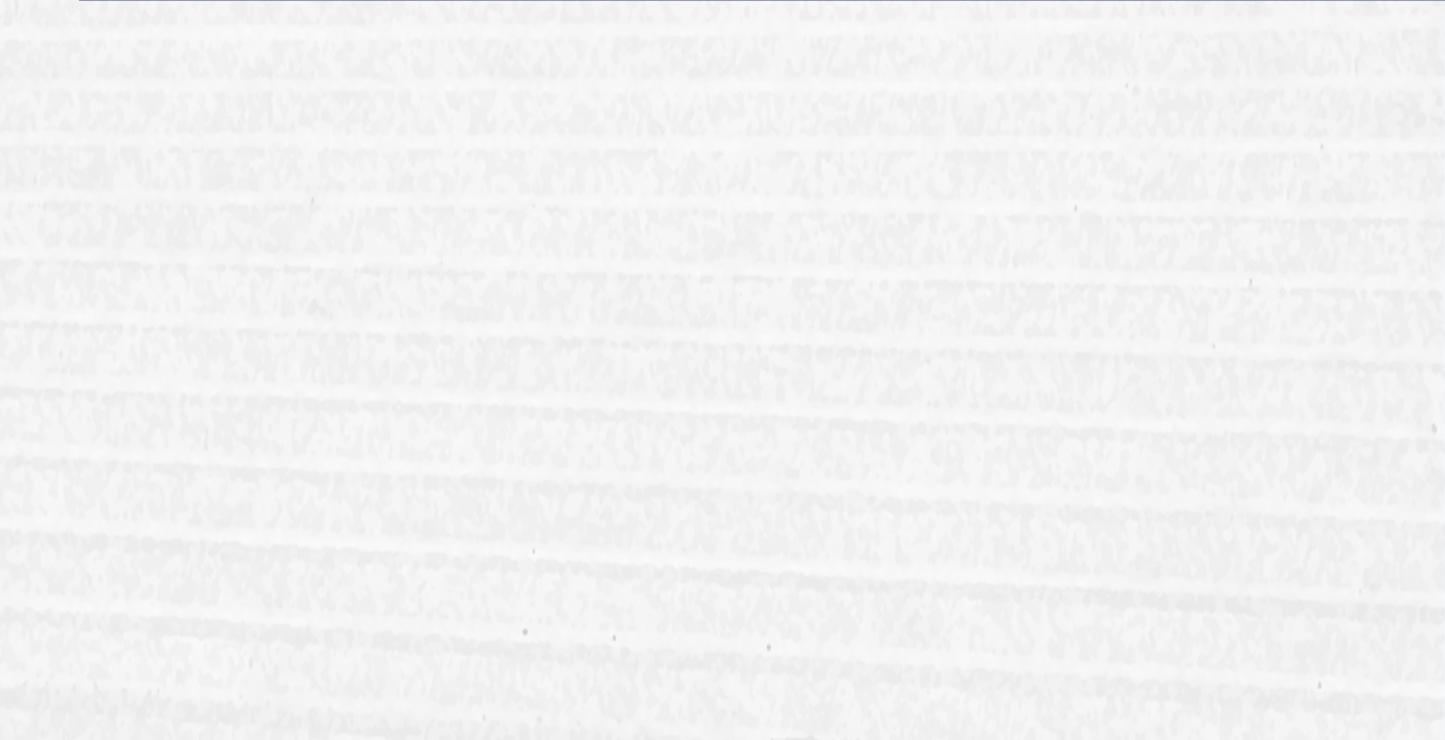




Enhanced Resource Guidelines Implementation Evaluation Berrien County, Michigan | Family Division

August 2023



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Funding for this internal report was provided by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention through grant awards 2018-CT-FX-K001 and 15PJDP-21-GK-0035-CAPT to the National Council of Juvenile and Family Court Judges. Points of view or opinions expressed are those of the contributors and do not necessarily reflect those of the Department of Justice.

Acknowledgements

The report authors wish to express gratitude to the Berrien County Family Division judicial leaders and court administration professionals who invited a rigorous examination of their efforts to implement dependency court improvement using the *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*.

The Honorable Brian Berger and Probate Court Registrar Jean Lawrence were our primary contacts. We appreciate their efforts to help us access information, their patience in supporting the time required to allow a pre/post study design to mature, and for the inspiration we received viewing their dedication to continuous quality improvement. The authors also thank the Honorable Mabel Mayfield who initiated the Family Division's application to become an ERG Implementation Site, thus starting this collaboration.

Several National Center for Juvenile Justice (NCJJ) researchers made substantial contributions to the study. Gene Siegel and Hunter Hurst contributed to all phases of the study data collection and analysis. Dr. Kristan Russell, Marly Zeigler, Eliana Beigel, Moriah Taylor, Zoe Livengood, and Jeremy Bilfield provided invaluable research analyses, data collection, and support. Dr. Sophia Gatowski, consultant to the National Council of Juvenile and Family Court Judges (NCJFCJ), provided guidance regarding the study methods and report recommendations. Additional thanks go to Melissa Gueller, Program Director of Child Abuse and Neglect programs for the NCJFCJ, along with Dr. Melissa Sickmund, Director of NCJJ, and Andrew Wachter, Project Site Manager for the Berrien County Family Division, who provided input and valuable, ongoing contributions to the study.

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Executive Summary

With funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the National Council of Juvenile and Family Court Judges (NCJFCJ) developed the Implementation Sites Project to assist juvenile and family courts to integrate the best practices as outlined in the *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases (ERGs)*. The Implementation Sites Project provides specialized training and technical assistance to participating sites to improve court practices and outcomes for children in care by assessing current practices against the recommendations for child abuse and neglect case processing outlined in the ERGs and by 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 Berrien County, Michigan, Family Division's (hereinafter the Family Division) implementation of the ERGs. The Family Division's Lead Judge, Brian S. Berger invited a multidisciplinary stakeholder team to participate in a 2-day ERGs training (March 21-22, 2019) and accommodated intensive Implementation Site technical assistance through a dedicated NCJFCJ site manager. The purpose of this executive summary is to summarize the key findings of an evaluation of Berrien County's ERGs implementation and present subsequent recommendations. The evaluation methodology followed in this inquiry is covered in more detail in later sections of this report.

Key Evaluation Findings

Before summarizing the key findings, we believe it is critical to note that the study findings below reflect a period which coincided with the COVID-19 pandemic. As such, we expected that the findings would reflect efforts by the Family Division to employ the ERGs recommendations while simultaneously being affected by the pandemic. The key findings outlined below should be considered accordingly:

1. **Hearing Quality:** Based on hearing observations, the quality of hearings improved across a number of variables from pre- to post-ERGs, though continued improvement is encouraged.
 - a. Judicial engagement of parents improved across key hearing types (e.g., preliminary protective hearing, adjudication, disposition, first review, and first permanency hearing) through increases in addressing the mothers by name, providing the mothers opportunities to be heard, asking the fathers if they understand the petition and hearing, checking in with the parents to make sure they understand the next steps, and asking the mothers if they have any questions. Despite improvements, it should be noted that the parents were asked if they understand next steps required of them pursuant to the hearing approximately 25% of the time, were asked if they have questions 40% or less of the time, and were given the opportunity to be heard 45% or less of the time.
 - b. The ERGs identify topics or issues that should be discussed at every hearing type. From pre- to post-ERGs there were substantive increases in discussion at the hearings on topics such as what prevents the child from returning home, how long has the child been in placement, educational needs for age-appropriate children, family time with siblings, and maintaining family connections. However, discussion about some key topics remained low in post-ERGs hearings across their respective hearing types including: safety planning (22%) and permanency time frames (22%) in preliminary protective hearings; child's case plan (30%); availability of services for the child (30%); culturally

- appropriate services (0%) in dispositions; timeframes for achieving permanency (18%) in review hearings; number of days in placement (18%); number of placement changes (7%); mental health (13%); well-being (15.2%); trauma (2.2%); maintaining connections with family (22%) from all hearings; identifying participants needed at next hearing (9%); and inquiring about suitability of next hearing date (15%) in the conclusion of all hearings.
2. **Court Casefile Reviews:** Most variables studied using the court casefile review remained relatively stable across hearings from pre- to post-ERGs.
 - a. In addition to these variables, a few findings demonstrated changes that did not align with the ERGs recommendations (i.e., case file data did not reveal significant improvements in judicial continuity and reduced use of combined adjudication/disposition).
 3. **Timeliness:** Findings revealed that most timeliness variables remained relatively stable across hearings from pre- to post-ERGs. However,
 - a. The data show an increased number of days between adjudication and disposition.
 - b. Mean time from TPR petition to first Termination of Parental Rights (TPR) increased for both the mother and father from pre- to post-ERGs.
 4. **Permanency Outcomes:** Again, most of the items examined for permanency outcomes remained relatively stable across hearings from pre- to post-ERGs, with some notable exceptions:
 - a. For out-of-home cases, family reunification rates decreased significantly from pre-ERGs (69.5%) to post-ERGs (62.2%).
 - b. Termination of parental rights significantly increased from pre-ERGs (20.3%) to post-ERGs (29.7%).
 - c. On the other hand, the mean number of placement changes significantly decreased from pre-ERGs (M = 1.92) to post-ERGs (M = 1.30).

Recommendations

The current evaluation highlights several considerable improvements made by the Berrien County Family Division following the implementation of the ERGs. While there is ample reason to recognize these successes, the research team has also identified four areas for improvement that will encourage the Family Division to continue its efforts in meeting the ERGs and implementation site goals.

Recommendation 1: *Judges should start each hearing by explaining the purpose of the hearing and identifying all relevant people, including themselves.*

It is critical that judicial officers adequately engage the participants and ensure families feel comfortable in the courtroom, whether it be in-person or online. The need for engagement with participants is particularly salient at the start of each hearing when introductions are made. Even though the data show that judges in Berrien County frequently identified participants in the hearings, coders noted that judges often forgot to introduce themselves, only introduced a small portion of the

participants, and frequently stated the names of people in the courtroom without reference to their role or relation to the case. The ERGs recommends that judges identify all participants in the courtroom, including themselves, and describe each person's connection to the case. Though progress has been made, 40% of hearings observed in Berrien County also lacked any discussion regarding the purpose of the hearing. Aligned with the ERGs, it is recommended that judges explain the purpose of each hearing using language that is easily understood. To implement this recommendation, the court may consider developing a guided script or checklist that can be used, particularly for virtual hearings, to help guide them through the initial steps of the hearing process. This can be a useful tool for training new judges to help them develop consistent practices, and it can serve as a reminder for experienced judges to ensure hearings get off to a great start. If the court plans to continue virtual hearings for some hearing types, a checklist may also help to safeguard the formality and clarity of the process recommended by the ERGs.

Recommendation 2: *Judges should aim to make hearings more child-focused.*

While the Family Division has made substantial improvements in depth of discussion of several topics related to the child in the case across all hearings, there were several key child-related topics (e.g., mental health, overall well-being, trauma, child's case plan, and availability of services for the child) that were infrequently discussed in both pre- and post-ERGs hearings. Initiating discussions on these topics may not only engage the family more in the proceedings, but also contribute to early and effective case planning and better outcomes for the youth. In line with the ERGs, it is recommended that judges initiate meaningful discussion about the child to better understand how they are doing and identify their immediate and long-term needs. At preliminary protective hearings, child-focused discussions may primarily be about safety risks to the child, while subsequent hearing discussions may consider child well-being more generally, educational needs and progress, case planning, and permanency goals. However, trauma-informed discussion should be taking place throughout all hearing types. Judges should also facilitate more specific discussions about how the child is doing in current placement if it is an out-of-home case. Judges can also aim to make individual courtrooms more child-focused by providing more opportunities for children to participate in proceedings, if age appropriate and the child is interested in participating. Even when children are uninterested in attending hearings, participation can still occur by having a guardian *ad litem* (GAL) share personal wishes with the court or by submitting written or recorded statements. During review hearings, judges should initiate increased conversation about the child's case plan including whether services are adequately meeting the child's needs, if the services needed are available and if the child is able to access them, and whether the child is making progress. To implement this recommendation and make these discussions more child-focused, judges may inquire about whether the child was involved in case planning if age appropriate. Children and youth are likely to feel more engaged in the process if their opinions are heard in the deciding of case plan specifics, rather than simply having decisions made about them.

