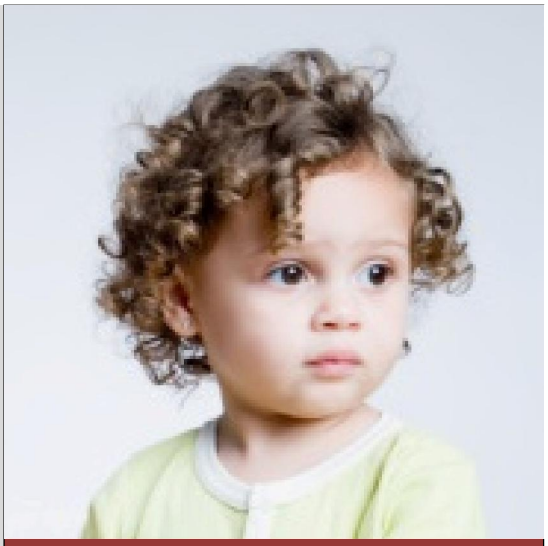

Child Welfare Court Data Metrics

NEW YORK STATE

KEY INDICATORS 2012

NEW YORK STATE UNIFIED COURT SYSTEM
CHILD WELFARE COURT IMPROVEMENT PROJECT

NEW YORK STATE UNIFIED COURT SYSTEM

Hon. Jonathan Lippman
CHIEF JUDGE

Hon. A. Gail Prudenti
CHIEF ADMINISTRATIVE JUDGE

Hon. Lawrence K. Marks
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

Hon. Fern A. Fisher
DEPUTY CHIEF ADMINISTRATIVE JUDGE
NEW YORK CITY COURTS

Hon. Michael Coccoma
DEPUTY CHIEF ADMINISTRATIVE JUDGE
COURTS OUTSIDE NEW YORK CITY

FAMILY COURT LEADERSHIP TEAM

Hon. Michael Coccoma
DEPUTY CHIEF ADMINISTRATIVE JUDGE FOR COURTS OUTSIDE NEW YORK CITY

Hon. Edwina Richardson-Mendelson
ADMINISTRATIVE JUDGE: NEW YORK CITY FAMILY COURT

Hon. Sharon Townsend
SUPREME COURT JUSTICE OF THE 8TH JUDICIAL DISTRICT
VICE-DEAN FOR FAMILY AND MATRIMONIAL LAW, NEW YORK STATE JUDICIAL INSTITUTE

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Chemung
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CWCIP Staff Support: Darlene Ward

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CWCIP Staff Support: Trista Borra

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Orange
Westchester
CWCIP Staff Support: Rob Rosenhaus

New York
Richmond
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Queens
CWCIP Staff Support: Sheila McCarthy

Bronx
CWCIP Staff Support: To be determined

Kings
CWCIP Staff Support: To be determined

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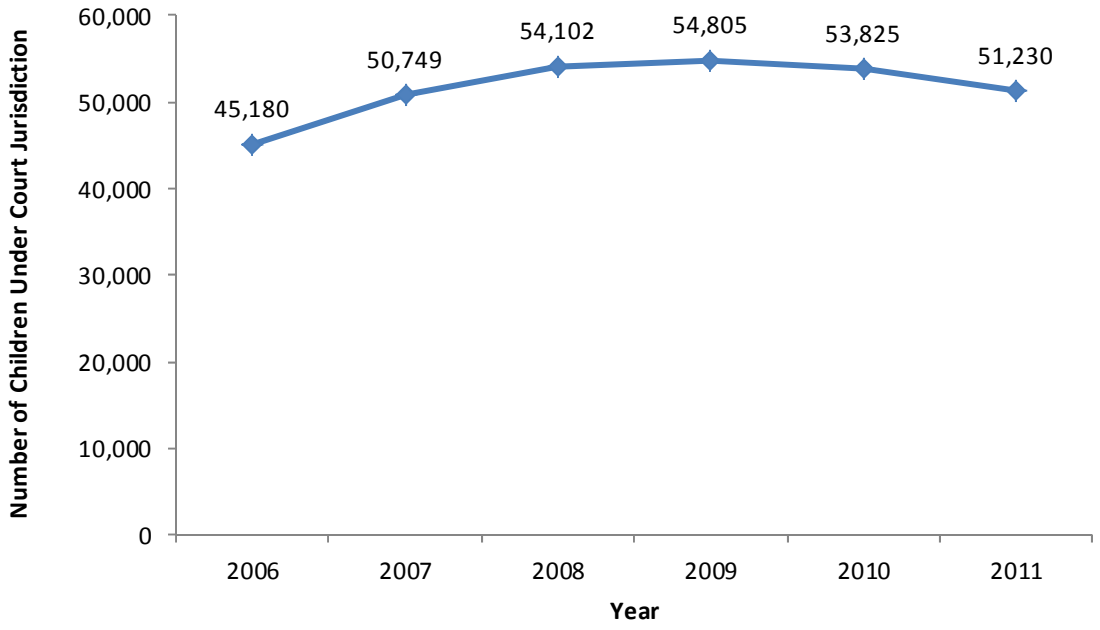
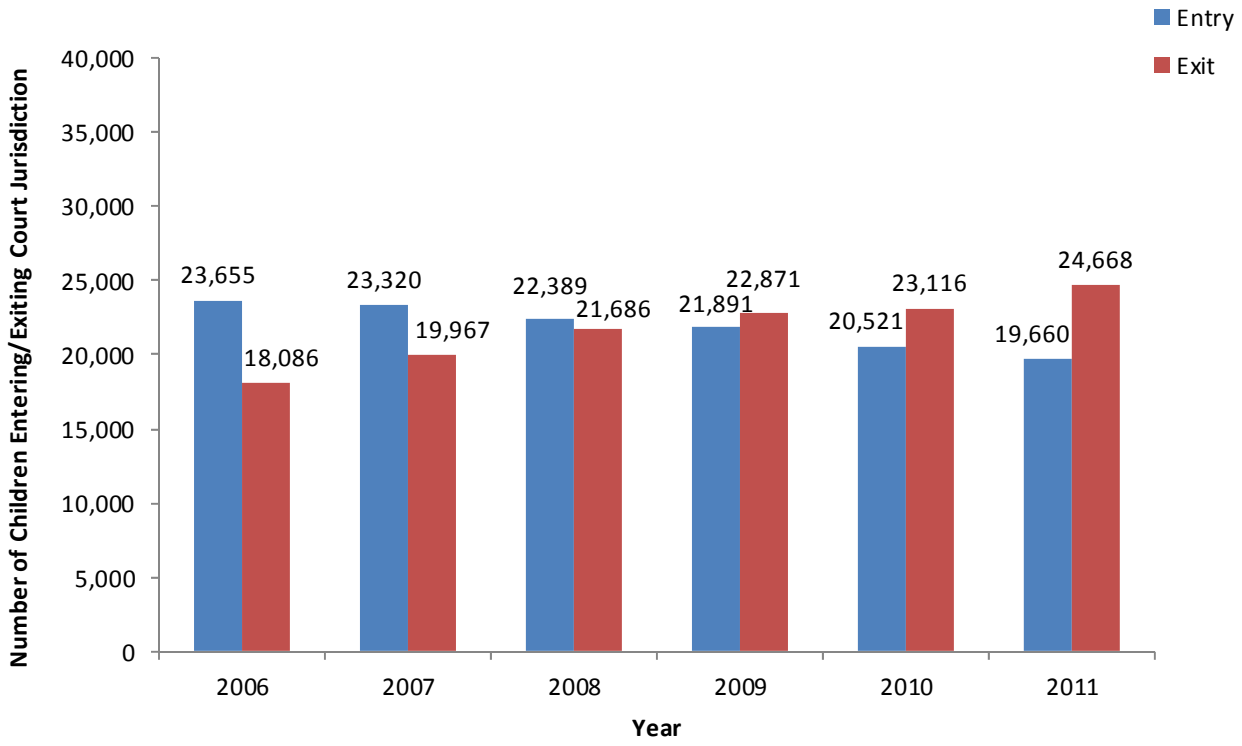
Overview: Child Abuse and Neglect Proceedings in Family Court

While statistics alone to not convey the complexity of Family Court cases, the following overview charts provide some context on the caseload the Family Court manages on a year-to-year basis.

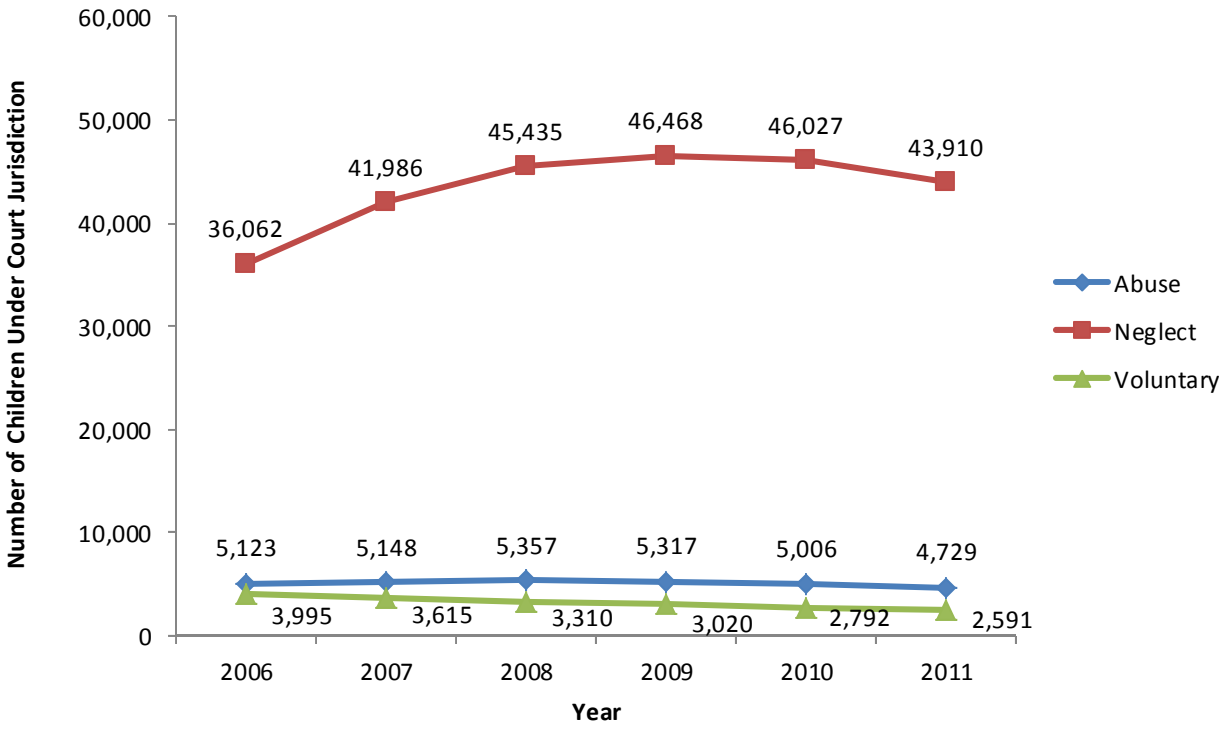
Overview 1: Number of Children under Family Court Jurisdiction: New York State, on the First Day of the Year, 2006 to 2011



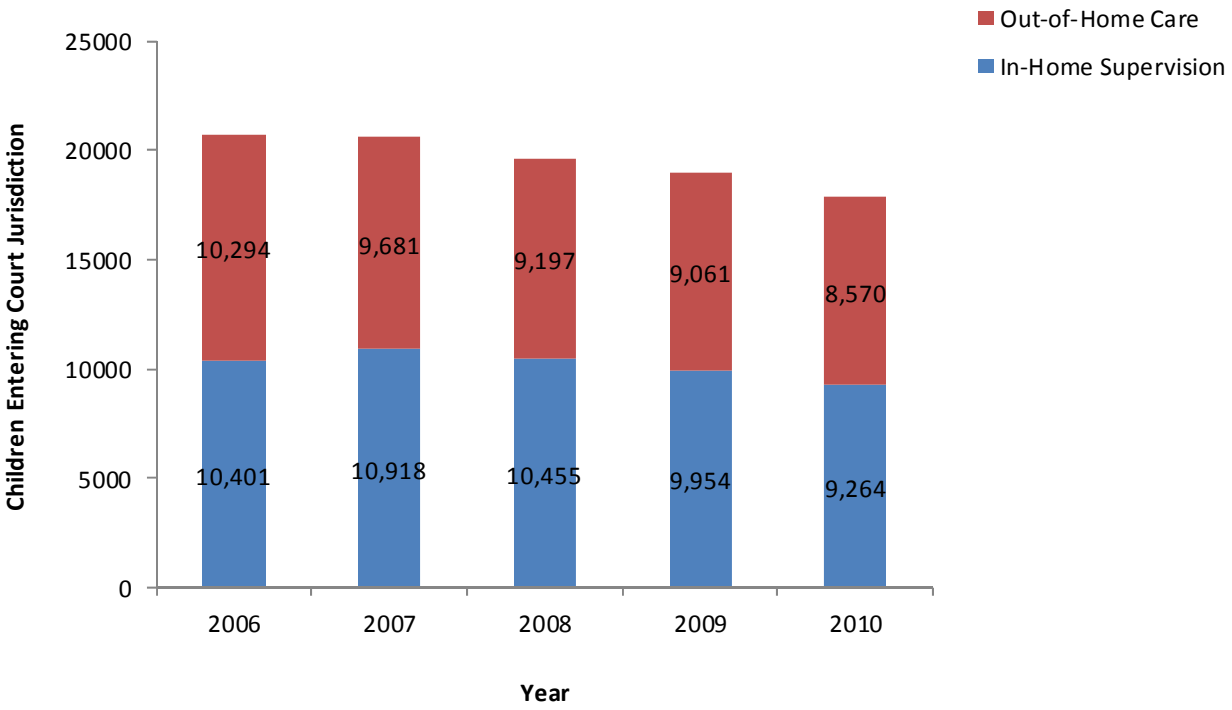
Overview 2: Total Number of Children Entering and Exiting Family Court Jurisdiction: New York State, 2006 to 2011



Overview 3: Number of Children under Family Court Jurisdiction by Initial Filing Type: New York State, on the First Day of the Year, 2006 to 2011



Overview 4: Number of Children Entering Family Court Jurisdiction with a First, Original Abuse/Neglect Petition by Out-of-Home and In-Home Status: New York State, 2006 to 2010



The Metrics

The first and second metrics presented in this report are those that describe the proportion of children that reach particular permanency outcomes and the timeliness of achieving those outcomes for children in out-of-home care. While similar data is available in the OCFS Foster Care Data Packets, this data differs in that this report includes all children in out-of-home care, including those living with relatives, while the OCFS report includes only those children living in licensed foster care homes or OCFS facilities. The difference in population, plus the fact that the data comes from two completely different databases accounts for any variance between the information presented in the two reports.

Next, the report presents metrics related to the timelines of adjudication and disposition of the abuse/neglect petitions, the timeliness of the completion of initial permanency hearings, the timeliness of termination of parental rights proceedings and lastly a measure of cases that re-enter the court system within one year after the court's jurisdiction had ended:

1. Achievement of Permanency: Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the proportion of children who achieve permanency by reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption.
2. Time from Entry into Out-Of Home-Care to Permanency Achieved: Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to permanency achieved by reunification or permanent custody or guardianship with a fit and willing relative or suitable person or adoption.
3. Time from Abuse/Neglect Petition Filing to Adjudication: Among children for whom an original abuse/neglect petition is filed during a given period, the time from petition filing to adjudication.
4. Time from Abuse/Neglect Petition Filing to Disposition: Among children for whom an original abuse/neglect petition is filed during a given period and the court makes a finding of abuse/neglect or the respondent admits or consents to the jurisdiction of the court, the time from petition filing to the entry of a dispositional order.
5. Time from Entry into Out-Of Home-Care to Completion of Initial Permanency Hearing: Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to the completion of the initial permanency hearing.
6. Time from Entry into Out-Of Home-Care to Termination of Parental Rights Petition Filing: Among children for whom a first TPR petition has been filed within a given period, the time from entering out-of-home care to the time of the TPR filing.
7. Time from Termination of Parent Rights Petition Filing to Adjudication: Among children for whom a TPR petition is filed in a given period, the time from petition filing to adjudication of the TPR.
8. Time from TPR Petition Filing to Disposition: Among children for whom a TPR petition is filed in a given period and one or more grounds for termination is established, the time from TPR petition filing to disposition.

9. Subsequent Abuse/Neglect Filings after the Initial Period of Court Jurisdiction Ends: For children whose period of court jurisdiction ends, the proportion of children who are the subject of a subsequent petition alleging abuse/neglect filed within a given period of time.

The following sections provide definitions of each metric; describe the population included in the analysis, discuss the significance of the metric and present questions and observations.

Please note that due to rounding, some total percentages may add to slightly above or below 100%.

Metric 1: Achievement of Permanency

Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the proportion of children who achieve permanency by reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption.

Definition

This metric presents the proportion of children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement and achieve permanency by reunification, permanent custody or guardianship with a fit and willing relative or suitable person, or adoption within a specified period of time. This metric computes the exit status of children in a designated entry cohort as of a specified elapse of time and presents the proportion of children for whom permanency was achieved, had other exits,[1] and still remained in out-of-home care.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007, 2008, 2009 and 2010 and follows each child for up to 60 months. This metric presents the exit status for the 54,687 children who entered out-of-home care during this five-year period (12,226 in 2006; 11,115 in 2007; 10,706 in 2008, 10,578 in 2009 and 10,062 in 2010), including the proportion of children for whom permanency was achieved through reunification or permanent custody or guardianship with a fit and willing relative or suitable person (referred to as reunification/custody/guardianship); adoption; other exits; and children still in out-of-home care. Proportions are presented for entry cohorts by year.

Due to the method in which data was extracted from the UCMS, it is not currently possible to disaggregate reunification, custody or guardianship exit types. As a result, this report presents a combined category called Reunification/Custody/Guardianship. Future extracts will have the capacity to present reunification and exit to permanent custody or guardianship as separate categories.

This metric highlights the proportion of children that reach particular outcomes within a given timeframe. Since not all children in the 2006, 2007, 2008, 2009 and 2010 entry cohorts had exited out-of-home care as of December 31, 2011, this analysis is not able to report overall proportions but can present proportions at designated timeframes which allow for consistent comparisons of outcomes between entry cohorts.

Significance

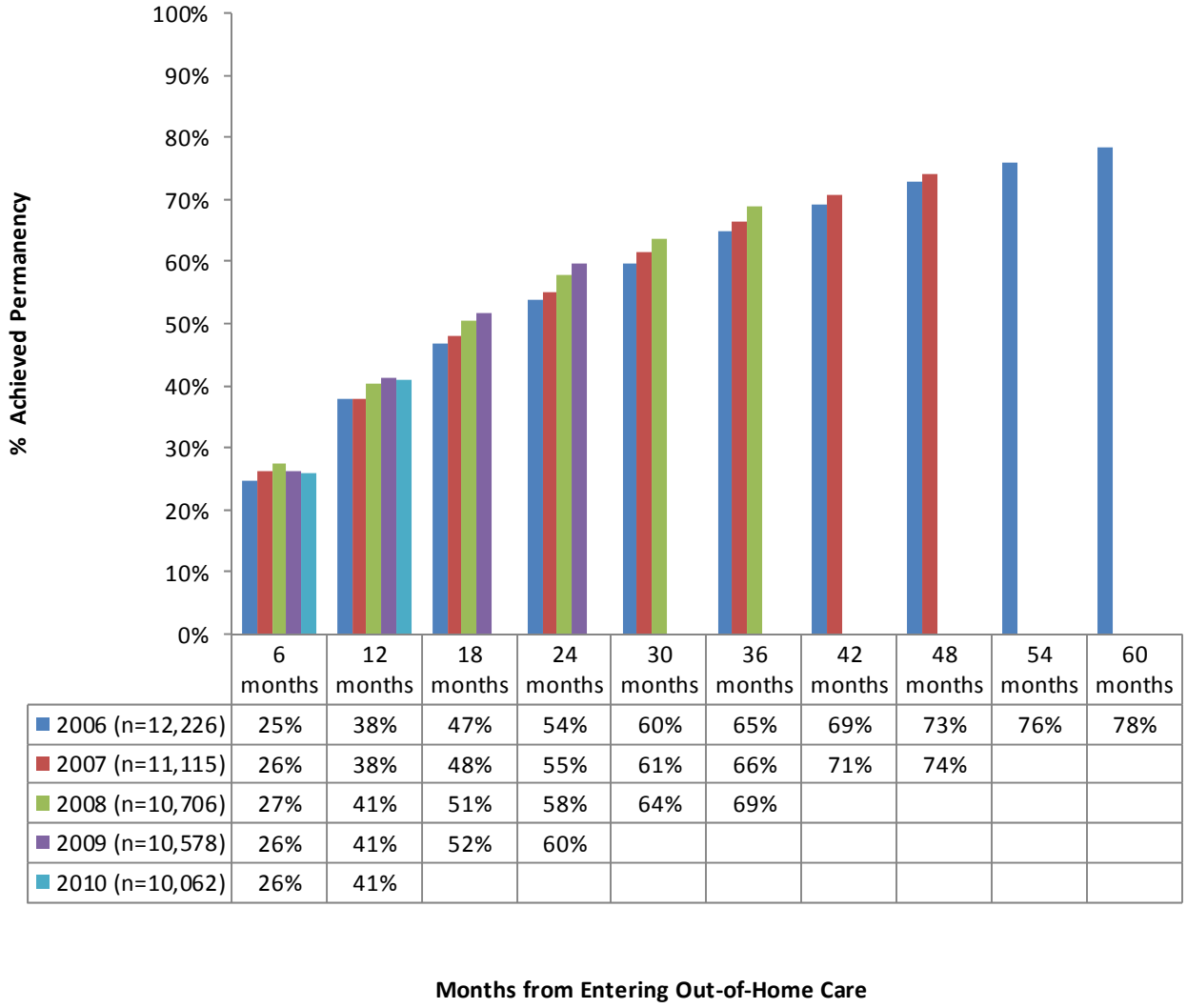
We lead with this metric because securing permanent, safe and secure homes for children is arguably the most important function of the child welfare system once a child has entered out-of-home care. Permanency is achieved when a permanent and secure legal relationship is established between an adult caregiver and a child. This is accomplished when a child is returned home, adopted, or the court grants permanent custody or guardianship to a fit and willing relative or suitable person. This metric evaluates the shared progress of the legal/judicial and child welfare system in achieving permanency for children.

Children between the ages of 18 and 21 can also exit out-of-home care without the system having achieved permanency for them.[2] Children in this circumstance generally have a permanency goal of "another planned permanent living arrangement that includes a significant connection to an adult who is willing to be a permanency resource for the child" [3] (APPLA). APPLA is a plan for children for whom there is no goal for

placement with a legal, permanent family. Instead the APPLA goal intends to build relationships with significant people in the child's life that are expected to continue after the child leaves care. APPLA does not establish a secure legal relationship between an adult caregiver and a child and therefore it is not considered "permanency achieved" in this report. Those children who exit out-of-home care between the ages of 18 and 21 and for whom permanency has not been achieved are referred to as having "aged out" in this report.[4]

Increasing the proportion of children for whom permanency is achieved is a goal of the legal/judicial and child welfare systems as a means of fulfilling their shared responsibility to secure permanent, safe and secure homes for children who experience out-of-home care. This metric allows system partners to monitor the proportion of children for whom permanency is achieved.

