

Court Involvement and Time to Permanency

Key Message: Court involvement for children entering out-of-home care, i.e., filing dependency petitions, has been on the rise from 2001-2011, with a sharp increase beginning in 2009. Though there is regional variation, the upward trend is statewide. This was associated with an increase in the amount of time children spend in out-of-home care. Additional data and analysis will help to understand both the rise in court involved cases and the effects on the system.

Definitions: When a child is placed in out-of-home care (such as foster care or kinship care), the process happens in one of two ways. In a *voluntary placement agreement (VPA)*, the parents/guardians authorize the placement. Otherwise, a social worker can file a *dependency petition* with a judge, and if the petition is upheld, the court authorizes the placement. Thus, cases where a dependency petition is filed are *court involved*.

Background

When a child enters out-of-home care, the amount of time they spend in care and their outcomes can be strongly influenced by the state, through state social workers, and if a dependency petition is filed, also through courts and judges. Court involvement can serve to protect a child. Voluntary placement agreements (VPA) are typically used when a relatively quick reunification is possible. Historically, VPAs in Washington were limited to six months; then, from late 2009 to early 2013 their use was generally discouraged. Starting in early 2013 they were once again supported, but with a time limit of five months.

On the other hand, placements due to a dependency petition are not time-limited. Cases where a dependency petition has been filed, i.e., court-involved cases, require approval of both Children's Administration (CA) and the courts for resolution. This is different from VPA cases, which require only CA oversight to be resolved. Cases that become court-involved tend to be more complex. Thus, due to the nature of both the cases and of the system, children removed under a dependency petition tend to spend more time in care than children removed under a VPA. Of course, there is geographic variation in courts and judges, as well as other factors.

Study

The data used includes nearly 60,000 children who entered out-of-home care for the first time between 2001 and 2011 with a follow up time through May 2013. The study used a "competing risk" model (Crowder, 2012) to analyze the effect of dependency status on the time to four permanency outcomes (reunification, adoption, guardianship or emancipation), while controlling for child's age at entry, sex, race/ethnicity, entry year and reasons for removal. This study continues ongoing POC work looking at factors affecting permanency outcomes for children involved with Washington's child welfare system (Courtney and Hook, 2012).

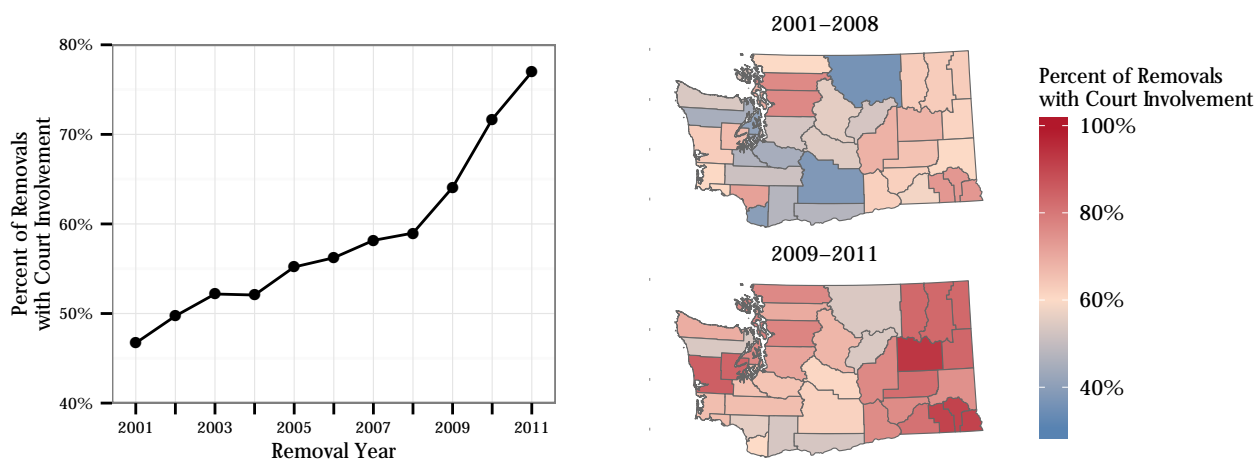


Figure 1: *Left:* While on the rise through the early 2000's, the percent of removals with an associated dependency petition drastically increased beginning in 2009. *Right:* The county maps show court involvement in removals by superior court jurisdiction, pre- and post-2009. Regional variation is present in both, but the increase in court involvement affected the entire state.

