



**The National Evaluation of the
Court Improvement Program**

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**THE NATIONAL EVALUATION OF THE COURT
IMPROVEMENT PROGRAM (CIP)**

**SYNTHESIS OF 2005 COURT IMPROVEMENT
PROGRAM REFORM AND ACTIVITIES**

FINAL REPORT

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Forward

The Court Improvement Program (CIP) sits at the crossroads of both court and child welfare agency reform. Established in 1993 by the ***Omnibus Budget Reconciliation Act (OBRA) of 1993***, Federal funding was provided to State courts to assess and improve their child welfare proceedings. Given the complexity of this charge, the language of both the originating Federal statute and the Children's Bureau (CB) Program Instruction gave States great latitude in how they assessed their individual needs and implemented needed change. This flexibility continues today, even as the field has reached agreement on child welfare outcomes and Federal funding for the CIP has increased three-fold to support expanded efforts in training and data collection and analysis.

From the onset, CIP grants were relatively modest in relation to the program's intent. CIP programs were expected to *leverage* change within States. As this report documents, CIP funding continues to be used as a catalyst to involve many State entities in planning, implementing, and funding reform efforts. One key finding of this report is that most CIP activities and reforms conducted in 2005 relied, at least in part, on other funding and/or collaborative efforts with child welfare agencies, among others.

What you will see in the following pages is that CIP implementation continues to reflect the reality that both the structure of and practice in State courts vary tremendously. Within this context, CIP provides an important vehicle for facilitating court reforms by establishing manageable judicial caseloads, supporting relevant training to key participants, and minimizing delays in mandated judicial decisions. In so doing, CIP has supported child welfare reform more broadly.

Although flexibility continues to be a hallmark of CIP, the program has also incorporated insights gained from the field on best practice guidelines involving a range of topics including representation of parties, quality of hearings and notification and treatment of parties.¹ Increasingly, statutory amendment of the CIP and CB's program instructions reflect the need for court and child welfare agency collaboration.²

Collaboration between agencies and courts goes both ways – courts early on were encouraged and are now required to include agency representatives in planning for court reforms. On the other side, while the CB encouraged State agencies to recruit the active participation of State courts in the first round of Child and Family Services

¹ While the program's implementation has been guided by the Children's Bureau, it has been informed by a host of partners including the American Bar Association's National Child Welfare Resource Center on Legal and Judicial Issues (funded by the Children's Bureau); the National Council of Juvenile and Family Court Judges; the National Center on State Courts; and other organizations and individuals too numerous to list individually.

² ACF Program Instruction for the CIP grant reauthorization in 2001 included two new instructions for States: (1) any legal or judicial issues identified in the State's program improvement plans (PIPs) for its Child and Family Services Review (CFSR) or title IV-E Foster Care Eligibility Review were expected to be given priority in the allocation of CIP funds, and (2) CIP strategic plans were required to incorporate methods of facilitating legal/judicial participation in the CFSR and to identify collaborations between the courts and child welfare agency at all stages of the review.

Reviews (CFSTRs), in actuality the level of their involvement across States varied widely. In response, CB set increasing court participation as a key goal of the second round of CFSTRs, and issued specific suggestions to State agencies on how to accomplish this goal at each stage of the review process. CB acted similarly with the title IV-E reviews, providing examples of collaboration.

This report provides an update on State implementation of CIP, a program that continues to evolve as the major vehicle for dependency court reform. It is based on information contained in the fiscal year 2005 annual State program reports submitted to the Children's Bureau, supplemented by discussions with CIP coordinators and other sources. Through these reports and discussions, it is clear that courts have used CIP funding in a variety of ways to improve their performance, practice, and involvement in child welfare reform.

Consistent with the program's intent, this report displays the wide variation in CIP activities and reforms and in general terms, describes some of the major accomplishments of CIP programs since the beginning. It is also important to emphasize that it is *not* this report's intent to assess the quality or impact of CIP reforms and activities conducted during the timeframe under review. Rather, this report is intended to provide a snapshot of State priorities as described in the fiscal year 2005 annual State program reports. Under *The National Evaluation of the Court Improvement Program* this synthesis will be carried out twice, with fiscal year 2007 program reforms to be described in a future report. By comparing these two snapshots, we can view the continuing evolution of CIP in response to the direction of the Children's Bureau and the best practices advanced by the field.

Finally, it is important to emphasize that this is just one component of *The National Evaluation of the Court Improvement Program*. Other components include a synthesis of State reassessments and a summary of findings from other, related evaluations of family court reforms. The National Evaluation will also report on its in-depth study of CIP reforms in three States: Connecticut, Delaware, and Texas. Taken together, these components will provide important insights into the complex process of dependency court reform, the role of CIP within this process, and the outcomes achieved.

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Executive Summary

A. Background

First established in 1993, the Federal Court Improvement Program (CIP) currently provides funding to courts in all 50 states, the District of Columbia, and Puerto Rico to improve court proceedings concerning child welfare cases. CIP funds are awarded annually to the highest court in each state by the Children's Bureau, of the Administration on Children, Youth and Families in the U.S. Department of Health and Human Services.

In 2004, the Children's Bureau funded The National Evaluation of the Court Improvement Program³ to describe state efforts to improve court oversight of child welfare cases and expand information available on dependency court evaluations and replicable examples of effective juvenile and family court reforms. The evaluation is being conducted by four organizations, Planning and Learning Technologies, the Urban Institute, the Center for Policy Research, and Child Trends.

There are four interrelated components to the evaluation: (1) a synthesis of state and local CIP reforms, (2) a synthesis of other, existing evaluations conducted on juvenile or family court reforms, (3) a synthesis of state CIP reassessments, and (4) in-depth process and outcome evaluations of CIP reform models in three states (Connecticut, Delaware, and Texas).

This report describes findings from the first study component – the synthesis of CIP reforms and activities.⁴ It will describe where CIP efforts were focused in 2005 for the purpose of providing context for the in-depth evaluations of study sites. Authorizing legislation for CIP gave states broad discretion in the use of these funds to improve state dependency court systems and in response, states have implemented a broad range of activities. This analysis groups CIP activities into 12 categories, focusing on the most common examples of reform priorities. The categories are based on an activity's purpose or topic area (e.g. "representation of parties," "judicial expertise"). Each category may contain a range of activities including training, material development, preparation of professional standards or staff expansion.

This report also briefly describes some of the contextual issues of the 2005 CIP activities including the relevance of the activities to the state's Child and Family Services Review program improvement plan. It provides examples of how CIP offices collaborated with state child welfare agencies on the Reviews and development and implementation of the program improvement plans. It also presents what state CIP coordinators described as some of their major accomplishments since CIP implementation began.

³ <http://www.pal-tech.com/cip/index.cfm>

⁴ A second synthesis of CIP reforms will be conducted under the National Evaluation in 2008.

B. Context to the CIP Reform Process

For the past decade, the federal Court Improvement Program has been implemented in the context of other efforts aimed at improving the judicial oversight of dependency cases. These include:

- **Field-initiated best practice guidelines:** Public interest and professional membership organizations such as the American Bar Association's Center on Children and the Law (ABA), the National Council of Juvenile and Family Court Judges (NCJFCJ), the National Center for State Courts (NCSC) and others, frequently provide resources and examples of promising practices. Perhaps the best known effort is the *Resource Guidelines, Improving Practice in Child Abuse & Neglect Cases*. Published in 1995, the guidebook was developed by NCJFCJ and endorsed by the other two organizations along with other leaders in the field. A decade later, the *Resource Guidelines* continue to be regarded as the seminal resource for defining the essential elements of properly conducted hearings
- **Federal legislation and guidance establishing program standards:** The Adoption and Safe Families Act of 1997 (PL 105-89 or ASFA) limited the amount of time a child could spend in out-of-home care, and led to the development of the outcome measures of timely permanency, safety, and well-being. Permanency outcomes are perhaps most directly related to court reform (timely court hearings can speed the dependency process). Safety and well-being issues can be impacted by substantive judicial knowledge and in-depth court reviews of cases. States are now required to ensure their CIP reform efforts are in line with the program improvement plans (PIPs) emanating from their Child and Family Services Reviews (CFSRs).
- **Special demonstrations:** Two well-known demonstrations of comprehensive court reform are (1) Model Courts, under the auspices of NCJFCJ which focus on systemic, procedural reforms to improve outcomes for children in foster care; and (2) Strengthening Abuse and Neglect Courts Act: Management Information System (SANCA) grants administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which are used to develop and maintain electronic information systems to track compliance with national standards designed to measure court performance. In addition, the Children's Bureau has funded additional demonstration grants (Toolkit Grants) to improve court performance in child abuse and neglect proceedings.
- **Multi-disciplinary commissions:** In 2005, the Pew Commission on Children and Foster Care called for broad based reforms of the courts to better protect children in state custody. The Deficit Reduction Act of 2005 adopted some of these recommendations and expanded the Court Improvement Program by funding one \$10 million grant program to improve case tracking and analysis of foster care cases and a second, \$10 million grant program for training judges, attorneys and other legal personnel.

Against this contextual background, CIP reforms have been implemented by state courts across the country. Nearly 15 years since it was first established, it is clear that the federal program is at a critical stage in its development. It has helped shape dependency court reform in states across the country. It has helped foster communication, joint problem-solving, and shared interest in goals by state courts and child welfare agencies. It has been used as a vehicle to include state courts in larger child welfare reform efforts, and underscore the important role that courts play in the child welfare service system.

Taking these considerations into account, we adjusted our methodology for this study of CIP reform efforts to include expanded discussions with state stakeholders. Building on earlier syntheses and analyses of state reform efforts, we held informal discussions with state CIP administrators, querying them on the evolving role of CIP in CFSRs and PIPs.

C. The Role of CIP in Child and Family Services Reviews and Program Improvement Plans

The Adoption and Safe Families Act of 1997 (ASFA) identified three goals for state child welfare systems: permanency, safety, and child and family well-being. In order to assess state progress in achieving these goals, Federal Child and Family Services Reviews (CFSRs) are conducted that evaluate each state's performance on a set of pre-defined outcome measures. After the review is completed, the state child welfare agency is required to develop a program improvement plan (PIP) that makes recommendations to address areas of weakness as determined by the CFSR. Given the significant oversight role that courts have in the dependency caseload, the Children's Bureau encouraged the agency and the state courts to work together on both the CFSR and the PIP.

Informal discussions with state CIP offices provided examples of the level of participation in these activities. Over half of the state courts described being involved in at least one aspect of their state CFSR, and many participated in more than one way. Common contributions of CIP staff included pre-review planning activities, participating on the on-site review teams and being interviewed as key stakeholders. Interestingly, five state CIP coordinators volunteered that they expect to be more involved in the next round of CFSRs due to stronger working relationships with the state child welfare agencies. In addition, almost every state CIP office discussed assisting with the PIP, mostly through implementing court-related recommendations. Other common efforts included helping to develop the PIP and participating in ongoing status meetings to monitor and address PIP implementation issues.

CIP coordinators explained that training and the development of educational materials were the most common court activities conducted to address PIP recommendations. However, several coordinators also discussed establishing additional or more formalized committees and workgroups to accomplish and monitor the activities described in the PIP. Coordinators described court-related PIP activities to be most helpful in improving permanency outcomes of children – specifically, reducing time in care and/or helping to ensure appropriate placements.

D. Synthesis of State and Local CIP Reforms

Most of the information used for this component of the synthesis came from 49 state CIP reports⁵ submitted to the Children's Bureau in the summer/fall of 2005.⁶ This information was supplemented by information published by the American Bar Association. Additionally, informal discussions with state CIP administrators were used to clarify state reports. Prevalence of 2005 CIP reform categories and activities are described briefly below in order of frequency:

- **Representation of Parties.** In their 2005 annual reports, thirty-five states (71%) discussed implementing activities to improve the representation of parties in child abuse and neglect court proceedings. Within this category, most states discussed targeted training and resource development for attorneys, Guardians ad litem (GALs), and/or Court-Appointed Special Advocates (CASAs).
- **Multidisciplinary Training and Education.** A second popular activity was the delivery of multidisciplinary training and resource development, which presented information to a variety of court participants at the same time. Thirty-two states (65%) conducted multidisciplinary training and other education activities in 2005. Common training topics included legislative requirements and court-related issues such as judicial oversight of cases and case management.
- **Judicial Expertise Concerning Child Abuse & Neglect.** Thirty-two states (65%) discussed training and resource development activities that targeted judges and other hearing offices. Most of these trainings were described as ongoing, annual events, and commonly focused on legislation and court procedural matters. In addition, eight states developed or updated benchbooks for judges to refer to in abuse and neglect cases.
- **Communication and Collaboration among Court Participants.** About two-thirds of the states (32) described efforts to improve communication and collaboration among court participants, most often by establishing multidisciplinary workgroups to address shared concerns about aspects of the court process.
- **Notification and Treatment of Parties.** Twenty-seven states (55%) worked to improve the notification and treatment of parties, predominantly through developing resources to explain the child welfare system and court proceedings to families and to assist them in accessing services. Activities in this topic area were directed most frequently towards birth parents, followed by children, foster and adoptive parents, and professionals.
- **Timeliness and Efficiency of the Court Process.** Twenty-seven states (55%) identified activities implemented to improve the timeliness and efficiency of the court

⁵ Annual reports were not available from Mississippi, Oklahoma, and South Dakota. Additionally, reports from Washington, D.C. and Puerto Rico were analyzed.

⁶ The CIP are due on a rolling basis, dependent on when the grant was originally rewarded. Activities summarized in this report were conducted between summer/fall 2004 and summer/fall 2005.

process in child abuse and neglect cases, such as drafting legislation to expedite appeals of termination of parental rights.

