STATE OF COLORADO
WELD COUNTY COMBINED COURTS
Nineteenth Judicial District

J. Robert Lowenbach, District Court Judge

November 26, 2008

To: Crystal Soderman, Model Court Liaison

From: J. Robert Lowenbach
Lead Judge, Weld County Model Court

Re: 2008 Model Court Report

As you are aware, Weld County's Dependency and Neglect Court was designated as a Model Court site in mid-December last year through a contract between the Colorado State Court Administrator's Office and the National Council of Juvenile and Family Court Judges [Council]. Colorado's contract also includes provisions to support implementation of Best Practice Courts throughout the State. As the designated Model Court site in the State of Colorado we recognize our special obligation to our brother and sister courts to communicate the vision and the power of the Model Court concept and to share our successes and our challenges with the entire state.

The ability of our court to be effective in improving court processes in the long term is dependent on our ability to work collaboratively with our stakeholders. The Weld County Child Welfare Collaborative was established in June 2005 to address our concerns that stakeholders in our community, while holding common values of protecting children and serving families, were often working at cross purposes. While members of the Collaborative were recruited by the court, the Collaborative belongs to the community. Our Model Court team, as successor to the Child Welfare Collaborative, will be successful in the long-term only if the stakeholders view our collective efforts as more important and more powerful than the individual actions of stakeholders.

While many important reforms were implemented before our designation as a Model Court site, this designation created a new atmosphere of excitement to take our collaboration to the next level so that children will be protected and families respected. As a result, on January 9, 2008 our Model Court Steering Committee held a retreat to fine-tune the structure of the Collaborative and establish goals for 2008. The following four goals were established:

1. Implementation of the Family Treatment Court (FTC)
2. Implementation of a visitation protocol and parent orientation meetings
3. Assessment of the services available for youth transitioning from foster care to independence

4. Reduction of the time from termination of the parent-child relationship to adoption

The following is an outline of the progress made on the four Model Court goals.

Family Treatment Court

Shortly before our designation as a Model Court site Weld and Larimer counties teamed up to submit a methamphetamine grant request to the Federal Government. In September 2007, the Northeast Colorado Child Welfare Project received a grant of $2.7 million for use over a three year period. While our court had established a family drug treatment court on a pilot basis earlier in the year, it was done on a shoestring with minimal expansion of capacity to meet the needs of those who came into the FTC. The grant gave us the capacity to expand the FTC to two divisions within our court and to provide the wraparound services we know our families need to succeed in battling their addictions to be become the parents they would like to be.

In addition to enabling us to serve more families, this grant gives us the opportunity to expand the reach of the FTC to serve fathers as well as mothers. Perhaps as important as any other part of the grant, we are now able to provide safe and clean housing for many families transitioning out of in-patient treatment.

In addition to including fathers in one division of the FTC, we pledged to have at least 20 member participants in the FTC by the end of calendar year 2008. Although we have not yet achieved this goal, we now have 16 members in the FTC, more than doubling the number participating at the beginning of the year.

Assuming that we are able to reach our goal, some still question the efficacy of pouring so many resources into such a small segment of our total caseload. To this we could respond with stories of success by individuals within the FTC. We could cite the act of courage that one mother demonstrated when she committed herself to sobriety through the FTC on the day after rights to her first child were terminated by one of our courts. We could also point to specific instances where moms and children who we believed would not have been reunited without the FTC are now together. However, we understand that the success of this program should be judged by more objective data on whether these extra programs mean that children return home more swiftly; that they do not experience subsequent placements out of the home; and that their safety, permanency and well-being are favorably influenced. For this reason we are anxious to view the results of the grant's evaluation component so we can be confident that this program is actually effective. In the meantime, it is our pledge to meet the needs of each of the FTC members for structure and support in establishing a sober lifestyle that will serve their children well.

Visitation Protocol and Orientation of Parents

The overarching goal of the Visitation/Orientation subcommittee is to engage parents early in the court process so they are empowered to actively and cooperatively participate

in plans to provide for their children's safety, permanency and well-being. Two strategies were established.

Orientation. Parent orientation meetings facilitated by our Family Court Facilitator were established in our court in 2007. Although parents who participated in the meetings gave positive reviews, attendance at the meetings was disappointing. In order to address this issue and to provide a more individualized forum, the Committee established a goal of conducting the orientation meeting immediately before the adjudication hearing. It was thought that this approach would create better attendance and provide a more comfortable atmosphere.

This new approach was implemented in March and continued until the resignation of our Family Court Facilitator in August. During the transition and hiring process for the new Facilitator we assessed the new process and determined that it had not improved attendance at the meetings. At the same time, we recognized the need to improve the level of representation of all parties at the Preliminary Protective Proceeding (PPP). Under current practice, respondent parent counsel has little time to consult and counsel their clients prior to the PPP hearing.

