
**A PRELIMINARY LOOK AT
COVID IMPACTS ON
JUVENILE, FAMILY, AND TRIBAL COURTS**

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June 2022

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The National Council of Juvenile and Family Court Judges (NCJFCJ) thanks the juvenile, family, and tribal court judges, court administrators, chief juvenile probation officers, and others who participated in study interviews and responded to our national survey.

This report was developed under grant number 21-P-027 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

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Suggested Citation: Gene Siegel, Jeremy Bilfield, and Melissa Sickmund. 2022. *A Preliminary Look at COVID Impacts on Juvenile, Family, and Tribal Courts*. Reno, NV: National Council of Juvenile and Family Court Judges.

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EXECUTIVE SUMMARY

The U.S. Centers for Disease Control and Prevention (CDC) reported a cumulative total of 83,590,446 COVID-19 cases in the United States in May 2022 (U.S. Centers for Disease Control and Prevention, 2022). The pandemic has had profound impacts and social consequences in the United States for children and youth, families, and victims of abuse—particularly in poorer, marginalized, and underserved communities.

Before the pandemic, the U.S. Department of Justice reported that juvenile courts in the United States handled 722,600 delinquency cases in 2019 (Hockenberry and Puzanchera, 2019). There are child abuse and neglect data that have been compiled by the U.S. Department of Health and Human Services, Children’s Bureau that include the 2020 pandemic period (U.S. Department of Health and Human Services, 2020) and these data indicate that for Federal Fiscal Year 2020, there were nationally 618,000 (rounded) victims of child abuse and neglect. The national number of victims for 2020 is an 8.7 percent decrease from the 2016 national estimate of 677,000 victims. The Children’s Bureau report emphasizes that while the 2020 decrease may be due to the pandemic, the number of victims has fluctuated during the past five years and there are numerous factors that may contribute to these variations. The number of family court and tribal court cases are more difficult to estimate for many reasons, including the fact that the types of cases that family and tribal courts handle vary across the country (U.S. Department of the Interior, Indian Affairs, 2021).

This preliminary study developed for the State Justice Institute by the National Council of Juvenile and Family Court Judges (NCJFCJ) attempted to take an initial look at the impact of the COVID-19 pandemic on justice systems engaged with the most vulnerable populations: children and youth, families, and adults who have been abused, as well as youth involved in delinquency matters and families involved with family or tribal courts. This assessment appears to be one of the first efforts to explore the impacts of COVID-19 on courts, particularly tribal courts, serving underserved and marginalized communities.

The project design employed mixed qualitative methods, including a survey of more than 300 judges, court administrators, and juvenile probation managers from across the country, to identify and track the changes in practice, court rules, and communications as well as their experiences related to developing new approaches to complying with the rule of law and service to all in the nation’s communities during the ever-changing realities of the pandemic. The survey results were supplemented by structured interviews with 14 survey respondents from 10 jurisdictions that reflected regional, rural, tribal, and urban jurisdictional diversity.

Findings and Preliminary Recommendations

Key findings from the survey indicate that courts have implemented a number of innovative and effective practices to address the impact of the pandemic on court cases involving children, youth, and families. The study also confirmed that what may be an appropriate practice in one

jurisdiction may actually pose challenges for others where there are resource limitations, differential effects of the virus on different communities, issues of disproportionality in health, transportation, access to employment and education, as well as disproportionality and disparities that have greater impacts on marginalized communities across the states and territories. The NCJFCJ preliminary assessment shows that, despite these challenges, justice professionals working with these children and youth, families, and adults identified innovations and promising practices that did not, over time, allow the pandemic to interfere with community access to justice. This assessment also suggests that at least some of the innovations and new practices developed during the ongoing pandemic can be shared and expanded across jurisdictions. That said, there are persistent challenges that continue to pose daunting obstacles for many courts and communities.

Some of the key lessons learned from this exploratory study, including innovations and ongoing challenges, are outlined below (please see the full report for a more detailed listing of local innovations and ongoing challenges in each jurisdiction, as well as preliminary recommendations).

Benefits and innovations include:

- Virtual hearings and remote access to hearings present far fewer time and travel demands for families involved in family or juvenile court matters.
- In some cases, virtual or remote proceedings enhance the safety of victims.
- In some states, state supreme court rules reinforce the viability of virtual proceedings.
- Hybrid hearings are giving the courts more flexibility and have helped with witness participation.
- Some juvenile courts have taken specific steps to prevent delays in delinquency matters.
- Some courts have been able to expand and improve interpreter resources.
- In general, virtual proceedings allow for more time certain calendaring, reducing delays.
- More people appear for virtual hearings with shorter waiting times versus in-person hearings.
- Virtual break out or waiting rooms have increased the availability of attorneys.
- Some courts have established virtual courtrooms.
- Children may be more comfortable in virtual settings.
- At least one tribal court provides laptops and Verizon jetpacks for greater connectivity.
- Virtual proceedings have helped some tribal communities feel safer.
- Good virtual technology helps some courts more accurately assess the credibility of litigants.
- Families can more easily meet with their attorneys in advance of hearings.
- Virtual proceedings have dramatically reduced attorney costs in some jurisdictions.
- In at least one jurisdiction, the custody docket has been running more efficiently.
- In some jurisdictions, detention visitation rates have increased due to virtual capability.
- When people participate from home, the court can see what the home looks like.

- Some jurisdictions have re-prioritized referrals to detention due to the pandemic.
- Some jurisdictions were able to improve virtual technology in jails and detention centers.

Ongoing challenges include:

- Court practices often vary across and within states, even in states with unified court systems.
- Huge and older courtrooms present formidable challenges for virtual technology.
- Internet access and connectivity continue to be obstacles in many rural and urban areas.
- Domestic violence and assault cases have increased in some communities.
- There are concerns regarding people being coerced in some virtual proceedings.
- Some jurisdictions expressed concerns regarding presentation of evidence and exhibits.
- While virtual technology may promote visitation, it limits the strength of early bonding between parents and young children.
- A substantial number of judges are experiencing Zoom fatigue.
- The pandemic continues to have significant adverse effects on court and other staff.
- At least one tribal court is experiencing a substantial increase in adult guardianships.
- Some tribal courts never had virtual hearings before the pandemic, and adapting to these circumstances has been difficult.
- Adverse COVID impacts for some tribes continue to prevent in-person hearings.
- Some tribes are experiencing decreases in protection orders.
- A shortage of process server resources is affecting many jurisdictions.
- Some courts have serious concerns about the viability of virtual treatment options.
- Mask requirements caused some issues for juries to assess credibility.
- Mental health and substance abuse issues continue to affect many courts.
- The loss of foster families and the inability to recruit new foster homes force children to wait.

INTRODUCTION

The National Council of Juvenile and Family Court Judges' (NCJFCJ) preliminary assessment of the impact of COVID-19 (or COVID) on access to the courts and the engagement of children, youth, and families takes an initial exploration of the challenges created by COVID, while also chronicling the innovative responses by many jurisdictions to shifting court processes and practice during the ever changing realities of the pandemic.

The NCJFCJ started to consider the effects of COVID on juvenile and family court practices early in the spring of 2020 when the NCJFCJ initiated the "Court Transitions Project" to provide guidance to juvenile and family courts as they wrestled with the emerging challenges posed by the pandemic. As the pandemic began its spread through the United States, the NCJFCJ launched a dedicated [*COVID-19 and NCJFCJ Operations Updates*](#) page on its website (www.ncjfcj.org). In May 2020, the NCJFCJ posted a [*Statement Regarding Safe Courts and Access to Justice During COVID-19*](#). This preliminary assessment, prepared for SJI, appears to be one of the first to explore and examine how COVID affected access to justice for children, youth and adults, and tribes.

Understanding court jurisdictional frameworks is critical in the assessment of the impact of COVID and opportunities for innovation, new practices, and effective case management. Indeed, courts that hear cases involving children, youth, and families, and cases involving adult abuse, vary across the nation. This makes the use of family court difficult because each jurisdiction defines what courts have jurisdiction over what types of cases. Some hear cases involving divorce, child custody, and child support; some handle child abuse and neglect along with delinquency cases. Some jurisdictions include guardianships, while other jurisdictions leave these matters to probate courts. Some states have separate juvenile courts that operate under a variety of state or county court structures.

COVID has amplified health inequities and other difficulties for many communities. For example, Native Americans and Alaska Native communities have been experiencing some of the highest rates of COVID in the United States. A recent analysis by Johns Hopkins University found that Native American or Alaska Native individuals were 3.5 times more likely to be hospitalized for the virus than others (Weeks, 2021). In response, during the pandemic each tribe developed its own policies and strategies to combat COVID as many continued to recognize that many of their court and health systems were underfunded even before the pandemic (National American Indian Court Judges Association, 2020). These factors affect the ability to address family issues that need to be resolved through the courts. Meanwhile, of the 574 federally recognized tribes, only 400 have tribal courts (U.S. Bureau of Indian Affairs, 2022) and each tribe determines its laws, manages its resources, and creates structures for resolving cases involving children, youth and families.

STUDY PURPOSE AND METHODS

The NCJFCJ exploratory effort examines some areas and topics that overlap with other research but also addresses topics not specifically covered in other studies. More specifically, the NCJFCJ study focused on broader family court and tribal court issues. The NCJFCJ's qualitative inquiries also reveal some important albeit preliminary findings related to community and human impacts, particularly as these relate to tribal communities and tribal courts, that have not been specifically or sufficiently addressed to date in other research.

Mixed Methods Approach

The NCJFCJ study used a mixed methods approach with two phases. Phase 1 involved a national survey (see Appendix A for the complete survey tool), using a convenience sample of more than 300 judicial officers, court administrators, court staff, tribal court judges, chiefs of juvenile probation, and others, to obtain their perceptions of the pandemic's impacts. Phase 2 involved in depth interviews with 14 participants from 10 selected jurisdictions to delve more deeply into the specific effects of COVID.

Survey Respondents

- More than 300 total survey respondents
 - 146 Other Court Staff and probation chiefs
 - 114 Judicial Officers
 - 52 Court Administrators
- Community types (multiple responses allowed)
 - 149 Urban
 - 108 Rural
 - 56 Suburban
 - 7 Tribal
- Case Types (multiple responses allowed)
 - 58 judges reported handling family law cases
 - 25 judges reported handling delinquency cases
 - 17 judges reported handling domestic relations cases
 - Remaining respondents handled other case types or a range of cases.

PHASE I SURVEY FINDINGS

Changes in court practices

Survey respondents were asked about a number of practices and practice changes that occurred in many courts before, during, and anticipated to continue after the pandemic has dissipated. The table below displays the percentages of these responses (See Appendix A for detailed survey findings).

Not surprisingly, survey respondents indicated substantial changes in court practices in response to the pandemic. The most dramatic changes included:

- A more than three-fold increase (from 18% pre-pandemic to 57% during the pandemic) in providing up to date information to litigants on changes in court policies.
- An increase from 6% pre-pandemic to 65% during the pandemic in the development of specific policies and procedures to protect the privacy and safety of participants through remote settings.

- An increase from 2% of all hearings being virtual pre-pandemic to more than two-thirds (68%) being virtual during the pandemic. At the time of survey completion (August 2021 at the latest), one-fourth (25%) of respondents indicated they anticipated continuing virtual proceedings in at least some cases once the pandemic recedes.
- Most respondents anticipated keeping the changes in seven out of the eight court practices, listed in the table below, at higher rates than before the pandemic.

Changes in Court Practices			
Respondents saying their court...	Anticipated		
	Before	During	After
Uses an e-filing system	32%	51%	41%
Had a disaster recovery plan	26%	30%	25%
Provided up-to-date information to litigants on changes in court policies	18%	57%	33%
Developed policies and procedures to protect the privacy and safety of participants in remote settings	9%	54%	29%
Decided which cases to hear in person	7%	55%	33%
Developed policies and procedures to protect the staff and public from the virus	6%	65%	36%
Changed the procedures for public access to hearings	4%	53%	25%
Experienced a decrease of in-person hearings	2%	68%	25%

Different types of survey respondents viewed challenges differently

The pandemic influences the utility and necessity of different court practice that vary across the family, juvenile, and tribal court spectrum. It is clear from the survey respondents that what works in one court may not be feasible in another. This variance may be due to differences in court system physical

We are doing adoptions virtually. Families like it.
—Family Court Judge

environments (e.g., some older courtrooms may pose more barriers to efficient and effective use of technology), technology access and capabilities (e.g., some communities have limited or no access to broadband, Wi-Fi, or other essential technologies), and other factors. Meanwhile, some courts have used the time during the pandemic to complete technology installations to better support Wi-Fi and other renovations to improve the court’s trauma responsiveness (Clark & McCrady, 2022)

Socio-economic factors are also relevant for many communities hard hit with job losses, homelessness, and increases in the need for addiction treatment and mental health services. For example, recent research emphasizes that the pandemic poses an unprecedented threat to global mental health, with children and adolescents at particular risk (Xiong, et al., 2020).

