

How Court Practices and Resources Relate to Judicial Decision-Making and Hearing Quality in Child Welfare Cases

As a legal professional involved in child welfare cases, does your court:

- Keep the same judge throughout the life of the case?
- Devote more time and resources early in the case?
- Avoid postponing hearings?
- Schedule hearings at set times?
- Dedicate enough judicial staff time for each case?
- Create a supportive setting for families?

This snapshot highlights some research that is beginning to show that these court practices and court system resources relate to judicial decision-making and hearing quality in child welfare court cases. Gaps in the current research are also discussed.

Court practices

Child welfare courts around the country use different practices to support judges' decision-making and improve hearing quality. Some research suggests the following four court practices relate to judicial decision-making and hearing quality in child welfare cases.

Judicial continuity

Assigning one judge to handle a case may allow the judge to get to know the family and their case better. Studies report having the same judge handle a case may improve how quickly the case is processed. For example, when fewer judges are assigned to a case, there may be fewer requests to postpone hearings.¹ Assigning fewer judges may reduce the time it takes for a child to be placed in a permanent home.² It may also speed up the time it takes for a child to be adopted.³ One study found that when fewer judges were involved in a case the child was more likely to return to live with their family.⁴

Frontloading cases

Frontloading cases involves devoting time and resources early in a case. This can include appointing

counsel early, holding early court hearings, holding a precourt meeting to prepare for the hearing, and ensuring parents attend and participate in early hearings.⁵ Providing parents legal representation and involving them in court hearings early in the case process are believed to help them engage in services and address underlying issues so their children can return home faster.⁶ Research suggests that holding early hearings can help reduce the time it takes for a case to close.⁷ One study of a state court reform effort, which included elements of frontloading, reported more timely court hearings, less time to close cases, and increased reunification rates.⁸ Changes other than frontloading the case process, such as improving quality of hearings and policy reforms, may also have contributed to these results.

Continuances

A continuance stops a hearing and reschedules it to another day and time. Judges may continue a hearing for many reasons, such as when parents have not been located and notified of a hearing, or if parties are absent in court. Continuances may increase the overall hearing time, disrupt the hearing and court process, influence parties' attitudes and experiences with the hearing process, and delay case resolution and outcomes. Studies show that issuing fewer continuances is associated with reducing the time children spend in foster care.⁹

Calendaring/scheduling

Court calendaring and scheduling practices vary by court. Scheduling hearings at set times is a best practice to streamline cases, allow parties and court staff to use time and resources more effectively, and make it easier for parties to attend and participate.¹⁰ Research finds that reducing the time families wait for their hearings improves how they view the court process.¹¹ Families also report experiencing less stress when they do not have to wait for hours for their hearings to be held.¹²

Court system resources

Court system resources refer to judicial staff time, judicial caseloads, court support staff, and the physical court environment. Research shows judicial staff time and caseloads, as well as the physical court environment, relate to judicial decision-making and hearing quality.

Judicial staff time

Judges with high workloads¹³ and busy court dockets have less time to devote to child welfare court hearings and perform such tasks as reading reports before hearings, spending time during hearings interacting with families, and making findings on the record. One study found that allowing more time for hearings, including holding longer hearings per case and scheduling fewer hearings during a time block, was likely to relate to addressing more due process protections.¹⁴ Another study found judges who had more time to devote to child welfare cases each year were more likely to meet case timelines.¹⁵ The study also linked judicial workloads to timely adoption¹⁶ and timely case closure for youth aging out of care.¹⁷

Physical court environment

Research has focused on how the physical court environment can add to the trauma families experience in court. One study found lack of clear information for families on hearing locations, cramped and uncomfortable waiting areas, and court rules prohibiting parents from bringing food for children as sources of added stress for families.¹⁸ The same study found the physical court environment affected parties' ability to prepare for hearings. For example, lack of a private, dedicated meeting space prevented them from meeting with their attorneys before hearings to prepare. Preparing parties for hearings is associated with judicial decision-making and hearing quality as it affects the quality of information the judge receives.¹⁹

Understanding this research can help you identify how these court practices and court system resources are being used in your court. It can help you explore which court practices are working well and areas to improve. It can also help you decide whether to include practices or resources that are not being used in your court.

