

# Dependency and Termination Parents' Representation Program Evaluation Report 2005

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Sampling methods and some statistical analysis for this project were provided by Myles Edwards, PhD., Director of Research, American Humane Association. Bill Luchansky, PhD., of Looking Glass Analytics analyzed Parents' Representation Program monthly case report database. NICF completed the data analysis and report in April 2005; other sections of the report were updated and reformatted in the fall of 2005. For more information about this report, please contact:

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# I. Introduction

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## Background

In 1999, the Washington State Legislature directed the Washington State Office of Public Defense (OPD) to report on inequalities in attorney funding in dependency and termination cases. OPD found severe disparities between state funding for the Attorney General's Office (AGO) for the initiation and processing of these cases compared to the funds provided by counties for legal representation of indigent parents, guardians, and legal custodians involved in the cases. (From this point forward, these individuals will be referred to as either parents or clients; and the attorneys representing them will be referred to as program attorneys.) OPD sought a legislative appropriation in fiscal year 2000 to create innovative enhanced parent representation in juvenile courts in Benton-Franklin and Pierce counties.

The legislative appropriation specified five program goals, which legislators believed would enhance the quality of defense representation in dependency and termination hearings.

1. Reduce the number of continuances requested by attorneys, including those based on their unavailability;
2. Set maximum caseload requirement of 90 dependency and termination cases per full-time attorney;
3. Enhance defense attorneys' practice standards, including reasonable time for case preparation and the delivery of adequate client advice;
4. Support the use of investigative and expert services in dependency cases; and
5. Ensure implementation of indigency screenings of parents, guardians, and legal custodians.

To achieve these goals, program implementation included financial support to reduce caseloads, access to social worker staff, expert and investigative resources, and provision of attorney training. Evaluation of the program in these two juvenile court jurisdictions has been ongoing to ensure successful implementation and to measure court and client outcomes.

Past program evaluations have examined numerous court and client outcomes such as: the amount of time attorneys spend on cases, the type of activities attorneys engage in, the number of days from out of home placement of a child to shelter care hearings, the number of continuances, attorneys' access to and use of defense expert services, changes in rates of reunification, and changes in the length of time children spend in placement.

To gain a more comprehensive understanding of the program, this evaluation study employed both qualitative and quantitative methods. This mixed methods approach supports the analysis and documentation of the program's outcomes, and helps describe factors that have led to the program's successes and challenges.

## **An Overview of Dependency and Termination in Washington State**

RCW 123.34.020, part of Washington's dependency and termination laws, declares that the family unit is a fundamental resource of American life, and that a child has a right to conditions of basic nurture, health, and safety. Dependency actions are initiated by the Department of Social and Health Services alleging child abuse or neglect, or that there is no parent capable of caring for the child.

Usually, in dependency cases, the child is removed from the custody of the parent(s) and placed in out of home care. Juvenile Courts have jurisdiction over dependency and termination cases. A series of hearings are held, in which the state is represented by the Attorney General's Office (AGO) and the parents are entitled to a public defense attorney if they are indigent, as are about 95% of parents involved in these cases. A guardian ad litem is often appointed to represent the child.

The state must make reasonable efforts to provide parents with services to address the problems in order to maintain the child(ren) in their home. Child safety is paramount. If a parent is able to correct his or her parenting deficiencies and the factors that place the child at risk to the court's satisfaction, the child can be returned home. After at least six months of satisfactory care at home, the court may dismiss the case. If the parent does not correct his or her parenting deficiencies within 15 months, a termination case to sever the parent-child relationship is filed, or a guardianship petition is filed, absent compelling reasons to do otherwise.

### **Program Attorneys**

Since 2000, OPD has administered the legislatively funded Parents' Representation Program in Benton-Franklin and Pierce juvenile courts. OPD contracts with individual dependency and termination attorneys in Benton-Franklin counties, and in Pierce County, with the Pierce County Public Defender, Department of Assigned Counsel (DAC), to represent parents. The Legislature has appropriated funds for the program each year since 2000. In April 2002, however, Governor Locke vetoed the program's appropriation due to a budget deficit, and though OPD secured other funding to keep the program going as consistently as possible, program staff experienced a great deal of uncertainty. The program was not funded for several months in Benton-Franklin counties in early 2003. Since the Legislature provided supplemental and then biennial funds in the spring of 2003, program stability has improved. At present, there are five program attorneys working in Benton-Franklin Juvenile Court and eight program attorneys in the Department of Assigned Counsel (DAC) Office.<sup>1</sup> From this point forward the term "program attorney" will be used to refer to Benton-Franklin and Pierce counties attorneys representing parents through this program.

### **Dependency and Termination Cases Became More Difficult**

During the past few years, dependency cases have become more challenging. The Washington State Institute for Public Policy (WSIPP) in 2004 reviewed child welfare case filing trends

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<sup>1</sup> Due to Pierce County's high volume of dependency cases, the county also has a group of contract attorneys who represent other parents. These contract attorneys do not participate in the program and consequently do not receive the same level of support as program attorneys.

between 1995 and 2002. WSIPP reports that over time there have been changes in the dependency caseloads, shifting towards cases that are less likely to end with children being returned home (reunified). By 2002, the caseload mix was more likely to include infants, children placed for neglect or parental substance abuse, and children placed with relatives. According to the WSIPP analysis, these changes in caseloads are a contributing factor toward declining family reunification rates statewide (Washington State Institute for Public Policy, May 2004).

The Department of Ecology reports that Pierce County had the highest number of methamphetamine labs in the state in 2004, while Benton County ranked the fifth-highest (Friederich, January 22, 2005). These rankings are disproportionate to the population rankings of these counties. King County is more than twice as populated as Pierce County, but had significantly fewer methamphetamine labs in 2004, and Benton County ranks ninth in population with fewer than 145,000 residents (US Census Bureau, 2005).

In response to high local rates of parental substance abuse, Pierce Juvenile Court instituted a family drug court and Benton-Franklin counties implemented a family drug court in January 2005. These are two of only seven family drug courts in the state.

In this evaluation study, parental substance abuse was recorded as a presenting issue in 60% to 85% of case file samples reviewed. Thus, one would expect parents in Pierce and Benton-Franklin counties dependency cases to experience a decline in reunifications in recent years, in conformance with the statewide declines. However, reunifications in the two program courts increased instead.

## **II. Evaluation Methodology**

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### **Qualitative Methods**

Extensive qualitative data collection has not been a primary method of evaluating this program in the past. In order to fill this gap, NICF evaluators conducted structured interviews and questionnaires with key stakeholders in both jurisdictions. This approach allowed comprehensive county-specific and cross-site analyses. This information aids and informs ongoing quality improvement and provides information for others interested in the implementation of similar efforts. The qualitative data collection instruments were developed by the NICF evaluation team and were reviewed by key OPD staff prior to use.

### **Interviews/Focus Groups**

The NICF evaluation team conducted in-depth face-to-face interviews and focus groups in Mid-November 2004 with 28 individuals in Benton-Franklin and Pierce counties. These included Judicial Officers (judges, commissioners, and court administrators), program attorneys in both jurisdictions, staff with Department of Assigned Counsel (DAC), attorneys with the Attorney General's Office (AGO), staff of the Children's Administration (CA) in the jurisdictions being served, and Child Advocacy Services Association (CASA) representatives.

These systematic interviews provided data regarding current activities and implementation status, key parties' professional assessments about how the program is working and changes in practice, current challenges, and factors that contributed to the outcomes. The six major domains are listed below and a copy of the interview/focus group questions can be found in the Appendix C.

1. Do program representatives (primary focus on attorneys) meet and communicate regularly with parents?
2. Do parents have adequate access to services, information, and opportunities, including visitation with their children?
3. To what extent are continuances and delays within the attorney's ability to prevent?
4. To what extent do program attorneys prepare cases well?
5. What impacts, positive and negative, does the program have on parents, children, legal representatives for all parties, and the courts? What outcomes have resulted?
6. Would participants recommend the program to other communities? What changes would they suggest?

### **Written Questionnaires**

In addition to interviews and focus groups, the key stakeholders completed a written questionnaire at the time of their interview. The questionnaire asked them to rate the extent to which various factors contribute to timely in-home placement in dependency cases. A copy of the questionnaire can be found in the Appendix D.

### **Secondary Data Sources**

In a separate study commissioned by OPD during December 2004, Bill Luchansky, PhD., of Looking Glass Analytics analyzed program attorneys' monthly case report forms. His task was to determine changes in court processes since program implementation and identify how program attorneys, social workers, and paralegal staff spend their time. In his study, Dr. Luchansky reviewed approximately 25,000 monthly case reports in an OPD database into which program attorneys must submit monthly reports on the activities they engaged in and time spent on each activity (e.g. such as client contact hours, continuances, types of hearings and case outcomes).

Prior to the program's implementation, parents' attorneys were not required to provide time records or general information regarding their activities. The program emphasizes reductions in continuances by defense attorneys. The program's 2001 evaluation found an average continuance rate of 16%. For this evaluation, in order to track continuance rate changes during the program's implementation, Dr. Luchansky divided the program timeframe in half and compared monthly case report forms from approximately the first two years of program implementation to the last two years (see Table 1). These timeframes were selected because they mark a specific event that is believed to have had a major impact on practice. After two years of program implementation, program staff along with other key parties in each jurisdiction attended

one or two-day retreats, funded through the program by the Stuart Foundation, and focused on best court practices. Thus, the first two years of implementation are regarded as “different” from the last two years with respect to court delay. Dr. Luchansky’s findings are integrated into this report, informing respondents’ comments.

*Table 1: Timeframes for Early and Late Program Comparisons*

	Early Program	Late Program
Attorney monthly case report review	All reports from September 1, 2000 to October 31, 2002	All reports from November 1, 2002 to September 31, 2004

Data on caseloads and length of stay were extracted from the Superior Court database SCOMIS/JTS to provide additional context to some of Dr. Luchansky’s analysis of court hearings. The pre-program retrieval criteria were dependency cases opened and dismissed within 1998 and 1999 in Benton-Franklin and Pierce jurisdictions. The program comparison data was dependency cases opened and dismissed within 2002 and 2003.

### **Quantitative Methods**

The quantitative design of this study compared case disposition, in-home placement and dismissal patterns before and after program implementation in Benton-Franklin and Pierce counties. Working with OPD and court staff, the NICF evaluation team identified essential information and location of this information in court case files, and in LINX, SCOMIS, and JUVIS databases managed by OPD and the Superior and Juvenile Courts. The evaluation team then submitted requests to court staff for retrieval of the sample case files for on-site review at each court.

