

2012

# TECHNICAL ASSISTANCE BRIEF

## Calculating Juvenile Dependency Judicial Workload

*National Council of Juvenile and Family Court Judges  
Reno, Nevada*



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## INTRODUCTION

Dependency cases are complex and unique; they require more social services, collaboration between courts and child welfare agencies, and community involvement than most other types of cases.<sup>1</sup> Juvenile dependency cases require active and consistent court oversight, frequent court reviews, and a broad and active scope of inquiry from the bench, while staying within demanding state and federal time frames.



Therefore, when examining the performance of juvenile dependency courts, it is important to incorporate several factors: the amount of time judges spend on the bench overseeing dependency hearings, the time judges spend preparing for (such as reading agency reports) and following up on dependency cases (writing court reports), and how much time judges spend on dependency-related activities out of court (attending dependency practice trainings, participating in community collaboratives, etc.).

This Technical Assistance Brief outlines a juvenile dependency judicial workload calculation that can be used to answer two questions:

First, how can jurisdictions fully account for the time that judicial officers dedicate to juvenile dependency cases?

Second, how many judicial officers does a jurisdiction need to implement best practices?

Once jurisdictions have determined their judicial officer needs, a third question can be asked: When jurisdictions do not have an adequate number of judicial officers, how are outcomes for children and families affected? While sufficient numbers of judicial officers alone cannot be expected to guarantee good outcomes for children and families, the lack of adequate staffing can restrict court performance and may have serious consequences for children and families.

There are several approaches to measuring judicial workload. Judicial workload assessments often 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. However, this method is not sufficient for a full understanding of the complexities of judicial workload in dependency cases.

*Counting the total number of dependency cases per judge does not adequately reflect the complexity of juvenile dependency case processing*

The Permanency Planning for Children Department (PPCD) of the National Council of Juvenile and Family Court Judges (NCJFCJ) developed a judicial workload calculation methodology that provides an objective approach for measuring judicial workload and judicial officer resource needs. This calculation not only reflects the complexity of juvenile dependency cases but also assesses the quality of practice. This Technical Assistance Brief outlines seven steps (below) courts can take to determine juvenile dependency judicial workload and resource needs in their jurisdiction.

### Judicial Workload Assessment Steps

1. Judicial Commitment
2. Assessment Preparation
3. Data Collection
4. Data Analysis
5. Calculation of Judicial Workload
6. Evaluation of Resources Needed
7. Development of Recommendations

While this Technical Assistance Brief is intended to provide the information necessary for jurisdictions to conduct an independent judicial workload assessment, the PPCD is available to answer questions and may be contacted at any point during a jurisdiction's workload assessment.

## 1. JUDICIAL COMMITMENT

A judicial workload assessment involves important data collection by judicial officers. Therefore, judicial officer commitment is critical for a successful workload assessment. Judicial officers must be willing to participate in the assessment by completing judicial time logs throughout the study period. The time logs document how judicial officers spend their time, and help chronicle juvenile dependency practice, a critical element of the workload assessment. Example time logs are discussed in more detail on page 2.

*Judicial officer commitment is critical for a successful workload assessment*



While judicial officer involvement is necessary, broader stakeholder involvement is also important for a successful workload assessment. Court employees, such as court clerks, administrative supervisors and other support staff, are key players in a workload assessment and should

be involved early in the planning process. Court employees may be instrumental in gathering the administrative data needed for the workload assessment. Once all stakeholders have committed to the workload assessment, courts move into the assessment preparation phase.

## 2. ASSESSMENT PREPARATION

The second step to conducting a workload assessment is selecting and convening a project advisory committee. The project advisory committee, comprised of individuals knowledgeable about juvenile dependency (such as judicial officers, parent and child attorneys, child welfare agency representatives, Court Improvement Project associates, court staff, Model Court teams and Liaisons, etc.), will need to meet regularly to make decisions about the assessment in the planning phase, oversee assessment implementation, and facilitate a discussion about assessment findings once the project is complete.

One of the first tasks of the project advisory committee is to articulate assessment goals. What purpose will the assessment serve and how will the findings be used? The primary goals of a workload assessment are straightforward: how much time do judicial officers dedicate to juvenile dependency cases, and what are the judicial resources needed to implement best practices?

