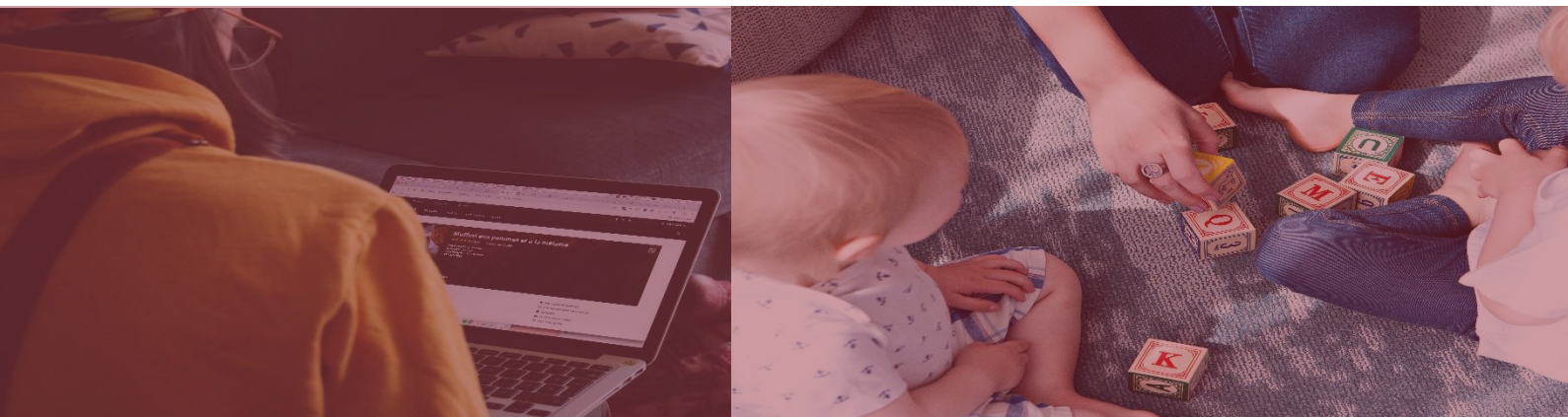


# Study of Virtual Child Welfare Hearings: Results from Snohomish County and Spokane County, Washington

## August 2021



## Introduction

Seven Commissioners in Spokane and one judge in Snohomish County, WA participated in the National Center of State Courts' Study of Virtual Child Welfare Hearings from December 2020 through May 2021. The study involved multiple data collection activities across 24 courtrooms in 17 jurisdictions across the country. This document summarizes findings for Washington state, including:

- 109 observations of virtual hearings
- 45 surveys of attorneys
- 47 parent surveys
- 26 surveys of caseworkers.

As part of the study, we asked court professionals to connect us with youth who have participated in a virtual child welfare hearing. The site-specific findings are not included here because of the small sample size; however, themes from the youth interviews will be

documented in a future publication.

Please contact Teri Deal ([tdeal@ncsc.org](mailto:tdeal@ncsc.org)) with questions or for more information.

# Court Observation

NCSC staff observed 44 hearings in Snohomish County and 65 hearings in Spokane. Most were review hearings, preliminary hearings, and motions. Hearings were on average 14 minutes and 23 seconds in length. Below is a summary of court observations in Washington State.

When parents or youth were present, they were most often present by video.

	Mothers	Fathers	Youth
<u>Percent of hearings present:</u>	47%	33%	10%
<u>Of hearings present:*</u>			
Audio Only	35%	39%	45%
Video	58%	56%	55%

*Percent of hearings present does not add up to 100% for Mothers or Fathers because there were some hearings where parents appeared in person.*

Court professionals, including attorneys and caseworkers, appear by video nearly all of the time, while caregivers appear by video about 2/3 of the time.