While the challenges posed by COVID-19 far outnumber the identified innovations evident in a number of courts, it is important to emphasize that this exploratory study confirmed a strong desire across jurisdictions to share information about what seems to be working and the need for more research on the effects of changes in court practices on children, youth, and families.

Analyses of Phase 1 Survey Responses

The Phase 1 survey identified several substantial changes in practice that occurred during the pandemic and what respondents can, should, or will continue or change once COVID restrictions are no longer necessary.

By the use of repeated analysis of variance (ANOVA) and pairwise tests, a number of significant relationships were observed between differences in respondent role (judge, court staff, and other). The opinions on the difficulty overcoming specific challenges associated with the pandemic depended on the respondent's role. Notably, court administrators generally viewed issues tied to COVID as more challenging than did other respondents (full p-values and related effect sizes are visible in Appendix E). From this testing, court administrators had a statistically significantly negative view in comparison to one of the other two groups on six of the possible nine areas of challenge, including:

- Access to the community
 - Evidentiary hurdles in remote hearings
 - Technological difficulties
 - Internet access
 - Making credibility determinations in remote settings
 - Effectiveness of remote hearings
- Nothing is worse than having a parent visiting a child via Zoom, not being able to hold their child. It is heartbreaking.*
—Juvenile Court Judge

The reasons for the differences between court administrators, who generally are responsible for the entire courthouse or court system, not just one courtroom or one docket, and other respondents, are not clear. However, the Phase 2 interviews indicate that the more expansive management roles of court administrators made managing the challenges presented by COVID more extensive.

In sum, although some survey findings confirm plans in many courts to continue the use of remote hearings and other changes, there appear to be some different impacts on family and tribal courts that deserve further analyses. Overall, some changes made by family, juvenile, and tribal courts have made things easier, but other changes have produced complicated effects.

PHASE 2 – INTERVIEWS

More than 90 Phase 1 survey respondents expressed interest in participating in follow-up interviews to discuss the effects of COVID in greater detail (see Appendix B for the complete listing of interview topics). Ten jurisdictions were selected for interviews to maximize geographic diversity. Phase 2 participants were drawn from Alabama, Delaware, Ohio, New York City, upstate New York, Kentucky, Texas, West Virginia, and tribal courts in northern California and New Mexico. In total, NCJFCJ researchers conducted interviews with 14 interview participants (some jurisdictions included more than one person in their interviews).

The pandemic has caused substantial delays in juvenile justice matters with some youth getting in trouble again while the system processes their initial referrals.

—Juvenile Court Judge

More specifically, Phase 2 interviews involved seven court administrators (six at the state level, one at the county level), two juvenile chief probation officers (one at the state level, one at the county level), and six judicial officers including two tribal court judges. The interview participants ran the gamut from large rural regions to urban and suburban areas and represented very different jurisdictions.

NCJFCJ researchers asked 15 open-ended questions involving direct experiences, lessons learned, benefits and ongoing challenges with virtual proceedings, and other changes in practice for family and tribal courts. All interviews were recorded to ensure accuracy. NCJFCJ project staff then compiled a list of key themes derived from these interviews and also used NVivo software to further attempt to identify major themes.

PHASE 2 INTERVIEW FINDINGS

Benefits of virtual proceedings identified by interview participants

The interviews confirmed that changes in responses to COVID-19 are not monolithic. Rather, there are important differences across communities and jurisdictions (see Appendix B). Indeed, what may be a benefit in one jurisdiction may be an ongoing challenge in another.

Medical isolations of youth in our detention facility have presented serious challenges as most of these youth also have very serious mental health issues.

—Chief Juvenile Probation Officer

Despite important differences, there are some benefits that are consistent across the Phase 2 jurisdictions. These include:

Witness, expert, and family participation increased

Phase 2 participants often attested to how witnesses, both expert and lay, were able to participate more easily in the virtual hearing setting. Interviewees noted that critical geographical limitations

in many cases were removed by the new access strategies, allowing non-local specialists to be involved in the proceedings.

Parent and child participation and involvement in hearings overall were also said to have improved after the introduction of remote access. Reasons for this change are likely linked to decreases in transportation barriers experienced before virtual access. Further, interviewees indicated that many hearing participants did not have to miss a significant portion of work in order to be present for the proceedings.

Virtual proceedings may help reduce generalized trauma in courts and allow judges to see into the lives of families

The pandemic has produced a range of trauma-related issues for courts and communities. Phase 2 interviews revealed that judges have become more sensitive to, aware of, and responsive to the trauma experienced by children and families who appear before them. In addition, some judges noted that virtual proceedings allow the court to observe aspects of the family's living conditions, which the court is not privy to during in-person hearings. The judges indicated that this information can help the court experience a different level of connection with families. The judges also recognized that virtual hearings provide opportunities to expand discussions on what may appear to be issues that should be addressed in the case.

Court dockets are more efficient and attorney costs have decreased

Overall, courts saw that the hearings started on time eliminating long waiting periods. Some judges and court administrators remarked that cases appear to move more quickly, with dockets being run more efficiently than before the pandemic. This is an important aspect for courts as they attempt to establish and/or maintain credibility with families and the public as they continue efforts to create better outcomes based on local law and practice. A number of interviewees also observed that attorney schedules have become much easier to manage given the virtual options now available. This has produced some cost savings related to the amount of time that attorneys bill.

While there have been some benefits for trials, there are also some challenges

Regarding trials, judges indicated that families were able to much more easily contact and meet with their attorneys prior to trial. In contrast, however, some judges also reported that, in this new virtual setting, trials were far more challenging than other types of hearings due to the number of procedures, credibility determinations, evidentiary issues, and related requirements.

The pool of court interpreters has increased in some jurisdictions

Some interview participants indicated that virtual proceedings allow for a greater pool of court interpreters versus requiring interpreters to be physically present for in-person hearings. This includes interpreters for languages that previously were not available for in-person events.

However, at least one jurisdiction indicated that the use of virtual interpreters can be difficult when the technology is not up to par and participants may have difficulties hearing each other.

Improved family safety

In the interviews, stories were shared attesting that family violence victims felt much safer in virtual waiting rooms than in person. Further, interview participants also noted that alleged victims may feel more comfortable in virtual proceedings sharing information concerning possible violence occurring in their homes because they are not in proximity to the person responsible for the violence.

Increased family time options

Some judges emphasized that families were able to increase contacts and family time with their children who were in placement or detention, though some judges lamented how reductions in in-person visitations adversely affected important bonding effects particular between parents and younger children. The ability of parents to have contact with detained youth was highlighted as an important benefit for youth who were placed in medical isolation. A number of judges mentioned that disagreements about COVID-19 vaccination between parents in custody disputes can adversely affect contact between parents and the children.

Summary of ongoing challenges identified by interview participants

As with the shared benefits previously listed, there are also some shared and persistent challenges that appear to be evident across Phase 2 jurisdictions. These include:

Larger court caseloads, longer processing, and fewer placement options

Some participants reported an increase in domestic violence and child abuse and neglect cases during the pandemic, though some interviewees also indicated decreases in child abuse and neglect reports. There were also significant concerns about potential delays in juvenile delinquency cases due to health considerations related to the pandemic, staffing shortages, technology issues, and other factors. A number of participants reported that the availability of foster homes and treatment facilities has been adversely impacted, sometimes causing youth to remain in detention facilities when they should be moved to mental health centers. Other jurisdictions reported higher numbers of medical isolations and/or lockdowns in order to contain outbreaks of COVID-19 in facilities. Interviewees expressed frustrations with these circumstances because they were concerned with possible detrimental effects, particularly for youth with special needs (e.g., mental health issues). Within the system as a whole, many of these challenges were exacerbated by staff shortages (often from illness) that could inhibit timely release from detention facilities and timely placement, and/or the initiation of community programming.

Confusing CDC and community health policies

The pandemic's persistence has exacerbated a range of stressors for the courts, families, and communities including but not limited to mental health needs of court professionals as well as the parties in cases. The starts and stops brought about by COVID outbreaks made it feel as though things were moving backward, and it was difficult to manage COVID protocols when things were constantly changing. Messaging regarding the uncertainty of public health standards has also created problems for communities within some jurisdictions, the participants noted. Unclear CDC guidelines similarly made it difficult for courts to set appropriate, timely, and more consistent standards.

School impacts

Shifting school policies related to frequent COVID outbreaks and other considerations continue to pose important challenges for the courts. The changes from virtual schooling, which presents unique obstacles, to in-person classes affected the ability of court staff to plan for court proceedings. For example, when schools close in-person classes, court staff and families involved in court cases have to rearrange their schedules to support in-home instruction.

Serious mental health and substance abuse issues

Many judges and others emphasized that their courts have seen an increase in litigants or family members who have serious mental health illnesses. The participants said that the pandemic has had a negative impact on the community's ability to provide mental health services from assessment to treatment for the individuals before the court. The participants also noted that access to mental health or substance abuse treatment has been particularly acute for children in foster care and juvenile detention, where mental health issues may have been exacerbated by medical isolation implemented as part of COVID protocols. Families and teens who are recovering from some form of substance addiction have also been negatively affected in their ability to receive care, with some interviewees expressing some concerns about the benefits of virtual treatment.

Staff shortages and burnout and the need for interventions for court staff

Participants mentioned that staff burnout and staffing shortages are increasingly a concern for courts and related agencies. The issue of staff shortages and burnout reinforces the survey findings for some court administrators who view challenges during the pandemic more pessimistically than other groups. A number of judges and court administrators also raised concerns regarding COVID's continuing impact on the availability and use of process server resources, making it very difficult for some courts and agencies to ensure timely notice to the parties.

Persistent technology challenges and inexperience with virtual proceedings

The physical court environment in some jurisdictions has exposed challenges in implementing available technological solutions due to building age and structure, and some courthouses and courtrooms may be built from materials not conducive to a strong wireless signal. In some cases, these courts had to rely on telephonic participation. In some tribal jurisdictions, video hearings were not implemented until after the pandemic, and these tribal courts had no prior experience conducting virtual proceedings.

Challenges determining who is present in virtual proceedings, difficulty making credibility determinations, and filing difficulties

Interview participants emphasized that it was sometimes difficult to determine who was off-camera during virtual proceedings. Credibility determinations were also especially challenging, particularly in jury trials. Further, pro se litigants were unclear on how they should submit documents or evidence given the new remote formats. In some courts that closed down or had limited operations during the pandemic, it was challenging for victims of family violence to file and obtain timely protection orders.

Technology itself as a divider

Though remote hearings have provided opportunities for some to increase attendance at court hearings, interviews revealed that the digital divide has meant some communities were not able to benefit in the same way after the change to remote hearings. Stable internet connections, when available, come at a cost and that cost is prohibitive for many low-income litigants. Courts were forced to recognize and adapt to bureaucratic practices that placed a drain on litigants' data plans and cell phone batteries. In many parts of the country, urban and rural areas both, there are challenges in obtaining stable internet connections. In some rural/frontier and tribal communities, any broadband access whatsoever can be nonexistent.

The pandemic has prevented me from establishing face to face in-person interactions and relationships with children and families in my court. This can have adverse impacts on kids and families.

—Family Court Judge

Overall, even when communities have internet access, the constant use of virtual calls and hearings has been said to cause Zoom fatigue for some court staff and judges serving these families.

Prior to this work, concerns have been raised as to whether enough Americans possess access to broadband or internet in a meaningful way so as to make the remote provision of justice and court services practical. In 2019, Pew research estimated that nearly 90% of American adults used the internet in some fashion (Pew Research Center 2021a). Approximately 114.27 million American households had access to the internet in that same year (O'Dea 2021). However, in

considering cellphones alone, studies have shown nearly 96% of U.S. adults owned a cellphone and 81% owned a smartphone in February 2019 (Pew Research Center 2021b).

