

Child Welfare Statutory Time Requirements Report

Fiscal Year 2012
(July 1, 2011-June 30, 2012)



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I. Annual Reporting Requirements

Pursuant to Utah Code Ann. § 62A-4a-207 (2011), the Child Welfare Legislative Oversight Panel is charged with receiving a report from the Judicial Branch prior to October 1 of each year. The report shall identify the cases not in compliance with the time limits established in Section 78A-6-306 (1)(a), regarding shelter hearings, Section 78A-6-309, regarding pretrial and adjudication hearings, Section 78A-6-312, regarding dispositional hearings and reunification services, and Section 78A-6-314, regarding permanency hearings and petitions for termination, and the reasons for noncompliance.¹

II. Data

The data in this report consists of all new cases that entered the court system via a shelter hearing during FY 2012. (See Overview of Child Welfare Measures-July 1, 2011 to June 30, 2012 attached at page 9.) Included in this report are any cases that were previously active cases at some stage of the proceedings and had a subsequent hearing during FY 2012. Thus, the data represents a snap shot of all child welfare court proceedings during the one-year time frame, rather than tracking each individual case from start to finish in a single report.

Shelter Hearings (§78A-6-306)(1)(a)

(1) A shelter hearing shall be held within 72 hours excluding weekends and holidays after the removal of the child from the child's home by the division.

Of 1,249 shelter hearings, 1,198 shelter hearings or 96% occurred within the 72 hour requirement. The most frequently cited reasons for delay were the court or counsel's scheduling conflicts.

Pretrial and Adjudication Hearings (§78A-6-309)

(1) Upon the filing of a petition, the clerk of the court shall set the pretrial hearing on the petition within 15 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

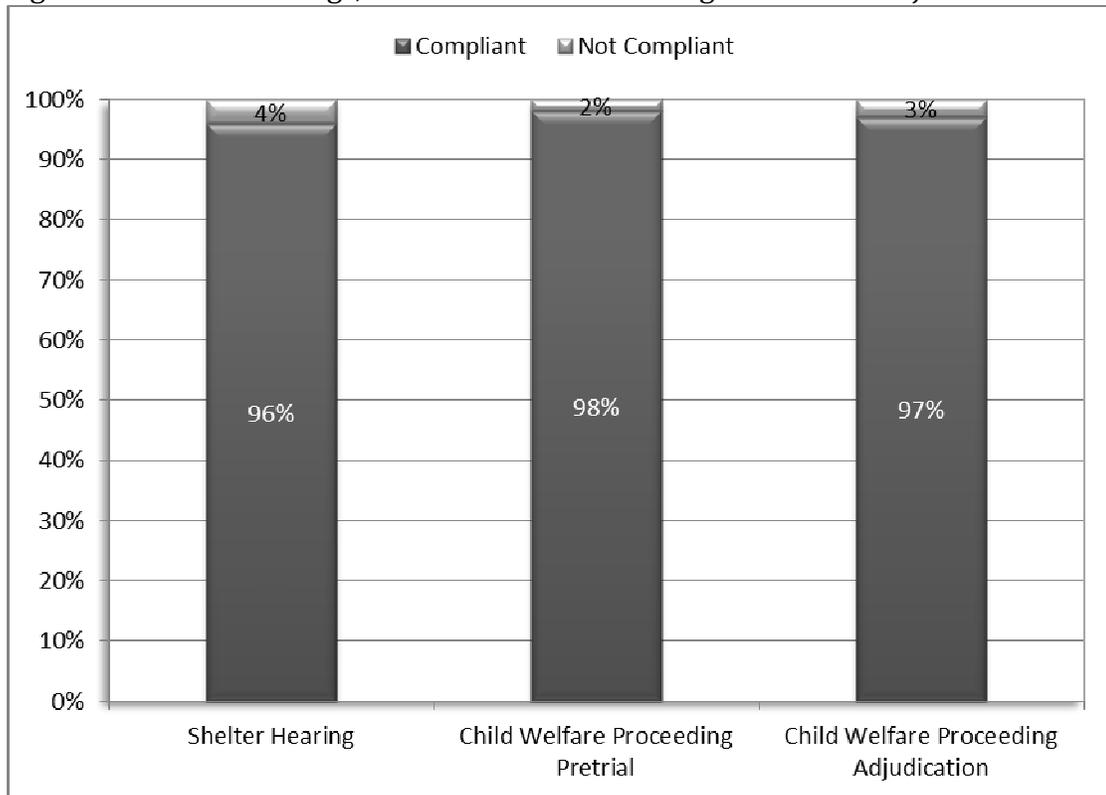
(2) The pretrial may be continued upon motion of any party, for good cause shown, but the final adjudication hearing shall be held no later than 60 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

