Courts Catalyzing Change in the Model Courts ~ The First Five Years

Technical Assistance Bulletin

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FORWARD

The mission of the National Council of Juvenile and Family Court Judges (NCJFCJ) is to provide all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of the families and children who seek justice. The NCJFCJ pursues its mission through:

- Providing training for judges and other professionals who serve in these courts;
- Providing support for judges and other professionals through continuing education, research, publications, and technical assistance; and
- Providing technical support to court systems regarding their structure, management, and procedures.¹

In 1992, with funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the NCJFCJ initiated the Model Courts project. The project focuses on child welfare courts across the country with the goal to improve outcomes for abused and neglected children and their families through court-based implementation of systems change and recommended practices. The NCJFCJ assists Model Courts with training, technical assistance, and evaluation to reduce system barriers and promote fair and effective processes and outcomes.

A hallmark of the Model Courts project is the development of judicially-led collaborative teams to identify, plan, and implement systems improvements. The Model Courts project requires the Lead Judge in each Model Court jurisdiction to convene a multidisciplinary collaborative team of system stakeholders to establish and monitor Model Court goals, and to strategically plan for goal achievement. Courts are expected to develop individualized approaches to improve court practice based upon the unique needs of each local court, child welfare system, and community.

The Model Courts serve as laboratories for systems change. They provide infrastructure for developing, testing, and learning from implementation of recommended judicial practices and policies. Lessons learned from Model Courts are shared at the local, state, and national levels.

In 2008, with the support of Casey Family Programs (CFP) as the next step to the Casey Breakthrough Series Collaborative on Reducing Disproportionality and Disparate Outcomes for Children and Families of Color in the Child Welfare System,² and the support of the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), the NCJFCJ launched Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care (CCC), a judicially-lead initiative to reduce disproportionality and disparities for minority children in foster care. To provide courts with guidance, NCJFCJ created the CCC National Agenda, which consists of a mission statement, a set of guiding principles, and five key implementation components, each of which includes subcomponents. The policy and practice recommendations of the CCC National Agenda call for judges and court systems to engage stakeholders and families, transform judicial practice, participate in law and advocacy, examine research and data, and impact the array of services in the pursuit of reducing disproportionality and achieving fairness and equity.

This Technical Assistance Bulletin highlights Model Court implementation of CCC National Agenda components in the Model Courts since 2008. Over the first five years of the CCC initiative, 38 jurisdictions have participated in the Model Courts project and have received

² http://www.casey.org/resources/Publications/BreakthroughSeries_ReducingDisproportionality.htm.
training and tools from the NCJFCJ to promote CCC National Agenda implementation. State Court Improvement Projects (CIP) have also been valuable partners in statewide implementation of the CCC National Agenda.
BACKGROUND

Research has demonstrated that children and families of color are disproportionately represented in the child welfare system and frequently experience disparate and inequitable service provision.\(^3\)

NCJFCJ believes that judges – as the final arbiters of justice – must be leaders in their communities on the issue of disproportionality and disparity in the legal and foster care systems.\(^4\) To that end, the NCJFCJ began defining an initiative to guide courts and judges in bringing about system reforms. This work became the Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care initiative (CCC) launched in 2008, followed by development of the CCC National Agenda. With the launch of CCC in 2008, the NCJFCJ committed to reducing disproportionality and disparities by assisting juvenile and family court judges across the country in providing all children and families in the foster care system with timely and fair access to justice and to services that meet their needs.\(^5\)

CREATING A NATIONAL AGENDA

Throughout 2007, the NCJFCJ convened a series of work group meetings with judicial officers and child welfare system stakeholders to brainstorm how judges could be instrumental in reducing disproportionality and disparities in child welfare, and what tools and training were needed to support them. During this process, the NCJFCJ received input from several internal committees and groups: the Committee on the Disproportionate Representation of Children of Color, the Tribal Courts Committee, the Diversity Committee, the Permanency Planning for Children Department Advisory Committee, Model Court Lead Judges, the CCC Steering Committee,\(^6\) and the CCC Call to Action Work Group.

At the 2007 Model Courts Lead Judges’ Meeting, Lead Judges committed to making the reduction of racial disproportionality and disparities in child abuse and neglect court systems a national goal for the Model Courts project. In July 2008, the NCJFCJ Board of Trustees adopted Resolution Number 10 making the goals of the CCC initiative a formal policy of the NCJFCJ. The resolution called for NCJFCJ members to implement CCC and participate in activities to achieve the mission of reducing disproportionate representation and disparate outcomes for children of color.\(^7\)

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5 Ibid.

6 The Steering Committee continues to guide CCC implementation.

As an existing, national systems change infrastructure, the Model Courts began implementing the CCC National Agenda in 2008. Between January, 2008 and June, 2012, a total of 38 jurisdictions (including Washington, D.C.) engaged in implementing the CCC National Agenda.\(^8\)

### Courts Catalyzing Change Mission

The Courts Catalyzing Change initiative brings together judicial officers and other child welfare system experts to set a national agenda for court-based training, research, and reform initiatives to reduce the disproportionate representation of children of color in dependency court systems. The initiative will create and disseminate judicial tools, policy and practice guidelines and associated action plans that dependency court systems can use to reduce disproportionality and disparities for minority children and families. The initiative will re-evaluate federal, state and local policy and make recommendations for changes or improvements. The initiative will define and evaluate all decision points in the dependency court system to determine where action can be taken.

