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UNIVERSITY OF CALIFORNIA,  
IRVINE

Exploring Parents' Legal Understanding and Justice Attitudes in Dependency Cases

DISSERTATION

submitted in partial satisfaction of the requirements  
for the degree of

DOCTOR OF PHILOSOPHY

in Psychology and Social Behavior

by

Kyndra C. Cleveland

Dissertation Committee:  
Professor Jodi A. Quas, Chair  
Professor Wendy Goldberg  
Associate Professor Nicholas Scurich

2017



## **DEDICATION**

To

Jesus Christ and his infinite wisdom and compassion for the marginalized and disadvantaged.

Also in recognition of Jennie Lewis, a pillar of family strength,  
John and Michal Lewis for their tremendous guidance and support, and my husband, Ashton, and  
son, Jaydon, for their patience and unconditional love.

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I would like to thank my committee members, Professor Wendy A. Goldberg and Associate Professor Nicholas Scurich, whose expertise concerning family dynamics and psycho-legal principles, respectively, have contributed a great deal to my understanding of parents in the dependency system.

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<b>Social Ecology Graduate Mentoring Award</b> <i>For Outstanding Advising and Teaching of Undergraduate Students</i>	May 2013, 2014
<b>American Psychology-Law Society Diversity Travel Award</b> <i>Narrative Enhancement and Young Children's Recall Productivity</i>	February 2014
<b>American Psychology-Law Society Grant-in-Aid</b> <i>Parents' Understanding and Attitudes About the Dependency Court Process</i>	October 2013
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- PI for a study funded by the U.S. DHHS of parents in the child welfare system
- Obtained a Certificate of Confidentiality from the U.S. Department of Health & Human Services
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- Collected data in community sites: preschools, after-school centers, and family courthouses
- Organized, trained, and led student teams to recruit and collect data in field settings
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**Policy Presentations** 2016

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**American Psychological Association (APA)** 2015  
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- Provided recommendations on the 'Family Stability and Kinship Care Act of 2015'
- Met with policy leaders, including the Associate Commissioner of the Children's Bureau

- Helped staff the 2015 SPSSI Conference ‘A Road Less Traveled: Forging Links between Psychological Science and Social Policy’
- Participated in Legislative Engagement Day—explained the importance of psychological research to House and Senate office staff
- Wrote policy brief (see below)

## **PROFESSIONAL PUBLICATIONS AND PRESENTATIONS**

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**Cleveland, K.C.**, Quas, J.A., & Lyon, T.D. (2016). Valence, implicated actor, and children’s acquiescence to false suggestions. *Journal of Applied Developmental Psychology*, *43*, 1-7. doi:10.1016/j.appdev.2015.12.003

**Cleveland, K.C.** & Quas, J. (2016). Adults’ insensitivity to developmental changes in children’s ability to report when and how many times abuse occurred. *Behavioral Sciences & the Law*, *34*, 126-138. doi:10.1002/bsl.2211

Klemfuss, J.Z., **Cleveland, K.C.**, Quas, J.A., & Lyon, T.D. (2016). Relations between attorney temporal structure and children’s response productivity in cases of alleged child sexual abuse. *Legal and Criminological Psychology*. doi:10.1111/lcrp.12096

Cooper A., Quas J. A., and **Cleveland K. C.** (2014) The emotional child witness: Effects on juror decision-making. *Behavioral Sciences & the Law*, *32*, 813–828. doi:10.1002/bsl.2153.

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**Cleveland, K.C.** & Quas, J.A. (2014). Ethical considerations when conducting research on children’s eyewitness abilities. In R. Sternberg & S. Fiske (Eds.), *Ethical challenges in the behavioral and brain sciences*. Cambridge, England: Cambridge University Press.

### **Policy brief**

**Cleveland, K.C.** (2015) Record expungement designed to enhance employment (REDEEM) act policy brief. Washington DC: The Society for the Psychological Study of Social Issues. Available at [http://www.spssi.org/\\_data/n\\_0001/resources/live/REDEEM%20Policy%20Brief\\_final.pdf](http://www.spssi.org/_data/n_0001/resources/live/REDEEM%20Policy%20Brief_final.pdf)

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### **Conference Presentations**

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**Cleveland, K.C.** (2014, April). *Facilitating Difficult Conversations with Young Children*. Paper presented at the First Annual Associated Graduate Student Symposium, Irvine, CA.

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**Cleveland, K.C., Quas, J.A., & Lyon, T.D.** (2013, March). *Emotional and Motivational Influences on Young Children's False Event Reports*. Paper presented at the annual meeting of the American Psychology Law Society, Portland, OR.

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## **ABSTRACT OF THE DISSERTATION**

Exploring Parents' Legal Understanding and Justice Attitudes in Dependency Cases

By

Kyndra C. Cleveland

Doctor of Philosophy in Psychology and Social Behavior

University of California, Irvine, 2017

Professor Jodi A. Quas, Chair

A great deal of attention has been devoted to documenting the experiences of children involved in the dependency division of the juvenile justice system (i.e., the child protection system). Such insight is critical to inform policies that profoundly affect children and families. However, the experiences of another population involved in the dependency system are equally important—namely those of the children's parents. Their understanding and perceptions have enormous potential to affect not only their behaviors, but the decisions rendered during the case and its eventual outcome. The current study systematically examined parents' understanding and attitudes toward the dependency system and predictors of understanding and attitudes. The study also examined how understanding related to attitudes. The study drew from distributive (fairness of legal decisions) and procedural (fairness of legal procedures) justice frameworks to identify factors that may be particularly important for parents' satisfaction with judicial decisions and overall perceptions of the court.

One hundred and five parents (79% mothers) involved in ongoing dependency cases completed an interview at the courthouse following their hearing. Questions about understanding asked parents to define commonly used dependency terms, to answer questions

about a hypothetical dependency case, and to answer specific questions about their case.

Questions about attitudes asked parents to rate their feelings about dependency professionals, the dependency court, and components of distributive and procedural justice.

Findings revealed a lack of comprehensive understanding of the system, both generally and with regard to specific details of parents' cases, particularly for African American parents. On average, parents felt *somewhat satisfied* about the system. Parents with greater understanding had more positive attitudes about procedural justice, but more negative attitudes about judicial decisions and the court, the latter potentially due, in part, to a lack of empowerment in meeting the demands of dependency cases. Distributive and procedural justice played a role in moderating the relations between understanding and attitudes such that parents with greater understanding felt particularly dissatisfied with the judge's decisions and the court when distributive and procedural justice were low, respectively. Implications for parents' dependency understanding and perceptions about distributive and procedural justice are discussed.

## INTRODUCTION

When children in the United States are found to be unsafe due to parental abuse or neglect, they become a part of the dependency court division of the juvenile justice system. The dependency court process is a life-changing experience for children, parents, and families, given that the decisions rendered throughout the case determine the place(s) of residence for children; the amount of contact family members have with one another; and what rehabilitative services are to be delivered, to whom, and for how long. In the United States, there are approximately 428,000 children under the jurisdiction of the dependency court on any given day, with a majority living in temporary out-of-home settings. And, only about half of these children are returned to their biological parents (Adoption and Foster Care Analysis and Reporting System, 2016), even though reunification is a primary goal following dependency involvement.

Despite the gravity of the decisions made for entire families in dependency cases, virtually nothing is known about the extent to which all relevant participants in the case understand what is happening and what they feel about the process. Studies have investigated children's legal—including dependency court—understanding and attitudes, and obviously children are critical participants (Block, Oran, Oran, Baumrind, & Goodman, 2010; Quas, Cooper, & Wandrey, 2009). However, parents are also directly and intimately involved, and their understanding and attitudes likely have significant, long-term consequences for the progression and outcome of the case itself, and possibly for the family's success in the future.

The overarching goal of the current study is to provide much-needed information about parents' understanding, justice attitudes, and experiences, and in doing so, lay the foundation for a longer-term systematic program of research designed to promote resiliency in all participants in dependency cases.



The study has four primary goals:

1. *Identify how well parents understand the dependency court process generally and their case specifically. Of particular interest are demographic and individual-level factors (e.g., race, education, income) that relate to parent understanding.*
2. *Examine parent attitudes about the dependency system and determine whether specific components of attitudes can be differentiated, especially those about distributive (i.e., fairness of decisions) and procedural (i.e., fairness of procedures) justice. Again the associations between demographic and individual-level factors and attitudes will further be examined.*
3. *Investigate whether parents with more comprehensive understanding of the dependency system in general and about their own case hold more favorable attitudes toward the dependency system.*
4. *Evaluate the relation between distributive (fairness of decisions) and procedural (fairness of procedures) justice attitudes and parents' satisfaction with the judge's decisions and overall perceptions of the court.*

Before the study is described, the logistics and timeline of a typical dependency case is outlined and relevant research is reviewed, including (a) studies of children's, adolescents', and parents' legal understanding; and (b) studies of justice attitudes, including most noteworthy investigations of distributive and procedural justice attitudes.

## **Logistics and Timeline of a Dependency Case**

When children are suspected of being maltreated by a parent, social services is usually the first to respond. They conduct an investigation, and if they determine that abuse or neglect likely occurred or the child is in imminent danger of harm, they will either intervene directly or refer the child to the dependency division of the juvenile justice system, the latter more likely if maltreatment is severe or if the family has had prior contact with social services. Following the referral, a dependency case may be filed. The child and parent(s) are assigned an attorney or the parent may hire one. In most jurisdictions, within 72 hours of the filing, a Shelter hearing<sup>1</sup> is held to determine the immediate residence of the child until the case has been further investigated. If parents deny the allegations brought against them, an Adjudication hearing is set in which the state has the burden of proving that the child is unsafe under the care of the parent, and the judge decides whether there is sufficient evidence to support the state's charge. If sufficient evidence is found, a Disposition hearing is held, during which the judge makes a decision as to the appropriate placement of the child, and largely based on input from social services, mandates therapies, services, or other requirements of the parent in order to move toward reunification (Weisz, Beal, & Wingrove, 2013). Subsequent Progress Review hearings are then held to evaluate the parent's compliance, reassess the child's needs for services or placement, make adjustments or follow through with new actions, and address other concerns of the parent or child (Office of Children & Families in the Courts, 2009). Finally, a Permanency hearing is typically held within one year of the initial removal of the child from his or her home to begin finalizing a permanent living arrangement (e.g., with another adult).

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<sup>1</sup> The names of specific dependency hearings may differ across jurisdictions. For ease of description, the hearing names used in the jurisdiction of Florida where the data were collected are included here.

The above outline is a simplified version of basic dependency hearings. In many cases, additional Reviews, Pre-trial conferences, or other hearings can occur. Across the various hearings, a range of important decisions are made, including whether or not a child should be removed from home while the case is ongoing, with whom the child will live, what services or rehabilitative treatments the parent will need to complete, whether and under what circumstances the parent will be allowed to visit the child, and finally, whether the parent will be reunified with the child or have his or her legal rights to the child severed (Office of The Public Advocate, 2014).

The complex nature of dependency cases is likely to lead to difficulty with navigating the system. In addition, the attorneys assigned to guide parents typically have very large caseloads and thus very little time to spend with any one parent. As such, considerable demands are placed on parents to know what is happening in their case, show up for visitation and hearings, and comply with court orders. Being that a majority of these parents has little education and lower than average IQs (Booth, Booth, & McConnell, 2005; Haight et al., 2002; Johnston & Gabel, 1995; Raub et al., 2013), fully comprehending the system and their responsibilities can be a daunting task. To date, it is unclear whether, or perhaps which, parents actually comprehend what is happening. It is also unknown as to what the consequences of that comprehension, or lack thereof, are for parents' feelings toward the system. Such knowledge, though, is critical to ensuring that all relevant parties are active participants in the dependency process.

## **BACKGROUND**

### **Legal Knowledge and Understanding**

Studies of legal knowledge have included populations of children, adolescents, and their parents, and have taken several different approaches to assess the extent and accuracy of legal understanding. Some studies have surveyed youth while awaiting court hearings or after hearings or cases. These include youth involved in dependency and delinquency cases, but also those who serve as witnesses in criminal cases (Cooper, Wallin, Quas, & Lyon, 2010; Quas, Wallin, Horwitz, Davis, & Lyon, 2009; Viljoen, Klaver, Roesch, 2005). In a few studies, questions have been directed toward the parents of adolescent suspects and witnesses (Grisso & Pomicter, 1977; Viljoen et al., 2005). Finally, other studies have evaluated general legal knowledge in community samples of adolescents, and at times, adults (e.g., Woolard, Cleary, Harvell, & Chen, 2008).

