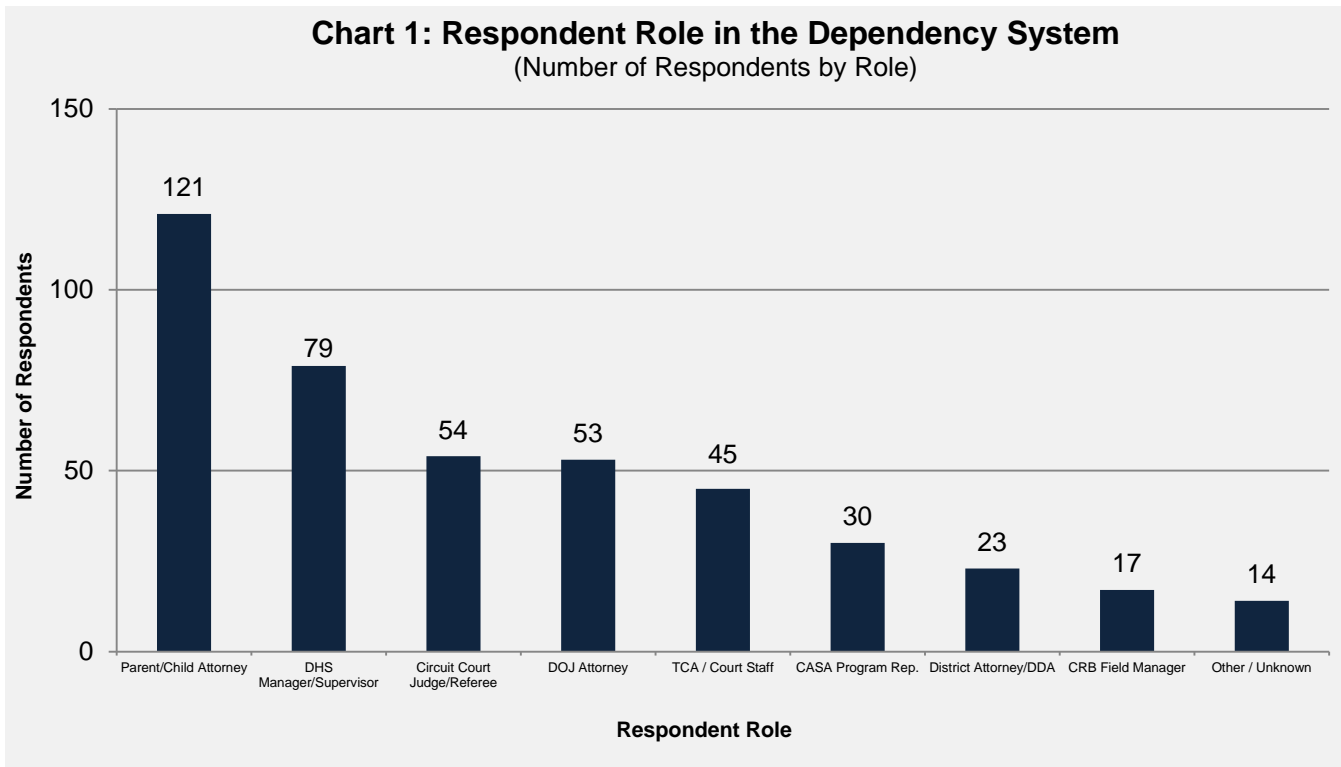


Strategies to Improve the Effectiveness and Efficiency of Oregon’s Juvenile Dependency System Survey Results

2017 House Bill (HB) 5006 included a budget note instructing Oregon’s Judicial Department (OJD), Department of Human Services (DHS), Department of Justice (DOJ), and Public Defense Services Commission to work collaboratively to “solicit input on, develop, and implement strategies to improve the effectiveness and efficiency of Oregon’s juvenile dependency systems and to determine the appropriate level of legal services.”

As a starting point in this work, the OJD created an online survey to solicit information on potential improvements for Oregon’s juvenile dependency system from judges and referees; trial court administrators (TCAs) and court staff; DHS; dependency attorneys (including assistant attorneys general; district attorneys and deputy district attorneys; and attorneys appointed to represent parents and/or children); court-appointed special advocate (CASA) program executive directors; Citizen Review Board (CRB) field managers; and other court stakeholders.

The survey received 436 responses, and the number of respondents from each stakeholder group is shown in Chart 1, below. Over a quarter of all respondents identified themselves as attorneys for parents and/or children. The next largest group of respondents came from DHS (18%), followed by circuit court judges and referees (12%) and DOJ attorneys (12%). The eighteen respondents in the Other / Unknown category included three tribal representatives, three Citizen Review Board members, a juvenile department staff person, a county court judge, a service provider, and nine respondents who did not identify a role.



Court Performance Ratings

The survey presented respondents with a set of sixteen court functions that may promote more effective or efficient processing of dependency cases. Respondents were asked to rate their court on each function using the following scale:

- 0 = Our court is not performing this function at all
- 1 = Our court is performing this function but there is room for improvement
- 2 = Our court is doing a very good job of performing this function

Respondents who practiced in multiple jurisdictions were asked to either complete a separate survey for each jurisdiction in which they work, or to complete the survey for the jurisdiction in which they practice most frequently.

Table 1 (page 3) shows the mean (average) rating for each function both among all respondents (farthest-right column) and by respondent role. The mean ratings for sixteen functions ranged 0.9 to 1.8, meaning that even the functions receiving the lowest ratings were perceived by most respondents to be performed at their court, even if there was room for improvement. The shaded boxes on the table indicate the three items that received the lowest mean ratings from respondents in each group.

The three functions receiving the lowest mean ratings were:

- Having procedures for determining when complex judgments need more time, and whether and when judgments should be prepared by the moving/prevaling party (0.9 mean rating)
- Providing all parties adequate opportunity to review judgments before they are signed (0.9 mean rating)
- Ensuring that children who become legally free have a finalized adoption within a year (1.1 mean rating)

There was remarkable consistency across respondent groups in the low ratings for the three functions above. Both complex judgment procedures and review of judgments before signing were among the three lowest-rated functions for seven of the nine groups, and finalization of adoption was one of the three lowest-rated functions for five of the nine groups.

The fourth-lowest-rated function across all respondents was *asking at every ORS 4419B.449 and ORS 419B.476 hearing on reunification cases what is preventing the child from returning home today*. Two groups (DOJ Attorneys and Parent / Child Attorneys) rated that function in their bottom three, but several other groups (TCAs and Court Staff, CASA Program Representatives, and DHS Managers and Supervisors) tended to rate their court's performance on the function more highly.