The workload assessment is also a means to a larger end and can help inform a court's approach to achieving substantive outcomes such as improving the efficiency and effectiveness of case processing. Judicial workload can be analyzed in terms of court goals that have already been established. For example, if courts are concerned with timely case processing and permanency outcomes, a workload assessment can shed light on the level of judicial resources that may be needed to improve case processing and ensure timely permanency. The project advisory committee should be familiar with current court goals and, as such, be able to articulate a number of ways in which a workload assessment would be meaningful.

*Judicial workload can be analyzed in terms of court goals that have already been established*

Once the project goals have been articulated, the project advisory committee then determines available data sources, including administrative data. Administrative data are information collected by the court, such as the number of petitions filed or the number of juvenile dependency hearings conducted in a calendar year. Each jurisdiction will vary in terms of what data are tracked, who tracks it and who will be best qualified to work with existing and new data. Because of this, involving court employees is critical for a workload assessment's success.

The project advisory committee also determines the length of the study period. The data collection period should last as long as necessary to ensure that enough information is collected about each hearing type and each judge's practice. Jurisdictions with smaller caseloads may need to conduct the time log study for at least a month, while busier courts may only need to conduct the time log study for two to three weeks. Ideally, courts should complete time logs for ten hearings per judge per hearing type (preliminary protective, adjudication, disposition, motion, review, and permanency planning hearings). If a project advisory committee is unsure of the appropriate study period length, the PPCD is available for technical assistance.

The project advisory committee will then establish a timeline and expectations of final products (such as summary of findings for internal review, presentations to stakeholders, and formal public reports), keeping in mind realistic expectations for the timeline. In

doing so, the committee should also determine a process for review of findings, presentations, and publications.

In summary, the assessment preparation phase consists of the following steps:

### Preparing for a Workload Assessment

- Convene project advisory committee comprised of juvenile dependency stakeholders.
- Project advisory committee:
  1. Articulates assessment goals.
  2. Determines length of study period.
  3. Assesses available data sources and identifies additional resources needed.
  4. Establishes a timeline for assessment completion.

## 3. DATA COLLECTION

There are two primary sources of data required for the judicial workload calculation: administrative data and judicial time logs.

Administrative data are needed on the types and number of juvenile dependency hearings conducted each year. Management information systems often contain the frequency of case events. If possible, several years of hearing data should be collected. Jurisdictions can then average the number of case events across years to control for fluctuations from year to year (Table 1).

**Table 1. Case Event Averages**

	# Hearings 2009	# Hearings 2010	# Hearings 2011	3 year average
Preliminary Protective	299	345	550	398
Adjudication/Disposition	175	300	500	325
Motion	602	702	1265	856
Review	500	645	610	585
Permanency Planning	225	198	325	249

Administrative data are also helpful to estimate the number of judicial work hours in one year. An estimate of 2000 work hours, which reflects the assumption that judicial officers work 50 weeks a year and 40 hours a week, can be a useful starting point. A jurisdiction should modify this number if it is not reflective of local practice.



Judicial time logs provide the second source of data, which can be completed while the administrative data are being compiled. Before the workload assessment commences, judicial officers should be trained on completing the time logs and

allowed time to practice filling out the logs. Any questions can be directed to the PPCD to ensure judicial officers understand the time logs and implement them as needed for a successful workload assessment.

There are two judicial time logs judicial officers complete each day: the Hearing Log, and the Off-the-Bench Log.

### Hearing Log Instructions (See pg 4 for a sample log)

- Start each day with new log forms, and make as many copies as necessary for the day. Each log form can track 2 hearings.
- Use only one column for each hearing.
- Document the exact start and end time, parties present, whether the hearing is contested, and the number of continuances due to time constraints that day.
- For each hearing, rate the levels of discussion for every item listed and whether there was enough time to discuss the issue.

A key step to completing the hearing logs is accurately noting hearing start and end times to track hearing lengths. Another important aspect is rating the level of discussion of the key hearing topics during each hearing. After each hearing, judicial officers rate the level of discussion during the hearing as NA or on a scale of 1 to 4.

A rating of NA—Not Applicable—indicates that the issue was not applicable to the hearing.

A rating of 1—Not Addressed—indicates that the issue was applicable, but not brought up at all during the hearing.

A rating of 2—Limited Discussion—indicates that discussion of the issue was limited to a statement, with no other questions, remarks or inquiries. For example, a social worker stated where the child was placed and no further discussion ensued.

A rating of 3—Sufficient Discussion—indicates that the issue was addressed beyond a statement and the discussion consisted of several questions, but did not consist of thorough inquiry. For example, after a social worker stated where the child was placed, the judicial officer asked questions of the social worker, child attorney and/or other parties.

