

2014

PROCESS EVALUATION:  
*COURTS CATALYZING CHANGE (CCC)*  
PRELIMINARY PROTECTIVE HEARING  
BENCHCARD



NATIONAL COUNCIL OF JUVENILE  
AND FAMILY COURT JUDGES

JUVENILE LAW PROGRAMS

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National Council of Juvenile and Family Court Judges  
Juvenile Law Programs  
University of Nevada  
P.O. Box 8970  
Reno, Nevada 89507  
(775) 327-5300  
[www.ncjfcj.org](http://www.ncjfcj.org)  
[research@ncjfcj.org](mailto:research@ncjfcj.org)

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Mari Kay Bickett, JD, Chief Executive Officer, NCJFCJ

### **Report Contributors**

Carlene Gonzalez, Ph.D., Research Associate, Juvenile Law Program

Alicia Summers, Ph.D., Program Director, Research and Evaluation, Juvenile Law Program

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## EXECUTIVE SUMMARY

The Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care Initiative (CCC) is a partnership between the National Council of Juvenile and Family Court Judges (NCJFCJ) and Casey Family Programs. The CCC initiative promotes collaboration between judicial officers and other professionals to focus on a national agenda designed to reduce racial disproportionality and disparities in the dependency court system. Since 2008, NCJFCJ staff and consultants have attempted to improve practice and provide court stakeholders with tools to achieve better outcomes for children and families through various trainings.

The goals of this process evaluation were to assess (1) Perceptions of past NCJFCJ CCC Benchcard trainings, (2) Stakeholder support of the CCC Benchcard and (3) Strengths and challenges associated with CCC Benchcard implementation.

Findings suggest that participants were pleased with the various aspects of their training experience. For future trainings, however, participants offered the following constructive criticism:

- Clarify how to request NCJFCJ technical assistance,
- Incorporate a demonstration activity with a judicial officer, and
- Discuss the potential barriers of implementing the CCC Benchcard.

Buy-in emerged as an issue with stakeholder support. These findings suggest that further discussion on how to improve inter-agency dialogues about the usefulness and effectiveness of the CCC Benchcard are needed so that implementation can be successful.

In regards to implementation, the majority of judicial officers reported integrating the CCC Benchcard into their Preliminary Protective Hearing (PPH)<sup>1</sup> practices and half of them indicated that they were likely to continue utilizing the CCC Benchcard. Low CCC Benchcard fidelity across judicial officers, however, surfaced as a concern. Although judicial officers cited that the CCC Benchcard strengthened their PPHs by developing a standardized set of questions and reminding them to speak with litigants individually, there were also challenges related to its implementation, including stakeholder buy-in, length of hearing time increasing and difficulty addressing certain discussion topics.

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<sup>1</sup> The preliminary protective hearing (PPH) is the first court hearing in dependency cases. In some jurisdictions, it is referred to as a *detention hearing*, *shelter care hearing*, or the *initial hearing*.

## BACKGROUND

The Courts Catalyzing Change: Achieving Equity and Fairness in Foster Care Initiative (CCC) is a partnership between the NCJFCJ and Casey Family Programs. The CCC initiative promotes collaboration between judicial officers and other professionals to focus on a national agenda designed to reduce racial disproportionality and disparities in the dependency court system. The CCC Benchcard was developed through the collaboration and efforts of the CCC Steering Committee and judges associated with NCJFCJ's [Model Courts Project](#). Aligning with the [Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases](#),<sup>2</sup> the CCC Benchcard was created to serve as a judicial decision-making tool to be utilized during the PPH. The CCC Benchcard contains two types of inquiry: internal and external. The first portion of the CCC Benchcard focuses on judges' self-reflection. Judges are asked to consider the decision-making process they utilize to protect the child and family against institutional bias.<sup>3</sup> Below are example questions judges were asked to ponder when examining potential biases that may impact their decisions in the courtroom.

- What assumptions have I made about the cultural identity, genders, and background of this family?
- How has the court's past contact and involvement with this family influenced (or how might it influence) my decision-making process and findings?

The second portion of the CCC Benchcard spotlights salient family court topics, including but not limited to, the Indian Child Welfare Act (ICWA) determination, parental engagement, due process, and evaluation of reasonable efforts to prevent removal from the home or allow for the child to be returned to the home. Below are a few critical questions judges are expected to ask when making judicial inquiry of hearing parties during the PPH:

- What language are you most comfortable speaking and reading? (Parental engagement)
- What were the diligent search efforts for all parents? (Due process)
- What services were considered and offered to allow the child to remain at home? Were these services culturally appropriate? (Reasonable efforts to prevent removal)

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<sup>2</sup> National Council of Juvenile and Family Court Judges. (1995). *Resource guidelines: Improving court practice in child abuse and neglect cases*. Reno, NV: Author. Available at <http://www.ncjfcj.org/resource-library/publications/resource-guidelines-improving-court-practice-child-abuse-neglect-cases>

