

# **8th Annual Report to the Colorado Legislature**

## **Implementation of HB 94-1178**

**November 30, 2002**

### **Expedited Permanency Planning**

**Basis for Report:** 19-1-102. Legislative Declaration. (1.6) “THE GENERAL ASSEMBLY RECOGNIZES THE NUMEROUS STUDIES ESTABLISHING THAT CHILDREN UNDERGO A CRITICAL BONDING AND ATTACHMENT PROCESS PRIOR TO THE TIME THEY REACH SIX YEARS OF AGE. SUCH STUDIES FURTHER DISCLOSE THAT A CHILD WHO HAS NOT BONDED WITH A PRIMARY ADULT DURING THIS CRITICAL STAGE WILL SUFFER SIGNIFICANT EMOTIONAL DAMAGE WHICH FREQUENTLY LEADS TO CHRONIC PSYCHOLOGICAL PROBLEMS AND ANTISOCIAL BEHAVIOR WHEN THE CHILD REACHES ADOLESCENCE AND ADULTHOOD. ACCORDINGLY THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS APPROPRIATE TO PROVIDE FOR AN EXPEDITED PLACEMENT PROCEDURE TO ENSURE THAT CHILDREN UNDER THE AGE OF SIX YEARS WHO HAVE BEEN REMOVED FROM THEIR HOMES ARE PLACED IN PERMANENT HOMES AS EXPEDITIOUSLY AS POSSIBLE.”

On or before December 31, 1995 and each December 31 thereafter through and including December 31, 2003, the Department of Human Services in consultation with the Judicial Department shall submit a written report to the Colorado Legislature regarding:

- Progress towards statewide implementation
- Program effectiveness
- Evaluation as to whether out-of-home placement costs have been avoided.

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## **EXECUTIVE SUMMARY**

### **Progress towards statewide implementation**

It has been more than a full year since Statewide implementation of Expedited Permanency Planning (EPP) has been completed. All counties and their respective courts are designated to function under the EPP requirements. This initiative continues to provide impetus for Colorado to transform its approach to permanency for the children under the age of six, as required by statute, and for older children as well. The approaches and timelines are commonly used for children and youth of all ages, thereby surpassing statutory requirements, which primarily focus on the permanency needs of young children.

### **Program Effectiveness**

Children continue to achieve permanency in shorter time frames through the EPP initiative. This year, of the 864 children reported who should have achieved a permanent placement, 82.9 percent or 717 children were residing in their permanent homes within one year of removal. Counties report anecdotally that many of the remaining 147 children were placed within a matter of a few months of the year's requirement and believe that although the letter of the law was not met for these children, the spirit of the law is definitely being met as these children also achieved early permanency. The rate of 82.9 percent is a marked increase in the success rate from only two years ago when counties reported that 72.5 percent of the children achieved a permanent placement within one year of removal from their homes. It is also an increase over last year's reported 79.5 percent of children who achieved permanency within one year.

The courts as a whole have improved their compliance with the EPP timelines from last year. Compliance with Adjudications has improved from 81 to 91 percent statewide. Compliance with Treatment Plan hearings has improved statewide from 84 to 91 percent, and timely Permanency Hearings have improved from 54 to 61 percent. Individual districts have also improved dramatically. Some districts have raised their compliance by more than 15 percent.

### **Out of Home Cost Avoidance**

In previous years it has been reported that out-of-home cost avoidance for EPP children appeared to increase over time. Previous Annual Reports have described that from the inception of Jefferson and Boulder Counties' EPP Programs in 1994 and 1995 respectively, through June 30, 1999, the average out of home cost avoidance for EPP children was \$2014 per child. The EPP children in Jefferson and Boulder counties are being followed over time and last year's Annual Report indicated that when contrasted

with comparable children who entered out of home care the year prior to when these two counties began to function under the EPP requirements, the gap widens.

For the nine children in **Boulder County's EPP program** who received services in State Fiscal Year (SFY) 2002 who could still be identified and tracked, the average out-of-home placement cost per child was \$3,849. For the two children in the comparison group who received services in SFY 2002 who could still be identified and tracked, the average out-of-home placement cost was \$3,986. Although there was virtually no difference in the out-of-home placement cost for EPP and non-EPP children during SFY 2002, there was a **\$137 cost savings per child in the EPP program**

For the two children in **Jefferson County's EPP program** who received services in SFY 2002 who could still be identified and tracked, the average out-of-home placement cost per child was \$4,446. For the seven children in Jefferson's comparison group who received services in SFY 2002 who could still be identified and tracked, the average out-of-home placement cost per child was \$7,487, resulting in a **cost savings of \$3,041 per child in the EPP program.**

It is acknowledged that the small number of children left to be studied in the Boulder and Jefferson study groups do not represent a statistically significant sample. Therefore, generalizations to other populations should not be made from these figures.

It has been estimated that the intensive, accessible up-front services needed for EPP cost approximately \$5,000 per family. The funding requests to the legislature have been based on a plan with incremental decreases over a five-year span until the new funding is eliminated.

# **Implementation of HB94-1178**

**November 30, 2002**

## **Expedited Permanency Planning**

### **Statewide Implementation**

HB94-1178 required that Expedited Permanency Planning be implemented on a county-by-county basis beginning July 1, 1994. The implementation was to be phased in over a period of ten years based on a schedule established by the Department of Human Services in consultation with the Judicial Department. Statewide implementation was to be achieved by June 30, 2004. The Colorado Legislature funded the program for full statewide implementation during FY 2000-2001 thereby allowing for full statewide implementation three years earlier than required.

Statewide implementation was completed last year, with the designation of Adams, Archuleta and Broomfield counties and their respective courts. Broomfield and the 17th Judicial District are functioning under the Expedited Permanency Planning requirements since Broomfield became a county on November 15, 2001.

Tremendous time, energy, and efforts continue to be expended by the court, county department, legal community, and community providers of services in Denver (designated in November 2000). Multiple meetings continue to be held between Denver County Department of Human Services, the 2nd Judicial District and the legal community to enhance the implementation of EPP. Changes in this large system continue to occur as new procedures, approaches, and services are integrated into routine practice.

The Table below and on the following page illustrates the designation dates by Judicial

District and reflects the county departments included within the districts.

<i>Judicial District</i>	<i>County</i>	<i>Start Date</i>
1 <sup>st</sup>	Jefferson	October 1, 1994
	Gilpin	September 1, 2000
2 <sup>nd</sup>	Denver	November 1, 2000
3 <sup>rd</sup>	Huerfano	September 1, 2000
	Las Animas	September 1, 2000
4 <sup>th</sup>	El Paso	February 15, 1996
	Teller	September 1, 2000
5 <sup>th</sup>	Clear Creek	September 1, 2000
	Eagle	September 1, 2000
	Summit	September 1, 2000
	Lake	September 1, 2000
6 <sup>th</sup>	La Plata / San Juan	January 1, 1997
	Archuleta	March 1, 2001
7 <sup>th</sup>	Delta	September 1, 2000
	Gunnison	September 1, 2000
	Hinsdale	September 1, 2000
	Montrose	September 1, 2000
	San Miguel	September 1, 2000
	Telluride	September 1, 2000
8 <sup>th</sup>	Larimer	February 1, 1998
	Jackson	January 1, 1999
9 <sup>th</sup>	Garfield	September 1, 2000
	Pitkin	September 1, 2000
	Rio Blanco	September 1, 2000
10 <sup>th</sup>	Pueblo	March 1, 1999
11 <sup>th</sup>	Chaffee	January 1, 1998
	Custer	January 1, 1998
	Fremont	January 1, 1998
	Park	January 1, 1998
12 <sup>th</sup>	Alamosa	January 1, 1998
	Conejos	September 1, 1998
	Costilla	September 1, 1998
	Rio Grande / Mineral	September 1, 1988
	Saguache	September 1, 1998
13 <sup>th</sup>	Kit Carson	December 1, 1998
	Logan	December 1, 1998
	Morgan	December 1, 1998
	Washington	December 1, 1998
	Yuma	December 1, 1998
	Phillips	December 1, 1998
	Sedgwick	December 1, 1998
	14 <sup>th</sup>	Routt
Moffatt	January 1, 1999	
Grand	January 1, 1999	
15 <sup>th</sup>	Baca	September 1, 2000
	Cheyenne	September 1, 2000
	Kiowa	September 1, 2000
	Prowers	September 1, 2000
16 <sup>th</sup>	Bent	September 1, 2000

<i>Judicial District</i>	<i>County</i>	<i>Start Date</i>
	Crowley	September 1, 2000
	Otero	September 1, 2000
17 <sup>th</sup>	Adams	March 1, 2001
	Broomfield	November 15, 2001
18 <sup>th</sup>	Arapahoe	December 1, 1998
	Douglas	December 1, 1998
	Elbert	December 1, 1998
	Lincoln*	September 1, 2000
19 <sup>th</sup>	Weld	February 1, 1998
20 <sup>th</sup>	Boulder	July 17, 1995
21 <sup>st</sup>	Mesa	September 1, 1997
22 <sup>nd</sup>	Dolores	September 1, 2000
	Montezuma	September 1, 2000

\*Lincoln is served by the 15<sup>th</sup> Judicial District

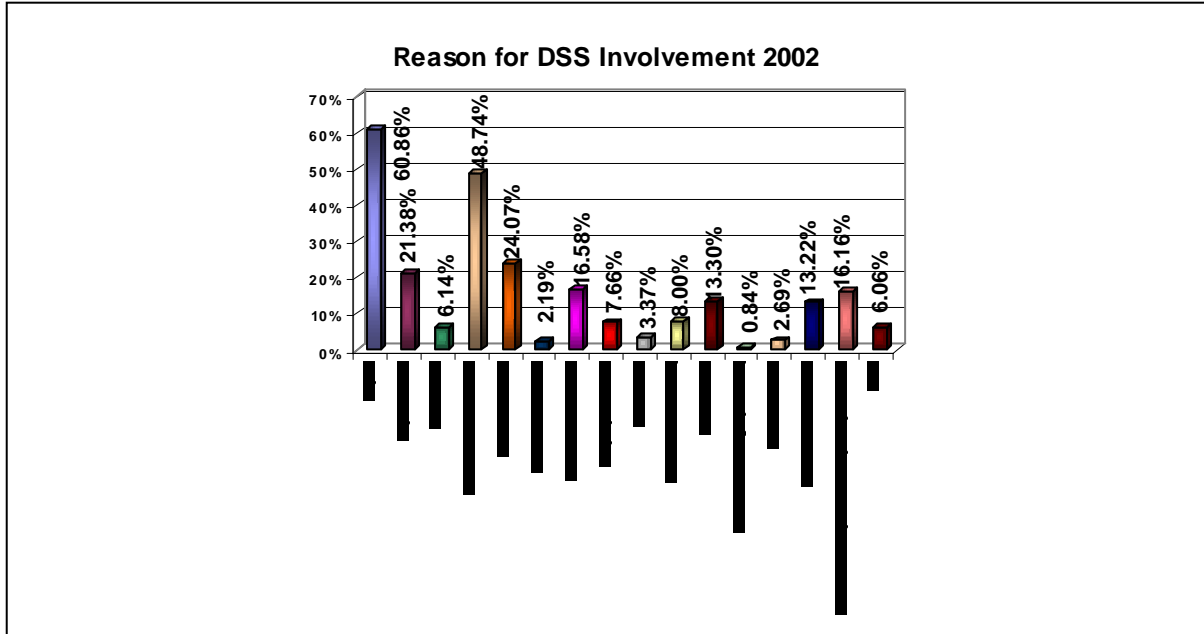
## **Program Effectiveness**

### *Number of families and children served*

In SFY 2002, 1,188 children from 747 families entered the program. For each family that came into the system, there was an average of 1.59 children. A conservative estimate is that these figures represent an increase from last year of 363 children and 221 families served through the EPP initiative. This translates to a 31 percent increase from last year in the number of children served and a 30 percent increase in the number of families served this year. It is noted to be a conservative estimate because it is believed that some county departments of human/social services underreported the numbers of children and families served during SFY 2002.

