# Tennessee Judicial Court and Attorney Measures of Performance (JCAMP)<sup>1</sup> Data Collection Report

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<sup>&</sup>lt;sup>1</sup> https://www.childwelfare.gov/topics/courts/judicial-court-and-attorney-measures-performance/

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## **Data Collection Instruments**

Due to their compatibility with the selected JCAMP measures and relatively low resource requirements, surveys and focus groups were selected as the instruments to use for data collection.

## Family Representation (Attorney) Survey

To obtain a pool of attorney survey respondents, the Court Improvement Program (CIP) pulled attorneys from the Administrative Office of the Courts Claims and Payments (ACAP) system. Attorneys who filed at least one ACAP claim between January 2021 and June 2023 were included in the respondent pool. Respondents also needed to have valid contact information. After filtering invalid emails, the total respondent pool size was 863. Eight respondents were disqualified from the survey based on responses on the first page. Disqualified respondents indicated they were no longer practicing law in the state of Tennessee and/or no longer practicing as a GAL or Parent Attorney.

Of the **855** qualified respondents, **254** (**30.0%**) attorneys responded to the survey, while **216** (**25.3%**) responded to and completed the survey.

## **Judicial Survey**

The judicial survey respondent pool included Judges and Magistrates across the state of Tennessee who heard juvenile dependency and neglect cases.

Of the 151 respondents, 103 (68.2%) Judges and Magistrates responded to the survey, while 75 (49.7%) responded to and completed the survey.

## **Judicial Focus Groups**

The CIP organized focus groups at the Tennessee Council of Juvenile & Family Court Judges (TCJFCJ) Conference in Knoxville, Tennessee on August 14, 2023. Five focus groups took place simultaneously, each covering a unique topic. Topics were informed by the judicial survey results.

There were two 20-minute rounds of focus groups for each topic, so that participants could contribute to two topics of their choosing. The facilitators and notetakers assigned to each focus group by the CIP consisted of agency members from the Administrative Office of the Courts (AOC), Department of Children's Services (DCS), and Children's Bureau (CB) as well as one Tennessee Juvenile Court Judge and one Magistrate.

## **Family Engagement**

### **Court Process**

# 1.1, 1.2, 1.4 Do parents, children/youth and foster parents/relative caregivers attend hearings?

Judicial Survey Judges and Magistrates were asked to score how often mothers, fathers, children/youth, and foster parents/relative caregivers were present across hearing types.

#### (1) Preliminary Hearings.

Persons	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Fathers	85	3.29	1%	5%	64%	25%	6%
Mothers	85	4.06	0%	0%	19%	56%	25%
Children and Youth	85	2.24	34%	31%	19%	11%	6%
Foster Parents and Relative Caregivers	83	2.70	12%	33%	34%	17%	5%

### (2) Adjudicatory Hearings.

Persons	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Fathers	85	3.52	1%	6%	40%	46%	7%
Mothers	85	4.12	1%	0%	8%	67%	24%
Children and Youth	85	2.35	26%	35%	25%	6%	8%
Foster Parents and Relative Caregivers	84	3.07	7%	18%	39%	32%	4%

#### (3) Dispositional Hearings.

Persons	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Fathers	85	3.47	1%	6%	47%	36%	9%
Mothers	85	4.06	1%	0%	14%	61%	24%
Children and Youth	85	2.49	24%	32%	25%	12%	8%
Foster Parents and Relative Caregivers	85	3.14	6%	21%	32%	35%	6%

## (4) Review Hearings (including Perm Plan Ratification, Periodic Reviews, Permanency Reviews, etc.).

Persons	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Fathers	85	3.16	6%	8%	53%	29%	4%
Mothers	85	3.69	4%	2%	31%	48%	15%
Children and Youth	85	3.11	15%	20%	25%	19%	21%
Foster Parents and Relative Caregivers	85	3.25	5%	18%	38%	28%	12%

#### (5) Foster Care Review Boards.

Persons	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Fathers	51	2.78	12%	18%	51%	20%	0%
Mothers	51	3.31	12%	8%	27%	43%	10%
Children and Youth	51	3.41	18%	10%	18%	24%	31%
Foster Parents and Relative Caregivers	52	3.58	10%	8%	23%	35%	25%

#### Judicial Focus Group

#### **Topic B: Engagement of Foster Parents and Relative Caregivers in Court Process**

- Question 1: Are there certain types of hearings where engagement of foster parents/relative caregivers is more or less likely?
- **Question 5:** With the recent changes in legislation, long term foster parents will have a right to be heard in court and the right to be noticed. What are your thoughts on these legislative changes?
- **Question 6:** How many courts utilize FCRBs for the completion of periodic progress reviews of the safety, permanency, and wellbeing of children in custody of DCS?

#### **Topic E: Ensuring All Families Have Equal Access to Fair Court Hearings**

- Question 2: How do you ensure parties can be "present" at scheduled hearing?
- Question 3: When is it vital for children to be present at hearings?
- Question 5: Some respondents to the survey noted that Zoom helped with accessibility issues related to attendance in court. Is there a time or a place or a party where/with whom remote engagement makes sense and takes little away from quality of the hearing?
- Question 6: What are the main accessibility issues you have in your court?

### **Professional Practice**

### 1.6 What do judges do to engage parents in hearings?

#### Judicial Survey

Judges and Magistrates were asked to score how often they commit the following actions relevant to the engagement of parents in hearings:

- I. Ask if parents understand or have questions;
- II. Clearly articulate the expectations of the Court;
- III. Explain court process and hearing purpose in plain, simple language;
- IV. Give persons an opportunity to be heard;
- V. Identify next steps in the court process; and
- VI. If there is limited English proficiency, ask which language they are most comfortable speaking.

