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Virtual (Remote) Hearings in Child Welfare Cases: Perspectives from the Field

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Introduction

In March of 2020, the COVID-19 global pandemic drastically affected every day life. In efforts to reduce the spread of the virus, governments issued guidance on public interactions that included stay at home orders and closing of many types of businesses. Child welfare court hearings, which have long occurred primarily in person at court houses, had to make changes to practice to ensure safety of professionals and clients alike. Responses to the pandemic varied, including delaying court hearings, moving court hearings to hybrid in-person/virtual formats, and moving to a completely virtual hearing process. Virtual hearing practice has continued for more than a year. This created a unique opportunity to examine perceptions of virtual court practice.

Method

Researchers designed two surveys to assess perceptions of child welfare court practice during the pandemic. This included a child welfare court and agency professionals' survey and a parent survey. The professionals' survey was designed for judges, state attorneys (prosecutors or district attorneys), parent attorneys, child advocates, and child welfare professionals who are currently working in the child welfare court system. The survey included questions about participant:

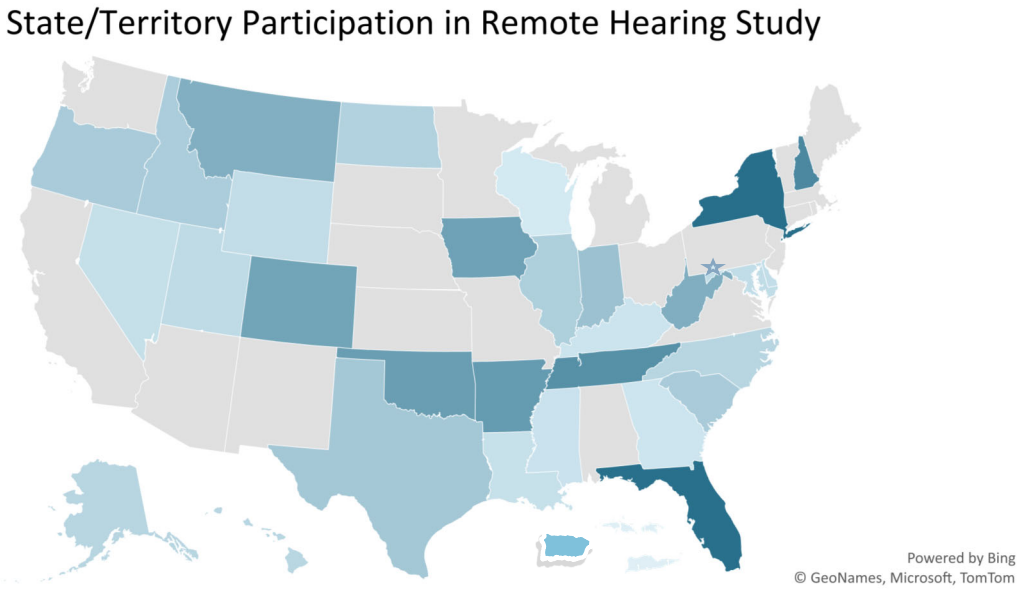
- State
- Role
- Platform they use for virtual hearings
- Perception of parties' presence at hearings
- Perception of access challenges for parents and youth
- Identification of any successes they have had in engaging parents and youth
- How they share evidence
- Whether they want to continue virtual hearings
- Perceptions of differences between remote and in-person practice

Parent surveys focused on parents' perceptions of the court process. Parents were asked whether they had an attorney for the process. Then parents were asked to rate their agreement on a 5-point scale ranging from strongly disagree to strongly agree on 15 statements related to their access, wait time, understanding and general perceptions of the virtual process.

The surveys were designed and a methodology for the study was approved through the University of Nevada, Reno's institutional review board (IRB) process. All states, the District of Columbia, Puerto Rico and the US Virgin Islands were invited to participate in the study through an email sent to Court Improvement Programs (CIPs). Thirty-three states and territories agreed to participate (62% of states). States were primarily interested in the legal professionals' survey, although several wanted to send out both the professional and parent surveys. CIP staff were provided recruitment language and a survey link. Sites were recruited in December of 2020. The survey was meant to stay open for two months (December – January), however, some states wanted to participate but required more time to gain approval. As such, the survey link remained opened until mid-March of 2021.

Sample

The child welfare professionals' survey included two eligibility checks. First, participants were provided with an information sheet that described the study and then asked if they wanted to participate. If participants said yes, they were directed to the survey. On the first page, they were asked to identify their state and their role in child welfare. Then, participants were asked if they had participated in a virtual (remote) child welfare hearing in the last few months. If participants said "no" they were directed to the end of the survey. A total of 4,490 persons clicked on the survey link. Of these, 4,407 (94%) indicated "yes" they wanted to participate. At the eligibility check, 4,067 indicated that they had participated in a remote hearing in the past few months. Of these, 3,322 completed the survey for a response rate of 82% of those who were eligible. CIPs were asked to broadly disseminate to all agency and court/legal professionals. The method in which this was completed makes it impossible to determine a response rate for how many were sent the survey link versus how many participated in the survey. For the parent survey, although 255 clicked on the link, only 205 clicked they wanted to participate and only 132 actually completed the survey for a 64% response rate.

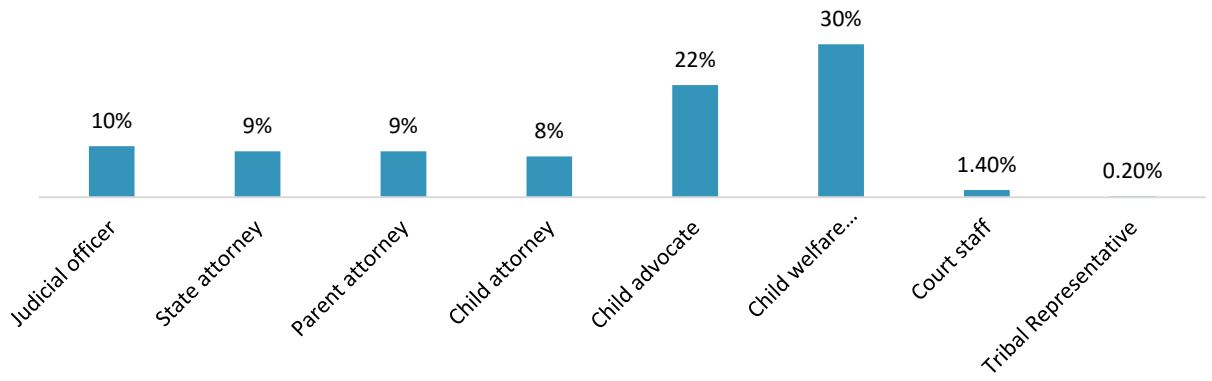


The findings from the studies are presented below, first by professional stakeholder survey responses, then by parent survey responses. Responses are reported by high level categories for the questions.

Findings: Professional Stakeholder Survey

More than 3,000 professionals across 33 states/territories completed the stakeholder survey. After being asked about which state they live/work in, participants were asked to identify their role in child welfare cases. The largest group of participants were from the child welfare agency (30%) followed by child advocates (22%). Figure 1 illustrates the percentage of responses by role.

