

Washtenaw County Trial Court
Family Division
Juvenile Court

Reorganization Report
December 1, 2001

Hon. Donald E. Shelton
Washtenaw County Trial Judge

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Introduction

Early in 2001, the Trial Court and the Washtenaw County Board of Commissioners were concerned about the operations of the juvenile court. This concern arose when it was discovered that there was a projected overrun of the juvenile court budget, and in particular the child care fund budget, in a total amount of approximately \$2 million. The Board had commissioned a study by Plante & Moran and it indicated significant problems and concerns with the operation of the juvenile court. The Trial Court subsequently examined the juvenile court caseflow statistics and found a significant case backlog beyond established caseflow guidelines.

Effective March 1, 2001, the Chief Judge of the Trial Court assigned Circuit Judge Donald E. Shelton to preside at the juvenile division for a nine month period to reorganize the juvenile court. Three reorganization objectives were identified:

1. Reduce case backlogs
2. Conduct fiscal control and performance audits
3. Implement systemic changes to avoid future fiscal and caseload problems.

Reduce Case Backlogs

The primary juvenile case flow guideline is that delinquency and neglect/abuse cases should have a disposition *decision* within a maximum of 210 days after the court authorizes the petition.

Conduct Fiscal Control and Performance Audits

Several audits were requested as follows:

- Routine Cash/inventory Audit – SCAO
- Fiscal Controls Audit – SCAO
- Performance Audits, including State Reimbursement Entitlements (FIA) and Program Performance (SCAO)

Implement Systemic Changes

The focus of these changes were dependent in part as a result of the caseload reduction and the performance and fiscal audits but they included technological improvements and process improvements, including moving to a Referee/Judge based model.

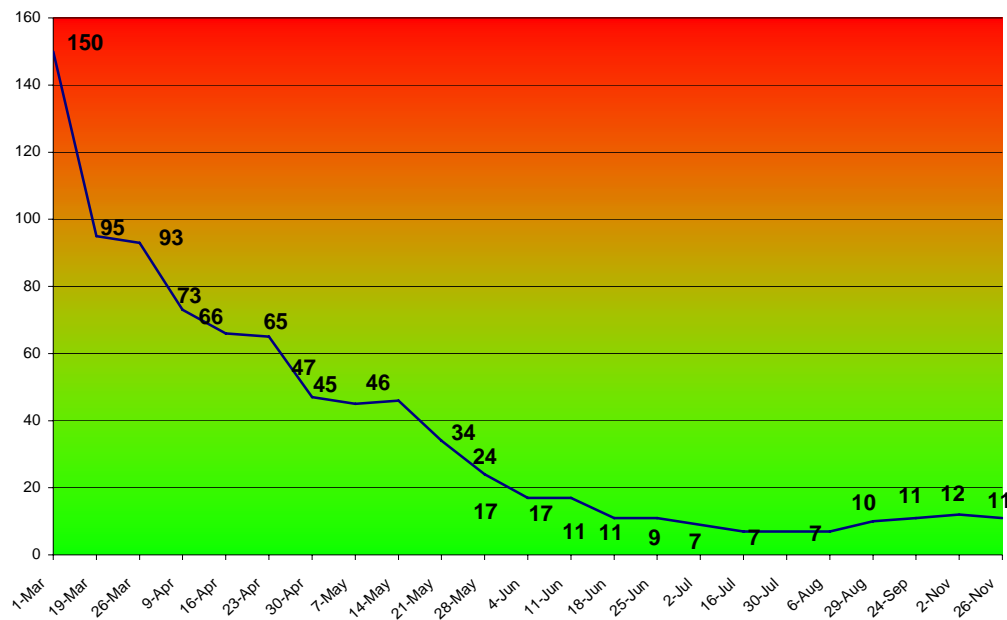
Two interim reports were made to the Chief Judge, with informational reports to the Board of Commissioners. This report is the final report on the reorganization submitted at the end of the nine-month reassignment.

Reduction of Case Backlogs

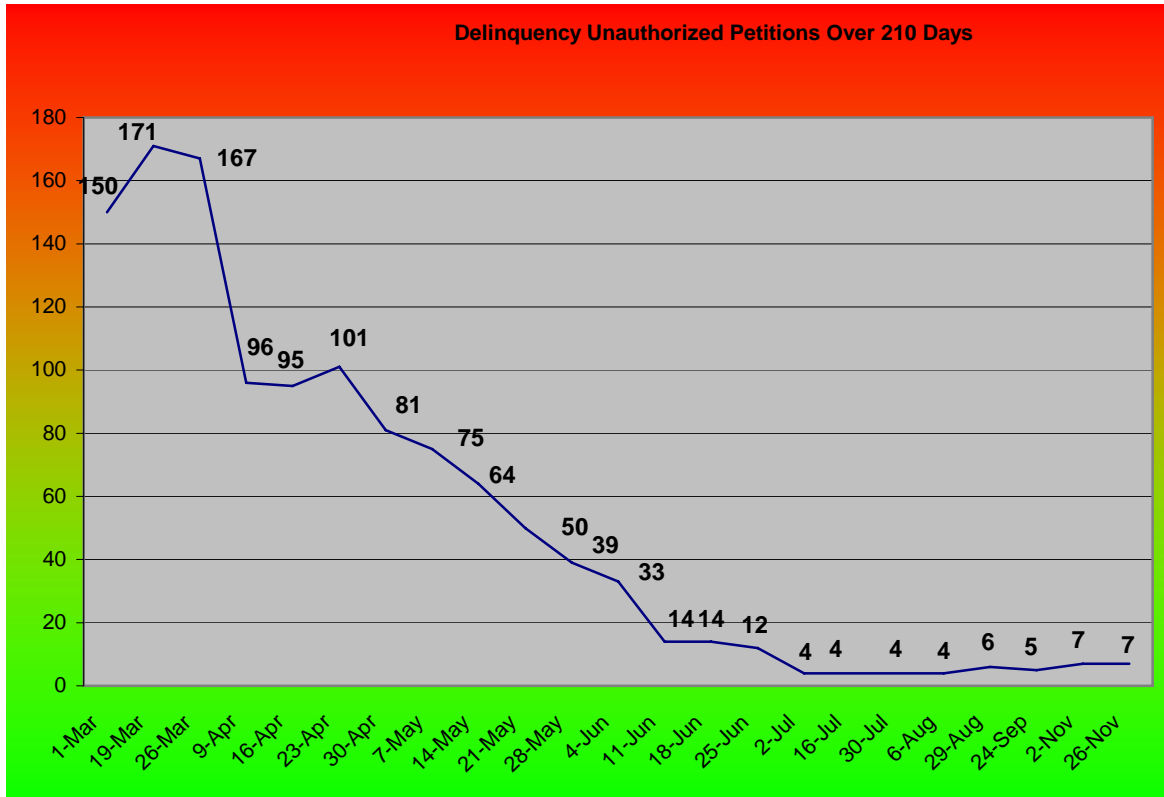
Delinquency Cases

On March 1 (according to FULCRUM), there were 150 authorized delinquency cases that had been pending more than the maximum case flow guideline of 210 days without a court disposition. This represented 46.73% of the total authorized delinquency cases. As of November 26, the number of backlogged delinquency cases has been reduced to 11, representing 9.65 % of the total authorized delinquency cases. However, all of those 11 cases are ones in which the respondent has absconded and a pick-up order is outstanding.