Recommendation 3: *Leverage video and audio technology for ongoing self assessment and monitoring.*

Beyond the scope of this study, a unique benefit of video recording juvenile and family court proceedings is having the ability to leverage that resource for self assessment and monitoring. To implement this recommendation, the Family Division should continue to support judicial officer trainings and performance reviews using available recordings. For example, a selection of hearing recordings could be reviewed annually to provide constructive feedback and used in training opportunities identified through the NCJFCJ or the Michigan Court Improvement Program. Further, the NCJFCJ encourages judges to access and view individual recorded hearings for an informal self

reflection to identify areas of strength and areas in need of improvement. The spirit of the hearing reviews should be problem-solving and aligned with the court's commitment to continuous quality improvement of the hearing process for children, youth, and families.

Recommendation 4: *Critically reflect on the factors that may be contributing to delays in permanency.*

This evaluation found increases in the time to achieve case milestones from pre- to post-ERGs implementation, including an increase in time to achieving permanency (case closure). The Family Division should critically reflect on these findings and discuss the possible factors that may have contributed to increased permanency timeliness in the post-ERGs cases, including how the cases may have been affected by practice changes and any other challenges the court and child welfare system faced during the COVID-19 pandemic. While this jurisdiction is already tracking the 9 Key Court Performance Measures, they might consider expanding their data collection in a more targeted manner to better assess these outcomes. It is important to note that the data collected in this study to examine impacts of ERGs implementation overlapped with the pandemic. As a result, the NCJFCJ expects that some of the findings (e.g., reduced judicial continuity, increased time between adjudication and disposition, and increased time to permanency) may have been negatively affected by pandemic-related factors and practice changes. Thus, the NCJFCJ recommends that the court continue to track these measures moving forward for several purposes. It will allow the court to examine how factors such as reduced judicial continuity and increased time between adjudication and disposition could be affecting time to permanency. Further, it will encourage the court to reflect critically on the impacts of both the pandemic and subsequent policy and practice changes on permanency outcomes.

Introduction

This report stems from the National Council of Juvenile and Family Court Judges' (NCJFCJ) Enhanced Resource Guidelines and Implementation Sites Project. The following sections briefly describe the Enhanced Resource Guidelines (ERGs), detail the history and purpose of the overall project, and describe the goals of individual site evaluations.

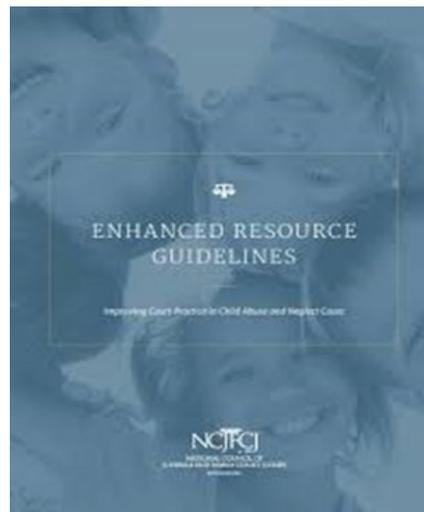
The Enhanced Resource Guidelines (ERGs)

Developed through a collaboration of judges, child welfare court practitioners, and child welfare system researchers, the NCJFCJ's [Enhanced Resource Guidelines \(ERGs\)](#) outline best practice principles that should guide judges' handling of child abuse and neglect cases. All stages of the court process are covered within the ERGs, from the preliminary protective hearing until the court's jurisdiction ends.

The ERGs serve as a resource for judges to identify best practices in child abuse and neglect cases through the provision of guidelines on necessary procedural steps for each hearing type, considerations for case management at each phase, and the identification of key decisions that should be made at each hearing. The ERGs specify when each hearing should occur and describe the judge's role within each phase of the proceedings. . Additionally, the ERGs include a judicial bench card that efficiently details these recommendations alongside guidelines for preparing for the next hearing. Although the ERGs were written with judges in mind, they have relevance for a broader audience of attorneys, caseworkers, and others involved in child abuse and neglect cases.

The ERGs outline the following principles for child abuse and neglect cases:

- 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



ERGs Implementation Change Model

For decades, researchers have examined prescribed intervention programs with highly defined program elements to better understand what specific programs affect the outcomes of child abuse and neglect cases. Though these efforts are incredibly valuable, the hearing process is dynamic and involves countless factors (e.g., judicial engagement) that could impact the outcome of the case. The ERGs expand upon these considerations by hypothesizing that strong judicial leadership, an effective forum for collaborative systems change, and a high-quality child abuse and neglect process (i.e., hearings are conducted in a timely manner, include substantive discussion of relevant issues, and engage all parties in the process) will likely contribute to improved due process, timeliness, safety, permanency, and child and family well-being. Thus, the ERGs implementation theory of change model is based on the premise that implementing 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) will lead to improved outcomes for children and families that come under the court's jurisdiction.

Due to differences across jurisdictions in operating statutory frameworks, court organizational or structural arrangements, judicial assignment practices, and implementation challenges (e.g., judicial rotation, caseloads, or resource challenges), each ERGs 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

More details on the ERGs implementation and results that can be anticipated as a result are summarized in Figure 1 of Appendix A.

ERGs Implementation Sites Project

With funding from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), the NCJFCJ developed the Implementation Sites Project. Through a judicially-led multidisciplinary collaborative, the project is working with 35 child abuse and neglect court jurisdictions to implement the key principles of the ERGs. The primary goals of the project are to improve the courts' handling of child abuse and neglect cases (e.g., due process, fairness, and timeliness outcomes) and improve outcomes for the children and families involved in these cases (e.g., safety, permanency, and well-being).

The ERGs are taught to Implementation Sites through a 1.5-day multidisciplinary training conducted by NCJFCJ judicial faculty and implementation site managers, as well as partnered subject matter experts. The training covers the core ERGs principles and the recommended best practices for handling child abuse and neglect cases. In addition, an annual all-sites meeting provides Implementation Sites with additional training on ERGs-related topics and promising court improvement interventions, as well as an opportunity to share ERGs implementation successes and challenges with the other project sites.

Besides multidisciplinary training on the ERGs best practices, a critical component of the ERGs implementation change model is the provision of ongoing technical assistance from an NCJFCJ Implementation Site Manager. NCJFCJ Implementation Site Managers conduct site visits and help sites compare current practices with 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 in which sites outline strategies for implementing ERGs practices, including timelines for achieving practice changes. Site Managers maintain regular contact with their sites to monitor the

implementation of change efforts and provide ongoing technical assistance to facilitate those efforts as needed.

Goals and Purpose of the ERGs Implementation Evaluation

Research demonstrates that implementing ERGs best practices to ensure a high-quality child abuse and neglect hearing process can improve child welfare outcomes. For example, use of a One Family/One Judge case assignment model has been linked to reductions in continuances, more timely permanency, and a higher likelihood of reunification.¹ Additionally, the presence of parents at child abuse and neglect hearings has been linked to timelier reunification,² and the engagement of parents in the hearing process has been linked to higher likelihoods of relative placements as opposed to foster care placements.³ Research has also found that courts with more youth present in hearings⁴ and more discussion in hearings contributed to improved timeliness and permanency outcomes.⁵ Finally, research has shown a link between the breadth of discussion topics at hearings and more relative placements, increased reunification rates, and timely permanency.⁶ 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.

The NCJFCJ is currently engaged in a three-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 the 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, the use of pre/post ERGs implementation comparison group designs, and 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 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 background information on the Berrien County Family Division and findings specific to the Family Division's ERGs implementation.

¹ 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.

² 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).

³ 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.

⁴ *Supra* note 3 Summers, A. (2017).

⁵ 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.

⁶ *Supra* note 7 Summers, A. et al. (2017); Bohannon, T., Nevers, K. and Summers A. (2015). *Hawaii courts catalyzing case-file review and court observation pre and post bench card*. 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.

Berrien County Background

The Honorable Brian S. Berger has been the presiding judge of the Family Division – Juvenile Department since 2020 and has led the ERG Implementation Sites effort in Berrien County since 2017. The Family Division handles both juvenile delinquency cases (e.g., children under 18 have been charged with a crime or status offense) and child protective proceedings (e.g., children under the age of 18 who were found to be abused or neglected by their parent(s) or parental figure(s)). The mission statement of the overall Berrien County Circuit Court is *Everyone who works for this court, including the judges and their staffs, will strive to assure the fair and equal application of the rule of law, and to provide efficient access to justice to all people. Our effort includes conducting court proceedings in a timely and orderly manner and maintaining a courteous and professional environment.*

The Family Division serves all of Berrien County. In 2020, Berrien County was estimated to have 153,025 residents.⁷ Approximately 21.5% of the population was made up of persons 17 years of age or younger. In total, 81% of the county’s population identified as White alone, 15.7% as Black or African American alone, under 1% as Native American or Alaskan Native alone, and 2.5% as multi-racial. Approximately 6% of the county’s population identifies as Hispanic or Latino.

According to data provided by the Michigan Department of Health and Human Services (DHHS) Children's Protective Services for 2020, 2,564 referrals were made to DHHS; 1,093 were investigated, 468 of which resulted in findings of abuse or neglect; and 270 were subsequently substantiated or confirmed cases.

As lead judge for the ERGs Implementation Site Project, Judge Berger convened a local dependency court improvement alliance that became the Implementation Sites Project (ISP). This alliance is made up of members from key stakeholders including directors from Child Protective Services (CPS), Department of Health and Human Services (DHHS), prosecuting attorneys, parent and child representation, community mental health (CMH), court appointed special advocates (CASA), public educators, and private social service agencies. Collaboratively, the ISP works to improve the child dependency court process for all involved. The Family Division also hosts an annual picnic for families who have reached permanency through the dependency court process, helping to maintain connections with the community, support parents and children, and to celebrate success.

From inception as an ERGs Implementation Project Site, Judge Berger and a team of judicial officers were committed to executing the best practices of the ERGs as a key court improvement goal for the jurisdiction. Toward this end, Judge Berger and team participated in two days of ERGs trainings on March 21–22, 2019. The training and intensive technical assistance was brought to the Family Division by the national ERGs Implementation Sites project. In addition to the training and participation in the ERGs research, the Family Division implemented a dependency performance tracking model grounded in the recommended Court Performance Measures (CPM) (OJJDP, 2008). Berrien County Family Division’s progress in this regard was highlighted in a national webinar during June 2020, featuring courts that had implemented continuous quality improvement in dependency court. A review of the

BERRIEN COUNTY

- Completion of ERGs training and launch of ERGs-based practice reforms: March 2019
- ERG Lead Judge 2017-2023 Hon. Brian S. Berger
- Type of Court: Urban New Filings in 2020: 79
- # of Judicial Officers: 7

⁷ Puzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990–2020." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>.

Family Division's action plan for ERGs implementation identified the following specific areas for improvement:

- Increasing the presence of children during hearings;
- Time certain docketing with hearing at a certain phase grouped together;
- Improving access to quality legal representation to parents in dependency proceedings by championing additional resources, including compensation and an attorney/social worker model;
- Exploring resources for parent partner social workers;
- Working through the ISP to improve community services to families in need.

Evaluation Methods

The evaluation of the effectiveness of the Berrien County Family Division’s ERGs implementation involved the following steps: (1) assessment of readiness for an evaluation, also known as an evaluability assessment; (2) implementation of the 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 and reporting. These steps are described in further detail below.

(1) Evaluability Assessment

The NCJFCJ Evaluation Team, in partnership with the Family Division’s NCJFCJ Implementation Site Manager, reviewed the site’s history, statutory and organizational context, and stage of ERGs implementation, as well as its capacity to generate data on key ERGs measures. Methods for this review included document analysis (e.g., review of Berrien’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 court improvement initiatives. In reality, these site visits allowed the team to determine if the project implementation matched with 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 and employed document review, stakeholder/focus group interviews, and 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 the 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.

The evaluation period spanned the pandemic and presented the research team with the challenge of a substantial shift in court practice to accommodate remote hearings that posed possible impacts on pre/post measures, but also the opportunity to study a time frame spanning the pandemic and to measure COVID-19 impacts. In consultation with the Family Division leadership, it was decided that the knowledge gained by including this time period would be valuable even if proceeding introduced the risk of possible confounding elements to the study.

(2) Implementation Fidelity Assessment

The Fidelity Assessment was administered to the Family Division’s child abuse and neglect system stakeholders using an online survey. Respondents were asked to rate the degree to which specific ERGs practices have 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. The survey was voluntary and received an 82% response rate with 28 of 34 invited respondents participating. However, 15 of the 28 respondents failed to complete the entire survey, suggesting that the survey was comprehensive but possibly too long (379 items, organized in 18 domains). Survey

respondents included judges, attorneys, agency caseworkers, family division staff, and court appointed special advocate program staff.

