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Connecticut Court Improvement Program Reassessment

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**CONNECTICUT COURT
IMPROVEMENT PROGRAM
REASSESSMENT**

May 2007

submitted to

STATE OF CONNECTICUT JUDICIAL BRANCH

prepared by

**MUSKIE SCHOOL OF PUBLIC SERVICE
CUTLER INSTITUTE FOR CHILD AND FAMILY POLICY**

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Chapter 1: Introduction

A. Background: The Court Improvement Program

All 50 states, the District of Columbia and Puerto Rico participate in the federal Court Improvement Program administered by the Children’s Bureau of the U.S. Department of Health and Human Services. The grant program was established in 1993¹ in response to the dramatic increase in child abuse and neglect cases and the expanded role of courts in achieving stable, permanent homes for children in foster care. Under the original grants, the recipients completed detailed self-assessments, developed recommendations to improve the quality of their litigation involving abused and neglected children as well as children in foster care and worked towards implementing the recommended reforms. States were instructed to conduct assessments of their foster care and adoption laws and judicial processes and then to develop and implement plans for improvement.

The Promoting Safe and Stable Families Amendments of 2001 reauthorized the Court Improvement Program (CIP) through federal fiscal year 2006. The capacity of the program is now expanded to: (1) include improvements that recipients deem necessary to provide for the safety, well-being and permanence of children in foster care, as delineated in the Adoption and Safe Families Act of 1997 (ASFA); and (2) implement a corrective action plan, as appropriate, in response to findings identified in a Child and Family Services Review (CFSR) of the state’s child welfare system. The amendments also continued the mandatory funding level of \$10 million for CIP while authorizing new discretionary funding for FYs 2002 through 2006. The additional discretionary funds have added several million per year to CIP.

In 2003, the U.S. Department of Health and Human Services, Children’s Bureau issued a program instruction that requires states to conduct a reassessment. The purpose of the reassessment is to update each state’s earlier assessment of court performance in processing child welfare cases and also to determine what progress has been made since the original assessments.

B. Connecticut CIP Initiatives

The Court Improvement Program began in 1995 when the US Department of Health and Human Services, Administration for Children and Families awarded federal money to the Connecticut Judicial Branch. The funding source was established with the recognition that the courts play a critical role in ensuring the safety and permanency for children in foster care. In its first year, the program formed a multidisciplinary advisory committee now known as the State Court Improvement Program Permanency Planning Committee. This committee was initially formed

¹ CIP was enacted as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103-66. OBRA designated \$5 million in fiscal year 1995 and \$10 million in each of FYs 1996 through 1998 for grants to state court systems.

to assist the state court in the development of a comprehensive assessment and evaluation of court proceedings in child abuse and neglect cases. The committee now serves as the statewide task force that both guides and advises the Branch on Court Improvement activities including developing strategic plans for current and future grant initiatives.

During the first year of funding the Connecticut Judicial Branch undertook a lengthy and thorough assessment of the manner in which child abuse and neglect cases were handled in the court. The original assessment was conducted by the Edmund S. Muskie Institute at the University of Southern Maine. Following an extensive procurement process, the Muskie Institute was selected to conduct the current Court Improvement Program Reassessment.

The original assessment, conducted between June 1995 and May 1996, provided the Judicial Branch with nineteen recommendations organized under the major categories of the Role of the Court in Child Protection Matters, Case flow Management, Selection and Training of Attorneys and Automated Case Management Tracking System.

In addition to the assessment recommendations, in 1997 Congress enacted the Adoption and Safe Families Act (ASFA) which resulted in the expansion of the Court Improvement Program to address:

- How courts are addressing safety, permanency and well being for children in foster care;
- Systemic changes needed relative to the findings of the Child and Family Services Reviews (CFRS); and
- Documentation of specific findings and determination reported in the federal Title IV-E reviews.

It is important to note that over the last several years since the original Court Improvement grants were awarded there have been a myriad of changes that have impacted the Court Improvement Program and the courts charged with adjudicating abuse and neglect cases.

It is in this context that the Connecticut Judicial Branch has progressed and met many challenges. The Court Improvement Program has served as a catalyst and has augmented the branch-wide efforts to improve the handling of child protection proceedings.

The Role of the Court in Child Protection Matters

The original Court Improvement assessment highlighted the need to bring the Juvenile Matters session of the Superior Court into parity with the other sessions of the Superior Court. The report noted that the court handling child protection cases needed to have a long range plan for court operations and for allocation of funds and human resources.

In early 1997, the Chief Court Administrator undertook an aggressive plan to incorporate the Juvenile Matters Session of the Superior Court under the umbrella of its Court Operations Division. The goals of this reorganization were to:

- Create a more traditional Court Operations Clerk’s Office
- Transfer responsibility from the Family Division to Superior Court Operations
- Reduce/eliminate alienation of Juvenile Matters courts
- Increase resources available to Juvenile Matters courts
- Transfer on-site responsibility for the local court operations to the trial court administrator in each Judicial District

The next several years were spent adding both managerial and court staff to Juvenile Matters, as well as increasing the number of judges assigned to hear Juvenile Matters. Facility assessments were done resulting in improvements to physical space, security, and accommodations for the public. The Court Improvement Program funds assisted with providing training and computer hardware and software to each of the locations.

In 1996, the Chief Court Administrator created a specialized trial session to handle high conflict termination of parental rights cases and later added responsibility for contested Temporary Custody hearings referred from the local courts whose dockets were not able to handle them in a timely way. Two additional Child Protection sessions were opened in May of 2006.

Judges were permitted to stay in a juvenile assignment beyond the recommended 18 months and there was active recruitment of judges for assignment to the Juvenile Matters courts. Court Improvement funds assisted in providing resources to the judges through training and resource materials to assist them.

In 1999, the first of what became an annual multidisciplinary conference was held. The Annual Child and Youth Law Forum provides an opportunity for judges, attorneys, child welfare, and court staff to come together to receive timely training and to network around issues important to those involved in child protection cases. The Child and Youth Law Forum draws between 200-250 attendees each year.

Case Flow Management

The original Court Improvement assessment cited the need to improve case docketing and processing. A key outcome of the Court Improvement program directly addressed the need to make improvements in the manner in which cases, especially temporary removal hearings and termination of parental rights cases, were scheduled and docketed. Under the Case Management Protocol Project, which began as a pilot program in 1997, a system was adopted that includes early case management conferences and individual case management. The protocol has since been adopted statewide. The case management protocol assists in ensuring that contested hearings and trials are now heard in a continuous fashion. In order to monitor case flow issues, Court Operations added a managerial position to oversee case flow management on a statewide basis.

In 2001, the Practice Book rules related to the handling of child protection cases were revised and clarified. They now provide a clearer roadmap for the handling of such cases and codify practice rules in a concise fashion.

The Court Improvement Program advisory committee members work as a team to recommend changes to state actuates to codify federal language in the Adoption and Safe Families Act. In the 2006 session of the General Assembly, legislation was enacted eliminating the need for the filing of motion to extend commitments and outlining the process for, and purpose of, permanency review hearings.

With Court Improvement funds the child protection automated case management system was enhanced. Features included addition of web based forms and calendars. Computers were placed in every courtroom for use by the court room clerks to record court orders and memoranda. The Court Improvement Program funded the “For the Record” (FTR) project. With FTR, all child protection proceedings are digitally recorded and stored. This enhancement has vastly improved the ability to retrieve records of court proceedings for production of transcripts and orders, for use by judges writing decisions, or for those cases that are appealed.

Connecticut has always been known for its use of conflict resolution techniques in child protection proceedings. As early as 1987, the juvenile court employed professional staff who were trained in mediation to convene conferences, known as case status conferences, with attorneys and parties to assist the parties to resolve disputes prior to trial. In 2001, the Chief Administrative Judge for Juvenile Matters convened a committee to examine and recommend improvements to the existing non adversarial dispute resolution processes. The Child Protection Mediation Program, funded by the Court Improvement Program, began taking referrals of cases in 2002. The cases referred for mediation are often very complex and involve multiple parties including foster and adoptive parents and other family members. The majority of the cases involve termination of parental rights, adoption, and guardianship issues.

Representation of Parties

The 1996 Court Improvement Assessment Report highlighted the need for quality representation of children and parents. In 2001, The Chief Court Administrator convened a discussion group to explore ways in which representation of children and parents could be improved. The Court Improvement program supported this effort and received technical assistance from the American Bar Association National Resource Center for Legal and Judicial Issues in guiding the discussion. The discussion group generated a report that highlighted the need for better compensation, training, and supervision for attorneys.

One of the outcomes was that attorneys who wished to practice in Juvenile Matters were strongly encouraged to attend a SCIP sponsored pre-service training provided under contract with the Center for Children’s Advocacy. The Judicial Branch has advocated for increased compensation for attorneys and has used the contract procurement model to attempt to enhance the quality of representation. The compensation, training and supervision of attorneys providing contract representation to children and parents remained a challenge. In late 2005, the Judicial Branch recommended to the state legislature that the responsibility for procurement, training and supervision of attorneys be transferred from the Branch to an independent entity in the Executive Branch of government. As of July 2006, the Commission on Child Protection was created under

the administrative oversight of the Office of the Chief Public Defender. The Commission appointed a Chief Child Protection Attorney (CCPA). The Chief Child Protection Attorney, under the direction of the Commission on Child Protection, is responsible for procuring, training and supervising attorneys to represent children and parents and to serve as guardians ad litem as deemed necessary in accordance with state law.

The Court Improvement Program is coordinating with the Chief Child Protection Attorney to identify attorney training needs and to offer assistance with meeting those needs. The Chief Child Protection Attorney has instituted standards of practice for representation of children and parents, has initiated mandatory pre-service training and is planning a series of training events, including trial advocacy skills. The Court Improvement Program Director is serving in an advisory capacity to the CCPA as the office moves forward with the development of a certification specialty in child welfare law through the National Association of Counsel for Children.

The future of Court Improvement initiatives was solidified with the reauthorization of the program under the Child and Family Services Improvement Act of 2006 (formerly know as the Promoting Safe and Stable Families Act). The Connecticut Judicial Branch applied for and received approval for funding under the basic, data collection and training grants.

The reassessment will guide the formulation of the strategic plans under the grants and the ensuing activities that make up the essence of those plans.

C. Methodology of the Reassessment

The reassessment process began in March 2005 with a meeting between the evaluation team and key parties involved in various aspects of the child protection and juvenile court systems. A meeting with the SCIP Permanency Planning Committee also commenced and a general plan was developed for the CIP reassessment. The committee identified the areas and issues to be examined (in addition to those required by the federal program instruction), discussed the study site courts, available data sources, and provided feedback and approval on the court observation and file review instruments.

Initially the reassessment did not include interviews of key stakeholders. The SCIP Permanency Planning Committee had already undertaken a survey of the judges. However, after reviewing preliminary data analyses, it was determined that interviews of key parties would provide additional information and context to the data. The timeframe for the reassessment was augmented at the end of the study to allow for time to conduct interviews and focus groups and for additional analysis.

The purpose of the reassessment was to update the state's earlier assessment and examine the current status of the processing of abuse and neglect cases. A comprehensive multi-method approach was applied in designing the reassessment. Both quantitative and qualitative data were collected from multiple resources:

- Review and analysis of relevant Federal and State requirements and policies;
- Analysis of statewide data;
- Interviews and focus groups with stakeholders (judges, CSOs, AAGs, contract attorneys, deputy chief clerks, DCF workers and supervisors) at the selected court sites of Willimantic, Hartford, and New Haven;
- Interviews with the Chief of the Juvenile Court and the Chief Child Protection Attorney;
- Court file reviews at selected sites;
- Court observations, including conferences and hearings, at selected sites.

Triangulation, that is, using more than one method to collect similar data and asking for similar information at different sites and from various participants, was also employed to overcome the weaknesses and/or intrinsic biases and problems that come from single method, single-observer, single-theory studies.

Legal Research

Legal research was necessary to establish a foundation for understanding the legal and procedural background for the handling of child abuse and neglect cases in the State of Connecticut. It was also necessary to determine if the State was in compliance with ASFA and other federal requirements, as well as Connecticut’s state requirements. The following were reviewed:

1. Adoption and Safe Families Act, and subsequent amendments;
2. Other federal legislation addressing child abuse and neglect and related matters, such as ICWA and CAPTA;
3. Connecticut’s statutes, administrative procedures, and court rules relating to child abuse and neglect cases;
4. Connecticut’s case law addressing Connecticut’s statutes, rules, and procedures as they relate to child abuse and neglect;
5. Guidelines and standards of practice for judges and attorneys in child abuse and neglect cases.²

Secondary Research

Existing research and findings that related to the issues being studied in the reassessment were reviewed by evaluators. Those materials included the following:

- Evaluation of Child Protection Mediation Program;
- Connecticut Title IV-E Eligibility Review dated March 2003;
- Casey Family Services Report prepared for DCF titled “Recommendations to Increase Speed and Permanency Through Adoption”, revised August 2003;

² Some examples are *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* (NCJFCJ), *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* (ABA), and *Representing Parents in Child Protection Proceedings* (ABA).

- Child and Family Services Review (conducted by ACS);
- Child and Family Services Review Self-Assessment (conducted by DCF).

Selection of Research Sites for On-Site Data Collection Activity

As a result of the discussions between the Muskie project team and the Committee, three locations were selected for on-site activity. Site visits were conducted between October 2005 and August 2006. The three sites chosen were Willimantic, Hartford, and New Haven. Sites were chosen from those selected for the initial assessment in 1996.³

Case File Review

A total of 125 court files were reviewed: 25 in Willimantic and 50 each in Hartford and New Haven. A case file review instrument was developed and tested (see Appendix A). Files were selected based on the following criteria:

- Cases with petition filed dates between 2000 and 2005;
- Open for a minimum of 60 days;
- Majority of the sample of cases represented cases that were part of DCF consent decree; and
- Over-samples for each site were randomly selected using statewide database.

These time parameters were chosen to offer a historical perspective as well as an accurate and timely picture of contemporary practice. In general, the sample represented those cases that were reviewed for the Federal Consent Decree.⁴

Case file review was utilized to determine whether the courts studied were in compliance with the timeliness mandates set forth in ASFA and in Connecticut statutes, rules, and procedures, and with other federal laws such as ICWA and CAPTA. Project staff recorded dates for the following events during their review of court files at each of the three study sites (Willimantic, Hartford, and New Haven):

- Petition Filing Date
- OTC Date
- OTC Reasonable Efforts
- OTC Hearing Date
- Preliminary Hearing Date
- Adjudication Date
- Disposition Date
- First Permanency Plan Review Date
- Permanency Planning Hearing
- TPR Petition Date

³ The original assessment included four court locations: Hartford, New Haven, Willimantic, and Plainville.

⁴ DCF identified a total universe of cases at 10,887. The sample was selected based on a 95% confidence level and 4% margin of error. The cases were randomly selected and were representative of the ratio of in home vs. identified out of home placements and by regional office caseloads.

- TPR Order Date
- Case Closed Date
- Current Status

Project staff also reviewed court files for qualitative purposes: to better understand the situations of the children and families involved in the cases and to review the plans, notice to parents, continuances, availability of attorneys, and other elements of the cases. The information gleaned from the files informed interviews. Conversely, the information obtained in the interviews and focus groups enabled project staff to better understand what was reflected in the case files.

Statewide Data Review

It was determined early in the reassessment to utilize statewide court data in an effort to obtain a view of adherence to mandatory time standards in all the courts handling child protection cases. Data consisted of cases for individual children for whom petitions were filed between 1/1/2001 and 4/28/05. (Data selection/extraction criteria can be found in Appendix B.) A total of 11,211 data files were originally included for analysis.

Court Observations

Muskie project staff observed a total of 111 court hearings and 25 case conferences, which included 14 case management conferences (CMCs) and 11 case status conferences (CSCs). The majority of the court hearings were in-court judicial reviews (30) and reviews of permanency plans (25). The purpose of the observations was to document the depth and quality of the proceedings and the treatment and participation of parties. (The case observation instrument can be found at Appendix A.)

Table 1				
COURT OBSERVATION: HEARING TYPES BY COURT				
Court Location				
Hearing Type	Willimantic	Hartford	New Haven	Total
CMC	5	5	4	14
CSC	0	6	5	11
Hearing	11	45	24	80
Plea	3	5	5	13
Adjudication	0	0	2	2
Disposition	0	0	2	2
Trial	0	4	3	7
Adjudication/Disposition	2	4	1	7
Total	21	69	46	136

Interviews and Focus Groups

Muskie staff conducted interview and focus groups with stakeholders in the three study court locations, as well as on a statewide level, as indicated in Table 2 below. (Interview and focus group instruments can be found at Appendix A.)