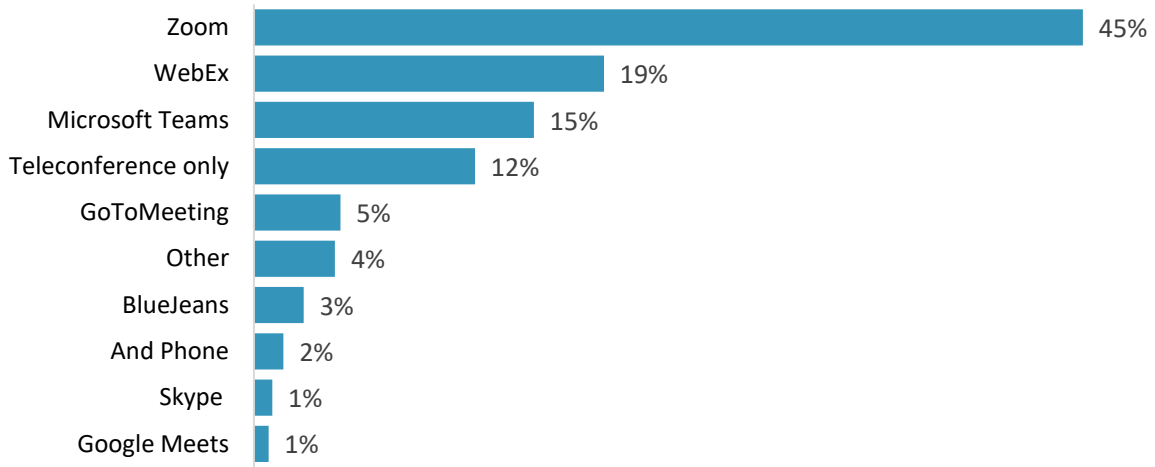
Figure 1. Role of Survey Respondents



Platforms

Participants were asked which platforms they use for virtual hearings. They were able to check all that apply, as some states used multiple platforms (e.g., platform may have varied by county or courtroom). As noted in Figure 2. The most common platform used was Zoom.

Figure 2. Platforms Used for Virtual Hearings

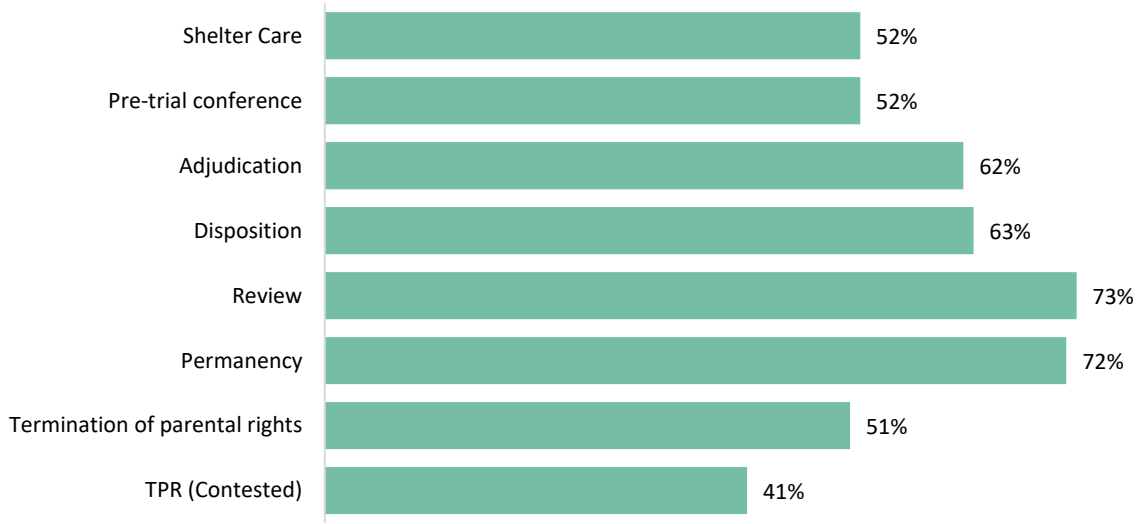


Other options included Cisco, Facetime, Judicial Video Network, Lifesize, Polycom, and IVIN. Several states wrote in "and phone," indicating that they use both a virtual platform and the opportunity for persons to just call into the hearing.

Hearing Types

Participants were asked which hearing types are currently being held virtually in your jurisdiction. They were able to select multiple hearing types. Figure 3 illustrates the percentage of participants that indicated a hearing type that was currently being held remotely. As noted in Figure 3, the most common remote hearing types were permanency and review hearings. Of the eight hearing types identified below, participants indicated they currently hold a median of 5 (average of 4) of these hearing types remotely. Twenty-two percent (22%) noted that they hold all of these hearing types remotely and 30% indicated that they hold none of these hearing types remotely at present.

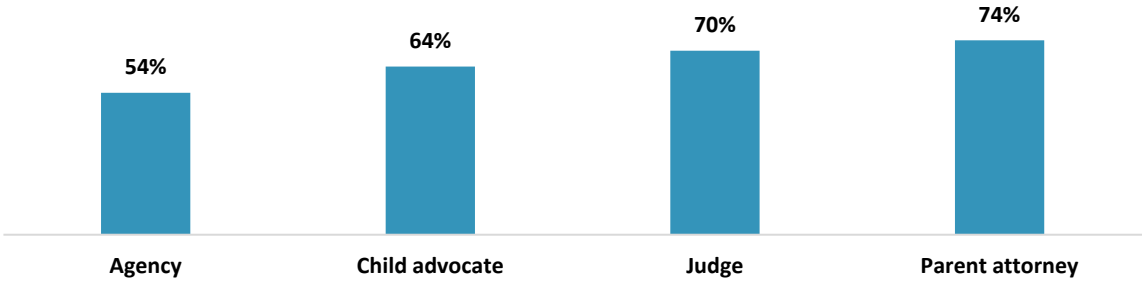
Figure 3. Hearings Currently Being Held Remotely



Delay

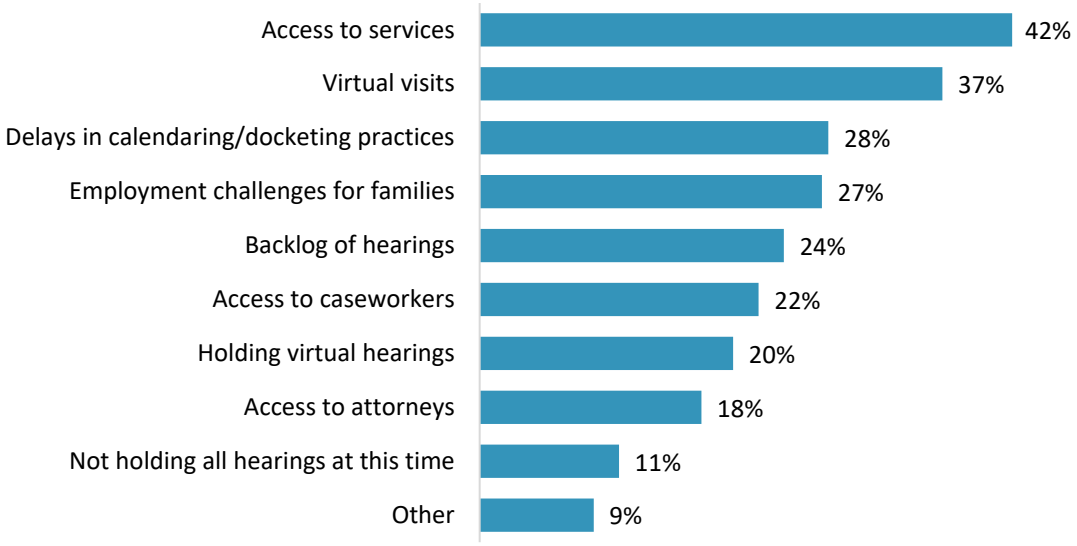
A common concern that arose anecdotally when talking to child welfare legal professionals about practice during the pandemic was that COVID-19 was delaying timely permanency. Participants were asked their opinion about whether COVID-19 is delaying cases from achieving permanency. The majority of participants (64%) said yes, 24% said no, and 12% said they were not sure. This was also explored by role. Figure 4 illustrates the percentage of professionals who said yes to COVID delaying permanency.