### **Sampling for Case File Review**

In order to determine in-home placement and case dismissal patterns for pre-program and program implementation comparison, case file reviews were conducted. Two structured instruments were developed to allow the systemic recording of data identified in the case file. The first instrument, the Phase I case file review form, was used in both Benton-Franklin and Pierce counties. Phase I case reviews occurred during the first two weeks of November 2004. The second instrument, the Phase II brief case file review form, was used only in Pierce County during mid-December 2004. See Appendices A and B for case file review instruments.

### **Phase I Case File Review**

An initial evaluation goal was to evaluate quantitative outcomes of the program, particularly the outcome of children returned home from out-of-home placements (referred to as in-home placement by the court system) and reunification dismissal patterns. The pre-program samples were drawn from cases filed between January 1, 1998 and May 31, 2000 while the program samples were drawn from cases filed between January 1, 2002 and May 31, 2004. This pre-program timeframe was chosen to ensure that all cases were filed after passage of the Adoption and Safe Families Act (ASFA) in late 1997, which has greatly impacted the way dependency cases are handled in the courts.

In Benton-Franklin counties, the juvenile court was able to select from the JUVIS database cases filed within the study timeframes with a return home dispositional code assigned between January 1, 1999 and May 31, 2000 for the pre-program sample and between January 1, 2003 and May 31, 2004 for the program sample. By imposing this criterion, the number of cases to be reviewed was reduced to a more manageable number. In Benton-Franklin Juvenile Court, nearly all of the cases filed are assigned program attorneys, so pre-program and program comparisons were relatively straightforward.

The Pierce County case file review was more complex and intensive for a number of reasons, including the overall number of cases in this jurisdiction, the implementation of a family drug court intervention, and the involvement of both contract and program attorneys.

In Pierce County, because the volume of dependency cases is much higher than in Benton-Franklin counties, a sampling approach was utilized to review a manageable and statistically sufficient number of cases. A further distinction in the sample populations for Pierce County is that, beginning in 2001 the Parents' Representation Program worked in partnership with Pierce County Drug Court to represent most parents served in Drug Court. For purposes of this evaluation, cases were considered Drug Court cases if parents had any involvement in drug court - whether they graduated, were discharged, or dropped out. The Pierce County program sample from 2002 through mid 2004, then, includes two sub-samples, drug court cases and non-drug court cases.

The initial sampling frame selected cases to yield a 10% confidence interval for comparison of the return home rate, and case timelines. In the midst of the case file review, the evaluation team observed that few cases filed in 1999 or 2000 (in the pre-program sample), or those filed in 2003 or 2004 (in the program samples) had return homes. The team surmised that for many of these cases not enough time had elapsed from the petition date and the study's ending timeframe to result in many return homes. Upon consultation with Dr. Myles Edwards at American Humane Association, who drew the initial sample, and with OPD staff, the samples were supplemented with 80 additional cases from 1998 and 2002, with the intention that these cases would be reviewed for activity over a time span of 17 to 29 months. This time span would allow for a more complete treatment process, particularly for the majority of cases presenting with substance abuse issues.

As noted above, in Pierce Juvenile Court both program and contract attorneys represent indigent parents due to higher caseload demands in this jurisdiction. After the record review was completed, OPD was advised that the LINX database included attorney representation information, and furnished the evaluation team with descriptive data regarding the representation status (program or contract attorney) and duration of case representation. Since the study's focus was to measure change as a result of program representation, the analysis examined case level outcomes associated with the work of the Pierce County DAC program attorneys. In addition, only those cases with program attorney representation for at least six months or until case resolution were included in the analysis. As a result of these refinements, the full case record review of 248 Pierce County cases was reduced to 144 cases.

## Phase II Brief Case File Review

The Phase II brief case file review was a strategy employed to examine case dismissal patterns in Pierce County more thoroughly since few dismissed cases were identified in the original sample. The pre-program sample included all cases opened from November 1, 1997 through October 31, 1998 that were dismissed between November 1, 1999 and April 30, 2000 with program attorney representation for at least six months or until case resolution. The program sample included all cases opened from January 1, 2002 through December 31, 2002 that were dismissed between January 1, 2004 and June 30, 2004 with program attorney representation for at least six months or until case resolution. Table 2 summarizes the pre-program and program sampling criteria for each phase of the evaluation by county.

*Table 2: Pre Program and Program Sampling Criteria*

Sample Phase	Pre-Program	Program
Benton-Franklin Counties: Phase I Case file review	Cases opened between January 1, 1998 and May 31, 2000 with a return home disposition code between January 1, 1999 and May 31, 2000.	Cases opened between January 1, 2002 and May 31, 2004, with a return home disposition code between January 1, 2003 and May 31, 2004.
Pierce County: Phase I Case file review	A representative sample of cases opened between January 1, 1998 and May 31, 2000 with program attorney representation for at least six months or case resolution if less than six months.	Representative samples from drug court and non-drug court cases opened between January 1, 2002 and May 31, 2004 with program attorney representation for at least six months or case resolution if less than six months.
Pierce County: Phase II Brief Dismissal Case File review	All cases opened between November 1, 1997 and October 31, 1998 that were dismissed between November 1, 1999 and April 30, 2000 with program attorney representation for at least 6 months or case resolution if less than six months.	All cases opened between January 1, 2002 and December 31, 2002 that were dismissed between January 1, 2004 and June 30, 2004 with program attorney representation for at least 6 months or case resolution if less than six months.

## Case File Sampling

NICF reviewed a total of 334 cases based on the original sample (Phase I), including 86 coded by the court as in-homes from Benton-Franklin counties and 248 from Pierce County. OPD was able to determine how to obtain coding information regarding attorney case assignments (program attorneys v. contract attorneys) in Pierce County from the County's LINX database system. In order to ensure a sufficient number of older cases within both the pre-program and program samples, proportionally more 1998 and 2002 cases were reviewed. Table 3 shows the number of cases reviewed by year in each county, and the third column shows the reduced

number of program attorney represented cases that comprise the pre-program and program comparison groups for Pierce County. Since in Benton-Franklin counties program attorneys serve nearly all dependency cases, all the cases were included.

*Table 3: Phase I, Number of Cases by County by Year in Sample*

Case Year	Benton-Franklin	Pierce Total Cases Reviewed	Pierce Program Cases
1998	15	57	37
1999	18	23	5
2000	0	13	0
2002	28	104	73
2003	20	49	28
2004	2	2	1
TOTAL	83	248	144

Due to the limited number of reunification dismissals accounted in the Pierce County Phase I samples, a second brief case file review, Phase II, was conducted to compare pre-program and program dismissal rates and patterns. As with the Phase I sample, attorney case assignments and duration of legal representation was coded, resulting in the exclusion of 26 cases with contract attorney representations or program attorney representations of less than six months. Table 4 details the number of total cases reviewed (N=116) and the number of program attorney cases included in the pre-program and program comparison (n=85).<sup>2</sup>

*Table 4: Pierce County Phase II, Brief Case File Review*

Case Year	Pierce Total Number of Cases Reviewed	Pierce Cases with Program Representation lasting six month or more
November 1997 to October 1998	54	35
January 2002 to December 2002	62	50
TOTAL	116	85

<sup>2</sup> Slightly different calendar review periods were selected for the pre-program and program reviews in order to minimize the influence of outside factors that might impact the case outcomes in the two samples. The pre-program review period included dismissed cases from November 1, 1999 through April 30, 2000. This period was selected in order to avoid any reluctance factor on the part of judicial officials to enter a reunification dismissal during the last few days of May, after the death of a dependent, reunified Pierce County child whose case had been recently dismissed. The program review period was January 1, 2004, through June 30, 2004. This period was selected to give the program the most time possible to recuperate from its severe funding problems during 2002 and early 2003. Inclusion of the summer months, July and August, were avoided in each sample to prevent seasonal influences. The pre and program case samples were selected to correspond with these review periods.

## IV. Qualitative Findings

### **Interview and Questionnaire Participation**

During two separate weeks in November 2004, NICF interviewed 28 professionals representing key stakeholders groups involved with the dependency court system. These individuals participated either in a one-hour individual interview or in a one-and-half hour focus group meeting with co-workers from their organization. Stakeholders included: Judicial Officers (judges, commissioners, and court administrators), program attorneys in both jurisdictions, staff with Department of Assigned Counsel (DAC), attorneys from the Attorney General’s Office (AGO), staff with the Children’s Administration (CA) in the jurisdictions being served, and staff from the Court Appointed Special Advocate (CASA) program.

NICF did not directly interview parents, youth, and children due to time limits and insufficient time to apply for Institution Review Board approval. However, professionals participating in the study were asked to share, as appropriate, families’ perspectives. Table 5 summarizes the number of participants from each county by stakeholder group.

*Table 5: Interview/Focus Group Participants by County and Stakeholder Group*

	DAC	Court Staff	AGO Staff	CA Staff	CASA Staff	Total
Pierce County	6	4	3	3	-	16
Benton-Franklin Counties	3	3	2	2	2	12

### **Interview/Focus Group Findings**

Twenty-four of the 28 participants worked in their positions prior to the Parent Representation Program implementation, and 15 of the 28 had 10 to 31 years of experience in their current or related positions. All participants felt comfortable responding to questions, and those employed prior to the program start-up also felt comfortable with contrasting and comparing pre-program and program implementation factors, and the program’s impact on court proceedings and practices. The narrative below summarizes five major themes, questionnaire findings, and integrates related court data from Dr. Luchansky’s analysis and other secondary data sources.

**Strengthening the Justice System through Parent Representation.** A common theme in the interviews/focus groups was the program’s positive social justice impact. Most participants reported that the Parent Representation Program has led to a “leveling of the playing field.” Some respondents spoke specifically about how in the past there was a clear disparity between the number of staff and resources available to program attorneys verses the AGO, on a case-by-case basis. They concluded that, prior to this program, most parents did not have access to the same quality of representation afforded the Children’s Administration through the AGO.

In the past, attorneys representing parents in the two jurisdictions had caseloads ranging from 100 to 160 cases. Some attorneys carried a mixture of public and private clients, as well as a

mixture of criminal and civil cases. Balancing the demands of their large number of clients and the accompanying court time meant that attorneys could not consistently devote adequate time to their clients' cases (for example, they could not conduct early case investigations nor engage in ongoing assessment of clients). Two CA social workers reported that at times continuances occurred because attorneys were poorly prepared for court hearings. Others talked about past experiences of attorneys not even knowing their clients' physical whereabouts, not to mention how well they were doing.