### CCC National Agenda

The CCC National Agenda consists of a mission statement, a set of guiding principles, and five key implementation components, each of which includes subcomponents.\(^9\)

#### Guiding Principles

- Minority children and families must be an integral part of the planning and problem-solving process at all levels and at all stages.
- Judges – as the final arbiters of justice – must be leaders in their communities on the issue of disproportionality and disparity in the child welfare system.
- Broad-based, multidisciplinary alliances and honest collaborations must be formed to effectively and comprehensively reduce disproportionality and disparate treatment.
- Reducing racial disproportionality and disparities in the child welfare system must be linked with a broader effort to eliminate institutional and structural racism in the child welfare system.

These guiding principles are the lens through which the National Agenda components – the action items for implementation – were developed.

#### The CCC National Agenda

Model Court Lead Judges were charged with implementing specific actions and strategies at the state and local levels under each CCC National Agenda component:\(^10\)

1. Engage national, state, local, and tribal stakeholders, community partners, and children and families.
   - Engage local and state judicial leaders and court administrators to promote the reduction of disproportionality and disparate treatment through action-oriented and solution-driven statewide advisory committees, task forces and educational forums.

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\(^8\) Since October 2007, as part of the evolution of the Model Courts project and the work of the courts, some participating sites have moved out of the project while other sites have joined the project. In December 2011, the Model Courts project added four Tribal Model Courts; these courts have not been included in the implementation of the CCC in their local jurisdictions.


\(^10\) The CCC initiative also called for NCJFCJ and CFP leadership to undertake several steps to further each of the five National Agenda components at the national level. See footnote 9, for a description of the NCJFCJ and CFP leadership steps and activities.
-Lead their local community in developing a plan to reduce disproportionality and disparities in the child welfare system by convening local minority families, community leaders, governmental agencies, schools, faith-based leaders, and community-based providers in community forums, town hall meetings, and collaborative planning sessions.

-Raise awareness about disproportionality and disparate treatment by communicating with national, state, and local media about the pervasiveness of the problem as well as efforts and initiatives to reduce disproportion.

II. Transform judicial practice.
-Examine personal biases and prejudices to understand and moderate their impact on judicial decision-making.

-Practice and promote principles of therapeutic jurisprudence through family engagement both in court and in the child welfare case-planning process.

-Conduct thorough hearings, examining all decision points, and make well-reasoned findings on the record.

-Commit to training and education for themselves and their colleagues in the juvenile court.

-Ensure services are culturally appropriate.

III. Participate in law and advocacy.
-Seek the active participation of state and local lawmakers and relevant government agencies and departments to develop a cross-systems and collaborative approach to dismantling state and local laws and policies that perpetuate racial disproportionality and disparities.

-Seek statewide uniform ethical guidelines regarding the judiciary engaging in community advocacy that enable the judiciary to fully participate as active members of systems and community reform and improvement efforts.

-Promote open child welfare hearings and encourage community members to become aware of the decision-making process.

-Work within their state and jurisdiction to promote retaining judges in juvenile court and advocate against policies and laws that rotate judges through juvenile court rather than allowing judges to develop expertise in this area.

-Promote the full-scale (from hotline to permanency), statewide implementation of objective decision-making processes and tools (such as structured decision-making).

IV. Examine and employ research, data, and promising practices.
-Improve understanding of local child welfare system and court data around the issue of racial disproportionality and disparate treatment.

-Address and improve local jurisdictions’ capacity to collect and analyze data related to racial disproportionality within each child-serving entity and within the court system.
-Collect and evaluate data at the case level, by judge and by jurisdiction.

-Create opportunities within their own jurisdiction for discussing the meaning of the data and underlying causes of racial disproportionality and disparate treatment.

-Select outcome measures and develop strategies to improve permanency-related outcomes for children of color in the child welfare system.

-Take the lead in educating colleagues and systems partners about using local data to analyze causes for racial disproportionality and disparities in the child welfare system, and opportunities to reduce this trend through training, decision-making, and policy advocacy.

V. Impact service array and delivery.
- Promote early intervention and prevention approaches to service delivery in order to reduce removals and support speedy reunification.

- Require culturally competent, linguistically appropriate services for children and families of color involved in the child welfare system.

- Encourage minority communities in their jurisdiction to develop community-based resources and information that are specific to their cultural and community needs.

- Convene community forums of community members, leaders and service providers to assess and address service goals.

- Ensure that quality and effectiveness of services are addressed.

- Recommend termination of contracts that are not effective or are adding to the problem of disproportionality and disparate treatment in the child welfare system.

IMPLEMENTATION RESOURCES AND TOOLS

NCJFC developed several resources and tools to assist Model Courts with CCC National Agenda implementation. These consisted of a foundational training on implicit bias and structural racism, the CCC Implementation TAB, a benchcard for use at the Preliminary Protective Hearings, and the Indian Child Welfare Act (ICWA) Compliance TAB. In addition, Model Court Lead Judges and Court teams received training and technical assistance on topics and activities related to CCC implementation – strategic planning, performance measurement, state-tribal collaboration, and the history and spirit of the ICWA - at annual All-Sites Conferences in 2008, 2009, and 2010 and at semi-annual Lead Judges Meetings in 2008, 2009, 2010, and 2011.

Foundational Training on Implicit Bias

The CCC Steering Committee and the National Call to Action Work Group set the expectation that Model Courts would participate in foundational training on implicit bias and structural racism as the first step of CCC implementation in their local jurisdictions. Gaining awareness and understanding of one’s biases and the context in which bias, especially unconscious bias, gets formed and maintained, was deemed essential to creating a foundation for implementing the various components of the CCC National Agenda. Such training needed to precede use of any other
tools or resources associated with the CCC National Agenda. Drafters of the CCC Agenda believed that to help change what decision-makers – judges, stakeholders - did, they needed to first assist decision-makers in changing what they thought.

