



Court Performance Measures in Child Abuse and Neglect Cases

Implementation Guide



U.S. Department of Justice
Office of Justice Programs
810 Seventh Street NW.
Washington, DC 20531

Michael B. Mukasey
Attorney General

Jeffrey L. Sedgwick
Assistant Attorney General

J. Robert Flores
Administrator
Office of Juvenile Justice and Delinquency Prevention

Office of Justice Programs
Innovations • Partnerships • Safer Neighborhoods
www.ojp.usdoj.gov

Office of Juvenile Justice and Delinquency Prevention
www.ojp.usdoj.gov/ojjdp

The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the Community Capacity Development Office; the National Institute of Justice; the Office for Victims of Crime; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Court Performance Measures in Child Abuse and Neglect Cases: Implementation Guide



Sophia I. Gatowski, Ph.D., Assistant Director

Lisa Portune, M.S.W., Consultant

Permanency Planning for Children Department

National Council of Juvenile and Family Court Judges



December 2008

NCJ 223568

This publication was prepared under grant number 2003–JS–FX–K008 from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, and grant number 90XW0008 from the U.S. Department of Health and Human Services, Administration for Children, Youth and Families, Children’s Bureau. Points of view or opinions expressed in this publication are those of the authors and do not necessarily reflect the official position or policies of the funding agencies, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Department of Justice or the U.S. Department of Health and Human Services. This information is in the public domain. Readers are encouraged to copy portions of the text which are not the property of copyright holders and share them, but please credit the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, and the Children’s Bureau, U.S. Department of Health and Human Services.

Foreword

There are few acts that are more tragic than the abuse and neglect of children. Americans are a compassionate people, and the protection of children from those who would take advantage of their innocence and vulnerability understandably lies close to their hearts.

Sharing a long history of serving our Nation's children and an abiding commitment to promoting their welfare, it is only natural that the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention and the U.S. Department of Health and Human Services' Children's Bureau would join in this cause. After all, the children we seek to help are often one and the same, and, if we are to make a difference in their lives, it is essential not only to see each child as a whole person, but to act collaboratively with that understanding in mind.

The *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases* is a significant product of this collaboration. Performance measurement is, to be sure, only a part of what needs to be done, but it is a vital part.

If we are to succeed in our efforts on behalf of children, we must know where we have been. In other words, we must objectively measure the effects of our activities and determine what works and—what is equally important—what does not.

The *Toolkit* has been designed and tested to provide practical and comprehensive guidance to the critical task of measuring court performance in child abuse and neglect cases. It is my hope and conviction that it will assist its users not only in undertaking performance measurement, but in enhancing the efficiency and effectiveness of the court's crucial role in our common mission: promoting the well being of every child.

J. Robert Flores

Administrator

Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
U.S. Department of Justice



About the Toolkit

Performance Measurement: A Critical Need

Developing objective and qualitative measurements of practice is essential to a court's capacity to improve the effectiveness and efficiency of its operations and to sustain those improvements. Like child welfare agencies, juvenile and family courts must focus not only on the timeliness of case processing and decisionmaking, but also on the quality of the process and the outcomes resulting from the court's efforts.

Courts must focus on child safety by assessing their safety performance data and developing plans for improving the safety of children under their jurisdiction. Courts also must focus on ensuring secure, permanent homes for children in foster care and must improve their effectiveness in achieving permanency. In addition, courts need to determine how well they are protecting the rights of the children and adults who come before them. Finally, courts need to set aspirational performance goals in each of these areas—goals designed to focus efforts, motivate staff, evaluate achievements, and lead to better outcomes for children and families.

Few courts currently have the capacity to effectively measure their performance in child abuse and neglect cases. Whereas for-profit businesses have long taken for granted the need for performance measurement, it is still a relatively new concept for the Nation's courts. Yet without this essential information, courts with jurisdiction over abuse and neglect cases cannot know what types of improvements they need to make and whether their efforts to improve are working.

Performance measurement makes it possible for courts to diagnose and assess areas in need of improvement and review progress in those areas. In this process, courts build improvements from a baseline of current practices and then conduct regular reassessments as reforms are implemented.

The purpose of the measures in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases* is to help courts establish their baseline practices; diagnose what they need to improve; and use that information to

make improvements, track their efforts, and identify, document, and replicate positive results.

By capturing data for the 30 measures in the *Toolkit*, courts will be able to evaluate four areas of operation: child safety, child permanency, due process or fairness, and timeliness.

- ◆ **Safety (Measures 1A and 1B).** The goal of these two measures is to ensure that children are protected from abuse and neglect while under court jurisdiction. The performance outcome promoted by these measures is based on the principle of “first, do no harm.” Children should be protected from abuse and neglect, no child should be subject to maltreatment while in placement, and children should be safely maintained in their homes whenever possible and appropriate.
- ◆ **Permanency (Measures 2A–2E).** The goal of these five measures is to ensure that children have permanency and stability in their living situations. The permanency measures are closely related to timeliness measures but also include additional considerations. With this category, courts assess whether children change placements, whether cases achieve permanent legal status, and whether children reenter foster care (a possible safety issue as well). The permanency measures encourage courts to examine the “bigger picture” of the court experience for the abused or neglected child. In using the permanency measures, a court will need to obtain information from partner agencies such as the State child welfare system or private providers who track children placed in foster care.
- ◆ **Due Process (Measures 3A–3J).** The goal of these 10 measures is for the court to decide cases impartially and thoroughly based on evidence brought before it. Due process measures address the extent to which individuals coming before the court are provided basic protections and are treated fairly.
- ◆ **Timeliness (Measures 4A–4M).** The goal of these 13 measures is to minimize the time from the filing of the petition or emergency removal order to permanency. Courts generally are most familiar with timeliness measures. These measures help courts identify areas where they are doing well and areas



where improvement is needed. To ensure that courts can pinpoint specific stages of the hearing process in need of improvement, these measures must be comprehensive (applied to all stages of proceedings) and sufficiently detailed.

None of the measures includes a standard or benchmark of performance. Rather, the measures suggest a base of experience from which to develop reasonable and achievable benchmarks. The measures are designed to help courts improve services to maltreated children and their families, and it is important for courts to measure their progress toward achieving that goal. The measures are intended to be part of a process of continuing improvement. They are also intended to be developmental; that is, the measures can be refined as more is learned about the factors associated with a model process for handling child abuse and neglect cases.

The developers of the *Toolkit* expect courts to collaborate with child welfare agencies in applying these measures; for this reason, the court performance measures in the *Toolkit* are designed to be compatible with the Child and Family Services Review (CFSR) outcome measures developed for child welfare agencies. The *Toolkit* developers encourage courts to work with child welfare agencies to establish not only minimum acceptable standards of performance but also aspirational goals that challenge both stakeholders to improve even further.

The national court performance measures also reinforce the goals of other current Federal reform programs and legislation, including the Court Improvement Program (CIP) and the Adoption and Safe Families Act (ASFA). These initiatives recognize that courts, as well as State child welfare agencies, are crucial stakeholders in achieving positive outcomes for maltreated children who become involved in the child welfare system. Court performance has an impact on overall system performance in achieving safety and permanence for these children in a fair and timely manner.

History of the Performance Measures

The history of court performance measurement for child abuse and neglect cases began with a miniconference held in Scottsdale, AZ, on May 5, 1998. The miniconference was cosponsored by the Court Improvement Conference and the Conference of State Court Administrators' Court Statistics Project Advisory Committee. Participants worked with the following resource materials:

- ◆ Trial court performance standards and measurement system [prepared by the National Center for State Courts (NCSC) and funded by the Bureau of Justice Assistance (BJA)]. These standards touched on five fundamental purposes of courts: access to justice; expediency and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence. Although general trial court standards could be applied to juvenile and family courts, miniconference participants perceived a need for measures and standards tailored specifically to child abuse and neglect cases.
 - ◆ Draft sets of child abuse and neglect performance measures developed by the American Bar Association (ABA) Center on Children and the Law, NCSC, and Walter R. McDonald & Associates, with comments and suggestions from the National Council of Juvenile and Family Court Judges (NCJFCJ).
 - ◆ A set of measurement goals from the National Court-Appointed Special Advocates Association.
 - ◆ Best practice recommendations for handling child abuse and neglect cases, outlined by NCJFCJ in *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases*.
 - ◆ Technical assistance bulletins on information management in child abuse and neglect cases and judicial workload assessment in dependency cases, developed by NCJFCJ.
- Miniconference participants summarized key performance measures for dependency courts in a consensus statement, which was then presented in the following forums:
- ◆ To participants in the ABA Summit on Unified Family Courts, May 1998.
 - ◆ To child welfare professionals at the Permanency Partnership Forum, June 1998.
 - ◆ To managers of statewide automated child welfare information systems at the conference "Continuing To Build the Future: Using Automation for Children and Families," September 1998.
 - ◆ To juvenile and family court judges at the NCJFCJ Annual Conference, July 1998.
 - ◆ To judges, court administrators, and child welfare workers at "Improving Outcomes for Abused and Neglected Children," a symposium sponsored by the Bureau of Justice Assistance and the David and Lucile Packard Foundation, June 2000.

In addition, Dr. Ying-Ying Yuan prepared a critique of the performance measures in a September 1999 report for the ABA entitled “Feasibility of Implementing Court Self-Assessment Measures for Dependency Cases.”

The measures were then revised to reflect input from these sources, and the revisions were summarized by Dr. Victor E. Flango in an article entitled “Measuring Progress in Improving Court Processing of Child Abuse and Neglect Cases” (*Family Court Review*, Volume 39, pp.158–169, April 2001).

In their present form, the court performance measures in the Toolkit grew out of the Attaining Permanency for Abused and Neglected Children Project, conducted jointly by the ABA Center on Children and the Law, NCSC, and NCJFCJ, with funding from the David and Lucile Packard Foundation. Over a 3-year period, these measures were pilot tested to determine their applicability in different types of courts with different measurement needs and data collection capabilities. The measures were also examined for compatibility with the CFSR outcome measures for child welfare agencies. One result of this effort was the 2004 joint publication *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. This publication described dependency court performance measures for safety, permanency, due process, and timeliness. It also outlined a process for assessing judicial workload that encompasses both on-the-bench and off-the-bench aspects of dependency work.

The Children’s Bureau Project

After publishing *Building a Better Court*, the ABA, NCSC, and NCJFCJ received funding from the Children’s Bureau of the U.S. Department of Health and Human Services to support efforts by courts to improve their handling of child abuse and neglect cases. The Children’s Bureau project provided targeted technical assistance to six sites: Charlotte, NC; Clackamas County, OR; Little Rock, AR; Minneapolis, MN; New Orleans, LA; and Omaha, NE. During this project, the partnering organizations also were able to test and refine the court performance measures, as well as data collection instruments, at these sites.

The Children’s Bureau project helped the six sites do the following:

- ◆ Use the performance measures outlined in *Building a Better Court*—compatible with Adoption and Foster

Care Analysis and Reporting System (AFCARS) and CFSR measures—to assess their performance in abuse and neglect cases. This included evaluating each site’s capacity to generate data for each of the performance measures.

- ◆ Examine judicial workloads to determine whether judges were able to spend enough time on child abuse and neglect cases to make timely and well-considered decisions in these cases. The partnering organizations disseminated information about and provided technical assistance in judicial workload assessment.
- ◆ Develop a court-specific strategic plan for using performance and workload data to achieve increased accountability and better court performance.

A major goal of the Children’s Bureau project was to enhance the sites’ self-assessment capacity so they would be able to track and measure their own progress after their involvement in the project ended. This strengthened capacity also makes the sites better able to assess their ASFA compliance and CIP implementation. The project sought to enable project sites—and eventually all courts handling abuse and neglect cases—both to begin a process of continuing self-improvement and to help child welfare agencies determine the impact of court proceedings on achievement of CFSR outcomes.

The Strengthening Abuse and Neglect Courts Act Project

While the Children’s Bureau project was underway, the ABA, NCSC, and NCJFCJ received funding from the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) to help courts use automated management information systems to improve their performance in child abuse and neglect cases. The Strengthening Abuse and Neglect Courts Act (SANCA) project supported SANCA implementation in six States: Colorado, Florida, Georgia, Idaho, New Jersey, and Virginia.

In each site, the SANCA project partners helped improve automated management information systems, implement performance measurement, develop case-tracking capabilities, and perform other management information system functions specifically for child abuse and neglect cases. The SANCA project provided this assistance through meetings of representatives from all SANCA sites, onsite training and technical assistance to each site, and offsite consultation.

The SANCA project has not focused on improving court information systems as an end in itself. Rather, the focus has been on improving these systems in ways that will have the greatest positive impact on efforts to improve quality and timeliness in courts' handling of abuse and neglect cases, to target reforms for court improvement efforts, and, ultimately, to improve the lives of abused and neglected children.

The Toolkit Volumes

All the aforementioned work has culminated in the production of the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*. The *Toolkit* content is informed by the experiences of the Children's Bureau and SANCA project sites.

In addition to providing detailed guidance about court performance measures for child abuse and neglect cases, the *Toolkit* offers a general approach—a way of thinking—that can help dependency courts successfully implement a performance measurement process. Using the *Toolkit*, dependency courts can:

- ◆ Establish a baseline of current practice, diagnose what they need to improve, and use that information to build and track improvement efforts.
- ◆ Measure their progress in achieving the goals of safety, permanency, and well-being for children.
- ◆ Identify and document practices that are achieving positive results and replicate those results.

The *Toolkit* includes the five volumes described below. Although each volume focuses on a particular audience, the *Toolkit* developers encourage everyone involved in court performance measurement for abuse and neglect cases to consult all the volumes for instruction, guidance, and inspiration.

Court Performance Measures in Child Abuse and Neglect Cases: Key Measures. This booklet outlines nine measures that the national partners have identified as key to determining court performance in child abuse and neglect cases. The booklet succinctly discusses the goal of each measure, data requirements, calculation and interpretation, and important related measures. It is an ideal tool for making the case for performance measurement to legislators, funders, and other high-level decisionmakers.

Court Performance Measures in Child Abuse and Neglect Cases: Implementation Guide. This step-by-step

guide provides practical advice on how to set up a performance measurement team, assess capacity (determine which measures the team can currently implement and which measures will require capacity building), prioritize among measurement needs, plan data collection activities, and use the data generated through the performance measurement process to plan reforms. The *Implementation Guide* uses examples from the Children's Bureau and SANCA project sites to illustrate key points. It also highlights lessons learned from the sites about performance measurement approaches, as well as challenges and strategies for overcoming those challenges. Performance measurement teams and project managers will find the *Implementation Guide* helpful as they plan and implement a performance measurement program and use results to drive improvement efforts.

Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide. This comprehensive volume describes all 30 court performance measures for child abuse and neglect cases. The *Technical Guide* details the goals and purpose of each measure, discusses alternate or proxy measures, provides step-by-step specifications for calculating the measures, articulates what data elements need to be collected to produce each measure, suggests ways to present data effectively, and provides examples of how data obtained for each measure can be used in reform efforts. The *Technical Guide* also includes a detailed dictionary of technical terms and a flowchart outlining the typical child abuse and neglect hearing process. This volume is ideal for project managers and IT staff tasked with obtaining performance measures. It will give them an in depth understanding of all the measures, what is needed to obtain data for the measures, and how to report findings in a way that is easily understood by various target audiences.

Court Performance Measures in Child Abuse and Neglect Cases: User's Guide to Nonautomated Data Collection. Some courts may lack automated systems for gathering performance measurement data on abuse and neglect cases. Even if a court has adequate automation resources, certain performance measures (such as those assessing due process) may not be captured via automated systems. Furthermore, qualitative information can help to explain quantitative outcomes. This volume explains how to use nonautomated data collection methods—such as file review, court observation, interviews, and focus groups—to complete the performance measurement picture.

Court Performance Measures in Child Abuse and Neglect Cases: Guide to Judicial Workload Assessment. To improve their handling of abuse and neglect cases, courts need to be able to measure workloads as well as performance. Measuring judicial workloads makes it possible for courts to track existing resources and argue persuasively for additional resources when they are needed. This volume presents a method for obtaining data on judicial workloads in abuse and neglect cases which includes an assessment of what is required for best practice in these cases. Drawing on work from the pilot project sites, this volume discusses different approaches to workload analysis and provides tools for conducting analyses.