Of 1,629 pretrial hearings, 98% occurred within the 15 day requirement. Of the small number of cases that were not compliant, nearly half were delayed due to a stipulation of the parties. Adjudication of the petition must take place within 60 days of the shelter hearing. Of 1,622 adjudication hearings, 97% were held

¹ U.C.A. §62A-4a-207(4)(c)(2011).

within the required time frame. Stipulations of the parties also contributed to noncompliant cases in this category as well.

Figure 1. Shelter Hearings, Child Welfare Proceedings Pretrial & Adjudication



Dispositional Hearings and Reunification Services (§78A-6-311, 312)

Pursuant to §78A-6-311(2) a dispositional hearing “shall be held no later than 30 calendar days after the date of the adjudication hearing.”

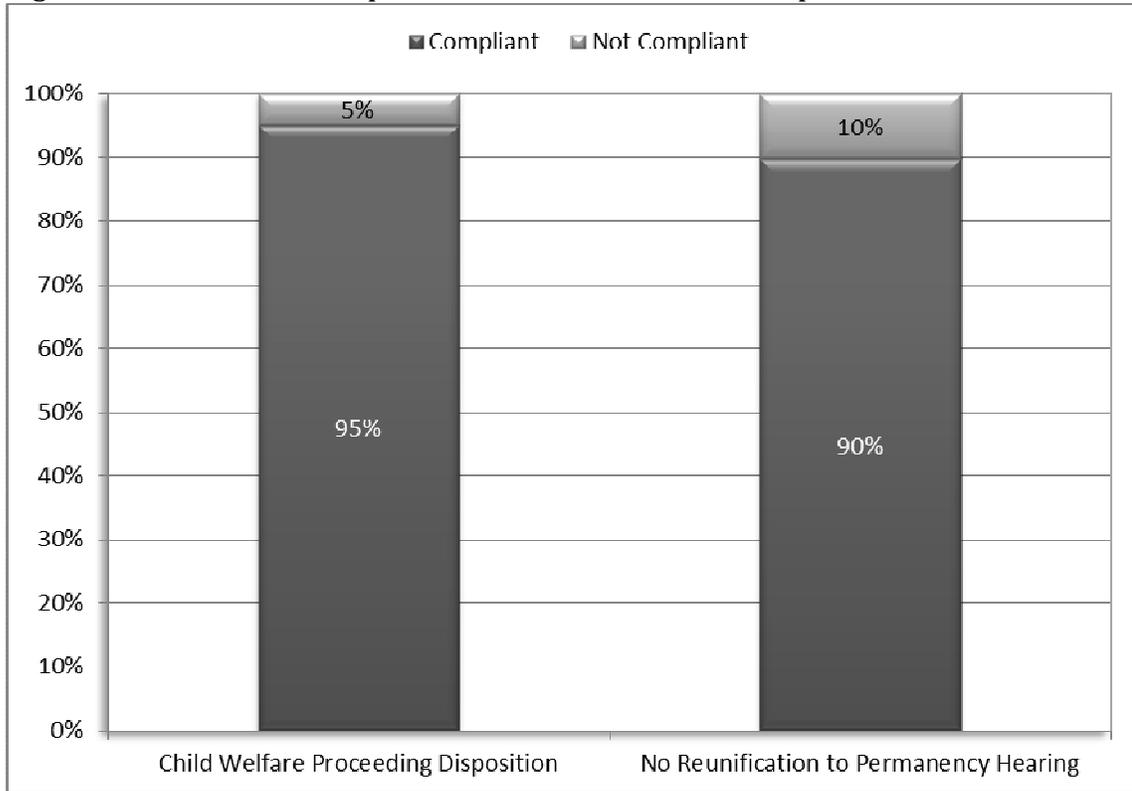
In many cases, dispositional orders are entered at the adjudication hearing. Of 1,602 dispositional hearings, 95% occurred within the 30 day requirement. Approximately three-quarters of the remaining cases were impacted by either the judges’ scheduling conflicts, a stipulation of the parties or counsels’ scheduling conflicts.

