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RESEARCH REPORT
ASSESSING TIME-CERTAIN
CALENDARING DOCKETS



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For more information about the NCJFCJ or this report, please contact:

National Council of Juvenile and Family Court Judges
Juvenile Law Programs
University of Nevada
P.O. Box 8970
Reno, Nevada 89507
(775) 327-5300
www.ncjfcj.org
research@ncjfcj.org

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Mari Kay Bickett, JD, Chief Executive Officer, NCJFCJ

Report Contributors

Carlene Gonzalez, PhD, Research Associate, Juvenile Law Programs

Theresa Bohannon, MPH, Research Associate, Juvenile Law Programs

Alicia Summers, PhD, Program Director of Research and Evaluation, Juvenile Law Programs

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Many courts struggle with large caseloads and are challenged to find a case management system to ensure prompt resolution of dependency cases. Court docketing, or calendaring systems, can impact, positively or negatively, the flow of cases and wait times experienced by all parties. There are no universal systems. Nationwide, courts utilize various calendaring systems such as block time, time-certain, combination of block and time-certain, or so-called “cattle calls.” The National Council of Juvenile and Family Court Judges (NCJFCJ) recommends that dependency hearing dockets be structured in a time-certain manner to ensure effective case flow. Time-certain calendaring can help reduce wait times to 20 to 60 minutes for parents, children, and court stakeholders (e.g., agency caseworkers, attorneys, CASA, etc.) involved in the case. This reduction in wait time potentially allows for more cases to be heard, decreased workload for dependency stakeholders and decreased additional stressors (e.g., loss of work days, childcare costs, etc.) for families involved in the child welfare system. However, there is no evidence to support this assumption. The current multi-pronged evaluation in Travis County examines parents’ and stakeholders’ perceptions of a court calendaring system, as well as utilizes court observations to assess core principles (e.g., judicial engagement).

Key Findings from Court Observations and Surveys

- **Wait and hearing times**
 - **Average wait time for hearings was 40 minutes**
 - **Average hearing time was 12 minutes in duration**
 - **No significant difference in wait times between hearing types**
 - **Observed and self-reported wait times were comparable**
- **Parents’ perceptions and overall court experience**
 - **Positive correlation between participants who reported they felt respected by the judge and satisfaction with the judge’s decision**
 - **Parents reported that they understood what happened in court, felt they were treated with respect, and felt heard by the judge**
 - **Parents who reported waiting less than an hour, were more satisfied with their court experience compared to those who reported waiting 1-2 hours**
 - **Parents were less satisfied with their wait time, compared to their overall court experience**
- **Stakeholders’ perceptions of the current court calendaring system**
 - **Stakeholders felt the current system reduces case continuances and were generally pleased with their overall court experience**
 - **There was more variability in stakeholder agreement about whether the current system increases efficiency or reduces wait times for parties**

The results from this evaluation are the first step in informing the field about the advantages and disadvantages of various calendaring systems. Additional research is needed to evaluate the efficacy of other calendaring systems (e.g., block time, combination of block and time-certain) and to understand the impact to parents and stakeholders within the system.

Effective case flow management is crucial to successful and speedy resolutions in dependency cases. The NCJFCJ's [Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases](#) strongly recommends that *all* dependency hearings be set for time-certain. This recommendation includes even routine matters, such as case review hearings. The NCJFCJ states that when cases are scheduled for a certain time “typical waiting time can be less than 20 minutes, with hearings occasionally being delayed up to an hour or more.” Reducing the waiting time for court stakeholders, including agency caseworkers and other key parties can potentially decrease government expenditures related to dependency court. The four common calendaring methods¹ are (1) Block time, (2) Time-certain, (3) Combination of block and time-certain, and (4) so-called “Cattle calls.” A block calendaring system may function differently from jurisdiction to jurisdiction. Some courts use large blocks of time (e.g., 9am - 12pm, or 1pm - 5pm) or use smaller blocks (i.e. 30 minutes or an hour) for cases to be heard. A time-certain calendar system typically will schedule cases to be heard at a specific time (e.g., 9am, 10:30am, and 2:30pm). A combination of block and time-certain may use both systems to schedule different hearing types (i.e. shelter care hearings versus review). In a cattle call system, cases may be heard at any point in the day (e.g., parents are asked to arrive at 9am but their case could be heard at 3pm). People may wait many hours in a cattle call system. To date, no research has been conducted on such systems based on the court experiences of those who utilize the system: parents and court stakeholders. The current evaluation will be used to inform the field as to parents’ and stakeholders’ perceptions of court calendaring systems.

The current study, conducted by the NCJFCJ researchers, focuses on the Travis County Model Court for Children and Families under the leadership of Judge Darlene Byrne. According to the Adoption and Foster Care Analysis and Reporting System (AFCARS), there were a total of 1,008 children in foster care in Travis County by the end of fiscal year 2012. In addition, 669 children entered foster care during this same time. Travis County became a NCJFCJ Model Court in 2008 and has since been engaged in a variety of system reform efforts, including implementing a one family-one judge model and improving representation of children and parents. Most recently, the NCJFCJ staff conducted a “trauma audit” of the court located at 1000 Guadalupe Street, Austin, Texas. Because Travis County² has implemented time-certain calendaring for over a decade, it was chosen to examine the timeliness and efficiency of such a calendaring system from the perspective of its consumers.

¹National Child Welfare Resource Center on Legal and Judicial Issues. Using non-judicial court staff to help achieve permanency for children. Retrieved January 2014 from <http://apps.americanbar.org/child/rcji/courtstaffing.html>

² In the future, data collected from Travis County may be used to examine differences in court experience satisfaction between parents and stakeholders from other jurisdictions (e.g., time-certain vs. blocked time calendaring dockets).