### *Reasons for DSS involvement*

We examined the reasons why the county departments became involved with the children and their families and the following chart reflects the reported reasons by the percentage of times they occurred within this population. It is recognized that most cases have overlapping reasons for involvement.



Child neglect was identified in 60.9 percent of the cases for a second year in a row. Child neglect continues to be the foremost reason for DSS involvement for the young children in the Expedited Permanency Planning initiative.

Parental substance abuse, which is noted in 48.7 percent of the cases, is the second most commonly identified reason. This is a 2.2 percent increase over last year; however, it is .5 percent less than two years ago.

All other reasons fall behind child neglect and parental substance abuse. When compared to last year's data there is a slight increase in the rate of children and families impacted by physical abuse (1.2 percent increase from last year) to just over 21 percent. Sexual abuse decreased by about 1 percent from last year to just over 6 percent. Infant drug exposure decreased 1.7 percent from last year to a little fewer than 8 percent. Homelessness increased by 3.3 percent over last year to over 13 percent, and death or serious injury of a sibling decreased by .5 percent from last year to a little less than 1 percent. Domestic violence rose by a little more than 1 percent from last year to over 24 percent, but still is down by almost 4 percent from 2 years ago. Parental mental illness increased by over 3 percent from last year to over 13 percent, but still is down slightly from 2 years ago. Previous history of abuse/neglect by caretaker increased by almost 4 percent over last year to 16.2 percent. These factors have been discussed with county departments in an attempt to discern factors contributing to the decreases. It is thought that numerous issues such as substance abuse, domestic violence, mental illness and chronic issues are not identified until later in the case,



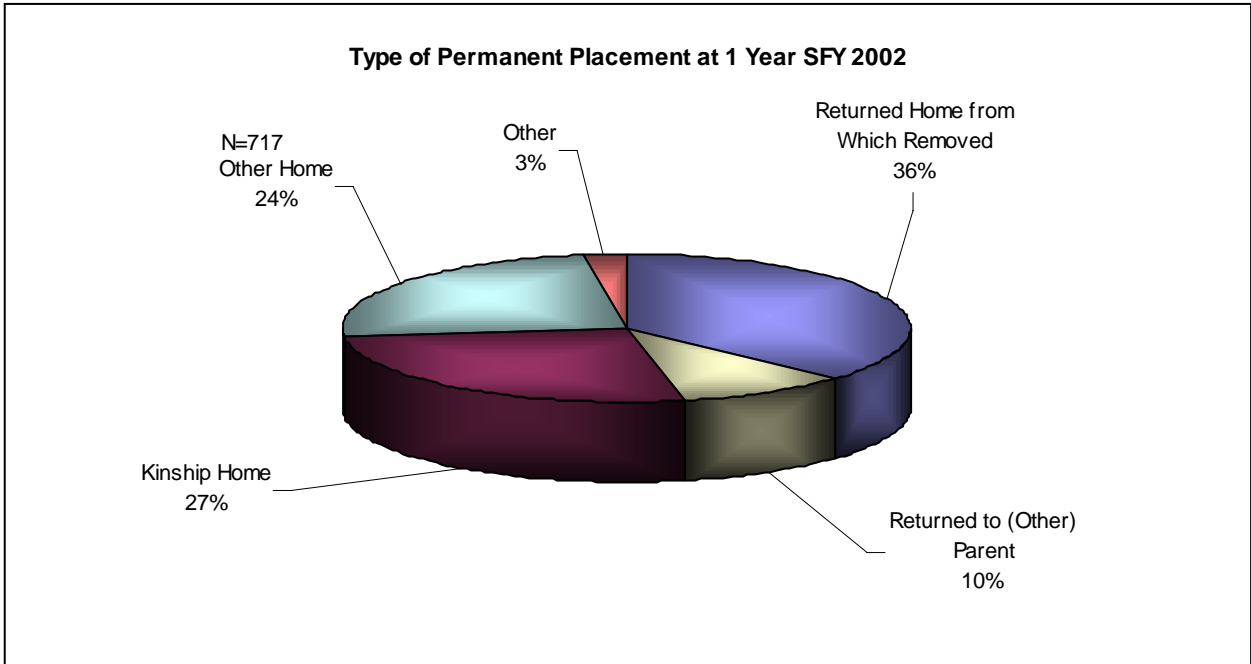
while caseworkers are required to report information about new cases within 30 days of case opening. With the high rate of caseworker turnover it is also possible that inexperienced caseworkers take longer to identify these important factors when working with new families.

A continued decrease in teen parenting as the reason for department involvement is noteworthy. This has decreased for a second year in a row. It has decreased from last year by 1.5 percent to being cited as a reason for EPP involvement only 3.4 percent of the time this year. Parental unavailability has also continued to decrease (almost 2 percent from last year and almost 3 percent from 2 years ago) to 8 percent this year. Parental incarceration has remained fairly stable over the past 2 years, with about a 2 percent decrease from 2000 to 2001, and back up again by 1.3 percent in 2002 to 16.6 percent.

### ***Achievement of Permanency within one year of removal***

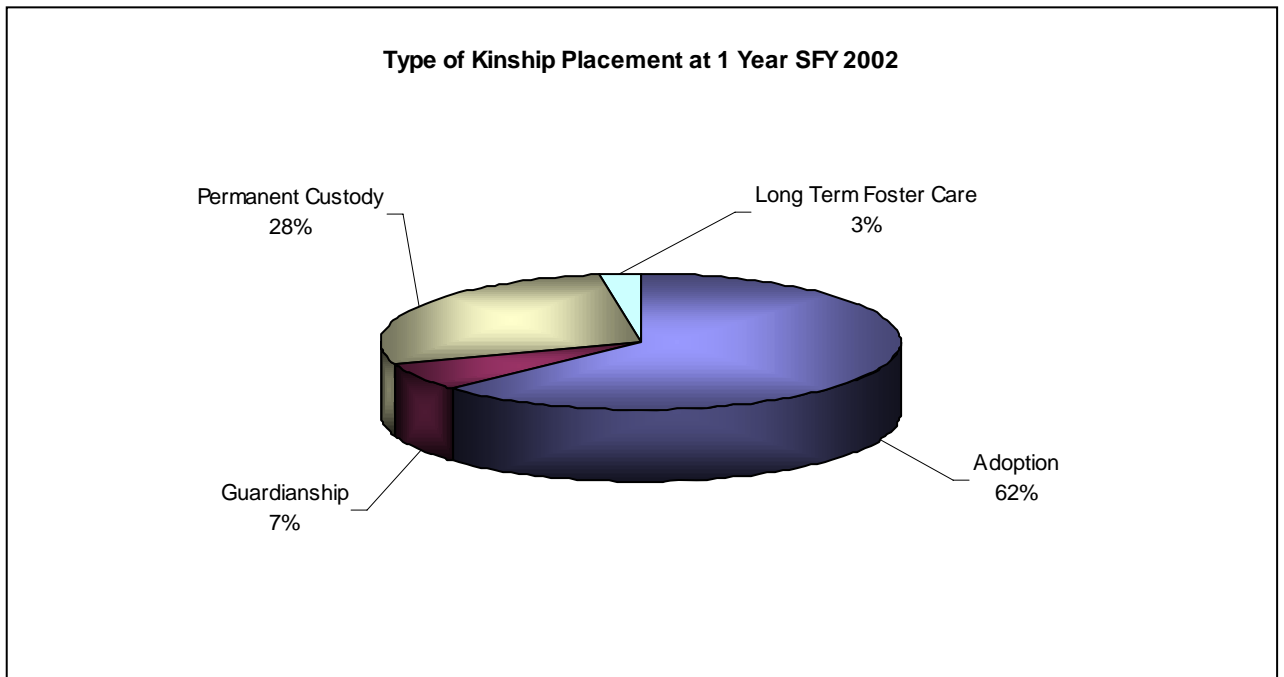
The rate of children placed in permanent homes within one year of removal for 864 children under the age of six in the EPP Program is 82.9 percent this year as compared to 79.5 percent reported last year. It is believed that this is partially the result of more accurate reporting as an effort continued to be made statewide to inform new caseworkers about the requirement that the child be residing in the permanent home, not necessarily having completed the legal processes in order to qualify for having achieved permanency within one year. 82.9 percent success is consistent with the gradually improving success rate over previous years. County department staff communicate anecdotally that many of the remaining children are being placed shortly after a year from removal and that success in achieving early permanency is also occurring for this population. This could informally be interpreted to mean that almost all children are now achieving permanency within the 18 months time frame required nationally as determined by the Adoption and Safe Families Act. Although this is very likely to be true, there is no data collected to support this. This anecdotal reporting is, however, consistent with a study done by Patricia Schene, Ph.D. as reported in "An Evaluation of Expedited Permanency Planning in Colorado" written by Dr. Schene in December 1998.

***What are the permanent placement types for children who achieved a permanent placement within one year?***



It is noteworthy that 73 percent of the 717 children on whom we have type of placement data were residing permanently within their family systems. Although the number of children on whom we have this type of data increased by 44 percent from 402 to 717 children, the rate at which they remained within their family systems stayed exactly the same at 73 percent. 36 percent were returned this year to the parent from whom they were removed, a drop of 7 percent from 43 percent last year. The number of children who returned to the other parent remained almost the same at 10 percent this year, up 1 percent from last year. Twenty-seven percent were placed in kinship care this year, an increase of 6 percent from last year's 21 percent. The rate of placement within the family system rose from 60 percent in FY 97-8 to 65 percent in FY 98-99, to 68 percent in FY99-00, to 73 percent this and last years. This positive trend supports the desired outcome that the continuity of family relationships and connections are preserved for children. It is federal law, with Colorado statutes that require that relatives be given consideration for placement, and with the Colorado Department of Human Services philosophy on permanency planning. The remaining 27 percent of the children were permanently residing with families recruited outside of the family of origin.

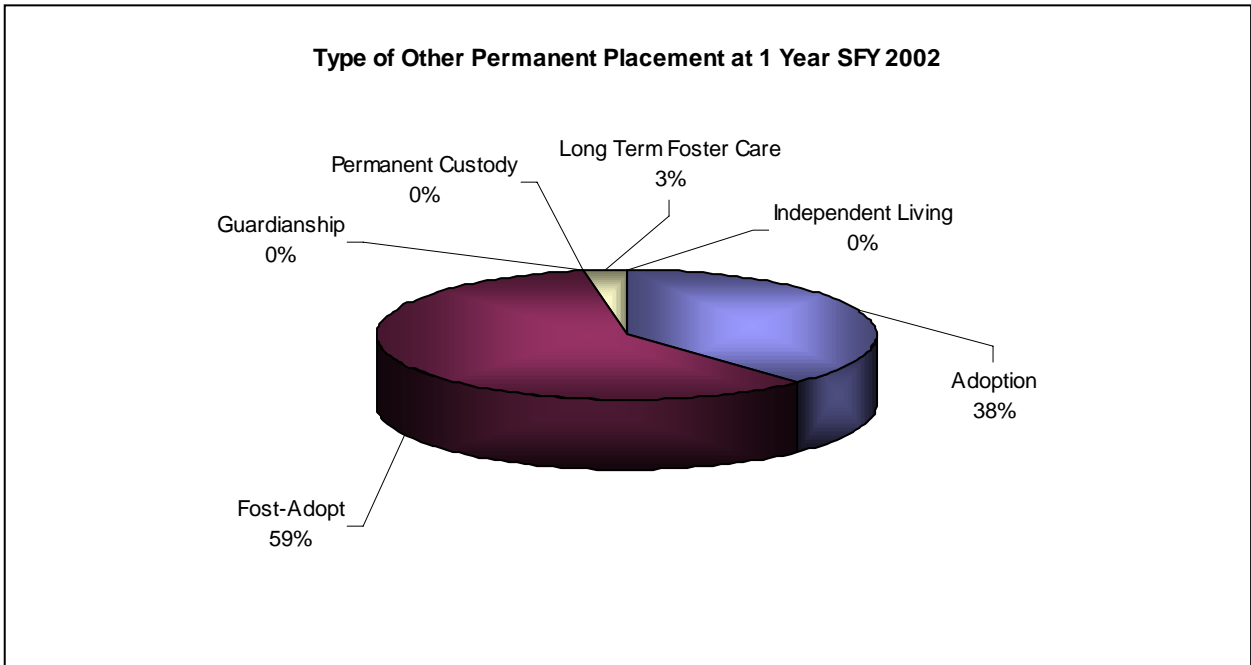
*How is permanency achieved in kinship care?*



The rates for the type of legal permanency identified for the 191 children in kinship families indicate that 62 percent chose adoption, 28 percent chose permanent custody, 7 percent chose guardianship and 3 percent remained in long term foster care. Compared to last year, **there is a significant increase of 22 percent in the number of kinship families choosing adoption** and a corresponding decrease in the rate of kinship families choosing permanent custody (down 21 percent from last year). There was a decrease in long term foster care from 7 percent last year to 3 percent this year. There was also a decrease in guardianship from 7 percent last year to 3.5 percent this year.

