

# Moving Forward Together for Clark County's Children

## Blue Ribbon for Kids Commission Final Report

March 2015

---



### Message from the Chair

I am pleased to present the report from the Clark County Blue Ribbon for Kids Commission. It is a privilege to be part of this important work. This report is the first step in an ongoing strategic planning and reform process that will provide a comprehensive and sustainable strategy for realizing the goal of a child-centered, self-improving, and sustainable child welfare system to support our vulnerable children and families.

This report outlines important recommendations for system change which incorporates nationally recognized best practices and suggestions from system stakeholders and the public. The many changes that the report proposes are challenging and will require significant effort. Leadership and commitment to change will be essential to maintain momentum and effectuate meaningful reform. Improving outcomes for children must remain the compass against which all priorities are assessed.

The Commission spent hundreds of hours listening to presentations, reviewing feedback and studying how the child welfare system operates and how the administration of justice can be improved. The members of the Commission are indebted to the countless individuals and organizations who generously shared their time and experience with us. We heard both statistical and anecdotal information about how the child dependency system is working and, in some cases, not working. The statistical data demonstrate not only the tremendous workloads, but the increasing demands of all the professionals in the system.

The Blue Ribbon for Kids Commission came together with a commitment to ensuring that the children under the care of Clark County's welfare system are given its highest priority. The Commission's recommendations promise to significantly change the lives of Clark County's children and youth. Under the system that the Commission envisions, there will be fewer children in foster care, better court processes, and reorganization of resources that can be reinvested to continue to support and strengthen this county's most vulnerable families.

On behalf of the Commission, I thank all of the individuals and organizations who advised the Commission throughout its process. I also extend a heartfelt thanks to each of our Commissioners for his or her invaluable contributions and extraordinary commitment to improving the lives of Clark County's children and families. And, I thank our talented and dedicated staff of experts and consultants, Dr. Sophia Gatowski and the Honorable Stephen Rubin (Ret.), whose tireless efforts significantly eased the burden of our challenge as a Commission at every step.



Nancy M. Saitta, Supreme Court of Nevada

### **Blue Ribbon for Kids Commission Members**

**Honorable Nancy M. Saitta, Justice, Supreme Court of Nevada, Commission Chair**

**Susan Brager, Clark County Commissioner**

**Barbara Buckley, Esq., Executive Director, Legal Aid Center of Southern Nevada**

**Carolyn Goodman, Mayor, Las Vegas**

**Amber Howell, Administrator, State of Nevada Division of Child and Family Services**

**Deborah Schumacher, Judge (Ret.), Second Judicial District Court, Family Division**

**Thom Reilly, Director, Morrison Institute of Public Policy,  
Professor, School of Public Affairs, Arizona State University**

**Jeff Wells, Assistant County Manager, Las Vegas**

**Steve Wolfson, Clark County District Attorney**

### **SPECIAL ACKNOWLEDGEMENTS**

Katherine Malzahn-Bass, Court Improvement Program Coordinator, whose efforts made the Commission work;

Myrna Byrd, Administrative Office of the Courts Secretariat, whose assistance was greatly appreciated;

Robbie Taft, Court Improvement Program Assistant; and

Vickie Roberts, Judicial Chambers Assistant to Justice Nancy M. Saitta.

	PAGE
Message from the Blue Ribbon for Kids Commission Chair	1
Commission Members	2
Special Acknowledgements	
Executive Summary	4
Introduction	8
It's About the Children: the Origin and Mandate of Clark County's Blue Ribbon for Kids Commission	
Process for Gathering Information and Developing Recommendations	
The Commission's Starting Point: Challenges faced by Clark County's Child Welfare System	
Moving Forward Together for Clark County's Children and Families: Blue Ribbon for Kids Commission Final Recommendations	20
Recommendation I: Reasonable Efforts Decision-Making	21
Recommendation II: Reform of the Child Welfare Agency Process	24
Recommendation III: Reform of the Court Process	27
Recommendation IV: Meaningful Representation and Voice in the Process from the Initiation of Proceedings	40
Recommendation V: Selection, Retention, Training and Ongoing Professional Development for all Stakeholders	44
Recommendation VI: Improve Public Education about the System	48
Recommendation VII: Collaboration for Systemic Overarching Reform	49
Conclusion and Next Steps	54

### Highlights of the Commission's Recommendations

Over the past months, a great deal of information about the state of Clark County's child welfare system was shared with the Commission. In many ways, Clark County has made significant strides towards improved outcomes for the children and families involved in its dependency system. However, while there is much that is good about the current system, and there are commendable improvement efforts underway, it is clear that challenges still exist. These challenges have created poor outcomes for the children and families with whom the system interacts, and this is unacceptable. It is clear that change is needed.

Among the problems identified by the Commission and addressed by its recommendations are:

- The lack of resources to offer early services to families in order to prevent entry into foster care and keep children in their own homes safely;
- Delays in the case process which often means deferred decisions and uncertainty for both children and parents;
- Issues and challenges related to timely permanency and well-being outcomes, especially for older youth;
- Caseloads which lead to rushed or non-substantive hearings;
- Children, families and foster parents who do not always have a meaningful voice in the system;
- Insufficiencies in coordination between the courts, child welfare agencies and others that leads to inconsistent application of practice and policy; and
- A lack of public trust and confidence in the system.

On the basis of its review and feedback process, the Commission concluded that a transformation of the current child dependency system in Clark County is needed and that this reform must not be undertaken in silos, but rather as a coordinated effort and partnership among the court, child welfare agency, city, county and state governments, and community partners with a shared commitment and vision. The Commission has made recommendations for dependency system reform that, taken together, will serve to guide the way forward to better outcomes for



children and families. The full report provides detail about the rationale behind the recommendations and supporting implementation strategies.

## The Blue Ribbon for Kids Commission Recommendations:

### *I. Improved Reasonable Efforts and Child Safety and Removal Decision-Making*

- Improved focus on reasonable efforts decision-making by both the child welfare agency and the court
- Use of in-home services to avoid removal when safe
- Continued implementation of the Safety Intervention and Permanency System (SIPS) case management practice model
- Increased use of voluntary service plans with judicial oversight pursuant to Nevada Law
- Ensure relatives and fictive kin have preferential rights to a child pursuant to Nevada Law

### *II. Reform of the Child Welfare Agency Process*

- Restructure caseworker assignments
  - Appoint permanency worker as soon as practical in each case; continue to maintain manageable child welfare caseloads; merge Child Protection Services Permanency Units under the same manager
- Explore all available funding and other resources to develop a comprehensive and effective service array that can be realistically accessible to families
  - Provide sufficient community and home-based services for families; outreach to and involve faith-based organizations
- Conduct a thorough examination of the skill level and training of all child welfare agency staff and the effectiveness of the current managerial structure

### *III. Reform of the Court Process:*

- Additional and/or realignment of judicial resources
  - Implement a one family/one judge-judicial officer case assignment and calendaring system; appointment of a Presiding Juvenile Dependency Judge; reduced judicial officer caseloads
- Implement evidence-based and promising practices
  - Use of the *Resource Guidelines* and judicial bench cards; implement and expand the use of juvenile dependency mediation; consider ways to improve

permanency results for older youth; ensure medical consent language is included in all dispositional hearing orders; implement effective caseload management and court case calendaring methods

- Require a court hearing where there are no exigent circumstances prior to or concurrently with removal
- Initiate a statewide committee to develop Rules of Juvenile Dependency Procedure
- Implement updated technology in the court capable of providing court orders, case plans and case plan summaries to all parties
- Continue to enhance the Community Improvement Council (CIC)
- Continued assessment of the quality of court hearings

**IV. *Ensure Meaningful Representation and Voice in the Process from the Initiation of Proceedings***

- Require early appointment of counsel for legal parents and children
- Require impact and process evaluation of the Children’s Attorney Project, Special Public Defenders and District Attorney
- Require early appointment of a Guardian *ad Litem* (GAL) or Court Appointed Special Advocate (CASA) for all children
- Require impact and process evaluation of CASA and/or GAL programs
- Listen to and include the voice of youth in the process
- Implement juvenile dependency mediation
- Fully implement normal childhood standards for children in foster care
- Closely examine the use of congregate care
- Recruit, train, support and retain quality foster parents

**V. *Selection, Retention, Training, and Ongoing Professional Development for all Stakeholders***

- Implement multi-disciplinary training for all system stakeholders
- Enhance foster parent training and streamline process where needed
- Examine current training for all child welfare partners and enhance to align with best practice standards
- Require agency management to implement and enforce professionalism standards of practice



- Improve and require ongoing judicial training
- Continue to implement and enhance the child welfare academy

**VI. *Improve Public Education about the System***

- Post and showcase child dependency system improvements and success stories
- Initiate an effective marketing campaign to recruit and retain more foster parents
- Improve transparency and consistency in public reporting
- Publicize and enhance the Office of the Ombudsman and the Division of Child Family Service's Public Information Officer

**VII. *Collaboration for Systemic Overarching Reform***

- Create a collaborative, child-focused system
- Fully and consistently implement the practices permitted by the Title IV-E waiver
- Implement subsidized guardianship
- Implement the Centralized Case Index
- Implement court event notification data exchange
- Expand school district and child welfare case management system communication
- Assess how the implementation of AB 350 can be enhanced

### **The Next Phase of the Commission's Work**

In the next phase of the Commission's work, the recommendations and implementation strategies will be used as a road map for stakeholders to work together to make each one a reality. Workgroups and committees will be convened to engage in strategic action planning for each recommendation's implementation. This will involve outlining the specific action items and next steps necessary to achieve the recommended change and strategy's implementation, establishing short and long-term deadlines and milestones for the achievement of each step, assigning responsible individuals to oversee implementation, identifying process and outcome measures for each specific strategy, and designing an evaluation that will determine the success of the recommendations at achieving improved safety, permanency, due process and fairness, timeliness and child well-being outcomes.

## It's all about the Children –

### Origin and Mandate of Clark County's Blue Ribbon for Kids Commission

Nevada's child dependency system, the system charged with the safety and care of the county's most vulnerable citizens, has made some remarkable advances over the last decade. But despite the many strengths of the system and the efforts of dedicated and committed professionals, considerable challenges still remain. The current system is overtaxed and under stress with limited resources and policies and procedures which result, far too often, in less than the best outcomes for children. The Clark County Blue Ribbon for Kids Commission was established because the leadership of state, county and city government, the courts, the child welfare agency, and professional and community stakeholder groups all recognized that Clark County could do a better job at making certain children are safe and growing up in permanent families that can ensure their well-being. The Blue Ribbon for Kids Commission was formed to make recommendations that will generate feasible plans of action to implement lasting and needed reforms in the child dependency system in order to improve the safety, permanency, and well-being of Clark County's children and strengthen public confidence in the system.

The Blue Ribbon for Kids Commission is comprised of leadership from all of the major stakeholders in the Clark County child welfare system and community and is chaired by Justice Nancy Saitta of the Nevada Supreme Court. Commission members represent a variety of constituencies in, and perspectives on, the dependency system – all of whom brought their insights to bear on the recommendations contained in this report.<sup>1</sup> The Commission began meeting on October 7, 2014 to determine how to improve Clark County's child welfare system in order to better protect the county's most vulnerable citizens. The Commission was committed to taking a child-focused approach and to pursue action-oriented solutions. The Commission's approach drew on both empirical evidence and actual experience and was undertaken in a spirit of partnership with government and the many organizations and community partners that work together in child

*"The **mission** of the Blue Ribbon for Kids Commission is to propose a feasible plan of action expeditiously implementing lasting reforms needed in the child dependency system to ensure that the welfare of the children under its charge is its highest priority."*

*"The **vision** of the Blue Ribbon for Kids Commission is a child dependency system in which all efforts and resources are organized in a manner that places the child's welfare first."*

welfare. Specifically, the Commission was charged with reviewing current practices and policies of the child dependency system in Clark County, identifying organizational and practice barriers to child-safety, timely case processing, permanency, and well-being for children, and based upon that review, to develop recommendations to implement needed reforms in Clark County.