Delinquency Cases Pending Over 210 Days



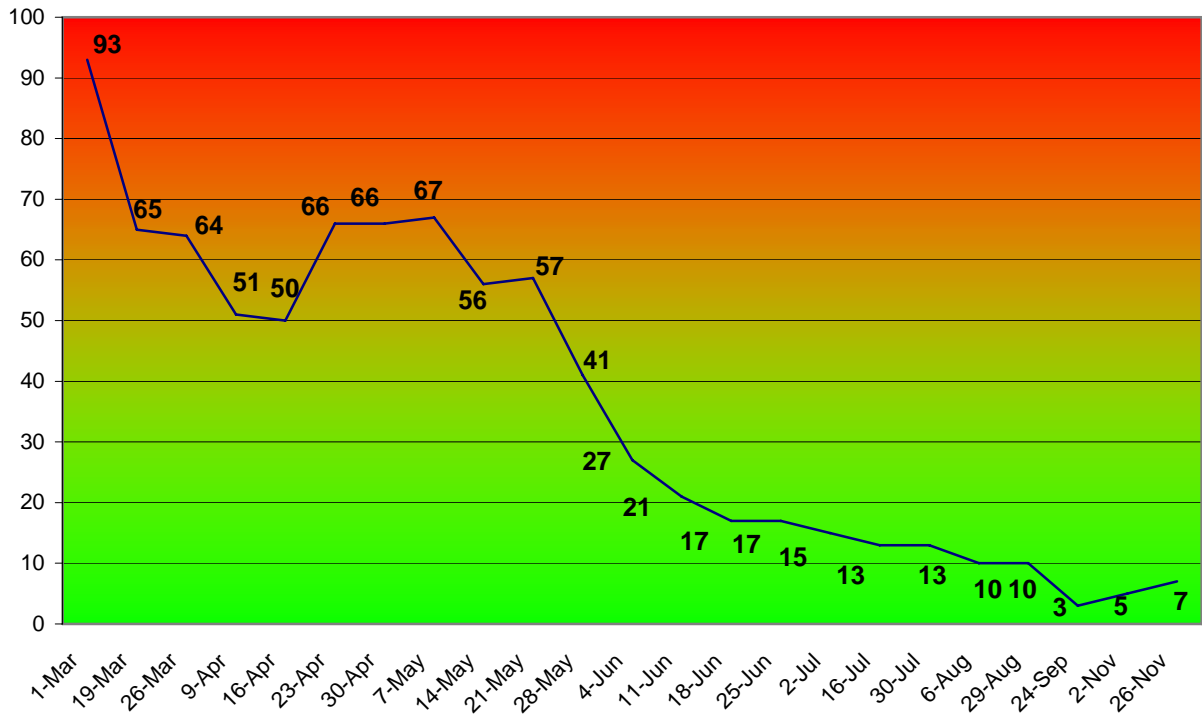
Additionally, prior to March 1, there were 150 pending but unauthorized delinquency cases that were over 210 days old. As of November 26, the number of backlogged unauthorized delinquency cases has been reduced to 7.



Neglect/Abuse Cases

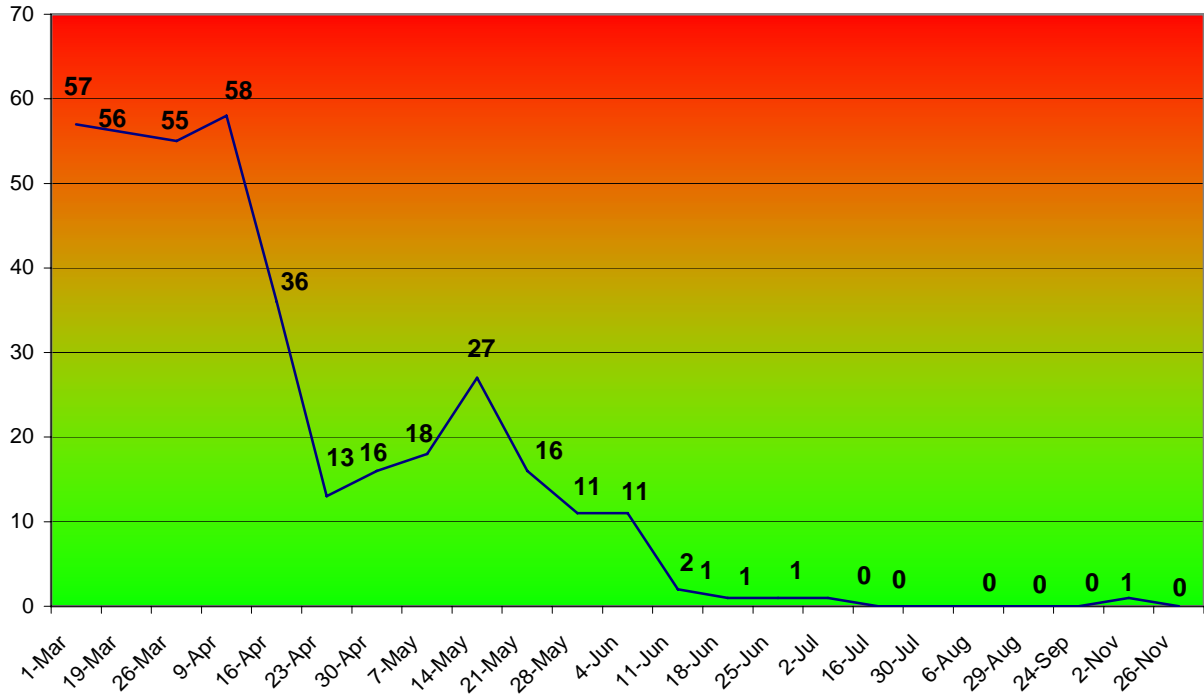
Prior to March 1 (according to FULCRUM), there were 93 authorized neglect/abuse cases that had been pending more than the maximum case flow guideline of 210 days without a court disposition. This represented 75.61% of the total authorized neglect/abuse cases. As of November 26, the number of backlogged neglect/abuse cases has been reduced to 7, representing 7.78% of the total authorized neglect/abuse cases.

Neglect/Abuse Cases Pending Over 210 Days



Additionally, prior to March 1, there were 57 pending but unauthorized neglect/abuse cases that were over 210 days old. As of December 1, the number of backlogged unauthorized neglect/abuse cases has been reduced to 0.

