to be substantive; addressing the reasons for removal of the child from the home; including a discussion of risk and safety, the current status and placement of the child, the initial visitation plan, and early service provision. Parties that were present were also directly questioned by the court. While substantive, protective custody hearings could be strengthened by making early ICWA inquiries. In addition, early inquires about paternity may facilitate identification and involvement of fathers in future proceedings.

Snapshot of Protective Custody Hearing Practice					
Mean Ratings of Effectiveness of Permanency Planning Review Hearings (scale from 1=not at all effective to 5 very effective)		State: 3.48	Clark: 3.31	Washoe: 3.57	Rural: 3.50
Clark County	Protective Custody hearings observed in Clark County (n=5) lasted an average of 10 minutes, with a range from 5 to 12 minutes. A discussion was had in each hearing about the reasons for removal of the child from the home, and assessment of risk and safety, the current status and placement of the child, the initial visitation plan, and early service provision. The court also indicated that it was aware of, or made inquiry about, other related cases involving the same family. The court also made clear verbal reasonable efforts findings and discussed the basis for contrary to welfare findings. However, stakeholders note that the court could do a better job of making early ICWA inquiries at the shelter hearing, as well as addressing paternity issues.				
Lyon County	No protective custody hearings were observed in Lyon County.				
Washoe County	Protective Custody hearings observed in Washoe County (n=6) lasted an average of 8.25 minutes, with a range from 5 to 15 minutes. In each hearing, a discussion was had about the reasons for removal, assessment of risk and safety, and the current status and placement of the child. It was clear to observers, as well, that the court facilitated a problem-solving atmosphere and approach to cases (e.g., the court discussed expectations for progress at future proceedings). However, stakeholders report that the court could do a better job of addressing paternity issues, and exploring relative placements at early stages of the case process.				

As part of its PIP, the DCFS is engaged in a number of strategies to support timely investigations, more standardized safety and risk assessments, and to improve early case investigations, placements, and decision-making.⁶¹ These PIP strategies will serve as critical efforts to support better assessments and screening processes, better and earlier service provision, and more effective front-loading. Collaborative efforts among the CIP, court, and child welfare agency (both state and counties) should be implemented to ensure that system stakeholders understand these new procedures. Special attention should be paid to how this information gets before the court at the initial hearings and how this information informs judicial decision-making and reasonable efforts findings.

RECOMMENDATION:

- ❖ **Increase parental appearances at early hearings, especially protective custody hearings. Focus particular attention on early identification of, and appearances by, fathers.**
- ❖ **CIP should work with the court, DCFS, and system stakeholders to ensure that PIP strategies to support standardized safety and risk assessment and screening procedures, earlier case investigations, and front-loading strategies are fully supported and consistently implemented system-wide and state-wide. Collaborative training modules should be developed to support implementation on new procedures and to ensure that all stakeholders understand their purpose and use in supporting informed decision-making and safe, timely permanency for children.**
- ❖ **CIP should work with the Court, DCFS, and legal representatives to determine how best to get the necessary information generated by improved and standardized child welfare procedures at the initial stages of the case before the court and how this information informs judicial decision-making (especially reasonable efforts findings).**

V. Concurrent Planning as Best Practice

ASFA describes concurrent planning as a process by which reasonable efforts to place a child for adoption, or with a legal guardian, may be made simultaneously with reasonable efforts to reunify a child with his/her parent(s).

FINDING: When stakeholders were asked how often concurrent planning is used in child abuse and neglect cases in their jurisdiction, most respondents indicated that it was used in “some cases.” Some stakeholders indicated concern that concurrent planning is neither a “*concept that is understood nor is it a standard component of case planning in Nevada.*” Stakeholders reported that in some jurisdictions concurrent planning is begun immediately, regardless of the prediction of risk, while in other jurisdictions concurrent planning is only begun after reunification efforts are exhausted. Stakeholders reported disagreement about what types of cases concurrent planning should be used in, when to use it, and at what place in the case process.

⁶¹ See, for example, PIP Strategies 2.1, 2.3, 2.4, 4.1, 4.2.

Stakeholder Perceptions of Concurrent Planning Practice (N=137)		
How often is concurrent planning used in child abuse and neglect cases?		Comments
Project Site	Frequency (in descending order)	
Clark County	39% = "some cases" 31% = "most cases" 23% = "few cases" 7% = "all cases"	<i>"If plan A did not work, go to plan B. Children should not languish in foster care any longer than they have."</i> – Stakeholder
Washoe County	71% = "some cases" 14% = "most cases" 14% = "few cases"	<i>"It is important to determine a permanent plan for the child should they not be able to reunify with their parent(s) ... I start this process at the time of the initial court report."</i> – Stakeholder
Rural Counties	38% = "all cases" 38% = "most cases" 24% = "some cases"	<i>"A parallel process of planning for child permanency while at the same time working on child reunification."</i> – Stakeholder
Entire Sample	43% = "some cases" 24% = "most cases" 17% = "all cases" 12% = "few cases"	<i>"An alternate plan is begun when you have a good idea that reunification efforts are not going to prove successful."</i> – Stakeholder

RECOMMENDATIONS:

- ❖ **Develop strategies to increase parental appearances with more attention to parental engagement in early and subsequent hearings. Pay particular attention to the early identification and involvement of fathers. Encourage early ICWA inquiries.**
- ❖ **Encourage case conferencing, family group decision-making, and use of mediation at early stages in a case.**
- ❖ **Continue to encourage training on the concept and use concurrent planning as a tool to achieving child permanency and stability. Develop a statewide approach to what constitutes concurrent planning, including a standard definition and standardized procedures for when it should be used and in what cases.⁶²**

VI. Effective Case Flow and Calendar Management

According to the *RESOURCE GUIDELINES*, principles of sound case flow and calendar management include time standards, credible court dates, time certain scheduling, strict control of continuances, setting clear expectations for the next hearing, scheduling the next hearing at the conclusion of the current hearing, and accountability.

FINDING: Both the Clark County and Washoe County project sites have made concerted efforts in the last few years to examine their case flow process and calendar management procedures to support timelier decision-making and strengthen court oversight.

⁶² A number of PIP strategies are aimed at developing consistent definitions and standards of practice for concurrent planning throughout the state. See, for example, PIP Strategies, 7.1, 9.8, 14.5.

- **Time Standards and Calendaring**

One of the most profound and intractable problems in child welfare litigation is that of delay. Overcoming this problem requires specific and tight deadlines for decision-making and a process for enforcing those deadlines. Ideally, time standards and goals should be incorporated into court rules and made legally binding upon the court. Serious breaches of court deadlines should be brought to the attention of the supervising judge.⁶³

State court systems should monitor courts' compliance with mandatory time lines and should make public reports of their findings.⁶⁴ Specific and detailed timetables for the different stages of litigation are essential to an effective delay reduction program.⁶⁵

- Set comprehensive timetables for all stages of the case;
- Set strict limits on continuances and extended interruptions of court hearings;
- Require monitoring of agencies' and courts' adherence to timetables; and
- Provide that child protection proceedings are not to be delayed to await resolution of related criminal proceedings, except based on unusual circumstances.

An important part of establishing timetables is setting limits on adjournments and interruptions of hearings. It is critical that judges understand their responsibility for assuring that hearings go forward as scheduled. Keeping to a schedule is one of the most important ways that a court can demonstrate respect for the time of others and maintain an environment of fairness and equal treatment of all parties.

FINDING: In Clark County, the Juvenile Court has been redesigned. In the past, one Family Court Judge was assigned to the Juvenile Court, handling both child welfare and delinquency matters. In 2001, largely through the action of the CIP representative, the Family Court separated the child welfare functions from the delinquency functions. A separate Judge was assigned to each function – one Judge is supported by a master for child welfare and another Judge is supported by two masters for delinquency. The result has been an increase in the amount of time that can be expended on both hearings and in the administration of child welfare issues. Calendaring changes resulted in an increase in the amount of time available for review and permanency hearings. Additionally, breaking the calendars down has allowed more specific hearing times, resulting in families and others being required to wait less for court hearings.

A similar positive outcome has been experienced in Washoe County, where hearings were previously scheduled in a stacked calendar system, meaning that all hearings were scheduled at one time. Hearings are now being set for times certain with each being scheduled for a 20-minute block of time.

FINDING: Cases are scheduled for a time certain in Washoe County. In Clark County, a staggered call is used, with specific hearing types scheduled for blocked out timeframes (e.g., 9:00 a.m. = Initial PC Hearings; 9:30 a.m. = PC Reviews, etc.). In Lyon County, cases were calendared for a general call (e.g., 432B cases will be heard at 10:00 a.m. on Tuesday). Court observation in each of these project sites found that the calendar proceeded smoothly, with little delay between hearings. However, rural stakeholders expressed frustration with the general call

⁶³ *RESOURCE GUIDELINES*, pg. 20.

⁶⁴ *Guidelines for Public Policy ...* pg. IV-3

⁶⁵ *RESOURCE GUIDELINES*, pg. 20; *Adoption 2002: The President's Initiative on Adoption and Foster Care – Guidelines for Public Policy and State Legislation Governing Permanency for Children*, Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, June, 1999 pg. IV-2.

approach to calendaring, noting that “too many cases are scheduled for the same day,” and that “people end up waiting in hallways for hours.”

RECOMMENDATIONS:

- ❖ **Examine calendaring practice in rural counties, encouraging collaboration between the court and agencies to determine if time certain scheduling is possible, at least block scheduling.**
- ❖ **In urban districts with high volume (especially Clark County), develop measurement procedures to accurately assess judicial workload in dependency cases in order to determine what judicial resources are needed to support best hearing practice and to facilitate docketing of cases to allow more time for hearings.⁶⁶**

- **Strict Continuance Policy**

As part of effective case flow management, the *RESOURCE GUIDELINES* recommends that courts have a strict “no continuance” policy.⁶⁷ The *RESOURCE GUIDELINES* states that continuances should not be allowed because hearing dates are inconvenient for attorneys and parties. Nor should continuances be granted based on the stipulation of parties. Continuances should be granted only when attorneys or parties are ill; essential witnesses cannot be located; or service of process has not been completed. The *RESOURCE GUIDELINES* further recommends that administrative personnel should not be authorized to grant continuances. Moreover, the reason for continuances should be clearly articulated in court and documented in the file.

FINDING: The high volume of cases and caseloads was identified by stakeholders as the most frequent source of delay, as well as the source of delay having the most impact on timely case processing and achievement of ASFA timelines. Despite the high volume of caseloads, urban project sites are able to maintain strict “no continuance policies.” Case file review, for example, indicate a relatively low continuance rate, although protective custody hearings and hearings on the petition were more likely to have a continuance than were review or permanency hearings (although none of the cases reviewed in Lyon County had continued the protective custody hearing). When continuances were granted in the project sites, they were typically due to the lack of a report, an absent attorney for the parent, or a parent’s absence. However, the specific reasons for granting a continuance were not consistently noted in the case files reviewed.

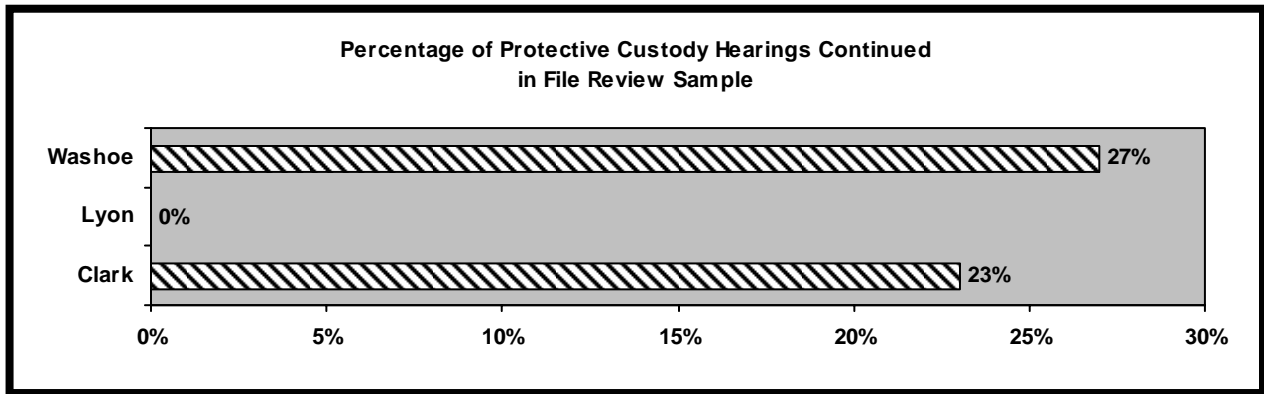
In Clark County, most stakeholders (72%; n=29 of 61) felt that the Court has a “firm,” “effective,” continuance policy that does not allow for continuances based on inconvenience or stipulation of the parties. Nevertheless, stakeholders report that the high volume of cases makes some continuances necessary. Stakeholders noted, for example, that the high caseloads and “understaffing” of caseworkers makes it difficult to prepare reports in a timely way, often resulting in hearing continuances. In addition, Clark County stakeholders expressed concern that the court grants continuances in order to give parents the opportunity to appear who repeatedly do not appear – “when a parent demonstrates a pattern of failing to appear for hearings, rather than continuing the case, the court needs to send a clear message that failure to appear will result in the hearing proceeding without them.” Delay transporting prisoners from local facilities was also noted as a source of continuances.

⁶⁶ *Supra* note 52.

