

**Child Welfare and the Courts:  
An Exploratory Study of the Relationship  
Between Two Complex Systems**

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## **EXECUTIVE SUMMARY**

### **Introduction**

The study explored the relationships between professionals working in the juvenile dependency system, including judicial officers, attorneys, social workers and Court Appointed Special Advocates. The investigation involved several data collection strategies and sources of data, including the following:

- Interviews and focus groups with professionals engaged in the juvenile dependency system
- Focus groups with clients involved in the juvenile dependency system
- Review of administrative data contained in agency case records

The study examined the quality of professional relationships and factors contributing to tensions. To a lesser extent, the consequences of difficult relationships were explored. We paid particular attention to identifying strategies for improving relationships as we spoke with study participants, and these findings have been incorporated into our recommendations. Two papers have been developed, the first reporting on the focus group and interview findings, and the second outlining findings from the administrative data analysis. An integrated summary of findings from the two papers is presented here.

### **Major Findings**

#### **Quality of Professional Relationships**

Participants described both positive and negative relationships with other professionals. Similarly, clients reported observing both respect and conflict among judges, social workers, and attorneys.

- Social workers reported experiencing difficult relationships much more frequently when compared to judges, attorneys and CASA volunteers.
- Social workers view themselves as located at the bottom of the hierarchy.
- Social workers are uniquely responsible for interacting with multiple individuals in a family as well as multiple other professionals.
- Low status and high responsibility lead to stress and dissatisfaction.
- Social workers received the most criticism from other professionals.
- However, respectful comments were common, and empathetic comments were most frequently directed at social workers.

#### **Factors Contributing to Tension**

The issues identified by participants as generating tension or frustration fell into two categories, structural factors and operational factors. Structural factors included: 1) culture and norms; 2) power and status; 3) collaboration and adversarial process; 4) communication; 5) role

confusion; and 6) different views of role. Operational factors included: 1) resources; 2) competence; 3) interpersonal relations; 4) human resources; and 5) training.

### Structural Factors

#### *Culture and Norms:*

- Subjects described differences between the legal and social work cultures, and cited these as contributing to strained relations.
- The role of the judge in fostering a collaborative or respectful norm was highlighted by some.

#### *Power and Status:*

- The low status of dependency work for all groups within their professions was mentioned frequently.
- Low status was seen a reason for inadequate resources and lower competence of professionals in the system.
- Social workers hold the lowest professional status in the juvenile dependency system.

#### *Collaboration and Adversarial Process:*

- The need for collaboration was a universal theme.
- Problems created by an adversarial approach included lack of communication and inability to address client needs in the most appropriate manner.
- However, some stressed the value of an adversarial system, to protect individual rights and provide a check on the government or the agency.

#### *Communication:*

- Communication was viewed as critical to understanding and cooperation
- Frequent breakdowns in communication were reported however.
- Inadequate time, suspicion, and attitudes toward cooperation were described as barriers to communication.

#### *Role Confusion:*

- Ambiguity or tensions are inherent in the roles of many professional groups.
- For example, social worker has a dual responsibility to court and family;
- Minors' attorneys tend to argue for what they think best and voice the client's opinion or position.

#### *Different Views of Role:*

- The importance of understanding each other's roles and perspectives was a common theme.
- Social workers in particular sought greater attention to role boundaries.

## Operational Factors

### *Resources:*

- Inadequate resources are a factor contributing to tensions in professional relationships.
- Low pay, unmanageable caseloads, and insufficient tools are frequent complaints.

### *Competence:*

- There was common acknowledgment that inadequate resources present a barrier to competent performance.
- However, criticism of other professionals was frequent and focused primarily on competence issues.

### *Interpersonal relations:*

- Individual personalities can create friction.

### *Human Resources:*

- Turnover of agency and court personnel results in inexperienced professionals and disruption of professional relationships.
- However, turnover can also remove difficult personalities.

### *Training:*

- Importance of training was emphasized by all professional groups.
- Cross-training in other disciplines is important to role understanding.
- Collaborative trainings would facilitate communication.
- Trainings help the ability of lawyers and social workers to communicate in the same language.

## **Client Perceptions of Professional Relationships**

Clients reported observing both cooperative and adversarial relationships among professionals. Themes identified in the client focus group data related to systems issues, professional issues, and impacts on clients.

### Systems Issues

- The court process is not perceived as a forum for client participation in decision-making.
- Further professional training is needed, especially in the area of children's mental health.
- High turnover among professionals is problematic.

### Professional Issues

- Attorneys are unavailable or uncommunicative.
- Social workers submit inaccurate court reports.

### Impacts on Clients

- Court process seen as having a negative impact on children.
- Some birth parents report positive impacts.

## **Consequences of Difficult Relationships**

The study focused on identifying causes and solutions relating to difficult professional relationships. However, several issues relating to consequences were identified and should be highlighted.

- Analysis of administrative data indicated an association between difficult professional relationships and higher turnover of professionals involved in case.
- Social workers report that difficult professional relationships are a factor causing them to leave child welfare work.
- Clients report being negatively affected by turnover of juvenile dependency professionals providing them services.

## **Recommendations for Improving Professional Relationships**

The recommendations outlined below originated in participants' responses, and have been developed and refined in consultation with the child welfare directors in the study counties. They are organized into seven categories: 1) training; 2) communication and meetings; 3) staffing issues; 4) scheduling; 5) resources; 6) public education; 7) culture of respect.

### Training

- Address specific, job-related knowledge or competencies, including changes in the law and clinical training.
- Providing training relating to differences in professional culture.
- Offer cross training in the other disciplines.
- Develop collaborative training initiatives bringing together social work and legal professionals.

### Communication and Meetings

- Increase communication through multiple strategies.
  - Structured systems meetings.
  - Informational meetings.
  - Informal and social gatherings.
- Judges should play a key role in promoting communication and developing structures where it can take place.

### Staffing Issues

- Increase continuity through longer tenure in positions.
  - Establish guidelines providing for longer assignments for judges and attorneys.
  - Improve retention of social workers.
- Recruit committed professionals in juvenile dependency.
- Enhance role clarification and address issues related to respect for professional boundaries.

### Scheduling

- Address scheduling problems.
  - Reduce delays waiting for hearings.
  - Increase equity for social workers in regard to the granting of continuances.

### Resources

- Increase the level of resources for the juvenile dependency system.
  - Provide additional legal and social work personnel
  - Hire administrative and support staff
  - Reduce high caseloads.
  - Increase compensation, particularly for private attorneys.

### Public Education

- Educate the public regarding the value of juvenile dependency work, in order to gain public support for increased funding.

### Culture of Respect

- It is essential to develop an increased level of respect among professionals in the system.
- Judges should play a central role in setting guidelines for professional interaction, and modeling respectful behavior.

### Conclusion

The implementation of the recommendations will require the development of an action plan by a leadership group comprised of judges, county social service directors, county child welfare directors, attorneys, and volunteers. Together they will need to prioritize the recommendations as they apply to the unique aspects of their counties, identify objectives and target dates for implementation, identify the lead persons to facilitate the implementation process, and monitor the progress and outcomes achieved on a regular basis (annually or semi-annually). See discussion grid on the next page for the development of an Action Plan

Leadership on the part of judges, agency directors and the directors of legal organizations serving children and families involved in the juvenile dependency system is critical to the success of initiatives to improve professional relationships. Leaders must foster a culture of respect, promote forums for communication, and develop joint advocacy strategies to increase public support and resources for the juvenile dependency system.

## Action Planning for Recommendations from CW/Courts Study

Recommendations	Priority 3= High 2= Med 1= Low	Target date for implementation	Names of Co-facilitators	Specific objectives	Monitoring group
<b>Training</b> *Job-related competencies *Professional cultures *Cross-training for other disciplines *Collaborative interdisciplinary practice					
<b>Scheduling</b> *Reduce hearing delays *Increased consideration of others in granting continuance					
<b>Communications &amp; Meetings</b> *Structured system of meetings *Informational meetings *Informal social gatherings *Judge's role in promoting communications					

<p><b>Staffing Issues</b>          *New guidelines for judge and lawyer tenure          *Child welfare staff retention strategies          *Staff recruitment          *Role and boundary clarification</p>					
<p><b>Resources</b>          *Increase legal and social work personnel          *Increase administrative &amp; support staff          *Reduce caseload size          *Increase compensation, especially private attorneys</p>					
<p><b>Public Education</b>          *Educate public re: juvenile dependency and need for increased funding</p>					
<p><b>Culture of Respect</b>          *Develop new strategies to build culture of respect          *Judges need to play a key role setting/enforcing guidelines for professional relations</p>					

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## Introduction

The professional relationships among social workers, lawyers and judicial officers in the juvenile dependency system are an issue of persistent concern for child welfare agencies and the courts. Evidence of difficult relationships among social work and legal professionals in the dependency system can be found in studies conducted over 30 years ago (Sloane, 1967; Fogelson, 1970). A 1994 practice guide for child welfare workers, which attempts to address the anxiety and discomfort many social workers experience in the courtroom, attests to continuing difficulties (Katz, Spoonmoore et al., 1994).

In 2001, the directors of 10 Bay Area county social service agencies decided to sponsor an exploratory study of these professional relationships in an effort to find ways to promote greater collaboration between legal and social work professionals. By looking at the experiences of professionals in multiple jurisdictions, the study sought to identify factors that affect professional relationships. The study used focus groups and interviews with judicial officers, attorneys, social workers, Court Appointed Special Advocates and clients of the juvenile dependency system to gain their perspective on these relationships.

## **Literature Review**

Despite the prominence and persistence of tensions between child welfare practitioners and court-related personnel, there has been little empirical study of professional relationships in the juvenile dependency system. Schwartz, Weiner and Enoch (1999) noted that “academic, practitioner, and policy debates have mainly focused on the

relationship between juvenile delinquency and the juvenile court rather than the relationship between child welfare and the juvenile court” (p. 10). The following review of the literature frames the major issues for the study: 1) organizational culture, 2) professional status, 3) resource availability, 4) role definition, and 5) job stress.

Differences in Organizational Culture: Legal and child welfare professionals belong to distinct organizational cultures. The social service culture stresses a biopsychosocial perspective in which the individual is seen in his or her developmental, social, political, and cultural context. Legal culture, on the other hand, tends to emphasize the individual’s rights; his or her acts may be seen as discrete and unrelated to the environment or relationships (Weinstein, 1997; Bailie, 1998; Galowitz, 1999; Hutchison and Charlesworth, 2000; Forgey, Moynihan et al., 2001). For example, the NASW Standards for Social Work Practice in Child Protection require that social workers frame their interventions from a systems perspective, while the ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases stress protecting the individual’s rights (NASW, 1981; ABA, 1996).

