

Conceptual Model of Judicial Decision-Making and Hearing Quality in Child Welfare

OPRE Report 2021-86

Purpose and Background

This brief presents a conceptual model that describes how judicial decision-making and hearing quality relate to case process and case outcomes for children and families. This model is meant to help researchers, practitioners, and court decision-makers better understand the child welfare court process to inform future research and practice improvements.

The goals of the child welfare court process are to achieve safety, permanency, and well-being for all families with abuse or neglect court cases (see exhibit 1). Across the different hearings, judges make decisions¹ that greatly impact children and families. For example, judges decide if children must be separated from their parents, what services parents and children receive, and whether children return to their parents, are permanently placed with relatives, or are placed for adoption.

Exhibit 1. Goals of the Child Welfare Court Process

Goals	Description
Child safety	Absence of further neglect or abuse of the child
Permanency	Reunification with parent or permanent caregiving arrangement for the child established within time periods set by federal, state law
Child well-being	Skills, capacities, and characteristics that enable young people to understand and navigate their world in healthy, positive ways
Family well-being	Skills, capacities, and characteristics adult family members need to provide for themselves and their children's needs in healthy, positive ways

Source: Adoption and Safe Families Act of 1997 (P.L. 105–89) and [ACYF-CB-IM-12-04](#).

A typical child welfare court case may include different hearing types which feature key judicial decisions (see exhibit 2). Depending on the case, hearings can be combined or repeated. Not all

¹ Often referred to as “findings” when documented in the court record.

cases progress through all court hearings, as some cases close once a child is reunified with their parents, finds another permanent home, or reaches adulthood.

Exhibit 2. Description of Key Child Welfare Hearing Types

Hearing type	Decisions the judge has to make during the hearing
Initial ²	Judge decides if the risk of harm meets legal standards for the temporary removal of the child from the home.
Adjudication ³	Judge decides whether enough (i.e., sufficient) evidence exists to conclude that the reported abuse or neglect of the child has occurred.
Disposition	Judge decides who will have custody of the child, sets the permanency plan (e.g., reunification with parents, other permanency type), and approves a case plan that outlines the tasks and services needed to achieve the permanency plan.
Review	Judge periodically reviews progress toward permanency and may make decisions about placement and adjustments to the case plan and services as needed.
Permanency	Judge decides the type of permanency that will be achieved (e.g., reunification with parents, guardianship, permanent placement with a relative) and how through a court-approved permanency plan.
Termination of parental rights (TPR)	Judge decides if severing all legal familial rights between the parent and child is in the child's best interest to ensure their safety, permanency, and well-being.
Post-TPR	Judge reviews the progress of child welfare agencies' efforts to finalize permanency and makes decisions to help facilitate final permanency for the child. May include review or permanency hearings or may be specific to a permanency outcome (e.g., adoption hearing).

Note: For more information, see Child Welfare Information Gateway. (2016). *Understanding child welfare and the courts*. U.S. Department of Health and Human Services, Children's Bureau.

