

Child Welfare Statutory Time Requirements Report

Fiscal Year 2021
(July 1, 2020-June 30, 2021)



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I. Annual Reporting Requirements

Pursuant to Utah Code Ann. § 62A-4a-207, the Child Welfare Legislative Oversight Panel is charged with receiving a report from the Judicial Branch prior to October 1 of each year. The report shall identify the cases not in compliance with the time limits established in Section 80-3-301(1), regarding shelter hearings, Section 80-3-401, regarding pretrial and adjudication hearings, Section 80-3-402(2), regarding dispositional hearings, Section 80-3-406(3)(c) regarding reunification services, and Section 80-3-409, regarding permanency hearings and petitions for termination, and the reasons for noncompliance.¹

II. Data

The data in this report consists of all new cases that entered the court system via a shelter hearing during FY 2021. (See Overview of Child Welfare Measures-July 1, 2020 to June 30, 2021 attached at page 10.) Included in this report are any cases that were previously active cases at some stage of the proceedings and had a subsequent hearing during FY 2021. Thus, the data represents a snapshot of all child welfare court proceedings during the one-year timeframe, rather than tracking each individual case from start to finish in a single report.

Shelter Hearings (§80-3-301(1))

(1) "A juvenile court shall hold a shelter hearing to determine the temporary custody of a child within 72 hours, excluding weekends and holidays, after any one or all of the following occur:

- (a) removal of the child from the child's home by the division;*
- (b) placement of the child in protective custody;*
- (c) emergency placement under Subsection 62A-4a-202.1(7);*
- (d) as an alternative to removal of the child, a parent enters a domestic violence shelter at the request of the division; or*
- (e) a motion for expedited placement in temporary custody is filed under Section 80-3-203."*

Of 1,084 shelter hearings, 1,061 shelter hearings or 98% occurred within the 72 hour requirement. Of the cases that were not compliant, the two most common reasons for the delay were stipulation of the parties and emergency related reasons directly linked to COVID-19.

¹ U.C.A. §62A-4a-207(4)(c).

Pretrial and Adjudication Hearings (§80-3-401)

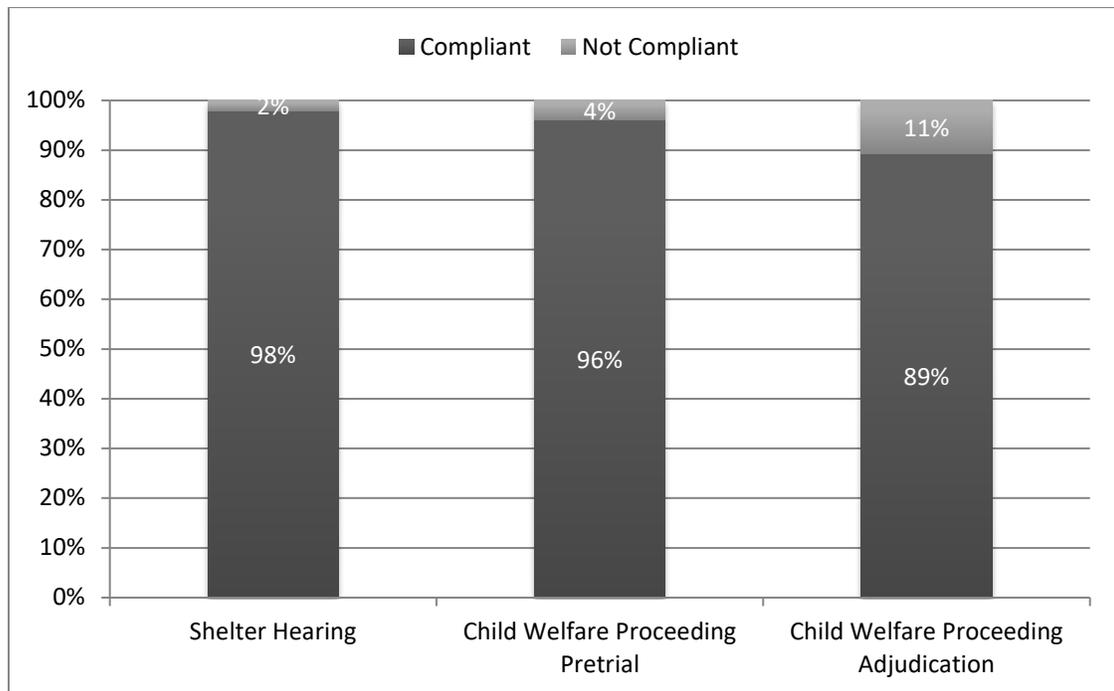
(1)(a) Upon the filing of an abuse, neglect, or dependency petition, the clerk of the juvenile court shall set the pretrial hearing on the petition within 15 calendar days after the later of: (i) the day on which the shelter hearing is held; or (ii) the day on which the abuse, neglect, or dependency petition is filed.

