

ACTIVITY REPORTING AND PROPOSAL FORM
JUDICIAL COUNCIL DIRECTIVES
AOC RESTRUCTURING

DATE	6/6/2013
PREPARED BY	Diane Nunn
OFFICE NAME	<u>Center for Families, Children & the Courts</u>
JUDICIAL COUNCIL DIRECTIVE NUMBER	62
JUDICIAL COUNCIL DIRECTIVE	E&P recommends that the Judicial Council direct the Administrative Director of the Courts that a systems review of the manner in which AOC staff review trial court records should be conducted to streamline Judicial Review and Technical Assistance audits, if possible, and to lessen the impact on court resources.
SEC RECOMMENDATION	A systems review of the manner in which trial court records are reviewed should be conducted to streamline audits, if possible, and to lessen the impact on court resources.
RESPONSE (check applicable boxes)	
<input checked="" type="checkbox"/> This directive has been completed and implemented:	
<p>Program restructuring and operational changes in the Judicial Review and Technical Assistance project (JRТА) resulted in consolidation of the program with other juvenile court assistance projects. Two positions have been eliminated. The program has been renamed as Judicial Resources and Technical Assistance to emphasize that it is a service and resources program. The California Department of Social Services provides funding for the four FTEs for the JRТА project Two of the four FTEs are dedicated attorney positions, with the remaining JRТА work covered on a short term project basis by a variety of attorneys in CFCC.</p> <p>The Systems Review of the Judicial Resources and Technical Assistance project is attached. The review describes the work of the project, steps achieved in streamling the project (described in the "Efficiencies" section below) and procedures put in place to reduce the impact on the courts (described in the Cost Savings section below).</p>	
<div style="border: 1px solid gray; padding: 5px; display: flex; align-items: center;"> <div> <p>JCD 62 JRТА Systems Review.docx Microsoft Office Word Document 36.6 KB</p> </div> </div>	
<input type="checkbox"/> This directive is forwarded to the Judicial Council with options for consideration:	
<div style="border: 1px solid gray; width: 100%;"></div>	

<input type="button" value="File Attachment"/>
<input type="checkbox"/> Other:
<input type="button" value="File Attachment"/>

TIMELINE AND RESOURCES FOR IMPLEMENTATION

IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE	
RESOURCES REQUIRED FOR IMPLEMENTATION	

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

<input type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
---	---

<input type="checkbox"/> TRAINING UPDATED OR DEVELOPED	<div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <input type="button" value="File Attachment"/>
---	---

<input checked="" type="checkbox"/> SAVINGS	<p>Chief Justice Malcolm M. Lucas launched the JRTA project when the 1995 U.S. Department of Health and Human Services' Office of the Inspector General's eligibility review found that 39 percent of the cases reviewed were not eligible for title IV-E funding. Consequently, California's programs faced a potential loss of \$51.7 million. The JRTA project assistance to courts was recognized as key in successful IV-E reviews, avoiding the loss of \$100 million for children in foster care.</p> <p>The JRTA System Review recommendations implemented to reduce program burdens on the court:</p> <ol style="list-style-type: none"> 1. Ensure that judicial officers, court staff, and stakeholders understand that JRTA liaisons conduct a courtesy file review and do not audit court files. 2. Give courts up to 9 months to schedule site visits. 3. Reduce the frequency of reviews for courts when prior reviews find no need for technical assistance. 4. Conduct interviews at the convenience of the judicial officer. 5. Offer the services of the liaison to pull and reshelve files. 6. Reduce the volume of material that judicial officers are asked to review; develop fact sheets, bench cards and other tools whenever possible. 7. Focus the file review on mandated state and federal eligibility determinations and any issues raised by the presiding juvenile court judge. 8. Provide county agencies with recommendations and training to improve the information provided to the court, thereby reducing hearing delays and unnecessary workload for courts. 9. Respond to court requests for caseload management consultation.
--	--