Action	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Ask if parents understand or have questions.	80	4.71	1%	0%	3%	19%	78%
Clearly articulate the expectations of the Court.	80	4.66	0%	0%	6%	21%	72%
Explain court process and hearing purpose in plain, simple language.	80	4.74	0%	1%	1%	20%	78%
Give persons an opportunity to be heard.	80	4.79	0%	1%	4%	10%	85%
Identify next steps in the court process.	80	4.56	0%	3%	4%	29%	65%
If limited English proficiency, ask which language they are most comfortable speaking.	79	4.71	0%	4%	0%	18%	78%

#### Judicial Focus Group

#### **Topic E: Ensuring All Families Have Equal Access to Fair Court Hearings**

- Question 1: What constitutes a fair hearing?
- Question 2: How do you ensure parties can be "present" at scheduled hearing?
- Question 5: Some respondents to the survey noted that Zoom helped with accessibility issues related to attendance in court. Is there a time or a place or a party where/with whom remote engagement makes sense and takes little away from quality of the hearing?
- Question 6: What are the main accessibility issues you have in your court?
- **Question 8:** Anything else?

### 1.6 What do judges do to engage children and youth in hearings?

#### Judicial Survey

Judges and Magistrates were asked to score how often they commit the following actions relevant to the engagement of children and youth in hearings:

- I. Ask if the children or youth understand or have questions;
- II. Explain court process and hearing purpose in plain, simple language;
- III. Give children or youth an opportunity to be heard;
- IV. Identify next steps;
- V. If there is limited English proficiency, ask which language they are most comfortable speaking.

Action	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Ask if the children or youth understand or have questions.	80	4.41	4%	1%	9%	22%	64%
Explain court process and hearing purpose in plain, simple language.	80	4.16	4%	7%	10%	26%	52%
Give children or youth an opportunity to be heard.	80	4.45	3%	1%	10%	21%	65%
Identify next steps.	80	4.23	3%	5%	15%	22%	55%
If limited English proficiency, ask which language they are most comfortable speaking.	79	4.49	3%	5%	4%	18%	71%

#### Judicial Focus Group

#### **Topic E: Ensuring All Families Have Equal Access to Fair Court Hearings)**

- Question 3: When is it vital for children to be present at hearings?
- **Question 4:** What strategies have you used to engage younger children/older children in hearings?
- Question 5: Some respondents to the survey noted that Zoom helped with accessibility issues related to attendance in court. Is there a time or a place or a party where/with whom remote engagement makes sense and takes little away from quality of the hearing?

### 1.8 How do parent attorneys engage parents in the process?

#### Attorney Survey

Parent Attorneys were asked to score how often they commit the following actions relevant to the engagement of parents in the process:

- I. Meaningfully prepare parents before each court appearance; and
- II. Meet with parents after the hearing to meaningfully discuss what happened and next steps.

Action	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Meaningfully prepare parents before each court appearance.	241	4.37	1%	1%	10%	37%	51%
Meet with parents after the hearing to meaningfully discuss what happened and next steps.	241	4.46	1%	3%	9%	24%	63%

#### Judicial Focus Group

#### **Topic A: System Challenges Concerning Appointed Attorneys**

• Question 5: Thinking of the attorneys that are available to accept appointed cases, what is their knowledge/skill level?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

## 1.9 How do GALs engage children and youth in the process?

#### Attorney Survey

GALs were asked to score how often they commit the following actions relevant to the engagement of children and youth in the process:

- I. Meaningfully prepare the child/youth beforehand for each court appearance; and
- II. Meet with the child/youth after the hearing to discuss what happened and next steps.

Action	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Meaningfully prepare the child/youth beforehand for each court appearance.	253	3.77	5%	10%	20%	33%	32%
Meet with the child/youth after the hearing to discuss what happened and next steps.	253	3.84	1%	10%	24%	34%	31%

## **Due Process**

### **Court Process**

## 2.1 Do parties to the case receive timely service?

#### Attorney Survey

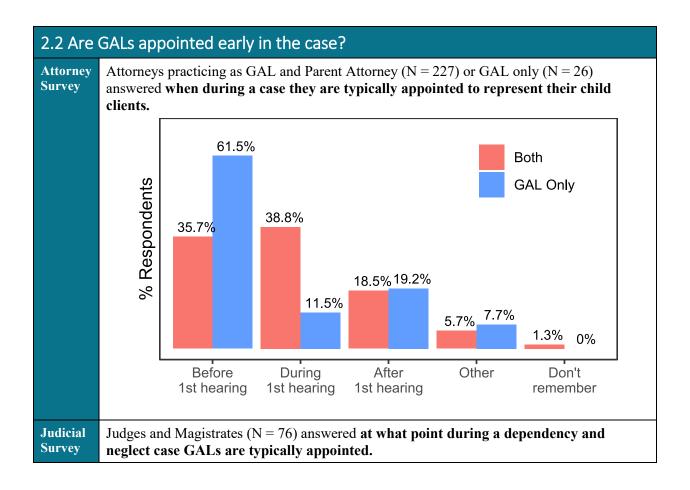
Attorneys were asked to score how often timely service of process occurs:

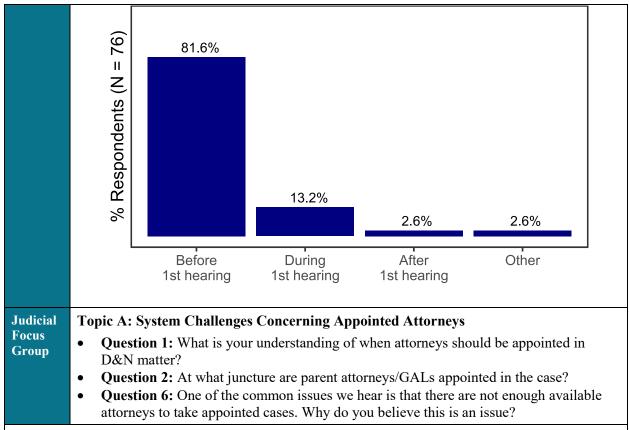
N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)		ften (4)	Always (5)	
259	3.77	1%	8%		26%	43%		22%

#### Judicial Focus Group

#### **Topic A: System Challenges Concerning Appointed Attorneys)**

- **Question 1:** What is your understanding of when attorneys should be appointed in D&N matter?
- Question 2: At what juncture are parent attorneys/GALs appointed in the case?
- Question 6: One of the common issues we hear is that there are not enough available attorneys to take appointed cases. Why do you believe this is an issue?





"Both" = attorney practicing as both a Parent Attorney and GAL, "GAL Only" = attorney practicing as a GAL only. N = Number of responses. Avg. = Average.

#### 2.4 Do parties to the case receive timely notice of hearings? Attorney Attorneys were asked to score how often timely notice is provided to parents. Survey Never Rarely Sometimes Often Always Avg. Score **(1) (2) (3) (4) (5)** 259 3.97 22% 38% 1% 5% 33%

### **Professional Practice**

### 2.6 What do judges do to ensure fair hearings?

#### Attorney Survey

Attorneys were asked to score how often the following practices occur:

- I. The judge orders accommodations for parents who are incarcerated, institutionalized, or remote to participate in hearings; and
- II. The judge ensures interpreters and documents written in a parents' primary language are provided.

<b>Professional Practice</b>	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
The judge orders accommodations for parents who are incarcerated, institutionalized, or remote to participate in hearings.	259	4.32	3%	5%	8%	25%	59%
The judge ensures interpreters and documents written in a parents' primary language are provided.	259	4.28	1%	3%	16%	27%	53%

#### Judicial Survey

Judges and Magistrates were asked to score how often the following practices occur:

- I. Provision of interpreters is ensured; and
- II. Accommodations for parents who are non-English-speaking, institutionalized, or remote to participate in hearings are ordered.

Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Provision of interpreters is ensured.	79	4.85	1%	0%	3%	5%	91%
Accommodations for parents who are non-English-speaking, incarcerated, institutionalized, or remote to participate in hearings are ordered.	76	4.58	1%	0%	5%	26%	67%

#### Judicial Focus Group

#### **Topic A: System Challenges Concerning Appointed Attorneys**

• Question 1: What is your understanding of when attorneys should be appointed in D&N matter?

#### **Topic E: Ensuring All Families Have Equal Access to Fair Court Hearings:**

- Question 1: What constitutes a fair hearing?
- Question 2: How do you ensure parties can be "present" at scheduled hearing?
- Question 5: Some respondents to the survey noted that Zoom helped with accessibility issues related to attendance in court. Is there a time or a place or a party where/with whom remote engagement makes sense and takes little away from quality of the hearing?

- Question 6: What are the main accessibility issues you have in your court?
- Question 8: Anything else?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

#### 2.8 How do parent attorneys ensure fair hearings?

#### Attorney Survey

Parent Attorneys were asked to score how often they use the following professional practices:

- I. Meaningfully discuss parents' right to a hearing before agreeing to a settlement;
- II. Request accommodations for incarcerated parents to participate in hearings; and
- III. Request discovery.

Parent Attorney Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Meaningfully discuss parents' right to a hearing before agreeing to a settlement.	241	4.86	0%	0%	1%	10%	88%
Request accommodations for incarcerated parents to participate in hearings.	241	4.32	2%	5%	11%	20%	61%
Request discovery.	241	3.43	7%	15%	32%	24%	23%

#### Judicial Survey

Judges and Magistrates were asked to score how often Parent Attorneys use the following professional practices:

- I. Explain parents' rights and obligations prior to entry of settlement;
- II. Raise notice and service objections;
   (III) Request accommodations for incarcerated parents, non-English-speaking parents, and parents with disabilities to participate in hearings; and
- III. Request discovery.

Parent Attorney Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Explain parents' rights and obligations prior to entry of settlement.	73	4.18	4%	5%	10%	30%	51%
Raise notice and service objections.	78	3.33	10%	18%	26%	21%	26%
Request accommodations for incarcerated parents, non- English-speaking parents, and parents with disabilities to participate in hearings.	78	4.12	3%	5%	18%	27%	47%
Request discovery.	78	3.17	6%	23%	32%	24%	14%

#### **Topic E: Ensuring All Families Have Equal Access to Fair Court Hearings**

• Question 1: What constitutes a fair hearing?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

2.9 How	2.9 How do GALs ensure fair hearings?												
Attorney Survey	GALs w	GALs were asked to score how often they request discovery.											
·		N Avg. Never Rarely Sometimes Often Always (1) (2) (3) (4) (5)											
		253 3.02 12% 25% 30% 15% 18%											
Judicial Survey	Judges a	nd M	agistrates	were asked	to score hov	w often GAI	Ls request d	liscovery.					
·	N Avg. Never Rarely Sometimes Often Always (3) (4) (5)												
		76 3.21 8% 25% 28% 17% 22%											

## **High-Quality Legal Representation**

### **Court Process**

### 3.1 Do parent attorneys attend hearings?

Attorney Survey Parent Attorneys were asked to score how often they attend court hearings.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
241	4.99	0%	0%	0%	1%	99%

Judicial Survey Judges and Magistrates were asked to score how often Parent Attorneys are present at court hearings.