Table 2			
CONNECTICUT CIP REASSESSMENT: INTERVIEWS AND FOCUS GROUPS			
Court	Hartford	New Haven	Willimantic
<i>Interviews</i>			
Deputy Chief Clerks	Yes	No	Yes
Judges	3	2	1
<i>Focus Groups</i>			
Assistant Attorneys General	4	4	2
Attorneys	5	5	7
Court Services Officers	3	3	1
DCF Workers and Supervisors	Yes (12)	Yes (16)	Yes (8-10)
<i>Statewide</i>			
Chief Judge, Superior Court for Juvenile Matters	Yes		
Chief Child Protection Attorney	Yes		

Human Subject Protection and Confidentiality

The terms and conditions of the contract between the Muskie School and the state of Connecticut Judicial Branch did not require the Muskie School to submit the evaluation design to the University of Southern Maine’s Institutional Review Board. The project was deemed exempt. However, the project team took many precautions to ensure that the data collection activities and the resulting data did not compromise the anonymity of the human subjects of this study and the stakeholders participating in the data collection process. This includes administrative and physical security of identifiable data. Steps taken include:

- All staff involved in the project submitted to background investigations conducted by the Connecticut’s Judicial Branch.
- Hard copies of interviews and focus groups were stored in secured locations.
- Electronic data were maintained on a secure, password-accessed computer and limited to project staff.

- No identifying information for human subjects or stakeholders is presented in the results of the Connecticut Court Improvement Program Reassessment Report.
- All identifying data will be stripped from all electronic data at the conclusion of the project.
- Both electronic and paper files will be destroyed based on federal requirements for retention of records.
- Prior to participation, interview and focus group participants were advised that individual comments would be kept confidential and anonymous.

Chapter 2: Management of Child Protection Cases

Assignment of Judges

Judges in the Connecticut Superior Court are asked to choose three assignments and three locations, and are then matched up with the needs of the system. While they are subject to reassignment annually, the usual assignment is approximately three years. Some judges remain in Juvenile Matters for up to 10-12

years. A total of 25 judges preside over juvenile matters, which include child protection, delinquency, and families with service needs proceedings. As of the fall of 2006, four new judges were joining the Juvenile Court bench. One respondent with years of experience in the system observed that the Connecticut

I really think they should give training to judges. The clerk could explain [to the judge] how the file is organized, what the process is--you can't get it all from the Practice Book. - Judge

Superior Court bench now has a core of judges who have developed expertise in neglect cases, and while they may periodically rotate out of the juvenile assignment, they will come back. This respondent said that a Juvenile Matters assignment has gained in recognition and is now considered equal in status to other areas.⁵

Training for judges new to the juvenile bench consists of shadowing other juvenile judges. It was reported that judges could use additional training beyond observing cases—in at least one case a judge was put on the juvenile court bench after observing only one hearing.⁶

(See sections below on “Treatment of Parties” and “Quality and Depth of Hearing” for more discussion of judges’ actions and practices.)

Scheduling

The system used to schedule conferences, hearings, and trials in Connecticut’s juvenile court system received high marks from all respondents in this study. All scheduling is done using a computer program referred to as “shared calendar,” which is accessible to all court clerk staff, from the deputy chief clerk to the courtroom clerk, and to the court services officers (CSOs).

⁵During the original CIP assessment in 1996, it was noted that no judges chose juvenile court as their first assignment.

⁶One group of respondents reported that a new judge in their court could not recite a basic canvass and looked to the AAG for assistance with how to conduct the hearings.

This system enables these court personnel to view the availability of judges, CSOs, and courtrooms in their own courts, as well as available time slots for contested trials at the trial courts, or Child Protection Session (CPS) courts.⁷ While the Clerk’s Office, in the case of a petition requesting the emergency removal of a child from the home, will schedule the initial court event, which is the OTC preliminary hearing, and the plea hearing date on the neglect petition, the majority of other court events will be scheduled by the CSO.

In spite of the efficiency of the scheduling system, however, there are resource issues that such a system is not able to address. The most universally cited challenge reported by respondents to the efficient and timely scheduling of hearings and trials is a serious shortage of attorneys to represent parents and children (contract attorneys). Insufficient judicial time was the next most frequently cited issue. With insufficient numbers of attorneys representing parents and children, scheduling even uncontested hearings can become complicated, particularly when attorneys are involved in trials taking place at CPS. Muskie staff observed this difficulty repeatedly in the hearings and conferences they attended. One respondent suggested that the scheduling be done outside the courtroom, to avoid taking up valuable courtroom time.

Scheduling a hearing can turn into quite an adventure.
--Judge

Respondents from one court in particular discussed the fact that they could use more judges presiding over child protection cases; they realized, however, that while the courtroom space was available, *there were not enough contract attorneys available* to enable cases to go before an additional judge. This was strong evidence of the extent of the impact of a shortage of contract attorneys on scheduling in Connecticut’s child protection cases. (A more extended discussion of delays relating to attorney unavailability appears in Chapter 3, Timeliness and Flow of Cases, Reasons for Delay.)

CSOs/Case Conferences

Court services officers (CSOs) play a vital role in the management of child protection cases and scheduling of case events, and are in a position to significantly impact the flow of cases through the system. The use of CSOs began in the late 1980s, with the introduction of case status conferences. By acting as case managers and mediators when necessary, the CSOs are able to facilitate the movement of cases to disposition by encouraging agreement on case issues that might otherwise be contested and by ensuring that necessary procedural elements, such as service of process, are taken care of and do not need to be discussed at the hearings. This results in more court time being available for issues that truly need to come before the court.⁸

Case Management Conferences

At the case management conference (CMC), which is held immediately prior to the OTC hearing and is scheduled for a full hour, attorneys for parents (the parents are generally not in

⁷ In addition to the original CPS site in Middletown, two new regional sites were added in 2006, in Danbury and Willimantic.

⁸ The initial assessment recommended that the Juvenile Court develop ways to more efficiently manage its child protection cases. See National Child Welfare Resource Center for Organizational Improvement. *State of Connecticut Court Improvement Project Report*. Portland, ME: NCWRCOI, 1996, 66. This resulted in the use of case management conferences beginning in 1997; these conferences became statewide practice in 2001.

attendance), DCF social workers, and AAGs discuss the positions of the parties to determine the options about the child's temporary custody status and develop preliminary specific steps, which set out what the parent(s) must do if the child is to be returned to the home. CSOs facilitate these discussions and encourage cooperation between and among the parties so that psychological evaluations can be scheduled and services can be started early in the case. They monitor whether evaluation reports have been received and referrals for services have been made and will schedule follow-up case status conferences and in-court reviews when necessary to ensure that progress is being made. As a result of the initial CMC, CSOs will schedule subsequent court dates, such as the OTC hearing, the Case Status Conference (if no agreement has been reached on the allegations), the due date for the Motion to Maintain Commitment,⁹ and the date of the Permanency Planning hearing. These dates are then placed on the record in the courtroom.

When a TPR petition is filed, the CSO will again explore the possibility of settlement at a CMC that takes place immediately prior to the plea hearing on the TPR petition. Once again, the CSO will schedule trial dates if no agreement is reached and may set dates by which information on witnesses, stipulated agreements, and trial exhibits must be submitted for the trial management order.

Another, more informal role played by the CSOs is facilitating settlements when parties arrive at court on the day of trial. Because they are trained in mediation, it makes sense that where possible they would perform this function.

Case Status Conference

According to the Connecticut Practice Book Sec. 35a-2, the case status conference is scheduled (unless waived upon request of the parties) whenever the allegations of the petition are denied. The purpose of the conference is to assist the parties in reaching agreement on adjudication on the neglect allegations and on the child's disposition (i.e., the child's legal status and where the child will be placed) and on final specific steps. If such agreement cannot be reached, then there is an attempt to narrow the contested issues for trial, trial dates are set, and where possible, preliminary witness lists are exchanged and other trial arrangements are discussed.

Another important scheduling role for the CSOs is choosing dates for contested hearings and trials. Because they have listened to the parties and/or attorneys discuss their positions and are familiar with the issues, they are in a position to estimate the amount of trial time the case needs. It was reported that some CSOs employ specific strategies to avoid clogging up the trial calendar. For example, they will schedule in-court reviews, rather than trial time, on limited issues. Another strategy reportedly used by one CSO was to schedule cases for trial within 30 days if no agreement is reached at the Case Management Conference. This puts pressure on the parties to work toward agreement on the contested issues. If the trial court's schedule does not allow for a trial within the 30 days, the CSO will send the case to the judge.

⁹ Effective October 1, 2006, the statute governing permanency plan review and motions to maintain commitment was modified to eliminate the requirement that motion to maintain commitment be filed annually. In lieu of filing the motions, the court is required to approve a permanency plan and may revoke the commitment if cause no longer exist and it is in the child's best interest. If the court does not revoke the commitment the child remains in the care and custody of DCF, subject to annual permanency review or achievement of the permanency plan, whichever comes first.

Scheduling of Hearings

The study courts for the most part used a combination of time certain and block scheduling for all hearings other than trials. For example, four to six cases might be scheduled for short calendar hearings per hour, or two to four per fifteen minute or half hour increments depending upon the court. These cases included OTC preliminary hearings which are held on a dedicated docket day in each location, plea hearings, and permanency planning hearings.

Promptness of Conferences and Hearings

Muskie staff attended a total of 25 conferences that were presided over by CSOs. None of the conferences began at the scheduled time. The average delay was 27 minutes, and the average length of a conference was 32 minutes. In every instance at least one participant was not present at the scheduled time. CSOs made phone calls to attorneys who had not arrived to determine their whereabouts. In some instances the attorneys were in the courthouse but were involved in a trial or a hearing. In other instances they were on their way or were not aware that they were supposed to be at the conference. AAGs were always present and nearly always on time and in almost all cases a DCF worker or supervisor was also there. Attorneys arrived as much as 40 minutes after the conference was scheduled to begin.

We are rushed in and out [of the courtroom]. Before you know it, we are moved along.
–DCF workers

Muskie staff observed a total of 111 court hearings. Of those, four began at the time for which they were scheduled, another four were brought in earlier than originally scheduled, and the remaining 103 began after the scheduled time. The average lapse between the scheduled and actual time was 31 minutes. Twenty of the cases began more than an hour after they were scheduled to begin.¹⁰ The shortage of attorneys was cited as a significant reason for these delays, since the judicial marshals must do their best to “round up” all the attorneys before calling the hearing. They may be in conferences or other hearings or even other courts at the time the hearings are scheduled to begin.

Availability of Hearing/Trial Time

Respondents reported that whenever possible, their courts will attempt to handle contested matters. At the same time they reported that having the option of sending cases to CPS when more trial time was needed than their docket could accommodate was an important element of keeping their court’s docket from becoming overburdened.

It was widely reported that valuable trial time is lost because approximately 80% of the contested TPR cases settle just prior to the trial. Some attributed this to the fact that parents’ attorneys do not speak to their clients ahead of time. Others reported that this cannot be avoided, since parents need the time between the filing of the petition and the trial date to reconcile themselves to losing their children. A number of respondents suggested that more than one case be ready for trial on the same date.

¹⁰ Because the courts schedule a number of cases for the same time, it is difficult to call these hearings “delayed.”

In one court it was reported that it can take up to three months to schedule a hearing on a motion. While contested matters were being scheduled 5-6 weeks out in one location, TPR trials were being scheduled up to four months out in another.

Respondents reported that in some courts CSOs issue trial management schedules for 30 days prior to the trial date, but attorneys and AAGs do not always submit the necessary information and do not always attend trial management conferences. There are no sanctions imposed for failure to do this. Some respondents believed that trial management schedules/orders (TMOs)¹¹ and conferences were not being fully utilized as a tool to settle cases earlier and to free up trial time for other matters.

A number of respondents pointed out that it is not always necessary to have a hearing to give permission for medical records to be released or to change names on the documents. They strongly recommended that Connecticut court rules be revised to allow for paper agreements on such procedural motions.

DCF Liaison

In response to concerns about overdue reports and in some cases sanctions imposed for missing deadlines, DCF has placed liaisons in a number of courts. It was reported that the liaisons work closely with court staff to ensure more prompt submission of DCF documents. Respondents in all court locations stated that the presence of the liaison is leading to gradual improvement. In at least one court, a special docket has been created for the purpose of showing what is due for filing from DCF in particular matters. It was reported in one court that when this docket is issued, it will show that 50% of the paperwork has not been filed, but the DCF liaison is then able to increase the percentage filed to 90%.

Stakeholder recommendations regarding scheduling

- Increase number of attorneys on panels and increase their compensation.
- Have more than one case scheduled for trial on the TPR docket.
- Make better use of trial management schedules/orders and impose sanctions for attorneys and AAGs who do not submit the necessary information in a timely fashion.
- Modify court rules to allow courts to accept papers by agreement on procedural matters such as motions to release records, motions to change or add names to documents, etc.
- Schedule child protection matters for trial as they do in adult court—without checking everyone’s schedule.

Treatment of Parties

Judges’ Actions

Overall, respondents reported that the judges in child protection cases are fair and respectful to the parties involved and that court staff are courteous and helpful. Judges were described as

¹¹ This would be the equivalent of a pretrial order and would have information about witnesses, stipulated agreements, and trial exhibits.

doing a good job of explaining what is going on, displaying compassion for parents whose rights are being terminated, and being patient, even with hostile parents. Only one category of respondents felt that they were not treated fairly by judges and were not given the same degree of regard as other participants. Court observation revealed that judges commonly use legalistic language rather than terms that would be easily understood by parents, and could have been more deferential to parents during hearings.

Respondents reported and Muskie staff observed judges asking parents when they were entering a plea into the record if they were satisfied with their attorney, if their attorneys had explained the consequences of their pleas, and if they had any questions. Judges explained the purpose of the hearing at 60% of the hearings attended by parents, and invited parents to speak or ask questions at 66% of those hearings. Respondents explained that the judges generally preferred to have the parents speak through their attorneys and did not want parents to say things that might damage their cases.

Parents’ Understanding of, Participation in, Proceedings

DCF staff, CSOs, and some attorneys suggested that parents did not fully understand the court proceedings or the potential consequences. This was said to be particularly true for parents with cognitive difficulties and those who were Spanish-speaking. There was a lack of consensus regarding whose responsibility it was to ensure that parents fully understood the overall proceedings, the purpose of individual hearings, and the consequences. It was reported that parents often look to DCF workers, rather than their own attorneys or to the judge, to explain what is going on with their case and what the hearings mean.

One group of respondents in particular stated that parents are intimidated by the court process and are afraid to say anything or to ask questions. Another group said that parents are confused by the terms “uncared for” and “neglect” since they do not apply to their situations—they have children who are out of control and/or who have special needs that they are unable to address on their own.

Presence of Parents at Hearings and Conferences

Mothers were present at approximately three-quarters of the OTC preliminary hearings and the adjudication and/or disposition hearings; and fathers were present at one-third of the OTC preliminary and 55% of the adjudication/disposition hearings; mothers and fathers were present 70% and 65% of the time, respectively, at plea hearings. Finally, mothers were present 16% and fathers 20% of the time at the 25 observed permanency plan review hearings.¹² Overall, mothers were present at less than half of the 111 observed court hearings, fathers were present just over one-third of the time, and foster parents were present less than 1% of the time.¹³

Parents are always required to be present, but I will usually go forward even if they are not present. --Judge

¹² It is not known how many of these review hearings occurred after the termination of parental rights. In those instances, parents would not be present at the hearing.

¹³ These percentages apply to all observed court hearings. Of those, 18 were preliminary OTC hearings, 13 were plea hearings, and 11 were adjudication and/or disposition hearings. At 80 other observed proceedings recorded as

Parents, foster parents, and other family members were not present during observed case management conferences and participants confirmed that it is rare for parents to participate in these conferences. In only one of the three locations was it reported that some attorneys regularly bring their clients to the conferences, and that approximately 50% of the time parents are present at the conferences. In another court location, it was reported that parents regularly attended conferences up until six years ago. For observed case management conferences, attorneys went into the lobby, sometimes a number of times, to confer with their clients, while the rest of the participants waited for the attorney to return to the conference. (This was usually the first meeting between parent and attorney if the conference was prior to an OTC preliminary hearing.)

It was reported that parents wait, sometimes for hours, for hearings to begin. There was concern expressed that these long waiting times have adverse effects on parents, especially for those who work and might then be at risk of losing their jobs due to absence for attendance at court proceedings. This is especially a problem for Spanish-speaking parents who must have an interpreter. The priority for an interpreter in one of the courts is for a trial; once the trial is completed, the interpreter will then go to the hearing. This can result in hours of waiting for some people.

