



More than 40 tribal and state court judges, NCJFCJ leadership and staff, and other key partners participated in the Tribal Judicial Leadership Gathering held Dec. 15-16, 2010 at the Gila River Indian Community in Arizona.

TRIBAL JUDICIAL LEADERSHIP GATHERING: Working Together for Native Children and Families

By Judge Raquel Montoya-Lewis

On Dec. 15-16, 2010, the National Council of Juvenile and Family Court Judges held the first Tribal Judicial Leadership Gathering at the Gila River Indian Community's Wild Horse Resort near Phoenix, Ariz. After years of discussion about how the NCJFCJ could work with their colleagues who sit on the tribal bench, the Council took its first steps in bringing together its leadership and some selected judicial leaders from tribal courts to discuss how the Council could better serve tribal judges, courts, and communities. This is the first of what we all hope to be many fruitful discussions that will lead to a true and meaningful partnership between the NCJFCJ and tribal courts. While we have a long way to go to, all who participated in the Gathering found common ground.

As is the custom for all tribal gatherings, the Gathering began with an opening prayer from respected elder Judge Harriet James of the Gila River Indian Community Tribal Court. We

were honored to have Tribal Governor William R. Rhodes give opening remarks and welcome us to the land. NCJFCJ President Judge Michael Key, Interim Executive Director Judge Dale Koch, and Advisory Board Members Judge Katherine Lucero and Judge William Thorne welcomed us as well. To set the tone of our meeting, a group of children from Gila River Indian Community gifted us with song and traditional dance and honored each one of us with a handshake, a fitting reminder that we are coming together to ultimately improve the lives of our children.

The most critical statement made by the NCJFCJ came from Judge Key and Judge Thorne, both of whom acknowledged the Council's shortcomings with regard to working with tribal court judges in the past. Judge Thorne asked that those in attendance from the Council listen humbly but actively and those tribal judges present be honest with their concerns, recognizing that we arrived to the Gathering perhaps skeptical, but encouraged, by the

Council's effort to bring together this important meeting.

As tribal court judges, we deal on a daily basis with the effects of historical and present-day trauma and its impact on our families and communities. We come to this work because we care deeply for the health and well-being of our children, families, and communities. Many of us handle enormous caseloads with few support staff and less than state-of-the-art technology. In many of our courts, we are the only judges, handling criminal, dependency, juvenile, and all other civil matters. Many of us are on call 24 hours a day, 365 days a year, and several of us at the table had been on call 24/7 for years. As a result, few of us had the time to join a two-day Gathering like this to discuss how the Council could better serve us and our systems. But we came and we came for one reason: because we believe we have much to offer our state court counterparts and much to learn from you.

Over the course of the Gathering, we asked that the Council and its members support tribal court judges by giving us the respect of seeing us as peers and colleagues. Tribal courts, when they are considered at all, are often seen as secondary courts. Many judges told stories of our state court colleagues expressing surprise when they found us to be doing excellent work, often treating our well-written and researched orders as a surprise, even an aberration.

Similar to our state court judicial colleagues, we come to the work we do for the children and families, recognizing that the rewards are neither rich in monetary gain nor public accolade. However, unlike our state court colleagues, we find ourselves fighting to have our court orders recognized by state courts and state law enforcement, to be invited to state judicial trainings and conferences, and to be recognized for the difficult work we do. And like our state court colleagues, we struggle with finding the dollars to do our work well. But unlike those in state courts, tribal courts have no solid funding base—we are funded through federal grant dollars and “hard” dollars provided by tribal governments through monies raised via economic development projects. We have no access to Court Improvement Project funds, no access to state court databases or other information systems, and few to no cooperative agreements with state courts or agencies. Yet we often find ourselves working with the same families as our state counterparts. Our families and children come to us with severe issues that need to be addressed at the highest level of care, but we either have minimal services available or services that are not culturally appropriate to our communities.

A stark example of the challenges and disparities faced by those of us who work in tribal courts can be demonstrated by a sobering statistic Judge Thorne shared with us. The federal government reimburses the states approximately sixty cents per dollar spent on a child in state care. Tribes, however, are reimbursed approximately fifteen cents per dollar spent on a child in care placed through tribal court. While all child welfare cases are complex, tribal court judges regularly see families who have parents raised in institutional settings or out-of-home placement going back three or four generations. We see families who we would argue have the highest possible needs, but upon whom the fewest dollars are spent.

