Child Welfare Court Data Metrics

STATEWIDE KEY INDICATORS 2013

NEW YORK STATE UNIFIED COURT SYSTEM
CHILD WELFARE COURT IMPROVEMENT PROJECT

NEW YORK STATE UNIFIED COURT SYSTEM

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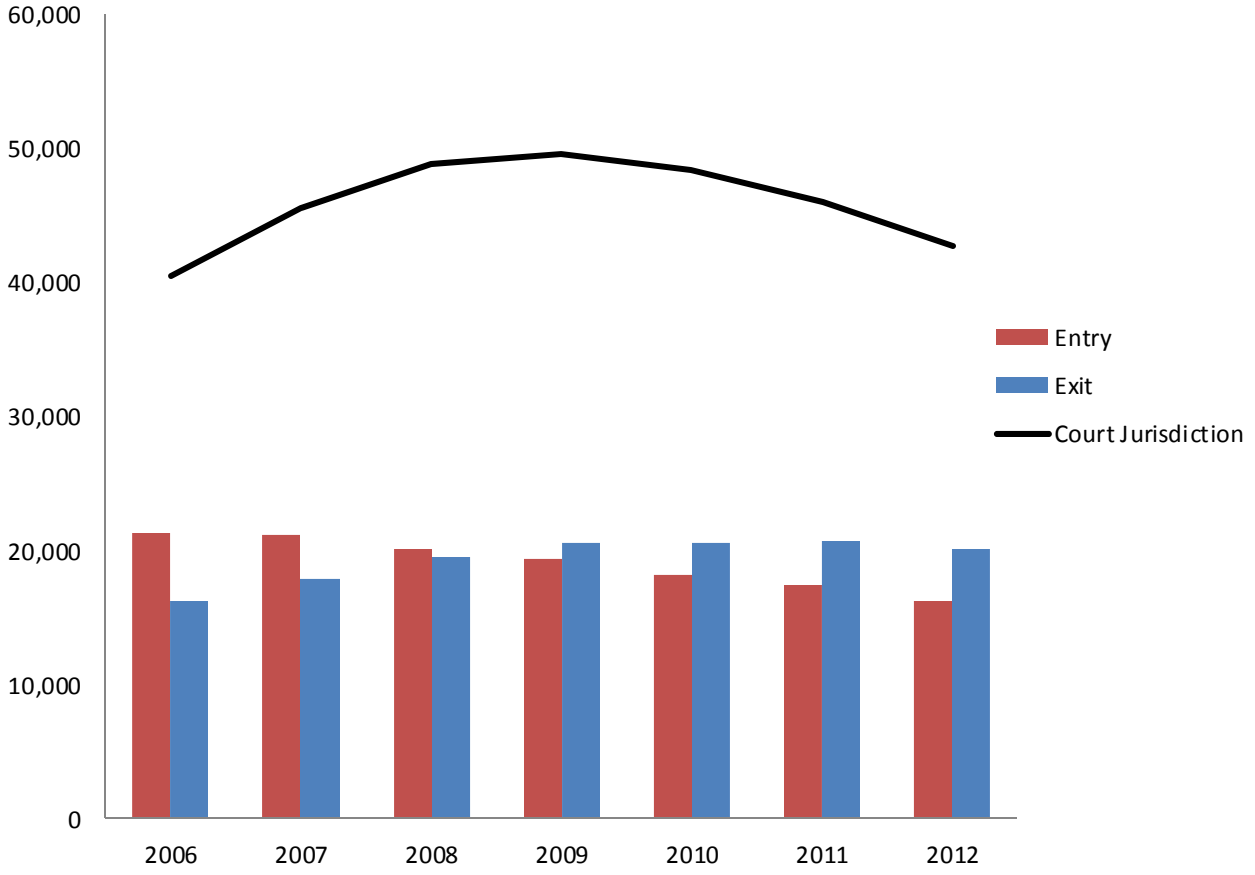
Overview

Number of Children Entering and Exiting during the Year and Number under Court Jurisdiction on the First Day of the Year by Calendar Year: New York State, 2006-2012 Entry Cohort Years, Abuse/Neglect, Voluntary First, Original Petitions