The increase in kinship adoption would be expected to result in a higher rate of financial support that these placements are likely to receive through eligibility for subsidized adoption if the child has special needs. When granted legal custody the kinship caregivers often apply for a Colorado Works/ TANF/ child-only grant to receive some minimal financial assistance and Medicaid for the child. Some kinship caregivers choose to forego the increased financial and legal benefits of adoption so as not to legally and completely sever the parent-child relationship. In many instances grandparents hold onto the hope that their adult children will eventually recover from addictions and/or be released from prison and will be able at a future date to safely care for their children.

*How is permanency achieved outside of the family system?*



Of the 173 children residing in permanent placements outside of the family system adoption is the plan for 97 percent of the children. Thirty-eight percent were already residing with adoptive families and 59 percent were residing on a pre-adoptive basis with foster families who had committed to adoption. None of the children were residing with caregivers who planned to take permanent custody or guardianship or for whom independent living was the planned goal. Three percent were identified as needing to remain in a permanent foster home.

The expanded practice of concurrent planning results in early placements in recruited permanency-foster families for children who are unable to remain within their kinship circle. Placement may occur immediately upon removal or more likely within weeks or months following the case having been opened. However, the adoptions of many of these children are finalized within one year of removal from their families. Through the use of non-adversarial processes such as Settlement Conferences and Dependency and Neglect Mediation, localities report a decrease in trials for termination of parental rights with some parents deciding not to contest the motion. This paves the way for earlier adoptions when appropriate and sometimes results in an agreement with the potential adoptive parents to maintain some openness in the adoption.

***What are the reasons for children not achieving permanency within one year?***

Of the 864 children who should have achieved a permanent plan under EPP standards, there were 147 children in FY 2002 who did not achieve permanency within 1 year. The

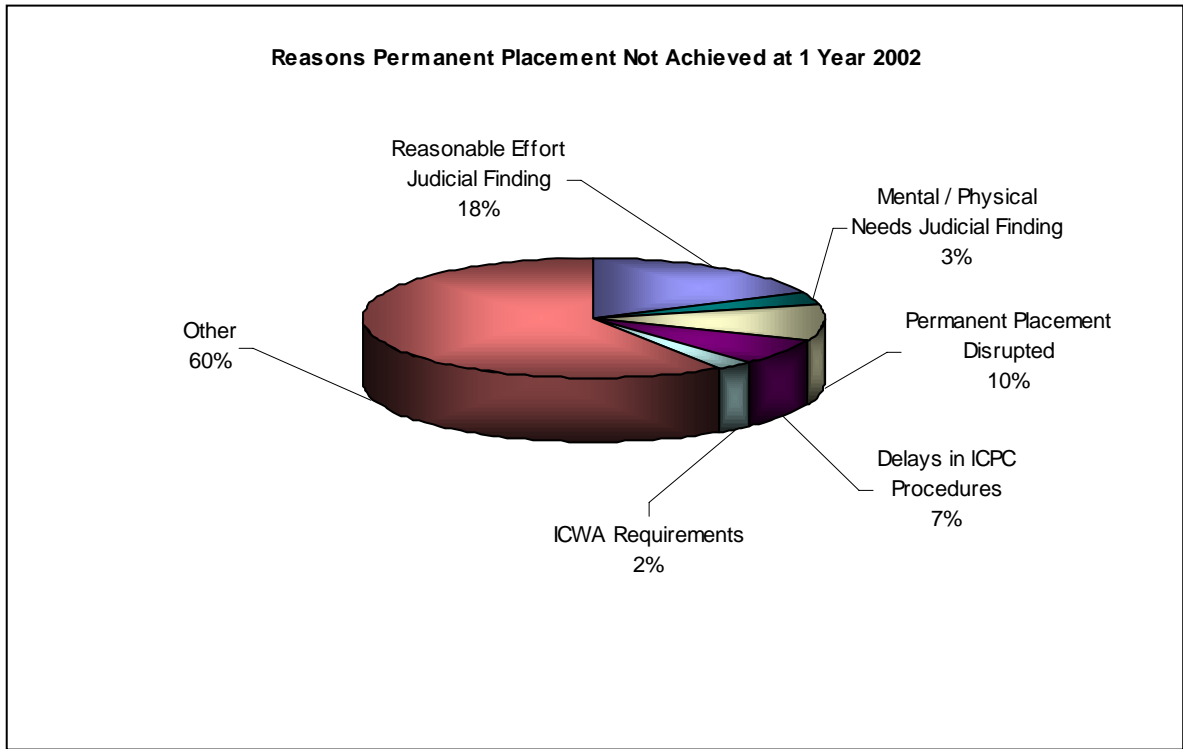
chart on page 14 illustrates the reasons for this delay in placement. For 27, or 18 percent of the children, there was a judicial determination that reasonable efforts were being made to find a placement for the child, and no appropriate home was available. Another 4 children, or 3 percent, had judicial findings that, because of the child's physical or mental needs, there was no probable successful placement at the current time. The permanent placement disrupted for another 15, or 10 percent, of the children. This occurs when, for whatever reason, the child's placement does not go well and the placement is no longer appropriate for the child. Delays caused by the Interstate Compact on the Placement of Children contributed to 10 (7 percent) of the children not being placed in a permanent home in a year. These delays can be caused by systemic problems such as delays in home studies being completed by the receiving state. It is noteworthy that there has been improvement during the past year in the timeliness of ICPC procedures in EPP cases. This year's statistics show a 3 percent decrease in ICPC as a reason given for children not achieving permanency within one year. Three children (2.3 percent) had delays in permanency because of the Indian Child Welfare Act. At times the intervention of a child's tribe (or waiting for that intervention) will place burdens on the one-year requirement.

The most common reasons given for children not being placed in their permanent home at one year fell into the category of "other." Eighty-eight children, or 60 percent, fell into this category. Caseworker comments regarding "other" reasons for permanency not being achieved within one year included reference to 17 children for whom termination hearings were set, but had not yet occurred. Although this is given as a reason, it is to be noted that, regardless of whether there is a termination hearing, the child should be in a permanent placement such as a potential adoptive home by one year. Although this is given as a reason, it is inappropriate to do so as the statute requires that the child be placed in a potential adoptive home and does not require that termination of parental rights has occurred.

There is a spectrum of "other" reasons cited by caseworkers. They include the child

- being on the run,
- needing treatment for emotional behavioral issues prior to attempting a permanent home,
- child stating she will not consent to adoption,
- county administrative or Administrative Review recommendation that it is worth giving the case a little more time due to the specific family situation,
- court decision that it is worth giving the case a little more time due to the specific family situation,
- paternity issues having delayed the case,
- expectations that the child will achieve permanency slightly later than one year.

Other reasons include contested hearings, court extensions, delays in court proceedings, incarcerated parents, and extra time being given to a parent to work on his/her treatment plan. There are no real trends in this category, and each reason is different from the other.



***How are the Courts Doing Meeting the Requirements of EPP?***

The courts continue to be active in successfully implementing EPP within their respective judicial districts. Trainings, such as the cross-systems, and ASFA (Adoption and Safe Families Act) trainings delivered around the state, have helped all those involved with these cases realize the importance of meeting expedited time frames. As noted last year, EPP forces the entire system: judicial officers, caseworkers, court appointed special advocates, attorneys, family court facilitators, and parents to be more accountable and responsible for their actions. The expedited nature of the proceedings is tempered by the fact there is still flexibility in the system to allow for creative thinking. Despite the fact that there are time frames that need to be followed, there is still enough room in the system to accommodate cases that may need a little more time.

On a statewide basis, there is significant compliance by the courts with the requirements of EPP. Courts have particularly strived to improve compliance with Permanency Hearings, which last year, were the hearings with the lowest compliance rates. Despite this, steady improvement is to be noted in this, and all the target areas. In Calendar Year (CY) 2002<sup>1</sup>, children were adjudicated within the required time frame of C.R.S. § 19-3-

<sup>1</sup> Analysis of courts' compliance rates in last year's report was based on calendar year figures. For the purpose of consistency, calendar year 2002 figures were used in this report as well. These figures are current up to September 30, 2002.

505(3) 93 percent of the time, an improvement of two percent over last year.<sup>2</sup> This figure represents the average of all the districts. As for the individual districts, below is the

**Court Compliance With Adjudication: C.R.S. 19-3-505(3) CY 2002**

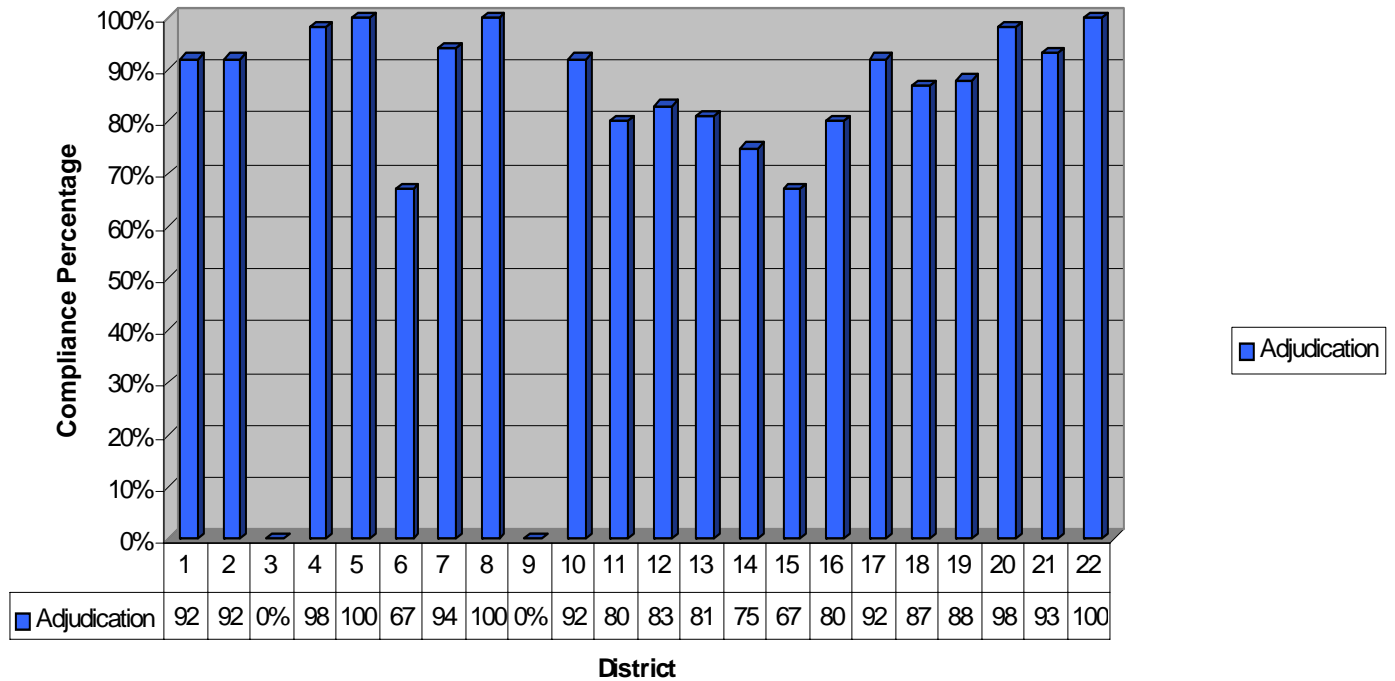


chart reflecting the current compliance rates relating to adjudication.<sup>3</sup>

The chart above indicates that many districts are doing a remarkable job meeting the time frame for adjudication. Special note should be given to the fact that eleven of the twenty-two districts have over a 90 percent compliance rate for adjudication. It is also noteworthy that only three districts have compliance rates that are 75 percent or lower. That being said, these three districts had only ten EPP cases combined. As such, the potential for a skewed percentage occurs. It is very possible these 10 cases exceeded the timelines for very valid reasons, such as difficulty finding a parent or a contested trial for the adjudication.