Figure 4. Percent of Professionals that Think COVID Is Delaying Permanency



For those that said yes, participants were asked a follow-up question about the reasons for the delay. Figure 5 illustrates the most common reasons. Participants could choose all that apply and write in responses for "other." The most common reason was access to services (42%) and virtual visits (37%). Nine percent of participants identified "other" reasons for delay, which were described as access problems for incarcerated parents; court staff, attorneys, caseworkers and parties contracting COVID resulting in continuances; delays in the ICPC process; delays in the adoption process; and connectivity and access to technology issues.

Figure 5. Which of these are contributing to delay?

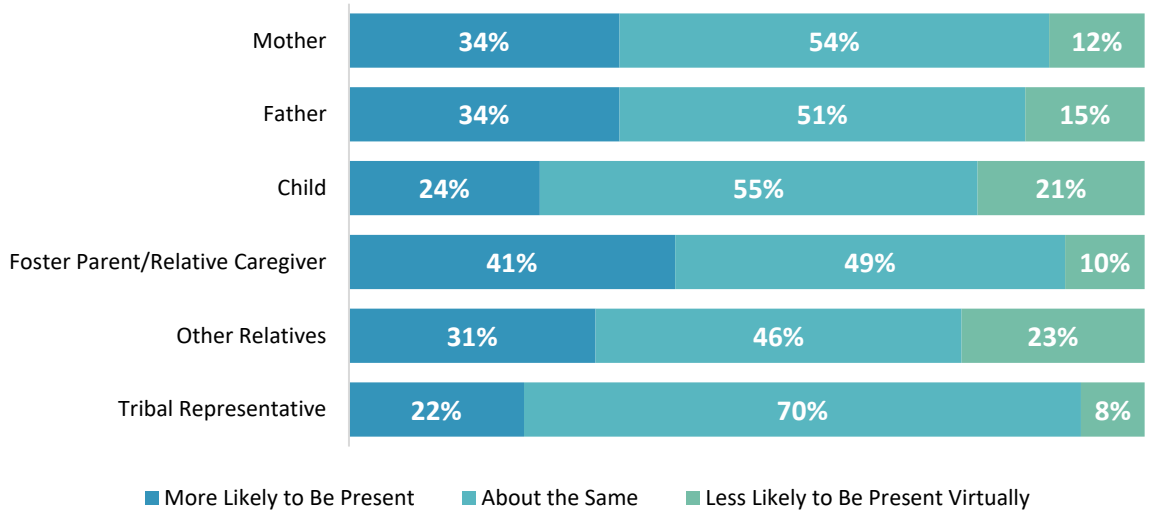


Parties Present

Participants were asked about the parties that appear at hearings, including parents, youth, foster parents/relative caregivers, other relatives, and tribal representatives. Participants were asked if they are more likely to be present virtually, less likely to be present virtually or about the same. Figure 6 illustrates the responses. As noted, participants were most likely to think that parties are

present about the same for virtual and for in-person hearings. They also consistently believed that parties were more likely to be present virtually as opposed to less likely.

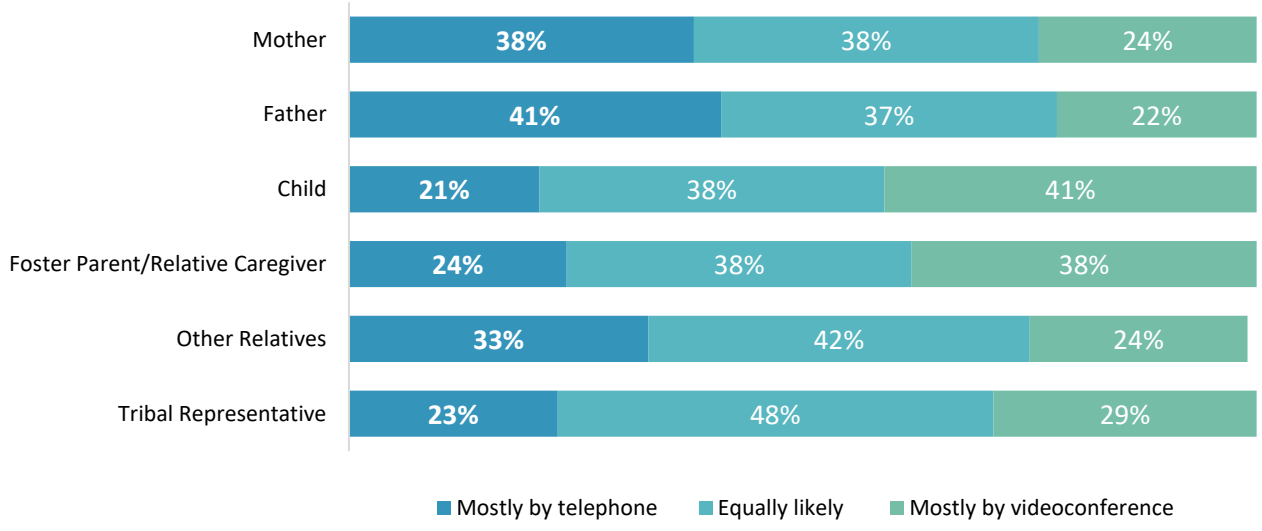
Figure 6. Presence of Parties



Parties Participation

Participants were asked how specific parties were most likely to connect to virtual hearings. This included more likely by phone, more likely by video or equally likely. Participants noted that youth were more likely to be present by videoconference (41%), while fathers were more likely to be present by telephone (41%). Responses for mothers' participation were equally divided between being most likely to be present by telephone (38%) or equally likely to be present via phone or video (38%). See Figure 7 below.

