

# Understanding Judicial Decision-Making and Hearing Quality in Child Welfare: Descriptive Study of Child Welfare Courts

Formative Data Collections for ACF Research

0970 - 0356

## Supporting Statement

### Part A

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**Alternative Supporting Statement for Information Collections Designed for  
Research, Public Health Surveillance, and Program Evaluation Purposes**

## **Part A**

### **Executive Summary**

- **Type of Request:** This Information Collection Request is for a generic information collection under the umbrella generic, Formative Data Collections for ACF Research (0970-0356).
  
- **Description of Request:**  
We are requesting approval for a web survey and semi-structured follow-up telephone interviews with Court Improvement Program (CIP)<sup>1</sup> Administrators to understand current CIP projects and court practices in child welfare courts. This descriptive study will provide a broad picture of CIP activities and will be used to inform site engagement for a future study. We do not intend for this information to be used as the principal basis for public policy decisions.

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<sup>1</sup> The program was created in 1993 as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103-66. Its purpose is to assess and improve foster care and adoption laws and judicial processes. The Children's Bureau administers State Court Improvement Program grants to the highest court system in each state. Current awardees include all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

## Alternative Supporting Statement for Information Collections Designed for Research, Public Health Surveillance, and Program Evaluation Purposes

### A1. Necessity for Collection

Child welfare courts seek to ensure the safety, permanency, and well-being of children in the child welfare system. Child welfare court processes vary widely between and within states. More research is needed to understand variation in court practices to inform future research about how this variation may influence outcomes for children in the child welfare system.

This information collection is the first phase of a future research study to understand judicial decision-making and hearing quality in child welfare. There are no legal or administrative requirements that necessitate this collection. ACF is undertaking the collection at the discretion of the agency. This collection is necessary to understand select features of state child welfare courts to inform site engagement activities for a future research study.

### A2. Purpose

#### *Purpose and Use*

This proposed information collection meets the following goals of ACF's generic clearance for formative data collections for research and evaluation (0970-0356):

- inform the development of ACF research
- maintain a research agenda that is rigorous and relevant
- ensure that research products are as current as possible

The information collected is meant to contribute to the body of knowledge on ACF programs. It is not intended to be used as the principal basis for a decision by a federal decision-maker and is not expected to meet the threshold of influential or highly influential scientific information.

The purpose of this information collection is to understand child welfare courts' processes, capabilities to grant remote access to data, and CIP projects.<sup>2</sup> Specifically, we want to learn about:

- The timing of initial child welfare court hearings (before or after removal/petition filing)
- The frequency of child welfare review hearings
- The use of pre-hearing conferences<sup>3</sup>
- Ability to grant remote access to audio and/or video-recorded court hearings
- Ability to grant remote access to court case management data
- CIPs' interest in participating in a future research study
- The characteristics of CIPs' current hearing quality and judicial decision-making projects

The information collected will be used by the study team to better understand the current state of child welfare court practice and to inform future research.

#### *Research Questions*

1. When do child welfare courts hold initial hearings?

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<sup>2</sup> The Court Improvement Program (CIP) was created in 1993 as part of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103-66. Its purpose is to assess and improve foster care and adoption laws and judicial processes.

<sup>3</sup> A pre-hearing conference (PHC) is a form of alternative dispute resolution where parties meet prior to their court hearing to try to resolve issues without contested litigation.

## Alternative Supporting Statement for Information Collections Designed for Research, Public Health Surveillance, and Program Evaluation Purposes

2. How frequently do child welfare courts hold review hearings?
3. How many child welfare courts use pre-hearing conferences?
4. What are the data capabilities of child welfare courts across the country?
5. What are the characteristics of CIPs' current hearing quality and judicial decision-making projects?

### Study Design

This is a descriptive study that uses a web survey with all CIP Administrators and semi-structured follow-up telephone interviews with select CIP Administrators. The CIP Administrator Survey (Instrument 1) will be administered once and data collection will remain open for 4 weeks with the option to extend the response time as needed. Semi-structured follow-up telephone interviews will be conducted with select CIP Administrators using the CIP Administrator Follow-Up Telephone Interview Guide (Instrument 2) if the study team needs clarification about information provided on the CIP Administrator Survey and/or CIP self-assessments from fiscal year 2020. CIP self-assessments (OMB Control No: 0970-0307, expiration date: 11/30/2022) are completed annually by all 53 state CIPs and submitted to the Children's Bureau and the Capacity Building Center for Courts (CBCC), the program's technical assistance provider.<sup>4</sup> While CIP self-assessment reports are public record, reports are not consistently posted on CIP websites. However, each year the CBCC compiles an Excel spreadsheet that summarizes the CIP self-assessment reports by variable. This spreadsheet contains the information about CIPs' required hearing quality projects (e.g., the identified need for the project, theory of change, evaluation efforts). The study team will request permission to review this spreadsheet (see *Other Data Sources and Uses below*).

