



Court Improvement Program

Community Improvement Councils News October-December 2017

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2018 Community Improvement Council Summit Scheduled

**SAME TIME, SAME PLACE,
ONE YEAR LATER**

September 26 -28, 2018

Continuing of Useful Resources to States Act - May Save CIP Funding

Both the House and the Senate have introduced bills to reauthorize the Court Improvement Program at the full \$30 million level for the next five years beginning in Fiscal Year 2018 and extending through Fiscal Year 2022.

House Ways and Means Committee Chairman Kevin Brady (R-TX) introduced the *Continuing of Useful Resources to States Act or COURTS Act* (H.R. 4461) in the House. Senators John Cornyn (R-TX) and Kamala Harris (D-CA) have introduced a companion bill in the Senate with the same title (S. 2173).

The COURTS Act reauthorizes the Court Improvement Program (CIP), a critical bipartisan initiative that improves legal processes in the child welfare system and provides the only direct federal funds to child welfare courts throughout the country. Because the number of children entering foster care has grown over the last several years, with corresponding increases in caseloads for the courts responsible for determining each child's best interest, federal financial assistance has become even more imperative.

The reauthorization language in both bills has been analyzed by the Congressional Budget Office (CBO), so there should not be a recurrence of the interpretation problem experienced in FY 2017 and thus far in FY 2018. The CBO estimates that the bill would have no cost. The continuing resolution passed by Congress to keep the federal government operating until 1/19/2018 also maintains the CIP grants at status quo for the next few weeks. The COURTS Act carries over into the New Year.

Before the holidays, the Associate Chief Justice Cherry sent letters to each of our representatives and senators urging them to support the COURTS Act and explaining the powerful impact CIP funding has had in Nevada. Partners such as the American Bar Association, the Conference of Chief Justices, the National Council of Juvenile and Family Court Judges, the National Center for State Courts, and the National CASA Association have also written letters, lobbied, and/or passed resolutions of support for the legislation.

Parental Engagement Builds Trust and Self-Efficacy Leading to Reunification

As in the rest of the country, most of Nevada's courts have recognized that parental engagement and involvement in decision making is a critical determinant of case outcomes in juvenile dependency cases especially as it concerns reunification.

The Iowa courts developed a Parent Partners program with parents who have successfully navigated the system mentoring parents new to the system similar to what is being done in the 2nd JD (see contact below). Studies of such a program in King County, Washington suggest a significant positive change in parent attitude. Parents better understood the role of the stakeholders, increased their awareness of case issues, and increased belief that they had personal control over the outcomes of the case.

The National Council of Juvenile and Family Court Judges (NCJFCJ) conducted a comprehensive assessment of parental engagement in the Milwaukee Model Court using court observation and parent survey response. The 1st JD is planning to administer a similar parent survey to

determine areas in which it may improve its engagement of parents.

To engage parents, most Nevada courts have implemented such best practices as speaking directly to the parents and calling them by name, as well as explaining why they are present and the reason for the court's decision, asking if they need anything, and if they understand what happened in court and what the parent needs to do next. Some courts inquire about the parents' work schedule to ensure that the court date and time disrupts their employment as little as possible. Most others permit telephonic appearances to accommodate work schedules, transportation problems, incarceration, or other such barriers to personal presence at court hearings.

An additional strategy for engaging parents is to use group decision-making processes throughout the life of the case. In a group decision-making process family members join system stakeholders to address issues related to the child's best interests. Examples of such group decision-making include Child and Family

Teams and Juvenile Dependency Mediation.

NCJFCJ court studies found the following results of enhanced parental engagement:

- ◇ Parents who felt more engaged in the process were more likely to think the system was fair and to accept court decisions
- ◇ Parental engagement was related to higher rates of reunification or case dismissal
- ◇ Higher parental engagement is related to faster reunification
- ◇ As perceptions of engagement increased so did perceptions of respectful treatment
- ◇ Agreement with court decisions was related to higher parental engagement
- ◇ The more mothers engaged in the process the more they indicated positive courtroom experiences

Contact:

The 2nd JD's program is administered through TruVista Foundation.
Barbara Kneibler, Director
barbara@truvista1996.org

Hearing Quality Study to Follow-up on 2014 Study

In response to requests from courts and a Children's Bureau requirement to improve hearing quality, Drs. Alicia Summers and Sophia Gatowski will be conducting a hearing quality study on Nevada dependency courts with two primary goals. First, this is an opportunity for the judicial districts (JD) to explore whether their practice has changed in the last three years. Second, this will contribute to a larger study exploring how hearing quality is related to case outcomes. Data summaries of current practice will be provided to each JD. A statewide aggregate report will link hearing quality indicators to outcomes, but will not specify JD or any judicial officers by name.

