

Planning and Implementation Analysis: Pilot Program for Video Conferencing of Consults with Children in Need of Assistance



Administrative Office of the Courts

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Introduction¹

Overview

In 2008, the Maryland General Assembly amended the law concerning permanency planning for Children in Need of Assistance (CINA) to require annual on-the-record consults by the court with the child. The amendment changed Section 3-823 of the *Court and Judicial Proceedings Article* of the *Annotated Code of Maryland* to read as follows: “(k) Annual consultation on record with child. -- At least every 12 months at a hearing under this section, the court shall consult on the record with the child in an age-appropriate manner.”

The new requirement came at the request of the Maryland Judicial Conference as part of an effort to bring Maryland into compliance with federal guidelines on foster care. Generally, the annual consult requirement is met by having case workers bring children to the courtroom. In some cases, however, it is impractical to bring a child to the court because the child has been placed in an out-of-state facility or has medical conditions making travel difficult.

On May 20, 2009, Robert M. Bell, Chief Judge of the Court of Appeals, issued an Administrative Order authorizing circuit and district courts to establish two-year pilot programs implementing video conferencing hearings and appeals. The Order required the State Court Administrator to evaluate and analyze each pilot program before the end of the two-year period.

At approximately the same time the Order was issued, the Circuit Court for Baltimore City, Juvenile Division, submitted an additional funding application to the Family Division for a proposed project that would facilitate consultations with children unable to appear in court. Ultimately, the Administrative Office of the Courts funded the project as part of an initiative to update the conferencing capabilities of courts statewide. It should be noted that Section 3-283 of the *Court and Judicial Proceedings Article* of the *Annotated Code of Maryland* was revised effective October 1, 2012 to allow the use of “appropriate technology to document the consultation for the record or to use video conferencing to consult with the child on the record during the hearing.” if the court “determines that the child is medically fragile and that it is detrimental to the child’s physical or mental health to be transported to the courthouse.”

Prepared by Court Operations with aid from the University of Maryland Institute for Governmental Service and Research, this report evaluates the pilot program. Interviews and discussions with project participants served as the primary method of gathering data. (See Appendix A for a list of individuals providing information to the study team.) Additional methods included observing in-person and video consults, review of documents obtained from interviews and the internet, and an anonymous online survey of legal professionals.

¹ Acknowledgments: Dr. Jeanne E. Bilanin and Travis Johnson of University of Maryland’s Institute for Governmental Service and Research, and Dr. Jamie Walter of the Administrative Office of the Courts authored this report. The following also contributed: Jonathan O’Reilly, judges, masters, and personnel from the Circuit Court for Baltimore City, Baltimore City Department of Social Services, the law offices of Denise Wakefield, Legal Aid Bureau, Mecca’s Place, and Randall & Sonnier.

Establishment of Video Conferencing Pilot Program-Equipment

In May 2009, the Circuit Court for Baltimore City, Juvenile Division, submitted an application for funding from the Foster Care Court Improvement Project TPR/Permanency Grant for a project to enable court use of webcams for consultations on the record with children unable to appear in court. Baltimore City has more than 6,000 CINA cases, which is the largest caseload in the state, and the highest anticipated number of cases in which children are unable to appear in court. The Administrative Office of the Courts (AOC) funded the project as part of an initiative to update conferencing capabilities of courts statewide.² The initiative involved installing CourtSmart audio/visual recording systems in various judiciary locations.

The pilot project's technical aspects were handled by the Court Information Technology Director for the Circuit Court of Baltimore City and the Video Network Specialist for AOC's Judicial Information Systems (JIS). The initial process involved linking a laptop in the field through a wired Internet connection to a personal computer (PC) viewed by the judge in the courtroom. The PC would transmit audio and video signals to CourtSmart. When the laptop-to-PC protocol proved technically difficult, a more feasible technical solution was to transmit the sessions into the courtroom and to CourtSmart through Polycom video conferencing equipment, including large screen monitors. Because 4G connections were then unavailable from Verizon, 3G connections were specified.³

Initially, the voice-over-internet Protocol service Skype was to facilitate the consultations at remote locations through a secure VPN connection. Skype, however, is incompatible with Polycom, so the switch to Polycom precluded use of Skype. Polycom afforded additional advantages in terms of privacy, security, and performance.

JIS acquired Polycom equipment (HDX Media Center 8000-720 IPT), which was installed by Verizon in Courtroom One and Hearing Room Eight at the Baltimore City Juvenile Justice Center. JIS installed conferencing software (Polycom PVX V8.0 PC Conferencing Applications) on laptops purchased for the pilot by Baltimore City Circuit Court, which also provided modems and telecommunications links. The total cost to AOC for the equipment, software, installation, and one-year maintenance of the media centers was \$45,760.

