

RESEARCH REPORT

CHILD ABUSE AND NEGLECT  
INSTITUTE EVALUATION: TRAINING  
IMPACT ON HEARING PRACTICE



The National Council of Juvenile and Family Court Judges® (NCJFCJ), affiliated with the University of Nevada, Reno, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

For more information about the NCJFCJ or this report, please contact:

National Council of Juvenile and Family Court Judges  
Juvenile Law Programs  
University of Nevada  
P.O. Box 8970  
Reno, Nevada 89507  
(775) 507-4777  
[www.ncjfcj.org](http://www.ncjfcj.org)  
[research@ncjfcj.org](mailto:research@ncjfcj.org)

©2016, National Council of Juvenile and Family Court Judges

Joey Orduna Hastings, JD, Chief Executive Officer, NCJFCJ

### **Report Contributors**

Alicia Summers, Ph.D., Program Director, Research and Evaluation, Juvenile Law Programs  
Sophia I. Gatowski, Ph.D., Director, Systems Change Solutions, Inc., NCJFCJ Consultant  
Alicia Devault, Research Assistant, Juvenile Law

This report is a publication of the National Council of Juvenile and Family Court Judges Juvenile Law Program. The National Council of Juvenile and Family Court Judges wishes to acknowledge that this material is made possible by Cooperative Agreement No.2015-CT-FX-K001 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

## Executive Summary

The National Council of Juvenile and Family Court Judges (NCJFCJ)'s Child Abuse and Neglect Institute (CANI) has been providing training to judges overseeing dependency cases for the past 20 years. Taught by expert judicial faculty and other subject matter experts, CANI aims to deliver exemplary instruction on the knowledge and skills necessary to preside over an effective child abuse and neglect court process and to improve outcomes for children and families involved in the child welfare system. Graduates of CANI's week-long training program have included judges who are newly assigned to child abuse and neglect cases, as well as more experienced judges who wish to stay up-to-date on changing laws and policies and nationally recommended best practice strategies.

CANI's effectiveness at achieving its learning objectives is assessed each year and results are fed back into the curriculum to continually improve its content and delivery. Past training evaluations have focused on measuring participants' satisfaction with their training experience and obtaining self-reports of any gains in knowledge and skill acquisition and changes in judicial behavior and practice. Results demonstrate that CANI is a well-received training program with participants reporting positive changes in their knowledge, skill and behavior. Recent CANI evaluations, however, have expanded on past assessment efforts to move beyond self-reported behavioral change. Specifically, recent evaluations have examined changes in judicial decision-making behavior pre and post-CANI using hypothetical case scenarios. These evaluations indicate that CANI helps to change some of the decision-making behaviors of its attendees, such as making more Indian Child Welfare Act (ICWA) inquiries and findings and focusing more on child well-being.

The study described in this report further expands CANI's training evaluation approach to examine whether judges' participation in the Institute positively impacts their *actual* on-the-bench judicial practice. Using a quasi-experimental design, the extent to which participation in CANI impacts participants' initial or preliminary protective hearing (PPH) practice was assessed. Judges provided the researchers with a sample of their pre-CANI PPHs which were then coded, analyzed, and compared to a sample of the same judges' post-CANI PPHs. PPH practice was selected as the focus for the evaluation not only because CANI includes a major focus on the components of "best hearing practice" and the role of the judge in conducting effective hearings, but also because the PPH is a critical stage in the child abuse and neglect case process.

The evaluation found the following statistically significant positive changes in the judges' PPH on-the-bench behavior *after* participating in CANI:

- Hearings were longer (suggesting more opportunity to address issues and conduct an in-depth inquiry);
- The presence of mothers increased, with mothers more likely to be present at the PPH in the post-CANI sample of cases;
- Judicial engagement of mothers and fathers who were present at the PPH increased, with judges more likely to engage with mothers overall and more likely to explain the purpose of the hearing to fathers and treat fathers with respect specifically;
- The level of judicial inquiry at the PPH improved with increases in both the total number of issues inquired about by the judge as well as increases in the level of discussion about specific topics. (e.g., from no discussion at all, or just a statement, to more than a statement about the topic). Judges were more likely to address the following specific issues post-CANI:
  - Cultural considerations in removal
  - Safety of the child
  - Safety plans
  - How the family is being engaged in services
  - Services allowing the child to return home
  - What is preventing the child from returning home
  - Child's well-being generally
  - Child's behavioral and mental health needs
  - Sibling visitation
- Judges were more likely to make clear, verbal reasonable efforts findings on the record in the post-CANI sample of PPH cases.