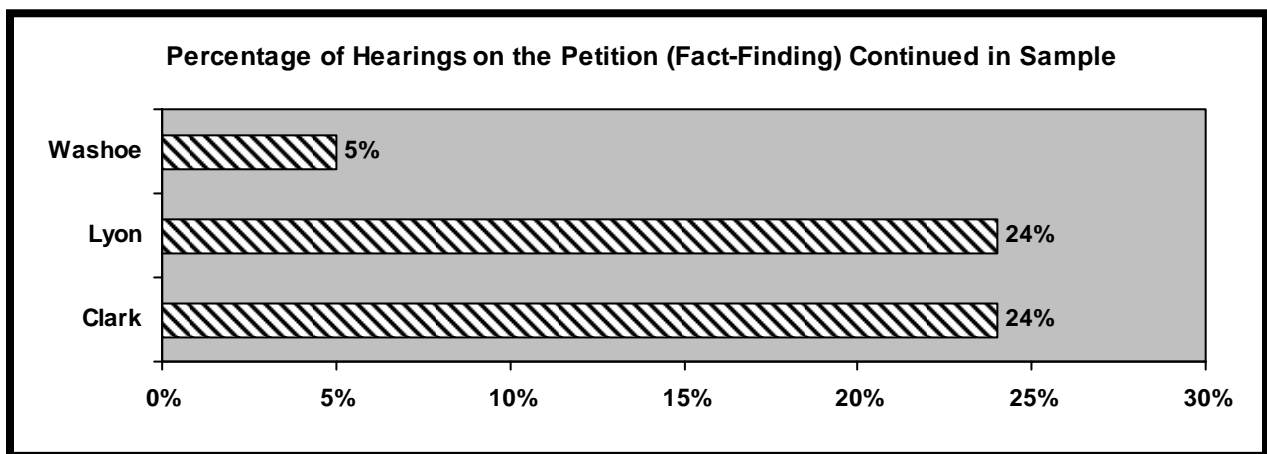
⁶⁷ *RESOURCE GUIDELINES*, pg. 21.

Washoe County stakeholders reported that the court's strict no continuance policy is "almost always" enforced. As in Clark County, Washoe County stakeholders felt that the volume of cases and caseloads "builds some delay into the process, despite the court's best efforts." Similarly, rural county stakeholders felt that child welfare workloads "make it challenging to meet timely deadlines for preparation and filing of court reports." Most rural county stakeholders reported that the court "sometimes" adheres to a no continuance policy, noting that calendar conflicts with parents' attorneys limits their ability to appear for hearings in a timely manner, often resulting in continuances and delay. Some rural county stakeholders felt the court could be firmer about continuances – as one stakeholder remarked, "continuances on cases which have not reached a finding leaves families and service providers in limbo."

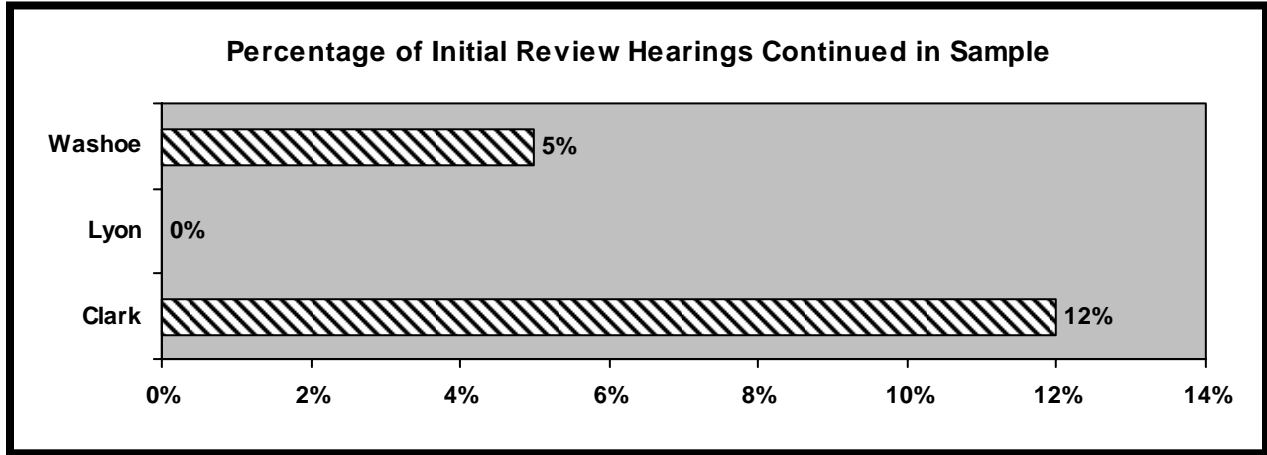
Percentage of Protective Custody Hearings Continued in Case File Review Sample	
Statewide	21% (n=33 of 160)



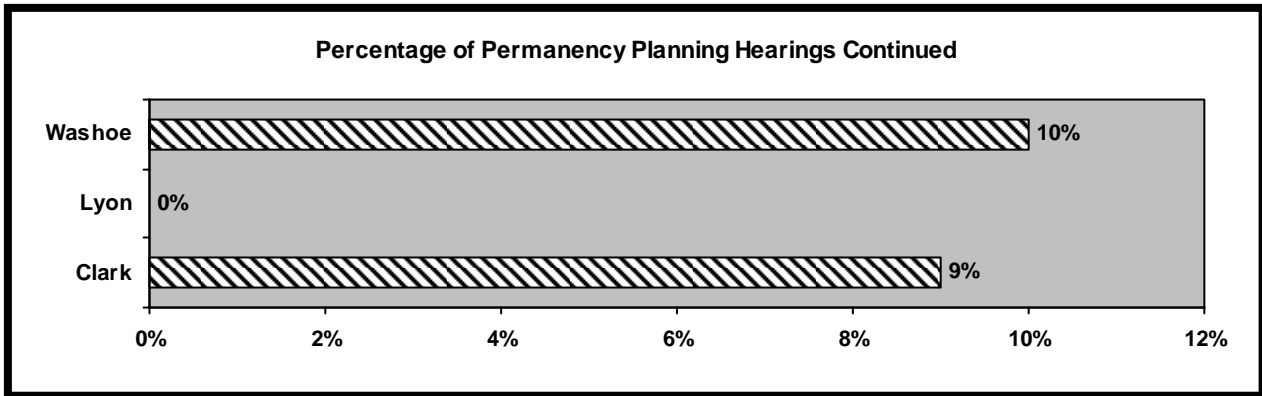
Percentage of Hearings on the Petition (Fact-Finding) Continued in File Review Sample	
Statewide	17% (n=27 of 160)



Percentage of Initial Review Hearings Continued in Sample	
Statewide	8% (n=12 of 160)



Percentage of Permanency Planning Hearings Continued in Sample	
Statewide	8% (n=13 of 160)



Stakeholders were asked to report how frequently they observed, in practice, delay as a result of a particular source (e.g., How frequently is a high caseload a source for delay in your jurisdiction? How frequently is lack of preparation on the part of a parent’s attorney a source for delay in your jurisdiction?). Stakeholders were then asked to rate the degree of impact those sources of delay have on the overall timeliness of child abuse and neglect case processing. Responses to these questions are summarized below. Stakeholders felt that high caseloads were the most frequent source of delay, and had the most impact on timely case processing.

How frequently do the following sources produce court delay in your jurisdiction? What degree of impact do those sources of delay have on timely case processing? (N=137)		
Source of Delay	Average Frequency Observed (1=never; 5=very frequently)	Average Degree of Impact (1=no impact; 5=very high impact)
High Caseload	3.47	3.76
Lack of Preparation – Parents’ Attorney	2.69	3.08
Calendaring/Scheduling	2.64	3.12
Late Reports	2.42	2.98
Lack of Timely Notice	2.25	2.58
Poor professional understanding of the hearing purpose	2.24	2.73
Lack of Preparation – District Attorney	2.11	2.64
Stakeholder rotation/turnover	2.02	2.27
Lack of preparation CASA/GAL	1.78	2.26

Reasons for granting a continuance as noted in court file? (N=160)	
Hearing Continued	Reasons Noted
Protective Custody Hearing (21% of PC hearings in review sample were continued)	Reason not listed (8%) Lack of parent’s attorney (7%) Petition amended (4%) Parents not present (2%)
Hearing on Petition	Reason not listed (7%) ICWA (3%) Lack of parent’s attorney (3%) Child in need of representation (2%) Competency evaluation (2%)
Review Hearing	Reason not listed (4%) Paternity issue (2%) Late reports (2%)
Permanency Planning Hearing	Reason not listed (8%)

RECOMMENDATIONS:

- ❖ **Encourage and support the development of a case monitoring system so the court can keep control of its own calendar.**
- ❖ **Continue, and reinforce, strict no-continuance policies. Encourage jurisdictions to record reasons for granting continuances in court files so that studies of delay can be implemented and reform initiatives designed to target delay.**
- ❖ **Implement a workload and calendar management study for urban jurisdictions with high volume (e.g., Clark County).**

VII. Representation Issues

The *RESOURCE GUIDELINES* recommends that juvenile and family courts “take active steps to ensure that the parties in child abuse and neglect cases have access to competent representation.”⁶⁸ This section summarizes the re-assessment team’s observation of representation practice in child abuse and neglect cases in project sites, as well as stakeholder feedback. It is meant to be a snapshot of practice and assignment issues, and is *not* meant to be interpreted as a rigorous evaluation of representation quality.

• Appointment of Counsel for Parents

In Washoe and Lyon Counties, a public defender is appointed to all indigent parents who apply. In Clark County, although the Court can appoint counsel for parents in child welfare cases, the reality of funding constraints limits the Court’s ability to make such appointments in every case. In most cases, the parent is not appointed counsel until the termination of parental rights phase of the case. The County Commission, at the request of the District Court, established two full-time positions in the office of the Special Public Defender solely to represent parents whose children have been removed from them due to allegations of abuse or neglect. Although it was initially intended for regular Public Defenders to take conflict cases (i.e., those cases in which both parents are active and appear at a review or termination hearing and separate counsel is required), the regular Public Defenders did not assume this role. Private attorneys have largely been appointed on conflict cases.

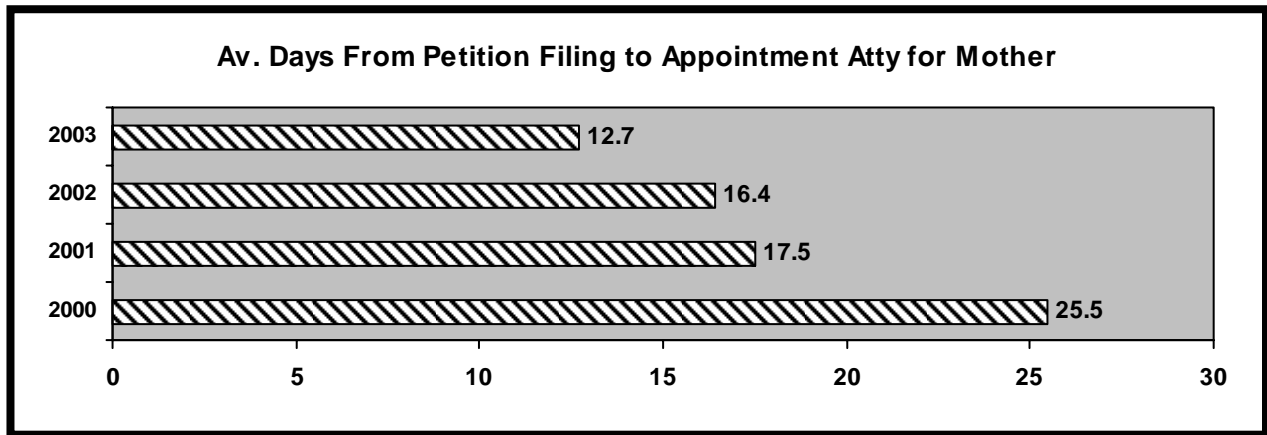
FINDING: Forty-two percent of case files reviewed in Washoe County, in which the mother was an identified party in the proceedings, had appointed an attorney for the mother (n=22 of 53). Twenty-two percent of cases, in which the father was an identified party in the proceedings, had appointed an attorney for the father (n=10 of 47). In Clark County, 46% of case files reviewed had appointed an attorney to represent the mother when she was an identified party (n=32 of 70), while 26% of cases had appointed an attorney to represent the identified father (n=11 of 42). In Lyon County, 20% of cases in the file review sample had appointed an attorney for the mother (n=5 of 25), and 5% of the cases had appointed an attorney for the father (n=1 of 25).

FINDING: Case files were examined for formal dates of appointment⁶⁹ of counsel for parents and representatives for children. Appointment of counsel for mothers happened, on average, 12.70 days from petition filing in 2003, compared to an average of 25.50 days in 2000. For the entire sample of cases, the average time from petition filing to formal appointment of an attorney for the mother was 20.21 days. With respect to the individual project sites, the average time to

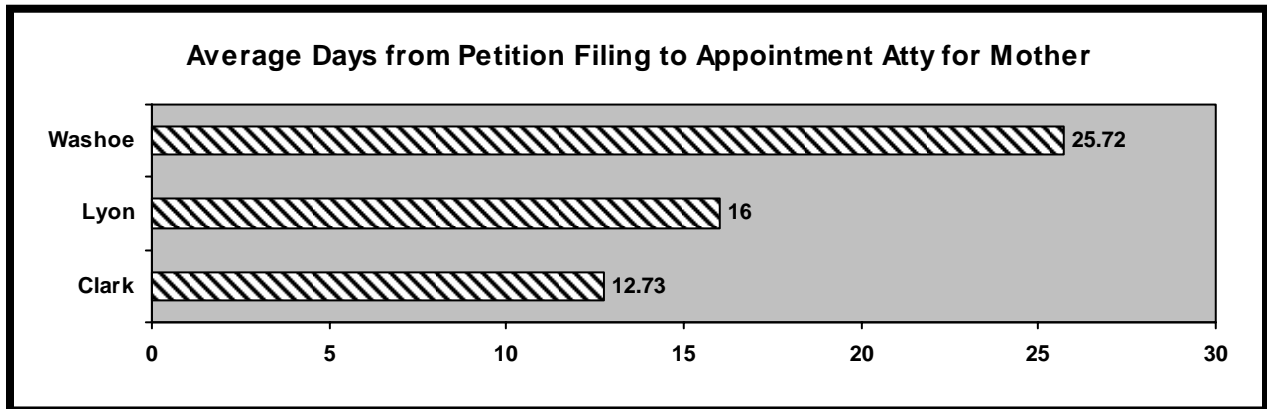
⁶⁸ *RESOURCE GUIDELINES*, pg. 22.