Findings

As noted, the percent of removals that have an associated dependency petition increased from 2001-2011. There is substantial regional variation, but the increases affect the entire state (Fig. 1) with the sharpest increases starting in 2009 and continuing through 2011. These steep increases coincide with a CA policy (late 2009) that limited the use of VPAs, a decision that was reversed in early 2013, though other factors could play in as well.

The graph in Figure 2 illustrates the relation between court involvement and the permanency process. The red lines show the percentages of reunification and adoption with a dependency filing, and the blue line shows the percentage of reunification with a VPA. (Adoption is not possible from a VPA.) The cumulative percentage of permanency outcomes with dependency (both red lines added together) is comparable to the percentage reunified without a dependency filing (blue line), however it takes several years to get there. For example, it took 1067 days—nearly three years—for 75% of court-involved removals to achieve permanency, but it took only 51 days for 75% of VPA cases to achieve permanency. Note that, though the model does control for some case-related factors such as reasons for removal (e.g., physical abuse, sexual abuse, neglect), a social worker who decides to file a dependency petition knows much more about the case. The decision to file a dependency petition is often a response to a complex situation that requires court involvement.

There is also regional variation in the rate at which children achieve permanency. The map in Figure 2 shows the modeled effect of the Superior Court (i.e., variance based on district court geographic boundaries) on the rate of reunification, with counties in blue having higher rates of reunification and counties in orange having lower rates of reunification. As stated above, we controlled for case and demographic characteristics, but the superior court jurisdiction is the only geographic variable in the model. Thus, the map includes all geographic effects that are otherwise unaccounted for.

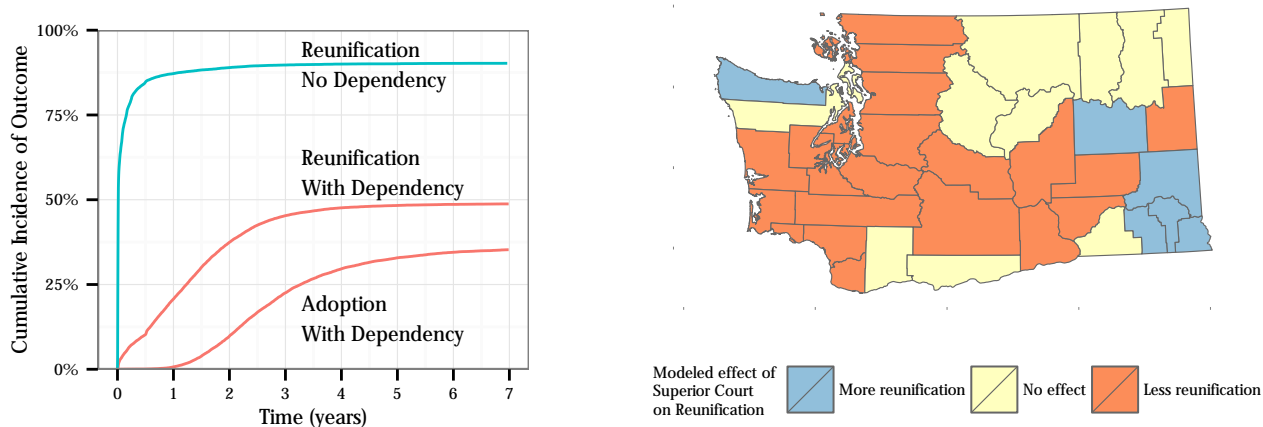


Figure 2: *Left:* The relative speed of reunification/adoption with and without dependency. Cases without a dependency petition are resolved very quickly relative to cases with a dependency petition. The different levels are due to the number of permanency possibilities; adoption, for example, is not a permanency option for cases without a dependency petition. *Right:* The map shows the direction of the modeled effect of the Superior District Court on the rate of reunification for court-involved cases in every jurisdiction. Blue indicates a higher rate of reunification, red a lower rate of reunification, and yellow an average rate of reunification.

Discussion

Filing a dependency petition is the only appropriate course of action for many cases. However, when a voluntary placement agreement is an option, using it instead of a dependency petition can help to significantly reduce the amount of time spent in out-of-home care. Partners for Our Children is currently researching this issue in greater depth to more fully understand what factors are important in court-involved and voluntary placement cases.

Acknowledgments

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References

- Courtney, Mark E, and Jennifer L Hook. "Timing of exits to legal permanency from out-of-home care: The importance of systems and implications for assessing institutional accountability." *Children and Youth Services Review* .
- Crowder, Martin. *Multivariate Survival Analysis and Competing Risks*. CRC Press, 2012.