

Child welfare matters.

Improving organizations, making a difference



Summer/Fall 2009

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Improving Child Welfare/Court Collaboration

Child welfare agencies and courts are key parts of State child welfare systems, and often cannot meet their goals without working together. To promote collaboration between these two key players, the NRCOI has worked with the National Child Welfare Resource Center on Legal and Judicial Issues (NRCLJI) to produce this issue. The main article highlights 10 strategies child welfare agencies and courts can use to build and sustain collaboration, illustrated with quotes from leaders in States that have overcome barriers to working together. We also include an interview with the federal Child and Family Services Review Team about agency/court collaboration, a description of technical assistance and resources available from the National Resource Centers, and a summary of two relevant publications. We hope you find this issue useful and invite you to give us feedback at our website: www.nrcoi.org.

Your goal is to help children and families. Our goal is to help you.

Peter Watson, Director

As the Child and Family Services Reviews (CFSRs) push child welfare systems to improve performance on safety, permanency and well being outcomes, child welfare agencies and courts are increasingly realizing that they need to work together. However, these organizations often initiate reform efforts separately, working in their own silos, sometimes accompanied by longstanding tension and conflict. To help agencies and courts move beyond this, we offer a list of 10 strategies that can help build collaboration. To develop this list we examined numerous collaborative initiatives identified by federal, court and child welfare leaders, and looked more closely at four States that have—either recently or over many years—developed strong child welfare/court collaboration: Colorado, California, Minnesota and North Carolina. We interviewed agency and court leaders in these States about the steps they have taken to build collaboration.

1. Engage Leadership

Collaboration begins when leaders—at the top level and throughout the system—understand the need to work together and communicate the benefits of this to others. When agency directors and chief justices consistently talk about a joint vision of common outcomes and working together, they provide critical support for collaborative efforts, and model joint agency/court leadership of those efforts. The federal government has worked to get leaders on board by, for instance, sending retired judges to meet with court and child welfare leaders prior to the CFSR process. Your federal regional office can work with you to obtain additional encouragement from national figures. It is also effective to ask judges and child welfare leaders within your State who understand the need to work together to talk with their peers.

When we get a Supreme Court Justice and the Agency Secretary to chair something it makes a huge difference. When the Secretary has a meeting, every department director is there. And we find that counties respond to personal invitations from a Supreme Court Justice. – Larry Bolton, Chief Counsel, CA Department of Social Services

For the Administration for Children and Families (ACF) Regional Offices see: www.acf.hhs.gov/programs/oro/regions/acf_regions.html

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2. Focus on Common Outcomes

It is critical that child welfare agencies and courts recognize and communicate that they are working on the same outcomes of safety, permanency and well being. To help focus on these outcomes, the federal government has created both the CFSR process, which measures progress on these outcomes and related systemic factors, and Court Improvement Programs (CIPs) which develop plans, in every State court, for improving court performance in child welfare cases.

The growing recognition that these outcomes cannot be attained by just one organization—such as courts or child welfare agencies—has led to increased emphasis in federal law and policy on collaboration across the child welfare system. The Deficit Reduction Act of 2005 requires both courts and child welfare agencies to demonstrate “substantial, ongoing and meaningful collaboration” with one another, and this requirement is reflected in the policies and program instructions for the CFSR and the CIP. Collaboration is clearly necessary as the system works to improve performance on permanency and on case review systems, as courts and child welfare agencies both play a critical role in holding timely and effective hearings.

Minnesota’s courts and agencies have long recognized that it’s important to work together because we all realize that we’re all focusing on the same thing – improved outcomes for children and their families. The courts have that goal and the agencies have that goal so it didn’t make any sense not to work together – Judy Nord, CIP/Children’s Justice Initiative Director, MN

3. Support One Another’s Reform Efforts

Both the CFSR process and the CIP program require collaboration with a broad range of stakeholders, recognizing that responsibility for improving outcomes is shared across the child welfare system. Involvement in one another’s reform efforts allows each organization to know the other’s strategies and to pursue joint planning, coordinating their goals and activities. This process affords each organization valuable insights about how proposed reforms will work, and can ease implementation. Child welfare agencies should involve court representatives in all phases of the CFSR—the Statewide Assessment, the On Site Review and developing and implementing the Program Improvement Plan. A CIP statewide multidisciplinary task force plans for both the CIP Basic Grant, and the more recent grants on data collection and analysis and on training, and child welfare representatives should be involved in that group. Organizations can also use other forums to inform one another about major improvement efforts, and work to coordinate them.

