

2019

RESEARCH REPORT
Evaluation of Tulsa Oklahoma's
Implementation of the Enhanced
Resource Guidelines



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Enhanced Resource Guidelines
Implementation**

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National Council of Juvenile and Family Court Judges

National Council of Juvenile and Family Court Judges

2019



The National Council of Juvenile and Family Court Judges® (NCJFCJ), affiliated with the University of Nevada, Reno, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families. The National Center for Juvenile Justice (NCJJ) is the independent research division of the National Council of Juvenile and Family Court Judges. NCJJ research staff conducted the data collection for the study and prepared data files for analysis.

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Executive Summary

With funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Implementation Sites Project provides specialized training and technical assistance to participating juvenile and family court sites to help those sites integrate the best practices as outlined in the *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (ERGs)*. Implementation Sites seek to improve outcomes for children in care by assessing current practices against the recommendations for child abuse and neglect case processing outlined in the ERGs and establishing collaborative multi-disciplinary stakeholder teams to design and implement practice changes that align with the ERGs recommendations. This report presents findings from an evaluation of the Tulsa, Oklahoma's implementation of the ERGs. Tulsa's juvenile court stakeholders completed ERGs trainings in January 2016 and implemented ERGs-based improvement efforts thereafter.

Evaluation Design and Sampling Strategy

Evaluation methods included case file review and observation of court hearings using a pre-ERGs/post-ERGs evaluation research design. Specifically, a post-ERGs evaluation sample of cases was randomly selected from cases with petition filing and case closure dates ranging from 2016-2018. These cases had opened after Tulsa's ERGs training was completed, were open sufficiently long enough for ERGs-based practice changes to have been consistently applied and closed by the start of evaluation activities in order to measure case outcomes. This sampling strategy produced a post-ERGs sample of 111 closed cases for evaluation.

Because the post-ERGS implementation sample of cases opened and closed within a two year timeframe, the pre-ERGs sample of cases was randomly selected from cases that not only closed within a two year timeframe, but closed prior to Tulsa's ERGs implementation (i.e., closed cases with original petition filing dates from 2014-2016). In addition, cases involving the same judges as the post-ERGs sample of cases were selected for inclusion in the pre-ERGs sample of cases. This sampling strategy produced a pre-ERGs sample of 88 closed cases. It is important to note, that because cases in both the pre and post-ERGs samples were limited to cases that closed within approximately two years, this evaluation is limited in focus to "short-stay" case outcomes (i.e., outcomes associated with cases that closed in approximately two years of original petition filing). Future evaluation efforts, after Tulsa has continued ERGs implementation efforts beyond the two-year evaluation timeframe for this report, should examine possible ERGs impacts on cases that take longer to make their way through the system to case closure.

Evaluation Methods

Evaluability and implementation fidelity assessments were conducted to ensure key ERGs practices and principles were implemented sufficiently, and consistently enough, to warrant evaluation. Closed cases in the pre- and post-ERGs samples were coded using standardized case file review coding protocols, including cross-checking of coded files to ensure inter-rater reliability. The case file review instrument focused on presence or absence of ERGs-based practices in cases as well as case processing (e.g., timeliness of court events) and permanency outcomes (e.g., case closure reasons). In addition, child abuse and neglect hearing observations were conducted (N=45). Hearing observations were limited to post-ERGs proceedings as Tulsa was not able to

provide video/audio records of closed child abuse and neglect hearings for a pre-ERGs sample. Standardized court observation coding protocols were followed, including check-coding to ensure inter-rater reliability. Coding of hearings focused on the presence or absence in hearings of practices recommended in the ERGs.

Key Evaluation Findings

A summary of statistically significant evaluation findings is presented below.

1. *Study samples.* Overall, pre- and post-ERGs samples were similar with respect to case demographics and permanency outcomes with some differences as noted below:
 - No significant differences were found between the pre- and post-ERGs cases for case demographics of age of child, gender of child, Indian Child Welfare Act (ICWA) cases, mean number of petition allegations in the case, and mean number of parent and child presenting problems.
 - With respect to type of allegation and presenting problem however, more sexual abuse allegations and drug endangerment allegations were found in the post-ERGs cohort, as well as more domestic violence and parental mental health presenting problems in post-ERGs cases (and these differences were statistically significant).
 - Pre- and post-ERGs groups were very similar in terms of permanency outcomes including reunification, adoption, and guardianship, etc. (very slight differences were found and were not statistically different).
2. *Case processing.* The study found a number of statistically significant improvements in line with the ERGs recommendations (e.g., reduction in continuances, increased judicial continuity in cases, improved representation practice) including:
 - More combined adjudication/disposition hearings were held post-ERGs.
 - Fewer continuances occurred post-ERGs.
 - Fewer changes of judges occurred post-ERGs (in other words, increased judicial continuity).
 - More fathers were present at disposition hearings and first permanency hearings post-ERGs.
 - More attorneys for mothers, fathers and children were present at PPHs, post-ERGs.
 - More attorneys for children were present at the PPH, adjudication, disposition, first review hearings and first permanency hearings post-ERGs.
3. *Timeliness.* The study identified a number of timeliness indicators that reflect significant improvements post-ERGs including:
 - Time to achieve disposition from adjudication, time to the first review, and time to the first permanency hearing all took less time post-ERGs.
 - Time to achieve case closure after termination of parental rights (TPR) took less time post-ERGs.
4. *Permanency.* Overall, it took significantly less time to achieve permanency and case closure (regardless of case closure reason) in post-ERGs cases. Key permanency findings included:
 - Time to achieve permanency (regardless of outcome) took less time in post-ERGs cases.
 - Time to reunification and time to guardianship took less time in post-ERGs cases.

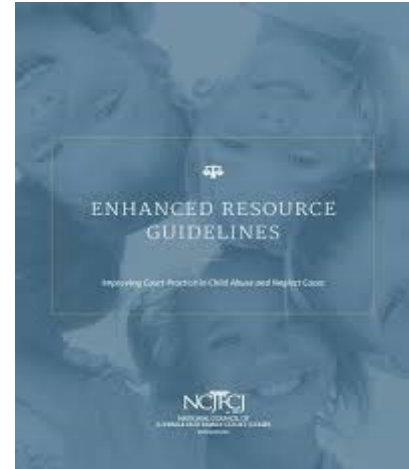
- Children had fewer out-of-home placements in post-ERGS cases (this finding may reflect important cost savings that would require additional analyses).
5. *Hearing Quality.* Post-ERGs hearing observations identified important areas of strong judicial engagement and substantive discussions in hearings, though the court is encouraged to continue to pursue improvements. Key hearing observation findings included that:
- The court consistently made oral findings that are understood by participants; hearings consistently concluded by setting the date and time for the next hearing; judges spoke directly to and were respectful of the parties in a case; and, the court consistently offered parties opportunities to be heard directly and not just through their attorneys.
 - The court was less consistent in the following areas: asking if the next hearing date/time worked for the parties; in ensuring that all orders were written, signed, copied, and distributed at the conclusion of hearings; in facilitating substantive discussions about maintaining permanent connections; and, in facilitating more substantive discussions regarding the child’s physical and mental health when applicable (including issues of adverse experiences and trauma), and the child’s educational needs and educational placement (as applicable).
 - The court’s deprived docket (child abuse and neglect cases) poses ongoing challenges and limits the time the court has for hearings – overall, in the 45 post-ERGs hearings observed, the court spent an average of 14 minutes per hearing.
 - With the court’s pending move to a new and more child-friendly courthouse, there should be ample opportunities for the court to continue its efforts to improve hearing quality, consistent with the ERGs.

The evaluation confirms that the Tulsa County court has achieved important progress, with measurable positive impacts on child permanency and court practices. Continuing to strengthen and sustain ERGs-related reforms is likely to make the court a leader in improving court practices in child abuse and neglect cases.

Introduction

The *Enhanced Resource Guidelines* and Implementation Sites Project

Developed by judges, child welfare court practitioners, and child welfare system researchers, the National Council of Juvenile and Family Court Judges' (NCJFCJ) *Enhanced Resource Guidelines*¹ (ERGs) outline best practice principles that should guide judges' handling of child abuse and neglect cases. The ERGs cover all stages of the court process, from the initial or preliminary protective hearing until juvenile or family court jurisdiction has ended. The ERGs assume that the court will remain involved in a case until after the child has been safely returned home; placed in a new, secure, and legally permanent home (either through adoption or legal custody); or the court's jurisdiction has otherwise ended.



The ERGs identify best practices and outline the necessary procedural steps for each child abuse and neglect hearing type, identify the key decisions that must be made, specify when each hearing should occur, and describe the judge's role at each hearing. The ERGs also include a judicial bench card for each hearing in the court process with recommendations for preparation for the hearing, case management during the hearing, and preparation for the next hearing. Although written primarily for a judicial audience, the ERGs have relevance for, and are valuable to, lawyers, caseworkers and others involved in the child abuse and neglect cases.

Key principles for child abuse and neglect practice outlined in the ERGs are:

- Keeping families together
- Ensuring access to justice
- Cultivating cultural responsiveness
- Engaging families through alternative dispute resolution techniques
- Ensuring child safety, permanency, and well-being
- Ensuring adequate and appropriate family time
- Providing judicial oversight
- Ensuring competent and adequately compensated representation
- Advancing the development of adequate resources

¹ Gatowski, S.I., Miller, N., Rubin, S., Escher, P. & Maze, C. (2016). *The Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges.

ERGS Implementation Sites²

Twenty child abuse and neglect court jurisdictions are currently participating in NCJFCJ's ERGs Implementation Sites Project. Funded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), implementation sites assign a judge (or judges) to lead multi-disciplinary collaborative change teams who aim to improve the court's handling of child abuse and neglect cases (e.g., improving due process, fairness, and timeliness outcomes) as well as to improve outcomes for the children and families involved in the child abuse and neglect court system (e.g., improved safety, permanency and well-being outcomes). Sites agree to adopt the best practice recommendations for conducting child abuse and neglect hearings outlined in the *Enhanced Resource Guidelines* (ERGs).

The ERGs are disseminated through training workshops convened in each ERGs Implementation Site. The trainings are conducted by lead NCJFCJ judicial faculty, NCJFCJ Implementation Site Managers, and other subject matter experts. Attending the trainings are the Implementation Site Lead Judge, the site's core court improvement collaborative change team, and representatives from each of the stakeholder groups involved in child abuse and neglect cases (e.g., prosecuting attorneys, defense attorneys, children's attorneys and guardian ad litem, social service agency caseworkers, treatment professionals, ICWA specialists, and others). During trainings, sites learn about the core ERGs principles and recommended best practices for handling child abuse and neglect cases. In addition, an annual conference is convened for all of the sites participating in the project. Implementation sites send their Lead Judge and systems change collaborative team to the conference where they receive additional training on ERGs-related topics, learn about promising court improvement interventions, and share their ERGs implementation successes and challenges with the other project sites. Lead Judges also attend a separate meeting during the conference. The Lead Judges meeting provides an opportunity for judges to discuss any challenges associated with leading systems change efforts among their judicial peers and expert judicial faculty.

Besides multidisciplinary training on the ERGs best practices, a critical component of the ERGs implementation change model is provision of ongoing technical assistance from an NCJFCJ Implementation Site Manager. NCJFCJ implementation site managers conduct multiple technical assistance site visits in which they help sites to assess their current practice against the recommendations of the ERGs and use that information to identify areas of practice strength and weakness. That information is then used in a strategic action-planning process where sites outline their strategies for implementing ERGs practices, including timelines for achieving practice changes. Site managers maintain regular contact with their sites not only to monitor implementation of change efforts, but also to provide ongoing technical assistance to facilitate those efforts as needed. Depending on their needs, and existing data about process and outcome challenges, sites may select priority areas of focus and target their ERGs implementation efforts there. For example, sites may choose to focus their intervention efforts on early hearings in a child abuse and neglect case and design and implement strategies aimed at "front-loading" the case process.

