

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

# Model Courts

JANUARY 2004

Improving Outcomes for Abused and Neglected Children and Their Families



I am not a statistic. I am not research.  
I am not somebody's data. I am more than a  
product of my environment.

— FORMER FOSTER CHILD'



NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

# Fact:

At the end of 2002, approximately 557,000 children were in out-of-home care in the United States.<sup>2</sup>



Photo by: Los Angeles Times, Wally Skalij

On any given day, thousands of children in this country are in court-ordered foster care, not knowing when or if they'll go home or ever have a permanent placement. Many remain in foster care for years. Since 1992, jurisdictions participating in the Model Courts Project<sup>4</sup> have been striving to improve outcomes for these children and their families. The Model Courts Project provides judges, attorneys, and numerous other professionals who work in the courts and child welfare agencies with practical, concrete, and effective tools for creating court improvements in the handling of child abuse and neglect cases.

The Model Courts are a group of juvenile and family courts committed to making a difference. Working with the National Council of Juvenile and Family Court Judges' Permanency Planning for Children Department (PPCD), and using the acclaimed best practices bench book *RESOURCE GUIDELINES*<sup>5</sup> as a guide to systems reform, the Model Courts identify impediments to the timeliness of court events and delivery of services for children and families in care, and then design and implement court- and agency-based changes to address these barriers. With technical assistance and training from the PPCD, dependency practices and innovations are pilot-tested and refined as part of ongoing court and multi-agency systems change efforts.

The Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice has provided support to make this important work possible and has enabled the PPCD to include an increased number of jurisdictions which now stretch from coast to coast. The benefits to their communities and to the children and families they serve have made the Model Courts an invaluable national resource.

## WHY WERE THE MODEL COURTS NEEDED?

Systems change efforts were compelled because many of our nation's abused and neglected children lingered in state foster care systems – systems designed only for short-term care – with no permanent resolution to their cases. It was not unusual for such children to remain

<sup>1</sup> Cover: California Youth Connection, 2003.

<sup>2</sup> The Administration for Children and Families, Children's Bureau, U.S. Department of Health and Human Services, *The AFCARS Report*, November 2002.

<sup>3</sup> Child Welfare League of America, 2002.

<sup>4</sup> "The Child Victims Act" Model Courts Project is funded under Section 223(a) of Public Law 101-647 (104 Stat. 4797), the Victims of Child Abuse Act of 1990, as amended in Title III, Section 1302 of the Violence Against Women Act of 2000.

<sup>5</sup> *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases* (1995). NCJFCJ, Reno, NV.

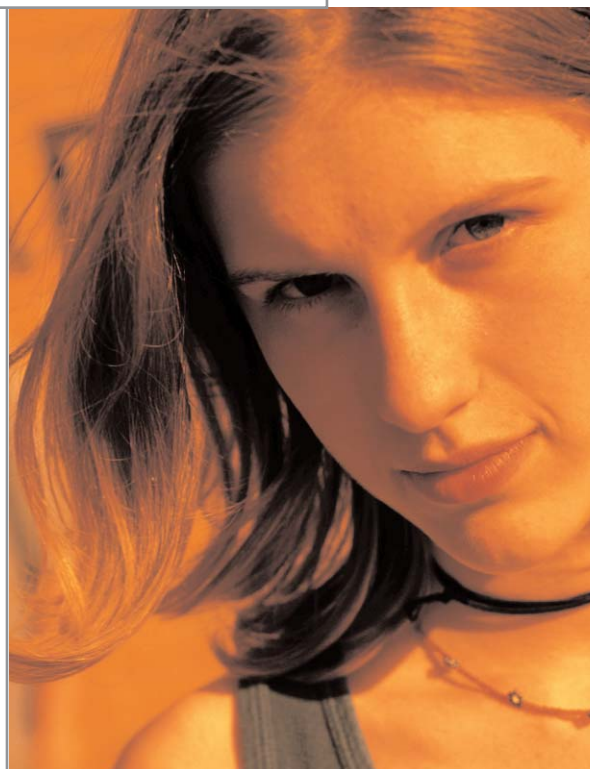
in care for years, leaving the system only when they “aged out” at 18. Congress addressed the “foster care drift” issue in 1980 when it passed P.L. 96-272, the Adoption Assistance and Child Welfare Act. The law’s primary emphasis lay in mandates for court oversight to provide expanded preventive and reunification services to reduce the need for, or the duration of, foster placements and to facilitate adoption where restoration of the family was not feasible. Throughout the 1980s, judges and child welfare professionals worked to implement the mandates of P.L. 96-272 with varying degrees of success. While some jurisdictions achieved an improvement in permanency outcomes, many did not. By the early 1990s, it was clear that the juvenile and family courts needed additional support and direction to meet the needs of children in care and their families.

