

# COLORADO'S COURT IMPROVEMENT PROGRAM



## PROGRAM REPORT FOR JUNE 2005

### COURT IMPROVEMENT COMMITTEE

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Judge Tina Olsen, County Court  
Judge Chuck Buss, 21<sup>st</sup> Judicial District  
Judge Christine Chauche, Arapahoe County Court  
Judge Victor Reyes, 10<sup>th</sup> Judicial District  
Magistrate Babette Norton, 1<sup>st</sup> Judicial District  
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Magistrate Carolyn McClean, 20<sup>th</sup> Judicial District  
Judge Steven Patrick, Chief Judge, 13<sup>th</sup> Judicial District  
Magistrate Evelyn Hernandez Sullivan, 4<sup>th</sup> Judicial District

Pursuant to ACF ACYF-CB-PI-03-04, Colorado's Court Improvement (Program) Committee ("CIC") hereby submits its annual Program Report to ACF Regional Administrator Gloria Montgomery as well as to the National Child Welfare Resource Center on Legal and Judicial Issues. This report covers all activities supported by Court Improvement Program funds. This annual program report addresses the outcomes of court improvement activities and how they help provide for the safety, well-being, and permanence of children in foster care. CIC's Strategic Plan is attached to this document and includes a description of targeted efforts with strategies and timelines.

## **I. Description of activities undertaken during the program period to implement improvements to the courts**

Colorado has utilized its Court Improvement Funds to continue to improve many aspects of how it handles cases involving children. Much attention continues to be devoted to training in the area of juvenile law and family violence as a whole, as well as continued support for pilot projects, their creation, and evaluation. Special projects have also been designated to the Court Improvement Committee for their expertise and consideration. Below you will find a brief synopsis of some of the activities undertaken by CIC for 2004-2005.

- **SANCA.** CIC applied for and received funding for a SANCA grant in response to the recommendation for the development of a centralized case management procedure. The Colorado SANCA project has four main focus areas that correlate with the objectives stated on the project plan: data transfer between DHS and judicial; document/report generation; development of centralized information screen; and incorporation of stand alone juvenile Excel database into Colorado's management information system, ICON/E-clipse. Colorado has been pleased to take part in this national effort and looks forward to the insight and assistance from the Technical Team visit on August 15<sup>th</sup>, 2005. Colorado anticipates that this SANCA effort is just the beginning of a long and fruitful exchange of data between the courts and DHS. This effort will allow Colorado to track performance measures related to the safety, well-being and permanence of children statewide. By creating reports based on the Performance Measures, Colorado will establish baseline measurements for future improvements.
- **Training.** In furthering the objectives of Colorado's Program Improvement Plan, Colorado CIP continues to focus on training. The areas identified in the PIP included visitation and best practices in processing dependency and neglect cases. Both were covered in the Family Issues Conference (below) and are the subject of continued regional trainings.
  - CIP sponsored the Family Issues Conference in the spring of 2005. The conference was a collaborative effort between Judicial and the Department of Human Services. Topics presented included Visitation, Best Practices for Dependency Courts, Violence and its Impact on Children, Utilizing Assessments, Substance Abuse, and a Juvenile Law update specific to Colorado law and policy changes. Conference evaluations consistently rated in the "excellent" or "good" category and many participants commented that the training would assist them in decision-making.
  - In addition to the Judicial and Family Issues Conferences, judicial officers and family court facilitators are frequently offered opportunities to attend national trainings to

increase their knowledge of juvenile and family issues. Such exposure to training allows judges, court staff, and others to keep abreast of the most current trends in juvenile and family law.

- The CIC sponsored Cultural Competency training to address some of the issues surrounding minority over-representation in the child welfare system. The trainers have been trained, and are raising awareness as to culturally appropriate resources and approaches. The continuing efforts to address the problem of minority over-representation are described in greater detail below.
  - In response to the Program Improvement Plan, CIC sponsored the “Stepping Up to Juvenile Court” training presented to juvenile judges in February 2004. The workshop highlighted the requirements of new federal and state legislation, chief justice directives, rules, and policies affecting time frames and handling of all juvenile cases including Paternity, Child Support, Adoption, Relinquishment, Dependency and Neglect, Truancy, and Delinquency. An interactive cd-rom based on the Stepping Up curriculum has been developed and disseminated statewide. The cd-rom uses video, audio, and PowerPoint to navigate judges through each juvenile segment. In addition, the Office of the Child’s Representative received CIC funds to replicate the judges’ Stepping Up program for guardians ad litem and specific to their roles and responsibilities.
- **CASA.** Colorado Court Improvement continues to lend support to the development of CASA programs throughout the state. CASA programs are effective in that they provide, among many things, an impartial viewpoint on troublesome cases. CASA involvement in a case helps to contribute to overall improvements in safety, permanency and well-being. Resources have been devoted to Colorado CASA in order to help set up new programs, such as in Montrose, Cortez, and all seven counties within the 13<sup>th</sup> Judicial District. It is anticipated that CIP will again contribute to Colorado CASA to help them develop programs in every jurisdiction around the state.
- **Expedited Child Welfare Appeals.** Court Improvement participated in Project UPLIFT with the Colorado Department of Human Services which focused on reducing appellate delays. Real-time and digital recording technology was purchased for courtrooms performing termination trials. In addition, funds were used to support the development of draft rules to improve the appellate process, i.e., shortening the time lines and providing new forms. Judge Vogel, Iowa Supreme Court, facilitated two community meetings to discuss Iowa’s appellate changes. A current draft of the expedited appellate rules was presented at a public hearing before the Supreme Court in January 2005 and the Supreme Court unanimously approved the rules, effective March 1, 2005.
- **Parent Handbooks** have been completed with the support of the Court Improvement Project. These handbooks describe the D&N process and inform parents where they can access services. These books have been so immensely popular that the 600 copies received in February 2005 have already been distributed and we have requested an additional order. Respondent Parents Counsel have made the most requests for additional copies and they inform CIC that the booklets have been very helpful in helping parents understand the child welfare process.