Chart 1-A: Cumulative Percentage of Children for whom Permanency was Achieved within Time Intervals up to 60 Months from Entering Out-of-Home Care: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts



	6 months	12 months	18 months	24 months	30 months	36 months	42 months	48 months	54 months	60 months
2006 (n=12,226)	25%	38%	47%	54%	60%	65%	69%	73%	76%	78%
2007 (n=11,115)	26%	38%	48%	55%	61%	66%	71%	74%		
2008 (n=10,706)	27%	41%	51%	58%	64%	69%				
2009 (n=10,578)	26%	41%	52%	60%						
2010 (n=10,062)	26%	41%								

Table 1-A: Number and Percentage of Children Entering Out-of-Home Care in 2006, 2007, 2008 and 2009 by Exit Status at 24 Months from Date of Entry: New York State, 2006, 2007, 2008 and 2009 Entry Cohorts

	2006		2007		2008		2009	
	#	%	#	%	#	%	#	%
Exited-Achieved Permanency within 24 Months								
Reunification/Custody/Guardianship	6,394	52%	5,942	54%	5,989	56%	6,144	58%
Adoption	208	2%	170	2%	191	2%	169	2%
Sub-Total	6,602	54%	6,112	55%	6,180	58%	6,313	60%
Exited-Without Achieving Permanency within 24 Months								
Aged Out	86	1%	78	1%	54	1%	75	1%
Other	379	3%	376	3%	284	3%	280	3%
Sub-Total	465	4%	454	4%	338	3%	355	3%
Still in Out-of-Home Care at 24 Months								
Still in Out-of-Home Care	5,159	42%	4,549	41%	4,188	39%	3,910	37%
Total	**12,226**	**100%**	**11,115**	**100%**	**10,706**	**100%**	**10,578**	**100%**

Chart 1-B: Proportion of Children by Exit Status at Time Intervals up to 60 Months from Date of Entering Out-of-Home Care: New York State, 2006 Entry Cohort

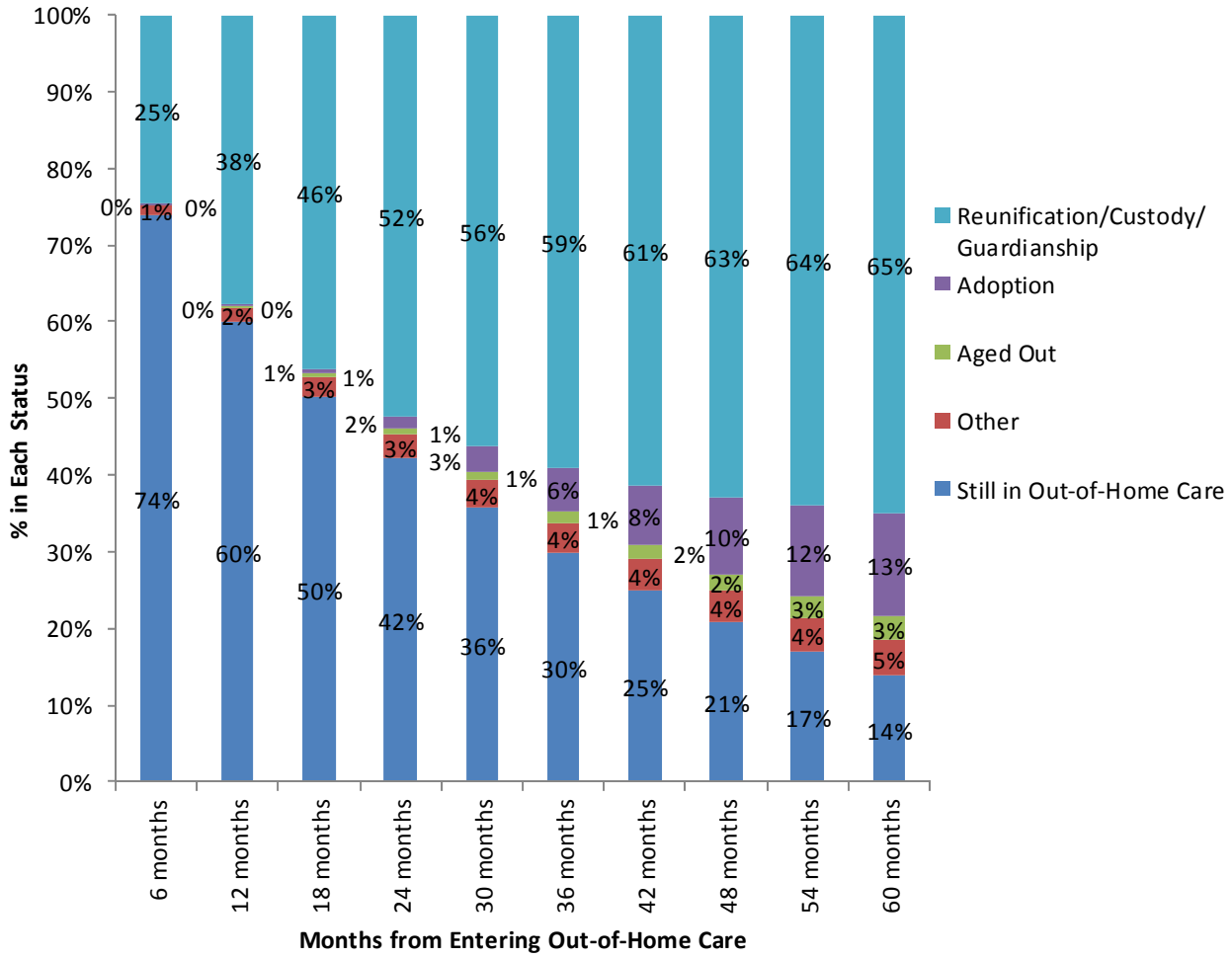
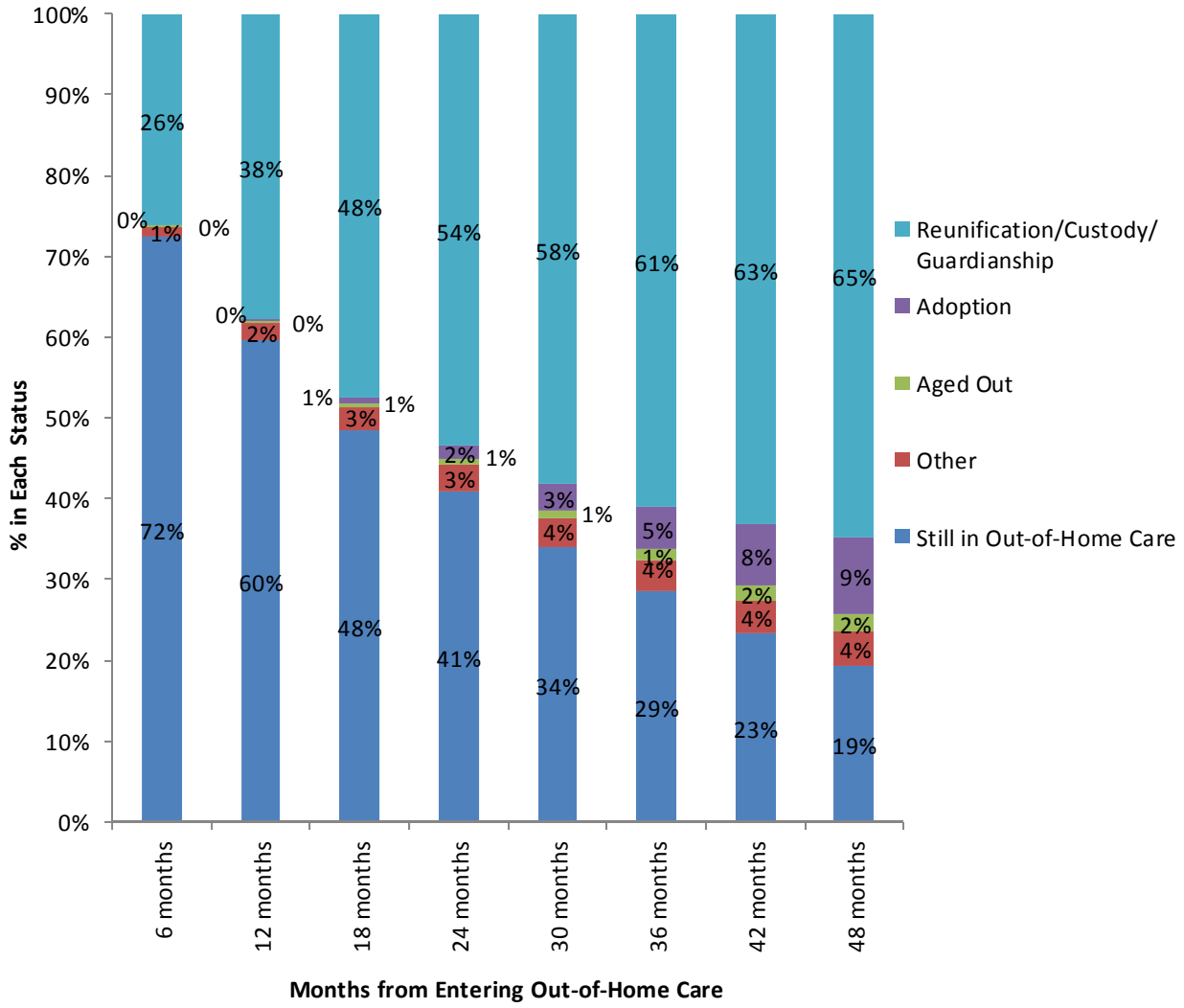


Chart 1-C: Proportion of Children by Exit Status at Time Intervals up to 48 Months from Date of Entering Out-of-Home Care: New York State, 2007 Entry Cohort



Metric 2: Time from Entry into Out-of-Home Care to Permanency Achieved

Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to permanency achieved by reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption.

Definition

This metric presents the time between the recorded date of entering out-of-home care and the recorded date when permanency is achieved through reunification, permanent custody or guardianship with a fit and willing relative or suitable person or adoption for children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement. This timeliness metric computes the number of days from the date of entering out-of-home care and the date permanency is achieved for each unique child and presents the proportion of children for whom permanency has been achieved within specified time periods for a designated entry cohort.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007, 2008, 2009 and 2010 and follows each of these 54,687 children for up to 60 months from entering out-of-home care (12,226 in 2006; 11,115 in 2007; 10,706 in 2008, 10,578 in 2009 and 10,062 in 2010). This metric presents the proportion of children for whom permanency is achieved within specified time periods for each type of permanency exit –reunification, adoption, or permanent custody or guardianship with a fit and willing relative or suitable person.

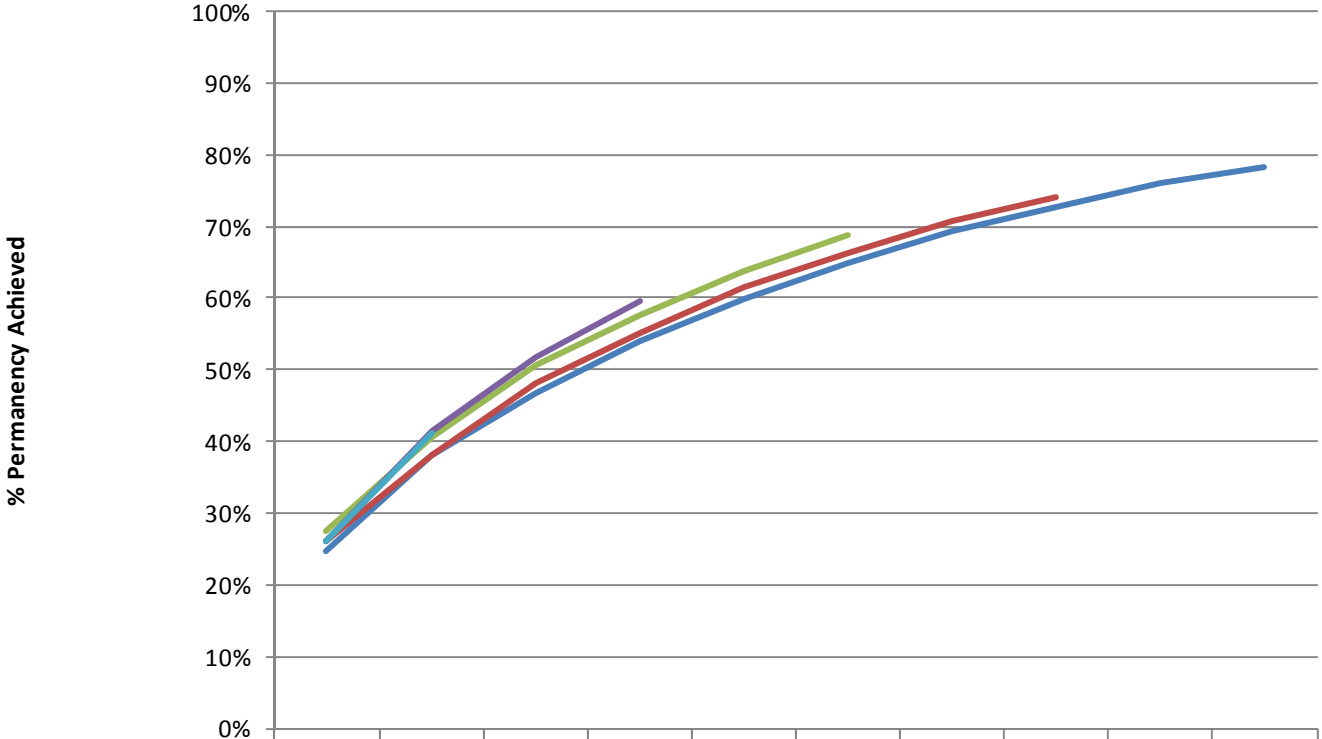
Significance

Placing a child in out-of-home care is intended to be a temporary solution. The desire to achieve timely permanency for children was among the policy goals that prompted the enactment of the federal Adoption and Safe Families Act (ASFA) of 1997. New York State is regularly assessed by the U.S. Department of Health and Human Services to determine compliance with federal requirements including those related to achieving timely permanency. This assessment, known as the Child and Family Services Review (CFSR), is designed to help states improve child welfare outcomes by identifying strengths and needs.[5] The measures used by the federal government in the CFSR are based on complex composites but, in general, the expectation is that a significant proportion of children in out-of-home care will achieve permanency through reunification within 12 months and in those cases where children achieve permanency through adoption a significant proportion of those adoptions should be finalized within two years. In the 2008 review, New York State did not meet the federal standards for timeliness of achieving reunification or adoption and was consequently required to implement a program improvement plan.

The goal of promoting timely permanency is based on empirical research supporting children's need for stability. Networks of caring friends, relatives, neighbors, and school professionals and classmates can help children perform well academically, promote positive health and mental health behaviors and outcomes, and develop good social skills that are crucial in childhood and adulthood.[6] Even when warranted by immediate safety concerns, entering out-of-home care can be traumatic and confusing for children of any age and can disrupt connections to siblings, other family members, friends and adults in their community who may have been involved in the child's life.[7] In addition, the longer a child is in out-of-home care, the higher the chance that those social connections to will be severed.[8] There is substantial evidence that prolonged out-of-home placement places children at risk of emotional and behavioral problems and other negative outcomes.[9]

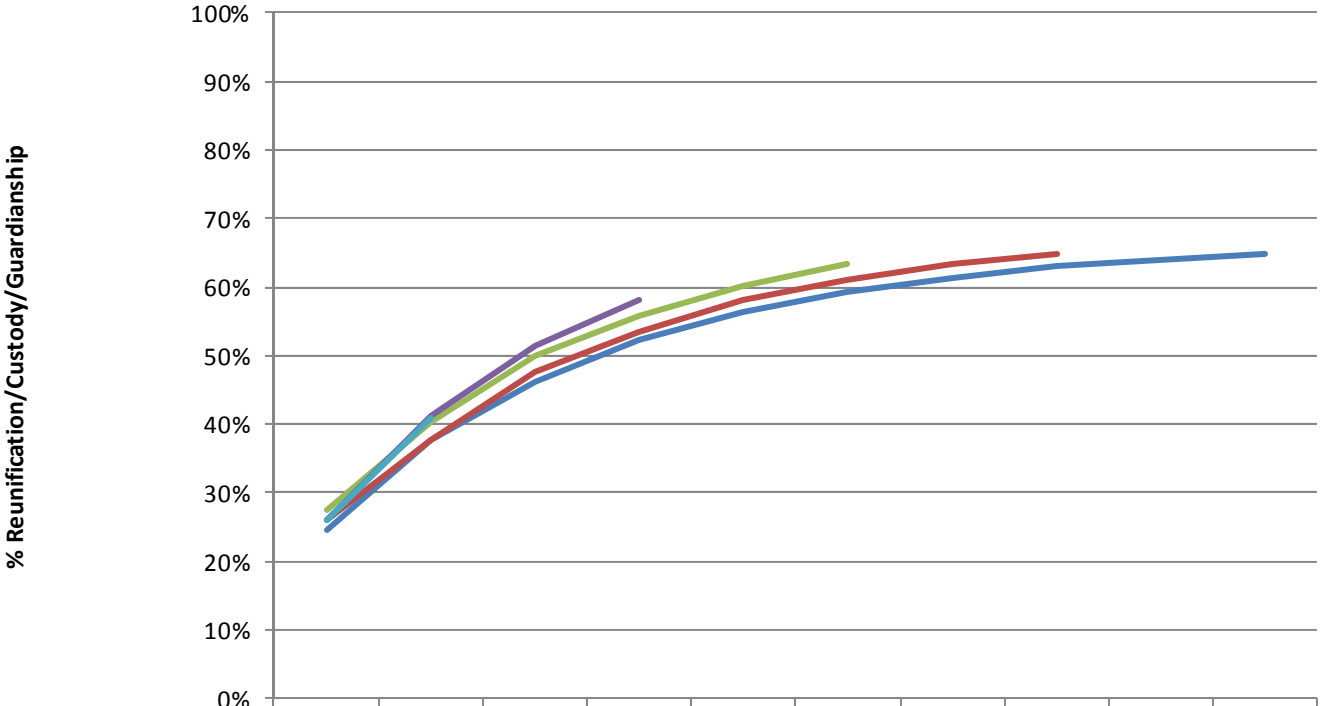
Decreasing the time children spend in out-of-home care, in conjunction with child safety, is a goal of the legal/judicial and child welfare systems. This metric assists system partners to monitor progress in achieving timely permanency for children.

Chart 2-A: Cumulative Percentage of Children for whom Permanency was Achieved within Time Intervals up to 60 Months from Entering Out-of-Home Care: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts



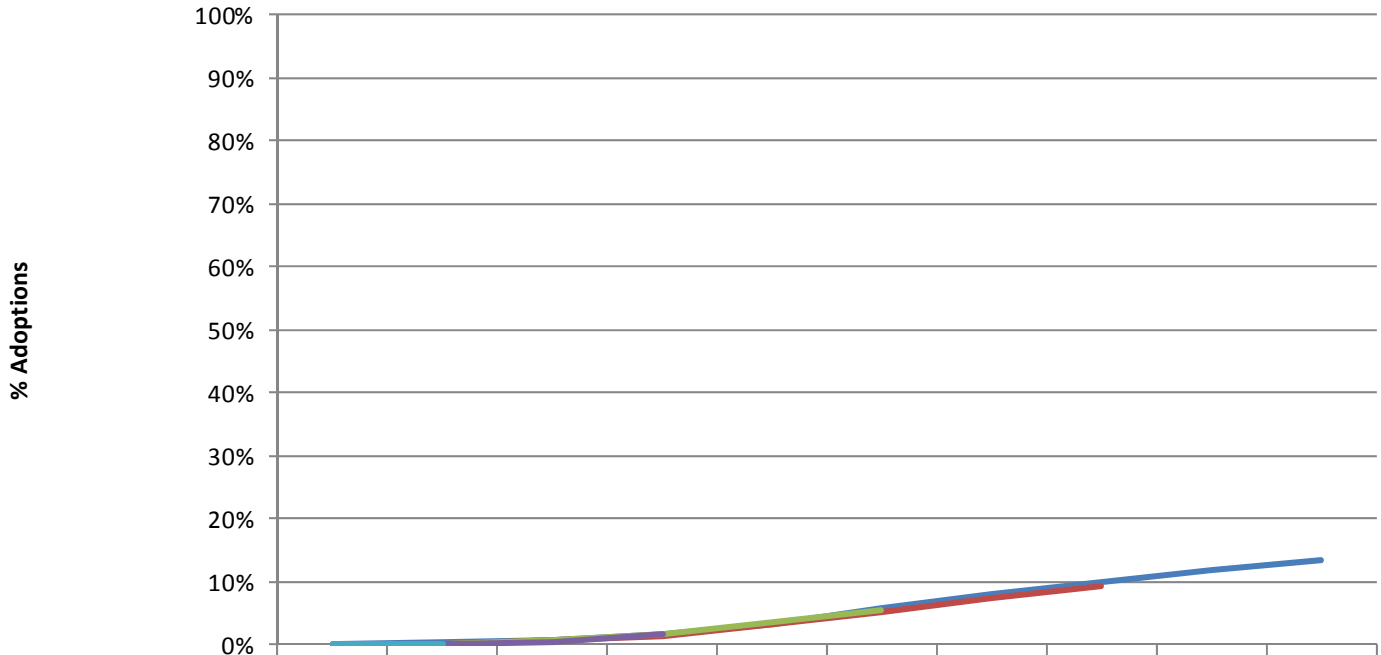
	6 months	12 months	18 months	24 months	30 months	36 months	42 months	48 months	54 months	60 months
2006 (n=12,226)	25%	38%	47%	54%	60%	65%	69%	73%	76%	78%
2007 (n=11,115)	26%	38%	48%	55%	61%	66%	71%	74%		
2008 (n=10,706)	27%	41%	51%	58%	64%	69%				
2009 (n=10,578)	26%	41%	52%	60%						
2010 (n=10,062)	26%	41%								

Chart 2-B: Cumulative Percentage of Children for whom Permanency was Achieved by Reunification/Custody/Guardianship within Time Intervals up to 60 Months from Entering Out-of-Home Care: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts



	6 months	12 months	18 months	24 months	30 months	36 months	42 months	48 months	54 months	60 months
2006 (n=12,226)	25%	38%	46%	52%	56%	59%	61%	63%	64%	65%
2007 (n=11,115)	26%	38%	48%	54%	58%	61%	63%	65%		
2008 (n=10,706)	27%	40%	50%	56%	60%	63%				
2009 (n=10,578)	26%	41%	51%	58%						
2010 (n=10,062)	26%	41%								

Chart 2-C: Cumulative Percentage of Children for whom Permanency was Achieved by Adoption within Time Intervals up to 60 Months from Entering Out-of-Home Care: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts



	6 months	12 months	18 months	24 months	30 months	36 months	42 months	48 months	54 months	60 months
2006 (n=12,226)	0%	0%	1%	2%	3%	6%	8%	10%	12%	13%
2007 (n=11,115)	0%	0%	1%	2%	3%	5%	8%	9%		
2008 (n=10,706)	0%	0%	1%	2%	4%	6%				
2009 (n=10,578)	0%	0%	1%	2%						
2010 (n=10,062)	0%	0%								

Metric 3: Time from Abuse/Neglect Petition Filing to Adjudication

Among children for whom an original abuse/neglect petition is filed during a given period, the time from petition filing to adjudication.

Definition

This metric presents how long it takes between the filing of the first, original abuse/neglect petition and when the child's case is adjudicated.[10] Adjudication is the point in time where the court determines whether the allegations of abuse/neglect are sustained by evidence and whether they are legally sufficient to support government intervention on behalf of the child. This timeliness metric computes the number of days from the date of the filing of the first, original petition to the recorded date of adjudication for each unique child and presents the median time in months for a designated entry cohort.

Adjudications are organized by the following categories (see table 3-A for a percentage breakdown of adjudication types):

- The court dismisses the original petition;[11]
- The original petition is withdrawn;
- The court determines that the allegations are not sustained or that court aid is not required in neglect cases after a trial or inquest;
- The respondent admits to the allegations;
- The respondent consents to a finding of abuse/neglect;
- The court determines that the allegations are sustained after a trial (makes a finding);
- The court determines that the allegations are sustained after an inquest (makes a finding);
- The original petition is adjourned in contemplation of dismissal (ACD);
- The adjudication was not recorded;[12] and
- The original petition has not yet been adjudicated.

Population

This metric includes all unique children who were the subject of a first, original abuse/neglect filing during 2006, 2007, 2008, 2009 and 2010. The population for this metric is the 97,795 children who were in in-home supervision and in out-of-home care with a first filing during this five-year period. This metric presents the median time to adjudication for entry cohorts by year. For children with more than one adjudication, this metric uses the date of the first adjudication only.

Significance

Most abuse/neglect cases are settled. The respondent can consent to the jurisdiction of the court without making an admission, can admit to the allegations or the court can adjourn the case in contemplation of dismissal (ACD). If the case cannot be settled, the court will conduct a fact-finding hearing, a bench trial to determine whether abuse/neglect has been proven by a preponderance of the evidence.[13] If the respondent does not appear after receiving proper notice of the hearing, the court may conduct an "inquest" or trial in absentia. The court may determine that the allegations are sustained after a trial or an inquest (makes a finding); that the allegations are not sustained or that court aid is not required in a neglect case after a trial or inquest; or ACD the case. Cases that do not have a finding of abuse/neglect are resolved with a disposition of dismissed, withdrawn or ACD. ACDs and cases that have a finding of abuse/neglect remain under the court's jurisdiction. Cases with a finding of abuse/neglect proceed to the dispositional phase.