Presence of Children at Hearings

Most respondents agreed that children who are the subject of child protection cases are generally not encouraged to attend court hearings. The reason provided for the absence of children and youth was a desire to protect children from potential harm that might result from hearing negative comments about their parents in the court room. Some respondents felt strongly that it was important for older children to be involved in court hearings. It was reported that attorneys must present good reasons for a child’s presence and/or testimony and even that does not guarantee that a judge will allow it. One respondent said that children are only present if they are older, and estimated that to be the case 10-15% of the time. Only one of the judges interviewed was unequivocally clear about allowing children to testify if they wanted, and said that they usually must be over seven to ensure that they understand the oath.

There is a federal policy requirement that courts assure that age-appropriate children are consulted about their proposed permanency plan.¹⁴ The Resource Guidelines state that age-appropriate children are among those who should always be present at permanency planning hearings.¹⁵ According to court observation data, there were no children present at any of the 20 permanency plan review hearings. The data also showed that children were present at nine other observed hearings; however, in all but one or two instances the children were too young to understand what the proceedings were about.

“hearings,” mothers were present 44% and fathers 29% of the time. (See Chapter 1, section on Methodology, for more detail on the types of hearings observed in each location.)

¹⁴ Promoting Safe and Stable Families Program 42 U.S.C. § 675 (5)(c)(iii). 3525.

¹⁵ *Resource Guidelines*, 1995, 80.

Facilities

Only one of the three courts visited had conference rooms available in which attorneys could meet with clients prior to hearings. At the other courts there was no privacy, and attorneys and clients had to communicate about highly sensitive and painful matters in a crowded lobby or stairwell. This was reported to also present problems for DCF workers who must sit in a public lobby with parents whose children they have taken away, and for victims of domestic violence who must sit in the same room with their abusive spouse/partner. Respondents at one court expressed serious safety concerns because of the lack of court security staff in an area of the courthouse where conferences were taking place; their concern was for cases involving domestic violence or other family conflict.¹⁶

Other Court Personnel

Court security personnel in particular, and court staff in general, received high marks for their treatment of parents involved in child protection proceedings. One respondent commented that other stakeholders in the process might benefit from observing the patience and compassion exhibited by court security at their courthouse. One respondent group reported that they are not treated respectfully by court clerks and by CSOs.

Stakeholder Recommendations regarding Treatment of Parties

Various respondent groups offered the following suggestions to address problems they identified in the treatment of parents in child protection proceedings: change current law so parents do not have to plead to neglect/uncared for, especially when their child has special needs; provide a video, and/or some other way of explaining to people what goes on in a child protection case and what they can expect; provide a court directory of contract attorneys so parents have a central place where they can easily obtain contact information; and allow parents to attend case management conferences.

Quality and Depth of Proceedings

Although Muskie staff did not interview parents involved in child protection proceedings regarding their experience in court, information gathered from other respondents and from court observation regarding what happens at and around court hearings has prompted the following questions:

- How might a parent feel who attends a hearing at which *nothing is said directly about their child* or children, who are the reason for the proceeding to begin with?
- What message does it send when a parent spends *five minutes or less* in a court hearing, after sitting in a crowded lobby for anywhere from half an hour to two hours (and on occasion even more), concerned about losing their children and possibly losing their job because of how long they have been waiting?

¹⁶ This is not an insignificant concern. A number of respondents stated that domestic violence, along with substance abuse and/or mental illness, was present in a substantial proportion of child protection cases. One respondent estimated that 70% of child protection cases involve domestic violence and substance abuse.

- What if a parent *does not understand* why they are there, nor do they understand the significance or consequences of that particular hearing for the future of their lives and their family, because a judge has not explained the purpose of the hearing nor has the attorney, who met the parent outside the courtroom minutes before the hearing began?
- What if that parent, who is asked, “Are you satisfied with your attorney?” *does not know what to say* since they do not really know what to expect from an attorney who is representing them in a child protection proceeding?
- Finally, what if a parent, when asked if they understand what the judge has said, answers yes, because they are *too ashamed or frightened* or both to admit that they do not understand terms like “preponderance of the evidence” or “adverse inference” because those terms were not explained by the judge?

Although the situations suggested by these questions may not apply to all or even most parents who are involved in child protection proceedings in the state of Connecticut, the scenarios they allude to were described passionately by some respondents and in some instances were observed by Muskie staff in the course of conducting this study.

Judicial Action

Judges explained the purpose of a hearing in 32% of the case hearings observed; they inquired about the child’s placement in observed hearings 27% of the time;¹⁷ and they allowed parents to speak or ask questions at two-thirds of the hearings attended by parents. Attorneys who have not visited their child clients prior to hearings are not being held to account by judges who make no direct inquiry regarding the child or the child’s placement, nor of whether or not the attorneys have seen their parent clients. The widely reported issues of poor compensation and too few attorneys can reasonably be tied to the failure of attorneys to meet with their clients before the day of the hearing and to visit child clients in their placements on a regular basis, leaving them with less up-to-date information to offer the court.

A judge who has read the DCF status report or social study and who believes he or she has the most current information and makes no further inquiry is accepting the version of only one party to the proceeding. Attorney respondents at two of the sites said that the DCF studies are one-sided, containing only the information that supports DCF’s position and leaving out other relevant information that does not support that position.

I don’t always ask how the child is doing because that information is in the study that I’m reading in court.
--Judge

Length of Hearings

The median time for the duration of a hearing was eight minutes;¹⁸ 36% of the 111 hearings observed lasted five minutes or less. If this generally reflects what is going on in other similar

¹⁷ It is not always necessary or appropriate for the judge to inquire into a child’s placement, particularly for hearings on procedural motions and other short calendar matters, or if the judge has recently had the case in his or her court. The numbers of cases observed are not high enough to enable a meaningful analysis of the type of hearing and whether it is one in which it would or would not be reasonable for the judge to make such an inquiry.

¹⁸ Because of some high values that cause the average to be slightly skewed, the median—a number reflecting the midpoint, i.e., having an equal number of values above it and below it—is reported for this analysis.

hearings, then it is not surprising that judges are not inquiring in more depth and providing the opportunity for parties to ask questions or address the court directly. Respondents' information and observations in only one of the three courts revealed consistency in the judges' thorough examination of the child's placement, explanation of the purpose of the hearing, and time spent insuring that parents understood what was going on. Numerous respondent groups reported that judges are not examining DCF about reasonable efforts made at permanency planning hearings.

Information Available

It was widely reported that status reports to a significant degree, and permanency plans to a lesser degree, are not submitted by DCF in a timely fashion. (This problem is being addressed by DCF liaisons who are now in some Connecticut Juvenile Courts--see above section on "DCF Liaison.") The status reports are often given out in court at the hearings, and are reviewed by the judge and attorneys in court for the first time. This was described by both contract attorneys and AAGs as a "serious problem." In cases where status reports are being read at the hearing, there is no adequate opportunity for attorneys representing parents and children to consult with their clients about, or to rebut the contents of, the report. Considering the issues raised elsewhere in this report (see Chapter 5 on Quality of Representation) regarding the quality of attorneys representing parents, and the fact that it is not unusual for them to not be present at all hearings, the importance of timely submission of documents is raised to an even higher level. The possible adverse consequences to parents and children of these deficiencies become quite serious when they are considered all together.

Permanency Planning Hearings

Permanency planning review hearings are not of sufficient duration to allow for a thorough review of the permanency plan. The *Resource Guidelines* recommend that hearings to review permanency plans be scheduled for a full hour.¹⁹ According to the *Guidelines*, "Courts need to hold permanency planning hearings not primarily because they are mandated by federal law, but because they are necessary to protect children from drifting in foster care."²⁰ They recommend, among other things, that the judge explain the purpose of the proceeding, elicit testimony regarding the progress toward permanency, inquire into reasonable efforts and make a finding, discuss time frames for achieving permanency and what needs to happen to achieve the goals of the permanency plan. According to respondents, judges rarely inquire into reasonable efforts. They also reported that contested permanency planning hearings are rare.²¹ Observed permanency planning hearings were completed within an average of 15 minutes, with some lasting only four to eight minutes. Observed hearings on original motions to maintain commitment (which are often brought in conjunction with the filing of the permanency plan) were somewhat longer, with four of the eight lasting between 11 and 18 minutes compared to review hearings, with 11 of 17 lasting between two and six minutes.

¹⁹ *Resource Guidelines*, 1995, 84.

²⁰ *Resource Guidelines*, 1995, 79.

²¹ While that may be true depending upon the court, analysis of statewide court data indicates that 22% of the motions for permanency plans were contested. New Haven (29%), Hartford (15%), and Bridgeport (12%) reported the highest percentages for contested plans. These percentages were obtained by looking at all permanency plans in the sample, and all motions in opposition to permanency plans. (See Appendix B, Data Extraction Criteria.)

In one court location, it was reported that a Judge sitting in that court in the past did not rule on the permanency plan if the plan was termination and there was an objection to the plan. Instead, the hearing on the motion in opposition to the plan was joined with the TPR petition, and a case status conference date was set. In these cases, the plans were never approved or disapproved. The Resource Guidelines stress the importance of specific written findings after the permanency planning hearing “to both ensure prompt implementation of the court’s decision and to provide documentation for further proceedings.”²²

A significant number of respondents strongly recommended that pro forma permanency planning hearings be discontinued and replaced with more in-depth and meaningful hearings. Some would like to see the court use the opportunity to inquire in depth into DCF efforts to effectuate the plan of reunification when the plan has changed to termination.

Recommendations on Quality of Hearings

Recommendation One

Ensure the presence of parents at case management conferences as a matter of regular practice.

Recommendation Two

Develop judicial training for new as well as experienced judges presiding over child protection cases that incorporates NCJFCJ Resource Guidelines practices regarding the conduct of a permanency planning hearing, including how to examine DCF regarding the agency’s reasonable efforts and how to ensure the presence and participation of children and youth of appropriate age in permanency planning hearings.

Recommendation Three

Develop a training curriculum for judges presiding over child protection proceedings, drawing from the NCJFCJ Resource Guidelines as appropriate and addressing the following issues in particular: who should be present at particular types of hearings and appropriate participation of parents, children and youth, foster parents, and other interested persons at hearings.

Recommendation Four

Encourage a collaborative effort between the OCCPA and DCF to develop guidelines and deliver training to attorneys and DCF addressing the roles of each in educating and communicating with parents.

²² *Resource Guidelines*, 1995, 83.

Recommendation Five

Convene a forum on the subject of the respective roles of the judge, DCF workers, and attorneys in ensuring that parents understand the nature of child protection proceedings, the purpose of each individual hearing, and the consequences of their actions and omissions. Include in the discussion what can and should be communicated to children of appropriate age regarding the legal process.

Recommendation Six

Collaborate with OCCPA and DCF in the development of informational resources for parents regarding the court process, expectations and consequences related to their court case, and the role of their attorney. Various materials and media should be considered for delivering this information, including for parents who are not literate in the English language.

Chapter 3: Timeliness and Flow of Cases

Managing case flow in order to meet hearing deadlines is essential to assuring that a child obtains a safe, permanent placement that promotes health and well-being. The Adoption and Safe Families Act sets the major deadlines within which cases must be decided. The Act and the regulations interpreting the Act include the following timelines:

- Judicial determination of *reasonable efforts* to prevent child's removal from the home. 42 U.S.C. § 671 (a) (15); § 672 (a) (1)

The reasonable efforts to prevent removal finding must be made no later than 60 days from the date the child is removed. 45 C.F.R. § 1356.21(b)

- Holding a *permanency planning hearing no later than* one year after the child is considered to have entered foster care.²³ 42 U.S.C. 675(5) (C) and (F); 45 C.F.R. §1355.20; 45 C.F.R. §1356.21(b)(2)(i)

Reasonable efforts to reunify are not required in certain cases where the parent has abandoned the child or where various aggravated circumstances apply. In those cases, the permanency hearing is to be held within 30 days after the determination that reasonable efforts are not required. 42 U.S.C. 671(a)(15)(E)(i); 45 C.F.R. § 1356.21(h)(2). A finding of reasonable efforts to achieve the permanency plan must be made within 12 months of the date the child is considered to have entered foster care. 45 C.F.R. 1356.21(b)(2)

- Filing a *termination of parental rights petition* for a child who has been in foster care 15 of the most recent 22 months. 42 U.S.C. 675(5)(E)²⁴

The petition must be filed by the end of the 15th month, excluding court-ordered trial home visits, and runaway episodes. For children who are abandoned or the victims of aggravated circumstances, the petition must be filed 60 days after the decision that reasonable efforts to reunify do not apply. 45 C.F.R. 1356.21(i)

The Court or Administrative body²⁵ must review the child's status and safety no less frequently than once every six months from the date the child entered foster care, 42 U.S.C. §671(a)(16); 42 U.S.C. §675(5)(B); 45 C.F.R. §1355.34 (c)(2)(ii); 45 C.F.R. §1355.20 . State legislatures are expected to specify how many hearings will be held and the time within which they must be accomplished. Connecticut's laws meet all federal deadlines. Under Connecticut's law, cases are to move through the courts as follows:

²³ A child is considered to have entered foster care on the earlier of (1) the date of the first judicial finding that the child has been subjected to abuse or neglect; or (2) 60 days after the child is removed from home. 42 U.S.C. 675(5)(F)

²⁴ In cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian the child may be placed in another planned permanent living arrangement. 42 U.S.C. §675(5)(E).

²⁵ Administrative case review conducted by DCF.

Table 3

CONNECTICUT STATUTORY TIMELINE FOR CHILD PROTECTION PROCEEDINGS

Event	Time Limit	Source
OTC Case Management Conference/Preliminary Hearing	Must be held as soon as practicable but no more than ten days from the issuance of the order.	CGS § 46b-129 and Ct. PB Sec. 33a-6(b)
Contested Order of Temporary Custody (OTC) Hearing	Must be held within ten days of the Preliminary hearing. Must be held on consecutive days unless there are compelling circumstances or at the request of the parent or guardian.	CGS § 46b-129 (f) and Ct. PB Sec. 33a-7(d)
Case Status Conference	Customarily set within 60 days.	
Disposition of Primary Petition	180 days is an informal benchmark.	
Reasonable Efforts to Prevent Removal finding	Once petition is filed and court has issued an <i>ex parte</i> emergency custody order to DCF, no later than sixty days after the issuance, the court will make determination.	CGS § 46b-129 (b). Ct. PB Sec. 35a-13
Permanency Hearing	Nine months after placement of a child in DCF custody, the Department must file a motion for review of the permanency plan. Any party seeking to oppose the motion must file within 30 days after the filing of the department and a hearing must be scheduled within 90 days of the filing of the motion. PP hearings shall not be held less frequently than every 12 months while the child is in custody.	ASFA and CGS § 46b-129(k)(1) and Ct. PB Sec. 35a-14
Filing of TPR Petition	Child in the custody of DCF for 15 consecutive months or at least 15 months during the 22 months immediately preceding the filing of the TPR petition.	ASFA and CGS § 17a-111a, 17a-110(b), 17a-111(b) and CT. PB Sec. 35a-15
Plea Hearing for TPR	No more than 30 days from the filing of the petition	Ct. PB Sec. 33a-2(b)
Case Status Conference	Customarily 60 days from date of TPR Plea Hearing	
Adjudication of TPR (first parent)	No identified timeframe	
Issuance of a Decision	120 days from the close of evidence	CGS § 51-183b Ct. PB 11-19
TPR Disposition	No identified timeframe	
Finalization of Adoption	24 months from date of removal to permanency	ASFA

Timeliness of Case Events

The reassessment process analyzed statewide court data and reviewed court case files from the three selected study sites to determine compliance with time standards.²⁶ This data was collected and analyzed to determine whether the courts are adhering to the legal timeframes and to identify the points in the process that constituted barriers to moving a child to a final, permanent placement in a timely way. The main points of measurement were:

- OTC Order to OTC Case Management Conference/Preliminary Hearing
- OTC Case Management Conference/Preliminary Hearing to Contested OTC Hearing
- OTC Case Management Conference/Preliminary Hearing to First Case Status Conference
- Reasonable Efforts Findings
- Removal²⁷ to Disposition of Primary Petition
- Preliminary Hearing to Disposition of Primary Petition and Types of Dispositions
- Removal to Filing of First Motion for Permanency Plan Review Hearing
- Removal to First Permanency Plan Review Hearing
- Contested Permanency Plans
- Removal to Filing of TPR petition
- Filing of TPR to Plea Hearing
- TPR Plea Hearing to Case Status Conference
- Filing of TPR to Adjudication
- Filing of TPR Petition to TPR Disposition
- Removal to Order Terminating Parental Rights
- Issuance of TPR Order to Finalization of Adoption

The data reported was primarily gleaned from the statewide data analysis, with the exception of one benchmark.²⁸ Caveats in each of the analyses are included.