Program respondents in Pierce County spoke at length about being paralyzed by frustration in the past, and overwhelmed by the demands of so many cases with little or no support. They also reported many sleepless nights prior to the implementation of this program. Program respondents stated that a major impact of program implementation is that now they feel they can make a difference for clients through provision of quality representation. Statements made by respondents regarding the strengthened parent representation system include:

- “In the past DAC was understaffed. The State has a responsibility to parents for fairness, and this was not possible under the prior system. The AGO had more resources and time [to spend on cases].” — *A Court Officer—Pierce County*
- “Instead of the AGO directing the outcomes, parents are now an equal player.”—*A Court Officer—Benton-Franklin Counties*
- “The State has had representation and now parents have someone to [equally] represent them.” — *A Children’s Administration Social Worker—Pierce County*
- “We are now able to be more proactive in our representation since we do not have as many conflicting demands . . . we are able to focus our energies.” — *A Program Attorney—Benton-Franklin Counties*
- “Not sure program attorney involvement has increased across the board—however, program attorneys are present and more prepared at settlement hearings now.” —*An AGO Attorney—Benton-Franklin Counties*

**An Informed Court System Means Better Decisions.** Participants, including judges and commissioners, reported that as a result of the program, parents’ attorneys now have time to engage in early case preparation and ongoing case involvement and monitoring. This has impacted court cases by enhancing the court’s access to additional and more balanced information with which to make decisions.

Many respondents talked about the imbalance between the AGO and parents’ attorneys in terms of case preparation prior to the program’s implementation. Some stated it seemed like parents’ attorneys had not even read reports prior to coming to court hearings. Parents’ attorneys depended on learning from other parties about the actions and status of those they represented. Increasing the amount of time program attorneys have to spend on each case, and providing means to access information through the work of program paralegals and social workers who furnish client-focused facts, means that program attorneys are better prepared and informed.

They now feel they are able to offer detailed current information and insights, and more accurately present parents' perspectives to the court.

As a result, program attorneys and staff are reportedly better able to identify appropriate parental and family service needs. Respondents believe this results in earlier service engagement, ongoing assessment of service needs, parental accountability, and the provision of reasonable efforts from the beginning of the case.

A major program attorneys' goal is to enforce parents' ability to access court-ordered services and visitation. Because mandatory review hearings occur only once every six months, parents who are not afforded a timely opportunity to fulfill the court's orders are at a disadvantage unless their advocate can quickly remedy the situation. Many CA social workers make service referrals and arrange visitation in a timely way. However, if there is a breakdown in communications along the way, a goal of the program attorney is to follow up first with the individual social worker and, if necessary, their supervisor. Going back to court for enforcement is sometimes necessary. According to a few respondents, this enforcement of services and visitation orders contributes to timely reunifications.

Respondents shared these views on improvements in information gathering and decision-making:

- “Historically, DAC was regarded as unresponsive ... but now DAC is responsive; thus the system works better all around because others must also be prepared.” — *A Children's Administration Social Worker—Pierce County*
- “Reasonable efforts are being met . . . DAC (program) attorneys are there from the start. Services are being offered and the system is aware of what parents are doing because DAC is following up with parents.” — *Court Officer—Pierce County*
- “Parents are more willing to follow through with services and program social workers may be the resource and reason.” — *Children's Administration Social Worker—Pierce County*
- “Parents are not just limited to who the state assigns.” [Regarding access to experts and evaluators] — *A Program Attorney—Benton-Franklin Counties*
- “Prior to this pilot there was no discovery prior to fact finding. So for the clients, prior to the shelter care hearing, they might have had a different understanding of the allegations.” — *A Program Attorney—Benton-Franklin Counties*

### **Program Attorneys Provide Parents with Legal Advice and Serve as Effective Advocates.**

Because of CA's legal mandate to maintain children in their own home when it is safe to do so, and their commitment to identify appropriate alternative custody arrangements if available, all interview participants agreed that the families enrolled in the program's dependency and termination caseload are among the state's most difficult cases. The case file review supports this assessment. Nearly 94% of the parents in the Pierce County program sample had substance abuse issues. In addition to substance abuse, many parents struggle with other issues, including

mental health problems, developmental disabilities, domestic violence concerns, and poor parenting skills.

“The role of program attorneys is difficult; they are half counselor and half attorney” according to a Judicial Officer. Program staff work with these parents to ensure they understand their current legal situation and to motivate them to take action to correct the situation. Also, they help parents acknowledge what needs to be achieved if they are to have their children returned, to enable them to identify their strengths and develop additional strengths, and they ensure that parents have a real opportunity to correct their parenting deficiencies. Key to program attorneys’ success is the building of trusting professional relationships with clients. Frequent and meaningful attorney-client contacts are viewed as essential. In the past, brief attorney/client interactions reportedly occurred, at best, just prior to court hearings.

Participants report that an increase in face-to-face and telephone contact has been a major practice change and program outcome. Now attorney-client contact occurs prior to hearings, after hearings, and, critically, on an ongoing basis between hearings to ensure parents are involved in services, are visiting with their child(ren), and are having their legal questions and concerns addressed. Several participants reported that, “more importantly,” the quality of these attorney-client relationships is notably enhanced.

Dr. Luchansky’s analysis reveals that on average each month in Benton-Franklin counties, 4.92 hours per case were spent on termination cases, and 4.18 hours in Pierce County. Meanwhile, in active dependency cases, attorneys spent an average 3.27 hours per case in Benton-Franklin counties and 2.44 hours in Pierce County. (It is important to point out that in Pierce County program attorneys and staff spend several hours each week in case staffings and discussions which support their casework, but this time is not reported on their monthly attorney case report forms and not included in this hours report.) Tables 6 and 7 provide more detailed information regarding time program attorneys spend with clients per month by type of case and from each court.

*Table 6: Benton-Franklin counties: Time Spent per Month by Program Attorneys on Active Caseload (September 1, 2000 to September 31, 2004)*

Hours Spent on Cases per Month	Termination Cases (484 case months)	Dependency Cases (7017 case months)	All Cases (7501 case months)
Up to 1 hour	25.4%	31.8%	31.3%
1 to 2 hours	22.1%	18.8%	18.9%
2 to 5 hours	31.4%	32.0%	32.1%
More than 5 hours	21.1%	17.4%	17.7%
TOTAL	100.0%	100.0%	100.0%
Avg. hours of Active Representation	4.92 hrs	3.27 hrs	3.38 hrs

*Table 7: Pierce County: Time Spent per Month by Program Attorneys on Active Caseload (September 1, 2000 to September 31, 2004)*

Hours Spent on Cases per Month	Termination Cases (1976 case months)	Dependency Cases (15,053 case months)	All Cases (17,079 case months)
Up to 1 hour	32.4%	33.5%	33.4%
1 to 2 hours	20.2%	24.4%	23.9%
2 to 5 hours	27.4%	29.8%	29.6%
More than 5 hours	27.4%	12.4%	13.3%
TOTAL	100.0%	100.0%	100.0%
Average Hours per Active Representation	4.18 hrs	2.44 hrs	2.68 hrs

Pre-program data is not available for comparison because prior to program implementation, program attorneys were not required to report on their activities including contact hours. However, as reported earlier, almost all of the stakeholders interviewed reported that program attorneys spend increased time with their clients. A few of those interviewed did not feel comfortable responding to this question because they lacked first-hand knowledge.

Dr. Luchansky’s analysis of data also revealed that program attorneys in both Benton-Franklin and Pierce counties spent half of their time on case preparation. In addition, program attorneys spent about 30% of their time communicating with parents, and about 20% of their time in court.

Prior to program implementation, parents’ attorneys did not have access to social workers/parent investigators, or in Pierce County, to paralegals that have been added there with program funds. Additional contact between the parents and program staff now occurs on an ongoing basis via the social workers/parents investigators. Their roles include motivating clients and helping them access mandated services, conducting assessments, and also observing parental behaviors and interactions with their children.<sup>3</sup> CA social workers reported that they are supportive of the role program social workers and parent investigators fill, noting specifically that these professionals are able to build a different type of relationship with parents that enable them to motivate parents and provide them with support which CA staff may not be able to provide due to caseload demands.

Through monthly reports submitted by Pierce County program social workers, data regarding how they spend their time is available. The program parent investigators in Benton-Franklin counties do not have the same reporting requirement. According to Dr. Luchansky’s findings, program social workers spent over 5 ½ hours per month on active termination cases, and nearly 3 ½ hours per month on active dependency cases. See Table 8 below for more details. They divided their time primarily between client communication (47.3%) and case preparation (41.8%), with the remaining 10.9% of their time obtaining information.

<sup>3</sup> Parent investigators are hired by parents’ attorneys when appropriate, on a case by case basis, in Benton-Franklin counties. They are required to complete the state prerequisite Guardian Ad Litem training.

*Table 8: Pierce County Time Spent Per Month by Social Workers on Active Caseload (September 1, 2000 - September, 2004)*

Hours Spent on Parent Representation per Month	Dependency Cases (1345 case months)	Termination Cases (170 case months)	Total (1515 case months)
Up to 1 Hour	33.6%	20.0%	32.0%
1 to 2 Hours	16.6%	12.4%	16.2%
2 to 5 Hours	28.8%	25.3%	28.2%
More than 5 Hours	21.0%	42.4%	23.7%
TOTAL	100.0%	100.0%	100.0%
Average Hours per Active Representation	3.47 hrs	5.53 hrs	3.74 hrs

In addition to the program social worker, services provided by DAC paralegals also represent new time and additional support for parent representation by public officials. Dr. Luchansky reported that paralegals spent over 4½ hours per month on termination cases, and nearly 2 hours per month on dependency cases. See Table 9 below for more details. Data revealed that paralegals spent nearly three quarters of their time on case preparation.

*Table 9: Pierce County Time Spent Per Month by Paralegals on Active Caseload September 1, 2000 – September 31, 2004*

Hours Spent on Parent Representation per Month	Dependency Cases (4049 case months)	Termination Cases (956 case months)	Total (5005 case months)
Up to 1 Hour	62.5%	39.1%	58.0%
1 to 2 Hours	20.2%	16.5%	19.5%
2 to 5 Hours	12.8%	20.6%	14.4%
More than 5 Hours	4.5%	23.7%	8.0%
TOTAL	100.0%	100.0%	100.0%
Average Hours per Active Representation	1.74 hrs	4.60 hrs	2.36 hrs

The interviewees’ statements regarding these changes in the representation provided by the program staff are reflected in comments such as the ones listed below.