- **Quality of Hearings.** Twenty-five states (51%) discussed activities intended to improve the quality of child abuse and neglect court hearings, mostly with the establishment or support of specialized courts like Drug Courts, Model Courts, and Unified Family Courts.
- **Alternative Dispute Resolution.** Eighteen states (37%) developed or continued alternative dispute resolution programs and related activities, including trainings and establishing professional standards for mediators.
- **Statewide Management Information Systems.** In 2005, about one-third of the states implemented improvements to their statewide management information systems (MIS) and/or used CIP funds to purchase computers and printers.
- **Legislation and Court Rules.** Eleven states (22%) drafted legislation and court rules that addressed issues not covered within the study's other eleven topic areas; most were directed at reorganizing and clarifying existing laws.
- **Additional Research and Evaluation.** Eight states (16%) conducted additional research and evaluations of dependency court reforms beyond their work on state reassessments.
- **Local Case Tracking.** Six states (12%) used new technology or additional staff to improve the processing and monitoring of child abuse and neglect cases in specific locations with backlogs of dependency cases.

E. Comparisons Over Time

This study also compares state CIP activities conducted in 2005 with those conducted in 1997/1998.⁷ Several similarities emerged between the two timeframes, for instance, the provision of training and technical assistance remained the most common activity of CIP offices. In addition, improving the quality of representation and the timeliness and efficiency of court hearings remained priority goals among states.⁸ However, there are also some notable differences between the two periods.

Across topical areas, the 2005 annual reports describe a wider array of activities being conducted by CIP offices in 2005 relative to the earlier timeframe. In nearly all topic areas, we observed an increase in the number of states implementing activities relative to 1997/1998. This may be the result of states now describing both new and

⁷ A similar Children's Bureau study was completed in 1999: James Bell Associates, **Review and Analysis of State Program Reports Related to the Court Improvement Program**, June, 1999.

⁸ In the 1999 study, the category "timeliness and efficiency of the court process" included all examples of alternative dispute resolution models. To compare these categories over time, we have combined them again which resulted in 36 states or 73% of the total sample.

ongoing activities, compared to the first analysis which was completed shortly after the initial implementation of CIP. It may also be the result of CIP offices engaging in more collaborative activities in which they share responsibility for implementation efforts.

Most notably, there was an approximate 70 percent increase in the number of states that addressed judicial expertise with CIP efforts in 2005 versus 1997/1998. Other noteworthy increases occurred in the number of states conducting multidisciplinary training (an approximate 40% increase) and those that worked on improving collaboration through interdisciplinary workgroups and committees (approximately 25 percent increase).

Informal discussion with state CIP coordinators and initial findings from the CIP reassessments provide some insight into these increases. States are reporting that training efforts continue to be a major focus of CIP activities because of staff turnover, ongoing updates to state and federal laws and increased efforts to provide specialized training in such areas as child development, domestic violence and community resources. States also discussed the importance of multi-disciplinary training and collaborative workgroups to ensure a shared understanding of dependency court matters, promote team building and collaborative decision making.

F. Funding

Federal CIP grants can be described as seed funding to encourage states and communities to focus on dependency court issues and necessary systems reforms. Not surprisingly, nearly all states discussed the use of non-CIP funds to support CIP efforts and reforms activities. In general, this funding can be categorized in three ways: 1) co-sponsoring an activity, 2) other grants to the state courts or the CIP office, and 3) continued funding for an initiative that CIP had funded initially.

State funding, typically from the courts or child welfare agency, was the most commonly cited source of additional funds. Other federal grants, such as the Children's Justice Act and Strengthening Abuse and Neglect Courts in America: Management Information Systems (SANCA MIS), were also cited by several states. CIP coordinators described partnerships with the National Council for Juvenile and Family Court Judges (NCJFCJ)⁹ and the American Bar Association (ABA) and its state affiliates in a range of training and technical assistance activities. Private organizations, foundations, and corporations also contributed to court reform efforts.

G. CIP Reforms Most Effective in Improving ASFA Outcomes

CIP coordinators also discussed the impact of the CIP program on helping their state meet ASFA outcomes – especially concerning timeliness of permanency. Approximately two-thirds of the CIP coordinators that identified effective CIP reforms gave examples that either expedited or improved the quality of permanent placements.

⁹ The National Council of Juvenile and Family Court Judges provides funding, training and technical assistance to a group of juvenile and family courts that are working to implement the best practices bench book, **Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases** (1995).

Common examples of CIP initiatives in this area were the increase to the number of judicial staff and legal representatives to reduce court backlogs, and the use of alternative dispute resolution programs to decrease the number of contested hearings and to facilitate permanency planning. Other initiatives included hearing checklists and model court forms for judges; specialized courts and court hearings; and legislation and court rules to implement ASFA timelines, expedite appeals, and improve case processing.

Ten states discussed initiatives that they believed to be effective in improving child safety, including court representatives for children, specialized courts, and training for child welfare and court professionals. Finally, ten state coordinators also identified activities designed to promote child and family well-being; training and resource development accounted for one-half of these activities. The remaining activities consisted of increased court referrals for health screenings for children, increased legal representation for parties, and the use of specialized courts and mediation.

H. Major Accomplishments of CIP

State coordinators also discussed some of the major accomplishments of CIP over the roughly ten years of implementation, with the majority identifying more than one accomplishment. The most common themes included:

- **Improved Collaboration and Communication between Systems:** More than half of the state coordinators pointed to various examples of enhanced collaboration and communication between the courts and child welfare agency as one of the major accomplishments of the CIP program. Notably, most discussed improved collaboration at both the state and local levels.
- **Improved Representation of Cases:** Nearly a third of the CIP coordinators discussed major accomplishments in the way of improving representation, primarily for children.
- **Raising Awareness and Importance of Child Protection Issues in Courts and Communities:** About 30 percent of state coordinators discussed the importance of the CIP program in raising the profile of child welfare cases with judges and other public officials.
- **Progress on Meeting ASFA Outcomes:** About 30 percent of the states also discussed the impact of the CIP program on helping their state meet ASFA outcomes – especially concerning timeliness of permanency.
- **Provision of Training and Educational Materials:** About 30 percent of the state coordinators also highlighted the ongoing training opportunities offered through CIP. Again, as described in the previous section, several coordinators indicated that training is key to systemic court reform by improving competency and sharing information across court participants.

Chapter I Background

A. Context of Dependency Court Reform

1. History of the Court Improvement Program

The Federal Court Improvement Program (CIP) provides funding to state courts to improve their handling of child abuse and neglect, foster care and adoption cases. The funding is codified in title IV-B, subpart 2, of the Social Security Act, Section 438, as part of the **Promoting Safe and Stable Families Program**. As of 2001, all 50 states, the District of Columbia and Puerto Rico were participating in the program. CIP funds are administered by the Children's Bureau (the Bureau) of the Administration on Children, Youth and Families, Administration for Children and Families (ACF), Department of Health and Human Services, and are awarded to the highest court of each state.

CIP was originally established under the **Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66)**. The legislation gives states broad leeway in the selection and implementation of court reforms. The law authorized \$5 million in FY 1995 to be spent on state program planning and assessment efforts and \$10 million for each of the next three fiscal years for implementation of state plans.

Since then, CIP has been regularly re-authorized. The first, under the **Adoption and Safe Families Act of 1997 (P.L. 105-89 or ASFA)** made no changes to the programmatic and fiscal provisions of the original legislation, but encouraged states to focus initiatives on improving outcomes related to child safety, permanency, and well-being.¹⁰ The second reauthorization, under the **Promoting Safe and Stable Families (PSSF)** amendments of 2001, expanded the scope of CIP, requiring courts to collaborate with state child welfare agencies on state program improvement plans designed to address findings from the Federal Child and Family Services Reviews.¹¹

The most recent reauthorization, signed in 2006, renewed existing spending levels for the basic CIP program through FY 2011.¹² In the same year, two additional and equally large CIP funding streams were authorized under the **Deficit Reduction Act of 2006 (P.L. 109-171 or DRA)**. These new funding sources will be used to support

¹⁰ Administration for Children and Families Program Instructions: ACYF-CB-PI-99-02. Issued February 23, 1999. (Located at: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi9902.htm.)

¹¹ In addition, CIP funding increased modestly between 2002 and 2006 due to a 3.3 percent discretionary funding allocation from the PSSF program. Appendix A provides 2005 funding levels for all 50 states, the District of Columbia and Puerto Rico.

¹² For a complete history of Federal CIP Program Instructions, see: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi9412.htm, http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi9902.htm, http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi0304.htm, http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi0605.htm.

state efforts to improve court case tracking as well as training initiatives.¹³ Each of these new grants is authorized for \$10 million and is funded through FY 2010.

2. Field-initiated Best Practice Guidelines

In addition to Federal funding, state CIP activities have been greatly influenced by the work of a small group of national organizations that has established standards in court practices and provided extensive technical assistance and training on best practice to states and communities. These organizations are: the American Bar Association's (ABA) Center on Children and the Law, the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ). Among the publications, perhaps most widely recognized has been NCJFCJ's *Resource Guidelines* which in 1995 established standards for court reviews and hearings related to child abuse and neglect cases. Developed in consultation with representatives of the ABA, the NCSC, and the Conference of Chief Judges, the *Resource Guidelines* document continues to serve as a guidebook for states by defining the "essential elements of properly conducted court hearings."¹⁴ These guidelines and related publications have served as the foundation for many court reforms described later in this report.

3. Special Demonstration Projects

In addition to Federal legislation and guidance, and field-initiated best practice guidelines, CIP efforts have been influenced by (and in many states, CIP programs have played a role in) special demonstration programs. The U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides funding for two prominent demonstrations of court reform, the NCJFCJ Model Courts and the Strengthening Abuse and Neglect in America: Management Information System Project (SANCA) grants. The Children's Bureau has also funded major demonstration grants (Toolkit Grants) to improve court performance in child abuse and neglect proceedings.

- **National Council Model Courts** focus on systemic, procedural reforms to improve outcomes for abused and neglected children. Initiated in 1992, there are currently 32 National Council Model Courts operating under the best practices outlined in the *Resource Guidelines*.¹⁵ In addition, many more courts incorporate at least some of these best practice principles into their dependency proceedings, such as time-certain docketing, competent legal representation for all parties, and one judge-one family calendaring.
- **Strengthening Abuse and Neglect Courts Act: Management Information Systems (SANCA) grants** were awarded in 2003 to courts in six sites (Colorado, Florida, Georgia, Idaho, New Jersey, Virginia) and have been used to

¹³ Administration for Children and Families Information Memorandum: ACYF-CB-IM-06-02. Issued June 9, 2006. (Located at http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi0605.htm.)

¹⁴ National Council of Juvenile and Family Court Judges, **Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases**, 1995, p.11.

¹⁵ <http://www.ncjfcj.org/content/blogcategory/117/156/>

develop and maintain electronic information systems to track cases and measure court performance. Case tracking allows courts to have information on any given case readily available, while a court's "performance measurement" indicates its success in meeting the ASFA requirements for abused and neglected children.¹⁶

- ***Toolkit Grants on Improving Court Performance in Child Abuse and Neglect Proceedings*** in 2003, the Children's Bureau funded the ABA, NCSC and to NCJFCJ to provide technical assistance on court performance measurement and judicial workload to courts in six sites (Arkansas, Minnesota, Louisiana (New Orleans), Nebraska (Omaha), North Carolina (Charlotte), and Oregon). The project is aimed at increasing accountability and performance and reinforces and complements other Federal initiatives including the Children and Family Services Review designed to ensure the safety, permanency and well-being of children in dependency courts.

In 2007, the Children's Bureau and OJJDP will jointly publish and disseminate a toolkit package of materials from the SANCA and Toolkit grants that has been developed collaboratively by the ABA, the NCSC, and the NCJFCJ.

4. Recent Initiatives

Recently the Pew Commission on Children in Foster Care (Commission) recommended that the U.S. Department of Health and Human Services require child welfare agency-court collaboration on Federal child welfare reviews, program improvement plans developed in response to these reviews, and CIP strategic plans. The Commission, a national, nonpartisan panel funded by The Pew Charitable Trusts and composed of leading child welfare experts and current and former legislators, undertook a comprehensive assessment of the child welfare system. Its recommendations focused on improving the Federal mechanisms used to finance child welfare, and strengthening court oversight in child abuse and neglect proceedings.¹⁷

To strengthen court oversight, the Commission recommended (1) improving case tracking, (2) increasing collaboration between the courts, child welfare agencies, and other stakeholders, (3) providing effective legal representation for parties, and (4) encouraging judges to take an active role in improving the dependency court process.

Consistent with these recommendations, in FFY 2006 the **DRA** authorized \$10 million for court training initiatives and \$10 million for improved data collection and analysis. The **DRA** also included instructions for state court and child welfare agency collaboration, specifically, the Act required: "State court applicants to include in their applications for all three CIP grants a demonstration of meaningful and ongoing collaboration" and the "child welfare agency to demonstrate substantial, ongoing and meaningful collaboration with State courts in the development and implementation of its

¹⁶ http://www.ncsconline.org/WC/Publications/KIS_FamJusSANCAProject.pdf

¹⁷ The Pew Commission on Children in Foster Care, **Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care**, May 18, 2004.