These results demonstrate that participation in CANI helped judges to improve their actual PPH practice. Participants applied what they had learned at CANI about best PPH practice in their post-CANI PPHs, to engage more with parties, increase their inquiry and level of discussion of issues, and make clear findings on the record. Future evaluations should build on these results to examine whether the same practice improvements are found for other key hearings in the child abuse and neglect process and other key learning objectives of the CANI curriculum. In addition, future CANI evaluations should explore whether any positive behavioral and practice changes observed in the CANI-graduate judges result in positive outcomes for the children and families served by the dependency court.

## STUDY OVERVIEW

Since 1996, the National Council of Juvenile and Family Court Judges (NCJFCJ) has been delivering an annual judicial training program known as the *Child Abuse and Neglect Institute* or CANI. Designed as a week-long training program for dependency court judges,<sup>1</sup> CANI strives to provide exemplary training that examines in-depth, the information and practices judges need to know, and how to apply that knowledge, in order to effectively preside over child abuse and neglect cases. Team-taught by fellow judges and other subject matter experts, the CANI curriculum provides instruction for judicial officers who have either been newly assigned to child abuse and neglect cases or who are experienced juvenile dependency judges who would like to learn about emerging and promising practices in the field. The CANI curriculum is designed to ensure participants have ample experiential learning opportunities by engaging them in a variety of exercises. Opportunities for collegial discussion and networking among the judges is also supported throughout the program. While topics are revisited each to year to be sure to address new or cutting-edge issues, foundational Institute topics include (but are not limited to): the role of the judge, judicial leadership and judicial ethics for judicial officers assigned to child abuse and neglect cases; best practices for conducting child abuse and neglect hearings (based on the recommendations for effective hearing practice outlined in the NCJFCJ's *ENHANCED RESOURCE GUIDELINES*<sup>2</sup> document); federal child welfare legislation and policies; implicit bias and its impact on decision-making; child development, bonding and attachment; substance use and abuse and its impact on permanency planning; medical in child abuse

### CANI Learning Objectives

By attending CANI, judges should be able to:

- Know and appropriately apply the role of the dependency court judge, including the judicial leadership role on-the-bench in cases and off-the-bench leading collaborative court and system improvement teams;
- Identify and apply state and federal child welfare law and policies, including the Indian Child Welfare Act;
- Manage and conduct child abuse and neglect hearings that comport with the best practice recommendations
- Understand principles of effective case flow management that when applied can expedite permanency for children;
- Make essential findings required for effective decisions
- Understand the impact of implicit bias on decision-making and the importance of ensuring culturally competent practice; and
- Understand and apply promising practices related to child and adolescent well-being.

---

<sup>1</sup> The term “dependency” and “dependency court judge” are used in this report to refer to judicial officers who preside over civil child abuse and neglect cases, child protection cases and/or child welfare cases.

<sup>2</sup> See for example, Gatowski, S.I., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *ENHANCED RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases*. National Council of Juvenile and Family Court Judges, Reno, NV.

and neglect; family violence; and child and family well-being and trauma. Ultimately, CANI aims to improve court hearing practice and judicial decision-making in dependency cases in order to ensure safety, due process, timeliness, permanency and well-being for children and families.

Since its inception, NCJFCJ has routinely evaluated judges' satisfaction with their CANI experience as well as self-reported knowledge gains and self-reported behavior and practice changes. However, recent CANI evaluation efforts have sought to advance understanding of the effectiveness of the Institute at achieving its goals by focusing on determining whether judges' CANI experience and learning acquisition result in *actual* behavior and practice changes. In 2014, for example, NCJFCJ published results of a CANI evaluation aimed at determining if judicial officers make different decisions or think about cases differently after attending the Institute.<sup>3</sup> In that evaluation, CANI participants were asked to review a case scenario and render decisions about the case before and after receiving the CANI training. Findings indicated that CANI had several positive impacts on judicial decision-making behavior, including an increased willingness on the part of judges to engage fathers in child protection hearings, an increased focus on the child (e.g., on child well-being), and an increased understanding of and application of the Indian Child Welfare Act.<sup>4</sup> These findings have been replicated at three different CANI trainings, with similar changes in judicial decision-making.

The study described in the body of this report builds on NCJFCJ's previous CANI evaluation efforts to further examine whether judges' participation in the Institute positively impacts actual judicial practice. Specifically, the evaluation approach used in the current study was designed to assess the extent to which participation in the most recent implementation of CANI (June, 2015 in Reno, NV) affected participants' preliminary protective hearing<sup>5</sup> practice. Using a quasi-experimental pre/post evaluation design, a sample of PPHs conducted by judges prior to their attendance at CANI were coded and analyzed. This sample was then compared to a sample of the same judges' PPHs conducted after they had graduated from CANI to determine if there were differences attributable to the training. Preliminary protective hearings were selected for analysis because, as the initial hearing in a child abuse and neglect case, they represent a critically important step in the case process.