<sup>3</sup> Institutional bias is the tendency for procedures and/or practices of particular institutions to operate in ways which result in certain social groups being systemically disadvantaged, in comparison to other groups. Oxford Reference available at <http://www.oxfordreference.com/view/10.1093/oj/authority.20110803100005347>

- What is preventing the child from returning home today? (Safety issue)

Rollout of the CCC Benchcard was scheduled to co-occur or follow CCC Benchcard training in the site, which included both a racial equity training and a training specifically on the tool. NCJFCJ staff and consultants provided numerous courts with CCC Benchcard training since 2008. Typically, trainings take place over the course of one or two days (lasting six to eight hours in duration per day). Trainings consisted of presentations and discussions with judicial officers and court stakeholders on institutional and structural racism and/or implicit bias<sup>4</sup> that provided contextual and historical information related to decision-making biases. Several different trainings on racial equity were used, including one specifically on implicit bias training, and another that included more structural or institutional racism, where participants viewed a documentary movie, *Race: The Power of an Illusion: The House We Live In*<sup>5</sup>. In the racial equity trainings, participants took part in dyadic and group activities to discuss their observations and perspectives.

NCJFCJ's staff and consultants also presented data on disproportionalities and disparities for the states they were visiting. Participants engaged in discussions about the CCC Initiative and CCC Benchcard. Participants received a [copy of the CCC Benchcard](#) which instructs judges to reflect on their own assumptions about each individual case and a list of topic-specific questions what should be addressed at each court PPH hearing. Judicial officers also received a copy of [Right from the Start: The CCC Preliminary Protective Hearing Benchcard – A Tool for Judicial Decision-Making](#), a technical bulletin which provides assistance when using the CCC Benchcard. Lastly, participants discussed subsequent actions for their jurisdiction. Approximately a week later, participants were asked to evaluate each presenter, as well as the overall training.

### **Prior Research on the CCC Benchcard**

The NCJFCJ training and the implementation of the CCC Benchcard in the courtroom is anticipated to improve daily judicial practices, as well as court consumer outcomes. Previous research suggests that the implementation of the CCC Benchcard has resulted in several positive *short-term* outcomes. For instance, utilization of the CCC Benchcard has been associated with a decrease in stranger foster care placements and an increase in family placements (e.g., non-charged parents or relatives)<sup>6</sup>. Implementing the CCC Benchcard has also been associated with an increase in (a) quality

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<sup>4</sup> See, for example, Kang, J. (2009). *Implicit bias a primer for the courts*. Available online at <http://www.ncsc.org/~media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/kangIBprimer.ashx>

<sup>5</sup> California Newsreel. (2003). *Race: The power of an illusion: The house we live in*. [DVD/VHS].

<sup>6</sup> National Council of Juvenile and Family Court Judges. (2011). *Right from the start: The CCC preliminary protective hearing benchcard study report*. Reno, NV: Author.

and quantity of discussion of critical dependency-related topics during the PPH<sup>7</sup>, (b) judicial inquiry, (c) parental engagement<sup>8</sup>, and (d) the percentage of children returned home to the charged parent at the PPH and adjudication hearings.<sup>9</sup> Follow-up analyses, however, indicated that family placements were greatest when training on implicit and institutional bias was *coupled* with the use of the CCC Benchcard.<sup>10</sup> These findings are encouraging as they imply that using the CCC Benchcard and receiving NCJFCJ training can have an *immediate impact* on judicial practices in court, such as better engaging parents, and on judicial placement decisions.

Preliminary results suggest that the *long-term* effects of CCC Benchcard may be limited. Further investigation on judicial officers' fidelity to the CCC Benchcard is needed. In Oregon, for example, researchers tried to replicate the CCC Benchcard study. Expected changes in judicial practices consistent with full CCC Benchcard implementation did not occur. The lead judge in one of the intervention sites self-reported that the CCC Benchcard was not implemented in his or her jurisdiction and judicial officers in the other sites reported not implementing the entire tool. Consistency across judicial officers within a site or between intervention sites is crucial to adequately assess the advantages (or disadvantages) of the CCC Benchcard.

In order to examine CCC Benchcard implementation (both process and fidelity), NCJFCJ researchers conducted an evaluation of the implementation process. This evaluation was two-fold. First, researchers felt it was important to examine participants' perceptions of past CCC Benchcard trainings. Second, researchers sought to better understand the implementation process of all intervention sites. NCJFCJ researchers were particularly curious to learn how sites were performing overall, as well as identifying the challenges and successes of CCC Benchcard implementation.

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<sup>7</sup> Russell, J. and Summers, A. (2013). An overview of the courts catalyzing change preliminary protective hearing benchcard study. *Juvenile and Family Court Journal*, 64(2), 1-16.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Russell, J. and Summers, A. (2013). Reflective decision-making and foster care placements. *Psychology, Public Policy, and Law*, 19(2), 127-136.

## OVERVIEW OF THE PROCESS EVALUATION

The purpose of the process evaluation was to reflect on the past trainings related to racial equity and the CCC Benchcard as well as the CCC Benchcard implementation process. Judicial officers and court stakeholders were asked for their opinions regarding the trainings and implementation of the CCC Benchcard in their respective jurisdictions.

