

# Reimagining Dependency Courts: Oregon

## Proposed Strategies

On May 18, 19, and 20, 2016 the National Center for State Courts (NCSC) consulting team gathered information for the assessment phase through:

- Court observations in Lane and Marion counties
- Multidisciplinary stakeholder meetings in Lane, Marion, Clackamas, and Multnomah counties;
- State-level meetings with representatives from: the Oregon Supreme Court, JCIP, CRB, DHS, Governor's Office, MCDA, Morrison Center, DOJ, and the Public Defense Services Commission, and Oregon Judicial Department (OJD).

Participants in these meetings identified barriers to timely permanency as well as possible strategies to improve permanency outcomes. The NCSC Consulting team met with Juvenile & Family Court Programs Division (JFCPD) staff, State Court Administrator Kingsley Click, and the JCIP Advisory Committee on June 13, 2016 to review and seek input on the report of barriers and strategies identified during the assessment phase. On June 14, the NCSC Consulting team met with JFCPD staff to develop and refine strategies to implement. The NCSC Consulting team and JFCPD staff met with Chief Justice Balmer to review the Reimagining Dependency Courts project, the report on the barriers and strategies to permanency, and proposed strategies.

The NCSC consulting team and JFCPD staff used the following criteria to identify the proposed strategies for this project:

1. an evaluation of the barriers and strategies identified in the assessment process;
2. compatibility and alignment with the OJD's current initiatives and areas of focus, including the Oregon Docket Management Initiative (ODMI) and the recent Judicial Workload Study; and
3. an overall assessment of the likely success and sustainability of the strategies and their resulting impact on children and family outcomes.

The NCSC consulting team and JFCPD staff identified five proposed statewide and local strategies; they are summarized below.

**(1) Develop statewide judicial allocation, stable assignment, rotation and tenure best practices for judges who preside over juvenile cases.** Effective judicial assignment, rotation and tenure practices of judges who handle dependency cases have been identified as crucial for successful outcomes for children and families.<sup>1</sup> The Reimagining Dependency Courts Focus Group also recognized this area as important, and suggested, "Courts should have stable judicial assignment and rotation practices of at least three years for judges who hear child protection matters. Consider the ideal qualities of a dependency judge and make assignments accordingly. Be clear with new judges up front about

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<sup>1</sup> For example, see the American Bar Association's *Judicial Excellence in Child Abuse and Neglect Proceedings: Principles and Standards for Court Organization, Judicial Selection and Assignment, Judicial Administration and Judicial Education*, Approved by the American Bar Association House of Delegates on August 9, 2010.

<http://courts.oregon.gov/OJD/docs/osca/cpsd/courtimprovement/jcip/judicialexcellencestandardsabuseneglectabaug10.pdf>

dependency court and how its approach is different. Attract dedicated and knowledgeable judicial officers passionate about the work of improving outcomes for children and families.”

There is wide variation across the courts in Oregon in the allocation, assignment, rotation and tenure practices for judges who hear dependency cases. This inevitably has an impact on case outcomes. This strategy will involve working with a subcommittee of the JCIP Advisory Committee, to develop juvenile dependency allocation, assignment, rotation and tenure best practices for the Oregon Courts. The subcommittee will present draft materials for review and approval by the full committee. The full committee will present recommended best practices to the State Court Administrator and Chief Justice for consideration of their adoption.

**TA and Resource Needs:** The NCSC Consulting Team will serve to advise as needed and will review and comment on the best practices as they are developed.

**Timeline:** Draft best practices guide to be approved by the JCIP Advisory Committee and presented to the Chief Justice and State Court Administrator by January 1, 2017.

- (2) Incorporate juvenile cases into the work of the Oregon Docket Management Initiative.** JFCPD will work with the Chief Justice and State Court Administrator to identify a juvenile court judge and/or JFCPD staff person to serve on the ODMI workgroup to ensure that juvenile court processes and time standards are considered as part of that Committee’s work.

**TA and Resource Needs:** none identified

**Timeline:** Leola to discuss with SCA by July 15, 2016.

- (3) Evaluation of the Citizen Review Boards (CRB).** JFCPD will develop and submit a grant application to the State Justice Institute for an evaluation of Oregon’s CRB. The recent study, *The Oregon Juvenile Court: A Study of Time and Hearing Quality* recommended “gathering information on the quality of CRB reviews, and the impacts they have on outcomes for children, would be helpful to guide courts in how best to utilize and work with their local CRB.”

**TA and Resource Needs:** The NCSC will provide grant-writing assistance. If the grant is received and a local evaluator, such as a University or research firm in Portland, cannot be identified, NCSC research staff can conduct the evaluation.

**Timeline:** JFCPD will work with NCSC to develop an application for the August, 2016 SJI deadline.

- (4) Intensive Longstayer Case File Reviews.** Although many barriers to timely permanency were identified through stakeholder focus groups and interviews described above, the consensus of the NCSC Consulting team and JFCPD staff was that a case file review would be beneficial. A case file review would not only serve to further diagnose barriers to timely permanency, it would also help inform strategies above and beyond the anecdotal information provided in the stakeholder

meetings and what we can glean from a review of aggregate data on Oregon's longstayer population. A total sample of approximately 200 open longstayer cases in Multnomah, Yamhill, and Lincoln counties would be reviewed using a case file review instrument developed by NCSC and JFCPD. The reviewers would submit the completed screening instruments, along with an overall summary of their findings.

**TA and Resource Needs:** NCSC would contract with two local Oregon attorneys familiar with dependency cases to conduct the file reviews.

**Timeline:** The file reviews and a summary of the findings will be completed by the end of September, 2017. The summary of findings will be presented to the respective circuit courts to support ongoing initiatives to reduce the number of long stayers in those courts. The summary will also be provided to JCIP to aid them in developing further statewide or local court strategies to reduce the number of long stayers.

**(5) Develop a Differentiated Case Management/Triage Plan for Dependency Cases.** Case administration, including effective caseload management and the effective use of an effective family risks and needs assessment for triage purposes and the assignment of cases to DCM tracks was identified by the Reimagining Dependency Courts Focus Group as extremely important to achieving strong outcomes in dependency cases. Because judicial resources are limited and dependency cases have varying complexities, issues, and needs, courts would benefit from a systematic method to screen dependency petitions and apply various case management techniques, levels of judicial oversight and frequency of hearings, ADR interventions, and problem-solving court approaches according to the needs of the case.

JFCPD and the NCSC Consulting Team will work with Deschutes, Clackamas, Lane, and Polk counties to develop a screening instrument informed by data to triage dependency cases and assign them to various case management tracks.

**TA and Resource Needs:** The NCSC Consulting Team will convene a 1.5-day meeting JFCPD staff and the lead juvenile court judge and trial court administrator from the four counties to design the screening instrument, plan the triage/DCM tracks, and develop the roles and responsibilities of the new dependency case manager. The NCSC Consulting team will also convene a ½ day meeting with stakeholder groups from the four counties to come together to learn about the project, screening tools, and DMC tracks before finalization and implementation of the tool. NCSC will provide ongoing technical assistance as needed including an evaluation of the process and outcomes. NCSC can also provide funding assistance for a dependency case manager in at least one site (likely Lane), and if needed, a part-time manager in a second county (likely Clackamas).

**Timeline:** The 1.5-day planning meeting will be held September 20-21, 2016. The next milestones will be developed.