The three highest-rated functions statewide were:

- Ensuring that all parties who wish to be heard have an opportunity to be heard (1.8 mean rating)
- Allowing parties and witnesses to appear remotely (1.7 mean rating)
- Regularly hearing juvenile court matters at a consistent time and day (1.6 mean rating)

Chart 1: Court Performance Ratings

(Mean Rating on a Scale of 0 to 2 Where:
 0 = Our Court Is Not Performing This Function at All
 1 = Our Court Is Performing This Function But There Is Room for Improvement
 2 = Our Court Is Doing a Very Good Job of Performing This Function)

Note: The shaded boxes indicate the top three functions for each group of respondents.

	DHS Manager / Supervisor	District Attorney / DOJ Attorney	Parent / Child Attorney	CASA Program Rep.	Circuit Court Judge / Referee	TCA / Court Staff	CRB Field Manager	Other / Unknown	All Respondents	
Our court has specific procedures to determine when complex judgments need more time and whether and when certain judgments should be prepared by the prevailing or moving party.	1.1	0.6	0.4	0.8	1.6	0.8	1.1	1.6	1.0	0.9
Our court provides all parties adequate opportunity to review judgments before they are signed by a judge.	0.9	0.7	0.9	0.9	1.2	1.0	1.0	2.0	1.5	0.9
Our court ensures that children who become legally free have a finalized adoption within a year.	1.1	1.2	1.2	1.0	1.0	1.2	1.4	0.9	1.0	1.1
Our court asks, at every hearing being conducted pursuant to ORS 419B.449 or ORS 419B.476 where the case plan is reunification, what is preventing the child from returning home today.	1.5	1.0	1.2	0.9	1.6	1.3	1.8	1.4	1.4	1.2
Our court ensures timely discovery / information to the court and parties is available prior to the hearing.	1.3	1.3	1.1	1.0	1.5	1.4	1.4	1.4	1.4	1.2
Our Model Court (Dependency) Team works collaboratively to use our respective data to inform decision making, plan for system improvement, and evaluate our efforts.	1.2	1.2	0.9	1.1	1.6	1.3	1.4	1.3	1.5	1.2
Our court has effective settlement opportunities, including in-court conferences.	1.4	1.1	0.8	1.1	1.6	1.5	1.7	1.8	1.6	1.3
Our court prepares dependency judgments efficiently and timely by utilizing available court technology.	1.1	1.2	1.4	1.5	1.8	1.5	1.4	1.7	1.6	1.4
Our court provides parents an opportunity to meet with their attorney prior to the shelter hearing.	1.4	1.7	1.4	1.2	1.6	1.6	1.5	1.4	1.1	1.4
Our court ensures that the timeliness of juvenile dependency matters is prioritized. For example, our court reduces delays by restricting the availability of continuances or elevates the priority of juvenile dependency matters on court dockets.	1.2	1.4	1.2	1.4	1.7	1.7	1.7	1.5	1.5	1.4
Our court individually schedules juvenile dependency hearings so that each hearing has a scheduled day and time.	1.4	1.3	1.6	1.6	1.9	1.7	1.7	1.1	1.8	1.6
Shelter hearings consistently occur at regularly scheduled times each day.	1.5	1.5	1.4	1.6	1.6	1.6	1.6	1.7	1.5	1.6
Our court has a frequency of review schedule that is tailored to the nature of the case.	1.3	1.5	1.8	1.5	1.9	1.7	1.7	1.7	1.8	1.6
Our court regularly hears other juvenile court matters at a consistent time and day.	1.4	1.5	1.5	1.6	1.9	1.8	1.7	1.5	1.6	1.6
Our court allows attorneys and/or parties and witnesses to appear telephonically or via video conference for certain brief, routine or short notice dependency hearings when it can be done without compromising the rights of parents or child.	1.5	1.6	1.8	1.6	1.9	1.9	1.9	1.8	1.7	1.7
Our court ensures that all parties who wish to be heard during hearings have an opportunity to be heard.	1.6	2.0	1.7	1.7	1.9	1.9	2.0	1.9	1.9	1.8

Note: In addition to rating their court 0, 1, or 2 for each function, respondents had the option of indicating that they did not know how their court performed on the function. The ratings above exclude the 'Don't Know' responses for each function.

Top Three Improvements

After respondents rated their court's performance on each of the sixteen functions, the survey asked them choose the top three functions that they believed would most improve the effectiveness and efficiency of their court's juvenile dependency system. Respondents could also choose an 'Other' category if they had an improvement that was not on the list.

Table 2 (page 5) shows the percentage of respondents in each category who chose each function as one of their top three system improvements. The shaded boxes on the table indicate the three most-commonly-chosen functions for each group of respondents.

The last column of Table 2 shows the percentage of all respondents who listed each function as one of their top three system improvements. The functions most commonly selected were:

- Ensuring that children who become legally free have a finalized adoption within a year (27%)
- Having effective settlement opportunities, including in-court conferences (26%)
- Prioritizing the timeliness of dependency matters (26%)

The fourth most-commonly-selected function – *having a Model Court (Dependency) Team that works collaboratively to use data to inform decision-making* (22%) – was the function that most frequently appeared in the top three priorities across respondent groups. This function was among the three highest priorities for DHS Managers and Supervisors, DOJ Attorneys, District Attorneys and DDAs, CASA Program Representatives, TCAs and Court Staff, and CRB Field Managers.

Two other functions - *asking what is preventing the child from returning home today* (21%) and *ensuring timely discovery prior the hearing* (21%) were also selected by more than 20% of all respondents.

Open-Ended Comments

The respondents (13%) who chose the 'Other' category as one of their top three improvements were invited to provide an open-ended response explaining the improvement. All respondents also had the opportunity to add any additional comments or suggestions they had at the end of the survey. The responses to the 'Other' category and the comments and suggestions solicited from all respondents are reproduced in full in Appendices A and B, respectively.

The volume of the open-ended responses – including both the explanations for the 'Other' responses and the comments and suggestions at the end of the survey – makes them difficult to summarize, but it is possible to identify some key themes.

The first is concern with caseloads, particularly those of parent / child attorneys. Many parent / child attorneys indicated that their caseloads or their colleagues' caseloads are too high to do their work effectively, and that the current problems in the dependency system are unlikely to improve if caseloads are not lowered. Multiple other participants reported concerns about lack of contact

Chart 2: Percent of Respondents Choosing Each Court Function as One of the Top Three Improvements That Could Be Made in Their Court

Note: The shaded boxes indicate the top three most-commonly-chosen functions for each group of respondents.