Establishment of Video Conferencing Pilot Program-Processes and Procedures

Procedural aspects of the pilot were addressed by Baltimore City Circuit Court's Child Consultation Committee, an entity comprised of representatives from the Department of Social Services (DSS) and law firms representing CINA children. In 2008, concurrent with the annual consult requirement, the committee developed procedures now used for in-person consults. In 2010, it turned its attention to video consults.

² Baltimore City Circuit Court received a grant modification to use Foster Care Court Improvement Project TPR/Permanency Grant funds to purchase and install microphones at the bench.

³ In its April 28, 2009, proposal to provide equipment and software, CourtSmart recommended against using a large screen in the courtroom to display the video "because the upload bandwidth of the wireless connection that the court proposes to use may not be adequate [sic] to provide a good quality image on a large display."

The court envisioned a video consult procedure whereby a child's DSS caseworker would sign out a court laptop to take into the field and connect with the judge or master and the child's attorney in the courtroom. DSS caseworkers typically bring children to court for these consultations who are not medically fragile or living too far away. In some jurisdictions, the DSS caseworker accompanies the judge or master to placements for these medically fragile children. Based on these two scenarios, it would seem that it would be a logical extension of that process for the caseworker to transport and operate videoconferencing equipment for the consultations of these medically fragile CINA cases. The case worker is the person most appropriately trained to observe behaviors and handle situations in a home or similar setting. Such involvement in these consultations would provide DSS with an opportunity to spend time with their client, and provide more meaningful input to the Court.

During deliberations, however, DSS representatives declined to have caseworkers assume this responsibility. The Baltimore City DSS Director indicated the statute places an unanticipated burden on caseworkers and that court-proposed procedures were too laborious. In particular, DSS objected to conditions obligating caseworkers to obtain laptops from the courts and to bear responsibility for the court's equipment while traveling. DSS indicated further unwillingness to load the Polycom PVX software on DSS laptops.

Given DSS's objection, several law firms representing CINA children agreed to transport and operate the video-conferencing equipment. Nonetheless, in a survey, several legal professionals expressed the opinion that DSS caseworkers should be responsible for this activity.

The Child Consultation Committee identified a Permanency Planning Liaison for the Baltimore City Circuit Court to manage the court laptops for video-conferencing. The liaison trained law firm staff to use the laptops, developed a field instruction sheet to issue following training, and produced an agreement for staff to sign upon borrowing the laptop. (See Appendix B.) Because video conferencing equipment is available only in Courtroom One and Hearing Room Eight of the Juvenile Justice Center, the committee suggested that consults occur between 12:30 and 2:00 p.m. to avoid disrupting the court docket in these rooms.

A master of Baltimore City Circuit Court Juvenile Division used the Judiciary's Quest data system to review more than 300 cases identified by DSS, law firms, and the Circuit Court's Mental Health Coordinator as potentially eligible for video consults. A review of relevant court orders for these cases reduced the list to 58 cases, with 24 respondents (41%) in Maryland and 34 (59%) out of state. A video consult scheduled for January 2011 and two others scheduled for February 2011 were postponed. The first video consult occurred in March 2011.

Implementation Analysis

Process for In-person Consults

The Child Consultation Committee undertook planning needed to fulfill the annual consult requirement. The committee's initial efforts focused on in-person consults. During this initial planning, DSS requested that caseworkers transport the child to and from court because

caseworkers could use the time for therapeutic interviews and their involvement would help ensure the child's presence and participation.

The committee anticipated that 10-15 minute consultations during which the court and child would discuss the child's present and future placement, family visitations, the child's health, services provided and needed, and reunification with parents. Children three years and younger would not be interviewed, but the judge or master would observe the children to assess whether they appear to be well cared for and in good health. The committee also anticipated that the attorney representing the child would observe the consultation, but strongly recommended that the consultation be an exclusive conversation between the judge or master and the child. It agreed that the consult procedure should be handled similarly to CINA review hearings in that the DSS and Office of Public Defender attorneys would not be present. Finally, the committee noted that the consult occurs on the record, and counsel for any party can request a review.

The evaluation team observed seven consults conducted by two masters on August 31, 2011. The consults involved 10 children ranging in age from grade school to early twenties. Except for one consult with one child, children and their attorneys allowed evaluation team members to stand near the bench and listen to the master and child(ren) converse.

The in-person consults observed complied with procedures recommended by the Child Consultation Committee. The judge or master conducted the consults on the record but in privacy by inviting the child, or children in the case of siblings, to come to the side of the bench. A microphone installed at the bench carried conversations to the CourtSmart recording device and activated a white noise machine that prevented others in the room from hearing. The child's attorney stood near the bench but did not participate in the conversation. The DSS caseworker was present, typically behind the counsel's table or in the gallery, but not involved in the consult.

