

**MEASURING JUDICIAL WORK  
IN DEPENDENCY CASES:  
Lessons Learned from Washington State**



**Washington State Administrative Office of the Courts  
National Council of Juvenile and Family Court Judges**

## **Authors**

Shirley Dobbin, Ph.D.  
Director, Systems Change Solutions, Inc.

Sophia Gatowski, Ph.D.  
Director, Systems Change Solutions, Inc.

Alicia Summers, Ph.D.  
Permanency Planning for Children Department  
National Council of Juvenile and Family Court Judges

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Mary V. Mentaberry  
Executive Director  
National Council of Juvenile and Family Court Judges

Nancy B. Miller  
Director  
Permanency Planning for Children Department



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## Measuring Judicial Workload in Dependency Cases

Typical judicial workload assessments involve a time-at-task or weighted caseload approach that focuses specifically on how much time, on average, is required to hear each hearing type and how much time a typical judge has to hear those cases, regardless of case or hearing type. While these methods do generate efficient estimates of on-the-bench judicial workload, the typical judicial workload assessment is not sufficient to an understanding of the complexities of judicial workload in **dependency** cases.

Merely counting the total number of dependency cases per commissioner or judge, and the average time it takes to hear those cases, does not adequately reflect the work necessary to process dependency cases. **Cases are complex and unique.** They require active and consistent court oversight, frequent court reviews, and a broad and active scope of inquiry from the bench, all within accelerated state and federal time frames. Dependency cases also require collaboration among courts, child welfare agencies, and service providers, in addition to more community involvement than most other types of cases. As a result, to best determine what judicial resources are needed (judges and commissioners) in child abuse and neglect cases, a comprehensive workload study is necessary – **a study that not only incorporates both on-the-bench and off-the-bench activities in an assessment of overall judicial workload, but one that also measures the work necessary to meet best practice guidelines for dependency case processing.**

An assessment of judicial workload in dependency cases is currently underway in Washington State. Funded by the Washington State Court Improvement Project (CIP), through the Administrative Office of the Courts, the National Council of Juvenile and Family Court Judges (NCJFCJ) are conducting a comprehensive judicial workload assessment in dependency cases. This project is a multi-phase, multi-year assessment, including an evaluation of how workload impacts dependency case practice and the outcomes achieved. The first phase of the project focused on assessing judicial workload in two project sites – King County and Mason County. The second phase extended the research to include Spokane County. These three sites provide a baseline measurement of judicial work in dependency cases. In Phase III, reforms will be implemented in response to the assessment findings, including judicial time. The lessons learned in the three sites will help guide statewide implementation and ongoing reform efforts, as well as inform national knowledge about how best to measure judicial workload in dependency cases.

**Why should the assessment of judicial workload in dependency cases be any different from the generally accepted approach utilized across case types and levels of court?**

**What should be done differently?**

**What can be learned from Washington's on-going efforts to better assess judicial workload and the foundational processes necessary in the implementation and support of best practices in dependency cases?**

### Washington State Project Overview and Goals

- **Develop a better way to assess judicial workload in dependency cases through expanded methodology and workload assessment tools**
- **Assess judicial workload in the context of resource needs for implementation of court-based best practices**
- **Identify key elements, lessons learned, and overall recommendations to help guide state and national reform efforts**

## Washington Workload Study Leads the Way

The Washington Judicial Workload study is important not only for the state of Washington, but also for its contribution to national understandings of judicial workload measurement in dependency cases. The Washington State Workload Study:

- Reinforces the need to go beyond a simplistic measure of how much time and resources it takes to conduct effective hearing practice;
- Assesses how much time and resources are necessary when substantive hearings are conducted consistent with the **RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases**<sup>1</sup> – nationally recognized standards for best practice;
- Respects the complex leadership role of the judge in dependency cases – one that includes on-the-bench and off-the-bench case specific tasks as well as court improvement and collaborative systems' reform activities; and
- Provides an approach that other courts across the nation can adapt to assess judicial workload and the effectiveness of local and state court practice in dependency cases.

Ensuring safe, timely permanency for abused and neglected children requires courts to have the appropriate resources to adequately perform their oversight role. Yet, courts are not always able to achieve the minimum requirements under federal and state law, let alone implement “best practices,” in the handling of dependency cases. While the need for judicial and non-judicial resources is evident, specific resource needs must be assessed. The NCJFCJ was contracted to conduct an innovative judicial workload assessment in Washington, which would examine judicial workload from a best practice perspective – an assessment that would take into account not only the number of cases and hearings judicial officers must handle, but also the broad and active scope of inquiry that should occur on-the-bench and the leadership that should occur off-the-bench.

This **Technical Assistance Bulletin** examines the methodologies used to conduct a ground-breaking type of judicial workload assessment, the results of this assessment and lessons learned, and the implications for next steps and future research. This *Technical Assistance Bulletin* summarizes the judicial workload assessment approach used in a study of Washington State's judicial dependency workload. It compares and contrasts this approach with those of traditional workload assessment methods, highlighting the strengths and challenges of both methodologies and how they can work in concert to provide a clearer and more comprehensive picture of judicial dependency workload needs. Findings from the baseline assessment phases of the Washington State judicial workload assessment are highlighted and recommendations based on those findings are discussed – not only with respect to judicial resource needs, but also with respect to possible practice reforms to increase efficiency and facilitate the application of best practices in dependency case processing.

## The Importance of Appropriate Judicial Workload

Judicial officers need manageable workloads in order to be able to do thorough and judicially appropriate work in the handling of cases that come under the court's jurisdiction. Although adequate levels of judicial staffing do not ensure well-run courts, a competent judicial process is not possible without adequate staffing. Judges with excessive workloads cannot carefully review files and reports to prepare for hearings. Judges with excessive workloads cannot schedule and complete hearings within reasonable timeframes. Overburdened judges cannot monitor case progress as the law requires, nor prepare timely court orders or appropriately detailed findings. Adequate resources are essential if judges are to effectively manage and resolve cases without delay, while also delivering quality service to the individuals they serve. Meeting these challenges involves objectively assessing the number of judicial officers needed to handle caseloads effectively, whether judicial resources are being allocated and used effectively, and whether the appropriate outcomes are achieved. And, given current economic times, state budget crises, and a lack of resources across all system partners, better information about appropriate judicial workloads, especially in dependency cases, is critically needed.

## The Uniqueness and Complexity of Judicial Workload in Dependency Cases

The complexity of the dependency<sup>2</sup> court system stems from federal and state legislation requiring judges to exercise more oversight in dependency cases and to become more active in developing and implementing innovative ways to help the children and families involved in the system. The Adoption and Safe Families Act of 1997 (ASFA)<sup>3</sup> requires increased judicial responsibility and duties in dependency cases and expands the court's role to protect abused and neglected children. ASFA also called for shortened timeframes for case processing, often requiring more hearings over a shorter length of time, with judges having to spend much more time on each case to faithfully implement the law. The Fostering Connections to Success and Increasing Adoptions Act of 2008 imposed new requirements related to locating families, sibling placement, foster child educational stability and health oversight, among other considerations coming under judicial review. These issues, combined with inherent case complexities such as poverty, mental health issues, domestic violence, and substance abuse, have created **a need for substantive and thorough court hearings, as well as the judicial leadership required to engage system partners in collaborative court improvement efforts.**

### Increasing Judicial Responsibilities in Dependency Cases<sup>4</sup>

- Judges must increasingly focus on achieving permanency for abused and neglected children – judges must not only oversee agency casework and services related to their attempts to achieve permanency goals, but they must also make judicial findings about the reasonableness of state efforts to accomplish those goals.
- Federal and state statutes require judges to focus more intensively on children's safety and well-being – case plans must address educational, medical and mental health services for children, and in most states judges review the plans when they are formulated and periodically review the implementation of those plans.
- Additional and more stringent time limits have been imposed on the judicial process in dependency cases – while these limits once applied to limited stages of the court process, they now apply to more hearings at more stages of the case.
- With the expansion of legal representation (with attorneys increasingly involved throughout the entire judicial process, instead of only at selected hearings) and the involvement of more parties in cases (including the federal requirement that foster parents receive notice of and are permitted to participate in hearings), courts must effectively manage and engage more and more dependency court stakeholders.



### Some consequences for judges with excessive dependency case workloads<sup>5</sup>–

- Judges may not be able to sufficiently review the written reports submitted by child protection agencies prior to most substantive hearings. A substantive report should describe the current circumstances of the child and family, explain any changes since the last hearings, outline the agency's efforts for the child, parent(s) and family (if applicable), and frame issues for the court. When judicial officers do not have sufficient time to review reports and other documents, hearings may lack focus.<sup>6</sup>
- Crowded judicial calendars may result in courts missing legal deadlines for case processing which delays the achievement of permanency for children and families. States that are not in substantial compliance with ASFA requirements may also suffer from severe monetary penalties.
- Judges with excessive caseloads may not take sufficient time to communicate effectively with all of the parties involved in hearings, especially parents and older children. As a consequence, the parties may fail to understand the case process, timeframes, and potential consequences and outcomes. Judges may have missed important opportunities to engage parties in the process often resulting in a perceived lack of fairness by parents, and a missed opportunity to potentially shorten the time the child is in foster care
- Strain on judicial officers, attorneys, court staff and child welfare workers resulting from excessive workloads may result in truncated and inadequate case review hearings, unprepared judges, attorneys and caseworkers, and a lack of case-specific findings for simple uncontested hearings.