…it this mission requires that each judicial leader examine his or her personal beliefs and biases through a comprehensive facilitated process and work to minimize the role he or she plays in perpetuating disproportionality and disparate treatment of families of color.

To this end, an existing training entitled “Courageous Conversations” was adapted to provide a facilitated process for judges and system stakeholders to examine issues of systemic racism and implicit bias. The Courageous Conversations training activity recognizes that conversations about race equity can stir uncomfortable emotions and latent feelings. It is premised on four tenets:

- speak your truth;
- expect and accept non-closure;
- experience discomfort; and
- stay engaged.\(^\text{11}\)

Faculty experts skilled at guiding training participants in voicing their own reflections and listening with respect to others were key in planning and implementing this curriculum for the Model Courts.

CCC Implementation TAB

To support implementation of the CCC National Agenda, a Technical Assistance Brief (TAB) was developed, “Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care, Model Courts National Agenda Implementation Guide.”\(^\text{12}\) The TAB set forth the steps to follow to implement CCC in a court system, including developing a collaborative team of key stakeholders, creating buy-in and preparing for substantive activities including training and strategic planning.

Preliminary Protective Hearing (PPH) Benchcard

The Call to Action Workgroup developed the Preliminary Protective Hearing Benchcard as a tool to guide judges in individualizing their approach to children and families at the first hearing after a child has been removed from the home. A goal of the Benchcard is to help minimize the influence of stereotypes or implicit bias in decision-making about the child and the family. The Benchcard includes a series of self-reflection questions to help judges examine potential unconscious biases that may affect decisions. It assists judges in conducting a thorough hearing and provides guidance on matters related to federal law including reasonable efforts, the best interests of the child, due process, and inquiries and findings related to the ICWA.

Prior to providing the PPH Benchcard and training on the Benchcard to all Model Court Lead Judges, NCJFCJ staff tested its application and effect. Three Model Court sites were involved in the initial testing. These sites had dependency benches with numerous judicial officers and a large number of cases. Their size and structure permitted a research design with a set of control hearings where judicial officers did not use the Benchcard and a set of experimental

\(^{11}\) See footnote 9.

hearings where a different group of judicial officers was trained on and used the Benchcard. Results of this research were published\textsuperscript{13} and included key findings such as:

- Benchcard use increases the thoroughness of discussion around key dependency topics in preliminary protective hearings.
- Benchcard use is associated with a reduction in foster care placement rates and an increase in family placement rates across all racial groups.

Other noteworthy findings from the research included substantial differences across ethnic groups in the types of cases that came to court. White families were more likely to face allegations involving poor parenting due to substance abuse, mental health issues, and homelessness. Hispanic families were more likely to face an allegation of “failure to protect,” while African American families came into court with fewer and less serious allegations, and were more likely to have their cases dismissed at the initial hearing.\textsuperscript{14}

In 2010, the PPH Benchcard was finalized as part of the \textit{Technical Assistance Brief “The CCC Preliminary Protective Hearing Benchcard: A Tool for Judicial Decision-Making.”}\textsuperscript{15} The PPH Benchcard is an aspirational judicial practices tool to further the thoroughness standards of hearings set forth in the \textit{RESOURCE GUIDELINES}.\textsuperscript{16} Research on the Benchcard is ongoing.

\textbf{ICWA Compliance TAB}

\begin{quote}
“There is a direct tie between a court’s or agency’s respect for federal and state Indian Child Welfare Act (ICWA) laws and their understanding of Tribal sovereignty.”

– Professor Kurt D. Siedschlaw, University of Nebraska at Kearney
\end{quote}

In collaboration with Tribal STAR, the NRC4Tribes and CFP, the NCJFCJ developed tools and a TAB on ICWA compliance to assist judges with full compliance with the provisions of ICWA. “Improving Compliance with the Indian Child Welfare Act: A Guide for Juvenile and Family Courts”\textsuperscript{17} was released in 2012, supported by a webinar introducing it as a judicial tool.\textsuperscript{18}

As an additional training aid, a video from the 2011 Lead Judges Meeting was posted on the NCJFCJ website.\textsuperscript{19} Documenting the history of federal Indian policy, the purpose of the ICWA, and the impact of ICWA noncompliance on tribal peoples, the video was created as a training tool for ICWA compliance.

\textbf{All-Sites Conferences and Lead Judges’ Meetings} – Between 2008, when the CCC National Agenda was launched, and 2010, annual project-wide All-Sites Conferences provided by NCJFCJ were important venues for Lead Judges and their Model Court teams to receive information and training on CCC. Semi-Annual Lead Judges Meetings were also key gatherings for judges to candidly discuss the challenges of addressing disproportionality, the tools needed to undertake this work, and their commitment to promoting the reduction of disproportionality as a Model Courts project-wide goal.

\begin{itemize}
\item \textsuperscript{13} See http://www.ncjfcj.org/sites/default/files/CCC%20Benchcard%20Study%20Report.pdf
\item \textsuperscript{14} http://www.ncjfcj.org/sites/default/files/CCC%20Research%20Snapshot.pdf
\item \textsuperscript{15} http://www.ncjfcj.org/sites/default/files/Right%20from%20the%20Start.pdf
\item \textsuperscript{16} First published in 1995, the \textit{Resource Guidelines} is in the process of being updated. The creation of the CCC Preliminary Protective Hearing Benchcard is the first step in the process to revise the \textit{Resource Guidelines} through a race-equity lens.
\item \textsuperscript{17} http://www.ncjfcj.org/sites/default/files/ICWA_Brief.pdf
\item \textsuperscript{18} http://www.ncjfcj.org/dependency-court-best-practices-webinar-series
\item \textsuperscript{19} http://www.ncjfcj.org/our-work/icwa-compliance
\end{itemize}
At the opening plenary session of the 2008 Model Courts All-Sites Conference, Model Court teams were introduced to the CCC National Agenda. At the conference, teams examined and discussed opportunities and challenges to implementing the CCC National Agenda components in their respective communities. Each team identified one or more components as local goals for its Model Court. The closing plenary focused on measuring success of Model Court efforts and also provided Model Court teams with tools for tracking and measuring progress in implementing CCC goals.