State plans under Titles IV-B and IV-E and PIPs developed as a result of the Child and Family Services and IV-E Foster Care Eligibility Reviews.”¹⁸

B. History and Purpose of the National Evaluation of the Court Improvement Program

The National Evaluation of the Court Improvement Program is a five-year study funded by the Children's Bureau in 2004. It builds on the recommendations of a Children's Bureau-funded Evaluability Assessment of CIP completed in 2003.¹⁹ The National Evaluation is studying the many paths followed by state courts to improve their oversight of child welfare cases, and will provide the field with information on effective models for juvenile and family court reform. The evaluation is being carried out by a partnership of four organizations: Planning and Learning Technologies (Pal-Tech, Inc.), the Urban Institute, the Center for Policy Research, and Child Trends.

The evaluation involves four interrelated components:

- 1. In-depth studies of CIP reform models:** The study team is conducting process and outcome evaluations of select models of reform within three diverse sites across the country. The evaluation designs vary across sites, and include quasi-experimental and descriptive outcome methodologies. Reflecting **ASFA**, the primary outcome areas of interest are child safety, the timely achievement of permanency, and child and family well-being. Within each site, an outcome evaluation is complemented by a process study of the many factors that impacted the reform, including other related reform efforts, the evolution of the target reform over time, barriers encountered, and methods by which these barriers were overcome.

The outcome evaluations utilize a variety of data sources, including court and child welfare agency management information systems supplemented by information abstracted from court and/or child welfare agency case records. The process evaluation will help inform outcome findings within the study sites as well as provide important insights for the replication of the model within other sites. The process evaluation involves structured focus groups and interviews with key individuals, as well as court observations of child dependency hearings.

- 2. Synthesis of other dependency court reform evaluations:** This component identifies and synthesizes findings from other research and evaluation conducted on family and juvenile court reforms. It provides an important context for the study's in-depth evaluation component in two ways. First, findings on reform activities beyond those captured within the study sites will be presented. Second, it helps inform evaluation within the study

¹⁸ Administration for Children and Families Program Instructions: ACYF-CB-PI-06-05. Issued June 15, 2006. (Located at http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi0605.htm.)

¹⁹ James Bell Associates, Inc, **Feasibility of Evaluating the State Court Improvement Program, Volume 1 Final Report**, September 2003.

sites by providing information on previously conducted evaluations of similar reform models. Evaluations are prioritized for synthesis based on their methodological rigor and findings reported in the substantive areas (e.g. alternative dispute resolution and systemic court reforms).

3. **Synthesis of state reassessments:** This component examines state reassessment reports recently submitted to the Children’s Bureau as a requirement for receiving CIP funds. Our analysis examines indications of progress since the initial CIP grants. It provides a description of which areas of child abuse and neglect proceedings states have focused on improving, as well as successes and barriers related to achieving child safety, permanence, and well-being as determined by states’ own reassessment work.
4. **Synthesis of state and local court reform activities:** This component describes the range of CIP-funded court reforms undertaken by states at the beginning and ending of the study's data collection period. Information for this activity is collected from state annual CIP reports submitted to the Children's Bureau in 2005 and 2007, and is compared to a similar study conducted in 1999. Thus, it provides insights into states' reform priorities and how these have shifted over time. Finally, this component also provides important contextual information for the study's in-depth evaluation component of select reform models.

C. Methodology Used for this Report

Information used for this report was gathered primarily from 49 CIP reports submitted to the Children’s Bureau (including the District of Columbia and Puerto Rico). These reports described CIP-funded and/or initiated activities the states were implementing in FFY 2005.²⁰ Supplemental information was drawn from two sources: the American Bar Association’s National Child Welfare Center on Legal and Judicial Issues ***Court Improvement Progress Report 2005***, as well as from telephone discussions with 47 state CIP administrators,²¹ or their designee.²² Telephone discussions also enabled members of the study team to understand some contextual issues about the reforms including:

- the role, if any, of the CIP office in conducting the Child and Family Services Review (CFSR) and preparing the state’s Program Improvement Plan (PIP);
- the extent to which 2005 CIP reforms reflected PIP activities;

²⁰ States submit annual CIP reports to the Children’s Bureau on a rolling basis, dependent on when original grants were awarded. Annual reports from 2005 were not available from Mississippi, Oklahoma, and South Dakota.

²¹ CIP staff from two states that had submitted 2005 reports -- Illinois and West Virginia -- were unavailable for telephone discussions.

²² For the remainder of this report, “CIP Coordinator” will be taken to include any state CIP staff person with whom we held telephone discussions to clarify reforms.

- reforms conducted in 2005 considered to be particularly effective in addressing child safety, permanency and well-being; and
- their opinion about the major accomplishments of their state's CIP efforts since implementation began.

While CIP staff can be involved in a range of court-related activities, during the follow-up calls we asked CIP staff to focus their discussions on activities that were either *funded* by CIP or that could not have come about without CIP efforts. Examples of this second category include reforms conceptualized by the CIP assessment or reassessment and overseen by CIP staff, but funded through a state funding stream. We further refined the analysis by dividing the activities discussed in the 2005 reports into those that had been fully implemented in 2005, and those that were still being planned or were not yet rolled out in the courts.

As discussed above, the purpose of this report is to describe what CIP looks like, as a whole, across the country -- where CIP funds and energies were being directed in 2005. In the next chapter we will compare these findings to a similar project completed in 1999. Described more fully in the next chapter, the categories used for this report are:

- Representation of parties
- Multi-disciplinary training and education
- Judicial expertise
- Communication and collaboration among court participants
- Notification and treatment of parties
- Timeliness and efficiency of the court process
- Quality of hearings
- Alternative dispute resolution services
- Statewide management information systems (MIS)
- Legislation and court rules
- Additional research and evaluation
- Local case tracking

As with any synthesis of divergent topics, there are limitations in the analysis. First, we have categorized activities largely by topic area, or their purpose or goal. For instance, within the category of "Notification and Treatment of Parties," we have grouped several divergent activities all designed to improve the court's outreach to and treatment of parents, foster parents and other relatives and kin in dependency court proceedings. This includes a range of direct services and supports for families, training and development of educational materials, and activities related to improving court notification efforts.

This framework was chosen for two reasons; first, it captures the primary goals of CIP funding – namely to improve the quality, depth and timeliness of court proceedings through expanded training, staffing (attorneys, hearing officers, case managers, etc.) and collaborative activities with state child welfare agencies and other partners. Second, as mentioned above, this framework reflects categories used in previous

analyses of CIP reforms, which allows us to make some basic comparisons about the prevalence of activities over time.

Because of this organizing principle, we have counted some activities more than once. For instance, a single piece of legislation may work to improve both the quality of judicial review and the amount of representation funded by state courts. In another example, a statewide management information system is also included in “communication and collaboration among court participants” if it involves data sharing between the courts and child welfare agency.

The remainder of this report is organized as follows:

- The role of CIP staff in the planning and implementation of the Child and Family Services Reviews and Program Improvement Plans (PIP);
- Relevance of 2005 CIP activities to state PIPs;
- Synthesis of 2005 CIP activities and their comparison to 1997/1998 CIP activities;
- CIP activities considered to be successful in addressing ASFA priorities; and
- Major accomplishments of state CIP efforts since program implementation.

Chapter II

The Adoption and Safe Families Act and Child and Family Services Reviews

A. Background

The **Adoption and Safe Families Act of 1997 (P.L. 105-89, or ASFA)** defined the central goals of state child welfare systems to be ensuring child safety, permanency and well-being. To promote these ends, ASFA introduced many important changes, three of which were especially important to the field of family court reform and, by extension, to CIP:

- With the intent of **limiting the amount of time a child could spend in out-of-home care**, the law directed states to move to terminate the parental rights for those cases that had been in care continuously for 15 of the last 22 months, unless a compelling case could be made to maintain the child in foster care.
- With the intent of meeting the newly-established deadline for achieving child permanency and tightening court oversight of cases in out-of-home care, the law directed states to **hold permanency hearings 12 months following the date the child entered care** rather than by month 18. As a result, states reworked their hearing timeframes through state legislation, if they had not already done so prior to the passage of ASFA.
- With the intent of **establishing national standards against which state child welfare systems and practices could be assessed**, the law directed the Secretary of the Department of Health and Human Services (HHS) to develop a set of outcome measures. Eventually, this process resulted in the establishment of defined outcomes related to the achievement of child safety, timely permanency, and child well-being against which states would be assessed through ongoing data reporting and Federal reviews.

These reviews, called the Child and Family Services Review (CFSR) are conducted by Federal and state officials to ensure that states are in “substantial conformity” with ASFA requirements. The reviews examine state performance on seven specific outcomes relating to child safety, permanency and well-being. They also assess state performance on seven *systemic* factors that address how the state child welfare system operates, including how well they are working with courts and other community partners. The CFSR process involves three phases:

1. **Statewide Self-Assessment** conducted through an analysis of state administrative data drawn from the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and Foster Care Analysis and Reporting System (AFCARS). Once complete, states send the assessment report to the Children’s Bureau for review.
2. **On-site Reviews** involving case reviews of foster care and in-home services cases, and interviews or focus groups with representatives from the state and

county child welfare agencies as well as representatives from other groups including parents, children, foster and adoptive parents, community providers and court personnel.

3. **Program Improvement Plans (PIPs)** written by states, in consultation with ACF regional offices, to address the areas that have been identified as needing improvement. The Bureau monitors progress on the PIPs and allows states two years to fully implement programmatic changes.²³

In order to achieve the standards set by the CFSRs, state agencies have had to work with the key stakeholders, especially the courts that directly affect matters of timely and quality permanency, safety and child and family well-being. To help ensure these outcomes are met, the ACF has instructed courts to allocate CIP funds by giving priority to any legal and judicial issues identified in the program improvement plans developed in response to state CFSR and title IV-E reviews.²⁴ Further, in 2003, ACF directed state courts to use the goals and standards related to the safety, permanency and well-being to guide future CIP strategic planning efforts.²⁵

The purpose of this chapter is to describe examples of CIP office involvement with state CFSR and PIP planning and implementation activities. It will also summarize informal discussions with CIP coordinators about the kinds of reforms that they considered to be especially effective in addressing the goals of ASFA. All of the following information was volunteered. Because the study team did not probe about specific kinds of involvement or levels of participation in the CFSR and PIP, these findings can only be considered as general examples. In some cases, information about specific initiatives discussed by state CIP coordinators was supplemented by information contained in the state's 2005 report.

B. CIP Involvement with Child and Family Services Reviews and Program Improvement Plans

1. Role of CIP offices in Child and Family Services Reviews

In discussions with state CIP Coordinators about their 2005 CIP reforms, study team members enquired about what, if any, involvement they had in the CFSR process including the development and implementation of the PIPs. As discussed in the next section, we wanted to learn which, if any of the reforms implemented in 2005 were related to the state's PIP.

Over half of the CIP coordinators provided examples of how they or their staff participated in at least one aspect of the CFSR.²⁶ For those coordinators that were

²³ <http://www.acf.hhs.gov/programs/cb/cwmonitoring/recruit/cfsrfactsheet.htm>

²⁴ Administration for Children and Families Program Instructions: ACYF-CB-PI-03-04. Issued March 28, 2003. (Located at: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi0304.htm).

²⁵ Administration for Children and Families Program Instructions: ACYF-CB-PI-03-04. Issued March 28, 2003. (Located at: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/pi0304.htm).

²⁶ Nine state coordinators were not aware of any involvement with the CFSR, and four coordinators (most of whom were new) did not know if CIP staff had been involved.

familiar with (and/or directly participated in) the CFSR process, many discussed involvement in more than one stage of the review. However, it was clear that the degree of involvement varied widely between state CIP offices, with only a small number describing their participation at virtually every stage of the CFSR. Most discussed much more limited involvement such as participating in one or two activities. Approximately one-third of CIP coordinators discussed participating in one or more of the following activities:

- Assisting the child welfare agency in pre-review planning activities and preparing for on-site reviews. For instance, the CIP coordinator in Virginia was a member of the child welfare agency Advisory Board; she helped to select local sites to be reviewed and informed state courts about the review process;
- Collecting data as a member of the on-site review teams, reviewing case records and/or conducting interviews and focus groups; and
- Being interviewed during the on-site review, either as an individual or as part of a focus group.

It is interesting to note that CIP Coordinators in five states volunteered that they expect to be more involved in the upcoming round of CFSRs due, in large part, to improved relations with the child welfare agency since the first round of CFSRs. It appears that the courts' role in the review process is growing, consistent with Federal guidance.

2. Role of CIP staff in State's Program Improvement Program

Once the CFSRs were completed and corrective action plans were being developed, the courts' role appeared to grow significantly. All but one (forty-six out of forty-seven) state CIP coordinators discussed some form of involvement with the PIPs. The most frequently discussed role was the implementation of PIP related activities -- about 75 percent of state coordinators discussed examples of how their office assisted with implementation of PIP recommendations. In California, for example, the PIP included several action items to be implemented in the state courts, and a committee within the state office that administers CIP was responsible for ongoing monitoring of PIP activities.

While most states discussed their role in implementing PIP activities, about two-thirds of state CIP coordinators also discussed their involvement with the development of the PIP.²⁷ In addition, about 25 percent of the coordinators discussed convening or participating in ongoing status meetings to discuss progress made and problems encountered while implementing PIP recommendations.

²⁷ In six additional states where CIP offices were not involved in the development of the PIP, the child welfare agency invited CIP staff to review the PIP and make comments on the court-related aspects.

C. CIP Reforms Designed to Address the PIP

CIP Coordinators also discussed examples of CIP efforts that supported the state's PIP. About 70 percent of the coordinators identified reforms implemented during the 2004-2005 program year that were in line with, or that directly resulted from, the PIP recommendations.²⁸

1. Training and Educational Materials

Training and the development of educational materials were the most common court activities conducted to address PIP recommendations. Training often focused on improving court proceedings focusing on permanency planning and new Federal and state legislation. CIP offices also produced a range of judicial resources, such as model court orders, bench books, and hearing checklists. Other initiatives in this area included training social workers on dependency court protocols and identifying absent parents early in the process.

