

Children's Bureau Child and Family Services Reviews Fact Sheet for Courts

History and Purpose

The Child and Family Services Reviews (CFSRs), which help States improve outcomes for vulnerable children and families, are conducted by the Children's Bureau, within the U.S. Department of Health and Human Services (HHS), to help States improve safety, permanency, and well-being outcomes for children and families who receive services through the child welfare system. The CFSRs monitor States' conformity with the requirements of title IV-B of the Social Security Act. The first round of reviews took place between 2000 and 2004 and all States were required to implement Program Improvement Plans (PIPs). The second round of reviews began in early spring of 2007. The CFSRs are an important tool that also enables the Children's Bureau to ensure conformity with Federal child welfare requirements and determine, in greater depth and detail, what is actually happening to children and families receiving child welfare services.

Specifically, the CFSRs measure seven outcomes and seven systemic factors. The outcomes measured include:

- whether children under the care of the State are protected from abuse and neglect;
- whether children are safely maintained in their own homes whenever possible and appropriate;
- whether children have permanency and stability in their living conditions;
- whether the continuity of family relationships and connections is preserved for children;
- whether families have enhanced capacity to provide for their children's needs; and
- whether children receive appropriate and adequate services to meet their educational, physical, and mental health needs.

The systemic factors (capacities needed to achieve identified outcomes) measured by the CFSRs include:

- the effectiveness of the State's systems for child welfare information, case review, and quality assurance;
- training of child welfare staff, parents, and other stakeholders;
- the array of services that support children and families;
- the agency's responsiveness to the community; and
- foster and adoptive parent licensing, recruitment, and retention.

Court representatives are critical stakeholders in the State child welfare agency's ability to achieve positive outcomes for children and families. Decisions and timeframes of the

court directly affect the agency's ability to meet child welfare goals. The courts are an integral part of any State's system for addressing the needs of abused, neglected, and dependent children, and the courts' actions and orders have a huge effect on the outcomes for children who are reviewed in the CFSR. If there are any areas determined to need improvement, the State is provided an opportunity to do so through a Program Improvement Plan that is developed and implemented jointly by the State child welfare agency and the courts. Significant financial penalties may be assessed for failure to make the improvements needed to achieve substantial conformity with any of the outcomes and systemic factors evaluated in the CFSR.

Court actions are an integral part of what is monitored by the CFSRs. The courts play a crucial role in ensuring that the agency is in compliance with both national and State child welfare standards. Child welfare issues examined by the CFSRs include, for example, how effectively the State's processes for periodic case reviews and permanency hearings promote timely and appropriate permanency outcomes for children in foster care, how effective the State is in identifying children for whom termination of parental rights is appropriate and following through in a timely manner, how engaged parents are in the case planning and goal-setting processes, and how effectively foster caretakers are notified and have an opportunity to be heard in hearings and reviews about the children in their care.

Collaboration With the Courts

In reauthorizing the Court Improvement Program (CIP), the Promoting Safe and Stable Families Amendments of 2001 expanded the CIP's scope to include implementation of a PIP, as necessary, in response to findings identified in a CFSR. Thus, through the CIP, all State court systems are required to participate in the implementation of a CFSR PIP when the court system is involved. CIP strategic plans must target specific activities to bring the State into compliance in accordance with a CFSR PIP. State courts were also instructed to include in their strategic plans a strategy to facilitate legal and judicial participation in the CFSR and collaboration with the child welfare agency at all stages of the review, and to identify activities that would inform the legal and judicial community about the reviews and encourage active legal and judicial participation.

As part of the Federal Government's effort to recognize the integral role that courts play in the CFSR process, the Children's Bureau facilitates consultant judges' visits to States in advance of the reviews. The purpose of the visits, which are planned with both Federal and State input, is to assist in securing court involvement in the CFSR Statewide Assessment and onsite review processes. Depending on need, a second visit may be made to facilitate court involvement in the PIP.