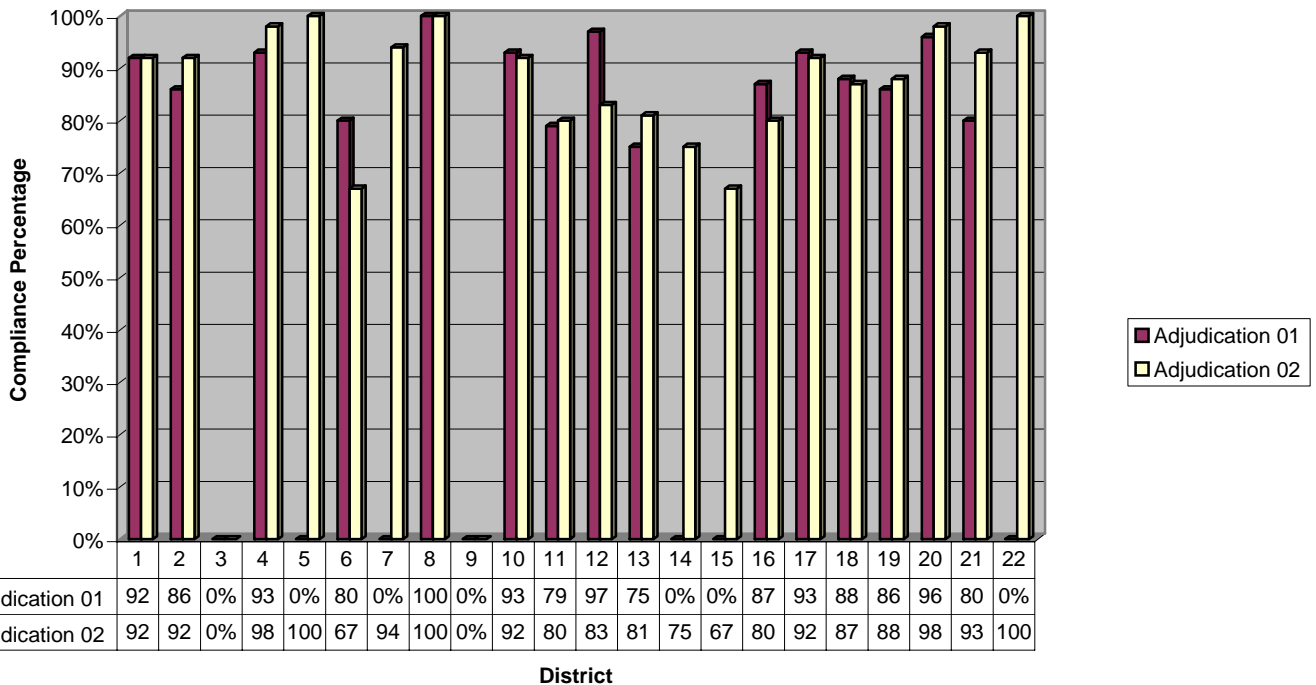
A comparison of data from last year shows the general improvement many of the districts have made over the last year.<sup>4</sup> Four of the districts, the 2<sup>nd</sup> - Denver County, 4<sup>th</sup> - El Paso

<sup>2</sup> C.R.S. § 19-3-505(3) requires that the child be adjudicated dependant or neglected within 60 days of service of the petition in dependency and neglect.

<sup>3</sup> The 3<sup>rd</sup> - Huerfano and Las Animas Counties, and the 9<sup>th</sup> - Garfield, Pitkin, and Rio Blanco Counties show 0 percent for a pass rate. In both of these districts there were few cases that fit the criteria for an EPP case. The 3<sup>rd</sup> had only two cases, one of which was a change of venue. As a change of venue case the adjudication had already occurred. The 9<sup>th</sup> had only one reported EPP case. Unfortunately the adjudication did not occur within the time frame for this case. However, one case is not to be construed as a trend within that district.

and Teller Counties, 20<sup>th</sup> - Boulder County, and the 21<sup>st</sup> - Mesa County improved their compliance rates dealing with adjudication from last year. Many jurisdictions maintained similar compliance numbers from last year. This is not to be seen as a negative. Instead, the consistency demonstrated from CY 2001 to CY 2002 indicates districts continue to regularly comply with the EPP requirements.

**Court Compliance With Adjudication From CY 2001 to CY 2002**



As for the Disposition (or treatment plan) in the EPP case, the statutory requirement pursuant to 19-3-508(1) is being met statewide in 92 percent of the cases, an increase of one percent from last year.<sup>5</sup> On the following page you will find individual districts and their respective compliance rates.<sup>6</sup>

Once again, as with the statistics for adjudication, there are 11 districts that have over 90 percent compliance rates. There are four districts that had between an 85 and a 90 percent compliance rate with disposition. The remaining seven had lower than an 85 percent compliance rate. Of the 11 districts with over 90 percent compliance, seven of

<sup>4</sup> Last year's report compared districts from one calendar year to another. Because of data entry problems, last year's data did not include reports from all districts. This problem has been rectified this year.

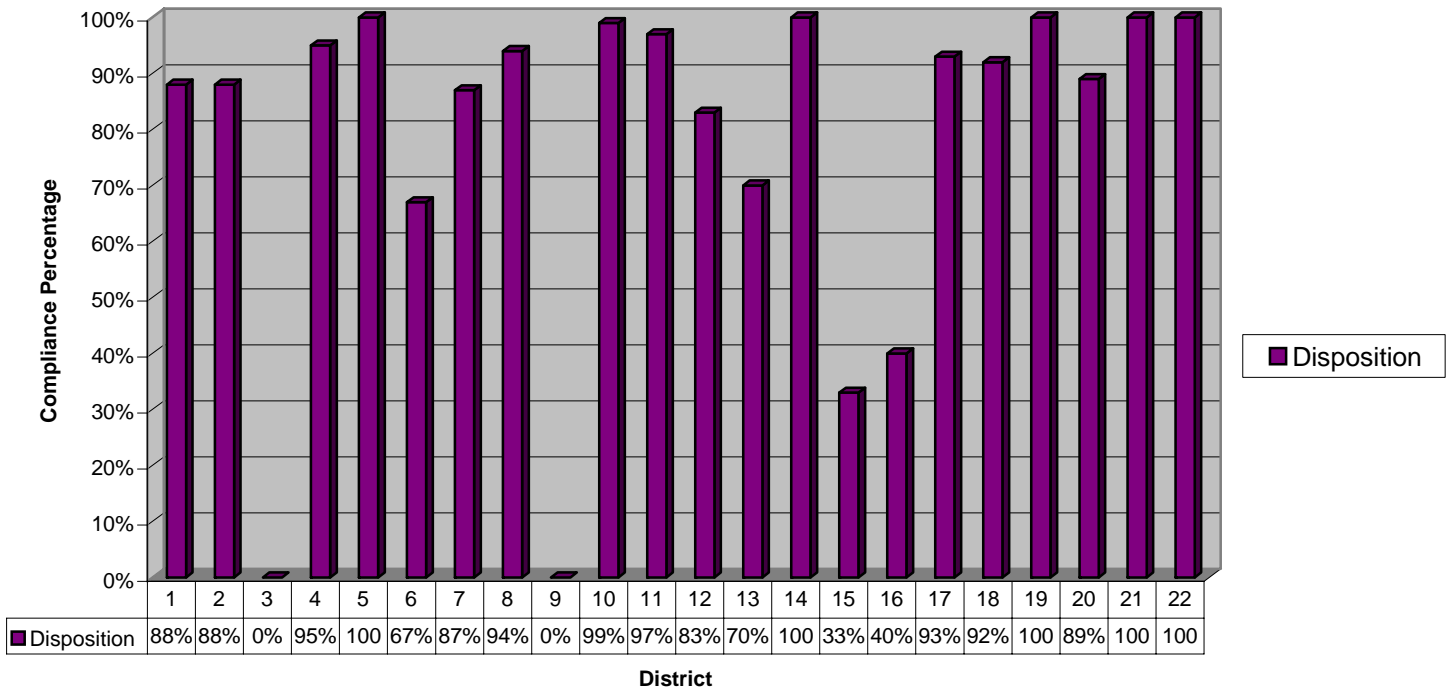
<sup>5</sup> C.R.S. § 19-3-508(1) requires EPP children to have a treatment plan hearing within 30 days of the adjudication.

<sup>6</sup> See FN 3. As with the previous chart with adjudication, the 3<sup>rd</sup> - Huerfano and Las Animas Counties, and the 9<sup>th</sup> - Garfield, Pitkin, and Rio Blanco Counties had very few EPP cases. The zero percentage next to their district indicates, not a lack of compliance, but a lack of cases.



them come from districts with larger populations.<sup>7</sup> As such, this indicates that the vast majority of the cases are within compliance. Several of the other urban settings are also very high in their compliance rates. Examples of these are the 1<sup>st</sup> – Jefferson, 2<sup>nd</sup> – Denver, and the 20<sup>th</sup> - Boulder. The more urban settings in Colorado have the vast majority of cases within Colorado. That these urban settings are reaching substantial compliance with dispositions is an indication of a very positive occurrence within the courts as a whole.

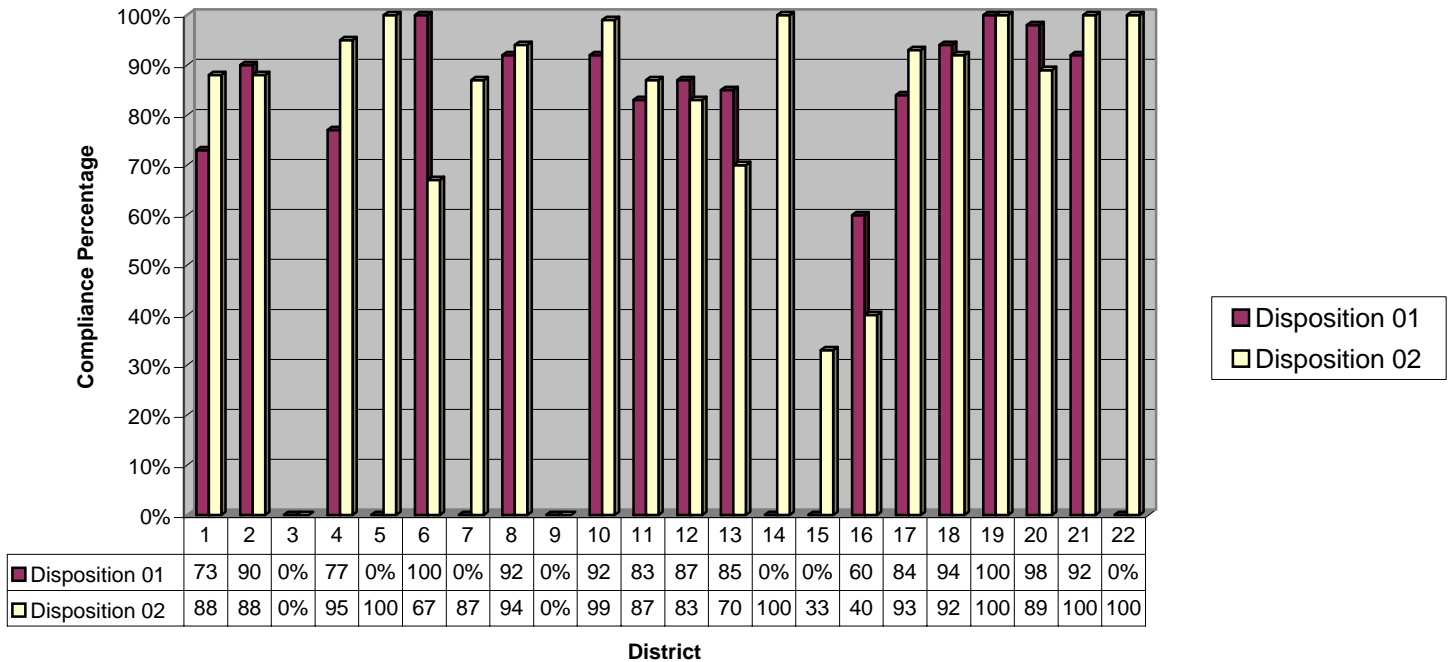
**Court Compliance With Disposition: C.R.S. 19-3-508(1) CY 2002**



A comparison of cases from calendar year 2001 to 2002 shows the steady increase that has transpired within the districts over the past years.