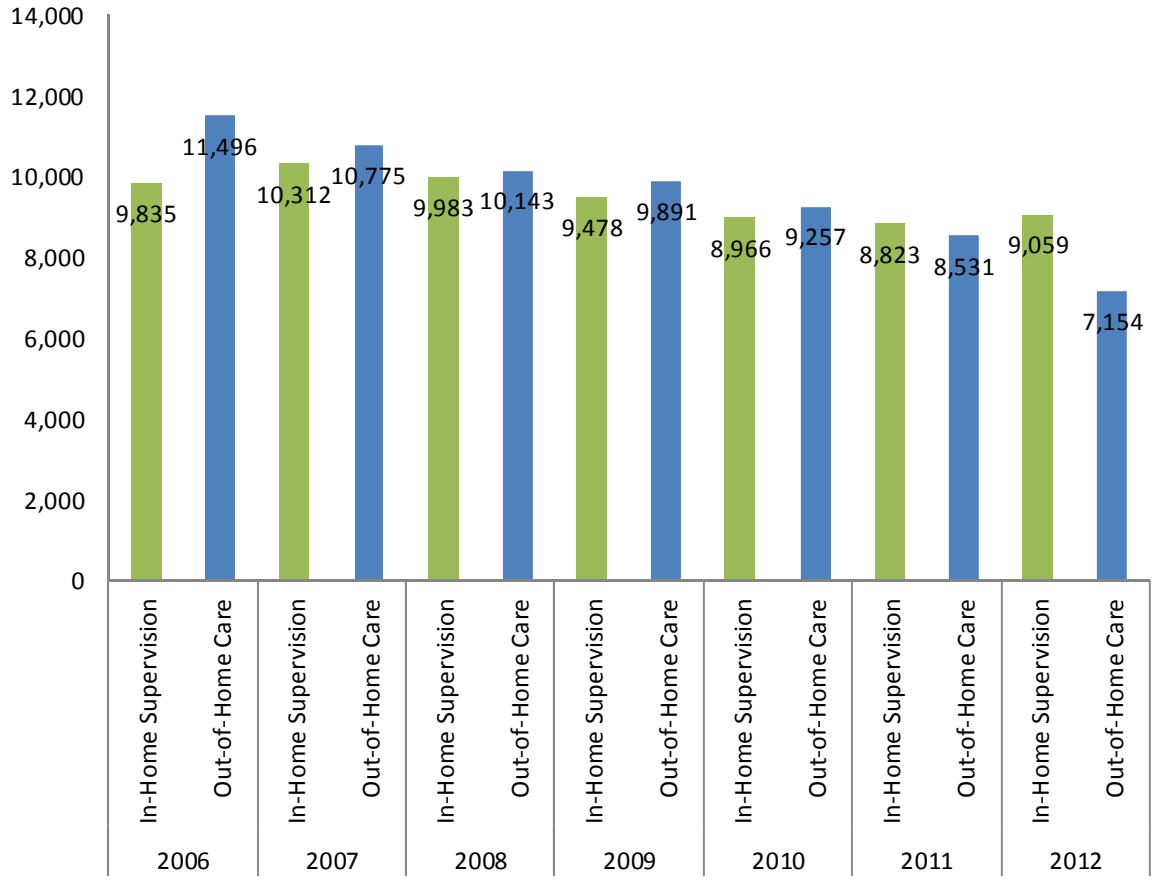


	Filing Type	Cohort	Year						
Filings									
			2006	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**
First	**4 - All Filings**	Entries	21,331	21,087	20,126	19,369	18,223	17,354	16,213
		Exits	16,210	17,826	19,456	20,495	20,543	20,667	20,037
		Court Jurisdiction	40,426	45,547	48,809	49,481	48,357	46,032	42,720

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

Overview

Number of Children Entering Court Jurisdiction with an Abuse/Neglect or Voluntary Petition by Out-of-Home Care and In-Home Supervision Status and Calendar Year: New York State, 2006-2012 Years, First, Original Abuse/Neglect or Voluntary Petitions



		Cohort	Year						
Filings									
			2006	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**
First	In-Home Supervision	Entries	9,835	10,312	9,983	9,478	8,966	8,823	9,059
	Out-of-Home Care	Entries	11,496	10,775	10,143	9,891	9,257	8,531	7,154

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

The Metrics

The first metric presented in this report highlights the timeliness of achieving permanency 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:

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.

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.

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.

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.

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.

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.

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.

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%.

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 from 2006 and 2008 to 2012 and follows each of these children for up to 78 months from entering out-of-home care. 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.

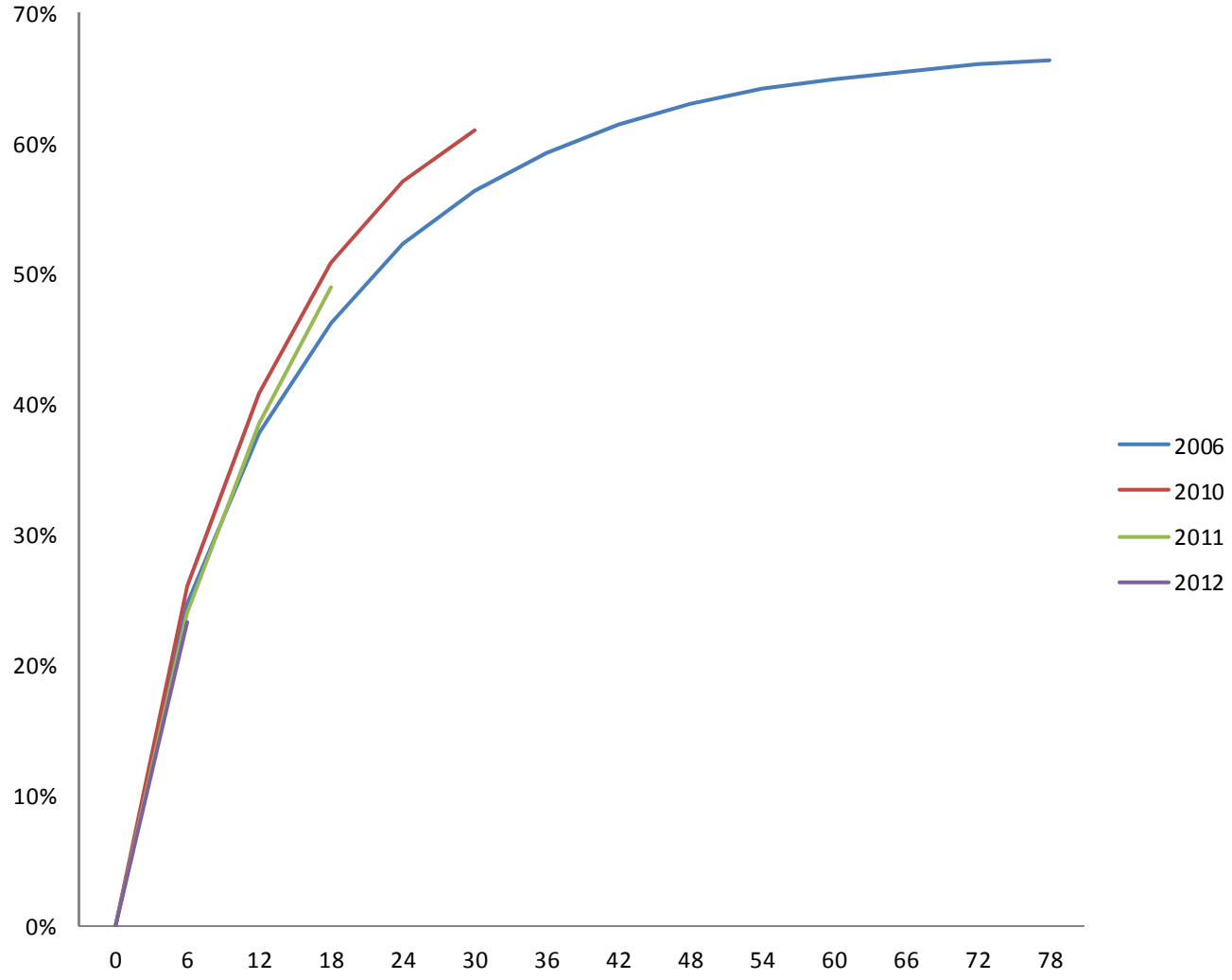
Significance

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.[i] 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.

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.[ii] 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.[iii] In addition, the longer a child is in out-of-home care, the higher the chance that those social connections to will be severed.[iv] There is substantial evidence that prolonged out-of-home placement places children at risk of emotional and behavioral problems and other negative outcomes.[v]

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.