	DHS Manager / Supervisor	District Attorney / DOJ Attorney	Parent / Child Attorney	CASA Program Rep.	Circuit Court Judge / Referee	TCA / Court Staff	CRB Field Manager	Other / Unknown	All Respondents	
Our court ensures that children who become legally free have a finalized adoption within a year.	20%	21%	4%	19%	63%	41%	29%	65%	21%	27%
Our court has effective settlement opportunities, including in-court conferences.	22%	36%	48%	30%	13%	30%	16%	24%	0%	26%
Our court ensures that the timeliness of juvenile dependency matters is prioritized. For example, our court reduces delays by restricting the availability of continuances or elevates the priority of juvenile dependency matters on court dockets.	44%	30%	22%	18%	30%	17%	22%	18%	21%	26%
Our Model Court (Dependency) Team works collaboratively to use our respective data to inform decision making, plan for system improvement, and evaluate our efforts.	30%	32%	17%	7%	30%	20%	27%	59%	21%	22%
Our court asks, at every hearing being conducted pursuant to ORS 419B.449 or ORS 419B.476 where the case plan is reunification, what is preventing the child from returning home today.	6%	8%	9%	49%	7%	26%	4%	18%	14%	21%
Our court ensures timely discovery / information to the court and parties is available prior to the hearing.	3%	2%	17%	41%	23%	24%	16%	24%	21%	21%
Our court prepares dependency judgments efficiently and timely by utilizing available court technology.	33%	21%	17%	8%	17%	15%	27%	12%	7%	18%
Our court provides parents an opportunity to meet with their attorney prior to the shelter hearing.	13%	6%	13%	26%	13%	24%	13%	24%	21%	18%
Our court provides all parties adequate opportunity to review judgments before they are signed by a judge.	13%	23%	13%	14%	10%	15%	29%	0%	7%	15%
Other (Please Specify)	8%	8%	9%	21%	10%	15%	9%	18%	14%	13%
Our court has specific procedures to determine when complex judgments need more time and whether and when certain judgments should be prepared by the prevailing or moving party.	11%	13%	9%	8%	7%	19%	22%	6%	21%	12%
Our court individually schedules juvenile dependency hearings so that each hearing has a scheduled day and time.	15%	17%	9%	8%	7%	9%	0%	12%	14%	10%
Shelter hearings consistently occur at regularly scheduled times each day.	13%	17%	4%	8%	10%	4%	7%	0%	14%	9%
Our court allows attorneys and/or parties and witnesses to appear telephonically or via video conference for certain brief, routine or short notice dependency hearings when it can be done without compromising the rights of parents or child.	15%	21%	13%	7%	0%	2%	2%	0%	14%	9%
Our court regularly hears other juvenile court matters at a consistent time and day.	6%	15%	13%	2%	3%	6%	9%	0%	14%	6%
Our court has a frequency of review schedule that is tailored to the nature of the case.	13%	4%	4%	5%	7%	4%	4%	6%	0%	6%
Our court ensures that all parties who wish to be heard during hearings have an opportunity to be heard.	11%	0%	4%	3%	0%	0%	0%	0%	7%	3%

between parents' and children's attorneys and their clients. Some participants also expressed concern about their court not having enough judges and court time for its volume of hearings.

The caseload issue is directly connected to a second major theme of the open-ended responses, which was difficulties with scheduling and rescheduling hearings. Many respondents reported that their court's dockets are over-booked, and that this can lead to long delays in getting hearings scheduled. Several respondents reported problems with scheduling several matters for a single time, and then having either long waits for the case to be heard, or having to reschedule for later dates. Some parent / child attorneys also indicated difficulties in having time to properly consult with and prepare to represent their clients at shelter hearings.

Conclusions

The *Strategies to Improve the Effectiveness and Efficiency of Oregon's Juvenile Dependency System Survey* asked a wide range of participants in the juvenile dependency system to evaluate how their court performs on specific functions, and to identify areas for improvement.

The results show broad agreement among the various types of participants as to functions on which there is most room to improve: *having procedures to identify complex judgments and determine which judgments should be prepared by the prevailing/moving party; providing parties with adequate opportunities to review judgments; and ensuring that children who become legally free have finalized adoptions within one year.*

When asked to prioritize functions for improvement, however, respondents found functions relating to judgments to be generally less important than many others. Key areas prioritized by the respondents were, in descending order of priority:

- Ensuring that adoptions are finalized within a year of the child becoming legally free
- Having effective settlement opportunities, including in-court conferences
- Ensuring the prioritization of dependency matters
- Working collaboratively to use data for decision making
- Asking what is preventing the child from going home at the time of the hearing
- Ensuring timely discovery prior to the hearing

The open-ended responses to survey show that, beyond the prioritization of the improvements above, there is widespread concern about caseloads in the juvenile dependency system and about delays due to over-booked dockets.

Though the prioritized improvements above – particularly effective settlement opportunities and prioritization of dependency matters – may ease some of the concerns raised in the open-ended responses, many respondents expressed concern that system improvement will be difficult without addressing the underlying caseload issues.

Appendix A:

'Other' Responses to Question Top Three Improvements to Dependency System

DHS Managers / Supervisors:

Both Judges need to be consistent in the way they make decisions surrounding juvenile matters.

I do not supervise case carrying workers that attend court. I am unaware of what improvements are needed.

Many times I have clients that say they have never met their attorney. Foster parents say they have not met the child's attorney and they have never been to their home. This does not happen with every attorney but it does happen more than it should

Our court could benefit from using a trauma informed approach in its' treatment of parents to demonstrate unconditional positive regard.

Parents lawyers sometimes behave poorly towards DHS employees and to parents

The court moves away from restrictive/prescriptive court orders that place final say on case planning decisions with attorneys or "all parties agree." The goal being more case worker/parent engagement and investment in moving the case forward in a timely and collaborative manner.

DOJ Attorneys:

Hold parents accountable for failing to attend hearings.

More time is necessary for the juvenile docket given the current caseload.

None of this matters, if there is not adequate time to prepare for a hearing because of a large caseload.

Too much time is spent by the parties waiting for hearing to be called and heard.

District Attorneys / Deputy District Attorneys:

Need more court availability for hearings or otherwise find a way to make court time more accessible. Setting a 15 min settlement hearing sometimes ends up 5+ weeks out. Setting trials is getting very difficult.

Settlement conferences can be unduly lengthy and acrimonious. This is due to the attitude of the (defense) attorneys. The atmosphere of the settlement conferences should be much more open to resolution and figuring out what is in the best interest of the family, rather than this scorched earth approach that is sometimes adopted by the attorneys for the parents and the attorney for the child/children.

Parent / Child Attorneys:

All of the above is already happening in the courts I work in.

Attorney caseloads / calendars are excessive and ridiculous

Attorney caseloads and expectations are far too high

Certain judicial officers consistently run behind schedule. There is not enough time available on the judges' calendars to schedule hearings. Not a court issue necessarily, but: DHS takes too long to finalize adoptions. DHS appears unable or unwilling to terminate caseworkers who are doing a poor job.

Court should be more open to "good cause" findings on Jurisdictional trials when the matters are contested.

