

Timing of exits to legal permanency from out-of-home care: The importance of systems and implications for assessing institutional accountability[☆]

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ABSTRACT

Achieving legal permanency (i.e., family reunification, adoption, or legal guardianship) for children placed in out-of-home care due to abuse, neglect, or dependency is one of the primary goals of the public child welfare system. Following through the end of 2008 children who first entered out-of-home care in the State of Washington between 2001 and 2007 ($n = 36,797$), this study identifies significant variation between jurisdictions within the state in the rate at which children experience legal permanency, variation that cannot be readily explained by differences in the characteristics of the populations served. Interactions between the juvenile courts and child welfare agencies appear to explain much of the observed geographic variation in outcomes. Juvenile court involvement varies considerably across the state; differences in the likelihood and timing of court involvement are partially due to differences in the availability of services to troubled youth and partially due to local variation in decision-making about when to involve families with the courts. Non-court-involved children are more likely to reunify and reunify much more quickly than court-involved children. Thus, variation by region in the mix of children who are court-involved versus non-court involved influences regional performance in achieving permanency for children. These findings have implications for efforts to hold institutions accountable for achieving legal permanency for children in out-of-home care.

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1. Introduction

Along with preventing child maltreatment, achieving legal permanency for children placed in out-of-home care due to abuse, neglect, or dependency is one of the primary goals of the public child welfare system. It has long been the case that over half of children entering out-of-home care in the U.S. will return home. For those children unable to return home, child welfare agencies generally seek legal permanency through adoption or guardianship and about one-quarter of children exiting care in recent years have experienced one of those outcomes (US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2010). However, observers have long noted significant between- and within-state differences in the likelihood that children entering care will experience legal permanency and how long it takes for them to do so (Wulczyn, 2004; Wulczyn & Goerge, 1992).

Better understanding of the reasons for these differences between jurisdictions in outcomes is important for improving outcomes generally and for improving efforts to hold child welfare agencies accountable for outcomes. For example, on the one hand, if observed differences in outcomes are due entirely to differences in the characteristics of the populations served, in other words, if some jurisdictions more than others serve populations for which permanency is more difficult to achieve, then accountability mechanisms should take that into account. Indeed, some observers have criticized the National Performance Standards under the federal Child and Family Services Review (CFSR) for failing to account for potential between-state differences in populations served (Courtney, Needell, & Wulczyn, 2004; Schuerman & Needell, 2009). On the other hand, if differences in outcomes between jurisdictions cannot be explained by population characteristics, then it behooves program managers and policymakers to better understand the characteristics of child welfare and related systems that contribute to these differences in order to seek improvements in outcomes.

The juvenile courts are one potential source of inter-jurisdictional variation in permanency outcomes for foster children. Concerns about the perception that children often languished in out-of-home care led to the permanency planning movement and contributed to the passage of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272), including its provisions for court review of

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public child welfare agencies' placement decisions and ongoing court oversight of public agencies' provision of foster care. Since then the juvenile courts have exerted considerable influence over the foster care system in the US. Importantly, once children become court-involved, the public child welfare agency cannot readily reunify children with their families, nor can it pursue legal permanency for foster children through adoption or guardianship, without the agreement of the court. At the same time, it remains true that many children are placed into foster care without any involvement of the juvenile court. Many children are placed for only a few days and are returned home prior to a jurisdictional hearing. Others are placed in care for longer periods of time under voluntary agreements between their parents and child welfare agencies, agreements that need not involve the courts. Despite its central role in the supervision of the US foster care system, there has been relatively little rigorous research on the relationship between juvenile court operations and outcomes for children placed in foster care (Summers, Dobbin, & Gatowski, 2008).

In this study we examine how families' involvement in the juvenile court process is associated with the timing of legal permanency outcomes in Washington State. We find that juvenile court involvement varies considerably across the state; that is, there is variation by region in how many children placed out-of-home also become involved with the court. Differences between regions in the likelihood and timing of court involvement appear to be partially due to differences in the availability of services to troubled youth (i.e., some regions appear to be more likely than others to offer services for adolescents with behavior issues, who are less likely to be involved with the court) and partially due to local variation in decision-making regarding when the juvenile court becomes involved in supervising children's care. Furthermore, we find that non-court-involved children are more likely to reunify, and reunify much more quickly, than court-involved children. Thus, variation between regions in the mix of children who are court-involved versus non-court involved influences regional performance in achieving permanency for children. We also identify between-region variation that persists even after statistically controlling for court processes and characteristics of the child population.

We conclude that comparing jurisdictions' performance in achieving permanency outcomes without explicitly taking into account the degree to which each jurisdiction operates a child welfare system for troubled youth will lead to faulty conclusions. Similarly, failure to take into account the ways that the juvenile courts influence the timing of exits from out-of-home care can also lead to faulty assessments of the performance of the child welfare system at the county, region or state level in achieving legal permanency for children. We believe that these findings call for a more holistic approach to holding child welfare agencies accountable for achieving permanency outcomes and that the role of all players in the juvenile court process must be considered when assessing institutional accountability for providing children legal permanency. While our analyses provide food for thought regarding how the characteristics of children and their experiences in care influence the timing of permanency outcomes, we focus our discussion on the role of institutional systems, specifically the juvenile courts and DSHS/CA regions.

2. Study context and rationale

Distinguishing between *state-administered* and *state-supervised county-administered* systems is arguably central to making sense of child welfare services delivery in the US. Most states directly administer child welfare services in the US, operating services with varying levels of administrative decentralization. However, states are also allowed by the federal government to operate child welfare systems wherein the state is responsible for supervising service provision, but services are directly administered by counties or other local governments. In state-run systems, services are generally

organized around administrative regions that may include multiple counties and courts (juvenile and family courts are generally organized at the county level in the US).

