

2021 |



# Montana Pre-Hearing Conference Study (Updated 2021)

Additional Data Analysis for Extended Sample

Report Authored by: Alicia Summers, PhD

Director, Data Savvy Consulting, LLC



# Montana PHC Study

---

## Evaluation of Montana Pre-Hearing Conference

### Introduction

In June of 2015, Montana implemented a pre-hearing conference (PHC) pilot project in Gallatin County. Flathead, Lewis and Clark, and Park counties began shortly thereafter. More recently, Yellowstone County implemented in all courts, Butte/Silverbow and the 5<sup>th</sup> District Court implemented PHCs for all cases and Cascade County implemented PHCs in 2 courts.

The PHC is a facilitated conversation among the parties that occurs before the initial Show Cause Hearing. The participants comprise the parents, CFSD child protection specialists, attorneys, CASAs, foster parents, family members, treatment providers, and children, if mature enough. The purpose of a PHC is to talk about the three main issues in the case: 1) The child's placement, and options for placement; 2) Visitation between parent and child and plans for improving visitation; and 3) Treatment services for the family. *The goal is to establish a mutual understanding of what is in the best interest of the children, and to begin working as a team toward the reunification of the family.* A pre-hearing conference provides a better vehicle for parent-child input, so more individualized treatment plans can be created, leading to more effective services, leading to faster time to permanency and increased reunifications.

Montana Court Improvement Program (CIP) wanted to determine where the PHC was implemented as expected (i.e., fidelity to the model) and whether it is related to improved timely permanency for families. In 2018, an initial evaluation examined available case file review and pre-hearing conference form data to examine current practices and outcomes. Fidelity was assessed during the first round of assessment and PHCs showed good fidelity to the model. The PHCs are described in this report through 2021 data to illustrate current practice. *This report provides an update to the initial assessment, using additional data to supplement original findings.*

## Method

The CIP collected two forms of data. The first was data collected by the PHC facilitators at the end of a PHC. PHC facilitators began completing a *PHC Debrief Tool* in early 2017. It was completed by all facilitators immediately following the PHC and collected data on parties' presence, participation, and discussion topics. These data are collected in an ongoing manner. Data for this study includes form collected between 2017 and 2021 in three sites.

The second form of data was collected from *case file review*. Focusing on the sites that consistently implemented the pilot (i.e., Gallatin, Flathead, and Lewis & Clark), the case file review collected case level data on child abuse and neglect cases filed from 2014 through 2018. This includes pre-implementation (2014 and early 2015) through post implementation (2018). Data were only collected through 2018 to ensure that cases had sufficient time to reach effective resolution at the time of data collection. The majority of these cases had closed, in comparison to later cases (e.g., 2019 or 2020). Data elements collected are presented in a table below. Cases were reviewed through June of 2021 to determine if they had reached effective resolution and the case outcomes. As such, there is data for all cases filed between 2014 and 2018 in the three sites.

<b>PHC Debrief Tool (2017-2021)</b>	<b>Case File Review (2014-2018)</b>
Case Number	Case Number
Hearing Date	Year
Jurisdiction	Jurisdiction
Facilitator	Facilitator
Parties Present	PHC Pilot (Yes/No)
Participation of Parties	Key Dates (Removal, Filing, PHC, Show Cause, Adjudication, Disposition, Treatment Plan, Permanency Hearing, Effective Resolution)
Discussion of Key Topics (visitation, services, placement)	Case Status (Open/Closed)

## Sample

The final sample of cases included data from the *PHC Debrief Tool* from 1,050 PHCs collected between 2/9/17 and 7/28/21. The *case file review* data included data from 1,312 children

who had child abuse and neglect cases that opened between the beginning of 2014 and the end of 2018 in the three counties. Data were merged from these two datasets for a smaller subsample of cases that opened in 2017 and had both case file review data and completed *PHC Debrief Tool* data. Data were matched for 367 children. If case numbers were incorrect or missing, cases could not be matched. However, this represents a majority of the cases filed in this timeframe that held PHCs.

