



Court Improvement Program

Community Improvement Councils News

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Happy 2019

The Year of Endless Change

The Courts' Contributions to Child Welfare System Reform

Nevada is on the threshold of stepping through the door to dramatic child welfare transformation. Unlike the majority of states, Nevada is poised to both develop and implement a Performance Improvement Plan (PIP) following the federal Child and Family Services Review (CFSR), and implement the Family First Prevention Services Act (FFPSA).

The Courts and CIP are actively involved in the CFSR. Seven judicial districts will attend the federal report meeting on Nevada's CFSR results and begin developing portions of the PIP on February 5 and 6, 2019. Eight judicial districts will join the *Achieving Timely Permanency for Children in Foster Care* Break-out Group in February to begin brainstorming the root causes for Nevada's lag in timeliness to permanency. Dr. Alicia Summers will guide the *Permanency* Group to identify and assess requisite data to determine why timeliness to permanency remains an issue. Using these data and judicial experience, the Group will create a plan to improve performance in this area and to eventually evaluate the impacts of

changes recommended by the Group.

CIP is a member of the PIP CORE Team which has begun work on developing a CFSR-PIP Charter with mission, goals, and objectives. As such, Kathie Malzahn-Bass will co-chair the *Permanency* Group.

The complete PIP, with input from all four Break-out Groups, will be due to the Children's Bureau within 90 days of the CFSR report out.

At the same time another group, involving many of the same people, is working on implementing the FFPSA due by October 1, 2019. CIP is also involved in this effort and is a member of the Judicial Subcommittee. This Subcommittee met for the first time January 4, 2019, to begin to draft an action plan on how to implement FFPSA from the courts' perspective. This draft will be presented to the CIP Select Committee and the judiciary for input and editing before finalizing.

Judicial Districts Seek Expert Input to Help Implement CIC Action Plans

Both the 2nd and 8th Judicial Districts reached out to Christopher Church, JD for help reviewing their Fostering Court Improvement Data, particularly concerning those children remaining in the child welfare system for fewer than 30 days or the “short stayers”.

The statistics regarding length of stay for the “short stayers” are quite similar in both districts. In both the 2nd and the 8th JDs, 31% and 35% of “short stayers”, respectively, spend only 3 days in care. In both Washoe and Clark Counties, 63% and 52%, respectively, of “short stayers” spend a week or less in care, and 83% and 81%, respectively, of “short stayers” spend two weeks or less in care.

This similarity diverges when placement type is considered. In Washoe County, 92% of the “short stayers” are placed in an unfamiliar environment with unfamiliar people (either in institutions (37%) or in non-relative foster care (55%)). In Clark County, 58% are placed in unfamiliar places with unfamiliar people (either in institutions (37%) or in non-relative foster care (21%)). How-

ever, in both counties 37% of the “short stayers” are placed in institutions.

In both districts, most of the “short stayers” returned to the home from which they were removed (79% in Washoe and 78% in Clark). In Washoe another 17% of the “short stayers” were discharged to a family member. Only 3% went to a relative in Clark.

Another difference between the two districts rests with the ages of the “short stayers”. Over one-third (38%) of the “short stayers” in Washoe were under the age of three compared to only 26% in Clark.

According to Mr. Church, the data show that the Washoe County Human Services Agency is doing a great job of entering all reasons for removal which allows in-depth analysis of what could be done to prevent removal. The data reflect a strong system in Clark. Few children are aging out, and the re-entry rate is unusually low which shows the impact of front-loading services.

Father Engagement – Critical Factor in Strengthening Families

Research demonstrates the importance of fathers in children’s lives. Positive and frequent early interactions with infants helps improve a child’s social skills and stimulate cognitive competence. Stronger emotional ties between father and child lead to an increased sense of emotional security and lower levels of depression and anxiety in children. Children and adolescents who have close and positive relationships with their fathers are less likely to engage in risky behaviors or substance and alcohol use. Not only do involved fathers contribute to the financial support of the family, but also to general family stability and well-being.