Our Blue Ribbon Commission got high level people together talking about things that they wouldn’t have otherwise. For example, we talked about the fact that the judiciary was building its first case management system for child welfare at the same time the State was re-procuring a half billion dollar computer system for child welfare – and they were each being built in a total vacuum. We passed a resolution saying that they should be done in consultation, and the judicial council told staff to work with us. So now we are going to have two systems that will talk to each other. – Larry Bolton, Chief Counsel, CA Department of Social Services

This issue was a collaboration between the National Child Welfare Resource Center for Organizational Improvement (NRCOI) and the National Child Welfare Resource Center on Legal and Judicial Issues (NRCLJI). The material was compiled by consultants Mary O’Brien (NRCOI) and Timothy Travis (NRCLJI).



4. Meet Together Regularly

Often, child welfare and court representatives have very little contact with each other. Start by meeting one another—on the State and the local level—and spending time learning about what each organization does. Contact your State’s CIP Director or CFSR Coordinator, and talk about whether you can build on existing groups or relationships or start new forums for getting to know one another. Consider:

- The CFSR process and the CIP statewide multidisciplinary task force, and workgroups or committees formed as part of those processes.
- Summits: Has your State participated in any of the National Judicial Leadership Summits on the Protection of Children sponsored by the National Center for State Courts? These bring together multidisciplinary teams from States, including chief justices, to discuss child welfare system reforms, and are often followed by State level summits and the development of local multi-disciplinary teams.
- Managers: Are judges or managers on the State or local level interested in working together?
- Can existing local teams—formed through the CFSR process, the CIP, the summit process, or other initiatives—provide a vehicle for child welfare and courts to learn about one another?
- Model Courts: These initiatives implement extensive reforms built on the Resource Guidelines developed by the National Council of Juvenile and Family Court Judges (NCJFCJ), including creating local multi-disciplinary teams.

When we started developing our county Children’s Justice Initiative teams, we first met with the judges and then asked each judge to meet with their county agency director. A number of judges weren’t even aware that there was someone called the Child Protection Agency Director, or if they were aware that such a person existed they often had never met them. Later, when we had the judges and directors invite other stakeholders to the table, we knew there were often turf wars regarding each agency’s roles and responsibilities, so we asked them to start with just getting to know one another and talking about what their agencies do. – Judy Nord, CIP/Children’s Justice Initiative Director, MN

For a list of State CIP Directors, see www.abanet.org/child/rcj/cipcontactlist.doc. To identify CFSR Coordinators, contact Laura Woods at the NRCOI, lwoods@usm.maine.edu

5. Develop Joint Projects

As you meet together, identify areas of concern and consider joint projects to address these. Collaboration is built by working together on projects, especially ones that address specific needs and produce positive results in both organizations. Start with people who are ready to do collaborative work. Areas where child welfare and courts are working together include:

- Data sharing: Child welfare and courts share reports on cases and system performance with one another. This is often done to support joint planning at the State and local level, when, for example, local teams are given CFSR data and asked to develop plans to improve performance.
- Practice: Make specific areas of practice priorities for improvement, or develop best practice guides for all parties in the case process. Many initiatives draw on the guidelines for effective court practice contained in the NCJFCJ’s Resource Guidelines (www.ncjfcj.org/content/blogcategory/369/438)
- Training: Train child welfare, court personnel and other stakeholders together, and create joint child welfare/court teams of trainers.
- Joint quality improvement: Hold joint focus groups or surveys, and use the results in quality improvement processes in each organization
- Data exchange: Work towards each organization having access to common case and performance data.

When we started we focused on one specific project that we agreed would be beneficial to both the department and the court—bringing mediation to juvenile abuse and neglect cases. We worked together and figured out how this was a win-win situation for everyone, and that led to a light bulb going off—we all realized that we can work together in a way that is not competitive and where everyone gains something. – Judge Louis Trosch, District Court, Mecklenburg County, NC

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6. Build Respect and Trust

Strong relationships, often credited as the critical factor in collaboration, can be built by taking specific steps:

- Value the other organization's time. Keep commitments to attend meetings, and provide sufficient notice if you can't. If you want input, give the other organization sufficient time for review.
- Do what you say you will do. If you have agreed to share information or take specific steps, follow through, and check in with the other organization to make sure they received it and to report progress.
- Spend informal time together over meals or coffee breaks.
- Value the work the other does. Listen to what they have to say about the work they do, and about how your work influences them.
- Inform one another about major reform initiatives before they are implemented.