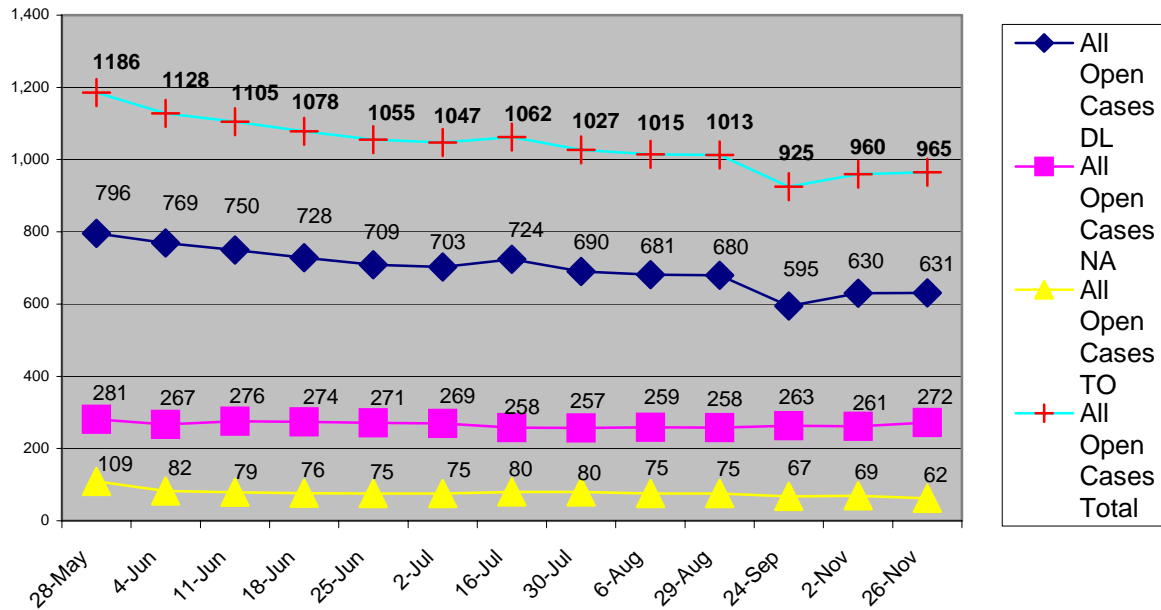
Neglect/Abuse Unauthorized Petitions Over 210 Days



All Open Cases

The total number of pending cases has also decreased during the past several months, primarily as a result of clearing the old backlog and revisions to the procedures for handling status offenses. The total pending caseload as of November 26 is 965, including 631 delinquency; 272 neglect/abuse; and 62 ticket cases.

All Open Cases



It must be noted that changes in the filing system described in the systemic changes relating to Clerk and File Organization will result in future increases in this statistic. Individual case files will now be opened for each original delinquency petition and it will appear that more cases are open.

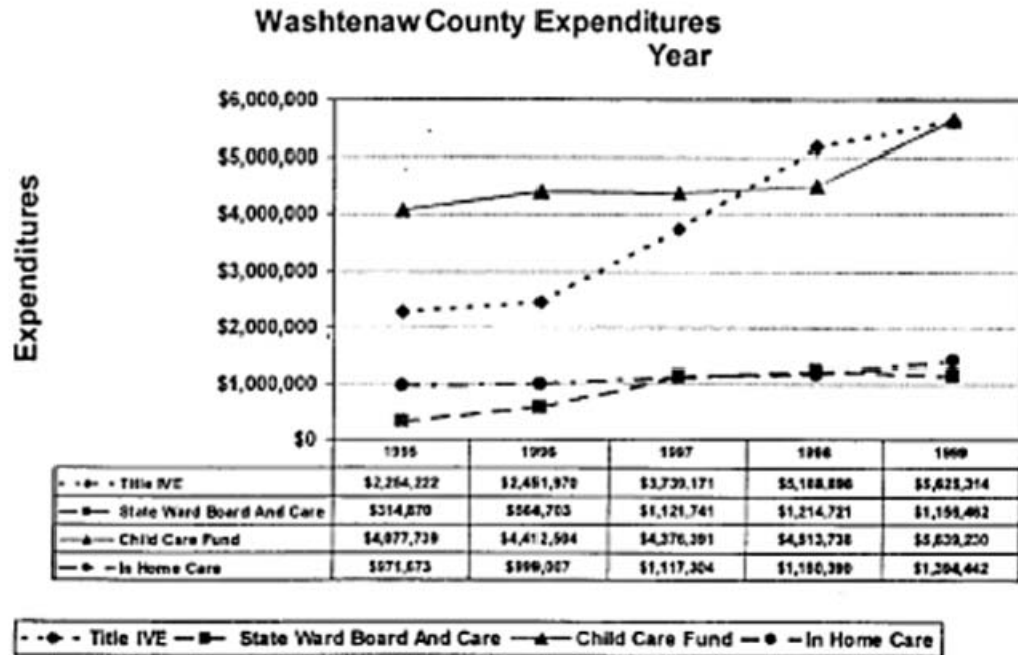
Monitoring Future Caseflow

In newly filed cases and other pending cases, statutory, court rule, and case flow standards are being strictly followed. In neglect/abuse cases, permanency planning hearings are scheduled, and conducted, within a maximum of 1 year as required by the so-called Binsfield Law. Case flow statistics are generated and distributed bi-weekly and aged case reports identifying the status of all cases are generated monthly. These reports are distributed to the responsible referees. Weekly meetings are conducted with the judge and referees and these meetings include identification of older cases identified in the reports.

Fiscal and Performance Audits

FIA Washtenaw County Child Care Fund On-Site Review

At the court's request, the Family Independence Agency conducted an on-site program and fiscal review to evaluate existing programs and to insure compliance with and eligibility for Child Care Fund reimbursement. The complete May 31, 2001 FIA audit report is attached at **Appendix A**. Other than two minor documentation errors, the fiscal review did not reveal major accounting errors. It did however confirm the dramatic increase in child care fund expenditures by the County:



As to the performance review and compliance with Child Care Fund requirements, the FIA audit made several findings and recommendations. Set forth here are the "General In Home Care Findings and Recommendations" together with the a summary of the action taken in response to those findings:

- *The Educational Advocate program, as stated above, does not meet with Child Care Fund rule and policy due its lack of case specific documentation. Child Care Fund Administrative rule 400.2022, rule 22 states (I) unless otherwise indicated, for county child care fund expenditures within the limits of the annual child care fund ceiling to be*

*eligible for state child care fund 50% reimbursement, all payments shall provide a direct service and be case specific, identifiable to an individual child, and shall not be for judicial cost or an administrative cost. It also goes on to state that the state child care fund reimbursement is restricted to county child care fund expenditures for services not covered by the following... (c) public education system. The family division must provide the individual case specific documentation as well as documentation to explain why this service is not available through the public education system. Please note that these issues must be addressed if the court wishes to continue to receive state reimbursement for this component. **We ask that a written response, with a detailed plan of action, be submitted to our agency within one month of the date of this report.***

Action: The Educational Advocate contract at a cost of \$96,000 was apparently undertaken when a previously grant-funded program terminated. To the extent that this "advocate" worked directly with various school systems, the FIA audit finding was correct. It is important however that probation officers be properly trained so that they can work directly with school systems to insure that delinquent and neglected or abused youth receive appropriate educational service. The Educational Advocate contract has not been renewed in its previous form. Rather, the contract has been revised and limited to two specified training sessions with court probation officers at a maximum cost of \$10,000.

- *It became apparent in reviewing the multiple programs that many services were being utilized at any given time for each youth. Current services could be organized in a more efficient manner (i.e. C.O.P.E. and S.H.I.P were both a part of the Day Treatment program). Rather than making three separate programs, they could be combined into one component and all its aspects described within the annual plan and budget.*

Action: Because many of these programs operate or are funded independently, they cannot be consolidated. However, as part of the reorganization of the probation officers described below in our systemic changes, responsibility for coordination of the services provided to each individual child has been consolidated in one probation officer.

