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# Research Report

# Assessing the Long-Term Effects of Courts Catalyzing Change Preliminary Protective Hearing Benchcard

National Council of Juvenile and Family Court Judges

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# Executive Summary

In collaboration with Casey Family Programs, the National Council for Juvenile and Family Court Judges (NCJFCJ) developed the Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care Initiative (CCC) which promotes reducing racial disproportionality and disparities in the dependency court system. A judicial tool –the Preliminary Protective Hearing (PPH) Benchcard (hereinafter CCC Benchcard)—was created as part of this initiative. Although prior NCJFCJ studies have examined the short-term effects of the CCC Benchcard, the present study is the first to examine the long-term effects of the CCC Benchcard on placement, parental presence, and final case outcomes for minors in the dependency court system.

The first report on short-term effects of the CCC Benchcard included data from three jurisdictions (Omaha, NE, Portland, OR, and Los Angeles, CA). To examine long-term effects of the CCC Benchcard, the cases from Los Angeles and Portland were followed until the majority of cases reached case closure. Omaha was not included in the study analyses due to the amount of missing data from the first rounds of data collection. The study design included a pre-post experimental and quasi-experimental design. A baseline sample of cases (prior to CCC Benchcard implementation) was collected and then compared to cases from judicial officers who were randomly assigned[1] to either the CCC Benchcard or control (non-Benchcard) group. Data collected began in late 2009 and continued to spring of 2013, when a sufficient sample of cases had achieved case closure.

Several distinct inferential models were run to analyze the evaluation questions pertaining to placement, parental presence, and case outcomes. Results suggest that the CCC Benchcard had minimal impact on judicial placement decisions and case outcomes. A summary of significant findings are presented below.

*Allegations*

- In the baseline sample, Caucasian families were significantly less likely to have allegations of failure to protect. In the follow-up sample, Caucasian families were as likely to have failure to protect allegations as African American or Latino families.

*Placement at the Six-Month Review Hearing*

[1] Random assignment is a statistical technique that ensures that any change in outcomes should be a result of the intervention, not a difference in the judicial officers who are part of the study.

- Younger children and children residing in Los Angeles County were significantly more likely to be placed with a parent or relative than in foster care at the six-month review hearing.

*Placement at the Permanency Hearing*

- In comparison to the pre-baseline sample, judges who were randomly assigned to the control group and did not use the CCC Benchcard were significantly more likely to place children with a relative than with a parent or in foster care at the permanency hearing.

*Parent Presence*

- Mothers and fathers who were present at the initial hearing were more likely to attend future court hearings.
- Mothers and fathers who resided in Los Angeles were less likely to participate in court proceeding throughout the life of the case.
- Mothers of younger children were more likely to participate in court proceedings throughout the life of the case.

*Case Closure*

- In comparison to the pre-baseline sample, the length of time to case closure increased for CCC Benchcard users.

*Case Dismissal*

- None of the variables of interest significantly predicted dismissal of the dependency petition.

*Reunification with Parent*

- Younger children, cases in the follow-up sample, and cases from Los Angeles were more likely to reunify.

*Reentry into Foster Care*

- CCC Benchcard users were significantly more likely to have had a new petition filed after case closure (16%) compared to the control group (5%).

Unlike the first CCC Benchcard study findings, the present study did not show the use of the CCC Benchcard to result in significant increases in family placements[2] or percentage of children returned to a parent[3] at any of the hearings. However, the study did indicate that CCC Benchcard users had more cases to reenter the system. Issues related to fidelity and whether

[2] National Council of Juvenile and Family Court Judges. (2011). *Right from the start: The CCC preliminary protective hearing benchcard study report*. Reno, NV: Author.
[3] Ibid.

CCC Benchcard practices were integrated into later hearings may explain why the CCC Benchcard was not found to have long-term effects on placement decision and permanency outcomes. Ultimately, however, there are still some positive indicators that the CCC Benchcard could be a useful tool. More research is needed to better understand why the effects (e.g., more placements with relatives) did not persist and what can be done to improve effectiveness of the CCC Benchcard.

## Implications of Findings

The findings of this study provide valuable information as to next steps in the CCC Benchcard work, but also in terms of general court practice.

- Ensure fidelity of CCC Benchcard. It will be easier to demonstrate and assess change if the CCC Benchcard is implemented routinely and in its entirety.
- Assure CCC Benchcards are integrated into practice in a manner that takes into account the need for enhanced safety planning.
- Consider implementing a CCC Benchcard at each hearing type throughout the life of the case. This will help determine if the short-term effects of the CCC Benchcard can result in long-term effects if a CCC Benchcard is used at multiple hearings.

## Next Steps

- *Replicate CCC Benchcard study*. Single study findings could be a statistical anomaly. To help ensure the CCC Benchcard has the desired effects, the research must be replicated in other jurisdictions.
- *Further explore CCC Benchcard components.* Fidelity should be assessed in future studies to explore which specific components of the CCC Benchcard (e.g., discussion breadth, parent engagement, judicial inquiry) are most related to case outcomes.

In accordance with the NCJFCJ Policy Statement on Evidence of Effectiveness, the CCC Benchcard has been classified by NCJFCJ research staff as **Promising** using the Centers for Disease Control and Prevention Continuum of Evidence of Effectiveness, specifically as it relates to the outcomes in the short-term and long-term studies. More research must be conducted to refine classification of the CCC Benchcard.

# INTRODUCTION

In 2009, the National Council of Juvenile and Family Court Judges (NCJFCJ) began investigating the effects associated with judges' utilization of the Courts Catalyzing Change (CCC) Preliminary Protective Hearing (PPH) Benchcard in three sites. This report is the first to examine the long-term effects of the CCC Benchcard training and implementation on judicial practices and outcomes for children and youth. This report presents findings from this study, including the placement decisions at the review and permanency hearings, parental presence throughout the case, time to case closure, case outcomes of dismissal or reunification, and reentry into foster care.

***Background***

The Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care Initiative (CCC) is a partnership between the NCJFCJ and Casey Family Programs. Research activities for this project are supported through funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The CCC initiative promotes collaboration between judicial officers and other professionals to focus on the national agenda designed to reduce racial disproportionality and disparities in the dependency court system. The CCC Benchcard was developed through the collaboration and efforts of the CCC Steering Committee, NCJFCJ's former Permanency Planning for Children Department[4] and judges associated with the Model Courts Project. Aligning with the *Resources Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*[5], the CCC Benchcard was created to serve as a judicial decision-making tool to be utilized during the PPH[6]. The CCC Benchcard contains two types of inquiry: internal and external. The first portion of the CCC Benchcard focuses on judges' self-reflection. Judges are asked to consider the decision-making process they utilized to protect the child and family against institutional bias[7]. Below are examples of questions judges are asked to ponder when examining potential biases that may impact their decisions in the courtroom.

- What assumptions have I made about the cultural identity, genders, and background of this family?