The Blue Ribbon for Kids Commission was committed to:

- Improving the ability of state and local agencies and the courts to work together to more quickly secure safe, permanent homes for foster children and at the same time reduce the need for foster care;
- Improving and expanding existing collaborative frameworks among all those who have responsibility for the safety, permanency and well-being of children in the dependency system and those children at risk for involvement in the system;
- Developing strategies for applying resources in more flexible, timely and comprehensive ways to support at-risk children and families;
- Ensuring children and families have a say in decisions that affect their lives;
- Implementing evidence-based best practices to improve the child dependency system's performance at meeting the needs of vulnerable children and families; and
- Enhancing the trust and confidence of the public in the child dependency system.

The role of the Commission was to engage together in five key phases of work:

- Develop a shared vision, mission, values and guiding principles to direct the Commission's work and resulting recommendations;
- Meet with professional and community stakeholders, including former foster youth, to solicit their input about strengths and challenges faced by the current child welfare system;
- Review context and performance data about Clark County's child welfare system and outcomes for children and families;
- Review evidence-based programs, policies and practices that have yielded positive outcomes for children and families for possible adaptation and implementation in Clark County; and
- Develop recommendations for reform and associated implementation strategies with the aim of improving outcomes for children and families involved in the child welfare system and improving public trust and confidence in that system.

### Principles Guiding the Commission’s Work

- All children are equal and deserve safe and permanent homes
- Courts perform an important statutory role in overseeing children, families, and services in the dependency system
- The entire dependency system is child centered
- Courts function consistently
- Efforts to improve the foster care system must focus on improving safety, permanency, well-being, and fairness for children
- Children and families have a say in decisions that affect their lives
- Community-wide collaboration, partnerships, and respect are essential for achieving the best possible outcomes for children and families
- Government agencies need adequate and flexible federal funding to provide the best outcomes for children in the child dependency system

### Values Informing the Commission’s Work

- Children First
- Child Safety
- Children and Families
- Collaboration
- Youth Voice
- Inclusiveness
- Permanency
- Shared Responsibility
- Accountability
- Leadership



While the recommendations of the Commission were made for Clark County, the Commission took into consideration data from the entire state and from national-level research about best practices in dependency cases. The resulting recommendations were developed specifically for Clark County, but some or all of them may have applicability and transferability to other jurisdictions in Nevada. Each jurisdiction in the state is encouraged to examine the recommendations made herein and to determine, through their own local collaborative process, whether implementing any of these recommendations is appropriate and might lead to improved dependency outcomes in their own jurisdiction. The Nevada State Court Improvement Program is committed to assisting any jurisdiction in such an effort.

### **The Commission's Process for Gathering Information and Developing Recommendations**

Given the importance of the task, the Commission pursued an information gathering process that was comprehensive, inclusive and transparent. To this end, the Commission held multiple public meetings, hearing presentations and receiving input from stakeholders from every part of the child welfare system as well as from former foster youth, families, and foster parents. The Commission engaged in a comprehensive examination of state and local databases for information about Nevada's, and specifically Clark County's, child dependency system's performance and outcomes, and reviewed evidence-based and promising practices used in other jurisdictions to assess what could be learned and applied in Nevada.

It is important to note that the Commission's recommendations are a first step in an ongoing strategic planning and reform process. This report is not intended to be a detailed implementation plan nor is it intended to be an extensive evaluation of the current state of Clark County's dependency system. Rather, the recommendations address a specific set of reform goals and a specific set of strategies to help achieve those goals.

Throughout its work, the Commission benefited greatly from the assistance of Nevada's State Court Improvement Program Coordinator, Katherine Malzahn-Bass, Nevada's Division of Child and Family Services Administrator, Amber Howell, the National Council of Juvenile and Family Court

Judges' Nevada Liaison, Franz Braun, and the Honorable Deborah Schumacher (Ret.). In addition, the Commission contracted with the Honorable Stephen Rubin and Dr. Sophia Gatowski, national experts on child welfare system best practices and organizational change efforts to provide information on various topics, share their views, help inform the recommendation process, and to document the Commission's work.

A great deal was learned through the information gathering and review experience and the Commission is grateful to all who shared their perspectives. Much of the submissions to the Commission were exceptionally thoughtful and carefully prepared. A great deal of interest was shown by the professional and community stakeholders and the Commission was impressed by the effort to which individuals went to share their views. By doing so, they have contributed to the future direction of the dependency system in Clark County, and the Commission is most grateful for each contribution. While the Commission was not able to deal individually with each submission in what follows, all of what the Commission heard and reviewed has informed its recommendations.

### **The Commission's Starting Point – Challenges Faced by Clark County's Child Welfare System**

In many ways, Clark County has made significant strides towards improved outcomes for its vulnerable children and families. But while there is much that is good about the current system, and there are commendable improvement efforts underway, it is clear that challenges still exist. Data from the agency and the court, as well as written and oral testimony provided to the Commission, highlighted the following areas in need of attention and improvement:<sup>2</sup>

#### ***While foster care placements are down and adoptions are up, a large number of new cases are coming in to Clark County.***

- Testimony was received that the high volume and complexity of agency and court caseloads makes timely case resolution difficult. High caseloads can contribute to delay in case processing and, ultimately, to delays in achieving timely permanency for children and families.
  - While individual caseworker caseloads are currently within recommended standards,<sup>3</sup> the child protective services caseload is increasing. Between 2013 and 2014 the number of reports of alleged abuse and neglect in Clark County increased by 33% and the number of investigations in Clark County increased by 19%.<sup>4</sup>

- Judicial caseloads in Clark County are high. As of March, 2015, there are 2,364 open juvenile dependency cases, 299 of which are open termination of parental rights (TPR) cases.<sup>5</sup> For just one of the judges, this represents a caseload of 747 open dependency cases and 111 open TPR cases. Cases are coming in faster than the court can handle, resulting in a backlog of TPRs. Currently, there is one judge who has 100 pending TPR trials, which data indicate will take an average of 7 months from the filing of the TPR to reach final disposition.<sup>6</sup>

*The quality of the dependency system process and the system's ability to achieve timely permanency is negatively impacted by delay.*

- Delay exists in the dependency case hearing process, with some hearings not able to be completed within timelines mandated by the law for case processing.
  - Most adjudicatory hearings, which must be held within 30 days of filing the child abuse and neglect petition, are not held timely, and almost half of all dispositional hearings in Clark County as of June, 2013<sup>7</sup> were out of compliance with the requirement that they be held within 15 days of the most recent adjudicatory hearing.<sup>8</sup> Delays in setting adjudicatory and dispositional hearings result in delay in implementing case plans, which may result in children staying in care longer.
  - By the end of 2013, 35% of all first permanency hearings in Clark County were out of compliance with statutory timeliness requirements for holding that hearing within 12 months (among the poorest compliance rates in the state, with only the 5<sup>th</sup> and 7<sup>th</sup> judicial districts having more out of compliance cases).<sup>9</sup> The first permanency hearing represents a critical stage in the child abuse and neglect hearing process – it is at this hearing that the judge makes a determination about the permanent plan for the child. Because the permanency hearing is such a crucial means of achieving expeditious permanency for children, ending foster care drift, and ensuring compliance with statutory requirements, it is critical that it be as timely and substantive as possible.
- The Commission heard from stakeholders that dependency court hearings are often rushed and not as comprehensive or substantive as they need to be to move the case forward towards timely

permanency. Delays in the case process often mean deferred decisions and uncertainty for both children and parents.

- Stakeholders reported a lack of worker continuity, with cases transferred between child protection services and on-going workers. Testimony was received that this process of transferring cases from worker to worker, made worse by poor supervision and turnover in agency personnel, contributes to unnecessary delay.
- The court's calendaring, as it is done currently, does not optimize judicial resources or take into account the time of attorneys, caseworkers or families. Testimony indicated that parties and caseworkers spend a great deal of time waiting at the courthouse for their cases to be heard.

*While significant strides have been made in some areas, challenges still exist in Clark County's ability to achieve timely permanency for children.<sup>10</sup>*

- The Commission heard testimony that improvement is needed in removal and reasonable efforts to prevent removal decision-making. Feedback from all parts of the system pointed to problems in the consistency of removal decisions and in reasonable efforts decision-making to prevent removal. Stakeholders report, for example, that cases with virtually identical facts will have different outcomes depending upon in which Department of Family Services (DFS) region the case occurred.
- Only 13.58% of cases in Clark County as of June, 2013<sup>11</sup> had the required case plan filed within the 60 day statutory time limit. This means that 86.42% of families have not been provided their roadmap to reunification – they do not know what they must do to regain custody of their children. This clearly delays and often prevents children from returning home in a timely manner.
- Stakeholders report that efforts to prevent foster care and keep children in their homes safely are seriously hampered by a lack of resources to offer early intervention and prevention services to families.
  - Insufficient, inadequate or non-existent services in the community were described as major barriers to family reunification.
  - Delays in the provision of services to families and barriers to the access of resources to address the needs of families and to mitigate removal when possible or facilitate return



were reported (e.g., barriers to the access to emergency funds, transportation, rental assistance and child care were reported).

- The timeliness of reunification in Clark County is not as good as that for the state and is below national timeliness standards.
  - The percentage of FY 2013 cases in Clark County concluding with a timely reunification in less than 12 months from the date of the latest removal (70.1%) is below that for the state as a whole (71.3%) and is below the national standard of 75.2%<sup>12</sup>
- Improvements are needed in the number of children who are placed with relatives if removal is necessary.
  - Feedback was received that relatives are experiencing difficulties having children placed with them. In Clark County, 36% of children were placed with relatives at removal –while this is better than the national rate of 28%, more should be done to ensure that relatives are used as placement resources for children.<sup>13</sup>
- Too many children are currently aging-out of foster care in Clark County.
  - The percentage of children in FY 2013 cases in Clark County who were in foster care for three years or more and left foster care by emancipation or “aging-out” (39.3%) is higher than that for the state as a whole (38.7%) and is higher than the national standard (37.5%).<sup>14</sup> Emancipation is not true permanency as intended by both the letter and spirit of the law, and more should be done to ensure children in care in Clark County leave care with a safe, loving and forever family.

***More focus is needed on improving child well-being for children involved in Clark County’s dependency system***

- Too many foster children experience delayed treatment for both routine and emergency medical procedures.
  - Stakeholders reported multiple cases where routine and emergency medical treatment has been delayed for foster children due to confusion about whether parents must consent to medical procedures. While parents’ permission is being sought, tests and procedures are delayed which have the potential to cause harm to children.

- Too many children in Clark County experience placement instability while in care, with children experiencing more placement changes while in care compared to the state as a whole and to the nation. Many studies suggest that placement instability leads to negative outcomes for children such as coping difficulties and behavioral issues.<sup>15</sup>
  - The percentage of children in FY 2013 cases in Clark County who were in care for less than 12 months with two or fewer placements (79%) is below that for the state as a whole (81.3%) and is below the national standard (86%).<sup>16</sup>
  - The percentage of children in FY 2013 cases in Clark County who were in care between 12 and 24 months with two or fewer placements (60.3%) is below that for the state as a whole (61%) and is below the national standard (65.4%).<sup>17</sup>
  - The percentage of children in FY 2013 cases in Clark County who were in care for 24 months or more with two or fewer placements (31.1%), while better than for the state as a whole (29.5%) is still below the national standard (41.8%).<sup>18</sup>
- Foster children are not able to fully participate in normal, everyday activities as they should.
  - The Commission heard testimony about a bureaucratic process for consenting to normal, everyday activities for foster youth. Limiting foster youth's ability to engage in safe and enriching social, cultural, and age appropriate activities and events limits the sense of "normalcy" that should be nurtured as much as possible for foster children.
- Too many children are placed away from their home school.
  - Testimony indicates that children are not being transported to their neighborhood school, losing one of the only anchors they have to normalcy.

#### *Children, families and foster parents do not always have a meaningful voice in the system*

- Stakeholders report a need to improve the representation of parents, children and families in the system.
  - There is insufficient representation for children, leaving many children without a voice in the process. Currently, 2,740 children are represented while the remaining 460 children have no legal representation at all.<sup>19</sup> Testimony also pointed out that the statutory requirement that a *Guardian ad Litem* (GAL) be appointed in every case is inconsistently applied.