Judges often approve a service plan prior to adjudication as a condition of a child staying home under supervision. Parents can and often do voluntarily engage in services prior to adjudication. However only after the court has made a finding that the child has been abused or neglected can services be ordered by the court. The time leading up to adjudication can be stressful for the parent(s) and child. Promoting timely adjudication can be an effective means of encouraging efficient casework practice on the part of the social service agency, early engagement of the family in services, and a focus on efficient discovery and settlement procedures among legal advocates at the earliest stages of the case. Case planning, including service delivery, is a significant factor in achieving timely permanency for children in out-of-home care.

For cases in which children are in out-of-home care, "frontloading"[14] decisions and the implementation of services can have a direct positive effect on achieving timely permanency.[15] The Family Court Act requires that the court give priority to proceedings in which a child has been removed from home.[16] The National Council of Juvenile and Family Court's (NCJFCJ)

Local collaboratives may wish to monitor this metric to determine the effectiveness of initiatives designed to promote timely adjudication such as preliminary conferences to promote good case management, and early settlement of issues regarding services, visiting and placement.

Chart 3-A: Median Time from Abuse/Neglect Petition Filing to Adjudication for Children with a First, Original Abuse/ Neglect Petition Filing: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts

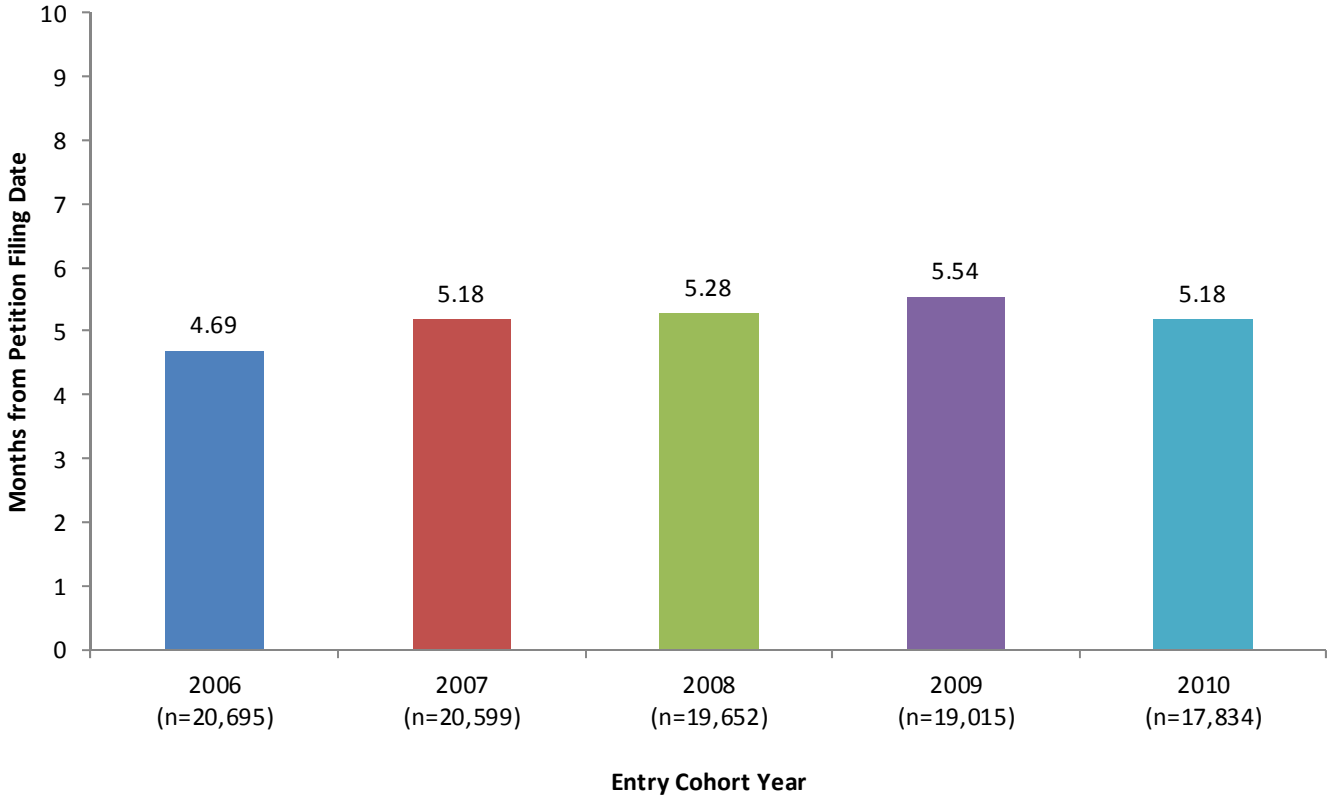
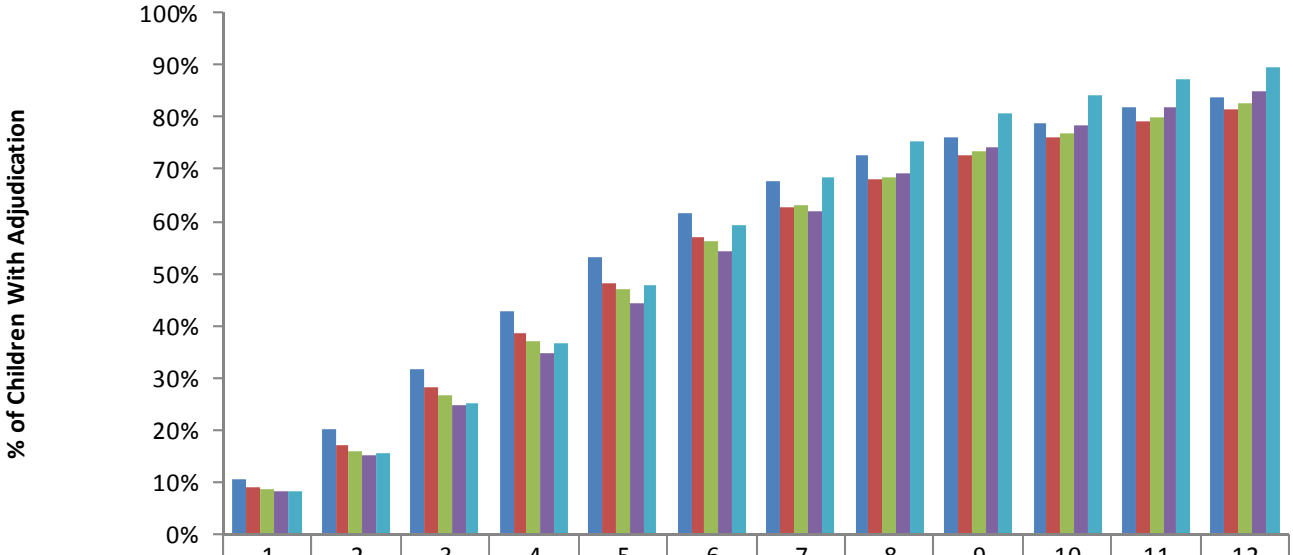


Chart 3-B: Cumulative Percentage of Children with a First, Original Abuse/Neglect Petition Filing by Time to Adjudication: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts



	1 mon.	2 mon.	3 mon.	4 mon.	5 mon.	6 mon.	7 mon.	8 mon.	9 mon.	10 mon.	11 mon.	12 mon.
2006 (n=20,695)	10%	20%	32%	43%	53%	62%	68%	73%	76%	79%	82%	84%
2007 (n=20,599)	9%	17%	28%	39%	48%	57%	63%	68%	73%	76%	79%	82%
2008 (n=19,652)	9%	16%	27%	37%	47%	56%	63%	69%	74%	77%	80%	83%
2009 (n=19,015)	8%	15%	25%	35%	44%	54%	62%	69%	74%	78%	82%	85%
2010 (n=17,834)	8%	15%	25%	37%	48%	59%	68%	76%	81%	84%	87%	90%

Months from Petition Filing Date

Table 3-A: Number and Percentage of Children with a First, Original Abuse/Neglect Petition Filing by Adjudication Type: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts as of Dec. 31, 2011										
	2006		**2007**		**2008**		**2009**		**2010**	
Adjudication Type	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Consent	3,792	18%	4,601	22%	4,848	25%	4,664	25%	4,383	25%
Admission	5,522	27%	4,983	24%	4,498	23%	4,341	23%	3,921	22%
ACD	3,615	17%	3,646	18%	3,555	18%	3,469	18%	3,168	18%
Dismissed	506	2%	576	3%	486	2%	507	3%	451	3%
Withdrawn	1,553	8%	1,651	8%	1,613	8%	1,601	8%	1,317	7%
No adjudication recorded	1,626	8%	1,529	7%	1,458	7%	1,494	8%	1,373	8%
Allegations not sustained after trial or inquest	247	1%	189	1%	184	1%	151	1%	117	1%
Allegations sustained after trial	1,701	8%	1,483	7%	1,327	7%	1,079	6%	969	5%
Allegations sustained after inquest	2,120	10%	1,927	9%	1,636	8%	1,580	8%	1,404	8%
Not yet adjudicated	13	0%	14	0%	47	0%	129	1%	731	4%
Total	20,695	99%	20,599	99%	19,652	99%	19,015	101%	17,834	101%

Chart 3-C: Proportion of Children with a First, Original Abuse/Neglect Petition Filing by Adjudication Type: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts as of Dec. 31, 2011

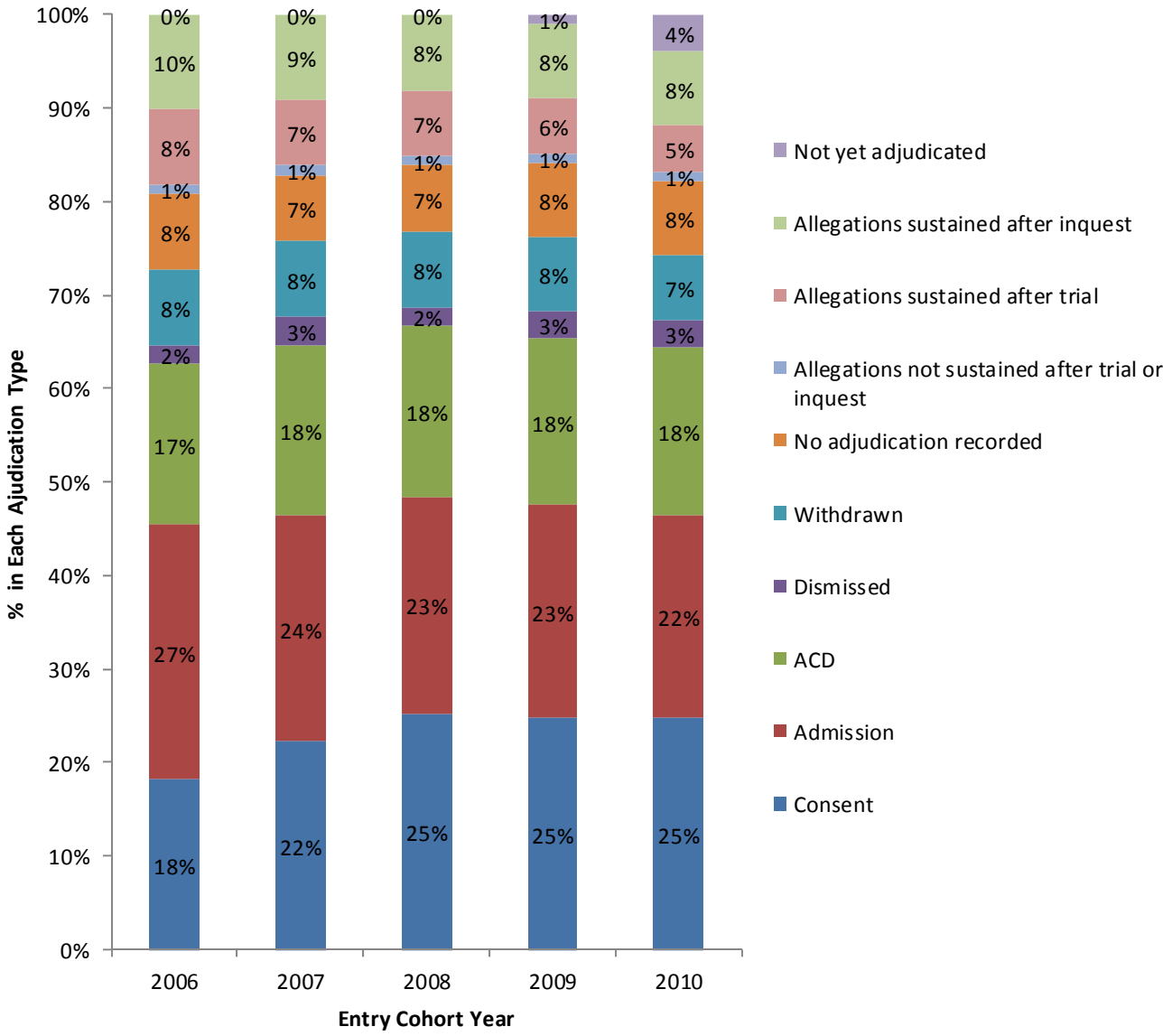
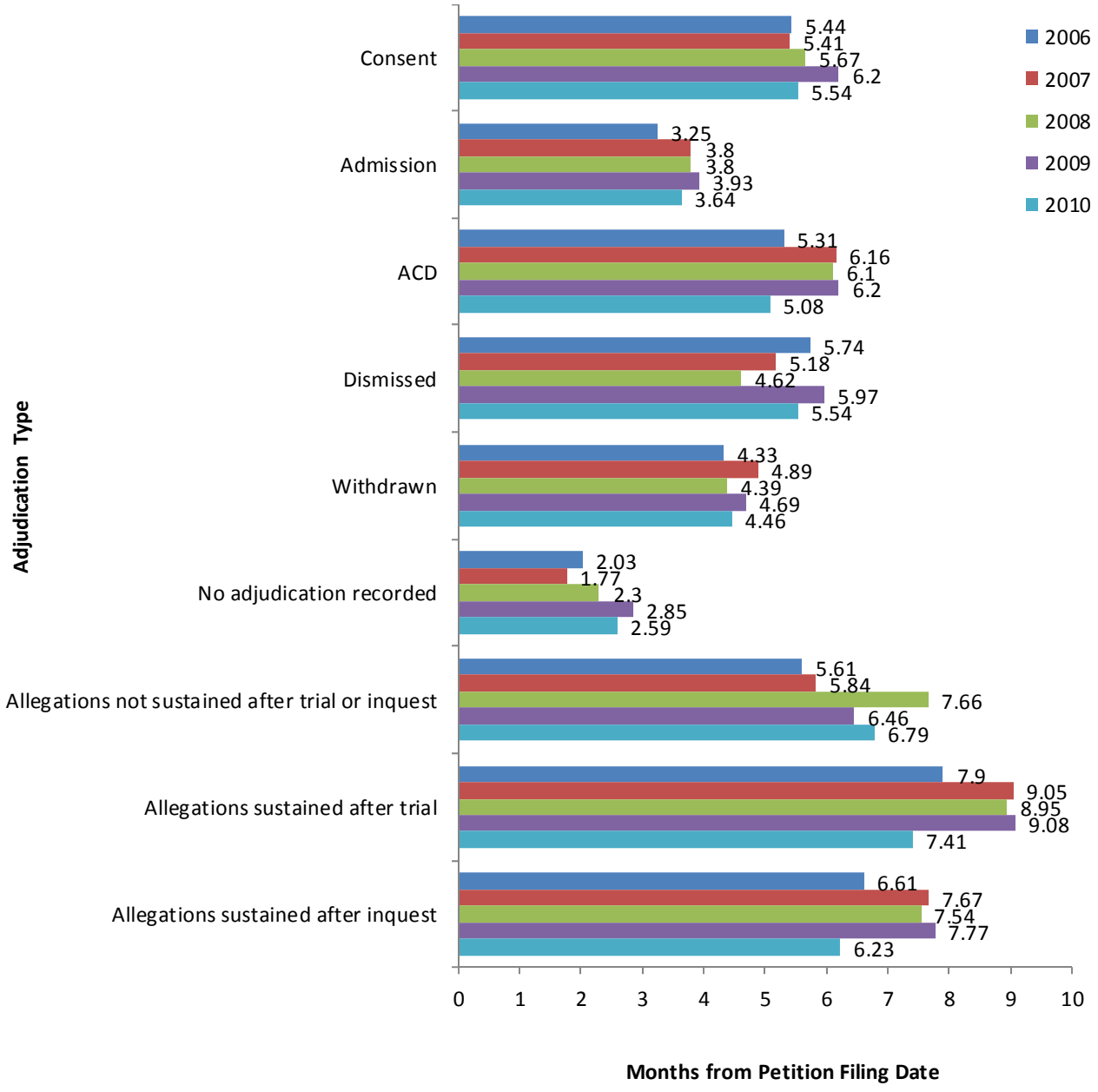


Chart 3-D: Median Time from Abuse/Neglect Petition Filing to Adjudication by Adjudication Type: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts as of Dec. 31, 2011



Please note the values in the above chart may be unstable due to low numbers in some categories.

Chart 3-E: Median Time from Abuse/Neglect Petition Filing to Adjudication by Children Experiencing In-Home Supervision and Out-of-Home Care Status: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts as of Dec. 31, 2011

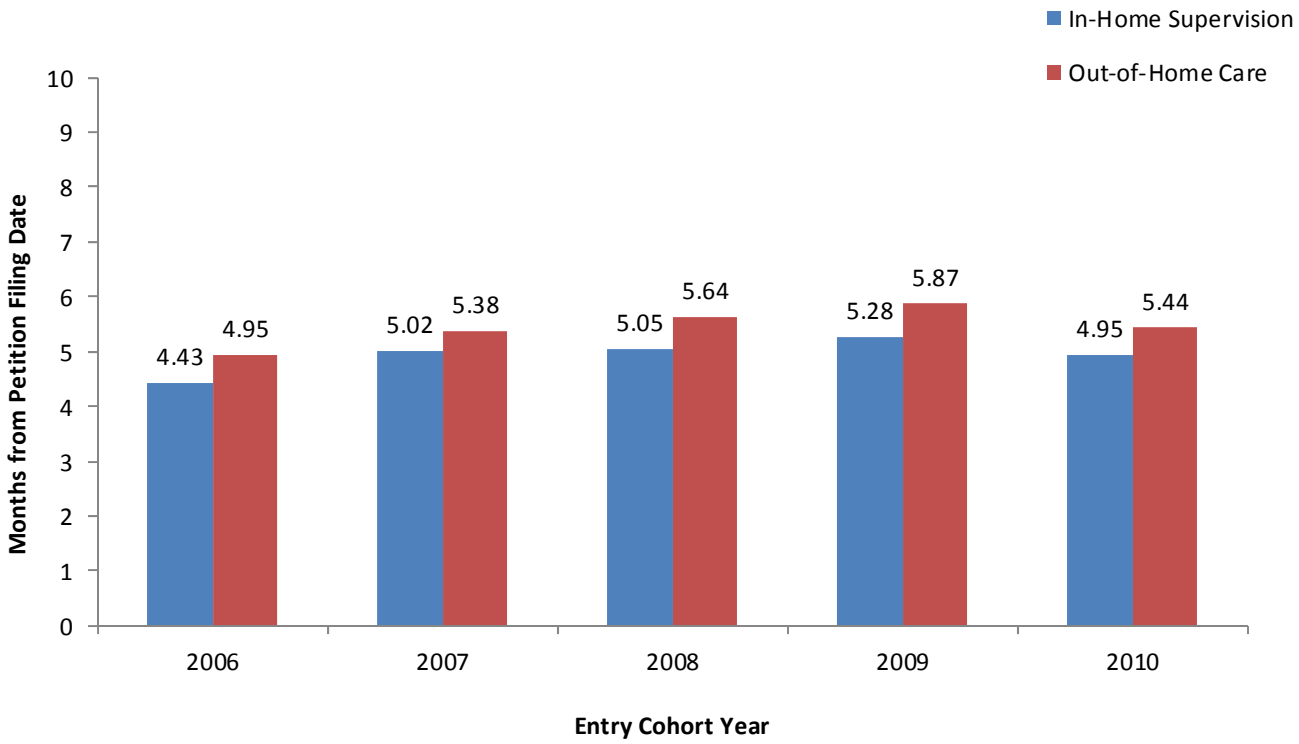


Table 3-B: Number and Percentage of Children with a First, Original Abuse/Neglect Petition Filing by Children Experiencing In-Home Supervision and Out-of-Home Care: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts as of Dec. 31, 2011

	2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%
In-Home Supervision	10,401	50%	10,918	53%	10,455	53%	9,954	52%	9,264	52%
Out-of-Home Care	10,294	50%	9,681	47%	9,197	47%	9,061	48%	8,570	48%
Total	20,695	100%	20,599	100%	19,652	100%	19,015	100%	17,834	100%

Metric 4: Time from Abuse/Neglect Petition Filing to Disposition

Among children for whom an original abuse/neglect petition is filed during a given period and the court makes a finding of abuse/neglect or the respondent admits or consents to the jurisdiction of the court, the time from petition filing to the entry of a dispositional order.

Definition

This metric presents how long it takes between the filing of the abuse/neglect petition and the entry of a dispositional order that results from a dispositional hearing. The dispositional hearing, which follows the finding of abuse/neglect or the respondent's admission to the allegations or consent to the findings of abuse/neglect, is when the court determines whether the child welfare agency or another party is given custody of the child for an extended period of time and the course of action, including court ordered services, that is necessary to assist the parent(s) and child. This timeliness metric computes the number of days from the filing date of the first petition to the date of the entry of a dispositional order for each unique child and presents the median time to disposition.

The outcomes of the dispositional hearing are organized by the following categories (see Table 4-A for a percentage breakdown of disposition types):[17]

- Adjournment in contemplation of dismissal (ACD)
- Order of supervision
- Placement
- Returned to parent
- Suspended judgment
- Other
- Not yet disposed

Population

This metric includes all unique children who had a first abuse/neglect filing during 2006, 2007, 2008, 2009 and 2010 and the court made a finding of abuse/neglect or the respondent admitted to the allegations or consented to the findings (collectively referred to as the court made a finding of abuse/neglect). Of the 97,795 unique children with a first petition filing during this period, the court made a finding of abuse/neglect for nearly three-quarters of the cases (68,259 or 70%). The population for this metric is the 68,259 children with an adjudicatory finding as of December 31, 2011. This population does not include the 934 children from this five-year period who were still awaiting adjudication as of December 31, 2011.[18] This metric includes children in in-home supervision and in out-of-home care. Based on the filing date of the abuse/neglect petition, this metric presents the median time to disposition for entry cohorts by year with a finding of abuse/neglect as of December 31, 2011. For children with more than one disposition, this metric used the date of the first entry of a dispositional order.

Significance

The timeliness of disposition is a significant factor for children in out-of-home care and children under court ordered in-home supervision. While the court can and should monitor the implementation of the case plan prior to disposition, the dispositional hearing is the point at which the plan is formalized. The court also decides whether to authorize placement of the child for an extended period of time at this hearing.