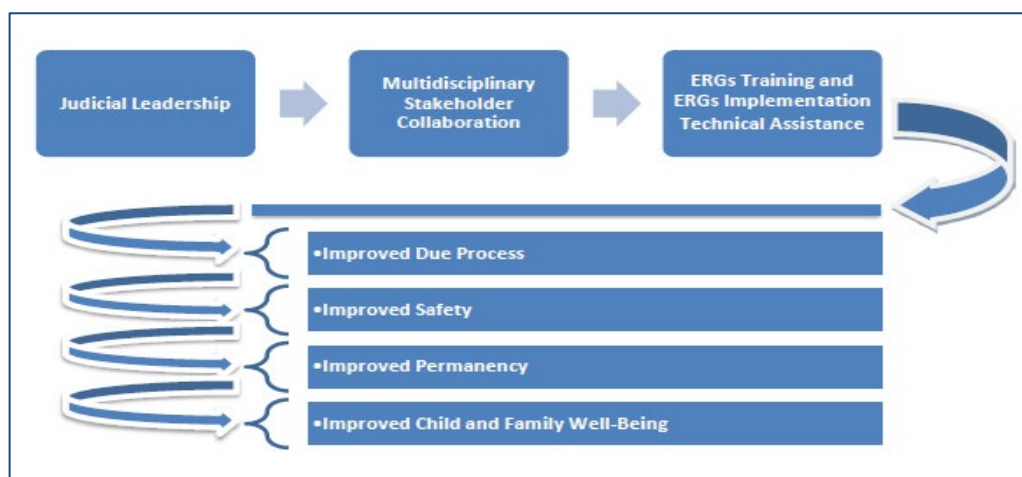
² For more detailed information about the ERGs implementation sites project see: Gueller, M., Bolin, Z., Cisneros, J., Korthase, A., and Ray, S. (2017). *A Snapshot of the Implementation Sites Project*. Reno, NV: National Council of Juvenile and Family Court Judges.

The *Enhanced Resource Guidelines* Implementation Change Model

The ERGs are premised upon the hypotheses that judicial leadership, an effective forum for collaborative systems change, and a high quality child abuse and neglect hearing process (i.e., hearings that are conducted timely, include a substantive discussion of relevant issues, and engage parties in the court process), will likely contribute to improved due process, timeliness, safety, permanency and child and family well-being case outcomes. Rather than a prescribed intervention program with highly defined program elements, the ERGs implementation theory of change model is based on general principles for affecting child abuse and neglect case processing and outcomes (e.g., one-family one-judge case assignment practice, conducting substantive court hearings, judicial leadership both on and off the bench, and family engagement throughout the case). Together, these ERGs principles, when implemented, are intended to enable child abuse and neglect jurisdictions to institute a child abuse and neglect case process that improves due process/fairness, timeliness, safety, permanency and well-being outcomes for children and families that come under the court's jurisdiction.

Because of different operating statutory frameworks, different court organizational or structural arrangements, different judicial assignment practices, and different implementation challenges (e.g., judicial rotation, caseloads or resource challenges) each ERG implementation site can implement the primary ERGs change model in different ways. Some of the practice improvements recommended in the ERGs include:

- Substantive and thorough child abuse and neglect hearings
- One family-one judge case assignment and calendaring
- Individual time-certain calendaring
- Implementation of strict no-continuance policies
- Early appointment of counsel for all parties
- Dissemination of copies of orders to all parties at the end of the hearing
- Frequent court review with enforcement of established timeframes
- Judicial leadership both on and off the bench to improve case processing and child welfare outcomes
- Strong and effective collaborative relationships and collaborative action among all aspects of the court and child welfare system



Among the case outcomes and system impacts anticipated as a result of ERGs Implementation are:

- Improved due process
 - Timely appointment of counsel for all parties; timely notice of hearings and service; continuity of counsel
- Improved safety
 - Reduction in the number of cases with substantiated allegations of abuse and neglect while the case is under the court’s jurisdiction; reduction in the number of cases with substantiated allegations of abuse and neglect after the court’s jurisdiction has ended.
- Timely case process
 - Improved case processing timelines to each major court event (e.g., improved time to adjudication, disposition, permanency review, termination of parental rights and case closure)
- Improved permanency outcomes
 - Improved timeliness for achieving permanency in cases (e.g., improved time to reunification, adoption and guardianship); fewer placements experienced by children in cases; reduction in the number of cases concluding without permanency (e.g., fewer cases with an aged-out outcome).
- Increased number of cases maintaining tribal connection
 - Improved ICWA case processing outcomes (e.g., earlier eligibility determinations, earlier identification and involvement of tribes in the case process)
- Increased use of relative care
 - Early identification and involvement of relative resources for placements
- Improved working relationships between the court and child welfare agency
 - Multi-disciplinary collaborative team structure that meets regularly and engages in an effective continuous quality improvement process
- Improved child and family well-being
 - Improved health, education, mental health outcomes for children and families.

Goals and Purpose of the ERGs Implementation Evaluation

Prior research has found connections between several of the recommended practices in the ERGs and child welfare outcomes. Use of a one family, one judge case assignment model, for example, has been linked to reductions in continuances, more timely permanency, and a higher likelihood of reunification.³ Moreover, research examining the primary recommendation of the ERGs, that the court implement a high-quality child abuse and neglect hearing process, has associated elements of ERGs recommendations for quality hearings with positive case outcomes. For example, the presence of parents at child abuse and neglect hearings has been

³ See for example, Beal, S. J., Wingrove, T., & Weisz, V. (2014). Judicial case management in predicting length of stay in foster care. *Children and Youth Services Review*, 44, 16–19; Ellett, A.J. & Steib, S.D. (2005). Child welfare and the courts: A statewide study with implications for professional development, practice and change. *Research on Social Work Practice*, 15, 339-352; Gatowski, S.I. (2018). *Illinois Child Protection Data Courts Report of Findings 2010-2017: Judicial Continuity and Case Outcomes*. Springfield, IL: Administrative Office of the Illinois Courts; Summers, A. (2017). *Exploring the Relationship Between Hearing Quality and Case Outcomes in New York*. New York, NY: New York State Unified Court System Child Welfare Improvement Project; and Summers, A. and Shadajmah, C. (2013). Improving juvenile dependency case timeliness through the use of the one judge one family model. *Juvenile and Family Court Journal*, Vol. 64(1), 23-24.

linked to timelier reunification,⁴ and engagement of parents in the hearing process has been linked to higher likelihoods of relative placements as opposed to foster care placements.⁵ Research has found that courts with more youth present in hearings,⁶ and more discussion in hearings had improved timeliness and permanency outcomes.⁷ Finally, research has shown a link between the breadth of discussion topics at hearings and more relative placements, increased reunification rates, and timely permanency.⁸ While not being able to directly illustrate a causal connection between holding a high-quality hearing and case outcomes, the research demonstrates a significant connection.

In order to build the existing evidence base for the ERGs recommendations' connection to case outcomes, the NCJFCJ is currently engaged in a multi-site evaluation of the ERGs implementation in project sites. Funded by the OJJDP, the multi-site evaluation assesses the ERGs implementation in each site providing an outcome-based evaluation report that can be used in a continuous quality improvement effort to further systems change. In addition, the multi-site evaluation has the additional goal of contributing to our knowledge of how different court organizational frameworks and resources influence ERGs implementation outcomes.

Ultimately, site-specific variations and broadly defined program criteria create a challenging intervention to evaluate. However, the multi-site evaluation aims to assess the influence of the ERGs on case process and outcomes through rigorous case sampling methods, use of pre-post ERGs implementation comparison group designs, as well as statistical controls for relevant between-group differences. The evaluation determines the level of fidelity to the ERGs implementation change model in each site selected for participation, identifies site-specific interventions designed to address ERGs best practice recommendations, and determines outcomes associated with implementation efforts.

Specifically, the evaluation of the effectiveness of project sites' implementation of the ERGs involves 1) an evaluability assessment; 2) an assessment of the fidelity to which sites actually implement and adhere to the ERGs implementation theory of change model; and 3) a pre/post ERGs implementation comparison of case process and outcomes. The remainder of this report presents findings specific to Tulsa's ERGs implementation. Because of the multi-site nature of the NCJFCJ's ongoing evaluation effort, future evaluation reports will be able to compare Tulsa's ERGs implementation to similar implementation sites.

⁴ Russell, J. and Summers, A. (2013). Reflective decision-making and foster care placements. *Psychology, Public Policy and the Law*, Vol. 19, 127-136; *Supra* note 3 Summers, A. (2017).

⁵ Macgill, S. and Summers, A. (2014). Assessing the relationship between the quality of juvenile dependency hearings and foster care placements. *Family Court Review*, Vol. 52, 678-685.

⁶ *Supra* note 3 Summers, A. (2017).

⁷ Summers, A. and Darnell, A. (2015). What does court observation tell us about judicial practice and the courts in child welfare? *Journal of Public Child Welfare*, 9, 341-361; Summers, A., Gatowski, S.I., and Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review*, 82, 490-498.

⁸ *Supra* note 7 Summers, A. et al. (2017); Bohanon, T., Nevers, K. and Summers A. (2015). *Hawaii courts catalyzing case file review and court observation pre and post benchcard*. Reno, NV: National Council of Juvenile and Family Court Judges; Summers, A. and Gatowski, S.I. (2018). *Nevada Hearing Quality Study: Examining the Quality of Child Welfare Court Hearing Practice in Nevada*. Carson City, NV: Nevada Court Improvement Program.

Tulsa County, Oklahoma ERGs Implementation Project Site

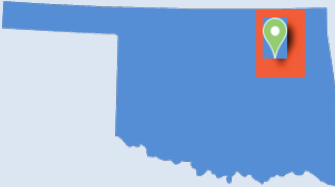
Background⁹

Lead Judge Doris L. Fransein (recently retired) had been the Chief Judge of the Juvenile Division since 2005. The Juvenile Division focuses on two different types of cases that involve minor children: 1) juvenile deprived – cases related to the abuse and/or neglect of a minor and 2) juvenile delinquency – cases related to violations of criminal law by a minor. The mission statement of the Tulsa County Juvenile Bureau and Court is to collaboratively promote and administer prevention, justice and effective treatment in a fair, timely and appropriate manner with dignity and respect for the needs of the children, youth and families and for the safety of the community. Juvenile deprived matters are confidential and, therefore, proceedings are not open to the public.

The Juvenile Division serves all of Tulsa County. In 2018, Tulsa County was estimated to have more than 640,000 residents.¹⁰ Approximately 25% of the population was made up of persons 18 years of age or younger.¹¹ Seventy percent of the county's population identified as White, 13% as Hispanic or Latino, 11% as African American, 7% as Native American or Alaskan Native, and 6% as multi-racial.¹²

According to data provide by the Department of Human Services (DHS), more than 14,300 reports of child abuse and neglect were received by Tulsa County DHS in 2017.¹³ Of those 14,300 referrals, more than 5,900 were investigated, nearly 2,700 of which resulted in findings of abuse or neglect; 79% were categorized as neglect, 11% categorized as both abuse and neglect.

As Lead Judge for the ERGs implementation site project, Judge Fransein worked extensively with the Tulsa County Child Protection Coalition. This organization is made up of members from key court stakeholders including directors from Child Protective Services (CPS), County and District attorneys, Parent and Child Representation, Indian Child Welfare representatives, and Court Appointed Special



Completion of ERGs Training and Launch of ERGs-based Practice Reforms - January 2016

Lead Judge [2014-2018]
Hon. Doris L. Fransein

Type of Court
Urban

Population
648,360

Number of Judicial Officers
4

Abuse/Neglect Cases
861

Children Appointed Counsel
Pre-adjudication

Parents Appointed Counsel
Pre-adjudication

⁹ Some of the Tulsa County background provided here has been adapted and updated from *Supra*, note 2.

¹⁰ U.S. Census Bureau (2019). *Quick Facts: Tulsa County, Oklahoma*. U.S. Department of Commerce. Retrieved from <https://www.census.gov/quickfacts/fact/table/tulsacountyoklahoma/PST045218>.

¹¹ *Ibid*.

¹² Not all of the Census Bureau race/ethnicity demographic categories are listed here. See *Supra* note 10 for full demographic listing.

