

June 24, 2008

Mr. Junius Scott  
Regional Program Manager  
Regional Program Division  
Children's Bureau ACYF/ACF- Region II  
U.S. Department of Health and Human Services  
26 Federal Plaza-Room 4114  
New York, New York, 10278

Wanda Rocha Santiago, Esq.  
Director, Judicial Programs Directory

**RE: PUERTO RICO'S COURT IMPROVEMENT PROGRAM INTERSTATE PLACEMENT ASSESSMENT REPORT**

Dear Mr. Scott:

According to the new assessment requirement for courts that receive the basic Court Improvement Program (CIP) grant, stating that they must assess their role, responsibilities and effectiveness in the interstate placement of children, and must implement improvements to develop the best strategy to use to expedite these placements, the Puerto Rico's Court Improvement Program thereby submits the following report.

Puerto Rico's Court Improvement Program, known in Puerto Rico as "*Justicia para la Niñez*", is managed by the Judicial Programs Directory of Office of Court Administration (OCA).

## **☞ THE ASSESSMENT'S METHODOLOGICAL APPROACH ☞**

This assessment is based on data gathered through questionnaires, mailed or handed out to the following two categories of stakeholders:<sup>1</sup>

1. Judges of the Child, Youth and Family Courts: All of the 54 judges that preside over Child, Youth and Family cases all around the Puerto Rico Court System, of which 20 sent the questionnaire duly completed on time, for a 37% response rate.
2. Attorney working for the Legal Services Corporation (PRLS): All of the PRLS 80 attorneys, of whom 74 sent the questionnaire completed on time, for a 93% response rate.

The participation in both surveys was anonymous.

The questionnaire sent to these judges was basically the same as the one sent to the PRLS attorneys, with few questions specifically aimed at their role as adjudicators in the process.

Although questions were formulated for both types of Interstate Placements, that is, from those generated in the states as well as in Puerto Rico, only the later constitute the focus of this report. The placements made from states to Puerto Rico will be treated in a subsequent report, to be submitted somewhere between November and December 2008.

## **☞ THE ASSESSMENT'S MAIN FINDINGS ☞**

### **Number of Interstate Placement Cases**

Based on the results of both surveys, it may be stated unambiguously that Child Interstate Placements from Puerto Rico to the states seem to be a somewhat minor court activity. The infrequency of this type of cases sustain this assertion.

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<sup>1</sup> Another questionnaire was sent to 300 social workers of the Administration for Family and Children of the Department of the Family. However, due to logistical coordination problems within the agency its distribution was delayed a couple of weeks, therefore impeding the timely processing and analysis of its data to be included in this report.

Judges were asked in how many cases of child interstate placement from Puerto Rico to the states they had intervened as judges in the last 24 months. Fifteen of these 20 judges (75%) indicated that they had not intervened in any of these types of cases.

Only four of the 20 judges (22%) indicated that they had intervened in such cases during that period (three judges said that they had intervened in approximately 10 of these cases and one judge said that she intervened in three of them). The remaining judge did not answer this question.

Based on this data, a weighted average of approximately 1.7 cases per judge in a 24 month period can be estimated, that is, approximately one case per year.

$$((0 \times 15) + (3 \times 1) + (10 \times 3)) \div 18 = 1.7 \text{ cases per judge in the last 24 months period}$$

In the case of the PRLS attorneys, a similar question was asked. Of the 74 attorneys that responded the questionnaire, 65 of them (88%) said they hadn't intervened in any of these types of cases during the specified period. Of the remaining nine attorneys, seven responded they had intervened in only one case; one indicated in two cases, and one in five cases.

Based on these answers, the weighted average of these types of cases intervened per PRLS attorney in the last 24 month period was:

$$((0 \times 65) + (1 \times 7) + (3 \times 1) + (5 \times 1)) \div 74 = 0.2 \text{ cases per attorney in the last 24 months period}$$

When asked in how many of these cases the placement was done without any difficulty, the answers of the four judges that intervened in such cases were:

- None out of three cases;
- None out of ten cases.
- Eight out of ten cases; and
- Five out of eight cases.