- “The quality of program representation is important and has improved—their social workers have knowledge about the client and report it to the attorney.” — *A Children’s Administration Social Worker—Benton-Franklin Counties*
- “We usually receive the petition with a phone number to contact the client. This did not . . . happen prior to the project. So this helps establish rapport with the client, and puts the client in a more informed place. . . . It’s much easier to explain how it works in the office than at court.” — *Program Attorney—Benton-Franklin Counties*
- “Clients are now more informed and this gives them a sense of control.” — *Program Attorney—Benton-Franklin Counties*

- “The quality of the information from DAC attorneys has improved, and this is important for service planning and decision making.” — *A Court Officer—Pierce County*

### **Termination Case Representation**

When parents are unable to work successfully towards reunification due to substance abuse or other issues, or the parents are not interested in reunification, the program attorneys’ role is to help them understand the impact of their actions or inaction, and to enable them to make a decision in the best interest of themselves and their child(ren). The fact that a good attorney/client relationship has already been built reportedly allows the attorneys to effectively present the parents with options, including the possibility of voluntarily relinquishing their parental rights. When they are appropriate, well-handled relinquishments result in less pain and trauma for parents and children, reduced court and attorney time, and earlier permanency placement. All but two participants reported that under the program, there are fewer termination hearings and that they are less adversarial when they occur.

When a parent chooses to litigate, program attorneys’ preparation and litigation skills are drawn upon. In these instances, program attorneys have been able to achieve a number of dismissals. Dismissal of a termination case can be achieved two ways: through development of the facts, leading to an agreed dismissal, or through using effective litigation techniques to win termination trials.

Program attorneys’ monthly reports show that nearly 12.5% of all termination cases were dismissed in Benton-Franklin counties. Almost half were settled by the parental relinquishment of child(ren), with nearly of all cases providing for future parent and child correspondence. About one quarter were resolved by the court’s termination decision. In Pierce County, almost 20% of all termination cases were dismissed. Forty-two percent of the cases ended in parental relinquishment of their parental rights with an agreement for future parent and child correspondence. About 18% were resolved by the court’s termination process. See Tables 10 and 11 below for additional details.

*Table 10: Benton-Franklin Counties Termination Outcomes*

Outcome	Percent of Cases	Number of Cases
Dismissed	12.4%	11
Relinquish w/contact	48.3%	43
Relinquish no contact	2.2%	2
Termination	22.5%	20
Other	14.6%	13
Total	100.0%	89

*Table 11: Pierce County: Termination Outcomes*

Outcome	Percent of Cases	Number of Cases
Dismissed	19.9%	100
Relinquish w/contact	42.4%	213
Relinquish no contact	11.8%	59
Termination	18.1%	91
Other	7.8%	39
Total	100.0%	502

The interviewees' beliefs regarding strengthened attorney skills and practice are reflected in comments such as the ones listed below.

- “We use to be paralyzed by frustration. I feel like I can make a difference now—I am representing my client. We used to have the highest termination [rates] in the state” — *Program Attorney—Pierce County*
- “We had too many cases, thus there was not time to visit with the client, interview witnesses, or conduct evaluations.” — *Program Attorney—Pierce County*
- “Terminations are down because of all the work being done at the front end. If it does go to termination, court time is reduced because cases are better prepared at this point due to all the earlier work.” — *Court Officer—Pierce County*

**More Professional, Collegial, and Fair Justice System.** Historically, due to limited time and resources available to parents' attorneys as compared to state attorneys, the scales of justice were reported to be unequally balanced. As noted earlier, parents' attorneys pre-program were overwhelmed, less informed, and less prepared. Some participants reported that before program implementation judges, commissioners, and others in the court occasionally brought attention to this fact in open court. Participants also reported having less regard for program attorneys' role, in part because of their limited ability to serve as full participants in the process. This dynamic led to the development of a system that reportedly was less focused on best legal practice, and one in which individuals, regardless of role, felt the need to defend themselves, to find fault with and to lay blame on others. The courtroom became more adversarial than was beneficial, impacting the parties' ability to search for mutually agreeable solutions during conferences and conversations outside the courtroom. This antagonistic environment resulted not only in increased time in court but also increased numbers of hearings according to some participants.

The implementation of program improvements (such as decreased caseloads and attorney access to social workers, paralegals, and experts) reportedly has helped to reverse the court's negative perceptions of program attorneys. Empowering the program attorneys has increased respect for their role and reliability of information they provide, thus supporting their ability to contribute as an equal party. Two CA staff members reported that now program attorneys often have the most current information at hearings, and are considered prepared fully informed professionals. Two AGO staff reported an increase in the number of proceedings because program attorneys now have more time to challenge, questioning the necessity for some of the additional proceedings.

A reported outcome of this improved court system is that clients are more likely to be heard and well-treated. It was difficult for parents to feel they had a voice when their attorney was neither well regarded professionally nor viewed as a resource in court proceedings. Participants noted that a respectful, informed, and focused environment communicates a sense of fairness within the justice system which influences parents' reactions to the proceedings.

- “In the past the system felt disrespectful to all parties, [there was] polarization, [but] not now.” — *Children’s Administration Social Worker—Pierce County*
- “If time was not available to prepare for the hearing, the DAC (program attorneys) used to attack the CA social worker (as their defense). Now the true underlining issues can be addressed and energy is not being misplaced.” — *Children’s Administration Staff—Pierce County*
- “AG’s are used to being in control- they are learning to respect the needs of parents.” — *Court Officer—Benton-Franklin Counties*
- “Witnesses are fragile and need to be handled carefully. DAC office needs to spend time with them.” — *Program Staff—Pierce County*
- “Attorneys are now able to review all the information within the first month—(leading to) fewer contested fact finding hearings . . . (and more) agreements because attorneys have had time to work with their clients.” — *Court Officer—Pierce County*
- “Parents have a greater sense that they have been fairly treated, had good representation, and a meaningful opportunity to be heard.” — *Court Office—Benton-Franklin Counties*

**Court Reform and Improvements.** Prior to the Parents’ Representation Program, parents’ attorneys overwhelmed by their high caseloads reportedly were unable to participate in efforts to streamline or enhance court proceedings. Lowering their caseloads has made it possible for program attorneys to serve on legal committees and work groups, thus ensuring that all perspectives are represented in planning for court improvements. Three examples of protocols, procedures and forms which were developed and implemented with program attorney participation include a parental visitation grid, an issues document (identifying in advance of hearings current concerns/facts which is shared with all parties), and a formalized hearings notification and scheduling procedures form. In addition, some respondents in Pierce County noted that without the additional resources provided by the program, program attorneys’ ability to respond to the demands of Drug Court would have been impossible. These activities support reasonable efforts and due process, as well as leading to court improvements, and support the system’s efforts to adhere to federal Adoption and Safe Families Act (ASFA) timeframes.

Other beneficial outcomes include positive working relationships and increased understanding among all parties, including relationships among program attorneys. The opportunity to exchange ideas at court-wide retreats and trainings has supported court reform and improved court processes. The value of building enhanced professional relationships and mutual

professional respect has impacted not only professional and personal relationships, but also the effectiveness of court operations.

- “A result has been enhanced professional relationships which enhance the court system.” — *Children’s Administration Social Worker—Pierce County*
- “Weak links in a system results in failure. Parents’ representation was that weak link.” — *A Court Officer—Pierce County*
- “It makes parties sit down (to talk), it works.” — *Court Office — Benton-Franklin Counties*

One important goal of the program is to reduce the number of unnecessary continuances. Continuances are of concern because all parties want to ensure that children can be placed as soon as possible in their permanent home (with birth parents, relatives, or adoptive parents). In a March 2004, a Washington State Institute for Public Policy study reported on the impact continuances have on dependency and termination cases. Statewide, 31% of all dependency hearings were continued. On the average each continuance involving children in foster care results in an additional 11.9 days in this care at a financial cost of \$24 per day or \$285 per continuance (Washington State Institute for Public Policy, 2004).

Participants reported that there are fewer continuances now in Benton-Franklin and Pierce Juvenile than prior to program implementation. Continuance reductions as compared to the pre-program period were reported in the program’s 2001 and 2002 evaluation reports. These reports indicated that though continuances were not tracked prior to the institution of the program the statewide perception was that defense attorneys’ over-scheduling was a major cause of continuances. This finding was reported in *Costs of Defense and Children’s Representation in Dependency and Termination Cases* (OPD 1999) and the *AG Termination and Guardianship Audit Report* (AGO 1998).

In contrast, defense attorney continuance requests after the program’s implementation declined. In addition, at the end of 2002, a Stuart Foundation grant obtained by OPD to host court retreats furthered efforts to reduce specific types of continuances.

Dr. Luchansky's report compared the number of continuances in Benton-Franklin counties from the pre-retreat period of August 1, 2000 - October 31, 2002 (there were 2514 hearings in this 26-month timeframe) to those from November 1, 2002 - September 30, 2004 (there were 1849 hearings in this 22-month timeframe).<sup>4</sup> There were 6741 hearings in Pierce County during the early period and 6638 hearings in the later 22 month period. Post-retreat, Dr. Luchansky's report found small reductions in continuances of .7% in Benton-Franklin counties and 2.2% in Pierce County. In addition, some of the reasons for continuances shifted. These results are detailed in Table 12 below. The overall program's continuance rate of 12.6% in both courts compares favorably with the statewide average of about 31% rates found in the Washington State Institute for Public Policy study (March 2004).

Several of those participating in interviews explained that now continuances usually occur for good reasons, such as need for a new assessment. A review and comparison of reasons for continuances in Dr. Luchansky's report discerned the following reasons for each court.

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<sup>4</sup> No reports were available for January, February, March, and April 2003 from Benton and Franklin counties, because the program was temporarily unfunded during those months. Hence, the actual number of hearings and continuances during that 22 month framework was higher than the 1849 hearings reported, but the reported hearings and continuances are assumed to be representative of the entire 22 month period.

**Benton-Franklin Court Findings:**

1. The Juvenile Court, AGO and parents’ attorneys over scheduling has decreased during the later period, as did continuances due to parents’ failure to appear and guardians’ ad litem failure to file reports.
2. The rate of DSHS’s failure to file reports decreased in the later months of the program, while continuances for failure to serve required papers on the parents increased.
3. There was a slight percentage increase in continuances due to the unavailability of the court for hearings.
4. The most noticeable decrease (17.7%) was due to the court’s continuance of hearings on the basis of the need for additional information.
5. The most noticeable increase (8.9%) is in the “Other” continuance reasons category, which includes paternity issues, a parent’s need for time to complete a parenting plan, illness of an attorney or social worker, the parties’ need to work out a visitation agreement, the need for an interpreter, and various other reasons.