The purpose of this study was two-fold. First, the study assesses the efficiency of time-certain calendaring. Second, perceptions of the court calendaring system were assessed via parents and court stakeholders surveys. NCJFCJ staff collected data from parents and conducted court observations during an on-site visit to the Travis County Model Court for Children and Families in Austin, Texas in September 2014. Additionally, court stakeholders were surveyed via an online survey prior to the visit. Data collected included hearing information (e.g., docket time, as well as *actual* start and end time), parents' and stakeholders' satisfaction with their court experience, and whether stakeholders' believe that time-certain calendaring system is effective. The current study poses the following research questions:

Hearing Information (Court Observations)

1. What is the average hearing wait time for parents?
2. What is the average length of a hearing?
3. Do wait time and hearing length vary significantly depending on hearing type (e.g., initial vs. review hearing)?

Parents/Caregivers (Parent Surveys)

To what extent are parents/caregivers who reside in time-certain calendaring jurisdictions satisfied with their:

1. Overall court experience?
2. Hearing decision?
3. Wait time?
4. Attorney?

Court Stakeholders (Stakeholder Survey)

To what extent are stakeholders who serve in time-certain calendaring jurisdictions satisfied with this system, as well as their overall court experience? Additionally, do stakeholders believe that the time-certain calendaring system is effective in:

1. Minimizing the time parties spend in hearings?
2. Decreasing the number of case continuances?
3. Making the jurisdiction more efficient?

Sample

The data collection procedure was a three-part process. For part one, a Travis County Courthouse intern assisted in collecting preliminary data via court observations between June 30 and July 25, 2014. NCJFCJ researchers developed a systematic instrument to code court observations. NCJFCJ researchers conducted a one-hour training session with the court intern who was selected to collect data. In addition, NCJFCJ research staff used a structured court observation instrument to collect basic hearing information, elements of judicial engagement, and whether key topics were discussed, regardless of hearing type. This court observation was used onsite in September, 2014 in addition to the abovementioned data collection (See Appendix A for additional details on hearing quality).

For part two, parties were surveyed as they exited the courtroom. Data were collected from Austin, Texas between September 22 and 25, 2014. Participants responded to nine statements about their perceptions of their courtroom experience, as well as demographic and descriptive information. Fifty participants (24 mothers, 11 fathers, 5 foster parents, 7 “other”, and 3 missing) completed surveys. “Other” participants included extended family members such as grandparents. While the primary research focus was on parents, they were not always involved in cases due to extenuating circumstances, such as whereabouts being unknown. Moreover, extended family or foster parents were sometimes the primary caretakers for the children. These parties were included in data collection to gain a broader and more accurate representation of engagement in the juvenile court system.

For part three, court stakeholders were surveyed via an online survey link. Court staff constructed a list of 97 key stakeholders, and the survey link was sent to all members of the list. Thirty-eight stakeholders participated in the survey, with a response rate of 39%. The online survey was active for approximately four weeks, beginning on August 18 and concluding September 19, 2014. One reminder email was sent to stakeholders during that time period.

Outcome Measures

Court Observation

Variables of interest included: case number, courtroom, judicial officer, hearing type, docket time, hearing start time, hearing end time, continuance, and whether parties were present.

Parents Surveys

The survey contained nine statements related to the parents’ court experience:

- I understood what happened in court today
- I am satisfied with the wait time for my hearing
- My attorney was prepared for my hearing

- I am satisfied with my attorney
- I want my hearings to start at a specific time (e.g., 9am, 1pm)
- I am satisfied with the judge’s decision in my hearing
- Overall, I am satisfied with my court experience
- The judge listened to me
- The judge treated me with respect

Participants indicated their agreement to these statements using a 5-point scale where 1 = *Strongly Disagree* and 5 = *Strongly Agree*. Participants also estimated their wait time, indicated their preferred time of the day for a hearing and whether they took time off work to attend the hearing and/or needed childcare services. Participants were asked if they had an attorney. In addition, there were demographic questions (e.g., age, sex, race, etc.). Participants were also provided an opportunity to provide additional comments if they wished.

Stakeholders Surveys

The stakeholder survey contained eight statements related to the stakeholders’ court experience:

- The wait time for hearings is frustrating to me
- The wait time is frustrating to my clients
- I believe the calendaring system utilized in my jurisdiction is effective in minimizing the wait time for all parties
- I believe the calendaring system utilized in my jurisdiction is effective in minimizing the time parties spend in hearings
- I believe the calendaring system utilized in my jurisdiction is effective in decreasing the number of case continuances
- The calendaring system utilized in my jurisdiction is efficient
- I am satisfied the calendaring system utilized by my jurisdiction
- Overall, I am satisfied with my court experience

Participants indicated their agreement to these statements using a 5-point scale where 1 = *Strongly Disagree* and 5 = *Strongly Agree*. Participants were asked if they have enough time with clients, how often they are in court, when they prefer hearings to be scheduled, how much time they spend between hearings and in court, how often cases are continued and common reasons, and how often parents leave before their case is heard. Participants were also asked to provide their opinion of the perceived strengths and challenges of their calendaring system and recommendations as to how they would improve the current system. In addition, there were demographic questions (e.g. age, sex, race, role in the court, etc.). Participants were also provided an opportunity to provide additional comments if they wished.

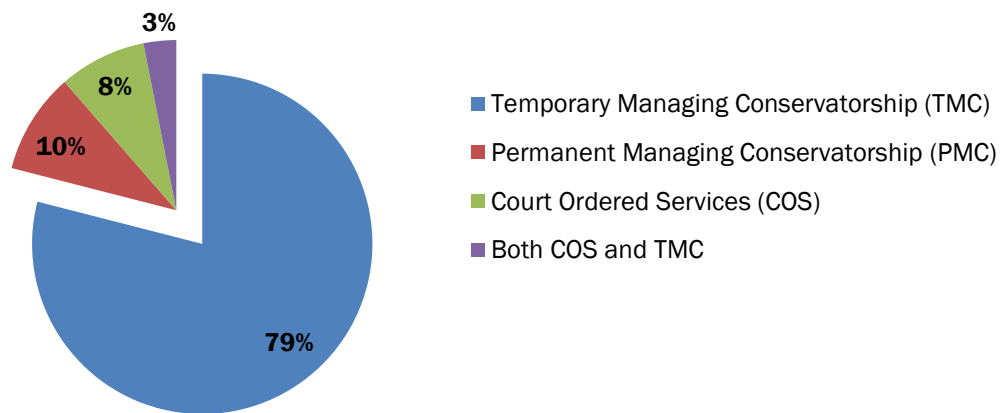
HEARING INFORMATION (COURT OBSERVATIONS)

Court observations were conducted for exploratory purposes only. The descriptive analyses (below) are to grant the Travis County Court officers and personnel a snapshot of their docket.

