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# Expediting Permanency: Legal Representation for Foster Children in Palm Beach County

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## **INTRODUCTION**

The Children's Services Council of Palm Beach County contracted with the Legal Aid Society of Palm Beach County (henceforth, Legal Aid) in July 2001 to provide legal representation to children 3 years of age and younger entering shelter care in Palm Beach County. The primary purpose for establishing this grant was to help expedite children's exit to permanency (i.e., reunification or adoption). Since its inception in 2001, Legal Aid's Foster Children's Project (FCP) has expanded twice, revising its eligibility criteria to include children 12 years old and younger. In fiscal year (FY) 2007, FCP had an operating budget of \$1.7 million and provided legal representation to a continuous caseload of approximately 350 children.

In April 2006, the Children's Services Council and Legal Aid contracted with Chapin Hall Center for Children at the University of Chicago to conduct a third-party evaluation of FCP. The primary purpose of this study was to examine the impact that FCP has had on the nature and timing of children's permanency outcomes. However, efforts were also made to identify and describe the program elements or practices that serve to define FCP, and to explore the broader impact that FCP has had on the child protective service system in Palm Beach County.

The current report is divided into four sections. The first section contains a summary of the study findings, a brief program description, and a discussion of the authors' expectations regarding the impact of FCP representation on children's permanency outcomes. The second section contains a description of the study sample and data sources. The third section, which details the study findings, is itself divided into four subsections. The first of these describes the activities that constitute the vanguard of FCP's efforts on behalf of the children it represents. The second describes the impact of FCP representation on the timing and disposition of children's permanency outcomes and legal milestones. The fiscal implications of these findings are then discussed in the next section, followed by a presentation of the findings concerning the juvenile court experiences of youth and parents. In the final section of the report, the cumulative implications of the study findings are discussed.

### **Findings in Brief**

#### **Impact on Permanency**

- Children represented by FCP were found to have a significantly higher rate of exit to permanency than children not served by FCP. In the main, this difference appears to be a function of much higher rates of adoption and long-term custody among FCP children.
- The higher rates of adoption and long-term custody experienced by FCP children were not found to be offset by significantly lower rates of reunification.
- Taking into consideration the estimated costs of substitute care, ongoing adoption subsidies, and FCP representation, the net cost of FCP associated with each additional day of permanency was estimated to be as low as \$32.

## **Descriptions of Program Operation**

- Four different program activities constitute the core of FCP’s advocacy: (1) the filing of legal motions, (2) the filing of termination of parental rights petitions and recruitment of adoptive homes, (3) attendance at staffings and case plan meetings, and (4) service advocacy.
- Although there appears to be broad agreement within the child welfare and legal communities that FCP reduces the time children spend in substitute care, perceptions about the appropriateness of FCP program activities seem to be sharply divided along professional lines.
  - Although attorneys and judges viewed the filing of motions, including those for termination of parental rights (TPR), as a natural part of the fact-finding process, social service providers tended to characterize them as distracting or time-consuming.
  - Social service providers tended to characterize FCP’s efforts to file TPR petitions and recruit adoptive homes as precipitous. As summarized by one provider: “Social work is about believing that people can change. [But,] it doesn’t seem like Foster Children’s Project really believes that people can change.”

## **Perceptions of Court Experiences**

- In interviews, both FCP and non-FCP youth reported a mix of anxiety, anger, and frustration associated with their experiences in juvenile court, with many reporting feeling that they had little control over the disposition of their juvenile court cases. However, many youth also reported that having an adult advocate with them in court seemed to alleviate the mystery and anxiety associated with the court process.
- Parents of both FCP and non-FCP youth tended to characterize their experiences with the juvenile court negatively, viewing it primarily as an instrument to thwart their efforts at reunification.

## **FCP Program Description**

FCP is currently staffed with ten attorneys, two permanency planners, and a number of other support personnel, with each attorney carrying a caseload of approximately thirty-five children. FCP serves in the capacity of an *attorney ad litem* for the children it represents, which means that FCP’s activities are governed by the “expressed interests” of their minor clients (versus an assessment of their “best interests,” as is the case with the more common *guardian ad litem*). Practically speaking, it also means that FCP assumes the role of a traditional legal advocate, for whom the provision of assertive legal representation is a matter of professional principle.

The operative tactics used by FCP, which are described more fully in the findings section, include the filing of legal motions for discovery and to compel action of another party,

efforts to define prescriptive case plans, the filing of TPR petitions, and efforts to identify pre-adoptive homes.

### **Expected Impact on Permanency Outcomes**

In brief, programs intended to expedite juvenile court decision-making are probably more likely to increase the rate of adoption than the rate of reunification. Indeed, for reasons that will be described below, the rate of reunification may be expected to be lower where court improvement activities effect a significant increase in adoptions. It should be noted, however, that there has been little, if any, substantive research concerning the impact of juvenile court improvement efforts on children's permanency outcomes. Thus, our *a priori* expectations concerning the nature of the impact of FCP were, in general, speculative.

### **Prior Court Improvement Project Research**

Although federally funded juvenile court improvement projects have been in operation for almost 15 years, the efforts to evaluate these are still in their infancy (U.S. Department of Health and Human Services, 2007). To date, only two studies have examined the impact of court improvement efforts on children's permanency, and neither of these has examined programs providing legal representation to children. In one study by Courtney and Blakey (2003), cases randomly assigned to an accelerated permanency review process appeared to experience faster adoptions than cases subject to the standard review schedule. The rate of reunification, however, remained unchanged. In a second study by Festinger and Pratt (2002), post-TPR cases randomly assigned to a program intended to ensure that each case was heard by a single judge (i.e., one-case-one-judge model) appeared to experience faster adoption finalizations. However, these cases also received a suite of additional case management services, which made it impossible to determine the specific effect of the judicial reform.

### **Anatomy of the Permanency Process**

To a large extent, the timeliness of adoptions depends on how quickly the court can establish that the requisite conditions for TPR have been met. This process is, essentially, a finding of fact and, as a result, can likely be expedited by efforts to increase judicial review or bring additional information before the court. Reunification, on the other hand, is generally impossible without substantive changes in parents' behavior. Although some judicial activity (e.g., filing of a TPR petition) may help to motivate parents, in general, expedited reviews and related efforts do not seem likely to effect significant changes in parental behavior. Also, it is important to note that, because adoption and reunification are mutually exclusive, an increase in the rate of adoption could very well lead to a reduction in the rate of reunification.



## SAMPLE AND DATA SOURCES

### Program Eligibility

The population of interest for this evaluation is composed of those children who have been deemed eligible and referred to FCP by the juvenile court. In principle, to have been considered eligible for FCP representation, a child must have met all of the following conditions:

- (1) Child was removed from the home under a protective order on or after July 1, 2001.
- (2) Child was *not* placed with a relative caregiver prior to the disposition of the dependency petition.<sup>1</sup>
- (3) Child or sibling was 12 years of age or younger at the time of removal.<sup>2, 3</sup>

According to FCP client rolls, 1,496 children met these criteria and were referred to FCP between July 1, 2001, and June 30, 2006 (Table 1).

### Comparison Groups

The primary method used to examine the impact of FCP was to compare the outcomes experienced by children represented by FCP with those of children who, after referral to

**Table 1. Samples and Comparison Groups**

Group	Children			Cases <sup>4</sup>		
	Freq.	(% of Sample)	(% of Sub-Sample)	Freq.	(% of Sample)	(% of Sub-Sample)
On FCP list	1,496	–	–	905	–	–
In DCF data	1,333	(89.1)	–	808	(89.3)	–
FCP served	1,201	(80.3)	(90.1)	736	(91.1)	(81.3)
Comparison children	132	(0.8)	(9.9)	72	(8.9)	(8.0)
Court record reviewed	804	(60.3)	–	429	(53.1)	–
FCP served	711	(53.3)	(88.4)	373	(86.9)	(46.2)
Comparison children	93	(7.0)	(11.6)	56	(13.1)	(6.9)

<sup>1</sup> At disposition the permanency plan goal is established by the court.

<sup>2</sup> The pool of children eligible for FCP representation has expanded twice since FCP's inception. Between July 1, 2001, and March 31, 2002, eligibility was limited to children 3 years of age or younger. In April 2002, eligibility was extended to children 5 years old or younger, and in December 2003, eligibility was extended to children 12 years old or younger.

<sup>3</sup> According to FCP program staff, *all* children in a sibling set were considered eligible as long as at least one sibling met the above criteria.

<sup>4</sup> Cases, which are analogous to families, are defined in relation to a casehead (i.e., guardian and primary caregiver).

FCP, were determined to be ineligible for FCP representation because of a legal conflict. In brief, if a family member of a child has been represented by FCP or by any other program operated by FCP's parent organization, Palm Beach Legal Aid Society, the FCP is ethically prohibited from representing that child.<sup>5</sup> The logic of using this exclusion as a method of comparison is based on the presumption that the factors leading to this conflict are unrelated to those affecting the outcomes under consideration in this evaluation, including those concerning the timing of permanency. If this presumption holds, then the observed differences in outcomes between FCP children and children excluded because of a prior legal conflict (henceforth referred to as *comparison children*) will serve as valid estimates of program impacts. A comparison of the characteristics of FCP and comparison children (Table 2) suggests that these groups are approximately equivalent, with child age being the only characteristic for which a significant difference was observed.