In consultation with the Committee, our court practice has been changed to assure better attendance of parents at the orientation meeting and provide for more timely appointment of respondent parent counsel. Under the new practice, our facilitator will meet with parents an hour before the PPP hearing begins. The facilitator's first task is to assist parents in filling out their applications for court appointed counsel. By collecting this information at the court's earliest contact with parents, counsel will be appointed early enough to have time to hear the facts of the case from their client's point of view, to counsel their client and to consider strategies with their client. This additional time will also allow the caseworker, the guardian *ad litem* and parent's counsel to more effectively consider alternatives to placement and implement safety plans that may prevent removal.

In addition to collecting the information necessary to appoint counsel, the facilitator will conduct the orientation session and collect information on family members or others who may assist the family and the Department of Human Services in meeting their common goals of providing for the safety of children and preventing unnecessary placement. This new orientation process will begin on December 30, 2008.

Visitation.

The goal in this area was to establish a visitation blueprint by June 30, 2008 and implement that blueprint by January 2, 2009. This goal was established because it appeared there was little consistency in visitation recommendations and in court orders establishing visitation. For example, families with similar challenges and strengths were often treated differently, depending on the caseworker, guardian *ad litem* and respondent parent counsel. Most often, the judicial officer did not disturb the recommendation made by the caseworker and guardian *ad litem*, even if that recommendation seemed inconsistent from case to case. Judicial officers expressed concern that without a

standard by which to measure the appropriateness of the visitation recommendation there was little hope for more consistency in the future.

The visitation committee set out to research visitation protocols and assessment instruments to determine whether any were appropriate for application to families in Weld County. Employees of the Parent Education Center [PEC] experimented with the application of an assessment instrument used by Adams County, Colorado to determine the appropriate level of supervision and length of visits.[1] The PEC reported that they were not satisfied with the instrument because of the inconsistency that it produced in its application. They concluded that although the instrument may be valid, further training would be required to obtain consistent results.

Recently, the visitation committee has been studying visitation protocols implemented in Troup County, Georgia and in Polk County, Iowa. These protocols establish default visitation for children based upon their age. Because the default level of visitation in jurisdictions adopting such a protocol is widely known within their community and has been approved by the court, deviations from the presumptive visitation level must be justified to all parties and the court before such deviations are implemented in an individual case.

As a first step toward implementation of such a protocol for Weld County's Model Court, the Visitation Committee has recently approved a set of common principles to be applied in all cases where children are removed from their homes. These common principles have been adopted as part of the Nineteenth Judicial District's Plan for Handling Dependency and Neglect Cases.[2]

Finally, the Visitation Committee is concerned with cases that seem to drag on and on without resolution for families or permanency for children. For this reason, the Committee is studying the efficacy of recommending the implementation of visitation progress benchmarks. These benchmarks, if implemented, would require the court and the parties to ask critical questions and make necessary course corrections if a family was unable to move from a restrictive visitation plan to a less restrictive plan within a stated period of time. The primary benefit of such a benchmark protocol is to prevent children and families from stagnating at the same level of supervision for an inordinate period of time. It would allow families to gain the services that they need to move to the next level and it would minimize to likelihood of children remaining in limbo while their parents failed to progress.

The work of the Visitation Committee is dynamic. It seeks to reform visitation practices in order to give families every reasonably opportunity to provide adequate parenting to

[1] The Parent Education Center is the visitation center operated by the Weld County Department of Human Services. The center offers therapeutic, supervised and monitored visitation in a family friendly setting in Greeley, Colorado. Services are offered at the PEC as well as in the family home.

[2] The Visitation Protocol can be found at Appendix B of the District Plan located at: http://www.courts.state.co.us/userfiles/File/Court_Probation/19th_Judicial_District/AO_08_D_N_Plan_11_08.pdf

their children and to assure that children receive the care that they need in a timely manner.

Youth Transitioning from Foster Care to Independence

The goal for the Youth Transition/Education Committee was to develop a resource guide for youth transitioning from foster care to independence. The Committee has met monthly since January 2008. A plan was developed to complete the guide by the end of 2008.

When the first section was presented, the Committee agreed that the document accurately set forth programs that were already in existence. Members of the Committee expressed dissatisfaction with the course they had charted because they concluded that the final document would simply define the limits of what our community offered these youth instead of expanding our capacity to serve them better. The Committee concluded that a more pro-active goal was appropriate and it set out to explore programs that would truly integrate foster youth into our community and give them the connections they would need to succeed.

A program out of Denver that is funded by the Jim Casey Foundation called *Bridging the Gap*™ was identified as a promising program that our community should investigate.[3] This program seeks to create opportunities for community engagement with foster youth to transform the way that the community views their responsibility to such youth. Further, the program provides mechanisms to expand access to opportunities like housing assistance, medical and dental care, health and auto insurance, scholarships and financial education.