Toolkit DVD and Web Site

All *Toolkit* publications and related materials, such as presentations and instruments, are available on DVD and at: www.courtsandchildren.org.

Acknowledgments

We would like to thank the U.S. Department of Health and Human Services, Children’s Bureau, and the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) for their generous support of the American Bar Association (ABA), National Center for State Courts (NCSC), and National Council of Juvenile and Family Court Judges’ (NCJFCJ’s) efforts to improve court performance measurement capacity in our Nation’s dependency courts. We are especially grateful to Emily Cooke at the Children’s Bureau, and Kristen Kracke at OJJDP—without their particular support and advocacy for our efforts this publication would not have been possible.

Special thanks are owed to all of the individuals in the Children’s Bureau and SANCA Project Sites who helped arrange site visits, generously gave of their time and expertise, and whose experiences in engaging in court performance measurement informed the development of this *Implementation Guide*.

The authors would also like to acknowledge, and thank, the following individuals who reviewed drafts of this Guide and who made helpful and significant contributions to its sections: Mark Hardin, ABA Center on Children and the Law; Gene Flango, Ph.D., National Center for State Courts; Shirley Dobbin, Ph.D., National Council of Juvenile and Family Court Judges; and Christine Bailey, National Council of Juvenile and Family Court Judges.

Sophia I. Gatowski, Ph.D.

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

Lisa Portune, M.S.W.

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



Contents

FOREWORD..... iii

ABOUT THE TOOLKIT.....v

ACKNOWLEDGMENTS.....xi

CHAPTER 1. BACKGROUND..... 1

CHAPTER 2. THE COMMITTEE 5

CHAPTER 3. GETTING STARTED 11

CHAPTER 4. THE ACTION PLAN..... 17

CHAPTER 5. HOW TO USE THE COLLECTED DATA..... 29

CHAPTER 6. COMMON LESSONS LEARNED FROM CHILDREN’S BUREAU AND SANCA SITES..... 45

APPENDIXES

 Appendix A. Needs Assessment Worksheet..... 49

 Appendix B. Action Plan Worksheet for Performance Measurement 55



Background



Organizations recognize that performance measures enhance effective decisionmaking, evaluation, communication, and planning processes. This *Implementation Guide* is intended to provide assistance to child abuse and neglect or dependency courts as they implement a process of performance measurement using national performance measures identified by the American Bar Association's (ABA's) Center on Children and the Law, the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ).¹

The *Implementation Guide* is based on the experiences of various dependency courts across the Nation. Courts that participated in the Children's Bureau Project,² which helped pilot the process of this performance assessment initiative, were asked to examine how well they were performing on national measures. These courts pulled information from existing systems, shared data with associated child welfare agencies, or implemented a file review procedure. Strengthening Child Abuse and Neglect Courts Act (SANCA) project sites³ were given funding to create a new system to manage case information in child abuse and neglect cases or make changes to an existing system in order to capture the data needed for measuring performance nationwide.

Using lessons learned from Children's Bureau and SANCA project sites, this *Implementation Guide* is designed to help support courts in their efforts to determine how effectively they handle child abuse and neglect cases—it guides readers through a process that will help establish a baseline for courts to measure their ongoing performance. It guides the reader through the stages of forming a performance measurement committee, conducting a needs assessment to determine which measures they can collect data for and which they cannot, and creating an action plan for implementing performance measures. The Guide also suggests ways to report information to stakeholders. It provides examples from courts around the country that have implemented these measures and reports on their experiences. This Guide, and the accompanying volumes in the *Toolkit*, help orient court staff in the kind of thinking and analysis necessary to complete a performance measurement process.

Topics

- ◆ Background.
- ◆ Why performance measures are important.
- ◆ The Children's Bureau approach.
- ◆ The SANCA project.

The *Implementation Guide* is neither a statistician's manual nor a comparative analysis of evaluation methods. Instead, it acts as a practical, action-oriented handbook that dependency courts can use when measuring their performance and working with technical experts.

Why Performance Measures Are Important

Osborne and Gaebler, in *Reinventing Government*, discuss the importance of performance measurement:

- ◆ What gets measured gets done.
- ◆ Measuring results identifies successes and failures.
- ◆ Measuring results means successes are rewarded.
- ◆ Measuring performance lets a person learn from success.
- ◆ Measuring performance lets one recognize and correct failure.
- ◆ Measured results can help an organization gain public support.⁴

Performance measurement for courts has numerous benefits including:

- ◆ Increased compliance with legal deadlines for court hearings and court decisions.
- ◆ Decreased delays in scheduling hearings.
- ◆ Fewer delays once hearings have started.
- ◆ More hearings where all parties have a voice.

- ◆ Better informed court decisions that contribute to better child care and protection.
- ◆ Increased communication and collaboration between courts, child welfare agencies, service providers, and other agencies.
- ◆ Increased identification of what areas of court performance need improvement.
- ◆ Increased identification of weak court reforms or those that need redesigning.
- ◆ Better funding for pilot programs.
- ◆ Increased staff.
- ◆ More accurate assessment of what judicial resources are needed to support a timely and fair process.
- ◆ More evidence that reform efforts are client effective and also cost effective.
- ◆ Better guidance for improving court processes and managing cases.
- ◆ Clear indication that the court uses best practices.

- ◆ More evidence of trends in practice.
- ◆ Increased identification and documentation of work that is done well.

The Children's Bureau Project Approach in Sites

Each Children's Bureau project site participated in court performance measurement and judicial workload assessment and committed the parties and time needed to assist project staff in achieving assessment goals. Project participants at each site included:

- ◆ Judges and/or judicial officers.
- ◆ Court administrators.
- ◆ Court administrative staff.
- ◆ Court clerks and/or their staff.
- ◆ Court information technology staff.
- ◆ Attorneys.

Notes From Children's Bureau Project Site Reports: Lessons Learned

"Having court improvement goals is important. But, unless you have a systematic means of measuring your progress on those goals, you will have no way of knowing if your efforts are having any impact."

—Stakeholder, New Orleans
Children's Bureau project site

"Having access to good data helps to provide individuals with hard evidence that may challenge their long-standing perceptions about reality. The dialog that results is extremely valuable to moving collaborative reform efforts forward."

—Stakeholder, Minneapolis
Children's Bureau project site

"Performance measurement isn't just a reporting function, and it isn't just bean counting. It's a critical strategy to achieve the results you want."

—Stakeholder, Charlotte
Children's Bureau project site

"Developing performance measures and priorities provides the opportunity for all key stakeholders in the child welfare system to get together, share ideas, agree on system goals, and plan for the future. The process taps into why individuals care about their work, and increases everyone's involvement in, and accountability for, court improvement efforts."

—Stakeholder, Oregon
Children's Bureau project site

"Multiple measures of performance are useful diagnostic tools. As a group, as pieces of a puzzle, multidimensional measures of performance can help provide objective perspectives for defending or expanding a program or policy. Ongoing performance monitoring can help track and improve results over time."

—Stakeholder, Omaha
Children's Bureau project site

Children’s Bureau Project Sites

This *Implementation Guide* uses lessons learned from Children’s Bureau and SANCA project sites. The Children’s Bureau Project approach was used at sites in:

- ◆ Charlotte, NC.
- ◆ Clackamas County, OR.
- ◆ Little Rock, AR.
- ◆ Minneapolis, MN.
- ◆ New Orleans, LA.
- ◆ Omaha, NE.

- ◆ Child welfare agency representatives.
- ◆ Child welfare agency information technology staff.
- ◆ Policy analysts or researchers.
- ◆ Other relevant stakeholders as identified by project staff.

Each partner organization determined what kind of information management system existed at their site and whether the system could produce the data that the court needed to measure performance. They reviewed the ability of the court’s case management information system to assess what kind of data was electronically available and whether the site assessment team would need to look through paper case files for data on the performance measures.

Preassessment Briefing and Site Education

At each site, ABA, NCSC, and NCJFCJ project staff briefed and educated study participants on the purpose of the study and the need for performance measurement and judicial workload assessment in the courts.

Each project site could adapt the scope and goals of the assessment and add to performance measures as needed for its system’s unique attributes, extent of agency interaction, and State laws. The *Toolkit* partner organizations added site-specific adjustments to the “core” performance measures, when additions were needed and possible (e.g., through surveys, telephone conference calls, and focus groups).

Onsite Assessment

The onsite assessment focused on each project site’s ability to measure performance measurement and judicial workload with:

- ◆ Interview instruments.
- ◆ Court observation instruments.
- ◆ Group and individual interview instruments.
- ◆ Case file review instruments.
- ◆ Electronic data from court’s information management system.

These assessments were followed by a planning meeting with the court, which served as an opportunity for the project site to reflect on court practices, policies, and procedures and to get an initial sense of how well the court was performing on some key measurements.

Site-Specific Court Performance Improvement Plans

Once project staff completed their assessment of a court’s ability to measure performance and judicial workload, their findings were written up in a report that focused on the court’s judicial workload with respect to child abuse and neglect cases, the core performance measures, and any additional material previously agreed on. Project staff generated a Court Performance Improvement Plan (CPIP), basing suggestions on the report and advice from outside agencies. The CPIP made recommendations about:

- ◆ Which core performance measures the court could not currently implement (i.e., safety, permanency, due process, and timeliness) and what the court could do to collect the necessary data.
- ◆ What additional performance measures the court could not evaluate and how it could collect the necessary data.
- ◆ How each performance measure corresponds to the Federal Child and Family Services Review (CFSR) child welfare outcome measures and the Adoption and Safe Families Act (ASFA) and the measure’s potential fit with and impact on the State Program Improvement Plan (PIP).
- ◆ What long-term efforts would be necessary to implement performance measurement.

- ◆ What the estimated judicial workload was for child abuse and neglect cases.
- ◆ How current judicial workloads impact court performance and relate to the Federal CFSRs, ASFA, and PIP.
- ◆ What kind of long-term efforts could be used to assess and improve workloads.
- ◆ Other relevant recommendations as appropriate.

Goals of the SANCA Project

While the Children's Bureau project sites assessed the ability of their automated management information systems to measure court performance, SANCA project sites focused on enhancing the capacity of their court's information management systems to collect data on the national performance measures.

SANCA Project Sites

The SANCA Project approach was used at sites in:

- ◆ Colorado.
- ◆ Florida.
- ◆ Georgia.
- ◆ Idaho.
- ◆ New Jersey.
- ◆ Virginia.

Technical Assistance Approach

As each of the six SANCA project sites worked to develop automated management information systems for child abuse and neglect/dependency cases, it received a core amount of technical assistance and project oversight services (such as reviewing and commenting on each SANCA project site's management information system development plans). These services included:

- ◆ Providing technical assistance to help sites determine what kinds of data their systems should track and report for child abuse and neglect/dependency cases and what measurements needed further development.

- ◆ Identifying local case-processing procedures that needed special attention (e.g., adding children to petition after original filing date, convening separate adjudication and disposition hearings or combining adjudication and disposition in one hearing, immediate filing of the termination of parental rights, calculating permanency deadlines).
- ◆ Reviewing planning and design specifications and participating in their development as needed.
- ◆ Helping the site develop a list of the types of reports the system will generate (e.g., case listings, summary reports, quality assurance reports, family profiles) and report specifications (e.g., report layout, sort and selection criteria, algorithms for time calculations).
- ◆ Reviewing system development progress.

Endnotes

1. Also see: American Bar Association Center on Children and the Law, the National Center for State Courts, and National Council of Juvenile and Family Court Judges, *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (Reno, NV: NCJFCJ, 2004), available at www.ncjfcj.org.
2. The Children's Bureau Project was funded by the U.S. Department of Health and Human Services, Children's Bureau.
3. The SANCA Project was funded by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
4. D. Osborne and T. Gaebler, *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector* (Reading, MA: Addison-Wesley Publishing Company, 2002), pp. 146–155.

The Committee

Alice: Which way should I go?

Cat: That depends on where you are going.

Alice: I don't know where I'm going!

Cat: Then it doesn't matter which way you go!

—Lewis Carroll, 1865, *Alice's Adventures in Wonderland*

Before determining which performance measures to collect, a jurisdiction must put together an advisory committee and a working committee. This committee structure will support the court's efforts in data collection. Committee structures may be different at the county and State levels.

This chapter provides a guide on committee structure. Many of the Children's Bureau and SANCA sites used their existing Court Improvement Program Committee or Model Court Committee to provide oversight or help create a needs assessment for performance measures.

When putting together performance measurement committees, the court must be aware of the primary constituents and participants who will use the measurement plan. Involving concerned, affected, and allied parties can broaden support for the resulting performance measurement plan and increase the likelihood of a court achieving its goals.

Courts should consider including individuals and groups who represent important tactical perspectives:

- ◆ Individuals who make decisions and control resources that would help in performance measurement.
- ◆ Individuals who contribute in important ways to the court's performance (human, intellectual, or financial).
- ◆ Individuals who have access to, or knowledge of, how to obtain the data necessary for the performance measures.

Courts should also involve stakeholders in the dependency court system and representatives from all of the key institutions and agencies that work with child abuse and neglect cases and family services. Possible individuals to include are:

- ◆ Stakeholders with formal decisionmaking authority. Including these individuals brings symbolic and real

Topics

- ◆ Putting together a performance measurement team:
 - How to identify and involve stakeholders.
 - How to structure a team.
- ◆ The advisory committee.
- ◆ The working committee.
- ◆ Special considerations for statewide committees.
- ◆ Communication considerations.
- ◆ Examples from project sites.

Notes From Children's Bureau Project Sites: On Stakeholders

"In our jurisdiction there is one stakeholder group that definitely would have blocked our efforts to collect performance data if we hadn't included them in our working committee."

"We certainly had some reluctant participants in this process—but we invited them to the table and made sure their own needs for performance data were included in our strategic plan."

legitimacy to any collaborative effort; excluding them can make efforts fail.

- ◆ Stakeholders with the power to block a consensus decision of the committee, including individuals who may passively block or undermine performance measurement efforts.
- ◆ Stakeholders with relevant information or experience about the day-to-day reality of dependency court practice, policies, and outcomes.



- ◆ Stakeholders who will be affected by the decisions made by the performance measurement collaborative. Include individuals who will need to support and carry out performance measurement activities as well as those who have a stake in the findings.

A performance measurement committee composed of “accountable individuals”—people who will chart the course of the performance measurement process, play a leadership role in decisionmaking, and be responsible for making the process purposeful and responsive to constituents—will help to ensure that performance measurement is successful.¹ The following sections provide more detail about the composition and tasks of the performance measurement committee.

Performance Measures Advisory Committee

An advisory committee will provide direction, approve resources, and support the collaborative effort to implement performance measures. This committee should consist of director-level personnel from the court, child welfare agency, and other agencies or departments that work within the dependency court. To ensure success, as many local partners as possible should be recruited to participate in the advisory committee. Potential partners include the presiding judge, administrators from the child welfare agency, the guardian *ad litem* (GAL) office, the public defense attorney (or local respondent parents’ counsel), the attorney general’s office (or local prosecutorial equivalent),

a court-appointed special advocate (CASA), and the court administrative office.

The advisory committee should include one person who will carry out performance measurement design or implementation and head the working committee as project leader (more on this below). The level of participation of each partner on the advisory committee can vary, but all partners should be committed to support the project leader on the working committee.

Performance Measures Working Committee

Once the partners are established, a working committee should be formed. A working committee is composed of worker- or supervisor-level equivalents to those serving on the advisory committee. Working committee members should include individuals representing their own organizations and willing to support the development of a performance measurement process. This committee will organize all of the steps in the measurement process. Its responsibilities involve conducting a needs assessment of the performance measures, creating an action plan to collect vital performance measures for the jurisdiction, and implementing new ways to gather data for the performance measures.

Working committee members should be enthusiastic and willing to reach out to their colleagues to help facilitate performance measurement. The members should be

Notes From Children’s Bureau Project Sites: On Committees

“Make sure you have secured enough project leadership—find individuals with the vision to spearhead a performance measurement process and the authority to institute changes if needed.”