Regardless of the sample, studies consistently reveal a lack of complete (or even adequate) knowledge of the system in children and adolescents, whether they are involved in a dependency case as a result of maltreatment, or in a delinquency or criminal case as a result of allegedly committing or witnessing a crime (Federle, 1996; Flin, Stevenson, & Davies, 1989). At the same time, though, legal knowledge improves with age (Quas, Cooper, & Wandrey, 2009; Warren-Leubecker, Tate, Hinton, & Ozbek, 1989), such that not surprisingly, adolescents exhibit better understanding of key players in the justice system (dependency and delinquency) than children. Nonetheless, many adolescents still fail to show high levels of general legal understanding, regardless of the reason for their involvement (Quas, Wallin, et al., 2009; Viljoen et al., 2005). Moreover, children and adolescents who have been involved in the system (at times extensively) often fail to exhibit substantially better understanding than children with no or

minimal prior contact; likewise, the length of time in the system is only marginally predictive of better knowledge (e.g., Cooper et al., 2010; Quas, Wallin, et al., 2009).

When case-specific legal understanding has been examined, similar deficits have been noted (Block, Oran, Oran, Baumrind, & Goodman, 2010), even in adolescents (e.g., Quas, Wallin, et al., 2009). For example, at times, months after removal because of substantiated maltreatment, some children still cannot explain why they were removed, the decisions that were made in a hearing that they had just attended, or the next steps in their case (Quas, Wallin, et al., 2009).

This understanding has, of importance, implications for children's court-related feelings. Quas and colleagues (2009), for instance, found that children's greater knowledge about court (i.e., adequate definitions of terms used in dependency court; better comprehension of the role of legal professionals and the purpose of dependency cases) was associated with more positive feelings about children's pending hearings. Perhaps, with more knowledge, children felt more comfortable with their case and the legal professionals with whom they interacted, both of which may have reduced the children's level of distress toward their upcoming hearing (Quas, Wallin, et al., 2009). Other literature has suggested that increasing children's knowledge about the dependency process and professionals may serve to empower children in their interactions with the system (Weisz, Wingrove, & Faith-Slaker, 2007). Whether this relation between understanding and emotions extends to longer-term attitudes and other dependency participants, though, is not clear.

Similar to studies of children's understanding of dependency cases, studies of adolescents' criminal and juvenile justice legal knowledge, including of adolescent defendants suspected of committing crimes, have found a lack of adequate legal understanding.

Viljoen and colleagues (2005), for example, found a consistent lack of knowledge in 11-17 year old defendants about the juvenile justice system. In addition, being from a low socioeconomic status (SES) background predicted increases in the adolescents' likelihood of waiving their interrogation rights, which could be due to poor understanding. Also of interest, ethnic minority adolescents were more likely to withhold information from their attorneys than White adolescent defendants, again a tendency suggestive of a lack of legal comprehension.

Finally, a small number of studies has directed attention toward parents, but these have concerned parents involved only secondarily because their child was a defendant or witness. Lack of comprehension, though, is again robust: Parents of juvenile offenders routinely behave in a manner that suggests they do not have a clear understanding of the case or its implications for their child. They tend to show a lack of involvement or inaction, and often fail to provide protection when their child is subject to an interrogation (Grisso, 1981; Grisso & Ring, 1979). Most parents instead encouraged their adolescent to waive the right to silence and the right to counsel (Grisso & Pomicter, 1977). Viljoen and colleagues (2005) found that, of 11-17-year-old juvenile defendants detained in a pretrial detention facility, not one parent advised their adolescent to assert the right to silence while being interrogated. Thus, parents seem not to understand the significance of the situation and lack knowledge about basic, constitutionally-afforded rights.

Community samples of parents likewise seem to have naïve, and perhaps even incorrect, perceptions about their and their child's rights in juvenile cases. Woolard, Cleary, and colleagues (2008) surveyed a community sample of adolescents and their parents, a majority of whom were from minority racial and ethnic backgrounds with low educational attainment. When asked about the Miranda, interrogations, and legal rights, parents were more

knowledgeable than adolescents, but many parents still made significant mistakes. They, for example, often incorrectly assumed that they would be contacted if their child was identified as a witness or suspect by police, and that, during an interrogation, police could not legally lie to them or their child. Moreover, and of interest, demographic factors were related to parents' knowledge. Specifically, parents with high intelligence scores (classified as a score of 110 or higher on the Wechsler Abbreviated Scale of Intelligence; WASI) were at a lower risk of having inconsistent or inadequate legal knowledge, and White parents were 61% less likely than African American parents to be at risk for inadequate legal knowledge.

These trends are certainly not unique to parents of juvenile offenders. Adults in general have difficulty comprehending some aspects of their legal rights, as evidenced by 16% - 23% showing significant impairments on competency assessment examinations (Grisso, 1981; Poythress, Lexcen, Grisso, & Steinberg, 2006). One such assessment, the MacArthur Competence Assessment Tool—Criminal Adjudication (MacCAT-CA; Poythress et al., 1999), assesses legal reasoning, understanding, and appreciation via a vignette and short-answer question format. This format may be better at detecting subtle but important components of knowledge compared with open-ended questions that require lengthy narratives, to which adults often show substantial deficits in knowledge (Grisso et al., 2003; Redlich, Silverman, & Steiner, 2003), particularly those from low-income, low education, or detained populations (Bonnie, 1992; Grisso & Appelbaum, 1998; Otto et al., 1998).

To extrapolate extant research to explain dependency parents' knowledge, it is likely that both general and case-specific knowledge of the dependency system are limited. Parents from low educational backgrounds and racial minority groups as well should show more pronounced deficits in understanding the dependency system.

## **Legal Attitudes**

A basic premise of the research conducted on legal attitudes over the past four decades is that legal participants value fair decisions and fair procedures that allow them to have a voice in legal outcomes. The former, typically referred to as distributive justice (attitudes about fairness of decisions), has been linked to participants' overall satisfaction with authorities' specific decisions (Casper, Tyler, & Fisher, 1988; Roch & Shanock, 2006; Tyler, 1984; Wingrove, 2009). The latter, termed procedural justice (attitudes about fairness of procedures), has been linked to participants' overall satisfaction with the court and perceptions of the court's legitimacy (Lind & Tyler, 1988; Tyler, 2006; Tyler & Fagan, 2008; Tyler & Huo, 2002; Tyler et al., 2007). Although both distributive and procedural justice have been found to be important predictors of participants' satisfaction with the legal system, in much of the work, the two are almost always conceptualized as distinct components of justice attitudes (Blader & Tyler, 2003; Casper, Tyler, & Fisher, 1988; McFarlin & Sweeney, 1992; Thibaut & Walker, 1975; Tyler, 1984). Moreover, distributive and procedural justice often predict somewhat different justice outcomes. For example, distributive justice has been found to be strongly related to personal and specific outcomes, such as case verdict, whereas procedural justice has often been strongly related to institutional outcomes such as overall perceptions of the court and its representatives (Folger & Konovsky, 1989; Greenberg & Folger, 1983; Lind & Tyler, 1988; Tyler, 1984, 2006; Tyler & Blader, 2000; Tyler & Huo, 2002).

Extant research on distributive and procedural justice has focused primarily on legal participants in criminal and some civil cases, yet very little has concerned justice attitudes of parents in dependency cases. Still, there are several reasons to believe that such attitudes may be critically important to dependency participants and may even shape compliance and case



outcomes. First, although the goal of dependency cases is to uphold the “best interests of the child” (Child Welfare Information Gateway, 2016a; Fla. Stat. § 39.810, 2016), parents are entitled to constitutionally afforded, due process rights (14<sup>th</sup> Amendment) and rights related to their legal relationships with their children (*Meyer v. Nebraska, 1923*; *Troxel v. Granville, 2000*, *Stanley v. Illinois, 1972*). Among these due process rights, some of which differ across states, are the right to timely, fair, and impartial court proceedings, right to counsel, right to be present at hearings, right to be informed of the state’s allegations, and right to present evidence to the court (Donnelly & Haralambie, 2005; Fla. Stat. § 39.013, 39.402, 2016; Child Welfare Information Gateway, 2006). Parents’ attitudes about whether or not dependency procedures fairly adhere to these rights may be particularly important in shaping parents’ overall perceptions of the court.

Second, just as in criminal cases, formal rules and statutes govern dependency cases, and professionals interpret those statutes and carry out the rule of the law (i.e., judges, social workers, attorneys). Given the discretion of professionals and their likely control over the case, there is ample opportunity for variability in how dependency participants perceive of and experience justice and interactions with these professionals. And third, given the essentiality of parental compliance in dependency cases and the established links between justice attitudes and compliance in other legal contexts (Paternoster, Brame, Bachman, & Sherman, 1997; Tyler et al., 2007), it is vital to investigate parents’ justice attitudes in the dependency context.

To expound upon the meaning of distributive and procedural justice and the body of work concerning these theories, distributive justice refers to perceptions of fairness concerning the outcome of a case and perceptions of whether the sentence fits the crime. Defendants may judge the fairness of their sentence based on prior sentencing or the known sentencing of others with

similar cases. More positive distributive justice attitudes, particularly those regarding the fairness of the outcome compared to the outcomes of similar cases, has been shown to be predictive of more positive evaluations of the case (Casper, 1978; Tyler, 1994). That is, defendants who believe that their sentence was the same or lighter than that of a similar defendant, compared to those who believe their sentence was heavier, evaluate their treatment to be more fair, even when the sentence itself is unpleasant (e.g. 5 years in prison).

In research with participants in traffic and misdemeanor court, Tyler (1984) separated distributive justice components from the fairness of legal outcomes themselves, and examined the former in relation to the latter. These distributive justice components included perceptions about judicial bias and the amount of information that judges gather in making decisions. Findings revealed that these distributive justice components were significantly related to perceptions about outcome fairness. More specifically, perceived judicial bias was the strongest predictor: when participants perceived less judicial bias, they were significantly more likely to have positive perceptions about the fairness of the outcome in their case. It is of interest to examine whether similar relations exist between dependency parents' distributive justice attitudes (e.g., perceptions about judicial bias) and parents' satisfaction with the judge's specific decisions in their case.

Procedural justice refers to an individual's (most often a defendant's) perceptions of fairness throughout the process leading to sentencing. This may include whether the defendant felt he or she was listened to (referred to as voice), was able to express his or her perspective of the circumstances surrounding the crime, whether or not this perspective was fairly considered, and whether the defendant felt a sense of control in the case (Thibaut & Walker, 1975; Tyler & Lind, 1992). In both criminal and civil cases, more favorable procedural justice attitudes are

related to greater satisfaction with case outcomes (Adler, Hensler, Nelson, & Rest, 1983), over and above the favorableness of the outcome itself (Tyler, 2003; Tyler & Huo, 2002).

In another study of procedural justice, findings demonstrated that the fairness of court procedures was an extremely influential factor in defendants' overall attitudes toward the court and the judge, independent of case outcome (Tyler, 1984). Moreover, perceptions of procedural justice were found to be a stronger predictor of attitudes toward the court than perceptions of distributive justice, demonstrating perhaps a type of prioritization of a fair procedure in evaluating overall fairness of the court.

One other study, by Paternoster and colleagues (1997), showed that perceptions of procedural justice regarding police behavior are related to defendants' recidivism behaviors in cases of spousal assault. Remarkably, suspects who were arrested but perceived that they were treated fairly by police (e.g., felt that police took the time to listen to the suspects' side of the story as well as the victim's side) had subsequent assault rates as low as suspects given a more favorable outcome (i.e., no arrest, simply warned and released; Paternoster et al., 1997). These results provide evidence about the potentially important role of procedural justice in not only shaping attitudes, but also suspects' later criminal behaviors.

Although not focused specifically on distributive and procedural justice, a few studies have examined legal attitudes in parents (Goodman et al., 1992; Quas et al., 2005). In a seminal study of the emotional effects of children testifying in sexual abuse cases (CSA), Goodman and colleagues (1992) examined legal attitudes of child victims and parents. Questions asked about the quality of interaction with various legal personnel, the overall effect of legal involvement on the child and parent's life, and satisfaction with the case outcome. Findings revealed that parents' attitudes about the effects of legal involvement on their children were more negative than their

children's and a majority of the parents' ratings of case outcomes was "very negative" (Goodman et al., 1992).