Unlike criminal or other civil cases, dependency cases are complex and lengthy, requiring multiple hearings over months or years before the case reaches resolution. In dependency cases, resolution or case closure does not occur at adjudication and disposition, but when child permanency is ultimately reached. Permanency can occur via many different pathways – reunification of the child with biological parent(s), termination of parental rights and adoption, guardianship or placement with a relative, or another planned permanent living arrangement. Unfortunately, cases can also close without permanency if a suitable long-term placement is not obtained and the child “ages-out” of the system.

**Dependency cases are complex, requiring multiple hearings over months or years before the case reaches resolution.**

**Dependency cases require judges to be effective and reasoned decision-makers and actively involved in collaborative systems' improvement efforts.**

## Methods for Determining Judicial Workload

In its simplest form, workload measurement can be seen as quantifying the relationship between the performance of a work activity or demand, the required tasks to be performed, and the units of labor or time needed to perform the tasks. Prior judicial workload studies have primarily employed three methods when assessing workload – the weighted caseload method, the Delphi method, and the normative method. These methods are briefly described below. Some workload studies use a combination of these methods, such as a weighted caseload approach that incorporates both a Delphi process and a normative examination.

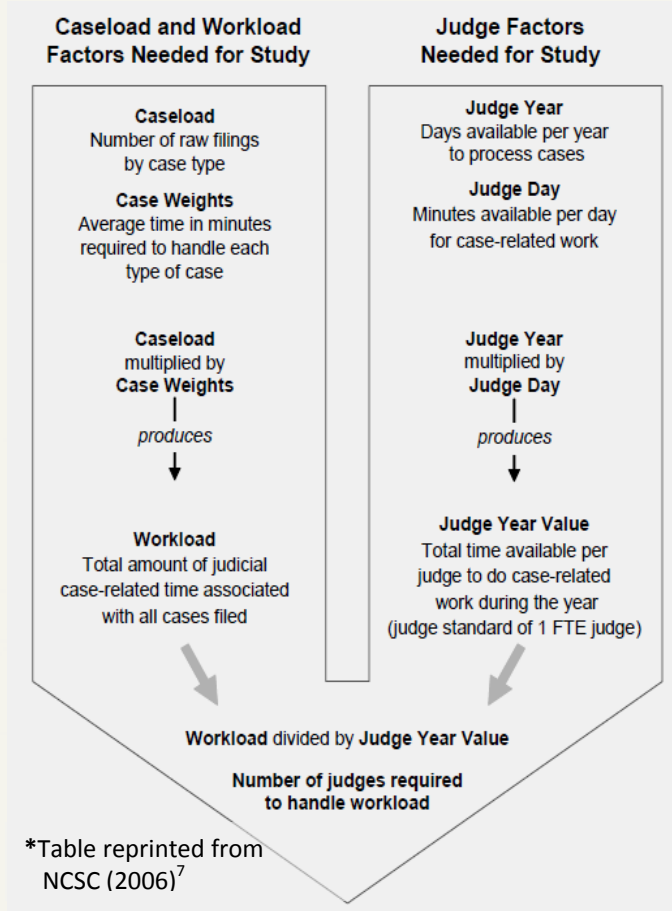
The **weighted caseload** method involves identifying case events, determining how much time is spent on each event, and determining the frequency of each event. The weighted caseload is then calculated based on the percentage of cases in which the event is likely to occur. Given the number of hours a judge is available to hear cases and the weighted case values, predictions can be made as to how many cases a judge can oversee or how many judges are necessary to adequately oversee current caseloads.

Using a weighted caseload approach, for example, involves: (1) using unambiguous case types that allow for categorization of the court's activities into distinct, countable groups; (2) case weights that reflect the complexity of case activity by assigning different time values to each case type; (3) case filings that estimate the expected number of cases of a given type to enter the court system each year; and (4) work year, which identifies the total time available to handle case-related work each year.

*The National Center for State Courts has set the standard for assessing judicial workloads across judicial roles and court types. See reference and resources section for NCSC general workload assessments and technical assistance materials.*

### Weighted Caseload Approach

Computes resource need by first calculating the expected workload facing a court from a given case type. This workload, expressed in minutes, is calculated as the product of the anticipated case filings multiplied by the weight for that case type. Workload need is then converted to a full time equivalent (FTE) employment measure, which represents the number of FTE's required to process the expected caseload. Net judicial need is then determined by subtracting the actual number of FTE's currently assigned from the expected value.





**Delphi Approach:** The Delphi method also makes estimates of judicial time at tasks and court events. In a Delphi process, experienced judges and other knowledgeable court stakeholders are asked to identify the various tasks they undertake and to make estimates of how much time they spend on those various tasks. This estimate may occur through a questionnaire or focus group process, or a combination of questionnaire and focus group. The estimates that this “expert opinion” panel develops are then used to make weighted estimates of cases. For example, judges (through a questionnaire and/or focus group process) can be asked to identify the events required from case initiation through case closure and to estimate the time required to accomplish each event. Case weights based on these estimates are then applied to data on caseloads to determine the number of judges that would be needed to staff cases. Because it is based on self-reporting, the Delphi method is rarely used as the sole method of data collection, but rather as a means to provide context to quantitative data and to further understand and interpret that data.

**The Normative Approach:** The normative method involves comparing similar jurisdictions in terms of the number of cases divided by the judicial resources available to handle the cases. The jurisdictions used in the assessment must be similar in terms of demographics and court procedures. After selecting similar jurisdictions for comparison, a stable measure is selected (i.e., annual number of case dispositions) and then divided among the number of judges available. The final result is often represented in terms of number of judicial officers per 1000 cases or per 1000 children.

Weighted Caseload Approach	
Strengths	Limitations
<ul style="list-style-type: none"> <li>Accounts for differences in variability and complexity among different case types</li> <li>Takes into account that certain events or hearings occur more often than others, as well as the amount of time these events take</li> <li>Widely accepted and validated approach</li> </ul>	<ul style="list-style-type: none"> <li>Does not compare event tasks to a set standard of practice or performance</li> <li>May not fully account for specific goals and purposes of hearings in dependency case practice</li> <li>May not fully account for the range of off-the-bench activities associated with dependency cases</li> </ul>
Delphi Approach	
Strengths	Limitations
<ul style="list-style-type: none"> <li>Provides source of external validation for weighted caseload measures</li> <li>Offers opportunity for judges to contribute to workload assessment and offer their expertise</li> </ul>	<ul style="list-style-type: none"> <li>If used alone, is a subjective measure of workload that is highly dependent upon the experience and expertise of the Delphi participants</li> </ul>
Normative Approach	
Strengths	Limitations
<ul style="list-style-type: none"> <li>Allows for comparative analysis across similar jurisdictions</li> <li>Simplicity of approach makes it easy to implement</li> </ul>	<ul style="list-style-type: none"> <li>Assumes that the “norm” is a worthy goal</li> <li>Approach is only valid if appropriate jurisdictions are compared – temptation may exist to select comparison sites for political or other strategic reasons</li> </ul>

## An Expanded Approach to Judicial Workload Assessment in Dependency Cases

Weighted caseload judicial workload methods that include a Delphi process do generate efficient estimates of judicial workload. However, these approaches are not sufficient to an understanding of the complexities of judicial workload in dependency cases specifically. The problem lies in the fact that these methods may only examine hearing times and do not adequately examine the specific activities or practices that occur during that time, rarely include comprehensive measures of the scope of off-the-bench activities required of dependency court judges, and fail to address hearing *quality*. Traditional judicial workload studies overlook the fact that actual hearing time may not be sufficient to address the complexity of a dependency case and to adhere to best practice recommendations for dependency case processing such as those outlined in the **RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases**.

The **RESOURCE GUIDELINES**, which have been endorsed by the Conference of Chief Justices, the American Bar Association, and the NCJFCJ, describe judicial practice standards. Developed by a consensus of national experts, the **RESOURCE GUIDELINES** cover: the purpose of each type of child abuse and neglect hearing; the persons who should be present at each hearing; the issues the court should address at the hearing; the key decisions the court should make at the hearing; the content of the court's findings at the hearing; and the duration of key court events to fully address issues. An expanded and more comprehensive approach to judicial workload should take into account the judicial practice standards as described in the **RESOURCE GUIDELINES**. Without an analysis of workload against clearly articulated practice guidelines for handling the total picture of judicial workload in dependency cases is missing. For a complete picture, judicial workload assessment in dependency cases must not only analyze how much time is needed to implement specific key legal requirements, but also examine the time needed for judges to engage in practices that will fulfill the law's spirit as well as its letter.

While the majority of research assessing judicial workload has focused on general court cases, of which dependency cases represent only a portion of the workload, some research has focused specifically on dependency caseloads using the **RESOURCE GUIDELINES** as a practice reference. A preliminary assessment of judicial workload specific to juvenile dependency cases in Santa Clara County, California, for example, found that additional judicial officers were needed to meet the dependency caseload demands. This number increased when key events were estimated based on **RESOURCE GUIDELINES'** recommendations for hearing times.<sup>8</sup> A second study in the state of Utah found similar results, indicating more judicial officers were needed when courts made estimates based on the recommendations of the **RESOURCE GUIDELINES** for court timeframes and best practice hearings.<sup>9</sup>

An expanded approach to judicial workload uses weighted caseload and a Delphi process with new instrumentation designed specifically to:

- Focus on the time needed to comply fully with the law
- Take into account key standards of practice (i.e., the activities that should take place from a "best practices" perspective)
- Determine the time it takes to process each dependency hearing type within specific expectations for that hearing type
- Determine the time needed for judges to perform case-related work outside of court and the time needed for non-case-related activities
- Provide an objective measure of workload that not only generates estimates of judicial need but also makes recommendations for additional procedural and practice changes to improve the efficiency and *quality* of dependency case processing

## Applying the Expanded Workload Assessment Approach to Dependency Cases In Washington State

Washington State's judicial workload assessment applied an expanded approach to dependency workload measurement with the goal of providing a more complete picture of judicial workload – one that accounts for the unique complexity of dependency cases, assesses the quality of hearing practice, and objectively determines judicial need. In addition, because of its focus on the “best practices” articulated in the **RESOURCE GUIDELINES**, the approach not only focuses on the number of judges needed, but also generates recommendations about possible procedural and practice changes that may improve the efficiency and quality of dependency case processing.

