

KFI
4294.5
.I65
1996

Iowa Supreme Court Improvement Project for Child in Need of Assistance Cases



A Study of Iowa's Court Performance in Child Abuse and Neglect Cases and Plan for Improvement

Submitted to the Iowa Supreme Court
September 1996

Iowa Supreme Court Improvement Project for Child in Need of Assistance Cases

A Study of Iowa's Court Performance in Child Abuse and Neglect Cases and Plan for Improvement

Submitted to the Iowa Supreme Court
September 1996

Edited by:

Anne Rinkenberger
Project Director/Principal Researcher

Request additional copies of this report from:

State Court Administrator's Office
Court Improvement Project for CINA Cases
State Capitol Building
Des Moines, Iowa 50319
(515) 281-3393 FAX (515) 281-6265

September 11, 1996

To the Chief Justice and Members of the Iowa Supreme Court:

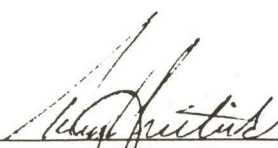
Your Committee to review state court practices in child welfare matters is pleased to present the following report with its findings and recommendations for making our courts more responsive to the needs of Iowa's children and families.

The committee's findings and recommendations are based on the results of statewide surveys and a series of selected county site visits. Throughout this process the committee sought to obtain comprehensive input from litigants, lawyers, judges, administrative staff and a variety of child welfare professionals involved in these proceedings. The committee's perspective on these issues was similarly enhanced by the ethnic, gender, geographical and professional diversity of its members.


Any credible assessment is necessarily critical and this committee's assessment of our court's performance in child welfare matters is no exception. However, any criticisms inherent in our report are constructively intended and it is hoped they will be received in the same spirit.

With this report we also submit a three-year plan to improve our court's performance in child welfare matters. Your committee believes the plan's implementation will enhance the court's ability to provide meaningful oversight in child welfare matters and will achieve the ultimate goal of permanent, safe, secure homes for the children under the protection of the court.

We thank you for the challenge of beginning this undertaking. The committee hopes that the court finds our recommendations have merit and directs us to proceed with the plan for improvement.



Judge Terry Huitink
Committee Co-Chair



Judge Stephen C. Clarke
Committee Co-Chair

Summary of Study

This report is the result of an assessment study of Iowa's court performance in child abuse and neglect cases. It is an expression of the court's commitment to the achievement of excellence in these cases.

More than 500 individuals from across the state of Iowa provided input for this study. The participants included professionals at all levels of involvement with Child in Need of Assistance (CINA) cases and family members involved with the court system.

The purpose of this study was to identify changes which would improve the court's ability to oversee the CINA process.

This goal was accomplished by conducting a one-year assessment completed in 1996 and implementing a three-year improvement plan to be completed by 1999.

The primary areas of investigation for this assessment of Child in Need of Assistance (CINA) proceedings for abused and neglected children were: the completeness and depth of court hearings, the quality of representation provided to the parties, the timeliness of decisions, the quality of treatment of parties, and the judicial workloads, expertise and training. *See Chapter 2.*

During the assessment, many positive features of current practice were identified. Judicial determinations of reasonable efforts are being made in most cases and permanent

plans are being accomplished for Iowa's children. There is a high level of continuity in representation for parents and children. Many county attorneys, who represent the state, remain on the same cases for the entire time.

The judges currently hearing the majority of CINA cases are very experienced and many provide consistency to children and families by hearing all stages of the same CINA case. Most routine CINA hearings are heard in a timely manner, and waiting times before hearings are reasonable. *See Chapter 2.*

During the next three years, the committee hopes to provide leadership to improve judicial oversight of the permanency process, including termination, appeal, and final disposition. There are plans to improve the quality of representation and informed participation of families involved in the court system. The improvement plan provides for the formation of task forces to develop plans for training, evaluation, and legislative review. *See Chapter 3.*

Some of the recommendations in this report require resources beyond the limits of this project. These recommendations identify resource limitations that impact the performance of the courts. It is with the hope of keeping the needs of children and their families in the forefront of funding decisions that they have been included in this report.

Iowa Supreme Court Select Committee to Review State Court Practices in Child Welfare Matters

Co-Chairs

Terry Huitink
*Judge
Iowa Court of Appeals
Des Moines, Iowa*

Stephen C. Clarke
*Associate Juvenile Court Judge
1st Judicial District
Waterloo, Iowa*

Committee Members

Suzanne Boyde
*Permanency Planning Manager
Iowa State DHS
Des Moines, Iowa*

George Boykin
*Woodbury County Supervisor
Sioux City, Iowa*

Constance Cohen
*Associate Juvenile Court Judge
5th Judicial District
Des Moines, Iowa*

Melba Dibble
*Foster/Adoptive Parent
Polk City, Iowa*

Dwight Dinkla
*State Representative
Guthrie Center, Iowa*

Phillip Douglas
*Executive Director
State CASA Program
Des Moines, Iowa*

DeAnn Jones
*Executive Director,
Citizens Foster Care Review Board
Des Moines, Iowa*

Debra Y. Lulf
*Attorney
Sioux City, Iowa*

John Nahra
*District Judge
7th Judicial District
Davenport, Iowa*

Ralph Rosenberg
*Executive Director
Coalition for Family & Children's
Services in Iowa
Des Moines, Iowa*

Carol Thompson
*Chief Juvenile Court Officer
6th Judicial District
Cedar Rapids, Iowa*

Tom Vilsack
*State Senator
Mt. Pleasant, Iowa*

Ginger Wolfe
*Mental Health Patient Advocate, Ret.
Davenport, Iowa*

Acknowledgments

The committee would like to thank the more than 500 individuals who contributed their time and talents to this research project. With their help we were able to identify areas for improvement. With their continued support, we can implement changes in the court system to help Iowa's children and their families.

Special thanks to the following organizations and individuals for their contributions to our successful assessment project:

The Iowa Supreme Court for their leadership in securing the grant monies for this project and the State Court Administrator for staff support throughout the project.

The American Bar Association Center on Children and the Law, for their valuable consultation and leadership, and for providing supportive materials to conduct our research.

The Iowa Department of Human Services for providing additional funding through a Reasonable Efforts Grant to expand our data collection abilities.

Mike Bandstra for volunteering his time to contribute the legal research for this report.

The staff of the research project for assisting with the research tasks: Nancy Tabor, Martha Johnson, Kim Kuehner, Melvin Shaw, and Susan Conn.

Table of Contents

Chapter One Introduction

Section 1.1	Description of Study	2
	Purpose of Study	2
	Need for Study	2
	Scope of Study	3
	Background of Study	4
	Parties Responsible for Conducting Study	4
Section 1.2	Background of Iowa Court System	5
	Iowa Court System	5
	Iowa Juvenile Court System	8
Section 1.3	Methodology	12
	Statewide Data Collection	12
	Site Visit Data Collection	13

Chapter Two Research Findings and Recommendations

Section 2.1	Completeness and Depth of Court Hearings	16
Section 2.2	Representation of Parties	20
Section 2.3	Timeliness of Decisions	25
Section 2.4	Quality of Treatment of Parties and Service of Notice	29
Section 2.5	Judicial Workload, Expertise and Training	31

Chapter Three

Plan for Improvement

Section 3.1	Judicial Oversight of The Permanency Process	36
Section 3.2	Termination, Appeal, and Final Disposition	38
Section 3.3	Service Improvement	40
Section 3.4	Training Plan and Evaluation	42
Section 3.5	Code and Rules Review	44
Section 3.6	Quality of Representation	46

Appendices

Appendix A	Availability of Volume Two	50
Appendix B	Survey Return Rates	51
	Site Visit Completed Instruments	53
	Interview Participants	54
Appendix C	Legal Research	55
Appendix D	Protocol on Reasonable Efforts	61
Appendix E	Research Findings: Time Frames for CINA Hearings	67
Appendix F	Resources	68

Chapter One

Introduction

Section 1.1	Description of Study	2
	Purpose of Study	2
	Need for Study	2
	Scope of Study	3
	Background of Study	4
	Parties Responsible for Conducting Study	4
Section 1.2	Background of Iowa Court System	5
	Iowa Court System	5
	Iowa Juvenile Court System	8
Section 1.3	Methodology	12
	Statewide Data Collection	12
	Site Visit Data Collection	13

Chapter One

Introduction

Section 1.1 Description of Study

Purpose of Study

The purpose of this assessment was to conduct an objective evaluation of the performance of Iowa's juvenile courts in conducting proceedings for child abuse and neglect cases, referred to in Iowa as Child in Need of Assistance (CINA) cases [Iowa Code Chapter 232], and to develop a three-year plan for improvement.

The evaluation was designed to assess the extent to which the requirements imposed on the state courts by the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) facilitate or impede achievement of the program goals of Title IV-E of the Social Security Act to accomplish the permanent and safe placement of children with families in a timely manner.

Need for Study

The Federal Government in partnership with the Kellogg Foundation offered grants to each state to review their own court practices. The National Council of

Juvenile and Family Court Judges has published a guide for juvenile and family courts for the improvement of child abuse and neglect hearings. The guide describes the national historical and societal factors that have contributed to the need for assessments and improvements to be done by each state. The description applies, as well, to the state of Iowa. *See also section 1.2.*

The Resource Guidelines handbook by the National Council of Juvenile and Family Court Judges describes the need for improvement in court practices in child abuse and neglect cases as follows:

"Victims of child abuse and neglect come before juvenile and family court judges for protection from further harm and for timely decision-making for their future. In response, judges make critical legal decisions and oversee social service efforts to rehabilitate and maintain families, or to provide permanent alternative care for child victims. These oversight responsibilities require a large portion of the court's attention, workload, and resources as the reported number of child

abuse and neglect cases grows each year. Public awareness of the tragedy of physical and sexual abuse of children has led to a recent explosion in court referrals. The problem has been exacerbated by poverty, the impact of drug-exposed mothers and infants, HIV Syndrome, the continuing dissolution of the family unit, and the growing recognition that child victims are often found in violent families.

"In the 1970's, juvenile and family courts were expected only to determine whether a child had been abused or neglected and, if so, whether the child needed to be removed from home or placed under court or agency supervision. At present, however, courts are expected to make sure a safe, permanent, and stable home is secured for each abused or neglected child. This change has been brought about by major federal foster care reform legislation, the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), and subsequent major revisions in state laws.

"Throughout the United States, child abuse and neglect proceedings in juvenile and family courts have been transformed by new demands placed upon the courts. These demands have included escalating judicial caseloads, increasingly difficult cases, and a significant new role assigned to juvenile and family courts in abuse and neglect cases.

"As a result of recent changes in federal and state law, juvenile and family courts now take a far more active role in decision-making in abuse and neglect cases. More complex issues are now decided in each case, more hearings are held, and many more persons are involved.

"The increased responsibilities and resultant administrative tasks which P.L. 96-272 requires of judges are taxing

already overburdened people and systems. Juvenile and family court judges are the gatekeepers of our nation's foster care system. They must ultimately decide whether a family in crisis will be broken apart and children placed in foster care or whether placement can be safely prevented through the reasonable efforts of our social service system. If reasonable efforts to preserve or reunify families are not evaluated and ensured through effective judicial review, then families and children are unnecessarily harmed."

Scope of Study

This study is the first attempt, in Iowa, to assess the judicial branch's performance in child abuse and neglect cases. This task is a tremendous responsibility and has required input from many parties and systems involved in helping abused and neglected children.

For purposes of this study the research was limited to the role of the court system and the judicial oversight of the process to achieve more permanent and safe homes for abused and neglected children.

This study sought to evaluate the timeliness of decision-making, the quality of proceedings, the quality of representation, and the treatment of the parties by the courts.

All attempts have been made to place the performance of the courts in context by including comments about how other systems affect the performance of the courts. Many of the professionals working in other areas of the child welfare systems have assisted with the assessment project. However, this study does not include an analysis of other systems such as the Iowa Department of Human Services (DHS), managed care, service providers, etc., except in relation

to their impact on the courts' performance and oversight role.

This project has not undertaken an in-depth review of substantive law to recommend specific changes, but does acknowledge and recommend the need for review. *See section 3.5.*

Background of Study

As part of the Omnibus Budget Reconciliation Act of 1993, also known as the Family Preservation and Support Act, Congress set aside \$35 million in entitlement grants to state courts over a four-year period. The funding will be used to improve court handling of abuse, neglect, foster care, and adoption cases [Public Law 103-66, §§ 13711(d)(2) and 13712]. An important clarification of Congressional intent appears in the House Conference Report accompanying the legislation. (See August 4, 1993 Congressional Record, pages H6012-H6013.)

Under these grants, each participating state court system (a) conducted a rigorous assessment of how state courts are handling abuse, neglect, and foster care litigation, (b) developed a plan to improve the administration of justice in foster care cases, and (c) will implement a three-year plan for improvement.

The plan for improvement will be implemented contingent upon continued funding. The state courts are responsible for providing matching funds equal to 25% of the total award for each year funded by the federal government.

Parties Responsible for Conducting Study

The Iowa Supreme Court has appointed the Iowa Supreme Court Select Committee to Review State Court Practices in Child Welfare Matters to oversee this court improvement project. This appointed group will be referred to as "the committee" for the remainder of this report.

The committee includes members who represent trial court and appellate judges, private child welfare service provider agencies, Iowa Department of Human Services, attorneys, Court Appointed Special Advocates, Iowa Citizen Foster Care Review Boards, juvenile court officers, the Iowa Legislature, foster/adoptive parents, and county boards of supervisors. The committee hired a full-time director responsible for the research and administration of the project.

Section 1.2 Background of Iowa Court System

Iowa Court System

Iowa has 99 counties and is divided into eight judicial districts. *See Exhibit 1.1-Iowa's Judicial Districts.* The Trial Court is called the District Court and is the point of entry for most cases.

Every year the Iowa District Court handles approximately one million cases; approximately 80,000 indictable criminal cases (serious and aggravated misdemeanors and felonies); 67,000 civil cases; 9,000 juvenile matters (delinquency, child abuse and neglect); 900 terminations of parental rights actions; 7,500 hospitalization hearings; 21,500 probate matters; 72,000 small claims; 290,000 simple misdemeanors and civil infractions; and 450,000 scheduled violations.

In each of Iowa's eight judicial districts, there is a Chief Judge who supervises all judicial officers and court

employees within the district. Each judicial district has a District Court Administrator who assists the Chief Judge in administrative tasks.

The Iowa Supreme Court is the highest court in Iowa's judicial system and consists of nine justices appointed by the governor.