A rating of 4—Thorough Discussion—indicates that the issue was substantially addressed by the judicial officer through substantive inquiry and parties were meaningfully engaged throughout the discussion. All relevant questions and concerns regarding the issue were expressed and addressed within the hearing.

*Thorough discussion means that judicial officers substantively address all key issues through inquiry and engagement of all parties*

Judicial officers also complete Off-the-Bench Logs during each day of the data collection period. The Off-the-Bench Logs document how much time judicial officers spend preparing for and following up on dependency hearings (e.g., reviewing files and reports in chambers, and writing court orders after hearings), and how much time they spend on other types of hearings.



The Off-the-Bench Log also documents the amount of time judicial officers spend engaging in juvenile dependency best practices, such as convening and participating in collaborative meetings, or engaging in educational activities.<sup>ii</sup> By tracking out-of-court activities, the judicial workload assessment not only incorporates a measure of what work needs to be done to handle cases effectively, but also includes a measure of what should be done to handle cases in accordance with best practice guidelines for dependency cases.

### Off the Bench Log Instructions (See pg 5 for a sample log)

- Start each day with a new log form.
- There are 4 activity categories and a list of tasks that fall under each category. Please refer to the task examples to ensure off-the-bench time is tracked correctly.
- Off-the-bench time can be tracked in two ways, depending on preference:
  - o Option 1: Wait until the end of the day and estimate as closely as possible the time spent each day doing the activities listed on the log.
  - o Option 2: Track the time spent on activities as the day progresses.
- At the end of the day, add the total minutes in the Total Time column. Be sure to put a 0 (zero) by any activity not relevant to the day.
- Explain and track the time spent on other activities not included in the list.

## 4. DATA ANALYSIS

Once judicial officers complete a sufficient number of Hearing Logs for each hearing type and Off-the-Bench logs, the data need to be entered into a spreadsheet, such as Microsoft Excel. Some basic data analysis is necessary to proceed. Much of the analysis can be conducted with the assistance of Excel formulas. (continued on pg 6)

## Hearing Log

Judicial Officer: \_\_\_\_\_

Date / / \_\_\_\_\_

**Please rate the level (if any) of discussion for each topic**      **NA= Not Applicable**  
**1= Not Addressed**    **2=Statement Only**    **3= Sufficient Discussion**    **4= Thorough Discussion**

		Hearing 1			Hearing 2										
Case Number				Was there adequate time to discuss this topic?			Was there adequate time to discuss this topic?								
Hearing <b>Start</b> Time	:				:										
Hearing <b>End</b> Time	:				:										
Is the hearing <b>Contested</b> ?	Yes	No			Yes	No									
Indicate which parties are <b>present</b> : Mother (M), Father (F), Child (C), Foster Parent (FP), Guardian <i>ad litem</i> (GAL/CASA)		__M__	__F__	__C__			__M__	__F__	__C__						
		__FP__	__GAL/CASA__				__FP__	__GAL/CASA__							
<b>Preliminary Protective Hearing</b>	Parents' rights/process/perm timeframes	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Current placement	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Relative Resources	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Services to Child	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Services to Parents	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Child Well Being	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Visitation (Parent and Sibling)	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	ICWA Inquiries and Findings	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	<b>Oral</b> Reasonable Efforts Finding	Yes	No				Yes	No							
	Other <b>Oral</b> Findings and Orders	Yes	No				Yes	No							
<b>Disposition</b>	Child's Placement	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Adequacy of case plan-child's needs	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Adequacy of case plan-parents needs	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Availability of services to meet needs	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Case benchmarks and deadlines	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Consequences of not meeting deadlines	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Child Well Being	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Visitation (Parent and Sibling)	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	<b>Oral</b> Reasonable Efforts Findings	Yes	No				Yes	No							
	Other <b>Oral</b> Findings and Orders	Yes	No				Yes	No							
<b>Review Hearing</b>	Permanency Goal	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Progress re: Case plan	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Adequacy of case plan/plan modification	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Review of Child's Placement	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Child Well Being	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Visitation (Parent and Sibling)	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	Timeframes for achieving permanency	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
	<b>Oral</b> Reasonable Efforts Findings	Yes	No				Yes	No							
	Other <b>Oral</b> Findings and Orders	Yes	No				Yes	No							
	<b>Permanency Planning</b>	Final Permanency Goal	NA	1	2	3	4	Y	N	NA	1	2	3	4	Y
Current Placement		NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
Parents' Progress Toward Goals		NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
Barriers to Achieving final Permanency		NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
Identified steps to final permanency		NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
Child Well Being		NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
15 of 22 months/ compelling reasons		NA	1	2	3	4	Y	N	NA	1	2	3	4	Y	N
<b>Oral</b> Reasonable Efforts Findings		Yes	No				Yes	No							
Other <b>Oral</b> Findings and Orders		Yes	No				Yes	No							

