

Timeliness of Dependency Case Processing in Washington State



2010 Annual Report



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INTRODUCTION & OVERVIEW



INTRODUCTION

In 2007, the Washington State Center for Court Research (the Center) was directed by the Legislature to begin providing annual analyses of dependency cases processed by the juvenile division of the Superior Courts of Washington. The *Timeliness of Dependency Case Processing Annual Report* provides an analysis of dependency court operations with respect to statutorily mandated timelines intended to improve court services and facilitate permanent outcomes for dependent children and their families. Six case processing objectives were identified based on federal and state guidelines:

- 1) Fact-Finding within 75 days
- 2) Review hearings every six months
- 3) Permanency planning hearing within 12 months
- 4) Permanency achieved before 15 months of out-of-home care
- 5) Termination of parental rights petition filed at or before 15 months of out-of-home care, absent compelling reasons to not file
- 6) Adoption completed within six months of the termination order

These performance objectives are consistent with those suggested by the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges (NCJFCJ). For each statewide measure, data is presented on the percentage of cases achieving the statutory goal and the average length of time needed to reach that goal.

In an effort to both improve the usefulness of the analysis and add context to the data, the 2010 Annual Report provides additional information on the long-term outcomes of dependent youth as well as existing programs and policies in Washington State that affect the timeliness of dependency case processing. This reflects the Center's increasing effort to provide court-level data analysis within the context of current court policy and culture.

Each year, courts across our state take steps to enhance their dependency operations. The Superior Courts in Washington increasingly rely on research and scientific analysis to highlight gaps in court operations and identify areas that need system improvement. The Center assists the court community in assessing the impact of court reform projects in relation to a variety of short and long-term goals.

The 2010 Annual Report contains:

- ✓ Measures of statewide trends in dependency and termination filings;
- ✓ Statewide and county-level indicators of the achievement of the six performance measures;
- ✓ Analysis of policy and program trends that impact court operations;
- ✓ Educational and juvenile court outcomes of youth in foster care; and
- ✓ Recommendations for system reform.

The revised Annual Report is a step toward our goal of a more comprehensive dependency report that includes agency-level information on court and child welfare operations and recommendations for reform to the entire dependency care system. The recommendations primarily address the courts' desire to find common ground regarding message, prioritization, and strategy for reform among the courts, DSHS, child welfare partners, and the Legislature.

This Annual Report includes information from all of the juvenile dependency and termination cases that were filed in Washington's courts from January 1, 2000 through October 2010. Court records from the Administrative Office of the Courts' (AOC's) Superior Court Management and Information System (SCOMIS) were matched with information from the Children's Administration's FamLink system. Information relevant to each of the performance measures represents a subset of these matched cases.

STATEWIDE MEASURES:

- **Dramatic increase in dependency filings while termination filings decrease.** A total of 5,160 dependency cases were filed in Washington’s courts in 2010, a 33% increase from 2009 and the highest on record. In that same period, termination filings decreased by 12% to 1,697.
- **Time to fact-finding continues to improve.** Statewide, 73% of cases achieved fact-finding within the 75-day statutory requirement—a considerable improvement from 61% just two years ago.
- **Review hearings remain timely.** Approximately 90% of first dependency review hearings and subsequent dependency review hearings occurred within the six-month requirement. The rate for all review hearings improved to 94%—the highest on record.
- **Majority of permanency planning hearings occur within 12 months.** In 2010, 84% of cases met the 12-month time standard. The average time to the permanency planning hearing fell from 11 months in 2009 to 10 months in 2010.
- **Permanency before 15 months of out-of-home care improves slightly.** In 2010, 38% of cases achieved permanency within the 15-month time standard, a slight improvement over the prior year, and up from just 30% in 2007. The rate for reunifications, a subset of all cases, was much higher, with 62% achieving permanency within 15 months of out-of-home care, but this rate declined slightly from previous years. The average length of time to permanency was 11 months for reunifications, in comparison to 22 months for youth in third-party custody cases, and 34 months for adopted youth.
- **Termination of parental rights (TPR) petitions before 15 months of out-of-home care shows little change.** In 2010, 39% of TPR petitions were filed before 15 months of out-of-home care. The rate has been relatively stable for several years. The average length of time in out-of-home care until the filing of a TPR petition was approximately 14 months.
- **Timely adoptions remain unlikely.** Just 29% of adoptions achieved the statutory goal of finalization within six months of the termination order. The rate has improved in recent years, up from 21% in 2008. The average length of time from the termination order to adoption completion decreased to 9 months in 2010, for those cases in which adoption occurred.

LONG-TERM OUTCOMES OF DEPENDENT YOUTH:

The goals of child welfare policies and practices are to ensure that children grow up in safe, stable, and nurturing family environments. One way to assess whether these needs have been met is to examine subsequent functioning on critical educational and juvenile justice outcomes. An examination of the long-term outcomes of dependent youth born from 1985 to 1991 provides a stark reminder of the challenges that remain.

- **Dependent youth are at higher risk of juvenile court contact.** In comparison to non-dependent youth, dependent youth were three times more likely to be referred to court for a status offense (37% vs. 12%) and a misdemeanor (46% vs. 16%), and four times more likely to be referred for a felony (26% vs. 6%).
- **Dependent youth exhibit school disengagement by ninth grade and are more likely to drop out.** During the ninth grade, dependent youth had a higher number of excused and unexcused absences, a lower grade point average, and earned fewer credits than non-dependent youth. After four years of high school, only 39% of dependent youth had graduated and 38% had dropped out in comparison to a 72% graduation rate and 17% dropout rate for the student population without a history of a dependency case.
- **Among foster care outcomes, aging out of care shows the strongest relationship to juvenile crime; reunified youth are also at risk.** Forty-three percent (43%) of youth who aged out of care had been referred to juvenile court on one or more misdemeanors, compared to 35% of reunified youth and 12% of adopted/third-party custody youth. For juvenile felony referrals, 26% of youth who aged out had been referred in comparison to 19% of reunified youth and 9% of adopted youth. With respect to educational outcomes, youth who were reunified and youth who aged out had significantly lower graduation rates and higher dropout rates than youth who were adopted or placed in third-party custody.

RECENT COURT IMPROVEMENT DEVELOPMENTS:

- **Family Treatment Courts** have been established in 14 counties. Family dependency treatment courts bring together judges, attorneys, child protection services, and treatment personnel to hear select cases with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing the necessary support and services to help parents become drug and alcohol abstinent.
- **The Spokane Model** was developed in 2007. A core team consisting of a court commissioner, a DSHS social worker, an assistant attorney general, a defense counsel, and a Court-Appointed Special Advocate participate in all hearings until the dependency is dismissed or until the termination of parental rights trial commences.
- **Family and Juvenile Court Improvement Plan (FJCIP)** was implemented in 16 superior courts. The FJCIP incorporates Unified Family Court (UFC) principles (one family/one judicial team, specialized judicial education, case management, longer term assignments to juvenile court, and mandatory mediation) in a model that allows flexible implementation centered on core elements such as stable leadership, education, and case management support. FJCIP is associated with improved court performance.

- **Model Courts**, a project of the NCJFCJ, provides targeted training and technical assistance. The goal of the Model Courts project is to change the way in which the court and the child welfare agency, as well as the broader child welfare community, work together to develop, implement, and sustain collaborative reform, and to change the way in which all system participants define their roles with respect to day-to-day practice and overall reform initiatives. The Model Courts project is currently operating in King County.
- **Judicial Workload Study** was undertaken in 2007. The goals of the Study are to develop a better way to assess judicial workload in dependency cases; assess judicial workload in the context of resource needs for implementation of laws using best practices; and identify key elements, lessons learned, and overall recommendations to help guide all courts.
- **Court Improvement Training Academy (CITA)** creates learning communities. Learning communities will bring together innovative research and practical solutions to improve the operations and decision making in dependency courts.
- **Educational Research Database** was created to assess outcomes. The largest data exchange success in 2010 was access to student-level educational data, the result of collaboration between the Washington State Center for Court Research (the Center) and the Washington School Information Processing Cooperative (WSIPC). The result has been a groundbreaking database of over 1,000,000 student records spanning the last six years that are matched to court records. The Center also has a commitment from WSIPC to provide updated data extracts on an annual basis—further developing a longitudinal database that will eventually follow cohorts of students from kindergarten through high school.
- **Changes in pattern court forms and codes** allow for better tracking of compliance with statutory timeframes. Changes were implemented to document and clarify when mandated dependency hearings were held as well as to document compelling reasons for not filing a termination of parental rights petition at 15 months in out-of-home care (ASFA, P.L. 105-89 § 103; 42 U.S.C. § 675(5)).
- **Child welfare research position was established at WSCCR.** Because of the importance of data exchange between the courts and their child welfare partners, a grant-funded full-time position has been established at AOC to develop routine data exchanges with Children’s Administration and others, and to develop management reports from this data to improve the handling of dependency cases.

RECOMMENDATIONS:

- Develop additional process and outcomes measures to assess the impact of any changes that are made to individual courts’ case processing practices.
- Increase the level of data sharing between the Center and Children’s Administration and clarify data entry, coding, and analysis of foster care information.
- Establish a timely and regular data exchange with Children’s Administration that is compatible with periodic management reporting and more frequent research updates.
- Establish better collaboration, coordination, and cooperation with child welfare and children’s research entities, including Partners for Our Children.

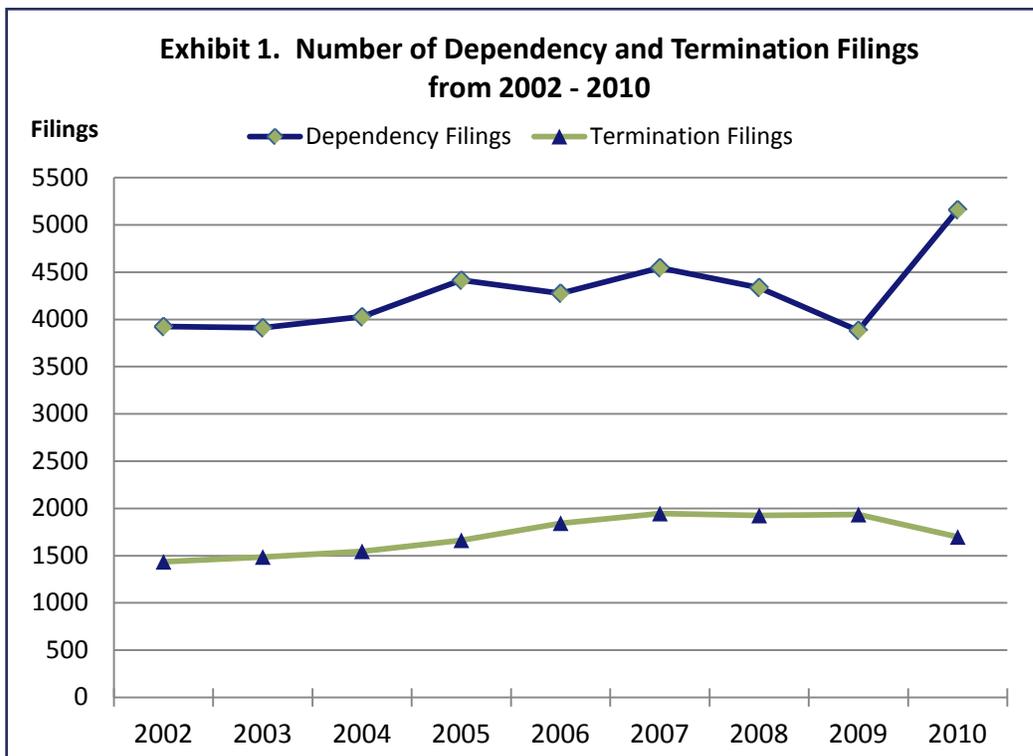
- Establish better consultation and communication regarding policy changes that affect the courts and child welfare partners.
- Improve communication and collaboration among local and state agencies to develop a system-wide, comprehensive view of dependent children’s overall outcomes.
- Improve consistency in the use of court codes that are developed to track court performance.
- Establish adequate and stable funding to support courts’ research efforts in child welfare outcomes, including the sustainability of this report.

DEPENDENCY AND TERMINATION FILING TRENDS

Beginning in 2004, juvenile dependency filings began increasing after a decade of relative stability. From 2004 through 2007, filings increased 13% to 4,547. In 2008 and 2009, however, the filing rate reversed course, dropping to under 4,000 for the first time in six years. Then, in 2010, dependency filings surged 33% to a record high of 5,160.

Termination filings, on the other hand, had been steadily increasing over the years, but decreased sharply in 2010. The 12% decline from 1,934 to 1,697 was the largest year-over-year decrease on record. Termination filings are likely a lagging indicator of dependency filings. Absent any policy or practice changes that would substantially alter the ratio of dependency cases that proceed to termination, the expected lag in termination filings is approximately 15 months—the average length of time from a dependency

filing to a termination filing. Therefore, following the trend in dependencies, an increase in termination filings is anticipated in late 2011 and 2012.



OBJECTIVES



OBJECTIVE 1: FACT-FINDING WITHIN 75 DAYS

- MEASURES:**
- (1) **PERCENT OF CASES WITH FACT-FINDING WITHIN 75 DAYS OF THE PETITION**
 - (2) **MEDIAN NUMBER OF DAYS TO FACT-FINDING**

RCW 13.34.070(1): The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found.

Fact-Finding represents one of the first major judicial events in the dependency process, and significant delays to fact-finding may prolong court involvement and the amount of time children spend in foster care. Therefore, to evaluate case processing with respect to this performance measure, court data (from SCOMIS) were used to calculate the number of days to the first fact-finding hearing. In many cases, however, action is taken on the petition without a formal hearing. This may occur when parties stipulate to a finding of dependency and waive a fact-finding hearing, or when the case is dismissed prior to the hearing. Therefore, the length of time from the petition to the first order of dependency or the first order of dismissal was used as an imputed time-to-fact-finding interval for those cases without a fact-finding hearing documented in SCOMIS.

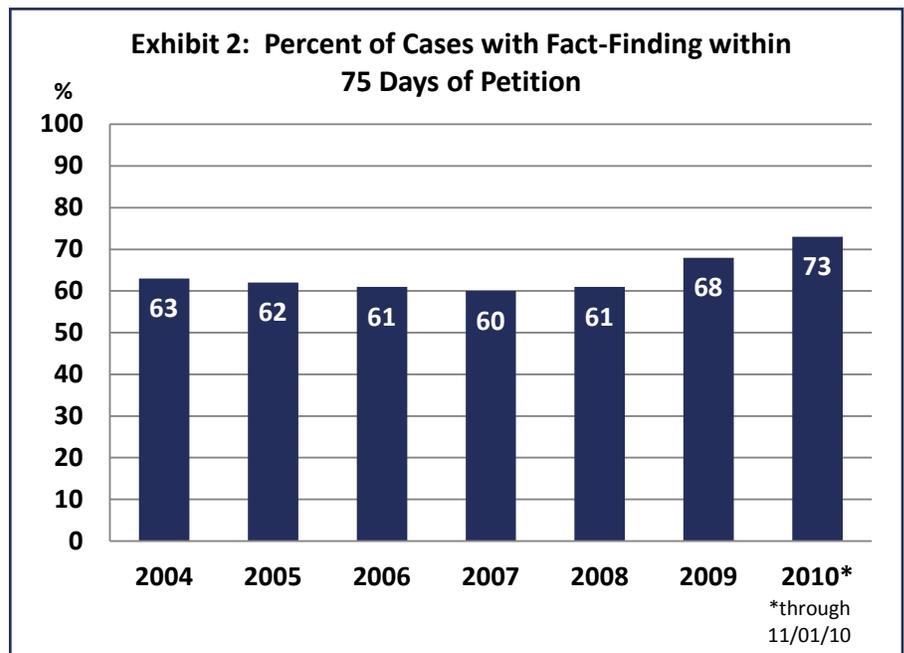
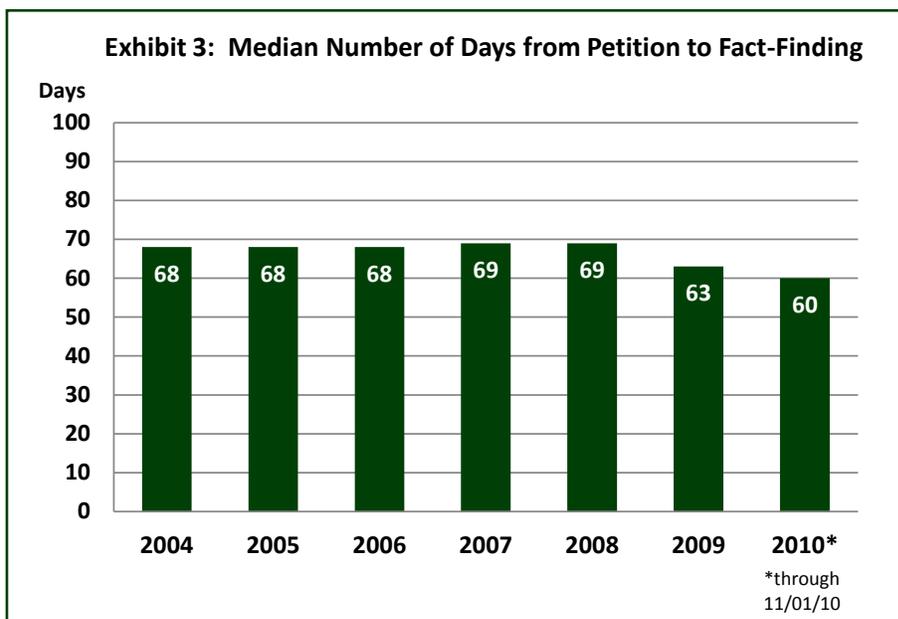


Exhibit 2 displays the percentage of dependency cases in which fact-finding occurred within 75 days of the petition (meeting the statutory requirement) by the year in which the fact-finding was due. Overall, of the 28,000 dependency cases with fact-finding due between 2004 and October 2010, 64% met

the 75-day standard. However, the percentage has increased substantially in the past two years. In 2008, the rate was 61%, which increased to 68% in 2009 and 73% in 2010. The most recent figure of 73% is the highest percentage on record.



The improvement in timely fact-finding is also reflected in the data on the average number of days to the hearings (see Exhibit 3). After years of relatively little change, the median time had decreased in 2009 from 69 days to 63 days. This trend continued in 2010 with a decrease to 60 days.

OBJECTIVE 2: REVIEW HEARINGS EVERY SIX MONTHS

- MEASURES:**
- (1) **PERCENT OF FIRST DEPENDENCY REVIEW HEARINGS WITHIN SIX MONTHS**
 - (2) **PERCENT OF ALL DEPENDENCY REVIEW HEARINGS WITHIN SIX MONTHS**
 - (3) **MEDIAN NUMBER OF DAYS TO FIRST REVIEW HEARING**

RCW 13.34.138(1): The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

The purpose of review hearings is to review the progress of the parties and determine whether court supervision should continue. Because the statutorily required due date for the first review hearing is problematic for some cases, this report determines the due date for the first review hearing to be six months from the filing date of the dependency petition for children found to be dependent. Due dates for subsequent review hearings were determined to be six months from the previous review hearing. Dates for review hearings were obtained from SCOMIS court data.

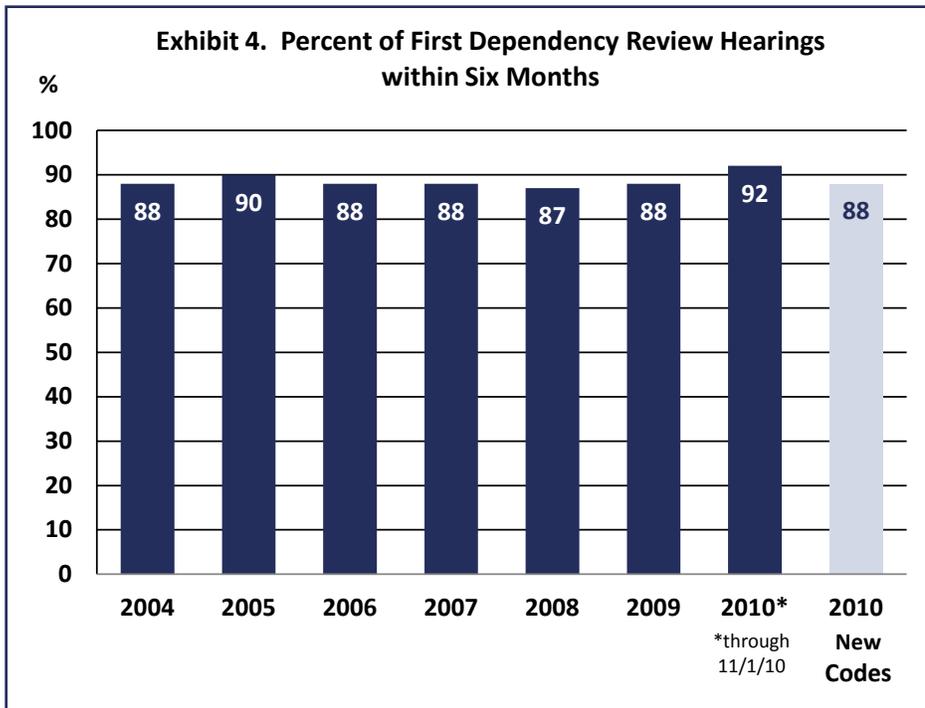
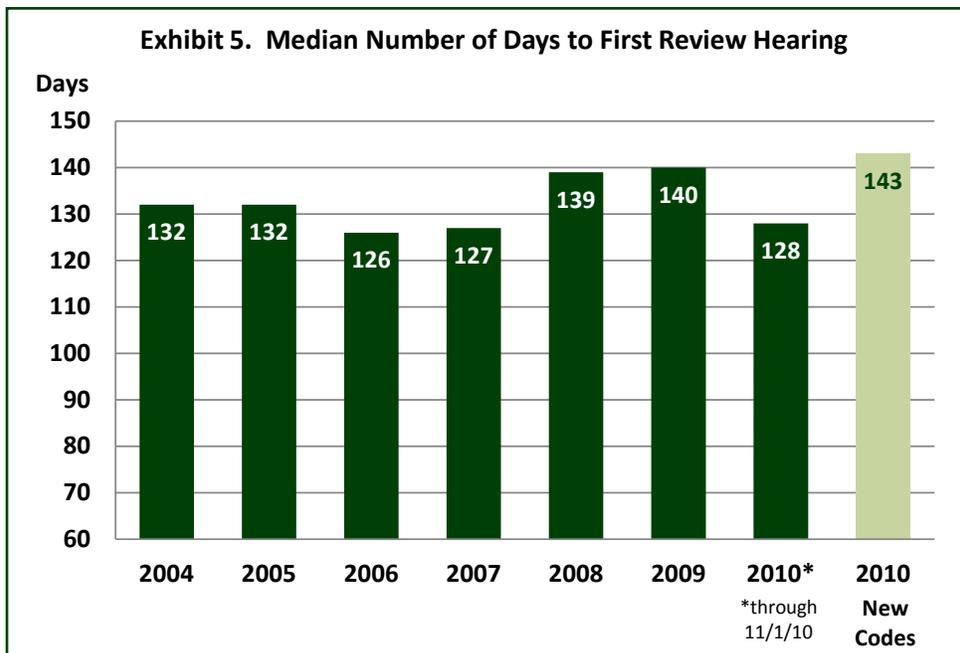


Exhibit 4 presents the percentage of first review hearings that occurred within six months of the dependency petition. One change to this year’s report is an analysis of review hearings using the new dependency docket codes that were implemented in 2009. The new docket codes were implemented in order to remove the ambiguity that existed in the previous coding system and improve the validity of the results. In 2010, 84% of cases were docketed correctly using the new codes.

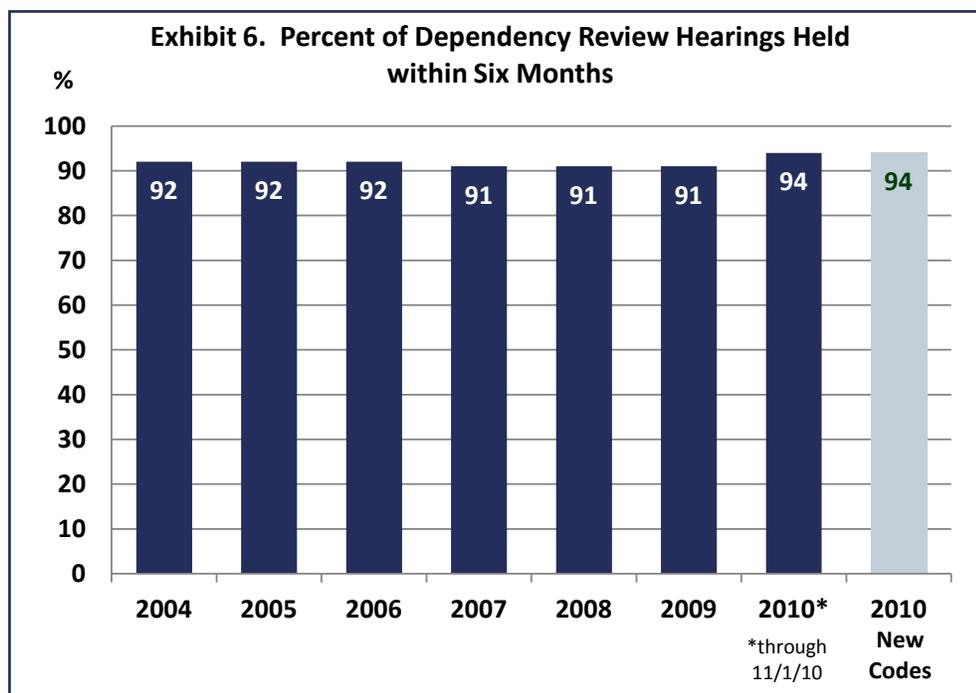
Because data using the new codes are available only for 2010, Exhibit 4 also presents results using the old coding system in order to provide an indication of trends over time. The old coding system will be phased out in coming years.

In 2010, 88% of first review hearings were held within six months of the petition (see Exhibit 4). This rate is similar to the rate for the previous six years. Using the older, more liberal coding system, the 2010 rate was 92%, suggesting a slight increase in the percentage of timely first review hearings. With respect to the median number of days from the petition to the first review hearing, the change in coding systems precludes a firm



conclusion about trends over time. Using the old system, the median time to the first review decreased from 140 days in 2009 to 128 days in 2010 (see Exhibit 5). However, the new system suggested the actual value was closer to 143 days.

With respect to all review hearings, 94% were held within six months of the petition or the previous review hearing (see Exhibit 6). Both the new and old coding systems resulted in the same rate. An analysis of the trend over time suggests the rate improved slightly in 2010 and is the highest rate on record.



OBJECTIVE 3: PERMANENCY PLANNING HEARING WITHIN 12 MONTHS

- MEASURES:**
- (1) **PERCENT OF CASES WITH FIRST PERMANENCY PLANNING HEARING WITHIN 12 MONTHS OF PLACEMENT**
 - (2) **MEDIAN NUMBER OF DAYS FROM PLACEMENT TO FIRST PERMANENCY PLANNING HEARING**

RCW 13.34.145(1)(a): A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child. In order to calculate a due date for a permanency planning hearing, Children’s Administration FamLink data were used to determine the beginning date of the first placement episode and the length of time the child was in out-of-home care. The length of time in out-of-home care

was then calculated to determine if the requisite nine months had occurred, and, if so, the due date for the permanency planning hearing was set at 12 months from the beginning date of the first placement episode.

The date of the permanency planning hearing was determined from the AOC's SCOMIS data. Up until 2009, the hearing code used to document the permanency planning hearing was optional, so historical data were available for only 12 counties that used the code reliably. However, in 2009, changes to the dependency coding system included the implementation of a required permanency planning hearing code. As seen in Exhibit 7, data are presented for the 12 counties from 2006 through 2010, and data for all counties are presented for 2010.

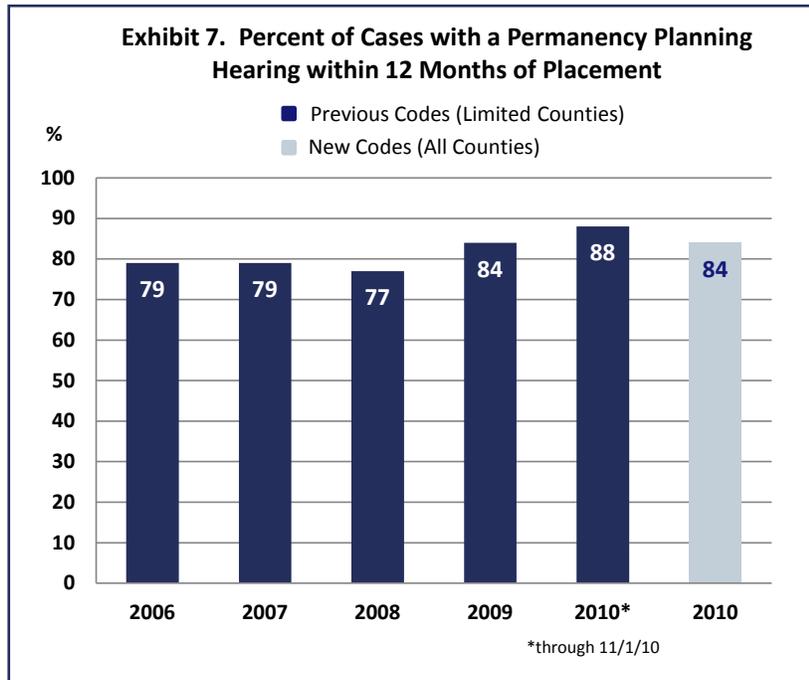
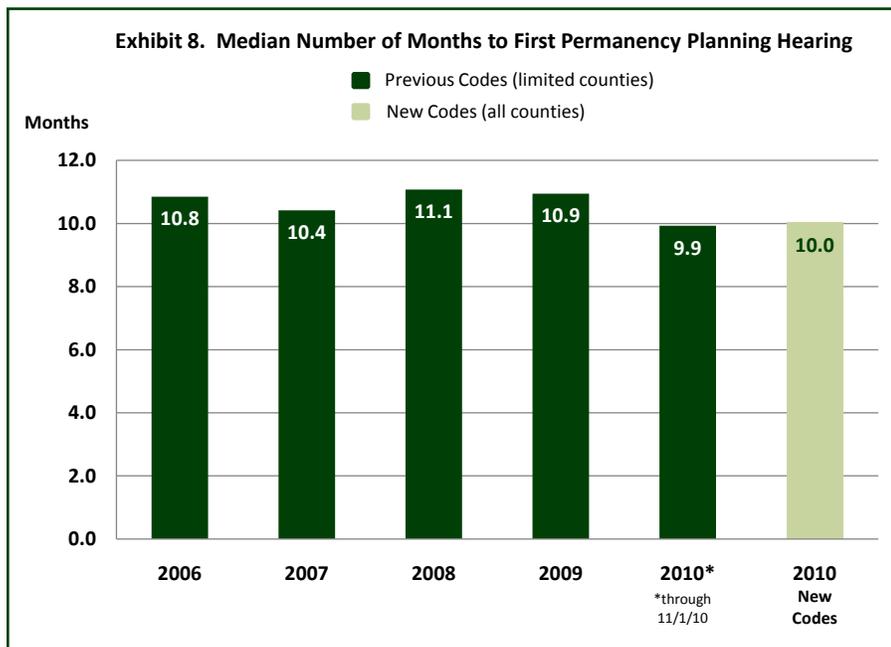


Exhibit 7 shows the percentage of cases in which the first permanency planning hearing occurred within 12 months of the first placement episode (meeting the statutory requirement). Using data from all counties, 84% of permanency planning hearings due in 2010 were held in a timely manner. For the sample of 12 counties with historical data, the data suggest an improvement in timely hearings over the past two years. The percentage of timely hearings had fallen to 77% in 2008, but improved to 84% in 2009 and 88% in 2010 for these counties.



As seen in Exhibit 8, the median number of months to the permanency planning hearing also improved slightly in 2010 for the 12 counties with historical data. On average, the hearing took place 9.9 months after the beginning of the first placement episode—the shortest time span during the five-year study period. Using data available for all counties in 2010, the average length of time was 10.0 months.

OBJECTIVE 4: PERMANENCY ACHIEVED BEFORE 15 MONTHS OF OUT-OF-HOME CARE

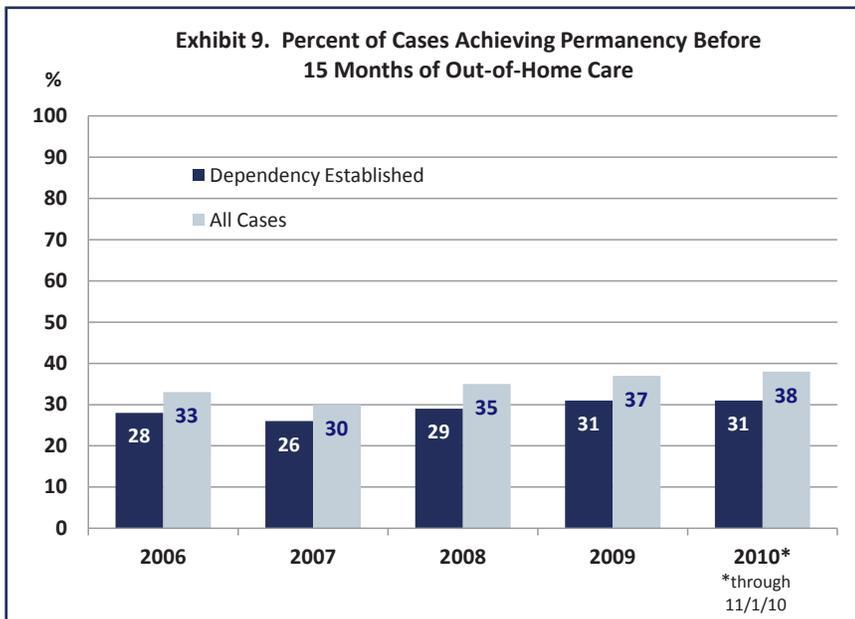
- MEASURES:**
- (1) **PERCENT OF CASES ACHIEVING PERMANENCY WITHIN 15 MONTHS OF OUT-OF-HOME CARE**
 - (2) **MEDIAN NUMBER OF MONTHS OF OUT-OF-HOME CARE TO FINAL OUTCOME**
 - (3) **PERCENT OF REUNIFICATIONS BEFORE 15 MONTHS OF OUT-OF-HOME CARE**

RCW 13.34.145(1)(c): Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months.

The goals of state and federal child welfare laws are to provide children with safe, nurturing, and permanent living situations as quickly as possible. Although there is no specific statutory time requirement for achieving permanency, the Washington State Legislature has set a goal of achieving permanency before 15 months in out-of-home care. To measure time to permanency, Children’s Administration (FamLink) data were used to identify the length of time spent in out-of-home care and the final outcome of the dependency case. Final outcomes, including both permanent outcomes (reuni-

fication, adoption, guardianship, and third-party custody) and non-permanent outcomes (reached age of majority), were also taken from FamLink. A permanency due date was set as the date the child reached 15 months in out-of-home care.