⁶⁹ Coders noted dates of formal appointment of counsel in case files. Counsel may appear earlier in the hearing process, than is indicated in the formal appointment.

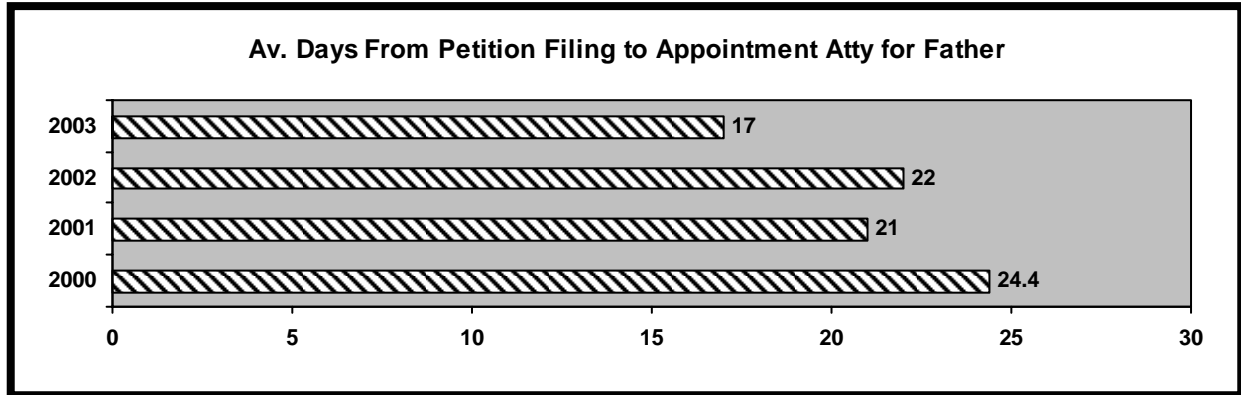
formal appointment of counsel for the mother ranged from an average of 12.73 days from petition filing in Clark County to an average of 25.72 days from petition filing in Washoe County.



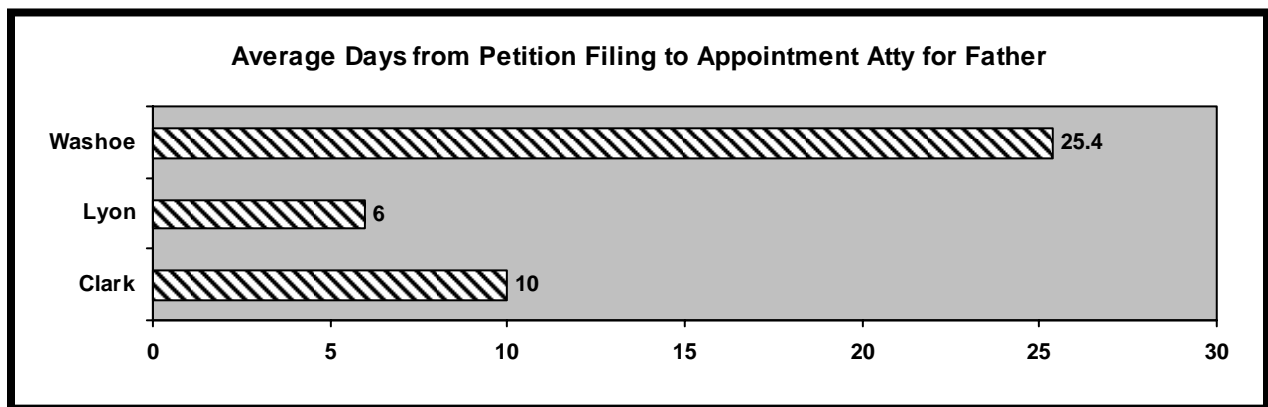
	Formal Appointment of Attorney for Mother	
	Average Days Elapsed	Median Days Elapsed
Entire Sample	20.21	21 days



Appointment of counsel for fathers happened, on average, 17 days from petition filing in 2003, compared to an average of 24.4 days in 2000. For the entire sample of cases, the average time to appointment of counsel for fathers was 13 days, ranging from an average of 6 days from petition filing in Lyon County to an average of 25.4 days in Washoe County.



	Formal Appointment of Attorney for Father	
	Average Days Elapsed	Median Days Elapsed
Entire Sample (N=162)	13 days	14 days

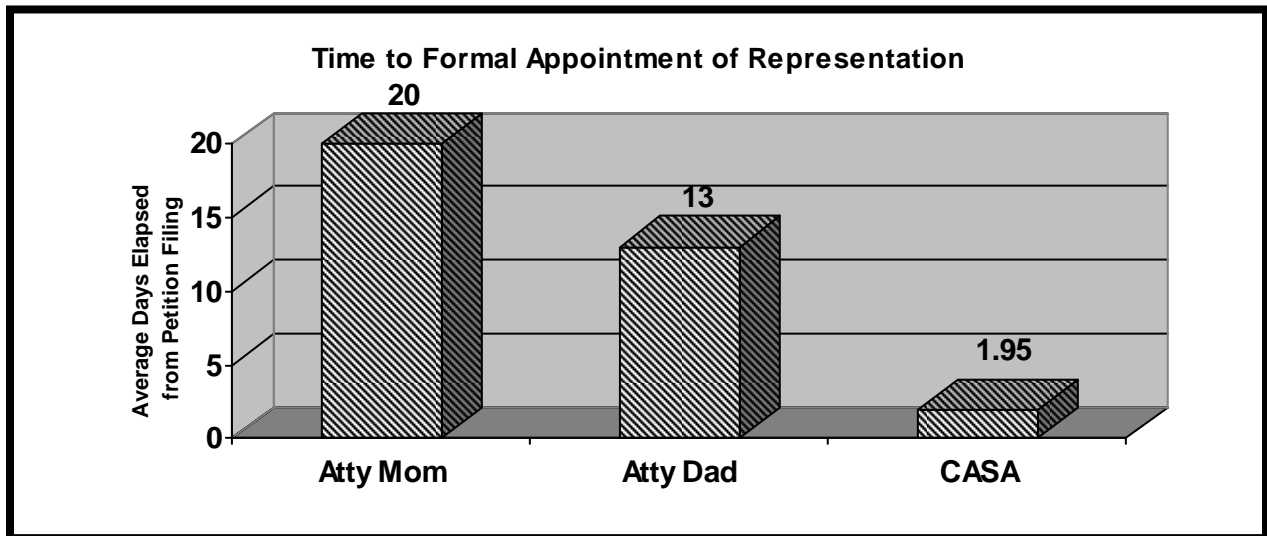
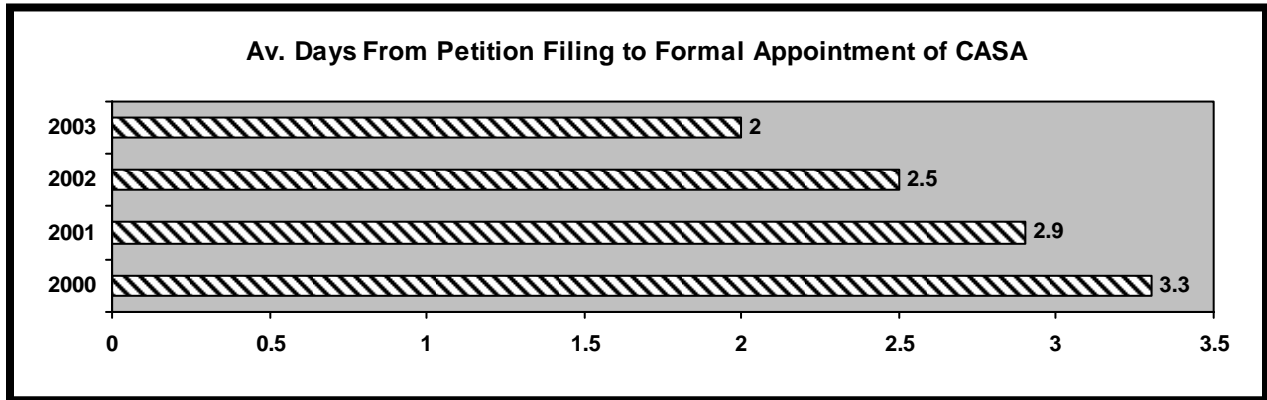


• **Appointment of Representation for Children**

In Clark County, the Children’s Attorney Project (CAP) was partially funded with CIP funds for the first 2 years. With County and State funding, the project continues with five full-time attorneys representing children in child welfare matters. Additionally, through the outreach efforts of the project, private attorneys are solicited for *pro bono* work. In Washoe County, a state-created funding stream is supporting a single individual attorney to represent selected children in dependency cases. Counsel accepts cases according to a priority assignment matrix developed with the input of all interested entities (E.g., sexual abuse cases are near the top of the list). A small number of children are represented by trained volunteer lawyers. The Court is exploring expansion of funding for the representation of children.

FINDING: No cases in the Washoe County file review sample had appointed an attorney to represent the child, but the majority of cases (77%; n= 46 of 60) had appointed a CASA. In the Clark County file review sample, 13% of cases had appointed an attorney to represent the child (n=10 of 75), while a CASA was appointed in 73% of cases reviewed (n=55 of 75). In the Lyon County sample of cases (n=25), no children’s attorneys or CASA were appointed.

FINDING: Clark County was the only project site in the study that appointed an attorney to represent the child in the sample of dependency cases reviewed. This appointment happened, on average 19.71 days from petition filing, and occurred in 13% of the cases reviewed (recall, however, that petition filings from 2000-2003 were reviewed, so some cases reviewed may have pre-dated the CAP initiative or reflect early implementation of the initiative – an appointment rate of 13% is likely an underestimate of current practice). Average times for appointment of CASA ranged from 1 day from petition filing in Clark to 3 days from petition filing in Washoe. Neither CASA nor children’s attorneys were appointed on behalf of children in the Lyon County cases studied.



- **Quality of Representation**

Nevada State stakeholders (N=137) were asked to rate the overall quality of representation for parents, children, and the agency.

Stakeholder Ratings of the Overall Quality of Representation (N=162)	
Representative	Average Rating (1=poor; 5=excellent)
District Attorney	3.31
Parents' Attorney	2.91
Children's Representation	3.12

Stakeholders in Clark County report that a great deal of progress has been made over the past few years with respect to the availability and quality of representation. With respect to parents representation in Clark County, stakeholders reported that the *“quality of attorneys to represent parents is very high,”* and that parents representation is *“very professional.”* While parents' representation was described as *“strong,”* stakeholders are concerned that there are still too few attorneys available to represent parents. As one stakeholder noted, *“most of the attorneys assigned to children and parents provide good and fair representation ... but the lack of attorneys available to children and parents causes cases to drag on unnecessarily when some real ground could be made if only all parents and children had adequate representation.”* Other stakeholders felt that if resources became available for more attorneys, then those attorneys should be appointed as early as the protective custody hearing (rather than at the time of the Hearing on the Petition).

With respect to parents' representation in Washoe County, stakeholders make a clear distinction between the quality of the Public Defenders and the conflict group of attorneys. The public defenders are described as *“competent,” “knowledgeable,”* and *“active advocates for their clients.”* Conflict attorneys, on the other hand, were described as *“lacking in knowledge of child welfare cases,” “not committed to this work,”* and as *“frequently [not showing up] for hearings.”*

Washoe County stakeholders expressed concern about the lack of attorney representation for children. Currently, there is only one full-time child advocacy attorney in Washoe County, with a significant caseload. Stakeholders believe that while CASA is very strong and provides a valuable service to children, Washoe County should be able to provide legal representation to children in child abuse and neglect proceedings.

Clark County stakeholders were unanimous in their praise of the Children's Attorney Project, but felt that insufficient resources have not enabled the project to provide representation for as many children as needed. In addition, Clark County stakeholders report that children would be better served if more CASAs were available.

“The court and community need to work together to make child representation a reality by committing the resources to accomplish this important goal.” – Washoe County Stakeholder

“There is only one attorney representing the child in Washoe County, which does not create much of an effect in the representation as she is limited in the number of children she can handle.” – Washoe County Stakeholder

“Every child should have representation ... ideally an attorney and a CASA.” – Clark County Stakeholder

Rural county stakeholders felt that too few attorneys practicing in their jurisdictions were knowledgeable about child welfare practice, and that specialized training was needed, including training in best practices in the handling of child abuse and neglect cases. Public defenders, for example, were described as lacking or “*not interested*” in training in this area of law. Rural stakeholders also reported that in their experience, “*most public defenders have no contact with their clients except on the court day.*” Rural stakeholders reported that because the District Attorney in rural jurisdictions does not represent the Division (i.e., they represent the communities), social workers “*do not feel they have representation.*” District Attorneys in rural jurisdictions were described as “*not familiar*” with cases prior to their court appearances, and “*not adequately representing social workers.*”

“District Attorneys, per N.R.S., represent the rural DCFS cases, however, the D.A.s do not represent the Division. At times this creates a huge conflict. They [the D.A.s] have been known to stand up in Court and state that they do not agree with the DCFS position. When we have attempted to have the Attorney General’s assistance, they have threatened not to represent our cases.” – Rural County Stakeholder

“I believe the representation (DA’s) given the Division does not follow the N.R.S. mandates. The DAs often state, in court, that they disagree with the Division’s position.” – Rural County Stakeholder

RECOMMENDATIONS:

- ❖ **CIP and the Courts should take active steps to obtain legal representation for children in all child abuse and neglect proceedings. Explore means of expanding the CAP program in Clark County and the Children’s Law Project in Washoe County to other jurisdictions.**
- ❖ **CIP should work with the courts to expand the CASA program, especially in rural jurisdictions.**
- ❖ **CIP and the Courts should take active steps to increase the availability of parents attorneys and facilitate earlier appointment (e.g., at the Protective Custody Hearing and before the Hearing on the Petition) of counsel for parents. Parents should be represented by qualified attorneys, with specialized training in child welfare practice, from the initial hearing through the final resolution of the case (including TPR and adoption proceedings).**

- ❖ Consider ways to enhance and support training for District Attorneys in rural jurisdictions in best practice in dependency cases, and their role and relationship to the Division in these cases.
- ❖ Develop attorney practice standards which encourage active, competent representation for all parties.
- ❖ Develop a specialized training program for legal representatives and CASA involved in child welfare cases. Such a training program should not only focus on federal and statutory requirements, but also best practices in child welfare case processing, roles and responsibilities, child development and family dynamics, and the need to prioritize and expedite these cases.
- ❖ Ensure that representatives from all attorney groups and CASAs are included in multi-disciplinary trainings and collaborative working groups. Focus particular attention on multi-disciplinary training that involves caseworkers, parents' attorneys, and District Attorneys in order to foster better collaborative relationships without undermining the quality of advocacy.