§78A-6-312(10)(c): If reunification services are not ordered, a permanency hearing shall be conducted within 30 days, in accordance with Section 78A-6-314.

Of the 275 cases in which the court terminated reunification services, permanency proceedings were conducted within 30 days of the no reunification decision in 90% of the cases. The most frequent reasons

cited for delay were a stipulation of the parties to continue the hearing or the failure of the parties to appear.

Figure 2. Child Welfare Disposition & No Reunification Graphs



Permanency Hearings and Petitions for Termination (§78A-6-314)

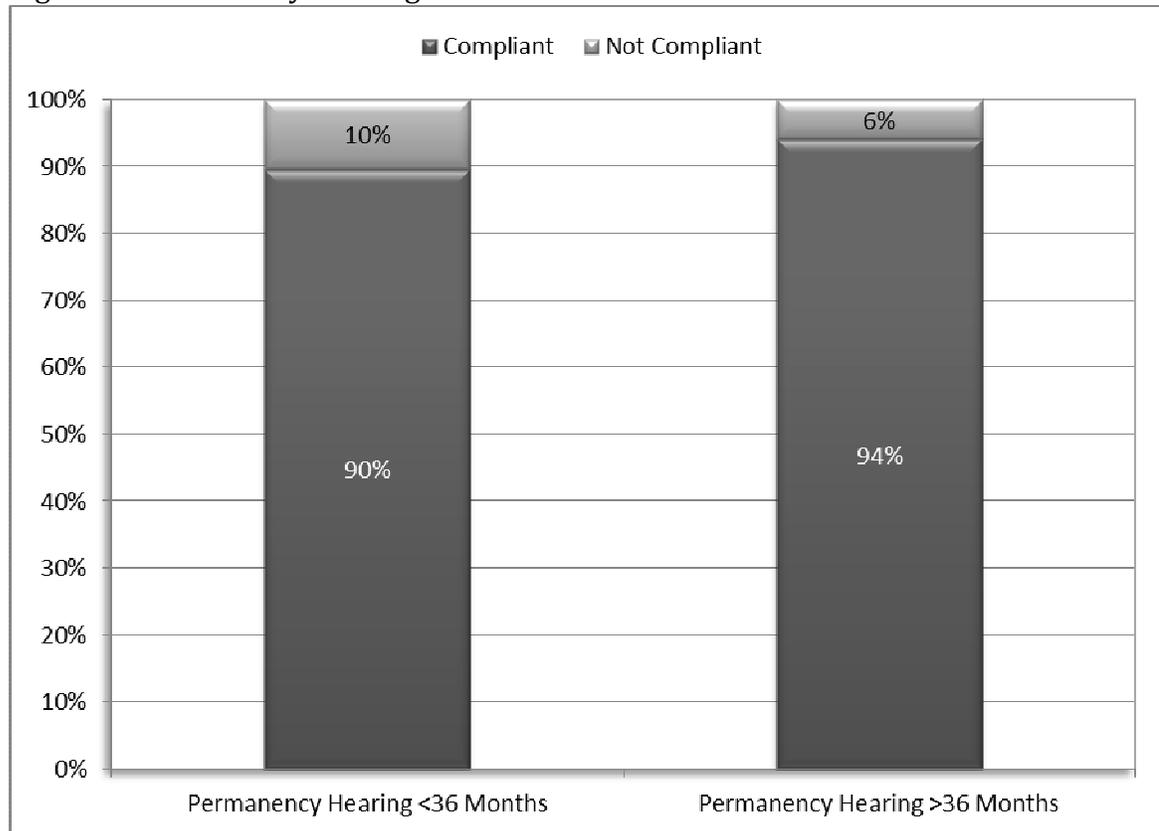
(1) (a) When reunification services have been ordered in accordance with Section 78A-6-312, with regard to a child who is in the custody of the Division of Child and Family Services, a permanency hearing shall be held by the court no later than 12 months after the day on which the minor was initially removed from the minor's home.