---

<sup>3</sup> DeVault, A., Sicafuse, L. & Summers, A. (2014). *Research Report: 2014 Child Abuse and Neglect Institute in Reno, NV*. NCJFCJ, Reno, NV. Retrieved from <http://www.ncjfcj.org/dcst-evaluation-report>; and Sicafuse, L.L., Wood, S.M., Summers, A. & DeVault, A. (2015). "Evaluating the child abuse and neglect institute: Does training affect decision-making?" *Juvenile and Family Court Journal*, Vol. 66(1), pp. 1-14.

<sup>4</sup> Ibid.

<sup>5</sup> The preliminary protective hearing is the initial hearing occurring either immediately before or immediately after a child is removed from home. It is referred to in some jurisdictions as the "shelter care hearing," "temporary custody hearing," or "removal hearing," etc.

Thorough and productive PPHs serve to “frontload” the case by identifying and resolving issues early on thereby reducing delay and facilitating timely permanency.<sup>6</sup>

During CANI, judges were instructed on the best practice recommendations from the NCJFCJ’s *ENHANCED RESOURCE GUIDELINES* for conducting thorough and meaningful preliminary protective hearings (PPHs).<sup>7</sup> These best practice recommendations provided a framework to guide the exploration of the effects of CANI’s PPH training on judges’ PPH practice, and generated the following research questions:

**When compared to judges’ PPH practice prior to participating in CANI, AFTER participating in CANI:**

**RQ1:** Did the judges spend more time conducting the PPH (i.e., did the hearings last longer)?

**RQ2:** Were fewer PPHs continued?

**RQ3:** Were more parties present at the PPH (i.e., mothers, fathers, children, attorneys, relatives)?

**RQ3A:** Were the judges more likely to inquire about parties that were absent and require an explanation from the agency to locate missing parties?

**RQ4:** Did the judges engage more with the parties who were present at the PPH?

**RQ4A:** Did the judges engage with parents more frequently at the PPH post-CANI by speaking directly with them, explaining the purpose of the hearing, addressing them by name, asking about their understanding of the hearing and next steps, asking if they had any questions, giving the parents an opportunity to be heard and ask questions, give them a choice about the next hearing date and time, treating them with respect, and using non-technical language?

**RQ5:** Did the judges conduct a more in-depth inquiry and more substantive PPH?

**RQ5A:** Was there increased discussion by the judge concerning the circumstances of the case such as petition allegations, paternity, parents’ rights, and parents/other families that should be involved?

**RQ5B:** Was there increased discussion by the judge concerning the removal (e.g., probable cause for removal, cultural considerations, current safety threat to the child,

---

<sup>6</sup> *Supra*, note 2. See also Edwards, L. (2007). “Achieving timely permanency in child protection courts: The importance of frontloading the court process.” *Juvenile and Family Court Journal*, Vol. 58(2), pp. 1-37.

<sup>7</sup> For a complete listing of PPH best practices see the *ENHANCED RESOURCE GUIDELINES*, Preliminary Protective Hearing Bench Card, *supra* note 2.

what is preventing the child from returning home today, services to the family, safety plans, and how the family is being engaged in services)?

**RQ5C:** Was there increased discussion by the judge of placement and reunification issues (e.g., possibility of kinship/relative placements, whether the current placement meets the child and family's needs, services allowing the child to return home and reasonable efforts to return home)?

**RQ5D:** Was there increased discussion by the judge of visitation/family time for the parents and for siblings if appropriate?

**RQ5E:** Was there increased discussion by the judge of child well-being (e.g., was there more discussion of child well-being generally, the child's behavioral and mental health needs, and any educational issues)?

**RQ6:** Did the judges make clear, verbal findings at the PPH?

**RQ6A:** Did the judges inquire more about ICWA applicability and, if appropriate, make more ICWA findings at the PPH?

**RQ6B:** Did the judges make more reasonable efforts and contrary to welfare findings at the PPH?

## METHOD

### Participants

Participants were judicial officers assigned to juvenile dependency cases who attended CANI June 1-5, 2015 in Reno, Nevada. At the conclusion of CANI, researchers were provided with a list of graduates. These graduates were then contacted in late July to ask if they would be interested in participating in a pilot study on the effects of CANI on judicial behavior. To be selected for participation in the study, judges (1) had to have overseen dependency cases in the months prior to attending CANI, (2) had to have overseen dependency cases in the months following CANI, (3) have dependency court hearings that are recorded in either audio or video format, and (4) be able to receive permission from their administrative offices to share recorded hearings for research purposes. Of the 50 CANI graduates, only 7 judges were willing to participate and met the requirements for participation in the study.