CHAPTER SIX

Assessment of the Timeliness of Court Proceedings in Supporting the Achievement of Safe, Timely Permanency for Children

This Chapter presents the CIP re-assessment findings with respect to the timeliness of court proceedings. More qualitative findings (e.g., measures of delay, due process, quality of hearings, etc.) were presented in the previous chapter.

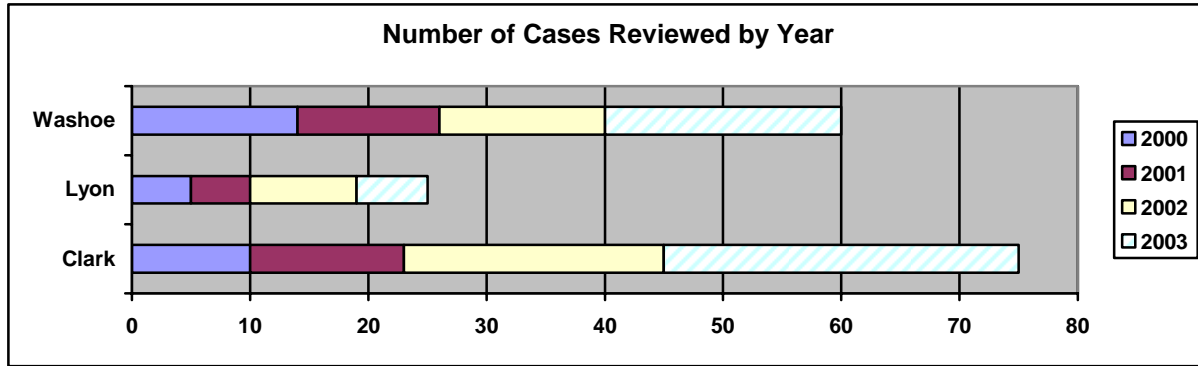
I. Case File Review Sample

A total of 160 dependency court case files in Nevada were reviewed for this re-assessment study. These cases were randomly selected from petitions filed between 2000 and 2003 (i.e., post-ASFA; with heavier sampling from more recent filings to be reflective of current practice but old enough to have reached permanency or case closure), in two urban counties (Clark and Washoe) and one rural county (Lyon). Reviews of case files involved reading, and coding, the paper court file while on-site. Completed code sheets were then entered into a SPSS database for analysis. All coding and data-entry was check-coded for accuracy (i.e., 25% of all files reviewed were coded by another coder and codes were then checked for reliability; this process revealed a high rate of reliability of both code and coder of 98%).

All case file review findings presented herein must be interpreted within the context of the de-bifurcation of the child welfare system in Nevada. This process was begun in Washoe County in 2001 and completed in 2003. Therefore, petition filings included in the case file review sample for Washoe County are cases that came into court jurisdiction during the de-bifurcation process. In Clark County, efforts to de-bifurcate the child welfare system began in October 2003 and were completed in October 2004. As a result, petition filings included in the case file review sample for Clark County are primarily cases functioning under the bifurcated system. Please See Chapter 3 for more information about the de-bifurcation process.

Of the 160 cases that were randomly pulled and coded, 78% of the cases (n =125) were closed at the time of coding and 22% of cases in the sample (n = 35) were still open. *All* cases in the file review sample had at least reached the permanency planning hearing stage.

Year of Filing	Number of Cases Obtained for Sample	Cases Reviewed in each Project Site	
2000	24	Clark County	75
2001	28	Lyon County	25
2002	53	Washoe County	60
2003	55		
TOTAL	160	TOTAL	160



II. Case Demographics

Thirty-nine percent of the cases in the file review sample (n=62 of 160) involved male children as the primary child named on the petition and 55% of the cases (n=88 of 160) involved female children as the primary child named on the petition. In the majority of cases in the sample, (96%; n=154 of 160) ethnicity was not clearly recorded in the court's file. Eight percent of the cases involved the ICWA (n=13 of 160), while 14% of the cases involved the Interstate Compact on the Placement of Children (ICPC) (n=22 of 160). Fifty-seven percent of the cases in the file review sample included allegations of neglect (n=91 of 160); 19% involved allegations of physical abuse (n=30 of 160); 9% involved allegations of sexual abuse (n=14 of 160); 6% involved allegations of abandonment (n=10 of 160); and 5% were congenital drug addiction cases (n=8 of 160).⁷⁰

Thirty-one percent of the cases in the file review sample had a previous history with the court (n=50 of 160). Fifty-one percent of the cases involved a previous history with the department of social services (n=82 of 160).⁷¹

Petition Allegation	Percentage in File Review (N=160)
Neglect	57%
Failure to Provide food, clothing, shelter, education, medical care	21%
Physical Abuse	19%
Responsible Person Incarcerated/Hospitalized	14%
Sexual Abuse	9%
Abandonment	6%
Congenital Drug Addiction (FAS)	5%
Presenting Problems	Percentage in File Review (N=160)
Substance Abuse by Parent	53%
Domestic Violence	25%
Criminal Activity/Incarceration of Parent	24%
Homelessness	12%
Parent's Mental Illness	8%
Child's Behavioral Problems	7%

⁷⁰ Percentages may sum to more than 100% as multiple allegations in a case are possible.

⁷¹ Coders could not confidently determine prior history with the court or social services department in 28 of the 160 court files reviewed (18%).

The average age for a child in the case file review sample was 6.6 years, with a range from newborn to 17.61 years of age.

The average number of placement moves in the re-assessment case file review sample was 3 moves, with 24% of the sample having only one move, 58% of the sample having two moves, and 18% of the sample having three or more placement moves. For the 57% of children in the re-assessment case file sample between the ages of 10 and 17.61 (n=91 of 160), the average number of placement moves was 3.62 moves.

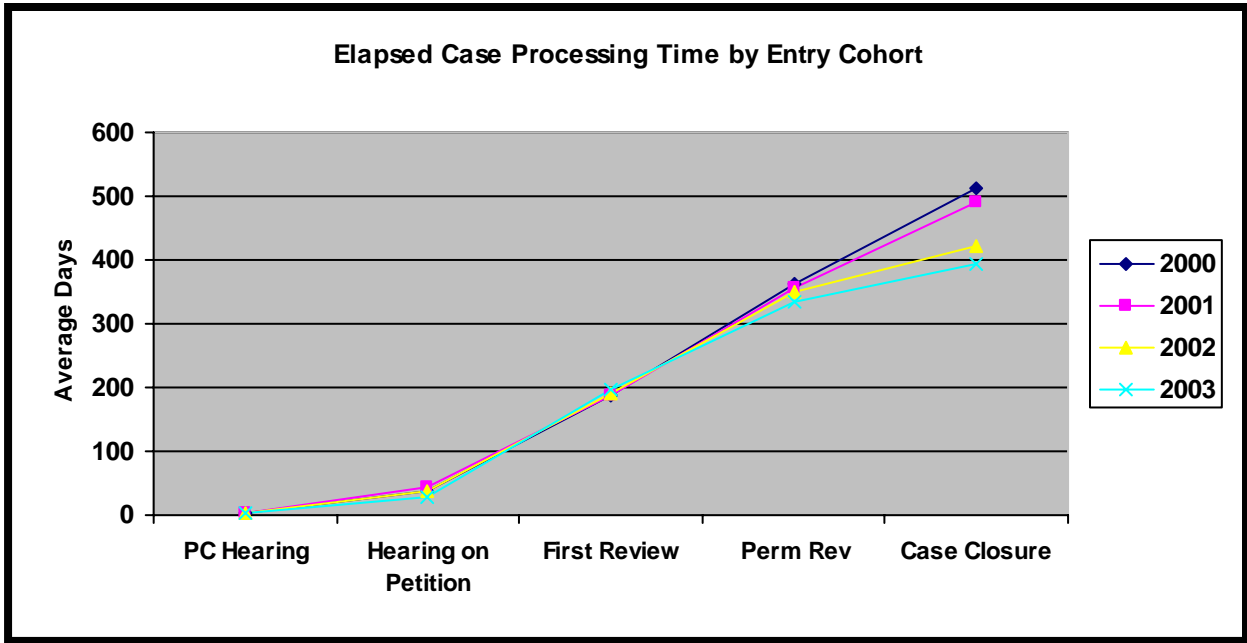
	Number of Placement Moves in File Review Sample				
	Average Number of Moves	Median Number of Moves	% of Sample with 1 move	% of Sample with 2 moves	% of Sample with 3+ moves
Entire Sample	2.77	2.00	23.5%	58.3%	18.20%

For the sample of cases reviewed (N=160), no statistically significant differences were found in case processing timeframes (i.e., fact-finding, disposition, or permanency planning hearing) for cases with different petition allegations, presenting problems, prior history with the court or social services agency, or other demographic variables.

III. Timeliness, ASFA and Statutory Compliance

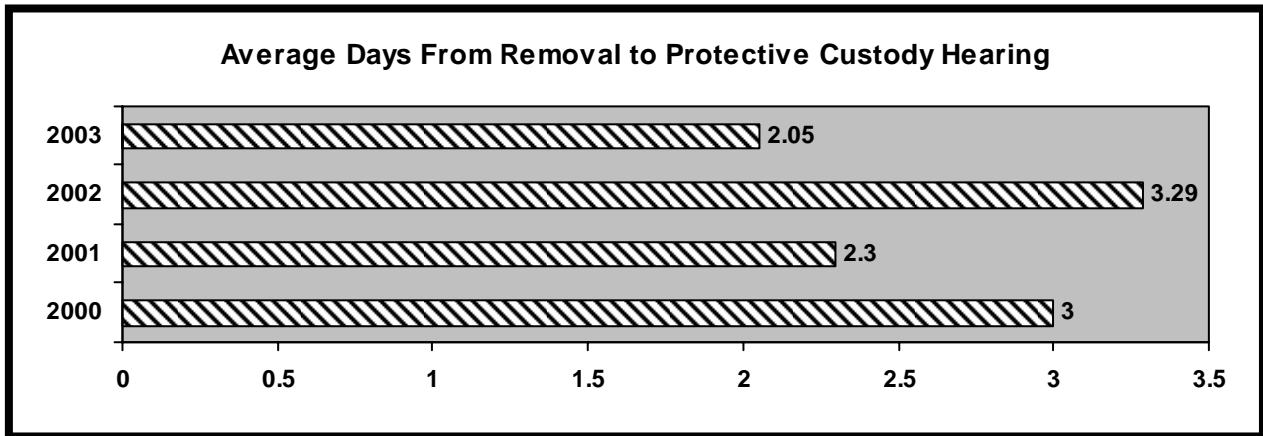
Case processing timeframes for cases in the file review sample were examined by year at which the petition was filed or “entry cohort” (i.e., year at which the case entered the court system). Differences between findings from year 2000 entry cohorts to year 2003 entry cohorts were analyzed for statistical significance (i.e., were differences due to chance or were they statistically significant difference – larger or smaller than would be expected by chance alone).

In addition to the cohort data, case processing timeframes were examined for the entire dataset (all cases regardless of petition filing date, N=160) and for the dataset by county (Clark = 75 cases; Lyon = 25 cases; Washoe = 60 cases). County data were not broken down by cohort (i.e., petition filing date) as the sample size in some circumstances was too small.



III.I Protective Custody Hearing

The average number of days from removal to the protective custody hearing is presented in the chart and table below.

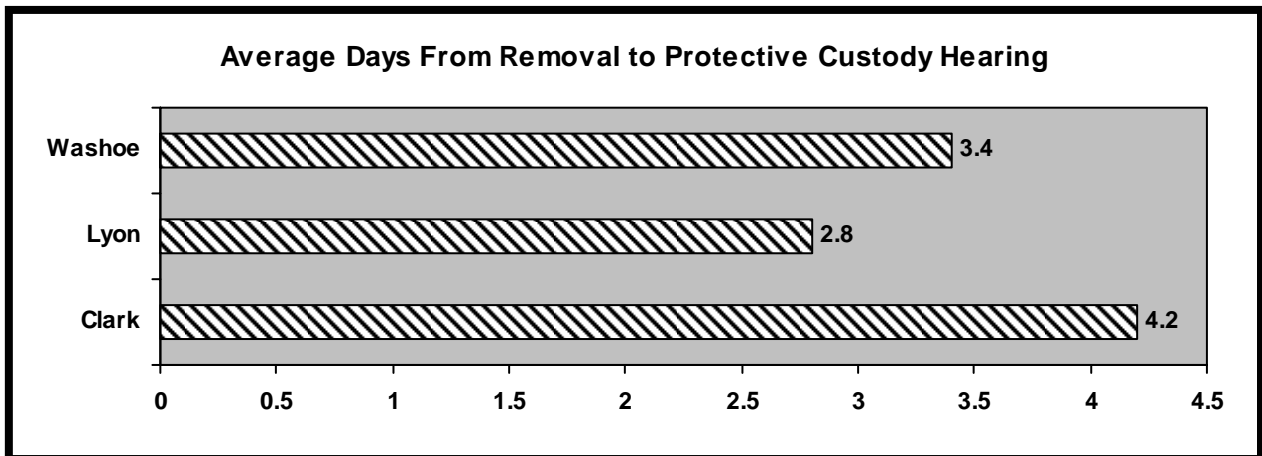


Removal to Protective Custody Hearing					
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with initial hearing in 3 days of requirement
2003	3 days from removal	2.1 days	2.0 days	100%	100%
2002		3.3 days	3.0 days	100%	100%
2001		2.3 days	2.0 days	83%	100%
2000		3.0 days	2.0 days	80%	100%

Looking at the entire sample (N=160), regardless of petition filing date, the average number of days from removal to protective custody hearing was 3.5 days, with 88% of the sample compliant with the statutory requirement of convening the protective custody hearing within 3 days from removal.

