

Tailored Dispositional Orders: Promoting Positive Change Through Shared Responsibility

The Wisconsin Tailored Dispositional Orders Project

The Department of Children and Families (DCF) in collaboration with the Children's Court Improvement Program (CCIP) seek to promote the shared responsibility of parents, child welfare agencies, court, and legal partners in achieving timely reunification for children. The tailored dispositional orders project outcomes helped to identify strategies for creating shorter, tailored Conditions for Return (reunification), and better promote positive behavior changes needed to safely return children to their home of origin.

Purpose

Children, youth and families who are involved with the child welfare system have the best chance for success when they are provided with court ordered conditions that are clear, simple and tailored to their individual needs. In current practice, parents and youth are often required to comply with a long list of terms and conditions and in a youth justice court order, emphasizes sanctions for negative behavior rather than incentivizing them for incremental positive changes. In youth justice proceedings, when conditions do not connect to the necessity of supervision or towards treatment goals, youth become at risk of incarceration or prosecution for low-level violations of their court orders.

Goals of the Project

1

Tailor the Conditions for Return to meet the needs of individual parents

3

Improve the percentage of cases resulting in reunification

2

Improve the timeliness of achieving permanency, namely reunification

4

Increase parent/family participation and engagement





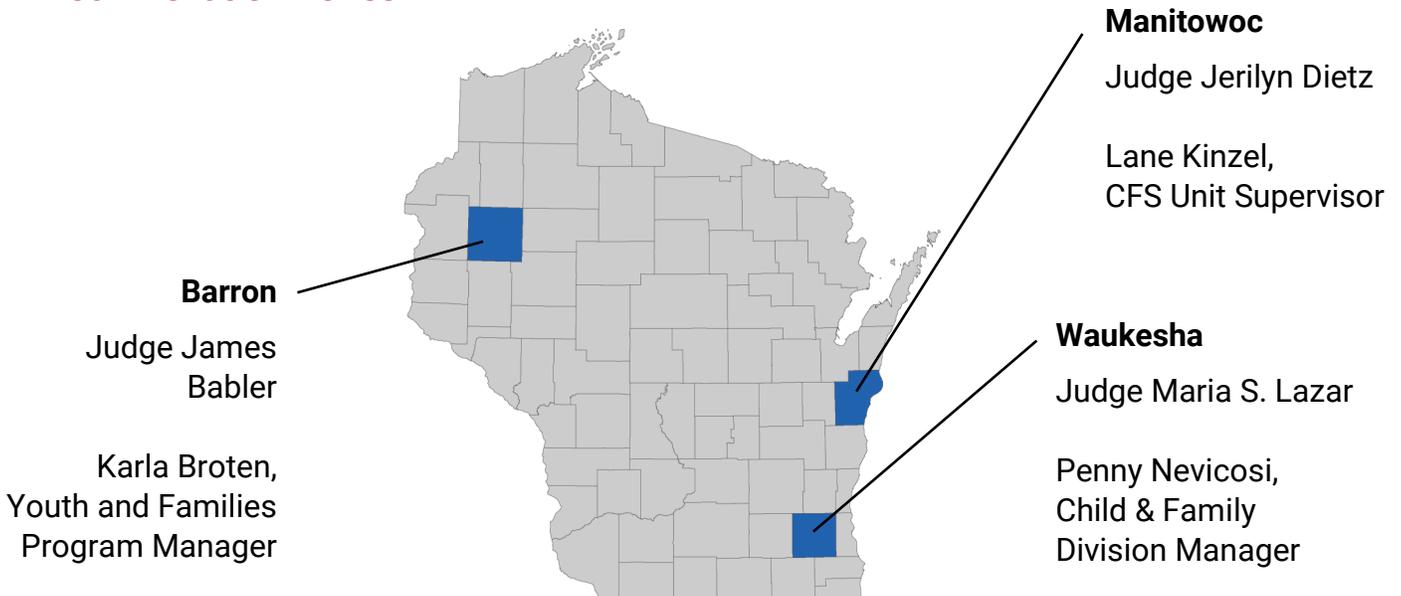
What Works in Child Welfare

Research supports that people change when expectations are clearly and plainly written, organized in a manner that defines behavioral and cognitive changes, and focuses only on the required changes for the reunification of children to return home. Extensive, long-listed court ordered conditions present complications for parental involvement, service delivery availability and length of time needed for interventions to impact change in human behavior, and timely successful outcomes. In many cases, the services are unavailable within the area and/or time frame monitored by the court order. Additionally, the timeline by which meaningful change occurs often does not align with brain development and the formative ability for parents to meet the conditions, even if all possible resources are provided. Conditions for parents that provide clarity in their certainty, immediacy, proportionality to the safety concern, and fairness in responsibility are more successful in reunification efforts and behavioral change.

Tailored dispositional orders should not be a standardized list copied from one family to the next. Instead, they should:

- address danger threats,
- help parents understand what behavior changes need to be made for children to return home safely,
- be prioritized to help parents and youth understand where to begin and end,
- does not contain legal or CPS language that is confusing,
- address specific needs of children and families,
- and, if necessary, can be proven at TPR proceedings.

