

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 2

In Support of Reforms to Improve the Outcomes for Children in the Child Welfare System

WHEREAS, the Conference of State Court Administrators recognizes the importance of securing safe and permanent homes for children and the importance of moving children in state custody to permanent and safe homes as quickly as possible through the efficient and effective handling of child abuse and neglect cases; and

WHEREAS, the Conference has made child welfare system reform a priority and undertaken initiatives to strengthen court oversight of child welfare cases; and

WHEREAS, Congress is considering a number of legislative proposals that seek to improve the outcomes for children coming to the attention of the child welfare system; and

WHEREAS, the legislative proposals have provisions that would:

- Allow states to use Title IV-E funds for time-limited prevention services for eligible children, who are (1) candidates for foster care at “imminent risk” of entering or re-entering foster care but who can safely remain at home or with a kinship caregiver if provided services, (2) pregnant and parenting youth in foster care, and (3) parents or kin caregivers of children at risk of entering foster care; and
- Allow Title IV-E dollars to be used to provide evidence-based time-limited prevention services for up to 12 months when an intervention is necessary; and
- Require state child welfare agencies to develop a prevention plan for each case that lists the services or assistance needed and identifies the permanency goal for a child, how services are tied to the placement and permanency goal and are trauma-informed in order to receive time-limited prevention services; and
- Allow for a child to receive a Title IV-E maintenance payment when placed with a parent in a residential substance abuse treatment facility; and
- Provide short-term financial assistance through Title IV-B for up to three months for a child’s parent or kinship caregivers when it can be demonstrated that such assistance can prevent a child from entering foster care; and
- Eliminate the time-limit on the use of Title IV-B funds for family reunification services for children in foster care; and
- Require states to take steps to safely reduce the inappropriate use of congregate/group care for children in the child welfare system; and
- Require state child welfare agencies, at the initial placement and subsequent state reviews and permanency hearings, to demonstrate why the child cannot be served in a

- least restrictive placement and document efforts it has made to step the child down into a more family-like setting; and
- Require state child welfare agencies to conduct an assessment of appropriate placement prior to each permanency hearing or review; and
 - Require courts to review the assessment of the initial congregate care placements and updated assessments of congregate care placements and approve or disapprove those placements; and
 - Condition receipt of Court Improvement Program funding on the provision of training for judges about new federal policies on placement of foster children in non-family settings.
 - Amend the Elementary and Secondary Education Act of 1965 to require a state plan for academic content and achievement standards to describe how the state will ensure the educational stability of children in foster care and include assurances that: (1) a foster child will remain or be enrolled in the child's school of origin absent a determination that such enrollment is not in the child's best interest; (2) if such a determination is made, the child will be immediately enrolled in a new school, which must immediately contact the child's previous school to obtain relevant records; and (3) the state will designate a point of contact for child welfare agencies; and
 - Allow states to certify that the state will provide assistance and services under the John H. Chafee Foster Care Independence Program to youths who have aged out of foster care and have not attained age 23; and

WHEREAS, state courts, in their oversight role, have a responsibility to insure that state child welfare agencies are complying with these new federal policies and requirements; and

WHEREAS, while these added responsibilities will lengthen the time of court hearings, the Conference is committed to working with Congress and the United States Department of Health and Human Services to effectively implement the new policies and requirements.

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators urges Congress to give favorable consideration to these legislative proposals; and

BE IT FURTHER RESOLVED, that the Conference further urges Congress and the United States Department of Health and Human Services to provide adequate funding to state courts to: (1) provide training for judges and court personnel so that they understand and can comply with the federal policies and requirements; (2) develop resources and best court practices; and (3) fully implement these resources and best practices.

Proposed by the COSCA Courts, Children, and Families Committee at the 2015 Midyear Meeting.