Chart 4-A: Median Time from Abuse/Neglect Petition Filing to Disposition: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts with a Finding of Abuse/Neglect as of Dec. 31, 2011

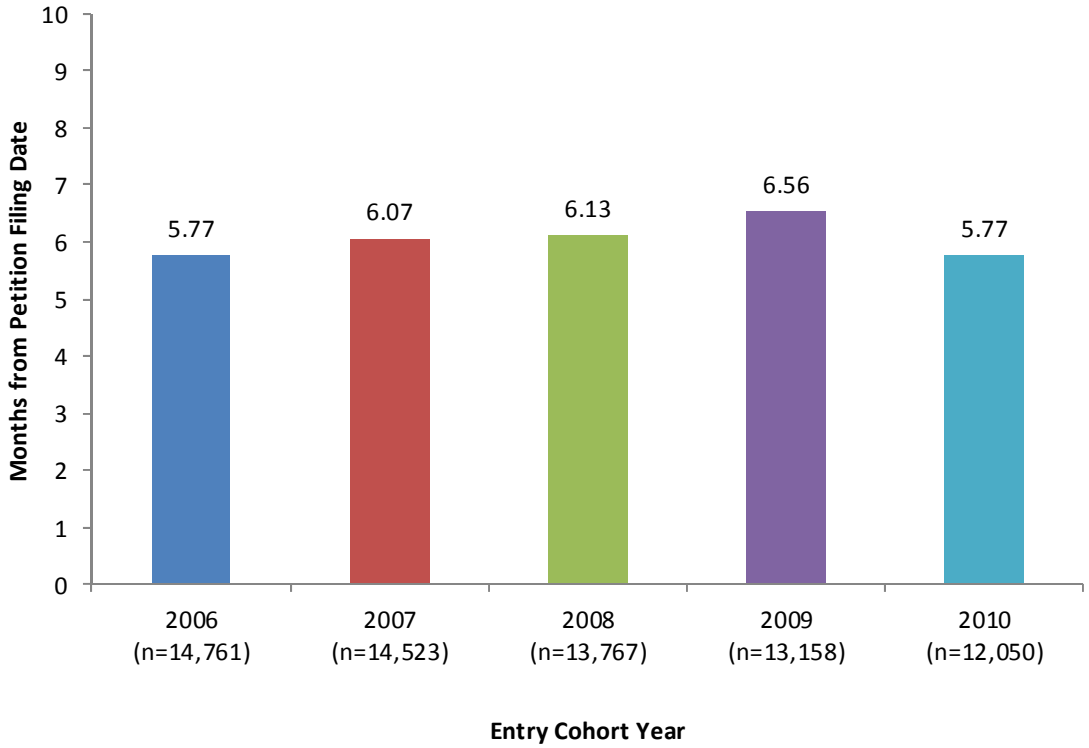
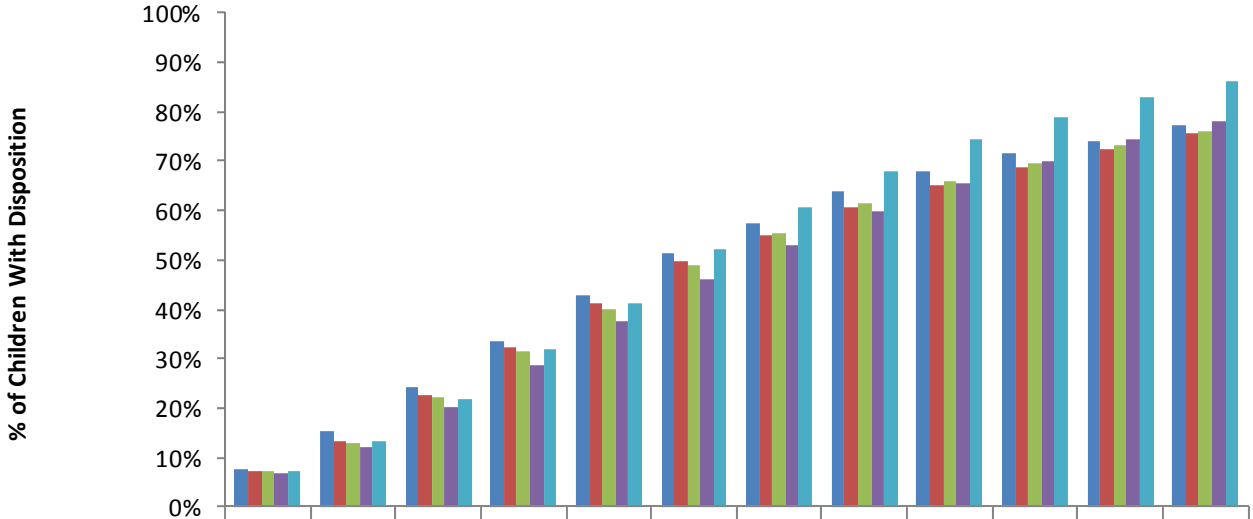


Chart 4-B: Cumulative Percentage of Children by Time to Disposition: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts with a Finding of Abuse/Neglect as of Dec. 31, 2011



	1 mon.	2 mon.	3 mon.	4 mon.	5 mon.	6 mon.	7 mon.	8 mon.	9 mon.	10 mon.	11 mon.	12 mon.
2006 (n=14,761)	8%	15%	24%	34%	43%	51%	57%	64%	68%	71%	74%	77%
2007 (n=14,523)	7%	14%	23%	33%	41%	50%	55%	61%	65%	69%	72%	76%
2008 (n=13,767)	7%	13%	22%	32%	40%	49%	55%	61%	66%	70%	73%	76%
2009 (n=13,158)	7%	12%	20%	29%	38%	46%	53%	60%	66%	70%	74%	78%
2010 (n=12,050)	7%	13%	22%	32%	41%	52%	61%	68%	74%	79%	83%	86%

Months from Petition Filing Date

Table 4-A: Number and Percentage of Disposition Types: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts with a Finding of Abuse/Neglect as of Dec. 31, 2011										
	2006		**2007**		**2008**		**2009**		**2010**	
Disposition Type	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
ACD	1,235	8%	1,409	10%	1,434	10%	1,283	10%	1,228	10%
Not yet disposed	17	0%	35	0%	74	1%	187	1%	536	4%
Order of supervision	3,840	26%	3,565	25%	3,735	27%	3,031	23%	3,033	25%
Other	2,095	14%	1,986	14%	1,820	13%	1,722	13%	1,523	13%
Placement	4,345	29%	3,894	27%	3,590	26%	3,411	26%	3,018	25%
Returned to parent	2,808	19%	3,068	21%	2,527	18%	2,813	21%	2,135	18%
Suspended judgment	421	3%	566	4%	587	4%	711	5%	577	5%
Total	14,761	99%	14,523	101%	13,767	99%	13,158	99%	12,050	100%

Chart 4-C: Proportion of Dispositions by Type: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts with a Finding of Abuse/Neglect as of Dec. 31, 2011

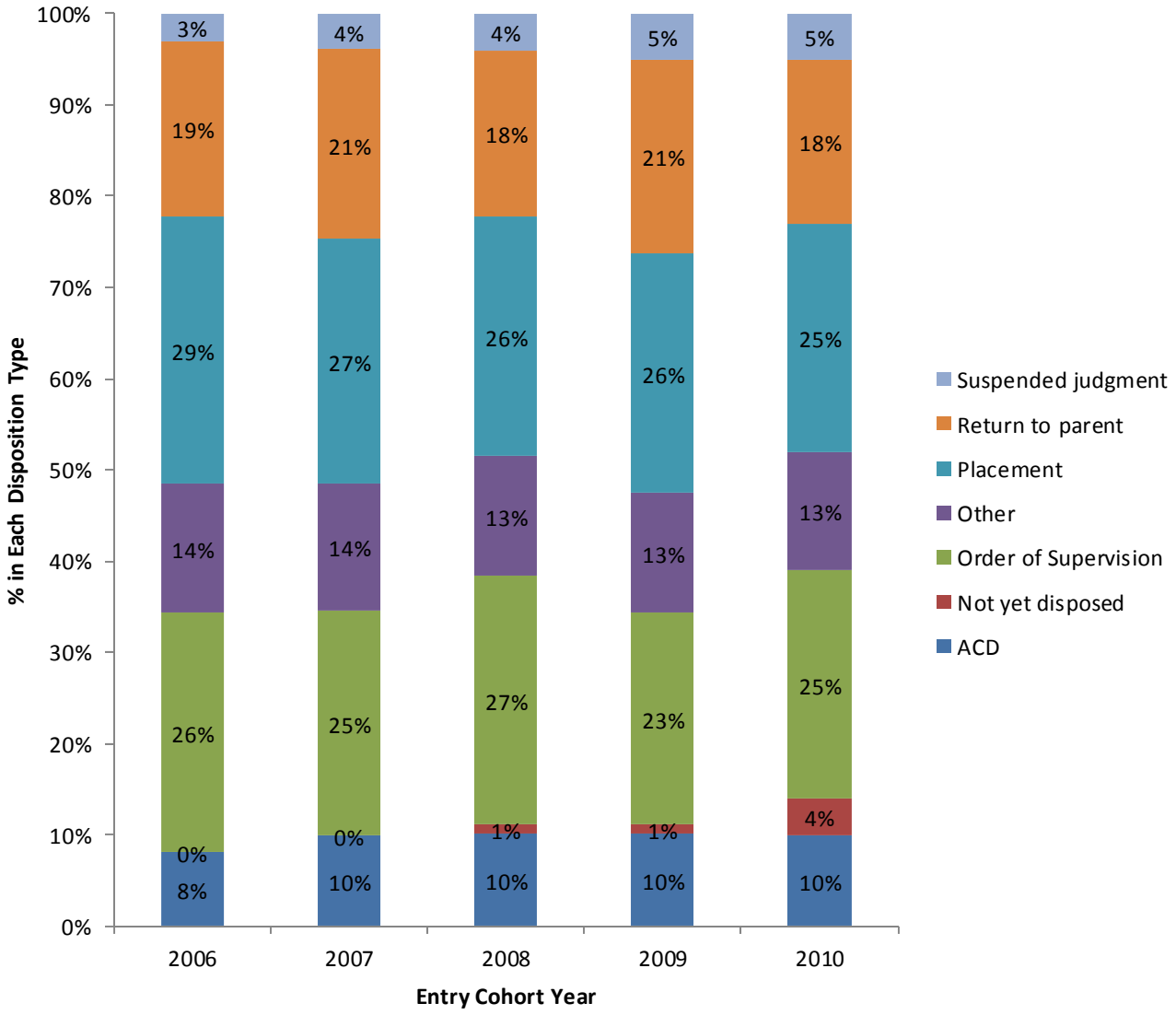
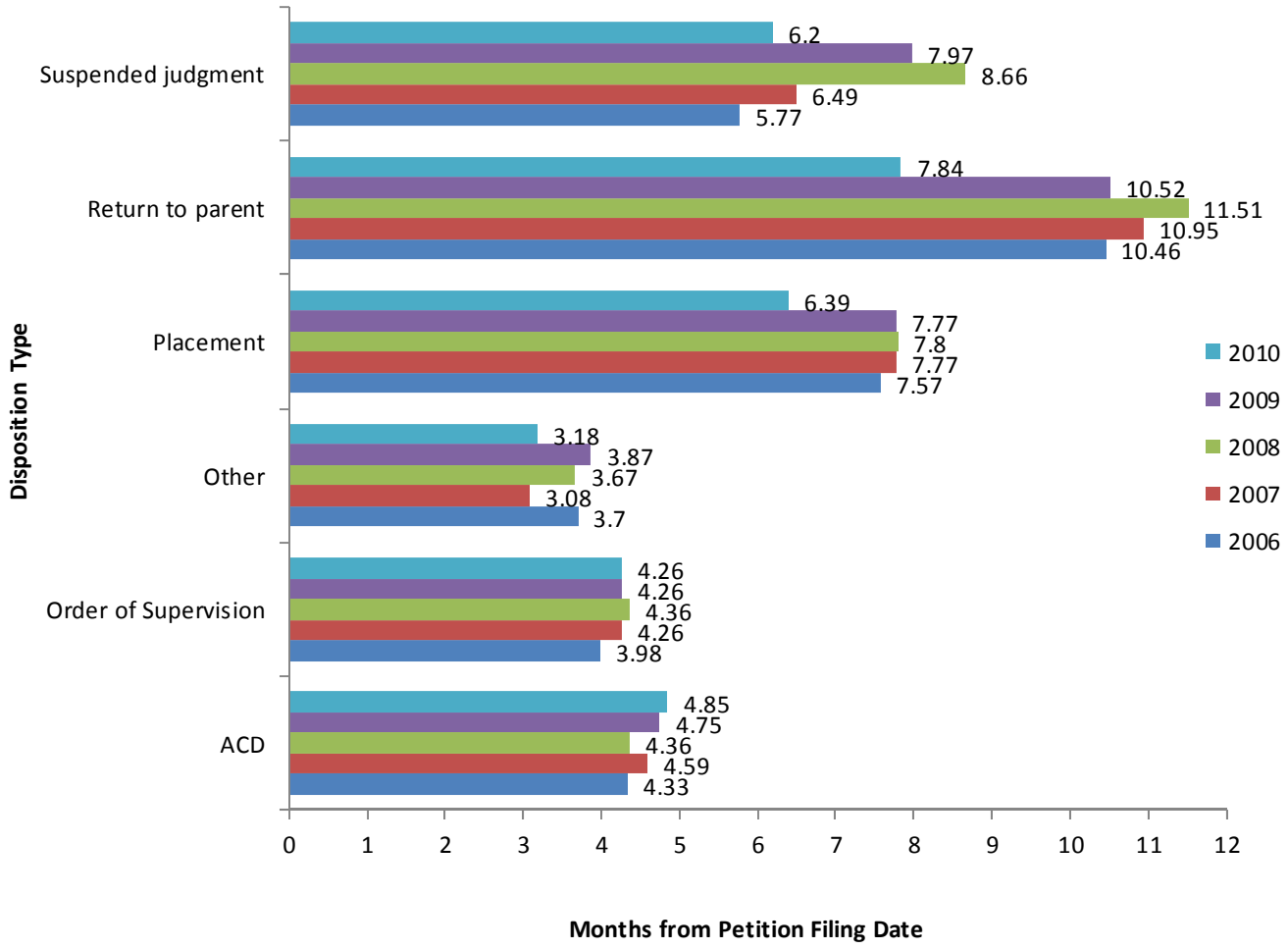


Chart 4-D: Median Time from Abuse/Neglect Petition Filing to Disposition by Disposition Type: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts with a Finding of Abuse/Neglect as of Dec. 31, 2011



Please note the values in the above chart may be unstable due to low numbers in some categories.

Chart 4-E: Median Time from the Abuse/Neglect Petition Filing to Disposition by In-Home Supervision and Out-of-Home Care Status: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts with a Finding of Abuse/Neglect as of Dec. 31, 2011

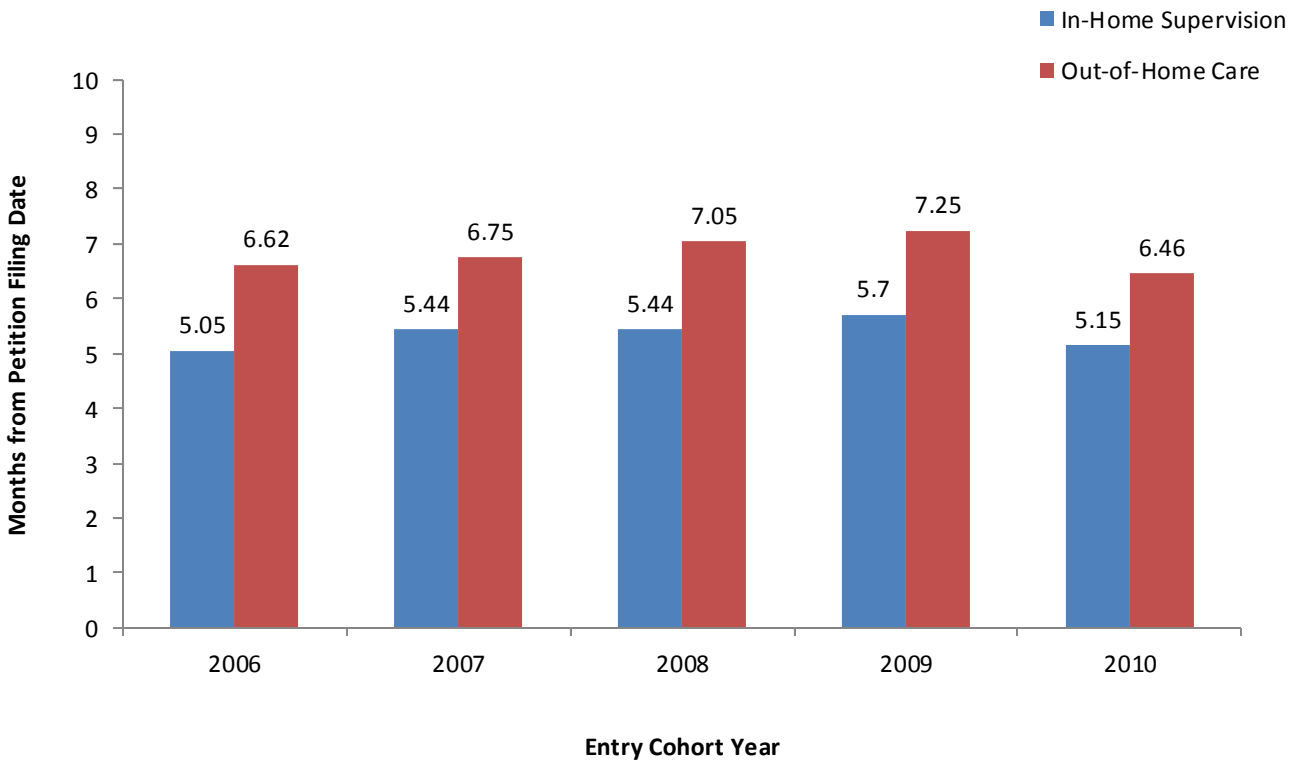


Table 4-B: Number and Percentage of Abuse/Neglect Petitions Filed by Disposition Type and Findings Status: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts as of Dec. 31, 2011																				
	2006 Entry Cohort				**2007 Entry Cohort**				**2008 Entry Cohort**				**2009 Entry Cohort**				**2010 Entry Cohort**			
	No Finding of Abuse/ Neglect (from Metric 3*)		**Finding of Abuse/ Neglect** (from Metric 4)		**No Finding of Abuse/ Neglect** (from Metric 3*)		**Finding of Abuse/ Neglect** (from Metric 4)		**No Finding of Abuse/ Neglect** (from Metric 3*)		**Finding of Abuse/ Neglect** (from Metric 4)		**No Finding of Abuse/ Neglect** (from Metric 3*)		**Finding of Abuse/ Neglect** (from Metric 4)		**No Finding of Abuse/ Neglect** (from Metric 3*)		**Finding of Abuse/ Neglect** (from Metric 4)	
	#	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Dismissed	506	2%			576	3%			486	2%			507	3%			451	3%		
Allegations not sustained or court aid not required in neglect cases after a trial or inquest	247	1%			189	1%			184	1%			151	1%			117	1%		
Withdrawn	1,553	8%			1,651	8%			1,613	8%			1,601	8%			1,317	7%		
Not Yet Adjudicated	13	0%			14	0%			47	0%			129	1%			731	4%		
ACD	3,615	17%	1,235	6%	3,646	18%	1,409	7%	3,555	18%	1,434	7%	3,469	18%	1,283	7%	3,168	18%	1,228	7%
Not yet disposed			17	0%			35	0%			74	0%			187	1%			536	3%
Order of Supervision			3,840	19%			3,565	17%			3,735	19%			3,031	16%			3,033	17%
Other			2,095	10%			1,986	10%			1,820	9%			1,722	9%			1,523	9%
Placement			4,345	21%			3,894	19%			3,590	18%			3,411	18%			3,018	17%
Return to parent			2,808	14%			3,068	15%			2,527	13%			2,813	15%			2,135	12%
Suspended judgment			421	2%			566	3%			587	3%			711	4%			577	3%
Total	5,934	29%	14,761	71%	6,076	29%	14,523	71%	5,885	30%	13,767	70%	5,857	31%	13,158	69%	5,784	32%	12,050	68%

* Cases that do not have a finding of abuse/neglect are resolved with a disposition of dismissed, withdrawn or ACD.

Metric 5: Time from Entry into Out-Of-Home Care to Completion of Initial Permanency Hearing

Among children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement, the time from entering out-of-home care to the completion of the initial permanency hearing.

Definition

This metric presents the proportion of initial permanency hearings held and completed within nine months from the date of entry into out-of-home care on behalf of children who remained in out-of-home care for at least nine months. This timeliness metric computes the number of days from the date of entry into out-of-home care to the date of the completed initial permanency hearing for each unique child.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007, 2008, 2009 and 2010 and who remained in out-of-home care for at least nine months. Of the 54,687 children entering out-of-home care during this five-year period, nearly two-thirds (64% or 34,920 children) remained in out-of-home care for at least nine months. This metric observes these 34,920 children through December 31, 2011, and presents the proportion of children who had an initial permanency hearing completed within nine months of the date of entry into out-of-home care for entry cohorts by year.

Significance

When a child is in out-of-home care for a period of eight months as the result of allegations of abuse/neglect or a court-approved voluntary placement agreement, the court must commence an initial permanency hearing no later than eight months from the time of entering out-of-home care. Subsequent permanency hearings must be held every six months thereafter for the duration of the child's stay in out-of-home care. Once commenced, a permanency hearing must be completed within 30 days.[19]

The purpose of the permanency hearing is to improve permanency outcomes for children through regularly scheduled judicial reviews of the case circumstances, the appropriateness of the permanency goals, and the efforts made to achieve permanency. After reviewing all of the evidence presented at each permanency hearing, the judge or referee must determine whether the local department of social services made what are referred to as "reasonable efforts to achieve permanency" for each child. Making reasonable efforts entails providing casework and other services needed to either reunite a child with his or her family or to develop and finalize another permanency plan, such as adoption, if the child cannot safely return home. Making reasonable efforts is both a federal and New York State requirement and can affect eligibility for federal funding.

New York State law requires that the initial permanency hearing begin eight months from the date the child entered out-of-home care even if the adjudication and/or the disposition (when applicable) have not yet been completed. The initial date for the permanency hearing is calculated and scheduled on the first court appearance after the child enters out-of-home care. Yet, holding a permanency hearing prior to adjudication and/or disposition can undermine the purpose of the hearing. It is generally premature for the court to be making decisions about the appropriate permanency plan for the child before the court has determined whether abuse/neglect has occurred, made a determination at the disposition hearing regarding whether the child can return home, or made the necessary orders regarding needed services. This reinforces the importance of achieving timely adjudication and disposition prior to the commencement of the initial permanency hearing.

Chart 5-A: Proportion of Initial Permanency Hearings Completed within Nine Months of the Date of Entry into Out-of-Home Care: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts

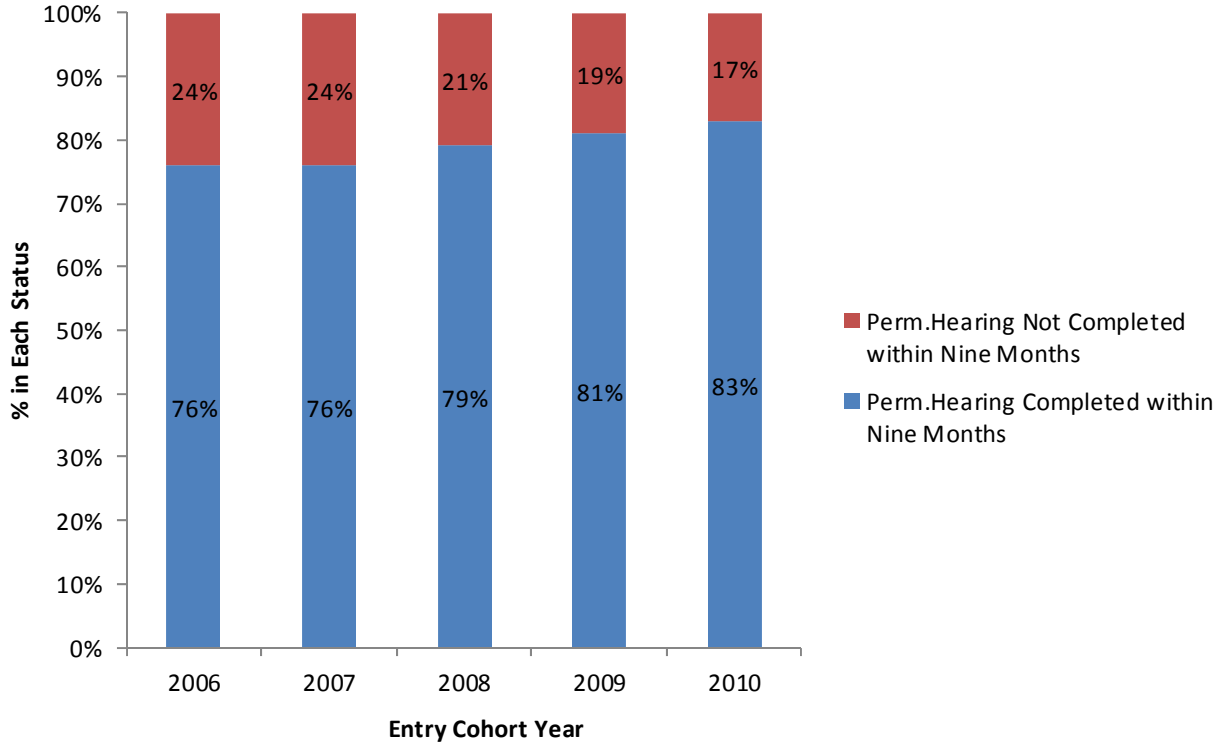


Chart 5-B: Proportion of Initial Permanency Hearings Completed within Nine Months of the Date of Entry into Out-of-Home Care by Filing Type: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts

Table 5-A: Number of Initial Permanency Hearings Completed within Nine Months of the Date of Entry into Out-of-Home Care and Total in Out-of-Home Care for at least Nine Months by Filing Type: New York State, 2006, 2007, 2008, 2009 and 2010 Entry Cohorts					
Filing Type	**2006**	**2007**	**2008**	**2009**	**2010**
Abuse					
Permanency Hearings Completed within Nine Months	359	348	390	394	374
Children in Out-of-Home Care for at least Nine Months	541	547	504	510	478
Neglect					
Permanency Hearings Completed within Nine Months	5,307	4,744	4,682	4,746	4,572
Children in Out-of-Home Care for at least Nine Months	6,944	6,165	5,888	5,801	5,474
Voluntary					
Permanency Hearings Completed within Nine Months	465	355	304	268	303
Children in Out-of-Home Care for at least Nine Months	553	426	386	330	373
Total					
Permanency Hearings Completed within Nine Months:	6,131	5,447	5,376	5,408	5,249
Children in Out-of-Home Care for at least Nine Months:	8,038	7,138	6,778	6,641	6,325

Metric 6: Time from Entry into Out-of-Home Care to Termination of Parental Rights Petition Filing

Among children for whom a first TPR petition has been filed within a given period, the time from entering out-of-home care to the time of the TPR filing.