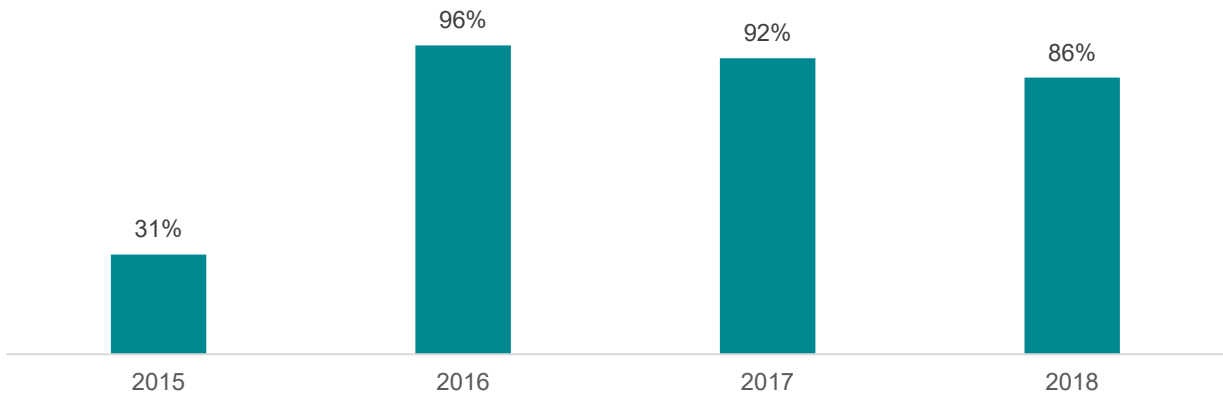
## Overview of Report

This report provides an overview of the PHC, based on data collected from the *PHC Debrief Tool*, and *case file review* process to examine the relationship between PHC and case outcomes. The report first describes the PHC practice and then identifies relationships to case outcomes.

## Pre-Hearing Conference Practice

The Pre-Hearing Conference pilot began in June of 2015. There are 1,050 *PHC Debrief Forms* completed as of the end of July of 2021. Each form represents a case. Some PHCs included multiple forms, indicating the PHC may have been held separate for mother and father or may have been repeated. As each case represents one child and many children are part of a sibling group, this does not mean that 1,050 PHCs have occurred. From the case file review data, the majority of cases that began after 2015 held a PHC. Lewis and Clark had the highest percentage of cases from the case file review (n=588; 45%), followed by Flathead (n=452, 35%) and Gallatin (n=272; 21%).

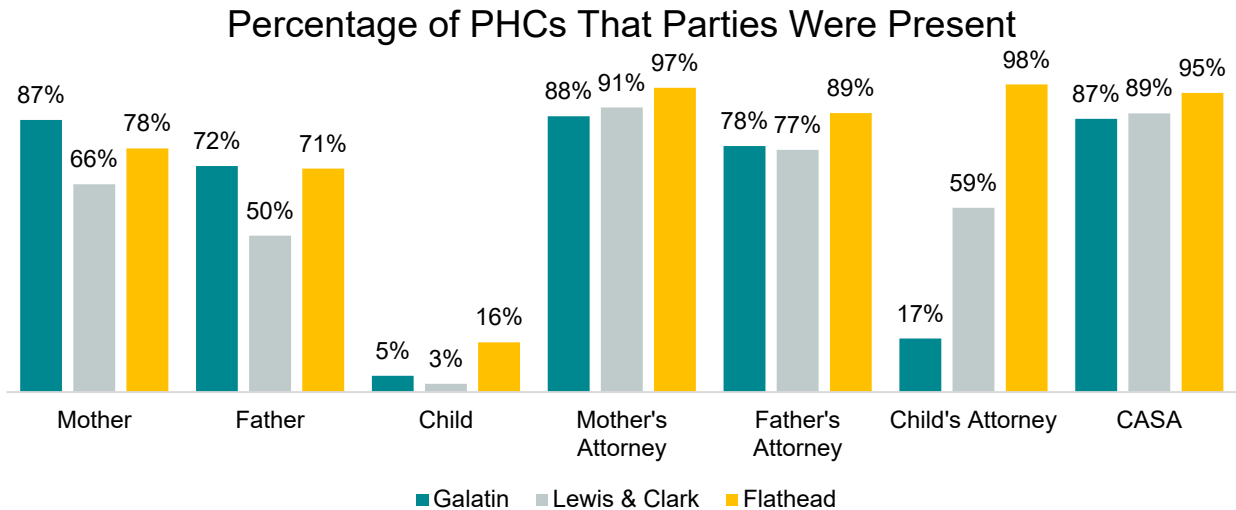
## Percentage of Cases Filed By Year That Held PHCs



The *PHC Debrief Tool* data provide a more in-depth look at what PHCs look like.