Termination of Parent Rights Requirements Impacting a Child's Tribal Membership

Both Federal and State law require initiation of termination of parental rights (TRP) after a child has been in care for a certain number of months. The Federal requirement of 15 of the last 22 months is found in section 475(5)(E) of the Social Security Act, and the Nevada requirement of 14 of 20 months is found in NRS 432B.553. However, a TRP may affect a child's ability to be a full member of his/her tribe, preventing the child from accessing services and benefits available to tribal members.

To help ameliorate these consequences, the following question and answer has been posted in section 9.2 of the new Federal Child Welfare Policy Manual regarding TPR:

12. Question: May a tribal agency develop an alternative to terminating a parent's rights that allows the child to retain full membership in the tribe, such as a modification of parental rights?

Answer: Yes, a tribal agency may develop an alternative to a TRP, such as a modification of parental rights, as long as the tribe's process meets the case review system requirement defined in section 475(5)(E) of the Act. This means that the process of modifying parental rights will result in a child becoming available for adoption and for the tribe to concurrently identify, recruit, process, and approve a qualified adoptive family. Therefore, whether the modification of parental rights meets the statutory provisions will depend on a specific tribe's law, policy, or procedures.

Legal and Related References: Social Security Act – sections 475(5)(E); CFR 1356.21(i)

Pilot Educational Project in Washoe County Featured in American Bar Association Child Law Practice

The National Council of Juvenile and Family Court Judges found that the Achievements Unlocked pilot educational stability project is achieving intended results. In this collaborative endeavor between the Washoe County Human Services Agency and the Washoe County School District, each foster child involved in the project is assigned an educational advocate and a student tutor to assist with academic and vocational barriers, and promote plans to achieve future aspirations. The Achievements Unlocked cohort attempted and completed more credits than the control group. They had fewer excused and unexcused absences than the control group. By the end of the

second year, 75% of the Achievements Unlocked seniors graduated and 56% of these graduates will be attending institutions of higher education to further their education.

The Child Law Practice article (see link below) discusses how courts, including Nevada's 2nd Judicial District, can help children in the court system succeed in school so they may succeed in life. Courts from Ohio and New York are also highlighted.

[The Court's Role in Supporting Education for Court-Involved Children](#) (copy into your browser)

Nevada Supreme Court
Administrative Office of the Courts
Court Improvement Program
201 S. Carson street, Suite 250

Katherine Malzahn-Bass
Court Improvement Program Coordinator
Phone: 775-687-9809
Fax: 775-684-1723
Email: kmalzahn-bass@nvcourts.nv.gov

Robbie Taft
Court Services Analyst
Phone: 775-687-9812
Fax: 775-684-1723
Email: rtaft@nvcourts.nv.gov

In 2010, each of the State’s ten judicial districts created a Community Improvement Council (CIC) that focused on identifying barriers to timely permanent placement of children at risk. July 2015, the 11th JD was created. The CICs have been meeting regularly in their communities and at annual Summits where they have learned to interpret data specific to their districts, while creating strategies to reduce the amount of time that it takes to move cases involving children at risk through the court process. The overriding focus, in addition to the safety of the child, is to create an environment where the best decisions are made for each child.

CIP Working for the Protection & Permanency of Dependent Children
Visit Our Web Site
<http://cip.nvcourts.gov>

For Judicial Districts’ CIC Information Contact:

- 1st JD Maribel Gutierrez
mgutierrez@carson.org
- 2nd JD Laura Watts-Vial
Laura.Watts-Vial@washocourts.us
- 3rd JD Anne M. Tiscareno
atiscareno@lyon-county.org
- 4th JD Julie L. Thuemler
jthuemler@elkocountynv.net
- 5th JD Shannon Richards
srichards@ag.nv.gov
- 6th JD Kathy Brumm
kbrumm@hcdenv.com
- 7th JD Faye Cavender
fcavender@dcss.nv.gov
- 8th JD Lori Parr
parrl@clarkcountycourts.us
- 9th JD Brenda Nixon
bnixon@douglas.nv.gov
- 10th JD Sue Sevon
ssevon@churchillcourts.org
- 11th JD Frank Wilkerson
clerk-admin@11thjudicialdistrictcourt