Reflective Decision-Making and Foster Care Placements

Jesse Russell and Alicia Summers
National Council of Juvenile and Family Court Judges, Reno, Nevada
Juvenile dependency courts have a crucial role in overseeing the foster care system. Dependency court cases require a series of complex judicial decisions, and juvenile dependency judges must make decisions each day with limited information and in a relatively short time—a context inclined to allow implicit bias to influence decision-making. Within this context, two court interventions were implemented by the National Council of Juvenile and Family Court Judges: a training on implicit and institutional bias that included a focus on reflection and deliberation in decision-making and a judicial “benchcard” for use during preliminary protective hearings. Using randomized control trial and quasi-experimental designs, this study finds that the training intervention was associated with more parent placements and fewer stranger foster care placements. However, this change appeared to diminish over time when it was not coupled with use of the benchcard. The training and benchcard together were associated with a greater change in placement outcomes, and this effect did not appear to diminish over time.

Keywords: juvenile dependency court, judges, judicial benchcard, reflective decision-making, foster care

Jesse Russell and Alicia Summers, National Council of Juvenile and Family Court Judges, Reno, Nevada.

Correspondence concerning this article should be addressed to Jesse Russell, National Council on Crime and Delinquency, 426 S Yellowstone Dr, Madison, WI 53719. E-mail: jrussell@ncjfcj.org

This article may not exactly replicate the final version published in the APA journal. It is not the copy of record.

© 2013 American Psychological Association
DOI: 10.1037/a0031582
In 2009, more than 3 million referrals for alleged maltreatment, involving approximately 6 million children, were reported to child protection agencies in the United States. More than 2 million families are investigated for child abuse and neglect each year, and nearly 600,000 children are removed from their homes each year (with some children removed more than once) (U.S. Department of Health & Human Services, 2011). Every year in the United States, about 702,000 children are confirmed unduplicated victims of child maltreatment (U.S. Department of Health & Human Services, 2011). Over the past decade, there have consistently been more than 500,000 children in foster care in the United States at any given time (Child Welfare Information Gateway, 2012). Only recently has the number of children in foster care dropped—to 408,425 at the end of the 2010 federal fiscal year, with 48% of these children living in nonrelative foster care homes (U.S. Department of Health & Human Services, 2011).

The explanation for the decline in foster care roles may relate to the federal legislation, in particular the Adoption and Safe Families Act (ASFA; P.L. 105–89, 1997) and Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110–351). The ASFA mandated timelines for the courts and provided financial incentive for states to reduce the number of children in care and the time children spend in care. The number of children entering care, the number of children in care, and the lengths of stay in care have all decreased in recent years (U.S. Department of Health & Human Services, 2011).

Despite statutory efforts to decrease time in care, the length of time these children can expect to remain in out of home care varies widely. On one end of the range, some children remain in care for less than a month (five percent of those removed from their homes). On the other end, many children spend more than five years in care (11% of those removed from their homes). This wide range persists even though the great majority (80%) of children are placed in foster care for the same reason: an allegation of neglect (U.S. Department of Health & Human Services, 2011). Though children are often removed from their homes for this same reason, their experiences vary considerably.

Recent research has highlighted a number of troubling issues facing children and young adults who have spent time in foster care. These include a greater incidence of drug and alcohol use (Thompson & Auslander, 2007); higher levels of unemployment (Macomber et al., 2008); increased likelihood of homelessness (Yen, Hammond, & Kushel, 2009; Zlotnick, 2009); higher incidences of teen pregnancy (Dworsky & DeCoursey, 2009); worse educational outcomes (Trout, Hagaman, Casey, Reid, & Epstein, 2008); and more experiences with depression (Blome, Shields, & Verdeiek, 2009).

Further studies have documented the experiences of foster care alumni later in their lives. These studies have found that youth who spend time in foster care are significantly more likely to commit crimes later in life, drop out of school, receive welfare benefits, have substance abuse problems, and experience homelessness than children who were not placed in foster care (Clausen, Landsverk, Ganger, Chadwick, & Litrownik, 1998; Courtney, Dworsky, Lee, & Raap, 2010; Courtney, Piliavin, Grogan-Kaylor, & Nesmith, 2001; Pecora et al., 2010; Vinnerljung et al., 2006). In addition, nearly 20% of young prison inmates and 28% of people who are homeless had spent some time in foster care as youth (Burt et al., 1999).