**Table 2. Sample Characteristics of FCP and Comparison Children**

Characteristic	Total (N = 1,333)		FCP (N = 1,201)		Comparison (N = 132)		Sig.
	Freq. (%) / Mean (SD)		Freq. (%) / Mean (SD)		Freq. (%) / Mean (SD)		
Age (in years)	4.12	(4.29)	4.20	(4.23)	5.89	(4.62)	***
Gender							
Female	622	(46.66)	562	(45.65)	60	(45.65)	
Male	711	(53.34)	639	(54.35)	72	(54.35)	
Race/ethnicity							
Afric. Amer./Black	524	(39.31)	462	(38.47)	62	(46.97)	
Haitian	80	(6.00)	77	(6.41)	3	(2.27)	
Hispanic-White	170	(12.75)	154	(12.82)	16	(12.12)	
Hispanic-non-White	26	(1.95)	25	(2.08)	1	(0.76)	
White	440	(33.01)	393	(32.72)	47	(35.61)	
Other	93	(6.98)	90	(7.49)	3	(2.27)	
1+ Siblings in care	999	(74.94)	891	(74.19)	108	(81.82)	
Prior care spell <sup>†</sup>	111	(8.33)	99	(8.24)	12	(9.09)	

\*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$ . † Child was placed in substitute care one or more times before the current removal. SD, standard deviation.

<sup>5</sup> According to Chapter 4 (Rules of Professional Conduct), Rule 4-1.9 (Conflict of Interest: Former Client) of the Rules Regulating the Florida Bar, FCP is prohibited from representing a child if (a) an adverse party (e.g., parent) in the legal action is a prior client of the Palm Beach Legal Aid Society and (b) the interests of the child and the former client in the current action are materially adverse. Examples of situations that would lead to a conflict include prior representation of a parent for a divorce, domestic violence, or other action by another unit of Palm Beach Legal Aid. Prior representation of the child, however, would not typically lead to a conflict.

## Data Sources

Data for this evaluation came from four primary sources: (1) the Florida Department of Children and Families' HomeSafeNet administrative database, (2) physical court files from the Palm Beach County Juvenile Court, (3) qualitative interviews of twenty-one informed participants, including judges, attorneys, and DCF and social service agency staff, and (4) qualitative interviews of twenty-one youth and seventeen parents.

***DCF Administrative Data.*** Data extracts obtained from DCF and the lead private child welfare agency in Palm Beach County, Child and Family Connections, contained demographic and substitute care history information for children who had entered substitute care between July 1, 2001, and June 30, 2006. Specific data elements included children's race/ethnicity, age, date of removal, and date and destination of exit from care. DCF administrative data records of removal and substitute care placement were available for 1,333 (89.1%) of the 1,496 children referred to FCP (Table 1).<sup>6</sup> Of these, 1,201 (90.1%) were represented by FCP and 132 (9.9%) were excluded due to legal conflicts.

***Juvenile Court Files.*** A review of written juvenile court records was conducted on a subsample of 804 children who had entered care for the first time on or before December 31, 2004 (711 [88.4%] FCP children and 93 [11.6%] comparison), which was based on a random sampling of children from each of the two groups.<sup>7, 8</sup> This review yielded data concerning the timing of the following legal events and changes in legal status:

- *Shelter hearing and determination of probable cause.* Initial determination that probable cause exists to keep a child in shelter status pending further investigation of the case.
- *Adjudication of dependency.* Court finds that a child is “dependent” pursuant to Chapter 39 of the Florida Statutes.
- *Disposition and case plan approval.* Primary permanency goal and conditions required for return of the child are established.
- *Termination of parental rights.* Order to terminate parental rights is issued, usually with the intent of transferring custody to DCF for subsequent adoption.

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<sup>6</sup> The reasons for this discrepancy are unclear. It may be the case that differences in data entry practices, or data errors, prevented the successful matching of some cases across these systems. Another possibility is that differences across these systems concerning what constitutes a child protective case may lead to slightly different definitions of the population of children for which records are kept. Finally, some written DCF records may not have been entered into HomeSafeNet.

<sup>7</sup> The roster of children referred to FCP (for whom DCF data were available) was randomly ordered. Clerical searches for corresponding court records were conducted based on child's name and date of birth (DOB). Of the 836 children for whom records were sought, we were able to locate records for 804 (96.2%).

<sup>8</sup> Eligibility was limited to children who had entered care on or before December 31, 2004, in order to ensure that the majority had exited care at the time the record review was conducted.

- *Motion filings.* Written application for a court order, including those for discovery and to compel action on the part of service providers.
- *Status checks.* Hearings (typically) used to prompt an appraisal of the progress of a case or bring an issue to the attention of the court without filing a formal motion.
- *Termination of protective supervision.* Dependency order is terminated, resulting in the closing of the case.

***Informed Participant Interviews.*** Semi-structured phone or in-person interviews were conducted with twenty-one individuals who had had substantial prior experience working with FCP, including three Palm Beach County juvenile court judges, five non-FCP attorneys,<sup>9</sup> seven child welfare or other social service provider staff,<sup>10</sup> and six FCP staff members. Interview subjects were asked to describe their understanding of the (1) intended and actual impact of FCP on permanency, child well being, and safety, (2) types of activities in which FCP is engaged and the specific impact of each, and (3) the broader impact of FCP, especially regarding the work performance of other involved parties and the general functioning of the juvenile court and child welfare system (see Appendix A for informed participant interview protocol).

***Qualitative Interviews of Youth and Parents.*** Semi-structured qualitative interviews were conducted with twenty-one youth and seventeen parents or guardians.<sup>11</sup> Youth ranged in age from 10 to 17, and had all been in substitute care for at least 2 months at the time of the interview. Interview subjects were drawn from a convenience sample based on the availability of valid parent addresses (from whom permission to interview youth needed to be obtained).<sup>12</sup> Seven of the twenty-one youth and five of the seventeen parents or guardians had some experience with FCP.

The interview protocol for youth contained questions regarding youths' experiences in court, their understanding of the legal process, the extent to which they felt able to voice their own concerns, and their ability to maintain connections with siblings and parents (when appropriate). The parent interview protocol, which was shorter and more

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<sup>9</sup> Attorneys representing parents, DCF, and the guardian *ad litem* (GAL).

<sup>10</sup> Staff from Child Family Connections, Family Preservation, Children's Home Society, and nonlegal staff from the GAL office.

<sup>11</sup> Children of five of the seventeen parents or guardians could not be interviewed. Three were on runaway status, two were housed in distant juvenile detention centers, and one was unable to be located.

<sup>12</sup> Our original intent was to interview fifty youth and parents based on a random sample drawn from the DCF administrative data. However, address data were available in the DCF administrative data for only 154 (58.6%) of the 236 youth in care as of the sampling date (November 2006). Further, based on returned mailings and follow-up visits to alleged parent addresses, we ascertained that 64 (41.6%) of these addresses were incorrect or out of date. Exacerbating these difficulties was the fact that, while Chapin Hall was attempting to locate parents, an unknown proportion of children changed placements. Attempts to obtain new placement information for these children from the lead child welfare agency (Child and Family Connections) were not successful until the last weekend of interviewing. As a result, in addition to containing less than half the number of intended subjects, there can be no expectation that this interview pool is representative of FCP-eligible youth.

structured than the youth interview, contained questions concerning parents' experiences and perceptions of child protective services, their understanding of their dependency case plans, their ability and willingness to complete the conditions of their case plan, and their understanding of the Foster Children's Project (see Appendices B and C for youth and parent interview protocols).

## **FINDINGS**

Findings from the evaluation are presented in four sections. The first, which draws primarily from the informed participant interviews, attempts to articulate the perceptions of the child welfare service and legal communities regarding FCP's operative goals and tactics. The second section describes the results from several different analyses of the impact of FCP representation, including those pertaining to the timing of permanency. The third section explores the fiscal implications of the impact findings. Finally, the findings from the qualitative interviews of youth and parents are described in the last section.

### **Operative Strategies**

Informed participant interview subjects cited several activities as forming the vanguard of FCP's efforts on behalf of the children it represents, including (1) the filing of legal motions, (2) the filing of termination of parental rights petitions and recruitment of adoptive homes, (3) attendance at staffings and case plan meetings, and (4) service advocacy. The level of resources available to FCP and its ability to operate autonomously, free of the strictures of larger bureaucracies, were also often cited as defining attributes of FCP.

#### **Filing of Legal Motions and Status Checks**

The filing of legal motions to compel action on the part of another party, or for the purposes of discovery, was the most frequently cited tactic used by FCP. The majority of interview subjects recognized this as an attempt to move cases forward, and approximately a third noted some systemic problem that made such tactics necessary, including a lack of service resources, communication problems between opposing parties, and high social service provider staff turnover.

Opinions about the broader ramifications of filing motions seemed to fall along professional lines. While judges and attorneys viewed them as an appropriate method for "keep[ing] things on track," social service providers tended to characterize them as distracting or disruptive, with one provider characterizing the filing of motions as, "an extreme waste of resources because now we have to deal with that instead of spending our time focusing on the kids."

Using the court record review data, we compared the number of motions filed, the proportion granted, and the number of status checks for FCP and comparison children. After controlling for the amount of time a case had been open, we found that the number of motions filed in cases in which FCP was involved was 46.5 percent higher than in cases involving comparison children. The higher number of motions filed did not, however, lead to a greater proportion of motions being denied, which is what would have been expected were the additional motions without merit. Finally, the number of status

checks (after controlling for time in care) was found to be 49.6 percent higher for FCP children than for comparison children.<sup>13</sup>

### **Termination of Parental Rights and Adoptive Home Recruitment**

Nearly half of the informed participant interview subjects cited the filing of termination of parental rights (TPR) petitions as a primary method used by FCP to initiate progress in children's legal cases. Interestingly, several subjects attributed FCP's perceived focus on TPR to a reduction in DCF legal staff in 2002-2003.