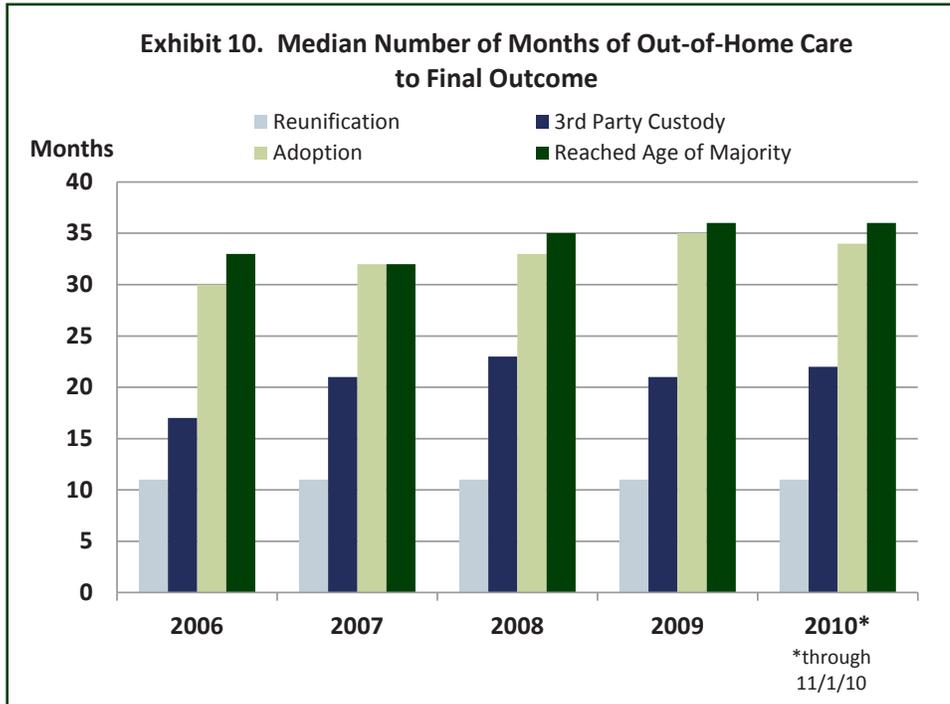
One change to this year’s report is that figures for this indicator are now presented by the year in which permanency was due rather than the year permanency was achieved in order to reflect more recent court operations. This change allows for the inclusion and analysis of cases upon reaching 15 months of out-of-home care rather than waiting additional months or years for the case to achieve permanency.



In addition, data are presented for cases in which dependency was established as well as for the entire set of cases regardless of whether dependency was established. Including figures for the entire set of cases accounts for situations in which a child in foster care was reunified with parents or guardians and achieved permanent status despite never being found dependent. Thus the two sets of figures highlight the distinction between dependent children and dependency cases.

With respect to dependent children, 31% achieved permanency within 15 months of out-of-home care in 2010 (see Exhibit 9). This is the same rate as in 2009, although it has improved from a low of 26% in 2007. When

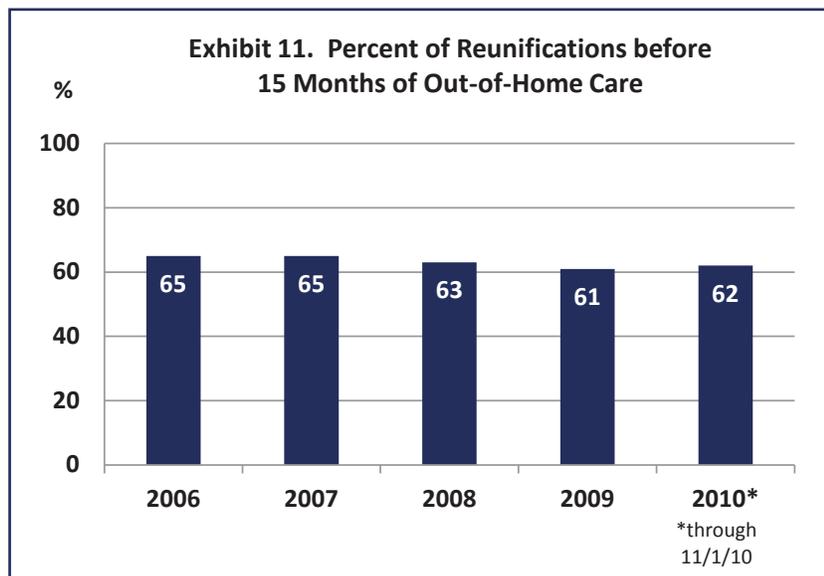
considering all cases, the percentage of cases with timely permanency was 38% in 2010, a slight improvement over previous years.



The length of time in out-of-home care, however, differs considerably depending upon the type of outcome (see Exhibit 10). For reunifications, the average length of time was 11 months in each of the last five years. But for third-party custody and adoption, the length of time was considerably

longer (22 months and 34 months, respectively, in 2010). Those children who reached the age of majority without permanency were in out-of-home care for an average of three years (36 months) in 2010. Across all outcomes, the length of time in out-of-home care to a final outcome has remained relatively stable over the past five years.

Exhibit 11 examines reunifications more closely and presents the percentage of reunifications that occurred within 15 months of out-of-home care. From 2006 to 2009, approximately 63% of reunifications met the 15-month permanency goal, while in 2010 the rate was 62%.



Note: Data for Exhibit 10 include cases that achieved a final outcome by 11/1/10. Data are presented by the year the case was closed. Cases in which the child died, was placed in a dependency guardianship, or was transferred to other authorities prior to exiting care were excluded from the analyses. Data were not available prior to 2006 given the length of time necessary from the beginning of the study period (2000) to capture nearly all final outcomes.

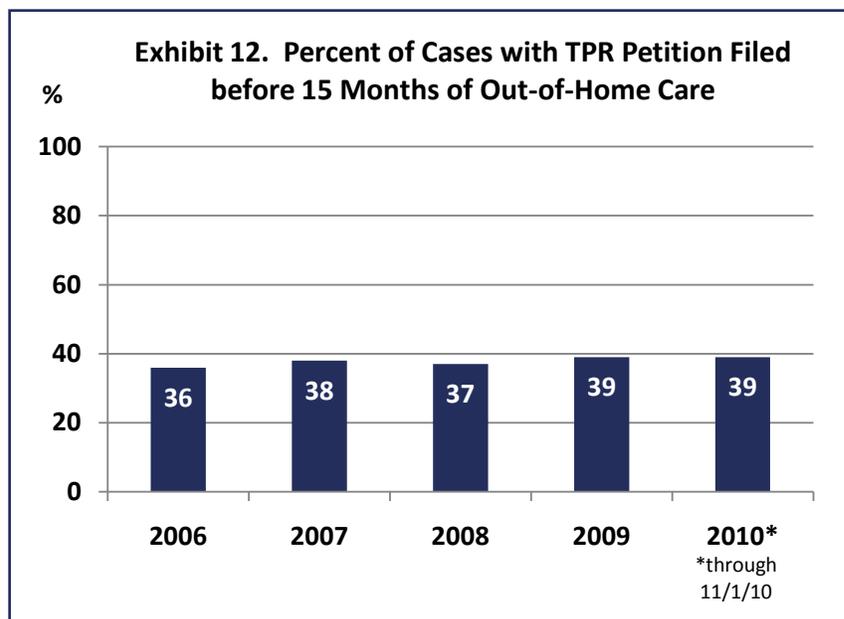
OBJECTIVE 5: TERMINATION OF PARENTAL RIGHTS PETITION FILED BEFORE 15 MONTHS OF OUT-OF-HOME CARE

- MEASURES:**
- (1) PERCENT OF CASES WITH TERMINATION OF PARENTAL RIGHTS (TPR) PETITION FILED BEFORE 15 MONTHS OF OUT-OF-HOME CARE**
 - (2) MEDIAN NUMBER OF MONTHS OF OUT-OF-HOME CARE PRIOR TO TPR PETITION FILING**

The Adoptions and Safe Families Act (ASFA; United States Public Law 105-89, section 103) “requires states to initiate or join proceedings to terminate parental rights for certain children in foster care,” including “the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months,” unless the child is being cared for by a relative, there is a compelling reason why termination would not be in the best interest of the child, or when the State has failed to offer the necessary services to the family.

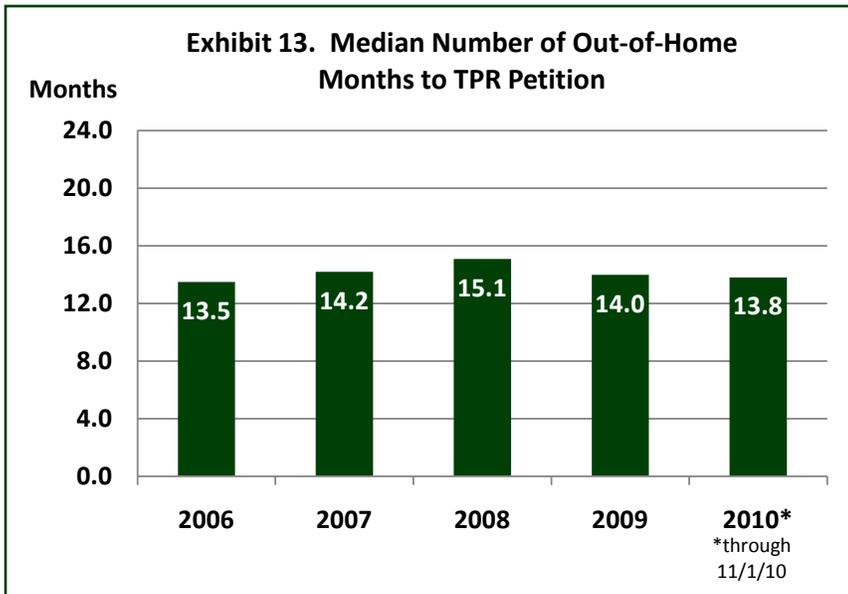
Children’s Administration data on the duration and type of placement were used to calculate time in out-of-home care, due dates for the filing of termination petitions, and whether the children had been in relative care. Data from the AOC were used to determine the actual filing date of the TPR petition if one had been filed, and whether other compelling reasons existed for not filing a TPR petition. Native American children were excluded from these measures as they are often exempted from the ASFA standard.

Figures in this year’s report vary substantially from last year’s report. Since last year’s publication, a data error was discovered in which many cases were erroneously coded as relative placements and excluded from the analysis. The corrected analysis included in this report indicates that approximately 35% of children were in relative care.



Of the non-Native American dependent children that had an associated termination case or were due for a termination case from 2006 to 2010, 38% had a termination petition filed prior to 15 months of out-of-home care (see Exhibit 12). The percentage has been relatively stable for the past five years. In 2010, 39% had a timely termination petition filed.

The median number of months of out-of-home care to the TPR petition had been increasing steadily until 2008, when the average was



Note: For Exhibits 12 and 13, data were not available prior to 2006 given the length of time necessary from the beginning of the study period (2000) to capture nearly all TPR filings.

15.1 months. In 2009, however, the length of time decreased to 14.0 months, and in 2010 declined further to 13.8 months.

It is important to note that, beginning in 2009, changes to the dependency coding system included new docket codes to identify cases in which there were compelling reasons for not filing a termination petition. The need to identify “good cause exceptions” was based on anecdotal reports from judicial officers that such exceptions were often involved in dependency cases. However, analysis of the use of these codes indicated that only about 5% of cases were noted as

having good cause exceptions. Further investigation is needed to determine if this low percentage is an accurate indicator of cases with exceptions or if the low percentage results from implementation issues with the new codes. It is possible that a significant portion of cases that fail to meet the time standard in fact involve exceptions and should be excluded from analysis.

OBJECTIVE 6: ADOPTION COMPLETED WITHIN SIX MONTHS OF TERMINATION ORDER

- MEASURES:**
- (1) PERCENT OF CASES WITH ADOPTION COMPLETED WITHIN SIX MONTHS OF THE TERMINATION ORDER**
 - (2) MEDIAN NUMBER OF MONTHS TO ADOPTION COMPLETION**

RCW 13.34.145(1)(c): In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

In order to determine the percentage of cases that achieved the goal of completing the adoption within six months of the termination order, a due date for a completed adoption was set at six months from the date the child became legally free. AOC’s SCOMIS data were used to identify the date of the termination order, and Children’s Administration (FamLink) data were used to identify the date the adoption was finalized. Due to limitations in the data, it could not be determined whether adoption had been identified as the primary permanency planning goal for the cases in the analysis.

Exhibit 14 presents the percentage of cases in which the adoption was completed within six months. Over the past five years, just one in four cases (25%) had a timely adoption completion. However, it appears that the trend of declining rates seen from 2006 through 2008 may be reversing. In 2008, the percentage was just 21%. The rate then improved to 26% in 2009 and 29% in 2010.

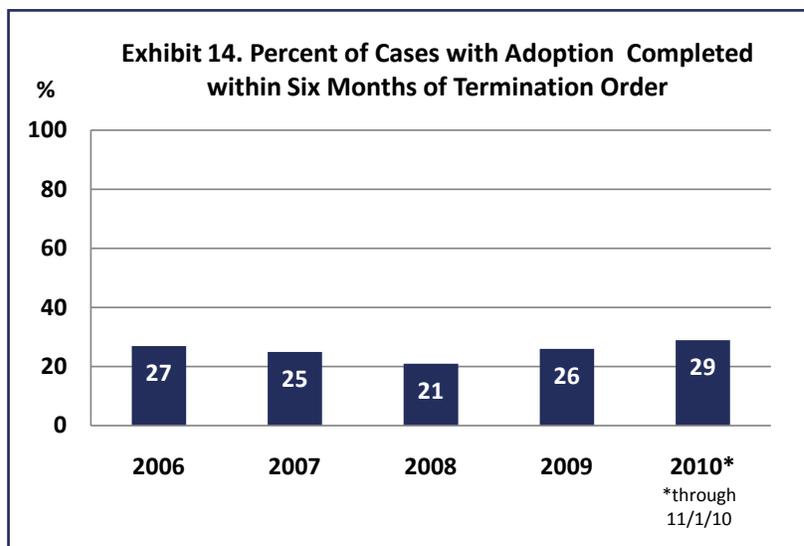
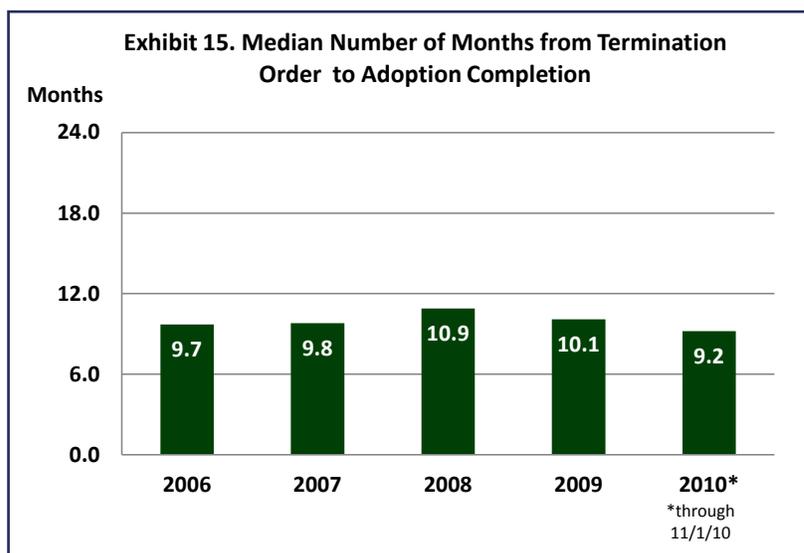


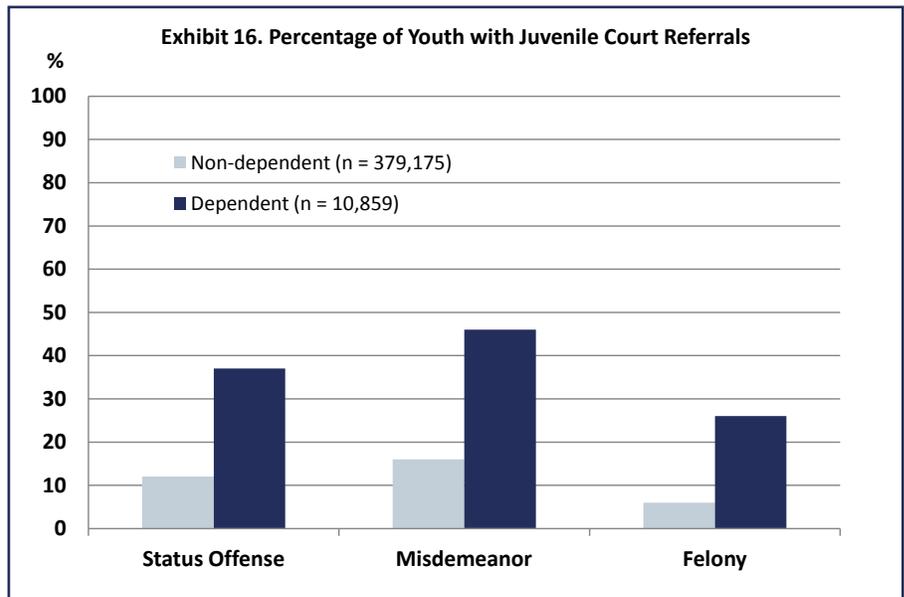
Exhibit 15 displays the median number of months to adoption completion. The average length of time had increased slowly over the years to a high of 10.9 months in 2008. However, in 2009, the average time span dropped to 10.1 months, and in 2010 it dropped further to 9.2 months.



LONG-TERM JUVENILE COURT AND EDUCATIONAL OUTCOMES OF DEPENDENT YOUTH

The goals of child welfare policies and practices are to ensure that children grow up in safe, stable, and nurturing family environments. Both during care and after a permanent outcome has been reached, the risks and needs of maltreated youth and their families are likely to be numerous. One way to assess whether these needs have been met is to examine subsequent critical educational and juvenile justice outcomes.

To assess the long-term functioning of Washington’s foster children, educational and juvenile court outcomes of youths born from 1985-1991 were examined during adolescence. Overall, dependent youth were much more likely to have been referred to court for a status offense, misdemeanor, or felony than non-dependent youth.



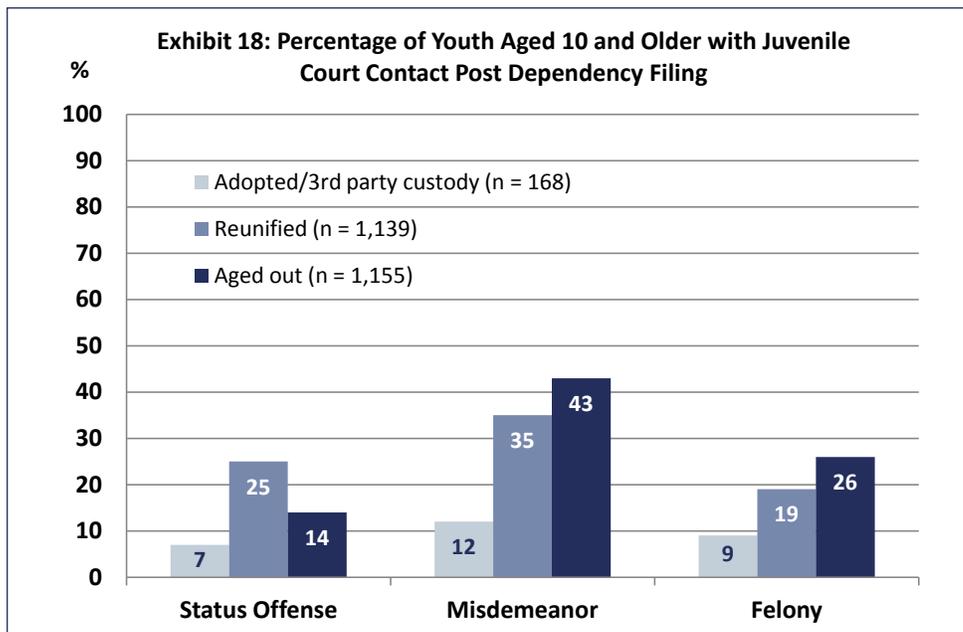
Note: All differences statistically significant at $p < .001$ using chi-square tests; Cramer’s V effect sizes = .13 - .14.

Exhibit 17: Education Outcomes for Dependent and Non-dependent Youth	Non-dependent Youth (n=379,175)	Dependent Youth (n=10,859)
9th grade:		
Excused absences	6.0	7.0
Unexcused absences	0.7	2.3
GPA	2.6	1.7
Credits	6.0	5.4
12th grade:		
	%	%
Graduated	72	39
GED	2	5
Continuing in school	9	18
Dropped Out/Unknown	17	38

Note: All differences statistically significant at $p < .001$ using chi-square or analysis of variance tests; effect sizes = .001 - .01 for ninth grade outcomes and .10 for high school completion. Values for ninth grade outcomes are medians.

more likely to have a history of a misdemeanor (46% vs. 16%). Perhaps of greatest concern is that one in four youth with a history of a dependency case had been referred to court on a felony by the age of 18—a rate more than four times higher than non-dependent youth (26% vs. 6%). The substantial increase in risk of court contact for dependent youth was consistent across genders and races/ethnicities.

With respect to educational outcomes, dependent youth showed signs of school disengagement by the ninth grade, which compounded into a high rate of educational failure by the end of the twelfth grade (see Exhibit 17). During the ninth-grade year, dependent youth had a higher number of excused and unexcused absences, a lower grade point average, and had earned fewer credits than non-dependent youth. After four years of high school, only 39% of dependent youth had graduated and 38% had dropped out in comparison to a 72% graduation rate and 17% dropout rate for the student population without a history of a dependency case. Similar to juvenile court outcomes, the substantial increase in risk for dependent youth was consistent across gender and race/ethnicity.

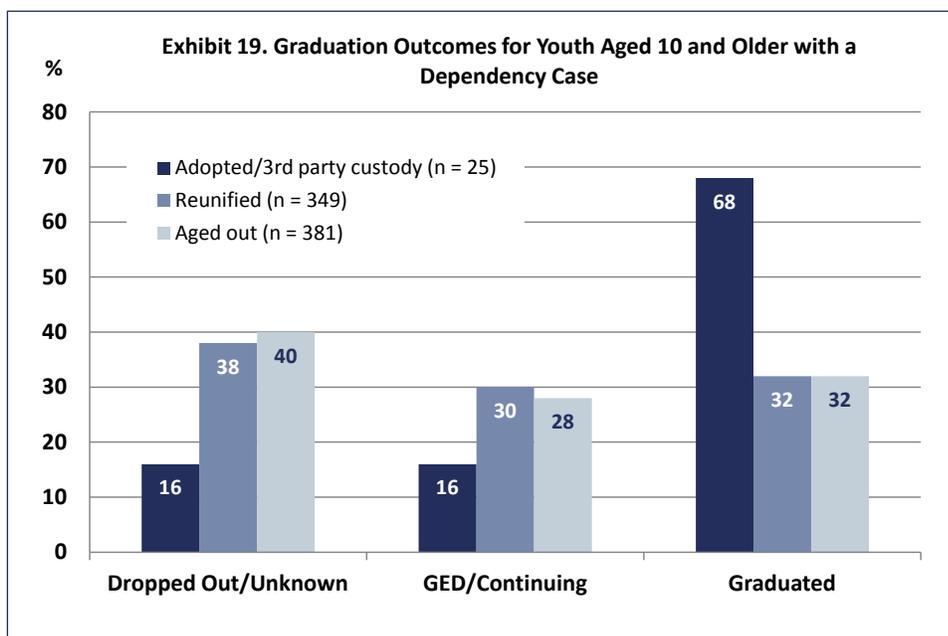


After four years of high school, only 39% of dependent youth had graduated and 38% had dropped out in comparison to a 72% graduation rate and 17% dropout rate for the student population without a history of a dependency case. Similar to juvenile court outcomes, the substantial increase in risk for dependent youth was consistent across gender and race/ethnicity.

Juvenile court and educational data were also examined in relation to the permanency outcomes. Because certain variables were available only for cases filed in 2000 and later, analyses were limited to cases involving youths who were age ten or older at filing.

Twenty-five percent (25%) of reunified youth had been referred to juvenile court for a status offense after the filing of the dependency petition compared to 14% of youth who aged out of care, and 7% of youth who were adopted or in third-party custody (see Exhibit 18).

Being in foster care until age 18 without a permanent placement (i.e., aging out) had the strongest relationship to juvenile crime subsequent to the dependency petition. For misdemeanors, 43% of youth who aged out of care had been referred to court, compared to 35% of reunified youth and 12% of adopted/third-party custody youth. Similarly, for juvenile felony referrals, 26% of youth who aged out had been referred in comparison to 19% of reunified youth and 9% of adopted youth.



With respect to educational outcomes, results indicated that youth who were reunified and youth who aged out of care had significantly lower graduation rates and higher dropout rates than youth who were adopted or placed in third-party custody (see Exhibit 19). Thirty-two percent (32%) of youth who were reunified or aged out of care graduated within four years of starting high school, compared to 68% of adopted or third-party custody youth.

Children who spend time in foster care, including those who are eventually reunified with their parents, are at serious risk of future negative outcomes. Results from this analysis are consistent with a large body of research evidence. This examination of the social and educational functioning of adolescents provides a stark reminder of the challenges that remain in our pursuit of promoting children's health and well-being.

It is important to note, however, that the high-risk status of dependent youth is likely due to the complex interrelationship of many factors, including poverty, maltreatment, and out-of-home placement, as well as the severity and age at which these events take place. Future research will need to address these issues, as well as examine how long-term outcomes vary across different demographic groups.

COURT IMPROVEMENT PROGRAMS

The courts have begun several diverse court improvement projects in recent years. Those endeavors include family treatment courts, team approaches to court hearings (the Spokane Model), the Family and Juvenile Court Improvement Plan, model courts, a judicial workload study, and the Court Improvement Training Academy.

Family Treatment Courts have been established in 14 counties: Clallam, Clark, Cowlitz, Island, Jefferson, King, Kitsap, Okanogan, Pierce, Skagit, Snohomish, Thurston, Whatcom, and Yakima. A family dependency treatment court is a juvenile or family court docket consisting of abuse, neglect, and dependency cases in which parental substance abuse has been identified as a primary factor. Judges, attorneys, child protection services, and treatment personnel unite with the goal of providing safe, nurturing, and permanent homes for children while also providing parents with support and services to assist them in becoming drug and alcohol abstinent. Family dependency treatment courts aid parents in regaining control of their lives and promote long-term stabilized recovery to enhance the possibility of family reunification within legally mandated timeframes.

The Spokane Model was developed in Spokane County Juvenile Court in 2007. A core team consisting of a court commissioner, a DSHS social worker, an assistant attorney general, a defense attorney, and a Court-Appointed Special Advocate (CASA) are assigned to dependency cases at the shelter care hearing and participate in all subsequent hearings until the dependency is dismissed or until the termination of parental rights trial begins. Court commissioners are assigned to a rotation in juvenile court and, in addition, sit in juvenile court part or all of one day per week when they are not assigned to juvenile court. This approach provides consistency, continuity, and stability.

Family and Juvenile Court Improvement Plan (FJCIP) incorporates Unified Family Court (UFC) principles (one family/one judicial team, specialized judicial education, case management, longer term assignments to juvenile court, and mandatory mediation) in a model that allows flexible implementation centered on core elements such as stable leadership, education, and case management support. The statewide plan promotes a system of local improvements that are incremental and measurable. Funding for the FJCIP makes system improvements possible in each court, large or small, regardless of calendaring systems, the number of judges or the availability of local resources. The goal of this effort is to establish judicial and court manager leadership to institute improvements in family and juvenile court that are consistent with UFC principles. The guiding principles for reform are based on the UFC methodology, as well as state and federal timelines related to processing dependency cases. There are 16 superior courts participating in the FJCIP program, which are grouped into 11 project sites across the state. FJCIP sites were selected based on Department of Social and Health Services (DSHS) service districts to strategically coordinate FJCIP and DSHS efforts, organized by the Reasonable Efforts Symposia that are underway in each district.

Superior courts receiving FJCIP funding are: Asotin with Columbia and Garfield, Chelan, Clallam with Jefferson, Cowlitz with Pacific and Wahkiakum, Island, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston. The six performance measures for the FJCIP courts are depicted in Appendix A.

Model Courts, a project of the National Council of Juvenile and Family Court Judges (NCJFCJ), provides targeted training and technical assistance to enhance how each model court responds to and processes child abuse and neglect cases. The goal of the Model Courts project is to change the way in which the court and the child welfare agency, as well as the broader child welfare community, work together to develop, implement, and sustain collaborative reform, and to change the way in which all system participants define their roles with respect to day-to-day practice and overall reform initiatives. Ultimately, each model court is working to improve the system to better respond to, and meet the needs of, the children and families they serve. King County Superior Court was selected as a model court and has placed emphasis on mediation. Eighty-four percent (84%) of mediated cases reached adjudication within the statutory time frame of 75 days from filing, compared to 50% of non-mediated cases. The average time from petition filing to adjudication for the mediated group was 51 days (SD = 20.3) compared to an average time of 85 days (SD = 32.9) from petition filing to adjudication for the non-mediated cases. Additionally, 63% of mediated cases had one less hearing that would have otherwise required oversight of a judicial officer.

Judicial Workload Study, funded by the Court Improvement Program federal grant, was undertaken in 2007 in Mason, Spokane, and King Counties. The goals of the study are to develop a better way to assess judicial workload in dependency cases; assess judicial workload in the context of resource needs for implementation of laws using best practices; and identify key elements, lessons learned, and overall recommendations to help guide all courts. The project is a multi-year, multi-phase assessment. The first phase of the research examined dependency workload in King County and Mason County. Phase II of the study extended the research to include Spokane County. These three sites will serve as a baseline assessment in order to move forward with a statewide evaluation of judicial workload in dependency cases.

Court Improvement Training Academy (CITA) is sited at the University of Washington School of Law and is funded by the Court Improvement Project. CITA’s mission is to create a learning community comprised of judges, lawyers, and other professionals involved in the juvenile court dependency process. This learning community will bring together innovative research and practical solutions to improve the operations and decision making in courts deciding actions under RCW 13.34. Its primary goals are to ensure that members of the child welfare legal system: (1) universally have a working understanding of the core competencies necessary to effectively intervene in the lives of families; (2) have ready access to, and take advantage of, high quality educational opportunities addressing innovative practices and emerging issues in the field; (3) have on-demand access to educational materials on a wide variety of topics prepared by experts in the field; and (4) form a community of learners continually seeking knowledge to improved outcomes for families in need of legal intervention.

SUMMARY & RECOMMENDATIONS



The opportunity for children to grow up in safe, stable, and nurturing home environments is of paramount importance to policymakers, child welfare agencies, the courts, and society at large. With a growing understanding of the consequences of child maltreatment, unstable home lives, and protracted dependency cases, responsible agencies have reacted by trying to develop more effective and timely processes to improve the well-being of dependent children.

Over the past several years, Washington's courts have intensified these efforts in diverse ways. For example, data collection, quality, and analysis have been scrutinized and improved. Pattern forms and court data codes have been modified, this Annual Report has been sustained, and a new child welfare research position at the AOC was secured with grant funding. In addition, stakeholder education and collaboration have continued through the Court Improvement Training Academy. Other efforts include the development and implementation of family and juvenile court improvement plans (FJCIPs) in several courts, and innovative cross-system collaborations in the form of family dependency treatment courts and unified family courts.

These efforts appear to be having some positive impacts on court processes. For example, this report shows that the length of time to fact-finding hearings, review hearings, termination petitions, and adoption completion has improved statewide, albeit modestly and inconsistently across county-level courts. The percentage of cases achieving permanency before 15 months of out-of-home care has also increased. On the other hand, the overall percentage of cases achieving certain statutory goals, especially in relation to adoption cases, remains relatively low—for example, (39%) of termination petitions are filed before 15 months of out-of-home care, and just 29% of adoptions are completed within six months of the termination order.

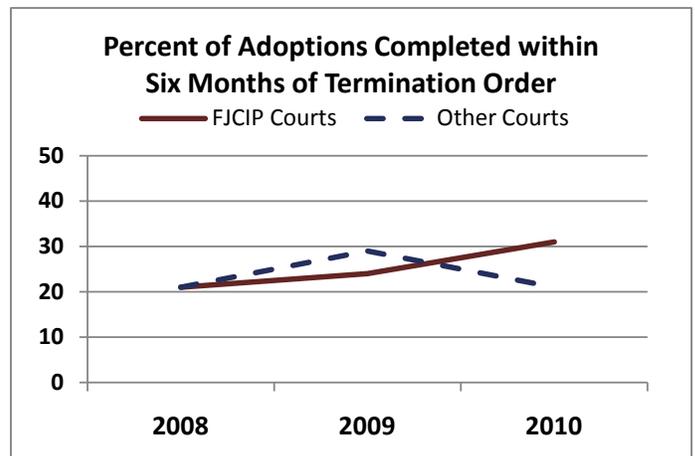
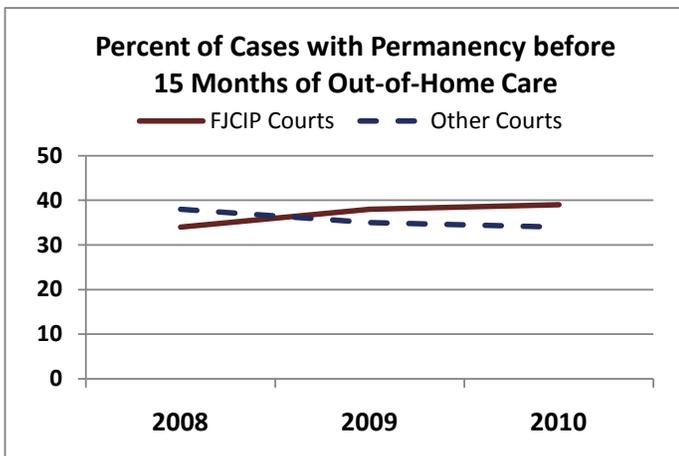
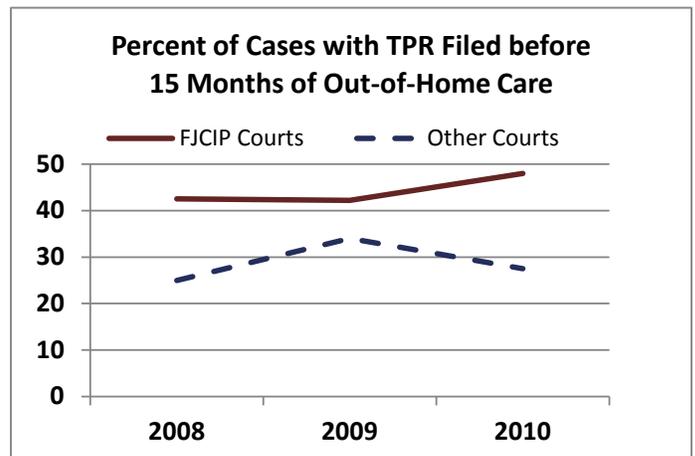
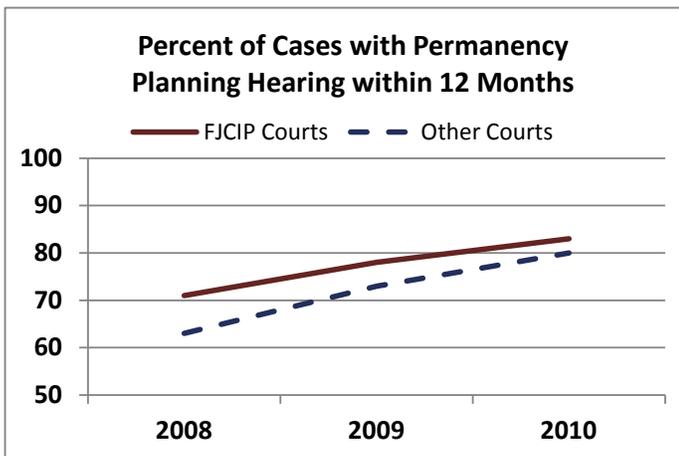
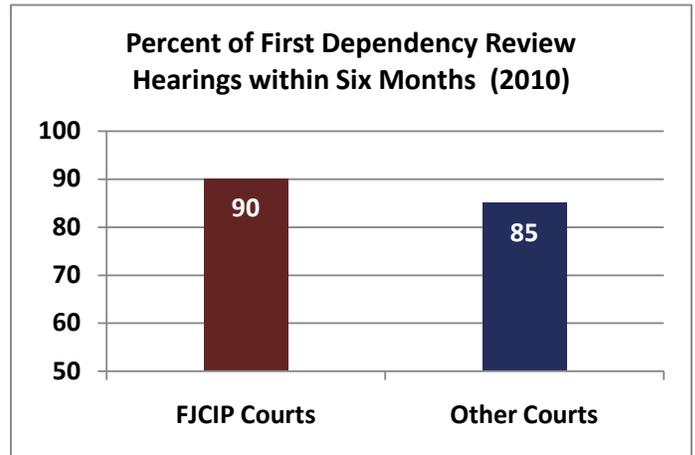
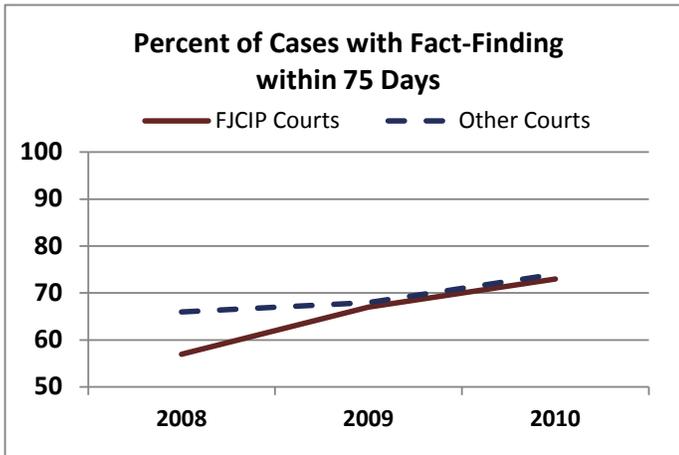
In addition, the longer-term educational and juvenile justice outcomes of dependent children indicate that much work remains to be done by all of the involved agencies to significantly improve the well-being of youth in the child welfare system. Youth with a history of a dependency case show signs of educational disengagement by the end of ninth grade and are more than twice as likely to drop out of school in comparison to their peers. With respect to court involvement, youth involved with the court on dependency matters are also three to four times more likely to be referred to juvenile court for a status offense, misdemeanor, or felony.