An average score was calculated for each practice item, producing an overall implementation score for a specific ERGs principle or practice. An overview of the findings is presented in Table 1. The findings of this assessment indicate some ERGs implementation strengths in the Berrien County Family Division, including topics that are priority practices, including legal representation by parent’s attorneys, child welfare agency attorneys, representation by guardians *ad litem*, and post permanency review hearings. The survey also helped identify several domains where further improvement may be warranted that fall into the moderate or weak performance range. In discussing the fidelity assessment results with the lead judge and court administrator (registrar), the research team decided that adequate progress had been made, including ongoing performance tracking by Family Division administration and ongoing commitment to the ERGs principles to warrant an evaluation.

Table 1. Implementation Fidelity Assessment Findings

Strong	Moderate	Weak
DHHS Representation	TPR Hearing	Courtroom Facilities
Post-Permanency Review Hearings	Permanency Hearing	Calendaring
GAL Representation for Children	Frontloading	
Legal Representation for Parents	Review Hearing	
Findings/Orders	General Hearing Practices	
	Reports	
	Notice	
	Disposition Hearing	
	Case Assignment	
	Training	

(3) Determination of Site Readiness for Evaluation

Information gathered in steps 1 and 2 was used to document the status of the ERGs implementation in the site. Specifically, the evaluation team used the evaluability and implementation Fidelity Assessment data to determine that Berrien’s ERGs implementation was sufficiently underway, data capacity was robust, and fidelity to key principles of the ERGs was moderate or strong in most areas. Court leadership was committed to ongoing performance measurement and open to evaluation results that could be impacted by some implementation weakness, the post-ERGs time frame spanning the pandemic, and the associated changes in court proceedings.

4) Selection of Research Design, Sampling Frame, and Sample Sizes

Research design. The primary goal of the evaluation was to determine if ERGs implementation in Berrien County was associated with positive case outcomes, such as decreased time to permanency, reduced court continuances, increased reunifications, and more robust judicial engagement during hearings. Random Control Design (RCT) was not feasible due in part to the size of the jurisdiction and the Implementation Sites model to train all judicial officers in ERG practices rather than staggering training and technical assistance. A pre/post comparison quasi-experimental research design was proposed utilizing court records and recorded hearings. 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. Upon entering data sharing agreements, the Family Division provided on-site access to physical court hearing records and transferred a sample of hearing video recordings for coding hearing observations.

Evaluation sampling frame. To determine the appropriate sample of cases for pre- and post-comparison groups, the evaluation team needed to consider several sampling issues. Concerning the post-ERGs implementation sample, cases selected for inclusion had to be processed by the court after training on the ERGs was completed on March 21-22, 2019, and sufficient time elapsed for ERGs implementation practices to be consistently and fully applied in cases, which was determined as July 1, 2019. In addition, closed cases were sampled to allow the measurement of case outcomes. The size of Berrien County and the timeframes selected for the study necessitated the research team to sample the universe of cases that had closed during the sample periods. Sampling based on cases closed allows for measuring the permanency outcomes pre- and post-ERGs, requiring case aging of approximately two years to start accumulating adequate cases to sample in a post-ERGs timeframe. By happenstance this case aging period overlapped with the COVID-19 Pandemic, necessitating a decision between the research team and the Family Division leadership to either base the sample on a narrow window of post-ERGs but pre-pandemic closed cases, approximately from 7/1/2019-3/30/2020, or to sample cases that closed during an exclusively post-pandemic period. The research team and Family Division leadership selected the latter recognizing that many of the cases included in the post-ERGs closed case sample also had proceedings that occurred during and after the onset of the COVID-19 pandemic (Table 2).

Table 2. Casefile and Hearing Observation Samples

Case File and Hearing Observation Samples	Pre-ERGs	Post-ERGs
Case Closure Time Frames	1/1/2015-12/31/2016 (and filed after 1/22/2015)	7/1/2020-6/30/2022 (and filed after 7/1/2019)
Case Files Sample Size (N)	59	37
Hearing Observation Sample Size (N)	58	46

Once the appropriate sampling timeframe was determined, the universe of cases for both the pre- and post-ERGs groups was selected for inclusion in the study. For case file reviews, if a case had multiple siblings, one child was randomly selected for data collection.

In typical studies of this type, 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) and post-implementation differences in case outcomes can be attributed to the intervention. In this instance, however, the pandemic likely confounded results, but the study proceeded to determine areas of net improvements or back-sliding. For this reason, the evaluation is primarily a problem-solving or action research application compared to other research designs.

(5) Data Collection Strategy

Two NCJFCJ instruments designed to examine child abuse and neglect hearing practices and outcomes were modified for use in this evaluation. These include a hearing observation tool and a casefile review tool. Both instruments were pre-tested on a sample subset of hearings and court case files during site visits to ensure only ERGs-relevant variables were captured in the assessment and that the tools adequately captured the uniqueness of practices within Berrien County. Coders were trained by senior members of the evaluation team using comprehensive codebooks prior to going on site to review physical court records. The time-limited nature of on-site coding required check-coder procedures to establish interrater reliability (IRR). In contrast, structured hearing observations could be remotely viewed in a more relaxed time frame with much more time for check-coder procedures and iterative improvement of case codebooks and IRR supported through calculations of percent agreement across coding of a sample subset. For the hearing observations, IRR calculations on 197 coding items yielded 79-91% agreement between coders across all hearings assessed (n = 13). While this level of reliability is deemed to be good and sufficient for coding purposes, the team met a final time to examine the items with poorest agreement and to finalize codebook enhancements prior to coding the sample.

The primary analyses focus on examining differences in case outcomes from pre- to post-ERGs implementation. The casefile review instrument was used to answer the primary research questions in this evaluation as it had the unique ability of collecting data across the course of a case and capturing case outcomes for the case-closed sample. To supplement documentation data pulled from court records, the evaluation team conducted systematic hearing observations using video-recorded hearings using the previously described hearing observation tool and associated codebook. The timeframe sampling parameter from the casefile review was applied to the hearing observation phase to draw a sample of hearing recordings that included 8-10 of each primary hearing type (e.g., preliminary protective hearings, adjudication hearings, initial disposition hearings, first review hearing, and first 12-month permanency planning hearing).

(6) Data Analysis

Information obtained from both the court hearing observations and case-file reviews was entered into the Statistical Package for the Social Sciences (SPSS) software for analysis. 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 results of these analyses are presented in the next section of this report. Findings of statistical significance⁸ are noted where applicable.

⁸ Statistical significance indicates whether a result is not likely due to chance, but rather is most likely attributable to a specific factor. Appropriate statistical tests for the type of data were used to discern statistical significance.

Evaluation Results

Hearing Observation Findings Pre- and Post-ERGs Implementation

Hearing Length. Hearing length was examined to determine if there were any differences between pre-ERGs to post-ERGs implementation across all hearing types. There were no statistical differences identified across hearing types; however, this may be due primarily to the small sample sizes for each group, although general trends can still be ascertained from these data. As shown in Figure 2 in Appendix A, the hearing length of the preliminary protective hearing and adjudication decreased slightly from pre- to post-ERGs; whereas the hearing length for disposition, first review, and first permanency all increased.

Presence of Parties in Hearings. Attendance of parties at the hearings pre- and post-ERGs were examined. Overall, there were no significant differences for mothers, fathers, fathers' attorneys, caseworkers, family members, relative placements, guardians *at litem*, attorney general/district attorney, foster parents, tribal representatives, or children in terms of attendance between pre- and post-ERGs implementation. Overall, mothers' attorneys were present in approximately 84% ($n = 58$) of pre-ERGs hearings and increased to 100% ($n = 46$) of post-ERGs hearings, which was a statistically significant ($p = .012$) improvement. CASA representatives were present in 0% ($n = 58$) of pre-ERGs hearings and increased to 13% ($n = 46$) of post-ERGs hearings, which was also a statistically significant ($p = .045$) improvement. For a more detailed overview, Table 3 in Appendix B illustrates the differences between party presence in the pre- and post-ERGs groups across each hearing type.

Judicial Engagement of Parents. Engaging parents in the hearing process is a critical component of holding high-quality hearings. The first measures examined whether the judge explained the hearing process to all parties present and if they identified all parties present. Despite a lack of statistical significance, judges appear to be making improvements in the frequency with which they explain the hearing process to all parties, doing so in 47% of pre-ERGs hearings and increasing to 61% of post-ERGs hearings. There was a statistically significant ($p < .001$) improvement in identifying hearing participants, increasing from 63% in pre-ERGs hearings to 100% in post-ERGs hearings. However, coders did note that while the judicial officers identified most participants at every hearing, there were occasions when not all participants who were present in the courtroom were identified on the record. In addition, in 25 (54.3%) of the post-ERGs hearings, coders could not discern if the judicial officer was identified on the record.

Next, engagement with parents was considered in these analyses through measures of whether the judge (1) spoke directly to the parent, (2) called the parent by name, (3) asked the parent if they understood the petition and hearing process, (4) gave the parent an opportunity to be heard and not just through their attorney, (5) identified the next steps for the parent, (6) asked if they understood the next steps, and (7) asked if they had any questions.

First, engagement with mothers who were present at the hearing was examined. Several significant improvements were noted. Judicial engagement significantly ($p = .004$) improved in terms of the frequency with which the mother was addressed by name, doing so in approximately 68% of cases pre-ERGs and 94% of cases post-ERGs. There was also a statistically significant ($p = .005$) difference in the frequency with which the mother was given the opportunity to be heard, which occurred in 9% of pre-ERGs hearings and increased to 36% in post-ERGs hearings. Additionally, judicial engagement significantly ($p = .010$) improved in terms of asking the mothers if they understand the next steps, which occurred in 5% of pre-ERGs hearings and increased to 25% of post-ERGs. Mothers were also significantly more likely ($p = .017$) to be asked if they had any questions in post-ERGs hearings (39%)

compared to pre-ERGs (18%). While there were no statistically significant differences across pre- and post-ERGs implementation cases in the other engagement measures, all appear to be trending in the direction of improvements from pre- to post-ERGs as well, as can be seen in Figure 3 in Appendix A.

Next, engagement with fathers who were present at the hearing was examined. Judicial engagement significantly ($p = .021$) improved in terms of the frequency with which the father was asked if they understood the petition and hearing, occurring in approximately 13% of cases pre-ERGs and 45% of cases post-ERGs. Furthermore, judicial engagement significantly ($p = .007$) improved in terms of asking fathers if they understand next steps, which occurred in 0% of pre-ERGs hearings and increased to 25% of post-ERGs. Like the mother-specific findings above, many of the father-related judicial engagement findings that did not reach statistical significance still appear to be trending in a positive direction from pre- to post-ERGs, as seen in Figure 4 in Appendix A.

Hearing Discussion. Hearing discussion levels were measured using a list of topics derived from best practice guidelines in the ERGs. There are several topics that could be discussed at all hearing types. The percentage of hearings in which these items were discussed at any level was examined first and are illustrated by pre-ERGs and post-ERGs in Table 4 in Appendix B. There was a significant ($p < .001$) improvement in the frequency of discussion around what prevents return home that day for children who are in placement, which was discussed at 25% of pre-ERGs hearings and increased to 73% of post-ERGs hearings. Discussion of the number of days the child has been in placement significantly ($p < .001$) increased from occurring in 0% of pre-ERGs hearings to 18% of post-ERGs hearings. Additionally, discussion of the child's educational needs when age appropriate significantly ($p = .019$) increased from 14% at pre-ERGs hearings to 47% at post-ERGs hearings (note that coders used an n/a code for infants and these cases were not used in the analysis for education). For children who have siblings, discussions about family time with those siblings significantly ($p = .001$) increased from 2.2% at pre-ERGs hearings to 35% of post-ERGs hearings. Discussion about maintaining connections with family also significantly ($p = .042$) increased from 7% in pre-ERGs hearings to 22% of post-ERGs hearings.

There are also topics that are specific to certain hearing types. The percentage of discussion items for preliminary protective hearings was examined first, followed by dispositions and permanency/review hearings. While none of these items had statistically significant differences from pre- to post-ERGs hearings, some general trends can be seen in Tables 5, 6, and 7 respectively in Appendix B.

Judicial Findings. The hearing quality assessment identified whether the judge made verbal findings on the record that the agency made reasonable efforts. There were no significant differences between pre- and post-ERGs hearings, both having this finding on the record in 78% of hearings.

Conclusion of Hearings. How judges concluded hearings was also examined. Specifically, (1) whether all findings were summarized at the conclusion of the hearing, (2) if all people who need to be at the next hearing were identified, (3) if the next hearing date and time were set, and (4) whether the suitability of the next hearing date was discussed. Judges set the next hearing date during the conclusion of 82% of pre-ERGs hearings, which significantly ($p = .011$) increased to 98% of post-ERGs hearings. While the other items did not have statistically significant differences from pre- to post-ERGs hearings, some general trends can be seen in Table 8 in Appendix B.