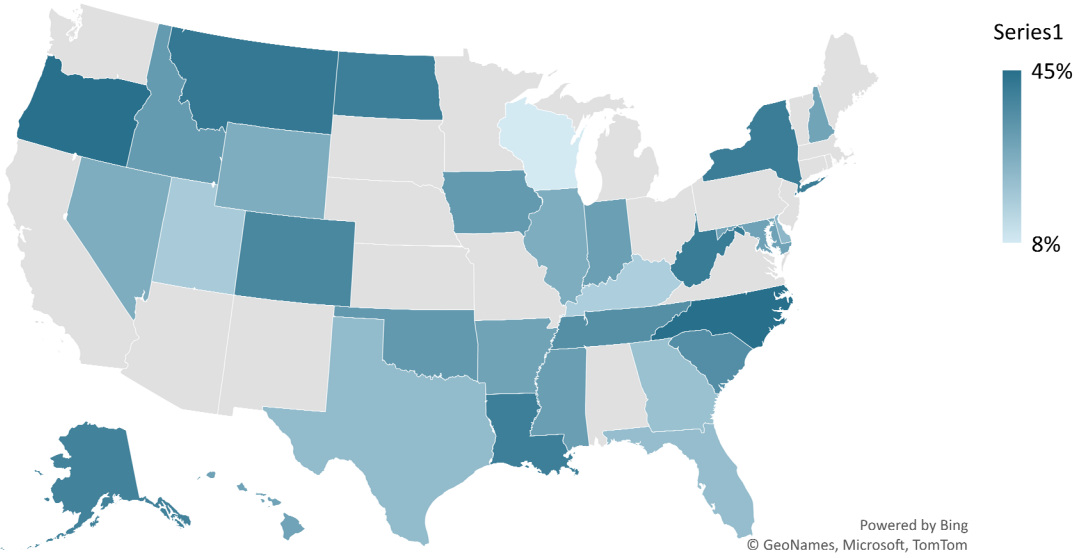
Figure 7. Party Participation Type



Parent's Access

Participants were asked what percentage of parents would you say have access issues. That is, they do not have access to technology to participate by video in a hearing. Responses ranged from 0 to 100%. Participants noted an average of 33% of parents have access issues (median 25%). Figure 8 illustrates the averages for each state, ranging from 8% to 45%. Perceived access issues were also explored by role. Judge's views on the number of parents with access issues was significantly different from other stakeholders. They were more likely to indicate a lower percentage as having access issues (29% versus 33%). Parent attorneys were also different from other participants. They were more likely to indicate a higher percentage of parents with access issues (40% compared to 32% for others).

Figure 8. Percentage of Parents with Access Issues



Participants were asked if they had any successes in engaging parents in the virtual hearing process and if so, to please describe their successes. Not all participants responded to this question. Of those who did, several indicated that they had not had successes at this. Of the participants who noted a success, responses could be grouped into four general categories: strategies to get parents to the hearing, platform/technology successes, strategies to engage parents when present at the hearing, and other general successes. Below are lists organized by theme with some of the common responses to this question

Successful Strategies to Get Parents to Attend the Hearing

- ***Reminders***. Calling or emailing parents to remind about hearing. Some noted the day before, others the morning of the hearing.
- ***Preparation*.** Call to inform parents of the virtual process. Explain it to them step by step. Coach them through the process. Let parents know what to expect about the child welfare hearing process (virtual or in-person). Describe the platform and settings prior to the hearing.

- ***Practice***. Setup a time to practice on the platform with the parent so they can experience it prior to the event and troubleshoot any challenges.
- ***Contact Day Of***. Get a phone number for the parent so if they do not show up, the attorney or the court can call them at the time of the hearing.
- ***Flexibility***. Allow both phone and video appearances for parents.
- ***Stress Importance***. Describe the importance of still being present even in a virtual setting.
- ***Documentation/Guidance.*** Create a pdf guide to share on how to access virtual platform.
- ***Meet and Participate.*** Have parents meet with attorneys (or caseworkers) and attend the hearing virtually with them.
- ***Invites.*** Invitations to the court hearing can include information on how to participate and court rules).
- ***Time certain calendaring.*** Set the hearing at a specific time.

Strategies to Engage Parents in Hearings

- ***Introductions.*** Introduce all participants and explain their role. Introduce the virtual platform, including how to use and participate. Explain expectations (e.g., when they get to talk, why they will be muted when it is not their turn, etc.).
- ***Explain Purpose.*** Explain to parents the purpose of the child welfare hearing, why they are there and what will happen today.
- ***Greetings.*** Greet parents by name. Speak directly to them.
- ***Opportunity to be heard.*** Provide parents an opportunity to be heard. Encourage open discussion in hearings.
- ***Checking In.*** Periodically ask if parents have any questions, need a break, or need to speak with their attorney.
- ***Camera Use.*** Encourage to turn on camera so they feel more like they are part of their hearing.
- ***Acknowledge hardship.*** Acknowledge that virtual may be hard but it is important for them to participate.
- ***Simplify.*** Use simplified language whenever possible.
- ***Encourage.*** All professionals can encourage parent's participation.

Platform/Technology Successes

- ***Breakouts.*** Use breakout sessions to allow attorney to speak with client prior to or during hearing if needed.
- ***Technology Assists***. Assist parents in downloading software and/or setting up access for the first time.
- ***Providing Technology***. Provide parents with phones or tablets to access the hearings.
- ***Muting When Necessary***. Strategic use of the mute button to ensure that hearings don't escalate when people are angry.
- ***Identify Public Wifi***. Asked DHS to put together a list of publicly available Wifi locations for parents if they do not have access at home.

- ***Space for Participation***. Identify available spaces for parents to participate virtually. Examples included a meeting/designated space at the courtroom with access, off site kiosks established for participation, or at the agency office.
- ***Invites***. Court notices

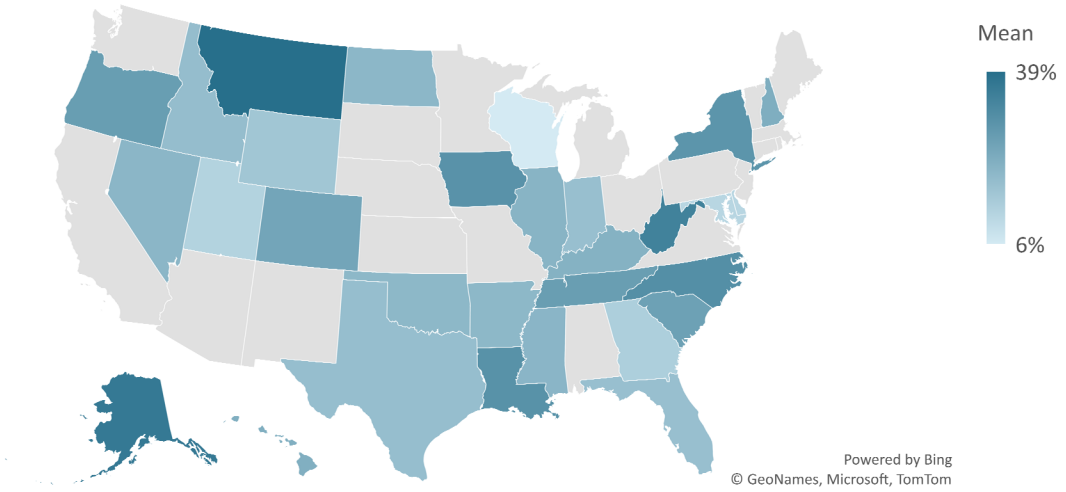
Other Successes

- ***Travel/Transportation***. Since no travel is needed, parents with transportation issues are more likely to attend.
- ***Atmosphere.*** Virtual hearings are more relaxed and less formal, so parents feel less intimidated.
- ***Warrants.*** Parents with active warrants are more likely to attend a virtual hearing.
- ***Notices***. Court notices were revised to include information regarding appearance requirements and instructions.
- ***Team effort***. Successful because everyone helped make it successful experience for parents.

Youth Access

Participants were also asked about the percentage of youth with access issues. An average of all individual responses to this question was 25% (i.e., 25% of youth have access issues, with a median response of 10% of youth having access issues). Participant responses ranged from none to 100% of youth have access issues, but state averages ranged from 6% to 39%. Figure 9 illustrates the states' perceived average of youth with access issues.

Figure 9. Percentage of Youth With Access Issues



Participants were asked if they had any successes in engaging children and youth in the virtual hearing process and if so, to please describe their successes. Not all participants responded to this question. Of those who did, several indicated that they had not had successes at this. Of the participants who noted a success, responses could be grouped into four general categories: strategies to get youth to attend virtual hearings, platform/technology successes, strategies to

engage youth when present at the hearing, and other general successes. Below are lists organized by theme with some of the common responses to this question.