### Sample

Research staff asked the 7 judges to provide 10 randomly selected initial hearings (i.e., PPHs) that they had conducted in the months pre-CANI and 10 randomly selected initial hearings

that they had conducted in the months post-CANI. The range of months from which judges could pull hearings to be included in the research sample had to be sufficiently large to accommodate the small caseloads of some of the rural judges (i.e., rural judges only had a small number of child abuse and neglect cases from which to draw a PPH sample). In fact, some of the rural judges meeting the criteria for participation in the study had presided over fewer than 10 initial child abuse and neglect hearings. The final sample size was further reduced because several of the recordings submitted were defective and those hearings could not be coded.

The final sample included 7 judges from three states for a total of 101 PPHs: 50 PPHs pre-CANI and 51 PPHs Post-CANI. The pre-CANI sample of 50 PPHs included hearings from November 2014 to May 2015. The final post-CANI sample of 51 PPHs included hearings from June 8, 2015 to February, 2016.

## Procedure

CANI graduate judges obtained permission to share the audio/video recordings of their pre and post-CANI PPHs and then submitted them to NCJFCJ for analysis. Researchers downloaded the recordings, and using a structured court observation instrument, coded the hearings for the presence or absence of key elements of best practice for PPHs.<sup>8</sup> The scope of discussion was assessed by coding whether judges specifically inquired about a topical area or raised questions about that issue in the PPH. The level of discussion of any topic in the court was coded as “1” (indicating no discussion), “2” (a statement was made) or “3” (more than a statement was made).

## Analysis

Guided by the research questions listed above, the pre- and post-CANI PPH samples were compared on the elements of best practice for conducting PPHs. Chi-square and t-test analyses for significant differences between the pre- and post-CANI samples were run using SPSS version 21 statistical software.

# RESULTS

**Length of PPH, Continuance Practice, and Presence of Parties:** While not a statistically significant difference, fewer PPHs were continued post-CANI than pre-CANI. Thirty-three percent of the pre-CANI PPHs (33%; n=16 of 49) were continued and 22% (n=11 of 50) were continued post-

---

<sup>8</sup> The court observation code sheet has been developed from the best practice elements for PPHs outlined in the *ENHANCED RESOURCE GUIDELINES*.

CANI. Pre-CANI and post-CANI PPHs were also analyzed for differences in the frequency with which parties appeared. As depicted in Table 1 below, the only significant difference found between pre and post-CANI party attendance was for mothers, with mothers more likely to be present at the PPH post-CANI ( $\chi^2=5.536$ ,  $p<.05$ ) than they were pre-CANI.

<b>Table 1: Percentage of Pre-CANI and Post-CANI PPHs with Specific Party Present</b>			
<b>Parties Attending the PPH</b>	<b>PRE-CANI</b>	<b>POST-CANI</b>	<b>% DIFFERENCE</b>
<b>Mother</b>	74% (n=37 of 50)	92% (n=45 of 49)	+18%*
<b>Father</b>	67% (n=32 of 48)	68% (n=32 of 47)	+1%
<b>Child</b>	12% (n=5 of 43)	9% (n=4 of 45)	-3%
<b>Children's Attorney</b>	6% (n=2 of 34)	11% (n=4 of 38)	+5%
<b>Mother's Attorney</b>	81% (n=38 of 47)	92% (n=44 of 48)	+11%
<b>Father's Attorney</b>	69% (n=31 of 45)	62% (n=28 of 45)	-7%
<b>Relatives</b>	26% (n=10 of 38)	28% (n=11 of 40)	+2%

\*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.

**Judicial Engagement of Parties at the PPH:** Different engagement questions were explored to determine if the judges increased their use of engagement strategies with mothers and fathers at the PPH after attending CANI. This analysis revealed that judges had increased their use of almost all of the engagement strategies in the post-CANI sample of PPHs. Significant differences were found for two specific engagement strategies -explaining the purpose of the PPH to the father ( $\chi^2=3.75$ ;  $p<.05$ ) and treating the father with respect ( $\chi^2=4.47$ ;  $p<.05$ ), with judges more likely to use both strategies to engage fathers post-CANI. Only “giving the mother an opportunity to be heard,” “asking if the father had any questions,” and “giving the father a choice about next hearing date and time,” were strategies that were used slightly less post-CANI than they were pre-CANI.