This study uses data on the timing of legal permanency for children entering out-of-home care in the State of Washington. Washington operates a state-administered child welfare services system. During the time period of the study the Washington Department of Social and Health Services Children's Administration (DSHS/CA), the public child welfare agency, organized its service delivery across six administrative regions, aggregating the state's 39 counties into these regions:

1. Region 1 consisted of 13 counties in the northeastern part of the state that are largely rural, with the exception of the small city of Spokane;
2. Region 2 consisted of six counties in the southeastern part of the state that are also largely rural, though they include several small cities such as Yakima and Walla Walla;
3. Region 3 consisted of five counties in the northwestern part of the state, including rural areas, and small cities north of Seattle such as Everett and Bellingham;
4. Region 4 was largely urban, consisting of one county that includes the largest city in the state, Seattle, as well as Seattle suburbs, some smaller cities, and some rural areas;
5. Region 5 was also largely urban, consisting of two counties, and including the City of Tacoma;
6. Region 6 consisted of 12 counties, most of which are rural, but including the small cities of Vancouver and Olympia, the state capitol.

Importantly, there are 33 separate juvenile courts in Washington, most of which handle one county but a few of which handle multiple sparsely-populated counties. The Office of the Attorney General (AG) assigns attorneys to represent the interests of the state in legal proceedings involving the removal of children from their families pursuant to child protective services intervention. While the AG's attorneys generally coordinate their efforts with DSHS/CA, they are employed by a separate and independent arm of the state government and AG's attorneys are not required to follow the advice of DSHS/CA social workers in making recommendations to the court.

The study findings reported here emerged from an ongoing partnership between a university-based research center and the Washington DSHS/CA focused on better understanding contributors to permanency outcomes for children under the supervision of the state child welfare agency, in order to identify potential strategies for improving outcomes (Courtney, Hook, Keating, & Orme, 2010). The project grew out of concern on the part of agency leadership regarding the perceived lack of consistency around the state in decision-making about family reunification. A wide range of stakeholders were engaged in a series of meetings devoted to identifying challenges to improving reunification outcomes. An advisory committee was formed which are made up of professionals involved in some way in the family reunification process, including: public child welfare agency leadership; private service providers; family and child advocates; a juvenile court judge; an AG's attorney; an attorney responsible for representing parents involved with the child welfare system; and public agency personnel with expertise in mental health services, substance abuse treatment, and services to tribal communities.

The advisory committee identified a range of potential opportunities to improve family reunification outcomes, but there was little evidence to support any given opportunity over another. Beginning with the hypotheses generated by the advisory committee, over the course of 2 years a small team of researchers, data experts employed by the state agency, and practitioners worked with child welfare agency administrative data to analyze the reunification process in Washington and engage the field in interpreting what the data meant in the context of Washington's child welfare and legal systems. Recognizing that the emphasis on achieving timely permanency for children in care meant

that decision-making often involved consideration of more than one permanency option, the project eventually broadened its focus to include all major forms of legal permanency, including reunification with family, adoption, and legal guardianship.

Early in the project, exploratory analyses of child welfare agency administrative data on children's paths towards permanency identified significant between-region and between-county variations in the rate at which children experienced permanency, variation that could not be readily explained by differences in the characteristics of the populations served. Further analysis of state data with agency and court staff at the regional and the county level, and discussions of preliminary findings in a wide variety of public and private settings, led to the identification of interactions between the juvenile courts and child welfare agencies as potentially central to much of the inter-jurisdictional variation we observed in outcomes. Consultations with the field also led to an exploration of the degree to which between-region variation in the availability of services for troubled youth might help explain both between-region variation in the characteristics of children coming into care and the likelihood that children and their families would become involved with the juvenile court. The analyses reported here focus on answering the following two exploratory research questions:

1. *How might variation between child welfare jurisdictions in families' involvement with the juvenile court influence between-jurisdictional differences in the timing of exits to legal permanency for children entering out-of-home care?*
2. *How might variation between jurisdictions in the availability of services for troubled youth influence between-jurisdictional variation in the timing of exits to legal permanency for children entering out-of-home care?*

3. Data

The original sources of the data used in this study are the Case and Management Information System (CAMIS) provided by the DSHS/CA and the Administrator of the Courts (AOC) for the State of Washington. CAMIS data concerning the characteristics and care histories of children entering care are generated by DSHS/CA child welfare workers, whereas juvenile court personnel generated the court data on the nature and timing of juvenile court actions. These data sources contain exact dates of entries into out-of-home care, moves, exits, and dependency petition filings. We use 8 years of administrative data on all first entries into out-of-home care for children in Washington State, following children entering care in 2001 to 2007 through the end of 2008.

We identified first out-of-home placements in CAMIS and matched these children to the state-specific events file created by the Center for State Foster Care and Adoption Data (CSFCAD) at Chapin Hall at the University of Chicago. CSFCAD data include records for children in out-of-home care in Washington during the study period and are organized in a manner that allowed for easier analysis than would have been the case using the original CAMIS data. In the event file, each child has a separate line of data for each placement event (or move) during their stay in out-of-home care. CSFCAD eliminates and bridges short events, codes a forced exit to "reached age of majority" at age 18, recodes exits of "runaway" or "age of majority" for young children to "unknown", allows only one event per day by deleting all but the last event on a day, and codes events of return to home lasting over 30 days as an exit to reunification. In addition, we eliminated 171 return-to-home events by collapsing them to the previous event or exiting them to reunification if it was the last event. The event file includes all first placements, even those lasting 1 day.

We further restricted our sample by eliminating 1012 events from 172 children in the care of a DSHS/CA tribal child welfare office because these children are not exposed to the court dependency process in the same way as other children in DSHS/CA care. The resulting data describe 100,353 events for 37,904 children. In our

analysis we lose 1799 events from 1107 children because of missing data (1103 children are missing removal county, about half of which are children from out-of-state, and 4 are missing age at placement). The analysis we report here is on 98,554 events from 36,797 children.

We linked CAMIS/CSFCAD data to data provided by the AOC containing dates of dependency petition and termination filings. The AOC data contained up to five dependency petition filing dates per child. We matched a dependency petition date to the out-of-home placement if a petition was filed up to 1 year prior to or anytime during the placement. Although the administrative data file begins in 1998, we restrict our file to 2001 onwards because prior to 2001 dependency filings and terminations are all coded to dependency filings in one of the state's administrative regions. Because we are matching across two different sources of administrative data, it is possible that we are undercounting dependency filings.