As with the case of the filing of motions, opinions were sharply divided along professional lines. Some subjects expressed the view that FCP used TPR filings appropriately and based decisions to proceed on a case-by-case basis, while others believed that TPR appeared to be FCP's default strategy, especially for younger children. The objections of the latter group of respondents concerning the use of TPR often appeared to flow from broader reservations about what these respondents saw as FCP's concerted pursuit of adoption. In the words of one social service provider:

The dad's side of the family is seriously neglected. They just want to rush to get the kid adopted. If it's a little one and they're in a foster home, then you can pretty much guarantee that the child will be adopted.

FCP's efforts to identify adoptive homes also elicited sharp responses and appeared to cast into sharp relief divergent views about the merits of concurrent planning. On one hand, several respondents saw FCP's efforts to identify adoptive homes prior to TPR as helpful and appropriate. In the words of one attorney:

People are focusing more on concurrent planning. There's kids in care for two and a half years but agencies won't start recruiting an adoptive home until the appeal of TPR is settled. There is more inquiry about relatives now, visitations, early referrals, and better definitions of material breach [of the conditions required for reunification].

Conversely, social service providers were more reticent about pre-TPR adoptive home recruitment:

[FCP is] very aggressive in pursuing TPR and getting kids adopted. They try to identify families who are willing to take children, families interested in adoption. I feel they do this often way too early in the life of a case, before TPR is even on the table, they try to identify families.

Underscoring the role of professional orientation in opinions about moving quickly to adoption, one social service provider used parental substance abuse as an example:

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<sup>13</sup> Negative binomial regression models were used to test the significance of differences in the number of motions and status checks. A two-sample test of proportions was used to test differences in the percentage of motions granted.

The person isn't going to get clean in 60 days. They don't have the ability to change that quickly. But that is what social work is about, believing that people can change. It doesn't seem like Foster Children's Project really believes that people can change. If I were a parent coming in with a nice young baby, I'd be scared. If they don't do the program 100 percent, they take the baby.

Regardless of the respondents' general views about the merits of moving to adoption earlier in the life of case, many acknowledged that, where they thought adoption appropriate, FCP could be instrumental in both the filing of TPR and the identification of adoptive homes. Reflecting some ambivalence about the personal ramifications of these efforts, one social service provider stated:

They can be a wonderful resource. It's a workload issue. We just can't do things as fast as they can. Filing TPR and finding homes also. If they want a family to become licensed as foster family, then we have to check it out. Sometimes this creates more work and we get into conflict when we don't move fast enough for them.

As described in detail below, informed participants' perceptions of FCP as an effective advocate of more timely adoptions appears to be grounded in real differences in the rates of TPR and adoption, both of which were found to be higher for children represented by FCP than for comparison children.

### **Attendance at Staffings and Case Plan Meetings**

A number of informed participants observed that the point of departure for FCP's attempts to expedite permanency was their efforts to influence the nature of case plans and, in particular, the conditions required for reunification. To this end, FCP permanency planners regularly attend staffings and case plan meetings.

There was broad agreement among informed participants that FCP advocates for case plans with shorter time frames and well-defined conditions for material breach. Further, a majority of respondents tied these efforts to one of several specific consequences for FCP children and their parents, including earlier formal assessment of case progress, creation of higher stakes for noncompliance, and the circumscription of grounds on which the termination of parental rights can be contested.

### **Service Advocacy**

Most informed participants acknowledged that FCP was an aggressive advocate for services for the children it represented, with several respondents invoking the example of services intended to ensure placement stability. A number of respondents also described efforts on the part of FCP to advocate for services for parents. The intent of this advocacy, however, was perceived more narrowly, with several respondents emphasizing its probative nature:



[FCP] ends up making a lot of referrals for services. [They] hire a lot of experts. [They] usually do this when [they] are going for TPR. [They] don't want to wait for a psychological evaluation of the parents so [they] hire experts. The system won't approve psychological evaluations right away. [FCP] can't file TPR until the opinion comes through. If [they] do it, it will take at least 2 months off the case time.<sup>14</sup>

Of note was the trepidation with which some respondents accepted FCP's assistance in accessing services for their clients. One attorney stated:

FCP can assist me in getting services faster for my clients. In some instances, it requires more work on my part because once FCP has decided which way they want it to go, I have to work doubly hard to keep the steam roller (meaning TPR) from rolling them [parents] over.

### **Organizational Resources and Operational Autonomy**

Many respondents attributed FCP's effectiveness to the level of resources at its disposal, including the expertise and dedication of its staff, and its ability to cultivate connections with community organizations and the judiciary. Several respondents took note of FCP's operational autonomy, which one respondent contrasted to the "bureaucratic and political" hierarchy under which DCF must operate. A juvenile court judge stated:

[FCP] can find creative solutions [because] they are not given a handbook that says, for this problem you have to do this procedure. They can look more globally at an issue.

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<sup>14</sup> The wording of this statement has been changed in order to conceal the identity of the respondent.

## Program Impact

In the following section, findings regarding the impact of FCP with respect to the timing of permanency and legal milestones are described. In brief, children represented by FCP were found to exit to permanency faster than comparison children.<sup>15</sup> The balance of this effect appears to be attributable to much higher rates of adoption and long-term custody among FCP children. In turn, higher rates of adoption among FCP children appear to be a function of much higher rates of TPR, with no difference observed in the timing of adoption finalization.

### Permanency

*Analyses.* Separate analyses were conducted based on the DCF and court record review samples. This was done for several reasons. First, although the sample based on the DCF administrative data is larger ( $N = 1,333$ ), a broader array of data elements are available for the subjects in the court record review sample. Second, as described above, the selection criteria were slightly different for each sample, and as a result, there were some differences in the distribution of exit types across samples. For instance, according to the

**Table 3. Exit Destinations by Sub-Sample and Data Source**

Exit Type	DCF Admin. Data Sample		Court Record Sample			
	$(N = 1,333)$		$(N = 804)$			
	Exit per DCF data		Exit per DCF data		Exit per court record data	
	Freq.	(%)	Freq.	(%)	Freq.	(%)
Permanency	827	(62.0)	672	(83.6)	585	(72.8)
Reunification	458	(34.4)	412	(51.2)	277	(34.5)
Adoption	270	(20.3)	137	(17.0)	135	(16.8)
Long-term custody/ guardianship	99	(7.4)	123	(15.3)	201	(25.0)
Emancipation	2	(0.2)	19	(2.4)	22	(2.7)
Pre-adjudication					21	(2.6)
Unexplained/other	4	(0.3)	2	(0.2)	1	(1.6)
Censored†	500	(37.5)	111	(13.8)	132	(16.4)
<b>Total</b>	<b>1,333</b>	<b>(100.0)</b>	<b>804</b>	<b>(100.0)</b>	<b>804</b>	<b>(100.0)</b>

† Still in care at the time the data were obtained.

<sup>15</sup> The impact of FCP representation was based on a comparison of FCP children with children precluded from receiving FCP assistance because of a legal conflict (see “Sample and Data Sources” section above).

discharge codes in the DCF administrative data, approximately two-thirds (62.0%) of the 1,333 children in the DCF administrative data sample exited to permanency, with more than half of them exiting via reunification (Table 3). Among the 804 children in the juvenile court record review sample, however, 83.6 percent exited to permanency, according to the discharge codes in the DCF administrative data (Table 3).

The most important reason for conducting separate analyses, however, was that the DCF discharge codes differed, in many cases, from the exit type classifications derived from the court record review. For example, a larger percentage of children appear to have exited to reunification (51.2%), and a lower percentage to long-term custody or guardianship (15.3%) (Table 3), according to the DCF data, when compared with the percentages of children coded similarly in the juvenile court records (reunification, 34.5%; long-term custody or guardianship, 25.0%) (see Table 3).<sup>16</sup> Overall, exit types for 75.2 percent (605) of the juvenile court record review sample were coded similarly in the DCF data and juvenile court records.

**Statistical Methodology.** In the following analyses, we have employed a class of statistical models known as *hazard models*, which have been developed for the specific purpose of analyzing event rates over time. The parameter of interest in the models presented here is the *hazard ratio*, which describes the proportional increase or decrease in the rate of each permanency type associated with a unit shift in the variable of interest, net of the effects of all other included variables.<sup>17</sup> For nonnumeric variables such as race, the estimated effect describes the difference in the permanency rate in relation to a reference category, and for numeric variables such as age, the estimated effect describes the change in the permanency rate associated with a 1-unit increase in the variable of interest. Values greater than 1 denote an increase, and values less than 1 denote a decrease.<sup>18</sup>

### **Impact of FCP Representation**

In general, children represented by FCP were found to have a significantly higher rate of exit to permanency than comparison children (i.e., children not served by FCP because of a legal conflict [see above]). Specifically, in the analyses based on DCF administrative data and court record reviews, respectively, FCP children exited to permanency at rates 1.38 and 1.59 times higher than comparison children (Table 4). Most of this difference, however, appears to be a function of much higher rates of adoption<sup>19</sup> and long-term

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<sup>16</sup> These differences are likely due to a combination of factors, including data entry errors and differences in how specific outcomes are defined. For instance, a transfer of custody to a noncustodial parent might be classified as a reunification by a child welfare agency, while the juvenile court might classify it as a transfer of long-term custody.

<sup>17</sup> In these models, the rate of exit is measured from the point in time a child is removed and placed in care (i.e., shelter).

