

**INTERAGENCY COUNCIL FOR CHILDREN AND FAMILIES
PUBLIC REPORT
DECEMBER 31, 2005**

I. MISSION AND PURPOSE

This document is the third public report due in accordance with New Jersey's Child Welfare Reform Plan, entitled "A New Beginning: The Future of Child Welfare in New Jersey (hereinafter "the Plan"). The pertinent section of the Plan concerning this public report is entitled "Striving for Safety and Permanency in the Courts."

As noted in the two previous public reports, the Interagency Council for Children and Families (ICCF) was created as the entity charged most generally with ensuring timely implementation of the various strategies and benchmarks articulated in the court section of the Plan. To date, the ICCF has convened five meetings among its members, which include the Attorney General; the Administrative Director of the Courts; the Commissioner of the Department of Human Services (DHS), who additionally serves as chair of the ICCF; the Assistant Commissioner of the Division of Youth and Family Services (DYFS); the Public Defender; the Executive Director of the Juvenile Justice Commission (JJC) and the Child Advocate, to monitor the implementation of the strategies and reforms as outlined in this section of the Plan. Additionally, a working subcommittee of the ICCF has convened monthly meetings to monitor the individual and collective progress of the agencies' efforts to fulfill the Plan's mission and purpose.

The New Jersey Child Welfare Panel submitted its second monitoring report¹ on October 11, 2005, which assessed the State's progress through June 2005 with respect to all aspects of the Plan's implementation. As to the Court Section, the Panel noted that most of the reform plan work related to the courts was still in the planning stage during

¹ The Panel issued its first monitoring report on March 7, 2005.

the monitoring period and the effectiveness of the implementation could not be evaluated during that time. The relevant section of the monitoring report that addresses the Court Section of the Plan has been attached to this report as Appendix A.

II. STRATEGIES

As noted in the two previous public reports, the Plan commits to employing 11 strategies to effectuate its purposes, the success of which is dependent upon the commitment of the affected agencies to work both independently and collaboratively, as necessary. The updated progress of each strategy is noted below.

A. *The ICCF will monitor the action steps and strategies in this section.*

To date, the ICCF subcommittee has met at least monthly since June 2004 to ensure that the provisions of this section of the Plan are timely implemented. Additionally, the subcommittee has convened separate meetings among its members, as appropriate, to discuss interagency strategies and finalize language to satisfy court-ordered enforceables and ensure that the action steps outlined in the Plan are being timely implemented. During the course of its work, the subcommittee raised implementation concerns to the full committee, as necessary, and has reported its progress for inclusion in this public report.

B. *Expedite the processing of adoption cases.*

i. Hiring

The Division of Law (DOL) has completed the hiring of additional Deputy Attorneys General (Deputies) needed to fulfill the requirements of the Plan. Ongoing action and monitoring are in place to insure that any vacated spots are back-filled as

promptly as possible. Support staff is also in place. Facilities for the two additional DOL DYFS sections are operational.

Caseloads have been reduced commensurately, and are now meeting the intent of the guidelines proposing that 95% of individual Deputies carry no more than 20 Guardianship cases or 70 Protective Services cases. DOL managers are taking appropriate measures to insure that cases are correctly apportioned between newly hired attorneys and seasoned Deputies. Also, when appropriate, and in some counties routinely, Deputies are assigned to retain protective services cases they have handled and continue to manage the guardianship matters that arise from their caseloads. DYFS Deputies also handle appeals, administrative cases at the Office of Administrative Law, Office of Licensing cases and other matters as DYFS or DHS requires.

In order to provide the maximum effective legal representation for DYFS staff, DOL attorneys continue to work with the courts to avoid scheduling court matters on a regular “conference” day. This allows Deputies to counsel DYFS staff at the Local Offices and respond to legal questions they may have.

Continuing challenges on caseload management arises from various sources. For example, a new court initiative, the “post-TPR” project, calls for summary hearings to be held in each of the Child Placement Review cases for children who are legally free for adoption. Also, the Plan initiatives such as the pilot in Hudson, Passaic and Atlantic counties to speed Guardianship trials are now being implemented and call for added DAG time to manage them properly. DOL expects to manage this work with the support of the already hired additional attorneys.