The average foster child in the United States today is a boy, under ten years old, who will pass through multiple foster homes and be in out-of-home care for approximately three years.<sup>6</sup> While these statistics have fluctuated through the years, their message has not: The average child in foster care faces a bleak reality.

Model Courts are working to improve this reality. Believing that it is in children’s best interest to be raised in a safe, permanent, and loving family, the Model Courts have rejected “business as usual” and are opening themselves up to a critical review of how well their court structures and practices are meeting the needs of their most vulnerable charges. The PPCD participates in this process by providing a skilled team of professionals in law, practice, research, and policy to assist and guide the Model Courts as they undertake change. Through focused training and technical assistance, PPCD staff collaborate with the Model Courts to identify key stakeholders; include them in the strategic planning processes; begin assessing systems’ functioning; target specific, attainable goals; provide the information, materials, faculty, and mentors necessary to reach these goals; and support ongoing efforts to effect substantive, sustainable change.

**Since 1997, the New York City Family Court’s affiliation with the National Council of Juvenile and Family Court Judges has been absolutely indispensable in reducing the number of children in foster care from 49,000 to 24,500. Their exhaustive, continuous accessibility not only to the court as a whole, but to individual court personnel has been nothing less than astounding.**

LEAD JUDGE JOSEPH M. LAURIA  
ADMINISTRATIVE JUDGE  
NEW YORK, NEW YORK



<sup>6</sup> *Supra*, note 2.



### WHAT ARE SOME ACHIEVEMENTS OF THE MODEL COURTS?

- Establishment of cross-system collaboratives in each court, guided by a Model Court Lead Judge.
- Shortened time frames for children under court supervision.
- Decrease in the number of cases under court supervision.
- Focus on increasing reunifications.
- Focus on increasing adoptions.
- Focus on permanency for children in safe and stable families.

### WHAT PRACTICE IMPROVEMENTS WERE PIONEERED BY THE MODEL COURTS?

- Establishment of one judge/one family calendaring.
- More substantive preliminary protective hearings.
- Scheduling hearings at a specific time (“time certain”).
- Implementation of strict no-continuance policies.
- Copies of orders disseminated to all parties at the end of each hearing.
- Setting the date and time of the next hearing at the end of the current hearing.
- Development of “dedicated” attorneys.
- Improved advocacy for children and representation for parents.
- Development of data information systems specifically focused on dependency case processing.
- Faith community involvement.
- Development of family group conferencing and dependency mediation programs.

### WHAT IMPROVED OUTCOMES ARE ASSOCIATED WITH THE MODEL COURTS?

- In Chicago, the backlog of children under court jurisdiction in out-of-home, long-term foster care was reduced from an estimated 58,000 to fewer than 20,000 during a three-year period. The number is now less than 16,000 children.