- There is an urgent need for more Court Appointed Special Advocates (CASA) for children in Clark County. In 2014 there were approximately 370 CASAs with approximately 3,800 children in the dependency system.<sup>20</sup>
- An important way children and youth can have meaningful voice in the system is through attendance at hearings. Children should be present in court when it is safe and appropriate. However, testimony indicates that children are inconsistently attending dependency hearings, with judges inconsistent in interpreting the case law that authorizes the presence of children at all hearings in dependency cases.
- There is a lack of representation for parents at the earliest stages of a case when counsel is crucial. Many parents have no legal representation when their children are removed – they are confused and need someone to explain to them what they must do in order to successfully have their children returned. Too many parents do not get appointed an attorney until it is time for a TPR trial and by that time it is often too late.
- Testimony pointed out that timely notice of dependency hearings is not always given to foster parents, non-custodial fathers or to children.
- Parties need more opportunities to be heard in non-adversarial settings, such as in mediation, where research reports they feel respected and fairly treated, and can become more fully engaged in their cases.<sup>21</sup>
- Parents, foster parents, relative caregivers and children need a safe place to voice any complaints about the system and any negative experiences they may have had without fear of retribution.
- Stakeholders noted that more should be done to enhance parents,' families' and children's understanding of the dependency system and the resources available to them.

***There is a need for better application and communication about policies, procedures and protocols, as well as improved training for all system partners and a renewed commitment to professionalism***

- There are inconsistencies among the courts in matters of procedure, process and timelines.
  - Stakeholders shared that “inconsistent court rulings” were resulting in unnecessary delays. Testimony showed that attorneys and caseworkers do not know what is expected of them in court and that expectations for practice vary widely among the courts.

- Inconsistencies in the application of policies, procedures and protocols by the agency were reported, resulting in inconsistencies in case handling and leading to results for children that may change based solely on which office is overseeing the care of the child. Concern was expressed about caseworker qualifications and training and the existing supervisory and managerial structure.
- The Commission heard testimony about the need to strengthen efforts to recruit, train and support foster parents. Concerns were expressed both about the need to recruit more foster parents and to enhance the quality of their training, particularly with respect to child well-being issues.

Throughout Clark County, talented and committed people are working to improve outcomes for children and families in an often overworked and under-resourced system. Over the last several years, Clark County has instituted a number of promising reform initiatives aimed at improving the dependency system, and while there are challenges facing the system, the potential to achieve meaningful and positive change is great. A number of factors have set the stage for positive change in Clark County:

- ***Involved leadership*** – Leadership from both Clark County and the state –from the top level and from throughout the system –understand the need to work together. Leadership from the court, the child welfare agency, attorney groups, treatment and service providers, and other system partners in the community are at the reform table. All are focused on a joint vision of common outcomes, and will provide critical ongoing support to implement the recommendations of this report.
- ***Institutional commitment*** – The court, the department of family services, attorneys and other system partners have already tangibly demonstrated their commitment to positive change, with a number of initiatives currently underway aimed at improving safety, permanency, due process and fairness, and well-being for children and families.
- ***Experimental mindset*** – There is a willingness in Clark County and throughout the state to not accept “business as usual” or the status quo, but instead to critically reflect on practice, embrace new approaches, and test and evaluate those new approaches to see if they improve permanency for children and families.

Ultimately, the Commission observed a system with much strength – but a system capable of delivering greater value if purposeful changes are made to address its challenges and deficits. In developing the recommendations outlined in this report, the Commission sought to build on these existing positive change factors in Clark County and the state and to lay the groundwork for collaborative action planning moving forward. This document is the final report on the recommendations of the Commission. It presents recommendations for reform and associated strategies through which a more effective dependency system can be realized. Recommendations and strategies build on the strengths of the system today while increasing the system’s ongoing and future capacity to achieve safety, timely permanency, fairness and well-being for the children and families it serves. It is the Commission’s hope that the implementation of the recommendations will lead to meaningful and lasting change that will significantly improve outcomes for our County’s most vulnerable children and families.

## Moving Forward Together for Clark County's Children and Families – Blue Ribbon for Kids Commission Final Recommendations

The recommendations outlined in this report offer a coordinated strategy for improving the process of handling child abuse and neglect matters in Clark County, and by extension in Nevada, with the aim of improving safety, permanency, timeliness, due process and fairness, and child well-being outcomes. The recommendations range from specific interventions that can be readily implemented to systemic solutions that will require multiple partners and organizational and cultural change. Given the complex nature of the child dependency system and the significant impact changes can have on the lives of children, families, and communities, the recommendations in this report are intended less as “quick fixes” and more as a roadmap for Clark County to follow moving forward. The recommendations attempt to strike a balance between identifying issues which are the most critical to address and the issues which are the most actionable and build upon the significant system improvement efforts that are already underway.

The Commission's final recommendations cover seven strategic focus areas:

- Improved reasonable efforts and child safety decision-making;
- Reform of the child welfare agency process;
- Reform of the court process;
- Ensuring meaningful representation and voice in the process from the initiation of proceedings;
- Improved selection, retention, training and ongoing professional development for all system stakeholders;
- Increased efforts aimed at public education; and
- Effective collaboration for sustainable, long-lasting and overarching systemic reform.

This report organizes the Commission recommendations related to each of the strategic focus areas. A brief summary of the main issues that speak to the reforms needed is included, along with the principal recommendations, the specific strategies that flow from each of those recommendations, as well as intended outcomes.

## **Recommendation I: Improved Reasonable Efforts Decision-Making (Improved Child Safety and Removal Decision-Making)**

Families are the cornerstone of our society, and children have a right to grow up with their families as long as they can be safe.<sup>22</sup> Removal of a child from the home should occur only as a last resort. Removing a child from home, even when there is an imminent safety threat, is a life-altering experience for all those involved. Once removed, a child may be placed with an adult and other children whom they do not know, who may not look like them, speak their language, or follow their family's customs. They may be separated from school, community activities, and adults that they trust. Removing a child from home is a monumental decision and one that should not be made lightly or quickly –“Every child who should be in care must be in care, and not one child more.”<sup>23</sup>

The Commission recommends that the reasonable efforts decision-making of both the child welfare agency and the court be fully examined. Clark County needs to ensure that removals occur only when children cannot remain safely in the home, that in-home services and the use of voluntary service plans with judicial oversight are used to avoid removals when safe, and that when removals are necessary, that relatives are identified and used as preferred placements.

### **IMPLEMENTATION STRATEGIES**

#### **1. Improve reasonable efforts decision-making by both the agency and the court**

The federal Adoption and Safe Families Act (ASFA) places a duty on the child welfare agency to make “Reasonable Efforts.” Reasonable efforts refer to activities of the state social services agencies that aim to provide the assistance and services needed to preserve and reunify families. The Agency must make reasonable efforts to prevent each non-emergency removal. They must provide needed services designed to prevent removal prior to removal, and keep children safely at home while the parents are engaging in these preventive services. Once removal occurs, ASFA requires that the agency make reasonable efforts to reunify the family. The provision of needed social services that directly relate to the reasons for removal must be provided to children and families. These services should include programs that promote the safety and well-being of children. The Agency is also required to make reasonable efforts to finalize the permanent plan – either to reunify families expeditiously or finalize any alternative plan as quickly as possible when reunification is not an option. Agency training should emphasize the reasonable efforts requirements and workers

should be prepared to testify to what efforts were actually made to prevent removal. This should not occur sixty days after removal as allowed by ASFA but at the very first hearing when the removal can be challenged by the parents.

The failure of the agency to make these efforts can result in significant financial penalties. ASFA and Nevada Statutes give the court the responsibility of holding the child welfare agency accountable by requiring the court to make specific findings and financially penalizing the agency if the findings are not made or a no reasonable efforts finding is made.<sup>24</sup> The gatekeeping role of the judge should be strengthened by ensuring that reasonable efforts findings and contrary to welfare findings are made. At the initial hearing, for example, judges should continue to take an active role in determining whether the appropriate removal decision was made and whether reasonable efforts were taken to prevent removal. The court should not be quick to accept the characterization of a removal as an emergency thereby relieving the agency of the reasonable efforts requirement. The court must actively explore the scope and nature of reasonable efforts. When reasonable efforts have not been made, the court must enter a no reasonable efforts finding. The comprehensiveness of the initial hearing should be strengthened to include a focus on reasonable efforts, services, visitation, and early engagement of parents.

## **2. Use of in-home services to avoid removal when safe**

Safety services and funding to include community supports needed for those services to be infused in-home to prevent removal, must be identified and used. Effective strength-based in-home services decrease trauma and family separation and reduce the need for removal. In-home prevention services provided to families on a voluntary basis reduce the number of children in foster care and case filings. A thorough examination of what is available in the community is required to provide information so services can be implemented to fill any identified gaps.

## **3. Continue implementation of the Safety Intervention and Permanency System (SIPS) case management program**

Continue to invest in and implement the SIPS case management system agency wide. Under this case management practice model, while department social workers engage caregivers in case plan activities, the SIPS Case Manager manages and meets the immediate needs for child safety. The



three goals of this initiative include preventing children from entering long-term foster care, improving permanency for children in foster care, and decreasing the amount of time it takes foster care youth to achieve permanency. As is required by the SIPS practice model, continue to increase caseworker contact early in cases to provide additional support and monitoring, especially when younger children or first time foster parents are involved. When SIPS implementation is completed, it should increase consistency in removal decision-making, assessment, case planning and family engagement.

#### **4. Increase use of voluntary service plans with judicial oversight as permitted by Nevada law (NRS 432B.360)**

Nevada law allows for the voluntary placement of a child with the Department of Family Services. The Commission recommends that the use of voluntary service plans with judicial oversight should be expanded. The Commission recommends that the current use of voluntary service plans for care be examined and a comprehensive plan developed to use such agreements when appropriate. To prevent misuse of voluntary agreements, the plan will need to address the regulation of their use and ensure sufficient judicial oversight. Establishing new policy or enforcing existing policy and establishing a comprehensive plan will help conserve scarce resources and reduce petition filings and removals.

#### **5. Ensure relatives and fictive kin have preferential rights to a child pursuant to NRS 432B.550**

For the majority of children, kinship care placements are less traumatic, lead to better permanency outcomes, play a pivotal role in ensuring children's safety, increase placement stability, better assure success at school, and maintain family and community connections.<sup>25</sup> Every opportunity possible should be made to locate, approve and place children with appropriate kin. In order to facilitate the use of relative placements, the child welfare agency should educate and encourage relatives to become licensed when possible. This increases monitoring of relatives, measures them to a set of standards, and also provides financial and other supports that may assist to preserve the placement. Clark County Department of Family Services should also ensure that non-licensed relative caregivers are more fully supported to address a range of possible needs. The

agency's ability to waive federal eligibility rules and its accompanying funding flexibility to strengthen support for children in out of home care should be explored.

## **Recommendation II: Reform of the Child Welfare Agency Process**

Testimony submitted to the Commission revealed that the child welfare agency process in Clark County is challenged by an organizational structure and culture that has created silos of practice and a separation of services. The Commission heard testimony and read written submissions expressing concern about delays in case transfers due to a lack of continuity between child protection services and ongoing workers, poor supervisor continuity, turnover in agency personnel, problems with worker productivity and retention, and problems with the existing managerial structure. Insufficient parental engagement by workers was also reported, as were barriers to the access of services (especially emergency funds, transportation, rental assistance and child care), barriers to the access of resources to address the needs of families and mitigate removal when possible or facilitate return, and delays in the provision of services.

In order to address all of these concerns, it is imperative that the policies and procedures of the child welfare agency that may be inhibiting positive outcomes for children and families and the productivity and work satisfaction of agency staff be examined. The Commission developed the following recommendations for reform of the Clark County Department of Family Services based on the feedback received during its review, and based on the expertise of its members which included leadership of the Nevada Division of Child and Family Services and partnering organizations.