[4] The former Permanency Planning for Children Department is now part of the larger NCJFCJ Juvenile Law Programs.
[5] National Council of Juvenile and Family Court Judges. (1995). *Resource guidelines: Improving court practice in child abuse and neglect cases*. Reno, NV: Author.
[6] The preliminary protective hearing (PPH) is the first court hearing in dependency cases. In some jurisdictions, it is referred to as a *detention hearing*, *shelter care hearing*, or the *initial hearing*.
[7] Institutional bias is the tendency for procedures and/or practices of particular institutions to operate in ways which result in certain social groups being systemically disadvantaged, in comparison to other groups. Oxford Reference available at http://www.oxfordreference.com/view/10.1093/oi/authority.20110803100005347

- How has the court's past contact and involvement with this family influenced (or how might it influence) my decision-making process and findings?

The second portion of the CCC Benchcard spotlights salient family court topics, including but not limited to, the Indian Child Welfare Act (ICWA) determination, parental engagement, due process, and evaluation of reasonable efforts to prevent removal from the home or allow for the child to be returned to the home. Below are a few critical questions judges are expected to ask when making judicial inquiry of hearing parties during the PPH:

- What language are you most comfortable speaking and reading? (Parental engagement)
- What were the diligent search efforts for all parents? (Due process)
- What services were considered and offered to allow the child to remain at home? Were these services culturally appropriate? (Reasonable efforts to prevent removal)
- What is preventing the child from returning home today? (Safety issue)

The NCJFCJ training and the implementation of the CCC Benchcard in the courtroom is anticipated to improve daily judicial practices, as well as case outcomes. Previous research suggests that the implementation of the CCC Benchcard has resulted in several positive outcomes. For instance, utilization of the CCC Benchcard has been associated with a decrease in non-relative foster care placements and an increase in family placements (e.g., non-charged parents or relatives)[8]. Implementing the CCC Benchcard has also been associated with an increase in (a) quality and quantity of discussion of critical dependency-related topics during the PPH[9], (b) judicial inquiry and parental engagement[10], and (c) the percentage of children returned home to the charged parent at the PPH and adjudication hearing[11]. Family placements were greatest when training on implicit and institutional bias was *coupled* with the use of the CCC Benchcard[12]. These findings are encouraging as they imply that receiving NCJFCJ training and using the CCC Benchcard can have an immediate impact on judicial decisions by encouraging family or relative placements. While these findings are promising, they only examine the court hearings that occur early in the case. Further research is needed to examine the long-term effects of CCC Benchcard use.

[8] National Council of Juvenile and Family Court Judges. (2011). *Right from the start: The CCC preliminary protective hearing benchcard study report*. Reno, NV: Author.
[9] Russell, J. and Summers, A. (2013). An overview of the courts catalyzing change preliminary protective hearing benchcard study. *Juvenile and Family Court Journal, 64(2),* 1-16.
[10] Ibid.
[11] Ibid.
[12] Russell, J. and Summers, A. (2013). Reflective decision-making and foster care placements. *Psychology, Public Policy, and Law, 19(2),* 127-136.

# Study Overview

This present study examines the long-term effects of the CCC Benchcard training and implementation on placement decisions, presence of parties across the life of the case, and case outcomes. Specifically, the research questions are related to how the CCC Benchcard training and implementation affect placement decisions, parental presence, and case outcomes for minors in dependency court system. The following research questions are posed:

***Placement*:**

1. Does CCC Benchcard training and implementation affect child placement decisions at the *six-month review hearing*?
2. Does CCC Benchcard training and implementation affect child placement decisions at the *permanency hearing*?

***Parental Presence*:**

3. Does CCC Benchcard training and implementation affect the rates at which a *mother* is present at hearings across the life of the case?
4. Does CCC Benchcard training and implementation affect the rates at which a *father* is present at hearings across the life of the case?

***Case Outcomes*:**

5. Does CCC Benchcard training and implementation affect timeliness of *case closure (i.e., time to permanency)*?
6. Does CCC Benchcard training and implementation affect the rates at which petitions are *dismissed*?
7. Does CCC Benchcard training and implementation affect the rates at which children are *reunified with their parents*?
8. Does the CCC Benchcard training and implementation affect the rates of *reentry* into foster care?

# METHODS

***Design***

The study design included an experimental and quasi-experimental design. In 2009, data was collected from a baseline sample[13] prior to any intervention taking place. All participants received implicit bias training (or comparable racial equity training) from NCJFCJ staff and collaborators. In the experimental design, judges were randomly assigned[14] to implement the CCC Benchcard or not (i.e., control group; see Table 1). In the quasi-experimental design, decisions were compared between the Pre-baseline (prior to intervention) and the follow-up samples that consisted of both the Control and CCC Benchcard judicial officers.

*Table 1. Study Design*

| Method | Time 1 Pre-test (i.e., Pre-Baseline) | Intervention One | Intervention Two | Time 2 Post-test |
|---|---|---|---|---|
| **Random Assignment: Group 1** | Placement Decisions / Case Outcomes | Implicit Bias Training | CCC Benchcard Group | Placement Decisions / Case Outcomes |
| **Random Assignment: Group 2** | Placement Decisions / Case Outcomes | Implicit Bias Training | Control group | Placement Decisions / Case Outcomes |

The intervention for this study consisted of training judicial officers on implicit, institutional and structural racism, and non-conscious bias[15] that provided contextual and historical information related to decision-making biases. During the implicit bias training, participants viewed a documentary movie, *Race: The Power of an Illusion: The House We Live In*[16]*.* Then, participants took part in dyadic and group activities to discuss their observations and perspectives. Although all participants received the implicit bias training, only half of the participants received training on the CCC Benchcard, a judicial tool which emphasizes self-reflection and deliberation during the decision-making process. These participants received a

[13] This group will be referred to as the pre-baseline group throughout the report.
[14] Random assignment is a statistical technique that ensures that judges have an equal chance of being selected to participate in either group. This helps to ensure that there are no pre-existing differences between judges in the Benchcard and control groups, which allows differences to be explained by the intervention itself.
[15] See, for example, Kang, J. (2009). *Implicit bias a primer for the courts*. Available online at http://www.ncsc.org/~/media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/kangIBprimer.ashx
[16] California Newsreel. (2003). *Race: The power of an illusion: The house we live in.* [DVD/VHS].

copy of the CCC Benchcard which consists of a set of questions instructing judges to reflect on their own assumptions about each individual case. The CCC Benchcard also consists of a list of topic-specific questions what should be addressed at each court hearing. The latter sets of questions are designed to engage parents, evaluate whether reasonable efforts were made to prevent removal from the home and assess whether ongoing placement is necessary. Judicial officers also received a copy of *Right from the Start: The CCC Preliminary Protective Hearing Benchcard – A Tool for Judicial Decision-Making*, a technical bulletin which provides assistance when using the CCC Benchcard. The training sessions (including CCC Benchcard instruction) took approximately a half-day to complete. After being trained on its use, the CCC Benchcard group received practical training by utilizing the CCC Benchcard in several preliminary protective hearings. The Control group heard preliminary protective hearings without using the CCC Benchcard.

## Case Files

Data was gathered from case files. Variables collected from case files included demographic details, hearing dates and participants, as well as details on allegations, services, placements and case outcomes. Variables collected during courtroom observations focused on characteristics of hearing, such as length of hearing, persons present, and the extent to which each CCC Benchcard topic was discussed (e.g., ICWA determination, parental engagement, and determination of reasonable efforts).