The Washington State workload assessment was designed to address the shortcomings of previous workload studies in dependency cases by providing an assessment of the *quality* of court hearings as well as the judicial time necessary to process dependency cases. The study looks at the time needed to adequately complete all the responsibilities of the dependency court judge both on- and off-the-bench.

### The Washington Workload Project was designed to address the following questions:

- What judicial resources are needed to ensure active and consistent court oversight in dependency cases?
- What judicial resources are needed to support appropriately frequent and substantive court reviews?
- What judicial resources are necessary to ensure active and proactive judicial inquiry from the bench?
- What judicial resources are necessary to prepare for court hearings?
- What judicial resources are associated with better case processing outcomes (e.g., timeliness, permanency)?
- What judicial resources are necessary to afford judges the time and support needed to engage in off-the-bench judicial leadership and collaborative activities?
- What judicial resources are needed for the court to be able to dedicate the time and leadership necessary to engage in effective collaborative activities aimed at systems reform and improved outcomes?
- What judicial resources are necessary to ensure that judges have the ability to engage in ongoing training and educational opportunities, especially given the complexity of dependency cases?
- What can be done to improve the efficient use of current judicial resources so that cases are processed in a timely and efficient manner?

Details of the judicial workload assessment approach applied in the Washington study, as well as a snapshot of findings from the research to date (presented with an eye to the meaning of those findings for dependency court practice reforms and workload methods), are presented in subsequent sections of this *Technical Assistance Bulletin*.

## Research Design

The Washington Workload Study is a multi-phase, multi-year assessment of judicial workload designed to determine judicial need and to evaluate how workload impacts dependency case practice and outcomes. The first phase of the research, which began in May 2007, examined judicial workload in two project sites: King County and Mason County. The focus of this phase of the research was obtaining a **baseline measurement of judicial dependency workload**. The baseline data generated from this phase was used to recommend practice changes to improve the court's case processing efficiency and to better comport with best practice standards. Through a strategic and action planning process, project sites were then tasked with designing and implementing changes based on the baseline workload data and recommendations.

The second phase of the research continued work with the first two pilot sites (King and Mason Counties) examining practice changes and determining how these changes impacted workload, and added an additional project site (Spokane County). Researchers also undertook a **decision-point analysis** (an assessment of the impact of judicial workload on dependency case outcomes and the impact of specific case factors on workload). Phase III is underway. Project sites are in the process of designing and implementing practice reforms and researchers are analyzing the impact of those reforms on workload and the ability to adhere to best practice standards (e.g., comparing judicial workload after practice changes have been implemented with the baseline workload measurement).

In collaboration with Washington State CIP, the third phase of the research will continue the decision-point analysis to determine the impact of workload changes and practice reforms on dependency court outcomes in project sites (e.g., overall timeliness of case processing and permanency outcomes). Researchers will also explore the possibility of using what has been learned from project sites about effective workload practices and judicial needs to expand reform efforts statewide.

### Phase I: King and Mason Counties Baseline Judicial Workload Assessment

- Project start-up activities, instrument development, testing and refinement
- Baseline workload assessment in King and Mason Counties
- Analysis of workload and estimate of judicial need (including judicial need for substantive practice in line with best practice standards)
- Strategic planning with sites regarding possible practice change based on baseline assessment findings

### Phase II: Addition of Spokane County and Continued Work with King and Mason Counties

- Addition of Spokane County as project site – baseline workload assessment in Spokane County
- Sites design and implement reforms based on baseline workload analysis
- Fidelity assessments to determine whether practice changes were implemented as intended in King and Mason Counties
- Analysis of workload after practice changes as compared with baseline workload assessment
- Beginning decision point analysis

### Phase III: Expansion to Statewide Judicial Workload Assessment

- Complete workload analysis comparing workload after practice reforms to baseline workload measurement
- Complete decision point analysis
- Use the project's "lessons learned" to expand to statewide judicial workload assessment, identify training needs, and implement specific practice reforms, etc.

## Phase I – Baseline Judicial Workload Assessment (King and Mason Counties)

**Start-Up Activities** The project began in May of 2007 with start-up activities, including reviewing relevant background documentation on the structure, process, and outcomes of the dependency court process, reviewing the Washington State Court Improvement Project (CIP) Statewide Reassessment Report findings (June 2005) and the King County Model Court's local court improvement goals.<sup>10</sup> A project advisory committee was also established which included NCJFCJ and Washington Administrative Office of the Courts staff, as well as members of the Washington CIP Committee.

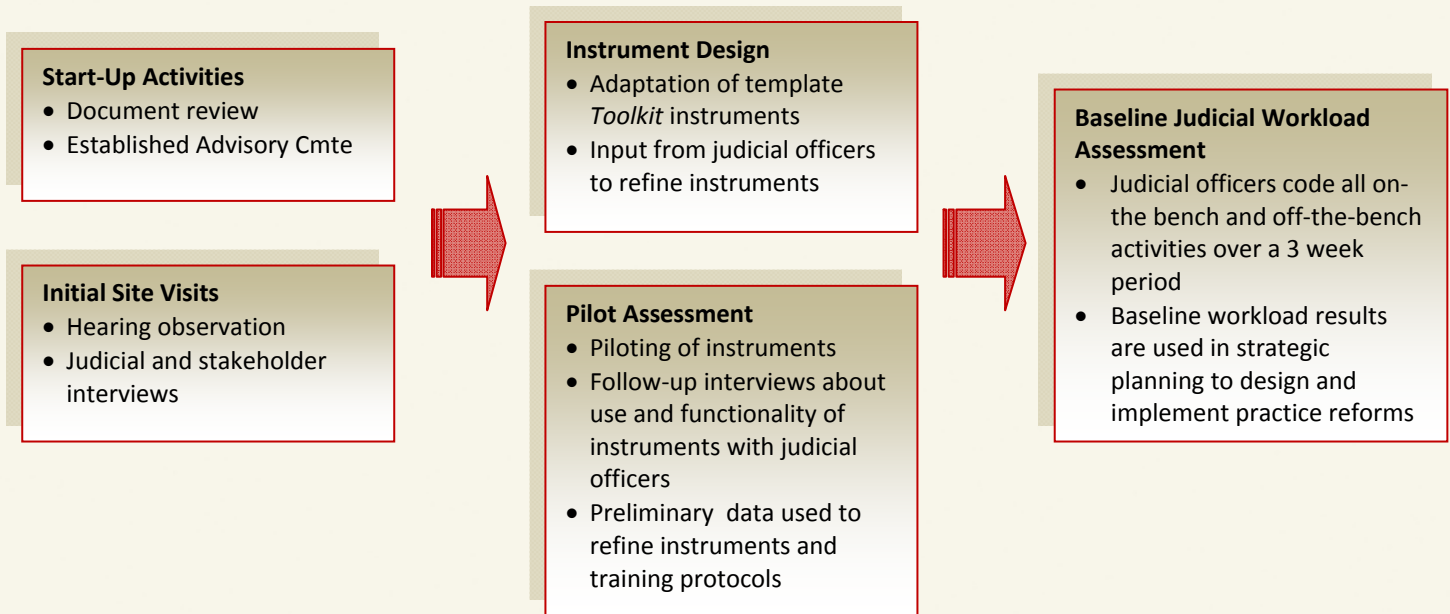
**Site Visits** Initial site visits were conducted to both King and Mason Counties in September 2007. Site visits included dependency court hearing observation and interviews with dependency court system stakeholders about hearing practice, as well as system practice strengths and resource challenges. Additional interviews, court observation, and a case file review were conducted during follow-up visits to both sites in October and November 2007. These visits allowed researchers to collect background and supplemental information on the two counties, obtain stakeholder input regarding practices and workload needs, and to meet with the judicial officers who would be participating in the judicial workload assessment.

**Instrument Design** Template judicial workload instrumentation developed by the NCJFCJ, the ABA, and the NCSC as part of the national dependency court performance measurement ("Toolkit") project was adapted for use in the Washington study.<sup>11</sup> Beginning with these template instruments, NCJFCJ project staff worked directly with all participating judicial officers to create tailored, efficient tools which would provide measures of on-the-bench and off-the-bench judicial time and resources, as well as on-the-bench measures to determine best practices-related (**RESOURCE GUIDELINES**) discussion of key issues per hearing. Judicial officers were critical in providing ongoing feedback toward the development of the instruments, which included an on-the-bench judicial time log, a judicial off-the-bench time log, an online survey, and a judicial Delphi/focus group process. [See the instrumentation discussion in this section for more detail about the workload instruments used in this approach.]