The CIP Administrator Web Survey and the CIP Administrator Follow-Up Telephone Interview Guide are designed to collect information that is not captured in CIP self-assessments but is important to understand about how child welfare courts function differently across the country. The CIP Administrator Web Survey is a census survey that asks questions that can be quickly answered using multiple choice items. The CIP Administrator Follow-Up Telephone Interview will be used when the study team needs more information about survey responses (e.g., whether counties that hold preliminary hearing conferences are rural or urban, procedures to request access to remote hearings) or clarity about information from CIP self-assessments (e.g., clarity about the scope, phase, or evaluation of hearing quality projects).

### Exhibit 1: Data Collection Activities

<i>Data Collection Activity</i>	<i>Instrument(s)</i>	<i>Respondent, Content, Purpose of Collection</i>	<i>Mode and Duration</i>
CIP Administrator Web Survey	CIP Administrator Web Survey	<p><b>Respondents:</b> All CIP Administrators (n = 53)</p> <p><b>Content:</b> Questions about timing of initial court hearings, frequency of review hearings, use of pre-hearing conferences, interest in participating in future research study</p> <p><b>Purpose:</b> To understand how child welfare courts operate across the country and interest in participating in a future research study</p>	<p><b>Mode:</b> Web survey</p> <p><b>Duration:</b> 0.25 hours</p>
CIP Administrator Follow-Up	CIP Administrator Follow-Up	<p><b>Respondents:</b> 20 CIP Administrators</p>	<p><b>Mode:</b> Telephone semi-structured</p>

<sup>4</sup> The Children's Bureau funds the [CBCC](#) to provide capacity-building services to CIPs to improve child welfare legal and judicial practice.

**Alternative Supporting Statement for Information Collections Designed for  
Research, Public Health Surveillance, and Program Evaluation Purposes**

Telephone Interview	Telephone Interview Guide	<p><b>Content:</b> Follow-up questions about current hearing quality and judicial decision-making projects described in the CIP self-assessment, child welfare court processes described in the CIP Administrator Web Survey, and the process to request permission to access recorded hearings and court case management data remotely.</p> <p><b>Purpose:</b> To further understand information provided in CIP Administrator Web Survey and CIP self-assessments.</p>	<p>interview</p> <p><b>Duration:</b> 0.5 hours</p>
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*Other Data Sources and Uses of Information*

As mentioned above, the study team will also review a summary spreadsheet of CIP self-assessments (OMB Control No: 0970-0307, expiration date: 11/30/2022) to inform this information request. The study team will contact the federal program officer for the State Court Improvement Program and request access to the CBCC’s Excel spreadsheet from fiscal year 2020. This activity does not pose a burden on site participants. A copy of the CIP self-assessment is provided in Appendix A. Together, the summary spreadsheet of CIP self-assessments, the CIP Administrator Web Survey, and the CIP Administrator Follow-Up Telephone Interview will allow the study team to understand variation in court practices and inform future research.

**A3. Use of Information Technology to Reduce Burden**

The CIP Administrator Survey will be administered using Qualtrics, a web survey software. Respondents will be sent a link to access the survey and will have the option to complete the survey using their computers, tablets, or smart phones. The study team will test the survey link from each type of device to make sure that the survey displays properly and that responses are accurately recorded by the Qualtrics software. Follow-up interviews with CIP Administrators will be completed by phone to reduce participant burden. Interviews will be recorded (upon participant agreement) so that participants do not need to wait while notes are taken to document responses.

**A4. Use of Existing Data: Efforts to reduce duplication, minimize burden, and increase utility and government efficiency**

Reviewing the existing summary spreadsheet of CIP self-assessments will reduce the response burden on CIP Administrators by limiting the number of needed questions on the CIP Administrator Web Survey and CIP Administrator Follow-Up Telephone Interview. While these existing data sources provide rich information, the proposed data collection is necessary to sufficiently address research questions of interest.

**A5. Impact on Small Businesses**

The proposed information collection does not impact small businesses.

**A6. Consequences of Less Frequent Collection**

## **Alternative Supporting Statement for Information Collections Designed for Research, Public Health Surveillance, and Program Evaluation Purposes**

The proposed approach to data collection limits the scope of the web survey and the follow-up telephone interviews to the information needed for the current phase of the project to reduce burden. Further, semi-structured follow-up telephone interviews with CIP Administrators will only be conducted in cases where the team needs clarity about information provided in the CIP self-assessments or the CIP Administrator Survey. This reduces the burden of information collection for the telephone interviews to an estimated subset of 20 CIP Administrators versus all 53 Administrators.