The Child Consultation Committee developed questions to be asked during consults based on the age of the child, but the questions were not formally adopted by the committee. Judges and masters are free to conduct the consults as they see fit.

The observed consults lasted between five and 12 minutes. Questions posed concerned living arrangements (e.g., does child have his/her own room), satisfaction with placement, school progress, recreational activities, family visitation, needs, wishes, and future plans.

Process for Video Consults

The evaluators obtained information on video consult procedures from sources including interviews with officials and staff involved in consults, observation of video consults, analysis of information from video consults scheduled between January and October 2011, and a voluntary, confidential online survey of legal professionals involved with CINA cases and familiar with the video-conferencing pilot program.⁴ Appendix C contains the analysis of scheduled cases, and Appendix D contains an analysis of survey responses.

⁴ The AOC sent an email invitation on March 19, 2012 to participate in the survey to 11 masters and to contacts at seven law firms. The law firm contacts were asked to distribute the invitation to attorneys and paralegals known to

Whereas in-person consults are scheduled to coincide with permanency planning review hearings, the scheduling of video consult depends on the availability of the judge or master, staff at the law firm representing the child, and the child's caretaker.⁵ Once a date and time are set, law firm staff obtain the video conferencing equipment, transport it to the remote location, and set it up on the day of the consult. Law firm staff are asked to contact the Permanency Planning Liaison at least one week before the video consult to ensure laptop availability and to allow for a training session on operating the equipment. Training typically lasts 10 minutes. Not all survey respondents received training on the equipment, but those who had were generally satisfied with it. Law firm staff must also sign an agreement to borrow the laptop and are provided with an instruction sheet for reference in the field (see Appendix D). Law firm staff bringing laptops to Maryland locations are advised to return the laptop the day after the hearing; those bringing the equipment out of state are to return it two days after the hearing.

Survey respondents indicated that law firms typically send a paralegal, legal assistant, or another attorney to the remote location while the child's attorney attends the consult in the courtroom. The evaluators' observations were consistent with this arrangement. The child's attorney was in the hearing room and a legal assistant was at the child's location for five of the six observed attempts at video consults. In one case, the child's attorney was with the child. Having one person at the remote location and another person in the courtroom involves more travel and staff resources for law firms. Travel costs are covered by court vendor agreements with the firms to serve as CINA attorneys.

As noted, the Child Consultation Committee recommended that video consults be scheduled to occur between 12:30 p.m. and 2:00 p.m. when Courtroom One and Hearing Room Eight would not be in use. Yet, video consults have been scheduled as if part of the regular docket in other hearing rooms. This has created confusion regarding when a paralegal needs to have equipment ready at the remote location. Also, video consults have been scheduled when neither Hearing Room Eight nor Courtroom One was available. Finally, since masters schedule postponements independently, they have no way of knowing whether the laptops are available or needed for consults heard by other masters. Survey respondents reported postponing video consults because a laptop was not available to take to the child's location.

The staff person at the remote location is responsible for setting up the laptop and calling Courtroom One or Hearing Room Eight by clicking a "call" button on the laptop screen. Courtroom staff turn on the video equipment and accept the call. The evaluators attended five attempts at video consults between August 2011 and February 2012. Audio and video connections were established for three of the five consult attempts. (Two of those consults required multiple tries to establish the connection, with court and/or legal staff communicating with staff at the remote location via cell phone to resolve the problem.) In one consult, both audio and video connections were made, but the video quality so poor that the child was visible only sporadically during the consult. When obtaining a connection using the Polycom equipment

have participated in or familiar with video consults. Fourteen individuals, including one master, responded to the survey. Responses were received between March 20 and April 10, 2012.

⁵ If video consults were to coincide with permanency plan review hearings, the hearings would also have to be conducted via video conferencing if the child's attorney was at the remote location.

failed, a consult was conducted on the record by phone using a courtroom land line and an attorney's mobile phone. Another consult attempt ended in a postponement because a video connection could not be made and technical staff were unavailable to resolve the problem.

Technical problems with video conferencing equipment and Internet connectivity were the primary concerns of respondents to the online survey. One respondent commented that "when the equipment is working, the consults run smoothly." Staff from JIS attributed connectivity problems and poor video quality to an inadequate broadband signal where the laptop is located. Possibly, moving the laptop to another room may have increased signal strength. Law firm staff are instructed to arrive at the remote location early enough to test the signal strength; it is not clear if this is done. (A recent upgrade to 4G modems may mitigate connectivity and video problems, although the Permanency Planning Liaison notes that because several of the law firms have since purchased their own laptops, the court's laptops have not been used extensively since the upgrade; it is unknown whether the upgrade has had a major impact. She stated that location in the building affects connectivity.)