**Pilot Assessment and Instrument Pre-Testing** Judicial officers in both King and Mason Counties were trained on the instruments and coding process and then piloted the instruments (filling out on-the-bench and off-the-bench time logs) in all of their dependency hearings over a specified time period. Reliability assessments were conducted by the research team who coded the same hearings as the judicial officer during the instrument pre-test period. Following these hearings, the judicial officers met again with the research team and discussed the results of the coding and any discrepancies that arose. The reliability assessments conducted during the pilot assessment indicated judicial officers' coding was highly compatible with the research team's coding of the hearings, indicating good reliability.<sup>12</sup>

**Baseline Judicial Workload Assessment** Judicial officers in both counties began data collection using the on-the-bench and off-the-bench judicial time logs, coding all of their hearings over a three-week baseline assessment period. Following the baseline assessment, the judicial officers sent in their completed data instruments to the NCJFCJ research team, and data entry and analysis began. Baseline assessment findings from the project sites were further analyzed and discussed during a Delphi focus group process. Project sites then participated in a strategic planning meeting, which used the baseline workload findings to design specific practice changes – practice changes aimed at improving case processing efficiency and at facilitating the implementation of best practice standards for abuse and neglect hearings. NCJFCJ also conducted a **RESOURCE GUIDELINES**-based training for project sites.

## Phase I – Baseline Judicial Workload Assessment



## Phase II – Baseline Judicial Workload Assessment (King, Mason, and Spokane Counties)

**Baseline Workload Assessment – Additional Project Site** An initial site visit and instrument training was conducted in Spokane County in April 2009. A sample of hearings were coded by judicial officers and reliability checks run on all of the instrumentation.<sup>13</sup> Data collection began over a three-week baseline assessment period in which commissioners in Spokane County coded their dependency case practice using the on-the-bench and off-the-bench judicial time logs. Data were entered and analyzed by NCJFCJ researchers between June-September 2009 and a baseline report of judicial workload was provided to the project site. As with the other baseline assessments, a Delphi focus group was facilitated in which judicial officers discussed the results and generated their own ideas and recommendations on improving efficiency, working toward best practices, and making positive workload changes.

**Ongoing Workload Assessment** Phase II of the study expanded the work already conducted in King and Mason Counties. In both sites, a fidelity assessment was undertaken to determine if the practice reforms identified during the baseline assessment (Phase I) were truly being implemented as intended. An assessment of judicial workload post-implementation of practice and judicial resource changes is currently underway (e.g., a pre-post test analysis will be used to examine the impact that reform and additional resources has had on practice and on workload).

**Decision-Point Analysis** Phase II also saw the beginning of a decision-point analysis, involving an assessment of the impact of workload on case outcomes and the impact of specific case factors on workload. This allowed for a multifaceted assessment of workload and performance measures and how these changed as workload changed. Unlike other aspects of workload assessment, the decision-point analysis looked specifically at the information gathered in case files in order to determine which factors (i.e., case complexity, allegation types, presence of parties, court orders), impact the timeliness of case processing and outcomes. Further, the decision point analysis examined changes in workload and how those changes impacted case decisions and outcomes. Because these analyses required a constant re-appraisal when workload changes, this is an ongoing assessment and analysis process.



## Phase II – Addition of Spokane County and Ongoing Assessment

### Baseline Workload Assessment – Additional Project Site

- Initial site visit (Spokane County)
- Instrument training and pre-testing
- Judicial officers code all on-the bench and off-the-bench activities over a 3 week period
- Baseline workload results are used in strategic planning to design and implement practice reforms

### Ongoing Workload Assessment

- Fidelity assessment to determine implementation of practice and resource changes (King, Mason and Spokane Counties)
- Pre-post test analysis of judicial workload underway to examine the impact that reform and addition of resources has on best practices and on workload



### Decision Point Analysis

- Assessment of the impact of workload in each project site on case outcomes
- Assessment of the impact of specific case factors (such as case complexity) on workload

## Phase III – Expansion to Statewide Judicial Workload Assessment

Expansion to Statewide Judicial Workload Assessment By adding Spokane to the original pilot sites, researchers were able to determine an accurate estimate of judicial workload in three differing jurisdictions. Although each site is different in terms of scheduling, workload, and practices, they also shared some similarities in court practice that made it both interesting and practical to move forward and apply the method and research design to a statewide analysis of judicial workload -- commonalities and differences in the three project sites studied thus far will be examined to generate a baseline for overall statewide workload. Further, the baseline for overall statewide workload will include an efficiency analysis. For example, Spokane County and King County have very different docketing practices and researchers are currently comparing practices within the two sites to determine if Spokane has a more efficient system and to determine how other jurisdictions might learn from this efficiency. By conducting an efficiency analysis, researchers can determine if there are other procedures or practices, which can be put in place that will have a positive impact on workload.

The following activities are underway as part of the planning for the statewide assessment: (1) workload survey sent to all dependency court judicial officers in the state to get an estimate of workload in the state; (2) participation of Administrative Office of the Courts JFCIP courts, in order to provide a more in-depth analysis of off-the-bench workload activities (both dependency and non-dependency related activities); and (3) a workload assessment in a sample of four project sites using the methods previously employed (sites will be selected using a stratified random sampling based on jurisdiction size to ensure appropriate statewide representation).

## The Project Sites

### *King County (Seattle and Kent)*

- Urban and suburban demographic
- 2009 Petition Filings: 619
- Three commissioners (two in Seattle and one in Kent) hear non-contested dependency hearings
- Commissioners hear dependency cases every day
- One judge oversees dependency pre-trials and trials full time
- One Family Treatment Court (FTC) judge in King County oversees dependency hearings for cases, which are part of the FTC. These cases typically come in after adjudication, which means the FTC judge usually only oversees review and permanency hearings
- An estimated one-third to one-half of dependency trials are brokered out to one of the approximately 50 other judges in King County as needed due to schedules and conflicts
- Interviews with the judges indicated that they are assigned dependency trials approximately once or twice a month, constituting an average of 17% of their workload (range 10% to 25%)
- King County participates in the NCJFCJ's national Model Court Project (see [www.ncjfcj.org](http://www.ncjfcj.org) for more detail).

### *Mason County (Shelton)*

- Suburban and rural demographic
- 2009 Petition Filings: 59
- One commissioner hears non-contested dependency cases
- The commissioner hears dependency cases one afternoon per week.
- Approximately 18% of the commissioner's overall workload includes both on- and off-the-bench activity related to dependency cases, with 82% of the commissioner's time spent on other case types and off-the-bench non-dependency related activity
- One judge oversees contested adjudications and TPR trials

### *Spokane County (Spokane)*

- Urban and suburban demographic
- 2009 Petition Filings: 479
- Six commissioners oversee the majority of dependency hearings from shelter care hearings through the achievement of permanency
- Each commissioner is devoted to juvenile dependency cases one day a week.
- If the case goes to TPR, one of 12 judges will hear the TPR trial and follow the case through post-termination reviews.
- Commissioners follow an adaptation of one family/ one judge model. One commissioner, based on rotation, handles all incoming cases and conducts the shelter care hearings. The initial commissioner then assigns the cases to the other commissioners. Once a commissioner receives a case post-shelter care hearing, the case stays with that commissioner.<sup>1</sup>
- All of the six commissioners hear both dependency and juvenile delinquency cases.

## Dependency Court Judicial Workload Instrumentation

The assessment tools used in the Washington State study were designed to incorporate multiple sources of information with a focus on judicial workload – both on- and off-the-bench. Building upon the data sources utilized in traditional workload assessments and the best practices of the **RESOURCE GUIDELINES**, data instruments were developed and pre-tested in December 2007 and early 2008. An overview of each of the instruments used is presented below.

### Judicial Time Logs

Information about the time actually involved in specific court events (such as types of hearings and other types of court activities), when combined with evaluations of how well and fully these events are accomplished, is invaluable to learning how much time is needed to effectively conduct the events of a dependency case to fulfill the letter and spirit of state and federal requirements. The advantage to having judges complete a workload time log or diary is that it reflects actual time spent rather than the judge's recollection of how the time was spent, an observer's interpretation of how the time was spent, or a panel of judges' estimation of how time is typically spent.

The judicial time logs used in the Washington study were adapted from the national Toolkit methods.<sup>15</sup> The time logs served as a tool for capturing the actual time spent by judges hearing dependency cases on various activities, on a daily basis, for a designated period of time. Because the study needed to assess judicial time on various activities as well as assess the *quality* of hearings, judicial time log Toolkit instruments were modified to include an assessment of the degree to which key elements of **RESOURCE GUIDELINES** standards for hearing practice were followed during the allotted hearing time. These instruments included an on-the-bench time log, an off-the-bench time log, and a motion practice log.

#### **On-the-Bench Judicial Time Log**

For each of the main dependency hearing types (preliminary protective, adjudication, disposition, review, and permanency), a list of key activities was outlined on judicial time logs. The activities associated with each hearing reflected federal and state requirements, as well as the best practice recommendations from the **RESOURCE GUIDELINES**. Judges were asked to note whether the activity occurred, and to rate the level of discussion in the hearing for each of the key issues on a four-point scale, ranging from "Not Addressed," "Limited Discussion (Statement Only)," "Sufficient Discussion," and "Substantial Discussion."

One time log was filled out by the judicial officers for *each* hearing of the specified types. The on-the-bench time logs also addressed the level of discussion contained in court reports submitted prior to hearings, and allowed for assessment of whether the judges felt there was sufficient time to address the issues involved in the case.

#### Data Collection Tools

On-the-Bench Judicial Time Log

Off-the-Bench Judicial Time Log

Judicial Stakeholder Survey

Court Hearing Observation

Case File Review

Judicial Delphi / Focus Group

Judicial officers documented the start and end time of each hearing and the parties present, and rated the level of discussion of key items that should be addressed at each specific hearing (based on the **RESOURCE GUIDELINES**). Judicial officers also rated the level of discussion on key items presented in court reports prior to hearings.