	Agency	State	Mother Attorney	Father Attorney	Child Attorney	Caregiver
<u>Percent of hearings present:</u>	81%	98%	76%	63%	41%	27%
<u>Of hearings present:*</u>						
Audio Only	2%	0%	1%	3%	6%	33%
Video	98%	100%	98%	97%	94%	67%

*Percent of hearings present does not add up to 100% for Mother Attorney because there was one hearing where the Mother's Attorney appeared in person.*

At the beginning of the hearing, there are steps the judge or court staff can take to prepare parties for a virtual hearing. These steps are:

- Confirming all parties are present before the hearing begins.
- Confirming everyone’s sound works prior to starting the hearing. This can be done while confirming that all parties are present.
- Asking for the location where a party is attending and whether it is private and distraction-free. This allows the court to contextualize a party’s behavior and understand if there are limitations on their ability to meaningfully engage.

In what percentage of hearings did the judge or court staff:

Confirm all parties are present?	23%
Confirm everyone's sound works?	2%
Provide instructions for using the platform?	0%
Ask where parties are attending from?	0%

The National Council of Juvenile and Family Court Judges’ Enhanced Resource Guidelines offers several recommendations for how judges can meaningfully engage youth and family in dependency hearings. Our study was interested in learning about how these recommendations could be implemented in the virtual courtroom environment.

When mothers were present, how often did the judge...

Explain the hearing purpose?	14%
Speak directly to the person?	55%
Address person by name?	59%
Ask if they have questions?	14%
Identify next steps?	50%
Ask if person understands next steps?	9%
Give person opportunity to be heard?	50%
Through attorney only?	23%

When fathers were present, how often did the judge...

Explain the hearing purpose?	17%
Speak directly to the person?	67%
Address person by name?	50%
Ask if they have questions?	0%
Identify next steps?	25%
Ask if person understands next steps?	0%
Give person opportunity to be heard?	50%
Through attorney only?	17%

## When youth were present, how often did the judge...

Explain the hearing purpose?	17%
Speak directly to the person?	50%
Address person by name?	67%
Ask if they have questions?	0%
Identify next steps?	0%
Ask if person understands next steps?	0%
Give person opportunity to be heard?	83%
Through attorney only?	0%

## Other observations

- The pandemic was mentioned in 3 (7%) of hearings observed. This was about half as often as other jurisdictions; however, this could partly be due to Washington state moving to virtual hearings before other states in our study.
- We observed the 2 (9%) of mothers present and 2 (17%) of fathers present interacting with their attorney during the hearings. This communication most often occurred via breakout room or text message.
- Technical issues were observed in 12 (27%) of the hearings observed. This is slightly higher than the average across all of the 374 hearing observations (22%). The most common technological issues in Snohomish included video freezing/poor connectivity and inability to mute the phone. It typically took 1 minute to resolve the issue, and the most common action taken was pausing until the person's connection improved.

# Attorney Survey

There were 45 attorneys who responded to the survey; 25 from Snohomish and 20 from Spokane. Most were between 30-39 years of age, identified as female, white, and non-Hispanic.

### What is your role in child welfare cases? Select all that apply

	Snohomish	Spokane
Youth Attorney	28%	5%
Parent Attorney	48%	35%
Government Attorney	32%	60%
GAL	20%	0%

### How many virtual child welfare hearings have you participated in since March 2020?

	Snohomish	Spokane
1 to 10	0%	0%
11 to 50	8%	15%
51 to 100	38%	10%
More than 100	54%	75%

**How do you typically participate in virtual hearings? Please indicate a percentage for each. Your responses should add up to 100.**

	Snohomish	Spokane
Video conference	95%	98%
Telephone (voice only)	5%	2%

**Typically, what type of device do you use to participate in virtual hearings? Select all that apply.**

	Snohomish	Spokane
Personal desktop or laptop computer	92%	75%
Personal smartphone	12%	35%
Employer issued desktop or laptop computer	4%	5%
Employer issued smartphone	12%	0%
Employer issued tablet	36%	35%
Personal tablet	36%	10%
Employer issued cell phone	8%	0%
Personal cell phone	0%	0%
Other	0%	5%

**From what locations have you participated in virtual hearings? Select all that apply**

	Snohomish	Spokane
Home or place of residence	88%	100%
Place of work	88%	45%
Other	0%	5%
Another public location	16%	5%