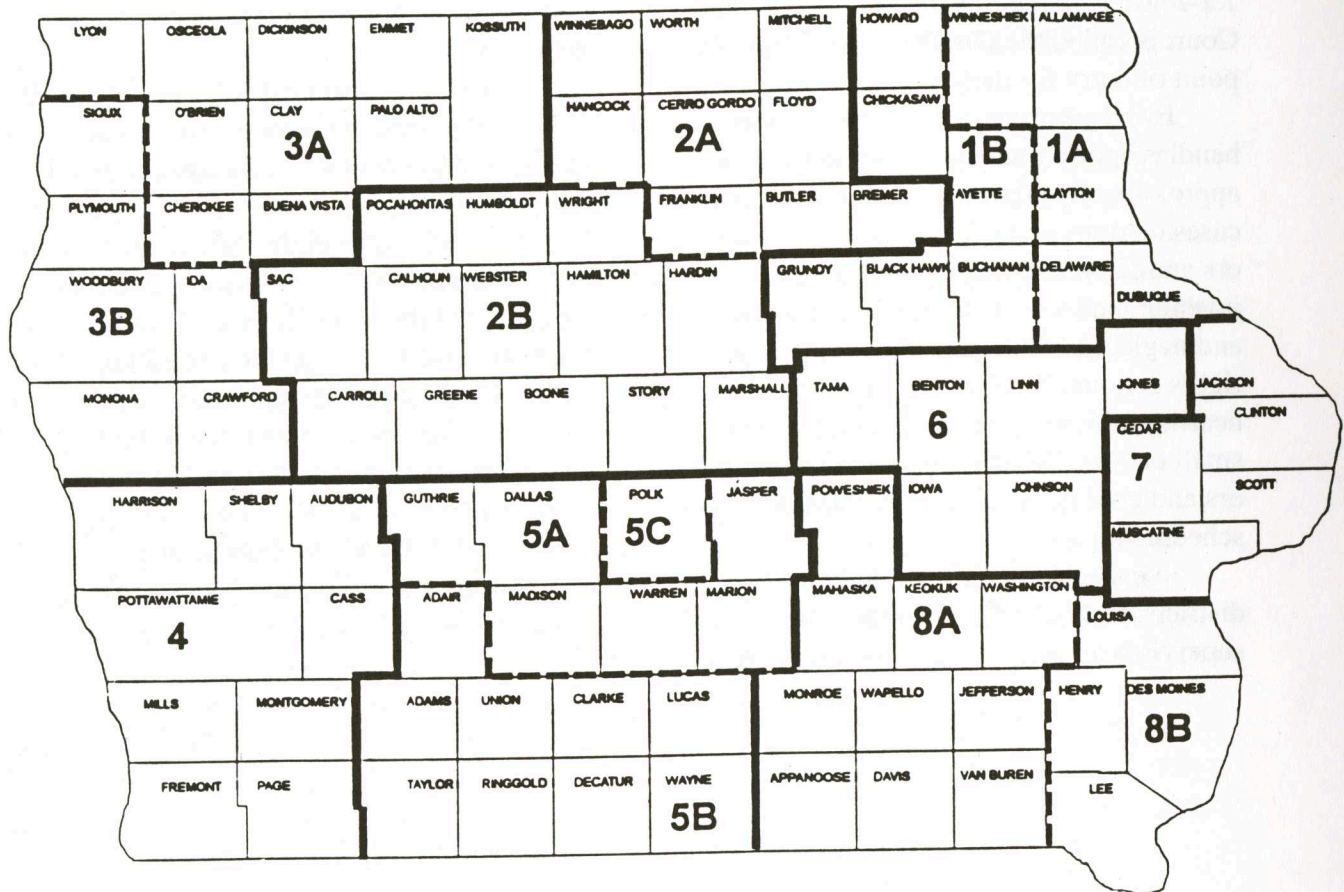
The Court of Appeals consists of six judges who serve six-year terms. Members of the Court of Appeals are appointed by the governor.

Each of Iowa's eight Chief Judges and the Chief Judges of the Iowa Court of Appeals and the Chief Justice of the Iowa Supreme Court serve on the Iowa Judicial Council. The Iowa Judicial Council oversees all court administrative rules, directives, and regulations. *See Exhibit 1.2-Iowa Judicial Department-July 1, 1995.* (All of the above is excerpted material from the Citizen's Guide to Iowa's Courts, 1989.)

Iowa's Judicial Districts

Exhibit 1.1

(Source: Citizen's Guide to Iowa's Courts - Iowa Judicial Department)

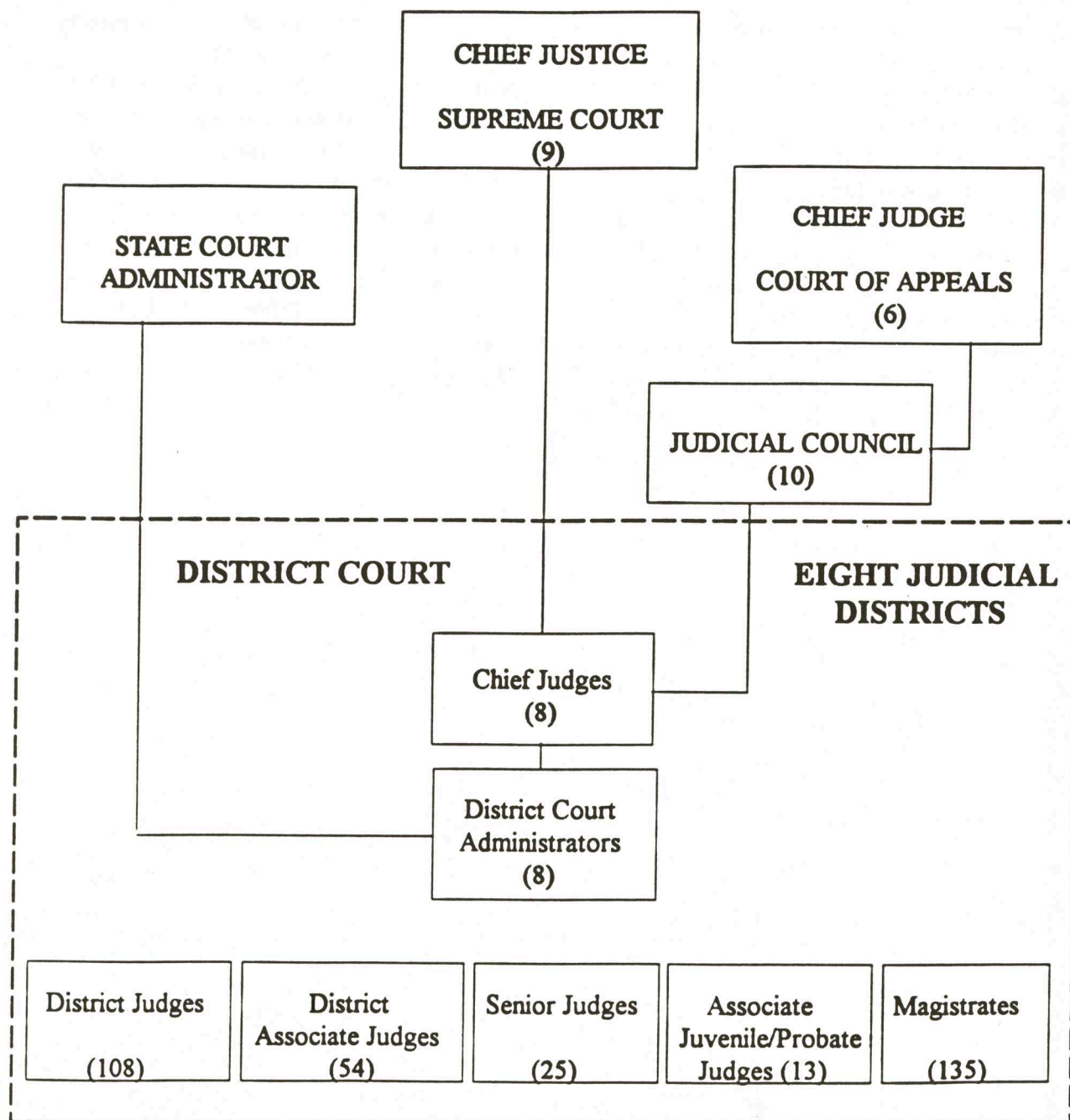


Iowa Population - 1994

1A	160,340	5A	160,665
1B	202,301	5B	70,055
First Judicial District	362,641	5C	345,890
2A	156,159	Fifth Judicial District	576,610
2B	301,306	Sixth Judicial District	353,145
Second Judicial District	457,465	Seventh Judicial District	285,939
3A	141,292	8A	163,416
3B	191,340	8B	113,274
Third Judicial District	332,632	Eighth Judicial District	276,690
Fourth Judicial District	184,130	TOTAL	2,829,252

Iowa's Judicial Department-July 1, 1995**Exhibit 1.2**

(Source: Citizen's Guide to Iowa's Courts - Iowa Judicial Department)



Iowa Juvenile Court System

A child may enter the Iowa Court System as a Delinquent or as a Child in Need of Assistance (CINA). *See Exhibit 1.3-Juvenile Court Process.*

In Iowa, juvenile matters are heard by District Judges, Associate Juvenile Judges, and District Associate Judges designated by the Chief Judge of the judicial district to act as judges of the juvenile court.

Juvenile court officers assist the court in working with young people who find themselves involved with the judicial system as a Delinquent. In two of the eight judicial districts in Iowa, juvenile court officers are assigned to Child in Need of Assistance (CINA) cases. In these

districts, the juvenile court officers are primarily responsible for assisting with the administration and scheduling of the hearings for CINA cases.

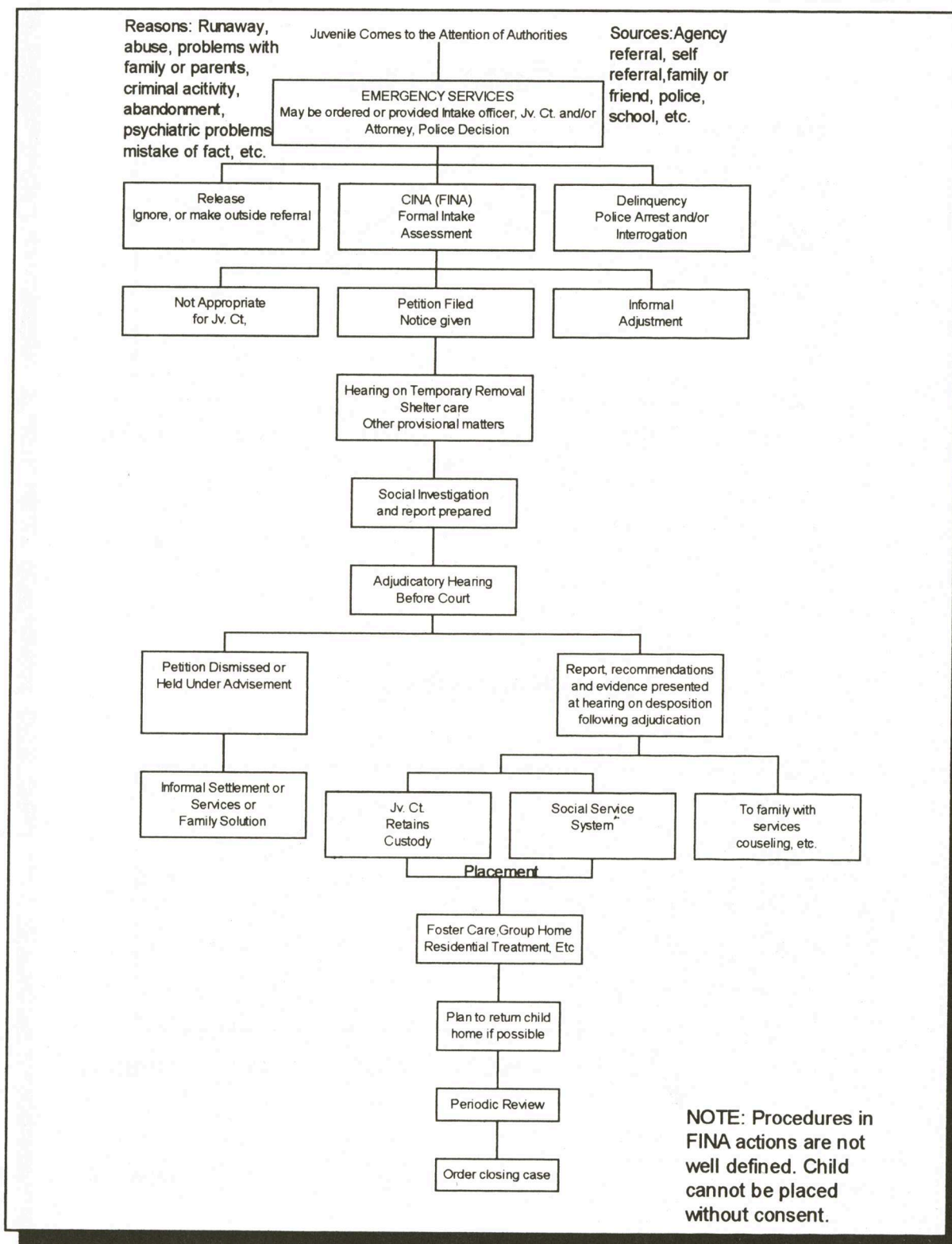
Iowa has experienced rising caseloads evidenced in the increased number of petitions filed and hearings held for Child in Need of Assistance (CINA) cases. *See Tables 1.1, 1.2-State of Iowa: History of CINA Petitions and Hearings, 1985-1995.*

Additionally, there has been an overall rise in the number of termination of parental rights petitions filed and hearings held. *See Tables 1.3, 1.4-State of Iowa: History of Termination Petitions and Determinations, 1985-1995.*

Exhibit 1.3

Juvenile Court Process

(Source: Youth Law Center, Inc.)