4. Measures

Our outcome of interest is the timing of exits to three mutually-exclusive forms of legal permanency: reunification with family; adoption; and legal guardianship. Our dependent variables measure days from placement in out-of-home care to a permanency exit. In our data children's outcomes are classified, in order of prevalence, as: reunified (67.4%), adopted (13.6%), still in out-of-home care (11.5%), in a guardianship (3.9%), reached the age of majority (2.0%), transferred/deceased (1.6%), or unknown (.03%). Thus, approximately 85% of the children in the study experienced one of the three exits of interest.

The choice of covariates for our models reflects the availability within our administrative data of child- and system-level variables that have been shown in prior research to influence the timing of permanency outcomes for children (Akin, 2011; Courtney & Wong, 1996; Maluccio, Abramczyk, & Thomlinson, 1996; Wulczyn, 2004). Fixed covariates, or covariates that do not change each time a child moves, include the child's sex, age at entry to care, race, reasons for removal, presence of siblings with an out-of-home placement, year of entry, and region of entry. We use six categories to measure age of entry: infant, 1 to 4, 5 to 8 (the reference category in analyses reported below), 9 to 12, 13 to 15, and 16 and over. We use CSFCAD to classify race and ethnicity. We collapse race and ethnicity into one categorization. The child is coded as Hispanic if a child is identified as Hispanic. If the child is non-Hispanic, the child is coded to African-American if any of six race fields (African-American, Asian/Pacific Islander, Native American, White, Other, and Unknown) are coded to African-American. If only one race field is completed and indicates that the child is Asian/Pacific Islander, Native American, White, Unknown, or "Other", the child is coded as such. If a second race field is used, the child is coded to other. Thus, "Other" represents multiracial children who are not reported as Hispanic or African-American. Social workers could, and often did, select multiple reasons for removal. The reasons available, in order of prevalence, are: neglect, parental drug abuse, child behavior, physical abuse, parental disability, parental alcohol abuse, parent jailed, sexual abuse, abandonment, housing problems, child drug abuse, child alcohol abuse, child disability, and death. The presence of siblings also in out-of-home care was created by searching CAMIS/CSFCAD for children sharing the same household ID (office and inner six digits of their case number). Children could have no matching sibling in out-of-home care, a matching sibling placed into care on the same day, or a matching sibling not placed on the same day. Because we are matching on a shared household ID, our matches may not be siblings, but other children living in the same household, though this is believed by child welfare authorities in the state to be quite rare. There were six administrative regions in Washington at the time of the study. The reference category in our analysis is Region 4; we used Region 4 as the reference category because

it includes only one county, and hence only one juvenile court, whereas all of the other regions include multiple juvenile courts.

Covariates that can change over time during a child's care history include the type of placement, number of moves, and the flow of children into the system in each county by year. Types of placement, in order of prevalence, include: traditional family foster home (the reference category), unlicensed relative, Crisis Residential Center (generally reserved for short-term placement of adolescents with behavioral problems), "other", congregate care, respite, run-away, adoptive home, licensed relative, detention center, and independent living. The number of moves ranges from 1 to 15; it was top-coded at 15 because only 1% of children experience over 15 moves. Flow is the number of children entering care in each county each year (not just first entries) per 1000 children in each county (according to the 2000 Census). The number of children entering care has been shown to be associated with the timing of exits from care (Grogan-Kaylor, 2001; Wulczyn, 2004).

Given our interest in exploring the role of the courts in the timing of permanency outcomes, a key time-varying covariate in our analyses indicated that a dependency petition was filed with the courts. If the petition was filed during an event we split the event into two lines of data (event pre-dependency and event post-dependency filings).

5. Method

In event history models for competing risks, we examine the relationships between the characteristics of children and the child welfare system, and the processes of family reunification, adoption, and guardianship. Cases are treated as censored if the child is still in the system at the end of the study period, aged out, transferred/died, or had an unknown outcome. We run three sets of models. The first is a standard analysis of all children entering care. In the second, we incorporate court data and include a time-varying covariate indicating a dependency petition filing. In the third, we stratify the models by whether or not a dependency petition has been filed. For children with a dependency petition we model exits to reunification, adoption, and guardianship. For children entering out-of-home care without a dependency petition within the first 3 days of removal we model exit to reunification (dependency petition filing is the competing event for these children, experienced by about 31% of children who do not have an initial dependency filing). Children in out-of-home care without a dependency filing may be on a Voluntary Placement Agreement (VPA), or, in many cases, are not court-involved because of their placement circumstances (e.g., adolescents in Crisis Residential Centers staying out-of-home no more than a few days). Voluntary placements have long been used by child welfare agencies and federal reimbursement for such placements for up to 180 days is available under Title IV-E of the Social Security Act. Our analytic approach accounts for the fact that some children may begin an episode in out-of-home care on a VPA, but a dependency petition is filed later. In this case, a child would be in both models. In the first, their exit type would be dependency. In the second, we would model their exit to reunification, adoption, or guardianship (note that in both models the risk for exit starts from the first day of out-of-home placement; that is, time spent on a VPA prior to a dependency is counted in both models).

We do not incorporate data on the length of VPAs in the analysis because we only have information on VPAs from 2004 to 2007, and have reasons to suspect that workers did not routinely keep complete records on legal actions (thus we may have an undercount of children on VPAs). If we look at the 2007 cohort of first entries, however, we find that 13% of children were on known VPAs.

Understanding how children placed initially under a VPA differ from those who are quickly subject to a dependency petition is central to interpreting our study findings. While children placed on VPAs are likely to be older than children on average, the majority of VPAs are used for children under age 13 (25% are age 13 and over

compared to 10% on average, and 22% are infants compared to 32% on average). While children placed on VPAs are less likely to be placed for neglect than children on average, the most common reason for a VPA is neglect (47% compared to 71% on average). Children on VPAs are more likely to be placed for physical abuse (21% compared to 16% on average) and child behavior (14% compared to 2% on average), and less likely to be placed for parental drug abuse (22% compared to 35% on average). Of children on VPAs, 60% returned home with a median length of stay of 28 days, with 90% returning home within 99 days. The other 40% of children transitioned to a dependency. The median time to petition filing was 29 days, with 90% filed within 104 days; in other words, nearly all of these voluntary placements were well short in duration of the 180 days for which the state could claim IV-E reimbursement from the federal government for foster care maintenance payments and administration. We found no evidence that children transitioning to a dependency after a VPA experienced substantially different outcomes than children who were court-involved at the time of removal.