Transportation barriers persist

While reducing transportation and travel demands have been noted as benefits of virtual proceedings, it is important to note that in areas with limited or non-existent internet or cell phone access court clients must find ways to garner access. In these situations, parties must travel to locations where the internet is available. This poses significant challenges for those without transportation and, even if they do have access to a vehicle, the cost of gas may create further barriers.

Transportation to and from court has long been an issue in many communities. For individuals without vehicles or access to public transportation, just getting to in-person hearings has been a major challenge. The U.S. Census Bureau calculates that 8.5% of American households have no vehicle to use, and 32.5% have only one (U.S.CB 2022). Based on U.S. Census Bureau data, estimates of household size in 2019 (3.14 people) (Statista, 2022), nearly 28.6 million people have no access to immediate personal transportation. Further, the American Public Transportation Association (APTA) found that 45% of Americans lack access to any method of public transportation (APTA 2021). Therefore, utilizing remote means of access to justice seems to be critically important for those who do not have physical transportation.

Appendix C provides more details, by jurisdiction, on what Phase 2 participants say is working and what circumstances continue to pose challenges related to the pandemic.

Community and human impact

The Phase 2 interviews revealed the broader effects of the pandemic on communities beyond the courts. The longer-term effects of the educational, socio-economic, public health, social interaction, mental health, and other pandemic consequences on these communities have yet to be determined, particularly for tribal communities that have been devastated by the pandemic.

We lost members of the national tribal council, COVID took their lives.
—Tribal Court Judge

As conditions continue to evolve across the country, it seems imperative that researchers and other practitioners must carefully monitor and respond to the longer-range consequences of the pandemic, not only in the courts but on all community aspects that are intrinsically linked to court cases and the access to justice.

Additional insights from NVivo analysis of interview responses

In addition to recording interviews, the NVivo software was used to identify themes that occurred over the course of the interviews to verify the conclusions and observations seen within the qualitative analysis and summaries of the interviews. Themes were largely decided by using

the software’s auto-coder to reduce bias in coder assessment. From this, all words spoken over the course of the interviews were recorded by the software. In the word cloud below, the most common word stems have been organized (e.g., “talk” and “talking” share a stem). The data show that “judges” and “courts” were at the center of all discussions, with an emphasis on what people know now given their breadth of experience with the pandemic. This represents the core idea that is shared across all background research and this study—that the situation is constantly evolving and unprecedented and that everyone is learning as time goes on. In addition, “hearings” represent a related theme—discussions focused on changes to hearings as technology

We are seeing an influx in overdoses and deaths due to substance abuse.

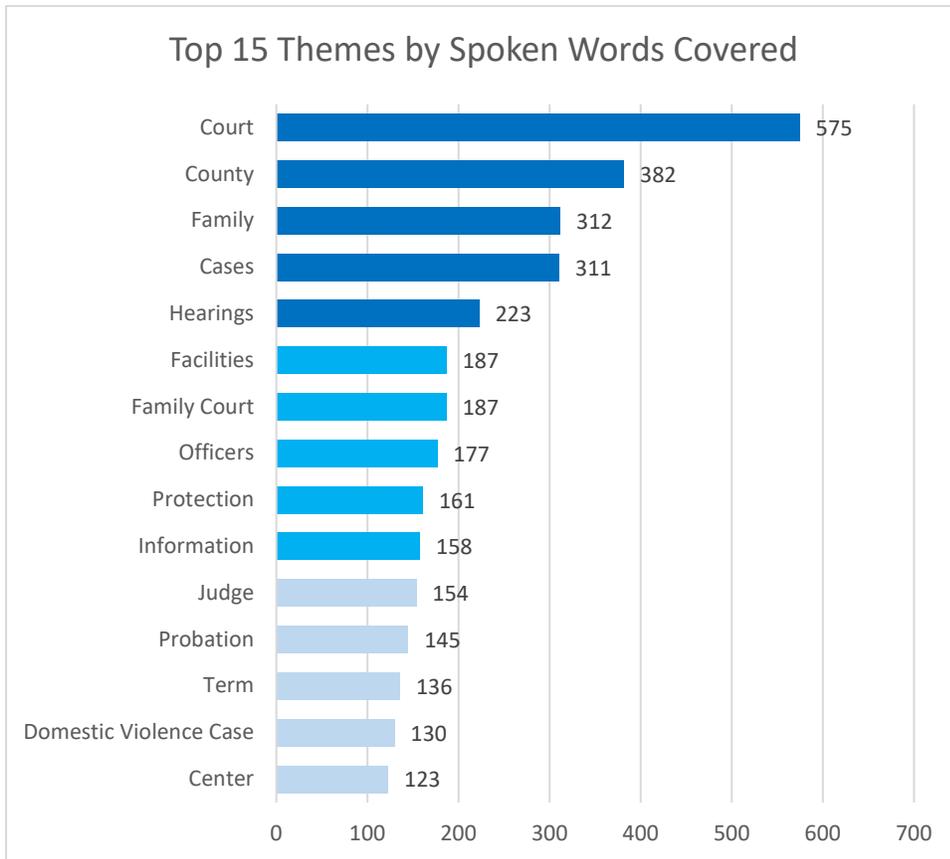
—Family Court Judge

was introduced and hearings went virtual. Within the hierarchy chart seen in Appendix D, where smaller sub-themes are included within greater themes, all include some discussion of virtual hearings. Of all themes as ranked by the number of words covered, court itself took up the largest share at 575 words (see bar chart below).

The second widest word coverage theme was “county” which emphasizes that the changes and discussion happening were occurring at the local not the state level. This also reflects that in most jurisdictions, courts are organized at the county level. As the pandemic continues, impacts and responses will continue to be based largely on county- and community-level work.



What can be taken from the NVivo thematic look is that the interviews mirror what was observed in many of the sources cited in the literature review. Participants focused greatly on the existence of virtual hearings and the benefits that they provide or limitations inherent in them. Families and the way in which they have been affected took center stage after the courts focused on the new processes that are a part of the new court reality. Many of the effects are so sufficiently individualized that they are hard to capture in aggregate. As such, more weight should be given to the individual stories and statements in Appendix C.



It is hoped that this initial look at changes in family, juvenile, and tribal court practices provides at least some indications of emerging innovations, ongoing challenges, as well as community and human impacts associated with the pandemic. Moreover, this work intends to point to areas where future research and, perhaps, technical assistance and training are needed to assist courts as they move forward to address ongoing hurdles.

As mentioned, the NCJFCJ’s initial examination of changing practices and innovations overlaps with other research on the efficacy of remote court proceedings and the related benefits and challenges associated with the shift to hearings that are virtual.

OTHER LITERATURE

The pandemic has prompted a growing body of articles, bulletins, and studies examining court and other related impacts. References cited for this report show that in the earliest days of the pandemic many courts, executive branch agencies, and service providers involved with court cases had formed clear opinions on adapting or modifying traditional court practices while focusing on safety measures to continue to provide services to children and youth, families, and adults. In addition, organizations involved in research also reviewed and compared practices before and during the pandemic. A few examples:

The Council of Juvenile Justice Administrators reported that, based on the 35 juvenile justice jurisdictions surveyed and eight structured interviews, agency administrators believed that the pandemic was a key opportunity to change old ways (Pette, 2022). They saw that the challenges put forth to the justice system would provide opportunities to invest necessary resources to meet modern and future challenges.

The Washington State Board of Judicial Administration's Court Recovery Task force (2020) found that 78% of the 33 Washington counties surveyed were using remote options to conduct court hearings. Within hearing subtypes, family law hearings were performed the most frequently in both remote and in-person settings according to 82% of survey respondents. Further, courts indicated that they had a desire to keep the new remote hearings, sanitization protocols, and e-filing systems moving forward.

In September 2020, researchers used structured interviews to examine how COVID-19 impacted the intersection of racial justice with family and juvenile courts (Gagnon & Alpern, 2021). Judges interviewed in Georgia and New York State spoke about how the changes made in technology during the pandemic will not, by themselves, solve issues underlying racial disparity such as financial insecurity that disproportionately affect Black and Hispanic families. In this study, which focused on child welfare proceedings, judges also expressed concerns regarding access to justice as not every individual involved with the court has sufficient internet access or other capabilities to participate virtually. In contrast, the same study also suggested that virtual hearings can provide opportunities to break down hierarchies inherent in the architecture or environment of most court rooms. More specifically, this study suggested that without the judge raised above the court on the bench, everyone appeared far more equal in a camera feed. Overall, despite ongoing concerns related to racial justice, most of the judicial officers who participated in these interviews could not foresee a future where all parties would be required to appear in person for all child welfare hearings.

In November and December 2020, the National Center for State Courts (NCSC) found that of more than 200 judicially led diversion programs across 40 states, 49% involved virtual proceedings, with approximately one-quarter existing entirely in virtual space (Kunkel, Ray &

Bryant, 2021). Fully 47% of the same respondents in this study also indicated that there is a high level of support for continuing to use virtual proceedings.

The Center for American Progress (CAP) showed that the Navajo Nation had the highest COVID-19 infection rate in the country, surpassing New York (the state with the highest rate) and even Wuhan, China at the epidemic's initial outbreak (Doshi et al., 2020). Further, American Indian people in general constitute a disproportionate number of infected cases. For example, during the study period, in New Mexico, Native Americans accounted for 10% of the population, but 55% of positive cases. For the same period, in Wyoming, Native Americans represented 3% of the population but 33% of positive cases. The CAP examination attributes these dramatic conditions to a deadly mix of a failure of the U.S. government to provide promised funding, Native American income sources being stagnated by state policy, and impaired infrastructure on tribal lands. The CAP analyses further emphasized how difficult it is to imagine how the improvements in justice provision during the pandemic in non-Native communities could be equally realized by many tribes, given the severe conditions that Native communities face. Furthermore, there appears to be little to no research that specifically examines how juvenile and family matters have been handled by tribal courts during the pandemic.

Data reported by the Kaiser Family Foundation indicated that Hispanic people represent a larger share of COVID cases relative to their share of the total population (24% vs. 18%), while their share of deaths is more proportionate to their share of the population (17% vs. 18%). The disparity in cases relative to their share of the population has decreased slightly over time. For example, as of early October 2021, they accounted for 27% of cases. Black people make up a similar share of COVID cases relative to their share of the population (13%), but account for a slightly higher share of deaths compared to their population share (14% vs. 13%). This pattern has been consistent since October 2021. White people account for a lower share of COVID cases compared to their share of the population (54% vs. 60%) but a larger share of deaths compared to their population share (63% vs. 60%). The higher share of deaths relative to their share of the population reflects a shift from October 2021 when their share of deaths was slightly lower than their share of the population. This shift largely reflects a higher death rate compared to other groups during the fourth quarter of 2022 amid the Omicron surge. Consistent with data as of early October 2021, Asian people make up a lower share of cases and deaths compared to their population share (4% and 3%, respectively, versus 6%).

In 2021, clearer patterns began to emerge on both court hearings and in juvenile justice facilities. The Performance-based Standards Learning Institute (PbS) surveyed 2,623 family members of youth in juvenile justice facilities from April 2019 to April 2021 and found that the proportion of parents who said they used video calls to stay in contact with their children increased from 1% to 7% (PbS, 2021a). The researchers also found that support by families and other parties for virtual hearings increased from 3% in 2019 to 31% in 2021. Coincidentally, the PbS study found that use of all types of physical and chemical restraints were lower than before the pandemic, and it

also showed that staff relationships with youth improved in facilities compared to pre-pandemic levels (PbS 2021b).

The National Center for State Courts (NCSC 2021) examined changes in court practices in eight Texas court jurisdictions including those handling family law matters. NCSC found that 85% of hearings were conducted remotely and this level of remote proceedings continued through December 2021. NCSC also found that remote hearings took an average of approximately 34% longer than in-person hearings. The longer hearing times were attributed in no small part to technological difficulties that the NCSC indicated could be reduced with time and practice. Qualitative analysis of judicial interviews in this study did cite an increase in participation from parties in family-related cases. Child custody hearings were particularly noted as being well-suited for remote hearings. NCSC also found that judges presiding over virtual child welfare hearings believed attendance was higher than with in-person proceedings. The reasons offered for this increase included participants no longer having to travel or take as much time off from work. Many judges reported having an easier time implementing the best-practice recommendation of more time-certain hearings with virtual proceedings. Technical issues prevalent at the start of the pandemic were also said to have decreased over time. The benefits of the remote set up were not merely confined to families and judges. The NCSC noted that waiting times and travel time for attorneys and other court professionals were equally cut by virtual hearings. Attorneys were also said to have been either just as or better prepared for their cases compared to in-person proceedings.