Some have argued that social work stresses acceptance of ambiguity and allows for professional discretion, while law stresses conformity to more concrete rules (Gaskins, 1981; Weinstein, 1997). Kearney and Taylor-Sellers (1997) state that the court system has a “masculine organizational culture”, while Freedberg (1993) argues that social service organizations reflect a “feminine ethic of care”. Finally, the social work profession values collaboration in problem solving, while the legal profession emphasizes

the adversarial process as a means of protecting individual rights. The NASW Standards for Social Work Practice in Child Protection require that social workers be knowledgeable about the legal profession and collaborate with other professionals, however, the ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases do not emphasize work with other professionals (NASW, 1981; ABA, 1996). Social workers are usually not trained in the adversarial process, and may not be comfortable with it (Weil, 1982; Herring, 1993). Similarly, lawyers may be unaccustomed to sharing responsibilities and information as is common in social work (Galowitz, 1999; Forgey, Moynihan et al., 2001).

Studies conducted in the 1960's found that social workers perceive lawyers to be overly analytical, inflexible, and uncaring (Sloane, 1967; Fogelson, 1970), while lawyers perceive social workers to be too emotional and unprofessional (Sloane, 1967). In contrast, Smith (1970) found that lawyers and social workers held fewer negative attitudes about each other, but discovered that their perceptions were grounded in stereotypes. Social workers were described as having more concern for others, while lawyers were described as more assertive.

Professional Status: Lawyers and judicial officers who work with child dependency cases are frequently paid less and have lower professional status than those who work with adults (Edwards, 1992; Hardin, 1996; Weinstein, 1997; Bailie, 1998; Ross, 1998; Katner, 2000). Juvenile courts often employ magistrates or commissioners rather than judges, which further emphasizes the lower status of juvenile courts in comparison with

adult courts (Edwards, 1992; Edwards, 1994). The lower status accorded to both social work and legal professionals in the juvenile dependency system, combined with the difficulty of the work itself, can undermine their ability to work effectively together (Weinstein, 1997). Moreover, as the social work profession has historically been linked to serving people from disadvantaged backgrounds (Ehrenreich, 1985), social workers are frequently not viewed as professionals, particularly by lawyers (Sloane, 1967; Smith, 1970).

Resource Availability: The child welfare system is overburdened, under-funded, and overwhelmed by rising caseloads. Chief Justice Ronald M. George (2001) notes that “juvenile and family courts often are considered of lower status than other court assignments. Calendars in those courts frequently are overcrowded and emotionally taxing, and the use of novice judges combined with the rapid turnover of those who do serve in those assignments often creates problems of lack of expertise and continuity” (p. 3). Similarly, for child welfare agencies, “primary prevention and placement prevention services remain inadequately funded, and the general child welfare caseloads remain inordinately high” (Pecora, 2000) p. 34).

Increasing caseloads, resulting in heavy court calendars, provides a significant challenge for juvenile courts to provide effective oversight of child welfare cases and requires that cases are moved through quickly (Boyer, 1995; Weinstein, 1997). However, agencies may not complete work with a family in a timely manner due to agency inefficiency or service shortages (Hardin, 1996). Courts may also respond to inadequate resources by

engaging in what Neubauer (1996) terms “assembly-line justice”. These factors may increase tensions between social workers and the courts. Rubin (1996) states that social workers complain about long waits for scheduled court hearings, lack of prompt calendaring of hearings, and judicial interference with case plans, while judges complain about poorly prepared testimony and inadequate reports.

Due, in part, to low professional status and pay, many child welfare professionals, judicial officers, and lawyers are inexperienced and not adequately trained for collaborative work in the child welfare court system (Edwards, 1992; Herring, 1993; Weinstein, 1997). This is compounded by short tenure for judges and attorneys, who are quickly rotated into higher status assignments, resulting in a loss of experienced court personnel (Weinstein, 1997).

Definition of Roles: The boundaries of responsibilities between juvenile courts and child welfare agencies can be unclear, even though statutes may designate functions as either judicial or administrative (Boyer, 1995). Sources of confusion may include inadequate regulatory guidelines and the pressures associated with responding to ongoing legislative reform (Weinstein, 1997; Schwartz, Weiner et al., 1999). Increased role conflict becomes more likely when responsibilities and areas of expertise overlap among professionals working in an interdisciplinary environment (Davidson, 1999). The court’s expanded monitoring role may create tension with child welfare agencies, particularly as the courts adjust to an increased workload and agencies attempt to meet mandates with insufficient resources (Boyer, 1995; Schene, 1998). Professional roles may be inherently

ambiguous as well, with juvenile judges addressing social problems, and attorneys for agencies and clients balancing multiple interests (Herring, 1993; Lynch and Brawley, 1994). Several studies have found that role clarification and cross training could reduce overall conflict and improve the working relationships between legal and child welfare professionals (Smith, 1970; Weil, 1982; Russell, 1988; Herring, 1993; Johnson and Cahn, 1995).

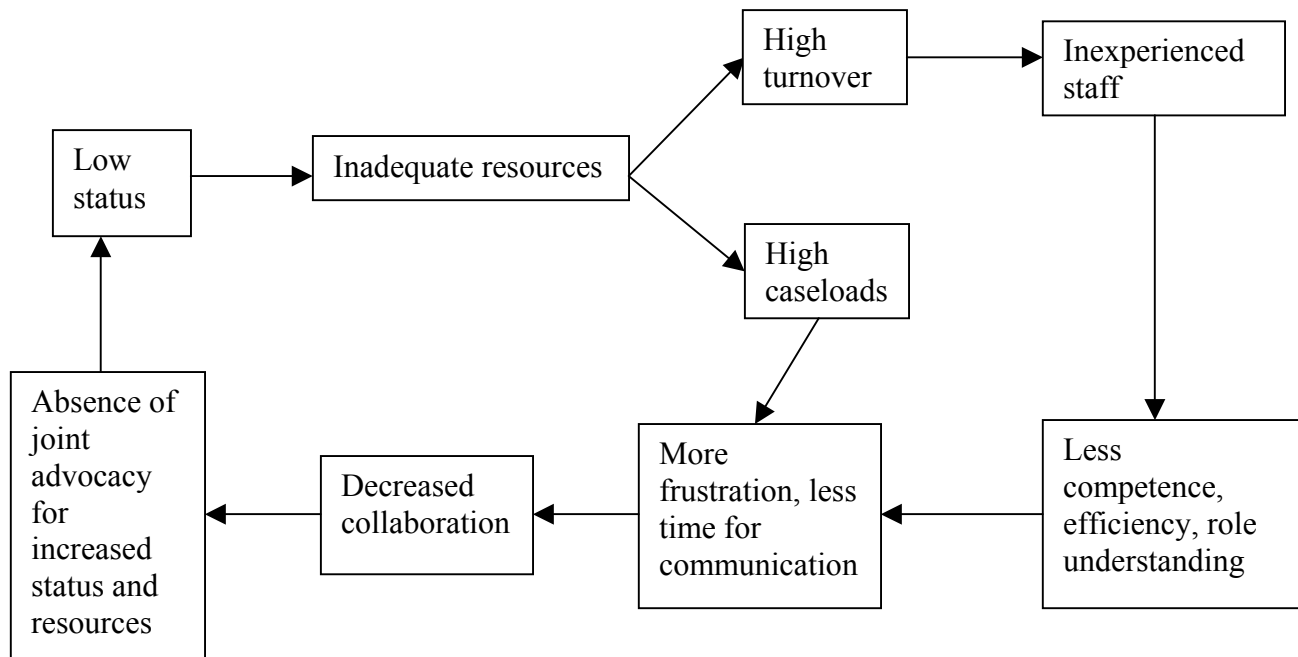
Job Stressors: Finally, the emotionally challenging nature of juvenile dependency work may strain professional relationships. Edwards (1992) and Ross (1998) observe that professionals who work with child dependency cases may be at risk of burnout.

Empirical research has examined factors contributing to job satisfaction and job burnout among child welfare workers (Horejsi, 1994; Vinokur-Kaplan, 1994; Landsman, 2001).

Landsman (2001) concludes that there is a need for further research to examine job stressors among child welfare professionals; this should include the consequences of job stressors for the relationship between child welfare and legal professionals.

Based on the literature review, Figure 1 highlights a number of the key factors contributing to strained professional relationships and maps out relationships between these factors. The juvenile dependency system is a low status system in our society, unable to garner public support for adequate resources. As a result, agencies and courts are unable to hire sufficient personnel, causing caseloads to rise and working conditions to deteriorate. Staff turnover increases as lawyers and social workers seek less stressful

**Figure 1: Interrelationship of Factors Affecting Professional Relationship**



employment. With the constant influx of new personnel to replace those who have burned out, agencies, legal organizations, and courts are staffed by inexperienced individuals. New staff members struggle to develop competence, efficiency, and understanding of the juvenile dependency system, including the roles of the various players. However, professionals interacting with newcomers are likely to experience frustration, and less likely to seek opportunities for collaboration. In the absence of collaboration, initiatives to educate the public and advocate for increased resources are unlikely to arise.

## **Research Methods**

The factors identified in the literature on the relationship among legal and social work professionals provided the foundation for questions posed in the interviews and focus groups with professionals. The following major questions guided the interviews and focus groups, along with multiple probes:

1. How would you define your own professional goals and values, and those of the other professionals engaged in juvenile dependency work?
2. How would you define your role and the roles of the other professionals engaged in juvenile dependency work?
3. How would you describe the character of your relationships with other professionals?

4. Are there features of the juvenile dependency system or court process or characteristics of clients that affect professional relationships?

The first question was aimed at exploring the professional cultures of the participants. The next question examined the issues of role definition and role confusion within and across groups. The third question sought to explore the quality of relationships, and the final question addressed structural or other system issues that might affect the quality of relationships. These questions sought to identify potential job stressors, as well as resource and status problems that might contribute to tension or conflict. The questions developed for the client groups focused on their observations of professional interactions and experiences in the courtroom.

The research subjects were recruited from seven groups: 1) judges or commissioners, 2) social workers, 3) county counsel, 4) minor's attorneys, 5) parent's attorneys, 6) volunteers (Court Appointed Special Advocates or CASA's), and 7) clients (foster youth, foster parents, and birth parents or guardians who had been involved in juvenile dependency proceedings). The following sections describe the sampling, data collection, and data analysis methods that were employed for each group.

### Sampling and Recruitment

*Legal Professionals and CASA Volunteers:* In-depth interviews were conducted with a judge or commissioner, county counsel, minor's attorney, parent's attorney, and CASA

volunteer in each of the ten study counties, with several exceptions. In one county although the judicial officer did not explicitly refuse to participate, we were unable to schedule an interview, and interpreted this as a refusal. In a second county, two judicial officers were interviewed to capture current and historical experiences. In a third county, there was no CASA program, and so no CASA interview was conducted. A total of 49 legal professionals and volunteers participated in the study.

As this was an exploratory study, we did not seek to sample representatively; instead, we used a strategic method to identify informed respondents. We started by contacting the dependency court clerk, and asked them to identify judicial officers and attorneys with substantial experience in juvenile dependency work. These were followed by phone conversations with these individuals to confirm the recommendations of the court clerk. Following these conversations, we then selected the individual who appeared to have the most experience. For the CASA interviews, we contacted the directors of the CASA program in participating counties, and asked them to recommend a volunteer with substantial experience in the court and where possible, who had worked with more than one child.

The interviews were conducted in person, typically in the respondent's office or in a local café, and lasted approximately one hour. Phone interviews were conducted with a few subjects in order to accommodate their schedules. Comprehensive notes were taken during the interview; these were typed by clerical staff, and reviewed for accuracy by the interviewers.