How does the child welfare system create a father-friendly family service approach? The Children’s Bureau (CB) offers a number of ideas and resources in their Information Memorandum-18-01 issued on October 17, 2018 . (https://www.acf.hhs.gov/sites/default/files/assets/acffatherhoodim_final.pdf)

Father support or mentor programs help fathers navigate the child welfare system successfully. When fathers are separated from their child whether geographically or due to incarceration, the CB suggests actively nurturing father and paternal family connections even if it is only through letters and phone calls.

Engaging fathers in Head Start and Early Head start programs have a deep impact on their children’s development and well-being. The Office of Head Start has a long history of engaging male family members and father figures to support school readiness.

The Office of Family Assistance (OFA) funds *The National Responsible Fatherhood Clearinghouse* (www.Fatherhood.gov) which serves as a resource for responsible fatherhood information, designed to promote and encourage appropriate involvement of fathers in their children’s lives.

It's Time to Follow the Law and Take Reasonable Efforts Seriously

An Article by David Kelly

Special Assistant to the Associate Commissioner of the Children's Bureau

A caseworker driving a child four hours--one way--to visit his mother on a weekly basis. The child welfare agency putting a family up in a hotel for two days and hiring a professional cleaning service to return a home to a habitable condition. A children's attorney refusing to give up on finding a family connection for a severely disabled young man, even though he requires a residential treatment setting. A judge understanding the treatment and recovery process and insisting a parent receive the support they need. These are all solid examples of reasonable efforts to prevent removal or finalize a permanency plan recently provided by an audience of child welfare legal professionals. In total, a dozen or so strong responses to the straightforward question, what are the best examples of reasonable efforts that you have seen made? The question was posed to an audience of approximately 700. There were twelve examples of reasonable efforts in a room of 700 participants from around the country.

Sure, this scarcity could be partially attributable to a reluctance of folks to speak up publicly-- asking for audience participation during a conference plenary is an unusual request. But it could also be something more serious. It could be that reasonable efforts have become a hollow finding, one made to comply with federal requirements and maintain funding as opposed to a legal finding to protect the integrity of the parent child relationship, advance the best interest and well-being of children, and prevent the trauma of unnecessary family separation.

I allege no malicious intent by any of the dedicated professionals in our field, but do submit that when we fail to take reasonable efforts seriously, we do real harm to children and families. Maybe we've become too comfortable with the way the system typically operates, or perhaps accepted that nothing more or better can be done. I suspect for some it reflects a reticence to rock the boat by making a no reasonable efforts argument or finding, perhaps even a general trust that the child welfare system will keep the child safe for now and it's best to avoid risk. But that overlooks the fact that foster care has always been intended as a placement of absolute last resort and that family separation inflicts psychological and emotional harm to children and parents.

The problem is exacerbated by our infatuation with the latest and greatest thing - we have issues de jour, a growing number of specialty courts, and checklists and bench cards abound. To be fair, many of these efforts have brought value and helped infuse more knowledge into the courtroom and field. But collectively we take our eye off the ball, over and over again. The conversation never lingers on reasonable efforts in a substantive way, and our attention shifts.

In nearly two decades of work with courts and attorneys around the country, including direct practice, court observation, case file reviews, focus groups, and stakeholder interviews, I have yet to see compelling evidence that the statutory tools of reasonable efforts are being used as the law intended. Growing numbers of children entering care, continued challenges around parent engagement, and a national struggle to improve permanency outcomes for children in care all offer evidence of complacent legal practice and compliance-oriented findings.

The irony is that, if used meaningfully, the law provides an incredibly powerful tool for keeping families together and preventing trauma to children-- a judicial determination that reasonable efforts were made to prevent removals. Where out-of-home placement is necessary, reasonable efforts determinations to finalize the permanency plan are the second critical tool for expediting reunification or other safe permanency options and minimizing trauma to parents and children.

Making sure a child sees his or her parents regularly, refusing to separate a family over a "dirty house" case, and ensuring that case plans are designed to support parents struggling with substance misuse should represent the floor of reasonable efforts, not the ceiling. If we are serious about strengthening families, preventing unnecessary trauma to children and parents, taking on implicit bias, reducing disproportionate placement of children from highly vulnerable families and communities into foster care, and no longer mistaking poverty for maltreatment, we must take reasonable efforts to prevent removal and reasonable efforts to finalize the permanency seriously and treat each with the urgency and substance that the law requires.

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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>

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