<sup>18</sup> In addition to a variable indicating whether or not a child was represented by FCP, a number of other control variables were included in the models described below (see Table 5).

<sup>19</sup> Adoption or guardianship.

custody among FCP children, with FCP children experiencing these exits at rates between 1.73 and 3.53 times as great as comparison children (Table 4).

Interestingly, the higher rates of adoption and long-term custody experienced by FCP children were not found to be offset by significantly lower rates of reunification. This is of note because, were it the case that FCP was pursuing adoption or long-term custody *in lieu of* reunification, we would expect to see significantly lower rates of reunification among FCP children. In these analyses, however, no significant differences in reunification rates were found.

**Table 4. Multivariate Hazard Models of Permanency: FCP Participation**

Outcome	Admin. Data Sample		Court Record Review Sample	
	Hazard Ratio	Sig.	Hazard Ratio	Sig.
Permanency (any)	1.38	**	1.59	**
Adoption or guardianship	2.77	***	2.94	**
Long-term custody	3.53	**	1.73	*
Reunification	1.02		1.23	

\*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$ .

The finding that FCP representation was not associated with an *increase* in the rate of reunification is not surprising. In brief, the realization of reunification requires a mitigation of the risk that originally led to a child’s removal. Although FCP can ask the court to reevaluate whether this risk persists, and to order the provision of services, the extent to which FCP is able to work directly with parents is often circumscribed by prohibitions on contact with parents by their attorneys. Thus, in many cases, FCP’s efforts may be limited to informing and expediting the legal decision-making process. However, as found elsewhere (Courtney & Blakey, 2003), these types of efforts may be less effective with regard to reunification than with adoption and related outcomes.

### Impact of Other Predictors

**Child Age.** Although not affecting the timing of permanency generally, age does appear to predict the type of exit that children experience. For instance, with each additional year of age, the rate of exit to adoption or long-term custody for children in the court record review sample decreased by 22 percent (hazard ratio = 0.78 times) (Table 5). Conversely, with each additional year of age, the rate reunification increased by 12 percent (hazard ratio = 1.10) (Table 5).

Several informed participant interview subjects expressed a belief that FCP was particularly effective with older children, especially with respect to adoption and long-term custody. To test this hypothesis, separate estimates of the relationship between FCP representation and the rate of adoption or long-term custody were obtained for four

**Table 5. Multivariate Hazard Models of Permanency: Other Predictors**

	Permanency (Any)			Adoption/ Guardianship			Long-term Custody			Reunification		
	DCF Admin.	Ct. Rec. Review	H.R. Sig.	DCF Admin.	Ct. Rec. Review	H.R. Sig.	DCF Admin.	Ct. Rec. Review	H.R. Sig.	DCF Admin.	Ct. Rec. Review	H.R. Sig.
	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.	H.R. Sig.
Age	0.98	1.04		0.86***		0.78***	1.05	0.92		1.03*		1.12***
Female (vs. male)	1.09	1.07		1.12		0.87	0.83	3.12**		1.12		0.86
Race/ethnicity												
Afric. Amer./Black	0.92	0.80		0.53***		0.33***	2.47***	0.75		1.04		0.94
Hispanic	0.98	0.56		1.00		1.90	1.30	0.34		0.91		0.34*
Other												
Sibling status												
Siblings in care	1.01	1.56		0.74*		0.47*	0.33*	0.53*		1.25		2.78*
Co-placement												
Placed w/some	0.73	0.43		0.51		0.83	1.35	0.53		0.73		0.43
Placed w/all	1.21	1.36		1.37		1.19	1.04	1.52		1.17		1.52
Care history												
Subsequent care spell	0.47***	0.29**		0.68		0.76	0.25*	0.22		0.51**		0.18**
1+ Prior placements	0.78**	0.67*		0.85		0.67	0.61*	1.12		0.75**		0.54*

\*\*\* $p < 0.001$ , \*\* $p < 0.01$ , \*  $p < 0.05$ . H.R., hazard ratio.

(Note: Table continued on next page.)

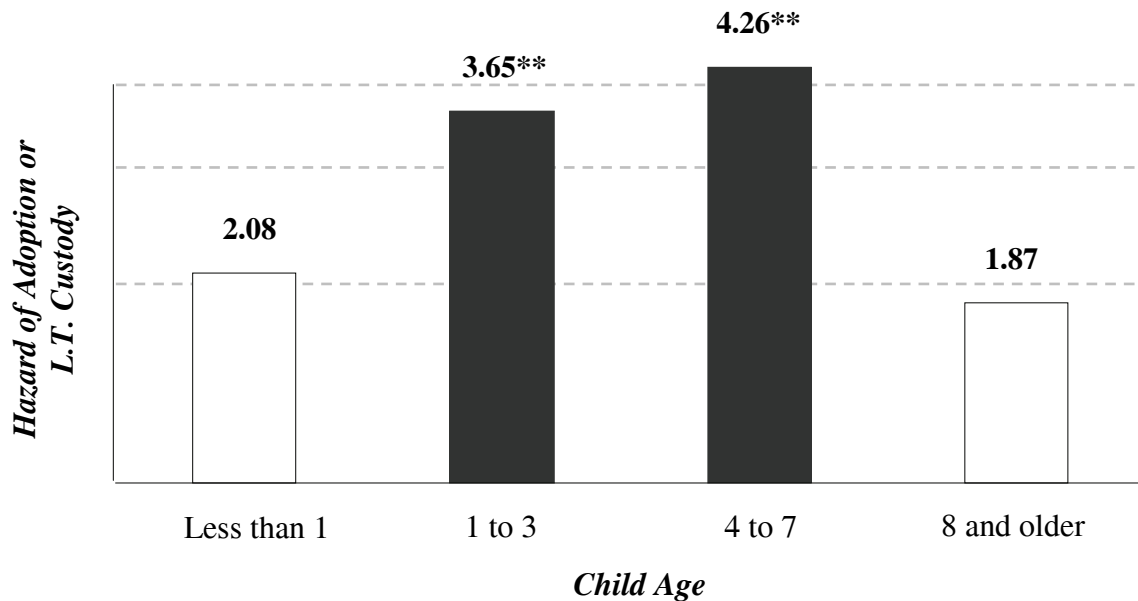
**Table 5 (cont'd). Multivariate Hazard Models of Permanency: Other Predictors**

	Permanence (Any)			Adoption/ Guardianship			Long-term Custody			Reunification		
	DCF Admin.	Ct. Rec. Review	H.R. Sig.	DCF Admin.	Ct. Rec. Review	H.R. Sig.	DCF Admin.	Ct. Rec. Review	H.R. Sig.	DCF Admin.	Ct. Rec. Review	H.R. Sig.
Guardian <i>ad litem</i> appointment	-	0.88		-	0.80		-	1.17		-	1.04	
Entry cohort (vs. 2003)												
2001	0.68***	0.68		0.78	0.13***		1.43	0.16*		0.49***	0.82	
2002	1.07	1.13		0.67*	0.17***		2.04	0.20**		1.18	2.44*	
2004	0.70**	0.46**		0.65*	0.67		2.20*	0.45		0.58***	0.41*	
2005	0.58***	-		0.39***	-		1.52	-		0.62**	-	

\*\*\* $p < 0.001$ , \*\* $p < 0.01$ , \*  $p < 0.05$ . H.R., hazard ratio.

different age groups.<sup>20</sup> Interestingly, the relative *difference* in the rate of adoption or long-term custody between FCP and comparison children was found to be higher for children between the ages of 4 and 7 (4.25), and for children between 1 and 3 years old (3.65), than it was for infants (2.08) (Figure 1).

**Figure 1. Hazard of Adoption/Long-Term Custody by Age Group**



Note: Shaded bars represent significant results. \*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$ .

**Child Race/Ethnicity.** The rate of adoption or long-term custody was found to be between 47 and 67 percent lower for African American than white children (Table 5). Conversely, the rate of reunification was not found to be significantly different for African American children (Table 5). Results concerning children categorized as Hispanic or other were mixed, however.

**Sibling Status.** The findings regarding the presence of siblings in care and the effects of co-placement with siblings were mixed. Children with one or more siblings in care were found to have lower rates of adoption or long-term custody (0.33 to 0.74) than children who did not have siblings in care (Table 5). Contrary to expectations (e.g., Shlonsky et al., 2005), children with siblings exited to reunification at a higher rate than children without siblings, according to the analyses conducted on the court record review sample (Table 5); however, no significant association was found with the DCF data sample. As a result, the presence of siblings in care did not significantly affect the rate of overall

<sup>20</sup> The model was stratified by age group, and separate estimates of the effect of FCP were estimated for each stratum. Other predictors in the model were constrained to be equal across strata.

permanence. Finally, co-placement with some or all of a child's siblings was not found to significantly affect the rate of reunification, adoption, or long-term custody.

***Substitute Care Experience.*** Children who had a substitute care spell prior to their current stay in care had significantly lower rates of reunification and overall permanence than children who were in their first care spell (Table 5). Similarly, children who had had one or more prior placements were found to have a lower rate of reunification (0.54 to 0.75), and as a result, a lower rate of exit to permanency (0.67 to 0.78).

***Controls.*** In general, the timing of permanency was not found to differ significantly for cases appearing before different juvenile court judges, save for a higher rate of adoption associated with one judge in particular (results not shown).<sup>21</sup> Assignment of a guardian *ad litem* (as recorded in the juvenile court record) did not portend significant differences in the rate of likelihood of any outcomes considered here (Table 5). Finally, there appear to have been significant changes in the rate of permanency since July 2001, with the rates of exit significantly higher for children entering care in 2002 and 2003 than children entering in 2001 or in 2004 and 2005 (Table 5). In the main, this rise and fall in the rate of permanency appears to reflect a rise and fall in the rate of reunification (Table 5).