Qualitative Reflections. During hearing observations, coders can make unstructured notes regarding hearing quality from their perspective. This permits them to observe and comment on hearing quality aspects not otherwise captured on the structured coding form. Coders' comments included topics such as family strengths, respect shown to parents by judicial officers, preparedness of attorneys, judicial demeanor, and orderly courtroom environment. Given the unstructured nature of this data collection,

it should be noted that these findings are not exhaustive but are useful in identifying apparent areas of strength and possible areas in need of improvement.

The research team analyzed open-ended comments by reading through all responses and developing a list of themes, operational definitions, and codes to allow for a more systematic assessment. Responses were then coded and summarized to determine which observations were made most frequently.

Findings are as follows:

- In 13 instances, coders mentioned that the overall hearing was positive. This may have been due to a variety of factors such as judicial engagement of the participants or the number and depth of topics covered.
- In seven instances, coders noted that the judge spoke and or read quickly. This is important, as participants may have difficulty following or understanding the information when it is provided too quickly.
- In six instances, coders mentioned that the judge read from a script or bench card during the hearing. This may be beneficial in ensuring that all key elements of the hearing are covered and that all necessary findings were made, but it may also be challenging for parents or other non-attorneys to understand.
- In five instances, coders stated that the judge did not introduce themselves and or others in the hearing. Last, in five instances, coders indicated that the mother was praised in the hearing by the judge.

Case-file Review Findings

Pre- and Post-ERGs Implementation

This section outlines findings from court case file reviews examining similarities and differences between pre- and post-ERGs implementation on case demographics and characteristics, as well as ERGs implementation impacts on hearings, case processing timeliness, and permanency outcomes.

Pre/Post Case Demographics and Characteristics

Demographics. The pre- and post-ERGs cases were analyzed to determine whether they differ across a variety of case factors, including information about the child, parents, and case specifics. There were no significant differences between pre- and post-ERGs cases for age of children at the time of petition filing, gender of the child, race of the child, number of ICWA cases, number of petition allegations (see more about type of allegations below), number of presenting family issues identified in petitions, number of placements, history with the court, history with the child welfare system, and history of the child or sibling being removed from the home. These findings lend validity to the assumption that the two comparison groups are similar. More detailed information about the comparisons can be found in Tables 9-11 in Appendix B.

Allegations. Although allegations and family issues or presenting problems were generally similar across pre- and post-ERGs cases, comparisons were conducted for specific items (e.g., allegations of physical abuse) to better understand any differences that may exist. These comparisons examined if there were any differences between pre- and post-ERGs cases in terms of whether there were any allegations or problems reported in the case at all (yes or no) related to any of the parties (mother, father, other). No significant differences were found between pre- and post-ERGs cases for allegations of physical abuse, sexual abuse, abandonment, or unfit to parent. There was a significant difference between pre- and post-ERGs cases in terms of neglect, with more allegations of neglect post-ERGs ($p = .013$); threats of harm, with fewer allegations of threats of harm post-ERGs ($p = .027$); and fewer other allegations not otherwise classified post-ERGs ($p = .003$). More detailed information regarding these findings can be found in Figure 5 in Appendix A. Additionally, statistical comparisons were not run for allegations of emotional abuse as there were no cases that were confirmed 'yes' for pre- or post-ERGs.

Family Problems. No significant differences were found between pre- and post-ERGs cases for the presence of family problems related to crime, domestic violence, failure to parent, substance use, mental health, and other problems not otherwise specified. There was a significant difference between pre- and post-ERGs cases in terms of problems of homelessness, with more cases involving problems of homelessness post-ERGs ($p = .021$). More detailed information regarding these findings can be found in Figure 6 in Appendix A. Due to the limited sample and small cell sizes across these tests, significant differences should be considered critically as they may be due to chance, rather than the pre- and post-ERGs groups having inherent differences.

ERG Implementation Impacts on Court Hearings

Judge Continuity. The ERGs recommend a One Family/One Judge model of case assignment, with one judge presiding over all hearings in a case for the life of the case. The mean number of judicial officers across the life of the case was significantly ($p < .001$) higher for post-ERGs implementation cases ($M = 2.56$) compared to pre-ERGs cases ($M=1.95$). An exploration was conducted to determine whether significant differences existed when considering judicial officer changes at specific hearings. There were no significant differences between pre- and post-ERGs cases in terms of judicial officer changes at the PPH, adjudication, review, and permanency hearings. There was a significant increase in judicial officer changes post-ERGs implementation at the pre-trial ($p < .001$) and disposition hearings ($p = .012$). Further details can be found in Table 12 in Appendix B.

Contested Adjudication. There were no significant differences between pre- and post-ERGs cases in terms of the number of contested adjudication trials held.

Combining Adjudication/Disposition Practice. Concerning disposition, the ERGs recommend that the disposition hearing be held immediately following (or as soon as possible after) the adjudication, when appropriate, to facilitate timely implementation of the case plan and services. In pre-ERGs implementation, 73.6% of cases held a combined adjudication/disposition hearing compared to only 40.7% of cases in post-ERGs. The difference was statistically significant ($p = .007$). In the pre-ERGs cases, the mean number of days from adjudication to disposition was seven days (with a range from 0 to 56 days). Post-ERGs, the mean or the average number of days from adjudication to disposition increased to 25 days (with a range from 0-85 days). This difference was statistically significant ($p < .001$).

Hearing Frequency. There were no significant differences between pre- and post-ERGs cases in terms of the frequency of any hearings. All cases reviewed had preliminary protective hearings, and no significant differences were found in frequencies of adjudication, disposition, reviews, 12-month permanency hearings, post-TPR review hearings, and hearings that were vacated (e.g., the hearing was scheduled but then subsequently dismissed). See Figure 7 in Appendix A for more detailed information on these findings.

Continuances. There were no significant differences between pre- and post-ERGs cases in terms of the frequency of continuances overall, as well as for the individual hearing types (preliminary protective hearing, pre-trial, adjudication, disposition, first review, first 12-month permanency, and TPR for mother or father). See Figure 8 in Appendix A for more detailed information on these findings.

ERG Implementation Impacts on Case Processing Timeliness

Time to Key Court Hearing Events. A statistical bootstrap procedure was applied to the time to key court hearing events to increase the ability to examine differences in pre-ERGs and post-ERGs cases and increase confidence in the results.⁹ When considering all cases, the mean time between most key events did not significantly differ between pre- and post-ERGs implementation. There was one exception. Specifically, the mean number of days between the adjudication and disposition hearings

⁹ Bootstrapping is a statistical method used to further detect any statistically significant differences when sample sizes are small by using computer programs to resample from the mean 5,000 times.

significantly ($p = .004$) increased by over 18 days from pre-ERGs ($M = 6.66$, $SD = 13.19$) to post ERGs ($M = 25.33$, $SD = 30.07$).

Termination of Parental Rights Practice. Termination of parental rights (TPR) case processing timelines were examined for both mothers and fathers with some nuanced attention to the time between the original dependency petition to the TPR petition, the time between the TPR petition and the first hearing for the parent in question, the time between the first hearing for a parent and a finding on the action, and finally the time between a TPR finding and a child reaching permanency through case closure.¹⁰ About 24% of the overall sample involved TPR actions, making the bootstrap process particularly valuable for identifying significant findings. The Family Division slightly improved timeliness in some areas but worsened in others (see Figure 9 in Appendix A), though very few of these reached statistical significance. Notably, the mean time from the TPR petition to the first TPR hearing for the mother significantly increased ($p = .028$) by almost 57 days from pre-ERGs ($M = 59.55$, $SD = 35.89$) to post-ERGs ($M = 116.36$, $SD = 64.72$). Similarly, the mean time from the TPR petition to the first TPR hearing for the father significantly increased ($p = .013$) by 85 days from pre-ERGs ($M = 56.78$, $SD = 37.27$) to post-ERGs ($M = 141.78$, $SD = 66.39$).

Time to Permanency (Case Closure). A statistical bootstrap procedure was applied to the time to permanency measures to increase the ability to examine differences in pre-ERGs and post-ERGs cases and to increase confidence in the results. The difference in mean days from removal to case closure was not significant ($p = .130$) for out-of-home cases, despite pre-ERGs cases reaching closure faster ($M = 384$, $SD = 223$) than post-ERGs cases ($M=456$, $SD = 219$). Similarly, the difference in mean days from petition to case closure was not significant ($p = .120$) for out-of-home cases, despite pre-ERGs cases reaching closure faster ($M = 385$, $SD = 222$) than post-ERGs cases ($M=456$, $SD = 219$). There were no in-home cases in this sample to analyze. See Table 13 in Appendix B for more information.

The percentage of case closures within various time frames was significantly different ($p = .043$) pre- vs. post-ERGs. Looking at the percentage of cases closing within 12, 24, 36, and greater than 36 months of original petition filing, a greater proportion of pre-ERGs cases closed during the first 12 months (59.3%) compared to post-ERGs cases (27.8%). More post-ERGs cases (40.5%) closed in 12-18 months in comparison to pre-ERGs cases (18.6%). The differences between the pre- and post-ERGs cases get smaller beyond 18 months (see Figure 10 in Appendix A).

ERG Implementation Impacts on Permanency Outcomes

Permanency Outcomes (Case Closure Reasons). Selecting out-of-home cases only, the case closure reasons were examined for both the pre- and post-ERGs groups. Family reunification rates decreased significantly ($p = .036$) from pre-ERGs implementation (69.5%) to post-ERGs (62.2%). Termination of parental rights significantly increased ($p = .014$) from pre-ERGs implementation (20.3%) to post-ERGs (29.7%). Significance tests were unable to be conducted for other outcomes (e.g., guardianship, adopted, aged out, dismissed, and case closure reasons coded as “other”). More details about the pre- and post-ERGs rates for permanency outcomes can be found in Table 14 in Appendix A.

Number of Placements. A related measure of child permanency is the number of placement changes children experience throughout the life of the case. The mean number of placement changes

¹⁰ In Berrien County TPR pleadings can be presented in the original petition or later in the case with a supplemental petition that adds TPR pleadings.

significantly decreased ($p < .001$) from pre-ERGs cases ($M = 1.92$, Range = 0-5) to the post-ERGs cases ($M = 1.30$, Range = 1-2).

Time to Permanency by 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. Case closure for reunification cases on average increased by about 49 days. Case closure adoption time also increased, taking about 62 more days from the original petition filing to close. However, it is important to note that while we can observe trends in the data, these differences were not significantly different at $p = .05$. Guardianship cases took less time to achieve in the post ERGs cases, a decrease of about 155 days. Significance tests were not run for this outcome due to a small sample size. Cases that ended with dismissal or aging out were also not assessed statistically due to a small number of cases with this outcome. See Table 15 in Appendix B for more details.

Discussion

The Berrien County Family Division has worked to improve the internal quality of the child abuse and neglect case process by implementing best practices as recommended in the NCJFCJ's *Enhanced Resource Guidelines* (ERGs). These efforts were initially supported in the ERGs Fidelity Assessment phase of the study and later confirmed by several pre- and post-ERGs evaluation findings. When comparing cases that were closed pre-ERGs implementation to cases that were closed post-ERGs implementation, several significant improvements in case process and outcomes were found, as well as ongoing challenges. These findings are summarized below by the research questions addressed by this evaluation.

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

There were no significant differences from pre- to post-ERGs samples in terms of the age of the child at the time of petition filing, gender of the child, race of the child, number of ICWA cases, number of petition allegations, number of presenting family issues identified in petitions, number of placements, history with the court, history with the child welfare system, and history of the child or sibling being removed from the home. There were, however, a few significant differences in the specific types of allegations and family problems. Specifically, there were more allegations of neglect in the post-ERGs sample compared to the pre-ERGs sample. The pre-ERGs sample had more allegations of threats of harm than the post-ERGs. There were also more cases in which homelessness was considered a presenting family issue in the post-ERGs sample when compared to the pre-ERGs sample.

What effect does ERGs implementation have on court hearings?

The mean number of judges across the span of a case increased from the pre-ERGs, averaging over 2.5 judges per case in the post-ERGs sample. While the ERGs recommend holding a disposition hearing immediately following adjudication (combined) or soon after, the post-ERGs sample shows that combined hearings were happening less often (40.7% of cases) and the average number of days between the hearings increased from seven to 25 days. There were no significant changes to the number of contested adjudications, hearing length across all hearing types, hearing frequency across all hearing types, and number of continuances.

