



Court Improvement in Child Abuse and Neglect Cases: A Historical Perspective



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Summary: Judge Edwards describes the origins and focus areas of the Court Improvement Program, along with the complementary efforts of national child welfare organizations.

Origins of the Court Improvement Project

With the passage of the Family Preservation and Support Act, also known as the Federal Omnibus Budget Reconciliation Act of 1993 (PL 103-66), the Court Improvement Program (CIP) was created. The legislation designated a portion of the federal budget (\$5 million in fiscal year 1995 and \$10 million in each of the fiscal years 1996-1998) for grants from the Children's Bureau to state court systems to conduct assessment of their dependency courts and to develop and implement a plan for system improvement. Subsequent legislation has sustained this funding and added language directing the states' highest courts to take steps to provide for the safety, well-being, and permanence for children in foster care. It also directed states to implement a corrective action plan, in response to findings identified in a child and family services review of the state's child welfare systems. In 2006 Congress appropriated a substantial increase in CIP funding when two additional \$10 million grants that focus on case management, training and data collection were authorized.

State's Use of CIP Funds

Every state has used CIP monies to make significant improvements in the way juvenile dependency cases are managed in their courts. The improvements address a wide variety of areas, including the following:

- The quality and depth of court hearings
- State legislation
- Development of guidelines, forms, manuals, court rules and benchbooks
- Data collection and management
- Improved legal representation of parties
- Increased and improved training for all participants in the court system, including tribal courts and CASA volunteers
- Creation and expansion of CASA programs
- Improved timeliness of decisions and permanency for children
- Improved notice procedures for parties
- Improved participation by parties, particularly fathers and relatives
- Increased use of alternative dispute resolution programs, particularly mediation
- Improved waiting areas in courthouses
- Additional judges and court staff devoted to juvenile dependency dockets
- Development of case-tracking and management systems
- Court participation in federal reviews, including the Child and Family Service Review and the Title IV E review
- Establishment of multidisciplinary commissions to set state policy for foster care services

The National Child Welfare Resource Center on Legal and Judicial Issues tracks these and other issues in an annual report.

[\[1\]](#)

Court Improvement Beyond CIP

Court improvement includes much more than CIP. National and state organizations, as well as private foundations, have expended significant time and effort in order to improve juvenile court operations. The American Bar Association (ABA), the National Center for State Courts (NCSC), the National CASA Association and the National Council of Juvenile and Family Court Judges (NCJFCJ) have contributed significantly to court improvement. The ABA has operated the [National Child Welfare Resource Center on Legal and Judicial Issues](#), providing training and technical assistance to courts and court-involved professionals across the country. The [Child Welfare Information Gateway](#) provides information concerning court-improvement efforts by individual states and other projects. [\[2\]](#) NCSC has also provided technical assistance and training specifically focusing on court administration, data collection, calendar control and court management, while National CASA has supported

local CASA programs that provide tens of thousands of volunteers to advocate for children caught in the juvenile dependency system.

Role of the *Resource Guidelines* and Model Courts

NCJFCJ, principally through the Permanency Planning for Children Department (PPCD), has focused directly on court operations. The *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases* represents a high water mark in the history of court improvement efforts. Written by the PPCD in 1995, the *Resource Guidelines* specified for the first time what resources (time and personnel) are necessary and what issues must be addressed at each hearing in child abuse and neglect proceedings. Immediately adopted and praised by the ABA, the Conference of Chief Justices and the Conference of State Court Administrators, the *Resource Guidelines* have provided the blueprint for court improvement across the country.

After the publication of the *Resource Guidelines*, the NCJFCJ Model Courts Project^[3] identified and worked with courts willing to implement the *Guideline's* recommendations. Referred to as model courts because of their commitment to improve their operations, the model courts (now in 27 states and the District of Columbia) have continued to grow and provide innovative change in order to improve outcomes for children and families. Model court lead judges typically convene teams of professionals and volunteers who meet regularly to plan for systems change. Model court teams also meet with and learn from other model courts. PPCD staff work with the lead judge and the team to assist them reach their annual goals,^[4] which are then reported in an annual status report.^[5]

Model courts and state CIPs share similar goals: improving court practices and implementing court reform. They often collaborate in co-sponsoring events, trainings and site visits. In some states, model court jurisdictions are funded by the state CIP. Private foundations including The Pew Charitable Trust, Casey Family Programs and the David and Lucile Packard Foundation have also devoted time and resources to support court improvement. Recently, the federal government passed the *Fostering Connections to Success and Increasing Adoptions Act of 2008*,^[6] contributing additional federal funds for providing training of court personnel, attorneys and CASA volunteers; identifying and engaging relatives; and improving educational outcomes for foster children.

Conclusion

Federal and state governments, national organizations and private foundations recognize that court improvement efforts are necessary to continue to improve child welfare outcomes. To achieve the safety, well-being and timely permanency of society's most vulnerable children, juvenile dependency courts must improve their operations. State dependency court systems have accomplished a great deal over the past 15 years, but court improvement efforts must continue. The work is not complete.

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Additional articles authored by Judge Edwards on this topic:

- [Improving Juvenile Dependency Courts](#) (1.6 MB PDF)
- [Achieving Timely Permanency in Child Protection Courts](#)(500 KB PDF)
- [Improving Implementation of the Federal Adoption Assistance Act](#)(1.79 MB PDF)

^[1] For example, see *Court Improvement Progress Report, 2002*, ABA Center on Children and the Law, Washington, D.C.

^[2] See the Child Welfare Information Gateway at <http://www.childwelfare.gov/management/reform/court/cip.cfm>

^[3] The formal name of the Model Courts Project is "Improving the Juvenile and Family Court's Handling of Child Abuse and Neglect Cases: A Model Training and Technical Assistance Program Development Project," or The Child Victims Act Model Courts Project.

^[4] See generally, "Frequently Asked Questions About National Council Model Courts," <http://www.ncjfcj.org/content/blogcategory/117/156/>

^[5] See, for example, *Status Report 2005:A Snapshot of the Child Victims Act Model Courts Project*, PPCD, NCJFCJ, Reno, 2006.

^[6] P.L. 110-351 (2008)

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