State of Iowa: History of CINA Petitions and Hearings 1985-1995

(Source: Iowa Judicial Department Statistics)

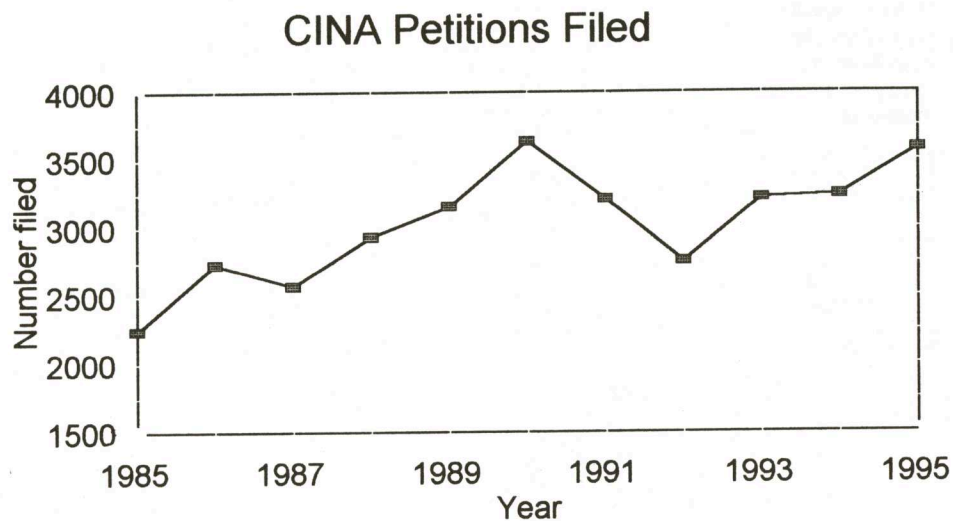


Table 1.1

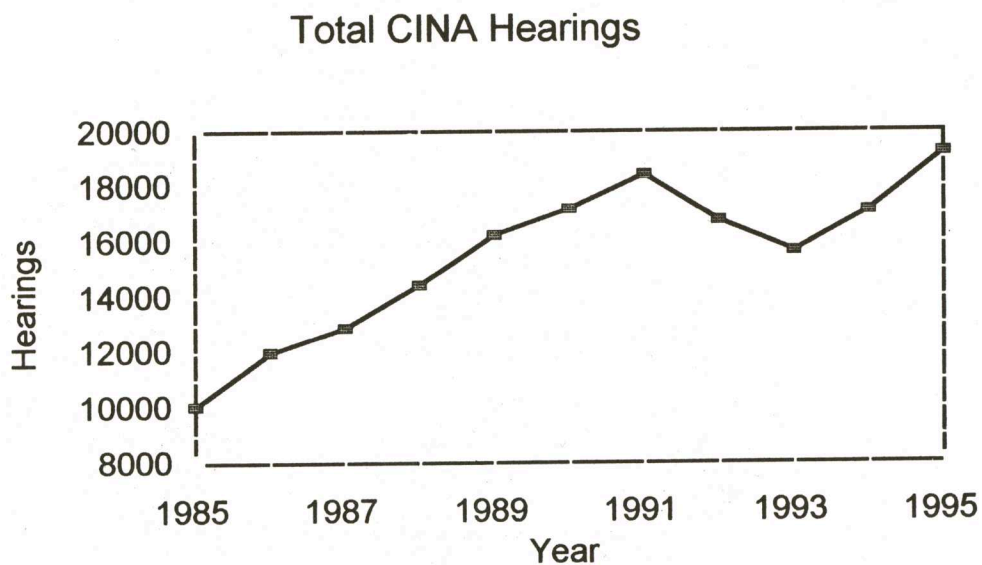


Table 1.2

State of Iowa: History of Termination Petitions and Determinations, 1985-1995
(Source: Iowa Judicial Department Statistics)

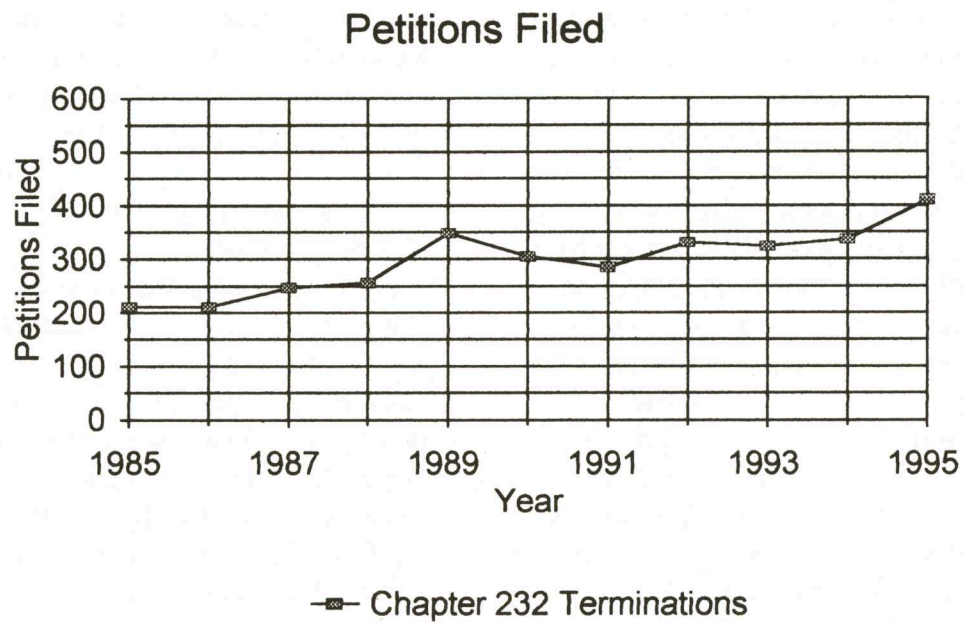


Table 1.3

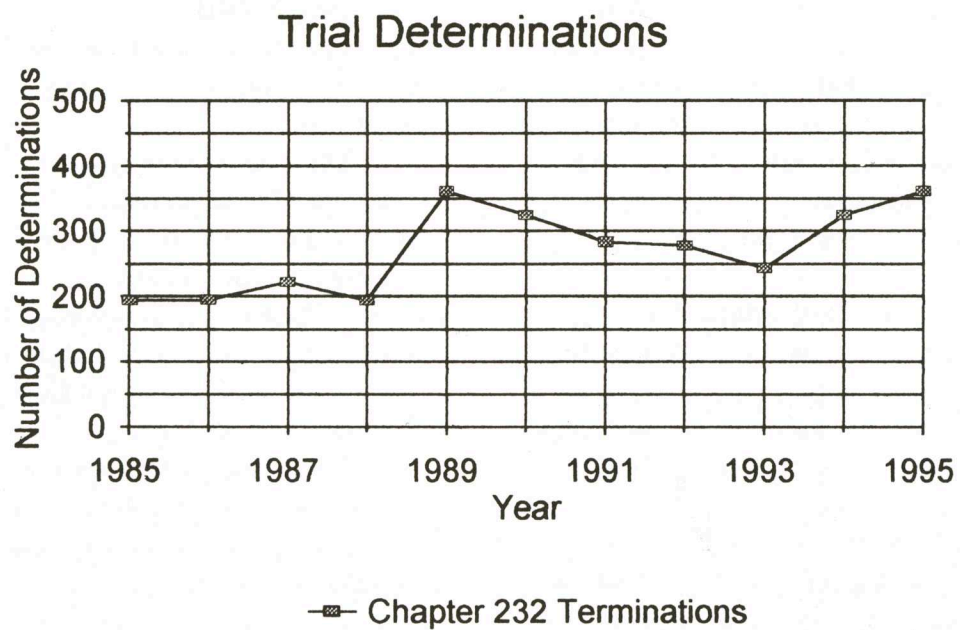


Table 1.4

Section 1.3 Methodology

It was important for this study to obtain information from as many sources as possible using different methods of data collection as allowed by the resource limitations. The instruments and methods used during the data collection were developed by national experts with the American Bar Association Center on Children and the Law. In addition, professional staff members from the Center on Children and the Law provided consultation services. Both phases of the data collection were tested by pilot studies.

It was the intention of this project to rely heavily on information provided by individuals in the state of Iowa who work with child abuse and neglect cases on a daily basis. It is assumed that these individuals are the most qualified to provide information on their daily practices, the practices of those with whom they work, their concerns about the process, and their ideas for improvement.

Before beginning to collect data for the assessment study, efforts were made to review existing sources of data, prior related studies completed in Iowa, and relevant information from national resource centers. *See Appendix F.*

Statewide Data Collection

The first round of data collection was a statewide survey conducted by the distribution of questionnaires concerning local practices for CINA cases. The questionnaires used for this survey were developed by Mark Hardin of the American Bar Association Center on Children and the Law. The questionnaires were adapted, with permission, to accommodate the laws and practices of Iowa, by the

project director and by a consulting attorney experienced in juvenile law.

The questionnaires were tested in a pilot study and reviewed for changes. The final drafts were approved by the committee members. (The final copies of the questionnaires and code books are reprinted in volume two of this set.) *For availability of volume two, see Appendix A.* The questionnaires were distributed and returned by mail.

Six questionnaires were used for this study. Each one was designed for a specific group of participants: (1) judges, (2) attorneys, including county attorneys, private juvenile attorneys, and juvenile public defenders; (3) district court administrators, (4) child welfare workers, including Department of Human Service workers (DHS), Juvenile Court Officers (JCO) assigned to CINA cases, and Indian Child Welfare Workers (ICWW), (5) Court Appointed Special Advocates (CASA), and (6) Iowa Citizen Foster Care Review Boards (ICFCRB).

The overall return rate on the questionnaires was approximately 55%. *See Appendix B.*

The questionnaires were collected and coded by project staff. The data was prepared for analysis by Iowa State University Statistical Laboratory in Ames, Iowa. The analysis was completed by the project director in consultation with the American Bar Association Center on Children and the Law.

The research findings were summarized and reported to the committee. The questionnaire data was the primary source of information utilized by the committee to develop the recommendations in this report and for the development of the improvement plan. *See Chapter Two and Three.* (For detailed research findings by

question and by topic, see volume two.) *See Appendix A.*

Site Visit Data Collection

The second phase of data collection was conducted during site visits in six Iowa counties. The methods used included interviews, court observations, and judicial file reviews.

The site visits offered the opportunity to study specific courts in detail and receive feedback about the development of the improvement plan. Site visit information was analyzed as qualitative data.

The counties for the site visits were Muscatine, Linn, Story, Dallas, Audubon, and Mills. The selection of the counties was based on variety in population size, available services, characteristics of court operations, and location in Iowa.

Due to the limited resources available for the assessment, consideration was given to having reasonable access to the county. Audubon and Mills counties were added to the study with funding received from the Reasonable Efforts grant from the Iowa Department of Human Services.

Overall Procedure: Muscatine County was used as a pilot site to test the research instruments. The instruments used for the interviews, court observations and judicial file reviews were developed by Mark Hardin of the American Bar Association Center on Children and the Law. (A complete collection of the instruments is reprinted in volume two of this set.) *See Appendix A.*

The instruments were adapted, as needed, for use in Iowa. They were tested in a pilot site visit by the project staff. The project committee approved the final copies.

The site visit data was collected by three research assistants with law degrees. Each research assistant conducted two site visits. The research assistants were responsible for preparing a written report of each interview and for completing court observations and judicial file reviews.

The site visits were coordinated with the local juvenile judge and court staff. The professionals who work with CINA cases at each site were helpful and provided useful information.

A focus group was conducted by the project director at one site (Linn County). The group participants were parents of children involved with the court system.

The written interviews prepared by the research assistants for each site were reviewed by the project director and sent to the interview participants for feedback.

Upon approval of the written interviews by the participants, the project director compiled all information from each site into a report. (Additional details are included in volume two of this report.) *See Appendix A.*

The final summary report including all the interviews, file reviews and court observations for each site was sent to the research assistants for final review. The court observations and file reviews were coded by project staff and prepared for analysis by the Iowa State University Statistical Laboratory in Ames, Iowa.

The analysis was done by the project director in consultation with the American Bar Association Center on Children and the Law.

Interviews: There were 48 interviews conducted with individuals and groups representing judges, court staff members, private attorneys representing children and parents, county attorneys, public defenders,

juvenile court officers, juvenile court staff members, Department of Human Service workers and supervisors, Court Appointed Special Advocates (CASA), and Iowa Citizen Foster Care Review Boards (ICFCRB). *See Appendix B.*

Observations: There were 31 court observations completed among all sites. The site visits were completed in three months. Due to this time constraint, there

was limited opportunity to observe CINA hearings in rural counties.

File Reviews: There were 49 judicial case file reviews completed among all sites. The files reviewed included cases with a history of at least six months in the court system. If available, cases involved with the court system for more than one year and/or cases that had progressed to termination were reviewed.

Chapter Two

Research Findings and Recommendations

Section 2.1	Completeness and Depth of Court Hearings	16
Section 2.2	Representation of Parties	20
Section 2.3	Timeliness of Decisions	25
Section 2.4	Quality of Treatment of Parties and Service of Notice	29
Section 2.5	Judicial Workload, Expertise and Training	31

Chapter Two

Research Findings and Recommendations

Section 2.1 Completeness and Depth of Court Hearings

This section summarizes the features of current practices in Iowa's courts to conduct complete and in-depth court hearings for the purpose of promoting safe, timely and permanent placements for children in foster care. Specific attention is given to how reasonable efforts mandates are being implemented.

The Iowa Code, Chapter 232, contains all the relevant provisions for Child in Need of Assistance (CINA) cases. The Iowa statutes either are in compliance with or exceed the Federal mandates of the Adoption Assistance and Child Welfare Act, PL. 96-272. *See Appendix C.*

Iowa's Reasonable Efforts Protocol

The 1992 Iowa General Assembly [in Iowa Code Section 232.189] required the Director of the Department of Human Services and the Chief Justice of the Iowa Supreme Court, or their designees, to jointly establish and implement a state-

wide protocol for the implementation of reasonable efforts. This protocol is the result of the joint efforts of representatives from the Department of Human Services, Juvenile Court Services, judges, and others involved in working with children and families. *See Appendix D.* The document was designed to provide the tools and guidance necessary to:

- direct service systems in ways that are more responsive to children, their families and the community;
- prevent unnecessary out of home placements;
- promote consistency in making decisions about the placement of children based upon their circumstances; and
- promote reunification planning when placement is necessary.

The reasonable efforts protocol is designed to function as a general guideline that will be mutually compatible to the two public agencies - the Iowa Department of Human Services and the Judicial Branch's Court

Services - which are primarily responsible for delivering services to children and families at risk.

Positive Features of Current Practice

1. Judicial determinations of reasonable efforts are being made in most cases.

Across Iowa, judges, attorneys, and child welfare workers reported that in 75-80% of all hearings involving CINAs, judges are making determinations of reasonable efforts. Participants reported that during the hearings, there is a verbal inquiry addressing the nature and sufficiency of services for each case of the parties present approximately 93% of the time.

Thirty-six percent (36%) of the judges reported that they have occasionally made negative determinations. Judges reported preparing specific written findings 74% of the time after review hearings rather than checking options on a form.

2. Permanent plans are being accomplished for Iowa's children.

Judges reported they always (100%) require the Department of Human Services to have a permanent plan developed for children who have been in foster care for 12 months. They also reported that DHS is meeting this expectation (97%).

To ensure that cases progress in a timely manner, judges, child welfare workers and attorneys all reported that periodic review hearings are being held every six months unless there is a need for more frequent reviews.

Areas of Needed Improvement

1. Improvements are needed in the conduct of hearings to increase the completeness and depth of proceedings.

Several questions concerning contested review hearings were asked on the questionnaires. It is assumed that once a child is involved in the court system, review hearings should include an aggressive review. It is important to make sure children spend as little time as possible in temporary placement and to keep cases moving toward successful completion. A thorough review hearing is especially important in contested cases.

It was also assumed that the professionals involved in contested hearings would engage in additional preparation and present more testimony, cross-examination, and argument in the courtroom. Thus, more information was sought concerning contested hearings.

Although participants reported that periodic review hearings are being held regularly every six months, specific improvements would increase the quality of the hearings and the subsequent decisions made on behalf of the children and families.

Areas still in need of improvement are: time allotted for hearings; inquiries during the hearings; permanency hearings; and post-termination review hearings.

More courtroom hearing time should be scheduled for complete and in-depth hearings. Judges, attorneys and child welfare workers reported the average length of a contested review hearing is 60 minutes and the average length of a non-contested review hearing is 15 minutes.

During the site visits, hearings were observed that were two to five minutes in length.

Although testimony is usually heard in contested hearings, it was reported by judges and attorneys that cross-examinations and arguments are only taking place in approximately 85% of the contested hearings.

This reduction in the quality of hearings leads to some children and families not receiving the consideration and benefit of a full hearing. This is necessary to address their needs and to move them through the system in a timely manner. In some areas of the state this is due to a lack of adequate judicial resources. *See also section 2.5.*

Two widespread practices are replacing full and complete hearings — the extensive use of “hallway conferences” and/or “in-chamber conferences.” The attorneys and DHS workers meet in the hallway to discuss the case. In some courts, the attorneys and DHS workers meet with the judge in-chambers to further discuss the case before entering the courtroom.

Upon entering the courtroom, the primary task is to enter the decisions made in the hallway and/or chambers into the official record. These conferences are used for contested and non-contested hearings.