A key best practice recommendation of the ERGs is the judicial engagement of parents. Compared to pre-ERGs, judges were significantly more likely to engage mothers in the post-ERGs hearings by addressing them by name, giving them the opportunity to be heard, asking them if they understood the next steps, and asking them whether they have any questions. Judicial officers were also more likely to engage fathers in the post-ERGs hearings by asking them whether they understood the petition and hearing and whether they understood the next steps.

Research indicates that engaging parents and youth in child abuse and neglect hearings is associated with positive case outcomes.¹¹ 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 the appearances at hearings throughout the case process for engagement. Children were rarely present in cases in both the pre- and post-ERGs cases in either the hearing observation or the case-file review data. The ERGs recommend that children attend all court hearings if age appropriate and if there are no safety or trauma concerns. The Family Division should explore the barriers that may currently exist to increasing children's presence at court hearings.

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

The evaluation sought to observe improvements in case processing and permanency timelines. However, there are no statistical differences between pre- and post-ERGs cases in terms of time to case closure from removal or from petition dates. There was a statistical difference of case closure percentages by various time frames with more cases closing within one year in the pre-ERGs cases (59.3%) compared to the post-ERGs cases (27.8%). The mean time between key hearing events did not statistically differ, with the exception of the mean number of days between adjudication and disposition hearings increasing by 18 days from pre- to post-ERGs. Of the 24% of overall cases that involved TPR actions, there was a significant increase in the average time between the TPR petition and the first TPR hearings for both the mother and the father.

What effect does ERGs implementation have on permanency outcomes?

Pre- and post-ERGs cases were compared on the permanency outcomes achieved. Family reunification rates decreased and the termination of parental rights occurred more frequently in the post-ERGs sample. Importantly, the mean number of placement changes significantly decreased from the pre- to post-ERGs sample. While case closure for reunification and adoption cases took more time in the post-ERGs sample, the differences were not statistically significant.

¹¹ 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 bench card. 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.

Summary

This evaluation of child abuse and neglect case process and outcomes using a pre- and post-ERGs implementation measurement research design found several significant areas of improvement since the Berrien County Family Division first began implementing the ERGs-based practice reforms. The evaluation confirms that the Family Division has achieved important progress, with measurable positive impacts on hearing quality and judicial engagement in dependency cases. There were also several key areas that did not change after ERGs implementation or that worsened; however, the court must interpret all findings in light of the overlapping COVID-19 pandemic and consider how policy and practice changes may have contributed to the findings in this report. Continuing to strengthen and sustain the ERGs-related reforms is likely to make the court a leader in improving court practices in child abuse and neglect cases to the benefit of children and families, but the reforms will need to be accompanied by ongoing performance measurement in a continuous quality improvement (CQI) cycle. The NCJFCJ can assist the court in identifying jurisdictions that have implemented CQI in dependency cases and the resources required to sustain improvements. The Family Division's current action plan, developed in collaboration with the NCJFCJ Site Manager, contains key strategies that may produce additional improvements and the research team provides four additional recommendations in the report Executive Summary.

Appendix A (Figures)

Figure 1. The ERGs Implementation Site Technical Assistance Process and Expected Outcomes

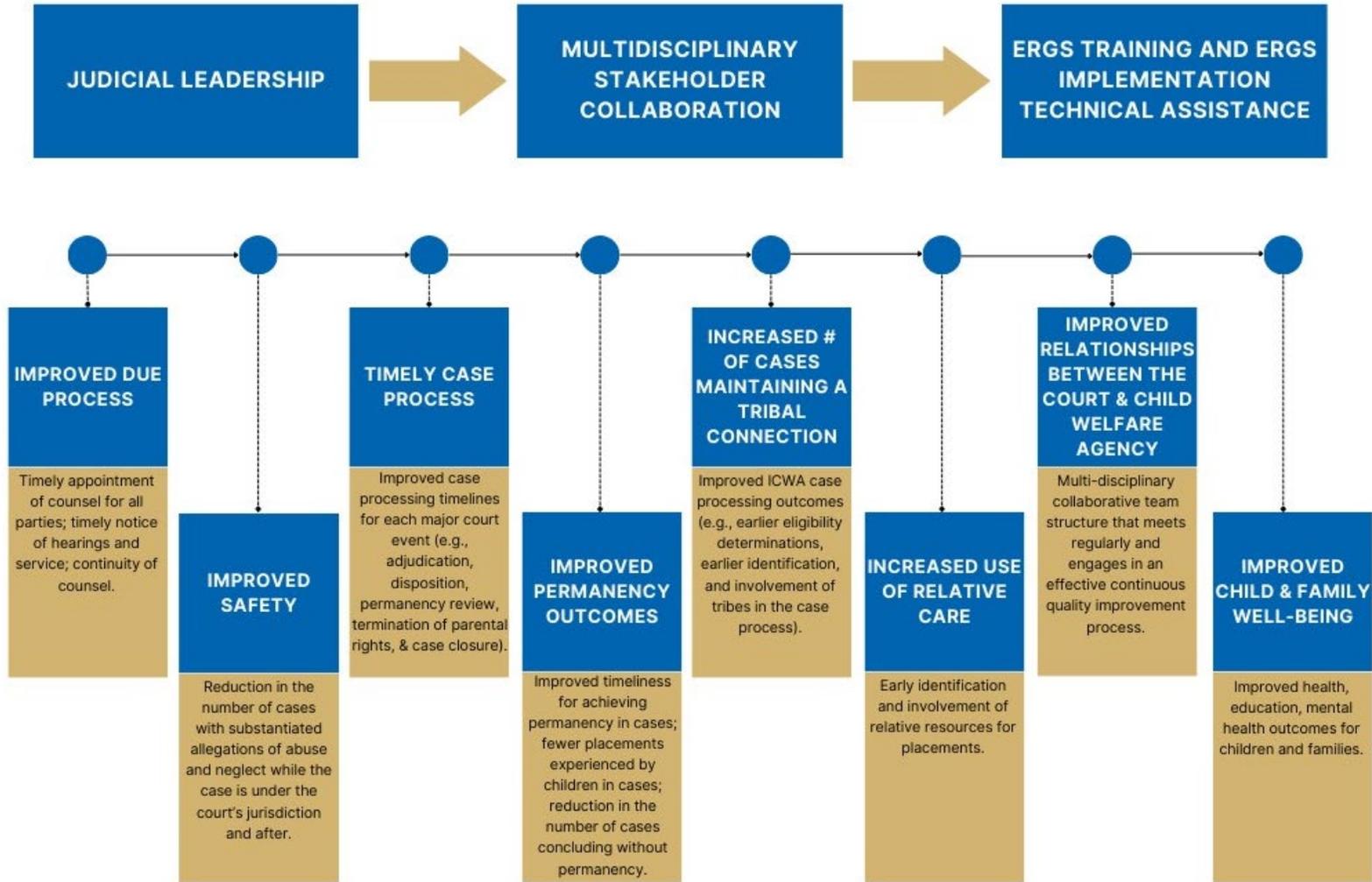
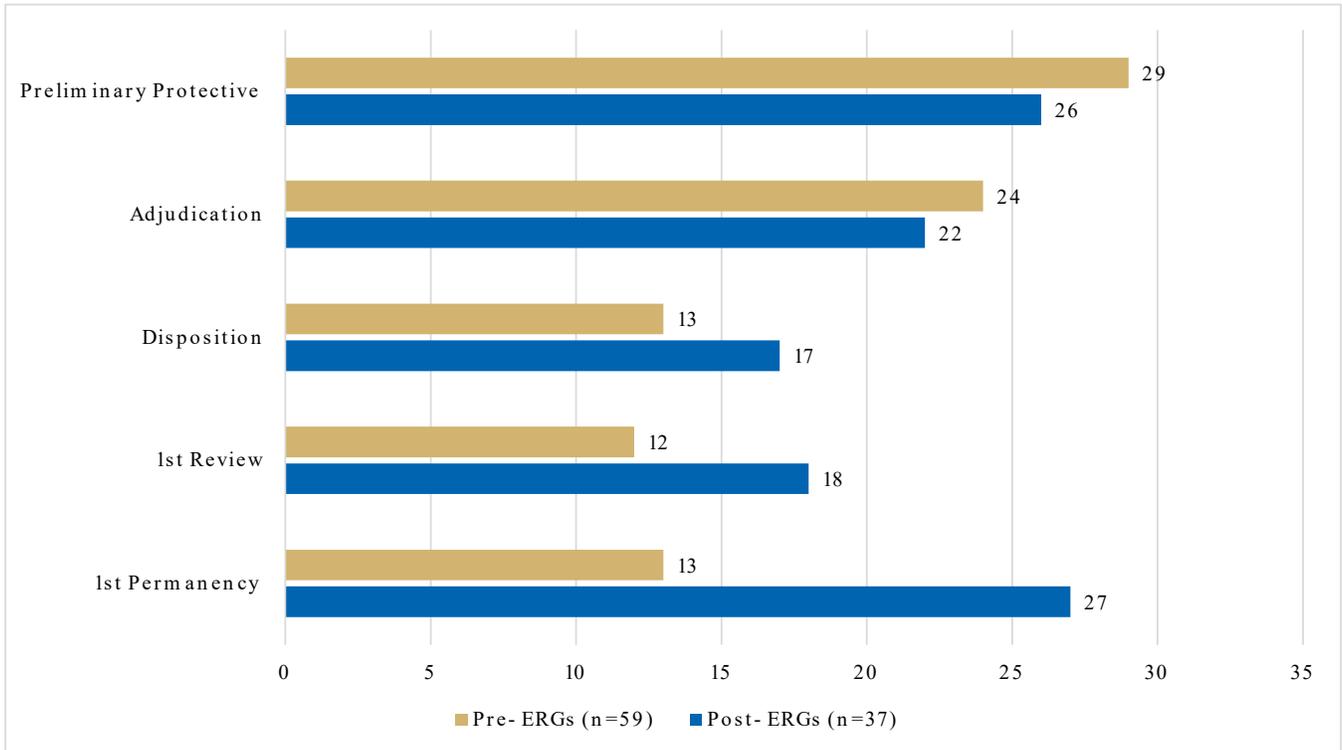
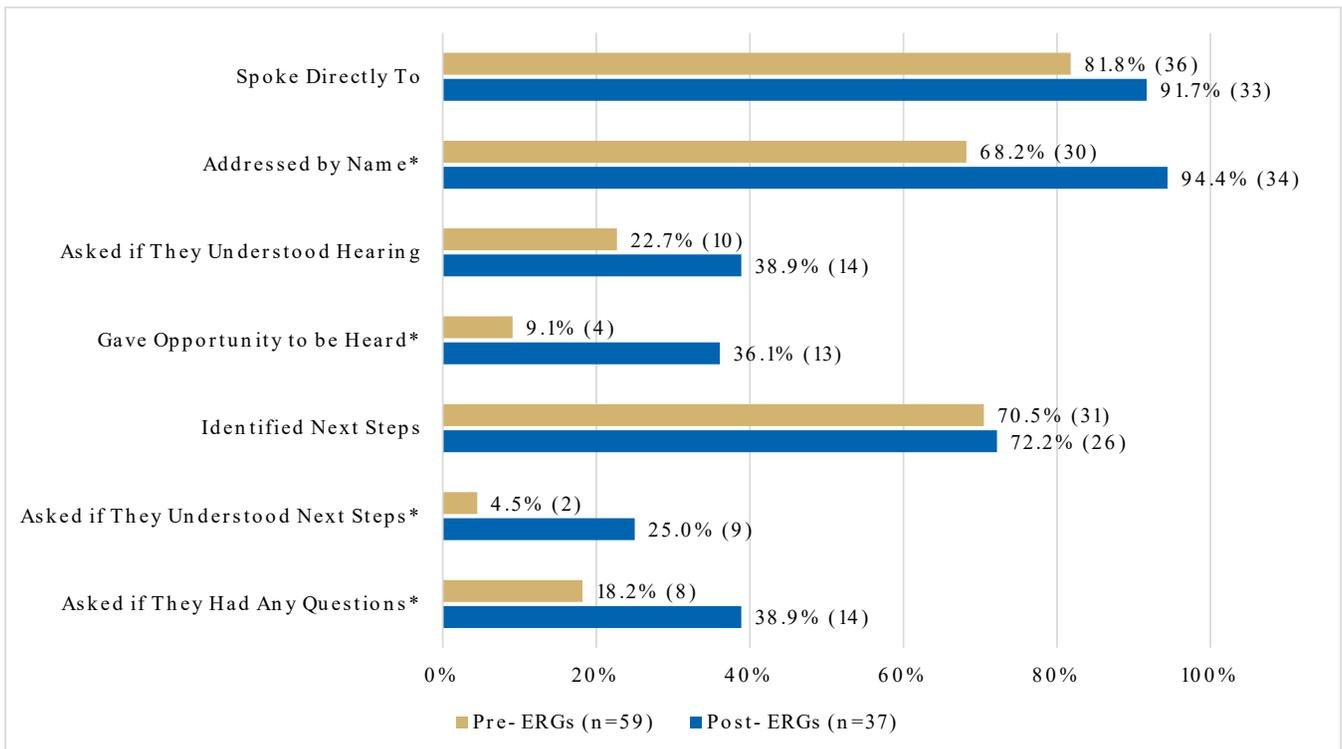