An initial meeting was held in July where the director of *Bridging the Gap* met with the Committee. The Committee concluded that its goal should be changed to one that would bring the power of this program to Weld County. In furtherance of this new goal, a meeting was recently held to engage Weld County United Way as a partner to bring the *Bridging the Gap* program to our community. At that meeting Weld County United Way enthusiastically endorsed our goal and is now working actively with the Department of Human Services, the Weld County Commissioners and the Director of *Bridging the Gap* to bring it to fruition.[4]

Reducing the Time from Termination to Adoption

The Permanency Committee was established to develop strategies to reduce the time from termination of the parent-child relationship to adoption. The specific goal established by the Committee was to reduce the time spent waiting by 45 days by the end

[3] A description of *Bridging the Gap* can be found at http://www.unitedwaydenver.org/site/c.rwL8KjNULrH/b.4124221/apps/s/content.asp?ct=5833001

[4] We have learned that at least 10 *Bridging the Gap* youth from the Denver metropolitan area are already in our community attending the University of Northern Colorado. In addition, in the short time since the July meeting, at least 4 Weld County youth have been referred to the program and are currently being served by *Bridging the Gap.*

of calendar year 2008. Strategies to achieve this goal include setting aside specific times each month on the court calendar for hearing agency adoptions; improving the manner in which fingerprints are collected for persons seeking to adopt; and, compressing the time taken to negotiate adoption subsidies.

In furtherance of this goal the following steps were taken immediately:

- The court set aside sufficient time each month specifically reserved for agency adoptions;

- A preferred provider was identified who has a track record of successfully collecting readable fingerprint cards;

- The Department of Human Services conducted adoption subsidy paperwork workshops to assist adoptive parents in filling out necessary paperwork in a timely manner; and

- The Department of Human Services assigned one of their adoption caseworkers to work individually with adoptive parents to collect the necessary paperwork to promote the timely completion of the adoption process.

Although the goal of this Committee has been the reduction of the waiting time from termination to adoption, of equal importance has been its work in understanding why some children who are free for adoption never achieve this goal. The challenges faced in placing these children are apparent. They include emotional and physical impairments; the need to adopt sibling groups together; and the difficulty of placing older children. This Committee continues to work to remove barriers to adoption and to make it possible for every child who is freed for adoption to find their forever home.

Other Activities

Courts Catalyzing Change. The leadership of the Weld County Model Court is committed to the goals established by the Lead Judges to overcome overrepresentation and disproportionate treatment of children of color in our dependency courts. We view such overrepresention and disproportionate treatment, to the extent that it exists, as inimical to our concept of justice. Our focus in tackling this issue has been twofold. First, it is important to analyze the racial and ethnic makeup of the children who enter our system and to also measure whether race or ethnicity makes a difference in whether children achieve positive or negative outcomes. The Department of Human Services and Office of State Court Administrator are necessary partners to gain this statistical information. Our other focus has been on helping each of our stakeholders understand the psychological basis of bias and to recognize that each of us is subject to acting on implicit bias. To further this goal the Lead Judge and Dr. Jack Gardner presented a program on the psychology of bias to over 50 stakeholders in July.

Early Staffing of Cases. At the 2008 Summit on Children, Youth and Families, our collaborative team met to chart our future direction and establish continuing goals. At

that meeting our team determined that a staffing should be held for each dependency and neglect case no later than 60 days following disposition. The purpose of the staffing will be to measure parental engagement and progress at an early stage and to modify treatment plans where indicated. Although this plan has not yet been implemented, discussions surrounding this goal continue and will be crystallized at the upcoming Model Court retreat.

Regular Training and Effective Communication. With the assistance of our Family Court Facilitator, we have conducted bimonthly trainings on topics of interest to professionals in the child welfare system. In addition, we have published our *Model Court Communicator* on a quarterly basis.

Transition of Judicial Officers. Finally, on January 12, 2009, I will retire as a District Court Judge and Judge Julie Hoskins will assume the role of Lead Judge of the Weld County Model Court. In addition, Magistrate Din Tuttle, who has served with distinction for many years in our dependency court, has been appointed as a District Judge and will assume an adult felony caseload at that time. Judge Tuttle's successor will be Magistrate Betty Strobel. Judge Hoskins and Magistrate Strobel were selected as successors in our court because of their strong commitment to children, youth and families and to a process of reform to improve our system. These changes present an opportunity for our court because of the dedication and fresh ideas that these new judicial officers bring with them.

A great deal of preparation has gone into this transition to assure that it is successful. Judge Hoskins attended CANI in June and both Judge Hoskins and Magistrate Strobel attended the All Sites Conference in New Orleans in September. Magistrate Strobel will attend CANI in June 2009 and in the meantime will study the CANI curriculum. In addition, both have attended many of our Model Court meetings in preparation for their new role.

At the suggestion of Judge Hoskins, a daylong training on Roles and Responsibilities within the Dependency and Neglect system will be held on December 15, 2008. This event is supported with technical assistance provided by the National Resource Center on Children and the Law. We believe that the event will solidify our successful transition and will serve as a platform from which stakeholders can sustain the momentum we have established and move forward to achieve our mutual goals of creating a more humane system for children and families.

It has been my distinct honor and privilege to serve as the Lead Judge of the Weld County Model Court. The support provided by the Council has been superb and has allowed our court to inch closer to the institution that we see in our vision as a truly "Model Court." However, it is the individuals and institutions who are stakeholders within our community that have made our progress possible. I have great expectations for the future success of our Model Court because our stakeholders have shown a continuing commitment to improving the lives of children and families who are touched by our collective actions.