COVID impact research has not been limited to juvenile and family court matters. The NCJFCJ examined remote hearing access in elder abuse and guardianship cases (Kay 2021). The publication also provided resources for judges to make their courts more accessible to older citizens and increase their participation.

LESSONS LEARNED

In sum, lessons learned from the NCJFCJ exploratory study include:

- Virtual hearings and remote access to hearings present far fewer time and travel demands for families involved in family or juvenile court matters.
- In some cases, virtual or remote proceedings enhance the safety of victims.
- In some states, state supreme court rules reinforce the viability of virtual proceedings.
- Hybrid hearings are giving the courts more flexibility and has helped with witness participation.
- Some juvenile courts have taken specific steps to prevent delays in delinquency matters.
- Some courts have been able to expand and improve interpreter resources.
- In general, virtual proceedings allow for more time certain calendaring, reducing delays.
- More people appear for virtual hearings with shorter waiting times versus in-person hearings.
- Virtual break out or waiting rooms have improved the availability of attorneys.

- Some courts have established virtual courtrooms.
- Children may be more comfortable in virtual settings.
- At least one tribal court provides laptops and Verizon jetpacks for greater connectivity.
- Virtual proceedings have helped some tribal communities feel safer.
- Good virtual technology helps some courts more accurately assess credibility of litigants.
- Families can more easily meet with their attorneys in advance of hearings.
- Virtual proceedings have dramatically reduced attorney costs in some jurisdictions.
- In at least one jurisdiction, the custody docket has been running more efficiently.
- In some jurisdictions, detention visitation rates have increased due to virtual capability.
- When people participate from home, the court can see what the home looks like.
- Some jurisdictions have re-prioritized referrals to detention due to the pandemic.
- Some jurisdictions were able to improve virtual technology in jails and detention centers.

Examples of ongoing challenges related to virtual proceedings:

- Court practices often vary across and within states, even in states with unified court systems.
- Huge and older courtrooms present formidable challenges for virtual technology.
- Internet access and connectivity continue to be obstacles in many rural and urban areas.
- Domestic violence and assault cases have increased in some communities.
- There are concerns regarding people being coerced in some virtual proceedings.
- Some jurisdictions expressed concerns regarding presentation of evidence and exhibits.
- While virtual technology may promote visitation, it limits the strength of early bonding between parents and young children.
- A substantial number of judges are experiencing Zoom fatigue.
- The pandemic continues to have significant adverse effects on court and other staff.
- At least one tribal court is experiencing a substantial increase in adult guardianships.
- Some tribal courts never had virtual hearings before the pandemic and adapting to these circumstances has been difficult.
- Adverse COVID impacts for some tribes continue to prevent in-person hearings.
- Some tribes are experiencing decreases in protection orders.
- Shortage of process server resources is affecting many jurisdictions.
- Some courts have serious concerns about the viability of virtual treatment options.
- Mask requirements caused some issues for juries to assess credibility.
- Mental health and substance abuse issues continue to affect many courts.
- Loss of foster families and the inability to recruit new foster homes force children to wait.

RECOMMENDATIONS

There are a number of recommendations that have been revealed by this work. This preliminary listing reflects what the authors of this report consider to be top priorities moving forward.

Information sharing on innovations and solutions should be formalized

The pandemic has fundamentally challenged how justice is provided to the American public, especially in the cases of family, juvenile, and tribal courts. While some of the innovations described in this report are jurisdiction-specific, it does not mean that they cannot be modified or even taken whole in other jurisdictions.

One approach would be to create an appropriate forum or forums to allow jurisdictions across the country to regularly share information pertaining to pandemic impacts, innovations, and challenges for the courts and system partners. These forums should also include efforts to create more comprehensive solutions, perhaps with federal and state-level participation, for jurisdictions that continue to face persistent obstacles related to technology and other issues.

Within these forums, jurisdictions should share information on how technology can continue to be improved to enhance court practices and case outcomes. These forums should not be limited to court professionals but should include key court partners including executive branch agencies. The specific examples cited in the Phase 2 interviews offer glimpses of the types of innovations that may be shared across jurisdictions.

Special emphasis should be placed on assisting tribes

As discussed, the pandemic's impacts on tribes and tribal courts continue to present a range of challenges (technological and other resources). Steps should be taken to examine COVID's impacts on these communities in more detail and, based on findings, the tribes should be offered free and culturally-sensitive technical assistance to assist these communities in developing workable plans to improve local conditions. As discovered, some tribes have been innovative in their efforts to improve access to the internet and Wi-Fi (e.g., the use of Verizon Jetpacks), but, as Phase 2 interviews illustrated, other issues affecting Native American communities deserve more careful attention and support.

At least one tribal court reported a substantial increase in adult guardianships stemming from addiction issues and this increase appears to be linked to the pandemic. These guardianship cases are placing immense pressure on elderly family members who are serving as guardians. The NCJFCJ is not aware of any research that has been conducted on the impacts of the pandemic on tribal guardianship matters.

The mental health impacts of the pandemic on children, youth, and families involved in the court system, and the adverse effects on court staff, deserve special attention

Efforts should be initiated to examine more specifically the mental health impacts of the pandemic on children, youth, and families who are involved in family, juvenile, and tribal court matters, as well as court staff and partners. There should be a particular focus on youth who are detained and/or involved in the juvenile justice system. Courts and their partner agencies continue to struggle with internal and external resources to provide treatment services for the communities they serve. However, as this exploratory study revealed, court and partner agency staff are also experiencing staff burnout, turnover, and other signs of significant mental health issues. A comprehensive approach to identify and develop workable options seems warranted to determine short-range and longer-range impacts and develop positive responses.

The impact of the pandemic on safety considerations, particularly for victims of domestic violence, should also be more carefully examined

This exploratory study revealed the need to more specifically examine the impacts of the pandemic on safety issues related to domestic violence cases including the filing of protection orders and the effects of remote proceedings on the safety of survivors. In some communities, judges reported that domestic violence cases are skyrocketing and, in contrast, that filings of emergency protection orders have substantially decreased. The reasons for these circumstances and options for addressing these challenges should be given top priority.

Courts and their partners should consider applying lessons learned from COVID to broader disaster planning efforts

While this report emphasizes the persistent and ever-changing nature of the pandemic, it is important to consider how lessons learned during COVID could be applied to other disaster scenarios. The Phase 1 survey found that less than one-third of respondents anticipated developing a disaster recovery plan that would incorporate at least some of the aspects of changes brought about by the pandemic. This seems to be an essential step that courts and partner agencies should take as they attempt to be as proactive as possible in the face of evolving circumstances.

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APPENDIX A – NCJFCJ Phase 1 Survey

SJI Survey on COVID Impacts and Practices (administered using Qualtrics)

You have been selected to complete this survey which is intended to obtain feedback on the experiences and perceptions of judicial officers and other court stakeholders regarding the impact of COVID-19 on court operations. All responses will be kept confidential, de-identified, secure, and used solely for this project. This is the first phase of the project, if you are interested in participating in the second phase, which will involve participation in a 1-hour, in-depth interview, to be conducted remotely, please provide your contact information at the end of the survey.

Please select your role:

- Chief Justice (1)*
- Chief Court Administrator (2)
- Judge or Judicial Officer (3)
- Court Administrator (4)
- Tribal Court Judge (5)
- Tribal Court Administrator (6)
- Other Court Staff (7)

What types of cases do you currently hear?

- Civil (1)
- Criminal (2)
- Delinquency (3)
- Dependency (4)
- Domestic Relations (Divorce, Custody, Child Support) (5)
- Family Law (6)
- Mental Health/Mental Disability (7)
- Probate (8)

My jurisdiction is: (select all that apply)

- Urban (1)
- Rural (2)
- Suburban (3)
- Tribal Community (4)

How many years have you served in your current role?

Please respond to the following statements (select all that apply):

My court...

	Never	Before the Pandemic	During the Pandemic	Will After the Pandemic
experienced a reduction of in-person court operations				
took steps to identify cases that must be in person				
developed policies and procedures to ensure privacy and safety				
provided up-to-date information to litigants on changes in court policies				
uses an E-filing system				
changed the procedures for public access to hearings				
had a disaster recovery plan				

* The numbers shown in parentheses reflect codes used for analyses, they do not reflect the number of respondents.

Please use the sliding scales below to rate the seriousness of the challenges posed by the pandemic with 0 denoting Trivial challenges, 50 Moderate challenges, and 100 Extremely challenging.

Credibility determinations	
Evidentiary hurdles posed by remote hearings	
Engagement/connection between parties, families, and the court	
Access to community	
Ability of court-based services to monitor compliance	
Perceptions of remote hearings	
Technology	
Internet Access	
Impact on workload for judicial officers and court personnel	

In your role on the court, what is the most important thing you have learned during the pandemic?

Were there any changes that you or your court implemented during the pandemic that you think should be continued?

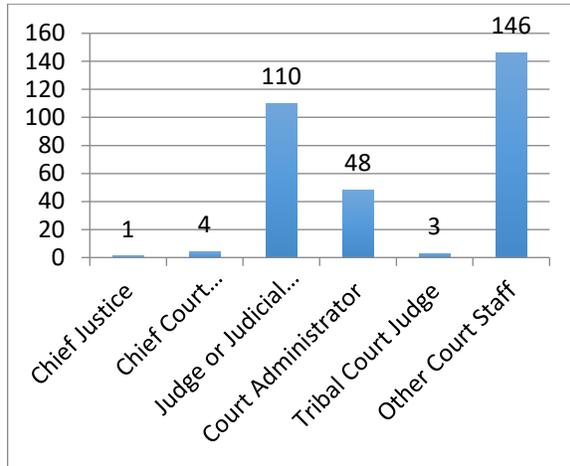
Would you like to be considered for the second phase of this project? If so, enter your email below.

Survey Analysis

For most figures, raw counts and proportion of responses have been given. When analysis was conducted between significant relationships between role and identification of difficulties in the pandemic, Chief Justice and Tribal Court judges were collapsed into a Judge/Judicial Officer category and Chief Court Administrator was collapsed into Court Administrator.

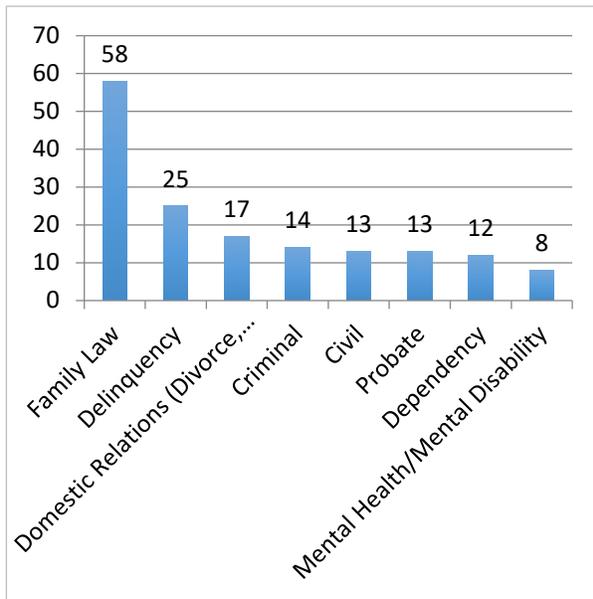
Section 1: Identifiers

Please select your role



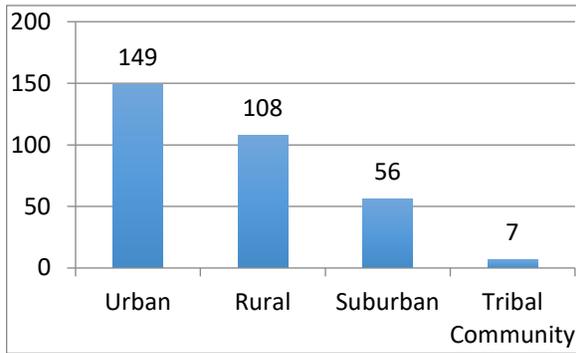
	Count	Percent of Data
Chief Justice	1	0.3%
Chief Court Administrator	4	1.3%
Judge or Judicial Officer	110	35.3%
Court Administrator	48	15.4%
Tribal Court Judge	3	1.0%
Other Court Staff	146	46.8%

What type of cases do you currently hear?