- *Court orders were not always present for each component therefore making it difficult to determine just what services the youth were receiving. Page 1 of the In Home Care Certification states that if a child is not court ordered into a specific IHC program then a complaint must be received and accepted by the court along with an agreement signed by both the youth and a parent to receive the services. This case record documentation should be present in all case files to verify that only eligible youth are being served.*

Documentation was found to be inconsistent from one component to another. By combining the components as stated above it could help to alleviate this problem.

Action: These problems were found to be directly related to the delay in getting signed orders and ineffective filing procedures in the clerk's office. These issues have been addressed with systemic changes described below relating to Automated Court Orders and Clerk Organization and Filing System.

- *Treatment plans were inconsistent and unclear as to the goals, action steps and timetables for the clients in each component. Page 2 of the In Home Care Certification details case record documentation requirements and states that a treatment plan must identify treatment, objectives, and the action steps and timetables which will be used to reach those objectives. The lack of clarity in the treatment plans could lead to youth remaining in a program for an extended amount of time. This may explain what was seen in the intensive probation program with three of the fifteen youth reviewed continuing on past the age of eighteen and one until the age of twenty.*

Action: The necessity for specific treatment plans together with a specific probation order has been incorporated in probation officer training. As described in the systemic changes below, the previous practice of indeterminate probation has been eliminated and specific probationary periods are established by court order. Similarly, as described in the systemic changes below, the previous diversion program that led to prolonged and indefinite court jurisdiction over children has been eliminated.

- *Some intensive probation case files were difficult to track because the Social files were discarded for youth attending the IP program prior to the early part of FY99. All Child Care Fund related case file documentation, including case contacts, should be kept for three years. By doing so Child Care Fund staff will be able to verify compliance, on future site visits.*

Action: This issue has been addressed with systemic changes described below relating to Clerk Organization and Filing System.

- *It appears that the incorporation of the In Home Detention (II-ID) program with the Intensive Probation (IP) program has lead to an increased number of youth being placed on IP. It would appear placing youth on IP simply because of a probation violation might lead to inappropriate youth, youth not truly at risk of out of home placement, being placed into this component. We recommend that a risk assessment or measurement instrument be utilized to determine whether or not a youth is truly at risk of out of home placement and considered suitable for an In Home Care component. Please note all*

approved In Home Care components must serve only these youth at risk of out of home placement or youth who have a goal of early return from placement clearly stated in their treatment plan.

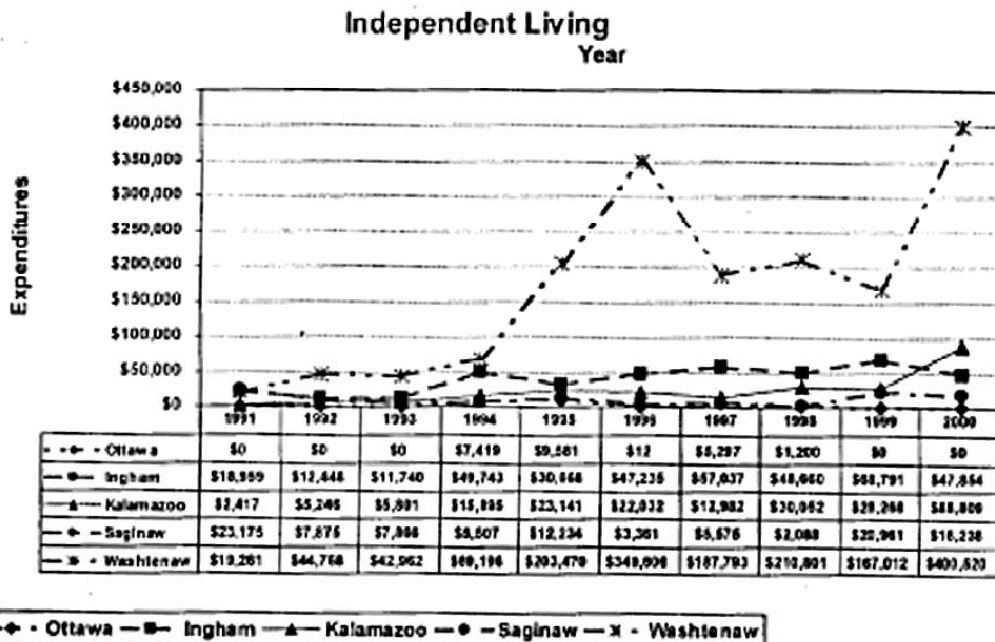
Action: A Risk Assessment tool has been adopted and implemented as described below in the systemic changes relating to Redefining Probation.

- *It is recommended that some form of evaluation tool be incorporated into the existing components to help determine program effectiveness. The Family Division employs many different services and youth often receive a variety of these services. It would be difficult, if not impossible, to determine which service, or combination of services, are achieving the desired results without some form of evaluation of their effectiveness.*

Action: The National Center for Juvenile Justice has agreed to conduct a review of the existing services utilized by the Court. This review will result in a full accounting of the interventions and services available to the Court, identification of the services that are effective and should be maintained, and those services that are no longer effective and should not be maintained.

• **Independent Living-**

The sample revealed few vouchers for independent living in comparison with the other Washtenaw County expenditures. While these vouchers were in compliance with Child Care Fund rule and policy, it should be noted that Washtenaw County is consistently ranked either first or second in the state for independent living expenditures. This is noted due to the departure from the norm with counties of similar size and youth population. Washtenaw County Trial Court and the local Family Independence Agency may want to consider evaluating its use of independent living expenditures.



Action: This finding corresponded with the other fiscal information and comparisons provided by the State. On review of specific cases, it appeared that independent living expenses had been authorized well past the age of majority for many children without regard to other available assistance. This is not a practice utilized in other counties. Consequently, referees and judges generally terminate juvenile court independent living expenditures after the child has both reached 18 years old and completed high school. The FIA has cooperated in insuring that those adults who are no longer on juvenile court independent living now receive assistance available to them in a variety of other adult programs.

Supreme Court Management Assistance Report

At the request of this court, the Supreme Court Administrative Office conducted a two-part review of of court files and programs. Files were reviewed for appropriate documentation and programs were reviewed to determine their appropriateness, effectiveness and accountability. The report of that review is attached at **Appendix B**. The review resulted in 50 separate recommendations for improvement. The summary of those recommendations and the subsequent actions taken is set forth below:

RECOMMENDATION 1: Use of deferred disposition should be discontinued unless clear authority for their use is established.

Action: This practice has been eliminated.

RECOMMENDATION 2: Review the "pass" system used for releasing juveniles from placement in detention

Action: This practice has been eliminated. See the systemic changes relating to Detention below.

RECOMMENDATION 3: Review policies and practices regarding the diversion of cases.

Action: The previous practice regarding diversion has been stopped. See the systemic changes regarding Delinquency Status Offenses and Court Diversion Program below.

RECOMMENDATION 4: Review the structure of written court orders to ensure consistency

Action: Court Orders have been completely revamped to correspond to SCAO form orders. See the systemic changes relating to Automated Court Orders below.

RECOMMENDATION 5: Establish guidelines for determining when cases should be closed

Action: The entire procedure for opening and closing cases has been revised. See the systemic changes relating to Clerk Organization and Filing System below.

RECOMMENDATION 7: Increase the use of referees in juvenile matters

Action: See the systemic changes relating to the Referee/Judge Model below.