2. Collaboration with the Child Welfare Agency to Achieve Outcomes

Several CIP coordinators discussed establishing additional (or more formalized) collaborative activities with the child welfare agency to accomplish goals identified in the PIPs. Of these, five states implemented workgroups or committees that meet on a regular basis to address PIP issues. For example, CIP staff in New York are engaged in a statewide team of court and child welfare personnel, and other partners including education, substance abuse, and mental health professionals. This team convenes three times a year to identify ways to improve permanency rates and other matters. In another example, CIP personnel in Wisconsin have assembled the Children's Court Initiative (CCI), an ongoing collaborative project designed to strengthen court processing in child welfare cases.

Three coordinators discussed collaborating with the child welfare agency to improve electronic data sharing. These systems typically track ASFA-related outcomes, an important step in determining whether PIP goals were achieved.

3. Other Initiatives

Other CIP activities and initiatives described by CIP coordinators to address state PIP recommendations included:

- legislation and court rules
- evaluations to measure outcomes identified in the PIP
- expansion of Family Drug Courts and
- Development of mediation programs.

²⁸ Two additional states (Alaska and Arkansas) described PIP-related CIP activities from previous years. Nine other state coordinators did not believe any 2005 activities addressed the PIP, and coordinators from two states did not know.

Lastly, six other CIP coordinators explained that while none of the 2005 activities directly resulted from the PIP, CIP initiatives are already “in line” with the state’s program improvement efforts.

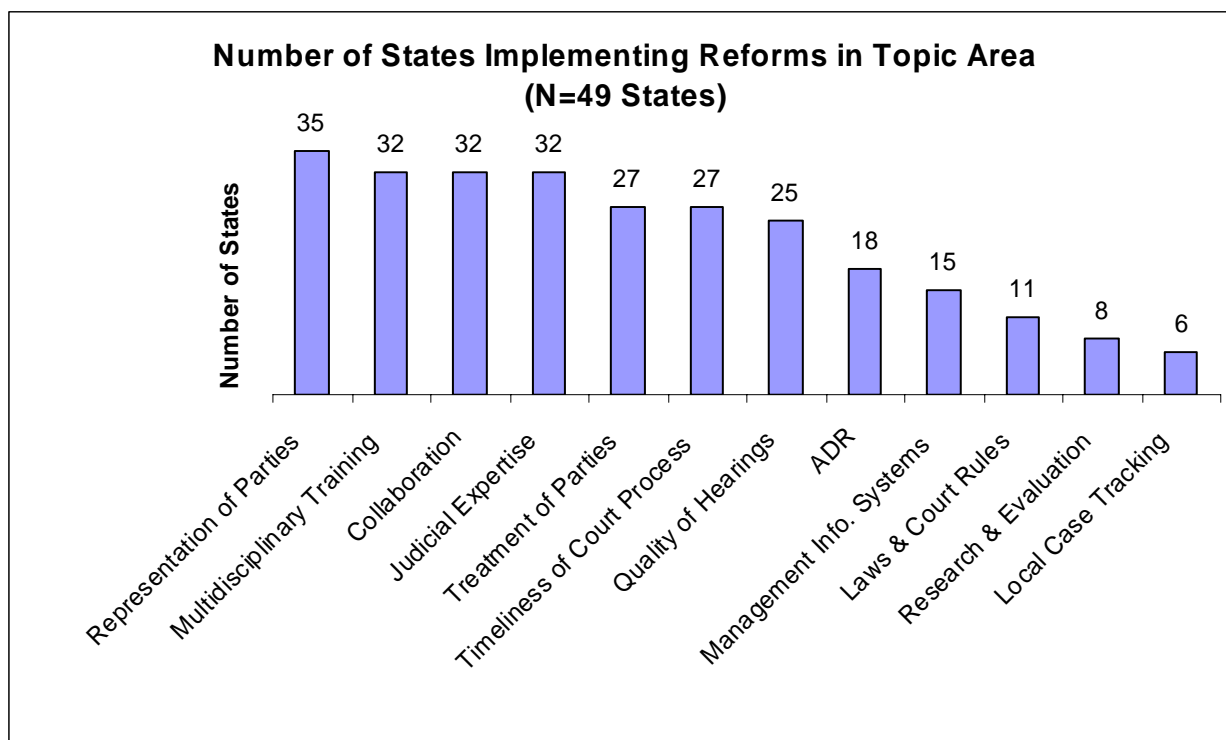
Chapter III Synthesis of Reforms

Federal legislation authorizing CIP and related program instructions gave states extensive leeway in the selection and design of CIP reforms and activities. In response, states have implemented a broad range of initiatives to address the unique challenges of their state and local courts. The purpose of this chapter is to describe the breadth of CIP activities implemented in the 2005 program year. It will also briefly compare 2005 activities to those conducted in 1998. Finally, it will describe the nature and purpose of additional sources of funding used to support CIP reforms and activities.

A. Categories of Reform

In this section we have categorized CIP activities by topic area or goal. Exhibit III-1 illustrates the number of states who had implemented CIP reforms in the different topic areas, presented in descending order of frequency.

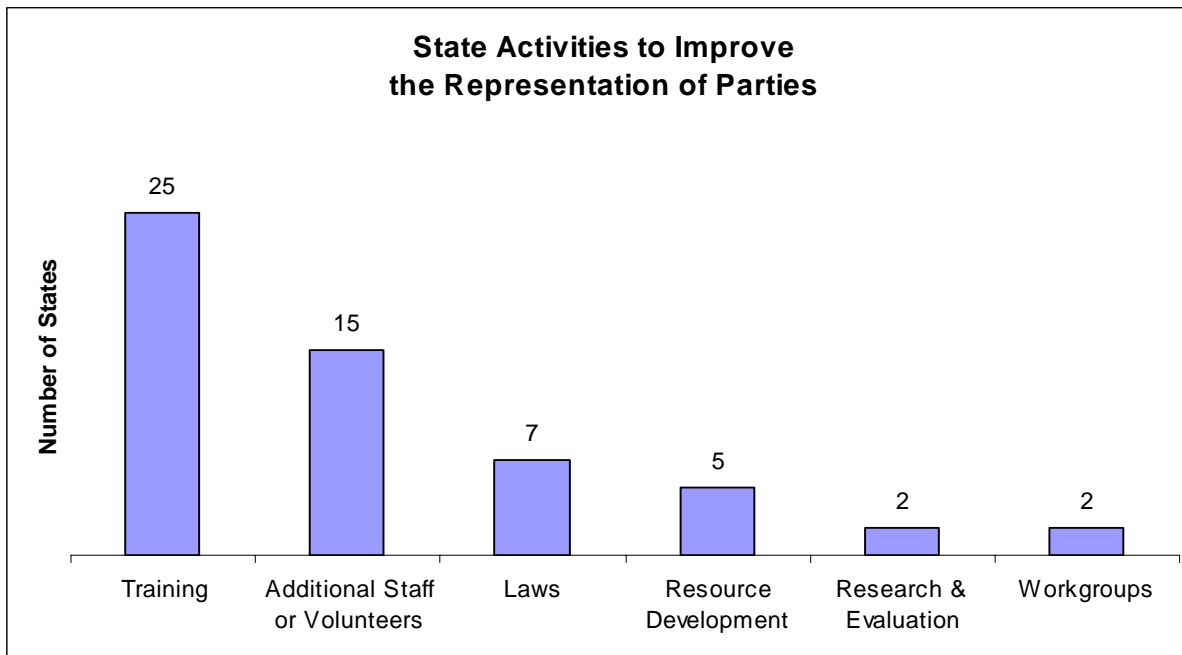
Exhibit III-1



1. Improved Representation of Parties

Improving the legal representation of parties in child abuse and neglect proceedings was the most common goal of CIP activities in 2005, with thirty-five states (71 percent) conducting a variety of activities to address this issue. Ten states discussed working on similar initiatives for the next year. Exhibit III-2 represents the kinds of activities that states implemented to improve representation.

Exhibit III-2



Twenty-five states provided training for attorneys and other legal representatives to achieve this goal, and fifteen states added paid staff or recruited volunteers to increase both the number of people served and the quality of representation. For example, Alabama piloted an innovative strategy to expand information collection and thereby improve representation of children.

GAL ASSISTANT PROGRAM - ALABAMA

The Calhoun County Guardian ad litem (GAL) Assistant Program assigns carefully-screened volunteers to cases in order to gather more in-depth information than the GAL acting alone would have time to collect. Similar to traditional Court-Appointed Special Advocates (CASAs), the Assistant must visit the child and foster parents each month, and provide monthly reports to the GAL regarding:

- family interaction between foster parents and child(ren),
- relationships among the child, foster parents, and other children in the foster home,
- in-home and out-of-home activities of the foster child,
- the child's environment in the foster home, including safety and minimum standards of care, and
- the child's educational needs and relationships at school.

Other activities in this category included drafting and enacting laws and court rules to improve or expand representation, establishing or refining professional standards, developing resources, conducting research, and establishing workgroups.

California CIP integrated several activities aimed at improving representation into a program called Dependency Representation, Administration, Funding and Training (DRAFT).

***DEPENDENCY REPRESENTATION, ADMINISTRATION,
FUNDING & TRAINING (DRAFT) - CALIFORNIA***

The Dependency Representation, Administration, Funding and Training (DRAFT) pilot program was implemented in ten court systems within California. In dependency proceedings, courts that participate in DRAFT appoint attorneys that have contracted with the state Administrative Office of the Courts to provide representation for children and indigent parents. This arrangement differs from how attorneys are compensated in dependency cases throughout the rest of the state, where the attorneys contract with, and are paid by, local courts.

In addition to exploring alternative models of agency representation, DRAFT has been evaluating the effectiveness of caseload standards developed by the American Humane Association, implementing uniform performance and compensation standards for court-appointed attorneys, and increasing the training and oversight of dependency attorneys.

Twenty-eight of the states that focused on improving representation of parties directed activities towards representatives for dependent children, which includes child attorneys, GALs, and CASAs.²⁹ Twelve states, including Hawaii, addressed parent representation.

“UNBUNDLED” REPRESENTATION - HAWAII

Project Ho’olokahi was developed to address the high cost of court-appointed attorneys for parents. The court “unbundled” parent representation services so that non-attorneys could provide the non-legal services that can be a part of parent representation. For example, the court hired Parent Facilitators who introduce parents to the court process and available resources. The Parent Facilitators are far less expensive than attorneys, thus there is a savings of money and parents are still provided with the information they need.

²⁹ In general, “child attorney” refers to a lawyer who advocates for the child’s wishes, while GALs and CASAs usually advocate for the child’s best interests. These are not clearly defined roles, however, and they vary between states.

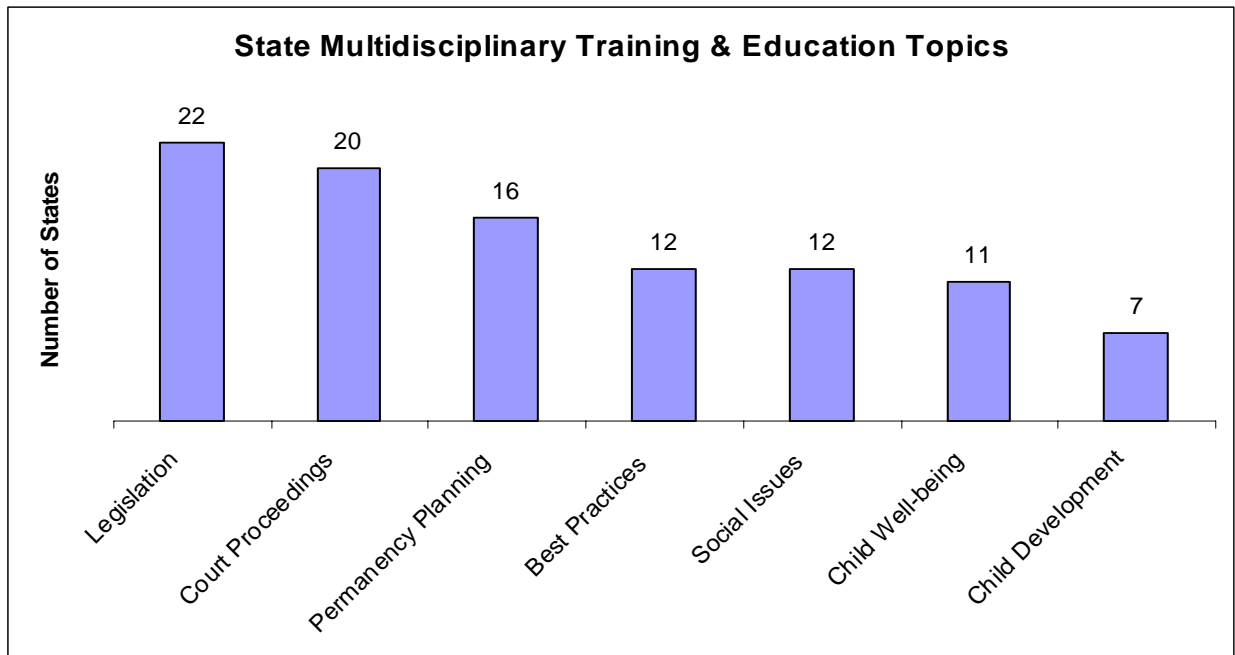
Finally, nine states implemented activities for all court representatives, and four states dealt with representation of the child welfare agency, such as collaborating to identify which state or local office would be responsible for providing attorneys to represent the child welfare agency in court proceedings.