To extrapolate to parents in dependency cases, distributive and procedural justice are expected to be important and distinguishable components of parents' attitudes. Overall attitudes toward the dependency system are expected to be negative. Given that many child sexual abuse cases (CSA) involve a perpetrator who is a related adult (e.g., father, uncle), such cases can dismantle families in a manner somewhat similar to a dependency case. In addition, some criminal cases have concurrent dependency cases. Thus, findings concerning parents' perceptions of criminal cases involving their child are quite relevant to parents' perceptions of dependency cases. Furthermore, parents' direct involvement in the dependency system as perpetrators, the involuntary nature of parents' involvement, and the rigorous requirements associated with dependency cases may also lead to negative attitudes toward the dependency system.

As a final point, it is of interest to consider what individual factors might predict parents' attitudes. Extant research suggests that demographic characteristics and knowledge may both be important. For instance, minorities, particularly African Americans, tend to be less trusting overall of the courts and believe that they are treated less fairly (Sunshine & Tyler, 2003; Tyler & Montano, 1994; Woolard, Harvell, & Graham, 2008). Tyler and Huo (2002) investigated race in relation to respondents' willingness to accept the authoritative decisions of police officers and judges. Results revealed that, although outcomes and procedural fairness were important to White, Hispanic, and African American respondents alike, minority group members were less willing to accept legal authorities' decisions and were less satisfied with the authorities with whom they interacted (also see Meares 1997; Sampson & Bartusch, 1998; Stuntz, 1998), primarily because they felt unfairly treated.

Perceived control, a component of procedural justice, is also shaped by demographics. Being from a low socioeconomic status (SES) background has been associated with low levels of perceived control over external circumstances (Lachman & Weaver, 1998; Snibbe & Markus, 2005), perceptions of inefficacy (Sennett & Cobb, 1972), and beliefs that the world is unjust (Furnham, 1993), and therefore, outside of one's control. It is also well-recognized that minority groups tend to believe that the law will work to their disadvantage, that the court system is not fair, and that the courts are biased (Brooks, 1999; Davis, 1989). Accordingly, minority parents and those from low SES backgrounds may well feel that they have little control over what actually happens in their dependency case, and for that reason, may be less satisfied with the court system overall.

Beyond demographics, knowledge may matter for parents' attitudes toward the dependency court. Studies of children's dependency experiences have found that greater knowledge is associated with more positive feelings toward the court (e.g., Quas, Wallin, et al., 2009), suggesting that parents with high levels of understanding may also hold more positive attitudes toward the court.

### **Summary and Hypotheses**

The current study built upon justice literature of defendants' legal knowledge and attitudes by examining the understanding and attitudes of parents in dependency court. Parents play a vital role in dependency cases and their understanding of the system and feelings toward it are likely critical in influencing their compliance with the court, and ultimately, case outcomes. Several sets of hypotheses regarding parents' understanding and attitudes were tested.

(1) A sizeable percentage of parents would lack general and case-specific knowledge, similar to that observed in studies of children's dependency knowledge and in the juvenile and

criminal justice literatures. Parents of higher SES backgrounds (i.e., higher income, higher educational attainment) and parents of a majority race would be more knowledgeable about the dependency process, both in general and in relation to their specific case, than parents of lower SES backgrounds and those of a minority race.

(2) On average, parents would demonstrate *negative* feelings about the dependency system overall, and attitudes about distributive and procedural justice would be related, yet distinct. Parents of higher SES backgrounds (i.e., higher income, higher educational attainment) and parents of a majority race would hold more positive attitudes toward the dependency system than parents of lower SES backgrounds and those of a minority race.

(3) Parents who possess above-average general and case-specific knowledge would hold more positive attitudes toward the dependency system.

And (4) Positive distributive and procedural justice attitudes would be related to greater parent satisfaction with judicial decisions and more positive overall court perceptions, with distributive justice serving as a stronger predictor of satisfaction with the judge's decisions and procedural justice serving as a stronger predictor of overall perceptions of the court.

## **METHOD**

### **Participants**

The sample consisted of 105 parents involved in ongoing dependency cases. In each case, either the mother or father participated, with the exception of two cases in which both the mother and father participated. All parents were at least 18 years of age ( $M = 31.87$ , range = 19-62). The average number of children per family was three ( $SD = 1.64$ , range = 1-9). Seventy-nine percent of the sample was comprised of mothers (21% fathers). The racial/ethnic breakdown of the sample was 61% African American, 34.3% White, 3.8% Hispanic/Latino, and

1% Multi-ethnic or Other. This composition matched the demographics of legal samples in the area (Kling, 2006; Mauer & King, 2007). Given that the sample largely consisted of African American and White parents, a dichotomous variable was created for race with these two groups to be used in further analyses.

The average length of time that parents had been involved in the dependency system at the time of the interview was 6.7 months (SD = 5.18, Range = 1-24 months). Groups were created for time spent in the system to distinguish between parents who were new to the system (1-2 months; 19.8%); parents involved for some time, but still relatively new (3-6 months; 41.6%); parents approaching the legal deadline for child permanency (7-12 months; 27.7%), and parents involved for an extended time (12-24 months; 10.9%). See Table 1 for parent demographic and individual-level characteristics by length of time in system.

Parents' reported level of education fell within the following categories: some high school (36.3%), high school diploma (24.5%), some college (32.4%), 2-year degree (2.9%), and 4-year degree (3.9%). No parent reported postgraduate training. For a majority of parents, reported income was less than \$25,000 (76.5%). The remaining parents were as follows: \$25,000-34,999 (15.7%), \$35,000-\$49,999 (5.9%), and \$50,000-\$74,000 (2.0%). Given that most parents reported income below \$25,000 and none reported income over \$75,000, a dichotomous household income variable was created of parents who made less than \$25,000 and parents who made between \$25,000 and \$74,000 to be used in subsequent analyses. According to current poverty guidelines (for a family of 4), this cutoff distinguishes parents below the poverty line from those above the poverty line (<https://aspe.hhs.gov/poverty-guidelines>). Finally, approximately one quarter of the sample had been previously involved with the dependency system as a child or teenager.

**Table 1.** Mean and percentages for demographic and individual-level variables by time in system

Demographic/ Individual Variables	New to system (2 months or less)	Some time in system (3-6 months)	Approaching permanency (7-12 months)	Extended involvement (12-24 months)
	Mean (SD)/ Percentage	Mean (SD)/ Percentage	Mean (SD)/ Percentage	Mean (SD)/ Percentage
Age	31.95 (8.52)	31.60 (7.03)	29.29 (6.21)	38.91 (12.83)
Gender	15% Dads 85% Moms	19% Dads 81% Moms	21.4% Dads 78.6% Moms	36.4% Dads 63.6% Moms
Race	42.1% White 57.9% African American	39% White 61% African American	25.9% White 74.1% African American	40% White 60% African American
Level of Education	40% Some HS 15% HS diploma 25% Some college 10% 2-year degree 10% 4-year degree	29.3% Some HS 34.1% HS diploma 34.1% Some college 2.4% 2-year degree 0.0% 4-year degree	53.6% Some HS 21.4% HS diploma 25% Some college 0.0% 2-year degree 0.0% 4-year degree	18.2% Some HS 18.2% HS diploma 54.5% Some college 0.0% 2-year-degree 9.1% 4-year degree
Household Income	75% < \$25K 25% \$25-\$74K	73.8% < \$25K 26.2% \$25-\$74K	82.1% <\$25K 17.9% \$25-\$74K	72.7% <\$25K 27.3% \$25-\$74K
Contact with Dependency System as Child	55% No 45% Yes	76.2% No 23.8% Yes	75% No 25% Yes	90.9% No 9.1% Yes

*Note.* HS = high school.

## Procedure

Prior to participant recruitment, approval from the University of California, Irvine Institutional Review Board was obtained. In addition, the attorneys who represent parents in dependency cases in the jurisdiction where the study was conducted were informed of the purpose of the study, as was the courthouse supervisor. All approved of the project. Participants were recruited from a largely rural jurisdiction in Florida. Parents were approached following their court hearings. A researcher explained the purpose of the study and invited parents to complete a 30-minute interview about their dependency experiences in a quiet location at the courthouse. Parents received a \$25 gift card to a local grocery store for their participation.



Formal data were not collected on response rates, but it is estimated that about 90% of parents who were approached agreed. Parents provided written consent prior to taking part in the study.

**Interview.** The parent interview consisted of six parts (See Appendix A for full interview). Part I was designed to measure parents' general understanding of the dependency system. Parents were asked to define 9 terms commonly used in dependency court. Terms were selected based on court and child welfare websites that are designed to give legal participants guidance on the dependency process in the jurisdiction where the interviews were conducted (e.g., [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0039/0039ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0039/0039ContentsIndex.html); <http://rc1.fl.com/dependency-process>; <http://circuit8.org/mediation/dependency-mediation>).

Part II was designed to capture in more detail how well parents understand the legal procedures in dependency cases generally, including the role of all attorneys involved in dependency cases, the purpose of key dependency hearings, and the legal reasons that parents' rights can be terminated. This section was modified from the widely-used MacArthur Competence Assessment Tool-Criminal Adjudication (MacCAT-CA; Poythress et al., 1999) which captures defendants' legal reasoning, understanding, and appreciation of the criminal justice system via a vignette and follow-up question format. The vignette was modified such that it described a dependency case rather than a criminal case. Specifically, the vignette described an instance of maltreatment in which a father appeared to have injured his son, who was seen in the emergency room. A dependency case was initiated as a result of repeated injuries, and the father attended multiple hearings. After listening to the vignette, participants answered 9 questions concerning their understanding of the key players and process that unfolded in the dependency case.

In Part III, participants were asked 16 questions about their attitudes toward the dependency system. These focused on attitudes toward the court, dependency players, and toward components of distributive and procedural justice. Questions were developed based on those included in prior legal attitude studies (Casper, Tyler, & Fisher, 1988; Tyler, 1984) with necessary modifications being made to refer to dependency rather than other types of legal cases (See Appendix A). Response options followed a 5-point Likert scale where low scores reflected more negative attitudes and high scores reflected positive attitudes toward the dependency court (Some questions were reverse coded).

Part IV assessed parents' intentions to comply by collecting information on their perceived control in their case. For example, on binary scales, parents were asked how easy it would be for them to attend hearings, how easy it would be to engage in services, and how much control they had over attending hearings and engaging in services. Questions from this part will not be discussed further, however, because internal reliability on these questions was extremely low for the full sample (Cronbach's alpha = .34). Of note, follow-up analyses revealed that reliability was substantially lower for parents involved in the system for 3-6 months (Cronbach's alpha = -.06) compared with the rest of the sample (Cronbach's alpha range = .54 - .69), though the reason for this variation is unclear. The issue of perceptions and control is brought up again in the Discussion.

Part V asked parents about their family and legal background, including how many children parents had, whether parents had prior contact with the dependency system (as a child or teenager), and whether parents or their children had prior contact with the criminal or juvenile justice systems.

Part VI asked parents about specific aspects of their case and their experience with the dependency system. Questions asked about the professionals with whom participants had interacted, whether they had a public defender, and which professionals were most and least helpful in their case. Other questions asked about the role parents felt individual characteristics played in the referral of their case (i.e., race/ethnicity), how long their children had been removed, and the judge's most recent decision. Questions were largely open-ended to elicit narrative responses from parents about their perceptions and experiences.

Part VII asked parents about demographic information, including the parents' age, gender, education, marital status, race/ethnicity, and income.

**Coding.** Reliability was established for all measures that elicited open-ended responses from parents on at least 10% of the sample, all proportion agreement across items and measures was  $\geq .87$  (See Table 2 for coding descriptions).

**Table 2.** Coding scales for Parts I (definitions) & II (modified MacCAT-CA) of the interview

Measure (Part)	Coding Categories	Examples
Definitions (Part I)	<i>0 = no correct information, including incorrect and do-not-know responses</i>	“Your daughter and your baby” when asked what a family service worker is
	<i>1 = correct, but not complete or partially correct</i>	“Something the court wants you to do” for case plan
	<i>2 = correct and complete</i>	“Caregiver appointed by the court” for guardian
	<i>6 = personal/evaluative</i>	“Bad person” for family service worker
Modified MacCAT-CA (Part II)	<i>0 = no demonstration of knowledge or understanding</i>	“ <i>I don’t know,</i> ” or reporting that an adjudication hearing is to determine whether the child will be removed (child already removed at this point)
	<i>1 = limited or partial understanding</i>	“Discuss the allegations” when asked about the arraignment hearing
	<i>2 = a comprehensive recognition of relevant facts</i>	“Not doing case plan and continued positive drug screens” when asked for reasons why the court might terminate a parent’s rights

*Note.* The accuracy of definitions was determined according to public governmental court websites and legal dictionaries. The 0-2 coding scheme was modeled after Saywitz (1989). Personal/evaluative responses (7.43% of total responses) are not included in subsequent understanding analyses given that the accuracy of these responses cannot be confirmed.