Descriptive Information

Three judicial officers were observed. The majority of cases, which were observed, were heard by Judge James Arth (45.9%), followed by Judges Darlene Byrne (33.2%) and John Hathaway (21%). See figure below for the various case types that were observed.

FIG. 1 - CASE TYPE OF OBSERVED HEARINGS



Several types of hearing were observed. These hearings included: Initial³ (also known as 262 hearings), Status⁴, Review⁵, Initial Permanency⁶ (P1 hearings), Subsequent Permanency⁷ (P2 hearings), Show Cause⁸, and Other hearings⁹ (e.g., Change of placement, Type of motion). Permanency (P1 or P2) hearings made up over 50% of the hearings heard during the data collection timeline (see Table 1). Of the 229 cases, only 6.6% of cases were continued to another day.

Hearing Type	Percentage (number)
Initial (262 Hearings) & Show Cause	25.8 (n=59)
Status	9.2 (n=21)
Review	8.7 (n=20)
Initial Permanency (P1)	17.0 (n=39)
Subsequent Permanency (P2)	33.2 (n=76)
Other Hearings	6.1 (n=14)
Total	100.0 (n=229)

³ Initial hearings are generally heard within 14 days after TMC orders.

⁴ Status hearings are generally heard within 60 days after TMC orders.

⁵ Review (placement) hearings are set for every six months. These hearings are set to monitor children who are in PMC.

⁶ P1 hearings are generally heard no later than 180 days after TMC orders.

⁷ P2 hearings are generally heard no later than 120 days after the last hearing.

⁸ Show cause hearings are generally heard within 14 days of the signing of an ex parte order. The purpose of these hearings are for parents to 'show cause' as to why the child should not be removed from the home.

⁹ Various 'motions' are requested by parent and/or children attorneys. These hearings are non-statutory and are typically 15-minutes or less in duration.

Parties Present

Table 2 illustrates the parties present for initial/show cause, review, P1, and P2 hearings. Findings suggest that mothers were typically present more often than fathers and that both parents were most often at the initial and show cause hearings. However, both parents' presence trickled off for subsequent hearings (by the P2 hearing, less than 20% of the time). Of the parent's present, less than 4% were incarcerated (1.3% of mothers, 2.2% of fathers). Additionally, 7.8% of the 229 cases coded had multiple fathers present. Children were rarely present for hearings.

Child's attorneys were present the majority of the time (approximately 85 – 90%), as were Court Appointed Special Advocates (CASA) (approximately 62 – 80%). Across hearings, mothers' attorneys were present more often than fathers' attorneys. This trend was most evident for the initial hearing (61% of mothers' attys vs. 29% of fathers' attys). Very rarely were interpreters present for hearings (i.e., typically less than 10% of the time). Other individuals who were present for hearings included foster parents, relatives (e.g., grandparents, aunts/uncles) and family friends.

	Initial/Show Cause (n = 59)	Review (n = 20)	P1 (n = 39)	P2 (n = 76)
Parties Present	Percent/Number	Percent/Number	Percent/Number	Percent/Number
Mother	72.9 (n = 43)	65.0 (n = 13)	28.2 (n = 11)	56.6 (n = 43)
Father	62.7 (n = 37)	40.0 (n = 8)	30.8 (n = 12)	28.9 (n = 22)
Both Parents	42.4 (n = 25)	35.0 (n = 7)	23.1 (n = 9)	19.7 (n = 15)
Child	3.4 (n = 2)	20.0 (n = 4)	10.3 (n = 4)	7.9 (n = 6)
Mother's Attorney	64.4 (n = 38)	75.0 (n = 15)	41.0 (n = 16)	86.8 (n = 66)
Father's Attorney	32.2 (n = 19)	60.0 (n = 12)	38.5 (n = 15)	59.2 (n = 45)
Child's Attorney	84.7 (n = 50)	90.0 (n = 18)	84.6 (n = 33)	89.6 (n = 68)
CASA	69.5 (n = 41)	80.0 (n = 16)	61.5 (n = 24)	72.4 (n = 55)
Both Child's Atty & CASA	32.2 (n = 19)	80.0 (n = 16)	59.0 (n = 23)	71.1 (n = 54)
CASA	96.6 (n = 57)	100.0 (n = 20)	100.0 (n = 39)	98.7 (n = 75)
Agency Attorney	96.6 (n = 57)	100.0 (n = 20)	100.0 (n = 39)	98.7 (n = 75)
Social Worker	6.8 (n = 4)	10.0 (n = 2)	2.6 (n = 1)	6.6 (n = 5)

Hearings

Scheduled hearing¹⁰ times for each case were recorded on the court observation, as well the actual hearing start and end times. Two additional variables were created to assess the time difference between the (1) wait time (i.e., scheduled hearing time and the *actual* start time of the hearing) and (2) hearing length (i.e., actual start and end times of the hearings). On average, parties waited 40 minutes ($SD = 24$) for their hearing to begin. The range in how long parties waited for their hearing to begin, however, was as little as two minutes to as long as 110 minutes. On average, hearings took

¹⁰ Scheduled hearing times were retrieved from the daily court docket.

approximately 12 minutes in duration ($SD = 6.8$). Hearings were as brief as one minute and as lengthy as 47 minutes.