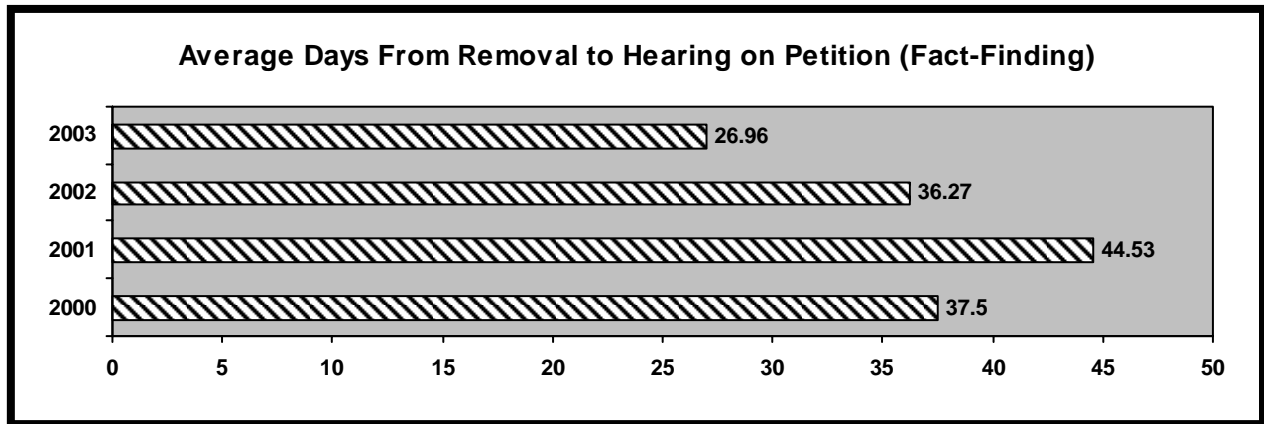
Removal to Protective Custody Hearing					
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with hearing in 3 days of requirement
Entire Sample (N=160)	72 Hours	3.5	2.0	88%	100%

Examining county-specific data, the average time elapsed from removal to protective custody hearing from 2.8 days in Lyon County to 4.2 days in Clark County.



III.II Hearing on the Petition (Fact-Finding)

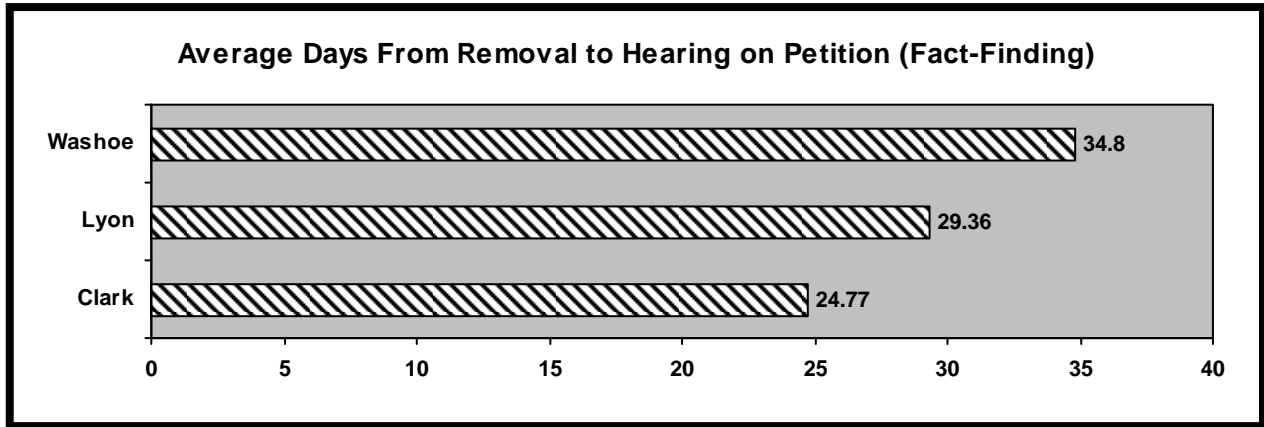
The average number of days from removal to hearing on the petition for entry cohorts is presented in the chart and table below.



Removal to Hearing on Petition (Fact-Finding)					
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with Hearing on Petition in 14 days of requirement
2003	Within 30 Days of Removal	26.96	22.00	74%	93%
2002		36.27	25.00	64%	86%
2001		44.53	42.00	33%	54%
2000		37.50	27.50	68%	75%

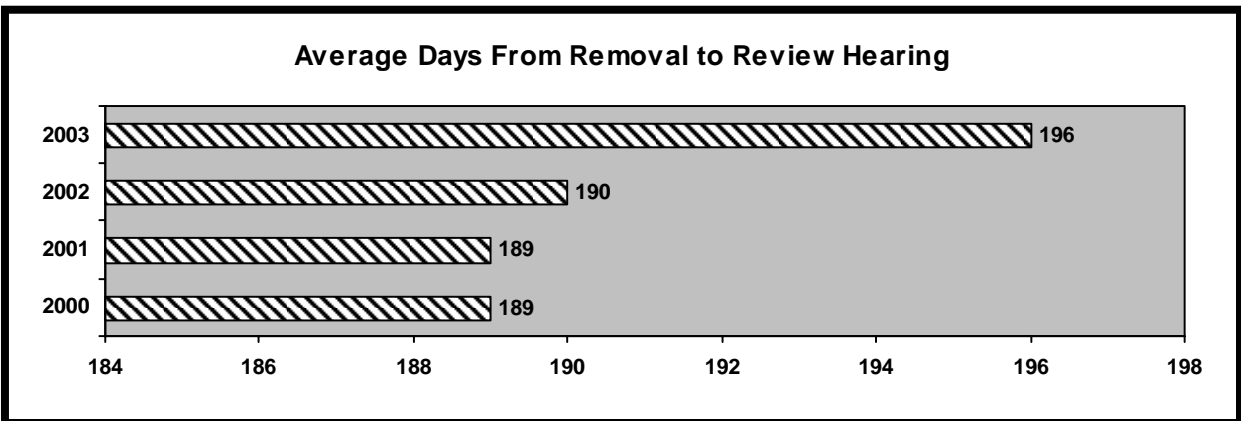
For the entire sample of cases (N=160), the average number of days from removal to the hearing on the petition was 30.29 days. The Washoe County cases studied took an average of 34.8 days from removal to hold a hearing on the petition; Lyon County cases took an average of 29.36 days, while cases in Clark County took an average of 24.77 days to convene a hearing on the petition.

Removal to Hearing on Petition					
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with Hearing on Petition in 14 days of requirement
Entire Sample (N=160)	Within 30 Days of Removal	30.29	25.5	64%	83%



III.III Review Hearing

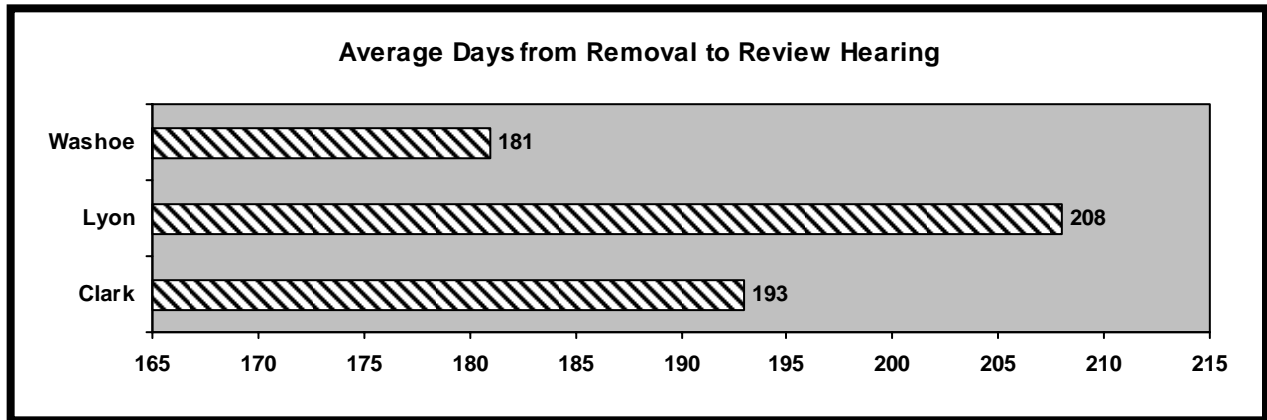
The average number of days from removal to the review hearing for entry cohorts is presented in the graph and table below.



Removal to Review Hearing					
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with review in 14 days of requirement
2003	Within 6 Months of Removal	196	183	51%	65% with review in 14 days 88% with review in 30 days
2002		190	183	46%	70% with review in 14 days 76% with review in 30 days
2001		189	183	50%	65% with review in 14 days 75% with review in 30 days
2000		189	184	45%	65% with review in 14 days 80% with review in 30 days

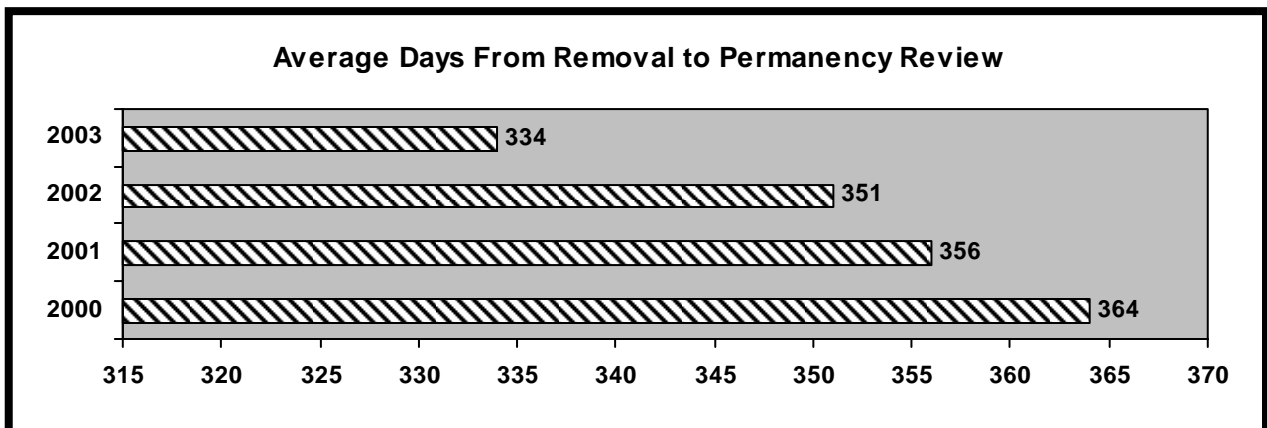
For the entire sample of cases (N=160), the average number of days from removal to review hearing was 190 days, with 44% of the file review sample compliant with the statutory requirement that a review hearing be held within 6 months of removal. By 14 days from the statutory requirement, 61% of the cases in the sample had held a review hearing. By 30 days from the statutory requirement, 90% of the cases in the entire sample had held a review hearing. Looking at county-specific data, the average time from removal to review hearing ranged from 181 days in Washoe County to 208 days in Lyon County.

	Removal to Review Hearing				
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with review in 14 days of requirement
Entire Sample (N=160)	6 months from removal	190	185	44%	61%



III.IV Permanency Planning Review Hearings

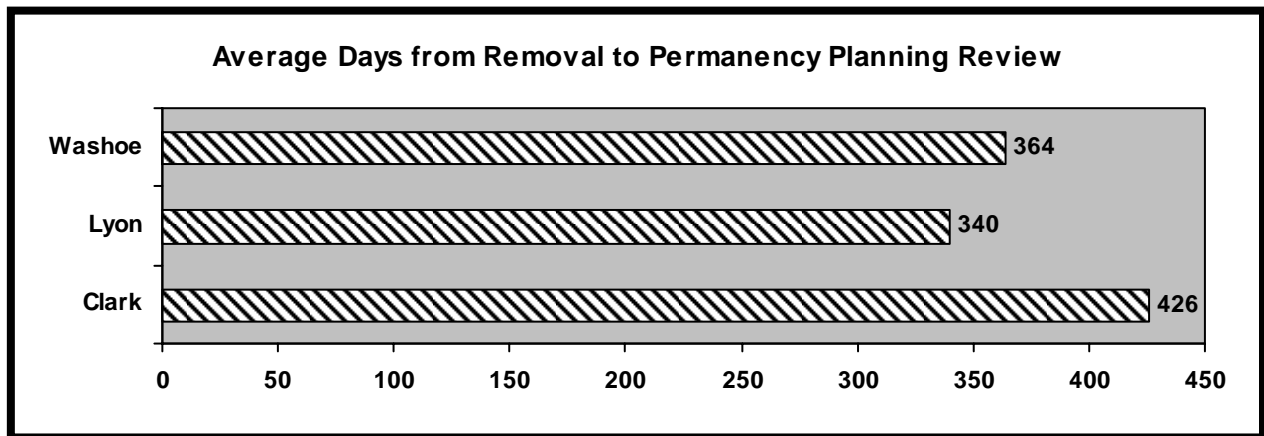
Timeframes from removal to permanency review for entry cohorts are presented in the graph and table below.