<b>Table 2: Percentage of Pre-CANI and Post-CANI with Specific Engagement Strategy Used</b>			
<b>Judicial Engagement of Mother</b>	<b>PRE-CANI</b>	<b>POST-CANI</b>	<b>% DIFFERENCE</b>
<b>Speaks Directly to Mother</b>	92% (n=33 of 36)	93% (n=42 of 45)	+1%

<b>Explains Purpose of PPH</b>	28% (n=10 of 36)	42% (n=18 of 43)	+14%
<b>Addresses Mother by Name</b>	72% (n=26 of 36)	80% (n=36 of 45)	+8%
<b>Asks About Mother's Understanding of Next Steps</b>	11% (n=4 of 35)	21% (n=9 of 42)	+10%
<b>Asks if Mother has any Questions</b>	11% (n=4 of 35)	19% (n=8 of 43)	+8%
<b>Gives Mother Opportunity to be Heard</b>	54% (n=19 of 35)	51% (n=22 of 43)	-3%
<b>Gives Mother Choice about Next Hearing Date and Time</b>	6% (n=2 of 35)	12% (n=5 of 41)	+6%
<b>Treats Mother with Respect</b>	82% (n=28 of 34)	93% (n=38 of 41)	+11%
<b>Uses Non-Technical Language When Speaking to Mother</b>	76% (n=26 of 34)	79% (n=31 of 39)	+3%
<b>Judicial Engagement of Father</b>	<b>PRE-CANI</b>	<b>POST-CANI</b>	<b>% DIFFERENCE</b>
<b>Speaks Directly to Father</b>	94% (n=30 of 32)	97%(n=30 of 31)	+3%
<b>Explains Purpose of PPH</b>	19% (n=6 of 32)	41% (n=12 of 29)	+22%*
<b>Addresses Father by Name</b>	78% (n=25 of 32)	90% (n=28 of 31)	+12%
<b>Asks About Father's Understanding of Next Steps</b>	13% (n=4 of 30)	21% (n=6 of 29)	+8%
<b>Asks if Father has any Questions</b>	23% (n=7 of 31)	21% (n=6 of 29)	-2%
<b>Gives Father Opportunity to be Heard</b>	56% (n=18 of 32)	66% (n=19 of 29)	+10%
<b>Gives Father Choice about Next Hearing Date and Time</b>	6% (n=2 of 31)	4% (n=1 of 27)	-2%
<b>Treats the Father with Respect</b>	79% (n=22 of 28)	97% (n=29 of 30)	+18%*
<b>Uses Non-Technical Language When Speaking to Father</b>	73% (n=22 of 30)	76% (n=22 of 29)	+3%
*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.			

**Judicial Inquiry Petition, Paternity and Parents' Rights:** As shown in Table 3 below, judges inquired more about the specific allegations of the case for each party, paternity issues, and whether parents or other family members should be involved in the case in the post-CANI sample of PPHs.

While not statistically significant, the biggest increase post-CANI occurred in the frequency with which judges reviewed the petition with parties at the PPH, with judges reviewing the petition with parties in 18% more hearings post-CANI.

<b>Table 3: Percentage of Pre-CANI and Post-CANI PPHs with Judicial Inquiry about Specific Issues</b>			
<b>Specific Issue Raised by Judge</b>	<b>PRE-CANI</b>	<b>POST-CANI</b>	<b>% DIFFERENCE</b>
<b>Reviewed the Petition with Parties</b>	29% (n=14 of 48)	47% (n=24 of 51)	+18%
<b>Specific Allegations for each Party</b>	39% (n=19 of 49)	47% (n=24 of 51)	+8%
<b>Paternity Issues</b>	24% (n=12 of 50)	29% (n=15 of 51)	+5%
<b>Whether Parents/Other Family Members Should Be Involved</b>	24% (n=12 of 49)	31% (n=16 of 51)	+7%
<b>Parents' Rights</b>	57% (n=28 of 49)	53% (n=27 of 51)	-4%

\*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.

**Judicial Inquiry about Removal:** Post-CANI Judges were more likely to discuss whether there were any cultural considerations in removal ( $\chi^2=2.67$ ;  $p<.05$ ), what is preventing the child from returning home today ( $\chi^2=3.33$ ;  $p<.05$ ); the safety plan for the child ( $\chi^2=6.84$ ;  $p<.05$ ); and how the family is being engaged in services ( $\chi^2=3.43$ ;  $p<.05$ ).

<b>Table 4: Percentage of Pre-CANI and Post-CANI PPHs with Judicial Inquiry about Specific Issues</b>			
<b>Specific Issue Raised by Judge</b>	<b>PRE-CANI</b>	<b>POST-CANI</b>	<b>% DIFFERENCE</b>
<b>Probable Cause for Removal</b>	38% (n=18 of 48)	45% (n=23 of 51)	+7%
<b>Whether Cultural Considerations Taken into Account</b>	2% (n=1 of 49)	10% (n=5 of 51)	+8%*
<b>Current Safety Threat to the Child</b>	45% (n=22 of 49)	51% (n=26 of 51)	+6%
<b>What is Preventing the Child</b>	14% (n=7 of 49)	29% (n=15 of 51)	+15%*

<b>from Returning Home Today</b>			
<b>Services to the Family Allowing the Child to Remain Home</b>	50% (n=24 of 48)	59% (n=30 of 51)	+9%
<b>Safety Plan</b>	19% (n=9 of 48)	43% (n=22 of 51)	+24%*
<b>How is the Family Being Engaged in Services</b>	19% (n=9 of 47)	36% (n=18 of 50)	+17%*
*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.			