The goals of this process evaluation were as follows:

1. Assess perceptions of past NCJFCJ CCC Benchcard trainings,
2. Assess stakeholder support of the CCC Benchcard, and
3. Identify strengths and challenges associated with the CCC Benchcard implementation process.

## METHOD

### Data Collection Procedures

Potential participants were court stakeholders (including judicial officers) who had participated in NCJFCJ CCC Benchcard training since 2009. Model Court lead judges received an email from the Program Director for Research and Evaluation at the NCJFCJ requesting that they complete a brief online survey. Additionally, a snowball sampling technique was utilized as potential participants were asked to share the survey link with other stakeholders who may have been present for the training or judicial officers who may have been given the CCC Benchcard. A reminder email was sent to judges approximately two weeks after the first email to encourage participation. The survey link was open and available to participants for one month in October 2013. Because it is uncertain how many individuals received the survey link, a response rate could not be calculated.

### Measures<sup>11</sup>

Participants were asked when they took part in training, the type of presentation topics discussed, and what types of information they would benefit from in future trainings. Participants were also asked to rate the presentations and presenters. Next, participants reported their perceptions of stakeholder support, whether their jurisdiction would benefit from follow-up training and how the training could be improved for future participants. Then, participants were asked questions about how the CCC Benchcard was implemented (e.g., frequency, number of questions asked, strengths and challenges, etc.). Demographic data (e.g., age, race/ethnicity, and sex) were also collected.

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<sup>11</sup> Please note that survey items were created for this survey and have not been tested sufficiently for reliability.

## RESULTS

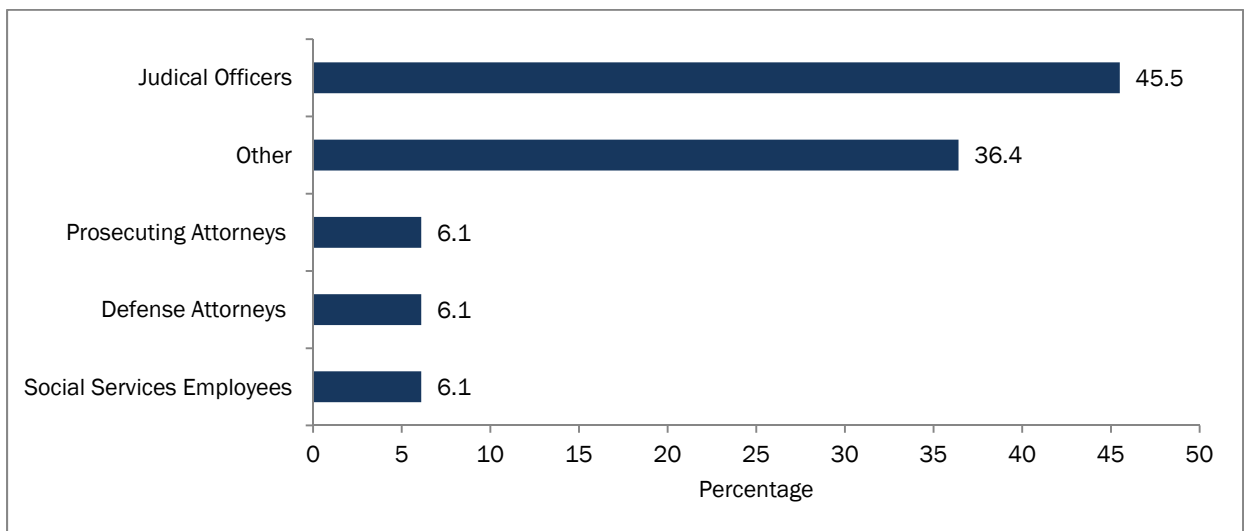
Below is a summary of findings for each of the following topic areas: (1) CCC Benchcard Training, (2) Stakeholder Support and (3) CCC Benchcard Implementation.

### Participants

A total of 51 individuals accessed the survey link; however, six of them reported not having participated in the training and were excluded from the analyses. One individual indicated participating in the training prior to 2008 and was also excluded from the analyses. The total sample size was 44.

Nearly half of participants identified themselves as judicial officers (see Figure 1). Participants who identified themselves as 'other' included Guardians *ad Litem* (GALs), Court Appointed Special Advocates (CASA) and court liaisons.