In addition to the consult postponed because of a lack of connection, a postponement occurred because a hearing room with video conferencing equipment was not available on the scheduled consult day. Several other consults were postponed for reasons unrelated to equipment. In one postponed case, the child's attorney indicated the child had not had a consult since enactment of the statute requiring consults.

Evaluators reviewed the list of 78 cases scheduled for video consults between January and October 2011.⁶ Eleven of the cases were postponed prior to the date the consult was scheduled. Of the remaining 67 cases, the outcome of the scheduled consult was a postponement for 33 cases (46%). A video consult occurred for 15 cases (22%). In one case, the child was brought to court for the consult. The other 18 cases had various outcomes not resulting in a consult. The rescheduled date was on average 6.6 months later than the initially scheduled consult date. Postponements were more common for children placed in Maryland than for children placed out of state. The 33 Maryland cases represented 42% of the cases scheduled for video consults and 58% of the cases postponed, but postponements for Maryland cases were shorter than postponements for out of state cases (6.2 months for Maryland cases and 7.3 months for out of state cases).

While analysis of 2011 cases suggests that postponements are prevalent, online survey responses suggest otherwise. The survey queried whether any scheduled video consults had been postponed. Of the nine survey respondents who answered this question, only three reported postponements. Asked why consults were postponed, respondents noted scheduling conflicts (three), equipment malfunction (two), and unavailability of equipment at the child's location (two). No postponements were attributed to equipment unavailability in the courtroom.

Successful video consults exhibit similarities and differences compared to in-person consults. When the evaluators observed consults occurring via video because of the child's location, the master's questioning was similar in content and format to what was observed for in-person consults. The master, engaging in informal conversation with the child, addressed topics

⁶ It is unclear why the number of cases scheduled for video consults between January and October exceeded the number of cases identified as eligible for video consults.

such as living arrangements, school progress, hobbies, and future plans. Video consults with children who have serious medical conditions typically did not include a conversation with the child but rather with adults present at the remote location. In these cases, the child's medical condition precluded them conversing meaningfully or at all. One difference compared to in-person consults is the presence or potential presence of individuals other than the judge/master, the child, and the child's attorney. For video conference court appearances, a legal assistant, the foster parent, and sometimes the DSS caseworker are in the room with the child and observe the consult. There may be other individuals in the room or nearby, out of view of the camera. Individuals in addition to the judge or master and the child's attorney may be present in the hearing room as well. During one consult observed by the evaluators, the child's birth mother and grandmother observed and listened to the consult from the hearing room. It is unclear if their presence affected the degree of disclosure by participants at the remote location. One survey respondent suggested ensuring a child's privacy during video consults.

In response to questions about the effectiveness of in-person and video consults, most rated in-person consults as very effective and video consults as somewhat effective. Two survey respondents rated video consults as very ineffective, while no one rated in-person consults as such. Several survey respondents commented that, to the extent video consults are conducted in a home or other familiar environment, children may feel more comfortable and thus may be more forthcoming and engaged.

Findings

Interviews, observations, and survey results suggest that video consults provide a potentially useful and valuable alternative for CINA cases in which children are unable to appear in court because of distance, disability, or both. Although they may not be as effective as in-person consults, video consults afford the court the opportunity to see and speak with youth when it would otherwise be cost-prohibitive or too disruptive to the child.

The study identified two primary issues with video consults: 1) connectivity between the remote location and the court, due to broadband signal problems or a lack of equipment proficiency, and 2) frequent postponements associated with technical difficulties and scheduling shortcomings. Other issues include reliance on law firms, rather than DSS, to transport and operate video conferencing equipment at the child's location and the presence of observers who might deter the child from speaking openly with the judge or master.

Conclusions and Recommendations

The video conferencing pilot program for CINA cases in Baltimore City has enabled the court to conduct consults with children with decreased expense and difficulty. The following improvements will help the courts fulfill their responsibility to conduct annual consults with all CINA children and obtain meaningful information through the consult:

- Scheduling should be coordinated to avoid postponements - Video consults should be scheduled only for days and times that Courtroom One or Hearing Room Eight is

available. A system for cross-checking should be developed to ensure video consults scheduled or rescheduled for times during which equipment is available.

- Technical Support - Technical staff should be available to resolve technical problems when the connection is being made and during the consult. Technical staff should be provided with the schedule of video consults with as much advance notice as possible in order to allow for them to arrange such support.
- Training - Adequate training regarding equipment operation, procedures, and policies should be available to all program participants, including judges and masters and staff in the courtroom/hearing room, as well as attorneys and staff on the other end of the video conference. This should help to minimize technical impediments during a hearing. JIS staff has stated that they are available to provide training on the equipment for new users.
- Maintenance of Equipment - Planning for ongoing maintenance and upgrade of equipment to assure good audio and visual connections is essential.