In the case of eight of nine PRLS attorneys who answered this question, the results were:

- None out of 1 case (three attorneys)
- One out of one case (three attorneys)
- Two out of two cases (one attorney)
- Four out of five cases (one attorney).

Therefore, the outcome for the judges has been quite varied, ranging from a high success rate for two of them to a dismal experience for the other two. However, for the PRLS attorneys the experience seems to have been a more successful one.

### **Factors contributing to the delays in Child Interstate Placements**

In both surveys the respondents that intervened in these cases during the last 24 months were asked to indicate the frequency with which 18 listed factors could have hinder the prompt placement of child and youth from Puerto Rico to the states, according to their experience during this period.

The following Lickert scale was used to classify the frequency:

Never	Almost never	Occasionally	Frequently	Almost always	Always	Doesn't know/ Doesn't apply
( )	( )	( )	( )	( )	( )	( )

According to the five judges applicable for answering this question (those that intervened in these cases during the alluded period), the delay from the Child and Family Agency in **processing the Interagency Study** was a significant factor in delaying these placements. Four out of these five judges indicated that this factor “always” or “almost always” contributed to the delay in placement from Puerto Rico to the states (two judges mentioned each category).

The delay from the Child and Family Agency in **collecting and sending documents** required by the other jurisdiction was another factor considered as a frequent cause for such delays: two judges said “occasionally”; and two other respondents mentioned “almost always” and “always”.

However, from the PRLS attorneys' perspective, the **delay of the Home Study** conducted by the receiving state agency (the U.S. state jurisdiction) is considered as the most frequent factor in making difficult the prompt placement of children in the receiving jurisdiction. Of the nine attorneys qualified for answering this question, three mentioned that this factor "almost always" made difficult the placement and one said that it "always" did.

Other factors that contributed the most to the delay in placements according to these nine attorneys were:

- The delay from Child and Family Agency in revising and approving the documents sent by the other jurisdiction.
- The delay from Child and Family Agency in collecting and sending documents required by the other jurisdiction.
- The delay in obtaining the verification of information from the other jurisdiction.
- The delay from the Child and Family Agency in processing the Interagency Study.

Another question aimed at identifying which factors contributed the most to the delay in the child placements from Puerto Rico to the receiving states was included in the questionnaire; this time the respondents had to identify a maximum of three factors and order them according to their importance in contributing to the delays.

Only two out of the five judges who were supposed to address this question did so. The two judges mentioned the following two factors as the main reason for the delay in the placements:

1<sup>st</sup> factor contributing to the delays:

- The receiving state's family inadequate housing
- The delay from the Child and Family Agency in collecting and sending documents required by the other jurisdiction.

2<sup>nd</sup> factor contributing to the delays:

- The unwillingness from the client to cooperate

- The delay of the Home Study conducted by the receiving state agency

3<sup>rd</sup> factor contributing to the delays:

- Both judges mentioned the Child and Family Agency delay in processing the Interagency Study.

Of the nine PRLS attorneys that were valid respondents to this question, only three answered in a correct manner. The delaying factors mentioned by the attorneys were:

1<sup>st</sup> factor contributing to the delays:

- The non-cooperation for the agency in charge of providing child protective services.
- The requirement of the receiving state that all Puerto Rico court documents be translated to the English language.
- The delay in the verification of the information by the receiving state agency.

2<sup>nd</sup> factor contributing to the delays:

- The delay from Child and Family Agency in collecting and sending documents required by the other jurisdiction.
- The delay of the Home Study conducted by the receiving state agency.
- The devolution of documents by Child and Family Agency because it was incomplete.

3<sup>rd</sup> factor contributing to the delays:

- All three PRLS attorneys mentioned the delay of the Home Study conducted by the receiving state agency.

### **Recommendations provided by the respondents**

When asked what strategies or actions, if any, they would recommend in order to improve the functioning of the courts in child and youth interstate placements, most of the eleven judges (out of 20) that answered this question

stressed the need to create more awareness among judges, court staff and the Department of the Family social workers and solicitors, of the laws and protocols that govern these types of cases, and of the ICPC in particular.