In order to further our understanding of the impact of child maltreatment, foster care, and court processes on children and their families, and to improve outcomes, efforts must continue and be enhanced across multiple agencies. Communication and collaboration between the Children’s Administration and the courts, as well as other related agencies, should be improved with respect to policy changes, practice standards, data sharing, and research. Understanding and improving the complex and interrelated nature of dependency cases will require carefully coordinated efforts. Such an undertaking will also require adequate and stable funding to support staff positions and other costs associated with developing, implementing, documenting, and sustaining improvements.

Toward those ends, the following recommendations are made:

- Increase the level of data received from Children’s Administration and clarify data entry, coding, and analysis of foster care events.
- Establish a timely and regular data exchange with Children’s Administration that is compatible with periodic management reporting and more frequent research updates.
- Establish better collaboration, coordination, and cooperation with child welfare and children’s research entities, including Partners for Our Children.
- Establish better consultation and communication around policy changes affecting the courts and child welfare partners.
- Improve communication and collaboration among local and state agencies to develop a system-wide, comprehensive view of dependent children’s overall outcomes.
- Design process and outcomes measures to assess the impact of changes in individual courts’ case processing practices.
- Improve consistency in use of court codes developed to track court performance.
- Establish adequate and stable funding to support courts’ research efforts in child welfare outcomes, including the sustainability of this report.

APPENDIX A: PERFORMANCE OF THE FJCIP COURTS ON THE DEPENDENCY TIMELINESS INDICATORS (2008-2010)



APPENDIX B: DEMOGRAPHIC CHARACTERISTICS OF CHILDREN IN DEPENDENCY CASES BY YEAR OF THE PETITION

	2006 (n=4,239)	2007 (n=4,530)	2008 (n=4,317)	2009 (n=3,871)	2010* (n=4,588)	Statewide Population
Race/Ethnicity:						
American Indian	10%	13%	12%	10%	10%	2%
Asian	2	2	2	3	3	6
Black	14	11	15	14	13	4
Hispanic	15	15	14	14	15	15
White	58	57	57	56	55	67
Other/Unknown	1	1	1	4	4	6
Gender:						
Female	51	49	49	48	51	49
Male	49	50	50	51	48	51
Age at Filing:						
< 1	30	27	27	27	24	6
1-2	15	15	17	17	18	12
3-5	16	16	16	17	19	17
6-11	24	24	24	22	22	32
12-17	16	17	17	17	17	33

* through 11/1/10

APPENDIX C: DEPENDENCY FILINGS BY COUNTY

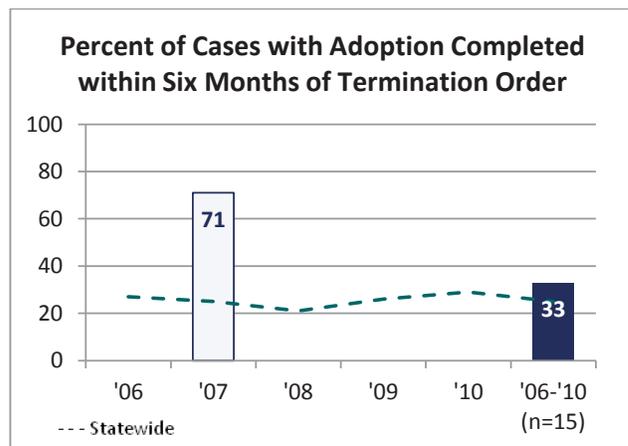
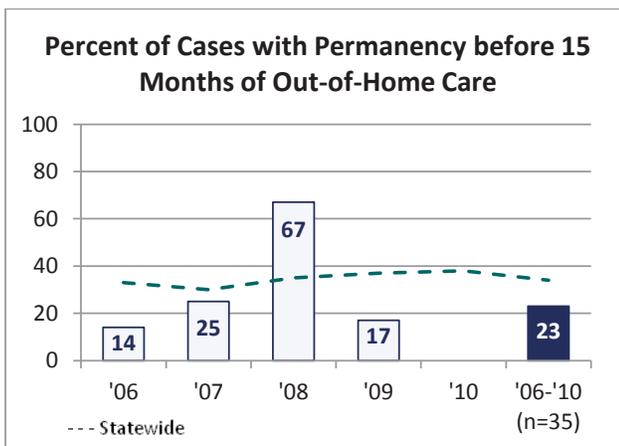
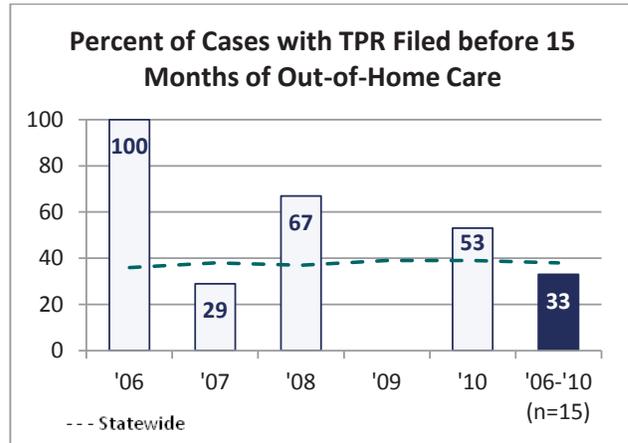
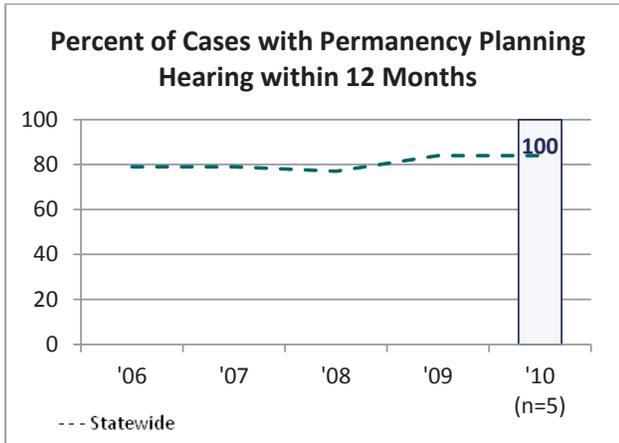
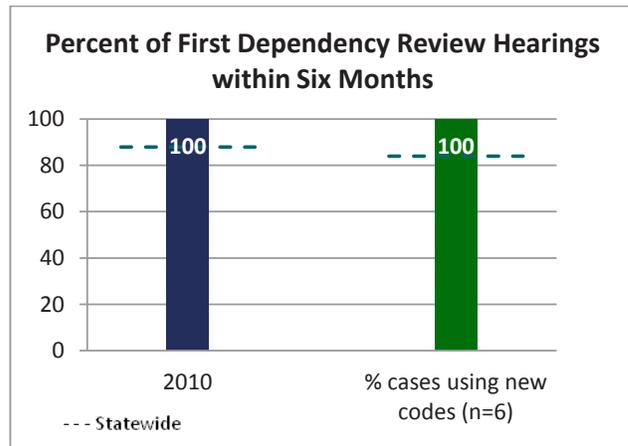
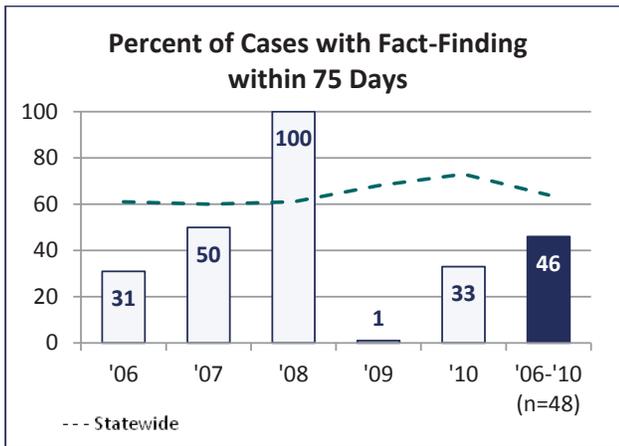
County	2009	2010	Percent change
Adams	5	14	180%
Asotin	5	19	280%
Benton	118	118	0%
Chelan	37	40	8%
Clallam	57	80	40%
Clark	259	343	32%
Columbia	14	14	0%
Cowlitz	60	95	58%
Douglas	8	8	0%
Ferry	7	12	71%
Franklin	70	66	-6%
Garfield	1	7	600%
Grant	55	85	55%
Grays Harbor	105	149	42%
Island	31	36	16%
Jefferson	10	37	270%
King	619	809	31%
Kitsap	160	287	79%
Kittitas	24	33	38%
Klickitat	18	24	33%

County	2009	2010	Percent change
Lewis	30	60	100%
Lincoln	5	6	20%
Mason	59	64	8%
Okanogan	25	30	20%
Pacific	16	17	6%
Pend Oreille	12	19	58%
Pierce	594	923	55%
San Juan	0	3	300%
Skagit	62	135	118%
Skamania	12	19	58%
Snohomish	392	460	17%
Spokane	479	520	9%
Stevens	41	60	46%
Thurston	94	114	21%
Wahkiakum	1	0	-100%
Walla Walla	46	27	-41%
Whatcom	152	202	33%
Whitman	15	23	53%
Yakima	185	202	9%
Statewide	3883	5160	33%

APPENDIX D: PERFORMANCE MEASURES BY COUNTY

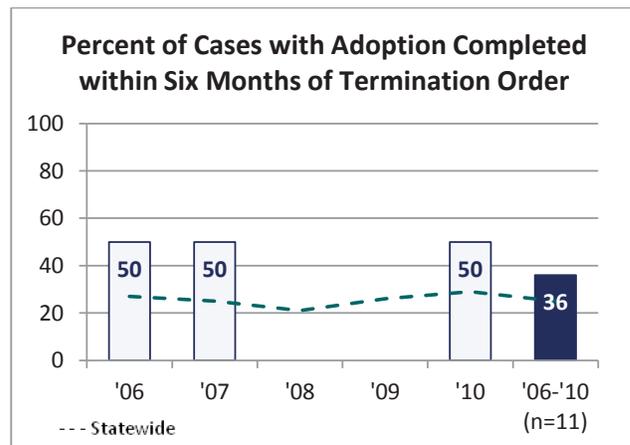
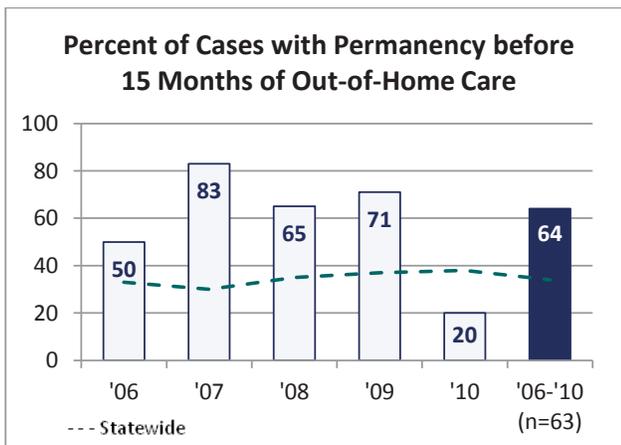
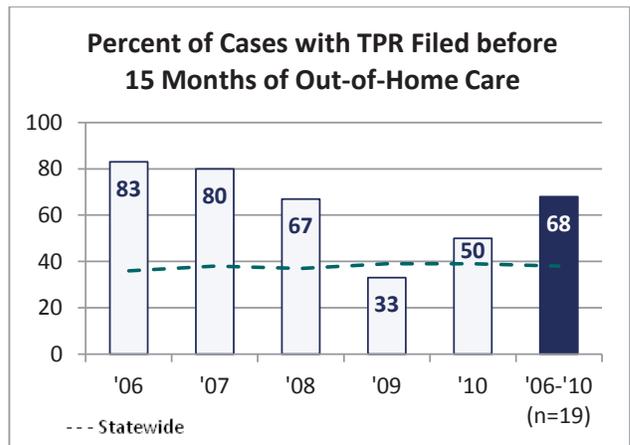
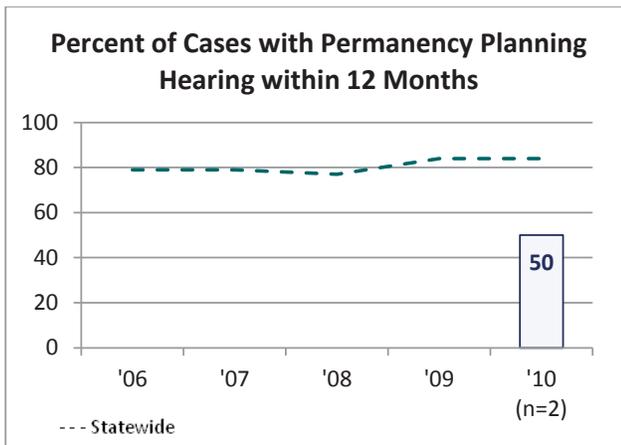
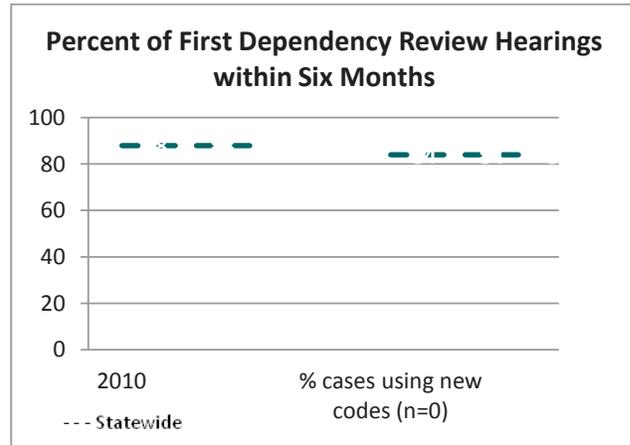
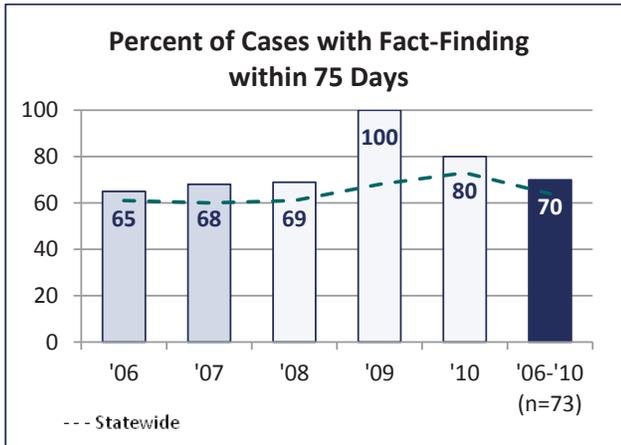
1. Percent of cases with fact-finding within 75 days
2. Percent of review hearings within six months
3. Percent of cases with permanency planning hearing within 12 months of placement
4. Percent of cases with permanency before 15 months of out-of-home care
5. Percent of cases with TPR petition filed before 15 months of out-of-home care
6. Percent of cases with adoption completed within six months of the termination order

Note: Statistics for 2010 include case events through October 31, 2010.



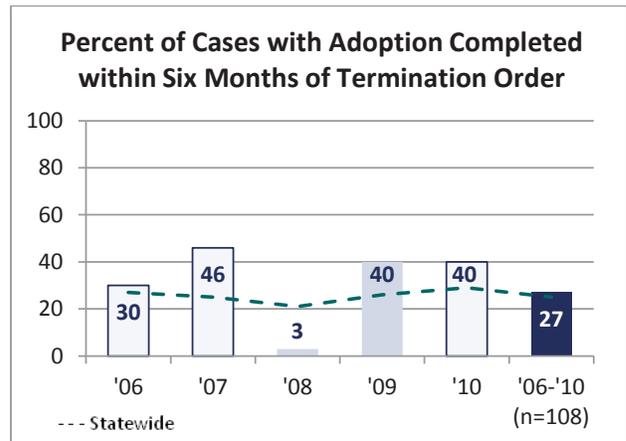
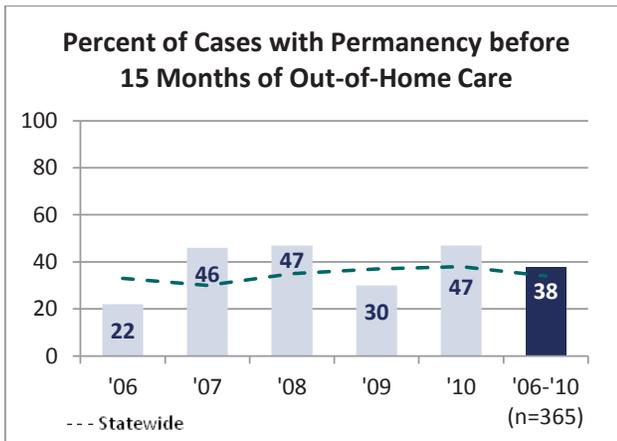
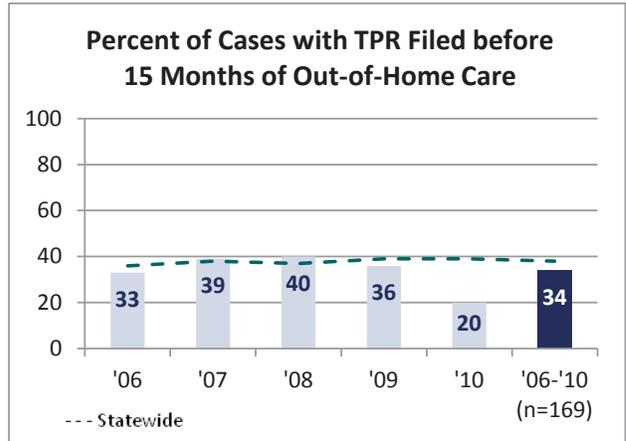
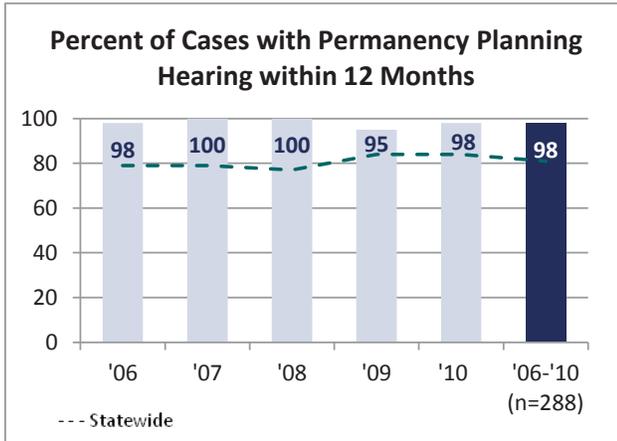
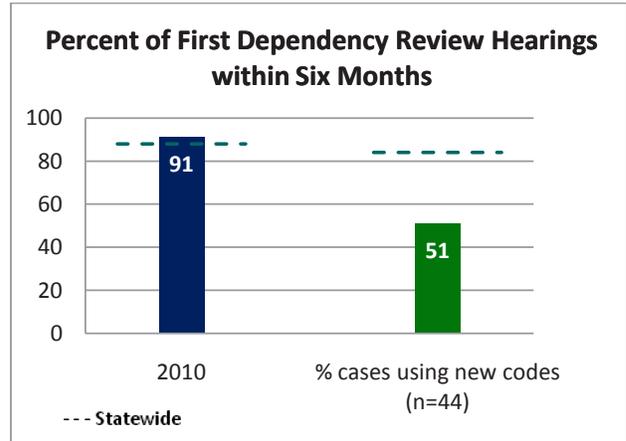
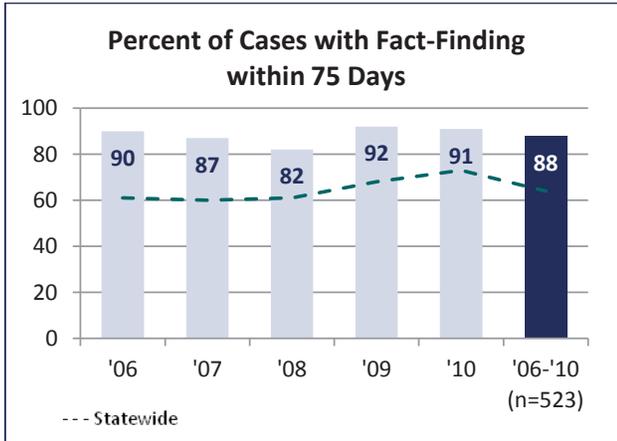
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20+ Case Events



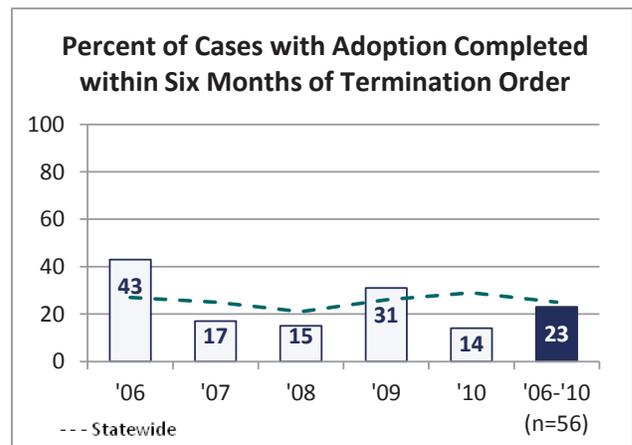
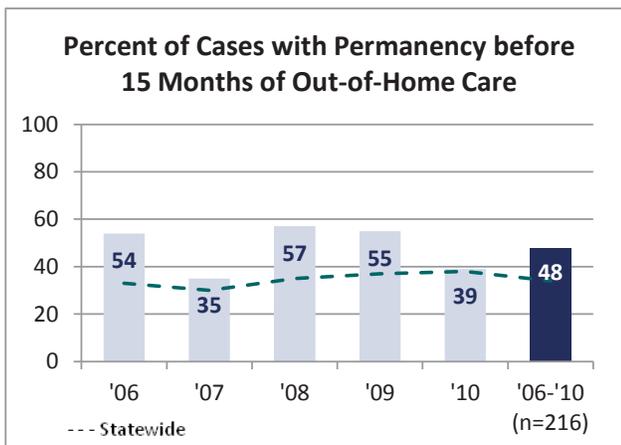
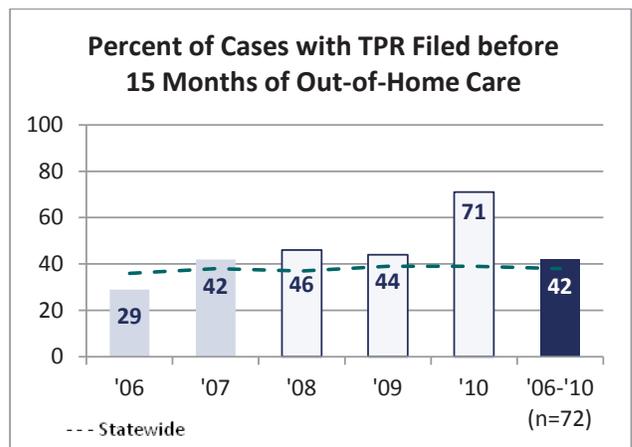
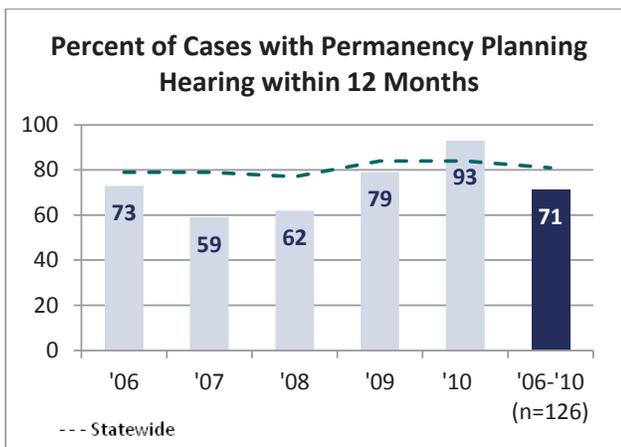
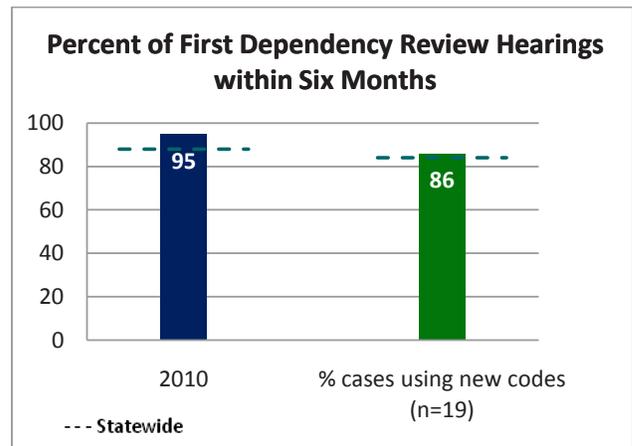
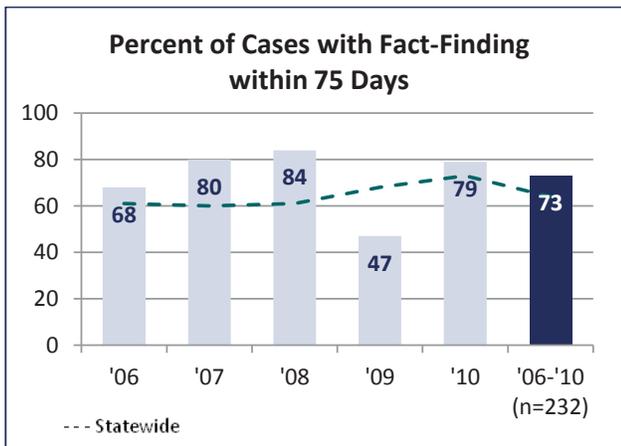
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20+ Case Events