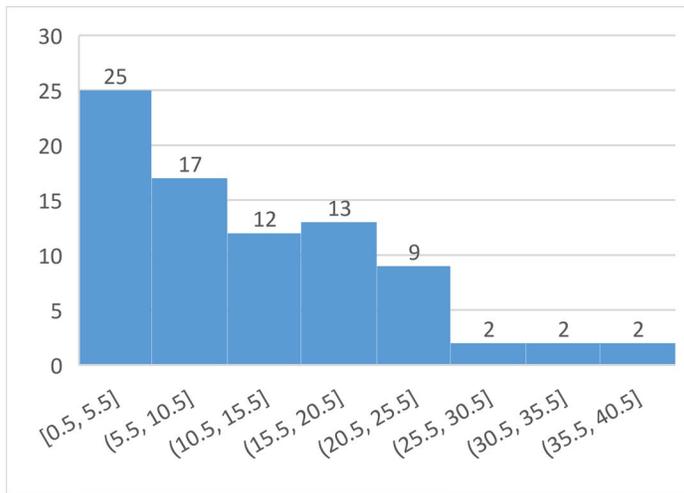
	Count	Percent of Data
Family Law	58	15.8%
Delinquency	25	6.8%
Domestic Relations (Divorce, Custody, Child Support)	17	4.6%
Criminal	14	3.8%
Civil	13	3.5%
Probate	13	3.5%
Dependency	12	3.3%
Mental Health/Mental Disability	8	2.2%

My Jurisdiction is (select all that apply)



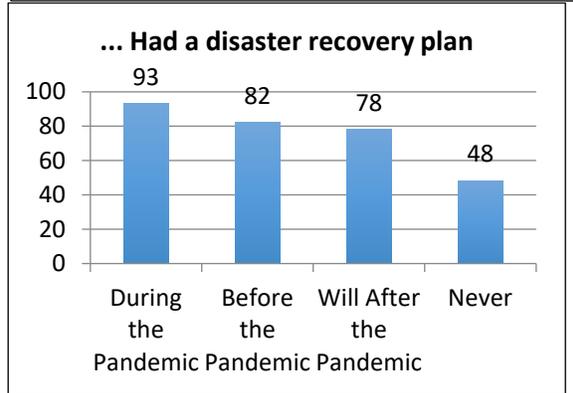
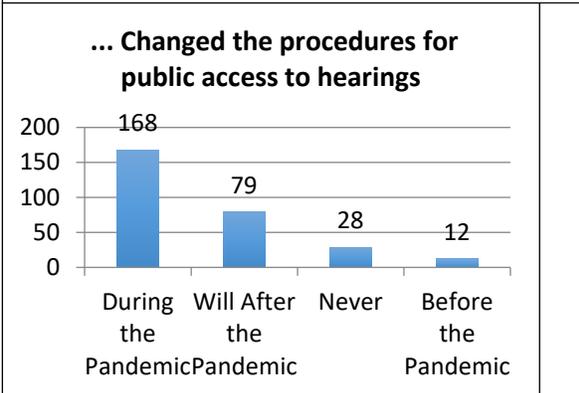
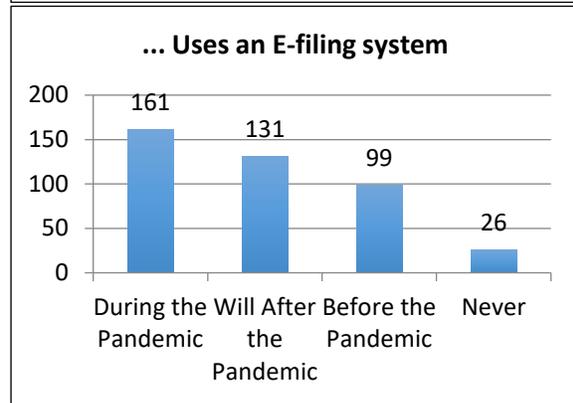
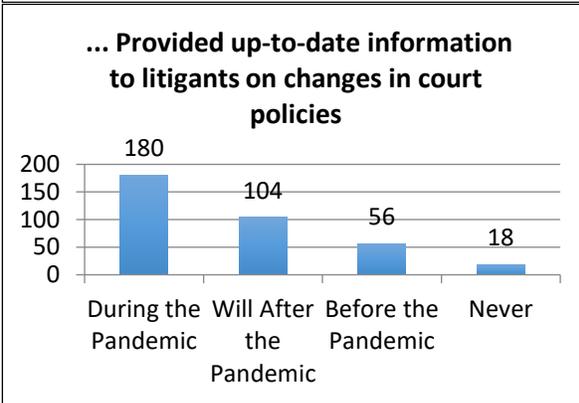
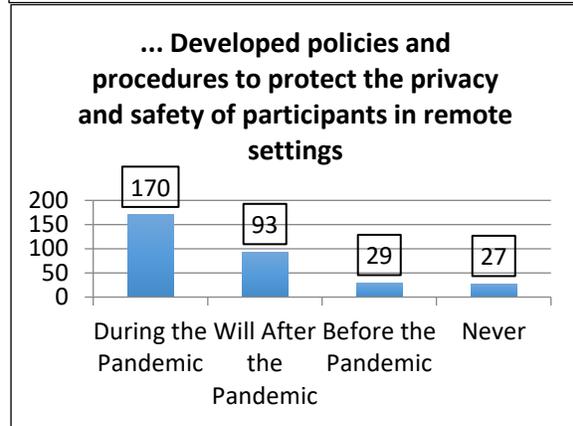
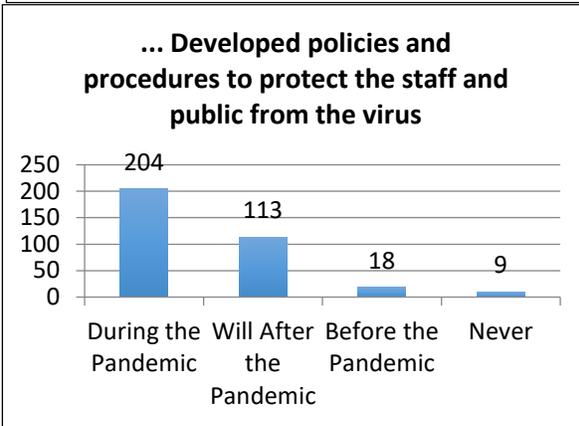
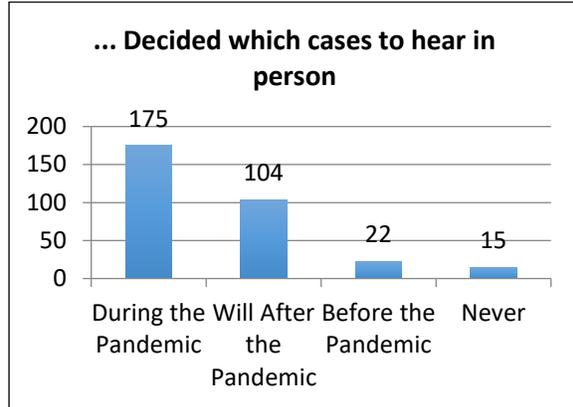
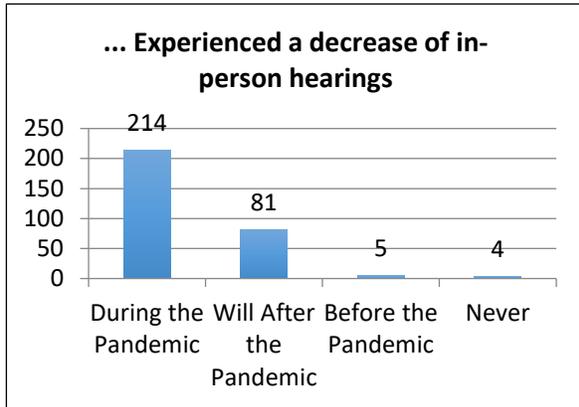
	Count	Percent
Urban	149	40.6%
Rural	108	29.4%
Suburban	56	15.3%
Tribal Community	7	1.9%

How many years have you served in your current role?

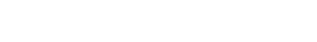


N	Average	Median
267	9.4	6

Section 2: Temporal Matrix



Section 3: Sliders

Variable	Count	Average	Median	
Internet Access	180	47.8	50.0	
Effectiveness of remote hearings...	186	50.8	50.0	
Technology	192	51.3	50.0	
Language, culture, and disability...	164	51.6	51.5	
Making credibility determination...	179	57.4	53.0	
Access to community	174	61.6	60.0	
Ability of court-based/court-refer...	180	61.9	60.0	
Engagement/connection between...	192	63.1	70.0	
Evidentiary hurdles posed by re...	188	63.3	68.0	
Impact on workload for judicial ...	192	64.2	71.0	
Total (10)	1,827	57.4	55.0	

APPENDIX B – Protocol for Phase 2 Interviews

Thank you again for agreeing to participate in Phase 2 of the SJI COVID Impacts Project. We are going to ask you a series of questions and ask you to discuss issues and topics that were raised by respondents during the Phase 1 survey phase. You completed the entire survey and we deeply appreciate your cooperation. Ultimately, the goal of this project is to compile relevant and useful information about innovative practices and ongoing challenges related to the pandemic and provide that information to family and juvenile courts across the country.

Your participation in Phase 2 and this interview is completely voluntary. You do not have to answer any questions or discuss any topics that you do not feel comfortable responding to. However, please know that we are not going to ask you any questions or discuss any topics that are case-specific or that would compromise confidential or private information.

Before we begin, did you have an opportunity to review the list of questions/topics in advance? Are you OK with us (audio) recording this interview? We do this solely to ensure that we do not miss important information that you will provide. Know also that we will not identify you individually as a participant in this interview. Your responses will be compiled in a manner that protects your identity but can be summarized in a way that leads to meaningful information for other family and juvenile courts.

1. What is your current position? If it is a group interview, ask participants to identify themselves and their jobs/roles.
2. What types of cases do you/your court handle (e.g., custody, divorce, domestic relations, protection orders, dependency, delinquency, others)?
3. Please describe what is happening in your court right now related to the pandemic (for example, video/virtual hearings, in person hearings, for which types of cases, open to the public, etc.).
4. Have other things changed in your communities related to the pandemic (e.g., access to the internet, access to transportation, socio-economic impacts, or other changes)?
5. If your court handles a range of family and juvenile court matters, what differences are there between family court cases (e.g., custody, divorce, domestic relations, protection orders, etc.) and juvenile court matters (e.g., delinquency and dependency) as these relate to the pandemic (e.g., more virtual hearings in certain types of cases, more in person hearings in certain types of cases or at certain hearing stages, etc.)?

NOTE: We want to get a sense of the impacts specifically on family court matters (e.g., custody, divorce, domestic relations, protection orders, etc.) and juvenile court matters (e.g., delinquency and dependency).

6. If you are a court administrator, how often do you meet with the family court/juvenile court judge(s) to discuss ongoing challenges related to the pandemic? If you are a judicial officer, how often do you meet with your court administrator to discuss

challenges related to the pandemic? NOTE: If the judge and court administrator jointly participate in the interview, simply ask them the question.

7. In cases/hearings involving children, has the frequency of in-person hearings been impacted by concerns related to child vaccination issues? Other issues?
8. The Phase 1 survey revealed that many jurisdictions anticipate they may continue to hold virtual proceedings for at least some types of cases. What is the circumstance in your court and could you explain the reasons for this?
9. What data are your court collecting/tracking related to the pandemic? How is that information being collected and used?
10. FOR PARTICIPANTS HANDLING A RANGE OF FAMILY COURT MATTERS:
How has the pandemic impacted safety considerations in family court matters (e.g., safety of litigants/survivors in child custody, divorce, domestic relations, protection orders, other related matters)? How have alleged victims been impacted?
11. What issues with remote technology have been the biggest challenges for your court (e.g., internet access, video conference technology, telephonic, access to jails/prisons, other)?
12. If there are/were challenges accessing remote technology, what has been done to address those challenges?
13. The Phase 1 survey also revealed a range of possible positive impacts on family and juvenile court operations (e.g., improved attendance at hearings, more timely hearings, less time demand for parents/litigants to miss work, fewer transportation barriers, etc.). What have been the primary benefits in your court?
14. Other emerging research and our Phase 1 survey also revealed a number of ongoing challenges and possible adverse impacts (e.g., due process, evidentiary concerns, making credibility determinations, technology obstacles, inability of parents to visit children in person, etc.). What have been the most formidable challenges in your court and what has been done to try to address these?
15. Any additional concerns or issues that you wish to discuss or raise?