### **IMPLEMENTATION STRATEGIES**

#### **1. Restructure caseworker assignments**

- **Permanency worker appointed as soon as practical in each case after child welfare knows that the case is going forward**

In order to decrease delay, enhance family cooperation and communication with the agency, the Commission recommends a restructuring of caseworker assignments. Currently, Child Protective Services (CPS) investigates child abuse and neglect cases. Once the child abuse and neglect petition is adjudicated, the case is then assigned to a Division of Family Services case manager. This results in built-in delays in the case. In addition, the CPS worker may not be engaged with the parent from the

onset of the case as it will be transferred to a “permanency” worker upon adjudication. While CPS and permanency workers may have different skills sets and expertise, the current structure needs to be evaluated to promote earlier family engagement and to avoid unnecessary delays. By having the permanency worker involved from the beginning, including being present in court at the Preliminary Protective Hearing, the engagement with the family is immediate. Instead of the worker who removed their children being the only representative of the agency there is someone present whose job it is to help the family reunify. National data show that jurisdictions who have implemented the requirement that the investigator and the permanency worker be present at the Preliminary Protective Hearing have experienced reduced delay, improved early engagement of parents in services, and reduced litigation.<sup>26</sup>

- **One permanency worker per case**

A constant source of delay and confusion in dependency cases is the change in caseworker and this change should be avoided whenever possible. Assigning one permanency worker and having supervisors prepared to cover in court when a worker is not available should reduce delay and improve permanency outcomes.

- **Continue to maintain manageable child welfare caseloads**

Testimony provided to the Commission indicates that current child welfare caseloads in Clark County are within nationally recognized acceptable caseload standards.<sup>27</sup> It is essential that caseworker caseloads and caseworker to supervisor ratios remain manageable in Clark County and throughout the state. Manageable caseloads are critical to workers’ ability to engage fully in best practices with children and families. Manageable caseloads are also necessary to avoid burnout, improve continuity of caseworker in cases, ensure appropriate levels of supervision and coverage for absent workers, and to improve retention as well as to attract new workers. The Commission recommends that the agency continue to monitor caseloads, including supervisory caseloads, on a regular basis.

- **Merge child protection services and permanency units under the same manager**

Merging the CPS and Permanency units under the same manager should improve worker productivity and retention as well as eliminating delay caused by changes in agency personnel. Under this new management framework, supervisors would be expected to jump in to handle cases and attend court when the worker is absent or no longer employed by the agency.

## **2. Explore all available funding and other resources and develop a comprehensive and effective service array that can be realistically accessible to families**

Securing adequate and stable funding, including maximizing existing available funds for prevention services that help reduce the need for child welfare interventions, and ensuring ready access to those services for families may have the greatest impact on keeping children safe at home. Pursuant to the nationally recognized best practice recommendations of the National Council of Juvenile and Family Court Judges (NCJFCJ), judges should also continually assess the availability and advocate for the development of effective and culturally responsive resources and services that families need.<sup>28</sup> As important as new resources are, the lack of resources should not stop positive change efforts. There are several areas that can be explored which may not require new resources but require that existing resources are used differently, including examining models from different states and maximizing available funds from Nevada’s Title IV-E waiver.<sup>29</sup>

- **Provide sufficient community and home-based services for families**

Insufficient, inadequate or non-existent services in the community are a major barrier to family reunification. Currently, there are very limited in-home and community-based resources to serve families. Home-based services may avoid the need to remove children resulting in keeping more families together. Since the vast majority of cases are based upon neglect and not abuse, focus should be placed on providing in-home and community-based services to address the issues involved in child neglect cases.

Basic social services are often insufficient to meet the needs of families in child welfare cases. Improved drug treatment, trauma responsive therapy, domestic violence batterers’ intervention programs and therapeutic placement resources are some examples of the type of services that are often limited or totally unavailable in communities. Failing to provide needed services to families can and should be the basis of a no reasonable efforts to reunify finding. Clark County should use its Title IV-E waiver to maximize services to families, not only to prevent removal, but also to augment ongoing services and to enhance available community services for children and families.<sup>30</sup>

- **Outreach to and involve faith-based organizations**

The faith community has much to offer in terms of social services and support to families. The Commission recommends efforts to better outreach to, and engage, faith-based organizations in the provision of areas identified as gaps in needed services and supports for children and families.

### **3. Conduct a thorough examination of the skill level and training of all child welfare agency staff and the effectiveness of the current managerial structure**

Conduct an assessment of all training that caseworkers, supervisors and managers receive from date of hire and ongoing to include, frequency of trainings, topics, variances between type of worker and the trainings necessary, expectations of trainings, funding, and management strategies. This will identify what is working and what is not. It will increase the training and skill level of workers, supervisors, and managers, as well as create consistency and increase accountability for best practices and outcomes. Strong support should be provided to management for any re-alignment of non-performing staff if necessary.

The Commission also recommends that an assessment of the existing managerial structure of the Clark County Department of Family Services be undertaken. Such an assessment should identify areas in which management may better support casework staff as well as better support systems improvement efforts. Recommendations stemming from this assessment should be used to improve the managerial structure as needed.

### **Recommendation III: Reform of the Court Process**

The volume and complexity of the juvenile dependency court's caseload makes timely case resolution difficult. It also hinders the court's ability to provide meaningful and active oversight of child abuse and neglect cases and to conduct substantive hearings. In order to improve the quality of the court's response to children and families in crisis, improve the timeliness of the case process and permanency, improve consistency in application of recognized best practice standards in the handling of child abuse and neglect cases, and ensure there is sufficient time to conduct in-depth hearings, the Commission recommends the following implementation strategies.

## IMPLEMENTATION STRATEGIES

### 1. Additional and/or realignment of judicial resources

- **Implementation of one family/one judge-judicial officer case assignment and calendaring system**

Testimony and a review of Clark County's and Nevada's performance data indicate a need to reduce delay, improve engagement of families in the process, and increase consistency in hearing practice. Data show, for example, significant areas of delay and non-compliance with federally mandated timelines. One strategy designed to address all of these concerns is a one family/one judge-judicial officer case assignment and calendaring system.

The NCJFCJ (the nation's preeminent juvenile and family court training organization), in its *Key Principles of Permanency Planning*<sup>31</sup> outlines a foundation for courts to best exercise the critical duties entrusted to them by the people and the laws of the land. One of these key principles is that judges must provide fair, equal, effective, and timely justice for children and their families throughout the life of the case. Through frequent and thorough review, judges must exercise their authority to order and monitor the timelines, quantity, quality, and cultural responsiveness of services for children and families. Judges must oversee families' progress and permanency progress for children. Judges should ensure that there is communication, collaboration and cooperation among all courts handling cases involving any given family. It is the position of the NCJFCJ that all of these judicial responsibilities are best accomplished by the *same* judge overseeing all cases impacting the care, placement, and custody of the child in a one-family/one judge-judicial officer case assignment and calendaring system.

The Eighth Judicial District Court in Clark County should pursue the realignment of judicial resources in order to implement a one family/one judge-judicial officer case assignment and calendaring system in accord with nationally recognized best practices. A one-family/one judge-judicial officer assignment and calendaring system encourages judges to take ownership in and maintain an active oversight of their cases. Under this case assignment, children and families have the same judge for the life of the case and their cases are heard by the same judicial officer throughout the course of proceedings. Having the same judge preside over all hearings and make orders related to the child throughout the case will ensure a thorough understanding of the history, decisions, challenges, and successes in each case, to enable a full analysis of reasonable efforts based on all available information, and make certain that the agency is truly moving forward to achieve permanency for the child.

Implementing a one-family/one judge-judicial officer case assignment may require additional judges be assigned to child dependency with Hearing Masters assigned to speciality courts such as dependency drug court or juvenile mental health court. The Commission recommends that all options which facilitate the implementation of the one-family/one judge-judicial officer model be fully explored.

- **Appointment of a Presiding Juvenile Dependency judge**

Testimony and data indicate that inconsistency exists among the courts in matters of procedure, process and timeliness. The appointment of a presiding dependency judge would give a judge who is intimately familiar with the system the authority to systematize court processes and procedures to reduce inconsistency, implement needed caseload management changes across the bench, and to make decisions on system improvements in collaboration with other stakeholders.

While recognizing and respecting judicial independence and the decision-making power of individual judges, the court must be able to implement judicial accountability mechanisms, performance expectations and replicate proven best practices throughout the system. Although dependency judges and hearing masters have an overall cooperative and congenial working relationship, a presiding dependency judge is needed in order to resolve policy and other matters as they arise, hold judicial officers accountable, mentor and assist other judicial officers, as well as reassign judicial officers if and when it may be needed. Appointment of a presiding judge will give authority to that judge to ensure consistency among the judges by establishing uniform rules of practice and procedure that will guarantee that the process of the cases and rules of practice will be consistent across all courtrooms.

A presiding juvenile dependency judge can perform these functions, but not without necessary supports in place. The role should be clearly defined, including his/her authority over judicial personnel. The caseload calendar of the presiding judge should be carefully examined to determine the optimal size that will enable him/her to fulfill their responsibilities over a child abuse and neglect caseload as well as his/her administrative and leadership responsibilities. Ongoing training, executive coaching and mentorship opportunities should be provided to the presiding judge that focuses on administrative skill development, organizational management and leading inter-agency partnerships. Appropriate administrative support should be provided to the presiding judge to facilitate the coordination of management activities and reform initiatives undertaken.

- **Reduced judicial officer caseloads**

Stakeholders providing testimony to this Commission report that a lack of judicial resources to handle child abuse and neglect matters has resulted in large judicial caseloads which leave insufficient time on the court's calendar to hold the substantive hearings required to move cases forward to timely permanency, to fully address child well-being, and to engage children and families. Data<sup>32</sup> and testimony indicate, for example, that judicial officer caseloads in Clark County are high and that the court does not have sufficient time to conduct thorough and meaningful hearings. Testimony was received that parties and caseworkers spend a great deal of time waiting at the courthouse for their cases to be heard. Judicial officers need manageable caseloads in order to do a good job of handling the cases that come under the court's jurisdiction. Although adequate levels of judicial staffing do not ensure well-run courts, a competent judicial process is not possible without adequate staffing. Judges with excessive caseloads cannot carefully review files and reports in order to prepare for hearings. Judges with excessive caseloads cannot schedule and complete hearings within reasonable timeframes. Overburdened judges often cannot monitor case progress as the law requires, nor prepare timely court orders or appropriately detailed findings. Adequate resources are essential if judges are to effectively manage and resolve cases without delay while also delivering quality service to the individuals they serve. Ensuring safe, timely permanency for abused and neglected children requires courts to have the appropriate resources to adequately perform their oversight role.

Some consequences for judges with excessive dependency case workloads –

- Judges may not be able to sufficiently review the written reports submitted by child protection agencies prior to most substantive hearings. A substantive report should describe the current circumstances of the child and family, explain any changes since the last hearings, outline the agency's efforts to rehabilitate the family (if applicable), and frame issues for the court. When judicial officers do not have sufficient time to review reports and other documents, hearings may lack focus.
- Crowded judicial calendars may result in courts missing legal deadlines for case processing which delays the achievement of permanency for children and families.
- Judges with excessive caseloads may not take sufficient time to communicate effectively with all of the parties involved in hearings, especially parents and older children. When this



happens, the parties may fail to understand the litigation, timelines and consequences, and judges have missed important opportunities to engage parties in the process.

- Strain on judicial officers, attorneys, court staff and child welfare workers resulting from excessive workloads may result in truncated case review hearings, unprepared judges, attorneys and caseworkers, and a lack of case-specific findings for simple uncontested hearings.

It is the recommendation of this Commission that a reduction in the caseloads for judicial officers is needed in order to facilitate improved safety, permanency, timeliness and attention to child well-being. A reduction in the caseloads for each judicial officer will result in court calendars that are more manageable, allowing for sufficient time to conduct thorough and timely court hearings, which in turn, reduces delay, increases family engagement and agency accountability. This would require the addition of judicial resources to child abuse and neglect cases.

## 2. Implementation of evidence-based and promising practices

In order to address the need identified in the data and in testimony to improve the quality of the court's response to children and families in crisis, improve timeliness of the case process including the timeliness of permanency, and to allow sufficient time for the court to conduct substantive hearings, the Commission recommends the widespread implementation of evidence-based and promising practices be encouraged and that those practices be consistently applied. Included among the recommended practices are the adoption of the nationally recognized best practice standards for child abuse and neglect hearing practice outlined in the NCJFCJ'S *Resource Guidelines*, training on and use of judicial bench cards in hearings to facilitate consistency with best practice recommendations, the use of juvenile dependency mediation, the use of court-based procedures to enhance permanency for older youth at risk of aging-out of the system, and the implementation of effective caseflow management and calendaring processes.