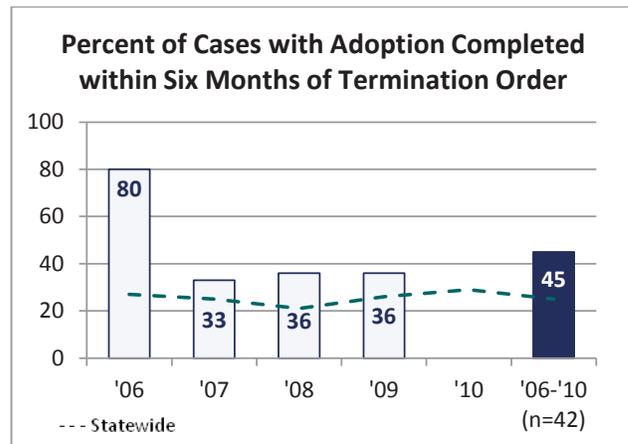
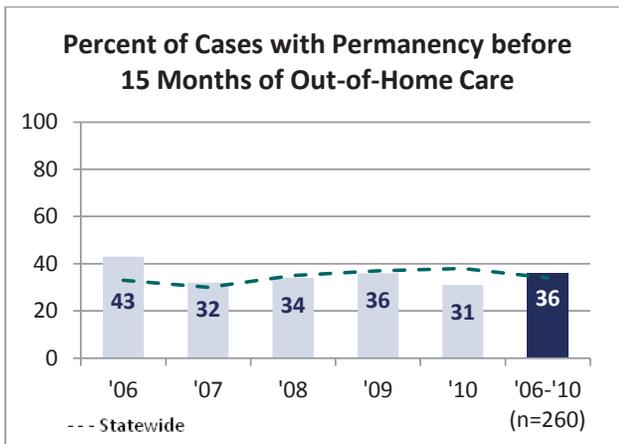
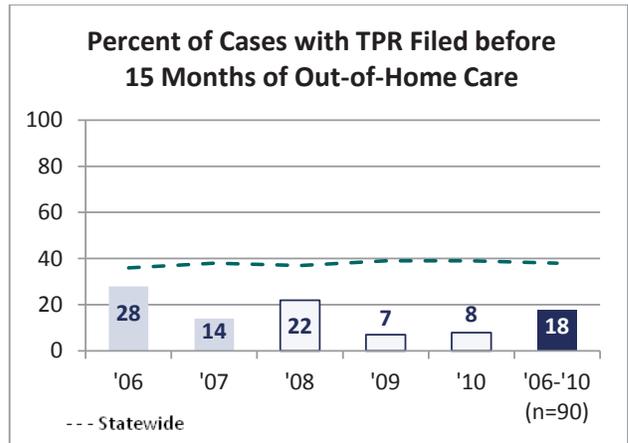
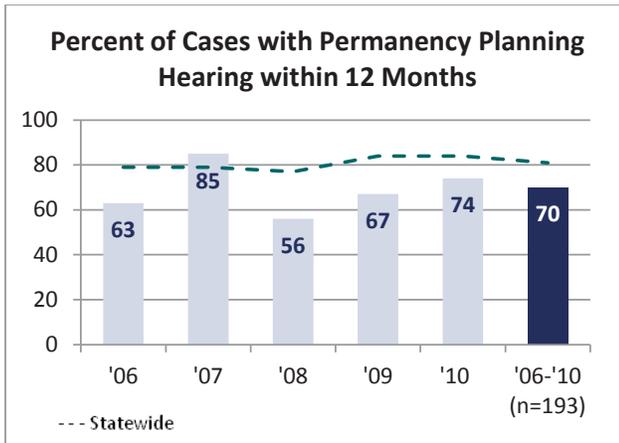
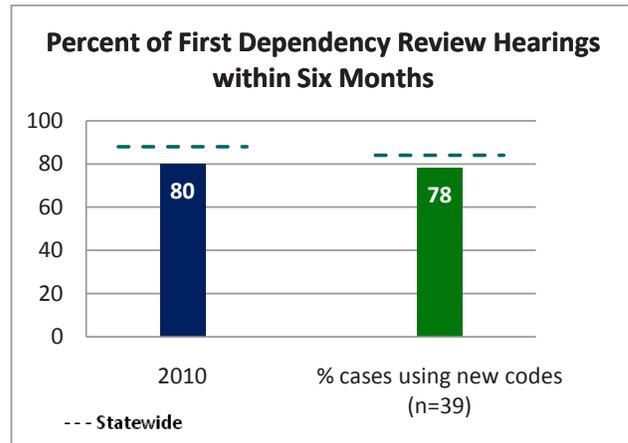
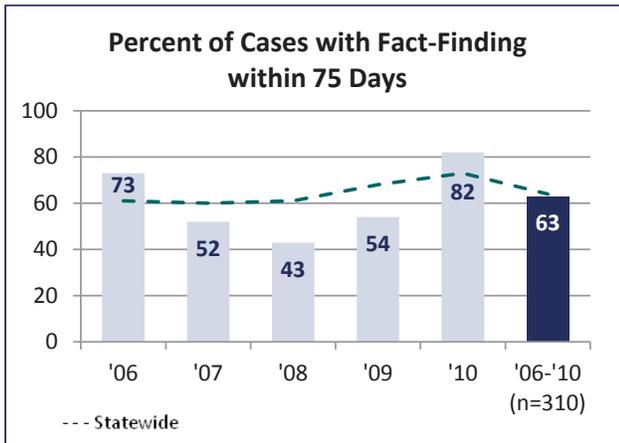
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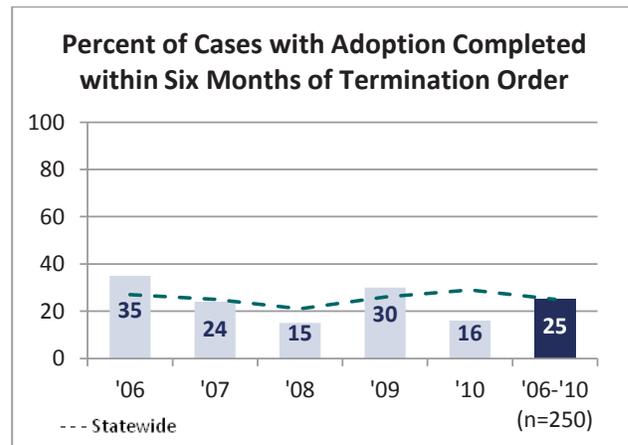
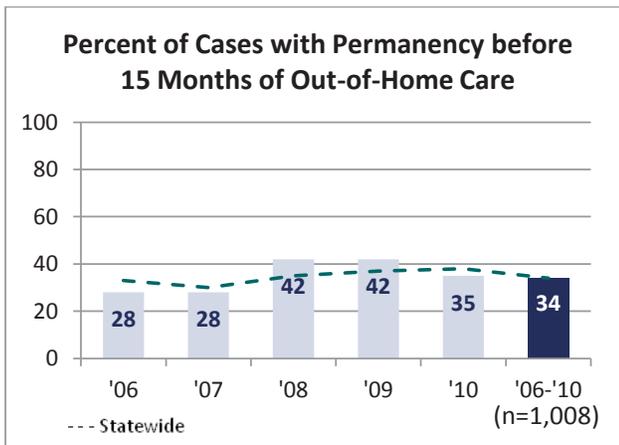
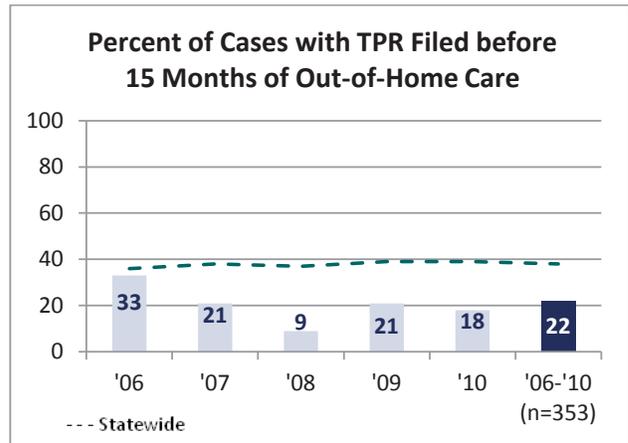
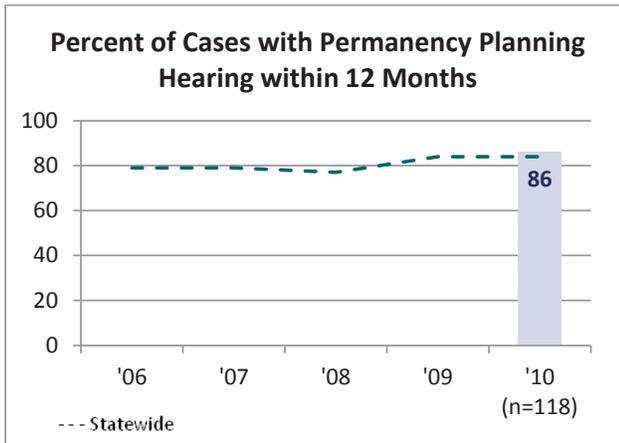
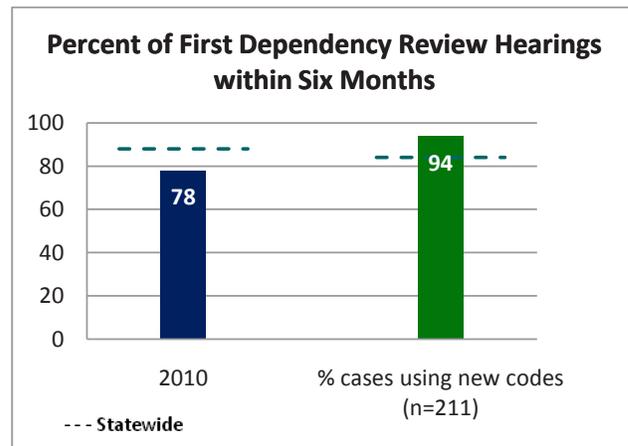
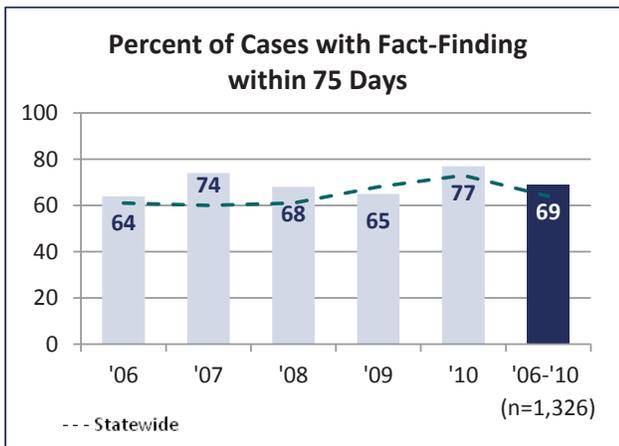
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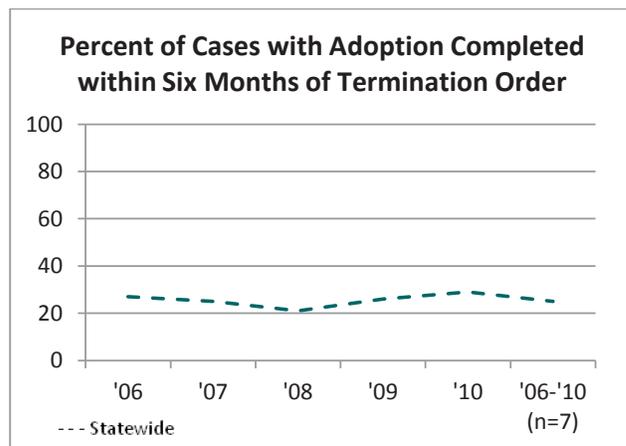
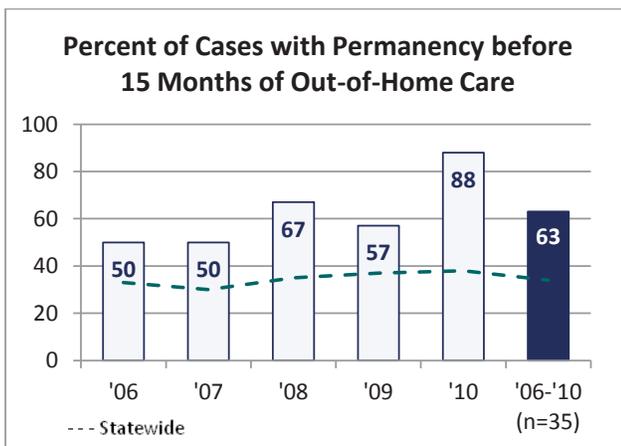
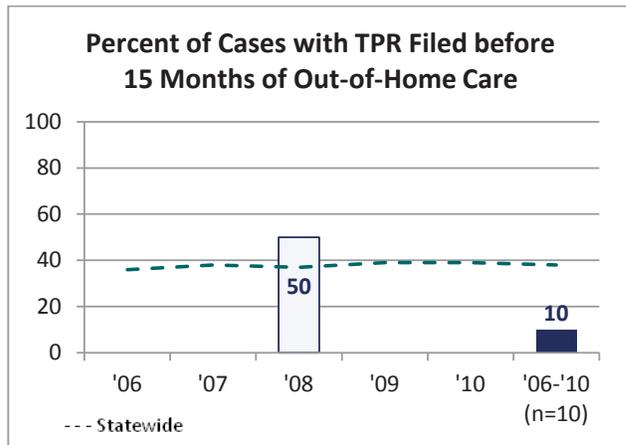
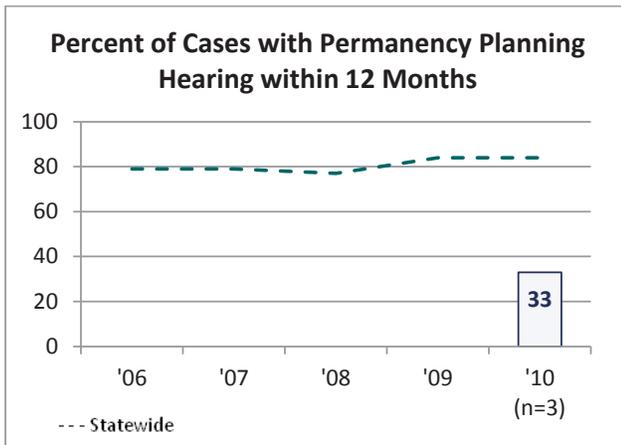
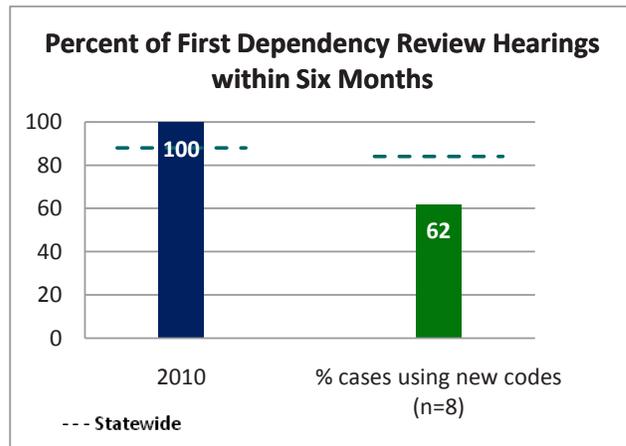
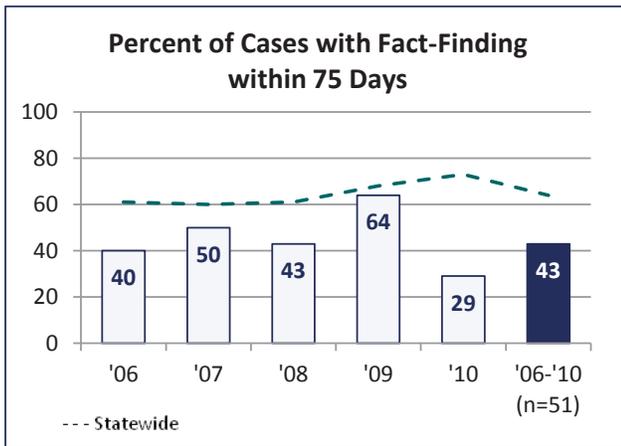
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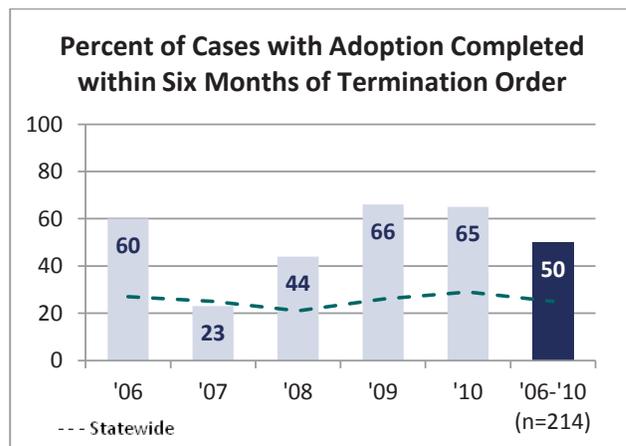
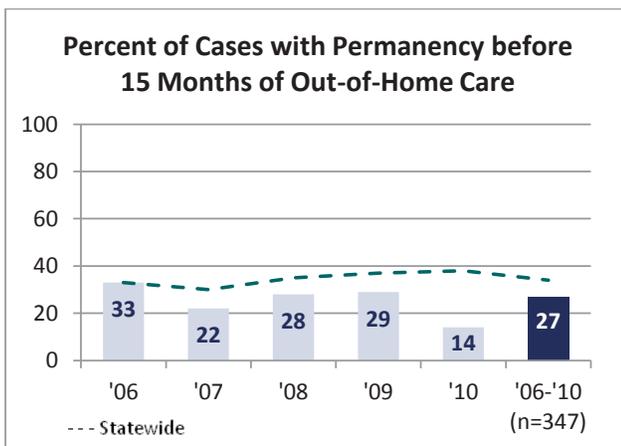
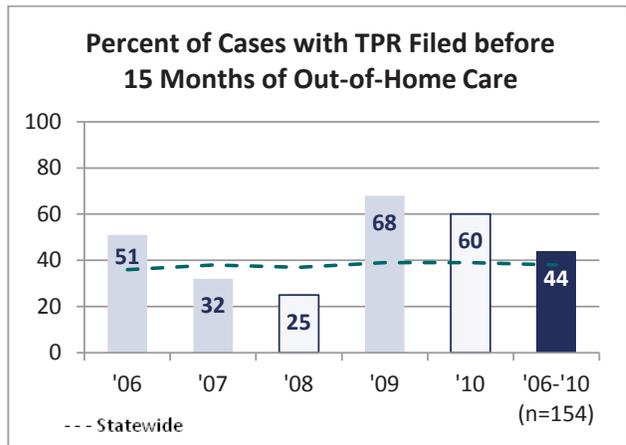
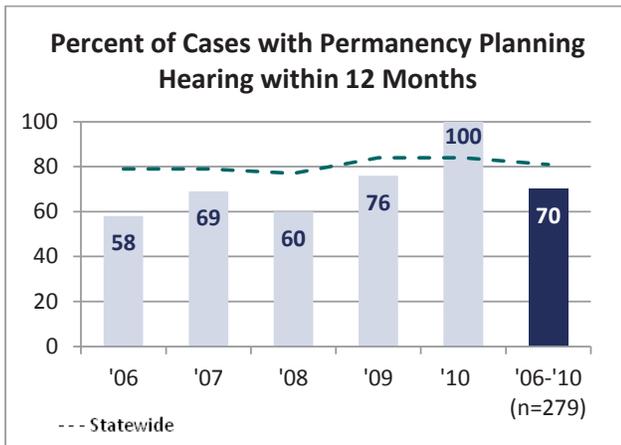
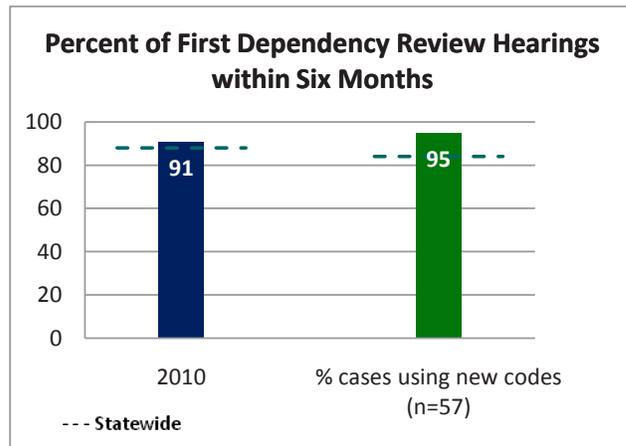
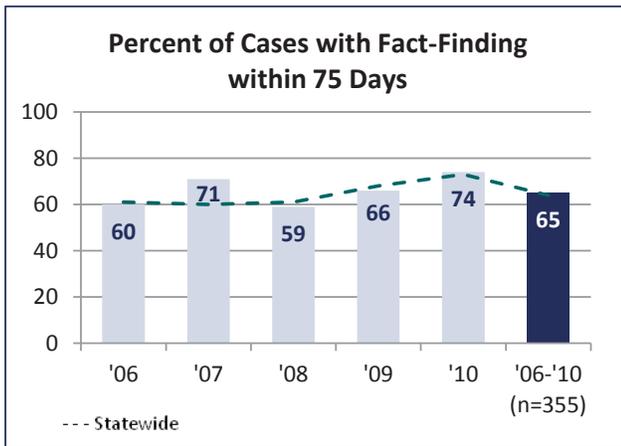
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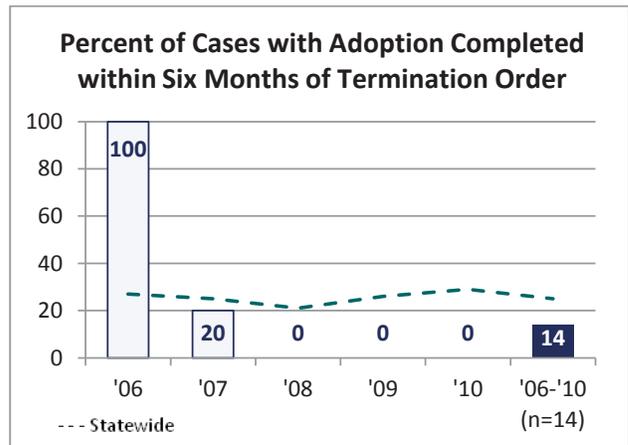
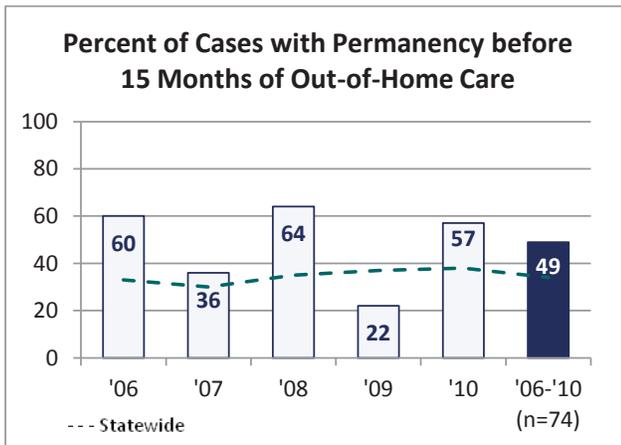
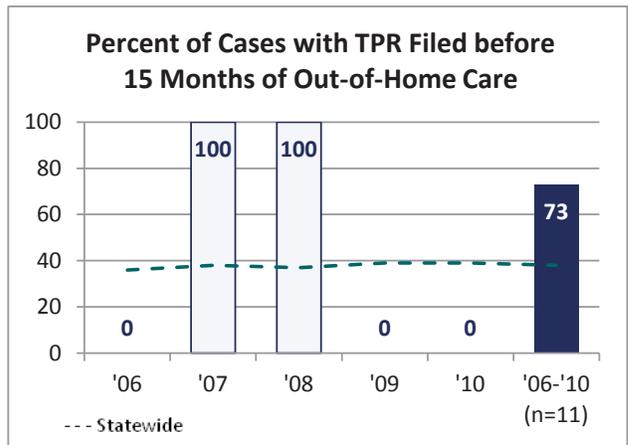
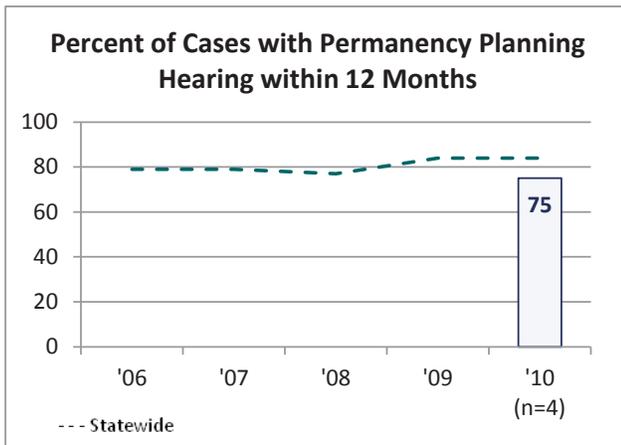
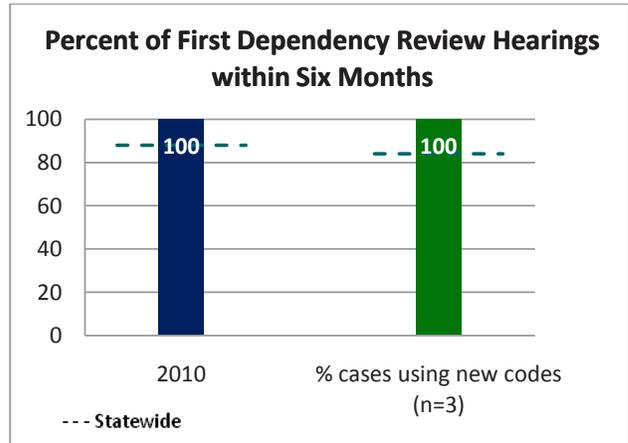
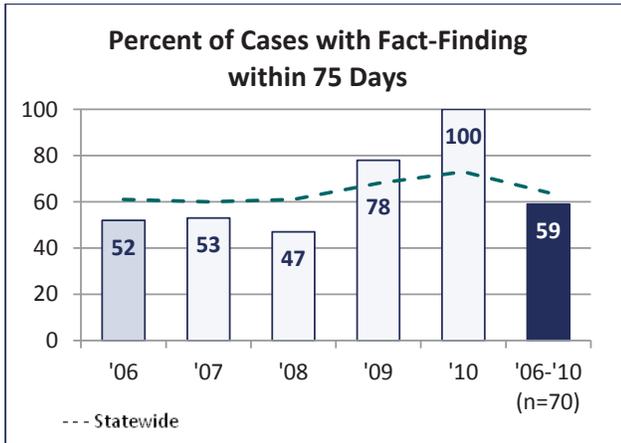
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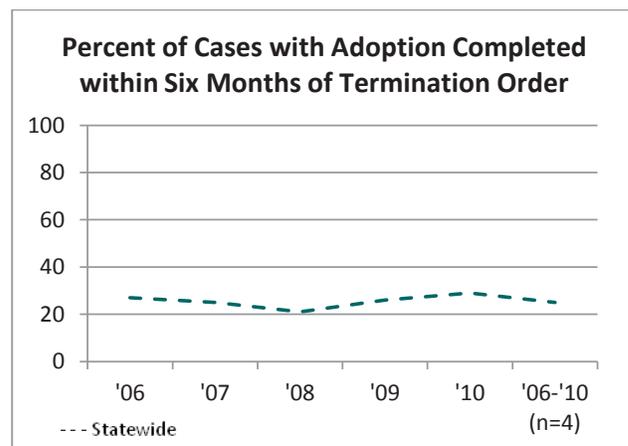
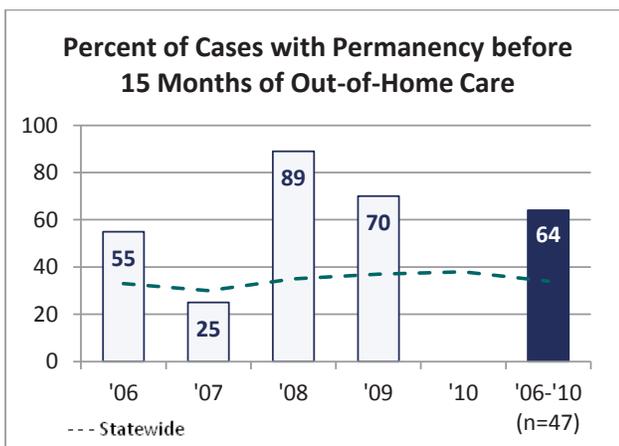
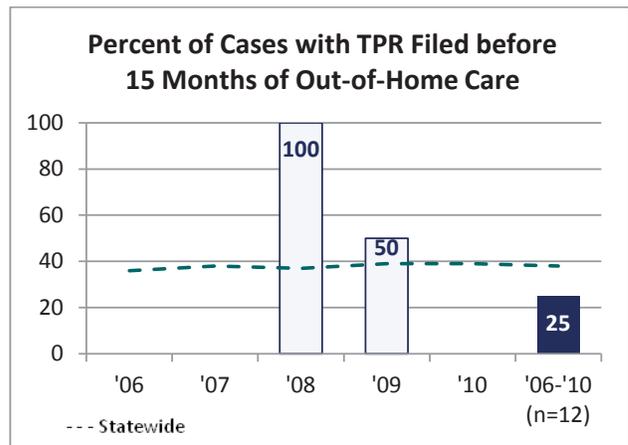
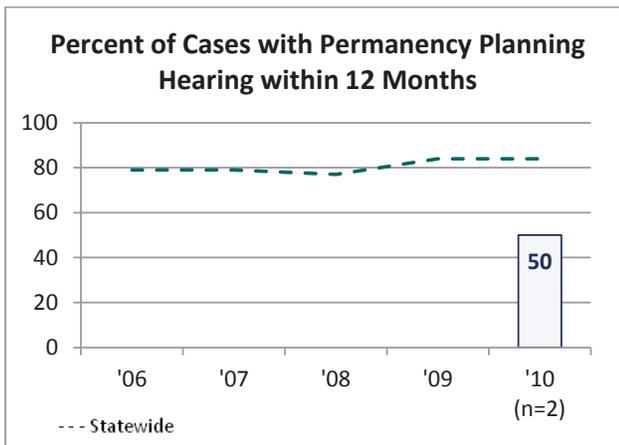
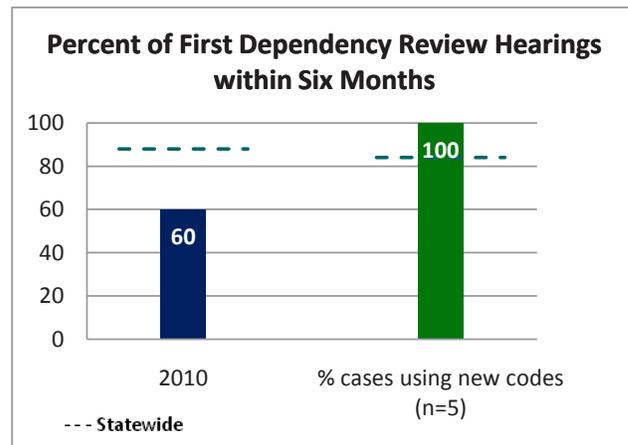
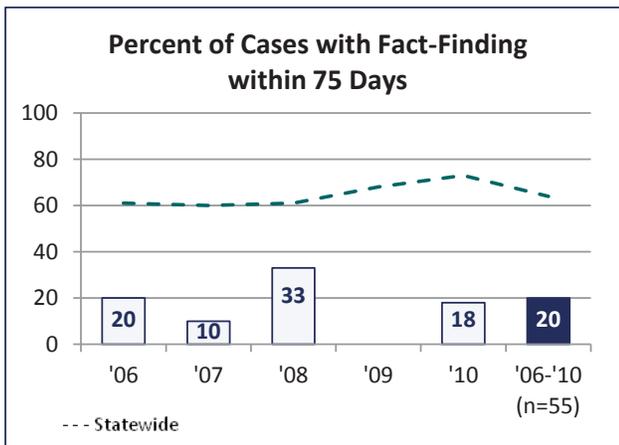