(Note: Recent reports from Baltimore City Circuit Court indicate that the laptop modems have been updated to 4G, as was recommended.)

- The Courts should work to engage DSS in the process - Continuing effort should be made to involve DSS in the transport and operation of video conferencing equipment as part of their responsibilities for overseeing CINA cases. DSS caseworkers typically bring children to court for these consultations who are not medically fragile or living too far away. In some jurisdictions, the DSS caseworker accompanies the judge or master to placements for these medically fragile children. Based on these two scenarios, it would seem that it would be a logical extension of that process for the caseworker to transport and operate videoconferencing equipment for the consultations with these medically fragile children. The case worker is the person most appropriately trained to observe behaviors and handle situations in a home or similar setting. Such involvement in these consultations would provide DSS with an opportunity to spend time with their client, and provide more meaningful input to the Court. At the same time, ways in which to make the laptops/software more easily available to the caseworkers should be explored.
- Child privacy should be preserved - To ensure privacy and encourage open and honest communication, the court should set guidelines regarding who is permitted to observe video consults in the courtroom and at the remote location. Attendees at both locations should be identified at the beginning of the session so everyone knows who is present in each room.
- Ongoing program evaluation – Any court implementing the use of video conferencing for CINA cases should develop some simple performance measures so they can track success of the program over time, and identify problems that may need to be addressed. At a minimum, tracking number of cases scheduled for video conference, number of cases that were heard, number of cases that could not be heard and the reason (e.g. technical difficulty, nature of the difficulty, and other reasons.) Such evaluation could also include

observations regarding compliance with established policies and informal follow-up with participants for suggestions for improvement.

While use of video consults in Baltimore City can improve, other Maryland jurisdictions need not delay implementing video consults. In doing so, these Courts can benefit from the Baltimore City experience by engaging their local DSS offices in discussions of how video consults can be incorporated into caseworkers' activities. Scheduling, provision of ongoing technical and training support and development of internal policies and procedures to be shared with all participants to include measures to ensure the privacy of children participating in video consults, should be addressed in planning for this new process.

Appendix A – Individuals Providing Information to the Evaluators*

Administrative Office of the Courts

Richard Rau, Video Network Specialist, Judicial Information Systems

Randy Sayers, Senior Manager – Technology, Judicial Information Systems

Baltimore City Department of Social Services

Molly McGrath-Tierney, Director

Lisa Walker, Attorney

Circuit Court for Baltimore City

Master Bradley Bailey

Master Patricia Brown

Judge Robert Kershaw, Judge in Charge, Family/Juvenile Docket

Charquis Meadows, Permanency Planning Liaison

Neil Moores, Court Information Technology Director

Master Kristin Peacock

Master Julius Silvestri

Law Firms Representing CINA Children

Stephanie Franklin, Attorney, Mecca's Place

Kelly James, Attorney, Legal Aid Bureau

Michael Katz, Attorney, Law Offices of Darlene Wakefield

Joshua Lemerman, Attorney, Randall & Sonnier

Rhonda Serrano, Attorney, Legal Aid Bureau

*Evaluators also received information from 14 respondents to an anonymous online survey of judges, masters, and legal professionals involved in CINA consults; some overlap between survey respondents and individuals listed here is possible.

Appendix B – Laptop Instructions and Agreement

Instruction Sheet to be given after training

- 1) plug laptop into power source
- 2) plug broadband card into USB slot in back of laptop
- 3) turn on laptop
- 4) sign on as Juvenile 1 or Juvenile 2,
 - a. password and username are the same...
 - b. So its Juvenile 1 or Juvenile 2 for usernames with the password Juvenile 1 or Juvenile 2 respectively.
- 5) Open VZ Access Manager and connect to Internet (hit CONNECT WWAN)
- 6) If messages appear to update the connection, do not update as it may delay getting the session started.
- 7) Open PVX software (video conferencing software)
- 8) Adjust laptop screen with integrated camera so the faces appear properly in the window (this is the view that the judge or master will see)
- 9) Use the function (FN) key and brightness up and down keys to adjust brightness. Use the sound up and down buttons to adjust sound.
- 10) Click the directory button (looks like an icon of a book)
- 11) Click the Call button to call into the appropriate courtroom - Courtroom C1 or Hearing Room H8
- 12) Wait until courtroom accepts call (sound will play until call is accepted)
- 13) Once connected, speak normally. Microphone and camera built into laptop screen.
- 14) You do have the ability to control the camera, to zoom in and out, however use with caution
- 15) Once the call is complete,
 - a. Disconnect from Call
 - b. Disconnect from Internet
 - c. Turn off laptop

For troubleshooting, please Ms. Meadows at 443-263-2723 or the Court Technologist John Carter at 410-396-1760 (w), cell 443-845-3758.