¹³ Oklahoma Department of Human Services (2017). *Child Abuse and Neglect Statistics*. Retrieved from: http://www.okdhs.org/OKDHS%20Report%20Library/S17032_%20ChildAbuseandNeglectStatisticsSFY2017July2016-June2017_cwsopoa_03262018.pdf

Advocates (CASA). Collaboratively, the Tulsa County Child Protection Coalition works to improve the child dependency process for all involved.

From inception as an ERGs Implementation Project Site, Judge Fransein and team were committed to executing the best practices of the ERGs as a key court improvement goal for their jurisdiction. Towards this end, Tulsa participated in a series of ERGs trainings, including a large multi-disciplinary training in January 2016. Strategic action planning efforts resulting from these trainings, and review of available data about the current state of Tulsa's case process and outcomes, identified specific areas in need of improvement and interventions were designed and implemented to address those areas (see bullet list below).

Tulsa County, Oklahoma's Court Improvement Interventions:

- Altered multi-disciplinary team meetings to ensure agendas included ERGs topics
- Revised court orders to reflect ERGs recommendations
- Conducted a hearing quality study to provide feedback about hearing practice improvements needed to comport with ERGs recommendations
- Examined ways to provide parents' attorneys at the initial hearing and implemented early appointment of parents' attorneys in August 2018
- Incorporated the American Bar Association's Child Safety Guidelines into child welfare practices and hearings to reduce the number of children removed and decrease the time children are in out of home care
- Developed a website containing information on local resources for children and families
- Began a Zero-to-Three Safe Babies Court initiative in 2015 to focus on the needs of the youngest children whose families are involved in the abuse and neglect court system
- Began a mediation program in April 2016 to refer any case appearing to head towards termination of parental rights to mediation
- Participated in a trauma audit and training
- Collected more thorough data, broken down by docket, to inform and identify future goals and measure progress
- Created a more family and child-friendly courtroom environment

Tulsa Oklahoma's ERGs Implementation Evaluation Methods

The evaluation of the effectiveness of Tulsa Oklahoma's ERGs implementation involved the following steps: 1) an evaluability assessment, 2) an implementation fidelity assessment, 3) determination of site readiness for evaluation, 4) selection of research design, sampling frame and sample sizes, 5) data collection strategy, and 6) data analysis. These steps are described below.

1) Assessment of readiness for evaluation or evaluability.

The evaluation team, in partnership with Tulsa's NCJFCJ implementation site manager, reviewed the site's history, statutory and organizational context and stage of ERGs implementation, as well as capacity to generate data on key ERGs measures. Methods for this review included document analysis (e.g., review of Tulsa's implementation site application material, review of existing data about case outcomes and performance measurement), as well as interviews with the Lead Judge and key professional stakeholders about implementation strengths and challenges and data capacity. In addition, members of the evaluation team conducted an on-site visit to directly observe child abuse and neglect hearings, collaborative team meetings, and other Tulsa court improvement initiatives. These site visits allowed the team to determine if the project implementation matched, in reality, what stakeholders reported about the implementation. During this site visit, a sample of court case files and data from the court's case management information systems were also reviewed to further assess the site's data capacity to generate measures of interest to the evaluation.

Methods:

- Document review
- Stakeholder/focus group interviews
- Observation of project implementation in action

The evaluability assessment provided the evaluation team with a list of the available process and outcome measures of relevance to an ERGs implementation evaluation, and from what data sources those items would be readily available. Potential limitations to the data, any reliability concerns, and access issues were also addressed during the evaluability stage. The evaluability information was used to develop and refine instrumentation for the evaluation as well as finalize the research design.

2) Implementation fidelity assessment.

A related task to determining the site's evaluability is assessing implementation fidelity. The main objective of an ERGs implementation fidelity assessment is to determine the degree to which a site is implementing the key principles of the ERGs, including the degree to which best practice recommendations for an effective child abuse and neglect hearing and case process are followed (i.e., at what level of fidelity are the ERGs concepts and practices being implemented in Tulsa?). If the activities associated with ERGs key principles and practices are not sufficiently or consistently implemented, it raises the issue of whether or not those activities are performed enough to produce any reasonable expectation of a change in case process or outcomes.

In addition to the degree to which best practice recommendations are actually implemented in practice, the fidelity assessment identified the strengths and weaknesses of the implementation with the intent of not only informing the evaluation activities but also informing Tulsa’s Lead Judge and collaborative team in a continuous quality improvement process to identify areas for practice improvement.

Methods:

- Interviews/focus groups with stakeholders
- Observation of project implementation in practice, including court observation with structured codesheet
- Implementation fidelity self-assessment

The Implementation Fidelity Self-Assessment: Tulsa child abuse and neglect system stakeholders were given an implementation fidelity self-assessment tool that asked them to rate the degree to which specific ERGs practices have been implemented in their county. Specifically, stakeholders rated the degree to which these practice items had been implemented using the following scale: “0” =not at all; “1” =in some cases; “2” =often (most cases); or “3” =fully (all cases). A “don’t know” response category was also included. A total of 15 individuals completed the assessment -these individuals comprised the local collaborative stakeholder team including judges, attorneys, agency/caseworkers and court administration. All participants had direct experience with, and were knowledgeable about, implementation strategies. Instruments were completed individually (i.e., participants did not work as a group nor did they discuss their implementation ratings). Completed instruments were gathered on site and mailed to the NCJFCJ for analysis. An average score was calculated for each practice item, producing an overall implementation score for that ERG principle or practice. (A snapshot of findings is presented in Table 1 below).

Table 1: Snapshot of Tulsa County’s Implementation Fidelity to ERGs Best Practice Strategies	
Practice Areas with Strongest Fidelity Scores [average implementation scores of <u>more</u> than 2.50 (often/most cases to fully/all cases) on a scale from 0-3]	Practice Areas with Weakest Fidelity Scores [average implementation scores of <u>less</u> than 1.50 (not at all to only some cases) on a scale from 0-3]
Judicial engagement of parties who are present at hearings	Court calendaring (e.g., time available for hearings)
Hearing quality generally (across all hearings)	Courtroom facilities (e.g., facilities not designed with consideration for domestic violence and trauma)
Review, disposition and permanency hearings that incorporate recommendations of the ERGs	Department case assignment practices (e.g., transitions between workers, caseloads)
Legal representation for parents and for children (e.g., active participation in hearings, early appointment, continuity)	Parents’ attorney lacks training on non-adversarial techniques and cultural competence
TPR practice (notice, appointment of counsel, stand of proof, timely orders)	System front-end loading (e.g., lack of safety plan at emergency custody hearing, lack of scheduling orders, initial hearing process)

3). Determine site readiness for evaluation.

Information gathered in tasks 1 and 2 above were used to document the current status of the ERGs implementation in the site. Specifically, the evaluation team used the evaluability and implementation fidelity assessment data, coupled with on-site observation to corroborate ERGs implementation practices, to determine that Tulsa's ERGs implementation was sufficiently underway, data capacity was robust enough, and fidelity to key principles of the ERGs sufficiently strong to warrant selection as an evaluation site.

4). Selection of research design, sampling, and sample sizes.

Research design. Because the primary goal of the evaluation was to determine if ERGs implementation in Tulsa was associated with positive case outcomes, the evaluation used a pre- post comparison quasi-experimental research design. In this design, cases before the implementation of the ERGs are compared to cases after the ERGs were implemented. This involves selecting a historical sample of cases and analyzing case outcomes. These data then serve as a baseline to compare process and outcome measures collected from post-ERGs implementation cases.

Evaluation sampling frame. To determine the appropriate sample of cases for pre and post comparison groups, the evaluation team needed to consider a number of sampling issues. With respect to the post-ERGs implementation sample, cases selected for inclusion had to be processed by the court after training on the ERGs was completed and sufficient time elapsed for ERGs implementation practices to be consistently and fully applied in cases (July 2016). In addition, closed cases were sampled in order to allow measurement of case outcomes. Because data collection for the evaluation began in August 2018, and the need to sample closed cases to measure the full case process and outcomes, the post-ERGs sample of cases was limited to only those cases that had petition filing dates of 2016 and later (post-ERGs implementation), and had closed by August 2018 (before data collection for the evaluation began).

For the pre-ERGs implementation (baseline) sample, cases randomly selected for inclusion had to have case closure dates prior to ERGs implementation (prior to January 2016). In addition, they had to be as similar as possible to the post-ERGs cases with the exception of the use of the ERGs practices. Cases selected for baseline study, for instance, were cases with the same organizational and statutory framework and same judges as post-ERGs cases. Because the post-ERGS implementation sample of cases opened and closed within two years, the pre-ERGs sample of cases was also randomly selected from cases that closed within two years, but closed prior to Tulsa's ERGs implementation (i.e., closed cases with original petition filing dates from 2014-2016).

Once the appropriate sampling timeframe was determined, cases for both the pre and post-ERGs groups were randomly selected for inclusion in the study. If the two samples are comparable, cases are randomly selected into groups, and the only difference between the groups is the intervention (i.e., ERGs implementation), post-implementation differences in case outcomes can be attributed to the intervention. Consultation with the Lead Judge and key court stakeholders during the evaluability and implementation fidelity assessment phases of the evaluation helped to determine the sampling frame for the research design. However, it is important to note, that this evaluation is limited in scope to comparing cases that closed within two years of petition filing. Future

evaluation efforts should expand the post-ERGs sample of cases to examine “longer-stay” cases that have been opened past the two-year mark.

Sample sizes. After finalizing the sampling frame, a sampling statistic was calculated to determine the appropriate size of the sample of baseline and post-ERGs implementation cases to be drawn. The sampling statistic determined the sample size needed in both groups in order to increase the statistical power needed to detect effects of the ERGs implementation on case outcomes. Using the sampling statistic, and the sampling frame parameters noted above, cases were randomly selected. See Table 2 below for the sampling frame and pre- and post-group sample sizes.

Table 2: Tulsa ERGs Implementation Evaluation Samples	
Pre-ERGs Implementation Case Sample	Post-ERGs Implementation Case Sample
Cases randomly selected from cases that opened and closed between January 2014-January 2016 and handled by same judges as post-ERGs =TOTAL OF 88 CASES	Cases randomly selected from cases that opened and closed between July 2016-August 2018 and handled by same judges as pre-ERGs = TOTAL OF 111 CASES

5) Data collection strategy.

Court observation and case file review instruments used in other NCJFCJ evaluations of child abuse and neglect hearing practice and outcomes were modified for use in this evaluation. Instruments were pre-tested on a sample of hearings and court case files during site visits to ensure they not only captured data on critical ERGs process and outcome measures, but also were tailored to reflect Tulsa’s local and potentially unique practice. Code books were developed for all instruments. Check-coding procedures were used to calculate inter-rater reliability of the instruments.

Because the focus of this evaluation is case outcomes pre- and post-ERGs, the primary data collection method used was case file review. Case file review permits collection of data across the life of the case, including all court hearings. And, because the cases selected for data collection were closed, case outcomes could be recorded. The court administrator provided the evaluation team with a list of randomly selected closed cases, using the sampling frame parameters identified in Table 2 above. The evaluation team accessed the court files for these cases via the court’s case management information system and coded the files on-site using a structured case file review instrument.

The evaluation team also observed a sample of hearings of both judges on-site using a structured court observation instrument. Data from those observations provided post-ERGs hearing quality information but are limited due to a pre-ERGs sample not being available. While limited, the post-ERGs observations help to support the study with qualitative evidence of where judicial oversight is consistent with ERGs recommendations and where it remains lacking. It also provides a potential baseline for the juvenile court as it continues to improve its hearing practice as an ERGs implementation site.

6) Data analysis.

Information obtained from both the court hearing observations and case file reviews were entered into the Statistical Package for the Social Sciences (SPSS) for analyses. Descriptive analyses were run on the post-ERGs hearing observation dataset and a summary of findings is presented in this report. Descriptive and inferential analyses were run using the case file review data to determine case characteristics and outcomes associated with the pre-ERGs and post-ERGs groups of cases, as well as whether there were any statistically significant differences between the two groups. The case file review data analysis focused on the following evaluation research questions:¹⁴

1. How similar are the pre- and post- ERGs implementation cases in terms of case demographics or characteristics?

- In what ways are they similar? In what ways are they different?