**Judicial Inquiry about Placement and Reunification Issues:** Post-CANI judges were more likely to inquire about the services allowing the child to return home ( $\chi^2=5.55$ ;  $p<.05$ ) and to inquire about sibling visitation for the children ( $\chi^2=6.76$ ;  $p<.05$ ).

<b>Table 5: Percentage of Pre-CANI and Post-CANI PPHs with Judicial Inquiry about Specific Issues</b>			
<b>Specific Issue Raised by Judge</b>	<b>PRE-CANI</b>	<b>POST-CANI</b>	<b>% DIFFERENCE</b>
<b>Possibility of Kinship/Relative Placement</b>	39% (n=19 of 49)	45% (n=23 of 51)	+6%
<b>Whether Current Placement Meets Child's and Family's Needs</b>	35% (n=17 of 49)	41% (n=21 of 51)	+6%
<b>Services Allowing the Child to Return Home</b>	16% (n=8 of 49)	37% (n=19 of 51)	+21%*
<b>Reasonable Efforts to Return Home</b>	16% (n=8 of 49)	29% (n=15 of 51)	+13%
<b>Visitation/Family Time for Parents</b>	70% (n=35 of 50)	66% (n=33 of 50)	-4%
<b>Sibling Visitation</b>	2% (n=1 of 49)	18% (n=9 of 51)	+16%*
*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.			

**Judicial Inquiry about Child Well-Being:** Pre- and Post-CANI PPHs were examined to determine if the judge was more likely to inquire about child well-being post-CANI. Analysis revealed that judges were more likely to inquire about child well-being generally ( $\chi^2=4.89$ ;  $p<.05$ ), as well as the child's behavioral and mental health needs ( $\chi^2=6.75$ ;  $p<.05$ ) post-CANI.

Table 6: Percentage of Pre-CANI and Post-CANI PPHs with Judicial Inquiry about Specific Issues			
Specific Issue Raised by Judge	PRE-CANI	POST-CANI	% DIFFERENCE
Child Well-Being Generally	37% (n=18 of 49)	59% (n=30 of 51)	+22%*
Child Behavioral/Mental Health Needs	10% (n=5 of 49)	31% (n=16 of 51)	+21%*
Child Educational Needs	8% (n=4 of 49)	4% (n=2 of 51)	-4%
*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.			

**Overall Amount of Judicial Discussion During PPH:** Pre and post-CANI differences between the total calculated percentage of discussion of all applicable topics, the total calculated percentage of judicial engagement of mothers and fathers (i.e., the different engagement strategies noted above), the total number of topics judges inquired about, and the total time the hearing took were analyzed. Results indicated that there was a significant difference in mothers' engagement by the judge, with judges engaging with mothers more post-CANI ( $t=2.05$ ,  $SD=.058$ ;  $p<.05$ ). There was also a significant difference in the total number of topics judges inquired about at the PPH, with judges inquiring about more topics at the PPH post-CANI ( $t=2.18$ ,  $SD =.98$ ,  $p<.05$ ). Significantly more time was spent in the PPH post-CANI than pre-CANI, as well, with post-CANI PPHs lasting an average of 10.88 minutes longer ( $t=2.28$ ,  $SD=4.79$ ,  $p<.05$ ).

Table 7: Change in Overall Amount of Judicial Discussion			
Discussion Area	PRE-CANI AVERAGE	POST-CANI AVERAGE	MEAN DIFFERENCE
Percent Discussion by Judge of all Applicable Topics	.52	.56	.04
Engagement of Mother	.34	.46	.12*
Engagement of Father	.30	.33	.03
Total Number Topics Inquired About by Judge	6.32	8.45	2.13*

<b>Total Time Spent in Hearing</b>	21.04 (mins)	31.92 (mins)	10.88 (mins)*
*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.			

**Overall Level of Judicial Discussion of Specific Issues During PPH:** Each specific discussion item pre- and Post-CANI, on a scale of 1-3 (1=no discussion, 2= statement only, 3=more than statement) was analyzed to determine if the level of judicial discussion changed around SPECIFIC discussion topics. Significant differences were found post-CANI in the mean amount of judicial discussion about the following specific issues: whether cultural considerations had been taken into account in removal (t=1.81, SD=.11, p<.05; services to the family allowing the child to remain home (t=1.76, SD=.13, p<.05); and the safety plan (t=2.77, SD=.13, p<.05).