Discovery issue is really about DHS not getting discovery to Attorney's as required in our county. The only thing we can do is possibly start filing Motion to Compel and Seek Continuances if not provided. Not Judges fault.

Each court throughout our state has its own approach to juvenile matters, as does each judge. Reading local rules is inadequate to determine how the courts and judges differ. At minimum, each judge should strive for consistency with the other judges' procedural approaches and issue a per judge memo available to all. Further, there should be videos on the court website of required and "best practices" to be observed by attorneys, protective services, social workers, policing agency representatives, parents and other witnesses, plus whatever else is deemed by the court & judges to be important. Such videos should be updated regularly, or noted regularly as remaining in effect. Such videos should be optimized for today's mobile accessing population, so that everyone is "on the same page."

Makes sure attorney caseloads aren't out of control

More focus on reasonable efforts by the agency and use of services to keep the child in home before removal.

More time is required for shelter hearings to be fair to parents.

My biggest frustration working in Multnomah County as a juvenile practitioner is the unavailability of consortium attorneys for trials. It literally takes months to get a jurisdictional trial out to trial, not due to judicial unavailability but due to consortium attorney unavailability. This is very unfair to clients and to the children impacted by this practice. I had a client this year who was not allowed contact with her son for almost 6 months because she was waiting for attorneys to be available and not double or triple booked for a jurisdictional trial. She was a primary custodial parent of a 5 year old child. The psychologist who evaluated her commented how negatively this impacted her child. This was not in my client's nor that child's best interest.

Other courts in district could coordinate with juvenile court and not schedule conflicting proceedings, but they refuse to do so.

Our caseloads are too high to do the job as well as could with more time to spend on each case.

Our court addresses visitation and contact between a child and their siblings and extended relatives when the child is in DHS custody.

Our Court's audio/telephonic system is so poor that parties are unable to meaningfully participate. Often, a parent resides out of state, or attorneys have no other option for appearing at a hearing set on short notice. For attorney quality-of-life reasons, the occasional appearance by phone could enhance productivity, but the terrible reception from the courtroom makes one feel as though they are committing malpractice to do so.

Scheduling multiple hearings for the same day/time causes extended delays throughout the day (i.e., a matter scheduled for 3:00 p.m., may not be heard at that time and can be significantly delayed).

Shelter Hearings are not substantial. No discussion of the alleged parental failings is allowed.

The court doesn't really provide much opportunity to object at shelter, and so then "second" shelters are being set a week or two out, which doesn't work for families, especially when the court DOES determine removal was inappropriate.

The court has shifted much of the work from CRB and court reviews to other reviews such as FDM, but attorney is not paid for FDM. If I have a FDM and CRB I attend the CRB that I get paid for.

The judge is rude to participants. Gets mass when children are noisy and makes them leave the courtroom though they are parties. Parents feel hated by the judge.

The judges need to ensure that the Child's attorney has MET with the Child and is using the appropriate standard in arguing the case on the Child's behalf. Too many times, court appointed attorneys in our district are not meeting with their child clients with any regularity, and are blatantly arguing Child's "best interests" in court, regardless of the Child's age or wishes. It's like we are in the 1970's in these courtrooms. When this is brought to the judges' attention, the judges just smile and shrugged their shoulders and say there is nothing they can do. This is ridiculous and the judges need to hold the Child's attorney's feet to the fire and required that they follow the law and their ethical duties, or don't assign those attorneys to represent children. Some of the attorneys who are assigned the Children's cases actually have NEVER MET this child clients, and have NEVER BEEN to the child's foster home. These same attorneys blow off Family Decision Meetings at DHS and WRAP around service meetings for the children. This must stop and these attorneys should not be allowed to represent children.

There is frequently not sufficient judicial availability to have cases heard when it should be. Attorneys are often unavailable to meet clients before court because we are in other hearings. Court reports are still often not filed in a timely manner, preventing attorneys from discussing this info with clients before court.

Too much time is wasted in Court with one of the judges dictating the court documents to DHS, without interruption, during, scheduled court times.

We need to work with the agency and community partners to remove policy and procedure barriers to parents languishing in programs longer than necessary and children being returned sooner despite imperfect housing

CASA Program Representative:

CASA program receiving court hearing notices in a timely manner; especially when hearings have been rescheduled.

Our court ensures all parties who wish to be heard during hearings have an opportunity to be heard but occasionally when we have a long docket parties shorten what they may want to say because of lack of time.

Some attorneys are not prepared. Dependency cases should never be handled by anyone (visiting judge or an attorney filling in) that is not familiar with dependency cases.

Circuit Court Judge / Referee:

Consultation with juvenile judges before technology decisions are made. Current technology is slower than former process, requiring judge to focus on paper rather than the families appearing before the Court.

Given the case load in our judicial district we need more resources to handle these cases.

I do not routinely handle juvenile dependency cases so I am not currently familiar enough with our existing processes to provide additional information.

Since we virtually do everything on the list above none of them apply. We would benefit from having additional staff and judge time (pro tem judge would be fine) to devote more time and more timely settings for juvenile matters.

The time that is allotted for the hearings is not sufficient to assure parties are fully heard, that we have a full explication of the evidence, and time for deliberation. The quantum and complexity of the evidence and the importance of the decisions require more longer hearings and therefore more time on the docket, more judges, and more attorneys available for appointment.

We are working on developing a parent-mentor program.

We need more judicial time and juvenile attorneys so multiple trials be heard on any given day.

We need to increase the number of Dep cases which get resolved within 60 days. We have far too many delays, and multiple SLCs.

Trial Court Administrator / Court Staff:

How do you improve the inability to squeeze in shelter care hearings - our dockets are full most of the time, a shelter care debilitates our schedules and many people are delayed and/or working overtime to make them happen. I have yet to find an efficient way to manage these time sensitive matters and maintain our dockets without tipping over the apple carts.

In my job as a clerk, I'm not in the courtroom or involved in scheduling matters, I am not able to add input in many of these areas.

The juvenile judgments should be configured with packages like the criminal UCJ's. The current technology of Word check boxes is not "efficient technology."

Citizen Review Board Field Managers:

Our court judges handle all dependency matters in a similar manner which includes coordinating the timely review of cases with the Citizen Review Board and scheduling a follow-up hearing at every review.

Our court works collaboratively with the Citizen Review Board to ensure timely review of cases. The Court values the Board's findings and recommendations and ensures concerns and issues are addressed during subsequent reviews.

Our court works to ensure that our children in foster care have a voice and an opportunity to be heard at every hearing.

Other / Unknown:

DHS currently prepares Dependency Judgments, not the courts. These should be brought to court at the time of hearing, not after the fact. Delays have happened, and information is not always correct on the Judgment submitted.

I am not in a good position to prioritize.

Reduce court waiting time and continuances by not overbooking the docket.