We use competing risks models (Fine & Gray, 1999), regressing on the subdistribution of the hazard (cumulative incidence function). The CIF is the probability of failing from a specific event by a certain time. It depends on both the number of people who have experienced a specific event and the number of people who have not experienced any other competing event. The sum of the CIFs provides the overall distribution function (the CIFs sum to 1 – the Kaplan–Meier estimate of survival for failures of any kind). The partial likelihood is calculated similar to Cox proportional hazards models except, 1) the risk set includes those who have not yet experienced an event and those who experienced a competing event. Thus persons who fail from other causes remain in the risk set. However, 2) individuals in the risk set who experienced a competing event are weighted. Those who have yet to experience an event are weighted to 1, whereas those who experienced a competing event are weighted to less than or equal to 1. The further away from time t the competing event occurred, the smaller the weight. The models produce subhazard ratios (SHR) instead of hazard ratios (HR); they are interpreted similarly (Fine & Gray, 1999; Pintilie, 2006). Because children removed from the same county may experience similarities (e.g., in their placement options, court characteristics, etc.), we cluster error terms on removal county to account for non-independence of observations within counties.

6. Findings

Our interest in understanding the reasons for differences in permanency outcomes between differing geographic jurisdictions grew out of our early analyses of the timing of family reunification in Washington, which showed large between-region variation in outcomes. Fig. 1 illustrates the timing of family reunification for all children entering out-of-home care in Washington between 2001 and 2007. The vertical axis shows what percentage of children remains in care available to be reunified and the horizontal axis shows how long in days children remaining in care have been in care. Fig. 1 shows that the median time to reunification in Washington over this period, in other words, the amount of time it took for half of the children to return home, was 175 days. However, Fig. 2 shows that this average figure obscures considerable variation in reunification rates between DSHS/CA regions. While Fig. 2 shows that Region 2 has a median reunification rate that is identical to the state average, it also shows that the regional medians range from a low of 83 days in Region 5 to a high of 581 days in Region 3. Our analyses also showed significant differences in reunification rates between counties within a given region, suggesting that institutional factors at the sub-regional level might influence reunification rates.

Of course, the differences we observed might be caused by differences between geographic jurisdictions in the needs of the populations served. Indeed, when we examined the timing of family reunification and statistically controlled for characteristics of children

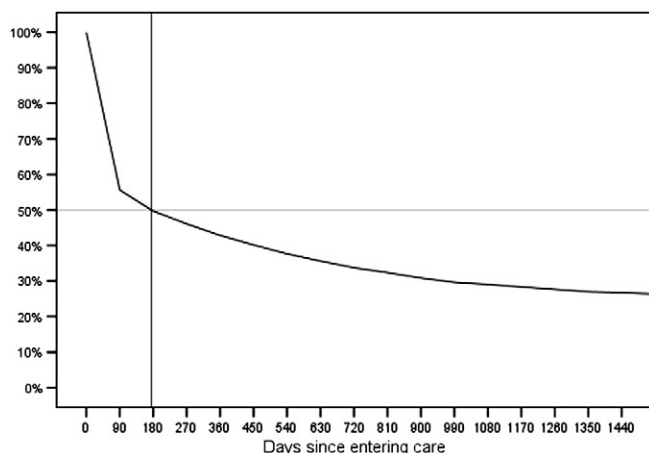


Fig. 1. Timing of family reunification statewide, first entries 2001–2007 (N = 37,904).

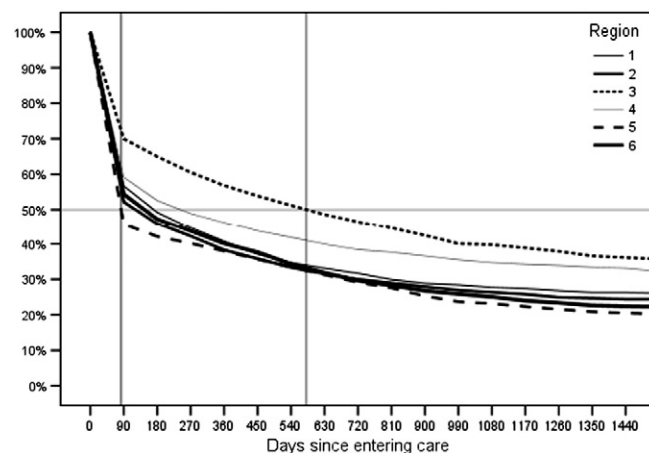


Fig. 2. Timing of family reunification by DSHS/CA region, first entries 2001–2007 (N = 37,904).

(e.g., gender; age; race and ethnicity; reason for removal from home), we found that between-region differences were reduced. However, they were not altogether eliminated and our discussions with various parties involved in the reunification process led us to believe that the differences between regions in the services available to troubled adolescents and the functioning of the juvenile courts might explain some of the variation in the timing of outcomes between jurisdictions.

With respect to the courts, we were interested in better understanding whether there were differences between jurisdictions in the likelihood that children would have a dependency petition filed on their behalf by the Office of the Attorney General early in the child's placement in care. The DSHS/CA can in many cases choose to provide services to children in out-of-home care under a Voluntary Placement Agreement if the child's parent(s) are willing to comply with the terms of the agreement. DSHS/CA is in a position to return a child placed under such an agreement home at any time without seeking the court's permission. In addition, children and adolescents placed primarily because of behavior can be placed for a short period of time in placements established for that purpose, especially Crisis Residential Centers, which are operated in Washington for this purpose but that exist only in certain areas of the state. However, once a dependency petition is filed, DSHS/CA cannot reunify a family without obtaining a court order. Moreover, a dependency order must generally be in place before adoption or guardianship can be considered as permanency options.¹ In addition, the AG's attorneys are not required to follow the recommendations of DSHS/CA workers; they exercise some discretion regarding whether and when to file a dependency petition and they are assigned on a sub-regional basis, generally handling cases in a particular county court or group of county courts.