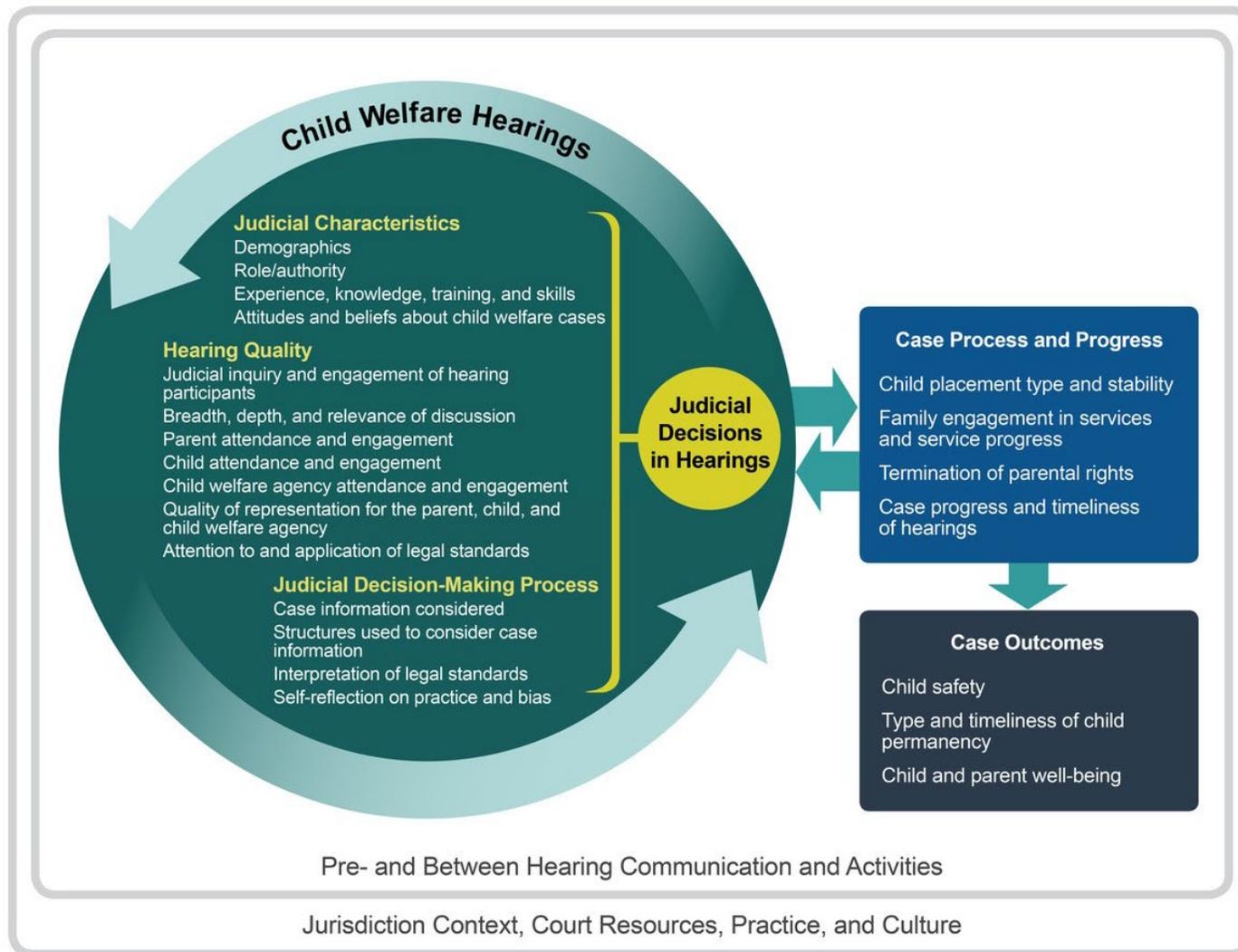
Beyond assessing child safety, judges also consider whether services are improving the family's situation and may order additional services if they determine the family's needs are not being met. Judges assess whether the parents are addressing the safety concerns that brought them to court (e.g., parents' capacity to provide physical safety in which children are protected from abuse/neglect and family violence) and if the child should remain with the parent(s), be placed with relatives, or be placed in another type of home. Together, the information judges get during hearings and the decisions judges make during hearings affect how cases progress and, ultimately, children's safety and permanency and families' well-being.

² Some states use different terms; for example, the first hearing in a case may be called an initial hearing, shelter care hearing, or preliminary protective hearing.

³ The adjudication hearing is typically held as a trial if allegations are contested by a parent.

Developing the Model

Exhibit 3. Conceptual Model of Judicial Decision-Making and Hearing Quality in Child Welfare



The conceptual model in exhibit 3 displays parts, or components, of the child welfare court process and how they relate to case process and case outcomes for children and families. The model includes components supported by the research and those hypothesized to be important. To develop the model, we first reviewed the literature (see box on page 16).

In June 2019, we held an in-person meeting with child welfare court experts and researchers to get feedback on the draft model. The model presented here was based on the identified literature and practices recommendations and developed through an iterative process with these experts and our federal partners.