Although there were 11,211 data files submitted to Muskie for analysis, and a total number of 125 files were examined at study sites, not every case was included for each individual analysis. Cases were excluded from analysis when:

- The case did not contain relevant data for a point of analysis. For instance, when examining the timeliness of permanency hearings, cases that were closed prior to a child being out of the home for 12 months would, logically, not have a permanency hearing conducted. Therefore

²⁶ See Chapter 1 section on methodology for a detailed description of the data used for analysis.

²⁷ See Appendix B, Data Selection/Extraction Criteria, for specifics on how the date of removal was determined using dates of court events as proxies.

²⁸ For Reasonable Efforts findings, data from file review was utilized. It was not consistently clear in the statewide data when these findings were made.

the number of cases used for this analysis was less than the total number of cases reviewed by Muskie.

- Missing data made it necessary to exclude a case from a portion of the analysis. For instance, some files were missing information to determine whether or not Reasonable Efforts findings had been made.

Case Demographics for Statewide Data

Table 4, below, displays the age and ethnicity of children at the time of the filing of the first petition. The majority of children were White (33.4%), Black (25.2%), or Hispanic (22.0%). The largest group of children by age was made up of those who were less than 1 year old (15%), followed by 1 year-olds (6.1%), and 15 year-olds (5.9%).

Table 4					
CHILD AGE AND ETHNICITY AT FILING OF FIRST PETITION					
Statewide Data n=16,299					
Child Ethnicity	Percent	Child Age	Percent	Child Age	Percent
Asian	0.3%	< 1 year	15%	11	4.9%
American Indian	0.4%	1	6.1%	12	5.3%
Asian/White	0.2%	2	5.6%	13	5.7%
Black	25.2%	3	5.5%	14	5.8%
Black Hispanic	1.8%	4	5.4%	15 yrs	5.9%
Black/White	3.9%	5 yrs	5.0%	16	3.6%
Hispanic	22.0%	6	5.2%	17	1.8%
Pacific Islander	0.0%	7	4.6%	18	0.0%
White	33.4%	8	4.8%		
White Hispanic	3.1%	9	4.7%		
Other	1.5%	10 yrs	5.0%		
Unknown	8.2%				

1. OTC Order to OTC Case Management Conference/Preliminary Hearing (n=9,911)

The legal requirement is for a temporary custody hearing to occur within 10 days of issuance of an order (usually issued *ex parte*) by the court granting temporary custody to DCF. In these charts, the percentages of cases that reach the CMC/Preliminary Hearing within 10 days of the order are listed, as well as the percentages that fall outside of the limit. The analyses were conducted by state overall, by year, and by court location.

Table 5 below presents the statewide percentages over the five-year period broken out by year.

Table 5

**OTC ORDER TO OTC CASE MANAGEMENT CONFERENCE/
PRELIMINARY HEARING**

Statewide Data						
Time	Overall n=9,911	2001 n=1,873	2002 n=2,228	2003 n=2,778	2004 n=2,412	2005 ²⁹ n=620
10 days or fewer	99.3%	99.3%	99.2%	99.6%	99.1%	100.0%
11 days or more	0.7%	0.7%	0.8%	0.4%	0.9%	0.0%

Overall, data illustrates that in almost all of the cases, the CMC/Preliminary hearing was scheduled ten days or fewer after the order. The median number of days was seven,³⁰ which represents a significant improvement over the number of days between the *ex parte* order and the hearing at the time of the original assessment.³¹ (It should be noted that this analysis is based on the scheduled date of the CMC/Preliminary Hearing. The data files only identify when the hearing was scheduled, not when it actually occurred or was completed.)

2. OTC Case Management Conference/Preliminary Hearing to Contested OTC Hearing
(n=1,597)

The legal requirement is for a contested OTC hearing to be held within ten days of the Preliminary hearing. It must be held on consecutive days unless there are compelling circumstances or at the request of the parent or guardian. In these charts, the percentages of cases that reach the contested OTC hearing within 10 days of the CMC/Preliminary Hearing are listed, as well as the percentages that fall outside of the limit. The analyses were conducted by state overall, year, and by court.

Table 6

**OTC CASE MANAGEMENT CONFERENCE/PRELIMINARY HEARING
TO CONTESTED OTC HEARING
OVERALL AND BY YEAR**

Statewide Data						
Time	Overall n=1,597	2001 n=305	2002 n=395	2003 n=487	2004 n=350	2005 ³² n=50
10 days or fewer	60.3%	56.1%	52.2%	60.8%	71.4%	67.0%
11 days or more	39.7%	43.9%	47.8%	39.2%	28.6%	33.0%

²⁹ 2005 is not a full calendar year- cases are only through April 23.

³⁰ The range was 0-1639 days. Approximately 5% occurred more than 30 days after the date of removal.

³¹ Though the 1996 assessment did not reference the specific number of days, since the data for such an analysis was not available at that time, the report did discuss the critical nature of the issue and stated in one of its recommendations that the “Court must develop a strategy and devote resources to schedule and hear OTCs within a reasonable time of filing.” *State of Connecticut Court Improvement Project Report*, 1996, 66.

³² 2005 is not a full calendar year- cases are only through April 23.

Table 6 presents the overall percentages for the state over the five-year period of time, and by year, and illustrates that overall, in slightly over half of the cases, the contested OTC hearing was scheduled ten days or fewer after the OTC case management conference/preliminary hearing. There appears to be a steady increase in the percentage from 2001 to 2004, which represents a full year of data. The median number of days was eight.³³

It should be noted that this analysis reflects the scheduled date of the Contested OTC Hearing. The court data only identifies the dates for which hearings were scheduled, not when they actually occurred or were completed. Additionally, the contested OTC hearings are to be held on consecutive days except for compelling reasons or unless waived by the respondents.³⁴ It was noted through interviews and focus groups that scheduling contested hearings and trials is difficult due to the limited number of available attorneys. Because of high caseloads, and attorneys who practice in more than one court, these hearings can be scheduled up to four months ahead.

Figure 1 CMC/Preliminary to OTC Contested Hearing: Percentages that Met or Did Not Meet 10-day Requirement

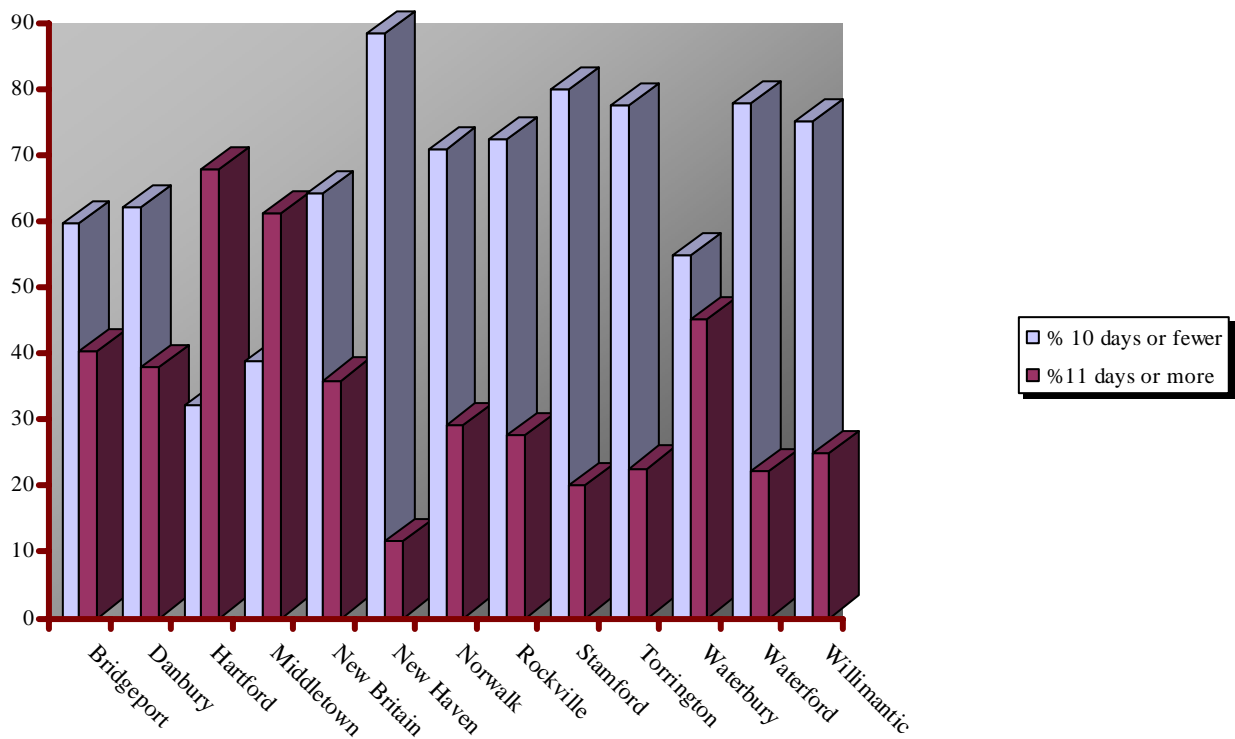


Figure 1 above displays the percentages meeting the timeframe by court location.

³³ The range was 0-1474 days. Approximately 24% occurred more than 30 days after the date of removal.

³⁴ Neither the court data nor the court files contain information that documents whether there was a compelling reason or a request from the respondents to delay the holding of the contested OTC hearing.

3. OTC Case Management Conference/Preliminary Hearing to First Case Status Conference
(n= 8,052)

Connecticut has not formally set out a time by statute, rule, administrative order, or policy; however the standard that is generally applied is that the case status conference will be held within 60 days of the OTC preliminary hearing unless there are circumstances that impact on the scheduling such as the need for a court ordered evaluation.

Analysis of the statewide data indicated that the average number of days from OTC Case Management Conference/Preliminary Hearing to First Case Status Conference was 72, with a median of 57 days.

4. Reasonable Efforts Findings (n=95)

Connecticut law states that once a petition is filed, the court has the authority to issue an *ex parte* emergency order if the court is “satisfied that there is reasonable cause to believe that the child is suffering from serious abuse or neglect or is in immediate danger of serious abuse or neglect and that immediate removal of the child is necessary to protect the child from serious abuse or neglect.” Federal law requires the court to make a finding that reasonable efforts to prevent placement were made within 60 days of the child’s removal from home.³⁵ CGS § 46b-129(b) and Ct. PB 35a-13. The court must also make a finding concerning reasonable efforts to achieve the permanency plan within 12 months of the child’s entry into foster care. CGS § 46b-129(k)(3) and Ct. PB 35a-14(d).

Table 7 below presents the percentages of cases reviewed in which there was a removal, and in which reasonable efforts findings were made or not made, regarding efforts to prevent removal and to achieve the permanency plan.

³⁵ Failure to make such findings may have serious consequences for DCF. If the federal review of foster care cases reveals a sufficient percentage of cases in which these findings were not made and properly documented, a state may risk losing federal funds for foster care services.

Table 7

REASONABLE EFFORTS FINDINGS

File Review				
Time Frame	Overall n=95³⁶	Willimantic n=14	New Haven n=35	Hartford n=45
OTC Reasonable efforts to prevent removal finding made	88	12	32	44
OTC Reasonable efforts to prevent removal finding not made ³⁷	6	2	3	1
	<i>Overall n=83</i>	<i>n=13</i>	<i>n=32</i>	<i>n=38</i>
Reasonable efforts to achieve the permanency plan finding made ³⁸	15	10	28	33
Reasonable efforts to achieve the permanency plan finding not made ³⁹	0	4	1	1

In 29.6% of the cases, OTC reasonable efforts to prevent removal findings were missing from the court file or not recorded by case reviewers; in 14% of the cases, reasonable efforts to achieve the Permanency Plan were missing or not recorded.

In less than 1% of the cases, it was not possible for the courts to make reasonable efforts findings to achieve the permanency plan,⁴⁰ however, in approximately 31% of the cases, this data was missing or not recorded in the files. While a fairly significant percentage of cases were missing data for both events, this is not a sufficient basis for concluding that reasonable efforts findings were not being made. Further investigation, by reviewing a significantly higher number of individual files across courts in the state, would be necessary in order to draw an accurate conclusion.

5. Date of Removal to Disposition of Primary Petition and Types of Dispositions (n=8,724)

Connecticut does not have an existing standard or statutory timeframe, however 180 days is used as an informal benchmark. Analysis of statewide data (n=8724), indicates that the range for removal to disposition of the primary petition was from 1 day to 1,295 days with a median of 106 days. Seventy-six percent of the cases were disposed of in less than 180 days.⁴¹

³⁶ Only those cases where the child was removed from the home were reviewed for this finding.

³⁷ In reviewing the court files, reviewers could not find documentation of a reasonable efforts finding in these cases.

³⁸ This analysis is based on cases in which there was an OTC removal date and a case closing date greater than 12 months from the date of the OTC.

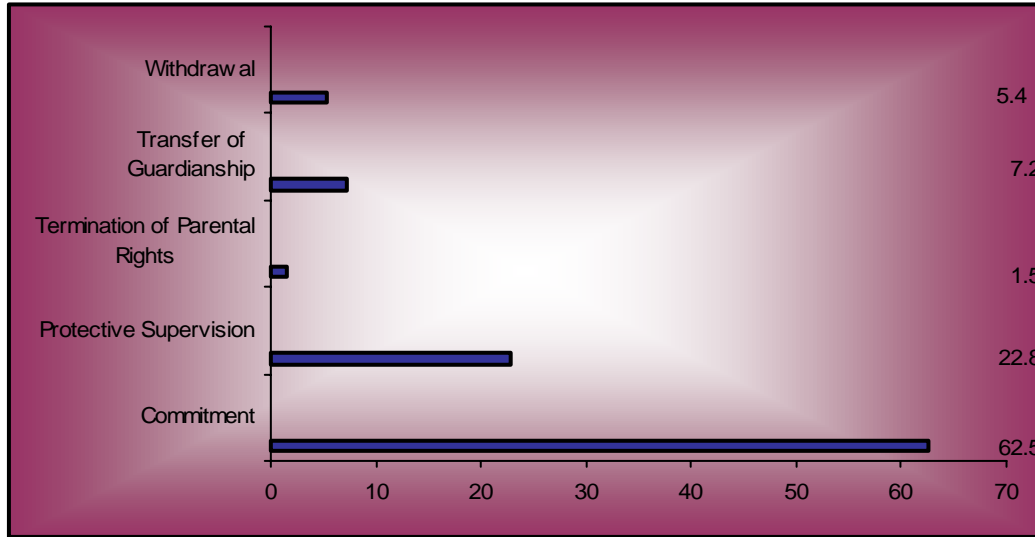
³⁹ In reviewing the court files, reviewers could not find documentation of a reasonable efforts finding in these cases.

⁴⁰ For purposes of this analysis, only the first permanency plan was used.

⁴¹ N=8,724 for years 2001, 2002, 2003, and 2004. Approximately 10% of the cases were over 266 days.

Figure 2 below presents the statewide percentages for the most frequent types of dispositions.

Figure 2 Percentages for Types of Primary Petition Dispositions



The courts in Hartford, New Haven, and Waterbury reported the highest percentages of dispositions resulting in commitment. Bridgeport, New Haven, and Waterbury reported the highest percentages of dispositions resulting in Protective Supervision.