## Sample

### *Sites*

The study included a review of 405 cases across two sites (Los Angeles, California and Portland, Oregon).[17] Of the 405 cases, 233 cases were from Los Angeles and 172 cases were from Portland. In order to capture adequate data on African-American, Hispanic, and Caucasian cases, data from the Los Angeles site was purposely oversampled.[18] Of the entire sample, pre-implementation baseline data was collected for 236 cases opened between 2007 and 2008. Pre-implementation data was utilized as a reference group (See Results Section). Post-implementation data was collected for 169 cases. Of the latter cases, judges were randomly assigned to one of two intervention groups: (1) Implicit Bias Training only (i.e., Control Group, *n* = 80) or (2) CCC Benchcard Training (*n* = 89, see Table 2).

[17] The original Benchcard research included cases from Omaha, NE. However, due to resources and the amount of missing data from these files, Omaha was not included the long-term effects study.

[18] Los Angeles, as a large urban jurisdiction, had the highest number of cases, so efforts were made in this sample to ensure that there were high numbers of cases that involved families of color. After researchers had a sufficient number of cases of Caucasian families, then only African American and Latino families were selected.

*Table 2. Sample Groups Sizes (By Site)*

| Site | Time 1 Pre-Intervention (i.e., Baseline) | Control Group (i.e., Implicit Bias Training Only) | Time 2 Post-Intervention (i.e., Benchcard Training) | Total |
|---|---|---|---|---|
| **Los Angeles** | 125 | 50 | 58 | 233 |
| **Portland** | 111 | 30 | 31 | 172 |
| **Total** | 236 | 80 | 89 | 405 |

Demographic characteristics of the sample such as race/ethnicity, sex, age, and marital status are presented in Table 3. Pearson chi-square tests indicate that no significant differences exist between sample characteristics of the Control and CCC Benchcard groups. That is to say that the samples were equivalent and did not have any pre-existing differences that should result in difference decisions or case outcomes.

*Table 3. Sample Characteristics from the Case File Review*

| | Control Group (%, n) | Benchcard Group (%, n) |
|---|---|---|
| **Jurisdiction** | | |
| Los Angeles | 59.2% (125) | 55.7% (108) |
| Portland | 40.8% (86) | 44.3% (86) |
| **Sex** | | |
| Female | 56.8% (117) | 60.0% (108) |
| Male | 43.2% (89) | 40.0% (72) |
| **Race/Ethnicity of Child** | | |
| White/Caucasian | 33.2% (70) | 29.4% (57) |
| Black/African-American | 23.2% (49) | 25.8% (50) |
| Latino/Hispanic | 36.0% (76) | 35.1% (68) |
| Native American/Indian | 0.5% (1) | 1.5% (3) |
| Asian/Pacific Islander | 3.8% (8) | 1.0% (2) |
| Other race or ethnicity | 2.8% (6) | 5.7% (11) |
| Unable to determine | 0.5% (1) | 1.5% (3) |
| **Age Range (Years)** | | |
| 3 or under | 40.3% (79) | 37.8% (77) |
| 3.1 thru 9 | 30.6% (64) | 25.1% (48) |
| 9.1 thru 13 | 12.4% (26) | 11.5% (22) |
| 13.1 thru 18 | 19.1% (40) | 21.5% (41) |
| Unable to determine | 0.0% (0) | 1.6% (3) |
| Average age | 6.5 | 6.9 |
| **Marital Status** | | |
| Single | 58.0% (98) | 67.1% (110) |
| Not Single | 32.9% (71) | 32.9% (54) |

## Materials

***Independent and control variables***

Independent variables (IVs) are factors that are manipulated by the researcher in order to examine an association between two or more variables. The IV for the present study was the experimental group. Participants were coded in one of three groups: (1) Pre-baseline sample, (2) Implicit bias training only (i.e., control group in follow-up sample) or (3) CCC Benchcard training (in follow-up sample). The pre-baseline sample acted as the reference group for those who were randomly assigned to either the Control or CCC Benchcard groups. Analyses also included several control variables. A control variable is factor which is held constant in order to confirm that an association between two variables is not caused indirectly through a third variable. For the present study, four control variables were included in the analyses. These variables were the child's sex (i.e., Female = 1), race (i.e., whether the child was Black/African-American = 1[19]), age, and site location (i.e., Los Angeles = 1, Portland = 0).

***Dependent variables***

Dependent variables are the outcomes of interest. For the present study, the following eight dependent variables are examined: (a) Child placement at the six-month review hearing, (b) Child placement at the permanency hearing, (c) Presence of the mother, (d) Presence of the father, (e) Length of time from petition to case closure, (f) Dismissal of the case petition, (g) Reunification with a parent, and (h) Reentry into foster care after case closure. The child placement variable was coded as home (with parent), relative/kinship placement or non-relative foster care. Parental presence (by mother or father) was calculated as the percentage of time the parent attended all court hearings (i.e., number of hearings attended/total possible hearings). Length of time was calculated by subtracting the case closure date from the petition date (i.e., number of days). The dismissal and reunification variables were dichotomous (i.e., Yes = 1, No = 0) and indicated the case had been dismissed or child had been reunified with a parent. The reentry into foster care variables was a dichotomous (Yes = 1, No = 0) variable, coded if the case had a new petition filed after successful case closure.

[19] For this study, to replicate earlier analyses, race was entered as a dichotomous variable with 1 = Black/African American and 0 = to all other races.

# RESULTS

### Sample Characteristics of the Case File Review

Cases were examined to determine if there were pre-existing differences in the samples for the CCC Benchcard compared to control cases. As reported previously, there were no significant differences in case demographics (e.g., race, age or gender of the child) or case allegations (e.g., number or type) between the control and CCC Benchcard groups. Over one-third of the sample was identified Latino, followed by Whites, Blacks and others. Slightly over half of the sample was female. The child's average age was 6.5 years. The marital status of over half of the sample was identified as single. Case descriptives are reported in Table 3.

### Allegations and Presenting Problems[20]

Table 4 illustrates the most commonly cited allegations and presenting problems in the case files. For both the control and CCC Benchcard groups, physical abuse and abandonment were the most commonly cited allegations. Substance abuse, failure to protect, domestic violence, unfit home, and mental health issues were the most commonly cited presenting problems for both the control and post-intervention groups.