### **Timing of Legal Milestones**

The transition to permanency requires the achievement of one or more intermediate legal milestones. For instance, after a child is adjudicated as dependent, the court must approve a case plan, and for those children moving toward adoption, parental rights must be terminated before finalization. The timing of these milestones is important, not only because they can inform our understanding of the differences in permanency rates described above, but also because they can signify important changes of status in their own right. For example, the duration between termination of parental rights and finalization, while contributing to the overall timing of adoption, is also important because it is during that period that a child is, effectively, a ward of the state.

Using the same methodological approach used to examine differences in the rates of permanency (described above), we estimated hazard models for several different transitions. In particular, using data obtained for the review of court records, we were able to examine the association between FCP representation and the time between (1) adjudication of the dependency petition and case plan approval, (2) case plan approval and permanency, (3) case plan approval and TPR, and (4) TPR and adoption finalization.

***Initial Removal to Permanency.*** When the transition from initial removal to permanency is disaggregated into transitions between initial removal, adjudication, case plan approval, and permanency, it becomes clear that the higher rate of permanency observed for FCP children (described above) was a function of differences in timing *subsequent to* case plan approval. Specifically, although there were no statistically significant

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<sup>21</sup> Although earlier specifications of these models included presiding judge in a set of indicator variables, models *stratified* by presiding judge provided a much better fit to the data. This specification allowed us to account for the similarities (i.e., dependence) in hazards that likely exist for children appearing before the same judge, without explicitly estimating the difference in hazards.



differences in the timing between removal and adjudication, and adjudication and case plan approval, FCP children were found to have moved from case plan approval to permanency at approximately twice the rate (2.01) of comparison children (top panel of Figure 2).

***Case Plan Approval to Competing Permanency Exits.*** Consistent with the findings described earlier, FCP children were found to transition between case plan approval and adoption and long-term custody at higher rates (adoption, 3.72; long-term custody, 2.73) than comparison children. However, when we consider the timing between case plan approval and permanency, versus the timing between removal and reunification (as was done in the analyses described earlier), we also find that FCP children transition to reunification at a higher rate (1.72) than comparison children (middle panel of Figure 2). The reason that this does not also serve to significantly shorten the time between removal and return home is probably the fact that, because reunifications tend to occur earlier in children's care spells, the period subsequent to case plan approval constitutes a significantly smaller share of the overall time in care for these children than it does for children who exit to adoption. Thus, although FCP representation is associated with a faster completion of this specific leg of the overall transition to reunification, it is not pronounced enough to effect a significant difference in the rate of reunification from the point in time a child enters care.

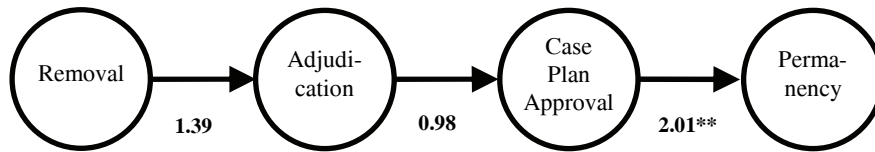
***Case Plan Approval to TPR and Adoption.*** The observed difference in the rates of adoption for FCP and comparison children appears to be primarily a function of a significant difference in the timing between case plan approval and termination of parental rights. Specifically, FCP children were found to transition between case plan approval and TPR at almost 4 times (3.97) the rate of comparison children, but they were not found to move from TPR to adoption finalization at a rate significantly different than that observed for comparison children (bottom panel of Figure 2). The latter finding may represent the confluence of two distinct phenomena. In brief, according to several informed participant interview subjects, child welfare agencies in Palm Beach do not pursue "legal risk" adoptive placements, that is, placements in pre-adoptive homes prior to TPR. As a result, the time between TPR and finalization likely reflects the time required to locate adoptive placements. Thus, the fact that FCP yields faster transitions between case plan approval and TPR but does not affect the timing between TPR and finalization suggests that adoptive home recruitment may be an area in which FCP has only limited impact.

### **Re-entry into Care**

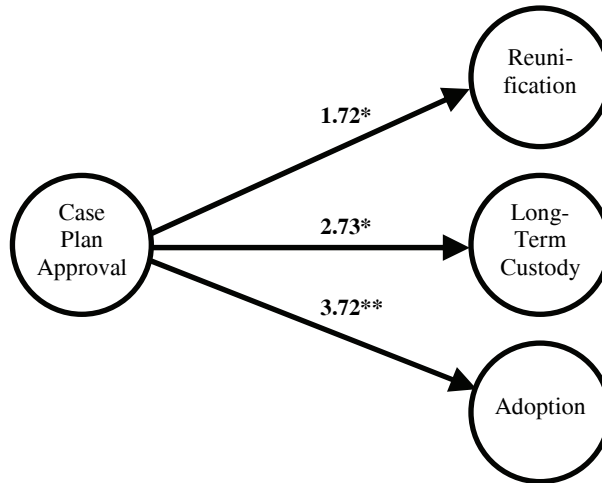
Several informed participant interview subjects expressed the view that FCP's efforts to move children toward adoption produced tenuous adoption matches that were more prone to disruption or dissolution. Unfortunately, the number ( $n = 5$ ) of adoption dissolutions (i.e., post-finalization removals) and limitations in the DCF data precluded analysis of either type of event. Sufficient data were available, however, to allow for the estimation of hazard models of post-reunification reentry. No differences in rates of reentry between FCP and comparison children were found.

**Figure 2. FCP Hazard Ratios for Transitions Between Legal Milestones and Permanency**

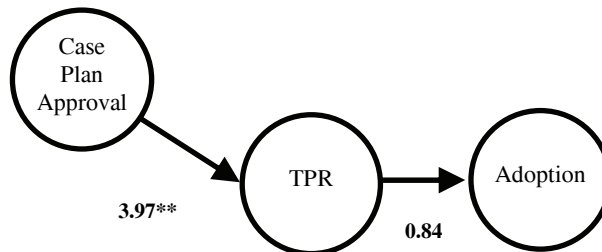
*A. Physical Custody to (Any) Permanency*



*B. Case Plan Approval to Competing Permanency Exits*



*C. Case Plan Approval to TPR to Adoption*



\*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$ .

## Fiscal Implications

Using the results from the statistical models discussed above, we can estimate how the observed differences in permanency rates between FCP and comparison children translate into differences in the level of several identifiable costs, including those associated with the provision of children's basic care and FCP representation.

At the outset, it is important to acknowledge that our estimates pertain only to a subset of costs and, as a result, do not allow us to draw conclusions about the overall fiscal impact of FCP. Indeed, data pertaining to the costs of several potentially important items, including the provision of nonplacement services, as well as any differences in the level of effort on the part of case managers and DCF legal staff associated with FCP involvement, were not available.

As described in detail following, the estimated program costs for FCP are not entirely offset by the estimated reduction in costs of substitute care and case management that accrue from the shorter care spells experienced by FCP children. Nevertheless, the *net* cost of FCP associated with each additional day of permanency was estimated to be as low as \$32 per day.

### Cost Elements

***Children's Basic Care.*** The cost of providing for children's basic care was calculated by summing the estimated costs of (1) providing substitute care and (2) maintaining subsidy-eligible post-permanency placements (i.e., adoptions and long-term custody arrangements). In calculating the former (i.e., *pre-permanency care*), we included estimates of the (1) average substitute care board rate for children in this sample (\$31.10 per day)<sup>22</sup> and (2) per-child monthly rate paid to case management agencies by the lead child welfare agency in Palm Beach, Child and Family Connections (\$15 per day for children 12 and younger, \$17 per day for children 13 and older). In calculating the cost of subsidy-eligible post-permanency placements (i.e., *post-permanency care*), no case management costs were included. Subsidy rates for adoption and long-term custody were assumed to equal, respectively, 80 and 70 percent of the state average foster home board rate (\$9.20 per day for adoptions and \$8.05 per day for custody arrangements).<sup>23</sup> Finally, an additional one-time subsidy of \$1,000 was assumed for children exiting to adoption.

***FCP Representation.*** The cost of FCP representation was calculated by dividing FCP's FY 2007 budget (\$1.7 million) by aggregate staff attorney caseloads. Those caseloads were calculated by multiplying the number of FCP staff attorneys (10) by the FCP target caseload of 35 children per attorney and then multiplying this number by 365. The resulting figure (\$13.31) represents an estimate of the daily per-child cost associated with FCP representation.

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<sup>22</sup> Daily per-child average based on a combination of DCF administrative placement data and board rate estimates provided by CFC.