Utah's child protection legislation imposes two standards for permanency: a twelve month standard for children over 36 months of age, and an eight month standard for children 36 months or younger, to promote expedited permanency for children in the formative stages.

Of the 731 children over 36 months of age, 94% had a permanency hearing within twelve months of removal. Of the 368 children under 36 months of age, 90% had permanency hearings within 8 months of removal. The most frequently cited reason for delay in either age group was a stipulation of the parties. For younger children the court's calendar or requests by counsel were other reasons cited. For older children the

court's calendar, the inability to locate a party, or a party's failure to appear were other reasons cited.

Figure 3. Permanency Hearing Measures



(10) If the final plan for the minor is to proceed toward termination of parental rights, the petition for termination of parental rights shall be filed, and a pretrial held, within 45 calendar days after the permanency hearing.

In cases in which the final plan was to proceed toward termination of parental rights, seventy-six percent of those petitions were filed and a pre-trial scheduled within 45 calendar days. The court generally sets the 45 day pretrial hearing during the permanency hearing, but must rely on counsel for the timely filing of petitions for termination.

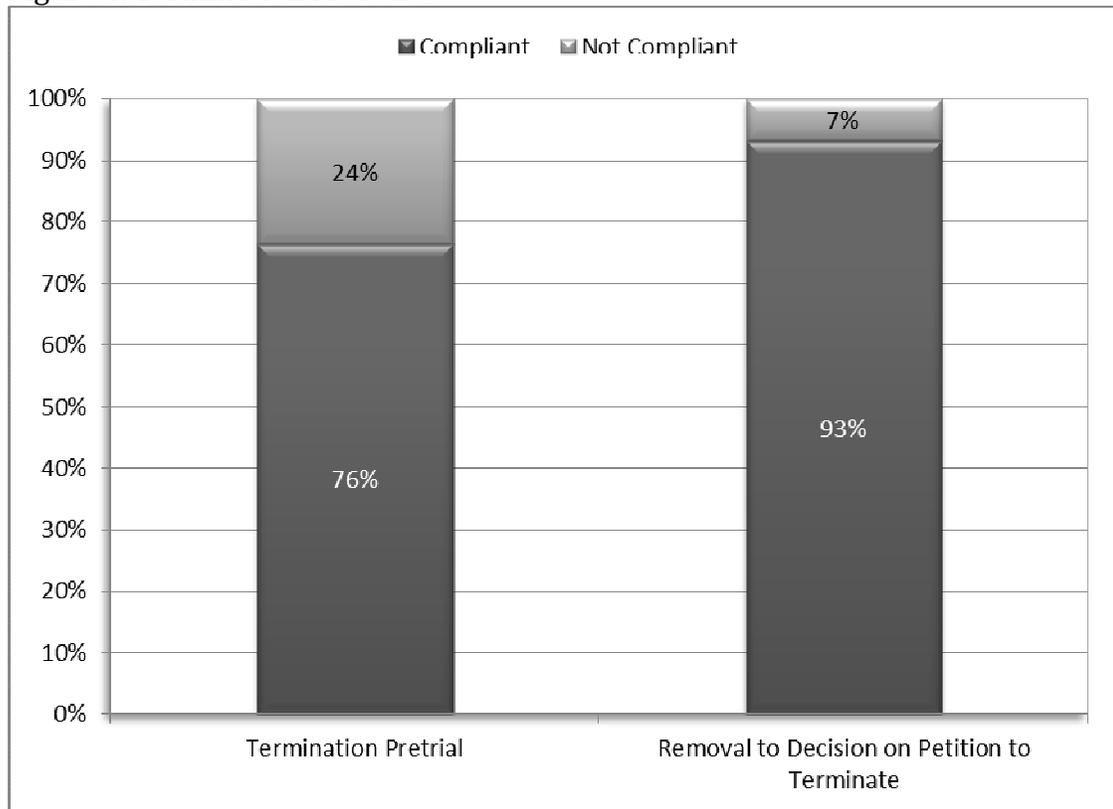
While there are multiple reasons for delay at this stage of the proceeding, the most common reasons are: 1) a stipulation of the parties; 2) a party's failure to appear or the inability to locate a party; or 3) a request by counsel to continue the matter to a later date. Delay can be due, in part, to a general reluctance to petition for termination of parental rights unless a child is already placed in a home likely to result in adoption. Delay is also caused by the state's inability to locate one or both of the parents for service of the petition.