Our analysis of the timing of permanency outcomes led us to move from statistical models that take little or no account of court processes, to those that clearly distinguish the pathways of children in the dependency court process from those on whom a dependency petition is never filed. We begin by reproducing Figs. 1 and 2, restricting the sample to cases that are involved with the courts. Fig. 3 shows that the median time to reunification increases from 175 days to 921 days when we consider only those children for whom a dependency petition is filed. Fig. 4 reveals that the ranking we originally observed in Fig. 2 changes substantially. Regions 3 and 5 now look very similar, with median times to reunification at 1083 days and 1008 days, respectively. Region 1 now appears to have the quickest time to reunification at 621 days, whereas Region 4 appears to be the laggard at 1791 days. This

¹ While it is possible for a relinquishment adoption or a third-party guardianship to be arranged while a child is cared for under a Voluntary Placement Agreement, in practice this appears to be very rare.

extreme median time to reunification simply reflects the fact that fewer than half of court-involved children ever reunify in some regions.

Table 1 presents the result of a competing-risks model of the timing of children's exits from care that shows how regional differences in the timing of dependency petitions is taken into account. The models presented in Table 1 also include statistical controls for child characteristics, placement with siblings, placement type, the flow of children into care in the county of placement, and year of entry to care, though parameter estimates for these are not shown. The subhazard ratios can be interpreted in the following manner. A SHR close to 1 means that a variable has no effect on the timing of the exit in question, whereas a value greater than 1 means that the variable increases that rate of exit and a value less than one means that the variable decreases that rate of exit. For continuous variables the SHR shows the effect of a one unit increase in the variable on the rate of exit. For a categorical variable the SHR shows the effect on the exit rate of the category in question in comparison to the omitted category. For example, Model 1 in Table 1 shows that, all else being equal, the exit rate to reunification is 1.24 times higher (or 24% higher) in Region 2 than in the comparison Region 4.

Model 1 shows that, when controlling for child and system characteristics, but not controlling for whether a child has had a dependency petition filed, Regions 2 and 5 are associated with more rapid transitions to reunification than Region 4, while Regions 2 and 3 are associated with slower transitions to adoption and more rapid transitions to guardianship than Region 4. The other regions are associated with similar transition rates to those experienced by children in Region 4. Model 2 is identical to Model 1 except that it includes a time-varying covariate that captures the timing of the filing of dependency petitions for the children in the sample. Note that nearly three-fifths of children have a petition filed during the study period and that the filing of dependency petitions is associated with a large reduction in the speed of transitions to family reunification, and large increases in the speed of exits to adoption and guardianship. The findings with respect to adoption and guardianship are not surprising given that it is generally necessary to file dependency petition to achieve these permanency goals. However, that dependency filings would be associated with a striking slowing of the rate of reunification is less obvious.

Model 2 suggests that dependency filings influence regional differences in transitions to reunification, but not adoption and guardianship; parameter estimates for regional effects on the timing of permanency outcomes are very similar to those shown in Model 1, except for the case of family reunification. Specifically, Region 2 no longer exhibits a more rapid rate of reunification than Region 4. In

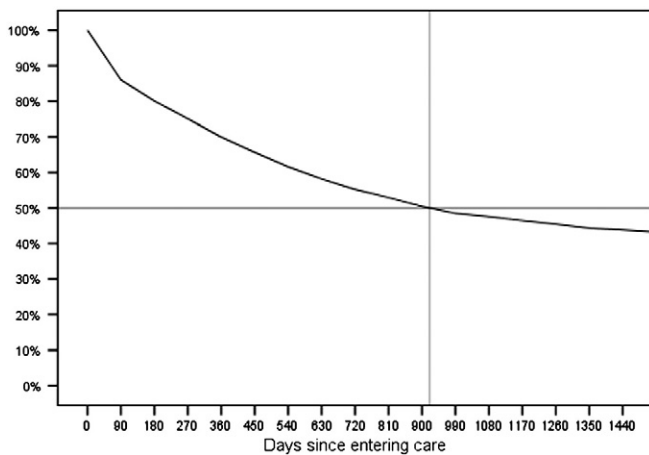


Fig. 3. Timing of family reunification statewide for court-involved children, first entries 2001–2007 (N = 21,820).

addition, the SHR for Region 3 changes from negative (.94) to positive (1.04), which while not resulting in a statistically significant difference with Region 4, nevertheless represents a statistically significant change in the parameter estimate for Region 3. In other words, Region 2 appears to have a faster rate of reunification, and Region 3 a slower rate of reunification, than would be the case if the timing of the filing of permanency petitions were taken into account. Essentially, by restricting the sample to court-involved children, we get a different regional ranking of length of stay.

Why might the timing of the filing of dependency petitions influence regional differences in permanency rates? In order to shed light on this question we decided to estimate separate models of the transition to permanency for children who were subjects of a dependency petition and for those who were not within their first 3 days of care. Table 2 shows the results of those models, which help tell an important story. First, a comparison of the outcomes of cases that experience an early dependency filing to those that do not shows striking differences (see Table 2, page 15). For example, approximately 66% (14,156/ 21,452) of the children who did not experience an early petition filing were reunified with their parent(s) and the median time to reunification for this group was 5 days; about 31% of this initial group (6572/21,452) transitioned into dependency status with outcomes similar to other children involved with the courts. In contrast, only about 47% (10,335/21,820) of the children who experienced a

dependency filing were reunified and their median time to reunification was 549 days. This suggests that where dependency petitions are very likely to be filed we might expect to see a relatively slow rate of family reunification compared to places where that is not the case. To a certain extent, of course, these are different kinds of cases. We would expect that court-involved placements would be made when other types of intervention in the lives of families had failed. Cases that require the supervision of the court often involve families with more complex problems that require much longer interventions. But that is not the whole story. Put simply, many cases appear to be resolved more quickly without the supervision of the court.

Second, regions vary considerably in the likelihood that children entering care will experience a dependency petition filing (see Table 3). For example, while about 59% of children experience a dependency filing statewide, 77% experience a dependency filing in Region 3; 59% within the first 3 days. In contrast, in Region 2 only about 49% of children experience a dependency filing; 34% within the first 3 days. All else being equal, given the differences in the likelihood and timing of family reunification associated with the filing of dependency petitions, Region 2 might be expected to exhibit a faster rate of reunification than Region 3, which is exactly the result shown in Model 1 of Table 1, but the difference disappears in Model 2 where the timing of dependency filings is taken into account.