CIRCUIT COURT FOR BALTIMORE CITY
VIDEO CONFERENCING LAPTOP AGREEMENT

I, _____, am the user of the
FULL NAME - PRINTED

Baltimore City's Circuit Court's video conferencing laptop, Internet service and related accessories for the sole purpose in assisting in child consults as directed.

I also agree to the following:

Laptop and Internet Use

I understand that the laptop and the Internet service are to be used for the sole purpose of establishing a recorded video conferencing session with the Baltimore City Circuit Court. No personal use will be permitted. I also understand that the laptop and its Internet use may be reviewed upon return. I also understand that no other software will be installed on the laptop.

I shall also sign-in the equipment with all of the component parts in the same clean and working condition to Ms. Meadows. I shall also return the equipment the next business day after the consult has been completed so others may use the equipment. I understand that any damage due to misuse of the equipment is my responsibility.

Training

I shall contact Charquis Meadows at 443-263-2723 one week prior to the consult to schedule the training or provide proof of knowledge of operation of the equipment prior to commencement of the consult.

Name of user: _____ Phone (____) _____

Signature: _____ Date _____

Appendix C – Analysis of Scheduled CINA Video Consults

In late October 2011, the evaluators obtained a list of all scheduled video consults from the Permanency Planning Liaison at Baltimore City Circuit Court. Although 58 children were initially identified as eligible for video consults, 78 children were ultimately scheduled for video consults during 2011. Of the 78 children, 33 (42%) resided in Maryland and 45 (58%) were located in 14 other states. As shown in Table C-1, after Maryland, North Carolina had the most placements with 11, followed by Pennsylvania with 9.

Table C-1: State of Residence for CINA Children with Video Consults Scheduled

State of CINA residence	Scheduled Consults	Percentage
Maryland	33	42%
North Carolina	11	14%
Pennsylvania	9	12%
California	4	5%
Georgia	4	5%
South Carolina	3	4%
Virginia	3	4%
Delaware	2	3%
Utah	2	3%
West Virginia	2	3%
Missouri	1	1%
Colorado	1	1%
New York	1	1%
Tennessee	1	1%
Florida	1	1%
Total	78	100%

The scheduled date for 67 of the video consults had passed at the time the list of scheduled video conferences was obtained. Table C-2 shows the outcomes recorded for these 67 cases. The most prevalent outcome was a postponement. A video consult took place for 15 children; one other child actually appeared in court.

Table C-2: Outcomes of Scheduled Video Consults

Consult Outcome	Frequency	Percentage*
Postponed	31	46%
Children Consulted	15	22%
Adopted	5	7%
Juris Terminated	5	7%
No Outcome Recorded	4	6%
Aged Out	4	6%
Appeared in Court	1	1%
Case on Appeal	1	1%
Pending Trial	1	1%
Total Video Consults for which Scheduled Date Had Occurred	67	100%

*Aggregate percentages do not equal 100% due to rounding.

Video consults involving CINA children residing in Maryland were more likely to be postponed than consults for out-of-state children. Of the 32 video consults scheduled for children residing in state through late October 2011, 19 (59%) were postponed while 12 of the 35 consults scheduled for out-of-state children (34%) were postponed. Of the 15 video consults that occurred, six involved children residing in Maryland and nine involved out-of-state children.

Postponed video consults were rescheduled for dates from October 2011 through June 2012. For the 25 postponed video consults for which both the original scheduled date and the rescheduled date were both provided, the average time between the original date and the rescheduled date was seven months.

Six law firms represented the children with video consults scheduled for 2011. As shown in Table C-3, Legal Aid Bureau represented more than one third of the children for whom video consults were scheduled. Wakefield represented the next highest number.

Table C-3: Caseload by Vendor

Vendor	Number of Video Consults Scheduled During 2011	Percent of Total
Legal Aid Bureau	28	36%
Wakefield	22	28%
Randall & Sonnier	13	17%
Lazarus & Burt	8	10%
Children's Legal Aid	4	5%
Mecca's Place	3	4%
Total	78	100%

Table C-4 shows the outcomes of the 67 video consults scheduled through late October 2011 by law firm. The law firms with the most scheduled video consults also had the highest percentages of consults postponed.