2. What effect does ERGs implementation have on court hearings?

- Do the pre and post-ERGs implementation cases differ in number of contested hearings?
- Do the pre and post-ERGs implementation cases differ in number of continued hearings?
- Do the pre and post-ERGs implementation cases differ in the number of parties present at hearings including attorneys?

3. What effect does ERGs implementation have on case processing and closure timeliness?

- Do the pre and post-ERGs implementation cases differ in time to key court events and time to case closure (e.g., time to adjudication, time to disposition, time to permanency/case closure, etc.)?

4. What effect does ERGs implementation have on permanency outcomes?

- Do the pre and post-ERGs implementation cases differ in time to achieve different permanency outcomes (e.g., time to reunification, time to guardianship, time to adoption, etc.)?
- Do the pre and post-ERGs implementation cases differ in the number of cases achieving permanency (e.g., reunification rates, guardianship rates, adoption rates, etc.)?

The results of these analyses are presented in the next section of this report. Findings of statistical significance¹⁵ are noted where applicable.

¹⁴ Future ERGs research implementation evaluation should expand the research questions to include examinations of child safety and well-being. These were not able to be included in this study as data about safety and child well-being proved difficult to obtain from Tulsa court files. However, future evaluation efforts may consider including a review of child welfare agency data and child and family service/case plans for detailed information about child safety and well-being.

¹⁵ Statistical significance refers to the claim that a result from data generated by testing or experimentation is not likely to occur randomly or by chance but is instead likely to be attributable to a specific intervention. When analyzing a data set and doing the necessary tests to discern whether one or more variables have an effect on an outcome, statistical significance helps support the fact that the results are real and not caused by luck or chance.

Evaluation Results

Hearing observation highlights (post-ERGs)

ERGs research is optimally supported by hearing observations conducted before and after reforms. Deprived¹⁶ (child abuse and neglect) hearings are not video or audio recorded in the Tulsa District Court, limiting the ability to draw a pre-ERGs reform sample retrospectively. Post-ERGs observations nonetheless help to reinforce themes identified by fidelity assessment and case file review methods. Findings suggest areas of strength and improvement and also set a baseline for measuring ongoing improvements that the court may plan pursuant to the findings and recommendations contained in this report.

During three days of data collection, December 11 through 13, 2018, ERG’s research staff observed 45 hearings in the two specialized deprived courtrooms. Researchers coded their observations across a range of hearing types: initial hearings (7); adjudication (12); disposition (5); reviews (7); permanency (8); and post-TPR review other hearing types (2). The following three tables provide highlights and are supported by additional hearing observation detail in the Appendix. While there are some strengths (e.g., judicial engagement of parents in hearings), hearing observation findings indicate some room for improvement (e.g., less consistent engagement on specifics concerning child’s well-being). The Appendix provides additional detail on these findings, including findings specific to hearing phases (e.g., initial hearing, adjudication, review, etc.).

Table 3: Judicial engagement measures, the proportion of the time across all hearing types that judges were observed to...		green = observed in 80% of hearings or greater orange = observed in 50-79% orangish/red = observed in 20-49% red = observed in less than 20% of hearing
91%	Make oral findings that all participants can understand	
91%	Set the date and the time of the next hearing	
82%	Speak directly to parties in the case	
80%	Provide parties an opportunity to be heard	
78%	Ask what questions the parties had	
67%	Seek input from parties in the case	
65%	Focused on family strengths	
64%	Identify next steps to each party in the case	
62%	Address parties by their surnames	
20%	Ask if the next hearing date/time works for the parties	
17%	Ensure all orders are written, signed, copied and distributed immediately at the conclusion of the hearing	

¹⁶ Child abuse and neglect cases are referred to as “deprived” cases in Oklahoma.

Table 4: Judicial engagement across all hearing types, the proportion of observations with sufficient or substantive discussions...		green = observed in 80% of hearings or greater orange = observed in 50-79% orangish/red = observed in 20-49% red = observed in less than 20% of hearing
64%	Child other well-being	
60%	Family Time/Visitation (parent and/or sibling)	
59%	Child safety	
42%	Efforts to reunify family/prevent removal	
37%	Maintaining permanent connections	
21%	Child physical health	
21%	Child mental health	
20%	Adverse experiences/trauma/toxic stress	
17%	Child educational needs	
3%	Child educational placement	

Case File Review Findings Pre and Post-ERGs Implementation

Case Demographics & Characteristics

- *How similar are the pre- and post- ERGs implementation cases in terms of case demographics or characteristics?*

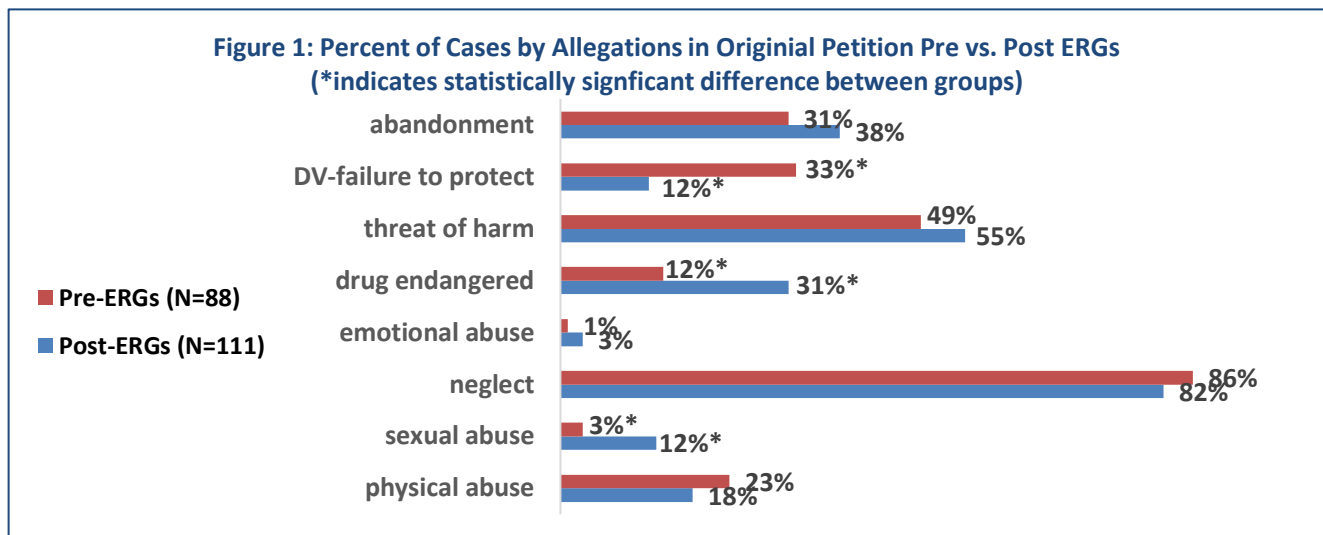
The 88 pre-ERGs and 111 post-ERGs cases were analyzed for a variety of case demographics, including information about the child, parents, and specifics of the case. No significant differences in age of children at time of petition filing, gender of child, number of ICWA cases, or mean number of allegations or presenting problems per case were found between the pre and post-ERGs groups (see Table 5 below).¹⁷ These findings lend validity to the assumption that the two comparison groups are similar, however some differences were found in specific allegations and family's presenting problems between the two groups. These differences are discussed below.

Allegations: Petitions contained in the case files were coded to determine the number of separate allegations contained within the petition. While a single allegation could include multiple counts (e.g., multiple events of physical abuse), only one instance of an allegation was counted. Statistically significant differences were found between the pre and post-ERGs cases in the number of cases involving sexual abuse allegations ($p < .02$), allegations of drug endangerment ($p < .003$), and allegations of domestic violence-failure to protect ($p < .001$). Specifically, compared to pre-ERGs cases, the post-ERGs cases had significantly more sexual abuse allegations (12%; $n=13$) and allegations of a drug endangered child (31%; $n=34$). Post-ERGs cases had significantly fewer allegations of domestic violence-failure to protect (12%) compared to the pre-ERGs cases. See figure 1.

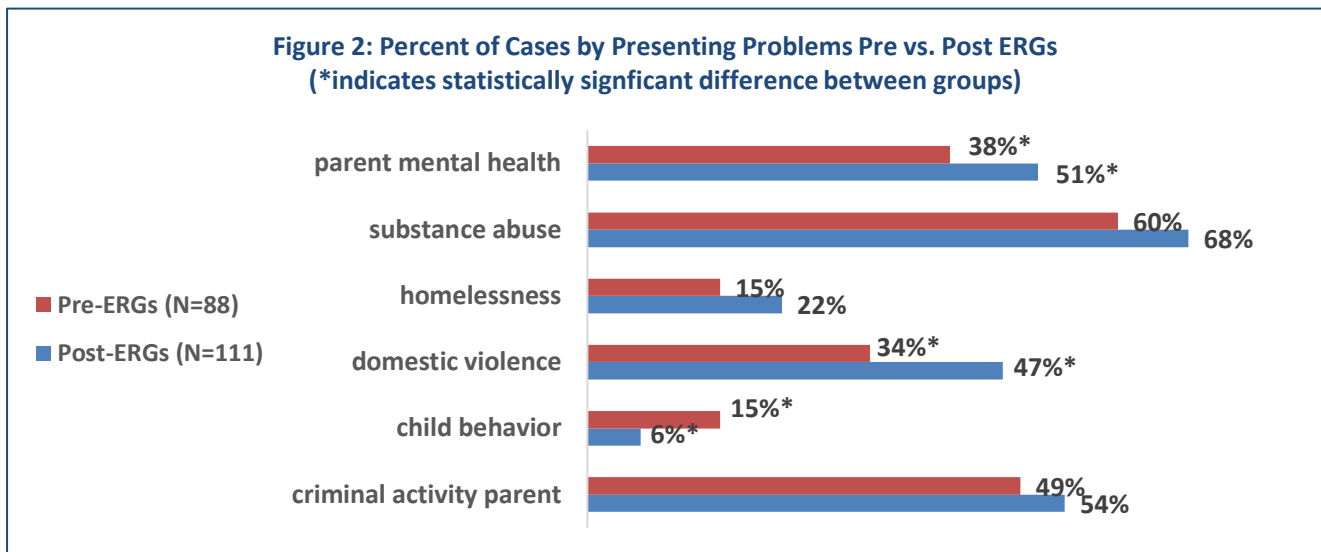
¹⁷ Race of the child could not be reliably coded from the court case files.

Presenting Problems: Information contained within the case file (often within reports to the court) was coded to determine the families’ presenting problems (e.g., substance abuse, family violence, homelessness, etc.). Comparing pre and post-ERGs cases on the presenting problems in the case, significant differences were found only in the amount of cases involving domestic violence and mental health issues (see Figure 2). When compared to the pre-ERGs cases, significantly more cases in the post-ERGs sample (47%; n=52, p<.03) presented with domestic violence in the family. Post-ERGs cases also involved significantly more parental mental health issues (51%; n=57, p<.05). Significantly more of the pre-ERGs cases, however, involved child behavior problems (15%; n=13, p<.05). See figure 2.

Table 5: Comparison of Pre and Post ERGs Cases on Case Demographics & Characteristics		
Case Demographics	Pre-ERGs (N=88)	Post-ERGs (N=111)
Mean Age of Child at Petition Filing	5.72	4.45
Sex of Child	Female 42%; Male 47% Undetermined from file review: 11%	Female 53%; Male 47%
ICWA Case	32%	31%
Mean # of Allegations in Case	3.27	3.48
Mean # of Presenting Problems in Case ¹⁸	3.14	3.48



¹⁸ Presenting problems were defined as issues such as substance use, domestic violence, mental health issues faced by the family at the time of petition filing. More presenting problems in the case serves as a measure of case complexity (i.e., more presenting problems in a case the more complex the case is).



Court Hearings

- *What effect does ERGs implementation have on court hearings?*

Contested Adjudications

No difference was found between the pre and post-ERGs cases in the number of contested adjudication trials held. Seven percent of the adjudications in the pre-ERGs' cases were contested trials and 7% of the adjudications in the post-ERGs cases were contested trials.