(b) The pretrial hearing may be continued upon motion of any party for good cause shown as described in Utah Rules of Juvenile Procedure, Rule 54.

(2) The final adjudication hearing shall be held no later than 60 calendar days after the later of: (a) the day on which the shelter hearing is held; or (b) the day on which the abuse, neglect, or dependency petition is filed.

Of 1,176 pretrial hearings, 96% occurred within the 15-day requirement. Of the cases that were not compliant, the most common reason for delay was stipulation of the parties. Adjudication of the petition must take place within 60 days of the shelter hearing. Of 1,060 adjudication hearings, 89% were held within the required time frame. The primary contributing factor to noncompliant cases in this category was stipulation of the parties.

Figure 1. Shelter Hearings, Child Welfare Proceedings Pretrial & Adjudication



Dispositional Hearings (§80-3-402(2))

Pursuant to §80-3-402(2) a dispositional hearing “shall be held no later than 30 calendar days after the day on which the adjudication hearing is held.”

In many cases, dispositional orders are entered at the adjudication hearing. Of 1,088 dispositional hearings, 93% occurred within the 30-day requirement. Most of the remaining cases were impacted by a stipulation of the parties and emergency related reasons directly linked to COVID-19.

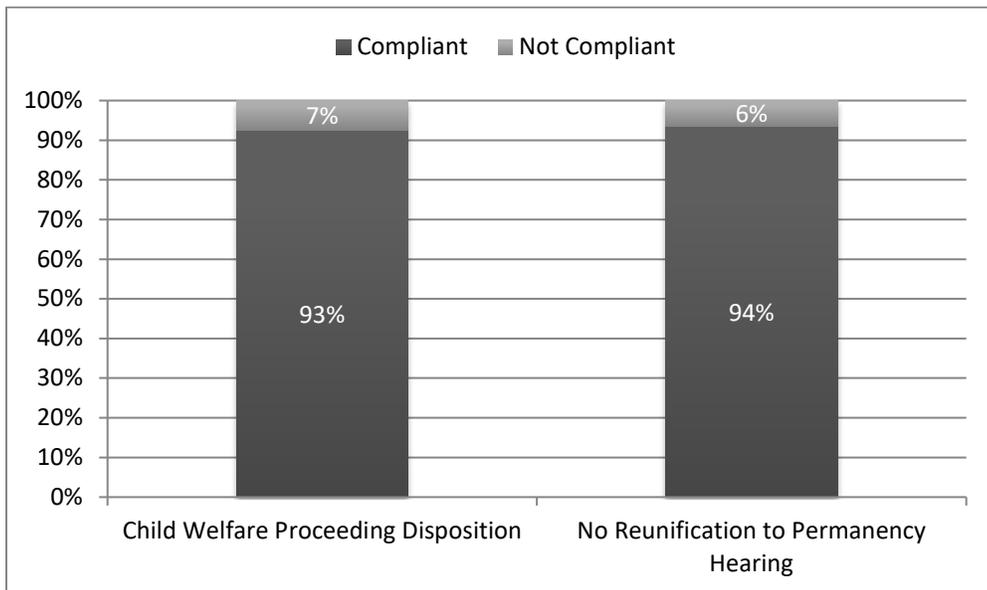
Reunification Services (§80-3-406(3)(c))

Pursuant to §80-3-406(3)(c): If, at any time, the juvenile court determines that reunification is no longer a minor's primary permanency plan, the juvenile court shall conduct a permanency hearing in accordance with Section 80-3-409 on or before the earlier of:

- (i) 30 days after the day on which the juvenile court makes the determination described in this Subsection (3)(c); or*
- (ii) the day on which the provision of reunification services, described in Section 80-3-409, ends.*

Of the 298 cases in which the court terminated reunification services, permanency proceedings were conducted within 30 days of the no reunification decision in 94% of the cases. The most frequent reason cited for delay was stipulation of the parties and emergency related reasons directly linked to COVID-19.