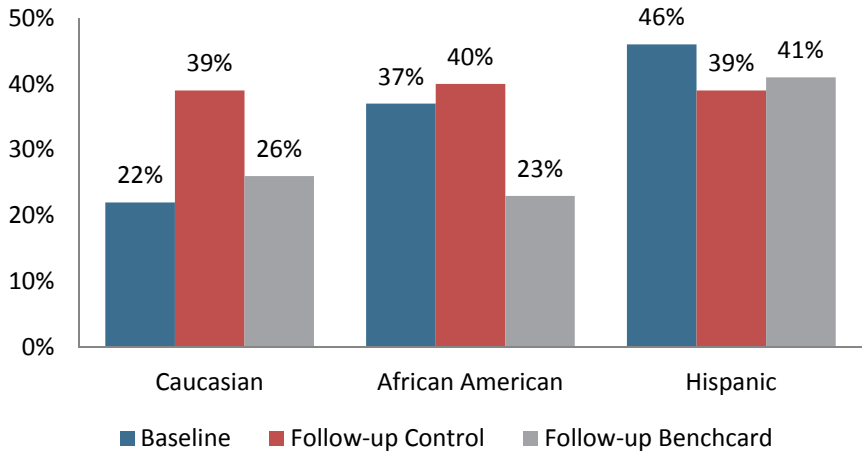
*Table 4. Sample Characteristics: Allegations and Presenting Problems*

| | Control Group (N, %) | Benchcard Group (N, %) |
|---|---|---|
| **Types of Allegations** | | |
| **Physical abuse** | 23.2% (49) | 26.3% (51) |
| **Abandonment** | 19.4% (41) | 21.7% (42) |
| **Sexual abuse** | 11.4% (24) | 7.2% (14) |
| **Neglect** | 6.1% (13) | 9.8% (19) |
| **Presenting Problems** | | |
| **Substance abuse** | 56.9% (120) | 55.6% (108) |
| **Failure to protect** | 44.1% (93) | 36.6% (71) |
| **Domestic violence** | 25.6% (55) | 31.5% (61) |
| **Unfit home** | 25.2% (53) | 25.7% (50) |
| **Mental health** | 24.6% (52) | 31.5% (61) |
| **Criminal activity** | 17.0% (36) | 20.1% (39) |
| **Left alone** | 14.7% (31) | 11.3% (22) |
| **Homeless** | 4.3% (9) | 4.6% (9) |

[20] Percentages for allegations and presenting problems do not total 100% as more than one response option may have been selected.

As indicated in the preliminary Benchcard study report, there were race differences in the presenting problems associated with case allegations. In particular, Caucasian families were less likely to have failure to protect allegations and more likely to have allegations of substance abuse and mental health. In comparing the baseline study sample to the follow-up sample, Caucasian families were no longer significantly less likely to have failure to protect allegations (See Figure 1). However, in the follow-up sample, Caucasian families were still more likely to have allegations of mental health concerns (37%) compared to non-Caucasian families (19%). Caucasian families were also more likely to have allegations of substance abuse (62%) than families of color (34%). No other race differences emerged.

*Figure 1. Percentage of cases with an allegation of failure to protect*




**Placement by Hearing Type**

The prior CCC Benchcard study on short-term effects examined differences in placement at the initial and adjudication hearings. For this study, only placement at the review and permanency hearings was statistically examined to determine if there were CCC Benchcard effects. However, descriptive information is presented on the initial (preliminary protective), adjudicatory, review, and permanency hearings to illustrate placements across the life of the case. Figures 2 and 3 illustrate the percentage of children placed with parents across hearings[21]. Figure 2 illustrates that the percentage of children who were placed with a parent at the *initial hearing*

[21] The percentages illustrated in Figures 2 and 3 are *only* representative of children reunited with a parent (i.e., charging or non-charging) or children placed in foster care which as classified as non-relative, group or unidentified, respectively, and therefore, do not total 100%.

was greater among the CCC Benchcard group, in comparison to the Pre-baseline and Control groups. This trend, however, did not remain consistent across hearings.

*Figure 2. Percentage of Children Placed with Parents by Hearing Type*

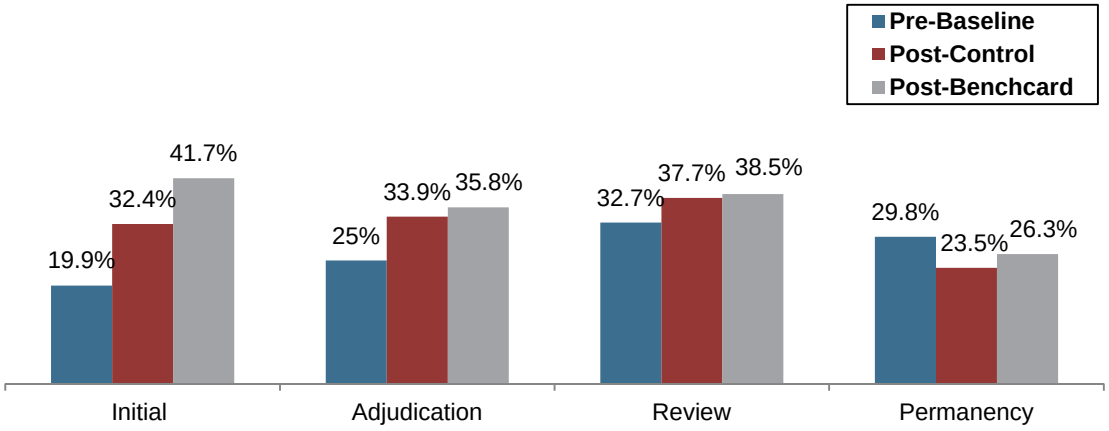
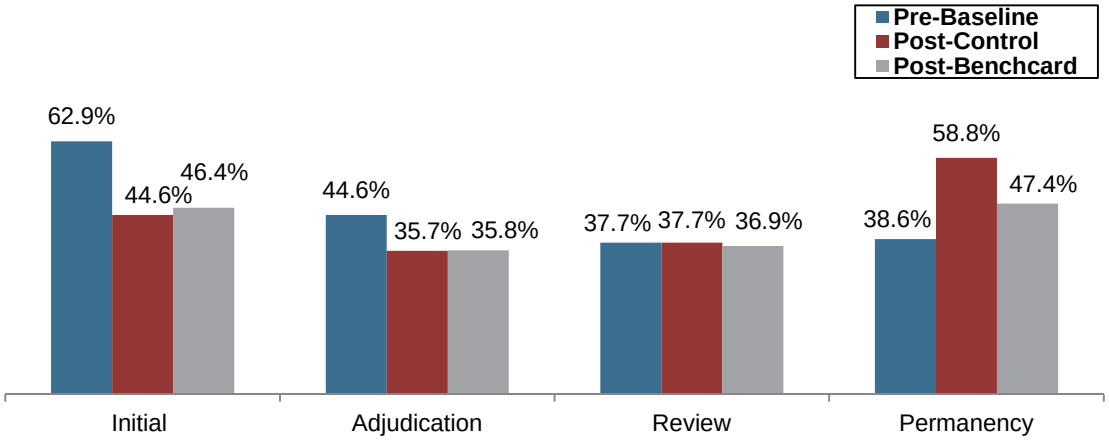



Figure 3 illustrates that the percentage of children who were placed in non-relative foster care at the *initial hearing* was greater among the Pre-baseline group, in comparison to the Control and Benchcard groups. With the exception of permanency, the percentage of children placed in non-relative foster care at subsequent hearings remained relatively consistent, regardless of the experimental group.