<sup>7</sup> The 21<sup>st</sup> – Mesa County, 19<sup>th</sup> – Weld County, 18<sup>th</sup> – Arapahoe, Douglas, Elbert, and Lincoln Counties, 17<sup>th</sup> – Adams and Broomfield Counties, 10<sup>th</sup> – Pueblo County, 8<sup>th</sup> – Larimer County, and the 4<sup>th</sup> – El Paso and Teller Counties

Court Compliance With Disposition From CY 2001 to CY 2002



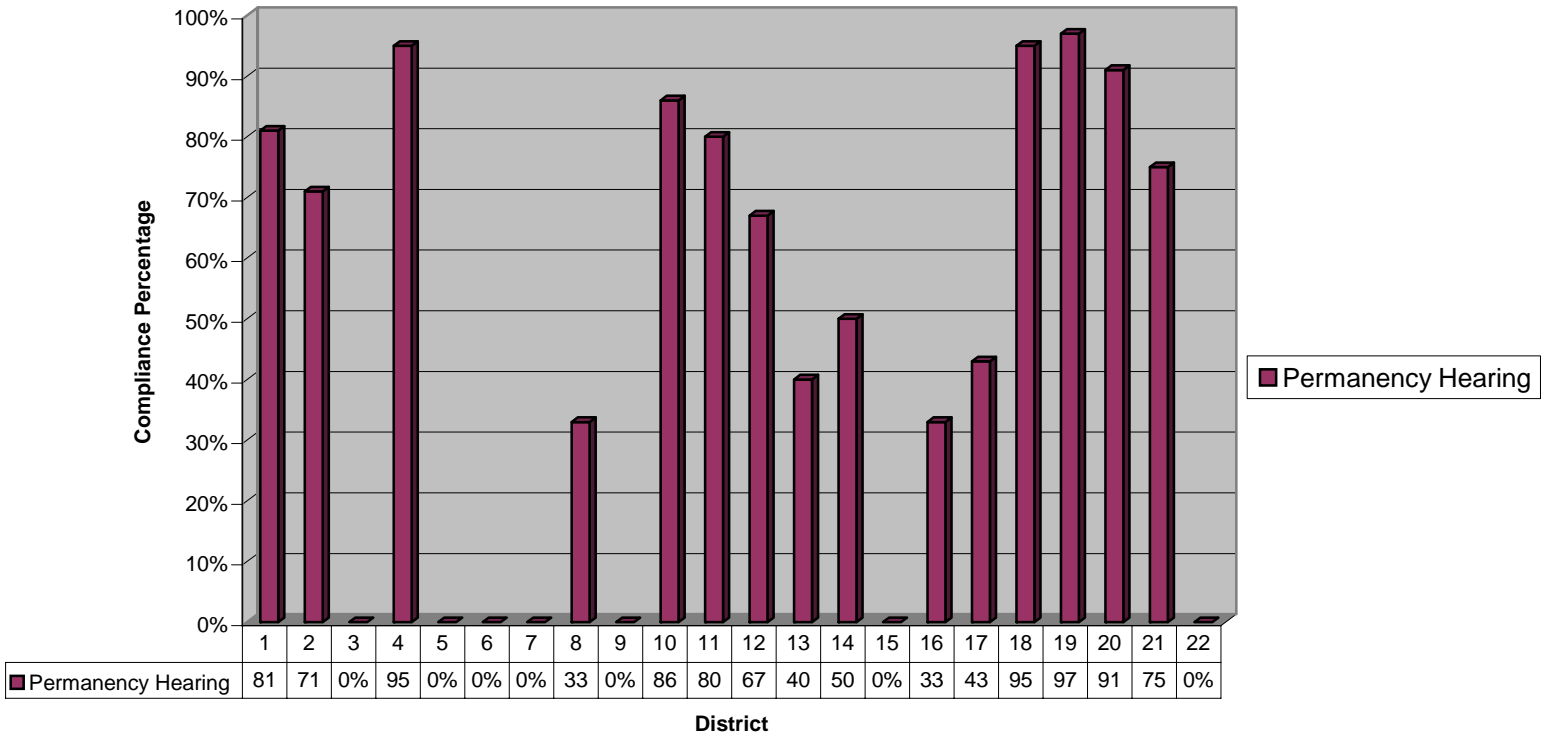
Timely permanency hearings have increased from 54 percent statewide compliance in 2001 to 75 percent compliance for calendar year 2002.<sup>8</sup> Last year it was noted in this report that several districts had rather low compliance rates. This year many of these numbers have improved substantially from where they were last year. A glance at the compliance graph for 2002 shows that many of the busiest jurisdictions are holding permanency hearings in a timely fashion over 70 percent of the time. For example, the 4<sup>th</sup> Judicial District, which is El Paso and Teller Counties, holds their permanency hearings on time 95 percent of the time and Weld County, in the 19<sup>th</sup>, holds these hearings on time 97 percent of the time. Boulder in the 20<sup>th</sup>, also hold timely permanency hearings over 90 percent of the time.<sup>9</sup>

<sup>8</sup> C.R.S. § 19-3-702(1) requires the EPP child to have a permanency hearing within 90 days of the dispositional hearing.

<sup>9</sup> Once again, that several jurisdictions have a zero for their permanency compliance should not be noted as a negative. The 3<sup>rd</sup> (Las Animas and Huerfano Counties), 5<sup>th</sup> (Eagle, Summit, Lake Counties), 6<sup>th</sup> (La Plata, Archuleta, and San Juan Counties), 7<sup>th</sup> (Gunnison, Delta, Montrose, San Miguel, Ouray and Hinsdale Counties) 9<sup>th</sup> (Garfield, Rio Blanco, and Pitkin Counties), and the 15<sup>th</sup> (Cheyenne, Kiowa, Prowers, and Baca Counties) all either had no cases that would qualify for a permanency hearing, or had so few cases as to skew the statistics. For example, Gunnison, in the 7<sup>th</sup> Judicial District had only six EPP cases. Of those six cases, only two required a permanency hearing. Although they did not meet the requirement for those cases, two cases is a very small number compared to the greater number of cases heard statewide.

The increase from last year's figures is quite stunning. Through judicial efforts, and

**Court Compliance With Permanency Hearings: C.R.S. 19-3-702(1) CY 2002**

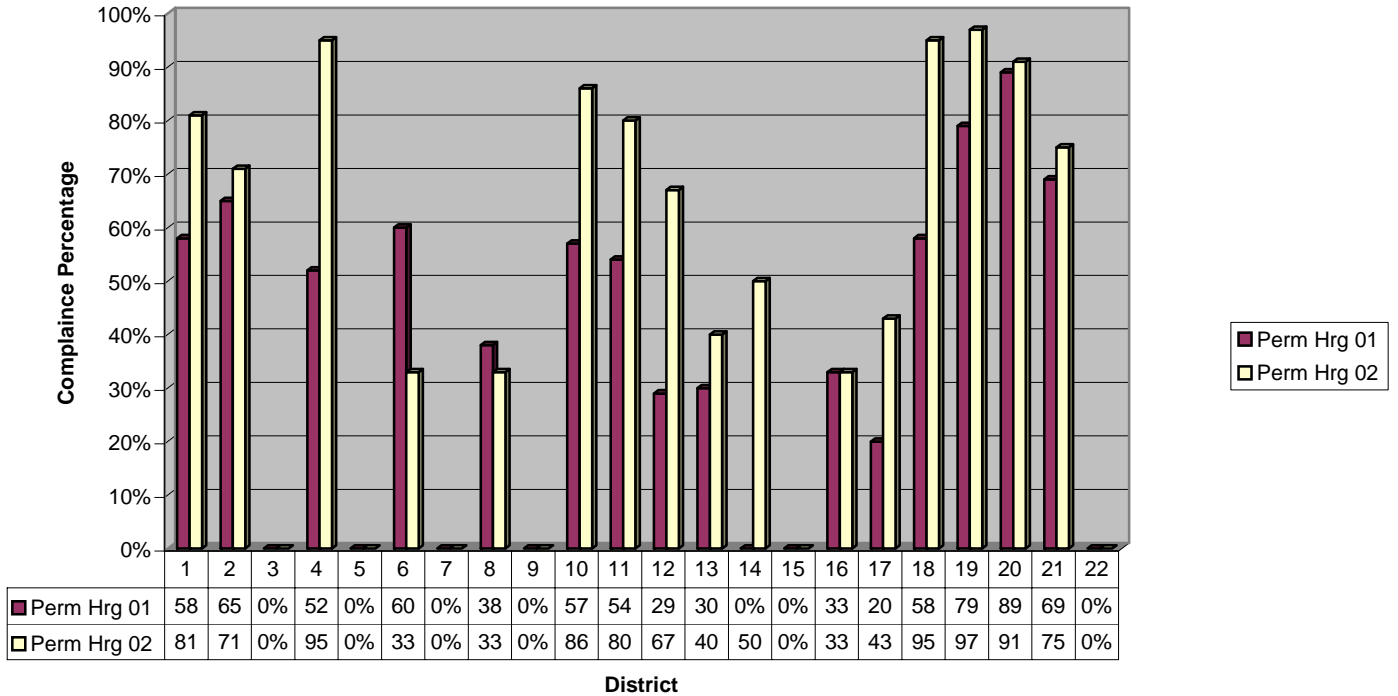


coordination with court personnel, as well as local county departments, the number of timely permanency hearings has dramatically increased. The graph on the following page demonstrates the improvement seen from last year's permanency figures. In virtually every jurisdiction there was an increase over where they were in CY 2001. Particular attention should be given to jurisdictions such as the 4<sup>th</sup> (El Paso County), the 10<sup>th</sup> (Pueblo County), the 18<sup>th</sup> (Arapahoe County) and the 19<sup>th</sup> (Weld County) who saw increases in their compliance rates of sometimes over forty percent.<sup>10</sup>

<sup>10</sup> Though some jurisdictions are still relatively low in terms of compliance, there is still an increase. For example, the 17<sup>th</sup> Judicial District – Adams and Broomfield Counties, has increased its compliance rate 23 percent from last year.