- The level of discussion was rated on a 4-point scale from 1 to 4 (1= not addressed and 4 = substantial discussion). Key events were specific to each hearing type.
- In addition to noting the level of discussion of key issues, judicial officers rated whether or not there was sufficient time in their opinion to address the issue(s) in the hearing (e.g., would they have wanted more time: Yes or No)
- Judicial officers also recorded their assessment of the level of information in reports.
- Based on recommendations received from the judicial officers and judges in the project sites, a supplemental motion hearing form was also developed to assess motion hearing practice and the length and subject matter of motion hearings.
- Continuances granted due to time constraints were also tracked.

#### On-the-Bench Judicial Time Log

- Captures both hearing length and activity and assesses hearing activities against a “best practice standard” – daily logs listed those activities identified by the **RESOURCE GUIDELINES** as indicative of substantive, best practice
- Captured judicial ratings of the degree to which specific activities performed or issues addressed during hearings
- Captured judicial assessment of whether hearing afforded sufficient time to address issues

#### Excerpt from On-the-Bench Judicial Time Logs – Hearings

On-The-Bench Judicial Time Log - HEARINGS											
Name: _____			Date ____/____/____			County: _____					
1 = Not Addressed    2 = Limited Discussion (Statement Only)    3 = Sufficient Discussion    4 = Substantial Discussion											
Case Number						Indicate the level of discussion that occurred in the hearing:		Indicate the level of discussion in court reports received prior to the hearing:		Notes: _____	
Start Time		:									
End Time		:									
Recess Time (in minutes)											
Is the hearing Contested?		Yes    No									
Parties Present:		Mother    Father    Child Foster Parent    GAL/CASA									
are Hearing	Which shelter hearing is it?			1 <sup>st</sup> 2 <sup>nd</sup>		-----		-----			
	Parents' rights/process/perm timeframes			NA 1 2 3 4		NA 1 2 3 4		Y N			
	Current placement			NA 1 2 3 4		NA 1 2 3 4		Y N			
	Relative resources			NA 1 2 3 4		NA 1 2 3 4		Y N			
	Services to child			NA 1 2 3 4		NA 1 2 3 4		Y N			
	Services to parents			NA 1 2 3 4		NA 1 2 3 4		Y N			

#### Excerpt from Motion Hearing Log

Motion Hearings & Continuances Log			
Name: _____		DATE ____/____/____	
		County: _____	
Case Number	Start Time	End Time	Type of Motion
	1	1	
	1	1	
	1	1	
	1	1	
	1	1	
	1	1	
	1	1	
	1	1	

### Off-the-Bench Judicial Time Log

The off-the-bench judicial time log included both case-related dependency activities and non-case related dependency activities. It also allowed for the tracking of non-dependency related activities. The time log allowed judges to indicate the amount of time spent doing each of the activities on any given day. The instrument was designed to be completed at the end of every day for a specified period of time.

- During each day of data collection, judicial officers were asked to record all of their off-the-bench activities, allowing for a more complete picture of judicial workload and time allocations. Items tracked included:
  - Time allocated for preparation and follow-up on specific dependency hearings
  - Time allocated for other hearing types (not dependency cases)
  - Time allocated for judicial education and training
  - Time allocated for outreach, collaborative meetings and systems reform efforts (dependency and non-dependency related)
  - Time allocated for administrative activities
  - Time allocated for leave

Off-the-Bench Court Activities Judicial Time Log

Judge: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Activity	Time (in Minutes)	Total Time
<b>Non-Case Related Dependency Activities</b>		
200 Leave e.g., annual or other leave, comp time, sick leave		
201 Administrative Activities e.g., breaks, personnel related activities, non-case related meetings, correspondence, travel (to meetings), staffing, budgeting		
202 Non-Work Time Gaps Non-paid or non-work time gaps		
203 Lunch		
204 Training e.g., receiving or conducting local or state trainings related to policy and procedure, travel or correspondence for training		
205 Professional Enhancement e.g., attending national conferences, writing or obtaining additional education		
206 Public Education e.g., giving or receiving presentations at other public agencies, nonprofits, or the public in general; newspaper interviews		
207 Working with Communities e.g., national boards, legislative committees, community service (during work hours), attending collaborative meetings (e.g., participation in collaborative court improvement related workgroups or committees)		
208 Non-Dependency Activities e.g., other hearings-delinquency, criminal, civil, and related meetings, trainings, order preparation		
<b>Case Related In Court Activities</b>		
300 In Court Hearings Includes court waiting time, consulting with attorneys and all dependency hearings		
<b>Case Related Out of Court Activities</b>		
400 Hearing Preparation e.g., review of case relevant materials, reports, planning, preparing orders		
401 Hearing Follow Up e.g., preparing orders, planning, case related meetings, reviewing materials		
402 Interim Activities e.g., file review, preparing orders, planning, other case related out of court activities		
500 Other Activities Other activities not listed above. Please explain		

#### Off-the-Bench Judicial Time Log

- Designed to capture the broad scope of off-the-bench activities required of dependency court judges
- Included both off-the-bench case-related activities and off-the-bench non case-related activities
- Incorporated collaborative, systems change role of dependency court judge

### Judicial Survey

A judicial stakeholder survey was designed to supplement information obtained from the daily time logs. It was composed of a series of questions that asked judicial officers about their overall workload across all hearing types, as well as their workload more generally across dependency cases (i.e., workload in the aggregate rather than the “real time” work captured by the time logs). The survey asked judges to indicate if they had sufficient time to perform the required tasks at different hearings, and to indicate the typical time they take in preparing for hearings, conducting hearings, and following up after the hearings.

### Court Hearing Observation Form

Information obtained from a court observation process was an additional source of data about the nature of judicial work and particularly about whether best practice standards were followed in hearings. The court observation tool used in the Washington study was adapted from the national Toolkit instruments<sup>16</sup> and was based on the practice standards of the **RESOURCE GUIDELINES**, as well as federal legal requirements for dependency cases. The observation tool was designed to capture the content and process crucial to each kind of hearing, as well as the depth of discussion in each hearing. The court observation forms were used in the Washington Workload Study (in conjunction with the judicial time logs) to establish current practice. Court observation forms were also used during the second phase of the study to determine if recommended practice reforms based on the baseline judicial workload assessment were implemented as intended.

### Case File Review Form

A case file review process was used to better understand practice and workload in the project sites. Information reviewed included hearing dates, the number of and reason for continuances, parties present at each hearing, and the level of detail included in case plans/court reports. To further assess the level of discussion in reports to the court – a factor believed to influence the substance and discussion of hearings – a sample ( $n = 40$ ) of Department of Social and Human Services (DSHS) Individual Service and Safety Plans (ISSP) were selected from the sample of dependency hearings coded during data collection. Each ISSP was coded by a member of the research team using the same key items and 4-point scale used in the on-bench instrument. The researcher rating of information level in court reports was compared to judicial officer rating of information level in court reports to generate an estimate of inter-rater reliability (i.e., a statistical calculation of agreement among coders). Results suggest project researchers and judicial officers were consistent in their coding of ISSP's.<sup>17</sup> Case files were also reviewed during the second phase of the study to determine if recommended practice reforms based on the baseline workload assessment were being implemented as intended. In order to tie judicial workload and practice changes to case outcomes, a case file review process was used to supplement outcome data available from the Courts' automated management information system.

### Judicial Delphi/Focus Group

Judicial officers in each project site participated in a Delphi group. Researchers prepared the stakeholder survey results and the baseline assessment workload findings and presented those to the Delphi group. The group was asked to develop consensus about the amount of time spent on the identified activities related to dependency litigation and to reach consensus about the amount of time that would be required for “ideal” dependency practice. Participants were asked to identify constraints on achieving that ideal. Additional focus groups were convened to engage participants in strategic planning around possible practice changes and reforms based on the findings from the baseline workload assessment – reforms designed to improve efficiency and to achieve “ideal” dependency practice.



## Testing the Instruments

In the very early stage of instrument development, judicial officers in King and Mason Counties worked closely with the NCJFCJ research team to determine how best to assess judicial workload – overall goals, data sources, strengths and challenges, concerns about the judicial role with respect to specific data collection on the bench during active cases, prioritization of issues to be assessed, etc.

Through several initial site visits by the research team, meetings with judicial representatives in each site and several multi-site conference calls, the data collection tools were developed and tested over several months.

Initial instruments were then tested and reviewed again by the judicial officers and research team to determine coding integrity and inter-rater reliability. Further changes were made as necessary, additional training on instrumentation undertaken, and the data collection instruments were finalized.

**The active involvement of judicial officers in each project site was absolutely critical to the overall design and implementation of the workload assessment.**

**Judicial officers provided important insight into the hearing process, including the factors that may influence the court's ability to implement best practice standards.**

**Judicial officers' contributions to instrumentation not only facilitated the development of judicial time logs that could generate an accurate picture of the time and activities sufficient for dependency court practice, but also the development of the instruments that were capable of obtaining a measure of what is needed to code substantive hearing practice.**

- Judicial surveys, court observation, case file review and judicial Delphi/ focus group methods added important contextual information about workload and provided a more comprehensive picture of workload than could be obtained solely from judicial time studies.
- Court observation and case file review procedures provided a means to corroborate judicial time logs.
- Court observation and case file review procedures provided a means to corroborate judicial assessments of the substance and degree of discussion involved in hearings.
- Judicial Delphi/ focus groups not only engaged stakeholders in discussion of the baseline workload findings, but also facilitated the design and development of practice reforms based on those findings.