- **Resource Guidelines**

The *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, published by the NCJFCJ, outline nationally recognized best practices for handling child abuse and neglect cases. Since 1995 when they were first published, courts across the country have used the

*Guidelines* to improve practice and outcomes. Using the *Guidelines* has contributed to the reduction of the number of children in care, reduction of delay and consistent practice from judge to judge.<sup>33</sup>

As previously mentioned, data and testimony reviewed by the Commission revealed areas of delay, inconsistent practice, and inconsistent application of proven best practices in Nevada and in Clark County.<sup>34</sup> These are areas addressed by strategies outlined in the *Resource Guidelines* for improving hearing practice. Research has indicated that following the recommendations of the *Guidelines* can do much to overcome the deficiencies identified in Clark County's dependency process. National research studies, for example, have found that in courts where the *Resource Guidelines* have been implemented, significant improvements were made in all areas of the system, including safe reduction of the number of children in care, reduction of delay, decrease in the number of children aging-out of the system, better system-wide collaboration and improved continuous quality improvement processes.<sup>35</sup>

- **Bench cards**

Data and testimony show an inconsistent application of the law and failure to make required state and federal findings. Testimony shows that attorneys and caseworkers do not know what to expect in court and expectations vary widely among courts. The consistent use of bench cards can serve to eliminate these concerns by encouraging attention to best practice recommendations for child abuse and neglect hearings and also by facilitating consistency of their application across courtrooms. In addition, when shared with stakeholders, bench cards offer a clear list of minimum expectations for each individual court event (e.g., expected level of preparation, what information case workers are expected to bring, issues that parties are expected to address). Attorneys and caseworkers will know exactly what to expect in terms of content and will be better able to prepare for each hearing. Bench cards should be widely disseminated, used in trainings, and encouraged as tools to improve each stakeholder's dependency practice.

- **Implement juvenile dependency mediation**

The Commission recommends that parties in child abuse and neglect matters have an opportunity to enter into mediation in order to voluntarily resolve the issues without negotiating the safety of the child,<sup>36</sup> and that the use of dependency mediation be expanded. Mediation is a process whereby a neutral third person acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and non-adversarial process, with the objective of helping the

disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, and exploring settlement alternatives.

Evaluations of dependency mediation programs in Nevada found that mediation lessened the workload needed to prepare for court hearings and was perceived by stakeholders as a good alternative to court.<sup>37</sup> The majority of mediations (78%) ended in agreement, and parents felt heard, respected, and treated fairly.<sup>38</sup> These findings are consistent with national research on the effectiveness of juvenile dependency mediation which has shown that mediation programs drastically reduce the number of cases that go to a contested adjudication resulting in hours of saved court time and more rapid engagement of parents in accomplishing case plan tasks.<sup>39</sup> Furthermore, juvenile dependency mediation is a recognized best practice for improving timeliness of case process and permanency, improving engagement of parties by providing additional opportunity for meaningful voice in the process, improving the focus on family strengths, and increasing the likelihood of reunification.<sup>40</sup> In a study of the impact of juvenile dependency mediation in the Second Judicial District, for example, reunification was 76% more likely in mediated cases and fathers in mediated cases were 44% more likely to engage in their cases than those in non-mediated cases.<sup>41</sup>

- **Court process to focus on foster youth aging out of or aged out of system**

Data reveal that achieving timely permanency for older youth in Nevada is a challenge. Data also reveal that too many youth are growing up in foster care in Clark County, experiencing multiple placements while there and ultimately aging-out of the system without a permanent home. Clark County must do better by these children. As indicated by national research, permanency and well-being outcomes for youth who age-out of the child welfare system are quite negative. This is especially true with respect to educational outcomes as research examining the adult functioning of youth who have aged-out has found that only a small fraction pursue education beyond high school, less than one-half have jobs, and many have no income from employment at all.<sup>42</sup> Incarceration and homeless rates are also high for this population.<sup>43</sup> The Commission recommends that court processes to improve the permanency and well-being outcomes of older youth at risk of aging-out of the child welfare system be implemented.

Addressing the permanency needs of older youth in foster care by connecting them to a family or caring adult who is committed to the youth for a lifetime is a critical component of their successful preparation for adulthood.<sup>44</sup> As stated in the NCJFCJ's *Key Principles for Permanency Planning*, "families are the cornerstone of our society, and children have a right to grow up with their families as long as they can be safe." To be effective, the court must do more than what is minimally required under ASFA, and review the permanency goals for older youth at risk of aging-out, and the agency's reasonable efforts to achieve those goals, more frequently.

To improve outcomes for older youth, the court should ensure a dependency case process that facilitates:

- Early identification and notification of all parents and relatives;
- Use of parent locator and kinship navigator programs;
- Intensive family finding practice;
- Keeping siblings together absent specific court findings as to why separation is necessary for safety or well-being;
- Concurrent planning so that all reasonable options for permanency that will best serve the child's needs are pursued at the earliest possible point following a child's entry into foster care;
- Frequent and thorough judicial review hearings;
- The use of specialized "Benchmark permanency hearings" that focus specifically on the needs of older youth, including any needs related to successful transitioning to adulthood; and
- Access to financial support for relatives adopting or entering into legal guardianships.<sup>45</sup>

Belonging is a core human need and children need families to support their growth and development. Children and youth in the foster care system are absolutely dependent on the state to find them a family. A strong effort led by the court, but in partnership with the child welfare agency, attorneys, GALs, CASAs, and foster parents, to focus on not giving up on permanency for older youth should increase finding permanent connections for children and should greatly improve their well-being outcomes.

- **Ensure medical consent language is included in all dispositional hearing orders**

The Commission heard testimony that for some foster children and youth, receiving medical consent for both routine and emergency treatment can be a time consuming process, especially when biological parents cannot be located or refuse to give consent. To overcome this delay and ensure foster children and youth get the medical treatment they need as soon as they need it, the Commission recommends that the medical consent language in the statewide disposition court order template should be included in *all* dispositional hearing orders. This language orders that the agency or relevant entity may consent to any and all necessary and/or emergency medical/dental treatment for the child(ren) while they remain in the custody of the agency.

- **Implement effective caseload management and court calendaring procedures**

Stakeholder feedback indicates that court calendaring as it is done currently does not optimize judicial resources or take into account the time of attorneys, caseworkers or families. When asked to identify areas in need of improvement, stakeholders encouraged the court to improve case calendaring, emphasizing the need for both timely decision-making and in-depth hearings. Reducing judicial caseloads, of course, would allow both timelier and more comprehensive court appearances. A caseload process that is logical, coordinated, meaningful and timely, however, will also reduce the wait time for parties and improve the quality of hearings. The Commission recommends that a caseload management assessment process be undertaken and using the findings from that assessment, that an improved case management and calendaring system be designed and implemented.

To be effective, the dependency case management and calendaring system implemented should:

- Follow a set of basic procedures that has been shown to be more efficient in resolving dependency cases;
- Implement procedures that serve the needs of all of the entities involved in the resolution of cases;
- Develop and maintaining court-wide commitment to meeting case management goals; and
- Maintain adequate dependency case data to determine the effectiveness of court operations.

The cornerstone for effective caseload management – the core concept on which all other caseload management principles depend – is court control of the scheduling of events in every case. The court should learn from counsel and other relevant parties about any special circumstances that affect the pace at which a particular case should proceed, but the court should then set the schedule for the case. Firm judicial control is not only in the best interests of the court; it also serves the interests of the parties - vesting in a neutral person the responsibility for moving cases forward to a prompt and fair resolution. Adapting the calendaring system to give judges control of their calendars and schedule sufficient time to conduct thorough hearings is critical to meet performance measures.

Time certain calendaring should be consistently implemented and reinforced. A strict timeline for all court events should be adopted and, to every extent possible, court hearings should be scheduled in accordance with those timelines. Time certain calendaring creates and maintains an expectation that events will occur when they are scheduled. Effective caseload management focuses on influencing not only the behavior of the judges and court staff, but the behavior of the attorneys and other system participants, as well. The court cannot succeed in making the best use of its resources unless all of the relevant system stakeholders, entities, and agencies also adopt a more disciplined approach to the processing of cases. When attorneys and caseworkers, for example, have an expectation that matters will occur when they are scheduled, they prepare for the hearing, assemble needed documents or witnesses, and when the matter is called they are ready to proceed. The court must set an example and work to establish a “disciplined culture” that accepts that events will take place when they are scheduled.

The court should ensure that “front-loading” procedures are in place so that, at the earliest point possible, all parties to a court proceeding begin doing all they can to minimize the length of time that children remain in temporary placement. One court process aimed at “front-loading” the system that should be explored where not in use, and applied consistently where currently used, is the pre-hearing conference. Research examining the impacts of pre-hearing conference models have found that pre-hearing conferences resulted in reductions in the length of time children remained in temporary placements, reductions in the amount of time needed for cases to complete the pre-adjudicatory and dispositional phases of court processing, as well as making hearings more substantive and meaningful.<sup>46</sup>

“Differentiated case management” is another technique of effective caseload management that should be explored. Differentiated case management refers to treating cases with different degrees of complexity differently. The classic model for “differentiated caseload management” is the creation of multiple procedural “tracks” for cases of differing complexity or difficulty. Another application of the concept is to establish specialized calendars for handling cases with characteristics warranting the application of specialized expertise or calling for the attendance in court of outside experts, such as dependency drug court cases. Differentiated caseload management may also involve procedures to “triage” cases at their inception to determine how much of the court’s resources they warrant and to identify potential delay-causing issues. Some “triaging” models include the concept of pre-hearing conferencing. In the dependency context, “pre-hearing conferences” provide an opportunity at the inception of a case for parties to exchange case information, begin to address any outstanding issues (e.g., paternity, the application of the Indian Child Welfare Act, or whether or not potential relative resources for placement have been located), and orient respondent parents to the court process.

Optimal juvenile court caseload management requires all of the judges to work together to resolve cases expeditiously as well as fairly. Once basic caseload management strategies that can be consistently applied across courtrooms are agreed upon, all of the judges must commit to their implementation. An approach that works in one court will fail in another court if the judges and their staff are not determined to make it succeed. The judges, as a bench, must provide strong and persistent leadership to implement changes to address case processing inefficiencies.

### **3. Require a court hearing where there are no exigent circumstances prior to or concurrently with removal**

To address stakeholder feedback indicating a need for improved consistency in removal decisions and reasonable efforts decision-making to prevent removal, and the need for increased early placement with relatives if removal is necessary, the Commission recommends that the court in collaboration with all necessary stakeholders examine the feasibility of requiring a hearing prior to or concurrently with removal. A process should be developed that allows for an immediate court review of all contemplated non-emergency removals when the court is closed. This should increase

consistency in removal decisions. The court would also be afforded an opportunity to hear the evidence from the investigator supporting the removal and to make a reasonable efforts inquiry.

The Commission recommends that a warrant be required prior to a child's removal in order to protect parents' constitutional due process rights.<sup>47</sup> This procedure is not uniformly followed and it should be. "Best practices" clearly indicate that children should be removed from their family only after a completed court hearing and pursuant to a court order except in extreme cases. Once a child is removed, it becomes logistically and practically more difficult to help a family resolve its problems. Requiring the issuance of a warrant prior to removal, except in exigent circumstances would comport with nationally accepted best practices and with caselaw.<sup>48</sup>

#### **4. Initiate a statewide committee on rules of juvenile dependency procedure**

There are no Uniform Rules of Juvenile Procedure in Nevada and much of dependency practice is inconsistent with the current rules of civil procedure. Juvenile dependency is a highly specialized area of the law that is in need of its own rules. The Commission recommends the appointment of a statewide committee to review the Rules of Civil Procedure and to develop such rules that specifically address Juvenile Dependency Court proceedings. Rules will serve to clarify practice issues and timelines as well as discovery rules and will further provide consistency in practice throughout the state.

#### **5. Implement updated technology in the courtroom to provide court orders, case plans, and case plan summaries to the parties**

While it is clear that there have been significant technological improvements over the past year, especially in the area of data accumulation and the capacity for performance measurement, technology needs to be further improved by providing technological resources directly to the courtroom. Technological improvements to the court's ability to provide court orders, case plans and case plan summaries to parties at the conclusion of each hearing, and to transmit discovery electronically to all counsel and parties, will help to better engage families, reduce delay, improve due process, and lead to more immediate initiation of services and referrals for families. Communication between the caseworker and attorneys, as well as between the caseworkers and



attorneys and their clients –the parents and children – should also be improved by providing timely dissemination of court orders, case plans, and case plan summaries to the parties.