Definition

This metric presents the time between the recorded date of entering out-of-home care and the filing date of the first termination of parental rights (TPR) petition within a specified period of time for children who enter out-of-home care for the first time in a given period for reasons of abuse/neglect or voluntary placement. This timeliness metric computes the number of days from the date of entering out-of-home care and the filing date of the first TPR petition for each unique child and presents the distribution of TPR petitions filed during a specified time period for a designated entry cohort.

Population

This metric includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007, 2008 and 2009 and follows each child for up to 60 months to identify children for whom a first TPR petition was filed during the designated time period. Of the 44,625 children who entered out-of-home care during this four-year period (12,226 in 2006, 11,115 in 2007, 10,706 in 2008 and 10,578 in 2009), the population for this metric is the 2,679 children in 2006, 2,191 children in 2007, 1,872 children in 2008 and 1,261 in 2009 for whom a first TPR petition had been filed during the designated time period (within 60, 48, 36 or 24 months, respectively). This population does not include children who entered out-of-home care and were subsequently the subject of a voluntary surrender whereby parents voluntarily relinquish their parental rights without ever having a TPR petition filed. This metric presents the distribution of TPR petitions filed within 60 months for the 2006 entry cohort, 48 months for the 2007 entry cohort and the cumulative percentage of TPR petitions filed within 60 months for the 2006 entry cohort, 48 months for the 2007 entry cohort, 36 months for the 2008 entry cohort and 24 months for the 2009 entry cohort.

Note: Children who entered out-of-home care during this two-year period could be the subject of a TPR petition filing beyond the designated time periods presented in this report. While the proportions presented in this metric will not change for the specified time periods, the proportions for an entry cohort would likely change if the designated time period is extended, e.g., observing the 2007 entry cohort for 60 months instead of 42 months.

Significance

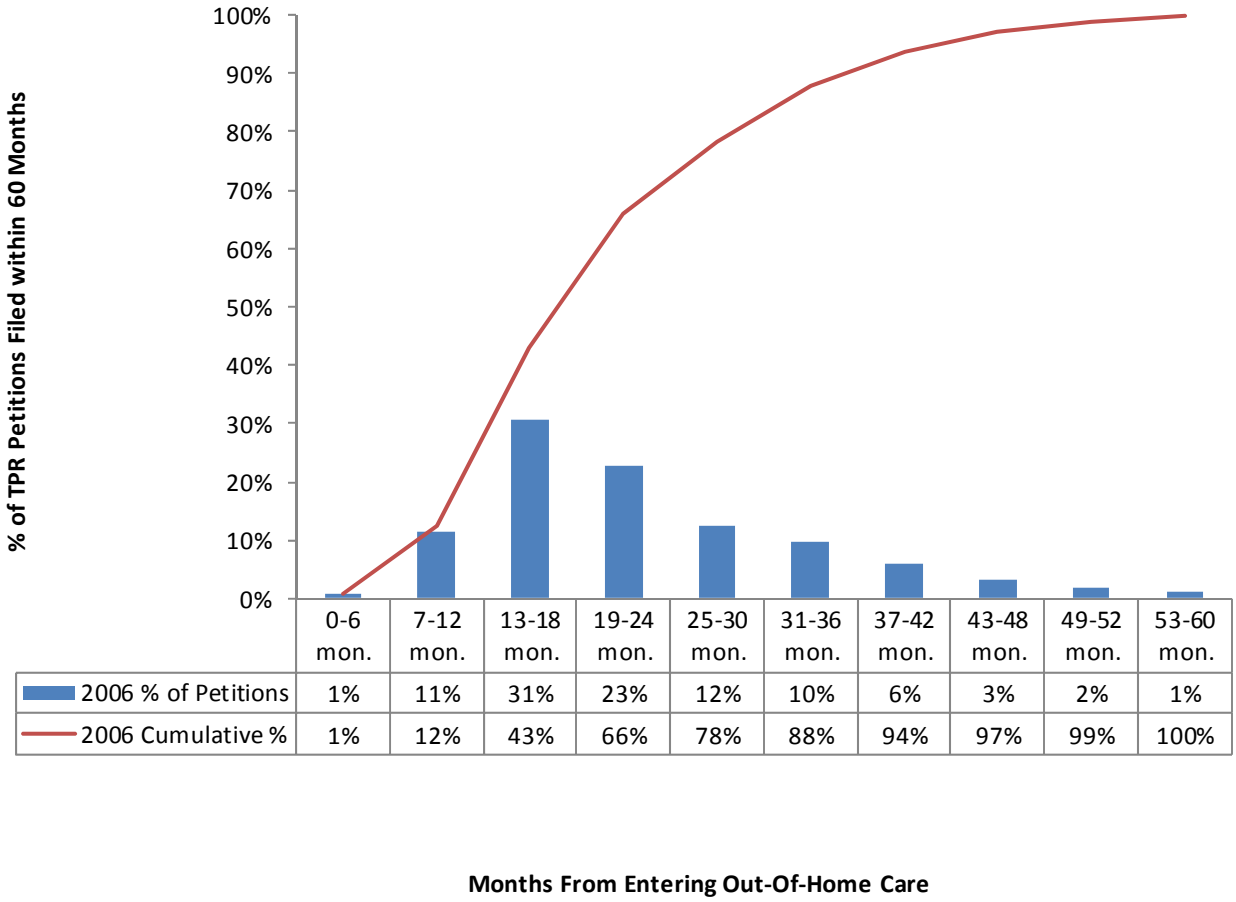
In response to concerns that some children were languishing in temporary foster care, the Adoption and Safe Families Act (ASFA)[20] requires state agencies to file a petition to terminate parental rights when a child has been in foster care for 15 of the most recent 22 months, unless there are compelling reasons not to file.[21] The agency must also file when a court has determined a child to be an abandoned infant; that the parent committed murder or voluntary manslaughter of another child of the parent; that the parent aided, abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; or that the parent committed a felony assault that resulted in serious bodily injury to the child or another child of the parent.

Previously, federal law had not required states to initiate termination of parental rights proceedings based on a child's length of stay in foster care. Under ASFA, states must not only file a petition to terminate parental rights for children who have been in foster care for 15 out of the most recent 22 months but also concurrently, must identify, recruit, process and approve a qualified adoptive family on behalf of any child, regardless of age. A child

is considered as having entered foster care on the earlier of either the date of the first judicial finding of abuse or neglect, or 60 days after the child is removed from the home.

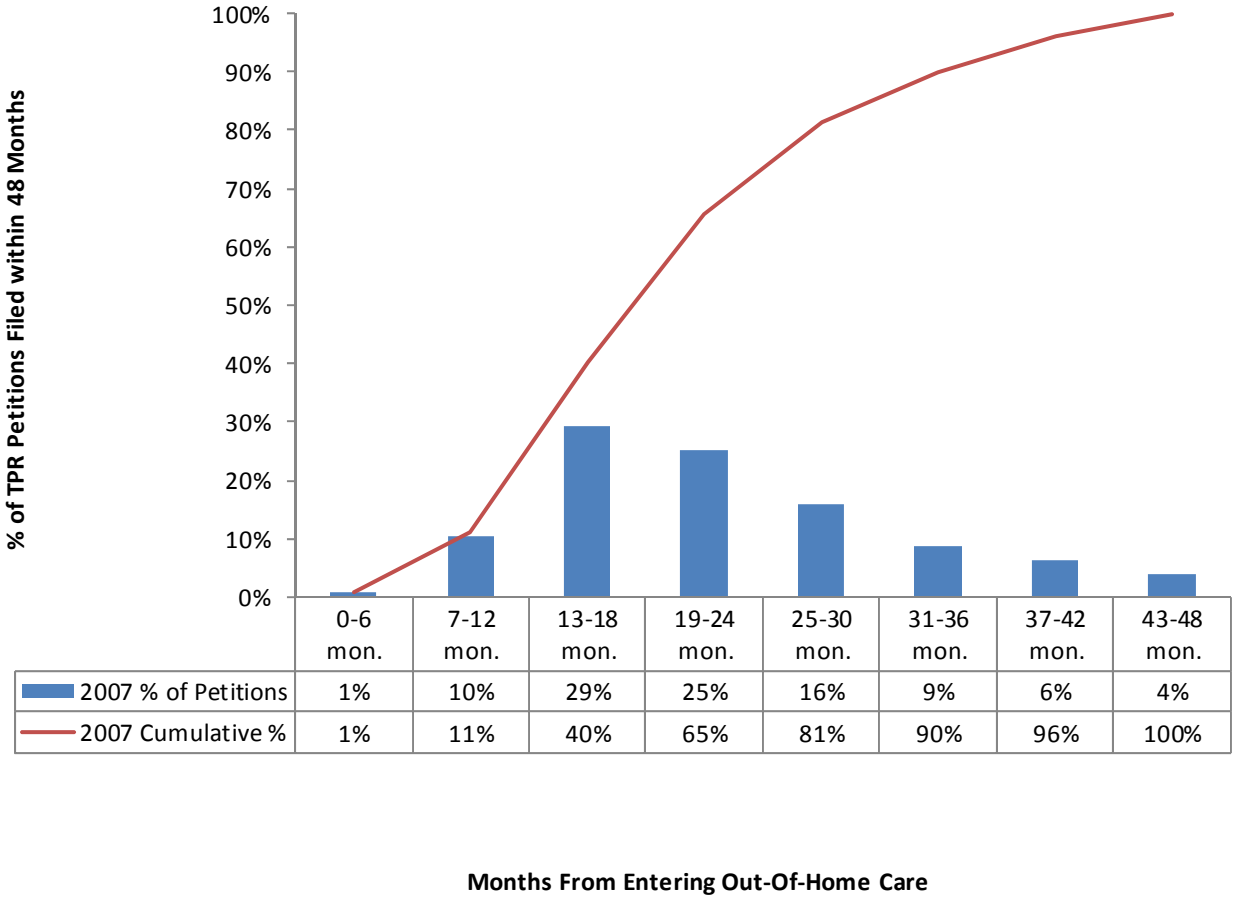
While this metric provides meaningful aggregate data to support improvement efforts, it should not be used to determine compliance with federal ASFA standards since the population includes children with compelling reasons not to file a TPR.

Chart 6-A: Distributive and Cumulative Percentages of Children for whom a First TPR Petition was Filed within 60 Months from Entering Out-of-Home Care by Time to Filing: New York State, 2006 Entry Cohort with a First TPR Petition Filed



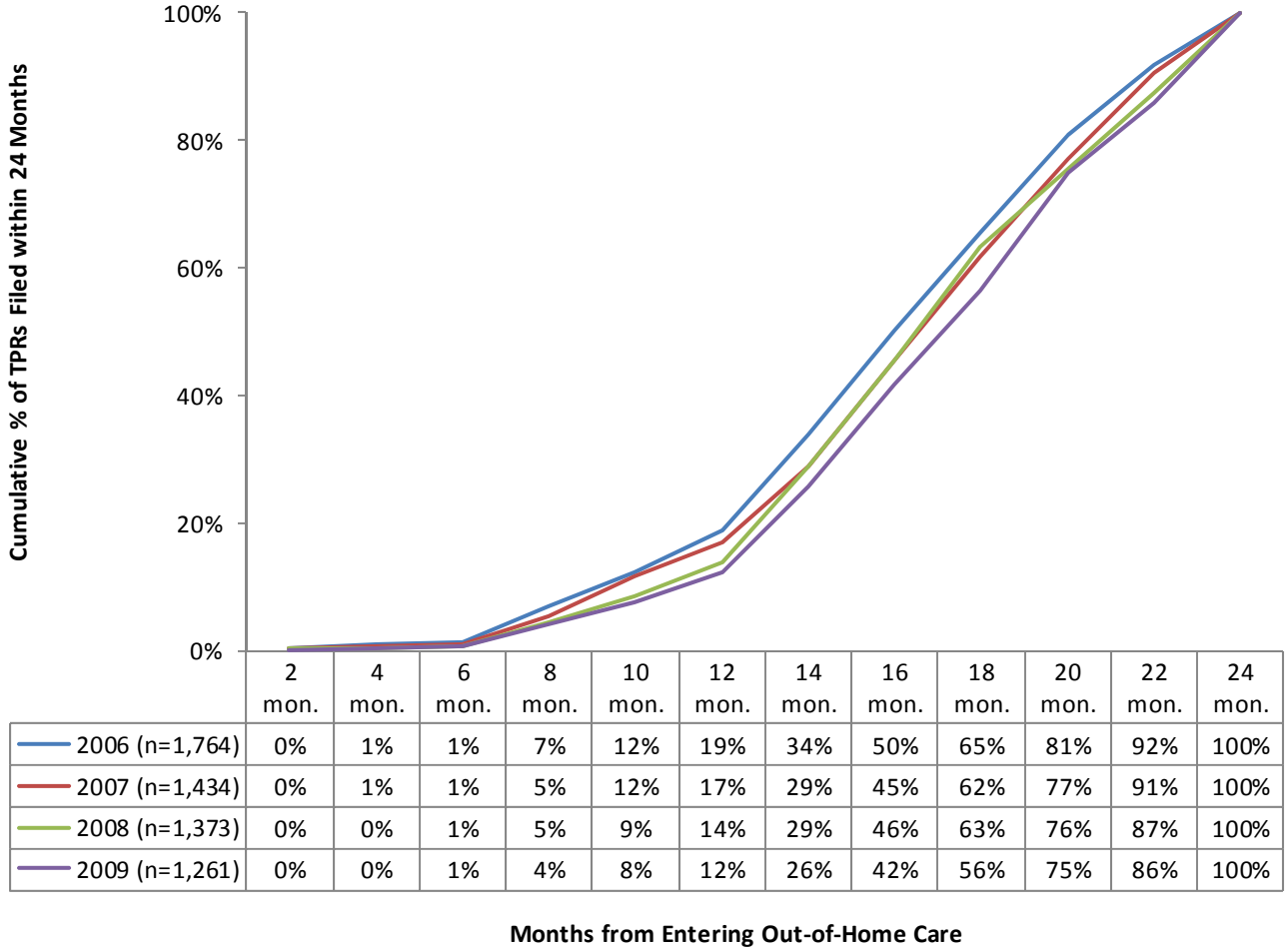
	0-6 mon.	7-12 mon.	13-18 mon.	19-24 mon.	25-30 mon.	31-36 mon.	37-42 mon.	43-48 mon.	49-52 mon.	53-60 mon.
2006 % of Petitions	1%	11%	31%	23%	12%	10%	6%	3%	2%	1%
2006 Cumulative %	1%	12%	43%	66%	78%	88%	94%	97%	99%	100%

Chart 6-B: Distributive and Cumulative Percentages of Children for whom a First TPR Petition was Filed within 48 Months from Entering Out-of-Home Care by Time to Filing: New York State, 2007 Entry Cohort with a First TPR Petition Filed



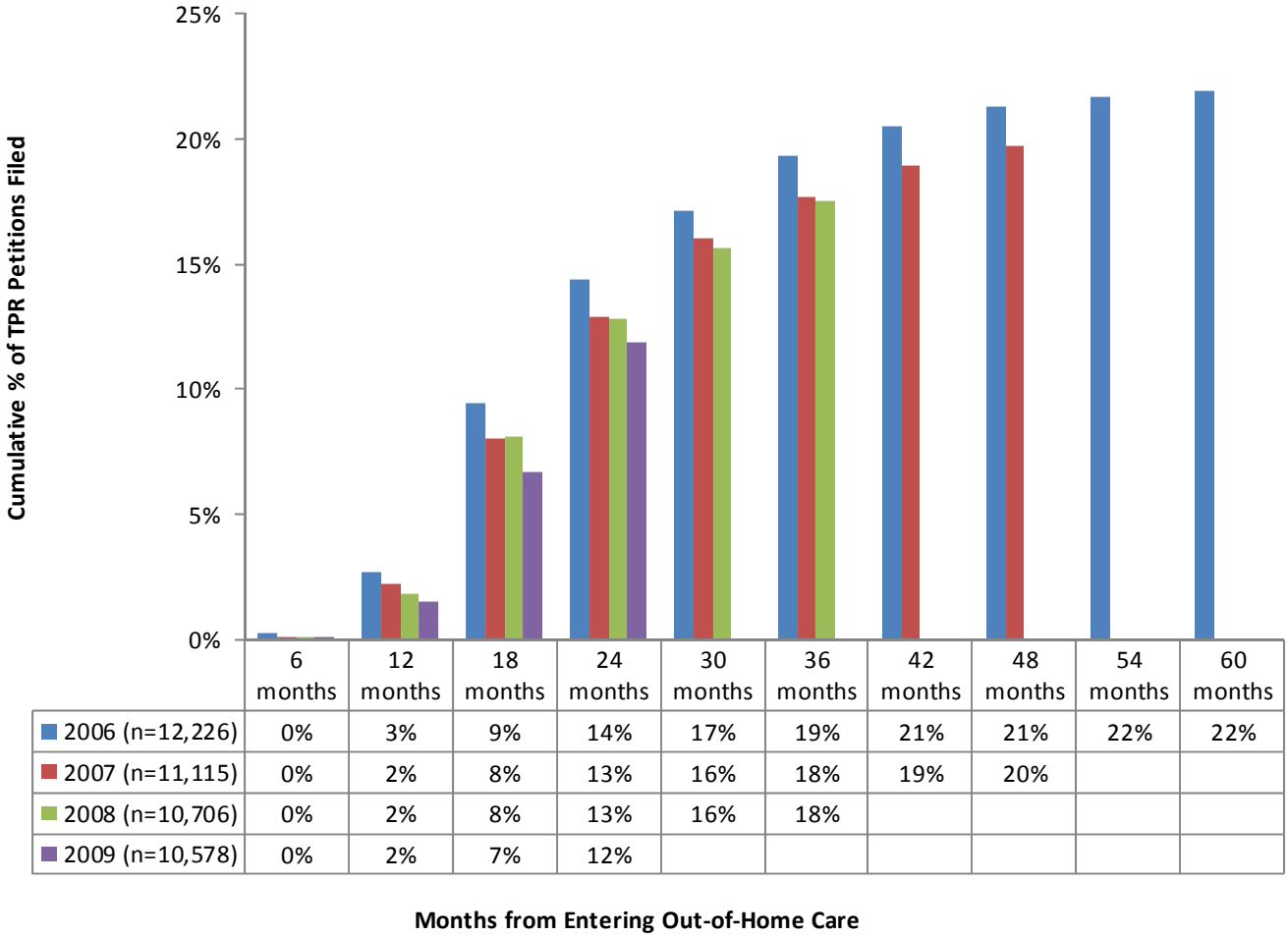
	0-6 mon.	7-12 mon.	13-18 mon.	19-24 mon.	25-30 mon.	31-36 mon.	37-42 mon.	43-48 mon.
2007 % of Petitions	1%	10%	29%	25%	16%	9%	6%	4%
2007 Cumulative %	1%	11%	40%	65%	81%	90%	96%	100%

Chart 6-C: Cumulative Percentage of Children for whom a First TPR Petition was Filed within 24 Months from Entering Out-of-Home Care by Time to Filing: New York State, 2006, 2007, 2008 and 2009 Entry Cohorts with a First TPR Petition Filed



	2 mon.	4 mon.	6 mon.	8 mon.	10 mon.	12 mon.	14 mon.	16 mon.	18 mon.	20 mon.	22 mon.	24 mon.
2006 (n=1,764)	0%	1%	1%	7%	12%	19%	34%	50%	65%	81%	92%	100%
2007 (n=1,434)	0%	1%	1%	5%	12%	17%	29%	45%	62%	77%	91%	100%
2008 (n=1,373)	0%	0%	1%	5%	9%	14%	29%	46%	63%	76%	87%	100%
2009 (n=1,261)	0%	0%	1%	4%	8%	12%	26%	42%	56%	75%	86%	100%

Chart 6-D: Cumulative Percentage of Children for whom a First TPR Petition is Filed within Time Intervals up to 60 Months from Entering Out-of-Home Care: New York State, 2006, 2007, 2008 and 2009 Entry Cohorts



	6 months	12 months	18 months	24 months	30 months	36 months	42 months	48 months	54 months	60 months
2006 (n=12,226)	0%	3%	9%	14%	17%	19%	21%	21%	22%	22%
2007 (n=11,115)	0%	2%	8%	13%	16%	18%	19%	20%		
2008 (n=10,706)	0%	2%	8%	13%	16%	18%				
2009 (n=10,578)	0%	2%	7%	12%						

Note: The population for this chart includes all unique children who entered out-of-home care for the first time for reasons of abuse/neglect or voluntary placement during 2006, 2007, 2008 and 2009.

Table 6-A: Cumulative Number of Children for whom a First TPR Petition is Filed within Time Intervals up to 60 Months from Entering Out-of-Home Care: New York State, 2006, 2007, 2008 and 2009 Entry Cohorts

Filing Year	**6 months**	**12 months**	**18 months**	**24 months**	**30 months**	**36 months**	**42 months**	**48 months**	**54 months**	**60 months**
2006 Cumulative TPR Petitions Filed	24	330	1,154	1,764	2,096	2,354	2,512	2,600	2,649	2,679
2007 Cumulative TPR Petitions Filed	14	244	885	1,434	1,780	1,968	2,105	2,191		
2008 Cumulative TPR Petitions Filed	8	192	868	1,373	1,673	1,872				
2009 Cumulative TPR Petitions Filed	8	155	710	1,261						

Metric 7: Time from Termination of Parent Rights Petition Filing to Adjudication

Among children for whom a TPR petition is filed in a given period, the time from petition filing to adjudication of the TPR.

Definition

This metric presents the length of time between the filing of the initial termination of parental right (TPR) petition and when the TPR case is adjudicated. Adjudication is the point in time where the court determines whether one or more grounds to terminate parental rights are supported by "clear and convincing proof."[22] This timeliness metric computes the number of days from the filing date of a first TPR petition to the recorded date of adjudication for each unique child and presents the median time in months for a designated entry cohort.

TPR adjudications are organized by the following categories (see Table 7-A for a percentage breakdown of adjudication types):

- The court dismisses the petition;[23]
- The petition to terminate parental rights is withdrawn;
- The court determines that the allegations are not sustained;
- The respondent admits to the allegations;
- The respondent consents to a finding;
- The court determines that the allegations are sustained after a trial (makes a finding);
- The court determines that the allegations are sustained after an inquest (makes a finding);
- The adjudication was not recorded; and
- The petition has not yet been adjudicated.