Figure 2. Average Length of Hearings Pre- vs. Post-ERGs Implementation (in minutes)



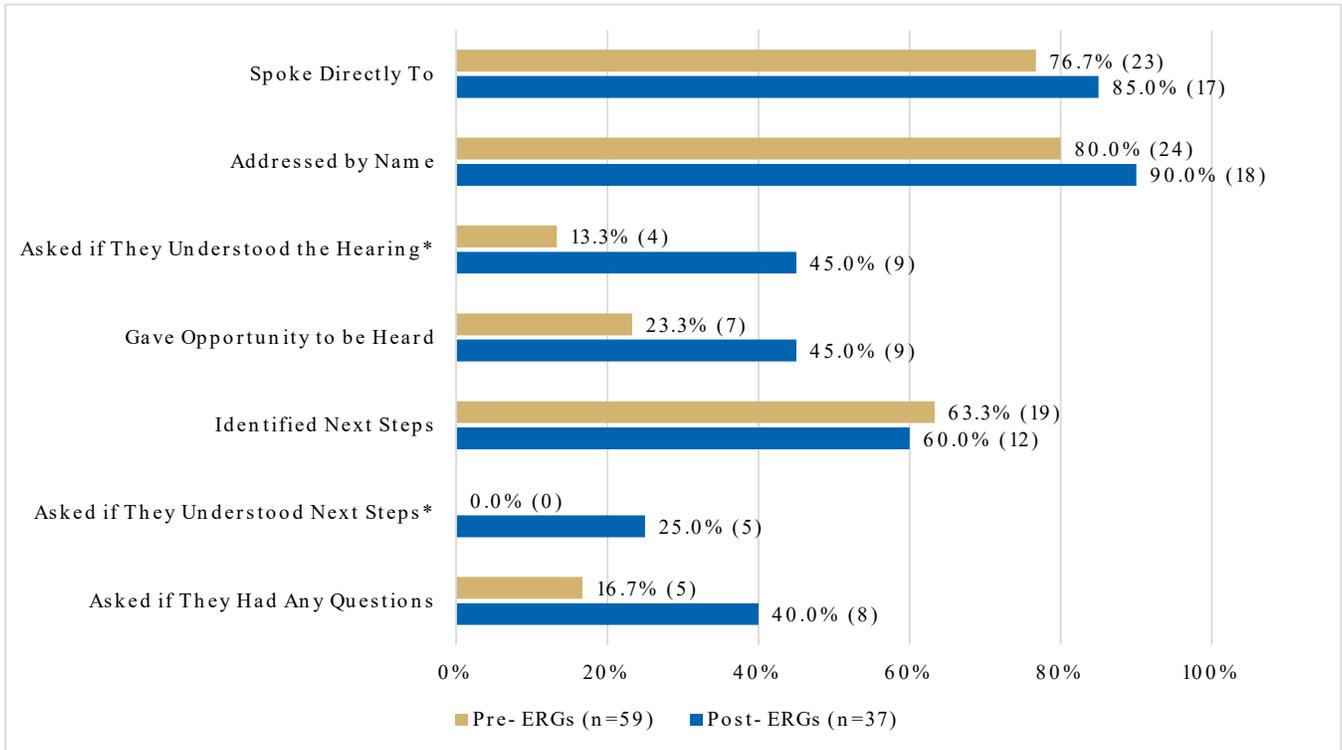
*Represents a statistically significant difference ($p < .05$)

Figure 3. Judicial Engagement of Mothers in Hearings when Present, Pre- vs. Post-ERGs



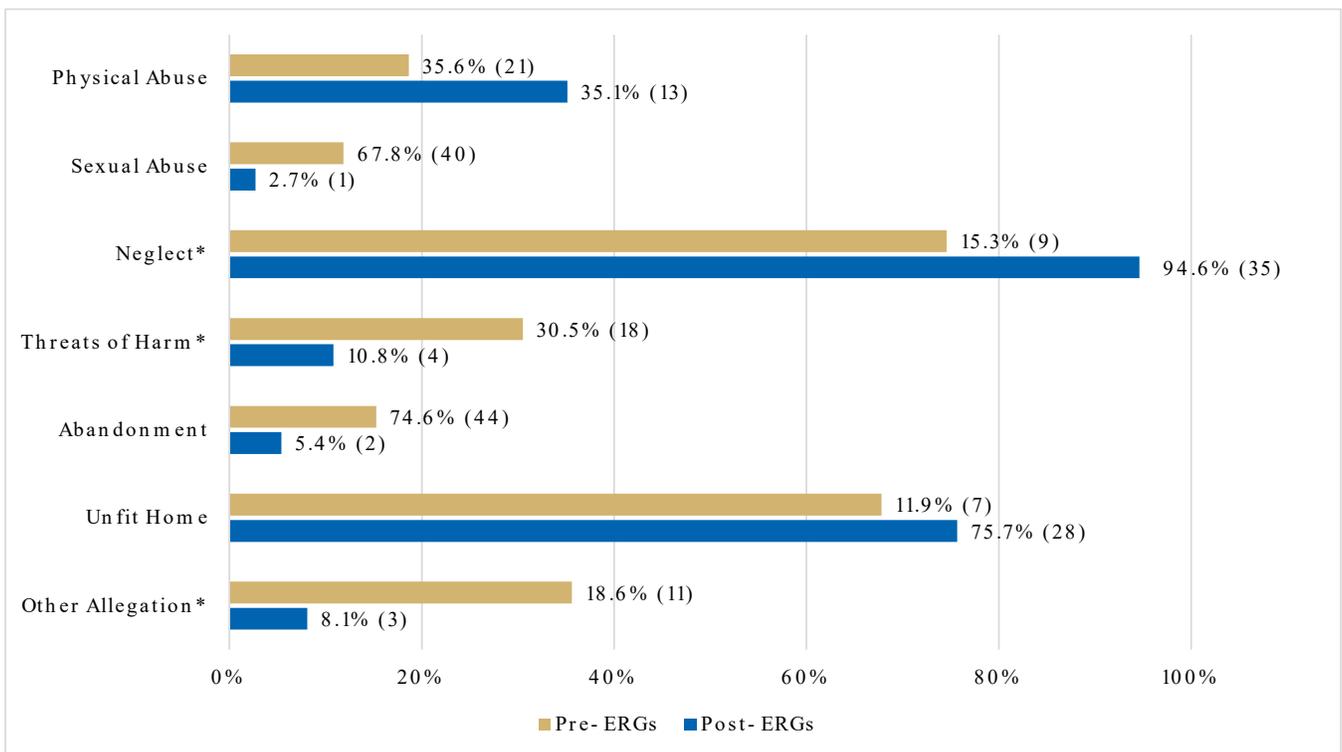
*Represents a statistically significant difference ($p < .05$)

Figure 4. Judicial Engagement of Fathers in Hearings when Present, Pre- vs. Post-ERGs



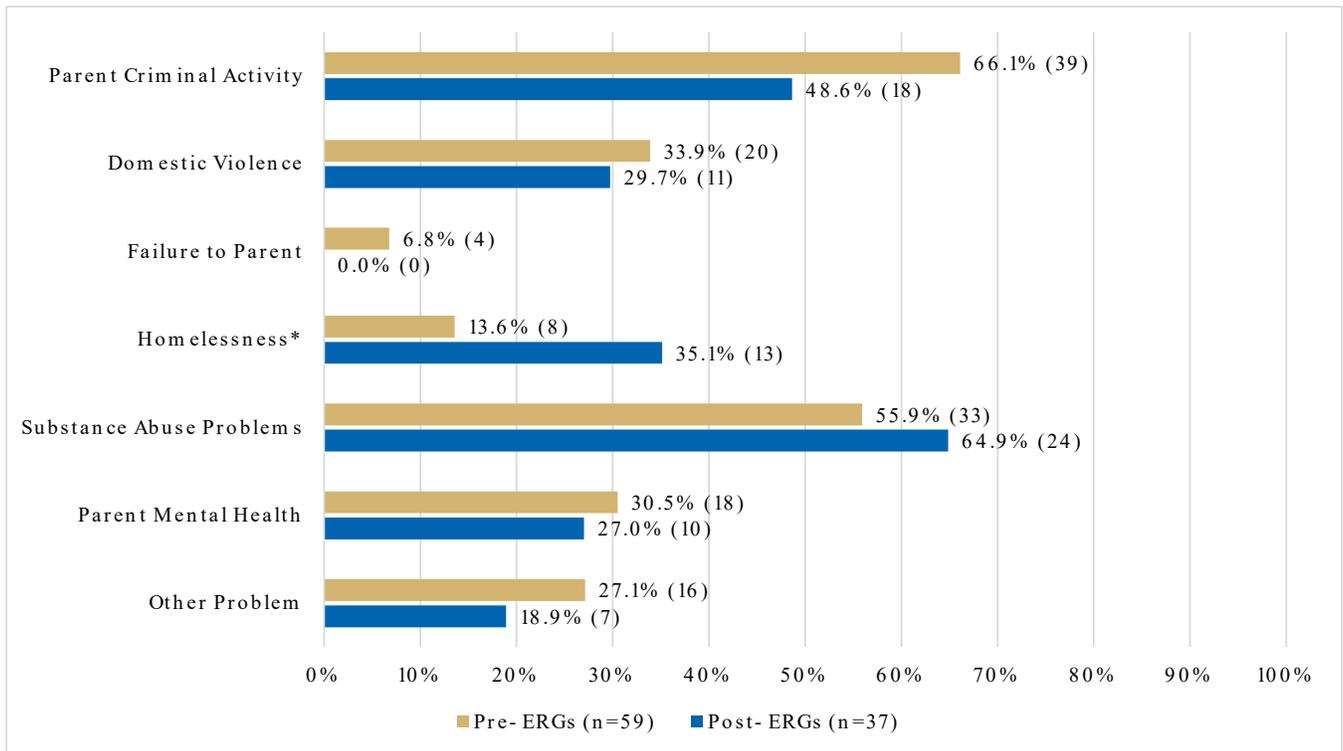
*Represents a statistically significant difference ($p < .05$)

Figure 5. Percent of Cases by Allegations in the Original Petitions, Pre- vs. Post-ERGs



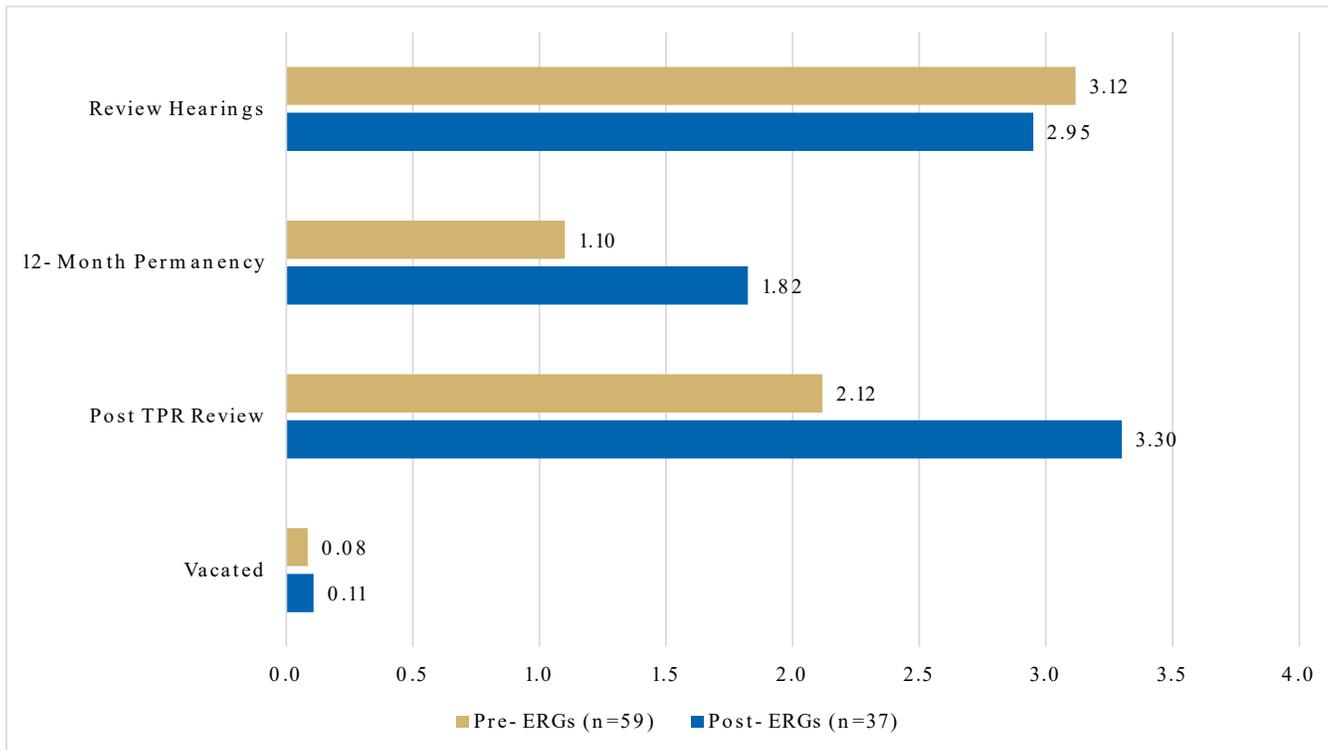
*Represents a statistically significant difference ($p < .05$)