Thank you for participating in this interview. Once again, we will be preparing a summary of your interview responses for you to review before we complete the final study report. We will be sending that to you via email and no one else will see your responses. We want to be sure we get your responses right!

APPENDIX C – What 10 jurisdictions say is working and what are some ongoing challenges related to the pandemic

While this study is considered exploratory, the survey and interview responses we received revealed important information for juvenile, family, and tribal courts. As previously noted, one of the outputs requested by Phase 2 interview participants was some initial direction regarding what may be working in different jurisdictions as well as what challenges persist in specific sites.

Below, we have provided some examples from the Phase 2 interviews regarding what appears to be of benefit or working and what presents ongoing challenges in each of the Phase 2 jurisdictions. Please note that while we do not list the specific interview participants here, all have agreed to provide additional information on the changes and innovations that have occurred in their jurisdictions, as well as to provide updates on the ever-evolving circumstances surrounding the pandemic and how they are trying to address these (contact the NCJFCJ authors for contact information for the specific sites).

What is working?

This section displays the key changes and innovations that seem to be working in the 10 Phase 2 jurisdictions (please note that some of these reforms are under consideration or are being piloted, and may not have been fully implemented in the respective jurisdictions).

Alabama

- *Virtual hearings present far fewer time and travel demands.* For witnesses, including expert witnesses, who used to have to drive great distances, now they can participate via Zoom. This makes them more available and presents far fewer time and travel demands. For parents, it is an important benefit to be allowed by the judge to Zoom in when they cannot get off from work.
- *Enhanced safety for victims.* In some cases, the safety of persons alleging domestic violence has been enhanced because they feel more comfortable sharing information with the court remotely and not having to be physically in the same space as the alleged perpetrator.
- *Hybrid hearings are giving the courts flexibility.* Many courts are holding hybrid hearings now with some courts holding hearings in different places, not just in the courthouse. We have had courts holding proceedings in parking lots in some areas of the state, very creative.
- *State supreme court rules have helped reinforce viability of virtual proceedings.* The Alabama Supreme Court and juvenile judges are working on wording on what to allow related to virtual proceedings. Zoom has its place, but having the Alabama Supreme Court issue rules makes everyone take it more seriously.

- *Juvenile cases are not allowed to linger* compared to other family court matters. Judges feel delinquency matters need to happen while youth remember what happened.
- *An application called AlaCourtPlus is being used by judges to record virtual hearings.* There are some restrictions related to recording juvenile matters, but expanding this is being considered.
- *Virtual proceedings have allowed the courts to expand and improve interpreter resources.* The courts are getting better interpreters and better access to more qualified and unbiased interpreters with the use of Zoom, and this has been a major breakthrough. There used to be significant delays in finding qualified interpreters and it cost more, but they are more available now.
- *More time certain hearings are occurring,* though more recently, some judges have gone back to more block hearing schedules.
- *Less waiting time.* Parties used to come to the waiting areas and wait for extended periods in too many cases. We have seen dramatic improvements in this regard.
- *Cases seem to be moving more quickly,* especially review and administrative hearings.
- *Virtual break out or waiting rooms* have enhanced the availability of attorneys to meet with their clients. These really help hearings run on time and allow attorneys and clients to be better prepared. The attorneys and clients can wait in the virtual break out room until the judge admits them.

Delaware

- *The state family court has created forms that people can use to request in-person, remote, or hybrid hearings* and that has allowed flexibility. By and large, however, if there are no constitutional issues, hearings are conducted remotely, but if someone needs to present evidence and testimony there is flexibility.
- *The court-based mediation program continues to be held virtually* and appears to be working. Delaware has a court-based mediation unit that handles custody, visitation, and other child-related matters and these mediation sessions have been virtual.
- *Virtual proceedings have dramatically reduced transportation and travel demands* for families, and they have reduced the amount of time parents need to take off work.
- *Requests for emergency relief can more easily be accommodated* without having to deal with typical problems of scheduling and courtroom availability.
- *The court can pull data for any time period,* compare filings, dispositions, and other key data points, and the court can do pre- and post-COVID analyses by case type and examine backlogs.
- *The courts developed Zoom protocols* to ensure that persons who are not supposed to participate in virtual proceedings were not present.
- *In some cases, remote hearings can reduce trauma* for litigants and children. Our court has a child wellness mental health docket and virtual proceedings are having less

traumatic effects on children. Reduction in trauma may also be occurring for adults and domestic violence survivors when they do not have to encounter perpetrators in person.

- *The courts and key partners established virtual courtrooms.* For detained youth, the court in cooperation with Youth Rehabilitative Services and the Department of Corrections, has set up virtual courtrooms in facilities that are assigned to each particular court. This helps reduce detention or holding cell time.

Kentucky

- *The unified court has been able to help all courts manage Zoom resources.* All family court judges now have enhanced Zoom accounts.
- *Most judges use a hybrid system.* While remote hearings are an option, the ratios of in-person to remote hearings vary across the state, as do the types of hearings that are remote. The increase in participation indicates some courts will continue to hold virtual hearings at their discretion. With the change to conducting more remote hearings, our courts have seen an increase in participation across all platforms.
- *Most judges are using remote hearings for conferences and reviews.* In contrast, most courts are conducting in-person hearings for contested evidentiary matters.
- *Improved attendance by parents and caregivers at child welfare hearings.* This has been the most often reported positive impact.
- *State court administration uses the CourtNet system to track data.* While the data are not pandemic-specific, they can isolate data by dates to compare pre- and post-COVID periods. There have also been qualitative surveys to measure judicial perspectives on the impacts on parties, case management, access, and different hearing types.
- *With remote hearings in which people participate from home, the court gets to see what the homes look like.* This is another nuance in how the court can see how people are living.

Northern California Tribal Courts

- *More people are appearing for their virtual hearings.* They are able to appear from their homes if they have access to remote technology.
- *Children may be more comfortable in virtual settings.* In dependency cases, when a child is speaking in a remote hearing, the child may be more comfortable in their own environment and be a lot more cooperative versus sitting in the courtroom.
- *In some tribal courts, everyone seems more comfortable in virtual hearings.* The tribal courts have a substantial number of self-represented litigants and everyone seems to feel more at ease in a virtual setting.
- *The court is considering creating a YouTube video to instruct self-represented litigants.* The court is considering options including a YouTube video that would instruct self-represented litigants on what to do.

- *The tribe purchased iPads that a social worker can drop off for use, and computers have been set up in strategic locations.* In Tolowa, for example, the tribe bought two computers and three iPads and a social worker can drop off an iPad for people to use and return. The court has set up virtual access at locations in Redding at the health clinic, the counseling clinic, and the library, and hearing participants can be directed there to use the computers or iPads for Zoom, though this continues to be a struggle.

New Mexico Tribal Court

- *The tribe's tradition of a type of pre-trial, family meeting, or informal discussion continues to resolve issues without the need to come to court.* This probably resolves half of the cases that would ordinarily go to court, and the judge issues an order as to what is agreed to. This is particularly helpful in civil matters.
- *The Pueblo used federal dollars to provide laptops and Verizon jetpacks to allow for greater connectivity.* Before the pandemic, maybe 85% of households did not have this connectivity.
- *Virtual hearings have dramatically increased hearing attendance and participation.* Tribal court is experiencing more participation than ever, whether it be in civil or criminal cases. The court estimates there may be as high as 95% attendance and participation now at hearings, versus 75% before the pandemic. People feel more comfortable in front of a screen. The court feels there will always be a place for virtual proceedings as long as the court continues to administer justice.
- *Attorneys like virtual proceedings.* They do not have to charge as much and do not have as many travel time demands.
- *Litigants do not have to take as much time off of work as they used to.* This finding transcends specific jurisdictions and seems to be a persistent benefit.
- *Virtual proceedings help the community feel safer.* This is particularly relevant in tribal communities. Native American communities have been disproportionately affected by COVID, people have died and people are scared. But virtual proceedings help the community recognize that the court cares about broader community safety.

New York City

- *Continuing collaboration by the court and its key partners has enhanced remote hearings.* There continues to be exceptional collaboration among attorneys and agencies in family court cases to help people use the technology for remote hearings.
- *Good virtual technology helps the court more accurately assess litigants.* Issues including body language and facial expressions are clearer in virtual proceedings versus when they are several feet away due to social distancing and other considerations in the courtroom.

- *Virtual proceedings have dramatically reduced waiting times.* As indicated in a number of other jurisdictions, before COVID families often sat in the court lobby waiting hours for their hearings to commence. That is no longer the norm.
- *Families can more easily meet with their attorneys in advance.* This is an important benefit as it allows attorneys to explain to family members what is going to happen before the hearings so families know what to expect.

Upstate New York

- *Almost all family court trials are conducted virtually.* Probably 90% of family court trials are being done virtually where parties appear using Microsoft Teams. It works really well. The court and the local bar support virtual family court trials.
- *Virtual hearings with less time demands generally work better.* While family court trials are generally conducted virtually, shorter hearings including initial appearances, short appearances, custody, visitation, and even some family offense matters seem to be better suited for the virtual environment.
- *Virtual proceedings have created more privacy for family litigants.* We do not have 30 people waiting in the hallways.
- *Virtual adoptions have been embraced.* The court reports that adoptive families seem to really like the virtual adoption option.
- *Litigants without attorneys are very happy not having to come to court and wait for hours.* Persons filing restraining orders can get help online with filing petitions. In addition, judges can often be ready virtually in less than an hour and they can prioritize domestic violence cases.
- *Offering petitioners the option of turning off the camera, except during trials, can make them more comfortable.* At initial and early proceedings, the court can offer the petitioner to just appear via audio.
- *Offering the option of virtual proceedings seems to improve participation.* In family offense proceedings, the court is able to offer petitioners the option of appearing virtually. This really impacts the petitioners as they feel more comfortable continuing with the proceedings.
- *Virtual hearings improve the timeliness of emergency proceedings.* The court is able to handle emergency proceedings on very short notice which is a huge benefit. Attorneys do not have to rearrange schedules and can attend remotely.
- *Court clerks are tracking COVID impact data.* These include data related to how many cases the court has, how many are falling behind, how many are closing, and how many hearings are held virtually versus in person.
- *The hybrid virtual option can help with witness participation.* The court appears to favor the option of hybrid virtual hearings in cases involving witnesses who have short testimony times.

Ohio

- *Overall, the primary benefits to the court include court savings, dockets that run more efficiently, and better hearing attendance.* In Warren County, it appears that almost everyone involved in family court proceedings can now log in and attend virtually.
- *Custody pre-trials via phone have been working.* This was started when COVID first happened. The court feels this is a good business practice.
- *The court prefers to conduct in-person hearings in dependency matters.* The court feels the unique aspects of dependency cases are better addressed in person rather than remotely.
- *Virtual proceedings have dramatically reduced attorney costs.* Outside of some custody and delinquency matters, attorney costs have gone way down since the court enacted remote hearings.
- *The custody docket is running more efficiently.* Furthermore, feedback from the public has been positive regarding participants not having to miss work in these cases.
- *Court administration tracks data related to the health and safety of young people and court staff.* Court administration maintains a spreadsheet that tracks exposures, positive tests, how long staff are out of the office, vaccination status, and more. The court uses this to help inform decisions.
- *Visitation rates for detention and the residential center have increased.* Court administration estimates that visitations by family members may have increased by as much as 90% compared to pre-COVID. Youth seem to enjoy it more versus family members staring at each other in visitation rooms, so there are more frequent contacts with parents and relatives.

Texas

- *Court hearings have varied from virtual to in-person, depending on local conditions.* The juvenile court has been flexible and has focused on ensuring the safety of personnel and juveniles/families.
- *Collaboration among system partners has been key in addressing shifting COVID circumstances.* The Juvenile Justice Department is in a unique location and includes two courtrooms, court staff, the juvenile prosecutor, defense attorneys, clerks, probation staff, and a 61 bed detention center. The court has played an important role in fostering agreement across different stakeholders.
- *COVID screenings in the parking lot and designated parking for juveniles and families.* The court has continued to adjust practices to ensure safe operations to maximize participation and safety.
- *Prioritizing referrals that merit detention.* The department and court decided to focus on felony referrals for detention. Law enforcement referrals were cited for administrative

intake via phone and/or virtual platform. When COVID cases subsided, intakes were changed to in-person at a designated office with plexiglass protection.