Third, Table 2 clearly identifies some significant differences between the children who experience dependency and those who do not (identified by bolded text in Table 2). Note that the reference category for the dependency model is male (50.4%), ages 5 to 8 (17.5%), white (60.0%), with no sibling in the child welfare system (31.6%), living in a family foster home (74.3% of children ever experience this placement type), entering care in 2001 (12.9%) and in Region 4 (16.0%). The reference category for the no initial dependency model is male (47.1%), ages 5 to 8 (14.3%), white (59.3%), with no sibling in the child welfare system (52.1%), living in a family foster home (58.4% of children ever experience this placement type), entering care in 2001 (15.7%) and in Region 4 (15.4%). 29.4% of these children will go on to have a dependency filed during their placement. Taken together, the differences noted in Table 2 suggest that adolescents with behavior problems are disproportionately represented among the children not subject to dependency petitions and whose cases therefore do not come into contact with the juvenile dependency courts. Of the children that do not experience an early dependency petition, over one-third (35%) are teens while that is true for only one-tenth of those who do experience a dependency filing. Children without an initial filing are about two-fifths as likely as those with a petition to have been removed because of parental neglect and about half as likely to have been removed because of parental alcohol or drug use, but they are ten times more likely to have been removed at least partly because of their behavior. Not surprisingly, given the nature of their problems and their relatively short stays in care, children without an early dependency petition are much more likely than those with a petition to be placed in a Crisis Residential Center and much less likely to be placed with unlicensed relatives. These differences in populations touched by the dependency process suggest that, in some ways, Washington simultaneously operates two child welfare systems, one serving primarily children and youth who have suffered from maltreatment by their parents and the other serving primarily older children and adolescents with behavior problems.

Lastly, regional variation in transitions to permanency looks very different when dependency cases are distinguished from those without an initial dependency filing. For cases where a petition is filed, Regions 1, 2, and 6 exhibit faster rates of reunification than the comparison Region 4, whereas Regions 1, 3, and 6 exhibit slower rates of reunification than Region 4 for cases without an early dependency petition. In other words, not only does the mix of dependency and non-dependency cases arguably contribute to regional variation in

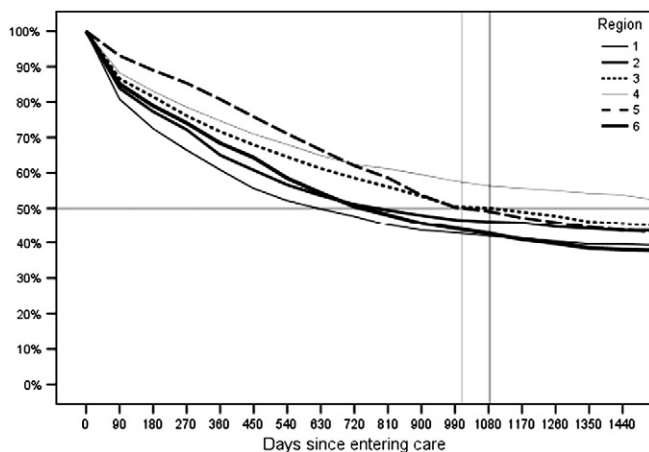


Fig. 4. Timing of family reunification by DSHS/CA region, first entries 2001–2007 (N = 21,820).

Table 1
Competing risk models of permanency exits showing influence of dependency petitions on regional variation in exit rates.^a

Region	All cases					
	Model 1: no covariate for dependency			Model 2: covariate for dependency		
	Reunification	Adoption ^b	Guardianship	Reunification	Adoption ^b	Guardianship
	SHR	SHR	SHR	SHR	SHR	SHR
1 Northeast	1.08	1.02	1.17	1.04	1.02	1.17
2 Southeast	1.24***	0.73**	2.11***	1.08	0.76**	2.32***
3 Northwest	0.94	0.71*	1.28*	1.04	0.71*	1.19
4 King – comparison region	–	–	–	–	–	–
5 Pierce/Kitsap	1.15***	1.03	0.92	1.16**	1.02	0.9
6 West	1.07	1.06	1.16	1.02	1.06	1.15
Dependency filed ^c	Not included in Model 1			0.29***	2.28*	2.24**

^a Parameter estimates for other covariates not shown. See Table 2 for listing of other covariates.

^b Children enter the risk of adoption 6 months after placement.

^c 58.2% of first entries have an associated dependency filing.

* $p < .001$.

** $p < .01$.

*** $p < .05$.

permanency rates, it also seems likely that regional variation in how the child welfare system manages these distinct types of cases also matters.

7. Study limitations

Limitations of the study data and our approach to answering research questions should be kept in mind when interpreting study findings. First, the administrative data used for the study, while covering a wide range of child and family characteristics and important aspects of children's experiences in care, may nevertheless fail to capture factors that contribute to the timing of children's exits from care. To the extent that these omitted factors are associated with key study variables (i.e., dependency petition filing and characteristics of behaviorally disordered youth) and the timing of exits from care, their omission could lead to bias in the estimates derived from our regression models. Second, our focus on variation between regions in court processes leaves out other types of regional- and county-level variations that may help explain the timing of children's exits from care. These include elements of the social ecology of regions and counties (e.g., labor market, poverty, family structure, and race), other aspects of public agency functioning at the regional and sub-regional levels, and aspects of court functioning other than the timing of dependency petition filing. Although these are certainly of interest and warrant further research, we do not believe it is likely that including these other sources of between-jurisdiction variation would fundamentally alter the relationships we observed between key study variables and the timing of exits to legal permanency. Third, the external validity of the study findings depends heavily on the degree to which other child welfare jurisdictions exhibit characteristics similar to those found in Washington. The kind of between-jurisdiction variability in the timing of permanency outcomes observed here is probably most likely where significant variability exists between jurisdictions in the timing and level of involvement of families in the dependency court process and/or the extent to which jurisdictions provide services to troubled youth and their families.