Hearing	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Preliminary	85	4.34	8%	2%	7%	12%	71%
Adjudicatory	85	4.80	2%	0%	2%	6%	89%
Dispositional	85	4.80	2%	0%	1%	8%	88%
Review (Perm Plan Ratification, Periodic, Permanency, etc.)	85	4.55	4%	2%	6%	12%	76%
Foster Care Review Board	54	3.48	13%	11%	22%	22%	31%

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

### 3.2 Do GALs attend hearings?

Attorney Survey GALs were asked to score how often they attend court hearings.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
253	4.97	0%	0%	0%	3%	97%

Judicial Survey

Judges and Magistrates were asked to score how often GALs are present at court hearings.

Hearing	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Preliminary	83	4.63	4%	2%	4%	8%	82%
Adjudicatory	85	4.86	2%	0%	0%	5%	93%
Dispositional	85	4.84	2%	0%	0%	7%	91%
Review (Perm Plan Ratification, Periodic, Permanency, etc.)	85	4.68	2%	1%	5%	9%	82%
Foster Care Review Board	53	3.72	11%	9%	15%	25%	40%

Group

#### **Topic A: System Challenges Concerning Appointed Attorneys**

• Question 2: At what juncture are parent attorneys/GALs appointed in the case?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

### **Professional Practice**

#### 3.5a Does the same parent attorney represent the parent throughout the case? **Attorney** Attorneys were asked to score how often the same attorney represents the parent across Survey the life of the case. Never Rarely Sometimes Often Always Avg. N Score **(1) (2) (3) (4) (5)** 51% 259 4.13 0% 2% 15% 32% Judicial Judges and Magistrates were asked to score how often the same attorney represents the Survey parent across the life of the case. Sometimes Never Rarely Often Always Avg. Ν Score **(1) (2) (3) (4) (5)** 76 4.28 3% 0% 7% 49% 42% Judicial **Topic A: System Challenges Concerning Appointed Attorneys** Focus

parent attorney in D&N cases?

Question 8: What is the value of having continuity of representation by a GAL or

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

# 3.6a Does the same child or youth attorney and/or GAL represent the child or youth throughout the case?

#### Attorney Survey

Attorneys were asked to score how often the same GAL represents the youth/child across the life of the case.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
259	4.32	0%	1%	10%	44%	44%

#### Judicial Survey

Judges and Magistrates were asked to score how often the same GAL represents the youth/child across the life of the case.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
76	4.49	1%	0%	5%	36%	58%

#### Judicial Focus Group

#### **Topic A: System Challenges Concerning Appointed Attorneys**

• **Question 8:** What is the value of having continuity of representation by a GAL or parent attorney in D&N cases?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

## 3.5b Do parent attorneys advocate for parents in hearings?

#### Attorney Survey

Parent Attorneys were asked to score how often they call witnesses, present evidence, and cross-examine opposing witnesses.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
241	4.27	1%	2%	17%	27%	52%

#### Judicial Survey

Judges and Magistrates were asked to score how often Parent Attorneys use the following professional practices:

I. Call witnesses, present evidence, and cross-examine opposing witnesses and present favorable evidence of the record; and

II. Advocate for and request services that appropriately address parents' strengths and needs.

Parent Attorney Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Provision of interpreters is ensured.	79	4.85	1%	0%	3%	5%	91%
Accommodations for parents who are non-English-speaking, incarcerated, institutionalized, or remote to participate in hearings are ordered.	76	4.58	1%	0%	5%	26%	67%

#### Judicial Focus Group

## Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

• **Question 2:** Who has the responsibility to advocate for reunification when the threat of immediate risk of harm no longer exists?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

### 3.6b Do GALs advocate for children and youth in hearings?

#### Attorney Survey

GALs were asked to score how often they use the following professional practices:

- I. Argue for or request services to address the child's/youth's needs;
- II. Call witnesses, present evidence, and cross-examine opposing witnesses; and
- III. Share the child's/youth's wishes with the court.

GAL Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	S	Sometimes (3)		Sometimes (3)										ays )
Argue for or request services to address the child's/youth's needs.	253	4.35	0%	2%		15%		29%		54%								
Call witnesses, present evidence, and cross-examine opposing witnesses.	253	4.19	1%	4%		19%		27%	4	49%								
Share the child's/youth's wishes with the court.	253	4.47	0%	3%		10%		24%		53%								

#### Judicial Survey

Judges and Magistrates were asked to score how often GALs use the following professional practices:

- I. Argue for or request services to address the child's/youth's needs;
- II. Call witnesses, present evidence, and cross-examine opposing witnesses; and

III. Share the child's/youth's wishes with the court.

GAL Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)				Always (5)	
Argue for or request services to address the child's/youth's needs.	77	4.23	1%	4%		18%		23%		53%
Call witnesses, present evidence, and cross-examine opposing witnesses.	77	3.73	3%	12%		26%		30%		30%
Share the child's/youth's wishes with the court.	77	4.35	3%	3%		8%		31%		56%

#### Judicial Focus Group

## Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

- Question 2: Who has the responsibility to advocate for reunification when the threat of immediate risk of harm no longer exists?
- Question 3: How do GALs advocate for reunification or other permanency in hearings?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

### 3.5c Do parent attorneys prepare in between hearings?

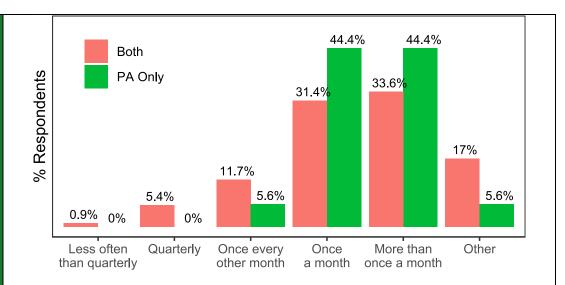
## Attorne y Survey

Parent Attorneys were asked to score **how often they use the following professional practices:** 

- I. Maintain regular contact with parents between hearings; and
- II. Attend CFTMs or other non-hearing case events.