Successful Strategies to Get Youth to Attend the Hearing

- ***Communication.*** Speak with foster parents, caregivers, child welfare case workers and child advocates to ensure that children and youth who want to be present at a hearing have what they need to do so. Get the link out to the child's caregiver well in advance of the hearing.
- ***Stress Importance***. Stress the importance of youth attending the hearing, even virtually. Emphasize that the judge is interested in hearing what they have to say. Advise youth of the value of attendance – that it will assist in their goals.
- ***Reminders***. Check in with the youth beforehand to provide a reminder about the hearing. Call ahead of time and remind the youth, foster parent/caregiver about the hearing. Send reminders (via phone, text or email) the day before or the morning of the hearing (or both). Make sure the youth and/or their caregivers have complete access information and re-send that information the day of the hearing.
- ***Preparation*.** Explain the purpose of the hearing, what to expect in the hearing, and how the virtual hearing format will work. Provide a step-by-step description of the hearing process, who will be present and what their roles are in the hearing. Go through a list of possible questions the youth might want to ask (to help them prepare) or the things they might want to share during the hearing. Ask if they have any concerns about the hearing so that youth can be put at ease.
- ***Practice***. Setup a time to practice on the platform with the youth so they can experience it prior to the hearing and troubleshoot any challenges. Coach the youth in the virtual hearing format by doing a test run to get comfortable with the platform, log on procedure, use of breakout rooms and chat features.
- ***Flexibility***. Give youth the choice of phone or video conference. Allow the youth to join via phone only if they want. Allow use of cell phones (e.g., FaceTime) along with computers. Set the hearing at times that facilitate youth attendance (e.g., that work around school schedules).
- ***Meet and Participate.*** Have a trusted adult available to attend the hearing virtually with the child/youth.
- ***Provide Channel for Real-Time Communication.*** Have another channel (i.e., text) to communicate with the child in real time during the virtual hearing if needed.

Strategies to Engage Youth in Hearings

- ***Introductions.*** Introduce all participants and explain their role. Introduce the virtual platform, including how to use and participate. Explain expectations (e.g., when they get to talk, why they will be muted when it is not their turn, etc.).
- ***Explain Purpose.*** Explain to youth the purpose of the hearing, why everyone is there and what will happen today.

- ***Greetings.*** Greet youth at the beginning of the hearing and by their name. Speak directly to them and tell them their attendance and participation is appreciated. Make sure the youth's presence is acknowledged, known, and appreciated.
- ***Helping Children and Youth Feel Comfortable:*** Get the youth involved by asking them about school or what they enjoy doing. Use the video view of their environment to talk about what they are doing, any pets or other things around them to make them feel more comfortable. Ask young children an ice-breaker question such as "what is your favorite animal," and then ask everyone to share what their favorite animal is, as a means to help children be as comfortable as possible before the hearing begins. Talk about positive achievements.
- ***Hear from Children/Youth First:*** Hear from children and youth first (especially young children) when you have their full attention. Hearing from youth at the beginning of the hearing also affords an option for them to exit if there are concerns the hearing might expose the youth to derogatory or negative comments made by parents or relatives.
- ***Opportunity to be Heard:*** Set aside time for private conversations with child and GAL on the line at the beginning of the hearing or at the end. Allow the youth to have their own time to speak and ensure that everyone mutes their mics so youth can have their voices heard without interruption.
- ***Camera Use.*** Ensure children can stay out of sight of the camera if necessary. Allow youth to stop sharing video and participate by phone only if needed. To assist with distraction when the judge is speaking with a child, require all other participants to turn off their cameras unless allowed by the court to speak.

Platform/Technology Successes

- ***Breakouts.*** Use breakout rooms so that youth can speak privately to their attorney, GAL or CASA if needed during a hearing.
- ***Technology Assists***. Practice with youth accessing the virtual hearing ahead of time or have someone present with the child/youth to assist.

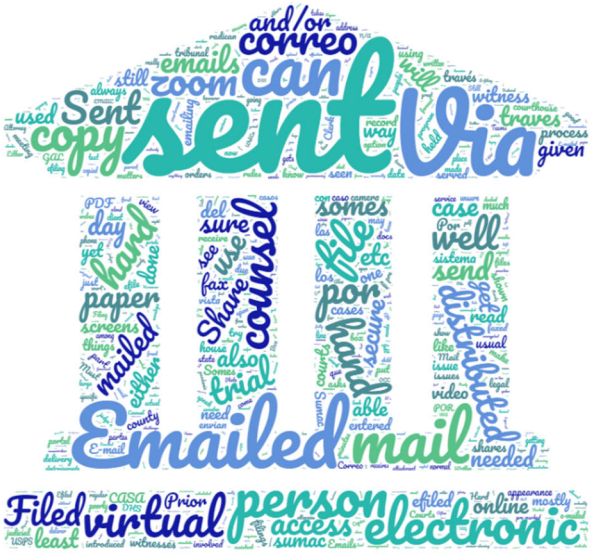
Other Successes

- ***Travel/Transportation***. Since no travel is needed, youth with transportation issues are more likely to attend.
- ***Atmosphere.*** Virtual hearings are more relaxed and less formal, so youth feel less intimidated. Youth are used to communicating virtually so are often more comfortable than adults with the technology.

Evidence Sharing

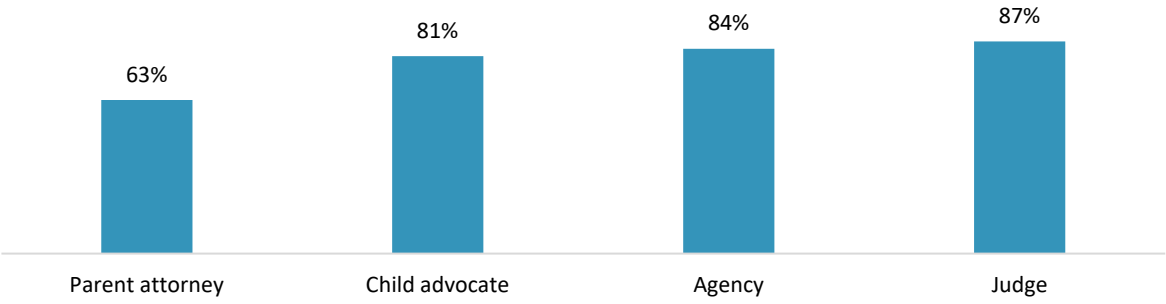
Participants were asked how they currently share evidence for cases. Figure 10 below illustrates responses in a Word Cloud. The most common response was "via email." Other responses included through electronic filing and mailed/shared by hand. Several participants noted that a process had not been developed or that there were current challenges with sharing evidence (including agency reports) prior to the hearing. Despite this, when asked whether they felt evidence sharing was successful, 81% of participants said yes, while 19% said no.

Figure 10. Word Cloud of Ways Evidence is Shared



Evidence sharing was also explored by role. Figure 11 illustrates the percentage of judges, parent attorneys, child advocates and agency staff who feel that evidence sharing in virtual hearings is successful.