Decisions on Petitions to Terminate Parental Rights §78A-6-314

(13)(c) A decision on a petition for termination of parental rights shall be made within 18 months from the day on which the minor is removed from the minor’s home.

When measuring the timeliness of decisions on termination petitions, 93% met the statutory requirement. Timeliness in this area is also reliant on both the court and counsel. After the court renders a decision, the court requires the prevailing party to submit a proposed order to the court for signature. Three-fourths of noncompliant cases were attributed to a request of counsel or a stipulation of the parties.

Figure 4. Termination Measures



Protective Services Supervision Petitions (“PSS”) §78A-6-309

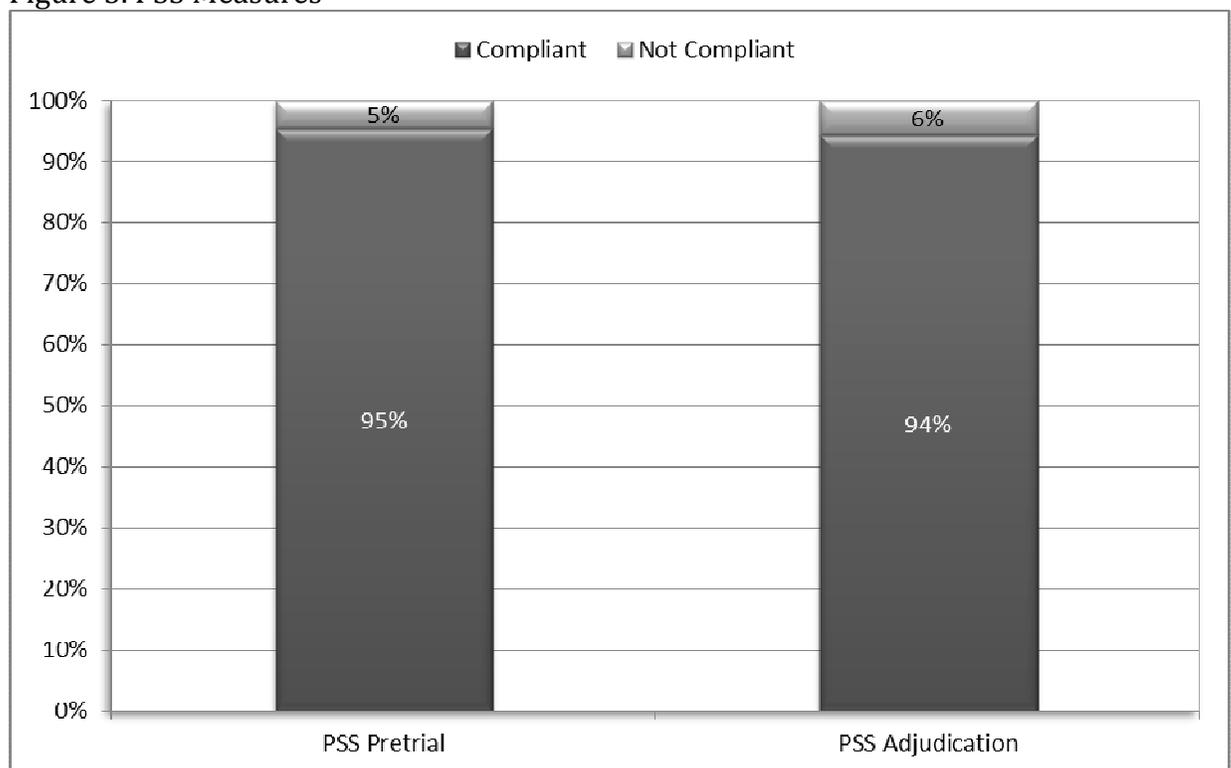
(1) Upon the filing of a petition, the clerk of the court shall set the pretrial hearing on the petition within 15 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