 # cases **continued** due to **time constraint**: \_\_\_\_\_

Type of continued case(s): \_\_\_\_\_

## Off-the-Bench Time Log

**Judge:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

	Time (Minutes)	Total Time
<b>Dependency Case-Related In-Court Activities</b>		
<b>1. Court Hearings</b> (Includes court waiting time, consulting with attorneys and all dependency hearings)		
<b>Dependency Case-Related Out-of-Court Activities</b>		
<b>2. Hearing Preparation</b> (review of case relevant materials, reports, planning, preparing orders)		
<b>3. Hearing Follow Up</b> (preparing orders, planning, case related meetings, reviewing materials)		
<b>Non-Dependency Case-Related Activities</b>		
<b>4. In Court Activities</b> (other hearings: delinquency, criminal, civil, etc.)		
<b>5. Out of Court Activities</b> (non-dependency related meetings, trainings, order preparation, planning)		
<b>Non-Case-Related Activities</b>		
<b>6. Leave</b> (annual or other leave, comp time, sick leave)		
<b>7. Administrative Activities</b> (personnel-related activities, non-case-related meetings, travel, staffing)		
<b>8. Non-Work Time Gaps</b> (non-paid or non-work time gaps/breaks)		
<b>9. Lunch</b>		
<b>10. Training</b> (receiving or conducting local or state trainings, travel/correspondence for training)		
<b>11. Professional Enhancement</b> (attending national conferences, writing or obtaining additional education)		
<b>12. Public Education</b> (giving or receiving presentations at other public agencies, nonprofits, or the public in general; newspaper interviews)		
<b>13. Collaboration</b> (national boards, legislative committees, community service (during work hours), participation in collaborative court improvement related workgroups, Model Court Team Meetings)		
<b>14. Other Activities</b> Other activities not listed above. Please explain.		
<b>15. Total time:</b>		



Five findings need to be generated from the time logs. Detailed explanations are presented below.

Findings Needed From Time Logs	
1.	Average levels of discussion for each hearing type.
2.	Average hearing length for each hearing type.
3.	Average hearing lengths relative to different levels of discussion.
4.	Workload estimates of how much time judicial officers devote to dependency cases on and off the bench.
5.	Current full time equivalent (FTE) judicial officer resources.

The first finding is determining, for each hearing type, the average level of discussion. Begin by adding the discussion ratings for each hearing and dividing by the number of topics (Table 2). Items rated as “NA” should not be included in the count of topics. This creates an average discussion rating for the hearing. Calculate this for each hearing.

Table 2. Averaging Discussion Ratings	
Preliminary Protective	Hearing 1
Parents’ rights/perm. timeframes	NA 1 2 3 4
Current placement	NA 1 2 3 4
Relative Resources	NA 1 2 3 4
Services to Child	NA 1 2 3 4
Services to Parents	NA 1 2 3 4
Child Well Being	NA 1 2 3 4
Visitation (Parent and Sibling)	NA 1 2 3 4
ICWA Inquiries and Findings	NA 1 2 3 4
<b>Average Discussion Rating</b>	<b>2.57</b>

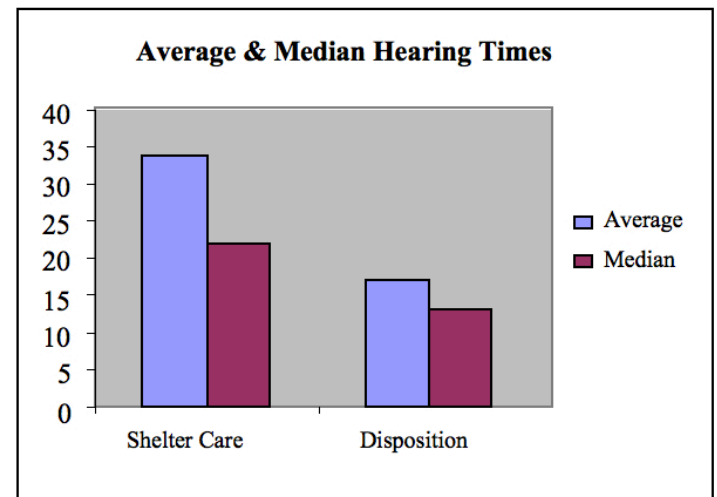
After each hearing has been averaged, the average level of discussion for each hearing type can be calculated. Add the discussion ratings for each hearing and then divide by the total number of hearings. For example: 2.57 (hearing 1) + 2.72 (hearing 2) / 2 = 2.64.