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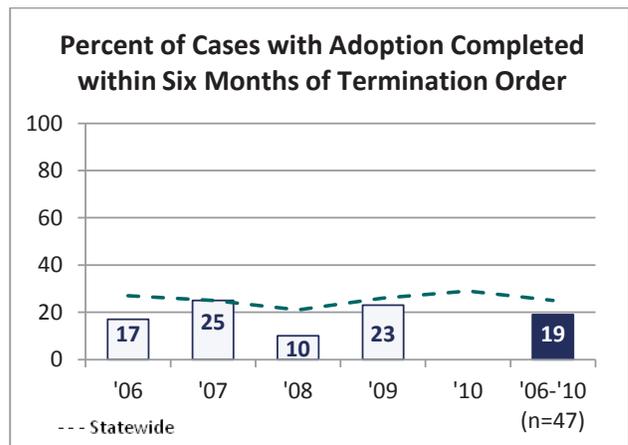
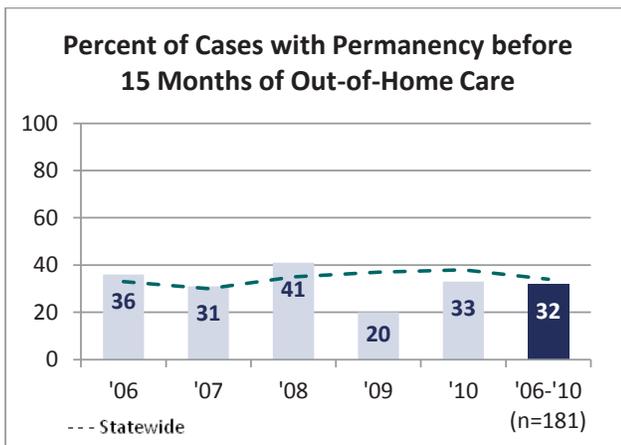
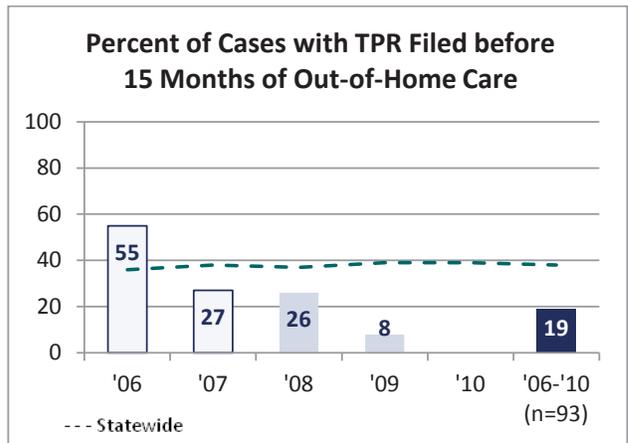
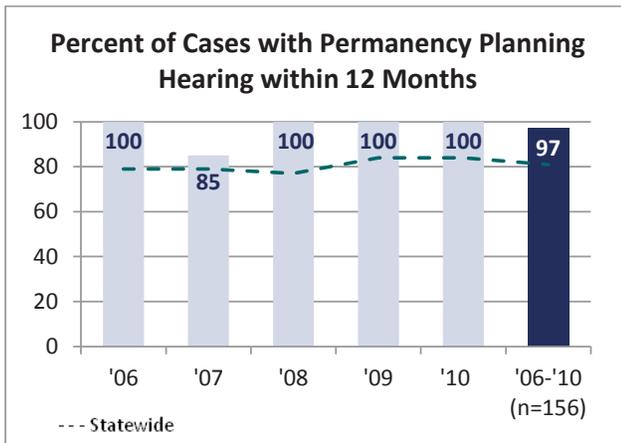
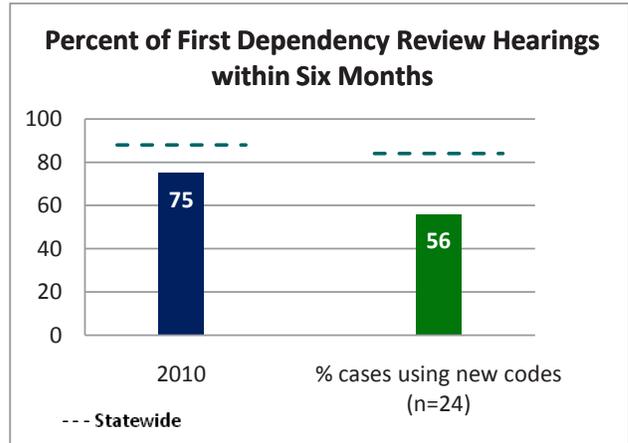
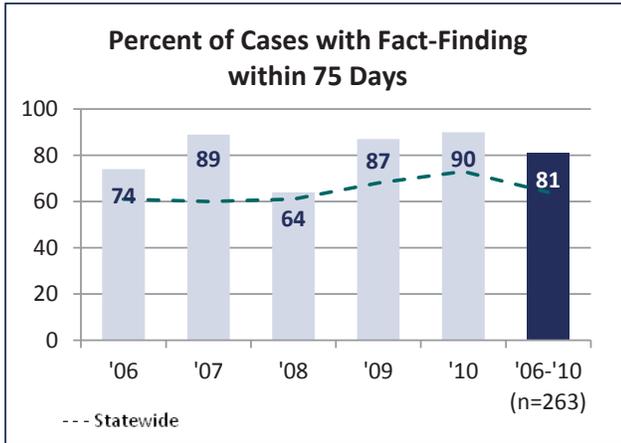
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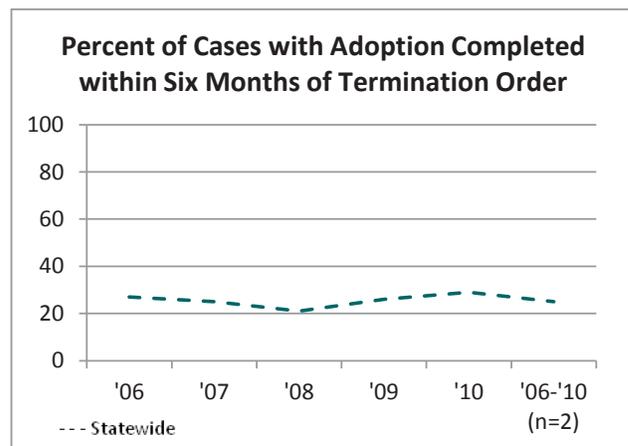
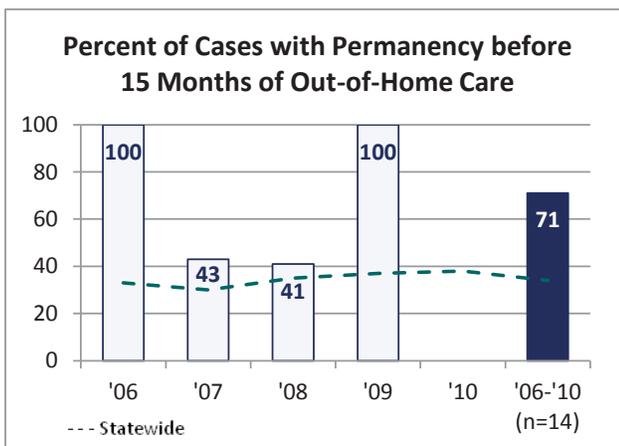
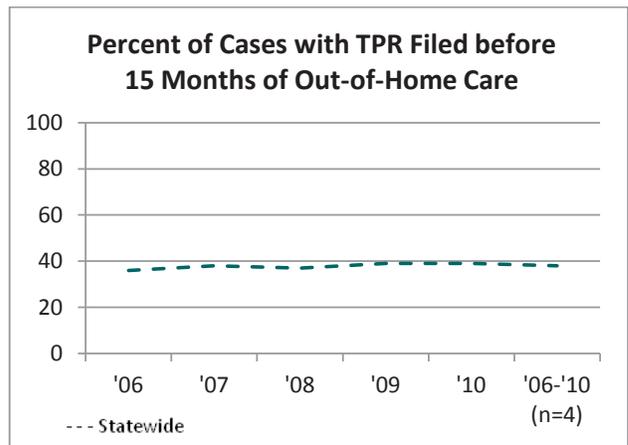
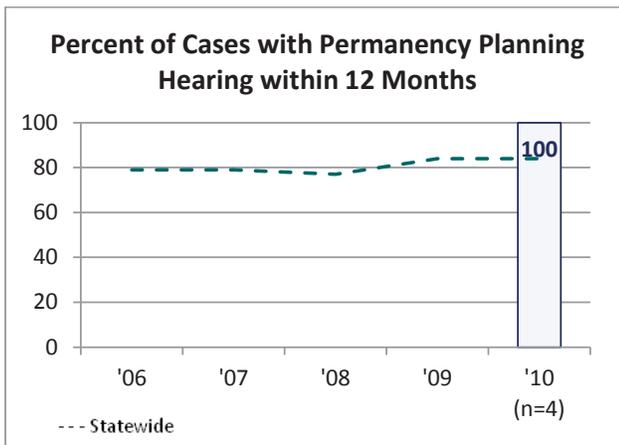
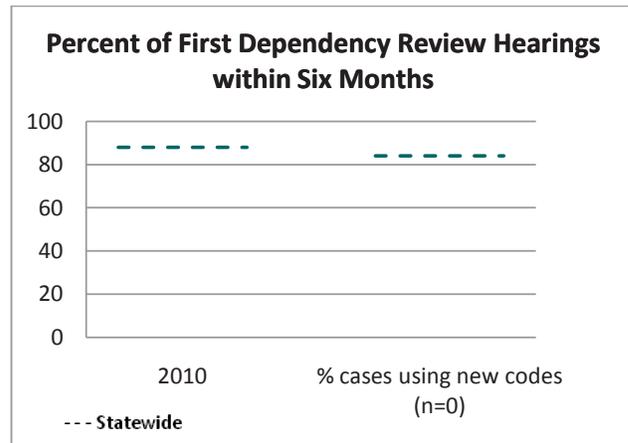
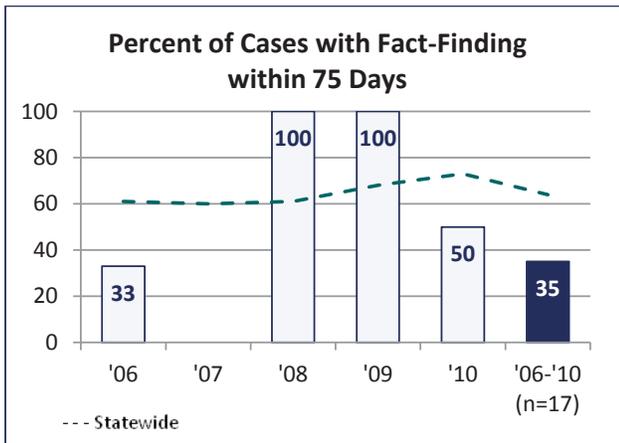
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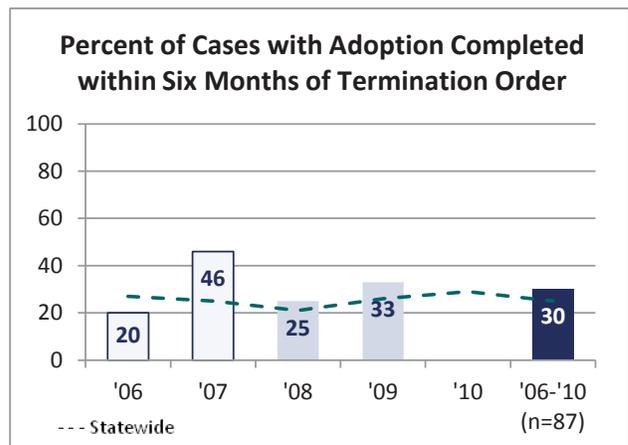
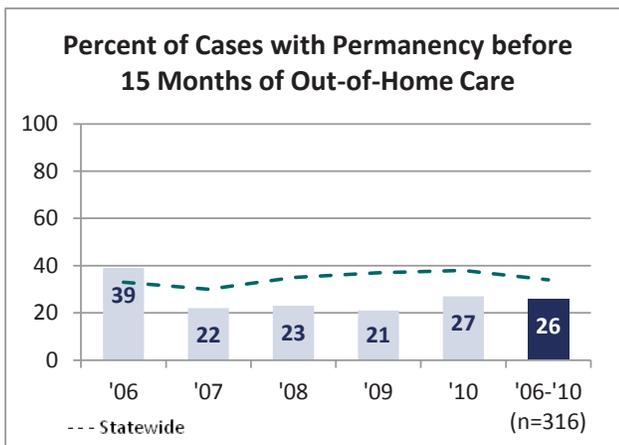
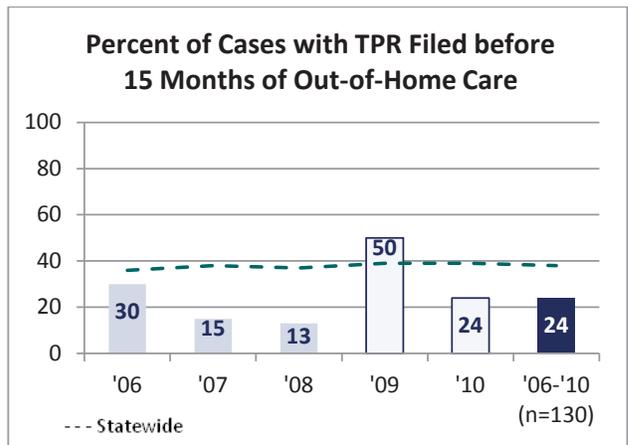
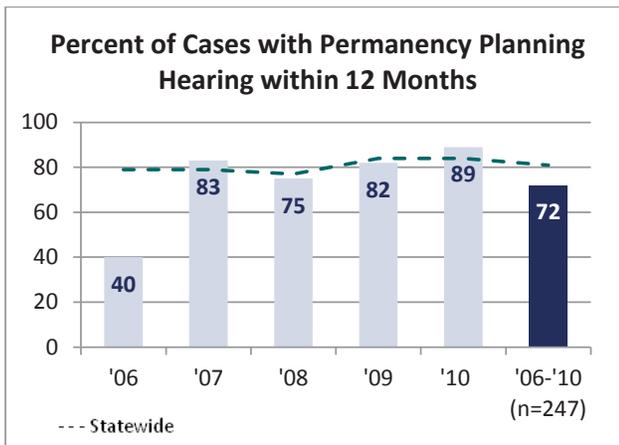
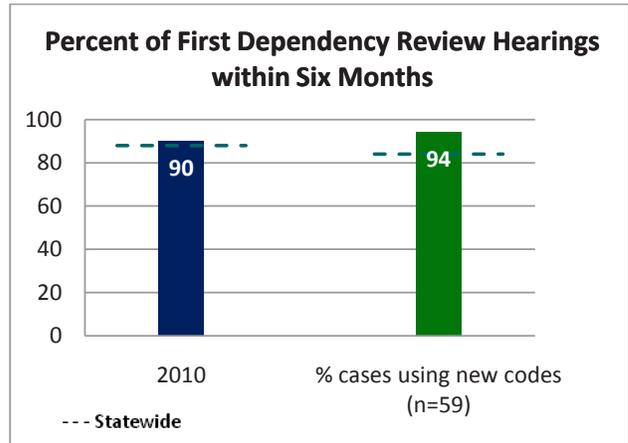
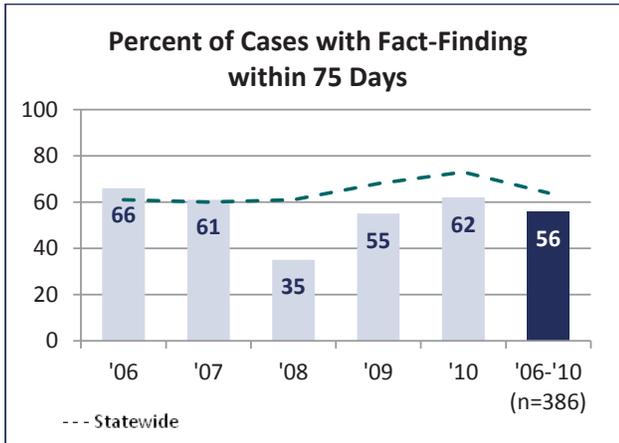
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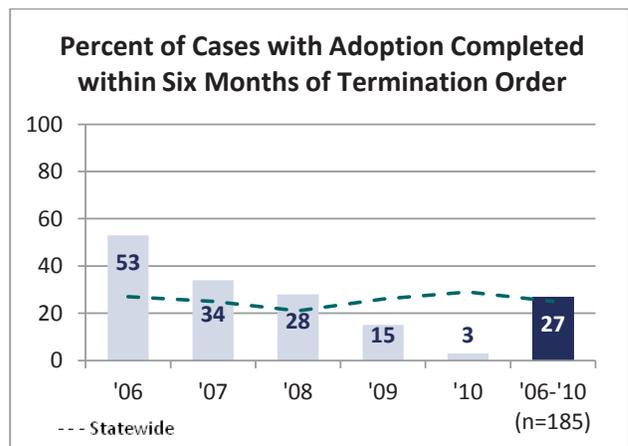
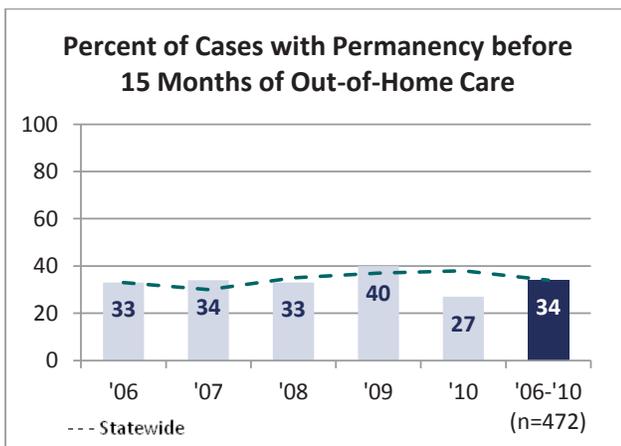
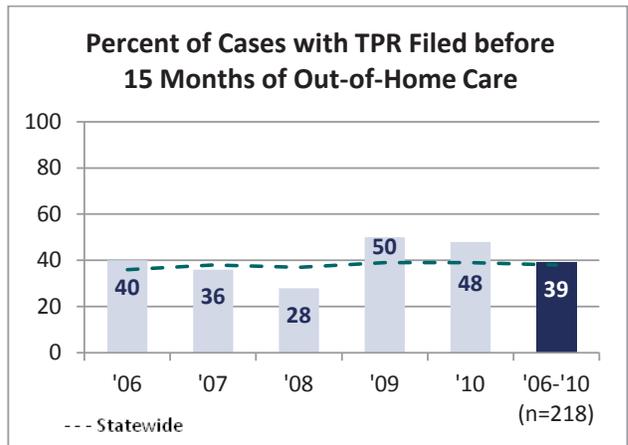
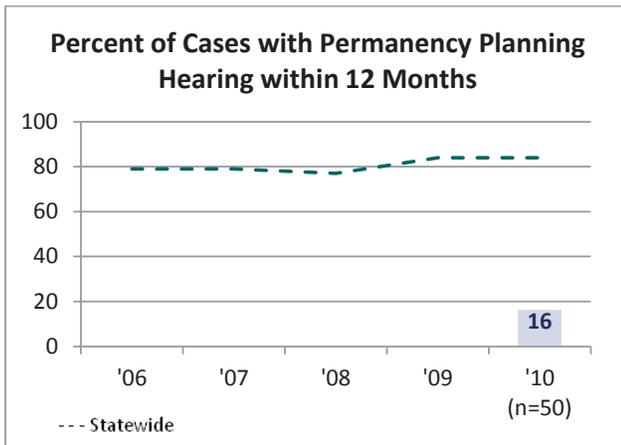
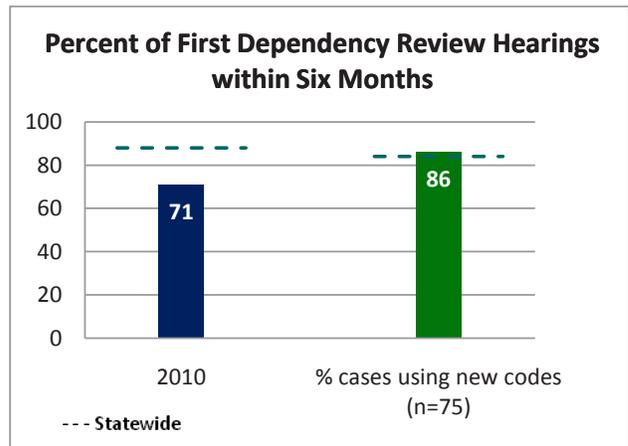
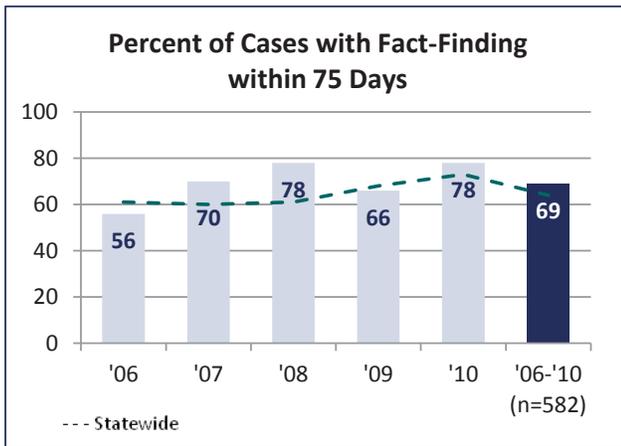
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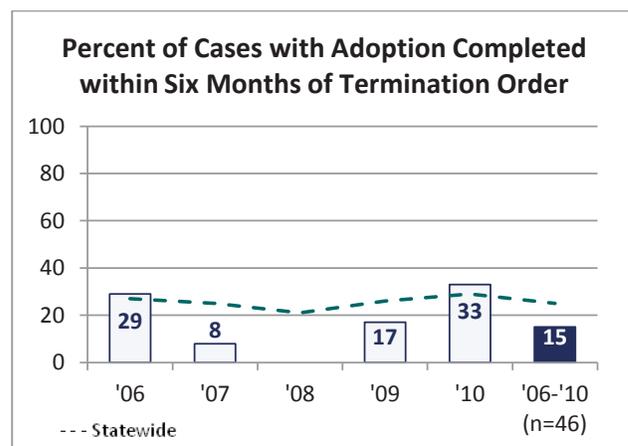
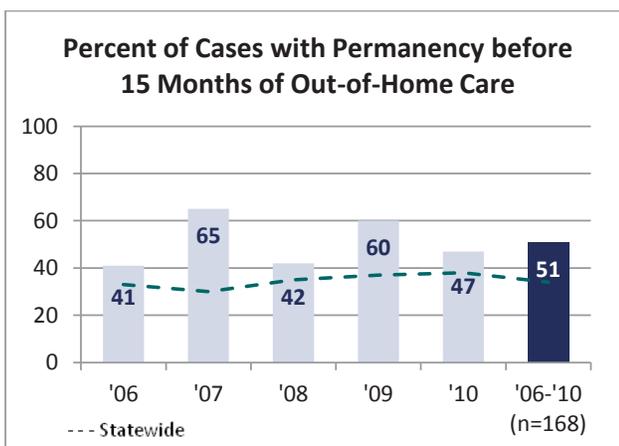
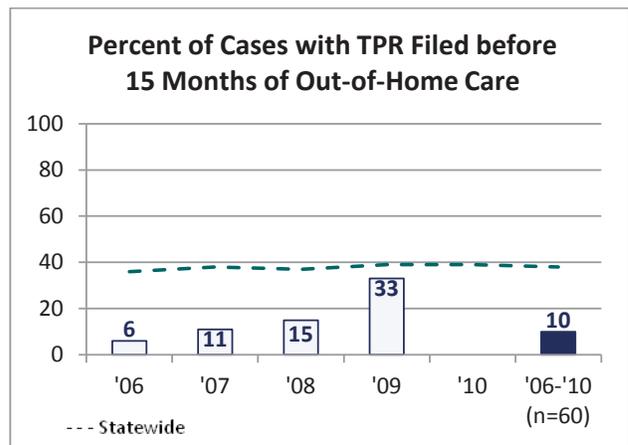
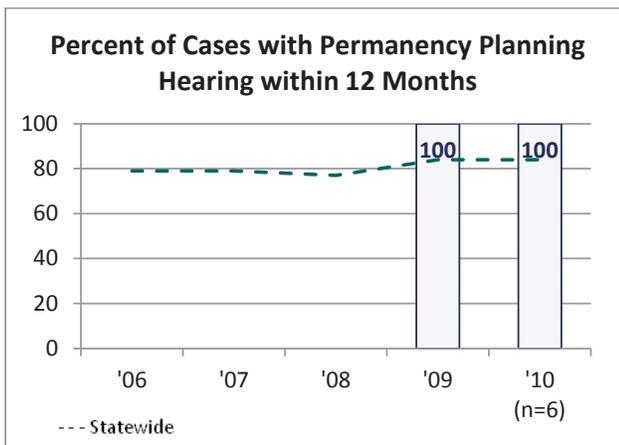
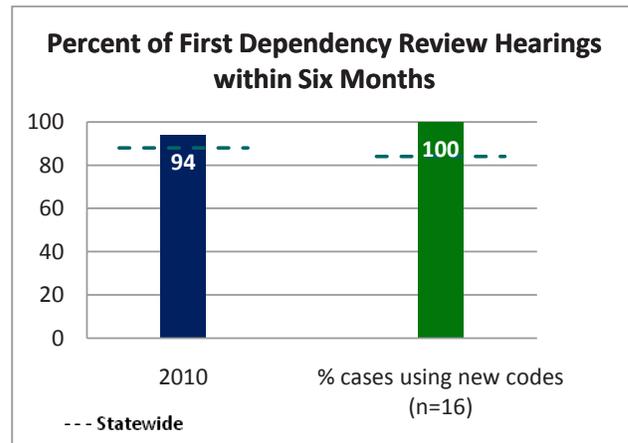
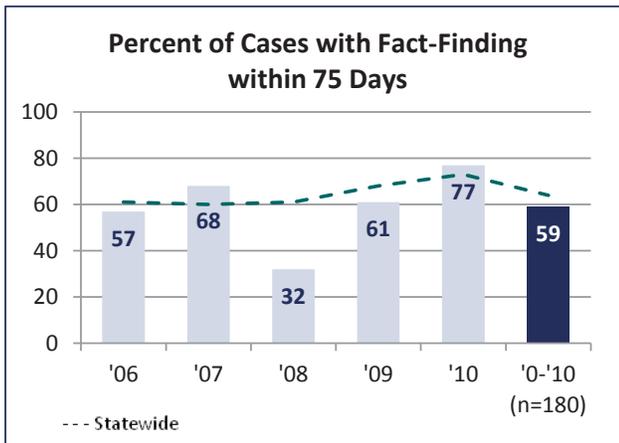
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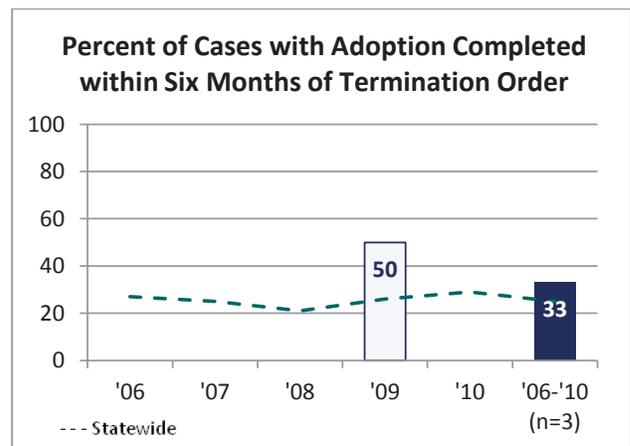
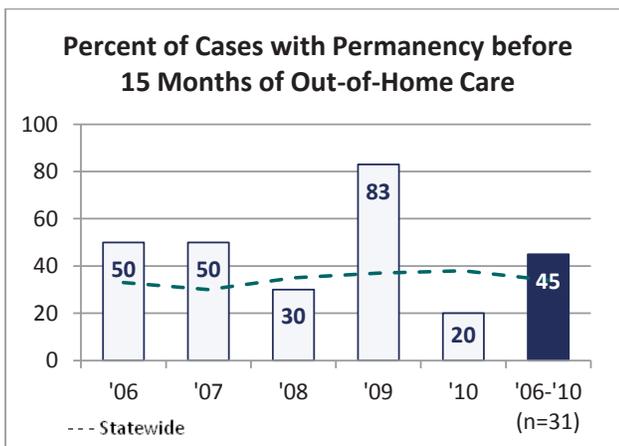
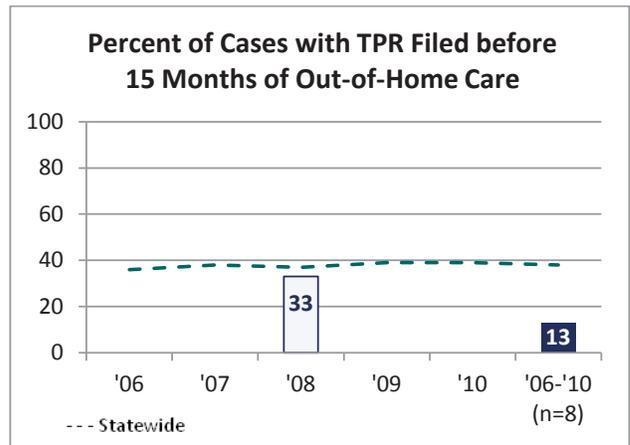
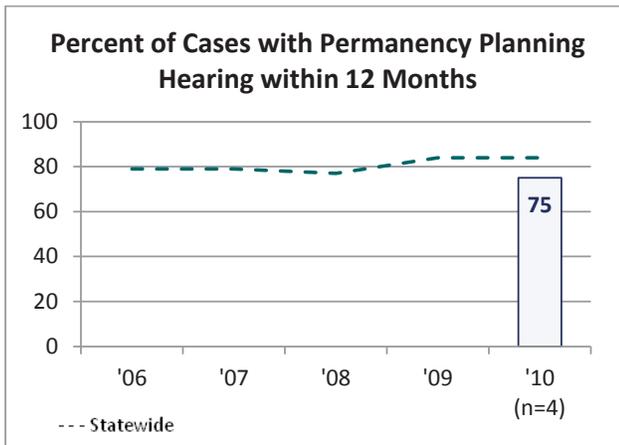
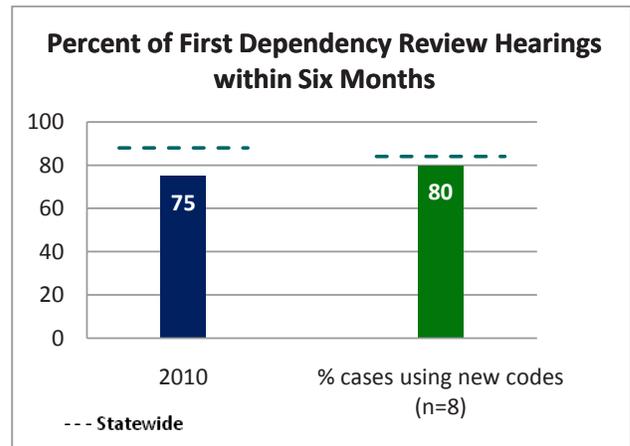
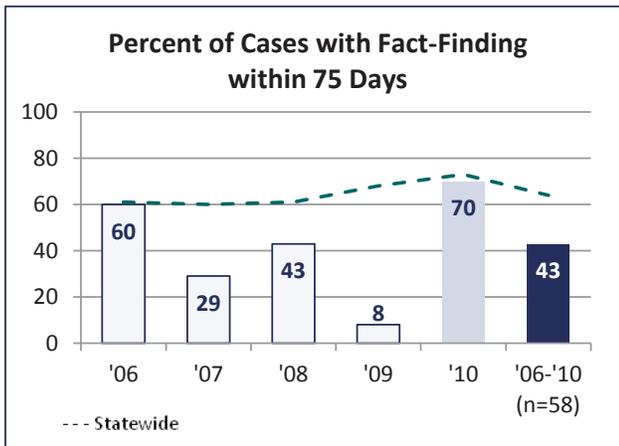