	<p>10. Provide follow up technical assistance requested by the court whenever possible through email, conference call or web ex, and reduce follow up visits.</p> <p>This has resulted in staff reductions of a Sr. Attorney and Supervisor/Special Consultant.</p> <p> File Attachment</p>
<input type="checkbox"/> COST	<p> File Attachment</p>
<input checked="" type="checkbox"/> EFFICIENCIES	<p>In addition to restructuring and operational changes described above, the following recommendations from the System Review have been implemented to streamline the program:</p> <ol style="list-style-type: none"> 1. Replace in-person and telephone communications with less time-consuming communications, such as email, whenever possible. 2. Administrative staff are responsible for visit logistics and report and material production; and an education specialist develops tools and educational materials. 3. Pilot remote review of digitized case files. 4. Measure impact of JRTA services on court workload. <p> File Attachment</p>
<input checked="" type="checkbox"/> SERVICE LEVEL IMPACT	<p>courts have wider options to select the services they need, some courts moved to a 3 year cycle, based on their needs.</p> <p> File Attachment</p>
<input type="checkbox"/> OTHER	<p> File Attachment</p>
ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL	
ADOC REVIEW	Administrative Director of the Courts Review Date: <input type="text" value="6/13/2013"/>
EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW	
E&P REVIEW	Executive and Planning Review Date: <input type="text" value="6/17/2013"/>

Judicial Resources and Technical Assistance (JRTA) Project Systems Review Report

Judicial Council Directive #62 calls for a systems review of the manner in which AOC staff review trial court records to streamline the Judicial Resources and Technical Assistance (JRTA) audits, if possible, and to lessen the impact on court resources. The review included interviews with judicial officers, probation officers, social workers and attorneys; program data; and an assessment of the written reports provided to the courts. Attachment 1 is a thumbnail summary of all findings of the review.

1. Project Description

The JRTA project responds directly to questions from judicial officers and juvenile court professionals related to dependency and delinquency law and case management. JRTA attorneys visit local courts to conduct courtesy reviews of court files, providing judges with an overview of the findings and orders necessary to maintain compliance with federal and state statute. Most problems found are related to the presentation of information to the court by dependency and delinquency professionals such as social workers, county counsel, probation, and attorneys for parents and children. After consultation with the bench, the JRTA attorney provides the appropriate county agencies with recommendations and training to improve the information provided to the court. In the course of the year, JRTA attorneys respond to court requests for additional targeted visits and special training sessions for juvenile court professionals in the countyⁱ.

2. JRTA Objectives

- a. Identify and educate juvenile court partners about problems related to notice and completeness, timeliness, and quality of reports to the court that lead to delayed hearings;
- b. Reduce length of time cases spend in system;
- c. Reduce judicial officer and clerk time spent managing incomplete and inadequate filings, case backlogs and courtroom delays;
- d. Reduce judicial officer and clerk time spent adapting courtroom procedure to new legislation and case law;
- e. Avoid federal penalties and denial of funds for children in foster care; and
- f. Improve outcomes for children in dependency including the length of time spent in foster care before reunification with families or adoption.

3. Juvenile Dependency Caseflow Management Issues Addressed by JRTA

Dependency caseflow management is a focal area of JRTA service to the courts. Providing judicial officers with the resources to manage dependency cases effectively reduces court costs, the ineffective use of judicial officer and clerk time, and the time children spend in foster care.

Juvenile dependency cases are among the most complex addressed by the court. In the Judicial Council's 2011 Judicial Workload Assessment ("Assessment")ⁱⁱ, juvenile dependency ranked second, behind asbestos, in adjusted minutes required per case (269 minutes). The workload of judicial officers in dependency is very high. A legislative report based on the 2011 Assessment, *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*, notes that current judicial resources meet only 65 percent of the assessed need in dependencyⁱⁱⁱ.

Courts face characteristic challenges in managing juvenile dependency caseloads: a complex statutory scheme which specifies numerous timelines, actions, findings and orders unique to each hearing; a variety of parties to the case with multiple cases within sibling groups; complex noticing requirements and frequently inexperienced attorneys representing the county child welfare agency, children, and parents.

Dependency cases require effective caseload management to avoid cases that are delayed and out of compliance with federal and state statutes, wasted judicial officer and clerk time dealing with notice problems, calendar backlogs, and requests for continuances; the court and county spending more dollars per case when cases stay in the system through unnecessary delays; children spending unneeded weeks and months in foster homes or group homes; and the loss of federal dollars to the child welfare system for foster children when cases are not in statutory compliance.

In 2008-2010 the AOC conducted a detailed study of dependency caseload in 2 pilot courts. The findings document the potential for delay and wasted court resources in the system: an extremely complex caseload, cases that averaged 1.2 years in length with 11 separate hearings per case, and one-half of cases out of compliance with statutory timelines^{iv}. Statewide there are 70,400 juvenile dependency cases^v, leading to considerable court costs statewide when hearings are routinely delayed or extended.