Table C-4: Outcomes of Scheduled Video Consults by Law Firm

Vendor	Number of Video Consults Scheduled	Outcome		
		Postponed	Child Consulted	Other
Legal Aid Bureau	23	13 (57%)	6 (26%)	4 (17%)
Wakefield	20	11 (55%)	2 (10%)	7 (35%)
Randall & Sonnier	11	6 (55%)	1 (9%)	4 (36%)
Lazarus & Burt	7	0 (0%)	3 (43%)	4 (57%)
Children's Legal Aid	3	0 (0%)	2 (67%)	1 (33%)
Mecca's Place	3	1 (33%)	1 (33%)	1 (33%)
Total	67	31 (46%)	15 (22%)	21 (31%)

Appendix D – Analysis of Survey Results

To better understand the technical and logistical operations of video consults, evaluators conducted a voluntary and confidential online survey of legal professionals involved with CINA cases and familiar with the video-conferencing pilot program. Responses were collected during late March and early April, 2012. The survey focused on the utility and effectiveness of video consults from the user's perspective, both in general and compared to in-person consults. The AOC sent invitations to participate in the survey to 11 masters and seven law firms. The law firm contacts distributed invitations to attorneys and paralegals participating in or familiar with video consults. Fourteen individuals including one master, 12 attorneys, and one paralegal/legal assistant responded to the survey.

Generally, respondents' feedback suggests video consults provide a useful and valuable alternative for CINA cases in which distance or disability prevent children from appearing in court. However, respondents largely agreed video consults are less effective than in-person consults primarily due to technical problems with video conferencing equipment. Additional and detailed aspects of survey responses follow.

Goals

When survey respondents described the goals of the annual CINA, three themes emerged: 1) *Observation and assessment* – The hearings provide the court an opportunity for direct face-to-face observation and assessment of children's well-being; 2) *Access and participation* – The hearings provide children direct access to the court and to participate in decisions made on their behalf; and 3) *Accountability* – The hearings promote accountability because the court can address all parties regarding issues and concerns with services and other efforts.

Caseloads

Attorneys were asked for the approximate sizes of their annual CINA caseloads, as well as the approximate number of CINA cases identified for video consult. Most (seven) estimated annual CINA caseloads between 100 and 150 cases. Three respondents reported that, as supervisors within their respective firms, they had much smaller caseloads of 20 to 35 CINA cases. Respondents were most likely to report having three to five cases identified for video consult. Three respondents reported no cases for video consult. Two of these three had never participated in a video consult; the other facilitated "at least two" video consults for colleagues.

Identification

When asked about the criteria for determining video consult eligibility, all 12 respondents mentioned a child's special needs and inability to appear in court. Almost all respondents (11) mentioned placement out of state and/or medical conditions that made it unsafe to bring the child to court. Procedures for identifying eligible cases among the overall CINA caseloads seem less defined. Attorneys reported identifying clients who meet the criteria and informing the court, which then determines how to conduct the consult. Two attorneys described involvement of DSS caseworkers in identifying circumstances necessitating video consults. Two respondents

described informing the court by filing a motion, while others described less formal methods (e.g., providing lists of eligible cases to the court and raising the issue during CINA hearings).

Scheduling and Costs

Video consults require logistics and staff considerations not required for in-person consults. Asked about scheduling differences between the two, seven of 12 respondents described planning and coordination as more complicated for video consults, whereas three reported no difference. Most (nine) attorneys reported that the court determines the dates of video consults and presents them at preceding hearings. Several (five) mentioned more flexibility in rescheduling compared to in-person consults, based on the availability of parties and locations. The location referenced is the specific courtroom with video conferencing capability, and the parties identified included legal staff (three), youth (two), and caregivers (one). A subsequent question asked whether consideration was specifically given to caregivers' availability in scheduling. In response, the majority (eight) stated "Yes" and four stated "No." Nearly all respondents (10) stated that caregivers were notified via telephone by the attorney's office. Two of these respondents stated that DSS provided additional notification.

The majority of respondents (nine) reported incurring additional costs in facilitating video consults. Two reported no additional costs. When asked to describe the source and approximate amounts of additional costs, all respondents identified travel expenses, and three identified costs associated with additional staff. Two provided cost estimates: one reported \$500 for traveling to Georgia; the other reported "over \$1,000" for traveling to California.⁷

Training

Eight respondents received video conferencing equipment training, while four did not. Of those having received training, five reported being "very satisfied" with the quality while two were "somewhat satisfied" and one was "very dissatisfied."

Effectiveness

Survey respondents rated and commented on the effectiveness of both video and in-person consults in achieving the goals they identified. Overall, respondents rated in-person consults as more effective than video consults (see Table D-1). A majority of respondents rated in-person consults "very effective" while only two respondents rated video consults "very effective." Three rated video consults "ineffective" whereas no one rated in-person consults ineffective.