Adjudication/Disposition Practice

No difference was found between the number of contested vs. non-contested adjudications in pre-ERGs and post-ERGs cases. With respect to disposition, the ERGs recommend that the disposition hearing be held immediately following (or as soon as possible after) the adjudication to facilitate timely implementation of the case plan and services. Post-ERGs implementation, 71% of cases held a combined adjudication/disposition hearing, compared to only 23% of cases in pre-ERGs cases. This increase (48%) over the pre-ERGs implementation in the number of combined adjudication/disposition hearings was statistically significant ($p < .001$). In the pre-ERGs cases, the mean or average number of days from adjudication to disposition was 34 days (with a range from 0 to 147 days). Post-ERGs, the mean or average number of days from adjudication to disposition was 10 days (with a range from 0-86 days). This difference between groups in the time from adjudication to disposition of an average of 24 days was statistically significant ($p < .02$).

Continuances

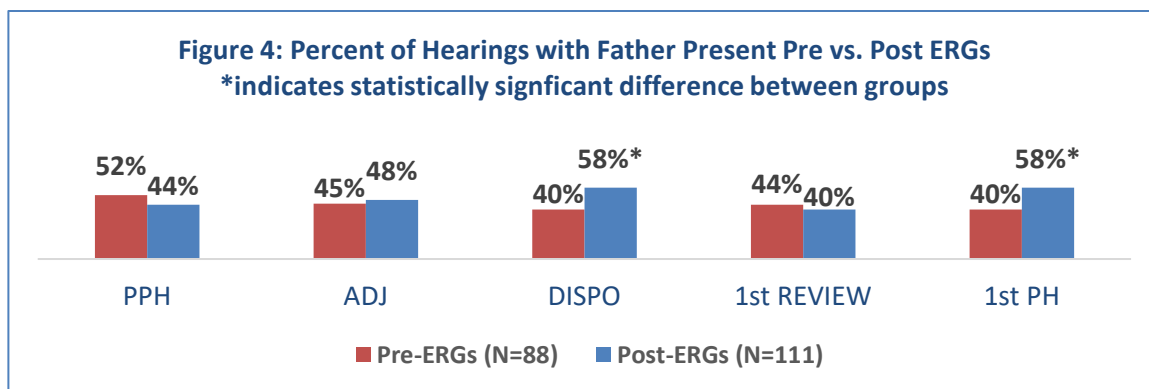
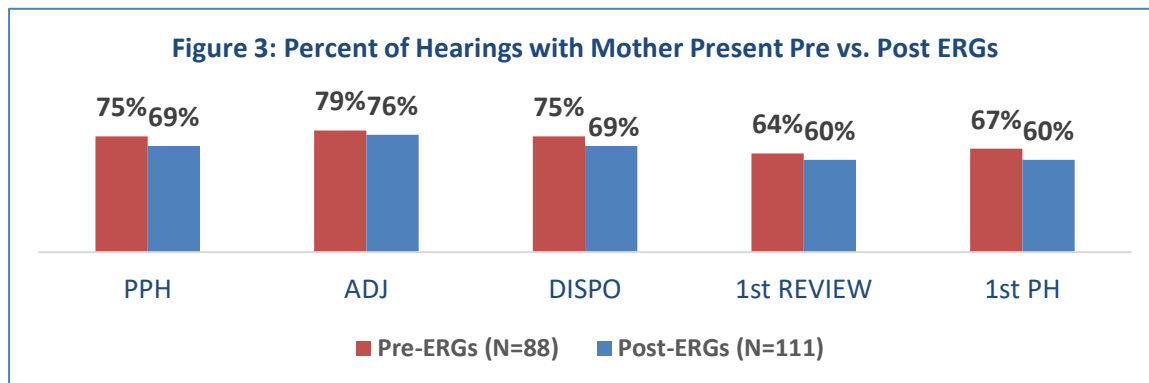
Cases in the post-ERGs group had fewer continuances, with a mean of 0.50 continuances per case, when compared to pre-ERGs cases which had a mean of 1.10 continuances per case. This difference was statistically significant ($p < .04$).

Judicial Continuity

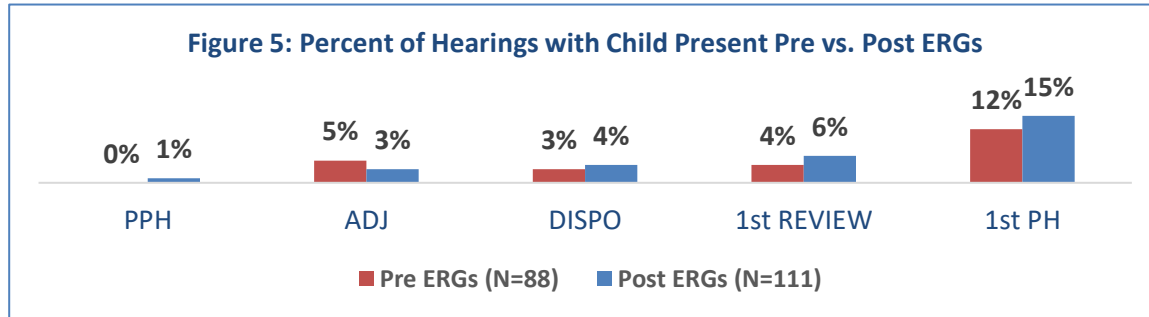
The ERGs recommend a one judge one family model of case assignment, with one judge presiding over all hearings in a case for the life of the case. Cases in the pre-ERGs group had a mean of 1.83 judges for the life of the case, with 28% of the cases having one judge for the life of the case (n=25 of 88). The post-ERGs cases had a mean of 1.13 judges per case, with 89% of cases having only one judge for the life of the case. This improvement in judicial continuity between pre- and post-ERGs cases was statistically significant (p<.01).¹⁹

Presence of Parties at Hearings

Figures 3-5 depict the presence of parties at hearings in both pre-ERGs and post-ERGs cases. A statistically significant difference between pre-ERGs and post-ERGs cases was found for the presence of fathers at the disposition and first permanency hearings, with more fathers present at the disposition hearings (58%; n=64) and first permanency hearings (58%; n=64) in the post-ERGs cases (p<.05). Children were rarely present in cases in both the pre- and post-ERGs cases.

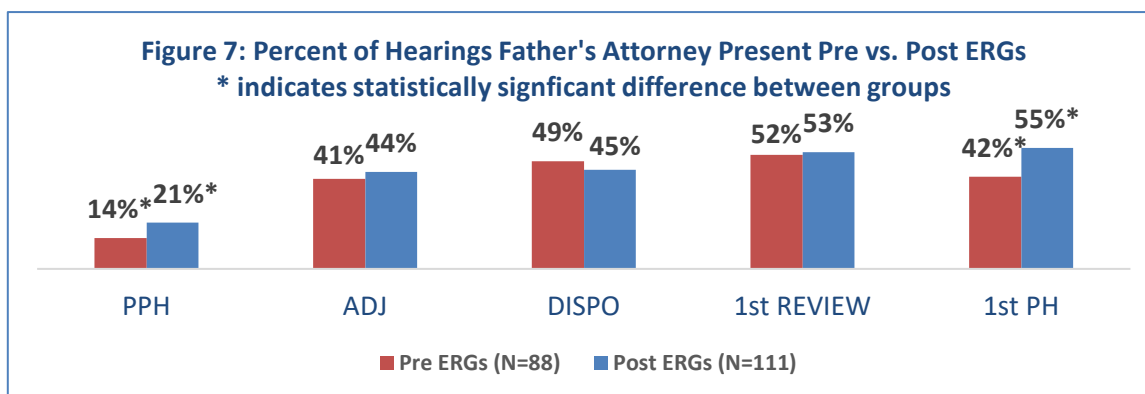
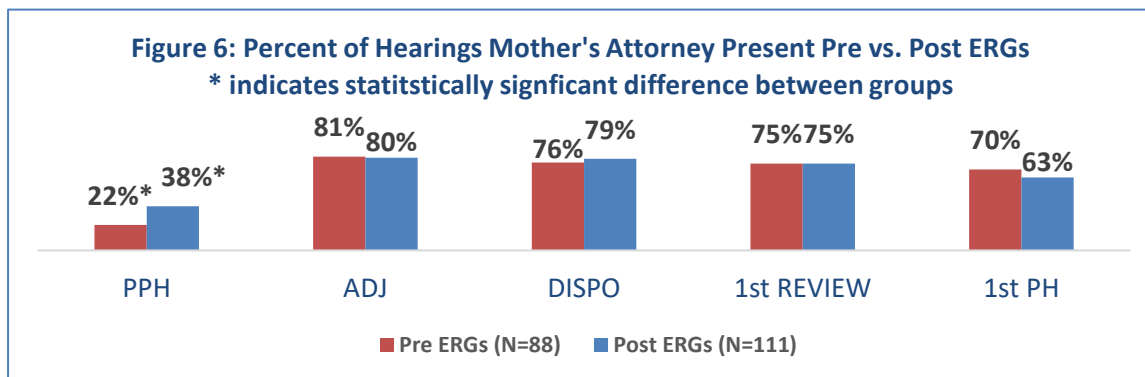


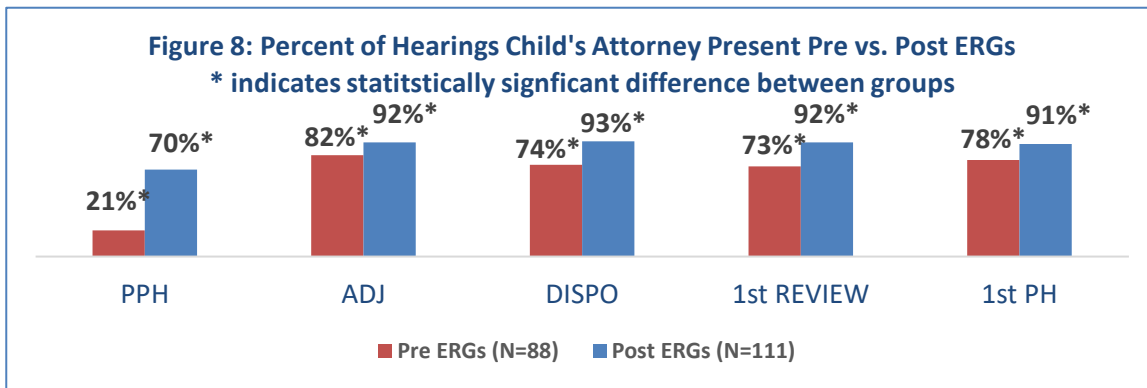
¹⁹ Recall that cases in both groups had case closure dates within 2 years of the original petition filing (i.e., pre-ERGs cases had original petition filing and case closure dates between 2014-2016 and post-ERGs cases had original petition filing and case closure dates between 2016-2018).



Presence of Attorneys at Hearings

Figures 6-8 depict the presence of attorneys at hearings in pre and post-ERGs cases. Statistically significant differences were found for the presence of attorneys for the mother, father and child at the preliminary protective hearing, with the presence of all attorneys at that hearing increasing in the post-ERGs cases. Specifically, significant increases were found for the presence of mothers’ attorneys (38%; n=42, p<.05), fathers’ attorneys (21%; n=23, p<.05), and children’s attorneys (70%; n=78, p<.05) at the PPH in post-ERGs cases. The post-ERGs cases also had significantly more fathers’ attorneys present at the first permanency hearing (55%; n=61, p<.05). The presence of children’s attorneys significantly increased at all hearings in the post-ERGs cases (see figure 8).