Responses for the revised MacCAT-CA were scored according to a 0-2 scale, following the original MacCAT-CA protocol (Poythress et al., 1999).

## RESULTS

### Preliminary Analyses

At the time of the study interview, a majority of parents (88%) were at the disposition phase or later of their case meaning that they had attended at least two prior court hearings and had been given a list of court-mandated services that they were required to complete. Of note, the hearing type of four participants could not be determined; these participants are not included in the percentage above.

Before beginning the main analyses, all measures of understanding and attitudes were checked for normality. A few attitude scale items were heavily skewed (i.e., most participants were at ceiling). These items were dropped from analyses as described below in the parent attitudes section because of a lack of variability.

The analyses sections below each begin with a presentation of descriptive data, followed by data reduction procedures, and then demographic and background predictors of key study variables. A final analysis section presents the relation between distributive and procedural justice and satisfaction with the judge's decision and overall court perceptions.

### **Parent Understanding**

**Descriptive data.** The first goal of the current study was to identify how well parents understand the dependency system generally and their case specifically. We assessed general understanding using two measures. The first asked parents to define commonly used dependency terms. Average understanding of dependency terms was 0.93 out of 2 (SD = 0.35, range = 0.00 - 1.67). Thus, parents' understanding of the terms was slightly below a *limited or partial* understanding. The second measure, the MacCAT-CA-like vignette, asked parents about their understanding of the dependency process using a hypothetical dependency case. Average understanding was 1.20 out of 2 (SD = 0.33, range = 0.30 - 1.70), which was slightly above a *limited or partial* understanding (See Figure 1).

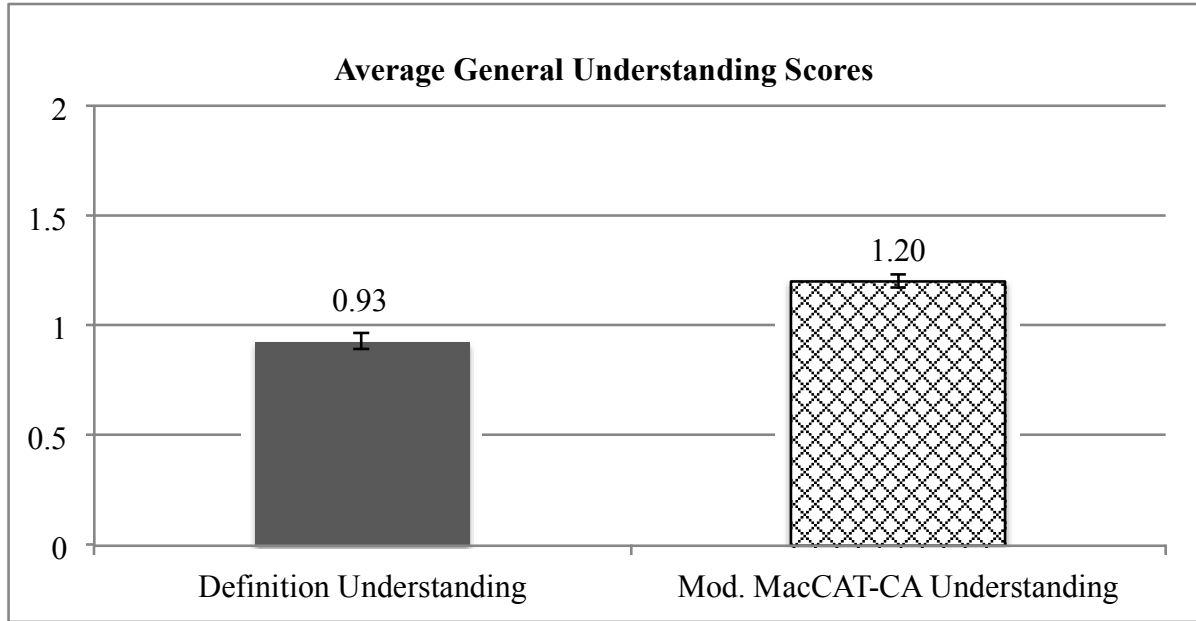


Figure 1. Parents' average scores for the Definition and Modified MacArthur Competence Assessment Tool—Criminal Adjudication measures.

To capture whether parents understood specific aspects of their case, parents were asked to provide the name of the hearing that they attended on the day of the interview and the judge's most recent decision in their case. Over half of the parents were unable to provide the correct name of the hearing that they had just attended (53.1%); approximately 21% of parents correctly identified the name of the hearing; and 26.1% provided the general term, "Dependency Hearing." When asked, "What was the judge's most recent decision in your case?," a majority of parents had either a limited (54%) or comprehensive (34.5%) understanding of what happened in their hearing; although, 11.5% of parents showed no understanding of what had just occurred. For example, one parent said that they had 12 weeks to complete their case plan and the services included in it when in fact the parent had 12 months to complete the services in the case plan.

Together, these measures confirm our hypotheses by demonstrating that parents do in fact lack a comprehensive understanding of critical dependency terms, concepts, and processes.

### **Parent understanding composites & relation between general and specific**

**understanding.** Parents' definition and MacCAT-CA vignette scores were strongly correlated,  $r(105) = 0.61, p < 0.001$ , Cronbach's alpha = 0.76. A general understanding composite score was thus created by averaging the two scores ( $M = 1.07, SD = 0.31, \text{range} = 0.25 - 1.63$ ).

The two measures of specific understanding (i.e., hearing name and judge's decision) were not significantly correlated,  $r(82) = .079, p = .479$ . The question about the judge's decision, which more comprehensively captures parents' specific understanding than their ability to name the hearing, was included in further analyses<sup>2</sup>.

Finally, the relations between the general understanding measures and the specific understanding item (judge's decision) were examined. As expected, the more parents understood about the dependency system in general, the more they understood about their case, specifically,  $r(87) = 0.28, p = 0.009$ , across both measures.

**Predictors of understanding.** Next, demographic and individual-level factors were examined as predictors of parents' general understanding. A multiple linear stepwise regression was conducted with parent understanding regressed on parent age, gender, race, level of education, household income, length of time in dependency system, and contact (or not) with the dependency system as a child. This analysis tested hypotheses about whether parents of a majority race and higher socioeconomic status had greater understanding of the system, but also included other potential predictors of understanding. (Exploratory interactions between all combinations of individual-level factors were tested using a two-step model in which the individual-level factors were entered in the first step and each two-way interaction was entered

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<sup>2</sup> Specific understanding (judge's decision) was only calculated for 83% of the full sample because parents' responses to the question about the judge's decision had to be matched with observational notes from the dependency hearings to confirm accuracy, which was not possible for all cases.

separately in the second step.) No interactions were significant, and thus, all individual-level factors were entered independently in the final model. The overall model was significant,  $F(7, 88) = 9.57, p < .001, R^2 = .432$ , and each individual-level factor was a significant predictor of understanding, with the exception of household income,  $p = .261$ .

As participant age increased, understanding increased,  $\beta = .181, t(88) = 2.18, p = .032$ . Mothers demonstrated significantly greater understanding than fathers,  $\beta = .241, t(88) = 2.73, p = .008$ . White parents demonstrated significantly greater understanding than African American parents,  $\beta = -.321, t(88) = -3.67, p < .001$ . Participants who reported completing some college or a 2-year degree demonstrated significantly greater understanding than parents who reported completing some high school or a high school diploma,  $\beta = .307, t(88) = 3.53, p = .001$ , as predicted. Participants who were involved in the system for 7-12 months demonstrated significantly greater understanding than those involved for 1-2 months,  $\beta = .252, t(88) = 3.03, p = .003$ . Finally, participants who had prior contact with the dependency system as a child or teenager demonstrated a greater understanding of the dependency system than participants who reported no prior contact,  $\beta = .219, t(88) = 2.57, p = .012$ .

An identical multiple linear stepwise regression predicting parents' specific understanding was conducted next. The overall model was again significant,  $F(7, 72) = 2.47, p = .025, R^2 = .193$ . Race emerged as the only individual-level predictor, and no interaction was significant. White parents demonstrated significantly greater understanding of the judge's most recent decision in their case than African-American parents,  $\beta = -.326, t(79) = -2.69, p = .009$ .

It was predicted that parents' race, education, and income (the latter two indicators of socioeconomic status) would be related to parents' general and specific understanding, such that White parents and those with higher education and income would show significantly greater



understanding than African American parents and those with lower education and income. Parents' race was indeed related to general and specific understanding and in the expected direction. Higher education was also related to better general understanding, but was unrelated to specific understanding. Income was unrelated to both general and specific understanding. Although not predicted, other individual-level factors were found to be related to parents' general understanding: older parents, mothers, parents involved in the system for longer periods of time, and parents who had prior contact with the dependency system as a child generally understood the system better.

### **Parent Attitudes**

**Descriptive data and data reduction.** A second goal of the study was to examine parents' attitudes toward the dependency system and to determine if distributive and procedural justice were distinguishable components of parent attitudes. Parents were asked about their feelings on scales ranging from *1-not satisfied at all* to *5-extremely satisfied*. The average score for all 16 attitude questions was 3.25 (SD = 0.71), suggesting that, on average, parents were *somewhat satisfied* with the system.

To determine if procedural and distributive justice perceptions were unique and salient components of parent attitudes, a factor analysis was conducted with 13 of the original 16 attitude questions. Two questions were dropped because of ceiling effects, that is, they were heavily left-skewed: "Do you believe your lawyer has been honest?" and "How important do you feel it is for you to participate in court?" (Means = 4.25 and 4.72, respectively). The third question that was not included was "How satisfied are you with the judge's decision in your last hearing?" Given that this question asked about parents' satisfaction with a concrete Judicial

decision and given that satisfaction with authoritative decisions is a commonly used outcome in the criminal justice literature, this important and unique rating was considered separately.

The principal component factor analysis using a Varimax rotation revealed a three-component data solution (See Table 3 for components and accompanying questions). The cumulative variance explained by the three factors was 61.47%. Procedural and distributive justice subscales were apparent within the data (components 1 and 2); however, the questions that comprised these scales did not entirely overlap with the original questions that we had conceptualized for each scale. For example, the question “How well do attorneys speak for or represent parents in dependency cases?” fell within the procedural justice subscale, but it was originally modified from the Children’s Court Questionnaire which measured children’s general court experiences and not necessarily their perceptions about procedural justice. Nonetheless, theoretically speaking, attorney representation is an important part of voice (Bischoff, 1990; *Clark v. Clark, 1984*) in the dependency process, and thus, its inclusion in the procedural justice subscale is supported by procedural justice theory.

As another example, the question “Do judges get enough information to make good decisions in dependency cases?” fell within the distributive justice subscale. We had originally conceptualized it as a procedural justice question. Perhaps, instead of focusing on the information-gathering part of the question (procedural), participants instead focused on how the information gathered influenced decisions (distributive).

A third component—overall court perceptions—was also revealed in the factor analysis. Although overall court perceptions was not predicted to be a separate component of parent attitudes, it has been found to be an important outcome attitude variable across much of the

procedural justice literature (e.g., Lind & Tyler, 1988; Tyler, 1984; Tyler & Huo, 2002), and is examined as such in the final attitude analysis.

**Table 3.** Three-Factor Data Structure for Parent Attitudes

Component 1 DISTRIBUTIVE JUSTICE ATTITUDES	Component 2 PROCEDURAL JUSTICE ATTITUDES	Component 3 OVERALL COURT PERCEPTIONS
Do judges get enough information to make good decisions in dependency cases?	Do you have control over what will happen in your dependency case?	How good is the dependency court for your family?
Do judges make biased decisions in dependency cases?	Does the judge listen to your side of the story in court?	Has the dependency court helped you as a parent?
If another parent was in the dependency court for the same reason that you are, do you think the judge's orders in their case would be similar to the judge's orders in your case so far?	How well do attorneys speak for or represent parents in dependency cases?	Does the dependency court help solve families' problems?
		Are dependency court decisions fair?
		Does the dependency court help children?
		Are social workers fair when deciding to file dependency cases?
		Do judges weigh evidence equally from all parties involved in dependency cases?
3 Item-Scale, $\alpha = .51$	3 Item-Scale, $\alpha = .57$	7 Item-Scale, $\alpha = .89$
$M = 2.94 (.85)$	$M = 3.29 (.94)$	$M = 2.99 (.95)$

*Note.* Inter-item reliability for distributive justice was fairly low ( $\alpha = .51$ ) and will be discussed further in the discussion section.