*Social Workers:* As with the interviews of legal professionals, we employed a strategic sampling method in recruiting social workers for the study. We requested that our liaison in each county recruit individuals with a broad range of experiences in the courts to participate in the groups. Focus groups were conducted with 4-15 social workers (total N = 98) at the child welfare office in each county, and lasted approximately an hour and a half. For each focus group, one researcher served as facilitator while the second took comprehensive notes. As with the interviews, field notes were typed by clerical staff and reviewed for accuracy by the researchers.

*Client Focus Groups:* For the client focus groups, we worked with consumer organizations to recruit participants who had participated in court proceedings, and had directly observed interactions between legal and social work professionals. To comply with human subjects requirements, we did not have contact with these subjects prior to the focus group, and so were not able to screen whether they met these criteria. Consequently, some subjects did not have the experience we sought.

We conducted one group with foster youth, one with parents, and two with foster parents. The focus groups lasted approximately one and a half hours, and the size ranged from 5 to 12 participants (total N = 31). For each focus group, one researcher served as facilitator while the second took comprehensive notes. Field notes were typed by clerical staff and reviewed for accuracy by the researchers.

## Data Analysis

In analyzing the data, the research team worked together on a content analysis strategy. The analysis of the data collected from professionals focused on two central themes: factors contributing to difficult relationships and the nature of these relationships as perceived by different groups. Each researcher focused on a group of respondents, to identify common themes articulated by members of that group. Regular team meetings provided a forum to discuss and critique the analysis. Since each team member had conducted focus groups and interviews with all the respondent groups, they were able to reflect upon and contribute to the complexity and depth of the analysis. We were able then to determine which themes were common to multiple groups, as well as examine areas in which groups expressed different views or described different types of experiences. The data related to the recommendations made by respondents for improving relationships were analyzed in collaboration with the study county Child Welfare directors, in order to assess their relationship to current operations and pending legislative reforms.

## Limitations

It is important to point out several limitations of this study relating to generalizability and potential bias. First, as a result of the non-random sampling strategy, these findings do not represent the experiences or perceptions of all professionals in the systems studied.

However, by conducting the study in multiple counties, we believe we were able to capture a wide range of perceptions, and identify themes that are common in a range of settings. Second, it is possible that employing different data collection methods with social workers (focus groups) and legal and other professionals (interviews), could have generated systematic differences in responses. Specifically, although we observed a higher frequency and intensity of negative experiences reported by social workers, the focus group format may have allowed individuals to feel they had permission to express complaints. The fact that the study was sponsored by a consortium of social service agencies may have contributed to this effect. In contrast, legal professionals may have felt more inhibited in expressing negative opinions to researchers working on a study sponsored by social service agencies. Consent materials explained confidentiality protections in detail in order to minimize inhibition.

In order to generalize from the findings in this study, it would be important in the future to test the representativeness of the study findings with a larger, randomized sample of study respondents. Additionally, a more in-depth assessment of the impacts on clients is critical. This issue was addressed in part through a case review conducted in conjunction with this qualitative study and reported elsewhere (Han, Carnochan & Austin, 2002).

## **Major Findings**

The first set of themes we explored were factors that respondents identified as having an impact on the quality of professional relationships. The factors are organized into two

categories, structural factors and operational factors, illustrated in Figures 2 and 3. The following sections discuss these themes and provide illustrations from the data.

Illustrations surrounded by quotation marks are exact quotations; other illustrations reflect paraphrases of subjects' responses as recorded by the researchers. In the paraphrased responses, we have retained the subjects' wording to the greatest extent possible.

### Structural Factors

*Culture and Norms:* A central issue relates to the differences between the legal and social work cultures. One social worker stated that legal professionals do not understand the mindset of social workers and that social work and the legal mindsets do not mix. The role of the judge in fostering a collaborative or respectful courtroom culture and climate was also noted as important to fostering good relationships. A judicial officer stated that the traditional role of a judge is to take what information is in front of you and make a decision, but that she takes a more active role in getting people to work together and buy into the process.

*Power and Status:* Most respondents noted the low status of dependency work for all groups within their professions of law and social work. This was cited as a reason for inadequate resources and lower competence of professionals in the system. A parent's attorney stated that there is a tendency to put new people in juvenile court because it's "Kiddy Court" and not taken that seriously. Additionally, social workers reported that

they hold the lowest professional status in the juvenile dependency system (describing themselves as “peons in the courtroom”).

*Collaboration and Adversarial Process:* Many respondents stressed the need for collaboration, and the problems created by an adversarial approach. One judicial officer stated, “What we are doing should be a collaborative effort. Beating people over the head is not effective.” However, there were others who supported the value of an adversarial system, in order to protect individual rights and provide a check on the governmental agencies. A parent’s attorney argued that the adversarial system is necessary to protect the rights of all parties, and that in a non-adversarial system, the people who would get the short end of the stick would be the people most unlike the people making decisions. This attorney believed that advocacy was necessary to prevent bias against low income and ethnic minority groups.

*Communication:* Communication was seen by many respondents as critical to understanding and cooperation; however, frequent breakdowns in communication were described. Failures to communicate were attributed to a number of reasons, including inadequate time, suspicion, and negative attitudes about cooperation. As one social worker noted, the SW’s who don’t keep the communication lines open are the ones who go to trial most often; attorneys will be negative in court and think we are keeping secrets.

*Role Confusion:* Respondents frequently talked about the ambiguity or tensions inherent in the roles of many professional groups. A social worker noted that there is a dual responsibility to court and family; they spend so much time doing paperwork and court reports, that they spend only one hour of time with families. A minors' attorney stated that she tries to do what she thinks is best *and* voice the client's opinion or position.

*Different Views of Role:* Members of various groups also discussed the importance of understanding each other's roles. One social worker suggested that attorneys and social workers and judge switch places for a day so they can better understand what one another's jobs are like. Finally, while several judges and attorneys described engaging in practice that could be deemed social work, social workers expressed resentment at professionals in other groups attempting to do social work.

### Operational Factors

*Resources:* The inadequacy of resources was frequently identified as a factor contributing to tensions in professional relationships. Specific issues identified by respondents included low pay, unmanageable caseloads, and insufficient tools. A CASA volunteer noted that a lot of difficulty in the relationship with child welfare workers is that they're so overwhelmed – they don't have time for a 10-minute meeting or to call CASA back. As one judicial officer phrased it, this job is like people with teaspoons trying to empty the ocean and then fighting about whose job it is.

*Competence:* Despite the common acknowledgment that inadequate resources strain relationships, criticism of other professionals was frequent and focused primarily on competence issues. A parent's attorney complained that the training that CASA's receive is adequate to be buddies to dependent kids, but does not qualify them to make reports to the court. One parent's attorney said that as with all other groups, professional or otherwise, there are good ones [social workers] and there are bad ones – "therefore the quality of their work is vastly disparate."

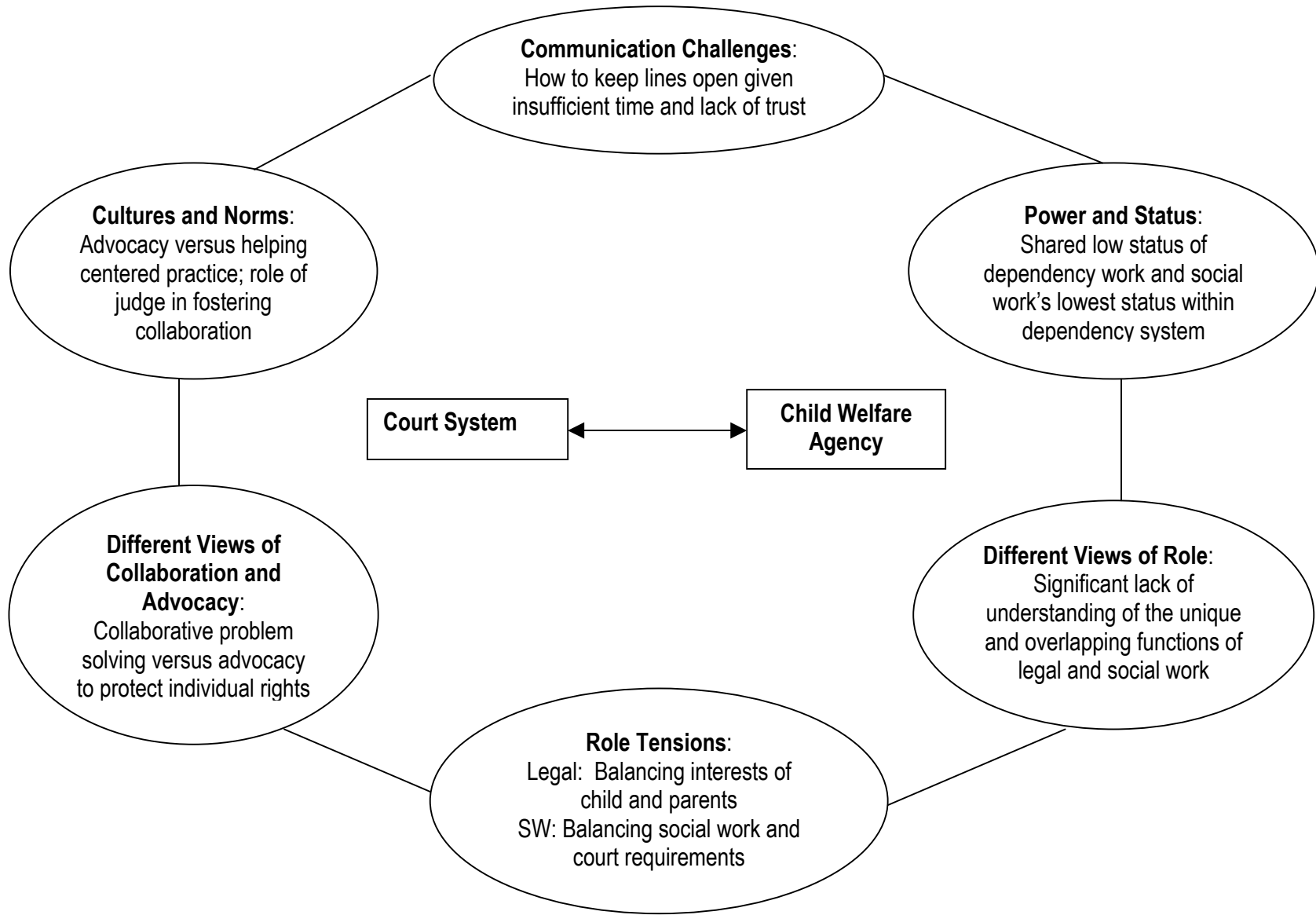
*Interpersonal Relations:* Some respondents noted that individual personalities created friction. One county counsel noted that relationships with parents' attorneys were generally pretty good, but that it varied from attorney to attorney due to personalities. In one county, social workers felt that the judicial officers' decisions were greatly influenced by individual personalities and attitudes and their perceptions (like or dislike) of certain workers, stating that "some workers will always win and some will always lose in court".