Population

This metric includes all unique children who were the subject of an initial TPR petition filing during 2006, 2007, 2008, 2009 or 2010. This metric follows these 12,657 unique children through December 31, 2011. This population does not include children who entered out-of-home care during this period and were subsequently the subject of a voluntary surrender whereby parents voluntarily relinquish their parental rights without ever having a TPR petition filed. Based on the filing date of the TPR petition, this metric presents the median time to adjudication for entry cohorts by year. For children who were the subject of more than one TPR adjudication, this metric uses the date of the first adjudication only. For petitions with more than one ground for termination, this metric followed a hierarchy to select a primary ground type for presenting data (see Methods Appendix for hierarchy).

Significance

Termination of parental rights ends the legal parent-child relationship, including rights for custody, visitation and participation in decision-making for the child. Before a court can consider an order terminating parental rights, there must be an adjudicatory finding based on "clear and convincing proof" of one or more narrowly specified grounds, including abandonment, parental mental illness or cognitive disability (mental retardation), severe or repeated child abuse or permanent neglect.[24]

Promoting timely adjudication of TPR petitions can be an effective means of encouraging efficient discovery and settlement procedures among legal professionals. It is during such settlement discussions that alternatives such as a voluntary surrender of parental rights can be explored. In some instances, conditions for surrenders can be negotiated that allow ongoing contact with and/or information sharing about the child for the surrendering parents post-surrender and after an adoption is finalized. A substantial number of TPR petitions are withdrawn in order to proceed to a voluntary surrender.

Timely decision-making can promote efficient casework practices and create a sense of urgency around issues such as recruitment and preparation of adoptive parents and development of a plan for post-adoption support services. These practices can be a significant factor in achieving timely permanency for children in out-of-home care when reunification is not viable.

Chart 7-A: Median Time from Initial TPR Petition Filing to Adjudication: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts as of Dec. 31, 2011

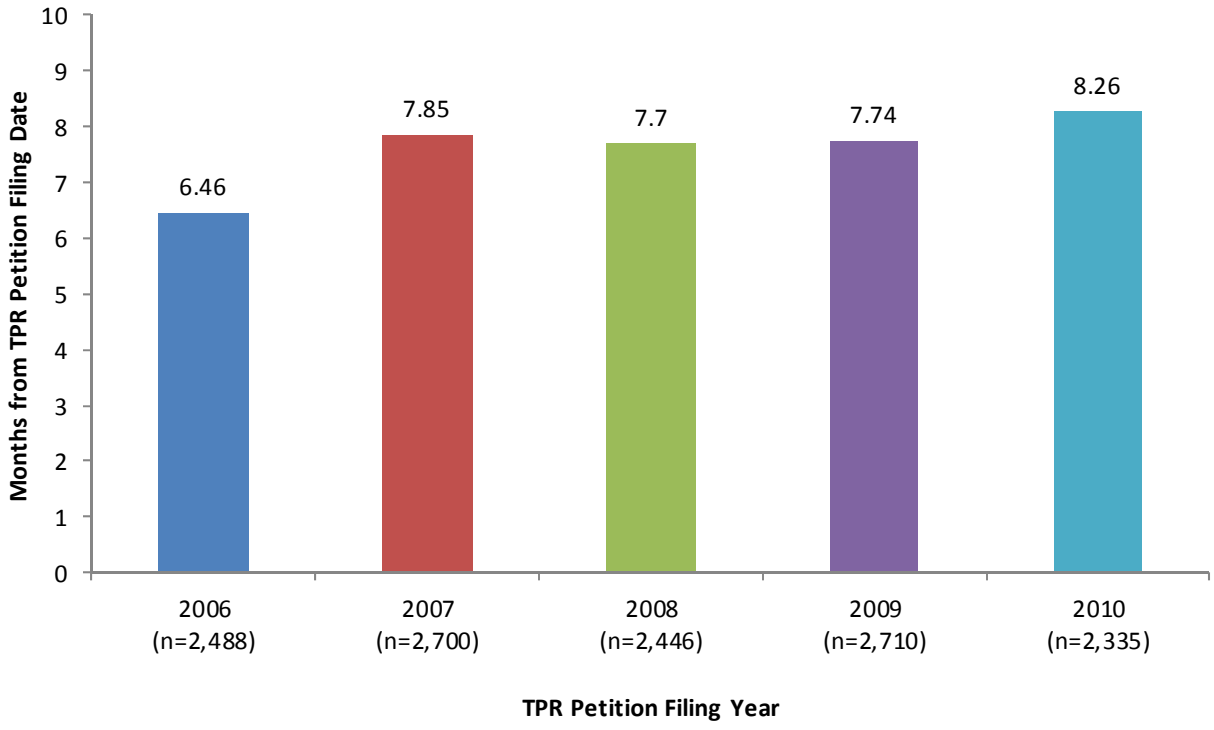
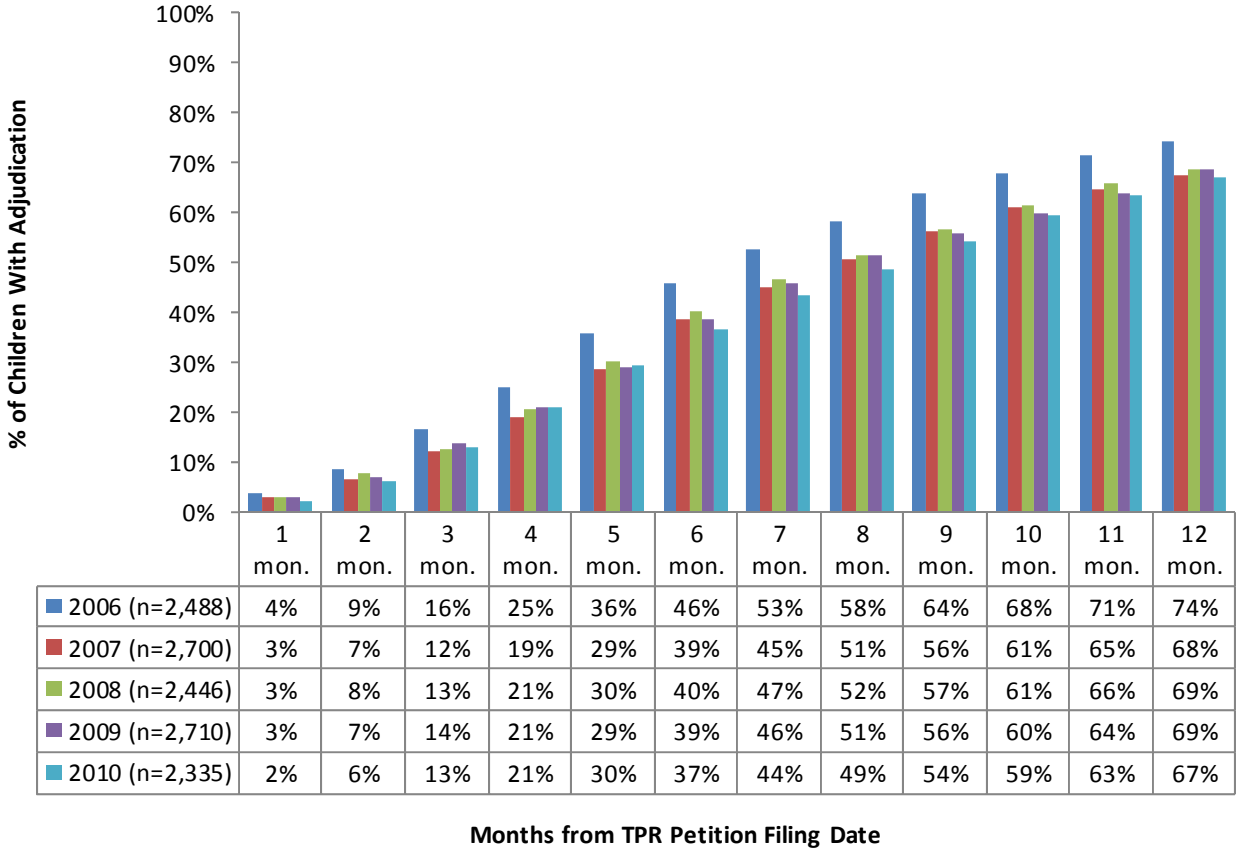


Chart 7-B: Cumulative Percentage of Children for whom Initial TPR Petitions Filed by Time to Adjudication: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts as of Dec. 31, 2011



	1 mon.	2 mon.	3 mon.	4 mon.	5 mon.	6 mon.	7 mon.	8 mon.	9 mon.	10 mon.	11 mon.	12 mon.
2006 (n=2,488)	4%	9%	16%	25%	36%	46%	53%	58%	64%	68%	71%	74%
2007 (n=2,700)	3%	7%	12%	19%	29%	39%	45%	51%	56%	61%	65%	68%
2008 (n=2,446)	3%	8%	13%	21%	30%	40%	47%	52%	57%	61%	66%	69%
2009 (n=2,710)	3%	7%	14%	21%	29%	39%	46%	51%	56%	60%	64%	69%
2010 (n=2,335)	2%	6%	13%	21%	30%	37%	44%	49%	54%	59%	63%	67%

Table 7-A: Number and Percentage of Initial TPR Petitions Filed by Adjudication Type: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts as of Dec. 31, 2011										
	2006		**2007**		**2008**		**2009**		**2010**	
Adjudication Type	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Consent	40	2%	58	2%	57	2%	53	2%	55	2%
Admission	193	8%	271	10%	206	8%	292	11%	183	8%
Dismissed	124	5%	127	5%	136	6%	112	4%	99	4%
Withdrawn	619	25%	701	26%	696	28%	752	28%	584	25%
No adjudication recorded	171	7%	144	5%	144	6%	168	6%	103	4%
Allegations not sustained after trial or inquest	2	0%	7	0%	3	0%	8	0%	3	0%
Allegations sustained after trial	379	15%	370	14%	301	12%	312	12%	244	10%
Allegations sustained after inquest	937	38%	974	36%	837	34%	870	32%	627	27%
Not yet adjudicated	23	1%	48	2%	66	3%	143	5%	437	19%
Total	2,488	101%	2,700	100%	2,446	99%	2,710	100%	2,335	99%

Chart 7-C: Proportion of Initial TPR Petitions Filed by Adjudication Type: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts as of Dec. 31, 2011

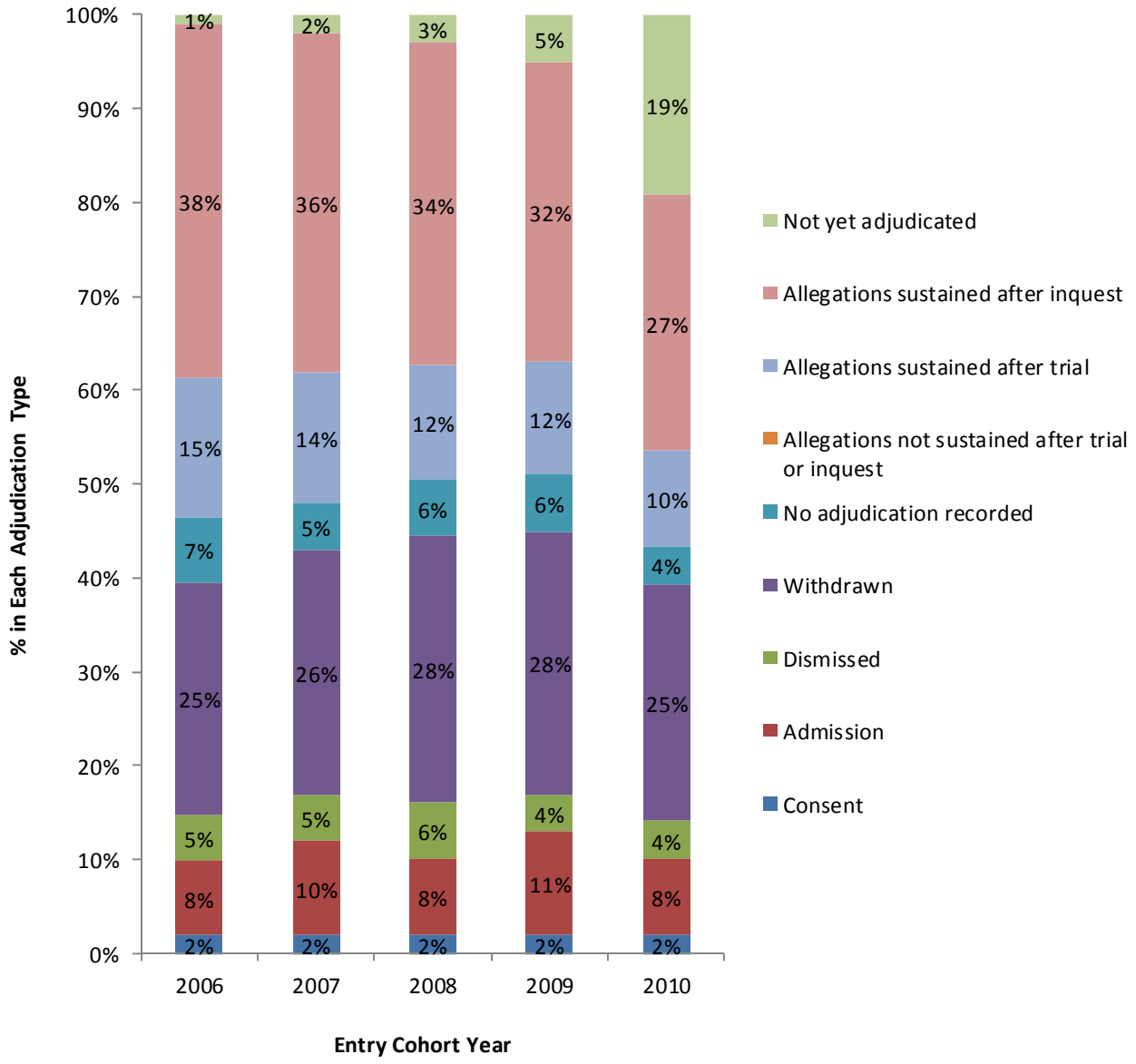
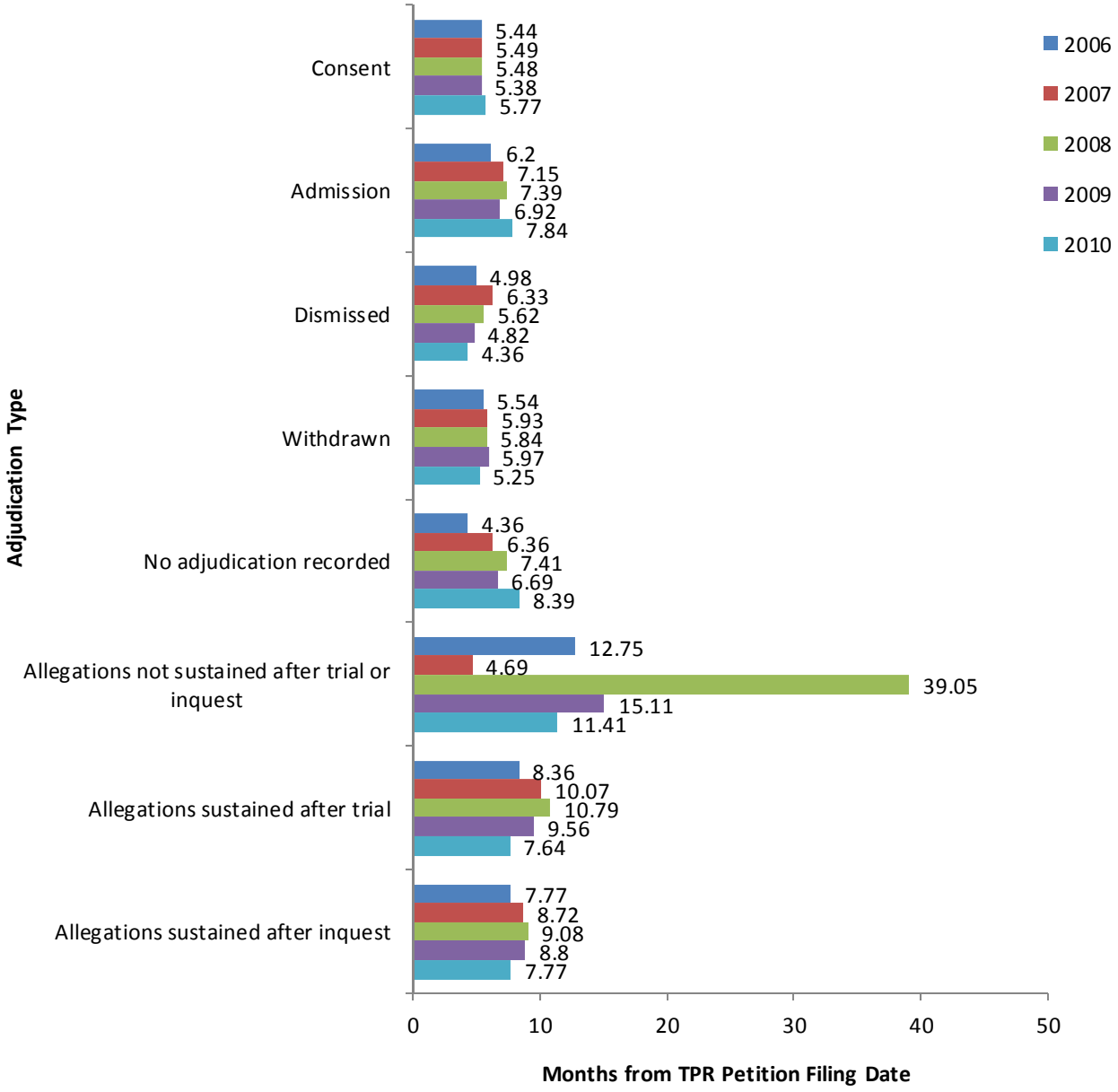


Chart 7-D: Median Time from Initial TPR Petition Filing to Adjudication by Adjudication Type: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts as of Dec. 31, 2011



Please note the values in the above chart may be unstable due to low numbers in some categories.

Chart 7-E: Proportion of Initial TPR Petition Filings by Type of Grounds Initiating the TPR Petition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts Observed through Dec. 31, 2011

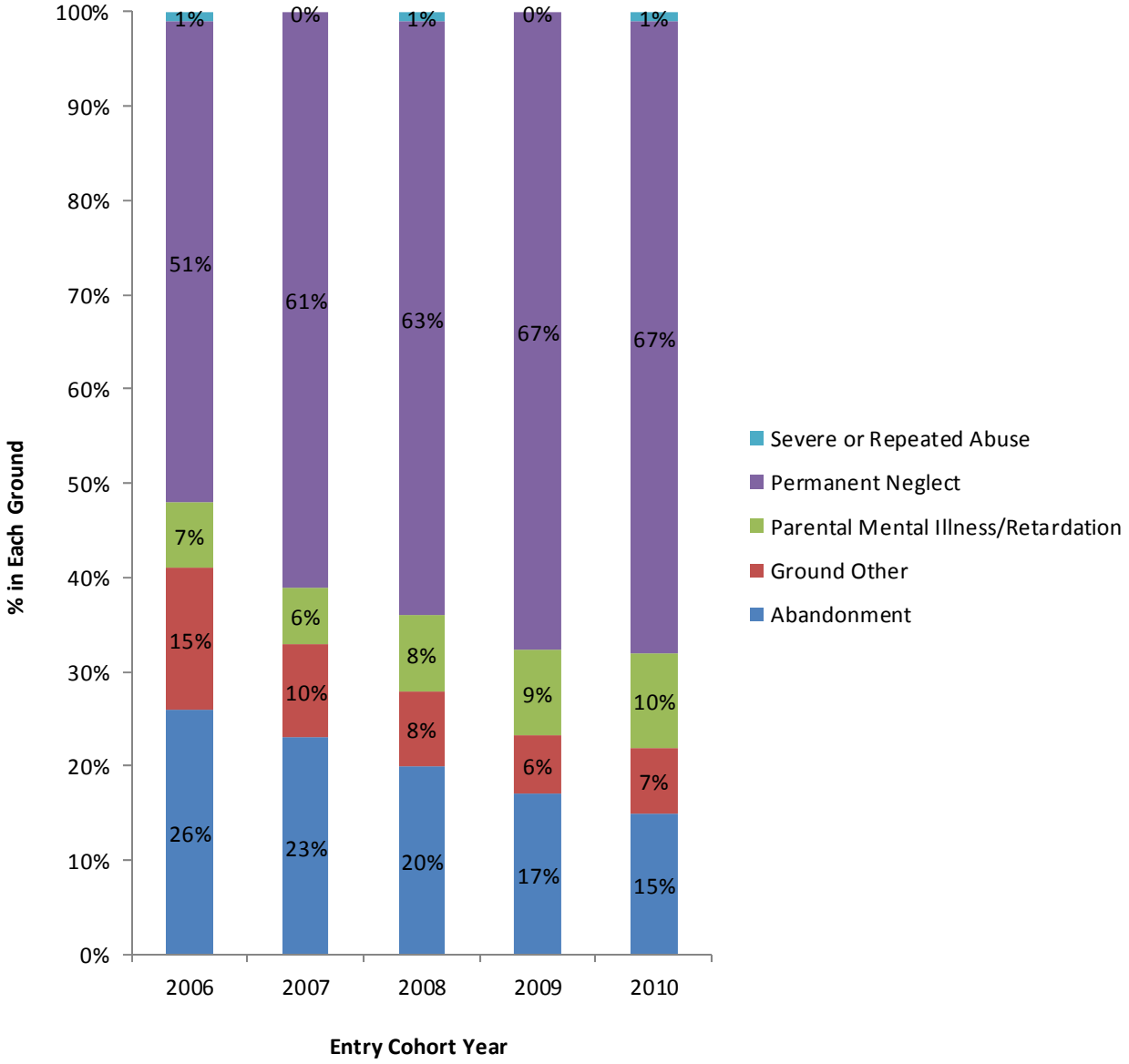
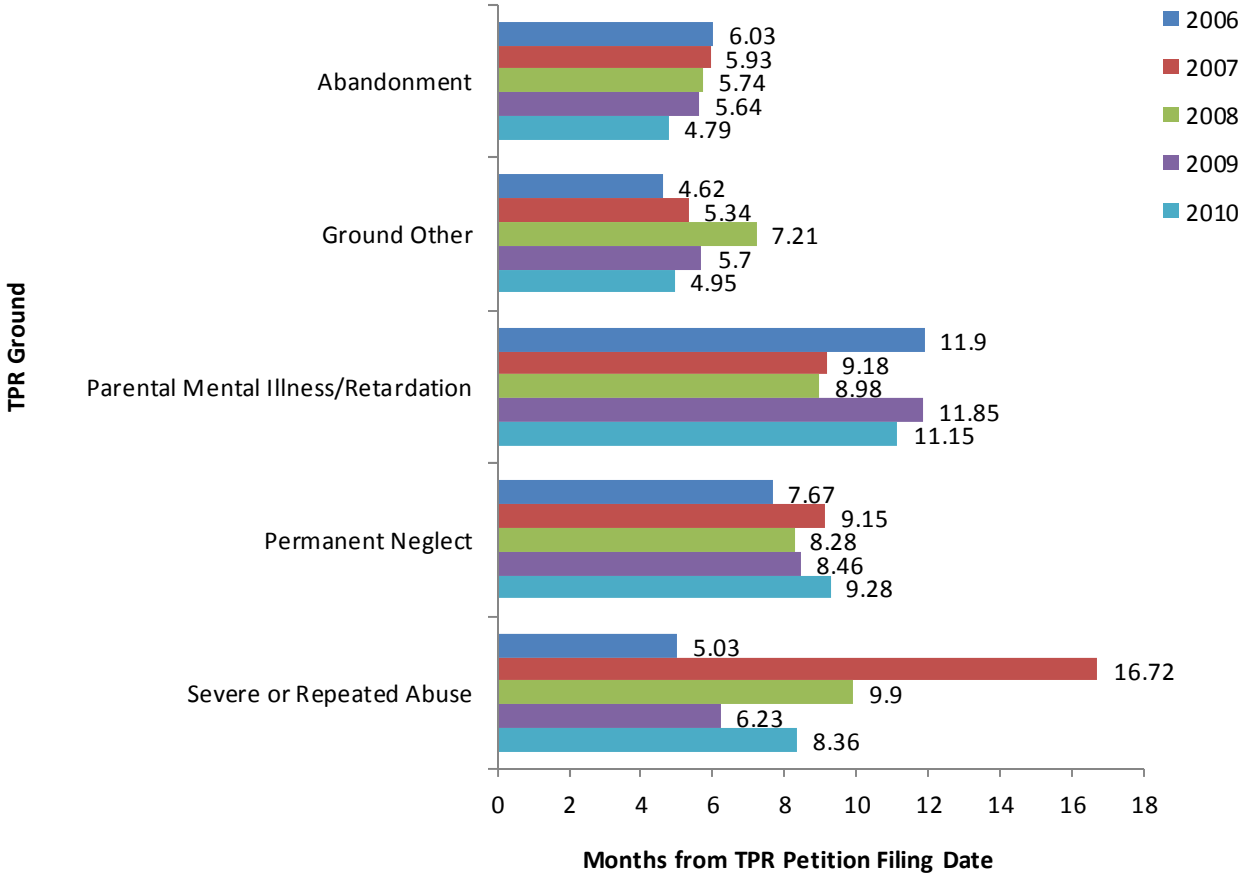


Table 7-B: Number and Percentage of Initial TPR Petitions Filed by Type of Grounds Initiating the Petition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts as of Dec. 31, 2011

	2006		2007		2008		2009		2010	
Ground Type	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Abandonment	639	26%	616	23%	493	20%	474	17%	347	15%
Ground Other	381	15%	264	10%	196	8%	153	6%	160	7%
Parental Mental Illness/Retardation	173	7%	163	6%	205	8%	244	9%	236	10%
Permanent Neglect	1277	51%	1651	61%	1534	63%	1827	67%	1571	67%
Severe or Repeated Abuse	18	1%	6	0%	18	1%	12	0%	21	1%
Total	2,488	100%	2,700	100%	2,446	100%	2,710	99%	2,335	100%

Chart 7-F: Median Time from Initial TPR Petition Filing to Adjudication by Type of Grounds Initiating the TPR Petition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts Observed through Dec. 31, 2011



Please note the values in the above chart may be unstable due to low numbers in some categories.