RECOMMENDATION 6: Define the administrative role of judges in management of programs and cases and blend judicial philosophy with the administrative role

RECOMMENDATION 8: Clearly define the source and scope of administrative responsibility, including responsibility for all court programs

RECOMMENDATION 9: Evaluate the supervisory structure currently in place

RECOMMENDATION 10: Hold regular team meetings of administrative staff 7

RECOMMENDATION 11: Conduct regular staff meetings involving court staff and supervisors

RECOMMENDATION 12: Develop a process for providing a regular flow of information between administrators and staff.

Action: The previous structure did result in some staff confusion, dilution of administrative authority and micromanagement. As indicated in the revised Organization Chart at **Appendix C**, the line staff and the supervisory staff have been restructured to clarify lines of administrative authority. In addition, more substantive responsibility has been given not only to supervisors but to the other professional staff workers as well. Supervisors and other staff understand that they are responsible for the implementation of court policy. Judges also will adhere to lines of administrative authority so as not to undermine supervisors. Regular meetings of the supervising judge and the administrative staff will now be held each week.

RECOMMENDATION 13: Establish a strategic planning process for all court programs and services

Action: With the assistance of the National Center for Juvenile Justice, the court has undertaken a strategic planning process. The mission statement of the court has been established as part of that process as follows:

To protect children, promote community safety, hold individuals accountable, restore victims, and increase competencies of court-involved youth and families in partnership with the community

Further steps in the strategic planning process are planned.

RECOMMENDATION 14: Continue to maximize inter-agency cooperation that leads to development and operation of quality services and programs

Action: While the existing cooperation has continued, the court has attempted to improve our relationship with the local FIA and their purchase of service workers. Those efforts have been productive but still need to improve as set forth in the systemic changes relating to the Court Docket/Calendar System below. Some efforts have also been made to improve cooperation with local Community Mental Health but there has been little progress in that area.

RECOMMENDATION 15: Involve court staff in the identification and development of new programs or services or in identifying changes to existing programs

Action: With the new probation system, staff has been charged with the responsibility to investigate and recommend programs and services that are, or should be, provided to children under their supervision. The caseworkers for status offenses have been specifically challenged to identify community programs and services that would assist the children and families in those situations.

RECOMMENDATION 16: Incorporate principles of Balanced and Restorative Justice (BARJ) into court programming, to the extent possible

RECOMMENDATION 17: Develop a continuum of community service programs that support the BARJ principles

Action: BARJ principles have been incorporated into the court's strategic planning process and all referees and probation officers are aware of BARJ principles.

RECOMMENDATION 18: Develop formal, written guidelines for each program operated or contracted for by the court that do not have current guidelines and review the guidelines for programs that have formal, written criteria to determine currency

RECOMMENDATION 19: Establish an annual formal evaluation/review process for all programs

Action: The court is committed to three kinds of evaluation: process evaluation, measurement of immediate outcomes and measurement of long-term outcomes. As indicated above, the National Center for Juvenile Justice has also agreed to conduct a review of the existing services utilized by the Court.

RECOMMENDATION 20:

Assess the need for programs that address the link between domestic violence and juvenile delinquency

Action: This assessment has not yet been made.

RECOMMENDATION 21: In cooperation with the funding unit, undertake a comprehensive review of the O'Brien Center program to determine how it fits with other court/funding unit programming

Action: This recommendation has resulted in a significant review of the O'Brien program. As the result of a facilitated planning session with court and O'Brien staff, a set of guidelines was established that was consistent with the court's newly adopted Risk Assessment tool. Those guidelines sought to establish O'Brien in effect as a last resort prior to residential placement. In practice, and partly as a result of other court systemic changes relating to Residential Placement, Detention and Status Offenses below, those guidelines resulted in an underutilization of O'Brien resources. As a result of further meetings with the referees and staff, the guidelines have been revised to increase the number of children eligible for O'Brien assistance. The judge is directly and personally

involved in specific cases arising out of youth assigned to the O'Brien Center and that intensive supervision will continue.

RECOMMENDATION 22: Review the court's intake process, including use of a risk assessment tool, to assist with intake decisions

Action: The intake process has been dramatically modified and the risk assessment tool has been adopted.

RECOMMENDATION 23: Evaluate the role of the case management team

RECOMMENDATION 24: Establish a process for conducting regular case staffings involving multiple staff where more than one court program is involved

Action: Authority for direct supervision and responsibility for coordination and case management of each individual has been consolidated in the assigned probation officer.

RECOMMENDATION 25: Review the scope of services provided by the family counselor and counseling services and determine whether program re-configuration is desirable

RECOMMENDATION 26: Develop guidelines for referrals to available counseling programs

RECOMMENDATION 27: Specify treatment goals and expectations of the court to counseling services when unique situations have been identified

Action: The Family Division Counselor resigned and the position was not filled. Program re-configuration is being explored through a collaborative agreement with the Community Mental Health Organization to contract for mental health services. Representatives from the court met with representatives from CMH to identify what needs to be in place to streamline the process for the court to refer youth to CMH. We have drafted a tentative policy on how that could happen.

RECOMMENDATION 28: Identify methods for improving communication between staff of the night surveillance program and other court programs

Action: The night surveillance staff are now required attend all mandatory staff meetings and trainings.

RECOMMENDATION 29: Review the need and purpose for the educational advocate position in comparison to existing court and community services

Action: The Educational Advocate contract has not been renewed in its previous form. Rather, the contract has been revised and limited to two specified training sessions with court probation officers at a maximum cost of \$10,000. See the other comments about the Educational Advocate addressed in the FIA Audit above.

RECOMMENDATION 30: Review the availability of vehicles for staff who work in community-based programs

Action: The court currently leases two vans and two mid-size cars from the county to aid staff that work in community-based programs

RECOMMENDATION 31: Conduct an assessment of facility and staff security needs, particularly for staff who work "non traditional" hours

Action: A complete security assessment has not yet been undertaken. The inadequacies of the Juvenile Center facility make security an ever-present issue, particularly with the volatility of families involved in juvenile matters. Short-term measures have been undertaken, including attempting to establish a court officer presence in each of the active courtrooms and revising the procedures relating to in-custody parents who are transported to the court for hearings.

RECOMMENDATION 32: Develop a comprehensive training program that addresses the needs of new staff and provides for ongoing staff training

Action: In January of 2002, the entire probation staff will participate in a forty hour Fundamental Skills Training for Juvenile Probation Officers. This training is the beginning of what is intended to be an on-going series of skill building and continuing education for probation staff. Training for some non-probation staff is underway as part of the Clerk reorganization but other future training has not been designed.

RECOMMENDATION 33: Schedule all court events in delinquency matters with a meaningful and obtainable time and in compliance with time frames mandated by statute and court rule

RECOMMENDATION 34: Schedule all court events in child protective proceedings (CPP) with a meaningful and obtainable time and in compliance with time frames mandated by statute and court rule

RECOMMENDATION 35: Comply with the statute (MCL 712.1 9a) regarding procedures and findings at permanency planning hearings

RECOMMENDATION 36: Refer cases in which children have been in placement for an extended period of time, without proceeding to permanency, to the Foster Care Review Board (FCRB) as a “requested” review

Action: These recommendations have been implemented as described in the Reduction of Case Backlog section above and the systemic changes relating to the Court Docket/Calendar System below.