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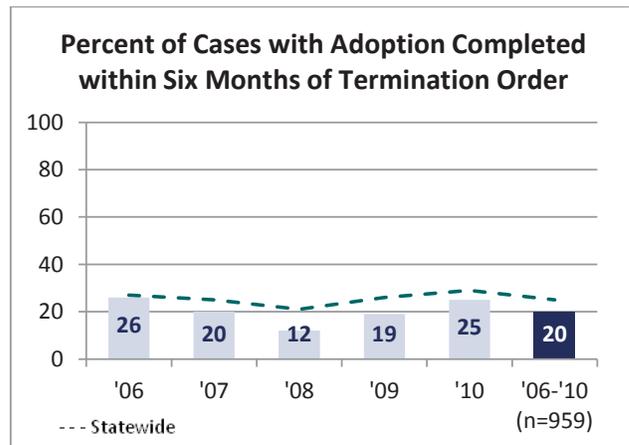
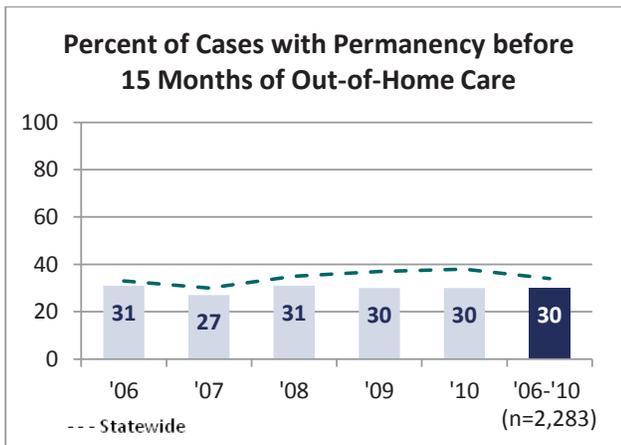
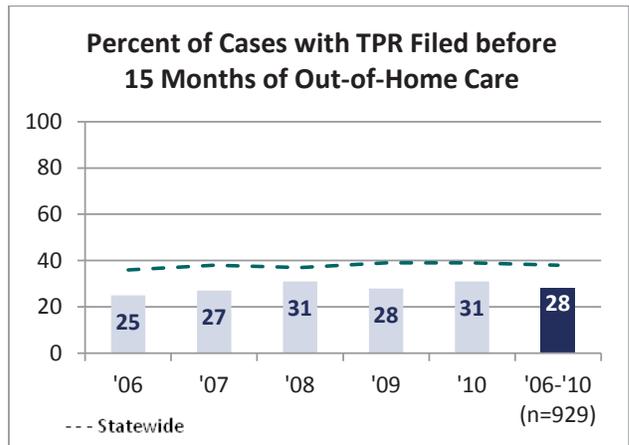
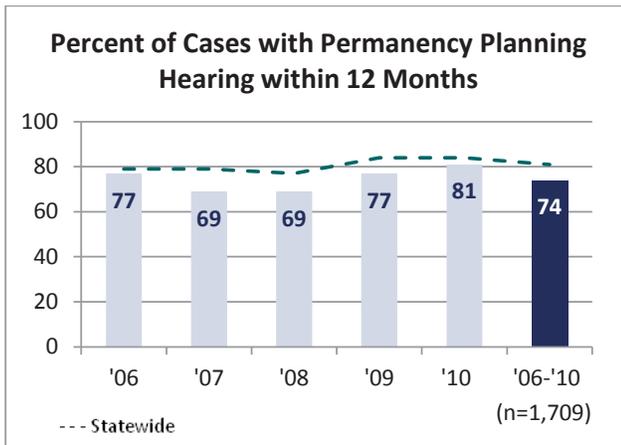
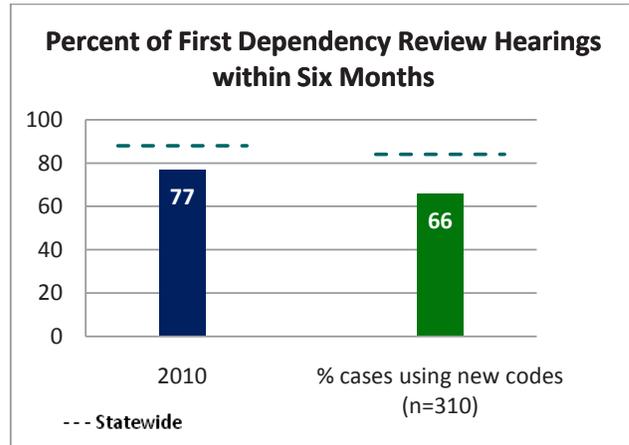
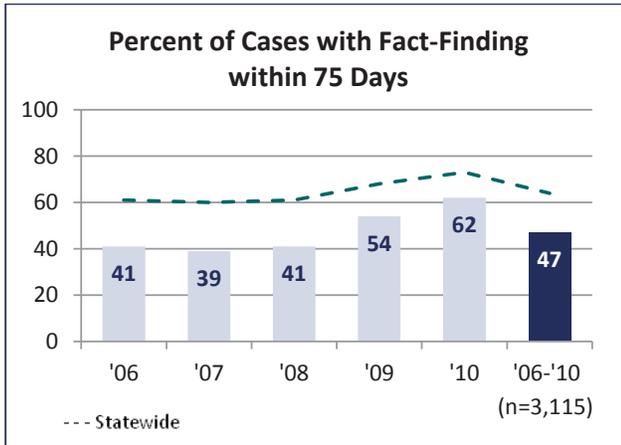
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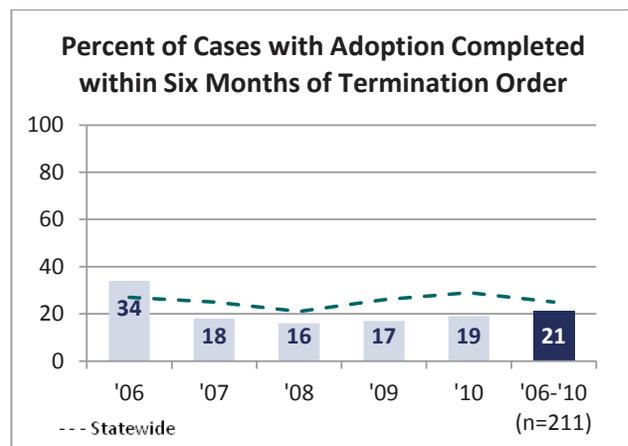
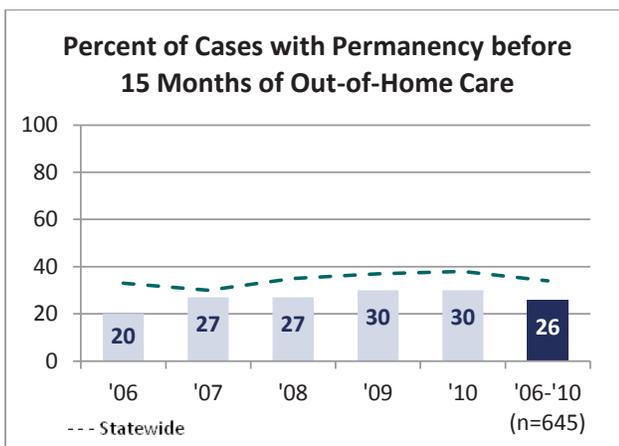
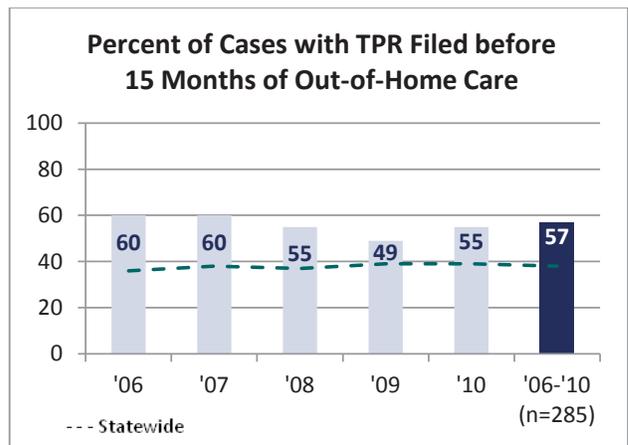
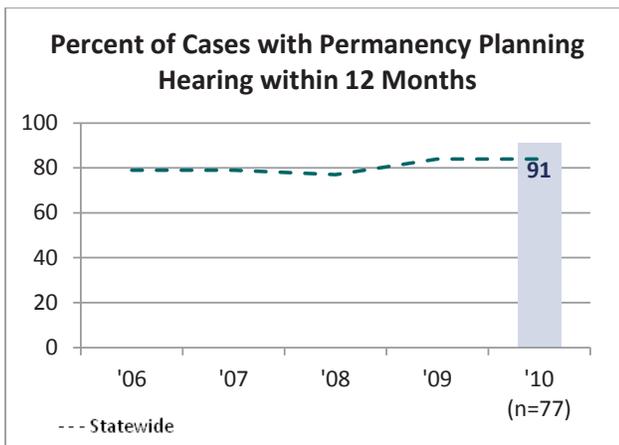
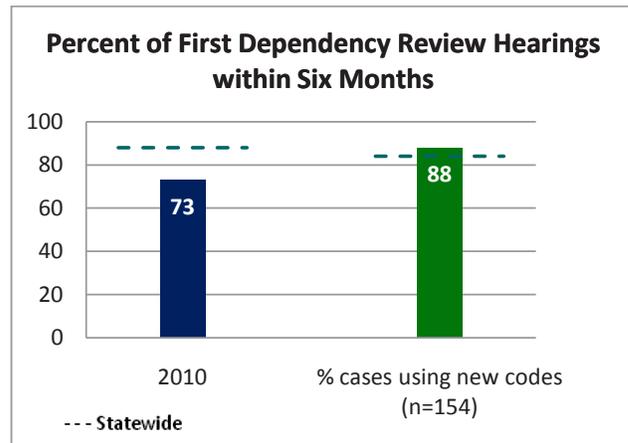
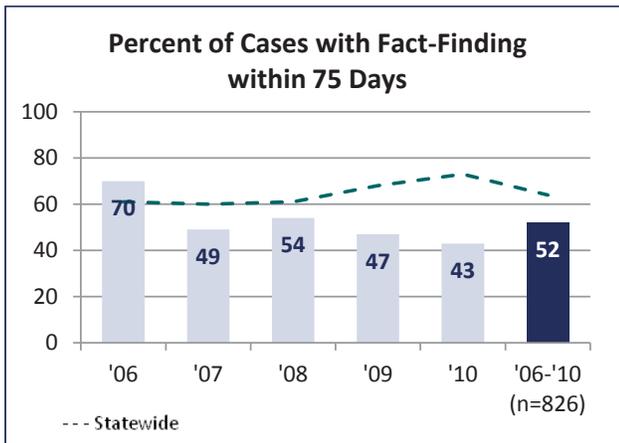
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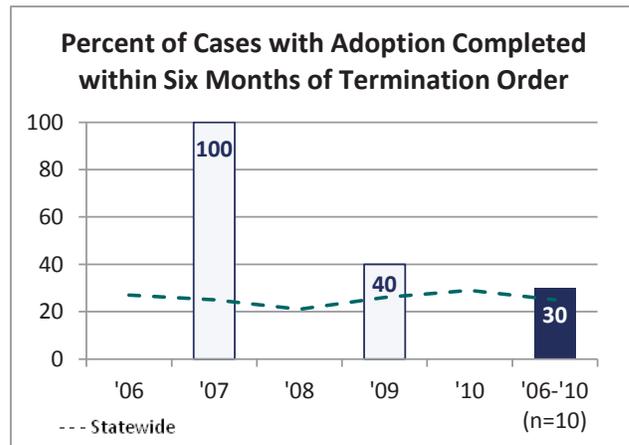
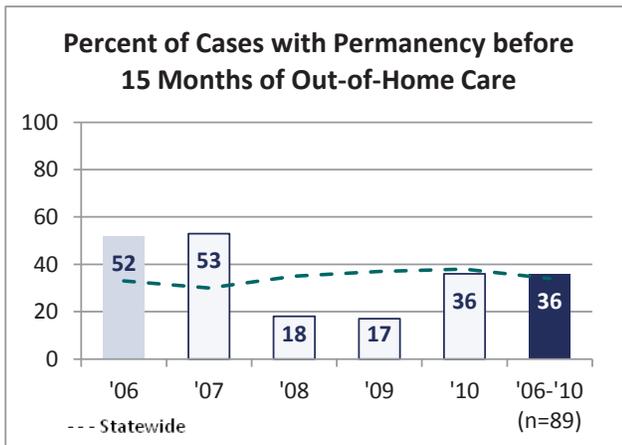
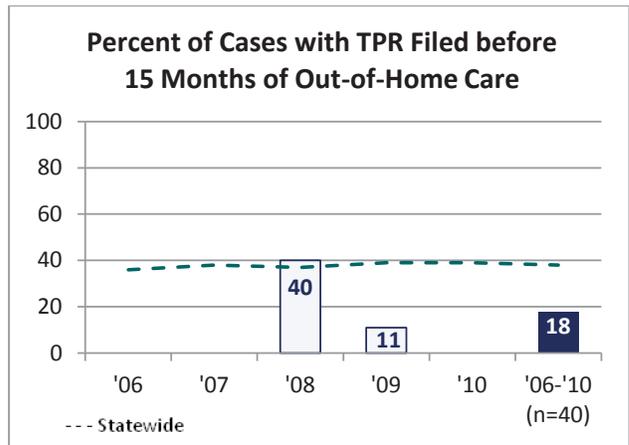
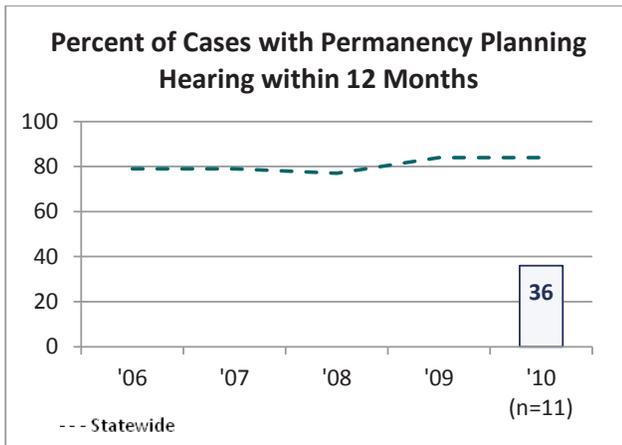
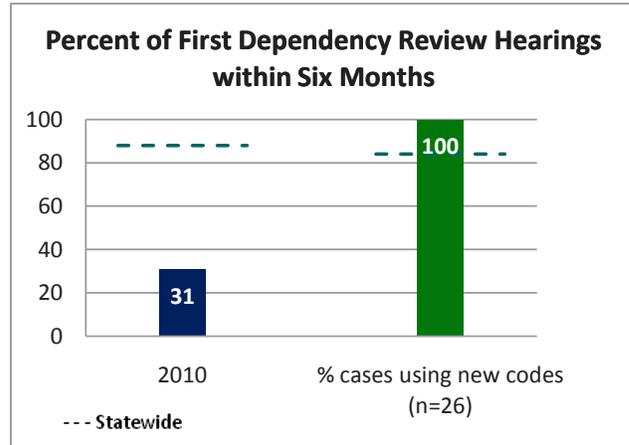
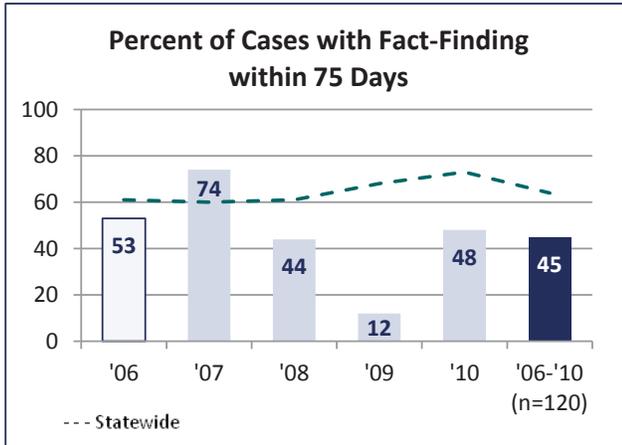
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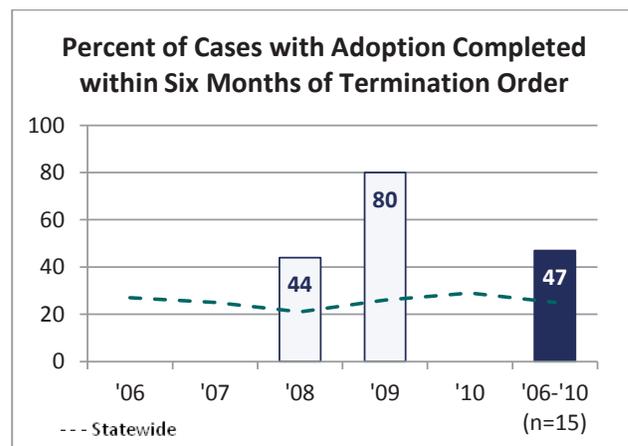
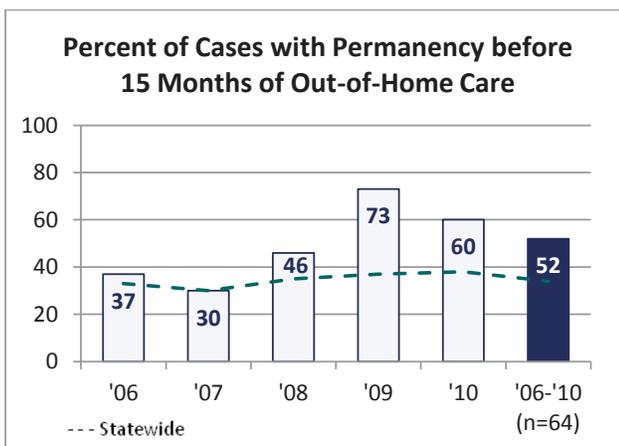
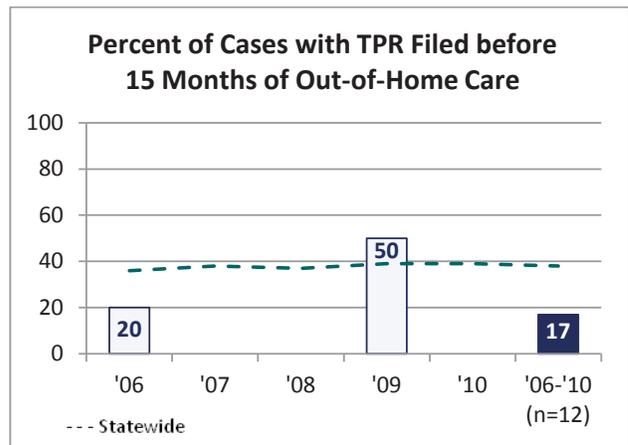
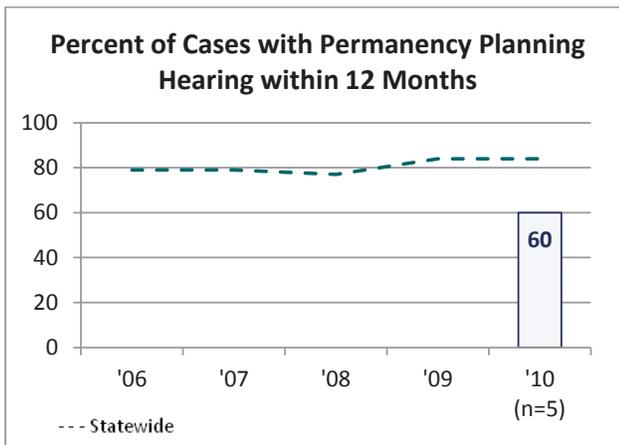
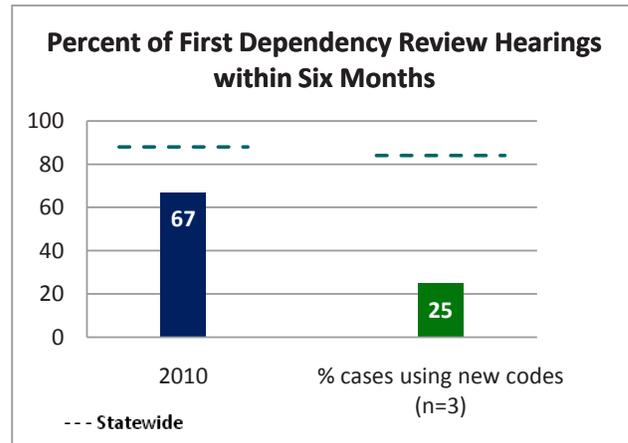
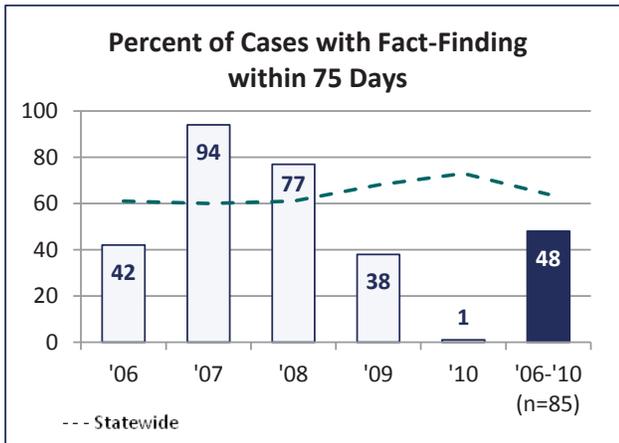
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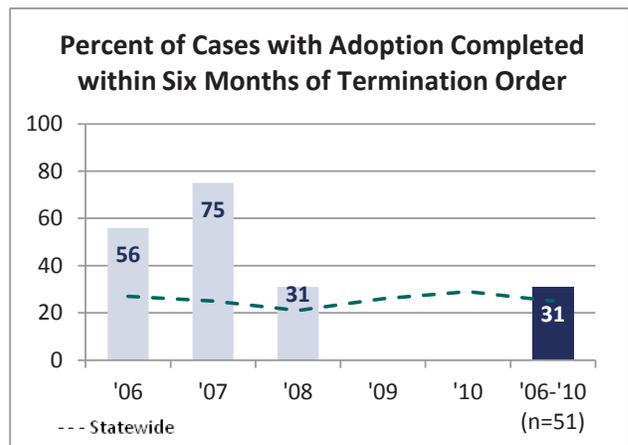
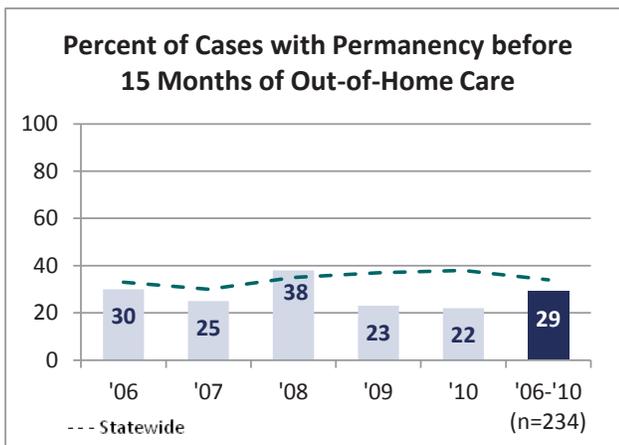
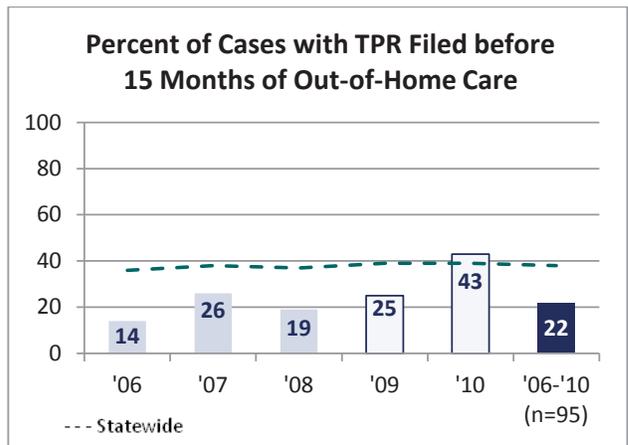
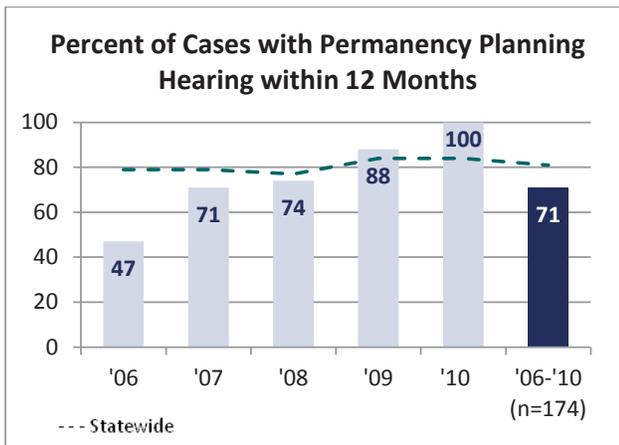
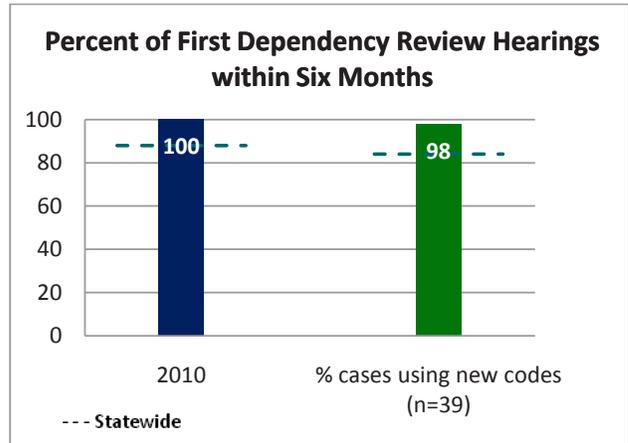
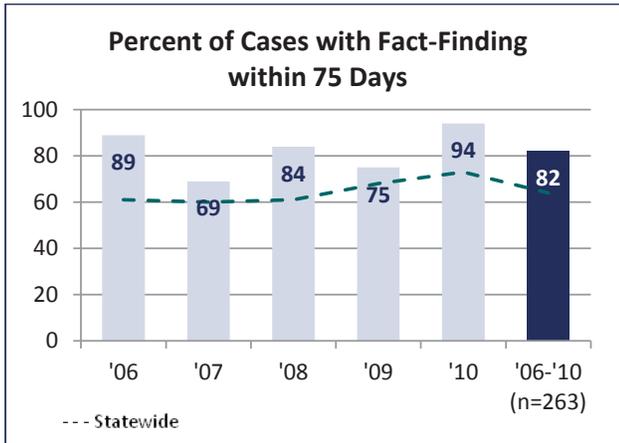
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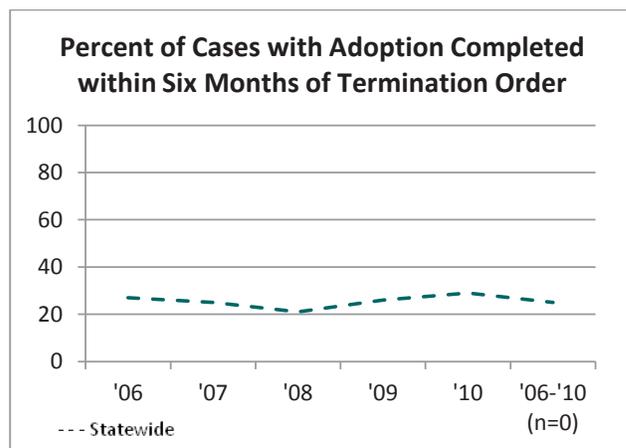
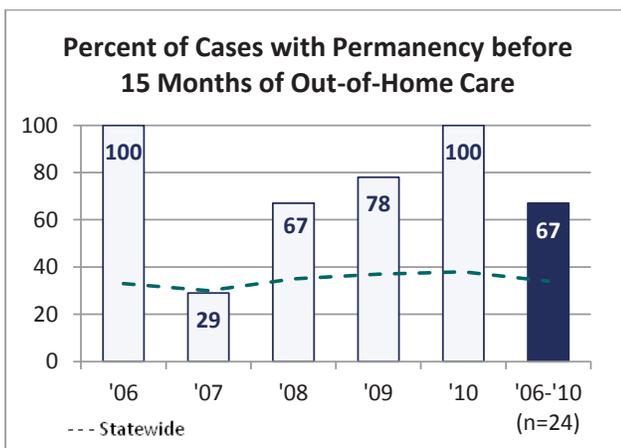
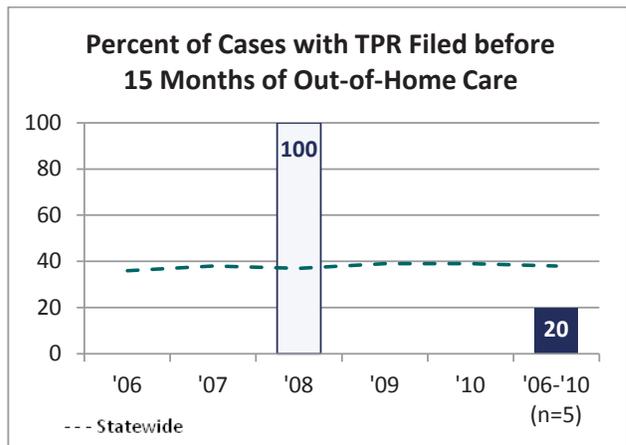
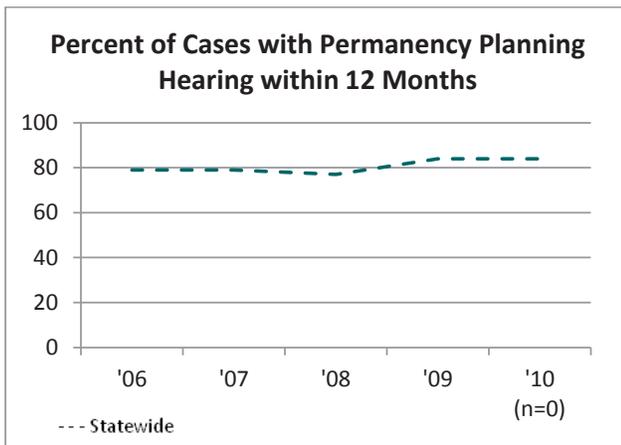
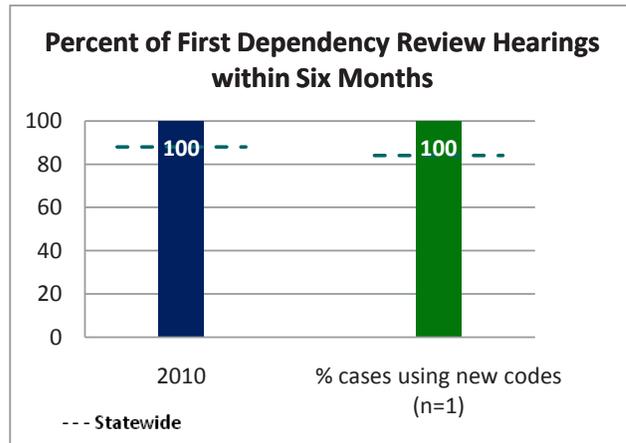
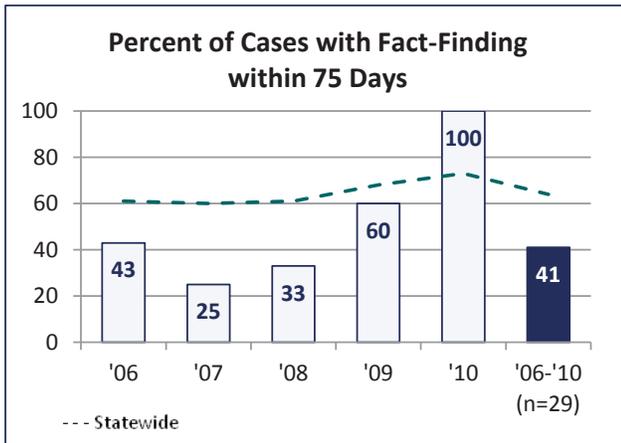
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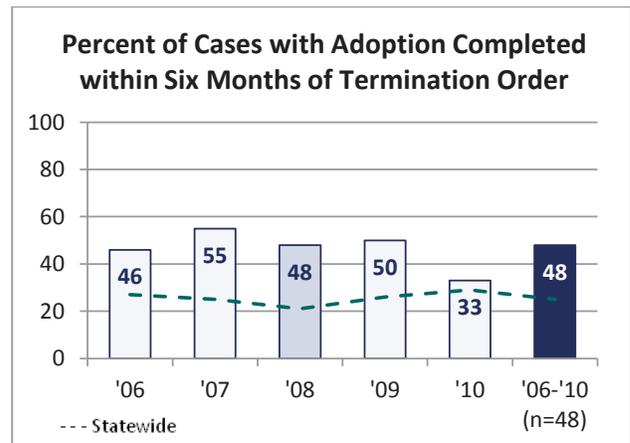
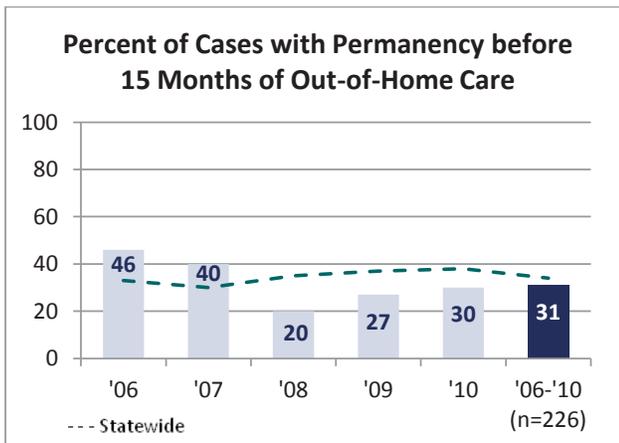
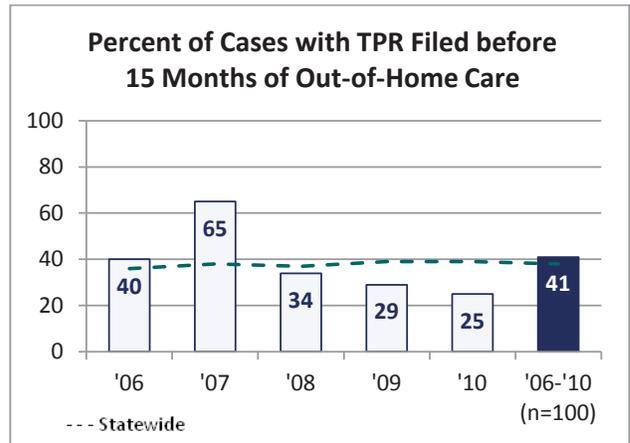
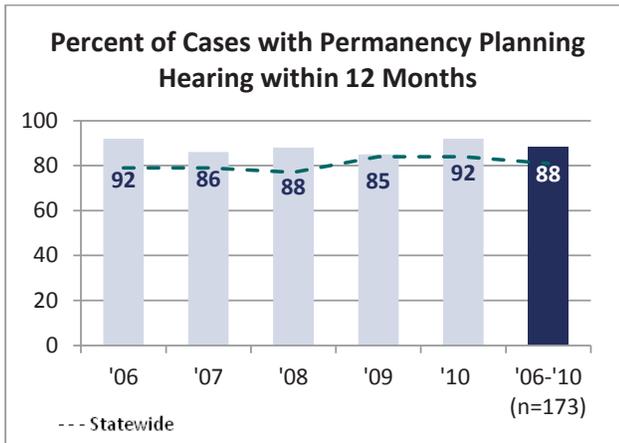
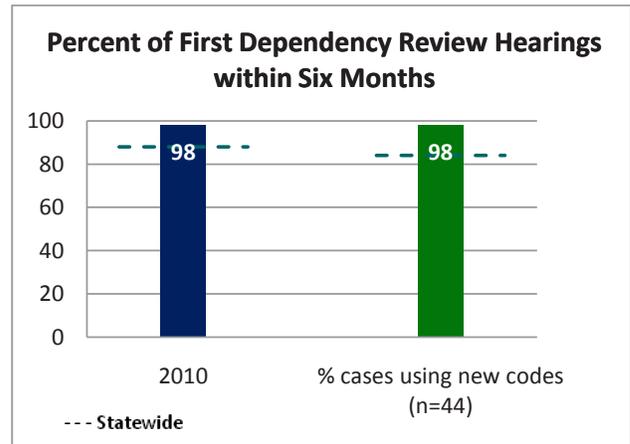
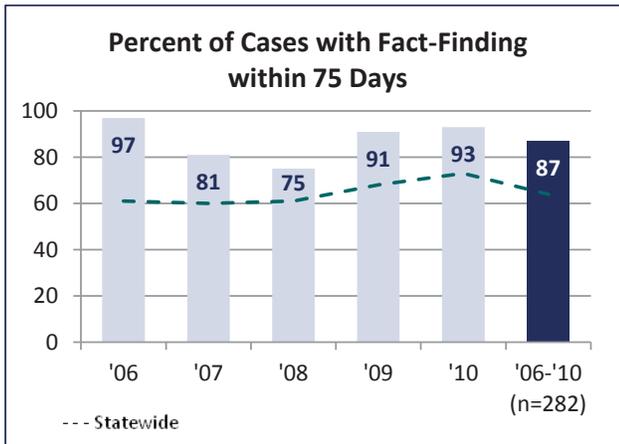
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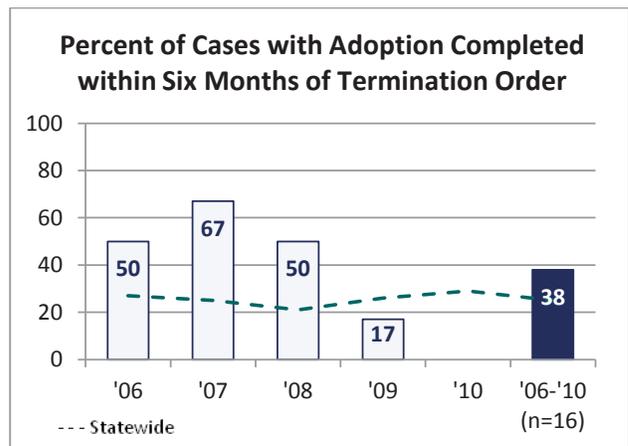
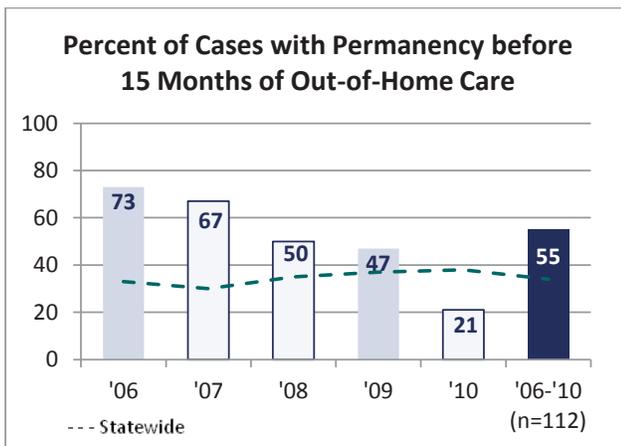
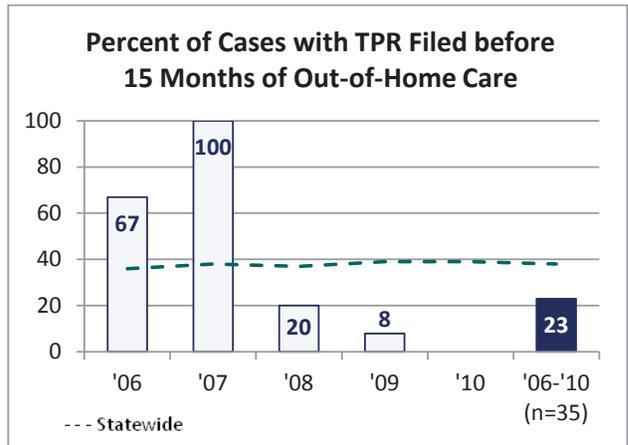
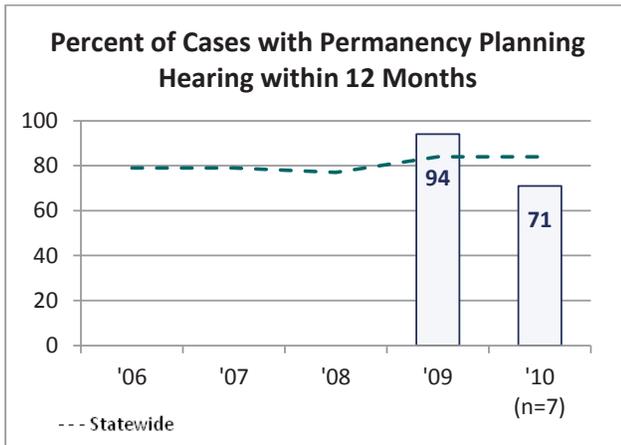