Note that much of the difficulties these youth and young adults face are in major part attributable to the trauma and deprivation they experienced as infants or children—and not their experience in foster care, per se (Samuels, 2011). In the fact, research findings on the actual effects of foster care
have been mixed. Some research has found that youth who reunified with their families experienced poorer outcomes, such as more behavior problems, substance abuse, and decreased educational attainment compared to youth who did not reunify (Taussig, Clyman, & Landsverk, 2001). On the other hand, research has also demonstrated that foster care itself can have negative effects on some children. The evidence suggests that children on the margin of placement—when stakeholders disagree as to whether a child should be placed in foster care—tend to have better outcomes when they remain at home (Doyle, 2007). The children who were placed in foster care had higher rates of teen pregnancy and juvenile delinquency and lower rates of employment than those who remained in the home. This research concludes that although abusive and neglectful family environments are undoubtedly harmful to children, removing children from home and subjecting them to multiple placements can be traumatic as well (Lawrence, Carlson, & Egeland, 2006; Rubin, Alessandrini, Feudtner, Localio, & Hadley, 2004).

**JUVENILE DEPENDENCY DECISION-MAKING**

Juvenile dependency court cases require a series of complex judicial decisions. Juvenile dependency cases come in to the courts when child protection workers believe that abuse or neglect has occurred and that the oversight of the court is a necessary intervention. Judicial officers make decisions regarding the placement of a child (e.g., return home, place with relatives or stranger foster care), the service plan for the family, and parenting time (visitation). As the case progresses, judicial officers must also decide whether parents have made sufficient progress in resolving the issues that brought the child before the court so that the child can be returned home. The cases can be lengthy, with the median time of just over one year and nearly a third of cases taking two years or more to resolve (Child Welfare Information Gateway, 2012).

**DECISION-MAKING PROCESSES**

Although extant research on judicial decision-making in juvenile dependency cases is limited, research on decision-making processes yields relevant insight. Social psychologists describe two modes of processing information to form attitudes or to make decisions (Evans, 2008). The first requires reflection, deliberation, and sufficient time for thorough consideration (Fazio, 1990). The second decision-making process is described as “implicit.” Implicit bias influences decisions that are more spontaneous, and decision-makers have less awareness about what is affecting the decision or thought process. The consistently referenced definition of implicit bias comes from Greenwald and Banaji (1995): “introspectively unidentified (or inaccurately identified) traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects” (p. 8). Implicit attitudes or actions may even be incongruent with expressed attitudes and beliefs, making them difficult to control because the decision-maker is not aware that they exist. When judges, like all decision-makers, are pressed for time or have limited information on which to base their decisions, implicit bias is more likely to play a role (Rachlinski, Johnson, Wistrich, & Guthrie, 2009).

There are many complexities to the circumstances that bring families in to the child welfare system and multiple responses available to judges and child welfare professionals. Although implicit bias might account for some differences across groups, there are other factors to consider. For example, some populations have greater needs for services (Drake & Jonson-Reid,
or live in communities that lack sufficient supports (Roberts, 2007; Wulczyn, 2011). Structural factors also may affect decisions, particularly regarding out of home placement. In particular, in most states, certain federal funding streams may only be accessed when children are placed outside of their homes while their parents try to resolve the issues that brought them to the attention of the child welfare agency (National Council of Juvenile & Family Court Judges, 2011).

Much of the research on implicit bias in decision-making has focused on disparities among racial and ethnic groups (see Ards, Myers, Malkis, Sugrue, & Zhou, 2003; Barth, 2011; Denby, Curtis, & Alford, 1998; Fluke, Yuan, Hederson, & Curtis, 2003; Gryzlak, Wells, & Johnson, 2005; Harris & Court, 2003). However, disparities can follow other traits, including weight, education, age, political ideology, sexual orientation, and religion, among others (Greenwald & Krieger, 2006). Whatever factors a juvenile dependency case may bring to court, it is the responsibility of the judge and the court system to manage this bias-rich social situation (Kang, 2009).

**JUVENILE DEPENDENCY HEARINGS**

In juvenile dependency cases, the first decision-making point for judges typically comes at the preliminary protective hearing, which usually occurs a few days before or immediately after a child's removal from the home. At this hearing, the child welfare agency seeks to establish probable cause supporting the removal of the child(ren); the court decides whether reasonable efforts were made to prevent the placement and whether the child can safely return home pending an adjudicatory hearing on the petition. At the adjudicatory hearings, the court determines whether a child has been maltreated or whether another legal basis exists for the state to intervene to protect the child (Goldman, Salus, Wolcott, & Kennedy, 2003). Adjudicatory hearings are often held in conjunction with dispositional hearings. Dispositional hearings determine whether placement of the child in out of home care is necessary and what services the children and family will need to reduce the risk of maltreatment and to address the effects of maltreatment (Goldman, Salus, Wolcott, & Kennedy, 2003).