Parent Attorney Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Maintain regular contact with parents between hearings.	241	4.15	0%	2%	21%	37%	40%
Attend CFTMs or other non-hearing case events.	241	4.39	1%	4%	11%	22%	62%

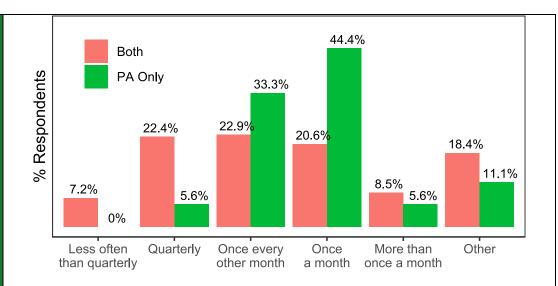
Attorneys practicing as GAL and Parent Attorney (N = 223) or Parent Attorney only (N = 18) were asked how often they communicate with clients either virtually, in writing, or by telephone (on average).



Below is a subset of open-ended responses regarding virtual, written, and telephonic communication with clients:

- It very individualized, if a client is reaching out to me it can be weekly. Some clients [disappear] and you never see them again.
- It depends on if I have good contact information for clients or if they reach out to me about their case. I [always] try to provide notice of upcoming [court] hearings to my clients.
- It depends on the case. Some parent clients are easier to communicate with others. Sometimes their phones get shut off, or they change phone numbers and don't inform counsel.
- It depends upon the parent and their engagement. I would have marked Always or Almost always on all of the above but for the fact that you can't always get parents to engage with you. Frankly, often you cannot.
- ... if the parent doesn't care about the case and doesn't want to contact you [then] they won't and it's not because I didn't try.
- My level of communication with a parent mirrors the [parent's] effort to participate in the case.
- A great many of the parents I rep. abandon their case, change numbers and cannot be contacted. These questions about averages simply [don't] apply.

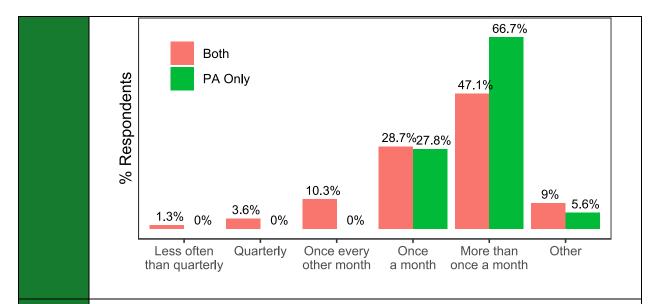
Attorneys practicing as GAL and Parent Attorney (N = 223) or Parent Attorney only (N = 18) were also asked **how often they communicate with clients in person (on average).** 



Below is a subset of open-ended responses regarding in-person communication with clients:

- Most of my clients do not have transportation, or lack reliable transportation so coming to my office is quite hard for them. Also, most of the adults I represent are at some level of drug and criminal history which affects their availability.
- Really depends on the case and if my client is actively participating.
- Unless a parent is incarcerated, I usually meet them in person, outside of court, at least once at the beginning of the case. After that, using phone or virtual means is necessary (for both the client and me) to communicate more frequently.
- It is impossible to answer. It depends on the case, number of cases, and parent involved.
- I have in person meetings with parents if they request in person meetings.
- It really depends on the case and the client's willingness to actually participate and work their plan.
- Many of these clients do not maintain stable telephone numbers and mailing addresses. They fail to advise their counsel immediately of changes in contact information.
- Most parent clients refuse to maintain regular contact or update contact information with the court or even their own attorney.
- It is difficult to get your clients to make or keep appointments.

Attorneys practicing as GAL and Parent Attorney (N = 223) or Parent Attorney only (N = 18) were also asked how often they communicate with other professionals about the case (on average).



#### Judicial Survey

Judges and Magistrates were asked to score how often Parent Attorneys meet with parents and communicate with parties between court sessions.

N	Avg. Score	Never (1)	Rarely (2)	So	metimes (3)	(	Often (4)	Always (5)		
75	3.71	3%	13%		21%		36%		27%	

#### Judicial Focus Group

#### **Topic A: System Challenges Concerning Appointed Attorneys**

• Question 7: In terms of attorney advocacy, what are your expectations for appointed attorneys' preparation for hearings?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time; "Both" = attorney practicing as both a Parent Attorney and GAL; "PA Only" = attorney practicing as a Parent Attorney only; "GAL Only" = attorney practicing as a GAL only.

### 3.6c Do GALs prepare between hearings?

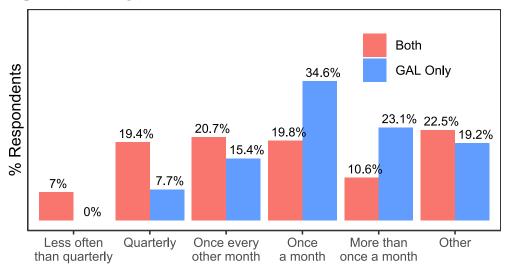
#### Attorney Survey

GALs were asked to score how often they use the following professional practices:

- I. Visit with the child/youth in placement between court appearances;
- II. Attend CFTMs and other non-hearing case events for the child/youth; and
- III. Meet with parents and their counsel.