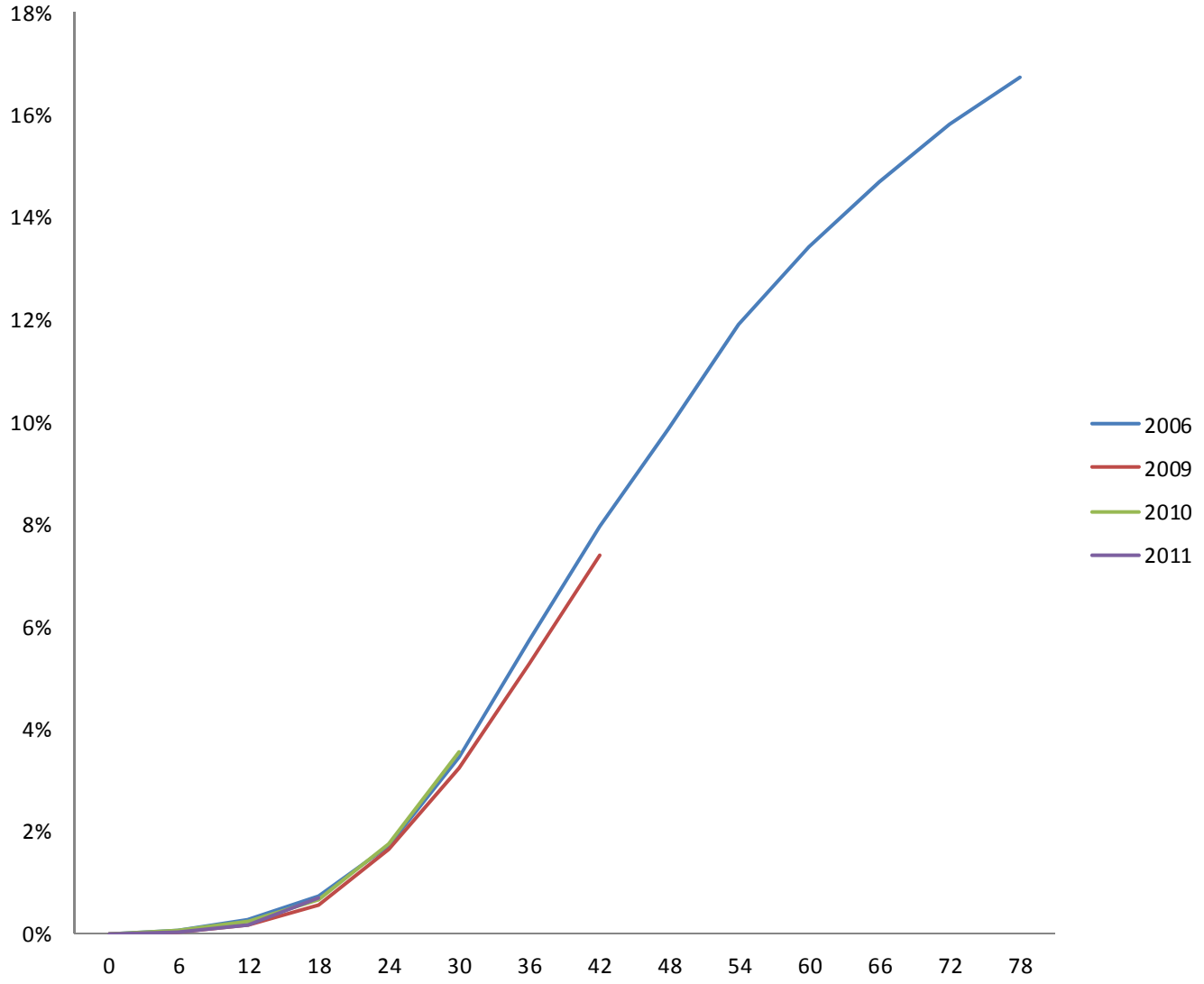
Proportion of Children Achieving Permanency through Reunification/Custody/Guardianship at 6 Month Intervals from Entering Out-of-Home Care by Entry Cohort Year(s): New York State, 2006, 2010-2012



Entry Cohort Year	Age at Entry	N=	Months												
			6	**12**	**18**	**24**	**30**	**36**	**42**	**48**	**54**	**60**	**66**	**72**	**78**
2006	7 - All Ages	12190	25%	38%	46%	52%	56%	59%	61%	63%	64%	65%	66%	66%	66%
2010	7 - All Ages	10060	26%	41%	51%	57%	61%								
2011	7 - All Ages	9343	24%	38%	49%										
2012	7 - All Ages	8684	23%												

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

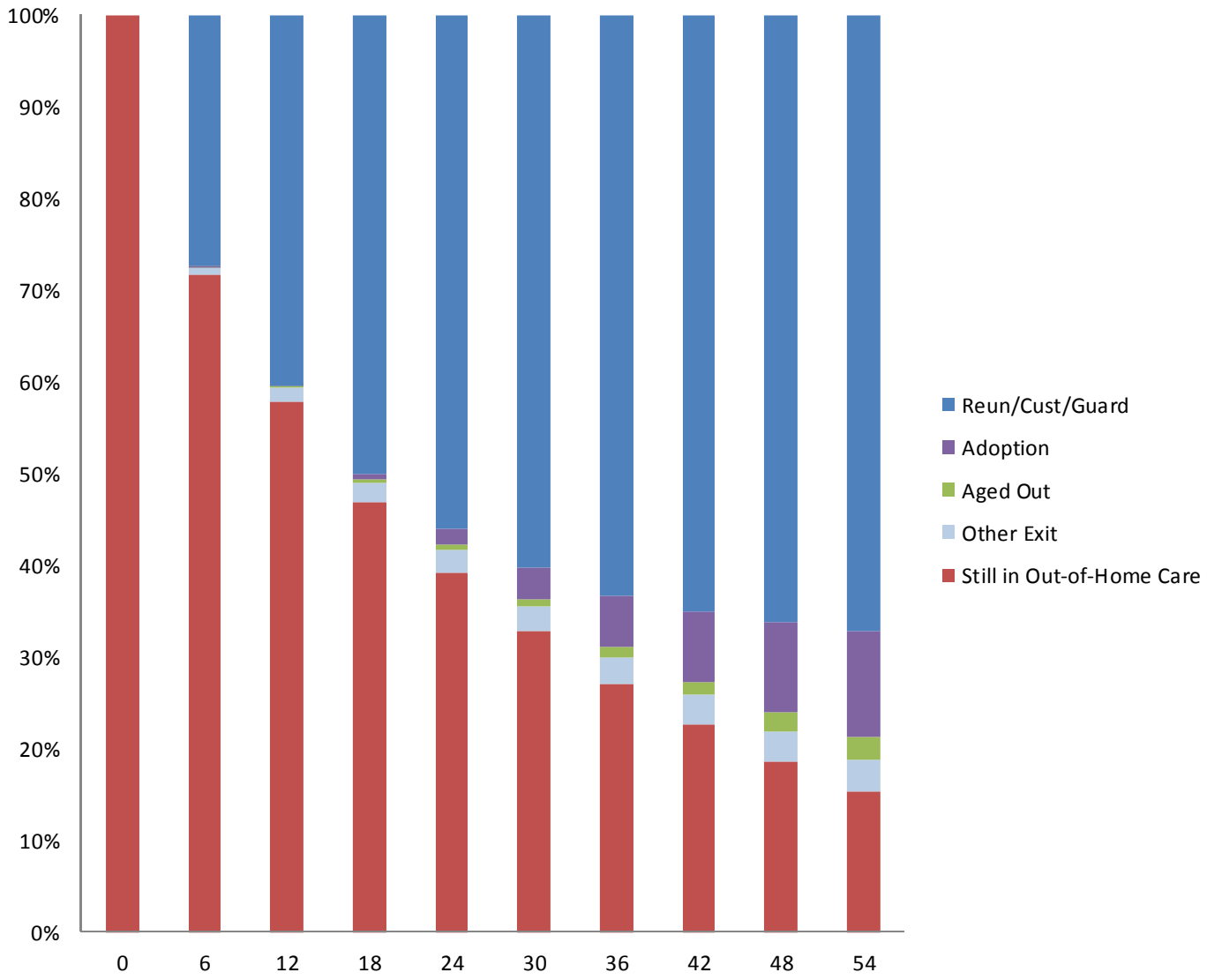
Proportion of Children Achieving Permanency through Adoption at 6 Month Intervals from Entering Out-of-Home Care by Entry Cohort Year(s): New York State, 2006, 2009-2011 Entry Cohort Years