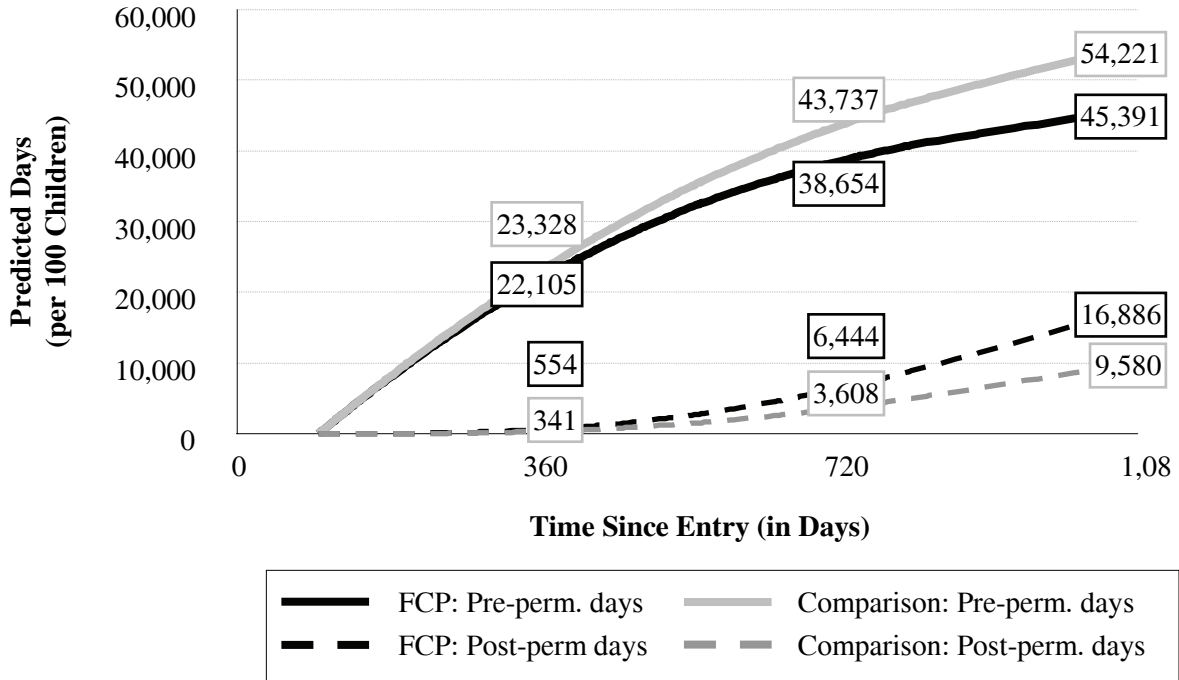
<sup>23</sup> Florida Administrative Codes 65C-16.013(7) and 65C-24.012(4).

## Estimation of Aggregate Costs

Aggregate cost estimates for FCP and comparison children were calculated by multiplying the estimates of the daily costs of children’s basic care and FCP representation (described above) by the accumulated number of substitute care and post-permanency days for FCP and comparison children.

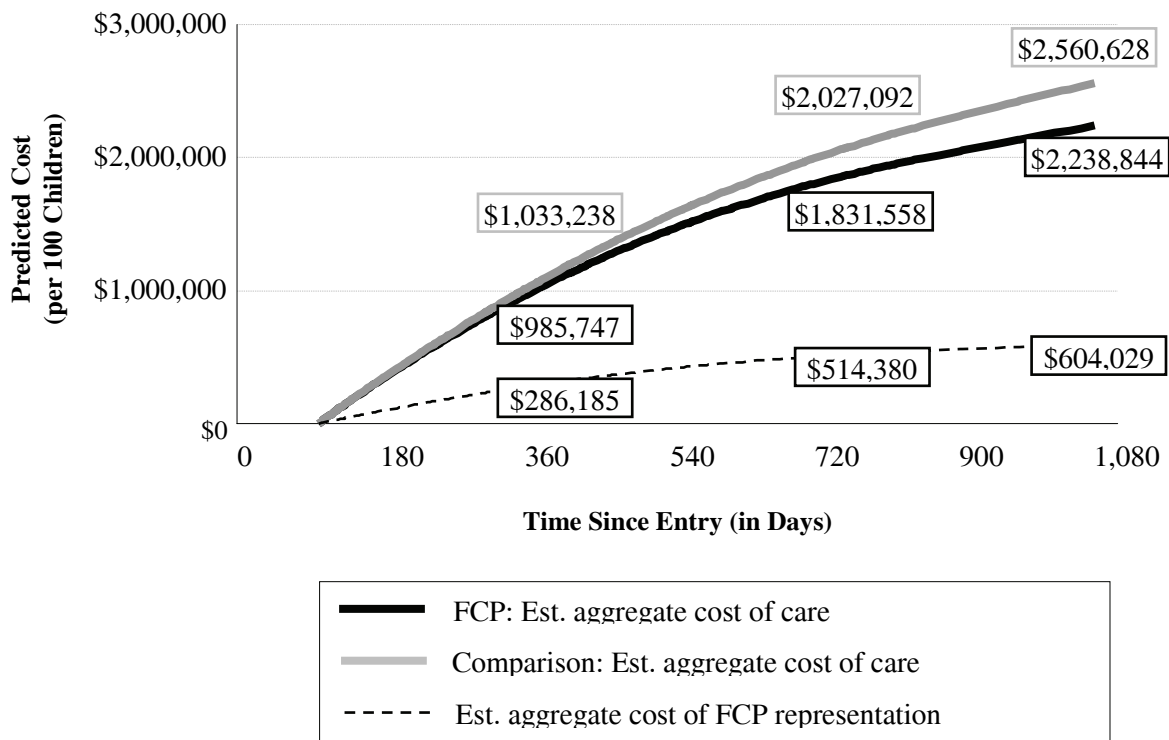
**Number of Care and Post-Permanency Days.** Using the model-based estimates of the proportion of children exiting to permanency, we calculated the accumulated number of pre-permanency days per 100 children. For example, among an average cohort of 100 FCP children, the estimated accumulated number of pre-permanency days within 3 years of entry equaled 45,391, whereas for an average cohort of 100 comparison children, estimated pre-permanency days equaled 54,221 (Figure 3). The fact that the total number of estimated pre-permanency days for comparison children exceeds that for FCP children reflects the finding that comparison children exited to permanency more slowly. Similarly, we calculated the accumulated number of post-permanency days, defined here as the accumulated number of subsidy-eligible post-permanency (e.g., adoption, long-term custody) placement days. Reflecting the finding that FCP children exited to adoption and long-term custody at a higher rate than comparison children, the estimated aggregate number of post-permanency days per 100 children was also larger for FCP (13,381) than for comparison children (7,125) (Figure 3).

**Figure 3. Estimated Aggregate Pre- and Post-Permanency Days**



**Aggregate Cost of Children’s Basic Care.** The last step in calculating the aggregate cost of providing for children’s basic care was to multiply the accumulated number of pre-permanency and post-permanency days by the estimated daily costs of each. As would be expected, the estimated cost of pre-permanency care is lower, and the cost of post-permanency is higher, for FCP children than for comparison children. For instance, 3 years after entry to care, the estimated cost of care (\$2,059,390) for 100 FCP children was 83.7 percent of the estimated cost for 100 comparison children (\$2,460,024), while the cost of post-permanency (\$179,453) was 78.4 percent higher than that for comparison children (\$100,605). Of course, for both FCP and comparison children, the estimated cost of substitute care far exceeded that of post-permanency and, as a result, the overall estimated cost of care (both pre- and post-permanency) was higher for comparison children than for FCP children (Figure 4).

**Figure 4. Estimated Aggregate Cost of Pre- and Post-Permanency Care and FCP Representation**



**Cost of an Extra Day of Permanency.** As a final exercise, we can obtain an estimate of the net cost of FCP associated with each additional day of permanency by dividing aggregate cost of FCP by the difference in the number of pre-permanency days for FCP and comparison children. For instance, by 3 years after entry to care, the total accumulated cost of FCP for 100 children is estimated to equal \$604,029. Dividing this by the estimated difference in accumulated pre-permanency days (8,830 = 54,221 – 45,391), we obtain a gross “price” for each additional day of permanency of \$68.41. If we take into consideration the lower accumulated cost of care associated with FCP

(\$321,814 = \$2,560,628 - \$2,238,844), the cost for each additional day of permanency decreases to about \$32 per day ( $\$31.96 = (\$604,029 - \$321,814)/8,830$ ).

## Qualitative Interviews of Youth and Parents

Semi-structured qualitative interviews were conducted with twenty-one youth and seventeen parents or guardians. Interview content focused on respondents' understanding and interpretation of court events and decisions. Copies of the youth and parent interview protocols can be found in Appendices B and C, respectively.

One of the original goals of these interviews was to develop an understanding of how the experiences and perceptions of FCP and comparison children may have differed. However, because of difficulties in obtaining current addresses for study subjects, including children, we do not believe that the final sample is representative of FCP and comparison cases. As a result, we also do not believe that a comparison of interview responses would lead to valid inferences about the relationship between FCP representation and the experiences and perceptions of children and parents.

Consequently, in the interview analyses no attempt was made to differentiate between FCP and comparison cases. Thus, all of the results presented should be understood as a reflection of the experiences and perceptions of both FCP and comparison children and parents.

### Youth Interviews

The sample of youth interview respondents consisted of a mix of FCP ( $n = 7$ ) and non-FCP ( $n = 14$ ) clients (Table 2). Most youth were male (81.0%), and either African

**Table 6. Youth Interview Subjects**

Characteristic	( $N = 21$ )	
	Freq. (%) / Mean (SD)	
FCP	7	(33.3)
Age (in years)	14.7	(2.1)
Gender		
Female	4	(19.0)
Male	17	(81.0)
Race/ethnicity		
Afric. Amer./black	12	(57.1)
White	8	(38.1)
Other	1	(4.8)
Time in care (in months)	7.1	(5.2)
Care status		
Still in care	12	(57.1)
Exited	9	(42.9)
Reunified	4	(19.0)
Adopted/long-term custody	1	(4.8)
Emancipated	4	(19.0)

S.D., standard deviation.