*Table 12: Benton-Franklin Counties: Reasons for Continuances*

Reason	Early Pre-Retreat Program Period, Aug. 2000-Oct. 2002		Later Post-Retreat Program Period, Nov 2002-Sept. 2004	
	N	%	N	%
Program Attorneys & Parents				
Program Attorney Overscheduled	4	1.2%	1	0.4%
Parents Didn't Appear	28	8.7%	19	8.0%
Criminal Proceedings Pending	7	2.2%	2	0.9%
State				
AGO Overscheduled	2	.6%	1	0.4%
DSHS Failure to File Report	20	6.2%	17	7.1%
Failure to Serve Parents	13	4.0%	29	12.2%
Guardian Ad Litem				
Failure to File Report	4	1.2%	0	0.0%
Court				
Court or Judge Unavailable	55	17.0%	50	21.0%
Court Required More Information	106	32.8%	36	15.1%
Other	84	26.0%	83	34.9%
TOTAL	323	100.0%	238	100.0%

Reasons for continuances in Pierce County, detailed in Table 13, included some of the same patterns as found in Benton-Franklin counties, and some differences as well.

1. The number of continuances due to the Pierce Juvenile Court’s unavailability decreased by almost half during the later months of the program.
2. The percentage of continuances due to program attorneys’ and AGO attorneys’ unavailability decreased during the later months of the program.
3. There was an increase in continuances due to parents’ failure to appear for hearings.
4. The percentage of hearings due to DSHS’s social workers or guardians’ ad litem failure to file reports decreased.
5. The main reason for the decrease in continuances (29.6%) is that the fewer continuances were based on the court’s requirement of additional information.
6. The most noticeable increase (41.7%) is in the “Other” continuance reasons category including the same types of reasons noted for Benton-Franklin Juvenile Court.

*Table 13: Pierce County: Reasons for Continuances*

Reason for Continuances	Early Pre-Retreat Program Period, Aug. 2000-Oct. 2002		Later Post-Retreat Program Period, Nov 2002-Sept. 2004	
	N	%	N	%
Program Attorneys & Parents				
Program Attorney	35	3.9%	22	3.0%
Overscheduled				
Parents Didn't Appear	101	11.3%	110	15.0%
Criminal Proceedings				
Pending	10	1.1%	7	1.0%
State				
AGO Overscheduled	32	3.6%	5	0.7%
DSHS Failure to File Report	82	9.2%	43	5.9%
Failure to Serve Parents	31	3.5%	12	1.6%
Guardian Ad Litem				
Failure to File Report	11	1.2%	3	0.4%
Court				
Court or Judge Unavailable	103	11.5%	43	5.9%
Court Required More Information	360	40.3%	76	10.4%
Other	129	14.4%	411	56.1%
TOTAL	894	100.0%	732	100.0%

### Questionnaire Findings

During interviews/focus groups, participants were asked to rate the extent to which each of the following factors contributes to timely in-home placement in dependency cases. Although the

questionnaire was designed to focus on factors affecting timely in-home placements, many respondents spoke about how these factors support best practice in general. In Pierce County, fourteen surveys were completed, while in Benton-Franklin counties twelve surveys were completed. Note that a few respondents did not rate all factors on the questionnaire.

As shown in Table 14 and 15, regardless of county or stakeholder group, the amount of attorney and parent contact and the building of their relationship were key factors. Combining “very important” and “important” scores reveals that the top three factors that support best practice for respondents in Benton-Franklin counties included: amount of contact between attorney and clients (100%), time to prepare early in the case (100%), and agreements developed based on shared understanding of the allegations and evidence (100%). The top scores in Pierce County included: amount of contact between attorney and clients (92%), building relationships between attorneys and clients (100%), and time to prepare early in the case (92%).

In both courts, access to experts and evaluators were generally rated lower. This was not because participants believed that access was not important, but because participants reported that since program implementation there has been more dialogue, understanding, and agreements reached among parties about the selection of evaluators, so there is less need to seek additional assessments. However, when there are disagreements or if additional information is needed, it was agreed that access is very important. A court officer in Benton-Franklin counties spoke of a case that was moving toward early dismissal and return home because a program attorney was able to access an expert. In general, access to experts was viewed as more important to persons in Benton-Franklin counties, because it appears that mutual agreement regarding initial experts/evaluators did not occur there as often as was the case in Pierce County. The following two tables present ratings for both jurisdictions.

*Table 14: Benton-Franklin Counties Questionnaire Results*

Item	Very Important	Important	Somewhat Important	Less Important	Of No Importance
Amount of contact between attorneys and parents	67%	33%	--	--	--
Building a relationship between attorneys and parents	67%	16.5%	16.5%	--	--
Continuity of representation	50%	33%	17%	--	--
Time to prepare early in the case	92%	8%	--	--	--
Use of experts	8%	50%	42%	--	--
Use of evaluations (such as substance abuse)	33%	25%	42%	--	--
Monitoring court ordered services	58%	17%	25%	--	--
Promoting parent compliance with court orders	75%	17%	8%	--	--

Reduced continuances	55%	18%	27%	--	--
Agreements developed based on shared understanding of the allegations and evidence	60%	40%	--	--	--

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Table 15: Pierce County Questionnaire Results

Item	Very Important	Important	Somewhat Important	Less Important	Of No Importance
Amount of contact between attorneys and parents	92%	--	8%	--	--
Building a relationship between attorneys and parents	71%	29%	--	--	--
Continuity of representation	57%	21.5%	21.5%	--	--
Time to prepare early in the case	61%	31%	8%	--	--
Use of experts	9%	27%	37%	27%	--
Use of evaluations (such as substance abuse)	14%	43%	29%	14%	--
Monitoring court ordered services	71%	7%	22%	--	--
Promoting parent compliance with court orders	71%	15%	7%	7%	--
Reduced continuances	15%	23%	62%	--	--
Agreements developed based on shared understanding of the allegations and evidence	50%	36%	14%	--	--

Respondents' comments regarding factors that support best practices rated in the questionnaire appear below.

- “Sometimes a client has an issue with a particular counselor or therapist so we can ask for a different agency.” — *Program Attorney—Benton-Franklin Counties*
- “Access to resources [experts and evaluators] really leveled the playing field—CA is in agreement—they are happy to use our services. For example, if there is an old psychological evaluation that is in the way of progress we can get a new one.” — *Program Staff—Pierce County*
- “I am more knowledgeable of who the resources are.” — *Program Attorney—Benton-Franklin Counties*
- “No real change (in types of services provided) but better discussions among parties regarding service needs and ensuring parent get the appropriate services early on.” — *A Court Officer—Benton-Franklin Counties*

### **Program Improvement Considerations**

While all 28 respondents noted positive program outcomes and impacts, most of them also offered suggestions for program adjustments and expansion. A majority recommended additional funding to support the hiring of more program staff including both attorneys and social workers. Benton-Franklin court officers and Pierce County program staff suggested hiring additional program attorneys in response to increased drug court demands. In addition, two court officers in Benton-Franklin counties reported a lack of available court time in this jurisdiction. All of the court officers highlighted the need for increased access to community services such as mental health treatment and substance abuse assessment. There is great concern among respondents regarding limited access to services because of cuts to Title 19 funding.

Additional program specific suggestions for improvement included continued support for program staff trainings and retreats that bring the legal communities of these counties together (as a group and those within each jurisdiction). CASA and CA staff in both counties suggested hiring additional program social workers to conduct assessments and support early casework focused on engaging families in services. CA staff in both counties suggested the need for clarification regarding program social workers and parent investigator roles. In both counties, CA staff realize the role these professionals have in helping to motivate families, but additional specialized training was suggested for parent investigators who may have no formal social work education. CA staff also suggested the need for clarification regarding standards and expectations among all social workers as it relates to confidentiality and sharing of information with attorneys.

AGO and CASA respondents reported positive program results and supported program expansion given the implementation of the following suggestions. They believe that it is important that data regarding process and client outcomes be collected and used to inform this decision. They and others highlighted the value of broad and inclusive involvement of key shareholders prior to program implementation. They emphasized the importance of paying attention to the political histories and interpersonal dynamics within local communities, and suggested identifying and engaging persons with well-regarded reputations, leadership skills, and commitment to collaboration to aid the implementation process. In terms of statewide expansion, a court officer in Benton-Franklin counties stated that “when the power relationship changes, it creates opportunities for growth and learning.” With this in mind, pre-program expansion discussions would be beneficial.

One suggestion from AGO was an assessment of the program’s impact on their office and potential internal staffing issues. Several respondents expressed the need for more timely access to assessments and treatment services for parents, particularly near the courthouse, and increased access to mental health services, domestic violence services, substance abuse treatment, housing support/programs, and financial assistance programs.

### **Respondents’ Recommendations Regarding Expansion**

All 28 participants support expansion of a parent representation program to other Washington State counties with most reporting strong support for expansion based on the reasons described in this report. Actions identified as important to program expansion included the following:

- Engage in broad community awareness and involve stakeholders in pre-program planning and implementation.
- Provide defined program policies and standards, and support tailored implementation.
- Gather feedback from parents about their experiences in the dependency and termination process.
- Conduct ongoing assessment of what specifically makes the program work and provide key stakeholders with copies of reports that describe the impact on the court and program attorneys' activities, and evaluation reports.
- Measure child and system outcomes.

The measurement of child related outcomes was important to all participants. Two statements best reflected this concern, “Time is essential for children—to a child one day or one week is too long” and “Dependency court touches lives for decades.”

### III. Quantitative Findings

#### Case Characteristics and Outcomes by Jurisdiction

##### Benton-Franklin Counties Program Cases

Table 16 describes characteristics of the pre-program and program cases in Benton-Franklin counties. This sample represents all cases with return home during the selected sample timeframes. Over 90% of these cases, both pre-program and program, included allegations of abuse or neglect. Compared to the pre-program timeframe, these return home program cases tended to involve younger children and have a lower rate of substance abuse as a presenting issue.