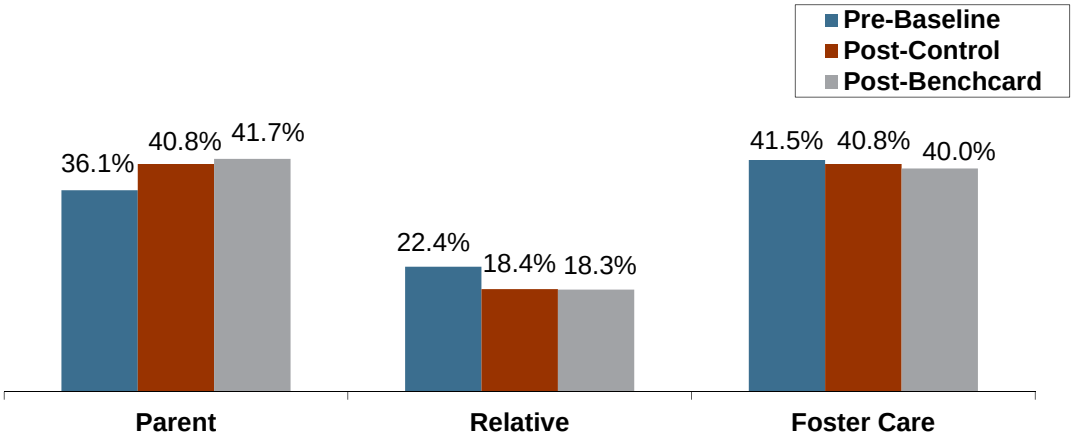
*Figure 3. Percentage of Children in Non-Relative Foster Care by Hearing Type*




Figures 4 and 5 illustrate the percentage of children placed with parents, relatives or in foster care at review and permanency hearings. Figure 4 indicates that the percentage of children placed with parents, relatives or in foster care is relatively the same at the six-month review hearing, regardless of the experimental group. Results of a Pearson chi-square test indicate no

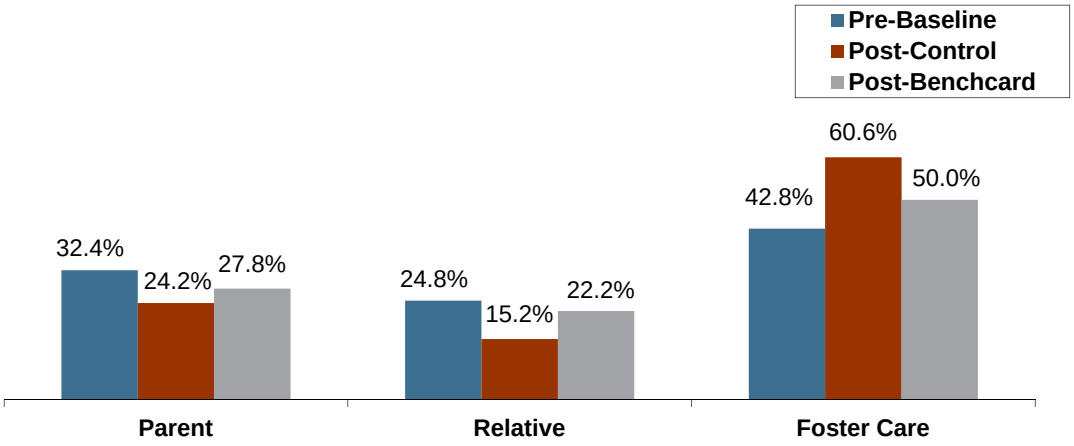
significant difference exists between placement decisions of the Pre-baseline, Control, and CCC Benchcard groups at the review hearing.

*Figure 4. Placement at Six-Month Review Hearing by Experimental Group*




Similar to Figure 4, a Pearson chi-square test shows no significant differences exist between placement decisions of Pre-baseline, Control, and CCC Benchcard groups at the permanency hearing. Figure 5 illustrates that the largest percentage of children are placed in foster care at the permanency hearings, regardless of the experimental group.

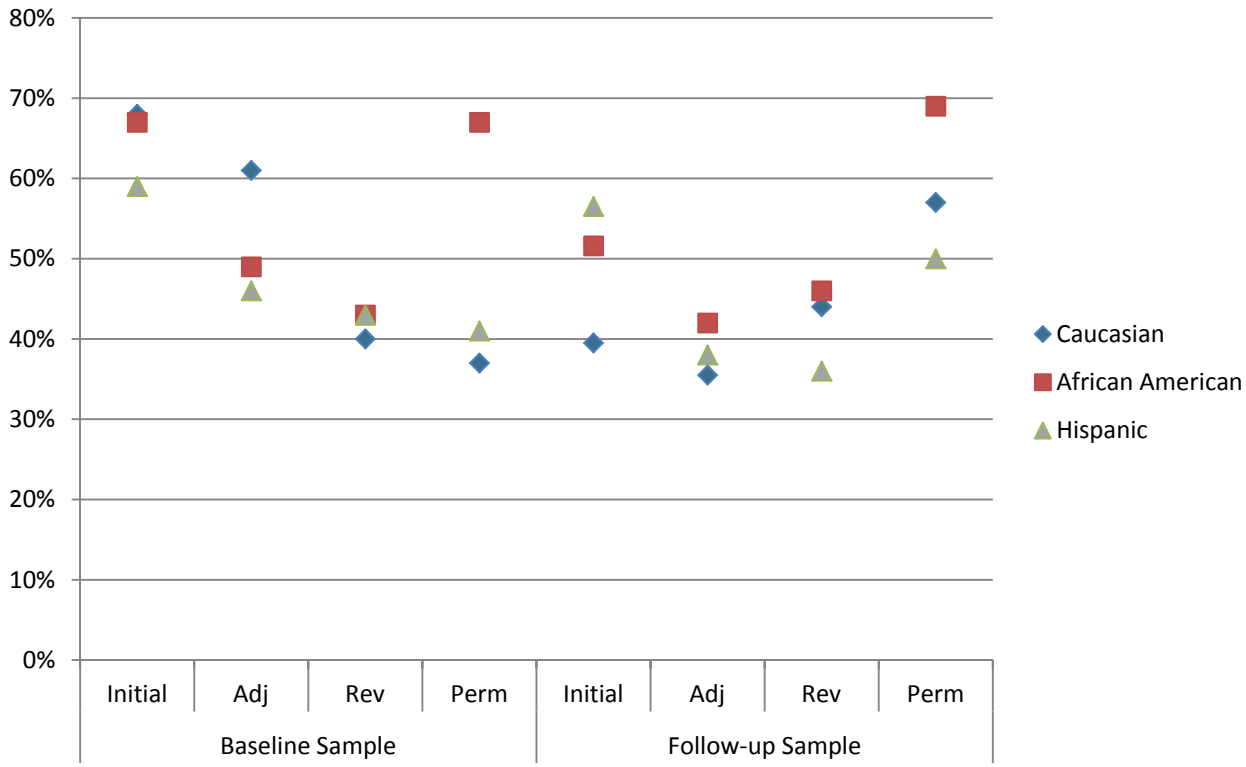
*Figure 5. Placement at Permanency Hearing by Experimental Group*




To provide some additional context on placements, Figure 6 illustrates the percentage of children placed in non-relative foster care (by race). Part of the CCC initiative is to reduce disproportionalities and disparities in outcomes for children of color. As such, it was important

to look for disparities in the baseline that may have changed. As the chart below illustrates, placement in non-relative foster care is similar across racial groups for the majority of hearings. However, African American families are much more likely to be in non-relative foster care by the permanency hearing than other groups. This difference was not statistically significant in the follow-up sample, but was in the baseline sample, indicating that, in the follow-up, families of color are placed in foster care at a similar rate to Caucasian families.