As tribal court judges, we deal on a daily basis with the effects of historical and present-day trauma and its impact on our families and communities. We come to this work because we care deeply for the health and well-being of our children, families, and communities.

Over these two days, the group came together to develop a plan of action that would see the Council reach out across the membership to engage state court judges in conversation with and in support of their tribal court colleagues. A few weeks after the Gathering, NCJFCJ's Board of Trustees passed two resolutions directly responding to the discussions.

First, the Council passed a resolution entitled “Resolution in Support of Tribal Courts,” which acknowledged that tribal courts and state courts are equal and parallel systems of justice. The Council emphasized its commitment to working with tribal courts and judges as full partners engaged in the mission of the NCJFCJ and meeting the needs of children and families. This acknowledgment includes recognizing and enforcing all laws as they pertain to Native children and families, including, but not limited to, the Indian Child Welfare Act and the Adoption and Safe Families Act “in a context that supports tribal culture.” The second resolution, “Resolution in Support of Policy Recommendations for Tribal Access to Federal Court Improvement Project (CIP) Funds,” recommended that “Congress appropriate new funding to provide direct CIP funding to tribal governments.”

In late January 2011, the Conference of Chief Justices passed Resolution 5 “To Encourage Greater Collaboration Between State Courts and Tribal Courts to Protect Native American Children.” This resolution reflected many of the concerns brought to light at the Gathering and provided those of us in attendance with further confirmation that the work

we undertook in December will have real effects in our work with children and families.

This Gathering was the first step in a long overdue path toward true collaboration between state and tribal court judges. A second meeting of the Tribal Judicial Leadership Gathering is being organized for Summer 2011. In addition, we hope to see tribal judicial inclusion in the NCJFCJ's Annual Conference and tribal voices on the Board of Trustees and Advisory Committees. These resolutions are statements of commitment on the part of the leadership of the NCJFCJ.

Your words are important; they are promises to us as tribal court judges and to yourselves as our state court colleagues. Now you must follow through on those words with your actions. As you do so, we will be there to meet you halfway. On behalf of those tribal and state court judges present during the two days at the Gila River Indian Community, I invite you to join us in conversation on these important issues and follow through on the commitment the NCJFCJ has made to each of us.



ABOUT THE AUTHOR:

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NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

Model Courts

JULY 2008

Improving Outcomes for Abused and Neglected Children and Their Families



I am not a statistic.

I am not research.

I am not somebody's data.

I am more than a product of my environment.

- FORMER FOSTER CHILD'

Fact:

At the end of 2005, approximately 513,000 children were in out-of-home care in the United States.²



Thousands of children in this country are in foster care; not knowing when or if they will go home or ever have a permanent placement. Many move in and out of numerous foster care placements. Since 1992, jurisdictions participating in the National Council of Juvenile and Family Court Judges' (NCJFCJ) Model Courts Project³ have striven to improve timely outcomes for all children in foster care and their families. The Model Courts Project provides judges, attorneys, and numerous other professionals who work in the courts and child welfare agencies, with practical, concrete, and effective tools for improving court performance in the handling of child abuse and neglect cases.

The Model Courts are committed to making a difference. Working with the National Council of Juvenile and Family Court Judges' Permanency Planning for Children Department (PPCD), and using the acclaimed best practices bench book *RESOURCE GUIDELINES*⁴ as a guide to systems reform, the Model Courts serve as models of systems' change identifying impediments to the timeliness of court events and delivery of services for children in care, and then design and implement court- and agency-based changes to address these barriers. With technical assistance and training from the PPCD, dependency practices and innovations are pilot-tested and refined as part of ongoing court and multi-agency systems' change efforts.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice provides support to make this important work possible and has enabled the PPCD to include an increasing number of jurisdictions nationwide. The benefits to communities and to the children and families they serve have made the Model Courts an invaluable national resource.

¹ Cover: California Youth Connection, 2003.