Figure 1. Participant's Role



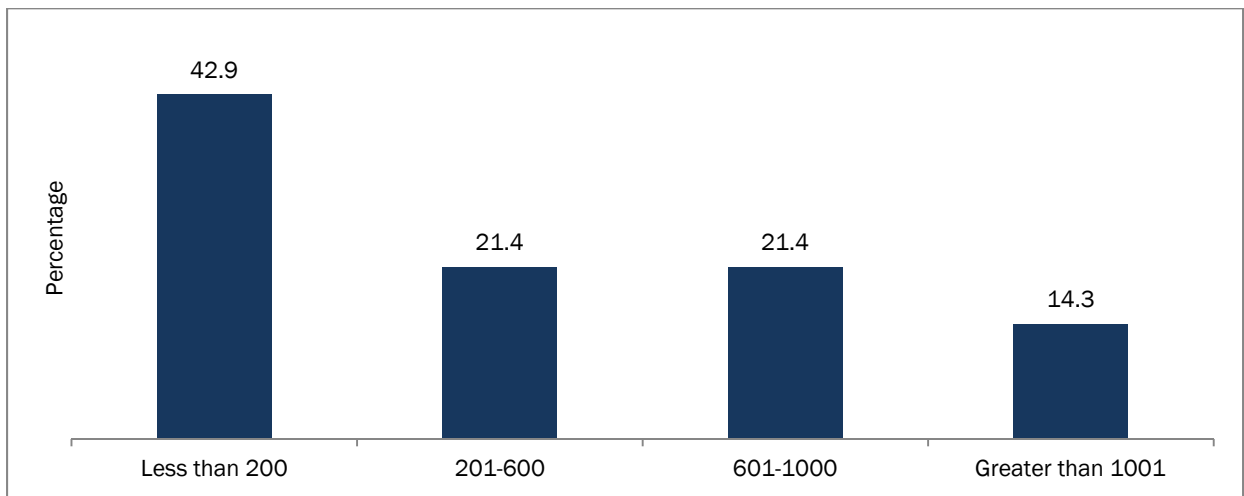
Over 90% of judicial officers identified themselves as state court officers. Nearly 54% of judicial officers reported overseeing a general jurisdiction, while the remaining judicial officers reported serving a limited jurisdiction (e.g., family or dependency courts). Forty-five percent of judicial officers indicated that they were associated with a NCJFCJ Model Court<sup>12</sup> (e.g., New York, Hawaii, and

<sup>12</sup> Model Courts are juvenile courts that have participated in NCJFCJ's Model Court Project to improve outcomes for abused and neglected children and their families. Courts active in the Model Court Project may receive individualized assessment, planning, training, technical assistance, and evaluation services as they seek to implement the principles and recommendations set forth in the NCJFCJ bench books, such as the *Resource Guidelines: improving Court Practice in Child Abuse & Neglect Cases*. More information on the Model Court Project can be found at <http://www.ncjfcj.org/our-work/model-courts>



California) and an additional 27% of them were associated with a Mentor Court<sup>13</sup> (e.g., North Carolina, Arizona, and Iowa). Twenty-seven percent of judicial officers indicated that they were NCJFCJ members. Nearly 43% of judicial officers reported their total caseload was less than 200 cases (see Figure 2).

**Figure 2. Judicial Caseload**



Sixty-seven percent of judicial officers indicated they were female. Approximately 64% of judicial officers indicated they were between 45-64 year of age, followed by 23% who were 25-44 years of age, 6.5% who were 65+ years, and 6.5% who did not respond to this question. Approximately 46% of judicial officers identified themselves as Caucasian, 12% as African American and 7% as Asian American. The remaining 35% of participants did not respond to the race/ethnicity item.

### **Part I. CCC Benchcard Training**

Part I explores participant’s perceptions of the CCC Benchcard training, including an additional race/disproportionality training that accompanied the training. Participants were asked questions about the types of training topics they received, their impressions of the presentations and trainers, and to rate activities which may be included in future NCJFCJ trainings.

Figure 3 illustrates the topics participants remember discussing during their training. CCC Benchcard training, implicit bias, and institutional racism were the most commonly cited training topics.

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<sup>13</sup> Model Courts that have experienced significant improvement in practice, have institutionalized training programs, and have developed a strong, proactive collaborative process of reform can ascend to Mentor Court status. Mentor courts demonstrate leadership in implementing statewide systems change reform efforts and coordinated court systems.