Court representatives involved in the CFSRs may include the Chief Justice, the State court administrator, the CIP director, local presiding judges, agency attorneys, guardians ad litem and court-appointed special advocates, the State bar association, parents' attorneys, the State Council of Family and Juvenile Court Judges, juvenile probation officers, and the Governor's task force on juvenile justice.

In addition to participating in the reviews as stakeholder interviewees, States may involve court representatives in the CFSR process in a variety of ways:

- Inviting them to participate in advance CFSR planning
- Engaging the Chief Justice early in the process
- Providing them with early notification of the dates of the onsite review
- Conducting surveys and focus groups, and holding informational meetings
- Participating in standing, steering, and/or planning committees for CFSR-related activities
- Requesting court involvement in identifying legal and judicial issues affecting child welfare in the State
- Requesting that they share child welfare-related court data with the child welfare agency
- Initiating cross-training opportunities, such as involving court and CIP personnel in PIP training
- Requesting the court's assistance in writing narrative portions of the Statewide Assessment
- Soliciting comments on Statewide Assessment drafts
- Creating a CFSR legal-judicial subcommittee to address related issues
- Providing the Chief Justice with a copy of the Final Report
- Integrating the CIP strategic plan with the PIP
- Requesting court involvement in the identification of child welfare-related State and court areas needing improvement and in the development of PIP strategies, which may include changes made by the court, to address onsite findings
- Partnering in approaching the State legislature for needed legislative changes
- Developing regularly scheduled meetings to address challenges and problems affecting children's permanency plans and move the State's reform agenda forward

Court Involvement Resulting From the Last Round of CFSRs

On behalf of the children in their State, courts and child welfare agencies collaborated on the first round of CFSRs in many ways. For example, in response to its PIP, Georgia enacted a law to reduce delays in finalizing adoptions. The new law provides that uncontested adoption petitions must be heard within 120 days. In Indiana, the courts and the agency wrote interagency agreements, implemented in most counties, to improve services for children in need of help. A new system in Kansas notifies the court whenever a permanency hearing is due; a committee of judges met to make related recommendations on implementation. The Children's Justice Initiative in Minnesota, a partnership between Minnesota's Supreme Court and Department of Human Services, targets training and local reforms. Minnesota's CIP assists with assessments of court-agency collaboration in some counties. Oregon's Adoption Task Force, comprising both agency and court representatives, made recommendations for streamlining the adoption process, such as training Court Appointed Special Advocates to gather medical and

genetic history materials, along with birth certificates. In Vermont, a case management protocol was launched with the participation of both court and agency representatives.

Reflecting the desire for more participation of the courts in the CFSR and PIP development, the National Council of Juvenile and Family Court Judges, the Conference of Chief Justices, and the Conference of State Court Administrators have passed resolutions at their annual meetings urging more involvement. The Children's Bureau encourages court participation in all phases of the CFSR and PIP processes.

More Information

Court representatives can obtain more information about getting involved on behalf of children in their State from the Child Welfare Information Gateway's section on "Court-Child Welfare Agency Collaboration," available at <http://www.childwelfare.gov/systemwide/courts/ccwa.cfm>. Court representatives may view reports from the first CFSR round and information on the second round on the Child Welfare Monitoring section of the Children's Bureau Web site at <http://www.acf.hhs.gov/programs/cb/cwmonitoring/index.htm#cfsr>. An information memorandum developed by the Children's Bureau on court-agency collaboration in the CFSRs is available at http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2005/im0505.htm. See also the National Child Welfare Center on Legal and Judicial Issues, <http://www.abanet.org/child/rcjji/>.

The three leading national organizations dealing with court issues relating to children and families have formed a collaborative effort with support and funding from the Children's Bureau. The American Bar Association's Center on Children and the Law, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges will continue to work together as the *National Court and Child Welfare Collaborative: Focus on System Reform*. For more information, see http://www.acf.hhs.gov/programs/cb/current_initiatives/national_court.htm.