### **A7. Now subsumed under 2(b) above and 10 (below)**

### **A8. Consultation**

#### *Federal Register Notice and Comments*

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of the overarching generic clearance for formative information collection. This notice was published on October 11, 2017, Volume 82, Number 195, page 47212, and provided a sixty-day period for public comment. During the notice and comment period, no substantive comments were received.

#### *Consultation with Experts Outside of the Study*

Two former CIP Administrators, Christine Kiesel and Katherine Malzahn-Bass, were consulted regarding clarity of survey instructions, survey questions, and interview questions.

### **A9. Tokens of Appreciation**

No incentives for respondents are proposed for this information collection.

### **A10. Privacy: Procedures to protect privacy of information, while maximizing data sharing**

#### *Personally Identifiable Information*

CIP Administrators' names and email addresses will be collected on the CIP Administrator Survey so the study team can contact CIP Administrators to schedule follow-up interviews as needed. The information collection is not subject to the Privacy Act. Information will not be maintained in a paper or electronic system from which data are actually or directly retrieved by an individuals' personal identifier.

#### *Assurances of Privacy*

Information collected will be kept private to the extent permitted by law. Respondents will be informed of all planned uses of data, that their participation is voluntary, and that their information will be kept private to the extent permitted by law. As specified in the contract, the Contractor will comply with all Federal and Departmental regulations for private information. Survey respondents will read an informed consent statement and must click "agree" to access the survey (see page 1 of Instrument 1). Interview respondents will receive a copy of informed consent forms and will be read the consent form before interviews begin (See Appendix B for informed consent form). Verbal consent to participate in the interview and to record the interview will be obtained from respondents.

The Contractor shall ensure that all of its employees, consultants, subcontractors (at all tiers), and

## **Alternative Supporting Statement for Information Collections Designed for Research, Public Health Surveillance, and Program Evaluation Purposes**

employees of each subcontractor, who perform work under this contract/subcontract, are trained on data privacy issues and comply with the above requirements. Study team members are required to read and sign a confidentiality pledge.

The study team will maintain participants' privacy by not sharing respondents' identities with anyone outside of the research team and ACF. Interviews will be recorded with the consent of participants and those recordings will be saved on a secured drive. Once the interviews have been transcribed, the recordings will be destroyed. The transcriptions will not contain participant names.

### *Data Security and Monitoring*

The Contractor shall protect respondent privacy to the extent permitted by law and will comply with all Federal and Departmental regulations for private information. The Contractor, JBA is committed to maintaining the security of sensitive data. The Contractor will develop a Data Security Plan that addresses all protections of respondents' personally identifiable information (PII). The Contractor shall ensure that all of its employees, subcontractors (at all tiers), and employees of each subcontractor, who perform work under this contract/subcontract, are trained on data privacy issues and comply with the above requirements.

JBA has a comprehensive set of policies and procedures in place to ensure data security and privacy protections and utilizes FedRAMP certified Microsoft Office 365 as the backbone of its information technology systems. In addition to Office 365, nearly every software utilized by JBA as part of day to day business has FedRAMP certification and an Authority to Operate (ATO) with the United States Department of Health and Human Services (HHS). This ensures that all project work is completed in a manner that is compliant with National Institute of Standards and Technology (NIST) 800-53 rev.4, the set of security standards that apply to most all of JBA's work. In addition to utilizing appropriate software suites to meet strict security requirements in our projects, JBA maintains a set of security policies and procedures that ensure that JBA's user responsibility is maintained.

CIP Administrator Web Survey data collection will happen using Qualtrics. JBA has an enterprise license for the version of Qualtrics which has FedRAMP certification and an HHS ATO.

Additionally, interviews will be conducted utilizing Chorus Call. Chorus Call is a phone-based conference line service utilized by JBA. Chorus Call utilizes an encrypted recording service in which interviews can be recorded and stored safely. Chorus Call servers are based in the United States to ensure all data conforms with FISMA data storage requirements, is encrypted according to appropriate standards, and can be managed by the end user for appropriate final data destruction procedures.

Interview data collected via Chorus Call and survey data collected via Qualtrics will be pulled into secured folders within OneDrive. The OneDrive folder will be managed by a policy which limits access only to authorized personnel and will be audited for appropriate access rights on a quarterly basis.

As specified in the contract, the Contractor shall use Federal Information Processing Standard compliant encryption (Security Requirements for Cryptographic Module, as amended) to protect all instances of sensitive information during storage and transmission. The Contractor shall securely generate and manage encryption keys to prevent unauthorized decryption of information, in accordance with the

**Alternative Supporting Statement for Information Collections Designed for  
Research, Public Health Surveillance, and Program Evaluation Purposes**

Federal Processing Standard. The Contractor shall: ensure that this standard is incorporated into the Contractor’s property management/control system; establish a procedure to account for all laptop computers, desktop computers, and other mobile devices and portable media that store or process sensitive information. Any data stored electronically will be secured in accordance with the most current NIST requirements and other applicable Federal and Departmental regulations.