The 2009 All-Sites Conference offered workshops on social cognition, bias, and decision-making, and introduced teams to the PPH Benchcard. Breakout sessions on goal planning and logic modeling assisted Model Court teams with action planning for continued implementation of CCC goals at the local level. A plenary introduced teams to state-tribal collaboration for permanency planning for children.

Tribal collaboration was the centerpiece of the 2010 Model Court All-Sites Conference. In preparation for the conference, Lead Judges reached out to local tribes and Native American Indian cultural centers to introduce themselves and their Model Court collaborative teams. They invited tribal colleagues to join their Model Court teams and to participate in the 2010 All-Sites Conference.

Tribal voices, tribal collaboration, and state court ICWA compliance to reduce Native American disproportionality and disparities figured prominently at the 2010 conference. Plenary and breakout sessions focused on the importance of the ICWA to tribal communities and families. Model Court teams planned to further CCC goals in general and to improve ICWA compliance and tribal engagement specifically.

No All-Sites Conferences occurred in 2011 and 2012 due to reduced funding, however, a Lead Judges’ Meeting took place in December 2011 that focused on the spirit and purpose of the ICWA and on tools to guide judges with ICWA compliance. Native adult adoptees and a Native birth parent spoke of the significance of ICWA; their shared personal experiences underscored the pain, tragedy, and loss that occur when ICWA requirements are not met. Drafts of tools developed by NCJFCJ to assist Lead Judges with convening their collaborative teams specifically to address and improve ICWA compliance were provided.

**IMPLEMENTATION ACTIVITIES**

With the launch of the CCC National Agenda, NCJFCJ began providing Model Courts with site-specific trainings on the initiative, and on tools and technical assistance to implement the initiative. These included the foundational training on implicit bias and training on the development and use of the PPH benchcard. Whenever possible, training and technical assistance were coordinated with related state CIP projects and initiatives, and related projects and initiatives of local child welfare agency, Court Appointed Special Advocate programs, service providers, attorneys, and other stakeholder groups.

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20 The meeting was made possible through funding from Casey Family Programs.
Most initial foundational trainings on implicit bias in the Model Courts were presented as part of a “CCC Kick-Off.” Generally, the kick-off was attended by a large multidisciplinary group of local legal and child welfare professionals. All kick-offs provided participants with training and facilitated discussion on implicit bias and institutional racism. Some kick-offs also included a segment for attendees to engage in strategic action or next steps planning.

The PPH Benchcard was designed to be used only *after* systemic racism and implicit bias training. In the Model Courts, a stand-alone training on the Benchcard followed foundational implicit bias and systemic racism training, and only in Model Court jurisdictions where the foundational training had occurred. Some Benchcard trainings included Benchcard implementation planning.

**MODEL COURT CCC IMPLEMENTATION ASSESSMENT**

CCC National Agenda implementation activities engaged in by Model Courts since 2008 have been tracked in two ways:  

1) A chronological record of activities was captured on an individual “Tracking Sheet” specific to each Model Court. This record includes a description of the activity, date, and participants, and classifies the activity into the appropriate National Agenda components. The tracking sheet also indicates if an activity is related to tribal collaboration and engagement.

2) The “CCC Matrix” is a master record for activities undertaken by all Model Court sites. The matrix organizes information by specific CCC National Agenda components. Each component is further classified as “tribal related,” as appropriate.

These tracking documents generated 21 activities that some or all Model Courts engaged in to implement the CCC National Agenda components and subcomponents. The tracking documents also aided in capturing site-specific steps that individual Model Courts took to implement a component or subcomponent of the National Agenda.

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22 Model Court sites are dynamic environments. At each site, a range of activities occurs throughout the year. Lead Judges and members of Model Court collaborative teams are active locally, regionally and statewide on diverse initiatives, trainings, and committees. The tracking records are a good mechanism for capturing relevant information about Model Court activities related to CCC National Agenda implementation. However, they should not be viewed as a complete or thorough record of implementation information.

23 See Appendix A for an example of the Tracking Sheet that is used to capture CCC implementation information for an individual Model Courts.

24 See Appendix B for a sample section of the CCC matrix that depicts how information on Model Court site activities is captured for each Agenda component/subcomponent.

25 These general activities included hosting or participating in training – foundational, advanced, PPH Benchcard-specific, creating task forces or work groups for disproportionality reduction at the local and/or state level, engaging in tribal outreach and including tribal members in court teams, collecting and analyzing data, and implementing specific practices such as use of the PPH Benchcard, family finding strategies, and family engagement strategies.
Implementation of CCC National Agenda Components

As Chart 1 indicates, by 2012, the greatest number of Model Courts had engaged in one or more activities to implement National Agenda Components I and II. Specifically, 87% of Model Courts undertook activities related to Component I: Engage national, state, local, and tribal stakeholders, community partners, and children and families; 100% of Model Courts and Lead Judges undertook activities related to Component II: Transform judicial practice. More than one-third of Model Courts pursued activities associated with Component III: Participate in law and advocacy; half of all Model Courts also engaged in activities to implement Component IV: Examine and employ research, data and promising practices, and more than one-quarter initiated activities related to Component V: Impact service array.