The Office of the Public Defender's (OPD) Office of Parental Representation (OPR) (formerly known as the Parental Representation Unit (PRU)), has continued to transform the manner in which it provides legal counsel for parents. During the last quarter of 2004, the OPR began to move away from a system in place since 1999 which relied virtually entirely on outside "pool" counsel. In its place, the Public Defender implemented a plan for a new state-wide system in which staff attorneys would provide legal representation for the primary parental defendant in both protective services and termination cases. The aim of this transformation was both to increase the quality and accountability of legal counsel and to ensure the presence of legal counsel for parents from the earliest possible opportunity in a child welfare proceeding.

Public Defender staff have interviewed over 130 candidates for new staff attorney positions. By December 31, 2005, OPR expects to have hired or offered employment to 46 candidates, bringing its staff attorney complement to 49 trial attorneys and two appellate attorneys, with three attorneys performing management roles.

OPR also has begun the process of transforming the role of investigative staff available to assist attorneys and clients in child welfare cases. As of September 30, 2005, the OPR has hired a new Chief of Investigations with a social services and social work background and redesignated investigators as Parent Advocates. Similarly, OPR continues to interview candidates to fill five new investigator positions that will assist in transforming OPR's role in serving parents with the intention to provide client assistance and advocacy beyond the duties of a traditional investigator. By January 31, 2006, OPR expects to have hired and placed six new investigators to work with its attorneys in an expanded client assistance role. In addition, five investigators currently on staff will be

provided additional resources and training to expand their duties as client advocates while assisting attorneys to defend parents in child welfare cases.

OPR has made further progress in the planned opening of six regional offices. As of December 30, 2005, OPR will be operating from a Northwest Regional Office in Morristown (for Sussex, Warren and Morris Counties), a Northern Regional Office in Newark (for Hudson, Bergen, Essex, Union and Passaic Counties), a Central Regional Office in Cranbury (for Middlesex and Monmouth Counties), a Southern Regional Office in Gibbsboro (for Camden, Cumberland, Salem and Gloucester Counties), and a Capitol Regional Office in Trenton (for Mercer, Burlington and Hunterdon Counties). New space will be occupied in early 2006 to house an expanded Shore Regional Office near Mays Landing (for Ocean, Atlantic and Cape May Counties).

The Public Defender also designated a Director of Operations and a Director of Litigation for OPR, along with managing and senior attorneys to provide state-wide management and direct supervision for OPR's regional offices. OPR's goal is to ensure that at least one parent in every matter is represented by a staff attorney; an additional structure to provide closely supervised and high quality legal counsel through non-staff attorneys will be implemented for second parent defendants in the third quarter of 2005, again as a replacement for reliance on "pool" attorneys, many of whom, despite the higher rate of \$50 per hour in place since September 2004, still tend to be solo attorneys in their own practice lacking necessary back-up and other support.

As both the new staff and non-staff models for parental legal counsel are implemented, the Director of Operations will continue to maintain a list of seasoned pool attorneys for cases with multiple defendant parents and manage such trial assignments to

ensure timely selection of legal counsel for those cases. In addition to supervising staff trial attorneys, the Director of Litigation also will oversee plans to build an appellate section, with attorneys in Newark and Trenton, to handle both direct and interlocutory appeals; in conflict cases, appellate assignments will be made to experienced appellate pool attorneys. To maintain high quality representation and advocacy for parents and to help parents secure services essential to the goal of reunification whenever possible, OPR's objective is to achieve initial caseload standards of a maximum of 70 open matters for trial staff attorneys (with no more than 50 protective service cases and 20 termination cases) and to reduce those caseloads to 45 open matters per attorney as additional staff are authorized and hired, with caseloads to depend on case complexity and client needs. Caseload estimates for OPR appellate attorneys are for each attorney to handle 15- 20 appellate cases annually.

The Office of Law Guardian (OLG) remains fully committed to the child welfare reform effort in New Jersey and to strengthening the legal representation provided to children in these cases. As previously reported, OLG completed the hiring for Phase I of its expansion in the early part of 2005. As of December 1, 2005, OLG employs 65 full-time staff attorneys and a number of per diem attorneys to represent children in child welfare cases. As a result of the additional staff, the average law guardian attorney caseload was reduced from 177 children per attorney to 143 children per attorney, which represented a 19.2% reduction in the average attorney caseload.