8. Discussion

Washington exhibits considerable regional variation in the timing of foster children's exits to legal permanency from out-of-home care. Some of this variation appears to be a result of the fact that some

areas of the state are more likely than others to place older children and youth whose primary reason for placement is problem behavior into the care of the child welfare system. In fact, the percentage of first entrants to out of home care between 2001 and 2007 who were adolescents ranged from a low of 16% in Regions 1 and 3 to a high of 35% in Region 5. Our conversations with child welfare program managers lead us to believe that regions varied during the study period in the likelihood that they would take these children into care largely as a result of differences in the availability of services to meet the needs of families with troubled youth, particularly Crisis Residential Centers. Regardless of the reasons, our findings suggest that the likelihood that a child welfare system will open its doors to youth whose primary need for care is problem behavior may strongly influence how quickly children achieve permanency. Thus, comparing jurisdictional performance in achieving permanency outcomes without explicitly taking into account the degree to which each jurisdiction operates a child welfare system for troubled youth can lead to faulty conclusions.

Similarly, failure to take into account the ways that the juvenile courts influence the timing of exits from out-of-home care can also lead to faulty assessments of the performance of child welfare systems in achieving legal permanency for children. Our analyses show that, after controlling for important characteristics of children (age; gender; race/ethnicity; reason for removal) and their care experiences (placement with siblings; placement type; placement mobility; pressure on the system in the form of the flow of children through care), the filing of a dependency petition is associated with a significant slowing of children's transition home. It is possible that some of the observed variation between geographic jurisdictions in the likelihood that a child will be the subject of a dependency petition is a function of differences in the characteristics of the families and children served that are not captured by our analyses. However, it is very difficult to believe that is the entire story. Our conversations with child welfare program managers and juvenile court personnel around the state made clear that the likelihood that a dependency petition would be filed was a function of a number of things, including the use of VPAs in a given office or region, the availability of in-home or voluntary services, and the perceptions of child welfare workers and their supervisors and AG's attorneys of the likely response of the court in a particular area to different types of cases, especially those based on allegations of neglect. These and other factors, such as the disproportionate use of short term placements in some regions, contributed to the fact that during the period of our

study the percentage of children entering care who were ultimately the subject of a dependency petition ranged from a low of 45% in Region 5 to a high of 77% in Region 3.

Our findings suggest that strategies for improving permanency outcomes and the performance of public systems in achieving those outcomes should explicitly include the juvenile courts. This has

Table 2
Competing risk model of permanency exits, stratified by dependency petition.

	Dependency filed ^a				No initial dependency ^{b,d}	
	% or mean	Reunification SHR	Adoption ^c SHR	Guardianship SHR	% or mean	Reunification SHR
Female	49.6%	.99	1.11 ^{***}	.88	52.9%	1.03
Age:						
Infant	31.5%	.63^{***}	3.22^{***}	.31^{***}	15.9%	.65^{***}
1–4	28.5%	.92 ^{***}	1.69 ^{***}	.46 ^{***}	21.1%	.97
9–12	12.6%	1.05	.44 ^{***}	1.65 ^{***}	13.7%	1.09 ^{**}
13–15	7.7%	.94	.09^{***}	2.02^{***}	22.6%	1.13[*]
16+	2.2%	.85[*]	.09^{***}	.77	12.4%	1.06
Race						
Nat. Amer.	5.8%	1.04	.45 ^{***}	1.81 ^{***}	4.9%	1.05
Asian/Pacific	1.5%	1.36 ^{**}	.62 ^{**}	1.08	2.0%	1.20 ^{**}
AA, non-Hisp	11.8%	.92 [*]	.68	1.09	11.6%	1.05
Hispanic	15.3%	1.02	.75 ^{***}	.74 [*]	15.4%	1.08 [*]
Other	4.6%	1.05	.68 ^{***}	1.60 ^{**}	4.4%	1.06
Unknown	1.0%	1.66 ^{***}	1.04	.76	2.5%	1.36 ^{***}
Removal Reason						
Sex abuse	4.8%	.95	.83	1.19	4.9%	.82 ^{**}
Physical abuse	16.0%	1.17 ^{***}	.85 ^{**}	.98	16.0%	.87 ^{**}
Neglect	70.6%	.81^{***}	1.12^{**}	1.21[*]	43.9%	.74^{***}
Parent alcohol	8.5%	.95	.99	1.00	4.7%	.93^{***}
Parent drug	34.4%	.89^{**}	1.01	1.02	16.7%	.61^{***}
Child alcohol	0.5%	1.31 [*]	.89	.40	0.5%	.84
Child drug	1.2%	.85	1.05	1.11	0.9%	.88
Child disability	0.4%	.40 [*]	1.00	2.46 ^{**}	0.4%	.35 ^{***}
Child behavior	2.4%	.86	.77	1.00	26.6%	.95
Death	0.4%	.57 ^{**}	2.25 [*]	.75	0.2%	.65
Parent jail	6.6%	1.01	.88	.82	6.9%	1.01
Parent disability	9.6%	.75 ^{***}	1.05	1.54 ^{**}	8.9%	.82 ^{***}
Abandonment	3.7%	.58 ^{***}	1.71 ^{***}	1.45	2.5%	.76 ^{**}
Housing	3.1%	.84	1.01	1.10	2.3%	.82 ^{**}
Siblings						
/not same day	19.7%	.82^{***}	1.10[*]	.84	11.2%	.74^{***}
/same day	48.7%	1.07[*]	.75^{***}	.90	36.7%	.92^{***}
Placement Type (TV) ^e						
Adoptive	3.1%	.00 ^{***}	2.89 ^{***}	.08 ^{**}	1.0%	.00 ^{***}
Congregate care	6.5%	1.83 ^{***}	.05 ^{**}	.04 ^{***}	6.2%	.86
Crisis Residential	5.1%	4.85^{***}	.24^{**}	.36	25.3%	1.99^{***}
Detention center	2.2%	4.36 ^{***}	.00 ^{***}	.00 ^{***}	1.5%	3.88 ^{***}
Independent living	0.2%	.82	.00 ^{***}	.00 ^{***}	0.2%	.62
Licensed relative	2.7%	.47 ^{***}	.97	3.81 ^{***}	1.1%	.27 ^{***}
Other	12.9%	1.35^{***}	.64[*]	2.08^{**}	5.9%	.66^{***}
Respite	5.6%	2.31 ^{***}	1.40 [*]	2.99 ^{***}	2.7%	3.39 ^{***}
Unlicensed relative	51.5%	1.04	.43^{***}	2.54^{***}	27.9%	.53^{***}
Runaway	3.3%	4.43 ^{***}	.00 ^{***}	.12 [*]	2.1%	4.06 ^{***}
# moves (TV)	2.1	.82 ^{***}	.95 ^{***}	.97 [*]	1.0	.43 ^{***}
Flow/per 1000 (TV)	5.7	1.02 [*]	.99	.93 [*]	5.8	1.02
Year						
2002	13.2%	.95	1.04	.76 ^{**}	14.8%	1.01
2003	13.3%	.93	1.02	.60 ^{**}	13.4%	1.00
2004	14.0%	.91	.96	.51 ^{***}	14.2%	1.03
2005	15.7%	.84 ^{**}	.75 ^{***}	.50 ^{***}	14.6%	1.05
2006	15.2%	.89 [*]	.56 ^{***}	.30 ^{***}	13.9%	1.13
2007	15.7%	.93	.26 ^{***}	.20 ^{**}	13.5%	1.02
Region (4 is comparison)						
1 Northeast	18.9%	1.47 ^{***}	1.01	1.15	17.0%	.73 ^{***}
2 Southeast	10.4%	1.36 ^{***}	.80 [*]	1.69 ^{***}	13.9%	1.09
3 Northwest	21.1%	1.15	.70 [*]	1.15	11.1%	.76 ^{***}
5 Pierce/Kitsap	13.3%	.97	1.02	.92	19.7%	1.08
6 West	20.3%	1.29 ^{**}	1.05	1.05	23.0%	.89 [*]
No. of obs		63,775	39,923	63,775		29,011
No. of subjects		21,820	17,313	21,820		21,452
No. failed		10,335	5067	1194		14,156
No. competing		6263	7227	15,404		6572
No. censored		5222	5019	5222		724
Pseudo LL (empty)		−98,932	−46,579	−11,537		−135,117
Pseudo LL (full)		−96,970	−43,774	−10,899		−127,968
BIC (empty)		197,863	93,157	23,074		270,233
BIC (full)		194,504	88,088	22,362		256,460