### Parties Present

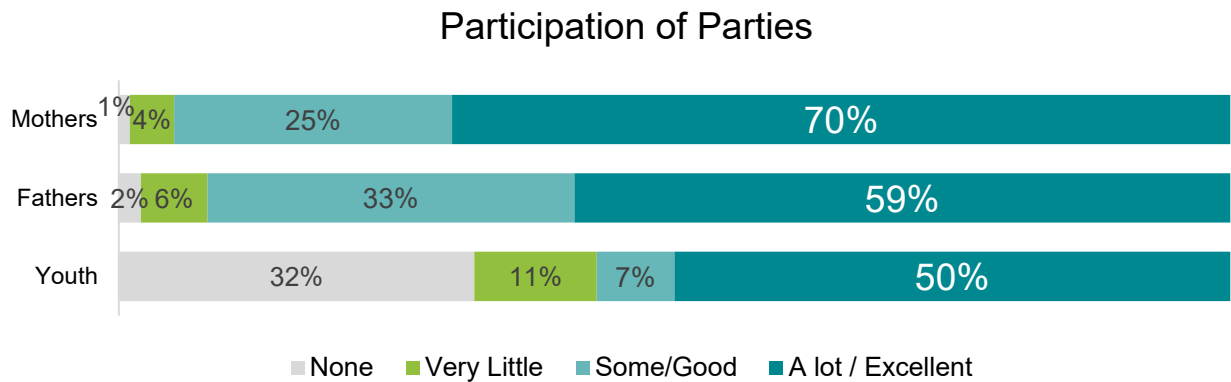
The goal of PHC is to provide an opportunity for parent input and to begin working as a team toward reunification. The graph below illustrates how often parents and youth are present in PHCs as well as how often their attorneys or advocates are present by site.



### Participation of Parties

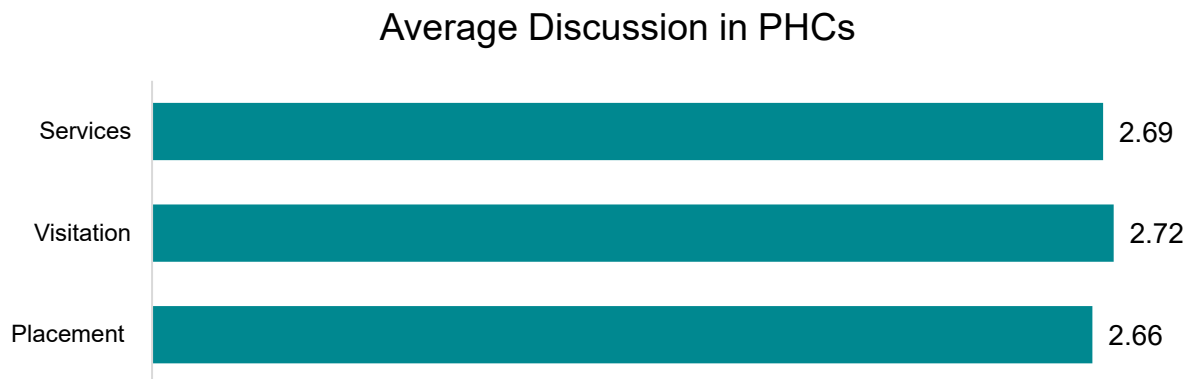
Participation of parties is critical to achievement of PHC goals. Participation was explored

for both parents and youth who attended the PHC. Participation was rated on a 4-point scale from none to a lot or excellent participation. As noted in the graph below, the majority of PHCs (when parents were present), included a high level of parent and youth participation. Mothers had good or excellent participation in 95% of PHCs, compared to 92% of fathers and 57% of youth. Both mother’s and father’s participation are highest in Flathead County.



### *Discussion of Key Issues*

Another key goal of the PHC is discussion of placement, visitation, and services. The graph below illustrates the average level of discussion in PHCs on these three topics. The PHCs included substantive discussion of all three topics in the majority of cases.



In the first wave of the assessment there was significantly more discussion when mothers, fathers, or youth were present than when they were not present. However, with the larger

sample of data, this was not the case. Discussion was high at the majority of PHCs regardless of the presence of parents.