OLG submitted its FY 2006 budget request to fund Phase II of OLG's expansion which was aimed at achieving an average caseload of 117 children per attorney. In order to achieve this reduction, OLG requested funding for 23 additional attorney positions, 34

investigator positions, 2 managing attorneys, 1 assistant chief investigator, and 13 clerical staff positions. OLG's budget request, however, was not initially funded, which delayed OLG's ability to move forward toward achieving its interim caseload target. As a temporary measure, OLG was able to hire a number of per diem attorneys and hourly investigators to assist with caseload reduction.

Recently, the Public Defender met with the Assistant State Treasurer, the Assistant Director of OMB and the Commissioner of Human Services, and a short term funding solution was agreed upon which will enable OLG to begin filling some of the attorney and investigator positions shortly. Interviews are currently underway to fill a portion of these positions with the remaining positions to be filled by July, 2006 provided that additional funds are allocated to OLG to complete Phase II of the expansion plan. OLG is confident that with the requisite funding, OLG's caseload reduction plan will remain on track toward achieving its ultimate caseload target of 88 children per attorney. The OPD recently submitted a letter regarding enforceables 6 and 8 to Commissioner Davy, as Chairperson of the ICCF, to report its progress, address issues and present their plan regarding these enforceables. The ICCF will submit the OPD's letter to the Panel for its consideration.

The OPD has secured the space necessary to accommodate additional law guardian staff. As previously reported, the Northern Regional trial office moved to its new location in Hackensack on June 3, 2005. The Capital Regional Office and the Office of Law Guardian Appellate (OLGA) section moved to a new location in early July 2005.

ii. Training and Cross-Training

DOL continues to provide all new DYFS Deputies with its five basic training courses which include an overview of DYFS practice (Basic I and II), evidence, fact-finding hearing trial skills and guardianship trial practice. Additional training opportunities were provided to interested or designated staff at the New Jersey Cares Lecture series on head trauma (July and October 2005), the Domestic Violence and Child Welfare Conference sponsored by Rowan University and the Children in Court Improvement Committee (October 2005) and at the Children in Court (CIC) Training Conference at which important best practices and mandatory requirements for CIC cases were discussed (September 2005).

Cross training has been provided by DHS staff to Deputies concerning the Resource Family Licensing Act (September 2005). In addition, DYFS staff presented a segment on the importance of permanency for children and how to achieve it at a statewide DYFS DAG conference (November 2005). That same conference offered segments on how to cross-examine experts and how to productively conference cases with DYFS staff.

DOL also continues to provide training upon request at local offices for DYFS staff.

OLG has continued its commitment to train OLG investigative and attorney staff. OLG completed the final phase of its Essential Skills Training program. Day 4 of the Attorney Essential Skills Training Program entitled, "Non-adoption Dispositions for Children," was held on September 26, 2005. Day 1 and 2 of OLG's Essential Skills Training program for attorneys was re-offered for the third time on November 21 and 22, 2005. In addition, an advanced skills training program will be held for all attorneys and

investigators on January 9, 2006. This program entitled, "Interviewing, Ethics and Counseling," will focus on the complex issues surrounding a child-client's interests versus wishes and substituting judgment for the wishes of a child-client.

The New Jersey Court Improvement Program will fund the 2006 Cross Training Conference to be facilitated by the OLG. The training will include topics on decision-making regarding the best setting for providing services and treatment to the children and youth served by the courts - community-based or institutional, and cultural competency. The trainings will be targeted to Superior Court Judges who hear juvenile delinquency and children-in-court cases; Public Defender attorneys who represent children and parents in the two case types; Deputies assigned to represent DYFS; and assistant prosecutors who handle juvenile delinquency cases. Trainings will also be open to a limited but representative number of DYFS staff and staff from other divisions within DHS which serve the targeted clientele.