**An important and unique aspect of the Washington Study is the focus on using baseline workload findings to determine whether judicial resources are needed for minimally sufficient practice in dependency cases *and* for “ideal” or “best practice” implementation.  
The findings are being used to identify key areas for reform.**

## Analytic Method – Measuring Judicial Workload and Calculating Judicial Need

Judicial workload in the Washington Workload Study was calculated based on an equation that uses the number of judicial officers, number of hearings, an average hearing time, estimates of time spent on-the-bench and off-the-bench, estimates of time required for average or sufficient practice, estimates of time required for substantive or “best” practice, and an estimated number of judicial work days.

### Calculation Variables

- **Judicial Officers** – For workload calculations, it is important to have an accurate estimate of judicial officers currently overseeing dependency cases. This number is calculated based on the percentage of time all judicial officers in the study sample have available to oversee dependency cases.
- **Number of Hearings** – The workload calculation also requires a determination of the number of hearings that judicial officers oversee in a given year. This estimate needs to taken into consideration that juvenile dependency cases often require multiple hearings across the life of the case. In addition, there are not a fixed number of hearings in a case – the case may continue for years, with review hearings every three, six, and 12 months until the case reaches a solution.
- **Average Hearing Time** – Another key component in judicial workload calculations is the average time that judicial officers spend in hearings. In the Washington Workload Study, these data were generated from the judicial on-the-bench time logs. The Study also added an assessment of the average hearing time (in minutes) required for sufficient or average practice and the amount of hearing time required for substantive discussion in hearings (as provided by judicial time log assessments).
- **Dependency Hearing Practice Time (On-and-Off the Bench)** – Workload calculations required an estimate of the time that judicial officers spend on-the-bench hearing dependency cases. Workload calculations also need to include estimates of the amount of time required for off-the-bench case related (e.g., hearing preparation, follow-up) and non-case related activities (e.g., collaborative meetings, education).
- **Number of Judicial Work Days** – Workload calculations require an estimate of the number of judicial work days available each year (e.g., total days in the year subtracting weekends, holidays, vacation days, sick leave, and judicial education days). This study used prior Washington state workload studies to obtain this statistic.<sup>18</sup>

Judicial Workload Calculation Variables
• Judicial Officers
• Number of Hearings
• Average Hearing Time (Minutes) <ul style="list-style-type: none"><li>○ Time required for average or sufficient practice</li><li>○ Time required for substantive discussion of issues</li></ul>
• Average Judicial Hours (per day)
• Percentage of Time Spent on Dependency Practice <ul style="list-style-type: none"><li>○ On-the-Bench</li><li>○ Off-the-Bench</li></ul>
• Number of Available Judicial Work Days

## A Snapshot of Findings to Date

This section presents a summary of findings from the Washington Workload Study to date. As previously mentioned, this project involves multiple stages (including a baseline assessment, design of practice reforms based on that assessment, and a re-assessment of workload after reforms have been sufficiently refined and implemented), and will support statewide implementation of court improvement efforts. The study is ongoing and the findings are reflective of what has been discovered thus far with respect to the three project sites' baseline judicial workload assessment. This section does not provide exhaustive detail with respect to the study's analysis and findings (a more detailed report of local and statewide findings and recommendations has been submitted to the Washington State AOC.)<sup>20</sup> The purpose of this section is to highlight some of the study's findings to further inform the discussion and the "lessons learned" about the need for an expanded approach to conduct judicial workload in dependency cases.

**A total of 436 dependency hearings were coded by judicial officers during the baseline assessment period:**

- **King County: 322 hearings**
- **Mason County: 17 hearings**
- **Spokane County: 101 hearings**

### General Practice Common across the Three Project Sites

- The commissioners do the majority of the work on dependency cases.
- Commissioners typically oversee cases from the start of the case through case resolution.
- Commissioners oversee all shelter care hearings.
- Following the shelter care hearing, the case moves to adjudication. The majority of cases in all three sites resulted in a stipulation to certain allegations or agreement to dismiss specific allegations.
- In a minority of cases in which an agreement is not reached, a judge conducts a contested adjudication trial. Once the contested trial is completed, if the child remains under the jurisdiction of the state, the case returns to the commissioner for all subsequent reviews and hearings.
- Judges typically preside over trials, most notably the termination of parental rights hearings (TPR hearings).
- Commissioners in Mason and Spokane Counties typically oversee more than one case type. At a minimum, commissioners oversee dependency cases and other juvenile matters (e.g., delinquency, truancy, child in need of care cases).

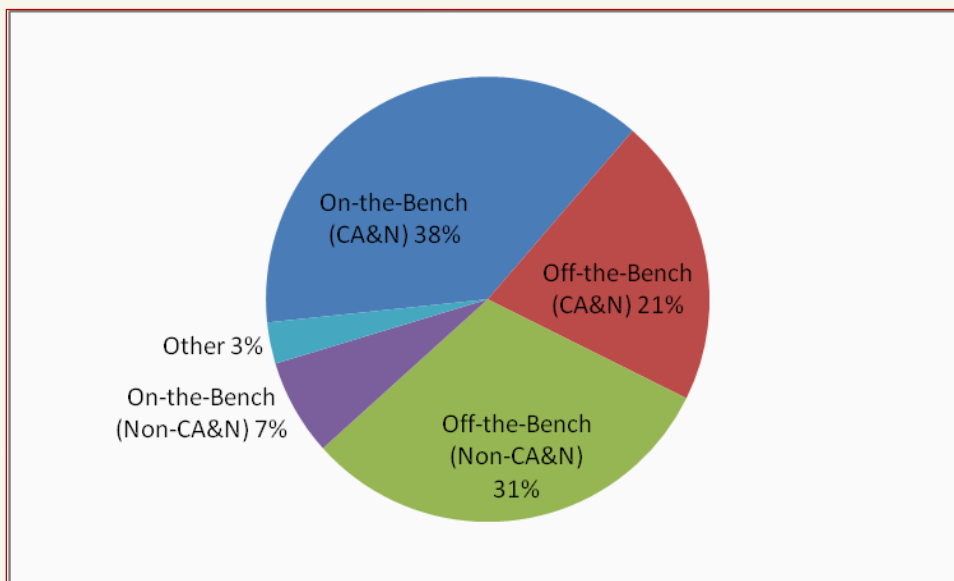
## Estimating Judicial Time

While estimates are not meant to be completely representative of a judicial officer's typical day across all study participants, they do reflect a snapshot of practice during the three-week baseline assessment from the perspective of those responsible for hearing the bulk of dependency related cases. Through an analysis of data sources, an average percentage of commissioners' time both on- and off-the-bench was calculated across all project sites. Off-the-bench judicial time addressed three components – dependency case preparation and follow-up, non-dependency case preparation and follow-up, and "other" activities (e.g., administrative tasks, training and educational programs, outreach and collaboration efforts, personal leave, and lunch periods).

### Average Percentage of Commissioners' Overall Time On- and Off-the- Bench

Judicial officers across the three project sites spent 59% of their overall time on dependency cases (judicial officers in Mason and Spokane Counties typically see more than one case type), with 38% of their time on-the-bench in dependency cases and 21% of their time off-the-bench in dependency cases and 21% of their time off-the-bench on case related activities (e.g., preparation for hearings and follow-up case-related activity).

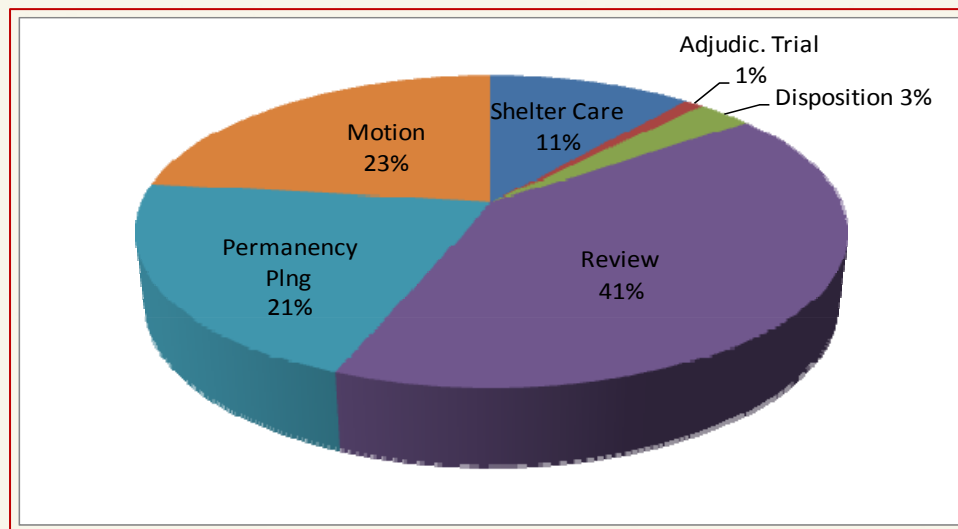
### Average % of Commissioners' Time On- and Off-the-Bench



### Dependency Cases: Hearing Type by Percentage of Judicial Hearing Time

With respect to dependency cases specifically, review hearings were the most frequently held hearing type across the three project sites (41%). An additional 23% of hearings were motion hearings. The frequency of permanency hearings (21%) and shelter care hearings (11%) was also determined. Adjudication trials account for 1% of hearing time and disposition hearings account for 3% of judicial time.