An average discussion rating of 2.64 for preliminary protective hearings indicates that discussion is nearly sufficient. In other words, most of the key topics are coming up during the hearing, but there could be more inquiry and thorough discussion around those topics. The average levels of discussion can be understood in terms of the following ranges.

Discussion Average Ranges	
•	0-1: No discussion
•	1.1-1.5: Very Limited Discussion
•	1.6-2.4: Limited Discussion
•	2.5-2.9: Nearly Sufficient Discussion
•	3.0-3.4: Sufficient Discussion
•	Greater than 3.5: Thorough Discussion

Averaging the overall level of discussion for each hearing type will entail many hearings (not just two), and should be jurisdiction-wide, across all judicial officers. These steps will be repeated for each hearing type so that there is an average discussion rating for each hearing. This is easily done in a program such as Microsoft Excel with formulas that eliminate the majority of the work.

The second finding is determining, for each hearing type, the average hearing length. To do this, the hearing start and end times must be converted into hearing lengths in minutes. Hearing lengths are then averaged. The median (the middle number in a sequence) hearing length is also useful, and a more accurate indicator of centrality if there are substantial outliers, such as hearings that last much longer than usual (e.g., three days for adjudication). This can be displayed as:



The third finding requires an examination of average hearing lengths relative to different levels of discussion. The first and second findings are used to analyze each hearing type in terms of sufficient and thorough discussion (Table 3). To determine this one must ask: how long do hearings last when discussion is minimally sufficient and thorough?<sup>1</sup>

Table 3. Hearing Length by Discussion Level		
Hearing Type	Hearing Length w/Minimally Sufficient Discussion	Hearing Length w/Thorough Discussion
Preliminary Protective	20 minutes	42 minutes
Adjudication/Disposition	11 minutes	30 minutes
Review	16 minutes	28 minutes
Permanency	20 minutes	40 minutes

Minimally sufficient discussions, or minimally sufficient hearings, cover many important dependency topics, but are characterized by brief discussions of key topics, lower levels of parent engagement, and inconsistent judicial inquiry.

<sup>1</sup> The types of hearings included in the assessment should include all major types of dependency hearings, while remaining reflective of local practice.

Thorough discussions, or thorough hearings, are considered a “best practice” within the framework of NCJFCJ’s RESOURCE GUIDELINES, and are distinguished by thorough discussions of key dependency topics, high levels of stakeholder engagement, and consistent judicial inquiry.<sup>iii</sup>

Research has found that thorough hearings lead to better placement outcomes for children and youth involved in the juvenile dependency court system.<sup>iv</sup> The likelihood of family reunification was also significantly higher when judicial officers engaged parties in dependency hearings through inquiry and clear communication.<sup>v</sup>

*Research has found that thorough hearings lead to better placement outcomes for children involved in the juvenile dependency court system*

It is important to estimate separately average hearing lengths when discussion is both minimally sufficient and thorough. For example, preliminary protective hearings could last, on average, 20 minutes when discussion is minimally sufficient, or sufficient (2.5-3.4), while another PP hearing might last an average of 42 minutes when the discussion is thorough (3.5 or above).

After calculating average discussion ratings, hearing lengths, and hearing lengths relative to discussion levels, the analysis turns to the Off-the-Bench Log. The fourth finding is a calculation of judicial activities. How much time do judicial officers devote to dependency cases on and off the Bench?

Calculating Judicial Activities	
1.	Determine the average work week (in hours) for judicial officers (row 15).
2.	Calculate how much of the work week is devoted to dependency case-related activities, on average (rows 1-3).
3.	Calculate how much of the work week is devoted to other activities, on average (rows 4-14).
4.	Of the dependency-related time, how much is spent on the bench hearing cases (row 1), and how much time do judicial officers devote to preparing for (row 2) and following up (row 3) on dependency cases?

There are 4 steps to determining how much time judicial officers devote to juvenile dependency. The rows from which relevant information can be collected from the Off-the-Bench Logs are indicated in parentheses.