“Involve creative thinkers. In addition to helping brainstorm ways to gather data on the performance measures, individuals who can provide insight into how the data can be used to design reforms are invaluable to the process.”

“You need people who will actually collect and use the data in your planning process and on your

committee. They are invaluable to helping determine the practicality of various measurement approaches.”

“Be careful that your committee doesn’t overly focus on the limitations of what you can currently do. You don’t want them to overpower ideas for different, better, or more extensive data collection.”

“Because your performance measurement process will probably require staff effort and time, make sure your committee identifies benefits or incentives that will help keep people involved and improve the likelihood of their gathering reliable data.”

prepared to meet frequently at the beginning of the process (once every week or two weeks). This time commitment will decrease once the measurement process is up and running. Working committee members should include:

- ◆ **Judges and judicial officers.** These individuals know what is required to process abuse and neglect cases. They also can provide the leadership necessary to obtain buy-in from other stakeholders and systems.
- ◆ **Court administrative staff.** These individuals know about court administrative processes that have direct bearing on case processing and court operations.
- ◆ **Court clerks and their staff.** These individuals know about docketing and calendaring processes, case flow, and related administrative functions.
- ◆ **Court information technology staff.** These individuals know about a court's case management system and how the system's contents relate to what the court is trying to assess. They will also be able to assess whether the case management system can analyze data collected for each performance measure or whether this analysis will require the use of outside systems.
- ◆ **Agency representatives.** These individuals can examine outside factors that might affect court functions and case processing. A child welfare agency may need to participate to facilitate information sharing between different organizations.
- ◆ **Policy analysts or researchers.** These individuals have the best knowledge of research methods and data analysis procedures.
- ◆ **Representatives from the prosecuting attorneys' office, parents' attorneys, guardians *ad litem*, children's attorneys, and CASAs.** These individuals have an interest in performance measures in child abuse and neglect cases.
- ◆ **Court Improvement Project (CIP) representatives.** These individuals bring knowledge of best practices and may help identify local and State funding sources to support performance measurement.

Creating the working committee is vital for the success of performance measurement. The court must first select a project leader or director. This person must possess a solid understanding of the dependency process, including case flow, best practice, and how and where data are collected. Courts will want a project leader to have a strong working relationship with the systems that work within

the dependency court. Additionally, a project leader needs to understand technology enough to communicate with information technology experts, and generally be comfortable working with multidisciplinary groups of people with different experiences and opinions.

Most importantly, a project leader must have time to lead the project—to organize and work with committees, discuss the technical aspects of the work, and work closely with technologists on a daily basis. Many projects have faltered because their project leader or director failed to keep close tabs on the work of technical staff and to

Checklist for Creating Committees

Successful partnerships for performance measurement involve motivated participants, including judicial, court, and child welfare agency leaders.

- ◆ Has the court approached judicial, court, and child welfare agency leaders to recruit their participation?
- ◆ Are all partners aware of the need for performance measures?
- ◆ Do partners understand their place in measuring performance and how measures will benefit them?
- ◆ Have partners named a representative to serve on the working committee?

A working committee will guide the direction of the measurement process and establish its timeline. It should comprise representatives from the organizations partnering together to measure performance, as well as other individuals who will be important to facilitating the process.

- ◆ Are the members of the working committee identified?
- ◆ Does the committee have a chairperson or coordinator?
- ◆ Has the committee set up a regular time to meet (e.g., weekly or biweekly)?
- ◆ Has the committee established a communication plan?

ensure that their work precisely fit the court process and met the needs of people planning to use the information.

At first, a working committee must define project roles and responsibilities for all participants. The committee should then—

- ◆ Conduct an assessment of what is necessary to complete the performance measures.
- ◆ Create a strategic plan to collect vital data.
- ◆ Manage project development.
- ◆ Approve and implement the new ways of measuring performance.

The working committee must determine a regular meeting time and place. With today's technology, meeting face-to-face on a regular basis is not always necessary. Members should consider using telephone and video conferences or asking information technology personnel to create a secure Internet "chat room" where members can log on at a specific time to discuss issues. These options may be particularly useful for teams with members spread across a State.

The working committee should decide the best way to communicate with committee members outside of meetings. Regular e-mails or telephone and video conferencing may be the best options.

Special Considerations for Statewide Committees

It may be helpful for State-run systems to consider a three-tier committee structure. The first tier, or advisory committee, should consist of the court's administrative office staff and judges and administrators from child welfare agencies in rural and urban counties. This committee will approve the resources needed to carry out the performance measures.

The second tier, or working committee, should consist of high-level supervisors from courts and agencies working in courtrooms in rural and urban counties. This committee will assess what is needed to complete the performance measures, create an action plan to collect jurisdictional "must haves," and implement new ways to gather the necessary data for the performance measures.

The working committee may wish to create a third tier, or supplemental committee, to support its efforts in local jurisdictions around the State. The supplemental committees may be composed of information technologists, clerks, and/or attorneys who may be asked to provide expertise on local issues and to discuss the needs of individual courts when collecting and using data. The supplemental committee can meet with the working committee or submit information to it in the form of a report.

Statewide committees may wish to meet only once every 2 months, given the distances members must travel. Scheduling meetings around team members' needs will help ensure greater productivity.

Children's Bureau Project Site Example: Mecklenburg County Juvenile Court, Charlotte, NC

For many years, the Mecklenburg County Juvenile Court has struggled with a lack of information about its performance. In an attempt to address the court's performance measurement challenges, stakeholders first convened as an advisory committee. This committee included:

- ◆ The juvenile court judges.
- ◆ The administrator of the division of youth and family services.
- ◆ The administrator for mental health services.
- ◆ Legal representatives for children.
- ◆ Legal representatives for parents.
- ◆ The juvenile court coordinator.

After discussing the need for performance measurement, the advisory committee formed a subcommittee consisting of advisory committee members, court improvement specialists, a juvenile court clerk, and a representative from the Office of the State Court Administrator.

The subcommittee then met once a month. The committee assessed:

- ◆ Whether the juvenile court could collect data on national performance measures.
- ◆ What kind of information was needed.
- ◆ What was needed from a management information system.
- ◆ How to share information between the court and other systems.
- ◆ What minimum functions an automated (computer-based) management information system should perform.
- ◆ What next steps the court should take in assessing performance.

SANCA Project Site Example: Colorado*

In Colorado, the SANCA project steering committee is a broad, cross-disciplinary group, comprising children's advocates, county attorneys, respondent parents' counsel, guardians *ad litem*, judicial officers, court personnel, caseworkers, and representatives of the Department of Human Services. The committee has provided general oversight, made recommendations, and helped develop momentum and support for the SANCA project in local districts and the community. Having representatives from many different systems has helped the project obtain statewide support.

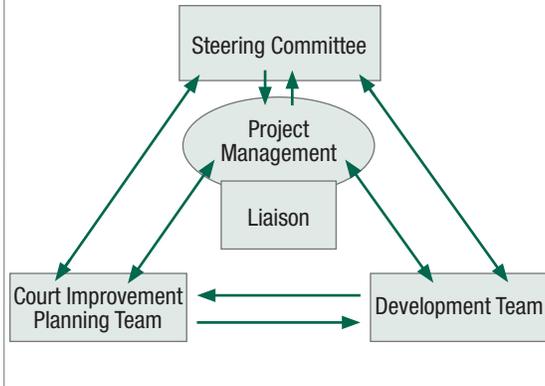
A second committee working on the project in Colorado is the court improvement planning team, a group involved in consulting and guiding all aspects of the project. They also helped envision the SANCA grant and performed background research for the development team.

The development team focused on specific system design and functionality issues, and included staff from the State Court Administrator's Office Planning and Analysis Division and Information Technology Division, judicial officers, family court facilitators, and line staff from a variety of court locations. This team was responsible for developing data screen and report layouts for the project and was active in testing and finalizing programs. This team met monthly and formed a subcommittee to address reporting issues.

The management team provided oversight of the implementation phases of the project and worked closely with the Department of Human Services, the steering committee, the court improvement committee, and the development team. The management team's purpose was to ensure that the court could meet the requirements for collecting data for performance measures. The team met weekly for the first 2 months of the project and biweekly for the remainder of the project.

* See Sample 2-1 on page 10.

Sample 2–1. Coordination Between Teams and Committees During Performance Measurement: SANCA Project Site in Colorado



Endnotes

1. For more information about building effective collaborative teams, see “Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System,” *Technical Assistance Bulletin* 8(2) (April 2004), Reno, NV: National Council of Juvenile and Family Court Judges.

Getting Started

“The future is not some place we are going to, but one we are creating. The paths are not to be found but made, and the activity of making them changes both the maker and the destination.”

—Anonymous

After establishing advisory and working committees, the next step involves planning how to measure court performance. Planning is integral to success. A performance measurement plan will identify a court’s mission and goals, explain what actions to take, and describe how the court can be accountable to committee members and their constituents. This chapter provides guidance and hands-on exercises for creating a plan.

Planning for performance measurement should involve the following:

- ◆ **Building consensus.** Consensus helps to increase the resources available for performance measurement activities. A unified voice has considerable value: use the planning process to unite stakeholders around shared performance measurement goals.
- ◆ **Making lines of accountability explicit.** Clearly articulating measurement goals and consistently sharing results on progress and accomplishments will make it easier to hold each of the individuals involved in the court’s and child welfare system’s performance accountable for outcomes.
- ◆ **Being democratic.** Using input from all stakeholders helps ensure that the resulting plans are useful for all involved.

A strategic plan for performance measurement should grow from a strong understanding of the dependency court system and a vision for the future. This plan will help a court develop performance measurement strategies and use the resources it has available. It should suggest strategies for taking action and moving toward outlined goals. The strategic plan should be a document that helps a performance measurement collaborative to—¹

- ◆ Understand the environment for performance measurement and the opportunities and challenges that environment provides (i.e., the technical strengths and

Topics

- ◆ Strategic planning process.
- ◆ Features of good plans.
- ◆ Key strategic planning tasks for a committee:
 - Clarifying the purpose and establishing a shared vision.
 - Starting the planning process.
 - Data review.
 - Needs assessment.
 - Needs assessment exercise.

barriers, political support and opposition, and working relationships among those involved in the work).

- ◆ Reach consensus about core values, use these values to build a vision for performance measurement, and determine the role of core performance measurement findings in future reform efforts.
- ◆ Establish what performance measurement goals will help achieve. Leave room for flexibility in the future.

The remaining sections of this chapter help a committee establish a strategic plan for performance measurement. The chapter outlines key tasks: clarifying the purpose of performance measurement, establishing a shared vision for performance measurement, conducting a data review, and examining a court’s resources by completing a needs assessment process.

Clarifying the Purpose and Establishing a Shared Vision

Developing a shared vision for performance is a key step not only for beginning the process of performance measurement but also for institutionalizing that process. Advisory and working committee members should agree



on the intended goals and outcomes for performance measurement. The following questions may help to focus committee efforts.²

- ◆ How does this performance measurement process connect to the vision and mission of the court's improvement effort?
- ◆ What data are needed to support reforms in place or being planned?
- ◆ What data are needed to determine if court improvement efforts—demonstration, pilot, or best practice “model court”—are effective?
- ◆ How will the measurement process improve the local dependency court system?
- ◆ How will these results benefit the court system?
- ◆ How will measurement results be used to affect accountability?
- ◆ What are the expectations for the performance measurement process, and is the work involved clear?
- ◆ What performance reports can help assess current practice?
- ◆ Can the court provide objective reporting and analysis of the results?
- ◆ If the results suggest operational changes, will those suggestions be given serious consideration?

Notes From a Children's Bureau Project Site

“Once we agreed that we shared the values of safety, permanency, and well-being for children and families in the system, our committee was able to agree that there are some performance measures that we, as a system, share responsibility for ... this discussion helped us to create a plan that reflected our consensus about shared system outcomes ... this, in turn, helped us to come up with a certain number of measures that could be obtained through data-sharing and others that we needed, as individual systems, to begin working towards obtaining ... we ranked these, collectively, and assigned them a priority.”

Starting the Planning Process

Once a shared vision has been established, the working committee can determine what is needed to complete the national performance measures. The committee can use a data review and needs assessment process to determine—

- ◆ What performance measures are currently gathered and by whom.
- ◆ Whether those data are reliable.
- ◆ Whether those data are shared.
- ◆ What data are needed but not currently gathered.
- ◆ What measures are required by State or court mandates.

At this point, the committee should identify what *Toolkit* components it needs to help measure performance. This process will clarify which of the measures are the most important to the jurisdiction and should be prioritized in a strategic plan. The working committee will design and carry out the strategic plan.

Data Review

A data review can help the committee assess the court's ability to complete the performance measurement process. The data review is a process by which the court determines what aspects of performance are currently measured, and whether these measures conform with national performance measures.

Performance measurement committee members should be an excellent source for these data and can be tasked with obtaining relevant data reports from their agencies to share with the project leader. The project leader will summarize and report these findings for the whole committee. In reviewing data reports, the project leader should:

- ◆ Look for data that fulfill the national performance measures, starting with the nine core measures. Do the reports capture each measure?
- ◆ Compare reports. Where do reports agree and disagree (especially in terms of data definitions³ and national performance measures)?
- ◆ Consider whether the findings and recommendations appearing in the reports are consistent with the leader's own ideas and expectations regarding performance. How reliable and valid is the information in the reports? Are some reports not being used? If not, why?

Needs Assessment

Initiating the assessment. The first step in the needs assessment is to review each national performance measure to find out if the court can obtain reliable data for it. This review will give an idea of how much work will be needed to address all performance measures.⁴

The next step is to review the data collection instruments in the *Toolkit*,⁵ and become familiar with each instrument to determine how easy or difficult that instrument might be to implement. Implementing the instruments will give the court a snapshot of performance at a given point in time and allow it to identify trends over time. Assessing what reliable instruments are available to the court helps to clarify the amount of work that will be needed to adequately address all performance measures.

Refer to appendix A (p. 49) in this volume for a worksheet the working committee will need to complete a performance measures needs assessment. This worksheet is intended for copying and distribution.

Using the worksheet. Even if the court cannot obtain all performance measures at first, the committee still must answer all of the questions in all of the columns in the worksheet/spreadsheet contained in appendix A. Even if a measure cannot be obtained, the court should understand how to report the measure and who needs to use the data. This information will help determine which measures are important to a jurisdiction.

Nine measures in the worksheet are premarked as “must have” measures. These nine core measures are the most essential to obtain for determining court performance in dependency cases. By obtaining these nine measures, a court can gain significant insight into its performance and begin setting goals.

The rest of this section is a step-by-step guide to completing the needs assessment worksheet in appendix A.

Step One

Column 1 asks for a review of each national performance measure to determine if the measure is a mandatory requirement of the State, county, or court. A “yes” answer would make this a “must have” measure. This simple exercise will help generate conversation among committee members about the data that must be reported.

Column 2 determines if the performance measure can currently be obtained. The measure may be obtainable

Tips for Measuring Performance

- ◆ Outline performance measures defined by using the *Toolkit* tools.
- ◆ Brainstorm ways to use any current management systems to measure performance, use a supplemental data system, or create a data-sharing arrangement with other agencies’ systems. Ask the information technology staff for advice.
- ◆ A jurisdiction must prioritize measures based on its own needs and goals, even if best practice suggests certain measures are equally important to obtain. Without prioritization, committees may lose focus or become overwhelmed, making new data more difficult to obtain.
- ◆ Committee members must identify what value they will place on unattainable measures, which will help foster discussion about how data can improve case processing in the future.

even if the jurisdiction does not currently gather the information.

Column 3 asks questions about how data are gathered. These questions include:

- ◆ What is the source of the data? For example, data might be from the courts’ own management information system or from monthly reports from the child welfare agency.
- ◆ Are data available as *ad hoc* reports that must be specially created?
- ◆ Who gathers the data?
- ◆ What organization/agency is responsible for the data?

Column 4 addresses whether or not the performance measure data that are or will be collected are reliable. The committee should determine how to collect the data so they will be reliable and valid.