- *Implementation of continuous COVID safety protocols.* Direct care staff, county medical division personnel, and administration implemented continuous safety protocols that included COVID screenings at the beginning of every shift, PPE and face shield adherence, frequent cleaning/sanitizing, and ensured that affected staff did not return to the facility until they were fully cleared. As a result of these protocols, not one youth in detention tested positive during a recent 21-month period.
- *Modified training to virtual.* Direct care staff and probation officers are required to achieve state certification. The department invested in Zoom accounts and desk cameras for recertification training and training for new hires.
- *Virtual delinquency hearings have helped improve attendance by juveniles and families and made hearings more timely.* While some judges may have reservations about juvenile proceedings, they supported the process due to COVID safety protocols.
- *Creating a flexible schedule helped the department limit the number of persons in buildings and gave staff flexibility.* After the nation-wide lockdown, the department resumed operations by creating a flexible schedule for administrative staff to come to the office on designated days and work an A or B schedule. This gave staff flexibility to come to work later and make child care arrangements.
- *Increased use of GPS monitoring has helped keep the detention population down.* When youth were released from detention due to COVID concerns, GPS electronic monitoring was increased and that helped monitor juvenile compliance with court orders.

West Virginia

- *Better technology in jails and detention centers.* The court received a grant to improve technology in jails and detention facilities. This allows for more remote hearings from jails and detention, a real plus. Transportation from jails has been a real issue.
- *Real improvements in overcoming transportation barriers due to increased availability of remote hearings.* These include not having to transport inmates from jails.
- *Attorney availability and schedules have improved.* Before COVID, attorneys were often spread across different courtrooms or courts. Their schedules are more manageable now.

What are key ongoing challenges?

Below are outlines of the key ongoing challenges reported by each of the Phase 2 jurisdictions.

Alabama

- *Practices vary across the state in terms of virtual hearings.* With 67 counties in the state, despite a unified court system, there are not uniform practices across all courts related to the pandemic.
- *Huge courtrooms present important challenges.* Cameras, microphones, and other equipment have to be in the right locations to function, and in-person proceedings are more difficult due to social distancing requirements.
- *Internet access and connectivity are real problems.* While the vast majority of people have cell phones, being able to connect to the internet and stay connected has been an issue in urban and rural areas.
- *Domestic violence cases have skyrocketed.* While this is not surprising due to conditions fomented by the pandemic, this has produced a variety of pressures on the court and the community.
- *Truancy cases have plunged.* With schools operating remotely during the pandemic, truancy referrals have dramatically decreased. There are concerns that these cases will increase with schools reopening.
- *Child vaccination issues do arise and present important challenges.* In some cases, particularly dependency matters, some courts are very aware of not wanting to re-traumatize children by confronting parents or caregivers about their vaccination decisions.
- *Some courts are experiencing recent COVID outbreaks.* While the pandemic shows signs of ebbing in some jurisdictions, there have been more recent outbreaks due to the highly contagious Omicron variant. These outbreaks prompt different practices as circumstances shift.
- *There are concerns regarding people being coerced in some virtual proceedings.* When people appear via Zoom or other platforms it is not always easy to determine if there is someone else in the room.
- *Evidentiary concerns.* In response, Alabama is piloting an exhibit tool within AlaCourtPlus to allow easier uploading of exhibits that judges can accept in open court.
- *Parents visiting children.* While the courts use FaceTime as much as possible, this limits the strength of early bonding that is so important with young children. While the courts want to order in person visits whenever possible, sometimes there need to be porch visits. These young children do not understand why they cannot see their parents in person.
- *Montgomery County created a mediation project that the court feels should be in person, not virtual.* This project was just getting off the ground when the pandemic hit but the court feels it really needs to be in person, not virtual.

Delaware

- *Zoom fatigue.* This has been a very real phenomenon for many judges, but judges have discretion as to whether a hearing is virtual or in-person.
- *Internet access.* Access and connectivity have been issues in rural and other areas of the state.
- *A sense of informality.* Some judges have felt that remote hearings contributed to some sense of informality, but this experience varies among judges.
- *Regular contact between judges and court administrators varies.* There are some areas of the state where some judges do not have regular contact with their court administrators.
- *Credibility determinations.* Initially, there were some concerns about this issue, but that has waned.
- *Backlogs and delays in juvenile delinquency proceedings.* These have been big concerns, with some juveniles picking up additional charges while their cases are pending.
- *Evidentiary issues.* The courts have experienced some challenges in this regard largely because of self-represented litigants not knowing how to submit evidence for remote hearings, and the Delaware Family Court is not an e-filing court.
- *The pandemic's impacts on staff.* Staff have had to do extra work and have been experiencing fatigue and burnout. The courts have been averaging about 75% staffing levels. At times, the court records room has to be closed, and at other times staff have had to be moved around to perform roles for which they have not been fully trained. The courts are very frustrated in not being able to recognize employees adequately for all the hard work they have been doing during the pandemic.

Kentucky

- *Broadband access is a huge issue.* Through experience, the courts have discovered important nuances associated with it. A lot of people use their cell phones or go to places like Walmart to access Wi-Fi. Access to technology is a big issue. The courts cannot serve parties who cannot get into virtual hearings.
- *A significant increase in mental health and substance abuse issues.* These include an increase of overdoses and deaths due to substance abuse.
- *Parental disagreements regarding vaccination.* There has been an increase in cases and hearings in which parents themselves disagree about getting vaccinated and/or whether a child should be vaccinated.
- *Social distancing requirements in some courthouses.* These have resulted in some domestic violence survivors waiting in their vehicles or other waiting areas, which may place them in proximity to alleged abusers, according to victim advocates.
- *Virtual proceedings have also fostered some safety concerns.* As indicated, sometimes the court cannot tell who is in the same room with a petitioner or participant. The extent of such circumstances is not fully known.

- *Barrier to interpreting services.* In contrast to at least one other Phase 2 jurisdiction that has experienced improvements in access to interpreting services, some courtrooms in Texas do not have adequate devices to project sound throughout the courtroom to ensure effective interpreting.
- *Collaboration with child welfare and maintaining community partnerships have been difficult.* The courts feel strongly that strong partnerships with child welfare and the community are essential to promoting community safety and best practices. The pandemic has inhibited ongoing collaborative efforts.
- *Internet capacity across a large geographic region was a major challenge.* Many families leaned on school districts to provide computer tablets and some schools were parking buses in neighborhoods so students could access the internet.
- *Remote school was very difficult, particularly for families with multiple children.* Families struggled with prioritizing virtual education for their children. It also posed challenges for department staff who had to stay home.
- *Staff shortages were exacerbated during the pandemic.* The probation department had to assign staff to work in different roles and different shifts. While there was some minor push back, no one was laid off and staff understood the need to ensure the safety and security of children.
- *Juveniles initially detained were placed in medical isolation.* While this presented challenges, particularly for youth with mental health issues, the department partnered with a local nonprofit to conduct COVID testing that helped reduce lengths of stay in medical isolation. That said, detention lengths of stay were problematic as safety protocols limited the movement of and interactions with some youth. These restrictions limited defense attorney interactions and probation staff preparing disposition reports for the court. At times, technological issues inhibited communication with youth in medical isolation.
- *Youth with serious mental health issues presented significant challenges.* Some detained youth present serious mental health problems and they were exposing themselves and spitting on staff. While staff were wearing protective clothing and shields, they were also trying to de-escalate these situations. These situations were very stressful for staff and youth. Mental health evaluations were also delayed due to medical isolations. The department continues to have strong concerns that the mental health needs of youth were not consistently met during juveniles' extended quarantine periods, other than phone calls or virtual visits from the mental health team.
- *Transportation continues to be an important obstacle.* The county comprises a very large geographic area with very limited public transportation, so remote hearings are necessary to allow everyone to participate.
- *The county has been experiencing increases in child protective, assault, and domestic cases.* These cases have been intensified due to the effects of social isolation as well as disruptive and assaultive behavior involving youth and caregivers.

- *The lack of placement options has caused a range of problems.* As noted in other jurisdictions, the lack of foster families has presented important problems. Mental health issues are so prevalent among the juvenile justice population, and there have been no hospital or treatment options due to staff shortages and other concerns.
- *There have been adverse spillover effects from youth waiting for juvenile correction placements.* State safety protocols and other factors have led to youth waiting months in the detention center for placement in state facilities. State correctional facilities are facing staffing issues. Time served in detention does not count toward correctional placement time because there is not the same level of rehabilitative services. The misbehavior of these youth in detention, because they feel they have nothing to lose, has caused major concerns.

Northern California Tribal Courts

- *A substantial increase in adult guardianships.* This increase largely stems from addiction issues impacting the tribes. There are also more guardianships and conservatorships for adults in their 40s, and it is elderly parents that are becoming guardians for those adults.
- *The tribal courts in this region never had any type of Zoom hearings before the pandemic.* The tribes had only used remote telephonic participation so there has been a learning curve as well as challenges implementing virtual technology. This has been particularly evident in Smith River, a very small community. Public access to Zoom and technology became big issues.
- *The tribal courts have had great difficulties keeping staff.* The various obstacles created by COVID, including closing down courthouses, socio economic conditions in some tribal communities, and related challenges, have caused a loss of employees.
- *In Smith River, there is no possibility of in-person hearings at this point.* The pandemic has had very serious impacts on the Smith River reservation and the tribal council has been forced to take steps to keep tribal members safe. For the tribal court, this means hearing participants need to come to some agreement to conduct virtual proceedings, but if there is no agreement, proceedings come to a halt.
- *In some cases, persons have been standing at the courthouse door to file documents.* In Rancheria, persons file paper documents and then the documents have to be sterilized which can take 72 hours which inhibits timely processing.
- *Some self-represented litigants are filing in state court.* With the barriers at tribal courts, some persons go to state court to file their documents.
- *There is a process server issue with a great need for more.* The sheriff's department was doing personal service at no cost, but due to loss of staff that is no longer available.
- *There are obstacles to obtaining full orders of protection.* In Smith River, persons are relying more on emergency protection orders from the county until the tribal court can issue an order.

- *Credibility issues.* This has been a big challenge with persons claiming no ability to appear by Zoom, and they participate telephonically. As a result, the court cannot determine who is there.
- *Inability to budget for and conduct in-person drug testing.* With substance abuse being a major factor in many cases, limits on testing resources have created important challenges.
- *With parents participating in treatment via Zoom, a lot can be hidden.* The court has serious concerns about the viability of virtual treatment options.

New Mexico Tribal Court

- *Reduction in orders of protection.* A lot of domestic violence and sexual assault victims are from the Pueblo, but many of the alleged perpetrators are not. The court is not seeing as many orders of protection, but this does not mean abuse is not happening. While this may indicate that some people are feeling safer it needs more research.
- *Closing down the Pueblo to non-residents became a reality.* The tribal council elected to close down the Pueblo due to the pandemic, and only tribal members may enter and leave.

New York City

- *While important changes have occurred, some of these need to be formalized including calendar improvements.* While the court has realized some important innovations, there is a need to formalize things more and fine tune the technology to better run the calendar, for example.

Upstate New York

- *The need to address backlogs in the criminal docket.* The court is behind in the criminal docket and most criminal proceedings are being conducted in person now.
- *The state requirement for everyone to wear masks caused some issues in jury trials.* It was not ideal because juries have to assess credibility.
- *Mental health issues have to become a priority in family and criminal courts.* The court has never seen so many mentally ill litigants, and the youth who suffer from these issues are the hardest hit.
- *Juvenile proceedings do not work virtually.* With young people who come to court, it is so important for the judge to establish rapport. The court finds it very difficult if not impossible to establish connections with these youth virtually as these young people see it as another video game.
- *Not enough foster families.* The pandemic has reduced the number of foster families and made it extremely difficult to recruit new families. This causes a domino effect as children are forced to wait for family-type placements.