² The Administration for Children and Families, Children's Bureau, U.S. Department of Health and Human Services, The AFCARS Report, September 2006.

³ "The Child Victims Act" Model Courts Project is funded under Section 223(a) of Public Law 101-647 (104 Stat. 4797), the Victims of Child Abuse Act of 1990, as amended in Title III, Section 1302 of the Violence Against Women Act of 2000, through the Department of Justice Office of Juvenile Justice and Delinquency Prevention.

⁴ *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (1995). NCJFCJ, Reno, NV.

WHY WERE THE MODEL COURTS NEEDED?

In the early 1990s many of the nation's abused and neglected children lingered in state foster care systems – systems designed only for short-term care – with no permanent resolution to their cases. It was not unusual for such children to remain in care for years, leaving the system only when they “aged out” at 18.

Congress recognized “foster care drift” in 1980 when it passed P.L. 96-272, the Adoption Assistance and Child Welfare Act. The law's primary mandate was for court oversight to provide expanded preventive and reunification services to reduce the need for, and duration of, foster placements, and to facilitate adoption where restoration of the family was not feasible. Throughout the 1980s, judges and child welfare professionals worked to implement the requirements of P.L. 96-272 with varying degrees of success. While some jurisdictions achieved improvement in permanency outcomes, many did not. By the early 1990s, juvenile and family courts needed additional support and direction to meet the needs of children in care and their families.

The Model Court concept has allowed the El Paso community to learn and implement cutting edge ideas, programs, and initiatives to benefit and serve the most vulnerable of our citizens, our children.

LEAD JUDGE ALFREDO CHAVEZ,
EL PASO, TEXAS





ACHIEVEMENTS OF THE MODEL COURTS

- Establishment of cross-system collaboratives in each court guided by a Model Court Lead Judge.
- Shortened timeframes for children under court supervision.
- Decrease in the number of cases under court supervision.
- Focus on increasing reunifications.
- Focus on increasing adoptions.
- Focus on permanency for children in safe and stable families.

PRACTICE IMPROVEMENTS PIONEERED BY THE MODEL COURTS

- Establishment of one family-one judge calendaring.
- More substantive preliminary protective hearings.
- Front-loading of services to children and families.
- Scheduling hearings at a specific time (“time certain calendaring”).
- Implementation of strict no-continuance policies.
- Copies of orders disseminated to all parties at the end of each hearing.
- Setting the date and time of the next hearing at the end of the current hearing.
- Development of “dedicated” attorneys.
- Improved advocacy for children and representation for parents.
- Development of data information systems specifically focused on dependency case processing.
- Development of family group conferencing and dependency mediation programs.

IMPROVED OUTCOMES ASSOCIATED WITH THE MODEL COURTS

- In the District of Columbia, the Model Court collaboration between two organizations that provide CASA services led

to increased numbers of children being served and represented.

- In Tucson, the average number of months a case remained open was 23.2 months in 2008- down from 39 months a decade ago, along with a 33 % decrease in the number of dependent youth growing up in foster care.

- In New York City, the number of children in foster care in 2008 (16, 982) is down from an estimated 42,000 children in care a decade ago. Over half of these children are teenagers. With the implementation of Teen Days in 4 of the 5 boroughs, these youth are participating more in court.

- In Des Moines, due to the efforts of the Model Court, best practices in supporting visitation have been utilized in child welfare cases statewide. The Iowa Code has adopted Parent Child visitation guidelines for courts to abide.

- In Chicago, the backlog of children under court jurisdiction in out-of-home, long-term foster care was reduced from an estimated 58,000 to fewer than 20,000 during 1996-1999. In 2008, fewer than 8,000 children were in care.

- In Los Angeles, the leadership of the Model Court Lead Judge and team resulted in significant improvements in achieving permanency for children through the Adoption Saturday program, which has since become a national model. More than 3,000 children found permanent homes in 2000.

Not only has the NC child welfare system in dependency cases provided tremendous technical assistance improve our juvenile imagine where our our entire child welfare be without the Model

LEAD JUDGE LOUI CHARLOTTE, NO

- In San Jose, the adoption rate doubled. San Jose also created one of the first child welfare mediation and family group conferencing programs in the United States; the San Jose program is now a nationally recognized model.