### Dependency Cases: Hearing Type by Percentage of Judicial Hearing Time Across All Project Sites



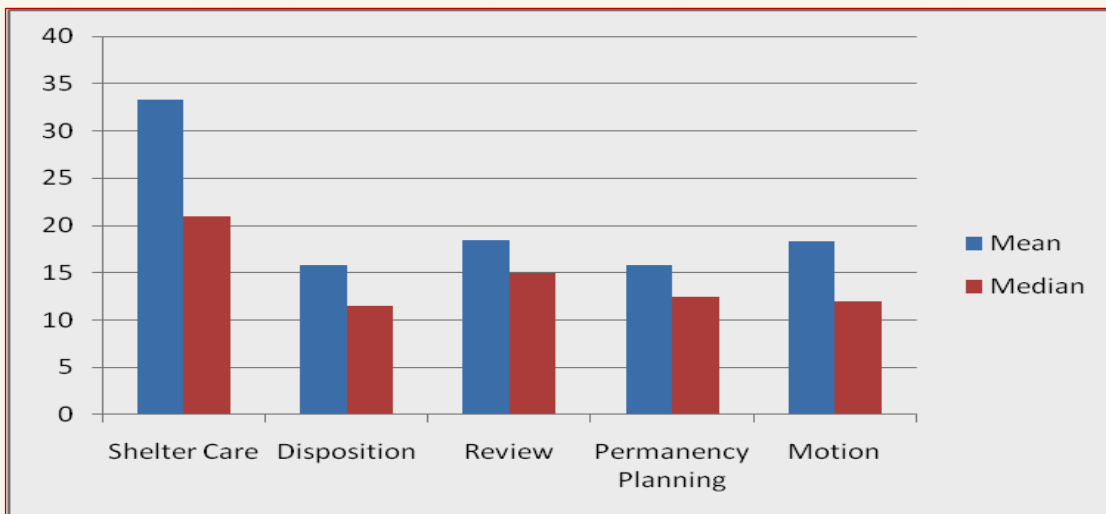
### Dependency Cases: Hearing Type, Hearing Time, Quality of Hearing

From the initial assessments of practice, the average hearing event time across the three sites was 19 minutes. Overall, shelter care hearings required the most judicial time – 34 minutes. The average time for review hearings and motion hearings across the three sites was 17 minutes. Hearings were also evaluated on the basis of the quantity and quality of key discussions (judicial officers' ratings of events on the "On-the-Bench Judicial Time Log"). On a scale of 1 (no discussion) to 4 (substantive discussion), discussion during hearings was rated an average of 2.8, indicating a nearly sufficient, but not substantive, level of discussion on issues.

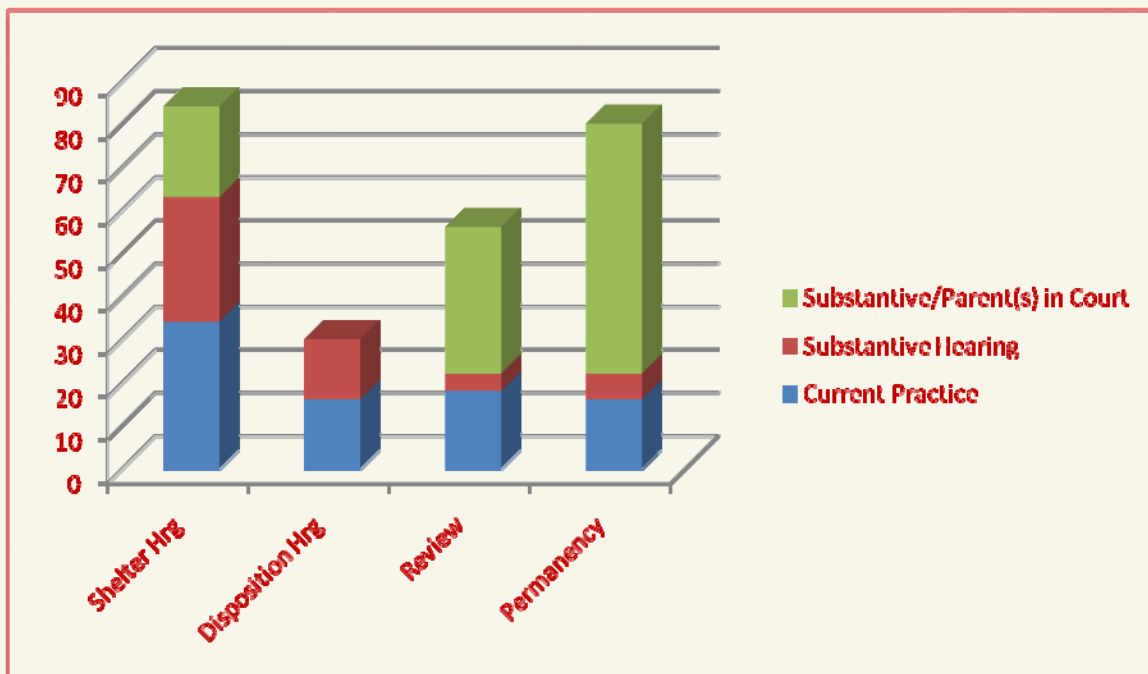
Judicial officers were then asked to assess how much hearing time is required when they include substantive discussion of key events (e.g., relative resources for placements, visitation for parent(s) and siblings, need for individualized services) from a best practice orientation. All of the hearing types increased in needed time, but shelter hearings and dispositional hearings almost doubled the required time. On average, substantive shelter hearings required 63 minutes, compared to the 34 minutes in the initial assessment and, if the hearing was contested, the time required increased to 84 minutes. Dispositional hearings also became much more substantive, from 16 minutes in the initial assessment to 30 minutes in the best practice orientation.

When best practice was further assessed and parent(s) were present in court, hearing time requirements significantly increased in all hearing types and across all project sites. (See Charts, pg 23.)

**Current Practice - Percent of Hearing Time (in Minutes) by Hearing Type**



**Estimated Court Time per Hearing Type – Best Practice Focus**





## Site Specific Judicial Workload Findings

Baseline workload assessments in each project site identified a need for additional judicial resources – particularly if best practice standards for conducting substantive hearings that engage all parties are the goal. Using an average number of judicial days, average or minimally sufficient hearing time, substantive hearing time based on the **RESOURCE GUIDELINE'S** best practices, and a substantive hearing time with the presence of parents, baseline workload calculations were conducted for each project site.

### King County

<b>Project Site Snapshot</b>					
<b>King County Data – Judicial Workload and Estimated Needs</b>					
	AOC	On-the-Bench	Preparation & Follow - Up	Total Time Needed (Hours)	Additional Judicial Need
<b>FTE</b>	<b>2.30</b>				(5.42 Hrs = actual hours currently available)
Annual Number of Hearings	7,913				
% Time On-Bench	41.26				
% Time Case Preparation or Follow-up (Overall)	25.36				
# Hearings per Day	17	18			
Hours Needed – Minimally Sufficient Practice		5.41	3.31	8.7	<b>+ 1.39 FTE</b> (for average practice)
Hearing – More Substantive Practice ( <b>RESOURCE GUIDELINES</b> )		8.78	5.36	14.13	<b>+ 3.69 FTE</b> (for better practice)
Hours Needed – More Substantive Hearing & Parents Present		10.77	6.57	17.34	<b>+5.05 FTE</b> (for better practice w/ parents present)

## Mason County

Project Site Snapshot					
Mason County Data – Judicial Workload and Estimated Needs					
	AOC	On-the-Bench	Preparation & Follow - Up	Total Time	Additional Judicial Time Needed
FTE	0.09				(5.13 Hrs = current availability)
Annual Number of Hearings	705				
% Time On-Bench	40.90				
% Time Case Preparation or Follow-up (Overall)	21.78				
# Hearings per Day	13	6			
Hours Needed – Minimally Sufficient Practice		4.11	2.18	6.29	+ 0.05 FTE (for average practice)
Hearing – More Substantive Practice ( <i>RESOURCE GUIDELINES</i> )		6.71	3.57	10.28	+ .09 FTE (for better practice)
Hours Needed – More Substantive Hearing & Parents Present		8.23	4.38	12.61	+ 0.13 FTE (for better practice w/ parents present)

## Spokane County

Project Site Snapshot					
Spokane County Data – Judicial Workload and Estimated Needs					
	AOC	On-the-Bench	Preparation & Follow - Up	Total Time	Additional Judicial Time Needed
FTE	2.0				(5.23 Hrs = current availability)
Annual Number of Hearings	3,048				
% Time On-Bench	63.80				
% Time Case Preparation or Follow-up (Overall)	21.80				
# Hearings per Day	7.3	7			
Hours Needed – Minimally Sufficient Practice		2.31	0.79	3.10	+0 FTE
Hearing – More Substantive Practice (RESOURCE GUIDELINES)		3.77	1.28	5.05	+0 FTE (for better practice)
Hours Needed – More Substantive Hearing & Parents Present		4.62	1.58	6.20	+ 0.45 FTE (for better practice w/ parents present)

## Practice Issues and Challenges Identified

Because the workload analysis provided a measure of judicial work compared to recommended standards of dependency case practice, a number of practice issues or challenges became salient. Drawing on the baseline workload assessments, some of the primary or common issues identified which suggest areas for practice improvement and workload reforms were:

- **Thoroughness and Timeliness**
  - Reasonable efforts findings were rarely made orally in court
  - Continuances were fairly frequent, with the primary reason for continuances being delayed report submission
  - Specific issues are not addressed thoroughly in hearings (e.g., Indian Child Welfare Act (ICWA), visitation (parent and siblings), services to children, compelling reasons, and timeframes for achieving permanency)
- **The Use and Availability of Reports**
  - Overall lack of consistency with respect to the use and availability of reports in hearing practice (e.g., reports are not consistently read in advance of hearings; reports are not delivered in timely fashion in advance of hearings; reports do not consistently address the key issues that should be addressed for specific hearing types)
  - Lack of judicial consistency of holding the agency accountable for the delivery of timely and substantive reports
- **Engagement of Parties**
  - Overall, parties were rarely present in court
  - Overall, parties were rarely engaged in hearings

### A Sample of Practice Reforms being considered from the Baseline Workload Assessment

King County: Workload changes included adding another judicial officer to pilot a one family – one judge approach to case processing whereby one judge oversees the case from start to finish. The addition of the judicial officer allows for a 20% reduction of the workload of the original judicial officer, who had been overseeing the majority of the cases. A second project involved developing and implementing a mediation program. The mediation program has the potential to impact workload in multiple ways and is being assessed as an ongoing reform. Coordination between the workload study and King County Model Court activities will continue, with special attention to how performance and decision outcomes may differ for racial and ethnic groups involved in the dependency court.