*Figure 6. Percentage of Children Placed in Non-Relative Foster Care by Hearing Type and Race*




In addition to descriptive information about the sample, eight distinct inferential models were run to analyze the research questions pertaining to placement, parental presence, and case outcomes. The models include the variables of interest (Benchcard v. Control, age, race, etc.). Below is a summary of findings for each model.

## Placement

### *Model One: Factors Affecting Placement at the Six-Month Review Hearing*

A multinomial logistic regression[22] was run to analyze the effects of the child's race, age, sex, site location, and type of court intervention on child placement at the six-month review hearing. Child's age and site location significantly predicted placement at the six-month review hearing. In comparison to their older counterparts, younger children were significantly more likely to be placed with a parent or relative than in foster care at the six-month review hearing. Additionally, children residing in Los Angeles County were significantly more likely to be placed with a parent or a relative than in foster care at the six-month review hearing, in comparison to their counterparts residing in Portland.

### *Model Two: Factors Affecting Placement at the Permanency Hearing*

A multinomial logistic regression was run to analyze the effects of the child's race, age, sex, site location, and type of court intervention on child placement at the permanency hearing. Of these variables, only the type of court intervention (i.e., Control vs. Benchcard) significantly predicted placement at the permanency hearing. In comparison to the reference group (i.e., pre-baseline sample), judges who were randomly assigned to the control group and did ***not*** use the CCC Benchcard were significantly more like to place children with a relative than with a parent or in foster care at the permanency hearing.

## Parental Presence

### *Model Three: Factors Affecting Maternal Presence*

A multiple regression[23] was run to analyze the effects of the child's race, age, sex, site location, type of court intervention, and mother's presence at the initial hearing on maternal presence throughout the entire case. Maternal presence was calculated by totally the number of times that the mother was present at a hearing for the case and dividing this by the total number of hearings. Scores could range from 0 (never present) to 1 (present at 100% of the hearings). The model summary[24] suggests that three variables (i.e., mother's presence at the initial hearing, site location and child's age) significantly predict maternal presence throughout the case. Mother's presence at the initial hearing is positively related to maternal presence, which

[22] A multinomial logistic regression is used to assess the relationship between a dependent variable (consisting of two or more categories) and the independent variable(s). For the present report, the dependent variable was placement and categorized as: parent, relative or foster care.
[23] A multiple regression is used to assess the relationship between a *continuous* dependent variable (i.e., with many possible values) and multiple independent variables.
[24] Collinearity statistics (i.e., tolerance and variance inflation factor) were within normal ranges indicating that multi-collinearity of IVs is not an issue.

suggests that mothers who attend their initial hearing were more likely to attend future court hearings. In comparison to their Portland counterparts, mothers who resided in Los Angeles were less likely to participate in court proceeding throughout the life of the case. Lastly, the child's age was negatively related to maternal presence, which suggests that mothers of younger children were more likely to participate in court proceedings throughout the life of the case, in comparison to their counterparts with older children.

***Model Four: Factors Affecting Paternal Presence***

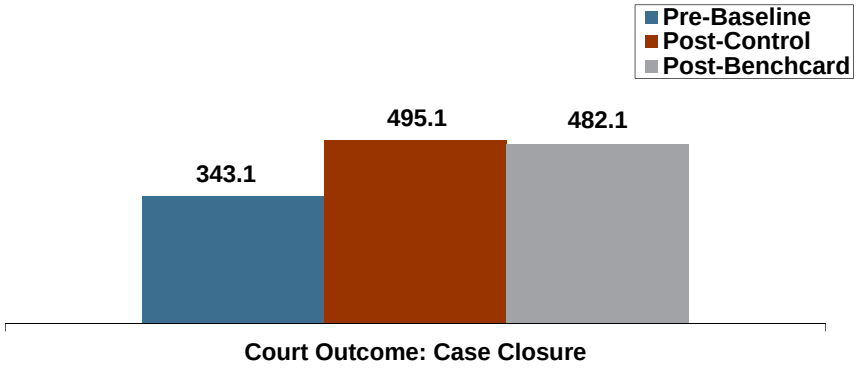
A multiple regression was run to analyze the effects of the child's race, age, sex, site location, type of court intervention, and father's presence at the initial hearing on paternal presence throughout the entire case. The model summary[25] suggests that two variables (i.e., father's presence at the initial hearing and site location) significantly predict paternal presence throughout the case. Like mothers, father's presence at the initial hearing is positively related to paternal presence, which suggests that fathers who attend their child's initial hearing were more likely to attend future court hearings. In comparison to their Portland counterparts, fathers who resided in Los Angeles were less likely to participate in court proceeding throughout the life of the case.

## Case Outcomes

***Model Five: Factors Affecting Time to Case Closure***

A multiple regression was run to analyze the effects of the child's race, age, sex, site location, and type of court intervention on length of time from petition to case closure. Of these variables, only the type of court intervention (i.e., Control vs. Benchcard) significantly predicted length of time from petition to case closure. In comparison to the reference category (i.e., pre-baseline sample), the length of time to case closure increased for judges in both the Control and Benchcard groups (See Figure 7).

*Figure 7. Average Number of Days from Petition to Case Close by Experimental Group*




[25] Collinearity statistics were within normal ranges indicating that multi-collinearity of IVs is not an issue.

***Model Six: Factors Affecting Dismissal of Petitions***

A logistic regression was run to analyze the effects of the child's race, age, sex, site location, and type of court intervention on whether the case petition was dismissed. The model summary suggests that none of the variables significantly predict petition dismissal. That is, there were no differences between baseline and follow-up (or between Benchcard and Control cases) in the rate of dismissals. There were also no race, age or gender differences in dismissals.

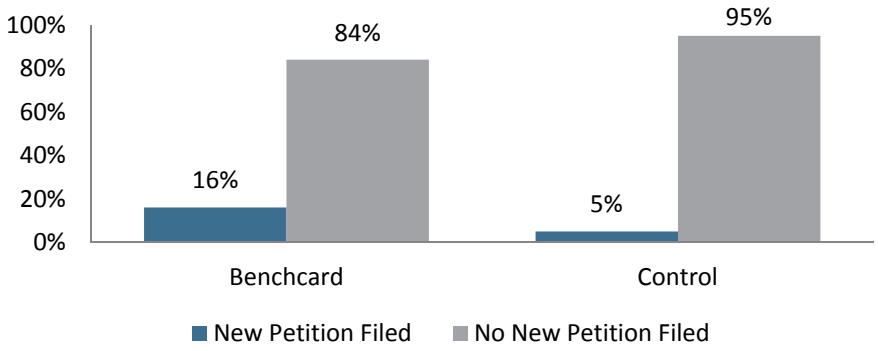
***Model Seven: Factors Affecting Reunification with Parent***

A logistic regression was run to analyze the effects of the child's race, age, sex, site location, and type of court intervention on whether a child was reunified with a parent. The model summary suggests that age, site, and being part of the follow-up sample all predicted reunification. Younger children and children from Los Angeles were more likely to reunify with their parents. Also, cases in the follow-up sample were more likely to reunify than cases in the baseline sample. CCC Benchcard use did not predict reunification.