Participants of this study reported that the practice of hallway and/or in-chambers conferences evolved because of a need to hear cases quickly due to limited court time and high caseloads. This appears to be true in many courts with limited access to judges on a strict rotation schedule and in courts with high caseloads. However, resources are not limited in all courts that conduct hallway and/or in-chambers conferences.

For example, when 30 minutes are

scheduled for a review hearing, 20 minutes of the scheduled court time may be spent in the hallway or judge’s chamber discussing the case rather than in the courtroom. The remaining time is spent in the courtroom entering the decisions on the record.

In courts with few resource limitations, it was stated that hallway and in-chambers conferences are preferred because some parties do not desire to hold formal hearings. Rather, it is preferred to have all cases stipulated. It is believed that this practice is more beneficial to move cases along smoothly without upsetting family members.

Judges should improve the quality of their case by case inquiry. Overall, judicial determinations of reasonable efforts are being made in courts in Iowa. In the majority of cases, the issues of the nature and sufficiency of services are addressed.

There is a need, however, for judges to make more determinations in order to reach 100% for temporary removal hearings (73%) and dispositional hearings (82%). Judges are not addressing the issues of workers’ diligence in assuring services were provided (51%) and the promptness of availability of services (52%) as aggressively as recommended.

Judges were asked to report their overall level of verbal inquiry concerning reasonable efforts. The judges reported they engage in verbal inquiry during the hearings approximately 68% of the time. Data and observations during the site visits showed that judges may be verbally addressing the issues and engaging in verbal inquiry with the parties less often.

There was a belief expressed by some of the parties (county attorney, private attorneys, and some judges) that if the issue of reasonable efforts is addressed by anyone during a hearing, then the inquiry

is considered complete and the judge's only responsibility is to make a written finding.

Although this practice is sufficient to meet the reasonable efforts requirements, the standard set by the National Council of Juvenile and Family Court Judges, states that complete and in-depth hearings include the active verbal participation of the judge inquiring during the hearings of all the parties regarding their participation in the case plan.

This study found that family members were more motivated and involved when the judges were verbally engaging in the courtroom. *See section 2.4.*

These concerns apply to all hearings concerning CINA cases. There are additional specific needs for improvement in permanency hearings and post-termination hearings.

Quality permanency hearings need to be held. Judges reported they “usually or often” routinely require a permanency hearing be held after a child has been in foster care 12 months, 67% of the time.

Information from the site visits revealed that in many courts, the permanency hearing is an extremely rare event. When a permanency hearing is held, it is often for diverse purposes.

Some courts hold the permanency hearing as one of the regular periodic review hearings. Another court uses the permanency hearing as a “mini-TPR hearing” where the county attorney tries the termination case.

When a permanency hearing was held, judges reported that they are “rarely or occasionally” (49%) requiring a showing that termination is not in the best interest of the child. Judges “rarely or occasionally” (49%) order a county attorney to file a termination when it meets the criteria.

Quality post-termination review hearings need to be held. During the few post-termination review hearings being held in the state courts, judges reported that they are not consistently requiring a specific finding that DHS has made “every effort” to find an adoptive placement six months after the termination of parental rights. (Only 45% are “usually or often” requiring the finding.) *See also section 2.3.*

Judges also reported they are not consistently requiring documentation that a child has been placed on the state adoption exchange. (Only 24% are “usually or often” requiring a showing.)

Recommendations

1. To improve judicial oversight of the permanency process, including termination and post-termination proceedings to improve quality of hearings and subsequent decisions.

See Improvement Plan - Chapter 3:

Section 3.1	Judicial Oversight of the Permanency Process
Section 3.2	Terminations, Appeals, and Final Disposition
Section 3.4	Training Plan and Evaluation

2. To increase funding for judicial staffing in areas that have high caseloads and frequent rotations to allow courts enough judicial time to conduct complete and in-depth hearings.

This project will not directly address the implementation of this recommendation.

Section 2.2 Representation of Parties

This section summarizes the positive features and areas needing improvement in the current practices of advocates representing parents, children, and the Department of Human Services with the goal of promoting safe, timely and permanent placements for children in foster care.

Appointment of Representation in Iowa

In Iowa, unless appropriate counsel is privately retained, the court is required to appoint either the Public Defender or an existing nonprofit corporation established for and engaged in the provision of legal services for juveniles to represent qualifying parties in child welfare cases. [Iowa Code Sections 13B.9, 232.89, 232.113(2) and 815.10 (1995)].

The same person may serve both as the child's counsel and as guardian ad litem. (In the majority of cases this is the standard of appointment.) If a parent desires representation but is financially unable to employ counsel, upon application, the court appoints counsel. [Iowa Code Sections 232.89, 232.113(2)(1995)]. However, incarcerated non-custodial parents are not entitled to court-appointed counsel in CINA cases. [Iowa Code Sections 232.89 (1)].

If the Public Defender and/or Youth Law Center (located exclusively in Polk County) decline an appointment due to conflict, caseload, or other good cause, the court appoints counsel from a list of attorneys who have contracted with the Iowa State Public Defender. These appointments are made on a rotation basis from an alphabetical list. However, in special circumstances, the court may deviate from this rotation. Unless there are circumstances that dictate otherwise,

the child's attorney and guardian ad litem will be the same individual. In this report, the guardian ad litem and child's attorney will be considered the same person and the terms will be used interchangeably.

Duties of a Guardian Ad Litem

The Iowa Code outlines the duties of a guardian ad litem. [Iowa Code Sections 232.2 (22)]. These duties also apply to Court Appointed Special Advocates (CASA). In the state of Iowa CASAs do not file motions. The duties outlined include:

- Conducting in-person interviews with the child and each parent, guardian, or other person having custody of the child.
- Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child.
- Interviewing any person providing medical, social, educational, or other services to the child.
- Obtaining first-hand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed guardian ad litem.
- Attending any hearings in the matter in which the person is appointed as the guardian ad litem.

Iowa Court Appointed Special Advocate (CASA) Program

The Iowa CASA (Court Appointed Special Advocate) Program began operating in 1986 under the auspices of the Iowa Supreme Court. It is a state-funded program serving 22 of Iowa's 99 counties. Program sites are supervised by a program

coordinator who recruits, trains, and supervises the volunteers as they perform casework duties for the children to whom they are assigned.

Expansion sites are designated by the Iowa Supreme Court based on local judicial support and statistics for child abuse incidents in the general population. The presiding judge of each court assigns CASAs to specific cases in which the children have been designated as needing additional monitoring.

Positive Features of Current Practice

1. There is continuity of attorneys representing parents and children and county attorneys assigned to each case.

Unless there are extenuating circumstances, once a child is appointed counsel in Iowa, the attorney remains with the child for the entire time the child is court-involved. There is no system of regular rotation with public defenders or private court-appointed attorneys.

Judges and attorneys reported that 97% of the time, the same attorney representing each parent continues with the same case the entire time.

Judges, attorneys and child welfare workers reported that in approximately 70% of the cases, county attorneys are not regularly transferred. In many counties of Iowa one county attorney is assigned to present all CINA cases.

2. The CASA program is highly valued by the courts and the volunteers are well prepared as advocates for the children they represent.

The CASA volunteers were rated by the judges as performing their advanced preparation activities 100% of the time.

The activities include talking to the case worker, visiting and talking with the child, finding out how the child is doing in school, investigating alternative services and monitoring the case between hearings.

The judges reported relying on reports from CASAs in resolving treatment and placement issues in the interest of the child 67% of the time.

3. Live testimony is a regular event in contested hearings.

On a regular basis, the level of involvement of attorneys in contested hearings is good in presenting testimony. Judges and attorneys reported that live testimony is heard approximately 94% of the time during all types of contested hearings.

Areas of Needed Improvement

Iowa does well in comparison to other states when providing counsel for the children and parents involved in the juvenile court system. Established procedures are present to immediately appoint counsel for children, as well as procedures to provide court-appointed counsel for parents who apply and financially qualify.

The need to grant more status and priority to the juvenile court system is a problem Iowa shares with other states. As the status and priority increase, so will resources for those who serve children and families of our state.

As illustrated in this section, the expectations (low training requirements and high caseloads) and low compensation appears to be reflected in the lack of quality preparation attorneys are able to provide, thus, resulting in low quality hearings. *See also section 2.1.*

1. Attorneys for parents and children are not always adequately prepared to represent their clients.

Attorneys need to adequately prepare for hearings.

Parents' attorneys. Judges, attorneys and child welfare workers were asked about the preparation of parents' attorneys before contested dispositional and periodic review hearings. The interview participants based their responses on their knowledge of the attorneys' activities and the attorneys' performances in court.

The activity rated as most frequently conducted by parents' attorneys in preparation for contested hearings was talking to their client and the child's case worker before the day of the hearings. This activity was rated by attorneys as being done 77% of the time. Child welfare workers stated they believe parents' attorneys talk to their clients and the case-worker only 37% of the time.

The advance preparation activity of interviewing service providers before the day of the hearings by the parents' attorneys was reported to be very low by judges (36%), attorneys (46%), and child welfare workers (12%).

It is expected that for contested dispositional and periodic review hearings that parents' attorneys should investigate alternative services that might be provided to their clients' children. Unfortunately, this activity was reported to be the lowest activity of advance preparation by parents' attorneys as reported being "rarely" done: judges (29%), attorneys (39%), child welfare workers (7%).

The parents' attorneys' request for a continuance was reported by judges as the most frequent reason for granting continu-

ances for contested adjudication (24% of all continuances granted) and contested TPR hearings (26% of all continuances granted).

Children's attorneys/GAL. Judges, attorneys, and child welfare workers were asked about the preparation of children's attorneys before contested dispositional and periodic review hearings. The research participants based their responses on their knowledge of the attorneys' activities and the attorneys' performance in court.

The two advance preparation activities children's attorneys were reported doing more frequently were talking to the client (when age-appropriate) before the day of the hearing (attorneys 79%, child welfare workers 33%), and talking to the case worker before the day of the hearing (attorneys 76%, child welfare workers, 51%).

Advance preparation activities rated by judges, attorneys and child welfare workers as done less than half the time by children's attorneys were: (1) visit their clients in the home before the hearings, (2) find out how their (school) age clients are doing in school, (3) interview service providers before the day of the hearing, and (4) investigate alternative services for the child or family.

Judges reported, of all the continuances granted, 13% were requested by the guardian ad litem.

Attorneys need to present more cross-examination and argument in hearings.

Although testimony is being heard during contested hearings, the level of involvement of attorneys in contested hearings could be improved. Attorneys

and judges reported that cross examination is conducted approximately 86% of the time and argument is presented approximately 80% of the time.

Attorneys need more training opportunities. Currently in Iowa, no formal training or orientation is required for attorneys representing juveniles. In addition, no special continuing legal education requirements have been developed for attorneys to continue representing children once they begin.

A few judges reported conducting a preliminary interview with attorneys desiring to represent children in their court. In most cases, the judges are making decisions about attorneys who will represent children in their court based on the attorney's performance in the courtroom.

Although there are several devoted attorneys extensively experienced in juvenile law and practice, a tradition has developed that inexperienced attorneys begin their practice by representing parties in juvenile court then moving on to handle other types of cases.

The opinion was strongly expressed by many individuals (judges, attorneys and child welfare workers) during this study that attorneys should receive training in juvenile proceedings before representing parents or children. The main reason for this recommendation was because of the many unique aspects of juvenile court proceedings and the specific knowledge and skills required to provide quality representation for children and families.

2. Compensation for attorneys for parents and children is low and compensation is inconsistent statewide between public defenders and private court-appointed attorneys.

The rates of compensation for court-appointed attorneys across the state were reported to be between \$40.00 per hour and \$60.00 per hour with the typical maximum of \$500.00 (range of \$300.00 - \$2,500.00) before additional approval is required. Public defenders reported, in most cases, their rate of compensation was lower than the court-appointed attorney rate in their county.

3. Parents should be encouraged to obtain representation at earlier stages of the child's court involvement.

It has been reported by research that many continuances and delays have been attributed to parents realizing at late stages of their child's court involvement they desire representation. (See research by Mark Hardin.) *See Appendix F.*

Often at the later stages, parents decide they do not agree with the recommendations for their child and family. It has also been proposed that when parents receive representation early, they are less likely to request continuances or have as many disputes concerning the recommendations of the court.

Judges and attorneys reported that approximately 65-70% of custodial parents have representation in CINA cases; temporary removal hearings (65%), adjudication (70%), court review hearings (69%). Custodial parents most frequently have representation during termination of parental rights proceedings (94-96%).

Judges and attorneys reported that approximately 35-45% of non-custodial parents have attorneys represent them in CINA cases, temporary removal hearings (35%), adjudication (47%), and court review hearings (39%). Non-custodial

parents most frequently have representation during termination of parental rights proceedings (73-79%).

4. County attorneys and public defenders have high caseloads.

Some county attorneys and public defenders often have very high caseloads. Due to the limitation of the data in this area the extent of the problem cannot be generalized for the entire state. During the site visits caseloads in excess of 250 were reported for county attorneys and public defenders. This caseload size provides little or no time for quality representation.

Recommendations

1. To improve the requirements, compensation, and training of attorneys involved in CINA cases to increase the quality of representation.

See Chapter 3 - Improvement Plan:

Section 3.4 Evaluation and Training Plan

Section 3.6 Quality of Representation

2. To improve communication of rights and responsibilities to parents to encourage early involvement in court proceedings involving their children.

See Chapter 3 - Improvement Plan:

Section 3.3 Service Improvement

3. To expand the CASA program to include more counties in the state of Iowa.

This recommendation will not be specifically addressed in the implementation plan.

Section 2.3 Timeliness of Decisions

It is always the goal of the courts to move cases to successful completion in a timely manner. The accomplishment of this goal is a balancing act for judges, providing oversight to a complex system where parties have limited resources and multiple demands on their time. It is important for judges to take time to make quality decisions and to prevent continuances and delays. *See also section 2.1.*

Many factors are associated with the delivery of timely decisions in CINA cases. This study addressed the self-reports by judges, attorneys and child welfare workers concerning: (1) the time frames for all stages of CINA hearings, (2) the frequency and causes of continuances and delays, (3) resource limitations of the courts, and (4) some issues concerning docketing management practices.

Additionally, factors were researched that have been suggested to contribute to timely decisions and reduce the likelihood of delays in the time line of an individual case such as, consistency of the same judge hearing all stages of a CINA case, adequate time to hold quality hearings at each stage, and regular communication from the judges to other parties. *See Appendix F.*

To have a major impact on the improvement in the timeliness of decisions, each individual court should conduct their own evaluation for the factors that contribute to continuance and delays. Due to resource limitations, this study was designed to identify areas of widespread difficulty for further examination during the implementation of the improvement plan.

Positive Features of Current Practice

1. Most routine CINA hearings are being heard in a timely manner.

The time frames reported by judges and attorneys for each stage of a CINA case, including cases that progress to termination and adoption, were well within statutory guidelines. *See Appendix E.*

2. Requests for emergency hearings and routine contested hearings are scheduled in a timely manner and are rarely rescheduled to begin another day.

Although some courts have limited resources, many courts are prioritizing the initiation of contested hearings on the docket. Judges and attorneys reported only about 5% of the contested hearings are rescheduled to begin another day.