Figure 2. Child Welfare Disposition & No Reunification



Permanency Hearings (§80-3-409)

(1) (a) If reunification services are ordered under Section 80-3-406, with regard to a minor who is in the custody of the division, the juvenile court shall hold a permanency hearing no later than 12 months after the day on which the minor is initially removed from the minor's home.

Of the 1,085 cases, 88% had a permanency hearing within 12 months of removal. The most frequently cited reasons for delay were stipulation of the parties and emergency related reasons. 53% of noncompliant cases were delayed due to stipulation of the parties, while 39% of them were delayed due to emergency related reasons directly linked to COVID-19.

Petitions for Termination (§80-3-409)

(9)(a) If the final plan for the minor is to proceed toward termination of parental rights, the petition for termination of parental rights shall be filed, and a pretrial held, within 45 calendar days after the day on which the permanency hearing is held.

In the 473 cases in which the final plan was to proceed toward termination of parental rights, 64% of those petitions were filed and a pre-trial scheduled within 45 calendar days. The court sets a termination of parental rights pretrial hearing if the child's permanency goal is changed to adoption, but must rely on counsel for the timely filing of petitions for termination.

While there are multiple reasons for delay at this stage of the proceeding, the most common reason was due to emergency related reasons directly linked to COVID-19, which accounted for 39% of cases outside of standard. In addition, 29% of the delays were due to stipulation of parties. Delay can be due, in part, to a general reluctance to petition for termination of parental rights unless a child is already placed in a home likely to result in adoption. Delay may also result from the state's inability to locate one or both of the parents for service of the petition, or when paternity questions are unresolved.

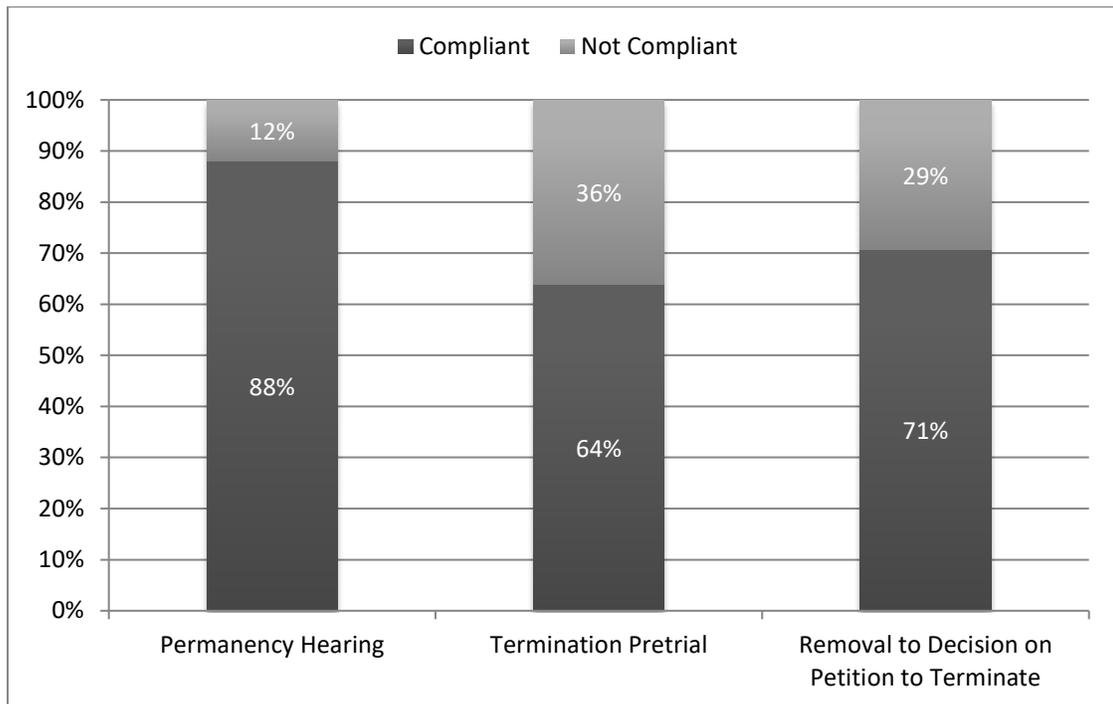
Decisions on Petitions to Terminate Parental Rights (§80-3-409(12)(c))