Removal to Permanency Review					
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with Permanency Review in 30 days of requirement
2003	No later than 12 months of removal	333.44	356.50	57%	68% within 30 days
2002		350.54	367.00	64%	73% within 30 days
2001		356.14	351.00	57%	73% within 30 days
2000		363.64	283.00	60%	71% within 30 days

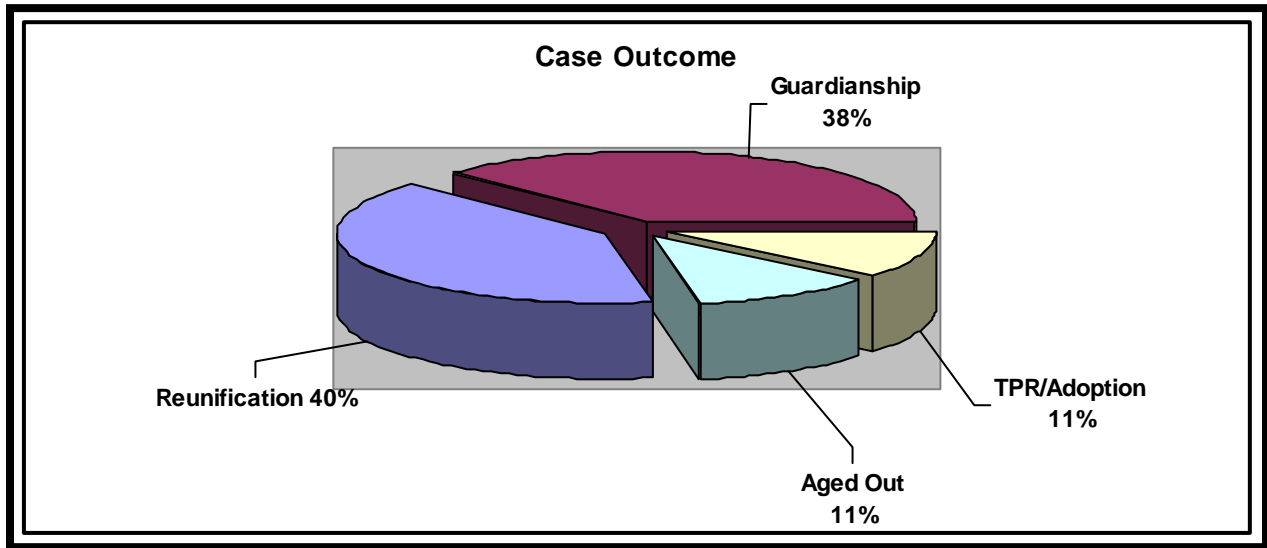
For the entire sample of cases (N=160), the average number of days from removal to permanency planning review was 358 days, with 54% of the sample compliant with the statutory requirement that a permanency planning hearing be held within 12 months. With respect to county specific data, timeframes to permanency planning review ranged from an average of 340 days in Lyon County, 364 days in Washoe County, and 426 days in Clark County.

Removal to Permanency Planning Review					
	Statutory Time	Average Days Elapsed	Median Days Elapsed	% Compliant with Statute	% with Permanency Review in 30 days of requirement
Entire Sample (N=160)	No later than 12 months of removal	357.92	354.00	54%	68% within 30 days

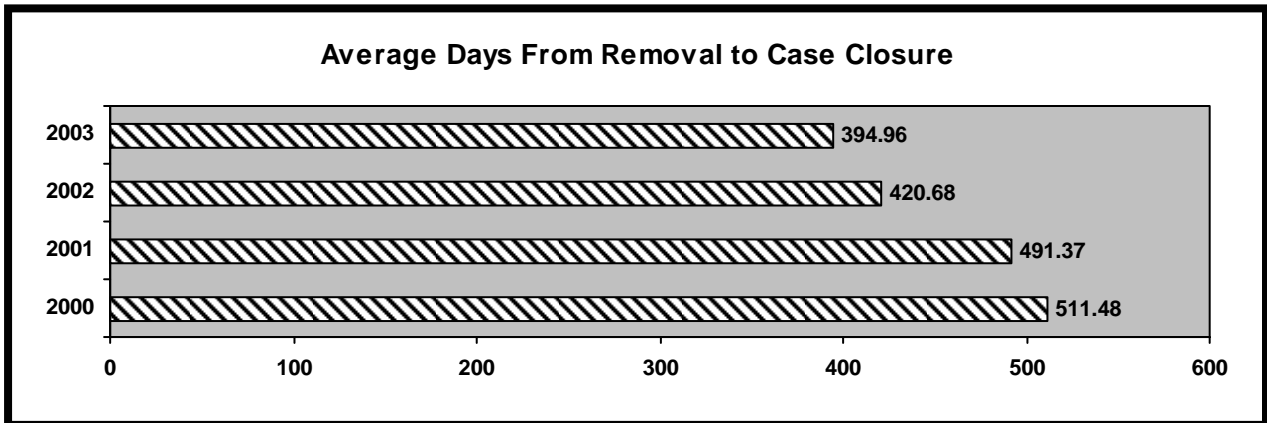


III.V Case Closure

Of the 160 cases randomly selected and coded, 78% of the cases (n=125) were closed at the time of coding and 22% of the cases (n=35) were still open. All of the cases in the sample had reached the permanency planning hearing stage. For the sample of closed cases, analysis revealed that 40% of the cases (n=50) had closed as a result of reunification, 38% of the cases (n=48) closed with a guardianship, and 11% of the cases closed (n=14) because of a TPR and adoption. An additional 11% (n=14) cases closed as a result of a youth's aging out of the system.

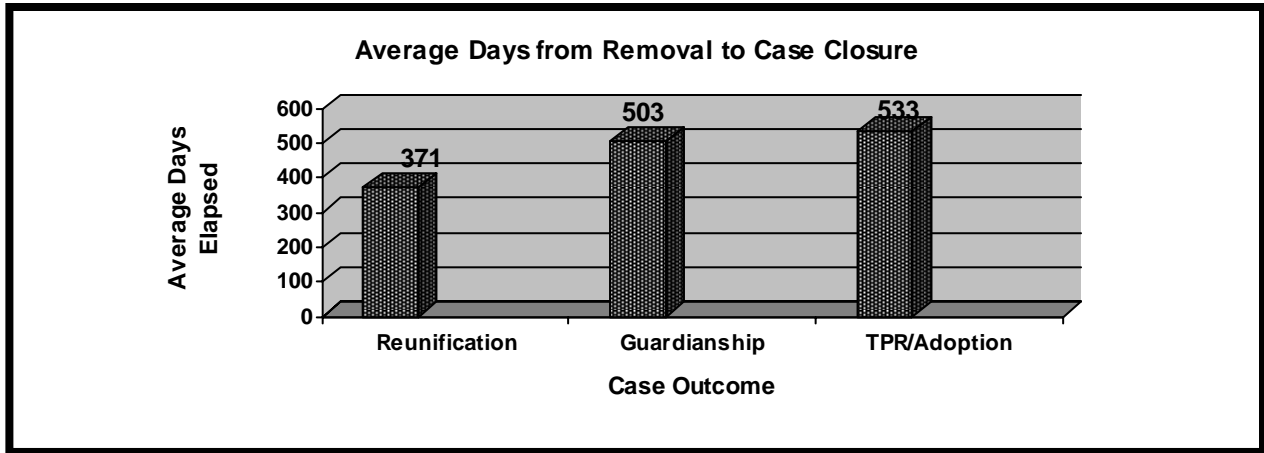


Looking at the processing time to case closure, regardless of case outcome, timeframes from removal to case closure decreased from an average of 511.48 days in 2000 to an average of 394.96 days in 2003. This difference was statistically significant ($p < .05$). For the entire sample of cases, the average time to case closure (regardless of ultimate outcome) was 402.43 days.

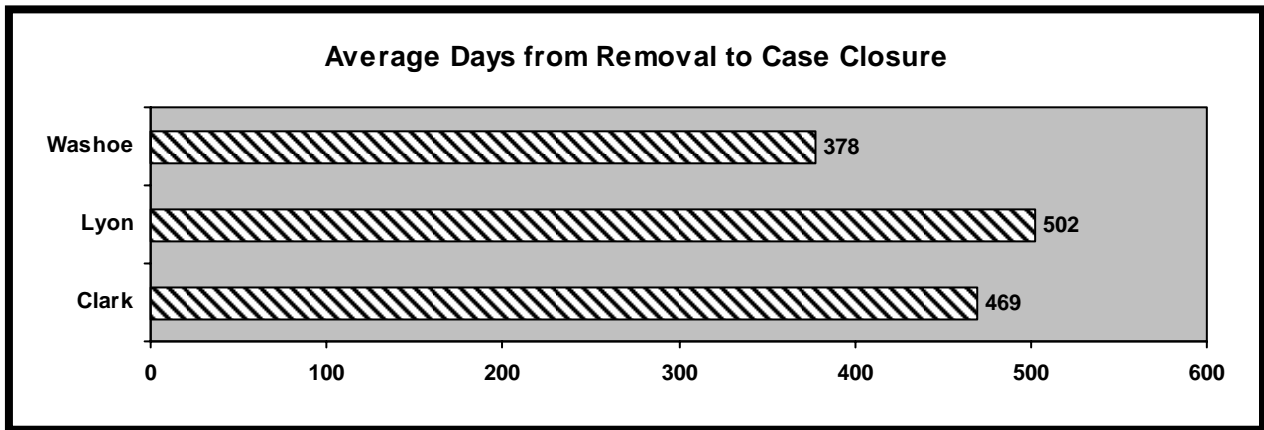


	Removal to Case Closure	
	Average Days Elapsed	Median Days Elapsed
Entire Sample (N=160)	402 days	371 days

For cases closing as a result of reunification ($n=50$), the average timeframe from removal to case closure was 370.98 days. For cases closing as a result of guardianship ($n=48$), the average timeframe from removal to case closure was 502.90 days, and for cases resulting in an outcome of TPR/adoption ($n=14$), the average timeframe to case closure was 533.15 days.



Looking at county-specific data, the average timeframe from removal to case closure, regardless of case disposition or outcome, ranged from 378 days in Washoe County, to 469 days in Clark and 502 days in Lyon County.



IV. Measuring Court Performance and Judicial Workload

Good data and ongoing evaluation is absolutely essential to ensuring that court reform initiatives ultimately result in a more effective and efficient system and, ultimately, improved outcomes for children and families. Ongoing performance assessment and evaluation should guide program, practice, and policy reforms; target problem areas; assess need; and hold the system accountable for outcomes. The court must develop an ability to track court performance and ASFA-related measures over time, as well as the ability to generate meaningful reports with respect to case specific and aggregate data.

Two types of measurement activities are vital to court improvement: (1) Performance measurement that courts must engage in to establish baseline performance, identify areas for reform, and chart their own progress in meeting deadlines and other goals; and (2) Judicial workload measurement that courts need to conduct in order to track the resources they have and persuasively argue for what they need to make major gains in their performance. To achieve long-term court improvement, courts must have the capacity to engage in ongoing performance measurement and judicial workload assessments. It is important to recognize that the development of performance measures and workload standards, as well as program

evaluation more generally, requires not only an understanding of data, research design and analysis, but also an understanding of best practice and permanency planning and the process of systems change. Data independent of the larger vision does not support systems change.⁷² The Juvenile Court must develop a better management information system that supports best practices and facilitates better outcomes for children and families.

The re-assessment found that Juvenile and Family Courts in Nevada project sites need to develop (or enhance, as in the case of Washoe County), their ability to track case progress, ASFA compliance, and outcomes. Although some of the project sites could access child welfare agency data, and some courts maintain some data with respect to dependency case processing, project sites did not have ready ability to generate specific reports (and aggregate reports) on the timeliness and quality of court proceedings.

RECOMMENDATIONS:

- **The re-assessment found that Nevada's District Courts need to develop or enhance their ability to track case progress, ASFA compliance, and outcomes. Management information systems for dependency cases should measure the average number of days between each court event, per court department, and for the overall court caseload. A MIS should also be able to calculate and track:**
 - Average number of days from the filing of petition to adjudication, disposition, six-month review hearing, permanency hearing, filing of TPR petition, TPR trial, adoption hearing, adoption finalization (e.g., all of the key ASFA timeframes);
 - Percentage of children that are adjudicated within 30, 60, 90 days after the filing of the petition;
 - Percentage of children that receive a disposition within 10, 30, 60 days after adjudication;
 - Percentage of children who reach legal permanency within six, 12, 18, and 24 months of removal (timeframes should be adapted to be consistent with statute);
 - Percentage of children who do not reach legal permanency in the foster care system; and
 - Percentage of children who reenter foster care pursuant to court order within 12 and 24 months of reunification; and
 - Percentage of hearings (by hearing type) not completed within timeframes set by court rule or statute and the reasons for non-compliance.

In addition to basic case processing timelines, in accordance with best practices, a court should be able to track data and measure court performance with respect to the *quality* of the process and the achievement of outcomes.⁷³ Thus, in addition to determining the timeliness of the court's hearings and decisions, the court should also be able to assess whether or not the court is helping to ensure child safety, how fairly the court is treating children, parents, and families (due process and notice concerns), and how well the court is facilitating permanency for children. In accordance with best practices, five areas of court performance are generally recognized.⁷⁴

⁷² See *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. American Bar Association, Center on Children and the Law, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges, 2004.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

- Performance Measure 1: Safety – percentage of children who do not have a subsequent petition of maltreatment filed in court after the initial petition is filed; percentage of children who are subject of additional allegations of maltreatment within 12 months after the original petition was closed.
- Performance Measure 2: Permanency – percentage of children who reach legal permanency (by reunification, guardianship, adoption, planned permanent living arrangement, or other legal categories that correspond with ASFA) within 6, 12, 18, 24 months from removal; percentage of children who do not achieve permanency in the foster care system; percentage of children who re-enter foster care pursuant to court order within 12 and 24 month of being returned to their families; percentage of children who are transferred among one, two, three, or more placements while under court jurisdiction.
- Performance Measure 3: Due Process – percentage of cases in which both parents receive written service of process within the required time standards or where notice of hearing has been waived; percentage of cases in which there is documentation that notice is given to parties in advance of the next hearing; percentage of cases in which the court reviews case plans within established time guidelines; percentage of children receiving legal counsel, guardians *ad litem* or CASA volunteers in advance of the preliminary protective hearing or equivalent; percentage of cases where counsel for parents are appointed in advance of the preliminary protective hearing or equivalent; percentage of cases in which legal counsel for children and parents changes; percentage of cases where legal counsel for parents, children, and agencies are present at each hearing; percentage of children for whom all hearings are heard by one judicial officer.
- Performance Measure 4: Timeliness – average number of days between each court event, per court department and overall; average number of days from the filing of petition to adjudication, disposition, six-month review hearing, permanency hearing, filing of TPR petition, TPR trial, adoption hearing, adoption finalization (e.g., all of the key ASFA timeframes); percentage of children that are adjudicated within 30, 60, 90 days after the filing of the petition; percentage of children that receive a disposition within 10, 30, 60 days after adjudication; percentage of children who reach legal permanency within six, 12, 18, and 24 months of removal (timeframes should be adapted to be consistent with statute); percentage of children who do not reach legal permanency in the foster care system; percentage of children who reenter foster care pursuant to court order within 12 and 24 months of reunification; and percentage of hearings (by hearing type) not completed within timeframes set by court rule or statute and the reasons for non-compliance.
- Performance Measure 5: Well-Being – child well-being under ASFA refers to the child's educational achievement and mental and physical health.