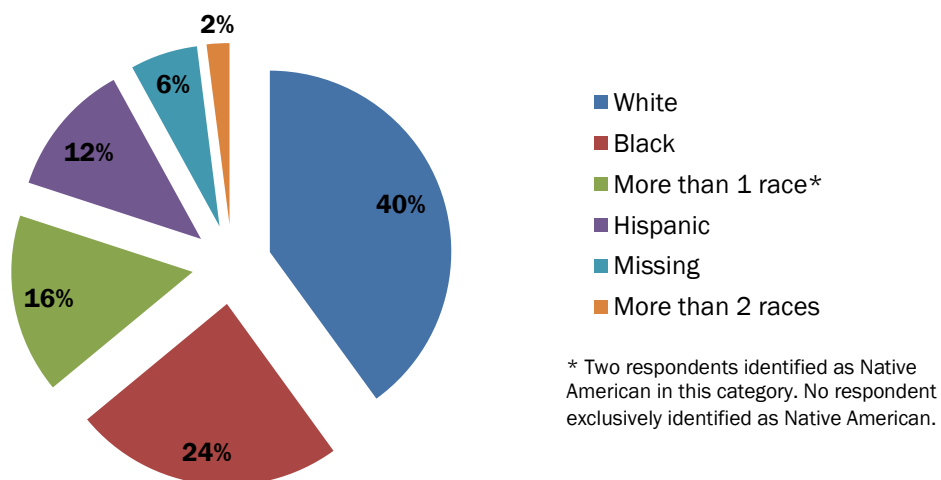
Difference in Hearing Lengths and Wait Times

Two analyses of variances (ANOVAs) were performed to assess whether there was a significant time difference between the (1) waiting time and (2) hearing length. There was no significant difference in wait time by hearing type. This finding suggests that parties did not wait any longer or any less for their case to be heard, depending on the type of hearing that was scheduled. Likewise, there was no significant difference in hearing length by hearing type. This finding suggests that hearing length did not increase or decrease substantially, depending on the type of hearing that was scheduled.

PARENT/CAREGIVERS (PARENT SURVEYS)

Fifty participants completed surveys after exiting the courtroom. Thirty-eight parties were attending Child Protection Service (CPS) hearings, four parties were attending Permanent Managing Conservatorship (PMC) hearings and eight parties were attending CPS-related drug court hearings¹¹. The average age of survey participants was 34.9 ($SD = 13.3$) years.

FIG. 2 - PARENT SURVEY REpondENTS' RACE



The following descriptives represent a sample of 42 parents and caregivers. Table 3 indicates the average level of agreement with each survey item, with 1 = *Strongly Disagree* to 5 = *Strongly Agree*. The first four items assess parents/caregivers satisfaction with the (1) overall court experience, (2) judge's hearing decision, (3) hearing wait time and (4) attorney. Participants reported the highest

¹¹ Because responses from parties in CPS-related drug court hearings may skew the results, these eight cases were removed from subsequent analyses.

level of agreement with the statement *the judge treated me with respect*, and lowest satisfaction with the statement *I am satisfied with the wait time for my hearing* (see Table 3).

Question	Mean
The judge treated me with respect	4.61
I am satisfied with my attorney*	4.57
I understood what happened in court today	4.57
My attorney was prepared for my hearing*	4.50
The judge listened to me	4.38
Overall, I am satisfied with my court experience	4.31
I am satisfied with the judge's decision in my hearing	4.02
I want my hearing to start at a specific time (e.g., 9am)	4.02
I am satisfied with the wait time for my hearing	3.81
1 = Strongly Disagree to 5 = Strongly Agree	
*Restricted analysis to only include when parent indicated they had an attorney.	

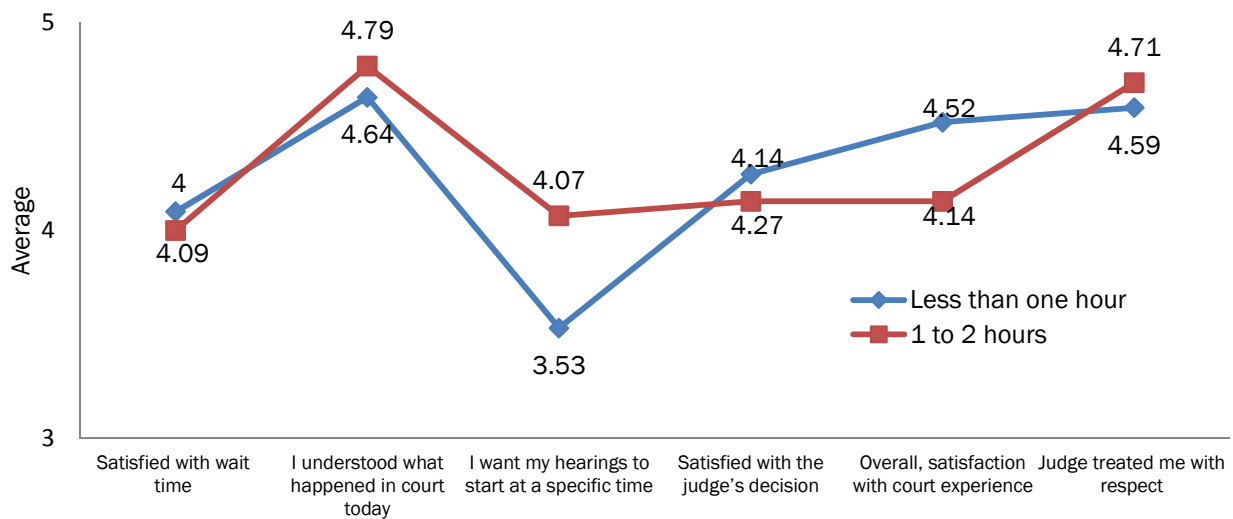
About 35% of participants reported that they were attending their initial hearing. The vast majority of participants (89%) reported preferring that their hearing be held during the day, followed 5% who preferred in the

evening and 5% who preferred on the weekends. Approximately 67% of participants reported waiting less than one hour for their hearing to be heard, followed by 33% who reported their waiting between one and two hours for their hearing (see Table 4). About 24% of participants reported that their hearing was postponed for another day. Over 47% of participants reported taking time off work to attend their hearing and 33% reported needing childcare in order to attend their hearing (4 participants utilized court-provided childcare, 3 paid for a babysitter, and 4 asked a family member or friend to watch their child during the hearing).