The conceptual model was developed to help better understand the components that influence case process and case outcomes for children and families. The model includes the identified components and subcomponents and the broad hypothesized associations between the components. We recognize that these associations are more complex than what we could show in the figure, and there are complex associations not shown here.

A judge's characteristics, the quality of child welfare hearings, and a judge's decision-making process are the three hearing-level components included in the dark green circle that are hypothesized to influence judicial decision-making (yellow circle). These components are important because what happens during a hearing and who is present can affect the information judges use to make decisions. The arrows around the dark green circle highlight that the associations between the components are not linear, and that there are often multiple hearings during a child welfare case.

The decisions that judges make at each hearing build upon each other and influence case process and progress (see blue box). For example, if a judge places a child into foster care because a relative cannot be identified, then a review hearing may be added earlier in the case to check the progress of finding a relative placement. Because aspects of case process and progress may also influence the decisions that judges make during a hearing, two-way arrows link these components. Case process and progress are hypothesized to ultimately lead to case outcomes (see dark blue box).

The gray frames represent the contextual factors and activities that happen outside of a court hearing that may impact the child welfare court hearing process and case outcomes. One component is the pre- and between hearing communication and activities that happen among parents, attorneys, and caseworkers. Another component is the jurisdiction context, court resources, practices, and court culture. For example, jurisdiction context includes the child welfare court case timelines set by federal law, state law, court policy, and court rule.

Each component included in the conceptual model is described in the narrative that follows. We also define related subcomponents and present any available supporting research. Subcomponents and hypothesized associations that have not been studied to date are noted. The model and brief summary of available research for each component can inform future research.

Judicial Characteristics

How judges promote and engage in high-quality hearing practices may be influenced by their individual characteristics. Judges' experience, knowledge, and training may affect how they make their decisions, the quality of hearings, and how child welfare cases progress.

Some judges have spent many years overseeing child welfare cases; others are newly appointed. A judge's **experience** may influence decisions during hearings. For example, preliminary evidence shows that judges' experience may affect their emotional response, which can influence how they view case factors, such as the abuse or neglect of another child, used to make decisions (Summers, Gatowski, & Dobbin, 2012).

Judges vary in their understanding of child abuse and neglect, and child welfare case law. Judges with greater **knowledge** of case timeline requirements have demonstrated a shorter period of time between required court actions across the course of a case (Zinn & Orlebeke, 2017).

Training may help judges develop abilities that can improve the quality of their hearings. For instance, judges trained on the types of questions they can ask to understand more about families' strengths and challenges may receive information relevant to the case (Summers et al., 2016).

Other judicial characteristics have been hypothesized to influence judicial decision-making and hearing quality but are not yet supported by evidence. These include **demographics**, judges' **role/authority** guiding their ability to make decisions independently, communication and facilitation **skills**, and their **attitudes and beliefs about child welfare court cases**.

Subcomponents

Demographics. Age, gender, race/ethnicity, and other traits.

Role/authority. Whether the individual is a judge or hearing officer whose decisions are overseen by a judge.

Experience. Length of time overseeing cases and specialization in child welfare or other types of cases.

Knowledge. Understanding of child welfare cases (e.g., case law, common causes of maltreatment, effective services for families).

Training. Type and content of training received.

Skills. Abilities such as active listening, clarification of important points, and facilitation of problem solving.

Attitudes and beliefs about child welfare cases. Emotional response to cases, belief in families' potential to change, and satisfaction with role.

Hearing Quality

Child welfare hearing quality is defined by best practice standards and expectations set through federal and state law and described by experienced practitioners and professional organizations (Gatowski et al., 2016). Studies have found that some hearing components, such as the breadth and relevance of discussions, may influence where a child is temporarily placed during the case and the type of permanent home a child receives at the end of the case. Some factors that may influence hearing quality depend on the system's structure and laws, such as whether parents receive legal representation. Others fall within a judge's control, such as engagement of parents in the court process.