COMMITMENT REQUIRED OF A MODEL COURT

Becoming a Model Court requires a unique commitment of energy, time, and committed personnel. All prospective jurisdictions are asked to follow seven fundamental elements in order to become part of the project:

- Identify a Lead Judge to guide the process with the support of the Presiding Judge or Chief Justice in his or her jurisdiction or state.
 - Establish a collaborative with key stakeholders.
 - Assess court practice and identify challenges, goals, and improvements based upon best practices.
 - Agree to serve as a “laboratory” for systems change by implementing new practices and sharing experiences with others.
 - Open the court process to PPCD staff, evaluators, and others.
 - Track measurable outcomes through a data information system or by other means.
 - Agree to mentor other jurisdictions by hosting site visits, serving as presenters at state, regional, and national conferences, and developing publications.

JFCJ exposed our courts to best practices, but it has cost us amounts of money to our efforts to reform the court. I cannot support the Model Courts program, and, indeed, the current foster care system would be a better model.

THOMAS A. TROSCH, JR.
NORTH CAROLINA

Becoming a Model Court is a long-term commitment. Systemic improvement is a multi-year, multi-phase, multi-systems change process that evolves through leadership, legislation, policy, and personnel. Working closely with each other and with the PPCD, the Model Courts continually assess their child abuse and neglect case processing, examine barriers to timely permanency, develop and institute court improvement plans, and collaborate within their jurisdictions to bring about meaningful and sustainable systems’ change.

All Model Courts are engaged in developing new policies, practices, and programs which will not only speed cases to permanency, but also provide high-quality attention and services to children that focus on the safety, permanency, and well-being of the children in care. Each Model Court is committed to taking a hard look at how its court process is working in everyday practice.



Fact:

The average foster child in the United States today is a boy, under ten years old, who will pass through multiple foster home placements and be in out-of-home care for approximately three years.⁵ While these statistics have fluctuated through the years, the message has not: The average child in foster care may face a bleak reality.

⁵ *Supra*, note 2.

The Model Court project has been wonderful for our jurisdiction in the sharing of resources and ideas. We have been able to bring training to our stakeholders that we otherwise would not have been able to have.

LEAD JUDGE WADIE THOMAS, JR.
OMAHA, NEBRASKA

RESOURCES THE PPCD PROVIDES TO THE MODEL COURTS

The PPCD primarily serves as a provider of highly focused and specialized training and technical assistance. Unlike other grant programs, no direct funding flows from the PPCD to the Model Courts. Rather, the PPCD makes available a wide range of resources, materials, and collaborative opportunities. A Model Court Liaison facilitates the provision of training and technical assistance in the implementation of the court's vision, goal-setting, systems changes, and special needs. The Model Court Liaison makes available:

- Planning and implementation of site-specific training programs.
- Assistance in strategic planning and goal-setting.
- Coordination of site and cross-site visits.
- Direct provision of technical assistance.
- Networking with other Model Courts and linking those with similar needs or issues.

The PPCD also maintains a full resource library staffed by Information Specialists who coordinate with the Model Court Liaisons to fulfill Model Court technical assistance requests.

Perhaps the most valuable overall resource offered to Model Courts is access to, and collaboration with, representatives of other Model Courts. Model Court Lead Judges and members of their teams have experience in a wide variety of areas related to court improvement and systemic practice in the handling of child abuse and neglect cases. Often Model Court team members are called upon to share their expertise with others. They are regularly invited to travel to conferences and to other Model Courts jurisdictions to conduct trainings, serve as resources, and assist in the continuum of systems' change. The PPCD conducts annual Lead Judges' Meetings and an All-Sites Conference for Model Court teams to network, share information, strategize improvement efforts, and assess goal progress and achievement.

PPCD AND MODEL COURTS PROJECT ACHIEVEMENTS

- Heightened judicial awareness to the plight of foster children caught in "foster care drift."
- Development, publication, and dissemination of recommendations for best practices in the handling of child abuse and neglect cases to more than 36,000 judges and court-related personnel.
- Training for more than 82,000 judges and related child welfare professionals in the implementation of best practices.
- Raising the level of practice, e.g., reducing the disproportionate minority representation of children in foster care, reduction of continuances, and addressing educational outcomes for children from the bench.
- Establishing a national platform for disseminating court improvement information.
- Showcasing techniques to dramatically shorten the timeframes for permanency, in compliance with federal law.
- Creating a nationwide network of judges and child welfare professionals who collaborate on continued improvements and innovations, and who serve as faculty and mentors for other jurisdictions.