(12)(c) The juvenile court shall make a decision on a petition for termination of parental rights within 18 months after the day on which the minor is initially removed from the minor's home.

When measuring the timeliness of decisions on termination petitions, 71% of the 126 cases in this category met the statutory requirement. Almost half of the noncompliant cases were attributed to a stipulation of the parties. Timeliness in this area is also reliant on both the court and counsel. After the court renders a decision, the court requires the prevailing party to submit a proposed order to the court for signature.

In addition, the statute allows the court to enter up to two 90-day continuances of reunification services following the 12-month permanency hearing. Continuances are granted in specific circumstances in which the parent has complied with the child and family plan and reunification is likely within the 90 day period. Decisions to grant extensions must be balanced against the child's need for permanency. In cases in which a second 90-day extension is granted, timelines will frequently be pushed beyond the 18-month time limit set forth in 80-3-409(12)(c).

Figure 3. Permanency & Termination Measures



Protective Services Supervision Petitions (§80-3-401)

(1)(a) Upon the filing of an abuse, neglect, or dependency petition, the clerk of the juvenile court shall set the pretrial hearing on the petition within 15 calendar days after the later of: (i) the day on which the shelter hearing is held; or (ii) the day on which the abuse, neglect, or dependency petition is filed.

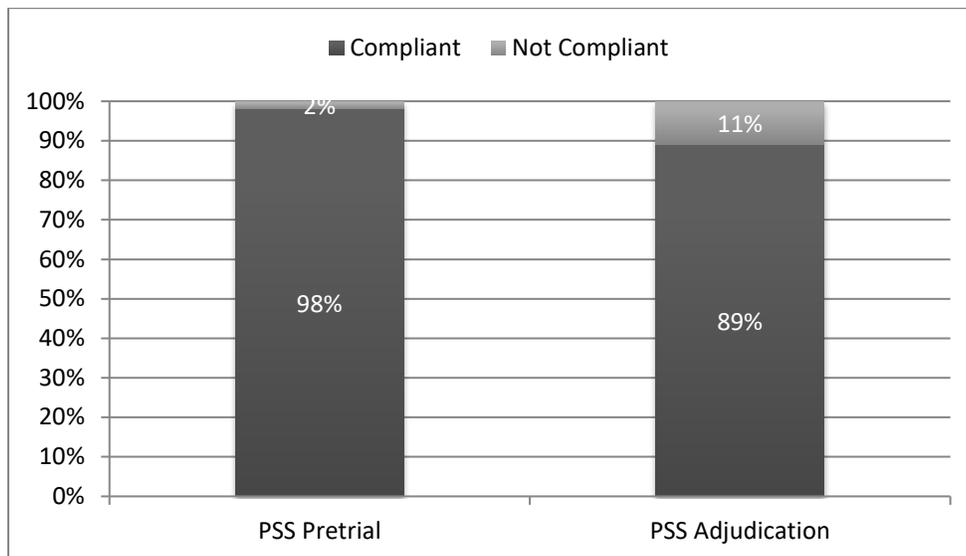
(b) The pretrial hearing may be continued upon motion of any party for good cause shown as described in Utah Rules of Juvenile Procedure, Rule 54.

(2) The final adjudication hearing shall be held no later than 60 calendar days after the later of: (a) the day on which the shelter hearing is held; or (b) the day on which the abuse, neglect, or dependency petition is filed.

In Protective Services Supervision (“PSS”) cases, families receive court-ordered services from the Division of Child and Family Services while the children remain in their homes or the home of a relative. PSS cases must be set for pretrial in 15 days and for an adjudication trial in 60 days. Although the statutory guidelines do not require the judiciary to report information regarding the timeliness of PSS cases, this information has been reported since 2004 because it represents a significant volume of petitions filed.