Case Processing Timeliness

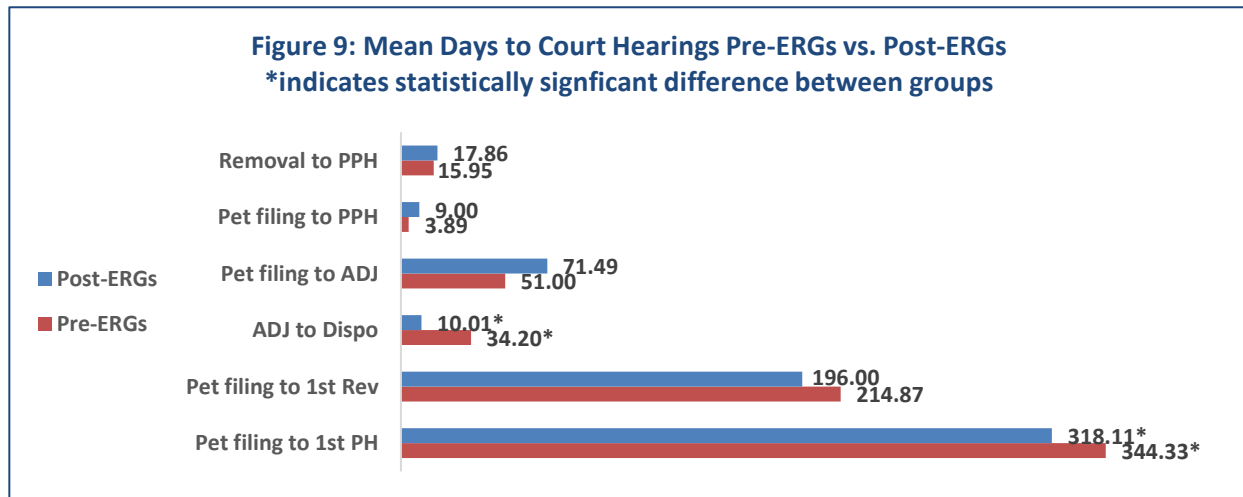
- *What effect does ERGs implementation have on case processing and permanency timeliness?*

Timeliness of Court Hearings

Cases in the pre-ERGs sample and post-ERGs sample were compared on key case processing timelines from the preliminary protective hearing (PPH) to the First Permanency Hearing (see Figure 9 below). Average time from removal to PPH was longer (17.86 days) in post-ERGs cases, as was the average time from petition to PPH (9.00 days). This difference between pre and post-ERGs cases was not statistically significant. When interpreting the time to PPH results, it is important to note that the pre-ERGs sample of cases did not have a clearly identifiable first substantive hearing in the court files. Local stakeholders advised the research team to code the “filing announcement” as the PPH for the pre-ERGs cases because the “filing announcement” could become a substantive initial hearing (or PPH) if service was completed and counsel assigned. This practice was changed in the post-ERGs cases where a clearly identifiable PPH hearing was noted and described in the court files. This difference in practice, however, may result in sufficient differences between the two groups in PPH practice to make the pre and post-ERGs comparison for this hearing less reliable.

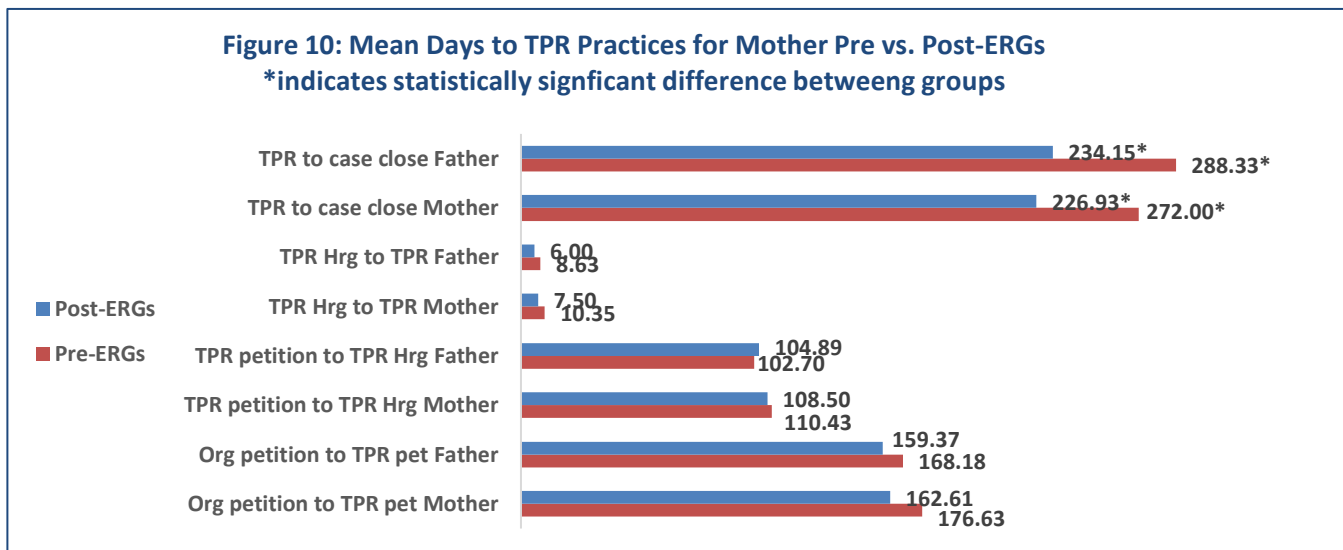
The other case processing timeframe taking longer in post-ERGs cases was the time to achieve adjudication from petition filing. Specifically, it took an average of 71.49 days in post-ERGs cases to achieve adjudication from petition filing, compared to an average of 51.00 days in the pre-ERGs cases. This difference of an average of 20 days between the two groups was not statistically significant.

All of the remaining case processing timeframes studied (from adjudication to disposition, petition filing to first review hearing, and petition filing to first permanency hearing) were shorter in post-ERGs cases. Statistically significant differences between pre- and post-ERGs cases were found for time from adjudication to disposition and from petition filing to first permanency hearings. Compared to pre-ERGs cases, it took post-ERGs cases an average of 24 days less to achieve disposition from the adjudication hearing (10.01 days compared to 34.20 days pre-ERGs; $p < .02$), and an average of 26 days less to achieve the first permanency hearing from petition filing (318.11 days compared to 344.33 days pre-ERGs; $p < .05$).



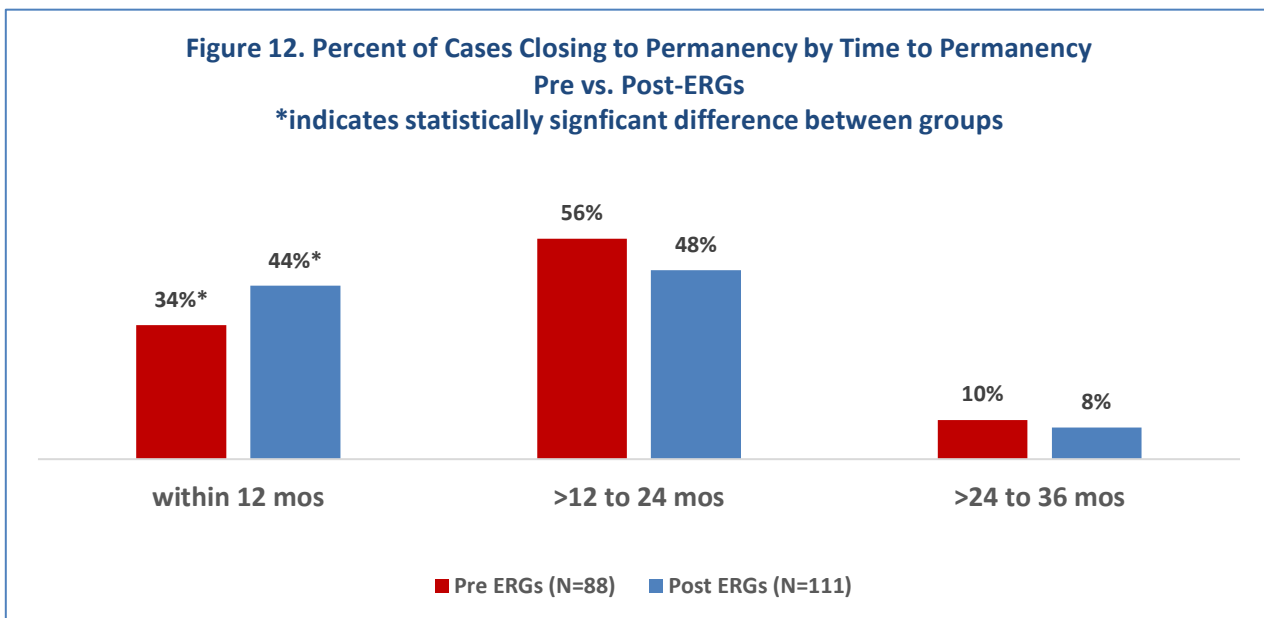
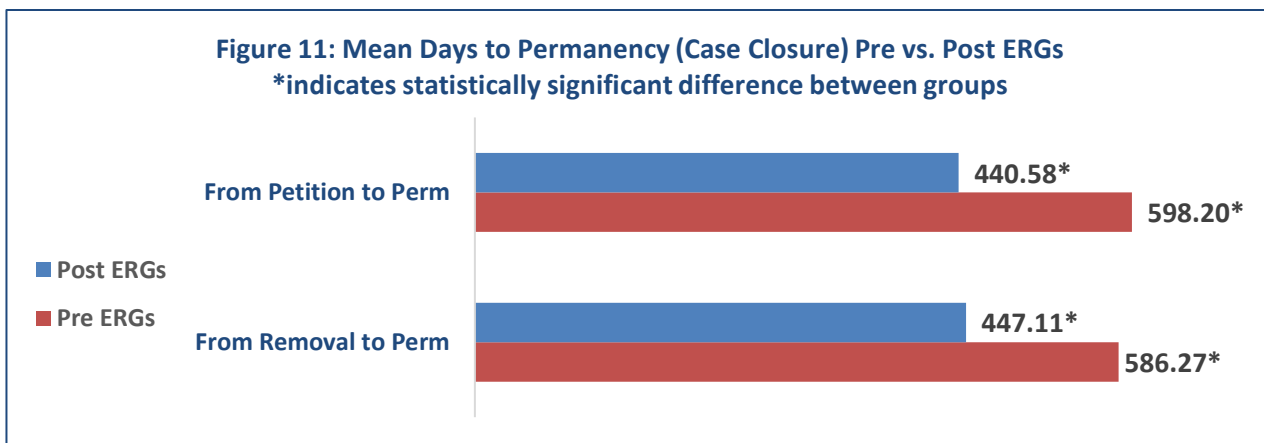
Termination of Parental Rights Practice

Termination of parental rights (TPR) case processing timelines were examined for both mothers and fathers. The only TPR case processing timeline that took longer in post-ERGs cases was the time from TPR petition filing to holding the TPR hearing for fathers – a small, non-statistically significant difference of just 2 days on average. All of the other TPR case processing timelines were shorter in post-ERGs cases, with statistically significant differences were found for the time from TPR findings for mothers to case closure (an average of 45 days less in post-ERGs cases, $p < .01$), and for the time from TPR finding for fathers to case closure (an average of 54 days less in post-ERGs cases, $p < .01$).



Time to Permanency (Case Closure)

A significant difference was found in the time to achieve permanency between the pre and post-ERGs cases, with it taking less time to achieve permanency from removal (a mean of 447.11 days) in post-ERGs cases than it did in pre-ERGs cases (a mean of 586.27 days). This represents a statistically significant difference of 139 days on average ($p < .05$) between pre- and post-ERGs cases. Measured from petition filing to case closure, the mean time to achieve permanency was 440.58 days in post-ERGs cases and 598.20 days in pre-ERGs cases. This difference of an average of 158 days was statistically significant ($p < .05$). Looking at the percent of cases closing within 12, 24 and 36 months of original petition filing, significantly more cases post-ERGs were able to close within 12 months from original petition filing to case closure (44% of cases compared to 34% of cases in the pre-ERGs group; $p < .05$). See figures 11 and 12.