Practice recommendations suggest that judicial officers should spend an hour on preliminary protective hearings in juvenile dependency cases and half an hour on adjudication hearings (National Council of Juvenile & Family Court Judges, 1995). However, limited resources and strained dockets often reduce this time by half or more. This limited time often requires decision-makers to make quick decisions, which are more likely to reflect implicit bias (Payne, 2006). Petitions to remove children from their families must be heard by a judicial officer in relatively short timeframes based on state statutes. In many states, the investigating child welfare worker and prosecuting agency have only 24 judicial hours to prepare a case history and petition for the court. Bargh (1994) found that any skill (such as decision-making) requires less conscious attention each time it is performed. Having limited or ambiguous information can also activate implicit biases and responses (Baron, Albright, & Malloy, 1995). Juvenile dependency judges can hear hundreds of dependency cases each year. In King County, Washington, for example, 2.3 full-time equivalent judicial officers hear more than a thousand preliminary protective hearings in juvenile dependency cases each year (Washington Administrative Offices of the Courts, 2010).
REFLECTIVE DECISION-MAKING

In this context, as in many others, it can be difficult to reduce the effects of implicit bias on decision-making. However, research has found that awareness of implicit bias and active attention can help to ameliorate its effect on decision-making (Blair, 2002; Carpenter, 2008; Stewart & Payne, 2008). Tools that reinforce reflective decision-making can help judges and other decision-makers navigate this situation by slowing down the process and allowing for detailed information to be brought forth and fully discussed (Banaji, Bazerman, & Chugh, 2003; Marsh, 2009; Rachlinski, Johnson, Wistrich, & Guthrie, 2009).

Becoming aware of biases through topic-specific training is one way that implicit bias can be mitigated (Banaji, Bazerman, & Chugh, 2003; Bassili, & Brown, 2000). Instituting a process of self-reflection is another strategy to mitigate potential bias. Taken together, these strategies can have an effect on judicial decision-making. Paternoster and Pogarsky (2009) argue that thoughtfully reflective decision-making leads to better outcomes in that the outcomes are more closely related with explicit attitudes. Thoughtfully reflective decision-making can be understood as a process to collect information relevant to a decision-making problem, to think deliberately and carefully about possible solutions, then to examine other alternative solutions, and finally to reflect upon both the process and the outcome in terms of what went right and what went wrong (Paternoster & Pogarsky, 2009). By requiring decision-makers to step outside of themselves to reflect on and learn from a decision, thoughtfully reflective decision-making can help overcome some of the potential for implicit bias to affect decision-making.

OVERVIEW OF STUDY

The Courts Catalyzing Change (CCC) National Agenda for Reducing Racial Disproportionality and Disparities in the Dependency Court System, supported by Casey Family Programs and the Office of Juvenile Justice and Delinquency Prevention, was created and launched through the National Council of Juvenile and Family Court Judges (NCJFCJ) Model Courts project. The goal of the agenda is to reduce the disproportionate representation and disparate treatment of ethnic minorities involved in the child abuse and neglect court system, ultimately improving outcomes for all children in care. The NCJFCJ designed court interventions as part of this initiative. This study compares out of home stranger foster care placements with children returning or remaining with a parent or placed with a relative (this includes relative or kinship foster care placement). The study also compares placement with a parent (either charged or non-charged parent) with any other potential placement option. For the sake of brevity, the remainder of this paper will use the terms “placed in foster care” and “placed with parent.”

Within this initiative, two court interventions were implemented by NCJFCJ for this study: a training on implicit and institutional bias that included a focus on reflection and deliberation in decision-making, and a judicial “benchcard” for use during preliminary protective court hearings. A benchcard is a practical tool to guide hearing practice. Benchcards provide ready reference to relevant laws and accepted practices to ensure the judge is conducting a thorough hearing, providing effective due process, providing opportunities for engagement of parties in the hearing, and issuing and enforcing appropriate and comprehensive court orders. The benchcard and the training were developed by a broad-based Call to Action Workgroup, brought together by the NCJFCJ, and vetted by Courts Catalyzing Change Steering Committee and Permanency Planning
for Children Advisory Committee (National Council of Juvenile and Family Court Judges, 2010). Building on Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases (NCJFCJ, 1995), the benchcard reflects aspirational best practices for the preliminary protective court hearing. All participants received the implicit bias and institutional racism training intervention. Half of the participants were then additionally randomly assigned to use the benchcard intervention.