Entry Cohort Year	Age at Entry	N=	Months												
			6	**12**	**18**	**24**	**30**	**36**	**42**	**48**	**54**	**60**	**66**	**72**	**78**
2006	7 - All Ages	12190	0%	0%	1%	2%	3%	6%	8%	10%	12%	13%	15%	16%	17%
2009	7 - All Ages	10555	0%	0%	1%	2%	3%	5%	7%						
2010	7 - All Ages	10060	0%	0%	1%	2%	4%								
2011	7 - All Ages	9343	0%	0%	1%										

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

Proportion of Children by Exit Type at 6 Month Intervals from the Date of Entering Out-of-Home Care: New York State, 2008 Entry Cohort Year



	Entry Cohort Year	Age at Entry	Entry Cohort Year N=	Months									
Exit Type													
				0	**6**	**12**	**18**	**24**	**30**	**36**	**42**	**48**	**54**
Adoption	2008	7 - All Ages	10693	0%	0%	0%	1%	2%	3%	6%	8%	10%	11%
Aged Out	2008	7 - All Ages	10693	0%	0%	0%	0%	0%	1%	1%	1%	2%	3%
Other Exit	2008	7 - All Ages	10693	0%	1%	2%	2%	3%	3%	3%	3%	3%	3%
Reun/Cust/Guard	2008	7 - All Ages	10693	0%	27%	40%	50%	56%	60%	63%	65%	66%	67%
Still in Out-of-Home Care	2008	7 - All Ages	10693	100%	72%	58%	47%	39%	33%	27%	23%	19%	15%

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

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.[vi] 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:

- The court dismisses the original petition;[vii]
- 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;[viii] 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 to 2012. The population for this metric is the children who were in in-home supervision and in out-of-home care with a first filing during these time periods. This metric presents the quartile 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.[ix] 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"[x] decisions and the implementation of services can have a direct positive effect on achieving timely permanency.[xi] The Family Court Act requires that the court give priority to proceedings in which a child has been removed from home.[xii] 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.

Quartile Time from Abuse/Neglect Petition Filing to Adjudication for Children with a First, Original Abuse/Neglect Petition Filing: New York State, 2006-2012 Entry Cohort Years

Entry Cohort Year	Age at Entry	Total Children at Adjudication
2006	7 - All Ages	20637
2007	7 - All Ages	20537
2008	7 - All Ages	19591
2009	7 - All Ages	18950
2010	7 - All Ages	17774
2011	7 - All Ages	16902
2012	7 - All Ages	15931

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

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 cumulative percent of children whose matter reached disposition within a time period.

The outcomes of the dispositional hearing are organized by the following categories:[xiii]