Judicial inquiry is one way a judge can drive the content and depth of information presented in court. When judges ask questions, more topics may be discussed during the hearing (Summers, Russell, et al., 2012). This may be important because greater **breadth of discussion** could reduce the time children spend in temporary care and increase the likelihood that a child will reunify with their parents (Summers et al., 2017). There is some evidence that **relevance of discussion**, such as addressing plans for a child's permanent home, may influence case outcomes like reducing the time until a child is placed in a permanent home (Summers, 2017; Summers & Gatowski, 2018). The topics that are relevant can vary, however, depending on the type and purpose of the hearing. The **depth of discussion**, or how long and thoroughly a topic is discussed, has been hypothesized to contribute to

Subcomponents

Judicial inquiry. Judges' initiation of discussions and questions.

Judicial engagement. Number and nature of interactions with all parties by judges.

Breadth of discussion. Number of relevant topics discussed.

Depth of discussion. Number of statements or questions raised about a topic.

Relevance of discussion. Topics addressed are related to the hearing's purpose.

Parent attendance and engagement. Presence and participation in hearings.

Child attendance and engagement. Presence and participation in hearings.

Child welfare agency staff attendance and engagement. Presence and participation in hearings.

Quality of representation for the parent, child, and child welfare agency. Presence at hearings, timing of appointment, and adherence to practice standards.

Attention to and application of legal standards. The extent to which judges apply legal standards in a fair and impartial manner that protects the rights of all parties.

hearing quality by generating more information for the judge to consider, but studies so far have not found that it is associated with case processing or outcomes.

Judicial engagement includes interactions with all parties in hearings. It may reflect a judge's skills in communicating with families and beliefs about families' capacity to change. When judges talk directly to families, it may increase parents' perceptions they are being treated with respect (Wood & Gonda, 2014) and may encourage parents to attend future hearings (Gonzalez & Summers, 2014; Summers & Gatowski, 2018). Whether parents attend hearings could be important because greater **parent attendance** at hearings may be associated with an increased likelihood of reunification with their child (Summers et al., 2017; Wood, Summers, & Soderman Duarte, 2016; Wood & Russell, 2011). When parents attend hearings, the judge can interact with families and facilitate **parent engagement**. When judges get parent input during hearings, the child may be more likely to be placed temporarily with family members (Macgill & Summers, 2014), and the time a child waits for a permanent home may be reduced (Summers, 2017). There are few studies of **child attendance and engagement**, though both may decrease the child's time in foster care and reduce their wait for a permanent home (Summers, 2017).

Judges' **attention to and application of legal standards** are critical to ensure fair and impartial hearings for all families. However, research on how judges apply legal standards is lacking.

Attorneys representing parents may drive discussions and facilitate parents' voice in the hearing, but states vary in whether and when they appoint parent attorneys. The absence of **parent representation** at hearings may be associated with children staying in foster care longer (Summers, 2017). When mothers are represented by attorneys, the child may be more likely to reunify with the family (Wood & Russell, 2011), and children with parents represented by high-quality attorneys may be placed in a permanent home more quickly (Courtney & Hook, 2012).

Federal law requires all states to provide **child representation**, though states vary in how they do this (e.g., attorney, non-attorney advocate). There is some evidence that high-quality child representation may influence the likelihood and type of permanent home a child receives (Zinn & Peters, 2015). Similarly, state practices related to **child welfare agency representation** vary widely, but no studies have examined how interactions between child welfare agency representation and the judge may contribute to hearing quality or case process and outcomes.

Because the child welfare agency is a critical source of information on the family, **child welfare agency staff attendance and engagement** are thought to play an important role in hearing quality. Caseworkers may vary in their knowledge and skills related to the court process, and judges can vary in their engagement with caseworkers (Ellet & Steib, 2005), but there is no research to inform how such differences could influence the child welfare court case. Studies are also needed to understand whether courts can implement components of hearing quality using remote hearings.

Judicial Decision-Making Process

Judges gather and analyze information to make decisions during child welfare court hearings. Some studies suggest that the case information considered, decision-making structures, interpretation of legal standards, and self-reflection may influence how judges make decisions.