Permanency hearings are the hearings that cause the most difficulty for all those working with these cases. The requirement for a permanency hearing, as articulated in C.R.S. 19-

**Court Compliance With Permanency Hearing From CY 2001 to CY 2002**

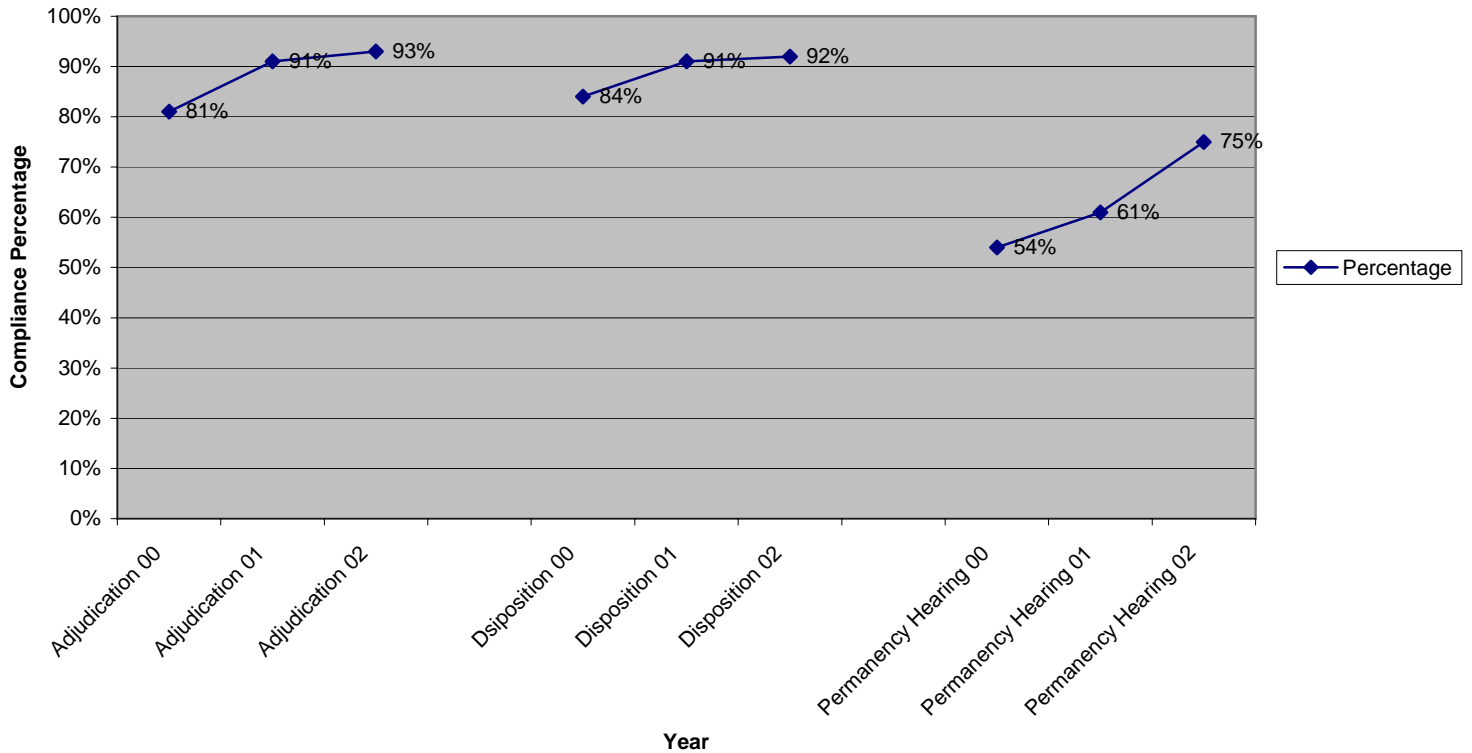


3-702(1) is that the hearing occur within 90 days of the dispositional (treatment plan) hearing. All individuals involved in these cases, from the judicial officers, to the county attorneys, caseworkers, GALs and respondent parents’ counsel, should take this hearing seriously. The object of a permanency hearing is to have a permanent plan ordered for the child. This goal, or plan, is put in place to determine what will happen with regard to the child and the parents (i.e. reunification, adoption, foster care, relative placement, etc.) Because of the gravity of the hearing, and the nature of the decisions to be made, individuals involved in the case need to ensure that what they present to the court is a proper plan. As such, there may be some delay in scheduling these cases for a hearing and bringing them to the court’s attention. Regardless, the court as a whole has greatly improved its compliance with holding timely permanency hearings from last year.

**Reasons for Judicial Improvement**

Below is a graphic representation of the improvement seen by the judiciary over the past three years.

### Progress in Court Compliance Statewide



Taken as a whole, the state is improving its compliance with the requirements of EPP. Although there are still some low numbers in certain districts, as can be seen from the graph above, there is general improvement. There are various reasons for the improvement. First, and foremost is the commitment on behalf of judicial officers and court staff to improve their handling of these cases. Individual districts received their compliance numbers from last year and made a concerted effort to improve their handling of the cases within the time frames. The judges, magistrates, family court facilitators, and court clerks determined that they were the ultimate managers of the EPP cases, and as such, held all parties to the case to the time frames.

Judicial officers developed an even greater awareness of the time frames and directed parties involved in the cases to adhere to the time frames. In the 4<sup>th</sup> Judicial District (El Paso/Teller Counties), for example, a case management document was prominently displayed and circulated in order to alert all parties to the mandate of the EPP time frames. Many family court facilitators closely monitor the D&N cases to ensure compliance. For example, as a part of their job, they alert the parties if a case is set outside of the time frames. They also review the cases before and after to alert all parties as to the time frames. The court clerks played a role in this as well. Training was given

statewide, under the auspices of the Court Improvement Project,<sup>11</sup> alerting clerks as to proper data entry with these cases, as well as the timelines to be followed in the cases. This training is cited by many individuals as a part of the awareness raising efforts seen in the trial courts.

From the courts' perspective, it is not one easily identified factor that leads to the increase in compliance. As a complex system (and only one part of an even larger, more complex network), it took the efforts of all individuals to bring about the improved time frame compliance. This is not meant to exclude the efforts of the county/city attorneys in the districts, the social workers, CASAs, GALs, respondent parents' counsel, and other professionals involved in the case. All have had a part in improving compliance with the time frames. However, the court, as the ultimate manager for these cases, took the lead responsibility for improving the compliance figures as a whole.

One other factor to mention is the continued commitment to training in partnership with the Colorado Department of Human Services. As noted in last year's report, training and support in the area of child development continues to be an emphasis. This year cross-systems trainings are again being offered throughout the state. Last year's training was designed to reinforce the concepts of the Adoption and Safe Families Act in the context of Colorado's current laws. This year the training will be looking at several issues, including visitation in regard to parents and children, minority over-representation in child welfare, adequate case planning, and timeline compliance versus the welfare of the family, among others. The training involves local departments of human services, the court, county attorneys, guardians ad litem, and respondent parents' counsel. In short, the training is designed to help the system, as a whole, improve. Additionally, judges and magistrates from around the state were involved in the annual Judicial Conference, which included many issues surrounding families and children. Increased training continues to raise judicial awareness of children's issues, and particularly EPP.

### ***How Many EPP Cases Were Filed in the State of Colorado FY 2002?***

The chart on the following page shows the number of EPP filings statewide for fiscal year 2002 in comparison to the filings for fiscal year 2001.<sup>12</sup>

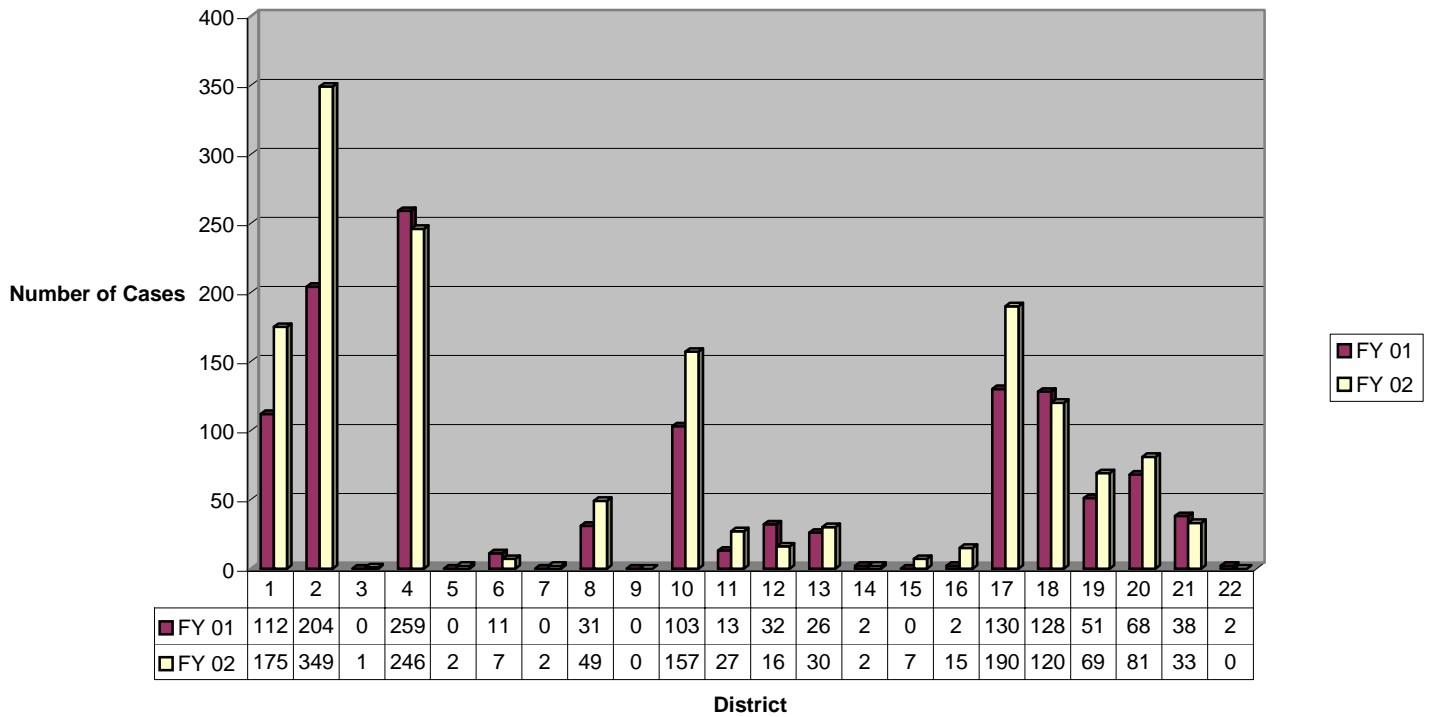
As would be expected, the largest number of EPP cases was in the larger jurisdictions. The 2<sup>nd</sup> Judicial District, which is the City and County of Denver, accounted for the largest majority of cases in the state. The 4<sup>th</sup> Judicial District had the next highest volume, which is El Paso and Teller Counties. Several of the other larger jurisdictions, including the 1<sup>st</sup> (Jefferson/Gilpin), the 10<sup>th</sup> (Pueblo), 17<sup>th</sup> (Adams/Broomfield), and the 18<sup>th</sup> (Arapahoe, Douglas, Lincoln, and Elbert) had EPP filings that numbered in the hundreds. There were a total of 1,578 EPP cases filed in the Colorado Courts in FY 2002. This is an increase of close to 23 percent from last fiscal year, in which there were 1,212 EPP cases filed.

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<sup>11</sup> The Court Improvement Project is a federal grant received by the Colorado Supreme Court to improve the courts' handling of cases involving children.

<sup>12</sup> For total case collection, the state fiscal year is used.

Number of filed EPP cases FY 01 to FY 02



The increase in the number of cases may be attributed to various factors. One of the reasons for the increase is the fact that all the counties in Colorado are now designated as EPP counties. This fact impacts Denver in particular because they were designated an EPP county in the middle of SFY 2001. Therefore only half of their cases would have been designated as EPP at the time the report was completed last year. Denver was an EPP county for the entirety of SFY 2002, thus accounting for almost twice the number of EPP cases seen in their district. Other, somewhat speculative, reasons may include:

- Increased training of court staff to identify, and properly enter into the court’s data management system, cases involving children under six.
- The downturn in the economy has resulted in more psychosocial pressure being placed on families within Colorado. This pressure may have found its release in more instances of abuse in families with younger children.
- The budgetary problems experienced by agencies in Colorado, in particular human/social services departments, may sometimes result in the reduction of voluntary and prevention services for families. When less formal services are available, it may result in the necessity for an increase in D & N filings, particularly for the very young children served in EPP cases.

There are doubtless other reasons for this upturn in case filings, and the reasons behind it will be more adequately explored by the Department of Human Services and the Judicial

Branch during the next year.