To become a Model Court is to make a commitment to promote, facilitate, and implement meaningful and sustainable systems change in a given jurisdiction to improve outcomes for abused and neglected children and their families. The commitment must initially be made by a judge willing to accept the responsibility to spearhead system reform efforts aimed at improving the lives of children and families at risk of abuse and neglect. Without strong judicial leadership, meaningful and sustainable systems change may not occur. The PPCD and the Model Courts continue to work toward the goal of improving dependency court practice in ways that will most benefit our nation's abused and neglected children and their families.

Model Court Support



Model Court has given me the opportunity to come together with a group of committed and dedicated people to share frustration and to learn. It provides an opportunity to test ideas and get meaningful feedback and suggestions from others in the field. It provides a source of support and numerous resources that can assist in problem-solving and developing new ideas and programs.

— **Lead Judge Ernestine Gray**
New Orleans, Louisiana

We have expanded our Model Court team to include all participants in our dependency system. This has resulted in even more enthusiasm and energy to work on all of our Model Court goals to ensure the best results for all of our children and families.

— **Lead Judge Paula J. Kurshner**
Portland, Oregon

The Lead Judge has acted as a convener to bring a variety of court participants together to commit to improved court practice. The National Council of Juvenile and Family Court Judges, with the Permanency Planning for Children Department, has provided training, technical assistance, resources, guidance, and support to identify and implement these best practices.

— **Lead Judge Douglas F. Johnson**
Omaha, Nebraska

The Model Court offers its participants an opportunity to creatively and energetically come to the table and contribute ideas about ways to improve service to children and families. The spirited discussions that ensue, and the resulting innovations, nurture and sustain us all!

— **Lead Judge Sallyanne Floria**
Newark, New Jersey

The Model Court project enabled my jurisdiction to think outside of the box and address the inefficiencies of the system with innovative programs to improve the outcome for children and families.

— **Lead Judge Kathy Delgado**
Brighton, Colorado

The Model Courts Program has greatly enhanced the collaboration between The Department of Human Services and the Family Court of Honolulu to the great benefit of the children and families involved in the child welfare system.

— **Lead Judge Bode A. Uale**
Honolulu, Hawai'i

Model Courts use the *RESOURCE GUIDELINES* as a basis for changing court process, with a focus not just on innovative projects, but on building a strong court foundation upon which projects unique to each jurisdiction can be developed.

— **Lead Judge Deborah Schumacher**
Reno, Nevada

Model Courts are not exemplary courts, but are laboratory courts, using trial and error, creativity, and ongoing evaluation to come up with enhancements and improvement of best practices. They are willing to try new things to improve outcomes for children.

— **Deputy Lead Judge Oscar G. Galbadón, Jr.**
El Paso, Texas

The Model Court program has given Los Angeles the opportunity to work with and learn from courts throughout the nation which are committed to improving the way our juvenile courts serve at-risk children and families.

— **Lead Judge Michael Nash**
Los Angeles, California

A National Council Model Court is a national laboratory which advocates and models for meaningful change to improve outcomes for children and families by implementing the National Council of Juvenile and Family Court Judges' *RESOURCE GUIDELINES* and *ADOPTION AND PERMANENCY GUIDELINES*.

— **Lead Judge Marilyn Ann Moores**
Indianapolis, Indiana

Being a Model Court takes best practices off the pages of books and breathes life into them.

— **Lead Judge Louis A. Trosch, Jr.**
Charlotte, North Carolina

If your jurisdiction is interested in becoming a Model Court or implementing the principles of the *RESOURCE GUIDELINES*, please contact Nancy B. Miller, Director, Permanency Planning for Children Department, at (775) 784-6675 or nmiller@ncjfcj.org.

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NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

THE MODEL COURT EFFECT

Proven Strategies in Systems' Change





“Model Court has given us a vehicle to create a team where each member has committed to creating a joint vision on how our system can best serve at-risk children and families in our jurisdiction.”