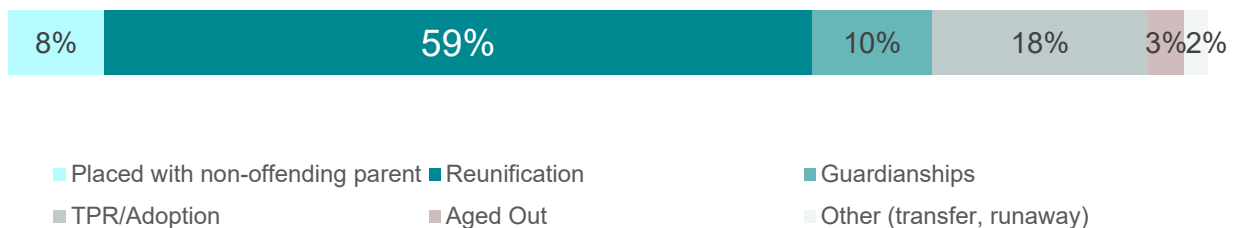
### Timing of PHC

PHCs are meant to occur prior to the Show Cause Hearing. The timing of the PHC ranged from 229 days before Show Cause (in cases where there was not an initial removal) to 722 after Show Cause. The average time for PHCs was 6 days before Show Cause Hearing (most common was the day of). Fifty-eight percent (58%) of pilot cases had a PHC prior to the Show Cause Hearing date, and an additional 41% had the PHC the same day as the Show Cause Hearing. That means **98.5%** had a PHC prior to or on same day as Show Cause.

### Relationship Between PHC and Case Outcomes: Reunification

The data provided allowed an opportunity to explore whether there was a relationship between PHC and reunification. Reunification for the purpose of this study is any outcome that results in custody being returned to a parent/custodian. In the first wave of data collection the primary difference in reunification was between 2014 (pre) and 2015 cases. With a larger sample, we were able to examine cases that held a PHC (n=834; 64%) compared to those that did not (n=478; 36%). There was a statistically significant difference in reunification rates. Rates of reunification were higher for PHC cases (62%) compared to cases that did not include a PHC (53%). The graph below illustrates the case outcomes for closed cases. It is also important to note that there was a site difference in reunification rates, with Galatin having higher rates (71%) than Lewis & Clark (59%) and Flathead (52%).

#### Case Outcomes for Closed Cases



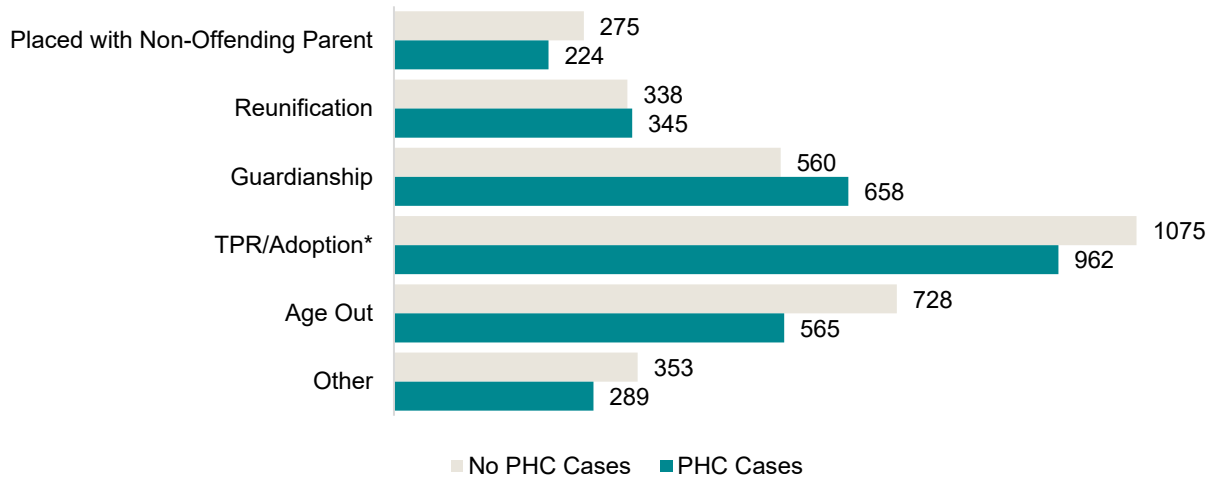
## Relationship Between PHC and Case Outcomes: Time to Effective Resolution and Permanency

Effective resolution on a case is defined as achieving a specific outcome that “closes” all or a portion of a case. This typically means the child has achieved permanency (e.g., reunification) but termination of parental rights is also included as an effective resolution. Termination of parental rights (TPR) effectively severs all parent’s rights to the child, making them a legal orphan. Permanency for these children is achieved when they are adopted, a legal guardianship is put into place, or they age out of the system when they reach the age of majority. As such, both definitions will be examined. First, we explore time to effective resolution (reunification, guardianship, TPR) for cases, then we examine only closed cases, those that have achieved permanency, which included post-TPR cases that have reached adoption or another outcome.

The average time to effective resolution was 423 days or nearly 14 months. There was statistically significant difference between PHC cases (average 412 days) and non-PHC cases (average 442 days). The average time to permanency (this includes a final permanency like adoption) for all cases that had achieved permanency was 492 day (or 16 months). ***There was a statistically significant difference in time to permanency*** for PHC cases (average of 472 days) compared to non-PHC cases (average of 530 days). The graph below illustrates the average time to permanency by the permanency outcomes. PHC cases trended toward shorter times for all outcomes, however, only time to TPR/Adoption was statistically significant. This is likely due to the smaller sample size of cases within each specific outcome.