Four hypotheses are proposed:

1. **Hypothesis 1**: The benchcard intervention will result in a greater proportion of children being placed with a parent or relative and a smaller proportion of children being placed in foster care at the preliminary protective hearing.

2. **Hypothesis 2**: The benchcard intervention will result in a greater proportion of children being placed with a parent or relative and a smaller proportion of children being placed in foster care at the adjudication hearing.

3. **Hypothesis 3**: The training-only intervention will have a similar but lesser effect on the proportion of children placed with a parent or relative and on the proportion of children placed in foster care at the preliminary protective hearing compared with the benchcard intervention.

4. **Hypothesis 4**: The training-only intervention will have a similar but lesser effect on the proportion of children placed with a parent or relative and on the proportion of children placed in foster care at the adjudication hearing compared to the benchcard intervention.

**METHOD**

**Design**

The design of the study included elements from both a quasi-experimental and an experimental design. The quasi-experimental design consisted of a pre/post test comparing the decisions of benchcard users before and after implementing the benchcard. In the experimental design, judges from each site were randomly assigned to implement the benchcard or not. The experimental and quasi-experimental design of the study, with groups and interventions, is presented in Table 1. The three study sites that were selected for this study were Los Angeles, California; Portland, Oregon; and Omaha, Nebraska. These sites were selected based on information regarding their current levels of disproportionality, willingness to participate in an experimental study, and number of judicial officers devoted to dependency cases.
Table 1

<table>
<thead>
<tr>
<th>Allocation Method</th>
<th>Time 1 pre-test</th>
<th>Intervention one</th>
<th>Intervention two</th>
<th>Time 2 post-test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Random Assignment Group</td>
<td>Foster care</td>
<td>Implicit bias training</td>
<td>Benchcard tool</td>
<td>Foster care</td>
</tr>
<tr>
<td>One</td>
<td>placement rates</td>
<td></td>
<td></td>
<td>placement rates</td>
</tr>
<tr>
<td>Random Assignment Group</td>
<td>Implicit bias training</td>
<td>No intervention</td>
<td></td>
<td>Foster care</td>
</tr>
<tr>
<td>Two</td>
<td></td>
<td></td>
<td></td>
<td>placement rates</td>
</tr>
</tbody>
</table>

Interventions

The interventions included a training on implicit bias and institutional racism and a judicial benchcard meant to be used as a tool for decision-making. All participants received the implicit bias and institutional racism training intervention. Half of the participants were then additionally assigned randomly to receive the benchcard intervention.

The training was designed to provide an education experience to judicial officers regarding their capacity to understand and discuss how implicit bias can affect policies, practices, and services that might contribute to the disproportionate representation and disparate treatment of children and families of color in child welfare. Participants viewed a documentary movie, Race: The Power of an Illusion: The House We Live In (California Newsreel, 2003), and participated in a variety of activities, such as “listening pairs” (dyads where one individual shares thoughts and experiences in response to specific questions while the other individual listens without comment or interruption) and small and large discussion groups (“courageous conversations”) where individuals contribute observations, perspectives and experiences in response to specific questions (K. Waheed, personal communication, September 9, 2011).

The preliminary protective hearing benchcard is a six-page set of laminated cards to be used during preliminary protective hearings in juvenile dependency cases. The cards include instructions for judges around “Key Inquiries, Analyses and Decisions the Court Should Make at the Preliminary Protective Hearing.” For each topic area, the benchcard includes questions designed to engage parents, determine whether efforts were made to prevent placement, and determine whether ongoing placement is necessary, among others. Many of the questions on the CCC Benchcard are meant to encourage active evaluation of the need for out of home placement of the child and the availability of relative placements. An underlying message was that courts should make efforts to keep the child with a parent or place the child with an available relative if that could be done safely, rather than place the child in stranger foster care. This placement preference is not only outlined in federal legislation such as ASFA, but is also supported by empirical evidence as leading to better well-being outcomes for children (e.g., Vanschoonlandt, Vanderfaeillie, Van Holen, De Maeyer, & Andries, 2012). The benchcard also included “Reflections on the Decision-Making Process that Protect against Institutional Bias” (the entire CCC Benchcard is available online at http://www.ncjfcj.org/sites/default/files/CCC%20Bench%20Card%20Insertsfinal.pdf). In child abuse and neglect cases, especially at the first hearing, time is often limited and judges must make complex decisions under high cognitive load, enhancing the probability of heuristic or quick
decisions. This section instructed judges to ask themselves a series of reflective decision-making questions. The reflective decision-making questions encouraged judges to question their own assumptions, engage in more in-depth decision-making, and consider each case individually.