Judge Michael Nash, Los Angeles Model Court

“Model Court...expresses the collective belief among all participants in the court system that improvements are possible and that everyone will work to ensure that best practices are instituted so that clients will be better served.”

**Judge Leonard Edwards (Retired)
San Jose Model Court**

“Being a Model Court takes best practices off the pages of books and breathes life into them.”

**Judge Louis Trosch, Jr.
Charlotte Model Court**

FEWER CHILDREN IN CARE

Model Courts can reduce the numbers of children in foster care. Three of the largest jurisdictions in the nation have reduced the number of children in care by 50% since becoming Model Courts.

Cook County Juvenile Court, Child Protection Division (Chicago Model Court)

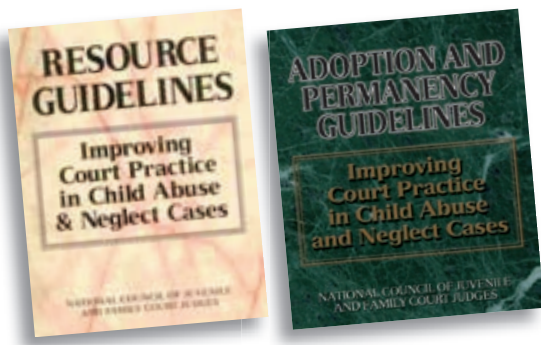
1998 – 31,534 children in out-of-home placement
2007 – Less than 8,000 children in out-of-home care

Los Angeles County Juvenile Court (Los Angeles Model Court)

1998 – 47,420 children under court jurisdiction
2009 – 24,768 children under court jurisdiction

New York City Family Court (New York City Model Court)

1998 – 40,909 children in out-of-home placement
2007 – 17,005 children in foster care



“Model Courts use the *RESOURCE GUIDELINES* as a basis for changing court process, with a focus not just on innovative projects, but on building a strong court foundation upon which projects unique to each jurisdiction can be developed.”

Judge Deborah Schumacher, Reno Model Court

MODEL COURTS

Alexandria, Virginia
 Austin, Texas
 Baltimore City, Maryland
 Charlotte, North Carolina
 Chicago, Illinois
 Cleveland, Ohio
 Concord, New Hampshire
 Dallas, Georgia
 Des Moines, Iowa
 El Paso, Texas
 Hattiesburg, Mississippi
 Honolulu, Hawai'i
 Howell, Michigan
 Indianapolis, Indiana
 La Plata, Maryland
 Lake Charles, Louisiana
 Las Vegas, Nevada
 Los Angeles, California
 Louisville, Kentucky
 Miami, Florida
 Nashville, Tennessee
 Newark, New Jersey
 New Orleans, Louisiana
 New York City, New York
 Omaha, Nebraska
 Portland, Oregon
 San Jose, California
 Seattle, Washington
 Toledo, Ohio
 Washington, D.C.

Senior Model Courts

Cincinnati, Ohio
 Reno, Nevada
 Salt Lake City, Utah
 Tucson, Arizona

Statewide Model Courts

Colorado
 New York

IMPROVING PRACTICE / RESOURCE GUIDELINES

Improving court practice improves outcomes for children and families.

Model Courts strive to implement all the best practice recommendations of the *RESOURCE GUIDELINES*¹ and *ADOPTION AND PERMANENCY GUIDELINES*² to improve the safety, due process, permanency, timeliness, and well-being of children and families.

INCREASED ADOPTIONS

- In 2007, the Baltimore City Model Court had a total of 254 new adoption petitions filed with 235 completed adoptions, for a clearance rate of 93%.
- Using the NCJFCJ'S *ADOPTION AND PERMANENCY GUIDELINES*, the Buffalo Model Court revised its adoption processing procedure and adoption finalizations increased by 20% (152 to 185) in 2006.
- The Newark Model Court established the Post-Termination Project to achieve timely permanency for children whose parental rights were terminated. As of 2007, the project had reviewed 1,969 cases and of those cases, 1,145 children were adopted.