⁷ According to court officials, most attorneys representing CINA cases are employed by firms that represent CINA cases through a vendor arrangement with the Maryland Judiciary under which they are reimbursed for travel costs. If an individual attorney is appointed by the court, the attorney would include travel costs in his/her petition for fees.

Table D-1: How effective are the different types of CINA consults in achieving their goals?

	In-person Consults	Video Consults
Very Effective	8	2
Somewhat Effective	5	7
Neutral	0	2
Somewhat Ineffective	0	1
Very Ineffective	0	2
Total	13	13

Eight respondents commented on the comparative effectiveness of the two types of consults, largely echoing the results in Table D-1. These comments and responses to a separate question asking respondents to describe whether the interactions among respective parties differ between in-person and video consults revealed a nuanced and conflicting impression of their comparative effectiveness. Nearly all respondents agreed that video consults are less effective at facilitating court observation and assessment. Indeed, only two respondents noted that video conferencing may serve as the court's only opportunity to consult with distant or disabled children. In terms of access and participation for children, on the other hand, several respondents commented that a child may feel more comfortable and thus likely be more forthcoming and engaged to the extent video consults occur in the child's home or other familiar environment.

Logistics

Under the procedures developed for video consults, the child's attorney needs to be present or represented at the remote location and in the courtroom. The video conferencing equipment must be retrieved from the court and operated from the remote location. Given the additional planning and coordination efforts necessary to facilitate video consults, beyond those required for in-court consults, respondents were asked a series of logistical questions. Asked at what point before a video consult are laptops checked out from the Permanency Planning Liaison at the Baltimore City Juvenile Justice Center, the majority of respondents (six) reported "one-two days." One respondent indicated that their firm checks laptops out "one week prior," and two reported that their firm "does not check out laptops from the court."

The survey also captured the logistics of staffing the consults, asking respondents who from their firms have participated from the courtroom and who from the child's location. Eight attorneys and one paralegal/legal assistant responded to this series of questions. As shown in Table D-2, it appears that attorneys are more likely to participate from the courtroom and send

paralegals/legal assistants or other attorneys from their firm to participate from the child's location.

Table D-2: Who from your firm has participated from the child's location and from the courtroom?

	Child's Location	Courtroom
Attorney (self)	5	7
Other attorney	3	2
Paralegal or legal assistant	6	3

Technical Assistance

Technical assistance is offered to those operating the video conferencing equipment from the child's satellite location. Six respondents reported needing technical assistance during a video consult. Three reported not needing it. As shown in Table D-3, respondents were mostly satisfied with the availability and timeliness of the technical assistance, with half "very satisfied" overall. Asked to comment further, the "somewhat dissatisfied" respondent suggested that "a trained computer technician should always be on site at least to start the consult."

Table D-3: Overall, how satisfied are you with the technical assistance you received?

	Availability	Timeliness	Overall
Very Satisfied	2	2	3
Somewhat Satisfied	2	2	1
Neutral	1	1	2
Somewhat Dissatisfied	1	1	0
Very Dissatisfied	0	0	0
Total	6	6	6

Postponements and Change of Venue

During the court observation period, the evaluators noted that CINA video consults are often postponed. The survey asked respondents whether any of their video consults had been postponed and why. Of the nine who offered responses, only three reported postponements. Asked why hearings were postponed, respondents noted scheduling conflicts (three), equipment malfunction (two), and unavailability of equipment at the child's location (two). None of the postponements resulted from unavailability of equipment in the courtroom.

In reviewing court data, the evaluators noted a case in which a child who was initially scheduled for a video consult instead appeared in court for the consult. When asked in the survey about such occurrences, slightly more than half of respondents to the question (six) reported instances in which a child scheduled for a video consult was instead consulted in person. In each instance, someone involved with the child's case, e.g., caregiver (three), relative (one), or DSS counselor (one), was able to provide transportation to the court.

Benefits and Needed Improvements

The most commonly cited benefit of video consults is that they afford the court the opportunity to see and speak with children who likely would not be consulted otherwise. This was stated explicitly as well as mentioned in terms of convenience for the child and caregivers. Several respondents noted the benefit of the court's flexibility in scheduling video consults around the availability of all parties. One positive comment also suggesting the need for improvement was, "When the equipment is working, the consults run smoothly."

Technical problems, both with the video conferencing equipment and Internet connectivity, were respondents' primary concerns. Another improvement area mentioned by several respondents was the participation of DSS, specifically as it relates to checking out equipment from the court and bringing it to a child's location. As one respondent stated, "The social worker should be the one taking out the laptop and going to see the child, since they are already required to see these children regularly. It makes more sense to do it that way." Finally, one respondent suggested that steps be taken to ensure the privacy of children appearing over video.