Column 5 asks how often a jurisdiction could report on each performance measure. Reporting can be done on a

monthly, quarterly, yearly, or as-needed basis, depending on the court's resources.

Column 6 asks questions to clarify who will use the information from the measure. Is a judicial officer requesting the use of certain data? Will the information be useful to the child welfare agency or public defender's office? Will it reshape court policy or provide insight into a challenging area? Will it be used to track possible trends?

Column 7 addresses what it will cost to gather the data. Cost can be related to any number of things—money, personnel, time, etc. Does creating *ad hoc* reports require additional funding or resources? How long will it take to get the information? If the data are gathered manually, what are the time and personnel costs? How will a jurisdiction make sure that data are reliable?

Column 8 asks whether these known costs are acceptable on a regular basis.

Step Two

A jurisdiction may not be able to report on every performance measure. Each must decide which measures are the most critical. One way to determine this is to assign a

priority ranking to each performance measure. Each measure will receive two rankings.

- ◆ First, the item should be identified as a must have, want to have, or nice to have. Measures designated as “must have” are mandatory—required to report compliance with State and Federal law—or critical to determining the success or failure of court reforms. Measures designated as a “want to have” are not mandatory, but are not easily given up. Items designated as a “nice to have” are considered the least important; inclusion is generally dependent on timing, technology, and cost.
- ◆ Second, the items should be weighted as a 1 (high), 2 (medium), or 3 (low) within each of the first three categories. This ranking sets priorities for which measures require the earliest review and strongest efforts to obtain. For “want to have” and “nice to have” measures, the ranking prioritizes the order in which they will be examined, and leaves the lowest priority measures last in case budget, resource, or timing issues arise.

Tips for Reviewing Data or Information Sources

Assess key information services to make sure they meet the jurisdiction's needs.

- ◆ **Availability:** How easy is this information to secure? Is it readily available?
- ◆ **Accuracy:** How accurate is this information source? Can its accuracy be improved?
- ◆ **Timing:** When would the information be available?
- ◆ **Analysis:** How much work will be required to turn raw data into meaningful results?
- ◆ **Format:** Can the data be provided in a form that can be easily shared and manipulated with other data analysis software?
- ◆ **Impact:** Should the court spend time to obtain data from this source? Would programming the court's own system to collect the data be a better solution?

Key Measures

The nine key performance measures listed below are identified on the worksheet as “must have” for all jurisdictions. A court should strive to obtain these nine measures first. They are outlined in the *Key Measures* of the *Toolkit*.

Measure 1A: Child Safety While Under Court Jurisdiction

Measure 1B: Child Safety After Release From Court Jurisdiction

Measure 2A: Achievement of Child Permanency

Measure 3A: Number of Judges Per Case

Measure 3B: Service of Process to Parties

Measure 4A: Time to Permanent Placement

Measure 4B: Time to Adjudication

Measure 4G: Time to First Permanency Hearing

Measure 4I: Time to Termination of Parental Rights

Sample 3–1. Jurisdiction X’s Needs Assessment

Performance Measure: A Hypothetical Example	“Must Have” “Want To Have,” or “Nice To Have”	Priority Ranking (1–3)
1B: Percentage of children who are abused or neglected within 12 months after the case is closed following a permanent placement.	Must	2
2D: Percentage of children who return to foster care pursuant to court order within 12 and 24 months of case closure following reunification.	Must	1
2C: Percentage of children who reside in one, two, three, four or more placements while under court jurisdiction.	Want	3
3I: Percentage of children abuse and neglect cases in which the same legal advocate represents the child throughout the case.	Nice To Have	1

The working committee can complete step two as a whole group, discussing each measure and its ranking until the committee can agree on a ranking. Alternatively, the committee members can perform this task individually and then come together for a discussion. Discussion will ensure that stakeholders participate in any efforts needed to obtain the measures.

After completing the assessment, a jurisdiction can list performance measures by importance. This provides the committee with a starting point and direction for creating the action plan to obtain the measures.

Endnotes

1. For more guidance on strategic planning, see “Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System,” *Technical Assistance Bulletin* 8(2) (April 2004), Reno, NV: National Council of Juvenile and Family Court Judges.
2. For more information and tips on developing a shared vision, see the publication cited in note 1.
3. For a discussion of the importance of uniformity in data definitions when comparing results from different performance measurement processes, see P. Martin-Bishop, L. Grazian, J. McDonald, M. Testa, and S. Gattowski, “The Need for Uniformity in National Statistics and Improvements in Outcome Indicators for Child and Family Services Review: Lessons Learned from Child Welfare Reform in Illinois,” *Whittier Journal of Child and Family Advocacy* 1(2002): 1–37.

Needs Assessment Checklist**Step One**

Use Appendix A (p. 49) to answer the following questions:

- ◆ Is the measure mandatory for the State/county?
- ◆ Is the measure currently obtainable?
- ◆ Where/in what system is the measure obtained?
- ◆ Who is responsible for collecting the data?
- ◆ Are the data reliable?
- ◆ How often should the data be gathered?
- ◆ Who will use this information?
- ◆ What are the known or believed costs?
- ◆ Are these costs acceptable?

Step Two

Use Appendix A (p. 49) to prioritize the performance measures.

Addressing the questions above, categorize each measure as:

- ◆ Must have.
- ◆ Want to have.
- ◆ Nice to have.

Within each category weigh each measure as a 1 (high), 2 (medium), or 3 (low).

SANCA Project Site Example: Idaho

Idaho's Supreme Court Child Protection Committee, which is the State's CIP Steering Committee—a committee tasked with overseeing the use of State court improvement project funds—wanted to create a child protection “module” (i.e., a discrete unit within the court database structure that would contain data elements, code for reports, forms and other tools specific to child protection cases). This module would work within the existing information technology system, known as ISTARS, to gather data specific to child protection cases.

Originally, Idaho contemplated using grant funds to share information across the collaborating organizations. However, the court's information technology systems and the State Departments of Health and Welfare and Juvenile Corrections could not share information without substantial changes to all of their systems. These changes far exceeded what was possible with the limited grant funds as the grant proposal had been “downsized” to complete and implement the child protection “module” previously started by the CIP committee and to develop the reports necessary to assess the national outcome measures.

Idaho's CIP Steering Committee met to discuss which measures should be developed as priorities. The steering committee reviewed all of the performance measures and determined which would be most useful for court improvement. The committee now works to develop and implement these measures. Other measures will be developed and implemented as funding and resources allow.

ISTARS is a statewide case management system used to collect data for all case types in Idaho. It is a Windows®-based system that operates on individual county servers. Data are periodically downloaded to the server in Boise, ID, to analyze cases and calculate necessary statistics.

4. To know exactly what information is required for each of the 30 performance measures, the project leader or manager should review the court performance measures in *Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide*, a volume of the *Toolkit*. This information is available in appendix C of the *Technical Guide* and in the detailed writeup of each measure. The *Technical Guide* is available online at www.courtsandchildren.org and at the OJJDP web site, www.ojp.usdoj.gov/ojjdp. The project leader should understand the technical requirements and challenges of each measure. During early discussion, the project leader should be able to explain exactly what information is needed for each measure. Without this information from the project leader, the committee's discussion and choices among measures may be unrealistic.
5. These tools are also available online at www.courtsandchildren.org, and instructions for their use are provided in the *User's Guide to Nonautomated Data Collection*, a volume of the *Toolkit*.

The Action Plan

Once a jurisdiction has determined which performance measures are most important and which are possible to obtain, the jurisdiction needs to find ways to collect data for the measures. A court may have a vague idea (or no idea) how to collect data for each measure. Once a court has developed an action plan, it can begin working with the various measures.

Each measure can be considered a small project within a larger body of work. When beginning work on measures, a court may wish to design a spreadsheet that lists each measure, the questions that may arise during the data collection process, and possible barriers to data collection. This approach will allow for effective management and will result in a well-defined action plan. More planning equals faster and more comprehensive results.

Creating the Action Plan: Steps and Advantages

Creating an action plan has two parts:

1. Determining the method used to collect the data for each performance measure.
2. Determining who will gather the data, what data will be gathered, how and when will it be gathered, and what barriers to data collection may arise.

A detailed action plan can increase productivity in performance measurement. An action plan provides direction and focus. It outlines specific results and establishes a course of action to achieve them.

A detailed action plan allows courts to avoid “scope creep.” Scope creep occurs when committee members disagree about the steps needed to complete a part of the action plan. During scope creep, a committee may find itself stagnating because members want to add more action items and change the direction of the plan. Scope creep can waste time and money. For this reason, a committee must make sure everyone provides input to the action plan, agrees with the decisions, and explores open questions to the best of everyone’s ability.¹

Topics

- ◆ Data collection—nonautomated and automated approaches.
- ◆ System functionality considerations.
- ◆ Reviewing the workflow process.
- ◆ Creating the action plan.

Approaches to Data Collection

A key component of an action plan involves determining what methods should be used to collect data for the performance measures. Although the best approach to gathering data is to use one reliable information system for collecting all measures, this kind of system is unusual and often impossible to find. Committees may need to explore many options for collecting data. This section suggests various approaches:

- ◆ Use alternate data collection strategies (e.g., such as the instruments in the *Toolkit*).

Action Plans Help To:

- ◆ Define the court’s purpose.
- ◆ Communicate the goals and objectives of a performance measurement process to court and State administrators.
- ◆ Outline actions to overcome barriers.
- ◆ Develop a sense of ownership in the change process.
- ◆ Ensure effective use of resources.
- ◆ Provide a starting point for measuring progress.
- ◆ Increase productivity due to increased understanding of the task at hand.



- ◆ Introduce alternative management information systems.
- ◆ Explore data-sharing agreements with other systems.
- ◆ Altering an existing data collection system.
- ◆ Assessing whether the jurisdiction should create a new management information system.

Using *Toolkit* Data Collection Instruments

Even if it does not currently have a reliable management information system for performance measurement, a court can still collect data—the information is too critical for court improvement efforts to wait until computer-generated data become available. Furthermore, a court may not be able to obtain certain measures using an automated information system.

The tools (or data collection instruments) contained in the *Toolkit* enable the user to gather reliable data when automated data sources are unavailable or concerns exist about their reliability. These tools include:

- ◆ **Case file review form.** This form is used to examine a case at a specific point in time. The form is available in both Word and PDF format.
- ◆ **Court observation forms.** A staff member can use this form to review the events in a dependency hearing. A general checklist can be used to review any hearing, while other court observation forms can be tailored for use in specific hearings (e.g., preliminary protective hearing or permanency hearing).
- ◆ **Focus group guide.** This guide explains how to create a focus group to obtain information from a group of stakeholders chosen for their understanding of dependency court procedures and court performance.

- ◆ *Toolkit* tools are available online at www.courtsandchildren.org.
- ◆ The *User's Guide to Nonautomated Data Collection* provides more detail about these instruments, including tips on how to use the tools effectively and how to analyze and report findings.

- ◆ **Interviews and worksheets.** These tools address problems that can affect performance and workload (e.g., preparation, caseload size, adequate time to meet with clients, case assignment). Using these tools can provide more insight into court performance. These tools are available in Word or PDF format.

Certain *Toolkit* instruments can help a court collect data over a short period of time. These tools provide a picture in time; they do not provide long-term data or institutionalize a process for performance measurement. Using these instruments over a long period of time would take too many resources and too much manpower. Nonetheless, this picture may help a court decide on a process for collecting data in the future. Furthermore, the instruments provide important qualitative data that help to explain quantitative findings.

Qualitative data collection procedures such as interview, questionnaire, and focus group methodologies give stakeholders input in the performance assessment. This builds support when findings are reported.

The following section outlines some aspects of management information systems that a committee should consider when designing action plans to improve automated data collection and reporting. Alternative or supplemental “stand-alone” systems, as described below, can be simple, viable systems. Developing a system may accomplish the following:

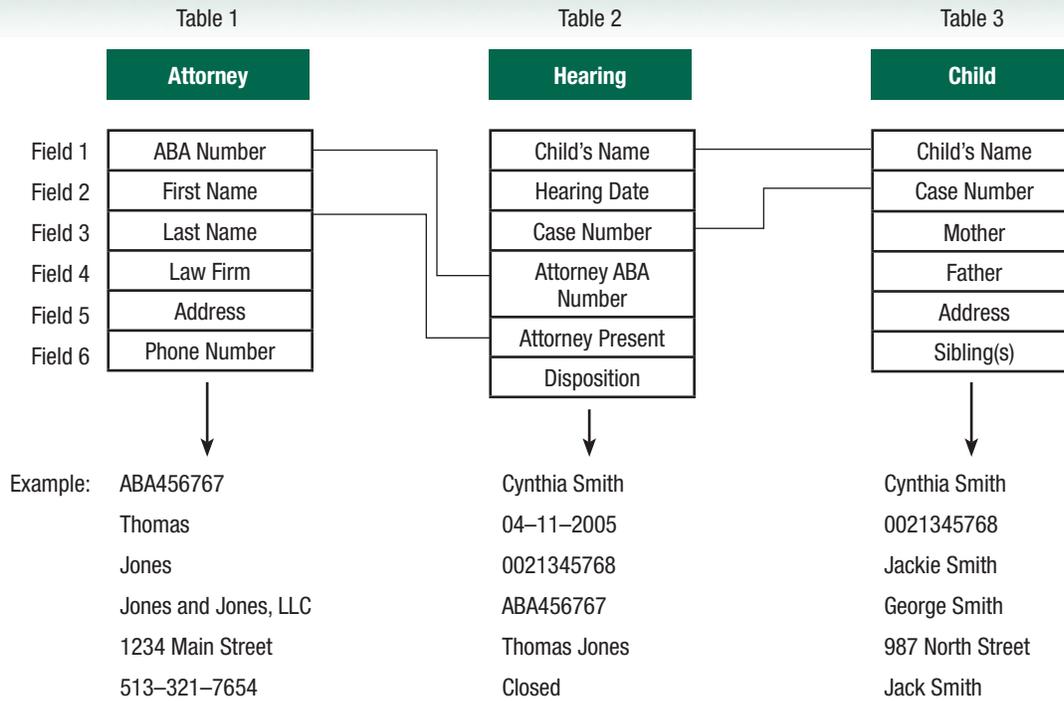
- ◆ Help committees gain experience in performance measurement.
- ◆ Help jurisdictions incorporate performance measurement for child abuse and neglect cases into larger case management systems.
- ◆ Involve court improvement projects and local courts in larger performance measurement planning efforts.

Jurisdictions need to incorporate performance measurement for abuse and neglect cases into the main case management system. Working towards Web-based data exchange protocols, which permit the easy exchange of information between courts and agencies, will help jurisdictions reach this goal.

Alternative and Supplemental Systems

Creating an additional management information system may help collect and track data for performance measures. These systems are called “stand-alone” systems. They

Sample 4–1. Querying the Record Database



Sample Query: Would like to know the disposition of hearings that Attorney Thomas Jones has attended and all parents associated with those hearings.

Query Result #1: Attorney: Thomas Jones
 Case number: 00021345768
 Child: Cynthia Smith
 Hearing date: 04–11–2005
 Disposition: Closed
 Parent 1: Jackie Smith
 Parent 2: George Smith

often require a second round of data entry into the system and may mean more work and time for court staff. They should not be used if this extra work is not acceptable.

Alternative or supplemental systems are called relational database programs. In relational databases, data are stored in tables made up of one or more columns. The data stored in each column must be of one type, such as character (e.g., name), number (e.g., case number or age), or data (e.g., hearing data or case closure data). A collection of values from each column of a table is called a record or a field. Different tables can have the same column in common, allowing a relationship between two tables (i.e.,

values appearing in a specific column in one table are shared with another table that has the same column).

A variety of relational database software exists, including Excel®, Access®, Lotus®, Alpha Five®, and Filemaker®.

A “data dump” occurs when data from one system is “dumped” into another system to fill in parts of a table and help measure performance. Child welfare agencies gather large amounts of data and may want to explore data-dumping with the court. When performing a data dump, staff must understand what the data mean. Staff should ask questions to ensure they receive correct data that works with the given system.