- In Los Angeles, the leadership of the Model Court Lead Judge and Team resulted in significant improvements in achieving permanency for children through the Adoption Saturday program, which has since become a national model. The number of children under court supervision was reduced to 36,000 from a recent high of 50,000, and more than 3,000 children found permanent homes in 2000.
- In Tucson, between 1996 and 1999, the implementation of improved practices in the juvenile courts reduced the length of time a child remained under the jurisdiction of the juvenile court by 50% and reduced the time children remained in out-of-home care from 400 to 178 days. The savings were estimated at \$5 million.
- In Des Moines, through the utilization of mediation programs, the number of contested removal hearings has been reduced by more than 50 percent. “Parties come to court less polarized, having already developed a working relationship with providers and agency workers prior to court involvement,” states Lead Judge Connie Cohen.
- In Alexandria, the Model Court is cooperating with the Virginia Director of Court Improvement to establish “Best Practice Courts” throughout Virginia. There are currently 19 courts participating. Each court is using the *RESOURCE GUIDELINES* and the examples of the Model Court to engage their communities and agencies in making changes to impact the lives of children and families.
- In Salt Lake City, utilization of the same best practices has produced similar results, and children are able to have safe, permanent homes in a shorter time.

**Not only has the NC child welfare system in dependency cases provided tremendous technical assistance to improve our juvenile courts, but we can imagine where our entire child welfare system can be without the Model Courts.**

LEAD JUDGE LOU  
CHARLOTTE, NC

- In San Jose, the adoption rate doubled. San Jose also created one of the first child welfare mediation and family group conferencing programs in the United States; the San Jose program is now a nationally recognized model and is an expected part of best practices.

**WHAT COMMITMENT IS REQUIRED OF A MODEL COURT?**

Becoming a Model Court requires a unique commitment of energy, time, and personnel. All prospective jurisdictions are asked to follow seven fundamental elements in order to become part of the project:

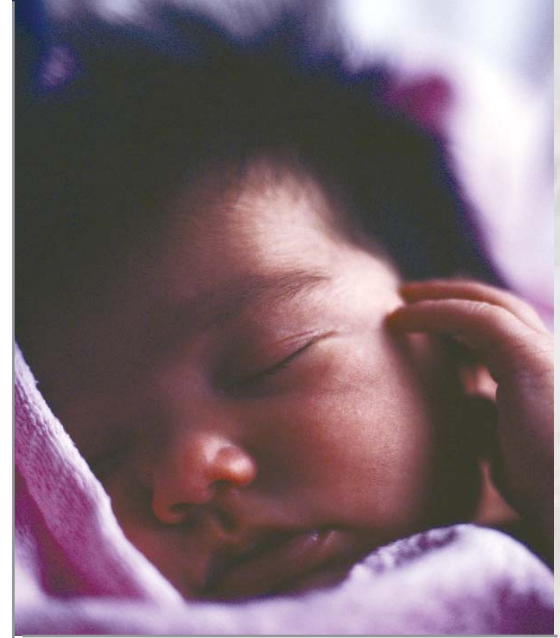
- Identifying a Lead Judge to guide the process with the support of the Presiding Judge or Chief Justice in his or her jurisdiction or state.
- Establishing a collaborative with key stakeholders who work within the system.
- Assessing court practice and identifying challenges, goals, and improvements based upon best practices.
- Agreeing to serve as a “laboratory” for systems change by implementing new practices and sharing experiences with others.
- Opening the court process to PPCD staff, evaluators, and others.
- Tracking improvements through a data information system or by other means.
- Agreeing to mentor other jurisdictions by hosting site visits; serving as presenters at state, regional, and national conferences; and developing publications.

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LOUIS A. TROSCH  
NORTH CAROLINA

Becoming a Model Court is a long-term commitment. Systemic improvement is a multi-year, multi-phase, multi-systems change process that evolves through leadership, legislation, policy, and personnel. Working closely with each other and with the PPCD, the Model Courts continually assess their child abuse and neglect case processing, examine barriers to timely permanency, develop and institute court improvement plans, and collaborate within their jurisdictions to bring about meaningful and sustainable systems change.