The strategy to expedite the processing of adoption cases also incorporates the Children in Court Improvement Committee's (CICIC) recommendations to the Administrative Office of the Courts (AOC). Much like the efforts of the DOL, DYFS and OPR, the CICIC has committed resources to fund cross-training programs for Deputies, OLG and OPR attorneys. Three particular examples of that commitment include: (1) a statewide conference held in January 2004 for Children in Court judges and staff, DHS, DYFS, Legal Services of New Jersey, Court Appointed Special Advocates (CASA), foster parents, Child Placement Review Board (CPRB) volunteers, the DYFS Deputies, the Office of the Public Defender (OPD), and the Association for Children of New Jersey (ACNJ). Topics included the Child and Family Services Review and the

importance of family visitation in dependency cases; (2) two regional conferences, held on May 17 and 18, 2005 and facilitated by the Office of the Public Defender, for judges and attorneys assigned to children in court and juvenile cases; and (3) a conference held on October 20, 2005, sponsored by Rowan University and funded by the Court Improvement Program, for family court judges and staff, DYFS case workers, CASA, child welfare attorneys, the CPRB Advisory Council, and members of the Court Improvement Committee to discuss the links between child maltreatment and domestic violence.

For 2006, the CICIC's New Jersey Court Improvement Program will fund two additional training initiatives, including the Special Education in the Courts (Special Education) Initiative to be facilitated by Rutgers' School of Law-Newark's Special Education Clinic and a four day child welfare mediation program. The Special Education initiative, with trainings to be available to CIC judges, staff and child welfare attorneys in January 2006, will focus on making information concerning the special education rights of children with disabilities in foster care more accessible to judges; to serve as a resource to the court where the special education and developmental needs of children are of concern; and to assist the court in finding solutions to gaps that exist between the child welfare, early intervention and special education systems. The four day child welfare mediation training program will be open to mediators, Family Court managers and related child welfare stakeholders for counties who will be participating in the expansion of child welfare mediation (CWM) in New Jersey. This training is expected to be held in the summer of 2006.

The CICIC formed a workgroup to address the issue of delay in termination of parental rights (TPR) appeals. Members of the workgroup include an Appellate Division judge, a Children in Court judge, a Family Division manager and representatives from the AOC Family Practice Division and the Appellate Court Clerk's Office, DHS, the DOL within the Office of the Attorney General, OLG and OPR. By the March 31, 2005 deadline, the AOC was able to report that the workgroup provided recommendations to expedite appeals in TPR cases. Since that time, the recommendations have been reviewed and approved by the Conference of Family Presiding Judges and Acting Administrative Director Philip S. Carchman. The recommendations are now considered court policy, and have been in effect statewide since July 1, 2005.

C. Reorganize the Department of Law and Public Safety's Division of Law to ensure that attorneys representing DYFS in Family Court are specialists in this area of law, are well trained, and are rigorously supervised for practice.

As noted in the two previous public reports, in accordance with this provision of the Plan, the DOL has been reorganized with a DYFS Practice Group comprising four sections of Deputies each with its own Section Chief and headed by an Assistant Attorney General in Charge and one additional Assistant Attorney General. As also noted previously, a dispute resolution protocol is in place and is utilized when conflicts arise between DYFS and the DOL. The protocol is incorporated into DYFS Policy and is included in the DYFS DAG Manual and is used on the sporadic occasions it is needed. Most disputes are resolved at the local office level with the assigned DAG and his or her supervising DAG.

D. Consolidate the Family Court case calendar so parents, attorneys and case workers do not spend unnecessary time in court waiting for their cases to be heard.

The Honorable Ellen L. Koblitz, Chair of the Conference of Family Presiding Judges, had asked each presiding judge to report to the Conference what efforts each vicinage had taken to improve calendar coordination. In particular, judges were asked to report on their consideration of the recommended strategies enumerated in the Plan. These reports were shared with the CICIC. Additionally, the DOL appreciates the efforts of the AOC in distributing for consideration in the vicinages the DYFS Plan recommendations for methods to alleviate waiting time and the AOC's call for bi-annual reports concerning waiting time. It continues to be the CICIC's recommendation that the issue of delay be routinely addressed locally at the Children in Court Advisory Committee meetings.

The CICIC contracted with the National Center for State Courts (NCSC) to conduct a federally mandated reassessment to update the initial assessment, completed in 1996 and reported in 1997. The final reassessment report was issued on June 30, 2005. This reassessment examined and reported on the current strengths and challenges of the dependency court system and its ability to carry out related responsibilities for the protection of children. The issue of delay was addressed in the report. The CICIC established a workgroup to focus on all of the recommendations in the report. Many of the recommendations, such as video-teleconferencing which is discussed in Section E below, are already being addressed through tasks accomplished as a result of child welfare reform initiatives underway across the State. Much of the work that has already been done directly coincides with the recommendations in the reassessment report.

