



Quality Assurance through Wisconsin's Children's Court Initiative

Quality assurance in child abuse and neglect court systems allows courts to continuously focus on and improve the quality of their work. Quality assurance programs provide a way to evaluate court performance, improve ongoing decision-making, and collect important data to share with stakeholders, the public and others.

Courts can use quality assurance programs to improve the lives of children and families through improvements in judicial decision making. At the same time, they can improve their compliance with state and federal laws and improve state performance in future federal-state Child and Family Services Reviews (CFSRs) and Title IV-E eligibility reviews.

The new federal Court Improvement Program (CIP) grants for data collection and analysis give states additional resources they can use to establish or strengthen quality assurance for child abuse and neglect litigation. States wishing to adopt or expand quality assurance can look to several existing successful programs. Wisconsin's Children's Court Initiative (CCI) is one such example.

Wisconsin's Children's Court Initiative

Developed through Wisconsin's CIP project, CCI is a quality assurance program designed to provide ongoing evaluation of how courts are handling child in need of protection or services (CHIPS) and termination of parental rights (TPR) cases. CCI is an internal review designed to determine whether individual counties are meeting minimum practice standards and to identify best practices and any areas that need improvement.

CCI Goals

The mission of the Children's Court Initiative is to assist the court system and those providing services to it in achieving safety, permanence, due process, and timeliness outcomes for children and families in child welfare proceedings. The achievement of performance measures is assessed and tracked through court file reviews, court observation, surveys, interviews and data analysis.

A Collaborative Effort with the Child Welfare Agency

The CCI onsite reviews are part of a comprehensive and continual process achieved through a partnership with Wisconsin's Division of Children and Family Services and its Continuous Quality Improvement (CQI) program. CCI and CQI staff travel together to conduct simultaneous reviews of the same counties, in hopes of yielding a deeper understanding of the entire child welfare system in each county. Joint reviews provide more accurate findings and in turn benefit families and children to a greater degree. In addition, they minimize disruption and prevent duplication.

Prior to and since June 2005, when joint reviews were conducted for the first time, CCI has worked closely with CQI staff in implementing and making improvements to their joint review system. First, CCI and CQI determine the review schedule together and conduct a joint orientation meeting in each county approximately three months prior to the onsite review. Second, CCI and CQI conduct most of the interviews during the onsite review together, and the

cases reviewed by CQI that fall within the CCI sample period are also reviewed by CCI. Third, two weeks after a review is completed, CQI and CCI meet for a post-review meeting to compare and share the findings from their respective reviews.

Measurement Instruments

CCI uses several data collection methods to assess court performance, including court file review, court observation, and interviews. Additional information is obtained using a pre-visit survey and the state's court automation program. The CCI performance measures and the data collection instruments are based in part on the "Building a Better Court" Guide and Toolkit (ABA, NCSC, and NCJFCJ), the state's Child and Family Services Review (CFSR), its Title IV-E review, and Minnesota's Children's Justice Initiative.

Court File Reviews track randomly-selected CHIPS and TPR cases filed within 15 months of the onsite review. The sample period was chosen in order to obtain data that reflects current practice while at the same time capturing cases with post-dispositional activity (i.e., changes of placement and permanency plan hearings). The court file review instrument collects information in a number of areas, including:

- notice of hearings
- required findings on court orders (e.g., contrary to welfare findings)
- changes in placement and
- timeliness of certain events (e.g., permanency planning, orders filed, case disposition, agency reports).

Court Observation is conducted while onsite for hearings in CHIPS and TPR cases when possible. The court observation instrument records who was present and whether they were given an opportunity to participate. Additional data include whether the court:

- made required findings
- advised parents of their right to counsel if unrepresented
- addressed the absence of a parent
- noted whether the Indian Child Welfare Act (ICWA) applies and
- distributed orders to the parties at the conclusion of the hearing.

Interviews are conducted with judges, circuit court commissioners, juvenile clerks, prosecutors, guardians ad litem, defense attorneys, court appointed special advocates (CASAs), caseworkers, agency supervisors, foster parents, and tribal representatives. The interviews typically occur in groups by profession and are conducted jointly with CQI.

CCI and CQI ask participants to identify what works well in the county and what areas need improvement both within the court and the agency. CCI also asks questions about notice of hearings, delays and continuances, ICWA, opportunity to be heard in court, timely appointment of attorneys, changes of placement, permanency planning and attorney performance.

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CQI separately asks about issues such as parent involvement in case planning, demographics, available services and those that are lacking, and supervision of caseworkers. Either CCI or CQI asks about caseworker performance, quality and timeliness of court reports, locating parents and relatives, and similar issues.

Current Progress

CCI has reviewed 17 of 72 counties so far and plans to review approximately 15 counties per year. A major strength of CCI is its ability to assess each county's court system separately and make recommendations tailored to that particular county.

The preliminary observations from each review are shared orally at an exit conference at the conclusion of the review, and the formal findings are presented in the form of a written report approximately three months after the onsite review.

Recently, CCI developed a post-review survey that is given to each county five months after its onsite review. The post-review questionnaire asks each county what changes have been made and with whom the report has been shared.

Examples of the actions taken by counties as a result of the reviews include:

- the court meeting with the agency to discuss possible improvements
- conducting multi-disciplinary training
- the court and agency using the findings from the reviews in their strategic plan or as a basis for funding requests with their county board
- creating a statewide form with the state child welfare agency for foster parents to provide input to the court at hearings and
- local courts establishing procedures to provide oversight in guardian ad litem performance and training.

With the additional funding from the CIP data collection and analysis grant, Wisconsin plans to hire additional staff and expand the post-review technical assistance aspect of the project.

Examples from Other States

In addition to Wisconsin's CCI, several other states have established quality assurance programs:

Arkansas, for example, focuses its quality assurance on legal representation of children. As part of the monitoring and oversight of the Attorney Ad Litem (AAL) program, staff developed a database with information provided monthly by the AALs on specifically designed reporting forms. The resulting data helps measure compliance with standards of practice required by the state Supreme Court and assists in administering program resources.

To receive reimbursement, AALs must also submit a monthly invoice for incurred expenses. Additional quality monitoring tools include surveys, input from judges, data analysis, office audits, file reviews, court observations, and other tools. Over 50 reports are generated from these data forms, including a monthly AAL report for each attorney that provides them with key compliance indicators and how they compare to other attorneys based on a state average.

Similarly, Colorado used CIP funds to establish "Family Court Facilitators" (FCF), or local court managers, who act like local CIP coordinators to ensure that hearings are held in a timely fashion and that parties are prepared and receive notice. In some districts, FCFs also facilitate settlement agreements at adjudication.

The FCFs' attention to timeframes has assisted districts in meeting those timeframes with consistency. Once Colorado fully implements its statewide court automation system in Spring 2007, FCFs will also ensure that accurate data is entered to provide reports on safety, permanency and well-being outcomes. FCFs will use the performance measures to monitor and improve on local practices.

Conclusion

Although still young, Wisconsin's model of innovative and comprehensive review through its Children's Court Initiative can open the doors for more just and effective legal proceedings for children and their families throughout the state. The quality assurance models developed by Wisconsin and other states have the potential to continually reform and improve the handling of dependency cases.

– Doris Ng

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Information on other court-based quality assurance programs, including examples of performance measurement instruments and contacts for state CIP programs, can be found by state and under "evaluation" in the National Resource Center on Legal and Judicial Issues' National CIP Catalog at <http://www.abanet.org/child/cipcatalog/home.html>.



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