Relationships are important...working with Art (Atwell, Child Welfare Training Manager) is a pleasure because we don't spend a lot of time battling...we sit down, come up with an idea, and figure out how we're going to work on it. A big part of why we've been able to get things done is because we trust each other. – Bill Delisio, CIP Director, CO

7. Address Resistance

Be prepared for resistance, and take steps to overcome it. Resistance will sometimes arise from longstanding tensions between courts and child welfare. Address this by focusing on common outcomes and the need to work together. Resistance also comes from concerns about separation of powers. Address this by recognizing that courts need to make legal decisions in individual cases independently, and focus discussions on system-wide processes and outcomes. Stress that judicial codes of ethics often specify that improving administrative processes is part of a judge's job.

In the early years we heard from judges and attorneys that their ethics absolutely did not allow them to sit in the same room. But by bringing in national speakers to talk about that, and by talking ourselves about what we are bound to do both in child welfare and on the judicial side, folks are starting to come to the mind that they can...talk more globally about practice and outcomes without talking about case specific issues. – Art Atwell, Child Welfare Training Director, CO

SUMMARY

10 strategies agencies and courts can use to build and sustain collaboration

- 1** Engage leadership.
- 2** Focus on common outcomes.
- 3** Support one another's reform efforts.
- 4** Meet together regularly.
- 5** Develop joint projects.
- 6** Build respect and trust.
- 7** Address resistance.
- 8** Pool resources.
- 9** Put it in writing.
- 10** Celebrate success.



8. Pool Resources

The CIP training and data grants, and IV-E training and administrative funds in child welfare, provide opportunities for courts and agencies to work together on joint training and data initiatives. The CIP training grant calls for cross training with child welfare agency staff and contractors, and the data collection and analysis grant must be used to increase joint data collection and sharing on child welfare cases. Child welfare agencies can match or augment these funds to support collaborative initiatives.

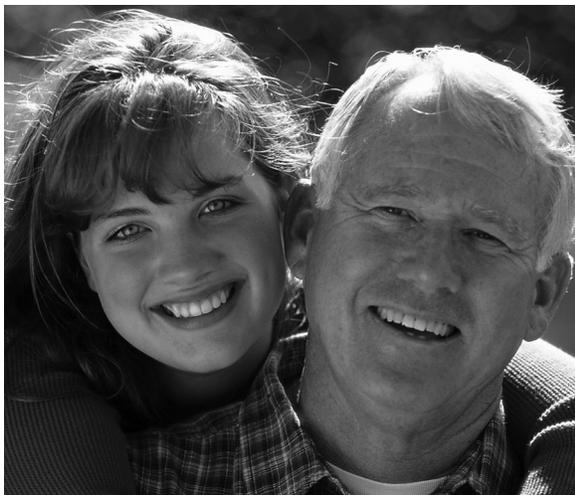
We had judges going to the annual Judicial Family Issues conference and then also to the Child Welfare conference and this just seemed like a perfect situation to combine our resources. The first year we co-located the conferences, and the next year we coordinated them in the same location, worked on the agenda together and co-mingled our funding. – Bill Delisio, CIP Director, CO



9. Put It in Writing

Formalize what each organization will do through a memorandum of understanding or action plan, and get leadership support for this commitment. These written agreements can be developed at the beginning of a collaboration or after working together. When these agreements are widely circulated, and reviewed and updated as needed, they can help sustain commitments to collaboration over time.

Developing a memorandum of understanding has been incredibly helpful at the State level. The value is really that it got leaders in the same room at the same time, and got them to make commitments to meeting regularly and sharing information and data. It is all about relationship building. – Candice Britt, CFSR Coordinator, NC



10. Celebrate Success

Success stories, both from around the country and from inside your State, can inspire involvement and help spread innovative efforts. Bring in judges and other national leaders to speak about the benefits of collaboration. Recognize those involved in successful collaborations in your State and ask them to share their experiences with others through conferences, trainings, workgroups, newsletters, and websites. Collaboration is hard at the beginning but gets easier over time as more people experience the benefits.

Our Beyond the Bench conferences help bring promising practices to scale. Someone will see something that they want in their county and they'll figure out a way to make it a priority – Christopher Wu, Executive Director, Blue Ribbon Commission on Children in Foster Care, CA

While not comprehensive, this list highlights some of the strategies that have contributed to improved collaboration, and can be used by agencies and courts to work together more effectively to improve outcomes for the children and families served by the child welfare system.