The **case information considered** varies and could be influenced by judicial characteristics. More experienced judges may be less likely to react negatively to cases and more likely to consider case factors that argue against terminating parental rights (Summers, Gatowski, & Dobbin, 2012). Judges who receive training may look at both child factors (e.g., child well-being, safety, previous history of abuse and neglect) and parent factors (e.g., substance abuse, mental health concerns), rather than looking solely at the parent factors in the case (Sicafuse et al., 2015).

A judge's attitudes and beliefs may influence the **interpretation of legal standards**. Judges must make decisions that protect the constitutional rights of both the child and the parent. Judges' values may lead them to prioritize the parent's right to be free from government intrusion, which may reduce their attention to the child's right to be free from abuse and neglect (Ellett & Steib, 2005).

During hearings, judges may seek information from parties they consider more credible than others, for example, Ph.D.-level psychologists and psychiatrists versus licensed counselors and clinical social workers (Nolan, 2015). This preference may decrease their engagement of other parties and lead to gaps in the information on which they base their decisions. **Self-reflection on practice and bias** may help judges maintain neutrality, which can lead to changes in their decisions. Training to increase judges' awareness of their own implicit biases may reduce the likelihood that children are placed in foster care early in the case (Russell & Summers, 2013). **Structures used to consider case information**, such as checklists of judicial tasks at hearings called benchcards (see [Enhanced Resource Guidelines](#)), can help judges better organize their decision-making, which may also reduce bias. Using benchcards to prepare questions for participants may shift judges' behaviors in court, such as increasing their engagement of parties in hearings (Bohannon et al., 2015).

Subcomponents

Case information considered. Review of factors that suggest future abuse, neglect, or safety risks.

Structures used to consider case information. Information synthesized in court forms and use of decision-making tools.

Interpretation of legal standards. Understanding, analysis, and application of federal and state standards.

Self-reflection on practice and bias. Awareness and assessment of performance and influence of personal bias.

Judicial Decisions in Hearings

Federal and state laws outline which decisions must be made at hearings in child welfare cases. Decisions made by judges during court hearings, such as where the child will live and what services families should receive, significantly impact children and families, both during and after the case.

Early in a case, decisions, or **findings made by the judge**, may include determining whether a child has been the victim of abuse or neglect, and if the child welfare agency should have temporary guardianship of the child. Later in a case, findings may describe the type of permanent home planned for the child.

The judge provides oversight of **services ordered for the parents and child** by reviewing and approving services that will be provided to the family. These services are described in a service plan, which describes the reasonable efforts of the child welfare agency to prevent children's removal and, later, to reunify them with their families. Services provided to parents should address safety issues that contributed to the child's maltreatment, for example, evidence-based counseling services for parents unable to adequately care for a child as a result of a mental health diagnosis. Services should also be provided to the child to address their growth and development (Paley & Auerbach, 2010). However, service plans vary in quality. Some do not match families' needs and recommended services might not address the safety issues that brought families to court (Karatekin et al., 2014). The parents' progress in participating and benefiting from service plans is assessed by the judge throughout the case. Judicial oversight of service plans may be critical because poor-quality plans could be associated with judges inaccurately assessing the families' efforts and risk of future abuse and/or neglect of the child.

Judges also review and approve temporary and permanent **child placement**. A goal of temporary placements is to help children maintain family and community relationships. Placing children in temporary care with relatives or keeping siblings together, for example, can help retain family connections. In cases involving children who are part of federally recognized tribes, judges must make findings that notice has been given to tribes, and that agencies have made efforts to provide services to families before removing children from their parents or custodians (DiPietro, 2008).

Subcomponents

Child placement. Where a child will temporarily live until a permanent home is identified.

Services ordered for the parents and child. Services intended to reduce the risk of child abuse and neglect and promote child health and well-being.

Findings made by the judge. Legal findings of fact describing decisions made during hearings.

Case Process and Progress

The child welfare case process is the series of court hearings held as the case progresses toward resolution. Some research has shown that the timing of hearings and child placement type and stability may influence outcomes for children.