Since Model Courts were most active with implementation efforts involving Components I and II, their efforts are discussed in greater detail below. Examples of initiatives related to Components III-V also follow.

Component I: Engage national, state, local, and tribal stakeholders, community partners, and children and families

As Chart 2 shows, Model Courts implemented Component I: Engage stakeholders, community partners and children and families, through a range of activities: hosting or participating in a multidisciplinary foundational training on implicit bias at the local level and at the state or regional level; hosting or participating in ongoing or additional (beyond foundational training) multidisciplinary training on implicit bias at the local level; using task forces or standing committees at the local or state level to address disproportionality reduction; developing relationships and collaborations with specific tribes, including tribal members or ICWA experts in their Model Court team, and/or engaging in strategic planning specifically related to reducing disproportionality. Of these activities, Model Courts and their states most commonly pursued local multidisciplinary trainings and meetings (87%), state or regional trainings (59%), tribal

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26 As Charts 2 and 3, show most Model Courts engaged in numerous activities related to these two components.
collaborations and meetings (66%), and local (55%) or state-level (62%) task forces on disproportionality reduction. About one-third (32%) of Model Courts undertook strategic planning specifically on disproportionality reduction; about one-quarter (24%) of Model Court teams had a team member who was an ICWA expert or member of a tribe.

Chart 2 Component I Implementation Activities

Model Courts developed site-specific approaches to implementing Component I subcomponents as well:

To lead (its) local community in developing a plan to reduce disproportionality and disparities in the child welfare system by convening local minority families, community leaders, governmental agencies, schools, faith-based leaders, and community-based providers in community forums, town hall meetings, and collaborative planning sessions, the Austin, TX Model Court has a member of its Disproportionality Committee participate in other Model Court committees so that all work is analyzed and developed using a racial-equity lens.

To raise awareness about disproportionality and disparate treatment by communicating with national, state, and local media about the pervasiveness of the problem as well as efforts and initiatives to reduce disproportion, a Charlotte, NC Model Court judge’s testimony for the state’s first Justice Act regarding the effect that bias can have on decision-making and how he uses the PPH Benchcard to reduce bias was covered in a story in the Fayetteville Observer, the local paper.

Component II: Transform judicial practice

Chart 3 depicts several activities Model Courts undertook or participated in to implement Component II. Chief among these were the involvement of lead judges in foundational training
on implicit bias (100%), training of the judge (68%) and the Model Court team (42%) on the PPH Benchcard, and instituting the use of the Benchcard (42%). Some Model Courts undertook initiatives to improve family finding efforts (16%) and family engagement (26%), including court-sponsored parent mentoring programs. To promote ongoing education, judges held local trainings or participated in state wide trainings on the ICWA (34%), and engaged in cross-site visits to tribal communities (21%).

Model Courts undertook site-specific approaches to implementing Component II subcomponents as well:

To practice and promote principles of therapeutic jurisprudence through family engagement both in court and in the child welfare case-planning process, the Indianapolis, IN Model Court has the child welfare agency send a licensed specialist to the Initial Hearing to engage potential relative placements early in the case.

To conduct thorough hearings, examine all decision points and make well-reasoned findings on the record, the Charlotte, NC Model Court created a mock hearing script and conducted a role play with the script to illustrate the use of the PPH Benchcard; the role play was followed by a discussion of how hearings would be conducted differently to be in accordance with the PPH Benchcard.

To commit to training and education for themselves and their colleagues in the juvenile court, the New Orleans, LA Model Court developed a four-part, multidisciplinary training series, “Healing from Historical Trauma of Slavery,” with local university experts for court, child welfare and community stakeholders; the series addressed the issues of unconscious stereotypes affecting court-family relationships, the historical legacy of “Colorism,” and the application of the historical trauma of slavery to contemporary black families with children in foster care.
Component III: Participate in policy and law advocacy

Model Court Lead Judges and Court teams were active in advocating for ICWA compliance and ICWA incorporation into state law or Rules of Court. One-third (34%) of Model Court states have enacted a state law adopting the federal ICWA, and have codified sections of the ICWA into a state statute or state Administrative Code or Rules of Court.

Model Courts developed site-specific approaches to implementing Component III subcomponents as well:

To seek the active participation of state and local lawmakers and relevant government agencies and departments to develop cross-systems and collaborative approaches to dismantling state and local laws and policies that perpetuate racial disproportionality and disparities, the Concord, NH Model Court Executive Committee Member and Director of the NH child welfare agency worked with members of the Consortium of New England Child Welfare Directors to develop an MOU to establish a process to communicate with tribes in their states.

To promote open child welfare hearings and encourage community members to become aware of the decision-making process, the Los Angeles, CA Model Court Lead Judge issued a standing order that all dependency case hearings would be open to the public.

To promote full-scale (from hotline to permanency) statewide implementation of objective decision-making processes and tools (such as Structured Decision-Making), the San Jose, CA Model Court worked with the child welfare agency for a policy change to reduce the use of by-pass practices (going straight to termination of parent rights, rather than providing services) and to have agency supervisors review all cases in which by-pass is recommended.

Component IV: Examine and employ research, data and promising practices

Half of all Model Courts engaged in reviewing case/court file data and outcomes data or decision points to learn about and reduce disproportionality and disparity in their jurisdiction. As part of the foundational training on implicit offered at the local level and/or training on the PPH benchcard, many Model Courts also had CIP staff present data on disproportionality for the state and the Model Court’s jurisdiction.