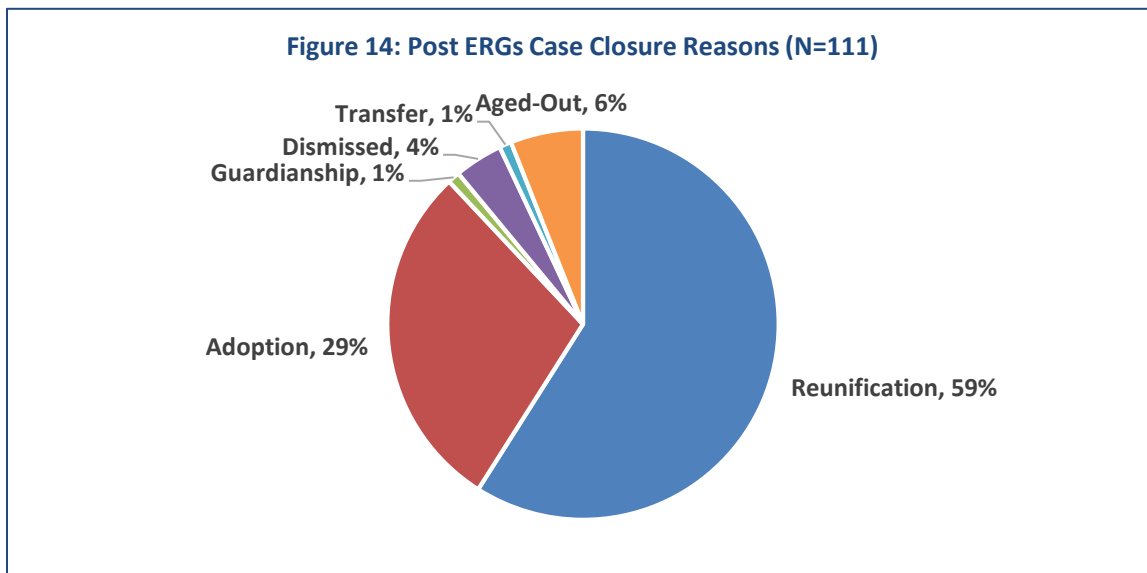
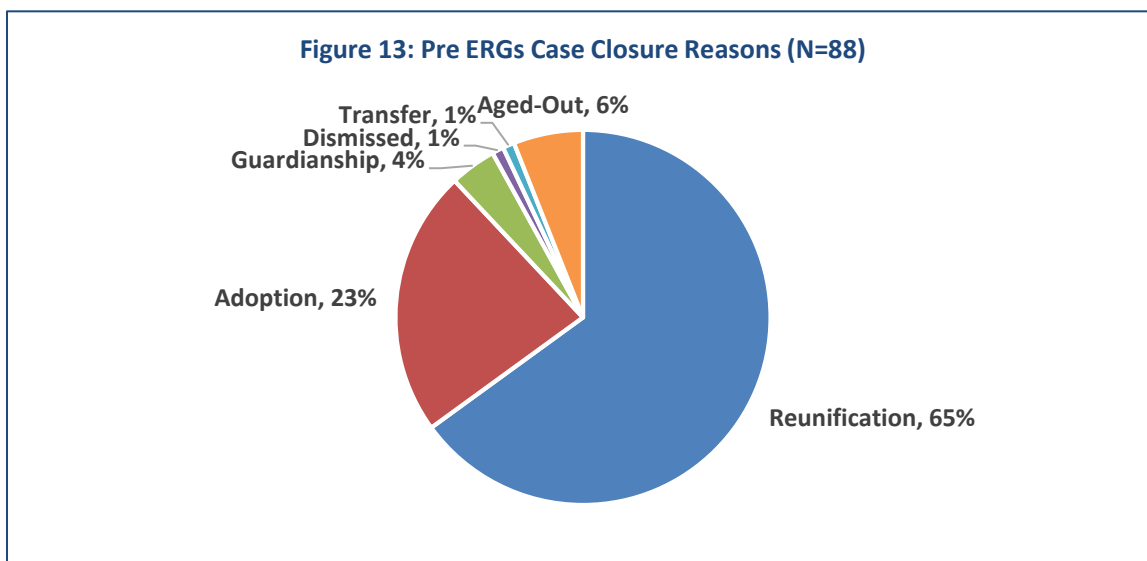


Permanency Outcomes

- *What effect does ERGs implementation have on permanency outcomes?*

Permanency Outcomes (Case Closure Reasons)

Case closure reasons were examined for both the pre and post-ERGs groups of cases. Only small differences were found in case outcomes in both groups, and none of the differences were statistically significant (see figure 13 and 14). These findings indicate similar permanency outcomes were achieved in cases pre- and post-ERGs implementation.

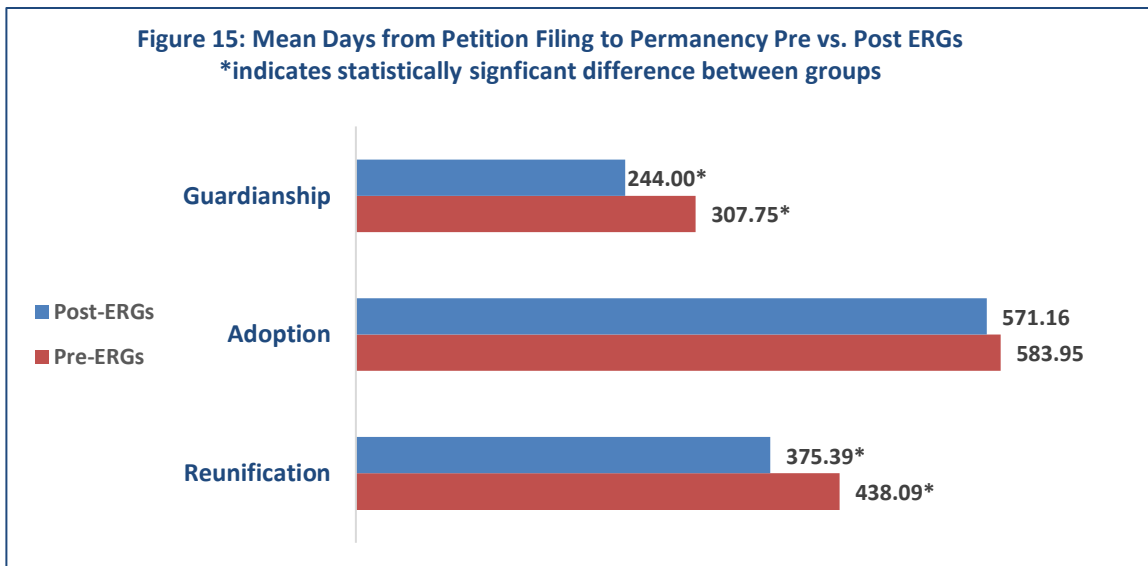


Number of Placements

A related measure of child permanency is the number of placements children experience throughout the life of the case. In the pre-ERGs group of cases, children experienced an average of 2.48 placements, while in the post-ERGs group of cases, the average number of placements for children was 1.47. This was a statistically significant difference ($p < .01$), with children experiencing fewer placements post-ERGs implementation compared to pre-ERGs.

Time to Permanency by Permanency Outcome

The time from original petition filing to permanency by reunification, adoption and guardianship was calculated for the pre and post-ERGs groups of cases. Each of these outcomes took less time to achieve in the post-ERGs cases (see figure 15 below), with significant differences found for reunification and guardianship cases. In the post-ERGs cases, for example, reunification took significantly less time – an average of 375.39 days from the original petition filing compared to an average of 438.09 in pre-ERGs cases. This difference of an average of 63 days between groups was statistically significant ($p < .01$). A significant difference in time to achieve guardianship was found between the two groups, with post-ERGs cases taking less time to close with a guardianship outcome (244 days on average in post-ERGs cases compared to 307.75 days in pre-ERGs cases; a difference of an average of 64 days, $p < .05$).



DISCUSSION

The Tulsa Oklahoma Juvenile Court has worked to improve the quality of their child abuse and neglect case process by implementing the best practice recommendations of the NCJFCJ's *Enhanced Resource Guidelines* (ERGs). When comparing cases that closed in Tulsa pre-ERGs implementation to cases that closed post-ERGs implementation, several significant improvements in case process and outcomes were found. These findings are summarized below by the research questions posed by this evaluation.

1. How similar are the pre- and post- ERGs implementation cases in terms of case demographics or characteristics?

No significant differences in age of children at time of petition filing, gender of child, number of ICWA cases, or mean number of allegations or presenting problems per case were found between the pre- and post-ERGs groups. The post-ERGs cases, however, did involve significantly more cases specifically involving sexual abuse allegations ($p < .02$), allegations of drug endangerment ($p < .003$), and allegations of domestic violence-failure to protect ($p < .001$). When compared to pre-ERGs cases, the post-ERGs cases also presented with more domestic violence and parental mental health issues ($p < .05$). These findings indicate an increase in these types of cases post-ERGs implementation.

2. What effect does ERGs implementation have on court hearings?

No difference was found between the number of contested vs. non-contested adjudications in pre-ERGs and post-ERGs cases. With respect to disposition, the ERGs recommend that the disposition hearing be held immediately following (or as soon as possible after) the adjudication to facilitate timely implementation of the case plan and services. Post-ERGs, Tulsa was able to convene significantly more combined adjudication/disposition hearings ($p < .001$), also significantly reducing the time to achieve disposition from adjudication compared to pre-ERGs cases ($p < .02$).

The ERGs recommend that the court develop a firm and effective policy on continuances, with continuances only being granted when attorneys or parties are ill, essential witnesses cannot be located, or services of process have not yet been completed. Neither should continuances be granted based upon the stipulation of parties. Post-ERGs cases in Tulsa had fewer continuances on average compared to pre-ERGs implementation ($p < .04$).

A key best practice recommendation of the ERGs is that one judge preside over all hearings in a case for the life of the case. Cases in the post-ERGs cases had a mean of 1.13 judges per case, with 89% of cases having only one judge for the life of the case. This improvement in judicial continuity (fewer change of judge in a case) between pre- and post-ERGs cases was statistically significant ($p < .01$).²⁰

²⁰ Recall that cases in both groups were similar in terms of closing within approximately 2 years of the original petition filing (i.e., pre-ERGs cases had original petition filing and case closure dates between 2014-2016 and post-ERGs cases had original petition filing and case closure dates between 2016-2018).

Research indicates that engaging parents and youth in child abuse and neglect hearings is associated with positive case outcomes.²¹ Clearly the court should do all that it can to encourage and support the meaningful engagement of children, youth, and families in the child welfare process and proceedings, including increasing parties' appearances at hearings throughout the case process so that they can be engaged. Post-ERGs cases were able to significantly increase the appearance of fathers at disposition and first permanency hearings ($p < .05$). However, children were rarely present in cases in both the pre- and post-ERGs cases. As the ERGs recommends that children attend court hearings if age appropriate and if there are no safety or trauma concerns, Tulsa should explore the barriers that may currently exist to increasing children's presence at court hearings.

Looking at representation practices post-ERGs, Tulsa significantly increased the number of PPHs in which attorneys were present. Specifically, statistically significant differences were found for the presence of attorneys for the mother, father and child at the PPH, with the presence of all attorneys at that hearing increasing in the post-ERGs cases. The post-ERGs cases also had significantly more fathers' attorneys present at the first permanency hearing ($p < .05$), and the presence of children's attorneys significantly increased at all hearings in the post-ERGs cases ($p < .05$). Future evaluation efforts should more closely explore the relationship between legal representation and case outcomes. At present, the data could only examine the presence of attorneys at hearings across the life of the case. A more robust study could examine time to appointment of counsel, continuity of counsel, and specific attorney trainings and behaviors that may be related to both improved hearing quality and outcomes on the case.

3. What effect does ERGs implementation have on case processing and permanency (case closure) timeliness?

Overall, the evaluation found significant improvements in post-ERGs cases, over pre-ERGs cases, in both case processing timeliness and the time to achieve permanency (case closure). While timeframes from removal and original petition filing to PPH,²² and time from original petition filing to adjudication did take longer in post-ERGs cases, these differences were not statistically significant. All of the remaining case processing timeframes studied were shorter in post-ERGs cases with significant improvements in the time from adjudication to disposition (10.01 days compared to 34.20 days pre-ERGs; $p < .02$), and

²¹ See for example, Russell, J. & Summers, A. (2013). Reflective decision-making and foster care placements. *Psychology, Public Policy and the Law*, 19, 127-136; Macgill, S. and Summers, A. (2014). Assessing the relationship between the quality of juvenile dependency hearings and foster care placements. *Family Court Review*, 52, 678-685; Gonzalez, C., & Summers, A. (2014). Assessing the long-term effects of courts catalyzing change preliminary protective hearing benchcard. Reno, NV: *National Council of Juvenile and Family Court Judges*; and Summers, A. & Gatowski, S. (2018). Nevada Hearing Quality Study: Examining the Quality of Child Welfare Court Hearing Practice in Nevada. Carson City, NV: Nevada Court Improvement Program.