**During virtual hearings, how often have you been able to confer privately with your client when needed?**

	Snohomish	Spokane
Every time	17%	45%
Almost every time	17%	10%
Sometimes	33%	35%
Almost never	17%	0%
Never	0%	0%
N/A (the need has not yet risen)	17%	10%

**During virtual hearings, how have you communicated privately with your clients? Select all that apply**

	Snohomish	Spokane
Text message	44%	45%
Phone call	32%	30%
Breakout room	44%	50%
Other	32%	45%

**What barriers, if any, have your clients faced accessing court proceedings? Select all that apply.**

	Snohomish	Spokane
Lack of equipment (e.g., laptop, smartphone) needed to join proceedings	56%	35%
Lack of Internet access	56%	55%
Lack of data plan	48%	30%
Distractions at location to join	24%	0%
None	48%	35%
Other	16%	30%
Unsafe location to join proceeding	40%	20%

**Approximately, what percentage of your clients are experiencing barriers to attending virtual hearings?**

	Snohomish	Spokane
0 - 19%	58%	80%
20 - 39%	17%	10%
40 - 59%	8%	10%
60 - 79%	13%	0%
80 - 100%	4%	0%

**What of the following do you believe are the most significant benefits to conducting virtual court hearings? Select all that apply.**

	Snohomish	Spokane
Elimination of client transportation needs	96%	100%
Reduced failure of clients to appear	64%	80%
Elimination of travel time and expenses	52%	40%
More efficient to participate in hearings in different courts on the same day	60%	40%
Increased use of time-certain scheduling (fewer "cattle call" days)	72%	65%
Remote setting less intimidating for clients	28%	40%
Other	0%	0%
None	0%	0%
Unsure	12%	20%

**Which of the following do you believe are the most significant drawbacks to conducting virtual court hearings? Select all that apply.**

	Snohomish	Spokane
General technology issues (e.g., access difficulties, unavailable or slow internet)	84%	90%
General quality of communication is degraded (e.g., lack of non-verbal cues, hard to hear and understand people)	68%	65%
Too many distractions when participating from a remote location	24%	25%
Loss of a sense of seriousness of the proceedings	44%	45%
Remote setting is more intimidating for clients	8%	0%
Adverse impacts on procedural fairness	36%	35%
None	0%	5%
Unsure	0%	0%
Other	24%	40%

**How would you compare participating in an online hearing to being in person in the courtroom?**

	Snohomish	Spokane
Virtual is better	8%	10%
It depends on the type of hearing	60%	65%
N/A (I have only been in online hearings)	4%	5%
In person is better	24%	20%
No difference	4%	0%

**What types of hearings would you prefer to be in-person? Select all that apply**

	Snohomish	Spokane
Termination of parental rights	87%	92%
Adjudication hearings	33%	38%
Adoption hearings	15%	23%
Emergency protection hearings	40%	8%
Disposition hearings	20%	31%
Review hearings	13%	8%
Permanency planning hearings	27%	15%
Other	7%	15%

**When it is safe again to hold all hearings in person, how often do you think courts should hold virtual hearings?**

	Snohomish	Spokane
Always	8%	5%
Very often	33%	45%
Sometimes	50%	40%
Rarely	8%	10%
Never	0%	0%

**In your experience, are parents more or less likely to appear in a virtual hearing rather than an in-person hearing?**

	Snohomish	Spokane
Much less likely to appear virtually	0%	0%
Somewhat less likely to appear virtually	9%	0%
No difference	26%	30%
Somewhat more likely to appear virtually	57%	40%
Much more likely to appear virtually	9%	30%

**Generally, how easy or difficult has it been for you to connect and participate in virtual hearings?**

	Snohomish	Spokane
Very difficult	0%	0%
Difficult	4%	0%
Neither easy nor difficult	0%	5%
Easy	25%	10%
Very easy	71%	80%
N/A	0%	