Child placement type and stability are important because temporary care arrangements should support the child's well-being while they wait for a permanent home. Frequent moves in temporary care, or placement instability, can increase the significant disruption children experience when they are removed from their families. For example, children with less placement stability may be more likely to have behavioral problems (Rubin et al., 2007). Temporary homes that help children stay connected with their family, such as being placed with a relative, may decrease the likelihood of mental health and behavioral issues (Winokur et al., 2014).

Federal and state laws require child welfare courts to conduct hearings within a certain time, and the timely progression of these hearings is intended to place the child in a permanent home as quickly as possible. The **case progress and timeliness of hearings** can be derailed by court continuances, or postponements, and the need to reschedule hearings. Reasons for continuances could include failure to notify parents of hearings and the absence of attorneys or other parties. A higher number of continuances during a case can reduce the likelihood of timely permanency for the child (Summers, 2017).

Early involvement of parents in court may spur parents to attend future hearings, which may help them to successfully continue to work toward reunification with their child (Wood & Russell, 2011). Early **family engagement in services and service progress** are critical because parents have limited time to address the issues that led to abuse. Federal law ordinarily requires a child welfare agency to file a **termination of parental rights** petition with the court after the child has been in foster care for a set period of time.

Subcomponents

Child placement type and stability. Where a child temporarily resides and how often the placement changes.

Family engagement in services and service progress. Attendance, timing, and extent of parent and family involvement in services throughout a case.

Termination of parental rights. End of legal rights to parent a child.

Case progress and timeliness of hearings. Whether hearings are held within timelines set by federal and state laws.

Case Outcomes

Courts are responsible for the safety, permanency, and well-being of children involved in cases, as outlined in the Adoption and Safe Families Act of 1997.⁴

Courts are tasked with ensuring **child safety**, both during and after cases. Children should not experience further abuse or neglect during their case and should not re-enter the child welfare system because of further abuse.⁵

The **type and timeliness of child permanency** are important outcomes because long stays in temporary care can leave children in limbo without caregivers who remain involved in their lives. Ideally, the type of permanency, such as reunification with parents, will keep the child connected with their family and community. Continued community connections are addressed by federal legislation such as the Indian Child Welfare Act,⁶ which promotes temporary and permanent placement of Native American children within the tribal community.

Child well-being⁷ should be enhanced, not harmed, through involvement in the child welfare system.

Federal legislation that promotes services to support the child's well-being includes the Keeping Children and Families Safe Act,⁸ which mandates screening of all young children in foster care for developmental issues and directs states to strengthen linkages between public health, mental health, and developmental disabilities agencies to increase service coordination. Providing services to help meet parents' needs (e.g., domestic violence) should increase **family well-being**. This helps parents provide a healthy home for their children and avoid re-entry into the child welfare system.

Subcomponents

Child safety. Absence of further neglect or abuse.

Type and timeliness of child permanency. Child has a permanent home within time frame set by federal and state law.

Child well-being. Skills, capacities, and characteristics that enable young people to understand and navigate their world in healthy, positive ways.

Family well-being. Skills, capacities, and characteristics adult family members need to provide for themselves and their children's needs in healthy, positive ways.

⁴ Adoption and Safe Families Act of 1997 (P.L. 105–89)

⁵ Child and Family Services Review, [Safety Outcome 1](#) and [Permanency Outcome 1](#)

⁶ Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901–1963)

⁷ [ACYF-CB-IM-12-04](#)

⁸ Keeping Children and Families Safe Act of 2003 (P.L. 108–36)

Pre- and Between Hearing Communication and Activities

Communication between parties to the court case and activities that occur outside of the hearing may influence the case. Some, such as mediation, have been studied, but little is known about whether others may affect hearing quality or case outcomes.

Mediation is a structured approach to settling disputes between parties to the court case through active participation of a neutral mediator who works with parties to negotiate agreements on issues of conflict in the case. Using mediation may lead to more detailed family service plans and can speed up the case process by resolving issues faster (Thoennes, 2009). Similar negotiations may be used to resolve disagreements in **prehearing/pretrial conferences**.