Taken as a whole, the areas of Denver, Jefferson, El Paso, Arapahoe, Adams, Pueblo, Boulder, Mesa and Weld counties account for 88 percent of the filings. These numbers help put into perspective some of the statements above dealing with meeting EPP time frames in a case. While a larger district with a larger volume of cases will sometimes encounter difficulty meeting EPP timelines 100 percent of the time, the fact that most of the larger jurisdictions are doing well meeting the time frames is quite positive.

### **Out of Home Cost Avoidance**

As discussed in previous Annual Reports, evaluation as to whether out-of-home placement costs have been avoided must occur with consideration for the costs to implement EPP. Any out-of-home cost-avoidance realized in EPP continues to be offset by the cost of the front-loaded services. Front-loaded services include intensive casework services such as comprehensive family and child assessments, intensive court related activities, early development of case plans and immediate referrals for needed services. The early use of family group decision making, concurrent planning, kinship care and mediation also contribute to expediting permanency. Core services such as substance abuse evaluation and treatment, mental health services, county designed programs, including family therapy are critical to determining if reunification of the child and family is possible or if alternative arrangements are needed. Core services are funded through the Family and Children's appropriations and are equally available to all families being served by the Child Welfare system including EPP Families.

The funding for counties, determined by the estimated number of families to be served, is consistent with family centered practice in that it recognizes the importance of serving the entire family and not just the designated child. The need for the additional services for the parents is likely to be the same whether there are one or two children in placement. The number of families is determined by the number of Dependency and Neglect filings the previous year that included children under the age of six who remained in out-of-home care beyond the initial custody hearing. A needs assessment is conducted in partnership with state staff to determine which of the needed services are in place and what additional services are needed. The county department collaborates with the courts and community providers and then submits a proposal to the department for review and approval for EPP funding within the parameter of a maximum of \$5,000 per estimated number of families for the needed services.

In an attempt to capture the most reliable data available related to out-of-home cost avoidance, the department tracked the out-of-home placement costs for the same population of children who were the subjects of Dr. Schene's report "Expedited Permanency Planning in Colorado" dated December 1998. Dr. Schene studied the first year's population of EPP children in Boulder and Jefferson counties and compared them to a group of children with similar demographics to the EPP population who entered out-of-home placement the year prior to EPP implementation in Boulder and Jefferson counties. This included children who entered the EPP program in Jefferson County from



October 1, 1994 through September 30, 1995 and in Boulder County from July 17, 1995 through July 16, 1996. The comparison groups included children who entered out-of-home care in Jefferson County between October 1, 1993 through September 30, 1994 and children who entered out-of-home care in Boulder between July 17, 1994 and July 16, 1995.

Dr. Schene reported that when the costs of out-of-home placement across an eighteen-month period of time for the EPP children were compared to the comparison group in both counties, the bottom line was that the EPP cases incurred a mean cost of \$4,279 compared to a mean cost of \$5,657 for the children in the comparison group. This indicates a potential out-of-home cost avoidance of \$1,378 per EPP child during the first eighteen months.

The Department then followed the same population of children in Dr. Schene's evaluation by tracking any additional costs of out-of-home placement through June 30, 1999 based on Child Welfare Eligibility and Tracking System (CWEST) data. It was learned that the difference in the rate of cost-avoidance for the two groups, EPP vs. comparison has decreased over time. From the time that Dr. Schene's evaluation ended until the end of FY 1998-99, there was an additional average variation of \$636.24 in cost avoidance for the EPP children. When added to the \$1,378 anticipated cost avoidance per EPP children through the first 18 months of out-of-home care as identified by Dr. Schene, the total variation to date for EPP children in these two counties is \$2,014. It was anticipated that this might remain somewhat static until the period of time when the comparison and EPP children reach adolescence. At that time it is possible that the comparison group will re-enter the Division of Youth Corrections and/or the Child Welfare system with costly placements at a higher rate than the EPP children.

Last year's Annual Report included that based on an average in SFY 2000 of 1.47 children per family in the EPP Program this resulted in an estimated cost avoidance of \$4,960 per family over an approximate four to five year span. This closely parallels the estimated \$5,000 needed to fund the up-front services for each family. The CDHS funding requests to the legislature have been based on a five-year plan with incremental decreases over five years until the new funding is eliminated. It appears that if counties were able to redirect the amount of out of home cost avoidance back into the EPP services rather than into other priorities, the EPP program could potentially be self-funding after five years, consistent with the Department's five-year funding plan.

For the nine children in **Boulder County's EPP program** who received services in SFY 2002 who could still be identified and tracked, the average cost per child was \$3,849. For the two children in the comparison group who received services in SFY 2002 and who could still be identified and tracked, the average cost was \$3,986. Therefore, there was virtually no difference in the cost for services for EPP and non-EPP children during SFY 2002. There was a **\$137 cost avoidance per child in the EPP program**

For the two children in **Jefferson County's EPP program** who received services in SFY 2002 who could still be identified and tracked, the average cost per child was \$4,446.

For the seven children in Jefferson's comparison group who received services in SFY 2002 and who could still be identified and traced, the average cost per child was \$7,487, resulting in a **cost avoidance of \$3,041 per child in the EPP program.**

It is acknowledged that the small number of children left to be studied in the Boulder and Jefferson study groups do not represent a statistically significant sample. Therefore, generalizations to other populations or projections for cost avoidance for larger numbers of children should not be made from these figures. The original number of children in this study was much larger. There were originally 47 children in the EPP group and 30 in the comparison group in Boulder County. There were originally 82 children in the EPP group and 69 in the comparison group in Jefferson County.

An additional problem with making interpretations about Jefferson County's EPP program from these statistics is that a large number of children have left Jefferson County and have gone to other counties during the years that these cost-avoidance figures have been calculated. While the costs for services for these children have continued to be reported regardless of the county in which they received the services, it is not known if the program services these children received in other counties were comparable EPP services to those they originally received in Jefferson County. Some children left Jefferson County and went to counties that were not yet designated EPP counties. Some children later left and went to counties that were designated as EPP counties. The quantity and quality of services in these other counties was not measured.

By contrast, it appears that only one child in Boulder County's EPP group or comparison group has left Boulder County during the years of this cost-avoidance study. Therefore, it is possible that the comparison of the two groups is more accurate in Boulder County than in Jefferson County.

Previous Annual Reports have indicated a trend of decreasing difference in the rate of cost avoidance between the EPP and comparison groups. The data compiled this year supports the following information regarding the rate of cost avoidance between EPP and comparison groups in Boulder and Jefferson Counties, based on the following findings.

- ❑ In SFY 2002, the sixth year that these originally identified children have been tracked in Boulder County, an average of \$137 more was spent on out-of-home care for the 2 children left in the comparison group than on the 8 children left in the EPP group.
- ❑ In striking contrast, in SFY 2002, also the sixth year that these originally identified children have been tracked in Jefferson County, an average of \$3,041 was spent on out-of-home care for the 8 children left in the comparison group than on the 2 children left in the EPP group.
- ❑ These diverse findings are consistent with the overall figures compiled over the past six years for the children in each of these county's study groups.
- ❑ **In total, over the course of the six years that these children have been tracked, an average of \$3,034 more has been spent on out-of-home care for each of the 37 children still able to be tracked in Boulder's EPP group than**

- on the 16 children still able to be tracked in its comparison group.**
- ❑ **Over the course of these six years of study a total of \$8,186 less has been spent on out-of-home care for each of the 29 children still able to be tracked in Jefferson's EPP group than on the 29 children still able to be tracked in its comparison group.**
  - ❑ A larger number of children appear to be staying in the EPP program in Boulder County, while a larger number of children appear to be leaving the EPP program in Jefferson County.
  - ❑ Only in its first year of EPP designation did Jefferson County spend more money per child on its EPP designated children than those in the comparison group. In each succeeding year, less has been spent on its EPP designated children than on those in the comparison group.
  - ❑ Conversely, in Boulder County's first two years of EPP designation, less was spent on the out-of-home care for EPP designated children than on those in the comparison group. However, in each succeeding year, more has been spent on the out-of-home care for EPP designated children than on those in the comparison group.
  - ❑ In some years for both the Jefferson and Boulder groups the differences in the amounts spent on EPP versus comparison group children has been as small as a few hundreds of dollars and in some years the difference has been as much as several thousands of dollars.

Thus, without doing an in-depth study of the differences in the cases, the specific out-of-home placement resources used and the other approaches used with the EPP and comparison group cases in Boulder and Jefferson Counties over these past six years, it is not possible to say why Jefferson County's study group shows the significant average cost avoidance of \$8,186 for each of its EPP designated children while Boulder not only does not show any cost avoidance for its EPP designated children during this same time frame, but shows that on average \$3,034 more has been spent on the out-of-home placement costs for these children than on those in its comparison group.

While the findings are ambiguous regarding whether or not there is a cost savings in the short run regarding out-of-home placement costs for EPP-designated children, it is believed that there is a cost savings to the taxpayer in the long run by providing services that attempt to assure that these children will have safe permanent homes in a timely manner. National studies have shown for many years that a high percentage of the youth who fill juvenile detention centers are victims of child abuse and/or neglect that was not satisfactorily resolved while these youth were younger children. It is known that the cost to maintain older juvenile delinquents in out-of-home placement is typically far more costly than to provide out-of-home care for young children. It is known that without constructive intervention that many of the youth in our juvenile facilities go on to fill our jails and prisons as adult criminal offenders at costs that greatly exceed those required to secure safe permanent homes for children early in their lives.

As stated in previous reports, additional limitations to basing the out-of-home cost avoidance projections on this population are:

- It is based upon only two counties' FIRST year's population of EPP children. The counties have refined their approaches and it is possible that additional cost savings may accrue for children who entered their programs in ensuing years.
- At the time that EPP began in these two counties, both counties placed children extensively, but not exclusively, with their own foster families rather than in more costly placements with private agencies as occurs with some of the county departments. Therefore, the margin for potential cost-avoidance over time may be less in Jefferson and Boulder counties than it would be in counties that rely more heavily on more costly placements through private child placing agencies and residential treatment centers for this population. As indicated in previous years' reports to the legislature, there is a wide variance in practice among the county departments related to foster care placement in county and/or Child Placement Agency family foster homes with CPA placements generally being more costly.
- Out of home placement costs have increased since the population studied entered foster care. The increased costs could affect the rate of out-of-home cost avoidance.
- The savings addressed in this report and as required in the Colorado's Children's Code Section 19-1-123(2)(a) relate only to out-of-home cost avoidance. It does not address the full cost of all services nor any potential increased costs or cost avoidance related to the Block Grant or Core services. The number of subsidized adoptions has increased with no concomitant increases in the Block Grant made available to county departments. Adoption subsidies are one of the competing priorities for funding Expedited Permanency Planning services at the local level.

The Department has developed a five-year plan for funding county departments for the needed EPP services. The county receives full funding for the needed services for the first two years and the funding is then reduced by 25 percent each of the last three years. This provides the counties time to realize out-of-home cost avoidance, which can then be redirected to finance some of the needed services. Counties are then requested to absorb any remaining cost of the needed services through their other funding streams such as Block Grants, Managed Care savings, TANF, Core services and IV-E pass through dollars. It is believed that some counties will have more difficulty than others in doing this dependent upon the priorities of the county department and their county commissioners for utilization of funding.

### **Reflections on the Impact of Expedited Permanency Planning**

Overall, EPP can be deemed a success in achieving timely permanency for the younger children for whom the statute was intended, and older children as well. Local courts, county departments and attorneys strive to achieve early permanency for children of all

ages after having experienced the success with early permanency for younger children.

It is believed that this year's reported reasons for cases being involved in EPP represent a stable spectrum of reasons. There has been little fluctuation in the percentages by which these various reasons comprise the reported EPP caseloads over the past few years.