**Figure 3. Training Topics**

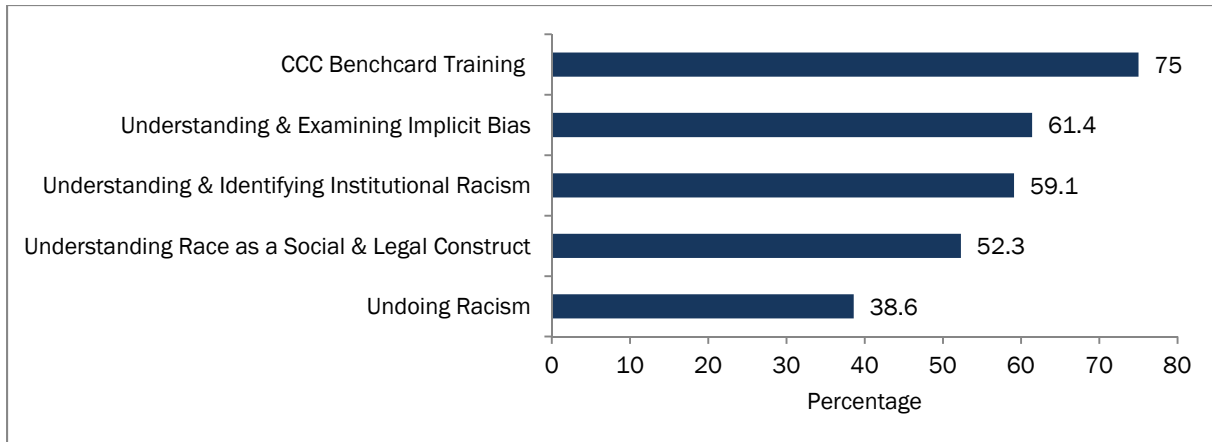
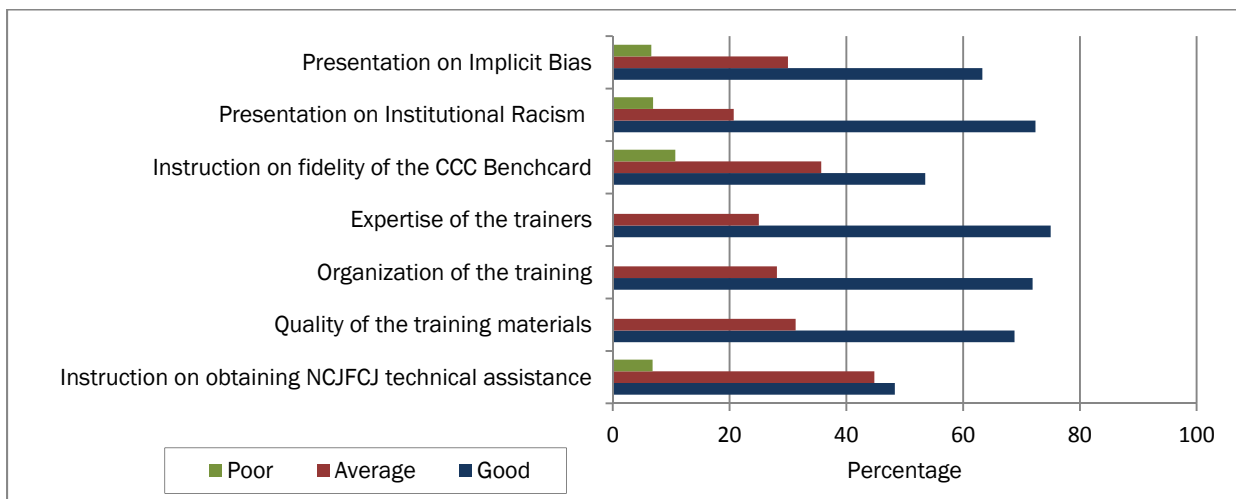


Figure 4 illustrates participants' ratings of two key presentations (implicit bias and institutional racism), trainers, materials, organization, and instruction for follow-up technical assistance. Participants were asked to rate these seven items on a 5-point scale (1 = *Very Poor* to 5 = *Very Good*). Overall, participants reported being pleased with their training experience, with over 70% of participants reporting that the expertise of the trainers<sup>14</sup>, the training being well organized, and the presentation on institutional racism as good or very good. Participants' responses varied most when rating 'instruction for obtaining technical assistance,' with only 48.3% of participants reporting that this issue was covered good or very good.

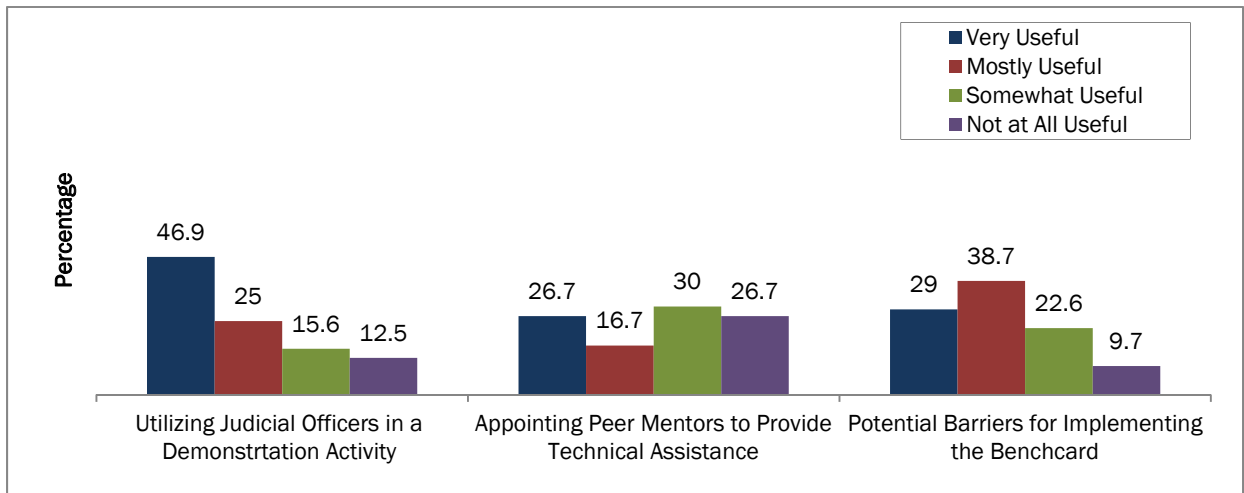
**Figure 4. Quality of Presentations and Trainers**



<sup>14</sup> It is important to note that the NCJFCJ used several experts for the training related to racial equity and use of the CCC Benchcard between 2009 and 2011.