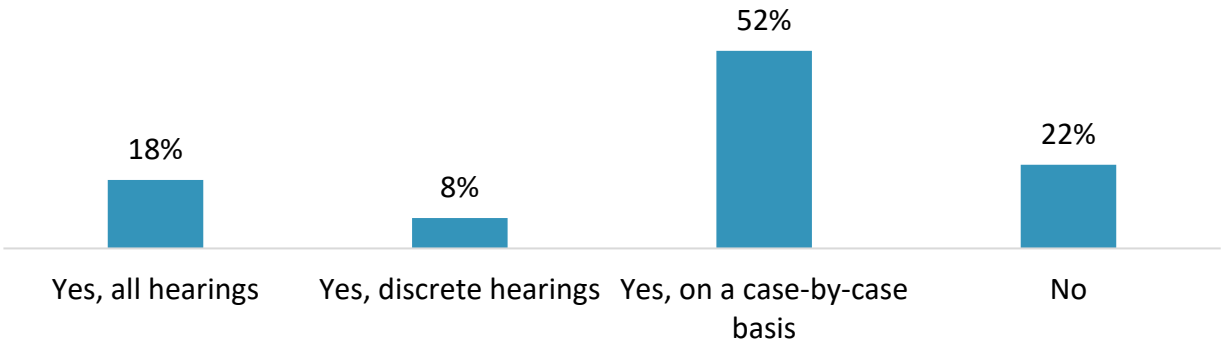
Figure 11. Percent of Professionals That Find Evidence Sharing Successful



Continuing Virtual Hearing Practice

Participants were asked when business goes back to normal, would they want to continue virtual hearing practice in child welfare cases. Seventy-eight percent of participants said yes, they would like to continue virtual hearings with the majority (52%) indicating they would like to consider it on a case-by-case basis. See Figure 12.

Figure 12. Would You Want to Continue Virtual Hearings?



If a participant responded yes, in some hearings/cases, they were asked to explain. Some identified specific types of hearings where they felt virtual practice is more or less useful than others. Table 1 includes a list of the hearing types categorized by whether participants were more or less likely to indicate that they should be held virtually, should be held in-person or whether there were mixed results (i.e., some participants said in-person and others said virtual). As noted, non-contested and review hearings were more likely to be suggested as virtual opportunities whereas contested trials and evidentiary hearings were suggested to be better in person.

Table 1. Participant Perceptions of Hearings to Be Held Remotely

More Likely to Recommend Virtual	About the Same / Mixed Results	More Likely to Recommend in Person
Status quo hearings	Disposition hearings	Evidentiary hearings
Non-contested hearings	Permanency hearings	Adjudication trials
Review hearings	Shelter Care	Termination of parental rights
Pre-trials/settlement conferences		Trials
Case scheduling		

Participants also provided thoughts on a case-by-case basis. Responses are organized by themes below.

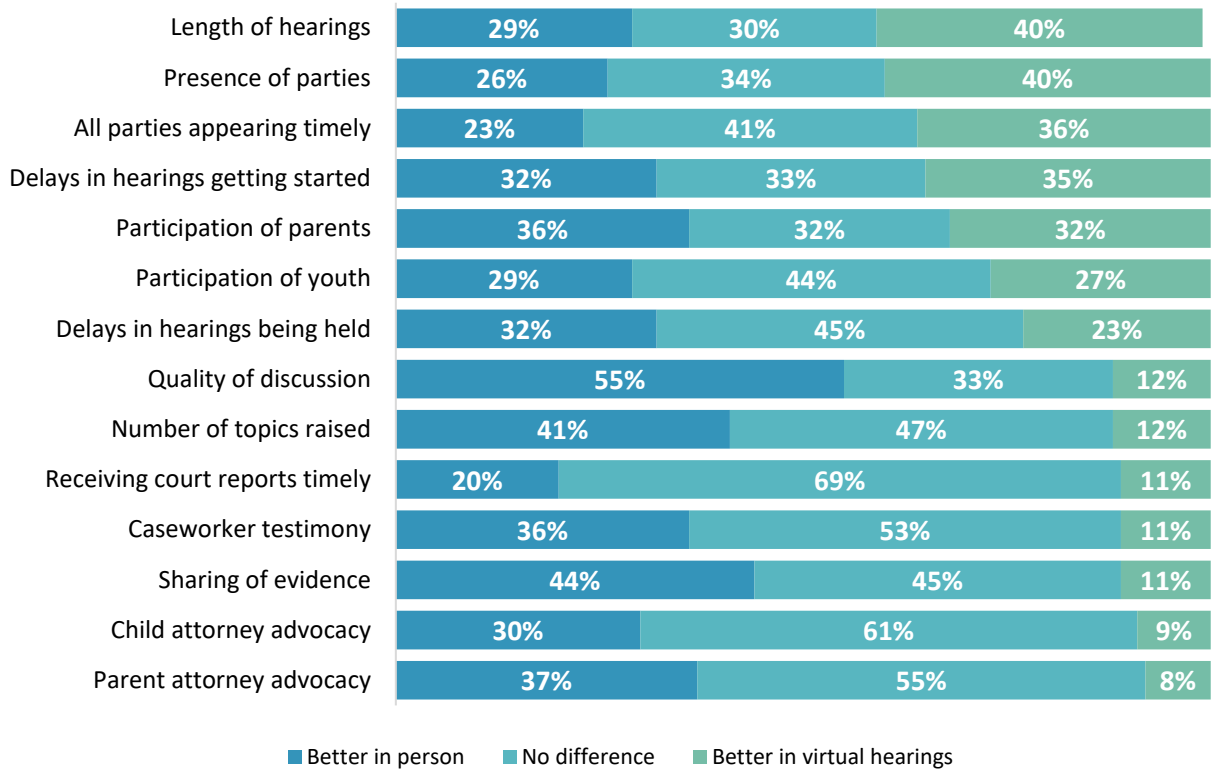
- **Parent's location**. Virtual hearings are ideal for parents or other parties who live far away from the courthouse.

- **Complexity of the case**. Virtual hearings are better suited for simpler cases. Cases with multiple parties, or interpreters may be better suited in person.
- **Domestic violence cases**. Domestic violence cases may be better suited for virtual so that the victim doesn't have to be in the same room as the perpetrator.
- **Needs of the parents**. Considerations should be given to the unique needs of the parents. These include whether the parent has trouble getting off work, whether the parent has transportation issues, and whether the parent would have anxiety if coming to court.

Virtual Comparison

Participants were asked to compare a typical virtual hearing to a typical in-person hearing on several key hearing quality dimensions. Participants were asked if they felt the practice was better in person, about the same or better virtually. Figure 13 portrays the findings.

Figure 13. Comparing Virtual to In-Person Practice



At the end of the survey participants were asked if they would like to provide any additional comments about the court's successes with virtual hearings or any barriers they experienced to implementing and participating in virtual hearings. Responses were reviewed and themes identified below (along with some examples of types of responses provided).

Benefits of Virtual Hearings

- **Facilitates greater attendance of parties** (e.g., virtual hearings have relieved the barrier of transportation for families, children, relative caretakers, foster parents, service providers, expert witnesses and support people so more parties attend).
- **Reduced delay** (e.g., ability to conduct hearings on time is improved; no more "cattle call" hearings; wait time for a hearing eradicated or reduced; hybrid model can help reduce case backlogs)
- **Improved efficiency and productivity** (e.g., much easier for attorneys to schedule appearances in multiple locations and counties; improved the quality of work by freeing up time that would have been spent waiting for or traveling to hearings.
- **Improved communication among hearing participants** (e.g., everyone can hear exactly what said; It's easier to hear the person talking in the virtual setting and harder to talk over people; parties seem more comfortable in the virtual setting easing communication/sharing).
- **Improved communication with the judge** (e.g., communication with the judge and is more direct and facilitated).
- **Less stressful** (e.g., eliminates the stress and "chaos" of some courtroom environments, reducing stress and facilitating discussion).
- **Provided options** (e.g., has demonstrated the viability of having options, with some in-person and some virtual hearings being available for all cases.
- **Improved access to representation** (e.g., has allowed rural communities to use attorneys from other counties).