E. Deploy video-conferencing technology statewide in Family Courts and DYFS offices so attorneys, experts and caseworkers do not spend unnecessary time in court waiting for cases to be heard.

Implementing video-conferencing statewide is underway. It is a complex task, but an important one because it will minimize time spent waiting in court for attorneys, caseworkers, experts and others. Barriers identified to date to accomplish the goals outlined in this strategy include cost of the necessary equipment, access to equipment and the coordination required to connect remote sites.

In addition to the goal of limiting the time parties wait in court for cases to be heard, the Child Welfare Plan also addresses the internal benefits for DYFS of video conferencing. In fact, DYFS plans to use the video conferencing capability to provide training to all staff, and to improve communication among all areas of DYFS and DHS. DYFS has completed an evaluation of its offices as part of the first phase of this project, and reports that 30 sites at 25 offices have been cleared for installation. To date, seven sites are operational. Circuitry and wiring for the 30 sites is currently in progress. Ten offices will be relocated, therefore alternate plans are being made to accommodate video conferencing at the new locations. Verizon is training the DYFS staff. DYFS has used the functional offices to provide communication from DHS, including messages from the Commissioner of DHS and the Assistant Commissioner of DYFS.

The AOC committed resources from the fiscal year 2005 Judiciary budget to expand video-conferencing to five courtrooms. These courtrooms are located in Atlantic, Essex, Monmouth, Morris and Ocean Counties. A protocol for this pilot program is being developed and the pilot will be monitored to determine its feasibility and use in connection with Children in Court cases.

F. Expedite the processing of abuse and neglect cases.

This strategy focuses on electronic filing or electronic transmission of information. DYFS continues to work toward the implementation of the New Jersey Protective Investigation, Reporting and Information Tool (NJSPIRIT), which is a statewide child welfare information system. The AOC and DOL participated in the Joint Application Design sessions for Release 2 of NJSPIRIT.

G. Eliminate Voluntary Placements.

As noted in the first public report, voluntary placement, often referred to as “informed consent,” is a procedure used by DYFS to place children in foster care without having to make application to the court. The procedure includes an extensive agreement (Informed Consent Agreement), which allows a parent to place a child into foster care voluntarily. Through the Child Welfare Reform Plan, DYFS has determined that all placements regarding child abuse and neglect matters should be conducted through a court process. Thus, in consultation with the AOC, OPD and the DOL, DYFS developed a year-long program, which began in October 2004, to eliminate new voluntary placements.

The informed consent agreements include an initial short term (15-day) form, as well as a longer, six-month form. As of May 2, 2005, no DYFS local office was accepting the six-month informed consent as authority for placement. In addition, DYFS has stopped accepting both residential agreements (used to place children in treatment), and independent living arrangements for children who were subjected to abuse and neglect. As of August 31, 2005, DYFS’ local offices no longer accept any informed consent, including a 15-day informed consent.

DYFS has requested feedback from its internal agency staff, as well as member agencies of the ICCF, to monitor the effects of this strategy's implementation. The Judiciary is also evaluating court staffing and judicial needs in collaboration with the OPR, the OLG, and the DOL. These agencies have met and will continue to meet to address allocation of resources. Finally, DYFS and the AOC will continue to track and provide data on the changes, if any, in the number of DYFS placements, emergency removals, and filings for each vicinage and statewide. As a result of eliminating voluntaries, litigation has not increased dramatically to date. Due to some increase in the filing of abuse and neglect complaints, the Judiciary has increased resources to this case type including reassignment of judges. It may be necessary to allocate additional resources if filings continue to increase statewide.

H. Develop mechanisms for DYFS and Probation to collaborate, as appropriate, in cases where they are both involved.

The Probation Services Division within the AOC and DYFS have been working together to develop a Memorandum of Understanding (MOU), which includes various mechanisms for collaboration. The strategies for the coordination of service delivery to families who are involved with both agencies are included in the MOU, including coordination of case planning for clients who are under DYFS supervision and are being monitored by Probation. This coordination aims to end duplication of services provided by both agencies (for example, substance abuse treatment referrals), as well as coordinate the expectations of both agencies, so that people are not placed in the position of having differing expectations under Probation and from DYFS. This has required no changes to the confidentiality statutes that govern DYFS' records; rather, DYFS and Probation have

developed protocols for the exchange of information that satisfy the necessity of client confidentiality. The MOU has been developed. AOC's Counsel's Office and DYFS are presently undergoing discussions regarding revisions of the document. It is anticipated that the document will be finalized within the next few months, subject to review by the Acting Administrative Director. In addition, DYFS information technology staff, in developing NJSPIRIT, is moving towards electronic interfacing, so the exchange of information can become streamlined.