RECOMMENDATION 37: Implement standards pursuant to Michigan Supreme Court Order 1999-04, Establishment of Michigan Trial Court Case File Management Standards

RECOMMENDATION 38: Comply with component 7 of the case file management standards regarding placement of papers in case file folders

RECOMMENDATION 39: Require that court and county clerk staff who work with case files attend case file management training offered by the SCAO

RECOMMENDATION 43: Incorporate placement sheets into each case file

RECOMMENDATION 44: Review the practice of filing confidential reports in the legal file to assure that confidential information is not made available for public review

Action: See the systemic changes relating to Clerk Organization and Filing System below. The SCAO has been actively involved and cooperative in planning and implementing these changes.

RECOMMENDATION 40: Prepare and sign court orders on a timely basis, with specific dates used to identify court ordered events

RECOMMENDATION 42: Comprehensively document critical case events in court orders

Action: See the systemic changes relating to Automated Court Orders and Redefining Probation below.

RECOMMENDATION 41: Review patterns of services provided and out-of-home placements ordered to determine if court resources are used most effectively

Action: See the systemic changes relating to Residential Placement and Detention below.

RECOMMENDATION 45: Conduct case reviews by staff and supervisors to assess the need to continue court jurisdiction.

Action: This recommendation has been implemented.

RECOMMENDATION 46: Judges and staff should become familiar with judicial finding requirements of the Adoption Safe Families Act (ASFA)

Action: This is an ongoing process since it is not yet clear even on the State level how the specific provisions of this statute will be implemented. The court is actively involved with the task force addressing these issues.

RECOMMENDATION 47: Consider and implement the recommendations, where appropriate, from the report issued by the National Center for Juvenile Justice

Action: Those recommendations have been considered and some of them have been implemented, including the strategic planning efforts described above.

RECOMMENDATION 48: Implement the recommendations identified in the report of the child care fund issued by the FIA.

RECOMMENDATION 49: Implement the recommendations identified in the internal audit report issued by the Audit Division of the Supreme Court

Action: Actions in response to those recommendations are discussed elsewhere in this report.

RECOMMENDATION 50: Review the structure and procedures of the court appointed special advocate (CASA) program.

Action: A comprehensive review of the CASA program has not yet been undertaken.

Michigan Supreme Court Internal Fiscal Audit

At the request of the court the Internal Audit Section of the Michigan Supreme Court conducted a fiscal audit of the juvenile court's internal control system, accounting records, and other auditing procedures. The summary of that audit report is as follows:

The accounting records and procedures at the Juvenile Division were found to be generally adequate, although some weaknesses do exist. In addition, several weaknesses in the internal control system were noted. Appropriate corrective action should be initiated by the court in order to strengthen the accounting procedures and internal control system as presented in the findings and recommendations . . .

The report is attached in full at **Appendix D**. It includes 28 recommendations for improvements in the areas Automated System Security and Controls, Separation of

Duties, Mail Opening, Receipting, Voided Receipts, Manual receipts, Balancing Receipts, Disbursements, Bonds and restitution, Receivables, Marriage Ceremonies, Distribution of Fines and Fees, and Abstracts. The internal actions taken in response to those recommendations are described in a memorandum from the court Clerk which is also attached at **Appendix E**.

Systemic Changes

There have been a number of official changes in the operations at the Juvenile Center. Some of the changes have been made as a result of the Plante & Moran report and the efforts of the Implementation Team, and some changes have been made outside of that team.

Automated Court Orders

The Plante & Moran report identified preparation of Court Orders as a significant factor in case delay at the Court. Under the prior system, court recorders would take notes at all hearings and then draft Orders for review by the judge. The judge would review her notes, edit the Orders and send them back to the recorder for final preparation. The final draft was then sent to the judge for signature. Entry of Orders under that system took almost 6 weeks.

Using State form orders as guidelines computerized order templates were developed. A complete list of the available form templates is at **Appendix F**. These templates are used to complete Orders in the courtroom at the conclusion of each hearing. Approximately 90% of all orders are now generated in the courtroom at the end of the court proceedings. The time to generate an Order has been reduced from 6 weeks to less than 10 minutes. Copies of orders are distributed to the parties in the courtroom and can be immediately implemented.

Redefining Probation

Previously, the Juvenile Court ordered open-ended supervision for youths and/or families. People were placed under the supervision of the court with no determinate probation period. Court supervision staff were referred to as “case workers”

The supervision system for delinquent cases has been redefined to provide specific probation periods and compliance standards. Youth now receive a specified period of supervision at the time of disposition. This term is generally one year, however the term can be shortened or lengthened based on the specifics of the case. If the delinquent youth successfully completes the requirements of probation, the case is closed

and the jurisdiction of the Juvenile Court is terminated. If the delinquent youth does not satisfactorily complete the conditions as outlined in the court order by the time their term of supervision is set to expire, they are either brought back before the court for violation proceedings or their term of probation is extended.

Supervision staff are now known as probation officers. (see directive at **Appendix**

G) The Court has undertaken significant training for these officers, including the following:

- Community Connections: Turning Concepts into Reality sponsored by the Michigan Family Independence agency Bureau of Juvenile Justice and the Juvenile Accountability Incentive Block Grant Adhoc Committee
- Basic Juvenile Justice Management Institute sponsored by the National Council of Juvenile and Family Court Judges
- A Forum on Family Court by the National Council of Juvenile and Family Court Judges
- Advanced Juvenile Justice Management Institute sponsored by the National Council of Juvenile and Family Court Judges
- National Institute of Corrections Balanced and Restorative Training
- Community Assessed risk assessment Center and Risk Assessment Training sponsored by the Developmental Service Group
- Visit to Allegheny County in Pittsburgh, Pennsylvania hosted by the National Center for Juvenile Justice
- Basic Counseling sponsored by the Michigan Judicial Institute
- Juvenile Law I sponsored by the Michigan Judicial Institute
- Juvenile Law II sponsored by the Michigan Judicial Institute
- 2001 Research and Treatment Conference sponsored by the Association for Treatment of Sexual Abusers
- Girls, Girls, Girls sponsored by the Michigan Family Independence Agency

As part of the redefinition and restructuring of probation and an extensive training program, a risk assessment system for delinquency cases was developed. The system balances the needs of the youth and the protection of the community in an objective process. The tool is a guide to assist probation officers and judicial officers in recommending and making disposition decisions. The various portions of the adopted risk assessment tool are attached at **Appendix H**.

Court Docket/Calendar System

A new procedure for scheduling events on the docket was created. Now, probation officers, recorders and clerks can schedule docket events at the Juvenile Center

using FULCRUM to choose the best date according to the new docket system. This new process for scheduling has proven to be faster and more efficient.

A major problem in case delay was caused by the “cattle call” docketing used previously. Hearings were unable to start at the scheduled time and parties and attorneys spent inordinate amounts of time waiting to be heard. Authority for scheduling cases on the docket was distributed in various offices and printed dockets were no reliable indicators of what cases would actually be heard. Adjournments were at the discretion of the participants or various secretaries and clerks and therefore occurred regularly. As noted in another section, necessary reports were not submitted in a timely manner, resulting in delays at the hearings or other frequent adjournments of hearings.