2. Multidisciplinary Training and Education

Training continues to be a central focus of CIP activities. Nearly all states described training activities and/or the development of educational materials in their annual reports. Much of this training is captured in other sections of this report because it targets a specific population or issue highlighted elsewhere, such as Wisconsin's attorney training discussed above. The trainings and educational materials included in *this* category are exclusively multidisciplinary.

In 2004-2005, thirty-two states (65 percent) conducted activities in this area, and eight states had activities planned. As Exhibit III-3 shows, the most popular training topics were federal and state legislative requirements (twenty-two states) and issues related to court proceedings (twenty states). The former included trainings on state dependency laws, Title IV-E, ASFA, and the Indian Child Welfare Act (ICWA); the latter included trainings on court oversight, case management, ethics, evidence, CIP, and representation of parties.

Exhibit III-3



Other prevalent topics included permanency planning, best practices, social problems frequently encountered in child abuse and neglect cases (e.g., substance abuse or domestic violence), and child and family well-being (e.g., mental health or educational concerns). Arkansas CIP introduced a train-the-trainer model to educate

judges, attorneys, caseworkers, and CASAs in best practices.

“BEST PRACTICES INSTITUTE” – ARKANSAS

In December of 2004, Arkansas CIP conducted a Best Practice Institute to educate dependency court participants in best practices for each type of dependency hearing. Participants at this three-day statewide retreat included judges, attorneys for all parties, child welfare agency caseworkers, and CASA volunteers. Working in discipline-specific and cross-discipline groups, the participants developed best practice recommendations to be used in future trainings and resource development. Institute participants then led best practice training sessions for judges, attorneys, social workers, and CASAs during various 2005 state training conferences.

Lastly, seven states provided training on child development issues. New York CIP, for example, places particular emphasis on developmental issues of infants involved in child abuse and neglect proceedings.

“BABIES CAN’T WAIT!” – NEW YORK

In 2001, the New York State Permanent Judicial Commission on Justice for Children (the Commission) instituted a project titled “Babies Can’t Wait!” (BCW) to address the disproportionate numbers of infants in foster care. CIP efforts in promoting well-being and permanency for all children in foster care were integral to what BCW has developed into currently. Activities in 2004-2005 occurred in several counties and included multidisciplinary trainings, stakeholder workgroups, and hiring a Family Court Early Childhood Specialist for one Family Court. Training topics included the impact of maternal depression on infant development, shaken baby syndrome, and assessing the parental capacity of parents with infants in foster care.

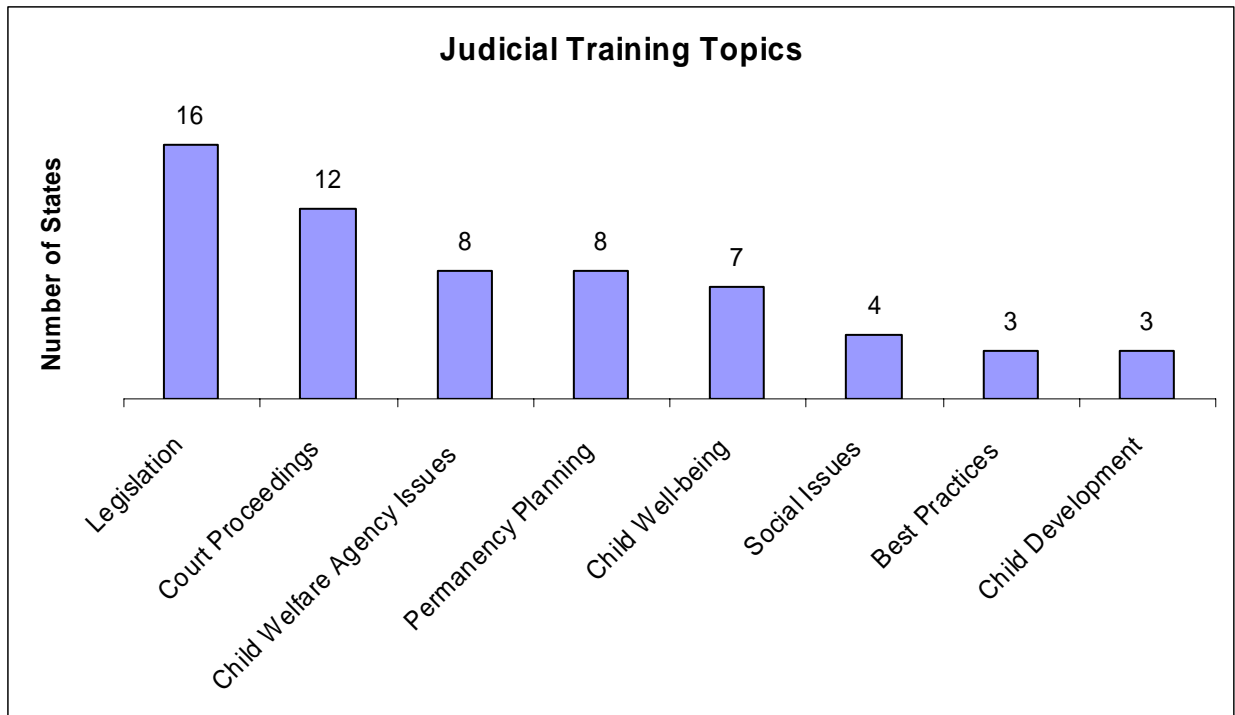
3. Judicial Expertise Concerning Child Abuse & Neglect

Thirty-two states (65 percent) implemented activities aimed at improving judicial expertise in child abuse and neglect cases, and four states had additional activities planned. Twenty-five states provided trainings for judges, nearly all of which were ongoing annual events. As with the multidisciplinary training, the most common topics for judicial training were federal and state legislative requirements (sixteen states) and issues related to court proceedings (twelve states). Washington State provides a characteristic example of a training, while Exhibit III-4 depicts the occurrence of typical training topics for judges.

JUDICIAL LEADERSHIP CURRICULUM – WASHINGTON

In order to introduce new judges to dependency case issues, Washington State CIP sponsored a full-day presentation on the dependency process during the annual Superior Court Judges' Association spring conference. Dependency-related topics included: (1) an overview of child abuse and neglect, (2) judicial oversight and decision making responsibilities in dependency cases, (3) requirements of ASFA and other federal legislation, (4) permanency planning, and (5) domestic violence considerations.

Exhibit III-4



In addition to providing training, eight states developed or continued to update judicial benchbooks, such as Iowa's "A Judge's Survival Guide" that was created for judges who infrequently hear child abuse and neglect cases. Other activities in this category included adding hearing officers, the establishment of a judicial mentoring program, and development of professional standards for judges.

4. Communication and Collaboration Among Court Participants

Thirty-two states (65 percent) discussed in their annual reports activities designed to strengthen the communication and collaboration among participants in child abuse and neglect proceedings. Twenty-four of these states established multidisciplinary workgroups to address either specific issues or the general

improvement of child welfare proceedings. As an example, Louisiana used a multiple-agency approach to designing and implementing reforms.

FACILITATION TEAMS - LOUISIANA

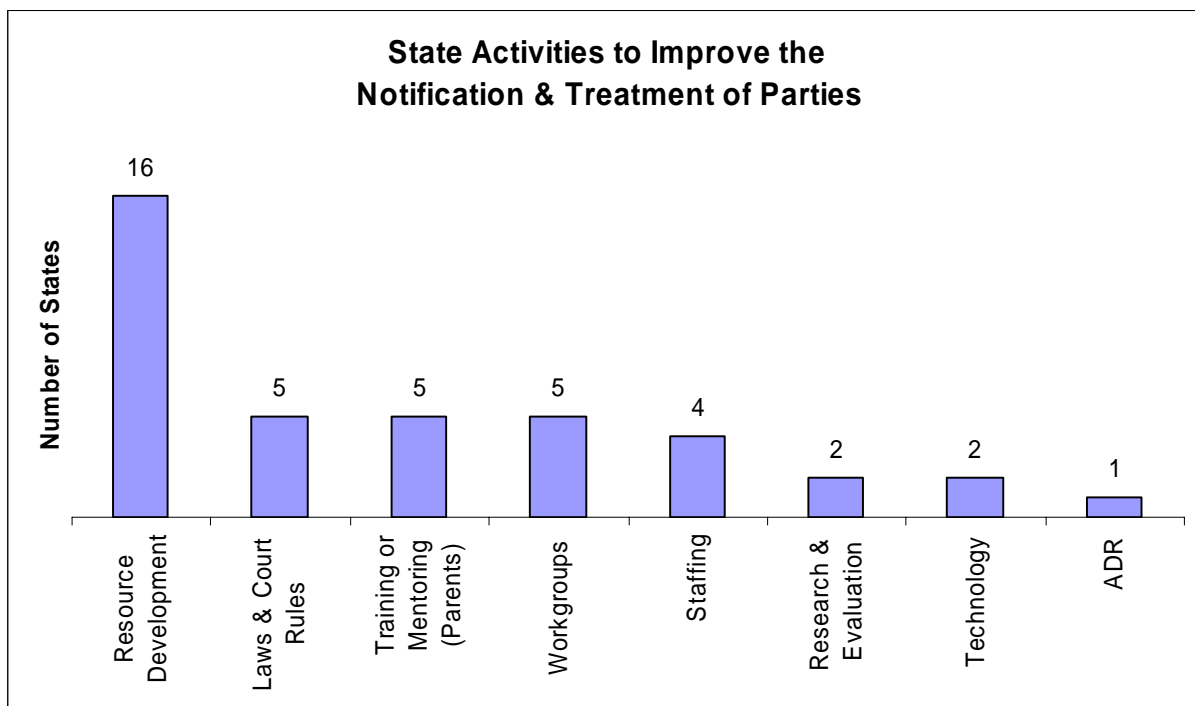
Louisiana has implemented Facilitation Teams in some of its juvenile courts; these consist of judges, court administrators, regional and local child welfare agency personnel, the district attorney, sheriff/process server, CASAs, foster parents, and attorneys for children, parents, and the child welfare agency. Facilitation Teams have two primary goals: to resolve systematic issues on the local level that delay permanency for children, and to make statewide recommendations directed at improving the court process.

Eight states enabled or enhanced existing electronic data sharing between the courts and child welfare agency; some of these states also included other agencies.

5. Notification and Treatment of Parties

Twenty-seven states (55 percent) implemented reforms designed to improve the notification and treatment of parties in child abuse and neglect proceedings, and five states anticipated implementing similar activities during the next year. As illustrated in Exhibit III-5, the most common activity in this category was resource development, with sixteen states creating materials and support systems for families and/or professionals. For example, a portion of Indiana’s CIP funds was used to create a Community Access Service Center for families.

Exhibit III-5



COMMUNITY ACCESS SERVICE CENTER - INDIANA

The Porter Circuit Court in Indiana features a Community Access Service Center in the Juvenile Court. Immediately after a court session has ended, families meet with a service access staffer who assists them in securing court-ordered services.

Less frequently occurring initiatives included legislation aimed at increasing notice to parties and permanency options, trainings or mentoring programs for birth and foster parents, and workgroups that addressed adolescent issues, behavioral health needs, or concerns regarding legal confidentiality.

Although rare, CIP efforts to improve visitation for families in the child welfare system deserve mention because of the important role visitation plays in child well-being. Four state reports, including Georgia's, discussed visitation initiatives.

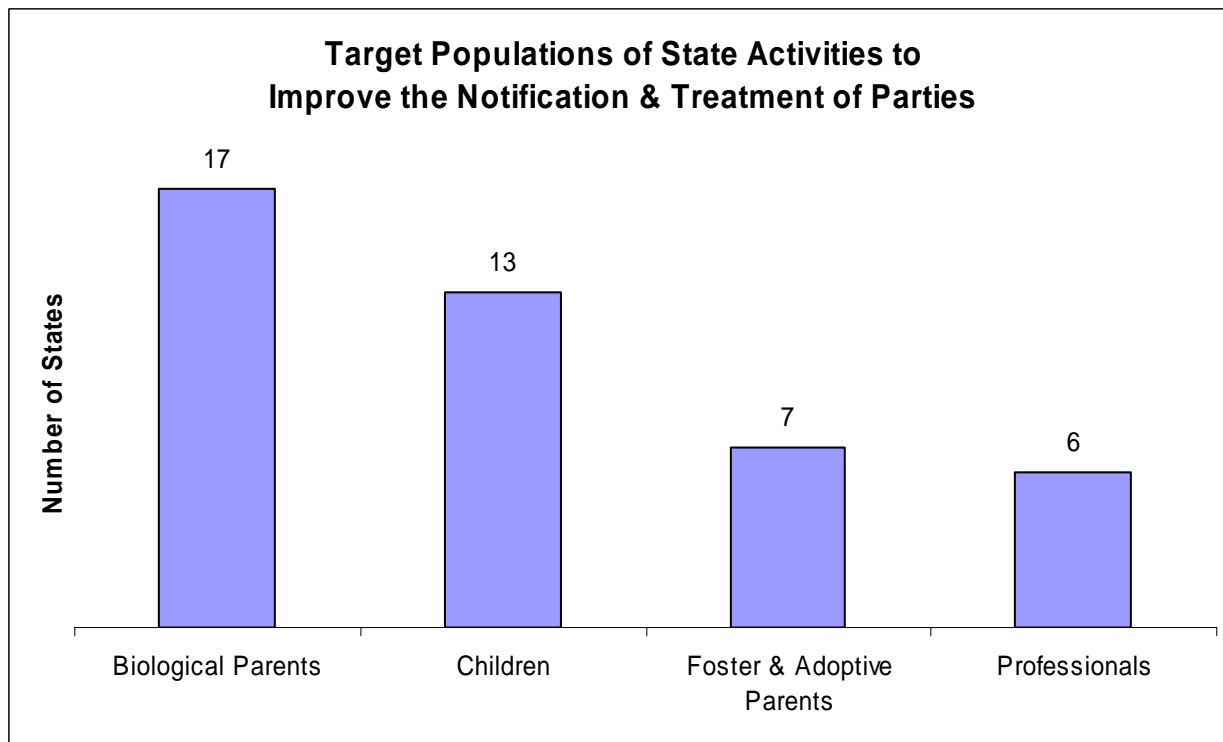
INCREASING VISITATION OPPORTUNITIES - GEORGIA

Georgia's CIP (known as the Child Placement Project, or CPP) assisted in a faith-based initiative designed to provide foster children more opportunities to visit with their parents and siblings outside of the child welfare agency. Visitation Centers were established in churches in several counties; these Centers provide volunteers to oversee visitations among family members involved in child abuse and neglect proceedings. To assist in recruiting and training Visitation Center volunteers, CPP provided a video entitled "Multiple Transitions: A Young Child's Point of View on Foster Care and Adoption."