Mason County: As part of the training and strategic planning process, the commissioner and stakeholders have made changes to their calendaring procedures. Mason County is also focusing on improving the substantiveness of hearings, with observers already noting marked changes in hearing practice after the baseline workload assessment, including an increase in discussion of key issues during hearings (i.e., relative placements, child well-being) and an increase in findings made on the record. There has also been an improvement in the timeliness and substance of reports.

Spokane County: The court is planning to convene a forum of commissioners, judges, and stakeholders to discuss the baseline workload assessment findings and identify areas in which they feel training, revision of practice, and reallocation or addition of resources might be needed to improve workload and practice.

### What have we learned about Judicial Workload Assessment so far...?

From the summary of research findings presented in the previous section, it is clear that much has been learned about judicial workload and judicial need in dependency cases in the project sites participating in the Washington State study – findings that will also inform statewide and national efforts to address judicial resources and practice reforms.

Lessons have also been learned about the expanded judicial dependency workload method used in this study.

#### *Some Important Methodological Lessons Learned:*

- It is important to actively clarify hearing types at the local level and ensure that these are consistent with state level terminology. Researchers must ensure they are well-versed in the particular calendaring and assignment practices operating in a jurisdiction and any terminology that may be unique to local practice.
- Use time logs that are developed from recognized best practice recommendations for the activities of specific dependency court hearings, such as those of the **RESOURCE GUIDELINES**. Ensure that judicial stakeholders have bought into those activities as relevant to their work. Provide sufficient opportunities for judges to provide input into the development of the activities listed on time logs.
- Ensure court observation instruments are specific enough to capture the different goals and functions of hearings and best practice recommendations for those hearings. Use highly qualified observers following detailed protocols – only highly experienced and knowledgeable observers can make reliable and valid determinations about completeness of hearings. Observers also need the credibility to enable them to provide effective feedback to the judge during the discussion of possible practice improvements based on workload findings.
- Make sure you prioritize and allocate sufficient time to train judges on time logs and coding of on-the-bench and off-the-bench dependency activities. Particular attention needs to be paid to training judges on making assessments of the degree or level of discussion of issues using the rating scales.
- Judges may be resistant to data collection, especially a method that requires vigilance in coding and assesses their own practice against a standard. Judges' discomfort must be respected and time taken to work with them to overcome any concerns they might have about the method, the findings, and how the findings will be used. It is important to inform judges that it is the judicial process that is being measured, not their judicial decisions.
- After baseline workload data become available and practice reforms are implemented, it is critical to determine if those reforms are being implemented as intended. Quality assurance or fidelity review of practices should take place to ensure that the agreed-upon practice improvements are actually occurring. This process is critical before any workload re-assessment is undertaken.
- Reinforce that through participating in the workload study the judges are making a commitment not only to examine workload issues generally but also to improve their own practice – to critically look at the way the court handles dependency cases.

## *In Conclusion ...*

### **Washington State's Contribution to Judicial Workload Methodology**

A simple measure of how much time and resources it takes to conduct hearing practice is insufficient to capture the breadth and scope of judicial dependency casework. A much more sophisticated measure of judicial work in dependency cases, such as the one employed in the Washington Workload Study, is required.

The expanded approach to judicial workload measurement used in Washington:

- Went beyond measures of how much time and resources it takes to conduct hearing practice;
- Assessed how much time and resources are necessary when substantive hearings are conducted consistent with nationally recognized standards for best practice;
- Used multiple methods to generate different sources of data about workload (quantitative and qualitative) and a means to corroborate findings through an examination of those different data sources; and
- Respected the role of the judge in dependency cases – one that includes on-the-bench and off-the-bench case specific tasks as well as collaborative systems' reform activities.



1. *RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases*, National Council of Juvenile and Family Court Judges (1995). The *RESOURCE GUIDELINES* were developed by a committee of judicial, legal and child welfare experts and have been endorsed by the Conference of Chief Justices, the American Bar Association, and the Board of the National Council of Juvenile and Family Court Judges. Since their original publication and dissemination, the *RESOURCE GUIDELINES* document has grown in its power of influence through the widespread acceptance of what have become foundational judicial best practices in child abuse and neglect cases.
2. The term “dependency” is used herein to refer to civil child abuse and neglect cases. Some jurisdictions may refer to these cases as child protection or child welfare cases.
3. Adoption and Safe Families Act (1997) P.L.105-89. Since ASFA, more recent legislation has further expanded the requirements of the court in child abuse and neglect cases.
4. Hardin, M., et al. (2008). *Court Performance Measures in Child Abuse and Neglect Cases: Guide to Judicial Workload Assessment*. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. With funding provided by the U.S. Department of Health and Human Services, Children’s Bureau and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, the NCJFCJ, ABA and the NCSC partnered to design court performance measures for dependency cases. As part of this national performance measurement “Toolkit” project, instruments were designed to assess whether dependency court jurisdictions of varying structures and resources had the ability to generate data on these measures. Included in these instruments were template judicial time logs and a recommended approach to workload measurement. Please see [www.ojjdp.ncjrs.gov/publications/courttoolkit.html](http://www.ojjdp.ncjrs.gov/publications/courttoolkit.html) for copies of Toolkit project volumes and instruments.
5. *Ibid.*
6. Examples of other important documents that should be reviewed before substantive hearings include reports from guardians *ad litem* or CASA volunteers, motions and affidavits by attorneys, mental health reports, and reports from other service providers.
7. National Center for State Courts (2006). *West Virginia Circuit Court Judicial Workload Assessment Final Report*. State Justice Institute.
8. Steelman, D., Douglas, J., Levey, L., Rubio, D., Flango, G., & Thomas, J. (2000). *Preliminary Assessment of Judicial Workloads for Juvenile Dependency Cases in Santa Clara County: Final Report*. National Center for State Courts, Court Services Division: Denver, CO.
9. Steelman, D., Klaversma, L., Rubio, D., Hardin, M., & Davies J. (2001). *Utah Juvenile Court Dependency Case Workload Study*. National Center for State Courts, Court Services Division: Denver, CO.
10. The Washington State CIP re-assessment was conducted by the NCJFCJ in 2005 with funding from the Washington State Administrative Office of the Courts. The King County (Seattle) juvenile court participates in the NCJFCJ’s national model courts project funded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Model Courts are focused on applying the best practice recommendations of the *RESOURCE GUIDELINES*, working collaboratively with system partners, critically evaluating policy and practice, and designing reforms to improve outcomes for children and families. For more information about the national Model Court project see [www.ncjfcj.org](http://www.ncjfcj.org)

11. *Supra* note 4

12. Holsti's coefficient  $\alpha = .89$  (A good level of agreement). Initial reliability assessments indicated only moderate agreement ( $\alpha = .57$ ). Follow-up debriefing with the commissioners helped to identify discrepancies in coding and these issues were addressed so that coding would be more similar.

13. This sampling method involves dividing the population into subgroups based on variables known about those subgroups, and then taking a simple random sample of each subgroup. This process assures that the final sample accurately represents not only the overall population, but also the key subgroups, such as case filing patterns or courts with a one-judge-one family structure.

14. In its most strict form, judges reside over their cases from the initial shelter (preliminary) hearing to the final resolution of the case, whether through reunification, termination of parental rights and adoption, or other permanency outcomes.

15. *Supra* note 4

16. *Ibid.*

17. Holsti's coefficient  $\alpha = .79$

18. Prior workload estimates included 208.6 days per year for the state of Washington. This calculation is derived from a taking 365 days, minus weekends (104 days), minus holidays (14.5 days), minus vacation days (25 days), minus sick leave (5.4 days), minus judicial education days (7.5).

19. National Council of Juvenile and Family Court Judges (2010). Washington Judicial Workload in Dependency Cases: A Statewide Perspective.

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- Washington State Institute for Public Policy (1997). *Washington State Juvenile Courts: Workload and Costs*. Washington State Institute for Public Policy: Olympia, WA.

## Websites

[www.ncsc.org](http://www.ncsc.org)

- For copies of judicial workload assessment publications and reports.

[www.ncsconline.org/D\\_Research/cps/CSP\\_Main\\_Page.html](http://www.ncsconline.org/D_Research/cps/CSP_Main_Page.html)

- To view findings of the Court Statistics Project which collects and analyzes data relating to the work of the nation's courts – can also pose an individual query of their dataset.

[www.ncjfcj.org](http://www.ncjfcj.org)

- To obtain copies of the judicial practice standards articulated in the *RESOURCE GUIDELINES* and *ADOPTION AND PERMANENCY GUIDELINES*

[www.ojjdp.ncjrs.gov/publications/courttoolkit.html](http://www.ojjdp.ncjrs.gov/publications/courttoolkit.html)

- For a copy of the Guide to Judicial Workload Assessment developed by the National Council of Juvenile and Family Court Judges, the American Bar Association, and the National Center for State Courts with funding from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention and the U.S. Department of Health and Human Services, Children's Bureau.