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

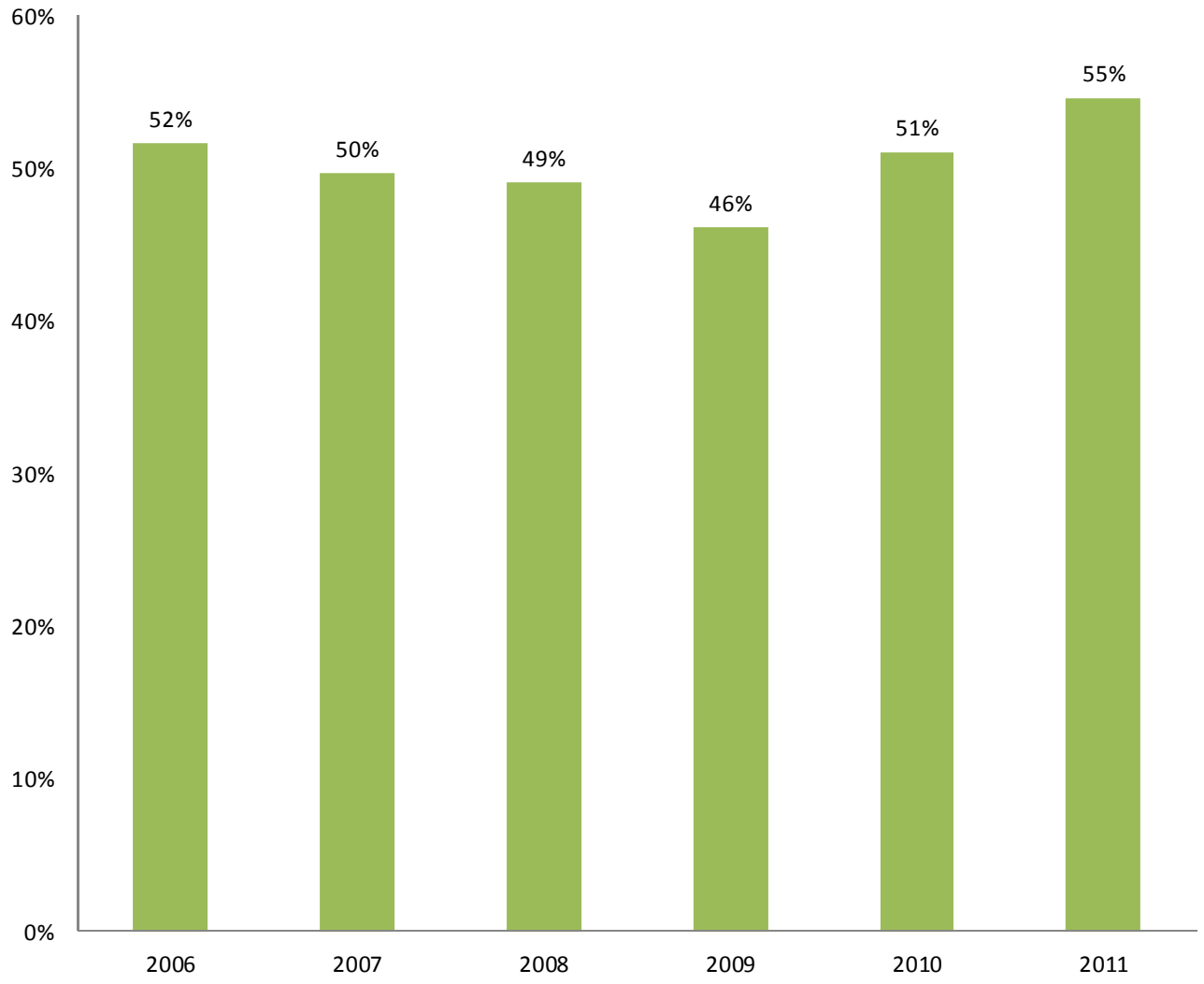
Population

This metric includes all unique children who had a first abuse/neglect filing during 2006-2011 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). The population for this metric is the children with an adjudicatory finding as of June 30th, 2013. This population does not include the children from these time periods who were still awaiting adjudication as of June 30th, 2013.[xiv] 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 June 30th, 2013. 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.

Cumulative Percentage of Children Whose Matter Reached Disposition at 6 Months by Year: First, Original Abuse/Neglect Petitions, New York State, 2006-2011 Entry Cohort Years



	N=	Month
Entry Cohort Year		
		6
2006	14733	52%
2007	14486	50%
2008	13752	49%
2009	13189	46%
2010	12483	51%
2011	11640	55%

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

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 2006-2011 and who remained in out-of-home care for at least nine months. This metric observes these children through June 30th, 2013, 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.

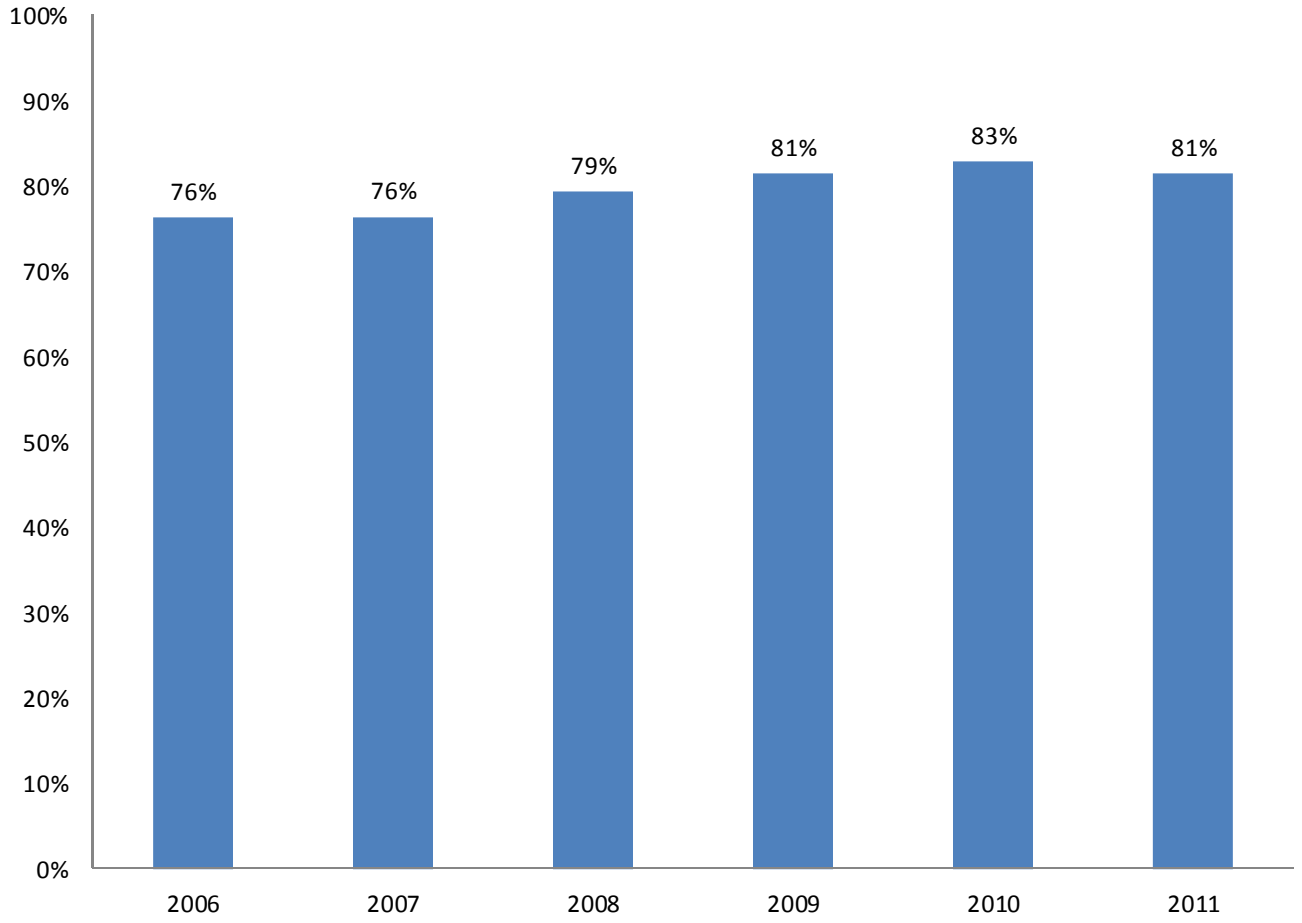
Significance

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.[xv]

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.

Proportion of Initial Permanency Hearings Completed within 9 Months from the Date of Entry into Out-of-Home Care: New York State, 2006-2011 Entry Cohort Years



Entry Cohort Year	Filing Type	Age Range	N=		
				#	%
2006	1 - All Filings	7 - All Ages	8024	6116	76%
2007	1 - All Filings	7 - All Ages	7117	5437	76%
2008	1 - All Filings	7 - All Ages	6768	5365	79%
2009	1 - All Filings	7 - All Ages	6641	5406	81%
2010	1 - All Filings	7 - All Ages	6340	5253	83%
2011	1 - All Filings	7 - All Ages	6174	5026	81%

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

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 cumulative percentage 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 to 2010 and follows each child for up to 24 months to identify children for whom a first TPR petition was filed during the designated time period. Of the children who entered out-of-home care during these time periods, the population for this metric is the children for whom a first TPR petition had been filed during the designated time periods and the petition was filed within 24 months of entry in out-of-home care. 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.