Figure 5 illustrates participants' opinions about three activities that may be added to future CCC Benchcard trainings. Participants were asked to rate these three items on a 4-point scale (1 = *Not at All Useful* to 4 = *Very Useful*). Over 70% of participants indicated that a demonstration activity with a judicial officer would be mostly or very useful. Approximately 67% of participants indicated that receiving information on the potential barriers of implementing the CCC Benchcard would be mostly or very useful. Lastly, about 42% of participants reported that appointing a peer mentor would be mostly or very useful.

**Figure 5. Rating Future CCC Benchcard Training Activities**

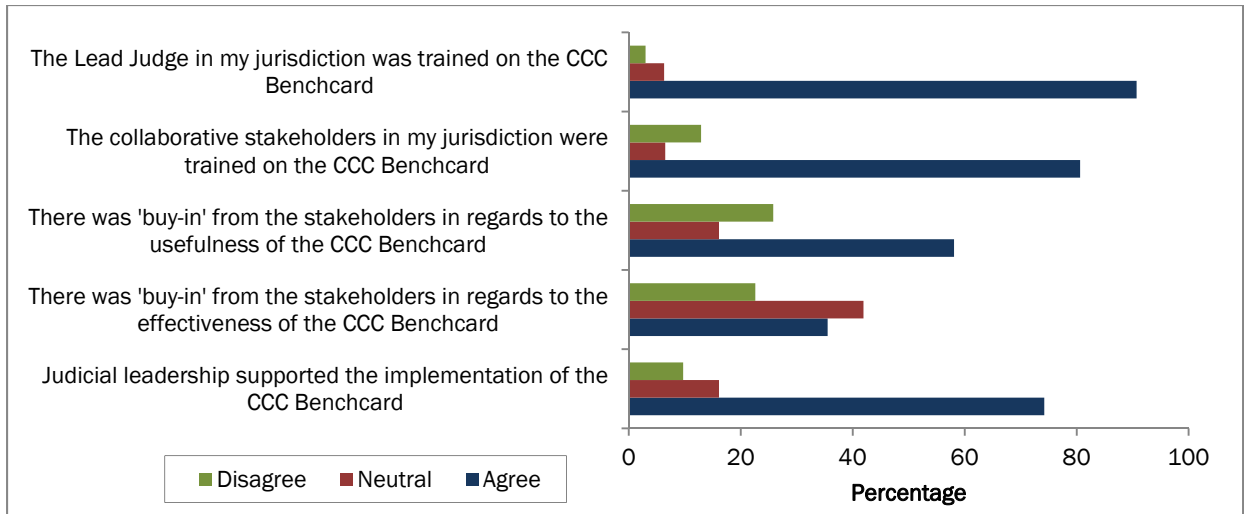


## Part II. Stakeholder Support

Part II examines participant's perceptions of stakeholder support in their jurisdiction. Participants were asked questions about the lead judge in their jurisdiction, as well as their impressions of the stakeholders' buy-in to the usefulness and effectiveness of the CCC Benchcard.

The majority participants indicated that their lead judge (91%) and collaborative stakeholders (81%) were trained on the CCC Benchcard. Three of four participants reported that judicial leadership supported the implementation of the CCC Benchcard. It is important to note, however, that participants' responses varied the most when rating stakeholder 'buy-in', with fewer participants agreeing to the effectiveness (35%) and usefulness (58%) of the CCC Benchcard. Over half of the participants indicated that their jurisdiction would probably or definitely benefit from a follow-up training on the CCC Benchcard. Figure 6 illustrates participants' perceptions of stakeholder support for the CCC Benchcard.