Examples of Alternative or Supplemental Data Collection

Arkansas Children’s Bureau Project Site

Arkansas uses its Microsoft® Access®-based database for performance measurement. The data are taken from forms completed by children’s attorneys in the form of affidavits submitted for billing purposes. The database has a dual use. It can monitor billing and monitor the performance of attorneys and judges.

After using the Access database to draft a performance report, the Arkansas project decided to form a judicial committee to define performance measures. The report also furthered the development of a larger scale system that will be used in combination with the State court system’s full judicial case management system. (The plan involves downloading the data from the Access® database into the larger system). Meanwhile, the current database can be expanded to incorporate more measures developed by the judicial committee.

Florida SANCA Project Site

At the time of this printing, Florida had no statewide dependency court data management system, which makes it difficult to systematically collect and report information. Data management practices vary widely across the State.

Several years ago, the Office of the State Courts Administrator (OSCA) began to develop a database

system, called the Judicial Case Management Information System (JCMIS), to assist child abuse and neglect courts with case processing.*

OSCA has partnered with the Eleventh Judicial Circuit to continue this project under the SANCA grant. JCMIS has moved into a Web-based platform. Judges, judicial staff, child welfare legal services and community-based care agencies all use the system.

The goal of JCMIS is to:

- ◆ Collect court case information.
- ◆ Provide easy-to-use forms.
- ◆ Provide measurements that improve the performance and efficiency of the State court system.

Once court case information and measurements are collected, OSCA shares data with the Department of Children and Families. OSCA currently shares social data and plans to include measures of child well-being in that data exchange through Home Safenet** and the Criminal Justice Information Systems with the juvenile court in Miami-Dade County.

* JCMIS was developed by OSCA’s Information System Services staff, with plans to migrate onto an Oracle or SQL database platform so that it could ultimately be Web-enabled.

** Home Safenet is an online hotline complaint system used to report allegations of abuse. It also maintains statistics about children and families involved in the dependency system.

Sharing data between two systems can facilitate performance measurement. For example, say a jurisdiction has been unable to track the percentage of children abused or neglected while under court jurisdiction because the child welfare agency does not file a new petition with each new allegation. However, the agency tracks all of these allegations in its database, even if the case is closed. In this situation, the court and child welfare agency could agree to share data to collect what was necessary for the performance measure.

Data Sharing: Lessons Learned From Project Sites

Data-Sharing Tips

- ◆ Real-time sharing of documents can take place with XML (Colorado SANCA Project Site).
- ◆ Data obtained from different automated systems should be downloaded into a joint database (Oregon Children's Bureau Project Site).
- ◆ Online (Web-based), case-specific access to agency information and *ex parte* communication (i.e., oral or written communication not on the public record) issues need to be worked out in advance (Virginia SANCA Project Site).
- ◆ Access to raw Adoption and Foster Care Analysis Reporting System information is useful for finding performance data of interest to courts and generating charts and reports for courts (Georgia SANCA Project Site and Fostering Results Court Improvement Project Site).

Legal Issues

- ◆ State issues.
- ◆ Federal Issues.
- ◆ *Ex parte* communications.
- ◆ Acceptability of evidence.

Altering an Existing System

To alter an existing case management information system, a court must examine the system to determine what changes or additions are needed in order to collect the missing data. Depending on the system's code, specific programming language, and age, and the amount of new data you wish to collect, the process can be quite complex.

If a court has a reliable case management system, then working with the information technology (IT) staff to make minor or major changes to the system may allow the court to collect the appropriate data for performance measures. A team of committee members and IT staff should determine how the system already works to collect certain measures and how it must be altered to collect data for other measures. Altering an existing system can change the workflow, so the committee needs to obtain feedback from system users before making broad, sweeping changes. Depending on the strengths of State IT personnel, it may be helpful to hire an independent consultant—with no financial ties to software vendors—to provide advice on technical needs and then prepare a request for proposals for vendors.

Assessing Whether To Create a New System: Is the Current System Automated Enough?

Until now, courts have not had the luxury of defined standards or common precedent when implementing IT. The courts that have been pioneers in creating IT systems have approached the development of their systems differently. Court management information systems widely vary across the country. The national performance measures for child abuse and neglect cases, as documented in the *Toolkit*, provide a common standard, and each court should design its systems to track these measures.

How does a court go about determining if it is sufficiently automated? Completing a needs assessment helps a court identify which performance measures it can and cannot currently capture. The needs assessment process is discussed in chapter two. Identifying which performance measures can be obtained will help build the structure for a detailed document that outlines the need for a more sophisticated information system.

A system should perform a number of specific functions. The functions range from storing and reporting information

Examples of Altering an Existing System

Virginia SANCA Project Site

Virginia is updating the database for the Court Automated Information System (CAIS) and replacing its legacy interface with Web-enabled “front ends” (a Web-based system). These front ends are accessed by personal computers in local- and wide-area network (LAN and WAN) environments. Virginia completed needs analysis, planning, and design for enhancing the statewide CAIS for child protection and permanency case types in 2000. A number of system changes are underway to support the project.

Conversion of the Juvenile and Domestic Relation Courts to a “DB2 Relational Database” began in January 2004 (see previous sections for an explanation of “relational” databases), and six pilot courts were converted to DB2 by March 2006. Ten performance reports have been installed statewide; however, only the pilot courts generating actual data currently use them. Reports are run for each judge, and a report for a multijudge district is produced manually. However, statewide reports could be automatically run. The court generates lists with each report to help clerks understand why certain cases do not comply with procedures. The exception lists include cases that did not comply with a standard, such as a mandated state deadline or a court system standard.

Colorado SANCA Project Site

Colorado is enhancing the capabilities of ICON, its statewide court case management system. ICON runs on an IBM AS400 computer and is used by all courts except traffic courts. Although the underlying system retains the original text-based interfaces, the court overlaid these interfaces with a graphical interface. The graphical interface runs on personal computers using the Windows® operating system.

The Colorado Department of Health and Human Services (DHS) is a full partner in this project. Both ICON and the DHS automated management information system (known as TRAILS) are being modified to support new data exchanges. These exchanges will:

- ◆ Enable DHS case workers to view ICON data in TRAILS.
- ◆ Enable court staff to view TRAILS data in ICON.
- ◆ Enhance caseworker and judicial worker knowledge, efficiency and effectiveness.
- ◆ Avoid redundant data entry.

New Jersey Juvenile Court SANCA Project Site

New Jersey has a statewide information system known as the Family Automated Case Tracking System (FACTS). FACTS generates a variety of monthly case management reports for the local Children in Courts (CIC) docket, showing both statewide and individual county results. These results reflect caseload volumes, compliance with tracking, and case age for each docket.

New Jersey made system enhancements to make the system work more efficiently for court staff who perform data entry tasks. The system can now also generate more reports specific to the performance measures. Programming enhancements include:

- ◆ Enabling the two family CIC dockets to automatically feed data to the child CIC docket when data entry staff record outcomes of certain events.
- ◆ Enabling any CIC case transfer from one county to another to automatically trigger the transfer of the record of case events at the time that the transfer order transfer is entered.
- ◆ Enabling automatic changes to case information.
- ◆ Generating new monthly statistical reports for CIC judges and staff based on the national performance measures.

Georgia Juvenile Court SANCA Project Site

Since 2002, Georgia’s child welfare agency, the Department of Family and Children Services (DFCS), has used a Web-based tool called the Case Plan Reporting System (CPRS). CPRS was designed to better manage case planning for families when children are removed from the home and placed in foster care.

The SANCA project initiated work that would let courts manage two data-viewing screens within CPRS and help collect data for court-related performance measures. DFCS and the court share the cost of the system and ongoing maintenance.

The system serves case managers, supervisors, DFCS management, juvenile judges, attorneys, court-appointed special advocates, community citizen panel members, medical service providers, and foster parents.

CPRS is the common system used in Georgia juvenile courts. However, the decentralized structure of Georgia courts does not provide for a statewide court management system. Court information systems are primarily local implementations, developed in-house or purchased from vendors by each jurisdiction. To address the performance measures, Georgia decided to enhance its statewide CPRS and give it the ability to generate reports and statistical information. In this way, the State was able to track information relevant to performance on Adoption and Safe Families Act, Title IV-E, and State program improvement plan requirements.

System Functionality: An Essential Component of Performance Management

- ◆ If a system does not function well, it cannot assess performance accurately.
- ◆ A case management system should ensure that courts collect data relevant to case initiation and closure, scheduling, hearing types, document generation and statistical reporting, and other aspects of data needed for performance measurement.

on individual cases, to tracking specific trends, to providing a calendar of case dates.

A court may want to use the standard functions listed in this section to help determine how automated its system is. The list is by no means all-inclusive, but it provides a starting point for discussions about a court's ability to manage information. This list includes two types of functions: global functions and system functions.

Global functions. These high-level data categories should be addressed by a court data system. They include:

- ◆ Case initiation and indexing.
- ◆ Scheduling.

- ◆ Hearing types—emergency removal hearings, adjudication, disposition, motion, case review, permanency, termination of parental rights, and adoption.
- ◆ Case closure.
- ◆ Security.
- ◆ Document generation and processing.
- ◆ Management and statistical reporting.

System functions. These functions refer to any operations that a system uses to support global functions. Some system functions identify individual and specific groups of cases based on Federal and State law requirements and help define performance measures. These functions answer questions such as:

- ◆ How many months was a child in the court's care?
- ◆ What were the past and current allegations of child abuse and neglect?
- ◆ What cases have been delayed and are no longer in compliance with case processing deadlines?
- ◆ How many hearings have not been completed in the appropriate timeframe?

Other system functions report information about the actions parties take in court, such as:

- ◆ Did the judge grant a continuance? Why was it granted?
- ◆ Did an attorney request a continuance? Why was it requested?
- ◆ Were case plans submitted on time and reviewed by the judge within established time guidelines?

- ◆ Were legal counsel appointed for parents and children? Did counsel change? At what stage of the process did counsel change?
- ◆ Were legal counsel for parents and children present at each hearing?
- ◆ Did the judge or hearing officer change over the course of a case? When did the judge or hearing officer change?

Other system functions create and track the notices that parties receive, answering questions such as:

- ◆ Did parents receive written service of process within the required time standards?
- ◆ Was notice given to the parties before the next hearing? Was this notice documented?
- ◆ At what stage of the court process did parents and children receive legal counsel, court-appointed special advocates volunteers, or a guardian *ad litem*?

Other system functions involve reporting information to help the court determine the kind of services parents and children need, such as:

- ◆ Parents' criminal activity, housing type and condition, parenting skills, substance abuse, and cognitive abilities.
- ◆ Children's cognitive and physical abilities or disabilities, mental health issues, school profile, and delinquency issues.

Other system functions involve managing or providing statistical reports on performance measures, Adoption and Safe Families Act, timelines, and statute or court rules. These functions include:

- ◆ Quality assurance reports to ensure data entry is accurate.
- ◆ Development of the system on open software standards for future scalability (e.g., ensuring the system will support larger volumes of data and more users) and integration with other existing or future systems.

Again, this list is intended as a starting point for discussions. It is not all inclusive. Courts can create many other automated functions based on their individual needs.² Few courts can pull all the necessary information for performance measurement from their system. For this reason, a court should know the abilities and limitations of its system. With this knowledge, it can identify concrete action steps for obtaining the performance measures.

Creating a New System

Hennepin County, Minnesota Children's Bureau Site

All 87 of Minnesota's counties use a State program called the Total Court Information System (TCIS). Probate courts have used TCIS for 20 years. The system was modified to fit the needs of the juvenile courts 11 years ago.

Hennepin County used TCIS and a variety of other programs to track, schedule, and gather statistics about their dependency cases.

Hennepin County had relied extensively on TCIS, but TCIS was able to report on only a small percentage of the county's core activities and could not access data from TCIS and the Minnesota Court Information System (MNCIS).

In 1996, the Minnesota Supreme Court established a technology planning committee. The committee guided the development of MNCIS, among other functions. MNCIS is a Web-based, table-driven, person-based case management system. It is a statewide system, and is used by traffic, family, criminal, and dependency juvenile courts.

To meet the needs of both small and large counties, MNCIS has to track large numbers of cases. The system permits larger counties to track detailed information as necessary and allows smaller counties to choose the data they capture. Smaller counties all track certain crucial data and can then customize the system to their needs. The result is that basic trends and emerging issues can be tracked statewide, while counties have the flexibility to focus on measures that are important locally.

Deciding What To Do

After identifying options based on the needs assessment, and consideration of system functions, a committee should meet and discuss every possibility for gathering data for each performance measure. The committee should keep an eye on the goal—to improve court performance and create better outcomes for children involved in abuse and neglect cases.

Next, the court's resources—funding, workforce, and time—should be assessed and weighed. Weigh these against the expected outcome—reliable data that will allow the court to work towards improved performance.

The following may be helpful at this point:

- ◆ Refer to the *Technical Guide* section of this *Toolkit* for assistance in collecting specific data for each performance measure.
- ◆ Work with an IT professional to answer questions about how to develop and change the existing data system and how to train personnel to use the system.
- ◆ Review the *User's Guide to Nonautomated Data Collection* to understand how to use the *Toolkit* tools.
- ◆ Identify the resources needed to track data manually, use the *Toolkit* tools, and share data with other organizations.
- ◆ Contact the courts used as examples in this Guide, as needed, to discuss aspects of how to collect necessary data.
- ◆ Determine whether reliable data on some of the performance measures may be available by entering into data-sharing agreements with other systems.
- ◆ Review the workflow process.

Decisionmaking Tips

- ◆ Involve an IT professional.
- ◆ Weigh resources against expected outcomes.
- ◆ Review the workflow process. Know what needs to change for data collection.

Reviewing the Workflow Process

Making choices about how to gather data forces a court to look at its current workflow processes. Before making changes, the court must take a step back and consider the big picture. Any change the court makes to its current system may present new challenges. The court should explore proposed initiatives from various systems' perspectives to understand what kind of challenges could arise. If the court can identify possible challenges and understand the pros and cons of the initiatives it wants to undertake, it will be in a better position to encourage stakeholders to support changes. Careful planning will allow for a smoother transition.

Creating the Action Plan Worksheet

At this point, the committee has completed a needs assessment, determined which performance measures can and cannot be collected by the court's present system, considered possible data collection methods (including analysis of nonautomated and automated approaches, as well as data-sharing options), and for the measures not currently obtainable, discussed system functionality and completed a workflow process review. Now the committee should create an action plan.

One approach to action planning for performance measurement involves considering each measure individually, as its own project within the larger performance measurement effort. The action plan document should list each measure and answer the "who," "what," "how," and "when" of data collection for that measure.

A sample action plan for performance measures from a hypothetical jurisdiction is provided below. This plan is only a sample—a committee should use the format that best suits the court's specific performance measurement needs. For example, a court may wish to add a column that identifies data sources or describes whether committee members agree the data are reliable.

A Hypothetical Workflow Process Review

Jurisdiction X has decided Performance Measure 2C—the percentage of children who reside in one, two, three, four, or more placements while under court jurisdiction—is “must have.” Currently, it can only track placement moves when a child leaves a foster home in one network and moves to another network. It cannot track moves within a single network. To track these moves, the jurisdiction has decided to alter the existing case management system, and add more placement codes to the placement table. However, the court is unsure how to gather the new information.

Jurisdiction X holds several multidisciplinary meetings to explain its need for more detailed information on child placement moves. All participants agreed that a judicial officer could ask whether a child had been placed in a new home at each hearing. This task allows the courtroom clerk (who records data) to document this change. It also requires the child’s caseworker, attorney, or guardian *ad litem* to know if the child has changed homes.

Additionally, the jurisdiction decides that the agency social worker should submit a case plan every time a child has a placement move, even if the move was within the same network. This requires the social worker to submit more frequent case plan amendments. It also means that the Clerk’s Office receives the case plan and that the Judicial Officer must approve the change with a paper review or a hearing.

The multidisciplinary team also needs to decide the definition of a placement move. What if the child goes home for an extended visit and then returns to the same foster home or a different foster home? What if the child is admitted to a hospital but returns to the same foster home? Answering these specific questions is part of a workflow process.

The action plan will guide performance measurement. The committee should agree on the roles, responsibilities, and steps involved in the action plan.