Judges and attorneys reported an average of 23 days between the request for a routine contested matter to come before the court and the beginning of the court hearing.

Judges and attorneys reported an average of six days between the request to bring an emergency matter before the court and the hearing.

3. Statewide, there is a high level of consistency with the same judge hearing all stages of the same CINA case.

Statewide, on average, judges and attorneys stated the same judge hears all stages of the same CINA case 84% of the time.

4. Information and reports received from DHS, service providers, CASAs and juvenile court officers are useful to judges to resolve treatment and placement issues in a timely manner.

In addition to activities during the hearing, the judges stated that reports by the Department of Human Services (100% of the time), service providers (90% of the time), CASAs (in locations where they exist, 67% of the time), and juvenile court officers (in locations where they are involved in CINA cases, 56% of the time) are the most useful in resolving treatment and placement issues and for making quality decisions in the interest of the child.

Areas of Needed Improvement

1. There is not enough judicial time in some rural courts and overburdened urban courts to achieve timely resolution.

Although the statewide averages for timely decision-making are good, resources are limited in some rural courts and some overburdened urban courts. *See also sections 2.1 and 2.5.*

Docketing problems. Some courts are using the system of double booking. This practice is more often used in rural courts where there is a rotation of judges or in busy urban courts with very high caseloads. Judges reported 12% of the continuances granted were due to docketing problems and because not enough time was allowed.

As previously stated, the average time between the request for emergency hearings and routine contested hearings and hearing dates was a positive feature of

current practice. However, some courts reported it can take up to 45 days to schedule an emergency hearing and up to 60 days to schedule a routine contested matter.

In one rural judicial district, Fourth Judicial District, judicial time is locally unavailable for emergency removal hearings. To hold a timely hearing, the child and family must travel up to 2-3 hours to an urban courthouse to wait for time on a full docket.

At times, the GAL, DHS worker, juvenile court officer and county attorney travel to the courtroom for the hearings. More often the juvenile court officer and DHS worker travel to the courthouse and the GAL and a county attorney of the urban courts represents the parties.

This rural district also has a rotation of judges once per month. There has been an increase in the caseloads in many of the rural areas without a corresponding increase in judicial or juvenile court staff.

These resource limitations have placed burdens on all parties and strained the court system to provide timely hearings that are in-depth and complete.

Interrupted hearings. Although courts are prioritizing the scheduling of contested hearings on the docket, once the contested hearings begin, sometimes there is insufficient court time to complete the hearing. Judges reported 13% of contested adjudication hearings and 19% of contested termination hearings are interrupted for more than 48 hours due to lack of sufficient court time.

The problem in many rural courts and overburdened urban courts is once a hearing is interrupted due to insufficient court time, it is extremely difficult to schedule more court time in a timely manner to complete the proceedings.

Length of review hearings. More time should be scheduled on the docket to provide in-depth and complete review hearings to move cases to completion. Judges and attorneys stated the most common length of time for a contested review hearing was 60 minutes. Child welfare workers reported the average length of time for a non-contested review hearing was 15 minutes.

Court observations revealed several non-contested review hearings lasting 3-7 minutes due to the use of hallway conferences and in-chamber conferences. *See also section 2.1.*

2. Permanency hearings are not consistently held.

Judges reported they “usually or often” routinely require a permanency hearing be held after a child has been in foster care 12 months about 67% of the time. Site visit information reveals, that in many courts, the permanency hearing is an extremely rare event. When the hearing is held, it is sometimes used to serve other purposes. *See also section 2.1.*

3. Time frames for termination proceedings and to finalize adoption are too long.

Judges and attorneys reported the length of time from the filing of a CINA petition through filing of a petition for termination of parental rights is between 529-542 days. Information from the site visits revealed court files with lengths of three to five years.

The reported time frame from the filing of the termination order to finalization of adoption was between 248-340 days. Reports by participants include

many cases that took two to three years. Many participants reported they preferred the option of long-term foster care for permanency rather than termination and adoption.

4. Post-termination review hearings are not consistently held.

Judges should consistently hold termination review hearings to move cases to final disposition. Judges were asked how often they hold court reviews after the termination of parental rights and prior to finalization of adoption. Of those judges who hold post-termination reviews, the average length of time between hearings was eight months. The range of responses reported by judges was from holding no post-termination review hearings to holding a review hearing every 24 months. *See also section 2.1.*

5. There is a need for improved communications between the courts and the other professionals who participate in the permanency process concerning the legal mandates and court requirements for CINA cases.

Some judges reported a hesitance to have the courts participate in coordination or communication outside the courtroom with parties involved in the permanency process for CINA cases. They stated they did not see their role to include case coordination responsibilities, and they did not want to compromise their position as an objective party.

However, if judges are responsible for assuring reasonable efforts have been made and for the case to progress in a timely manner, they should also clearly communicate their expectations in relation

to the legal responsibilities of the parties they hold accountable.

Leadership provided by judges to improve communication among the parties involved with CINA cases is vital to achieve timely, permanent and safe homes for children. It is suggested these goals can be accomplished without compromising objectivity.

Meetings and training with the Department of Human Services. Very few areas of the state hold regular joint meetings or training with judges and the Department of Human Services personnel. Judges and child welfare workers reported that 48% of the courts have less than one meeting per year with DHS. Approximately 56% of the courts provide training less than once every other year.

Termination of parental rights issues. Child welfare workers reported that statewide 10% of the county attorneys with whom they work are unwilling to file termination petitions when requested.

In addition, child welfare workers reported that 29% of the time, the judges in their county are unwilling to grant termination of parental rights once a child has been in foster care 12 months and reunification with the parents does not appear likely.

Site visits revealed many reasons for conflicts between DHS and the courts related to the filing of termination peti-

tions including: (1) a lack of knowledge concerning the grounds for filing a petition, (2) when/if it is necessary for reasonable efforts requirements to be met, (3) the time frames for filing petitions, (4) who has the authority to file a termination petition, and (5) the options available when the parties disagree about whether a petition should be filed are not clearly delineated by the courts.

Recommendations

1. To review current judicial staffing needs to provide more resources to understaffed and overburdened courts.

The recommendation will not be directly addressed by the Improvement Plan.

2. To improve communication concerning the permanency process and termination requirements and procedures between Courts, DHS, and County Attorneys.

See Chapter 3 - Improvement Plan:

- Section 3.1 Judicial Oversight of the Permanency Process
- Section 3.2 Termination, Appeal, and Final Disposition
- Section 3.4 Training and Evaluation Plan

Section 2.4 Quality of Treatment of Parties and Service of Notice

Positive Features of Current Practice

1. The average waiting time before hearings is reasonable.

Child welfare workers reported the average waiting time before contested and uncontested adjudications and review hearings are between 25-30 minutes. It was stated most of the time spent waiting for a hearing is used to confer with the parties. *See also section 3.1.*

2. Verbal inquiry by the judges during the hearings has a positive impact on family members response to being court-involved.

Some judges who hear CINA cases take an active role in the courtroom. They tend to verbally inquire of all the parties to determine if reasonable efforts are being made. These judges inquire during the hearings regarding the family members' understandings of the recommendations and their degree of compliance with the court orders.

Family members in the focus group reported that they were more likely to respect the authority of the courts and feel as though they received a fair hearing when the judge took an active role during the hearings.

3. Written notice is being served to custodial parents or their attorneys.

Judges and attorneys stated that written notice of a review hearing is being served on the average 98% of the time.

Areas of Needed Improvement

1. Family members often do not understand their rights and responsibilities while involved with the court system.

Family members of a focus group reported they were often confused about what was happening in the courtroom. They felt uninformed about the court process and often very confused about the court decisions and their responsibilities following the hearing.

The parents reported that the attorneys were not providing adequate information. The judges often did not make active inquiry during the hearings. (Exceptions have been previously mentioned.) The family members expressed a frustration about not knowing where to go to receive information and what questions to ask.

Most of the information they received was fragmented, not received in a timely manner, and most often came from the Department of Human Services. Based on the family's reasons for court involvement, some felt they received adequate information from DHS, but some family members viewed their relationship with DHS as adversarial and would not ask for their assistance.

2. Parties (or their attorneys) are not meeting regularly to discuss positions prior to the day of the hearing.

Child welfare workers were asked how often the parties or their attorneys meet to discuss the matter prior to a review hearing. They reported 47% of the time the parties meet "rarely or occasionally."

When parties do meet to discuss positions prior to a review hearing (or

other hearings) it is usually immediately prior to the scheduled review time in the hallway or in-chambers conferences. *See also section 2.1.*

The family members stated they did not always feel comfortable with the practice of hallway conferences. They expressed interest in wanting to be more involved. In some cases, they stated, they did not feel their attorneys knew them well enough to represent their positions. Other problems mentioned included: the halls were often crowded, discussions were not private, and the meetings appeared to be rushed and chaotic.

3. Poor service of notice and lack of attendance at hearings by non-custodial parents, missing parents, and foster parents.

Although judges and attorneys reported notice is being served to custodial parents on a regular basis, some procedures for serving written notice could be improved. Currently, there are no state-wide uniform procedures for serving notice. Each county has developed its own procedures.

Judges reported that, of the continuances granted for contested adjudications and contested TPR hearings, approximately 22% of the continuances were because parties were not present or not served.

Improvements are needed in serving notice to non-custodial parents, missing parents, and foster parents.

Non-custodial parents or their attorneys are served written notice, on the average, 83% of the time as reported by attorneys.

Several recommendations written by individual participants on questionnaires mentioned improving the process of

locating missing parents. They stated there needs to be some more aggressive and comprehensive searches accomplished to avoid delays and continuances at later stages of CINA proceedings.

Judges and attorneys reported that approximately 40-50% of the courts regularly sent notice to foster parents. (Or their attorneys, if applicable.)

Questions were asked concerning notification of Indian tribes. Iowa has very few Indian tribes. It was reported by the research participants that very few cases involve Indian children. Thus, it was impossible to gain a clear picture of their needs.

Recommendations

1. To improve communication of rights and responsibilities to family members involved in the court system.

See Chapter 3 - Improvement Plan:

Section 3.3 Service Improvement

2. To encourage parties and their attorneys to regularly meet to discuss positions prior to a review.

See Chapter 3 - Improvement Plan:

Section 3.4 Training Plan and
Evaluation

Section 3.6 Quality of Representation

3. To improve service of notice procedures and early identification of non custodial and missing parents and foster parents.

See Chapter 3 - Improvement Plan:

Section 3.3 Service Improvement

Section 2.5 Judicial Workload, Expertise and Training

As caseloads continue to increase, it is imperative that judicial resources increase to meet the need. Providing the resources for judicial time and adequate compensation is the basic necessity for assuring that timely, safe, and permanent homes for children can be accomplished.

The investment in adequate judicial resources leads to better quality decisions and oversight of the permanency process. Adequate compensation should, at a minimum, be equivalent to similar judicial assignments and should encourage long tenures and attract well-qualified candidates to become juvenile judges.

Positive Features of Current Practice

1. The judges currently hearing CINA cases have a high level of experience.

Sixty-eight percent (68%) of the judges hearing CINA cases (more than 10% of their time) have seven or more years of experience handling child protection cases.

Areas of Needed Improvement

1. Judges hearing CINA cases have heavy workloads.

The judges responding to the questionnaires were those who spend at least 10% of their time with CINA cases. These judges hear juvenile delinquency cases in addition to CINA cases. Often the judges have a larger portion of their docket

devoted to the more numerous juvenile delinquency hearings.

Only 3% of the judges who responded to this questionnaire spend more than 75% of their total work time per week on CINA cases. However, 19% of the judges spend twenty-one or more hours per week in the courtroom hearing CINA cases. Sixteen percent (16%) of the judges are spending more than 25 hours per week hearing CINA cases in court.

In terms of caseload size, some judges reported they were conducting 40 or more hearings per week.

Most judges have high caseloads and spend many hours per week in CINA hearings, 36% of the judges reported that they have less than five hours per week to prepare for CINA hearings.

2. Judges lack orientation and training opportunities before they begin hearing CINA cases.

Although judges currently serving have many years of experience, no orientation program exists for judges prior to serving as a juvenile judge. Judges also reported attending very few hours of continuing education specifically designated for issues associated with serving as a juvenile judge.

The issues and dilemmas arising in proceedings involving CINA cases are increasingly numerous and complex. There are rapid changes in legislation at the state and federal level concerning CINA cases. In addition, there is an increase in the number of multi-problem families with special needs entering the court system.

Recommendations

1. To develop orientation materials and encourage training opportunities for judges before hearing juvenile cases.

See Chapter 3 - Improvement Plan:

Section 3.4 Training Plan and
 Evaluation

2. To increase judicial staffing in understaffed areas.

This recommendation will not be specifically addressed in the implementation plan.

Chapter Three

Plan for Improvement

Section 3.1 Judicial Oversight of The Permanency Process 36

Section 3.2 Termination, Appeal, and Final Disposition 38

Section 3.3 Service Improvement 40

Section 3.4 Training Plan and Evaluation 42

Section 3.5 Code and Rules Review 44

Section 3.6 Quality of Representation 46

Chapter Three

Plan for Improvement

Chapter three includes a summary of the recommendations developed during the one-year assessment previously described in this report.

The committee hopes to provide leadership to improve judicial oversight of the permanency process, including termination, appeal, and final disposition. There are plans to improve the quality of representation and service improvements for children and families involved in the court system.

The improvement plan provides for the formation of task forces to accomplish plans for training, evaluation, and legislative review.

Numbers and percentages in parentheses reflect these studies' findings and are included for clarification and reference to previous discussions.

Section 3.1 Judicial Oversight of The Permanency Process

Recommendation

Improve the effectiveness of judicial oversight of the permanency process to achieve more timely decisions and final resolution of cases.

Rationale

There is a specific need for judges to make more determinations of reasonable efforts to reach 100% for temporary removal hearings (73%) and dispositional hearings (82%). Judges are not addressing the issues of workers' diligence in assuring services were provided (51% of the time) and the promptness of availability of services (52% of the time) as aggressively as needed.

Judges should engage in verbal inquiry concerning reasonable efforts more often (68%). Observations during the site visits indicated that judges may be engaging in verbal inquiry with the parties less often than was self-reported.

Permanency hearings should be held more consistently. Sixty-seven percent (67%) of judges reported routinely requiring that a permanency hearing be held after a child has been in foster care 12 months. Reports during site visits show that permanency hearings are rare events and are often used for other purposes.

When a permanency hearing was held, judges reported not consistently (51%) requiring a showing that termination is not in the best interest of the child. Judges do not usually (49%) order a county attorney to file a termination when it meets the criteria and is appropriate.

More time should be scheduled on the docket to provide in-depth and complete review hearings so judges can make improved quality decisions and bring more cases to completion. (The average contested review hearing was 60 minutes, the average non-contested review hearing was 15 minutes). Court observations revealed several non-contested review hearings lasting three to seven (3-7) minutes due to the use of hallway conferences and in-chamber conferences.

The primary reason for the short time allowance for hearings and the use of hallway conferences is the lack of available court time to conduct complete and in-depth court hearings. The secondary reason is the belief this practice is preferred in order to keep conflict out of the courtroom and eliminate the need for formal hearings under the assumption this is better for the families. This unfounded belief deprives families of their right to a full and fair hearing and often results in children remaining in the system longer.