A Juvenile Court Docket Calendaring Committee was convened in March consisting of representatives of many of the daily court participants, including the judge, referees, prosecutor, public defender, private attorneys, recorders, casework supervisors, FIA, court administration, and technical staff. A list of committee member is attached at **Appendix I**. The committee developed a new docket that went into effect on April 23rd. This restructured docket effectively eliminated the “cattle call” dockets of the past, and has been coordinated with a revised case flow system. As a result of the new docket system, courtroom activity is more evenly distributed. The docket calendaring committee subsequently met, reviewed the effectiveness of the changes, and made minor adjustments. The delinquency dockets on Monday and Thursday (dispositions, reviews and probation violations) are set according to caseworker schedules so that caseworkers will need to be in court on only one of those two days. The current docket schedule is attached at **Appendix J**.

Previously, it was the practice of the Juvenile Center to hold ninety day review hearing on all delinquency cases, even though the only mandatory hearings for delinquency cases were for those youth who were in placement outside of the home. The Juvenile Center no longer schedules review hearings on cases where the youth is not in placement. If the youth is doing well, there is no need to bring them back into court, and the probation officer can continue to work with the family and enforce the court order. If a youth is not in compliance with the court order, and attempts by the probation officer to assist the youth/family have not been successful, then the probation officer can bring that

case back in front of the judge or referee for violation proceedings. Elimination of non-mandatory hearings has dramatically decreased the court's docket and increased the time available to spend on children who are in placement outside the home.

A significant number of courtroom delays also previously occurred because either people or necessary reports were not in the courtroom when the proceedings were scheduled to begin. A number of procedures have been implemented to address these delays. A memorandum regarding courtroom decorum was implemented and is attached at **Appendix K**. Use of the courthouse audio system to ask participants to come to regularly scheduled hearings was discontinued. Reports of probation officers are required to be submitted in a timely manner before the each delinquency hearing and failures to do so are referred to supervisory staff. In neglect/abuse cases, there has been a considerable joint effort by the court and the FIA supervisor to get reports submitted 7 days in advance as now required by the court. Initially, this effort met with resistance but the situation has gradually improved. Nevertheless, late submission of reports from the FIA remains the biggest cause for courtroom delays.

Referee/Judge Model

Key to the court reorganization was the implementation of a referee/judge model in the court. While there were two referee positions previously, the referees were not assigned the primary role in adjudications and dispositions envisioned by the statutory and court rule authorizations. The current model utilizes 3 referees (2 full-time and 2 half-time) assigned to the docket. The referees are generally assigned to specific portion of the docket but are all cross-trained to eliminate any delays from during vacations or other absences. A separate family division judge is assigned to each referee, so the parties and attorneys know in advance who will review a referee decision or preside if a judge trial is requested. This referee model has significantly increased court capacity.

Following are the current assignments:

<u>Referee</u>	<u>Docket</u>	<u>Judge</u>
Referee Robert Carbeck	Neglect/Abuse	Hon. Timothy P. Connors
Referee Molly Schikora (1/2))	Delinquency	Hon. Archie Brown
Referee Julia Owdziej (1/2)	Delinquency	Hon. Archie Brown
Referee Gail Altenburg	Preliminary Hearings,	Hon. Donald E. Shelton

Adoptions

Referees Schikora and Owdziej were previously with the Court and have substantial experience in their positions. Referee Carbeck was appointed in September. He is a very experienced juvenile law attorney with extensive practice in Washtenaw County Juvenile Court. Referee Altenburg was previously a Circuit Court Judicial Assistant who functioned very effectively as a temporary referee from March until November, when she was appointed to replace a prior referee who left to take a federal position. Resumes of each of the referees are attached at **Appendix L**.

Appointment and Compensation of Counsel

Juvenile cases typically require appointment of a substantial number of attorneys at public expense. Previously, the Court used an “on-call” system in which a few attorneys were paid an hourly amount to be available to take assignments as counsel. During the reorganization, the attorney appointment and compensation process was revised.

Standards were established for the qualifications and appointment of counsel. The qualification standards require attorneys to submit a resume, proof of current good bar standing, and proof of training in juvenile law. A mandatory training program is required of all new attorneys not experienced in juvenile cases (delinquency and neglect/abuse) and is offered each July and January by the Washtenaw County Bar Association.

The qualification process also includes an inquiry with the Attorney Grievance Board as to any prior allegations of misconduct. The appointment process was streamlined to insure that parties are screened to determine eligibility for appointed counsel and that reimbursement for attorney costs is made to the extent feasible. The appointment process also insures that attorneys are appointed in the order that they appear on the list of qualified counsel. A description of the appointment process, the selection system is in the Order attached at **Appendix M**. A list of currently approved counsel is at **Appendix N**.

A new Attorney Fee Schedule was developed using a committee model similar to the docket committee. A list of the fee committee participants is attached at **Appendix O**. Pursuant to their recommendation, the Court adopted a flat fee schedule that results in

savings to the Court and, together with the docket and hearing procedure changes, also result in more fair compensation for appointed attorneys. The current fee schedule is attached at **Appendix P**.

Clerk Organization and Filing System

The filing system made it difficult for the Court, staff or counsel to monitor the progress in each case, particularly where multiple petitions had been filed. A Juvenile Center Filing Committee was formed to revise the way pleadings are maintained at the Juvenile Center. The Trial Court's System Manager chaired the committee, which also included the County Clerk and the Juvenile Center Clerk. The State Court Administrative Office was directly involved to ensure compliance with new state file standards. The committee recommended filing juvenile cases in the same manner as circuit, district and probate cases, thereby creating standards for the entire court and reinforcing the unification of the court.

As a result of this process, the clerks have gone through a major transition. They have taken responsibility for and have a better understanding of the work processes and its impact on the court. Specialization is no longer an issue. Seven individuals work together as a cohesive group. Lost files are a thing of the past. Receiving and filing of court reports has become an organized process. Paperwork accepted at the window has a consistent place to go. Orders and documents received for data entry and filing are complete within 2 business days.

Clerk Restructuring

The structure of the court clerks consists of one (1) receptionist, four (4) permanent full time court clerks, one (1) lead court clerk, and one (1) supervisor. Each of the four court clerks assigned tasks include:

- Initial petition processing in delinquent cases (traffic and non traffic misdemeanors), diversion cases, and other informal cases (Intake Clerk)
- Adoption cases (Adoption Clerk)
- Processing of case files from hearings, order entry, and supplement termination petitions (Transition Clerk)
- Records manager, pulling files for docket, filing of documents, updating of files including order entry, and finger print tracking (Records Clerk)

The majority of the clerks have been cross-trained to perform other clerk duties in order to provide coverage for expected and unexpected absences. Any clerk can process emergency petitions and in custody cases, and probation violations. All clerks are trained in accepting documents at the clerk window, filing, and tracking of court reports. They are very much aware of the importance of entering the authorization and adjudication of petitions relative to the age case report. The cross-training has occurred by partnering. The Records Clerk works with and covers for the Transition Clerk. The Transition Clerk has the dual role of working with the Adoption and Intake Clerk. The Adoption and Intake Clerk work with the Lead Clerk. Therefore, a new employee starts in either the receptionist or the records clerk position.

Case files from hearings are turned into the clerks for processing within 24 to 48 hours from the date of the hearing. These files are processed the next day. Other documents are entered and filed within 2 days of receipt.