Help from the National Resource Centers

The National Resource Centers in the Children's Bureau Training and Technical Assistance (T/TA) Network provide free training and technical assistance services on both the process of working together across the child welfare system and on specific joint child welfare/court projects.

The National Child Welfare Resource Center on Legal and Judicial Issues (NRCLJI) (www.abanet.org/child/rclji) provides consultation, training, and technical assistance on all legal and judicial aspects of the child welfare system, including federal law, court improvement, agency and court collaboration, permanency planning, legal representation, and other emerging child welfare issues. Often in collaboration with other National Resource Centers, the NRCLJI can help you involve courts in all aspects of the CFSR and involve child welfare in the CIP. Through written materials and TA, the NRCLJI can help identify legal and judicial dimensions of agency goals, and then facilitate child welfare/court collaboration in developing and implementing joint plans to achieve those goals. The NRCLJI also provides training on specific topics, such as concurrent planning, safety decision-making, family and youth involvement in case planning, education, and youth in court.

The National Resource Center for Child Welfare Data and Technology (NRC-CWDT) (www.nrcwdt.org) in collaboration with the National Center for State Courts can provide customized, State-specific technical assistance on data sharing and data exchange. The NRC-CWDT can assist States in meeting the technical challenges presented by the decision to share data within agencies and across the information silos that currently exist in many systems. For example, as both agencies and courts develop stronger information systems, such as SACWIS, that require sharing information across program areas, NRC staff can help you ensure that data is based on the same definitions. The NRC-CWDT can facilitate meetings between program and technical staff from different organizations, connect you with peers with successful collaborative efforts on data, and provide other expert advice and assistance.

The NRCOI (www.nrcoi.org) provides T/TA that promotes agency/court collaboration in several areas. First, NRCOI staff assists States in planning and convening CFSR and PIP Kick-off meetings that usually include CIP staff and judges. These meetings can be a critical step in mobilizing numerous stakeholders to plan and implement systemic changes aimed at improving outcomes for children and families. Second, the NRCOI emphasizes interagency collaboration in its strategic planning, quality improvement and training system T/TA, and frequently engages State child welfare agencies, courts and other key stakeholders during its work in these areas.

Tell us what you think.

To keep our services as useful to you as possible, we have posted a quick online survey to our website:

<http://muskie.usm.maine.edu/helpkids/survey.htm>

RESOURCES:

CFSR Resources on the NRCLJI website (www.abanet.org/child/rclji/cfsr.html) including *How Can the Resource Center Help with the CFSRs?*

Engaging Courts and the Legal System. CFSR Training and Technical Assistance Package on the NRCOI website: www.nrcoi.org/cfsrta.htm (under Engaging Community Stakeholders and Building Community Partnerships)

Collaborating During the Child and Family Services Review. CFSR Procedures Manual, Appendix J: www.acf.hhs.gov/programs/cb/index.htm (under CFSRs)

Court-Child Welfare Agency Collaboration: webpage on the Child Welfare Information Gateway: www.childwelfare.gov/systemwide/courts/ccwa.cfm

Improving Agency/Court Collaboration: Strategies for Success. Teleconference, April 7, 2009. Co-sponsored by the NRCOI and the NRCLJI. Listen to the audiofile, download the podcast and review handouts at www.nrcoi.org/tele.htm#april7.



Agency/Court Collaboration

An Interview with the Federal Child and Family Services Review (CFSR) Team.

We talked with Will Hornsby, Linda Mitchell and Bill Stanton about the changes they have seen in agency/court collaboration. Hornsby and Mitchell are Senior Child Welfare Specialists with the Children's Bureau and provide leadership for the Child and Family Services National Review Team, and Stanton works with the Team specifically on court involvement.

In Round 2 of the CFSR process, there is a special emphasis on increasing involvement of courts. Can you talk about what the first round CFSRs found that led to this emphasis?

Hornsby: When we compiled the findings from the first round of reviews, no State was in conformity for Permanency Outcome 1, and, of the seven systemic factors, the case review systemic factor had the fewest number of States in substantial conformity. That systemic factor is really closely associated with the court process. Also, where we saw better ratings for some of the items that make up the case review systemic factor—such as periodic case reviews being done—we saw stronger performance for Permanency Outcome 1. These findings from the first round played a major role in our decision to try to have courts more involved in the second round.