6. Preliminary Hearing to Disposition of Primary Petition (n=8,246)

Connecticut does not have an existing standard or statutory timeframe for this activity. Data analysis indicates a median of 102 days with 77% falling below 180 days.⁴²

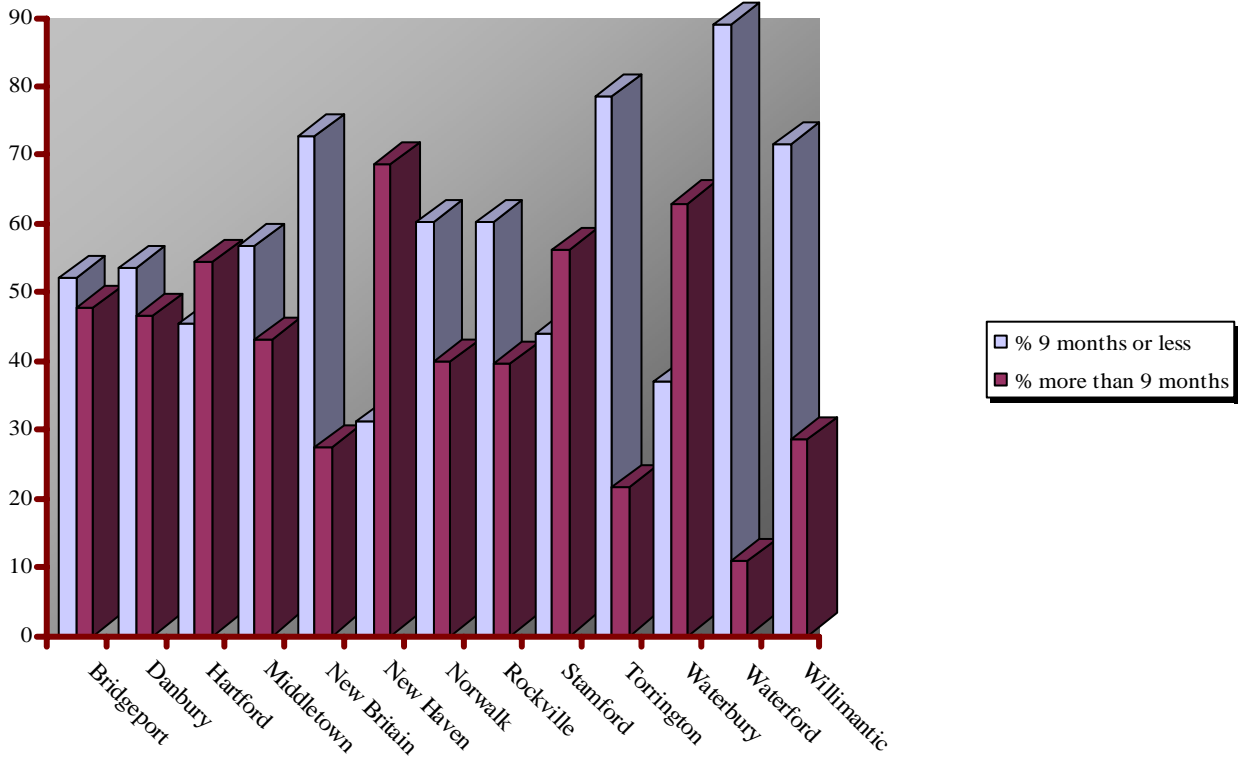
7. Removal to Filing of First Motion for Permanency Plan Review Hearing (n=5,595)

Under Connecticut law, nine months after placement of a child in DCF custody, the Department must file a motion for review of the permanency plan. Any party seeking to oppose the motion must file such opposition within 30 days and a hearing must be scheduled within 90 days of the filing of the motion.

⁴² N=8,246 for years 2001, 2002, 2003, and 2004. Range was 3-1,284 days. Approximately 105 of the cases were over 262 days.

Figure 3 below presents the percentage of cases that met the nine-month requirement, by court location.

Figure 3 Removal to Filing of MRPP: Percentages Meeting and Not Meeting Nine-Month Requirement



The median number of days from removal to the filing of the motion for the permanency plan review hearing was 273 days, which is exactly nine months. In the thirteen jurisdictions for which data was reviewed, Waterford (89%), Torrington (78.5%), New Britain (72.7%), and Willimantic (71.5%) were well-above the average; New Haven (68.7%) and Waterbury (63%) fell well below.

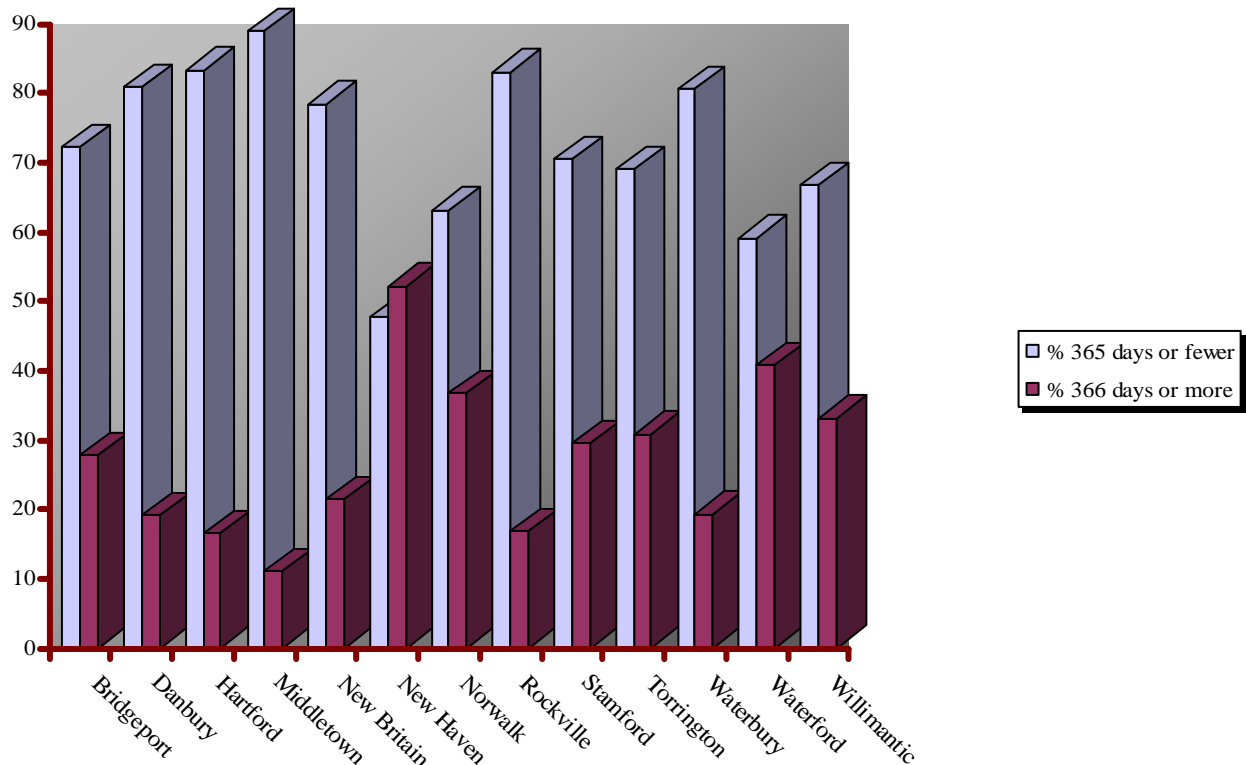
8. Removal to First Permanency Plan Review Hearing (n=4,301)

Under ASFA the committing court must conduct a permanency hearing to determine and/or periodically review the permanency plan for the child within 12 months of the original removal and not less frequently than every 12 months thereafter while the child remains in the care of DCF.

Table 8 presents the overall percentages for the state over the three-year period of time and by year. The data reflects the scheduled date for the permanency plan hearing, not the day of the 1st permanency plan hearing (if it was continued).

Table 8				
PERMANENCY PLAN REVIEW HEARING				
Statewide Data				
Time	Overall n=4,301	2001 n=1,212	2002 n=1,409	2003 n=1,680
Within one year of Removal	74 %	58.5 %	76.3 %	83.2 %
More than one year from Removal	26 %	41.5 %	23.7 %	16.8 %

Figure 4 Removal to First PP Review Hearing: Percentages Meeting and Not Meeting 12-Month Requirement



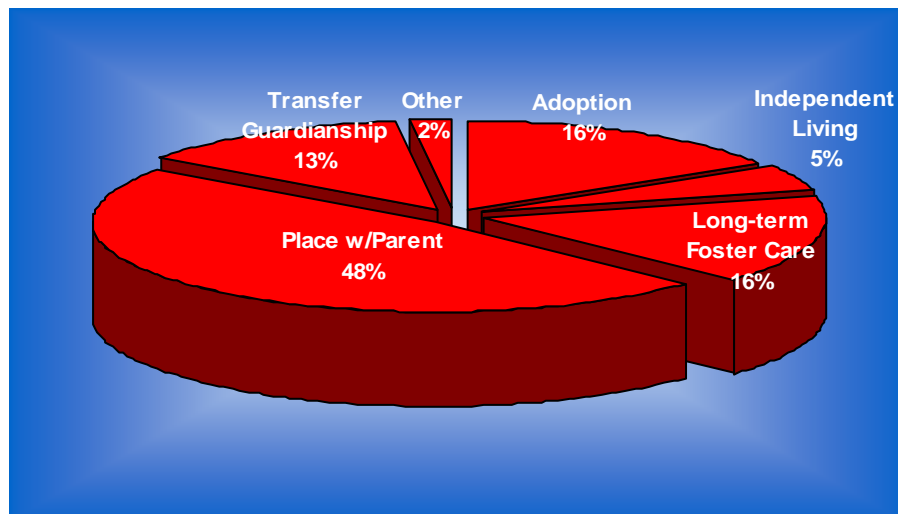
As displayed in Figure 4 above, in the thirteen courts for which data was reviewed, Middletown, Hartford, and Rockville were well above the average, with over 83% of cases having permanency planning hearings within one year, while New Haven (47.8%), Waterford (59.1%), Norwalk (63.2%), and Willimantic (66.8%) fell well below.⁴³ New Haven was the only court reporting more cases heard more than one year after removal. It is worth noting that there has been considerable and steady progress in reaching compliance with the statutes since 2001, with an increase from 58.5% to 83.5% in 2003. Data for 2004 indicates compliance at 92.6%.⁴⁴

⁴³ New Haven n=425, Waterford n=379, Norwalk n=87, and Willimantic n=368. The range for all courts was 6-1332 days.

⁴⁴ 2004 was not included since there may not have been enough time from removal to filing in analysis.

Permanency plan goals were analyzed in the file reviews. Figure 5 illustrates the percentages by category for the last goal in the plan filed.⁴⁵

Figure 5 Permanency Plan Goals (from Case File Review)



9. Contested Permanency Plans (n=1,250)

Statutory requirements state that any party seeking to oppose the permanency plan motion must file such motion within 30 days after the department’s motion for permanency plan review and a hearing must be scheduled within 90 days of the filing of the motion. Data analysis of 1250 cases indicates that 22% of the motions for permanency plans were contested. New Haven (29%), Hartford (15%), and Bridgeport (12%), reported the highest percentages for contested plans.

Of the 1250 cases with a contested permanency plan, 850 (68% of all cases) were approved, 57 (4.6%) were withdrawn, 44 (3.5%) were not approved, and 12 were dismissed (287 cases did not have a disposition).⁴⁶ The courts with the greatest number of contested permanency plans were New Haven (361), Hartford (150), and Bridgeport (150). The approval rate of contested permanency plans relative to the total number of cases heard by court was highest for New Haven at 87% (n=361) and Norwalk at 70% (n=46).⁴⁷

10. Removal to Filing of Termination of Parental Rights Petition (n=1,393)

If a child has been in foster care for 15 of the last 22 months, the agency must file a Termination of Parental Rights by the end of the 15th month, or within 60 days if a judicial finding that the

⁴⁵ Other included adoption by relative and long-term residential placement through DMR.

⁴⁶ Time from the first permanency planning hearing to approval of the permanency plan could not be calculated, because hearing dates were entered as scheduled, not as actual hearing dates.

⁴⁷ Stamford was at 100% but only had one case included in the analysis.

child is an abandoned infant has been made, or if the parent has been convicted of certain serious crimes involving the child. The exceptions for mandatory filing are: the child is placed with a relative, the agency has documented a compelling reason why it would not be in the child's best interest, or the agency has not provided necessary services.⁴⁸

Table 9 below presents the percentages of cases, both overall and by year, that did and did not meet the statutory requirement for the filing of the TPR petition. It shows that timely filing for TPR has substantially improved from less than half in 2001 to nearly three-quarters in 2003. Data for 2004 indicates compliance at 100%.⁴⁹

Table 9				
REMOVAL TO FILING OF TPR				
Statewide Data				
Time	Overall n=1,393	2001 n=476	2002 n=499	2003 n=418
456 days or fewer	59.8 %	45.2 %	47.9 %	74.9 %
More than 456 days	40.2 %	54.8 %	52.1 %	25.1 %

Table 10 below presents the number of days from removal to TPR by percentile increments. (For example, in 2003 50% of the cases had gone from removal to TPR in 383 days or less; 75% of cases had reached TPR by the 458-day marker.) This demonstrates, as does the previous table, the progressive decline in the number of days from removal to the filing of a TPR order.

Table 10			
REMOVAL TO FILING OF TPR			
Statewide Data			
Year⁵⁰	25th Percentile (in days)	50th Percentile	75th Percentile
2001 n=476	370	496	715
2002 n=499	371	470	677
2003 n=418	284.5	383	458

⁴⁸ Neither the court data nor the court file contain information that documents if there is a compelling reason, therefore data may be limited.

⁴⁹ Data for 2004 and 2005 were not included in the analysis, since not enough time had elapsed in the life of most of those cases (the cut-off for data was April of 2005) for them to reach the point of filing a TPR petition.

⁵⁰ See footnote 49.

11. Filing of TPR to Plea Hearing (n=1,395)

Connecticut PB 33a-2(b) and CGS § 17a-112(a) and 45a-715(c) requires that no more than 30 days should lapse between filing of the TPR and the Plea Hearing.

Statewide analysis of 1,395 cases indicates a median of 27 days, and 95%⁵¹ of cases were at 33.2 or fewer days.

12. TPR Plea Hearing to Case Status Conference (n=867)

There are no statutory requirements identified for this event, however it is customary for the Case Status Conference to occur within 60 days of the TPR filing.

Statewide analysis of 867 cases indicates a median of 53 days. New Haven and Rockville reported the highest percentages for cases that went beyond the 60 days. In New Haven, only 50% of the cases had CSC that occurred in less than 80 days and for that same timeframe, Rockville reported the event occurring in less than 74 days.

13. Filing of TPR to Adjudication⁵² (n=920)

Connecticut does not set out any statutory timeframes for this event.

Table 11 below presents the number of days from the filing of the TPR to adjudication of the TPR in percentile increments. (For example, in 2003, in 75% of cases, the time from TPR to adjudication was fewer than 346 days.) Data analysis indicates that for the last full year of data, 95% of the adjudications occurred in less than 337 days.

Table 11			
TPR TO ADJUDICATION			
Statewide Data N=920			
Year	50th Percentile (in days)	75th Percentile	95th Percentile
2001 n=32	116.50	209	596.45
2002 n=233	216	356	628
2003 n=347	231	346	509
2004 n=297	141	226.50	337
2005 n=11	25	30	0

The overall median number of days from TPR filing to adjudication is 191. The highest reported medians in days were in Norwalk (382), Rockville (236), and Willimantic (232).

⁵¹ Range was 6-177 days.

⁵² For purposes of this analysis, the date of the first parent adjudicated was used.

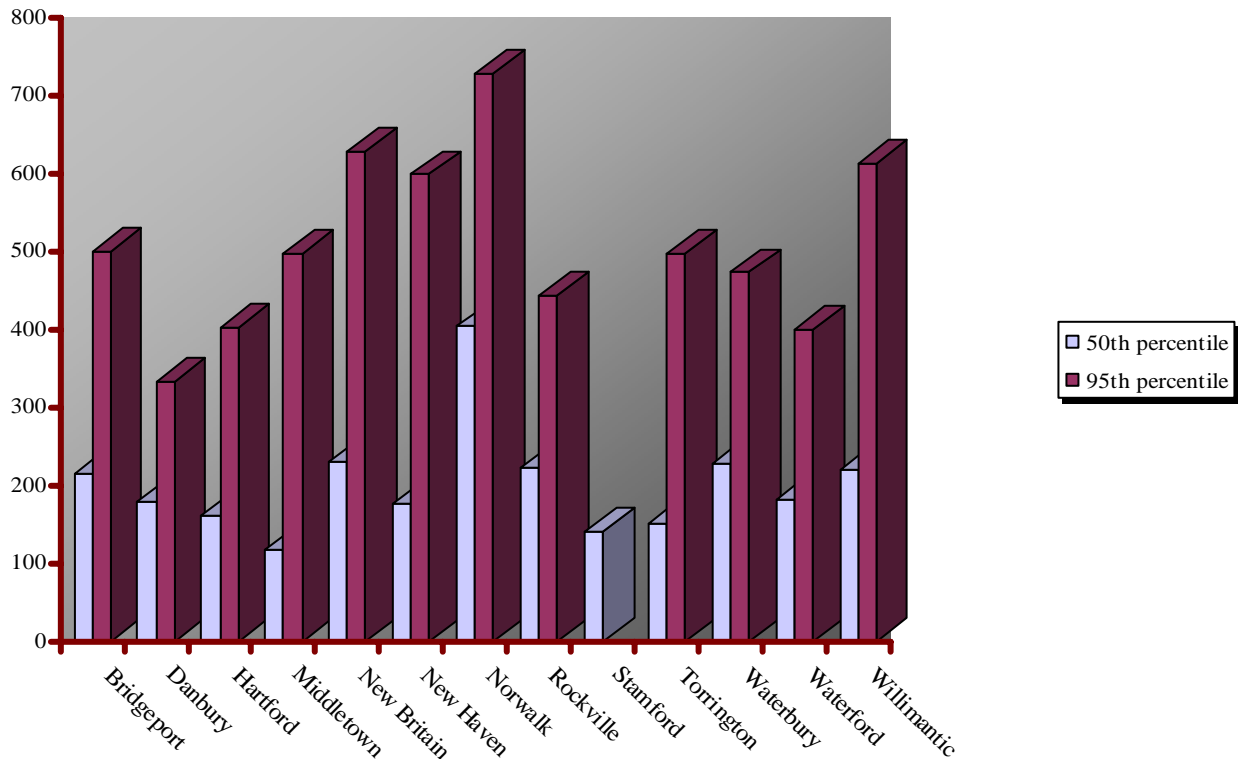
14. Filing of TPR Petition to TPR Disposition (n=1,068)

Connecticut does not have a statutory timeframe for this event. Data analysis indicated that the overall median from the filing of the TPR to the disposition was 196.50 days with a range of 0 to 796 days. Table 12, below, displays the 50th, 75th and 95th percentile by year, of the number of days from TPR filing to disposition. It illustrates, for example, that in 2002, 75% of cases went from TPR filing to disposition in less than 344 days.