Judges and NCJFCJ staff trained judicial officers in the benchcard group at each of the three study sites. Judicial officers were provided a draft technical assistance bulletin that outlined the CCC initiative and provided a detailed explanation of each of the benchcard items. After judicial officers in the benchcard group were trained on its use, they began implementing the benchcard for their preliminary protective hearings. Each judicial officer in the benchcard group heard 10 preliminary protective hearings using the benchcard, while the control group of judicial officers in each of the sites heard 10 preliminary protective hearings without the benchcard. All the judges kept these cases, continuing as the judge for the adjudication hearing and all subsequent hearings on the case until case closure. The benchcard was not shared with any stakeholders (such as attorneys, guardians ad litem, CASAs, or child welfare agency workers) during the research project to isolate the judicial intervention.

Case File Review

Data were gathered from case file information (both court and child welfare agency files) and from courtroom observation. A longitudinal study was designed to follow these cases throughout the course of their involvement in the juvenile dependency system. Researchers completed the bulk of data entry in March 2010.

Sample

This study relied on a review of 555 cases across three study sites. Of the 555 cases, 233 were from Los Angeles, 150 were from Omaha, and 172 were from Portland. Los Angeles was purposefully oversampled to capture adequate data on African American, Hispanic, and Caucasian cases. Of the full sample, 336 were from the pretest, and 219 were from the posttest. Of the 219 posttest cases, 119 were benchcard users and 100 were in the training-only group. See Table 2 for a description of the sample groups. Thirty-one judges participated in the study (20 from Los Angeles, 5 from Omaha, and 6 from Portland).¹

¹ The study used random assignment of judges to either the training only condition or the training and tool condition. Not every judge heard the exact same number of cases between the pre and post periods, but differences were mostly minor (for example, one judge heard 8 cases in the pre and 12 in the post). Because the study used random sample selection, the whole sample of 555 cases did include some judges in the pre that did not appear in the post (and vice versa). We conducted the analysis with the whole sample, and as a check ran the analysis with only the judges who appeared in both the pre and the post samples. The results of both analyses were substantively the same.
Table 2

Sample Group Sizes

<table>
<thead>
<tr>
<th>Phase</th>
<th>Group One</th>
<th>Group Two</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-test</td>
<td>336</td>
<td>336</td>
<td></td>
</tr>
<tr>
<td>Post-test</td>
<td>119</td>
<td>100</td>
<td>219</td>
</tr>
<tr>
<td>Total</td>
<td>555</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Because of the complex nature of child abuse and neglect hearings, differences in practice, policy, and statutes occur across jurisdictions. Although they are similar in many regards, there were some notable differences among the three jurisdictions. In Omaha, all new cases come to a prehearing conference. The focus is on alternative dispute resolution, during which all parties (except the judge) meet and discuss issues that are pertinent to the preliminary protective hearing. After this prehearing conference, the judge holds a preliminary protective hearing. Further, in Omaha, the permanency planning hearings often occur in conjunction with review hearings. In Los Angeles, judges routinely have higher caseloads than judges do in the other two sites. California also routinely appoints counsel for all parties at the first hearing and has an expedited review process for special cases (e.g., children under the age of 3 years). In Portland, a preliminary protective hearing is held immediately after the petition filing, and a second expanded preliminary hearing is held within 30 days. Also in Portland, counsel is appointed to parents at the first hearing if they are present in court.

Despite these differences, these sites are similar in the way that they handle child abuse and neglect cases. The sites not only follow the federal mandates for child abuse and neglect case processing (Adoption and Safe Families Act), but they also are all Victims Act Model Court sites, dedicated to systems change and implementation of best or promising practices (see http://www.ncjfcj.org/content/view/81/145/).

Materials

Dependent variables. There were two variables of direct interest: placement decisions (as reflected in judicial orders) made at the preliminary protective hearing and placement decisions made at the adjudication hearing. There are a number of different placement options commonly available (foster care, relative placements, with a parent, in congregate care, among others). The analysis in this study focused on two: decision to place the child or youth in foster care or to place the child with a parent. Both variables were assessed at the preliminary protective hearing and again at the adjudication hearing.