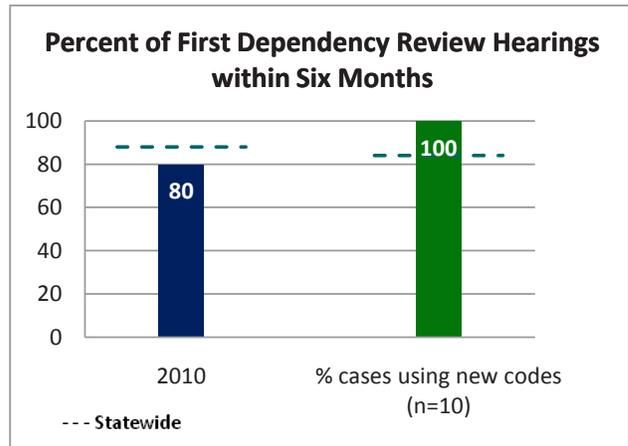
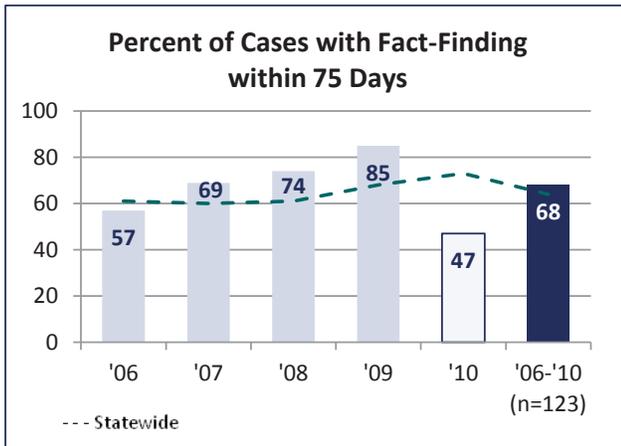
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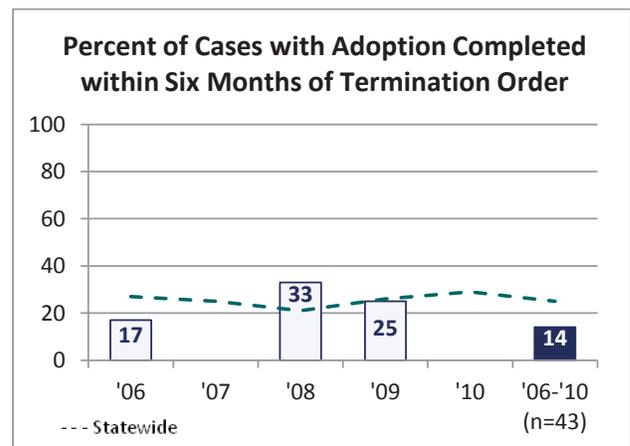
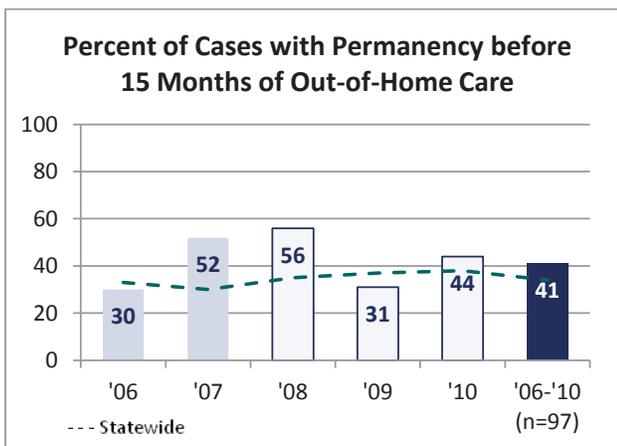
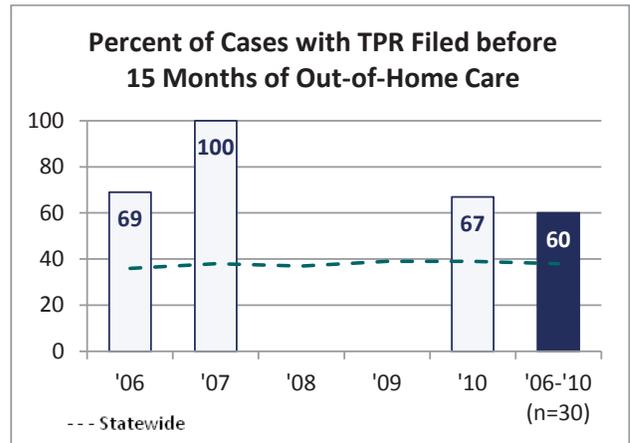
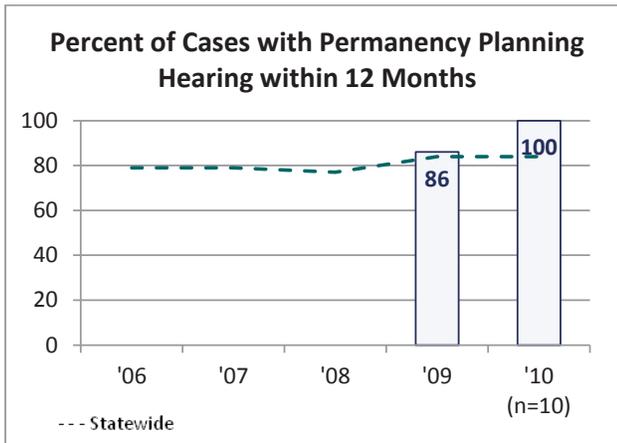
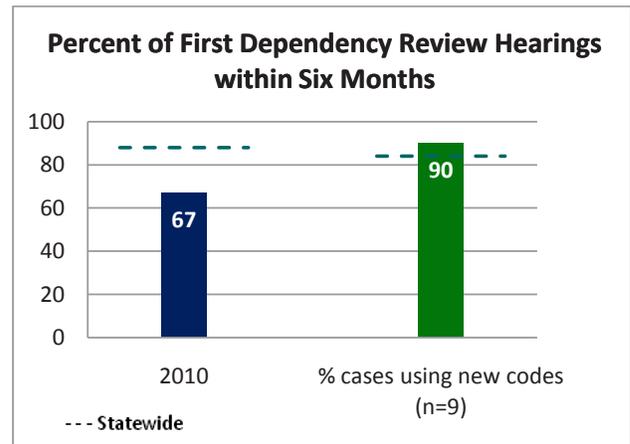
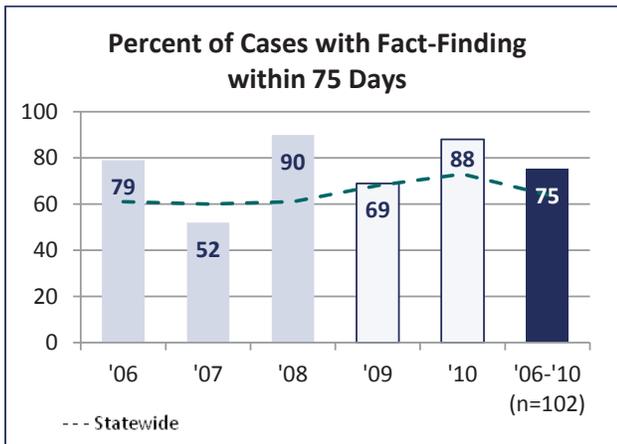
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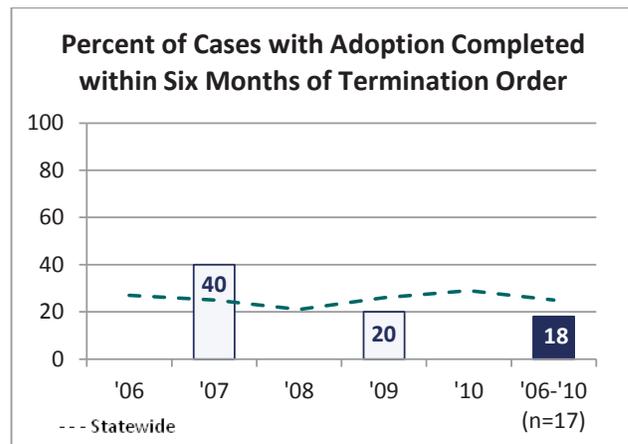
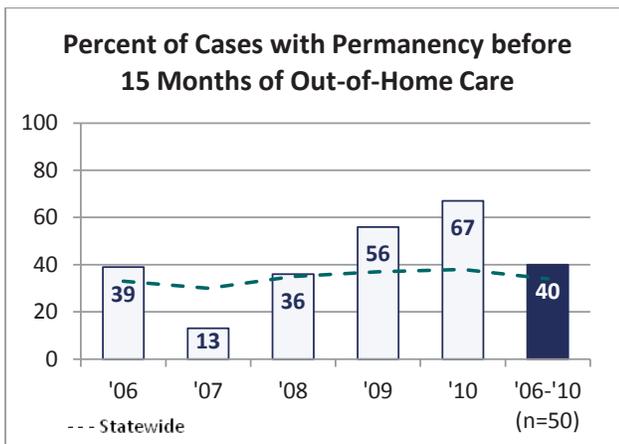
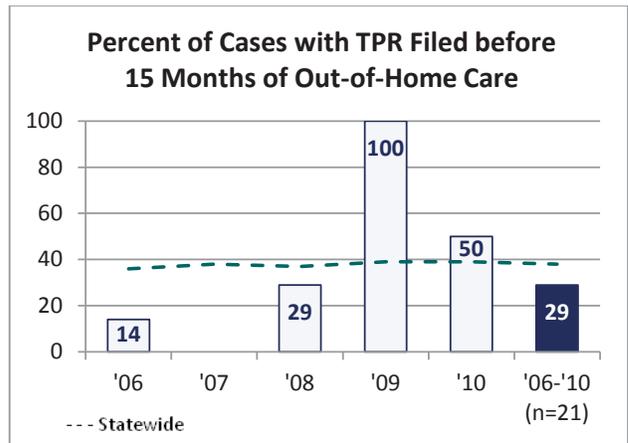
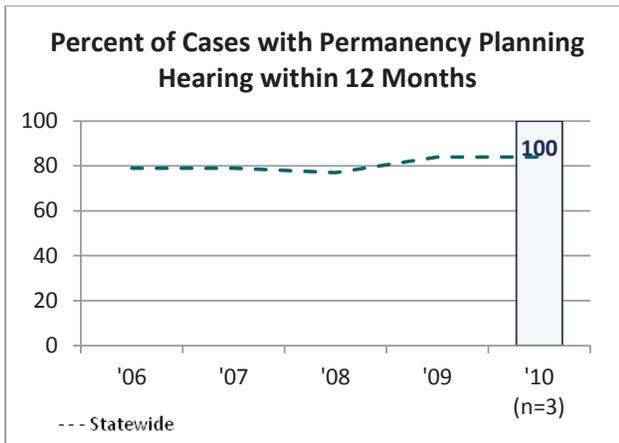
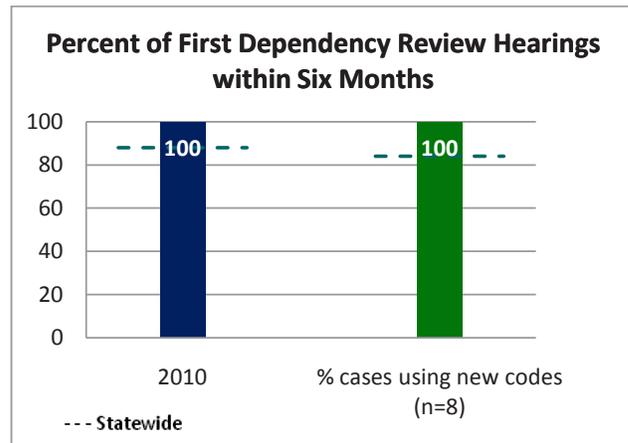
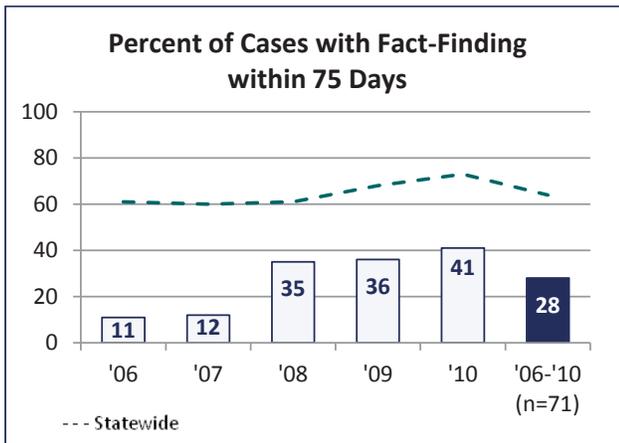
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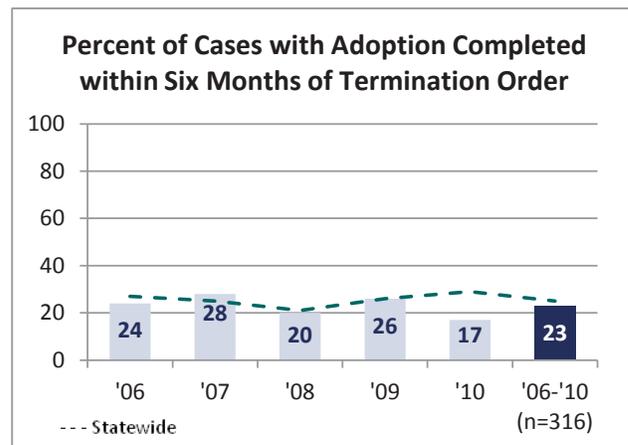
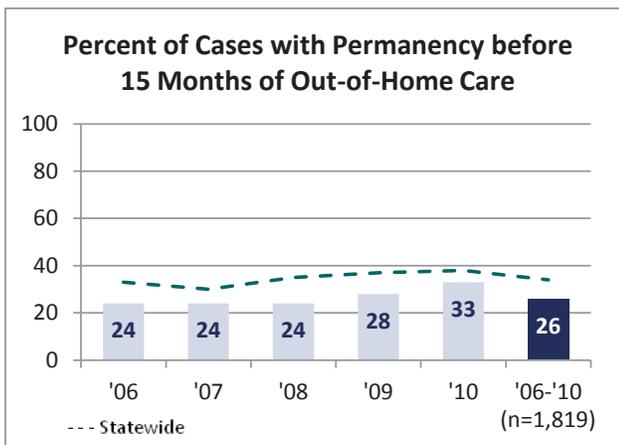
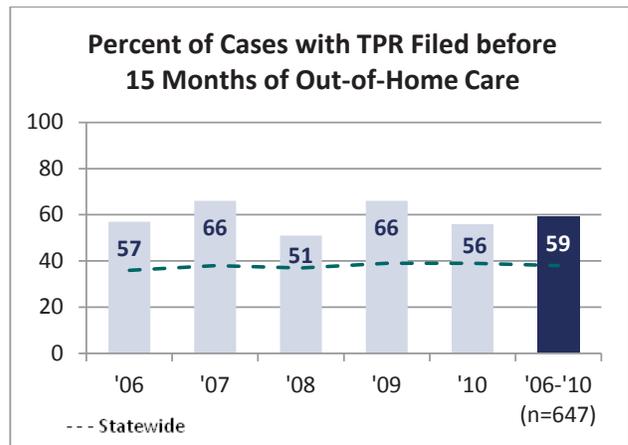
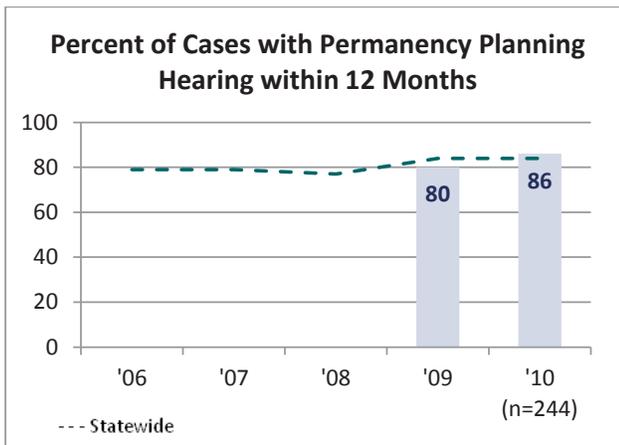
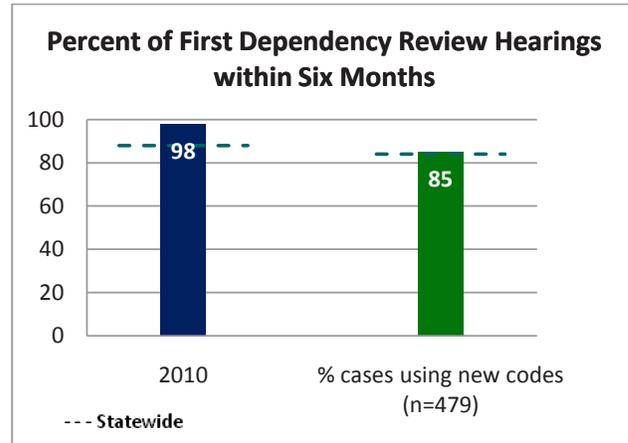
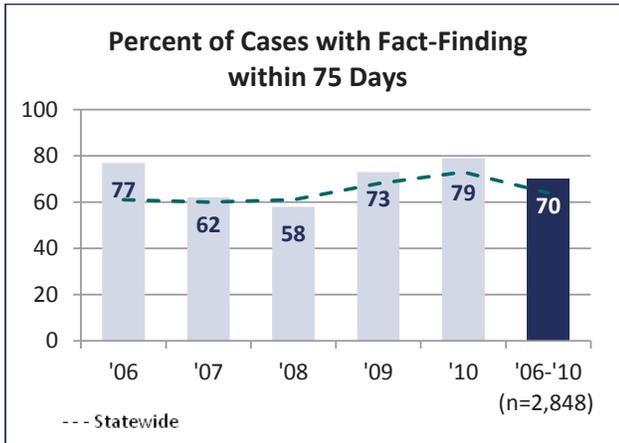
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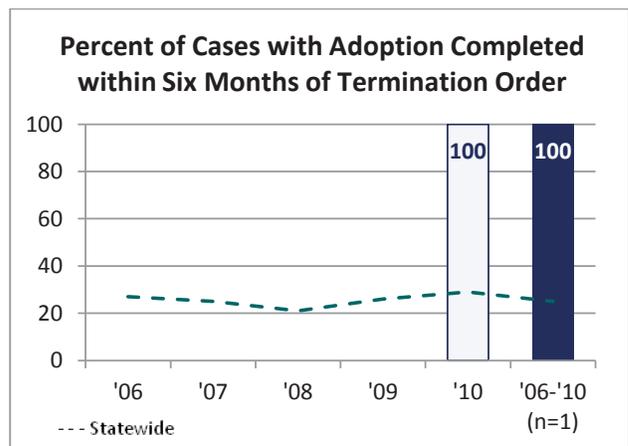
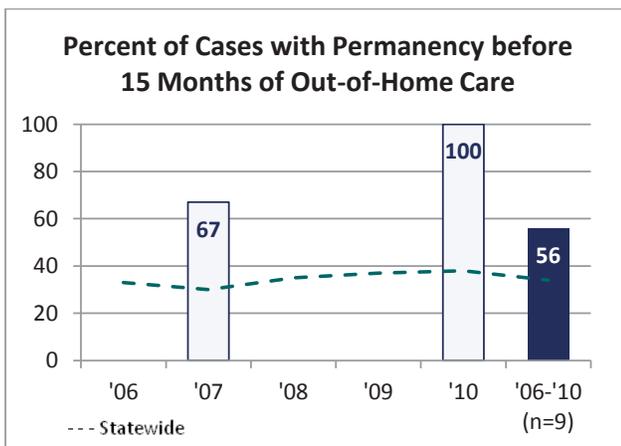
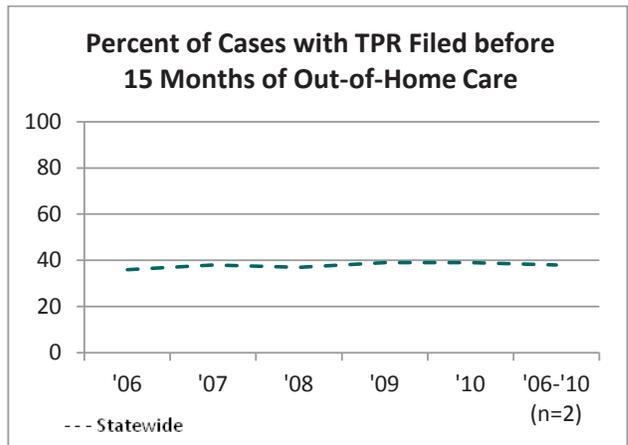
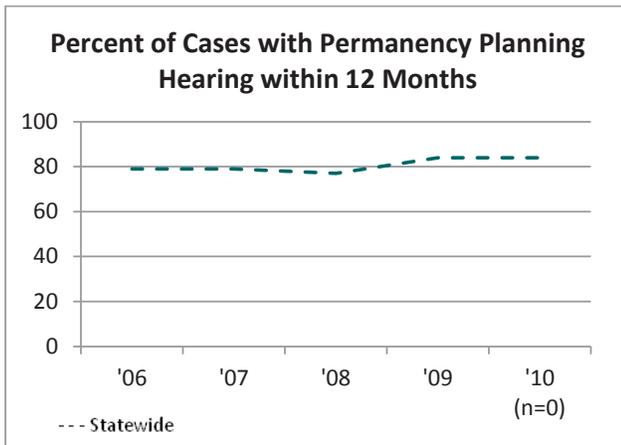
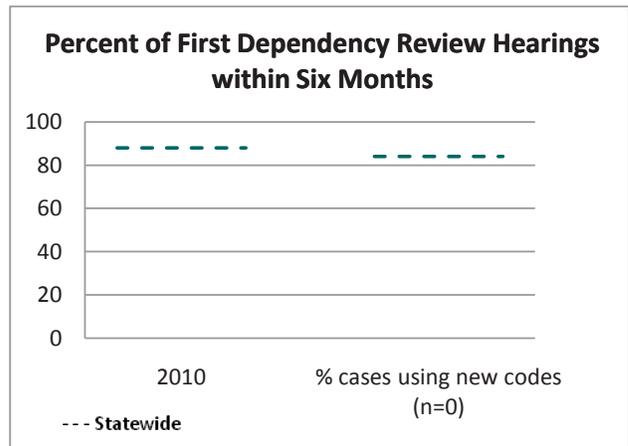
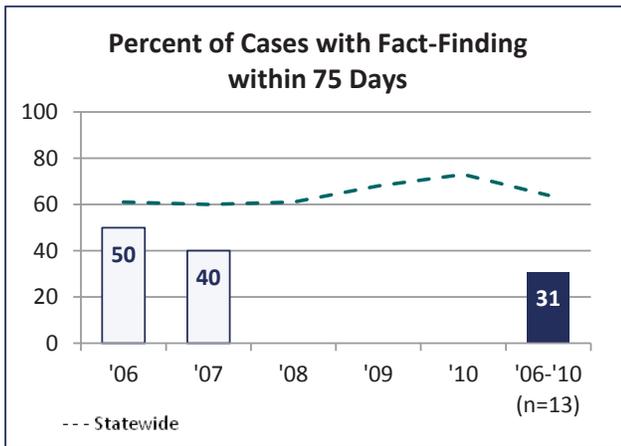
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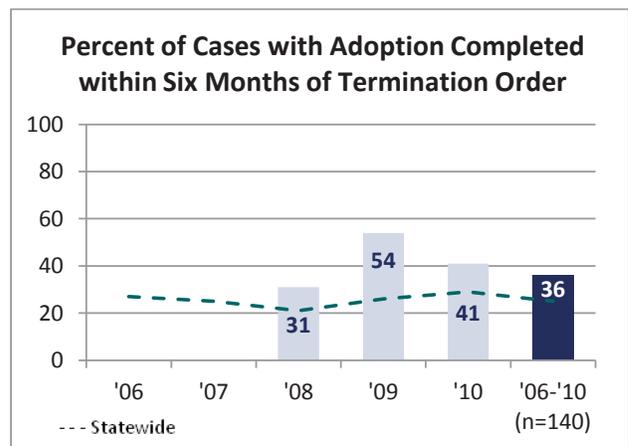
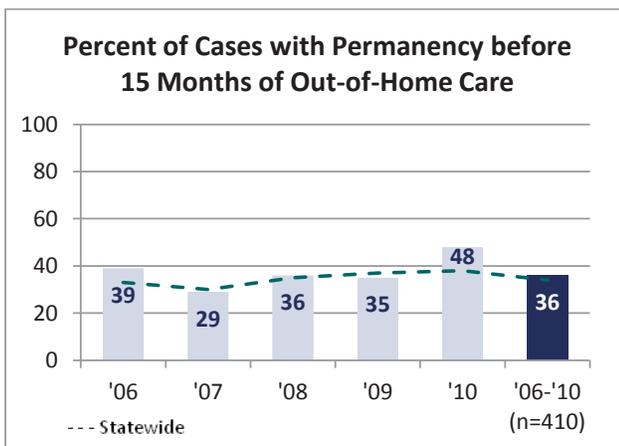
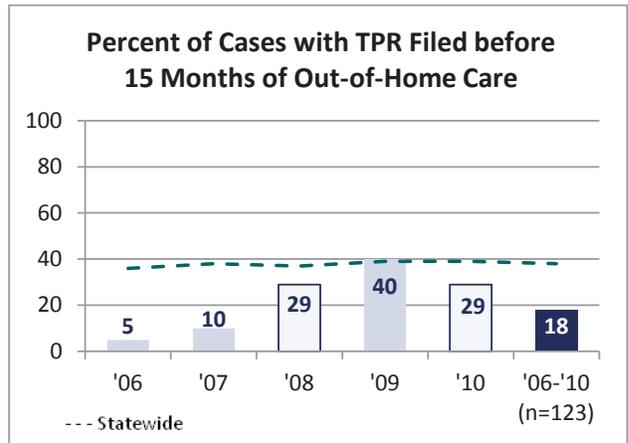
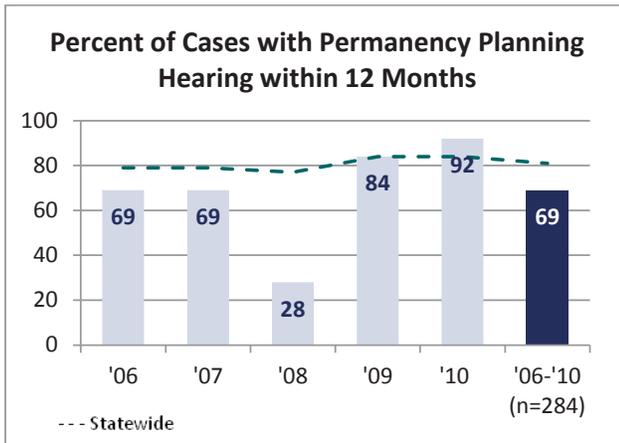
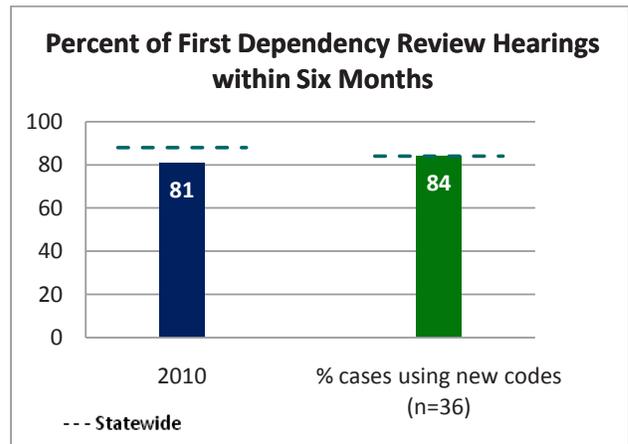
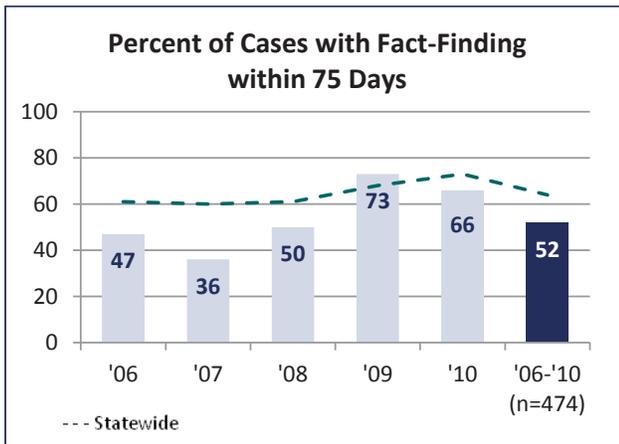
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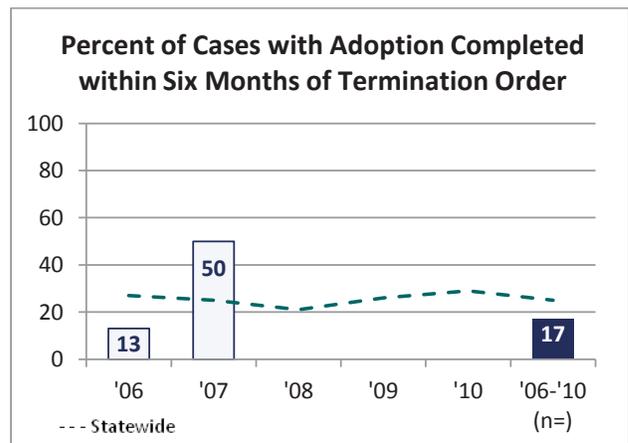
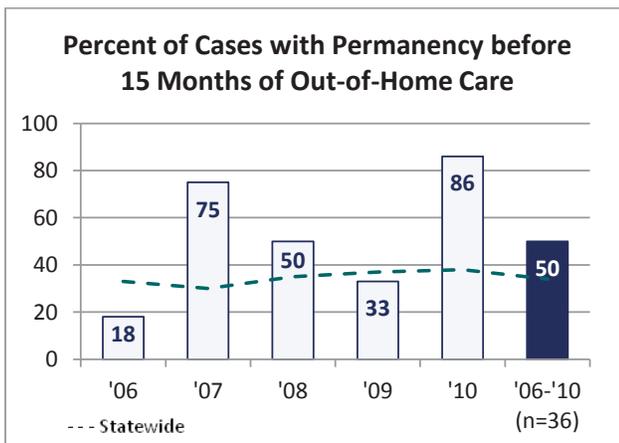
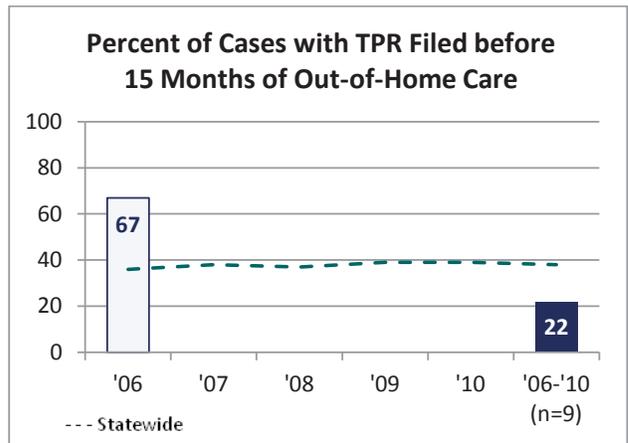
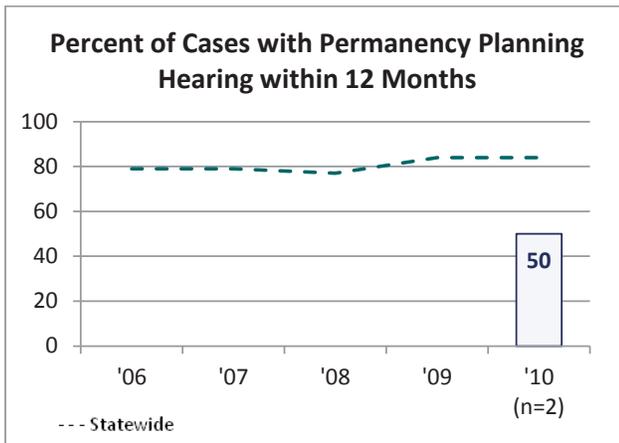
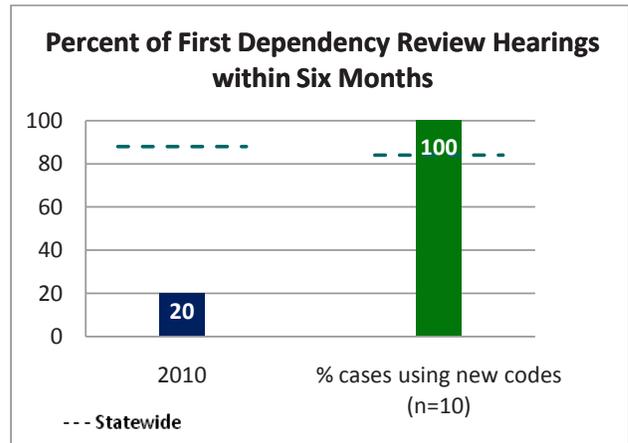
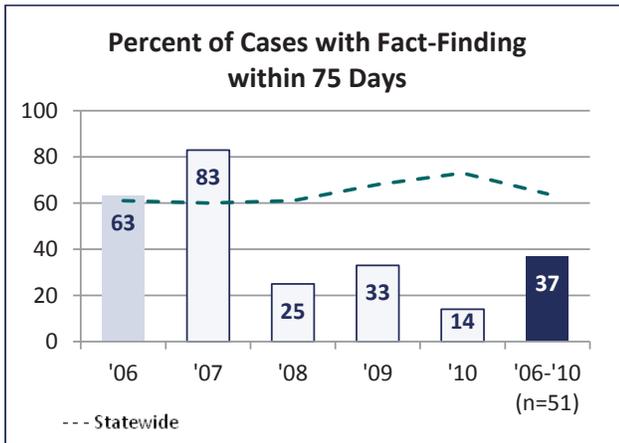
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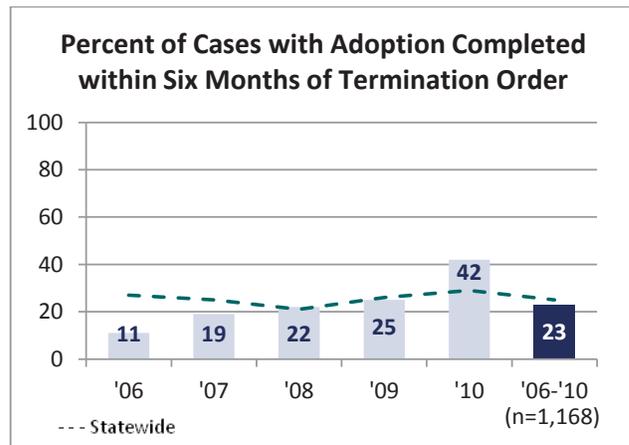
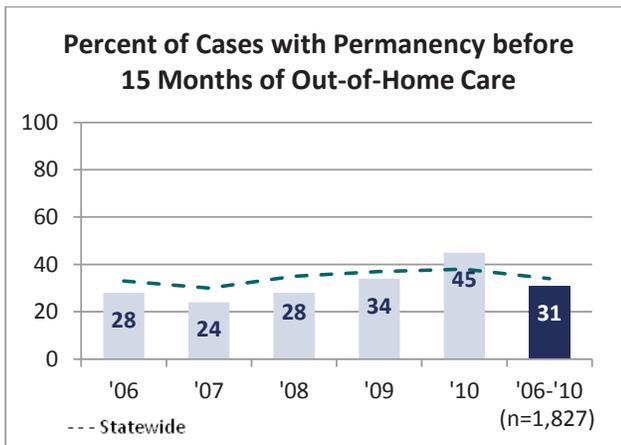
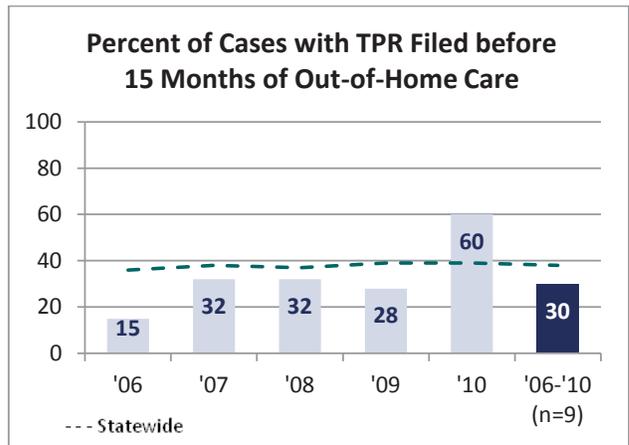
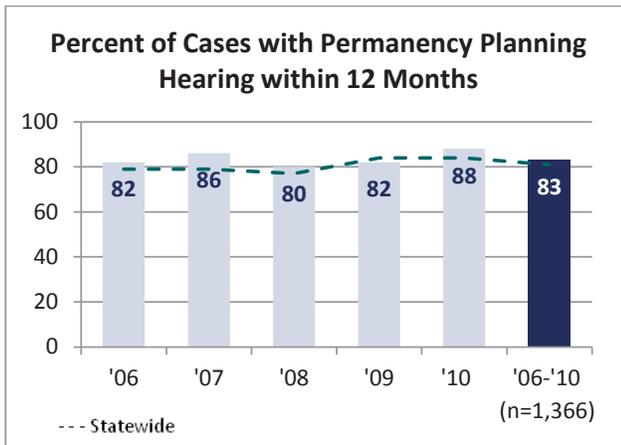
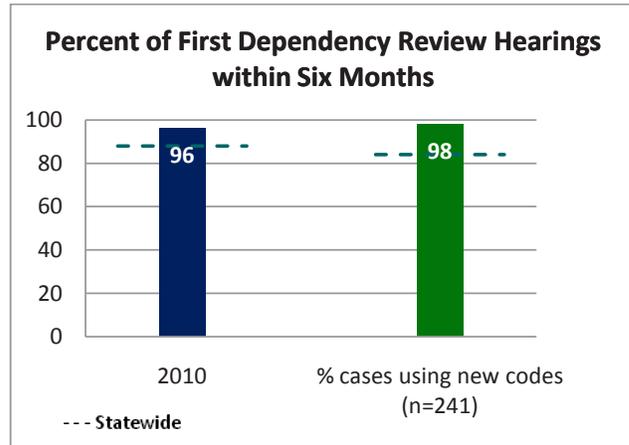
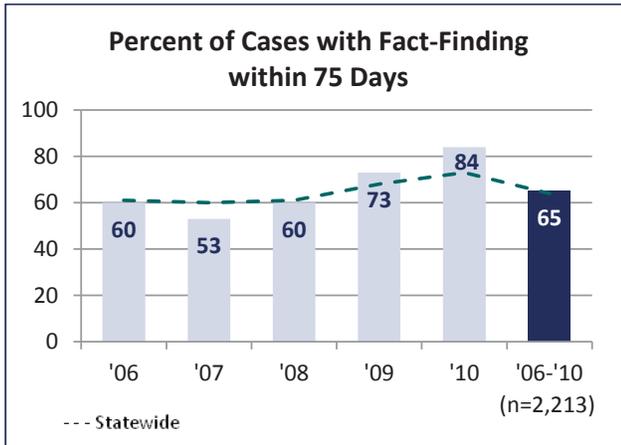
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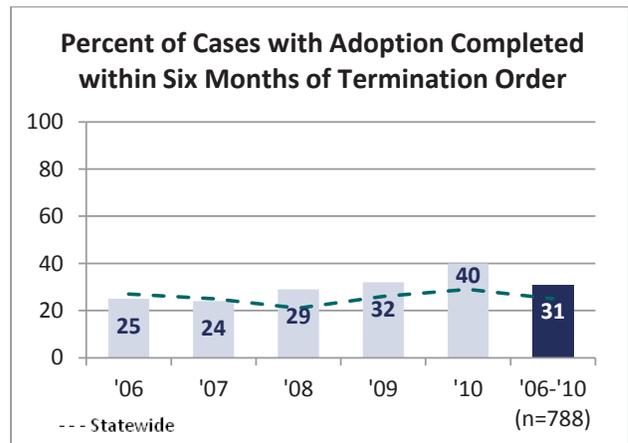
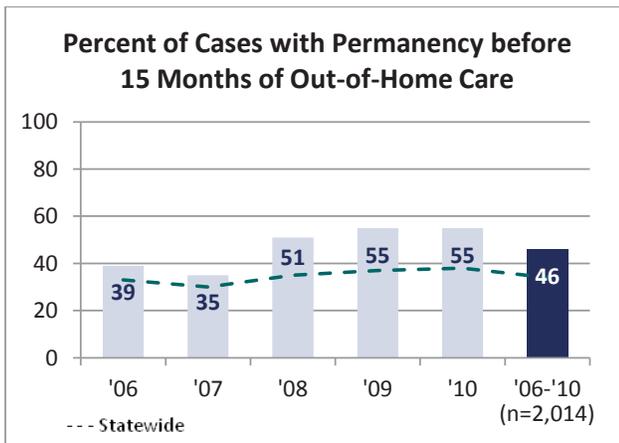