<b>Table 8: Change in Judicial Level of Discussion of Specific Issues</b>			
<b>Discussion Area</b>	<b>PRE-CANI AVERAGE</b>	<b>POST-CANI AVERAGE</b>	<b>MEAN DIFFERENCE</b>
<b>Reviewed the Petition with Parties</b>	1.53	1.67	.15
<b>Specific Allegations for each Party</b>	2.05	2.00	.05
<b>Paternity Issues</b>	2.00	1.79	.21
<b>Whether Parents/Other Family Members Should Be Involved</b>	1.69	1.59	.10
<b>Parents' Rights</b>	2.00	1.76	.25
<b>Probable Cause for Removal</b>	1.91	1.94	.04
<b>Whether Cultural Considerations Taken into Account</b>	1.00	1.20	.20*
<b>Current Safety Threat to the Child</b>	2.04	1.96	.09
<b>What is Preventing the Child from Returning Home Today</b>	1.53	1.37	.17
<b>Services to the Family Allowing the Child to Remain</b>	2.44	2.68	.24*

Home			
Safety Plan	1.47	1.94	.47*
How is Family Being Engaged in Services	1.59	1.91	.32
Reasonable Efforts to Remain Home/Prevent Removal	1.95	1.88	.07
Possibility of Kinship/Relative Placement	1.80	1.90	.092
Whether Current Placement Meets Child's and Family's Needs	1.80	1.86	.06
Services Allowing the Child to Return Home	1.67	1.82	.16
Reasonable Efforts to Return Home	1.44	1.67	.22
Visitation/Family Time for Parents	2.58	2.67	.09
Sibling Visitation	1.25	1.48	.23
Child Well-Being Generally	2.02	1.98	.04
Child Behavioral/Mental Health Needs	1.43	1.63	.20
Child Educational Needs	1.38	1.22	.15
*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.			

**PPH Findings:** As depicted in Table 9 below, the judges made more inquiries about ICWA applicability, and made more ICWA findings, reasonable efforts findings and contrary to welfare findings on the record in the post-CANI sample of PPHs than they did pre-CANI. The difference in the number of reasonable efforts findings made by the judges on the record was statistically significant indicating that judges were more likely to make a reasonable efforts finding on the record post-CANI ( $\chi^2=5.13$ ;  $p<.05$ ).

**Table 9: Percentage of Pre-CANI and Post-CANI PPHs with Appropriate Finding/Inquiry Made**

Finding/Inquiry Made	PRE-CANI	POST-CANI	% DIFFERENCE
ICWA Applicability	44% (n=22 of 50)	53% (n=27 of 51)	+9%
ICWA Finding	10% (n=5 of 50)	14% (n=7 of 51)	+4%
Reasonable Efforts	20% (n=10 of 50)	39% (n=20 of 51)	+19%*
Contrary to Welfare	6% (n=3 of 50)	14% (n=7 of 51)	+8%
*Signifies statistically significant difference between pre-CANI and post-CANI where p value is less than 0.05.			

## DISCUSSION

The Child Abuse and Neglect Institute (CANI) strives to improve judges handling of the child abuse and neglect hearing process. Founded on the best practice recommendations of the NCJFCJ'S *ENHANCED RESOURCE GUIDELINES*, CANI instructs judges on the importance of ensuring that the initial hearing (i.e., the PPH) is as thorough and meaningful as possible as an early investment of time and resources can jumpstart or “frontload” the case process and lead to better decisions for children and their families in subsequent hearings and, ultimately, improved permanency outcomes.

Given the paramount importance of the PPH to setting the future direction of the case, CANI instructs judges that sufficient time should be allocated to the hearing to permit the judge to receive and carefully consider all relevant information. CANI stresses that judges should hear from all interested parties present at the PPH, ensuring that all parties are accorded due process and are treated with respect. Judges are encouraged to positively engage parents and any children who are present at the hearing and are instructed on specific engagement strategies they can implement. CANI emphasizes the need to conduct an in-depth judicial inquiry concerning the circumstances of the case, issues surrounding removal and placement, services to families to prevent removal or return children home, and child well-being among other topics. The importance of making clear, verbal findings on the record at the PPH is also emphasized.<sup>9</sup>

---

<sup>9</sup> For detail on the elements of PPH best practices taught at CANI, please see the NCJFCJ *ENHANCED RESOURCE GUIDELINES*, *supra*, note 2.