Research Gaps

More research is needed to better understand the role of the court practices and court system resources identified in this brief. Some research gaps and areas for future research include:

Frontloading

- Frontloading as a strategy to improve parent attendance and engagement in hearings.
- The impact of prehearing conference models on the breadth and depth of discussion and judicial findings in hearings.

Continuances

- The effect of continuances on how long a case is open and how long it takes for children to achieve permanency.
- Where and why continuances occur to better identify when continuances are most likely to delay permanency.

Judicial staff time

- How judicial workload impacts engaging parents in hearings, discussions at hearings, court docketing practices, and case timeliness.

Court scheduling/calendaring

- How court scheduling relates to quality hearing components, such as due process outcomes, parent attendance and engagement, case processing, and case outcomes.

Endnotes

1. Summers, A., & Shdaimah, C. (2013). Improving juvenile dependency case timelines through use of the One Family, One Judge Model. *Juvenile and Family Court Journal*, 64(1), 23-34.
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3. Festinger, T., & Pratt, R. (2002). Speeding adoptions: An evaluation of the effects of judicial continuity. *Social Work Research*, 26(4), 217-224. <https://doi.org/10.1093/swr/26.4.217>.
4. Summers, A. (2017). *Exploring the Relationship Between Hearing Quality and Case Outcomes in New York*. New York,

NY: New York State Unified Court System Child Welfare Improvement Project.

5. Gatowski, S., Dobbin, S., Litchfield, M. (2002). *The Portland Model Court Expanded Second Shelter Hearing Process: Evaluating Best Practice Components of Front-Loading*. Reno, Nevada. National Council of Juvenile and Family Court Judges.

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9. Summers, A., & Shdaimah, C. (2013); Washington State Institute for Public Policy. (2004). *How do court continuances influence the time children spend in foster care?* Retrieved from http://www.wsipp.wa.gov/ReportFile/874/Wsipp_How-Do-Court-Continuances-Influence-the-Time-Children-Spend-in-Foster-Care_Full-Report.pdf; Summers, 2017.

10. Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016) Enhanced resource guidelines: Improving court practice in child abuse and neglect cases. Reno, NV: National Council of Juvenile and Family Court Judges (citing National Council of Juvenile and Family Court Judges. (2015). Research report: Assessing time-certain calendaring dockets. Reno, NV: Author.).

11. Gonzalez, C., Bohannon, T., & Summers, A. (2015). *Assessing time-certain calendaring dockets*. Reno, Nevada. National Council of Juvenile and Family Court Judges.

12. Shdaimah, C., & Summers, A. (2014). Families in waiting: Adult stakeholder perceptions of family court. *Children and Youth Services Review*, 44(C), 114–119. Retrieved from <https://ideas.repec.org/a/eee/cysrev/v44y2014icp114-119.html>

13. There is no specific judicial workload requirement for judges handling child welfare proceedings. Many factors influence judicial workloads, including jurisdiction size, court staffing, case complexity, the substantive nature of cases, the judge's out-of-court duties, among others. Work in Washington identified an ideal workload for judges based on how substantive the hearings were and made suggestions about how many more judges would be needed to hear cases effectively but did not articulate a case number. See Dobbin, S., Gatowski, S., & Summers, A. (2010). *Measuring Judicial Work in Dependency Cases: Lessons Learned from Washington State*. Reno, NV: National Council of Juvenile and Family Court Judges.

14. Supreme Court's Children's Commission. (2014). Supreme court's children's commission hearing quality observation project. Texas; Dobbin, S., Gatowski, S., & Summers, A. (2010). *Measuring Judicial Work in Dependency Cases: Lessons Learned from Washington State*. Reno, NV: National Council of Juvenile and Family Court Judges.

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16. Ibid.

17. Peters, C. M. (2012). Examining regional variation in extending foster care beyond 18: Evidence from Illinois. *Children and Youth Services Review*, 34(9), 1709–1719. <https://doi.org/10.1016/j.childyouth.2012.04.024>

18. Shdaimah & Summers, 2014.

19. National Council of Juvenile and Family Court Judges. "Engaging Children." *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, 2016, 72-73. (Children who are prepared for hearings are more likely to attend and participate and provide judges "evidence that may not otherwise be available to help them understand children's views about a variety of issues that directly affect their lives.")



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