**Figure 6. Perceptions about Stakeholder Support**



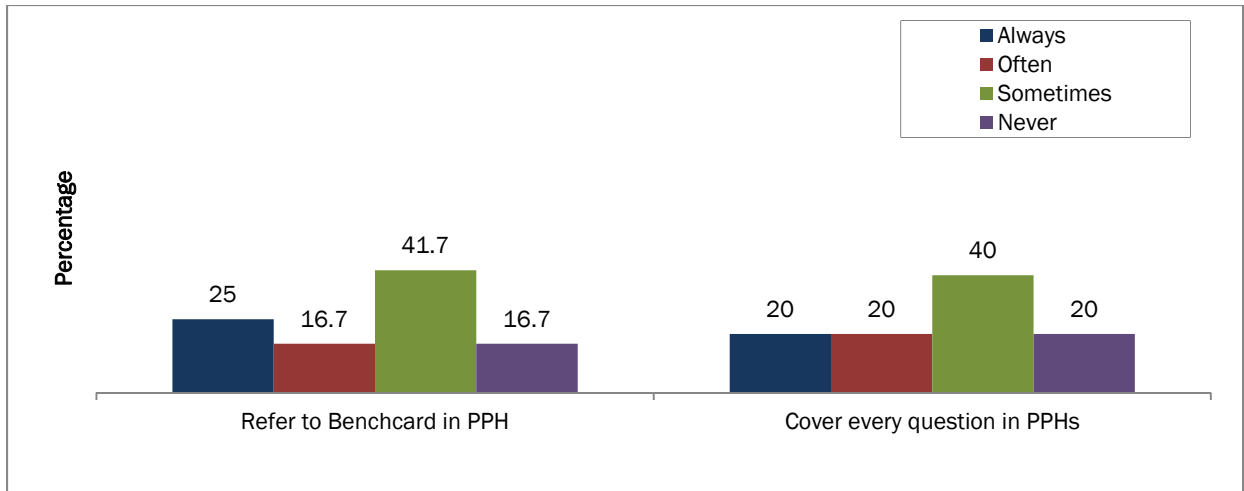
### Part III. CCC Benchcard Implementation

Part III investigates judicial officers’ CCC Benchcard implementation process. Judicial officers were asked questions about how often they referred to the CCC Benchcard and whether they covered every question on the CCC Benchcard at each PPH. Judicial officers were also asked how easy or difficult it was to implement the CCC Benchcard into their daily practice, the strengths and weaknesses of CCC Benchcard implementation, and the likelihood of them continuing to utilize the CCC Benchcard in their courtroom.

Of the 44 participants, 15 identified themselves as judicial officers. Data related to CCC Benchcard implementation only reflects this subgroup of participants (i.e., judicial officers). Over 92% of judicial officers indicated that they received a copy of the CCC Benchcard and 92% of judicial officers reported integrating the CCC Benchcard into their PPH practices.

Figure 7 illustrates how judicial officers utilize the CCC Benchcard in a PPH. Although 42% of judicial officers indicated that they referred to the CCC Benchcard always or often, 42% of them referred to the CCC Benchcard sometimes and 16% never referred to the CCC Benchcard. Similarly, 40% of judicial officers indicated that they always or often cover every CCC Benchcard question during PPH, 40% of them covered every question sometimes and 20% never covering every question.

Figure 7. Judicial Officers Utilization of the CCC Benchcard



Participants' responses indicated that the ease of integrating the CCC Benchcard into their daily practice varied, with 30% of judicial officers describing the process as easy, 30% describing the process as difficult, and the remaining 40% describing the process as neither easy nor difficult. Of the judicial officers who integrated the CCC Benchcard, 65% reported that they were very likely to continue utilizing the CCC Benchcard in their daily practice, 27% said they were somewhat likely, and 9% said that they were unlikely to continue using the CCC Benchcard. .

### Open-Ended Questions

Judicial officers were also asked a few open-ended questions related to their implementation of the CCC Benchcard. Below is a summary of themes which commonly emerged from the data.

1. What aspects of the CCC Benchcard have you found to be most useful in practice?
  - **Reminder.** Judges used the CCC Benchcard as a reminder of important PPH issues, such as application of reasonable efforts and ensuring cultural competence.
2. What were the strengths of implementing the CCC Benchcard?
  - **Reminder.** Judges used the Benchcard as a reminder to speak with each litigant individually and explain how the case will proceed.
  - **Standardized Questions.** Judges used the Benchcard to standardize PPH questions.
  - **Engaging Families.** Key players spent more time with each family (especially case workers).
3. What were the challenges of implementing the CCC Benchcard?
  - **Time.** Implementing the CCC Benchcard increased the length of time spent in PPHs

- **Challenging Topics.** Some judicial officers found it challenging to address every topic identified, particularly the ones the questions that might be challenging to ask in a manner that was culturally sensitive (e.g., race of the child; cultural needs of the family).
- **Fidelity.** It was a challenge to ensure that all judicial officers were implementing the Benchcard in a similar fashion.
- **Buy-in.** It was a challenge to ensure that all judicial officers were using the Benchcard.

## DISCUSSION

The goals of this process evaluation were threefold: (1) Assess perceptions of past NCJFCJ CCC Benchcard trainings, (2) Assess stakeholder support of the CCC Benchcard and (3) Identify strengths and challenges associated with CCC Benchcard implementation. Participants were pleased with their training experience, particularly the expertise of the trainers and the organization of the training. For future trainings, however, instruction on how to obtain further technical assistance from NCJFCJ should be improved as 45% of participants rated this portion of the training as average. Participants also felt that including a demonstration activity with a judicial officer and discussing the potential barriers of implementing the CCC Benchcard would be very useful to court stakeholders implementing the CCC Benchcard. Over half of the participants acknowledged that their jurisdiction would likely benefit from a follow-up training on the CCC Benchcard.