For example, the court needs to be able to generate court orders to the parties at the close of court hearings. At the conclusion of each hearing, the court should be able to generate a detailed and case-specific court order that includes all relevant findings (i.e., reasonable efforts and best interest findings), clearly articulates the court-ordered expectations and sets tasks for all parties, sets appropriate timeframes for accomplishment of tasks, and includes the time and date of the next hearing. This assists in the family fully understanding what is expected of them and significantly reduces the need to apply resources to serving the parties with court orders.

#### **6. Continue to enhance the Community Improvement Council (CIC) by meeting regularly with approved agendas and minutes**

In 2011, Justice Saitta requested that each judicial district create a Community Improvement Council (CIC) with the express purpose of identifying barriers to terminating parental rights and adoptions, identifying solutions to those barriers, and designing action plans to implement the solutions. As a result of this process, each built, from the grassroots up, seamless systems committed to safe, healthy, and thriving children and families in Nevada. The solutions designed by the CICs aim to:

- Protect the rights of the parties, while determining the best interests of the child to safely avoid unnecessary separation of children from their families;
- Make reasonable efforts to enable a child’s return to the family, if removed;
- Increase the timeliness of hearings and permanency for children; and
- When reunification is not possible, ascertain the availability of safe, alternative, permanent homes for children.

The CICs are the basis of community collaboration. Because the CIC can be used as an effective tool to guide the implementation of best practices throughout the state, as well as the implementation of the recommendations outlined in this report, it should be further supported and enhanced. CICs should be encouraged to meet regularly and consistently. Local CICs should ensure their membership is broadened to be even more inclusive and reflective of the community. The CICs have made significant progress in achieving their system improvement goals. They represent a model

collaborative process that will serve as an excellent vehicle for implementing the recommendations of this Commission.

## 7. Conduct quality hearing assessment follow-up study

Prior studies examining the quality of hearings have identified areas in need of improvement and areas in need of work.<sup>49</sup> Data show that the CICs are using the findings from these studies effectively to improve their hearing practice. Follow-up studies will be needed to assess the implementation status and impact.

## Recommendation IV: Ensure Meaningful Representation and Voice in the Process from the Initiation of Proceedings

Repeatedly the Commission heard testimony that children, youth, parents, relatives, and foster parents need a greater voice in the dependency court process. The dependency court must be child and family-centered. In order to conduct quality court hearings consistent with best practices and ensure the due process rights of all involved in the dependency court process are upheld, it is imperative that each party, especially children, have legal representation at each and every court hearing. Children and parents must also have the opportunity to be present in court and meaningfully participate in their case planning and in the court process. As articulated by the NCJFCJ's *Key Principles for Permanency Planning*, judges must ensure that the courtroom is a place where all who appear are treated with respect, patience, dignity, courtesy, and have a voice in a problem solving process.

## IMPLEMENTATION STRATEGIES

### 1. Require early appointment of counsel for legal parents and children

Judges are responsible for ensuring that parties, including each parent, are vigorously represented by well-trained, culturally responsive, and adequately compensated attorneys.<sup>50</sup> Children are entitled to representation by attorneys and guardians *ad litem*.<sup>51</sup> Judges must ensure the child's wishes are presented to and considered by the court. Representation at the earliest stage of a case, the preliminary protective hearing is critical since this event may have a powerful impact on the child and family as well as on the long-term outcome of the case. Early appointment of counsel for children and legal parents results in improved due process, increased family engagement and improved time to permanency.<sup>52</sup> All parties should be

represented by counsel at the preliminary protective hearing and counsel should be able to prepare in advance. This will require procedures to be put in place for the assignment of counsel immediately and not at the initial preliminary protective hearing as is currently the practice.

## **2. Require impact and process evaluation of Children’s Attorney Project, Special Public Defenders, and District Attorney’s Office by national research experts**

The Commission recommends that continuous quality improvement principles be applied to an assessment of representation practice by the Children’s Attorney Project, Special Public Defenders Office and District Attorney’s Office by national research experts. The quality of representation should be examined, including the degree to which that practice comports with nationally accepted best practice standards, and the impact of representation practices on timeliness to permanency and well-being of children should be determined. Findings from this assessment should inform training, practice and policy changes as needed.

## **3. Require early appointment of Guardian ad Litem (GAL) or Court Appointed Special Advocate (CASA) for all children**

NRS 432B.500 requires that the court appoint a GAL for the child once a child abuse and neglect petition is filed. The Commission is recommending that this law be followed and that a GAL be appointed for all children. All children should be represented by a lawyer and have a GAL before the first court hearing. The GAL reviews records, researches information, talks with the child and everyone involved in the case. Their role is critical because they make recommendations to the court as to the child’s wishes and as to what is in the best interests of the child. Accordingly, every child should be appointed a GAL immediately upon a petition being filed. In addition, the Commission received testimony that there are currently too few Court Appointed Special Advocates (CASAs) to serve as GALs for the amount of children in Clark County who are in need of a GAL. Additional resources, including more staff, need to be assigned to the CASA office to increase efforts to recruit and maintain CASAs for every child in the system.

## **4. Require impact and process evaluation of CASA and/or GAL Programs by national research experts**

The Commission recommends that continuous quality improvement principles be applied to an assessment of CASA and/or GAL programs by national research experts. The effectiveness of

GAL/CASA programs should be examined, including the degree to which they adhere to nationally recognized best practice standards, and the programs' impact on timeliness to permanency, improved educational and other well-being outcomes, and increased reunification should be determined. Findings from the assessment should inform training, practice and policy changes as needed.

## 5. Listen and include the voice of youth

Aligned with the principles of family-centered practice, Clark County's dependency system must embrace the importance of including children and youth in court and provide mechanisms that help them actively participate in dependency proceedings. In addition to ensuring meaningful representation, children should be afforded an opportunity for voice through attendance at their hearings. The NCJFCJ's *Key Principles for Permanency Planning* state that children of all ages should be brought to court, unless the judge decides it is not safe or appropriate. Children have a due process right to notice and an opportunity to be heard in court. While the court should have the authority to exclude children from the courtroom for cause, that authority should not be used arbitrarily but rather in a limited way and only after a hearing at which the child is present and represented. Furthermore, federal law requires the court to conduct an age-appropriate consultation with the child during a permanency hearing.<sup>53</sup> Having the child physically present in court gives the judge an opportunity to observe and validate the child's well-being and to ensure that the child's needs are identified and appropriate treatment is provided. The Commission recommends that the dependency court process be examined to ensure that it encourages children of all ages to actively participate in their dependency cases. Children and youth must have a voice in the services that are provided and ultimately in the aspects of the case that impact their lives. Allowing children to actively participate in court proceedings is an important aspect of family-centered practice.

## 6. Implement Juvenile Dependency Mediation

As required by Nevada Revised Statute Code Section 3.225, Nevada family courts should support the development and use of alternative dispute resolution techniques such as juvenile dependency mediation that encourage and support the development of family centered, culturally responsive processes to ensure family engagement in a way that helps families craft solutions to the issues that brought them before the court.

## **7. Fully implement normal childhood standards for children in foster care**

In attempting to keep children safe from harm, some foster care policies and practices unnecessarily create barriers for youth to have normal adolescent experiences similar to their peers such as staying over at a friend's house, getting a driver's license, or holding down a part-time job. While policies and practices are often intended to ensure a youth's safety, such policies may further isolate foster youth who are trying to fit into a new family, school or community. Although research indicates poor outcomes for youth who age-out of foster care, participation in extracurricular and social activities was found to be effective in helping youth make more successful transitions to adulthood.<sup>54</sup>

The Commission recommends concerted efforts be undertaken to implement and comply with federal legislation<sup>55</sup> that allows children to conduct "normal childhood activities" as long as the foster parent or relative caregiver is using a "reasonable prudent parent standard" -making parenting decisions by carefully weighing the benefits and potential risks to come to a sensible decision that is in the best interests of the child. Foster parents and relative caregivers should be allowed, with the proper training and appropriate information, to make decisions which create more "normalcy" for children and youth by allowing them to participate in age and developmentally appropriate social, cultural, and other enrichment activities. The intent of this law is to improve the lives of children, normalize their relationships, and reduce unnecessary intrusion of case managers, courts and agencies in their lives.

## **8. Closely examine the use of Congregate Care**

Congregate care should be used sparingly. National research has indicated that too many children are placed in group care and institutions to address emotional and behavioral problems that are natural by-products of child maltreatment, family disruption, and foster care placement.<sup>56</sup> When congregate care must be used, there must be assurance that the placement has proper staffing and that supervision and clinical services are available to all children in congregate care. Efforts to increase the number of available respite homes are needed so that children are not dropped off in congregate care when the family goes on vacation or otherwise cannot take care of the children. Careful monitoring and oversight of the use of congregate care is needed to ensure fewer disrupted placements, increased accountability and improved permanency outcomes.

### **9. Recruit, train, support and retain quality foster parents**

The Commission heard testimony that Clark County must strengthen its efforts to recruit, train and support foster parents. Recruitment efforts can be enhanced if the current time required for foster parent licensing is examined and decreased if necessary. Foster parents should be supported (and their value to the dependency process tangibly reinforced) by ensuring that they receive timely and proper notice of hearings and encouraging their attendance at those hearings. Any obstacles to obtaining and participating in training should also be identified and overcome.

The current curriculum to train foster parents should be examined for scope and breadth of training topics to ensure comprehensiveness and evaluated for its contributions to foster parent retention and positive outcomes for children. Because foster parents must provide foster youth with as “normal” a life experience as possible, training should empower out-of-home caregivers to encourage youth to engage in safe and age-appropriate extracurricular activities that promote a sense of normalcy and well-being (e.g., sports, school field trips, spending time at friends’ houses including overnights, etc.). The need to support normalcy for foster children is mandated by recent federal law,<sup>57</sup> and with the proper training and information, reasonable parenting decisions should be able to be made by out-of-home caregivers without first requiring social workers to give permission or to obtain the court’s approval.

### **Recommendation V: Improve Selection, Retention, Training and Ongoing Professional Development for all System Stakeholders**

Child welfare outcomes are dependent on the qualities of the professionals who perform the work. Skilled and experienced individuals are needed throughout the dependency system. In order to achieve the vision of a truly child-focused approach to dependency and to ensure that all needs of the child – legal, emotional, physical, educational – are uniformly met, the Commission recommends that the current selection and retention process as well as the training and ongoing professional development currently provided for all Clark County dependency system stakeholders be improved.

## IMPLEMENTATION STRATEGIES

### **1. Implement multi-disciplinary training for all child welfare stakeholders**

More opportunities for trainings that bring together diverse stakeholders should be offered. Among the topics that should be considered at cross-training programs are discussion and understanding of each stakeholder group's role in the child abuse and neglect process, applicable laws and policies, data about performance and outcomes, the importance of timely permanence for children, child-well-being, and effective leadership and collaboration for improved outcomes. Where possible and appropriate, former foster children, parents and foster care providers should be included in training programs. Multidisciplinary training should serve to break down the silos reported in testimony by having everyone trained at the same time on the same subject. This should increase understanding of everyone's roles and responsibilities, improve consistency in practice, as well as reinforce for each stakeholder their role in reducing delays in the achievement of child permanency and encouraging and supporting better child well-being outcomes.

### **2. Enhance foster parent training**

The Commission recommends that current training provided to foster parents be reviewed for its quality and comprehensiveness and strengthened accordingly. In addition to ensuring sufficient training on the reasonable and prudent parenting standard and the importance of supporting normalcy for foster children, testimony indicates that training content should include a focus on foster parents' role in promoting educational stability and positive educational outcomes for children in their care. Research indicates that foster children often lack stability in their school placement, continuity of educational services, and a consistent relationship with a caring adult who can participate in their school lives and advocate for their educational needs.<sup>58</sup> In order to improve educational outcomes for children in foster care, foster parent training needs to reinforce the importance of educational stability, including recognition that NRS 392B.110 requires that the child be transported to home school. Youth in foster care deserve and need better educational coordination, stability, continuity, advocacy and opportunity. Foster parents should be adequately trained in order to help foster youth reach their educational potential.