The results of the evaluation of CANI presented in this report suggest that CANI's learning objectives with respect to PPH practice were achieved. A comparison of a sample of attendees' pre-CANI and post-CANI PPHs found a number of statistically significant positive changes in their on-the-bench hearing practice after graduating from the Institute. Specifically, in comparison to their pre-CANI PPH practice, the following statistically significant post-CANI improvements in the judges' PPHs were found:

- Hearings took longer<sup>10</sup> (suggesting more time to address issues and conduct an in-depth inquiry);
- Mothers were more likely to be present at the PPH;
- With respect to engagement of parties, there were increases in how the judge engaged the mother, and judges were more likely to explain the purpose of the hearings to the father and treat the father with respect;
- There were increases in judicial inquiry overall, as well as increases in amount of inquiry and level of discussion of specific issues (i.e., judges were more likely post-CANI to discuss cultural considerations in removal, the safety of the child, safety plans, how the family is being engaged in services, services allowing the child to return home, what is preventing the child from returning home, the child's well-being generally, the child's behavioral and mental health needs, and sibling visitation); and
- Clear, verbal reasonable efforts findings were more likely to be made on the record.

These results should be interpreted considering the limitations of this study. For instance, the sample did not include all of the 2015 CANI graduates. While research staff outreached to all of the graduates, not all of the graduates met the criteria necessary to be included in the evaluation (e.g., willingness to participate, presiding over child abuse and neglect hearings both pre and post-CANI, and the ability to provide audio and/or video recordings of PPHs to NCJFCJ research staff for coding). Some of the judges who did meet all of the evaluation's selection criteria were also from rural jurisdictions and only had a small number of child abuse and neglect cases to draw from. These factors combined to limit the sample size available for evaluation purposes. In addition, willingness to participate may have been affected by judges' previous experience with child abuse and neglect hearings and participation in other trainings on hearing practice, with judges who were more confident in their abilities more likely to agree to participate.

---

<sup>10</sup> While time does not connote quality, it does suggest more opportunity to address issues and conduct an in-depth inquiry. Jurisdictions implementing a pre-PPH case conferencing or pre-PPH multidisciplinary case staffing model may reduce the time needed to conduct a thorough PPH by addressing issues before the hearing (see the NCJFCJ'S *ENHANCED RESOURCE GUIDELINES*, supra note 2 for description of the benefits of pre-PPH case conferencing).

Despite these limitations, the findings from this evaluation of CANI suggest that CANI is helping to positively change the on-the-bench behaviors of its graduates. Participants applied what they had learned about best practice in PPHs to engage more with parties, increase their inquiry of issues, and make clear findings on the record in their actual PPH practice post-CANI. Past evaluations of CANI evaluated the Institute in terms of its effects on knowledge acquisition of key topic areas and decision-making in mock child abuse and neglect cases. In accordance with the *NCJFCJ Policy Statement on Evidence of Effectiveness*,<sup>11</sup> CANI has been classified as a “Promising Direction” using the *Centers for Disease Control and Prevention Continuum of Evidence of Effectiveness*.<sup>12</sup> Because it includes a more rigorous methodology (i.e., pre-post quasi-experimental research design) and found significant practice changes in practice in judges from multiple jurisdictions, the evaluation described in this report moves CANI in the direction of “Supported Research” on the CDC’s Continuum of Evidence of Effectiveness.

## Conclusion

The results of this CANI evaluation demonstrate that judicial behavior on the bench changes post-CANI in a positive way. These findings suggest that judicial trainings can be an effective means to change on-the-bench judicial practice. Future research should build on this study to examine whether other aspects of the CANI curriculum result in actual practice improvements (e.g., whether there are positive changes in judges’ behavior in other key hearings in the child abuse and neglect process). Future research should also be undertaken to better understand whether significant changes in judicial practice leads to changes in *outcomes* for children and families in the child welfare system. While some research already supports the conclusion that changes in judicial practice can lead to positive child welfare outcomes,<sup>13</sup> it is important to continue to build the evidence base regarding court hearing practice and its impact on outcomes, as well as gain a better understanding of which specific practice changes may have the most positive impact on children and families.

---

<sup>11</sup> See the *NCJFCJ Policy Statement on Evidence of Effectiveness* adopted by the NCJFCJ Board of Trustees March, 2014 at [http://www.ncjfcj.org/sites/default/files/EvidenceEffectivenessPolicyStmnt\\_FnlAdopted](http://www.ncjfcj.org/sites/default/files/EvidenceEffectivenessPolicyStmnt_FnlAdopted)

<sup>12</sup> Puddy, R.W. & Wilkins, N. (2011). *Understanding Evidence Part I: Best Available Research Evidence. A Guide to the Continuum of Evidence of Effectiveness*. Atlanta, GA: Center for Disease Control and Prevention.

<sup>13</sup> See for example: Macgill, S. & Summers, A. (2014). “Assessing the relationship between the quality of juvenile dependency hearings and foster care placements,” *Family Court Review*, Vol. 54(4), pp. 19; National Council of Juvenile and Family Court Judges. (2012). *Courts Catalyzing Change Preliminary Protective Hearing Benchcard: Oregon Study*. NCJFCJ, Reno, NV.