Figure 3 compares parent satisfaction and perceptions of the judge when reported wait time was less than 1 hour compared to 1-2 hours. The differences are not significant, but there is trend. In addition, self-reported wait times from the parent surveys were compared to the observed wait times, which were calculated from the NCJFCJ court observation tool. The hearing start time was subtracted from the scheduled docket time to assess the length of the wait. The self-reported and the observed wait times were very comparable (see Table 4).

	Less than an hour	One hour or more
Court Observation	70.2	29.2
Parent Surveys (drug court omitted)	66.7	33.3

FIG. 3 - REPORTED WAIT TIME COMPARED TO SATISFACTION MEASURES (AVERAGE)

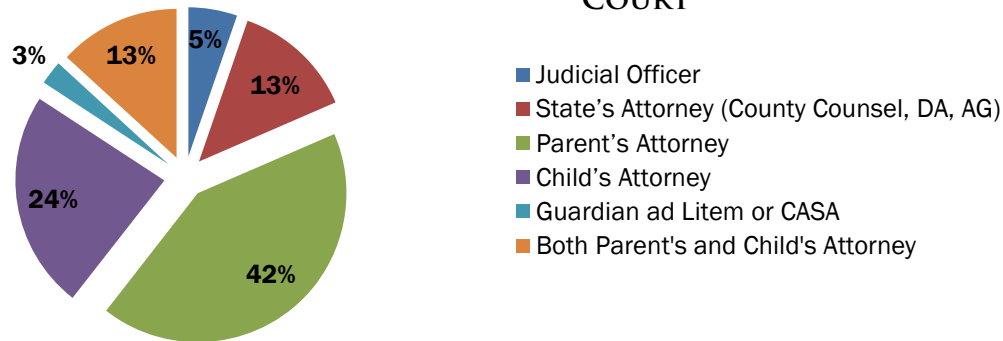


Correlations between satisfaction measures were analyzed. There were statistically significant positive correlations between participants who reported satisfaction with their wait time and their satisfaction with the judge's decision, their attorney, feeling respected by the judge, and overall satisfaction with their court experience. There were significant positive correlations between participants who reported satisfaction with their attorney and satisfaction with wait times, the judge's decision, feeling respected by the judge, and their overall court experience. However, there was a significant negative correlation between those who reported satisfaction with their attorney and it being their first hearing. This could indicate some issues with respondents interactions with their attorney at their first hearing. This may need further investigation to understand this relationship. In addition, there was a significant positive correlation between participants who reported they felt respected by the judge and satisfaction with the judge's decision.

COURT STAKEHOLDERS (STAKEHOLDER SURVEYS)

Thirty-seven court stakeholders completed a brief online survey. Ninety-one percent of participants were female. Of the 37 respondents, 27 were White, 4 were African American, 1 was Native American, 2 identified as having a Hispanic origin, and 3 indicated more than one race. The average age was 44.5 (SD = 10.4) years.

FIG. 4 - STAKEHOLDER SURVEY PARTICIPANTS ROLE IN THE COURT



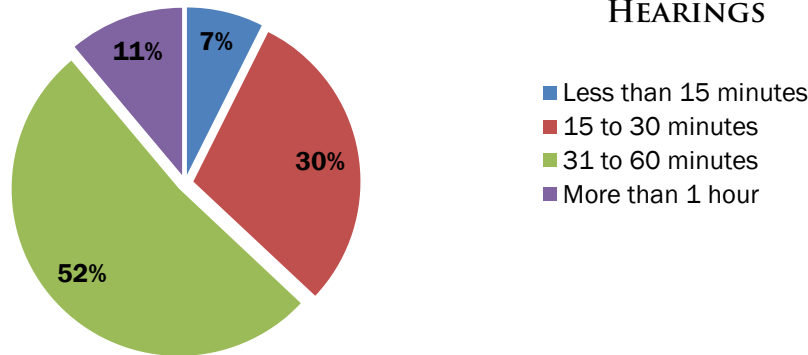
Because several items were not applicable to judicial officers and state attorneys, these participant responses were removed from the following descriptive analyses. Of the remaining 31 participants, 90% indicated that they had enough time to meet with their client before the hearing. The individuals who did not have enough time to meet with their clients indicated that client(s) showed up late, large docket load, and hearings being scheduled back-to-back made meeting with clients challenging. On the days when stakeholders were at court, they indicated attending an average of three hearings. Over 53% of participants reported waiting 31 to 60 minutes between hearings, followed by those who reported waiting 15 to 30 minutes between hearings (31%). Very few participants reported waiting times of either extreme (see Figure 5).

On the days when stakeholders were in court, about 50% of stakeholders reported spending 2.5 hours or more in court, followed by those who reported spending 31 to 60 minutes in court (12%). Approximately 56% of stakeholders reported waiting less than one hour for individual hearings to be heard, followed by 44% who reported their waiting less than 30 minutes for individual hearings.

The vast majority of stakeholders (94%) preferred hearings be held during the day (rather than an alternative docket schedule). About 88% of stakeholders reported that hearings were hardly ever postponed, followed by 12% who reported that hearings were never postponed. If a hearing is postponed, the most common reason reported was lack of notification to parents of hearing date (52%) or parents who did not appear (10%). Stakeholders reported that only a small percentage of parents show up to court and leave before their hearing occurs (6%, $n = 2$). Stakeholders indicated that the court will delay the start time of a hearing for parents who have not yet appeared¹².

¹² Participants indicated that the court will hold a hearing for parents. About 50% of participants reported that court will wait 15 to 30 minutes for a parent to appear, followed by 30% who reported that court will wait 31-60 minutes for a parent to appear and 20% who reported waiting less than 15 minutes for a parent to appear for their hearing.

FIG. 5 - STAKEHOLDERS' REPORTED WAIT TIMES BETWEEN HEARINGS



The following descriptives represent a sample of 34 stakeholders. Table 5 indicates the average level of agreement with each survey item, with 1 = *Strongly Disagree* to 5 = *Strongly Agree*. Stakeholders reported their highest level of agreement with the statement 'I believe the calendaring system used in my jurisdiction is effective in decreasing the number of case continuance' and the lowest agreement for the statement 'The wait time for hearings is frustrating for me'.