Table 12			
TPR FILING TO DISPOSITION			
Statewide Data N=1,068			
Year⁵³	50th Percentile (in days)	75th Percentile	95th Percentile
2001 n=36	116.5	209	518.05
2002 n=278	214	344	628.00
2003 n=412	233	350.5	510.70
2004 n=323	146	229	331.60

Figure 6 below illustrates that most of the courts, with the exception of Norwalk, reached disposition of TPR in approximately 200 days from the filing of the TPR.

Figure 6 Filing of TPR to Disposition: Number of days in percentiles



⁵³ 2005 data was not included omitted due to small number of cases and abbreviated time frame.

15. Removal to Order Terminating Parental Rights (n=417)

Table 13 illustrates the percentages of cases from removal to an order terminating parental rights using the standard of 24 months both overall and by year.⁵⁴ Although termination of parental rights is not a true permanency outcome, it is expected that for practical purposes, permanency through adoption will follow the TPR order.

Table 13			
REMOVAL TO TPR ORDER			
Statewide Data			
Time	Overall⁵⁵ n=417	2001 n=229	2002 n=139
Within 24 months	70%	57.2%	79.9%
Over 24 months	30%	42.8%	20.1%

16. TPR Order to Finalization of Adoption (n= 410)

Table 14 below illustrates the percentages of cases that reached final adoption in more or less than 12 months.

Table 14			
TPR ORDER TO FINALIZATION OF ADOPTION			
Statewide Data			
Time	Overall n=410	2001 n=226	2002 n=136
Within 12 months	78.1%	76.5%	83.1%
Over 12 months	19.2%	23.5%	16.9%

Reasons for Delays

Services/ psychological evaluations

Abuse and neglect cases are complex and most often involve not one but multiple issues, such as domestic violence, substance abuse, mental illness, and homelessness. Often the services and resources to address these issues are inadequate and difficult to access. Respondents reported

⁵⁴ No data was available for this analysis from Danbury or Stamford. Also does not include case for which there were no TPR order dates.

⁵⁵ Data subsequent to 2002 are included in overall numbers and percentages but are not broken out due to small numbers and abbreviated time frames.

that services are less available, and thus create delays, in cases that involve non-English speaking families, children with special needs, adults with serious mental illness, and batterers and sex offenders. Other barriers are lack of transportation, waiting lists for subsidized housing, lack of therapeutic foster homes, and issues regarding how services will be paid for. Finally, in-home family preservation services were reported as seriously inadequate and this shortage leads to delays in returning children home.

Waiting for psychological evaluations and getting referrals made and services in place in a timely manner were widely noted as causes of delay in these cases. It was reported that parties will return for case status conferences to check on the progress of the evaluation and referrals. Scheduling of these conferences by CSOs for purposes of monitoring this was observed. (Muskie staff also observed a CSO schedule an evaluation directly, by placing a phone call to the psychologist's office during the conference. It is not known if this is usual practice.)

Evaluations ordered later in a case, after the petition for termination of parental rights is filed, were reported as causing delays in permanency. Respondents reported that these evaluations can be used by DCF to "go fishing" for more damaging information about parents, in order to encourage them to relinquish their rights rather than proceed to trial on the termination. Other reports said that the waiting period for these can be up to three or four months, and that parents' attorneys can contribute to the delay by not reading the reports in a timely fashion. This holds up the releasing of the evaluation to service providers, which in turns delays the start-up of services.

Status Reports

It was widely reported that DCF submission of status reports on the day of the hearing was a serious problem.⁵⁶ Examples offered by respondents included the following: late submission of a status report at a hearing on a Motion to Maintain Commitment can have the effect of delaying the case, since information in the report may lead the parents' attorney to move to revoke commitment, which draws the case out; submitting status reports on the day of the hearing means that attorneys have not had time to review the contents and to consult with their clients. When coupled with an inadequate number of attorneys, high caseloads, inadequate compensation, and in some cases substandard advocacy on behalf of parents and children, the consequences of this for children and families could be quite serious.

Permanency Plans

In one court location, it was estimated that only a small minority (20%) of plans are filed at the 90-day mark (that is, 90 days prior to the date of the Permanency Planning hearing), the majority are there at the 60-day prior point, and a small number are submitted on the day of the hearing. In another court it was reported that if the Motion to Maintain Commitment (MMC) paperwork, which usually accompanies the permanency plan, is not received 30 days in advance of the hearing, the court continues the case.⁵⁷

⁵⁶ There is no statutory mandate regarding when these reports must be submitted in terms of number of days; the only requirement is that they be submitted before the scheduled hearing.

⁵⁷ As of October 1, 2006, the statute was amended (Public Act 06-102). As a result, DCF is no longer required to file a separate Motion to Maintain a Commitment.

Contested Hearings

Scheduling contested hearings and trials is difficult due to the limited number of available attorneys. Because of high caseloads, and attorneys who practice in more than one court, these hearings are scheduled up to four months ahead.

One of the courts does all contested hearings and does not send them to Child Protection Session. While this does lessen the waiting time, it also creates more work for the AAGs in that court, who may face challenges dividing their time between the contested hearings and trials, which tend to demand intensive preparation, and other cases.

Termination of Parental Rights

Scheduling trials without back-up cases means that in the majority of instances, when cases settle just before trial, valuable trial time is lost. This delays all other cases that are awaiting trial.

Many stakeholders understand that parents will not relinquish their parental rights easily. It takes time for them to accept the reality of their situations, and to understand that their chances of prevailing at trial are not good. There is a general acceptance of the necessity of scheduling cases for trial and knowing that 80% or more of the cases will not proceed. The question then becomes whether knowing this is going to happen provides an opportunity for scheduling multiple cases for the same day, to avoid further delays in permanency for cases awaiting trial.

As discussed above, psychological evaluations ordered prior to a TPR trial cause additional delays. (See section above on “Psychological Evaluation and Services.”)

Some respondents complained about the length of time the court takes to issue a written decision—even in default cases, the court may wait the full 120 days. In the case of an appeal of a decision to terminate, it was reported to sometimes take up to 2-3 years for the appeal to be resolved, resulting in a dramatic increase in the overall time to permanency.

Permanency

One location’s attorneys reported that long term foster care and transfer of guardianship (TOG) were rare permanency outcomes and that DCF did not consider TOG to be permanency. They stated that DCF would more often go ahead with termination, even in cases where all family members were in agreement on a guardianship. It was reported that cases involving drug-dependent parents, in the absence of other serious issues, take more time to permanency. In-home services were reported to be seriously insufficient to meet the need, resulting in delays in children being returned to their homes.

Other reasons for delay

The following additional reasons were cited as causing delay:

- ❖ DCF caseworker attending a case management conference who does not know the case and does not have the authority to make decisions regarding the case
- ❖ Competency issues for parents who must undergo competency examinations
- ❖ Scheduling expert witnesses for trials
- ❖ Underestimating the time a contested trial will take

Stakeholder Recommendations

- Require status reports to be submitted in advance of the hearings.
- Make better use of trial management orders/schedules as a tool to more accurately determine the time needed for trial and to encourage agreement prior to trial; impose sanctions when counsel does not provide information for order
- Exercise more judicial discretion in the ordering of psychological evaluations at the TPR stage
- Schedule trials without consulting with all attorneys about other hearings—neglect trials should take precedence over other matters.
- Change “neglect/uncared for” language, since it does not apply to situations involving children with special needs. Have checkbox that reads “adjudicated by agreement.” This would result in more agreements, thus reducing contested hearings.
- Schedule trials without consulting with all attorneys about other hearings—neglect trials should take precedence over other matters.

Recommendations on Timeliness

Recommendation 7

Establish a schedule of regular meetings with DCF administrators to discuss issues such as the availability of services and the timely submission of reports.⁵⁸

Recommendation 8

Work with the OCCPA to ensure an adequate number of qualified attorneys to represent parents and children and to move cases to permanency within the AFSA guideline of 24 months from removal to permanency.

Recommendation 9

Explore ways to coordinate the scheduling of matters in different courts (i.e., assign contract attorneys to specific courts for specific days of the week) that will improve the availability of attorneys for hearings and contested matters.

Recommendation 10

Require trial management schedules and orders to be issued in all TPR cases and impose sanctions when attorneys and AAGs fail to submit the required information for the order by the date required.

⁵⁸ There are currently DCF liaisons at a number of the Courts for Juvenile Matters who are addressing the issue of late reports.

Recommendation 11

Consider a trailing docket for TPR trials.

Recommendation 12

Allow parties to submit paper agreements to the court on non-substantive issues, thus eliminating the need for court hearings and freeing up attorney and court time.

Chapter 4: Representation of Parties

Note: *Effective July 2006, an Office of Chief Child Protection Attorney was established by the Connecticut General Assembly. CGS § 46B 123(C)(E.) The legislation created a separate agency to deal with attorney appointments in child protection cases and to respond to client complaints. The purpose of the legislation is to ensure quality representation for children and parents primarily in child protection cases. The legislation also created an Advisory Commission and raised the contract price for one child/one case from \$350 to \$500 for the first 30 hours and added \$150 per additional child up to 5. It included a provision that no longer requires attorneys to request pre-approval when they have exceeded 30 hours. (Before this change, attorneys had to obtain pre-approval in 10-hour increments.)*

Juvenile Courts now submit requests for attorney appointments directly to this office; the CCPA contracts directly with attorneys to provide services, ensures that there are no conflicts, and makes the assignments. The Office has established mandatory training standards for new and established attorneys (new attorneys must attend three days of training at the Center for Child Advocacy at the University of Connecticut; all attorneys must attend four training sessions per year at the Center) and as of July 2006 had developed draft practice standard which were adopted in November of 2006. A process is being developed for the evaluation of individual attorneys by judges, clerks, CSOs, other attorneys, and clients. The Office hopes to procure funding for regional attorneys to act as liaisons with her office, and as mentors and advisors to other attorneys in their regions.

This is a significant change for the state of Connecticut and is evidence of the pressing nature of the problems described below. The interviews and focus groups on which the following is based were conducted in July and August of 2006. Court observations occurred between October of 2005 and March of 2006. While it is expected that many of these problems will improve over time as a result of changes being made by the CCPA Office and may already have shown signs of improvement, it remains important that the issues be described fully and as they were presented at the time information was gathered for this assessment.

Attorneys for Parents and Children

It was universally acknowledged by respondents that attorneys representing parents and children were seriously underpaid, their caseloads were too large, and there were too few of them. There was broad agreement that some or most attorneys for parents met with their clients only at the courthouse, just prior to hearings, and that attorneys for children did not meet with their clients regularly. American Bar Association standards for representing parents in these proceedings recommend that prior to each factual hearing at the critical stages of the proceedings, attorneys for parents do the following, among other things:

- Discuss the matter with the client sufficiently in advance to have time to investigate and prepare the case;
- Conduct a thorough, independent investigation.⁵⁹

An American Bar Association guide to permanency for adolescents recommends that professionals who advocate for children in child protection proceedings do the following: “consistently notify [them] of substantive court hearings”; “make a point to have them available at court”; “involve [them] in court hearings”; and “ensure that he or she is fully heard.”⁶⁰ Based on respondents’ reports and court observation, it is more often than not the case that attorneys representing parents and children in the study courts are not doing what the ABA recommends. One respondent referred to the attorneys’ lack of preparation as “drive-by representation.”

It was reported that some children’s attorneys ask DCF the day before or the day of the hearing about what is happening with the child. They may be unaware of changes in the child’s placement and particularly with older children, are not aware of their needs and wishes. For their part, attorneys reported that they were given incomplete information regarding parents’ addresses and did not receive phone numbers from the court.

It may not be in the child’s best interest to agree with DCF. Basically [the children’s attorneys] are acting like a rubber stamp.
-DCF workers

Attorneys also reported that DCF did not notify them when a child had been moved, was having problems in school, had run away, or when the social worker on the case had changed.

One respondent group estimated that 50% of children’s attorneys had not seen their clients in a year; respondents in another court reported that children are seen about five times a year, and also receive phone calls from their attorneys. Respondents at two of the three courts stated that judges will ask attorneys whether or not they have seen children prior to the hearing.

[Parents’ attorneys] don’t take the time to talk to parents.

-AAGs

[Attorneys] wait until they get [to court] to do their work.

-CSOs

The quality of the representation equals the quality of the clients’ effort.

-Attorneys

Respondents reported a small number of attorneys who were chronically late, absent, and unprepared. Some respondents saw significant disparity between the best and the worst attorneys, others felt that some or most of their attorneys were very good, and still others said only a small portion of the attorneys really advocated on behalf of their clients and that the rest were mediocre.⁶¹

The fact that there are not enough attorneys to assign to

⁵⁹ Rauber, D.B., L. Granik, and M.R. Laver. *Representing Parents in Child Welfare Cases: A Basic Introduction for Attorneys*. Washington, DC: American Bar Association, 2000, 5.

⁶⁰ American Bar Association. *Achieving Permanency for Adolescents in Foster Care: A Guide for Legal Professionals*. Washington, DC: American Bar Association, 2006, 51.

⁶¹ Following are some examples of comments on the quality of contract attorneys: 4 out of 12 are “really good,” one is “notorious”; for the most part [they] are excellent, and 4-5 are usually tardy; 50% are competent, 2 go to bat for clients, the rest are mediocre or marginal; 25% are very good, 25% are terrible; there are 6 good ones; 30% are first rate, 20% are mediocre; there is a “big disparity” in quality; less than 25% are active; one has been removed, another is about to be, the rest are “very good.”

cases in individual courts has led judges, by their own admission, to tolerate substandard performance and to withhold sanctions from these attorneys for fear they would discontinue practicing. In fact, these attorneys might well be sanctioned and not allowed to practice in other types of cases in other courts were they to fail to appear at hearings or be chronically late. It was also reported that attorneys who do not tell their clients about hearings receive no sanctions or other consequences for failing to do so. Judges reported that they will go forward with hearings without the parent if they do not see any possible adverse impact on the parent from doing so.

Assistant Attorneys General

Generally, the AAGs were considered to be very good. They were reported to be knowledgeable and to have had many years of experience with child protection cases. Unlike contract attorneys, it was reported that AAGs receive mandatory training, are part of a larger organization and system of support, and receive reasonable compensation.⁶²

The few complaints reported were directed at those AAGs who do not represent the position of DCF and who do not work well with other attorneys because they tend to take strongly adversarial stances that reduce the chances for agreement and cooperation.

AAGs were observed in a number of the OTC case management conferences to be learning about a case for the first time and to be formulating specific steps during the conference itself. According to the CSOs, it is their expectation that this will be done ahead of time, so the conference time can be used to discuss the issues, negotiate, and reach agreements where possible. The AAGs were observed to be present and on time for all conferences and hearings.

The AAGs in one location stated that they are unable to focus on cases that may need more attention and a different direction because of high caseloads. They said they could definitely use more AAGs in their location.