Pilot Innovation Zones





Pilot Innovation Zones

Beginning in Fall 2020, DCF and CCIP met with court, legal, and child welfare leadership from three (3) pilot counties. Between March 2021 and June 2021, each of the pilot counties participated in two training modules *Child Safety and Tailored Dispositional Orders* and *Engaging Families in Child Welfare* to preface efforts between legal partners and county agencies in best-practices of both writing trauma-informed, cognitive-behavioral, and SMART Conditions for Return. Implementation of revised Conditions for Return were piloted for all newly filed dispositional orders in each county. In November 2021, each of the pilot sites participated in a webinar: *A Parent's Perspective*. Each innovation zone had separate training, including group discussion and collaboration between multi-disciplinary teams (judicial officers, attorneys, child welfare professionals, and CASA representatives).

Project Design

This project sought to improve Conditions for Return so that they are tailored to meet the needs of the individual parents and written in sequence of priority to address the most significant issues and behavioral changes needed to promote timely reunification and permanence. The **SMART** goals framework is utilized to define tailored Conditions for Return:



Specific: What danger threat is the condition addressing?



Measurable: Does the condition make it clear what behavior needs to change?



Achievable: Is it possible for the parent/caregiver to successfully meet the condition?



Realistic: Is the condition written in a way that the parent/caregiver understands?



Timely: Is the condition related to a behavior change that can begin or occur promptly?



Results of Training

Innovation zones were surveyed on the helpfulness and usefulness of the training; including the use of SMART goals to achieve improved and shortened conditions for return. Most innovation zones ranked the training modules as 'very helpful' or 'somewhat helpful' to the extent of using SMART goals. They felt it helped to improve child welfare/youth justice practice in engaging with families and shorten the amount of time children and youth are placed out of the familial home.

Pilot Counties/Innovation Zone Participants Feedback

- The power differential between a judge and family and how impactful it can be for the judge to come off the bench and sit at the same levels as parents, was eye opening.
- It is important that the CHIPS/Delinquency petitions and court reports accurately reflect what happened as inaccurate information can derail relationships with youth and parents.
- Focusing on parent behavior while using substances did not align with the safety threat identified and the proposed length of time for change in substance use behavior was misaligned.
- The interactions in and outside the courtroom is an important intervention that can be trauma-informed and shifted to a perspective of collaboration and help, rather than a criminal or punitive experience.
- Training allowed for all multi-disciplinary partners to learn and understand together.

Implementation Progress

Innovation zones made changes to county agency case transfer processes in order to use a team approach and draft Conditions for Return from a multi-disciplinary approach. In some cases, an ongoing child welfare professional was asked to be assigned to a family in earlier stages of the initial assessment process, including discussing safety assessments and conducting safety staffings using a team decision making model. Conditions for return are also used as a discussion tool during pre-trial conference hearings amongst stakeholders and to involve family voice.

Lessons Learned

- **Collaborative relationships** amongst judges, attorneys, and child welfare/youth justice professionals are pivotal in successful implementation of the pilot.
- It is difficult to discuss the conditions using a SMART model if court hearings are scheduled for only 15 minutes at a time; thus, **expanding time allotment for hearings** is recommended for long-term success.
- Improving Conditions for Return is not enough, **practice shifts** also need to occur. This includes how families are engaged, structure and process of court hearings, and balancing what is *necessary* for return versus *suggested*.



Recommendations and Next Action Steps

Recommendations for the Future State of Conditions for Return

- Indicate which condition for return is a priority and explain the connection to the danger threat.
- Explain the behavior that brought CPS/YJ into the family's life and what actionable changes need to be made.
- Acknowledge the progress parents and youth make towards achieving conditions.
- Provide clear understanding of the specific behavior that needs to be addressed and utilize SMART goals to outline a pathway to success.
- Conditions for return should be written in the family and youth's language for better understanding and commitment to achievement.

Next Action Steps

Seeking Additional Innovation Zones

Interested in learning more? DCF and CCIP are seeking additional local jurisdictions who would like to make their court orders more tailored, both for CPS and YJ involved families.

Contact DCFDSPPGeneralFosterCare@wisconsin.gov to express interest in becoming an Innovation Zone.

Attachments

Link to [Children's Court Improvement Program Website](#)

Link to [Tailored Dispositional Orders Resources](#) and [Summary Report](#)

Link to [DCF Tailored Dispositional Orders Issue Brief](#)

Resources

Pennsylvania Bench Book, "Delinquency Dispositions in General," § 9-1, "Probation," § 9-7; "Probation Enforcement," § 10-2, § 10-3.

National Council of Juvenile and Family Court Judges (2017 Resolution).

Promoting Positive Development: The Critical Need to Reform Youth Probation Orders, National Juvenile Defender Center.

Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press (2013), p. 185 & p. 192.

Fagen, J.A., and Tyler, T. (2005). Legal socialization of children and adolescents. *Social Justice Research*, 18(3), 217-241.

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