**Generally, how easy or difficult has it been for parents to connect and participate in virtual hearings?**

	Snohomish	Spokane
Very difficult	5%	0%
Difficult	26%	20%
Neither easy nor difficult	42%	20%
Easy	21%	45%
Very easy	5%	0%
		0%

**Generally, how easy or difficult has it been for children and youth to connect and participate in virtual hearings?**

	Snohomish	Spokane
Very difficult	0%	0%
Difficult	7%	10%
Neither easy nor difficult	36%	15%
Easy	50%	40%
Very easy	7%	5%

**Have you participated in one or more contested hearings with witnesses testifying virtually? If so, how many?**

	Snohomish	Spokane
0	4%	10%
1 to 3	36%	25%
4 to 10	40%	25%
More than 10	20%	20%

**How would you rate the hearing quality of virtual contested hearings compared to contested hearings conducted in person?**

	Snohomish	Spokane
Very poor	4%	5%
Poor	35%	20%
About the same	52%	35%
Better	4%	10%
Much better	4%	0%



# Parent Survey

There were 47 total parents or caregivers who responded to the survey, 38 from Spokane and 9 from Snohomish. Most respondents (62%) were parents. The majority (60.5%) were between 30-39 years old, were White, non-Hispanic (71%), and female (77%).

## How long ago was the most recent virtual dependency court hearing you attended?

	Snohomish	Spokane
Today	67%	11%
Not today, but in this last week	22%	13%
In the past month	0%	50%
More than 1 month ago	11%	13%
Not sure	0%	3%

## What type of device did you use to access the hearing? Select all that apply

	Snohomish	Spokane
Desktop or laptop computer	33%	45%
Tablet	0%	3%
Smartphone	44%	61%
Cell phone	11%	5%
Other	0%	0%

## Did you have a camera turned on at all during the virtual hearing?

	Snohomish	Spokane
Yes, during the entire hearing	25%	68%
Yes, during part of the hearing	63%	16%
No	12%	16%

## How was your connection during the hearing?

	Snohomish	Spokane
My connection was good: I had reliable connection the entire time	75%	79%
My connection was OK but sometimes slow or unstable	25%	18%
My connection was poor: It completely cut out or stopped working at least once during the process	0%	3%

## Where were you located when the virtual hearing took place?

	Snohomish	Spokane
My home or place of residence	63%	84%
My place of work	12%	8%
A friend or family member's home or place of residence	25%	0%
At the courthouse (e.g., using a kiosk or self-help center)	0%	0%
Another public location (e.g., library, public hotspot, coffee shop or other business)	0%	5%
In a car	0%	3%

**Why did you participate from that location? (Check all that apply)**

	Snohomish	Spokane
I don't have the appropriate technological device(s) at home	11%	3%
I don't have access to an internet connection at home	11%	0%
My internet service or data plan at home is unreliable or too limited	0%	3%
I have too many distractions or not enough privacy at home	0%	3%
I was at work for my regular business hours or scheduled shift	11%	11%
I was instructed to participate from this location by the court	0%	3%
This is where I felt comfortable participating	22%	50%
This was the easiest place for me to participate	56%	50%
Other	11%	13%

**Did you receive instructions on how to participate in the online hearing?**

	Snohomish	Spokane
Yes	75%	79%
No	25%	21%

**How did you get the instructions? Select all that apply**

	Snohomish	Spokane
From my attorney	67%	55%
Email from the court	0%	8%
Written information mailed to me	17%	0%
Phone call from the court	0%	3%
Text message from the court	0%	5%
Other: Responses included Case Worker or CASA	17%	24%

**Were you represented by an attorney at this hearing (parents only)?**

	Snohomish	Spokane
Yes	75%	68%
No	25%	32%

**Did you speak to your attorney before the hearing (parents only)?**

	Snohomish	Spokane
Yes	50%	77%
No, but I would have liked to	33%	15%
No, and I did not need to	17%	4%

**Did you speak to your attorney privately (so that no one else could hear) during the hearing (parents only)?**

	Snohomish	Spokane
Yes	33%	46%
No, but I would have liked to	33%	19%
No, and I did not need to	33%	35%