***Model Eight: Factors Affecting Reentry Into Foster Care***

For the seventh model, only the follow-up sample was used for analysis. The sample included 169 cases (47% Control group, 53% CCC Benchcard group). Of the 169 cases, 74% (or 122 cases) had closed. Data were collected on whether the case had a new child abuse and neglect petition filed after case closure. Of the 122 closed cases, 13 cases (11%) had a new petition filed. A logistic regression was run to analyze the effects of the child's race, age, sex, site location, and type of court intervention on whether the child re-entered foster care. Only the CCC Benchcard was significantly related to a new petition filing. Cases in which the judge was a CCC Benchcard user were more likely to have a new petition filed than cases where the judge was part of the control condition. Ten of the CCC Benchcard cases (16% of the closed CCC Benchcard sample) had a new petition filed, while only 3 cases (5% of the closed control sample) had a new a petition filed after case closure. CCC Benchcard users had three times as many new petitions filed when compared to the control group (see Figure 8).

*Figure 8. Percentage of Cases with a New Petition Filed After Case Closure*




To add additional context to the new petitions filed, a qualitative analysis of the original petition and the new petition was conducted. Researchers were able to review 77% (10 of the 13 cases) to explore how petitions may have differed over time. The majority of the cases (80%) had the same or similar allegations at the original and new petition filing. There did not appear to be a change in the severity (type or number of allegations) for the majority of cases. Of the petitions reviewed, 40% had more allegations, 30% had fewer allegations, and 30% had the same number of allegations as the initial petition.

**Returning the Child Home at the Initial Hearing**

As the CCC Benchcard asks judges to consider "what is preventing the child from returning home today," researchers wanted to explore how many children were returned home at the initial hearing and, how many of these children successfully reunified with their families. In the baseline sample, 29 children (12% of the sample) were returned home to their parent(s) at the Initial hearing. In the follow-up sample, 33 cases (19% of the sample) had children that were returned home at the Initial hearing (12 cases were from the control group and 21 were from the CCC Benchcard group). In the follow-up sample, of these children that were returned home, nearly 80% remained placed at home. Ultimately, 57% (19) were reunified with their parents, 21% (7 cases) had their petition dismissed, one case resulted in a TPR/Adoption and the other cases were still open at the last data collection point. In fact, returning the child home at the initial hearing significantly predicted reunification. That is, children who were returned at the initial hearing were more likely to reunify than children who were not. While the vast majority of these early returns resulted in successful permanency for the family, it should be noted that 20% of the cases that had a child returned home at the Initial hearing also had a new petition filing at a later point in the case. There were no statistically significant race differences of the child that returned home at the Preliminary Protective hearing (36% Caucasian, 20% African American, 36% Hispanic/Latino, 9% other).

# DISCUSSION

The present study investigated the long-term effects of the CCC Benchcard training and implementation on placement decisions and case outcomes for minors in the dependency system. The results suggest that certain types of intervention affect only certain outcomes: (1) Permanency hearing placements (2) Time to case closure, and (3) Reentry. Judicial officers who were randomly assigned to the control group and did *not* use the CCC Benchcard were more likely to place children with a relative rather than a parent or in foster care at the permanency hearing. Analyses also suggest that the judicial officers who used the CCC Benchcard took longer to close cases, in comparison to the baseline sample. The latter finding may be explained by CCC Benchcard users being more thorough (e.g., taking more time per hearing), and therefore, increasing the overall length of cases. Results also revealed that CCC Benchcard users had more cases to reenter the system (with a new petition filed) than control cases. For the majority of case outcomes of interest, however, the CCC Benchcard, as used and evaluated in this study, does not appear to affect long-term placement decisions, parent's presence at the hearings, or case outcomes. The findings are discussed at length below.

### *Explaining the Null Findings*

Findings from this study do raise questions about use of the CCC Benchcard as a judicial practice. At the forefront is the question of why the CCC Benchcard appears to be effective at increasing relative/parent placements early on in the case but not effective for placement at later hearings or in terms of improving case outcomes. There are several possible explanations for these findings. The first, and most obvious, is that the CCC Benchcard is only effective for the hearing in which it is actually used (or only shortly thereafter). Intuitively this makes sense: if judicial officers only change practice at one hearing, then perhaps these positive improvements cannot be sustained across a case that is likely to continue for 18 months (on average) or longer. The CCC Benchcard was not designed to be a standalone tool for the entire case. In fact, as its name implies, it is only meant to be used at the Preliminary Protective hearing. The assumption is that judicial officers would have a similar CCC Benchcard at all subsequent hearings with questions to ask of parents to engage them in the process, and to help enhance discussion leading to more informed decision-making. As only the first CCC Benchcard was tested, it is impossible to determine how case decisions and outcomes may have differed if judicial officers had used a CCC Benchcard at every hearing throughout the life of the case.

Another key point to consider is related to fidelity and continued use of the CCC Benchcard. For instance, follow-up investigation with one of these sites brought to light that not *all* judicial officers were using the CCC Benchcard in the same manner (e.g., failing to reference each question). Some judicial officers also indicated that they were not using the CCC Benchcard at every PPH hearing. A fidelity component was included in the original study, and findings did demonstrate that CCC Benchcard judicial officers had higher levels of discussion, inquiry, and parent engagement than baseline or control. However, it should be noted that the fidelity was not perfect. On average, there was an improvement, but judicial officers did not consistently demonstrate 100% use of the CCC Benchcard and there was great variation as to how it was integrated into practice. Fidelity to the CCC Benchcard may have been crucial in achieving long-term effects, such as increased relative placements and increases in reunification. Other NCJFCJ research has found that the number of items discussed at the PPH (something that should be improved by use of the CCC Benchcard) is related to more family placements and fewer non-relative foster care placements across the life of the case and that cases with higher levels of discussion at the first hearing also had increased likelihood of reunification. Thus, it could be assumed that fidelity with the CCC Benchcard that resulted in increased discussion could have been related to better outcomes. Unfortunately, it was beyond the scope of the CCC Benchcard research to match court observations of every judge on every case to the court files, so fidelity cannot be examined more in-depth as a component of this CCC Benchcard study.

### *Explaining the Reentry Finding*

Unlike prior findings that illustrated that the CCC Benchcard had positive or no effects, the reentry finding indicates a potentially detrimental effect, if one assumes that reentry does indeed represent a safety issue within the case. Researchers further explored the data to try to learn *why* Benchcard users had more cases with new petitions filed than the control group.

***Pre-existing Differences***. One possible explanation was that there might have been pre-existing differences between the control and CCC Benchcard cases. That is, there is the possibility that something was fundamentally different between these two groups coming into the system. T-test and chi-square analyses revealed that the two groups were statistically similar in regards to age, gender, and race of the child, number of other children on the petition, history with the court, and the type and number of allegations or presenting problems that brought the case to court.

***Outcome Differences***. Another possibility was that if the cases resulted in different outcomes, this might have affected reentry rates. For example, cases that ended in reunification may have a greater chance of re-entry. A comparison of outcomes revealed no significant differences in control versus CCC Benchcard cases, indicating CCC Benchcard and control group cases had similar outcomes.

***Other Case Factors*.** A third possibility was that other case factors were affecting reentry rates. While it is impossible to control for every factor that might be influencing safety, analyses were run with several predictive factors (e.g., substance abuse allegations, prior history with the court, etc.). None of the other factors identified predicted reentry rates.