Currently the receptionist is a temporary employee. The 2002/03 budget includes a permanent position as of January 1, 2002. This will create an effective utilization of this position in assisting with the court clerks with data entry skills, as well as provide consistency to the front desk.

Monthly meetings with the clerks and a separate meeting with the adoption staff keep staff informed of new information and ensures consistency in following procedures.

File Restructuring

On September 24th, 2001 the first phase of the new case file standards was implemented. Each original offense petition is processed as a new case with a new case number. For neglect and abuse cases, each child is given an individual case number. On delinquency cases the hearings are scheduled based on the type of hearing required and the docket schedule for that hearing type. In neglect and abuse, all children are scheduled together for the same time slot in order to create efficiency for both the hearing officer and the parties involved in the case. The second phase will begin in January 2002. The court will use pre-numbered file folders to improve efficiency of folder creation. In order to maintain numbering and filing standards, diversion cases will have a legal file created with a note stating that the case is a diversion case.

Documents filed with the clerk's office are date/time stamped. This date is used as the date entered on the Register of Actions in FULCRUM. Subsequently, the documents are filed in the appropriate case file jacket by the date/time stamp, chronologically with the most recent on top. By the end of 2001, the transformation of the file room should be complete. The mailboxes will be moved to the Library. The file room door will be locked with limited access to authorized personnel.

Future

For 2002, training and system coding issues will be resolved to begin to file motor vehicle misdemeanor offenses in the traffic module of FULCRUM. This module makes use of the automated abstracting process to the Secretary of State. Following automation, smaller "mini" size case jackets will be purchased and utilized for these offenses. November was the beginning of the implementation of tracking adoption cases on FULCRUM. Coding was added for data entry in the Register of Actions. Once any security issues are resolved, the effort will continue. The goal is to use FULCRUM in scheduling hearings and as fully as possible for reporting purposes.

Training for the court clerks will continue. MJI has support staff seminars scheduled throughout 2002. In June, MJI has training of Michigan Traffic Court Technology Conference in Ann Arbor. Other training modules for the court clerks will be focused on quality customer service.

The new filing system procedure is attached at **Appendix Q**.

Delinquency Status Offenses and Court Diversion Program

Previously the court diversion program allowed delinquent youth to remain under court supervision without entering a plea and without enforced diversion goals. This was in part responsible for the large number of old cases pending on unauthorized petitions. The court diversion program has been redefined to focus diversion resources and family services on youth status offenders (incurability, truancy, runaway) and on educational neglect petitions. Status offenses where there is no other charge are addressed primarily as family problems. The court's role is to take a "hands-on" approach to the youth and to direct the youth and family to community resources. Status offenders are generally not placed in the detention center and are not considered for other placement outside of the

home. The staff has been restructured and reassigned to reflect this change with two probation officers assigned exclusively to status offenses. First offenses in other types of cases are not handled with the court diversion program, but rather with a short probation period or with a statutorily authorized “warn and dismiss” procedure. Because of the enactment of recent reporting statutes, petitions alleging criminal sexual conduct by children are individually reviewed by a judge prior to authorization and the respondent may be required to undergo counseling with the a community-based, juvenile sex offender treatment program while the petition is being evaluated.

Consistent with these changes, a new case flow system was created for delinquency cases. This new system provides a more efficient and timely process for all parties involved at the Juvenile Center.

Detention

A review of the statistics for the detention facility indicated the need to revise the court’s detention policies. Some children had been placed in detention on many occasions for short periods of time with the result that it had lost its effectiveness and was not properly limited to detention’s very limited purposes. Detention had also been used to place status offenders out of the home, although the basis listed for the detention placement was usually a “court order violation”. The policy for use of the detention facility was revised so that detention is only used in three situations: where placement pending trial is required for the safety of the child or the community; where a child is pending transfer to a long-term placement facility; or when a one-time short term detention pending disposition is appropriate under the particular circumstances of the case.

There was also a common practice of placing a child in detention and immediately issuing a “pass” to leave the facility. This “pass” system was apparently designed to obviate the need for a full hearing if the child re-offended. As such it was both ineffective and circumvented due process requirements. This system is no longer in use and a pass from the detention facility is only used for scheduled requirements outside the facility, such as medical appointments.

A result of these changes has been a reduction in the number of children placed in the detention facility. The Washtenaw population for the center is now regularly below 20 children.

Residential Placement

A detailed review of residential placements in delinquency cases was conducted. Similar to the aged case report process, all existing placements were reviewed based on the length of time each child had been placed outside the home. In addition to the direct consequences to children, these placements have significant financial consequences and daily costs for residential placement can be as low as \$20 to as high as over \$250. Where it was determined that the continued placement level was not necessary or appropriate, children were returned to their homes or placed in less restrictive environments. The implementation of the revised system for status offenders also affected the number of children in residential placement. As a result the number of delinquent children in residential placement and the costs for that placement have significantly decreased. A system for weekly review of placement decisions and options has been implemented between the referees and the assigned judge.

In general, the details of neglect abuse placements are determined by the Family Independence Agency, under court auspices and control. Inadequacies in the case information systems in the FIA and the court have made it difficult to obtain comprehensive data regarding these placements and efforts are underway to improve that process. However the length of time a neglected or abused child remains in foster care is clearly dependent on the court's processing of decisions as to whether to terminate parental rights so the child can be adopted or to reunite the child with a rehabilitated parent. Adherence to case flow guidelines and to the statutory time requirements for conducting the permanency planning hearing has already resulted in some reduction in the number of abused and neglected children in foster care "limbo". As other cases progress under the new system, the reductions should increase. This will predictably result in increases in the adoption caseload of the court. For that reason, analysis of the workload and caseflow in the adoption department is also underway.

Facilities

Facilities at the juvenile center are inadequate and for some time the County has rented space in the nearby United Way building. This is extremely ineffective. As some space became available in the center, some staff has been brought back to the center. The goal however is to get all court staff consolidated at the center. It is planned that when detention is moved to the new facility next year, the remaining court staff will be brought back to the juvenile center and the lease with the United Way will be terminated. The relocation of detention will also enable the court to expand and reorganize the clerk's operation.

Courtroom facilities at the center were also inadequate for the current model. The original Courtroom #1 is small and is now dedicated to use in delinquency cases. It is also the only courtroom with jury capability. The larger hearing room known as Courtroom #2 has been remodeled to accommodate the large number of participants normally involved in neglect/abuse cases. It has also been redecorated to reflect proper court decorum. A small Courtroom #3 was constructed and is used by the referee for preliminary hearings and other miscellaneous docket matters.

Appendices

Appendix A	FIA Washtenaw Child Care Fund On Site Review
Appendix B	Supreme Court Management Assistance Report
Appendix C	Organization Chart
Appendix D	Supreme Court Internal Audit Report
Appendix E	Response to Recommendations from the Internal Audit Report
Appendix F	List of Available Form Templates
Appendix G	Position Title Changes
Appendix H	Risk Assessment Tool
Appendix I	Juvenile Court Docket Calendaring Committee
Appendix J	Current Docket Schedule
Appendix K	Courtroom and Hearing Room Decorum Memorandum
Appendix L	Referee Resumes
Appendix M	Order Regarding Attorney Appointments in Juvenile Court
Appendix N	Court Appointed Attorney List
Appendix O	Juvenile Court Attorney Fee Schedule Committee
Appendix P	Current Fee Schedule
Appendix Q	Case File Standards