I never imposed fines [because of attorney absence]. We needed them all and I didn't want to discourage them from practicing in our court.
-Judge

Presence of Attorneys at Hearings

It is not unusual for attorneys representing parents and children to be absent from hearings, for a substitute to appear for the appointed attorney, or for attorneys to submit letters stating their clients' position in lieu of attending the hearing. This was universally acknowledged by respondents and was noted during court observation. According to court observation data, children's attorneys were present at 78% of the observed hearings, mothers' attorneys at 58%, and fathers' attorneys at 49%. This practice was generally accepted by judges, given the insufficient number of attorneys on the panels. Attorneys for the mother and/or the child failed to appear at 60% of the hearings observed. In some of the cases, letters were sent outlining the client's position on the issue(s) being considered; in others substitute counsel appeared.⁶³

⁶² Because of the recently established Office of Chief Child Protection Attorney, this statement is no longer accurate, though it was at the time respondents were interviewed.

⁶³ Based on notes taken at the 111 observed hearings, 14 attorneys failed to appear and sent no letter or substitute; nine failed to appear but sent a letter; and in two instances there was substitute counsel.

The issue of attorneys’ absences from hearings and delayed hearings can not be separated from the issue of too few attorneys on the panels, which in turn can not be separated from the issue of low pay for attorneys. Some of the attorneys did not want to see more attorneys assigned to their panels. Some admitted to having to choose to put time into cases in which the parents were “good clients,” and doing minimal work on other cases in which parents were not making more of an effort. Respondent attorneys did not seem to regret the necessity of making such choices and setting priorities in this way. Some displayed condescending and even unprofessional attitudes toward the parents they represented during the interview process. There was a pervasive attitude of acceptance and in some cases resignation to this limitation relating to the scarcity of attorneys and attorney time, on the part of the both attorneys and judges.

Private attorneys

A number of respondents discussed problems presented by privately hired attorneys who represent parents in child protection cases. These attorneys are often not knowledgeable about the issues of child abuse and neglect cases. In particular, they do not understand the importance of parents working with DCF, beginning services early in the case, and the critical nature and consequences to parents of the timelines imposed by federal and state law. They may advise the parents not to cooperate with DCF and may bring procedural motions that result in additional delay. In the end, their advocacy may actually harm the parents’ prospects for getting their children back, and may harm the child by delaying permanency. One group of respondents estimated that not more than 25% of child protection cases, and probably less than that, had private counsel.

Role of Attorneys/DCF/Parents/Court

Interviews and focus groups revealed a lack of clarity regarding the roles and responsibilities of the attorney, the parents, and DCF with regard to the following: communicating prior to hearings; communicating changes in contact information; communicating information regarding changes in the child’s placement.

*Parents are in the dark—
especially if they are
Spanish-speaking.
-DCF staff*

DCF respondents reported that parents ask them about whether they should apply for an attorney and how they can find or contact their attorney once they have one. They said they spend a significant amount of time explaining what is going on in the legal case, and explaining the meaning of legal terms. They stated that parents do not seem to understand what their attorneys are supposed to do for them. DCF hear from parents that their attorneys do not contact them, and that the only time they see their attorney is in court. In one court, it was reported that parents will ask questions of the clerk’s office, particularly at the beginning of the case, and they will ask the clerk to help them contact their attorney when they are unable to get a response when they have left messages for their attorney.

Stakeholder Recommendations

Respondents were in broad and emphatic agreement that compensation for contract attorneys should be substantially increased, that more attorneys were needed, and that more support in the form of training and mentorship should be provided to attorneys. Some respondents

recommended that the court impose fines on attorneys for failing to appear and/or failing to notify parents about hearings.

Recommendations on Representation

Recommendation 13

Support the implementation of standards of practice for attorneys representing parents and children, including guidelines for how often children in specific age groups should be seen by their attorneys.

Recommendation 14

Implement guidelines for the court regarding sanctions to be imposed on attorneys who fail to appear or fail to notify clients of the hearing date and time; include a provision that does not allow an attorney to send a letter to the court in lieu of appearing at a hearing.

Recommendation 15

Encourage efforts by the OCCPA to implement a system to screen new attorneys and to use a combination of ongoing supervision, observation, and evaluation of performance to insure that attorneys who may be poorly suited for practicing in these cases are either not hired as contract attorneys or are not allowed to continue doing the work.⁶⁴

Recommendation 16

Encourage the OCCPA to make guidelines and materials available to private attorneys to assist them in advocating appropriately for their clients in child protection cases. Web-based materials with some announcements in state bar journals or other forums likely to reach private attorneys should be considered. Inviting private attorneys to participate in training opportunities and making materials that are available to contract attorneys also available to private attorneys, both for a fee, should also be considered.

⁶⁴ These are all strategies that have been proposed and are beginning to be implemented by the Office of the Chief Child Protection Attorney. This particular recommendation recognizes that certain attorneys may not be well suited for the challenges presented by clients with mental illness, substance abuse, cognitive limitations, and other related issues.

Chapter 5: DCF Issues and Relationship with the Court

Because the concerns and the perspective of Connecticut’s child welfare agency may not fit well into the structure of a report on the court’s performance in child protection cases, it is hoped that this chapter will give voice to issues that deal primarily with the agency that are nonetheless critical and important. It is true that judicial administration may have limited ability to address some of these issues, such as the deficits in the systems that provide services to distressed families. Still, it seems worthwhile to provide additional detail on these topics in the hope that it may inform collaborative discussions to improve how systems—the court, DCF, services providers, etc.—respond and work together to keep children safe.

Much of what is reported here, with the exception of the first section on DCF Issues which came from respondents generally, has been drawn from focus groups conducted with DCF staff at the three study sites.

DCF Issues

There was broad agreement, including in some instances from DCF workers themselves, regarding the following issues relating to DCF’s involvement in child protection cases:

- DCF is not getting services in place in a timely fashion.
- Children who are not adoptable whose parents’ rights have been terminated end up in group homes and residential care with no connection to their families.
- DCF is not consistent in its termination decisions and services, since individual supervisors are making the decisions.
- Workers are overloaded (in some instances because they are personally providing transportation for parents to the court, to services, and to visit their children); this leads to last minute filings of OTCs in which the agency has invoked a 96-hour administrative hold, and in late status reports, overdue permanency plans, and delayed filing of TPR petitions.
- Status reports are frequently filed the same day as the hearing.
- Status reports are one-sided, presenting only information that supports DCF allegations.
- Overdue permanency plans create further delays in cases where the AAG does not agree and must send it back to DCF.
- DCF workers do not inform children’s attorneys about changes in the child’s placement or educational issues

Even an AAG, who is charged with representing DCF in these proceedings, can be at a serious disadvantage when finding out for the first time (while reading the status report that DCF submitted at the hearing) that DCF is requesting six more months of protective supervision. These issues should be of concern to the court, because they may delay the time to permanency

and/or adversely impact the direction of a case that is being steered to termination when that may not be the appropriate outcome.

Some of the above issues impact directly on court resources. For example, in a case for which DCF has not set up services, a judge may bring the case in every two weeks until services are underway. An overdue Motion to Maintain Commitment may result in the rescheduling of the permanency planning hearing beyond the mandatory time line. A status report submitted on the day of hearing may lead to a continuance, since parents' counsel will not have had the opportunity to discuss its contents with their clients.

DCF Relationship with the Court

For their part, DCF workers and supervisors cited staff shortages as a reason for not setting up services and for the late filing of OTCs. The fact that certain regions of the state have greater needs for particular services and fewer resources to provide those services means longer waiting periods. DCF staff would like the court and attorneys to understand that even when services are court-ordered that does not mean that the person will receive the service immediately.

Just because someone is court ordered [for services] doesn't mean that it will happen. -DCF

receive the cases are them to

Another issue raised by DCF respondents was the fact that begin as delinquency or families with service needs cases becoming neglect and abuse cases. They say that this overburdens their resources and makes it more difficult for focus on and provide resources for neglected and abused children. This was described as a growing trend in one location, and one that sometimes requires dangerous kids to take up placements needed for other children in care.

DCF Treatment by the Court

The DCF response to late status reports is that the reports would not be read ahead of time, even if DCF provided them prior to the hearing. If they were confident that the court and attorneys would read them ahead of time, then they would make them available.

DCF staff reported that they are held to a higher standard than the attorneys. For example, if an attorney is not present at a hearing there are no consequences, while if a DCF worker does not appear the worker will be fined by the court. Also, a worker is not given an opportunity to say that a proposed hearing date presents a conflict, while all attorneys are asked if the date is convenient for them.

Some DCF staff expressed that they did not feel respected by judges, attorneys, court services officers, or court staff. A few expressed frustration that they were not able to address the court directly, since they knew much more about their cases than the AAG did.

DCF Representation

Some DCF staff felt that the AAGs were not actively gathering evidence and pursuing cases on behalf of the department. Some AAGs were criticized as caring more about winning and/or about maintaining their relationships with attorneys and the court than about fighting for what is in the best interest of the child.

DCF as Advocates for Parents and Children

More often than they expressed complaints about their treatment, however, DCF staff expressed their great frustration about the treatment of parents and children by the court and by attorneys representing parents and children. As mentioned elsewhere in this report, they complained about attorneys and judges not explaining the nature and consequences of the proceeding and of particular hearings to their clients, not meeting with clients except at the court prior to hearing, and not visiting children; judges not allowing parents to address the court directly, and not encouraging children of appropriate age to attend and participate in court hearings. There was general frustration that the hearings become about the parents and the child and the child's best interest are no longer the focus of the proceedings. Another complaint was the unprofessional communication that occurs at case conferences (at which parents are generally not in attendance). DCF staff expressed a desire to return to more professional demeanor and communication during the conferences.

DCF Staff Recommendations

The following suggestions were made by DCF staff to address some of the issues identified above:

- Improve communication between the court and DCF regarding new forms, availability of services, and other issues as necessary.
- Consider instituting (and in some instance reinstating) regular regional collaborative meetings involving the court, DCF, and contract attorneys.
- Reduce the number of pages DCF must complete when filing for an OTC.
- Designate a court liaison to DCF.

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Appendices

APPENDIX A-1 Case File Review Variables

Connecticut CIP Reassessment: Case File Review Variables

General

- DOB
- Race/Ethnicity
- DCF allegations medical neglect/physical neglect/mental illness/educational neglect/environmental neglect/physical abuse/sexual abuse/emotional abuse/homelessness/special needs unmet/domestic violence/alcohol abuse/drug abuse/other
- Comment box Notes allegations
- Prior DCF involvement Yes/No
- Comment box Notes prior involvement

Preliminary/OTC

OTC order

RE findings made/not possible/not made/missing
Specific steps tailored to family Yes/No
Preliminary hearing date set Yes/No
Hearing on petition date set Yes/No

Preliminary hearing

Preliminary hearing date
Continuances
Comment box Issues/problems w/ service parents/guardians
Comment box Issues/problems w/ attorney appointments
Specific steps modified Yes/No

Adjudication/Disposition

- Adjudication hearing date
- Continuance, reasons for
- RE findings made/not possible/not made/missing
- Specific steps modified Yes/No
- Disposition Commitment/Protective supervision/Custody or Guardianship
- Child's placement Parents/foster care/relative guardian/non-relative guardian/residential/other (specify)
- Permanency plan review date set Yes/No
- TPR petition date set Yes/No
- Comment box disposition

Permanency Plan

- PP hearing date
- Continuance, reasons for
- RE to achieve PP made/not made
- Plan approved Yes/No
- Goals approved: place with parent/ guardian (with PS); place with parent/ guardian (no PS); transfer of guardianship; long term foster care (certified relative); long-term foster care (licensed foster parent); long-term foster care (other); adoption; independent living; other
- Review hearing date set
- Comment box for PP
- Comment box for in-court review

Termination of Parental Rights

- TPR petition date
- Comment box Issues/problems w/ attorney appointments
- TPR hearing date
- Continuance, reasons for
- TPR order date
- RE findings included in order Yes/No
- Statutory parent DCF/ guardian
- Review hearing date set Yes/No

Case closing

- Date case closed
- Reason case closed Petition withdrawn; Petition dismissed; parent complied child returned; protective supervision terminated; transfer of guardianship; child aged out; adoption; other
- Child's status at close: placed with parent/ guardian; long term foster care (certified relative); long-term foster care (licensed foster parent); long-term foster care (other); adoption; independent living; other
- Comment box case closure

APPENDIX A-2

COURT: _____ **DATE:** _____ **JUDGE:** _____ **SCHEDULED AS:** ____ (Hearing type)
CASE NAME: _____ **START TIME:** _____ **END TIME:** ____ (Petition type)
SCHEDULED TIME: _____ **COURT SERVICES OFFICER NAME (IF CMC OR CSC):** _____

TYPE OF PETITION (check one)	TYPE OF HEARING (check one)							
	CMC	CSC	HEARING	PLEA	ADJUD.	DISPO	TRIAL	OTHER/COMMENT
<input type="checkbox"/> OTC Preliminary								
<input type="checkbox"/> OTC								
<input type="checkbox"/> Neglect/Uncared for								
<input type="checkbox"/> Motion for Review of Perm. Plan								
<input type="checkbox"/> In-court Judicial Review								
<input type="checkbox"/> Motion (specify) _____								
<input type="checkbox"/> TPR								
<input type="checkbox"/> Other (specify)								

PERSONS ATTENDING HEARING (Check all that apply)	
<input type="checkbox"/> Assistant Attorney General	<input type="checkbox"/> Mother (biological)
<input type="checkbox"/> Child's attorney#	<input type="checkbox"/> Mother: ____step-mother ____adoptive
<input type="checkbox"/> Father's attorney#	<input type="checkbox"/> Father (specify)*
<input type="checkbox"/> Father's attorney#	<input type="checkbox"/> Father (specify)*
<input type="checkbox"/> Mother's attorney#	<input type="checkbox"/> Legal Guardian
<input type="checkbox"/> Court Appointed Special Advocate (CASA/GAL)#	<input type="checkbox"/> Foster Parent(s)
<input type="checkbox"/> Atty. Guardian ad Litem#: ____mother ____father ____child(ren)	<input type="checkbox"/> Child
<input type="checkbox"/> Other out-of-home care provider	<input type="checkbox"/> Siblings
<input type="checkbox"/> Licensing worker	<input type="checkbox"/> Grandparent(s)____maternal ____paternal (specify)**
<input type="checkbox"/> Law enforcement	<input type="checkbox"/> Other adult relatives
<input type="checkbox"/> Interpreters	<input type="checkbox"/> Pre-adoptive parent(s)
<input type="checkbox"/> CSO	<input type="checkbox"/> DCF Social Worker
<input type="checkbox"/> Other (specify)	<input type="checkbox"/> DCF Supervisor/DCF Liaison
<input type="checkbox"/> Other (specify)	<input type="checkbox"/> Other (specify)
#Note: If Substitute Counsel: Choose from the following: putative, legal, biological, step-father, adoptive, adjudicated, alleged #If FTA, was letter sent? ____ Counsel excused? ____* **Choose grandmother, grandfather	
Continuance: ____ requested ____ granted Reason:	
Comments	

POSITION OF EACH OF THE PARTIES (i.e., outcome sought)
DCF
Mother
Father 1
Father 2
Child
Other (specify)

JUDGE'S ACTIONS (check all that apply)	
<input type="checkbox"/> Explained hearing purpose	<input type="checkbox"/> Inquired as to status of the child
<input type="checkbox"/> Advised parties of rights	<input type="checkbox"/> Asked counsel if s/he visited the child
<input type="checkbox"/> Made findings of service of process	<input type="checkbox"/> Set subsequent dates
<input type="checkbox"/> Defaulted party (specify)	<input type="checkbox"/> Motion due dates
<input type="checkbox"/> Advised counsel/reduce oral motion to writing	<input type="checkbox"/> PP filing dates
<input type="checkbox"/> Explained consequences	<input type="checkbox"/> PP hearing dates
<input type="checkbox"/> Allowed parties to speak or ask questions	<input type="checkbox"/> In Court Judicial Review date
<input type="checkbox"/> Provided counsel with adequate time	<input type="checkbox"/> Status Report due date (for TPR cases)
<input type="checkbox"/> Clarified specific steps	<input type="checkbox"/> Case Status Conference
<input type="checkbox"/> Made CW or RE findings	<input type="checkbox"/> Contested Hearing
<input type="checkbox"/> Rules on OTC ___sustained ___vacated	<input type="checkbox"/> Trial
<input type="checkbox"/> Made findings of fact (adjudication)	<input type="checkbox"/> TPR petition filing date
<input type="checkbox"/> Entered disposition	<input type="checkbox"/> Other:
Comments:	

COUNSELS' ACTIONS	AAG	Child	mother	Father 1	Father 2	GAL child	GAL parent	Other
Appeared prepared	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Presented clients' position								
Presented evidence ___ Testimony ___ Exhibits ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Examined/Cross-examined witnesses:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:								