*Table 16: Benton-Franklin Counties Case Characteristics*

Case Characteristics	Pre-Program N=33	Program N=50
Child Gender		
Female	51.5%	50.0%
Male	48.5%	50.0%
Child median age at dependency petition	7.1 years	5.4 years
ICWA	12.1%	2.0%
Mother's relationship to the child		
Primary Caregiver	78.8%	95.7%
Incarcerated	18.2%	--
Out of State	3.0%	--
Other	--	4.3%
Father's relationship to the child		
Primary Caregiver	48.5%	30.4%
Involved, not Primary Caregiver	--	10.9%
Not involved	30.3%	34.5%
Incarcerated	12.1%	4.3%
Out of state	9.1%	8.5%
Alleged/Paternity Unknown	--	4.4%
Other	--	7.0%
Other Primary Caregiver	--	4.0%
Allegations: Abuse/Neglect		
Mother	90.9%	90.9%
Father	54.5%	42.6%
Other Caregiver	6.1%	10.6%
Allegations: No Parent Capable		
Mother	75.8%	85.1%
Father	39.4%	48.9%
Other Caregiver	--	2.1%

## Parental Substance Abuse

Approximately 76% of the Benton-Franklin counties pre-program sample cases noted parental substance abuse as a presenting issue, compared to 59% of the program sample.<sup>5</sup> This finding is curious because it is counter to local and statewide indications that substance abuse has become increasingly prevalent in dependency cases. Since these Benton-Franklin counties samples include only cases with return homes, it is likely that families with more significant substance abuse issues in the later dependency cases did not achieve return homes and are therefore not represented in this sample. In addition, if substance abuse was not explicitly noted in the allegations of the dependency petition, the evaluators would not have recorded it.

## Case Outcomes

### Return Home Patterns

During the pre-program timeframe, 33 cases filed resulted in return homes, while in the program timeframe 50 cases resulted in return homes. This increase of 52% is notable considering the total number of petitions filed increased by only 6% from 295 to 312 filings (Table 17). A chi square analysis of cases with return homes compared to cases without return homes approached statistical significance (*a chi square analysis,  $p \leq .10$* ).

Table 17: Benton-Franklin Counties Return Home Outcomes

	Pre-Program	Program
Total Number of Dependency Petitions Filed	295	312
Number of Return Homes	33	50

With respect to children returning to out of home placement after being returned home, program children were less likely to return to care (e.g., go into foster care) than were pre-program children during the selected review periods (Table 18). Chi square analysis of return home failures showed that the failure rate during the dependency case decreased from 51.5% (N=33) in the pre-program sample to 24% (N=50) in the program sample ( $p \leq .025$ ). This finding is statistically significant.

Table 18: Benton-Franklin Counties Return to Care Rates

	Pre-Program	Program
Total Number of Return Homes	33	50
Number and Rate of Return to Care (through dismissal or end of record review period)	17 (51.5%)	12 (24%)

<sup>5</sup> Parental substance abuse was marked as “unknown” in 3 cases in the pre-program sample and in 6 cases in the program sample. The rates of substance abuse reported are based on the known cases.

### Reunification Dismissal Outcomes

Family reunification was the final resolution of more cases. The number of cases dismissed by the court after the parents successfully reunified with their children doubled after program resolution (as noted earlier, case filings increased by 6% (Administrative Office of the Courts, 2002, 1998). In the pre-program period, reunification dismissals were achieved for 12 of the return home cases, a dismissal rate of 36%, while in the program period reunification dismissals increased to 24 cases, or 48% of all return home cases reviewed (Table 19). This increase was not found to reach statistical significance.

*Table 19: Benton-Franklin Counties Dismissal Outcomes*

	Pre-Program (N=33)	Program (N=50)
Number and Rate of Reunification Dismissals.	12 (36%)	24 (48%)

### Time Elapsed Comparisons

The average number of days from petition filing date to return home date increased from a mean of 121 days (N=33) pre-program to 249 days (N=50) during the program ( $p \leq .001$ ) as shown in Table 20.

*Table 20: Benton-Franklin Counties Time Elapsed to Return Home*

	Pre-Program	Program	Statistical Significance
Avg. time elapsed from Petition to Return Home	121 days	249 days	$p \leq .001$ Significant

For the subset of children whose cases were dismissed, the average time elapsed from return home to case dismissal decreased from 273 days (n=12) pre-program to 206 days (n=24) program ( $p \leq .083$ ). The average length of time from dependency petition to case dismissal increased from 412 days (n=12) pre-program to 503 days (n=24) program ( $p \leq .063$ ). These findings are detailed in Table 21. Although these children were in care about three months longer on average, it is important to restate that the number of children return to care rate is lower for cases during the program timeframe, a statistically significant difference ( $p \leq .025$ ).

*Table 21: Benton-Franklin Counties Time Elapsed to Dismissal for Subset of Cases*

	Pre-Program	Program	Statistical Significance
Avg. time elapsed from Return Home to Dismissal	273 days	206 days	$p = .083$ Approaching Significance
Avg. time elapsed from Petition to Dismissal	412 days	503 days	$p = .063$ Approaching Significance

## Summary of Benton-Franklin Counties Case File Review

This case record review found that in Benton-Franklin counties:

- The number of children returned home increased after implementation.
- The average time from filing of dependency petition to return home increased, but these children were less likely to return to care.
- The average length of time from return home to case dismissal decreased.
- The average length of time from petition to case dismissal increased. This finding approached statistical significance.

Such findings reflect increased capacity in this jurisdiction to reunite families. Though timelines have increased in the early stages of the case, it appears that support services are being delivered to parents such that once children return home cases move to dismissal without further out of home placements. The increase in length of stay is of interest and could be a program outcome worth further exploration.

### Pierce County Program Cases

For Pierce County, a representative sample of cases was drawn from pre-program cases and from drug court and non-drug court program cases. A total of 144 cases were examined. Table 22 below includes demographic and case characteristics of the pre-program and program cases in Pierce County in which a program attorney was assigned. All of the cases had program representation for at least six months or through case completion if for less than six months. As compared to the Benton-Franklin counties samples, Pierce County samples included cases with younger children, and fathers were less often involved.

*Table 22: Pierce County Case Characteristics*

	<b>Pre-pilot N= 42</b>	<b>Total Program N= 102</b>
Child Gender		
Female	46.2%	42.8%
Male	53.8%	57.1%
Child median age at dependency petition	3. 1 years	3.2 years
ICWA	7.1%	12.7%
Mother's relationship to child		
Primary Caregiver	80%	86.7%
Incarcerated	12.5%	9.2%
Not involved	5.0%	1.0%
Deceased	--	1.0%
Other	2.5%	2.0%
Father's relationship to child		
Primary Caregiver	25%	24.7%
Not involved	55%	45.4%
Incarcerated	5.0%	16.5%
Out of state	2.5%	1.0%
Alleged/Paternity Unknown	5.0%	8.2%
Deceased	2.5%	2.1%
Involved, not Primary Caregiver	2.5%	1.0%
Other	2.5%	1.0%

Other Primary Caregiver	5.0%	2.9%
Allegations: Abuse/Neglect		
Mother	92.5%	92.0%
Father	43.9%	42.0%
Other Caregiver	4.8%	5.0%
Allegations: No Parent Capable		
Mother	95%	98%
Father	48.7%	44%
Other Caregiver	2.4%	0.0%

### Parental Substance Abuse

According to petitions, approximately 80% of the pre-program cases had parental substance abuse as a presenting issue, as compared to 94% of program cases.<sup>6</sup> Parental substance abuse was alleged in 100% of the 60 drug court cases, and in 85% of the 42 non-drug court cases. These findings reflect the severity of the cases in Pierce County, and provide a context for the role of the Pierce County Drug Court in responding to the sizable dependency caseloads related to parental drug abuse.

### Case Outcomes

#### Return Home Patterns

Table 23 indicates the number and rate of return homes found in the Pierce County sample. Nearly 24% of the pre-program cases reviewed achieved return home, 30.0% of program Drug Court cases and similarly 31.0% of non-Drug Court had return homes. The drug court return home rate for 2002 sampled cases was 40% (these cases were up to 29 months in length), but it was only 15% of the 2003 sampled drug court cases by the conclusion of this study review period (these cases were up to 17 months in length).<sup>7</sup> Overall, both the drug court and non-drug court program samples showed increases in the rate of return home as compared to the pre-program sample, though these increases were not statistically significant.

*Table 23: Pierce County Return Home Rates from Representative Samples*

	Pre-Program	Program Drug Court	Program Non-Drug Court	Total Program
Total Number of Cases Reviewed	42	60	42	102
Number and Rate of Return Homes	10* 23.8%	18 30.0%	13 31.0%	31 30.4%

\*One of these cases was initiated by CA as an in home dependency.

<sup>6</sup> Parental substance abuse was marked as “unknown” in 7 cases in the pre-program sample and in 12 cases in the program sample. The rates of substance abuse reported are based on the known cases.

<sup>7</sup> For this evaluation, parents with any involvement with Family Drug Court—whether one day or through graduation—were considered Family Drug Court participants. A recent assessment of Pierce County Family Drug Court (Urban Policy Research, 2005) found that by the end of the assessment, Family Drug Court *graduates’* children were twice as likely reunited with their parents as a comparison cohort to be reunified with their parents. The authors report that these findings appear to support the drug court program’s intent, which blends substance abuse and child welfare intervention services.

In tracking these return home cases through the remainder of the review period, the pre-program return home failure rate (in order words, the rate of children returned to foster care) was 20% (n=10), and during program implementation it was found to be 13% (n=31). This difference is not statistically significant.

### Time Elapsed Comparisons

The average number of days from petition date to in-home placement date increased from a mean of 176 days (n=10) pre-program to 360 (n=31) days during the program (p<=.003) as shown in Table 24. While this increase is statistically significant, the sample sizes are quite small and this finding may not be generalizable.

More than half of the program sample is comprised of drug court cases; these cases on average took 476 days to achieve in home placements, likely due to the length of time it takes to complete substance abuse treatment and the close monitoring by the courts throughout parental treatment and recovery. The non-drug court cases on average took 264 days to achieve return home, nearly three months longer than that of the pre-program sample. Unlike the Benton-Franklin counties samples (which all had in-home placements), the limited number of reunification dismissals in the Pierce County Phase I samples did not lend themselves to time elapsed comparisons for average number of days from in-home placement to dismissal, and for average time from dependency petition to dismissal.

*Table 24: Pierce County Time Elapsed Comparison*

	Pre-Program	Program (Combined Drug and Non-Drug Court Cases)	Statistical Significance
<b>Avg. time elapsed from Petition to In Home</b>	176	360	p<= .003 Significant

### Dismissal Outcomes of Phase I Sampled Cases

In Pierce County the following dismissal comparison includes various long-term outcomes such as reunification, adoption, and 3<sup>rd</sup> party custody agreements. Even though they include various types of dismissals, these samples are still quite small, and the reader should view these findings with caution. Recall that the review period was at most 29 months, and about one third of cases were reviewed for activity for less than 17 months, which is often not long enough to follow a case through to dismissal. Among the pre-program cases reviewed (N=42), dismissals were achieved for 19.0% of cases. Among the program cases reviewed, 11.7% of drug court cases (N=60) were dismissed, and 28.5% of non-drug court cases (N=39) were dismissed. The total program dismissal rate (N=102) was 18.6%, roughly the same as the rate of the pre-program sample (N=42). These results are detailed in Table 25 below.