Appendix B:

Additional Comments and Suggestions

DHS Managers / Supervisors:

Conflicts between criminal and dependency cases cause delays in the dependency process resulting in jurisdiction being delayed beyond 60 days. This needs to be addressed.

I believe there to be a need to assess the consistency of the court between the two primary juvenile judges. One issue particularly is one judge has the judgments on screen for all parties to see and the other judge does not. There also needs to be an understanding of the new school origin law and the consequences of these findings.

It would be helpful if both judges who hear dependency matters participated in Court improvement and model court meetings-currently, one judge is an active participant. We appreciate the collaborative relationship between agencies in our county!

Judicial officers need to hold attorneys accountable for meeting with their clients, being prepared and being on time to court hearings to reduce set over/delays in the judicial process.

Our court could use some improvements in the way/attitude in which all parties are treated and respected for their roles, in the court room.

Our court does not normally prepare orders. They most often leave that to the AG's office, which is often behind. Therefore, parties do not get to review orders prior to signature and signature is often delayed.

Our court is doing great work!

Our courts are in great need of a better understanding of the Oregon Safety Model, particularly in permanency. Permanency work is about parents being able to make lasting changes not just about completing services.

The current focus appears to be managing the docket rather than ensuring appropriate time is allowed for hearings. There is an unspoken pressure to settle cases or the judge will be irritated. The current judge reduced review hearings and CRB has taken the place of these review hearings. This has negatively impacted case progress and accountability on all sides. The judge is belittling towards clients and appears to be annoyed by the complex dynamics involved with families in the dependency system.

We have a new judge that doesn't understand child safety and has made some stomach turning decisions to return kids or make us do unsafe in home plans. These make me lose sleep at night and pray we don't end up with a dead child.

DOJ Attorneys:

The court individually schedules all dependency hearings except for limited reviews under the pilot program this county participates in. Those are "bucket" set.

Curry County has a difficult docket to manage. It is a very small county with limited resources. This has resulted in some unique procedures. For example, the procedure for shelter hearings through jurisdiction involves many pretrial hearings and quick setting of trials (due to conflicts with other trials set on the docket, juvenile cases are simply set at the soonest date the court is available, notwithstanding abilities of parties and witnesses to be available and prepare, in order to avoid rescheduling other cases). This seems to result in difficulty from all parties in having witnesses available and cases prepared sufficiently for trial. Another example is that Curry County requires DHS caseworkers to draft proposed judgments, which are then provided to the Court. The Court reviews the findings and then finalizes the judgment. However, Curry County is extremely receptive to parties and witnesses appearing via remote location devices (phone, polycom, etc). Given the remote nature of the Court, this is much appreciated by all parties and witnesses.

Marion County Juvenile Court does not prepare judgments. Additionally, the Court has been double- and triple-setting dependency matters with delinquency matters. Most recently, a three-hour contested permanency hearing was double-set with a delinquency matter for 2:00pm. The court heard the delinquency matter first. The parties in the contested hearing--including the child, her siblings, foster parent and counselor--waited until 4:15pm to find out that the matter would have to be rescheduled. I ask that the Court consider the time of the parties involved, as well as the importance of promptly resolving contested issues, particularly for the sake of the child.

Part of the issue with ensuring that children who are legally free have an adoption finalized within a year is due to DHS issues and not the court. The court could put more pressure on DHS to finalize. The court schedules a juvenile court judge per week, but this allows for scheduling with that judge every day of the week. There are not specific days that are free to allow attorneys to plan for days to meet with clients.

Some form of a Model Court or bench/bar committee is critical to ensure that practices statewide are consistent, and so that dependency proceedings are prioritized on the court's docket.

Telephonic/polycom appearance and testimony in Coos County is very difficult to plan for. Different judges have vastly different requirements, expectations, and procedures therefor. Working on some consistency, and hopefully expanded ability to use remote location technology in all cases, would be a high priority.

The 'block-set' juvenile days consistently make it so that contested hearings have to be truncated and often not heard effectively. Also, due to how the other courts are managing their dockets, juvenile defense attorneys are consistently not present at necessary juvenile matters, and when confronted, they blame the courts for not scheduling things so that they do not have to be in two places at once.

There's a disconnect between the juvenile court and the "downtown" circuit court where all TPRs are heard. The downtown court regularly sets over TPRs due to lack of available judges or notice-related arguments, at a great cost to the State and its witnesses. A settlement docket specifically for termination cases could help the court manage these cases more efficiently and effectively. The court has been resistant to suggestions for developing this process, yet the court has expressed frustration with how long it takes to try a termination case. Our juvenile court is also setting permanency and disposition review hearings at very irregular times and without any explanation as to why these "standard" hearings are set at unusual times. There is a lack of transparency with how the court is managing its dockets (and why). I've also experienced the court failing to appear with no explanation, attempt to reset the hearing, or addressing the parties.

This is regarding Coos/Curry together. These two counties have vastly different processes, and so this was very difficult to respond to for both counties. There are some areas where Coos would be a 2 and Curry would be a 0, and vice-versa. As such, these numbers and priorities are best-guesses at an estimate between the two.

Utilize model court to resolve problems and ensure consistent practices statewide. As we move toward full representation, schedule shelter hearings at a consistent time each day.

We currently have settlement conferences for jurisdictional fact findings, but not for TPR trials. More than half of our TPR trials resolve on the day of trial, either by stipulation or default. These are major trials involving 50+ witnesses and the preparation of these cases consumes a significant amount of state resources. If we had pre-trial status/settlement conferences one month before the trial date where we could default the parents who did not show, we would be saving a significant amount of state resources and attorney/caseworker time, which could then be diverted into other important work.

We have settlement conferences but a Judge is not part of the process, other than to set a hearing if we did not resolve. Having a Judge available to actually perform a settlement conference would be helpful on some cases.

While our court does not have official settlement conferences, that does not appear to be a barrier to accomplishing negotiated resolutions in our county. Negotiations are effectively handled outside of court, primarily due to having a court that closely monitors and follows court decisions related to dependency and is very consistent in making thorough factual findings at contested hearings.

District Attorneys / Deputy District Attorneys:

I'm not sure how to answer the questions. For example, "Shelter hearings consistently occur at regularly scheduled times each day." The scale is based on whether the court is meeting that objective or needs improvement. In our judicial district that isn't happening, but also does not need improvement. Having a regularly scheduled shelter hearing each day, or any day for that matter, is not realistic or practical given our local circumstances or needs.

Parent / Child Attorneys:

As a practical matter, it seems to me that the standard of review tends to be more "better safe than sorry" instead of "a preponderance of the evidence," thereby too frequently preventing children from returning home. I think it would be useful to survey contested dependency hearing outcomes by county and throughout the state to determine and compare the frequency with which the state prevails.