The results may look like Table 4, which shows hypothetical judicial activities in a jurisdiction with several judges overseeing dependency cases. The example shown reflects the average judicial activities across the two judges. For example, in row one, the average work week is 41 hours because Judge A works 42 hours a week and Judge B works

*Calculating judicial activities answers the first question of a judicial workload assessment: how much time do judicial officers dedicate to juvenile dependency?*

Table 4. Example of Judicial Activities		
1	Average work week for judicial officers	41 hours
2	Average time spent on dependency cases	16 hours (39% of week)
3	Average time spent on other activities	25 hours (61% of week)
4	Average time spent hearing dependency cases	9 hours (56% of 16 dependency hours)
	Average time spent preparing for hearings	6 hours (38% of 16 dependency hours)
	Average time following up hearings	1 hour (6% of 16 dependency hours)



These results are not only critical data points for the workload calculation, but also answer the first question jurisdictions ask when embarking on a judicial workload calculation: how much time do judicial officers dedicate to juvenile dependency?

The fifth required finding is the calculation of current full time equivalent (FTE) judicial officer resources. Judicial resources are measured as the number of full time equivalent (FTE) judicial officers that hear dependency cases.

For example, if a jurisdiction employs five full-time judicial officers, each of whom spend 20% of their time on dependency cases (the equivalent of one full day in a five-day work week), that jurisdiction has a total of 1.00 FTE judicial officers overseeing dependency cases:  $0.20 \text{ FTE} \times 5 = 1.00 \text{ FTE}$ .

Or, as another example seen in Table 4 (above), a jurisdiction has 0.39 FTE juvenile dependency judicial officers because the judicial officers spend, combined, 39% of their time overseeing dependency cases. Calculating FTE in terms of a 40-hour work week is the most straightforward method. However, if a jurisdiction has a lighter juvenile dependency docket, FTE can be estimated in terms of the number of work hours in an average month or even in one year.

## 5. CALCULATION OF JUDICIAL WORKLOAD

Once the key pieces of data have been collected from administrative data systems and judicial time logs, the annual juvenile dependency judicial workload and judicial resource needs can be calculated. To review, the key data points prepared during data collection are:

### Key Data Points

- Number of hearings by type (per year or averaged over several years)
- Number of judicial work hours (per year)
- Average hearing lengths (for sufficient and thorough discussion)
- Average amount of time spent preparing for dependency hearings
- Average amount of time spent following up on dependency hearings
- Current FTE judicial officer resources

The data points are then incorporated into a multi-step equation that calculates judicial workload in terms of minimally sufficient and thorough practice. First determine the total annual time needed to sustain sufficient practice by multiplying the number of hearings annually by the amount of time each hearing is expected to take with sufficient discussion levels (Table 5). Then divide by 60 to determine the total number of annual bench hours, rather than minutes.

**Table 5. Calculating Sufficient Practice**

Number of Hearings	Average Length of Sufficient Hearing	Total Annual Bench Hours
398 Preliminary Protective	* 20 minutes/60 =	133 hours
325 Adjudication/Disposition	* 11 minutes/60 =	60 hours
585 Review	* 16 minutes/60 =	156 hours
249 Permanency Planning	* 20 minutes/60 =	83 hours
<b>Total Annual Bench Hours:</b>		<b>432 hours</b>

The total annual hearing hours are then multiplied by ratios of judicial preparation and follow up time to calculate the number of hours spent preparing for and following up on hearings in a year (Table 6). The ratios are based on the percentage of time judicial officers spend preparing for and following up on dependency hearings, relative to bench time, (as recorded by the Off-the-Bench Logs). Following the example seen in Table 4, judicial officers spend 56% of their time on the juvenile dependency bench, 38% of their time preparing for hearings, and 6% of their time following up. The ratios are used as follows:

**Table 6. Calculating Ratios of Preparation and Follow-Up Time**

432 Total Annual Bench Hours	* (0.38 / 0.56) =	<b>293 Annual Preparation Hours</b>
432 Total Annual Bench Hours	* (0.06 / 0.56) =	<b>46 Annual Follow-Up Hours</b>

The total annual hearing, preparation, and follow-up hours are summed to calculate the number of hours a jurisdiction should spend on dependency-related work each year, if hearings are conducted with minimally sufficient discussion (Table 7).