Negatives of Virtual Hearings

- **Effective communication negatively impacted** (e.g., background noise and feedback issues, people not muting themselves, dropped calls, people not understanding how to use the technology, connectivity issues, people communicate better in person; much is missed by not being able to see body language; Difficult to do effectively when interpreting services needed).
- **More difficult for attorneys to prepare** (e.g., has added more preparation time, where before attorneys could meet with clients, youth, caseworkers at court prior to the hearing, now all of that has to be done by email or phone before court begins).
- **Virtual courtroom management issues** (e.g., distracting to the judge to have multiple windows open for all participants and to have to manage the virtual setting (e.g., muting, breakout rooms) while listening to all of the parties; judges have too much power and ability to mute parties).
- **Not suitable for some hearing types** (e.g., for fact-finding or contested trials where witnesses need to be cross-examined, evidence submitted, credibility of witnesses assessed; judges cannot fully assess a witness during testimony because cameras don't work or are spotty; people who may be off screen helping with testimony or interfering with the process).

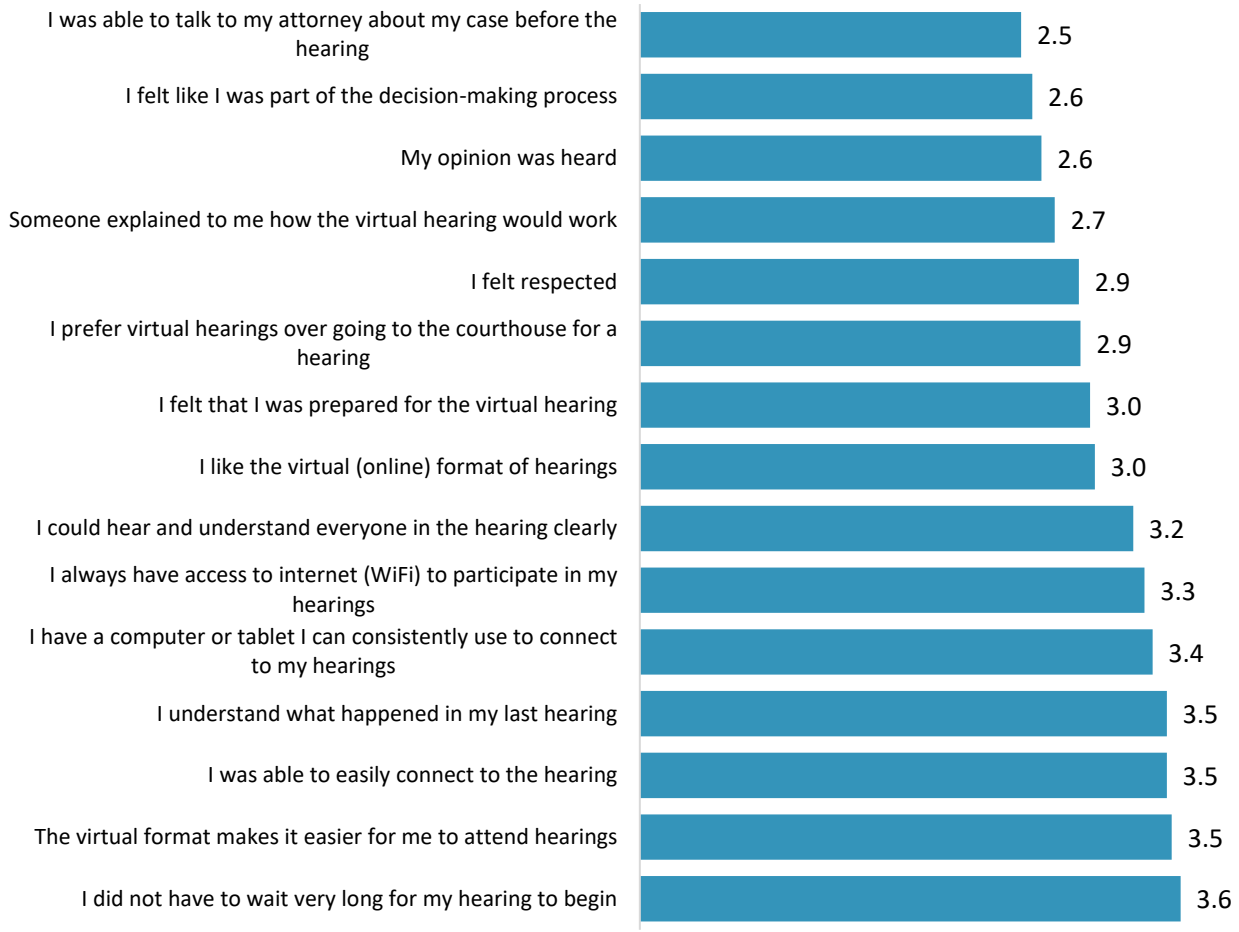
- **Disadvantages parents without resources** (e.g., many parents have access issues and struggle with using the technology, lack Wifi or phone or computer).
- **Representation challenges** (e.g., attorney and parent are not together, difficult to speak with client during the hearing, attorneys need training or guidelines on how to represent clients effectively in the virtual format).
- **Negatively impacted hearing quality** (e.g., hearings are "perfunctory" with less substantive discussion; Court decorum lost and less professionalism; too informal, not taken seriously enough by parents, too many distractions; parents, relative caregivers and foster parents have a better understanding of what is going on in the in-person setting when they can meet up after the hearing to debrief with counsel and/or the caseworker).
- **Collaboration and settlement are limited** (e.g., parties could meet face to face before and after court hearings and now they cannot, more difficult for attorneys to work things out; the loss of causal contact between the professionals is a problem).

Findings: Parent Survey

One hundred and thirty-two person completed the parent survey. They identified themselves as the mother (n=66, 54%), the father (n=21, 17%), the custodian/legal guardian (n=6, 5%), or as "other" for 24% of cases. The "other" persons included foster parents as well as some advocates, agency workers, and attorneys. These were not included in the analysis, which left 95 parent participants (N=95). Parents were also asked if they had an attorney on their case and 76% said yes.

Parents were asked to rate their agreement with a series of statements on a 5-point scale that ranged from 1=Strongly Disagree to 5=Strongly Agree. Items under three indicate a trend toward disagreement with a statement while items 3.5 or higher indicate a trend towards agreement with the statement. Figure 14 illustrates that average response for each item. Parents tended to disagree that they were able to talk to their attorney about their case, that they were part of decision making and that their opinion was heard. They were more likely to agree that they did not have to wait long for their hearings, the virtual format made it easier for them to attend, they were able to easily connect to the hearing, and they understand what happened in my last hearing. All items were highly correlated. That means that their responses to some items affected how they viewed others. For example, parents who liked the virtual hearing process were also more likely to report feeling part of the decision-making process, feeling like their opinion was heard, and having someone explain to them how the virtual hearing would work.