Judicial officers hearing dependency cases reported to the AOC that the most common reasons for case delays include late social worker reports (61 percent), lack of notice or late notice (44 percent), attorney not available (38 percent), and not enough time to hear the court case (19 percent)^{vi}. These are all problems that the JRTA project's resources, consultation with judicial officers and education of dependency system partners are designed to alleviate.

During the Assessment, judicial officers in juvenile court indicated their need for more time to spend on cases:

- Reviewing files and preparing for hearings;
- Conducting both short and long cause hearings;
- Preparing findings and orders;
- Ensuring that parties feel their concerns have been addressed;
- Conducting settlement conferences; and
- Encouraging all interested parties to participate in the proceedings^{vii}.

The goal of the JRTA project is to make some of this needed time available to judicial officers by improving the flow of information to the court.

4. Analysis of JRTA Impact on the Courts

Approximately 30 court visits are made each year by attorneys from the JRTA team. The ten largest courts in the state are visited every year, and smaller courts every other year. Each visit begins with a contact with the court executive or designee to discuss the timing of the visit. The court chooses which week the liaison will come to conduct the file review. This is followed by emails to the presiding court judge, juvenile presiding court judge and court executive describing the purpose of the visit. At this time judges may ask the liaison to expand the courtesy file review to include an optional topic, such as findings and orders regarding non-minor dependents.

In the initial contact the liaison will offer to pull and reshelve the files being reviewed. If this is not acceptable to the court the liaison will provide a list of 10 dependency and 10 delinquency files to review.

During the week of the court visit, the liaison requires a small work space. Liaisons bring their own computers and do not ask for photocopies of materials. If the judge permits, the liaison will observe court hearings to gain an understanding of the court's process. At the end of the week the liaison generally meets with the juvenile court presiding judge and other dependency judges. Judges generally want to review and discuss any cases where the findings and orders related to IVE eligibility do not comply with federal statutes.

After the review the liaison provides updates of any resource materials related to the review, and a written report on the findings of the review. Courts frequently request a follow up visit or technical assistance.

A JRTA site visit involves approximately 8 hours of work for a court or court site, including: participation of court executive (1 hour), participation of judges (2 hours), and assistance from clerks locating a work space for the liaison, pulling and reshelving 20 files (up to 4 hours).

An encouraging development is the possibility of JRTA staff conducting the file review remotely, for those courts with digitized juvenile dependency case files. This approach is being piloted.

Linkage of JRTA Deliverables to Outcomes for the Court

JRTA Activity	Outcome	Benefit to the Court	Measured by
<p>JRTA attorney conducts courtesy review of dependency case files, focusing on foster care eligibility findings and timeliness of cases</p>	<p>Identifies system problems leading to unnecessary case delays: late or incomplete social worker reports, problems with documentation of reasonable efforts, or inadequate notice. With judicial officers, creates education plan for county counsel, social workers, probation officers and parents and children’s attorneys</p>	<p>Reduced need for court to reschedule delayed hearings. Reduced need for court to accommodate multiple unnecessary appearances by incarcerated parents, children, CASA volunteers. Judicial officer receives complete information in case reports in advance of hearing, Timely hearings leading to a larger number of cases dismissed earlier in the process, and savings in judicial officer and court time</p>	<p>Analysis of hearing delays Cases meeting federal and state timeliness standards Length of stay for children in foster care</p>
<p>JRTA attorney meets with county counsel, social workers; and probation officers to discuss findings of file review and provide training on improving procedures</p>	<p>Provides system partners with training on notice provision, adequate documentation of recommended findings in reports to the court, timely provision of reports to the court</p>	<p>Reduced need for court to reschedule delayed hearings Reduced need for court to accommodate multiple unnecessary appearances by incarcerated parents, children, CASA volunteers Judicial officer receives complete information in case reports in advance of hearing Timely hearings cause a larger number of cases to be dismissed earlier in the process,</p>	<p>Analysis of hearing delays Cases meeting federal and state timeliness standards Length of stay for children in foster care</p>

		leading to savings in judicial officer and court time	
Analysis report on foster care eligibility judicial determinations	Identifies for the court the changes in federal and state statute that require modification to judicial findings and orders related to foster care eligibility	Reduced need for judicial officers to conduct research on changing requirements Can provide to court a range of suggestions for procedures include standardized minute orders adapted to small, medium and large courts Reduces denial of federal foster care funding to counties Eliminates penalties to state from federal audits	Multi year court file review results Periodic federal audit of judicial determinations
Distribute bench cards on key hearings to judicial officers and stakeholders	Judicial officer has succinct, updated and legally accurate summary of the key events and decisions required at each type of dependency hearing	Reduced need for judicial officers to conduct research on changing requirements Can provide to court a range of suggestions for procedures adapted to small, medium and large courts Reduces denial of federal foster care funding to counties Eliminates penalties to state from federal audits	Multi year court file review results Periodic federal audit of judicial determinations