Attorney caseloads are ridiculous

Caseloads for attorneys are too high. the court can be efficient and discovery provided, but if parent's attorney does not have a moment in the day to read the discovery, digest the discovery and then meet with the parent and allow them the same time. OPDS and OSB set high practice standards/expectations for attorneys who represent clients in juvenile court, but don't impose caseloads limits so that attorneys can give the appropriate level of attention to each client. OPDS also does not contract or fund attorneys outside of the PCRFP to meet any sort of caseload limit or guideline. Funding for public defenders is a critical piece of this. Without adequate salaries, you lose excellent attorneys because they aren't valued. Caseloads for caseworkers are too high. they are being asked to work over time staying in hotels with kids. Experienced caseworkers are leaving the agency. Resources for parents are limited. Turnover in treatment providers is a critical problem (and waitlists to get into services are long). Housing is impossible in the Portland area- expensive and NOT available if a person has the multiple issues that our families have. In Multnomah county, it is a common practice to make attorneys double or triple books for trials. This has a trickle- down effect because trials trump reviews and other hearings. If an attorney has a trial, then the attorney has to get coverage for matters that were already scheduled. Juvenile court is all about relationships. Attorneys are not fungible. It is not appropriate for the court to suggest or expect that another attorney from my office can cover a hearing. A different attorney does not have the knowledge about my client or past proceedings. A different attorney does not have the trust of my client. Attorneys are in court much of the time. This means that there are delays in returning calls, emails, reviewing discovery. There are endless meetings in these cases where serious decisions are made: family decision meetings, child safety meetings, LIFE meetings, meeting to get visits set up again, treatment meetings, school meetings all of which are important and where important decision are made (and if you are not there advantages can be taken of your client). Under the current structure, OPDS does not fund attendance at these meetings. These are where the serious decisions like returning a child are made. Attorneys want the state to give us the time and resources to do our job outside of the courtroom and the state will see a better result and timely result in the courtroom. This area of law is the one place where you can have a big impact on so many other areas of the law: criminal court and delinquency court . Proper interventions in dependency court can strengthen families and the community.

Conditions for return should be made clear to the parents at each hearing; barriers to visitation should be discussed at each hearing, and parents's schedules should be accommodated so that they can be employed or participate in treatment services.

I believe there can be a real "rush to judgment in Washington County" due to the infrequency of hearings and the late discovery issues I see in this county. I believe more frequent hearings and making DHS accountable to the discovery rules (or continuing a hearing rather than insisting on having in and being unprepared.) is a better system yet whenever I have requested a brief continuance due to this issue I am frequently met with resentment due to docket clogging issues.

I cannot overstate the importance of the court's failure to ensure timeliness of dependency matters. Despite attorneys being in court from 8:00 to 5:00 pm and later, including with hearings during lunch hour, dockets are so clogged that even time sensitive issues like visitation wait months for judicial resolution. for this and other reasons, it is extremely demoralizing to work within this system, and I have been doing so for almost 19 years.

I did not address the priority issue in section 4 and left some answers blank in the sections 3 because they are superficial issues. All of the above issues do not address the breakdown of the system. Justice is delayed because of the caseloads are too high for DHS workers and the attorneys. I do not think it is fair to point fingers at individuals who are trying to do the impossible when you have set them up to do a substandard job. I am not able to hold DHS accountable because due to high caseload, most of my time is spent in court sitting at hearings. Because most of my time is spent in court, the only time that I have to actually think and strategize on the case is after 5PM or on the weekends. It is not uncommon for me to put in 10 to 12 hours days on the weekend and work till 8 PM during the week and still have much more to do. I do think that the standard to hear a case should be every 90 to 120 days. That is only 3 or 4 times a year. I think that is what most families need. I also think there are times when the parties cannot agree and the court should decide an issue. I recently asked for an expedited hearing for an issue that was important for my client and it took 2 months to get it on the docket due to the schedule of the court and the other parties. Justice delayed is justice denied. The parents and children come in with a multiple issues. In addition, resources are scarce and the turnover in treatment providers (and waitlists to get into services are long). You have set high ethical standards for attorneys who represent clients in juvenile court, but you tie one hand behind our backs and cripple our legs, when you do not limit caseloads so that we can give the appropriate level of attention to each client. All we are doing is triage. That is what the current system is set up for and you want to ignore it and ask the question would things be better if parties and witnesses could participate in court electronically. In our county, it is a common practice to make attorneys double or triple books for trials. This has a trickle down affect because trials trump reviews and other hearings. If I have a trial, then I have to get coverage for matters that were already scheduled. If you have more than one scheduled on the docket, then you have to prepare for more than one trial and that takes time away from other matters. Juvenile court is all about relationships. Attorneys are not fungible, and it is should not be the rule that when I say I am not available for a hearing time, that the court will inquire whether someone else from my office is. Someone else does not have the knowledge about my client or past proceedings that I do. Someone else does not have the trust of my client that I do. We also have a hard time returning calls and emails in a timely matter when we are in court all day. I think you should be present with a client at a hearing. The hearing is sometimes the only time you get to see some clients because they do not return calls or respond to emails or letters. So, I should not be sliding through my emails or trying to check voicemail, when I have a live person in front of me or

cut them off so I can do those tasks. I have witnessed younger attorneys quit this area of practice who began with enthusiasm because they felt crushed by the caseloads. I am looking for a job in a different area because I am frustrated that I cannot do all that I think I should do because it is not humanly possible. I cannot get to see clients as much as they should be seen because I am not able to do so. We have many places that we need to be all at the same time. There are family decision meetings, child safety meetings, LIFE meetings, meeting to get visits set up again, treatment meetings, school meetings all of which are important and where important decision are made (and if you are not there advantages can be taken of your client). We do not have enough people to cover these meetings the way the current structure is set up. The magic does not happen in the courtroom. The magic happens outside of the courtroom where you build your relationship with your client, when you read the case-law and apply it to your individual case, where you do the investigation, where you do the preparation for a trial or motion, etc. The courtroom is the end result where you execute your performance, Give us the time and resources to do our job outside of the courtroom and you will see a better result and timely result in the courtroom. It is really that simple. This area of law is the one place where you can have a big impact on so many other areas of the law: criminal court and delinquency court . Proper interventions in dependency court can strengthen families and the community. (Another issue is that you do not pay attorneys who practice in this area what they are worth. That goes for public defenders in general. If you want to keep experienced attorneys in this area of law, you have to pay them what their counterparts are getting in the state offices (prosecutor and assistant attorney generals).