*Human Resources:* The high turnover of agency and court personnel has led to the increased involvement of inexperienced professionals and increased disruption of professional relationships. A minor's attorney observed that the turnover at the child welfare agency is so high that it is hard to get them all trained adequately. Another minor's attorney argued that juvenile court deserves a well-trained compassionate judge who can stay for more than two years. However, turnover can also remove difficult

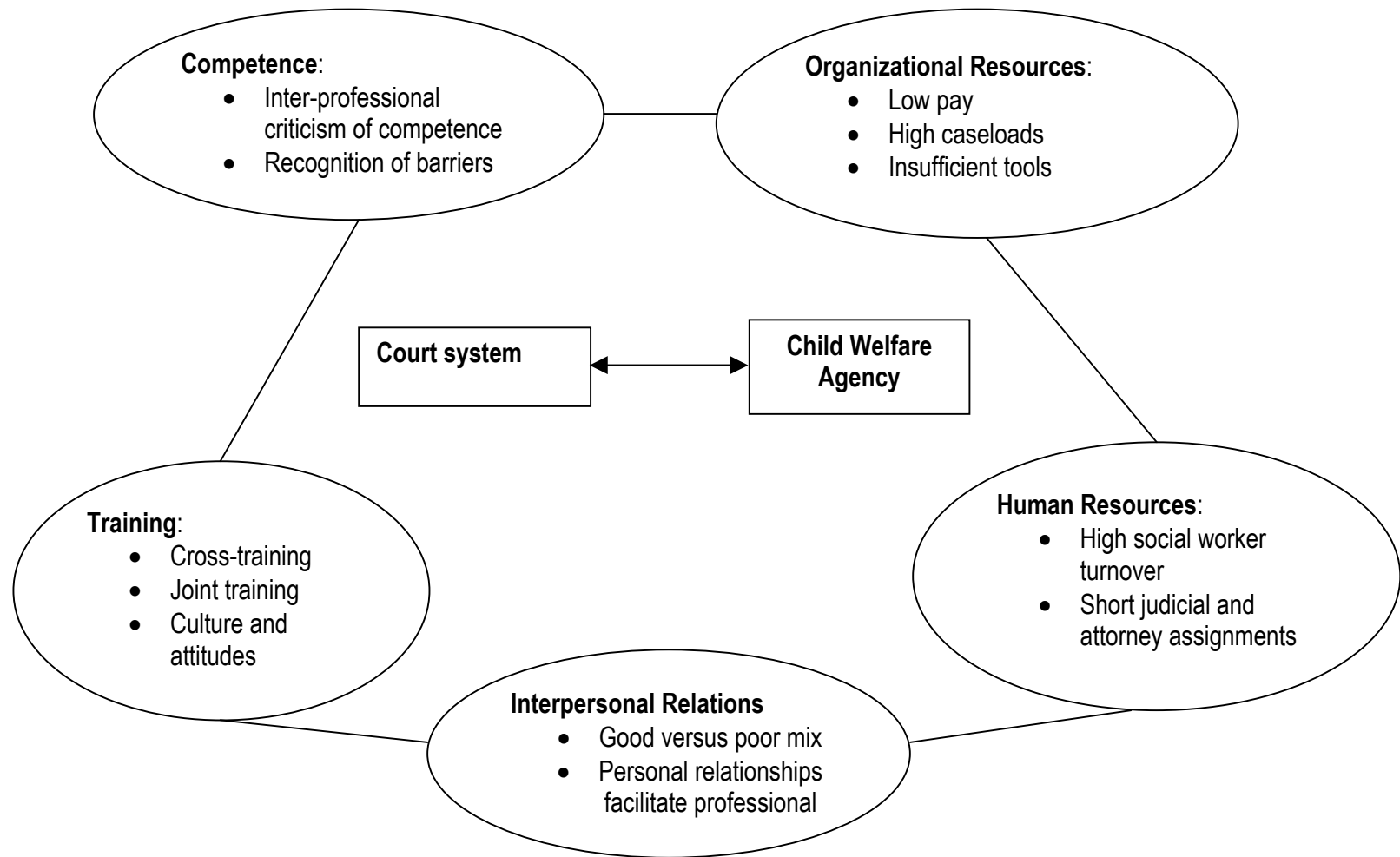
personalities. A social worker complained about the negative atmosphere created by a group of judicial officers, but felt there was no way out until this group moves on.

*Training:* Finally, the importance of training was a common theme, including cross-training in other disciplines and collaborative trainings. One judicial officer expressed a need for a tremendous amount of more interaction between judges/bench officers and child welfare workers in terms of training, stressing the importance of an intensive local orientation for judges that would have the active participation of social services. A county counsel expressed a belief that trainings help the ability of lawyers and social workers to communicate in the same language.

**Figure 2: Structural Factors Affecting Professional Relationships**



**Figure 3: Operational Factors Affecting Professional Relationships**



## **Experience of Professional Relationships**

Although the legal and social work professionals reported similar themes in their discussion of the factors that have an effect on the quality of professional relationships, social workers reported experiencing difficult relationships much more frequently when compared to judges, attorneys and CASA volunteers. There are several factors that may be relevant to this difference. First, if one looks at the hierarchy of the dependency court system, social workers are located at the bottom of the hierarchy, and at the same time are responsible for interacting with multiple individuals in a family and multiple other professionals. The low status and high degree of responsibility may be a factor in the negative experiences reported by social workers. Second, since social workers received the most criticism from other professionals, their negative perceptions about professional relationships may reflect this reality. However, they also received a substantial amount of respect, second only to judges, and are the most frequent recipients of empathetic comments by other professionals, illustrated in Figure 4.

The question of why social workers do not perceive the empathy and respect that were expressed by members of other professional groups merits further inquiry. Respect and empathy may not be articulated in practice, or when articulated, it may not be acknowledged by social workers. (Child welfare directors commenting on the findings pointed out that empathy conveyed to social workers performing an impossible job might be perceived as implied criticism, namely, “you must be crazy or unable to find a better job”.)

**Figure 4: Legal Professionals' Perceptions of Social Workers**

**Respect**

- Judicial officer: There are a lot of new workers. S/he does not think she compliments them enough. They do a very good job. S/he is amazed at the trust they generate with families who come in with suspicions at a heightened level.
- County Counsel: "Fabulous department... The quality of the work they do is extraordinary."
- Parent's attorney: The vast majority of the social workers are very good, conscientious, hard workers.

**Criticism**

- CASA: This old child welfare worker was "getting by doing as little as possible" it seemed like this child welfare worker had no "interest or care" in the child.
- Children's Attorney: Some social workers "do dumb things"; for instance, one social worker showed up in court on a high profile case without her file. Some social workers are incompetent and terrible on the witness stand. Respondent recognizes that there are probably some attorneys that are bad too.

**Empathy**

- County counsel: Wouldn't want to do [social worker's] job. Have the hardest job in the system. They are expected to be all things to all people. Every time legislature changes the law it requires more of SW without increase in services and resources.
- CASA: Social services have a very hard job [because they are] not liked often by the kid and parents... "What social services has in front of them is a pile of paper... not a human being... and that makes their job very hard."
- Judicial Officer: Social workers are overworked; the legislature puts more and more work on them.

## **Client Perceptions of Professional Relationships**

The themes identified in the client focus group data relate to systems issues, professional issues, and impacts on clients, as illustrated in Figure 5. While these findings raise serious concerns, it is important to note the limitations of the client focus groups, which were conducted with small, non-random samples, in which individuals with complaints may have been over-represented.

### Systems Issues

When we spoke with clients about their observations of professional relationships, they described both collaborative and adversarial professional relationships. While one foster parent stated she had never seen disrespect among the lawyers, judges, or social workers, others reported noticing “turf warfare” or the existence of a “wall” between the court and the agency. Foster parents and birth parents both complained about lack of training of professionals, particularly relating to mental health issue for children. In the words of one birth parent:

“They should be trained more in mental health issues of children. People have different needs... The providers need to be educated. Social workers must. Lawyers need to have more empathy. You can’t treat a mental health child the same as a normal stable child. You need to know about the resources to help keep a child stable.”

Foster youth and foster parents described high levels of turnover among professionals. One foster youth reported, “Every time I go to court I have a different attorney”. Similarly, a foster

parent observed, “social workers change on a regular basis – it keeps them from quitting. Their job is tense. If they don’t move, they quit”.

### Professional Issues

Communication problems were a common theme, specifically, inaccurate court reports and unavailable or uncommunicative attorneys. Complaints about inaccurate court reports were most frequently expressed by foster parents and birth parents, however foster youth also raised this issue. One foster youth said, “I can’t depend on my social worker. She says one thing to me and then goes to court and says another.” In focus groups with social workers, a number of respondents noted the pressure to craft a court report to meet the varied preferences of judicial officers, or to respond to highly adversarial attorneys. This tailoring approach to writing court reports may lead clients to perceive that social workers are misrepresenting their interests or are acting in a dishonest manner.

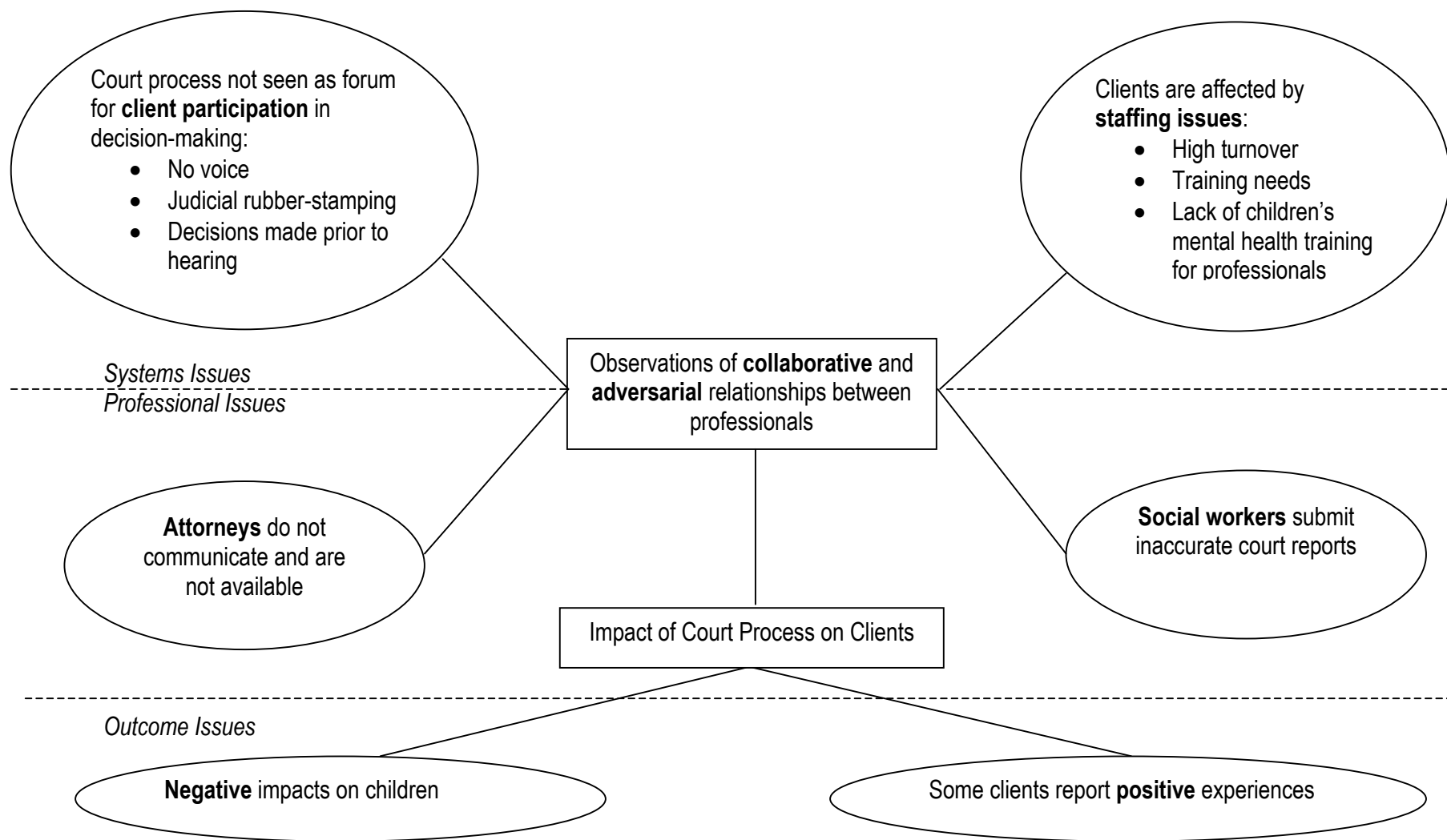
As with court reports, foster parents and birth parents raised the issue of attorney communication most frequently. One birth parent said, “I have never talked to my attorney. I don’t know what they talk about in court. They talk a different language”. A foster parent stated, “Attorneys call at 6 p.m. the night before a court hearing. They tie you up on the phone and never even see the kid”. These statements mirror those of several professional respondents, who noted that high caseloads frequently left attorneys with insufficient time to meet with clients and prepare them for court.