5. Direct Costs of Project

JRTA is funded by an inter-agency agreement with the California Department of Social Services. The contracted work includes:

- Approximately 30 annual site visits to courts including courtesy file review, meetings with the court and stakeholders and education for stakeholders
- Written analysis of courtesy file reviews
- Approximately 20 annual follow up visits at the request of the court for consultation and education
- Telephone consultation with judicial officers and legal research
- Creating new bench cards and supporting materials
- Updating current bench cards and supporting materials

JRTA requires 4.0 full time equivalent attorneys. The interagency agreement provides \$842,000 per year for personnel and travel. Any overage, including supervision, rent and grants management costs, is covered by funding from the federal Court Improvement Program – Training.

6. Benefits to the Courts

In estimating benefits to the courts, staff reviewed foster care data from U.C. Berkeley and the results of an AOC study of dependency case flow in two pilot courts. Through file review, consultation, and training on hearing preparation and hearing timeliness, JRTA has been one of the major drivers in a statewide effort to reduce the time children spend in foster care. Between 2005 and 2010 the median time spent in care dropped from 457 days to 426 days, a reduction of one month. Courts and counties that focused on programs to reduce the time in care, including the JRTA project, demonstrated that reductions of 3 months are achievable.

We estimate that a reduction statewide of three months median time spent in foster care leads to a reduction in hearings of 120,000 statewide.

7. JRTA Systems Review Improvements

In response to the Judicial Council Directive #62, the JRTA project is implementing the following steps to reduce the impact of the project on the courts and improve the overall benefits of the project to the courts:

A. Lessening the Impact on Court Resources

- **Continue to give courts wide latitude in scheduling site visits.** (Implemented.) In a year that JRTA hopes to visit a court, the court generally has a window of about nine months in which to schedule the visit. Courts can also defer the visit to the following year if necessary.

- **Offer the services of the liaison to pull and reshelve files.** (Implemented.) Attorney liaisons are experienced in court processes, and many courts allow the liaison to pull and reshelve files. When the court prefers to pull the files, the liaison offers alternatives including taking a “snapshot” by using the unfiled cases heard that day or week.
- **Minimize communications with the judicial officers and court staff.** (Implemented.) JRTA staff now schedule visits through brief emails. Interviews are conducted at the convenience of the judicial officer, frequently in chambers after a calendar is heard.
- **Reduce the volume of material that judicial officers are asked to review.** (Implemented.) At the request of courts, JRTA has developed numerous fact sheets and tools to assist with judicial determinations related to reasonable efforts and title IV E eligibility. It is now the practice of liaisons to review this packet after the court visit, in light of the results of the file review and the interview with the presiding juvenile court judge, and send electronically only those materials immediately relevant to the court.
- **Focus the file review on mandated state and federal eligibility determinations and any issues raised by the presiding juvenile court judge.** (Implemented.) Restricting the scope of the file review saves the time of the judicial officer by ensuring that discussion of the findings, in person and in the report, will be limited to eligibility findings and any topics the judicial officer wanted raised in the review.
- **Reduce the frequency of reviews for courts when prior reviews find no need for technical assistance.** (Implemented.)
- **Provide follow up technical assistance requested by the court whenever possible through email, conference call or web ex, and reduce follow up visits.** (Implemented.)

B. Additional Recommendations

- **Ensure that judicial officers, court staff, and stakeholders understand that JRTA liaisons conduct a courtesy file review and do not audit court files.** (Implemented.) This explanation has been incorporated into all JRTA project communications. In addition, the project name has been changed to Judicial Resources and Technical Assistance.
- **Ensure that attorney roles and responsibilities on the JRTA project reflect their area of expertise.** (Implemented.) Attorney liaisons conduct the courtesy file review, analyze the findings and write the report, communicate with judicial officers, and design and provide any requested technical assistance. Tasks such as the logistics of the visit, report and materials production are carried out by administrative support staff, and the role of translating findings into statewide educational materials is carried out by an educational specialist. Communication with the California Department of Social Services and contract management is carried out by a manager.