Furthermore, the Commission recommends that foster parents participate in the Quality Parenting Initiative Training (QPI). The Quality Parenting Initiative (QPI) is one of Nevada's

approaches to strengthening foster care, including kinship care.<sup>59</sup> It is a process designed to help develop new strategies and practices in sites, rather than imposing a predetermined set of “best practices.” The core premise is that the primary goal of the child welfare system is to ensure that children have effective, loving parenting. The best way to achieve this goal is to enable the child’s own parents to care for him or her. If that isn’t possible, the system must ensure that the foster or relative family caring for the child provides the loving, committed, skilled care that the child needs, while working effectively with the system to reach the child’s long term goals.

The key elements of the QPI process are: to define the expectations of caregivers; to clearly articulate these expectations; and then to align the system so that those goals can become a reality. The major successes of the QPI project have been in systems change and improved relationships, but sites implementing QPI have also reported measurable improvement in outcomes such as: reduced unplanned placement changes; reduced use of group care; reduced numbers of sibling separation; and more successful improvements in reunification.<sup>60</sup>

### **3. Examine current training for all child welfare partners and enhance to align with best practice standards**

While consensus should be reached by the court, agency and attorney groups on a clear list of minimum expectations for practice, and training on those expectations implemented, all training programs should also be examined to ensure alignment with recognized best practice standards. All system professionals should then be trained on both the minimum expectations and best practice standards. Ongoing improvement in skills, knowledge and practice should improve outcomes for children and families.

### **4. Require agency management to implement and enforce professionalism standards of practice**

The agency should take action when professionals do not meet practice expectations and professional conduct standards. This may include enhancing formal feedback loops with agency supervisors with respect to poor performance and lack of preparation on the part of individual professionals. Public and systems partners’ understanding of agency policy protocols and procedures must be ensured and the consistent application of those protocols and policies fostered. In addition, moving forward, legislative change may need to be sought to decrease barriers to progressive



discipline of employees based on inappropriate conduct and/or violations of policies and state law related to casework practice that impact children and families.

#### **5. Improve and require ongoing judicial training**

Judges are the gatekeepers of this specialized and complex system. Training on changes in the law, effective social work practice, child development, trauma and other issues improves judges understanding of the multiple legal and social issues children and families face in these cases. Judges should benefit not only from ongoing training on best hearing practice in child abuse and neglect cases but also from programs that feature “cutting-edge,” evidence-based and innovative approaches to improving the court’s response to the children and families under its jurisdiction. In conjunction with judges, specific, clearly articulated performance expectations and performance standards for judges presiding over child abuse and neglect matters should be established. Training should be conducted on those standards. As previously mentioned, ongoing training, executive coaching and mentorship opportunities should be provided to a presiding juvenile dependency judge that focus on administrative skill development, organizational management and leading collaborative systems change efforts.

#### **6. Continue to implement and improve the Child Welfare Academy**

Every decision made by every caseworker has a significant impact on children and families. To develop better and more consistent decision-making, the ongoing training provided through the Child Welfare Academy should continue to be implemented. Over the course of ten weeks, caseworkers participating in the Academy receive foundational training in basic skills, intake assessment, human development, the Nevada Initial Assessment (safety and danger assessment), the court process, family systems and interviewing, child and family teams and child placement, case planning, in-home safety planning and case management, and adoption and case closure. The Academy’s local and state curriculum should be reviewed and improved as needed in order to ensure the training needs of stakeholders are continually met and that the skills learned in training are actually being applied in practice.

## **Recommendation VI: Improve Public Education about the System**

The responsibility for children in the dependency system should not rest with the State or County alone. Communities must come together to support children and ensure they are loved, nurtured and successful. Just as improved communication among child welfare partners should be encouraged, the Commission recommends a strategy of outreach to the broader community to increase the public's understanding of the dependency system.

### **IMPLEMENTATION STRATEGIES**

#### **1. Post and showcase system improvements and success stories**

To improve public understanding of and confidence in the dependency system, a public relations campaign should be developed and implemented. This campaign should raise awareness of the successes of the system as well as continuing improvement efforts. By highlighting what is working well, community support for the work of Clark County's dependency system can be encouraged. Such a campaign may also serve to better engage the community in system improvement efforts.

#### **2. Initiate an effective marketing campaign to recruit and retain more foster parents**

Testimony submitted to the Commission revealed a shortage of safe and appropriate foster homes. Many children are placed in homes far from their schools, friends and communities. Agency workers often struggle to find suitable foster homes and the shortages of appropriate homes adds to the number of placements, contributes to the dislocation and instability felt by children, and increases the workload of social workers. Clearly more foster parents need to be recruited, training needs to be enhanced so that foster parents have the requisite skills necessary to provide a safe placement that addresses the needs of foster children, and supports put in place so that good foster parents are retained.

In order to recruit and retain foster parents, the Commission recommends that an effective marketing campaign be employed that will increase knowledge of the system by prospective foster parents. Foster parent marketing and recruitment efforts should prioritize areas that stakeholders identified as most lacking among current foster placement resources – specifically, foster parents who can take large sibling groups in order to prevent sibling separation, and more minority foster

families to better reflect the diversity of the community's children and families. Efforts to recruit, train and support foster parents should be strengthened by developing robust public-private partnerships, including with faith-based and university partners.

### **3. Improve transparency and consistency in public reporting**

Methods for increasing transparency as much as possible regarding child fatalities without re-victimizing families and siblings should be explored. Ensure public communication and education policies are consistently applied across agencies.

### **4. Publicize and enhance the Office of Ombudsman and DCFS' Public Information Officer**

Youth, parents, foster parents, relative caregivers and other community constituents need a grievance body outside of the agency or the court for handling and addressing any complaints. They also need a body to go to for help navigating the complex child welfare system. To ensure the public and interested parties know where to seek help with issues and concerns regarding cases and their resolutions, the Clark County Office of the Ombudsman and DCFS' Public Information Officer need to be better publicized, better understood, and their services to the community must be easily accessible.

## **Recommendation VII: Collaboration for Systemic Overarching Reform**

Having a positive impact on children and families involved in the dependency system is not the responsibility of any one agency or department or organization, but is a shared responsibility. Many of the needs of children and families served by the dependency system require a collaborative and integrated system of care in order to achieve permanency, safety and well-being for children. Successful collaboration can benefit Nevada's dependency system, and ultimately its communities by:

- Strengthening families;
- Extending the reach of limited resources;
- Improving service access and delivery;
- Better relationships among public and private service providers; and
- Increased accountability for child safety, permanency and well-being.

New and enhanced collaborations among the courts, the child welfare agencies, attorneys, service and treatment providers, government, tribes and community partners are needed in order to fully implement all of the recommendations in this report and to achieve better safety, permanency and well-being outcomes for Clark County’s children and families. The value of inter-agency collaboration must be consistently reaffirmed, everyone’s role in the process must be clearly articulated and accountability mechanisms must be firmly established. Multiple stakeholders must be brought to the table and involved in a strategically focused, collaborative process. Everyone involved must be oriented to thinking strategically and working collaboratively toward an improved child welfare system and better outcomes for children and families.

## **IMPLEMENTATION STRATEGIES**

### **1. Create a collaborative, child-focused system**

Policies and procedures, emphasis on litigation, limited resources and other factors too often cause the child welfare system to lose focus on individual children and results in decisions being made on factors other than what is in the best interest of the child in question. The entire child welfare culture needs to become a child-focused culture. This requires the child welfare system with all of its relevant stakeholders to reach general consensus on the mission of the system. Mandatory training for all stakeholders about working effectively in a collaborative, problem-solving environment that puts the best interests of children first should be required. For example, mandatory training for all attorneys practicing in the area of child welfare on how to zealously represent clients while working in a collaborative environment should be offered.

### **2. Fully and consistently implement the practices permitted by the Title IV-E waiver**

Clark County, having received a Title IV-E waiver, allows IV-E funding to be used when the child is not removed from home but the home has been identified as needing safety services in order to prevent removal. This waiver should be expanded and fully implemented wherever possible to provide remedial services to prevent removal.

### **3. Implement subsidized guardianship**

For some children and youth, guardianship may be the best permanency plan. This is especially true for children who live with and have established relationships with kin who may not wish to or be able to adopt, and who still want a permanent legal relationship with the child. Guardianship or permanent custody may be approved if it has the characteristics of legal permanency and will be an enduring relationship for the child. Nevada should undertake efforts designed to facilitate and encourage the use of guardianships as a permanency option. Guardianships, for example, should be financially supported to the same extent as adoption. In fact, federal law authorizes continuing funding for permanent guardianships.<sup>61</sup> To this end, the Commission recommends that collaborative efforts examine the current barriers to implementing an effective subsidized guardianship program in the state and solutions to overcoming those barriers be designed and employed.

### **4. Implement the Centralized Case Index**

Testimony and documentary evidence was received by the Commission to indicate that there are several different data collection systems in operation and obtaining accurate data can be difficult and time-consuming due to the fragmented nature of the systems. The Commission recommends that a centralized case index which combines existing agency and court case management systems be established for Clark County in order to provide courts with access to aggregate data reports and an integrated dashboard that tracks all of their dependency cases. This will allow courts to be able to drill down into individual cases to help improve court adherence to ASFA timelines, ultimately decreasing the time to permanency for children.

### **5. Implement court event notification data exchange system**

In order to ensure due process of law, all parties who are entitled to notice must be notified of court events in a timely manner. Testimony indicated that notice is not always timely given to foster parents, non-custodial fathers or to children. The law requires adequate notice to parents, children, non-custodial fathers, foster parents, grandparents, potential fictive kin, and all attorneys, GALs and CASAs.<sup>62</sup> The Commission recommends that a court event notification data exchange

system be fully implemented in Clark County to facilitate the proper and timely (and consistent) notice of all who are entitled to notice.

#### **6. Expand school district and child welfare collaboration and explore ways to improve case management system communication**

Improving attention to the educational needs of children in the dependency system, and their educational outcomes, should be an important focus of collaborative reform efforts. A key area of concern shared in testimony to the Commission was that foster children are not being transported to their neighborhood school as required by Nevada law resulting in a break in school stability or continuity for these children. Studies indicate that frequent school changes negatively affect students' educational growth and graduation rates.<sup>63</sup> Youth in care are entitled to educational stability, and efforts must be made to keep them in their same school whenever possible. School may be the one place the youth has had (and can continue to have) consistency and continuity. The first step towards achieving school success for children in foster care is maintaining school stability. The legal requirement that foster children be transported to their neighborhood school must be communicated to all foster and relative caregivers and steps taken to ensure it is understood and implemented. A commitment from the agency in partnership with the Clark County School District and foster parents should be obtained for the timely transport of children to their neighborhood schools.

Collaboration is needed among the court, child welfare agency, and the education system in order to expand school district and child welfare case management communication. A component of this collaborative reform effort should involve examining policies to ensure they facilitate and not hinder the improved educational outcomes of children in care. There should be permissive limits on communication, for example, so that the agency and school officials can ensure confidentiality but also exchange appropriate information about a child to prevent unnecessary interruptions in the child's education and to ensure the child receives all available services, including accessing the McKinney-Vento Act services designed to help children in out-of-home care succeed in school.<sup>64</sup>

#### **7. Assess how the implementation of AB 350 can be enhanced**

As part of its review process, the Commission received information to suggest that AB 350 funds, designed to assist youth who have aged-out of the dependency system, could be more beneficially used by the youth. Therefore, the Commission recommends that a review of the use of AB 350 funds by an outside expert be undertaken to make recommendations for change and improved implementation of AB 350 if needed.

### Conclusion and Next Steps

Throughout the process of its review, the Commission has felt the weight of its responsibility – responsibility to the children and families of today, and to those of the future. The personal accounts of the people who were present or wrote to the Commission were moving, sometimes encouraging, but often troubling. The themes the Commission heard repeatedly were that the dependency system needs change, that the forces that bring people into the dependency system need to be addressed, and that the task is far beyond any single stakeholder group. To improve the quality of the dependency process and safety and permanency outcomes for Clark County’s children and families requires true commitment and collaboration from all system partners. Fundamental changes must be made and the Commission’s process served as an opportunity to look for solutions together.