Table 3

First entries 2001–2007: case-mix and reunification rates by dependency petition filing, by Region.

	Dependency petition filed		Total	N	
	Yes	No			
	Within 3 days	After 3 days			
Region 1					
Case-mix	42%	23%	36%	100%	6512
Percent of children reunifying	55%	51%	95%	68%	
Region 2					
Case-mix	34%	15%	51%	100%	4684
Percent of children reunifying	54%	44%	90%	71%	
Region 3					
Case-mix	59%	18%	22%	100%	6064
Percent of children reunifying	46%	47%	94%	57%	
Region 4					
Case-mix	43%	16%	41%	100%	5996
Percent of children reunifying	40%	40%	96%	63%	
Region 5					
Case-mix	32%	13%	55%	100%	6494
Percent of children reunifying	44%	42%	99%	73%	
Region 6					
Case-mix	37%	18%	45%	100%	8154
Percent of children reunifying	51%	51%	95%	71%	
Statewide					
Case-mix	41%	18%	41%	100%	37,904
Percent of children reunifying	48%	47%	95%	67%	
Days to reunification (median)	533	579	4	148	

important implications for attempts by the federal government to hold states accountable for meeting national standards for permanency outcomes under the Child and Family Services Reviews (CFSR) (US Department of Health and Human Services, Administration for Children and Families, 2012). Observers have criticized the National Standards for a number of reasons, including faults in the methodology used to develop the measures and in the usefulness of the measures for assessing changes over time in state performance (Courtney et al., 2004; Schuerman & Needell, 2009). Under the CFSR, state governments are held accountable for meeting national standards; states can be penalized for failing to meet standards through reductions in their reimbursement under Title IV-E of the Social Security Act, which provides federal funding for foster care.

To the extent that the juvenile courts significantly influence public agency efforts to achieve legal permanency for children in care, strategies for better coordinating the work of child welfare agencies and the courts are in order. State court improvement projects made possible by current federal funding could provide

start-up support for model approaches to such coordination. In addition, technical assistance to the states provided by the Children's Bureau and the federally-funded national child welfare resource centers could focus on identifying strategies for holding courts and child welfare agencies collectively responsible for achieving national standards for permanency outcomes. However, currently federal policy provides little incentive for juvenile courts to share this responsibility; while the federal government has considerable influence on state child welfare agencies through provision of Title IV-E foster care funds, it does not have the same kind of fiscal leverage over local courts. In the absence of a new and formidable policy carrot, or stick, juvenile courts are unlikely to share with public child welfare agencies accountability for achieving speedier legal permanency for children in foster care.

Of course, acknowledging that differences in the populations served and in the functioning of the dependency process play a role in the timing of children's permanency outcomes does not mean that child welfare agencies should be left off the hook. Prior research has shown that organizational factors play a significant role in the ability of child welfare agencies to achieve desired outcomes (Glisson, 1994; Glisson, James, & Post, 2000; Yoo & Brooks, 2005; Yoo, Brooks, & Patti, 2007). Our findings clearly show that regional differences remain in the rate at which children experience permanency, even after controlling for important measures of case mix and for the timing of dependency petitions. Explaining these differences could identify potential strategies for improving practice in ways that lead to more timely legal permanency for children.

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Notes to Table 2

Notes: SHR = sub-hazard ratio. TV = time-varying.

* p < .05.

** p < .01.

*** p < .001.

^a The reference category for the dependency model is male (50.4%), ages 5 to 8 (17.5%), white (60.0%), with no sibling in the child welfare system (31.6%), living in a family foster home (74.3% of children ever experience this placement type), entering care in 2001 (12.9%) and in Region 4 (16.0%).

^b The reference category for the no initial dependency model is male (47.1%), ages 5 to 8 (14.3%), white (59.3%), with no sibling in the child welfare system (52.1%), living in a family foster home (58.4% of children ever experience this placement type), entering care in 2001 (15.7%) and in Region 4 (15.4%). 29.4% of these children will go on to have a dependency filed during their placement.

^c Children enter the risk of adoption 6 months after placement.

^d No initial dependency indicates that the out-of-home placement did not begin with a dependency petition; it took more than 3 days to file. A dependency filing is the competing event to reunification.

^e Descriptive statistics for placement type refer to the percent of children ever experiencing that placement type during their time in care; these estimates are therefore larger than a point-in-time snapshot of where children are living.

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