All Model Courts are engaged in developing new policies, practices, and programs which will not only speed cases to permanency, but also provide a high quality of attention and service to children and families while focusing on the safety, permanency, and well-being of the children in their care. Each Model Court is committed to taking a hard look at how its court process is working in everyday practice.



**Fact:**  
Children in state care are 11 times more likely to be abused than they are in their own homes.<sup>7</sup>

<sup>7</sup> National Center on Child Abuse and Neglect (NCCAN).

**Model Court has given us a vehicle to create a team where each member has committed to creating a joint vision on how our system can best serve at-risk children and families in our jurisdiction. This spirit of teamwork is stronger than it has ever been and gives us all great hope for the future.**

LEAD JUDGE MICHAEL NASH  
PRESIDING JUDGE  
LOS ANGELES, CALIFORNIA

### **WHAT RESOURCES CAN THE PPCD PROVIDE TO THE MODEL COURTS?**

The PPCD primarily serves as a provider of highly focused and specialized training and technical assistance. Unlike other grant programs, no direct funding flows from the PPCD to the Model Courts. Rather, the PPCD makes available a wide range of resources, materials, and collaborative opportunities. A Model Court Liaison facilitates the provision of training and technical assistance in the implementation of the courts' visioning, goal-setting, systems changes, and special needs. The Model Court Liaison makes available:

- Planning and implementation of site-specific training programs.
- Assistance in strategic planning and goal-setting.
- Coordination of site and cross-site visits.
- Direct provision of technical assistance.
- Networking with other Model Courts and linking those with similar needs or issues.

The PPCD maintains a full resource library staffed by Information Specialists who fulfill technical assistance requests. All Departmental publications are disseminated free of charge to the Model Courts.

Perhaps the most valuable overall resource offered to Model Courts is access to and collaboration with representatives of other Model Courts. Model Court Lead Judges and members of their teams develop experience in a wide variety of areas related to improved court and systemic practice in the handling of child abuse and neglect cases. Often Model Court team members are called upon to share their expertise with others. They regularly are invited to travel to conferences and to other Model Courts to conduct trainings, serve as resources, and assist as "the voice of experience" in the continuum of systems change efforts. The PPCD conducts an annual Lead Judges Meeting/All-Sites Conference for Model Court personnel to share information, network with each other, strategize improvement efforts, and assess progress and goal achievement. Model Court Lead Judges and members of their teams are the "brain trust" for those who will follow and continue these and new efforts into the future.

### **WHAT HAVE THE PPCD AND THE MODEL COURTS PROJECT ACHIEVED?**

- Heightened judicial awareness to the plight of foster children caught in "foster care drift."
- Development, publication, and dissemination of recommendations for best practices in the handling of child abuse and neglect cases to more than 36,000 judges and court-related personnel.
- Training for more than 82,000 judges and related child welfare professionals in the implementation of best practices.
- Showcasing techniques to dramatically shorten the time frames for permanency, in compliance with federal law.
- Raising the level of practice, e.g., representation for all parties in a dependency proceeding, reduction of continuances, greater use of CASAs and GALs.
- Establishing a national platform for disseminating court-improvement information.
- Creating a nationwide network of judges and related child welfare professionals who collaborate on continued improvements and innovations, and who serve as faculty and mentors for other jurisdictions.

To become a Model Court is to make a commitment to promote, facilitate, and implement meaningful and sustainable systems change in a given jurisdiction in order to improve outcomes for abused and neglected children and their families. The commitment must be initially made by a judge willing to accept the responsibility to spearhead systems reform efforts specifically aimed at improving the lives of children and families at risk of abuse and neglect. According to the U.S. General Accounting Office, a history of failed or truncated efforts in a variety of initiatives clearly demonstrates that without strong judicial leadership, meaningful and sustainable systems change cannot occur.<sup>8</sup> The PPCD and the Model Courts continue to work toward the goal of improving dependency court practice in ways that will most benefit our nation's abused and neglected children and their families.