## Impacts on Clients

Clients generally viewed the court process as having a negative impact on children, while some adults reported positive experiences. One foster parent said the court system is traumatizing to these children, and another noted that many youth “have no slightest idea why they are in court”. In contrast, a birth parent said, “I do have respect for these people’s jobs. As a human being, I would like to be treated with respect and decency. The courts have helped me”.

Further inquiry is needed to examine whether improving professional relationships would diminish the negative perceptions about the effect of the court process on children in the juvenile dependency system. However, it is important to note a final theme expressed by foster parents, birth parents and foster youth. Clients do not experience the court as a forum in which they can participate in decision-making. One foster youth observed: “My experience with the court system and welfare system is that they don’t want you to go to court because I might speak about what is actually going on”. Similarly, a birth parent observed that the judges and commissioners tend to adopt the social worker’s recommendations. If increased collaboration leads to out-of-court decision-making, without the participation of the individuals affected by those decisions, the sense of exclusion felt by these clients may increase.

Figure 5: Client Perceptions of the Relationship between Child Welfare Agencies and the Courts



## **Recommendations from Study Participants**

An important component of the study was to identify suggestions from all respondents with respect to improving relationships among professionals in the juvenile dependency system. As outlined in Figure 6 below, the recommendations are clustered into eight categories: training; communication and meetings; staffing issues; scheduling; resources; public education; culture of respect; and interpersonal relations. Each category has a slightly different set of supporters. For example, the judges had no recommendations about schedules, while CASA volunteers were most interested in staff training.

### Training

Many of the training recommendations focused on specific, job-related knowledge or competencies, including changes in the law and clinical training. Another set of training proposals addressed the need to change attitudes, or increase cultural understanding. Among the professionals, many requested cross training in the other discipline and collaborative training bringing together social work and legal professionals.

### Communication and Meetings

The recommendations to increase communication included three major strategies: structured systems meetings, informational meetings, and informal gatherings. Several respondents noted

the important role that judges play in promoting communication, and developing structures where improved communication can take place.

### Staffing Issues

The staffing issues included several different types of recommendations. First, the need for continuity was mentioned frequently, including longer assignments for judges and attorneys, and a reduction in social worker turnover. Second, people saw a need for recruiting committed professionals in juvenile dependency, rather than relying on individuals who are merely waiting for a higher status assignment. Third, there were some observations about the need for role clarification, including respect for professional boundaries and reducing judicial “micromanagement” of social work practice.

### Scheduling

A key procedural issue related to scheduling court dates, especially delayed hearings. Many respondents noted the waste of time in requiring professionals, particularly social workers, to wait to appear in court.

### Resources

As anticipated, virtually all respondents cited the need for increasing the level of resources of the juvenile dependency system, especially the need for additional legal and social work personnel to

reduce the negative impact of high caseloads. Many described unmet service needs among clients, while a number argued for higher compensation, particularly for attorneys.

### Public Education

In response to the issue of inadequate resources, some subjects stressed the need to educate the public about the value of juvenile dependency work, in order to gain public support for increased funding.

### Culture of Respect

Just as respondents sought to develop the support of members of the public for juvenile dependency work, some also reiterated the importance of respect among professionals in the system. As with communication, several stated that the judge could play a more active role in setting guidelines for professional interaction and modeling respectful behavior.

### Interpersonal Relations

While no one had specific recommendations for how to respond to deal with personality conflicts resulting in frustration or hostility, several noted that this issue needs to be addressed.

Finally, one finding that stood out in the analysis of these data was the high degree of similarities in the recommendations offered by professionals across the different groups. The

recommendations presented in Figure 6 reflect that consistency; they are proposals that were articulated by multiple professionals from multiple groups. In light of the conflicts and frustrations experienced by many respondents, the general agreement regarding recommendations to improve relationships is a positive finding.

**Figure 6: Recommendations by Study Participants**

<b>Source of recommendation</b>	<b>SW</b>	<b>CASA</b>	<b>Judge</b>	<b>County Counsel</b>	<b>Minor's Attorney</b>	<b>Parent's Attorney</b>
<b>Training</b>	<ul style="list-style-type: none"> <li>-Cross training in each other's roles</li> <li>-Collaborative training</li> <li>-Clinical and dependency training for judges</li> <li>-Legal process training for SW's</li> <li>-School based training on court, legal process</li> <li>- Judge mentoring for incoming officers</li> <li>-Attitude/culture training</li> </ul>	<ul style="list-style-type: none"> <li>-Training about each other's roles and organizations</li> <li>-Increase number of training hours</li> </ul>	<ul style="list-style-type: none"> <li>-Cross training for court and child welfare</li> <li>-Legal training for SW's</li> <li>-Training in each other's disciplines</li> <li>-Court training in schools of SW</li> </ul>	<ul style="list-style-type: none"> <li>-Legal training for SW's</li> <li>-Dependency training for judges to promote consistency</li> <li>-Collaborative training</li> <li>-Training for all on system and process</li> <li>-Clinical issues training for attorneys</li> </ul>	<ul style="list-style-type: none"> <li>-Cross trainings</li> <li>-Training on law</li> <li>-More attendance at trainings</li> <li>Collaborative trainings</li> <li>-Minimum training guidelines for bench officers</li> </ul>	<ul style="list-style-type: none"> <li>-Educate agency SWs on court system, laws, attorney role</li> <li>-Cultural/class competence training for SW's</li> <li>-Collaborative training</li> <li>-Training for legal staff on law changes, child development, clinical issues</li> </ul>
<b>Communication and Meetings</b>	<ul style="list-style-type: none"> <li>-Feedback from judges, county counsel</li> <li>- Meetings between agency administration and court social workers</li> <li>-Direct access to judges by social workers</li> <li>-Brown bags</li> <li>-Informal socializing</li> <li>-Case conferencing</li> <li>-Improve communication to clients</li> </ul>	<ul style="list-style-type: none"> <li>-Regular meetings on organizational and system issues</li> <li>-Mandatory team meetings on client issues</li> <li>-Informal "check-ins" between CASA volunteer and social workers</li> </ul>	<ul style="list-style-type: none"> <li>-Informal, brown bag, info exchange</li> <li>-Structured collaborative meetings for problem solving</li> <li>-Communication with clients</li> <li>-Expanded role of court as leader to promote communication</li> </ul>	<ul style="list-style-type: none"> <li>-Communication between professionals working with family</li> <li>-Collaborative committees and structured forums</li> <li>-Judge committed to communication</li> <li>-Social interaction</li> </ul>	<ul style="list-style-type: none"> <li>-Interdisciplinary forums</li> <li>-Interagency meetings</li> <li>-Out of court communication</li> <li>-Informal social gatherings</li> <li>-Role of judges in relationship building</li> </ul>	<ul style="list-style-type: none"> <li>-Informal social meetings</li> <li>-Brown bags lunches</li> <li>-Informational meetings</li> <li>-Structured, regular meetings</li> <li>-Regular lines of communication</li> </ul>
<b>Scheduling</b>	<ul style="list-style-type: none"> <li>-Address calendaring problems</li> <li>-Make it easier to work while waiting for court appearance</li> </ul>	<ul style="list-style-type: none"> <li>-Commitment to comply with schedule</li> <li>-Eliminate double booking</li> <li>-Reduce waste of time</li> </ul>		<ul style="list-style-type: none"> <li>-More time for hearings</li> <li>-Coordinate scheduling to avoid conflicts</li> <li>-Limit continuances</li> <li>-Respect social workers by reducing wait time</li> </ul>	<ul style="list-style-type: none"> <li>-Improve scheduling to reduce delays while waiting for case to be called</li> </ul>	