ADOPTION SATURDAY

- In Los Angeles, the leadership of the Model Court Lead Judge and team achieved significant improvements in timely permanency for children through the Adoption Saturday program, which has since become a national model. As of December 2008, 7,700 adoptions have been finalized in the Los Angeles Model Court since implementing Adoption Saturdays.

TIMELY HEARINGS

- According to Oregon Judicial Department statistics, the Portland Model Court permanency hearings are compliant with timelines between 95% and 97% of the time.

REDUCED COSTS

- Between 1996 and 1999, the Tucson Model Court implemented improved practices utilizing the *RESOURCE GUIDELINES*, reducing the length of time a child remained under the jurisdiction of the court by 50%, and reducing the time children remained in out-of-home care from 400 days to 178 days, for an estimated savings of \$5 million.

INCREASED REPRESENTATION

- After becoming a Model Court, the El Paso Model Court reduced the time it took for all parties to be appointed counsel (7 days vs. 41 days for the mother, 10 days vs. 42 days for the father, and 3 days compared to 15 days for the child).



The NCJFCJ publications, *Technical Assistance Brief: Asking The Right Questions II: Judicial Checklists to Meet the Educational Needs of Children And Youth in Foster Care*, and the *Technical Assistance Bulletin: Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System*, were developed in response to identified informational needs of the Model Courts.

“The Model Court project has given me the opportunity to come together with a group of committed and dedicated people to share frustration and to learn. It provides a source of support and numerous resources that can assist in problem-solving and developing new ideas and programs.”

**Judge Ernestine Gray
New Orleans Model Court**

EDUCATIONAL SUCCESS

Strong and stable education can determine the success of foster children.

Model Courts strongly focus on the educational needs of foster children.

- The Des Moines Model Court created an Education Advocate Program. The court worked with PACE (Orchard Place’s Porter Avenue Center for Education) which offered space and clerical help for tutoring services.
- In September 2007, the Washington D.C. Model Court judicial officers, attorneys and social workers were trained on the use of the NCJFCJ Technical Assistance Brief, *Asking the Right Questions: A Judicial Checklist to Ensure that the Educational Needs of Children and Youth in Foster Care are Being Addressed*. By November 2007, four family court judges had implemented regular use of the education checklist in their courtrooms.
- The Tucson Model Court began efforts to enhance educational outcomes for children in 2003 by identifying areas in need of improvement, providing training on educational advocacy, and increasing collaboration efforts between child protective services, probation, and the schools. A follow-up assessment in 2006 revealed that the educational needs of the child were routinely addressed in the preliminary hearing in 92% of cases. Overall, 82% of cases reviewed had seen progress or resolution of educational issues by the permanency hearing stage.

COLLABORATION

Eliminating barriers between systems and agencies works for children and families. The child welfare agency, attorneys, CASA, and others are all at the table as part of the Model Court team, collaboratively improving outcomes for children and families.

- The Tucson Model Court Permanency Subcommittee, formed in 2005 with members from the court, CPS, and the Foster Care Review Board (FCRB), retrieved information in their respective databases regarding children in care longer than two years. A workgroup developed a court hearing called the Permanency Collaborative Review (PCRVR) to specifically improve the status of children in care two years or more. As of 2007, there was a 33% decrease in children growing up in foster care from a decade earlier.
- The San Jose Model Court’s partnership with FIRST 5 resulted in a 25% reduction in child abuse and neglect petitions filed from 2006-2008. FIRST 5 Santa Clara County was formed when voters approved Proposition 10 in November 1998 to focus on early childhood development.

“Nothing has been more beneficial in maintaining an unwavering focus and effectively pursuing permanency and the best interest of children in the dependency system than the serious commitment to implement Model Court best practice initiatives.”
Judge Oscar Gabaldon, Jr., El Paso Model Court

FRONT-LOADING OF SERVICES

Getting services to children and families as soon as possible helps them exit the system sooner. Model Courts work to streamline the process.