I do not believe that this survey is helpful. I believe that we have been very clear that the lack of funding that the legislature has provided is now actually impacting the constitutional rights of our children and parents and defendants. The priority is funding this system, not one particular part. Lawyers have too many cases, DHS caseworkers have too many cases, we have implemented the CANS system which has systematically driven away fosterparents because we won't pay them what is actually costs to raise children, providers in the community who are supposed to help our families are underqualified, underpaid, and don't actually provide consistent services as a result. Our docketing system that results from a lack of judges ensures that none of the statutory timelines are met for adjudication of delinquency, dependency or termination of parental rights cases. You can put a bandaid on this if you want. I refuse to pile on to a grievance system that makes someone at fault for this complete breakdown system wide. I will not criticize anyone in this system until we actually have a system. It's broken. It's not working. Fund us or admit that children in this State are not going to be protected by this State. Fund us or admit that we don't care about protections our Constitution says we have. Fund us or admit that everyone in the system is inadequate to fix it, no matter how hard we try.

In the next two years, we will be implementing DOJ rep of DHS, and getting a part-time new judicial officer. However, without additional funding for parents' and children's attorneys, these expenditures will be less effective due to no commiserate increase. We will just be more squeezed and I fear blamed for delays.

It is very rare in our judicial district for a dependency case to have the same judge throughout the life of the case. In most cases, every judge that we have has appeared on the case, as well as every

Senior Judge and every Pro Tem. After the Shelter Hearing, one judge should be assigned to the case and should stay with the case the entire time. This judge swapping causes a lot of delays in cases, especially when the judges articulate on the record "Well, this is judge so-and-so's case, so I am not going to make any decisions on it today." And then it never makes its way back to judge so-and-so, and children languish in foster care. In addition, with a case drifting around among the judges, it's pretty rare for a judge to take a stand with regard to how long a child has languished in foster care while they are legally free for adoption. Someone needs to order that DHS gets off its duff and actually works on adoptions. It is VERY COMMON to hear in our court district from DHS that they have additional paperwork to turn into the DHS adoption unit in Salem, but that the caseworker either doesn't have the time to do the paperwork, or does not know how to complete the paperwork and can't get anyone to help them fill it out. Our DHS offices in both counties have an enormous turn over, and generally no one is taking responsibility for getting cases completed. So frustrating.

It should be a legislative priority to give judges more child placement power, because DHS interpretation of his own rules oftentimes prevents a commonsense child placement. Judges have greater immunity than DHS, and the agency's rules result in the agency practicing defensive social work. There are children who are in non-relative foster care who could be living with family if this legislative fix ever happens.

Juvenile matters are not given the statutory priority that they should be. The Court will not "bump" lesser priority matters to make room on the docket for juvenile matters, so jurisdictional hearings are generally outside the required 60 days from time of removal. Also, the Court fails to start the docket on time first thing in the morning, or upon returning from lunch. Non-juvenile matters are double booked with juvenile matters, and when the Court is late to start with, and then starts with the non-juvenile matters, this results in major delays in the start time for the juvenile hearings. The Court blames the "full docket" for docketing woes without taking steps to improve its efficiency in either scheduling or showing up on time.

Money and case loads must be addressed.

Monitor attorney caseloads

One judge in this district "closes" routine dependency hearings and orders all interested parties, other than family to leave the courtroom. This judge also meets privately (*ex parte*) with children and the children's counsel.

Only one of the 3 judges announces important findings on the record. All 3 judges do not schedule enough time for the parties to review the judgments prior to them being signed by the court.

Our Court should consider addressing the lack of judicial hearing within 24 hours of removal. Currently, the hearing is scheduled the day after a petition is filed, which typically happens the day after removal.

PDSC needs to be more vigilant regarding performance of contractors and their attorneys. Some attorneys rarely appear at their own hearings, sending other attorneys who know nothing about

the case. Alternatively, the appointed attorneys are very tardy in making an appearance (i.e., a hearing is scheduled for 10:00 a.m., but the attorney does not arrive in court until much later).

Per month, we usually only have 2, at the most 4, trial dates to accommodate a very busy docket. This leads to setting up to as many as 8 trials on one day, only one of which can be heard due to our individual court docketing scheme. Invariably, too many cases are not heard within the 60 day deadline due to not having enough trial dates available.

Reviews are too infrequent in many cases. Rarely is the court inclined to inquire specifically about reasonable efforts and best interests of the child.

Shelter hearings occur whenever the court can squeeze them in. Consequently, counsel usually gets a notice to appear with just enough time to make it to the courthouse. This system also means that attorneys have NO opportunity to meet with clients before the emergency shelter hearing. This makes these hearings a useless pro forma court action, rather than a real opportunity to determine whether a child should remain in emergency care. The first real opportunity for the parents to be heard occurs a week or two later at the first settlement/status appearance, unless the attorney requests a contested shelter hearing. Critical hearings are bumped, causing the cases to be prolonged. As an example: Father had done nothing to address his criminal activity and drug use for months. The case was set for a termination trial last December. Without question, father's rights would have been terminated. (Mother had already relinquished). Trial was bumped by the court. Father then kicks into gear, resulting in the child ping-ponging back and forth between father and current caretaker. Current caretaker has now hired counsel, and the entire case is a proverbial snake pit. The recently imposed "differentiated case management" system has caused less oversight of cases, not more. The court established a self-created tool to determine how cases were classified. There is no use of national norms and standards to determine which case receives a "regular" track versus which case receives an "expedited" track. The judge has no control over the determination. The cases are being "tracked" by TCA / Court Staff. Once a case track is determined, you are stuck with it. Additionally, all case reviews are "limited" reviews. If, as the attorney for a party, you feel the case warrants a more complete review, you must file a motion and request a "full review." Unless a full review is requested, the court will not review visitation (now apparently known as family time) or any other issues besides the parent's progress toward reunification.

So much effort is being put into improving outcomes once a court case is initiated. I would like to see more effort applied prior to court involvement to adhere to the Or. Safety Model. I believe the least intrusive language is being forgotten and the fact that DHS involvement does cause some damage to families is also being forgotten. In my county when we have periods of caseworker turnover families are frequently damaged by these two failings.

The courts and the Oregon State Bar have noted that termination of parental rights cases are the social equivalent of capital punishment cases in complexity and lifelong impact on the children and parents. As such, appointed indigent defense counsel should be paid at the same rate as those counsel appointed to capital homicide cases; and, both rates should be raised so that the very best counsel are attracted and retained. These cases are not for the novice to gain a little bit of

courtroom experience and then go on to "real law." It's just the opposite - those with experience should be trained to protect the best interests of families and children in this very important caseload.

The issues with the timeliness of hearings is often blamed on attorney schedules, however the court is not adequately prioritizing dependency cases. For example, last week while setting a contested hearing, the parties were given three options; one day in November, one in December and one in January. Of all the possible trial dates in a month, we are often only given the option of two days each month to set all trials.

The juvenile court lacks any space for attorneys and clients to meet privately; conferences are being conducted in the middle of the public waiting area.