Source of recommendation	SW	CASA	Judge	County Counsel	Minor's Attorney	Parent's Attorney
<b>Staff/Roles</b>	<ul style="list-style-type: none"> <li>-Role clarification in writing</li> <li>-Additional support staff for SW's and attorneys</li> <li>-Improve screening and selection for attorneys and judges</li> <li>-Improve supervision of social workers</li> <li>-Committed long term judges and attorneys</li> <li>-Reduce judicial micro-management</li> </ul>		<ul style="list-style-type: none"> <li>-Reduce turnover for SW's</li> <li>-Minimize role confusion problems</li> </ul>	<ul style="list-style-type: none"> <li>-Balance SW continuity with need to separate investigation from services</li> <li>-Committed personnel</li> <li>-Respect for professional boundaries</li> <li>-Specialization for dependency work within professions</li> </ul>	<ul style="list-style-type: none"> <li>-Address SW turnover assignments</li> <li>-Importance of commitment and experience among staff</li> <li>-Judicial consistency important</li> <li>-Attorney consistency important</li> </ul>	<ul style="list-style-type: none"> <li>-Committed judicial officers, attorneys</li> <li>-Stronger SW supervisors</li> <li>-Reduce SW turnover on case</li> <li>-Consistent implementation of law by judicial officers</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li>-More courtrooms, judges and attorneys</li> <li>-More time for social work, less time in court – lower caseloads</li> <li>-More compensation to SW's, minor's attorneys</li> <li>-Educate court about limited resources of department</li> </ul>	<ul style="list-style-type: none"> <li>-Reduce SW caseloads</li> <li>-More courts, commissioners</li> <li>-More administrative support for SWs</li> <li>-More services</li> </ul>	<ul style="list-style-type: none"> <li>-Reduce judicial case volume</li> <li>-Hire more SW staff</li> <li>-Increase agency funding</li> <li>-Increase funding for services</li> <li>-Increase administrative support for social workers</li> </ul>	<ul style="list-style-type: none"> <li>-Increase money for services</li> <li>-Consider resource allocation</li> <li>-Increase compensation to parent's attorneys</li> <li>-Decrease private attorney caseloads</li> </ul>	<ul style="list-style-type: none"> <li>-Better service access</li> <li>-Increase support staff for all</li> <li>-Increase pay</li> <li>-Reduce caseloads</li> <li>-Additional judicial officers</li> <li>-Court-agency collaboration to develop services</li> </ul>	<ul style="list-style-type: none"> <li>-Fully staffed CW system</li> <li>-More courts, judicial officers</li> <li>-Increase compensation</li> <li>-More resources to clients, less to administrative</li> <li>-Smaller caseloads for SW, kid's attorney</li> <li>-Increased services</li> </ul>
<b>Public Education</b>	<ul style="list-style-type: none"> <li>-Lack of resources reflect societal attitudes</li> <li>-Need public education about Child Welfare work</li> </ul>	<ul style="list-style-type: none"> <li>-Educate public to prevent NIMBYism re service location</li> </ul>		<ul style="list-style-type: none"> <li>-Government needs to advocate for and support services, but need public agreement to fund</li> </ul>	<ul style="list-style-type: none"> <li>-Educate public about Child Welfare system</li> </ul>	
<b>Culture of Respect</b>	<ul style="list-style-type: none"> <li>-SW's not respected, recognized</li> <li>-Climate needs to be changed, controlled by judge</li> </ul>	<ul style="list-style-type: none"> <li>-CASA need more respect by courts</li> <li>-Treat CASA's as equal</li> </ul>	<ul style="list-style-type: none"> <li>-Tremendous pressure</li> <li>-Judge needs to keep civil courtroom</li> <li>-Judge does not see all interactions</li> </ul>	<ul style="list-style-type: none"> <li>-Need to respect social workers</li> </ul>	<ul style="list-style-type: none"> <li>-Tension will endure, but increase respect</li> </ul>	<ul style="list-style-type: none"> <li>-Non-adversarial problem solving model</li> <li>-Adversarial process affects SW retention, because they are yelled at and criticized.</li> </ul>
<b>Interpersonal Relations</b>	<ul style="list-style-type: none"> <li>-Address negative impact of personalities</li> </ul>	<ul style="list-style-type: none"> <li>-Identify how personalities affect relationships</li> </ul>	<ul style="list-style-type: none"> <li>-Can't change personalities – major issue</li> </ul>	<ul style="list-style-type: none"> <li>-Need to address personal and political issues</li> </ul>		<ul style="list-style-type: none"> <li>-Personalities are an important factor in relationships</li> </ul>

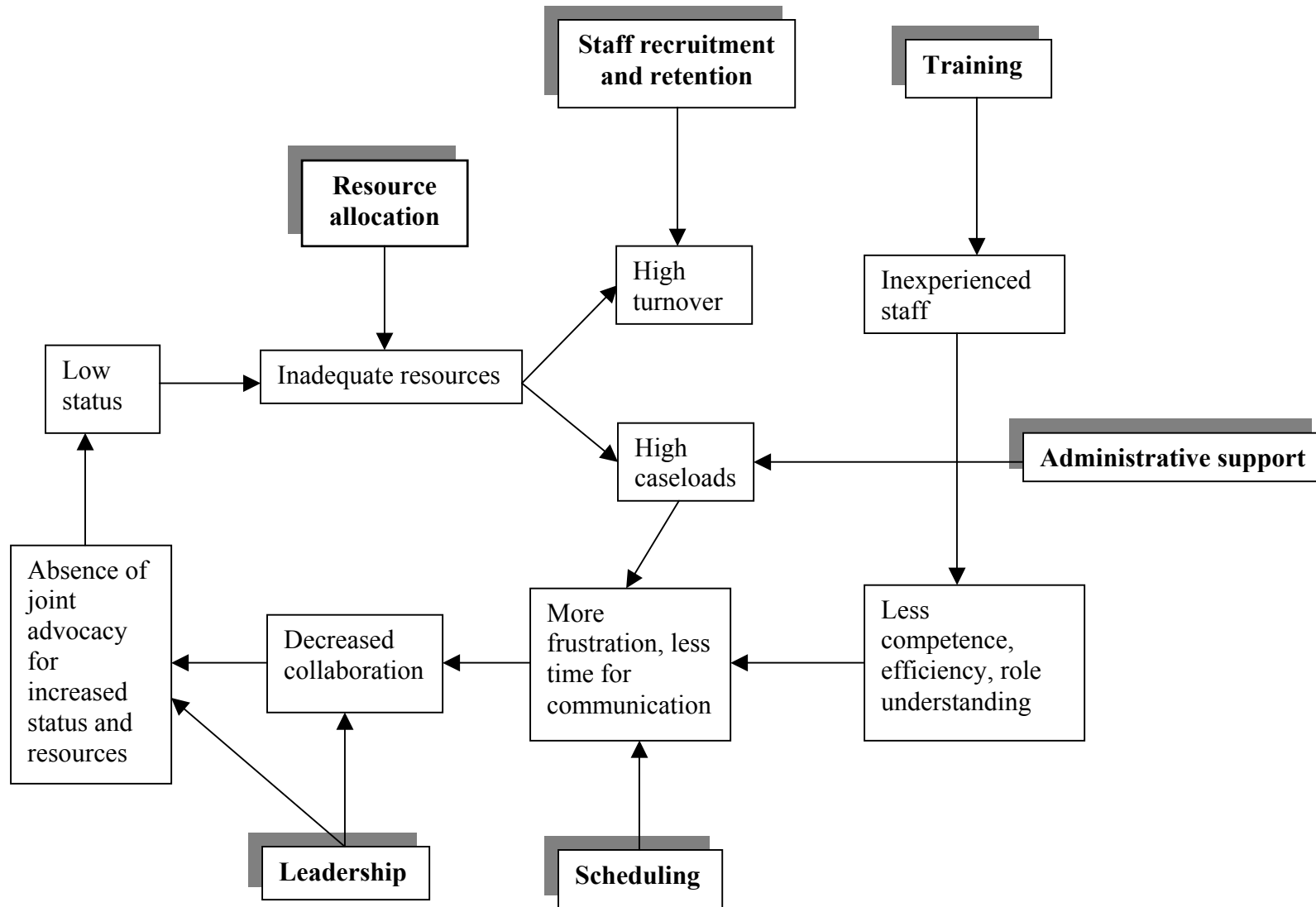
## **Summary and Recommendations**

It is remarkable that an issue of such central importance to the daily lives of social workers in the juvenile dependency system should have persisted for so many decades. Difficult professional relationships are reported by Child Welfare directors as contributing to high turnover among social workers, and clients participating in the study noted the negative impact of high turnover among professionals. It is thus clear that the relationships among social and legal work professionals must be improved. However, the problems are complex and interrelated, requiring multiple strategies for intervention.

Figure 7 lays out intervention strategies aimed at addressing the factors identified in Figure 1. More efficient resource allocation can help agencies, courts, and legal organizations make the most of limited funds and personnel. Improved recruitment and retention strategies and training will increase the competency and efficiency of staff. Administrative support can allow overloaded professionals to focus on the core elements of their jobs. Similarly, improved scheduling can diminish wasted time, facilitating opportunities for communication and collaboration. Leadership on the part of judicial officers, agency directors and the directors of legal organizations representing parents and children is essential to improving collaboration and fostering a culture of respect among professionals. Finally, these leaders should engage in advocacy strategies to improve the status of the juvenile dependency system and increase resources.

The implementation of the recommendations will require the development of an action plan by a leadership group comprised of judges, county social service directors, county child welfare directors, attorneys, and volunteers. Together they will need to prioritize the recommendations as they apply to the unique aspects of their counties, identify objectives and target dates for implementation, identify the lead persons to facilitate the implementation process, and monitor the progress and outcomes achieved on a regular basis (annually or semi-annually). Identifying the issues and actions to be taken is one thing, however successful implementation is something else. These challenges parallel all the others that face public officials and officers of the court who daily seek to promote the best interests of children and families.

**Figure 7: Multiple Intervention Strategies to Improve Professional Relationships**



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Factors Contributing to Difficulties in Professional Relationships  
among Juvenile Dependency Professionals:  
An Exploratory Study of Case Records

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## **Introduction**

The protection of children depends on the collaboration of the social service and court systems. While the interaction of these systems demands that they work together effectively, practitioners report that a high degree of conflict and tension exists between social workers and legal professionals in the context of juvenile dependency proceedings. There has been virtually no empirical study of this relationship, however, or the factors contributing to conflict. This study thus offers a preliminary exploration of the relationship between child welfare agencies and the courts. The study was conducted by the Bay Area Social Services Consortium (BASSC), in collaboration with the child welfare departments in seven Northern California counties. The purpose of the study was to identify factors associated with difficult professional relationships between social workers, attorneys, judicial officers, and Court Appointed Special Advocates, focusing on the role that client characteristics and the juvenile dependency process may play in fostering difficult relationships.

### **The Context of Professional Relationships in the Juvenile Dependency System**

Interactions between social work and legal professionals occur within a legal framework that defines roles and responsibilities, and creates immense pressure to meet established timelines. Federal juvenile dependency legislation, providing for judicial oversight and establishing accelerated timelines, has increased the demands upon both social work and legal professionals. The Adoption Assistance and Child Welfare Act (AACWA) of 1980 (P.L. 96-272) provides the original legislative basis for federal child welfare policy. A key goal is the provision

of a permanent placement plan for children in foster care, through reunification with their own parents or placement with another family. AACWA required agencies to make reasonable efforts to reunify families, and assigned judges an oversight role in the juvenile dependency system.

Like the AACWA, the Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89) placed an emphasis on finding timely permanent homes for foster children who cannot be returned to their parents. Under the ASFA, the juvenile court and child welfare agencies maintain the same responsibilities as under the AACWA. However, the ASFA established shorter timelines for courts and child welfare agencies to accomplish permanency planning and termination of parental rights. These legislative reforms increased pressures for professionals to meet timelines, and may have heightened tensions as agencies attempt to comply with judicial rulings on reasonable efforts.

Local rules regarding the appointment of counsel for parents may also affect the relationship between child welfare and legal professionals. In California, statutory law requires the court to appoint counsel for parents, barring parental refusal, when the child is placed in out-of-home care or the child welfare agency recommends that the child be placed in out-of-home care. While California provides parents with counsel at every hearing, and thereby safeguards the parent's ability to preserve their rights, practitioners report that the presence of more attorneys in the courtroom can lead to delays in achieving permanency for the child. Delay is a common cause for complaint among the child welfare and legal professionals involved in juvenile dependency proceedings, which may contribute to increased tension.