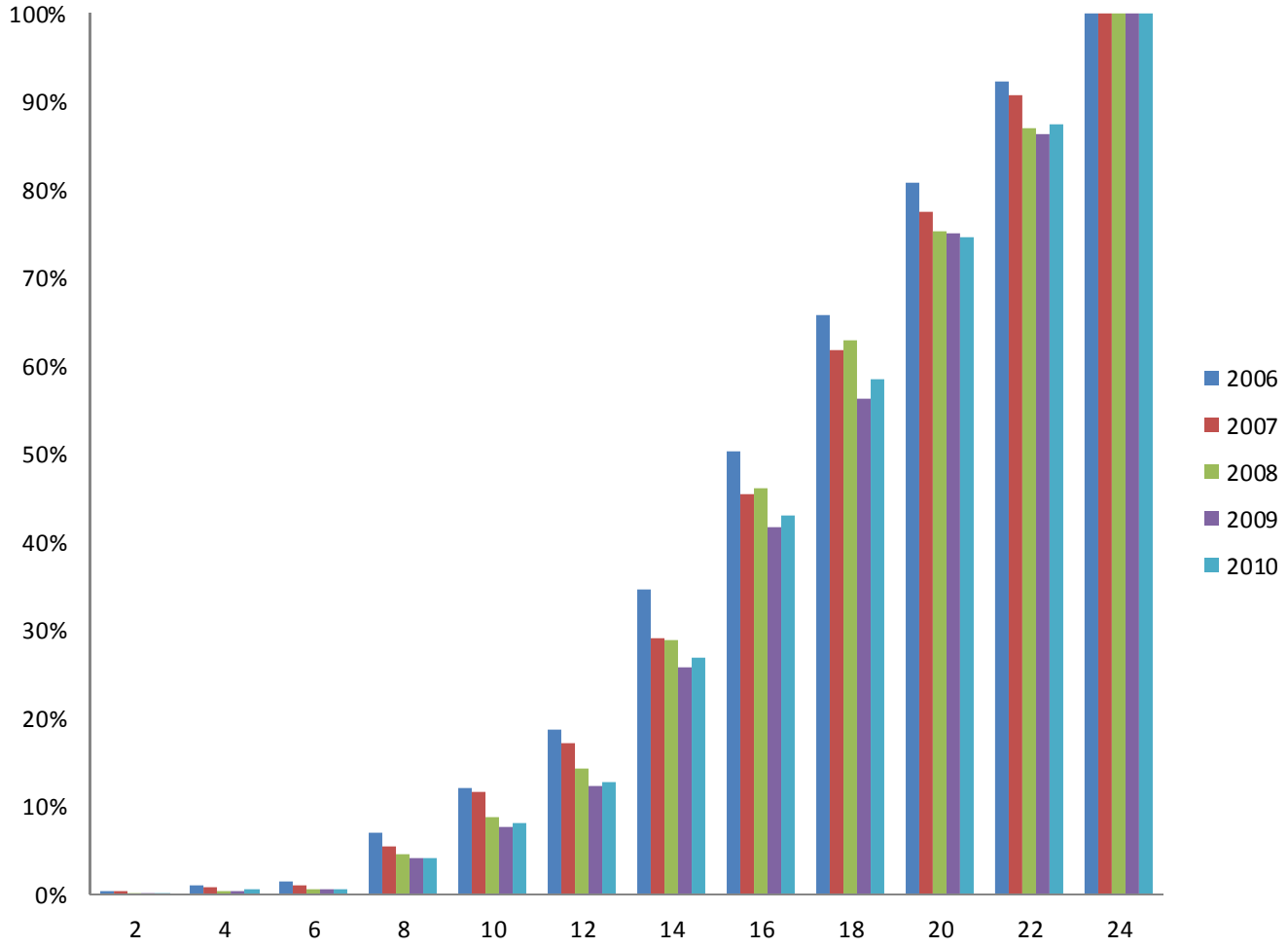
Significance

In response to concerns that some children were languishing in temporary foster care, the Adoption and Safe Families Act (ASFA)[xvi] 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.[xvii] 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.

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, 2006-2010 Entry Cohort Years



Entry Cohort Year	N=	Entry Cohort Year											
		2	**4**	**6**	**8**	**10**	**12**	**14**	**16**	**18**	**20**	**22**	**24**
2006	1765	0%	1%	1%	7%	12%	19%	35%	50%	66%	81%	92%	100%
2007	1433	0%	1%	1%	5%	12%	17%	29%	45%	62%	77%	91%	100%
2008	1383	0%	0%	1%	5%	9%	14%	29%	46%	63%	75%	87%	100%
2009	1267	0%	0%	1%	4%	8%	12%	26%	42%	56%	75%	86%	100%
2010	1247	0%	1%	1%	4%	8%	13%	27%	43%	58%	74%	87%	100%

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

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."[xviii] 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:

- The court dismisses the petition;[xix]
- 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 from 2006 to 2012. 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 in the 2011 statewide report: http://www.nycourts.gov/ip/cwcip/Publications/courtMetricsReport-2011.pdf.