Figure 6. Percent of Cases by Presenting Family Issues in the Original Petitions, Pre- vs. Post-ERGs



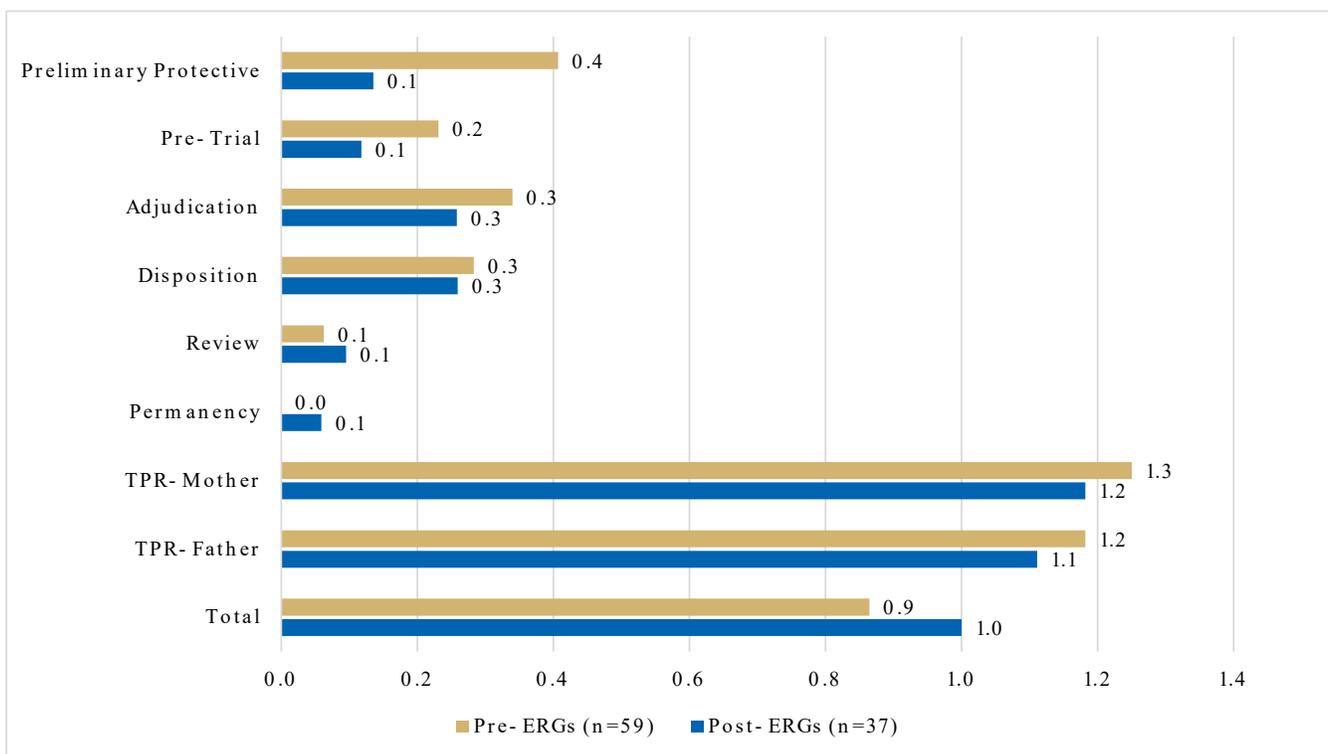
*Represents a statistically significant difference ($p < .05$)

Figure 7. Mean Number of Hearing by Type, Pre- vs. Post-ERGs



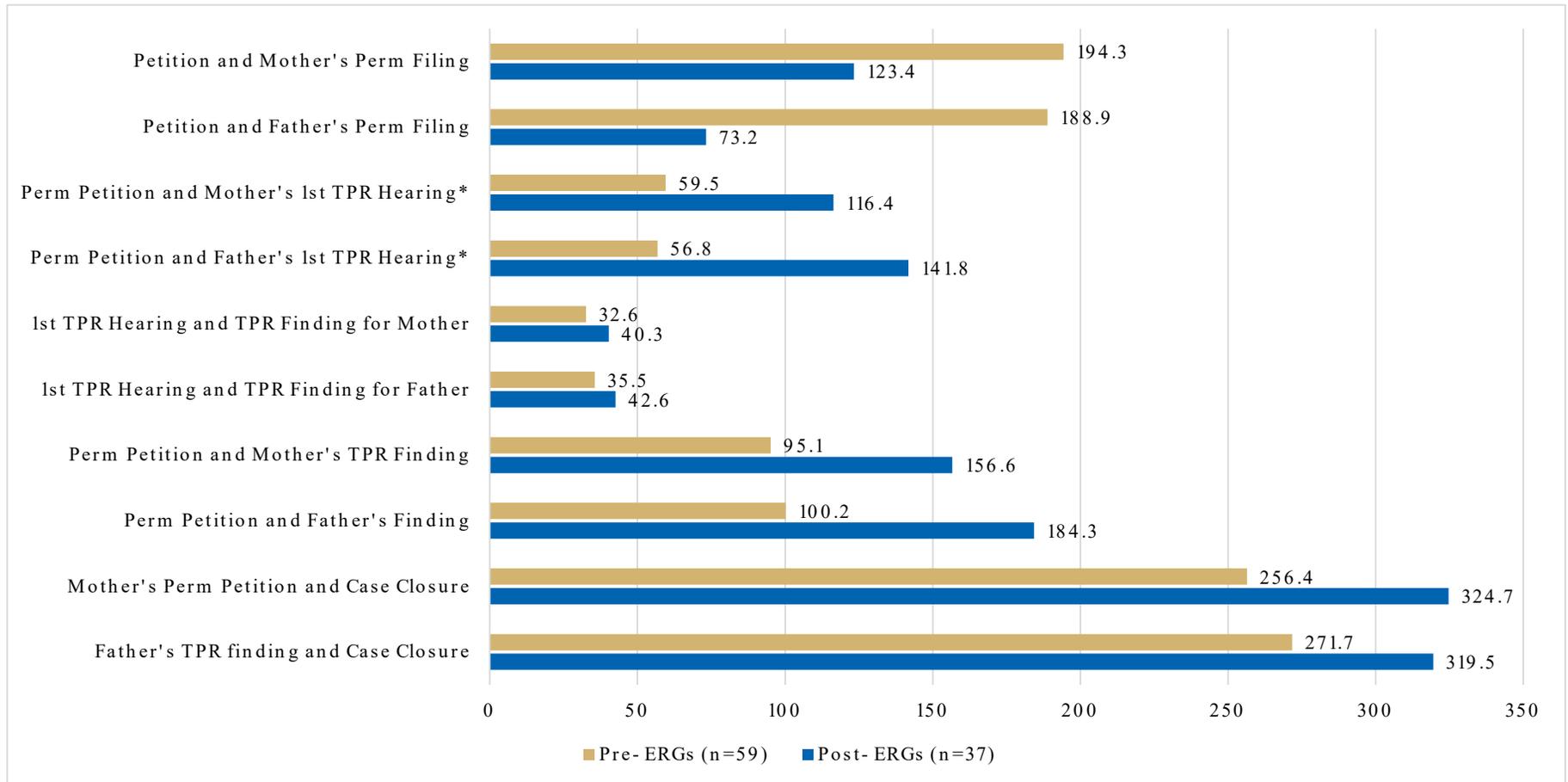
*Represents a statistically significant difference ($p < .05$)

Figure 8. Mean Continuances by Hearing Type, Pre- vs. Post-ERGs



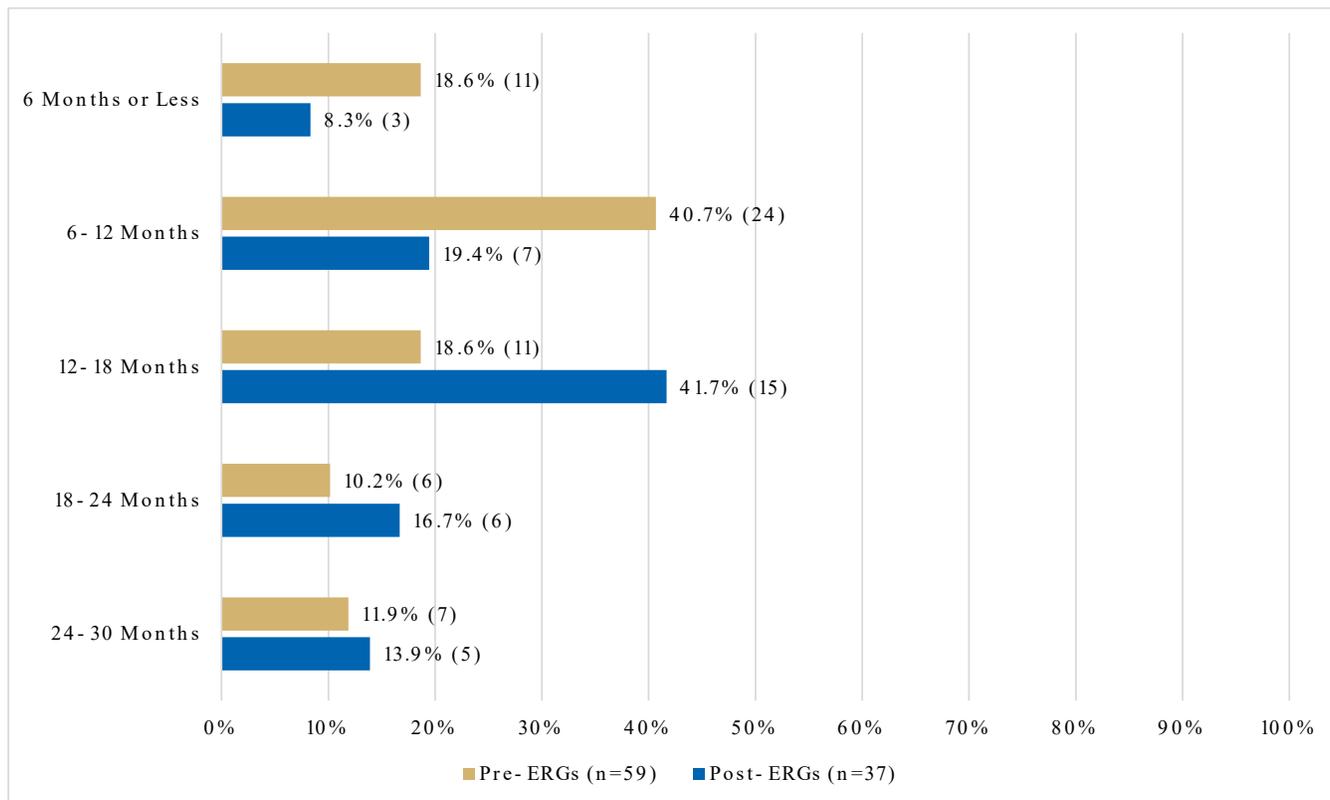
*Represents a statistically significant difference ($p < .05$)

Figure 9. Mean Days to Termination of Parental Rights, Pre- vs. Post-ERGs



*Represents a statistically significant difference ($p < .05$)

Figure 10. Percent of Cases Closing within Timeframes, Months from Petition to Closure by Case Type, Pre- vs. Post-ERGs