Within this highly regulated and demanding environment, social work and legal professionals are called upon to serve a client population with multiple and complex needs. Edwards (1992) and Ross (1998) observe that professionals who work with child dependency

cases may be at risk of burnout. Empirical research has examined factors contributing to job satisfaction and job burnout among child welfare workers (Horejsi 1994; Vinokur-Kaplan 1994; Landsman 2001), however, Landsman (2001) concludes that there is a need for further research to examine job stressors among child welfare professionals. This research would usefully include examination of the consequences of job stressors for the relationship between child welfare and legal professionals.

Given the absence of research in this area, this study is necessarily of an exploratory nature. The study asked the following three questions:

1. Is there a relationship between the characteristics of the children and parents in juvenile dependency cases and the quality of professional relationships? Specifically, in cases where clients have more complex needs, are professional relationships more likely to be difficult?
2. Is there is a relationship between staff turnover and the quality of professional relationships? Specifically, in cases where a greater number of professionals are involved, are professional relationships more likely to be difficult?
3. Is there a relationship between the quality of professional relationships and the complexity of the adjudication process? Specifically, where professional relationships are difficult, are disruptions or delays in the adjudication process more likely?

## **Methods**

This study utilized an exploratory design as outlined by Rubin and Babbie (1997), appropriate when the subject of the study is relatively new and uninvestigated. BASSC engaged in ongoing and extensive collaboration with the directors of the participating child welfare

departments in order to develop the sampling strategy, design the data collection instrument, and interpret the findings.

### Sample Selection

The counties participating in the study included both large urban counties, as well as smaller, more rural counties. BASSC requested that the agencies provide a sample of 30 cases, 20 which were classified as difficult in terms of relationships between legal and social work professionals involved in the case, and 10 which were defined as easy. In consultation with the directors, it was determined that a common definition of “easy” and “difficult” could not be developed at this stage. Consequently, social workers engaged in court work in each agency were asked to provide several cases, with a brief description of the reason for classifying each case as easy or difficult. Reasons given for defining a case as easy included cooperative attorneys and judges who respected a social worker’s reputation and competence. For example one social worker provided the following explanation: “This case is easy because of the cooperation from children’s attorney”. In defining difficult cases, a number of social workers cited adversarial private attorneys, while others noted judges who ignored evidence and agency recommendations, or had unreasonable expectations for service outcomes. For example, one social worker stated: “Family retained private attorney who was initially very adversarial with the social worker”. In essence, the case difficulty was defined by the worker and analyzed accordingly.

A review of the information provided by social workers regarding classification of cases revealed that some workers focused on difficulty of assessment or service problems rather than difficulty of professional relationships or conduct. As a result, the initial sample included in the analysis was 122 cases rather than 210; this included 60 easy cases and 62 difficult cases.

Subsequently, it was determined that all cases should have achieved the dispositional hearing;

data were thus analyzed for a total of 106 cases, comprised of 54 difficult cases and 52 easy cases. Although random samples are always strongly preferred in order to permit statistical inference, expert or judgment sampling was used due to the preliminary and exploratory nature of this study.

Since data were gathered from a non-random sample of a population, we wanted to assess whether or not our non-random sample differed from the child welfare population in each county. We compared our sample with demographic data from the Child Welfare Services Case Management System (CWS/CMS), available at the Center for Social Services Research (CSSR) at the University of California, Berkeley, for the selected variables of children's age, sex, and ethnicity in the seven counties. CSSR receives quarterly extracts from the CWS/CMS under an Interagency Agreement with the California Department of Social Services, and presents data about children who are involved in the California Child Welfare System. Results show that deviations between our sample and the CWS/CMS files are negligible. For example, the age distribution of our sample is not substantially different from the age distribution of the population; we obtained a sample where 27.4% (n=29) of the children were younger than 3 years old compared to 24.9% (2,897 younger than 3 years old out of 11,625 children) in the CWS/CMS file. For the gender distribution, our data showed 58% female and 42% male which is similar to the CWS/CMS file of 50.6% female and 49.3% male.

### Data Collection

Agency records for each case referred for the study were reviewed by MSW students who were trained to abstract information onto a structured data collection form. The instrument was developed in discussions with the child welfare directors in the study counties, and was designed

to track characteristics of the child(ren) and parent(s) involved in the case, as well as a series of variables relating to the judicial process. The variables used in the analyses that are presented in this paper include the following:

- Parent characteristics: psychiatric evaluation, evidence of substance abuse and language.
- Child characteristics: ethnicity, age, sex, psychiatric evaluation and evidence of substance abuse.
- Judicial process: number of professionals presiding over case in each professional group, number of review hearings, number of contested hearings, number of continued hearings, and order of Termination of Parental Rights.

Data were missing in fewer than 5% of the 106 cases, thus any impact on our conclusions is likely to be minimal. The quality of the data, most of which is nominal or ordinal in nature, was rated as good based on the comprehensive assessments recorded by the case reviewers as they reviewed records. The MSW students were trained thoroughly in the process of administering the case reviews. Additionally, the project coordinator provided continual supervision and students engaged in team decision-making in the field throughout the data collection phase of the project to ensure the reduction of response bias by case reviewers and increase inter-rater reliability. Although limited resources precluded assessment of the validity of the data after it was collected, the instrument was developed by the research staff of BASSC in collaboration with the CW directors, and pretested to confirm face validity.

## Statistical Methods and Data Analysis

As the present study did not use randomly sampled data, significance tests are not strictly appropriate for inferential analysis. However, significance is reported as a criterion given its widespread use in social science for exploratory analysis of non-random data. Data are analyzed in two stages, beginning with descriptive analysis and followed by logistic regression.

*Descriptive Analysis:* Information on the parents' characteristics, children's characteristics and judicial process were examined using Chi-square tests to assess differences between easy and difficult cases related to parents' and children's characteristics. We also performed Chi-square analyses of the judicial process variables, comparing easy and difficult cases. Due to the relatively small sample sizes of minority children ( 43 Whites, 20 Blacks, 19 Hispanics and 5 Asians) we combined minority children into one non-white category rather than conducting ethnic-specific analyses. The Mann Whitney U test for the judicial process compares the distribution of numeric variables, such as number of review hearings and continuances, between easy and difficult groups. We treated the number of professionals presiding over a case as a binary variable, with one person presiding over the case coded as 0 and more than one person coded as 1.

These two tests are nonparametric tests. Most statistical procedures require fairly detailed assumptions about the population from which the samples are selected, however, as mentioned previously, these assumptions are not completely met for our data. Since we detected serious departures in our data from the necessary assumptions (e.g. normal distribution), we utilized procedures that require less stringent assumptions about the data.

*Logistic Regression:* We used logistic regression with a binary outcome variable (i.e. difficult case or easy case). Logistic regression enabled us to overcome restrictive assumptions: the procedure does not assume a linear relationship between the dependent and independent variables; the dependent variable does not need to be homoscedastic for each level of the independent variable; and normally distributed error terms are not assumed. The criteria for including a variable in a logistic regression model may vary from one problem to the next. The traditional approach to statistical model building involves seeking the most parsimonious model that still explains the data. As this is an issue that has never been examined before, we followed the Hosmer and Lemeshow (2000) process of model building, beginning with a careful bivariate analysis of each variable of interest. However, fitting a series of bivariate models rarely provides an adequate analysis of the data in a study since the independent variables are frequently associated with one another. Therefore, upon completion of the bivariate analysis, we selected variables for the multivariate analysis in order to a more comprehensive modeling of our data.

One goal of such an analysis is to statistically adjust the estimated effect of each variable in the model for differences in the distributions of and associations among the other independent variables (Hosmer and Lemeshow, 2000). Any variable whose bivariate test has a p-value  $<0.25$  was used for the multivariate model. The recommendation that an 0.25 level be used as a screening criterion for variable selection is based on the work by Bendel and Afifi (1977) on linear regression and on the work by Mickey and Greenland (1989) on logistic regression, but is not endorsed by all researchers. In this analysis, we followed the screening criterion of p-value  $<0.25$  for variable selection for further analyses due to the lack of empirically proven variables in this area, with the intent that this study will make a contribution to guide further study.

The following steps were conducted for multivariate logistic regression: (1) we carried out a multivariate logistic regression including binary variables in our preliminary main effect model based on  $p < .25$  from the bivariate logistic regression, (2) we checked the ‘maximum likelihood ratio test’ and ‘goodness-of-fit test’ for the most appropriate model, (3) once identifying a best fit model, we checked for interaction, and (4) when there was no interaction, we checked for confounding variables.

## **Results**

### Parent’s and Children’s Characteristics

The results of the descriptive analysis are presented in Table 1. There was no statistically significant difference between easy and difficult cases with respect to parents’ and children’s characteristics, with one exception. Only a parent’s ability to speak English revealed a statistically significant difference between easy and difficult cases; 82.4% of parents speak English as their first language among easy cases, while 96.1% of parents speak English among difficult cases ( $\chi^2 = 4.99$ ,  $p = 0.02$ ). With regard to the ages of the children, no differences were found in the distribution of children younger than 3 years old and children older than 4 years old between easy and difficult cases. Although there is no statistically significant difference for the child’s sex, difficult cases had a higher proportion of male children than easy cases (49% compared to 35.2%). Similarly, there is no statistically significant difference in race, although difficult cases had a higher proportion of white children than easy cases (58.8% compared to 41.3%).

**Table 1. Relationship between characteristics of children and parents and quality of professional relationships.**

Variable	Easy (n=54)	Difficult (n=52)	P-value
<b>Parents' characteristics</b>			
Evidence of psychiatric evaluation	23(59.0%)	27(65.9%)	0.53
Evidence of substance abuse	40(83.3%)	41(87.2%)	0.59
Parent's ability to speak English	42(82.4%)	49(96.1%)	0.02
<b>Children's characteristics</b>			
Evidence of psychiatric evaluation	24(49.0%)	23(46.9%)	0.84
Evidence of substance abuse	9(19.1%)	8(17.0%)	0.79
Age			
Younger than 3	40(74.1%)	37(71.2%)	0.74
Older than 4	14(25.9%)	15(28.8%)	
Race			
White	19(41.3%)	24(58.8%)	0.11
Non-white	27(58.7%)	17(41.5%)	
Sex			
Female	35(64.8%)	26(51.0%)	0.15
Male	19(35.2%)	25(49.0%)	

## Judicial Process

Significant associations were found between a number of judicial process variables and the quality of professional relationships. In this analysis, we measured the number of professionals appearing in court on the case in each of the following categories: judicial officer, county counsel, social worker, minor's attorney, and parent's attorney. Table 2 indicates that 34.0% of easy cases had one judicial officer presiding over the entire case while 66.0% of easy cases had more than one judicial officer. This proportion is strikingly different from that found in difficult cases, in which 13.5% of the cases had one judicial officer and 86.5% had more than one judicial officer presiding over the case. These differences in results are confirmed by the Chi-square test result of 6.08 with a corresponding p-value of 0.01. We can observe similar differences in proportion for the mother's attorney ( $\chi^2 = 9.98, p = 0.00$ ) and county counsel (19.95,  $p = 0.00$ ), where difficult cases had higher proportions of more than one professional in these groups. The number of social workers was also different for easy and difficult cases ( $p=0.01$ ). While 6 easy cases had only one social worker and 46 easy cases had more than one worker, all 52 difficult cases had more than one social worker working on the case. (Since the difficult cases included zero cases with only one social worker, we were not able to use the number of social workers in further analysis, due to technical limitations of the statistical procedures utilized.)