Endnotes

1. A sample action plan worksheet is included on page 27, and a blank worksheet for committee use is located in appendix B (p. 55).
2. For more detailed information about types of automated computer functions for child abuse and neglect cases, see *Juvenile Functional Standards, v.1.0* (National Center for State Courts, 2003), at www.ncsconline.org; and American Bar Association, *Planning a Computerized Judicial Case Management System for Dependency Cases: Basic Tasks for the Computer and Things to Do for Court Administrators and Judges* (ABA, 2003), at www.abanet.org/child/computertasks.html.

Sample 4–2. Action Plan Worksheet: Example for Performance Measurement*

Performance Measure	Expected Outcomes	Persons/Agency Involved	Tasks To Be Completed	Dates
2E Priority Level 1	To gather the data to support this measure.	Court: Clerks/Judicial officer Child welfare agency Attorneys: Public defenders, private defenders, GALs/CASA	Identify committee members. Define placement as a move between institutions, foster homes, and relatives. Create, review, and obtain approval for policy to require court notification of all placement moves, not just moves between networks. Each agency disseminates policy on how to record placement moves and trains the necessary court staff. Work with IT department to expand the codes in the information management system. Train clerk staff on new data codes.	1/8/07 1/25/07 3/20/07 3/26/07 1/26/07–3/19/07 3/26–27/07
3G Priority Level 1	Short Term (ST): To determine a baseline percentage—what is the court's current performance level for this measure? Long Term (LT): To gather the data to support this measure.	Court: Clerks Judicial officer Information management system user	Identify committee members. ST—Complete a randomized file review of open and closed cases over the past 6 months. LT—Work with the information management system developer to understand how to track counsel in the current system. LT—Examine costs, seek funding and approval to make system changes to track multiple counsel in sequential order. LT—Work with information management system developer to make necessary changes. LT—Clerk training.	1/8/07–Present 1/15/07–3/2/07 1/8/07–Present 1/8/07–Present 4/2/07–Present 6/25/07 and 6/26/07

*For a blank action plan worksheet, see appendix B, p. 55.



How To Use the Collected Data

After assessing performance measurement needs and the court's capacity to measure them, outlining an action plan for collecting data on the performance measures, and obtaining the data, the committee needs to assess the findings. This involves using the data as a baseline against which to measure future performance and practice improvements, setting performance targets, reporting performance results, and translating these results into action.

Assessing a Baseline and Setting Performance Targets

After the mechanics of the measurement process have been put in place, the data can be used to take a snapshot of current performance. This information establishes a baseline that a court can use to gauge future progress. It can also act as a “test drive” that highlights aspects of the measurement or analysis process that need improvement in subsequent measurements.

Baseline information is usually derived from the most recently completed fiscal year. If historical information is available, court staff can use it to verify that the chosen baseline timeframe is not atypical or otherwise unsuitable. Historical data can also put baseline data in context.

Next, the information from the baseline data and the strategic plan should be combined to determine performance targets. These targets should include concrete estimates of expected results and a realistic timeline for achieving those results (e.g., decreasing the time to permanency by 6 months, compared to the baseline, and achieving this target within 1 year). Setting performance targets requires a delicate balance between ambition and caution.

Keys to Effective Reporting

- ◆ Know your audience.
- ◆ Tell, explain, and show.

Topics

- ◆ Using data to measure a baseline.
- ◆ Using data to set performance targets.
- ◆ Reporting measurement results.

Notes From Children's Bureau Project Sites: Setting Performance Targets

“When working with performance measurement findings, we found it helpful to set benchmarks for where we wanted to be in 6 months or a year, with respect to improvement.”

“We found that the best benchmarks for performance or target goals for improvement are those that asked people to stretch but were still possible. This not only resulted in genuine improvement but also built pride in our accomplishments and a desire to keep collaborating to achieve even greater gains and improvements.”

Reporting the Measured Results

Although there are various ways to present measurement results, effective presenters always consider the composition, knowledge base, and interests of the audience, and the bottom line of the message they want to communicate.

An easy way for the court to present its findings is to list each performance measure along with the data staff have collected about that measure. Reporting measures this way is less time consuming and allows a reader to view the court's progress with each specific performance measure.

Another approach is to report the data findings on each measure and then describe where correlations or discrepancies exist between new data and the baseline measures. Compiling the information, writing a summary report, and adding data tables and charts makes it easier for a reader to review and understand the data. However, this approach requires additional staff time input and research to present findings in a way that is easily understood. Each measure will need a written explanation and illustrative tables and charts.

When designing a report, think about what the jurisdiction needs to know and spend time and effort on areas of concern. The report can be used to develop hypotheses about the reasons behind high or low performance and explore how different measures may combine to make case processing less effective. Considering possible explanations will help a jurisdiction target areas for reform.

Reporting should meet the needs of a jurisdiction and its constituents. What theories need to be supported by numbers? What does a dependency court system most need to know?

Reporting on the Four Domains of Performance Measurement

Creating a summary report¹ can involve examining data for each domain of performance measurement: safety, permanency, due process, and timeliness. The following sections highlight a few suggestions for analyzing data in each of these domains.

Safety. By expanding just a few datapoints, such as a child's age or the time periods at which various case events occurred, a court can obtain additional information.² After compiling data for each safety-related measure, staff can examine children's ages when a petition was first filed, as well as dates for subsequent case events. Staff may ask the following questions:

- ◆ Does the child's age affect the reactivation (e.g., re-entry) rate?
- ◆ Do children who are subject to new petitions of abuse or neglect within 12 months tend to be younger or older?
- ◆ At what point do the majority of children return to care—3, 6, 9, 12, 18, or 24 months after the initial petition?
- ◆ What new initiatives or services has the jurisdiction implemented during the reporting period?

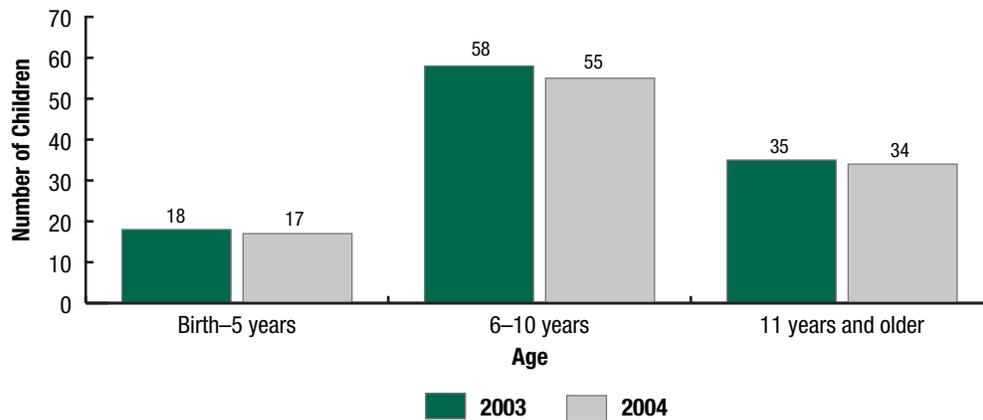
While analyzing the success or failure of court initiatives by looking at children's ages and case dates may not answer all of a court's queries, the information could provide insight and points of discussion.

- ◆ *Toolkit* tools are available online at www.courtsandchildren.org.
- ◆ The *User's Guide to Nonautomated Data Collection* provides more detail about these instruments, including tips on how to use the tools effectively and how to analyze and report findings.

Sample 5–1. Safety Domain—Examining the Ages of Children Who Reenter the Court System

From 2003 to 2004, the number of children in Jurisdiction X who had a new petition of maltreatment within 12 months after the initial petition of maltreatment was closed decreased 3.6 percent. The most notable area of decrease was for children ages 6–10.

Ages of Children Who Reenter the Court System Within 12 Months of the Close of the Initial Petition



Discussion Questions: Why do children ages 6–10 tend to reenter the court system? Is there a “gap” in caring for children in this age group to ensure their continued safety once their petition is closed?

Permanency. Examining children’s age when they reunite with their families can help to clarify reunification problems encountered by children of different ages. Furthermore, identifying the characteristics of the children who do not reunite with their families may help explain why successful reunification is more likely for some children than others. Do the children who have a more difficult time reunifying with their families have concerns specific to their age group? What services, or lack thereof, could be attributed to either *Measure 2A: Percentage of children in foster care who reach legal permanency by reunification, adoption, or legal guardianship*, or *Measure 2B: Percentage of children who do not reach legal permanency by reunification, adoption, or legal guardianship*?

To further explore the experiences of children who are having trouble achieving permanency, a court could consider

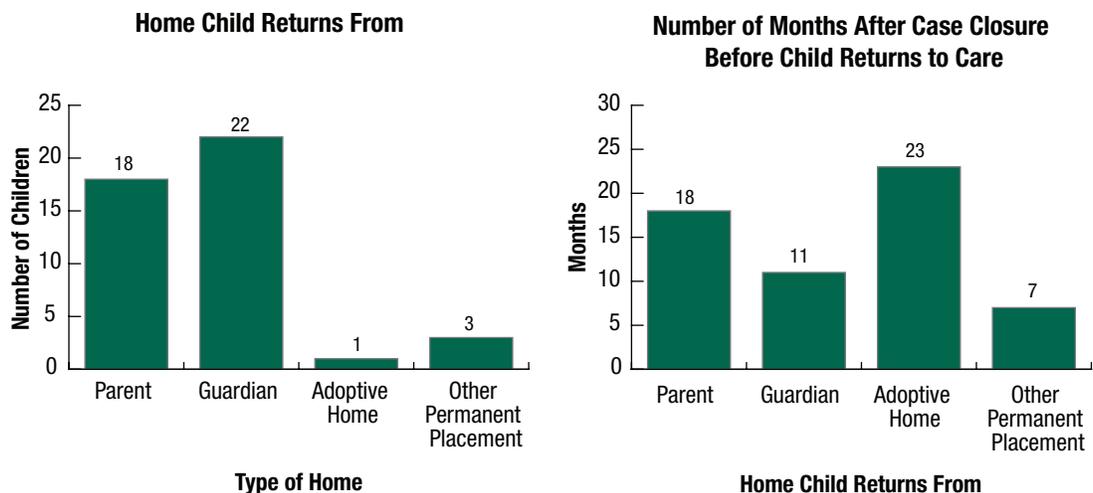
using a bar graph to show from where children return to care: were they living with their families, guardians, or adoptive parents?

The court might also consider how long the court case was closed before the child returned to care, assessing children in each placement group. A jurisdiction might also decide whether to examine permanency and placement at 12, 24, 36, and 48 months.

Finally, the number of placement moves a child has experienced may affect reunification success. It may be useful to identify the number of moves, and whether this number correlates with how long the child stays at each foster home or how long the child stays at home once the case is closed.

Sample 5–2. Permanency Domain—Examining Children’s Placement Before Reentering Foster Care

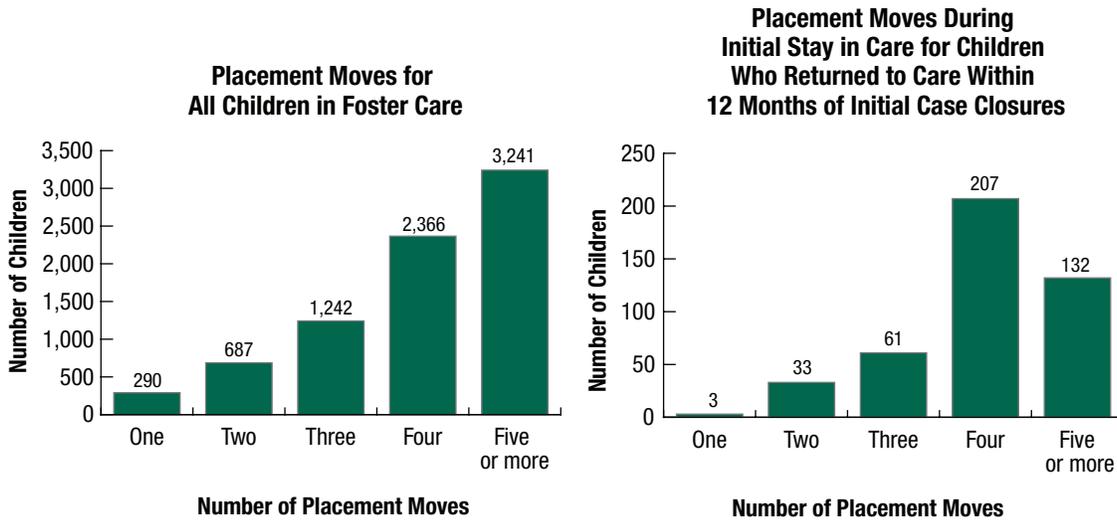
During 2004, 44 children in Jurisdiction X returned to care. Of these children, 50 percent returned from the care of a guardian, having spent an average of 11 months in the guardian’s care; and 41 percent returned from the care of a parent, after spending an average of 18 months in that parent’s care.



Discussion Questions: What services could help to ensure the safety and stability of placements that are intended to be permanent? What might the courts do to help minimize the likelihood of disruptions?

**Sample 5–3. Permanency Domain—
Examining the Number of Placement Moves Children Experience**

In 2004, 7,826 children in Jurisdiction X were in placement. Of those children, 436 (5.6 percent) returned to care within 12 months after the initial case closed. The following bar graphs show the number of placement moves experienced by all children and by the 436 who reentered foster care.



Discussion Question: Although only 436 (5.6 percent) of the 7,826 children in placement had returned to care, fewer than 50 children had fewer than 3 placements during their first stay in foster care. Does the high number of placement moves experienced by these children indicate a greater likelihood that children will reenter care?

Due Process. Being able to track who was present at specific hearings provides information needed to assess some due process measures, such as timely notice and whether parties appear and are represented by counsel. Reporting which parties are present at hearings is a proxy measure of whether the jurisdiction’s notice procedures are effective. Does providing notice within the appropriate timelines help to ensure appearances? Being able to provide data on when parties are represented appropriately in the case process could help explain any delays in a case. Looking at when counsel changes may reveal a pattern that could be remedied by working with the appropriate agency. Another possibility is that having more than one judge hear a case may contribute to delays.

Timeliness. Timeliness measures can be correlated with almost any performance measure in the other domains.

For example:

- ◆ Are children not reaching adjudication in a timely way because they have multiple judges hearing the case?
- ◆ Is adjudication not timely because service is incomplete or because counsel changes?
- ◆ At what point are termination of parental rights (TPR) petition filings occurring? Are they at the 12-month mark or at 18 or 24 months?
- ◆ Does the timing of TPR filing depend on the counsel who files the petition?
- ◆ Once TPR is granted, how long does it take for the child to be adopted and the adoption finalized? Does this vary by age?

Sample 5–4. Due Process Domain—Examining Delays in Case Processing

In 2004, Jurisdiction X had 873 active dependency cases. Performance measurement indicated that case processing was not timely, especially for the adjudication and permanency hearing stages.

The working committee hypothesized that the lack of a no-continuance policy may have contributed to delays and implemented a case file review process to determine if this might be the case. The review revealed that of the 873 active cases, 707 (81 percent) had one or more continuances. Further review of the 707 cases found that cases with numerous continuances also involved more than one judge or hearing officer over the course of the hearing process.

Number of Judges for Cases With One or More Continuance

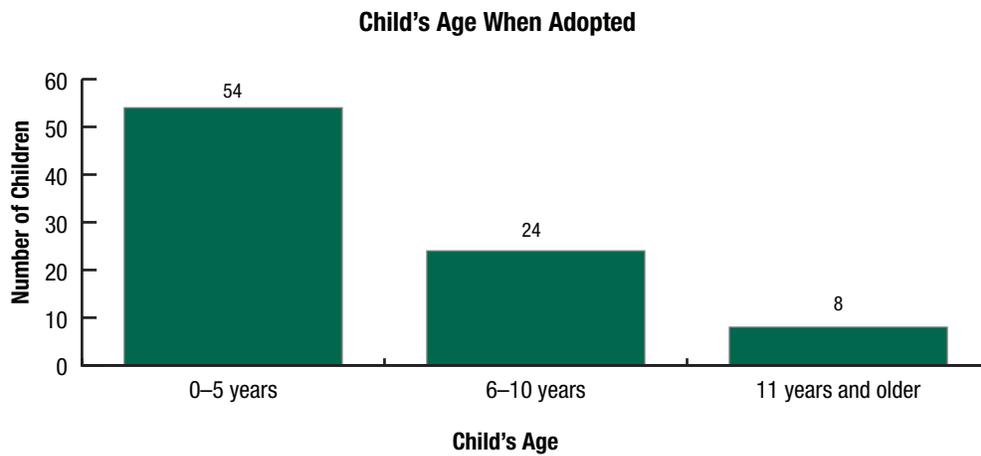
Number of Continuances	Number of Judges
1 continuance	2
2 continuances	3
3 continuances	3
4 or more continuances	5

Discussion Question: Does having multiple judges for a case create an environment for granting more continuances, or do continuances make it necessary for multiple judges to hear a case?