Independent variables. The primary independent variable for this analysis was the experimental group. The three groups (the preintervention group, the training only group, and the training and tool group) were coded as dummy variables. In the statistical analyses, the preintervention group acts as the comparison group for both intervention groups.

Control variables. To account for any differences directly attributable to the study sites (Los Angeles, Omaha, and Portland), dummy variables were created for each site. Because study site is a categorical variable, one site must act as the comparison group for the other two in the
statistical analysis; in this case, Omaha. In addition, a dummy variable whether the child in the case was black/African American and a dummy variable for whether the child was female were included.

RESULTS

For the cases in the sample, allegations of physical abuse against the mother (14%) or the father (10%) occurred relatively infrequently. Allegations of sexual abuse against the mother (3%) or the father (5%) were even less frequent. The great majority of cases were brought to court with primary allegations of neglect or a threat of harm to the child with identified presenting problems, the most common of which was substance abuse for the both the mother (44%) or father (21%). The average age of the child in the cases reviewed was 6.4 and the majority of children were female (57%). Children were primarily Caucasian (35%), African American (23%), or Hispanic (29%), with few Native American (1%) or Asian (2%) children. These descriptives are reported in Table 3. Preliminary analysis of the data showed no preexisting statistical difference between conditions regarding case types or child demographics. Frequencies of each placement type (parent, relative, or foster care) are presented in Table 4 for each condition (preintervention, training only, and training and tool).

The hypotheses were tested with a set of four binary logit models. For each model, a bootstrap technique was used to estimate standard errors to account for potentially correlated errors across observations. Model results are presented in Tables 5 through 8 with coefficients, standard errors, and calculated odds ratios.

The first model evaluated the likelihood of a foster care placement order at the end of the preliminary protective hearing. Dummy variables for the training only group and for the training and benchcard group were included as independent variables, with the preintervention group as the comparison. Examination of the coefficients and standard errors shows that both intervention groups (the training only group and the training and benchcard group) were negatively related to the likelihood of a foster care placement order at the end of the preliminary protective hearing at a statistically significant level. Odds ratios for the two groups were both calculated to be approximately 0.5, indicating that the likelihood of a foster care placement order at the end of the preliminary protective hearing was approximately half as much in the intervention groups as in the preintervention group.

A dummy variable indicating whether the child in the case was black/African American was not found to be related to foster care placement at the preliminary protective hearing at a statistically significant level. The odds ratio for this variable was approximately one, indicating that the odds of a foster care placement order at the end of the preliminary protective hearing were nearly equal whether or not the child was black/African American. Similarly, a dummy variable for gender was not found to be statistically significant. Dummy variables to assess fixed effects of the different study sites were also included, with Omaha as the comparison group. Both the Los Angeles variable and the Portland variable were found to be significantly and negatively related to the likelihood of a foster care placement order at the end of the preliminary protective hearing in comparison with Omaha. Los Angeles and Portland were each less likely than Omaha to place a child in foster care at the preliminary protective hearing.
Table 3

<table>
<thead>
<tr>
<th>Allegations</th>
<th>Baseline</th>
<th>Follow-up Benchcard</th>
<th>Follow-up Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical abuse</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mother</td>
<td>13%</td>
<td>18%</td>
<td>12%</td>
</tr>
<tr>
<td>Father</td>
<td>8%</td>
<td>14%</td>
<td>11%</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mother</td>
<td>4%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Father</td>
<td>6%</td>
<td>4%</td>
<td>3%</td>
</tr>
<tr>
<td>Substance abuse</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mother</td>
<td>47%</td>
<td>44%</td>
<td>36%</td>
</tr>
<tr>
<td>Father</td>
<td>19%</td>
<td>23%</td>
<td>24%</td>
</tr>
</tbody>
</table>

Child demographics

<table>
<thead>
<tr>
<th>Gender (% female)</th>
<th>Baseline</th>
<th>Follow-up Benchcard</th>
<th>Follow-up Control</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>57%</td>
<td>59%</td>
<td>58%</td>
</tr>
<tr>
<td>Age (median)</td>
<td>6.2</td>
<td>6.5</td>
<td>6.2</td>
</tr>
<tr>
<td>Caucasian</td>
<td>40%</td>
<td>32%</td>
<td>20%</td>
</tr>
<tr>
<td>African American</td>
<td>26%</td>
<td>18%</td>
<td>21%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>25%</td>
<td>36%</td>
<td>34%</td>
</tr>
<tr>
<td>Other/unable to determine</td>
<td>9%</td>
<td>14%</td>
<td>25%</td>
</tr>
</tbody>
</table>