TOPICS RAISED OR CONSIDERED (check all that apply)	
<input type="checkbox"/> Timeliness of documents (specify)	<input type="checkbox"/> Batters Intervention
<input type="checkbox"/> Possibility of harm to child	<input type="checkbox"/> Substance Abuse
<input type="checkbox"/> Status/lack of service (specify)	<input type="checkbox"/> Housing
<input type="checkbox"/> DCF Social Study	<input type="checkbox"/> Employment
<input type="checkbox"/> Report of CIP/CASA	<input type="checkbox"/> Parenting
<input type="checkbox"/> Report of GAL	<input type="checkbox"/> Psychological/Psychiatric
<input type="checkbox"/> Report of the Clerk(procedural matter)	<input type="checkbox"/> Transportation
<input type="checkbox"/> Report of the CSO(case management)	<input type="checkbox"/> Education
<input type="checkbox"/> Outcome of CMC or CSC	<input type="checkbox"/> Other (specify)
<input type="checkbox"/> Reasonable Efforts determination	
<input type="checkbox"/> Abuse/neglect determination	<input type="checkbox"/> Court Ordered Evaluation (mother/father)
<input type="checkbox"/> Temporary Custody	<input type="checkbox"/> Substance abuse assessment
<input type="checkbox"/> Child's placement	<input type="checkbox"/> Competency evaluation
<input type="checkbox"/> Alternatives to out-of-home placement	<input type="checkbox"/> Psychological evaluation
<input type="checkbox"/> Placement with relative	<input type="checkbox"/> Psychiatric evaluation
<input type="checkbox"/> Other help from relative	<input type="checkbox"/> Paternity testing
<input type="checkbox"/> Placement with parents ___ mother ___ father	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Non-relative foster care placement	<input type="checkbox"/> Custody
<input type="checkbox"/> Other:	<input type="checkbox"/> Visitation
<input type="checkbox"/> Needs/Services for child	<input type="checkbox"/> Permanency plan
<input type="checkbox"/> Psychological/Psychiatric	<input type="checkbox"/> Adoption
<input type="checkbox"/> Educational	<input type="checkbox"/> Paternity
<input type="checkbox"/> Medical	<input type="checkbox"/> Concurrent Planning
<input type="checkbox"/> Other:	<input type="checkbox"/> Open adoption
<input type="checkbox"/> Court Ordered Evaluation (child)	<input type="checkbox"/> Referral to Mediation
<input type="checkbox"/> Competency evaluation	<input type="checkbox"/> Sibling placement
<input type="checkbox"/> Psychological evaluation	<input type="checkbox"/> Sibling visitation
<input type="checkbox"/> Psychiatric evaluation	<input type="checkbox"/> Interstate Compact Study Requests 45
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
<input type="checkbox"/> Needs/Services for parents	
<input type="checkbox"/> Domestic violence	

OUTCOME/DISPOSITION

- Continuance: Who requested and why?*
- Continuance: ___ Granted ___ Denied ___ Stipulated °New date:
- Pleas entered ___ PF denials ___ Denial ___ Admit ___ Nolo Contendere ___ Stand silent
- Order of Temporary Custody ___ Sustained ___ Vacated
- Default Entered ___ Mother ___ Father
- Commitment ordered
- Protective Supervision ___ ordered ___ terminated
- Revocation and Transfer of Guardianship ordered
- Revocation and Return home ordered: ___ with Protective Supervision ___ without Protective Supervision
- Maintain commitment
- Placement change
- TPR ordered
- Statutory Parent Appointed
- Decision Reserved
- Specific Steps: ___ Ordered ___ Modified ___ Continued ___ Discontinued
- Services for child: ___ Ordered ___ Modified ___ Continued ___ Discontinued
- Motion: ___ Granted ___ Marked off ___ Denied (specify if denied)
- Court-ordered Evaluation: ___ Child ___ Mother/Father ___ Parent/Child ___ Other (specify)
- Reasonable Efforts Findings: ___ to prevent removal ___ to reunify the family ___ to prevent/effectuate a permanency plan ___ further efforts appropriate/not appropriate
- Permanency Plan approved: ___ Return home ___ Adoption ___ Long-term living arrangement ___ Guardianship ___ Other (specify other)
- Result different from DCF recommendation (specify)
- Other result (specify)

Comments: * Use comments section for additional space

APPENDIX A-3

Connecticut CIP Reassessment: Focus group guide for court services officers (CSOs), contract attorneys, prosecutors, and staff of the Department of Children and Families (DCF)

Treatment of Parties

- Do parents generally know what is going on their abuse and neglect cases?
- Do judges explain the purposes of hearings to parents?
- Do they explain the consequences of parents’ actions or failures to act?
- Do judges speak in a way that parents can understand?
- How do judges treat parties?
- Are parents and children where appropriate given the opportunity to address the court or to ask questions?

Quality of representation

- Are attorneys prepared? Do they communicate with clients prior to hearings?
- Do children’s attorneys know what is going on with their clients? Do they actively advocate for them?
- Are there any issues with private attorneys representing parents in abuse and neglect cases?
- Is tardiness or failure to appear an issue?
- Is it a problem when an attorney does not appear, submits a letter in lieu of appearing, or sends a substitute?
- Are attorneys appointed just before a hearing? If so, does that present problems?

Timeliness--general

- Does DCF prepare and submit status reports and permanency plans in a timely fashion? If not, does reviewing material at the time of the hearing or conference affect the case in any way?
- Do hearings begin on time?
- How much time is spent waiting for hearings to begin?
- How often are hearings continued, and for what reasons?
- Are there things you would like to see changed in the scheduling of hearings that you believe would result in better outcomes for children and families?

Timeliness—statutory

- Do hearings in your court meet legal deadlines?

Probes:

- a. Preliminary hearings
- b. Adjudication
- c. Disposition
- d. Permanency hearings
- e. Termination of parental rights petition filings

- At what points are cases most likely to be delayed? What are the reasons for those delays, in your opinion?
- Are there certain types of cases and certain issues that lead to delays in permanency? If so, what are they?

Quality and Depth of hearing

- Is there sufficient time for hearings? If not, in what types of cases and hearings would you like to have more time?
- Does the judge inquire about the child at every hearing?
- Does the judge allow adequate time for parties' attorneys to speak?

APPENDIX A-4

Connecticut CIP Reassessment: Interview guide for judges

Background

Judge

Years hearing A&N cases

% of time spent on A&N cases

Prior related experience (prosecutor, parents or children's attorney, etc.)

Scheduling of hearings

1. How are hearings and conferences scheduled in your court? What aspects of your scheduling work well? Are there things that don't work well?
2. Has your court made changes, or is it contemplating making changes, in the way it schedules hearings and conferences for A&N cases?
3. Are there changes you would like to see in the scheduling procedures for your court?

Attorneys—General questions

4. Is the timing of attorney appointments, i.e., just before a hearing, a problem in your court?
5. If an attorney is not present, will you proceed with the hearing? If so, in what instances would you do so?
6. Do you allow attorney substitutions?
7. Do you allow attorneys to submit letters in lieu of appearing at hearings? If so, in what circumstances and in what types of hearings?

Representation of parties

8. What is the overall quality of legal representation of parents in your court?
9. Do they seem to have investigated/prepared and do they seem to have spoken to their clients before each hearing?
10. What is the quality of legal representation of children in your court? Do children's attorneys know what is going on with their clients? Do they actively advocate for the child?
11. What is the quality of legal representation of the government (or its agent) in your court?

Timeliness of hearings

12. To the best of your knowledge, do the following hearings in your court generally meet legal deadlines?
- a. Preliminary hearings
 - b. Adjudication
 - c. Disposition
 - d. Permanency hearings
 - e. Termination of parental rights petition filings
 - f. Adjudication and disposition of TPR

If not heard, probe for the following: reasons for delays between preliminary hearing/CMC and Case Status Conference (half are not happening within 60 days); reasons for delays between filing of TPR to 1st adjudication and disposition; and thoughts on how to improve outcomes.

13. At what points are cases most likely to be delayed? What are the reasons for those delays, in your opinion?
14. Are there certain types of cases and certain issues that lead to delays in permanency? If so, what are they?

Timely submission of documents

15. Does DCF submit status reports and permanency plans to the court in a timely fashion? If not, does this create problems?

Quality and depth of hearing

16. Are there certain kinds of cases (e.g., those involving substance abuse, domestic violence, mental illness, homelessness, etc.) that require more court time than others? Are those cases allowed more time in the schedule?
17. Do you feel you have adequate time to conduct abuse and neglect hearings as you would like to? Are there types of hearings that you would like to have more time for?
18. Do you go forward with hearings if parents are not present? If so, in what circumstances?
19. If parents are present, do you offer them the opportunity to address the court? If so, in what types of hearings and in what circumstances?
20. Do you inquire about the child or children at all hearings? Are there any situations in which you would not inquire about the child (ren)?

21. Are children of appropriate age invited to attend hearings? If present, do you offer them the opportunity to address the court or to ask questions?

Impact of ASFA

22. Do permanency hearings effectively help achieve permanency for foster children in your court? Why or why not?

23. Overall, do you think AFSA and related Connecticut statutes are promoting the well-being and safety of children?

24. Are there changes you would like to see made to improve permanency and the safety and well being of children and families?

APPENDIX B

DATA SELECTION/EXTRACTION CRITERIA

CIP statewide data was received in MS Access format on 05/02/05.

Data consists of Petition types 1 to 15 filed from 01/01/2001 to 04/28/05 (this date is an approximate date, we have used the date when the data was imported in Access and when the tables were created.)

This document gives a brief description of how the data was extracted from the database for the data analysis plan we had.

Date of Removal – Cases where there was removal were extracted by finding the earliest dates after 12/31/2000 from the following:-

	Field name	Table name
Voluntary Placement date	OTC_VPA_Entry_date	CPPET
96 hour hold date	OTC_96_HOLD_DATE	CPOTC
OTC Received date (where OTC Issued indicator is 'E' or 'B' And OTC Accept/Reject indicator is 'A')	OTC_RECEIVE_DATE OTC_ISSUED_IND OTC_ACCEPT_REJECT_IND	CPOTC
Overall Disposition date (where Overall Disposition code is Commitment to DCF (CO) And OTC Accept/Reject indicator is 'R')	overall_dispn_date overall_dispn_code OTC_ACCEPT_REJECT_IND	CPDISPN CPOTC
Overall Disposition date (where disposition is Transferred (TR) or CO irrespective if the OTC is granted or not)	overall_dispn_date overall_dispn_code	CPDISPN

Total 11,211 dockets had removal dates. File name is 'RemovalDates.xls'.

The following are listed as per the Analysis Plan.

1. OTC Received date to OTC Case Management Conference (CMC)/Preliminary hearing
Earliest date (ACTIVITY_HEARING_DATE) where Activity purpose (field - activity purpose) is Case Management Conference (B) OR Hearing (H) OR OTC Preliminary Hearing (Y) in Activity (CPACT) table AFTER OTC Received date (where OTC Issued indicator is 'E' or 'B' And OTC Accept/Reject indicator is 'A' in CPOTC table).

Total records - 9,911.

2. OTC Case Management Conference (CMC)/Preliminary hearing to Contested OTC Hearing
All dockets which are in the 1 above (OTC Case Management Conference (CMC)/Preliminary hearing) to the earliest date (ACTIVITY_HEARING_DATE) of the occurrence of Contested OTC Hearing (X) (field - activity_purpose, table – CPACT).

Total records - 1,597.

3. OTC Case Management Conference (CMC)/Preliminary hearing to Case Status Conference or CP Mediation

All dockets which are in the 1 above (OTC Case Management Conference (CMC)/Preliminary hearing) to the earliest date (ACTIVITY_HEARING_DATE) of the occurrence of Case Status Conference (C) or CP Mediation (G) (field - activity_purpose, table – CPACT).

Total records - 8,052.

4. Date of Removal to Disposition of Primary Petition AND Disposition type in aggregate
Disposition (table - CPDISPN) of dockets from Primary Petition table (CPPET) which had date of removal. As noted earlier there were multiple dispositions (OVERALL_DISPNS_CODE) for the same primary petition. For those cases/records the disposition with the earliest date (OVERALL_DISPNS_DATE) are included in the data set.

Total records - 8,724.

5. Time from preliminary hearing to disposition of primary petition

All primary petition dockets which had a removal date, and where the activity is H or Y (ACTIVITY_PURPOSE, table-CPACT). Only the records for the earliest activity hearing date (ACTIVITY_HEARING_DATE) are included in the data set. Disposition date is taken from OVERALL_DISPNS_DATE (table – CPDISPN)

Total records - 8,246.

6. Date of removal to filing of FIRST Motion for Permanency Plan Review Hearing

Earliest filing date i.e. first hearing date (SUB_FILING_DATE), after the Removal Date where subsequent petition type is '30' (SUB_TYPE table – CPSPET).

Total records - 5,595.

7. Date of Removal to FIRST Permanency Plan Review Hearing

Earliest date (ACTIVITY_HEARING_DATE) after the Removal Date where Activity purpose (field - activity_purpose) is Permanency Plan Review Hearing (E) in Activity (CPACT) table. Excluded the records which had a removal date of 2004 or 2005.

Total records - 4,301.

8. All Permanency Plans (regardless of Removal)

All Subsequent petition filing date (SUB_FILING_DATE, table-CPSPET) where subsequent petition type is '30' (SUB_TYPE, table -CPSPET).

Total records - 10,319.

9. Contested Permanency Plans (regardless of Removal)

All subsequent petition filing date (SUB_FILING_DATE, table-CPSPET) where subsequent petition type is '30' (SUB_TYPE, table -CPSPET) and the occurrence of the code MOPP (ACTIVITY_LEGEND_CODE, table -CPACT) and the date the Motion in Opposition to the PP was filed (ACTIVITY_FILE_DATE , table-CPACT).

The table also includes the corresponding OVERALL_DISP_N_CODE (table – CPDISPN) and the OVERALL_DISP_N_DATE for the SUB_DKT_NO (table – CPSPET) and SUB_SEQ_NO (table – CPSPET).

Total records - 1,250.

10. Date of Removal to filing of ALL TPR petitions

All subsequent petitions filing date (SUB_FILING_DATE, table-CPSPET) where Subsequent petition type is '26' or '29' (SUB_TYPE, table -CPSPET).

Excluded the records which had a removal date of 2004 or 2005.

Total records - 1,393.

11. Filing of TPR petition to Plea Hearing to Case Status Conference

All subsequent petitions filing date (SUB_FILING_DATE, table-CPSPET) after Removal where Subsequent petition type is '26' or '29' (SUB_TYPE, table -CPSPET) i.e.

- All TPR petitions from above item 12.

TO

- the activity hearing date (ACTIVITY_HEARING_DATE, table - CPACT) where Activity purpose (ACTIVITY_PURPOSE , table – CPACT) is plea hearing ('P') Total records – 1,395.

TO

- the activity hearing date (ACTIVITY_HEARING_DATE, table - CPACT) where Activity purpose (ACTIVITY_PURPOSE , table – CPACT) is Case Status Conference ('C')

Total records - 867.

12. Filing of TPR to FIRST Adjudication of that TPR

All subsequent petitions filing date (SUB_FILING_DATE, table-CPSPET) after Removal where Subsequent petition type is '26' or '29' (SUB_TYPE, table -CPSPET) and where the petition was adjudicated (ALLEG_ADJUD= 'Y', table - CPALLEG) and the EARLIEST date of adjudication(ALLEG_ADJUD_DATE, table - CPALLEG).

Total records - 920.

13. Filing of TPR to Disposition of TPR

All subsequent petitions filing date (SUB_FILING_DATE, table-CPSPET) after Removal where Subsequent petition type is '26' or '29' (SUB_TYPE, table -CPSPET) to the disposition date (SUB_KP8_DISP_DATE, table-CPSPET) where the disposition code (SUB_DISP_CODE, table-CPSPET) is "TR" Or "CO" Or "TM" Or "PD" Or "DN" Or "DM" Or "WD" Or "RP" Or "RO".

Total records – 1,068.

14. Date of Removal to TPR Order to Finalization of Adoption

All subsequent petitions filing date (SUB_FILING_DATE, table-CPSPET) after Removal where Subsequent petition type is '26' or '29' (SUB_TYPE, table -CPSPET)

TO

- The LATEST disposition date (SUB_KP8_DISP_DATE, table-CPSPET) where the disposition code (SUB_DISP_CODE, table-CPSPET) is "TM"

TO

- Juvenile adopted date (JUV_ADOPTED_DATE, table- CPJUV)

Total records - 421.

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