*Represents a statistically significant difference ($p < .05$)

Appendix B (Tables)

Table 3. Presence of Parties at Hearings by Hearing Type, Pre- vs. Post-ERGs

Party Presence		Pre-ERGs Percentage (Count)	Post-ERGs Percentage (Count)	Percent Change from Pre to Post
Preliminary Protective Hearing	Mother	80.0% (8)	100.0% (9)	20.0%
	Father	50.0% (5)	66.7% (6)	16.7%
	Child	0.0% (0)	0.0% (0)	0.0%
	Mother's Attorney	80.0% (8)	100.0% (9)	20.0%
	Father's Attorney	40.0% (4)	55.5% (5)	15.5%
	GAL	100.0% (10)	88.9% (8)	-11.1%
	CASA	0.0% (0)	0.0% (0)	0.0%
	Foster Parent	0.0% (0)	0.0% (0)	0.0%
Adjudication	Mother	80.0% (12)	100.0% (10)	20.0%
	Father	60.0% (9)	80.0% (8)	20.0%
	Child	0.0% (0)	0.0% (0)	0.0%
	Mother's Attorney	93.3% (14)	100.0% (10)	6.7%
	Father's Attorney	46.7% (7)	80.0% (8)	33.3%
	GAL	93.3% (14)	90.0% (9)	-3.3%
	CASA	0.0% (0)	0.0% (0)	0.0%
	Foster Parent	0.0% (0)	0.0% (0)	0.0%
Disposition	Mother	83.3% (10)	80.0% (8)	-3.3%
	Father	66.7% (8)	60.0% (6)	-6.7%
	Child	0.0% (0)	0.0% (0)	0.0%
	Mother's Attorney	83.3% (10)	100.0% (10)	16.7%
	Father's Attorney	50.0% (6)	60.0% (6)	10.0%
	GAL	91.7% (11)	100.0% (10)	8.3%
	CASA	0.0% (0)	10.0% (1)	10.0%
	Foster Parent	0.0% (0)	10.0% (1)	10.0%
Review	Mother	90.0% (9)	62.5% (5)	-27.5%
	Father	60.0% (6)	25.0% (2)	-35.0%
	Child	0.0% (0)	0.0% (0)	0.0%
	Mother's Attorney	90.0% (9)	100.0% (8)	10.0%
	Father's Attorney	60.0% (6)	50.0% (4)	-10.0%
	GAL	100.0% (10)	100.0% (8)	0.0%
	CASA	0.0% (0)	25.0% (2)	25.0%
	Foster Parent	0.0% (0)	12.5% (1)	12.5%
Permanency Review	Mother	60.0% (6)	55.6% (5)	-4.4%
	Father	30.0% (3)	44.4% (4)	14.4%
	Child	0.0% (0)	0.0% (0)	0.0%
	Mother's Attorney	70.0% (7)	100.0% (9)	30.0%
	Father's Attorney	60.0% (6)	55.5% (5)	-4.5%
	GAL	80.0% (8)	100.0% (9)	20.0%
	CASA	0.0% (0)	33.3% (3)	33.3%
	Foster Parent	0.0% (0)	22.2% (2)	22.2%

Table 4. Percentage of All Hearing Topics Discussed at Any Level, Pre- vs. Post-ERGs

All Hearings	Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Placement	75.5% (43)	74.4% (32)	-1.1%
Prevents Return Home*	24.4% (12)	73.3% (33)	48.9%
Number of Days in Placement*	0.0% (0)	18.2% (8)	18.2%
Number of Changes in Placement	1.9% (1)	6.8% (3)	4.9%
Educational Needs*	13.8% (4)	47.3% (9)	33.5%
Physical Health	29.9% (17)	41.3% (19)	11.4%
Mental Health	17.6% (10)	13.0% (6)	-4.6%
Other Well-being	10.5% (6)	15.2% (7)	4.7%
Safety Concerns in Home	47.4% (27)	45.6% (21)	-1.8%
Family Time with Parents	71.4% (40)	86.9% (40)	15.5%
Family Time with Siblings*	2.2% (1)	35.0% (7)	32.8%
Trauma	3.6% (2)	2.2% (1)	-1.4%
Maintain Connections with Family*	7.0% (4)	21.7% (10)	14.7%
Efforts to Reunify/Prevent Removal	65.0% (37)	75.6% (34)	10.6%
Notices	53.5% (23)	40.0% (18)	-13.5%
Representation	45.1% (14)	80.0% (4)	34.9%

*Represents a statistically significant difference ($p < .05$)

Table 5. Percentage of Topics Discussed in Preliminary Protective Hearings, Pre- vs. Post-ERGs

Preliminary Protective Hearing	Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Parents Rights	81.8% (9)	88.9% (8)	7.1%
Permanency Timeframes	18.2% (2)	22.2% (2)	4.0%
Review of Petition	72.8% (8)	55.5% (5)	-17.3%
Paternity Determination	70.0% (7)	100.0% (5)	30.0%
Search for Parent not in Attendance	57.1% (4)	50.0% (1)	-7.1%
Support System Resources	54.6% (6)	33.3% (3)	-21.3%
Safety Plan	27.3% (3)	22.2% (2)	-5.1%

*Represents a statistically significant difference ($p < .05$)

Table 6. Percentage of Topics Discussed in Dispositions Hearings, Pre- vs. Post-ERGs

Dispositions Hearings	Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Child's Case Plan	18.2% (2)	30.0% (3)	11.8%
Child- Availability of Services	27.3% (3)	30.0% (3)	2.7%
Parents' Case Plan	18.2% (8)	70.0% (7)	51.8%
Parent-Availability of Services	11.4% (5)	80.0% (8)	68.6%
Culturally Appropriate Services	9.1% (1)	0.0% (0)	-9.1%
Case Benchmarks and Deadlines	9.1% (1)	30.0% (3)	20.9%

*Represents a statistically significant difference ($p < .05$)

Table 7. Percentage of Topics Discussed in Review/Permanency Hearings, Pre- vs. Post-ERGs

Review/Permanency Hearings	Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Primary Permanency Goals	95.0% (19)	88.2% (15)	-6.8%
Concurrent Permanency Goals	20.0% (4)	33.3% (5)	13.3%
Progress/Compliance with Case Plan	95.0% (19)	100.0% (17)	5.0%
Adequacy of Current Case Plan	50.0% (10)	64.7% (11)	14.7%
Timeframes for Achieving Final Permanency	27.8% (5)	17.7% (3)	-10.1%
Barriers to Achieving Final Permanency	77.8% (14)	70.6% (12)	-7.2%
Compelling Reasons for No TPR	46.7% (7)	53.3% (8)	6.6%

*Represents a statistically significant difference ($p < .05$)

Table 8. Concluding the Hearings, Pre- vs. Post-ERGs

Concluding Hearing	Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Summary of Findings	85.7% (48)	95.7% (44)	10.0%
Identify Participants Needed at Next Hearing	14.5% (8)	8.7% (4)	-5.8%
Set Next Hearing Date	81.8% (45)	97.8% (45)	16.0%
Inquire About Suitability of Next Hearing Date*	5.6% (3)	15.2% (7)	9.6%

*Represents a statistically significant difference ($p < .05$)

Table 9. Demographic Case Characteristics, Pre- vs. Post-ERGs

Demographics		Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Age at Petition Filing	0-5	55.9% (33)	67.6% (25)	11.6%
	6-12	25.4% (15)	27.0% (10)	1.6%
	13 and older	18.6% (11)	5.4% (2)	-13.2%
Sex	Male	50.0% (28)	64.9% (24)	14.9%
	Female	50.0% (28)	35.1% (13)	-14.9%
Child Race	White	55.9% (33)	67.6% (23)	11.7%
	Black	32.2% (19)	26.5% (9)	-5.7%
	Hispanic	3.4% (2)	0.0% (0)	-3.4%
	Multiracial	8.5% (5)	5.9% (2)	-2.6%

*Represents a statistically significant difference ($p < .05$)

Table 10. Case Characteristics (Percentages), Pre- vs. Post-ERGs

Case Characteristics	Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Family History with Child Welfare Agency	51.7% (30)	66.7% (24)	14.9%
Family History with Court System	55.2% (32)	73.0% (27)	17.8%
Previous Removal of Child From Parents	100.0% (59)	100.0% (37)	0.0%
Previous Voluntary Placement with Child Welfare Agency	3.4% (2)	5.4% (2)	2.0%

*Represents a statistically significant difference ($p < .05$)

** Note. There were no ICWA cases in this sample.

Table 11. Case Characteristics (Means and Ranges), Pre- vs. Post-ERGs

Case Characteristics	Pre-ERGs (n=59)				Post-ERGs (n=37)			
	Mean	Minimum	Maximum	Standard Deviation	Mean	Minimum	Maximum	Standard Deviation
Age of Child (in years) at Petition	6.0	0.0	17.0	5.6	4.1	0.0	16.0	5.1
Number of Siblings Named in the Petition	1.1	0.0	5.0	1.3	1.5	0.0	5.0	1.6
Number of Allegations in Petition	3.8	1.0	7.0	1.6	3.6	1.0	8.0	2.0
Number of Presenting Family Issues in Petition	3.2	0.0	9.0	2.1	2.9	0.0	7.0	1.8
Number of Placement Changes for Child	0.1	0.0	1.0	0.3	0.2	0.0	1.0	0.4

*Represents a statistically significant difference ($p < .05$)

Table 12. Mean Judicial Officer Changes by Hearing Phase through First Permanency Planning Hearing, Pre- vs. Post-ERGs

Judicial Officer Changes	Pre-ERGs(n=59)				Post-ERGs(n=37)			
	Mean	Minimum	Maximum	Standard Deviation	Mean	Minimum	Maximum	Standard Deviation
Preliminary Protective	0.1	0.0	1.0	0.3	0.0	0.0	1.0	0.2
Pre-Trial*	0.1	0.0	1.0	0.3	0.7	0.0	1.0	0.5
Adjudication	0.6	0.0	1.0	0.5	0.6	0.0	1.0	0.5
Disposition*	0.1	0.0	1.0	0.3	0.3	0.0	1.0	0.5
Permanency	0.0	0.0	0.0	0.0	0.1	0.0	1.0	0.2
Review	0.1	0.0	1.0	0.3	0.2	0.0	1.0	0.4
Total	1.9	1.0	4.0	0.6	2.6	2.0	4.0	0.6

*Represents a statistically significant difference ($p < .05$)

Table 13. Mean Days to Case Closure, Pre- vs. Post-ERGs

Time to Permanency	Pre-ERGs(n=59)				Post-ERGs(n=37)			
	Mean	Minimum	Maximum	Standard Deviation	Mean	Minimum	Maximum	Standard Deviation
Days Between Removal and Closure	384.2	24.0	901.0	222.8	455.7	84.0	906.0	219.5
Days Between Petition and Closure	384.6	24.0	901.0	222.4	456.3	84.0	906.0	219.3

*Represents a statistically significant difference ($p < .05$)

Table 14. Case Closure Reasons in Out-of-Home Cases, Pre- vs. Post-ERGs

Permanency Outcomes	Pre-ERGs (n=59) Percentage (Count)	Post-ERGs (n=37) Percentage (Count)	Percent Change from Pre to Post
Relative Guardianship	6.8% (4)	10.8% (4)	4.0%
Adoption	16.9% (10)	27.0% (10)	10.1%
Dismissed	8.5% (5)	2.7% (1)	-5.8%
Reunified*	69.5% (41)	62.2% (23)	-7.3%
Termination of Parental Rights*	20.4% (12)	29.7% (11)	9.3%
Other	5.1% (3)	0.0% (0)	-5.1%

*Represents a statistically significant difference ($p < .05$)

Table 15. Time to Permanency by Outcome in Out-of-Home Cases in Days, Pre- vs. Post-ERGs

Time to Permanency by Outcome	Pre-ERGs (n=59)				Post-ERGs (n=37)			
	Mean	Minimum	Maximum	Standard Deviation	Mean	Minimum	Maximum	Standard Deviation
Reunification	339.9	56.0	733.0	165.7	388.8	84.0	906.0	207.7
Adoption	557.3	306.0	901.0	236.0	619.1	371.0	864.0	180.6
Guardianship	633.6	111.0	874.0	307.2	478.5	208.0	708.0	206.3
Dismissed	308.0	308.0	308.0	0.0	0.0	0.0	0.0	0.0
Aged Out	184.0	184.0	184.0	0.0	0.0	0.0	0.0	0.0
Other	38.0	24.0	52.0	19.8	0.0	0.0	0.0	0.0

*Represents a statistically significant difference ($p < .05$)

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