Model Courts created site-specific approaches to implementing Component IV subcomponents as well:

To address and improve local jurisdictions’ capacity to collect and analyze data related to racial disproportionality within each child-serving entity and within the court systems, the Austin, TX Model Court created a form for collecting race and ethnicity data that is filled out for each child and parent at the Status Hearing.

To collect and evaluate data at the case level, by judge and by jurisdiction, the Charlotte, NC Model Court had Guardian ad litem supervisors and other stakeholders who regularly attend hearings assist with data collection on ICWA compliance using an instrument created by the NCJFCJ.
To select outcome measures and develop strategies to improve permanency-related outcomes for children of color in the child welfare system, the Lake Charles and New Orleans, LA Model Courts worked with Casey Family Programs and the state CIP to select, hire, and train Louisiana-based permanency experts to review “cold case files” of children aged 14-17, still in care following the termination of parental rights and with case plans of APLA; the review reinvigorated permanency planning efforts for these children and helped to identify and address barriers to permanency.

Component V: Impact service array

Model Courts engaged in a variety of activities to affect the delivery, quality, relevancy and accessibility of services for families of color. Model Courts with Zero to Three programs for infants and toddlers (13%) provide services (front-loading) early in the case process to reduce removal and support speedy permanency.

Model Courts engaged in site-specific initiatives for implementing Component V subcomponents as well:

To require culturally competent, linguistically appropriate services for children and families of color involved in the child welfare system, the Hattiesburg, MS Model Court initiated the creation of bilingual materials by translating its Model Court Dependency Calendar and handbook from English to Spanish and now provides it to English and Spanish-speaking parents.

To encourage minority communities in their jurisdiction to develop community-based resources and information that are specific to their cultural and community needs, the Los Angeles, CA Model Court undertook an initiative to work with the child welfare agency to increase the licensing of relative/kin families as foster families, and the San Jose, CA Model Court Lead Judge participated in a project of the Law Raza, a community organization supporting Latinos, and the Harvard Law School Clinic to investigate and mediate the relationship between the Latino community, the child welfare agency, and the court system, and assisted in developing project instruments.

To ensure that quality and effectiveness of services are addressed, the Austin, TX Model Court evaluated the paternity testing process and facilitated changes in the process to decrease the time between an order for testing and the availability of results, and the Seattle, WA Model Courts enlisted the assistance of NCJFCJ in assessing the effectiveness of its parenting mentoring program to determine if there were any differences in process, outcome or parent satisfaction for parents/children of color compared to Caucasian parents/children.

PROGRESS IN DISPROPORTIONALITY REDUCTION

In the past decade, courts and child welfare agencies across the country have increased their awareness of the problems of disproportionality and disparate treatment of children of color. NCJFC’s CCC National Agenda has contributed to this awareness as well as to system reform efforts to reduce disproportionality.

27 Louisiana’s Cold Case Review Project used the Casey concept of Permanency Roundtables to give more rigorous and sustained attention to permanency placements for children, especially children of color, who have been in foster care for an extended period of time.
At the local level, most Model Courts are still at the early stages of developing the capacity to track the impact of the efforts described in this report on reducing disproportionality and increasing equity and fairness in the access that all families have to services, processes, and opportunities.

However, individual scholars and federal data sources have created tools to quantify the magnitude of the problem of disproportionality and to track progress in reducing it. Robert Hill\textsuperscript{28} developed the “disproportionality index” as an indicator for the degree to which children of a racial or ethnic group are in foster care in a given jurisdiction at a level higher, lower or comparable to their percentage in the general population. The disproportionately index is calculated by taking the proportion of children in foster care for a given race and dividing it by the proportion of the same racial group in the child population. This calculation creates a ratio. Ratio scores ranging from 0.00 to 0.99 indicate underrepresentation, ratio scores of 1.0 indicate no disproportionality, and ratio scores of 1.1 and greater indicate overrepresentation.\textsuperscript{29,30}

The 1997 Adoption and Safe Families Act (P.L. 105-89) required child welfare agencies to provide information annually about children in foster care to the Adoption and Foster Care Analyses and Reporting System (AFCARS). Reported information includes the number of children entering fostering care, the number exiting foster care, and the number still in care at the end of each fiscal year. In 2007, the Government Accountability Office (GAO) issued a report with state disproportionality indices using 2004 population estimates from the U.S. Census data and 2004 AFCARS data.\textsuperscript{31}

In 2011, NCJFCJ research staff expanded upon Hill’s disproportionality index tool and the GAO’s report on disproportionality and created the NCJFCJ Technical Assistance Bulletin, \textit{Disproportionality Rates for Children of Color in Foster Care}. For each state and several Model Court jurisdictions, the TAB reports disproportionality indices (based on data available from AFCARS) for African American children, Hispanic/Latino children, Asian/Pacific Island children, and Native American/Alaska Native children at entry into foster care, at exit from foster care, and still in care at the end of the fiscal year.

