

Study of Virtual Child Welfare Hearings Methodology

March 2021



As a result of the COVID-19 pandemic, child and family serving systems were required to adapt their operations to mitigate the spread of the virus while continuing to serve children and families. For family and juvenile courts, this meant launching virtual hearings and finding innovative ways for families, attorneys, advocates, and the court to convene safely while simultaneously ensuring safety, permanency, and well-being are being achieved.

Anecdotally, family and juvenile courts report both positive and negative experiences with virtual hearings. Some report that virtual hearings have addressed common barriers experienced by families, such as transportation and work schedules, while others note that families continue to lack access to the technology necessary to participate in virtual hearings. At this time, however, little information has been gathered directly from parents, caregivers and youth about what the transition to virtual hearings has been like for them.

The National Center for State Courts (NCSC) with funding from the Annie E. Casey Foundation, Inc. and Casey Family Programs, is studying the experience of families and court professionals in virtual child welfare hearings to better understand the experience of parents, caregivers, youth, attorneys, and caseworkers, and to identify promising practices supportive of effective and efficient virtual hearings. The findings will inform child welfare stakeholders on potential barriers to quality and meaningful virtual hearings, elevate family voice, and identify opportunities for future research. This document describes the study's methodology.

The primary goals of the study are to:

- Identify and describe the experience of families and court professionals in virtual hearings in terms of perceptions of fairness, access to technology, and high-quality legal representation
- Explore how key aspects of quality hearings can be implemented in the virtual environment

Research Design

NCSC is working with several courts in five states: Arizona, Michigan, Nebraska, Texas, and Washington. Because each courtroom operates virtual hearings differently, data from each courtroom will be analyzed independently to produce a series of case studies. This method allows data collection tools to be modified to fit the needs of each jurisdiction. To achieve the study's goals, NCSC is collecting data in multiple ways, including interviews, surveys, and court observations.

Judicial Interviews

NCSC staff interviewed judges from the study sites to better understand virtual hearings from their perspective. Judges were asked about their general experience and observations of virtual hearings with questions including:

- How long have you been seeing child welfare hearings virtually?
- What hearing types do you see virtually? What hearing types are you currently seeing in-person or by hybrid hearings?
- What has gone well with virtual hearings? What has been challenging?
- How often are you noticing parents experiencing access or technology issues?
- Have you implemented any new practices to support virtual hearings?
- What role do you see virtual hearings playing in the future?

Judges were also asked about what they most want to learn from the study, and for their input on data collection in their court. These interviews helped to shape the strategy for the stakeholder surveys and court observation. A forthcoming publication will describe key themes and promising practices identified in the judicial interviews.

Surveys, Focus Groups, & Interviews

NCSC created distinct surveys for parents, caregivers, caseworkers, and attorneys. The surveys were adapted from NCSC's [Access and Fairness Survey](#) and other tools designed to assess the impact of the pandemic on court users.

The Access and Fairness Survey is part of NCSC's [CourTools](#), a suite of 10 court performance measures. It is currently being adapted for use in virtual hearings.

Additionally, for the parent and caregiver survey, NCSC consulted constituents with lived experience in

the child welfare system in partnership with Casey Family Programs, Generations United, Foster Club, and Children's Trust Fund Alliance. Parents, kin, and youth provided feedback on survey content, instructions, and methods for distribution.

Surveys will be administered in a variety of ways. The attorney survey and caseworker survey will be sent to professionals via email. Some of the participating courts will place a link to the electronic parent and caregiver survey into the virtual hearing platform chat box, and other courts will ask parent attorneys to share the survey link with their clients. In courts where most parents come to court in-person or where many parents appear only by telephone and therefore do not have access to the chat box, parents will be invited to participate in an interview or focus group.

All of the surveys include questions related to procedural fairness, about the perceived benefits and challenges of virtual hearings, and whether the respondent prefers in-person or virtual hearings. There are also role-specific survey questions. The attorney survey inquires about whether different types of hearings should be held in-person or virtually and how the quality of contested virtual hearings compares to in-person hearings. The caseworker survey asks about the experience of testifying in virtual hearings and how it compares to in-person hearings.

In addition to surveys of parents, caregivers, and professionals, NCSC will be inviting older youth who have participated in virtual hearings to participate in a focus group or interview. In many jurisdictions, interviewees are being identified by the youth's attorney or Guardian ad Litem. The goal of engaging older youth is to learn what they see as benefits and detriments to virtual hearings and why.

The combination of surveys, focus groups, and interviews will provide a more wholistic understanding of the experience of youth, parents, caregivers, attorneys, and caseworkers beyond anecdotes.

Court Observation

To understand how the virtual environment and related technology impact aspects of quality child welfare hearings, NCSC will observe several virtual hearings in each of the participating courtrooms. Because this study is exploratory and focuses on the general experience of virtual hearings, observations will cover a variety of hearing types, including but not limited to pretrials, adjudication hearings, review hearings, and termination of parental rights.

The court observation tool documents:

- Which parties were present and whether they appeared in person, by video, or audio only
- Parties' location (e.g., inside or outside)
- The pre-hearing processes such as confirming all parties are present or acknowledging the virtual environment
- Assessing judicial engagement of youth and parents
- Technology issues experienced during the hearing and how they were addressed.

Next Steps

Throughout the study, NCSC will release findings through a series of brief publications. The first phase of the study will conclude in the spring of 2021 and will serve as a foundation for future work examining case outcomes and specific practices to improve the quality of and experience in virtual child welfare hearings.

NCSC would like to thank the following participating local courts:

- **Arizona:** Maricopa, Mohave, Pima, and Pinal counties
- **Michigan:** Kent, Marquette, and Macomb counties
- **Nebraska:** 1st Judicial Court and 12th Judicial Court, Douglas County, and Sarpy County
- **Texas:** Dallas Child Protection and Permanency Court, Centex South, and 8th Region North
- **Washington:** Snohomish and Spokane counties

NCSC would also like to thank the state court administrators and their staff from these states for their support and assistance.

This document was prepared by the National Center for State Courts with funding from the Annie E. Casey Foundation and Casey Family Programs. Points of view or opinions expressed in this report are those of the authors and do not necessarily represent the position, opinions, or policies of the Annie E. Casey Foundation or Casey Family Programs.