**Table 7. Calculating Annual Dependency Workload with Sufficient Practice**

<b>432 Annual Bench Hours</b>	<b>+ 293 Annual Preparation Hours</b>	<b>+ 46 Annual Follow-Up Hours</b>	<b>= 771 Total Annual Dependency Hours with Sufficient Practice</b>
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The total annual dependency hours are then divided by the number of annual judicial work hours to determine the number of FTE judicial officers needed to meet the demands of sufficient juvenile dependency practice. For this calculation, 2000 available judicial hours were used with the rationale that judicial officers work an average of 40 hours a week, 50 weeks per year (Table 8).

**Table 8. Calculating Judicial Officer FTE Needs for Sufficient Practice**

<b>771 Annual Dependency Hours</b>	<b>/ 2000 Annual Judicial Hours</b>	<b>= 0.38 FTE Judicial Officers</b>
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This jurisdiction would need 0.38 FTE judicial officers to sustain minimally sufficient practice. In other words, one judicial officer would need to spend 38% of his or her time each week on dependency cases to conduct hearings at sufficient discussion levels, or several judicial officers would need to spend a combined 38% of time on dependency hearings.

The same equation is used to determine needs for thorough practice. The key difference is that thorough hearings might also result in more time for preparation and follow up (Table 9). Based on the results presented in Table 9, this jurisdiction would need one judicial officer, or several judicial officers combined, dedicating 79% of his or her time to juvenile dependency to consistently conduct thorough practice hearings.

Table 9. Calculating Thorough Practice		
Number of Hearings	Avg. Length of Thorough Hearing	Total Annual Bench Hours
398 Preliminary Protective	* 42 minutes/60 =	279 hours
325 Adjudication/Disposition	* 30 minutes/60 =	163 hours
585 Review	* 28 minutes/60 =	273 hours
249 Permanency Planning	* 40 minutes/60 =	166 hours
<b>Total Annual Bench Hours</b>		<b>881</b>
Determine Prep and Follow-Up Time		
881 Annual Bench Hours	* (0.38 / 0.56)	= 598 Annual Preparation Hours
881 Annual Bench Hours	* (0.06 / 0.56)	= 94 Annual Follow-Up Hours
<b>Total Prep/Follow Up Hours</b>		<b>692</b>
Determine Annual Dependency Workload		
881 Annual Bench Hours	+ 692 Annual Prep/Follow-Up Hours	= 1,573 Total Annual Dependency Hours
Determine Judicial Officer FTE Needs		
1,573 Annual Dependency Hours	/ 2000 Annual Judicial Hours	= <b>0.79 FTE Judicial Officers</b>

## 6. EVALUATION OF RESOURCES NEEDED



officer dedicating an additional half day of work each week to juvenile dependency cases.

Once the resources needed to conduct sufficient and thorough practice have been determined, a jurisdiction can evaluate how its current FTE allocation of judicial officers aligns with estimated resources needed. For example, in Table 10, the jurisdiction would need an additional 0.13 FTE judicial officers to conduct juvenile dependency hearings with sufficient discussion, which is essentially equivalent to one judicial

Table 10. Determining Judicial Officer Resource Needs	
Minimally Sufficient Practice	
Current Judicial Officers	0.25
FTE Needed for Sufficient Practice	0.38
Additional FTE Needed	<b>0.13</b>
Thorough Practice	
Current Judicial Officers	0.25
FTE Needed for Thorough Practice	0.77
Additional FTE Needed	<b>0.52</b>

As Table 10 demonstrates, when juvenile dependency workload is estimated based on thorough practice needs, the jurisdiction would need an additional 0.52 FTE judicial officers dedicated to juvenile dependency cases to conduct hearings with thorough levels of discussion. This is the equivalent of two and a half additional work days each week.

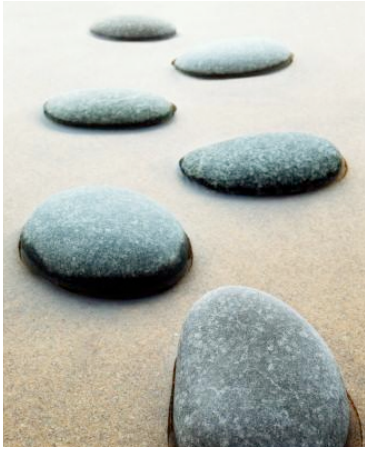
After an assessment has been conducted, the project advisory committee should consider some possible limitations of the judicial workload calculation outlined in this Technical Assistance Brief. First, this workload calculation cannot account for special or local practices or policies particular to jurisdictions that are not reflected in workload estimates. Some of these practices, such as mediation, family team decision meetings, or parent engagement programs might help improve efficiency of court practice.<sup>vi</sup> Second, this workload calculation cannot reflect changes over time and offers a “snapshot” of a moving image. The judicial resources each jurisdiction requires may change over time. For example, sudden sharp increases in cases filed from 2009 to 2010, without accompanying increases in judicial resources, are likely to result in significantly larger estimates of judicial resource needs. Using a three-year workload average may mitigate some of the challenge to measuring judicial workload. Ultimately the necessary judicial resources will always vary with caseload and practice changes.