Mitchell: The other reason for the emphasis was that, in Round 1, States had difficulty engaging courts in making program improvements. I think sometimes courts saw sitting down and talking with the agency about issues outside of case situations as a conflict with their decision-making role.

Can you tell us about the changes you have seen in court involvement in the CFSR from Round 1 to Round 2?

Stanton: During the first round, courts didn't have an understanding of the CFSR process. I find now as I go around the country that everyone from the Chief Justice down has a better understanding of what the process is. That shift has happened for many reasons. The court improvement grants now require courts to be involved in the CFSR. The administrator of our federal Administration on Children and Families (ACF) went out around the country to meet with judges. The National Resource Center for Legal and Judicial Issues hired consultant judges who went out and met with the Chief Justice, the Child Welfare Director, and presiding judge of the largest metropolitan areas prior to the statewide assessment in Round 2. And I've been able to do a lot of work with States and courts. One example of this increased involvement is that during the first round it was very rare to have a judge be a reviewer for the CFSR, and this round we've seen that quite a bit.

Hornsby: We've done presentations on the CFSR to national court groups and gotten feedback from courts about needing a bigger role in the CFSR. For example, during the first round we didn't have an automatic interview with the Chief Justice, but in the second round that is a matter of course. Also in the second round we've made efforts to invite the CIP directors to be part of the CFSR planning calls.

Stanton: Agencies get a lot of credit for this. In the past many agencies felt that the courts are a different branch of government that they don't have control over, and focused on what the agency needed to do on its own. We've seen a shift where agencies now say that they can work hand-in-hand with the courts.

What steps would you recommend to agencies facing barriers to collaboration with their courts?

Hornsby: Take advantage of the resources we can offer—Bill as a member of our Team, the National Resource Center for Legal and Judicial Issues, the consultant judges.

Stanton: The basic starting point is that the agency and court need to get together and agree that unless they work together, their outcomes are not going to improve. I think agencies also need to identify a judge that holds child abuse and neglect cases in high esteem, and has the ability to influence his peers, and work with that judge. If one judge is having phenomenal outcomes, others will be interested. You also need someone in the agency who is willing to work with the courts.

For the three CIP grants there is a requirement that the CIP obtain a letter of support from the State child welfare agency assuring ongoing collaboration. So agencies are aware of these grants, but could be more involved in what they are doing.

If you have a court and agency that really are not seeing eye to eye, sitting down and writing a memorandum of understanding, that puts in writing what the courts and agencies will each be responsible for, is a good start. And you've got to get the leadership to commit to it. The consultant judges have focused on the power people in the State—including the child welfare director and the chief justice. In many States, if the chief justice says it, it gets done.

Free Books Available from the Child Welfare Information Gateway

Order single or multiple copies of these useful resources today from the Child Welfare Information Gateway—no charge for shipping. 800-394-3366 or www.childwelfare.gov/catalog/ (under Title Index).

Both were published by the ABA Center on Children and the Law and the National Child Welfare Resource Center on Legal and Judicial Issues.

How to Work with Your Courts: A Guide for Child Welfare Agency Administrators, 2nd edition, 2004, by Mark Hardin with Diane Boyd Rauber.

This book for child welfare administrators explains how to establish effective and efficient relationships between their agency and the courts. Tips are provided for meeting with judges to resolve administrative problems, cooperating with other key court staff, working on joint projects with the court, and informing judges and agency attorneys about child welfare service delivery issues. The guide outlines important aspects of the collaboration between the court and child welfare regarding compliance with federal law, waiting time for caseworkers, accessibility, recognition of child welfare reform principles, and limitations on judicial involvement. Other topics include the judicial perspective on the court-agency relationship, oversight responsibilities of juvenile courts, and the role of the agency attorney. Agency administrators are advised to actively seek change when the court process is inefficient or problematic for child welfare cases.

Foundations for Success: Strengthening Your Agency Attorney Office, 1999, by Laver, M, Sandt, C (Ed), Inada, S (Ed.).

Agencies need to present strong, compelling cases in court to ensure safety and permanence for children. Yet all too often, agency legal representation is not at the level it could be. This book helps child welfare agency attorney offices focus on necessary changes, such as hiring practices, evaluation processes, standards of practice, and efficient use of resources, to improve the level of representation. It highlights agency attorney offices around the country using creative and innovative methods to provide strong representation, and includes appendices containing such practical information as useful websites and forms.

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