I. Improve the culture of the courts to better respond to the needs of children and families.

This strategy requires the Judiciary to undertake an assessment of what parents and children experience in court. It also requires training for professionals to increase cultural awareness in dealing with DYFS-involved children and families; recommendations to ensure that parents and foster parents receive proper notice of court dates and an opportunity to be heard during court proceedings; and recommendations to strengthen the role of resource families² in the court process.

The AOC contracted with Rutgers University School of Social Work, Center for Children and Families (Rutgers) to conduct an assessment to accomplish this task. The results of this study were published in the document "Improving the Culture of the Courts for Children and Families", submitted October 1, 2005. Based on the findings of the report, the CICIC was asked to develop an implementation plan and submit it to the Administrative Director of the Courts and the ICCF by December 2005. The implementation plan was timely submitted to the ICCF. A plan for training judges, court

² The term "resource family" is defined in the Child Welfare Reform Plan as all foster and adoptive parents, both those who knew the child before the child's placement ("kin") and those who did not.

staff and stakeholders is now being developed and will be funded through the New Jersey Court Improvement Program.

J. Plan and operationalize alternative and innovative court models across the state.

The Morris/Sussex Family Drug Court (FDC) opened in June 2004. As of December 1, 2005, eight individuals are actively participating in the program. The FDC will be evaluated to determine whether the Morris/Sussex pilot is warranted and whether statewide expansion of Family Drug Courts is appropriate. The Treatment Research Institute was retained to perform this evaluation which is expected to be completed in June 2007.

K. Take additional steps to ensure effective representation of children and parents in child welfare proceedings.

The Office of the Public Defender currently represents both children through its Office of Law Guardian, and parents through its Office of Parental Representation. OPR has historically provided representation for parents through a small staff of in-house attorneys and private sector pool attorneys. The number of staff attorneys has increased, in accordance with the Plan. The Public Defender's organizational structure provides a firewall, which separates the OLG from the OPR. Nonetheless, the Plan raises the issue of whether a conflict of interest is inherent with the Public Defender providing representation to both parents and children. To examine whether a conflict exists, the Plan required independent, expert assessments of and reports on (1) the quality of legal representation of parents, and (2) an identification of any legal conflicts in the organizational structure. The expert report concerning parental representation was not submitted until June 2005; accordingly, the Panel extended the State's deadline to submit

a responsive plan until December 2005. As of the date of this report, we await direction from the State regarding its response.

III. INTERAGENCY COLLABORATIONS

Between July 2005 and December 2005, the period covered by this Public Report, agencies involved with the Plan's Court Section have worked to create strategies to meet the Plan's enforceable elements and to create solutions for systemic shortcomings not addressed in the Plan.

Creating and implementing an effective strategy to accomplish the goals set forth in the Enforceable elements of the Plan necessitates cooperation among the involved agencies, the AOC, DOL, DYFS, OLG, and OPR. In order to implement Enforceable 3, to provide parents with adequate notice of initial removal hearings, DYFS examined its case practice and developed a new process which it anticipates will increase the percentage of parents who appear at initial removal hearings. Historically, when caseworkers removed children on an emergent basis, the parent or guardian was advised he or she should call the caseworker to learn when the hearing would occur. Parents were not always able to reach the caseworker, which caused parents to miss court hearings. In order to improve the communication between DYFS and parents, DYFS amended its emergent removal form. The form now includes the time and place for parents to appear in court, a statement of the parents' right to obtain counsel and how to obtain counsel, including contact information for OPR's regional offices. These changes were possible because the judiciary agreed to hear initial removal hearings at set times on a daily basis in each of the counties; OPR opened regional offices which serve each of New Jersey's counties and implemented its Order to Show Cause Attorney

Representation (OSCAR) program³; and the DOL agreed to notify the OLG and OPR of its decision to file a complaint and to provide copies of the pleadings at the time of court filing. The new policy, which went into effect on November 1, 2005 is in its infancy, but the ICCF subcommittee intends to monitor the policy's implementation and evaluate its effectiveness. Another example of interagency collaboration is Enforceable 5, which requires the State to take all reasonable steps to carry out abuse and neglect and other proceedings in accordance with ASFA. The above mentioned agencies are participating in a pilot project that began in three counties on December 1, 2005. The intended outcome is for all Guardianship proceedings to reach trial and have a decision rendered within six months of filing. As with Enforceable 3, the ICCF subcommittee is committed to reviewing the data generated during the course of the pilot project as part of the evaluative process.