Metric 8: Time from TPR Petition Filing to Disposition

Among children for whom a TPR petition is filed in a given period and one or more grounds for termination is established, the time from TPR petition filing to disposition.

Definition

This metric presents the length of time between the filing of the initial termination of parental rights (TPR) petition and the entry of a dispositional order. Following a finding (where one or more grounds for termination were established), the court determines whether to order the termination of parental rights based on the best interests of the child. This determination occurs at a subsequent dispositional hearing or, if all parties consent, immediately after the required finding is made[25]. This timeliness metric computes the number of days from the filing date of an initial TPR petition to the date of the entry of a dispositional order for each unique child and presents the median time to disposition for a designated entry cohort.

The outcomes of the TPR dispositional hearing are organized by the following categories (see Table 8-A for a percentage breakdown of disposition types):[26]

- Parent's rights terminated[27]
- Dismissed
- Suspended judgment
- Withdrawn
- Other
- Not yet disposed

Population

This metric includes all unique children who were the subject of an initial TPR petition filing during 2006, 2007, 2008, 2009 or 2010 and the court had established one or more grounds for termination as of December 31, 2011. Of the 12,657 unique children with an initial TPR petition filed during this four-year period, the majority of cases (7,981 or 63%) had an adjudicatory finding that established one or more grounds for termination as of December 31, 2011. The population for this metric is the 7,981 children with established grounds for termination. This population does not include the 713 TPR cases from this five-year period that were still awaiting adjudication as of December 31, 2011.[28] Based on the filing date of the initial TPR petition, this metric presents the median time to disposition for entry cohorts by year. For children with more than one TPR disposition, this metric uses the date of the first disposition only. For petitions with more than one ground for termination, this metric follows a hierarchy to select a primary ground type when presenting data disaggregated by grounds (see Methods Appendix for hierarchy).

Significance

Termination of parental rights ends the legal parent-child relationship, including rights for custody, visitation and participation in decision-making for the child. The court order can terminate the rights of one parent without affecting the rights of the other parent. A child is considered freed for adoption only when all persons whose consent to the child's adoption has either had his or her parental rights terminated by a TPR proceeding or a surrender or are deceased.[29] TPR proceedings tend to be the most contested and time-consuming proceedings in child abuse/neglect litigation. As demonstrated in Metric 2: Time from Entering Out-of-Home Care to Permanency Achieved, completed adoptions do not account for a sizeable proportion of permanent exits until years after children enter out-of-home care. When termination of parental rights is in the best interests of the child, timeliness is essential when addressing a child's need for permanency. Delays can have substantial consequences that can affect a child's length of stay in out-of-home care, which in turn impact well-being and adoption opportunities.

Chart 8-A: Median Time from the Initial TRP Petition Filing to Disposition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts with Established Grounds for the TPR as of Dec. 31, 2011

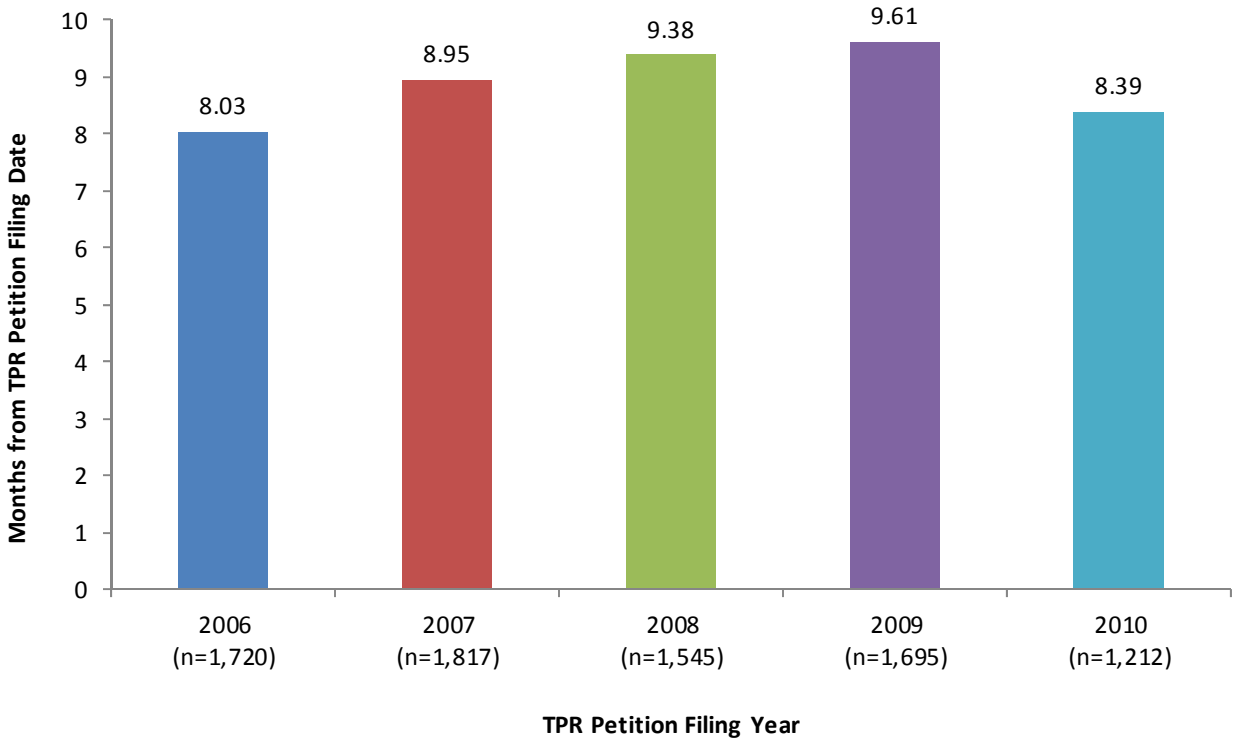
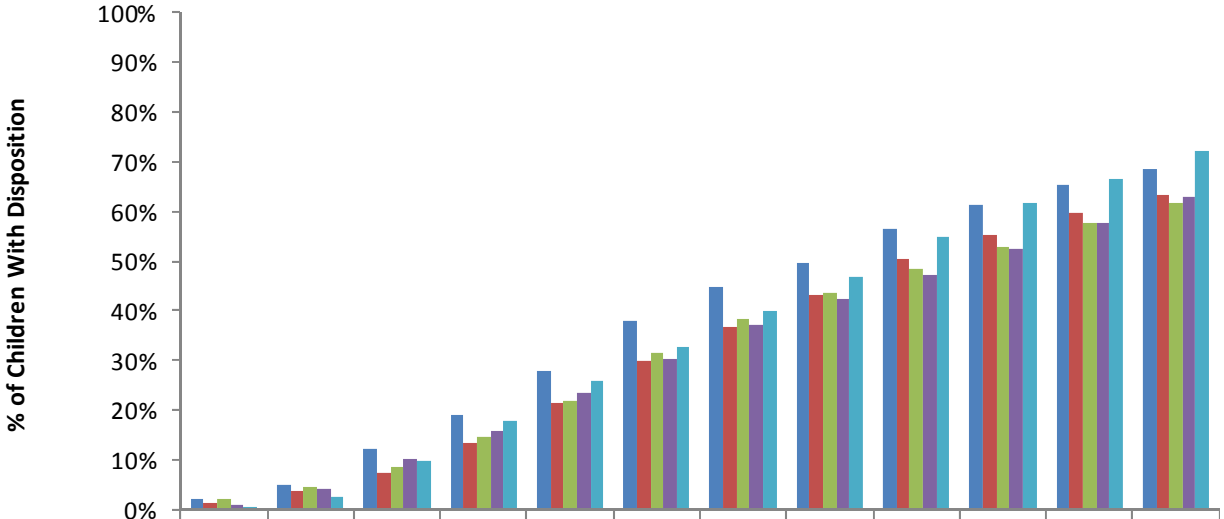


Chart 8-B: Cumulative Percentage of Children for whom a TPR Disposition is Reached by Time from Initial TPR Petition Filing to Disposition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts with Established Grounds for the TPR as of Dec. 31, 2011

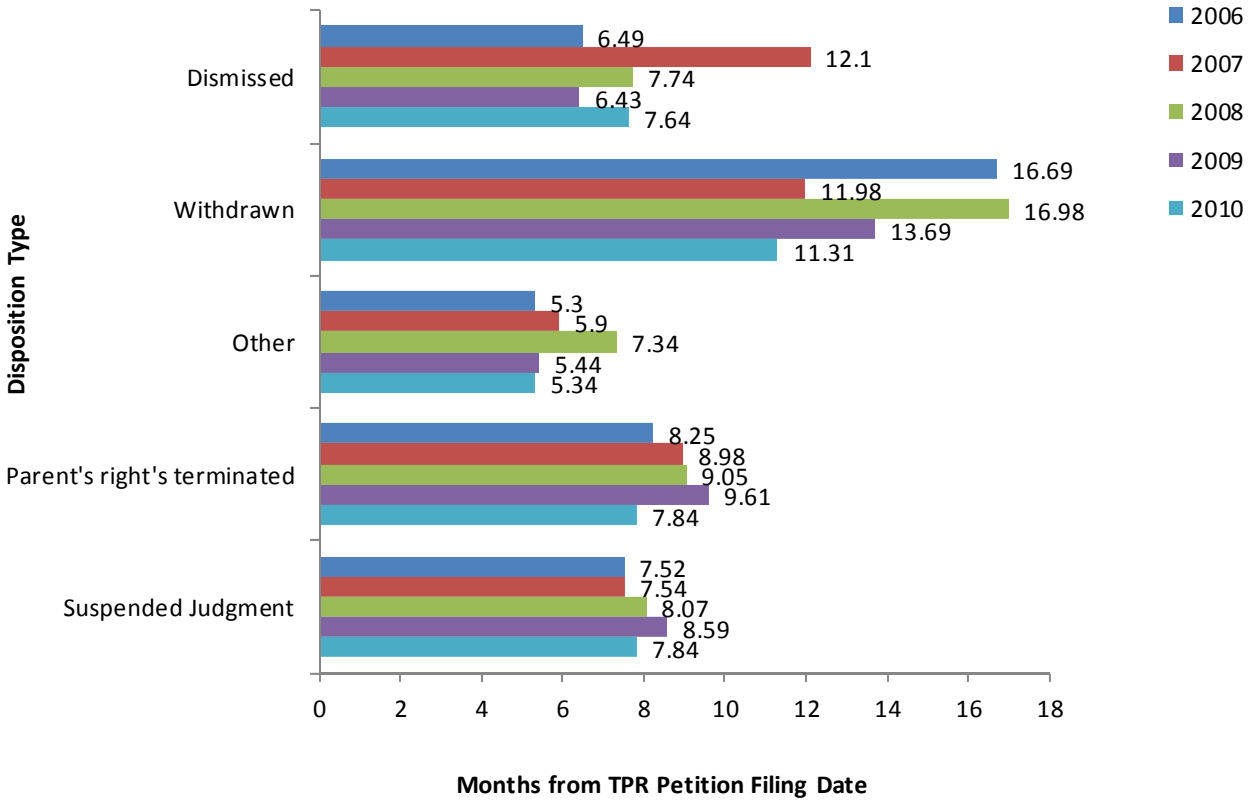


	1 mon.	2 mon.	3 mon.	4 mon.	5 mon.	6 mon.	7 mon.	8 mon.	9 mon.	10 mon.	11 mon.	12 mon.
2006 (n=1,720)	2%	5%	12%	19%	28%	38%	45%	50%	57%	62%	65%	68%
2007 (n=1,817)	2%	4%	8%	13%	21%	30%	37%	43%	51%	55%	60%	63%
2008 (n=1,545)	2%	5%	9%	15%	22%	31%	38%	44%	48%	53%	58%	62%
2009 (n=1,695)	1%	4%	10%	16%	24%	30%	37%	42%	47%	52%	58%	63%
2010 (n=1,212)	1%	3%	10%	18%	26%	33%	40%	47%	55%	62%	67%	72%

Months from TPR Petition Filing Date

Table 8-A: Number and Percentage of TPR Disposition Types: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts with Established Grounds for the TPR as of Dec. 31, 2011										
	2006		**2007**		**2008**		**2009**		**2010**	
Disposition Type	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Dismissed	8	0%	21	1%	21	1%	7	0%	4	0%
Withdrawn	34	2%	56	3%	42	3%	32	2%	20	2%
Not yet disposed	18	1%	36	2%	46	3%	77	5%	116	10%
Other	160	9%	127	7%	145	9%	128	8%	93	8%
Parent's right's terminated	1,276	74%	1,290	71%	1,063	69%	1,165	69%	784	65%
Suspended Judgment	224	13%	287	16%	228	15%	286	17%	195	16%
Total	1,720	99%	1,817	100%	1,545	100%	1,695	101%	1,212	101%

Chart 8-C: Median Time from the Initial TPR Petition Filing to Disposition by Disposition Type: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts with Established Grounds for the TPR as of Dec. 31, 2011



Please note the values in the above chart may be unstable due to low numbers in some categories.

Chart 8-D: Proportion of TPR Dispositions by Type of Grounds Initiating the Initial TPR Petition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts with Established Grounds for the TPR as of Dec. 31, 2011

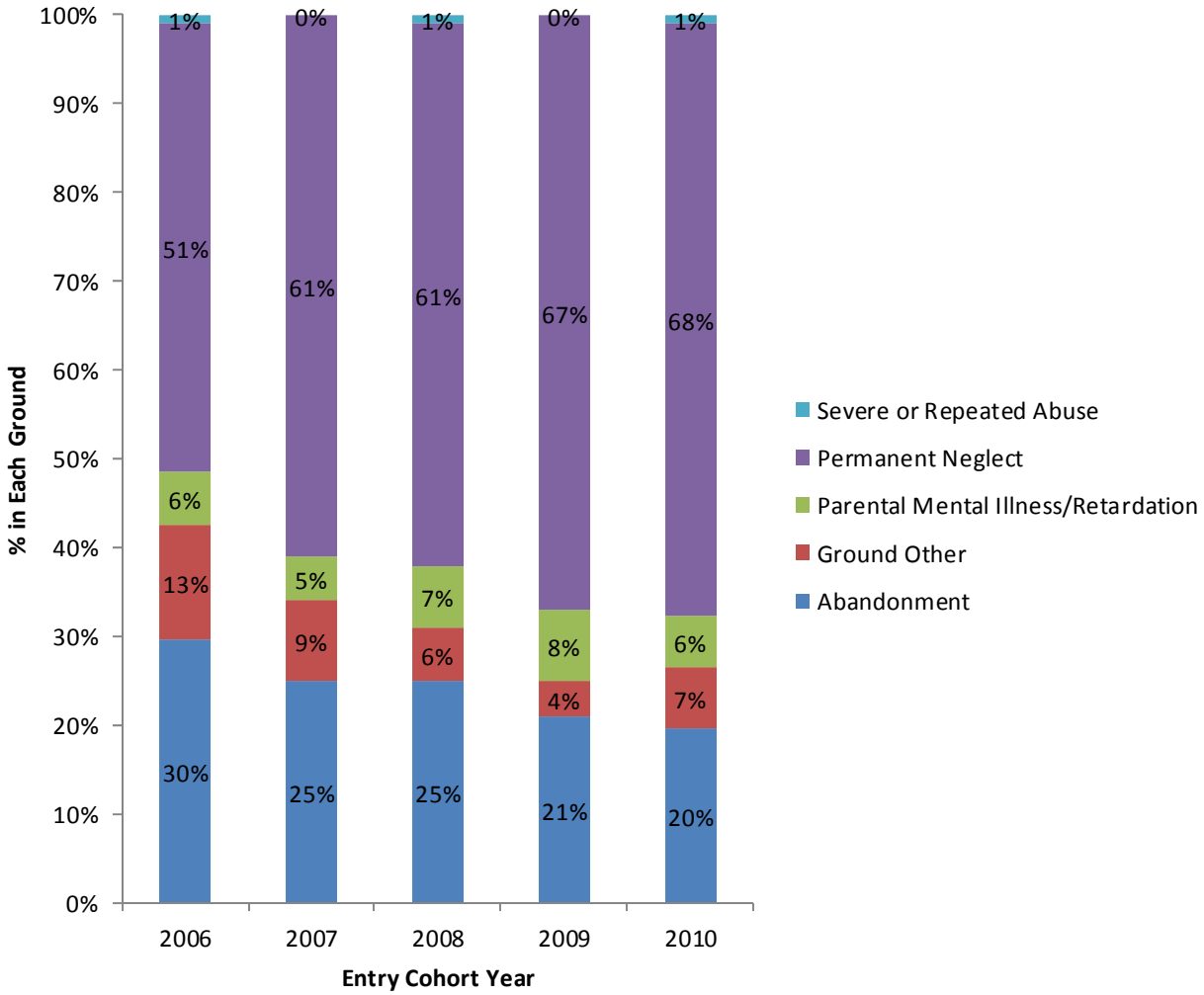
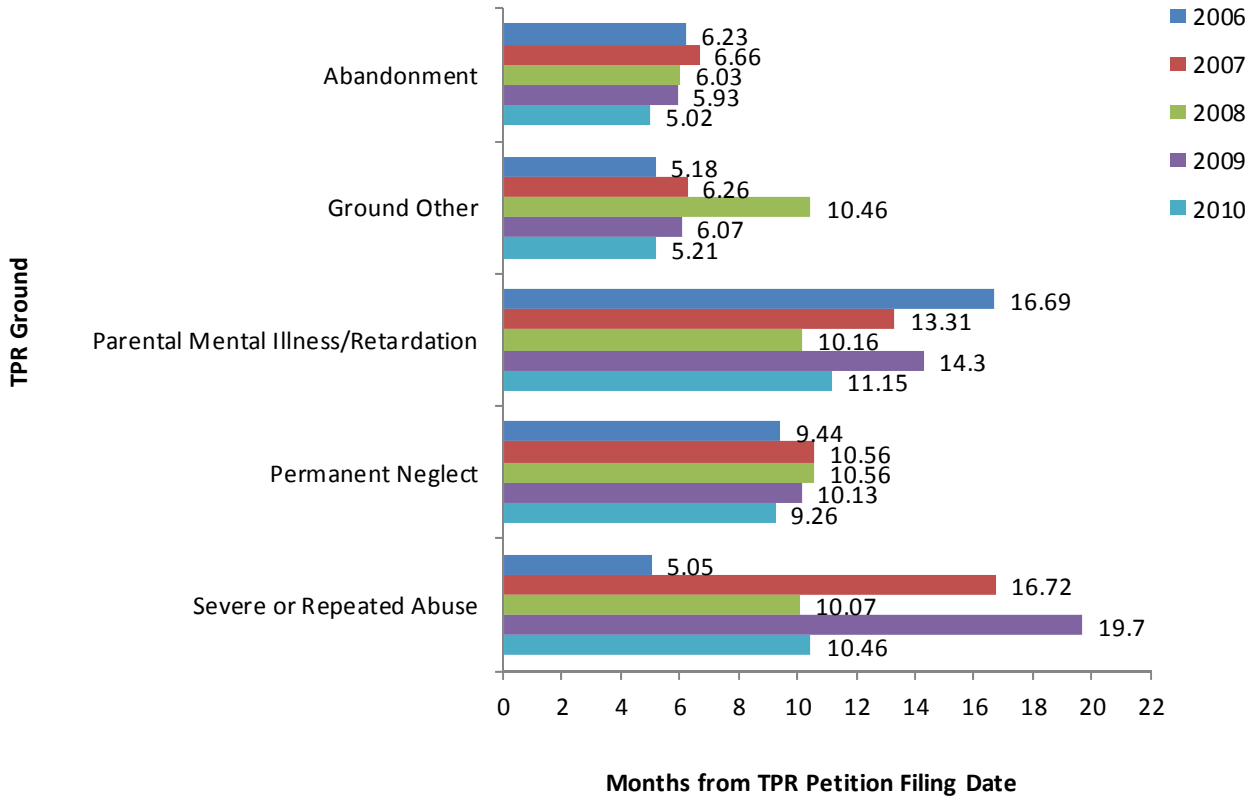


Table 8-B: Number and Percent of TPR Dispositions by Type of Grounds Initiating the Initial TPR Petition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts with Established Grounds for the TPR as of Dec. 31, 2011

	2006		2007		2008		2009		2010	
TPR Ground	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Abandonment	508	30%	462	25%	386	25%	357	21%	237	20%
Ground Other	215	13%	157	9%	95	6%	62	4%	79	7%
Parental Mental Illness/Retardation	107	6%	93	5%	115	7%	134	8%	69	6%
Permanent Neglect	873	51%	1,101	61%	938	61%	1,135	67%	820	68%
Severe or Repeated Abuse	17	1%	4	0%	11	1%	7	0%	7	1%
Total:	1,720	101%	1,817	100%	1,545	100%	1,695	100%	1,212	102%

Chart 8-E: Median Time from the Initial TPR Petition Filing to Disposition by Type of Grounds Initiating the Initial TPR Petition: New York State, 2006, 2007, 2008, 2009 and 2010 TPR Filing Entry Cohorts with Established Grounds for the TPR as of Dec. 31, 2011



Please note the values in the above chart may be unstable due to low numbers in some categories.

Metric 9: Subsequent Abuse/Neglect Filings after the Initial Period of Court Jurisdiction Ends

For children whose period of court jurisdiction ends, the proportion of children who are the subject of a subsequent petition alleging abuse/neglect filed within a given period of time.

Definition

This metric presents the proportion of children who exit court jurisdiction and have a subsequent petition filed alleging abuse/neglect within a specified period of time. Children exit court jurisdiction when all dockets related to their original petition have been disposed, any related placements have ended, no other supplemental petitions associated with the original petition have been filed and no appearances before the court have been recorded for at least 90 days. This metric computes the number of days from the date of exiting court jurisdiction to the date of the filing of a subsequent abuse/neglect petition and presents the proportion of children who re-enter court jurisdiction for a designated exit cohort.