In addition, to offer a visual shorthand for comparing disproportionality indices across states and over time, the TAB also presents a color-coded map of the United States, in which each state is assigned a color based on its disproportionality index.\textsuperscript{32} On the map, indices are categorized into six ranges with each index range associated with a color: red indicates the highest levels of disproportionality with an index of 4.1 or higher; orange captures the next highest level of disproportionality with an index range of 3.1 to 4.0; yellow is for the index range of 2.1 to 3.0; green is for the index range of 1.3 to 2.0; blue is for the lowest disproportionality index range of 1.1 to 1.2; and white represents no disproportionality (1 or below).\textsuperscript{33}

\textsuperscript{30} As an example, in a community where 40% of the children entering foster care are African American, and only 20% of the child population is African American, the disproportionality index would be 2.0. This score indicates that African Americans are twice as represented in foster care as they are in the general population. Ibid.
\textsuperscript{31} Ibid. p 1.
\textsuperscript{32} Using the index for the respective racial/ethnic groups still in care at the end of the fiscal year.
\textsuperscript{33} Summers, Wood, and Donovan, (2013), p.8
To date, NCJFCJ has published two TABs on disproportionality; the latest contains indices for 2000, the earliest year for which NCJFCJ obtained data, and 2011, the most recent year for which indices could be determined. While these dates do not directly correspond to dates for the launch (2008) and assessment (2012) of the Courts Catalyzing Change Initiative, they do give some reference regarding progress in reducing disproportionality for states with jurisdictions involved in the Model Courts project.

Maps 1-4 show changes in the disproportionality indices for African American children (Maps 1-2) and Native American children (Maps 3-4) from 2000 to 2011. As Maps 1-2 indicate, with respect to states with Model Courts, between 2000 and 2011, 54% (15/28) of states lowered their disproportionality index for African American children by at least one index range category.

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34 Disproportionality indices for only African American children and Native American children are included in this discussion as these groups experience the most persistent (in the case of African American children) or most severe (in the case of Native American children) disproportionality in foster care. Across the country, disproportionality of African American children in foster care has been most widespread and enduring. While disproportionality of Native American children is evident in fewer states, where there is disproportionality, the ratio tends to be even higher than the ratio for African American children.

35 Washington, DC is a Model Court jurisdiction but it is excluded from this discussion of disproportionality calculations in states with Model Courts.

36 See p. A-5 in the Appendix for a full listing of Model Court sites. Between 2008 and 2012, Model Courts were in the states of Arizona, California, Colorado, Florida, Georgia, Hawai‘i, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. Washington, DC also has a Model Court.
Disproportionality Index Map Coding

Red = highest > 4.1
Orange = 3.1 to 4.0
Yellow = 2.1 to 3.0
Green = 1.3 to 2.0
Blue = lowest 1.1 to 1.2
White = No disproportionality.

Map 1 African American Children in Foster Care in 2000
In 2000, 21% (6/28) of Model Court states had a disproportionality index of 2.0 or lower (indicated by the colors green, blue, or white) for African American children. By 2011, 39% (11/28) had achieved a disproportionality index of 2.0 or lower for this group of children. Also, while no Model Court state had a disproportionality index of 1.1 to 1.2 (blue on the map) in 2000 for African American children, by 2011, three states - Louisiana, Mississippi, and Tennessee - did.

In terms of Native American children in foster care, as Maps 3-4 show, between 2000 and 2011, the percentage, overall, of Model Court states with disproportionality decreased slightly from 43 (12/28) to 39 (11/28). However, by 2011, 75% (21/28) of Model Court states had achieved a disproportionality index of 2.0 or lower (green, blue, or white) for Native American children in foster care.
Map 3 Native American Children in Foster Care in 2000

Map 4 Native American Children in Foster Care in 2011
CONCLUSION

Implicit bias and structural racism are complicated and highly nuanced phenomena created and maintained by myriad decision-makers in both public and private sectors at local, state, and federal levels. Trial courts that handle dependency cases are a part of a multifaceted landscape of decisions that create disproportionality and have the potential to eradicate disproportionality. Many governmental and nonprofit organizations across the country have been working toward the reduction of disproportionality of children of color in foster care. NCJFCJ, with the assistance of Casey Family Programs and OJJDP, developed the CCC Initiative to recognize the role that judges have in reducing disproportionality and to give judges and stakeholders tools to accomplish this goal. We are not able to separate the effects of NCJFCJ’s work at the national or community level from the effects of the work of other organizations and initiatives related to disproportionality reduction; nor at this time are we able to measure the precise impact that the Courts Catalyzing Change Initiative has had on reducing disproportionality in states with Model Courts.

However, from data available for the past decade, indicators of disproportionality of children of color in foster care are moving in the desired direction. Disproportionality is decreasing, in some jurisdictions more profoundly than in others.

As this Progress Report indicates, through CCC, numerous judges and stakeholders in Model Court jurisdictions have taken positive actions to reduce the disproportionate representation and disparate treatment of children of color in the foster care system. They have accomplished these actions through hosting or participating in local, regional, and state-level training on structural and implicit bias to understand the nature of the problem, its context and its consequences. They have also changed practices that affect how hearings are conducted and how families come to be understood and treated by the legal and child welfare systems. They are beginning to collect and use data to monitor and improve the effects of their decisions on children and families. As the next components of the CCC National Agenda are implemented on the local, state, and national levels, courts will continue to lead the way in achieving improved outcomes for children and families.
APPENDICES

CCC Tracking Sheet Example
CCC Matrix Segment Example
Model Court Sites 2008 - 2012
Entry Date: October 6, 2010
☒ New Entry ☐ Update of previous entry
☒ Tribal Engagement

**Detailed Implementation Step:** gather and exchange information about various Louisiana tribes and their cultural differences and schedule/hold a training on this information; provide cultural cards

**Target Completion Date:** October 2010 and ongoing into 2011

**Model Court Lead Staff:** NOLA Model Court Staff, Judge Gray, Karen Matthews/Tribal liaison, DCYF staff and parent attorneys

**NCJFCJ Staff/Faculty:** none

**Related Agenda Components (Select one set):** ☒ Engage Stakeholders:
Engage local and state judicial leaders

☒ Transform Judicial Practice: Commit to training and education ☐ Policy & Law

Advocacy: ☐-Select Subcomponent-

☐ Research & Best Practices: ☐-Select Subcomponent- ☒ Impact Service Array

Require culturally competent services

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Entry Date: October 6, 2010
☒ New Entry ☐ Update of previous entry
☒ Tribal Engagement