Although testimony is being heard during contested hearings, the level of involvement of attorneys in contested hearings could be improved for cross-examinations (86%) and arguments (80%).

There is a lack of good communication between the courts and other parties who participate in the permanency process concerning the legal mandates and court requirements for CINA cases. Few counties in Iowa reported holding regular joint meetings or training for court personnel and the Department of Human Services. Judges and child welfare workers reported 48% of the courts have less than one meeting per year with DHS. Approximately 56% of the courts provide training less than once every other year.

Implementation

It is recommended a task force is assembled to accomplish the activities necessary to improve aspects of the permanency process. The Iowa Supreme Court Committee to Review State Court Practices in Child Welfare Matters will provide leadership and oversight to the task force. The project director, along with consultants and hired staff, will support the task force activities. Participants of the task force should include those who have expertise in the areas of the permanency process as described.

The members could include individuals from the courts, Department of Human Services, Juvenile Court Services, attorneys, Court Appointed Special Advocates (CASA), Iowa Citizen Foster Care Review Board (ICFCRB), and service providers.

Staff and consultant time will be contracted to support the activities of the task force.

Role

The role of the task force will be to:

- 1) review current permanency statutes and procedures including time standards and rules,
- 2) develop recommendations for legislative and procedural changes to propose to the Supreme Court,
- 3) develop training recommendations to include in training plan,

- 4) investigate and propose new permanency options, and
- 5) review and recommend changes and training for reasonable efforts.

Tasks & Timeline

Second Year Tasks:

- | | |
|-----------------------|---|
| September 96 | Assemble Committee/Task Force |
| October 96 - March 97 | Review current statutes and procedures, other courts, national centers recommendations (include Reasonable Efforts) and draft recommendations, participate in rewriting procedure manuals |
| April 97 | Propose recommendations to legislative review committee |
| June 97 | Hold regional meetings for input on recommendations (All goals) |

Third and Fourth Year Tasks:

- Include recommendations in legislative reform
- Include recommendations in training plan
- Measure results of changes in overall evaluation plan

Section 3.2 Termination, Appeal, and Final Disposition

Recommendation

Improve the timeliness of the initiation and completion of termination of parental rights proceedings including the appellate process and increase the effectiveness of judicial oversight of post-termination proceedings to achieve timely and permanent homes for children.

Rationale

The Iowa courts are not providing adequate oversight of the termination process. This is causing lengthy delays in terminations and adoptions.

Judges and attorneys reported the length of time from the filing of a CINA petition through filing of a petition for termination of parental rights is between 529-542 days. Information from the site visits revealed court files with lengths of 1000-1780 days. The reported time frames from the filing of the termination order to finalization of adoption was between 248-340 days. Reports by participants in the site visits included many cases that took 712-1070 days.

Many participants reported they preferred long-term foster care as the permanency option of choice instead of termination and adoption.

Judges should consistently hold termination review hearings to move cases to final disposition. Judges reported the average length of time between post-termination review hearings was eight months. The range of responses reported by judges was holding no post-termination review hearings to holding a review hearing every 24 months.

During the post-termination review hearings being held, judges reported not consistently requiring a specific finding that DHS has made “every effort” to find an adoptive placement six months after the termination of parental rights (45%). In addition, judges reported that they are not consistently requiring documentation that a child has been placed on the state adoption exchange (24%).

Participants reported poor communication by the courts to DHS and county attorneys regarding legal mandates and the court’s expectations concerning CINA cases and terminations. Site visits revealed many areas of confusion and a lack of knowledge for DHS workers related to the filing of termination petitions including: (1) a lack of knowledge concerning the grounds for filing a petition, (2) when reasonable efforts requirements had been met and if that is a requirement, (3) the time frames for filing petitions, (4) who has the authority to file a termination petition, and (5) the options available when the parties disagree about whether a petition should be filed on the part of DHS workers. Participants reported that the roles and responsibilities of DHS and the county attorneys office concerning terminations was unclear.

Implementation

It is recommended that a task force be formed to accomplish the tasks to improve terminations, appeals, and final disposition. The Iowa Supreme Court Committee to Review State Court Practices in Child Welfare Matters will provide leadership and oversight to the task force. The project director, along with consultants and hired staff will support the task force activities. Participants of the task force

will include individuals from court personnel including judges, attorneys, Department of Human Services, Citizen Foster Care Review Board, Adoption specialists, Court Appointed Special Advocate, foster/adoptive parents.

Role

The role of the task force will be to:

- 1) conduct a survey of statewide termination timelines and practices,
- 2) conduct termination case file reviews,
- 3) develop recommendations for legislative changes and procedure changes, and
- 4) recommend training needs.

Tasks & Timeline

Second Year Tasks:

- | | |
|--------------------------|---|
| September 96 | Assemble Task Force
Design research project |
| October 96 -
March 97 | Review current statutes and procedures
Implement research project
Data input and analysis
Draft recommendation |
| April -May 97 | Propose recommendations to legislative review committee |
| June 97 | Hold regional meetings for input on recommendations (all goals) |

Third and Fourth Year Tasks:

- Include recommendations in legislative reform
- Include recommendations in training plan
- Measure results of changes in overall evaluation plan

Section 3.3 Service Improvement

Recommendation

Improve communication of rights and duties to litigants of the court system, and improve the notification procedures and require early identification of parties.

Rationale

The responses from family members during the site visits indicated they were often overwhelmed by the court process. After the hearings, they still felt uninformed about the implications of court decisions and their responsibilities. Parents reported their attorneys were not providing adequate information. Some of the judges did not appear to actively participate in the hearings. (Exceptions were noted.)

Poor identification of parties, service of notice, and subsequent lack of attendance at hearings by non-custodial parents, and missing parents are causing continuances and delays. Currently, there is no statewide uniform procedure for serving notice.

Non-custodial parents or their attorneys are served written notice, on the average, 83% of the time as reported by attorneys. Research participants identified the need for more aggressive and comprehensive searches for missing parents to avoid delays and continuances at later stages of the CINA proceedings.

Implementation

It is recommended that a task force be assembled to conduct the activities to accomplish the tasks to improve service to litigants of the court system. The Iowa Supreme Court Committee to Review State Court Practices in Child Welfare Matters will provide leadership and oversight to the task force.

Participants of the task force could include court personnel, Department of Human Services, foster care workers, foster parents, juvenile court officers, Sheriff's Department, CASA, ICFCRB, family members of court-involved children, county attorneys, parents' attorneys, children's attorneys/GAL, and service providers.

Consultants and temporary staff, in coordination with the project director, will support the task force activities.

Role

The role of the task force will be to:

- 1) develop informational materials to distribute to litigants statewide,
- 2) recommend statewide notification procedures, and/or
- 3) investigate ways to encourage early involvement by parents.

Tasks & Timeline

Second Year Tasks:

Assemble the task force, review current needs, set priorities, coordinate with other organizations and/or projects, monitor changes made by this project and others

Third and Fourth Year Tasks could include:

- Investigate statewide notification procedures and ways to encourage early parent involvement and improved communication to parents
- Receive input through focus groups and/or questionnaires
- Publish informational materials
- Publish distribution instructions
- Implement statewide notification procedures
- A pilot program on encouragement of early parent involvement/better communication to parents
- Include in training plan
- Include in evaluation plan

Section 3.4 Training Plan and Evaluation

Recommendation

Improve the expertise of those directly involved with child abuse and neglect cases.

Rationale

As mentioned in the other goals for improvement, many areas have been identified for training, consultation and evaluation for better decision-making. There will be a need for training and the development of training materials during the third and fourth years of the court improvement project to address the needs identified in this report and any changes made in legislation and procedure during the second year of this project.

Some of the areas identified in the assessment included: (1) improved quality of representation for children and parents, (2) improved judicial orientation and training, and (3) better coordination between DHS, county attorneys, attorneys, and judges for timely decision-making for permanence.

Implementation

It is recommended that a task force be assembled to accomplish the tasks for developing and delivering training and evaluation for the court improvement

project. The Iowa Supreme Court Committee to Review State Court Practices in Child Welfare Matters will provide leadership and oversight to the task force.

Members of the task force could include court personnel, childrens attorneys (GAL), county attorneys, parents attorneys, Iowa State Bar Association, County Attorney Association, CASA, service providers, and DHS.

Consultants and temporary staff, in coordination with the project director, will support the task force activities.

Role

The role of the task force will be to:

- 1) coordinate with all activities of the court improvement program and develop a comprehensive training plan to include all areas of the court improvement (legislative and procedure changes),
- 2) activities could include the development of training materials, district meetings about changes, and/or interdisciplinary training or meetings to improve coordination of the court and child welfare systems, and
- 3) develop evaluation methods for the court improvement project. Contribute to the efforts of recording statistics on abuse and neglect cases.

Tasks & Timeline

Second Year Tasks:

Assemble the task force, review current needs, set priorities, coordinate with other organizations and/or projects, monitor changes made by this project and others.

- Begin investigating evaluation techniques.
- Review the current statistic recording systems.

Third and Fourth Year Tasks:

- Develop a training plan
- Implement training plan
- Design and implement evaluation plan

Section 3.5 Code and Rules Review

Recommendation

Improve the clarity and utility of the statutory law and court rules concerning child abuse and neglect cases that affect permanence, termination and appeals.

Rationale

This research project received many comments and recommendations for changes in the legislative code concerning child abuse and neglect cases. There have been previous studies with recommendations that were not implemented and deserve consideration. See Appendix F.

Many parties would like to undertake a complete review to change many of the inconsistencies and clarify the ambiguous areas of the code. These changes will allow many of the needed reforms, mentioned in the other sections of the improvement plan, to follow with new court procedures.

Implementation

It is recommended that a task force be assembled to review and develop legislative changes in the areas identified. The Iowa Supreme Court Committee to Review State Court Practices in Child Welfare Matters will provide leadership and oversight to the task force.

Members may include court personnel, Department of Human Services, county attorneys, private attorneys and public defenders, Iowa State Bar Association, Attorney General's Office, Youth Law Center, law school experts in juvenile law, Legislative Service Bureau staff, Supreme Court Committee on Rules of Juvenile Procedure, Department of Human Service personnel, and service providers.

Role

The role of this task force will be to:

- 1) review the Iowa Code - Ch. 232, Div. I, III, and IV, and
- 2) recommend legislative changes.

Tasks & Timeline

Second Year Tasks:

September 96 Assemble Task Force
October 96 -
March 97 Review current statutes and
procedures
April 97 Draft recommendations
June 97 Hold regional meetings for
input on recommendations
(all areas)

August -
September 97 Propose changes to the
legislature

Third and Fourth Year Tasks:

- Monitor progress of proposed legislative changes
- Include changes in training plan
- Include changes in evaluation plan

Section 3.6 Quality of Representation

Recommendation

Improve the quality of representation of children by evaluating and reviewing statewide practice standards and implementing changes.

Rationale

The rates of compensation for court-appointed attorneys across the state were reported to be between \$40.00 per hour and \$60.00 per hour with the typical maximum of \$500.00 (range of \$300.00 - \$2,500.00) before additional approval is required. Public defenders reported that in most cases, their rate of compensation was lower than the court-appointed attorney rate in their county.

Although there is a high level of consistency with the county attorneys and the cases they handle, often very high caseloads are required for county attorneys and public defenders. Due to the limitation of the data in this area the extent of the problem cannot be generalized for the entire state. During the site visits, caseloads of 250-350 or more were reported for county attorneys and public defenders. This caseload size provides little or no time for quality representation.

Parents should be encouraged to obtain representation at earlier stages of the child's court involvement. Judges and attorneys reported approximately 65-70% of the custodial parents and 35-45% of the non-custodial parents have attorneys represent them in CINA cases. The lowest

percentage of representation is during removal hearings.

Parents and children are not always receiving high quality representation. Parent's attorneys are not always adequately prepared for contested hearings as seen by the low frequency of talking to the clients and caseworkers before the day of the hearing (as low as 37%), interviewing service providers before the day of the hearings (12-36%), and investigating alternative services that might be provided to their clients' children (7-29%).

Children's attorneys/GAL are not always adequately prepared to represent their clients in contested hearings based on the low frequency of events done in preparation, talking to the client (when age-appropriate) before the day of the hearing (as low as 33%), and talking to the case worker before the day of the hearing (51-76%). Activities done less than half the time by children's attorneys are: (1) visiting their clients in the home before the hearings, (2) finding out how their (school) age clients are doing in school, (3) interviewing service providers before the day of the hearing, and (4) investigating alternative services for child or family.

It was reported that only about half the time the parties and their attorneys meet to discuss matters prior to a review hearing. When parties do meet to discuss positions prior to a review hearing (or other hearings) it is usually immediately prior to the scheduled review time in hallway or in-chambers conferences. Family members did not support the practice of hallway conferences.

Implementation

It is recommended that a task force be assembled to review and revise the guidelines and procedures for attorneys representing children. The Iowa Supreme Court Committee to Review State Court Practices in Child Welfare Matters will provide leadership and oversight to the task force.

Participants of the task force could include court personnel, county attorneys, private attorneys, public defenders, Iowa State Bar Association, Attorney General's Office, Law Schools.

Consultants and temporary staff, in coordination with the project director, will support the task force activities.

Role

The role of the task force will be to:

- 1) establish uniform guidelines and expectations (including minimum requirements and caseload recom-

mendations) for attorneys representing children and to develop supporting materials and training in coordination with the task force responsible for training and evaluation,

- 2) draft report forms for attorneys/guardians ad litem representing children to submit to the court to document their client contacts, and
- 3) develop recommendations for statutory changes and compensations rates.

Tasks & Timeline

Second Year Tasks:

- Assemble Task Force, Receive Consultation, Begin Setting Priorities

Third and Fourth Year Tasks:

- Review current practices
- Draft recommendations and implement changes

Appendices

Appendix A	Availability of Volume Two	50
Appendix B	Survey Return Rates	51
	Site Visit Completed Instruments	53
	Interview Participants	54
Appendix C	Legal Research	55
Appendix D	Protocol on Reasonable Efforts	61
Appendix E	Research Findings: Time Frames for CINA Hearings	67
Appendix F	Resources	68

Appendix A

Throughout this report, reference has been made to a second volume. The second volume contains materials too lengthy to include in this document. The second volume may be of use to individuals who desire to view the research instruments, code books, research findings and report formats in more detail than provided in this document. Volume two is located at the:

1. Iowa Supreme Court, Capitol Building, Des Moines, Iowa
2. Drake Law School Library, Des Moines, Iowa
3. University of Iowa College of Law, Iowa City, Iowa

The following is a listing of the contents included in volume two.

- 1) Questionnaires used for the statewide surveys
- 2) Codebooks for the questionnaires
- 3) Specific research findings by question and by topic
- 4) Instruments used for site visit interviews, court observations and case file reviews
- 5) Report format for site visits
- 6) Specific reports written about each county

Appendix B

Survey Return Rates:

Survey Participants	Sent	Received	Percentage
Judges - not all sent apply (N/A)*	165	33	100%*
Court Administrators	8	4	50%
CASA	11	11	100%
CFCRB	9	5	56%
Child Welfare Workers:			
DHS Worker	99	45	45%
JCO	25	24	96%
ICWA	4	1	25%
Attorneys (some N/A):			
Private	36	12	33%
County Attorneys	99	46	46%
Public Defenders	33	14	42%
TOTALS	489	195	40%
-adjusted for N/A (aprox.)	357	195	55%

*Surveys were sent to all Judges in the state with the instruction to complete only if 10% or more of their time was spent on CINA cases. All judges seeing CINA cases responded.