- **University of Colorado School of Law Juvenile Law Clinic.** The Colorado University School of Law recently developed a clinic in Juvenile and Family Law. The clinic has made significant strides using the funding provided by CIC in 2004. They have hired both Professors Claire Huntington and Colleen Robinson to facilitate the enhancements of clinical education. The clinic has a full Juvenile and Family Law curriculum that exposes law students to child welfare case proceedings and gives the students real experience while in law school. There are twelve students working with Professor Robinson for a full school year in Broomfield County on new D&N cases. In Adams County, six externs have opened fifty-two truancy representation cases throughout five school districts with the support of CIC member and Juvenile Judge Chris Melonakis. Judge Melonakis explained that the externs are very helpful in finding children who need the intervention of the courts. Impressed by the progress made by the program in its first year, CIC plans to continue to contribute to the program in 2005.
  
- **Truancy Pilot.** Truancy cases are often child welfare cases by a different name. With an eye towards mitigating Dependency and Neglect cases, decreasing truancy filings and front-loading services to children in need of assistance, the 20<sup>th</sup> Judicial District embarked upon a 2004 pilot, assisted in part by Court Improvement funds. The participating schools contribute the other half of the program funds. The 20<sup>th</sup> Judicial District developed assessments to be used in the mediation process that assess the family dynamic and address why students may be truant. From these assessments, the mediators in the 20<sup>th</sup> District have been able to put together contracts which have a community approach to solving truancy through cooperation with the Department of Social Services, courts, schools and families. The program also utilizes a tracker to work with the students to resolve truancy issues. In its first year of operation, 73 children received assistance. Truancy filings measurably decreased and the program boasts significant successes with regards to many of the participants, including these highlights:
  - 5 high school graduates. All 5 passed at least one college course at a four year college. 4 received scholarships for college.
  - 5 students were inducted into the National Honor Society.
  - 6 students took the Advanced Placement (AP) History test
  - 40 students participated in extracurricular activities, including sports, drama and moot court.
  - One student went from having a 1<sup>st</sup> grade reading level to a fifth grade level in one year.

Court Improvement will continue to monitor educational outcomes and other indicators of well-being.

## **II. Colorado's overall progress in relation to its re-assessment**

Colorado performed its initial assessment in 1996, and a reassessment in 2002. It is encouraging to note the strides made from 1996-2002 and continuing on to the present.

The major study areas of the assessment were timeliness of events and case management, respect for juvenile law, training opportunities and party representation.

The 1996 assessment focused on improving **timeliness of events**. As reported by the 2002 Reassessment and the 2003 EPP Report to the Legislature, the most recent data shows that the significant majority of children are achieving permanency within one year of removal or within a few months thereafter. Further, local and statewide data demonstrates improved timeliness in all events within a dependency and neglect case. The 2002 reassessment dealt with the importance of ensuring that each district has a protocol for implementing state and federal timelines for children in dependency and neglect cases. While every judicial district now maintains such a plan, the Court Improvement Committee is vitally interested in ensuring that these plans are living documents that enhance and change court culture. Doing so will not only ensure continued improvement in the timeliness of events, it is also expected to improve the quality of court events.

Evaluating progress made towards the Reassessment, at its March 2005 meeting, the Court Improvement Committee identified areas that continued to present themselves for improvement, establishing the Priority Areas described below. To assist in forming action steps and in allocating resources for these priorities, the Court Improvement Committee sent out an online survey to all juvenile judges, family court facilitators and district clerks. The final results of that need-assessment are in and are being summarized in report form. The report will be disseminated statewide.

- **Improving the amount and quality of legal representation for children, parents and agencies.** CIC recognizes the need to provide training and education for respondent parents' counsel. CIC also intends to continue to partner with the Office of the Child's Representative in this effort.

A Respondent Parents Counsel Task Force is being convened to 1) study current issues facing Respondent Parents Counsel, locally and nationally and 2) to develop and present training and 3) interact with community partners.