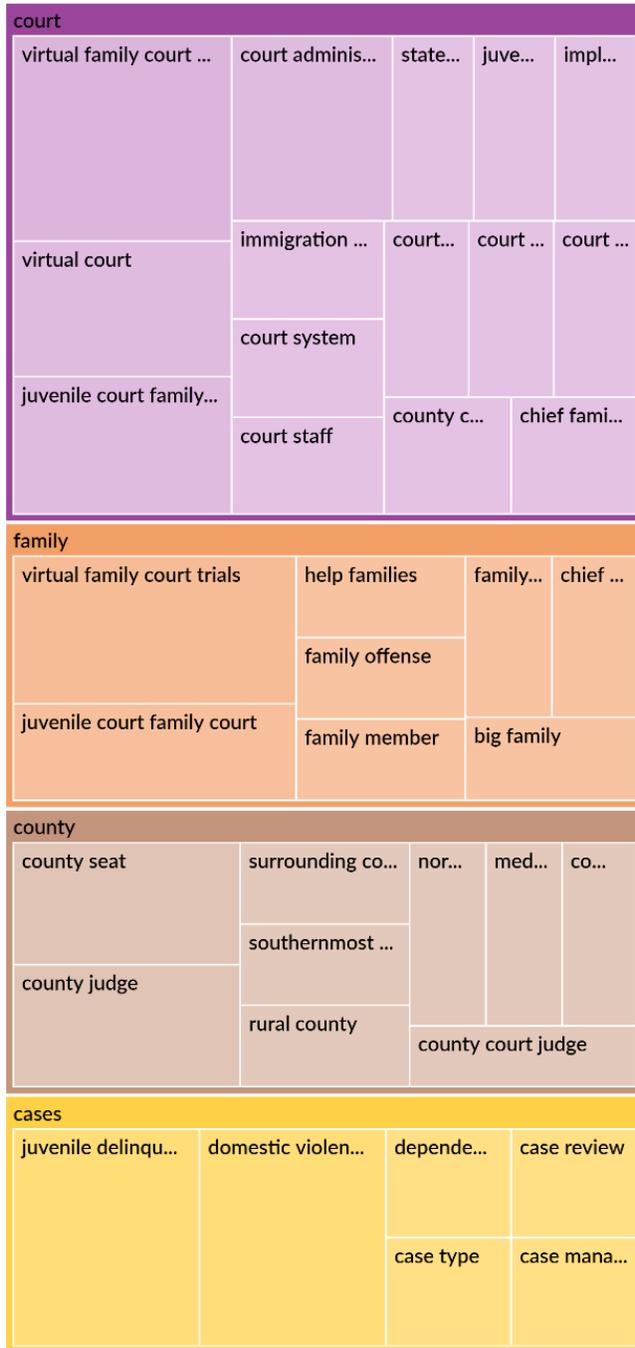
Ohio

- *All detention hearings are being done via Zoom.* The detention center has been on periodic lockdown due to positive COVID cases, which prevents in-person hearings.
- *Recent staffing issues have been exacerbated due to the Omicron variant.* There has been a significant increase in the number of staff who cannot come in to work, including about 30% of detention staff unable to work. It has been a real challenge to have enough staff to make sure they are safe and young people are safe; this is the court's biggest concern.
- *School changes have presented big challenges.* Last year, school was remote. This year, all schools are in person and that transition was a big challenge for students and parents.
- *Maintaining the court staff teamwork atmosphere.* As reported in other Phase 2 jurisdictions, addressing staff burnout and stress poses major challenges.
- *Mental health issues.* These issues not only impact children and families, but court staff as well. Very important concerns.
- *Changing CDC guidelines can affect operations.* The Ohio Supreme Court has provided good guidance, but, in the beginning, everyone was doing things in their own ways.

West Virginia

- *Some counties are experiencing outbreaks and are continuing to do virtual hearings.* The conditions vary across the state. Some probation officers are conducting curbside or porch visits.
- *Outbreaks or potential exposures are the biggest concerns.* There are smaller groups coming into probation offices now to reduce exposure risks and maintain safe distancing.
- *Many probation violation matters were not being heard.* Exposure issues and other safety concerns inhibited hearing violation matters.
- *Visitation issues have been challenging.* Again, due to exposure and safety concerns, the frequency of in-person visits had been curtailed. The situation is returning more to normal now in at least some areas.
- *Initial technical obstacles were major challenges.* For the courts, there were some due process concerns including the ability to face witnesses and be in court in person, but those have been anecdotal.
- *The inability to do drug screens and home visits were important obstacles.* Juvenile probation officers are required to do in-home visits. The pandemic eliminated these for extended periods. Drug testing was also difficult and while there was a switch to patch testing and some counties set up outdoor areas to get their patches to keep people safer, this was not ideal.

APPENDIX C – Hierarchy Chart of Auto-coded Themes



The NVivo auto-coding process detects significant noun phrases to identify the most frequently occurring themes. The process collects the themes and counts their mentions across all sources in the set being processed. Only the most relevant themes are presented in the results. Each different parent item in the hierarchy is assigned a different color, and the child and grandchild items are lighter shades of the parent color. The items are sized by the number of items coded.

hearings			short		family court		facilities	
virtual hearings		adjustme...	short term ...	short notice	virtual family court ...		work fa...	tijd facili...
remote hearings	peri...	court ...	wearing shorts	cargo ...	juvenile court family...		term fa...	facility ...
permanency h...			underwear sh...		chief family court c...		facility ...	facility s...
protection			things		term		programs	
protection orders		res...	prot...	rollin...	pers...	short term de...		counsel progr...
			getting things		term guardian...		rental assista...	
			courtroom th...		term facilities		mediation pr...	
officers			people		assistance		area	
reassigned probation office...		cert...	middle class pe...		enough people		tech...	state ...
juvenile parole officer			inspiring people		chief people			
judge			clerk		rental assista...		huge ... geo...	
county judge		part...	co...	circuit clerks		district clerk		
specific district jud...						chief family c...		
						financial gover...		
information			center		administrator			
sharing information		pri...	short term dete...		regional justice ...		court administr...	
contact information					advocacy center		chief administr...	
							administrative ...	

APPENDIX D – Significance Testing Results and Tables

Rate Difficulty in: Access to the Community

ANOVA	
P-Value	0.002
Effect Size (Cohen's f)	0.264

Group Summary Statistics						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	62.24	59.0	4979	80	55.43 to 69.04	30.59
Administrators	48.53	50.0	1553	32	39.39 to 57.67	25.35
Other Court Staff	69.80	75.0	4118	59	62.87 to 76.72	26.56

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	-7.56	-19.09 to 3.97	0.27	0.26
Administrators	Judges	-13.71	-27.21 to -0.20	0.05	0.47
Administrators	Other Court Staff	-21.27	-34.84 to -7.69	0.00	0.82

Rate Difficulty In: Evidentiary Hurdles Posed by Remote Hearings

ANOVA	
P-Value	0.007
Effect Size (Cohen's f)	0.231

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	68.18	75.0	6204	91	63.75 to 72.60	21.23
Administrators	53.68	51.0	1664	31	45.60 to 61.75	22.01
Other Court Staff	62.16	68.0	3978	64	55.85 to 68.46	25.23

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	6.02	-3.14 to 15.18	0.27	0.26
Administrators	Judges	-14.50	-25.45 to -3.54	0.01	0.68
Administrators	Other Court Staff	-8.48	-20.60 to 3.64	0.22	0.35

Rate Difficulty In: Technology

ANOVA	
P-Value	0.008
Effect Size (Cohen's f)	0.219

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	54.06	50.5	4757	88	48.34 to 59.77	26.97
Administrators	38.56	34.5	1311	34	29.92 to 47.20	24.76
Other Court Staff	53.71	51.0	3706	69	46.93 to 60.49	28.24

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	0.35	-10.20 to 10.89	0.90	0.01
Administrators	Judges	-15.50	-27.80 to -3.20	0.01	0.59
Administrators	Other Court Staff	-15.15	-28.16 to -2.14	0.02	0.56

Rate Difficulty In: Internet Access

ANOVA	
P-Value	0.02
Effect Size (Cohen's f)	0.217

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	49.69	50.0	4124	83	43.18 to 56.20	29.81
Administrators	34.23	30.0	1027	30	22.94 to 45.53	30.25
Other Court Staff	53.34	54.5	3414	64	45.36 to 61.33	31.96

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	-3.66	-15.90 to 8.59	0.74	0.12
Administrators	Judges	-15.45	-30.95 to 0.05	0.05	0.52
Administrators	Other Court Staff	-19.11	-35.49 to -2.73	0.02	0.61

Rate Difficulty In: Creditability Determination in Remote Settings

(Note: Outliers in data set prompted Ranked ANOVA)

Ranked ANOVA	
P-Value	0.029
Effect Size (Cohen's f)	0.193

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	61.73	60.0	5432	88	56.88 to 66.57	22.86
Administrators	51.42	50.0	1594	31	43.51 to 59.33	21.57
Other Court Staff	54.71	51.0	3228	59	47.49 to 61.93	27.71

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	7.02	-3.33 to 17.36	0.25	0.28
Administrators	Judges	-10.31	-21.33 to 0.71	0.07	0.46
Administrators	Other Court Staff	-3.29	-15.95 to 9.36	0.79	0.13

Rate Difficulty In: Effectiveness of Remote Hearings

ANOVA	
P-Value	0.014
Effect Size (Cohen's f)	0.186

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	54.64	51.0	4754	87	49.24 to 60.04	25.33
Administrators	41.19	48.0	1277	31	33.85 to 48.54	20.03
Other Court Staff	50.79	50.0	3352	66	43.85 to 57.73	28.24

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	3.86	-6.60 to 14.31	0.65	0.15
Administrators	Judges	-13.45	-24.26 to -2.64	0.01	0.56
Administrators	Other Court Staff	-9.59	-21.54 to 2.35	0.14	0.37

Rate Difficulty In: Language, Culture, and Disability Barriers in Remote Hearings

ANOVA	
P-Value	0.105
Effect Size (Cohen's f)	0.173

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	54.95	52.5	4286	78	47.92 to 61.98	31.17
Administrators	39.62	40.0	1030	26	26.72 to 52.51	31.93
Other Court Staff	53.25	54.0	3142	59	44.96 to 61.55	31.84
Pairwise Tests						
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)	
Judges	Other Court Staff	1.69	-11.22 to 14.61	0.90	0.05	
Administrators	Judges	-15.33	-32.80 to 2.13	0.10	0.49	
Administrators	Other Court Staff	-13.64	-31.80 to 4.53	0.18	0.43	

Rate Difficulty In: Impact on Workload for Judicial Officers and Court Personnel

ANOVA	
P-Value	0.091
Effect Size (Cohen's f)	0.161

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	63.99	70.0	5567	87	57.54 to 70.44	30.25
Administrators	54.75	51.5	1752	32	44.05 to 65.45	29.67
Other Court Staff	68.97	76.0	4897	71	61.72 to 76.22	30.63

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	-4.98	-16.52 to 6.55	0.56	0.16
Administrators	Judges	-9.24	-24.08 to 5.61	0.30	0.31
Administrators	Other Court Staff	-14.22	-29.55 to 1.10	0.07	0.47

Rate Difficulty In: Ability of Court-based/Court-referred Services to Monitor Compliance

ANOVA	
P-Value	0.203
Effect Size (Cohen's f)	0.142

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	62.31	57.0	5421	87	57.26 to 67.36	23.70
Administrators	55.79	60.0	1841	33	46.74 to 64.84	25.53
Other Court Staff	65.90	70.5	3822	58	59.12 to 72.68	25.78

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	-3.59	-13.64 to 6.46	0.66	0.15
Administrators	Judges	-6.52	-18.86 to 5.81	0.42	0.27
Administrators	Other Court Staff	-10.11	-23.50 to 3.28	0.17	0.40

Rate Difficulty In: Engagement/Connection Between Parties, Families, and the Court

ANOVA	
P-Value	0.159
Effect Size (Cohen's f)	0.124

Summary						
Group	Average	Median	Sum	Sample Size	Confidence Interval of Average	Standard Deviation
Judges	63.80	70.0	5551	87	57.90 to 69.71	27.72
Administrators	56.09	51.0	1851	33	48.26 to 63.93	22.10
Other Court Staff	65.47	71.5	4583	70	58.89 to 72.06	27.62

Pairwise Tests					
Group 1	Group 2	Difference in Averages (1-2)	Confidence Interval of Difference	P-Value	Effect Size (Cohen's d)
Judges	Other Court Staff	-1.67	-12.18 to 8.85	0.90	0.06
Administrators	Judges	-7.71	-19.35 to 3.92	0.26	0.30
Administrators	Other Court Staff	-9.38	-21.49 to 2.73	0.16	0.36