Table 5. Mean Agreement/Disagreement Ratings for Stakeholder Survey Items	
Question	Mean
I believe the calendaring system used by my jurisdiction is effective in decreasing the number of case continuances	4.29
Overall, I am satisfied with my court experience	4.09
I am satisfied with the calendaring system used by my jurisdiction	4.02
I believe the calendaring system used by my jurisdiction is effective in minimizing the time parties spend in hearings	3.97
The calendaring system used by my jurisdiction is efficient	3.94
I believe the calendaring system used by my jurisdiction is effective in minimizing the wait time for all parties	3.85
The wait time for hearings is frustrating for my clients	3.44
The wait time for hearings is frustrating for me	3.00
<i>1 =Strongly Disagree to 5 = Strongly Agree</i>	

As courts around the nation look for ways to increase efficiency and reduce workloads, an obvious place would be to examine their current calendaring system. The adoption of an efficient court calendaring system is a key component to timely resolutions in dependency cases. The current multi-pronged evaluation is an initial step in understanding the advantages and disadvantages of various calendaring systems.

The recommendations set forth in NCJFJC's Resource Guidelines clearly state that dependency hearing dockets should be structured in a time-certain manner to ensure effective case flow and to reduce wait times to 20 minutes or less.

Court observations indicated that wait times averaged 40 minutes and there were no significant difference in wait times by hearing type. In addition, the observed and self-reported wait times were quite comparable. This may indicate parents do not feel they are waiting longer than they actual are before their hearing. However, as discussed below, parents reported the least satisfaction with their wait times.

Overall, parent and caregivers reported being satisfied with their court experience. This is a positive finding because engaging parents early and often has demonstrated improved outcomes for families involved in the dependency system¹³. Parents often agreed that they understood what happened in court, felt they were treated with respect and that they were heard. Of the survey items, parents reported being least satisfied with their wait time. This finding is not surprising as one-third of parents *perceived* their wait time to be between one and two hours. Parents reported being most satisfied with feeling as though they were treated with respect by the judge.

Of the three questions posed regarding effectiveness of the calendaring system, stakeholders *perceived* the calendaring system to be most *effective* in decreasing the number of case continuances, followed by minimizing the time parties spend in hearings and minimizing the wait time for all parties, respectively. Overall, stakeholders reported being satisfied with the current system and their overall court experience. Stakeholders reported moderate frustration regarding the wait time for hearings for their clients, as well as themselves. It is important to note that the majority of stakeholders reported waiting 60 minutes or less for hearings.

There are a couple of limitations to the current evaluation. First, there may have been a possible selection bias of parents and stakeholders who chose to participate to the surveys. For instance, parents who were more satisfied with their court experience, compared to those who were less

¹³ Wood, S. M., & Russell, J. R., (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741.

satisfied, may have been more likely to share their opinions post-hearing. Therefore, selection bias could potentially skew the results. Researchers did attempt to mitigate this concern by informing participants that their responses would be confidential and in no way impact their case. Second, this evaluation utilized a cross-sectional study design (i.e., data collected at one point in time). Therefore, the results grant the reader a snapshot of court practice. To obtain a more representative depiction of court activity, data should be gathered over time (i.e. longitudinal).

Overall, the Travis County Model Court for Children and Families performed exceptionally well under the stress of an overwhelming docket. Below is a list of court practices implemented by Travis County which appeared to be particularly effective:

- *Docket Structure*
 - Judicial officers called each court case at the beginning of the docket hour. If a case was ready to be heard (e.g., all parties were present), the case would proceed in the order it appeared on the docket. If a case is not ready to proceed, it would be pushed to later in the hour. Regardless of any docket delays, judicial officers called for updates on the hour of the upcoming docket. Deputies also play an active role in docket time management by calling upcoming cases in the hallway and distributing court paperwork to parents who are new to the system.
 - In order to allot for docket delays, morning dockets begin at 8:30 a.m. rather than 9:00 a.m. This minor change allows for recovery throughout the morning docket and ensures that the afternoon docket begins on time.
 - Initial hearings are scheduled for the 10:30 a.m. or 1:00 p.m. dockets *only*. This docket structure grants parents who are unacquainted with the courthouse time to find the courtroom, speak with their attorneys and complete paperwork *prior* to their hearing.
 - Cases in need of interpreting services are scheduled for the 1:00 p.m. docket. Because the afternoon docket is typically less overburdened than the morning docket, cases in need of interpreting services are granted additional time without delaying the docket significantly. Additionally, this docket structure is cost effective as an interpreter can be utilized in multiple cases during this docket.
- *Continuances*. Clear expectation from the bench that continuances are unacceptable and that *all* stakeholders must be prepared for their hearings. If an attorney is unavailable for a

hearing, he/she must make arrangements for a colleague to attend the hearing and be updated on the case.

- *Electronic Petition Tracking System.* Court staff manage petitions using an electronic system which tracks court practice (e.g., the number of hearings heard daily) and updates stakeholders to docket changes in a timely manner.

In addition to highlighting the court practices described above, the NCJFCJ's applauds Travis County for their tireless efforts in securing funds from the Travis County Commissioner's Office. In the fall of 2014, Travis County Model Court for Children and Families was approved to hire an associate judge and three staff members¹⁴. This change will allow court stakeholders to spend more time with each family involved in dependency court in Travis County.

¹⁴ Hernandez, S. (2014). Seven minutes to live: Crisis in the child protective service courts. Available at <http://kxan.com/2014/11/06/7-minutes-to-live-crisis-in-the-child-protective-service-courts/>

This initial evaluation of court calendaring systems revealed positive results related to the use of time-certain calendaring in Travis County, TX. The results from this evaluation are the first step in helping inform the field about the advantages and disadvantages of various calendaring systems. Additional research is needed to evaluate the efficacy of various calendaring systems and to understand the impact on parents and stakeholders within the system. In addition to research on current practice, evaluations of courts in the *process* of changing from block or cattle-call systems to time-certain are needed to document the lessons learned. Reducing caseloads and wait times for courts can be seen as major challenges, so implementing a time-certain calendaring system may help confront these problems, and ultimately, improve outcomes for children and families.