The Task Force will also start to gather information about issues facing Respondent Parents Counsel nationally. With assistance from the ABA Center on Children and the Law, the Task Force will receive presentations concerning standards, training issues and alternative oversight models. Speakers could include Joanne Moore, the Director of Washington State's highly successful parents' defense program, the directors of the nationally-recognized New York Center for Families and Mimi Laver, Training Director, ABA Center on Children and the Law. The purpose of these presentations will be to gather information about other ways of administering parental defense, whether that be public-defense, non-profit, or clinic. Having received this information, the Task Force may decide to continue with the existing model in Colorado, or may decide to work towards a different model for oversight.

Part of this endeavor will be to consider standards for Respondent Parents Counsel. In consultation with the ABA's subcommittee on Parents' Attorney Standards, the Task Force will consider current state standards and will make recommendations. It is envisioned that the Task Force will need to consider how parents' attorneys may be better supported: through higher personal compensation as well as other professional supports like clerical, social work or investigator services. The Task Force will communicate with the SCAO Legislative Liaison and the State Court Administrator and

will pursue legislation or additional funding for parents' attorneys as appropriate. One possibility would be to pursue "study legislation" for respondent parents counsel to be studied by the legislature and a pilot put into effect to study the effects of added resources to practice.

As for training, regional trainings may be the most effective way to encourage participation from far-flung professionals. For this reason, four regional trainings have been budgeted, providing for 8 hours of CLE. The budget also provides for travel and meals, also intended to encourage participation.

- **Assisting courts in effectively managing caseloads.** Effective March 1, 2005, expedited processes for child welfare appeals are in effect. CIC is monitoring implementation and providing training on the changes. CIC is also evaluating the efficacy of CJD 98-02 and Memorandum of Procedures in implementing case management and achieving court reform in the dependency and neglect process.

Colorado is pleased to have three sites participating in the National Council of Juvenile and Family Court Judges' Model Courts Program. Three sites were selected across the state, to be funded by Court Improvement: a rural (4<sup>th</sup> District: Teller and El Paso counties); mid-sized (17<sup>th</sup> District: Adams County) and urban (2<sup>nd</sup> District: Denver Juvenile Court). These three sites as representative of other similarly situated jurisdictions across the state. It is expected that these three sites will generate information and innovative processes that will be replicated statewide.

In partnership with the Kempe Center, a multidisciplinary statewide training is being considered for Spring 2006. The purpose of this conference will be to share the lessons learned from the Model Courts project, to look at the outcomes data generated by SANCA, to bring different disciplines together to work collaboratively, and to draw statewide attention to outcomes in Colorado. Colorado has performed well in attention to timeliness of proceedings. The Court Improvement Committee would like to take it to the next level by focusing on outcomes.

- **Improving the availability and coordination of services for children.** CIC intends to address deficiencies in service through partnerships with community stakeholders.

As discussed in the paragraph above, Colorado is engaged in several efforts to draw community stakeholders together to improve outcomes for families. One way to do this is to focus on resource sharing.

The Pew Commission Report on Children in Foster Care encourages systems to work collaboratively with stakeholders to improve the availability of services. Based on this concept, Colorado is engaged in conversations with the Department of Human Services concerning local partnerships between Education, social services, the Courts and providers to target resources effectively and to prevent duplication of services. At some point, a Court Improvement representative may need to be included in the state's steering committee dedicated to this effort.

- **Improving judicial competence and skills.** As with the May 2005 Family Issues Conference, CIC seeks to continue to support judicial education. Further, CIC intends to further the status of child and family law by supporting judges and attorneys who specialize in these areas.

In partnership with the Department of Human Services, Court Improvement is assisting in the development and promotion of several Visitation trainings to occur in August 2005. Court Improvement has provided for the CLE for these trainings to encourage greater judicial and attorney attendance. Judges have long asked for decision-making tools to develop visitation plans that recognize the safety and well-being of the child and provide parents with the opportunity to interact and bond with their children.

- **Providing cross-systems training for court and agency personnel.** CIC has initiated training in the area of minority over-representation in the child welfare and delinquency system. CIC intends to continue its work in this area by working and collaborating with community partners.

Colorado has a disproportionate number of dependency and neglect cases in minority communities, and a higher incidence of out-of-home placements and terminations among minorities, particularly in the African-American community.

To combat the problem, Colorado first seeks to generate awareness. Using a train-the-trainer approach, all trainers have received training provided by Court Improvement funds. The focus is to encourage judicial officers and staff to consider biases in judicial decision-making.

Based on the 2005 CIC Needs-Assessment, the Minority Over-representation Subcommittee of Court Improvement will now turn the focus to the following activities:

- Developing customer surveys to determine what barriers to services and family involvement exist.
  - Evaluating existing services and programs to determine which are most effective in enhancing reunification among parents and children of different ethnic and racial groups.
  - Assist in engaging communities of color in developing and implementing strategies and services.
- **Developing automated information systems to track cases and measure performance.** Described above, SANCA is a continuing project that seeks to develop automated information systems to track cases and measure performance specific to child welfare. The project period is May 2004 through April 2006. Court Improvement will continue to assist in project development and training.

In short, the Colorado Court Improvement Project has spearheaded many new projects, continued several existing projects, and committed itself to the optimal handling of cases involving children. CIP continues to be committed to improving the lives of children and families as they progress through the Colorado Court system.