American (57.1%) or white (38.1%). The average time youth had spent in care was 7.1 months, with about half (57%) still in care at the time of the interview. Of those who had left care, most had been emancipated ( $n = 4$ ) or returned home ( $n = 4$ ).

***Emotions Elicited by Court Attendance.*** Youth who had recently attended a court hearing ( $n = 16$ ) tended to recall feelings of anxiety during the time leading up to their hearing. For example, when asked about how he felt before his last appearance, one youth responded:

Kind of nervous ... 'cause I didn't know where I was going or what I was doing ... just anxious to see what he [judge] was going to say. I was just hoping they was going to let me go home, that's all.

Several youth also described feelings of anger elicited by the occurrence of specific events during their last hearing. As a potent reminder of the exposure children face while witnessing court proceedings, one youth described how she felt during a hearing in which her father testified about her mother:

I feel ... I just felt bad. 'Cause, I don't know, just listening to those lies that my dad was saying. Knowing that my mamma do for me ... and do right by me.

Frustrations about the perceived capriciousness of court decisions were also evident in the responses of a number of youth. For instance, when asked about how she felt about the "court process," one youth explained:

Court process? A lot of pain. 'Cause one moment they say you going home and the next they say you're going somewhere else. And maybe the next you might never see your family again. It's a drag, a drag.

***Sense of Exclusion and Lack of Control.*** Most youth reported that they felt that they had little control over the disposition of their juvenile court cases. Remarking about a recent court decision, a hint of fatalism was evident in the statement of one young man:

I don't know. I just.... I don't know. I try not to think about it that much 'cause, like ... what can I do? I just live day by day.

This is not to say, however, that youth were not interested in having a voice in the decisions about their juvenile court cases. Indeed, a number of youth expressed the belief that they had the right to do so. In the following exchange with an interviewer, one youth expressed this sentiment in no uncertain terms:

*Youth:* I don't know but, if they trying to find out what's best for me, they should ask me what I think and then go on and do what they think.

*Interviewer:* So ... your opinion is that you should be deciding what is best for you?



*Youth:* No, my opinion is that they should ask me and then go on from there.

***Court Attendance and Understanding of Legal and Permanency Status.*** Youth who had recently attended a court hearing were generally, but not always, able to provide fuller descriptions of their legal status and the decisions that had been made on their behalf. Indeed, as the following exchange illustrates, legal proceedings may often seem abstruse, even to youth who participate.

*Interviewer:* What did they talk about [in court]?

*Youth:* They used a lot of big words.

*Interviewer:* You didn't understand?

*Youth:* Yeah, I wasn't really paying attention to what they were saying 'cause ... well I was, but I couldn't really understand what they was talking about. They were saying something about what's happening or something like that. About what's going on.

***Someone to Help Understand.*** For many youth, having an adult advocate with them in court seemed to alleviate the mystery and anxiety associated with the court process. As one youth described, the simple act of explaining the purpose of a court hearing can be very helpful:

*Youth:* I told him that I don't like going to court and he was like, "It's nothing to be nervous about. You ain't going to jail or nothing like that. You're just going to get put in a foster home or whatever." And then he was like, "Just go in there. Just act normal, like act yourself." Stuff like that.

*Interviewer:* Did he help you relax a little bit?

*Youth:* Yeah, 'cause I was like, real tense when he told me I was going to court. But, he helped me with that.

When asked to identify the adults who had helped them the most in court, youth cited a variety of individuals, including their attorneys, guardians *ad litem*, or the juvenile judge. The majority of youth, however, identified their child welfare agency caseworker as the person who had "helped them the most." When asked why he had chosen his caseworker, one youth replied, "'Cause, she's like the main person stressing, like really, really stressing."

Also, it was striking how often youth expressed the belief that most of the adults associated with their child welfare and juvenile court cases were making a genuine attempt to try to ascertain what was in youth's best interest. One youth who had been in care for several years said:

Who tried to help me? Everybody, even though their opinion is not the same as mine. I mean that's their opinion of what they think is best and I got my opinion of what I think is best but basically, I think they all trying to find out what's best ... for me, I mean.

Finally, for many youth, being able to talk about the experiences they had in court with their siblings helped youth to understand, and reconcile themselves to, their experiences in court. As one youth explained, the absence of siblings was acutely felt after court appearances:

*Youth:* Well, at first ... when we first got there we were in the same house, and I went to court with them. But then after that I moved ... they moved me to another house after that and I ain't seen them.

*Interviewer:* Was that hard, I mean difficult for you?

*Youth:* Yeah. I got to talk to them on the phone sometimes, when they would call, but I ain't got to see them. I was by myself. You know, I wasn't ... couldn't talk to no one after I talked to the judge.

## **Parent Interviews**

***Enormity of the Task at Hand.*** A theme to which many parents returned to repeatedly during their interview was the enormity of the task confronting them. Evidence to this effect was provided in the form of lists of disparate requirements for the return of their children that many parents provided. One typical response included requirements for drug testing, employment, and participation in a domestic violence program.

I had to give fifteen consecutive negative drug tests. I had to complete parenting class. I had no money, my car was in the pound, my house was about to get foreclosed on. I had to get a job and work full-time, have verifiable income, enroll in the Safety Net program for domestic violence with me and my children. I was arrested for a DUI, so I had to be to court almost once a week for the first 5 months.

A number of parents also described perceived obstacles created by their caseworker, the juvenile court, and (most often) children's substitute caregivers. A particularly sore point for parents was when they perceived that caregivers were attempting to meter their contact with their children. One parent stated:

I mean I was fighting everybody the whole way. I was fighting with DCF. I was fighting the foster mother who took care of my children. She told my caseworker that, "I'll do anything to help L---." Well, once my kids went to her house in -----, she wouldn't bring them to see me, even with supervised visits I had. I would call my caseworker and say, "I don't care if I have to meet my children at a DCF office." She would call and cancel the appointment she made with me because it was going to rain or something on her car broke. She made a million excuses.

*Case Plans as “Trap Doors.”* There was also a common perception that the case plans adopted by the juvenile court were designed to thwart parents’ efforts to be reunified with their children. Recounting a conversation she had with her child’s father, one mother characterized this effort as rather overt:

They make it almost impossible. I did everything they asked. I spoke to my daughter’s father yesterday and he said to me, “Well, DCF told me you’ll never be able to do any of this stuff anyway.” And I said, “Well, why not?” And DCF, one of the caseworkers, told him, “Because nobody ever completes it. They always end up getting high or drunk.” Well, it’s because they make it almost impossible to complete.

Even where parents did not perceive deliberate attempts to undermine them, several complained that case plans were irrelevant or immutable. One parent who had successfully regained custody of her child said:

But instead for them to agree that they do wrong they let you go, like, step by step. Follow their own rules, just to make themselves look better.

For some parents, these perceptions translated into a sense of resignation and bitterness. In the words of a mother of a youth who had been in care for several years:

He’s there until he’s 18, whether or not I complete that b---- or not. In a way, it’s beyond unreasonable. Because why should I keep working knowing I’ll never be able to bring my son home? Why bother? I made the choice when they told me, and that should be the end of it. Why keep going through this s--- with my kid? I like seeing my kid, which is why they did terminate my rights.

Finally, a number of parents expressed disappointment in the level and effectiveness of the support they or their children had received while in care. One parent of two troubled adolescents put it this way:

They’ve been in the system now for close to 4 years and neither kid is any better than they were before. There’s no improvement in 4 years with either kid. Now there’s got to be something wrong with the system. Psychiatrists, with the pills and the psychologists and all of this nonsense, no improvement with either kid at all.

## CONCLUSION

### Impact on Permanency

Representation by FCP appears to affect the timing of permanency in a fairly specific manner, with the lion's share of the impact occurring subsequent to case plan approval. In the case of adoption and long-term custody, this translates into faster overall transitions between initial removal and exit to permanency. In the case of reunification, however, the acceleration experienced subsequent to case plan approval does not serve to significantly shorten the time between removal and return home. Perhaps more important, however, is that FCP representation was *not* found to be associated with a commensurate reduction in the rate of reunification. This is of note because it suggests that FCP's success with regard to adoption is not dependent upon lower rates of reunification.

### FCP Program Elements and Permanency

Several operational activities—including filing motions and status checks, making service referrals, initiating TPR proceedings, and careful attention to the content of case plans—were cited by informed participant interview subjects as defining elements of FCP. Although, given the available data, we cannot determine the particular relationship that each of these has with the increased rate of permanency observed among FCP children, one insight in particular can be inferred from the nature of the impact findings themselves.

In brief, that the effect associated with FCP representation appears to manifest after case plan approval suggests that it is FCP's attempts to influence the content of case plans that serve as the linchpin for all their other efforts. For instance, although legal motions and service referrals may help to establish whether or not parents have met the conditions required for reunification and ensure that reasonable efforts have been made, it is the case plan itself that effectively defines these return conditions and serves as the benchmark against which reasonable efforts are measured. Indeed, according to a number of informed participant interview subjects, it is the individualized nature of FCP-influenced case plans that affords leverage to these other activities.

Perhaps more than any other finding, it is our belief that the apparent impact of case plan design on the timing of permanency merits further inquiry. Exactly how FCP-influenced case plans differ from the case plans of other children, and how these differences affect permanency, were not discoverable from the data collected for this study. However, data obtained from a systematic review of case plans could be easily linked to the outcome data collected for the present study. This particular follow-on project could not only be readily implemented, but could also yield actionable information for child welfare agencies, county corporation counsels, and juvenile courts seeking to expedite permanency.