The Commission’s recommendations are the first step in an ongoing process of strategic planning and reform. Success will require system stakeholders and partners in the next phase to commit to a shared process that breaks down the various components of the recommended strategies into action steps, each with clear leadership accountability, project plans and milestones. Specifically, the next phase of the Commission’s system improvement effort will involve moving the recommendations forward through targeted conversations and strategic action-planning with key stakeholders in a workgroup structure. Workgroups or sub-committees, with appropriate representation from relevant stakeholder groups, will take the recommendations and break them down into discrete actionable implementation steps. At each step, meaningful and realistic deadlines will be set, including setting short term and longer term deadlines as needed depending upon the time and effort required to achieve specific recommendations. Each step will also have an identified person or organization responsible for progress on achieving that step to build accountability. Measures of success will be defined and a process for impact and outcome evaluation of the effectiveness of the recommended strategy will be outlined.

As a community, we have a moral obligation to do all we can to strengthen and stabilize families so they can safely care for their children. It is the hope of this Commission that implementation of the recommendations in this report, with each of the stakeholder groups as active partners in those efforts, will strengthen families and prevent foster care placement, or, if in care, move children to permanency faster. The Commission believes that the implementation of the





recommendations outlined in this report will dramatically improve the safety, permanency and well-being of children. The Commission urges partners at every level of government, in every child and family serving organization, in every community to accept a share of the responsibility for children and youth, and to work with each other to do what is required –to move forward together for the good of our children and families.

## ENDNOTES

<sup>1</sup> See list of Commission members on p.2.

<sup>2</sup> This listing is not meant to be exhaustive of all of the data findings nor the testimony submitted to the Commission, but serves to highlight the major areas of concern providing context for the Commission's recommendations. Data summarized herein are the most recent process and outcome data available and submitted to the Commission, and in some circumstances represent FY2013, 2014 or 2015 child abuse and neglect cases.

<sup>3</sup> Testimony provided by the Department of Family Services; for national casework standards, see for example, Child Welfare League of America's *Standards of Excellence for Services to Abused and or Neglected Children and their Families*. Available at [www.cwla.org](http://www.cwla.org)

<sup>4</sup> Jill Marano, Division of Child and Family Services, Lisa Ruiz-Lee, Clark County Department of Family Services and Kevin Schiller, Washoe County Department of Social Services, *State of Nevada Child Welfare Presentation*, February 15, 2015.

<sup>5</sup> 8<sup>th</sup> Judicial District Juvenile Dependency Caseload Activity Report, March, 10, 2015.

<sup>6</sup> *Ibid.*

<sup>7</sup> For many performance and outcome measures the latest available data are from FY 2013.

<sup>8</sup> 8<sup>th</sup> Judicial District Juvenile Dependency Caseload Activity Report, "*Compliance Reporting as of 6/1/2013*," March 10, 2015.

<sup>9</sup> Nevada Court Improvement Program 2014 Annual Report, Court Performance Measures Data Summaries.

<sup>10</sup> Some of the national and state level data come from the most recent available *Child Welfare Outcomes Report to Congress (2010-2013)*. U.S. Department of Health and Human Services, Administration for Children and Families, Washington, D.C. This report presents demographic and outcomes findings generated from child welfare agency data submitted annually to the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data Systems (NCANDS) for analysis and reporting.

<sup>11</sup> *Supra*, note 8.

<sup>12</sup> Clark County data are from Clark County Department of Family Services for FY2013; State and national data are from *Child Welfare Outcomes Report to Congress 2010-2013*, U.S. Department of Health and Human Services, Administration for Children and Families.

<sup>13</sup> Clark County data are from Clark County Department of Family Services for FY2013; National data are from the most recent *Adoption and Foster Care Analysis and Reporting System Report* (FY2013; Report No. 21).

<sup>14</sup> *Supra*, note 12.

<sup>15</sup> See for example: Courtney, M., and Needell, B. (1997). Outcomes of kinship care: Lessons from California. In *Child Welfare Research Review*, Vol. 2, Berrick, N., R. Barth, and N. Gilbert (eds). New York: Columbia University; Newton, R., Litrownik, A., and Landsverk, J. (2000). Children and youth in foster care: Disentangling the relationship between problem behaviors and number of placements. *Child Abuse and Neglect*, 24(10):1363–74; Terling-Watt, T. (2001). Permanency in kinship care: An exploration of disruption rates and factors associated with placement disruption. *Children and Youth Services Review*, 23(2):111–26; Wulczyn, F., Kogan, J., and Jones-Harden, B. (2003). Placement stability and movement trajectories. *Social Service Review*, 77:212–36.

<sup>16</sup> *Supra*, note 12.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Legal Aid Center of Southern Nevada.

<sup>20</sup> Testimony provided to the Commission by the 8<sup>th</sup> Judicial District Court.

<sup>21</sup> See for example the body of research demonstrating the positive satisfaction, due process/fairness and timeliness of permanency outcomes associated with juvenile dependency mediation programs, such as: Gatowski, S.I. (2005). *Mediation in Child Protection Cases: An Evaluation of the Washington, D.C. Family Court*

*Child Protection Mediation Program*, National Council of Juvenile and Family Court Judges, *Technical Assistance Bulletin*, April, 2005; Giovannucci, M., and Largent, K. (2009). A guide to effective child protection mediation: Lessons learned from 25 years of practice. *Family Court Review*, 47, 38-52; Nasworthy, C., and Traver, T. (2000). *Report on the Implementation of the Children's Justice Act Mediation Pilot Projects*, Center for Public Policy Dispute Resolution, The University of Texas School of Law; Thoennes, N. (2005). An evaluation of child protection mediation in five California Courts, *Family Court Review*, 35, 184-195.

<sup>22</sup> National Council of Juvenile and Family Court Judges (2011), *Key Principles of Permanency Planning*. NCJFCJ, Reno, NV.

<sup>23</sup> Judge Michael Key, Troup County Georgia, co-lead faculty for the National Council of Juvenile and Family Court Judges Child Abuse and Neglect Institute and Past President of the National Council of Juvenile and Family Court Judges.

<sup>24</sup> 42 U.S.C. §671; NRS 432B550

<sup>25</sup> See for example, Fechter-Legget M., and O'Brien, K. (2010). The Effects of Kinship Care on Adult Mental Health Outcomes of Alumni of Foster Care, *Children and Youth Services Review*, Vol. 32(2), 206-213;

<sup>26</sup> See for example, National Council of Juvenile and Family Court Judges (2011), *Right from the Start: The Courts Catalyzing Change Initiative –Testing a Tool for Judicial Decision-Making*. NCJFCJ, Reno, NV; Reassessment of Juvenile Dependency Case Processing in Oregon Courts, Oregon Juvenile Court Improvement Program.

<sup>27</sup> *Supra*, note 3.

<sup>28</sup> *Supra*, note 22.

<sup>29</sup> State of Nevada Title IV-E Waiver Demonstration Project 2014

<sup>30</sup> *Ibid*.

<sup>31</sup> *Supra*, note 22.

<sup>32</sup> *Supra*, note 5.

<sup>33</sup> For a summary of findings from evaluations of Resource Guidelines implementation in national demonstration model courts, see National Council of Juvenile and Family Court Judges (2006). *Model Courts: Improving Outcomes for Abused and Neglected Children and their Families*. NCJFCJ, Reno, NV.

<sup>34</sup> Nevada Statewide Hearing Quality Summary, in Nevada Court Improvement Program Annual Report, 2014

<sup>35</sup> *Supra*, note 33.

<sup>36</sup> When making referrals to juvenile dependency mediation, judges will need to consider whether there are domestic violence issues in the case that might make the parties unable to effectively mediate.

<sup>37</sup> National Council of Juvenile and Family Court Judges (2014). *Research Report: Process Evaluation of Mediation in the Fifth Judicial District, Nevada*. NCJFCJ, Reno, NV.

<sup>38</sup> *Ibid*.

<sup>39</sup> *Supra*, note 21.

<sup>40</sup> National Council of Juvenile and Family Court Judges (2013), *Research Report: Outcome Evaluation of Mediation in Washoe County*, Nevada, NCJFCJ, Reno, NV.

<sup>41</sup> *Ibid*.

<sup>42</sup> See for example Courtney, M., Dworsky, A., et al (2010). *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Ages 23 and 24*. Casey Family Programs.

<sup>43</sup> *Ibid*.

<sup>44</sup> Casey Family Programs (2008). *Improving Outcomes for Older Youth in Foster Care*. Casey Family Programs, Seattle, Washington.

<sup>45</sup> Fostering Connections to Success and Increasing Adoptions Act (2008) 42 U.S.C. §675, et. seq.

<sup>46</sup> *Supra*, note 33; see also Gatowski, S.I., Dobbin, S.A., and Litchfield, M. (2002). *The Portland Model Court Expanded Second Shelter Hearing Process: Evaluating Best Practice Components of Front-Loading*. NCJFCJ, Reno, NV.

<sup>47</sup> See *Rogers v County of San Joaquin*, 487 F3d 1288 (9<sup>th</sup> Cir. 2007).

<sup>48</sup> National Council of Juvenile and Family Court Judges (forthcoming 2015), *Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. NCJFCJ, Reno, NV.

<sup>49</sup> *Supra*, note 33.

<sup>50</sup> *Supra*, note 22.

<sup>51</sup> *Ibid*.

<sup>52</sup> *Supra*, note 32; see also Edwards, L. (2012). Representation of parents and children in child abuse and neglect cases: The importance of early appointment, *Juvenile and Family Court Journal*, 63(2), 21-37; National Council of Juvenile and Family Court Judges (2011). *Right from the Start: The CCC Preliminary Protective Hearing Benchcard Study Report –Testing a Tool for Judicial Decision-Making*. NCJFCJ, Reno, NV.

<sup>53</sup> ASFA 42 U.S.C. 675(5)(C)(iii); Preventing Sex Trafficking and Strengthening Families Act of 2014, P.L. 113-183.

<sup>54</sup> See for example: Darling, N. (2005). Participation in school-based extracurricular activities and adolescent adjustment, *Journal of Leisure Research*, Vol. 51, p. 53; Susan M. Kools (1997). *Adolescent Identity Development in Foster Care*, *Journal of Family Relations*, Vol. 46, 263; Mahoney, J.L. and Stattin, H. (2000). Leisure Activities and Adolescent Antisocial Behavior: The Role of Structure and Social Context, 23 *J. Adolescence* 113, 122; Mahoney, J.L. (2003). Promoting interpersonal competence and educational success through extracurricular activity participation, *Journal of Educational Psychology*, Vol 95, 416.

<sup>55</sup> Preventing Sex Trafficking and Strengthening Families Act of 2014, H.R. 4980, P.L. 113-183.

<sup>56</sup> See for example, Cushing, G., & Greenblat, S.B. (2009). Vulnerability to foster care drift after the termination of parental rights,” *Research on Social Work Practice*, 19(6).

<sup>57</sup> *Supra*, note 53.

<sup>58</sup> See for example: National Working Group On Foster Care And Education, *Fact Sheet: Educational Outcomes For Children And Youth In Foster And Out-Of-Home Care* (2008); Burley, M. and Halpern, M. (2001). *Educational Attainment of Foster Youth*. Washington State Institute for Public Policy; Elisabeth Yu et al., (2000). *Improving Educational Outcomes for Youth in Care*. CWLA Press.

<sup>59</sup> QPI recognizes that the traditional foster care "brand" has negative connotations and this deters families from participating. QPI is an effort to rebrand foster care, not simply by changing a logo or an advertisement, but by changing the core elements underlying the brand. When these changes are accomplished, QPI sites are better able to develop communication materials and to design recruitment training and retention systems for foster parents. For more information see [www.qpinevada.org](http://www.qpinevada.org)

<sup>60</sup> See <http://www.qpinevada.org/pages/About/About.html>

<sup>61</sup> *Supra*, note 45.

<sup>62</sup> N.R.S. 432B

<sup>63</sup> *Supra*, note 58.

<sup>64</sup> McKinney-Vento Homeless Assistance Act of 1987, P.L. 100-77, U.S.C. §11301 et seq.