RECOMMENDATIONS:

- ❖ **Washoe County should continue efforts to fully implement dependency court management information systems, and ensure, to the extent possible, that the measures noted above are incorporated into design components.**

- ❖ **Continue to support implementation of the Nevada Rural Courts Case Management Systems being implemented by the AOC in a number of rural courts throughout the state. Pursue statewide implementation of NRCS in all rural counties throughout the state. Ensure, to the extent possible, that the measures noted above are incorporated into the NRCS.**
- ❖ **In Clark County, develop measurement procedures to accurately assess judicial workload in dependency cases in order to determine what judicial resources are needed to support best practice.**

Courts are not always able to implement best practices because of the presence of significant judicial workload volume – leaving insufficient time to implement the best practices articulated in documents such as the *RESOURCE GUIDELINES*. Clark County, in particular, had a high volume of cases and significant dependency caseloads for one juvenile court master and judge to manage. In order to best determine what judicial (judge and master) resources are needed, and to support best practices in dependency, a comprehensive workload study should be considered in Clark County. Such a study would incorporate both on-the-bench case specific tasks and off-the-bench activities that make up overall judicial workload in this case type. An example of a comprehensive workload study (that includes on and off the bench measures and a quasi-experimental design) is outlined below:⁷⁵

- ❖ **Obtain a baseline measure of judicial work. This baseline measurement would include the type and frequency of activities related to hearings and non-hearing work. Data sources might include completion of a “time ladder” or diary, hearing observation, and Delphi or focus groups.**
- ❖ **Implement a caseload control phase. To the extent possible, implement procedures to limit caseload (e.g., number of cases on the calendar) for a sample of judicial officers for a specified period of time. The purpose of this control phase is to learn more about how long it takes to complete activities that are considered best practices (e.g., substantive preliminary hearings and comprehensive permanency planning hearings). Judicial work during this period would be measured via “time ladder” or diary, hearing observation, and Delphi or focus groups.**
- ❖ **The baseline data regarding judicial workload would then be compared to data obtained during the controlled phase to estimate workload time standards needed to implement best practices.**

⁷⁵ The American Bar Association Center on Children and the Law, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges are currently working in Oregon and Arkansas to implement this approach to judicial workload measurement in dependency cases. For more information about these organizations approach to judicial workload please see *Building a Better Court*, *supra*, note 50.

CHAPTER SEVEN

Stakeholder Assessment of CIP Reform Efforts and Suggestions for Future CIP Efforts

As part of this CIP re-assessment process, project site stakeholders were asked about their awareness of, and experience with, CIP reform efforts. Responses were provided via an online, web-based survey and through interviews conducted during project site visits. Of a total of 200 invitations to participate, 137 Nevada stakeholders completed the online survey (a response rate of 69%). The table below depicts the number of survey respondents per project site, as well as the number of Nevada stakeholders responding to the survey from administrative (statewide positions) or from non-project sites (e.g., other counties in the state).

Project Site	Online Survey Respondents
Clark	61
Lyon	12
Washoe	46
Non-Project Site Counties	18
Total	137 respondents

Stakeholder Group	Number of Respondents
Judges and Masters	7
Assistant District Attorney	22
Parents' Attorneys	27
Children's Representation	15
Court Administration	8
Social Services/Child Welfare	50
Other (e.g., service providers)	8
Total	137 respondents

The majority of survey respondents (83%; n=114 of 137) had direct experience in child abuse and neglect court practice, regularly appearing in court. One-quarter of the respondents reported that they had between 1-3 years experience in their current role, 21% (n=29 of 137) had between 4-6 years of experience, and 15% (n=21 of 137) had up to 10 years of experience in their current role. Eleven percent of the survey respondents reported 20 years or more experience in their current role (n=15 of 137).

In order to provide assistance to the CIP, with respect to targeting reforms and training, the online survey asked Nevada stakeholders to identify what elements of dependency case practice were important to effective handling of child abuse and neglect cases (from "1" not at all important to "5" very important). In addition, stakeholders were asked to report how frequently those "best practice" or critical elements of child abuse and neglect case processing were observed in their experience. Most important to Nevada stakeholders is early resolution of paternity issues, timely notice, clear orders, and adequate representation for all parties. While rated as important, stakeholders reported that they infrequently saw paternity issues resolved in a timely way, infrequently saw parents who had not been previously involved in the child's life brought into the court process as quickly as possible, and felt that the court system lacked a computerized data system capable of measuring court progress. Stakeholder responses are summarized in the table below.

Child Abuse and Neglect Practice Element	Average Rating of Importance (1=not at all important; 5=very important)	Average Rating of Frequency Observed in Practice (1=never; 5=always)
Timely resolution of paternity issues is in the best interest of the child and essential to further case processing.	4.76	2.87
Judge must inquire about parents who are not present and require an explanation of agency efforts to locate and notify them of the proceedings.	4.67	3.55
The judge should draft orders that are written in language that is easy to understand, specifying actions to be taken by each party, including social service agency personnel, with appropriate deadlines listed.	4.65	3.13
All parties should be adequately represented by well-trained, culturally competent, and adequately compensated attorneys and guardians <i>ad litem</i> .	4.51	3.13
After an attorney is assigned to a case, that same attorney should actively and competently participate in every stage of the proceedings throughout the life of that case.	4.49	3.34
Orders should document that the hearing has addressed each of the basic issues presented and that the decision is based upon a reasoned analysis of the evidence presented.	4.43	3.55
Juvenile and family courts should take active steps to ensure that parties have access to representation as early as the preliminary protective hearing.	4.39	3.41
The official court record must include the specific reason for any continuance.	4.39	3.20
Even when the parties are represented at a hearing, the judge should explain the nature of the hearing and the proceedings that will follow.	4.35	3.66
The judge must explain to parents and other family members why the state has intervened and how the judicial process works.	4.30	3.57
The court must ensure the preliminary protective hearing thoroughly identifies and addresses the needs of the case.	4.28	3.37
The judge should clearly articulate the roles, responsibilities, and expectations for each of the parties throughout the life of the case.	4.21	3.22
Court staff must maintain a computerized data system capable of measuring court progress, managing case flow, and identifying cases that have been seriously delayed.	4.21	2.72
Parents how have not previously been involved in the child's life should be brought into the court process as quickly as possible.	4.20	2.99

Thirty-six percent of Nevada stakeholders (n=49 of 137) reported that they were “*very satisfied*” with who the court is handling child abuse and neglect cases in their jurisdiction. Fifty-two percent of Nevada stakeholders (n=71 of 137), however, reported that they were only “*somewhat satisfied*,” and 12% (n=17 of 137) reported that they were “not at all satisfied.” For those reporting that they were only “somewhat” or “not at all satisfied,” concerns were expressed about:

- High caseloads (court and social worker) resulting in inadequate time to prepare for and conduct hearings;
- Representation of parents (e.g., lack of communication with clients and caseworkers);
- Lack of collaboration with agencies;
- Need for training of court personnel and judicial officers on child protection issues is needed;
- Child protection cases are not a priority for attorneys, and some judicial officers; and
- Insufficient resources for services, especially in rural jurisdictions.

Clark County Stakeholder Assessment of Court’s Handling of Child Abuse and Neglect Cases (n=61)	
Overall Satisfaction Rating	Representative Stakeholder Quotes
“Very Satisfied” (39%; n=24 of 61)	<i>“Court tries to collaborate with the agency;” “Court listens to parents and community partners for their input;” “Court is committed to permanency;” “Two very knowledgeable judicial officers handling child abuse and neglect cases;”</i>
“Somewhat Satisfied” (54%; n=33 of 61)	<i>“Limited resources;” “Further efforts are needed to streamline the process if it appears reunification is not forthcoming; too many children age out of the system;” “Delays on moving to the adoptive placement while TPR is pending;” “Lack of governmental and community support for abused and neglected children.”</i>
“Not at all Satisfied” (7%; n=4 of 61)	<i>“Huge volume and lack of judicial resources to spend any time in hearings;” “Lack of representation for the majority of parents and children;” “No clear definition of the agency’s policies for handling abuse/neglect cases.”</i>

Washoe County Stakeholder Assessment of Court’s Handling of Child Abuse and Neglect Cases (n=46)	
Overall Satisfaction Rating	Representative Stakeholder Quotes
“Very Satisfied” (43%; n=20 of 46)	<i>“Court keeps all parties accountable towards achieving permanency;” “Court is good at sticking to statutory timeframes;” “Collaboration with the agency and community partners is strong.”</i>
“Somewhat Satisfied” (57%; n=26 of 46)	<i>“We are not reunifying families as quickly or as often as we could;” “High volume of cases makes it difficult to ensure that all parties’ needs are met;” “Need more representation of children;” “Lack of resources for services makes it difficult to achieve timely permanency and especially reunification.”</i>

Rural County Stakeholder Assessment of Court's Handling of Child Abuse and Neglect Cases (n=30)	
Overall Satisfaction Rating	Representative Stakeholder Quotes
"Very Satisfied" (17%; n=5 of 30)	<i>"Court places the needs of children first;" "If there are delays it is only because it is necessary;" "Judges have a good understanding of what the child welfare agencies goals and limitations are."</i>
"Somewhat Satisfied" (40%; n=12 of 30)	<i>"TPR takes too long;" "Lack of collaboration with agencies and the court;" "Court does not schedule cases intelligently;" "Level of representation is lower than I would like;" "Concurrent planning is not being used to the fullest extent."</i>
"Not at all Satisfied" (43%; n=13 of 30)	<i>"The court does not ensure that the Division is complying with the court ordered case plan;" The court should require more of the Division;" "The court should inform the Division of what is expected;" "Cases do not receive the priority they should, if they did the people involved would be better trained, more knowledgeable, and do a more thorough job;" "Workers need training and need to be held accountable by the division and the court."</i>

When asked about their familiarity with the state Court Improvement Project, 60% (n=82 of 137) Nevada stakeholders reported that they were aware of the CIP and 40% (n=55 of 137) reported that they were not aware of the CIP. For those stakeholders reporting that they were aware of the CIP, the following CIP initiatives were identified:

- Efforts aimed at teaming social workers, judges and attorneys;
- Efforts addressed at ending bifurcation;
- Multidisciplinary trainings focused on the permanency process;
- Development of case management systems for dependency cases;
- Children's Attorney Project; and
- Family Visiting Project.

Stakeholder Identification of Local Innovative Programs or Practices	
Project Site	Examples
Clark County	Shelter homes; Family Group Decision-Making; CASA Permanency Conference; CAP Program; Diligent Search Project; Healthy Kids Program; Health and Education Passport; Funds to DCFS to contract with individuals outside of the system to prepare cases for TPR; Attempt to end the bifurcation process; Special Public Defenders' Office.
Washoe County	Family Visiting Project; Court software to be able to track cases along timelines; Real time hearings; Model Court; Education initiatives; Family Drug Court.
Rural Counties	WRAP or WIN; Improved case management; Increased involvement of dependency attorney general early in process; CASA.

- **Recommendations for Future CIP efforts**

Nevada stakeholders (N=137) were asked to identify areas for the CIP Committee to focus future efforts on. Suggestions are summarized below:

Training Topics

- V. Judicial best practice training, including: leadership; engagement of parties in hearings; timely TPR; the role of the GAL and CASAs; social work best practice; concurrent planning.
- VI. ASFA and 432B training for judges, attorneys, and social workers.
- VII. Abuse dynamics and impact (both short and long term) on families and children.
- VIII. Best practice in case planning (e.g., effective case plan development, including individualizing and ensuring that case plans address safety and allegations; training on managing the case plan). Training on concurrent planning.
- IX. ICWA.
- X. ICPC.
- XI. The effects of sibling separation.
- XII. Educational needs of children in care.

Collaboration and Leadership

- XIII. Build bridges of communication among judicial officers, social workers, attorneys, and community providers.
- XIV. Develop common goals for achieving systems change and serving children and families – Develop a uniform agenda for dependency.
- XV. CIP should collaborate with the child welfare agencies and courts on the PIP.

Resources

- XVI. Expanding timely, affordable services for children in rural areas.
- XVII. Examine workload issues (e.g., are more judges and caseworkers needed).
- XVIII. Case management system for courts to assist in calendaring and coordinating of cases.

Representation

- XIX. Providing representation for those unable to afford it.
- XX. Focus on providing and improving children's representation throughout the state.

Alternative Dispute Resolution and Less Adversarial Approaches

- Encourage the use of family team meetings or family decision-making conferences.
- Encourage the use of settlement conferences.