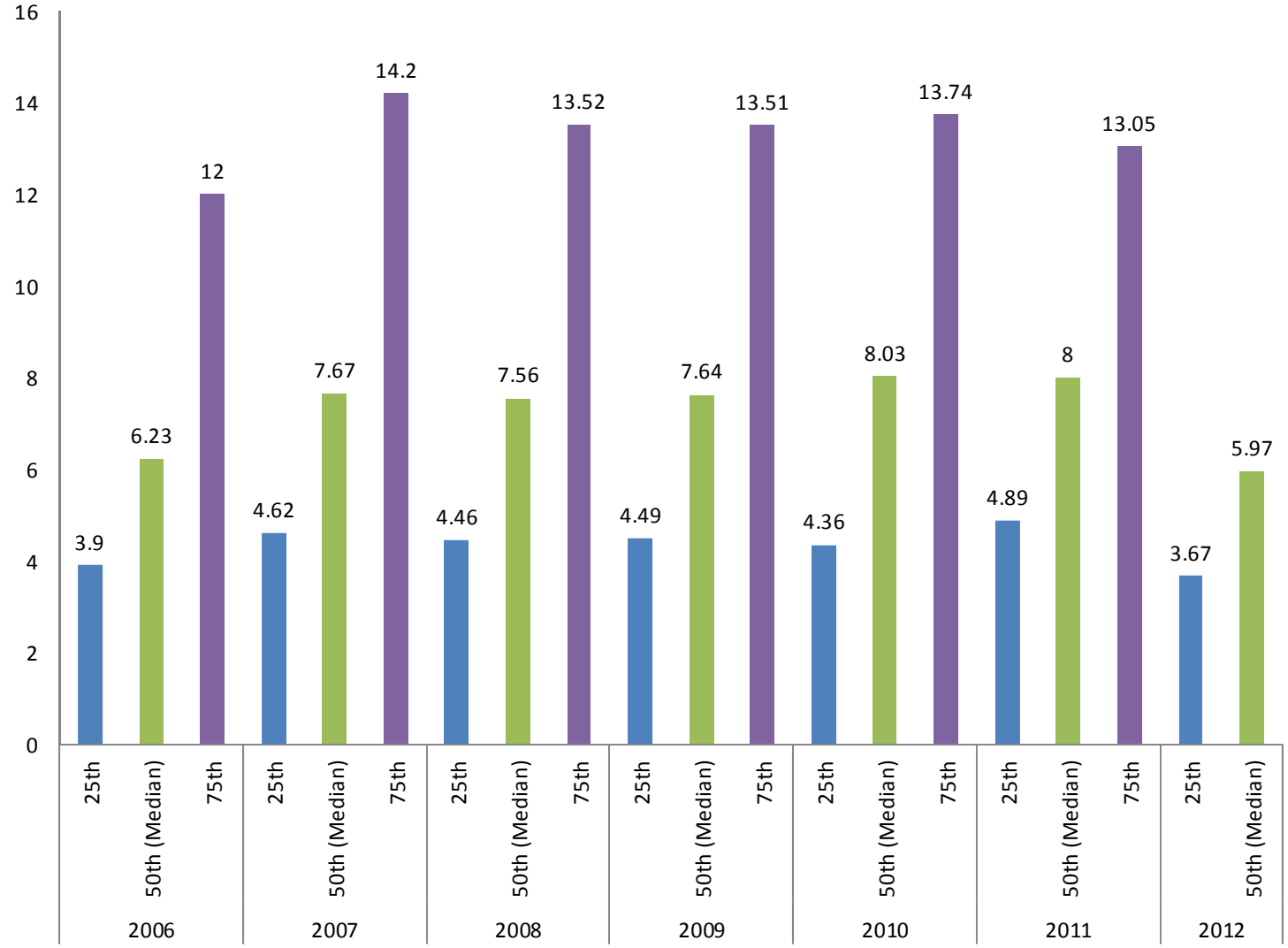
Significance

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.[xx]

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.

Quartile Time from TPR Filing to Adjudication for Children with an Initial TPR Petition Filing: New York State, 2006-2012
TPR Filing Entry Cohort Years



TPR Filing Entry Cohort	Number with Adjudication	TPR Filing Entry Cohort N=
2006	2462	2484
2007	2660	2698
2008	2400	2438
2009	2663	2699
2010	2262	2322
2011	2060	2278
2012	1680	2550

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

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[xxi]. 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 cumulative percent of children whose matter reached disposition within a time period.

The outcomes of the TPR dispositional hearing are organized by the following categories:[xxii]

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

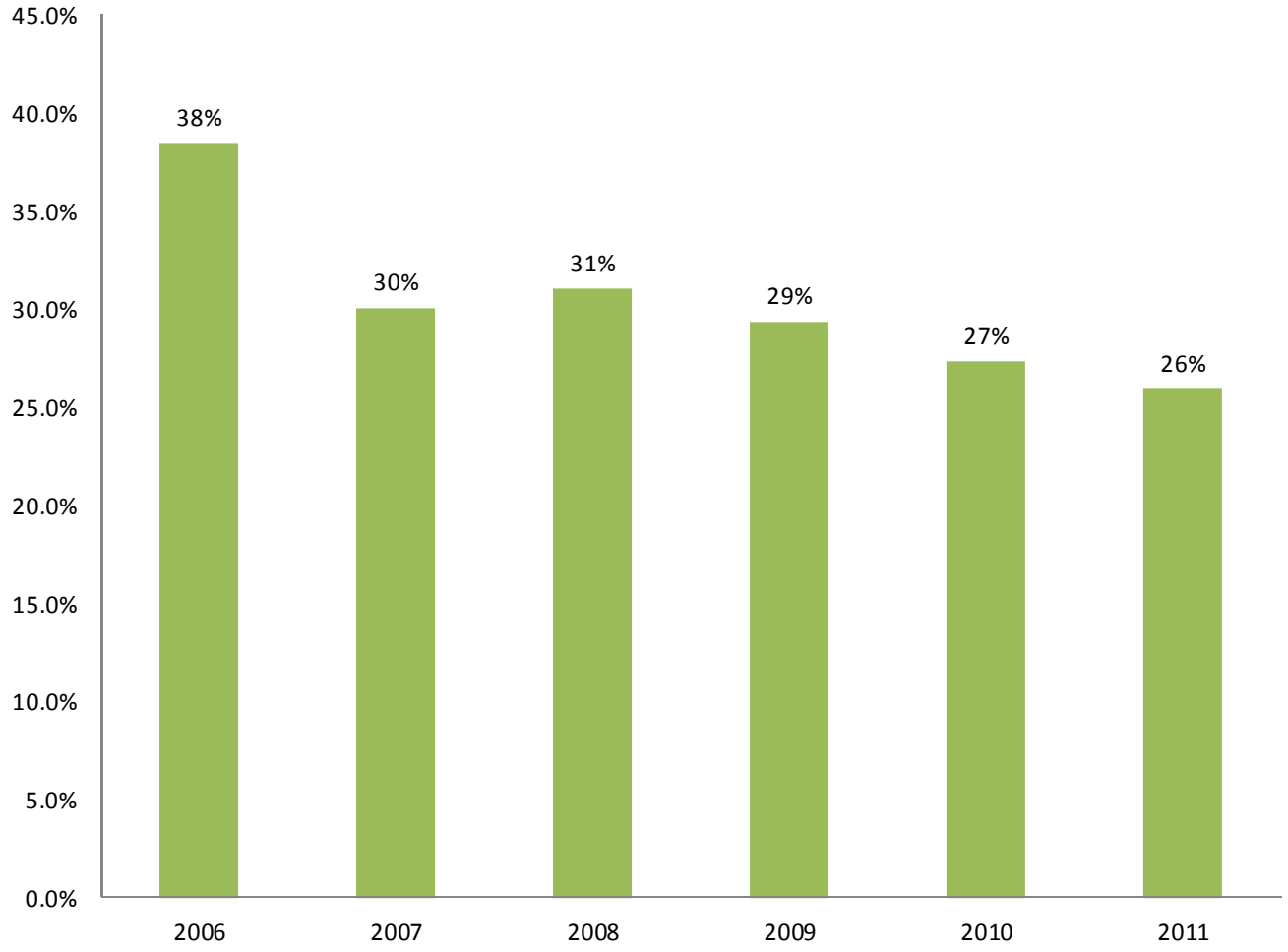
Population

This metric includes all unique children who were the subject of an initial TPR petition filing from 2006 to 2011 and the court had established one or more grounds for termination as of June 30th, 2013. The population for this metric is the children with established grounds for termination. This population does not include TPR cases that were still awaiting adjudication as of June 30th, 2013.[xxiv] 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 in the 2011 statewide report: http://www.nycourts.gov/ip/cwcip/Publications/courtMetricsReport-2011.pdf.