***CCC Benchcard Mechanics****.* Following these analyses, researchers tried to identify ways that the CCC Benchcard might have affected decisions, in order to determine if these decisions showed a relationship to the reentry finding. The preliminary research findings from the CCC Benchcard indicated that CCC Benchcard users had higher levels of judicial inquiry, parent engagement, and discussion in court hearings. These hearing quality measures were only collected on a small sample of cases for this study, and could not be used to predict reentry rates. However, an unpublished NCJFCJ study that included hearing quality indicators illustrated that discussion at the hearing was related to reentry, in that cases with more discussion at the preliminary hearing were less likely to reenter care. This is contraindicative for the current finding, as CCC Benchcard users should have more discussion, indicating that they have fewer reentries, which was not the case. ***This finding, then, could be due to fidelity of implementation***. While the sites all showed a marked improvement in discussion, inquiry, and engagement, there was much variation in the extent to which judges used the CCC Benchcard in its entirety. The cases that reentered care might have been cases that belonged to judges who showed poorer fidelity to the model (this could possibly explain this discrepant finding). In other words, many judicial officers improved in hearing discussion and engagement of parties, but this level may not have reached a level indicating full implementation of the CCC Benchcard into practice. Unfortunately, it was beyond the scope of the CCC Benchcard study reported here to match court observation from every judicial officer to the subsequent case outcomes.

The original information about the CCC Benchcard training and implementation showed an emphasis on identifying family, placing with the non-charged parent, placing with relatives, and returning the child home at the preliminary protective hearing when safe to do so. Placing with

the non-charged parent or with relatives did not seem to influence re-entry. However, placing the child with a charged parent at the initial hearing showed a significant effect, in that *children who were returned home to their charged parent at the Preliminary Protective hearing were more likely to reenter care (20%) after case closure compared to those who were not returned home at the Preliminary Protective hearing (7%).*

It is important to consider the limitations of this finding. The ***majority*** of all of the cases did not reenter care, indicating that decisions for permanency were appropriate and did not result in a re-removal of the child. The re-entry cases represent a small fraction of the overall cases in the study. Further, the research cannot fully explain *why* the reentry rates are higher for the CCC Benchcard users. There appears to be a relationship between returning the child home at the preliminary protective hearing and reentry, but without a sample size sufficient to control for all variables, it is difficult to explain this finding. It is also important to note that this is just one study: replication(s) of the finding is critical in trying to determine causality.

### *Other Findings of Interest*

In addition to intervention type, results provided insight on the predictive effect of several other independent variables. For example, at the six-month review hearing, younger children were significantly more likely to be placed with a relative or parent rather than in foster care. This finding aligns well with the judicial practice of keeping families intact whenever possible. Interestingly, children from the Los Angeles sample were also more likely to be placed with a parent or a relative than in foster care at the six-month review hearing than their Portland counterparts. Differences between site locations may be explained by any number of court practices related to kinship placement.

The presence of mothers and fathers at the initial hearing was shown to predict parental court presence through the life of the case. This finding demonstrates the importance of parental involvement in the beginning phases of the court process. When parents are present at the initial hearing, it provides a unique opportunity for judges to try to engage parents in the case. Unlike their Portland counterparts, however, mothers and fathers in the Los Angeles sample were less likely to participate in court proceedings throughout the life of the case. This finding may be explained by the differences in court environments in Los Angeles and Portland. Maternal presence across the life of the case was also found to be negatively related to child's age, such that mothers of younger children were more likely to be present for proceedings

across the life of the case than mothers of older children. Perhaps not surprisingly, this finding suggests that mothers may be more attentive to the needs of younger children.

## Implications and Next Steps

The findings of this study provide valuable information as to next steps in the CCC Benchcard work, but also in terms of general court practice. It will be important, in moving forward, to assure that CCC Benchcards are integrated into practice in a manner that takes into account the need for enhanced safety planning. Jurisdictions will have to decide how to best address the reentry concern, but potential options could include an enhanced training component focusing on the safety of child, risk assessment, etc. or potentially pairing the CCC Benchcard with tools designed specifically for safety, such as the American Bar Association's *Child Safety: A Guide for Judges and Attorneys.* It will also be important to consider what changes/recommendations need to be made to the CCC Benchcard, including the CCC Benchcard training, to address concerns about returning the child too early, and other considerations that may affect reentry of the child into foster care. Steps will be taken to replicate these findings and try to uncover a more extensive explanation for why reentry rates are higher, so that outcomes for families can be improved. Finally, it will be necessary to develop and utilize benchcards specific to each hearing type to begin to understand how effective the CCC Benchcard can be if used consistently across the life of the case.

## Conclusion

This report expanded upon the CCC Benchcard research to include findings related to long-term placement decisions, presence of parties, and case outcomes. Unlike the first round of CCC Benchcard research, this study did not find positive effects of the CCC Benchcard on placement decisions at review or permanency, and also did not find improved outcomes on cases in which the judicial officer used the CCC Benchcard at the PPH. It is important to note that although the research study did not find that use of the CCC Benchcard results in better placement or case outcomes, there is still much to support that CCC Benchcard as an important and useful tool in dependency cases. The CCC Benchcard *does* appear to result in reduced non-relative foster care placements early in the case. These results should be considered in context of the larger initiative and limitations associated with this particular study. While control cases may "catch up" in terms of placements with relatives to the CCC Benchcard cases by review, earlier identification of relatives could still have important consequences for the children that are involved in these cases. Being placed with relatives or kin may be less traumatic and could be

beneficial to children, as they may already have positive relationships with relatives and may be going to a familiar environment. Even a few months earlier placement with someone familiar may make a huge difference in the life of a child. Further, this is just one CCC Benchcard at one hearing. Using a similar tool at *all* hearings may improve the findings and outcomes for families. Since the CCC Benchcard was only developed for use at the Preliminary Protective hearings, more research is needed to determine if CCC Benchcards implemented at additional decision points will improve outcomes. Further research needs to explore the issues raised herein. Researchers should examine cases that use a CCC Benchcard tool at *each* hearing to examine the continued effects of these tools, and see if there are specific points in the case where these are more or less effective. Research should also further explore means by which to improve overall fidelity to the tool. Improved fidelity can contribute to research that may be able to identify which mechanics of the CCC Benchcard (e.g., level of discussion, parent engagement, judicial inquiry) are most effective in improving outcomes for children and families in the dependency system.

The CCC Benchcard has been evaluated in terms of its short-term effects on placements, as well as long-term effects on placement decisions, parental presence, and case outcomes. The methodology of the CCC Benchcard and the early findings suggest the CCC Benchcard is a *promising* practice. The long-term effects of the CCC Benchcard are *unsupported* or potentially *harmful*. In accordance with the NCJFCJ Policy Statement on Evidence of Effectiveness, the CCC Benchcard has been classified by NCJFCJ research staff as **Promising** using the Centers for Disease Control and Prevention Continuum of Evidence of Effectiveness, specifically as it relates to the methodology discussed and outcomes identified above. More research must be conducted to refine classification of the CCC Benchcard on a continuum of effectiveness.