Description of participants and questionnaire completion instructions.

Judges: Questionnaires were distributed to all the judges in the state of Iowa with the instructions to complete the questionnaire if they spend more than 10% of their time hearing CINA cases. Each individual judge completed one questionnaire to represent their own court practices.

Attorneys: Questionnaires were distributed to one county attorney in each county of Iowa with instructions to complete the questionnaire with input from the other county attorneys who may also handle CINA cases in their county. The private attorneys who received questionnaires were from lists provided by the Iowa Bar Association and from the Juvenile Law committees. The private attorneys included those who represent children and parents. Private attorneys were instructed to consult other private attorneys in their

area for input. The public defenders who received questionnaires were from a list provided by the state public defenders office and were designated as those who accept CINA cases. The public defenders were instructed to complete the questionnaires in consultation with others in their office who handle juvenile cases.

Court Administrators: Each of the eight district court administrators were sent a questionnaire to complete representing the district with statistics.

Child Welfare Workers: Questionnaires were distributed to Department of Human Services Cluster Group Supervisors. They were instructed to complete one questionnaire for each county in their area in consultation with the group of DHS workers who are responsible for the clients in that county. In two districts of Iowa (Fourth, Fifth) there are juvenile court officers involved with CINA cases. Questionnaires were sent to the chief juvenile

court officers in each districts with the instructions to complete one questionnaire to represent each county in consultation with the juvenile court officers who work with clients in each county. Questionnaires were sent to the Indian Child Welfare Workers that were identified by those who work in courts where their regularly work with ICCW's. Each worker was asked to complete the questionnaire individually.

Court Appointed Special Advocates: There were 11 counties in Iowa at the time of the survey that have CASAs. Each CASA group was asked to complete one questionnaire to represent the practices in each county.

Citizen Foster Care Review Board: There were nine counties in Iowa at the time of this survey that have CFCRB's. Each board was asked to complete one questionnaire to represent the practices in each county.

Site Visit Completed Instruments:

Court Observation Instruments:	
	Number of Instruments
1=Muscatine-pilot site	9
2=Linn	2
3=Dallas	6
4=Story	4
5=Mills	10
6=Audubon	0*
Total instruments	31

*-court date canceled, conflicting schedules

-same individuals involved in Mills County

Judicial Case File Instruments:	
	Number of Instruments
1=Muscatine-pilot site	3
2=Linn	20
3=Dallas	6
4=Story	6
5=Mills	6
6=Audubon	8
Total instruments	49

Interview Participants

Muscatine - Pilot site

- Judge
- Private Attorneys - group
- Court Administration - clerical - group
- County Attorney-no formal interview,
written comments, some discussion
- Department of Human Services - group
- Court Appointed Special Advocates
(CASA) - group

Linn

- Judges - 2 formal interviews, received
input from 3
- County Attorneys - group
- Private Attorneys - group
- Public Defender
- Department of Human Services - group
- Court Appointed Special Advocates
(CASA)
- Citizen Foster Care Review Board
(CFCRB)

Story

- Judge
- County Attorneys - group
- Private Attorneys - group
- Public Defender/GAL
- Department of Human Services - group

Dallas

- Judges - 3 - only 2 written, one did not
give information to the interviewer
- Court Staff Members
- Private Attorneys - group
- Public Defender/GAL
- County Attorney
- Department of Human Services - group
- Juvenile Court Officers - group
- Juvenile Court Staff Members

Audubon

- Judges - 3
- Court Staff Members
- Private Attorneys
- County Attorney
- Department of Human Services - group
- Juvenile Court Officers - group
- Juvenile Court Office Staff Members

Mills

- Judges - 3 (same as Audubon County)
- Court Staff Members
- Private Attorneys
- County Attorney
- Department of Human Services - group
- Juvenile Court Officers - group
- Juvenile Court Office Staff Members

Appendix C

Legal Research Assessment Written by Mike Bandstra Youth Law Center (October 1995)

This assessment will provide a basic overview of Iowa state law as it relates to child in need of assistance proceedings, specifically focusing on how Iowa law attempts to provide safe, timely and permanent placements for children in foster care. Section 232 of the Iowa Code contains virtually all the relevant provisions on these matters.

Additionally, an assessment will be made about the extent to which the Iowa statutory framework complies with federal provisions relating to foster care and adoptions. The federal provisions to be reviewed include those in the Adoption Assistance and Child Welfare Act, PL. 96-272. In enacting this legislation, the Congress assigned to the courts several new functions designed to prevent unnecessary foster care placements and to speed children in the foster care system towards permanent placements when federal dollars are used to help pay for foster care placements.

Some of the most important requirements of PL. 96-272 include the following:

That states make "reasonable efforts" to (1) prevent or eliminate the need for removal of children from their homes, prior to placement in foster care, and (2) return children to their homes after they have been placed in foster care.

42 U.S.C. § § 671(a) (15), 672(a) (1); 45 C.F.R. § 1356.21(d) (4).

That the status of child placed in foster care be reviewed no less frequently than every six months by a court or administrative body. These reviews must address (1) the continuing necessity and appropriateness of placement; (2) compliance with the

case plan; (3) progress made towards alleviating the need for placement; and (4) whether placed for adoption or legal guardianship has been identified.

42 U.S.C. § § 675(5) (B), 671 (a) (16)
627(a) (2) (B).

That within eighteen months of a child being placed in foster care, a court or “administrative body appointed or approved by the court” determine the status of the child whether the child can be returned home or the child’s need for adoptive or other long term placement.

42 U.S.C. § 675(5) (C).

Each child placed in foster care shall have a case plan developed which provides a description of the type of home or institution in which the child is placed; a plan for assuring proper services to the child, parent and foster parents; a description of how the child is placed in the least restrictive (most family like) placement in close proximity to the parents home; proximity to school, health information in case plan; and for a child sixteen years of age or older, delineates a plan for transition of the child to independent living.

42 U.S.C. § § 671(a) (16), 627(a) (2) (B),
and 675 (1), (5).

This overview of the Iowa system will proceed in much the same way as a child would move through the state foster care system. Each judicial step will be briefly reviewed including

removals hearings, child in need of assistance adjudications, dispositional hearings, review hearings, permanency hearings, termination of parental rights proceedings, the adoptions process and appeals.

Removal Hearings

Iowa Framework. In Iowa, children may be temporarily removed from the custody of their parent(s) when there is a showing by “substantial evidence” that the removal is necessary to avoid “imminent risk to the child’s life or health.” Iowa Code Section 232.95 (The term “imminent danger” is also used in the Code.)

Additionally, prior to a removal hearing, a child may be removed from his or her parent’s body by ex parte order of the court under certain specified conditions, the most important of which being that it must appear from the statement of the applicant for removal that the child is in imminent danger. 232.78. If the child is removed by ex parte order of the court, the court must hold a removal hearing within ten days of the ex parte order. Iowa Rule of Juvenile Procedure 4.6.

Further, a child can be taken into custody by a peace officer, juvenile court officer or treating physician without court order if the child is thought to be in imminent danger. 232.79. The person conducting the removal must immediately orally inform the court of the removal and must further provide written notice to the court of the removal within 24 hours. The court must hold a removal hearing on the matter within ten days. IRJP 4.6.

Once a child has been adjudicated to be a child in need of assistance within the meaning of Iowa Code Section 232.(6), the juvenile court may order the removal of a

child upon a showing that failure to do so would place the child at risk of continued adjudicatory harm. 232.102(5) (b).

Federal Mandates. To meet federal mandates with regard to removal proceedings, Iowa Courts must make determinations that reasonable efforts have been made to avoid removal. Iowa has implemented the federal efforts requirements into its state law scheme. The state code requires that if a court enters a temporary removal order the court must specifically find that reasonable efforts have been made to prevent the need for removal. 232.95 (2) (a). The Iowa Code goes one step further than removal requirements by partially defining what reasonable efforts may include. 232.102 (9) (a). The code requires a court finding determination be made as to whether family preservation services were offered or available to the family, refused by the family or deemed inappropriate. The legislature further provided definitions of both “family preservation services” and “family centered services” in the code. 232.102. (9).

Adjudications

In Iowa, a child can be adjudicated a child in need of assistance if there is “clear and convincing” evidence that one of the statutorily defined grounds for adjudication exists. 232.96, 232.2(6).

At the adjudicatory hearing, the court may also order a removal of the child if the child is still in the parent’s home. 232.96(10). The removal standards of Iowa Code § 232.95(a) would apply for a removal at this stage of the judicial process.

Dispositional Hearings

Iowa Framework. Several things are required at the dispositional hearing by the Iowa Code. The court must make an order or confirm a previous order about where the child is to live. 232.102. The court can order the removal of the child at disposition. The same reasonable efforts standards apply here as at removal. However, the standard of the removal itself becomes lowered after adjudication. The standard is now clear and convincing evidence that (1) The child cannot be protected from physical abuse, or (2) the child would suffer further adjudicatory harm. 232.105 (5) (b).

If the child has been placed in foster care and custody to DHS, the Iowa Department of Human Services is required to prepare a case permanency plan for the dispositional court hearing. 232.102 (7). The Department is further required by code to make “every reasonable effort” to return the child home from foster care as quickly as possible.

The case plan prepared by the legal guardian is required, among other things, to address the types of services that will be provided to the child, parent and foster home; the type of placement for the child; and, the plan for returning the child home or finding other permanent placement for the child. 232.4, 232.102 (7).

Additionally, the code requires that if the child is sixteen years of age or older, both the court order and the case permanency plan must address the child’s need for independent living. 232.102(1A), 232.4(f).

Federal Mandates. The Iowa Code fully addresses the case permanency planning requirements contained in 96-272. Likewise, the state statutes fully implement federal independent living requirements.

Review Hearings

Iowa Framework. The Iowa Code requires that all dispositional orders be reviewed within six months of the entry of the order. 232.102(8) (a). Subsequent reviews must take place at least every 12 months. 232.102(8) (b). Further, the child, either parent, the caretakers for the child, or the state, may file motions to modify, terminate or vacate a previously entered dispositional order.

If a parent in a review hearing wants a child returned to the parent's custody, the burden of proof shifts to the parent to demonstrate by preponderance of the evidence, that the child, if returned home, would not suffer adjudicatory harm. In Interest of A.Y.H., 483 N.W.2d 820 (Iowa 1992).

Federal Mandates. The Federal Act requires that at the review hearings a determination is to be made about the ongoing need for placement, the extent of compliance with the case plan, the extent to which progress has been made to alleviate the need for placement and a projected date is offered for when the child may return home or placed for adoption or legal guardianship. 42 U.S.C. 675 (5) (B).

Permanency Hearings

Iowa Framework. The Iowa Code provides that once a child has been in foster care for 12 months, a permanency hearing may be held on the child's behalf. 232.104. At the permanency hearing, the

court is required to "consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the Court." After considering such evidence the court may order a number of things including the following: (1) order the county attorney or child's attorney to file a termination of parental rights petition; (2) order the child be placed in a guardianship placement; (3) order long term foster care; or, (4) continue placement of child's placement unchanged, the Code requires the court to find that termination of parental rights is not in the child's best interests; that adequate services have been offered to the family; and that the child cannot be returned home. 232.104.

Federal Mandates. The Iowa permanency statute states that after a child has been in foster care for twelve months or if the prior legal custodian has abandoned efforts to retain custody, the Court shall hold, or may apply for, a hearing to consider the establishment of permanency for the child. See Iowa Code § 232.104 (1).

Termination of Parental Rights

Iowa Framework. The Iowa Code provides no less than twelve separate grounds pursuant to which a court could terminate a parent's parental rights and free a child for adoptive placement. 232.116. The most commonly utilized TPR provisions are the ones that permit TPR after the child has been in foster care a requisite period of time. Iowa law allows TPR to occur for children four years of age or older once they have been in foster care for 12 consecutive months or twelve of the last eighteen months. 232.116(e). The Iowa Code permits TPR to occur for a child three years of age or

younger once the child has been in foster care for six consecutive months or six of the last 12 months. 232.116(g). These age differentiated provisions are part of what makes Iowa's provisions comprehensive in their approach. Some of the other grounds for TPR in Iowa include the following: (1) consent of the parents; (2) abandonment; (3) chronic and sever substance abuse or mental health disorders; (4) extended incarceration of the parent for abuse of the child, child's siblings, or other child in the household; and, (5) extremely severe abuse of the child. See generally, 232.116. At any termination hearing the elements of the TPR petition must be established by clear and convincing evidence. Additionally, it must be shown that TPR is in the best interests of the child.

Federal Mandates. Iowa's termination provisions appear to exceed the requirements of 96.272. All of the TPR provisions could potentially be utilized before 18 months have elapsed. None of the terminations sections require a finding that reasonable efforts have been made to reunify a child with the parent although several sections require a finding that services were offered or received to address the problems. See Iowa Code §232.116 (1) (c), (h).

Post TPR/Adoption

Iowa Framework. The Iowa Code imposes a rigorous set of duties upon the court appointed guardian following a TPR. The guardian is required to do all of the following: (1) Make "every effort to establish an adoptive or other long term placement. 232.117(5). (2) Within 45 days of the TPR order, and every 45 days after that, the guardian must submit reports to

the court regarding the progress made towards an adoptive placement for the child. 232.117 (5). (3) The court must judicially review the case of each child every six months following a TPR order. 232.117(6). (4) If the Department has been appointed guardian of a child following a TPR, within 60 days, except with limited exceptions, the Department must list children awaiting adoptive placement on the state adoption exchange. The exchange is a computerized system designed to match waiting children with adoptive families throughout the state. Additionally, once listed on the exchange, the child is also to be included in a photo listing book which is also designed to match children and families. 232.119 (5) Any child who remains on the state exchange for three months without having an adoptive family identified is to then be placed on the national adoption exchange. 232.119.

Many children in Iowa continue to wait for adoptive placements. There are roughly 450 children in Iowa who have had a TPR but are not adopted. Of these children, the Department classifies roughly 100 as "actively" waiting for adoption (i.e., the child is ready for an adoptive placement and all that remains is to find a home). The other children are generally classified as either (1) the child is in the process of being adopted; (2) the child is not yet ready for adoption for a given reason (section 232.119 provides certain statutory criteria why a child may not be ready for an adoption); or (3) there is an alternative long term plan for the child other than adoption.

Adoption. The legal adoption of a child is governed by Iowa Code Section 600. In

Iowa, families who adopt a “special needs” child receive a monthly subsidy for the care of the child. “Special Needs” is defined fairly broadly in Iowa and can include any of the following: (a) special medical needs, (b) mental retardation, (c) mental health or behavioral problems, (d) eight years of age or older, (e) member of a minority race, (f) sibling group. IAC 441-201.3(1). To be eligible for subsidized adoption funds a child must have been placed in the guardianship of the state, county or licensed child placing agency immediately prior to adoption. See Iowa Code §600.20.