**Key Findings Related to Safety, Permanency, and Well-Being:
CF SR Outcomes, PIP Strategies, and CIP Re-Assessment Recommendations**

Performance Standard	Primary PIP Strategies	CIP Re-Assessment Recommendations
<p>SO1: Children are, first and foremost, protected from abuse and neglect</p>	<p>Item 1: Timeliness of investigations:</p> <ul style="list-style-type: none"> • 1:1 Develop & implement CPS intake-screening instrument to ensure accuracy and timeliness • 1:2 Develop and implement Statewide response policy and practice guidelines 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities; pay particular attention to judicial training in rural areas and legal representatives, including CASA • Collaborative training for judges and all system stakeholders on new screening and assessment practice and policies • Consider how information gets before the court and informs judicial decision-making, especially reasonable efforts findings
	<p>Item 2: Repeat Maltreatment:</p> <ul style="list-style-type: none"> • 2.1 Revise and implement standardized substantiation criteria and practice guidelines • 2.2 Develop & establish a mechanism for analysis of multiple reports • 2.3 Review & revise a Statewide standardized safety assessment tool • 2.4 Implement standardized risk assessment criteria & use of risk assessment tool • 2.5 Implement standardized case closure criteria 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities; pay particular attention to judicial training in rural areas and legal representatives, including CASA • Collaborative training for judges and all system stakeholders on new screening and assessment practice and policies • Consider how information gets before the court and informs judicial decision-making, especially reasonable efforts findings
<p>SO2: Children are safely maintained in their homes when possible & appropriate</p>	<p>Item 3: In-home Services or to prevent removal:</p> <p>3.1 Develop a best practice CaseManagement Model for: a) Assessment, b) Family engagement, and c) Collaborative Case Planning</p>	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities; pay particular attention to judicial training in rural areas and legal representatives, including CASA • Collaborative training for judges and all system stakeholders on new practice and policies • Consider how information gets before the court and informs judicial decision-making, especially reasonable efforts findings • Judicial inquiry should incorporate new practices and policies to ensure compliance in individual cases
	<p>Item 4: Risk of harm:</p> <ul style="list-style-type: none"> • 4.1 Review & revise a Statewide standardized safety assessment tool • 4.2 Implement standardized risk assessment criteria & use of risk assessment tool • 4.3 Develop definitions: timeliness, face to face contact, new reports, initiating investigations and appropriate criteria for case closure 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative training for judges and all system stakeholders on new practice and policies, especially on structured decision-making and standardized risk assessment • Consider how information gets before the court and informs judicial decision-making, especially reasonable efforts findings • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case

<p>P1: Children have permanency and stability in their living situation</p>	<p>Item 6: Stability of foster care placement:</p> <ul style="list-style-type: none"> • 6.1 Verify all emergency shelter care facilities operate w/in local ordinances • 6.2 Implement placement decision-making to improve matching of children to placement providers • 6.3 Create a consumer satisfaction survey for foster parents to support retention • 6.4 Using SAFE (Structured Analysis Family Evaluation) standardize foster and adoptive home studies • 6.5 Revise the Utilization Review Team process on higher levels of care • 6.6 Reestablish the statutory requirement to inform foster parents re. foster children's needs • 6.7 Strengthen recruitment and training for adoptive homes 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative training for judges and all system stakeholders on new practice and policies • Consider how information gets before the court and informs judicial decision-making, especially reasonable efforts findings • Work with agency (local and county), AOC, and court to strengthen notice requirements and foster parent notification (in statute and in practice) • Consider how child and family information generated by new case planning and review procedures is made available to the court • Clarify expectations for each hearing type (in statute, in practice, and in local rules) and clearly articulate roles, responsibilities, and expectations for all parties; pay particular attention to disposition, review, and permanency hearings; develop "hearing protocols" to strengthen judicial oversight and hearing process
	<p>Item 7: Permanency goal for child:</p> <ul style="list-style-type: none"> • 7.1 Establish concurrent case planning process • 7.2 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placement resources for adoption or other planned permanent arrangement 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative training for judges and all system stakeholders on new practice and policies • Collaborative efforts to standardize practice with respect to concurrent planning (consensus on common definition and practice standards) • Collaborative efforts to increase parental appearances at early hearings, especially with respect to fathers • Courts should engage parents, as well as any relatives in the courtroom, in hearing process • Consider how information with respect to assessment of relative and non-relative resources is made available to the court to support informed decision-making
	<p>Item 8: Reunification, guardianship, or permanent placement with relatives:</p> <ul style="list-style-type: none"> • 8.1 Establish case planning process to use concurrent planning • 8.2 Implement placement decision-making to improve matching of children to placement providers • 8.3 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placement resources for adoption or other planned permanent arrangement 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities; training on new practices and policies • Collaborative efforts to standardize practice with respect to concurrent planning (consensus on common definition and practice standards) • CIP should facilitate collaborative efforts to increase parental appearances at early hearings, especially with respect to fathers • Clarify expectations for each hearing type (in statute, in practice, and in local rules) and clearly articulate roles, responsibilities, and expectations for all parties; pay particular attention to disposition, review, and permanency hearings; develop "hearing protocols" to strengthen judicial oversight and hearing process; develop statewide guidelines • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case

	<p>Item 9: Adoption:</p> <ul style="list-style-type: none"> • 9.1 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placements for adoption or other planned permanent arrangement • 9.2 Collaborate w/ AOC & CIP to identify permanency barriers & develop strategies for improved permanency • 9.3 State and county agencies will submit budget requests to reduce foster care caseload sizes • 9.4 Standardized policy and practice guidelines for adoption of older children (14 and over) • 9.5 Strengthen regional recruitment and training for adoptive homes • 9.6 Standardized and timely process for adoption subsidy • 9.7 Standardized Statewide social summary process • 9.8 Establish concurrent case planning process • 9.9 Standardize policy & practice guidelines for TPR/relinquishment process • 9.10 Using Structured Analysis Family Evaluation standardize foster and adoptive home studies 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative training for judges and all system stakeholders on new practice and policies • Collaborative efforts (trainings, workshops, strategic planning) to address permanency barriers and strengthen permanency hearings • Clarify expectations for each hearing type (in statute, in practice, and in local rules) and clearly articulate roles, responsibilities, and expectations for all parties; pay particular attention to disposition, review, and permanency hearings; develop “hearing protocols” to strengthen judicial oversight and hearing process • Develop statewide guidelines for how child welfare cases should be handled; develop minimum practice standards that can be adopted statewide and adapted to local practice • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
	<p>Item 10: Permanency goal of another planned living arrangement:</p> <ul style="list-style-type: none"> • 10.1 Establish Youth Advisory Boards • 10.2 Standardize IL transition plans - youth over 15.5 years • 10.3 Implement revised MOUs with Division of MH and Developmental Services • 10.4 Submit budget requests to create and hire positions to monitor contracts w/ group homes 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Consider how Youth Advisory Board can inform CIP efforts and system-wide reforms
<p>P2: The continuity of family relationships and connections for children is maintained</p>	<p>Item 13: Visiting with parents and siblings in foster care:</p> <ul style="list-style-type: none"> • 13.1 Establish Statewide visitation guidelines • 13.2 Standardized caseworker-child visitation policy 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative training for judges and all system stakeholders on new practice and policies • Judicial inquiry should include specific focus on visitation issues to ensure policy is adhered to in individual cases • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case

	<p>Item 14: Preserving Connections:</p> <ul style="list-style-type: none"> • 14.1 Strengthen practice of early identification, diligent search & assessment of parent/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 14.2 Standardize caseworker-child visitation policy • 14.3 Standardize caseworker-parent visitation policy • 14.4 Standardize parent-child visit & sibling visit guidelines • 14.5 Establish concurrent case planning process • 14.6 Create a Statewide diversity committee of internal and external (including tribal) stakeholders • 14.7 Require standardized IL transition plans for youth 15.5 years and older 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative efforts to standardize practice with respect to concurrent planning (consensus on common definition and practice standards) • Collaborative training for judges and all system stakeholders on new practice and policies • CIP should facilitate collaborative efforts to increase parental appearances at hearings, especially with respect to fathers • Clarify expectations for each hearing type (in statute, in practice, and in local rules) and clearly articulate roles, responsibilities, and expectations for all parties; pay particular attention to disposition, review, and permanency hearings; develop “hearing protocols” to strengthen judicial oversight and hearing process; develop statewide guidelines • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
	<p>Item 15: Relative Placement:</p> <ul style="list-style-type: none"> • 15.1 Strengthen practice of early identification, diligent search & assessment of parent/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 15.2 Clark County DFS will initiate improved services to families and children in Kinship Care 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
	<p>Item 16: Relationship of the child with parents:</p> <ul style="list-style-type: none"> • 16.1 Strengthen practice of early identification, diligent search & assessment of parental/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 16.2 Standardize parent-child(ren) & sibling visit guidelines • 16.3 Standardize caseworker with child(ren) visitation policy • 16.4 Standardize caseworker and parent(s) visitation policy 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Judicial inquiry should include specific focus on visitation issues to ensure policy is adhered to in individual cases • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
<p>WB1: Families have an enhanced capacity to provide for their children’s needs (Continued on next page)</p>	<p>Item 17: Needs and services of child, parents and foster parents:</p> <ul style="list-style-type: none"> • 17.1 Develop best practice CaseManagement Model for assessment, family engagement, and collaborative case planning • 17.2 Establish concurrent case planning process • 17.3 Standardize policy on frequency of child-worker visits to ensure safety, well-being & meet educational needs • 17.4 Standardize practice guidelines for worker-parent visits 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative efforts to standardize practice with respect to concurrent planning (consensus on common definition and practice standards) • Judicial inquiry should include specific focus on visitation issues to ensure policy is adhered to in individual cases • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case

<p>WB1: (continued) Families have an enhanced capacity to provide for their children's needs</p>	<p>Item 18: Child and family involvement in case planning:</p> <ul style="list-style-type: none"> • 18.1 Develop best practice CaseManagement Model for assessment, family engagement, and collaborative case planning • 18.2 Establish concurrent case planning process • 18.3 Strengthen practice of early identification, diligent search & assessment of parent/kinship or non-relative placement resources for adoption or other planned permanent arrangement • 18.4 Standardize policy on child-worker visits frequency to ensure safety, well-being & meeting educational needs • 18.5 Standardize practice guidelines for worker-parent visits 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Collaborative efforts to standardize practice with respect to concurrent planning (consensus on common definition and practice standards) • Judicial inquiry should include specific focus on visitation issues to ensure policy is adhered to in individual cases • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
	<p>Item 19: Caseworker visits with child:</p> <ul style="list-style-type: none"> • 19.1 Standardize policy on child-worker visit frequency to ensure safety, well-being & meet educational needs • 19.2 Standardize practice guidelines worker-child visits – define purpose, promote quality • 19.3 Streamline documentation to increase available time 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Judicial inquiry should include specific focus on visitation issues to ensure policy is adhered to in individual cases • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
	<p>Item 20: Caseworker visits with parent:</p> <ul style="list-style-type: none"> • 20.1 Standardize policy and practice guidelines for worker-parent visits • 20.2 State and County to issue Information Memorandum of current policy on worker-parent visits • 20.3 Develop best practice CaseManagement Model for assessment, family engagement, and collaborative case planning • 20.4 Establish case planning process to use concurrent planning 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Judicial inquiry should include specific focus on visitation issues to ensure policy is adhered to in individual cases • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
<p>WB2: Children receive services to meet their educational needs</p>	<p>Item 21: Educational needs of children:</p> <ul style="list-style-type: none"> • 21.1 Standardize policies and protocol for documenting educational and medical services of child in care • 21.2 Standardize policy on child-worker visit frequency to ensure safety, well-being and meet educational needs • 21.3 Standardize practice guidelines worker-child visits – define purpose, promote quality • 21.4 Develop best practice CaseManagement Model for assessment, family engagement, & collaborative case planning • 21.5 Establish concurrent case planning process • 21.6 Reestablish the statutory requirement to inform foster parents re. foster children's needs 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Develop "hearing protocols" for the type of information that is to be presented to the court (e.g., information on the educational status and achievement of the child); use of judicial checklists to support active judicial inquiry; Strengthen disposition, review, permanency hearings • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case

<p>WB3: Children received adequate services to meet their physical and mental health needs</p>	<p>Item 22: Physical health of the child:</p> <ul style="list-style-type: none"> • 22.1 Assess the physical health of all children in foster care • 22.2 Standardize policy on child-worker visit frequency to ensure safety, well-being & meet educational needs • 22.3 Create consumer satisfaction survey for foster parents to support retention • 22.4 Reestablish the statutory requirement to inform foster parents re. foster children's needs • 22.5 Standardize policies and protocol for documenting educational and medical services of child in care 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Develop "hearing protocols" for the type of information that is to be presented to the court (e.g., information on the psychical and medical I status of the child); use of judicial checklists to support active judicial inquiry; Strengthen disposition, review, permanency hearings • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case
	<p>Item 23: Mental health of child</p> <ul style="list-style-type: none"> • 23.1 Work with Medicaid to redesign children's behavioral health services to increase accessibility & availability • 23.2 Develop a budge request to add skilled medical professionals to DCFS' Utilization Review Teams • 23.3 Work with UNR School of Medicine to establish Child Psychiatry Internship Program • 23.4 Develop a budget request to fund psychiatric interns from UNR School of Medicine • 23.5 Expand recruitment of MHPs with UNR and UNLV Psychology Counseling Department • 23.6 Promote access to appropriate services for children and families to meet MH service needs • 23.7 Standardize policy on frequency of child-worker visits to ensure safety, well-being and meeting educational needs • 23.8 Implement a revised MOU with the Division of Mental Health and Developmental Services to support youth with MH and developmental disabilities • 23.9 Request converting Project WIN temporary contracts to permanent State positions • 23.10 Develop budget request for additional clinical outpatient and early childhood MH staff • 23.11 Develop a budget request to fund additional staff for Division's Higher Level of Care Contract Management Unit • 23.12 Develop a strategic plan for children's mental health services to improve service array, maximize funding and develop competent workforce 	<p>Associated Recommendations:</p> <ul style="list-style-type: none"> • Collaborative training for all system stakeholders on best practices, ASFA, roles and responsibilities • Develop "hearing protocols" for the type of information that is to be presented to the court (e.g., information on the mental health of the child); use of judicial checklists to support active judicial inquiry; Strengthen disposition, review, permanency hearings • Collaborative efforts to appoint qualified and well-trained attorneys for parents and children from the initial hearing through the final resolution of the case