C. Increase project focus on caseflow improvement

Develop tools and training curricula for county counsel, social workers, probation officers, and parents and children's attorneys that will lead to a greater focus on the flow of information to the court, preparation for court and timely hearings.

D. Collect court workload data to measure impact of JRTA on workload.

Pilot data suggests that outcomes of the JRTA project play a large part in reducing hearing delays and the workload for the courts. JRTA has begun to collect data on timeliness and will analyze this in conjunction with court case management data, in selected courts, to quantify the impact of the program on court workload.

Attachment 1
Judicial Resources and Technical Assistance (JRTA) Project
Systems Review Report – Summary

Project	The Judicial Resources and Technical Assistance (JRTA) project provides tools and assistance to juvenile court judges in managing complex juvenile dependency cases.
Impact	Provides judicial officers with the resources to effectively manage dependency cases, thereby reducing court costs, the ineffective use of judicial officer and clerk time, and the time children spend in foster care.
Outcomes	<ul style="list-style-type: none"> • Reduce unnecessary hearing delays • Reduce judicial officer and clerk time spent managing incomplete and inadequate filings, case backlogs and courtroom delays • Improve permanency for children and reduce time spent in foster care • Avoid federal penalties and denial of funds for children in foster care
Annual Deliverables	<ul style="list-style-type: none"> • Updated bench cards and guides to dependency hearings distributed to all juvenile court judges • Courtesy file review in 25-30 courts annually to assist the presiding judge and presiding juvenile judge assess dependency case management • Written analysis of the file review for the judge • Training and resources for social workers, probation officers, county counsel and others to ensure the quality and timeliness of the information they provide to the court • Document outcomes through on-going data collection
Cost/benefit	<ul style="list-style-type: none"> • Five full-time-equivalent attorney liaisons make site visits to all courts on a 2 year rotating cycle. Personnel and travel costs are paid for by the state Department of Social Services. • Estimate that JRTA can help the courts shorten total length of cases by up to 3 months and improve preparedness of court partners, which translates into approximately 120,000 unnecessary hearings annually avoided for the courts. • More than \$100 million in federal penalties avoided for the state since the beginning of JRTA
Recommendations for improvement	Enhance value of project by modifying tools to make caseflow management resources more easily available; streamline the file review process to lessen impact on the courts (SEC recommendation); conduct quantitative cost benefit study of program costs compared to savings achieved for the courts.

ⁱ The JRTA project was created by the Administrative Office of the Courts (AOC) in 1995 in response to an eligibility audit of foster care cases by the U.S. Department of Health and Human Services' Office of the Inspector General. Federal auditors determined that 39 percent of the cases reviewed were not eligible for title IV-E funding, and California's programs consequently faced a potential loss of \$51.7 million. Chief Justice Malcolm M. Lucas launched the JRTA project in a letter to the judiciary in 1995, stressing the importance of the state not losing funds and of the courts working collaboratively with social service agencies and probation departments on this effort. More than 10 years later, in June 2003, California passed the title IV-E foster-care eligibility review. The report cited the work of the JRTA project as a strength contributing to the state's compliance. The most recent federal eligibility review, in 2012, made a point of recognizing the success of the partnership between the judiciary and the JRTA project, and noted that California passed the review with no judicial determination errors.

ⁱⁱ Judicial Workload Assessment: 2012 Update of the Need for New Judgeships in the Superior Courts. Report to the Judicial Council, October 25, 2012

<http://www.courts.ca.gov/documents/jc-20121026-item2.pdf>

ⁱⁱⁱ Administrative Office of the Courts, December 2011. *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*. <http://www.courts.ca.gov/7466.htm>

^{iv} Administrative Office of the Courts, November 2010. County A Juvenile Dependency Court Performance Measures Pilot Project Final Report (unpublished).

^v Center for Social Services Research, University of California Berkeley. Caseload by Service Component Type, January 2013. Extracted May 24, 2013 from

http://cssr.berkeley.edu/ucb_childwelfare/CaseServiceComponents.aspx.

^{vi} Administrative Office of the Courts, November 2005. California Juvenile Dependency Court Improvement Program Reassessment. <http://www.courts.ca.gov/documents/CIPReassessmentRpt.pdf>

^{vii} *Assessing the Need for New Judgeships in Family and Juvenile Law Assignments*