(2) The pretrial may be continued upon motion of any party, for good cause shown, but the final adjudication hearing shall be held no later than 60 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

In PSS cases, families receive court-ordered services from the Division of Child and Family Services while the children remain in their homes or the home of a relative. PSS cases must be set for pretrial in 15 days and for an adjudication trial in 60 days. Although the statutory guidelines do not require the judiciary to report information regarding the timeliness of Protective Services Supervision (“PSS”) cases, this information has been reported since 2004 because it represents a significant volume of petitions filed.

During fiscal year 2012, 1,241 PSS petitions were filed. Pre-trial hearings were held within 15 days of filing in 95% of the cases. During the same period, 1,191 PSS cases were tracked from filing to adjudication and 94% received the required adjudication hearing within 60 days.

Figure 5. PSS Measures



III. Reasons for Delay and Delay Reduction Strategies

The CARE child welfare time line reporting system allows clerks to document the reasons for non-compliant cases in which a hearing is not timely held. The most frequently cited reasons for delay involve stipulated agreements of the parties, scheduling conflicts and requests from counsel. The Juvenile Court continues to manage the need to grant appropriate continuances against compliance with statutory timeframes. This involves a delicate balance between applying time standards and the overarching need to provide for the safety, well-being and permanency of court involved children.

The Juvenile Court continues to stress the importance of timely hearings with its staff and to encourage the use of available data to improve performance. Twice yearly the Board of Juvenile Court Judges, Trial Court Executives and Clerks of Court review child welfare time line data and monitor progress with statutory compliance. In addition, data is reviewed at an annual meeting of Presiding Judges and Trial Court Executives, which includes discussions on the efficient use of judicial resources, case processing methods and moving to electronic records. The Board of Juvenile Court Judges has adopted a two-year plan for electronic conversion of records, which should improve accuracy and data quality. The Court has an ongoing focus on data quality through data analysis and training on data entry. This approach allows for continuous quality improvement in the tracking and reporting of cases, which by their nature are complex and can involve multiple interested parties.

IV. Conclusions

The Juvenile Court is committed to assessment of court practices and review of achieved outcomes. Another pathway to case resolution is the use of court sponsored child welfare mediation, which resulted in 765 families resolving their cases in FY 2012. The judiciary does not act alone in ensuring timely permanency for children and continues its commitments and efforts to work together with the many stakeholders who share this responsibility.

The judiciary thanks the Panel for this opportunity to report and share information on the efforts of Utah's Juvenile Court to ensure timely permanency for children. As always, legislative representatives are welcome to observe child protection proceedings to gain a better understanding of the child welfare process. The Juvenile Court encourages all legislators to take advantage of this opportunity to observe juvenile court practice first hand. Please contact Lisa-Michele Church, Juvenile Court Administrator, or Katie Gregory, Assistant Juvenile Court Administrator to facilitate court observation or supply any additional information that the Panel may require.

Overview of Child Welfare Measures—July 1, 2011 to June 30, 2012

	Statutory Deadline	Incident Count	Compliant	Not Compliant	Percent Compliant
Shelter	3 days	1,249	1,198	51	96%
Child Welfare Proceeding Pretrial	15 days	1,629	1,597	32	98%
Child Welfare Proceedings Adjudication	60 days	1,622	1,575	47	97%
Child Welfare Proceeding Disposition	30 days	1,602	1,522	80	95%
No Reunification to Permanency Hearing	30 days	275	247	28	90%
Permanency Hearing <36 Months	8 months	368	330	38	90%
Permanency Hearing >36 Months	12 months	731	688	43	94%
Termination Pretrial	45 days	378	289	89	76%
Removal to Decision on Petition to Terminate	18 months	208	194	14	93%
PSS Pretrial	15 days	1,241	1,184	57	95%
PSS Adjudication	60 days	1,191	1,123	68	94%

[Last Run Date: September 18, 2012 at 10:18 a.m.]