Judicial Engagement Results (NCJFCJ Court Observation)

While onsite in September, NCJFCJ researchers collected data via court observation. The court observation tool included the items relevant to the time-certain calendar (hearing start time, scheduled time, parties present) but also included other “hearing quality” items. Appendix A presents findings from the court observation tool to supplement the time certain report and provide additional information to the Travis County court team that may be helpful in ongoing systems improvement efforts.

Methodology

Data were collected from Austin, Texas between September 22, 2014 and September 25, 2014. NCJFCJ research staff used a structured court observation instrument to collect basic hearing information (e.g., parties present, docket time, actual start and end time of hearings), elements of judicial engagement, and whether key topics (e.g., child’s placement, health, safety, etc.) were discussed, regardless of hearing type. Data were collected from 47 juvenile dependency hearings across two judicial officers.

The structured court observation instrument was used to collect several outcome measures: (1) party presence, (2) level of discussion, (3) level of party engagement, and (4) general case information (e.g., hearing type and hearing start time). Data regarding party presence were collected using a dichotomous yes/no variable for each party. Parties presence variable included mother, father, child, mother’s attorney, father’s attorney, child’s attorney, guardian ad-litem, foster parent, relative, and treatment provider.

Data were collected on the level of discussion regarding key topics (e.g. child’s placement, education, well-being, safety, visitation, mental health, efforts to reunify, and physical health). The level of discussion was rated on a 3-point scale where 0 = No Discussion, 1 = Statement Only, and 2 = More than Statement.

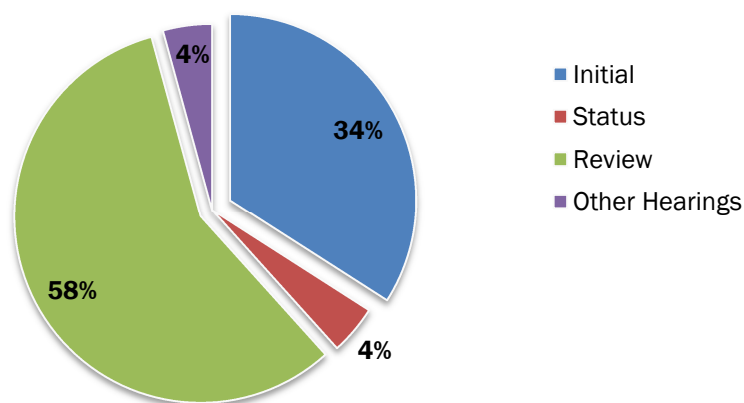
Data were collected on engagement across various topics for mothers, fathers, and children on a dichotomous scale. Topics included whether the (1) purpose of the hearing was explained, (2) party was spoken to directly, (3) party was addressed by name, (4) party had any questions, (5) party was given an opportunity to be heard, (6) party was asked if the next hearing date worked for them, and (7) judge identified the next steps. Data regarding party engagement were collected using a dichotomous yes/no variable for each party. Data on Indian Child Welfare Act (ICWA) findings and various qualitative impressions were also assessed.

Results

Across the 47 hearings, most hearings were review or initial¹⁵ hearings, respectively. Figure 1A indicates the number and type of each hearing which were coded. Two hearings were coded as “other,” which included aid in investigation. Of the 47 cases, about 12% of cases were continued (i.e., Extend and Review hearings) to another day.

Hearing length was calculated by subtracting the hearing start time from the end time. The average hearing took 13.00 (SD¹⁶ = 10.00) minutes. Hearings ranged from three to 54 minutes in duration. A t-test analysis was conducted to assess whether hearing length differed significantly by hearing type (e.g., initial vs. review). Findings suggest that there was no significant difference in hearing length by hearing type.

FIG. 1A - NUMBER OF HEARINGS OBSERVED, BY TYPE



Parties’ wait time was calculated by subtracting the hearing start time from the official docket time. The average wait time was 39.00 (SD = 25.00) minutes. Wait time was as brief as one minute and as lengthy as 83 minutes in duration.

A t-test analysis was conducted to assess whether length of wait time differed significantly by hearing type (e.g., initial vs. review). Findings

Hearing Type	Average Length of Wait Time (in minutes)
Initial	52.0 (SD = 25.0)
Review	31.0 (SD = 24.0)

suggest that there was a significant difference, with wait times for initial hearings being significantly longer than wait times for review hearings (see Table 1A).

¹⁵ Initial hearings included 262 and show cause hearings.

¹⁶ Standard deviation indicates how much variation there is from the average value and small standard deviations indicate that the data points are close to the average. Conversely, high standard deviations indicate that the data points are spread across a large range of numbers.

Party presence

Mothers were present at 57% ($n^{17} = 27$) of the hearings. Attorneys for mothers were present 45% ($n = 21$) of the time. Fathers were present 34% ($n = 16$) of the time. Attorneys for fathers were present 28% ($n = 13$) of the time. Children were present 23% ($n = 11$) of the time. Child representation¹⁸ was present in 94% of the time.

Judicial Engagement

Judicial engagement was coded on a dichotomous scale (yes/no) and calculated across all key topics by mother, father, and child. Table 2A indicates the percentage of each form of engagement by party, when present. Findings suggest that judicial officers were most likely to speak directly to children (100%), followed by fathers (80%) and mothers (78%). Judicial officers were most likely to address children by name (100%), followed by fathers (47%) and mothers (33%). Although parties were often afforded the opportunity to be heard, it was often only through their attorneys. Overall, judicial officers rarely explained the purpose of the hearing, asked if the parties had questions, identified the next steps in the court process, or asked if the next hearing date worked for the parties.