**(If yes) How did you communicate with your attorney during the hearing?**

	Snohomish	Spokane
Text message	n=1	n=7
Phone call	0	n=3
Video breakout room	0	n=1
Other	n=1	n=1

**What, if anything, worked well for you about attending the hearing virtually? (Check all that apply)**

	Snohomish	Spokane
No travel expenses to attend the hearing	22%	58%
No time spent traveling to the hearing	22%	63%
Less intimidating than an in-person hearing	11%	34%
Less time taken off work	11%	26%
Did not need to find childcare	56%	26%
Unsure	0%	0%
None of the above (nothing in the hearing worked well)	0%	8%
Other	11%	0%

**What, if anything was difficult about attending the hearing virtually? Select all that apply.**

	Snohomish	Spokane
No Internet access at home	0%	5%
No equipment at home (webcam, computer, etc.)	0%	5%
Connecting was difficult, technical issues	11%	3%
Hard to have everyone speak	11%	11%
Hard to hear the judge	11%	3%
No interpreter	0%	0%
Unsure	0%	3%
None of the above (it was not difficult)	67%	71%
Other	11%	5%

**How would you compare participating in an online hearing to being in person in the courtroom?**

	Snohomish	Spokane
Online is better	50%	45%
No difference	38%	26%
In person is better	0%	21%
N/A (I have only been in online hearings)	12%	8%

**When it is safe again to hold all hearings in person, how often do you think courts should hold virtual hearings?**

	Snohomish	Spokane
Always	25%	34%
Very often	25%	21%
Sometimes	50%	37%
Rarely	0%	3%
Never	0%	5%

**Does the judge hear more or less of your side in online hearings compared to in-person hearings?**

	Snohomish	Spokane
The judge hears more of my side in online hearings	0%	24%
No difference	75%	47%
The judge hears more of my side in in-person hearings	13%	18%
N/A (I have only been in online hearings)	13%	11%

**Is there anything else you want the court to know?**

- The judge was difficult to understand with her mask on. There were a number of other people whose audio kept skipping, sometimes on important words. The biggest disadvantage of the online venue was not being able to see everyone's faces. Sometimes it is helpful to be able to put a face to a name, and be able to read a person's expressions as they speak.
- Keep using this method whenever you can
- I didn't express everything I wanted to, however I was unable to consult with my lawyer prior so that is why I didn't say what I wanted to and I hope that next time I can express my side of things once I talk to my lawyer first to make sure it is appropriate to state in the court of law.
- It was handled very well and everyone who attended was given multiple opportunities to express themselves. I excused myself when the services portion of the hearing was to begin.
- I wonder how impartial this commissioner is after hearing things said "after" the hearing was over.
- I think online hearings are utmost ridiculous.
- I find that the lack of visual and verbal distraction to be very helpful in online video hearings. I am able to focus on what is being said and I am able to comprehend and take in information better than in person hearings. I like both. I just prefer online through my computer or through my smartphone.

# Caseworker Survey

There were 26 caseworkers who responded to the survey; 22 were from Spokane and 4 from Snohomish. Due to the small number of respondents in Snohomish, the caseworker surveys are aggregated. Most respondents were between 30-39 years of age, identified as female, white, and non-Hispanic.

## How many virtual child welfare hearings have you participated in since March 2020?

1 to 10	19%
11 to 50	54%
51 to 100	23%
More than 100	3%

## How do you typically participate in virtual hearings? Please indicate a percentage for each.

Video conference	96%
Telephone (voice only)	4%

## Typically, what type of device do you use to participate in virtual hearings? Select all that apply.

Employer issued desktop or laptop computer	65%
Personal desktop or laptop computer	0%
Employer issued tablet	31%
Personal tablet	0%
Employer issued smartphone	62%
Personal smartphone	4%
Employer issued cell phone	0%
Personal cell phone	0%
Other	0%

## From what locations have you participated in virtual hearings? Select all that apply

Home or place of residence	97%
Place of work	88%
Another public location	4%
Other	15%