**Detailed Implementation Step:** plan and carry out a site visit to the Chitimacha Tribe's reservation, observe tribal hearings and tour tribal museum

**Target Completion Date:** April 2011

**Model Court Lead Staff:** Judge Gray and Karen Mathews/tribal liaison

**NCJFCJ Staff/Faculty:** none

**Related Agenda Components (Select one set):** ☒ Engage Stakeholders:
Engage local and state judicial leaders

☒ Transform Judicial Practice: ☐-Select Subcomponent- ☐ Policy & Law

Advocacy: ☐-Select Subcomponent-

☐ Research & Best Practices: ☐-Select Subcomponent- ☐ Impact Service Array

Require culturally competent services

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Entry Date: October 6, 2010
☒ New Entry ☐ Update of previous entry
☒ Tribal Engagement

**Detailed Implementation Step:** Contact Urban League, NOLA area medical professionals, and Fatherhood Initiative to invite to join the Model Court

**Target Completion Date:** October 2010

**Model Court Lead Staff:** Lead Judge Gray, Model Court Team members

**NCJFCJ Staff/Faculty:** none
Related Agenda Components (Select one set):  ☑ Engage Stakeholders:
Engage local and state judicial leaders

☐ Transform Judicial Practice: -Select Subcomponent
-Select Subcomponent-  ☐ Policy & Law Advocacy:

☐ Research & Best Practices: -Select Subcomponent-
-Select Subcomponent-  ☐ Impact Service Array
### Component I. Engage stakeholders, community partners, and children and families.

<table>
<thead>
<tr>
<th>SUB-COMPONENT</th>
<th>MODEL COURT / JURISDICTION</th>
<th>ACTIVITY</th>
<th>DATE</th>
<th>TRIBAL ENGAGEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engage local, state &amp; tribal judicial leaders and court administrators to promote the reduction of disproportionality through action-oriented and solution-driven statewide committees, task forces, and educational forums.</td>
<td>Alexandria, Virginia</td>
<td>CCC Subcommittee was formed to implement goal-setting and strategy development to engage local and state stakeholders in reducing disproportionality.</td>
<td>On-going</td>
<td></td>
</tr>
<tr>
<td>Austin, Texas</td>
<td>Model Court Lead Judge presented on the Austin Model Court's work to reduce disproportionality at a convening of courts and child welfare agency representatives from Colorado, Texas and Oregon.</td>
<td>September 2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Louisville KY All-Sites</td>
<td>Participating courts: Austin, Baltimore, Charles County, Charlotte, Chicago, Concord, Dallas, Des Moines, Gila River, Hattiesburg, Honolulu, Howell, Indianapolis, Lake Charles, Las Vegas, Los Angeles, Louisville, Miami, Nashville, New Orleans, NY, NY statewide, Portland, Prince George's County, Reno, San Jose, Seattle, Tucson, Washington DC Louisvile, KY 2010 All-Sites engagement and action planning</td>
<td>October 2010</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Austin, Texas</td>
<td>Travis County Model Court Disproportionality Committee continues outreach to recruit additional committee members to include parent and youth representatives. CPS representatives recently joined the Committee, as well as former foster youth,</td>
<td>September 2010</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Reporting Period: 2008-2012**
For purposes of CCC reporting, only State Model Courts are included. A total of 38 State Model Court Sites (including Washington, D.C.), situated in 28 state jurisdictions plus Washington, D.C., were Dependency Model Courts Program participants between 2008-June 2012.

Model Court Sites - 2008-2012

Alexandria, VA          Greeley, CO          Newark, NJ
Austin, TX             Hattiesburg, MS       New Orleans, LA
Baltimore, MD          Honolulu, HI          New York City
Buffalo (succeeded by New Howell, MI        Omaha, NE
York Statewide)       Indianapolis, IN        Portland, OR
Charles County, MD     Lake Charles, LA       Prince George’s County, MD
Charlotte, NC          Las Vegas, NV          Reno, NV
Chicago, IL            Los Angeles, CA        Salt Lake City, UT
Cincinnati, OH         Louisville (succeeded by San Jose, CA
                       Kentucky Statewide)          Seattle, WA
Concord, NH            Miami (succeeded by Florida Toledo, OH
                       Statewide)                    Tucson, AZ
Dallas, GA             Milwaukee, WI          Washington, D.C.
El Paso, TX

Model Court Jurisdictions by State plus Washington, D.C.

Arizona (Tucson)       Nebraska (Omaha)
California (San Jose, Los Angeles) Nevada (Reno, Las Vegas)
Colorado (Greeley)     New Hampshire (Concord)
Florida (Miami succeeded by New Jersey (Newark)
                       Statewide)                    New York (New York City, Buffalo/New
Georgia (Dallas)        York Statewide)
Hawai’i (Honolulu)      North Carolina (Charlotte)
Illinois (Chicago)      Ohio (Cleveland, Cincinnati, Toledo)
Iowa (Des Moines)       Oregon (Portland)
Indiana (Indianapolis)  Tennessee (Nashville)
Kentucky (Louisville, succeeded by Texas (Austin, El Paso)
                       Statewide)                    Utah (Salt Lake City)
Louisiana (Lake Charles, New Orleans) Virginia (Alexandria)
Maryland (Baltimore, Charles County, Washington (Seattle)
                       Prince George’s County)       Washington, D.C.
Michigan (Howell)       Wisconsin (Milwaukee)