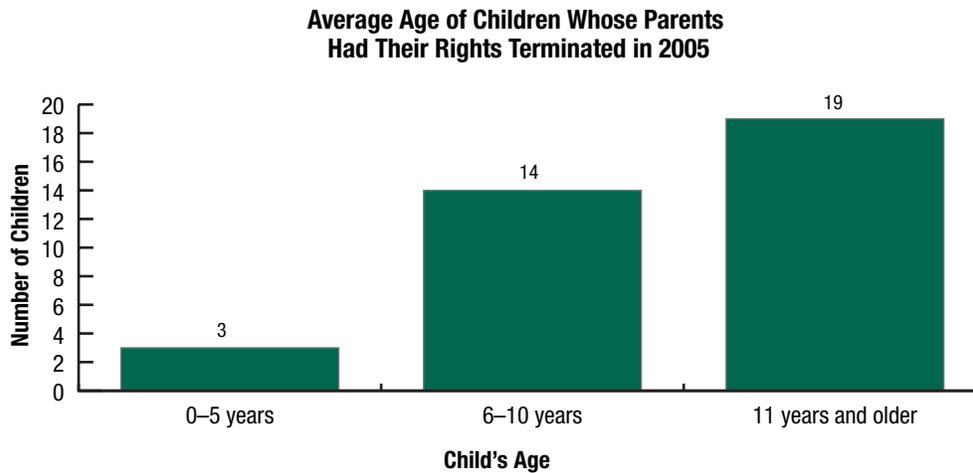
Sample 5–5. Timeliness Domain—Examining Timeliness of Adoptions

In 2005, parental rights were terminated for the parents of 122 children in Jurisdiction X. Of the 122 children available for adoption, 53 percent were adopted within 12 months, 17 percent were adopted between 12 and 18 months, and 30 percent have not yet been adopted.

Of the children who were adopted, 54 (63 percent) were ages 0–5; 24 children (28 percent) were ages 6–10; and 8 children (9 percent) were age 11 or older.



Of the children who were not adopted, 3 children (7 percent) were ages 0–5; 14 (39 percent) were ages 6–10; and 19 (54 percent) were 11 years or older.



Discussion Questions: How long had the group of children who were 11 years and older been in care before their parents had their rights terminated? What are the barriers to adopting older children?*

* This kind of information may be best collected from the agency Adoption and Foster Care Analysis and Reporting System (AFCARS) and Child and Family Services Review (CFSR) data rather than the national court performance measures, which are based on the time from the filing of the petition. On the other hand, optional data elements for *Toolkit Measure 4A: Time to Permanency* can provide this information. See the *Technical Guide* of this *Toolkit*.

Showing Data in Tables and Charts

A table is the basic format for reporting data in a consistent, orderly fashion. Tables may be simple or complex, depending on the aspects of the performance measures being reported. Accompanying text can call attention to significant results in the table.

There are many ways to compare or “cross” measures to explore reasons behind findings. Whether summarizing data by crossing or comparing measures or by simply reporting on each specific measure individually, it is always a good idea to use charts to show the data and support the text explanation.³

A chart is a visual means of explaining the data being reported. A common mistake is to provide too much information in a chart, which can overwhelm a reader and makes the chart difficult to interpret. The goal of a chart is to visually support a report by showing relationships among variables and allowing a reader to grasp complex data at a glance.

Although charts can be a quick way to convey information and prove a point and are more interesting than plain text of tables, creating them can be time consuming. The easiest way to create a chart is to enter data into a spreadsheet program that generates charts (Microsoft® Works®, ClarisWorks®, Excel®, Word®, etc.).

Three basic types of charts can be used to show data: bar, line and pie charts.

Bar charts. Bar charts compare items at one point in time. They work best when comparing a set of individual items or several sets of related items. Possible uses include showing:

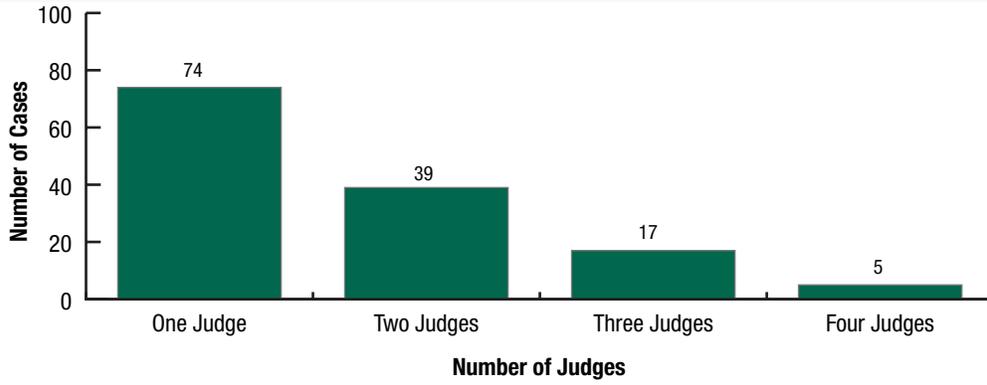
- ◆ Types of permanency achieved for a certain period of time.
- ◆ Timeframes used for capturing data: reentry at 12 and 24 months.

- ◆ Number of children who have experienced one, two, three, or more placement moves.
- ◆ Number of counsel changes by counsel type and hearing type.
- ◆ Counsel present at specific types of hearings.
- ◆ Hearings where all parties received an advance notice of the next hearing.
- ◆ Number of children who were assigned counsel or a guardian in advance of the preliminary protective hearing.
- ◆ Number of children who had one, two, three, or more hearing officers.
- ◆ Cases adjudicated within 30, 60, and 90 days.
- ◆ TPR filings within 3, 6, 12, and 18 months.
- ◆ Termination order received within 30, 90, 120, and 180 days after a TPR petition is filed.
- ◆ Hearings completed on time, by type of hearing.

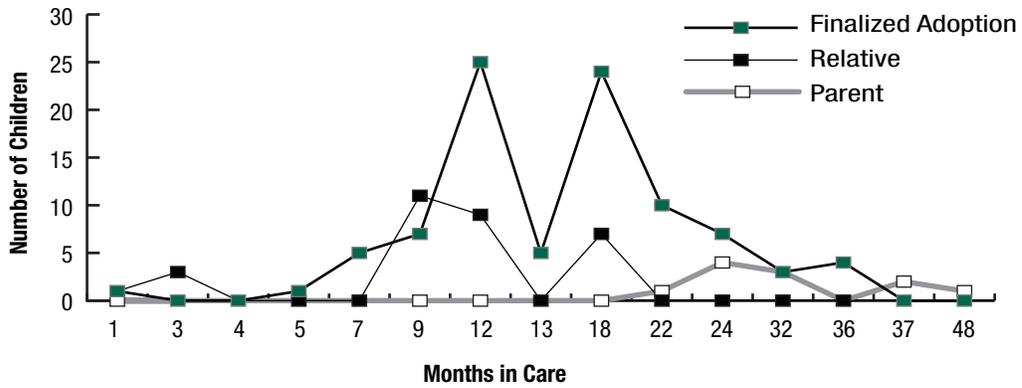
Line charts. Line charts or trend lines show change over time. They work best when presenting trends, increases or declines of one variable over a period of time. They have an X-axis (horizontal) and a Y-axis (vertical). Usually, the time period falls on the horizontal axis, and the vertical axis lists numbers for what is being measured. Line charts may help report the following information:

- ◆ Time to legal permanency.
- ◆ Time until a case is adjudicated or disposed of.
- ◆ Time from filing the original petition to permanency.
- ◆ Time to adjudication/disposition, compared over several years.
- ◆ Time TPR petition is filed to time of the TPR decision.
- ◆ Time TPR petition is filed to time when parents receive a termination order.

Sample 5–6. Number of Judges Per Case, Jurisdiction X



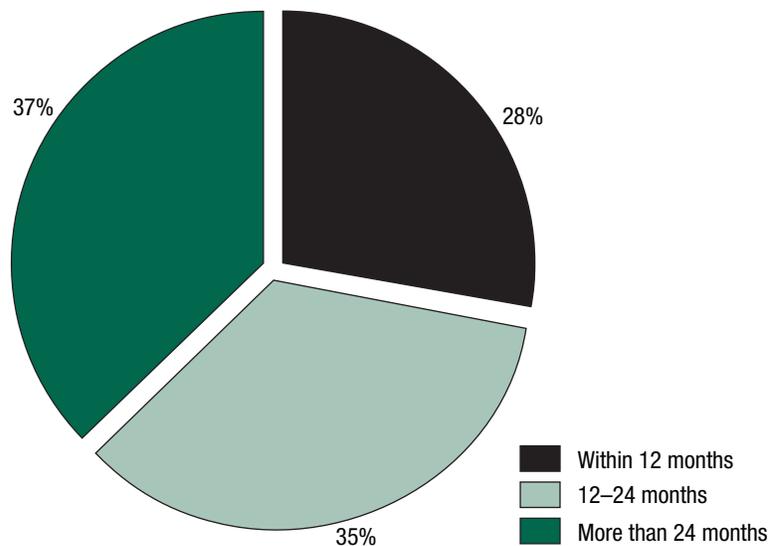
Sample 5–7. Timeframes for Legal Permanency, Jurisdiction X



Pie charts. Pie charts show relative proportions. They work best when showing percentages of items. Pie charts read best when they have no more than five sections. All sections should be easy to read. The following performance measures could be illustrated well with a pie chart:

- ◆ Percentage of children with only one and more than one petition of abuse or neglect filed while under the court’s jurisdiction.
- ◆ Percentage of children who are and are not the subjects of new petitions within 12 months following the initial petition closing.
- ◆ Percentage of children who reenter foster care within 12 and 24 months.
- ◆ Percentage of children who have one, two, three, or more placements.
- ◆ Percentage of cases where both parents who are entitled to receive service or notice of hearings actually do and do not receive service or notice.
- ◆ Percentage of cases where case plans are and are not reviewed within the appropriate timeframe.
- ◆ Percentage of children and parents who do and do not receive legal counsel or a guardian prior to a specific hearing.
- ◆ Percentage of children who have and do not have the same judicial officer at every hearing.
- ◆ Percentage of cases that are and are not adjudicated/ disposed of within a specific timeframe.
- ◆ Percentage of cases that do and do not receive a termination order within a certain period of time following the filing of a TPR petition.
- ◆ Percentage of cases in which children are and are not adopted within a specific time after the adoption petition is filed.

Sample 5–8. Percentage of Children Who Do Not Have a Subsequent Petition Filed After the Initial Petition is Closed



Using Performance Data in Reform Efforts

The entire process of performance measurement should be part of an effort to improve dependency court practice. The performance data generated should be used to design plans for reforming practice and policy and improving outcomes for children and families. This overall planning process is about:

- ◆ Making fundamental decisions—being focused and productive, reviewing data, asking questions, testing assumptions, and gathering information about the present and future court environment.
- ◆ Preparing—being aware of existing resources and finding the best way to respond to the circumstances of the court environment.
- ◆ Planning—setting goals and creating an action plan to achieve those goals.

A court reform effort requires a detailed strategic plan. Strategic planning involves many of the same steps involved in action planning for performance measurement.

Strategic Planning

Understand where the court is and where it needs to go.

- ◆ By reviewing data about the performance measures court staff can evaluate the accuracy of hypotheses they may have about performance. Staff will have data-based information for deciding how well the court is performing. The data from the performance measures provide a baseline the court can use to decide its next steps.

Reform efforts need to be broken out into individual projects. Some projects can move forward at the same time, but others need to take place after initial reforms have been achieved.

Creating advisory and working committees for reform efforts.⁴

- ◆ The advisory committee should provide the leadership, direction, and resources to lead the reform effort. Having a standing advisory committee with consistent membership will provide long-range vision and ensure support for the process.

- ◆ The working committee is the team that decides how best to implement reform. This may be a good time to either change the membership of the working committee, since the main emphasis of the project will have changed from mastering the technical barriers for performance measurement to implementing improvements.

The working committee will want to consider creating various subcommittees to address reform efforts that can be achieved simultaneously. There must be a leader on the working committee that communicates with all subcommittees and the advisory committee.

Creating a working document. Having a working document—a written plan that outlines short- and long-term goals and objectives and identifies what tasks must be completed, who is responsible for those tasks, and start and end dates for the tasks—provides a roadmap for court staff to follow. It also provides a communication tool for different agencies to use. The working document states which decisions and actions will be given priority. The advisory committee should make many of these decisions, but all of the key decisionmakers should review the written plan.

Assessing the data. A number of different reforms could occur based on data obtained from the performance measures. These data indicate whether a court is in compliance with performance measures, but they do not indicate why or how to remedy the problem. Reform requires understanding what the data indicate. Assessing numerical data from different angles, cross-examining data from different measures, or performing a manual case review can help the court understand data. In addition, court staff should look for common factors that may impact measures. Such commonalities may include:

- ◆ Child's age.
- ◆ Child's race/ethnicity.⁵
- ◆ Type of abuse.⁶
- ◆ Services offered, completed, or refused.⁷
- ◆ Length of time in care.⁸
- ◆ Visitation schedule.⁹
- ◆ Continuance reasons and hearing occurrence.¹⁰
- ◆ TPR ruling—denied, withdrawn, and granted.
- ◆ Permanency option used most frequently.

General reforms. Each jurisdiction may address the same issue with a different reform. However, some endeavors could address or suit a wide variety of performance measures. General reform efforts may involve the following:¹¹

- ◆ Collaborating with child services, prosecutors, public defenders, guardians *ad litem*, CASAs, and service providers to:
 - ◇ Create an opportunity for each agency to share concerns about serving families in abuse/neglect courts (i.e., through appointments, service, preparation, or timely report submission).
 - ◇ Explain court expectations, giving reasons for what the court expects from each party and discussing how those expectations can be accomplished.
 - ◇ Explore gaps in court services and ways to avoid wait lists for services.
- ◆ Focusing on efforts to increase the timely submission of reports.
- ◆ Changing guidelines for visitation.
- ◆ Changing the use of protective supervision.
- ◆ Implementing mandatory training sessions for judges, attorneys, and caseworkers on the best ways to handle child abuse and neglect cases.
- ◆ Improving judicial workloads.
- ◆ Ensuring court involvement with all stages of child abuse and neglect cases.

Reforms related to specific performance measures.

Some reform efforts generate initiatives related to a performance-specific measure. The following lists suggest possible reforms in each of the four performance measurement domains (the lists are not all inclusive of the possible reforms that could be implemented).

Reform efforts to improve safety include:

- ◆ Using protective supervision—a form of court jurisdiction over a child abuse and neglect case that allows the court to stay involved in the case even after permanency has been achieved (e.g., the child has been returned home). Protective supervision allows the court to oversee the ongoing services to the family, in the home, to support permanency.
- ◆ Using family group conferencing for safety planning—a formal meeting in which members of a child's immediate family come together with extended kin

and members of the child's community to develop a comprehensive plan to keep the child safe. Family group conferencing allows a plan to be developed that outline safety measures during unsupervised visits between children and their families, particularly during extended visits, or when children return to their original caretakers.

Reform efforts to improve permanency include:

- ◆ Creating guidelines concerning visitation. These guidelines let a court decide when visitation can occur, how the court will be notified about the visitation, and how the quality of visits will be assessed.
- ◆ Creating guidelines concerning judicial leadership changes.
- ◆ Implementing family group conferencing.
- ◆ Using protective supervision.
- ◆ Addressing service appropriateness and availability.