<sup>8</sup> *Juvenile Courts: Reforms Aim to Better Serve Maltreated Children*, United States General Accounting Office, Report to the Chairman, Subcommittee on Ways and Means, House of Representatives (January 1999)

# Model Court Support



Model Court has given me the opportunity to come together with a group of committed and dedicated people to share frustration and to learn. It provides an opportunity to test ideas and get meaningful feedback and suggestions from others in the field. It provides a source of support and numerous resources that can assist in problem-solving and developing new ideas and programs.

— **Lead Judge Ernestine Gray**  
New Orleans, Louisiana

We have been able to “steal” valuable ideas from other jurisdictions to improve practice in our jurisdiction. The team meetings themselves have been a boost to our morale in the midst of budget crisis, etc. The goals we are working on are exciting and will only make our practices better and therefore we will continue to improve the lives of children.

— **Lead Judge Paula Kurshner**  
Portland, Oregon

Being a rural, tribal court situated way out in the “boonies,” the Model Courts Project allows the Zuni Courts to “borrow” and use the good practices and ideas in child permanency planning from other jurisdictions for better outcomes without infringing on our cultural and traditional values.

— **Lead Judge Albert Banteah**  
Zuni Pueblo

The Lead Judge has acted as a convener to bring a variety of court participants together to commit to improved court practice. The National Council of Juvenile and Family Court Judges, with the Permanency Planning for Children Department, has provided training, technical assistance, resources, guidance, and support to identify and implement these best practices.

— **Lead Judge Douglas F. Johnson**  
Omaha, Nebraska

Effective technical assistance which allows Model Court members to design, implement, and evaluate best practice initiatives resulting in better outcomes for families and children.

— **Lead Judge James W. Payne**  
Indianapolis, Indiana

Being part of a nationwide enterprise that values innovation and best practices has enabled the Honolulu Model Court to re-examine its own role in the administration of timely justice for the litigants and professionals involved in the child welfare system. It has focused our individual and collective efforts on court improvement and the importance of judicial leadership.

— **Lead Judge Linda K.C. Luke**  
Honolulu, Hawai'i

Sharing ideas for “best practice” models for achieving permanency for children. Frankly, I did not expect to achieve the success that we have achieved. It is the most rewarding thing I have done to participate in this collaborative and lead it. I don't take credit as the leader; it has taken everyone's work to make it a success.

— **Former Lead Judge Sharon Townsend**  
Administrative Judge  
Buffalo, New York

People working together who want to color outside the lines and build new things. The artistic, creative side of others who begin to think and work as one. I love to watch people accomplish things that they at first were afraid to even try to accomplish.

— **Former Lead Judge Thomas Zampino**  
Newark, New Jersey

A Model Court is an attitude that expresses the collective belief among all participants in the court system that improvements are possible and that everyone will work to ensure that best practices are instituted so that clients will be better served.

— **Lead Judge Leonard Edwards**  
San Jose, California

Thanks to Judge Michael Nash of the Los Angeles Model Court and his leadership on Adoption Saturday, I promoted Adoption Saturday here in Virginia. We hope to have 17 communities participate this year (November 2003). Because of this, I have just been notified that I will be receiving an Adoption Excellence Award from the U.S. Department of Health and Human Services – one of 30 to be awarded this year – in the category of public awareness. Judge Nash should be receiving this award, not me.

— **Lead Judge Stephen W. Rideout**  
Chief Judge  
Alexandria, Virginia

**If your jurisdiction is interested in becoming a Model Court or implementing the principles of the *RESOURCE GUIDELINES*, please contact Christine Bailey, J.D., M.A., Assistant Director for Training, Technical Assistance, and Special Projects, at (775) 784-6675 or [cbailey@ncjfcj.org](mailto:cbailey@ncjfcj.org).**

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