The OLG and DYFS are working together to address a concern the OLG raised regarding a difficulty it has encountered in locating current addresses for child-clients. Under current practice, DYFS forwards Law Guardians a Notice of Placement form upon a child's change in placement. However, DYFS has taken steps to provide Law Guardians limited computer access in order to obtain current placement information, in addition to its Notice of Placement form. This access would provide OLG staff with placement information for child-clients in a more timely and efficient manner. Both agencies are in the beginning stages of developing a MOU and DYFS anticipates providing computer access within the next few months. Once such scheduling access is

³ OSCAR is intended to provide attorney representation for defendant parents and guardians at the earliest opportunity, before or simultaneously upon initiation of any court proceeding by DFYS. Its initial focus will be to ensure attorney representation at the initial in-court application for an Order to Show Cause following DYFS' emergent removal of a child.

implemented, delays experienced by OLG staff in scheduling and conducting client visits are likely to be reduced.

IV. ENFORCEABLES

As noted in the first public report, the Panel designated certain provisions as legally enforceable. The Court Section of the Plan contains eight “enforceables” – some of which mirror the language of the Plan; each of which has a designated timeframe for completion. The eight enforceables are as follows:

1. Develop a high-level coordinating body, the Interagency Council for Children and Families (ICCF) to oversee and report on court reform efforts. *This has been accomplished.*
2. Eliminate the practice of accepting voluntary placements of children. *As noted in the earlier part of this report, eliminating voluntary placements has been phased in throughout the State, and were completely eliminated on August 31, 2005. Additionally, and as noted above, DYFS has stopped accepting both residential agreements and independent living agreements on behalf of children who were subjected to abuse and neglect.*
3. Provide parents with adequate notice of initial removal hearings. *A plan to accomplish the goals of this enforceable was timely submitted to the Panel by the March 31, 2005 deadline. The Panel approved the plan and as noted above, it became effective state-wide on November 1, 2005.*
4. Provide resource families adequate notice of hearings involving children in their care. *The AOC submitted to the Panel a plan to accomplish this enforceable on Sept. 30, 2004. The Panel responded with comments on Oct. 27, 2004. A revised*

plan, responsive to the Panel's comments and suggestions, was submitted on January 10, 2005. The AOC, in cooperation with the CICIC, continues to facilitate the tasks outlined in the enforceable report.

5. Take all reasonable steps to complete abuse and neglect proceedings, permanency hearings, and termination of parental rights and adoption cases in accordance with state and federal Adoption and Safe Families Act timelines. *A plan was submitted to the Panel in Dec. 2004, as required. The Panel, in its first monitoring report, noted that the proposals contained in this plan were not fully supported by all of the ICCF participants, and were not yet adopted as policy by the State. Accordingly, the ICCF revised its plan to meet this enforceable and developed a three-county pilot framework, which began on December 1, 2005. The pilot framework was submitted in final form to the ICCF in December 2005; it is anticipated that the Panel will receive the updated version shortly. The ICCF will evaluate the pilot project during 2006 to determine the project's efficacy and viability for state-wide implementation.*
6. Provide high quality legal representation to children involved in child welfare proceedings. *This enforceable required, in part, that by September 30, 2004 a plan be developed, subject to Panel review and approval, regarding the caseload standards for Law Guardians and the number of new Law Guardian staff hired to meet this standard. This plan was submitted on time and the Panel provided comments on October 27, 2004. On December 1, 2004, the Public Defender submitted to the Panel a detailed response on behalf of the Office of the Law Guardian. The second part of this enforceable required that the caseload*