**A11. Sensitive Information**<sup>5</sup>

The proposed information collection does not include sensitive information.

**A12. Burden**

*Explanation of Burden Estimates*

- The CIP Administrator Web Survey will be administered once to all 53 CIP Administrators and will take approximately 10–15 minutes to complete. Over the year requested for data collection, the total/annual burden for this survey is 13.25 hours.
- Up to 20 CIP Administrators will be interviewed once using the CIP Administrator Follow-Up Telephone Interview Guide. Over the year requested for data collection, the maximum total/annual burden for this half-hour telephone interview is 10 hours. Follow-up interviews will only be conducted in instances where clarity is needed about information from the CIP self-assessment or from the CIP Administrator Web Survey.

*Estimated Annualized Cost to Respondents*

The total annualized cost to respondents for the proposed information collection is \$1,563.10. The average hourly wage rate for CIP Administrators was based on the Bureau of Labor Statistics, National Occupational Employment and Wage Estimates United States from May 2018 for lawyers, judges, and related workers (job code 23-1000, accessed at [https://www.bls.gov/oes/current/oes\\_nat.htm#23-0000](https://www.bls.gov/oes/current/oes_nat.htm#23-0000)).

Instrument	No. of Respondents (total over request period)	No. of Responses per Respondent (total over request period)	Avg. Burden per Response (in hours)	Total/Annual Burden (in hours)	Average Hourly Wage Rate	Total Annual Respondent Cost
CIP Administrator Web Survey	53	1	0.25	13.25	\$67.23	\$890.80

<sup>5</sup> Examples of sensitive topics include (but not limited to): social security number; sex behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals with whom respondents have close relationships, e.g., family, pupil-teacher, employee-supervisor; mental and psychological problems potentially embarrassing to respondents; religion and indicators of religion; community activities which indicate political affiliation and attitudes; legally recognized privileged and analogous relationships, such as those of lawyers, physicians and ministers; records describing how an individual exercises rights guaranteed by the First Amendment; receipt of economic assistance from the government (e.g., unemployment or WIC or SNAP); immigration/citizenship status.



**Alternative Supporting Statement for Information Collections Designed for  
Research, Public Health Surveillance, and Program Evaluation Purposes**

CIP Administrator Follow-Up Telephone Interview Guide	20	1	0.5	10	\$67.23	\$672.30
<b>Total</b>	73			23		\$1,563.10

**A13. Costs**

There are no additional costs to respondents.

**A14. Estimated Annualized Costs to the Federal Government**

The research contractor’s annual costs to conduct this activity are estimated at \$21,600. Research contractor costs consist of labor hours, with the number of hours for each staff member multiplied by hourly rates. There will be no costs beyond regular labor costs for staff.

<b>Cost Category</b>	<b>Estimated Costs</b>
Instrument Development and OMB Clearance	\$9,000
Data Collection	\$6,600
Data Analysis	\$6,000
<b>Total costs over the request period</b>	\$21,600
<b>Annual costs</b>	\$21,600

**A15. Reasons for changes in burden**

This is a new individual information collection under the umbrella formative generic clearance for ACF research (0970-0356).

**A16. Timeline**

The timeline for this project is October 1, 2020 through June 21, 2021, and is subject to OMB approval. Specific project activities will take place during the following times:

- October 1, 2020 to December 15, 2020: OMB generic clearance for ACF research (0970-0356) submission, revisions as needed, and approval.
- December 16, 2020 to January 20, 2021: CIP Administrator Web Survey administration, per plans described in Supporting Statement B, section B4.
- January 21 to April 21, 2021: Follow-Up Telephone Interviews with CIP Administrators from whom more information is needed, per plans described in Supporting Statement B, section B4.
- April 22 to May 22, 2021: Data analysis, per plans described in Supporting Statement B.
- May 23 to June 21, 2021: Use findings to inform site engagement activities for future research study.

**Alternative Supporting Statement for Information Collections Designed for  
Research, Public Health Surveillance, and Program Evaluation Purposes**

**A17. Exceptions**

No exceptions are necessary for this information collection.

**Attachments**

Instrument 1\_CIP Web Survey

Instrument 2\_ CIP Follow-Up Telephone Interview Guide

Appendix A\_CIP Self-Assessment

Appendix B\_CIP Interview, Consent Form

Appendix C\_CIP Web Survey, All Call Script

Appendix D\_CIP Web Survey, Email Invitation

Appendix E\_CIP Web Survey, Scott Trowbridge Letter

Appendix F\_ CIP Web Survey, Non-Responder Email

Appendix G\_ CIP Web Survey, Non-Responder Telephone Script

Appendix H\_CIP Interview, Email Invitation

Appendix I\_CIP Interview, Non-Responder Telephone Script