In addition, CPP collaborated with two juvenile court judges and the NCJFCJ on the development of a visitation protocol designed to increase visitation and to have judges include visitation in their court orders. Driven by the philosophy that frequent and meaningful visitation is central to reunification, the visitation protocol offers guidelines for the appropriate frequency and length of visitations based on the child's age and whether or not domestic violence is present. The protocol guidelines were designed for use by judges, CASAs, attorneys, and caseworkers.

As Exhibit III-6 illustrates, seventeen states directed reform activities towards birth parents, thirteen towards children, seven towards foster and adoptive parents, and six towards professionals.

Exhibit III-6



Within the states that targeted children, five states developed programs specifically for adolescents; the Older Youth Committee³⁰ in Philadelphia offers a comprehensive example of youth-directed efforts.

OLDER YOUTH COMMITTEE - PENNSYLVANIA

Pennsylvania's CIP helped to design Philadelphia's "O Court" which targets children, usually adolescents, who cannot be returned home and do not have a goal of adoption. To support this docket, the CIP office created the Older Youth Committee to help ensure that youth ages 15 and over get the resources they will need when they age out of the foster care system.

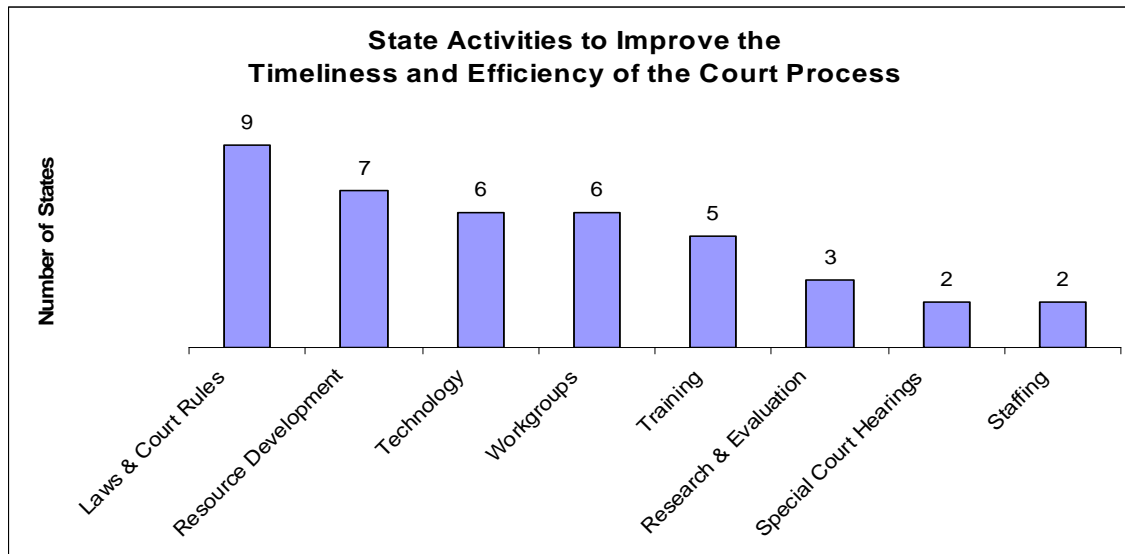
In 2005 the committee completed work on an "Older Youth Protocol" to encourage the child's full service team – DHS, the City Solicitor, the Child Advocate, the Advocate Social worker, and the biological and/or foster parents, if applicable - all come together with the child prior to hearings to plan for and address the child's needs in the areas of safety, permanency and well-being. Other matters in the protocol include visitation schedules, independent living plans and the identification of caring adults and mentors for the child both during placement and post discharge from the foster care system.

³⁰ The Older Youth Committee was formerly known as the O Court Committee.

6. Timeliness and Efficiency of the Court Process

Twenty-seven states (55 percent) have targeted CIP efforts at improving the timeliness and efficiency of the court process, and six states were working to implement similar reforms in the coming year. Exhibit III-7 presents the kinds of activities states implemented to expedite the processing of child abuse and neglect cases.

Exhibit III-7



Nine states enacted legislation or court rules to speed the court process; illustrating a recent trend, six of these states focused on expediting the appeals process after an order of termination of parental rights. Due to the reported success of Iowa's expedited appellate process,³¹ the co-chair of the Iowa CIP Oversight Committee was hired by the ABA National Child Welfare Resource Center on Legal and Judicial Issues to provide technical assistance to other states, including Colorado, that were attempting to establish expedited appeals in their own courts.

EXPEDITING TPR APPEALS – COLORADO

Colorado CIP funds were used to develop court rules aimed at decreasing the length of time it takes to process an appeal of the termination of parental rights. The drafted rules became effective on March 1, 2005. Around the same time, CIP also was working with the Department of Human Services to reduce appellate delays by purchasing recording equipment that allows a court reporter to produce a TPR trial transcript almost instantly. This decreases the time spent waiting for the transcript, which is needed before the appellate hearing can begin.

³¹ As of March 2006, the average length of time from appeal to decision for a case on appeal in Iowa was 85 days (less than 3 months), compared to an average of 13.2 months prior to implementation of the new rules in 2003.

Other state activities included developing resource and reference materials, installing technological equipment, convening workgroups, conducting trainings, establishing special court hearings, and hiring additional staff. In Maine, the courts and child welfare agency collaborated on a program to assess on an individual basis why cases were not progressing.

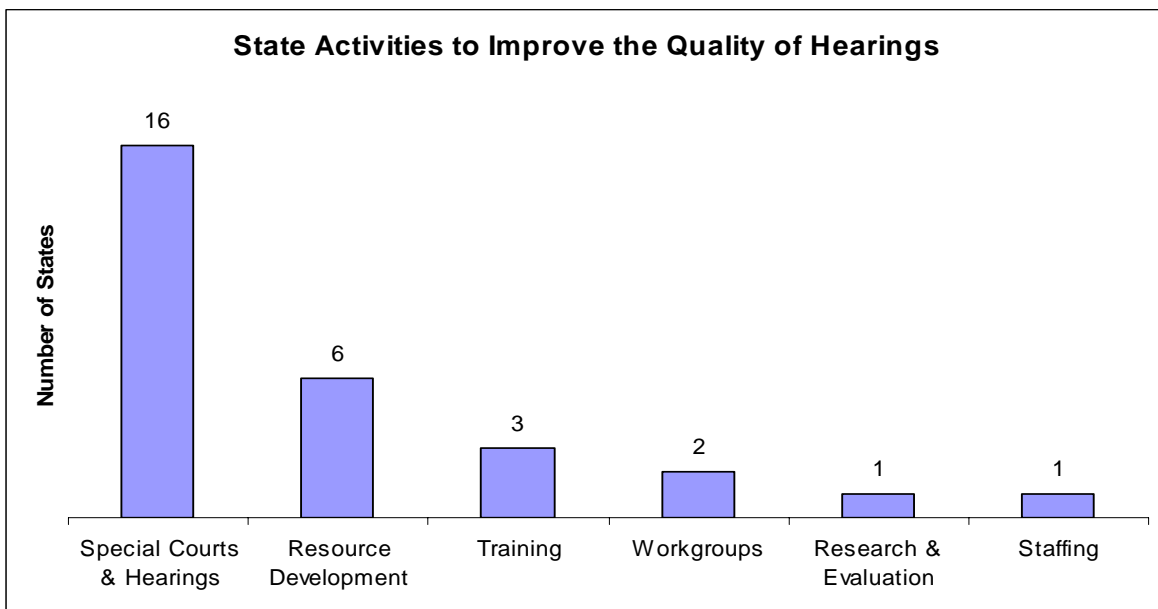
CHILD ABUSE AND NEGLECT EVALUATORS PROGRAM (CANEP) - MAINE

Maine's CIP coordinator serves as a member of the Child Abuse and Neglect Evaluators Program (CANEP) Advisory Board, a collaborative effort between the courts and child welfare agency that was established to assist in complex or difficult cases. The primary responsibility of CANEP is to ensure that competent, thorough court-ordered evaluations of parental capacity are completed in a timely manner. This is accomplished through selecting and training psychologists and psychiatrists who are interested in providing objective evaluations to the courts. Evaluations are typically ordered by the court to assess parental progress on the case plan, or the potential for reunification.

7. Quality of Hearings

Twenty-five states (approximately 51 percent) worked to improve the quality of hearings, primarily through the use of specialized courts or hearings and the development of resource materials. As demonstrated in Exhibit III-8, sixteen states discussed CIP initiatives within, or CIP efforts that led to the development of Drug Courts, Model Courts, and Unified Family Courts.

Exhibit III-8



One example of specialized courts is the Family Treatment Court, implemented in the District of Columbia.

FAMILY TREATMENT COURT – DISTRICT OF COLUMBIA

A collaborative effort of the Superior Court, child welfare agency, and other service agencies, the Family Treatment Court (FTC) oversees court-ordered drug treatment for mothers or female caretakers of neglected children. CIP funded the position of a Family Treatment Court Coordinator (FTCC) who is responsible for the program's daily operations, including identifying project objectives, tasks, strategies, and required resources. The FTCC also implements the policies and procedures of the FTC and acts as liaison to the various agencies providing court-ordered services.³²

Six states created or modified court forms, orders, reports, or hearing checklists for the use of judges and court participants to ensure that all essential issues are addressed during the court proceedings. Remaining activities consisted primarily of trainings and the establishment of workgroups to address hearing-related issues. For example, Iowa instituted a statewide Due Process Task Force in response to findings in their Reassessment.

DUE PROCESS TASK FORCE - IOWA

In 2005, Iowa's Due Process Task Force worked to define the necessary requirements of due process, and identify the fundamental activities of, and barriers to, meaningful hearings. The Task Force crafted solutions to overcome these barriers based on the NCJFCJ ***Resource Guidelines***, then implemented the recommendations through legislation, systemic improvements, training, and development of resource materials.

Six states discussed plans to implement activities to improve the quality of hearings, such as Oregon's Model Court Initiative.

MODEL COURT INITIATIVE - OREGON

Oregon CIP planned to provide small grants, technical support, and data analysis to local court workgroups trying to implement Model Courts. Each judicial district has a team that works to assist local courts in developing intergovernmental plans that support permanency.

³² One detail that sets D.C.'s Family Treatment Court apart from other Family Drug Courts is that it operates in partnership with a residential treatment facility that allows each mother to take her children into the program with her. The facility accommodates eighteen mothers, and each is limited to four children, ages ten years and younger. (ABA National Child Welfare Resource Center on Legal and Judicial Issues, *Court Improvement Progress Report 2005*.)

8. Alternative Dispute Resolution Programs

CIP offices in eighteen states (approximately 37 percent) supported the development of alternative dispute resolution (ADR) programs and related activities. Seventeen states developed mediation and/or family group conferencing programs. Mediation could occur at any stage of the court proceeding in almost half of the programs, while other states implemented more targeted models (e.g. front end cases, TPR, etc.). Several states, including Massachusetts, developed ADR programs to be used prior to or immediately after an initial dependency petition is filed with the court.

CARE AND PROTECTION TRIAGE PILOT PROJECT - MASSACHUSETTS

The Care and Protection Triage Pilot Project in Massachusetts offers a collaborative, family-centered alternative dispute resolution program to families that begins when a dependency petition is filed. The goal of the project is to identify cases (usually neglect) that have a high chance of reunification and provide them with appropriate services, with the hopes of redirecting them away from the “trial track”. A needs-assessment is completed on the family, and mediation occurs with the family, child welfare agency, and other service providers.

Remaining activities in this category included training in ADR models, the implementation of standards or requirements for mediators, program evaluation, and resource development. One innovative mediator-training program that operates in Arkansas taps into community resources to increase its mediator pool.

DEPENDENCY-NEGLECT MEDIATION PROJECT - ARKANSAS

The Arkansas Dependency-Neglect Mediation Project is a joint effort of the state’s CIP and the Bowen School of Law at the University of Arkansas at Little Rock. The program is administered by law school faculty, and provides law students with the opportunity to gain practical experience as mediators while also helping children achieve permanency and safety in a timely manner. The mediation model addresses obstacles at any stage of the case including case plan development, visitation agreements, permanency plans, interstate placement options, and post-termination issues.

9. Statewide Management Information Systems

Fifteen states (approximately 31 percent) reported activities related to MIS-development or the purchase of computers and printers, and eight additional states reported having similar activities planned. Missouri’s court MIS provides one example of a broadly linked system.