Reform efforts related to due process include:

- ◆ Requiring service or notification of hearings for both parents who are entitled to receive notice.
- ◆ Clarifying notice of hearings and service requirements for putative fathers.
- ◆ Creating alternative service procedures after the court makes reasonable efforts to locate and serve the parent.
- ◆ Building notice of the next hearing into the court order.
- ◆ Training judges, attorneys, and clerks about how to improve due process, service, and notice.

Reform efforts to improve timeliness include:

- ◆ Making policies that mandate frequent and substantive review hearings.
- ◆ Creating a mediation program for cases that go for 12 months without adequate progress toward reunification.
- ◆ Creating a mediation or case-conferencing program in an effort to reach timelier adjudications and dispositions.
- ◆ Restricting the use of continuances between petition filing and disposition.
- ◆ Exploring ways to help parents attend hearings.
- ◆ Supporting agency efforts to create a Web page of adoptable children.

Endnotes

1. For more detailed guidance about reporting findings for each performance measure, refer to the *Technical Guide* in this *Toolkit*. The *Technical Guide* also includes additional ideas for discussion questions pertaining to specific measures. For an example of a local report combining graphics and narrative, see *Illustrative (Fictional) Sample Court Report to Demonstrate the Potential Use of Automated Performance Data—Semiannual Report Erehwon County Juvenile Court* (ABA 2000, 2002), www.abanet.org/child/erehwon.doc.
2. If optional data elements (such as the child's age) and supporting programming are included in the court's case management system, that system could generate information automatically.
3. For more detailed guidance on creating tables and charts for specific performance measures, see the *Technical Guide* of the *Toolkit*.
4. The tips outlined in chapter two of this guide regarding collaborative committee structure are also applicable to design and implementation committees.
5. See the *Technical Guide* of the *Toolkit* for more detail.
6. This information may be obtained from the child welfare agency or through an examination of allegations in the petition.
7. This information maybe be obtained from the child welfare agency.
8. Optional performance measures can be used to collect these data—see the *Technical Guide* of the *Toolkit* for more detail.
9. This information may be obtained from the child welfare agency.
10. If the court's case management system does not include data about continuances, this information can come from a case file review.
11. For ideas regarding possible reform efforts that might be implemented as a result of performance findings, see *Model Court Status Reports* (available at www.ncjfcj.org). For a description of best practice in handling child abuse and neglect cases, see National Council of Juvenile and Family Court Judges, *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases* (Reno, NV: NCJFCJ, 1995), and National Council of Juvenile and Family Court Judges, *ADOPTION AND PERMANENCY GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases* (Reno, NV: NCJFCJ, 2000). The *Technical Guide* of the *Toolkit* provides a number of possible reforms for each performance measure.

Examples of Court Improvement and Reforms in Two SANCA Project Sites

Virginia

Changes to Virginia's existing court system have allowed the courts to address certain performance measures, and the system plans more extensive reforms in the future. So far, Virginia has undertaken the following measures:

- ◆ The Office of the Executive Secretary (OES), the Virginia Supreme Court's court improvement program advisory committee, director of the court improvement program, and juvenile court judges have worked to improve permanency outcomes in Virginia. The Virginia legislature has passed a number of bills regarding court improvement.
- ◆ Virginia has created an automated system for tracking permanency, with tools to improve the management of foster care cases, provide OES with reports on court case management, and help identify areas that need improvement.
- ◆ Pilot courts now have a better procedure and data collection. The reports generated by the automated system have raised questions about practice in adjudication of protective orders in abuse and neglect cases, accurate recording, and what steps the Department of Social Services (DSS) and the court should take when foster care plans are not approved.
- ◆ New data collected have stimulated significant reviews of local practices.

Virginia expects future reform efforts to involve policy changes, particularly as the court becomes less reliant on DSS data and more reliant on its own data.

Georgia

Georgia wants to reform due process and timeliness measures, because these measures support what the State is doing with its court improvement projects. The data from the performance measures will help Georgia validate whether these projects are successful.

The process of implementing performance measures helped uncover the fact that workflow procedures differed between courtrooms (i.e., different courtrooms were using different procedures for handling the service of process or notification of the next hearing, and procedures for appointing counsel). These differences in workflow led to protocols regarding timely service of process and to an agreement about changes in judicial orders for the appointment of counsel and waiver of counsel.*

* A "service of process" involves notifying a person that he or she has been named as a party to a lawsuit or has been accused of some offense, and that a hearing on the matter is scheduled. Process consists of a summons, citation, or warrant, to which a copy of the complaint is attached. A "waiver of counsel" occurs when a party opts not to use an attorney; the court must also assure that the party understands his or her due process rights when he or she opts to proceed without representation.

Evaluating Reform Efforts in a Children’s Bureau Project Site: Omaha, NE

The Omaha, NE, *Toolkit* Project workgroup includes juvenile court judges, court personnel, representatives from the social services agency, and representatives from each of the attorney groups (representing parties, mediators, and researchers) from the University of Nebraska–Lincoln’s Law and Psychology Program. The Omaha team has accomplished three of its early goals for the *Toolkit* Project, which are:

- ◆ Establishing a relationship with the Douglas County Juvenile Court to encourage performance measurement.
- ◆ Developing an empirical tracking system for abuse and neglect cases that the Douglas County Juvenile Court can use to study reform efforts while the State plans to create an automated management information system.
- ◆ Collecting trial data to examine the conferences that precede protective custody hearings.

The Omaha *Toolkit* Project team reviewed a large sample of completed case files to evaluate Omaha’s capacity for collecting data for court performance measurement. Based on this case review, a file review system was implemented. This file review

system used the *Toolkit* case file review instrument to obtain essential data from court records that could be used to inform reform efforts.

Using this file review process and a court observation procedure adapted from the *Toolkit* court observation forms, the Douglas County Juvenile Court evaluated the conferencing held prior to protective custody hearings. Prehearing conferences are held before scheduled custody hearings. During these conferences the parties in abuse and neglect cases, their attorneys, and representatives from the Nebraska Department of Health and Human Services review and discuss the case. Professional facilitators meet with the families and court staff members to investigate the major elements of the case, explore early agreements, investigate Indian Child Welfare Act issues, and suggest services that could assist the family with a permanency plan. The Douglas County Juvenile Court judges hope that this prehearing intervention will speed cases to a more satisfactory conclusion.*

*For more information about the *Toolkit* instruments adapted by the Omaha *Toolkit* Project Team for use in this evaluation study, please see the *User’s Guide to Nonautomated Data Collection* of this *Toolkit*.

Common Lessons Learned From Children’s Bureau and SANCA Sites



Although implementation of the performance measures varied from jurisdiction to jurisdiction and each project site required different reform efforts, certain commonalities helped sites examine challenges to performance measurement, things done well, information sharing, and information use. Some experiences of Children’s Bureau and SANCA project sites are summarized. Quotes are presented without attribution to protect stakeholders’ anonymity.

What did you [the jurisdiction] learn while implementing the performance measures? What should be changed in future evaluations?

- ◆ “Holding user group meetings earlier would have given programmers more time to develop programs.”
- ◆ “We might focus first and foremost on safety and permanency measures—first with the pilot courts versus implementing all the measures at once. Looking at permanency numbers might guide our focus on our process. For example, if time to reunification is longer than the State average, hearing timeliness becomes more crucial to study as the next step.”
- ◆ “Our most significant barrier was the unexpected cost of the outcome measure reports. We would have focused on the reports earlier in the project.”
- ◆ “It is necessary to involve your judges in the process; especially the judges who are most concerned need to be at the table to get their buy-in up front.”
- ◆ “We have struggled with translating the [child protection] process into an outcome measure system.”
- ◆ “One-on-one training of both judges and judicial staff who enter data is very beneficial to successful implementation.”
- ◆ “Collaboration is a must between the court and the department, and is required in joint project planning regarding rollout dates, schedules and timelines.”
- ◆ “Statewide rollout will be best achieved in phases.”

For which measures was the court unable to gather data?

Different sites could not capture certain measures, and their reasons varied a great deal. However, no measures

Topics

- ◆ Lessons learned when implementing the performance measures.
- ◆ Problems encountered when gathering data on certain performance measures.
- ◆ Data-sharing procedures and plans.
- ◆ Did sites rely on State child welfare agencies for some of the data?
- ◆ Aspects of the performance measurement project that worked well.

stood out as being unobtainable. Generally speaking, the measures that focus on due process present some of the most difficult challenges.

Performance measurement often was hampered when a jurisdiction’s court system was set up in a way that limited information sharing between systems or when a court’s definition of a measure differed from the *Toolkit* definition. Sometimes court systems lacked records of information needed for certain measures or had only recently started to collect needed data. Courts also struggled with where to focus their efforts initially when obtaining data for all of the measures at the same time proved daunting. These courts found it helpful to focus initially on a few key measures, such as safety and permanency and then expand their data collection efforts. SANCA and Children’s Bureau sites also stressed the importance of including end users (i.e., people who will ultimately use the data reports) early on in the performance measurement process to ensure that the data collected and reports generated will be useful.

Each project site had to examine its own measurement needs and decide which performance measures made sense given its court structure. Some sites reported difficulty getting necessary data from a child welfare agency or from other courts. Some also noted special provisions of State law that made obtaining data on some measures problematic.¹

Experience With Data Sharing

With whom do you share data or expect to share data?

- ◆ “State and/or local child protective agency.”
- ◆ “Administrative Office of the Courts (AOC) management.”
- ◆ “State and/or local child advocate’s office.”
- ◆ “Judiciary committee for child welfare cases.”
- ◆ “Attorney general’s office.”
- ◆ “Juvenile court judges.”
- ◆ “County attorneys.”
- ◆ “Other stakeholder agencies involved in juvenile cases.”
- ◆ “The State data are on our Web page; however, we have yet to decide with whom to share the local data. This will need to be examined from the standpoint of how we want the message to come across.”

Did you rely on your State or local child welfare agency to provide you with data?

- ◆ “Yes: Client ID number—for all measures.”
- ◆ “Yes: Date of removal.”
- ◆ “Yes: Placement History.”
- ◆ “Yes: Finalization of adoptions.”
- ◆ “Yes: Children in care and custody.”
- ◆ “Yes: Adoption and Foster Care Analysis and Reporting System (AFCARS) data.”

How did you verify that the child welfare agency’s data were reliable?²

- ◆ “The judicial business analyst and the Department of Human Services business analyst compared numerous data elements for reliability.”
- ◆ “Periodic checks of electronic and paper reports. Department of Human Services and Judicial Department information technology and data staff meet on a quarterly case to discuss data reliability and collection efforts.”

Successes in Performance Measurement

What aspects of performance measurement project planning and implementation went really well?

- ◆ “Collaboration.”
- ◆ “Obtaining information from the various committees in the planning stages.”
- ◆ “The time and effort spent researching ethical issues concerning the electronic exchange of data and developing business rules to address these issues.”
- ◆ “Defining and maintaining the project scope.”
- ◆ “Maintaining close supervision of tasks and timeframes, while also being flexible when the unexpected arose.”
- ◆ “Taking the time to develop reports that will be useful now and in the future.”
- ◆ “Attention to the data needs, workload pressures, and feedback to changes being made is essential to maintain commitment to systems’ change by field personnel.”

What aspects of system design went well?

- ◆ “An outstanding judicial information network, daily updated information about children in care and custody, and a well-organized, supported system of judicial performance measures like the CFSR requirements.”
- ◆ “The designs of a data capture/reporting system. It helped to have an open source, flexible software system.”
- ◆ “We worked with a vendor that understood the data related to child deprivation.”

Endnotes

1. For further information on performance measurement challenges, see the *Technical Guide* volume of this *Toolkit*. As part of its discussion of each measure, the *Technical Guide* identifies implementation barriers and offers suggestions for addressing them.
2. None of the project sites reported that they relied on data from systems other than the child welfare or social service agency (e.g., the public defender or guardian *ad litem* management information systems).

Ten Steps to Performance Measurement

- 1) Identify and involve stakeholders.
- 2) Clarify purpose and vision.
- 3) Assess which data the court can and cannot collect.
- 4) Prioritize.
- 5) Design an action plan to obtain the data.
- 6) Get the data and determine its reliability.
- 7) Assess baseline performance.
- 8) Set performance targets.
- 9) Report measurement results.
- 10) Translate results into action.

Needs Assessment Worksheet

APPENDIX A



Needs Assessment Worksheet

Number	Performance Measures	Step 1	Mandatory Requirement for State, County or Court	Is Measure Obtainable?	From Where and by Whom Are the Data Gathered?
	Safety: Percentage of children who—				
1A	Are abused or neglected while under court jurisdiction.				
1B	Are abused or neglected within 12 months after the case is closed following a permanent placement.				
	Permanency: Percentage of children in foster care who—				
2A	Reach legal permanency by reunification, adoption, or legal guardianship.				
2B	Do not reach legal permanency by reunification, adoption, or legal guardianship.				
2C	Reside in one, two, three, four, or more placements while under court jurisdiction.				
2D	Return to foster care pursuant to court order within 12 and 24 months of case closure following reunification.				
2E	Return to foster care pursuant to court order within 12 and 24 months of case closure following adoption or placement with a legal guardian.				
	Due Process: Percentage of—				
3A	Child abuse and neglect cases in which the same judicial officer presides over all hearings.				
3B	Child abuse and neglect cases in which both parents receive written service of process of the original petition.				
3C	Child abuse and neglect cases in which an attorney, guardian <i>ad litem</i> (GAL), or court-appointed special advocate (CASA) volunteer is appointed in advance of the emergency removal hearing.				
3D	Child abuse and neglect cases in which attorneys for parents are appointed in advance of the emergency removal hearing.				
3E	Child abuse and neglect cases with documentation that written notice was given to parties in advance of every hearing.				
3F	Child abuse and neglect cases with documentation that written notice was given to foster parents, preadoptive parents, and relative caregivers in advance of every hearing for which they were entitled to receive notice.				
3G	Child abuse and neglect cases in which legal counsel for the government or other petitioner and for other parties who have been served is present at every substantive hearing.				

Needs Assessment Worksheet

Number	Performance Measures	Step 1	Mandatory Requirement for State, County or Court	Is Measure Obtainable?	From Where and by Whom Are the Data Gathered?
3H	Child abuse and neglect cases in which parties who have been served are present at every substantive hearing.				
3I	Child abuse and neglect cases in which the same legal advocate represents the child throughout the case.				
3J	Child abuse and neglect cases in which the same legal counsel represents the parent throughout the case.				
	Timeliness:				
4A	Average (median) time from filing of the original petition to permanency.				
4B	Average (median) time from filing of the original petition to adjudication.				
4C	Percentage of cases that are adjudicated within 30, 60, or 90 days after the filing of the original petition.				
4D	Average (median) time from filing of the petition to the disposition hearing.				
4E	Percentage of cases in which disposition hearing occurred within 10, 30, or 60 days after adjudication.				
4F	Percentage of cases in which the court holds hearings to review case plans within the time limits set by law.				
4G	Average (median) time from filing of the original petition to first permanency hearing.				
4H	Average (median) time from filing of the original petition to filing the petition for termination of parental rights (TPR).				
4I	Average (median) time from filing of the original child abuse and neglect petition to the termination of parental rights.				
4J	Percentage of cases for which there is a final order within 90, 120, and 180 days of the filing of the termination of parental rights (TPR) petition.				
4K	Percentage of cases in which the termination of parental rights (TPR) petition is filed within 3, 6, 12, and 18 months after the disposition hearing.				
4L	Percentage of cases in which the adoption petition is filed within 3, 6, and 12 months after the termination of parental rights (TPR).				
4M	Percentage of adoption cases finalized within 3, 6, and 12 months after the filing of the adoption petition.				

Action Plan Worksheet for Performance Measurement

APPENDIX B



Performance Measure	Expected Outcomes	Persons/Agency Involved	Tasks To Be Completed	Start/End Dates



National Council of Juvenile and Family Court Judges



National Center for State Courts



ABA Center on Children and the Law