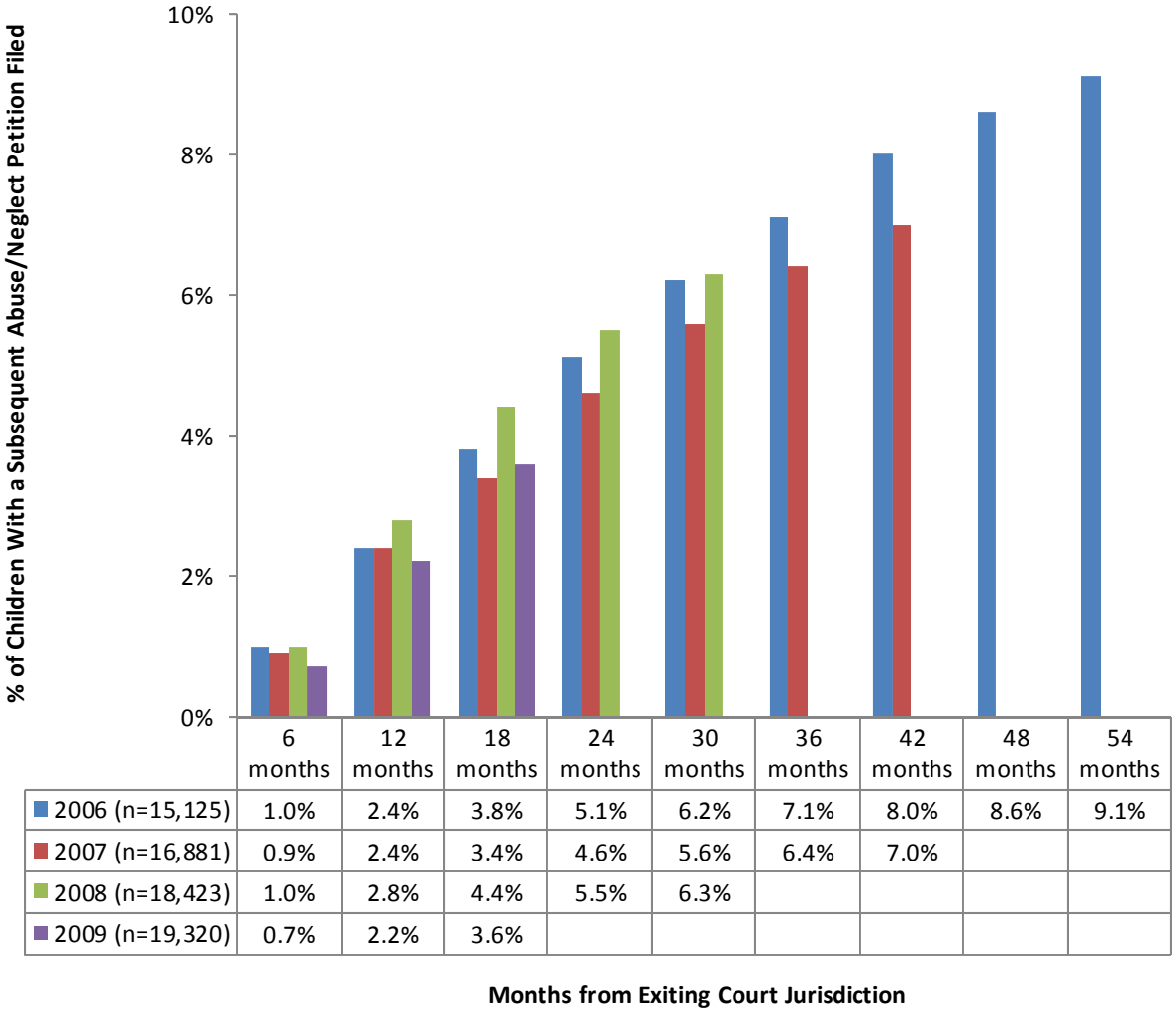
Population

This metric includes all unique children who exited court jurisdiction during 2006, 2007, 2008 and 2009. The population for this metric is the 69,749 children who exited court jurisdiction before their 18th birthday during this four-year period. This includes children who were in in-home supervision or in out-of-home care for reasons of abuse/neglect or voluntary placement. Depending on the child's exit date and age, this metric follows each child for up to 54 months or until they reach their 18th birthday, whichever comes first. Since the definition of exiting court jurisdiction includes having no appearances before the court for at least 90 days, this metric does not capture children who are the subject of a subsequent petition alleging abuse/neglect filed during that initial 90-day period. This metric presents the percentage of children for whom a subsequent petition alleging abuse/neglect is filed for exit cohorts by year and by the three year aggregate, referred to as the 2006 to 2008 exit cohort.

Significance

This metric helps evaluate the success in achieving stability for children after the matter exits the court's jurisdiction. Subsequent abuse/neglect petitions may indicate that the underlying issues and problems prompting the initial petition were not adequately addressed prior to the child exiting court jurisdiction. Specifically for children who exit out-of-home care, this metric helps local collaboratives examine their success in evaluating the risk of future threats to child safety when deciding the child's permanent plan. The incidence of subsequent abuse/neglect petitions is an important barometer for evaluating the legal/judicial and child welfare systems' success in achieving stability for children and families after matters exit court jurisdiction.

Chart 9-A: Percentage of Children with Subsequent Abuse/Neglect Petitions Filed within Time Intervals up to 54 months of Exiting Court Jurisdiction: New York State, 2006, 2007, 2008 and 2009 Exit Cohorts



	6 months	12 months	18 months	24 months	30 months	36 months	42 months	48 months	54 months
2006 (n=15,125)	1.0%	2.4%	3.8%	5.1%	6.2%	7.1%	8.0%	8.6%	9.1%
2007 (n=16,881)	0.9%	2.4%	3.4%	4.6%	5.6%	6.4%	7.0%		
2008 (n=18,423)	1.0%	2.8%	4.4%	5.5%	6.3%				
2009 (n=19,320)	0.7%	2.2%	3.6%						

Chart 9-B: Percentage of Children with Subsequent Abuse/Neglect Petitions Filed within 6, 12, 18, 24 and 30 Months of Exiting Court Jurisdiction by In-Home Supervision and Out-of-Home Care Status during their Original Period of Court Jurisdiction: New York State, 2006 to 2008 Exit Cohort

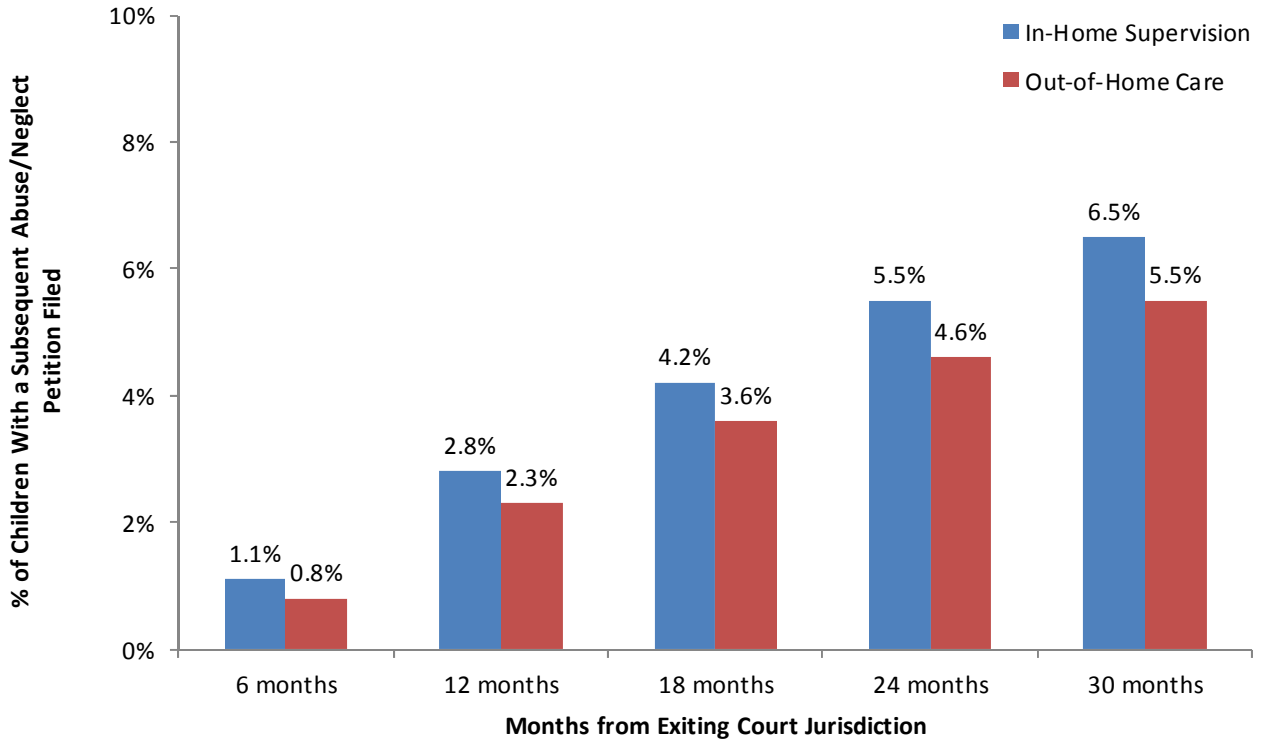


Table 9-A: Cumulative Number of Children with a Subsequent Abuse/Neglect Petition Filing within 6, 12, 18, 24 and 30 Months of Exiting Court Jurisdiction by Children Experiencing In-Home Supervision and Out-of-Home Care: New York State, 2006 to 2008 Exit Cohort as of Dec. 31, 2011

	6 Months	12 Months	18 Months	24 Months	30 Months
	#	#	#	#	#
In-Home Supervision	298	762	1,148	1,500	1,774
Out-of-Home Care	182	534	830	1,071	1,275
Total	480	1,296	1,978	2,571	3,049

Chart 9-C: Percentage of Children with Subsequent Abuse/Neglect Petitions Filed within 6, 12, 18, 24 and 30 Months of Exiting Court Jurisdiction by Filing Type: New York State, 2006 to 2008 Exit Cohort

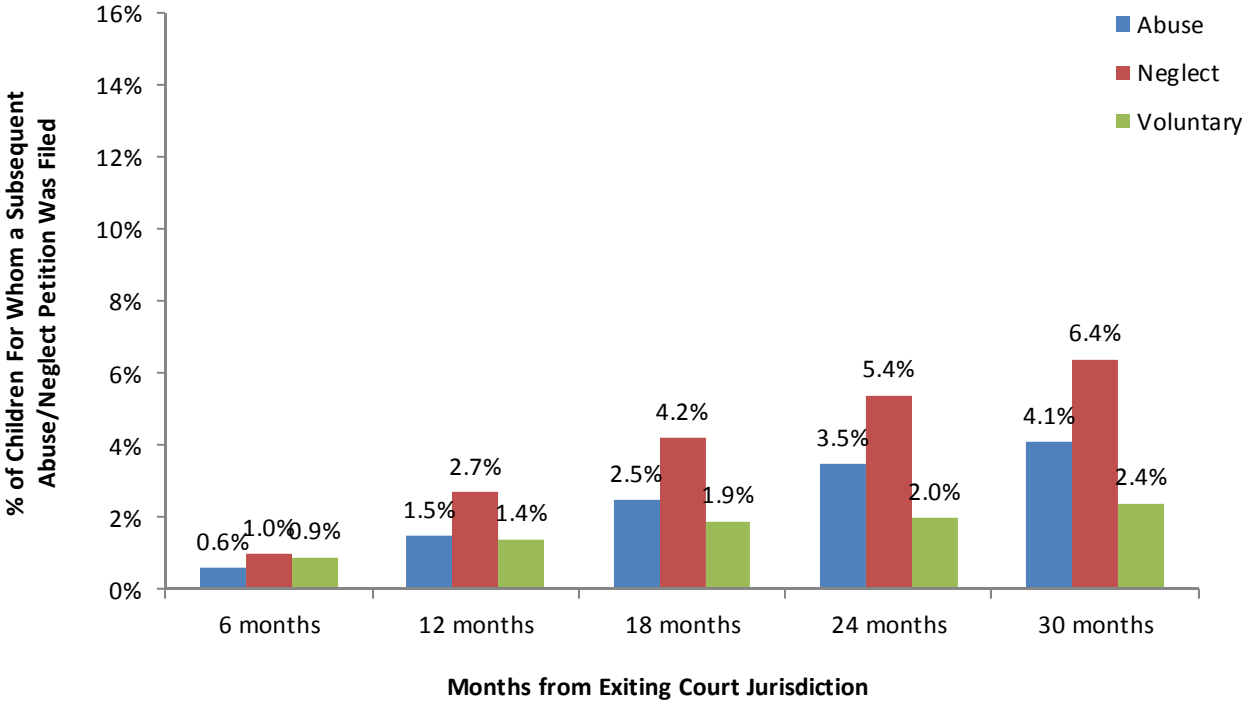


Table 9-B: Cumulative Number of Children with a Subsequent Abuse/Neglect Petition Filed within 6, 12, 18, 24 and 30 Months of Exiting Court Jurisdiction and Total Number of Children Exiting Court Jurisdiction by Filing Type: New York State, 2006 to 2008 Exit Cohort						
Filing Type		**6 Months**	**12 Months**	**18 Months**	**24 Months**	**30 Months**
Abuse						
Number of Children with Subsequent Abuse Petitions Filed		31	81	129	184	214
Number of Children Exiting Court Jurisdiction	5,236					
Neglect						
Number of Children with Subsequent Neglect Petitions Filed		437	1,196	1,823	2,360	2,802
Number of Children Exiting Court Jurisdiction	43,833					
Voluntary						
Number of Children with Subsequent Voluntary Petitions Filed		12	19	26	27	33
Number of Children Exiting Court Jurisdiction	1,360					
	Total	480	1,296	1,978	2,571	3,049

Appendix A - Glossary

Abuse/Neglect. The terms abuse, neglect are defined in the Family Court Act (Family Court Act, art 10, § 1012 [e] [f]) and the Social Services Law (Social Services Law § 371 art 6, title 1 [4-a] [4-b]). For the purpose of narrative consistency, the terms are conflated to "Abuse/Neglect" except in those instances where data regarding the type of allegation or finding is disaggregated.

Adjournment in Contemplation of Dismissal (ACD). An adjournment in contemplation of dismissal is an adjournment of the proceeding for a period not to exceed one year with a view to ultimate dismissal of the petition in furtherance of justice.[30]

Adjudication. The stage of the court process in abuse/neglect cases where the court determines whether sufficient evidence exists to support the allegations of the abuse or neglect petition.

Aged out. A term used to describe children who leave foster care between the ages of 18 and 21.

Adoption and Safe Families Act (ASFA). Federal Public Law 105-89 requires state agencies, with certain exceptions, to file a petition to terminate parental rights when a child has been in foster care for 15 of the most recent 22 months and when a court has determined a child to be an abandoned infant; that the parent committed murder or voluntary manslaughter of another child of the parent; that the parent aided, abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; or that the parent committed a felony assault that resulted in serious bodily injury to the child or another child of the parent. The federal Adoption and Safe Families Act of 1997 (ASFA)(Public Law 105-89) and New York State's ASFA enabling legislation (Chapter 7 of the Laws of 1999, enacted February 11, 1999) placed an increased emphasis on promoting child safety and permanency as the primary goals of the child welfare system.

Another planned permanent living arrangement (APPLA). APPLA is a plan for children for whom there is no goal for placement with a legal, permanent family. Instead the APPLA goal intends to build relationships with significant people in the child's life that are expected to continue after the child leaves care.

Date of removal. The date a child is removed from the home. In emergencies, statutes permit children to be removed from a home before a petition is filed. An emergency removal hearing follows shortly after these removals.

Dispositional hearing. A hearing to determine what order of disposition should be made.[31] This hearing is where the court determines the legal custody of the child. Disposition in child abuse/neglect cases should not be confused with case closure or with the permanency hearing, both of which generally occur after the disposition hearing.

Distribution. Arranging the values of a variable according to their frequency of occurrence.

Fact-finding hearing. A bench trial to determine if abuse/neglect has been proven.

Finding. The court's or jury's decision on issues of fact.[32]

First petition filing. Indicates that the children included in the metrics did not have a previous abuse/neglect filing.

Frontloading. The term of art "frontloading" is used to describe practices which are designed to devote substantial time and attention to the cases as soon as they come into the system, treating each case with urgency.

Guardianship. A permanency outcome in which the court has given an individual responsibility for a child.

Inquest. A proceeding which usually is a limited non-jury trial for the purpose of fixing the amount of damages where the plaintiff or defendant alone introduces testimony.

In-home supervision. For purposes of this report, matters in which Local Districts of Social Services/Child Protective Service units petition the Family Court due to an appropriate offer of voluntary services being refused. This also includes matters in which a child is removed and subsequently returned home and the court continues to have jurisdiction based on an order of supervision or trial discharge.

Mean. The common way to calculate an average. It is the sum of all of observation values divided by the total number of observations.

Median. A robust way of defining average—the middle number in an array of numbers, such that half of the numbers lie above this point and half lie below it. Medians are not as subject as means to fluctuations caused by a wide disparity in values.

Out-of-home care. A term defined in this report to refer to all circumstances in which children are removed or placed outside their home.

Original petition. The petition alleging facts about a child's abuse/neglect to support court's jurisdiction of the child. The adjudicatory hearing determines whether or not the petition is sustained.

Permanency hearing. The hearing to decide the plan for permanency, based upon the child's best interests: family reunification, adoption, legal guardianship, permanent placement with a relative, or alternative permanent planned living arrangement (APPLA).

Permanency goal. The court-established plan for a child to return home from exit out-of-home care. There are five goals: return to parent; permanent placement with a fit and willing relative, APPLA, guardianship, and adoption, if parental rights are terminated or voluntarily surrendered. This information is tracked in UCMS.

"Permanency law" (New York State). Established the statutory requirement in New York State for initial permanency hearings commencing no later than eight months after entry into out-of-home care and completed within 30 days thereafter. For children remaining in out-of-home care, subsequent permanency hearings will take place every six months thereafter. This is based on Family Court Act Sections 1022, 1027, and 1089.

Order of custody. An order determining the custodial parent of a child and the conditions of the custody.

Reunification. A permanency goal/outcome for the return home of a child from out-of-home care.

Suspended judgment. Temporarily delaying or terminating a court decision until further circumstances are assessed.

Termination of parental rights (TPR). A legal decision to permanently end all parental rights and allow the child to be adopted. If separate petitions for termination of parental rights exist for each parent, court staff should enter the date of the petition that applies to the second parent.

UCMS. The Universal Case Management System. This is Family Court's case management system.

Unique children. Indicates that each child is counted only once during a study period.

Voluntary placement. A determination by a parent(s) of a child(ren) that they are temporarily unable to care for their child(ren) for reasons other than abuse or neglect.

Endnotes

1. A very small percentage of children fall into the "Other" exit type category including children for whom the "Permanency Tracking Completed" event was recorded in UCMS as one of the following: Court-Requested – Unknown, Death of a Child, and when APPLA and Reached Majority exit types were reported but were not appropriate given the age of the child at exit (>18). See Methods section for further information.

2. Youth age 18 to 21 years may remain in out-of-home care past their 18th birthday and up until their 21st birthday provided the youth consents to remaining in care and is attending school, college, vocational, or technical training or lacks the skills or ability to live independently. The data does not distinguish between young adults between the ages of 18 and 21 with a goal of APPLA who exit care with an established connection to an adult resource vs. those who exit without such a connection having been established.

3. Family Court Act § 1089 [1] [c] [v].

4. There are special circumstances where a child may need lifelong care in a long-term care facility to meet special needs and will be transferred to an adult facility at the appropriate time. This is also considered another planned permanent living arrangement.

5. Title IV-E of the Social Security Act requires that the state child welfare agency develop the CFSR Program Improvement Plan with "meaningful and ongoing collaboration with the state courts." Similarly, the state Court Improvement Project Grant funding requires the recipients of such funding to engage in ongoing and meaningful collaboration with the state child welfare agency.

6. Harden, Brenda Jones. "Safety and stability for foster children: A developmental perspective." The Journal of Children 14.1 (2004): 31–33. Print.

7. Nicholson v. Scoppetta, 3 N.Y.3d 357 [N.Y. 2004]. The New York State Court of Appeals decision in Nicholson v. Scoppetta asserted, "The court must do more than identify the existence of a risk of serious harm. Rather, a court must weigh, in the factual setting before it, whether the imminent risk to the child can be mitigated by reasonable efforts to avoid removal. It must balance that risk against the harm removal might bring, and it must determine factually which course is in the child's best interest.".

8. Interest of J.P., 832 A. 2d 492 [Pa 2003]. Commentators in Pennsylvania stated that the court should make every effort to minimize delay when a child is in shelter care to reduce trauma to the child, increase the possibility of reuniting the child with the parents, and increase the possibility of finding a permanent home.

9. Chipungu, Sandra Stukes and Bent-Goodley, Tricia B. "Meeting the challenges of contemporary foster care." The Journal of Children 14.1 (2004): 75–93. Print.

10. In New York, the term "fact-finding" is used in place of the more nationally recognized term "adjudication."

11. The adjudication category called "court dismisses the original petition" includes petitions that were dismissed without prejudice and never re-filed and petitions re-filed after 30 days. For petitions that are re-filed within 30 days, the adjudication classification is determined by the subsequent adjudication.

12. The adjudication category called "the adjudication was not recorded" includes cases that had a disposition but did not record a type of adjudication.

13. Sobie, Practice Commentary, McKinney's Cons Laws of NY, 2011 Electronic Update, Family Court Act § 1044.

14. The term of art "frontloading" is used to describe practices which are designed to provide substantial time and attention to the cases as soon as they come into the system, treating each case with urgency.

15. Edwards, Judge Leonard P. “Achieving Timely Permanency in Child Protection Courts: The Importance of Frontloading the Court Process.” Juvenile and Family Court Journal 58.2 (2007): 1-37. Print.

16. Family Court Act, art 10, § 1049.

17. In some cases, the disposition has more than one outcome. For this reason, a “primary disposition outcome” is created for each child. The hierarchy for creating the primary disposition outcome is described in the Methods Appendix.

18. The population for Metric 4: Time from Abuse/Neglect Petition Filing to Disposition is limited to first abuse/neglect petition filings during 2006, 2007 and 2008 that had an adjudicatory finding that established abuse/neglect as of June 30, 2010. The population does not include the 897 cases from 2006 to 2008 that were still awaiting adjudication as of June 30, 2010. As these cases reach adjudication, the disposition data may change depending on the adjudicatory outcome of these cases.

19. Family Court Act, art 10-A, § 1089. Article 10-A 1089 of the Family Court Act states, “an initial permanency hearing shall be commenced no later than six months from the date which is sixty days after the child was removed from his or her home. The permanency hearing shall be completed within thirty days of the scheduled date certain.

20. The federal Adoption and Safe Families Act of 1997 (ASFA)(Public Law 105-89) and New York State’s ASFA enabling legislation (Chapter 7 of the Laws of 1999, enacted February 11, 1999) placed an increased emphasis on promoting child safety and permanency as the primary goals of the child welfare system. Re-format: citation above and note below.

21. Social Services Law § 384-b [3] [l] [i][ii].

22. Social Services Law § 384-b [3] [g] [i].

23. The adjudication category called “court dismisses the original petition” includes petitions that were dismissed without prejudice and never re-filed and petitions re-filed after 30 days. For petitions that are re-filed within 30 days, the adjudication classification is determined by the subsequent adjudication.

24. Soc. Serv. Law § 384-b [4].

25. Except in cases of permanent neglect or severe and repeated abuse, dispositional hearings are not statutorily mandated and are discretionary.

26. In some cases, the disposition has more than one outcome. For this reason, a “primary disposition outcome” is created for each child. The hierarchy for creating the primary disposition outcome is described in the Methods Appendix.

27. UCMS identifies the main “affirmative” outcome of a TPR disposition as “parent’s rights terminated”, which is also reflected in this report. However, the corresponding statutory outcome is “committing the guardianship and custody of the child in accord with section six hundred thirty-four” (Family Court Act, art 6, § 631 [c]).

28. The population for Metric 8: Time from Filing TPR Petition to Disposition is limited to the initial TPR petition filings during 2006, 2007 and 2008 that had an adjudicatory finding that established one or more grounds for termination as of June 30, 2010. The population does not include the 413 TPR cases from 2006 to 2008 that were still awaiting adjudication as of June 30, 2010. As these cases reach adjudication, the data may change depending on the adjudicatory and disposition outcomes of these cases.

29. New York State Office of Children and Family Services. “Questions and Answers: Title IV-E Adoption Assistance and State Adoption Subsidy.” New York State Office of Children and Family Services, 23 Mar. 2005. Web. 02 Feb. 2010.

30. Family Court Act, art 10, § 1039 [b].

31. Family Court Act, art 10, § 1045.

32. New York State. Unified Court System. Glossary of Legal Terms. Web. 25 Apr. 2011.