*Table 25: Pierce County Dismissal Outcomes*

	Pre-Program N=42	Program Drug Court N=60	Program Non-Drug Court N=42	Total Program N=102
<b>Number and Rate of Dismissals</b>	8 (19.0%)	7 (11.7%)	12 (28.5%)	19 (18.6%)

## Pierce County Phase II Brief Case File Review

The Phase II case file review consisted of an examination of all Pierce County cases dismissed over a six-month interval during the pre-program timeframe to a six-month interval after program implementation. Since this study included all cases dismissed over comparable timeframes, the findings reflect actual changes over time. The case review found that there was a 43% increase in the number of cases dismissed, from 35 in the pre-program timeframe to 50 in the program timeframe. These numbers include reunification dismissals, adoptions, and other permanency outcomes. During this time period, Pierce County dependency caseloads increased by approximately 15% (Administrative Office of the Courts, 2002, 1998). Thus the increase in dismissals exceeds the increase in the number of dependency cases.

Table 26 details the dismissal outcomes for the pre-program and program samples. Reunifications comprised 54% of dismissals in the pre-program sample and 60% in the program sample, followed by adoptions, which decreased from 46% of the pre-program sample to 34% of the program sample. The program sample also included two third party custody cases and one case where the youth aged out of foster care. These findings suggest that at a time when the court caseloads were growing in Pierce County, the number of dismissals increased and the proportion of dismissals that were reunifications increased by 6%. However, this increase in reunifications was not statistically significant.

*Table 26: Pierce County Dismissal Outcomes from Phase II Audit*

	Pre-program N=35	Program N=50
Reunified	19* (54%)	30 (60%)
Adopted	16 (46%)	17 (34%)
3rd Party Custody	0 (0%)	2 (4%)
Aged Out	0 (0%)	1 (2%)

\* In one case, CA initiated an in-home dependency of a newborn infant, who remained in the hospital with the mother until they returned home.

## Summary of Pierce County Case File Review

Due to the small number of cases in the Pierce County Phase I samples that resulted in children returning home, these findings are descriptive in nature, and some outcomes could not be analyzed with statistical comparisons. The Phase I outcomes described here may not be generalizable to the full program:

- The rate of return home increased after program implementation for both drug court and non-drug court cases, though these increases were not statistically significant.
- The average length of time from filing of dependency petition to return home increased. This increase was particularly evident in drug court cases, and to a lesser extent in the non-drug court cases. This finding was statistically significant.

- The return to care rate decreased from 20% to 13% after program implementation.
- Combining drug and non-drug court cases, the rate of dismissals was roughly the same after implementation. This data was influenced by the program drug court cases in which the overall rate of dismissal was quite low within the 29-month case review period.

It was unfortunate that the Pierce JUVIS data system does not include case dispositional codes, which would have allowed for pre-selection and review of a larger number of cases of children who returned home. More conclusive findings regarding return home and dismissal patterns might have been possible with this additional information.

The Phase II brief case file review focused on rates and patterns of dismissals in Pierce County only. Because this audit included all cases dismissed over a six-month period in both pre-program and program timeframes, the findings reflect actual changes over time. This review found that:

- The number of dismissals increased by 43% after implementation, while the volume of cases increased by 15% in the Pierce County dependency system.
- Numbers of reunifications and adoptions increased after implementation.
- The reunification dismissal rate increased slightly, though this change was not statistically significant, from 54% of the pre-program sample to 60% of the program sample.

**Findings from Secondary Data Sources suggest increased system capacity**

As noted earlier, both Benton-Franklin and Pierce counties juvenile courts grappled with an increase in case filings between the pre-program and program years, according to the Administrative Office of the Courts (AOC)’s Caseloads of the Courts. These annual reports (Administrative Office of the Courts, 2002, 1998) indicate that between 1998-1999 and 2002-2003, case filings increased by about 6% in Benton-Franklin counties and about 15% in Pierce County. Additionally, the AOC reports indicate that the number of hearings increased after program implementation; Benton-Franklin Juvenile Court increased hearings by 25%, and Pierce Juvenile Court hearings increased by 21.5%.

SCOMIS and JTS database data retrieval of cases opened and dismissed in 1998 and 1999 as compared to 2002 and 2003 are shown in Table 27. The average length of time to complete all cases after the program’s implementation has not increased, but has decreased slightly. Therefore, considering increased caseloads, increased hearings per case, and slightly decreased time to dismissal, it appears that the judicial system has increased its capacity to serve children and parents in these dependency jurisdictions.

*Table 27: Time to Dismissal Comparisons by County*

	Average days from Petition to Dismissal Pre-Program 1998-1999	Average days from Petition to Dismissal Program 2002-2003
Benton-Franklin Counties	223 (n=44)	214 (n=50)
Pierce County	303 (n=91)	297 (n=104)

## V. Summary

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### **Quantitative Child Outcomes Indicate Improvements**

In Benton Franklin counties, the case file review findings reflect increased capacity in this dependency jurisdiction to reunite families. There were increases in number of in-home placements and dismissal rates, though these were not statistically significant. Although the time from petition to return home has increased by four months, it appears that support services are being delivered to parents such that once children return home, cases moved to dismissal without further placement disruption. The return to care rate decreased by half, which was statistically significant. Twice as many cases were dismissed in the program timeframe. Among the subset of cases that were dismissed, the time from return home to dismissal decreased by two months, while the overall average time from petition to dismissal increased by three months. These findings approached statistical significance. The increase in length of stay is notable; this is an outcome area worth further exploration.

The Pierce County Phase I case file review findings should be considered purely descriptive due to sampling limitations. While not broadly generalizable, there was a gain in the return home rate after program implementation. In a trend similar to Benton Franklin counties' case outcomes, cases in Pierce County took an average of six months longer from petition to return home after program implementation. This increase was particularly evident in the program drug court cases, and to a lesser extent among the program non-drug court cases. This finding was statistically significant. Once returned home, the return to care failure rate decreased somewhat after program implementation, though this finding did not reach statistical significance.

The subset of cases that reached dismissal in the Phase I case file review in Pierce County was quite small and showed virtually no change in the rate of dismissals. Because of this sample limitation, a subsequent brief case file review focusing on rates and patterns of dismissals was conducted. This Phase II case review included all cases dismissed over a six-month period in pre-program and program timeframes; the findings reflect actual changes over time. Although they did not reach statistical significance, the number of dismissals, including reunifications, adoptions, and third party custody agreements increased after program implementation. The increase in dismissals was larger than the increase in the number of dependency cases in this jurisdiction.

These increases in Benton-Franklin and Pierce counties' rates of reunification in the selected samples and timeframes contrasts from the statewide trend of declining reunification rates. The Washington State Institute for Public Policy (WSIPP) reports in its study, *Child Welfare Filing Trends from 1995-2002* that over time there have been changes in the dependency caseloads, with more cases that are less likely to reunify. By 2002, the caseload mix was more likely to include infants, children placed for neglect and parental substance abuse, and children placed with relatives. According to the WSIPP analysis, these changes in caseloads are a contributing factor in the declining family reunification rates statewide (Washington State Institute for Public Policy, May 2004).

In addition to the statewide trend of reduced reunification, Pierce County and Benton-Franklin counties each have faced the challenge of unusually high levels of methamphetamine abuse. The Department of Ecology reports that Pierce County had the highest number of meth labs in the state in 2004, while Benton County ranked the fifth highest. (Friederich, January 22, 2005). These rankings are disproportionate to the population rankings of these counties. King County is more than twice as populated as Pierce County, and had significantly fewer meth labs in 2004, and Benton County ranks ninth in population with fewer than 145,000 residents (US Census Bureau Factfinder). In response to high local rates of parental substance abuse, Pierce Juvenile Court instituted its family drug court and Benton-Franklin counties implemented a family drug court in January 2005. These are two of only six family drug courts in the state. Parental substance abuse was recorded as a presenting issue in 60% to 85% of case file samples reviewed in this study.

### **Findings from Secondary Data Sources Suggest Increased System Capacity**

Benton-Franklin and Pierce dependency courts took on increased caseloads and increased hearings per case during program implementation. Yet, according to Judicial Information Systems (JIS)/SCOMIS records, program cases in both jurisdictions experienced slightly decreased average time from petition to dismissal as compared to pre-program cases. It appears that the judicial system has increased its capacity to serve children and parents in these dependency jurisdictions.

### **Qualitative Findings Highlight Reasons for Program Implementation**

Overall, those interviewed reported that the Parents' Representation Program is important for justice reasons. As a result of the program, judges, attorneys, and social workers agree that the court is better informed, more balanced, and a more responsive system for children and their families. Process impacts also include more timely hearings, earlier overall case resolutions, and restored checks and balances within the justice system for all parties involved. Respondents stated that this restored balance enhances the ability of the court to make better decisions in behalf of children. The most common response was that program attorneys now have more time to devote to their clients, to become involved with the clients' earlier, to conduct necessary case preparation, to stay involved and aware of their clients needs, and to monitor their clients' activities. Program attorneys reportedly also have the necessary time to devote to professional networking and court improvement activities. Although, there were some recommendations for program improvement, nearly all respondents reported that, parents receive encouragement, emotional support, and help in accessing services from program staff. In addition, several respondents stated that it is their hope that as a result of better representation, children receive the opportunity to have sufficient quality visitations with their parents and increased chances of finding timely permanency—either reunification or another placement that meets their best interest. As noted earlier, “Dependency court is very important as it touches lives for decades.”

## **Statistical Significance End Note**

Statistical significance is a term used to calculate the possibility that random chance influenced the characteristics of the particular cases examined in the study.

The research standard of a 5% probability for statistical significance is employed here; in other words, if calculations indicate that there is a 5% possibility or less that certain findings could have been impacted by random features in the sampled cases, they are reported as statistically significant; if calculations indicate that there is a 5% to 10% possibility that a finding could have been impacted by random features in the sampled cases, they are reported as approaching statistical significance; and if there is a 10% possibility or greater that a finding could have been impacted by random features in the sampled cases, they are reported as not reaching statistical significance. The findings tables reported here show the actual results that were found in the case file reviews. The tables also identify those findings that are statistically significant, those that approach statistical significance, and those that do not reach statistical significance but may be descriptive in nature. The number of cases available for review, out of the total number of cases in the population, is one factor that might impact findings of statistical significance.