- The Baltimore City Model Court reduced the number of Termination of Parental Rights (TPR) cases not disposed of within the statutory 180 days by introducing parent locator and parent identification forms at every hearing. Parents were found earlier and engaged in the court process sooner, resulting in postponements being reduced by 34% in 2007 compared to fiscal year 2006. The total number of TPR cases in June 2007, was 367. Sixty percent (60%) of those cases were within the statutory 180-day timeframe.
- Since becoming a Model Court in 1996, the Chicago Model Court has reduced the number of children in foster care by almost 75% by utilizing the best practice recommendations for front-loading services contained within the *RESOURCE GUIDELINES*.
- The Honolulu Model Court created the Ho’olokahi Program to recruit volunteer parent facilitators to meet with parents at the very first court hearing. In the 2004-2005 fiscal year, there were 973 new CPS petitions filed, of which 675 were facilitated by parent facilitator volunteers saving court costs and hearing time.
- The Portland Model Court added an expanded second shelter care hearing in 1998 held one to two weeks following the initial hearing. Evaluation results conducted in 2001 indicated there was an increase in judicial continuity (61% had the same judge compared to 27% pre-implementation).
- The El Paso Model Court reduced the average number of days from removal to review hearing from 84 days to 46 days. Removal to permanency hearing was reduced from 519 to 301 days, at which point the permanency plan was already established and the hearing was used to formally adopt the plan.





ALTERNATIVE DISPUTE RESOLUTION AND MEDIATION

Best practice decision-making programs have successfully enhanced outcomes for families. Model Courts have implemented mediation, family group conferencing, and other programs.

- **The Charlotte Model Court** implemented a grant-funded pilot mediation project in 2001. The financial savings for Mecklenburg County was \$88,340 per year in case processing costs, and \$269,220 per year in foster care costs. Mediated cases more frequently resulted in permanent placements at one-year review; children returned home sooner; spent less time in agency custody (14 months compared to 20 months); and had higher rates of reunification than did comparison cases.
- In May 2006, the **Reno Model Court** instituted its Juvenile Dependency Mediation Program. Within a year of program implementation, 58 cases were mediated with 46 (or 79.3%) resolved.
- Through the utilization of mediation programs in the **Des Moines Model Court**, the number of contested removal hearings was reduced by more than 50%.
- The **Washington D.C. Model Court** implemented a Family Court Child Mediation Program in 2002. Comparisons between mediated and non-mediated cases revealed that children in the mediated group experienced significantly less repeated maltreatment (7%) compared to the non-mediated comparison group (21%). Results also indicated that mediated cases reached adjudication faster (49 vs. 86 days), disposition (69 vs. 132 days), and permanency quicker (210 days compared to 258) than the non-mediated group.
- The **San Jose Model Court** implemented Family Group Conferencing (FGC) in 1996 and found that FGC was associated with several positive permanency outcomes. Nearly 37% of the children in the FGC group left foster care within one year, compared to 32% of the comparison group. Further, 97% of those in the FGC program had stable placements, compared to 84% of children in the comparison group. The FGC group also had a 4.5% less likelihood of recurrence of maltreatment.
- The **Miami Model Court's** Family Group Decision Making program resulted in 92% of the children finding stable placements.
- The 'Ohana Conferencing Program established in the **Honolulu Model Court**, resulted in no new reports of harm within one year of the conference, and 62% of the families involved no longer required court intervention.



“The Lead Judge has acted as a convener to bring a variety of court participants together to commit to improved court practice. The National Council of Juvenile and Family Court Judges, with the Permanency Planning for Children Department, has provided training, technical assistance, resources, guidance, and support to identify and implement best practices.”

**Judge Douglas Johnson
Omaha Model Court**

The purpose of the National Council of Juvenile and Family Court Judges’ (NCJFCJ) Victims Act Model Courts Project is to improve court practice in child abuse and neglect cases and improve outcomes for children and families. The Victims Act Model Courts utilize best practices outlined in the NCJFCJ groundbreaking publications, *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* and the *ADOPTION AND PERMANENCY GUIDELINES* to inform and improve court practice across the nation.

For more information on the Victims Act Model Courts Project, please contact Nancy B. Miller, Director, Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges at (775) 327-5300.

For more information on publications referenced within this document please visit the NCJFCJ website, Child Abuse and Neglect section at: www.ncjfcj.org.

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

²*ADOPTION AND PERMANENCY GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases* (2000). National Council of Juvenile and Family Court Judges, Reno, Nevada.



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