In regards to stakeholder support, ‘buy-in’ emerged as an issue. Even though participants acknowledged that judicial officers supported the implementation of the CCC Benchcard, several participants disagreed that the CCC Benchcard was perceived as useful (58%) and effective (35%) by court stakeholders. Lack of stakeholder buy-in was also cited by judicial officers as a challenge of CCC Benchcard implementations in their open-ended responses. These findings suggest that further discussion on how to improve inter-agency dialogues about the usefulness and effectiveness of the CCC Benchcard are needed so that implementation can be successful.

In regards to implementing the CCC Benchcard, the majority of judicial officers indicated receiving a copy of the CCC Benchcard and reported integrating it into their PPH practices. Half of the participants indicated that they were likely to continue utilizing the CCC Benchcard in their daily practice. Fidelity, however, surfaced as an issue. For instance, 20% of judicial officers acknowledged never covering *every question* on the CCC Benchcard at PPHs. Additionally, 30% of judicial officers

reported that integrating the CCC Benchcard into their daily practice was difficult. Some judicial officers cited that certain topics were difficult to discuss in court (e.g., race of the child; cultural needs of the family). Lastly, judicial officers cited that the length of hearing time increased with the use of the CCC Benchcard. While the number of CCC Benchcard questions may initially seem overwhelming, with repetition and practice court dialogue becomes more fluid and effortless. Judicial officers cited that the CCC Benchcard strengthened their PPHs by developing a standardized set of questions and reminding them to speak with litigants individually. Since their training, several participants reported that inter-agency dialogues occurred about workgroup/committee formation, specialized trainings and data analyses.

## RECOMMENDATIONS

Results of this process evaluation identify some challenges related to the CCC Benchcard training and implementation of the CCC Benchcard into daily practice. Based on the findings above, several recommendations are posed to improve future trainings and implementation.

1. *Make the CCC Benchcard Training More Interactive.* The majority of stakeholders felt that it would be useful to include a demonstration activity in the CCC Benchcard training to help illustrate how to integrate the CCC Benchcard into practice. Allowing judicial officers an opportunity to practice with the tool will help judges to identify difficult topic areas, as well as give them “real-world” style practice to see where they have questions. Some judicial districts have done this as part of the training, and found it was helpful.
2. *Discuss the Challenges of CCC Benchcard Implementation.* More than half of survey respondents indicated they felt it would have been useful to discuss the challenges or barriers to implementing the CCC Benchcard. One of the best resources the NCJFCJ has to offer is the knowledge and experiences of other judicial officers. Identifying challenges and barriers (as well as successes) from one or more sites and sharing these during the training will help prepare judicial officers for what to expect, as well as help them to brainstorm solutions to problems before they occur.
3. *Improve Buy-In from System Stakeholders.* It is important for all system stakeholders to understand the purpose behind any type of Benchcard used within the courts. As attorneys and social workers will be the ones tasked with answering many of these questions, their understanding of, and support for, the tool can be instrumental in ensuring an easy and

effective transition of the tool into practice. Conversations with stakeholders prior to implementing the tool may help with the transition process. Further, research results can be used to demonstrate the positive changes associated with CCC Benchcard use and may elicit additional buy-in.

4. *Provide Opportunities for Ongoing Training and Technical Assistance.* Many of the stakeholders reported that a follow-up training might be helpful. Follow-up training (even if held remotely via webinar or other venue) might be useful to the sites. Further, NCJFCJ support staff should consider follow-up with the sites to discuss how implementation is going, identify challenges, and brainstorm potential solutions. This should help improve fidelity.
5. *Brainstorm Ways to Ask Difficult Questions.* Judicial officers often reported that it was difficult to implement the CCC Benchcard into practice in its entirety. In particular, judges seemed to struggle with some of the more sensitive questions, such as asking parents about race, or the cultural needs of the family. Getting together a group of judges (even if done electronically through a webinar or conference call) might create an ideal opportunity to discuss these challenges and identify ways to better engage the families and get the needed information, without the awkwardness and uncertainty that questions might create in a hearing.
6. *Create a Lay Person Cheat Sheet for Judges.* Survey responses, paired with earlier observations, indicate a need for some language that can be directed at parents. For example, in asking about the Indian Child Welfare Act, many parents may not understand why the court is asking about race. Having some language available to judges that is non-technical and explains why a question is being asked may help facilitate better dialogue in court.



## SUMMARY

The current process evaluation assessed past CCC Benchcard trainings and implementation of the CCC Benchcard into practice in multiple jurisdictions around the country. Findings gave insight into participants' perceptions of these trainings, as well as strengths and challenges associated with CCC Benchcard implementation. The above-mentioned recommendations may improve future trainings and implementations as they highlight the importance of engaging the audience through an open dialogue about the court process and inter-agency collaboration, gaining stakeholder commitment by increasing their support for system change, and preparing stakeholders for challenges that arise when implementing a new court process. It is important to note that many system challenges can be aided by opportunities for subsequent trainings and technical assistance.