

Child Welfare Hearing Quality Research: What Legal Professionals Should Know

As legal professionals practicing in child welfare courts, you can better prepare for and participate in court hearings if you understand how hearing quality affects the case process and outcomes. Research is starting to explore what activities and behaviors are associated with child welfare hearing quality. This document highlights both what is currently known and gaps in understanding.

Hearing Quality Components*

Judicial inquiry and engagement of hearing participants

Breadth, depth, and relevance of discussion

Parent attendance and engagement

Child attendance and engagement

Child welfare agency attendance and engagement

Quality of representation for the parent, child, and child welfare agency

Attention to and application of legal standards

*For more information about these components, see Richards, T., Summers, A., Gatowski, S., Fromknecht, A., & Ruben, J. (2021). *Conceptual model of judicial decision-making and hearing quality in child welfare* (OPRE Brief No. 2021-86). Washington, DC: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

What activities and behaviors are associated with hearing quality?

Research shows the following activities and behaviors are related to child welfare court hearing quality:

- ✓ **The judge and court participants discuss key topics in a meaningful way.**
How the judge gets information during the hearing and the number and kinds of questions judges ask can affect hearing quality. Discussion is high-quality when judges ask direct questions, ask follow-up questions,¹ ask about different topics,² expand discussion on topics,³ and ask relevant questions.⁴ The number of topics discussed at a hearing may play a role in reducing how long children spend in temporary care and whether they reunify with their parents.⁵
- ✓ **Parents attend and engage meaningfully in hearings.**
Research shows when parents attend court hearings their children's permanency outcomes, such as family reunification, improve.⁶ When judges seek parent input during hearings, the child may be more likely to be placed temporarily with family members,⁷ and the child may achieve permanency faster.⁸ Parents are more likely to keep attending their hearings when they are represented by an attorney and engaged in early hearings.⁹ Some research finds the number of topics discussed increases when parents attend their hearings.¹⁰
- ✓ **Children attend and engage meaningfully in hearings.**
Having children attend and engage in their court hearings is often required by state law unless it will harm the child. This gives the child a chance to be seen and heard directly and have input in the judge's decisions in the case. While few studies have looked at the impact of children attending and engaging in their hearings, one study found that when children are present and actively participating in court they may spend less time in foster care waiting for a permanent home.¹¹

Research Gaps

More child welfare court hearing research is needed to expand our understanding and address study limitations, such as small sample sizes and limited geographic scope. Areas for future research include:

- ✓ How judges and attorneys apply legal and professional practice standards
- ✓ How the depth and breadth of discussion at court hearings influences case processing and outcomes
- ✓ Whether addressing specific topics at hearings influences case processing and outcomes
- ✓ The role of racial and ethnic bias in judicial decision-making and hearing quality
- ✓ Whether and how judicial engagement of parents at hearings later in the case affects case processing and outcomes
- ✓ Whether specific judicial engagement strategies with parents are more effective at improving case processing and outcomes
- ✓ Whether specific strategies used by parent attorneys influence the quality of child welfare court hearing practice
- ✓ How children's participation in court hearings influences case processing and outcomes
- ✓ How child welfare agency attendance, engagement, and representation influence hearing quality and case processes and outcomes

- ✓ **Parents are provided quality legal representation.**
The presence, quality, and timing of legal representation for parents and children are believed to affect hearing quality. Parents represented by attorneys at hearings are more likely to participate in discussions and be heard during hearings.¹² Quality parent representation also improves permanency outcomes, such as increased reunification and timely permanency.¹³ Research shows that parents represented by attorneys who follow professional practice standards receive higher-quality representation.¹⁴ Some research finds that when parents do not have a lawyer they are more likely to have negative case outcomes, such as their children staying in foster care longer.¹⁵
- ✓ **Children have quality representation.**
Differences exist in the type of representation provided to children (lawyer versus nonlawyer) and models used (representing the child's expressed wishes versus the child's best interests). These differences make it hard to draw broad conclusions from existing studies. However, some evidence suggests that having a lawyer represent the child's expressed wishes influences the likelihood and type of permanent home a child achieves.¹⁶ Having a lawyer gather supportive evidence, advocate for appropriate services and supports, and argue in court on behalf of the child increases the likelihood of achieving the child's desired permanent placement.

As a child welfare court professional, you can help by participating in research to understand and strengthen child welfare court practice. Your local [Court Improvement Program](#) is a good place to learn about research opportunities.

Endnotes

1. Macgill, S., & Summers, A. (2014). Assessing the relationship between the quality of juvenile dependency hearings and foster care placements. *Family Court Review*, 52(4), 678–685.
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4. Summers et al., 2012; Summers, A., Gatowski, S. I., & Gueller, M. (2017). Examining hearing quality in child abuse and neglect cases: The relationship between breadth of discussion and case outcomes. *Children and Youth Services Review*, 82(C), 490–498. Retrieved from <https://ideas.repec.org/a/eee/cysrev/v82y2017icp490-498.html>

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13. Wood & Russell, 2011; Courtney & Hook, 2012.
14. Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. Reno, Nevada. National Council of Juvenile and Family Court Judges; Sicafuse, L.L., Wood, S.M., & Summers, A. (2014). *Exploring outcomes related to legal representation for parents involved in Mississippi's juvenile dependency court system*. Reno, Nevada. National Council of Juvenile and Family Court Judges; Courtney, M.E., & Hook, J. (2012). Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care. *Children & Youth Services Review*, 34(7), 1337-1343.
15. Summers, 2017.
16. Zinn, A., & Peters, C. (2015). Expressed-interest legal representation for children in substitute care: Evaluation of the impact of representation on children's permanency outcomes. *Family Court Review*, 53(4), 589-601.



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