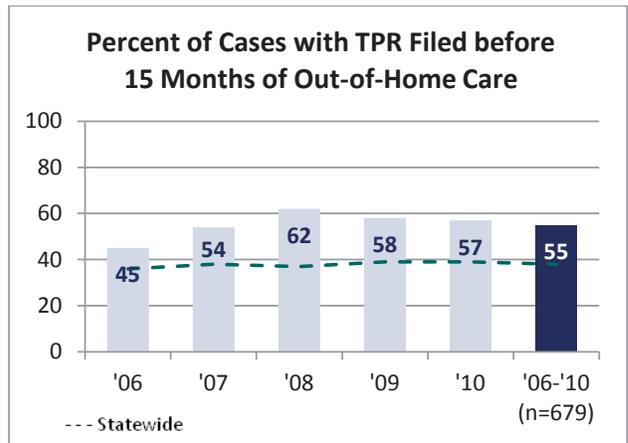
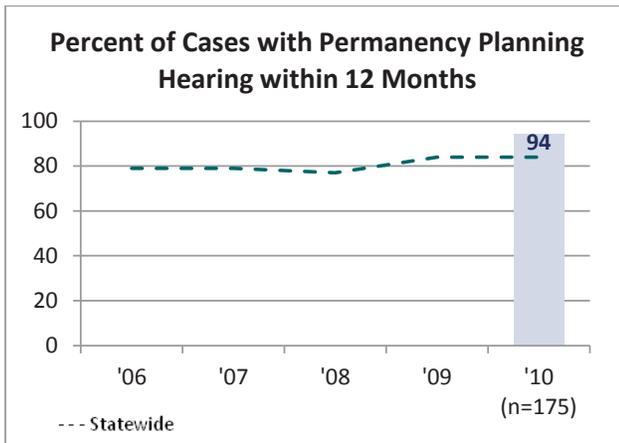
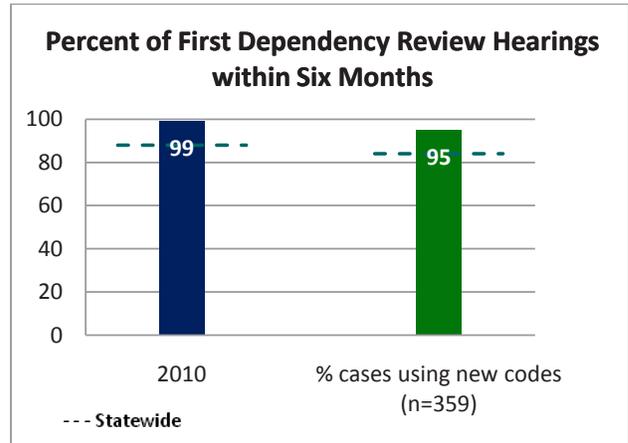
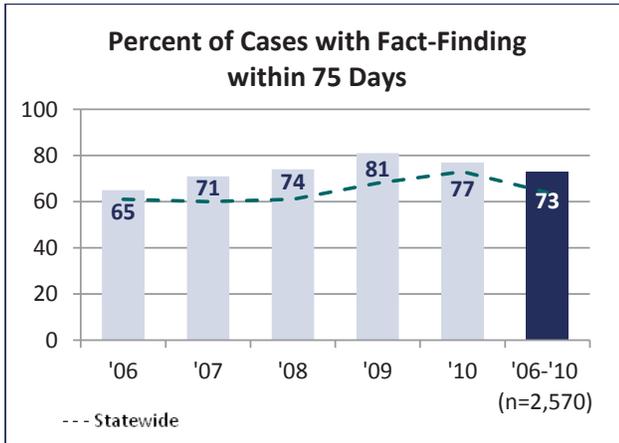
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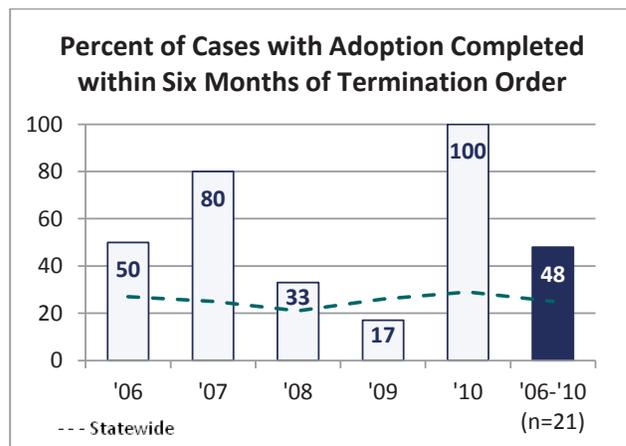
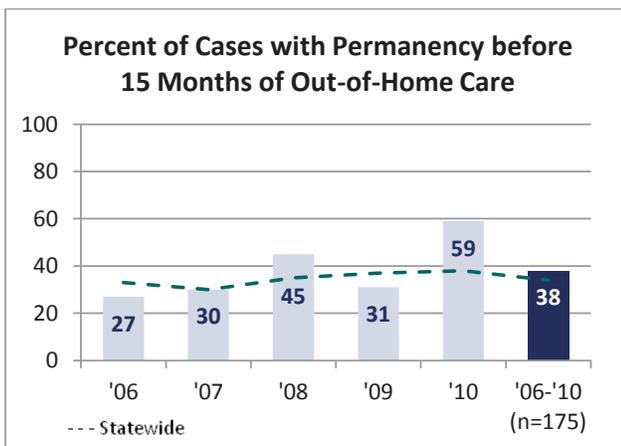
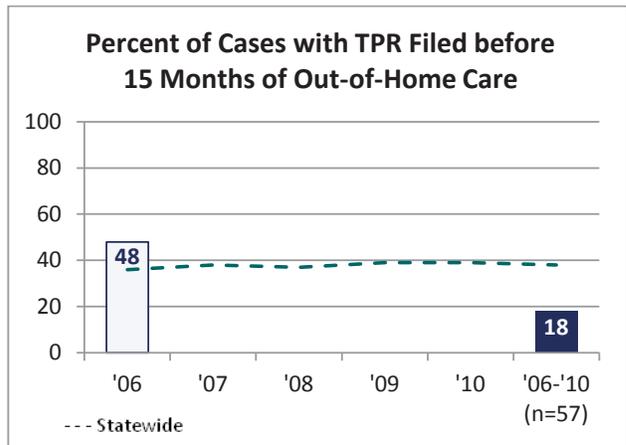
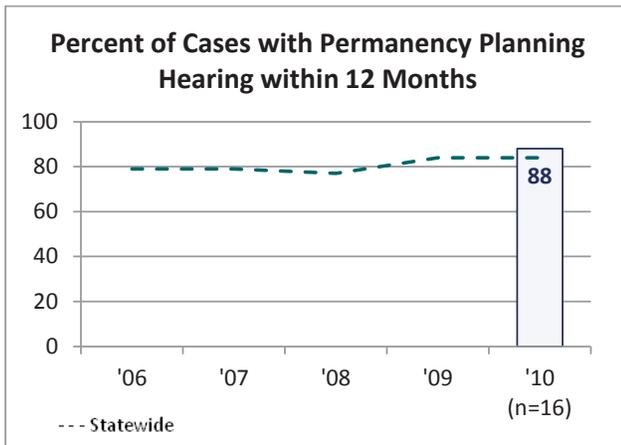
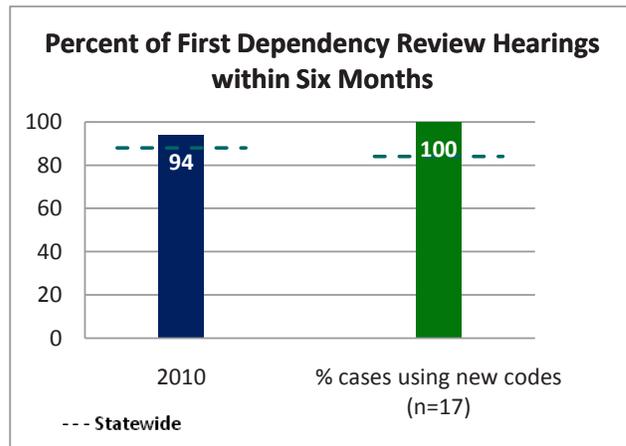
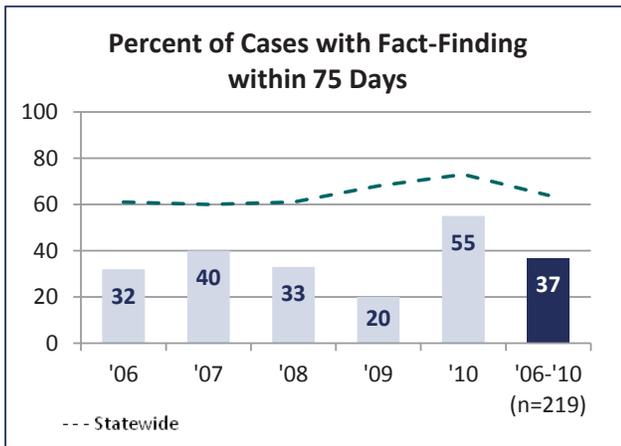
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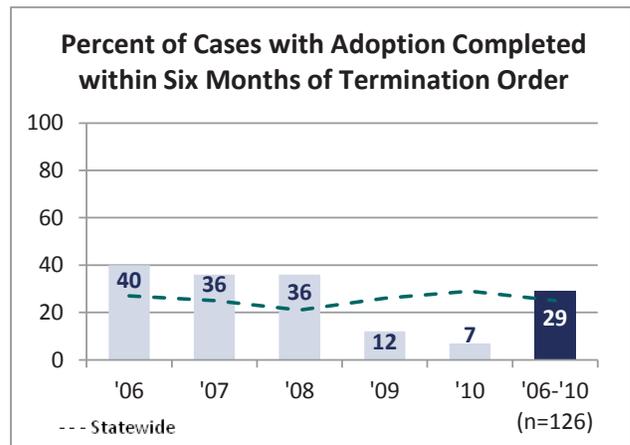
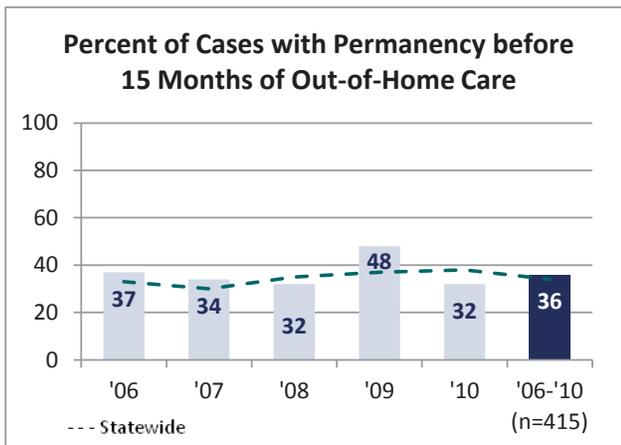
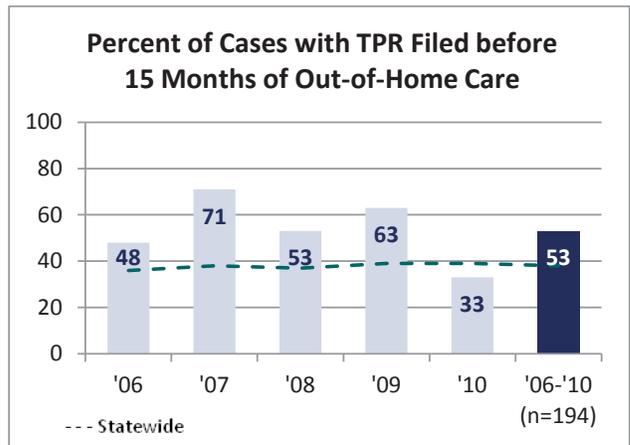
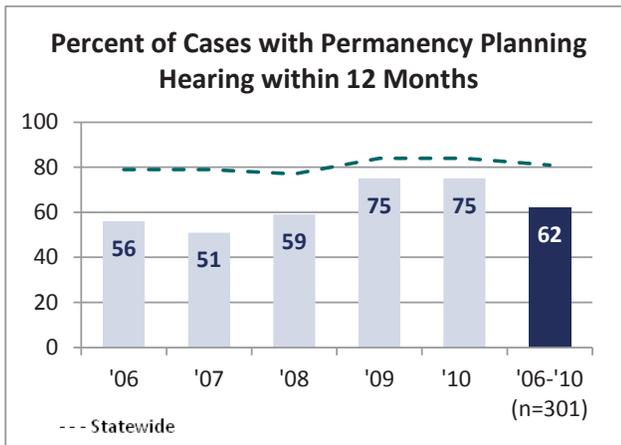
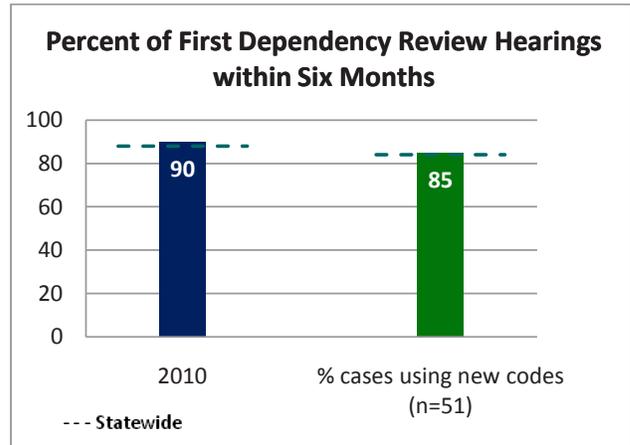
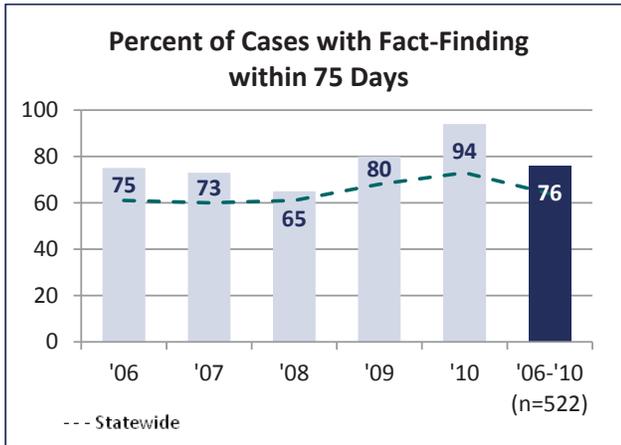
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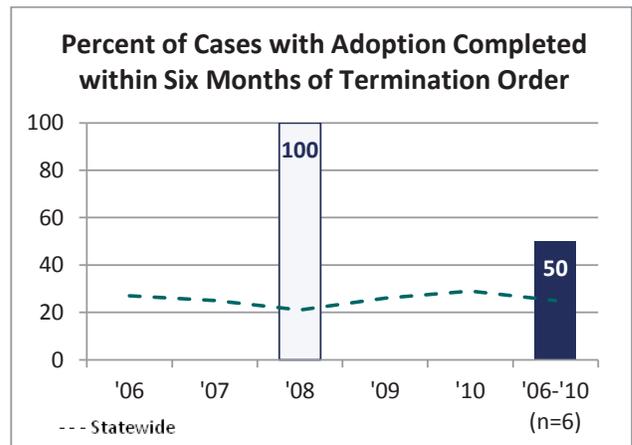
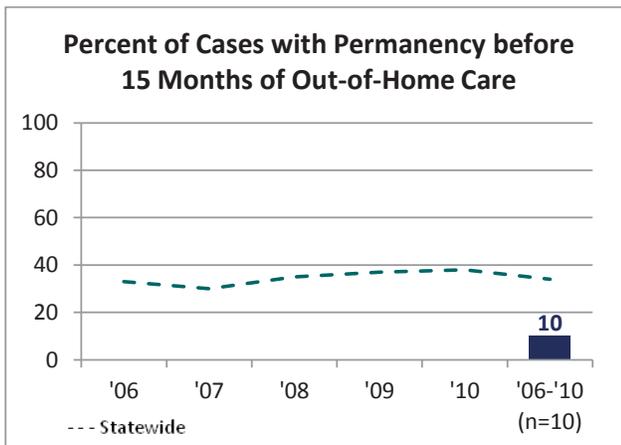
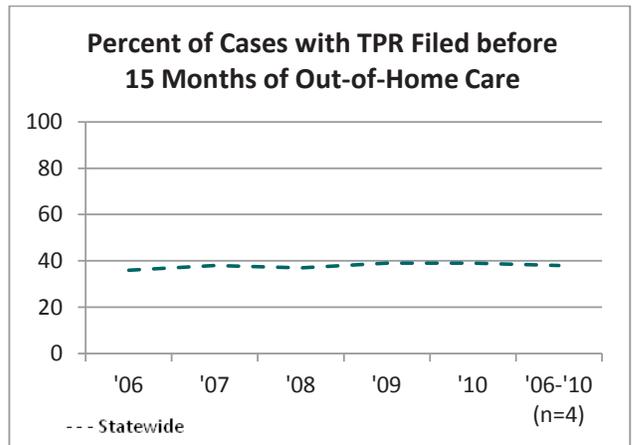
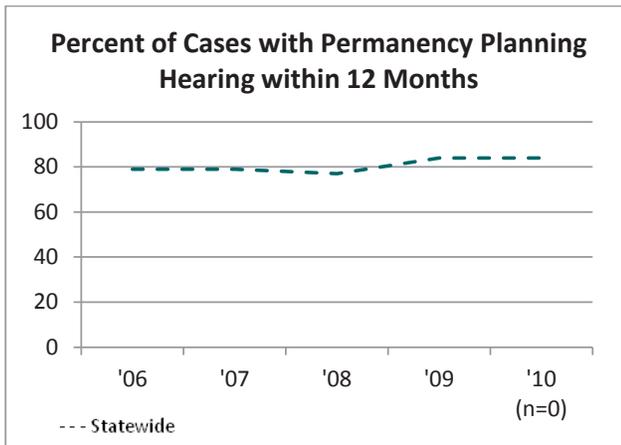
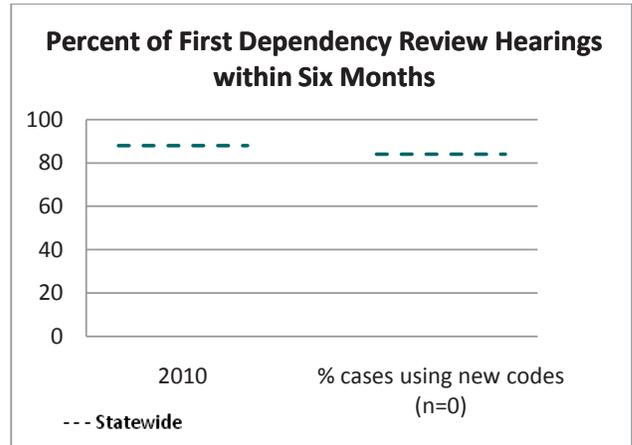
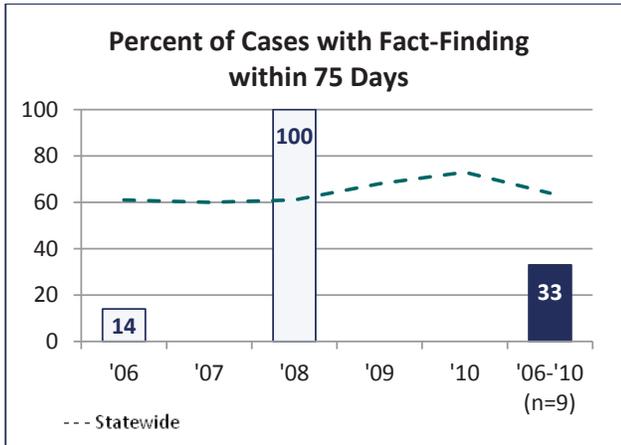
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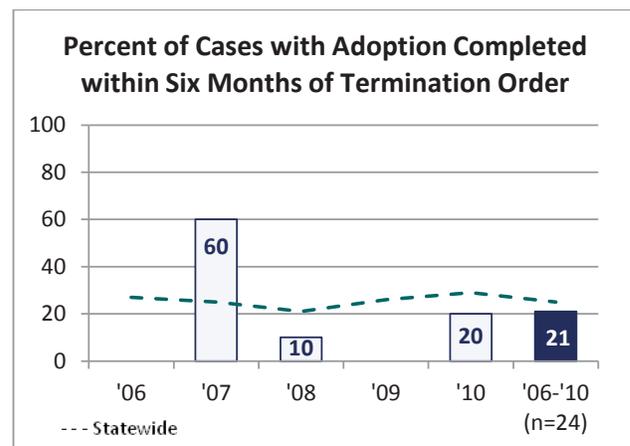
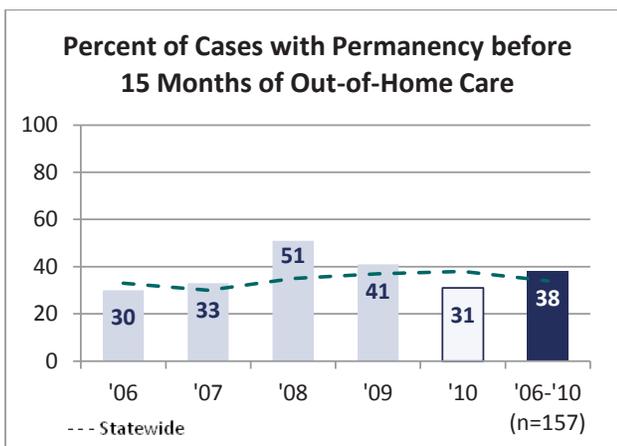
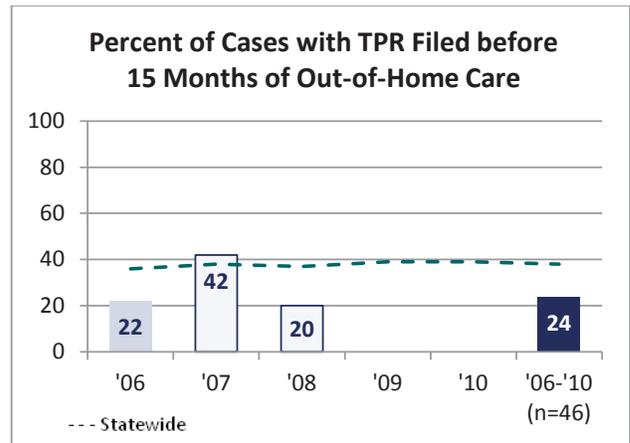
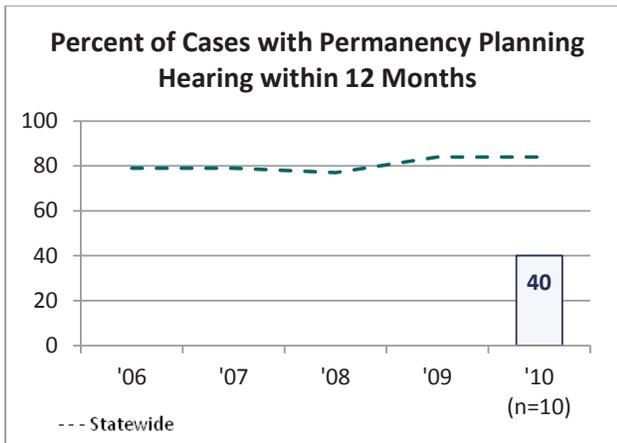
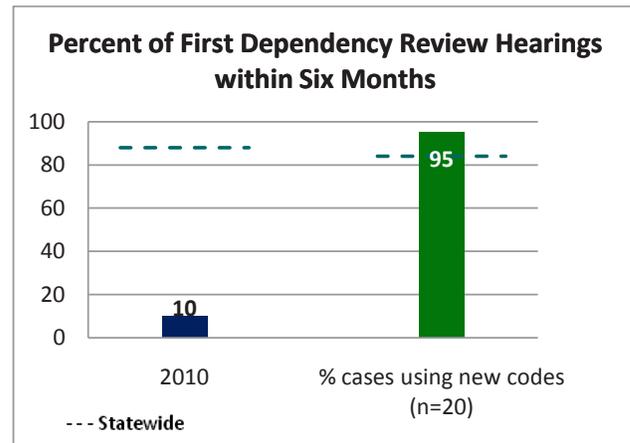
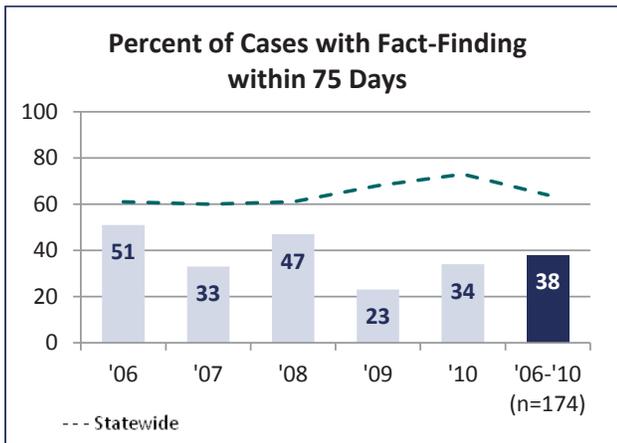
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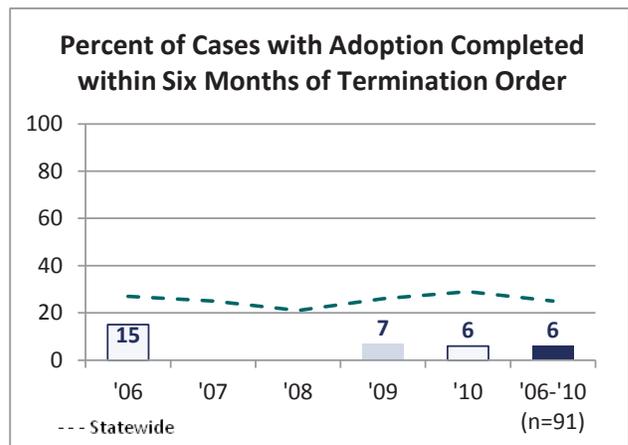
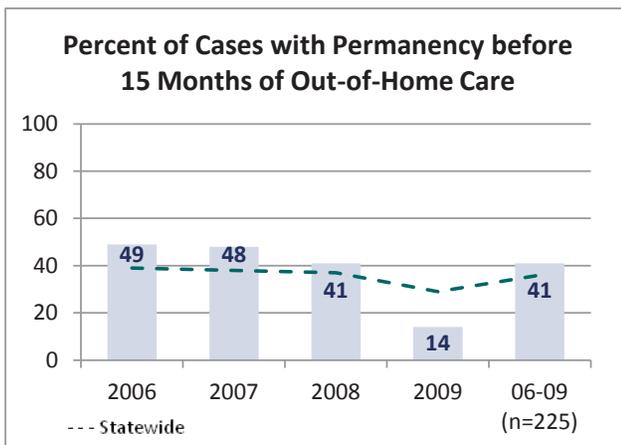
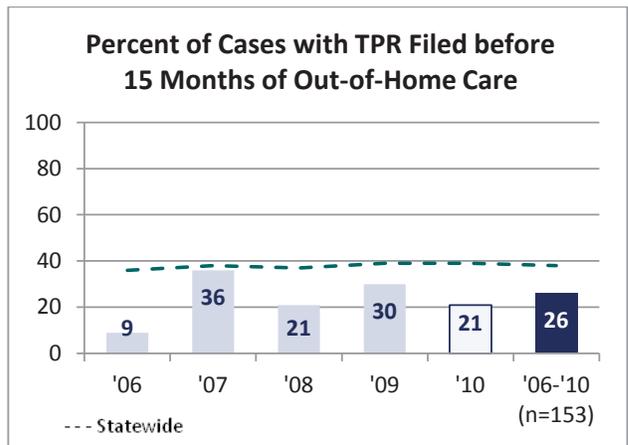
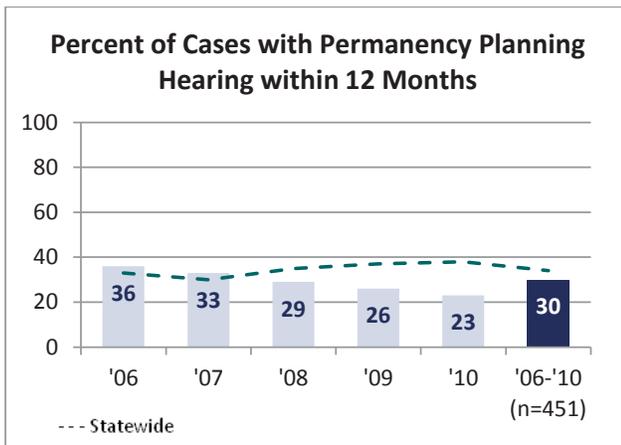
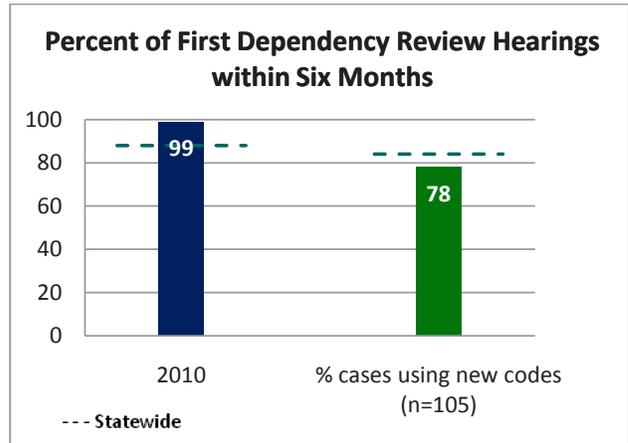
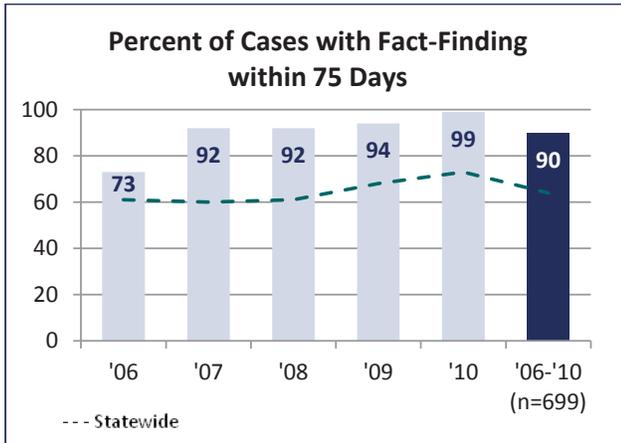
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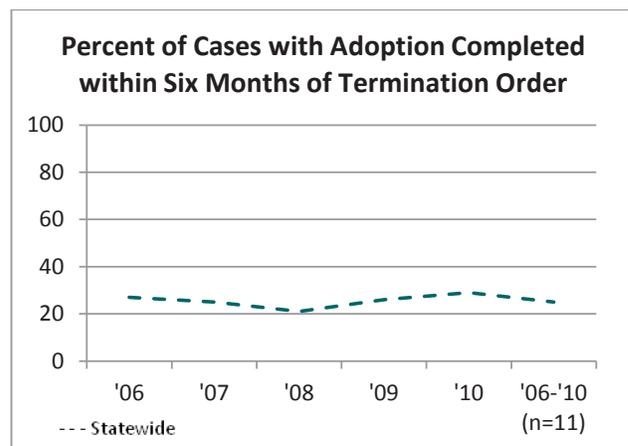
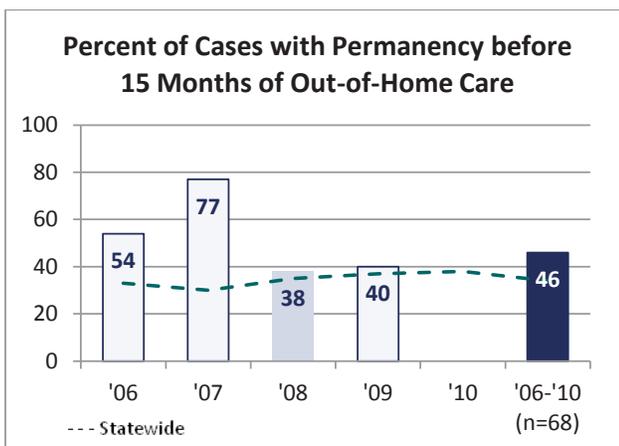
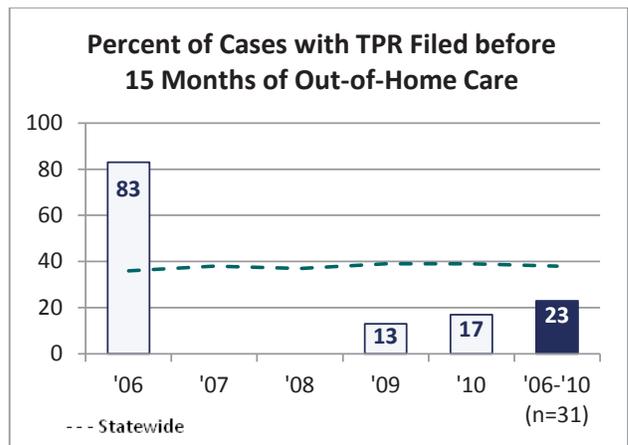
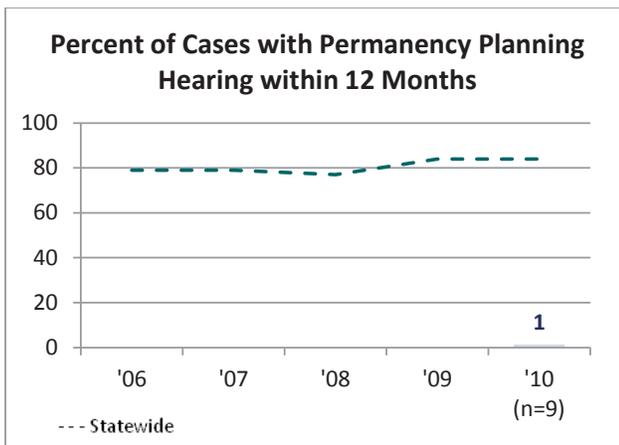
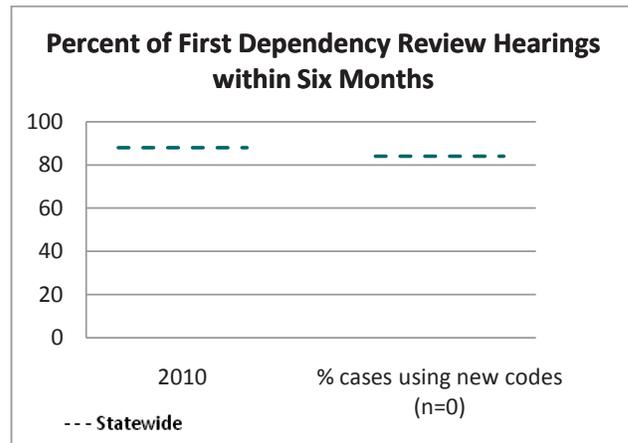
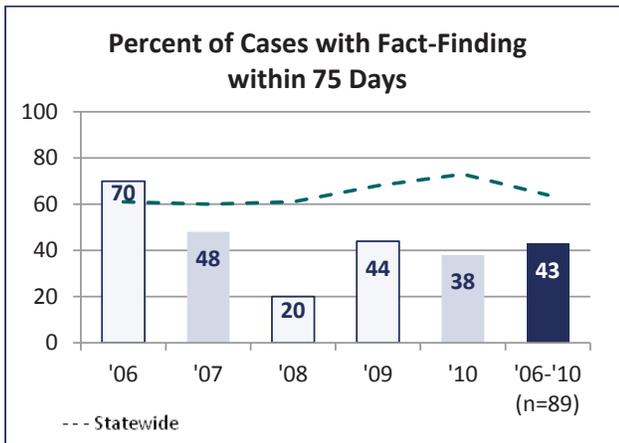
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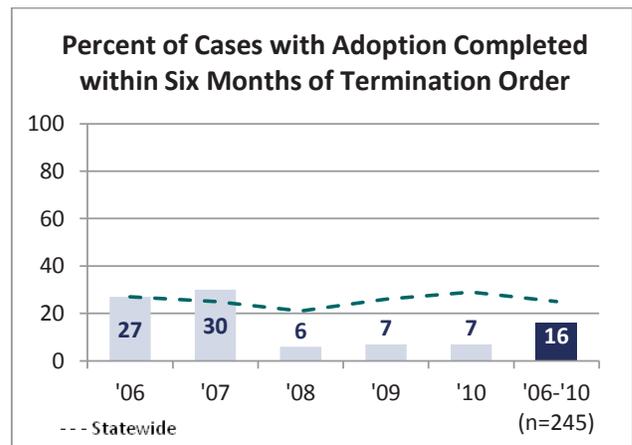
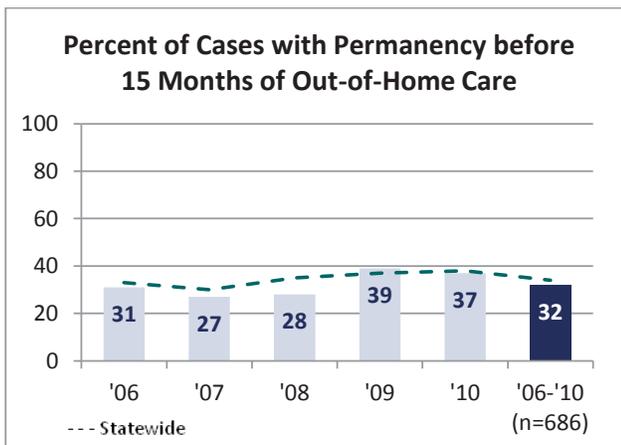
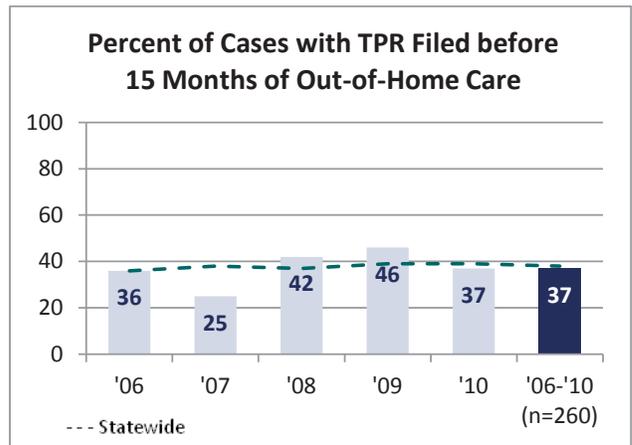
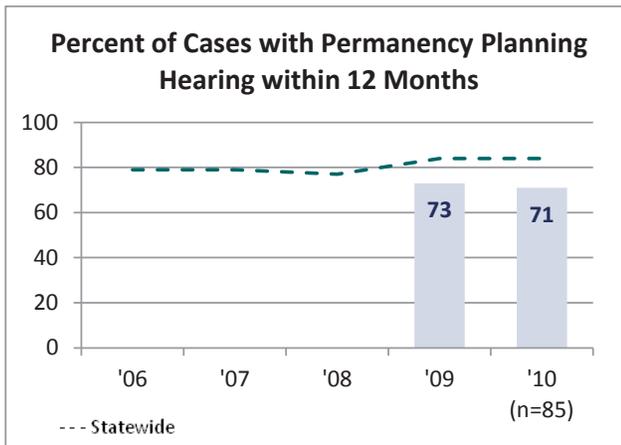
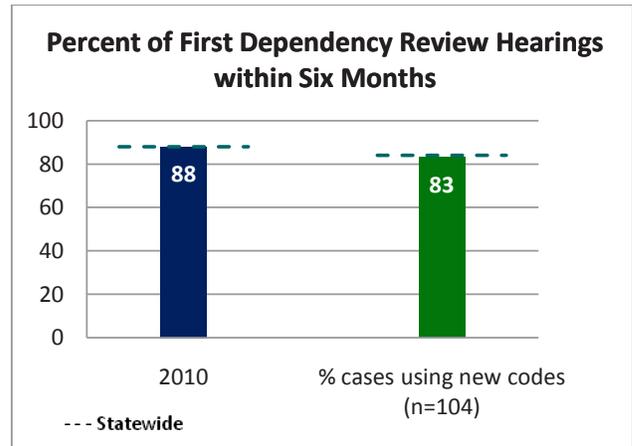
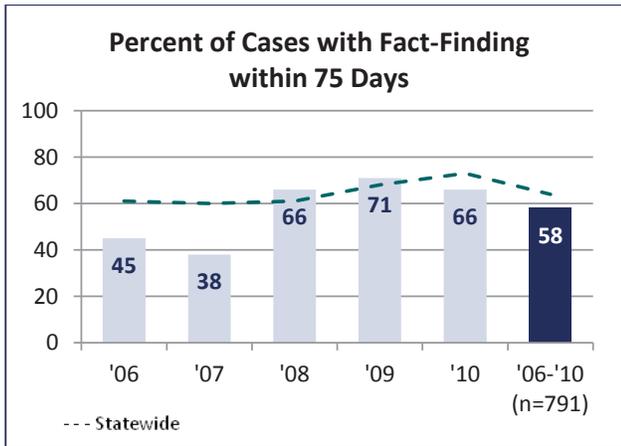


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