**What barriers, if any, have your clients faced accessing court proceedings? Select all that apply.**

Lack of equipment (e.g., laptop, smartphone) needed to join proceedings	46%
Lack of Internet access	46%
Lack of data plan	42%
Unsafe location to join proceeding	15%
Distractions at location to join	42%
None	23%
Other	8%

**Approximately, what percentage of your clients are experiencing barriers to attending virtual hearings?**

0 - 19%	62%
20 - 39%	23%
40 - 59%	4%
60 - 79%	0%
80 - 100%	8%

**What of the following do you believe are the most significant benefits to conducting virtual court hearings? Select all that apply.**

Elimination of travel time and expenses	96%
More efficient to participate in hearings in different courts on the same day	61%
Increased use of time-certain scheduling (fewer "cattle call" days)	50%
Reduced failure of clients to appear	58%
Elimination of client transportation needs	89%
Remote setting less intimidating for clients	69%
None	4%
Unsure	0%
Other	8%

**Which of the following do you believe are the most significant drawbacks to conducting virtual court hearings? Select all that apply.**

General technology issues (e.g., access difficulties, unavailable or slow internet)	77%
General quality of communication is degraded (e.g., lack of non-verbal cues, hard to hear and understand people)	73%
Too many distractions when participating from a remote location	27%
Loss of a sense of seriousness of the proceedings	61%
Remote setting is more intimidating for clients	0%
Adverse impacts on procedural fairness	11%
None	0%
Unsure	0%
Other	27%

**How would you compare participating in an online hearing to being in person in the courtroom?**

Virtual is better	8%
No difference	3%
In person is better	20%
It depends on the type of hearing	69%
N/A (I have only been in online hearings)	0%

**What types of hearings would you prefer to be in-person? Select all that apply (only for people who selected "it depends on the type of hearing")**

Emergency protection hearings	30%
Adjudication hearings	0%
Disposition hearings	39%
Review hearings	12%
Permanency planning hearings	28%
Termination of parental rights	89%
Adoption hearings	45%
Other	0%

**When it is safe again to hold all hearings in person, how often do you think courts should hold virtual hearings?**

Always	12%
Very often	38%
Sometimes	34%
Rarely	11%
Never	4%

**In your experience, are parents more or less likely to appear in a virtual hearing rather than an in-person hearing?**

Much less likely to appear virtually	4%
Somewhat less likely to appear virtually	4%
No difference	15%
Somewhat more likely to appear virtually	35%
Much more likely to appear virtually	39%

**In your experience, are children and youth more or less likely to appear in a virtual hearing rather than an in-person hearing?**

Much less likely to appear virtually	0%
Somewhat less likely to appear virtually	4%
No difference	34%
Somewhat more likely to appear virtually	34%
Much more likely to appear virtually	19%

**What technical difficulties have you experienced participating in online hearings? Select all that apply.**

No internet access at home	11%
No equipment at home (e.g., webcam, computer)	4%
Connecting was difficult	39%
Hard to hear everyone speak	58%
Hard to hear the judge	27%
Unsure	0%
None of the above	0%

**Generally, how easy or difficult has it been for you to connect and participate in virtual hearings?**

Very difficult	0%
Difficult	0%
Neither easy nor difficult	20%
Easy	19%
Very easy	61%
N/A	



**Generally, how easy or difficult has it been for parents to connect and participate in virtual hearings?**

Very difficult	0%
Difficult	11%
Neither easy nor difficult	31%
Easy	42%
Very easy	12%
N/A	

**Generally, how easy or difficult has it been for children and youth to connect and participate in virtual hearings?**

Very difficult	4%
Difficult	4%
Neither easy nor difficult	31%
Easy	31%
Very easy	31%
N/A	

**Have you testified in virtual hearings? If so, how many?**

0	7%
1 to 3	62%
4 to 10	16%
More than 10	15%

**Is there a difference between testifying virtually compared to in-person?**

Virtual is better	19%
No difference	30%
In person is better	39%
N/A I have only testified online	0%