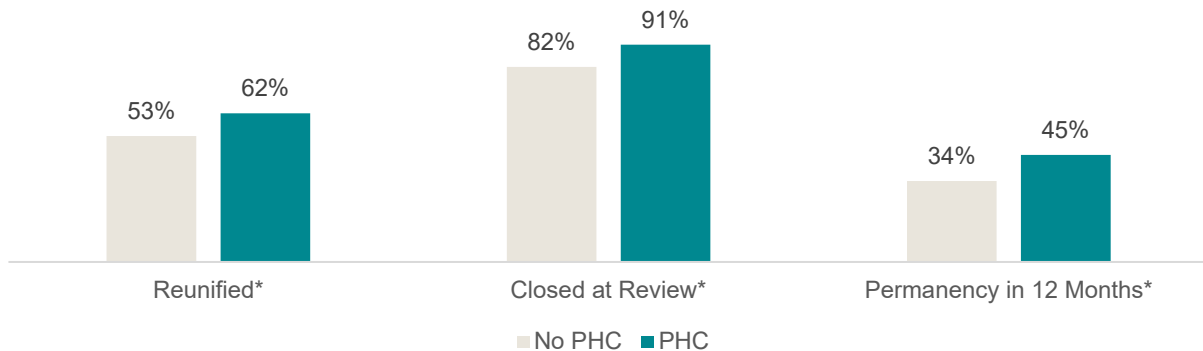


## Average Time to Permanency by Permanency Outcome



In addition, two other measures of timely permanency were explored. These included examining the percentage of cases that achieved permanency within 12 months and the percentage of cases who had achieved permanency and were dismissed/closed at the case review (June of 2021). There was a statistically significant differences between PHC cases and non-PHC cases for both measures. The figure below illustrates the percentage of cases in each group that achieved specific outcomes of interest. The \* denotes a statistically significant difference.

## Percentage Of Cases That Acheived Certain Outcomes



## Time to Treatment Plan

Data were available to examine the time from filing of a dependency and neglect petition to the development of a treatment plan. The time to development of a treatment plan was not

significantly different over time and holding a PHC did not impact the time to treatment plan development. Non-PHC cases averaged 83 days to treatment plan development from petition filing compared to 80 days for PHC cases.

## PHC Presence, Participation, and Discussion Impact on Reunification and Timely Permanency

We explored how the parents' presence and participation at the PHC affected case outcomes. Three hundred and sixty-seven cases linked information from the *PHC Debrief Form* and the *Case File Review*. The linked dataset allowed for an examination of how parents' presence and participation levels at the PHC predicted reunification. Presence of the parents at the PHC did not predict reunification; however, parent's participation did predict reunification. That is, ***if parents had higher levels of participation at the PHC, they were more likely to reunify***. This was true for both mothers and fathers. We also explored how discussion at the PHC was related to permanency. ***Increased discussion of visitation at PHCs was related to increased reunification rates***. No other topics were related.

In addition, we explored presence, participation, and discussion topics as they may relate to timely permanency. There was no impact of parent's presence, participation, or discussion on timely achievement of permanency.

### Limitations

It is important to note the limitations of this analysis. The PHC was implemented in 2015. Most cases post-2015 included a PHC. Data analysis for the study can show when there is a statistically significant difference between PHC cases and non-PHC cases but cannot demonstrate that the PHC itself *caused* a difference in outcomes for children and families. It can only show relationships between two factors (e.g., PHC and reunification). Further, with most cases holding a PHC after implementation it is impossible to determine what other historical events (changes over time) may be related to the outcomes beyond the PHC itself.

## Summary of Key Findings

### PHCs Held

- PHCs appear to be held as intended. Most cases each year (ranging from 86% to 96%) hold a PHC.
- The majority (98.5%) are held prior to the day of or on the day of the Show Cause.
- Parents are present and participate in the majority of PHCs.
- There is frequent substantive discussion of key topics
- Sites varied in terms of presence and participation of parties

### Relationship between PHC and Outcomes of Interest

- Cases with a PHC have higher rates of reunification than cases without a PHC
- Cases with a PHC were more likely to be closed at the review and were more likely to have achieved permanency within 12 months in comparison to non-PHC cases
- Time to permanency was shorter overall and specifically for TPR/Adoption cases that held a PHC
- Participation of parties at PHC predict reunification as does increased discussion of visitation.