**Predictors of justice attitudes (including the relation between understanding and attitudes).** Next, demographic and individual-level factors were examined as predictors of parents' distributive and procedural justice attitudes. Two multiple linear stepwise regressions were conducted with the distributive and procedural justice factor scores, derived from the factor analysis above, as separate dependent variables. The factor scores were used because of their quality of independence, in line with our conceptualization of distributive and procedural justice as distinct components of parents' attitudes. The factor scores were regressed on parent age,

gender, race, level of education, household income, length of time in dependency system, and contact (or not) with the dependency system as a child. In addition, parents' general understanding was included as an individual-level predictor of attitudes to examine the relation between understanding and attitudes (Study goal 3)<sup>3</sup>. Similar to the regressions predicting parent understanding, a two-step model explored the two-way interactions between each of the individual-level factors.

For the distributive justice factor score, the overall model was significant,  $F(8,79) = 2.29$ ,  $p = .029$ ,  $R^2 = .188$ . Gender and race were significant predictors. Mothers ( $\beta = -.280$ ,  $t(79) = -2.42$ ,  $p = .018$ ) and African American parents ( $\beta = -.348$ ,  $t(79) = -2.89$ ,  $p = .005$ ) had significantly more negative attitudes about the fairness of the decisions in dependency cases than fathers and White parents.

For the procedural justice factor score, a significant interaction emerged, and thus, the model including that interaction is presented,  $F(9,78) = 2.43$ ,  $p = .017$ ,  $R^2 = .219$ . Significant main effects of time in the system and understanding emerged. Regarding time in the dependency system, parents who had been in the system for more than two months had less positive procedural justice attitudes (i.e., felt less control, felt the judge listened to them less, and felt their attorney represented them less well) compared with parents who had been in the system for less than two months,  $\beta = -.310$ ,  $t(79) = -2.78$ ,  $p = .007$ . Consistent with hypotheses, parents who had a greater general understanding of the dependency system had more positive procedural justice attitudes (i.e., felt more control, felt the judge listened to them more, and felt their attorney represented them better) than parents who had lower understanding,  $\beta = .339$ ,  $t(78) = 2.45$ ,  $p = .016$ .

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<sup>3</sup> Because specific understanding (judge's decision) was unrelated to parents' overall attitudes about the dependency system ( $p = .70$ ) and because including specific understanding would substantially decrease the number of participants in the overall model, specific understanding was not included in these analyses.

An unexpected interaction between contact with the dependency system as a child and household income revealed that parents who had contact with the system as a child and who also reported income greater than \$25,000 (compared with those who reported less than \$25,000, or below the poverty line), had particularly negative procedural justice attitudes,  $\beta = -.251$ ,  $t(78) = -2.20$ ,  $p = .031$ . Although speculative, it is possible that parents who were involved with the system as a child perceived that they would have no voice or control the second time around, and this may be especially so if they had tried to distance themselves from the co-occurring challenges that are often associated with dependency-involvement (e.g., poverty), but still found themselves re-involved in the system (see Figure 2 for interaction between contact with dependency system and household income on procedural justice attitudes).

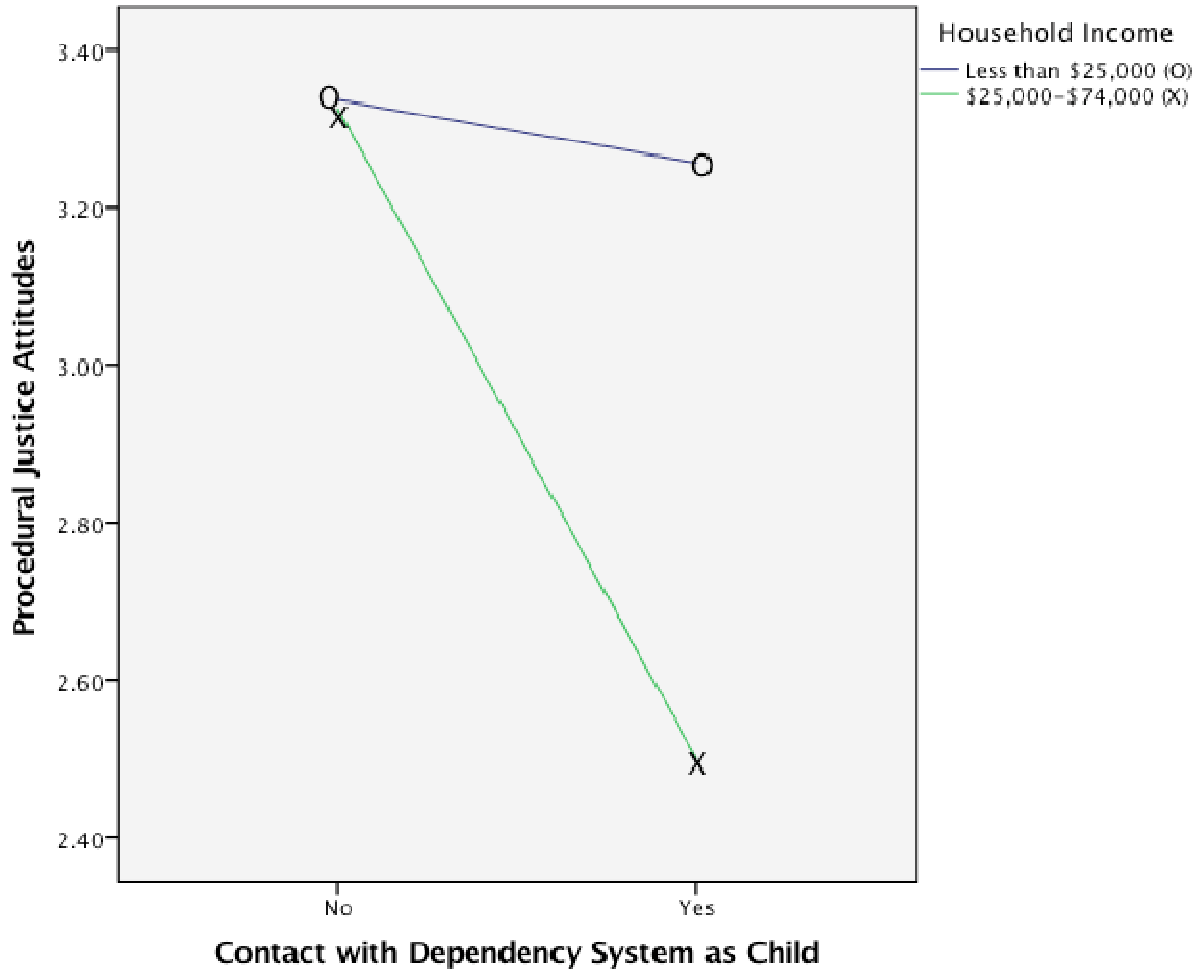


Figure 2. Interaction between contact with dependency system and household income predicting procedural justice attitudes.

## **Distributive and Procedural Justice as Predictors of Parent Satisfaction and Overall Court Perceptions**

A final set of analyses addressed the fourth study goal, which concerned the relation between parents' distributive and procedural justice attitudes and their satisfaction with the judge's decision and overall court perceptions. Based on the psycho-legal literature concerning distributive and procedural justice attitudes, distributive justice judgments were expected to be a stronger predictor of parents' satisfaction with the judge's most recent decision, whereas procedural justice judgments were expected to be a stronger predictor of parents' overall court perceptions.

To test these predictions, two separate multiple linear stepwise regressions were conducted. One predicted parents' satisfaction with the judge's decision and the other predicted parents' overall court perceptions. The factor scores could not be used in the current analysis because they were independent through the varimax rotation. Hence, mean responses to the questions included in each of the three factors were calculated (see Table 3 for scale items and alpha levels). The three means (i.e., distributive justice, procedural justice, overall court perceptions) were moderately correlated with each other,  $r_s(105) = .43 - .55, p_s \leq .001$ . Thus, the scales were distinct, but not independent, and could be included in the same models (See Table 4 for bivariate correlations between demographic/individual variables, key understanding variables, and distributive and procedural justice subscale means).

**Table 4.** Bivariate correlations among demographic, understanding, and justice attitude variables

	Age	Gender	Race	Education	\$\$	Time in system	Contact as child	General und.	Specific und.	Distributive justice
<i>Demographic/ Individual factors</i>										
Age										
Gender	-.153									
Race	-.086	-.182 <sup>†</sup>								
Education	.107	.088	-.270**							
Income (\$\$)	.190 <sup>†</sup>	-.291**	-.206*	.232*						
Time in system	.109	-.128	.074	-.042	-.029					
Contact as child	-.087	.089	.160	-.202*	-.172 <sup>†</sup>	-.198*				
<i>Parent understanding</i>										
General	.233*	.226*	-.442**	.402**	.156	.167 <sup>†</sup>	.025			
Specific	-.011	.178	-.381**	.148	.060	.035	-.002	.277**		
<i>Parent attitudes</i>										
Distributive justice	.023	-.055	-.287**	.063	-.098	-.176 <sup>†</sup>	-.112	-.029	.075	
Procedural justice	-.053	-.087	-.124	-.014	-.040	-.228*	-.073	-.054	-.129	.427***

*Note.* Distributive and procedural justice refer to the means of the scales derived from the factor analysis. Dichotomous variables coded as: Gender (Male = 0, Female = 1); Race (White = 0, African American = 1); Income (Less than \$25,000 = 0, \$25,000-\$74,000 = 1); Contact as child (No = 0, Yes = 1).

<sup>†</sup>p < .10;

\*p < .05;

\*\*p < .01;

\*\*\*p < .001.

For the first regression analysis predicting satisfaction with the judge's decision, the demographic and individual-level factors were entered in step 1, the distributive and procedural justice scale means were entered in step 2, and interactions between understanding and procedural and distributive justice were entered, separately, in step 3 (interactions entered separately for adequate statistical power). The interactions between understanding and attitudes were of particular interest, given that it may be the combination of how much parents know and how they feel about their experiences that shapes their satisfaction, in ways that are much stronger than either knowledge or attitudes predicts independently.



When satisfaction with the judge's decision was entered as the dependent measure, the model was significant,  $F(11, 84) = 5.86, p < .001, R^2 = .434$ . Main effects of understanding and procedural justice attitudes emerged. The more parents understood about the dependency system in general, the less satisfied they tended to be with the judge's decision in their last hearing,  $\beta = -.834, t(84) = -2.59, p = .011$ . At the same time, the more positive procedural justice attitudes parents had, the more satisfied they tended to be with the judge's decision,  $\beta = .422, t(84) = 4.46, p < .001$ . An Understanding X Distributive Justice interaction also emerged,  $\beta = .856, t(79) = 2.07, p = .042$ .

A simple slopes analysis using Hayes' Process Macro (an SPSS add-on for statistical mediation, moderation, and conditional process analysis; Hayes, 2013) revealed that the more parents understood about the dependency system, the less satisfied they were with the judge's most recent decision, but this was primarily when perceptions of distributive justice (i.e., fairness of the decision-making process) were average or negative,  $bs \geq -1.13, ts(84) \geq -2.22, ps \leq .03$ . However, when parents felt positive about distributive justice, there was no significant relation between understanding and satisfaction with the judge's decision,  $p = .49$ . Perhaps, when parents understand more about the system, they are more cognizant of the way in which decisions are made. In turn, when decisions appear to be made in an unfair manner, parents are dissatisfied with the decisions in their specific case (See Figure 3 for interaction between understanding and distributive justice on satisfaction with judge's decision).