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**APPENDIX A: Interview Instrument**

|Date| \_\_\_\_\_

|Staff Initials| \_\_\_\_\_

**Instructions for Interviewers:**

- Please provide as complete documentation of responses as is possible.
- If a question is not applicable, mark it as N/A. If interviewee does not know, mark it DNK. If interviewee declines to answer, mark it DR.

**Stakeholder Name:** \_\_\_\_\_

**Position Title:** \_\_\_\_\_

**Agency or affiliation:** \_\_\_\_\_

**County or jurisdiction:** \_\_\_\_\_

**Interview Location:** \_\_\_\_\_

**Category of stakeholder:**

Judge	_____	Public Defender	_____
AGO staff	_____	CASA	_____
Court Administrator	_____	CA Administrator	_____
Paralegal	_____	CA Social Worker	_____
Other	_____	Please specify	_____

1. When did you start working in this jurisdiction? *Date* \_\_\_\_\_

2a. *If involvement was prior to program implementation ask:* When you first heard about the Parent's Representation Program what did they tell you was its purpose and goals?

What were your initial thoughts about its potential? Please share your concerns and hopes.

2b. *If not involved from the start ask:* When you first came to this court, what, if anything, were you told about the Parents' Representation Program?

What were your initial thoughts? Please share you concerns and hopes.

3. How many dependency cases do you hear during the average month?

4. I would like to briefly walk through the case process. It would be helpful if we could start at the very beginning of the process. What is the impact of the Parent Representation Program when cases are first assigned (during the petition phase)?

5. What is your sense about the amount of contact that attorneys in this program have with clients? How often? Lasts for how long? Face to face? By telephone? In writing?

Overall do you see the client-attorney contact as a change from prior to the program?

Increase                      Decrease                      About the same

How does contact differ from what it was like prior to the Program? Does contact happen more often? Lasts for longer length of times? Face to face? By telephone? In writing?

6. Let's talk some about case preparation...Would you comment on how this phase in the case looks now and what it was like before the program? (Note below are some areas that may be discussed in addition to what the interviewee may share. Ask specifically about these areas if they do not come up in dialog.)

Early case investigation

Use of discovery

Obtaining experts and evaluators

Research of and written presentation of trial memoranda

7. Would you say over all that the quality of case preparation has increased? Decreased? And, why? (Try to get interviewee to identify specific reasons and elements of the program that support positive change if noted.)

8. How would you assess parents' access to court-mandated services in this county?

What types of services are accessible?

How has access to these services supported parent representation?

Resulted in better outcomes for children?

Helped the court?

Are there services that parents currently have access which were not available prior to the program?

Are parents able to access the services they need in a timelier manner?

9. Regarding reasonable efforts services, how are these being addressed through this program?

What are the obstacles to meeting reasonable efforts? Possible changes that would help address these obstacles from your point of view?)

10. Please describe how public defenders work to ensure timely resolution in dependency cases?

How is that different or alike during representation in termination cases?

11. Do you see a shift or changes in practices regarding scheduling and continuances between now and prior to the program? If so, how? Do you perceive these shifts as a result of the program or are their outside factors, besides the intervention, which are also affecting the shifts perceived?)

Under what kind of circumstances are public defenders requesting continuances now? Is this different from before the program? If so, why?

Do you know of any instances where the public defender could have prevented continuances or delays in the court proceedings? Please describe...

What do you see as obstacles to preventing these delays? Would the action of other parties have been necessary or helpful?

12. To what extent, if any, would you say general court improvement has occurred as a result of this program implementation?

13. Regarding other activities public defenders undertake on behalf of parents, would you describe any changes in their ability to engage in court proceedings since the program started? (such as litigation hearings and trials in unresolved cases and preparation and participation in settlement conferences)

14. Did you participate in any of the trainings or conferences related to this project?  
*If no skip to question 15.*

What are two or three things you learned or found helpful about the training?

Any recommendations to improve the training?

Who else should take trainings that are provided by this program?

Are there additional/other training that would be helpful to provide and to whom?

15. Looking to the future of the Parents' Representation Program, are there any local factors that serve to facilitate the program?

Are there any local factors that are barriers to the program's viability?

16. What do you see as the most significant impact of this program?

Probe? For parents, for children, for advocates, for the court system? (Are there any changes to the program you would suggest to increase what you perceive to be the positive impacts of the program?)

17. Any ideas you'd like to share on how to improve the Parents' Representation Program?

18. Would you recommend that another jurisdiction adopt this type of program in their community? And if maybe, why?

**APPENDIX B: Parent Representation Program Questionnaire**

For each of the following factors to what extent do they contribute to timely in home placements (reunifications) in dependency cases:

(Check the rating box 5 is Very Important, 3 is Somewhat Important, 1 is Of no Importance)

	5 Very Important	4	3 Somewhat Important	2	1 Of no Importance
Amount of contact between attorneys and parents					
Building a relationship between attorneys and parents					
Continuity of representation					
Time to prepare early in the case					
Use of experts					
Use of evaluations (such as SA treatment)					
Monitoring court ordered services including visitation					
Promoting parent compliance with court orders					
Reduced Continuances					
Agreements developed based on shared understanding of the allegations and evidence					

Do you support efforts to expand the Parent Representation Program to other counties in Washington? (Circle one response)

**Strongly Support**  
**Do not Support**  
**Expansion**  
**Expansion**

**Somewhat Support**  
**Expansion**

**Support Expansion**  
**with reservation**

**Explain your reason?**

**APPENDIX C: Parent Representation Program Case File Review Documentation**

Reviewer \_\_\_\_\_ Date Completed \_\_\_\_\_

Location: Pierce County: Still in Care Dismissed Without In Home In Home  
Benton-Franklin

Case Type: Pre-Pilot (opened after January 1998 and data through May 31, 2000)

Program (opened after January 2002 and data through May 31, 2004)

**Demographic information (ONLY COMPLETED IF IN HOME PLACE OCCURRED;  
CIRCLE OR FILL IN)**

Child's Case Number: \_\_\_\_\_ Gender: Female Male

Child's Birthday: / / ICWA

Mother: Primary Care Giver Not Involved Whereabouts Unknown  
Incarcerated Deceased Other \_\_\_\_\_

Father: Primary Care Giver Not Involved Whereabouts Unknown  
Incarcerated Deceased Other \_\_\_\_\_

Other Caregiver: Primary Care Giver Not Involved Whereabouts Unknown  
Incarcerated Deceased Other \_\_\_\_\_

Attorney: Parents \_\_\_\_\_ Mother's \_\_\_\_\_ Father's \_\_\_\_\_

**Allegation (circle all that apply)**

**Abandoned:** Child has been abandoned, meaning the child's parent, guardian, or other custodian has evidence either by statement or conduct a settled intent to forego for an extended period, all parental rights or all parental responsibilities, despite an ability to do so.

Mother Father Other Caregiver \_\_\_\_\_ Other Caregiver \_\_\_\_\_

**Abused/Neglect:** Child is abused or neglected as defined in Chapter 26.44 RCW.

Mother Father Other Caregiver \_\_\_\_\_ Other Caregiver \_\_\_\_\_

**No Parent Capable:** Child has not parent, guardian or custodian capable of adequately caring for the child, such that said child is in circumstances which constitute a danger or substantial damage to the child's psychological or physical development.

Mother Father Other Caregiver \_\_\_\_\_ Other Caregiver \_\_\_\_\_

**Parental S/A Use and Possible Drug Court Involvement (CIRCLE)**

SA noted as a presenting issue? Yes No UK Drug Court Participation? Yes No N/A

**Comments/Further Specified Allegation/Presenting Problem:**

Date

**Petition Date**  
 (Dependency Petition Order) / / a Child Remains Home  
 (Motion Order to Take Child into Custody)  
 (Order to Take Child into Customary and Placement in Shelter Care)

**IN HOME PLACEMENT INFORMATION**

(Review Hearing Order-also look at ISP)  
 (Shelter Hearing)

Date on Order **or** Actual Date

**In Home Placement Date** (initial/only in home placement) / / / /

1. Initial Placement Status: Still in care Failed In Home Dismissed (go to dismissal)

1a. If failed, in home placement, failure date Failed: / / /

1b. Reason for Failure: Abandoned Abuse/Neglect No Parent Capable

1c. Placement Type: Relative Foster Care Residential Other \_\_\_\_\_

2. Second Placement Status: Still in care Failed In Home Dismissed (go to dismissal)

1a. If failed, in home placement, failure date Failed: / / /

1b. Reason for Failure: Abandoned Abuse/Neglect No Parent Capable

1c. Placement Type: Relative Foster Care Residential Other \_\_\_\_\_

**Dismissal Date** / / Still in care

(Motion and Order Dismissal and Dependency)  
 (ISP possible date source/information on outcome & placement)

**Placement and Outcome**

**OUT OF HOME PLACEMENT EXPERIENCE** (PROVIDE INFORMATION FOR BOTH INITIAL AND FINAL/CURRENT; ALSO CIRCLE EITHER "FINAL" OR "CURRENT" DEPENDING ON LEGAL STATUS)

***Initial (other than emergency shelter):*** Relative Foster Care Residential Other

***Final or Current (if still open court case):*** Relative Foster Care Residential Other

**Long Term Outcome** (circle one outcome; if guardianship also circle whether kinship or other; For Pre-Pilot status as of May 31, 2000; For Program status as of May 31, 2004)

Still in Court Reunification Adoption Kinship Placement  
 Guardianship (specify): Kinship Other (specify) \_\_\_\_\_  
 Aged-out Independent Living Other Permanency Placement Plan (specify) \_\_\_\_\_



## **APPENDIX E: Frequently Used Acronyms**

AG – Attorney General

AGO – Attorney General’s Office

AOC – Administrative Offices of the Courts

CA – Children’s Administration

CASA – Court Appointed Special Advocate (a.k.a. guardian ad litem)

DAC – Department of Assigned Council

DSHS – Department of Social and Health Services

JIS- Judicial Information Systems

JTS- Juvenile Tracking System

LINX – database managed by the Office of Public Defense

SCOMIS – Superior Court Management Information System

JUVIS – Juvenile Court Information System

NICF – Northwest Institute for Children and Families

OPD – Office of Public Defense

WSIPP – Washington State Institute for Public Policy