Family group conferences/family team meetings ask the family to suggest solutions to reduce risk to their child. There is some indication that this may increase the likelihood of a child being temporarily placed with relatives rather than in non-relative foster care (Walker, 2005). Processes that involve families in their **family service plan development** are thought to influence whether services will meet the family's needs. Similarly, **multidisciplinary case staffing** is thought to improve services by facilitating coordination and communication among professionals who work with the family.

Prehearing preparation of parties offers an opportunity for parents, attorneys, and case workers to review case information before hearing discussions. **Prehearing and between hearing contact between parties**, such as attorneys for the child welfare agency and parents, may facilitate information sharing. **Court reports** submitted to the judge also inform the case process. More research is needed to test whether these activities affect outcomes.

Subcomponents

Mediation. Negotiation of agreements outside of court.

Prehearing/pretrial conferences. Discussion among parties to resolve issues or to prepare for hearings.

Multidisciplinary case staffing. Gathering of cross-system professionals to inform service delivery.

Family group conferences/family team meetings. Family-centered process to resolve issues in the case.

Family service plan development. Process to identify services for families and children.

Court reports. Documents that describe family service progress and recommendations.

Prehearing preparation of parties. Discussions to prepare parties before hearings.

Prehearing and between hearing contact between parties. Discussion and communication among parties outside of the child welfare hearing itself that can help advance the case.

Jurisdiction Context, Court Resources, Practice, and Culture

The courts, communities, and states in which judges work are thought to impact child welfare court processes and case outcomes. Some contextual factors, such as the availability of courts' resources (e.g., the number of judges available to hear cases), have been studied. However, additional research is needed to understand how court culture and practices, state laws, and community characteristics may influence child welfare court cases.

A high **judicial caseload** and a lack of **judicial staff time** may leave judges without time to read reports before hearings, interact with families during hearings, and/or make required findings on the record. More judicial staff time may be associated with a greater likelihood of meeting state and federal requirements for timeliness of child welfare hearings and reduced time to adoption (Wood et al., 2014).

Courts have different **court support staff** and **docketing/calendaring** practices. Some schedule hearings during a block of time, such as a 4-hour window, rather than a specific time. This can negatively impact parties who must wait hours for a hearing to begin. Alternative approaches such as using time-certain calendaring are described as improving court processing (Gonzalez, et al., 2015). Some courts practice **frontloading**, which includes dedicating more court time and resources at the beginning of a case. This may result in more timely permanency, though research on frontloading thus far has also included other practice improvements which could have influenced case processes (Halemba et al., 2002).

Subcomponents

Judicial staff time. Number of hours allocated to hear cases.

Judicial caseload. Number of cases overseen by judges.

Court support staff. Administrative and managerial resources.

Physical facilities. Adequacy of the physical environment.

Docketing/calendaring. Specificity of scheduling hearings.

Frontloading. Dedication of resources to early stages of cases.

Judicial continuity. Keeping the same judge across the life of a case.

Judicial assignment practices. How judges are appointed to cases.

Parent assistance during the case process. Help given to parents to understand and participate in court.

Interaction of professionals in hearings. Communication and behaviors of parties at hearings.

The practice of **judicial continuity**, assigning one judge to hear a case from start to finish, may help the judge get to know a family, which could influence case outcomes. Fewer judges hearing a case may be associated with reduced time to child permanency (Festinger & Pratt, 2002; Summers & Shdaimah, 2013) and higher rates of reunification (Summers, 2017).

Judicial assignment practices are hypothesized to influence a judge's performance overseeing hearings. For example, appointing a judge to hear only child welfare cases may help that judge develop deeper knowledge and skills.

Insufficient **physical facilities**, such as crowded waiting areas, may interfere with the parties' ability to prepare for the hearings (Shdaimah & Summers, 2014).

A court's culture is hypothesized to influence the case process by shaping the **interaction of professionals in hearings**. For example, attorneys for parties may be adversarial or cooperative, which may extend or decrease the time taken to agree on issues in the case. It may be that judges heavily influence the expectations and tone of hearings (Ellet & Steib, 2005). This includes the **court and child welfare agency relationship**, which could impact working relationships throughout and across cases. Courts with **continuous quality improvement practices** collect and analyze data to assess and carry out activities intended to improve their functioning. Whether emphasis on quality improvement activities is a characteristic

Subcomponents (continued)

Court and child welfare agency relationship. Interactions between agency and court systems.