Looking at other aspects of the judicial process, such as the occurrence of contested hearings or Termination of Parental Rights (TPR), only 14.8% of the easy cases had contested hearings, while 43.1% of the difficult cases had a contested hearing ( $\chi^2 = 10.31, p < 0.00$ ). Since the number of continuances and 6-month review hearings were ordinal variables and the shape of the distributions of these two variables failed to meet the assumptions that each group is an

independent random sample from a normal population and that the group variances are equal, we needed to select a procedure with less stringent assumptions about the data. Therefore, the Mann-Whitney test was used to test whether one population has significantly larger values than the other. The Mann-Whitney test ranked the combined data values for the two groups and found the average rank for each easy and difficult group. For the number of continuances, the average rank for difficult cases is 50.19 while the average rank for easy cases is 40.81. Similarly, for the total number of 6-month review hearings, the average rank for difficult cases is 55.70 while it is 33.56 for easy cases. The observed two-tailed significance levels on both the number of continuances and the number of 6-month review hearings were 0.078 and 0.000 respectively, leading us to conclude that more of both of these types of hearings occur among difficult cases than among easy cases.

**Table 2. Relationship between staff turnover and the quality of professional relationships.**

Variables	Easy	Difficult	P-value
<b><u>Number of professionals presiding over the case</u></b>			
Judicial officer			
One	18(34.0%)	7(13.5%)	0.01
More than 1	35(66.0%)	45(86.5%)	
Child's attorney			
One	33(62.3%)	26(50.0%)	0.21
More than 1	20(37.7%)	26(50.0%)	
Mother's attorney			
One	31(59.6%)	15(28.8%)	0.00
More than 1	21(40.4%)	37(71.2%)	
Father's attorney			
One	39(73.6%)	20(39.2%)	0.00
More than 1	14(26.4%)	31(60.8%)	
County counsel			
One	23(43.4%)	3(5.8%)	0.00
More than 1	30(56.6%)	49(94.2%)	
Social worker			
One	6(11.5%)	0(0.0%)	0.01

More than 1	46(88.5%)	52(100.0%)	
<b><u>Other judicial process</u></b>			
Termination of Parental Rights (TPR)	6(11.3%)	12(23.5%)	0.1
Contested hearing	8(14.8%)	22(43.1%)	0.00

### **Multivariate Findings**

Table 3 summarizes the results from the multivariate logistic regression with all of the variables of interest. In the preliminary bivariate analyses of each of the parents' and children's characteristics, only the parent's ability to speak English was significant (OR =5.25, p=0.04). Among variables in the judicial process, most variables (except for number of child's attorneys and number of continuances) proved to be statistically significant. The county counsel variable was especially significant, with more than one county counsel presiding over the case being about 15 times more likely to be found among difficult cases (p<0.00).

The results from the multivariate logistic regression show that none of the case characteristic variables appears significant after controlling for judicial process. Only the parents' ability to speak English has a noticeable association with difficult cases, though this relationship is not statistically significant (OR=4.53, p = 0.206). When adjusting for case characteristics, the number of county counsel and the number of 6-month review hearings shows a strong association with difficult cases. Notably, a case with more than one county counsel is

about 22 times more likely to be a difficult case than a case with one county counsel presiding (p=0.016)

**Table 3. Multivariate Analysis: Association of the quality of professional relationships with case characteristics and judicial process.**

Variable	Adjusted		
	Odds Ratio	P-value	95% CI
<b><u>Case Characteristics</u></b>			
<b>Parents' Characteristics</b>	1.34	0.53	0.54, 3.33
Evidence of Psychiatric evaluation			
Evidence of Substance abuse	1.37	0.59	0.44, 4.29
English Language	5.25	0.04	1.07, 25.66
<b>Children's Characteristics</b>			
Child age (1: >=4)	0.86	0.74	0.37, 2.03
Child sex (1: fem)	0.57	0.15	0.25, 1.24
Child race (1: white)	2.01	0.11	0.85, 4.72

Evidence of Psychiatric evaluation	0.92	0.84	0.42, 2.04
Evidence of Substance abuse	0.87	0.79	0.30, 2.48
<b><u>Judicial Process</u></b>			
<b>Number of Professionals presiding over case</b>			
Judicial officer	3.31	0.02	1.24, 8.79
County counsel	12.52	0.00	3.46, 45.31
Mother's attorney	3.64	0.00	1.61, 8.24
Father's attorney	4.32	0.00	1.88, 9.90
Child's attorney	1.65	0.21	0.76, 3.59
<b>Other Judicial process</b>			
Number of continuance	1.02	0.69	0.93, 1.12
Occurrence of Contested hearing	1.82	0.36	1.04, 3.19
Occurrence of Termination of Parental Right (TPR)	2.41	0.10	-0.41, 2.17

Based on this initial multivariate logistic regression, we carried out a main effects model including the variables for the number of mother's attorney, number of county counsel, occurrence of contested hearing, and number of 6-month review hearings. All of these variables were statistically significant with a p-value of 0.05 (Main effects in Table 4). In addition, the value of the Hosmer-Lemeshow goodness-of-fit statistic is 7.963 with a corresponding p-value of

0.336, indicating that the model fits quite well. However, it is important to keep in mind that since our sample size is small, the Hosmer-Lemeshow goodness-of-fit test's power is not that reliable.

The next step in the model building process is to assess the need to include interaction effects. An important step in the process of modeling a set of data is determining whether there is evidence of interaction in the data (Hosmer and Lemeshow 2000). We checked whether or not any covariates modify the effect of the difficult case. Although our main effects model contains 4 covariates which thereby provides 6 possible pairwise cross-product terms, only 3 cross-products were selected, because of their significance: 1) mother's attorney \* contest hearing, 2) mother's attorney \* county counsel, and 3) county counsel \* contest hearing from binary variables, because they were significant. The results of adding each of the three interactions, one at a time, to the main effects model are presented below as our final model (Table 4).

**Table 4. Log-likelihood, likelihood ratio test statistic (G), and p-value for interactions of interest when added to the Main Effects Model.**

Interaction	Estimated Odds Ratio	P- value for OR	Log-Likelihood	P
<b>Main Effect</b>			74.27	
Mother's attorney				
More than 1	3.153	0.053		
one	1.0			
County counsel				
More than 1	13.57	0.005		
one	1.0			
Occurrence of Contested hearing				
Yes	4.047	0.029		
No	1.0			
Number of 6-month review hearings				
<b>Interaction</b>				
Mother's attorney*Contest hearing	2.505	0.471	73.74	0.466
Mother's attorney*County counsel	0.001	0.801	72.906	0.243
County counsel*Contest hearing	1611.68	0.740	72.044	0.136

The results in Table 4 show that none of the interaction terms are significant at the 10 percent level. Therefore, we decided against adding any of the interaction terms to the main effects model and moved on to the next step of checking for confounding factors, an appropriate step when interaction is not found (Agresti and Finlay, 1997). As we compared estimated Odds Ratios of these four variables in the pooled model (i.e. main effects model) with Odds Ratios from the bivariate model, the results reflect that it is difficult to conclude that there are any confounding effects of variables on the relationship of each variable to difficult cases since they do not show more than a 10% difference. For instance, the estimated Odds Ratios for the occurrence of contested hearings is 4.05 in the pooled model compared to 4.36 in the bivariate model, and 1.62 versus 1.53 for the number of 6-month review hearings.

Based on the multivariate logistic regression, we found that: 1) the situation with more than two mother's attorneys presiding over the case is 3.15 times more likely to occur in difficult cases than is the situation with one mother's attorney presiding over the case (however, the difference between the two groups (more than 2 versus 1) is not statistically significant); 2) the situation with more than two county counsel presiding over the case is 13.57 times more likely to be a difficult case than a situation with one county counsel presiding over case; 3) a case with a contested hearing is about four times more likely to be difficult than a case without a contested hearing; and 4) as the number of review hearings increases by one unit, the case is 1.65 times more likely to be difficult.

## **Discussion**

Our data demonstrate no relationship between the characteristics of the children and parents involved in juvenile dependency cases and the quality of professional relationships. The

complexity of client needs, such as psychiatric problems, substance abuse, or the presence of younger children had no effect on the relationship between professionals. The significance of parental language in bivariate analyses is interesting to consider however. In discussions with child welfare directors, it was hypothesized that non-English speakers may be more compliant or less able to understand or challenge the process, resulting in easier collaboration between professionals.

Findings suggest that staff turnover has a negative impact on professional relationships. This indicates that the turnover of individuals working on a specific case may be related to the difficulty of professional relationships as a result of a disruption in communication. It appears that there is also an association between complexity in the adjudication process and the quality of professional relationships. However, as with all these analyses, causal direction is not established. For example, we do not know if difficult professional relationships lead to more continuances, or if a higher number of continuances lead social workers to perceive relationships as difficult.

The results summarized here should be viewed with caution due to the following limitations. As this was the first study of its type, the sampling strategy and measurement methods were preliminary and should be refined. Specifically, since we have gathered the results from a non-random sample of the population, we cannot generalize from our results, although data were drawn from multiple jurisdictions, giving more confidence in the findings. Although we did not detect any substantial deviation from the population, our assessment was limited to a few demographic characteristics. Second, the descriptions provided by social workers to explain whether a case is easy or difficult with regard to professional relationships should be used to operationalize this variable, and ensure greater consistency across cases. Third, although there is

no formula to determine the appropriate size for a non-random sample, due to the small sample size of our data, the likelihood of demonstrating statistically significant relationships was low. Analysis of data with a larger sample of cases may reveal additional relationships between the quality of professional relationships and case characteristics, staff turnover, and aspects of the adjudication process.

Fourth, the data failed to reflect specific and enriching information regarding cases. For example, social workers in related focus groups reported that the cases in which either of the parents retained private attorneys tended to be more complicated than cases in which parents were represented by the court-appointed, public attorney (Carnochan et al, 2002). However, it was not possible to distinguish during our case review between private or public attorneys. In addition, we were unable to evaluate the relationship between the quality of professional relationships and the duration of the adjudication process. It is possible that the times to jurisdiction, disposition and permanency are longer in cases where professional relationships are difficult. Although we collected data relating to the duration of the process, these data were inadequate to support statistical analysis due to the small sample size.

## **Conclusion**

While the child welfare and court systems must collaborate in order to achieve positive outcomes for children and families, there is remarkably little research that might further our understanding of such collaboration. The main purpose of this study was to see if case record review could inform our understanding of the problems associated with the relationship between the courts and child welfare agencies in the participating counties. We observed an association

between staff turnover, the complexity of the adjudication process and the quality of professional relationships. Additional large scale research is needed to confirm and understand this association. Attention to recruiting and retaining committed professionals in child welfare agencies, legal organizations serving children and families, and juvenile dependency courts may be an important step toward improving professional relationships. Structuring staff assignments to ensure continuity on a case may also facilitate positive, cooperative relationships among professionals in the juvenile dependency system.

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