That neglect continues to take a strong lead among the reasons for involvement is consistent with Child Protection caseloads in general. However, the EPP initiative may be having a particularly compelling effect on the lives of the children in neglect cases because these were traditionally the cases that were either quickly closed because it was "only neglect" (a fallacy that has been increasingly exposed as various studies have documented the high correlation between neglect and serious abuse or death of children) and thus it was believed that little could be done to significantly impact the lives of these children, or kept open for exceptionally long periods of time in the hope of gradually achieving significant change in chronic neglect situations. EPP offers a different solution to both of these types of interpretation of neglect cases by offering the requirement of a permanent safe home within one year. The pessimist, who takes the position that there is little likelihood of change in longstanding neglect cases, may now be able to quickly provide a safe and enhanced environment in which these children are raised, while conceivably still maintaining ties with their natural parents. Conversely, the optimist, who takes the position that change may be possible in these cases, no longer needs to keep the parents' case open in a "limbo" position for years. There are now other viable solutions to early permanency for these children while not giving up hope that their natural parent(s) may someday be able to provide more for their children and thus valuing the importance of maintaining connecting ties with these parents.

It is consistent with the identified national and state priority that in most situations adoption should be pursued for children who cannot safely return to their parents. **This year's EPP statistics support that children in Colorado are being adopted at a higher rate than in previous years.** Particularly significant is that adoption is reported this year to be the leading legal plan of choice in kinship placements. This is a shift from previous years in which we have found that other legal plans, such as permanent custody, were the first choice for relatives. Although it is not possible to identify all the exact causes for this change from previous years in which permanent custody was more frequently the legal permanent plan of choice than adoption among kinship providers, it is thought that this trend has been influenced by the extensive education campaign that has been waged in Colorado to encourage people to choose to adopt the children in their permanent care rather than to choose another legal option.

In many situations, the choice to adopt results in adoption subsidies being available to relatives, thus increasing the level of financial support that children in kinship placements are able to receive. A key criticism of kinship care policy in the United States over the past decade has been that as increasingly large numbers of children are raised by relatives, most frequently grandparents, the overall standard of living for the relative caretakers and the children has fallen, often below the poverty line. Thus, it has been observed that we have created a "two-tiered" system in which children in need of out-of-

home care are raised because children in formal foster care typically receive a considerably higher level of support than children in kinship care.

There continues to be a need to review the program to identify areas that need to be addressed for continued improvement.

### *Challenges*

- Perhaps the greatest challenge to the continued success of EPP in Colorado will be sustaining the ability to provide the services necessary to a significantly increasing number of children and families for whom the EPP time frames apply. While this represents the “good news” that EPP is more integrated into our State than ever before, this news comes at a time when the large increase in numbers reported by both county departments of human/social services and local judicial districts presents a special challenge in an economy that is demanding cutbacks rather than expansions in child welfare services.
- A serious challenge is the pressure that EPP court hearing time frames place on caseworkers and all others in the assessment and treatment community to conduct adequate and responsible assessment in order for the Treatment Plan to target the most appropriate services. In a legal environment that begs for services to be more accurately targeted and obtained for clients than ever before due to our shortened time frames, there is the least time in which to conduct comprehensive and meaningful assessment. Meaningful assessment requires the potential for some positive relationship to develop between assessors and clients. It is a challenge for courts and departments of human/social services to hold hearings and produce Treatment Plans quickly enough to meet EPP time frames while allowing as much time as possible for adequate assessment to lay a sound foundation for the Treatment Plan. The Colorado Assessment Continuum’s required procedures for Safety, Risk and Needs Assessment constitute the core of that assessment. How to better assure that both of these objectives are achieved is an area for more exploration during the next year by the Department of Human Services and the Judicial Branch through engaging local courts and departments of human/social services in discussion. For example, should there be minimum as well as maximum time frames in which county departments of human/social services are to complete treatment plans for the court?
- That almost 50 percent of our EPP cases involve substance abuse signals the need for continued emphasis on finding and utilizing treatment strategies with these cases that maximize the speed with which recovery may occur within the context of relapse as a typical part of treatment for substance abusing parents. Thus the likelihood of these parents being fully ready to safely parent independently within one year is often not realistic. In situations in which it would not be safe for parents to take care of their children in independent living arrangements, more emphasis needs to be placed on strategies such as Whole Family Placement/Shared Family Care that allows for the possibility of parents living together with their children in treatment settings and/or in trained mentor host homes in order to either prevent placement of the children into foster care or to enhance the possibility of the children being reunified with their parent(s) within

one year in a setting that both preserves the parent-child bond and protects the safety of children.

- Many of the EPP cases involve **parents who have moderate to severe substance abuse problems**. Given the nature of their addictions, allowing only three months following the disposition hearing to have a permanency hearing, and then requiring children to be in a permanent home within one year, may not be giving parents enough time to work on their problems. Blind adherence to the law is not always desirable. Courts, caseworkers, and attorneys could place such emphasis on simply meeting the time frames, that the requirement that the best interests of the children be served could be compromised when making permanency decisions. It was noted during the videoconference with participants who work with EPP regularly that “A Study of Expedited Permanency Planning in Colorado” conducted by Susan Klein-Rothschild, M.S.W. and Cathryn Potter, Ph.D., dated December 18, 2000, pointed to a higher likelihood that children would achieve a permanent home within one year if parental substance abuse was a factor. Although not the focus of that study, it is believed that many of these children found their permanent home through kinship care.

It is believed that some of the children who are not in their permanent homes within one year of removal, but achieve permanency within a few months later, are from families where gains in substance abuse treatment may be significant. In these cases an additional brief period of time is needed for sufficient recovery before the child can be safely and permanently returned to the parent's care. It was observed that in one part of the state with limited residential and hospitalization facilities for inpatient treatment that parents were being released prematurely, thereby jeopardizing the gains made during treatment. This complicates and can lengthen the recovery process and weaken the possibility of timely and safe reunification.

- An additional impetus for supporting new family-oriented solutions is that there was a significant decrease this year in the percentage of EPP cases in which reunification with parents was the permanent plan. This outcome dropped from a reported 43 percent in SFY 01 to 36 percent in SFY 02. This means that **almost two-thirds of children in EPP cases are going to other permanent homes than the ones from which they were removed**. While this is the best plan in many cases, it is concerning that this low number of children being able to be safely returned to their parents within one year also reflects a shortage of sufficiently intense and creative treatment solutions in Colorado that are capable of making a meaningful positive impact on these parents in less than one year. EPP findings show that the children of substance abusing parents reach permanency within one year at a higher rate than some other types of cases. It is believed that this is because it is recognized early in these cases that these parents are unlikely to be ready to independently safely parent their children within one year. Thus, arrangements begin to be made very early in the case, typically with relatives, for someone other than the respondent parent(s) to be declared the permanent custodian by the one year mark in the case.

- The increase in the number of children in need of adoption offers a challenge. With expedited time frames, parents' rights are being terminated more rapidly. This increases the number of adopted children and also results in adoption subsidies being provided earlier in the life of the child. The increasing number of adoption subsidies beginning earlier and likely remaining in place until the child reaches majority impacts the available funds through county departments' Block Grants. The EPP funding has been primarily targeted toward the front loaded services with minimal if any increases in the availability of resources to adoption caseworkers. The result is a small pool of adoption caseworkers left to serve an ever-increasing number of adoptive children. Fortunately, this is somewhat tempered by the use of concurrent planning as many of the children are already residing with potential adoptive families when a decision is made to terminate parental rights.

It was further noted that with concurrent case planning, a relationship is often developed between the parent and potential adoptive parents resulting in openness in adoption when reunification does not occur. Counties report that **adoption workers are in need of training on how to work with their families around openness in adoption** when in Colorado this is supported only by case law and not by Colorado statute. **It was also recommended that legislation be initiated to allow for open adoption in Colorado.**

- It is presumed in the EPP statute that any **transfer in proceedings**, without good cause shown, that results in a delay in the judicial proceedings is detrimental to the child's best interests. However, it appears that some localities continue to request changes in venue for EPP cases if a parent relocates to a different jurisdiction. Although this may be appropriate in exceptional circumstances, there is a need for continuing training of localities around the statutory requirements related to change in venue. The transfer is likely to impact not only the court proceedings but likely interrupt the services being provided in the originating locality. CDHS sponsored statewide training for relevant Human Services and Court personnel in September and October 2002 about the statutory and regulatory requirements for conducting Change of Venue. It is hoped that this will have a positive impact on all the parties sharing a constructive and common understanding of Change of Venue, particularly in EPP cases.
- **Many counties and courts are now attempting to apply the EPP philosophy and timelines for children of all ages.** This is a positive outcome for all children. However, when coupled with reduced levels of funding in accordance with the five-year funding plan, the specialized teams that were developed by some large county departments in the earlier years of EPP are being transformed into teams, which serve children of all ages. It is possible that this may result in the dilution of some of the specialized services developed to meet the permanency needs of the younger population.
- We must continue to explore the reasons why "permanent" placements disrupt. The 10 percent disruption figure reported this year is double the 5 percent figure reported last year.



## *Benefits*

- Only seventeen percent of young children in Colorado are not in their permanent home within one year of removal from their original homes. **Thus, almost 83 percent of young children going into out-of-home care will have the opportunity to bond with a primary adult with whom they can count on a permanent relationship.**
- **The sense of urgency for timely permanency creates a need for frequent collaboration among the professionals** involved in serving the families. Caseworkers, therapists, and attorneys can no longer work in isolation of each other and it is becoming commonplace for frequent communication and coordination of efforts, services and decision-making to occur.
- There is a pronounced **appreciation for the negative impact that is created by the anxiety suffered by parents and children through uncertainty about a permanent plan.** This has resulted in more people "thinking out of the box." Examples of this are trying to apply the time frames to older children, developing ways to speed up services, court hearings, and case decisions, even if by a day or a week. There is a heightened sense that every effort must be made to respond to the child's urgent need for permanency. It is also recognized that this sense of urgency must be balanced by an equal value on thorough assessment and case planning being the foundation for these serious case decisions.
- The shift to a system with **front loaded services** represents a significant change in Child Welfare practice from the early 1990s. Keeping parents involved and making relevant services immediately available and accessible are keys to children being able to reunify successfully with their parents within the mandated timelines.
- The **early development of a concurrent plan** to achieve permanency through means other than reunification results in children residing with potentially permanent caregivers prior to a year from removal. In some instances, these placements occur immediately or within days and weeks of removal.
- A key to this **legislation's success is its flexibility** that allows the courts to make findings that a delay in permanent placement is in the best interests of the child due to clear and convincing evidence that reasonable efforts were made to find an appropriate home and no such home is available or that the child's mental and/or physical needs and conditions deem it improbable that the child would have a successful placement.
- **Many families feel they have their own advocate** because of the strong relationship developed with the caseworker when there is a separate caseworker for the parents and for the child. The support and advocacy provided by the caseworker is more readily available when another team member is addressing the needs of the child. In these challenging economic times, the use of two caseworkers on an EPP case may be increasingly difficult to maintain in counties that have used this approach.

Prior to EPP, permanency planning took place in an environment characterized by

sequential planning. Extended periods of time were dedicated to reunification efforts and only after these efforts failed were other forms of permanency considered. During these lengthy periods of time, children often experienced the negative impacts of multiple placements and separation and losses. This would often result in an impaired capacity to develop trusting relationships/attachments with the caregivers, increased incidences of children with developmental delays and emotional and behavioral disturbances. By contrast, most of the EPP children today are leaving foster care and entering permanent placements more quickly. They experience fewer placements and anecdotally there are reports that they are leaving the system with decreased severity of emotional and behavioral disturbances as a result of being less harmed by their out-of-home experiences.

**Colorado’s Expedited Permanency Planning statute and the federal Adoption and Safe Families Act’s time frames have had a positive impact on the lives of the children and families served.** No longer do cases languish for three or four years waiting for decisions to be made regarding the child’s future. Cases are handled quickly, due to the importance of providing a sense of security and stability to a child’s life. As mentioned earlier in this report, the expedited timelines are being informally adopted for children of all ages. Colorado children continue to benefit from the foresight of the General Assembly in enacting HB-94-1178. The legislation posed challenges to courts and county departments to be more responsive to the needs of children. The courts, county staff, attorneys, treatment providers and especially the families themselves have met the challenge to improve the outcomes for children in the Expedited Permanency Planning Program.

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