In order to create more awareness of this type of judicial process, the judges recommended that courts promote training through seminars, including learning exchanges between Puerto Rico and U.S. states.

Other recommendations provided by the judges were:

- That the Department of the Family authorizes its Social Workers to travel to the states to conduct the social study.
- That the U.S. agencies provide more detailed information in their social study (they tend to be too general).
- Improve the coordination between the Puerto Rico courts and the Department of the Family.
- Assure that court and agency personnel working in these cases are fluent in English language.
- That Puerto Rico is included in the ICPC.
- That the interagency studies be more expedite.

A total of 37 out of the 74 PRLS attorneys (50%) responded to the question concerning strategies and actions to improve the functioning of the courts in these sorts of cases. Almost all of the respondents mentioned the need of seminars to increase their knowledge (as well as the judges' and court agency staff) in the handling of these cases and about the ICPC law and procedures.

The second recommendation most mentioned has to do with the improvement in the coordination of efforts between the Puerto Rico courts and the Department of the Family.

Some opine that knowledge about the ICPC should be promoted, including to families and communities.

Other recommendations provided by PRLS attorneys were:

- That statistics of Interstate Placement (from and to Puerto Rico) be produced.
- That video recording be used in home inspections and interviews of potential guardians, so the child or youngster could watch and react to the people and environment where he or she could be placed.
- Personnel from the Child and Family Agency should be available to travel as quickly as possible to the states, with a budget approved for this specific purpose.
- That Internet based communication and networking training be provided to social workers in order to improve their effectiveness in collaborating with their state counterparts.

### **Puerto Rico's possible inclusion in the ICPC**

A set of questions were included addressing Puerto Rico's possible involvement in the ICPC. It was important to grasp the degree of familiarity of the respondents with the ICPC law and regulations. Almost 2/3 of the judges (12 out of 20) said they had no familiarity at all with the ICPC law and regulations. For the PRLS attorneys, this proportion is much larger: 64 out of the valid 72 respondents (89%) indicated having no familiarity whatsoever with this subject.

Of the eight judges who were familiar with ICPC law and regulations, seven said they had "little" familiarity, while one said it had "sufficient" familiarity with it. The eight PRLS attorneys that mentioned having some familiarity with this subject were distributed in the same manner: seven with "little" and one with "sufficient" familiarity.

When asked how much priority, if any, should be given to Puerto Rico's inclusion into the ICPC, the results were:

- Judges: 4 said "sufficient priority" and 2 said the "highest priority" (the remaining two respondents did not answer this question).
- PRLS attorneys: one indicated "no priority at all", one said "little priority"; three said "sufficient priority"; and three said the "highest priority".

When asked if they were in favor or against Puerto Rico's inclusion into the ICPC, the results were:

- Judges: five said they were in favor and three didn't have any opinion.
- PRLS attorneys: five said they were in favor, one was against the idea and two didn't have any opinion.

### **✎ CONCLUDING REMARKS ✎**

1. Both surveys results show that Child Interstate Placements from Puerto Rico to the states is rather a minor court activity. Only a small proportion of the respondents of both surveys were involved in such cases in the last 24 months: ¼ of judges surveyed and little more than 11% of the 74 attorneys who responded he survey. Most of those involved in these kinds of cases during this period had the experience of only one case.
2. The main factors that contribute to the delay in child interstate placements are:
  - The delay from the Puerto Rico Child and Family Agency (Department of the Family) in processing the Interagency Study.
  - The delay from the Puerto Rico Child and Family Agency in collecting and sending documents required by the receiving state.
  - The delay of the Home Study conducted by the Receiving State Agency (the U.S. state jurisdiction).
3. There is a generalized opinion that more awareness has to be created about interstate placement process and ICPC laws, regulations and protocols, as well as more training (i.e. seminars) for Puerto Rico's judges and court and agency staff should be given on these matters.
4. There seems to be consensus among respondents of the necessity of Puerto Rico's inclusion in the ICPC, where the majority of them expressed that it should be a high, if not the highest priority.