Table 2A. Percentage of Yes Responses on Judicial Engagement Items

Engagement Item	Mother (%/n)	Father (%/n)	Child (%/n)
Explain the purpose of the hearing	25.9 ($n = 7$)	33.3 ($n = 5$)	22.2 ($n = 2$)
Spoke directly to the party	77.8 ($n = 21$)	80.0 ($n = 12$)	100.0 ($n = 9$)
Addressed the party by name	33.3 ($n = 9$)	46.7 ($n = 7$)	100.0 ($n = 9$)
Asked if the party had any questions	22.2 ($n = 6$)	26.7 ($n = 4$)	44.4 ($n = 4$)
Party was given an opportunity to be heard through attorney only	63.0 ($n = 17$)	53.0 ($n = 8$)	11.0 ($n = 1$)
Asked if the next date worked for the party	3.7 ($n = 1$)	0.0 ($n = 0$)	0.0 ($n = 0$)
Judge identified the next steps	7.4 ($n = 2$)	6.7 ($n = 1$)	0.0 ($n = 0$)

Overall, judicial officers were more likely to explain the hearing, speak to fathers directly, address fathers by name, and ask fathers if they had questions, in comparison to mothers. Judicial officers, however, were slightly more likely (but not statistically significant) to ask mothers if the next hearing date worked for them and discuss the next steps, in comparison to fathers.

¹⁷ n represents a portion of the full sample. For example, if the total number of participants was 47 and 27 of these participants responded to a question a certain way, the n would equal 27 or 57% of participants.

¹⁸ Child representation may include attorneys, Court Appointed Special Advocates (CASA), Guardian ad Litem (GALs) or a combination of these representatives.

Key topics at all hearings

NCJFCJ researchers assessed key topics that NCJFCJ recommends be discussed at *all* hearings, regardless of the stage in the case (e.g., child's placement, education, physical health, mental health, and other well-being). Safety, visitation, efforts to reunify the family or prevent removal, maintaining permanent connections, and adverse experiences were also assessed. Each of these topics were coded on a three-point discussion scale (0 = *no discussion at all*, 1 = *some discussion* or 2 = *substantial discussion*). Table 3A indicates the average level of discussion per topic. The topics discussed most thoroughly were (1) Child's other well-being (e.g., how they are doing overall, behavioral health such as risky behaviors), (2) Child's placement, and (3) Visitation.

Child's current placement was discussed in 97.8% of all cases. Approximately 38% of cases ($n = 18$) mentioned that children resided in foster care, followed by 32% of cases ($n = 15$) where children were in relative placement and 17% of cases ($n = 8$) where children resided in their family home. It was unclear where children

were placed in the remaining six cases. In general, child's education was discussed in about 65% of cases ($n = 37$). Specific educational placement, however, was discussed less often (in approximately 48% of cases, $n = 9$). Child's overall well-being was discussed in 95% of cases ($n = 45$). Specific discussion about child's physical health or mental health was discussed in 43% and 51% of cases, respectively. Child's safety was discussed in 51% of all cases ($n = 24$) and visitation was discussed in 81% of all cases ($n = 26$). Topics such as efforts to reunify the family (i.e., return the child home), maintain permanent connections and adverse/traumatic experiences were discussed less frequently in hearings. An Indian Child Welfare Act (ICWA) finding was found in 11% of cases ($n = 5$). Of the remaining cases, ICWA was undetermined (51%) or not discussed (38%) of cases.

Qualitative Impressions

NCJFCJ researchers also assessed interpersonal interactions between court stakeholders and parties during hearings. Interactions included focusing on family strengths, respect, the use of non-technical language and judicial compassion. These topics were coded on a three-point scale, with 0 = *not at all*, 1 = *somewhat* or 2 = *definitely*. Table 4A indicates the average level of interaction or discussion observed. The behaviors observed most often were (1) Parents treated with respect, (2) Judicial compassion, (3) Professionals treated each other with respect and (4) Attorneys prepared for

Discussion Topic	Average
Child Placement	1.2 (SD = 0.5)
Child General Education	0.9 (SD = 0.8)
Child Physical Health	0.5 (SD = 0.7)
Child Mental Health	0.8 (SD = 0.9)
Child Other Well-being	1.4 (SD = 0.6)
Child Safety	0.7 (SD = 0.8)
Visitation (Parent or Sibling)	1.2 (SD = 0.7)
Efforts to reunify/Prevent removal	0.4 (SD = 0.6)
Maintaining Permanent Connections	0.5 (SD = 0.7)
Adverse/traumatic experiences	0.2 (SD = 0.6)

court. The use of non-technical language in hearings ($M = 0.9$) and discussion of family strengths were discussed less frequently ($M = 0.7$).

Topic	Average
Family strengths	0.7 ($SD = 0.8$)
Treated parents with respect	1.4 ($SD = 0.5$)
Professionals treated each other with respect	1.0 ($SD = 0.0$)
Used non-technical language	0.9 ($SD = 0.8$)
Attorneys prepared for court	1.0 ($SD = 0.2$)
Judge was compassionate	1.3 ($SD = 0.5$)

Discussion

The court observations examined judicial engagement and wait times by hearing type. Results from the evaluation demonstrated wait time differed significantly by hearing type (e.g., initial vs. review). Wait times for initial hearings were significantly longer than for review hearings. This finding is not particularly surprising as judicial officers inquire on numerous topics during initial hearings. Court observations also revealed that judicial officers typically engaged mothers, fathers, and children during the hearing by speaking to them directly, addressing them by name, and giving them an opportunity to be heard by their attorney. However, judicial officers may want to consider spending more time explaining the hearing process to families, inquire if they have any questions, inquire whether the next hearing date is convenient for them, and clarify the next steps in their case. Qualitative impressions revealed that judicial officers were respectful and compassionate of families. Judicial officers, however, may want to consider acknowledging family strengths (when applicable). Additionally, *all court* stakeholders may want to consider using less technical language to increase family engagement during hearings. The findings from the court observation added additional qualitative and quantitative information to the current evaluation, specifically as it relates to judicial engagement. If Travis County is interested in hearing quality, additional longitudinal data is needed to better understand current practice.