Continuous quality improvement practices. Collection and review of data to improve court performance.

Frequency of appeals. Number of cases submitted to higher courts for review.

Consistency of judicial practice across system. Variability of how judges manage cases within the court system.

State laws that supplement federal child welfare court process requirements. Timelines for case processes and hearing requirements directed by states.

Level of detail in state law. Specificity of laws that direct judges' actions and decisions.

Statutory criteria. State law that specifies the types and amount of evidence used to make case decisions.

Legal representation. Type of legal representation model used for parents, children, and the child welfare agency.

Socioeconomic status. Economic, educational, and occupational characteristics of a community.

Population density. Urban versus rural communities as defined by the Census Bureau.

Substance use prevalence. Proportion of the community using substances.

Service availability. Number and types of services families and children may have access to within their community.

associated with a court's performance has not yet been studied. Providing **parent assistance during the court process**, such as offering a peer mentor, is related to changing parents' attitudes about the court process and increasing parents' engagement in the court process (Summers, Wood, et al., 2012) and higher rates of reunification (Chambers et al., 2019; Trescher & Summers, 2020).

State laws that supplement federal child welfare court process requirements outline hearing requirements that the court must implement. This includes **statutory criteria**, which direct the type of evidence a judge may consider, and the amount of evidence needed to make findings. States that require a higher level of proof may have fewer findings that child abuse has occurred and fewer children entering foster care (Kahn et al., 2017; Provencher et al., 2014). Other state law characteristics and variability of court practices are hypothesized to influence hearing quality and case processes but are not yet supported by research. These include the **level of detail in state law**, which varies by state and may contribute to the **consistency of judicial practice across system**. For example, some states mandate what information child welfare agencies report and when. Other states allow for greater discretion, which could increase variation of judicial practice. The **frequency of appeals** describes the types of judges' orders that are considered appealable and whether attorneys are filing appeals. This can vary across locations or judges and may be associated with court culture or quality of legal representation; however, it is unknown whether and how it may influence outcomes.

Models of **legal representation** used by states vary widely. For example, children's legal representation could include professional attorneys, volunteer child advocates, or both. Attorneys who represent children may advocate for what the child states they want to happen in a case or be required to advocate for what they believe is in the child's best interests. Similarly, state practices related to child welfare agency representation vary widely. For example, in some states, attorneys employed or contracted by the child welfare agency decide whether to file a child abuse case in court and advocate for the agency's recommendations. In other states, this authority is given to a state or county prosecutor who is elected or appointed to represent the interests of the people and does not represent the agency directly. There is currently limited research on whether and how child representation models influence hearing quality or case processes and outcomes (Zinn & Peters, 2015), and no research examining child welfare agency representation.

Community characteristics can influence the number and types of families seen in court and the extent of available services. For example, family needs may be shaped by community members' **socioeconomic status** and local **substance use prevalence**. These characteristics can contribute to the timeliness of the case process (Wood et al., 2014). **Population density** may also be a factor contributing to **service availability**. Families who live in rural areas or communities without reliable public transportation may have difficulties accessing services or may lack services that address specific needs. The scarcity of services in communities is theorized to influence case outcomes.

Literature Review Methods

Our review of the literature included a structured review of citations from a start set of key articles, electronic database search, and referrals from our project team and the field. We first identified 11 key articles known by our team (our start set). We then reviewed all references in these articles and any publications that cited articles from the start set. Following this snowball approach, we conducted a structured electronic search of social science and legal library databases using a Boolean search string. We also requested materials from the field, including published and unpublished articles, reports, and briefs, through the OPRE newsletter. To be included, materials had to be published during or after 1997—the year that new child welfare court requirements came into effect through the Adoption and Safe Families Act—and examine child welfare courts in the United States. Of the 786 articles produced by the search, 715 articles were screened out and 71 articles were reviewed.

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