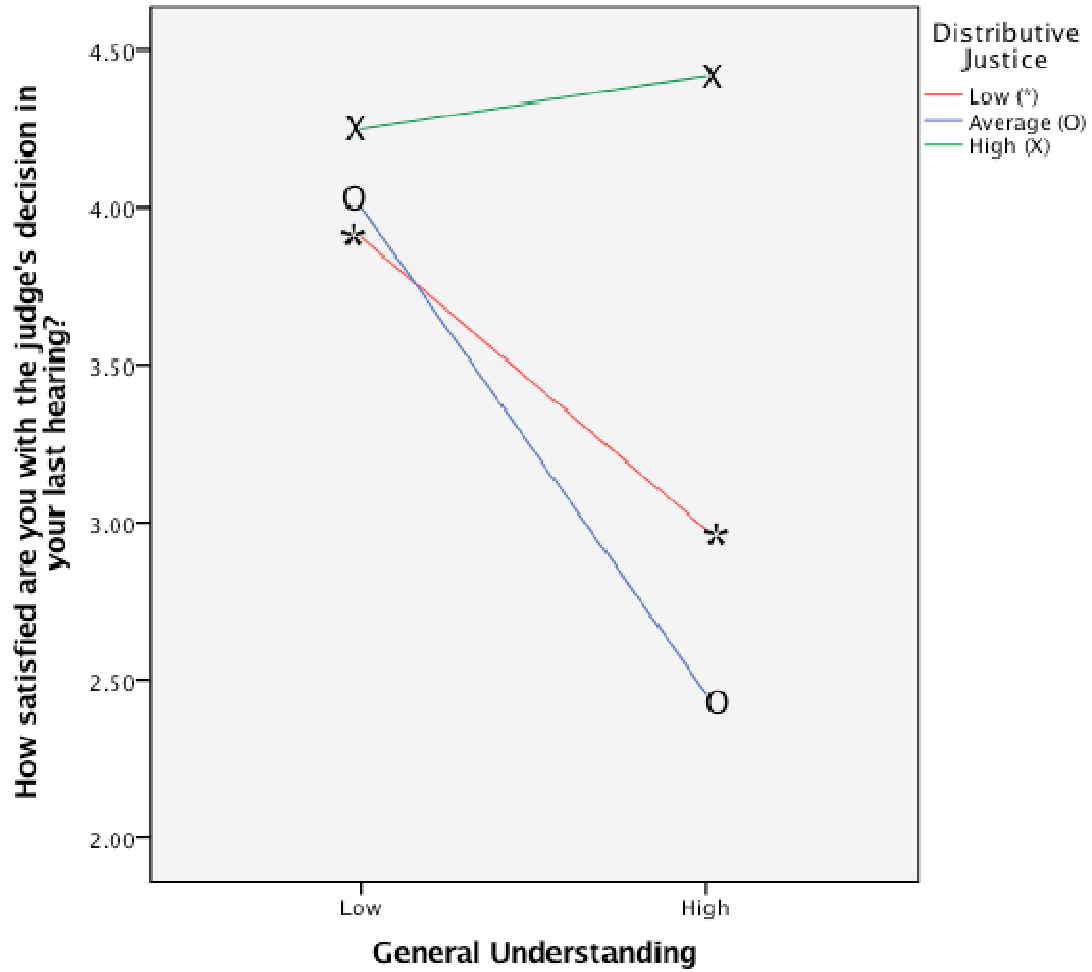


Figure 3. Interaction between general understanding and distributive justice attitudes predicting satisfaction with the judge's most recent decision.

For the second regression analysis, parents' overall court perceptions served as the dependent measure. Again, the overall regression model was significant,  $F(11, 84) = 8.01, p < .001, R^2 = .512$ . Main effects of understanding and distributive justice emerged. The more parents understood about the dependency system in general, the more negative their perceptions were toward the court,  $\beta = -.979, t(84) = -2.67, p = .009$ . Yet, the more positive distributive justice attitudes parents had, the more positive their overall perceptions were toward the court,  $\beta = .186, t(84) = 2.01, p = .047$ . Finally, there was a significant Understanding X Procedural Justice interaction,  $\beta = 1.01, t(84) = 2.09, p = .039$ .

A simple slopes analysis revealed that the more parents understood about the dependency system, the less positive they felt about the court overall, particularly when perceptions of procedural justice (i.e., fairness of the dependency procedures) were average or negative,  $bs \geq -.88, ts(84) \geq -2.45, ps \leq .016$ . However, when perceptions of procedural justice were positive, there was no significant relation between understanding and perceptions of the court,  $p = .52$ . Thus, when parents understand more about the system, perceptions about voice, control, and representation (procedural justice) are critical to how parents feel about the court overall. When parents do not feel that these procedural justice matters are fair, they are more likely to have negative perceptions about the court (See Figure 4 for interaction between understanding and procedural justice on overall court perceptions).

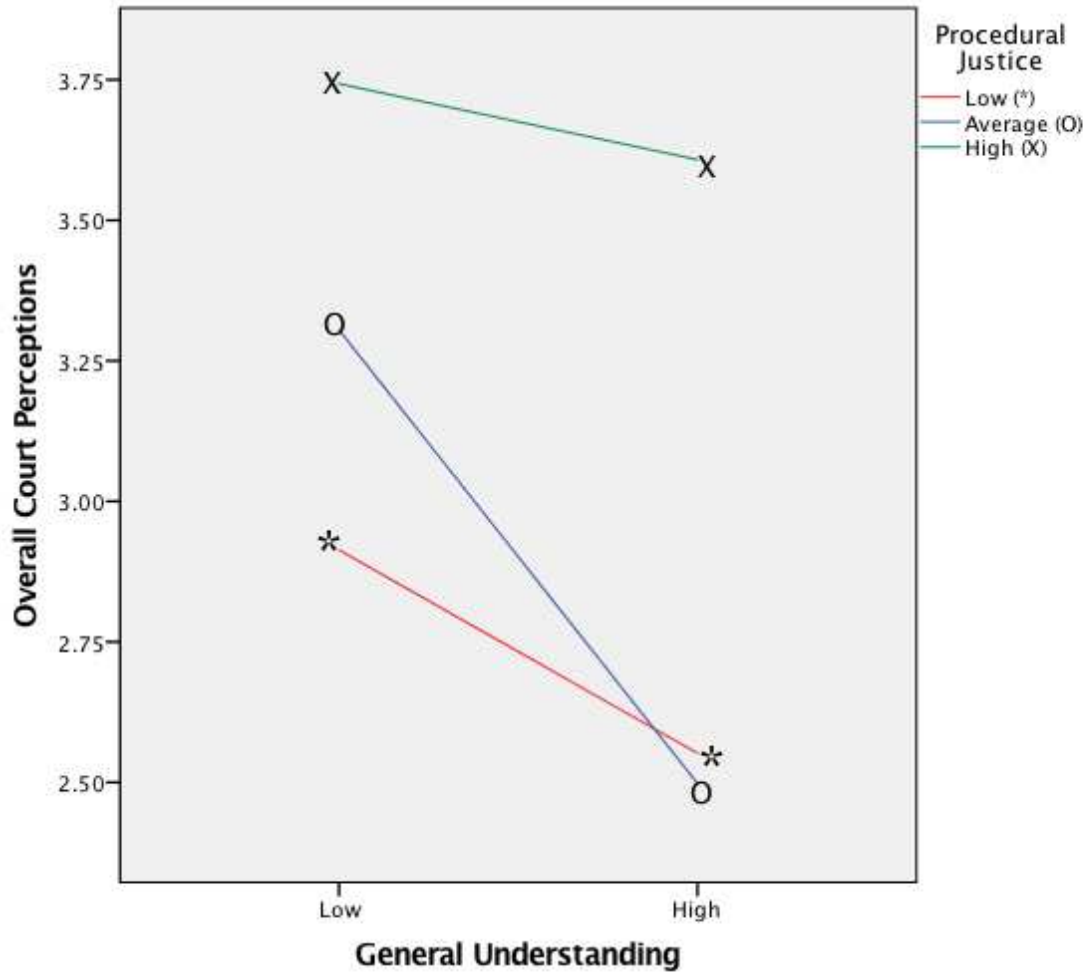


Figure 4. Interaction between general understanding and procedural justice attitudes predicting overall court perceptions.

## DISCUSSION

The current study was the first to systematically examine understanding and justice attitudes in parents immersed in ongoing dependency cases as a result of maltreatment and their child's removal from their custody. The cases, including the parents' behaviors and feelings about their experiences with the courts and other legal and social service professionals, have long-term ramifications for children, parents, families, and society, demanding attention be directed toward understanding multiple facets of those cases in as comprehensive of a manner as possible. This study's focus on parents contributed to this understanding.

The primary aims were to (1) investigate parents' understanding of the dependency system, both generally and with regard to their specific case, and identify individual-level factors that relate to understanding; (2) investigate parents' justice attitudes about the dependency system, and identify individual-level factors that relate to attitudes; (3) examine whether greater understanding of the dependency system is related to more favorable attitudes toward the system; and (4) examine how distributive and procedural justice attitudes relate to satisfaction with the judge's decisions and overall perceptions of the court. Overall, findings provided some, but not complete, support for the study's hypotheses, with some unique patterns of results emerging as well. As is discussed next, findings paint a complicated picture about knowledge and attitudes in parents in dependency cases, and reveal important attitudinal processes that do not conform to models of justice perceptions.

## Parent Understanding

A useful starting point here is to review the study's main findings concerning parental legal understanding in relation to the initial predictions. First, on average, parents were not expected to have advanced knowledge about the dependency system, and this hypothesis was confirmed. Parents demonstrated, on average, a *limited or partial* general understanding of the system (including definitions of dependency terms and comprehension of the dependency process), and evidenced a more limited understanding of their own case: Approximately 2/3 of the sample demonstrated *no or limited* understanding of the judge's specific decision in their most recent hearing. Second, understanding was expected to be significantly higher for White parents and those with higher income and education compared with African American parents and those with lower income and education, an expectation partially confirmed. White parents and those with higher levels of education, but not parents who reported higher annual incomes, showed better understanding.

Of note, White parents in the current sample had higher levels of education, on average, than African American parents,  $t(95) = 2.73, p = .008$ , and certainly greater education could account, at least in part, for the racial differences uncovered in parents' understanding of legal terms and processes (Woolard, Cleary, Harvell, & Chen, 2008). The lack of relation between income and understanding may be an artifact of the low variability and highly skewed distribution of income in the sample, with a large majority of parents living below the poverty line and very few making up to \$75,000. Perhaps with greater variability in income, and the legal benefits that are associated with higher income (i.e., private attorney representation; only 3% of parents had such in the current sample), differences in parents' understanding of the system by income might have emerged.

Parents' general understanding also increased with age and time spent in the system (i.e., parents involved for 7-12 months understood more than those involved for 1-2 months), although with time in the system, most of the advances in knowledge seemed to come relatively early in the progression of a dependency case. Parents who were involved for 12-24 months did not demonstrate significantly greater understanding than parents involved for 7-12 months, suggesting a potential cutoff point after which understanding does not continue to increase. Parents who had previous involvement with the dependency system as a child and mothers (as compared with fathers) also understood the system better. It is possible that mothers' greater involvement in dependency cases, including their more consistent presence at hearings (Edwards, 2009; O'Donnell, Johnson, D'Aunno, & Thorton, 2005; U.S. Department of Health and Human Services, 2006), helped to improve their general understanding of the system. With regard to parents' specific understanding, race was the only significant predictor, with White parents understanding more about the judge's most recent decision than African American parents.

Findings of reduced understanding among minority and less educated parents confirm the role of these demographic factors in influencing legal participants' experiences with the court system and provide some insight into why minority parents may have more difficulty successfully navigating the system. As with criminal cases, there is a great deal of racial disproportionality at every stage of the dependency process. Statistics reveal that African American children, compared with White children, are more likely to be removed from home, more likely to spend a greater amount of time in out-of-home care, and less likely to be reunified with their parents (Curtis, Dale, & Kendall, 1999; Garland, Hough, et al., 2000; Garland, Landsverk, & Lau, 2003; Harris & Courtney, 2003; Hill, 2007; Morton, 1999; Sedlak &

Broadhurst, 1996; Stoltzfus, 2005; U.S. Department of Health and Human Services, 2013; Wells & Guo, 1999; Wulczyn, Barth, Yun, Jones-Harden, & Landsverk, 2005; Wulczyn, Hislop, & Goerge, 2000). There are multiple explanations for these trends, including institutional biases, lack of cultural sensitivity in services and treatment programs, and inconsistency in parental risk assessment (Bishop & Frazier, 1996; Harris & Courtney, 2003; Rivaux et al., 2008; Wulczyn & Lery, 2007). A lack of understanding of the legal system, which itself is more common in African American parents, likely perpetuates these racial differences.