The question about whether the court makes sure that children freed for adoption are adopted within a year seems odd to me. They aren't responsible for delays; in my experience delays are caused by the bureaucracy at DHS. It's unbelievable how many committees are required before a decision is made. The courts try to pressure DHS to get things done, but ultimately there isn't much the judge can do.

The single biggest problem I see is that there is no inquiry at review or permanency hearings as to why children are still in foster care and not yet returned to parents. But that is an outgrowth of the judge not doing his own review and permanency judgments and not following along with the convenient JCIP forms during the hearings. Instead he has the State make the findings and fill out the JCIP forms for review and permanency hearings. (The State does inquire of other parties by email regarding corrections before submitting forms for the judge's signature.) The emphasis is on speed and lack of inquiry. This emphasis on speed sometimes leads to inadequate time for attorneys to consult with new clients at the initial shelter hearing, and also to lack of inquiry as to whether there are grandparents or foster parents present who wish to speak. The emphasis on speed extends to not scheduling many reviews during the life to cases. The underlying problem is that there are not enough judges in my county, even though a 6th circuit court judge was called for more than 20 years ago. A different judge handles TPR cases, and is pretty good about letting parents in prison appear by phone. But the legislature needs to amend and fix the relevant statutes that require personal appearance in the absence of a prior motion and order. There is no good reason for that in this modern age of video and phones. The Dept of Justice makes trouble about that from time to time for no good reason except for the legislature's failure to modernize the statute. This survey did not address the number one problem in my part of the system, which is excessive caseloads for attorneys. Even though, as I understand it, 4 different states have done studies which conclude that attorneys should have only 75 to 80 cases max, OPDS and the Oregon legislature and defense contractors are still appointing attorneys to caseloads far in excess of this 75 to 80 case number. The courts need to adjust to this by not imposing excessive work requirements on the overloaded attorneys by requiring written motions for such simple things as review of visitation or placement.

This county has too many children in care for the number of DHS workers at this office. Also, state funding for dependency matters is based on population NOT need. Lincoln County has significantly

more children in care per capita than similar sized counties across the state and fewer services available. Everyone here works too hard at making do with short resources.

Timeliness of reports has been a problem for representing parent adequately. Agency has filed reports late the night before an important morning hearing and has then been lightly admonished by the court for the timing yet also highly praised for the quality of report--which sends mixed messages in my humble opinion.

Typically, we receive short minute notice of the shelter hearings, sometimes do not receive the materials until right before the hearing, and have 5 minutes to meet with our clients. It is problematic to have little information prior to advising clients who we just met. I believe that there should be a specific time for shelter hearings.

CASA Program Representatives:

Adoptions are taking much too long. I would like to see the judges and referees holding DHS more accountable. If the adoption is NOT finalized in an appropriate amount of time then the certifier, or an adoption worker from Salem, needs to come to court and explain why. Average adoption times are over 18-24 months. Also, there should be more limits on how many 'contested permanencies' you have which slows down permanency for the children based on attorney's wanting a win for their parent clients.

It appears to me that DHS is frequently late with their reports making it more difficult for attorneys to consult with their clients. I think more frequent dependency reviews would also be beneficial to ensure that DHS is doing their job.

Our court has been a leader in effectively and efficiently inquiring about the finalization of adoptions after the child is legally freed, however improvement is still needed. The improvement seems to be needed from DHS either here at the district level with the specific caseworker ensuring all the forms have been completed or at the state level. I do not know for a fact where the delay originates from though. Sometimes it has been the delay in mediation between the adoptive parents and the birth parents. I have appreciated the court's focus on this finalization though!

Our Model Court team is fairly new, but we are making great progress in building a strong team.

We have a limited pool of attorneys which can affect meeting the timelines in cases. Getting the PCR before Shelters with enough time to read it through is the usual hold up in getting discovery.

Circuit Court Judges / Referees:

I am new to the bench this year so my comments are based on limited experience as a Judge and my previous experience as an attorney.

In our court all judgments are prepared by the Judge and TCA / Court Staff, not one of the parties. The parties hear the rulings orally in court and get the written judgments on Odyssey, usually within a week. There is no opportunity for them to review the judgments before the court signs

them. I asked the parties if they wanted to review the judgments before they were signed and they all said no.

One of the greatest challenges for judges is trying to coordinate the various agencies to provide services to families. Frankly, we cannot talk about improving the dependency system without including the delinquency system in the discussion. So many issues for our children are impacted by both systems and the various services. For too long, we have created silos where different agencies come up with reasons why they cannot offer services to children rather than look for solutions as to how they can offer services. This reality is regularly seen in the need for mental health services. JCIP does a tremendous job in improving the dependency system but it's funding mandate that doesn't include education, training and coordination of delinquency issues really hampers our ability to improve the overall success of our families in the juvenile system.

Our challenges are primarily resource driven - funds for an additional juvenile judge or a referee would greatly improve the process - further some issues like time to adoption are more in the control of DHS than the court.

We could do more videoconferences if we had reliable equipment on both ends. I frequently have parents who live in more rural areas and who have no access to videoconference equipment. I allow these parents to appear by phone but many call in on cell phones and the quality of connection isn't that good, raising concerns about the adequacy of the record. I am interested in hearing how other counties address this.

Your questions make various assumptions that are not necessarily correct. Some answers are not entirely accurate because an accurate answer option was not available. For example we do set all dependency matters at a time certain although for certain types of hearings more than one case is set for that time certain.

Trial Court Administrators / Court Staff:

I picked "2" throughout but we really are doing an amazing job

It is not efficient for the small court to identify and regularly hear juvenile matters at a "consistent time and day" because there are not always juvenile matters to be heard and the docket time would then be wasted. But all shelter hearings are held within the statutory timelines and future dates for admit/deny, jurisdiction, permanency and review are set at the time shelter is taken.

Shelter petitions are not always filed in a timely manner.

The jgmts are discussed in court quite extensively, so even though parties don't get a chance to review them prior to the judge signing them, everyone knows what will be on it.

The questions assumed there was a problem. For example, the first question I answered 0, because we don't do that, but I don't see that it's a problem for us, why does the survey assume that it is?

To help with efficiencies DHS should be required to e-file statewide.

CRB Field Managers:

No comments

Others / Unknown:

All in all, I think we are doing a great job at keeping the timelines and meeting the outcomes. Communication between the agencies and the Court is better than it has been in years past. One suggestion - a process re: appointment of attorneys before the Shelter Hrg needs to be addressed and decided so that parties have time to meet with an attorney before the hearing. This is a goal of our Judge.

Both dependency and delinquency cases are scheduled on the same afternoons. Dependency cases run long which pushes the entire docket (delinquency cases) back, often close to an hour. Dependency and delinquency cases need to have their own dockets and be heard on separate days of the week.

NOTE: Under the ICRA: A Tribal Court does not appoint an attorney. If the parties are able to seek their own attorney or spokesperson if they are wanting one.