MISSOURI JUVENILE JUSTICE INFORMATION SYSTEM

CIP partially funded enhancements to the Missouri Juvenile Justice Information System (MOJJIS.) This system links information from the juvenile and family court, the Office of State Courts Administrator, the Departments of Health and Senior Services, mental health agencies, social services providers, and elementary and secondary educational institutions. A search of a juvenile's name in MOJJIS reveals information for any of the linked agencies that have had contact with the juvenile, enabling practitioners to better plan comprehensive treatments based on timely sharing of complete and accurate data.

10. Additional Research and Evaluation

In addition to state efforts on CIP reassessments, eight states (16 percent) discussed research and evaluations of court activities and reforms. Several states focused on one particular issue, such as kinship placement or minority overrepresentation, while other states conducted large-scale reviews or statistical analyses. For instance, Wyoming CIP evaluated one Model Court's performance in the timeliness and thoroughness of court orders.

MINI-REVIEW OF CARBON COUNTY MODEL COURT - WYOMING

Wyoming's CIP, known as the Children's Justice Project (CJP), assessed the Carbon County Model Court in December 2004/January 2005 to evaluate the progress made since its initial assessment by the National Center for Juvenile Justice in 2002. CJP staff and the Clerk of the District Court examined a sample of court files covering an 18-month period to evaluate the timeliness of key events in the court proceedings and assess the amount of detail being incorporated into court orders.

The 2004-2005 assessment found that significant progress had been made since 2002 in adhering to statutory timeframe requirements and implementing best practices. Although the level of detail in the court orders had improved, the mini-review found room for improvement, such as by making the orders child-specific. CJP decided to conduct the mini-review annually that would promote continuous improvement to the effort.

11. Legislation and Court Rules

In addition to legislation and court rules that are categorized elsewhere, eight states (about 16 percent) implemented reforms primarily to clarify and reorganize existing child welfare laws, as well as to address any inconsistencies or omissions.

Other states addressed specific issues of concern (i.e., allowing open proceedings in dependency cases and assigning court costs for appeals).

12. Local Case Tracking

Six states implemented activities in target regions to improve the processing and monitoring of child abuse and neglect cases, and two additional states planned to incorporate similar activities the next year. Half of the states used technology to facilitate case tracking, while the other half hired staff to monitor cases for timely permanency. Typical responsibilities of the latter can be illustrated by South Carolina's Family Court Coordinators.

FAMILY COURT COORDINATOR – SOUTH CAROLINA

South Carolina's CIP funded two Family Court Coordinators to address case backlogs in three counties. The Coordinators identified barriers that delayed the proceedings and brought the issues to the attention of the child welfare agency. Additional responsibilities of the Coordinators included: gathering information from the courts and agency, tracking new cases, distributing reports on the timeliness of hearings, and ensuring that court orders were properly filled out.

B. Comparisons between 1998 and 2005

As discussed above, in 1999 a similar analysis was completed of CIP annual reports from the 1997/1998 program year.³³ In this section we describe the major changes in the proportion of states conducting CIP reforms between the two timeframes. Although we are unable to definitively explain why these differences occurred, we do offer insights on possible causes based on our conversations with state coordinators and information collected to date from the review of CIP reassessments. This section begins with a discussion of changes in state participation in the topic areas described above. It then provides comparisons between activities conducted in the two program years – what states actually *did*, e.g. training, legislation, hiring new staff with CIP funds – in order to make systems improvement in the topic areas.

1. Topic Areas

The first finding from this comparison is that state CIP offices appear to be conducting or participating in **more** activities in 2005 than they did in 1997/1998. In nearly all categories discussed above, we observed an increased number of states conducting a range of activities. This may be the result of states now describing both new and ongoing activities, compared to the first analysis which was completed shortly after the initial implementation of CIP. It may also be the result of CIP staff spending

³³ James Bell Associates, **Review and Analysis of State Program Reports Related to the Court Improvement Program**, June, 1999.

more time collaborating on activities with other agencies – conducting activities in which they share responsibility versus overseeing the initiative on their own.

Focusing now on individual topic areas, the category which experienced the single largest increase in state involvement was **Judicial Expertise**. Approximately 70 percent *more* states discussed activities to increase judicial expertise in 2005 (65%) than they had in 1998 (38%). This category primarily involves targeted training for judges and other hearing officers, resource development, and developing or updating professional standards. During our initial review of the reassessments, states are reporting that these training efforts are an “ongoing need” because of turnover in judicial officers, ongoing updates to state and Federal laws, and increased efforts to provide specialized training in such areas as child development, domestic violence and community resources.

The second largest increase in CIP categories was that of **multi-disciplinary training and educational activities**. There was a near 40 percent increase in the number of state CIP offices that sponsored or delivered training to a broad group of stakeholders – from 47 percent of states in 1998 to 65 percent in 2005. Recently completed reassessments in several states indicated the ongoing need for more multi-disciplinary training to help ensure shared understanding of dependency matters and promote greater team building.

Similarly, there was a near 25 percent increase in the number of states that reported state and local efforts to improve **communication and collaboration** between the courts and child welfare agency and often, a range of other court participants (from 53 percent to 65 percent). The most common example of this was the formation of multi-agency workgroups.

There were smaller, but still notable increases in the number of states conducting **activities to reduce time delays** and improve efficiency in court proceedings and to **improve the quality of representation**.³⁴ Approximately 15 percent more states reported activities in both categories.

The three categories that did not show any significant change between timeframes were:

- Notification and treatment of parties (as before, approximately 50 percent of states continue to implement reforms in this area);
- Quality of hearings (approximately 50 percent of states continue to implement reforms in this area as well);

³⁴ In the 1999 study, the category “timeliness and efficiency of the court process” included all examples of alternative dispute resolution models. To compare these categories over time, we have combined them again which resulted in 36 states or 73% of the total sample.

- Improvements to state management information systems (approximately 30 percent of state continue to update and modify court management information systems).

2. Types of Activities

In addition to describing CIP activities by their purpose or goal, this same information can be framed in terms of how courts carried out these goals. This type of analysis was also done in the 1999 study and many similarities are seen between the two timeframes.

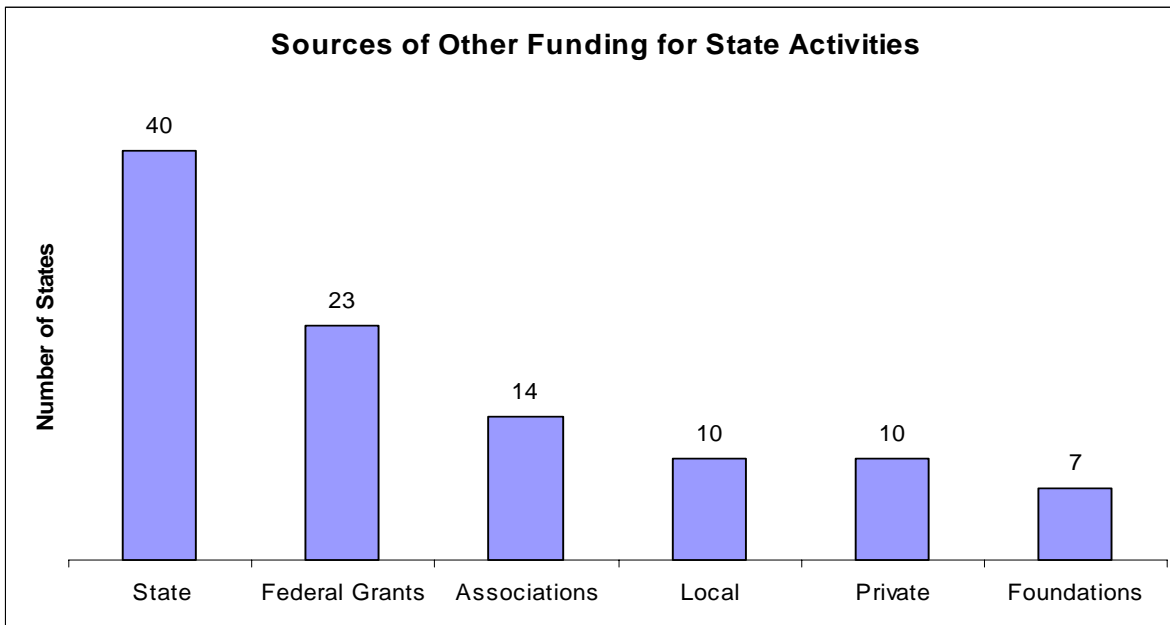
- The provision and/or coordination of **training and technical assistance** remained the most common activity by CIP offices. In fact, approximately 20 percent more states discussed training and technical assistance activities in their 2005 reports than they did in 1998.
- Participating in **workgroups and other collaborative committees** was the second most common activity (approximately 70% of states). As discussed above, this also appears to be happening more broadly than in 1998.
- While the same number of states discussed making changes **in legislation or court rules** in both timeframes, the nature and breadth of these changes was generally narrower in 2005 than they were in 1998 (in 1998, states were more likely to be working on sweeping changes to state codes to bring them in-line with recent ASFA requirements).
- Finally, the number of states describing **research and evaluation activities** remained the same over time. Approximately 30 percent of states discussed research and evaluation activities beyond those done for state assessments or reassessments in both timeframes.

C. Use of Other Funding in CIP Initiatives

State allotments of Federal CIP funding have always been relatively modest (as indicated in Appendix A). Annual reports indicate that blended funding was used for most CIP initiatives including training activities and resource development, hiring additional court staff, making technological improvements, and developing/enhancing specialized courts.

Exhibit III-9 presents the range of funding categories used for CIP activities. In general, other funding used for CIP activities can be categorized in three ways: (1) co-sponsoring an activity (typically training or specialized court initiatives), (2) a direct grant to the state court or directly to the CIP office to improve or expand services, or (3) continuation funding for a CIP-piloted initiative.

Exhibit III-9



Forty states discussed initiatives that had been supported in part by state funds, most commonly from the court system or child welfare agency. Florida provides a typical example of where the child welfare agency co-sponsored a statewide conference.

DEPENDENCY COURT IMPROVEMENT SUMMIT - FLORIDA

A collaborative effort between Florida's Office of Court Improvement and Department of Children and Families (DCF), the Dependency Court Improvement Summit features numerous workshops intended to clarify various dependency issues. At the 2004 Summit, CIP staff facilitated workshops on ASFA guidelines, placement stability, and best practices to an audience of court personnel, judges, attorneys, caseworkers, and service providers.

The second most frequently reported source of collaborative funding was other Federal grants. Twenty-three states, including Kentucky, used funds received under SANCA MIS, the Children's Justice Act, and/or other Federal grants to support court reforms overseen by or partially funded by CIP Offices.

CHILDREN'S JUSTICE ACT FUNDING - KENTUCKY

Kentucky's CIP used Children's Justice Act funds to support a series of training efforts in 2004-2005 including GAL education program, county attorney training, law student clinical trainings, and Kentucky Bar Association training. Children's Justice Act funds were also used to support a mediation pilot project.

In fourteen states, CIP offices worked with national and state associations to co-sponsor court reform initiatives, most commonly the National Council of Juvenile and Family Court Judges, the American Bar Association, and the National CASA Program or its state and local affiliates. Most of the initiatives supported by the various associations were trainings or activities to support the NCJFCJ Model Courts. In 2005, CIP activities in Tennessee benefited from two associations.

TWO PRIVATE STATE ASSOCIATIONS - TENNESSEE

The Tennessee Juvenile Court Services Association, a private organization in the state, sponsors an annual workshop presented by the CIP staff. The workshop is for all juvenile court staff and addresses child dependency laws.

A second state association, the Tennessee Alliance for Legal Services (TALS), provided part of the funding for the translation of a community resource website, TennHelp, into Spanish. Also funded by the child welfare agency and CIP, this website provides a search engine for the public to locate organizations and agencies that fulfill a variety of social service needs.

Private contributions supported CIP initiatives in ten states; contributors primarily included corporations and non-profit organizations. For instance, North Dakota CIP teamed with a private organization devoted to Native American issues to address the needs of the large number of Native American children in the state dependency court system.

NATIVE AMERICAN TRAINING INSTITUTE - NORTH DAKOTA

The Native American Training Institute, a private organization, and ND CIP co-sponsored the annual, state-wide Indian Child Welfare Conference in February 2005. The audience was composed of district judges, juvenile court officers, tribal judges, and social workers from the state, counties, and tribes. Topics at the conference included compliance with the Indian Child Welfare Act and cultural awareness.

Ten state reports described receiving funding from counties and local courts, generally for local initiatives such as pilot projects and specialized courts. A few states, such as Virginia, incorporated the local funding into broader-scaled initiatives.

LOCAL CIP TEAM MEETINGS - VIRGINIA

Beginning in 2001, local multidisciplinary meetings were held across Virginia to allow child welfare professionals the opportunity to meet, understand the court process, and discuss the effectiveness of their programs. These meetings are co-sponsored by CIP and the juvenile and domestic relations district courts, but the local courts pay for all of the costs associated with the day-long meeting. During a meeting, CIP staff provide training on dependency law, the court process, and common forms used in dependency cases. There is also time set aside for cross-disciplinary discussions of what is and is not working in local practice regarding the permanency planning process. Participants in the discussions include court personnel, local Dept. of Social Services (DSS) staff, attorneys, GALs, CASA representatives, and regional consultants from the state DSS programs of child protective services, foster care, and adoption.

Finally, Arizona and six other state CIPs discussed funding from foundations.