- standard be met for 95 percent of the Law Guardians by September 30, 2005. As mentioned earlier, the OPD has recently submitted a letter to the Chairperson of the ICCF discussing the challenges and issues involved along with a plan to meet this enforceable. This letter will be submitted to the Panel for its consideration.*
7. Provide high quality legal representation to child welfare agency staff through effective collaboration and coordination with DAsG. *The first part of this enforceable requires that by December 31, 2004, policies concerning working relationships and dispute resolution be revised and adopted. This plan was submitted on time. The second part of this enforceable, which required that by June 30, 2005, practice substantially conform to policies, was timely submitted on June 30, 2005. The remaining part of this enforceable concerns caseloads and was timely submitted on September 30, 2005.*
 8. Provide high quality legal representation to parents involved in child welfare proceedings. *The components of this enforceable involve increasing the reimbursement rate for attorneys representing parents, developing a plan to address the quality of legal representation offered to parents and identifying any conflicts of interest or issues. The State increased the hourly rate for pool attorneys to \$50 per hour in September 2004; a further increase to \$75 per hour was required by September 2005. The OPD has recently submitted a request to the Chairperson of the ICCF seeking to postpone the increase to \$75/hour and maintain the current reimbursement rate through Fiscal Year 2006. This request will be submitted to the Panel for its consideration. Though due in February 2005, the Child Welfare Reform Panel did not submit the independent*

assessments concerning parental representation to the State until June 2005; accordingly, the Panel extended the State's deadline to submit a responsive plan until December 2005. As noted above, we await direction from the State regarding its response.

V. BENCHMARKS AND SUMMARY

Finally, the Plan incorporates numerous data measures, including baseline data to determine appropriate starting points for measurement, interim and final targets against which to measure progress; and a prescribed methodology assigned to each benchmark to identify the data source that will measure a particular benchmark. Nine benchmarks have been assigned to the Court Section of the Plan:

1. Decrease the number of children currently in care on a voluntary placement agreement;
2. Increase the percentage of new placements made known to the court within five days of placement;
3. TBD Regarding notice to, and attendance of, birth parents, resource parents and other relevant stakeholders to relevant legal proceedings;
4. Increase the percentage of termination of parental rights cases with a disposition within six months from the filing date. As of November 2005, the number of cases in backlog is 201, a decrease from 319 in September 2004. The Judiciary continues to make progress in reducing backlog in this area as a result of increasing resources including the reassignment of judges to this docket type. The staffing efforts of the DOL, OPR, and

OLG described elsewhere in this report have contributed to the courts' ability to schedule these matters promptly;

5. Increase the percentage of cases that have had a permanency hearing within legally mandated timeframes;
6. Increase the percentage of cases that have timely fact-finding hearings;
7. Decrease caseload of Deputy Attorneys General who represent DYFS;
8. TBD decreasing caseload of Law Guardians; and
9. TBD regarding decreasing time waiting in court.

Because numerous agencies uniquely comprise the ICCF, the mechanisms to share, measure and track data among these agencies, where appropriate, must be developed. An ICCF subcommittee has discussed which agencies are ultimately responsible for achieving the benchmarks enumerated above, including the complex issues surrounding data collection and synthesis. The Department of Human Services formed Reporting and Analysis subcommittees to track each benchmark, identify the appropriate source of the data, record accurate baseline information and oversee related implementation issues.

Finally, the ICCF and its working subcommittee will continue to ensure the timely implementation of the Court Section strategies enumerated in the Plan. The ICCF is scheduled to release its next public report in June 2006.

GLOSSARY OF ACRONYMS

Interagency Council for Children and Families	ICCF
Division of Youth and Family Services	DYFS
Department of Human Services	DHS
Deputy Attorneys General	DAsG
Division of Law	DOL
Parental Representation Unit	PRU
Office of Parental Representation	OPR
Office of the Law Guardian	OLG
Office of the Law Guardian Appellate	OLGA
Law Guardians	LGs
Office of the Public Defender	OPD
Structured Decision Making	SDM
Children in Court Improvement Committee	CICIC
Administrative Office of the Courts	AOC
Assistant Attorney General	AAG
National Center for State Courts	NCSC
Court Appointed Special Advocates	CASA
Child Placement Review Board	CPRB
Association for Children of New Jersey	ACNJ
New Jersey Protective Investigation, Reporting & Information Tool	NJSPIRIT
Memorandum of Understanding	MOU
Family Drug Court	FDC