GAL Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)		
Visit with the child/youth in placement between court appearances.	253	3.68	2%	11%	25%	40%	22%
Attend CFTMs and other non-hearing case events for the child/youth.	253	4.50	0%	3%	7%	26%	64%
Meet with parents and their counsel.	253	3.75	0%	9%	28%	39%	23%

Attorneys practicing as GAL and Parent Attorney (N = 227) or GAL only (N = 26) were asked how often they communicate with the child/youth either virtually, in writing, or by telephone (on average).

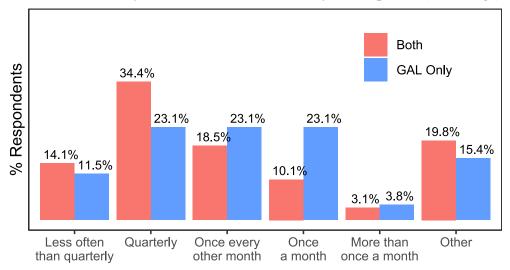


Below is a subset of open-ended responses regarding virtual, written, and telephonic communication with children and youth:

- Really depends on the age of the child. I contact older children on average every other month. Younger children would be quarterly on average.
- Depends on age. Teens with phones more often, babies less than quarterly if in safe placement.
- It depends on the child and their needs. With some it's nearly weekly. Non-verbal kids get fewer meetings.
- Try to communicate as much as possible, but often the client's lack of communication can be a barrier.
- Depends on the status of the child, if in full guardianship waiting to be adopted than less than a child that's being moved from placement to placement. So, it depends on the situation of the case and the age of the child.
- Due to lack of juvenile attorneys, we are carrying so many cases it is difficult to schedule communication. In previous years, I would communicate quarterly.

• This really cannot be averaged because different sorts of cases require higher levels of communication and age impacts the level of communication. Some kids speak to me every single week while others feel speaking even every other month is too much.

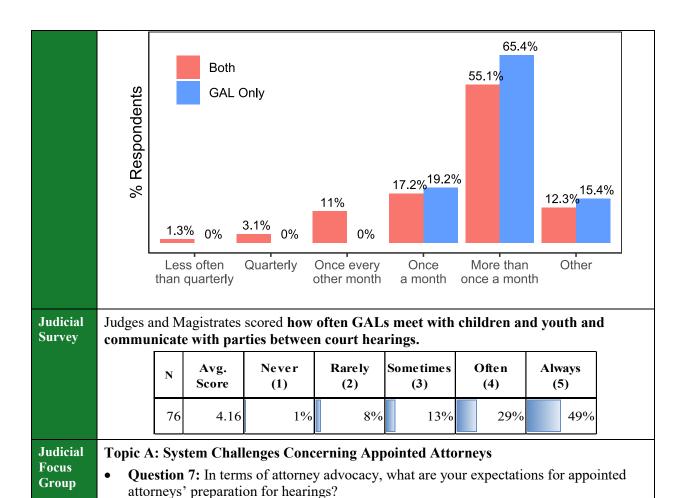
Attorneys practicing as GAL and Parent Attorney (N = 227) or GAL only (N = 26) were also asked how often they communicate with the child/youth in person (on average).



Below is a subset of open-ended responses regarding in-person communication with children and youth:

- Depends on their location and age. If they are outside reasonable travel, it would be at court or by zoom outside of court. It also depends on their age. Younger children like babies and toddlers are more in-person communication just to visit with them.
- Depends on where child is placed and status of proceeding, and age of child.
- It depends on the age of the child. I meet with older clients more often that baby client, but I meet with baby client's placement family often.
- Monthly if local. If not local, never.
- Once again, it depends; placements now are often far away from where we are actually located therefore meetings are based on necessity.

Attorneys practicing as GAL and Parent Attorney (N = 227) or GAL only (N = 26) were also asked how often they communicate with other professionals about the case (on average).



N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time; "Both" = attorney practicing as both a Parent Attorney and GAL; "PA Only" = attorney practicing as a Parent Attorney only; "GAL Only" = attorney practicing as a GAL only.

## **Safety**

### **Court Process**

# 4.1 How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal?

#### Attorney Survey

Attorneys were asked to score how often the judge inquires into DCS' reasonable efforts to prevent removal or finalize permanency at each hearing.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
259	3.80	4%	12%	19%	29%	36%

#### Judicial Focus Group

## **Topic C: Reasonable Efforts Findings Related to Safety Decision-Making and Removals**

- Question 1: At what junctures in a case does a court make reasonable effort to reunify or finalize permanency findings?
- Question 3: How are DCS's efforts to prevent removal discussed in court hearings?
- Question 5: How is the issue of drastic alternative to removal or lack of reasonable efforts to prevent removal being raised at the initial hearings?
- **Question 12:** Under what circumstances are detailed written visitation order entered by the Court?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

## **Professional Practice**

## 4.2 How do courts discuss safety and removal?

#### Attorney Survey

Attorneys were asked to score how often there is discussion of what is preventing the child from returning home today.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
259	4.05	2%	5%	20%	35%	39%

#### Judicial Survey

Judges and Magistrates were asked to score how often the following professional practices occur:

- I. Transitional plans to reunify families when an immediate risk of harm no longer exists are presented to the Court;
- II. Safety threats leading to removal and parent protective capacities are discussed at the initial hearing; and