## 7. DEVELOPMENT OF RECOMMENDATIONS

Adequate judicial resources help to ensure that judicial officers have time to conduct hearings with thorough discussions of all key issues. In times of fiscal stress, it can be challenging to allocate the resources necessary to conduct thorough hearings. However, more thorough hearings can lead to fewer hearings and fewer children in care for shorter lengths of time<sup>vii</sup>—both of which help offset the cost of additional judicial resources.

*Adequate judicial resources help ensure that judicial officers have time to conduct thorough hearings*

*Thorough hearings can lead to fewer hearings and less time in care for children, both of which offset the cost of additional judicial resources*



Additionally, practice changes may help alleviate some of the burden on judicial officers. For example, the use of non-hearing alternatives (e.g., mediation, family team decision meetings, and parent mentoring programs), as well as practice reforms (e.g., time-certain calendaring and a one-family one-judge model) could be effective tools to allow judicial officers the

opportunity to conduct best practice hearings.<sup>viii</sup>

Conducting a judicial workload assessment is an important undertaking for jurisdictions seeking to better understand their current juvenile dependency practice. Establishing a baseline of judicial workload is a necessary first step toward improving practice and outcomes for children and families.

## **APPENDIX I THE WASHINGTON WORKLOAD ASSESSMENT**

The National Council of Juvenile and Family Court Judges, in partnership with the Washington Administrative Office of the Courts, conducted an assessment of judicial workload in Washington State.<sup>ix</sup> By determining current judicial resources and estimating annual workloads, researchers calculated how many judicial officers were needed on county and statewide levels to conduct sufficient and thorough hearings in accordance with the practices outlined in the RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases.

The analysis revealed that 64% of jurisdictions (25 of 39) in Washington State had an adequate number of judicial officers to conduct sufficient hearings. However, the remaining 26% of jurisdictions (14 of 39) were under-staffed to conduct sufficient hearings. Overall, in order to meet juvenile dependency workload demands for sufficient practice, Washington's courts could benefit from 9 to 10 additional judicial officers devoted solely to juvenile dependency cases.

In order to consistently conduct thorough juvenile dependency hearings, 51% of jurisdictions (20 of 39) in Washington State were under-staffed. Overall, Washington's courts could benefit from 18 additional judicial officers overseeing juvenile dependency hearings to conduct thorough hearings in all jurisdictions.

Further analyses were conducted to assess the effect of judicial officer staffing levels on outcomes for children and families. Results from an ANOVA analysis revealed that judicial resource levels had a

statistically significant effect on the likelihood of children reaching a permanent placement before 15 months of out-of-home care. Fifty-eight percent of cases in well-staffed jurisdictions reached permanent placements within 15 months of out-of-home care, compared to 34% of cases in under-staffed jurisdictions. The results highlight the importance of adequate judicial resources and the impact under-staffed jurisdictions can have on outcomes for children who have been victims of abuse and neglect.

*58% percent of cases in well-staffed jurisdictions reached permanent placements within 15 months of out-of-home care, compared to 34% of cases in under-staffed jurisdictions*

# REFERENCES

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- <sup>vi</sup> Summers, A., Wood, S. M., & Russell, J. (2011). Assessing efficiency and workload implications of the King County mediation pilot. *Journal of Juvenile Justice*, 1, 48-59. NCJFCJ (2011). *Evaluation of the Parent to Parent Program in King County, Washington*. Reno, NV: Author. NCJFCJ (2011). *Washington workload site assessment: Spokane*. Reno, NV: Author.
- <sup>vii</sup> National Council of Juvenile and Family Court Judges (2011). *Right from the start: The CCC preliminary protective hearing benchcard study report—testing a tool for judicial decision-making*. Reno, NV: Author.
- <sup>viii</sup> Reports on various practices that improve efficiency are available from the Permanency Planning for Children Department and may be found online at [www.ncjfcj.org](http://www.ncjfcj.org).
- <sup>ix</sup> NCJFCJ (2011). *Judicial Workload in Washington State*. Reno, NV: Author.