During FY 2021, 1,482 PSS petitions were filed. Pre-trial hearings were held within 15 days of filing in 98% of the cases. During the same period, 1,196 PSS cases were tracked from filing to adjudication and 89% received the required adjudication hearing within 60 days.

Figure 4. Protective Supervision Services Measures



III. Reasons for Delay and Delay Reduction Strategies

The CARE child welfare time line reporting system allows clerks to document the reasons for non-compliant cases in which a hearing is not timely held. The most frequently cited reasons for delay in FY2021 involved stipulated agreements of the parties and other-emergency. The “Other-Emergency” reason for non-compliance was created March 24, 2020 to adequately capture court delays due to the COVID-19 pandemic.

On March 13, 2020, the Utah Supreme Court and Judicial Council issued an Administrative Order with the purpose of bringing uniformity to the operation of the Utah courts during the COVID-19 pandemic. In this order, the courts identified mission-critical functions of the judiciary at each court level. Juvenile court judges were directed to continue all hearings until after June 1, 2020, with the exception of shelter hearings, child welfare adjudication and disposition hearings, and any other hearings involving a child being at imminent risk of abuse, neglect, or dependency.

The March 13, 2020 Administrative Order required, absent exigent circumstances, all hearings to be conducted on the papers or by remote transmission, and provided that any child welfare timeline may be extended by the court. The March 13, 2020 Administrative Order has since been replaced by updated administrative orders and the current Administrative Order regarding the COVID-19 pandemic, issued on September 17, 2021, maintains the same language regarding extending child welfare timelines.

The Juvenile Court also continues to manage the need to grant appropriate continuances against compliance with statutory timeframes. This involves a delicate balance between applying time standards and the overarching need to provide for the safety, well-being and permanency of court involved children.

The Juvenile Court engages in a process of continuous quality improvement in measuring and reporting compliance data. To improve performance, the Board of Juvenile Court Judges, Trial Court Executives, and Clerks of Court generally review child welfare time line data biannually and monitor progress with statutory compliance. The Juvenile Court has fully implemented electronic filing of court documents pursuant to Rule 4-901 of the Code of Judicial Administration. The availability of electronic case records improves accuracy of record keeping and data quality. The Court continues to work to improve data entry, data quality, and reporting to more effectively identify, track, and address cases not in compliance with statutory time lines.

IV. Conclusions

The judiciary thanks the Panel for this opportunity to report and share information on the efforts of Utah's Juvenile Court to ensure timely permanency for children. As always, legislative representatives are welcome to observe child protection proceedings to gain a better understanding of the child welfare process. The Juvenile Court encourages all legislators to take advantage of this opportunity to observe juvenile court practice first hand. Please contact Neira Siaperas, Juvenile Court Administrator, or Daniel A. Meza Rincón, Assistant Juvenile Court Administrator to facilitate court observation or supply any additional information that the Panel may require.

	Statutory Deadline	Incident Count	Compliant	Not Compliant	Percent Compliant	Percent Compliant within 15 Days after Benchmark	Percent Compliant within 30 Days after Benchmark
Shelter	3 days	1,084	1,061	23	98%	100%	100%
Child Welfare Proceeding Pretrial	15 days	1,176	1,129	47	96%	100%	100%
Child Welfare Proceedings Adjudication	60 days	1,060	946	114	89%	94%	96%
Child Welfare Proceeding Disposition	30 days	1,088	1,007	81	93%	99%	100%
No Reunification to Permanency Hearing	30 days	298	279	19	94%	97%	97%
Permanency Hearing	12 months	1,085	955	130	88%	92%	93%
Termination Pretrial	45 days	473	302	171	64%	75%	83%
Removal to Decision on Petition to Terminate	18 months	126	89	37	71%	71%	75%
PSS Pretrial	15 days	1,482	1,453	29	98%	100%	100%
PSS Adjudication	60 days	1,196	1,064	132	89%	95%	96%

Overview of Child Welfare Measures—July 1, 2020 to June 30, 2021

[Last run date: September 28, 2021]