The second model evaluated the likelihood of a parent placement order (either return to or remain with) at the end of the preliminary protective hearing. Dummy variables for the different groups were again included, with the preintervention group as the comparison. The coefficients and standard errors show that both intervention groups (the training only group and the training and tool group) were positively related to the likelihood of a parent placement order at the end of the preliminary protective hearing at a statistically significant level. In contrast to the first model, the odds ratios for the two intervention groups were notably different. The odds ratio for the training only group was approximately two, suggesting that the likelihood of a parent placement at the preliminary protective hearing was double in the training-only group compared with the preintervention group. The odds ratio for the training and tool group, in contrast, was approximately three and a quarter, indicating that the likelihood of a parent placement at the preliminary protective hearing was more than three times as high in the training and tool group compared with the preintervention group—substantially greater than the training only group.

As in the first model, dummy variables were included for the race and gender of the child. In contrast to the first model, the black/African American variable was found to be negatively and significantly related to the likelihood of a relative placement at the preliminary protective hearing. The odds ratio was calculated to be 0.444, indicating that the likelihood of a relative placement was less than half for black/African American children than for other children. In comparison with Omaha, both the Los Angeles and the Portland variables were found to be significantly and
positively related to the likelihood of a relative care placement order at the end of the preliminary protective hearing.

The third model evaluated the likelihood of a foster care placement order at the end of the adjudication hearing. This model finds that the training only intervention did not have a statistically significant relationship to foster care placements at the adjudication hearing. The training and benchcard intervention was found to have a negative relationship to the likelihood of a foster care placement order at the end of the adjudication hearing at a statistical significance level of 0.098. The odds ratio for this variable was calculated to be 0.558, representing about half the likelihood of a foster care placement as in the preintervention group.

In this model, the black/African American variable was not found to be statistically significant, but the gender variable was found to be statistically significant. Cases in which the child was female were more likely to result in a foster care placement at the end of the adjudication hearing. The Los Angeles and the Portland variables were found to be significantly and negatively related to the likelihood of a foster care placement order at the end of adjudication hearing when compared with Omaha.

The fourth model evaluated the likelihood of a parent placement order at the end of the adjudication hearing. The coefficients and standard errors show that the training only group was again not statistically significantly related to parent placements at adjudication hearings. The training and benchcard intervention, however, was found to be positively related to the likelihood of a parent placement order at the end of the adjudication hearing at a statistical significance level of 0.079. The odds ratio for the training and tool group was 1.870, suggesting that the likelihood of a parent placement for the training and tool group was nearly double than for the preintervention group.

As in the third model, the variable for black/African American was not statistically significant, but the variable for gender was. The likelihood of a parent placement at the adjudication hearing was significantly lower for cases in which the child was female. The variables for Los Angeles and Portland were again found to be significantly and positively related to the likelihood of a parent placement when compared to Omaha.

**DISCUSSION**

The empirical results show that both interventions are related to increases in parent placements and decreases in foster care placements at the initial hearing in juvenile dependency cases. The effect associated with the training only intervention on foster care placements at the preliminary protective hearing was similar to that of the training and benchcard intervention. However, the effect on parent placements, as seen in the odds ratios, was markedly higher for the training and benchcard intervention than for the training only intervention.

The same pattern can be seen for adjudication hearings. In fact, the differences between the two interventions were found to be statistically significant. However, the odds ratios for the training only intervention on foster care placements at the preliminary protective hearing and at the adjudication hearing were quite similar. At both the preliminary protective hearing and at the adjudication hearing, the odds ratio of a foster care placement was reduced by training (both with
and without the benchcard). The n value was higher for the adjudication hearing results in part because the error term was greater. This might suggest that while the average effect is quite similar for the two hearings, there is more variability in decision-making at the adjudication hearing.

Taken together, these results suggest that the reflective decision-making training helps achieve more parent placements and fewer foster care placements. However, the improvement appears to diminish over time when it is not coupled with the benchcard tool. The training and benchcard tool together are associated with a greater improvement in placement outcomes, and this effect does not appear to diminish in the same way as that of the training only intervention.

It might be suggested that an alternative explanation for these effects might be the influence of statutory frameworks (e.g., ASFA), which provide incentives to reduce the time children spend in foster care and encourages placement with parents or relatives. However, these statutory changes cannot adequately account for trends in foster care placements. The last decade (2000–2010) has shown that placement settings for children in foster care have not consistently decreased, and that time spent in foster care has actually increased over some time periods (Child Welfare Information Gateway, 2012). Of course, the statutory framework is complex, with some financial incentives structured in a way that might encourage out of home placements, such as federal funding streams that can only be accessed when children are placed outside of their homes while child welfare agencies work with parents to resolve the case.