Federal Mandates. Iowa’s post TPR/preadoptive statutory requirements are for the most part above and beyond federal requirements. Prior to being adopted, these children continue in the foster care system. State law requires that post TPR children have case permanency plans prepared on their behalf, and have six month review hearings. These provisions comply with the federal rules.

Appeals

Following the entry of a termination of parental rights order, any party has thirty days to enter a notice of appeal. In Iowa, if a parent has proven indigency, they will be provided a court appointed

attorney for their appeal. Additionally, the costs of the appeal can be waived for a parent. Appeal is made to the Iowa Supreme Court. In a 1988 Supervisory Directive, the Iowa Supreme Court directed that termination of parental rights appeals were to be submitted directly to the Iowa Court of Appeals. Other appeals from juvenile court orders may go directly to the Supreme Court. After the Iowa Court of Appeals has ruled on a case, a party has 20 days to file for further review with the Iowa Supreme Court. The Supreme Court has discretion as to whether it will consider the case further. See Iowa Rule of Appellate Procedure 402.

The Iowa Supreme Court as a matter of rule has decided to give termination of parental rights cases highest priority in the appellate process. For this reason all TPR appeals are expedited by cutting most of the docketing and briefing time lines in half. Iowa Rule of Appellate Procedure 17. The standard review in TPR cases de novo, meaning that the court will review all the evidence and decide the case anew. The Iowa Court of Appeals typically reviews a case using a three judge panel. The Court can review a case en banc. During that time that a child’s case is on appeal, a finalized adoption will not be completed for the child.

Appendix D

Protocol on Reasonable Efforts to Maintain Children in Their Own Homes:

A Joint Project by the Iowa Supreme Court and the
Iowa Department of Human Services

In the 1992 Iowa General assembly, in Iowa Code Section 232.189 instructed the Director of the Department of Human Services and the Chief Justice of the Supreme Court, or their designees, to jointly establish and implement a state-wide protocol to prevent or eliminate the need for placement of a child outside the child's home. This protocol is the result of the joint efforts of representatives from the department of human services, juvenile court services, and other involved in working with children and families. It is our hope that this document will provide the tools and guidance necessary to:

- direct service systems in ways that are more responsive to children, their families and the community;
- prevent unnecessary out of home placements;

- promote consistency in making decisions about the placement of children based upon their circumstances;
- promote consistency in making decisions about the placement of children based upon their circumstances; and
- promote reunification planning when placement is necessary.

The reasonable efforts protocol is designed to function as a general guideline that will be mutually compatible to the two public agencies - the Iowa Department of Human Services and the Judicial Department (Juvenile Court Services) - which are primarily responsible for delivering services to children and families at risk. The protocol is not intended to be used as a checklist for specific cases.

It is the philosophy of this protocol that each child under the jurisdiction of the court shall receive, preferably in the child's own home the care, guidance, and control that will best serve the child's welfare and the best interest of the community.

It would be preferable that representatives from various sectors of the community including the educational system, private business and civic groups collaborate with the Department of Human Services and the Juvenile Court Services Department in the provision of appropriate prevention programs as well as a comprehensive community based service system designed to prevent the unnecessary placement of children and to promote family reunification.

The more extensive the scope of community participation in the development of children and family focused services, the greater the assurance that the service delivery system will be viable and responsive to the changing needs of today's children and families.

Reasonable Efforts Legal Basis

Adoption Assistance and Child Welfare Act (Public Law 96-272, 42 U.S.C.) In 1980, the United States Congress enacted legislation to require that public child welfare agencies must make reasonable efforts to maintain children in their homes before recommending out-of-home placement. In addition, public agencies must make reasonable efforts to provide reunification services when placement is necessary. Reasonable efforts may consist of the provision of direct services, counseling assistance, and financial or in-kind benefits. To ensure compliance with the Act, Congress prohibited the use of federal

funds for foster care payments for a child unless a court has determined that reasonable efforts were made.

Indian Child Welfare Act of 1978 (Public Law 95-608) Section 102(d) states, "Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful."

Iowa Code Covering Child in Need of Assistance Proceedings Iowa Code Sections 232.95 and 232.102 address reasonable efforts as follows: *Sec. 232.95(2)a*. "Hearing concerning temporary removal":

...If removal is ordered, the order shall, in addition to, contain a statement that removal from the home is the result of a determination that continuation therein would be contrary to the welfare of the child and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

Sec. 232.102(7) "Transfer of legal custody of child and placement":... If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interest of the child.

Sec. 232.102(9)a. “Transfer of legal custody of child and placement” As used in this section, “reasonable efforts” means the efforts made to prevent or eliminate the need for removal from the child’s home. Reasonable efforts may include intensive family preservation services or family-centered services, if the child’s safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

- (1) The type, duration, and intensity of services or support offered or provided to the child and the child’s family. If intensive family preservation services are not offered, the court record shall enumerate the reasons the services were not provided, including but not limited to whether the services were not available, not accepted by the child’s family, judged to be unable to protect the child and the child’s family during the time services would have been provided, judged to be unlikely to be successful in resolving the problems which would lead to removal of the child, or other services were found to be more appropriate.
- (2) The relative risk to the child remaining in the child’s home versus removal of the child.

Iowa Code Covering Juvenile Delinquency Proceedings Iowa Code Section 232.52, “Disposition of child found to have committed a delinquent act” state:

5. If the court orders the transfer of custody of the child to the department of human services or another agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall

make every effort to return the child to the child’s home as quickly as possible.

6. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraphs “d”, “e” or “f”, the order shall state that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the home.

Iowa Code Covering Voluntary Foster Care Placement Initial Determination.

Iowa Code Section 232.182(5) addresses reasonable efforts for children with mental retardation or other developmental disability for initial determination for placements of more than thirty days:

After the hearing is concluded, the court shall make and file written findings as to whether reasonable efforts, as defined in section 232.102, subsection 9, have been made and whether the voluntary foster care placement is in the child’s best interests...

Role of Public Agencies in Service Management and Review

Assessment

Assessment in the process of evaluating service needs, initiating service delivery and determining risk of harm to the child or community remains with the family. Assessments should be done in a timely manner. Because placement itself affects children, the impact of placement should be weighed against the degree of risk to the child and to the community. Listening to and gathering information from the child, parents, relatives, school personnel, and others familiar with the family, as well as observations of the

relationships between family members, will lead to a judgment of reasonable risk of the child remaining with the family. Formal evaluations (such as psychiatric, psychological or parenting) may be useful in making decisions about case planning and service delivery. It is important that the child and family be heard and that their preconceptions and opinions be sought by the agency.

In some cases, the public agency does not offer services to prevent placement because it would endanger the child, family or community. The "reasonable efforts" requirement does not require the agency to provide services if services could not adequately provide protection.

Services

Service planning begins with the first contact with the child and family. It begins with an assessment of the child and family's circumstances, which identifies strengths, problems, causative factors and outlines the reasons for intervention. A child and family service plan should represent an individualized combination of community resources designed to provide protection and remedy problems. The selection of services available to families should be made from a wide range of prevention or diversionary programs, as well as placement and reunification services as dictated by the child and family needs. The agency should make an ongoing evaluation of the changing needs of the child and family and effectiveness of the treatment program being provided. If changes are needed, the plan should be changed. If court approval is needed, the agency should make recommendations to the court.

If the court orders the transfer of the custody of the child for placement, the supervising agency shall make efforts to return the child to the child's home as quickly as possible. The public agency has the responsibility to submit a plan for reunification to the court.

Typically, services are time limited. The court uses agency recommendations, permanency planning and other child welfare statutes to determine whether reasonable efforts should continue toward reunification or another permanency plan should be pursued.

Continuation of reasonable efforts is often recommended when treatment is progressing but not completed or when adequate community resources have not been available to the family.

Exceptions to Offering Services

The reasonable efforts requirement may be met when a determination is made by the court that there is a serious risk of harm to the child or to the welfare of the community if the child remains in the home, and if protective or diversionary services specifically designed to prevent the removal of the child would not adequately protect the welfare of the child or the community. Under these circumstances, the child should be removed from the home.

Documentation

The efforts to prevent placement of the child should be documented by the public agency. The compliance of the child and the child's family with those efforts should be documented as well.

Agency Guidelines for Making Reasonable Efforts

It is the responsibility of the public agency to make reasonable efforts to prevent removal of the child from the child's home or to effect reunification. The following factors should be given consideration by the public agency.

Relevance of Services

It is important first to identify the problems that legally justify state intervention into the life of the child and family, then determine whether the services offered or provided address these problems.

Adequacy of Service

The services provided should be of sufficient intensity, frequency, and duration to adequately address the needs of the child and family.

The provider should be qualified to provide the identified services. The services should be at the least intrusive level required to alleviate serious risk to the child while serving the best interests of the community.

The services provided should be sensitive to cultural diversity.

Coordination of Services

The public agency has the primary responsibility for case management and monitoring the coordination of services provided.

The public agency should ensure that the services offered by the various providers are compatible and offer the child and family a realistic opportunity to achieve the identified goals.

Accessibility of Services

To the extent possible, services should be scheduled to accommodate the environmental, logistic, and practical needs of the child and family.

Services which are provided on an involuntary basis may require participation regardless of all other considerations.

Diligence of Effort

The public agency has an obligation to make every reasonable effort to provide services which meet the specified needs of the child and family. The public agency should seek out auxiliary services, i.e., housing, substance abuse treatment, and psychological evaluation, which will assist the child and family in rectifying the conditions which lead to agency involvement.

It is the responsibility of the public agency to encourage the child and family to participate with the services offered.

Agency Constraints

The public agency shall advise the court of constraints under which it is functioning in the event a child and family are not provided with a service otherwise appropriate. These constraints may include, but are not limited to: funding constraints, lack of needed services, and the shortage of agency staff. The court shall decide what weight to assign to the constraints in determining whether reasonable efforts have been expended.

Judicial Determination

Whether the efforts of the public agency to prevent placement of the child have been reasonable is a judicial determi-

nation made based upon the unique circumstances of each case. The juvenile court judge will generally consider the following factors; relevance of services, adequacy of services, coordination of services, accessibility of services, diligence of effort.

Juvenile Court Officers and Department of Human Service workers have the duty to offer evidence to the County Attorney to enable the County Attorney to carry the burden of proof that this responsibility has been fulfilled.

Appendix E

Research Findings Time Frames for CINA Hearings

Judges and attorneys were asked to estimate the average number of days for the time frames of events in the length of a CINA case. The most frequent responses given to each time frame on the questionnaires are equal to the number of days allowed in the statute. However, there was some range reported by the respondents. The following responses are reported in average number of days for each time frame.

Average Number of Days for Each Time Frame as Reported by Judges and Attorneys		
	Judges	Attorneys
From filing of CINA petition to uncontested adjudication hearing	22 days	25 days
From filing of CINA petition to completion of contested adjudication	40 days	45 days
From completion of adjudication to completion of disposition	33 days	38 days
From filing of CINA petition through filing of petition for termination of parental rights	542 days	529 days
From filing of termination of parental rights petition to completion of trial court proceedings in uncontested cases	59 days	57 days
From filing of termination of parental rights petition to filing of order terminating parental rights	90 days	85 days
From filing of the termination order to finalization of adoption	340 days	248 days

Appendix F

Resources

State of Iowa

“Study of Four Problem Areas in the Protection of Children in Iowa.” A Study conducted by the Kempe National Center, 1988.

“Reinventing Common Sense: Indicators of Well-Being for Iowa Children.” A Publication of Iowa Kids Count, 1993.

Child Welfare Task Force-
“Preliminary Report, 1992”
“Update Report, 1993”

“Rehabilitative Treatment and Supportive Services: A Demographic Analysis of Data Compiled from the Rehabilitative Treatment Services Authorization Form...For 4,444 cases reviewed and authorized by the Iowa Foundation for Medical Care on November 1, 1993. ISU Research, Draper, D., Schuette, L., Linnan, K., & Nguyen, D.

Prepared by the Legislative Service Bureau:

- “Final Report-Juvenile Law Study Committee,” January 1990.
- “Final Report-Family Courts Study Committee,” January 1991.
- “Final Report-Iowa Families in the 1990s Study Committee,” January 1991.
- “Final Report-Adoption Reform Interim Study Committee,” January 1994.
- “Final Report-Juvenile Justice Interim Study Committee,” January 1994.

Iowa Department of Human Services-Reports:

“Narratives of the Director’s Budget Recommendation to the Iowa Council on Human Services, FY 1996-1997.” Charles M. Palmer, Director. August 8-10, 1994.

“1977-1992 Historical Data-Foster Care Population/Expenditures”- Department of Human Services.

“Adoption Tracking Reports, 1994”- will be replaced by FACS system in Spring, 1995.

“Projected Service Cases, 1994-1995”- DHS.

“Repeated Cross-sectional Data for Children in Foster Care, Oct. 92 - Dec. 93.” DHS will produce under FACS system.

“Iowa’s Title IV-B Child Welfare Plan.” July 1, 1994 - June 30, 1995. DHS.

National

“U.S. Child substitute care flow data for FY 92 and current trends in the state child substitute care populations” (ex. of benchmarks) VCIS Research Notes No. 9 - from the American Public Welfare Association (APWA).

“Iowa’s Children”- fact sheet from Child Welfare League of America.

Resources from Court Improvement Program Orientation Conference in 8/94:

“Children’s Justice Act Grant Program: A Report to Congress on State Programs for the Investigation and Prosecution of Child Abuse and Neglect,” National Center on Child Abuse and Neglect.

“Citizen Review and the Court Improvement Program: Meeting the Mandate for Citizen Review Comments,” National Association of Foster Care Reviewers.

“State of Michigan State Court Administrative Office Foster Care Review Board Program: Barriers to Permanency List.”

“FCRB; Maryland’s FCRB Program.”

“Symposium on Judicial Needs Relating to Child Sexual Abuse, Washington, DC. January 8-10, 1991,” National Center on Child Abuse and Neglect.

“Permanency Planning and the Courts: The History and Potential.” Handout from Mark Hardin’s speech.

"The Adoption Assistance and Child Welfare Act of 1980: The First Ten Years," North American Council on Adoptable Children, August 1990.

"Descriptive Overview of Study of Administration of Justice in Child Maltreatment Cases," Mark Hardin, 2/3/94 draft.

"National Council of Juvenile and Family Court Judges Permanency Planning Project."

"National Public Policy Outline on the Need for Permanence."

"Improving Implementation of the Federal Adoption Assistance and Child Welfare Act of 1980," Judge Leonard P. Edwards, Juvenile and Family Court Journal, 1994.

"Legislation and Resource Materials for the North Carolina GAL program."

Resources from Regional Conference on Court Improvement, June 1-2, 1995:

"Resources Guidelines: Improving Court Practice in Child Abuse and Neglect Cases." National Council of Juvenile and Family Court Judges. Reno, Nevada. Spring 1995.

"Families for Kids of Color: A Special Report on Challenges and Opportunities." W.K. Kellogg Foundation.

"The Flow of Adoption Information from the States." National Center for State Courts, 1994.

State Court Journal. Special Issue: Adoption. Vol.18(1). Summer 1994. Published by the National Center for State Courts.

"Improving State Courts' Performance in Child Protection Cases: User's Manual for Conducting Your Court Assessment," assessment instruments and supportive materials, Mark Hardin, American Bar Association, Center on Children and the Law, Washington, D.C., 1995.