III. There is discussion of what is preventing the child from returning h	III.	There is discussion	on of what is pre	eventing the child	from returning hor
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Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	times 3)	often (4)	ways (5)
Transitional plans to reunify families when an immediate risk of harm no longer exists are presented to the Court.	76	4.04	3%	4%	21%	32%	41%
Safety threats leading to removal and parent protective capacities are discussed at the initial hearing.	76	4.28	3%	1%	11%	37%	49%
There is discussion of what is preventing the child from returning home.	76	4.50	3%	0%	8%	24%	66%

## Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

- **Question 2:** Who has the responsibility to advocate for reunification when the threat of immediate risk of harm no longer exists?
- **Question 5:** At hearings, how do you determine what is preventing the child form safely returning home today?
- **Question 6:** How are transitional plans for reunification being presented to the court and updated on a regular basis?
- Question 12: Under what circumstances are detailed written visitation order entered by the Court?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

## 4.5 Do attorneys raise the issue of reasonable or active efforts if not raised?

#### Attorney Survey

Attorneys were asked to score how often they raise the issue of reasonable efforts to prevent removal (if not raised at initial hearings).

Practice	N	Avg. Score	Never (1)	Rarely (2)	So	metimes (3)	(	Often (4)	A	lways (5)
GALs	253	3.42	6%	18%		26%		29%		21%
Parent Attorneys	241	3.98	2%	5%		27%		23%		42%

#### Judicial Focus Group

## **Topic C: Reasonable Efforts Findings Related to Safety Decision-Making and Removals**

Question 6: How are DCS's efforts to prevent removal discussed in court hearings?

Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

- Question 2: Who has the responsibility to advocate for reunification when the threat of immediate risk of harm no longer exists?
- Question 3: How do GALs advocate for reunification or other permanency in hearings?
- Question 7: What is your perception of attorneys' knowledge about reasonable efforts to enable them to adequately advocate for reasonable efforts findings?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

## **Permanency**

### **Court Process**

5.4 How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency?

#### Attorney Survey

Attorneys were asked to score how often the judge makes detailed reasonable efforts findings that explain how DCS has worked to reunify the family or to achieve permanency.

N	Avg. Score	Never (1)	Rarely (2)	Sometim (3)	es	Often (4)	Always (5)		
259	3.59	6%	12%	20	5%	31%		26%	

#### Judicial Survey

Judges and Magistrates were asked to score how often detailed reasonable efforts findings that explain how DCS has worked to reunify the family or to achieve permanency are made.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)		Often (4)		Always (5)	
76	3.93	3%	8%		24%		25%		41%

#### Judicial Focus Group

**Topic C: Reasonable Efforts Findings Related to Safety Decision-Making and Removals** 

• **Question 8:** Assuming reasonable efforts findings are being entered into orders consistently from the bench, on what are you basing these findings?

### **Professional Practice**

### 5.7 How do courts discuss permanency?

#### Attorney Survey

Attorneys were asked to score how often the following professional practices occur:

- I. Family involvement in permanency planning is discussed;
- II. Concrete steps with a timeline to achieve permanency are discussed; and
- III. Barriers to finalize permanency are discussed.

Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Barriers to finalize permanency are discussed.	259	4.14	0%	4%	19%	37%	41%
Concrete steps with a timeline to achieve permanency are discussed.	259	3.87	2%	8%	24%	35%	31%
Family involvement in permanency planning is discussed.	259	3.95	2%	8%	19%	36%	36%

#### Judicial Focus Group

#### Topic B: Engagement of Foster Parents and Relative Caregivers in Court Process

• Question 6: How many courts utilize FCRBs for the completion of periodic progress reviews of the safety, permanency and wellbeing of children in custody of DCS?

## Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

- **Question 1:** At what junctures in a case does a court make reasonable effort to reunify or finalize permanency findings?
- Question 2: Who has the responsibility to advocate for reunification when the threat of immediate risk of harm no longer exists?
- Question 6: How are transitional plans for reunification being presented to the court and updated on a regular basis?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

### 5.9 Do judges ask about parents' access to and receipt of relevant services?

Attorney Survey Attorneys were asked to score how often parents' and children's access to and receipt of relevant services to support reunification or permanency is discussed.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)		Often (4)		Always (5)	
259	4.02	0%	4%		24%		36%		35%

Judicial Survey Judges and Magistrates were asked to score how often parents' and children's access to and receipt of relevant services to support reunification or permanency is discussed.

N	Avg. Never Score (1)		Rarely (2)	Sometimes (3)	Often (4)	Always (5)		
76	4.29	3%	3%	12%	29%	54%		

## **Topic C: Reasonable Efforts Findings Related to Safety Decision-Making and Removals**

• Question 5: How is the issue of drastic alternative to removal or lack of reasonable efforts to prevent removal being raised at the initial hearings?

## Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

• **Question 1:** At what junctures in a case does a court make reasonable effort to reunify or finalize permanency findings?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

### 5.11 How do court orders address family time?

#### Attorney Survey

Attorneys were asked to score how often the following professional practices occur:

- I. The judge makes a detailed written visitation order;
- II. The nature of the child/parent visitation ordered by the judge preserves connections and allows continuity of relationship(s); and
- III. The nature, extent, and quality of visitation with siblings is discussed, if living separately.

<b>Professional Practice</b>	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
The judge makes a detailed written visitation order.	259	3.41	7%	15%	28%	31%	19%
The nature of the child/parent visitation ordered by the judge preserves connections and allows continuity of relationship(s).	259	3.69	1%	9%	27%	46%	17%
The nature, extent, and quality of visitation with siblings is discussed, if living separately.	259	3.81	2%	8%	29%	30%	32%

#### Judicial Survey

Judges and Magistrates were asked to score how often the following professional practices occur:

- I. Detailed written visitation orders are entered; and
- II. The nature of the child/parent visitation ordered by the judge preserves connections and allows continuity of relationship(s).

Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Detailed written visitation orders are entered.	76	4.05	4%	5%	14%	34%	42%
The nature of the child/parent visitation ordered allows for continuity of relationship and preserving connections.	76	4.11	1%	5%	12%	45%	37%

## **Topic C: Reasonable Efforts Findings Related to Safety Decision-Making and Removals**

• Question 5: How is the issue of drastic alternative to removal or lack of reasonable efforts to prevent removal being raised at the initial hearings?

## Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

• **Question 12:** Under what circumstances are detailed written visitation order entered by the Court?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

### 5.15 Do parent attorneys advocate for reunification in hearings?

#### Attorney Survey

Parent Attorneys were asked to score how often they advocate for reasonable efforts to finalize permanency.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
241	4.59	0%	1%	7%	22%	69%

#### Judicial Survey

Judges and Magistrates were asked to score how often Parent Attorneys use the following professional practices:

- I. Advocate for alternative placements to foster care;
- II. Advocate for increased/modified visitation for family;
- III. Advocate for reasonable efforts towards reunification;
- IV. Raise the issue that an immediate risk of harm no longer exists for reunification; and
- V. Raise the issue(s) of less drastic alternative to removal and/or lack of reasonable efforts to prevent removal.

Parent Attorney Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Advocate for alternative placements to foster care.	78	3.59	3%	9%	36%	32%	21%
Advocate for increased/modified visitation for family.	78	4.12	3%	1%	17%	41%	38%
Advocate for reasonable efforts towards reunification.	78	3.88	4%	9%	14%	41%	32%
Raise the issue that an immediate risk of harm no longer exists for reunification.	78	3.28	8%	18%	32%	23%	19%
Raise the issue(s) of less drastic alternative to removal and/or lack of reasonable efforts to prevent removal.	78	3.41	8%	13%	32%	26%	22%

## **Topic C: Reasonable Efforts Findings Related to Safety Decision-Making and Removals**

Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

- Question 2: Who has the responsibility to advocate for reunification when the threat of immediate risk of harm no longer exists?
- **Question 7:** What is your perception of attorneys' knowledge about reasonable efforts to enable them to adequately advocate for reasonable efforts findings?

N = Number of responses; Avg. = Average; Never = less than 10% of the time; Rarely = 10-35% of the time; Sometimes = 36-65% of the time; Often = 66-90% of the time; Always = 91-100% of the time.

# 5.16 Do children and youth attorneys and/or GALs advocate for reunification or other permanency in hearings?

#### Attorney Survey

GALs were asked to score how often they advocate for reasonable efforts to finalize permanency.

N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)		Often (4)	Always (5)	
253	4.07	2%	6%		21%	26%		45%

#### Judicial Survey

Judges and Magistrates were asked to score how often GALs use the following professional practices:

- I. Advocate for alternative placements to foster care;
- II. Advocate for exploration of relative resources for permanency;

- III. Advocate for family time and visitation in hearings, including with siblings;
- IV. Advocate for guardianship or adoption;
- V. Advocate for reasonable efforts to finalize permanency;
- VI. Raise the issue that an immediate risk of harm no longer exists for reunification; and
- VII. Raise the issue(s) of less drastic alternative to removal and/or lack of reasonable efforts to prevent removal.

GAL Professional Practice	N	Avg. Score	Never (1)	Rarely (2)	Sometimes (3)	Often (4)	Always (5)
Advocate for alternative placements to foster care.	77	3.43	4%	18%	34%	19%	25%
Advocate for exploration of relative resources for permanency.	76	3.62	3%	17%	29%	18%	33%
Advocate for family time and visitation in hearings, including with siblings.	77	3.81	4%	9%	22%	32%	32%
Advocate for guardianship or adoption.	77	3.49	3%	13%	39%	23%	22%
Advocate for reasonable efforts to finalize permanency.	77	3.71	4%	12%	23%	31%	30%
Raise the issue that an immediate risk of harm no longer exists for reunification.	77	3.08	8%	23%	40%	10%	18%
Raise the issue(s) of less drastic alternative to removal and/or lack of reasonable efforts to prevent removal.	77	3.48	5%	16%	31%	22%	26%

## **Topic C: Reasonable Efforts Findings Related to Safety Decision-Making and Removals**

## Topic D: Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists

• Question 3: How do GALs advocate for reunification or other permanency in hearings?

The Tennessee Court Improvement Program (CIP) organized focus groups at the Tennessee Council of Juvenile & Family Court Judges (TCJFCJ) Conference in Knoxville, Tennessee on August 14, 2023. Five focus groups took place simultaneously, each covering a unique topic. There were two 20-minute rounds of focus groups for each topic, so that participants could contribute to two topics of their choosing. The facilitators and notetakers assigned to each focus group by the CIP consisted of agency members from the Administrative Office of the Courts (AOC), Department of Children's Services (DCS), and Children's Bureau (CB) as well as one Tennessee Juvenile Court Judge and one Magistrate.

Number of Focus Group Participants, by Topic and Round									
Topic	Round 1	Round 2	Total						
A. System Challenges Concerning Appointed Attorneys	20	15	35						
B. Engagement of Foster Parents and Relative Caregivers in Court Process	20	6	26						
C. Reasonable Efforts Findings Related to Safety Decision- Making and Removals									
D. Lack of Advocacy for Reunification When Threat of Immediate Risk of Harm No Longer Exists	6	10	16						
E. Ensuring All Families Have Equal Access to Fair Court Hearings	15	8	23						

## **Visual Summary**