### **Parent Attitudes**

Findings concerning parents' attitudes were complicated. Our hypotheses, in some ways were supported, but in other ways not. For example, as hypothesized, distributive and procedural justice emerged as separable, but related, components of parent attitudes, as has been found across numerous studies of defendants' legal attitudes (Blader & Tyler, 2003; McFarlin & Sweeney, 1992; Tyler, 1984). However, distributive justice was not as internally reliable as in other legal and work-related contexts (Blader & Tyler, 2003; McFarlin & Sweeney, 1992; Tyler & Fagan, 2008).

On the one hand, the questions included in the current distributive justice scale (i.e., judicial bias, information-gathering, and equality of decisions) were necessarily somewhat different than those included in other studies that have asked participants to make evaluations about a specific outcome in their case, such as case verdict. Parents in the current sample had not yet reached the end of their cases, and thus, singular case outcome types of questions could not be included in the distributive justice measure, although parents were asked about their satisfaction with the judge's most recent decision, which served as one index of how the parents thought about a decision. In addition, questions included in the current investigation as



distributive justice items were modified from Tyler (1984). Tyler did not report on internal reliability, making it difficult to directly compare these responses to the original study.

On the other hand, it is also possible that the nature and complexity of dependency cases, which include multiple decisions or outcomes across multiple hearings contributed to the decreased internal reliability. In particular, dependency cases vary in the number and types of hearings held, and, during the course of a dependency case, a number of decisions regarding both children and parents are made (e.g., children's temporary placement, parents' visitation rights, evaluations of parents' compliance). The construct of distributive justice, as such, may be more nebulous for parents in dependency cases, making it difficult to tap a singular, or reliable underlying attitudinal index.

Notwithstanding the low reliability of distributive justice, some demographic factors were nonetheless still predictive of such attitudes. Mothers and African American parents had more negative perceptions about distributive justice than fathers and White parents. Although fathers are typically less likely than mothers to be involved in dependency cases, when fathers do become involved, they are often found to be "non-offending" parents. Fathers may receive this status either because they were not living with the child at the time of removal, and thus, cannot be held responsible for the maltreatment or because child welfare practitioners tend to focus on the mother's behavior and responsibilities with regard to allegations of abuse or neglect (Coohey & Zhang, 2006; Scourfield, 2003) even though the father may have essentially abandoned his child. Mothers may, therefore, feel that decisions about the child's safety and placement do not adequately take into account father absence, thereby unfairly favoring fathers, leading to their negative views about decisions, possibly those that give fathers contact in a way that mothers feel is not warranted. Given the potential for significant differences in the treatment of mothers

and fathers, it is critical to continue to explore, in subsequent work, whether such treatment, or parents' perceptions of it, affects their attitudes and possibly compliance over time.

It is not surprising that African American parents had more negative attitudes about distributive justice. The current study simply demonstrated that African American families realize that dependency outcomes differ for African American and White families. This realization is not mere perceptions, but instead likely reflects reality, at least at the level of general statistics (U.S. Department of Health and Human Services, 2013; Wulczyn et al., 2005). It would be of interest, and quite valuable, to match parents across races on outcomes and determine, in these situations, whether African American parents continue to hold more negative views about distributive justice in their own specific case.

Overall attitudes about the dependency system were found to be slightly more positive than expected. Instead of parents feeling *negative* toward the system, on average, they felt *somewhat satisfied* with the system. Our prediction that parents would feel negatively about the system was based on prior studies that have examined parents' perceptions of their and their child's involvement in child sexual abuse (CSA) cases and based on the known challenges associated with dependency cases. However, the average *somewhat satisfied* rating indicates that all or most parents did not feel particularly negative about the system, but instead an approximately equal number of parents fell above (50%) and below (46%) *somewhat satisfied*.

### **Understanding and Attitudes**

According to the dependency literature on children's knowledge and feelings, it was anticipated that the more parents understood about the dependency system, the more positive they would feel about it. Surprisingly, this hypothesis was only confirmed for one group of attitudes: Greater parent understanding was associated with more positive procedural justice

attitudes. But, the exact opposite was found for other groups of attitudes. Namely, greater parent understanding was associated with *less* satisfaction with the judge's most recent decision and more *negative* overall court perceptions.

A potential mechanism underlying the relations between understanding and attitudes may be empowerment (Van De Meene & Van Rooij, 2008; Weisz, Wingrove, & Faith-Slaker, 2007), though the influence of empowerment may not be straightforward. When parents understand more, they may be empowered in their interactions with the professionals in their case (particularly the legal professionals with whom they interact directly), and thereby experience more positive perceptions of procedural justice, including feeling more control in their case, feeling that the judge is listening to them (voice), and feeling that their attorney is representing them well. Perhaps judges and parents' attorneys do in fact treat parents with greater understanding more favorably because these parents may implicitly demand more attention than parents who are naive about the system and about their rights.

However, on a broader scale, parents who understand more may feel a lack of empowerment concerning important decisions made in their case and their influence on the court overall. There may be several reasons for this lack of empowerment. First, in dependency cases there are a number of parties. Besides parents' lawyers, who provide recommendations to the court, there is a lawyer for the state (social services) and a lawyer or guardian ad litem for the child. When both parents are present, they regularly have separate attorneys. There is also the judge, and, at times, counselors and investigators. All of these professionals weigh in at different junctures in the case, and all hold power to influence decisions. Parents who know more may recognize—and feel threatened by—the power that the various professionals hold, leading perhaps to a mild form of learned helplessness (Hegar & Hunzeker, 1988; Maier & Seligman,

1976; Seligman, 1972; Rappaport, 1984).

For example, parents may be excited to tell the court that they have started their drug treatment and had a few successful supervised visits with their child. However, the social worker may report at the same hearing that the parent missed a drug screen (this could be because of a lack of transportation or other economic difficulty) and was too emotionally reactive when visiting with the child. Based on these subjective reports from the social worker, the judge may decide that the parent is not ready for increased visitation time with the child. On the other hand, for parents with lower understanding, the power dynamics of legal and non-legal professionals in the system may not be as readily understood, and therefore, these parents may not feel as negatively about various professionals' decision-making power and its effect on the judge's decisions and the court system overall.

Second, parents who have a greater understanding of the dependency system in general may have a better comprehension of the strict requirements that they must adhere to in order to achieve reunification with their children. These requirements often involve finding or maintaining stable housing and a job, finding transportation to attend services up to 4-5 times a week, attending visitations, maintaining positive relationships with social workers and foster parents, and at times, caring for other children who are still in the parents' care. Understanding all of these requirements may lead parents to feel overwhelmed and helpless, and again, disempowered in influencing the judge's decisions in their case. Conversely, parents who do not fully comprehend these requirements may not experience similar feelings of helplessness or inability to fulfill the judge's mandates, and may thus be somewhat more accepting of the judge's decisions and the court overall.

In sum, greater understanding may empower parents to feel some control in their case, feel that they are heard (voice), and feel that they have good representation; yet, those feelings of empowerment may not extend to perceptions about the broader dependency court and its associated outcomes given the power dynamics of various professionals and the potentially overwhelming requirements that parents must meet.

### **Distributive and Procedural Justice, Satisfaction with the Judge's Decision, and Overall Court Perceptions**

In a final analysis, we examined how distributive and procedural justice attitudes related to parents' satisfaction with the judge's decision and overall court perceptions. As hypothesized, both distributive and procedural justice played a role in these justice outcomes. Of primary interest, distributive and procedural justice also interacted with understanding to predict separate outcomes. That is, distributive justice interacted with understanding to predict satisfaction with the judge's decision, and procedural justice interacted with understanding to predict overall court perceptions.

The theory of empowerment, or lack thereof, likely underlies these interactions. Parents with greater understanding had more negative attitudes about the judge's decision and the court likely because they understood the role and decision-making power of various professionals and the strict requirements of the court. Of importance, these negative attitudes were exacerbated when parents' distributive and procedural justice attitudes were low.

First, considering the Understanding by Distributive justice interaction, parents with *greater* general legal understanding (including of the role of professionals and mandates) and *low* distributive justice attitudes (including judicial bias and inequality) reported grave dissatisfaction with the judge's decision, potentially because of heightened disempowerment

stemming from multiple sources. For example, when the judge is deciding whether to continue the goal of reunification based on a parent's compliance, several professionals have input. Their recommendations may or may not be agreeable to parents, but the final decision will reside with the judge. If the parent feels that other dependency parties are providing negative information, and on top of that, believes that the judge is biased and generally inequitable in making decisions, the parent may feel a complete lack of influence over the decision and will likely be extremely dissatisfied with the judge's decision. On the other hand, parents with lower understanding are less likely to comprehend the nuances of input into the decision-making process and thus may be less sensitive to factors such as multiple professionals weighing in, judicial bias, and inequality in evaluating the judge's decisions in their case.

Second, considering the Understanding by Procedural justice interaction, a similar trend emerged: Parents with *greater* general understanding (including of the role of professionals and mandates) and *low* procedural justice attitudes (including little control, little voice, and poor representation) felt overwhelmingly negative about the court. As an example of how high understanding and low procedural justice may influence court attitudes, when a parent understands more about the necessity of engaging in services to achieve reunification, but is unable to voice any mishaps about recent engagement in treatment or services, the parent may feel that the court overall is unfair and unhelpful to families.

These findings confirm the importance of distributive justice attitudes (i.e., judicial bias, information-gathering, and equality) for satisfaction with judicial decisions, and procedural justice attitudes (i.e., control, voice, and representation) for overall court perceptions. But, these associations are not straightforward, and instead are shaped by what parents know about the dependency system. In particular, greater understanding of the dependency system can be

empowering in some ways—feelings of empowerment over some procedural aspects—and in other ways not—feelings of disempowerment concerning decisions and the ability to influence the court overall. When parents do possess a greater understanding of the system, their distributive and procedural justice attitudes become incredibly important for their feelings of satisfaction with the judge’s decisions and the court. These overall court perceptions, in turn, may shape parents’ willingness to follow through with future court orders (e.g., safety plans governing parent and child reunification) or even parents’ recidivism, specifically, whether or not they maltreat their children again.

### **Limitations and Future Directions**

The current study has contributed important knowledge about what parents understand in dependency cases and how they feel about specific aspects of these cases. However, it is also important to acknowledge limitations, which help qualify the findings for theory and policy. First, this study was the first of its kind and it provided valuable knowledge about understanding and attitudes in a neglected but critical population of legal participants: Parents involved in ongoing dependency cases as a result of child maltreatment. Nonetheless, the cross-sectional design precluded inferences about causality. Thus, it is unknown whether understanding influenced attitudes or vice versa. From a theoretical perspective, understanding was conceptualized here as a predictor of attitudes, but the opposite is also possible. Parents who have negative perceptions of the court overall may find it necessary to take greater initiative to understand the system because they do not believe that the court is on their side and may distrust the key players. At the same time, when parents feel that specific procedural matters are fair, such as the judge is listening to them, their attorney is representing them well, and they have control in the case, parents may also be motivated to understand the system, potentially because

attention from the judge and feelings of control make parents feel more involved and engaged, thereby increasing their motivation to understand the system. Longitudinal research, especially that examining how both knowledge and attitudes change over time, directly and interactively, will be important in the future as a way of documenting their causal connections and identifying junctures where interventions (to improve knowledge or address attitudes) might be particularly valuable.

Regardless of whether understanding influences attitudes or attitudes influence understanding, the findings support the need to improve parents' justice perceptions in dependency cases. By improving parents' attitudes about distributive and procedural justice, greater understanding is no longer related to dissatisfaction with the judge's decision or negative overall perceptions of the court. Relatedly, by improving upon procedural justice attitudes, general understanding is increased.

Second, although the study has provided much-needed information about parents' understanding, attitudes, and relations between them, the study does not extend into explaining parent behavior in dependency cases, most noteworthy, parents' compliance with court orders, which is directly tied to case outcomes. Extant criminal justice research suggests that more positive perceptions of procedural justice are related to greater compliance and lower rates of recidivism (Paternoster et al., 1997; Tyler et al., 2007). Thus, the next step in this line of inquiry will be to examine the roles, again direct and joint, of legal understanding and distributive and procedural justice attitudes in influencing parents' compliance with the dependency court.