Figure 14. Perception of Remote Court Hearings



Parents were also asked if there were things the court could do to improve the virtual hearing process. Thirty-nine parents responded. Some made observations about the things that went well. They enjoyed seeing everyone face-to-face or felt like the judge did a good job explaining the process. Twenty-three percent of parents that responded indicated that they would prefer if court hearings went back to in-person. Some noted that the virtual process feels rushed and impersonal and does not allow them to make connections. Several noted concerns with audio quality and connection issues. Suggestions from parents included:

- Provide an opportunity for parents to speak with their attorney at the beginning of the hearing
- Allow parents an opportunity to be heard in the hearings
- Explain the hearing process, including when the parent will have an opportunity to speak
- Allow time for transition between people talking due to lag time
- Email them before the court hearing so they know how to get connected and what to expect
- Meet with the family prior to the hearing so they know everyone going in

Key Takeaways

The authors identified several key takeaways from the survey responses. Where appropriate, some considerations are noted for professionals who may be continuing this work in a virtual environment. *Note: the authors have expertise in quality child welfare hearings and this discussion is framed with best practices in mind.*

- ***Amenable to Virtual Practice.*** Participants felt most hearing types are amenable to being conducted remotely with the exception of contested trials/evidentiary hearings. The caveat to this, apparent in the comments is that the hearings have to be conducted well to work well in a virtual environment. That is, the principles of holding a high quality hearing still apply in a virtual world.
- ***Introductions (platform, purpose, format of the hearing) are important***. This could be critical for holding remote hearings, especially early in the process. If done well, it could be a good option (remote).
    - *Consider* trainings for judges on how to start a virtual hearing, including not only the introduction of why they are here, but also the format, (like muting folks and when they will speak). Best practices suggest that clearly stating the purpose for the hearing is helpful to all parties and may help engage parents in the process. In a virtual environment that may mean more introductions as parents will not be next to their attorney to get cues on when they are allowed to speak and what is going one.
    - *Consider* creating guidelines (e.g., scripts) for walking through the process, including how to connect and what to expect.
    - *Consider* setting expectations in the room invite, in the waiting room for a virtual platform, or via notice/guides sent to parents ahead of time.
- ***Parents' Opinion Depends on Treatment in Hearing***. Whether parents like the virtual format seems to be dependent on how they are treated and how the hearing progresses. There was a direct correlation between parents who liked the format and who felt their opinion was heard, who felt prepared for the hearing and who said someone explained how the virtual process would work. Parents who commented that they did not like the virtual format were also more likely to comment that they didn't feel heard, that the hearing felt impersonal, and that no one explained what was going to happen.
    - *Consider* opportunities to train professionals on how to engage the parents best in the hearing process. Giving parents an opportunity to be heard, preparing them for the event, and making sure they understand the purpose and the process for the day's hearing can help them have a better experience.
- ***Parents Need to Meet with Attorneys Prior*.** Parents need an opportunity to meet with attorney prior to hearing. This was noted in the stakeholder and parent survey as a challenge. Parent advocacy was also noted as better in-person.
    - *Consider* whether attorneys might benefit from a training on how to best represent their client in a virtual format.
    - *Consider* options for breakout rooms (does the technology have that, how to do it) to facilitate pre or in-hearing discuss as needed.

    - *Consider* options for parents to meet attorneys and participate in the hearing with them so that they can confer if needed during the hearing.
- ***Attendance is Perceived as Better Virtually***. Most professionals felt like parent and youth attendance is either about the same or higher in virtual hearings. Many noted successes in getting parents to hearings that could be considered as useful to others in the field.
    - *Consider* strategic use of phone/email reminders day before or day of or opportunity to call them at the time of the hearing if they do not connect.
    - *Consider* giving parents and youth the option of phone or video.
    - *Consider* practice sessions with parents and youth to make them more comfortable with the platform so they are ready to engage.
    - *Consider* opportunities to strategically use virtual attendance even if practice goes back to in-person. Some areas where it is particularly effective (per stakeholders) is when parents have transportation issues, when parents have trouble getting off of their job, or when a party lives out of state. For youth, it was noted that youth are more likely to attend if they don't miss school or can attend from their foster family's home.
- ***Parents Need a Voice.*** Parents need a voice in the process. This came up repeatedly in the parent survey, as well as in stakeholder suggestions for engaging parents successfully. Parents who felt like they had a voice were more likely to like the virtual format, but also more likely to feel like they were part of the decision-making process.
    - *Consider* whether a training might be beneficial for judges and legal professionals on how to best engage parents in a virtual setting.
    - *Consider* strategies for engagement. For example, one success noted was periodically checking in with the parents to see if they have questions, to see if they need a break, and to see if they need to speak to their attorney.
- ***Time Certain Scheduling Works Well in Virtual Hearings***. Participants noted that virtual hearings are timelier than in person. Parents noted that they did not have to wait very long for their hearing to being. Comments suggest that remote hearings are more likely to be set as time certain to facilitate attendance and participation of parties.
- ***Concerns that the Virtual Platform Disadvantages Some Parents***. Across the entire sample access issues were noted for a third of parents (on average) and 24% of youth trying to attend court. It is unclear if a certain population (e.g., rural versus urban, a specific racial/ethnic group) are more likely to lack access. Professionals noted that most parents do have access to phones to call into hearings.
    - *Consider* ideas on how to promote equal access to hearings. More information is likely needed to know who has access issues in each state. Some successes for for access included providing parents with technology (phone, computer, tablet, wifi) to be able to connect, designate spaces for parents to participate remotely (offsite spaces), and provide parents with a list of publicly available Wifi locations.
- ***Challenges with Settlement and Cooperation.*** Several persons noted that the lack of in-person hearings hinders the opportunity for settlement and cooperation. Sometimes settlement occurs in the hall/waiting area prior to a hearing.

- *Consider* opportunities to connect parties prior to a hearing. Some states are successfully doing all meetings, mediations, pre-trial, and settlement conferences virtually. Some states also allow parties into the hearing before the judge to create a space for conversations prior to a hearing.

- ***Virtual Hearings Are A Tool for Judges (Not the Be All End All)***. Most stakeholders did not think it should be all remote or all in person hearings. Most felt like it should be an option based on the case needs or the hearing type.
  - *Consider* bringing stakeholders together to create a plan for virtual hearings moving forward. Training might be needed to maximize the use of virtual hearings and make them meaningful.
- ***Discussion is Compromised in the Virtual Hearing.*** Stakeholders believed that the topics raised for discussion and the quality of discussion are better in-person than in the virtual hearing. Some felt like it was about the same or better virtually, but most felt like in person was more meaningful. This also emerged in the comments when participants noted virtual hearings are "perfunctory" and in the recommendations that status quo hearings are best for remote.
  - *Consider* whether this is necessary or an artifact of having to move to a virtual platform without preparation. In a separate study that examined hearing practice of the same judges right before COVID (in-person) and right after COVID (remotely), discussion was actually improved in remote hearings. This may demonstrate that some sites are less comfortable facilitating discussion remotely. It might also be that stakeholders feel the discussion is less meaningful.
  - *Consider* ways to train judges, legal and agency professionals on how to hold a high-quality discussion in a virtual world.

Findings suggest that virtual hearings have pros and cons (no surprise). It appears possible to hold a high-quality hearing remotely, although stakeholder vary in their perception of which components of a high-quality hearing are better in person compared to virtual. Stakeholders noted that timeliness of holding the hearing, parties appearing timely and the presence of key parties is better virtually. Participation of parents and youth is similar in person and virtual. They also felt that attorney advocacy, presentation of evidence and discussion of key topics are better in person. This could suggest that only certain hearing types are best suited for virtual or it may mean that stakeholders require additional guidance on how to improve advocacy and discussion in a virtual setting. The data cannot make this distinction. It is important for states to consider in their own practices what makes the most sense to them. Either way, it is important to consider ways that remote hearings might be enhanced as they do appear to be a useful tool that may be helpful even when (if) practice goes back to business-as-usual.

The authors are available and happy to discuss the study, findings, and implications. Email addresses are on the cover page.