The results also indicate that gender has some bearing on placement in juvenile dependency cases. Gender was not found to have an effect on the likelihood of a foster care placement or on a parent placement at the preliminary protective hearing. However, cases in which the child was female were associated with more foster care placements and fewer parent placements at the adjudicatory hearing, compared with cases in which the child was male. This finding may be attributable to differences in allegation types and in child age that sometimes correspond with gender. Future research could be expanded to examine the interaction of gender, age, and allegations on placement decisions, not only early on, but also across the life of the case.

The empirics indicate that cases in which the child was black/African American were associated with a higher likelihood of placement in foster care at neither the preliminary protective hearing nor the adjudication hearing. Differences in the likelihood of a parent placement were found at the preliminary protective hearing, but those differences disappeared by the time of the adjudication hearing. Overall, race did not appear to have any robust effect on judicial decision-making. As was noted above, all three study sites were Victims Act Model Courts. The lack of findings based on race may be attributable in part to the three study sites’ well-established commitment to judicial leadership and best practices.

As with all field intervention studies, this study does have some limitations. First, sample sizes are limited. Although more than 500 cases were examined for the study across the pre/post and across the intervention groups, more cases would have allowed for greater statistical power. The sample size limited the number of variables used in the prediction. For example, age, although of interest in the research, was not a part of the equation. Random assignment, however, should mitigate this issue. As one methodologist notes, “random assignment should automatically produce groups with comparable profiles on both known and unknown factors” (de Vaus, 2001, p. 45). Not including age in the equation does not represent an issue for the analysis, though it does preclude a particular examination of how age might interact with the intervention. Second, experimental
control over the interventions may have been compromised. Researchers attempted to limit intervention contagion in each of the three sites, but anecdotal feedback suggested that the benchcard tool intervention might have spilled over to the courtrooms of judges who only received the training intervention. Another limitation of the study was that researchers were unable to measure directly how the reflective decision-making tool affected judicial thought processes. Including a process measure, which might examine factors like implicit bias or cognitive processing, could potentially yield important findings. Future research should build upon the current work by exploring how measures of cognitive processing might relate to judicial decision making. In addition to a consideration of decision-making processes, future work might consider the extent to which the intervention effects varied by individual judge, rather than by case. An analysis of behavioral changes on an individual-level judge basis might help explain the causal mechanisms by which the interventions had their effects. Also, the experimental design did not include a nonintervention control group, limiting the ability to draw causal conclusions.

Generalizability of the findings may be hampered by the fact that all three study sites were participants in the NCJFCJ Model Court project. These courts have an established commitment to and structure for systems improvement. Implementation of best practices recommendations (like limiting judicial rotations off the juvenile bench) or problem-solving courts (like family drug courts) are often embraced by courts in the Model Court project. In non-Model Court sites that have less structure and commitment to systems improvement or have implemented fewer best practice recommendations, implementation of the CCC Benchcard might look very different, thus impacting the results of the intervention. Future work might consider specific best practice recommendations and how those practices relate to CCC Benchcard implementation.

**Conclusion**

This study highlights the potential for field interventions to influence practice in decision-making areas that are susceptible to implicit bias. A reflective decision-making training and tool were found to significantly alter decision-making at critical points in juvenile dependency cases. The findings support the idea that bias can be addressed and lessened through training and tools targeted at reflective decision-making. Past research has shown that awareness of implicit bias and proactive efforts can help to ameliorate bias in decision-making. The current study shows that training on these topics along with a reflection decision-making tool that reinforces it, can help judges and other decision-makers conduct thorough hearings with more detailed information and more thorough discussion of key topics. When judicial decision-makers were trained and given a tool to help them step outside of themselves to reflect on the potential for bias in their decisions, they placed children with their parents more often and in foster care less often.

The study also highlights the potential for the CCC training and benchcard tool to improve placement outcomes (less foster care, more relative care) in juvenile dependency cases broadly. With more than 400,000 children in foster care in the United States, the placement improvements associated with the CCC interventions are significantly promising. The CCC initiative, a judicially led, multidisciplinary collaborative, has the potential to affect the lives of thousands of children and families by returning children home and maintaining family connections.
REFERENCES


Received June 20, 2012
Revision received December 5, 2012
Accepted December 6, 2012