More broadly, another unanswered question is whether the successes of FCP are a function of the particular constellation of program activities identified here, or just a reflection of what any well-resourced child welfare legal agency could accomplish. Also

an open question is the extent to which FCP's status as an attorney *ad litem* affects its program performance. For instance, beyond the matter of resources and tactics, how instrumental are the autonomy and assertive advocacy that characterize attorneys *ad litem* in achieving the higher rates of permanency observed among FCP children? Although these questions cannot be answered based on the data obtained for this evaluation, they will be important to consider before trying to replicate the FCP experience elsewhere.

### **Cautionary Note**

In the main, the findings from this evaluation suggest that FCP produces a net benefit for the children it represents. They are more likely to be adopted than other children, but no less likely to return home. The activities of FCP do, however, appear to impose a significant burden on social service providers and, in particular, ongoing caseworkers. Whether this burden is the result of additional time spent in court, or additional time complying with service-related court orders, is a matter of dispute. To the extent to which it is the former, however, it is a concern because it could potentially leave workers with less time to work with parents and children, which, in principle, could decrease the likelihood of reunification. Unfortunately, this sort of "systemic" effect is next to impossible to detect in a service environment such as Palm Beach County, in which there have been several concomitant shifts in policy and organizational leadership. Even in the absence of any hard evidence, however, it is probably worth considering whether there are ways that this burden could be lessened without adversely affecting permanency.

### **Limitations of the Current Study**

***Natural Experimental Condition.*** The validity of the impact findings of this evaluation rests on the integrity of the natural experimental condition that determined children's participation in FCP. In other words, the impact analyses rest on the assumption that FCP and comparison children are essentially equivalent, after controlling for all of the other variables included in the impact models. Although a comparison of the characteristics of FCP and comparison children suggests that these groups are approximately equivalent, it is important to keep in mind that, in the absence of a truly random or systematic assignment mechanism, there is no way to be sure that these groups are equivalent.

***Qualitative Interview Sample.*** Difficulties in obtaining accurate contact information for parents and youth required us to resort to a nonprobabilistic sampling strategy that ultimately yielded approximately a third as many interviews as were originally planned. Although our original intent had been to use these interviews to explore the impact of FCP representation on the experiences of children and parents, the ambiguous nature of the sample, and its diminished size, led us to conclude that this type of comparison was not possible.

### **Extension of FCP Representation to Children Placed in Relative Foster Homes**

To date, FCP has limited its purview to children placed with nonrelative substitute care providers. However, given that children placed with relative caregivers have been found to exit to permanency more slowly than children placed with nonrelatives (e.g., Barth,

Courtney, Berrick, & Albert, 1994; Courtney & Wong, 1996; Goerge, 1990; Goerge & Mackey-Bilaver, 2003; Harris & Courtney, 2003; Wulczyn, 2003), an argument could be made that these children are in greater need of FCP representation than other children. Also, the experiences of several states experimenting with subsidized guardianship programs (e.g., Illinois) seem to suggest that efforts directed at expediting adoptions among relative placements can yield significant results. Finally, given that children of color are generally more likely than white children to be placed with relatives, not extending FCP representation to children placed with relatives may create unintended inequities.

## **APPENDICES**

## Appendix A. Informed Participant Interview Protocol

1. Please state your job title and briefly describe your responsibilities.
2. Could you describe your understanding of the *intended* effect of the FCP (FCP services)?

Specifically, (a) what types of outcomes (e.g., permanency, child well-being, and safety) do you think the FCP is supposed to help achieve and (b) how are FCP services/activities supposed to help achieve these goals?

Examples/definitions of outcomes (if needed):

Permanency:

Disposition and timing of exit from care

Pre-exit outcomes: Placement w/relatives, placement stability

Child well-being:

Children's understanding of court process

Parental visitation; sibling visitation/co-placement; proximity to parent(s)

Safety:

Needed assessments

For instance, our understanding is that FCP services are thought to help children exit care more quickly, in part, because FCP involvement helps to leverage needed services that, in turn, help establish reasonable efforts.

Other examples (if needed):

FPC helps to improve the timeliness of court milestones (e.g., filings and rulings) and reduce the number of continuances, which helps to expedite permanency.

FCP helps to ensure contact with family (e.g., placement with relatives/siblings, frequent visitation).

3. What are your thoughts about the *actual* impact of the FCP (FCP services)?  
If different than intended effect just described:  
How is the impact different (i.e., is effect greater/ lesser, different, unintended)?
4. Besides the FCP services/activities just described, what other types of services/activities does FCP routinely provide/engage in?
5. Is FCP more effective in some types of cases than in others? If so, what types of cases are most influenced by FCP involvement?



6. [To FCP staff only] Are there specific aspects of FCP operations, either formal or informal, that contribute to (lack of) FCP success (in achieving intended outcomes)?

Examples (if needed):

Staffing (e.g., caseload distribution), support/resources (e.g., availability/quality of para-professionals and investigators)  
Philosophy, culture, work environment  
Representational approach (i.e., extent to which it is adversarial)

7. How do FCP services impact the work or performance of other parties?

For instance, in what ways does FCP involvement affect the work or performance of:

- (a) Child welfare staff (e.g., DCF, CFC, subcontractors)
  - (b) Other attorneys
  - (c) CASA, mediators, etc.
  - (d) Parents, adoptive parents, foster parents
8. Are you aware of other important initiatives, reforms, etc., besides the FCP, that may have also affected the disposition/timing of children's outcomes and experience?

## Appendix B. Youth Qualitative Interview Protocol

I'm here to ask you questions about your experiences in court and what you think about things that are going on right now where a lot of adults are trying to figure out the safest place for you to live. I am interested in what this process is like for you. I know that it might be hard to remember things so I have these cards here to help. [There are four cards that prompt for participants, setting, actions, and conversation/affective state.] When something happens, there are people, actions, feelings, conversation and a place where it happens. Take this interview for example. Let's start with the people who are here. There's [list people present]. This card is a reminder to think about the people who were there when something happened [interviewer shows child people card]. Now let's talk about the action, or what is going on. What are you and I doing right now? [Pause to allow child to answer. If s/he does not, proceed without waiting too long.] We're sitting and talking. This card is a reminder to think about what happened or what people did. [Interviewer presents card.] Another important thing is the setting, or where we're at. Right now we're at [describe setting]. This card is a reminder to think about the place where something happened. [Again, interviewer shows appropriate card]. Then there are the feelings that people express. Other people's feelings can be hard to figure out but there are ways that let us know how they feel. The sound of their voice and their body language can say a lot about how they're feeling. For example, when someone smiles, it usually means they are feeling happy. This card is a reminder to share what you think about how people, including yourself, might have been feeling. [Interviewer shows final card.] Do you have any questions so far?

Okay, now I'm going to ask you about what has happened in court in the last couple of months.

1. Have you been to court? When?

Please tell me about the last time you went to court.

Interviewer allows child to speak freely. When child finishes, interviewer prompts for any of the elements that may be missing.

Participants – Who was there?

Actions – What did they do? What did you do? What did people talk about?

Conversation/Affective state – What did they say? What did you say? How did you feel in the courtroom?

2. Right now there are a lot of adults trying to figure out what is best for you. What are they trying to decide?

3. Who are some of the people that are trying to figure out what is best for you?

For every person mentioned, follow up with questions regarding that person's role. For example, if youth provides only a first name, ask what that person has said or done.

4. What has been decided so far? Follow up to gauge the extent to which the child understands what the stated decision means.

Example: Was there a decision about where you will live? What was it?

Was there a decision about who you will live with? Prompt for impact on visitation and services.

If the child comes back with “they decided my mom has a drug problem” or something similar, follow up with questions that return focus to the child. What does that mean for you? What effect will it have on you?

5. What do you think will happen next? What are some of the things that could happen?

6. Do you think you will need to move again? If so, prompt for why child believes placement is unstable.

7. How many times have you moved so far (since you were removed from your home, i.e., your parent(s)’ home)?

8. I want to talk now about where you’re living now and whom you live with, okay? Where do you live right now?

9. Who lives with you?

Do you have brothers or sisters?

Are they living with you now?

If not, where are they?

How often do you see them?

10. How often do you see your mom? How about dad?

11. A forever home is someplace that you live for the rest of your childhood, a place where you will stay after all of the court process is over. Where would you like your forever home to be? Who would you live with?

12. Have you told anyone where you’d like your forever home to be?

If yes, then ask: Who have you told?

If no, ask: Why haven’t you told anyone?

13. Do you have questions about stuff you don’t understand?

14. Who do you talk to about your questions? Is there anybody else you might talk to about your questions?

15. Why do you have an attorney?

16. What does your attorney do? What is s/he supposed to do? What kinds of things can you ask her/him to do?

17. Who is going to decide where you live and who your forever family will be?

## Appendix C. Parent Qualitative Interview Protocol

FCP cases	non-FCP cases
Your child is/was represented in court by an attorney from the Foster Children's Project. Do you happen to remember who this person was?	n.a.
Did you have any contact with this attorney, or other people from the FCP, <i>outside</i> of court (proceedings)?	n.a.
What is your understanding of the role of the FCP project? What type of things (??) How is what FCP does different from what DCF does?	n.a.
Could you describe, based on your case plan and what your social worker told you, what were the changes you need/needed to make before your child could come home? Prompts: Are/were these required changes or tasks clear, understandable? Are/were these required changes or tasks reasonable and achievable?	
What type of help did you receive from your social worker or other professionals, including those from FCP (to help you make the required changes)? Prompts: Examples include services, honest advice, etc.	
How much say did you have in deciding what type of changes or tasks were needed before your child could come home? In other words, how much say did you have in defining your case plan?	

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