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.[xxv] TPR proceedings tend to be the most contested and time-consuming proceedings in child abuse/neglect litigation. As demonstrated in 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.

Cumulative Percentage of Children Whose Matter Reached Disposition at 6 Months by Year: Initial TPR Petitions: New York State, 2006-2011 TPR Filing Entry Cohort Years



TPR Filing Entry Cohort	TPR Filing Entry Cohort N=	#	%
2006	1719	661	38%
2007	1823	548	30%
2008	1564	485	31%
2009	1763	518	29%
2010	1474	403	27%
2011	1367	354	26%

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

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.

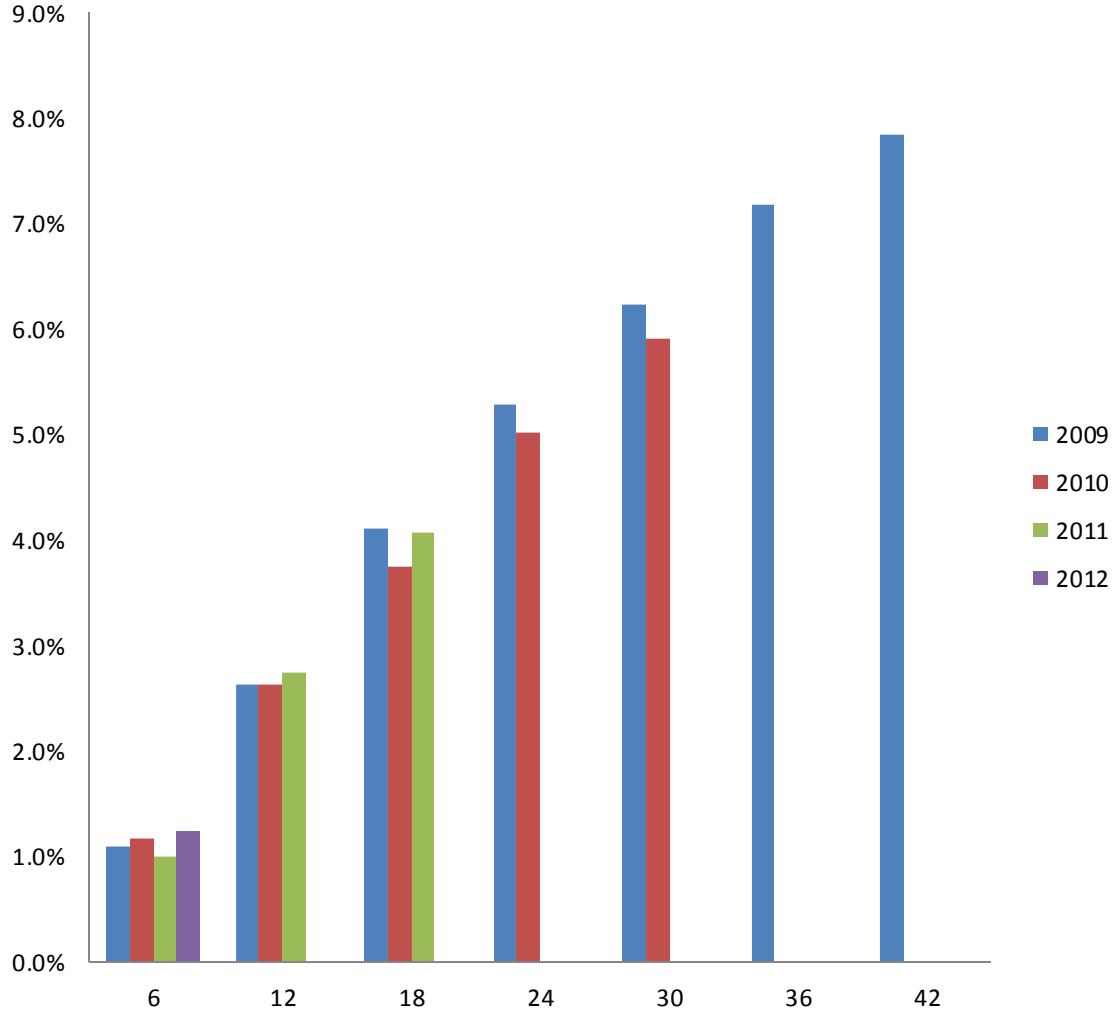
Population

This metric includes all unique children who exited court jurisdiction from 2009 to 2012. The population for this metric is the children who exited court jurisdiction before their 18th birthday during these exit cohort years. 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 42 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.

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.

Cumulative Percentage of Children with Subsequent Abuse/Neglect Petitions Filed within Time Intervals of Exiting Court Jurisdiction: New York State, 2009-2012 Exit Cohort Years



Exit Cohort Year	Exit Cohort N=*	Months from Exiting Court Jurisdiction													
		6		12		18		24		30		36		42	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%
2009	19279	211	1.1%	506	2.6%	793	4.1%	1,019	5.3%	1,202	6.2%	1,384	7.2%	1,511	7.8%
2010	19228	224	1.2%	505	2.6%	721	3.7%	964	5.0%	1,136	5.9%				
2011	19082	190	1.0%	524	2.7%	775	4.1%								
2012	18208	227	1.2%												

* The Exit Cohort Number is the combination of County, Exit Cohort Year, Age at Entry, Status and Filing Type dimensions.

NYS Unified Court System, Universal Case Management System - Family Court, CWCIP Data Metrics. Progress of children followed through 06/30/2013.

i. 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.

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

iii. 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.".

iv. 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.

v. 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.

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

vii. 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.

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

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

x. 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.

xi. 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.

xii. Family Court Act, art 10, § 1049.

xiii. 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.

xiv. 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.

xv. 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.

xvi. 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.

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

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

xix. 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.

xx. Soc. Serv. Law § 384-b [4].

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

xxii. 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.

xxiii. 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]).

xxiv. 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.

xxv. 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.