HOME-AT-LAST GRANT - ARIZONA

A Home-at-Last grant from The Pew Charitable Trust supported Arizona's 2005 Judicial Conference. One of the key speakers, a specialist in adolescent behavioral issues, offered advice on the most effective methods of interacting and communicating with adolescents. The second key speaker, a doctor, presented on a new CPS policy regarding substance-exposed newborns to make judges aware of how CPS proceeds in those cases.

Chapter IV

Successes Attributable to State CIP Programs

A. CIP Reforms Most Effective in Improving ASFA Outcomes

In discussions about 2005 CIP activities, study team members also tried to understand which CIP reforms state coordinators considered to be most effective in addressing the central goals of ASFA. Nearly all coordinators identified at least one CIP activity that they considered to be particularly effective in improving child safety, permanency and/or well-being.

1. Permanency

The majority of state coordinators identified reforms that they thought had successfully improved permanency outcomes for children. Approximately two-thirds of the CIP coordinators that identified effective reforms gave examples that either expedited or improved the quality of permanent placements. As described in the previous chapter, coordinators discussed offering training, developing court rules and statutes, improved data tracking systems and data sharing systems that facilitated timely communication and decision making. Several states also discussed specific accomplishments of having expedited the appeals process in their state, which in turn, facilitated timely permanence.

The most common example of CIP initiatives in this area was the increase in the number of judicial officers, court staff, or legal representatives in order to serve more families and address court backlogs. The second most discussed activity was alternative dispute resolution programs developed and funded under CIP as an effective means to reduce time-consuming contested hearings and facilitate permanency planning. For instance, Alaska CIP staff discussed the use of both family group conferencing and mediation. Family group conferencing is especially popular with the rural tribes in Alaska because more control is extended to the family than in mediation; this is important in a state where approximately 40 to 50 percent of child welfare cases involve the rural tribes.

Several CIP coordinators discussed professional training and/or the development of judicial resources, such as hearing checklists and model court forms that decreased the time to permanency. CIP coordinators also discussed their role in establishing and/or managing specialized courts and court hearings. Two coordinators volunteered that Family Drug Courts in their jurisdictions have decreased the time to permanency because it is evident earlier if reunification is a likely or unlikely option in these cases.

States also discussed the impact of new legislation and court rules to improve permanency timeframes. These laws and rules focused on implementing the hearing deadlines outlined in ASFA, expediting appeals, and improving case processing. Five states discussed pilot projects to increase timely permanency, including new case management projects.

Other initiatives included research to identify barriers to permanency and the establishment of collaborative workgroups with the child welfare agency to address specific permanency issues. For instance, the Permanency Barriers Project implemented in one Wyoming county included training for professionals on concurrent planning, making court orders compliant with the ASFA timeframes, and recruiting and training foster parents. In addition, the project's advisory board met monthly to review their progress and identify additional barriers to permanency.

2. Safety

Ten states discussed initiatives that they believed to be effective in improving child safety. Four CIP coordinators identified the presence of legal representatives as important, such as in Colorado where the inclusion of a CASA is considered to improve all ASFA outcomes. Two states addressed the safety of children by new efforts requiring judges to review the child welfare agency's risk assessment or safety protocol. Other initiatives in this category included utilizing specialized courts and training for child welfare and court professionals.

3. Well-being

Ten state coordinators also identified activities that they thought were particularly effective in promoting child and family well-being. Training and resource development accounted for one-half of these activities. In the District of Columbia, for example CIP staff introduced a program called "Hooked on Books" and produced a children's activity book that followed a boy in a dependency proceeding. All age appropriate children were offered the activity book to both promote literacy and assist in addressing mental health needs by providing children with a story they could relate to as their case progressed.

The remaining activities consisted of increased court referrals for health screenings for children, increasing legal representation for parties, and the interventions of specialized courts and mediation. For instance, Colorado's CIP instituted the Truancy Mediation Pilot Project as a means of diverting youth from the dependency and delinquency systems. Mediators assessed the family's strengths and weaknesses to identify why a child may be truant. After the assessments, mediators developed contracts among the child welfare agency, courts, schools, and families to address the issues identified with the goal of decreasing truancy among participating children.

B. Major Accomplishments of CIP

Discussions with state CIP coordinators also involved the topic of the major accomplishments of CIP over the roughly ten years of federal funding. Most coordinators identified more than one accomplishment.

- **Improved Collaboration and Communication between Systems:** More than half of the state coordinators pointed to various examples of enhanced

collaboration and communication between the courts and child welfare agency as one of their state's major accomplishments under CIP. Notably, most discussed improved collaboration at both the state and local levels.

- Several identified state and local workgroups that continue to meet to resolve specific problems in the courts or between the court and the child welfare agencies as they emerge. For instance, Connecticut's CIP Coordinator discussed the value of these ongoing workgroups – “[our workgroups] allow people to shed their own roles and focus on the needs and interests of kids and families.... The groups have developed legislative initiatives and ... created other mutually agreeable solutions.”
- Two states discussed having developed electronic interface systems between the courts and the child welfare agency that improve the quality and speed of information sharing and thereby improve the timeliness of court decisions.
- New Mexico discussed establishing a Tribal-State Judicial Consortium.
- Kansas discussed the role of the CIP office in facilitating ongoing communication, especially at times when there is a breakdown of communication at the local court level.

Six other themes emerged among at least a quarter of the coordinators:

- **Improved Representation of Parties:** Nearly a third of the state coordinators discussed major accomplishments in the way of improving representation, primarily for children.
 - Seven states described training programs including the establishment of Children's Law Centers.
 - Six states reported that CIP funds served as the catalyst for having, or expanding, representation for children or families. For instance, Arkansas had no legal representation for children and families prior to CIP. The state coordinator explained that with CIP as the catalyst, state funding now supports representation for every child and indigent parent. The state has focused its efforts on creating a system with qualified and well trained attorneys. “This has dramatically increased the amount and quality of information provided to judges so that they are able to make better-informed decisions.”
- **Raising Awareness and Importance of Child Protection Issues in Courts and Communities:** About 30 percent of state coordinators discussed the importance of the CIP program in raising the profile of child welfare cases with judges and other public officials.
 - States discussed that judges have begun to place a higher importance on these cases “and are no longer putting them at the bottom of the barrel.” “Judges are more aware now of the impact on children of being removed and ... that kids are impacted by what they do.”
 - Under CIP, several states have established special judicial offices that focus exclusively on improving court services for children and families.

Some discussed an “increased respectability and professionalism” of juvenile and family courts.

- **Provision of Training and Educational Materials:** About 30 percent of the state coordinators also highlighted the ongoing training opportunities offered through CIP. Again, as described in the previous section, several coordinators indicated that training is key to systemic court reform by improving competency and sharing information across court participants.
- **Focused Judicial Training and Professional Development:** About 25 percent of state coordinators highlighted their accomplishments in enhancing the knowledge and skills of judges and other court officers. For some, this involved simply ensuring that judges were familiar with the content and timing of each dependency hearing. Other coordinators described the value of giving judges a “new appreciation for the needs and complexities of the child welfare population.” Some offices described new systems of judicial networking and judicial mentor programs.
- **Improved Quality of Hearings:** About 25 percent of the states described a range of initiatives that relate to improvements in the quality of hearings. Several described the institution or expansion of Model Courts or Family Courts in their states that are uniquely focused on children and family matters. Some states discussed focused efforts on improving the thoroughness of hearings and the uniformity of practice across all judges and courts. The CIP Coordinator in Virginia explained: “Our biggest accomplishment has been routinizing a process for handling [child abuse and neglect] cases – establishing timeliness standards and other best practice measures.... Helping new Judges and attorneys understand fundamentals and providing ongoing support in this area... it is ongoing work....”

Chapter V Summary

From this analysis, it is clear that CIP continues to foster change and dialog at the local level, and is a useful vehicle for communicating Federal priorities as well. For instance:

- *States are effectively using Federal CIP funding to leverage additional state and other funding, to finance the reforms undertaken.* Of the 49 states analyzed, a total of 40 discussed initiatives that have been supported in part by state funds, most commonly from the court system or child welfare agency. A total of 23 states accessed other Federal grants, while 14 states conducted collaborative initiatives with organizations such as the ABA and NCJFCJ.
- *States are targeting CIP funding in areas that are congruent with best practice guidance from the field.* State goals for reform efforts undertaken readily lent themselves to guidance provided by professional organizations such as the ABA, NCJFCJ, and NCSC. Consistent with this, in ascending order, states targeted their CIP reforms on improving (1) representation of parties; (2) multi-disciplinary training; (3) judicial expertise; (4) communication and collaboration among court participants; (5) notification and treatment of parties; (6) timeliness and efficiency of the court process; (7) quality of hearings; (8) alternative dispute resolution services; (10) statewide management information systems; (11) legislation and court rules; (12) additional research and evaluation; and (13) local case tracking.
- *States are working to meet these goals by focusing their CIP allotment on:* (1) training and technical assistance; (2) participating in workgroups and other collaborative projects; (3) developing resources; (4) purchasing improved technological equipment; (5) increasing staff and volunteer numbers; (6) developing or revising legislation, court rules, and professional standards; (7) supporting specialized courts; (8) supporting alternative dispute resolution programs; (9) conducting research and evaluations; and (10) developing mentoring and counseling programs for families and professionals.
- *The courts and CIP administrators are being included in larger efforts to improve child welfare services delivery.* Over one-half of the CIP coordinators we spoke with reported that state courts were involved in at least one aspect of their state CFSR. More importantly, the CIP offices discussed a broader role in the development of the PIPs emanating from the CFSR findings. All but one state CIP coordinator discussed some form of involvement with the PIP, and about three-quarters discussed specific examples of how their office assisted with the implementation of PIP related activities.
- *State coordinators credit CIP reforms with major accomplishments including:* (1) improved collaboration and communication between systems; (2) improved representation of parties; (3) increased awareness of the importance of child welfare issues in courts and communities; (4) progress on achieving ASFA

outcomes; (5) improving competency of professionals, especially judges, through training and resource development; and (6) improved quality of court hearings.

APPENDIX A

FFY05 CIP ALLOTMENTS

ACF Administration For Children And Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-IM-05-10*	2. Issuance Date: August 15, 2005
	3. Originating Office: Children's Bureau	
	4. Key Words: State Court Improvement Program FY 2005 Allotments	

INFORMATION MEMORANDUM

TO: Highest State Courts of Appeal

SUBJECT: Fiscal Year 2005 State Court Improvement Program Allotments

LEGAL AND RELATED REFERENCES: The Promoting Safe and Stable Families Amendments of 2001 (Public Law 107-133); Section 438 of the Social Security Act; ACYF-CB-PI-03-04

PURPOSE:

The purpose of this Information Memorandum is to inform States of the funding allotments for the State Court Improvement Program for fiscal year (FY) 2005.

BACKGROUND:

Public Law 107-133 authorizes up to \$505 million in each of FYs 2002 through 2006, including \$305 million in mandatory funds and up to \$200 million in discretionary funds, for the Promoting Safe and Stable Families program. Of this amount, \$10 million of the mandatory funds and 3.3 percent of any discretionary funds appropriated are set aside for the Court Improvement Program (CIP) annually. Each State court with an approved application will be allotted \$85,000. In addition to this base amount, the remainder of the total amount of funds appropriated for all State courts will be divided on the basis of each State's proportionate share of children under age 21. Program Instruction ACYF-CB-PI-03-04 issued on March 28, 2003 provided instructions for States applying for CIP funds

* This Information Memorandum was originally misnumbered as ACYF-CB-IM-05-06, and is now renumbered as ACYF-CB-IM-05-10.

for fiscal years 2003-2006. Attachment B of ACYF-CB-PI-03-04 provided the estimated allotments for FY 2003.

INFORMATION:

The discretionary funds amount appropriated for the Promoting Safe and Stable Families program for FY 2005 is \$98,585,952. The 3.3 percent of this sum set aside for the CIP is \$3,253,336. The following are the State CIP allotments for FY 2005, including the set aside amounts from both mandatory and discretionary funding:

Grantee	Amount
Alabama	\$217,453
Alaska	\$107,844
Arizona	\$263,138
Arkansas	\$166,618
California	\$1,200,384
Colorado	\$221,840
Connecticut	\$184,058
Delaware	\$108,652
Dist. of Col.	\$97,917
Florida	\$551,161
Georgia	\$356,724
Hawaii	\$121,019
Idaho	\$129,801
Illinois	\$468,883
Indiana	\$275,238
Iowa	\$169,187
Kansas	\$168,765
Kentucky	\$203,921
Louisiana	\$226,991
Maine	\$119,927
Maryland	\$248,723
Massachusetts	\$261,450
Michigan	\$387,654
Minnesota	\$235,624
Mississippi	\$176,301
Missouri	\$253,863
Montana	\$111,464
Nebraska	\$138,275
Nevada	\$152,884
New Hampshire	\$121,634
New Jersey	\$336,117
New Mexico	\$145,339
New York	\$625,866
North Carolina	\$331,644

North Dakota	\$103,169
Ohio	\$421,308
Oklahoma	\$191,091
Oregon	\$186,664
Pennsylvania	\$424,897
Rhode Island	\$114,239
South Carolina	\$207,103
South Dakota	\$108,746
Tennessee	\$251,461
Texas	\$823,655
Utah	\$173,473
Vermont	\$101,801
Virginia	\$300,291
Washington	\$265,125
West Virginia	\$132,188
Wisconsin	\$245,871
Wyoming	\$99,917
Puerto Rico	\$215,978
TOTAL	\$13,253,336

INQUIRIES TO: ACF Regional Offices

/s/

Joan E. Ohl
 Commissioner
 Administration on Children,
 Youth and Families