And third, although distributive and procedural justice were presented as separate constructs in the current study, they were moderately correlated with each other ( $r = .43$ , though this correlation was substantially lower than those found in prior studies; Blader & Tyler, 2003;



McFarlin & Sweeney, 1992; Tyler, 1984). Still, distributive and procedural justice interacted with understanding to predict separate justice outcomes. As such, this line of work would benefit from future studies that examine more diverse facets of distributive and procedural justice especially in individuals taking part in highly complex, prolonged dependency cases, and distinctions between these justice components for key dependency players (e.g., fairness of social worker decisions about parent visitation rights vs. fairness of social workers' case planning procedures). This type of research will illuminate whether distributive and procedural components can be reliably teased apart or whether they represent broader overall perceptions of the dependency court. This work will also enable clearer insight into models of justice, and how those models relate to parents' perceptions, experiences, and behaviors in the often incredibly complicated legal process of dependency court.

### **Theoretical and Practical Implications**

Despite the aforementioned limitations, the current study provided an ecologically valid test of parent understanding and justice attitudes in dependency cases. Parents provided invaluable information while they were navigating the dependency process, which makes it unlikely that factors such as memory erosion (Bower, 2000) contributed to parents' reports of understanding, attitudes, and experiences. The current set of findings contributes to distributive and procedural justice theory (Blader & Tyler, 2003; Casper, 1978; Tyler, 1984, 1988) by demonstrating that these justice constructs are separable and predict different justice outcomes in the dependency context. The findings, as well, extend theory in showing that distributive and procedural justice interact with participants' level of understanding, potentially through the mechanism of empowerment, to predict important justice outcomes, that is, satisfaction with the judge's decision and overall court perceptions.

Of significant practical concern are the low levels of parent understanding. These findings highlight the need for standards and programs to ensure that parents understand the general dependency process and important aspects of their case. In criminal cases, there is a competency standard governed by *Dusky v. United States*, 362 U.S. 402 (1960) that requires that the court determine whether a defendant "has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational as well as factual understanding of the proceedings against him." This standard is often considered when defendants present with a mental health problem that might impede their ability to assist their lawyer or understand the facts of the case (Encyclopedia of Crime and Justice, 2002). In dependency cases, formal competency standards are non-existent, although, approximately 30-48% of parents are experiencing a mental health problem (Booth, Booth, & McConnell, 2005; Wattenberg, Kelley, & Kim, 2001), and as the current study shows, a majority of parents only partially comprehend key aspects of dependency cases. Indeed, parents in the current study shared these concerns about knowledge: "[I] don't know any [about the dependency court]"; "I really didn't know what today was about until I got here"; and "I'm confused about what just happened." Thus, although creating and enforcing competency or knowledge standards in dependency cases would place a burden on the judicial system, failing to adequately address low parental understanding in dependency cases is likely far more costly to families and society as a whole in the long run. At the very least, jurisdictions should improve upon or adopt programs aimed specifically at increasing understanding. Results also suggest that programs should be evaluated with regard to their ability to help *all* families understand, particularly fathers, parents who are new to the system, parents who have not had prior dependency contact, and parents from

low educational and minority backgrounds, all of whom are at especially high risk of poor understanding.

The findings also enforce the practical role of distributive and procedural justice in shaping participants' attitudes about dependency decisions and overall perceptions of the court. In addition to the quantitative findings, parents pointed out the following: “If I could, I’d talk for myself. Every time I want to say something, I’m wrong”; “I don’t think they’re getting all of the story, everybody goes based on what DCF [Department of Children and Families] writes up, sometimes parent’s side really never gets told”; “My DCF investigator was fired, but what he said is still in the reports verbatim.” These quotes highlight parents’ feelings about a lack of voice and empowerment, and their realization of the substantial decision-making power that is given to social workers in dependency cases.

A continued and renewed focus, according to this study, needs to be placed on programs and policy designed to give parents a voice (e.g., family case planning) and procedures that provide opportunities for parents to participate and share their concerns (e.g., opportunities inside and out of court to speak and present evidence). Dependency judges should also be aware that parents’ perceptions of judicial bias, the amount of information judges gather to make decisions, and the equality of those decisions, all work together to shape how satisfied parents are with the specific judicial decisions in their case. These attitudes, in turn, may shape parent compliance and case outcomes, both of which are key measures of the overall effectiveness of the dependency court.

## **Conclusions**

Parents in the dependency system are often marginalized both by the court system and by society more broadly given that child safety is of critical societal importance, and in most cases, outweighs parental rights. However, the dependency system does itself a disservice in its pursuit of reunifying families by not ensuring that parents understand the complexities of the system and failing to address parents' feelings about control, about being heard, about having satisfactory representation, and about participating in a fair decision-making process. All of these factors influence parents' satisfaction with judicial decisions and the dependency court overall, which, in turn, could directly influence parental compliance and case outcomes.

Efforts to increase the use of fair procedures in other legal contexts have been successful in increasing citizen satisfaction and staff morale as well as decreasing time to case closure and administrative costs (Mazerolle, Antrobus, Bennett, & Tyler, 2013; Van der Velden, 2009). All of these factors are particularly important in the child welfare system given the current climate of dissatisfied parents, high staff turnover, heightened caseloads, and limited funding (Chen, Park, & Park, 2012; Child Welfare Information Gateway, 2016b; Munson, McCarthy, & Dickinson, 2014). By dedicating time to training judges, attorneys, and social workers in implementing fair procedures in the dependency system, and by educating them about addressing parents' understanding and attitudes, the court system may not only increase its overall effectiveness with parents but may also address some of the major concerns in the child welfare system, and ultimately improve long-term outcomes for children, parents, and families.

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## APPENDIX A

### Parent Interview

#### *Part I. (Definitions)*

*In this first part, I am going to ask you to define some terms that you may have heard your lawyer or the judge use either in or outside of the court.*

**Please explain what each of the following terms and phrases mean in the context of the dependency court.**

1. Dependent Child:
2. Family Preservation:
3. Case Plan:
4. Guardian:
5. Petition:
6. Dependency Court:
7. Guardian Ad Litem:
8. Family Service Worker:
9. Termination of Parental Rights:

#### *Part II. (Modified MacArthur Competence Assessment—Criminal Adjudication)*

**Now I am going to read you a brief story. Then, based on that story, I'm going to ask you some questions about how the dependency system works.**

***Here's the story:*** A father, Tony, and his 6-year-old son, Michael, are playing pool in the family room at their home. Tony becomes angry with his son for not following instructions and hits him with the stick. Michael falls and hits his head on the floor and has to go to the Emergency Room.

The nurse, after talking with Michael and his dad, asks that a social worker come and talk with Michael as well. The social worker learns that this is the second time Michael has been to the Emergency Room, and he has missed school because of injuries and illnesses. She files a petition with Child Protective Services, which then pursues a dependency case against Tony, the father.

1. A detention/initial hearing is scheduled. Tony gets a lawyer. Tony's lawyer is the "Attorney for the parent". What is the job of Tony's lawyer?

2. There is another lawyer involved in the above case, the “Attorney for the child or the Guardian Ad Litem”. What is the job of this lawyer?
3. Finally, there is a lawyer who tries the case on behalf of the State/County. This lawyer may be called the “County Counsel” or “District Attorney”. What is the job of this lawyer?
4. Child Protective Services thought it was necessary to remove Michael from Tony's home, so the court orders a detention/initial hearing. What is the purpose of this hearing?
5. Next, an arraignment hearing is scheduled for Tony to attend. What is the purpose of the arraignment hearing?
6. In the arraignment hearing, Tony, the father, denied the allegations that he had been injuring his son. So, next the case goes to a jurisdictional or adjudication hearing. What is the purpose of this hearing?
7. Let’s say that the judge decides at the jurisdictional hearing that the allegations of maltreatment are true and that Michael cannot yet safely return to his father’s custody. What might the court order for Tony (the father) next? What might the court order for Michael next?
8. After deciding that the allegations of maltreatment are true, a disposition hearing is held and the judge orders Tony to participate in family reunification services and allows scheduled visitations as a part of Tony’s case plan. After 6 months, there is a review hearing to determine if Michael should be returned to Tony's custody. What does Tony need to do to get his son returned to his custody?
9. There are several reasons why the court may terminate a parent’s rights. List some of these reasons.

*Part III.*

**These next questions are about your general thoughts of legal cases involving children and families. Please choose a number that best reflects your feelings from 1-not at all to 5-extremely**

1. Do Judges get enough information to make good decisions in dependency cases?
2. Do you have control over what will happen in your dependency case?
3. How good is the dependency court for your family?
4. Has the dependency court helped you as a parent?
5. Do judges weigh evidence equally from all parties involved in dependency cases?
6. Do you believe your lawyer has been honest?

7. Does the judge listen to your side of the story in court?
8. How satisfied are you with the judge's decision in your last hearing?
9. Does the Dependency court help solve families' problems?
10. Are social workers fair when deciding to file dependency cases?
11. How well do attorneys speak for or represent parents in dependency cases?
12. Are dependency court decisions fair?
13. Does the dependency court help children?
14. Do judges make biased decisions in dependency cases?
15. How important do you feel it is for you to participate in court?
16. If another parent was in the dependency court for the same reason that you are, do you think the judge's orders in their case would be similar to the judge's orders in your case so far?

*Part IV.*

**Please choose the word that best applies to each statement/question.**

1. For me to attend court hearings over the course of my case would be  
(*very difficult-very easy*).
2. If I wanted to, I could easily engage in court-ordered services over the course of my case  
(*strongly disagree-strongly agree*).
3. How much control do you have over attending court hearings?  
(*very little control-complete control*).
4. The number of events outside my control that could prevent me from engaging in court-ordered services are  
(*a lot-very few*).
5. If applicable, please list at least three events that could prevent you from engaging in court-ordered services.

*Part V.*

**Please answer the following questions regarding your family background.**

1. How many children do you have? For each child, please state who they live with.
2. Did you ever have contact with the dependency court system as a child or teenager?
  - a. Yes, I was involved in a case
  - b. Yes, someone in my family was involved in a case
  - c. No
- 2a. When was the dependency case? Please provide a month and year, if possible.
3. How many of your children have had contact with the dependency court system?
4. Have you ever been convicted of a crime?
5. Have any of your children had contact as a delinquent in the juvenile justice system?
  - 5a. If yes, is this the same child that is in the dependency case?
6. Have you ever been arrested?
7. Have any of your children been arrested?
  - 7a. If yes, is this the same child that is in the dependency case?
8. Have you ever witnessed a crime and spoke with the police about what you witnessed?
9. Have any of your children ever witnessed a crime and spoke with the police about what happened?
  - 9a. If yes, is this the same child that is in the dependency case?

**Part VI.**

**Please answer the following questions about your experience in the dependency court process.**

1. What type of professional was the most helpful to you during your dependency case?  
\_\_\_\_\_

1a. Please rate how helpful this professional was.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
A little helpful	Somewhat helpful	Helpful	Very helpful	Extremely helpful

2. What type of professional was the least helpful to you during your dependency case?

\_\_\_\_\_

2a. Please rate how helpful this professional was?

**1**                      **2**                      **3**                      **4**                      **5**  
A little helpful    Somewhat helpful    Helpful    Very helpful    Extremely helpful

3. Why do you think the social worker thought your case should be referred to the court?

4. What part do you think race/ethnicity played in your case being referred to the court?

5. How did you learn most of the information you know about dependency court?

6. Was your child removed from your care during the dependency court process?

6a. For how long was your child removed? If permanently, please state "permanently".

7. What was the judge's most recent decision in your case?

8. What is the difference between consenting and accepting a case plan vs. taking your case to trial?

9. Was a lawyer assigned to you or did you hire a lawyer?

10. How long have you had a case open with the dependency court?

*Part VII.*

**Please answer the following demographic questions.**

1. Please print your full legal name. \_\_\_\_\_

2. Please list your Date of Birth. (MM/DD/YYYY) \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

3. Please print your child's full legal name. \_\_\_\_\_

4. Please list your child's Date of Birth who is involved in the ongoing dependency case.  
(MM/DD/YYYY) \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

5. Please indicate what level of schooling you have completed.

- Some High School
- High School Diploma
- Some college
- 2-Year Degree
- 4-Year Degree
- Post-Bachelorette Degree

6. What is your current age?

7. What is your gender?

8. What is your race/ethnicity?

- African American
- American Indian
- Caucasian
- Hispanic or Latino
- Asian American
- Multi-ethnic
- Other

9. What is your marital status?

- Married
- Single
- Divorced
- Separated

10. What is your household income?

- Less than \$25,000
- \$25,000-\$34,999
- \$35,000-\$49,999
- \$50,000-\$74,999
- \$75,000-\$99,999
- \$100,000-\$149,999
- \$150,000 or more

11. What is your current occupation?

**Thank you for completing this survey.**