²² The time from removal and/or petition filing to PPH may be an artifact of how initial hearings were coded in the court files. Because pre-ERGs cases did not have a clearly identifiable first substantive hearing in the court files for coding, coders noted the "filing announcement" as the PPH on the advice of local stakeholders. This was recommended as filing announcements can become substantive initial hearings (or PPHs), if service was completed and counsel assigned. This practice was changed in the post-ERGs cases where a clearly identifiable PPH hearing was noted and described in the court files.

from petition filing to first permanency hearing in the post-ERGs cases (318.11 days compared to 344.33 days pre-ERGs; $p < .05$). Furthermore, improvements in TPR case processing timelines were found in post-ERGs cases with statistically significant differences found for the time from TPR finding for mothers to case closure (an average of 45 days less in post-ERGs cases, $p < .01$), and for the time from TPR finding for fathers to case closure (an average of 54 days less in post-ERGs cases, $p < .01$).

Significant differences were found in the time to achieve permanency between the pre- and post-ERGs cases. It took an average of 139 days less to achieve permanency from removal ($p < .05$) and an average of 158 days less to achieve permanency from petition filing ($p < .05$) in the post-ERGs cases. Looking at the percent of cases closing within 12, 24 and 36 months of original petition filing, significantly more cases post-ERGs were able to close within 12 months of original petition filing (44% of cases compared to 34% of cases in the pre-ERGs group of cases; $p < .05$).

4. What effect does ERGs implementation have on permanency outcomes?

Pre- and post-ERGs cases were compared on the permanency outcomes achieved. Only small differences were found in case outcomes in both groups, and none of the differences were statistically significant, indicating that similar permanency outcomes were achieved in cases pre- and post-ERGs implementation. However, reunification, adoption and guardianship all took less time to achieve in the post-ERGs sample of cases, with reunifications ($p < .01$) and guardianships ($p < .05$) taking significantly less time in the post-ERGs cases. Children in the post-ERGs cases also experienced significantly fewer placement changes throughout the life of the cases ($p < .01$) compared to pre-ERGs cases.

In Summary

This evaluation of child abuse and neglect case process and outcomes using a pre- and post-ERGs implementation measurement research design found a number of significant areas of improvement since Tulsa first began implementing ERGs-based practice reforms. The evaluation confirms that the Tulsa County court has achieved important progress, with measurable positive impacts on court practices and child permanency outcomes, and accomplished these improvements with a remarkably lean amount of overall judicial officer resources dedicated to the deprived dockets based on the population size that the Tulsa County Juvenile Court serves (i.e., 2.0 full-time equivalent positions during the post-ERGs period). The ERGs reforms occurred within an overcrowded and antiquated court facility and during a time period when funding to key stakeholder agencies providing support for parent's attorneys was reduced and attorneys were working without compensation for a period of several months. The Tulsa District Court faced these adversities and nonetheless demonstrated that reform consistent with the ERGs is possible and can increase the timeliness of permanency outcomes.

Continuing to strengthen and sustain ERGs-related reforms is likely to make the court a leader in improving court practices in child abuse and neglect cases but will need to be accompanied by ongoing performance measurement in a continuous quality improvement cycle. The NCJFCJ can assist the court in identifying jurisdictions that have implemented continuous quality improvement (CQI) in dependency

cases and the resources required to sustain improvements, including the characteristics of a flexible primary data system for supporting CQI in dependency cases. The impact of allocating additional judicial officer resources and relocation of the court facility to a new location in the Fall of 2019 will most likely impact court processing and cultivate an operating environment where ongoing improvement consistent with ERGs recommendations can be accelerated.

Since the study examined the first two years of cases closing after Tulsa's ERGs implementation efforts, and compared those findings to cases that closed within two years prior to Tulsa's ERGs implementation, it limits our understanding of the impacts of ERGs on case process and outcomes to relatively "short-stay" cases (i.e., cases that closed within approximately two years after original petition filing). Future evaluation efforts should examine cases that are opened and closed after longer periods of time in the system in order to ascertain whether the positive impacts of ERGs-based reforms found in the current study are maintained for those "longer stay" cases. Finally, some of the most notable reforms instituted by Tulsa County to expedite the appointment of parent counsel and conduct an earlier substantive preliminary protective hearing aligned with the ERGs recommendations occurred in August of 2018 (far too recent to be measured in this study) and should be supported with ongoing, outside evaluation activities. In this manner what is working well in the Tulsa Juvenile Court may be shared more broadly within Oklahoma and nationally within the ERGs network of model courts.

APPENDIX

Additional Hearing Observation Findings

Method

During three days, December 11-13, 2019, researchers observed 45 hearings in Tulsa’s two deprived hearing courtrooms. The distribution of hearing types observed is contained in Table A1. Each of the two judges observed during the visit were specialized in deprived cases, had extensive experience with these types of cases, and had been hearing this case type for several years. The experience level of judges assigned to deprived cases is an important strength.

Table A1: Type of Hearing Observed and Coded

	<u>Number</u>	<u>Percent</u>
Initial Hearing	7	16
Adjudication	12	27
Disposition	5	11
Review	7	16
Permanency	8	18
Post-TPR Review	4	9
Other	2	4
Total	45	100

Hearing Duration

With only two judges handling all deprived matters, the dockets are large. During the days on-site, dockets ran over 20 hearings on a setting. The average duration of these hearings was 14 minutes, with the following averages by hearing type (Table A2). Given high judicial workloads of active cases and crowded dockets, the hearing times observed are commendable.

Table A2: Average Hearing Duration by Uncontested Hearing Type

	<u>Minutes</u>
Initial Hearing	24
Adjudication	12
Disposition	18
Review	12
Permanency	14
Post-TPR Review	6

Hearing Participation

Natural mothers appeared in over half of the observed hearings (56%). They were most likely to appear for initial hearings. Overall, natural or putative fathers appeared 40% of the time and were most likely to appear at the adjudication/disposition phase. In contrast, a child was present in only 11% of the hearings researchers observed and were most likely to appear at review/permanency phases of the process. Appearances by the father was higher than in some jurisdictions that NCJFCJ is conducting similar research in. However, the presence of a child was much lower than in jurisdictions that have adopted a policy to bring children when possible and to remove them from the hearing when testimony might be traumatic. Courtroom and waiting area inadequacies in the juvenile court facility may influence policy concerning the appearance of children at hearings. Attorneys/GALs for a child appeared in 93% of the observed hearings, attorneys for the mother in 53% and attorneys for the father in 51%.

<u>Party</u>	<u>Overall (N=45)</u>	<u>Initial Hearing (N=7)</u>	<u>Adj/Disp (N=17)</u>	<u>Review/Perm (N=15)</u>
Mother	56%	86%	47%	67%
Father	40%	29%	53%	47%
Child	11%	0	6%	27%
Mother's Attorney	53%	71%	53%	60%
Father's Attorney	51%	29%	77%	53%
Child's Attorney/GAL	93%	86%	94%	100%

Parent/Child Engagement

When parents, children, relatives or foster parents appeared, there was generally a high level of engagement. The hearing was formally explained about 71% of the time and both judges spoke directly to participants, addressing them by name in 2 out of 3 hearings (Table 3). Parties were given an opportunity to be heard by direct engagement of the judge (not through their attorneys). The general demeanor of the courtrooms was respectful. In nearly all instances, the judges were noted for treating parents with respect, using non-technical language, and having a positive demeanor towards all parties and attorneys involved in the case.

The preparation and professionalism of all of the parties, including the casework agency in some instances, was adequate. Attorneys were prepared for court and treated both parents and each other with respect in 100% of the hearings observed (Table A4). There were no hearing continuances noted with a reason of counsel not being present, in another courtroom, or unprepared to proceed (e.g., needed time to review a petition or report).

The court generally inquired about ICWA systematically at emergency hearings and makes determinations. The initial substance appearance or filing announcement sometimes included a verbal revisiting of the findings 57% of the time, but not always.

Table A4: Judicial Engagement During Hearings	
Engagement –did the judge...	<u>N= 45</u>
Explain the hearing process	71%
Speak directly to the person	82%
Address the person by name	62%
Give the person an opportunity to be heard	80%
Heard only through their attorney	4%
Sought their input	67%
Ask if they understood the hearing	44%
Identify the next steps to the person	64%
Ask if they understand the next steps to be taken	51%
Have a conversation about next steps	56%
Ask if the next hearing date/time works for them	20%
Ask if they have questions	78%
General hearing observations	
Focused on family strengths	65%
Treated parents with respect	97%
Professionals treated each other with respect	100%
Used non-technical language	97%
Attorneys were prepared for court	100%
Judicial demeanor was appropriate	100%
ICWA	
Did the judge inquire about ICWA (Initial hearings)	57%

Judicial Oversight: All Hearings

The topics of substantive discussion, pertinent across all hearing types, varied. Child safety and family time (i.e., visitation) were the most likely topics for detailed judicial oversight (Table 4). These findings suggest an opportunity for additional training and ongoing hearing quality improvement. All hearings usually concluded oral findings that were clearly stated and determined and announced the date and time of the next hearings. Judicial orders and written findings are typically not distributed at the

conclusion of hearings in Tulsa, indicating another area in need of improvement.

Table 4: Observations Across All Hearing Types with Sufficient or Substantive Discussions

All Hearings	<u>N=45</u>
Child educational needs	17%
Child educational placement	3%
Child physical health	21%
Child mental health	21%
Child other well-being	64%
Child safety	59%
Family Time/Visitation (parent and/or sibling)	60%
Efforts to reunify family/prevent removal	42%
Maintaining permanent connections	37%
Representation issues	8%
Notice	4%
Adverse experiences/trauma/toxic stress	20%
Concluding the hearing	
Made oral findings that all participants can understand	91%
Considered the appropriateness of the ADR process and order if applicable	8%
Set the date and time of the next hearing	91%
Identified a person whose presence is required at the next hearing	17%
Ensured all orders are written, signed, copied and distributed	17%

Judicial Oversight: Specific to Hearing Type

When examining hearing oversight by findings pertinent to specific hearing types, the courtrooms both functioned well (Table 5). During initial hearings, the petition was reviewed in all instances and testimony was taken or a discussion was engaged concerning the search for relative resources. Safety planning and the topic of confirming paternity were also frequent topics for judicial oversight (Table 5, under Initial Hearing or PPH). The courtrooms were also observed to have appropriate judicial oversight at the adjudication, disposition and review, and permanency hearing phases. For example, disposition hearings always had a sufficient or substantive discussion of the case plan for the parent and for a child, along with case benchmarks and deadlines.

Table 5: Observations for Specific Hearing Types with Sufficient or Substantive Discussions

Initial Hearing or PPH	N=7
Parents rights	80%
Permanency timeframes	20%
Review of the petition	100%
Paternity	67%
Diligent search	80%
Relative resources	100%
Safety planning	84%
What is preventing the child from returning home today	67%
Asking about Native American heritage	34%
Adjudication hearings	N=12
Allegations regarding mother	80%
Allegations regarding father	75%
Legal basis for continued court intervention	89%
Disposition hearings	N=5
Adequacy of the case plan for the child	100%
Adequacy of the case plan for parents	100%
Availability of services to meet needs for parents	100%
Availability of services to meet needs for parents	100%
Culturally appropriate services	0%
Case benchmarks and deadlines	100%
Review / Permanency hearings	N=15
Permanency goal	100%
Concurrent planning	76%
Progress/compliance regarding case plan	100%
Adequacy of the case plan	100%
Case plan modifications	100%
Time frames for achieving permanency	70%
Barriers to achieving permanency	80%
15 of 22 months/compelling reasons	50%
Rule out better permanent plans	33%